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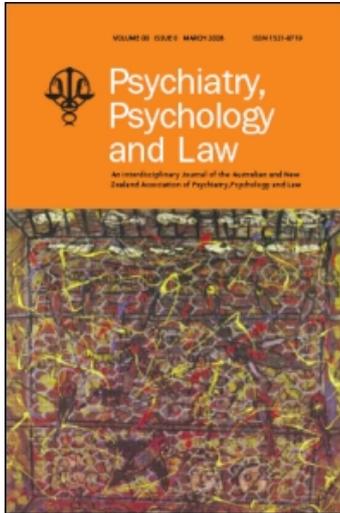
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Designing Anti-stalking Legislation on the Basis of Victims' Experiences and Psychopathology

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Wording differs substantially between the various legislation with regard to what behaviours constitute stalking. Some legislation comprehensively describes which behaviours are punishable, whilst other legislation uses only broad terms. Differences also exist with regard to the number of occasions and the intent of the perpetrator necessary to constitute stalking. Moreover, legislative provisions usually require the victim to experience negative effects of the offender's behaviour, or require that a reasonable person would be likely to experience such negative effects in the same situation. This article discusses whether these legislative components for the definition of stalking are problematic or not. Past studies and a study among 234 victims in The Netherlands are discussed to illustrate difficulties in legislative provisions dealing with stalking. It is argued that legislation should refrain from descriptions of specific behaviours and negative effects for victims in the definition of what constitutes stalking and that it is advisable for provisions to adhere to a "reasonable-person-test".

Stalking Laws

In the past two decades many countries have developed legislation to outlaw stalking. The state of California was the first to produce such proscription, allowing for the criminal prosecution of any person who "willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family" (California Penal Code 646.9). The majority of

American states and many Western-European countries and Australian jurisdictions have followed the example set by California by developing anti-stalking laws.

Wording differs substantially among the various provisions with regard to what behaviours constitute stalking. For instance, in England and Wales "a person must not pursue a course of conduct which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other" (*Protection from Harassment Act 1997*). In South Australia stalking is defined as:

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... following a person, loitering outside the person's place of residence or another place frequented by the person, entering or interfering with property in the possession of the person, giving offensive material to the person, keeping the person under surveillance, or acting in a way that could reasonably be expected to arouse the person's apprehension or fear (*Criminal Law Consolidation Act 1935*, section 19AA).

As a final example, in Colorado a person commits harassment by stalking if he or she:

... strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or in a public place directs obscene language or makes an obscene gesture to or at another person; or follows a person in or about a public place; or repeatedly initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone which is obscene; or makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.

These wording differences raise the question whether it is desirable and necessary to state specifically which behaviours constitute stalking. This question will be addressed in this article.

Stalking laws differ not only with regard to what behaviours comprise stalking but also with regard to the minimum number of occasions required before a person's conduct is considered to constitute "stalking" and the issue of stalker intent. Some laws do not specify the minimum number of occasions (e.g., Nevada) whilst other laws prescribe that there must be at least two occasions (e.g., Colorado), three occasions (e.g., New York), or more than three occasions (e.g., Delaware). In England and Wales no intent is required but harassment is considered present "if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other".

Conversely, in California it is necessary to establish that the stalker intended "to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family". In Queensland it is necessary to establish that the stalker intended to make "the second person be aware that the course of conduct is directed at the second person" and "the course of conduct would cause a reasonable person in the second person's circumstances to believe that an offensive act is likely to happen" and in Delaware a person is guilty of stalking when he or she intentionally "engages in a course of conduct directed at a specific person which would cause a reasonable person to fear physical injury to him or herself, to a friend or associate, or to a member of his or her household or to a third person".

As can be seen, victims play an important role in legal definitions of stalking. Legislation usually requires the victim to experience negative effects from the offender's behaviour, or requires that a reasonable person would be likely to experience such negative effects in the same situation (see also Miller, 2001). Such negative effects can, for instance, be substantial emotional distress (e.g., Californian law), serious alarm, annoyance, fright, or torment (e.g., District of Columbia), fear for safety (e.g., Florida), arousal of fear (e.g., South Australia), or reasonable mental anxiety, anguish, or fear (e.g., Alabama). In addition, as opposed to for instance murder or drunk driving, stalking can only be prosecuted when the victim reports the stalking to the police or (in some cases) when a third party reports to the police. Hence, conduct is not considered to be stalking behaviour unless either the victim or a third party reports them as stalking.

In this article, we address possibilities for designing good anti-stalking legislation by presenting the results of published studies and also an investigation into psychopathology among people who had made themselves known to an anti-stalking charity in the Netherlands. We address whether it is necessary to define stalking behaviours and to require a minimum number of occasions in stalking laws by presenting and discussing the stalking behaviours that were experienced by the Dutch stalking victims. We also address the issue of false allegations of stalking. The primary focus of this article, however, is on negative effects reported by stalking victims and the degree to which these reported effects are attributable to their stalking experiences.

Research on Stalking Behaviours

Several authors have stated that there exists no satisfactory definition of stalking (e.g., Badcock, 2002; Kamphuis & Emmelkamp, 2000; Sinclair & Frieze, 2000). However, after a review of the literature Sheridan, Blaauw, Davies and Winkel (2002) concluded that “researchers and practitioners are referring to the same phenomenon and there exists a shared literature”: “stalkers employ multiple stalking tactics and that certain types of conduct tend to occur uniformly, and may be considered as examples of common stalking behaviour”.

Stalking is a chronic phenomenon, with victims being subjected to stalking for periods of months or even years. Studies have reported average stalking episodes of 13 months (Jason et al., 1984), 24 months (Pathé & Mullen, 1997), 58 months (Blaauw et al., 2002) and 76 months (Sheridan, Davies & Boon, 2001a). Some 13% of stalking victims are exposed to stalking episodes lasting longer than 5 years (Hall, 1998), 10 years (Blaauw et al., 2002) or even 12 years (Sheridan, Davies & Boon, 2001a). In addition, stalking experiences may vary in intensity and intrusiveness over time. Many victims claim that the frequency of stalking differs from day to day, month to month and year to year (Blaauw et al., 2002; Brewster, 1997; Hall, 1998). Indeed, in several cases the stalkers may disappear for several months only to re-appear and resume their actions. Nonetheless, studies clearly indicate that exposure to stalking is often a long-term experience. But of what behaviours do these stalking episodes consist?

In the following, a comparison of five studies is made to attempt to answer this question.

In a study carried out in the United States, Hall (1998) questioned 145 subjects who perceived themselves to be the victims of stalking and had made themselves known at one of the regional voice mail boxes that had been set up in seven target cities. In another study based in the United States, Brewster (1997) interviewed 187 women who were recent former intimate stalking victims in Pennsylvania and who were identified through victim service agencies or law enforcement agencies. In Australia, Pathé and Mullen (1997) distributed questionnaires among 100 stalking victims who contacted the authors or were referred to the authors' clinic. In the United Kingdom, Sheridan, Davies and Boon (2001a) distributed questionnaires among 95 individuals who had contacted the London-based Suzy Lamplugh Trust, a charity concerned with the promotion of personal safety. Out of these 95 stalking cases, 76 were considered to be genuine cases of stalking. Finally, in the Netherlands Blaauw et al. (2002) distributed a questionnaire among the 470 members of the Dutch Anti-Stalking Foundation, a foundation that strived towards a public recognition of stalking as a public health issue and the criminalisation of stalking behaviours by providing information to the public. A total of 261 questionnaires were returned by mail, of which 234 cases were considered to be genuine claims of stalking.

Table 1 shows that many stalking behaviours have fairly equal distributions in the different

Table 1

Features of Stalking Behaviour (%) in Five Studies

STALKING BEHAVIOUR	BLAAUW et al., 2002	BREWSTER, 1997	HALL, 1998	PATHÉ & MULLEN, 1997	SHERIDAN et al., 2001
Telephone calls	86	90	87	78	88
Harassing letters	43	59	50	62	72
Surveillance of victim's home	75	54	84	—	—
Following	75	68	80	71	83
Unlawful entry in home	43	36	39	—	—
Destruction of property	71*	44	43	36	71*
Direct unwanted approach	93	—	—	79	74
Physical assault	61	46	38	34	38
Threats to harm or kill victim	45	53	41	51	—

Note: *Including theft of property.

victim samples. The stalking behaviour reported by the vast majority of the victims in all the studies is receipt of harassing telephone calls. According to victims, such calls can amount to hundreds per day and they are not usually restricted to daytime only. Stalkers can remain silent during such calls, but they can also use flattering, pleading, insulting or threatening language. Direct unwanted approach is also a commonly reported stalking feature across the five studies. Such approaches can take place at the victim's home, street, workplace, shopping spots or other places frequented by the victim. It is, therefore, not surprising that home surveillance and following are also very frequently reported stalking behaviours (Brewster's reporting of surveillance among just 54% of victims is probably an aberration in this respect). After all, approaching the victim is not possible without knowledge of the victim's whereabouts and activities. A little more than half of all the victims in the different studies reported about receiving unwanted letters. This form of stalking behaviour appears less common in the Netherlands and more common in the United Kingdom. Slightly fewer than half of victims appear to be exposed to the destruction of personal belongings and other property but this figure appears to increase to about 70% when theft of property is also included in the notion. Furthermore, about four out of every 10 victims appear to be subjected to unlawful entry to their homes and/or to physical assaults (Blaauw et al.'s reporting of 61% physical assault probably being an aberration in this respect), which are unequivocally criminal behaviours that are punishable in themselves. Finally, almost half to just over half of the victims in all studies reported their stalkers having threatened them with bodily harm or death.

This fairly equal distribution of stalking behaviours across studies indicates that to a large extent stalking is consistent across different countries. This would suggest that legislation could prescribe a core of behaviours that constitute stalking. Such a suggestion is supported by two studies (Sheridan, Gillett, & Davies, 2000; Sheridan, Davies, & Boon, 2001b) in which respondents were asked to indicate which of a list of 40 intrusive behaviours were exemplars of stalking. These studies found that people showed a high level of agreement that stalking is prescribed to include following a target, repeated telephone and/or written contact, and various approach behaviours. Furthermore, stalking hardly ever

consists of a single stalking behaviour, as demonstrated by Blaauw et al.'s (2002) study, where victims experienced a median and mean number of six stalking behaviours, and by the British Crime Survey (Budd & Mattinson, 2000) where almost 50% of victims reported that they had been subjected to between two and five distinct stalking behaviours. Finally, all 234 victims in the Dutch study were exposed to one (2%) or more (98%) of the stalking behaviours that are listed in Table 1. However, in rare cases victims are exposed to only relatively unusual stalking behaviours, such as abduction of pets, ordering of taxis, circumvention of alarms, et cetera, which would make their experiences non-enforceable if anti-stalking legislation prescribed only "core" behaviours.

Psychopathology Among Victims

Only limited information is available on the impact of stalking on victims (Meloy, 1996; Pathé & Mullen, 1997), despite an ever-increasing awareness that this crime does constitute a noteworthy public health issue. In particular, very few studies have considered the economic and social effects on victims of being stalked and even less attention has been paid to the psychological or psychiatric consequences of stalking. Aside from the previously described studies by Blaauw et al. (2002), Brewster (1997), Hall, (1998) and Pathé and Mullen (1997), only one additional study has paid close attention to the consequences of stalking. In Chicago, Jason et al. (1984) interviewed 50 women who had been subjected to persistent harassment for at least one month.

Taken together, these studies have invariably shown that stalking is associated with serious economic and social difficulties for its victims. In particular, in many cases the victims suffer direct financial loss (Brewster, 1997), leave their jobs/place of education, "go underground" (i.e., temporarily living and working elsewhere) or move permanently to a new area of the country, change their appearance in a variety of ways, change their name, take greater security precautions both in the home and while away from home, and generally avoid social contacts (Blaauw et al., 2002; Brewster, 1997; Hall, 1998; Jason et al., 1984; Pathé & Mullen, 1997; Tjaden & Thoennes, 1997). Unsurprisingly, these studies have also shown that stalking is associated with negative psychological states for almost all its victims, eliciting a greater degree of distrust, suspicion, caution,

fear, nervousness, anger, paranoia, depression, and introversion. This manifests itself through many of the stereotypical physical symptoms of stress such as chronic sleep disturbance, excessive tiredness and weakness, tension, headaches, appetite disturbance and persistent nausea (Blaauw et al., 2002; Brewster, 1997; Pathé & Mullen, 1997). Furthermore, many stalking victims report that stalking results in personality change (Hall, 1998) and a propensity to seriously consider or attempt suicide (Pathé & Mullen, 1997).

Specifically, 37% of stalking victims fulfill the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV*; American Psychiatric Association, 1994) criteria for a diagnosis of posttraumatic stress disorder and an additional 18% would have fulfilled all the criteria if they had also been exposed to a stressor that involved actual or threatened physical harm or a threat to one's physical integrity (Pathé & Mullen, 1997). Blaauw et al. (2002), who employed the 28-item version of the General Health Questionnaire (GHQ-28; Goldberg & Hillier, 1979), found that the responses to the GHQ-28 revealed strikingly high levels of psychopathology among stalking victims in the Netherlands, even though victims differed markedly in their reports of psychiatric symptoms. Stalking victims' average GHQ-28 total score and the scores on the sub-scales Somatic Symptoms, Anxiety and Insomnia, Social Dysfunction, and Severe Depression were more in line with those of psychiatric outpatients than with those of general practitioner patients or the Dutch general population. In confirmation of this, 77% of the stalking victims had scores on the GHQ that are usually indicative of the presence of a diagnosable psychiatric disorder. Thus, not only were the victims' symptom levels found to be more in accordance with those of psychiatric outpatients than with those of general population samples, but also three-quarters of the victims displayed a symptom level that indicated psychiatric disorder. It must be concluded from all these findings that stalking is indeed associated with serious mental health problems among victims. This in turn has ramifications for the sentencing of stalkers (see Freckelton, 2001).

Since many anti-stalking laws require that victims experience substantial emotional distress, serious alarm, annoyance, fright, torment, fear for safety, arousal of fear, or reasonable mental anxiety, anguish, or fear, it is important to see how

many self-proclaimed victims feel stalked but nonetheless do not experience such negative mood states. In the Blaauw et al. (2002) study in the Netherlands, 234 self-proclaimed stalking victims were asked about nine mood states and symptoms of psychopathology (GHQ-28). Of these victims, 34 (15%) reported no increased psychopathology and no unease, unhappiness, discomfort, dissatisfaction, anxiety, illness, fear for safety, insecurity and tiredness. They did report an average of five of the stalking behaviours that are presented in Table 1 ($SD = 2.1$ behaviours) and an average duration of stalking of 5.2 years ($SD = 7.1$ years), so it cannot be said that these victims were exposed to only a limited severity of stalking. An additional 49 victims (22%) reported negative mood states but no increased psychopathology or increased psychopathology or negative mood states. These findings clearly indicate that it may be problematic to include negative effects for victims in the definition of what constitutes stalking. The next two paragraphs further underline this assertion.

Stalking Experiences and Psychopathology

Little is known about the impact of specific stalking features on victim's psychopathology. Pathé and Mullen (1997, p. 15) noted that victims were more likely to suffer posttraumatic stress symptoms if they had been followed or exposed to violence, and that "victims indicated that they might have coped better with the more tangible damage of physical assault" than with the "stalker's constant intrusions and menace". In line with the victims that constituted Pathé and Mullen's (1997) Australian sample, the victims in the Dutch sample reported higher symptom levels when the stalking they experienced included following or theft/destruction of property (for more information about the analyses, see Blaauw et al., 2002). However, no relationship was found between exposure to physical assault and symptoms of psychopathology. Furthermore, contrary to the notion of Pathé and Mullen (1997), neither the number of violent behaviours nor the number of intrusive behaviours was significantly associated with the level of psychopathology. Put simply, Dutch victims did not cope better with violent behaviours than with constant intrusive behaviours.

Table 2 displays the results of the analyses of relationships between symptoms of psychopathology (GHQ-28) and features of stalking in the

Table 2

Mean GHQ-28 Total Scores in Relationship to Features of Stalking

STALKING FEATURE	FEATURE PRESENT		FEATURE NOT PRESENT	
	M	SD	M	SD
Telephone calls	13.7	9.1	14.3	9.3
Harassing letters	13.7	9.5	13.9	8.9
Surveillance of victim's home	14.2	8.9	12.3	9.4
Following	14.2	9.2	11.5	8.6
Unlawful entry in home	14.9	9.1	12.8	8.9
Destruction/theft of property	14.8	9.2	11.6*	8.4
Direct unwanted approach	14.1	9.1	11.6	8.0
Physical assault	13.9	9.2	13.5	8.9
Threats to harm or kill victim	14.3	8.8	13.3	9.3
> 6 (about mean) stalking behaviours	14.7	9.0	11.6*	8.8
Stalked by former intimate	13.8	8.9	13.5	9.3
Stalked more than 3 years (about median)	12.4	9.0	14.9*	8.8
Stalking started less than a year ago	16.3	8.9	13.3	9.0
Recently stalked daily	16.6	8.8	12.5*	8.9
Frequency decreased	12.4	8.7	15.5*	9.1
Stalking still ongoing	14.2	9.0	12.7	8.9

Note: Means that share an asterisk differ in a *t* test from the means in the same row at $p < .05$.

Dutch study. These findings are somewhat different from those reported by Blaauw et al. (2002) because all false allegations of stalking were removed from the analyses. The overall picture is the same, however. Victims' symptom levels are found to be high by comparison with those of people in the wider community. Actually, victims' levels of psychopathology are much more in accordance with those of psychiatric outpatients than with those of general practitioner patients or the Dutch general population. In addition, these symptom levels are found to be somewhat dependent on the type (theft/destruction of property) and number of stalking behaviours, the frequency of stalking, the duration of the experience (inverse relationship!) and whether the frequency of stalking has decreased (see Table 2). Notably, however, only a few stalking features are found to be related to the severity of psychopathology and the relationships have hardly any clinical value. Several stalking behaviours, and even such seemingly important features as whether or not the stalking has stopped and whether or not the stalking has started recently, have no relationship with the severity of psychopathology. Moreover, all features combined explain no more than 7% of the variance of psychopathology. With the number of stalking behaviours and the most recent frequency of stalking in the

equation, other stalking features do not explain additional variance of psychopathology.

Thus, there exists hardly any relationship between the frequency, duration, intensity, and intrusiveness of stalking behaviour on the one hand and the seriousness of victims' symptoms on the other hand. This is at odds with Dohrenwend's (1998) adversity-distress model which argues that suffering a stressful life event causes a direct increase in psychological distress, such that the more stressful the event(s) the worse their psychological impact should be. Dohrenwend's (1998) claim that chronic stressors can lead to habituation on the part of sufferers may provide an explanation for the lack of relationships here, and it certainly may provide the explanation for why symptoms were less severe when the victims had been exposed to a prolong period of stalking, but the 7% explained variance suggests that victims' psychopathology is probably better explained by other processes. These other processes will be addressed in the next paragraph but for now it is important to (again) conclude that victims' psychopathology should probably not be part of the definition of what constitutes stalking. In addition, it seems that it may be more worthwhile to include the number of stalking behaviours or the frequency of stalking into a definition of

what constitutes stalking than a description of single behaviours.

Vulnerability and False Allegations of Stalking

From the previous sections it should be clear that stalking victims are often subjected to many forms of intrusive behaviour and many violent behaviours over which they have no or limited control. In addition, victims often have to endure these problems for an extended period, often not knowing when, how and where their stalker will strike again. Over time, stalking experiences often vary in intensity, duration and intrusiveness. Furthermore, the vast majority of victims suffer from many symptoms of psychopathology and many victims struggle with serious economic and social difficulties. It is striking, however, that relationships between stalking features and the seriousness of victims' symptoms are both statistically and clinically weak and that the adversity-distress model leaves unexplained 93% of the variance in victims' symptoms of psychopathology. There are many instances where victims report relatively mild stalking combined with major psychological disturbances or terrible stalking episodes combined with relatively few symptoms. Clearly then, a dose-response type approach, such as that proposed by the adversity-distress model, cannot explain a great deal of stalking victims' symptomatology. A better explanation may be provided by Bowman's (1997) vulnerability (resilience)-distress model. Research on the model followed several studies of PTSD that had identified a "disappointingly weak" relationship between mental health outcomes and life events. Bowman (1997) concluded that:

People respond to acute events with great individual variability which arises mostly from individual differences in long-standing qualities. [...] When both event and pre-event individual difference factors are included in studying post-event responses, individual differences account for more of the variance in response than event features do (p. 35).

Although stalking cannot be regarded as an acute event, individual differences such as resilience to stalking may account for the lack of success of the adversity-distress model in explaining the data in that it is likely that some of the victims were already vulnerable to psychopathology prior to the

onset of their stalking episode. The vulnerability (resilience)-distress model may also explain why victims report less pathology when the stalking period is relatively prolonged: Perhaps some of these victims have regained the resilience needed to deal with their stalking.

There are some indications that relatively vulnerable groups are at higher risk of becoming stalking victims. Studies have consistently shown that women are at a higher risk of becoming victims of stalking than are men (e.g., Budd & Mattinson, 2000; Tjaden & Thoennes, 1998). It also appears that students (Blackburn, 2000; Fremouw, Westrup & Pennypacker, 1997; Logan, Leukefeld & Walker, 2000) or, more generally, young people (Budd & Mattinson, 2000; Hall, 1998; Tjaden & Thoennes, 1997) are at a higher stalking victimisation risk. Furthermore, homosexual men have been identified as a high-risk group (Tjaden & Thoennes, 1997). In the Dutch sample of victims no relationship exists between the victims' age and their level of symptoms. Male victims did report less symptoms than did female victims ($M = 10.8$ versus $M = 14.0$) but the difference reached only marginal statistical significance ($p = .09$), perhaps due to the limited number of male victims in the sample ($N = 25$), and had also limited clinical significance. Thus, this information is of little use for the understanding of why so many stalking victims report high levels of psychopathology. The information is certainly not useful with the aim of developing anti-stalking legislation.

Research has shown that a prior history of physical abuse is very common among female victims of stalking (Blackburn, 2000; Brewster, 1997; Coleman, 1997; Tjaden & Thoennes, 2000). Because physical abuse often leads to long-lasting vulnerability, this could explain some of the many symptoms of psychopathology among stalking victims and the lack of relationships with obvious features of stalking. In addition, many stalking victims are stalked by former intimates — Spitzberg (2002) reports a mean proportion of 49% over 32 studies — and several studies have reported that the victim's ending of the relationship with the stalker often causes the onset of stalking (e.g., Brewster, 1997; Tjaden & Thoennes, 1997; see also Davis, Ace, & Andra, 2000). It is conceivable that good knowledge of what the ex-partner is capable of and a general fear of what he or she may do is more responsible for increased pathology than the actual behaviours. Furthermore, many stalking victims

have children with their stalker — this was so with no less than 93 out of 234 (40%) cases in the Dutch victim sample — whereby it is conceivable that some of actions of the parent without custody over the children that are directed at seeing the children are (correctly or incorrectly) interpreted as stalking behaviours. Obviously, fear of losing custody over children can be anxiety-provoking, and thus psychopathology-increasing. In this respect, it has to be noted that seven of the Dutch stalking victims reported that their stalker's actions were directly aimed at having contact with the children who were in the victim's custody.

Finally, without a doubt there are stalking victims with pre-stalking psychopathology. In the Dutch study, approximately half of the victims reported psychological difficulties in the past (but it is uncertain whether they referred to the recent past or the period before the stalking episode) and there were some victims who reported terrible experiences prior to their exposure to stalking: One woman had been raped repeatedly and had been forced by her husband to have sex with strangers; another woman had suffered from posttraumatic stress-symptoms after a car accident.

According to Pathé, Mullen, and Purcell (1999), reports of stalking can be false when (1) stalkers claim to be victims; (2) people have delusions that encompass stalking; (3) those who have previously been stalked have become hypersensitive to recurrence; (4) people seek gratification of dependency needs through adopting victim status; and (5) people consciously fabricate or exaggerate victimisation for external incentives. As can be observed, no less than three of these reasons for false claims (i.e., 2, 3 and 4) have a clear association with individual vulnerability. This raises questions about the prevalence of false stalking claims and the backgrounds of false claimants.

Two per cent of the stalking reports made to the Los Angeles Police Department involved stalkers who presented themselves as victims (Zona, Lane & Moore, 1996), which leads to an estimated 10% false claims when other categories of false claims of stalking are also taken into account. In a sample of 95 stalking victims who had identified themselves as such to a London-based charity, 20% were considered to be false claims of stalking and in the Dutch sample of 261 self-proclaimed victims who had identified themselves to a similar foundation in the Netherlands 10% of the cases were considered to be false claims (Sheridan, Blaauw &

Winkel, 2002). Of the combined 46 false stalking cases of these latter two studies, no less than 32 were delusional cases and three were cases of false revictimisation. Nonetheless, false claimants did not report more or less psychopathology (GHQ-28) than did genuine stalking victims (respectively $M = 12.8$ and $M = 13.7$). One must conclude from these findings that (1) certainly not all presented claims of stalking represent actual stalking; (2) false claimants do not differ from genuine stalking victims with regard to psychopathology; and (3) false claims of stalking appear to be predominantly caused by personal vulnerability or pathology.

As with other victim studies (Brewster, 1997; Hall, 1998; Pathé & Mullen, 1997), the Dutch study may of course represent the most seriously stalked, those with the poorest coping strategies, or indeed any one of the other numerous characteristics that could set them apart from the population as a whole. Nonetheless, it can be concluded that stalking victims struggle with serious mental health problems that may not necessarily be related to their stalking experience. From all the findings it seems that the vulnerability (resilience)-distress model provides a good explanation of the level of psychological distress experienced by victims of stalking, perhaps in conjunction with the adversity-distress model. After all, many stalking victims appear to suffer from psychopathology that is largely independent of their stalking experiences. Many have pre-stalking psychopathology. Further, victims' psychopathology tends not to be much different from that of false stalking claimants and in several cases the psychopathology seems secondary to their stalking experiences and more caused by vulnerability factors. Hence, it seems problematic to include victims' suffering into a legal definition of stalking.

Developing Anti-stalking Legislation

From what we have discussed it is clear that stalking is usually a long-term phenomenon with stalking behaviours that are quite stable over different countries. Of course, such knowledge provides little help for legislators because legislators focus on criminal behaviours and not as much on the duration of such behaviours or on whether they are punishable in other countries. However, the consistency shows that legislators may benefit from knowledge of the experience in other countries. Of more help for legislators is the consistent finding that stalking victims are rarely

subjected to only one behaviour. Most victims are subjected to the following behaviours and most people consider the following to be exemplars of stalking: following a target, repeated telephone and/or written contact, and various approach behaviours. These forms of conduct could be included in anti-stalking legislation but in rare cases such a non-comprehensive description of behaviours could lead to dismissals of actual stalking cases. Hence, it seems advisable to include these behaviours as examples in an accompanying text with the legislation.

The knowledge that it seems very problematic to include negative effects for victims in the definition of what constitutes stalking compounds on the complexity of anti-stalking legislation. In this respect it seems advisable to adhere to the requirement that is stated in the British anti-harassment legislation and talk of stalking “if a reasonable person in possession of the same information would think the course of conduct amounted to stalking of the other”.

An important question, of course, is whether a legal text is not too vague when it does not include specific behaviours and also neither a minimum amount of occasions or behaviours nor consequences for the victims. After all, such a text could criminalise perfectly legitimate behaviours or marginally disturbing forms of conduct. Perhaps the reasonable-person-test could prevent such negative effects from occurring. Research should address this issue. In addition, it is of the utmost importance to examine the benefits and shortcomings of the different wordings of anti-stalking legislation.

References

- Badcock, R. (2002). Psychopathology and treatment of stalking. In J.C.W. Boon & L. Sheridan (Eds.), *Stalking and psychosexual obsession: Psychological perspectives for prevention, policing and treatment* (pp. 125–139). Chichester: Wiley.
- Blaauw, E., Winkel, F.W., Arensman, E., Sheridan, L., & Freeve, A. (2002). The toll of stalking: The relationship between features of stalking and psychopathology of victims. *Journal of Interpersonal Violence, 17*, 50–63.
- Blackburn, E.J. (2000). Forever yours: Rates of stalking victimization, risk factors and traumatic responses among college women. *Dissertation Abstracts International, 60*, 5763.
- Bowman, M. (1997). *Individual differences in posttraumatic response: problems with the adversity-stress connection*. Mahwah, NJ: Lawrence Erlbaum.
- Brewster, M.P. (1997). *An exploration of the experiences and needs of former intimate stalking victims: Final report submitted to the National Institute of Justice*. West Chester, PA: West Chester University.
- Budd, T., & Mattinson, J. (2000). *Stalking: Findings from the 1998 British Crime Survey*. London: Home Office.
- Coleman, F.L. (1997). Stalking behaviour and the cycle of domestic violence. *Journal of Interpersonal Violence, 12*, 420–432.
- Davis, K.E., Ace, A., & Andra, M. (2000). Stalking perpetrators and psychological maltreatment of partners: Anger-jealousy, attachment insecurity, need for control, and break-up context. *Violence and Victims, 15*, 407–425.
- Dohrenwend, B. P. (1998). *Adversity, distress and psychopathology*. New York: Oxford University Press.
- Freckelton, I. (2001) Stalker sentencing and protection of the public. *Journal of Law and Medicine, 8*, 233–239.
- Fremouw, W.J., Westrup, D., & Pennypacker, J. (1997). Stalking on campus: The prevalence and strategies for coping with stalking. *Journal of Forensic Sciences, 42*, 666–669.
- Goldberg, D. P., & Hillier, V. F. (1979). A scaled version of the General Health Questionnaire. *Psychological Medicine, 9*, 139–145.
- Hall, D.M. (1998). The victims of stalking. In J.R. Meloy (Ed.), *The psychology of stalking: Clinical and forensic perspectives* (pp. 113–137). San Diego, CA: Academic Press.
- Jason, L. A., Reichler, A., Easton, J., Neal, A., & Wilson, M. (1984). Female harassment after ending a relationship: A preliminary study. *Alternative Lifestyles, 6*, 259–269.
- Kamphuis, J.H., & Emmelkamp, P.M.G. (2000). Stalking: A contemporary challenge for forensic and clinical psychiatry. *British Journal of Psychiatry, 176*, 206–209.
- Logan, T.K., Leukefeld, C., & Walker, B. (2000). Stalking as a variant of intimate violence: Implications from a young adult sample. *Violence and Victims, 15*, 91–111.
- Meloy, J.R. (1996). Stalking (obsessional following): A review of some preliminary studies. *Aggression and Violent Behaviour, 1*, 147–162.
- Miller, N. (2001). Stalking investigation, law, public policy and criminal prosecution as problem solver. In J.A. Davis (Ed.), *Stalking crimes and victim protection* (pp. 387–426). Boca Raton, FL: CRC Press.
- Pathé, M., & Mullen, P. E. (1997). The impact of stalkers on their victims. *British Journal of Psychiatry, 170*, 12–17.

- Pathé, M., Mullen P.E., & Purcell, R. (1999). Stalking: False claims of victimisation. *British Journal of Psychiatry*, 174, 170–172.
- Sheridan, L.P., Blaauw, E., Davies, G.M., & Winkel, F.W. (2002). *Stalking: Knowns and unknowns*. Manuscript submitted for publication.
- Sheridan, L.P., Blaauw, E., & Winkel, F.W. (2002). *Characteristics of false stalking allegations*. Manuscript submitted for publication.
- Sheridan, L., Davies, G.M., & Boon, J.C.W. (2001a). The course and nature of stalking: A victim perspective. *The Howard Journal of Criminal Justice*, 40, 215–234.
- Sheridan, L., Davies, G.M., & Boon, J.C.W. (2001b). Stalking: Perceptions and prevalence. *Journal of Interpersonal Violence*, 16, 151–167.
- Sheridan, L., Gillett, R., & Davies, G.M. (2000). Stalking: Seeking the victim's perspective. *Psychology, Crime and Law*, 6, 267–280.
- Sinclair, H.C., & Frieze, I.H. (2000). Initial courtship behaviour and stalking: How should we draw the line? *Violence and Victims*, 15, 23–40.
- Spitzberg, B.H. (2002). *The tactical topography of stalking victimization and management*. Manuscript submitted for publication.
- Tjaden, P., & Thoennes, N. (1998). *Stalking in America: Findings from the National Violence Against Women Survey*. Washington, DC: National Institute of Justice and Centers for Disease Control and Prevention.
- Zona, M. A., Lane, J., & Moore, M. (1996). *The psychology and behaviour of stalkers*. Unpublished paper presented at the American Academy of Forensic Sciences Annual Meeting, Nashville, Tennessee, USA.

