

# **STALKERS and their victims**

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Although case histories are drawn from actual cases, every effort has been taken to disguise the identities of individuals involved.

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# Stalking – a new categorization of human behaviour

Le grand malheur, de ne pouvoir être seul.

La Bruyère<sup>1</sup>

## Introduction

Stalkers and stalking are words that have acquired new connotations by being increasingly applied to individuals who persistently pursue, or otherwise intrude on, others. Stalking has emerged as a social problem that not only commands considerable public attention but is now, in many jurisdictions, a specific form of criminal offence. Stalking is increasingly attracting clinical and research interest among behavioural scientists and mental health professionals.

The word 'stalk' has the meaning of both the act of following one's prey and walking stealthily. To label someone a stalker has been, at least from the sixteenth century, to imply that he or she is a prowler or a poacher (*Oxford English Dictionary*, 1971). When the media appropriated the word to describe those who pestered and harassed others they provided a new focus for this ancient indictment.

'Stalking' is now part of our culture's language. It has become a category with which we describe and understand our experiences. If someone is repeatedly followed by a stranger, or is distressed at receiving numerous unwanted letters from an estranged partner then, in today's world, they are likely to describe themselves as being stalked. Looking back over their life they may now recall having been stalked in the past. At the time they might have described the experience as having been persistently pestered but now, retrospectively, it is recognized as their having been stalked.

This is not just the substitution of one word for another. Stalking and being stalked are constructs with particular implications and resonance. Stalking is now a warning of future violence. Stalking is a cause of psychological damage. Stalking is a form of victimization. Stalkers are dangerous. Stalkers are criminals. Stalkers are disturbed and unpredictable. Stalking implies the inflicting of distress and damage

<sup>1</sup> Quoted at the beginning of Edgar Allen Poe's (1967/1840). *The Man of the Crowd*. [This greatest of misfortunes, not being able to be alone.]

(whether or not the perpetrator consciously intends such damage). Being stalked evokes the self-perception of being violated and hurt. In attributing to ourselves the experience of being stalked (and occasionally of being, or having been, a stalker) we potentially change our evaluation of ourselves. We change our moral judgement of what is occurring. There is an alteration in our expectations of what will happen and what we have a right to expect from society. The question of whether this reframing is 'a good thing' is not at issue here; the concern is recognizing the potential changes inherent in the emergence of stalking as a social category. The experience of certain types of interaction and certain forms of relatedness have been changed forever.

The capacity of new social constructs such as stalking to reframe the past so as to endow it with new meanings and new resonance is not confined to personal experience. The rediscovery and publishing of the long ignored first novel of Louisa May Alcott (1832–1888) provides a curious illustration of this phenomenon. *A Long Fatal Love Chase* (1997) was written in 1866, two years prior to *Little Women*. The plot involves the protracted pursuit of the heroine, Rosamond, by her estranged husband. When Rosamond flees her marriage as a result of discovering both his polygamy and murderous past, he refuses to accept that the relationship is at an end. His reaction is initially portrayed as a desire for reconciliation and a wish to continue their relationship. As she continues to try to escape him he becomes increasingly resentful and angry: 'with his own unabated passion was now mingled a resentful desire to make her expiate her contempt by fresh humiliation or suffering' (ibid., p. 329). The novel climaxes with the murder of Rosamond and the suicide of her killer who dies uttering 'mine first – mine last – mine even in the grave!' (ibid., p 346).

According to its editor, this overheated example of the gothic languished in a university library until resuscitated and published in 1993. It re-emerged as a tale of stalking. On the cover of the paperback version appears the following, 'He stalked her every step – for she had become his obsession'. Inside the book are numerous endorsements and quotes from reviews including that from *USA Today*, 'A tale of obsessive love, stalking and murder that seems ripped off today's tabloids'. Although it might be more correct to say today's tabloids have endowed this nineteenth century novel not only with new relevance but with new meaning and a new relationship to our culture's current preoccupations.

## **Defining stalking**

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Meloy & Gothard (1995, p. 259), defined stalking, or as they prefer to call it obsessional following, as 'an abnormal or long term pattern of threat or harassment directed toward a specific individual'. The pattern of threat or harassment was

further clarified as being ‘more than one overt act of unwanted pursuit of the victim that was perceived by the victim as being harassing’, although more than one may seem a generous rendering of a long-term pattern. Meloy (1998b) further states that in distinction to legal definitions, which are set forth to define and prosecute criminal behaviour, this definition was designed to further scientific investigation and clinical understanding. The advantage of this definition is that it directs attention to actions that are repeated and are perceived as unwanted by the object of these attentions. A further potential strength of this definition is that, disavowals notwithstanding, it closely parallels many of the statutory definitions of the offence of stalking.

Pathé & Mullen (1997, p. 12) defined stalking as ‘a constellation of behaviours in which one individual inflicts on another repeated unwanted intrusions and communications’. The intrusions are further characterized as ‘following, loitering nearby, maintaining surveillance and making approaches’ and the communications via ‘letter, the telephone, electronic mail, graffiti or notes attached, for example, to the victim’s car’. The authors added that, although not part of the core and defining behaviours, there were the associated activities of ordering goods on the victim’s behalf, interfering with their property, making false accusations, issuing threats and in some cases assaulting the victim. Pathé & Mullen (1997) attempted a definition that can be operationalized and depends on observable activities, with the qualification that the activities be unwanted by the victim. It defines a course of conduct but, as it stands, offers no temporal or numerical limits to that conduct. In a subsequent publication, the authors suggested that, to constitute stalking, the behaviour should consist of at least ten separate intrusions and/or communications, the conduct spanning a period of at least four weeks (Mullen et al., 1999). This was an intentionally conservative set of limitations which ensured that the study group were unequivocally stalkers.

Westrup & Fremouw (1998) noted a conspicuous lack of agreement among definitions of stalking in the literature. They are of the view that the term stalking is employed indiscriminately to cover both a class of behaviours and the specific act of following someone. Westrup (1998) called for a clear definition of stalking, with precise inclusion criteria comparable with those provided in the fourth edition of the American Psychiatric Association, (1994) *Diagnostic and Statistical Manual of Mental Disorders* (DSM). Westrup (1998, p. 276) proposed the following definition: ‘stalking behaviour is one or more of a constellation of behaviours that (a) are directed repeatedly towards a specific individual (the target); (b) are experienced by the target as unwelcome and intrusive, and (c) are reported to trigger fear or concern in the target’. In their paper Westrup & Fremouw castigated virtually all existing literature, noting: ‘Our comprehension of stalking behaviour has not been

appreciably increased from these efforts' (ibid., p, 269). They offered as a solution a functional analytical approach which in the future could potentially clarify the antecedent conditions for a stalking event, the overt behaviour engaged in by, and the reinforcing consequences for, the stalker which tend to encourage repetition. In individual cases this approach offers a prospect of intervening to modify the controlling variables that sustain stalking behaviours.

Given that most definitions emphasize that the course of conduct constituting stalking be a pattern or repeated actions, the behaviour must occur on more than one occasion, but how many more times than one? Meloy & Gothard (1995) opted for two or more instances and in this they are in accord with most statutory definitions of the crime of stalking (for a full discussion of the legal discourse on stalking, see Chapter 14). Thus the ex-partner who makes a second unwanted phone call enters the ranks of stalkers. Equally, so does the hopeful suitor who puts himself for a second time in the way of the woman he desires, if as a result she feels harassed. The problem with such a low threshold is that it leaves little if any gap between stalking and those behaviours that may well be irritating but are certainly extremely common. By placing the lower end of the spectrum of stalking so close to many mundane activities, one captures a very wide range of commonplace behaviours. On the other hand why shouldn't a woman followed home by a strange man on two sequential nights be eligible to claim that she is a victim of stalking?

The impetus to cast the net as widely as possible in defining stalking reflects at least three influences. The first is the tendency noted by Westrup (1998) to conflate stalking as a description of surreptitious following, with stalking as the overarching term for a variety of unwanted attempts to maintain contact. Being followed on one occasion is, for most of us, an unsettling experience and when it is repeated most reasonable people would become concerned about their safety. This is all the more so if the follower is a man, unknown, or worse still, known to hold a grudge. Secondly, stalking is constructed, particularly by law enforcement agencies, as a warning sign of imminent violence. If stalking is viewed primarily as the harbinger of assault then the quicker it is recognized and responded to the better. The third influence is that more than once seems less arbitrary than more than five, more than ten, more than seventeen times. Nobody would want to advise a terrified victim who has had a man stand outside the house looking up at the window on nine consecutive nights that, according to Mullen et al. (1999), there was another night to go before he or she could lay claim to being stalked. Central to the concern not to place an inevitably arbitrary barrier to the recognition and potential response to stalking is the proper concern to respond to fear and distress in a potential victim.

The resolution of the dilemma of the threshold for the number of intrusions that constitute stalking should, we believe, be a function of the purpose for which the

behaviours are being labelled as stalking. The law may plausibly claim a need, in pursuit of public safety, to respond promptly to the first signs of risk. Given the all too often tardy and partial responses of police and the courts to even gross and extended stalking activities, anxieties about overreaction may seem misplaced. It should be noted, however, that the low threshold for committing a stalking offence tempts police to use this as a so called ‘loading’ charge to add to other offences. We have seen at our clinic a number of men charged with stalking in association with child molestation offences, where the so-called stalking was integral to the sexual offence. One man was charged with stalking on the basis of following a child around a playground and subsequently approaching the child in the street, where he exposed himself. The two approaches were enough to trigger the stalking charge, which in our jurisdiction (Victoria, Australia) carries a potential sentence many times greater than that for the indecent act of exhibitionism. Although the child molester’s plight may evoke little sympathy, the use of anti-stalking laws in this context risks diluting their effectiveness in situations where no other legal protections exist. If penalties for indecent exposure to children are inadequate the solution is to change the penalty. Inappropriately employing anti-stalking laws that are still in the process of having their role and scope determined by the criminal justice system puts in jeopardy reforms whose purpose was to extend protection to a previously ignored group of victims.

If we place only brief time constraints on behaviour constituting stalking, then walking past someone and looking at them on three or four occasions in the space of an hour or so at, for example, an open air market could conceivably be construed as stalking. Equally, to return to our example of the nocturnal observer outside the front gate, is it reasonable to deny the protection of the law until four weeks have elapsed?

It would be comforting to believe that common sense would arbitrate between irritating but broadly sanctioned behaviours and those that are sufficiently intrusive and so potentially fear-inducing to justify their being labelled, and potentially prosecuted, as stalking. But such common sense depends on shared common values. It is at least arguable that the emergence of stalking as an issue reflects a process of change, if not fragmentation, in our culture’s previously shared notions of privacy, personal safety and the proper limits on the forms of contact and approach sanctioned by courtship and even marriage. Central to the construction of stalking are the perceptions of the person who is the object of the unwanted attentions that these behaviours are harassing and frightening. It is not the intentions of the putative stalker that are the defining element but the reactions of the recipients of the unwanted attentions who, in the act of experiencing themselves as victimized, create a stalking event.

In the final analysis, stalking lies in the eye of the beholder. Stalking is those

repeated acts, experienced as unpleasantly intrusive, which create apprehension and can be understood by a reasonable fellow citizen (the ordinary man or woman) to be grounds for becoming fearful. A case example will illustrate the extent to which perpetrator and victim may construct the behaviours differently.

---

**Case example**

When first seen, Mr C was in prison on remand for charges relating to the stalking of his ex-wife. His imprisonment had followed the repeated phoning and approaching of his ex-wife, despite both his bail conditions and a previous court order, which specifically forbade such contact. He was a practising Catholic, had been married for five years and there was one child. He regarded marriage as a permanent union. From his perspective he had fulfilled all his obligations to his wife and child; he had worked long hours to provide a substantial income; he had never, whilst they were together, been threatening let alone violent. He believed he had always been loving and considerate, and he had never even looked at another woman. He had complied, albeit reluctantly, when his wife asked him to move out of the marital home for what he claimed she said would be a brief period because she 'needed space' and had 'some personal issues'. When, however, a few weeks later she had indicated that she wished the separation to become permanent, he described himself as devastated. He saw his behaviour over the subsequent year as reasonable and constituting legitimate attempts to attain a reconciliation with his ex-wife.

He claimed his repeated phone calls and multiple attempts to approach his wife simply indicated how important she was to him and how enthusiastic he was for a reconciliation. Following her and watching the house at night were in his view the natural result of her seeing another man with sufficient frequency to stimulate in him fears about her fidelity. He acknowledged that on occasions he had become enraged by his wife's repeated rejections of his advances and that he had several times threatened her and on one occasion torn up the garden fence when refused entry to the house. Although he was prepared to accept that he should not have lost control, he was firmly of the view that any reasonable man in his position would have been likely to have responded similarly. Mr C is an enormous man standing over two metres tall and weighing more than 120 kg but, in his view, he could not be held responsible for his size and it was of no relevance to whether he might have been seen as intimidating. Mr C was an intelligent man who was perfectly capable of calculating his own advantage. Despite this he had given the magistrate, who told him he must not continue trying to contact his ex-wife, an extended and forceful lecture on the magistrate's moral failings in trying to put asunder those whom God had joined. At a later stage he gave the Parole Board a similar piece of his mind. Such outbursts, he was aware, virtually guaranteed his detention but he felt he could not in all decency refrain.

Mr C's ex-wife's perspective was clear from her various statements to police and from two thorough victim-impact reports prepared as part of the court's consideration of sentencing options. She had been initially attracted to Mr C because he seemed so strong and stable and at that time in her life, following the breakdown of a previous relationship, these had

been important qualities. She stated that she had wanted them to live together but she had acquiesced in his wishes for marriage. From her perspective the relationship had soon foundered as she was exposed to the extent of Mr C's demanding dependence. She stated that she felt as if she had a family of two small children, not one. She described repeated attempts to negotiate a separation which Mr C had ignored, threatening suicide should she leave. Her statements did not attempt to hide that she had established a new relationship with an old boyfriend prior to finally persuading Mr C to move out. Nor did she deny that she had managed finally to evict Mr C by misleading him into believing that this was a temporary separation. Equally clear was the devastating impact of Mr C's repeated intrusions on his ex-wife. She was terrified. She described barricading herself in her house, never going out without an escort, being too frightened to answer the phone, being constantly vigilant, expecting yet another intrusion. She reported fearing not only for her own life but for that of her child. She had broken off her relationship with the other man for fear of further provoking Mr C. She now lived the life of a recluse. She was for the first time in her life using sleeping tablets and had been prescribed antidepressants.

Over the subsequent two years, Mr C spent several periods in prison and made two serious suicide attempts. His ex-wife finally fled to another state, changing her name, breaking off all contact with friends and family and attempting to 'disappear'. Two lives were devastated and that ignores the possible impact on their child. Mr C's sense of entitlement to his wife and child are unchanged. He still believes he acted in the only ways open to him.

This was a clear case of stalking in the context of a relationship breakdown. Mr C's behaviour was not only illegal but would be likely to have been regarded by most of his fellow citizens as unconscionable. Not so long ago, however, in most Western societies it would have been the ex-wife's behaviour that would have been likely to have attracted most criticism, if not frank outrage. There are still many societies in which the premises that Mr C appealed to in justification of his behaviour would find considerable resonance among established practice and even legal entitlements. Stalking is new, partly because of changes in our society's understanding of the nature of the relationship between people.

## **Stalking as popular, legal and scientific discourses**

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Initially the term stalking was used by the media to describe the behaviour of the unwanted followers of the famous. It was later extended to include those who harassed ex-partners, co-workers, casual acquaintances and a whole range of fellow citizens. The intense media attention that stalking and stalkers has attracted in the last decade has generated a public consciousness and concern which has found political expression in a series of anti-stalking laws. The first such law was enacted in California, the other states in the union, the sole exception being Maine, clamouring to follow suit. Currently, most Western nations have either passed

anti-stalking laws or are in the process of doing so. The legal definitions of stalking are often framed in response to local preoccupations, be it with protecting the famous, preventing the harassment of ex-partners or strengthening the laws against persistent nuisance. The emergence of what has amounted to a new category of criminal behaviour in its turn has generated interest amongst mental health professionals and behavioural scientists, particularly those working within the criminal justice area and forensic mental health services.

In the last decade stalking has generated three areas of discussion, almost simultaneously: a legal discourse, particularly around how to define the offence of stalking; a popular discourse carried forward with no signs of flagging interest, not only in the media but through novels, films and television drama; and finally there is emerging a scientific discourse. The scientific discourse initially focussed on the nature and motivations of stalkers and latterly on the reactions of the victims and the impact of being stalked on their health and safety. This emergence of a new way of describing and talking about the world provides an opportunity to examine how these popular, legal and scientific discourses have developed and interacted, and in turn how they have created new categories of fear, crime and scientific study. The rapid acceptance of the word's new connotations and purpose was in large part because the categories of stalking and stalker filled a need that, if not perceived previously, became obvious once coined and accepted. It defined an area of human behaviour that caused distress to others. The behaviour itself is not new but once labelled could in rapid succession be discussed, defined, prohibited and studied. In short, the coining of the word 'stalking' and its establishment as a significant social problem allowed us to recognize and act upon a previously unregarded area of human activity.

Stalking, like any form of complex human activity, can be the end point of a range of intentions and influences. Similarly, like many other forms of behaviour that cause distress to others, it forms the extreme end of a spectrum of activities ranging from the usually welcomed and mundane to the terrifying and fortunately rare. One of the consequences of the identification and naming of stalking as a form of deviance has been to focus attention on which types of related behaviour are, in current society, acceptable, questionable or to be outlawed. The carving off of certain forms of activity usually aimed at establishing or maintaining interpersonal contact as not only unacceptable but criminal and deviant has occurred with scant discussion of boundary problems except in law journals. Little attempt has been made to reconcile the emerging ideas of what constitutes stalking with what in marginal cases amounts to a disjunction between the intentions and attitudes of those involved in establishing a relationship or negotiating an end to a relationship. The legal literature has focussed extensively on legitimate versus criminal following and intrusion, as well as subjective versus objective



definitions of offending. This has, however, been strictly within discussions of legal process and the framing of effective legislation. In part the uncritical acceptance of stalking as a social evil has been because initially the actions so described were obviously dangerous to the victim. Prominent among the first well-publicised cases of stalking were examples in which victims were eventually murdered by their stalkers. That many stalkers are at best a distressing nuisance and at worst dangerous is beyond dispute, but this still leaves unresolved the boundary issues. In, for example, an ex-partner, where is the line that divides the acceptable pursuit of reconciliation and the stalking of that erstwhile love? In the would-be suitor, how many phone calls denote enthusiasm and how many stalking? In the dismissed worker, how many angry letters and enquiries constitute the legitimate pursuit of clarification and assertion of rights and how many stalking? This book not only attempts to describe unequivocally damaging stalking behaviours but examines the boundaries and continuities between stalking and related forms of human behaviour.

Stalking is a problem because it evokes, in the object of the unwanted attention, distress and on occasion fear. There are real grounds in some cases for the victims to fear for their physical safety, and even their lives. Equally, there are good reasons to suppose that the disruptions produced by persistent stalking will have deleterious effects on a victim's mental health. It should not be forgotten that the lives of the stalkers are also severely disrupted by their actions. At the root of much stalking lie such states as loneliness, the pain of loss, nostalgia and the longing for intimacy. This is not to excuse or to argue for some equivalence of suffering, merely to state the obvious: in many cases of stalking, both victim and perpetrator have everything to gain from resolution and an end to the behaviour. The successful management of stalking, it is argued in this book, requires that the stalker be exposed to an appropriate balance of therapeutic help and legal sanction. For some, such as the individual with erotomanic delusions, treatment is paramount. In the calculating and vengeful ex-partner, confrontation with the personal costs of continuing to stalk, in terms of legal consequences, can have a gratifyingly salutary influence. For most stalkers a mixture of treatment and external control is optimal. Victims, even if the burden of the stalking has been relieved, are often left sufficiently traumatized to be in need of considerable help. In those still being stalked, practical help and appropriate support may go some way to relieving the burden and speeding its removal.

The question of how certain activities come to be identified as stalking has only occasionally been directly considered. As already emphasized, it is the victim who ultimately defines stalking, but what are the cues for recognizing oneself as being stalked?

Emerson et al. (1998) attempted to address this question by considering stalking

as a social process. They based their analysis on a variety of accounts of individuals who had been followed and harassed. They argued 'stalking is keyed to a variety of hitches and disjunctures surrounding relational coming together and splitting apart' (ibid., p. 295). What they describe as the 'core dynamic' is a one-sided attempt to create or sustain a close relationship. Central is the notion of one party being indifferent or opposed to the establishing, or re-establishing, of a relationship with the other eager for such an outcome.

Many intimate relationships begin with the meeting of strangers. The encounter with another person who is either previously unknown or largely unregarded is a common but none the less frequently charged event. This is particularly true when the context is one that promises the beginning of an important relationship. As we move from encountering someone to relating to that person we travel across a complex social and interpersonal minefield. Traversing the pitfalls that lie between encountering and relating is rarely straightforward. The opportunities are many, not just for failure but for producing unsolicited responses of anger or fear. Perceiving the other as intrusive and harassing, and oneself as stalked, is a measure of the experienced disjunction between the intentions and perceptions of the protagonist of the relationship and that of the unwilling object of those aspirations. When intimate relationships founder and fail, one partner usually perceives (or even pursues) the imminent termination before the other. Again this is fruitful ground for those disjunctions that make possible the self-definitions of being a stalking victim. In the quest for a new intimacy the initiator risks being defined as a stalker. In the dissolution of intimacy it is the initiator of the break-up who risks provoking a response in which they experience themselves as a stalking victim.

Each and every struggle toward, or away from, intimacy does not inevitably occur under the threat of the evocation of the label 'stalking'. Any unlucky individual could find themselves accused of being a stalker by an oversensitive, overanxious or even self-serving target of their affections. In practice, however, most reasonable individuals give a fair degree of latitude to those whose advances they intend to resist or reject. Sometimes that generosity stems from guilt, sometimes from sympathy, occasionally from simple politeness, but it is usually offered. In most cases the pursuers need to be possessed of a good dose of insensitivity and an overwhelming sense of entitlement to place themselves at risk of their behaviour being construed as stalking.

### **The archaeology of stalking**

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The emergence of stalking as a term for a particularly egregious form of harassment has clarified and specified the possible perspectives from which repeated unwanted intrusions can properly be viewed. It has also constrained the extent to which

similar behaviours can be presented in a positive light. One construction of courtly love was the unrequited love of the persistent suitor who merely admired from afar the unattainable perfections of the loved one (see Singer, 1984).

The great Italian poets Petrarch (1304–1374) and Dante Alighieri (1265–1321) both celebrated in their works life-long devotions to women with whom they had had little or no actual contact. Dante writes of his love of Beatrice in *La Vita Nuova* (circa 1292). Although some have held Beatrice to be a symbol she is usually identified with Beatrice Portinari. For Dante she is ‘an abstract, almost allegorical, embodiment of beauty, goodness and the other perfections’ (Singer 1984, p. 156). T. S. Eliot (1930) regarded Dante as having a pathological obsession with Beatrice, with whom he had no real contact but nevertheless used her as the focus and inspiration of his idealized love. Petrarch had a similar infatuation and idealized love for Laura (thought to be Laura de Noves, married 1325 died 1348, the mother of eleven children). It is not the reality of Beatrice or Laura but entirely their imagined properties that moves these poets. De Rougemont (1950, p. 178) wrote: ‘but here again the woman, whether absent or present, is never but the *occasion* for a torment he cherishes above all else’. Petrarch wrote of Laura: ‘I know to follow while I flee my fire: I freeze when present: absent my desire is hot’ (quoted in de Rougemont, 1950). We do not know in what manner Dante pursued his Beatrice (though the Pre-Raphaelites portray him as furtively spying). It is not known whether Laura felt harassed by Petrarch’s 365 daily poems, assuming he sent them to their inspiration (number 366 was dedicated to the Virgin Mary). What is clear is that for their contemporaries, and for many generations to come, Dante and Petrarch pursuing loves that took no account of the realities or feelings of the beloved were a subject not of scandal but of admiration. Western society at that period accepted as an ideal an autistic love constructed by a man out of projections and fantasies that took no account of the realities of the actual woman.

Søren Kierkegaard (1813–1855), the Danish philosopher, theologian and founder member of the existential elite, wrote a curious collection of pieces published as *Either/Or* (1843/1844). The first volume, *Either*, is ostensibly written by ‘A,’ a young self-styled aesthete and includes the narrative *The Seducer’s Diary*. This is said to be the fictionalized account of Kierkegaard’s pursuit of a young woman, Regine Olsen, renamed Cordelia Wahl in the book. The pursuit consists of surreptitious following, spying upon her, gathering information about her and engineering repeated encounters in public places. Kierkegaard in the fictionalized account describes his (or A’s) first contact with the supposed beloved as follows.

A figure appears, enveloped to the eyes in a cape. It is not possible to see where he is coming from . . . He passes by you just as you are entering the front door. At precisely the crucial moment a sidelong glance falls on its object. You blush; your bosom is too full to unburden itself in a single breath. There is indignation in your glance, a proud contempt. There is a plea, a tear in your eye, both are equally beautiful. I accept them both with equal right . . . I

certainly shall meet her again sometime; I certainly shall recognize her, and she may recognize me – my sidelong glance is not forgotten so easily . . . I promise she will recall the situation. No impatience no greediness – everything will be relished in slow draughts; she is selected, she will be overtaken. (Kierkegaard, 1987/1843, pp. 314–315)

In the author's mind a relationship is created in the moment of eye contact. It is for him an exchange. An exchange of vows, a moment of recognition and reciprocity. The 'she may recognize me' at some time in the future is rapidly superseded by 'she will recall the situation'. The relationship is established, albeit autistically. His claim 'she is selected, she will be overtaken' takes no account of her; it is a statement of entitlement.

The relationship established is for A one of worship and service: 'my beautiful stranger . . . I am at your service in every way' (Kierkegaard, 1987/1843, p. 320). There is a recognition that at least in the first few weeks there is no real reciprocity, only the hope and expectation of a favourable response: 'in a certain sense my profits are meagre but then I do have the prospect of the grand prize' (ibid., p. 326). The course of the following manufactured contracts and information gathering are documented in the account, which is in the form of a diary. He follows her 'with the intention of passing by her and dropping behind her many times until I discovered where she lived' (ibid., p. 333). He spies: 'I will know who you are – why else do you think the police keep census records?' (ibid., p. 327). He watches her house: 'Today I learned something about the house into which she disappeared' (ibid., p. 337) and plans, for 'if it is necessary for me to gain entrance to the house . . . I am prepared' (ibid., p. 338).

The behaviours appear to us to be those of stalking, although this is not how either Kierkegaard or his contemporaries would have constructed this story, even assuming the vocabulary existed for such a labelling. Even more interesting is the description of A's internal world as he creates for himself an intimate relationship. First there is the fantasy of the loved one's inevitable succumbing. Then he bestows on her characteristics, desires and intentions in a vacuum, for at this stage he knows only her appearance and the appearance of her house. She 'lives in a world of fantasy' (ibid., p. 341). He is convinced that 'she is an isolated person' (ibid., p. 339), that she is 'proud' (ibid., p. 342), she has 'imagination, spirit, passion' and even 'maybe at particular moments she wishes that she were not a girl but a man' (ibid., p. 343). It is difficult to avoid the suspicion that the beloved is being constructed, or reconstructed, in the image of the lover. A rich world is created out of glimpsed moments and stolen observations. *The Seducer's Diary* seems a window into the world of one particular type of person we would now call a stalker.

But is Kierkegaard's account really that of stalking, and to what extent is it, as is often assumed, a true account of his initial pursuit of Regine Olsen? Regine Olsen did eventually have an actual relationship with Kierkegaard, although it did not

last. She survived him, living until 1904 and becoming a celebrity on the basis of *The Seducer's Diary*. Her later memories of Kierkegaard are not those of the stalker but of the man she eventually met and to whom for a time she was engaged. Kierkegaard remained preoccupied (obsessed even) with Regine for the rest of his life and even in his last will and testament claimed 'my estate is her [Regine's] due exactly as if I had been married to her' (Kierkegaard, 1996 p. 657). The extent to which *The Seducer's Diary* accurately portrays the actions and mental life of Kierkegaard in his early pursuit of Regine Olsen must remain questionable. It could be more fictional than factual, it could conflate (or even transpose) other episodes of such stalking-like behaviour. Kierkegaard (1996, p. 417) claimed: '*The Seducer's Diary* was written for her sake, to help repulse her'. What it does unquestionably is provide an insight into the thinking and behaviour of someone whom we would now label a stalker. At the time, however, A could have legitimately, in the eyes of his culture and his contemporaries, styled himself a lover.

We do not know the impact on the victim, who must, to some extent, have been aware of the undeclared observer. If this is an account of the stalking of Ms Olsen it is difficult retrospectively to view her as unduly disturbed, let alone traumatized, given that she later accepted his attentions and offer of marriage and given that she accepted, in later life, the role of the great philosopher's great love. We would speculate that the experience of being followed and spied upon would have been experienced very differently for Regine Olsen in the Copenhagen of the mid-nineteenth century than it would be by a teenager (she was 16 or 17 years old) in London or New York at the end of the twentieth century. The man, though unknown, would not have been a stranger in the same sense, given that his identity, if not already suspected, could easily have been established in the relatively small community. His appearance would have defined him in terms of probable social class and role to a far greater extent than in today's world. His behaviour would have had acceptable explanations in terms of the shy suitor, the gauche admirer or even the romantic stranger. The threatening and sinister were not imminent to anything like the same degree in the attentions of a stranger.

John Updike (1997) described Kierkegaard's behaviour as revealed in *The Seducer's Diary* as convoluted gallantry, although he does also describe it as stalking. Updike gave stalking a curious resonance, however, when he wrote: 'The hero's long and loving stalking of a girl too young to approach provides, in fiction as in reality, the peak of erotic excitement' (ibid., p. xiii). Kierkegaard's alter ego A does not appear in *The Seducer's Diary* to be desisting from direct contact because Cordelia is a schoolgirl, so the reader is left in some doubt as to whose reality it is that finds stalking young girls the peak of erotic excitement. That such people exist will become clear as this book progresses; that Kierkegaard was an example is, one can hope, a misinterpretation.

## The social construction of stalking

In an outstanding article Lowney & Best (1995) examined the emergence of the construction of stalking as a social problem. They examined media coverage between 1980 and 1994 in the form of newspapers, tapes of television and radio broadcasts and magazine articles, together with scholarly journals and court and congressional proceedings. The focus was on how and in what form claims about stalking were brought to public attention and how this led to the construction of a new crime problem. They identify three phases, or periods, in the emergence of stalking as a widely recognized social problem.

The first period described by Lowney & Best (1995) was from 1980 to 1988, when there were articles and discussions under such headings as 'psychological rape' and 'obsessive following'. The word 'stalking' hardly ever appeared. The psychological rape and obsessive following that were made manifest in various forms of sexual harassment and intrusiveness were typified by the nonviolent, but persistent, pursuit of a victim (usually, but not exclusively, female). The victims, though distressed and exposed by the limitations of the criminal justice system's ability to protect them, were nevertheless often portrayed as at least partly complicit in their plight. Although the behaviours were accepted as problematic they were not 'packaged and presented so as to command public attention' (Lowney & Best, 1995, p. 39).

The second phase from 1989 to 1991 was, Lowney & Best (1995) argued, marked by the increasing use of the term stalker, usually in the form of 'star stalkers'. These were men and women who persistently followed and harassed the famous. The murder of the American sitcom actress Rebecca Schaeffer by a disordered fan, Robert Bardo, gave a dramatic focus to this new construction. Victims were now celebrities and the perpetrators typically mentally disturbed and/or inappropriately obsessed with their victims. Stalking became a form of random violence for which the victim bore no responsibility. The behaviour of the stalker was now seen as the harbinger of violence and often as the product of mental disorder. The new construction captured public attention, captured the attention and harnessed the energies of the media and entertainment industries, and finally captured both the attention and (self) interest of the law makers.

The final construction articulated by Lowney & Best (1995) was the redefinition, in the period 1992–1994, of stalking as a product of failed relationships and male violence. Stalking was reframed as a 'women's issue, a widespread precursor to serious violence . . . a common problem . . . a form of domestic violence against women . . .' (ibid., p. 42–3). These authors illustrate how juxtaposing domestic violence and stalking could create new evidence. Thus a statement that 90% of women killed by their partners had previously called the police was equated with 90%

having previously been stalked. This in turn generated the outrageous claim that nine women a day (in the USA) are killed by stalkers. Stalking had been reconstructed into a violent crime, usually committed against women by former or current husbands or lovers and also labelled by some as an 'epidemic' (e.g. Gilligan, 1992). The new construction virtually excluded psychological explanations, let alone psychiatric accounts, of the perpetrator's motivations. Typifying examples of stalking, when not an extension of the battering of women, feature children and adolescents as victims. Such examples made clear the stalking paedophile's responsibilities and made manifest the essentially evil nature of the perpetrator's intentions and actions.

Stalking's emergence as a social issue and a new category of crime shares features with other similar categories that have come to prominence, including child sexual abuse, mugging and road rage (Scott, 1995; Fergusson & Mullen, 1999). Each in their different ways have acquired the status of social facts whose existence is no longer challenged. The process of constructing a social problem, for example child abuse, has been conceptualized as occurring in the four overlapping stages of discovering, diffusion, consolidation and reification (Parton, 1979; Scott, 1995).

The key question about the 'discovery' of stalking is why these particular forms of harassing behaviours were defined as a special problem at that particular historical moment, and why stalking suddenly gained such prominence. As has been emphasized, there was nothing new about behaving in the manner we now call stalking, nor in considering such behaviour to be a problem. What was new was increasingly regarding such behaviour as a problem separable from other forms of inappropriate intrusiveness and as having peculiarly sinister implications. The discovery of stalking does not reflect a single influence but the concatenation of a number of trends and concerns, many of which had remained inchoate before the concept and the very word 'stalking' gave them a medium for expression.

The elements from which stalking's initial articulation as the persistent following and intrusion on the famous (star stalking) emerged include the following:

- 1 The 1970s and 1980s were marked by an increasing public concern about privacy and the capacity of others to monitor and pry into the lives of fellow citizens. These concerns were particularly acute for those in the public eye who were more and more the object of the intrusions of gossip columnists, photographers (the paparazzi), investigative journalists and the multiplicity of TV and radio shows that claimed to expose or reveal the doings of the famous. For the famous, be they entertainers, politicians, sports people or royalty, nothing was now sacred. Every action, or rumour of action, was potentially grist for the exposure mill. In response, privacy gained a reciprocally increased valuation, with the protection of such privacy becoming a social good.
- 2 There has occurred over the last century or so a continuing change in how people

experience themselves in relation to other members of their society. The emergence of large urban conurbations inevitably led to people living among those about whom they had no knowledge. As early as 1798 a Parisian police agent was complaining: 'It is almost impossible to maintain good behaviour in a thickly populated area where an individual is, so to speak, unknown to all others and thus does not have to blush in front of anyone, (quoted in Benjamin, 1968, p. 40). The stranger, in contrast to the foreigner, was of the same society but was an unknown element within your own community. In literature the stranger as potential threat and as the carrier of evil became an increasingly common theme, illustrated in the work of, for example, Edgar Allen Poe, whose quote from *The Man of the Crowd* prefaced this chapter.

At the very moment in the 1980s when the word 'community' was rising to ideological prominence, the reality for most of those in Western society was a dissolution and virtual disappearance of community. The bonds of common interest, which linked individuals to those other individuals with whom they lived in some proximity, were disappearing. In urban life neighbours were increasingly becoming strangers. The individuals' interests were rarely experienced as linked to those among whom they lived. The latter became sources not of mutual support but of irritation, intrusiveness and even risk. Fear became even more likely to be a central mediator between the individual and the stranger. In this climate the transformation of the stranger into predator was readily accomplished. Again the famous shared in the emerging fear of fellow citizens. The sense of vulnerability experienced by public figures was enhanced by such events as the assassinations of President John F. Kennedy and of singer John Lennon. There was apparently an escalation in the frequency with which the famous received threatening letters and communications. Part of achieving prominence became the acquisition of a need for protection. Whatever the real level of threat to the famous, the perception of risk spawned a specialist security industry with new technologies and new forms of expertise to assess risk, manage risk and protect. It would be difficult not to become increasingly sensitive to threat if surrounded by security experts who advise, and induce, the spending of large sums of money on protection from as yet undeclared dangers.

- 3 The 1980s were marked by a perception that our society contained increasing numbers of strange people who might intrude and threaten. Public awareness, and wariness of, groups such as the mentally ill, the addicted and the intellectually disabled were fed partly by the reality of increased numbers of such people in the community, but equally by constructions of such disorders and disabilities as predisposing to impulsive and aggressive conduct. The Secret Service in the USA maintain extensive dossiers on mentally disordered individuals who are considered to present a risk, however remote, to the President or other politi-



cians. The threat to the famous is constructed as a threat from the irrational and the disordered; after all, who but the mad could bear such animosity toward politicians, let alone entertainers?

These and other preoccupations found expression in the notion of stalking. The murder of Rebecca Schaeffer provided the case around which concerns with privacy, safety and the threat presented by the disordered crystallized in the form of the new issue of stalking. Those claiming that stalking should be recognized as a specific and serious crime were able to organize their advocacy around this dramatic example.

The phase of diffusion of the awareness of stalking through the wider society was remarkably rapid. Given that stalking was initially viewed primarily as a threat to which media personalities were peculiarly vulnerable, it is not surprising that coverage was as extensive as it was effective. Equally, the combination of the famous, sinister pursuit, violence and in many cases disordered affection proved irresistible to the watching and reading public. Doubtless, experts expounding on exotic and potentially titillating subjects such as erotomania and obsessional following added to the fascination.

The ready acceptance of stalking as a social problem was accompanied by a dramatic widening of the concept. What began as a description of behaviour directed at the famous was rapidly generalized to include similar behaviours directed at ordinary individuals. A social problem that was relatively uncommon, because it was circumscribed by the contingency of being a star, was transformed into an experience open to all. Nobody was safe, or at least in the early stages of the genesis of stalking as a social problem, no woman or child was safe.

These developments in part mirror the acceptance of child sexual abuse as a major social problem. Child sexual abuse emerged in the late 1970s in the form of claims for society's attention and concern made by adult women usually recalling their victimization as children by incestuous abuse. This soon generalized to incorporate claims about a wide range of child molestation affecting a significant proportion of the population (Fergusson & Mullen, 1999).

The first and most important phase in the generalizing of stalking occurred when well-established concerns about the harassment of women by their male partners were annexed to the emergent phenomenon of stalking. The bracketing of stalking with domestic violence was dramatically successful for those who had been advocating more recognition and greater protection for battered women. The media fascination with stalking, together with the public and political acceptance of it as a serious form of criminal activity, was readily transferred to stalking as a form of domestic violence. For a period the construction of stalking was almost completely colonized by legitimate, but previously discounted, attempts to extend legal protections to women harassed and pursued by current or previous partners. The first

anti-stalking legislation in California reflected concerns with the stalking of the famous, although subsequent legislation increasingly gave primacy to the protection of women, some anti-stalking statutes even confining stalking to the harassment of those who had previously either cohabited or had had intimate relationships with their stalker (e.g. original legislation in West Virginia in the USA and New South Wales in Australia). Stalking made one of its earliest entries into the scholarly behavioural science literature firmly coupled with domestic violence (Kurt, 1995). The first community study to be published of the prevalence of stalking surveyed only women (Australian Bureau of Statistics, 1996). The USA Department of Justice, which has played an important role in documenting stalking and supporting legislative responses in the USA, produced its reports under the title 'Domestic Violence and Stalking' and reported to Congress under the Violence Against Women Act. Despite this, to its credit, the research commissioned by the US Department of Justice surveyed males as well as females. This research has been important in widening notions of who stalks and who is stalked. (National Institute of Justice, 1997; Tjaden & Thoennes, 1998).

To understand how it was possible for stalking to be so successfully translated into an aspect of domestic violence it is necessary to examine developments over the prior decade. The intimidation and battering of women by their male partners attained substantial prominence as a social problem in the 1970s and 1980s. The success of advocates for abused women in evoking appropriate social and legislative responses was, however, limited with regard to harassment that did not involve overt physical violence (Follingstad et al., 1990; Walker, 1989). The media gave considerable attention in the early 1980s to the following and harassing of women after the revelation that actress Jodie Foster had been persistently pursued in the USA by John Hinckley Jr, who later attempted to assassinate President Ronald Reagan. Although the media at this time tended to focus on the famous it did generalize into the broader issue of the harassing of women by their male partners (Wilcox, 1982). Female harassment was the term usually employed for this phenomenon, though 'psychological rape' briefly had currency in the media (Jason et al., 1984; Lowney & Best, 1995). An interesting study by Jason and colleagues, which appeared in 1984, examined female harassment. They defined female harassment as 'a male persistently using psychological or physical abuse in an attempt to begin or continue a dating relationship with a female who had indicated a desire to terminate the dating relationship' (Jason et al., 1984, p. 261). Their study amounts to arguably the first study of this form of stalking in a community sample. Female harassment did not continue to receive sufficient media coverage to establish its position on either the public or political agendas. Further systematic studies also had to wait for the stimulus provided by the emergence of the stalking phenomena in 1989 and 1990. Although female harassment failed in the wider public arena to hold attention, it

remained firmly on the agenda of activists and advocates. The women's movement was only too aware of its frequency and its destructive potential. When stalking exploded onto the media as a hot issue, female harassment was a ready-made claimant for a share of the attention, a claim pushed home with considerable success by the domestic violence lobby.

As part of this phase of diffusion the emphasis on the stalker being mentally disordered or at the very least an obsessional follower was replaced by a characterization of a male who brutalized and potentially battered his female partner. Mental disorder was replaced by brutality and criminality, and the stalker became more strongly gendered.

Stalking conceptually and legislatively has not remained so closely tied to domestic violence. It is not clear exactly which influences led to a further generalization of stalking and a partial return to a concern with pursuit by disordered admirers. Certainly, when studies of stalkers began to appear they suggested a wider range of victims and perpetrators than could be accommodated within either the domestic violence paradigm or the notion of stalkers to the stars. Initial studies of victims also indicated a wide range of relationships between stalker and victim (see Chapter 3). The media continued to give prominence to accounts of the stalking of men as well as women and one of the outstanding journalistic accounts during this period was of the stalking of a male surgeon by a female journalist (Brenner, 1991). Perhaps what was most important in driving the increasingly broad conceptualization of the relationship between stalkers and their victims was the practical experience of both courts and researchers. Beginning with the behaviour of persistent intrusions and unwanted communications rather than with causal theories (be that around domestic violence or obsessional following), then a far richer reality is revealed in the phenomena of stalking. Courts have perforce to consider first and foremost behaviour, not theories of causation. Behavioural scientists should start with the behavioural phenomena, not their pet theory about those phenomena. As this book will illustrate, we hope, if you begin with the behaviours that constitute stalking you reveal a varied and rich tapestry of intentions, motivations and forms of relatedness that frustrates attempts to restrict stalking and stalkers to any single context or overarching theory of causation.

The phase of consolidation of a new social problem occurs when a social agency or agencies come to be held responsible for responding to the perceived needs created by this new social and political agenda. Stalking once given life by the media was rapidly transformed into a specific type of criminal offence. It was to the police and the courts that the responsibility of dealing with stalkers fell. Stalkers were initially regarded as drawn from the disturbed and the mentally disordered of the community. Despite the powerful impact of the subsequent absorption of forms of domestic violence into stalking the notion that stalkers were at least in part a mental

health problem persisted. The first organizational structure to emerge specifically to manage stalkers was the Los Angeles Police Department's Threat Management Unit (Zona et al., 1993, 1998). This combined the skills of police, legal and mental health professionals in a system aimed to manage, and where possible prevent, stalking. They employed a range of interventions including those of mental health professionals. In our own mental health clinic in Melbourne the first initiative was directed at providing support to victims of stalking but this soon led to a parallel concern with the assessment and management of perpetrators of stalking. This book is predicated on the assumption that the approaches and skills of mental health professionals and behavioural scientists are central to understanding and managing stalking.

The final stage of the reification of a social problem involves the ossifying of the issue into something taken for granted as a natural area of concern by the general community (Scott, 1995). The questions become not 'What is stalking?', 'What brings it about?' or even 'How much of it is out there?', but merely 'Who should deal with it?' and 'Why haven't they dealt with it?'. The issue becomes one for professional competencies and institutional technologies. The problem itself becomes an accepted part of the social landscape, which may raise concerns but not curiosity. If stalking has reached that stage by the time this book has been published then only a select few of our professional colleagues are likely to be reading this sentence.

There are problems over the use of theories of social construction. In attempting to describe the way in which a phenomenon becomes an object of knowledge and a topic of concern within a particular culture, it is all too easy to appear to be overly sceptical or even mocking. Persistently inflicting on someone else repeated unwanted intrusions and communications is a totally unacceptable way of behaving, which, in our view, has rightly been made criminal in most Western jurisdictions. Such behaviour induces fear and can produce in the victim considerable psychological damage and extensively disrupt their functioning. It is a real social evil. It was a social evil before the word and the concept of stalking emerged in 1989 and 1990. Stalking is nevertheless a construction. Neither the reality of the pain and distress that so often accompanies both being stalked and being a stalker, nor the fact that stalking is a construction, should be in question (for an exemplary discussion of these issues with regard to multiple personality disorder, see Hacking, 1995).

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## **Conclusions**

The social construction of stalking began around instances that typically involved extensive and prolonged intrusions and culminated not infrequently in assaults that could be lethal. The incorporation of female harassment into the rubric of

stalking widened the net but maintained a clear association with assault, battery and even murder. Stalking has now been greatly extended to encompass behaviours that, although distressing, are typically far less likely to involve either such extensive intrusions or such obvious risks of serious assault as did the earlier typifying cases. This extension has not to date been accompanied by an equivalent modification in the meanings and expectations attached to being stalked. As a result, a radical restructuring of our understanding of the social world may be occurring.

A similar trajectory was followed when child sexual abuse, initially constructed around severely physically intrusive and often prolonged incestuous abuse, was broadened to incorporate a wide range of forms of the sexual molestation of children. The benefits of this process were the recognition of the true extent of the sexual exploitation of children and the emergence of a social consensus that such behaviour should be stopped and victims accorded appropriate protection (and in some societies treatment and monetary recompense). The downside was a widespread confusion about the nature, extent and effects of child sexual abuse in all its forms, which impaired effective responses (Fergusson & Mullen, 1999). It also brought about a change in how victims understood themselves and their pasts, which was certainly not without its problems. The attempt more accurately to inform professionals and the public about the realities of stalkers and stalking is central to this book. We are at a relatively early stage in the development of stalking as a social issue and an area of scientific study but already the need to confront growing myths and unexamined assumptions about stalkers and stalking is clear.