

Pathologies of Separation: Family Chopping, Parental Mobbing, Parental Alienation Syndrome

Rossella Marzullo

*Senior Researcher qualified as Associate Professor, Mediterranea University,
Department of Law, Economy, and Humanistic Studies, Italy
rmarzullo73@gmail.com*

ABSTRACT: Separation, even in the hypothesis where it unfolds on a non-conflictual basis, creates a serious *vulnus* in the life of an individual and in his family history, because it generates an empty space in the sphere of the identity of each partner, built over time within of the relationship. In union dissolution, as well as in adolescence, people are passed through by feelings of loss and disorientation that are overcome only when they are able to process them and reintegrate them into the new identity. The separative experience is therefore an experience of crisis that, if is managed in the persistence of the conflict, can have a very negative impact on the psycho-physical well-being of the children. Some authors have highlighted that post-separation conflict has worse effects on children than that which precedes separation, since the former presents itself as a destructive conflict, characterized by hostility, aggression and negative feelings and is resolved less frequently, putting more the adaptive capacity of minors to their new condition as children of separated parents is at risk.

KEYWORDS: separation, conflict, pathological relationship, children prejudice

Introduction

Separation, even in the hypothesis in which it unfolds on a non-conflictual basis, still creates a serious *vulnus* in the life of an individual and in his family history, because it generates an empty space in the sphere of the identity of each partner, built over time at the internal relationship.

Separation does not only mean having to distance oneself from the person with whom one has shared part of one's life, but it is also "an opportunity for separation-dismemberment of oneself with respect to one's own history and family belonging" (Cigoli 1997).

This is a source of frustration, of anguish for the loss of important ties, as a result of which a redefinition of one's self is required, undermined by the disavowal of roles and identities connected to married and family life.

It is a process of redefinition similar to that experienced in adolescence, where, as Erickson points out, the question is "who am I now?". In union dissolution, as well as in adolescence, people are passed through by feelings of loss and disorientation that are overcome only when they are able to process them and reintegrate them into the new identity.

The separative experience is therefore an experience of crisis, also in the etymological sense that the word expresses. Deriving from the Greek κρίσις (separation, sorting and in the broad sense judgment), the crisis refers to a moment of choice, of strong decision that inevitably triggers a process of disorganization and a sense of loss.

"There is a great, misunderstood sense of death in the experience of separation. Death of an essential part of oneself that each one, with sometimes unsuspected seriousness, had projected not so much or only into the partner and children but into the overall life plan that they embody. Starting a family, no matter what people say, is still a terribly serious thing" (Bernardini 1996).

According to the cyclical theory of mourning (Emery 1998), the process of elaboration of loss, rather than being crossed by phases that follow one another in an orderly way one after the other, manifests itself through emotional oscillations, which occur repeatedly and are renewed at constant time intervals.

According to this approach, the main feelings that appear cyclically are: love, understood as the hope of getting back together, concerns for each other and nostalgia; anger, manifested through resentment, frustration and anger towards the other; and finally, the sense of loneliness and sadness, which is expressed through depression and the sense of despair.

The scientific literature (Bohannon 1970) observes that, in the period of time necessary to rework the separation from the other (but above all from oneself), a series of reworking processes unfold that can take very different times for their completion.

Studies carried out on separation have shown that in the early years the conflict between former spouses is on average quite high, so much so that more than two thirds of couples who separate need the support of experts to mitigate the conflict and find an organization of adequate life (Johnston, Campbell, and Tall 1985; Furstenberg and Cherlin 1991; Davies 1994; Cummings and Davies 2002).

After the first two years, however, there is a lowering of the percentage of conflicts, in fact the data show that only 10-25% of couples persist in the opposition linked to separation (Maccoby and Mnookin 1992).

The persistence and extent of conflict after separation are related to the characteristics that conflict had during marriage: couples who experienced the highest levels of conflict during marriage are those who most frequently continue to implement the same dynamics conflictual even after separation and even many years after the separative choice, making the behavioral sequences highly predictable (Fincham 2003), since they are dominated by a series of attitudes, now rooted and introjected, which at the same time make it difficult to interruption and simple prediction in their way of manifesting themselves.

A typical pattern of behavior is that whereby one partner exerts pressure on the other by constantly criticizing him, while the other partner takes a defensive and passive attitude, according to a paradigm that pre-existed the separation and that flows into it.

Therefore, the pre-existing conflict continues even after the separation of the two partners, although there may be differences with respect to content, intensity and frequency (Buchanan and Heiges 2001).

The data relating to the content profile of the discussions show that after the separation, the most frequent reasons for confrontation concern economic issues (maintenance allowance, division of extraordinary expenses) and property (assignment of the marital home and any other assets, division of inheritances, etc.), issues relating to the custody and visitation regime of minors and the emotional and relational life of the ex-partner (Hetherington, Cox, and Cox 1976).

As for the differences recorded in relation to the intensity, although the empirical research on the subject is still limited, it can be hypothesized on the basis of the first data that the conflict between the ex-spouses presents a greater intensity and an emotional-aggressive charge after separation, probably because the never-extinguished reasons of the conflict that arose during the marriage found in the separation an amplification factor that acts by increasing the intensity of the opposition.

Conflict after separation

After separation, the way in which the conflict is expressed changes. It often happens that separated parents use more provocative forms of communication that are channelled into an escalation of symmetrical and reciprocal accusations. In these cases, it is more difficult to reach shareable compromise solutions, as the ex-spouses use destructive and ineffective techniques to resolve the conflict.

It can be deduced that, immediately after the separation, the children could be exposed to very high levels of conflict between their parents, with very significant repercussions on their psycho-physical well-being.

Some authors have highlighted that the post-separation conflict has worse effects on children than the one that precedes separation (Papp, Cummings, and Goeke-Morey 2002), since the former presents itself as a destructive conflict, characterized by hostility, aggression and negative feelings and is resolved less frequently, putting the adaptive capacity of minors at greater risk to their new condition as children of separated parents.

It should also be noted that the marital conflict after separation lasts longer, is more intense, the topics of discussion are mainly related to children and is strongly rooted in the former partners. These characteristics inevitably represent a higher risk factor for the adaptation of children, who can become more sensitive to conflict as a system of relationship with the other, having experienced a conflict that has never or almost never resulted in peaceful solutions.

When the spouses are unable to process the separation, it happens that these continue to maintain, through the conflict, a "desperate bond" (Cigoli, Galimberti, and Mombelli 1988), which dramatically compromises the parental functions, making the parenting is one of the areas in which couple conflict occurs most often, with a consequent increase in stress for children (Lubrano Lavadera 2011).

The persistence of conflict and dysfunctional relationships between parents influence the quality of life and adaptation of minors, because they are involved in painful dynamics where they are forced to take part active in parental conflict (Cavedon and Magro 2010).

The separation of the couple must not and cannot compromise the parental function which remains unaltered if the boundaries between the marital roles and the parental roles are well defined. Some scholars (Malagoli Togliatti, Lubrano Lavadera, and Modesti 2000), have highlighted that when these boundaries are confused and lost, pathological alliances can develop, terribly harmful for minors, already tried by separation as a traumatic event in itself.

Among the pathological alliances, for example, the so-called triangulation, which occurs when a child is forced to choose between the two contending parents. Or there is a deviation, which sees the child busy drawing the attention of parents to himself through symptomatic manifestations. That is, coalition can also occur, which is implemented through the alliance of the child with one parent against the other.

In highly conflictual separations it is possible to find another dysfunctional relational dynamic capable of undermining the healthy adaptation of minors, i.e. parenting (Johnston, Gonzalez, and Campbell 1987), consisting in the role reversal with one or the other parent (Cavedon and Magro 2010). This implies a subjective distortion of the relationship, whereby the person who acts it relates to his child as if he/she were, on a phantasmatic level, his own parent.

The role reversal thus becomes instrumental for the parent who intends to satisfy desires for possession, suppress the feeling of loss of the partner and mitigate the resulting loneliness linked to separation.

No less important in this dynamic are the relative feelings of guilt and failure given by the unrealistic ideality of the initial premises: premises and promises not kept by the other, often accused of having made the initial love die with his behavior inappropriate and malicious (Malagoli Togliatti, and Lubrano Lavadera 2005). When parenting persists over time, it risks becoming a form of emotional 'exploitation' of the child, who is placed in a "double bind" condition.

Naturally, in the hypothesis in which children are exposed to such risks (and the phenomenon is unfortunately on a worrying increase), the intervention of the competent bodies must be invoked without a doubt, otherwise the possibility that the child may even irreversibly alter his psychic balance is very high.

Minor involved in coalitions or triangulations, on the other hand, experiences strong conflicts of loyalty due to the feeling of being contested and, according to many researchers, it is precisely this condition that mediates the effect of the conflict on the adaptation of the minor himself (Buchanan, Maccoby, and Dornbusch 1996).

It often happens that the child agrees to ally with a parent because he sees him as more powerful, or because he feels rejected by the other, or because he fears of being abandoned.

The impact of such conduct on the psychic level is devastating. We witness the appearance of feelings of guilt or anguish of abandonment due to the loss of the "rejected" parent, processes of early adultization, depressive experiences and difficulties in disengagement during adolescence are triggered.

Ultimately, the persistence of the conflict between the ex-spouses exposes the minor to a high risk of maladjustment on an emotional and behavioral level, as he is more likely to be involved or involved (more or less consciously), in dysfunctional relational processes for his psychic development.

Family chopping

The conflicting nature of the separation triggers a mechanism of mutual accusations between the ex-partners, which in most cases results in the initiation of a judicial process in which it is customary to exhibit evidence of responsibility and parental inadequacy of the former spouse towards the other.

Thus, the emotional relationship loses its character of intimacy and is made public, conversations are often recorded, the real root of the physical and psychological malaise of the children is ignored or denied who, against every principle of child protection and in a sort of perverse heterogenesis of ends, it becomes a pretext to contact the local services, the police, the emergency room of the hospitals, to ask for not care or treatment, but reports to be brought to trial as proof (Monaco, Viola, and Marinucci 2000).

Conflicting couples can remain entangled in an implacable hatred for an indefinite time, even for a lifetime, to the point of completely nullifying the original liberating intent on the other that the separation should have achieved.

The former partners trapped in this toxic bond remain pathologically close in a "deadly embrace" (Main 1966), which—as Salluzzo (2020) argues—"prevents them from finding the psychological opening to mentalize the past and the present, ending up losing confidence and the enthusiasm to fully envision a future life."

The expression Family chopping describes the alarming and growing phenomenon of judicial revenges carried out by former spouses. The use of legal conflict as a solution to family conflict is affirming itself in a worrying way, and—paradoxically—not only does it prove unsuitable for the purpose of resolving conflicts, but on the contrary, it generates a recurrence of family conflict to the point of worsening the already existing compromised situation.

Italian judicial system of conflict management, in fact, is not structured for taking charge of the nucleus in dissolution, nor supported by a network of territorial services for the support of parenting and minors tried by inadequate and prejudicial parental behavior, ending by nourishing the opposition rather than sedating it.

It follows that the problems of the couple in separation feed and feed themselves within the system which, on the other hand, would be entrusted with the institutional task of managing conflicts. The data relating to the persistence of the conflict even after starting and concluding the judicial process demonstrate the serious inadequacy of the system called upon to take charge of the dissolving family. The courtrooms often become the theater in which the hatred of the parties is staged taking over everything, rather than being the seat of election to settle disputes.

In this regard, some authors (Salluzzo 2004) speak of judicial acting out, recovering a concept deriving from Freud's theory of dynamic psychotherapies, which includes all impulsive behaviors or those characterized by repression or poor mentalization, aimed at improperly resolving a discomfort of a psychological nature.

"The subject genuinely believes he is adopting the most appropriate strategies to deal with the discomfort while, in reality, he is only endlessly perpetuating destructive and chronicizing behaviors of his own and others' discomfort. In this case, acting becomes an impediment to understanding the psychological nature of the problem. By doing so, the spouses can unthinkingly initiate—psychoanalysts would define it an "acting"—the separation and continue to conflict for years (sometimes lifelong) using the judicial system in a perverse way, as a stage where to represent their discomfort, in the illusory hope of a reparation for their sufferings" (Salluzzo 2004).

The violence of the relationship, after separation, can take on subtle and malign forms and is transferred to the often undiagnosed discomforts of the children, which can explode both in the short term and over time.

The system of separations and the management of dysfunctional and pathological family relationships entrusted to non-specialized lawyers and the civil sections of the ordinary courts ends up dehumanizing justice, lent to the blind hatred of the parties and the implacable desire for revenge.

The data show, in fact, that some distorted behaviors have found breeding ground precisely in the courtrooms, have gradually emerged in the flow of interaction on a legal level, therefore they are the result of it, they belong to that precise space of interaction.

It is necessary to become aware of these data and to understand that the current system not only does not work, but also increases the rate of conflict and, with it, its degenerative followers. Family conflict would have a completely different expression if it were manifested in state bodies appointed to take charge of the entire dysfunctional family unit from a systemic perspective.

Minors and the family cannot be treated like any file, nor can they represent a source of profit for lawyers who need to feed the litigation and not settle it in order to survive.

A possible solution would be to bring together all matters relating to the family and minors in a single separate judicial body, with internal mediation structures and experts and a supportive and effective network of services externally.

Parental Mobbing

The term mobbing, borrowed from ethology (Konrad 1963) and used in this branch of science to indicate the behavior of some animal species consisting in threateningly surrounding a member of the group in order to remove him, was borrowed from the German-Swedish researcher Leymann (1990), who was the first to theorize the existence of the same phenomenon in the workplace.

The term derives from the English verb to mob, which means "to assault, to storm"; in fact, for Leyman, bullying corresponds to an unethical and hostile communication addressed by one or more individuals, in a systematic manner, to a single victim, who, because of such behaviors, is pushed into a desperate and defenseless position.

This condition of subordination crystallizes over time due to the continuous mobbing actions that persist and are carried out over a prolonged period of time, causing very important psychological damage to the victim.

Based on the model of bullying investigated in the workplace, recent studies (Giordano 2005) have begun to export this paradigm also in the analysis of dysfunctional family relationships, thus introducing the concept of parental bullying.

According to Giordano's (2005) definition this phenomenon "consists of the adoption by a parent, separated or in the process of separation, of preordained aggressive behaviors or, in any case, aimed at preventing the other parent, through psychological terror, family, social and legal humiliation and discredit, the exercise of one's parenthood, debasing and destroying his relationship with his child, preventing him from expressing it socially and legally and interfering in his private life."

Parental bullying therefore emerges from the interaction between the profound conflict of the couple who separates and the system of the State institutions responsible for managing it. On the basis of indications contained in the Parental Mobbing Inventory (Giordano, Patrocchi, and Dimitri 2006), an empirical tool for evaluating the presence of a separative context with mobbing transaction, it is possible to divide mobbing behaviors into three macro-categories:

- 1) mobbing behaviors that affect the parent-child relationship;
- 2) mobbing behaviors that affect the social and legal expression of parenthood;
- 3) personal mobbing.

The conducts falling within the first macro-area aim to destroy the relationship between the mobbed parent and the child through conduct that experts define as "sabotage of acquaintances", or through a campaign of denigration.

The sabotage of dating is rooted in the stubborn action of the custodial parent who—systematically and deliberately—prevents the acquaintances between the child and the other parent, regardless of both the needs of the child and the rulings on the meetings coming from the judicial authorities.

In cases of medium or serious conflict, the minor, especially if at an early age, is not handed over to the non-custodial parent with trivial excuses or simply without explanation; or, in cases of more heated conflict, the refusal to leave the child with the other parent is manifested with screams and even serious accusations that demolish within the child's conscience the figure of the parent with whom he does not live.

In other cases, the parent must meet the children in degrading or humiliating situations: in the presence of relatives of the other parent or persons unlawfully in charge of supervising him, or in ways that strip him of any parental role.

Another form of sabotage of attendance that is frequently encountered in practice is that of the unilateral management of extracurricular activities by the custodial parent, who deliberately chooses—and without the knowledge of the former partner—to schedule such activities precisely on the days in which the other parent has the right of access.

A particularly serious type of obstacle to parent-child associations is relocation, that is to say the transfer of the minor with the custodial parent to a city or country whose distance from the other parent's home tends to seriously compromise or completely prevent the acquaintances.

The campaign of denigration, which is the other way in which parental bullying negatively affects the relationship between the child and the bullied parent, is often accompanied by threats and involves the use of a wide range of accusations presented across the board: son, to the entire friends and family network of the ex-couple, to the school and extracurricular environments frequented by the child and in court (typical reports of sexual abuse or ill-treatment against the minor, which almost automatically involve the suspension of attendance, which can only resume in a so-called "protected" environment, leading to a humiliating devaluation of the parental figure).

The main purpose pursued by the bullying parent is to destroy the figure of the other parent in the eyes of the child: he/she is spoken of badly to the child, his inadequacy and misconduct are pointed out to him; every aspect of the behavior and daily life of the bullied parent and of his relationship with the child is negatively characterized by verbal and non-verbal allusions and comments; gifts purchased by the mobbed parent are hidden, lost, despised; the child is convinced that he is ill if he meets the other parent; the figure of the new partner is exalted and the child is invited to call him "dad" or "mom".

The second macro-area, which includes mobbing behaviors that affect the social and legal expression of parenthood, refers to those conducts that aim to prevent the mobbed parent from exercising their parenting at a social and legal level.

This can take place either through marginalization from decision-making processes, or through a campaign of aggression and social and legal delegitimization.

In the first case, the non-custodial parent is prevented from participating in fundamental choices for the child's life (education, health, travel, etc.). For example, he knows only once the decisions have been made and the consequential obligations have been carried out, which school the child has been enrolled in, he is not informed who the teachers are, nor what the school hours are, nor does he know anything about school results of the child. Custodial parent even goes so far as to order the school staff not to let the other parent near the child and contacts with teachers are preceded by denigration campaigns against the other parent. In case of illness, the parent victim of bullying by the other is not warned and becomes aware of it only once the morbid event has already occurred and—sometimes—after it has already been resolved, with all this which entails on a psychological level for the child who does not feel the other parent at his side in a moment of difficulty.

In these cases, the non-custodial parent's exhaustion is explained by an alleged "defect", which would damage the psychic and physical balance of the minor: he is a "careless" parent or, on the contrary, "morbidly" attentive to his conditions of health.

In the case of the social and legal aggression and de-legitimization campaign, the bullying behaviors are aimed at destroying the social credibility of the mobbed parent and legally preventing him from exercising parenthood. The latter is unjustly accused of being an unreliable parent and of not contributing to the maintenance of the minor; becomes the subject of legal complaints and assaults (child abuse, parental inadequacy, violence and mistreatment in the family) without any real foundation; evidence against him/her is prefabricated; he is put in a bad light in the eyes of public operators in charge of following his case.

Finally, the third macro-area of parental bullying is what is called "personal bullying". These are mobbing methods based on the destructive intrusion into the private life of the mobbed parent and carried out with the specific intent of heavily damaging his relationships and his social and professional credibility.

This creates a climate of continuous tension (Giordano 2005), defined by experts as a state of "psychological terror" (Ege 1996), which constitutes the core of the mobbing experience: one is terrified of the idea that, without any warning, they are made impossible all contacts (including telephone) with their children; every ring of telephone or doorbell inspires the fear of a new fax, a new registered letter, a phone call from the lawyer or a visit who announce new attacks, new problems, new impediments, with the consequence of suffering a condition of permanent stress, such as to negatively affect the quality of life and the normal performance of daily activities.

Ultimately, the aim of the mobber parent is the expropriation of the parenthood of the other parent and in the extreme situations there are two possible outcomes: the contraction of what is called Parental Alienation Syndrome or the almost spontaneous exhaustion of the non-custodial parent from every aspect of the life of the child, who, overcome by the bullying of the mobber, commits the biggest mistake a parent can commit: he gives up and abandons his offspring.

In line with Giordano's thought (Giordano 2004), it is believed that it is "impossible to acknowledge that parental bullying in conflict of separation is a very serious social problem, capable of causing high human and social costs, and that it is absolutely necessary to equip oneself with prevention tools and adequate protection, modifying all those legislative and judicial devices that legitimize its expansion to any couple unable to manage their own conflict."

Parental Alienation Syndrome

The involvement of the minor that continues in the conflict between the two most significant adults in his life can result in the so-called P.A.S. (Parental Alienation Syndrome), resulting from

a very severe traumatic stress that manifests itself in the refusal of the relationship and meetings with the non-custodial parent.

The PAS, Parental Alienation Syndrome, widely described and analyzed by Gardner (1985) since the early 1980s has only recently become the subject of scientific investigation for psychology and pedagogy. It seems to manifest itself, in most cases, precisely in the context of conflicts arising from separations and consists in the refusal by the child towards the alienated parent.

Gardner (1985) defined the Syndrome as “a disorder that arises almost primarily in the context of custody disputes. Its main manifestation is the campaign of denigration directed against a parent, a campaign that has no justification: it is the result of the programming carried out by the indoctrinating parent and the personal contribution offered by the child to the denigration of the target parent.”

As is known, the issue of the Parental Alienation Syndrome is much debated, so much so that in the scientific literature, two opposing fronts have formed, one that proclaims its existence and one that denies it.

The deniers start from the assumption that in the DSM-5 (i.e., the Diagnostic and Statistical Manual of Mental Disorders) the term "parental alienation" with reference to the PAS (Parental Alienation Syndrome) or the PAD (Parental Alienation Disorder) is not explicitly reported, so that the phenomenon would be neither a syndrome nor a defined psychic disorder.

Bernet, Gregory, Reay, and Rohner (2017) and Guglielmo Gulotta, have clarified, after the publication of the new version of the Manual, that in fact the authors of the DSM-5 have however included the problem of the rejected parent in relational dysfunctions, while avoiding the use of the expression "parental alienation".

In its original formulation (Gardner 2002), the PAS would concern a child involved in parental conflict, generally in a context of separation and/or custody dispute, who manifests an aversion towards the so-called parent. "Alienated" or "excluded", induced by the other parent, is defined as "alienating" or "programmer".

There is no doubt that this distorted model of relationship constitutes a pathological bond, which consequently creates a dysfunctional relational circuit.

Therefore, beyond the inclusion or exclusion of this phenomenon in the most accredited classifications, there is a relational problem capable of affecting the psychic structure of all the members involved in the network of affective correspondences that can be qualified as a "family", which also remains after its disintegration.

Conclusions

The question of the serious compromise of the relationship between the alienated parent and the child also opens up the further question of the infringement of the right to dual parenthood, which is a right of children, not of adults.

The importance of the right to dual parenthood proclaimed by art. 24 of the Nice Charter and by art. 9 of the New York Convention on the rights of the child—is also confirmed by the ECHR (ECHR ruling no. 25704 of 9 January 2013—Law against the Italian Republic) that, in a ruling relating part of a father, has ascribed to the Italian State the responsibility of having violated art.8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as the prosecuting judicial authority, in the face of obstacles posed by foster mother and by the minor daughter herself to the father to effectively and continuously exercise the right of visit, had not undertaken to implement all the measures necessary to maintain the family bond between father and minor daughter, through a concrete and effective exercise access rights in the context of a legal separation between parents.

In particular—according to the European judges—the Italian authorities had limited themselves repeatedly and with stereotyped formulas to confirming their measures, as well as prescribing the intervention of the social services, which were requested from time to time information and delegated a generic control function, thus resulting in the consolidation of a factual situation which is prejudicial for the father, while they should have quickly adopted specific measures to restore the collaboration between the parents and the relations between the father and the daughter, also making use of the mediation of social services.

In the event of conflictual personal separation between spouses—the ECHR warns—the custody of the minor child implies an effective and concrete right of visit of the non-resident parent. The absence of collaboration between the conflicting parents and, sometimes, the hostile attitude that the collocating parent opposes to the other parent, which translates into a real obstacle to attendance between them and the child, involves a serious violation of the law of the latter to respect for family life and does not release the national authorities from the obligation to seek every effective means in order to guarantee the right of the minor to attend both parents adequately and promptly.

It must be said, then, that in the event of high conflict between former partners, it also happens that the jurisprudence anchors the possible subsistence of the minor of the so-called PAS, that is, the parental alienation syndrome, because the data that matters for the jurisprudence of legitimacy and for part of the merit is the concrete examination of parental behaviors suitable for depriving a child of his rights, including that of dual parenthood.

Therefore, regardless of the abstract judgment on the scientific validity or invalidity of the PAS, in the matter of custody of minor children, if a parent denounces the behavior of the other parent, custodian or tenant, of moral and material separation of the child from himself, for the purposes of modification of the methods of assignment, the trial judge is required to ascertain the truthfulness of the aforementioned behaviors, using the common means of proof, taking into account that the ability to preserve the continuity of parental relationships with the other parent, to protect the child's right to dual parenthood and balanced and serene growth.

Evidence of conduct aimed at hindering or not favoring the cultivation of the emotional relationship with the other parent is therefore sufficient to consider the right to two-parenthood violated, which fully falls under the category of so-called damage-event, from which the consequent compensation pronounced in favor of the subjects who have suffered the negative effects of the aforementioned unlawful behavior can well follow.

The jurisprudence of merit is full of decisions in favor of compensating the damage to the person caused by the family member guilty of having engaged in oppressive conduct to the detriment of the other spouse or child.

In these cases, the good protected by the legal system is not only the person as such, but his formation within the family, because family obligations are not only socio-moral constraints, but specific juridical commitments, whose violation cannot fail to produce consequences.

On the other hand, there is no reason not to compensate such prejudices, if not at the cost of an unjustified and illegitimate compression of fundamental rights, relating to the development of the individual both as an individual and in the social formations in which he lives, including family.

Values such as health, family solidarity, freedom (obviously also that of cultivating emotional relationships) determine the emergence in the family of penetrating obligations of protection for certain subjects (for example for parents with respect to children), violation of which is a potential source of non-pecuniary damage, qualifying as unfair, and therefore—for this reason—compensable.

References

- Bernardini, I. 1996. *Finché vita non ci separi. Quando il matrimonio finisce: genitori e figli alla ricerca di una serenità possibile*. Milano: Rizzoli.
- Bernet, W., Gregory, N., Reay, K.M., and Rohner, R.P. 2017. "An Objective Measure of Splitting in Parental Alienation: The Parental Acceptance-Rejection Questionnaire." *Journal of Forensic Science*. Onlinelibrary.wiley.com.
- Bohannon, P. 1970. *Divorce and after: an analysis of the emotional and social problems of divorce*. New York: Garden City.
- Buchanan, C.M., and Heiges, K.L. 2001. "When conflict continues after the marriage ends: effects of post-divorce conflict on children." In J. Grych e F. Fincham (Eds.), *Interparental conflict and child development: theory, research and application*, pp. 337-362. Cambridge: Cambridge University Press.
- Buchanan, C.M., Maccoby, E.E., and Dornbusch, S.M. 1996. *Adolescents after divorce*. Cambridge: M.A., Harvard University Press.
- Cavedon, A., and Magro, T. 2010. *Dalla separazione all'alienazione parentale. Come giungere a una valutazione peritale*. Milano: Franco Angeli.
- Cigoli, V., Galimberti C., and Mombelli M. 1988. *Il legame disperante. Il divorzio come dramma di genitori e figli*. Milano: Raffaello Cortina editore.
- Cigoli, V. 1997. *Intrecci familiari. Realtà interiore e scenario relazionale*, Milano: Raffaello Cortina.
- Cummings, E.M., and Davies, P.T. 1994. *Children and marital conflict*. New York: Guilford.
- Cummings, E.M., and Davies, P.T. 2002. "Effects of marital conflict on children: recent advances and emerging themes in process-oriented research." *Journal of Child Psychology and Psychiatry* 43 (1): 31-63.
- Ege, H. 1996. *Mobbing, Che cos'è il terrore psicologico sul posto di lavoro*. Bologna: Pitagora.
- Emery, R. 1998. *Il divorzio. Rinegoziare le relazioni familiari*, Milano: Franco Angeli.
- Fincham, F. D. 2003. "Marital conflict: correlates, structure and context." *Current Direction in Psychological Science* 12: 23-27.
- Furstenberg, F.F., and Cherlin, A.J. 1991. *Divided families: what happens to children when parents part*. Cambridge: MA. Harvard University Press.
- Gardner, R. A. 1985. *Recent trends in divorce and custody litigation*, The Academy Forum, 29, 3.
- Gardner, R. A. 2002. "The Empowerment of Children in the Development of Parental Alienation Syndrome." *The American Journal of Forensic Psychology* 20(2):5-29.
- Giordano, G. 2004. *Conflittualità nella separazione genitoriale: il mobbing genitoriale*. AIGP Newsletter Associazione Italiana di Psicologia Giuridica, 17 (3).
- Giordano, G. 2005. "Verso uno studio delle "transazioni mobbizanti": il mobbing genitoriale e la sua classificazione." *Psychomedia.it*. <http://www.psychomedia.it/pm/grpind/separ/giordano1.htm>.
- Giordano, G., Patrocchi, R., Dimitri, G. 2006. "La Sindrome di Alienazione Genitoriale." *Psychomedia.it*. <http://www.psychomedia.it/pm/grpind/separ/giordano2.htm>.
- Hetherington, E.M., Cox, M., and Cox. R. 1976. "Divorced fathers." *Family Coordinator* 25: 417-428.
- Johnston, J.R., Campbell, L.E., Tall, M. 1985. "Impasses to the resolution of custody and visitation disputes." *American Journal of Orthopsychiatry* 55: 112-129.
- Johnston, J.R., Gonzalez R., and Campbell L.E. 1987. "Ongoing post-divorce conflict and child disturbance." *Journal of Abnormal Child Psychology* 15: 493-509.
- Konrad, L. 1963. *Das sogenannte boese. Zur Naturgeschichte der Aggression*. Wien: Methuen Publishing.
- Leymann, H. 1990. "Mobbing and psychological terror at work place." *Violence and Victims*, Vol. 5, No. 2. New York: Springer Publishing Company.
- Lubrano Lavadera, A. 2011. "Ascoltare il minore: comprendere le dinamiche relazionali e familiari." In Malagoli Togliatti M., Lubrano Lavadera A, *Bambini in tribunale. L'ascolto dei figli "contesi"*. Milano: Raffaello Cortina Editore.
- Maccoby, E.E., and Mnookin, R.H. 1992. *Dividing the child*, Cambridge: MA. Harvard University Press.
- Main, T. 1966. *Una teoria sul matrimonio e le sue applicazioni pratiche*, Interazioni, 1.
- Malagoli Togliatti, M., and Lubrano Lavadera, A. 2005. "La sindrome di alienazione genitoriale (PAS): epigenesi relazionale, Focus monotematico." *Maltrattamento e abuso all'infanzia*, 3, 2005: 7-12.
- Malagoli Togliatti, M., Lubrano Lavadera, and A., Modesti, G. 2000. "Fattori di rischio e di protezione per i figli dei separati." In *Cittadini in Crescita*, n. 1/2000.
- Monaco, W., Viola, S., and Marinucci, S. 2000. "Conflittualità genitoriale e rischio di abuso psicologico." in *Riv. Maltrattamento e abuso all'infanzia*, Fasc. 1. Milano: FrancoAngeli.
- Papp, L.M., Cummings, E.M., and Goetze-Morey, M.C. 2002. "Marital conflicts in the home when children are present versus absent." *Developmental Psychology* 38: 774-783.
- Salluzzo, M.A. 2004. "Psicopatologia nella separazione, divorzio e affidamento." *Attualità in Psicologia* 19, 221.
- Salluzzo, M.A. 2010. "Psicopatologia della separazione. L'acting out giudiziario." *Adiantum.it*. <http://www.adiantum.it/public/323-psicopatologia-della-separazione.-l%E2%80%99acting-out-giudiziario--di-m.a.-salluzzo.asp>.