Stalking: The elusive crime

Lorraine Sheridan* and Graham M. Davies

Department of Psychology, University of Leicester, UK

Purpose. Stalking has given rise to considerable media interest and public concern throughout the 1990s. The England and Wales Protection from Harassment Act 1997 was introduced to legislate against the crime, but failed to define it. This article discusses the difficulties of defining a crime in which the behaviour of perpetrators is often ostensibly innocuous.

Arguments. A review of 12 studies reveals that stalkers engage in very similar patterns of activities. Consequently, it may be possible to create guidelines for what does and does not constitute stalking. Next, a simple method of constructing stalker typologies is suggested, the classification being affected by the manner in which stalking is defined.

Conclusions. It is suggested that the difficulties inherent in framing anti-stalking legislation may have been overestimated and that existing academic research can provide at least a working definition of the crime, provided that a common system of classifying stalking cases is adopted.

Stalking has been labelled 'the crime of the nineties' (e.g. Goode, 1995). Yet despite international media interest there has been surprisingly little research carried out on the phenomenon. Much of the literature that does exist takes a discursive form, focuses on the pursuit of celebrities and other public figures (Dietz et al., 1991; Fein & Vossekul, 1998) or attempts to form typologies of stalkers and/or their victims (see Zona, Palarea, & Lane, 1998, for a brief review), or concentrates on small and possibly unrepresentative clinical and court samples. The media coverage of stalking means that anecdotal and sensationalist accounts are far more prevalent than systematic investigations.

It is widely recognized that stalking is a significant social problem, yet there is no agreed definition of what constitutes stalking, nor is it clear who the stalkers or their victims are likely to be. The exact extent of the problem is unclear, as are stalking motives. Despite this, a number of countries, including Britain, have initiated anti-stalking legislation, attempting to deal with an essentially unknown quantity.

This article aims to review several issues associated with stalking, all of which centre around the problem of defining the crime. First, an attempt is made to show

*Requests for reprints should be addressed to Lorraine Sheridan, Centre for Applied Psychology — Forensic Section, 6 University Road, Leicester LE1 7RB, UK (e-mail: LPH1@le.ac.uk).
that although stalking has so far been viewed as a nebulous phenomenon that is difficult to delineate, studies of stalking behaviour suggest that stalkers do engage in similar patterns of activity. Next, the two dominant methods of defining, and thus legislating against, stalking are outlined, and the strengths and limitations of each approach discussed. The article then provides an overview of various attempts made to classify stalkers and their victims, relating such attempts back to the finding that commonalities in stalkers’ methods do exist.

As this article indicates, there has been much debate over what the term ‘stalking’ actually means and what acts constitute ‘stalking behaviours’. As far as the general public is concerned, it may be that stalking is like great art: they cannot define it, but they know it when they see it. For the purposes of this article, however, it is proposed to start with the premise that ‘stalking’ is composed of ‘a set of actions which, taken as a whole, amount to harassment or intimidation directed at one individual by another’. Another useful way to portray the essence of stalking is by the use of examples. The following are statements made by victims of stalking collected by Sheridan, Gillett, and Davies (1997):

The most serious events took place over a two year period. I was followed continually, verbally and physically attacked. My property was damaged and I lived under constant threat of the phone continually ringing through the day and through the night. Some of the worst encounters were: being followed by a car which hit the back of my legs every time I got back up. Being threatened with a knife. Bombarded by constant verbal abuse in public spaces and when passers by intervened they too would be subjected to this. Also having to leave my home knowing after phone calls that the assailant was coming down to cause havoc. This would be anytime between 12 midnight and 4 am. (Female, 27 years.)

An ex partner—unbeknown to myself—put paint thinners over my car, slashed my tyres, sent doll figures with no heads on, chicken claws in the post, and apparently put my house and my activities under constant observation. (Female, 35 years.)

A man who was known to me declared his interest on several occasions. I was not interested. Some time later I discovered that he waited outside my place of work, loitered outside my home, followed me home after social evenings out with my friends. He also obtained photos of me from colleagues under the pretence that he was arranging a practical joke. I was unaware of any of this until about 12 months after. I did actually approach him about this one night in the pub (I was with friends) but he seemed oblivious to my concerns and actually believed we were having a relationship! He even expressed worry about how this would affect my husband and how he was sorry my husband would be hurt. (Female, 45 years.)

**Is stalking a nebulous crime?**

In a generic sense, the word ‘stalking’ refers to predatory behaviour. In the criminal context, the word describes a repeated pattern of behaviour involving a particular victim. The term brings to mind a wide range of harassing behaviours that frighten or terrorize the victim. This suggestion does indeed seem to be borne out by the fact that newspaper reports of stalking generally follow a very similar format and appear to describe much the same behaviour. Sohn (1994) notes that although stalking is now an offence in almost all US states, the term is not defined in *Black’s Law Dictionary* (Nolan & Nolan-Hanley, 1990), nor is it discussed in major legal
treatises such as American Jurisprudence. Nevertheless, Sohn argues that the term ‘stalker’ arouses certain common images in most people’s minds. It may be, then, that many members of the public have clear ideas concerning what they consider stalking to be.

Similarities between stalking studies

To investigate this idea further, 12 studies that included stalking behaviours as part of their results were examined. Note that these were not necessarily investigations of stalking per se; some were clinical research studies into obsessional behaviour, particularly obsessional following and erotomania. DSM-IV defines erotomania as one of the five subtypes of Delusional Disorder. This type of disorder tends to be chronic. What characterizes the erotomaniac subtype is the belief that the target of attention, generally a person of higher social and economic status, bears genuine love for the erotomaniac individual. More importantly, there must be minimal or no prior contact between the target and the delusional erotomaniac (American Psychiatric Association, 1994). Erotomania was regarded traditionally as a rare female disorder of little more than curiosity value. In recent years, researchers have found the disorder to be more common in male offenders than previously thought (e.g., Taylor, Mahendra, & Gunn, 1983), and erotomania is now viewed widely as clinically relevant to the understanding of stalking and domestic violence (Meloy, 1996).

The 12 studies are illustrated in the Appendix, which lists the main stalking-related behaviours found by investigations carried out on three continents between 1978 and 1998.

What is interesting here is that there are a number of themes that are present in these findings, and are common to most of the studies. These include repeated communications, intrusions, property damage, threats to the person and actual assaults. In all cases, these activities are assumed to be repetitious and unwanted.

However, there are also a number of weaknesses associated with these studies. First, the sample size in most cases was limited or unknown. Secondly, the majority of these studies appeared prior to recent legal developments. Thirdly, in terms of methodologies employed, most of the studies focused purely on erotomania, using participants drawn mainly from clinical populations.

In a recent study, Sheridan et al. (1997), employed a methodology that differed from all of those studies cited in the Appendix. This investigation provided respondents with a range of 40 intrusive behaviours, and asked them to indicate those that they believed to be exemplars of stalking activities, via a simple yes/no format. The methodology used in the Hall (1998) and Pathé and Mullen (1997) works used victims as respondents, but the Sheridan et al. study differed in that participants were not known stalking victims. Rather, they were a random female sample of nurses, secretarial staff and students, and as such were potential victims.

Sheridan et al.’s sample of female members of the British general public believed that stalking behaviours were characterized by repeated communications, various intrusions, property damage, threats to the person and actual assaults. To give more specific examples, Sheridan et al. found that their respondents showed a high level
of agreement that, following a target, repeated telephone and/or written contact, and various approach behaviours, all constituted stalking behaviour. Indeed, respondents agreed at a level of 70% or higher that 20 of the 40 intrusive behaviours represented acts of stalking. There are thus considerable parallels between these findings and the results of other studies, which have also broken down various harassing behaviours, despite the varying methodologies employed. Indeed, it is worth noting that Sheridan et al.’s results have recently been replicated in a sample of 348 British women (Sheridan, Davies, & Boon, in press). Similarly, Meloy’s (1997) review of the clinical research studies on obsessional following published over the preceding 20 years noted that one consistent finding was a pattern of multiple and varied contacts with victims, with letter writing and telephoning often accompanied by a physical approach. However, given the nature of the data outlined above, it may be argued that the contacts are not as varied as Meloy implies.

Legislating against stalking

Stalking is an extraordinary crime, given that it may often consist of no more than the targeted repetition of ostensibly ordinary behaviour. The major legislative difficulty is that the term ‘stalking’ does not apply to a single action or actions that can easily be defined in legal terms: rather, it embraces a multitude of activities. Stalkers may harass victims using illegal acts, such as obscene ‘phone calls or actual violence. However, stalkers often do not overtly threaten, but use behaviour that is ostensibly routine and harmless and not, in itself, illegal. Examples of this might include following somebody around a shop, or frequently driving past their house. Lawson-Cruttenden (1996) reports that in the past, most stalkers known to him had sought meticulously to stay within the bounds of criminal law, despite the potentially objectionable or harassing nature of their behaviour. Given these difficulties, contrasting approaches have been employed by legislators in drawing up legal definitions of stalking. These fall into two main categories: those based on stalkers’ behaviour, and those based on the consequences for the victims.

Defining in terms of behaviour

Psychologists, unlike legislators, have suggested few behavioural definitions of stalking. Pathé and Mullen (1997) posit that: ‘Stalking describes a constellation of behaviours in which one individual inflicts on another repeated unwanted intrusions and communications’ (p. 12).

Meloy’s (1997) review of the clinical literature on stalking noted that defining a clinical population on the basis of one pattern of behaviour was problematic. He discarded the term ‘stalking’ for several reasons—mostly to avoid its sensationalistic media connotations, and to reserve its proper use for the description of a statutorily defined criminal act. He instead used the term ‘obsessional follower’, which he felt described a person who engages in an abnormal or long-term pattern of threat or harassment directed toward a specific
individual. An ‘abnormal or long-term pattern of threat or harassment’ is defined as more than one overt act of unwanted pursuit of the victim that is perceived by the victim as being harassing (Meloy, 1997).

The USA, in 1990, was the first country to introduce anti-stalking legislation. Prior to this time, many of the behaviours engaged in by stalkers were not considered to be criminal (Attinello, 1993). There are wide variations between American states in the actions covered by legislation, and because of this, Congress tasked the National Institute of Justice in 1993 to develop a Model Stalking Code. The resulting Code was recommended for consideration by states that seek to amend their existing statutes. Wallace and Kelty (1995) distilled its requirements into the following definition: ‘a knowing, purposeful course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury or death to himself or herself or a member of his or her immediate family’ (pp. 100–101). As a consequence, many of the USA’s stalking laws are based on behavioural definitions. For instance, California’s amended (1994) stalking law specifies: ‘Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking.’

*Defining in terms of consequences*

In the UK, a consultation paper produced by the Home Office in 1996 noted that stalking was not defined in the civil or criminal law of England and Wales, but stated that ‘it can be broadly described as a series of acts which are intended to, or in fact, cause harassment to another person’ (1.2). It is clear that the harassment itself is the key issue here, and the Protection from Harassment Act 1997 offers brief guidance on what constitutes harassment, stating that ‘references to harassing a person include alarming the person or causing the person distress’. The Act was purposely drafted so that it would not always be necessary to prove that a person knew that his or her conduct amounted to harassment. Instead, the ‘reasonable person’ test was used.

The Protection from Harassment Act was introduced in England and Wales on 16 June 1997. The Act was broad in scope and could be applied to a very wide range of situations including neighbourhood nuisance, bullying at work and in school, racial and sexual harassment, political demonstrations, and even intrusive news reporting. Its main purpose, however, was to deal with stalkers. The new Act sought to intervene before actual physical or serious psychological harm took place. The offences could be committed anywhere, and were arrestable. There was no requirement to prove a specific intent, and, for the first time, the criminal courts had the power to control offenders’ behaviour after conviction by means of a restraining order (Metropolitan Police Service, 1997). A unique feature of the new Act was the power it gave the police to intervene at an early stage and to recognize that a series of acts, innocuous in themselves, could constitute a serious punishable offence.
The Act was delayed in its passage through the House of Commons by a debate concerning the criminal definition of stalking. The British government, in light of the inadequacies of previous legislation, decided not to include such a definition within the Act. This was because many stalking activities, such as persistent gifts or frequent declarations of affection, were harmless and lawful when taken in isolation. At the third reaching of the Protection from Harassment Bill, the then Minister of State, David Maclean, stated that:

The Bill aims to give protection to victims of harassment, not by defining activities that are known as stalking—as we believe that such a definition would inevitably omit some activities that are distressing, or worse, to victims—but by focusing on the harm inflicted on the victim. That harm is harassment.

Criticism was also levelled at the Act by legal professionals outside the house. For instance, it was argued that the Act could be open to abuse by unscrupulous police officers (Lawson-Cruttenden, 1996); that what exactly constituted the criminal element of stalking had not been clarified (Hadley, 1996); and that the Act could not distinguish between the dangerous stalker and the 'misguided fool wallowing in . . . the anguish of betrayal' (Daly, 1996).

Strengths and weaknesses of the two approaches

It is evident that, if the scope of any legislation to deal with stalking is not carefully defined, there is indeed a risk that it will criminalize the everyday behaviour of innocent people. Some may feel, for instance, that it is perfectly acceptable for an ex-partner to pursue a former loved one in order to gain an explanation for the latter's unexpected change in affection. Other people may see such actions as unwarranted harassment. The challenge is to catch stalkers without putting in jeopardy the liberty of others to undertake legitimate activities or to initiate relationships in a way that could not reasonably be considered to constitute a nuisance. In short, it is suggested that a legislative line is needed so that legal practitioners can distinguish between robust wooing and intimidation.

It is clear that none of the legal or academic definitions offered above are able to capture the essence of stalking while at the same time avoiding criticisms based on all the problematic issues outlined above. For instance, none are able to consistently separate the dangerous stalker from the over-attentive suitor, or precisely to identify the point where innocent interest turns into pathological obsession. Further, most of the above descriptions can be accused of employing nebulous terminology, a fault almost impossible to avoid.

Around the world, and even within particular countries, legal definitions of stalking vary widely. It can be seen that the North American Model Stalking Code and the England and Wales legislation differ quite markedly. A North American victim, according to the Code, must fear bodily injury or death, while the English or Welsh victim need only experience two acts that constitute harassment, which goes largely undefined. Such differences in definition may have major legal consequences, and although it appears at first glance that the England and Wales legislation is framed to criminalize a wider range of activities than that of the US
Model Code, whether the former leads to more convictions remains to be seen. Sheridan and Davies (in press) found that participants were able to interpret and apply both behavioural and legal definitions of stalking. However, the England and Wales Protection from Harassment Act 1997 came closest to capturing participants’ own perceptions of the crime when compared with other specimen codes.

**Typologies: the way forward?**

It is evident that if clinicians and researchers are to aid the legal authorities in deciding what is and is not stalking, then they should agree among themselves on the nature of the crime. Yet, it is true to say that no classification system has been accepted universally by all professionals in the area of stalking. Instead, various attempts have been made to classify stalkers and their victims according to particular characteristics, as the broad (but non-exhaustive) range of examples detailed below illustrate.

Holmes (1993) reviewed some of the literature and suggested six different types of stalkers based on the nature of the victim: celebrity, lust, hit, love-scorned, political and domestic stalkers. These labels are fairly self-explanatory. For instance, the celebrity stalker intimidates only those prominent in the entertainment field, and the domestic stalker is a former partner of the target. The lust stalker was described by Holmes as being motivated by sex, and will stalk one victim after another in a serial fashion. The hit stalker differs from the others in this classification, in that he or she is hired by a third party to kill the target for profit. Hit stalkers are said to stalk their victims first in an attempt to establish their habits.

Geberth (1992) established a loose typology of stalkers based on their mental states, labelling his stalker ‘types’ as psychopathic personality stalkers and psychotic personality stalkers. The former is described as being a dominant ex-partner who has lost control of the victim and intends violence towards him or her. The psychotic personality stalker is said to be a delusional individual who has become obsessed with an unobtainable object, such as a movie star. They are convinced that the individual returns their intensely affectionate feelings, and mounts a campaign of harassment to make the victim aware of his or her existence (as in erotomania).

Dietz (Dietz, Matthews, Martell *et al.*, 1991; Dietz, Matthews, Van Duyne *et al.*, 1991) developed the concept of patronage relating to those who stalk public figures, which classifies the level of attachment the stalker has for the victim. The crucial difference between stalkers and normal persons, according to Dietz, is that normal persons feel attached to celebrities or officials because of feelings of obligation or attraction. Stalkers, however, carry out their acts in an attempt to become closer to, or noticed by, their target.

Wright, Burgess, Burgess, McCrory, and Douglas (1995) divided the spectrum of stalking behaviours into three general types: non-domestic (non-delusional), domestic (a mix of non-delusional and delusional behaviour), and erotomaniac (delusional). Zona, Sharma, and Lane (1993) utilized the files of the Los Angeles Police Department’s Threat Management Unit to establish a database of 74 subjects who had engaged in stalking behaviour. They suggested that cases could
be classified as erotomaniac, love obsessional, and simple obsessional. Love obsessional are said to be similar to erotomaniacs in many ways, but with the distinction that love obsessional only know their victims through the media. In the case of simple obsessional, a prior relationship is said to have existed between stalker and victim, and the harassment campaign begins either after the relationship ends or when there is a perception of mistreatment on the part of the stalker.

Zona et al. (1993) divided their stalking cases into two groups: no prior relationship and prior relationship. The latter group included customer, acquaintance, neighbour, professional, dating, or sexual intimate. Meloy and Goathard (1995) divided victims into ‘stranger’ and ‘former intimate’, the latter referring to any sexual intimacy prior to the obsessional following. They reported that 45% of victims were strangers, but did not define their use of this term. Harmon, Rosner, and Owens (1995) provided the most detailed breakdown of victim relationship prior to the obsessional following, which formed one axis of their classification system: personal, professional, employment, media, acquaintance, none, and unknown.

The various classification systems lend much confusion to the relationship question, and the reliability of such ad hoc typologies may be questioned. The number of stalker types ranges from two to more than seven, and the focus of the typologies is either on the victims, on the stalkers themselves, or on the various relationships between the two. Some of the classifications, such as Geberth’s, may be criticized as being too finite, while others (e.g. Dietz) deal with the stalking of public figures only. Further, many of the typologies (e.g. Zona et al.) have their focus on mental illness in the perpetrator. In sum, a number of the classification systems are of an arbitrary and impressionistic nature, and the number of cases on which they are based is not always clear.

While the classification systems offered are varied and inconsistent, it will be difficult for clinicians and researchers as a profession to offer guidelines on the nature of stalking to the legal authorities. If professionals in the area fail to agree on the basic constituents of stalking, then it would not be feasible to expect prosecutors to accept their arguments relating to the definition of what is seen by many as an elusive crime. Zona et al. (1998), drawing on a decade of practical research, posit that the relationship (real or imagined) between stalker and victim best informs an understanding of the psychology of stalkers.

Meloy, in 1997, suggested that future studies should utilize a system based on acquaintance: those who were prior acquaintances, those who were prior sexual intimates and those who were strangers. Meloy (1997) regrouped Harmon et al.’s (1995) data according to this classification and found that 58% were prior acquaintances, 21% were strangers and 12% were prior intimates (8% were unknown). Similarly, Mullen and Pathé (1994a) wrote that ‘the majority of objects of affection had had some contact with the patient, albeit fleeting’ (p. 471).

Meloy (1997) points out that perhaps the most important caveat in the application of his review to clinical and research work is the likely underrepresentation of spouses or ex-spouses in a number of the studies mentioned above. This is probably the result of the exclusive focus on erotomaniac disorders in early studies. It may also reflect a selection bias on the part of law enforcement officers to arrest
and prosecute the more ‘high profile’ or ‘stranger’ obsessional followers during the periods of data gathering for the larger studies. Similar trends in prosecution have been observed in child sexual abuse cases (Davies & Noon, 1991).

Meloy (1997) concludes from his review that the majority of obsessional followers will pursue prior acquaintances, and that the rest will be divided, in some unpredictable proportion, between prior sexual intimates and complete strangers.

In Britain, Wallis (1996) conducted a study of Chief Constables, asking them to provide details of stalking cases in their force area. The relationships between stalkers and victims were broken down into five broad categories, and these are illustrated in Table 1. These results seem to correspond with Meloy’s prediction. Similarly, Pathé and Mullen (1997) found that, of their 100 stalking victims, 29 were ex-partners of the stalker, 25 had first encountered the stalker through a professional relationship, nine had first encountered him or her in other work-related contexts, 21 had had casual social encounters with, or were neighbours of, the stalker, and 16 had no knowledge of any prior contact with their stalker.

Although Meloy’s proposal of classifying stalkers into prior acquaintances, strangers and prior intimates is unlikely to be problem-free (e.g. it would be difficult to classify a stalker whose identity was unknown to the victim), it is proposed that this system should be adopted, at least until more rigorous research has been conducted on real-life stalkers and their victims. This is for several reasons:

- the classification recommended is relatively simple and unambiguous;
- data obtained could assist psychologists and law enforcement officials in reaching a consensus on stalker typologies;
- differing investigation, assessment, prevention and treatment methods could be recommended according to the characteristics of each case type;
- different motivations for, and methods of, stalking could be delineated, based on the prior relationship between stalker and victim, and on the actual activities of stalkers;
- if it appeared that a significant number of serious cases involved prior intimates, this could help ‘domestic stalking’ cases to be taken more seriously;
- it could be evaluated by discriminant analysis, as recommended in the following section; and

Table 1. The relationship between stalker and victim (Wallis, 1996)

<table>
<thead>
<tr>
<th>Relationship between stalker and victim</th>
<th>Frequencies (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casual relationship (e.g. friend, neighbour)</td>
<td>40 (25.8)</td>
</tr>
<tr>
<td>Ex-intimate relationship (boy- or girlfriend)</td>
<td>34 (21.9)</td>
</tr>
<tr>
<td>Unknown to victim</td>
<td>32 (20.6)</td>
</tr>
<tr>
<td>Ex-domestic partner (spouse, common law partner)</td>
<td>25 (16.1)</td>
</tr>
<tr>
<td>Work colleague</td>
<td>24 (15.5)</td>
</tr>
</tbody>
</table>

Note: Although N = 151, the column total is 155. This is because 151 examples of stalking were included, and one stalker targeted a family of five victims.
• it allows a comparison of obtained results to be compared easily with those from other studies conducted both in Britain and abroad.

**Evaluation of recommendations**

The commonalities found across a number of studies point to a number of practical possibilities. It may, for instance, prove possible to provide a more strictly defined set of parameters to aid the legal process. These parameters could be based on a rigorous analysis of the apparent public consensus on what constitutes an act of stalking. Further research is obviously necessary to establish the validity of such an approach. Such research would also have to investigate the congruence between the public’s perceived concept of stalking behaviours and the actual occurrence of such behaviours in the real world.

One way of evaluating research of this kind would be via discriminant analysis, a statistical technique that is able to distinguish between mutually exclusive groups, where such a distinction is possible. In this case, the mutually exclusive groups would be stalker typologies or classifications, with distinctions between them judged on the basis of actual stalker behaviour. Discriminant analysis could attempt to predict the stalker typology within which certain behaviours most frequently occur. If not all behaviour types were correctly classified into the typologies within which they actually occurred, then discriminant analysis could indicate the mismatches. This would allow inferences to be made concerning the similarity of certain typologies of stalkers. Finally, individual behaviours that were most important in distinguishing between typologies could be highlighted. Multidimensional scaling (MDS) techniques could also be usefully employed as these have identified behavioural regularities within other types of crime (see e.g. Canter, 2000). Patterns identified through MDS may enable actuarial links to be made between stalker categories and other characteristics of stalkers.

If such categories were apparent, then the risks to public safety posed by various stalker types could be assessed, based on the actual behaviours of stalkers. For instance, Zona et al. (1998) concluded that ex-intimate stalkers are the most volatile of all stalker types. Armed with information such as this, advances may be made in the risk assessment of stalkers, and in subsequent risk reduction.

Meloy (1998) summarizes what the extant research on stalkers themselves provides. For instance, the majority of stalkers are male, perpetrators of stalking are older than most criminals, and stalkers are likely to have prior criminal and psychiatric histories. Axis II personality disorders (narcissistic, borderline, schizotypal) are evident in some cases, most individuals who stalk are not psychotic at the time of their stalking, and at least one-half explicitly threaten their victims. Little information exists, however, on motivational issues. Like the construction of stalker categories, this is an area of investigation that could not only further what is known about stalkers, but also reduce the likelihood of damage caused by stalker activities. One possible approach would be to examine social psychological processes such as the attributional styles of those who stalk, and locus of control (see e.g. Sheridan, Davies, & Gillett, 2000). Armed with such information, researchers and practitioners alike can move towards a global consensus on the nature of stalking.
Conclusions

The past decade has seen sudden moves to legislate against stalking, such that legislators have failed to take into account the nature of the crime and have essentially outlawed an unknown quantity. Many authors have argued that the nebulous nature of the crime is the main difficulty associated with legislating against stalking. Indeed, this issue has caused concern to legislators engaged in drawing up legal definitions of the crime. This article, however, has shown that stalkers do in fact engage in similar patterns of behaviour, and moreover that the general public hold shared ideas on what does and does not constitute a stalking act. To aid further advances in this area of study, it is recommended that researchers employ a single method of classifying stalker types, since this would further assist in differentiating stalking from non-stalking acts.

Although often seen as a purely legal problem, it may be possible for psychologists to give valuable input to the issue of what does and does not constitute stalking. As long as the legal authorities fail to take into account the nature of criminal harassment, and until professionals in the area agree unilaterally on what constitutes stalking, two types of errors are likely to be perpetuated. Firstly, certain individuals who are guilty of no more than over-robust but well-meaning and harmless courtship may be accused of stalking, and even prosecuted under existing anti-stalking legislation. Secondly, dangerous stalkers may side-step prosecution because of the courts’ reluctance to label a series of individually innocuous acts as the intimidating holistic threat that they actually constitute. In short, stalking may be described as an elusive crime, one that is easy to commit, but difficult to define and prosecute.

References


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**Appendix**

**Studies conducted between 1978 and 1998 which have detailed stalking behaviours**

<table>
<thead>
<tr>
<th>Study</th>
<th>Population and country of origin</th>
<th>Examples of stalking/harassment behaviours detailed</th>
</tr>
</thead>
</table>
| Hall (1998) | 145 stalking victims were surveyed (USA) | Telephoning  
Letters/unwanted or offensive gifts  
Surveillance of home  
Following  
Property damage  
Threats to victim and third parties  
Physical and sexual assaults  
Kidnapping |
| Pathé and Mullen (1997) | 100 stalking victims completed a 50-item questionnaire on their experiences (Australia) | Communications, through:  
- the telephone  
- letters and notes  
- electronic mail  
- graffiti  
Ordering goods on the victim’s behalf  
Intrusion (i.e. following, loitering nearby, maintaining surveillance, making approaches)  
Interfering with the victim’s property  
Specific or implied threats to the target’s safety  
Physical and sexual assaults  
Threats and violence to third parties  
Making false accusations  
Initiating spurious legal actions |
<table>
<thead>
<tr>
<th>Study</th>
<th>Population and country of origin</th>
<th>Examples of stalking/harassment behaviours detailed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kienlen, Birmingham, Solberg, O'Regan, and Meloy (1997)</td>
<td>25 forensic participants whose activities met a legal definition of stalking (Missouri, USA)</td>
<td>Telephoning Letters Visiting the victim’s home Following Verbal threats of violence Physical assaults</td>
</tr>
<tr>
<td>Schwartz-Watts, Morgan, and Barnes (1997)</td>
<td>18 pretrial detainees charged with stalking (South Carolina, USA)</td>
<td>Following and harassing (according to S 16-3-1070 of South Carolina law) Physical assaults</td>
</tr>
<tr>
<td>Harmon, Rosner, and Owens (1995)</td>
<td>48 ‘repetitive stalkers’ (New York, USA)</td>
<td>Telephoning Letters Gift-giving Accosting</td>
</tr>
<tr>
<td>Meloy and Gothard (1995)</td>
<td>20 obsessional followers (San Diego, USA)</td>
<td>Telephoning Letters Gift-giving Stalking Visiting the victim’s home Visiting the victim’s place of employment</td>
</tr>
<tr>
<td>Leong (1994)</td>
<td>Four erotomanics (Los Angeles, USA)</td>
<td>Telephoning Letters Following Various approach attempts</td>
</tr>
<tr>
<td>Mullen and Pathé (1994a)</td>
<td>14 stalkers or those with a ‘pathology of love’ (Australia)</td>
<td>Telephoning Letters Following Approaching</td>
</tr>
<tr>
<td>Zona, Sharma, and Lane (1993)</td>
<td>Profiles of 74 ‘obsessionals’, from case files held by the LAPD’s Threat Management Unit (Los Angeles, USA)</td>
<td>Telephoning Letters Stalking Threats Visits to victim’s home Face-to-face contact</td>
</tr>
<tr>
<td>Noone and Cockhill (1987)</td>
<td>Erotomanics (N = unknown; place unknown)</td>
<td>Telephoning Letters Stalking Various approach behaviours</td>
</tr>
</tbody>
</table>
## Appendix Continued

<table>
<thead>
<tr>
<th>Study</th>
<th>Population and country of origin</th>
<th>Examples of stalking/harassment behaviours detailed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goldstein (1978, 1987)</td>
<td>Erotomanics (N = unknown; place unknown)</td>
<td>Telephoning, Gift-giving, Stalking, Various approach behaviours, Talking to the target, Assaults</td>
</tr>
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<td></td>
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</tr>
<tr>
<td>Taylor, Mahendra, and Gunn (1983)</td>
<td>Three erotomanics (Great Britain)</td>
<td>Annoying telephone calls, Aggressive letters, Unwanted following, Assaults, Property damage</td>
</tr>
</tbody>
</table>

Notes: (1) The first two columns of the table are taken in part from Meloy (1997). (2) When ‘stalking’ is referred to as a ‘behaviour’, this is taken to mean ‘stalking’ in its purest sense (i.e. following or pursuit).