

RESEARCH ARTICLE/ARAŞTIRMA MAKALESİ

Stalking: A study on lawyers registered with the Istanbul Bar Association

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Abstract

This study is one of the rare studies conducted on the stalking experiences of lawyers. When we examine the literature on stalking, it is observed that the majority of victims are women, and stalking is predominantly carried out by ex-spouses/partners or current spouses/partners. However, studies conducted on certain professionals have identified that some individuals are subjected to stalking due to their professional roles. In this context, the purpose of this study is to profile the stalking experiences of lawyers registered with the Istanbul Bar Association in Türkiye, discuss the risk factors, and shed light on future research. For data collection, a 23-question survey was created using Google Forms. The survey was distributed to 75 lawyers registered with the Istanbul Bar Association. It was found that 57.7% of the participating lawyers had been subjected to stalking, while 42.3% had not. The stalkers were identified as individuals the lawyers had met at some point in their lives (27.3%), ex-spouses/ex-lovers/ex-partners (18.2%), their own clients (15.2%), and opposing clients (9.1%). Stalking was mostly carried out through repeated phone calls/messages (69.7%) and via digital means on social media/the internet (66.7%). It was noted that 90.9% of the lawyers who had been subjected to stalking did not report it to legal authorities or file a complaint. In conclusion, although there are limitations in generalizing our findings beyond the current sample, it is evident that lawyers can also be victims of stalking, and there is a high incidence of such stalking being perpetrated by either opposing clients or their own clients. Furthermore, the most striking finding of the research is that the vast majority of victimized lawyers choose not to report the crime to official authorities due to their lack of confidence in the legal process related to stalking.

Keywords: Stalking, Stalker, Victim, Lawyer, Client.

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1. INTRODUCTION

Although stalking is a relatively new concept that has emerged in recent years, it is not a new phenomenon. Themes related to this behavior can be found in the mythology and literature of almost all cultures (Dressing et al., 2002). From this perspective, the phenomenon of stalking, which is an old behavioral pattern, gained international attention and began to be discussed conceptually after American actress Rebecca Schaeffer was murdered by an obsessed fan in 1989. Since the 1990s, it has been the subject of many studies. These studies cover a wide range of topics, including the stalkers and their motivations, the victims, the duration of the stalking, and the tools and weapons used in stalking incidents.

When we examine the studies conducted on stalking, we find that they typically focus on female victims and the relationship between the stalker and the victim. However, some studies have shown that certain professionals are also at risk due to their occupational fields. One of the notable studies in this regard is by Merzagora Betsos and Marchesi (2014). This study is significant as it is the first to explore the stalking victimization of lawyers. Of the 166 lawyers who participated in the study, 37.3% reported being stalked not only by their own clients but also by the opposing party or their colleagues. Another finding of the study is that female lawyers are at greater risk of being stalked compared to male lawyers. In family law cases, participants reported being stalked by their clients' ex-spouses. Conducting a similar study in Türkiye focused on lawyers, who are considered to be at risk due to their professional activities, would be beneficial for understanding stalking incidents targeting professionals.

2. STALKING: DIAGNOSTIC AND LEGAL DIMENSIONS

Stalking can be defined as a series of repeated, non-consensual behaviors directed toward a specific individual that cause the person to feel harassed, threatened, helpless, and fearful, ultimately leading to concerns for their safety. Unlike other criminal behaviors, stalking does

not have a clear beginning or end. Due to its unpredictable nature, it can cause significant distress to the victim. The negative emotional states experienced by victims, such as anxiety and fear, as well as the violations of personal rights associated with stalking, can lead to various psychological and physical health issues (Dardis, Amoroso, & Iverson, 2017).

With the aim of ensuring that individuals can live their lives in peace, tranquility, and psychological comfort, and thereby protect and develop their moral existence, stalking was officially recognized as a crime under the Turkish Criminal Code with the enactment of Law No. 7406, published in the Official Gazette on May 27, 2022. The crime of stalking is regulated in Article 123/A of the Turkish Criminal Code (TPC). According to Article 123/A of the TPC, a person who persistently follows someone physically or attempts to make contact through communication tools, information systems, or third parties in a way that causes significant discomfort or leads the person or their relatives to fear for their safety can be sentenced to imprisonment for six months to two years.

3. METHODOLOGY AND RESULTS

3.1. Aim of the Study

The aim of this study is to create a profile of the stalking experiences of lawyers registered with the Istanbul Bar Association in Türkiye, to discuss risk factors, and to shed light on future research.

3.2. Methodology of the Study

In the research, a field study was conducted with lawyers registered with the Istanbul Bar Association using the survey technique, one of the quantitative research methods. A 23-question survey was created by us for the purpose of data collection. The survey included questions about the participants' gender, age, and areas of professional activity, as well as who subjected them to stalking, how they experienced the stalking, their emotional responses to this experience, and the coping strategies they employed. To obtain personal responses regarding the participants' stalking experiences,

the last two questions of the survey were designed as open-ended. The survey, created via Google Forms, was administered electronically to 75 lawyers registered with the Istanbul Bar Association on a voluntary basis.

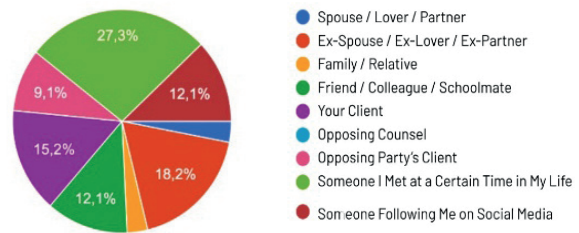
3.3. Results

Seventy-five lawyers registered with the Istanbul Bar Association participated in our study. When examining the demographic information of the participating lawyers, it was found that 78.2% were between the ages of 23-35 and 75.6% were women. Of the participants, 78.2% stated that they were practicing in the field of private law, while 21.8% indicated that they were working in public law. When asked which area of law they specialized in, the most common responses were criminal law, corporate law, labor law, obligations law, and family law. Participants were also asked about their professional experience. A majority, 82.1%, reported having between 0-10 years of experience, while 11.2% had between 11-20 years of experience.

The survey questions used in the research focused on the experiences of participants who had been subjected to stalking, aside from gathering demographic data. In the second part of the survey, participants were asked whether they had ever been subjected to stalking. It was found that 57.7% of the participating lawyers had experienced stalking, while 42.3% had not. The surveys of participants who had not experienced stalking were concluded at this point. Lawyers who reported being victims of stalking were directed to continue with the next part of the survey.

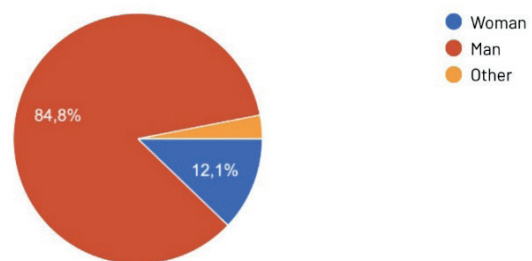
Participants who had experienced stalking were first asked about the identity of their stalkers. According to the survey results, 27.3% of the lawyers who reported being victims of stalking indicated that they were stalked by someone they had met at some point in their lives. This was followed by ex-spouses/ex-lovers/ex-partners at 18.2%, with 15.2% being stalked by their own clients, and 9.1% (n=3) by the opposing party's client. The data related to the stalker's identity is illustrated in Figure 1.

Figure 1. Identity Of The Stalker



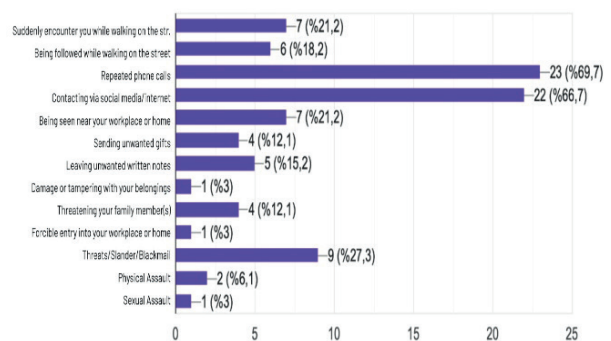
Of the lawyers who reported being subjected to stalking, 84.8% (n=28) indicated that their stalkers were male. Meanwhile, 12% stated that they were stalked by a female (Figure 2).

Figure 2. Gender Of The Stalker



When participant lawyers were asked which stalking behaviors they had experienced, 69.7% reported being subjected to repeated phone calls and messages. Additionally, 66.7% stated that they were stalked through social media and the internet. Along with these cyberstalking behaviors, participants also experienced traditional stalking behaviors, such as unexpectedly encountering the stalker while walking (21.2%), being seen near their workplace or home (21.2%), threats/defamation/blackmail (27.3%), and being followed while walking (18.2%) (Figure 3).

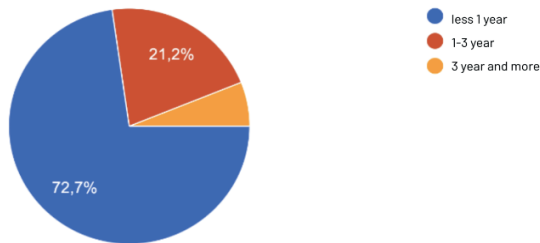
Figure 3. Stalking Behaviors



Participant lawyers who were victims of stalking were also asked how long they had experienced this stalking behavior. For 72.7% of the lawyers,

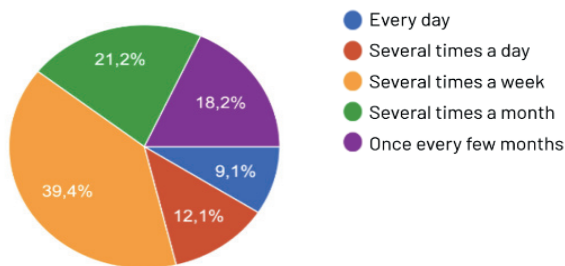
the stalking lasted less than a year, while 6.1% reported that it lasted more than three years (Figure 4).

Figure 4. Duration Of Stalking



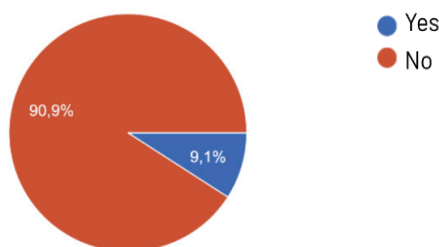
When asked about the frequency of stalking behaviors, 39.4% of the participating lawyers reported experiencing stalking several times a week, 12.1% reported experiencing it several times a day, and 9.1% reported daily occurrences. Additionally, some participants indicated experiencing stalking a few times a month (21.2%) or every few months (18.2%) (Figure 5).

Figure 5. Frequency Of Stalking



36.4% of the participants shared their stalking experiences with friends, 18.2% with family and relatives, and 12.1% did not share the incident with anyone. Additionally, 90.9% of the participants did not report the stalking behavior to any official authority (Figure 6).

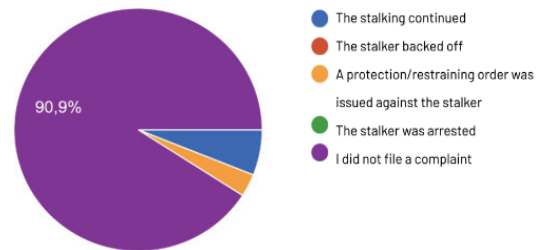
Figure 6. Rates Of Reporting To Official Authorities



However, participants who reported their cases were also asked about the outcomes. Among those who made a complaint, 3% reported that a

restraining order was issued against the stalker, while 6.1% indicated that there was no change in the situation and the stalking continued (Figure 7).

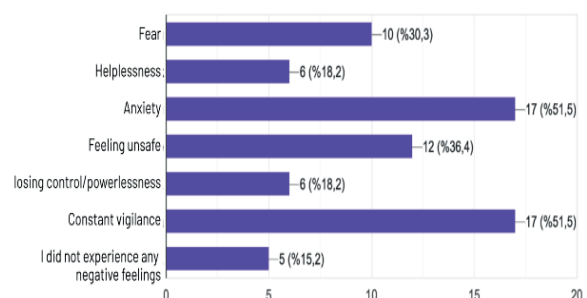
Figure 7. Outcome Of Complaints



In order to learn the reasons why the participating lawyers who did not apply to the official authorities did not apply, an open-ended question was directed to them, and they were expected to share the reasons for not applying in their own words. The participants generally responded with “inability to prove,” “unfortunately, as I have no hope as a lawyer,” “because I know the penalty is very small,” “because I thought the other party would become even more audacious,” “because I thought it would harm me,” and “I had not dared.” Additionally, 3 participant lawyers reported that the stalking event ended when they told the other party that they would make an application.

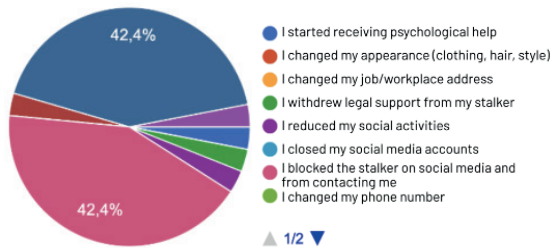
The participants were asked which emotions they primarily experienced in cases of stalking. 51.5% of the participating lawyers indicated that they experienced anxiety and a constant state of alertness during stalking. This was followed by 36.4% with feelings of insecurity and 30.3% with feelings of fear. 15.2% of the participants stated that they did not experience any negative emotions (Figure 8).

Figure 8. Emotional States During Stalking



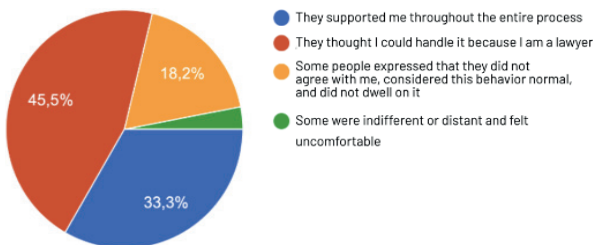
Among the survey questions, participants were also asked about the changes in their lives as a result of their stalking experiences. While 42.4% of the lawyers stated that they did not change anything in their lives after the stalking, 42.4% indicated that they deleted and blocked the stalker from social media platforms (Figure 9).

Figure 9. Changes In Their Lives After Stalking



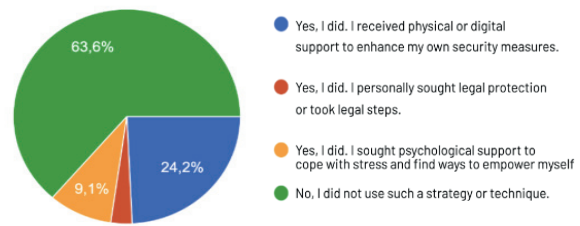
Participants were asked about how their environment reacted to their situation. 45.5% of the participants answered, "They thought I could handle it because I am a lawyer," while 33.3% answered, "They supported me throughout the entire process." Additionally, 18.2% of the participants indicated that their situation was considered normal by their environment and that they did not agree with them (Figure 10).

Figure 10. Reactions From Their Environment



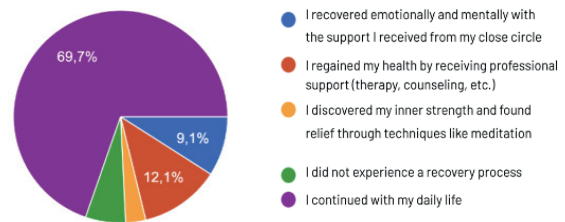
63.6% of the participating lawyers stated that they did not use a specific strategy to cope with the stalking situation. 24.2% reported that they received physical or digital support to increase their personal precautions. 9.1% of the participating lawyers indicated that they managed to cope with stress and strengthen themselves better by receiving psychological support (Figure 11).

Figure 11. Strategies For Coping With Stalking



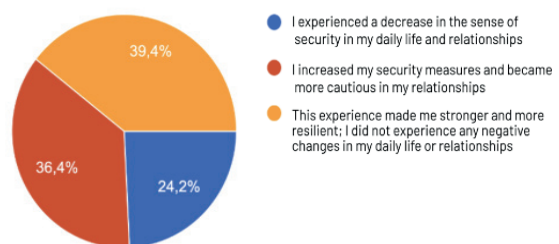
The 20th and 21st questions of the survey directed at the participating lawyers focus on the impact of stalking experiences on the individual's recovery process and their reflections in daily life relationships. 69.7% of the lawyers, a large majority, reported that they continued with their daily lives. 12.1% stated that they regained their health by receiving professional support such as therapy or psychological counseling, while 9.1% indicated that they achieved emotional and mental recovery through support from their close circle (Figure 12).

Figure 12. Recovery Process Of The Victims



Among the participants who reported being victims of stalking, 39.4% expressed that they became stronger and more resilient in response to this experience and did not experience any negative changes in their daily life or relationships. 36.4% indicated that they increased their security measures and were more cautious in their relationships. 24.2% of the participants reported a decrease in their sense of security (Figure 13).

Figure 13. The Impact Of Participants' Experiences On Their Daily Life And Relationships



Participants were asked to summarize their stalking experiences in their own words through an open-ended question. Participants generally responded with: "I experienced constant anxiety and a lack of self-confidence. Due to being a lawyer, I hesitated to seek help," "Being subjected to stalking behaviors by a client made me very angry. The emotion I felt was mostly anger. Despite already being distant, I realized that I became even more distant while communicating," "A feeling of being trapped in a giant trap," "I was constantly in anxiety and fear. I had paranoid thoughts. I would have struggled a lot in this process if I hadn't received psychological support," "Because I knew the punishment was very minimal," "The obligation to remain alert against something disturbing whose origin and timing were unpredictable," and "The feeling of helplessness," "The feeling of not being able to overcome stalking," "The romanticizing and legitimization of behaviors," "The feeling of helplessness," "The discomfort and anger I experienced due to being in the position of defender in the case of the person committing stalking behaviors, and ultimately resigning from the case, was the most challenging aspect for me," and "Insecurity, being on guard."

4. DISCUSSION

When we examine the literature, we can say that there are a limited number of studies on stalking related to certain professional groups. In this context, the first study focusing on the stalking experiences of lawyers belongs to Merzagora Betsos and Marchesi. The study was conducted with 166 lawyers operating in Milan using the survey technique, and data on the stalking experiences of lawyers were obtained. It was found that 38% of the lawyers participating in the study were subjected to stalking at some point in their careers (Merzagora Betsos & Marchesi, 2014). In our study, however, the rate of lawyers subjected to stalking appears to be 57.7%. Although the difference in the sample sizes between the two studies makes comparison difficult, it is noteworthy that in our study, which has a smaller sample size, the rate of lawyers subjected to stalking is higher.

When we compare the studies in the context of the

gender of the stalker, in the study by Merzagora Betsos and Marchesi (2014), it was found that in 43 cases (69.4%), the stalkers were male, in 9 cases (14.5%) female, and in 5 cases (8.1%) a couple. Similarly, in our study, we see that the majority of the stalkers are male. 84.8% (n=28) of the lawyers who were victims of stalking in our study stated that their stalkers were male, and 12% stated that they were stalked by a female. The high number of male stalkers in both studies is consistent with other research in the literature.

One of the most important dimensions in stalking studies is the nature of the relationship between the stalker and the victim. In the study by Merzagora Betsos and Marchesi (2014), all participating lawyers stated that they knew their stalkers. According to the research results, 35.5% of the lawyers reported being stalked by their clients, 30% by the opposing party's client, 11.3% by a colleague, and 3.2% by the law firm owners. A portion of 4.8% of the participants stated that they had no professional connection with their stalkers but did not provide information about the nature of the relationship. In our study, 15.2% of the lawyers reported being stalked by their own clients, and 9.1% by the opposing party's client. 27.3% of the participating lawyers stated that they were stalked by someone they had met at some point in their lives. In contrast to the research results of Merzagora Betsos and Marchesi (2014), in our study, no cases were reported where the stalker was a colleague.

Stalking can manifest in many different ways. In the study by Merzagora Betsos and Marchesi (2014), lawyers most frequently reported being stalked via telephone and unsolicited written/electronic communications. Similarly, in our study, 69.7% of the participating lawyers reported being persistently stalked through repeated phone calls and messages, and 66.7% reported being stalked via social media and the internet. In both studies, lawyers also reported traditional stalking behaviors such as physical following, defamation, and blackmail. According to the results shared by Merzagora Betsos and Marchesi (2014), 58.1% of the lawyers reported defamation/insults/complaints, while 52.8% of the lawyers reported being ambushed,

shadowed, or having their law offices forcibly entered. In our study, 21.2% of the lawyers reported being suddenly confronted while walking on the street, 21.2% reported being seen near their workplace or home, 27.3% reported threats/defamation/blackmail, and 18.2% reported being followed while walking on the street. In our study, unlike the study conducted in Milan, the prevalence of traditional stalking behaviors is not very high. It can be said that in this case, cyberstalking behaviors have come to the forefront.

When we compare studies in terms of the frequency of stalking, in the study conducted in Milan, the participating lawyers reported being subjected to stalking a few times a day (33.9%), a few times a week (27.4%), and a few times a month (27.4%) (Merzagora Betsos & Marchesi, 2014). In contrast, the majority of lawyers in our study, differing from the data in that study, reported being subjected to stalking a few times a week (39.4%). This was followed by 21.2% who reported being stalked a few times a month. One of the most important aspects of stalking studies is how long the victim experiences this situation. In the Milan study, the proportion of lawyers who reported the stalking situation lasted more than 1 month was 30.6%, while the proportion of those who reported it lasted less than 1 month was 29%. The proportion of lawyers who experienced this situation for more than 1 year was 25.8%. 14.5% of the participating lawyers indicated that the stalking situation was ongoing (Merzagora Betsos & Marchesi, 2014). In our study, however, 72.7% of the lawyers experienced the stalking situation for less than 1 year, while 6.1% experienced it for more than 3 years. 21.2% of lawyers reported experiencing this situation for a period of 1-3 years. In both studies, the proportion of lawyers subjected to stalking for more than 1 year shows a parallel.

When we review the literature on the subject, we see that the behaviors of victims regarding lodging complaints or applying to official authorities have also been examined. In a study conducted in Istanbul in 2021 with 447 women, 91.7% of participants (n=243) who indicated that they were victims of stalking did not apply to

any official authority, while only 8.3% (n=22) reported having applied to an official authority (Polat et al., 2021). Similarly, in our study, the rate of lawyers who reported being victims of stalking and applying to an official authority is quite low. Only 9.1% of the participants applied to an official authority, while 90.9% did not report the stalking behavior to any official authority. The fact that our sample group consists of lawyers makes this result debatable.

Due to the ambiguous nature of stalking, it is known to have negative effects on the victims' moods. In the study by Merzagora Betsos and Marchesi (2014), lawyers assessed the fear they experienced during stalking as mild, moderate, severe, and extreme. A total of 91.9% of the participants expressed that they felt fear, while 30.6% of the participants indicated that they felt a sense of helplessness, meaning they felt they had no chance of stopping the stalker. When asked about their emotional states following the stalking, they expressed a persistent sense of being on guard (64.5%), anxiety (40.5%), and a need for psychological counseling (9.7%). In contrast to this study, in our study, participants most frequently reported anxiety and a constant state of being on guard (51.5%). This was followed by feelings of insecurity (36.4%) and fear (30.3%).

Many victims exhibit various behaviors to cope with the stalking they experience and sometimes make mandatory changes in their lives. When we examine the literature, we find that victims generally first take measures related to communication channels, such as changing phone/email addresses or blocking on social media/telephone as a form of seeking solutions. In addition to these two solution-seeking behaviors, victims may also engage in behaviors such as changing their workplace/home/appearance, reducing social activities, and starting psychological support (Polat et al., 2021; Merzagora Betsos & Marchesi, 2014). Although the lawyers participating in our study also engaged in similar solution behaviors, a large majority (42.4%) indicated that they did not change anything in their lives after the stalking. However, the same proportion of participants

(42.4%) reported that they deleted and blocked the stalker on social media platforms. Considering that the lawyers in the study were most frequently exposed to cyberstalking behaviors (69.7% via repeated phone calls/messages, 66.7% via social media and the internet), blocking the person on these platforms as a solution behavior is more meaningful.

5. CONCLUSION

When we examine the studies on the phenomenon of stalking in Türkiye, we observe that, despite reaching significant data, there are only a limited number of studies, and these studies are generally conducted with female victims. In this context, our current research is one of the rare studies conducted on a professional group, aiming to discuss the risk factors related to stalking targeting lawyers.

When we examine the studies conducted in the field, it is similarly seen that stalking frequently occurs on a gender-based basis, and women are more frequently victimized compared to men (Tjaden & Thoannes, 1998; Mullen, Pathe, & Purcell, 2009; Başar, 2019; Başar & Sakallı, 2021). The emergence of a similar pattern in our current study suggests that, regardless of professional distinction, it is important to increase protective measures for women and raise awareness about how women can protect themselves against stalking.

While the perpetrator of the stalking crime can be anyone, when examining current cases, it is understood that the perpetrator is often someone who knows the victim and has a long or short historical relationship with them. The perpetrator is generally the victim's fiancé, ex-spouse, lover, work or school friend, neighbor, student, patient, or client (Spitzberg & Cupach, 2007; Gürgezoğlu, 2010). In this context, having a past relationship or a relationship involving much shared experience between the victim and the perpetrator helps stalking begin within this relationship without revealing itself much. Lawyers, due to their professional roles, can also be said to be at risk in this context.

One of the most striking findings of our research is that the rate at which lawyers operating in the

field of law report the stalking they experience to an official authority is very low. When we examine the reasons why the participating lawyers do not report to an official authority, the lack of sufficient deterrence of the investigation process on the stalker comes to the forefront. This situation can be said to decrease the participants' trust in the legal process. In this context, it is foreseen that supporting the process initiated with the occurrence of the crime of stalking, which constitutes a criminal offense under the Turkish Penal Code, with more confidence-inspiring practices in practice, will increase the victim's trust in the legal process. Furthermore, emphasizing the conflicts between professional ethics and personal safety at this point highlights an important difficulty that complicates professional attitudes and approaches, especially in professions such as law.

With this study, it was aimed to raise awareness by drawing attention to the fact that lawyers can also be victims of stalking, and as a result of the research, it was found that the stalking incidents lawyers are exposed to due to their profession create serious challenges, along with psychological effects on both their professional and personal lives. However, it must be reiterated that this study reveals the distrust lawyers operating in the field of law have towards the legal process, demonstrating the need to focus on improvement efforts in this context.

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