

by Stephanie J. Dallam, RN, MSN, FNP, LNC

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Introduction

Richard A. Gardner, M.D., is a prominent forensic expert with an extensive career of evaluating children, especially during custody disputes between parents. He is considered a leading authority in the field and has been described as the "guru" of child custody evaluations (Quinn, 1991). Gardner has developed numerous theories and instruments on issues related to children and his work continues to serve as a basis for decisions affecting the welfare of children in courtrooms across the nation. In 1992, an article in *The National Law Journal* described Gardner "as one of the most prominent--some say dangerous--voices espousing the 'backlash' theory that there is an epidemic of vindictive women falsely accusing fathers of child sex abuse to gain leverage in child-custody disputes" (Sherman, 1993, p. 1). While Gardner's theories about mass sexual abuse hysteria have widely been criticized, his views on bona fide child sexual abuse and his treatment recommendations for working with incestuous families have largely been ignored. This article provides an in-depth exploration of Gardner's views on pedophilia and his therapeutic approach to working with families in which a child has been molested by a parent.

Gardner's Background

Gardner is a practicing child psychiatrist, adult psychoanalyst, and clinical professor of child psychiatry at the College of Physicians and Surgeons at Columbia University. He has authored more than 250 books and articles with advice directed towards mental health professionals, the legal community, divorcing adults and their children (Sherman, 1993, p. 45). Gardner's private publishing company, Creative Therapeutics, publishes his many books, cassettes, and videotapes. Gardner also has his own agent and maintains a website [1] which advertises his materials. Information available on Gardner's website indicates that he has been certified to testify as an expert in approximately 300 cases, both criminal and civil, in more than 24 states. Gardner typically testifies for the defense in child sexual abuse cases.

Gardner's Theory of Atypical Sexuality

"The younger the survival machine at the time sexual urges appear, the longer will be the span of procreative capacity ..."

Gardner (1992, pp. 18-32) has developed his own theory concerning the evolutionary benefits of deviant sexual practices or paraphilias. Gardner proposes that many different types of human sexual behavior, including pedophilia, sexual sadism, necrophilia (sex with corpses), zoophilia (sex with animals), coprophilia (sex involving defecation), klismaphilia (sex involving enemas), and urophilia (sex involving urinating), can be seen as having species survival value and thus do "not warrant being excluded from the list of the so-called natural forms of human sexual behavior." Such paraphilias may serve nature's purposes by their ability to enhance the general level of sexual excitement in society and thereby increase the likelihood that people will have sex, which then contributes to the survival of the species (Gardner, 1992, p. 20).

As part of his theory, Gardner (1992, pp. 24-5) proposes that pedophilia serves procreative purposes. Although the child will have become pregnant, a child who is drawn into sexual encounters at an early age is likely to become highly sexualized and thus will crave sexual experiences during the prepubertal years. Such a "charged up child" is more likely to transmit his or her genes in his or her progeny at an early age. Gardner (1992, pp. 24-5) states: "The younger the survival machine at the time sexual urges appear, the longer will be the span of procreative capacity, and the greater the likelihood the individual will create more survival machines in the next generation."

Gardner's Views on Pedophilia

"The sexually abused child is generally considered to be the victim," though the child may initiate sexual encounters by "seducing" the adult.

Despite Gardner's emphasis on false allegations of sexual abuse, he admits that genuine sexual abuse of children is widespread and that the vast majority ("probably over 95%") of all sex abuse allegations are valid (Gardner, 1991, p. 7, 140). In fact, Gardner (1992, p. 670) considers sexual activities between adults and children to be a universal phenomenon which exist to a significant degree in every culture in the world. Similarly, "intrafamilial pedophilia (that is, incest) is widespread and ... is probably an ancient tradition" (Gardner, 1991, p. 119).

Gardner (1991, p. 118) suggests that Western society's is "excessively moralistic and punitive" toward pedophiles. Gardner maintains that "the Draconian punishments meted out to pedophiles ... go far beyond what I consider to be the gravity of the crime." The current prohibition of sex between adults and children is an "overreaction" which Gardner traces to the Jews.

It is of interest that of all the ancient peoples it may very well be that the Jews were the only ones who were punitive toward pedophiles. ... Early Christian proscriptions against pedophilia appear to have been derived from the earlier teachings of the Jews, and our present overreaction to pedophilia represents an exaggeration of Judeo-Christian principles and is a significant factor operative in Western society's atypicality with regard to such activities (Gardner, 1992, pp. 46-7).

Gardner (1992, p. 15) states: "There is good reason to believe that, most if not all, children have the capacity to reach orgasm at the time they are born." In addition, some children experience "high sexual urges in early infancy" and "the normal [italics in original] child exhibits a wide variety of sexual fantasies and behaviors, many of which would be labeled as 'sick' or 'perverted' if exhibited by adults" (Gardner, 1991, p. 12). Gardner (1986, p. 93) notes that "the sexually abused child is generally considered to be the victim," though the child may initiate sexual encounters by "seducing" the adult. Gardner (1986, p. 93) suggests that if the sexual relationship is discovered, "the child is likely to fabricate so that the adult will be blamed for the initiation."

The view that pedophilia is a sickness and a crime is a reflection of Western society's present position on this subject. As a product of Western culture, Gardner (1992, p. 49) states: "I too have come to believe that sexual activity between an adult and a child is a reprehensible act. However, I do not believe that it is intrinsically so; in other societies and other times it may not be psychologically detrimental." "The determinant as to whether the experience will be traumatic is the social attitude toward these encounters" (Gardner 1992, pp. 670-1).

Gardner's Treatment Recommendations for Sexually Abused Children

Gardner (1991, p. 66) notes that he does not conduct therapy for sex abuse, unless he is "100 percent convinced that the abuse has indeed taken place." In addition, Gardner (1992, p. 535) states: "It is extremely important for therapists to appreciate that the child who has been genuinely abused may not need psychotherapeutic intervention" [italics in the original].

There is a whole continuum that must be considered here: from those children who were coerced and who gained no pleasure (and might even be considered to have been raped) to those who enjoyed immensely (with orgasmic responses) the sexual activities. (Gardner, 1992, p. 548).

Treatment is only warranted if the child is symptomatic in important areas of his or her life, such as in home, school or in relationships with peers (Gardner, 1992, p. 536). If treatment is needed, Gardner (1992, p. 536) recommends that a single therapist should be used and the whole family (including the perpetrator) should be included in the therapy. Gardner (1992, p. 528) warns against choosing a therapist who assumes that a sexual encounter between an adult and a child will necessarily cause the child to suffer severe psychiatric disturbances, as such a therapist will be "compromised in the treatment of these children."

Of relevance here is the belief by many of these therapists that a sexual encounter between an adult and a child--no matter how short, no matter how tender, loving, and non-painful--automatically and predictably must be psychologically traumatic to the child. (Gardner, 1992, pp. 670-1)

According to Gardner: "The determinant as to whether the experience will be traumatic is the social attitude toward these encounters" (Gardner, 1992, pp. 670). Although children should be protected from further abuse, Gardner (1992, p. 537) recommends that special care should be taken by the therapist to not alienate the child from the molesting parent. The removal of a pedophilic parent from the home "should only be seriously considered after all attempts at treatment of the pedophilia and rapprochement with the family have proven futile" (Gardner, 1991, p. 119). Even pedophiles who abuse children outside of the home should first be given the opportunity for community treatment. "If that fails then and only then should some kind of forced incarceration be considered" (Gardner, 1991, p. 119). Conversely, Gardner (1992, p. 590) notes that people who have exhibited an ongoing pattern of pedophilia are not likely to be cured, and that meaningful therapy cannot occur with either the child or the father if there is a high risk of recurrence.

Therapy with the Child

Gardner (1992, p. 535) views post-traumatic stress disorder (PTSD) as "nature's natural form of systemic desensitization." Gardner recommends that the mother be discouraged from involving herself with litigation [2] as "it will interfere with the natural desensitization process and will subject the child to a wide variety of interrogations that will inevitably be damaging" (Gardner, 1992, p. 577). Moreover, legal and psychiatric investigation of the trauma may cause more psychological damage to the child than that done by the abuse (Gardner, 1988, p. 75). The PTSD-desensitization process involves repetition of the trauma verbally, emotionally, and during fantasy play (Gardner, 1992, p. 532). The child becomes preoccupied with thoughts and feelings about the trauma. Each time the child relives the experience, it becomes a little more durable (Gardner, 1988, p. 75). Over time "the preoccupations diminish--often to the point where they may be entirely forgotten" (Gardner, 1992, p. 536). Eventually, the process may help the child to "bury the whole incident" (Gardner, 1988, p. 75). According to Gardner (1992, p. 536), the goal of therapy should be to "facilitate the desensitization process, not artificially prolong it" with psychotherapeutic "muckraking."

If the child feels guilt about participating in the sexual activities with adults, Gardner (1992, p. 549) recommends that the child be told that in other societies such behavior is considered normal and that our society has an exaggeratedly punitive and moralistic attitude about adult-child sexual encounters.

Older children may be helped to appreciate that sexual encounters between an adult and a child are not universally considered to be reprehensible acts. The child might be told about other societies in which such behavior was and is considered normal. The child might be helped to appreciate the wisdom of Shakespeare's Hamlet, who said, "Nothing's either good or bad, but thinking makes it so." (Gardner, 1992, p. 549)

Gardner notes that the child may exhibit strong sexual urges when the abuse discontinues. These children should be encouraged to masturbate (1992, pp. 580, 585).

Therapy with the Mother

"Perhaps she can be helped to appreciate that in the history of the world his behavior has probably been more common than the restrained behavior of those who do not sexually abuse their children."

Treatment for the mother should center around defusing her anger at her husband and helping her to become more sexually responsive to him.

If the mother has reacted to the abuse in a hysterical fashion, or used it as an excuse for a campaign of denigration of the father, then the therapist does well to try and "sober her up".... Her hysterics ... will contribute to the child's feeling that a heinous crime has been committed and will thereby lessen the likelihood of any kind of rapprochement with the father. One has to do everything possible to help her put the "crime" in proper perspective. She has to be helped to appreciate that in most societies in the history of the world, such behavior was ubiquitous, and this is still the case. (Gardner, 1992, pp. 576-7)

According to Gardner (1992, p. 584-5), mothers of sexual abuse victims are often passive, masochistic, social isolates who were often themselves sexually molested during childhood. As a result, residual anger toward her sexual molester may be interfering with her relationship with her husband. Gardner suggests that the therapist should help her to reduce such residual anger. Gardner (1992, p. 585) states: "Perhaps she can be helped to appreciate that in the history of the world his behavior has probably been more common than the restrained behavior of those who do not sexually abuse their children." In addition, the mother is likely to have sexual problems and may consciously or unconsciously sanction the abuse because of her own sexual inhibitions.

She may never have achieved an orgasm--in spite of the fact that she was sexually molested, in spite of the fact that she had many lovers, and in spite of the fact that she is now married. (Gardner, 1992, p. 585)

Gardner (1992, pp. 585) suggests that the therapist should help her achieve sexual gratification. Gardner notes that "verbal statements about the pleasures of orgasmic response are not likely to prove very useful. One has to encourage experiences, under proper situations of relaxation, which will enable her to achieve the goal of orgasmic response." Gardner (1992, p. 585) suggests that vibrators can be extremely useful in this regard, and "one must try to overcome any inhibition she may have with regard to their use." Gardner (1992, p. 585) states: "Her own diminished guilt over masturbation will make it easier for her to encourage the practice in her daughter, if this is warranted. And her increased sexuality may lessen the need for her husband to return to their daughter for sexual gratification."

Therapy with the Pedophilic Father

"He has to be helped to appreciate that, even today, [pedophilia] is a widespread and accepted practice among literally billions of people."

Gardner (1992, p. 588) does not believe in doing therapy with fathers who deny committing sexual molestation. If father desires treatment, the therapist should focus on enhancing his self-esteem. This is accomplished by helping him to appreciate that "there is a certain amount of pedophilia in all of us" and that "pedophilia has been considered the norm by the vast majority of individuals in the history of the world" (Gardner 1992, pp. 592-3).

He has to be helped to appreciate that, even today, it is a widespread and accepted practice among literally billions of people. He has to appreciate that in our Western society especially, we take a very punitive and moralistic attitude toward such inclinations.... He has had a certain amount of back (sic) luck with regard to the place and time he was born with regard to social attitudes toward pedophilia. (Gardner, 1992, p. 593)

In addition to feeling sorry for his own misfortune, the father should be helped to feel pity for the child for having been "a victim in a society that considers his [the father's] behavior a heinous crime and/or a mortal sin" (Gardner 1992, p. 592). If the father feels no guilt, then the therapeutic goal is to increase it. Gardner (1992, p. 594) notes that the father may rationalize that pedophilia is an ancient tradition, a worldwide practice, and that there is nothing at all to be guilty about.

Such fathers have to be helped to appreciate that although what they say on this point is true, this does not justify its practice in our [italics in original] society, even though our society overreacts to it. It is because our society overreacts to it that children suffer. (Gardner, 1992, p. 594-5)

Despite the molesting father's "bad luck" regarding the place and time he was born, he "must learn to control himself if he is to protect himself from the Draconian punishments meted out to those in our society who act out their pedophilic impulses" (Gardner 1992, p. 594). However, therapy with the father should not be spent focusing on the primary problem--sexual molestation. Instead, therapy should be spent "talking about other things" as the goal of therapy is "to help people forget about their problems" (Gardner, 1992, p. 592).

Case Example: The Girl and the Bus Driver

"... except for a certain amount of sexual frustration that was not gratified ... the 4-year-old had not been significantly traumatized by these encounters."

In his book, *True and False Accusations of Child Sex Abuse*, Gardner (1992, pp. 608-12) provides a case example of his treatment of a 4-year-old child ("Jane") who was the victim of extra-familial child sexual abuse. The driver had rearranged her route so that the little girl was the last child dropped off. Prior to taking the child home, the bus driver would park in an abandoned parking lot and sexually molest the child. The mother brought the situation to the attention of the school authorities and the bus driver reluctantly admitted that she had indeed molested the child. The school dismissed the driver. The mother sought Gardner's opinion on whether she should report the bus driver to the police.

Gardner strongly discouraged reporting the child molester to the police. (According to Gardner, this event happened in the late 1970s -- before mandated reporting.) Gardner states: "I discouraged the mother from doing so with the argument that the child would be subjected to a series of police investigations and might possibly be involved in a criminal trial. Although such reporting might be of some benefit to society, there was no question that Jane herself would be psychologically damaged. Furthermore, I told the mother that it would make it much more difficult for me to treat Jane because such exposures would interfere with the natural desensitization process, would be likely to enhance guilt, and would have other untoward psychological effects." The mother complied and the bus driver was not reported.

Gardner determined that the child had been molested at a frequency of two to three times a week over a period of two to three months. The bus driver would masturbate Jane, but not to orgasm. Gardner (1992, p. 612) concluded that "except for a certain amount of sexual frustration that was not gratified ... the 4-year-old had not been significantly traumatized by these encounters."

Comparison of Gardner's Views with Those of NAMBLA

The North American Man/Boy Love Association (NAMBLA) is a political, civil rights and educational organization that advocates sex between adult males and male children. Mary De Young (1989), associate professor of sociology at Grand Valley State University, outlined the arguments used by NAMBLA to justify, normalize, and/or rationalize sex between adults and children. NAMBLA members were found to utilize four major strategies: denial of injury; condemnation of the condemners; appeal to higher loyalties; and denial of the victim. Although literature by NAMBLA is not cited by Gardner, similar strategies are mirrored throughout his writings (See Figure 1).

Figure 1: How Gardner's Views Compare with Those of the North American Man/Boy Love Association (NAMBLA)

	NAMBLA	GARDNER
1. Denial of Injury		
		Redefines adult sexual behavior with children in positive terms. Contrary to popular belief, no injury or harm is incurred by children from engaging in sex with adults. Any harm that follows is due to the inappropriate and prejudicial reactions of ignorant people and society. (De Young, 1989).
		Sexual activities between adults and children are a universal phenomenon which may be part of the natural repertoire of human sexual activity. Such encounters are not necessarily traumatic; the determinant as to whether the experience will be traumatic is the social attitude toward these encounters. (Gardner, 1992, pp. 1-43; 1992, p. 525; 1992 pp. 670-71).
2. Condemnation of the Condemners		
		Redirects the condemnation and censure it has received from larger society back on the society itself. Thus, those who condemn sex between adults and children are characterized as hypocritical and deserving of condemnation themselves. Professionals in the field of child sexual abuse, criminal justice and mental health systems are mocked and accused of engaging in the same or even more victimizing or exploitative acts as those for which NAMBLA members are accused. The "protectors" of children are the real pervers, the real child abusers, who take advantage of the innocence and inexperience of children to spread guilt and fear of sex with adults. (De Young, 1988; 1989).
		Therapists and lawyers are motivated by a combination of money, sex and power to fuel a national sexual abuse hysteria. Professionals who do child sexual abuse evaluations are portrayed as poorly trained, ill-qualified, and incompetent people who ask leading questions and utilize coercive techniques which are likened to physical torture. Many unlicensed therapists are "charlatans, and/or psychopaths, and/or incompetents." Investigation of sexual abuse claim may cause greater damage than that done by the abuse. (Gardner, 1988, p. 75; 1991, p. 126; 1991, pp. 45-89; 1992, p. 526).
3. Appeal to Higher Loyalities		
		Normalizes pedophilia by insisting that the interests of a higher principle are being served. This higher principle is the liberation of children from what it characterizes as the repressive bonds of society. NAMBLA portrays itself as an organization that promotes the freedom of children to live and love as they please. (De Young, 1989).
		Gardner claims pedophilia is the norm in most cultures and our Western culture is excessively inhibited. Gardner believes that, in the history of the world, men who sexually abuse their children have "probably been more common than the restrained behavior of those who do not sexually abuse their children." Gardner theorizes that pedophilia is a natural phenomenon which may enhance the survival of the species. (Gardner, 1992, pp. 1-43; 585).
4. Denial of the Victim		
		The child is reconceptualized as having deserved or brought on the deviant behavior. Children are viewed as seducing adults and thus the responsibility of offending individuals for their behavior and its consequences is diminished. (De Young, 1989).
		"Normal children exhibit a wide variety of sexual fantasies and behaviors, many of which would be labeled as 'sick' or 'perverted' if exhibited by adults." Gardner believes that most children have the capacity to reach orgasm at the time they are born, and may develop strong sexual urges during the first few years of life and initiate sexual encounters with adults. "At the present time, the sexually abused child is generally considered to be the victim," though the child may initiate sexual encounters by "seducing" the adult. If the sexual relationship is discovered, "the child is likely to fabricate so that the adult will be blamed for the initiation." (Gardner, 1986, p. 93; 1992, p. 12; 1992, p.15).

Conclusion

Maverick expert exerts wide influence on custody cases

In February, Nathan Grieco, 16, of North Huntington was found dead in his bedroom, a belt around his neck. His death came after years of custody disputes between his mother, Karen Scott, and his father, Louis Grieco. The tragedy has raised the question of how courts should treat children who are caught between warring parents. It also has attracted attention because of the involvement of a nationally known, controversial psychiatrist.

When Louis Grieco decided in early 1996 to petition the Westmoreland County Court for full custody of his three sons, he turned for help to one of the most prominent -- and polarizing -- expert witnesses in American child-custody litigation.

Dr. Richard Gardner, a 67-year-old Columbia University psychiatrist, is highly influential in a very private corner of American jurisprudence -- family court, where the most vicious, intractable custody cases are fought behind closed doors, under court seal, only occasionally spilling out into the public domain.

These are the cases experts describe as "fated divorces" and where disputes drag on long after the marriage legally ends. Sometimes the disputes are over money, sometimes over control. Sometimes the cases involve a child who hates a parent, and won't go out on visits, and sometimes, although less frequently than most people believe, the cases involve allegations of sexual abuse.

No sexual abuse accusations were ever made in the Grieco-Scott custody battle, but when the three Grieco boys, Nathan, Justin and Patrick, refused to go on visits with their father, Louis Grieco asked Gardner to step in.

For lawyers representing parents -- mostly fathers -- who are accused of abuse in custody disputes, Gardner is a powerful witness. His resume is impressive. A clinical professor of child psychiatry at the College of Physicians and Surgeons at Columbia University, his early work on the impact of divorce on children has been described as "classic" and "creative."

Since the mid-1980s, however, his ideas about how to treat children in custody disputes have come under increasing criticism by mental health professionals for being scientifically unproven and biased against women.

Gardner also has come under fire for testifying in cases about people he hasn't interviewed, although that doesn't violate any ethical code. Forensic psychiatrists, unlike psychologists, are permitted under American Academy of Psychiatry and the Law guidelines to render opinions about an individual if, "after earnest effort," their attempts to have a personal, face-to-face interview are unsuccessful.

Most of the criticism of Gardner has been directed at a theory he calls "parental alienation syndrome."

He contends that in many divisive custody cases, a parent, usually the mother, inadvertently brainwashes a child into making false abuse allegations against the other parent, although he also claims that the syndrome exists only when "the parental programming is combined with the child's own scenarios of disparagement of the vilified parent."

"Although the mothers in these situations may have a variety of motivations for programming their children against their fathers, the most common one relates to the old saying: 'Hell hath no fury like a woman scorned,'" says Gardner in a 1987 book, "The Parental Alienation Syndrome and The Differentiation Between Fabricated and Genuine Sex Abuse."

And in a report filed in the Grieco case, Gardner noted that "PAS mothers have a way of finding therapists, almost invariably women, who reflexively join them in their campaign of denigration of the father ... (and) in some cases even join the mother's paranoid delusional system."

In some cases in which "fanatic" mothers want to limit or cut off visits to the father, he wrote, "I believe that the most important element in these children's therapy is immediate transfer by the court to the home of the so-called hated parent."

Gardner's parental alienation syndrome has been cited increasingly in contested divorces. In Texas, where juries hear civil custody cases, a mother's rights to her children were terminated in 1993 after a father, citing the syndrome, concluded she had coached her children into making claims of sexual abuse against the father. And in North Carolina, a 14-year-old girl was jailed for three days for refusing to visit her father. The judge in the case relied partly on a psychologist who said the girl was suffering from the syndrome.

Gardner's claims aren't based on standard research methods and haven't been verified in other scientific studies, several other experts have said.

Instead, he bases his theories on nearly 40 years of personal experience as a psychiatrist.

As a result, his articles on parental alienation syndrome rarely appear in mainstream medical publications, which require that such findings be reviewed by a panel of the author's colleagues. Instead, Gardner publishes his own books, videotapes and audiotapes, under the company name Creative Therapeutics.

He declined to be interviewed for this article.

"Most researchers in the field of mental health don't know who he is," said Pamela Ludolph, a psychologist and child abuse expert at the University of Michigan, "because we don't ever see his work in peer-reviewed journals. Most of his theories wouldn't ever get past a peer-review panel."

Still, there are plenty of mental health professionals who believe Gardner is onto something.

"It's been a very hot topic. I get lots of questions about it," said Arnold Sheinvald, a Mechanicsburg, Pa., psychologist who frequently testifies in custody cases and who has lectured on parental alienation at continuing legal education seminars for lawyers.

"Your husband is withholding the mortgage payment. What's the only thing you can withhold? The kids. That's where the kids become a power chip. Mom is in a weaker negotiating position. ... And if you look at the power dynamics of divorce, there are very few chips left except allegations of abuse of children."

Not only is Gardner's parental alienation syndrome hugely popular among certain divorce attorneys, his own testimony is avidly sought. In the high-priced, crowded and contentious field of expert witnesses, Gardner is a phenomenon unto himself. He estimates he has testified in person in at least 300 cases in 24 states, charging hundreds of dollars an hour in fees.

It is money well spent, some lawyers say.

"I think Gardner's science is spurious; nonetheless, it is useful," said Christopher Emley, a San Francisco lawyer and president of the California Chapter of the Association of Family and Conciliation Courts.

"I don't think there's a whole lot of harm in defense attorneys saying (the mother) is a parent alienator and she fits the items of the (Gardner) profile (of symptoms)."

When women make false abuse allegations, Emley says, Gardner's theory helps, because "in my experience, the judge needs to be nudged hard to see that she was being motivated and ulterior motives that are behind these abuse charges."

Others, though, say Gardner's prejudice against women undermines his theory.

His "McGehee bias infects the law and makes it a powerful tool to undermine credibility of women who allege child sexual abuse," said John E.B. Myers, a legal expert on child abuse at the Center for Science and Law in Sacramento, Calif.

For a time, in the late 1980s and early 1990s, Gardner was one of the most widely quoted experts on television and in print whenever a sex abuse scandal made headlines. When several prominent child molestation cases against day care workers collapsed in the 1980s, Gardner's opinion was eagerly sought by journalists. During the Woody Allen-Mia Farrow custody battle in the early 1990s, Gardner was quoted in *Newsweek*, *People* and on NBC's "Prime Time Live."

His thesis: The media was in the grip of a wave of mass sexual-abuse hysteria, fueled by vindictive women falsely accusing fathers or child-care workers of abuse.

And while his media presence seems to have faded somewhat in recent years, after news reports began raising questions about his theories, Gardner has remained busy, traveling the country and testifying in cases involving custody disputes, child molestation, and alienation murder.

In 1988, Gardner appeared in Maryland on behalf of Marc Friedlander, who was accused of shooting his wife during a drop-off of their children for visitation. Citing parental alienation syndrome, Gardner testified that Friedlander's wife Zitta had so frustrated and enraged him after 27 months of blocking visits with their children that he became "acutely psychotic and murdered his wife."

Friedlander should be found guilty of temporary insanity, Gardner said. A jury disagreed, and found him guilty of first degree murder.

Not all judges are impressed by Gardner.

While Judge John Driscoll of Westmoreland County Common Pleas Court relied partly on Gardner's theories in his ruling on the Grieco case, other judges have reacted unfavorably.

Jacqueline Silberman, who presides over New York state's matrimonial division, stated in a 1991 case that "for the record, I have never heard a worse hired gun in my life than Dr. Gardner," and then wondered "what he is doing at Columbia University."

Gardner, in a later court appearance, countered by calling Silberman "crazy."

Sol Gotthard, an appellate court judge for Louisiana's Fifth Circuit Court of Appeals, complains that too many judges don't bother to look into Gardner's record, relying on his resume instead.

"Too many judges making critical decisions relative to child custody do not have the slightest idea of how Dr. Richard Gardner has been thoroughly discredited by the professionals in this area, the social workers, psychiatrists, psychologists," the Gotthard said.

Michael McCurley, who is this year's president of the American Academy of Matrimonial Lawyers, has used Gardner as a witness several times, but believes "that his credibility has waned over the years." Still, he credits him for taking on the politically unpopular cause, particularly on the matter of child sex abuse allegations.

"There was a basic movement in this country that children never lie, and he was taking the position that allegations of sex abuse can be implanted in a child's mind, and no one wanted to hear that," McCurley said.

In five years, he said, the debate over Richard Gardner and other controversial experts may well be moot, because McCurley believes judges and juries are starting to get tired of dueling witnesses hired by the opposing parties.

What's important in any case are the facts, he said.

"If something has occurred, you don't have to put a special label on the truth," he said. "Don't strap a syndrome on it ... a fancy label does not the truth make."

Gardner's controversial stance on incest

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Many divorce lawyers and even some therapists who hire Dr. Richard Gardner, or rely on his "parental alienation syndrome," are unaware of his most controversial writings -- on how to deal with incest in families.

If a sexual abuse charge is made in a custody case, Gardner usually dismisses it as false. But if such a charge surfaces in an intact family, Gardner believes that most of the time, the incest allegation is true.

But Gardner also thinks that false accusations adults who have sex with children too harshly.

In his 1992 book, "True and False Accusations of Child Sex Abuse," Gardner writes that pedophilia -- adults having sexual relations with children -- "is a widespread and accepted practice among literally billions of people."

While sexual activity with children is "reprehensible" and exploitative, he noted in another book, "Sex Abuse Hysteria: Salem With Trials Revisited," Gardner goes on to say:

"What I am against is the excessively moralistic and punitive reaction that many members of our Society have toward pedophilia ... (going) far beyond what I consider to be the gravity of the crime."

Such cases aren't always as damaging to the child as some believe, he wrote. If anything, he claims, "legal process trauma" -- children being interviewed by police, lawyers and therapists -- often does more damage than the abuse itself.

Reporting the abuse and punishing the pedophilic parent shouldn't be the first response, he says. Rather, the focus should be on treatment.

Even then, Gardner believes testing is needed only if the child is having difficulties at home, in school, and with friends -- and the whole family should see the therapist, who should not assume that the content was damaging to the child.

Gardner also contends that while "the sexually abused child is generally considered to be the victim," children may sometimes "seduce" the adult into abusing them.

John E.B. Myers, a legal expert on child abuse evidence-gathering, said Gardner's attitudes were rooted in older views of incest and pedophilia.

Before the 1970s and the advent of child protection laws, sex researchers like Alfred Kinsey also said incest was not necessarily harmful. In many cases the mother was blamed for the problem: If she was frigid, hostile and unloving, it could drive the father to seek sexual satisfaction with the children, the theory went.

These days, most therapists and law enforcement officials take a much harder line toward child molestation. It's treated as a serious crime.

But Gardner has written that some judges and prosecutors who pursue such charges may be satisfying their own pedophilic urges.

Judges "may have repressed pedophilic impulses over which there is suppression, repression, and guilt. Inquiry into the details of the case provides voyeuristic and vicarious gratifications," he wrote in "Sex Abuse Hysteria."

In fact, Gardner says, "all of us have some pedophilia within us."