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Review

Parental Alienation Syndrome: An Existing Disorder or a Legal Strategy?

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Abstract

During a separation or a divorce, the child can be caught in the parental conflict and a conflict of loyalties may develop. In this context, and more specifically in a custody dispute, some parents may brandish the term “*parental alienation syndrome*” (i.e., the conscious or unconscious influence of one parent leading a child to denigrate and exclude the other parent and the latter’s social network), a concept developed by Gardner (1985). However, this concept has been the subject of significant controversy and criticism. Lack of scientific basis, insufficient empirical data, or lack of diagnostic validity have led international organizations to reject its existence. Nevertheless, the term is used in civil courts of some European countries, as well as in the USA, Brazil, and Australia. In Switzerland, a petition aimed at recognizing “*parental alienation syndrome*” as a form of family maltreatment is provoking political debate and raising concerns among socio-judicial professionals, the justice system, and clinicians. This work reviews the history of this concept, its (lack of) evidence, criticisms and limitations, and its use in clinical and legal practice. This work concludes that, supported by clinical observations and scientific literature, the notion of loyalty conflict or divided loyalty should be preferred.

Keywords: child custody; children and divorce; parental separations in conflict; parental alienation; child neglect

1. Introduction

According to the Swiss Federal Statistical Office, the divorce rate in Switzerland in 2023 stands at 38.3%, with over 12,000 children affected each year (Office fédéral de la statistique, 2024). Joint custody is usually required. However, in case of severe parental disputes within the context of a separation, legal questions arise concerning maintenance contributions, the right to personal relations, the establishment of visiting rights for the non-custodial parent(s), and/or the limitation or even withdrawal of parental authority (art. 133 Swiss Civil Code). In these situations, a civil psychiatric assessment of the child may be requested by judicial authorities, whose task is to evaluate the parents’ educational skills and the quality of the parent-child relationship, with the aim of protecting the child’s well-being and development.

In conflictual separations, which can resemble a “*legal war*” between the parents, one party may use the term “*parental alienation*” (i.e., a campaign of parental exclusion leading the child to denigrate and reject the other parent and his or her social network (Gardner, 1987)) against the other, sometimes with the aim of regaining custody rights. Beyond the suffering caused by weakened family dynamics, this word is brandished like a legal strategy or even “*weapon*”, raising questions and even doubts

among socio-judicial workers and judges. How should this term be understood? How should it be defined? How can children be protected?

Beyond the judicial sphere, these issues are currently widely discussed in Switzerland and have acquired a broader social and political dimension. Despite ongoing controversies, the term parental alienation continues to be used within the Swiss legal system and in media discourse. In addition, several associations actively advocate for the recognition of “*parental alienation*”, alongside parents who report being affected. In clinical settings, the term may be employed by a range of stakeholders, including legal professionals, parents, and healthcare practitioners. Moreover, the issue has increasingly entered the political sphere: a petition aimed at recognizing parental alienation as family abuse or maltreatment is currently the subject of debate within the political authorities. The petition was presented to the Vaud Grand Council in 2022. Most elected members voted in favor, and they recommended that the petition be taken into consideration and referred to the State Council for further discussion. In response to the petition, the Cantonal Commission for Combating Domestic Violence of the Canton of Vaud voiced its concern regarding the possible recognition of the concept of parental alienation in Switzerland. The Commission underscored the potentially harmful nature of this concept and referenced the critical stance adopted by numerous international institutions toward parental alienation. The *General Directorate for Children and Youth of the State of Vaud* which is responsible for protecting minors and guaranteeing the rights of children in the canton, also opposes this term, preferring instead to refer to the notion of loyalty conflict, divided loyalty or instrumentalization.

From a systemic perspective derived from family therapeutic models, according to Boszormenyi-Nagy (2014), children, inherently, as a result of filiation, immediately feel a duty of loyalty towards their parents, defined as the deep bonds uniting family members and transcending conflicts. Boszormenyi-Nagy (2014) defines this as the vertical loyalty, in contrast to the horizontal loyalty present within a sibling or parental couple (Goldbeter-Merinfeld, 2010). Loyalty conflicts, inherent to family life, will thus emerge between vertical and horizontal loyalties, and become deleterious when they persist and remain constant. In conflictual or even verbally or physically violent family/parental situations, where there is a persistent lack of communication between the parents, coalitions and alliances may emerge, as well as triangulation, with the child acting as mediator between the parents. In this context, a loyalty conflict may develop, characterized by the child’s inability to choose sides, between their two main attachment figures. Nevertheless, by demonstrating loyalty to both parents and adopting a neutral position within the marital conflict, the child inevitably experiences a sense of betrayal towards one or other of his parents.

Over time, the loyalty conflict may evolve into a divided loyalty, with the child siding with one parent. The child then is immersed in a process where the notion of intersubjectivity loses its place, leading them to monitor and control their behavior and words, at the risk of triggering a feeling of anger or sadness in one of their parents (Berger, 2021; Lahey et al., 2005). This unilateral positioning can be found when one parent suggests, or even manipulates, the child, or when the child, in a parentified role, will protect the parent perceived as being the most vulnerable in their eyes. In terms of affect, taking sides certainly helps to regulate emotions and appease the child, but at the expense of the long-term consequences of a Manichean perception of the environment and parental references. Beyond the cleavage process, Gardner (1987) developed the concept of “*parental alienation syndrome*” (PAS) to explain the reasons for conflict between parent and child in custody disputes. However, this concept remains controversial and disputed among clinicians and child protection workers due to the lack of scientific basis (as we will describe below) and the rejection of the term by many world organizations (after fine grained analyses of the evidences).

2. History and Definition of Parental Alienation Syndrome

In the late 1970s, Wallerstein and Kelly (1976; 1980), first linked the phenomenon of a child rejecting, strongly resisting or refusing to visit a parent to a dysfunctional dynamic between them (Meier, 2009). However, their findings did not become an essential part of child custody assessments

or court decisions at the time. Gardner's work in the late 1980s, on the other hand, was more influential. Based on personal observations of families involved in legal disputes over child custody, he developed the concept of PAS in 1985, asserting that it occurs in over 90% of custody disputes (Gardner, 1987). Thus, for this author, a child who evolves in a context of conflictual parental separation can be subjected to manipulative acts by one of the parents and lacks the ability to express what they think or feels. More precisely, Gardner defines parental alienation as a strategy developed (mainly by the mother at that time) with the aim of punishing the father and, thus, securing custody of the children (Gardner, 1991). Gardner (1991, 2001) describes the practices of these mothers as campaigns to denigrate the father figure by "brainwashing" or "programming" children to believe that they are victims of violence or sexual abuse at the hands of the father; asserting at the same time that these allegations are false in a majority of cases.

In 1992, Gardner broadened the definition PAS, considering that both mother and father (referred to as the "alienating parent") may use strategies to distance the child from the other parent (referred to as the "alienated parent"). Gardner (2002) also establishes eight criteria for identifying PAS (Table 1)

Table 1. Criteria to detect Parental Alienation Syndrome.

1.	The child unjustly denigrates, shows hatred and refuses to have a relationship with the "alienated" parent;
2.	An absurd rationalization to justify the denigration; despite the child's often determined tone in which these criticisms are made, the rationalization remains unconvincing
3.	The child uses phrases, terms or expressions that are not developmentally appropriate and are often borrowed from the "alienating" parent
4.	The child lacks the usual ambivalence towards either parent
5.	The child is convinced that he or she has formed his or her own opinion about the "alienated" parent and that the decision to reject the parent belongs to him or her alone
6.	The child shows unconditional and automatic support for the "alienating" parent
7.	Absence of guilt, which is reflected in the child's behavior, which is no longer receptive to the suffering of the "alienating" parent
8.	Denigration of the child, or even hatred, also extends to the close relatives and family of the "alienating" parent

In addition, Gardner points out that, depending on the number of criteria observed (not precisely described or assessed by Gardner), it is possible to define three stages of PAS severity: mild, moderate, and severe which should lead to different types of legal and/or psychological intervention (Delfieu, 2005). In cases of low intensity, not all criteria are necessarily evident. When they are present, their degree is less and the relationship between parent and child is still functional, with latter cooperating with the parent exercising access rights, although they may be critical and unhappy. In cases of moderate intensity, the child finds it difficult to visit the alienated parent and is more disruptive and disrespectful. Nevertheless, a meeting is still possible, and the child calms down and looks forward to the time spent with their parent when both are together. According to Gardner, this degree of PAS is the most common. In severe cases, on the other hand, the relationship is permanently and radically severed, or at risk of being so Delfieu (2005) and the child meets all eight diagnostic criteria for PAS. Visits are therefore impossible, as the child can be so hostile, even physically violent towards the alienated parent. In these situations, Gardner recommends that the child be removed from the alienating parent's home, then placed in a transitional facility before returning to the alienated parent's home. The child should also undergo therapy to "deprogram" the "brainwashing" he or she may have undergone (Gardner, 1987).

This conceptualization of PAS is endorsed by some researchers, notably Baker and Darnall (2006), who support the eight diagnostic criteria outlined above. Baker played a central role in the expansion of PAS in the mid-2000s (Geffner & Sandoval, 2020). In a qualitative study of 38 adults who reported having experienced parental alienation as children, Baker (2005) describes the impact of parental alienation in adulthood as: low self-esteem, lack of self-confidence, depressive

symptomatology and substance abuse; as well as the presence of parental alienation on one's own children and a higher divorce rate. A similar qualitative study by Bentley and Matthewson (2020) highlights the presence of anxiety and depressive symptoms for these adults, with feelings of worthlessness, guilt and social and relational difficulties, as well as in the professional sphere.

Darnall (1998) also clarified the difference between parental alienation and PAS. He wrote: "*The distinction between the two is that parental alienation focuses on how the alienating parent behaves toward the children and the targeted parent. Parental alienation syndrome symptoms describe the child's behaviors and attitudes toward the targeted parent after the child has been effectively programmed and severely alienated from the targeted parent*" (Darnall, 1998, p. 3-4). Thus, parental alienation refers to the act or process of alienating a child, whereas PAS denotes the set of symptoms that may or may not emerge in the child following exposure to such alienating behaviors. These two terms have at times been used interchangeably to describe the same phenomena.

It should be pointed out, however, that the literature on parental alienation has recently expanded. In fact, according to a literature review carried out by Harman et al. (2022) on 213 articles concerning parental alienation before December 2020, 40% of these articles were published after 2016. The number of quantitative studies also rose sharply after 2016. According to the authors, the results of their review confirm that parental alienation is a maturing field of scientific inquiry as it meets three criteria of a maturing field (Harman et al., 2019; Simpson & Campbell, 2013): an expanding literature, a shift toward quantitative studies, and a growing body of research that tests theory-generated hypotheses.

Today, according to Aichenbaum et al. (2023), many authors are attempting to redefine PAS, to assess its scientific validity and to respond to the misinformation surrounding the subject (Bernet, 2023). In their publications, the authors aim to create a "*constructive dialogue*" (Bernet, 2020) and also seek to distance themselves from a clinical diagnosis while defending parental alienation or PAS. These authors are, however, largely criticized (Milchman et al., 2020b) on the methodology used and the arguments presented.

3. Criticism and controversy

The concept of PAS is still controversial and polemical, and many authors (e.g., Clemente & Padilla-Racero, 2016; Kelly & Johnston, 2001; Lowenstein, 2013; Pepiton et al., 2012) are highly critical of this theory. Its existence is even decried, as PAS is not included in the International Classification of Diseases (ICD-11) nor in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) classification. Furthermore, using the terminology of a medical syndrome to explain the behavior of social, systemic and family systems generates controversy among clinicians (Kelly & Johnston, 2001). Criticism has also been raised regarding the criteria that result from PAS, the validity of the diagnosis made, the research methods used by Gardner to develop his theory or the lack of empirical data to support the validation of PAS (e.g., Meier, 2009; Milchman et al., 2020a; Pepiton et al., 2012; Walker, 2004). Bond (2008) states that there are virtually no scientific studies of the concept of PAS to conclude that it is a medical syndrome.

More specifically, the main criticism levelled at PAS is its lack of scientific evidence. Indeed, Gardner's claims and observations have never been validated by research data or published in peer-reviewed scientific journals also note that prevalence and error rates are still unknown, that theories around PAS do not consider other plausible explanations and causes for the behaviors it describes, and that PAS measurement scales have not been developed or with a flawed methodology. Finally, the authors note the absence of representative samples, control groups and randomized groups in studies supporting PAS (Willis & O'Donohue, 2018). More importantly, it assumes that PAS inadvertently gives the court the impression that rigorous empirical research has been carried out (Walker, 2004).

One of the critics being that there are no validated measurement scale. (Bernet et al., 2018; Bernet et al., 2020) wanted to distinguish parental alienation from other reasons for contact refusal with the other parent using the Parental Acceptance-Rejection Questionnaire (PARQ; Khaleque & Rohner,

2002), which is a self-report questionnaire designed to assess children's current perceptions and adults' retrospective remembrances of the degree to which they experienced parental acceptance or rejection in childhood (Rohner & Ali, 2016). The authors concluded that the PARQ is effective in evaluating children of divorced parents when there is a concern about the possible diagnosis of parental alienation. This conclusion has been widely criticized for its flawed methodology and lack of scientific precision (Mercer, 2021). Milchman (2019) also points out that the scale cannot be used to determine parental alienation, as it does not measure the same concepts.

Rowlands (2019) also developed a scale to measure parental alienation named the Rowlands Parental Alienation Scale (RPAS). Milchman (2019) recognizes the promising nature of this scale *"because it assesses associations among specific PA [Parental Alienation] criteria and other psychological constructs"* (p.128). Rowlands (2020) then performed a factor analysis to evaluate the relationship between the eight criteria proposed by Gardner (2002). The factor analysis confirmed five of Gardner's eight criteria: campaign of denigration, independent thinker, reflexive support, borrowed scenarios, and spread of animosity. Rowlands (2020) identified a sixth factor—lack of positive feelings toward the targeted parent—as a new element, though it closely resembles Gardner's (2002) concept of lack of ambivalence. Weak, absurd, or frivolous rationalizations for rejecting the parent, and absence of guilt about behavior towards that parent, did not emerge as significant factors. According to Milchman (2019), these results make sense with the objections raised by child abuse professionals. Indeed, in some cases, children's seemingly illogical, exaggerated, or trivial justifications for rejecting a parent may function as defensive mechanisms masking underlying abuse. The absence of guilt and signs of identification with the aggressor or expressions of unresolved anger may further indicate trauma-related dynamics and not parental alienation. While Milchman (2019) acknowledges the potential of Rowlands' (2020) study, the author also highlights several methodological limitations or bias, including sampling, item selection, and in the interpretation of the results and confirms that this does not allow the PAS to have scientific validity.

Finally, Phélip and Berger (2012) insist on the direct cause-effect link described in this the concept of parental alienation, which they consider too reductive. The reasons that lead a child to refuse or reject a parent are multifactorial, and parental alienation precludes a complex analysis which is necessary. Hayez and Kinoo (2005) come to the same conclusions, with PAS cutting any etiological link from the clinical definition: as soon as a child denigrates their parent, and in a way that is disproportionate to reality, there would be a PAS. In this line, Warshak (2003), advocate of the parental alienation syndrome, states that PAS does not yet fulfill the conditions necessary for the development of a genuine theory or clinical phenomenon, and therefore cannot be identified as such. He calls for more research on the topic.

These criticisms and controversies are the reasons why many countries and organizations, including the World Health Organization, the European Association for Psychotherapy, the American Psychiatric Association and the United Nations, oppose the use of PAS. The European Parliament also recently condemned the use of the term in a resolution on the consequences of domestic violence and custody rights on women and children (resolution 2019/2166 (INI) of October 6, 2021). It thus *"calls on the Member States not to recognize parental alienation syndrome in their judicial practice and law and to discourage or even to prohibit its use in court proceedings, particularly during investigations to determine the existence of violence"*.

Nevertheless, beyond the term used, we cannot deny the existence of a certain number of children who refuse to see the parent with whom they no longer cohabit, nor the suffering that results, and this for every member of the family. The impact of these family dynamics on the entire family system is thus considerable (Harman et al., 2018) and poses a threat to the child's psycho-affective, cognitive and relational development (Anglada & Meynckens-Fourez, 2016; Berger et al., 2010). In the midst of these controversies, some researchers have attempted to provide nuances, such as Kelly and Johnston (2001), who propose a new conceptualization of PAS. Firstly, in cases of conflictual separation between parents, the two authors propose a distinction between children who unreasonably reject a parent and those who legitimately reject them. According to Stoltz and Ney

(2002), although the formulation of Kelly and Johnston (2001) remains problematic, they use a more holistic approach including the family systems, recognizing the role of context and multiple factors. Stoltz and Ney (2002) argue that when the conflictual context is considered, attitudes and behaviors that are labelled unreasonable and symptomatic of child alienation are in fact reasonable responses and must be addressed as such for intervention to be effective.

In addition, Kelly and Johnston (2001) suggest a continuum of reactions among children: the relationship may be either positive with both parents, or the child may have an affinity, alliance or estrangement from one of the parents, or finally be “alienated” by one (a situation said to occur more frequently in high-conflict divorce). This continuum makes an important distinction between cases where a child may reject a parent for various reasons. This distinction means that a thorough clinical assessment must be carried out to determine the reasons and possible hypotheses for the child’s rejection of a parent. Thus, maltreatment, abuse, neglect, and lack of attachment may all be legitimate reasons for a child to withdraw from and subsequently reject a parent. Kelly and Johnston (2001) point out that these reasons have nothing to do with parental alienation.

4. The Use of PAS in Courtrooms

Despite the criticism and controversy surrounding PAS, a report by Reem Alsalem (2023) entitled “*Child custody, violence against women and violence against children*” for the Human Rights Council, highlights that the concept has attracted interest and been widely used in the Civil Courts of many countries, such as the USA, Canada, Brazil, the UK, Italy or Australia, notably to refute allegations of domestic and sexual violence made by children and/or the mother. Silberg et al. (2013) analyzed cases of custody disputes and reported that parental alienation was one of the factors that may have justified children being placed in the custody of fathers who were nonetheless considered violent. In a study carried out in Canada, Neilson (2018) points out that in 76.8% of cases (n=109) of alleged domestic violence or child abuse, the perpetrator claimed to be a victim of parental alienation. In the United States, Meier (2020) studied over 4,000 custody judgments over a ten-year period in the U.S. Courts. Results showed that when allegations of sexual abuse of the children, or of the mother, are made against the father, and the latter, on the other hand, accuses the mother figure of parental alienation, sexual violence is recognized by the judge in less than 2% of cases. The father’s accusation of parental alienation also has an impact on child custody rights. In Meier (2020), when the mother makes accusations of violence against the father, the father obtains custody rights in 26% of cases, and in 50% of cases when the father mobilizes parental alienation. Even when violence is recognized and accepted by the court, when parental alienation is used, custody rights are transferred to the father in 43% of cases. These results support criticisms of the domestic violence field, namely that when mothers report violence to the courts, fathers’ allegations of parental alienation create an extremely powerful weight on the scales of violence consideration. Moreover, when the roles are reversed, the dynamic is not present: fathers do not see a statistically significant reduction in the credit given to their abuse accusations when mothers make an accusation of parental alienation.

PAS, a defensive legal strategy?

In custody disputes, to alleviate the responsibility of a parent accused of abuse, or to obtain a change of custody, PAS is sometimes invoked in court. However, as described above, this concept is controversial both scientifically and legally. While some parents or their lawyers use it as a defense strategy, many professionals question its validity. Faced with these controversies and the lack of scientific validity of PAS, judges are frequently cautious, relying on other evidence (e.g., witness statements, trials, complaints) before basing their decisions in these family disputes.

In Canada, in their study, Lapierre et al. (2020) show that the term parental alienation is legitimized and institutionalized in Quebec in the services of the Family Court and Child Protection. Côté and Lapierre (2021) highlight that the discourse of parental alienation contributes to the invisibilization of male violence, and to invalidating, obscuring, and denying the statements and concerns expressed by women and children in the face of male violence, by labeling women who denounce the violent behavior of their partner or ex-partner as alienating. The mobilization of

parental alienation leads to the child's interest taking a back seat to the father's interest. In this sense, Sheehy and Boyd (2020) point out that in Canadian custody cases where parental alienation has been raised, judges are more likely to focus on alienating behavior than on domestic violence when determining custody and access.

In New Zealand and Australia, parental alienation is also legitimized. A New Zealand association carried out a study with women victims of domestic violence, and 83% of them said that when there was a custody dispute, their experiences victimization were downplayed or dismissed (The Backbone Collective, 2017). In 43% of cases, parental alienation was invoked by fathers. These findings indicated that the approach of some professionals is underpinned by the prevailing idea that women are lying or exaggerating their experiences of violence and abuse, that they have psychiatric disorders and/or that they are trying to get back at their ex-partner by refusing contact and custody arrangements. Mackenzie et al. (2020) argue that the use of parental alienation by the New Zealand Family Court undermines the rights and best interests of children. In France, Prigent and Sueur (2020) see parental alienation as a strategy for concealing violence. According to the authors, parental alienation also lends credibility to misogynistic stereotypes, with the result that victims' voices are not taken seriously. Spain is currently the only country to have formally prohibited the use of the concept of parental alienation (United Nations Human Rights Council, 2023).

What are the proposals for professionals?

If the concept of parental alienation continues to generate discussion, criticism and reflection, the same is true of the interventions to be proposed to help families caught up in conflict dynamics. Indeed, according to the literature, interventions are positioned on a continuum ranging from a punitive stance (Gardner, 1998a) to a systemic position (Johnston et al., 2001), via mediation (Vestal, 1999) and counseling (Ellis, 2005). In the light of their professional experience, some experts have expressed their opinion on this issue, arguing that psychosocial interventions should be carried out in close conjunction with the justice system, since courts have the power to impose an obligation on parents to comply with an order (Kelly & Johnston, 2001; Sullivan, 2001). At one extreme of this continuum, Gardner (1998b) considers it detrimental to leave the child in the presence of the parent considered "*alienating*", and advocates that custody of the child be given to the parent considered "*alienated*". Conversely, other authors, such as Stahl (1999) or Bauserman (2002) recommend shared custody. In the systemic position, the authors argue that the child should not be separated from either parent, unless necessary (Johnston et al., 2001). This position is also defended by the Convention on the Rights of the Child.

Indeed, the preamble to the International Convention on the Rights of the Child (1989), which entered into force in Switzerland on 26 March 1997, recognizes "*that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding*"

More specifically, Article 9 specifies that:

" States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents [...].

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests."

This desire not to cut children off from their two filial branches is advocated by several authors (e.g., Courtois, 2008; Delfieu, 2005). Goudard (2012, p. 24) also points out that "*children need both parents to grow up. An alienated child becomes a voluntary orphan in order to survive and learn to live in self-negation. In the short term, this is the least costly scenario in terms of psychic energy and suffering for the child, but in the long term, it's a catastrophe for the construction of the child's identity [...].*"

A systematic review of the literature (Templer et al., 2017), aimed at establishing an overview of the best existing practices to reduce the consequences of family dysfunction between parents and

children, finds that it is the interaction between legal and therapeutic care that generally improves family dynamics. The authors also note that none of the studies included in their systematic literature review recommends waiting for these dysfunctions to resolve spontaneously, or letting the child decide on custody or visitation arrangements. Such a postulate thus promotes the idea that a child cannot be cut off from a filial branch, even if the child argues that they no longer wish contact with one of his or her parents. Templer et al. (2017) further note that leaving the child in the care of the parent considered “*alienating*” appears to be the route to the continuation, or even worsening, of the dysfunctional process, leading to negative psychological or social manifestations for the child, such as major depressive disorders, low self-esteem and insecure attachment styles in adulthood (Ben-Ami & Baker, 2012). Furthermore, Reay (2015) observes that separating a child from a parent considered “*alienating*” is not detrimental. “*These findings are consistent with previous literature suggesting that courts should implement strict visitation schedules, changes in custody to the targeted parent or changes in child and target parent access arrangements*” (Templer et al., 2017, p. 116), while offering the family therapeutic programs with a systemic focus (e.g., Friedlander & Walters, 2010; Warshak, 2001). However, it is difficult to strike a balance between respect for the child and his or her voice, and the need to protect him or her.

When proposing a measure based on a legal-therapeutic approach, expert psychologists or child psychiatrists should offer a detailed analysis of the situation and of the relational movements taking place within the family, with a view to putting forward relevant suggestions and proposals to guide the judicial decision, in the best interests of the child. PAS reduces this analysis and locks behaviors and dynamics into a “*psychiatric diagnosis*”, without considering a systemic reading of family relationships. Beyond a term, a diagnosis or a syndrome, the aim is to observe and account for family dynamics and the conflicts of loyalty that can emerge between parents and children. This avoids reducing a relational system to a dichotomous reading opposing an alienated parent to an alienating parent, which is contrary to the child’s best interests (Templer et al., 2017).

5. Authors’ Personal Statement

In our opinion, there is no single answer to this multifactorial problem, as each family has its own specificities and (dys)functioning. Beyond the controversies surrounding the definition of the term and concept of parental alienation, its contours and even its existence, the importance ultimately lies in the ability of the legal psychologist or child psychiatrist to apprehend the phenomenon on a case-by-case basis, in its wholeness, to assess the interactions and quality of family relationships, to grasp the dynamics between each of the members, to highlight family (dys)functioning, and to be able to report in a sufficiently precise and nuanced way to the competent judicial authority. For while the suffering resulting from this dysfunction in the father-mother-child triad is a reality experienced by the various family members, “*systematizing recourse* [to the notion of parental alienation] *may be a drift*” (Goudard, 2012, p. 20) or a reductive reading of the complexity of a family dynamic in distress.

Parental alienation is an umbrella term frequently employed to describe a heterogeneous set of complex and conflictual family situations encountered in both clinical and judicial contexts. These contexts are frequently characterized by intense loyalty conflicts experienced by the child. The underlying family dynamics are typically multifactorial, fluid, and not always readily distinguishable, leading to uncertainty in the understanding and interpretation of relational processes. Consequently, professionals within the child protection system, the judicial sphere, and healthcare services may become involved and confronted with the need to designate these situations using a shared terminology. However, it also raises important conceptual and practical questions regarding the appropriateness, limits, and implications of the terms used by child protection agencies, judicial authorities, and child psychiatry experts when addressing situations observed by both families and the justice system.

In view of the various criticisms of parental alienation presented in this work, and in line with the position of the *General Directorate for Children and Youth of the State of Vaud*, at Lausanne University Hospital, child psychiatry experts do not use this term in their work with minors and their families.

Supported by empirical and clinical observations and scientific literature, the concepts of loyalty conflict or divided loyalty are often preferred, as they allow for the description of certain aspects of family dynamics within a broader conflictual context, without presupposing a unidirectional causal process or a fixed diagnostic category.

6. Conclusions

Children exposed to domestic violence are subjected to a form of emotional abuse, given its impact on their psycho-affective, cognitive and relational development. Within a family torn apart, coalitions and/or ruptures often emerge between one of the parents and the child. A new dynamic is established, leading to dysfunction in the father-mother-child triad. Over time, the child may take sides with one parent, often the most vulnerable or fragile in his or her eyes. The child then finds themselves plunged into a process of cleavage that cuts him off from all intersubjectivity, causing identity rifts, at a time of life when he is trying to build his identity.

Although PAS does not seem to constitute a psychiatric entity and is not included in international classifications of mental disorders, the concept is often brandished by the parent(s) as an indictment of the other party, a term which regularly finds its way into the courts. Today, there is still much debate and controversy as to the definition of parental alienation, and the numerous criticisms levelled at PAS have prompted international organizations and those specializing in violence, women's and men's rights and child protection to reject the notion of parental alienation. According to these organizations, the priority is always to protect the best interests of the child, and the concept of parental alienation flouts this. While many other terms have now emerged to refer to parental alienation, such as "parental manipulation", "controlling relationship", "child exposed to parental relational distress", "impeding contact", "parental conditioning" or "alienating behavior", this article reminds us to treat and consider them with caution.

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