

“Irresponsible, incompetent, inadequate?” Narratives and Practices of Parenting in High-Conflict Divorces in Croatia

Tanja Bukovčan

Abstract: Approximately one-third of all the divorces (Turkat 1994, Whiteside 1998, Visser et al. 2017), the number of which is rising in most European countries, are defined as high-conflict divorces. Even though divorce conflicts are multidimensional, and several types should be distinguished (Johnston 1994), high-conflict divorces are generally characterized by prolonged lack of communication between partners, by child visitation interference and by different ways of emotional and psychological manipulation of children (Warshak 2008). According to the findings of several years' long qualitative research of conflict divorces in Croatia, there is little institutional and political support for parents caught up in high-conflict divorces. Institution representatives too frequently claim that the parents themselves are to blame, because they are 'irresponsible', 'incompetent', or inadequate parents. On the other hand, the parents, who report being the victims of high-conflict divorces, feel disempowered, helpless, bitter, and betrayed. This paper analyses those juxtaposed and conflicted narratives and practices in high-conflict divorces in order to reveal their context and potential rationale and tackles the question whether and in what way the pandemic of COVID-19 influenced post-divorce child visitation practices.

Key words: high-conflict divorces, Croatia, ethnography of parenting

Approximately one-third of all the divorces (Turkat 1994, Whiteside 1998, Visser et al. 2017) are defined as high-conflict divorces. The crude divorce rate in the EU has gradually increased from 0.8 per 1,000 persons in 1965 to 2 per 1,000 in 2017.¹ As the number of divorces has been steadily rising, the number of high-conflict divorces has been rising proportionally. The majority of divorces include some kind of conflict, and even though divorce-related conflicts are multidimensional most “include at least three important dimensions: *domain* dimension, referring to separation arrangements, *tactics* dimension, referring to the strategies of avoidance of the ex-partner, and *attitudinal* dimension, linked to negative emotions, covertly or overtly expressed” (cf. Johnston 1994). In high-conflict divorces one or more conflict dimensions are excessive, accentuated and present over a prolonged period of time, even years after the separation (Johnson 1994:167). Furthermore, high-conflict divorces are generally recognized as characterized by a lack of communication between the divorced parents or parents undergoing the process of divorce, by child visitation interference and by different ways of emotional and psychological manipulation (of children) (Warschak 2008). Such behaviours could be accompanied by different forms of direct and indirect violence.

Family violence is an extensively researched topic and ethnographies of divorce have become rather frequent since the 1990s (Kohler Riessman 1990, Simpson 1998, Hopper 1993). However, high-conflict divorces has remained at the margins of research interest. They are not as strikingly visible as family violence and there is little awareness among parents and families going through them as to what is going on. In most cases, high-conflict divorces are not permanent, however they can last for years which is an extremely long period for the children involved.

According to the findings of several years' long qualitative research of conflict divorces in Croatia, there is little institutional and political support for parents caught up in high-conflict divorces. Institution representatives too frequently claim that the parents themselves are to blame, because they are ‘irresponsible’, ‘incompetent’, or inadequate parents. On the other hand, the parents, who report being the victims of high-conflict divorces, feel disempowered, helpless, bitter and betrayed.

This paper analyses those juxtaposed and conflicted narratives about high-conflict divorces in order to reveal their context and potential rationale, discusses the implications of the changes in parenting culture in which parenting becomes medicalized and commodified and, finally, tackles the question whether and in what way the pandemic of COVID-19 has influenced post-divorce child visitation practices.

¹ https://ec.europa.eu/eurostat/statistics-explained/index.php/Marriage_and_divorce_statistics

Data, methodology and involvement

The presented data are part of my qualitative research conducted in Zagreb, the capital of Croatia (pop. approx. 1 million). The analysis covers in-depth interviews and the life histories of 22 individuals — 12 fathers, 9 mothers, and one grandmother— which formed a segment of my continual ethnographic research on divorces. Children were not included in the interviews because of the emotional nature of the topic of divorce, even though some were present in less formal settings and meetings. Also due to ethical considerations, the parents' accounts are presented here in short sentences and quotes linked to a specific topic or argument and not as full life stories, so as to avoid potential recognition of the situation and family involved, as was promised in advance to all the interviewees. For the purpose of writing this article, those 22 individuals were singled out from the larger research group of people since they were regularly attending meetings, round tables, informal gatherings, workshops, public protests, get-togethers, or pastime activities of three different non-governmental organizations². They were established respectively in 2008, 2014 and 2017 and all three were founded by the people who had had experience of a conflict divorce themselves, whether as partners/parents or members of the family in conflict, by two men and one woman. All three NGOs provide counselling, self-help group sessions, legal advice, they sometimes offer practical workshops for their members on how to deal with divorce conflicts, and frequently organize round tables where they invite the related institutions to discuss the most alarming issues concerning conflict divorces. In many cases when some political decisions were being made regarding family and divorce, such as the announced changes in the Family Act, they would organize public protests to warn the public of the problems of conflict divorces. Moreover, their pro-active politics enabled them to enter some of the related ministries, after repeatedly knocking on their doors, and even reach the President of the Republic of Croatia, twice, however, all that with mixed results. I was present on most of the meetings and the data collected in such a way also form a part of my analysis. I went to the meetings, but also to the protests and always accepted the calls to the television shows which discussed the related topics. To the best of my expertise, I participated in their efforts for improving Croatian legislation regarding high-conflict divorces and in raising public awareness on the dangers of such behaviours. Here again, the results are still not notable. From all the above, this research is deeply rooted in the contexts and practices of applied anthropology.

² <https://ravnopravno-roditeljstvo.com/>, <http://www.udruga-dijete-razvod.hr/page/13/>, <https://www.tataipol.hr/index>

High conflict divorces in Croatian context

Divorce statistics and trends in Croatia are like those in other EU countries. The number of divorces per newlywed couples is around 1:3 to 1:6 couples in different European countries and in Croatia it is around 1:5, which amounts to around 6,000 divorced couples per year.³ Since, according to statistics (Morrison and Coiro 1999; Sclater and Piper 2001), one-third of all the divorces are high-conflict divorces and since one couple in Croatia has, in average, 1.6 children, the number of children caught up in high-conflict divorces is more than 2,500 per year.

Even though the statistics are similar, there are certain specificities as to how high-conflict divorces materialize in the Croatian societal context. One factor which is specific to the Croatian historico-political context and to the societal treatment of divorces is the re-positioning of the Catholic Church in the post-socialist period, starting after the wars of the 1990s, and the subsequent insistence on the normative pattern of a heterosexual nuclear family and one life-long monogamous marriage. This re-positioning was not specific only for Croatia, it also occurred in other Central and Eastern European countries (Ramet 2014, Pelikan 2014, Reban 2014). Although many authors justly warn against potential generalisation and unification of the post-transitional position of the church in post-communist Europe (Zrinščak 2011), its role did change, albeit in different modes, as well as its presence, influence and impact on public discourse and policy making (Ramet 2014, Pelikan 2014, Reban 2014). On that scale of the new level of influence and the position of the church Croatia appeared to belong to the group of the most religious countries in Central-East Europe (Václavík in Reban 2014). According to the official 2011 census of the Croatian Bureau of Statistics, as high as 83.99%⁴ of the entire population of Croatia declared themselves to be Catholics, which was comparable only to the situation in Poland. One of the visible signs of the increased church impact on everyday practices was an immediate increase in the number of church weddings which happened in the post-transition period. The last Yugoslav ambassador to the Vatican called this increase, to up to a staggering 85% after the 1990s, a consequence of the conformism of young people, “since it was the prevailing atmosphere in the society where the church was suddenly given great importance, so young people married in church not because they particularly wanted to, but because it was accepted and expected”.⁵

³ https://www.dzs.hr/hrv/censuses/census2011/results/htm/h01_01_12/h01_01_12.html

⁴ https://www.dzs.hr/hrv/censuses/census2011/results/htm/h01_01_12/h01_01_12.html

⁵ <https://www.jutarnji.hr/vijesti/hrvatska/veliki-zaokret-ovo-nije-zabiljezeno-od-osamostaljenja-rh-gradanskih-brakova-vice-je-nego-crkvenih-hrvati-radije-idu-kod-maticara-nego-kod-svecenika-10051801>

During the following decade, roughly from the 2000s onwards, those statistics have been changing in the opposite direction, but very gradually. For the first time in the last thirty years, in February of 2020, the number of civil weddings slightly exceeded the number of church weddings by the small 2%⁶. Croatia's ascension to the EU in 2013 certainly aided such modification of the prevalent discourses, together with the two mandates of the left-oriented Croatian governments, from 2000 to 2003 and from 2011 to 2016. However, political upheavals should not be too easily proclaimed as the major reasons for those changes. Leftist tendencies to push the objections concerning the concept of the traditional monogamous heterosexual nuclear family and to promote other ideas of marriage and family units, could have not have affected cultural attitudes and behaviours in only eight years. Paradoxically, however, even though the idea of “traditional family” holds almost a mythical place in the Croatian cultural narrative and has recently even found a new niche for its promotion among the far-right pro-life groups (cf. Sekulić 2016), the number of divorces has been increasing continually and steadily from the late 1990ies till today, with roughly constant rates in the last five years.⁷

Another specificity of the Croatian context is that the cases of high-conflict divorces have remained almost completely unrecognized by the institutions, social services and the ministries. The parents caught up in them have sought help primarily from NGOs, which were founded by people who have shared the experience and were actually self-organised and self-educated on the matter. Those parents who were the victims of child visitation interference and child manipulation, felt, in the majority of the cases, disempowered, helpless, bitter and betrayed by the institutions. Instead of continuing their parental roles, they sometimes became “distant relatives” to their own children. A lot of them have not seen their children for a few months and, in the extreme cases, for a few years.⁸ Without adequate mechanisms of dealing with those issues, or without the power, will, knowledge or jurisdiction to enforce them, the related state institutions (social services, judiciary, police, ministries) claimed that the parents themselves were to blame, because they “egoistically placed their needs before the needs of children”, as directly stated by one female social worker I interviewed.

As already mentioned, not all the divorces are defined as high conflict, some proceed relatively smoothly and do not get any additional attention of the institutions. However, divorces and break-ups of relationships can be equally violent

⁶ <https://uprava.gov.hr/UserDocsImages//Statisti%C4%8Dki%20prikaz/2020//Finalni%2017.pdf>

⁷ <https://www.dzs.hr/Hrv/important/Interesting/articles/Ljubav%20kroz%20statistiku.pdf>

⁸ None of the cases I have analyzed in this article are cases of family or domestic violence in terms of physical abuse towards children or other any members of the family. Such cases should be analyzed and treated separately.

and manipulative without ever being perceived as such by the society, institutions and, sometimes, by the divorcees themselves. Namely, without high-conflict divorce being publicly and officially acknowledged as a socially unacceptable and damaging behaviour, as is the case in Croatia, many people endure the conflict for years without realizing the damage that this situation can do to their children (Ayoub, Deutsch, Maraganore 1999) and themselves. Most experts writing in the field (Garrity and Baris 1997; Morrison and Coiro 1999, Turkat 2002, Warschak 2008) have clearly described a “typical” high-conflict divorce as a long-term conflict which includes manipulation of children in form of belittling the other parent, openly criticising him/her in front of the children, emotional or financial blackmail of the children, etc. (Turkat 2002; Warschak 2008). Such types of behaviour were almost always successful – the other parent would see the child/ren less, sometimes not to cause additional trauma to the already traumatized child/ren, while older children themselves avoided the other parent, trying to remain loyal to the “home” parent. In some cases, children needed psychiatric help and psychological counselling to cope with the situation (Spillane-Grieco 2000; Lebow and Rekart 2006).

According to the “established practice”, 89-96% (the difference in percentage depends on the source of data) of all the children in the process of divorce in Croatia remain in the sole custody of the mother. Again, according to the “established practice”⁹ most fathers receive a court ruling that they have the right to see the children two times per week for two hours, every second weekend and half of all summer and winter holidays as well as half of all state holidays, depending on the child/ren’s school obligations. Even though the representatives of the related ministries and social services will tell you that “the visitation rights are always determined on an individual basis and depend on the individual needs of the child/ren, taking into account the child’s age, ale emotional status,” according to one of the representatives of the ministry, almost all the court rulings I have seen during my research outlined the very same sketch for the visitation rights. Many EU countries have adopted various criteria which make the custody decisions based on more than just “practice” (cf. Galatzer-Levy, Karus and Galatzer-Levy 2009). Since most of the children remain in the custody of the mother, the fathers are mostly the victims of high-conflict divorces in Croatia, but only statistically. In the rare cases of divorces when fathers get the custody of the children, because of a far better financial situation, the mother’s unemployment or, maybe, an

⁹ “Established practice” is in inverted commas here because that’s the explanation the majority of the institutional representatives would give when asked why the court rulings looked so uniform.

agreement between the parents, the conflict-prone fathers are equally manipulating, especially towards pre-teen and teenage children, as I will show later.

Traditional values in a post-transitional society

According to my interviewees, divorce in Croatia is still highly stigmatized. All the people I talked to when asked whether they felt stigmatized as divorcees would almost yell: “Oh, yes, yes, of course!” They reported that that was because Croatia was still a “traditional country”, where “divorce was not looked well upon”. As far as men were concerned the stigma was associated with the feelings of shame and humiliation, especially if they were left by their wives or if the wives, prior to the divorce, had an additional sexual relationship. Most men found it very difficult to describe the situation.

She had someone, I thought she did. She turned very cold and cruel towards me. I followed her once... I saw her... (38-year-old man, father of the child)

For women, the trouble was reportedly not so much in dealing with emotional introspection, rather in dealing with societal pressure and expectations. The most extreme accounts came from several women who were originally from the ‘traditional’ Croatian south, all high-school or college educated and living in Zagreb for years, but who were told by their mothers:

You should not dream of returning home if you get divorced, what the neighbours would say, having a divorced daughter in the home! (49-year-old woman, salesperson)

One of them was going through a very serious case of high-conflict divorce with the husband, who was the owner of the apartment in Zagreb where they lived, psychologically abusing her in the most demeaning manners. She could not afford to leave financially and had a very small son:

He (the husband) messes up everything, the toilet, too and makes me clean it... disgusting, watches me do it. If it weren't for the boy, I'd... (29-year-old woman, unemployed)

Another young woman was told to “shut up and endure it”, because, in her mother’s words, “marriage was not a fairy-tale”, “a woman’s role was to sacrifice herself for the family” and she should not be making “a lot of fuss over nothing”.

Even though those accounts sound extreme, they are not that uncommon, and they show a very traditional attitude towards divorce.

The traditional attitude related to divorce was also obvious in many narratives in which guilt was associated with the person leaving the marriage as the one who broke up the (traditional) family. The onus was almost always on the person leaving the family and in both cases, fathers or mothers leaving, their partners, if prone to manipulation, would frequently repeat to the child/children: “Your father left us for a crazy woman, he broke the family apart” or, a very similar version going in the opposite direction: “Your mother is a bitch who destroyed the family, she is guilty.” Very similar accounts were reported in other researches on the topic (Garrity and Baris 1994). The rationale those parents adopted and the moral reasoning they chose to justify the constructed narratives with, very quickly and firmly made them believe that they were in the right and that they had every right to do whatever they wanted to the parent who left (them). The cultural stigma of divorce and the imposed guilt over family break-ups aided their rationalizations. In her pivotal book, *Divorce Talk*, Catherine Riessman (1990) examines the stories the spouses tell about their marriages and finds out the ways in which those narrative structures immediately provide ways to persuade both the narrator and the listener that divorce was justified.

Even though blaming the other spouse/parent is typical for high-conflict divorces not only in Croatia but elsewhere as well (Johnston 1994; Turkat 2002; Warshak 2008), this post-socialist, neo-religious, traditionalistic insistence on monogamous nuclear heterosexual family¹⁰, as the standard norm, has undoubtedly contributed to the stigmatization of divorce and divorcees. In the pre-nuptial preparatory workshops organized by the Catholic parishes throughout Croatia, which were obligatory if you wanted a church wedding, my interviewees were told divorce was a sin. Even though many of them sneered and laughed at that, this attitude still lingers in the minds of many of the churchgoers, at least in their blaming narratives. Notably, the Catholic Church does not recognize the regular institution of divorce.¹¹

Societal and cultural gender roles also highly influence the way divorce will be manifested in a specific setting. Although divorce is invariably stressful, many

¹⁰ This establishment of a “normative family” can also be observed in a very low level of tolerance towards the LGBTQ population, with every Gay Pride in Croatia accompanied by examples of hatred and intolerance and even physical violence towards the participants of the Pride. The incidents in Split, the capital of Dalmatia, continue to display intolerance and xenophobia.

¹¹ Divorce in the Catholic Church is possible only with the special permission issued by the Pope himself and that happens extremely rarely.

people believe that men suffer less than women (Riessman 1990). The same author calls this the “feminization of psychological distress”, meaning that traditional ways of conceptualising and quantifying distress reflect women’s idioms, rather than men’s. However, according to Riessman, some women do not at all perceive divorce in negative terms, they paradoxically sense rewards afterwards, even as they report hardships during the divorce (Riessman 1990). As if the society would accept and allow women their hardships, but not their freedom, specific stigmatization was reported by the mothers who, whether because of their financial situation, unemployment or some other reasons, decided to yield custody of the child/children to the father. As they reported themselves, they were immediately proclaimed “the worst mothers ever”, who should “not be called mothers at all”, or, even more extremely, “should be prohibited from having children at all”. Accusations of alcoholism or drug abuse frequently accompanied such attitudes. Therefore, fearing being proclaimed incompetent and irresponsible parents, “bad” parents, or, even, monsters (“what kind of mother would leave her children”), those women who might have possibly seen the situation with the father having the custody of children as beneficial to the children themselves, would hardly ever do it, fearing being severely judged by their social milieu.

Even though the idea of mothers as the primary parents and thus the “logical” choice of custody cases has been long abandoned by many experts in the field (Ackerman and Ackerman 1997; Galatzer-Levy, Kraus and Galatzer-Levy 2009), Croatian court reality still shows a preference towards mothers. This politization of womanhood, or more precisely, motherhood, seriously and degradingly played with the image of the mother as natural, traditional, holy; one who was kind, warm, emphatic, loving and sacrificing. This explains the accounts from the mothers I have quoted above on their need to make sacrifice and “shut up” for the greater good – the continuation of the normative family. Their open criticism of being told to behave in a certain manner even by the members of their immediate family shows the above-mentioned shakeup in gender roles, and women more than men feel they gain a fuller idea of who they are after divorce (Riessman 1990), restructuring the link between self and society.

Bottom to top: parents’ accounts

Most of the people undergoing high-conflict divorces felt completely abandoned by all the institutions which they felt should help them, by the police, social services, and judiciary. With no outside help, and with the partners scarcely speaking to each other, taking care of the child/children becomes very difficult. More worryingly, the partners who had the sole custody of children frequently

prohibited and impeded the visitation rights of the other parent (Turkat 2002) as well as manipulated the children against the other parent. My interviewees reported feeling powerless and disappointed and commonly claimed that the institutions not only “did not provide any help, but they even deepened the conflict”, by making the gap between the partners even more visible. Maybe looking to appoint blame, they claimed the institutions were those who “made them the opposite sides in a conflict”. One telling account from a father fighting for regular visitation practices:

The mother of my children was now my enemy. I did not want that. But she would not give me the children, so I had to fight for them (...) and the only way to continue fighting was to fight against the ‘other side’ (52-year-old father of three children)

This raises important questions of responsibility in high-conflict divorce, and they are extremely complex. Accusations of irresponsibility, whether justified or not, were frequent from both the parents and the representatives of different, related institutions.

Almost every high-conflict divorce starts as any “normal” or “common” divorce. A person decides to leave their marriage, or, sometimes, both partners conclude that divorce is a better solution. Even though the expressed motives for the divorce sometimes screen the unexpressed ones (Hopper 1993), the finding that high-conflict divorces can occur even after the joint decision to get a divorce is very important.

At first, everything seemed OK. We talked, she already had another relationship, we agreed we had both been unhappy for years, I took my suitcase and left. But then, after some time... hell... (45-year-old, father of one child)

Namely, high-conflict divorces were frequently wrongly interpreted as the consequences of the situation in which one parent had “abandoned the family”. Even though there were examples of the fathers leaving and then being estranged from the family, there was also a significant number of cases in which the mothers left and moved away with the children but were later still prohibiting or making it very difficult for the fathers to have access to their children. Special cases in which high-conflict divorces developed to the extremes were the cases when, due to economic reasons, estranged partners could not live separately and then the conflicts continued and thrived in everyday situations. Hence, this idea of the “guilty runaway” from the marriage is completely wrong.

The key moment which I tried to establish was the moment in which the parents themselves were beginning to be aware that they were going through a high-conflict divorce, a “hellish nightmare” as some would describe. Surprisingly enough, the awareness came very late, so late that, when they finally realized what was going on, they were already caught up in months of lawsuits, court hearings, custodial disputes, even police visits.

Another point impeded many people to fully and actively participate in taking control over their lives in high-conflict divorces: the initial emotions they felt were denial and disbelief. Many were relieved to know that they were not alone in this and the only ones who had encountered a similar situation, but still kept repeating:

I am sorry, guys this was so hard for you, but I do not believe it will be as horrible to me. My partner could never do that, I know.

Just six months later, the situation was as hard and as horrible as with everybody else. For most of my interviewees it was almost “consoling” to find that such behaviours were not individual but common and typical for high-conflict divorces. Many of them found the books the NGOs had prepared for them as first-aid kits revolutionary, since they proved to them that they personally had not done anything wrong and that this behaviour was expected and predictable in cases of high-conflict divorces.

Loss of control over everything that was happening to them made those people feel traumatized, lost and disillusioned. Ethnographies of emotion (Rosaldo 1980, 1984; Abu-Lughod 1986; Grima 2005) were readily adopting the idea of constructionism, with the emotions being more culturally than “biologically” determined, but I am here adhering to the idea of local particular constructions (Abu-Lughod 1991), situational, temporal, political, private, individual, religious, cultural, which very powerfully determined how and what people in high-conflict divorces felt. My interlocutors have lost not only the everyday reality but also the idea of how the “normal” life should proceed. Furthermore, most of the fathers I talked to tended to link their relationship to children with their relationship to their wives. When asked how their parental role changed and what is now different, they would readily insist that they can take care of their children in terms of cooking, cleaning and changing diapers and that they do not need mothers for that. Mothers would frequently insist that in pre-divorce times they were performing most of the tasks linked to the children themselves, with no help from the fathers whatsoever. Hence, the only thing they could focus on in this liminal position of the painful passage was the form, but not the content of parenting.

The post-divorce narratives were very similar when it came to the opposition of the mother's versus father's role in the household. Both to the mothers and fathers it was very important to make that shift from "I was never good enough", which many of my interviewees were told by their ex-es, to "I can be an adequate single parent". In "normal divorces" this shift is hard to achieve, in high-conflict divorces, it is almost impossible.

The parents who have no access to their children cannot work on developing their parental roles. "My daughter sees the cleaning lady in her kindergarten more than she sees me", said one of the parents. Those parents come up with various tactics and strategies to try to realize at least some kind of contact. One account from the interview:

- *You know, I would fax her.*
- *You did what?*
- *Send faxes. I would draw something nice, smiles and flowers, or copy a cartoon image, colour it and write down I loved her.*
- *She would get them?*
- *Not at home, no, sure. There was a nice sympathetic young lady in the kindergarten where she went, her group teacher, she would give them to her and read them to her.*
- *How often did you do that?*
- *Few times a week, did not want to misuse the staff, otherwise would do it every day.*
- *Was this the only contact you had with your daughter?*
- *Yes, for weeks. She was three, I was terrified she would forget me.*

So, already traumatized by the situation, those parents felt both intimidated and frustrated with the way they were treated at the court hearings or the offices of the social services. Most of them concluded that the people working there "didn't understand" or "just didn't care". In their "defence", they would claim that "for them, we are just another case file". According to one of the mothers, who was already a frequent visitor in the offices of the social service complaining when the father would not bring the child to the arranged meetings, so they were probably seeing her as a "problem", one of the social workers opened up in front of her the filing cabinet full of files and said: "see how many cases we have, we cannot spend all of our time on just your case". This is a tough sentence to hear for the traumatized mother fighting for her child.

Parents were also disappointed in the cases when they were told, or they interpreted it in this way, that they were inadequate and irresponsible parents. One of

the mothers repeated the words of a social worker: “If you really cared about your child, you would not bother us this much.” Some parents accused the employees of corruption.

Another complaint commonly reported by the parents was that the social workers would repeatedly advise them to talk and discuss things with the other parent, a task they all claimed was futile. “If we could have made the agreement ourselves, we would not need institutional help”, was a logical comment made by one of the fathers. However, it must be said that all the interviewed parents have perceived themselves as cooperative and the other partner as non-cooperative, which was not necessarily the image shared by the social workers or other experts.

Similar complaints about not being heard or being ignored, the parents voiced about the judges in the court hearings:

She [the mother] yelled all the time and said to the judge that I was mentally disturbed, that there was something wrong with my brain, but the judge said nothing. (39-year-old man, father of 1 child)

There was a perceived gender bias in such situations with the fathers frequently complained that most of the social workers and judges were female and that this also contributed to the fact they felt disempowered because, according to them, females were more likely to “understand the female side”. Such a bias is very difficult to prove, and if asked directly whether they would prefer more male judges or social workers the fathers answered they did not mind if “they were doing their job”. The mother complaining in the account above was complaining about a female social worker. Less than 10% of the parents I interviewed were satisfied with the way they were treated by the related institutions and there were very few positive accounts, when the parents felt listened to, understood and thought the experts did everything they were supposed to or even more.

The final outcomes of high-conflict divorces can be devastating for everybody involved. As time goes by and the parents find no help, the level of their frustration rises, and some parents admit: “in this state I cannot even take care of myself properly”. Even though some of the parents managed to continue the good relationship they had with their children (usually smaller children), those parents who did not see their child/ren for weeks, months and years, when they finally did see them, they could not possibly act towards them as parents, fulfilling their pedagogical roles, but became overindulgent, permissive, cautious, avoiding any type of conflict, anxious, worried and afraid not to make the wrong move and lose the little they have. Some of the most extreme examples of such cases where the mothers who lost a great deal of emotional attachment with their teenage

sons who were grossly manipulated against the mother by their father, to the point when a fifteen-year-old boy told the social worker:

I am going to throw myself in front of the car if you make me go live with my mother (an account from the written report of the social worker).

Some fathers were told by their children: “I hate you”, “I don’t ever want to see you again as long as I live”. It has to be emphasized once again that these parents and their children had normal relationships before the high-conflict divorce and, in the cases I am analysing here, there were no instances of domestic violence against the children¹² which could explain such hostile attitudes children had against the other parent.

Top to bottom: institutional gaze

Institution representatives too frequently claimed that the involved parents were themselves to blame, because they were ‘irresponsible’, ‘incompetent’, or inadequate parents. There were two most common claims uttered from institutional representatives which the parents found the most questionable. The first one was that the authorities cannot solve personal issues between the partners, with the most extreme version of it uttered at a workshop for juvenile court judges which was:

They should have paid more attention when they were marrying that person (cf. Hopper 1993).

The other was the explanation on the reasons why high-conflict divorces happen: “it is always the case of irresponsible parents who egotistically place their needs before the needs of children and who have not yet separated their marital role from their parental role.” Whether true or not, it is quite obvious that none of the two claims could ever be helpful in any way to the parents in high-conflict divorces.

Such and similar sentences were not some silent confessions offered to me by an individual social worker tired of a seriously difficult job. On the contrary, they were said publicly and loudly at most of the round tables which were organized on the topics related to the high-conflict divorces in Zagreb, organized either by

¹² The non-existence of violence was checked in the official reports and records from social services and court hearings. My interviewees would bring these with them to the interview.

the related Ministries (Ministry of Social Policy and Youth which is the former Ministry of Health and Social Services, the Ministry of Justice) governmental bodies (Association of Youth and Family Judges and Specialists, Ombudsman for Children) or the mentioned non-governmental organizations.

Another common advice in that category, frequently also heard from the lawyers, was that the parents should solve the conflict with their partners themselves, because “if they have managed to survive with this individual for so long, they know best how to talk to this person”. Again, a questionable advice for people whose partners use very elaborate strategies — turning off the mobile phones, turning off the ringer on phones, deleting e-mails and text messages, not answering the doorbell, not appearing at arranged meetings — not to talk to their partners. All these strategies are also, of course, used to eliminate the children from communication with the other parent.

A very specific account from institutional representatives, but also many psychologists and psychiatrists writing on the topic (Garrity and Baris 1994; Warschak 2002, 2008; Turkat 2002), was the claim that people who initiate the non-communication and manipulation of children in high-conflict divorces have a certain type of psychological disorder. They are labelled as “high-risk individuals” and even though “we need not characterize such people by precise diagnostic labels (...) they can easily be recognized by their manner and behaviour” (Garrity and Baris 1994: 111). This proposed correlation between manipulative behaviors of the parents in high-conflict divorces and potential psychological disorders points to a certain type of medicalization of parenting. The above-mentioned authors define special types of personalities of manipulative parents, label them as types of disorders and therefore medicalize them and give medicine — psychiatry in this case — a jurisdiction and power to solve them. Garrity and Baris, for example, speak about four different types of personality likely to be involved in a high-conflict divorce: the “I’m always right” type, “You’re (Ex-Spouse) Always Wrong” type, “Maybe I Will and Maybe I Won’t” and “Easy-to-Victimize Ex-Spouse” (1994:111–119). Even though I am not questioning the possibility that these or similarly defined types of personality and parenting style can be established in high conflict cases, many sociologists (Zola 1972; Illich 1975) and medical anthropologists (Kleinman 1980) have long been warning about the dangers of medicalization, since, in this case especially, it provides a biomedical shelter over narratives which are much more complex in their formation, origin, interpretations and embodied reality. The issues of personal responsibility and individual narrative of parenting then become the issues of displaced, imposed institutional control and power, power which is empty in its substance, but the potency of which stems from its interpretative significance people ascribe into it. The issues

of responsibility, power and control are central for the problems surrounding parenting in high-conflict divorces. The final “result” of medicalization of parenting in high-conflict divorces is sending parents to psychotherapy. As in many other cases of personal trauma, it can undoubtedly provide help for many people who need it. However, in this specific case, it seems that many parents I have spoken to do not see it as a way to better parenting, or maybe, better parental behavior, but as a kind of a short-term correction, a kind of a magic pill.

In these cases, medicalization of parenting goes hand in hand with commodification. Some forms of counseling and psychological help are provided free of charge by the state institutions, but they are limited. More affluent parents sometimes find help in private clinics where they pay large sums of money for psychological and psychiatric counseling to help themselves and their children and educate themselves how to deal with the situation and finally overcome it. Hence, parenting in this case becomes a commodity, with the simple equation that the help people will get, or be able to seek, will depend on their financial status. In high-conflict divorces, the money issues suddenly completely reverse the economic family bonds of the past and trading becomes a very important, long-term activity in the break-up of the old and set-up of a new regime (alimony issues, joint and separate costs, property disputes). Another commodity were expensive parental workshops, but the parents were critical of them since they made them feel inadequate: “they were talking to me like I was an idiot”, incompetent, “it is like when a school psychologist explains puberty” and useless “I know this stuff; they were blabbing on and on in there”.

The old normal and the COVID-19

In the old normal and in the everyday practices of ongoing high-conflict divorces, many manipulative parents would use the word “sacrifice” as a discursive shelter to continue playing the game of guilt-and-blame with the other parent, all the time continually blocking the channels of communication towards them, towards the institutions or towards their social milieu which, potentially, thinks differently. Moreover, since they felt they were the ones who supported the Norm, the whole discourse arranged in the way I have described above, gave them the *carte blanche* to do whatever they wanted, with the Norm almost becoming their *habitus* (Bourdieu 1977). The COVID-19 pandemic made the situation worse. Many parents who experienced difficulties with child visitation practices almost entirely stopped seeing their children at the beginning of the spring lockdown in Croatia which started on 14 March 2020. The notion of “being responsible” was now used against those parents by the parents with whom the children lived,

since in their interpretation being responsible meant not even to demand to see one's own children. The uncertainty was the leading premise of the moment, with some parents who have established their second families in the meantime sometimes choosing to stay home themselves, from the fear of contagion and the attempt to protect their new families. Strikingly enough, it seemed that in the face of pandemic, many parents forgot the active role they were playing in the conflict. Again, the children were the ones left aside.

Economic factors also played a significant role. Due to not a very bright economic situation in Croatia, many divorced parents find it difficult to survive on one salary (plus alimony). Hence, many of the high-conflict divorces continued to revolve around financial issues to extreme situations such as one mother telling the father he is going to see his child when he gives her the house. During the lockdown, even though the contacts were discontinued, the trading continued. Both the giving and the receiving parents had objections, with those paying the alimony claiming that if they don't see the children they don't have to pay and that children staying at home cost less, while the receiving parents claimed that staying at home required more provisions and overhead expenses and cost the same or even more. Again, the battle was going on between the parents and the children were left aside.

The fact that the pandemic of the COVID-19 made the situation worse, but lessened the conflict, just because the two opposing sides were not in contact, shows, however, that the parents could control their behaviour and that adopting a new type of behaviour, just to an extent, of course, could come from the parents themselves.

Conclusion

All divorces are complex and divorce conflicts are multidimensional and multi-layered. From the above data, five concluding points could be summarized here: (1) cultural, popular, political, social, economic, religious and even epidemiological factors and contexts shape and cloud in various ways the attitudes the parents have about effective and responsible parenting, especially parenting caught up in a high-conflict divorce. This was partly result of the situation in which parenting was historically considered something that happened behind closed doors and was shaped by traditional, “inherent” attitudes and norms. In an interview with a high police official working specifically on family issues I was told that even the policemen themselves, when being called in to intervene in cases of family conflicts, sometimes find it difficult to go “beyond the closed doors” and forget their own personal ideas on men, women, family and conflicts. (2) The

parenting culture has changed, of course, and the fact that today we discuss the problems of medicalization and commodification of parenting prove that the closed doors have been opened and that much more than just traditions or our own experiences of family life behind the traditional closed doors, shape our parental behaviours. (3) However, the still prevailing traditional attitudes on the importance of nuclear family and consequential stigmatization of divorce trigger a consistent cultural reaction to treating divorces and divorcees as the unwanted disturbances in a community and society, regardless of their increasing numbers. (4) Even though divorce conflicts are recognized by the experts and high-conflict divorces are defined and classified, according to the people caught up in them they are not treated as a specific phenomenon by the related institutions, as a pattern-like and re-occurring type of undesirable social behaviour, and are not yet sanctioned. Whether justified or not, those criticisms just prove that the two narratives, experiential individual and constructed institutional, will always have difficulties finding a common path. Proposing clear-cut institutional procedures for families undergoing the high-conflict divorce and applying them in any necessary situation could bridge this gap of allocating responsibilities, power and control which impedes finding quicker and more appropriate solutions. (5) Finally, if individual behavior can be checked by a pandemic, as happened in the case of COVID-19, when the conflicting sides were occupied elsewhere and not centered on the conflict, they could also be checked in non-pandemic times.

A frequently heard utterance from the representatives of the institutions was also that every high-conflict divorce and custody case is case-specific and that no two cases are the same. This is, of course, true, because these are the issues of specific individuals and their children with their specific needs, but what I hope I have shown here and what the three analysed non-governmental organizations are fighting to prove is that high-conflict divorces are typical and recognizable, and that every case of high-conflict divorce should be characterized and treated as such by all the relevant institutions. They can be prevented only by pin-pointing those situations and by defining strategies and sanctions for people working against the benefit of their children.

References

- Abu-Lughod, Lila. 1986. *Veiled Sentiments. Honour and Poetry in a Bedouin Society*. Berkeley: University of California Press.
- Abu-Lughod, Lila. 1991. Writing Against Culture. In *Recapturing Anthropology: Working in the Present*, edited by Richard J. Fox. Santa Fe: School of American Research: 137–162.
- Ackerman, Marc J., and Melissa C. Ackerman. 1997. Custody Evaluation Practices: A Survey of Experienced Professionals (revisited). *Professional Psychology* 28: 137–145.
- Ayoub, C. Catherine, Robin M. Deutsch, and Maraganore Andronicki. 1999. Emotional Distress of Children in High-conflict Divorce. *Family and Conciliation Courts Review* 37 (3): 297–314.
- Bourdieu, Pierre. 1977. *Outline of a Theory of Practice*. Translated by Richard Nice. Cambridge: Cambridge University Press.
- Galatzer-Levy, Rober, Louis Kraus, and Jeanne Galatzer-Levy. 2009. *The Scientific Basis of Child Custody Decisions*. Hoboken, New Jersey: John Wiley and Sons, Inc.
- Garrity, Carla, and Mitchell A. Baris. 1997. *Caught in the Middle. Protecting the Children of High-Conflict Divorce*. San Francisco: Jossey-Bass, Inc.
- Grima, Benedicte. 2005. *The Performance of Emotion among Paxtun Women*. Oxford: Oxford University Press.
- Hopper, Joseph. 1993. The Rhetoric of Motives in Divorce. *Journal of Marriage and Family* 55 (4): 801–813.
- Illich, Ivan. 1975. *Medical Nemesis. The Expropriation of Health*. London: Calder & Boyars.
- Johnston, Janet R. 1994. High-Conflict Divorce. *The Future of Children* 4 (1): 165–182.
- Kleinman, Arthur. 1980. *Patients and Healers in the Context of Culture*. Berkeley: University of California Press.
- Kohler Riessman, Catherine. 1990. *Divorce Talk. Women and Men Make Sense of Personal Relationships*. New Brunswick and London: Rutgers University Press.
- Lebow, Jay and Kathleen Newcomb Rekart. 2006. Integrative Family Therapy for High-Conflict Divorce with Disputes over Child Custody and Visitation. *Family Process* 46 (1): 79–91.
- Morrison, Donna Ruane, and Mary Jo Coiro. 1999. Parental Conflict and Marital Disruption: Do Children Benefit when High-Conflict Marriages are Dissolved? *Journal of Marriage and Family* 61 (3): 626–637.
- Pelikan, Egon. 2014. The Catholic Church and Politics in Slovenia. In *Religion and Politics in Post-Socialist Central and Southeastern Europe. Challenges since 1989*, edited by Sabrina P. Ramet. Houndmills UK: Palgrave Macmillan: 115–130.
- Ramet, Sabrina P. 2014. The Catholic Church in Post-Communist Poland: Polarization, Privatization, and Decline in Influence. In *Religion and Politics in Post-Socialist Central and Southeastern Europe. Challenges since 1989*, edited by Sabrina P. Ramet. Houndmills UK: Palgrave Macmillan: 25–52.
- Reban, Milan. 2014. The Catholic Church in the Post-1989 Czech Republic and Slovakia. In *Religion and Politics in Post-Socialist Central and Southeastern Europe*.

- Challenges since 1989*, edited by Sabrina P. Ramet. Houndmills UK: Palgrave Macmillan: 53–85.
- Rosaldo, Michele Zimbalist. 1980. Knowledge and Passion: Ilongot Notions of Self and Social Life.” Cambridge: Cambridge University Press.
- Rosaldo, Michele Zimbalist. 1984. Toward an Anthropology of Self and Feeling. In *Culture Theory: Essays on Mind, Self, and Emotion*, edited by Richard Schweder, and Robert A. LeVine. Cambridge: Cambridge University Press: 137–157.
- Sclater, Shelley Day, and Christine Piper. 2001. Social Exclusion and the Welfare of the Child. *Journal of Law and Society* 28 (3): 409–429.
- Sekulić, Duško. 2016. Ljevica i desnica u Hrvatskoj. In *Vrijednosti u hrvatskom društvu*, edited by Duško Sekulić. Zagreb: Sveučilišna tiskara, Centar za demokraciju i pravo Miko Tripalo: 137–168.
- Simpson, Bob. 1998. Changing Families. An Ethnographic Approach to Divorce and Separation. Oxford: Berg.
- Spillane-Grieco, Eileen. 2000. Cognitive-Behavioral Family Therapy with a Family in High-Conflict Divorce. *Clinical Social Work Journal* 28 (1): 105–119.
- Turkat, Ira D. 1994. Child Visitation Interference in Divorce. *Clinical Psychology Review* 14(8): 737–742.
- Turkat, Ira D. 2002. *Child Visitation Interference in Family Law Litigation*. Marietta, GA: Future 1st Global, Inc.
- Visser, Margreet, Catrin Finkenauer, Kim Schoemaker, Esther Kluwer, Rachel van der Rijcken, Justine van Lawick, Hans Bom, J. Clasiën de Schipper, & Francien Lamers-Winkelmann. 2017. I’ll Never Forgive You: High Conflict Divorce, Social Network, and Co-Parenting Conflicts.” *Journal of child and family studies* 26(11): 3055–3066.
- Warshak, Richard A. 2008. *Otrov razvoda*. Zagreb: Algoritam.
- Zola, Irving Kenneth. 1972. Medicine as an Institution of Social Control. *Sociological Review* 20: 487–504.
- Whiteside, Mary F. 1998. The parental alliance following divorce: An overview. *Journal of Marital and Family Therapy* 24(1): 3–24.

doc. dr. sc. Tanja Bukovčan
tbukovcan@ffzg.hr

Department of Ethnology and Cultural Anthropology
Faculty of Humanities and Social Sciences
University of Zagreb