

---

---

## **Vexatious Litigants and Unusually Persistent Complainants and Petitioners: From Querulous Paranoia to Querulous Behaviour**

Paul E. Mullen, M.B.B.S., D.Sc.\*  
and Grant Lester M.B.B.S., M.M.E.D.†

---

**Querulous paranoia was once of considerable clinical and academic interest in psychiatry. Over the last 40 years, however, it has virtually disappeared from the professional landscape. This decline occurred at the very time that a proliferation of complaint organizations and agencies of accountability were drawing more and more people into asserting their individual rights through the pursuit of claims and grievances. Querulous behaviour, as a result, far from declining, is on the increase, bringing with it suffering for the querulous and disruption to the organizations through which they seek their vision of justice.**

**This article examines querulous behaviour in the vexatious litigant and in abnormally persistent complainants and petitioners. The phenomenological and nosological issues are outlined and the risks of the emergence of threatening and violent behaviour is emphasized. Threats should not be ignored, for a variety of reasons. Approaches to managing querulous behaviour in the courts and the complaint organizations are discussed, together with the utility of individual therapy. Querulous behaviour should once more take its place among the legitimate concerns of mental health professionals. Those caught up in a querulous pursuit of their notion of justice are amenable to management that can ameliorate their suffering and reduce the disruption they create. Copyright © 2006 John Wiley & Sons, Ltd.**

---

\*Correspondence to: Paul E. Mullen, M.B.B.S., D.Sc., Professor of Forensic Psychiatry, Department of Psychological Medicine, Monash University and Victorian Institute of Forensic Mental Health, Thomas Embling Hospital, Locked Bag 10, Fairfield, Victoria 3078, Australia.

E-mail: paul.mullen@forensicare.vic.gov.au

†Victorian Institute of Forensic Mental Health.

Querulous (from the Latin for plaintive murmuring) is used in this article to describe a pattern of behaviour involving the unusually persistent pursuit of a personal grievance in a manner seriously damaging to the individual's economic, social, and personal interests, and disruptive to the functioning of the courts and/or other agencies attempting to resolve the claims. Potentially included among the querulous are three broad types, unusually persistent complainants, vexatious litigants, and those who in pursuit of idiosyncratic quests harass the powerful and prominent with petitions and pleas. Excluded from this category are social reformers and campaigners who use litigation and complaint to advance agendas of potential public interest, even if they are pursuing unpopular causes in a disruptive manner.

The psychiatric literature has tended to focus almost exclusively on querulous behaviour as it manifests as part of paranoid or delusional disorders (Astrup, 1984; Johanson, 1964; Kollé, 1931; Munro, 1999; Pang, Ungvari, Lum, Lai, Leung, 1996; Refsum, 1983; Ungvari, 1995; Winokur, 1977). Though classical psychiatry recognized that the querulous were not necessarily psychotic, and that the condition could represent a psychogenic reaction (Jaspers, 1923; Kraepelin, 1904) the terminology betrays the centrality of delusion with labels such as querulant paranoia (Kraepelin, 1904), paranoia querulantium (von Krafft-Ebbing, 1879), and litigious paranoia (Goldstein, 1995). Similarly in today's classificatory systems, querulous behaviour finds its place primarily in paranoia querulants of the ICD 10 and delusional disorder persecutory type of the DSM IV-TR (Kendler, 1981). Even Rowlands (1988) and d'Orban (1985), who studied vexatious litigants and contemnors respectively, gave primacy to the supposed underlying psychopathology.

This article will examine querulousness as a constellation of behaviours and attitudes, which may, or may not, arise secondary to a major mental disorder, such as schizophrenia, and may, or may not, be characterized by delusional phenomena. What primarily defines the concept, we believe, is a disorder of behaviour, and, like any pattern of behaviour, the routes to its emergence and the factors that enable and sustain it can be many and varied. Pathology in this conceptualization does not lie exclusively in the subjects' mental state but in their behaviour and its impact on themselves and others. This runs counter to a continuing tradition in psychiatry, but not in psychology, to source pathology primarily in abnormal states of mind and to avoid judgements about pathology based on behaviour alone (Clare, 1997; Lewis, 1955).

## THE DECLINE AND FALL OF QUERULOUS PARANOIA

The unusually persistent complainers and the indefatigable litigators once attracted considerable interest. The law attempted to protect its courts through legislation aimed at excluding the vexatious litigant, the earliest example being a Prussian Law from 1793 (Caduff, 1995). Such laws still exist but are increasingly ineffective, judging from the escalating problems with such persons in today's courts. Criminal laws once existed in England and Wales to protect the wider community from

barrators, who were those persistent complainers fomenting quarrels and discord among their neighbours, but such laws have fallen into disuse (Freckleton, 1988). In nineteenth century psychiatric texts querulousness became intertwined with the monomanias and paranoia (Munro, 1982; von Krafft-Ebbing, 1879). The behaviours by which querulousness is defined became, in this discourse, totally subordinated to the putative mental disorders supposed to give rise to these behaviours.

In the latter half of the twentieth century interest in the querulous has waned and they have ceased to attract professional attention either clinically or academically. Caduff (1995), for example, documented a threefold decrease in the use of the diagnosis of querulous paranoia in Switzerland's mental health services over the last 80 years. In part the decline in interest was because of the distrust of the concept of paranoia (Post, 1982), in part the rejection of the overtly judgemental labels, which reified those who evinced unusually persistent complaining as neurotic quarrellers or querulous psychopaths (Kolle, 1931; Schneider, 1958; Stalstrom, 1980). In part it may have been a recognition that the labels were obscuring more than they revealed about this complex and multifaceted behaviour.

The virtual disappearance of the querulous from the professional landscape corresponded to a period when complaints and grievance procedures were emerging as a central mechanism for resolving conflict in social systems which increasingly based their legitimacy on an ideology of individual rights. Ordinary citizens' capacity to contest issues, to seek justice, and even to claim redress has come to depend not primarily on the courts but mainly on complaint departments, agencies of accountability, such as ombudsmen's offices, and commissions of, for example, equal opportunity. A privileged few can afford to go directly to the courts, but for most complaint resolution procedures are their bulwark against the power of private and public agencies. Not surprisingly it became problematic to discuss the pathologies of complaints, which could potentially strip an individual of legitimacy in the new fora where so much of vital concern could be decided. Paradoxically then, at the very moment when vast numbers of people were being drawn, for the first time, into a multiplicity of new complaint resolution procedures, there was an exclusion of knowledge of the problems such systems could create for a small, vulnerable, but increasingly salient group.

## UNUSUALLY PERSISTENT COMPLAINANTS

Agencies of accountability are aware of a small group of unusually persistent complainants who consume an inordinate amount of time and organizational resources in the pursuit of grievances that, in and of themselves, seem, if not trivial, at least lacking in the complexity and import that might justify such lengthy and concentrated campaigns (Lester, Wilson, Griffin, & Mullen, 2004). The various agencies of accountability contacted in Australia estimated that such unusually persistent complainants only made up a fraction of one per cent of those who pursued grievances but consumed between 15 and 30% of all resources. Those who struggle to assist these complainants are keenly aware of the price being paid for such persistence by the complainants themselves in terms of time, money, and personal and social functioning. All too many lose jobs, friends, and partners as their lives are taken over by the pursuit of their vision of justice. The professionals who manage

Table 1. Anomalies found frequently in written communications from the querulous

## Form

- Curious formatting.
- Many, many pages.
- Odd or irrelevant attachments—e.g., copies of letters from others and legal decisions, UN Charter on Human Rights etc., all usually, extensively annotated.
- Multiple methods of emphasis including
  - highlighting (various colours)
  - underlining
  - capitalization.
- Repeated use of “”, ???, !!!.
- Numerous foot and marginal notes.

## Content

- Rambling discourse characterized by repetition and a pedantic failure to clarify.
- Rhetorical questions.
- Repeated misuse of legal, medical and other technical terms.
- Referring to self in the third person.
- Inappropriately ingratiating statements.
- Ultimatums.
- Threats of violence to self or others.
- Threats of violence directed at individuals or organizations.

complaints also suffer in having their sense of competence repeatedly undermined and by, on occasion, having their personal safety threatened. Most distressing for many of the professionals is sensing that they have become party to damaging those they sought to assist.

A study of 52 unusually persistent complainants suggested that compared to a matched control group they pursued their complaints far longer, produced far greater volumes of material in support of their cases, and when their cases were closed there had been nothing approaching a mutually acceptable resolution (Lester et al., 2004). There were often characteristic anomalies in the form and content of written statements of complaint (See Table 1). It became clear that both the unusually persistent complainants and controls shared the desires for reparation and compensation. They differed from most controls in pursuing retribution against not only those they believed had injured them initially, but often a range of people who they believed had obstructed their pursuit of justice. Typically they wanted specific individuals dismissed or criminally prosecuted and organizations closed down or made to pay punitive damages. Virtually confined to the unusually persistent was the demand for public recognition not only of the justice of their claims but of their struggle on behalf of the rights of all. They seemed often to see themselves as champions of the common man, whose grievances had transcended the personal to become of national, or even international, import. In short, the unusually persistent were seeking retribution and personal vindication; aims that are incompatible with the objectives, and the powers, of the agencies of accountability to which they brought their complaints.

## VEXATIOUS LITIGANTS

Chronic litigators in the civil and family court have long been recognized as a problem (Freckleton, 1988; Goldstein, 1995; Rowlands, 1988). These vexatious

litigants are distinguished from the unusually persistent complainants largely by pursuing their grievance predominantly within the courts, though they usually access agencies of accountability to some extent. Those who use the courts extensively will often appear as unrepresented litigants, sometimes because they have exhausted their funds or the patience of lawyers, sometimes because they believe that nobody else can be trusted to adequately present their case. As unrepresented litigants they can be particularly challenging to the smooth functioning of the courts. This group also tend to find themselves charged with contempt of court when their passionate involvement in their case results in intemperate remarks to the judge. Attempts to exclude these dedicated litigators from the courts often fail. Internet sites now provide information on how to circumvent orders declaring them vexatious as well as mutual support from likeminded litigators.

## UNUSUALLY PERSISTENT PETITIONERS

A third type of querulous behaviour involves pursuing a quest for justice primarily through petitioning prominent people such as politicians and heads of state. This group typically send voluminous and repeated communications setting out their case and pleading for, or demanding, help. Like other querulous individuals they may gradually shift from requests to demands, from demands to recriminations, and from recriminations to threats. Occasionally such individuals attempt to make direct contact with the public figure on whom they have become fixated. They come to regard the public figure either as their saviour or as the central impediment to their quest. In rare incidences they may attempt to attack the object of their fixation. Though rare, it is this group who have been responsible for many of the attacks on senior politicians in the Western world over the last 20 years. Our impression of this group of the querulous is that it contains a higher proportion of individuals with severe and obvious psychosis, which almost certainly preceded, and drives, their complaining and claiming. There is an overlap with the vexatious litigants and the unusually persistent complainants in that they also make complaints to various agencies and occasionally attempt to initiate litigation or criminal prosecutions. Many of the litigants and complainers also attempt on occasion to exhort support from public figures. Senior politicians and heads of state often have services for dealing with their mountains of correspondence, which are skilled at recognizing the obviously disordered and potentially querulous. They tend to respond with bland and standard expression of interest and general good will under the signature of the principal. Their responses are often treasured by their recipients as clear expressions of support for their cause, or worse still encourage expectations of the principal, which, when inevitably disappointed, may provoke campaigns of harassment. Those who deal with the querulous become used to having these standard letters from ministers or members of the royal family waved under their noses as the ultimate proof of the justice of the cause.

## CLINICAL FEATURES

Vexatious litigants and the unusually persistent complainants and petitioners are usually seen in our clinic on court orders following acts of violence or threats.

Typically such individuals have been pursuing their campaigns for a number of years and have resorted to violence in a calculated attempt to further their causes. Examples include an individual who arrived at an ombudsman office with dynamite strapped to himself, and several who were impolitic enough to make threats to judges. All, by the time they reached our clinic, were living alone and destitute but still totally focussed on their quest for justice. Our clinical cases were all men and in the sample from ombudsmen's offices over 70% were male, which accords with the male preponderance in other case series (Caduff, 1995; Kolle, 1931; Kraepelin, 1904; van der Heydt, 1952).

In assessing those showing querulous behaviour, we have found it useful to assess changes that occur over time in five domains: the claims process, the nature of the grievance, the supposed agents of injustice, the state of mind, and finally the social circumstances. As an example, a man in his late 40s made a complaint to the local bank manager over the manner in which mortgage documents had been prepared. There were grounds for legitimate concern as irregularities had occurred, though of a minor nature and of a kind which might have been expected to be to his advantage. This occurred at a time when he was in considerable financial difficulties and was experiencing marital problems. When his complaint was rejected, he took the matter to the banking ombudsman, stopped paying the mortgage and initiated civil action. When, over the next year, he failed to obtain a satisfactory resolution, he took up complaints with the human rights commissioner, complained to the securities exchange commissioner, took a case through the consumer rights organization and commenced further civil litigation. The foreclosure on the mortgage initiated a further round of complaint and litigation. Some four years after the initial complaint a series of bomb threats to courts and banks led to his prosecution and referral. When assessed he was righteously indignant, believing he had no choice but to have taken extreme action to bring attention to an injustice that had destroyed him and his family and threatened the very economic fabric of the nation. He firmly believed he was owed millions in punitive damages, and that when he inevitably prevailed this would bring down the transnational banking corporation that owned his particular branch office. He regarded himself as a whistle blower, who would be publicly recognized as one of the major social reformers of his generation. The changes over time in the grievance, the agents, his state of mind, and social situation are presented schematically in Table 2.

This case, though dramatic, is typical in many respects. It illustrates the gradual but ultimately devastating social decline, the manner in which the grievance spread out to incorporate wider and wider issues, together with the accretion of more and more agents supposedly responsible. The mental state of such individuals by the time we see them is dominated by apparently unshakeable beliefs around the justice of their grievances, the wide social import of their pursuit of justice, and the organized and malevolent opposition they face. They usually retain a certainty of total victory. Many of these individuals have a plausibility and even an infectious enthusiasm. They present their grievances in pedantic detail and with superficial rationality. This can distract the inexperienced from the extraordinary nature of their actual claims in which the manifestly minor has come to support a grand edifice of conjecture and accusation.

The central feature clinically is their complete focus on their quest for a personal vision of justice to which all else is subordinated. By the time they reach our clinic

Table 2. A case of querulous behaviour: the changes over a five year period in the nature of the grievance, the agents held responsible, his state of mind, and his social situation

Grievance	Agents
<ul style="list-style-type: none"> <li>• Errors in mortgage documents</li> <li>• Potential financial loss</li> <li>• Actual financial loss</li> <li>• Victim of major fraud and theft</li> <li>• System wide corruption</li> <li>• A campaign of financial corruption threatening the nation's economic stability</li> </ul>	<ul style="list-style-type: none"> <li>• Bank's accountant</li> <li>• Plus manager</li> <li>• Plus senior management</li> <li>• Plus banking ombudsman</li> <li>• Plus lawyers and judges</li> <li>• Plus wife</li> <li>• Plus various public agencies</li> <li>• Plus police</li> <li>• Plus prime minister</li> <li>• Plus secret services</li> </ul>
<p>State of mind</p> <ul style="list-style-type: none"> <li>• Rigid, discontented man, obsessional traits but articulate and ambitious</li> <li>• Increasingly fixated on grievance</li> <li>• Pursuit of justice subordinates all other concerns</li> <li>• Increasingly convinced he is being persecuted and spied upon</li> <li>• He is a man of destiny fighting forces of national and international corruption</li> </ul>	<p>Social situation</p> <ul style="list-style-type: none"> <li>• Moderately successful small businessman, married, two children, but experiencing financial pressures and marital problems</li> <li>• Business begins to fail as all his attention moves to grievance</li> <li>• Marriage breaks down</li> <li>• Alienates few friends he had</li> <li>• Bankruptcy</li> <li>• Living alone</li> <li>• Destitute</li> </ul>

they have usually laid waste to the financial and social fabric of their lives. They are like gamblers with no way out of the devastation they have wrought but through a really big win. At issue is no longer just money and esteem but their very existence. They may initially present as either suspicious and dismissive, or as ingratiating and appealing for understanding and support. Not infrequently they will arrive dragging suitcases full of documents which they will attempt to have you peruse. These papers often appear, at first glance, neatly ordered. The documents are frequently graced with multiple marginalia and with words and phrases emphasized by underlining or highlighter pens, often in several different hues (see Table 1). On closer examination they are usually found to consist of a confusing mixture of copies of letters, photocopies of legal decisions, legislation and even international declarations on human rights, together with documents such as certificates of educational and other attainments. It is not infrequent for such patients to insist on making notes of any interview or recording the interview, usually on audio tape but just occasionally on video. Inevitably they will request copies of your notes and, equally inevitably, one way or another they will eventually obtain them. Their speech may be marked by what Kraepelin (1904) referred to as "a wearisome diffuseness of conversation" and often by the use of a multiplicity of technical terms, particularly from the legal discourse, employed idiosyncratically. Sensitivity and self-reference is frequent, with about a third expressing beliefs that they are the victim of a conspiracy that spies upon them and frustrates them at every turn.

Phenomenologically, the querulous present a challenge. Are they to be regarded as deluded? They can usually advance their ideas plausibly, making apparently

rational connections between the underlying grievance, which is almost always based on some actual injustice, and their current claims and complaints. Unlike many deluded patients their beliefs do not usually seem to arise either on the basis of some difficult to understand interpretation of an event, or from an idiosyncratic insight into reality. On the contrary, the querulous provide a detailed and apparently logical account of the emergence of their grievances and the progress of their quest for justice. This would seem reasonable enough were it not for the gross discrepancies between the supposed initiating cause and the current level of commitment, and expectations for compensation, reparation, retribution and recognition. The enthusiasm and passionate engagement in their quest for supposed justice can obscure the essential absurdity of these expectations and distract attention from the chaos the pursuit has created for themselves and those around them. The temptation for those assessing such patients is to normalize the clinical presentation in terms of misplaced enthusiasm, over-inflated hopes, and understandable error, formulations that ignore both the peculiarity of these beliefs and the devastation they have wrought. Sometimes the querulous are obviously deluded; sometimes they appear to inhabit that borderline that is captured in such terms as overvalued ideas and delusion-like ideas. Debates over the phenomenological niceties should not, however, in our view, distract from recognizing the pathological nature of such querulousness.

Another phenomenological question is whether the querulous can be regarded as having an obsession. The level of preoccupation, the ruminative quality of their thinking, and the pedantic attention to the minutiae of their case all suggest obsession. Certainly most, if not all, querulants have obsessional personality traits, but the querulants do not regard their core beliefs and the behaviour as absurd or absurdly insistent. Quite the reverse, they know they are right and are totally identified with their ideas. The querulous therefore may be regarded as obsessive or fixated but not as obsessional. The querulous on occasion present with such enthusiasm, energetic engagement, and unbridled optimism that they can raise the question of an underlying affective disorder. Querulousness is a state of mind that may be associated with wide fluctuations in mood. Though the querulous can become depressed, and can on occasion appear in states of manic excitement, in our view the querulousness is rarely, if ever, a state ushered in and sustained by an underlying mood disorder.

## **DIFFICULT COMPLAINANTS, SOCIAL CAMPAIGNERS, AND WHISTLE BLOWERS**

Querulous behaviour has to be separated from the over-enthusiastic, and even disruptive, pursuit of justice that remains within normal limits, or is legitimized by the social agenda being pursued.

Individuals can invest inordinate amounts of time in the pursuit of claims because of the inherent complexity and manifest importance of the complaint. These we would not regard as querulous. There are difficult people who pursue claims filled with a sense of being victimized and distrustful of all except their own construction of the case, but who will ultimately settle for the best deal they can extract. This is difficult but not querulous behaviour. Querulousness in our opinion involves not

just persistence but a totally disproportionate investment of time and resources in grievances that grow steadily from the mundane to the grandiose, and whose settlement requires not just apology, reparation, and/or compensation but retribution and personal vindication.

Querulous behaviour is almost always associated with claims of wide social significance for the quest for personal justice. Distinguishing those individuals from social reformers who are using the complaints procedures or the civil courts to pursue their campaigns is therefore of importance.

Social reformers are pursuing issues of concern to groups of their fellow citizens and they use personal experience, if they use it at all, to inform their campaigns. The socially relevant and the personally relevant may, on occasion, be elided, but never in a manner in which the idiosyncratic overwhelms the wider public interest. Social campaigners typically work with and through others. Their objectives are circumscribed and obviously related to the core issues driving the campaign. In most cases they will work for negotiated resolutions even if these involve a degree of compromise and face saving for authorities.

Querulous behaviour, in contrast, involves claiming wide social significance for idiosyncratic concerns. There is a conflation of the personal with the supposed public import to leave the personal dominant. Those showing querulous behaviour usually have problems working with others, typically dismissing a series of lawyers, advocates, and/or claims professionals, who, not infrequently, find themselves the subject of subsequent complaints. Querulous behaviour often revolves around stated objectives that are difficult to relate to any of the claimed core issues of social relevance, and despite, or possibly because of, the diffuse nature of the demands, negotiation and compromise have no place in their quest for justice.

The clear theoretical dichotomy between social campaigning and querulous behaviour is not always so obvious in practice. Those whose behaviour is querulous can occasionally gather around them small groups of like minded supporters, a process now assisted by the internet. They can join social campaigns where their energies compensate for a time for their personalization of issues. In some social movements such personalization may even be encouraged, though usually the querulous by constant self-reference eventually alienate themselves from the group. Those who have shown querulous behaviour in the past may take on a role of lay advocate and use others to advance their own view of justice. Such individuals are recognized as a major problem for agencies of accountability. On occasion, campaigns emerge around issues that have immense personal import for all those involved, and in these situations the risks of querulous behaviour suborning aspects of the group's function may be considerable. If there are doubts then the benefit of these doubts should go to the assumption of legitimate campaigning, not to the presence of querulous behaviour.

Whistle blowers, who usually claim to be exposing nefarious and corrupt practices in their place of work, are a particularly difficult group in which to separate altruistic from querulous behaviour. There is no doubt that errors occur. In 1977 in Finland a television salesman contacted the police and tax authorities, claiming that the company he worked for, along with a major television manufacturer, were involved in large scale tax evasion and black market sales. When greeted with disbelief he attempted to publicize his revelations, eventually being detained and

committed for compulsory treatment with a diagnosis of querulous paranoia. Subsequently his allegations were fully substantiated (Stalstrom, 1980). Whistle blowers tend to be somewhat isolated individuals, who are forced to pursue a lonely road, often at great cost to themselves. The accusations often turn on an interpretation of events that may seem questionable, or even implausible, to those without their inside knowledge. This group also tend to gather further grievances and make supplementary accusations, as with the querulous, but here often because they have in fact become the object of conspiracies and orchestrated litanies of lies, central among which is usually the claim that they are motivated by personal resentment at some failure of promotion or job loss. Whistle blowers may even share some of the personality traits of the querulous in terms of obsessiveness and righteous self-assurance. It is only by examining carefully the behaviour in relation to the claim and applying the criteria used for social reformers that there is any chance of making a distinction. It has been our experience that one can identify a group who, though mistaken, are pursuing a coherent campaign related to an understandable and objectively important set of issues. What remains are those in whom, unless frankly mentally ill on other criteria, it is difficult to distinguish the misguided and over-involved from the querulous.

## **COGNITIVE STYLES AND DISTORTIONS**

The cognitive style of the querulous is that of seeking confirmation of their viewpoint, seizing on supposed support, and rejecting or minimizing all counter-examples. This unfortunately is a common enough approach to the world, but in the querulous it is combined with a pedantic attention to selected details, which ignores broader patterns of meaning, and with a suspiciousness of the motives of any who question their interpretations. Those who become querulous are usually either social isolates or individuals who have cloaked themselves in an intellectual superiority that negates the potentially moderating influence of the opinions of family and friends. They drift into extreme and unrealistic attitudes and beliefs in part because they lack, or ignore, the corrective of the commonsense and knowledge of others. Rescuing them is in part about substituting for this missing normalizing influence. Attempts to directly confront their misconceptions are usually a mistake, productive of either intense suspicion or of lengthy self-justification, both of which tend to further entrench their position. It is potentially more productive to clarify the limitations inherent in the courts and complaints procedures that cannot provide the types of retribution and vindication sought, however justified the cause. Managing the querulous is about helping them construct face saving exits.

Cognitive distortions in the querulous include the following.

- Those who do not fully support their cause are enemies.
- Any lack of progress is the product of malevolent interference from someone.
- Any compromise is humiliating defeat.
- The grievance is the defining moment of their lives.
- Because they are in the right the outcomes they seek must be not only possible but necessary.

The last of these distortions, when combined with their focus on retribution and vindication, is particularly toxic. The management of the querulous is assisted by repeatedly clarifying, confronting, and gently challenging these distortions.

## NOSOLOGY

Querulousness describes behaviours involving the persistent pursuit of a personal view of justice. Querulous behaviour commonly reflects broadly similar sets of attitudes and beliefs, but in our opinion the search for a single overarching explanation in terms of delusional disorder (paranoia) or of a specific abnormal phenomena on, such a overvalued ideas, will at best be only partially successful. Kraepelin (1904) favoured the pragmatic approach of classifying the behaviour according to a range of potential underlying psychopathologies from personality disorders through querulous paranoia to dementia praecox, with normality an ill defined possibility. Jaspers (1923) regarded querulousness as similar to jealousy, being potentially the product of pathological reactions, developments, or processes, with again normality being a further option. De Clérambault (1942) placed querulousness among his disorders of passion but, unlike jealousy and love, we are dealing not with an emotion that drives behaviour but behaviours that reflect a passionate commitment to specific goals, the pursuit of which evokes strong emotions. Van der Heydt (1952) attempted a typology of querulants, incorporating the opportunistic who were individuals with antisocial traits pursuing personal advantage, the paranoid justice seeker driven by delusional convictions specific to the particular grievances, the conjugal caught up in the passionate pursuit of property or parental rights following marital breakdown, the quarrelsome, who had personality traits conducive to protracted conflict with any and all, those whose conditions are secondary to psychotic disorders, notably the schizophrenias, and finally a normal group, the nature of which was left somewhat vague. This approach has appeal, despite combining potentially overlapping types based on context (conjugal), psychopathology (secondary and paranoid), and motivation (opportunistic).

Querulousness is destructive to the afflicted individuals and their families as well as disruptive to agencies of accountability and the courts. Querulousness so defined can never be normal in an ideal or statistical sense. Querulousness may not be normal behaviour but is it necessarily reflective of psychopathology? To put the question the other way round, could a relatively normal individual be driven to querulousness by the courts, or by the various complaint resolution procedures? This was the view articulated by Charles Dickens, who wrote in *Bleak House* "The Court of Chancery gives to monied might the means abundantly of wearying out the right . . . so over throwing the brain and breaking the heart to leave its worn out lunatic in every mad house."

The cases we encounter clinically were, prior to having become enmeshed in the pursuit of grievances, often functional individuals, with families and friends and without obvious antisocial traits. With the benefit of hindsight certain vulnerabilities can often be recognized. Their personalities seemed more frequently than might be expected to have been marked by obsessional traits, self-absorption, and more than the usual levels of sensitivity and self-reference. Again with hindsight, there was

often a suggestion that these individuals had limited social networks, were in marriages perhaps lacking intimacy, and were people who felt their true abilities had never been adequately recognized: in short, rigid, disappointed people short on trust, and long on self-importance. Plausibly, such individuals could react with a querulous pursuit of justice if their initial grievances were greeted with inadequate, antagonistic, or potentially humiliating responses. Unfortunately for this hypothesis our attempts to document differences in the initial handling of complaints revealed no difference between querulants and controls (Lester *et al.*, 2004). Similarly against this hypothesis, in its simple form, is the finding that the written materials setting out the initial grievance were often characterized by the features characteristic of the querulous (see Table 1). These findings are compatible with a modified model of reaction in which the querulousness was imminent in the vulnerable individuals and revealed by the provocation of a perceived injury, an imminence that reflected not just the prior personality and social context but contemporary disturbances, such as losses, lowered mood, or social stress, which accentuated those vulnerabilities. A spectrum can be postulated from individuals with relatively low pre-existing vulnerabilities who because of contemporary conflicts and the severity of the provocation are precipitated into querulousness to, at the other extreme, those where querulousness is imminent and requires only a modest stimulus to initiate. The latter end of the spectrum would contain those whose querulousness was the product primarily of a pre-existing psychotic disorder.

Pre-existing mental disorder is not an essential prerequisite for querulous behaviour but querulousness can form part of the symptomatology of a range of psychotic processes in much the same way as pathologies of jealousy and love (Jaspers, 1923; Mullen, 1991). In such cases there are usually psychotic experiences driving the complaints from the outset.

In our view querulous reactions can come to involve delusional convictions without retrospectively establishing that the individuals were psychotic at the outset. It is part of the natural history of querulous behaviour that as time passes the individual becomes more fixated, more socially isolated, more certain of the malevolence of all opposition, and more convinced of the wider significance of the quest. In this context some, but by no means all, will begin to construct notions of organized persecution and of grandiose destiny. Any tendencies to be self-referential are likely to increase and feed any persecutory or grandiose beliefs. One of the fascinations of querulous paranoia for classical psychiatry was as a model for the development of delusions. Querulousness remains a corrective for those who would have delusions and ideas of reference as always the product of pre-existing psychotic disorders arising from brain diseases.

Whether a querulous individual is, or is not, deluded at a particular moment often generates debate. This distinction can be critical as it determines whether or not the individual will be subjected to compulsory treatment. Given that few will accept treatment voluntarily, at least initially, what is at issue is, in effect, whether to treat. The querulous individual can present with plausibility, and apparent reasonableness. It can be a daunting task to try to concentrate on an unending stream of speech and of proffered documents, both of which can combine apparent pedantic precision with rambling obscurantism. These factors can tempt the clinician to opt for some vague formulation in terms of overvalued ideas or paranoid personality disorder, and with that dismiss compulsory treatment and in effect remove a mental

health treatment option. To evaluate the ideas driving the querulous behaviour a careful history is needed, a dispassionate examination of the documents, and an active attempt to engage with their ideas and claims. It is tempting but inadequate to just let the torrent of words flow over you. The extent to which they, and those around them, are suffering as a result of their querulousness should also have some weight in making a decision about whether to compel treatment.

We continue to be amazed at how broad our colleagues' notions of non-delusional eccentricity seem to become when confronted with those exhibiting querulous behaviour. Among the examples of the convictions that colleagues have fitted into the non-delusional are the absolute conviction that one is owed millions of dollars for an act of trespass, that governments will fall when the truth of one's dental mismanagement is finally acknowledged, that the UN is keenly awaiting the results of one's complaint against a local lawyer, and that the Queen has joined herself to one's quest for compensation from an insurance company. Each and every assertion is backed up with documents in which even the most imaginative would be pressed to find a connection to what they are claimed to prove. Part of the problem for clinicians, we suspect, is confusing issues of aetiology, i.e. psychogenesis, with questions of diagnosis, i.e. psychosis. This confusion is compounded by the notion of a paranoid personality, which is often evoked in this context. Paranoid means not suspiciousness but suffering from paranoia, and implies the presence of delusion(s). It is not surprising that ambiguity has arisen over a label often attached to those who are chronically suspicious but not believed to be deluded. Attempts to avoid conferring legitimacy as patients on the querulous are also fed by the widespread, but we believe incorrect, view of the untreatability of both delusional disorders and personality disorders.

## RISK OF VIOLENCE

Attacks by the querulous on court officials, claims officials and politicians are by no means uncommon. In such cases there has often been a course of conduct characterized by increasingly threatening and intrusive activities, usually over many months, which, with the benefit of hindsight, takes on a sinister import. In a number of cases of serious or fatal violence, of which we have knowledge, clear and specific threats had been issued.

Those we see clinically constitute a highly selected sample of people, almost all referred from the courts following convictions for threatening behaviour or assault. This potentially provides a skewed perspective on the violence associated with querulous behaviour. In the study of the unusually persistent seen in agencies of accountability, however, an unexpected finding was the frequency with which overt and covert threats of violence were made to claims professionals (Lester et al., 2004). These threats were often, in effect, ignored, and the professionals, though sometimes frightened and stressed, rarely took any active steps to respond to written or verbal threats. None of those who threatened officials had been prosecuted. No threats were made by the control group in the study. One of the characteristics of the threats by the unusually persistent was that they were rarely simply expressive of intense emotion but appeared to be calculated attempts to advance their cause by making conditional threats, 'If you do not then . . .', or 'If by next month then . . .'. Threats of suicide, which were also relatively frequent, tended to share this structure.

It would appear that threats are a frequent accompaniment of querulous behaviour. Serious violence may be uncommon but when it occurs it is often preceded by a period of threatening. Threats are, in and of themselves, acts of violence intended to distress and coerce. They should not, in our view, ever be ignored. They should be labelled for what they are, brushing aside the quibbling claims of not really having threatened that so commonly follow confronting threateners. Many when confronted respond with denying or minimizing defences such as "What I actually said was," or "I only meant". "What I actually said was", or "I only meant". To ignore a threat is a potential insult and provocation to the threatener as it indicates that they are of so little import that even their threats are of no concern: not the right message. Threats are unacceptable and organizations dealing with querulous behaviour require clear policies that support threatened workers and define the range of institutional and individual responses.

Following the murder of a staff member, the New Zealand Accident Compensation Commission set in place a process for managing persistently threatening and aggressive clients in special facilities where security staff or police are present and where the identity of the staff dealing with the claim are hidden from the complainant. Though this is an option open to only a few agencies of accountability, it certainly sends the right message to threateners and staff. When threats are made there should, we believe, always be consideration of a criminal prosecution. This not only emphasizes how seriously threats are taken but also opens up the opportunity of having the querulous individuals assessed and potentially treated by mental health professionals.

## MANAGEMENT

There are three broad approaches and contexts for managing querulousness. The first two relate to the practices and procedures of courts and complaint organizations and the third involves mental health professionals providing therapy to affected individuals.

If we accept that individuals drawn into complaints resolution or litigation have varying propensities to become querulous, then efforts should be made to avoid any potential provocations or encouragement to such behaviour. Some initial attempt should be made at the outset to clarify the limitations of complaint and claim resolution systems. Our courts and agencies of accountability are about conciliation, reparation, and compensation, not about retribution and personal vindication. Those with querulous behaviour are almost always pursuing goals that include retribution and vindication, so from the outset they are on a course likely to be marked by misunderstanding and frustration. Those organizations that deal with claims and complaints are usually excellent at providing information on what the organization can do and how best to make use of the facilities available. Today even courts are adept at informing and inducting potential litigants into their system, particularly in the case of the unrepresented. What is almost never done is to make clear what cannot occur particularly in the all important areas for the querulous of retribution and vindication. A far clearer emphasis on the limitations on the power of courts and agencies at the outset might be worth trying.

Those who are querulous, or are likely to become querulous, may be obvious from the outset given the characteristic manner in which they often advance their case. Obvious that is if you know what to look for. This offers an opportunity for instituting a harm minimization program from the outset. Given that any screening process has false positives, it is essential that any different method of dealing with the potentially querulant should not disadvantage a non-querulous individual. Courts and agencies of accountability are adept at managing the difficult, the over-emotional, and the plain awkward. A typical strategy is to assign such individuals to an experienced staff member in the hope of minimising cross communications, splitting, and conflict. This works with the difficult but not with those inclined to querulousness who cannot be effectively contained in this way, except potentially by the agency's most senior figure. The querulous place unreasonable demands and strains on any single case manager. More effective is likely to be a group who have been trained, who take a special interest in this area, and who in combination manage the potentially querulous. Most of those inclined to querulousness will not be surprised to learn their claim is so important and complex a group of experts is required to manage the issues. The objective is to assist in resolving what can be resolved with repeated and clear emphasis on which aspects of the claim are outside of the organization's jurisdiction and powers. When what can be done has been done the case needs to be sympathetically but firmly closed, albeit ideally with the opportunity for the claimant, who if querulous will remain dissatisfied, to come back occasionally to discuss outstanding issues. This system should avoid allowing the querulous to focus their hopes and frustrations on any single staff member. It should remain sympathetic but clear about the limits of the organization. Any threats should be taken seriously. Such a group would hopefully through experience develop the knowledge to improve the management of querulous behaviour, which currently is encountered only as a troublesome rarity by most individuals working in the complaints industry.

The literature on the therapeutic management of the querulous is both small and predominantly discouraging. Von Dietrich (1968) refers to treatment as a thankless task and van der Heydt (1952) even warns that attempts at therapy may ignite bushfires of querulousness. Winokur (1977) and Astrup (1984) suggest that the majority of the querulants in their studies did not receive any specific therapy and the minority given pharmacotherapy showed no great response. In contrast, Ungvari (1993) reported successful treatment using pimozide. Our own experience is that relatively low doses of atypical antipsychotics are helpful though the response is slow in coming, often taking months before there is obvious improvement. The first problem is attaining some semblance of a therapeutic alliance with the patient. This requires avoiding being caught up in discussions of the rights and wrongs of their quest. The focus should be on the price they and their family are paying for the pursuit. Interestingly, some of those who come on orders from the court which mandate treatment will accept medication and other therapeutic interventions as they wish to make clear they abide by the law. Paradoxically, they can be ultra-compliant patients. A number have continued voluntarily in treatment after the end of the order, though they never acknowledge either that they were in error or in need of treatment because of their querulousness. What changes is the involvement in the querulous ideas, the degree of preoccupation, and the behaviour, but the core belief that they were right never wavers. Querulous behaviour appears to be sustained by a

range of cognitive distortions so it is no surprise that behavioural and cognitive therapies have been advocated (Caduff, 1995). In theory the cognitive therapy approaches advocated for the delusions should be of value (Birchwood & Trower, 1996; Chadwick, Bental, & Kinderman, 1994). The problem with the therapeutic management of querulous behaviour is that we have no trial of treatment or even much beyond case reports. This reflects widespread prejudice that the querulous are not the business of mental health, and even if they are they are untreatable. Hopefully, if this neglect is overcome and querulous behaviour is once more recognized as a legitimate concern for mental health professionals, then systematic studies of therapy will follow.

## CONCLUSIONS

This article argues that querulousness is a disorder of behaviour to which there may be a contribution from varying mixtures of mental disorder, vulnerabilities arising from both personality traits and social situation, contemporary sources of distress and disturbance, and last, but not least, by the nature of the systems for resolving grievances. The disorder, we believe, and therefore the pathology, lies first and foremost in the behaviour and its consequences, and only secondarily in any abnormality of mental function postulated to drive the behaviour.

Querulous behaviour imposes significant burdens on the courts, agencies of accountability and those charged with the protection of public figures. The querulous themselves suffer enormous damage to their personal, social, and psychological functioning. Querulousness should, in our opinion, once more take its place among the legitimate concerns of mental health professionals. Querulousness is a behaviour into which mental health professionals can provide insights conducive to its better management in courts and complaint organizations. Those caught up in a querulous pursuit of their notion of justice are amenable to treatment that can at least ameliorate their distress and reduce the disruption they create for others.

## REFERENCES

- American Psychiatric Association (2000). *Diagnostic and statistical manual of mental disorders*, fourth edition, text revision. Washington, D. C.: Author.
- Astrup, C. (1984). Querulent paranoia: A follow up. *Neuropsychobiology*, *11*, 149–154.
- Bental, R., & Kinderman, P. (1994). Cognitive processes and delusional beliefs: Attributions and the self behaviour. *Research and Therapy*, *32*, 331–341.
- Caduff, F. (1995). Querulanz-ein verschwindendes psychopathologisches Verhaltensmuster? *Fortschr. Neurol. Psychiat.*, *63*, 504–510.
- Chadwick, P., Birchwood, M., & Trower, P. (1996). *Cognitive therapy for delusions, voices and paranoia*. Chichester: Wiley.
- Clare, A. W. (1997). The disease concept in psychiatry. In R. Murray, P. Hill, & P. McGuffin (Eds.), *The essentials of postgraduate psychiatry* (pp. 41–52) Cambridge: Cambridge University Press.
- De Clérambault, G. (1942). Les psychoses passionnelles. In *Oeuvres Psychiatriques* (pp. 315–322). Paris: Presses Universitaires de France. (Original work published 1921).
- d'Orban, P. T. (1985). Psychiatric aspects of contempt of court among women. *Psychological Medicine*, *15*, 597–607.
- Freckleton, I. (1988). Querulent paranoia and the vexatious complainant. *International Journal of Law and Psychiatry*, *11*, 127–143.

- Goldstein, R. L. (1995). Paranoids in the legal system: The litigious paranoid and the paranoid criminal. *The Psychiatric Clinics of North America*, 18, 303–315.
- Jaspers, K. (1923). *General psychopathology* (trans. J. Hoenig and M. W. Hamilton 1963). Manchester: Manchester University Press.
- Johanson, E. (1964). Mild paranoia. *Acta Psychiatrica Scandinavica*, 40, (Suppl. 177).
- Kendler, K. S. (1981). Nosology of paranoid schizophrenia and other paranoid psychoses. *Schizophrenia Bulletin*, 17, 594–610.
- Kolle, K. (1931). Über Querulanten. *Archiv für Psychiatrie und Nervenkrankheiten*. Berlin: Springer.
- Kraepelin, E. (1904). *Lectures in clinical psychiatry* (trans. ed. T. Johnstone). London: Bailliere, Tindall and Cox.
- Lester, G., Wilson, B., Griffin, L., & Mullen, P. E. (2004). Unusually persistent complainants. *British Journal of Psychiatry*, 184, 352–356.
- Lewis, A. (1955). Health as a social concept. *British Journal of Psychiatry*, 4, 109–124.
- Mullen, P. (1991). Jealousy: The pathology of passion. *British Journal of Psychiatry*, 158, 593–601.
- Munro, A. (1982). Paranoia revisited. *British Journal of Psychiatry*, 141, 344–349.
- Munro, A. (1999). *Delusional disorder: Paranoia and related illnesses*. Cambridge: Cambridge University Press.
- Pang, A., Ungvari, G., Lum, F., Lai, K., & Leung, C. (1996). Querulous paranoia in Chinese patients: A cultural paradox. *Australian and New Zealand Journal of Psychiatry*, 30, 463–466.
- Post, F. (1982). Paranoid disorders. In J. K. Wing, & L. Wing (Eds.), *Psychoses of uncertain aetiology* (pp. 22–27). Cambridge: Cambridge University Press.
- Refsum, H. E. (1983). Paranoiac psychoses: A follow up. *Neuropsychobiology*, 10, 75–82.
- Rowlands, M. W. (1988). Psychiatric and legal aspects of persistent litigation. *British Journal of Psychiatry*, 153, 317–323.
- Schneider, K. (1958). *Psychopathic personalities* (9th ed. trans. M. W. Hamilton). London: Cassell.
- Stalstrom, O. W. (1980). Querulous paranoia: Diagnosis and dissent. *Australian and New Zealand Journal of Psychiatry*, 14, 145–150.
- Ungvari, G. S. (1993). Successful treatment of litigious paranoia with pimozide. *Canadian Journal of Psychiatry*, 38, 4–8.
- Ungvari, G. (1995). Delusional disorder, litigious type. *Clinical Gerontologist*, 16, 271–273.
- Winokur, G. (1977). Delusional disorder (paranoia). *Comprehensive Psychiatry*, 18(6), 511–521.
- von Dietrich, H. (1968). Der Querulant. *Munchener Medizinische Wochenschrift*, 110, 1445–1450.
- van der Heydt, A. (1952). *Querulatoische Entwicklungen*. Marhold: Halle a. S.
- von Krafft-Ebbing, R. (1879). Über den sogenannten Querulantenwahnsinn. *Allgemeine Zeitschrift der Psychiatrie*, 35, 395–419.

Copyright of Behavioral Sciences & the Law is the property of John Wiley & Sons, Ltd. 2004 and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.