# Ruled by Fear or Safety-Related Empowerment

## The Experience and Meaning of Penal Protection Orders in Intimate Partner Violence in the Netherlands

**Irma W.M. Cleven***

**Abstract**

This study uses a novel approach to understand the experience and meaning of unsafety and the contribution of penal protection orders to victim empowerment in cases of intimate partner violence (IPV). In ten in-depth interviews, IPV survivors reflect on their relationship with their ex-partner and the previous years in which the order against their ex-partner was issued, including its role within the wider process of coming to terms with IPV victimisation and moving on. Depending on expectations of protection orders (POs) enforcement and deterrence, POs enhance one's safety-related self-efficacy and result in a sense of empowerment. Its meaning can be understood in terms of one's power from the ex-partner, power to act, status vis-à-vis the offender and the wider community, care/help of the CJS, and unity/togetherness with the wider community. Several implications for theoretical and empirical research and practice are discussed.

**Keywords:** intimate partner violence, stalking, protection orders, empowerment, safety, well-being.

## 1 Introduction

Crime victims are in need of protection, especially in cases of intimate partner violence (IPV) where the perpetrator and victim know each other.[1] One of the measures that aim to prevent repeat victimisation are penal protection orders (PPOs). PPOs are tied to criminal proceedings and may be issued pretrial, soon after the police report, and post-trial, in the execution phase. The order restrains a suspect or offender from contacting the victim or from entering certain areas, usually the area surrounding the victims' home. Violations can be criminally enforced and may result in detention or incarceration. The enforcement possibilities vary depending on the legal basis of the order.[2] PPOs are often issued in cases of intimate (ex-) partner violence, [3,4] which is the focus of this study. Specifically, this study focuses on PPO issuance after IPV victimisation, including (ex-) partner stalking.

The protection order literature is mostly from the United States, quantitative in nature, and focused on civil protection order (CPO) effectiveness in IPV.[5] Most studies explored effectiveness by researching violation rates and predictors, specific types of re-abuse rates and safety-perception (measured as a single item) or a combination of these three.[6,7] A recent meta-analysis finds that both self-reported and police recorded violation rates vary widely. Between 17.4% and 66% of the samples experience one or more violations. The authors further conclude that evidence for CPO effectiveness in terms of reducing recidivism is mixed. However, CPOs can contribute to a reduction in re-abuse under certain conditions, including in the absence of stalking or a partner with a criminal record.[8] Besides violation and recidivism rates, a handful of studies have explored effectiveness from a wider range of outcomes. These conclude that most women find that CPOs contributed to an improved quality of life and self-esteem,[9] and also find a CPO ef-



* Irma W.M. Cleven, MSc, is PhD Candidate at the Department of Criminology of the Erasmus University Rotterdam, the Netherlands.

1 A. Ten Boom, 'De behoefte aan bescherming van slachtoffers van misdrijven in verschillende slachtoffer-daderrelaties', 15(1) *Tijdschrift voor Veiligheid* 3-17 (2016).

2 T. Fischer, I. Cleven & S. Struijk, *Handhaving en veiligheid bij strafrechtelijke contact-, locatie-en gebiedsverboden ter bescherming van slachtoffers* (2019).

3 *Ibid.*

4 S. van der Aa, K. Lens, F. Klerx-van Mierlo & M. Bosmans. *Aard, omvang en handhaving van beschermingsbevelen* (2013).

5 The American PO literature focuses on civil POs issued in IPV cases. As these orders are criminally enforced this literature provides useful indications for PPO 'effectiveness', see A.L. Horton, K.M. Simonidis & L.L. Simonidis, 'Legal Remedies for Spousal Abuse: Victim Characteristics, Expectations, and Satisfaction', 2(3) *Journal of Family Violence* 265-279 (1987).

6 C.T. Benitez, D.E. McNiel & R.L. Binder, 'Do Protection Orders Protect?', 38(3) *Journal of the American Academy of Psychiatry and the Law Online* 376-385 (2010).

7 B. Russell, 'Effectiveness, Victim Safety, Characteristics, and Enforcement of Protective Orders', 3(4) *Partner Abuse* 531-552 (2012).

8 R. Cordier, D. Chung, S. Wilkes-Gillan & R. Speyer, 'The Effectiveness of Protection Orders in Reducing Recidivism in Domestic Violence: A Systematic Review and Meta-analysis', 22(4) *Trauma, Violence, & Abuse* 804-828 (2021).

9 S.L. Keilitz, P.L. Hannaford & H.S. Efkeman, *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence: Executive Summary* (1997).

doi: 10.5553/ELR.000202

fective and reported less fear.[10,11,12] Lastly, CPO issuance is also associated with a reduction in depression and/or post-traumatic stress disorder (PTSD) symptoms.[13,14] In sum, the literature suggests POs can positively impact a wide range of safety and well-being outcomes. More importantly, a US study on IPV victim goals when petitioning a CPO found that they indeed pursue a wide range of goals, including preventing the ex-partner from contacting and hurting them, and feeling more at peace and moving on.[15]

In line with international research, Dutch research on penal protection orders shows that PPO compliance and enforcement is problematic.[16] In a survey conducted among 100 victims they were asked about PPO compliance, perceived PPO impact on the occurrence of subsequent stalking and violent incidents and the PPO contribution to feelings of safety. Six out of ten victims reported one or more violations. Nevertheless, a majority reported the PPO had contributed to a decrease in incidents and felt safer due to the PPO. However, one in seven reports the PPO contributed to an increase in incidents, and the remaining respondents reported the number of incidents remained the same. Furthermore, the study identified the following main enforcement problems: a lack of capacity for proactive enforcement and gathering evidence, a lack of knowledge on the part of individual police officers about the presence and content of a PPO, and a lack of contextual information on the part of Criminal Justice System (CJS) professionals which compromises their ability to make a fully informed decision with regard to urgency, priority and proportionality of the enforcement response.[17] In 2019, a special commission also identified these enforcement issues as contributing to the failed police response in an ex-partner stalking case that resulted in the tragic murder of a Dutch teen in 2018. In the months prior to the murder, she had been protected by a PPO and had repeatedly reported violations to the police.[18] In sum, although the Dutch study highlighted that a majority of victims feel safer, a minority reports PPOs exacerbated instead of mitigating the situation. Moreover, the aforementioned enforcement issues pose barriers for vulnerable victims to invoke the help of the CJS to enforce the order, or in other words, to make a claim on the protection order mechanism to enact their right to protection. When looking at this literature, current research views protection orders largely as an instrumental means to achieve a quantified reduction in objective safety measures. While that is not without merit, it may neglect a number of other significant issues: first, the growing understanding that the damage of intimate partner violence cannot be reduced to a set of discrete instances of violence, but relates to a wider and more enveloping experience of lack of control, lack of freedom and oppression. In turn, this experience constitutes a violation not only of one's right to safety, health and peace of mind but also of one's right to autonomy and liberty.[19,20] Second, current research neglects the notion in the fear of crime literature that experiences of safety and unsafety are only loosely connected to actual risk of victimisation, and the necessity to include the notion of perceived vulnerability and control to understand the experience of (un)safety.[21] Both the literature on IPV victimisation as well as experience of (un)safety emphasise the central role of one's sense of control or power. Third and fourth, prior research has neglected the need to understand the contribution of protection measures to the lived experiences of the victims they intend to protect. Understanding the PPO contribution to the lived experience necessitates viewing these lived experiences contextually, situated within the processes of coming to terms with and moving beyond victimisation (i.e. the move from safety and well-being to *em*powerment as proposed by Cattaneo and Goodman).[22] Lastly, recent research emphasises the view that acts and measures of law enforcement and criminal agencies in the aftermath of victimisation cannot be fully understood in terms of their system-intended outcomes, and must also incorporate the processes by which these outcomes are generated (i.e. procedural justice) and the different meanings that can be affixed to these processes and outcomes in terms of agency (e.g. control, freedom, empowerment) and communion (e.g. connectedness).[23,24]

This research will offer an initial evaluation of the empirical effectiveness of protection measures in the light



10 L. Shannon, T.K. Logan & J. Cole, 'Intimate Partner Violence, Relationship Status, and Protective Orders Protective Orders: Does "Living in Sin" Entail a Different Experience?' 22(9) *Journal of Interpersonal Violence* 1114-1129 (2007).

11 T.K. Logan and R. Walker, 'Civil Protective Order Outcomes: Violations and Perceptions of Effectiveness', 24(4) *Journal of Interpersonal Violence* 675-692 (2009).

12 T.K. Logan and R.T. Walker, 'Civil Protective Order Effectiveness: Justice or Just a Piece of Paper?', 25(3) *Violence and Victims* 332-348 (2010).

13 C.V. Wright and D.M. Johnson, 'Encouraging Legal Help Seeking for Victims of Intimate Partner Violence: The Therapeutic Effects of the Civil Protection Order', 25(6) *Journal of Traumatic Stress* 675-681 (2012).

14 T.P. Sullivan, N.H. Weiss, J. Woerner, J. Wyatt & C. Carey, 'Criminal Orders of Protection for Domestic Violence: Associated Revictimization, Mental Health, and Well-being among Victims', 36(21-22) *Journal of Interpersonal Violence* 10198-10219 (2019).

15 L.B. Cattaneo, J. Grossmann & A.R. Chapman, 'The Goals of IPV Victims Receiving Orders of Protection: An Application of the Empowerment Process Model', 31(17) *Journal of Interpersonal Violence* 2889-2911 (2016).

16 Fischer et al., above n. 2, at 1.

17 *Ibid*.

18 Inspectie Justitie en Veiligheid (2019). *Inspectieonderzoek naar de aanpak van de stalking door Bekir E*. Ministerie van Justitie en Veiligheid. www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2019/10/09/inspectieonderzoek-naar-de-aanpak-van-de-stalking-door-bekir-e/Inspectierapport.pdf.

19 *E.g.* E. Stark. *Coercive Control: The Entrapment of Women in Personal Life* (2009).

20 F. Polletta, 'How to Tell a New Story about Battering', 15(12) *Violence against Women* 1490-1508 (2009).

21 C. Hale, 'Fear of Crime: A Review of the Literature', 4(2) *International Review of Victimology* 79-150 (1996).

22 L.B. Cattaneo and L.A. Goodman, 'What is Empowerment Anyway? A Model for Domestic Violence Practice, Research, and Evaluation', 5(1) *Psychology of Violence* 84 (2015).

23 A. Pemberton, P.G. Aarten & E. Mulder. 'Beyond Retribution, Restoration and Procedural Justice: The Big Two of Communion and Agency in Victims' Perspectives on Justice', 23(7) *Psychology, Crime & Law* 682-698 (2017).

24 C.L. Wilinsky and A. McCabe, 'Agency and Communion in Sexual Abuse Victims' Narratives', 31(1) *Narrative Inquiry* 236-262 (2021).



doi: 10.5553/ELR.000202

of the result of the Dutch study and these issues. Specifically, this article will explore the contribution of PPOs to safety-related empowerment and its meaning in terms of agency and communion. The research question is the following:

> How do IPV victims interpret the PPO as a means to achieving a (renewed) sense of safety-related empowerment and what is the meaning of this (renewed) sense in terms of agency and communion?

I will briefly elaborate on the relevant theoretical constructs in more detail, before I develop my methodological approach fully. Furthermore, in the methodological and discussion section, important limitations with regard to the explorative design will be discussed. Finally, I will briefly explain the use of victim instead of survivor, as the latter is believed to emphasise agency. However, both terms are not without controversy, as debates about complex experiences being reduced to an either/or victim-survivor dichotomy show. During the interviews many respondents simultaneously claimed and rejected (certain stereotypical notions associated with) the victim label. As it is difficult to find a term that goes beyond this dichotomy, here the term victim is used, as this is the respondents' legal position. It is recognised that respondents may choose to claim and reject either or both labels at any time.

# 2 Conceptual Framework

In this section, I will describe the model of safety-related empowerment, its relevance in experiencing unsafety, and how PPOs may improve victims' sense of empowerment. Lastly, I will explain how a sense of (dis)empowerment can be understood in terms of agency and communion, which provides a better understanding of the impact of (dis)empowerment.

## 2.1 Empowerment: Process and Outcome

Disempowerment is central to IPV, and therefore victim empowerment is central to IPV interventions and prevention. The model of safety-related empowerment by Cattaneo and Goodman provides conceptual clarification.[25] Safety-related empowerment is viewed as a 'key mechanism' for distinct but related outcomes such as safety, mental health and satisfaction with service.[26] This model views empowerment as both a process and an outcome. In terms of process, changes in one's sense of safety-related self-efficacy (from here onwards called 'self-efficacy') are central. This sense is defined as *one's belief in the ability to carry out certain tasks to attain safety-related goals*. An example of such a goal is to stop the ex-partner from contacting or hurting them. This sense is shaped by formal and informal social support and two other intrapsychic factors that will not be elaborated upon here.[27] Here, the PPO is considered a type of formal support that may contribute to an increased level of influence in interaction with the ex-partner (i.e. empowerment) via enhancing a victim's sense of (safety-related) self-efficacy. Subsequently, this sense of self-efficacy shapes one's sense of empowerment as an outcome. Power is defined as the level of one's influence in social interactions. Consequently, empowerment as an outcome is defined as an increase in the experience of this influence,[28,29] and disempowerment as a decrease. In the following section, this sense of self-efficacy in the experience of unsafety will be situated within the literature.

## 2.2 Unsafety and Self-Efficacy

The fear of crime literature may provide useful concepts to understand the experience of unsafety of IPV victims. The conceptual framework drawn from this literature is based on research on the experiences of unsafety among the general population and of crime by an unknown dangerous other. Importantly, major debates in this field were sparked due to methodological issues with regard to measurement of 'fear of crime'. Many studies that intended to capture this 'fear' turned out to measure something else: not the emotion of fear, but concerns related to broader social insecurities that were not directly crime related. Therefore, Spithoven differentiated these various 'fear' experiences by separating the 'personal fear of crime' and 'situational fear of crime' from the more diffuse and a-personal 'neighbourhood fear of crime' and 'societal fear of crime'.[30] His conceptualisation of personal and situational fear is useful to understand in the concept of (1) what the experience of unsafety is and (2) how PPOs can contribute to one's sense of empowerment.

According to Gabriel and Greve, personal fear of crime is about an anticipated risk, whereas situational fear refers to a situation-specific response, thereby limited in time and space.[31] Situational fear arises when one identifies a perceived threat of becoming the acute potential victim of a 'dangerous other',[32] whereas this acuteness may be lacking when assessing one's anticipated risk. As both concepts have been developed to understand experiences of unsafety of the general population, they may not fully capture the experience of unsafety of IPV victims. Findings of previous research indicate that this experience differs in important ways. First, past IPV experiences with coercive control, a type of abuse that is characterised by a pattern of physical, sexual and emotional

25 Cattaneo and Goodman, above n. 22, at 3.
26 *Ibid.*, at 86.
27 *Ibid.*, at 88.
28 *Ibid.*
29 L.A. Goodman, L.B. Cattaneo, K. Thomas, J. Woulfe, S.K. Chong & K.F. Smyth, 'Advancing Domestic Violence Program Evaluation: Development and Validation of the Measure of Victim Empowerment Related to Safety (MOVERS)', 5(4) *Psychology of Violence* 355 (2015).
30 R. Spithoven, *Keeping Trouble at a Safe Distance: Unravelling the Significance of the Fear of Crime* (2017).
31 U. Gabriel and W. Greve, 'The Psychology of Fear of Crime. Conceptual and Methodological Perspectives', 43(3) *British Journal of Criminology* 600-614 (2003).
32 Spithoven, above n. 30.



doi: 10.5553/ELR.000202

abuse with the purpose of controlling the victim,[33] may shape cues that signal threat in a unique way.[34] For example, seeing the ex-partner exchanging certain looks can arouse a strong fear response that may be hard to understand for an outsider. Stark calls this reading of cues an adaptive 'particular reasonableness' for the sake of self-preservation.[35] Second, IPV victims' sense of exposure to threats may be higher because, compared to strangers, ex-partners have easier access to the victims' personal and social sphere. The sense of exposure is further heightened due to the extended possibilities for online harassment, via social media and texting.[36] This is in line with abusers' tactics of presenting themselves as the omnipresent and omnipotent dangerous other.[37] As a result, victims may experience a chronic state of unsafety, which is indicated by studies that find that many IPV victims experience symptoms of a chronic overstimulated arousal system, such as PTSS[38,39] and chronic anxiety.[40]

While keeping these differences in mind, these concepts remain both theoretically and methodologically relevant (see also 'methods'). First, the concepts clarify that experiencing unsafety is a multifaceted and dynamic process involving various emotions, concerns, perceptions and behaviours. The situational component highlights fear, concerns and coping while *being* afraid. In contrast, the personal fear of crime highlights perceptions of an *anticipated* risk, value concerns and the emotion of anger,[41] the latter being especially relevant when this risk is perceived as malicious and unjustified.[42] Therefore, the contribution of the PPO to a renewed safety experience can be understood in all these facets.

Second, personal and situational fear is useful to explain *how* PPOs contribute to an enhanced sense of self-efficacy, as it nuances the previous definition of Cattaneo and Goodman.[43] Both types of fear are shaped by a sense of personal vulnerability, which Spithoven defines as 'an individual's sense of exposure to risk, the expectance of serious consequences and … an inadequate ability to manage the direct and indirect consequences of a threatening situation'.[44] Specifically, the 'threatening situation' and the ability to manage (i.e. self-efficacy) differs as per the type of fear. With regard to the latter, personal fear involves coping 'with having had that episode of fear'. In contrast, situational fear involves coping with fear 'while being afraid'.[45] Therefore, for the purpose of this article I redefine (safety-related) self-efficacy as:

> the belief in one's ability to cope (1) when being confronted with the ex-partner as well as (2) to control the risk of future contact with the ex-partner and/or reduce the seriousness of its consequences.

Furthermore, one's sense of self-efficacy is tied to actual coping. IPV victims are known to use a range of formal and informal coping strategies to keep themselves and their families safe.[46] Fear, one's sense of self-efficacy, and coping behaviours are involved in a dynamic and interrelated process. The causal pathways are not fully understood.[47] What matters here is that the experience of (un)safety involves coping behaviours. Spithoven identifies three types of coping behaviours; conscious environmental scanning for the absence or presence of the dangerous other, situational coping while being confronted with the ex-partner, and coping in the absence of the ex-partner (e.g. avoidance behaviours and preventive measures). The relevance of these coping behaviours will be explained in the following section.

From the above it follows that to the extent that PPOs enhance one's sense of self-efficacy, they are thought to enhance victims' experience of safety (i.e. less fear, anger, value concerns, reduced risk perception and reduction in certain types of coping).

### 2.3 Unsafety and Safety-Related Empowerment From an Agency and Communion Perspective

This section will outline how the experience of unsafety and PPO contribution to empowerment can be understood in terms of agency and communion. These are two constructs that are used in psychological research on the function of behavioural motives, affect, values, and content of perceptions and judgements of others and the self.[48] They 'characterise two fundamental modalities in the existence of living forms, agency for the existence of an organism as an individual, and communion for the participation of the individual in some larger or-

33 J.B. Kelly and M.P. Johnson, 'Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions', 46(3) *Family Court Review* 476-499 (2008).

34 T.K. Logan and R. Walker, 'Partner Stalking: Psychological Dominance or "business as usual"?', 10(3) *Trauma, Violence, & Abuse* 247-270 (2009).

35 Stark, above n. 19, at 3, at 354.

36 N. Cheyne and M. Guggisberg, 'Stalking: An Age Old Problem With New Expressions in the Digital Age', in J. Henricksen and M. Guggisberg (eds.), *Violence Against Women in the 21st Century: Challenges and Future Directions* (2018) 161-190.

37 E.S. Buzawa, C.G. Buzawa & E.D. Stark, *Responding to Domestic Violence: The Integration of Criminal Justice and Human Services* (2017).

38 K.N. Fleming, T.L. Newton, R. Fernandez-Botran, J.J. Miller & V.E. Burns, 'Intimate Partner Stalking Victimization and Posttraumatic Stress Symptoms in Post-abuse Women', 18(12) *Violence Against Women* 1368-1389 (2012).

39 T.K. Logan and R. Walker, 'The Impact of Stalking-related Fear and Gender on Personal Safety Outcomes', 36 *Journal of Interpersonal Violence* NP7465-NP7487 (2019).

40 M.I. García Linares, M. Martínez, N. Celda Navarro, M.A. Picó Alfonso, C. Blasco Ros & E. Echeburúa Odriozola, *The Impact of Physical, Psychological, and Sexual Intimate Partner Violence on Women's Mental Health: Depressive Symptoms, Posttraumatic Stress Disorder, State Anxiety, and Suicide* (2006). https://roderic.uv.es/handle/10550/25188 (last visited 2 July 2021).

41 Spithoven, above n. 30, at 5.

42 A. Ben-Ze'ev, *The Subtlety of Emotions* (2000).

43 Cattaneo and Goodman, above n. 22, at 3.

44 Spithoven, above n. 30, at 5, at 134.

45 Gabriel and Greve, above n. 31, at 5, at 602.

46 See, for example, L. Goodman, M.A. Dutton, K. Weinfurt & S. Cook, 'The Intimate Partner Violence Strategies Index: Development and Application', 9(2) *Violence Against Women* 163-186 (2003).

47 Spithoven, above n. 30, at 5.

48 For an overview, see A. Abele and B. Wojciszke (eds.), *Agency and Communion in Social Psychology* (2018).





doi: 10.5553/ELR.000202

ganism of which the individual is a part'.[49] Agency encompasses notions of 'getting ahead', influence, control and competence. Communion encompasses notions of 'getting along', affiliation, connection, warmth and morality. The five agency and communion dimensions that will be used here are based on various power types that will be outlined in the following pages and the agency and communion coding system developed by McAdams,[50] who pioneered using this framework in life-story research. The relevant agency dimensions are as follows: (1) power from, (2) power to, and (3) status. The relevant communion dimensions are (4) care/help and (5) unity/togetherness.

First, to understand the meaning of unsafety and subsequent empowerment in terms of agency it is useful to further differentiate power. Riger differentiates between 'power over', 'power from' and 'power to'.[51] Power over refers to dominance over the other; power from to one's ability to resist by effectively fending off unwanted demands of others; and power to refers to one's freedom to act. Specifically, the meaning of unsafety for IPV victims can be understood as a lack of one's ability to resist by effectively fending off unwanted demands of their ex-partner (i.e. lack of power from). This may be particularly so for victims of coercive control. For these victims, subsequent stalking and the fear that it invokes may be viewed as an extension of this control.[52] Furthermore, in the previous section PPOs contribution to empowerment as an outcome was defined as an increase in one's level of influence in interaction with the ex-partner. Consequently, the meaning of empowerment can be understood as an increase in 'power from'. Thus, the terms empowerment as an outcome and increase in power from are interchangeable.

Besides power from, unsafety may also be experienced as a lack of power to (act). Without a PPO, victims may engage in continuous environmental scanning and use avoidance strategies to reduce exposure to the risk of contact - for example, by gradually restricting daily activities and staying at home.[53] Although coping may be effective in reducing exposure to risk, it may disempower when resulting in problems in other areas of life, or in a feeling that one needs to sacrifice too much to obtain a sense of safety. This is known as 'the safety-trade off'.[54] Consequently, this may be experienced as a lack of power to. To the extent that PPOs contribute to increased sense of power from, thereby reducing the need for other (avoidant) coping strategies, they may also contribute to an increased sense of power to.

Third, unsafety may result in a decrease in one's sense of status. For example, when an offender 'intentionally acts without regard for a victim's individual rights or freedoms', they simultaneously disrupt the power relationship between victim and offender and place themselves symbolically over the victim, resulting in feelings of inferiority.[55] Moreover, as the fear of crime literature shows, such value concerns also arise as a result of the perception of an *anticipated* norm transgression against the personal self, especially when this anticipated offence is regarded as intentional, malicious and unjustified.[56] In other words, unsafety and a negative safety trade-off may be experienced as a violation of one's right to physical and psychological integrity and autonomy (i.e. 'power to'). Subsequently, to the extent that the CJS will take these rights into account, by denouncing offenders' acts and empowering victims through PPO issuance and enforcement, victims may experience an increase in their sense of status.

Besides, in terms of agency, the experience of unsafety and subsequent empowerment can also be understood in terms of communion, specifically care/help and togetherness/unity. With regard to the first, PPOs can be considered a form of social support. Although the empowerment model views support as instrumental for one's sense of empowerment,[57] it is important to also recognise its value in terms of communion – of feeling cared for and supported. In terms of the latter, IPV victimisation and experiencing unsafety may negatively impact the victim's sense of unity or togetherness with the wider community.[58] Experiencing and coping with stalking may have a negative social and economic impact and result in feelings of isolation.[59,60,61] PPOs may reduce the need for avoidance behaviours and provide a sense of safety that is necessary for taking part in society; for instance, by spending time outside or being able to work.

In sum, the experience of unsafety and the PO contribution to one's sense of self-efficacy can be understood in terms of one's sense of (1) power from, (2) power to, (3) status vis-à-vis the offender and the wider community, (4) care/help, and (5) togetherness/unity with the wider community.



# 3 Method

## 3.1 Participant Characteristics and Recruitment

Participants were recruited after their participation in the aforementioned survey study on PPOs in

49 D. Bakan, *The Duality of Human Existence: An Essay on Psychology and Religion* (1966), at 14-15.
50 D.P. McAdams, *Coding Autobiographical Episodes for Themes of Agency and Communion* (2001), unpublished manuscript.
51 S. Riger, 'What's Wrong with Empowerment', 21(3) *American Journal of Community Psychology* 279-292 (1993).
52 Logan and Walker, above n. 34, at 5.
53 Worsley, J.M. Wheatcroft, E. Short & R. Corcoran, 'Victims' Voices: Understanding the Emotional Impact of Cyberstalking and Individuals' Coping Responses', 7(2) *Sage Open* 2158244017710292 (2017).
54 Goodman et al., above n. 29, at 5.
55 M. Wenzel and T.G. Okimoto, 'Retributive Justice', in K. Sabag and M. Schmitt (eds.), *Handbook of Social Justice Theory and Research*, at 246 (2016).
56 Ben-Ze'ev, above n. 42, at 6.
57 Cattaneo and Goodman, above n. 22, at 3.
58 McAdams, above n. 50, at 7.
59 K. Baum, S. Catalano, M. Rand & K. Rose, *National Crime Victimization Survey: Stalking Victimization in the United States* (2009).
60 E. Blaauw, F.W. Winkel, E. Arensman, L. Sheridan & A. Freeve, 'The Toll of Stalking: The Relationship between Features of Stalking and Psychopathology of Victims', 17(1) *Journal of Interpersonal Violence* 50-63 (2002).
61 Worsley et al., above n. 53, at 9.

*Table 1 Relationship Characteristics*

| Participant | Biological Children with Ex-partner | Relationship Duration | Married (Yes/No) | Age Range at Time of Interview in Years | Cause of Pretrial PO[a] | Post-trial Order Issued/in effect at Time of Interview |
|---|---|---|---|---|---|---|
| 1 | Yes | 1-5 years | No | 20-30 | Threats of violence | Yes/Yes |
| 2 | Yes | 21-30 years | Yes | 40-50 | Stalking | Yes/No |
| 3 | Yes | 21-30 years | Yes | 50-60 | Stalkinga | Yes/unknown |
| 4 | Yes | 6-10 years | No | 20-30 | Threats of violence | No/N/A |
| 5 | No | 6-10 years | No | 40-50 | Stalking | Yes/No |
| 6 | Yes | 1-5 years | No | 30-40 | Stalking[a] | Yes/Yes |
| 7 | Yes | - | No | 40-50 | Stalking | Yes/No |
| 8 | Yes | 10-15 years | Yes | 30-40 | Threats of violence | Yes/No |
| 9 | Yes | 16-20 years | Yes | 40-50 | Threats of violence | Yes/No |
| 10 | No | 1 month | No | 50-6 | Stalkinga | Yes/Yes |

[a] Based on the first alleged fact reported in public prosecution records, either threats of violence (Sr 285/1) or stalking (Sr 285B/1). Half of the cases involved 2 to 3 facts. An 'a' indicates no available record information and therefore the cause is based on interview information provided by the participant.



2018-2019.[62] Participants were all female victims of violence perpetrated by male ex-partners. All participants were protected by a pretrial order issued as a special condition of suspension of pretrial detention issued between April 2016 and October 2017. All but one were subsequently protected by a post-trial order. As shown in Table 1, all PPOs were issued as a result of stalking or threats of violence, although half of the cases involved multiple criminal facts.

Participants describe multiple incidents that occurred after separation. These incidents vary from unwanted attempts to contact the participant that did not necessarily involve verbal violence (e.g. driving past the participant's house, waiting at her doorstep), destruction of their property (e.g. scratching the car), unlawful entry and verbal and physical violence (e.g. continuous messages and phone calls, attempt to hurt with a knife). As stalking can be difficult to prove, the criminal fact leading to arrest does not always reflect all criminal incidents that have occurred over time. Furthermore, the descriptions of the participants vary in terms of the IPV type and severity during the relationship, which will be discussed in the results section.

### 3.2 Design, Procedure and Topic List

Participants were initially contacted via phone or e-mail. In-depth interviews were conducted either at the participant's home or, due to the Covid-19 pandemic, once via an online video call and once by telephone. The interviews took place between 27 July and 28 August 2020. The duration of the interviews varied from one hour and fifteen minutes to two hours and forty-five minutes.

The topic list covered questions related to the relationship with the ex-partner; PPO issuance, compliance and enforcement; perceptions of PPO usefulness and impact on everyday life. Furthermore, three narrative prompts were included based on the format by Adler et al.[63] and adapted to discover the personal meaning of the moment of issuance, as well as moments that signify the usefulness and uselessness of the order. Furthermore, participants were asked to describe their sense of 'togetherness/unity' with the wider society with the aid of self-other merging circles developed by Karremans.[64]

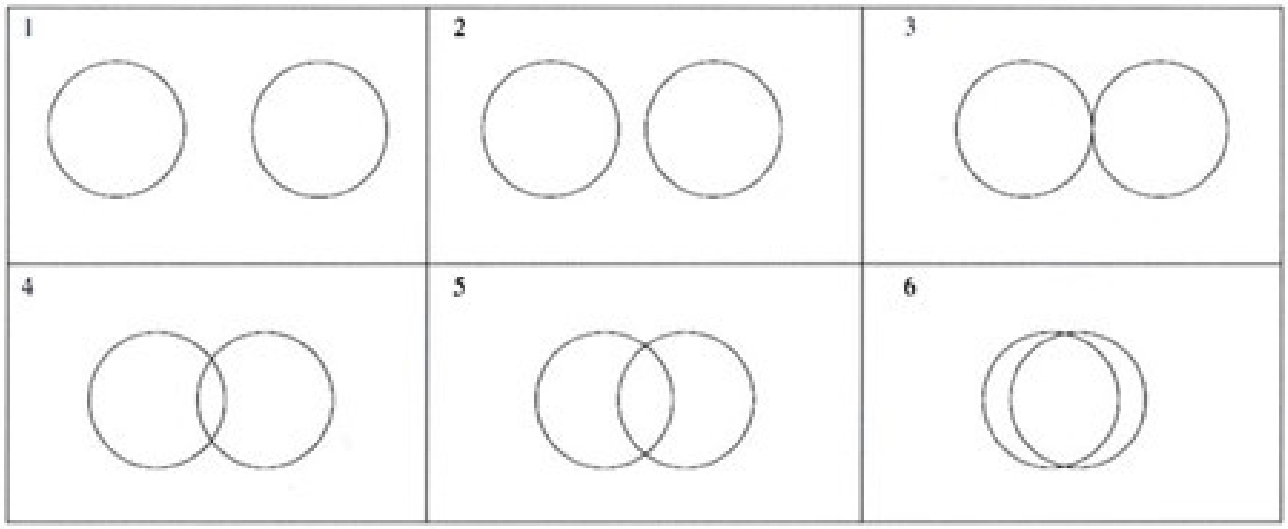
62 Fischer et al., above n. 2, at 1.

63 Adler, J. M., Dunlop, W. L., Fivush, R., Lilgendahl, J. P., Lodi-Smith, J., McAdams, D. P., … & Syed, M., 'Research methods for studying narrative identity: A primer', *Social Psychological and Personality Science*, *8* (5), 519-527, 2017.

64 J. Karremans, *Forgiveness: Examining Its Consequences* (2002). Doctoral dissertation, Free University Amsterdam, the Netherlands.


doi: 10.5553/ELR.000202

*Figure 1* *Self-other merging circles.*




*Karremans (2002).*

Self-other merging refers to the process by which people include another person or group into their self-concept.[65,66] The following figure depicts six diagrams with two circles that vary from completely separate to almost completely overlapping. Participants were told that one of the two circles depicts the participant and the other the 'wider society'. They were asked which diagram depicts their relationships towards this society best and why, both before and after PPO issuance. In doing so, they also explained how they understood 'wider society'. After explaining to what extent they felt connected to society after PPO issuance they were asked to what extent the PPO made a difference in their sense of connectedness.

### 3.3 Design Possibilities and Limitations

This article aims to explore the meaning of PPOs within this broader process of feeling safer and 'moving on' with one's life. The design resulted in the following three issues:

First, the small sample size is not sufficient to reach saturation and is biased. Specifically, specific case characteristics which indicate their positive PPO experiences cannot be generalised. For example, eight of ten participants mention they were in (close) contact with the community officer. Previous research indicated community officer involvement is not standard and has identified this involvement as a success factor in enforcement and enhancing victims' sense of safety.[67] Of these eight participants, one respondent also mentioned her case was discussed regionally as an exemplary case of cooperation between multiple (criminal) justice actors, which the aforementioned research also identified as a success factor in enforcement. Furthermore, three respondents mentioned factors that according to them made the police eager to arrest their ex-partner: two explained their ex-partner was already known ('notorious') for his criminal record and one respondent explained her ex-partner also severely and irreversibly injured her children. Therefore, the results need to be interpreted with this limitation in mind.

Second, victims reflect on experiences of victimisation and unsafety with and without a PPO present that stretches over years. Within this context, they reflect on the process and outcome of the PPO in terms of the impact it had on their lives so far. Therefore, it was not possible to explore the full process of issuance and enforcement in detail. On the one hand, because so much had happened over time, participants had forgotten details while on the other hand, there were interview time limitations. Consequently, this focus emphasised positive outcomes. The following examples show how a shift in focus changed the extent to which their experiences were experienced as (dis)empowering. When zooming on specific enforcement experiences, respondents have mentioned some experiences that suggest protection orders may also disempower. For example, some respondents mentioned problems related to reporting violations (e.g. being sent away when trying to report at the police office), gathering evidence or dissatisfaction with specific enforcement responses (e.g. a warning instead of arrest). Had they been interviewed right after these events, their responses to the PPO contribution to their safety experience may have been different (and perhaps less 'empowering'). However, as this research aims to explore the experience of (un)safety and the PPO contribution to empowerment within the broader process of recovery this is not considered a limitation. An advantage of this approach is that these participants were able to reflect on their long recovery process that was shaped by multiple interventions (e.g. therapy) and the role of the PPO within this recovery process. To my knowledge no other studies have examined PPOs from this perspective.

65 A. Aron and N.E. Aron, *Love as the Expansion of Self: Understanding Attraction and Satisfaction* (1986).

66 A. Aron and T. McLaughin-Volpe, 'Including others in the Self: Extensions to Own and Partner's Group Memberships', in C. Sedikides and M.B. Brewer (eds.), *Individual Self, Relational Self, Collective Self* (2001), at 89-108.

67 Fischer et al., above n. 2, at 1.



doi: 10.5553/ELR.000202

Third, although this study draws on the concepts of situational and personal fear of crime, this study does not capture to what extent participants feel or felt afraid (i.e. situational fear of crime). Specifically, 'according to affective neuroscientists, we are simply no longer able to measure situational fear of crime accurately once two weeks have passed since the fear event'.[68] Since PPO issuance, most participants report their ex-partners behaviour has positively changed and have come to terms with these experiences. With the passing of time, they have added new interpretative layers on the initial memories. As a result, even when reflecting on past experiences in which they felt afraid, what has been captured in the interviews corresponds better with personal fear. However, as I intend to explore the meaning of having lived in unsafety within the wider context of victimisation and recovery, this added layer of interpretation over situational fear experiences is not a disadvantage but precisely the focus of this study.

### 3.4 Analysis

The data was analysed in Atlas.ti using thematic and open coding strategies.[69] Thematic codes were based on the conceptual framework and topic list. Both thematic as well as open codes were mapped onto the respective agency and communion codes.

## 4 Results



This section will answer the central research question in four parts: the first part describes the experience of unsafety and lack of self-efficacy prior to PPO issuance. The second part describes the PPO contribution to safety-related self-efficacy. This part also includes an overview of PPO compliance and enforcement, as these experiences colour their retrospective understanding of the PPO contribution to self-efficacy. Finally, the third and fourth part outline the PPOs contribution to safety-related self-efficacy in terms of agency and communion.

### 4.1 The Experience of Unsafety and Lack of Safety-Related Self-Efficacy

Prior to PPO issuance, participants describe feeling unsafe due to a perception of their ex-partner as unpredictable. This perception is accompanied by uncertainty about what their ex-partner can and may do and results in feelings of fear of unwanted contact. Furthermore, their perceptions of the seriousness of the consequences of contact varies, both in nature as well as level of abstraction, from 'something terrible' to unlawful entry, rape and murder. This corresponds to a perception of high vulnerability (i.e. feeling exposed to the risk of unwanted contact and expecting serious consequences). Furthermore, in situations of actual or imagined contact they describe experiencing strong physical sensations, including heart palpitations, anxiety and trembling. This perception of vulnerability is accompanied by feelings of vigilance (e.g. 'alertness', 'cautiousness') and corresponding actions to ascertain that the ex-partner is not nearby (i.e. environmental scanning). As part of coping, they also frequently contacted the police, who informed them that they had not been able to arrest the ex-partner due to a lack of evidence, lack of perceived seriousness of the acts (e.g. swearing but no violent threat), or lack of repetition. In addition to feelings of fear, a few of the participants also describe feelings of anger. These participants describe that at times the thought of vigilante justice was appealing, although not preferable. This experience is accompanied by feelings of powerlessness and desperation (i.e. a low sense of self-efficacy), even though participants continued coping in various ways. Importantly, participants judge the PPO usefulness or uselessness in terms of their safety experience within this context.

### 4.2 PPO Contribution to Safety-Related Self-Efficacy

#### *4.2.1 Compliance and Enforcement Experiences*

With regard to PPO compliance and enforcement, three participants describe that the order was fully complied with. The other seven participants describe multiple order violations. The number of violations, police responses and its subsequent perceived impact on the behaviour of the ex-partner vary. Three out of seven describe a positive impact of enforcement on compliance. Specifically, one describes multiple violations and that full compliance occurred only after (and in her view because) the ex-partner had finally been arrested and detained for one week. Another describes that violations became less severe (i.e. her ex-partner stopped messaging her murder threats daily but continued attempting to come by her home) after consistent reporting from her side and overall consistent police enforcement. The third participant experienced multiple violations and her satisfaction with police enforcement varied (from being sent away from the police office after wanting to report a violation to having her partner being arrested immediately). She perceived her partner became more careful after being arrested, but she still experienced violations afterwards. Two out of seven respondents mention a reduction in unwanted contact, but do not specifically mention a positive impact of enforcement on compliance. One participant described the order had been violated multiple times. She explained the criminal justice system, mainly the police, had always responded to violations 'very seriously', including via issuance of stricter conditions. The other respondent also mentions multiple violations, but she cannot remember specific enforcement details. She describes the harassment stopped after her ex-partner broke his ankles in an accident (which limited his freedom of movement) and because he started a new relationship with another woman. Lastly, another two out of seven participants said they did not experience any reduction in contact at

68 Spithoven, above n. 30, at 5, at 110-112.

69 J. Saldaña, *The Coding Manual for Qualitative Researchers* (2021).



doi: 10.5553/ELR.000202

all. They currently feel safe as they relocated a couple of hundred kilometres away to a location unknown to their ex-partner. Lastly, although eight participants described the PPO contributed to 'feeling safer' this does not mean they experience safety (immediately). In contrast, they describe feeling safer and afraid simultaneously. The duration of gaining a renewed sense of safety varied from one month to years, which they relate among other things to the duration of prior abuse and the extent to which the order is complied with.

The following descriptions of the PPOs contribution to one's sense of self should be interpreted within the aforementioned context of overall positive experiences with compliance and police enforcement.

#### *4.2.2 Increased Safety-Related Self-Efficacy*

Participants describe feeling safer due to the PPO when being confronted with the ex-partner in terms of one or more of the following beliefs and expectations: (1) knowing that the order prohibits any kind of contact, (2) the right to call the police in case of this contact, and (3) expectations with regard to the enforcement response.

With regard to the first belief, the PPO contribution to feeling safer because the order prohibits acts for which police enforcement and prosecution is not possible otherwise or is difficult (i.e. stalking). Only two participants mention this, for example: 'If he shows up at my front door I can call the police, but in principle anyone can stand in front of my door. But because he has an order, I think, something will actually happen.' Second, of the participants who feel safer, four explain that the PPO contributed to this experience because it increased their awareness of how to cope in case of contact, that is that they 'can' and 'may' or 'have a right to' call the police: 'The realisation that, for example even when he just tries to talk, I can immediately get my phone and call the police.'

Third, seven out of eight participants who feel safer due to the order relate this feeling to the enforcement framework. The description varies from abstract as 'a big stick' to more specific expectations, for example that upon reporting a violation the police 'will take action', he will be 'taken way', 'arrested' or 'detained'. Furthermore, participants describe feeling safer due to the expectation that upon reporting police will arrive rapidly at their location. This is often mentioned as a result of the PPO in combination with other measures that support a rapid police response, such as a portable alarm button and an emergency alert in the police systems. Interestingly, some participants who have not experienced violations explain they do not know what the exact police response to violation would be, but feel safer nevertheless. Lastly, four participants explicitly relate these beliefs and expectations to an enhanced sense that 'something' is being done about the situation with the ex-partner, as well as feeling 'stronger', more 'confident' and more 'stable'. These findings indicate that PPOs contribute to self-efficacy via an increased ability to cope when being confronted with the ex-partner, by knowing that the order prohibits any kind of contact, having the right to call the police in case of contact, and specific expectations with regard to the enforcement response.

Besides the PPOs contribution to an increased ability to cope when being confronted with the ex-partner, some participants relate these enforcement expectations also to an enhanced ability to control the risk of future contact. Given the retrospective design, participants reflected on the extent to which the order was complied with. Specifically, seven of the respondents describe the usefulness of the order in terms of full compliance or a reduction in unwanted contact. In other words, participants who feel safer may still experience violations. For example, this participant who did not experience violations explained: 'What is nice [about the PPO] is that it is very clear for him … that he knew that I would irrevocably take action and the police also. It simply does not provide him space, and yes, when that became clear, the space was gone. And he saw that well.' In contrast, the following participant experienced multiple violations, but emphasised a reduction in contact after enforcement: '[about PPO usefulness] because I saw that it [enforcement] was effective, because over time his attempts to contact me decreased and sometimes it rises again and then it decreases again.' Furthermore, although these participants experience an enhanced ability to control the risk of future contact, two of these participants also acknowledge PPO limitations in this regard. They believe the PPO will not stop their ex-partner if he would 'really' want to hurt them. Of the participants who describe the order as useful, one respondent (who experienced violations and whose ex-partner stopped contacting her for other reasons than the order) describes the usefulness of the pretrial order in terms of building a paper trail which could result in an increased sentence. In contrast to the former eight respondents, two respondents describe the order as useless, as it did not reduce future contact. In one case the stalking continued and in the other she reunited with her ex-partner, which in hindsight she finds naïve.

Lastly, from their descriptions of the broader process of coping with past IPV experiences and moving on, it appears that the help received from social services and the PPO mutually reinforce one another. First, three participants explain that PPO compliance gave them peace of mind to successfully complete therapy and to come to terms with their past experiences of victimisation. As a result, they no longer perceive their ex-partner as a threat. Instead, when they run into him now or receive a message they think 'how silly you are' or see him as a 'sad little' or 'broken' man. Second, participants who describe their relationship in terms of coercion and control describe that, after breaking up, they went through a process of learning how to 'break away' from him and desist contact. One participant describes that after PPO issuance she eventually gave in to his attempts to contact her. She made this choice out of a combination of feelings of love, fear, and loneliness and being in 'survival mode'. With hindsight she finds this choice naive. In sum, the effect is reciprocal. PPOs may strengthen the



doi: 10.5553/ELR.000202

positive effects of therapy on the experience of safety. In turn, therapy may strengthen the victim's ability to make a claim on the PPO mechanism to fend off unwanted demands from the ex-partner, which as aforementioned contributes to feeling safer.
In sum, the beliefs and expectations indicate that for eight out of ten participants the protection order contributed to an enhanced sense of self-efficacy, via an increased sense of one's ability (1) to cope when being confronted with the ex-partner, and/or (2) to control the risk of future contact with the ex-partner.

#### *4.2.3 Decreased Safety-Related Self-Efficacy*

The previous section outlines PPOs contribution to an increased sense of self-efficacy. However, PPOs can also result in a decreased sense of self-efficacy, for example when victims fear the PPO increases the risk of escalation into violence or experience a reduction in decision power to reunite with the partner. Three participants reported fear of escalation, however, not due to PPO issuance, but either as a barrier to reporting to the police before PPO issuance, or right after her ex-partner had been arrested (and the PPO was issued). Specifically, this latter respondent even felt the order contributed to a reduced risk of escalation. Furthermore, after PPO issuance only one respondent secretly reunited with her partner. Although she hid this fact from the support agency, she did not feel disempowered by the PPO. In contrast, she explains that when she reunited, she was in 'survival mode', both fearing and loving her partner. She secretly hoped the police would run into them and would take her partner away. The lack of disempowering experiences may also be due to the aforementioned design limitations.



### 4.3 Agency in the Experience of Unsafety and Safety-Related Self-Efficacy

#### *4.3.1 Power From the Ex-partner*

Participants describe that their ex-partners dictate how they live by evoking fear and requiring them to manage exposure to the risk of unwanted contact. For example, one participant who experienced controlling behaviour during the relationship (e.g. everything must happen according to his wishes, unwanted surveillance, threats, staying silent or not terminating the relationship out of fear) describes experiencing fear and coping with unsafety as part of this broader relationship pattern: 'I think he should not control how I live. And … if he appears in front of the door he basically controls, again, how I should live. With fear … My vigilance remains inside me, I still have that. Even though it decreases. But it also makes you tired, you are 'free' … but in fact you are not.' Another participant, who ended contact after one month of dating and was subsequently stalked, describes fear and coping with unsafety as a process similar to becoming entangled in a pattern set by a controlling partner: 'I compare it [the impact] a little with, is my lay theory with persons who have a very controlling partner, which goes slowly, that they adapt more and more until at a certain moment they move completely within the pattern of their partner, and this also develops very stealthily.' These respondents explicitly describe feeling vigilant or coping with unsafety in terms of being controlled and unfreedom. Therefore, unsafety may be experienced as a lack of an ability to resist the demands of the ex-partner (i.e. lack of power from). More importantly, such quotes suggest the ability to resist such demands (i.e. power from) does not only refer to the absence of or reduction in the occurrence of concrete incidents, but also experiencing less unsafety, that is a reduction in (1) thoughts and assessments about their personal vulnerability when undertaking daily activities, (2) feelings of fear in cases of actual and anticipated risk of contact, and (3) coping behaviours, including environmental scanning, taking preventive measures and avoidance behaviour.
Consequently, participants describe the contribution of PPOs to an enhanced sense of empowerment in various ways. Some describe how the order created more distance between them and their partners; others that it reduced his 'influence on' or 'hold over' them or made them 'immune' to him. For some, distance is necessary, as they question their own strength to desist contact, as one respondent explains: 'He has the power to pull me back'. The following example about the usefulness of the order also illustrates this power from:

> One time … he called me, listen, I will go to the carnival, so you shouldn't go. I said, listen, you are *not allowed* (emphasis added) to call me. From now on, I will not comply with your rules. I have been participating in carnival for 15 years. The children have been participating for 15 years. You are the last [person] who will decide. The last. And that made me feel stronger, oddly enough.

These descriptions correspond to an enhanced sense of the ability to resist the demands of the ex-partner (i.e. power from).

#### *4.3.2 Power to Act*

Participants describe that experiencing unsafety interfered with their ability to shape their lives by limiting their freedom or power to act. They explain that they felt restricted in carrying out daily activities and work. A quarter of participants describe that, due to stalking, they were not able to carry out their work and were declared fully incapacitated for work. The ones who were able to continue work explain that this was due to a supportive work environment. Not all participants describe that their employers were supportive when dealing with the consequences of stalking (e.g. losing nights of sleep due to harassment and reporting to the police), which added additional stress.
In contrast, participants who feel safer due to the PPO describe how their quality of sleep has improved (e.g. fewer nightmares) and a reduction in environmental scanning, avoidance behaviours and taking preventive measures. With regard to the first, they describe that the PPO contributed to reduced 'vigilance' and not 'having to be prepared all the time, because he will not approach


doi: 10.5553/ELR.000202

me'. One participant explains that she appreciated knowing that she did not have to 'look over her shoulder', even though initially she still did. They also describe acting less fearful in cases of actual contact: 'If I would enter a place he would also enter, I have the choice to either stay or to leave and go outside, now I do not have to leave and go outside (…) as I used to do previously.' The following illustrates a reduction in taking preventive measures: 'Every time you think, oh, now I can't, do not feel like I can cycle home by myself, I would need to ask someone to accompany me by bicycle. That has all disappeared' due to the PPO.' A reduction in such coping behaviours is described as feeling 'free' to go outside, go shopping, or take their child to the playground.

In a general sense, the PPOs contribution to feeling safer enabled them to 'move on' with their lives and to shape their own identity: 'The added value of the PPO was that I had time to do what I wanted to and what had to be done. That, when we would visit my mother and my brother would help us move, I would not have to fear that my ex-partner would be waiting for him. Such things. … We just had the peace which allowed me to resume my life a little.' And 'that finally I could be [name], who I was, and not always just a scaredy-cat (*angsthaasje*) because of not knowing what he will do.' Not all participants who felt safer describe this feeling. One participant (who felt safer due to the PPO and had experienced a violation a week before the interview) said she found it difficult to envision a future for herself, as she thought his behaviour would be difficult to stop due to an underlying psychotic disorder.

Two participants describe that the PPO did not stop the ex-partner from contacting them and they ultimately relocated a significant distance away. They express mixed feelings with regard to this choice. On the one hand, they value that the ex-partner ceased to harass them, the peace of mind, the ability to carry out social activities and work, and feel that it reduced the ex-partner's power to 'pull [her] back'. On the other hand, they feel isolated and far removed from loved ones and/or unable to fully shape their identities (as a mother and grandmother). For example, one participant describes this choice simultaneously as the 'best decision' and as a 'punishment'. A punishment because: 'I live far removed from my children. I am not that kind of person, I should just be near my children. I should be babysitting my grandchildren and those sorts of things, you know, that's the kind of person I am, who prefers seeing her children twice a week instead of once a month.' These participants indicate that they hope to be able in the future to move back closer to loved ones. These mixed feelings correspond to a safety trade-off, and as aforementioned a negative safety-trade off indicates feelings of disempowerment. Given their mixed feelings, it remains unclear whether they ultimately feel the benefits outweigh the costs.

*4.3.3 Status*

Participants do not describe their experiences explicitly in terms of feelings of inferiority to their ex-partner, humiliation or the belief that the ex-partner does not take their interests into account, although some do describe feelings of anger, which imply a violation of one's entitlements. One participant describes that, when she would leave a café upon seeing him enter, she would feel that he had the 'last laugh'. Since most participants at the time of interviewing were not being harassed, it may be that feelings of reduced status were not as prominent anymore.

Participants were asked to what extent they felt that their rights were taken into account during the process of PPO issuance and enforcement. The descriptions vary from more general to specific feelings and thoughts about the police and public prosecutions actions. Some participants replied that the criminal procedure, including the PPO, contributed to the feeling that all that was possible had been done to 'catch him' and they felt the CJS realised that 'their situation' was 'not acceptable'. Few others relate these feelings specifically to the fact that PPOs prohibited contact, which allowed them to 'stand up for themselves and claim their rights'. Less than half of the participants explicitly associate the PPO with acknowledgement of a right, such as the right to protection or freedom of movement. For example, the participant who felt safer due to the PPO refers to its acknowledgement of the right to freedom, while the one who did not feel safer says she felt her right to freedom was not taken into account. In other words, from a victim perspective the extent to which the PPO enhanced self-efficacy is related to the extent to which PPOs outcomes acknowledge those rights.

Furthermore, the extent to which PPOs give recognition to certain rights seems to be related to its role within the wider IPV intervention approach. One participant explains that the acknowledgement of certain rights was undone in the trajectory of restoration of the bond between her ex-partner and her children that followed later. She felt it was expected that she put in 'an equal effort' to restore their bond as parents and his bond with the children. Particularly hurtful was the expectation that she should empathise with her ex-partner because he had been prohibited from contacting his children for multiple years, which in her view was simply 'cause and effect'. She explains further: 'So basically now it is viewed as a disadvantage that it is detrimental for his bond with the children that the no-contact order had been in place for so long. Well, that makes me think, oh, so that is possible too, that he can be disadvantaged this way whereas he is the offender, it is as simple as that.' Other participants whose ex-partners had contact with their children do not mention such negative experiences of PPO issuance while establishing contact arrangements.

In sum, these findings suggest that orders may contribute to a sense that one's rights are being taken into account. This extent seems, among other things, to be related to the extent to which the PPO contributed to an



doi: 10.5553/ELR.000202

enhanced sense of self-efficacy on the one hand, and did not result in negative experiences in other trajectories on the other.

### 4.4 Communion in the Experience of (Un)safety and Safety-Related Empowerment

#### *4.4.1 Care/Help From the CJS*

In the period before PPO issuance, the support by others or lack thereof is an important theme. For example, one participant describes a total lack of support as 'deadly'. Specifically, with regard to police contact in this period, four participants describe that they felt the officer did not immediately believe them, and two explain that they felt for a long time that they needed to prove and defend themselves instead of being believed and 'taken seriously'. In contrast, when participants describe the beliefs and expectations that are related to an increased sense of self-efficacy, they also describe that the PPO contributes to the feeling of being 'supported' and 'helped'. For example, they describe the PPO as 'the formal notification that, if something happens, we are here for you', the 'realisation that there are people standing next to you', that 'I could fall back on the police'.

#### *4.4.2 Togetherness/Unity With the Wider Society*

In the period after breaking up and before PPO issuance, participants describe feeling separated from society. This is evident in their choice of the self-other merging diagram, as none chose the diagram with overlapping circles. They explain that they felt like they 'were alone in confronting the threat', including due to the lack of the previously described care/help by the police, and feeling misunderstood - for example, because others did not understand the impact of stalking. Besides feelings of loneliness due to a lack of support they also describe feeling 'isolated' and unfree due to avoidance behaviour. In contrast, most participants describe that the PPO contributed to feeling more part of society. This is also evident in their choice with respect to the self-other merging diagram, as after PPO issuance they selected diagrams with overlapping circles and relate this to an enhanced sense of care/help and power to. Specifically, participants who feel safer due to the PPO explain that they felt more supported and less alone. Furthermore, three out of eight participants who felt safer due to the PPO explain that the reduction in avoidance behaviour and subsequent increased freedom allowed them to 'participate' in 'society' again.

Three out of ten participants describe a lack of togetherness/unity due to the order. Two participants who relocated describe a lack of togetherness/unity, and relate this to the inability of the PPO to change the behaviour of the ex-partner and their subsequent relocation. Specifically, one participant chose the diagram with two circles that stand far apart, explaining that she feels lonely and has 'lost everything' because she is far removed from friends and family. The other participant who relocated indicated that an ideal situation would be depicted by more overlapping circles, which would be the case if she would live closer to loved ones. The third participant describes a reduction in togetherness/unity with society due to the under 'Status' described PPO contribution to negative experiences in the contact arrangement. These experiences correspond with negative aspects of the safety trade-off.

In sum, the contribution of the PPO to togetherness/unity is related to the negative aspects of the safety trade-off, including the extent to which PPOs do not result in a negative experience in other trajectories, and one's sense of support.

## 5 Conclusion

Before providing the conclusions, it is important to note that the results need to be interpreted with caution due to the small sample size and a bias towards positive PPO and police experiences (see 'Method'). As outlined in the Method section, this study does not aim to generalise, but to explore the experience of (un)safety and the PPO contribution to safety-related empowerment within the broader process of coming to terms with and moving beyond the victimisation victims endured. To my knowledge, no other studies have explored these experiences from a qualitative victim perspective three years after PPO issuance. Therefore, this explorative study provides a unique insight. The research question was: *How do IPV victims interpret the PPO as a means to achieving a (renewed) sense of safety-related (dis)empowerment and what is the meaning of this (renewed) sense in terms of agency and communion?*

The findings show that the protection order may contribute to one's sense of empowerment via an enhanced sense of safety related self-efficacy. This ability is heightened when the order is tied to the following beliefs and expectations: knowing that the order prohibits any kind of contact, the right to call the police in case of this contact, expectations with regard to the enforcement response (e.g. expectation of rapid contact with the police, who will come immediately, remove the ex-partner) and the extent to which victims believed that the ex-partner would be and has been deterred due to the PPO.

Furthermore, the experience of unsafety due to the threat of the ex-partner can be understood in three agentic and two communion terms. First, this sense of unsafety is experienced as the lack of an ability to resist unwanted demands of the ex-partner, that is a lack of power from. Consequently, as fear and related coping behaviours restrict their ability to shape their lives and identities, this sense is also experienced as a lack of power to act. Third, although participants do not explicitly relate feelings of unsafety to a reduced sense of status, they do describe related feelings such as anger. Besides in terms of agency, the experience of unsafety can also be understood in terms of communion, specifically in terms of feelings of a lack of support and a lack of feeling part of the wider society.





doi: 10.5553/ELR.000202

Consequently, the PPOs contribution to an enhanced sense of (safety-related) self-efficacy can also be understood in terms of agency and communion. First, feeling safer is experienced as power from (e.g. made them 'immune'). Subsequently, those who feel an increase in power from, also feel more able to resume their lives, shape their identities and in some cases come to terms with their IPV experiences (i.e. increased power to act). When they feel an increase in power from and power to, they also feel the PPO acknowledges their right to protection, freedom and a dignified life (i.e. status). In communion terms, PPOs contribution to an enhanced sense of self-efficacy is described as feeling supported and not alone in confronting the offender (increases sense of care/help). Finally, the extent to which PPOs contribute to an increased sense of power from and consequent power to, status and care/help is also associated with increased feelings of being part of the wider society (togetherness/unity). Overall, these findings provide a rich understanding of how PPOs contribute to victims' sense of (safety-related) self-efficacy and insights into the multifaceted lived experience of changes in this sense in terms of agency and communion.

# 6 Discussion

This study provides insight into several issues that previous civil and penal PO research obscured. First, the findings correspond with previous studies which show that damage of intimate partner violence cannot be reduced to a set of discrete instances of violence, but relates to a wider and more enveloping experience of lack of control and unfreedom/oppression.[70,71] Specifically, the findings suggest not only experiencing discrete events but also the wider experience of unsafety (i.e. consequent emotions, thoughts and coping with the immanent and anticipated risk of contact) is experienced as a lack of the ability to resist unwanted demands of the ex-partner (i.e. power from) as well as a lack of freedom (i.e. power to).

Second, previous PO studies omitted the (P)PO contribution to self-efficacy (including its connection to safety and well-being),[72,73] although it has been explored recently in research on stalking[74] and PPOs contribution to safety.[75] Including notions of empowerment is important as studies find that one's sense of control mediates the negative impact of stressful experiences[76] including the impact of stalking.[77] By redefining (safety-related) self-efficacy, the conceptual framework provides a way to understand how PPOs contribute to an enhanced sense and in turn a sense of empowerment (i.e. increase in power from). Furthermore, this study extends findings of previous PO studies by providing a conceptual framework to understand how (P)POs contribute to an enhanced sense of self-efficacy and empowerment. For example, it explains why previous studies found that the mere expectation of PO non-compliance and experience of actual unwanted contact (i.e. violations) does not equal the perception that the PO is ineffective or does not contribute to the experience of safety,[78,79] as long as one's sense of an increased ability to either cope (1) when being confronted with the ex-partner or (2) to control the risk of future contact with the ex-partner and/or reduce the seriousness of its consequences on the other remains intact. Furthermore, changes in victims' sense of self-efficacy may also explain why studies find that PPOs may contribute to a perception of increased degrees of freedom between partners[80] and changing power dynamics between victim and abuser.[81] Lastly, the framework also highlights the importance of previous findings by Johnson and colleagues[82] about why participants find POs 'effective', for example 'he still calls me currently, but without the order I wouldn't be able to do anything about it', by relating such quotes explicitly to one's sense of self-efficacy.

Thirdly, analysing empowerment in terms of agency and communion is useful to explore empowerment as a key mechanism for attaining safety and well-being. Previous research revealed the devastating impact of stalking in terms of fear and well-being, including its negative economic and social consequences.[83,84] Agency and communion, as the fundamental modalities of human existence, map onto the six general dimensions of well-being (see Ryff for a review).[85] These dimensions overlap respectively with agency and communion dimensions identified by McAdams,[86] that is having a purpose in life, in combination with living in accord with their own convictions, and an ability to manage one's life situations corresponds with power/impact, personal growth with achievement/responsibility, self-acceptance with self-mastery, and social connectedness with unity/togetherness. In other words, the framework is useful in understanding *how* justice interventions can be experienced as 'therapeutic' for one's mental health, that is



70 Stark, above n. 19, at 3.
71 Polletta, above n. 20, at 3.
72 Benitez et al., above n. 6, at 2.
73 Cordier et al., above n. 8, at 2.
74 Logan and Walker, above n. 39, at 6.
75 I. Cleven, T. Fischer & S. Struijk. 'In het belang van het slachtoffer', 62(1) *Tijdschrift voor Criminologie* (2020).
76 S.F., Maier, J. Amat, M.V. Baratta, E. Paul & L.R. Watkins. 'Behavioral Control, the Medial Prefrontal Cortex, and Resilience', 8(4), *Dialogues in Clinical Neuroscience* 397 (2006).
77 Worsley et al., above n. 53, at 9.
78 K. Fischer and M. Rose, 'When "enough is enough": Battered Women's Decision Making Around Court Orders of Protection', 41(4) *Crime & Delinquency* 414-429 (1995).
79 J.M. Johnson, Y. Luna & J. Stein, 'Victim Protection Orders and the Stake in Conformity Thesis', 18(6) *Journal of Family Violence* 317-323, at 321 (2003).
80 Shannon et al., above n. 10, at 2.
81 Fischer and Rose, above n. 78.
82 Johnson et al., above n. 79.
83 Cheyne and Guggisberg, above n. 36, at 6.
84 Worsley et al., above n. 53, at 9.
85 C.D. Ryff, 'Psychological Well-being Revisited: Advances in the Science and Practice of Eudaimonia', *83* (1) *Psychotherapy and Psychosomatics* 10-28 (2014).
86 McAdams, above n. 50, at 7.

curative, nurturing, and empowering.[87,88] Although previous PO research included the notion of therapeutic justice to explore well-being outcomes,[89,90] this framework of agency and communion has two clear advantages. First, the framework is suitable for analysing qualitative data on lived experiences that provides insight into how interventions bring about these effects. Second, by exploring the experience of (un)safety from an empowerment framework on the one hand and the meaning in terms of agency and communion on the other, it is possible to understand these experiences beyond 'very simple terms … often a laundry list of symptoms or diagnosis for a few specific problems (e.g. anxiety, PTSS and depression)'.[91]

Furthermore, the findings give rise to topics to explore in future research. The findings illustrate the importance of expectations of support from the CJS, specifically the police. As described in the introduction, a Dutch study on PPO compliance and enforcement identified several enforcement issues. Moreover, a small minority of victims even reports the PPO contributed to an increase in violence by the offender. As empowerment is dependent on expectations of CJS support and the ability to control the risk of unwanted future contact, these enforcement issues are likely to reduce PPOs potential for victim empowerment. Moreover, these issues may also result in victim disempowerment. Therefore, future research could focus on which type of support victims need in the process of issuance and enforcement for an enhanced sense of (safety-related) self-efficacy and how often and which barriers they encounter.



Lastly, the findings also have implications for practice. The findings underline the importance of increased understanding that the CJS should not view IPV as discrete violent acts and that the seriousness of harm cannot be measured by physical injury alone.[92] This focus does not do justice to the nature and impact of experiencing unsafety, as described here in terms of agency and communion. Specifically, the findings emphasise that besides actions focusing on deterrence of the offender, professionals should also ensure that victims' sense of self-efficacy and expected support is enhanced or at a minimum not decreased. Such an approach would result in a greater PPO contribution to future victims' safety and well-being.

87 E.Y. Drogin, 'From Therapeutic Jurisprudence… to Jurisprudent Therapy', 18(3) *Behavioral Sciences & the Law*, 489-498 (2000).
88 D.B. Wexler and B.J. Winick, *Essays in Therapeutic Jurisprudence* (1991).
89 For example, see Sullivan et al., above n. 14, at 2.
90 For example, see Wright and Johnson, above n. 13, at 2.
91 Logan and Walker, above n. 34, at 5, at 260.
92 Stark, above n. 19, at 3.


doi: 10.5553/ELR.000202