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## PARENTAL ALIENATION IN BRAZIL: A REVIEW OF SCIENTIFIC PUBLICATIONS<sup>1</sup>

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**ABSTRACT.** Parental Alienation (PA) and Parental Alienation Syndrome (PAS) are topics of great relevance to the common area shared by Psychology and Law, and have gained emphasis in Brazil since the approval of Law 12.318/2010. Such law provides punishment for alienating practices and determines the role of Forensic Psychologists in the investigation of alleged cases. Nevertheless, the topic is controversial from a scientific point of view and the literature is scarce, particularly in Brazil. The present study reviewed the Brazilian scientific literature regarding PA and PAS up to July 2015. As a result, 13 articles were selected and analyzed. Nine of them were theoretical papers, and only four presented results from empirical research. Unfortunately most publications, including the empirical studies, did not seem to offer important contributions to the area. The lack of empirical research on this topic affects the area's conceptual development and professional conduct while working with families in litigation.

**Keywords:** Parental alienation syndrome; forensic psychology; marital separation.

## A ALIENAÇÃO PARENTAL NO BRASIL: UMA REVISÃO DAS PUBLICAÇÕES CIENTÍFICAS

**RESUMO.** De grande relevância às áreas comuns da psicologia e direito, o tema da Alienação Parental (AP), bem como da Síndrome de Alienação Parental (SAP), ganhou destaque nacional a partir da aprovação da lei 12.318/2010, que prevê punição para a prática alienadora e determina a atuação do psicólogo judiciário na investigação dos casos suspeitos. Contudo trata-se de assunto controverso do ponto de vista científico, sendo que, em nosso país, há grande carência por estudos. Com o objetivo de traçar um panorama nacional sobre as pesquisas na área, o presente estudo consistiu na revisão da literatura científica brasileira sobre o assunto até julho de 2015. Foram selecionados e analisados 13 artigos, sendo que nove deles são textos dissertativos e apenas quatro apresentam resultados de investigações empíricas. Infelizmente a maioria dos artigos encontrados, inclusive os estudos empíricos, não parece trazer contribuições relevantes para a área. Conclui-se que a baixa produção de estudos científicos sobre o tema prejudica o desenvolvimento conceitual e a atuação dos profissionais que trabalham com famílias em disputas judiciais.

**Palavras-chave:** Síndrome de alienação parental; psicologia forense; separação conjugal.

## LA ALIENACIÓN PARENTAL EN BRASIL: REVISIÓN DE LAS PUBLICACIONES CIENTÍFICAS

**RESUMEN.** De gran relevancia para el área común de la psicología y del derecho, el tema de la Alienación Parental (AP) y del Síndrome de Alienación Parental (SAP) ganaron prominencia en Brasil después de la aprobación de la Ley 12.318 / 2010, que establece penas para la práctica alienante y determina el desempeño del psicólogo judicial en la

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investigación de casos sospechosos. Sin embargo, todavía es polémico desde un punto de vista científico, y en el país, existe una gran necesidad de estudios científicos. Con el fin de dibujar un panorama nacional de la investigación el área, el presente estudio fue revisar la literatura científica brasileña sobre el tema hasta julio de 2015. Como resultado, se seleccionaron y analizaron 13 artículos, nueve de ellos son textos argumentativos y sólo cuatro presentan resultados de investigación empírica. Lamentablemente, la mayoría de los artículos encontrados, incluidos los estudios empíricos, no parecen aportar contribuciones significativas a la zona. Se concluye que la baja producción de los estudios científicos sobre el tema socava el desarrollo conceptual y el trabajo de los profesionales que trabajan con familias en litigio.

**Palabras-clave:** Síndrome de alienación parental; psicología forense; separación conyugal.

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## Introduction

Parental Alienation (PA) and Parental Alienation Syndrome (PAS) are controversial topics in the realm of Psychology, for reasons that will be detailed throughout this article. However, since these terms were coined, they have been gaining emphasis in Brazil, especially in civil, family, and children's and youth courts. PAS, as described by Richard Gardner in the eighties, refers to a pathological condition presented by a child who becomes psychologically estranged from one of their parents in the context of marital separation or custody dispute (Gardner, 1985, 2002). For this psychiatrist and psychoanalyst, PAS is a childhood disorder which develops when one parent (alienator) programs or brainwashes the child so that he or she unjustifiably rejects the alienated parent (Gardner, 1985, 2002).

Such behavior by the alienating parent combined with the child's own contributions who would have an active role in the rejection of the alienated parent, would cause a set of symptoms in the child such as: performing a smear campaign against the alienated parent; presenting weak or absurd rationalizations to justify the depreciation of the parent; lack of ambivalence; reflective support of the alienator in the parental conflict; absence of blame for the cruelty and/or exploitation towards the targeted parent; spread of animosity in the family and friends of the alienated parent, among others (Gardner, 2001). Thus, such a disorder would "result from the combination of indoctrinations by the alienating parent and the child's own contributions to the vilification of the alienated parent" (Gardner, 2001, p. 10).

Gardner's (2001) intention was that PAS would become recognized by the scientific community and included in psychiatric manuals. However, its insertion did not occur in the edition of the DSM-IV (American Psychiatric Association, 2002), and the DSM-V (American Psychiatric Association, 2013), launched in 2013 confirmed the experts' rejection of this "syndrome" due to the lack of data or effective psychometric tools to clinically evaluate PA (Moné & Biringuen, 2012).

The absence of scientific recognition seems to be linked to the fact that the vast majority of texts on PAS refers to theoretical approaches describing this phenomenon, short of results from empirical studies, thus compromising its quality and reliability (Bow, Gould, & Flens, 2009; Bruch, 2001; Dallam, 1999; Walker & Shapiro, 2010). In fact, Gardner did not provide research to support his claims on the proposed diagnostic category, the prevalence of this phenomenon or its inclusion criteria. His initial estimates appeared to be incorrect and the deficiency of analytical planning and scientific rigor allowed this oversight to negatively influence the cases of custody disputes, which could in turn harm the children.

Nonetheless, despite not achieving recognition by the scientific community, the PAS theory proposed by Gardner quickly spread through several countries, having been adopted mainly in the fields of Law and Psychology. On the other hand, the lack of debates and studies on this subject, coupled by the absence of inquiries about the idea of a children's disorder (PAS) associated with situations of marital dispute between separated parents have contributed to the uncritical acceptance and disclosure of the matter.

Currently considered as being similar to PAS and often sharing terminologies, a fact which is confirmed by the data to be presented in this review, PA is a theme widespread among professionals who work in Civil, Family, and Children's Courts in Brazil. Discussions about PA gained strength in this country with the approval of the law on shared custody in 2008 (Law No. 11.698, 2008). This law,

established on June 13, 2008, instituted and regulated this custody modality in the Civil Code. Later, Law 13.058 of December 22, 2014, concerning the same articles of the Code, laid down rules for the operation of shared custody, such as seeking equal time to be spent by the child with both parents (Law No. 13.058, 2014).

Following the shared custody movement, the discussions on the subject caused public mobilization and commotion regarding concerns that children would suffer as victims of PA. As a result, Bill No. 4853/08 was elaborated with the main objective of identifying and punishing the parents responsible for child alienation. This bill was sanctioned and later became law in August 26, 2010 (Law No. 12.318, 2010).

With the advent of this new legal instrument known as the Parental Alienation Law - Law 12.318/10 - the knowledge and mastery of the concepts regarding this topic have become imperative for legal practitioners and professionals of civil, family, and children's courts. It is therefore clear that in this context, the law was created before knowledge of the phenomenon was consolidated and the terms defined within the scientific sphere, thus generating an urgent demand for research.

In face of the shortage in conceptual clarity, one needs to adopt a definition of the term Parental Alienation (PA). Similar to the definition conceived by Darnall (1998), the present authors understand PA as constant slander to (speak detrimentally of, criticize in a derogatory way, threaten or belittle) by one of the parents or another family member with the intention to estrange or alienate the child from the other parent, causing unfriendly, hostile or feelings of indifference. The parent who defames/criticizes is referred to as the *alienator*, the one who suffers the criticism is called the *alienated*. In contrast with PAS, which is recognized as a disorder or mental illness in the child/adolescent who is victim of alienating practices, PA does not propose a child syndrome as a result of the alienating process, highlighting the conduct of the alienator and alienated within this dynamic.

The present study stems from the urgent need to build scientific knowledge in the area. This investigation seeks to critically characterize both legal and psychological Brazilian scientific papers on the topics of PA and PAS. We believe that the results obtained here may serve as a starting point for the development of further studies. This review aims, therefore, to verify the occurrence of Brazilian studies on PA and PAS and analyze its contents.

## Method

A survey was conducted with the electronic databases: INDEXPsi, Pepsic, SciELO, Capes and Lilacs. The search for articles was conducted retrospectively until July, 2015, using as keywords the terms "parental alienation" and "parental alienation syndrome". Indexed articles were prioritized rather than dissertations or thesis, not only because scientific articles are the primary vehicles promoting science due to blind peer reviews, but also because of the fact that journals have an objective evaluation by CAPES (Brazil's Ministry of Education organ dealing with Higher Education) and finally, because journals are also more accessible.

The search for articles was conducted in two steps. The first step consisted of identifying articles in databases containing the keywords in titles, abstracts and/or in the text body. The inclusion criteria for this stage were: (1) Articles written in Portuguese, (2) Complete articles available online. At this initial stage 57 articles were identified.

In the next step, the articles were read in order to obtain information regarding each study, thus refining the vast selection. This stage's inclusion criteria were: (I) Studies held in Brazil and (II) Studies dealing specifically with issues pertaining to Parental Alienation and/or Parental Alienation Syndrome. Once steps 1 and 2 were met, 13 studies were selected. These were carried out in the following Brazilian States, ordered by frequency: Rio de Janeiro (4); Rio Grande do Sul (3); São Paulo (2); Minas Gerais, Bahia, Pernambuco and Amazonas, each with one study only.

The selected publications were divided into categories according to their characteristics: Reflective Analysis, Literature Review, Empirical Study and Essay, displayed in Table 1. (The texts presented in

Table 1 are not included in the reference list at the end of the article, as such repetition was considered unnecessary).

**Table 1.** Description of selected articles according to study type

	<b>Article identification, Journal Qualis index, and State</b>
Reflective Analysis	<p>Brockhausen, T. (2011). ). Falsas alegações de abuso sexual infantil: O contexto do trabalho do psicólogo brasileiro. [False allegations of child sexual abuse: the context of Brazilian psychologist practice]. <i>Psicologia Revista</i>, 20(2), 199-219. (Qualis B3) (São Paulo)</p> <p>Mascarenhas, F. A. (2011). Mediação familiar: Por uma nova cultura de pacificação sócia.l [Family mediation: For a new culture of social pacification]. <i>Lex Humana</i>, 3(2), 20-39. (Qualis C) (Rio de Janeiro)</p> <p>Oliveira, C. F. B. &amp; Brito, L. M. T. (2013). .Judicialização da Vida na Contemporaneidade. [Life judicialization in contemporaneity]. <i>Psicologia, Ciência e Profissão</i>, 33, 78-89. (Qualis A2) (Rio de Janeiro)</p> <p>Rosa, G. (2012). Síndrome da alienação parental ou simplesmente vingança. Parental Alienation Syndrome or simply revenge]. <i>Revista Letrando</i>, 2(0), 1-5. (Qualis B5) (Bahia)</p>
Literature Review	<p>Fonseca, P. M. P. C. (2006). Síndrome de alienação parental. <i>Pediatrics (São Paulo)</i>, 28(3), 162-168. (Qualis B5) (SP)</p> <p>Sousa, A. M. (2014). A consagração das vítimas nas sociedades de segurança. <i>Revista EPOS</i>, 5(1), 29-56. (Qualis B5) (RJ)</p> <p>Sousa, A. M. &amp; Brito, L. M. T. (2011). Síndrome de Alienação Parental: da Teoria Norte-Americana à Nova Lei Brasileira. <i>Psicologia, Ciência e Profissão</i>, 31(2), 268-283. (Qualis A2) (RJ)</p> <p>Souza, A. M. O. &amp; Barreto, R. M. M. (2011). Síndrome de alienação parental, falso abuso sexual e guarda compartilhada: a necessidade de uma observação jurídica transdisciplinar. <i>Espaço Jurídico: Journal of Law</i>, 12(1), 67. (Qualis B5) (AM)</p>
Emperical Study	<p>Faccini, A. &amp; Ramires, V. R. (2012). Vínculos afetivos e capacidade de mentalização na alienação parental. <i>Interamerican Journal of Psychology</i>, 46(2) 199-208. (Qualis B4) (RS)</p> <p>Gouveia, R. S. V., Souza Filho, J. F., Fonsêca, P. N., Andrade, J. M., Amorim-Gaudêncio, C., Souza, R. V. L. &amp; Gouveia, V. V. (2013). Avaliando lembranças de alienação e controle parental: evidências de validade de construto da RRP no Brasil. <i>Psicologia Reflexão e Crítica</i>, 26(3), 435-442. (Qualis A1) (PB)</p> <p>Lago, V. M. &amp; Bandeira, D. R. (2009). A Psicologia e as demandas atuais do direito de família. <i>Psicologia Ciência e Profissão</i>, 29(2), 290-305. (Qualis A2) (RS)</p> <p>Luz, A. F., Gelain, D., &amp; Lima, L. R. (2014). Reflexões sobre alienação parental em um projeto de mediação de conflitos. <i>Revista Psicologia e Saúde</i>, 6(2), 96-103. (Qualis B1) (RS)</p>
Essay	<p>Próchno, C. C., Paravidini, J. L., &amp; Cunha, C. M. (2011). Marcas da alienação parental na Sociedade Contemporânea: Um Desencontro com a Ética Parental. <i>Revista Mal-estar e Subjetividade</i>, 11(4), 1461-1490. (Qualis B2) (MG)</p>

The following inclusion criteria were used for the analysis : a) Reflective Analysis: argumentative texts using a theoretical framework to define concepts and present a summary of theories (papers

under this category express the authors opinions in a rather superficial approach with controversial and questionable views on PA); b) Literature Review: such papers also consist of argumentative essays, but differ from those listed under Reflective Analysis as they offer more conceptual emphasis, seeking theoretical refinements based on existing studies and professional practices in the area of PA; c) Empirical Study: involves studies that produce and analyze data through field research and hypotheses testing; in addition such papers present theoretical refinements based on research in the area; d) Essay: texts with a literary style and a particular way of portraying reality through reflection and interpretation of theories and facts.

## Results and Discussion

All 13 articles selected were published in journals evaluated by the Qualis evaluation system of journal publications, developed by CAPES, ranging from highest rigor (A1) to the lowest (C). The following categorizations were found: 1 Qualis A1 article; 3 papers as Qualis A2; four articles as Qualis B1, B2, B3 and B4, respectively; 4 studies as Qualis B5 and 1 paper as Qualis C.

### Reflective Analysis

There are four articles characterized as Reflective Analysis. In the first article, the author (Brockhausen, 2011) discusses the false allegations of child sexual abuse and its relation to PA, in the sense that false allegations may prove to be a way that leads to the removal of the child from one of the parents, especially upon cases of divorce. The author presents arguments suggesting that reports written by psychologists are sometimes biased and guided by the belief that the child always speaks the truth when disclosing abuse; in other words, practitioners usually adopt the position that false allegations of sexual abuse do not exist. The pressure to meet tight assessment deadlines, the misinterpretation of psychological theories and the lack of staff training would entail biased results in the evaluations of these professionals, inducing hasty and forced conclusions. For this reason, the author defends the need for professional qualification in the area, as well as carrying out further technical studies on the subject. Despite highlighting the importance of PA studies in Brazil, the author employs Gardner's ideas on PAS, a syndrome that presents no empirical studies to support its occurrence, using the terms PAS and PA interchangeably or synonymously throughout the text.

The second article classified as a Reflective Analysis (Mascarenhas, 2011) expounds the benefits of mediation in cases of family disputes, and stands against the final draft of the Law on PA concerning the veto of articles on mediation in such cases. The core of the article argues that mediation has great potential as an alternative method of conflict resolution in regards to guaranteeing rights, and would be an effective alternative in problem solving within the family realm. The author criticizes the veto regarding family mediation and justifies her position based the Theory of Communicative Action by Habermas.

Nevertheless, Mascarenhas (2011) could enhance the definition of PA, as it is based solely on Gardner's theory, at one point even suggesting that PA and implanting false memories are synonymous. This statement is not discussed nor pursued further throughout the text, demonstrating conceptual problems in defining terminologies, going against the specialized literature. The position taken by the author tends to reinforce the existence of a syndrome, rooted on superficial definitions with no empirical evidence, perpetuating the flawed use of concepts by legal practitioners and psychologists who work with litigations.

The third article characterized under Reflective Analysis (Oliveira & Brito, 2013) discusses bullying and parental alienation. Although these are distinct phenomena, the authors resort to these two types of violence to illustrate the judicialization of human conflicts. They suggest recurring to Gardner to define PAS as a brainwashing process or training conducted by the alienating parent. They do not distinguish the differences between PA and PAS, conceptualizing the latter as an alienating practice, which we would understand as PA as indicated at the beginning of this text. At the same time, they cite the law

and point to the definition of the phenomenon contained therein. In summary, the text does not reveal conceptual clarity on alienation. The authors also emphasize how the concept of PAS has been disseminated as an unquestionable reality, criticizing the judicialization of psychological phenomena based on the argument that often these factors play into the expected dynamics involved in a divorce process.

The fourth and final article in this category (Rosa, 2012) discusses the concept of PAS under the legal perspective in the light of Law No. 12.318/2010. It seeks to address the psychological aspects of PAS, false memories and the implantation of false memories of sexual abuse, as well as discussing legal aspects concerning PA. Here, PAS is defined as an alienating practice, using PA and PAS as synonyms. The author conceives alienation as a devastating way to target the other parent with the purpose of revenge or on account of other emotional and even psychiatric problems, emphasizing the negative consequences of this kind of abuse towards children.

In regards to sexual abuse allegations, Rosa (2012) believes that society must demand caution from legal practitioners to distinguish real facts from false memories. Regardless of the veracity of the abuse allegations, the child has already suffered emotional abuse by the alienation modality. The author does not seem to consider that, if the sexual abuse allegation is truthful, the alleged alienator displays, in fact, a protective attitude (and not an alienating one) in trying to estrange the child from the abuser. By considering the existence of the Parental Alienation Law as extremely important, the paper appears to ratify an adversarial, dualistic, punitive and pathologizing rationale.

## Literature Review

There are also four articles characterized as Literature Reviews. The author of the first article (Fonseca, 2006) references Gardner when defining PAS as a condition arising from PA, in which the child suffers when one of their parents seeks to estrange the other parent's contact with the child. She indicates judicial repression as a way of preventing the implementation of PAS. According to Fonseca (2006), such repression would take place once the identification of alienating acts were perceived by the magistrates, who in turn should take the necessary measures to abort the development of PA so that the syndrome does not establish, acting with the utmost urgency given the gravity of the consequences. Fonseca (2006) also discusses the lawyer's role in cases of PA, to whom child protection and assurance of family conviviality would be the primary goal. The article does not address the hypothesis that the so-called alienating parent may be protecting the child from a possibly violent alienated parent. The text does not consider this possibility at any point; and, just as most of the articles analyzed by the present study, the author propagates the idea of pathologizing PA.

On the whole, the second article (Sousa, 2014) debates the likely factors that threaten individual well-being and spread a sense of generalized risk, that is, with so many risks involved, anything can be dangerous and considered a risk to human well-being. Sousa (2014) points out that the media has an important role in spreading the notion of the lack of security and in influencing public clamor for penalties. The author suggests that the suffering of the victim and their narrative of suffering in general mobilize discussions that sometimes end up being triggers for the creation of punitive laws, often without deepening the discussions, as is the case of the PA law in Brazil.

The author conducts the review study by means of a search in the database on the first occurrences of published studies on PA, bullying and moral harassment. In the case of PA, the author informs that the topic is mentioned in Brazil since 2006, mainly addressed by professionals within the judiciary. The author hypothesizes that the wide dissemination of the theme was the trigger for the enactment of the PA law. In turn, Law 12.318/2010 has been a trigger for the production demands on the subject. Contrary to what was expected, there is now an intensification of disputes rather than a reduction in family conflicts. The article points to the fact that highly publicized issues like PA generate a sense of violence and insecurity in the population, which then calls for more justice.

Although the article covers different issues that do not have a direct relationship with each other (bullying, moral harassment and PA), which could lead the reader to inappropriate conclusions, the review also discusses the judicialization of the three chosen themes, serving to maintain criminal laws. From the point of view of the discussion regarding PA, the article presents a robust theoretical basis as

does the other article written by the same author (Sousa & Brito, 2011) also described below in this category.

The third article of this block, Sousa and Brito, 2011, analyses the contribution of PAS to the enactment of Law No. 12.318/10, in Brazil. The manuscript states that since SAP's proposal, in the 80s, there has been a naturalization of the theme's usage, occurring in an uncritical manner, as there are no studies and discussions to empirically testify its existence. The authors point out that since the creation of the law on shared custody in Brazil, the subject gained notoriety and culminated with the creation of the PA Law. Nevertheless, the authors criticize, in a pertinent manner, the number of insufficient studies carried out to substantiate the creation of such a law, which was based on non-scientific publications on the subject, as well as articles and reports mainly disseminated by associations of separated fathers.

Sousa and Brito (2011) examine in detail the arguments for the creation of the law and point out that when the article was published in 2011, the possibility of the inclusion of PAS in the DSM was being considered, yet the authors position themselves against such inclusion, as they recognize that the manual would already contemplate the diagnosis of family conflicts when it refers to "relationship problems between father/mother and child". The authors appropriately address the serious problem in pathologizing family conflicts, considering that such a strategy suggests that the people involved possess psychological disorders. The text also addresses the issue of PA in other countries such as Portugal and Spain, whose lawmakers do not indicate the use of such terminology in the records. Overall, of all 13 articles selected for this review, the work of Sousa and Brito (2011) best presents the current situation of PAS and PA, with in-depth and informed discussions.

The last article of this set (Souza & Barreto, 2011) conducts a review on shared custody, PA and false allegations of sexual abuse, demonstrating the importance of reconciling the concepts of Psychology and Law to achieve a greater understanding of cases and their solutions. The text points out that Family Law practitioners should not disregard the psychological aspects involving PA, and also highlights the transdisciplinary role of Law and Psychology, two collaborative areas. Souza and Barreto (2011) advocate the importance of the knowledge of Psychology and Law, which we believe to be essential, as in Family Law in particular these two realms are inseparable, not allowing one to be favored over the other.

The authors present general aspects of PAS, the PA Law, false allegations of sexual abuse and how these issues interact and interfere in decisions regarding shared custody. Despite presenting a discreet attempt to differentiate PAS from PA, the article comprehends alienating attitudes as a syndrome, in which PAS would be the consequence of PA. In addressing important issues such as sexual abuse allegations, the authors disregard the fact that such allegations could be true, disregarding the dynamics of sexual abuse widely discussed in Brazilian and the international literature.

## Empirical Studies

The four empirical studies selected were grouped into a third category. The first of them (Faccini & Ramires, 2012) is described by the authors as an exploratory and qualitative research consisting of three case studies involving PA in lawsuits of custody or visitation disputes. The objective was to evaluate the psychological processes underlying the phenomenon of alienation in relation to emotional bonds among the members involved and their mentalizing ability - acknowledged as the ability to reflect on the mental and relational experience, that is, to observe and understand mental states, reflect on them and name emotional experiences. The study consisted of structured and semi-structured interviews and psychological tests held during the evaluation process of each of the three cases. As a result, the authors found that participants had their mentalizing ability impaired by the fragile and inconsistent bonds stemming from the conflictive situation in which they found themselves.

Although the authors assert that PAS is a questionable phenomenon from a scientific point of view, they do not rule out the occurrence of the alienating practice as described by the Brazilian law. Despite having emphasized at the end of the text that at times accusations of violence may be real, the study

did not seek to verify if the mothers' stance in any of the three evaluated cases fell under protection or alienation.

Furthermore, other variables involved were not considered. Many of the characteristics found in the referred cases may be aspects presented in cases of high litigation, not necessarily of parental alienation. In other words, children may have negative emotional consequences due to heated and lengthy court disputes, as was the situation of the three families addressed in the research. By noticing the opposition between mother and father and participating in some way in the conflict, even as observers, children end up suffering emotional violence. Thereby, psychological scars in the offspring are not necessarily a result of one of the parent intentionally practicing alienation. It is, thus, important to conduct studies with comparison groups to draw reliable conclusions on the matter. Research with families in other types of actions would be relevant, such as separation and divorce, as well as consensual lawsuits that are not litigious with any charges of alienation, and cases with different custody arrangements, not just unilateral maternal custody as presented in the three chosen case studies.

The second empirical study (Gouveia et al., 2013) addresses the validation for the Brazilian context of the *Remembered Relationship with Parents Scale* - RRP10, (Denollet, Smolderen, Van Den Broek, & Pedersen, 2007). This Dutch scale relies on 10 items that assess two dimensions: Alienation (reflects memories of the child's feelings on alienation from parents) and Control (describes memories of a controlling parental style). The article argues that the adapted version of this scale can be used in the Brazilian context, as it combines sound psychometric properties of reliability and factorial and convergent validity.

According to the authors, the scale may be useful to conduct epidemiological studies and collect data in non-psychiatric settings. However, this instrument does not measure PA as is suggested, rather focuses on quantifying memories of parenting practices through self-reports that retrospectively evaluate the process of parental care with emphasis on the empathy dimension. However, the instrument's 10 items are not able to discriminate parental alienation as legally defined in Brazil, reflecting generic items of parental relationship (*He/She made me feel insecure; I felt that he/she did not understand me*).

The third empirical study found (Lago & Bandeira, 2009) addresses PAS, differentiating the alienating practice (PA), characterized by emotional abuse, from the pathological consequences for the child (PAS). According to the authors, PA symptoms may share characteristics with those presented by children victims of sexual abuse, especially when allegations are unfounded. Caution is necessary, however, in assessing abuse charges in divorce proceedings and custody disputes. Like most articles here analyzed, this one also overlooks visitation proceedings (Regulation or Suspension) in which alienation may also be present.

After a brief theoretical and historical review, the article presents the results found in a survey with 50 Brazilian psychologists, all who have worked in at least two custody dispute assessments on: sole custody for male parents, knowledge and opinion on shared custody, knowledge and expertise in PAS and false accusations of sexual abuse (88% of the participants were female and 12% were male). The sample contained professionals from the Southeast (54%), South (28%), Midwest (10%), Northeast (6%) and North (2%) regions of Brazil. The instrument used was an online Questionnaire, containing 47 questions (mostly closed), drawn from the literature review conducted and from semi-structured interviews with four experienced psychologists in the area. As a result, the authors found that the majority of participants witnessed greater occurrence of parents requesting sole custody on their own favor; 80% of participants claimed to have had experience with joint custody, 64% were in favor of it and 8% were not, while 28% declared they were unable to form an opinion on the matter without knowing the specific case. In relation to PAS, 77.5% of participants were familiar with the term. Among those who knew the phenomenon, 18.4% associated it to false accusations of sexual abuse. The vast majority (84%) claimed to have experience with the relationship between custody disputes and sexual abuse charges.

Lago and Bandeira (2009) pointed out the need for more training in Forensic Psychology and suggested the inclusion of Undergraduate and Graduate classes dealing with parental alienation, stressing the importance of professionals to identify PA correctly. Despite the relevant discussion on



professional qualification, the authors do not question the validity of such a concept (PAS) and the reasons as to why it was refused as an official diagnostic category by the international scientific community.

The fourth empirical research (Luz, Gelain, & Lima, 2014) describes a qualitative study that sought to evaluate the impact of the Conflict Mediation technique in four cases involving PAS at the Center of Legal Practices, in the State of Rio Grande do Sul. The authors conclude that Conflict Mediation is an appropriate strategy to reduce or mitigate PAS. This article, however, bears evident conceptual difficulties with respect to the nomenclature referring to the phenomenon of alienation. PAS is defined, but PA does not exhibit a specified definition, other than the one present in Law 12.318, and is sometimes used interchangeably with PAS. Moreover, the researchers presuppose the existence of PAS, a syndrome not scientifically recognized, utilizing cases in which its existence is assumed.

## Essay

The 13th and final article selected in the present study (Próchno, Paravidini, & Cunha, 2011) was classified under a fourth category: Essay. Here the authors define PA as the "conduct that one of the parents practices, sustained by their vindictive desire towards the other parent, aiming to break the bond of affection in the parental relationship" (p. 1466). The article affirms that only through "raising awareness" may PA be avoided. The paper discusses the disposability in relationships, and reports that PA is intrinsically associated to the instability of post-modern society. It also states that the fight against PA is a matter of public interest in the face of need to demand responsible paternity/maternity, committed to the constitutional imposition to safeguard the mental health in children. It points out that PA arises to bring reflection on the helplessness, insecurity and instability of post-modern society.

## Final considerations

The vast majority (two thirds) of the selected studies in this research consists of argumentative dissertations, which prioritize opinions over data descriptions, where emotional and conative functions of language exceed the referential function usually pursued in scientific publications. The present authors observed a tendency to discuss the phenomenon without substantiation, relying mostly on limited data and adopting definitions similar to those coined by Gardner to the PA phenomenon, reflected on the low number of empirical papers published (only four). In papers that address topics such as false memories and false allegations of sexual abuse, there is a prevailing understanding that PA and PAS are synonyms (Brockhausen, 2011; Mascarenhas, 2011; Próchno, et al., 2011; Rosa, 2012), which finds no support from a theoretical and conceptual point of view.

This review of the Brazilian scientific publications about PA and the PAS highlights the low production of research in the area. The content analysis illustrates inconsistency and lack of consensus on the subject matter. Furthermore, in a potentially harmful way, the articles analyzed disregard the real possibility of the occurrence and dynamics of child sexual abuse, a widely studied and prevalent phenomenon in psychology which is very pernicious to health (Williams & D'Affonseca, 2015).

Throughout Brazil and the world, Family Courts must make decisions on issues such as child custody in divorce proceedings. Although many families attempt conciliation in order to minimize the impacts of these processes on the lives of its members, there are many cases of high conflict divorce. The litigious logic that aims to appoint a guilty finger to the family crisis and the pathologizing of the child through the identification of a syndrome, such as PAS, could strengthen the adversarial nature of legal disputes and fuel the conflict, linking the child's history and development to the parental dispute (Barbosa & Castro, 2013).

In this context, PA is a relevant topic to the daily work of professionals employed in the Civil, Family, and Children's Courts, including the legal practitioners. Despite routinely dealing with this subject, the present review suggests that professionals who make up forensic teams face some difficulties. The first one refers to conceptual clarity. Not all professionals who use the term Parental

Alienation (judges, lawyers, family members involved in litigation, psychologists and social workers) refer to the same phenomenon. For some, the phenomenon is regarded as a disease or syndrome (usually a child's syndrome, but at times one of the parents is the one who is mentally ill), without scientific substantiation to enforce this argument. For others, PA is seen as a form of emotional or psychological violence committed by the alienating parent against the child.

It is clear from present results that most of the identified practical difficulties originate from the lack of scientific studies on Parental Alienation, coinciding with claims from the international literature (Bruch, 2001; Dallam, 1999; Sottomayor, 2011). The content analysis performed in this study allowed us to observe that, while most authors of the reviewed articles possess at least a Master's degree and is associated to Universities as researchers, only three of the 13 selected articles provide an appropriate scientific methodology to describe the defined procedures and objectively and rigorously analyzed its data (Gouveia et al., 2013; Lago & Bandeira, 2009; Luz et al., 2014.). It is no coincidence that only one of the 13 studies found (Gouveia et al., 2013) was published in a scientific journal that encompasses the highest standard of excellence (A1). However, despite being valid from a technical point of view, even this study presents the conceptual difficulty of defining PA in vague terminology.

In addition, most of the studies reviewed did not make reference of relevant research in the designated field of study. On the contrary, they seek to provide specific contributions through unfounded empirical discussions, presenting questionable results and thus corroborating previous international studies that criticized poorly grounded studies on PA (Bow, Gould, & Flens, 2009; Bruch, 2001; Dallam, 1999; Walker & Shapiro, 2010).

Nonetheless, despite the shortage of scientific studies, the reduced interest of various researchers and the lack of consensus on this issue, Brazil have established, since 2010, a Federal Law providing assessment and punishments for alienating acts. It appears that Brazil is the only country in the world to have a law on PA. There are, obviously, numerous shortcomings involved in the existence of a legal mechanism based on a phenomenon that is currently under-researched. Countries such as Portugal and Spain have warned professionals about this syndrome's lack of scientific rigor and the risks of professional involvement in such cases. In Spain, for example, the Neuropsychiatric Association issued a notice in 2010 positioning itself contrary to the clinical and legal use of PAS along with other similar concepts (Sottomayor, 2011).

For that matter, besides the difficulty of having a law concerned with something that has not yet been scientifically defined, such a device has two other complicating factors. The first one refers to the generalization of the acts of alienation. Much of the behavior displayed by couples with children undergoing marital separation may be classified as alienating, allowing ill-intentioned practitioners to use PA as an argument to claim incorrect validations, which greatly incites the existing dispute, victimizing all the more the children involved.

The second complicating factor relates to the fact that professionals have used PA and PAS as arguments in the defense of alleged sex offenders when accused of incestuous practices and child maltreatment. This is of great concern, because if either the PA diagnosis or that of the alleged abuse is superficial and inaccurate, there is a possibility of unjust claims. If sexual abuse has occurred, and if this fact is not detected by a proper diagnosis, the child will continue to remain at risk, for the Court may authorize him or her to stay with the offender. From Gardner's point of view, most cases of abuse allegations were unfounded, contrary to what the scientific literature suggests (Bruch, 2001; Faller, 1998). When this occurs, decisions are usually made based on vague and inadequate impressions of the phenomenon of alienation (Serafim, Marques, & Saffi, 2014; Shine, 2003; Williams, 2012). With the purpose of protection from a sub-type of emotional violence, as Williams (2013) understands the goal of Law no. 12.318/2010, this legal device may end up exposing children to other types of violence. It is, therefore, fundamental that more research is carried out with the intention of empirically substantiating the discussions held on parental alienation, and, consequently, refining the conceptual and professional practices of those who work and decide on the future of children exposed to various types of violence in the context of Judicial litigations.

## References

- American Psychiatric Association. (2002). *Manual diagnóstico e estatístico de transtornos mentais: DSM-IV-TR [Diagnostic and statistical manual of mental disorders: DSM-IV-TR]*. (C. Dornelles, Trad., 4a ed.). Porto Alegre, RS: Artmed.
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders: DSM-5* (5a ed.). Washington, DC: American Psychiatric Association.
- Barbosa, L. P. G. & Castro, B. C. R. (2013). *Alienação parental: Um retrato dos processos e das famílias em situação de litígio*. Brasília: Liber Livro.
- Bow, J., Gould, J. W., & Flens, J. R. (2009). Examining parental alienation in child custody cases: A survey of mental health and legal professionals. *American Journal Of Family Therapy*, 37(2), 127-145.
- Brockhausen, T. (2011). Falsas alegações de abuso sexual infantil: o contexto do trabalho do psicólogo brasileiro. *Psicologia Revista*, 20(2), 199-219.
- Bruch, C. S. (2001). Parental alienation syndrome and parental alienation: Getting it wrong in child custody cases. *Family Law Quarterly*, 35, 527-552.
- Dallam, S. J. (1999). Parental Alienation Syndrome: Is it scientific? In E. St. Charles & L. Crook (Orgs.), *Expose: The failure of family court stop protect children from abuse in custody disputes*. Los Gatos, CA: Our Children Our Children Charitable Foundation.
- Darnall, D. (1998). *Divorce Casualties: Protecting Your Children from Parental Alienation*. Lanham: Taylor Trade Publishing.
- Denollet, J., Smolderen, K. G. E., van den Broek, K. C., & Pedersen, S. S. (2007). The 10-item Remembered Relationship with Parents (RRP10) scale: Two-factor model and association with adult depressive symptoms. *Journal of Affective Disorders*, 100, 179-189.
- Faccini, A. & Ramires, V. R. (2012). Vínculos afetivos e capacidade de mentalização na alienação parental. *Interamerican Journal of Psychology*, 46(2) 199-208.
- Faller, Kathleen (1998). The Parental Alienation Syndrome: What Is it and What Data Support It?. *Child Maltreatment*, 2(3), 100-115.
- Fonseca, P. M. P. C. (2006). Síndrome de alienação parental. *Pediatria*, 28(3), 162-168.
- Gardner, R. A. (1985). Recent Trends in divorce and custody litigation. *Academy Forum*, 29(2), 3-7.
- Gardner, R. A. (2001). Parental Alienation Syndrome (PAS): Sixteen Years Later. *Academy Forum*, 45(1), 10-12.
- Gardner, R. A. (2002). Denial Of The parental alienation syndrome also harms women. *American Journal Of Family Therapy*, 30(3), 191-202.
- Gouveia, R. S. V., Souza Filho, J. F., Fonsêca, P. N., Andrade, J. M., Amorim-Gaudêncio, C., Souza, R. V. L. & Gouveia, V. V. (2013). Avaliando lembranças de alienação e controle parental: evidências de validade de construto da RRP no Brasil. *Psicologia Reflexão e Crítica*, 26(3), 435-442.
- Lago, V. M. & Bandeira, D. R. (2009). A Psicologia e as demandas atuais do direito de família. *Psicologia Ciência e Profissão*, 29(2), 290-305.
- Lei n.º11698/08 de 13 de Junho de 2008. (2008). Altera os artigos 1.583 e 1.584 da Lei no 10.406, de 10 de janeiro de 2002 – Código Civil, para instituir e disciplinar a guarda compartilhada. Brasília, DF: Presidência da República: Casa Civil. Subchefia para Assuntos Jurídicos. Recuperado em 03 julho, 2015, de [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2008/Lei/L11698.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Lei/L11698.htm)
- Lei n.º12.318/10 de 26 de agosto de 2010 (2010). Dispõe sobre a alienação parental e altera o artigo 236 da Lei nº 8.069, de 13 de julho de 1990. Brasília, DF: Presidência da República: Casa Civil. Subchefia para Assuntos Jurídicos. Recuperado em 03 julho, 2015, de [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2010/lei/l12318.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/l12318.htm)
- Lei n.º13.058/14 de 22 de dezembro de 2014 (2014). Altera os arts. 1.583, 1.584, 1.585 e 1.634 da Lei no 10.406, de 10 de janeiro de 2002 (Código Civil), para estabelecer o significado da expressão “guarda compartilhada” e dispor sobre sua aplicação. Recuperado em 19 de junho de 2016, de [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/Lei/L13058.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/Lei/L13058.htm)
- Luz, A. F., Gelain, D. & Lima, L. R. (2014). Reflexões sobre alienação parental em um projeto de mediação de conflitos. *Revista Psicologia e Saúde*, 6(2), 96-103.
- Mascarenhas, F. A. (2011). Mediação familiar: Por uma nova cultura de pacificação social. *Lex Humana*, 3(2), 20-39.
- Moné, J. G. & Biringen, Z. (2012). Assessing parental alienation: Empirical assessment of college students' recollections of parental alienation during their childhoods. *Journal of Divorce & Remarriage*, 53, 157-177.
- Oliveira, C. F. B. & Brito, L. M. T. (2013). Judicialização da Vida na Contemporaneidade. *Psicologia, Ciência e Profissão*, 33, 78-89.
- Próchno, C. C., Paravidini, J. L., & Cunha, C. M. (2011). Marcas da alienação parental na Sociedade Contemporânea: Um Desencontro com a Ética Parental. *Revista Mal-estar e Subjetividade*, 11(4), 1461-1490.
- Rosa, G. (2012). Síndrome da alienação parental ou simplesmente vingança. *Revista Letrando*, 2(0), 1-5.
- Serafim, A. P., Marques, N. M., & Saffi, F. (2014). Processos de investigação Neuropsicológica de crianças vítimas de abuso sexual. Em L. C. A. Williams & L. F. Habigzang (Orgs). *Crianças e adolescentes vítimas de violência: Prevenção, avaliação e intervenção*. Curitiba: Juruá.
- Shine, S. (2003). Abuso sexual de crianças. Em G. Groeninga & R. Pereira (Orgs.). *Direito de família e*

- psicanálise – rumo a uma nova epistemologia*. Rio de Janeiro: Imago.
- Sottonayor, M. C. (2011). Uma análise da Síndrome de Alienação Parental e os riscos da sua utilização nos tribunais de família. *Julgat - Edição da Associação Sindical dos Juizes Portugueses*: 13(jan-abr), 73-107.
- Sousa, A. M. (2014). A consagração das vítimas nas sociedades de segurança. *Revista EPOS*, 5(1), 29-56.
- Souza, A. M. O. & Barreto, R. M. M. (2011). Síndrome de alienação parental, falso abuso sexual e guarda compartilhada: a necessidade de uma observação jurídica transdisciplinar. *Espaço Jurídico: Journal of Law*, 12(1), 67.
- Sousa, A. M. & Brito, L. M. T. (2011). Síndrome de Alienação Parental: da Teoria Norte-Americana à Nova Lei Brasileira. *Psicologia, Ciência e Profissão*, 31(2), 268-283.
- Walker, L. & Shapiro, D. (2010). Parental alienation disorder: Why Label Children With a mental diagnosis? *Journal of Child Custody*, 7, 266-286.
- Williams, L.C.A. (2012). *Pedofilia: Identificar e prevenir*. [Identifying and preventing pedophilia]. São Paulo: Editora Brasiliense.
- Williams, L.C.A. (2013). Violência psicológica praticada contra a criança e o adolescente: Definições e contextualização. Em: Childhood Brasil & Associação Brasileira de Magistrados, Promotores de Justiça e Defensores Públicos da Infância e da Juventude (ABMP). (Orgs.), *Violência sexual contra a criança e adolescente: Novos olhares sobre diferentes formas de violações*. (pp. 125-133). São Paulo: Childhood Brasil.
- Williams, L.C.A. & D’Affonseca, S.M. (2015). Child Sexual Abuse in Brazil: Awareness, legal aspects and examples prevention strategies. In S. Deb (Org.). *Child Safety, welfare and wellbeing: Issues And Challenges*. (pp. 359-366). New Delhi: Springer.

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