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Crime Media Culture 2007; 3; 158
DOI: 10.1177/1741659007078541

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Constructing crime: Culture, stalking, celebrity and cyber

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Abstract
The impetus for this article came, in part, from press reports that the Internet played a role in the case of the murder of British television presenter, Jill Dando, in 1999 by someone who, it was alleged, had ‘stalked’ her, and further from the recognition that, in recent years, ‘crime’ and ‘stalking’ and ‘cyber’ have come to be seen together in western culture, often in the company of someone ‘famous’. To explore the significance of the discourses emerging from these relationships, this article moves beyond criminology, or at least extends its very elastic boundaries. Although many online behaviours currently causing concern will cease to be popular or will be controlled by advances in new communications technology, nonetheless ‘we shall be left with a series of new types of criminal behaviour which in some cases will cause us to rethink and augment our existing understandings of crimes and deviant behaviours’ (Wall, 1999: 133). The exploration in this article stemmed from a curiosity about cyber-stalking as a new crime but evolved as a theoretical connection that illuminates a contemporary celebritification and commodification of aesthetics, crime and culture.

Key words
celebritification; celebrity; constructionism; culture; cyber; stalking

INTRODUCTION: STALKING, CELEBRITY AND CRIME

Harassment is repeated, unwanted attention, contact or surveillance that causes distress or fear to the victim. In the British media, stalking, with its greater connotation of stealth and threat, is regularly used as analogous to harassment. The constituents of either activity are real and hover on the borders of deviance and criminality depending on the jurisdiction, culture and even the prevailing morality within which they occur. Stalking has long been recognized within psychiatry and has various definitions in that domain. It is defined as obsessional, usually when one party in a relationship feels wronged and seeks some kind of
retribution; *erotomanic*, when the stalker, who may be a stranger to the victim, is deluded that there is a romantic bond between the two; or *love obsessional*, usually referring to a stalker who targets a star or media personality (Zona et al., 1993). Further definitions of the stalker include the *incompetent*, who may lack ability, intellectually or socially, to form relationships and the *predator*, who seeks to control his or her victims, and plan and even carry out physical attacks (Mullen et al., 1999).

Feminist work has also focused on such behaviour – predominantly in work, domestic or sexual contexts – in order to bring attention to it as an act of violation, and sometimes actual violence, that is continuous with, and reproductive of, male power over women. Smart (1995) uses ‘harassment’ to clarify the concept of the objectification of women’s bodies, arguing that harassment, particularly with a sexual component, ‘locates woman in her body . . . makes her simply body’ (p. 223) just as rape does. The act gives a particular set of symbolic meanings to the female body which, though ‘real’, is always made meaningful through the range of discourses that articulate the body: *legal, medical, religious, aesthetic* and of course *sexual*. So although harassment, unlike rape, may not necessarily act on the real body it acts symbolically to represent the cultural connotations that support real assault and arguably is made possible by those connotations. Taking no action against harassment therefore reproduces connotations about sexual behaviour that legitimate the objectification of women (Wykes, 2006).

Kelly and Humphries (2000) offer a neat critical overview that places harassment firmly in the realm of real, rather than symbolic, harm by tracing the origins of much intimate violence against women as emanating from ex-partners. According to these authors the gendered nature of stalking is consistently underplayed in media accounts; an aspect that is more easily ignored by labelling stalkers *dangerous strangers obsessed by stars* than by dealing with them as ex-husbands or obsessed boyfriends. Like Smart (1995) they too stress the sexual (actual or connoted) nature of the act, its violence (actual and/or symbolic) and its place on the continuum of gendered roles and relationships, particularly intimate or marital relationships, past or present. They also acknowledge that the introduction of the 1997 Protection from Harassment Act (PFHA) was probably spurred by high profile celebrity cases that attracted extensive media coverage and saw the importation of the term ‘stalking’ from the USA. Celebrities such as Madonna, the Spice Girls and Diana, Princess of Wales, all suffered from the attention of obsessive fans and, in Diana’s case, obsessive paparazzi were characterized as ‘stalkers’ following the oratory by her brother, Earl Spencer,2 at her funeral. American singing star Madonna’s stalking both pre- and post-dates the UK legislation:

An obsessed fan has been stalking Madonna prompting the star to beef up her security. She is now being escorted by police to concerts during her Reinvention tour. The man was moved on by security staff who found him loitering outside New York’s Madison Square Garden arena. He has also been making strange calls to Madonna’s office, according to the Daily Mirror. The star’s security staff have been issued with a picture of the man and told to be on the look-out for him. It is not the first time Madonna has been plagued by a stalker – in 1996 Robert Hoskins was jailed for 10 years after threatening the 45-year-old singer with violence. (from http://uk.news.yahoo.com/040625/140/ewo5o.html 13/04/2005)
Once highlighted by these celebrity cases and dubbed the more sinister ‘stalking’ by the media, harassment began to be taken seriously. For Kelly and Humphries (2000) this both led to the legislation that made harassment punishable but, ironically, also sidelined the ordinary everyday violence (Stanko, 1991) of men’s harassment of women they know (e.g. phone calls, voyeurism and texts/letters). Although harassment from an intimidating friend or ex-partner is the most common typology for the offence, it is stalks of high profile, newsworthy, sexually iconic celebrities by someone unknown to them which are the focus of the news (Kelly and Humphries, 2000). The Guardian (1999) even went as far as to suggest the offence is more terrible in the case of the small minority of attacks committed by a stranger: ‘Those who are in the public eye face perhaps the most extreme form of attack because they are usually among the 5 per cent of victims whose stalkers are strangers to them’. A not dissimilar perspective is often brought to bear on rape, leading to calls, particularly from Rape Support Groups, for recognizing rape by a friend, colleague or partner as just as devastating as the much rarer stranger rape and therefore requiring the same punishment. Such calls eventually resulted in interventions in the criminal justice system by the Sentencing Advisory Panel, ‘to end the practice of imposing lenient prison terms on men who have raped their wives, girlfriends or women they have met on dates’ (from http://news.bbc.co.uk/1/hi/england/2007528.stm).

The newsworthiness of celebrity stalking was particularly prominent in the case of British television presenter Jill Dando who was shot on her front door step by a man described in the news as a stalker. At the time there was no evidence to suggest the killer had in any way harassed or been obsessed by Dando, although her celebrity status had made her a target for the attention of ardent fans prior to her murder:

Jill Dando’s role as a BBC Crimewatch presenter would have done little to allay her fears that she faced harassment from a stranger at any time. She had at least one known stalker who had to be warned off by the BBC. John Hole, 62, a retired civil servant, began by sending her a Valentine’s Day card, then graduated to waiting for her outside studios, persistently telephoning her and visiting her west London home. (Guardian, 1999)

News about her murder, in April 1999, not only alluded to stalking but also to the possible use of the Internet to enable the offence: ‘the home address of murdered BBC television presenter Jill Dando was traced by a possible stalker using the Internet, police have revealed’ (from http://news.bbc.co.uk/1/hi/uk/608972.stm 12/04/2005).

DEFINING STALKING AS CRIME

Key to both psychological and feminist approaches to stalking or harassment, which tend to focus on either predators or victims respectively, is the fact that the subject of the behaviours must feel intimidated or distressed by the attention. A journalistic explanation is as follows:

A stalker needn’t lay a finger on his victim to meet this definition; the courts will now convict for psychological GBH [grievous bodily harm]. Harassment can include telephone
calls, e-mail, letters, notes pinned to property, unwanted gifts and more sinister mis-
sives. ‘There are accounts of victims being sent plastic skeletons, mutilated dolls, even
vials of blood or semen,’ Dr Petch says. ‘You can imagine how terrifying it is’. (Ahuja,
2000)

In the UK such ‘real’ stalking was effectively criminalized under the Prevention of Harass-
ment Act 1997 which states that

A person must not pursue a course of conduct – (a) which amounts to harassment of
another, and (b) which he knows or ought to know amounts to harassment of the other.
Every individual has a right to be free from harassment and, accordingly, a person must
not pursue a course of conduct which amounts to harassment of another and (a) is
intended to amount to harassment of that person; or (b) occurs in circumstances where
it would appear to a reasonable person that it would amount to harassment of that
person...For the purposes of this section – ‘conduct’ includes speech; ‘harassment’
of a person includes causing the person alarm or distress; and a course of conduct
must involve conduct on at least two occasions. (from http://www.hmso.gov.uk/acts/
acts1997/1997040.htm)

The maximum sentence is six months in prison, unless the victim is put in fear of violence
on at least two occasions, in which case it can be five years. The media’s preferred ‘stalking’
is covered by harassment laws simply because it involves the tormenting of one by another
and/or the cause of worry in that process, that is, harassing. So it must have three aspects:
first the offender must know that their behaviour is unacceptable; second, there must be
evidence of repeated interference in another’s life and third, it must be of a kind that the
victim can reasonably claim causes anxiety, distress or fear.

The British Home Office acknowledged the new crime in the 1998 British Crime Survey
and found that

Overall, 11.8% of adults aged 16–59 could recall being subject to persistent and
unwanted attention at some time in their lives. The figure was higher for women 16.1%-
than men 6.8%. ...2.9% of adults aged 16–19 had been the subject of stalking in the
12 months prior to the interview. ... (0.61 million women and 0.27 million men). (Budd
et al., 2000: 21)

The same study describes stalking as causing irritation or annoyance to over 70 per cent of
victims yet curiously only one-third of victims (33%) considered what had happened to be
a crime and a further 37 per cent considered it to be ‘wrong but not a crime’, although this
is perhaps not surprising given that such activities were not crimes three years previously.
A quarter felt it to be ‘just something that happens’. The kinds of harassment experienced
were also analysed and included

being forced into talking to the offender, with almost a half of all incidents (49%) involving
this. Other relatively common experiences, reported in a third or more of
incidents, were: silent phone calls (45%); being physically intimidated (42%); being
followed (39%); being touched or grabbed (34%); the offender waiting outside the
victim’s home (33%). Female victims were more likely to experience almost all of the
types of stalking behaviour asked about. However, male victims were more likely to say
the offender had threatened or actually used violence. (Budd et al., 2000: 10)
The period immediately following the criminalization of stalking in the UK in 1997 saw 14,641 prosecutions and 4147 convictions during 1998 and 1999 (Finch, 2001) under the 1997 Protection from Harassment Act. This figure seems remarkably low giving the self-reports collected by the 1998 British Crime Survey. However, it is perhaps unsurprising given the available research on the ‘dark figure’ of unreported crime and also the fact that 67 per cent of respondents were disinclined to see their experience as a crime (British Home Office 2000); a reluctance that may also have something to do with a refusal to be seen as, or self-evaluate as, a victim. In addition, as with areas such as rape and domestic violence where the victims are predominantly women and the perpetrators men, police ‘gatekeeping’ of the criminal justice system may deflect cases from being recorded (Finch, 2001). There are several possible reasons for this: difficulty in pursuing such cases and so appearing on file as failures; difficulties in collecting sufficient evidence to bring a successful prosecution; difficulties relating to the fear or distress engendered in the victim, and so on. Furthermore, ‘cop culture’ systematically undervalues intimate, interpersonal crimes (Fielding, 1994) that do not comply with the hegemonic masculinity that characterizes policing (Reiner, 1985) and seriously affects the way women complainants are evaluated (Gregory and Lees, 1999). Yet concerns about lack of attention to women that emerged from feminist work (Brownmiller, 1975; Smart, 1976, 1989; Edwards, 1987; Gelsthorpe, 1989; Hanmer et al., 1989) propelled stalking from being a common, sexist nuisance into a crime without apparently doing very much to resolve it. The result is much as has happened with rape, where more are reported than ever and fewer are successfully brought to prosecution:

A network of specialist rape prosecutors England and Wales is being set up, after a report showed just one in 14 rapes reported to police ended in a conviction. The move is part of a wider review by the Crime Prosecution Service of how rape cases are handled in the court system. (from http://news.bbc.co.uk/1/hi/uk/1951936.stm)

So harassment has become a crime in the UK, largely propelled by celebrity victims and the newsworthiness of their ‘stalking’ experience. In turn, that publicity highlighted and legitimated serious feminist work to place more everyday harassment on the criminal agenda. However, that criminalization process via celebrity victimhood is very much relative to the UK and other western cultures.

CROSSING BORDERS: CULTURES, STALKING AND CRIME

Outside of the UK, jurisdictions vary in their response to stalking. There is no global conformity of regulation and in some countries there is not even recognition of the phenomenon or – if there is recognition – there is sometimes a sexist minimizing of the serious potential. However, most western nations have now brought in some kind of harassment legislation just as most have fairly powerful and liberated women’s lobbies within criminal justice and political discourses. Crucially, most also have a deeply celebritified popular culture (Wykes, 2006).
Concerns began first in the USA and Canada in the early 1990s with research during the first half of the decade showing that ‘8.1 percent of surveyed women and 2.2 percent of surveyed men reported being stalked at some time in their life...A woman is three times more likely to be stalked than raped’ (Tjaden and Thoennes, 1998). Such studies led to a rapid criminalization process and by November 1999, all 50 states’ legislatures, the District of Columbia, and the federal government had enacted laws making stalking a crime. The laws vary in the specific behaviours outlawed and the penalties provided for violation, but most state penal codes define stalking as involving:

- A pattern of wilful or intentional harassing or annoying/alarming conduct, such as repeat messages, following, vandalism, and other unwanted behaviours.
- Infliction of credible explicit or implicit threats against a victim’s safety or that of her family. Actual and reasonable victim fear of the stalker resulting from that behavior. (Miller and Nugent, 2002)

Malsch (2000) identifies a range of differing responses in Europe, including Norway’s definition that conduct violating another person’s right to be left in peace should be punishable by law; Denmark’s mention of intrusion pursuance or inconvenience as an offence; and France’s recognition of malicious phone calls and sexual harassment as offences. In Australia legislation was adapted or introduced across the territories during the mid-1990s. An example is the Northern Territory, Criminal Code Act 1997 s189 which defines stalking as requiring two separate occasions of following; loitering; interfering with property; watching and/or acting covertly so as to cause actual harm, apprehension or fear.

In other parts of the world there is sometimes a strong western influence, particularly in previous colonies. For example in Hong Kong, The Law Reform Commission released the Stalking Report on 30 October 2000 and recommended that ‘a person who pursues a course of conduct which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other, should be guilty of a criminal offence’ (from http://www.hkreform.gov.hk/reports/stalk-e.htm). Yet South Africa has been more cautious. The country set up a commission in 2003 to look at stalking which commented: ‘The Commission also takes heed of the view that twentieth-century lawmakers have been spurred into action by a moral panic surrounding “celebrity stalking”, and have hastily enacted anti-stalking laws, creating a legal shell waiting to be filled’ and concludes that ‘no legal intervention will prevent all forms of stalking, but it is essential that the legal system provide the greatest protection and remedies possible’ (from http://wwwserver.law.wits.ac.za/salc/issue/ip22.doc).

So in many countries a ‘crime’ has been constructed from what had previously been a ‘deviant’ behaviour, and the same crime is variously defined in different legislatures which bring differing punishments to bear. Yet stalking in other countries is not even a ‘crime’ per se. The Times of India tells the tale of a stalker who pursued a Bollywood female star. The male culprit was given a good talking to for 30 minutes at the police station and the journalist suggested, ‘With India being the flavour in so many ways, Salman could even grab a role in Hollywood, perhaps as a sexy stalker’ (from http://www1.timesofindia.indiatimes.com/
In other words, the very behaviour and experience that caused enough concern in the UK to be made a crime, elsewhere seems not to exist, or is treated simply as ‘nuisance’ behaviour, or some kind of obsessive illness or miscommunication, as it was in the UK prior to 1997. Of course, none of these non-criminal interpretations are particularly newsworthy, so clearly, something has changed to put stalking on the news and legislative agendas in western cultures.

CONSTRUCTING CRIME: NEWS VALUE AND ‘NEW’ STORIES

The article has demonstrated how the act of stalking has been discursively constructed in ways that are specific to cultures and historical contexts. In this sense, the cultural and legislative discourses that shifted the emphasis from ‘harassment’ to ‘stalking’ and sought to criminalize the behaviour, were strikingly similar to previous processes. Mugging, for example, was imported from the USA to the UK in the 1970s when the racial tensions in British inner cities were frequently compared to racial issues in the USA with the *Birmingham Evening Mail* asking, ‘Must Harlem come to Birmingham?’ (Hartman and Husband, 1971: 295). Hall et al. (1978) highlighted the focus on mugging as the pivot on which the media turned towards the race/violence paradigm. Mugging marked the introduction of a new racial stereotype, which added the potential of the exercise of containment of black people by law, to the freelance racism of the workplace, social community and housing market (Wykes, 2001, 2006).

In many ways the driving force behind the new ‘criminal’ stereotype of black urbanites were the news media and their hunger for stories that fit newsworthy paradigms. It is also worth noting that there is still no such crime as mugging despite all the newspaper coverage in 1973 and since. But mugging has specific connotations that have earned it a new definition in the Oxford English dictionary that was not there in the 1970s. To mug is to ‘attack and rob someone in a public place’ (*Oxford English Dictionary*). The dictionary acknowledges the origins as ‘US informal’ with a ‘mugger’ meaning a hoodlum or thug. It is an example of a cultural import via the mass media that has significantly shaped ideas about crime, our concept of racial identity and arguably even the street life and community culture that is public space.

Similarly, technically, there is no such crime as stalking. Yet it is stalking that is consistently used by the media, despite the existence of the perfectly comprehensible legal term harassment. Just as the newsmakers of the 1970s reconstructed street robbery towards violence and race through the term ‘mugging’, so news about harassment has been refracted towards sex and violence through the lens of news values into stalking and now cyber-stalking. Arguably also like mugging, stalking is an American production that adds specific flavour and meaning to an already existing deviance experienced in the UK; a process dubbed the export–import trade in social labels (Jenkins, 1992). Finch (2001) describes the earliest legislation as enacted in California in 1990. Originally, a ‘stalker’ was a skilled hunter of animals who depended on stealth, on being hidden or disguised and undetected by his prey, or even on trickery to get close enough to capture or kill. Using the term ‘stalking’
changes the meaning of harassment dramatically towards the possibility of violence and the deviance of deceit, making it instantly much more newsworthy and therefore likely to be brought by the media to public and policy makers’ attention. Unlike mugging, however, stalking has further been routinely associated, via the media and newsworthiness, with celebrity and increasingly with ‘cyber’.

Newsworthiness is a structurally and culturally dependent measure that journalists employ to identify what to report in the news. Briefly,

*The gathering of news immediately excludes all but a very few events that can be considered newsworthy. News is a selection of history made by journalists. The selection of stories is not arbitrary but highly systemised and conventionalised by conditions external to the story, as well as integral. External controls may include time, cost, access, expertise, publication space and news agenda.* (Wykes, 2001: 22–3)

So potential news events have to be reportable within the structural constraints of journalism but they also have to have particular internal features that further regulate their selection for the news. Those internal news values are identifiable characteristics that have been thoroughly rehearsed, researched and written about (Galtung and Ruge, 1965/1982; Chibnall, 1977; Fowler, 1991; Wykes, 2001; Jewkes, 2004) but remain vital to any proper investigation of the mass mediation of ideas or theorizing of the role of the media. Fowler (1991) adheres to the Galtung and Ruge (1965/1982) model of news attributes and points out that these are mainly cultural not natural. The original 12 features were: frequency, threshold, unambiguity, meaningfulness, consonance, unexpectedness, continuity, composition, elite nations, elite people, personification and negativity.

These criteria clearly mark out crime, or events that can be reported as criminal or deviant, as having great news value. For example, despite its constant featuring in the media, crime remains relatively rare for most people and extreme crime such as violence is extremely rare, only 1.7 per cent of people are ever likely to be injured by violence in England and Wales (Povey et al., 2005). Nonetheless, 17 per cent of people claim to be very worried about violent crime (Povey et al., 2005) and it remains a continuing, unpredictable and unambiguous constituent of our culture. If the violence is interpersonal another news value is satisfied and, if it can be sexualized as well, it will resonate culturally with a rather prurient British public that continues to wrap its sex life in a cloak of Victorian taboo, secrecy and prudery (Foucault, 1979). Sexual offences are also rare; they constitute a very minor proportion (5%) of violent crime which is in turn 19 per cent of all police-recorded crime (Dodd et al., 2004), so only about 1 crime in every 100 is classified as sexual. Thus, sexually violent crime has newsworthy qualities of negativity, personification, cultural fit (consonance), drama (threshold), rarity and unambiguousness. If it is possible to add eliteness to that mix by featuring a celebrity (the constituent highlighted by South Africa’s law commission as central to the moral panic about ‘stalking’) then a journalistic dream event has occurred. Sex, violence and celebrity sell newspapers and magazines.

Increasingly celebrity seems to determine the news values of real events as news becomes *infotainment* (Franklin, 1997) and we are *blizzarded* (Baudrillard, 1983) with stars on the various small screens, newspapers and magazines that inform our lives. Celebrity so often acts as a motif for what matters to us as humans: love, success, beauty, talent...
and wealth are all most frequently signified by young, white, fecund and heterosexual celebrities whose images litter the information and entertainment media. In our contemporary culture

Stars very often role-play publicly and fictionally, the embodiment of extremes of human emotion, passion, privacy, pain and pleasure and they do so in intense and contracted episodes. Hence their iconic status; they symbolise our lives back to us on fast forward – even soaps don’t operate in real-time – but they also offer us aspects of human life that we personally don’t experience, hence their larger than life quality. (Wykes and Gunter, 2005: 104)

VICTIMIZED CELEBRITY

The line between fandom and stalking appears to depend largely on the interpretation of the ‘attention’ by the celebrity, rather than on any abstract definition of the crime. Certainly, UK legislation makes it clear that the victim must experience ‘alarm or distress’ for the crime to exist, so possibly one person’s minor irritation or even source of amusement might be another’s reason to go to law. As a crime, it seems to signify a rise in the role of the victim as proactive in the criminal justice system and a recognition of the subjective nature of victimhood, alongside celebrity as news value and the need for stars to protect ‘themselves’, their image and related livelihood.4

It may even be that stalking is the first new crime against the person to be defined since the advent of victimology as an area of study. Arising alongside feminist concerns about the low level of interest in the effect of crimes on women, particularly rape/sexual violence (Kelly, 1988) and domestic violence (Pahl, 1985), victimology is now firmly on the academic and political agenda. The Home Office established a Victim’s Charter in England and Wales in 1990 giving victims of crime rights within the criminal justice system to the extent that some have become conscious of a climate of ‘victimism’ (Sumner, 1994). Such a climate, it has been argued, deflects resources from dealing with offenders and maybe even creates a culture of ‘self-interested individuals’ (Sykes, 1992). Certainly this description is applicable to many celebrities.

While the evident spread of concern globally with stalking may well be fuelled by the accessibility and spread of the World Wide Web and increasing anxiety about its new criminalizing and victimizing potential, it is also clear that the celebrification of news has not only made celebrity stalking experiences more public but also made celebrities themselves more likely to complain should unwanted attention result in actions or accounts detrimental to their increasingly valuable images and reputations. The Internet clearly also plays an increasing role in this latter area, due to its vast reach, volume of material, ease of publication, lack of regulation, and the web presence of most major conventional media celebrity publicity organisations. Moreover the World Wide Web itself is highly newsworthy offering as it does much potential for stories about identity thieves, paedophiles and hackers to name a few of the cyber-criminals regularly appearing in the news.

Stalking itself clearly has origins in the links between culture, change and crime. It seems to occupy a place on the edge of the law slipping from mental illness to deviance
to crime across time and place. This blurring of boundaries clearly has implications for crime control and individual rights, specifically relating to freedom of expression, freedom of movement, security, safety and authority over the self and body. When placed outside of the regulatory boundaries of real-world geography and nation states, let alone beyond the norms of the moral and aesthetic systems which shape the hegemony of cultures bounded by the physical world and its linguistic and spatial place, such activities that have no universal definition, impel, as Wall (1999) argues, a rethinking and augmenting of (cyber)crime and criminology.

TALKING CYBER-STALKING

Cyber-space and cyberculture further complicate the construction of this ‘crime’ that is difficult to define, detect or prosecute even in ‘real’ time and space. Although there is no legal definition of cyber-stalking in the UK (as there is none of real ‘stalking’ in the UK, only harassment) it has been defined as the ‘repeated use of the Internet, e-mail or other related digital electronic communication devices to annoy, alarm or threaten a specific individual or group of individuals’ (D’Ovidio and Doyle, 2003: 10). The problems of definition though are only the beginning because in relation to cyber-space:

Many areas have laws that cover cyberstalking. In some areas, previously existing laws covering stalking were worded in such a way as to be applicable to cyberstalking, but if a law incorporates the requirement of close physical proximity, the law may not cover the situation. For those in the U.S., the issue of ‘free speech’ may become paramount when it comes to a cyberstalker or cyberharasser publishing about the victim. Because cyberstalkers may hide behind anonymous or semi-anonymous remailers, law enforcement will require more sophisticated teams to track the cyberstalker. Because the victim and stalker are often in different states or even countries, jurisdictional or boundary issues also arise for both criminal and civil cases. Law enforcement may not take cyberharassment or cyberstalking as a serious problem if there is no threat of physical violence or what they perceive as a real likelihood of physical violence. Due to the ignorance of law enforcement units in many parts of this country, cyberstalking victims may be told to simply get off the Internet. Not only may such a response appear insensitive, but it is often inadequate, as a significant minority of cases appear to involve elements of both offline and online harassment and cyberstalking. (from http://www.cyber-stalking.net/legal.htm)

Arguably, also, there is more potential for stranger stalking online than off because of the large and increasing volume of personal data stored in computers, including addresses. On one level cyber-stalking may – like ‘real’ stalking – just be ‘a war of words’ (Brown, 2003: 3), but it is also more likely to be carried out from a distance and be anonymous, invisible, untraceable and undetectable. In other words, it is not so much a new crime but one that is acted out in a new place, where the boundaries between virtual and actual blur, as do those between actors and audiences, watchers and watched, producers and consumers; criminals and detectives. Unlike other media, cyber-space is a community because of its interactivity; it does not merely represent but is ‘continuous with and embedded in other
social spaces’ (Miller and Salter, 2000: 4). Audiences do not just watch, read or listen but communicate, create and reciprocate in cyber-cultures just as in actual cultural exchanges.

Cyber-stalking is not though just fictional fantasy in a cathartic separate space – it can and does have ‘real’ effects. In one now infamous case in the USA, Gary Dellapenta pretended to be the victim he was stalking and posted rape fantasies on various chatrooms inviting men to call and giving his victim’s real address:

‘Men would come to her door in the middle of the night,’ the victim’s mother told The Los Angeles Times. ‘She got dozens of calls by men who would leave filthy, disgusting messages.’ Her daughter became so desperate that she placed a note on her apartment door saying the Internet ads were fakes posted by someone out to harm her. But new messages would be posted, saying that the note itself was part of the fantasy and to disregard it, the mother told The Times. She added that her daughter was so terrified that she lost her job and dropped from 130 pounds to just 95 pounds today. (from http://www.wired.com/news/politics/0%2C1283%2C17504%2C00.html)

Online stalking has also been linked to paedophile activities, prompting a rash of online vigilantism such as that which impelled the setting up of Chat-Nannies to monitor children's chatrooms:

Should you experience a particularly troubling chatroom or behaviour from a particular user, you can mark the report you make as a ‘warning’. This report is automatically brought to one of the Chat-Nannies administrators’ attention for urgent review or action, allowing them to check the situation out and as necessary, report the problem to the relevant police authority for further investigation immediately. (from http://www.theregister.co.uk/2004/03/25/paedostalking_chatnannies_fact_or_fiction/)

Certainly there have been cases where paedophiles have adopted a cyber-identity (frequently that of another child) to suit their stalking/grooming purpose. Occasionally there are reports of children being persuaded to meet in actual cultural contexts, showing how the virtual leaches through the porous boundaries of cyber-space. In the UK new measures have been introduced to create a specific crime of Internet grooming, following a court case in which former US marine Toby Studabaker was found guilty of abducting a 12-year-old British schoolgirl he groomed over the Internet (http://news.scotsman.com/topics.cfm?tid=6846&id=182362004).

Yet the real-world statistics about child abuse tell a much more familiar (literally) story about where sexual danger actually lies for children and it is overwhelmingly within the family. Research in the Home Office Police and Reducing Crime Unit found that ‘the majority of perpetrators sexually assault children known to them, with 80% of offences taking place in the home of either offender or victim’ (Grubin, 2002: v). Publicity about abusive activities in cyber-communities has led to a massive surge of calls for control, especially as stalking and paedophile grooming are now being merged to further exacerbate the terrible connotations of the new crime, which are now a very long way from the harassment definitions in the act. The more extreme the apparent danger, however slight the real risk, the more likely the control, not just legislative but via surveillance online: ‘stalking the stalkers’; stings and vigilantism. With such activities come problems of slander and defamation, extradition, prosecutions of ISPs, online shaming and technological filters.
Yet just as in real life, most cyber-stalkers live near to their victims: 72 per cent in New York (D’Ovidio and Doyle, 2003) and only 2 per cent use anonymous remailers. Furthermore most victims are women and most stalkers are men (Burgess and Baker, 2002). It must be noted that online research is, as yet, fraught with difficulty in terms of ascertaining true identities and clear patterns of behaviour. However, given how little is known about the nature and volume of cyber-crime, it may be that curbing free speech online may actually impact negatively rather than positively on stalking, which may then be driven from relatively overt and sometimes only representational cyber-spaces to covert and actual streets and homes. Further, such curbs would not just impact on stalkers but on the many who use the anonymity of the Net to express dissent and protect themselves from other forms of threat such as oppressive political retaliation. Anonymity does not just protect the pervert but also acts as a shield from tyranny and prevents the silencing of dissent. It is worth remembering that ‘all silencing of discussion is an assumption of infallibility. . .Not the violent conflict between parts of the truth, but the quiet suppression of half of it, is the formidable evil’ (Mill, 1869).

CONCLUSION: CULTURE, CELEBRITY AND CRIMINALIZATION

For criminologists, cyber-culture throws into sharp relief the culturally relative and constructed nature of crime, because in a space unbounded by jurisdictional control or national boundaries the same activity can be at once unrecognized, a nuisance, a joke, perverted, and criminal. Such differences not only problematize definition but necessarily throw into question the practical and ethical role of law. Comparing those differences cross-culturally reveals the way in which specific cultural values and practices interact to change meaning. Cyber-stalking has been made a crime in the West and ‘harassment’ now appears in the courts and in crime news. To briefly overview the features of that process:

- Stalking is not even ‘old crime’;
- The growth/construction of the crime almost seems to be paralleling the global acceleration rate of the new Internet technologies;
- Celebrities maintain websites, court publicity, display their looks and wealth ostentatiously and attract journalists, all of which happens in cyber-space and mainstream media;
- Many publicized cases of stalking have a celebrity element and celebrity stalking often has a cyber-element;
- Harassment was criminalized in the West in parallel with the growth of victimology and in particular the feminist focus on the experience of women as victims;
- Most victims of stalking are non-celebrities stalked by people they know, usually ex-partners;
- Celebrities are increasingly turning to the law to protect their image, reputation and livelihood.
So why has (cyber)stalking emerged and what does it tell us about our crime and culture? Effectively threats to the beautiful and the iconic in a culture that fetishizes and commodifies human aesthetics are being demonized in a process of cultural change wherein aestheticization is seemingly, increasingly, operating as the key orchestrator of moral and individual value. The spaces available to it are those left by the demise and diffusion of the sacred and its accompanying religious authority, and the apparent decrease of the domination of nation/class as dividers in our post-industrial western culture. Freed from any elitist structural base by the collapse of modernism, this is an aesthetics that is now merely an adjunct of materialism and commercial production. The new aesthetic culture is arguably a dominant discourse infiltrating all others: medicine (cosmetic surgery); work (beautification and its mediation and preservation); child bearing (planned caesarean sections) and even regulation and law (ownership and protection of looks). Constructing stalking as crime is arguably fuelled by media and celebrity. To construct it as a crime is to offer protection to cultural icons, for whom any threat to their beauty is a threat not just to their power but to the industry they represent. Privacy battles similarly are about the struggle of the new powerful – the beautiful – to preserve their cultural capital. Catherine Zeta Jones even declared this openly when she sued OK magazine for publishing ‘unflattering snaps’ taken without her consent (Daily Mail, 2005), as did super model, Naomi Campbell who sued the Daily Mirror for publishing a picture of her, leaving a Narcotics Anonymous meeting in 2001.

The impact of cyber-technologies has been to accelerate and accentuate. It is mass media publicity beyond the controls applicable to mainstream media (press reports, for example, are subject to national libel laws and internal regulations or codes of conduct). Moreover, because stars maintain websites full of information it is much easier for stalkers to both follow them and contact them, even if only virtually. (Cyber)stalking is arguably the price of the publicity of the persona. All this is indicative of the apparent emergence of a new elite from the last decade of the 20th century; an elite identified by aesthetics rather than religion, race, class or nation (Todorov, 2004). Beauty is the key constituent of what seems to be new bourgeois that is protecting its wealth and influence by resort to law, which in turn must be modified to suit the interests of this millennially empowered aesthetic class and those who produce, manage and sell them. And there perhaps is the key, for this is not a beauty of nature but of culture – constructed and polished, electronically trimmed and modified, consistent in size and shape, and in servitude to the diet and exercise industries. But the stalker is a danger to the beautiful and the institutions that invest in them, construct them and profit from them. Damage to the reality or reputation or representation of beauty threatens power. Challenges to power are always resisted and fought; often the site of battle is the media and the courtroom.

The protection of power – overtly the beautiful, the celebrities, and more covertly the wealth derived, directly and indirectly, from them in reality and representation – has implications for others in terms of privacy, freedom of expression and freedom of movement. That protectiveness diverts attention from real threat and fear experienced within the personal and private spheres. Victimization is also relevant here as it passes the power to ‘control’
crime from the state to the individual, albeit differently within and between cultures, in
terms of personal safety, reputation, identity and legislation around privacy, harassment
and defamation. All these impact on an individual's ability or willingness to view themselves
as a victim, but more than anything the concept of victimization protects the privileged
because of the costs in investigation and litigation. So those who go to law about harass-
ment are often those who can afford to, giving the illusion that wealthy celebrities are
systematically stalked. The blend of sex, violence and celebrity assures newsworthiness so
the media too are drawn in. The media benefit twice from the celebritification of culture
and crime as both stars and stalkers provide stories (Wykes, 2006). Ironically, if one media
site can implicate another in a case of stalking yet another newsworthy story of crime and
threat to icons is generated and, better still, a competitor in the media market may be
damaged.

Cyber-space provides a vast communal continuum of media, audiences, stars and stalk-
ers that is unbounded by time or place or law and is increasingly a market place. Media
sites and celebrity sites have links and pop-ups selling goods. Celebrity, cyber, media, com-
modification and stalking are neatly bound together in places. A site promoting stalked
supermodel, Schiffer, advertises 'Evidence-Eliminator.com', software to allow the purchaser
to surf anonymously (http://www.famousbabes.com/claudia/claudia.htm). (Cyber)stalking
not only creates another arena for both publicizing and victimizing celebrity, but it also
helps to reinforce moral panics about paedophiles and cyber-danger. Each of these results
in a similar diversionary consequence from ordinary women and children's experiences of
crime at home in the real world.

Notes

1 Wall (1999) mentions, for example, that British Telecom's introduction of the 1471
service recording the last incoming phone number arguably had the effect of
'controlling' obscene calls. However, new technologies have also enabled callers to
withhold numbers.

2 He used the speech to blame the media for her death, calling her the 'most hunted
person of the modern age' (from http://news.bbc.co.uk/onthisday/hi/dates/stories/
september/6/newsid_2502000/2502307.stm).

3 The latest British Crime Survey shows that only 45 per cent is reported to the police.
Theft of vehicle and burglary are much more likely to be reported (90 and 84% of
incidents respectively) than common assault (39%) and theft from the person (35%)
(http://ndcevaluation.adc.shu.ac.uk/ndcevaluation/Documents/Scoping/Crime%
20Review%20of%20Evidence.pdf#search=unreported%20crime).

4 Similarly, celebrities have resorted to the courts and called for the introduction of privacy
legislation to prevent paparazzi photographers 'stalking' them and selling sometimes
unflattering images to the media, as occurred when Michael Douglas and Catherine
Zeta Jones successfully sued after the unauthorized photography of their wedding
and subsequent publication of the images (http://www.legalday.co.uk/lexnex/cmck/
cmck150503a.htm).
References


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