

Romantic and Electronic Stalking in a College Context

Rebecca K. Lee

Repository Citation

Rebecca K. Lee, *Romantic and Electronic Stalking in a College Context*, 4 Wm. & Mary J. Women & L. 373 (1998), <http://scholarship.law.wm.edu/wmjowl/vol4/iss2/3>

Copyright c 1998 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<http://scholarship.law.wm.edu/wmjowl>

ESSAY

ROMANTIC AND ELECTRONIC STALKING IN A COLLEGE CONTEXT

REBECCA K. LEE*

While I am I, and you are you,
So long as the world contains us both,
Me the loving and you the loth,
While the one eludes, must the other pursue.¹

I. INTRODUCTION

Stalking is an insidious crime which can terrorize a victim for months and even years, often culminating in an attempted or completed sexual assault.² Stalking is also a prevalent crime, affecting not only celebrities and entertainers, but also ordinary people.³ The Internet is now another medium through which people are stalked, ushering in the age of electronic stalking.⁴ The current and much touted explanation for stalking is psychological; individual mental illnesses are supposed to explain stalking behavior.⁵ The pervasiveness of the crime, however, suggests the possibility that stalking is not individually rooted.⁶ If stalking activity is not restricted to the mentally disturbed, then what exactly motivates or encourages so many people to stalk? By limiting the causes of stalking to the domain of mental disturbance, we run the risk of not understanding the potentially deeper nature of the phenomenon, thereby hindering us from taking a proactive rather than reactive approach to the problem.

I argue that stalking is not predominately socially-deviant behavior, but in fact, to a certain extent, socially-sanctioned behavior, instituted and encouraged by Western courtship mores and

* A.B. University of Chicago, 1997. Special thanks to Mary Becker and Lynn Sanders for their helpful comments on earlier drafts of this work.

1. ROBERT BROWNING, *Life in a Love*, in THE POEMS OF ROBERT BROWNING 44 (1928).

2. See Kenneth R. Thomas, *Anti-Stalking Statutes: Background and Constitutional Analysis*, CONG. RES. SERVICE REP. Sept. 26, 1992, at 2.

3. See S. 2922, 102d Cong., at 5 (1992).

4. See Mark S. Gill, *Terror On-Line*, VOGUE, Jan. 1995, at 162.

5. See Michael A. Zona et al., *A Comparative Study of Erotomaniac and Obsessional Subjects in a Forensic Sample*, 28 J. FORENSIC SCI. 894, 895 (1992).

6. See William Sherman, *Stalking: The Nightmare That Never Ends*, COSMOPOLITAN, Apr. 1994, at 198.

ideas of romance.⁷ By recognizing that stalking may stem from socio-cultural factors, we can better trace the potential path of this "romance problem" and confront it before unwelcome and persistent romantic interest escalates into serious stalking.

In this Article, I elucidate my romance hypothesis by first tracking and defining the phenomenon of stalking. I then further support my claims using multiple tests founded upon multiple methods to better demonstrate that stalking may be perpetrated in the name of romance. In Part One, I provide a brief background of stalking as well as current statistics, illustrating the increasing prevalence of this problem. In Part Two, I give an overview of existing state laws governing stalking activity, and expand upon these descriptions to derive a more thorough definition of stalking, around which my research is organized. I challenge the conventional psychological explanatory models regarding stalking behavior in Part Three, and offer my Western romance theory as an alternative explanation. To bolster my claims, I adopt a multi-pronged research approach in order to lessen the possible erroneous effects from any one type of methodology.⁸ Accordingly, I present a socio-cultural analysis of stalking behavior in Part Four, providing historical examples and establishing the precursors to what we today call "stalking." I map the long history of stalking to illustrate that stalking does have a past, and show its link to our Western romantic tradition by utilizing ancient and contemporary texts on courtship as well as examples from our popular Western culture. Specifically, I look for historical evidence to support what we now characterize as a "no means yes" ideology, which directly contributes to the persistent harassment and following inherent in stalking-type activity. I also discuss stalking's growing presence on our nation's college campuses. I thereby trace the connection between romance and stalking to modern times and attitudes, and assert that stalking behavior inhabits a space on our cultural continuum of romantic perceptions.

In Part Five, I extend my socio-cultural analysis by investigating the singular impact that the information super-highway currently has on stalking activity, both within and outside of academic settings. To better understand how women may be elec-

7. An example of this is offered in *More Love Tactics*, which states: "It can be a shock if you become interested in someone, then learn that the person doesn't have the slightest attraction to you. This can be discouraging. Don't give up, though! Love takes time." MCKNIGHT & PHILLIPS, *infra* note 164, at 82.

8. See EXPERIMENTAL FOUNDATIONS OF POLITICAL SCIENCE 3-4 (Donald R. Kinder & Thomas R. Palfrey eds., Univ. Mich. Press 1993) [hereinafter EXPERIMENTAL FOUNDATIONS].

tronically stalked, I subscribed to a variety of Usenet newsgroups and observed real-time conversations through Internet Relay Chat (IRC). In Part Six, I take a closer look at the problem of stalking in academia through both personal interviews with college stalking targets and my results from a nationwide stalking survey I conducted on college campuses. After discussing the significance of my empirical findings in Part Seven, I offer various public policy recommendations in Part Eight to address these concerns on several different levels.

A. *"Crime of the Nineties?"*

The mostly female-focused crime of stalking has been addressed as such only since the beginning of this decade.⁹ This recent acknowledgment, however, should not imply that stalking is a new phenomenon, divorced from Western culture and society.¹⁰ Stalking does indeed have a history, evidenced by the variety of historical references in literature and music which describes, and possibly fosters, stalking activity.¹¹ The recent public recognition should alert us to the possibility that stalking may be an ancient and significant problem, like rape and domestic violence, stemming from our culture rather than purely from an individual's unique characteristics.¹² Although stalking is by no means necessarily a gender-specific crime, seventy-five to eighty percent of cases involve a male stalking a female,¹³ characterizing stalking as one of the many crimes committed mostly against women. Similarly, issues of rape and domestic violence were once regarded and discarded as "domestic problems."¹⁴ However, feminist initiatives in conjunction with legislative and judicial reform have reinterpreted these problems as public concerns.¹⁵

9. See National Victim Center, *Stalking: Questions and Answers* (visited Mar. 6, 1997) <<http://www.nvc.org/ddir/INFO46.htm>>.

10. See *id.*

11. See *id.* Stalking actions are depicted in old texts. See e.g., OVID, *infra* note 109. See also HUGO, *infra* note 159.

12. See SUSAN BROWNMILLER, *AGAINST OUR WILL: MEN, WOMEN AND RAPE* 11 (1975) (redefining rape as part of a "mass psychology" that can be traced back to ancient humankind).

13. See National Victim Center, *supra* note 9.

14. See generally BROWNMILLER, *supra* note 12 (discussing public response to these issues).

15. See National Victim Center, *supra* note 9.

Stalkers generally make their courtly but malevolent intentions known before they act upon them;¹⁶ therefore, much of the violence related to stalking is avoidable — a key issue that policy-makers need to realize and incorporate into anti-stalking legislation and policies. Legal and law enforcement officials did not take notice of this deadly problem until a murder, and a murder of a celebrity, ended a long-term stalking disguised as a romantic campaign.¹⁷ The first anti-stalking statute was enacted in California in 1990 following the stalking and murder of actress Rebecca Schaeffer.¹⁸ This initial legislation began the wave of anti-stalking laws that swept the nation in the next several years. Other states followed suit after they experienced local stalking cases that ended tragically, and responded to the voices of ordinary victims who had their own terrifying stories to tell.¹⁹ For these laws to be effective, however, law enforcement officials need to be well-versed in anti-stalking laws and sensitized to the issue.²⁰

The problem of stalking may worsen as technological innovations threaten to render stalking an even more pervasive presence with unprecedented ramifications.²¹ Stalking activity has entered cyberspace, and people are being stalked and harassed via e-mail and through participation in newsgroups, bulletin boards (BBs), or chat rooms.²² The extensive and impersonal nature of the Internet offers increased accessibility and decreased accountability, making stalking easier than ever.²³ But whether stalking is conventional or electronic, we need to understand why stalking occurs, and how this behavior may be prevented.

Whereas only a minority of stalking victims are celebrities, the majority of targets are and will be ordinary citizens, predominately

16. See Keith Blanchard, *When a Lover Turns Evil*, MADMOISELLE, Nov. 1994, at 147-49, 182-83.

17. See Elizabeth A. Patton, *Stalking Laws: In Pursuit of a Remedy*, 25 RUTGERS L.J. 465, 470 (1994).

18. See Mike Tharp, *In the Mind of a Stalker: The Man Who Killed Actress Rebecca Schaeffer Is a Symbol of the Spreading National Menace*, U.S. NEWS & WORLD REP., Feb. 17, 1992, at 28, 28. Rebecca Schaeffer, from the sitcom *My Sister Sam*, was stalked by obsessed fan Robert Bardo. He wrote her love letters and tried to get access to her television studio. After getting Schaeffer's home address from the Department of Motor Vehicles, Bardo appeared at her doorstep and fatally shot her when she answered the door. See *id.* at 30.

19. See Thomas, *supra* note 2, at 2.

20. See Andrea Simakis, *Why the Stalking Laws Aren't Working*, GLAMOUR, May 1996, at 246.

21. See Gene Stephens, *Crime in Cyberspace*, FUTURIST, Sept.-Oct. 1995, at 24, 27.

22. See *CyberAngels* (visited Feb. 23, 1997) <<http://www.cyberangels.org/stalking/index.html>> [hereinafter *CyberAngels*].

23. See *id.*

female.²⁴ Highly visible celebrities comprise seventeen percent of all stalking victims, but ordinary citizens make up fifty-one percent of stalking targets; the other thirty-two percent of stalking victims are reported to be lesser known entertainment figures.²⁵ Experts have further estimated that one in twenty women will be stalked in their lifetime, which means that about five percent of women in the general population will be victims of stalking at some point.²⁶ However, as many cases go unreported, the actual probability is likely to be higher.²⁷ No similar statistics are available for men in the general population. Much of the literature on the topic reports that approximately 200,000 people in the United States are currently stalking someone.²⁸ Yet, another study states that this figure refers only to the stalking of celebrities,²⁹ an estimate which if true would place the total figure of current stalkers much higher. Although these estimates give us a better understanding of the scale and prevalence of stalking behavior, it is important to consider that data on stalking is largely unavailable, and consequently we should accept these figures as preliminary. Therefore, these tentative figures are probably under- rather than over-estimated.

There are no available systematic statistics regarding the new phenomenon of electronic stalking, but the number of case reports has been increasing.³⁰ In a 1993 survey of 500 members of Systers, an electronic mailing list for women in computer science, twenty percent of the respondents reported having been the targets of sexual harassment on-line.³¹ In my experience, cyberspace is a male-dominated public sphere.³² Just as in real-life situations, however, it is the female Internet users who are being harassed and stalked, negatively affecting their on-line participation.³³

24. See Patton, *supra* note 17, at 470-71.

25. See S. 2922, 102d Cong., at 5 (1992).

26. See *id.*

27. See National Victim Center, *supra* note 9.

28. See Blanchard, *supra* note 16, at 147.

29. See Sherman, *supra* note 6, at 198.

30. See Amy Harmon, *Student's Expulsion over E-Mail Use Raises Concerns; Cyberspace: Caltech Harassment Case Illustrates Growing Problem*, L.A. TIMES, Nov. 15, 1995, at A1.

31. See Mitch Betts & Joseph Maglitta, *IS Policies Target E-Mail Harassment*, COMPUTERWORLD, Feb. 13, 1995, at 12.

32. See e.g., Weidlich, *infra* note 71.

33. See M. Strata Rose, *Women, Take Back the Net!: An Online Guide to Reporting E-Harrassment* (visited April 13, 1998) <<http://www.virtual.net/Projects/Take-Back-the-Net>> (giving advice about reporting cyberstalking and e-mail harassment).

II. STALKING: A BETTER UNDERSTANDING

Stalking, as mostly a heterosexual phenomenon, is a crime that has real and anticipated effects upon women in terms of their safety, mobility, and autonomy in society.³⁴ Women's access to, and comfort in, public and private spaces is severely limited, harming their well-being and affecting their equal participation in their communities.³⁵ Cynthia Grant Bowman makes a compelling case for the comparable effects that street harassment has upon women.³⁶ She asserts that women's freedom, specifically a basic freedom from restraint, is significantly restricted by street harassment as it hinders their physical movement and discourages women from traversing the public domain solo. Bowman argues that street harassment "accomplishes an informal ghettoization of women — a ghettoization to the private sphere of hearth and home."³⁷

An analogy can be made to stalking. Women who are stalked cannot travel freely because they must always vary their routes to and from work, or other regular activities, for fear of being followed and observed. Some women may be too frightened to even venture outdoors at all. Similarly, the possibility and reality of being stalked limits women's participation in cyberspace. But stalking does not occur only outside of one's residence; moreover, women targets are rarely safe or rarely *feel* safe within the confines of their own homes.³⁸ Stalking is an intrusion upon both a woman's public and private life, and this inability to escape from the fear renders the reality of being stalked an unusual and insidious phenomenon.

Bowman maintains that when men publicly offend and humiliate women, they are claiming their power in the public realm and telling women that the "domestic" sex is not welcome in the external world.³⁹ The act of stalking also connotes a sense of possession. If a man pursues a woman to a harmful degree despite her firm rejections of his attention, he is implying that she belongs to him and that he will not disappear until he can own her, physically and emotionally. By justifying his relentless pursuit

34. See Lorraine Ali, *Stalkers: Is the Threat to Rock Stars Growing?*, ROLLING STONE, Nov. 14, 1996, at 29, 30.

35. See generally Anonymous, *My Problem*, GOOD HOUSEKEEPING, Oct. 1994, at 50-53 (recounting of a victim's experience with an unknown stalker).

36. See Cynthia Grant Bowman, *Street Harassment and the Informal Ghettoization of Women*, 106 HARV. L. REV. 517 (1993).

37. See *id.* at 520.

38. See Ali, *supra* note 34, at 30.

39. See Bowman, *supra* note 36, at 527.

through his intense longing for his object, he is disrespecting the woman's autonomy and her decision to remain independent of him.

Stalking, like street harassment, is part of the spectrum of ways in which men may try to restrict women's citizenship, while forcing them to acknowledge man's presence and perceived power.⁴⁰ Further, the incidence of stalking, especially on college campuses, may make women more skeptical of a man's romantic interest, and inhibit healthy and mutual expressions of love and sexuality.⁴¹

A. Current Legal Definitions of Stalking Behavior

The legal definition of the crime differs from state to state, but acts of stalking usually include repeatedly engaging in harassing or threatening behavior, "such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property."⁴²

State anti-stalking laws vary to a surprising degree, differing widely in scope and wording.⁴³ These laws also do not coincide on the importance they place on the intent of the perpetrator or on the level of threat posed to the victim.⁴⁴ One law review article delineates the three main legal anti-stalking paradigms: the credible threat model; the two-tiered, non-credible threat model; and the literal stalking, non-credible threat model, as represented by California, Florida, and Connecticut, respectively.⁴⁵ California's statute requires the presence of a "credible threat" intended to make the target fear for his or her safety, or for the safety of immediate family members.⁴⁶ The harassment must not only be repeated but demonstrate evil intent, requiring both subjective and objective levels of fear.⁴⁷ On the other hand, Florida's law is broader in scope in that it does not require a credible threat, but

40. Men who stalk women try to intimidate them through surveillance and attempt to make their targets submit through heavy-handed persistence. See *Tharp*, *supra* note 18, at 30.

41. See generally Vita C. Rabinowitz, *Coping with Sexual Harassment*, in *SEXUAL HARASSMENT ON COLLEGE CAMPUSES: ABUSING THE IVORY POWER* 199 (Michele A. Paludi ed., 1996) (discussing the affects of sexual harassment on student victims).

42. See *Thomas*, *supra* note 2, at 2.

43. See Julie Miles Walker, *Anti-Stalking Legislation: Does It Protect the Victim Without Violating the Rights of the Accused?*, 71 *DENV. U. L. REV.* 281 (1993).

44. See *Patton*, *supra* note 17, at 488-90.

45. See Robert A. Guy, Jr., Note, *The Nature and Constitutionality of Stalking Laws*, 46 *VAND. L. REV.* 991, 1000-09 (1993).

46. CAL. PENAL CODE § 646.9(a) (West 1998).

47. See *id.* § 646.9(e).

instead defines stalking as willful, malicious, and repeated following or harassment.⁴⁸ Connecticut's anti-stalking law offers another variation of stalking behavior, defining the crime in literal terms as encompassing physical following or lurking, but not including other forms of repeated harassing behavior.⁴⁹

While many state laws do conform to one of these models, other state legal codes do have notable differences. West Virginia's state law, for instance, defines stalking as a crime only if it occurs between two individuals who have lived together or who have had intimate relations.⁵⁰ Stalking that involves strangers and acquaintances, therefore, could not be prosecuted under this law. In Illinois, the law requires that a credible threat be demonstrated before the actual harassing and following of a person, thereby excluding harassment that scares a victim but takes place before a threat is issued.⁵¹ Michigan's law is much broader and also addresses stalking that does not intend to harm the target.⁵²

Whether stalking is classified as a misdemeanor or as a felony is another factor which affects the efficacy of the particular statute.⁵³ Most states classify stalking as a misdemeanor, which usually does not carry a significant prison sentence, if at all.⁵⁴ Stalking usually becomes a felony when the offender has sufficiently harmed his victim, violated a protective order, was previously charged with stalking, or has committed property damage.⁵⁵ For example, New York recently stiffened its penalties for violating restraining orders by making it a felony to have any further contact with the victim after an order of protection has been issued.⁵⁶ The old statute required that the abuser or stalker inflict bodily injury to the victim, or damage the victim's property in order to be charged with a felony.⁵⁷

The crime of stalking has also impacted the federal decision-making arena. In September 1996, President Clinton signed a bill proscribing interstate stalking and harassment.⁵⁸ This new federal

48. FLA. STAT. ANN. § 784.048 (West 1998).

49. CONN. GEN. STAT. ANN. § 53a-181d (West 1994).

50. W. VA. CODE § 61-2-9a (1997).

51. 720 ILL. COMP. STAT. ANN. 5/12-7.3(a)(1) (West 1997).

52. MICH. COMP. LAWS. ANN. § 750-411h(e) (West 1997-98).

53. See Thomas, *supra* note 2, at 6.

54. See *id.* at 3.

55. See Guy, *supra* note 45, at 1023.

56. N.Y. PENAL LAW § 215.51(b)-(d) (Consol. 1996).

57. See Jan Hoffman, *Pataki Signs Bill Seeking To Combat Domestic Violence: Stalking Made a Felony*, N.Y. TIMES, Aug. 9, 1996, at A1.

58. See Todd S. Purdum, *Clinton Signs Bill for \$256.6 Billion for Armed Forces: Act Toughens Stalking Penalty*, N.Y. TIMES, Sept. 24, 1996, at A1.

law is applicable regardless of whether the victim has a restraining order, or whether the offender has engaged in violent behavior, or is a spouse or an intimate of the victim.⁵⁹ Laws are ineffective, however, unless law enforcement officials are aware of them and act accordingly. To address this issue, the Los Angeles Police Department in 1990 established its Threat Management Unit, to specifically deal with and intervene in cases of serious harassment and stalking; but this is the only special intervention unit of its kind in the nation.⁶⁰

B. The Prevalence of Stranger Stalking

Although most studies state that an astounding ninety percent of stalking cases involve former intimates such as ex-lovers and ex-spouses,⁶¹ cases of stranger stalking may be more common than realized. Los Angeles psychiatrist and specialist on stalking issues, Dr. Michael Zona, believes that one-third of stalkers pursue strangers, and another expert estimates that almost one-half of all stalkers have not had previous intimate relationships with their targets.⁶²

Yet West Virginia's anti-stalking law states that a woman cannot acquire a restraining order unless she first establishes that she has had an intimate relationship, cohabited, or has children in common with the offender.⁶³ This statute effectively minimizes the threat posed by a stranger or acquaintance, and reduces the probability that women will report cases of stranger stalking or harassment since they cannot expect judicial support. The law, however, does not always correspond with methods of law enforcement; police officials have been known to take problems of stranger stalking more seriously because they cannot attribute the conflict to a "lover's quarrel."⁶⁴ But women who are stalked by strangers may not initially realize the harm in the situation, because they

59. *See id.*

60. *See* Miles Corwin, *When the Law Can't Protect: Despite Recent Advances, the Legal System Still Has Trouble Apprehending Stalkers*, L.A. TIMES, May 8, 1993, at A1. LAPD's Threat Management Unit (TMU) investigates threatening patterns and harassment directed toward a specific individual. One of their main duties is to help accumulate necessary documentation to present in court. They also assign the same detective to work on a case until it is resolved or closed. *See id.*

61. *See* Suzanne Darny, "Hey Baby, I'm Watching You," WASHINGTONIAN, Mar. 1995, at 72, 77.

62. *See id.* at 77.

63. *See* W. VA. CODE § 61-2-9a (1997).

64. *See* Darny, *supra* note 61, at 77.

might not know strangers' habits or intentions.⁶⁵ If the stalker remains anonymous, the victim cannot even pin her fear to a certain someone, and may be hesitant to report an ambiguous threat that is easier to ignore.

The statistics for stranger stalking, therefore, may be underestimated due to our understanding of stalking and the context in which the phenomenon occurs.⁶⁶ I do not intend to undermine the gravity or pervasiveness of intimate stalking in cases of domestic violence, but only to remind us that stalking can just as easily fall outside the boundaries of established relationships. Stranger stalking may be more eerie, in the sense that the enemy cannot be specifically located. Furthermore, the stranger aspect suggests that the phenomenon stems from broader issues of gender interaction than strictly from contractual or intimate male-female relationships.⁶⁷

C. A Comprehensive Definition of Stalking

While federal and local legislators have made considerable progress toward delineating what constitutes the legal offense of stalking,⁶⁸ no single state law captures the full range or complicated nature of stalking actions. In order to define the dimensions and extent of stalking behavior, as well as develop a research design to investigate its nature and prevalence, I combined provisions from the different state statutes and expanded upon possibilities for electronic stalking to derive the following characteristics of stalking activity:⁶⁹

- (1) stalking is protracted harassment and/or threatening behavior that is not restricted to a single enclosed environment such as the workplace or school;
- (2) the stalking target is usually female;
- (3) the stalker is usually male;
- (4) the stalker may or may not be acquainted with his target;
- (5) the stalker tries to ascertain his target's whereabouts or routine habits through direct means, including but not restricted to: direct observation or constant surveillance, following the target for a prolonged distance, leaving repeated phone calls, and appearing uninvited at the target's home or workplace;

65. See Lisa Tuten, *I Was Stalked*, MCCALLS, Aug. 1995, at 55.

66. See Darny, *supra* note 61, at 77.

67. See *id.*

68. See Guy, *supra* note 45, at 991-92.

69. See *supra* notes 45-52 and accompanying text.

(6) the stalker tries to ascertain information about his target through indirect means, including but not restricted to: asking people for personal information about the target, searching through the target's personal belongings, accessing public records about the target specifically to determine her whereabouts and personal history;

(7) the stalker communicates with his target through a variety of means, including but not restricted to: leaving letters, phone and other messages; sending or personally offering gifts; and vandalizing the target's property;

(8) all of the stalker's actions are of a persistent, harassing nature and may, but do not have to be, of an explicitly threatening nature;

(9) the stalker's actions cause his target to experience emotional and/or psychological distress, and usually fear;

(10) the stalker may, but does not necessarily have to, intend his target to experience distress or fear as a direct result of his actions;

(11) the stalker can engage in all of the above actions either solely or additionally via electronic communication, including but not restricted to: leaving e-mail, requesting "talk" via Telnet, requesting "private chat" in IRC or other chat rooms, following the target around to different chat channels, and obtaining various personal information from other Internet users as well as from available Internet resources;

(12) stalking may, but does not have to, result in physical or sexual assault;

(13) a person may engage in stalking activity if he repeatedly commits any one of the aforementioned actions or in any combination thereof, regardless of whether the target expressly informs her stalker to stop since she may not be aware of his intrusive actions;

(14) if the stalker continues to engage in any of the above mentioned actions at any point even after his target expressly notifies (either directly or indirectly) him to stop, his offense becomes "aggravated stalking."

I incorporate many of these elements in my research instrument⁷⁰ to measure whether college students recognize different stalking actions. This comprehensive definition of stalking behavior is not intended as a legal definition; rather, I feel it is important to understand and be aware of what stalking fully entails (apart from litigation) in order for society to recognize the variety of actions which decrease another individual's sense of privacy and safety. Opponents to strict stalking laws argue that specific and

70. See *infra* Part Seven.

comprehensive anti-stalking provisions curb and violate the offender's constitutionally-granted right to freedom of speech and mobility.⁷¹ These protectors of civil liberties, however, appear contradictory in that they do not place equal importance on the rights of stalking victims⁷² — victims whose rights to freedom of mobility have been unfairly compromised, and even sacrificed.

It may be difficult to imagine what an individual who is being stalked, and knows it, must endure: always looking over one's shoulders, changing one's daily schedule, keeping one's window blinds closed, fear of answering one's phone or door, and (especially in the context of the Internet) even having to adopt a false or new identity.⁷³ Nonetheless, this is the reality of many people in this country. Stalking is a violation of, and a threat to, one's privacy, safety, and personal space. It can lead to violation of the body. We need to understand, however, that stalking is insidious precisely because it affects the individual before and beyond this possibility of physical violation.

Those who subscribe to liberal political theory assert that individual self-sovereignty is linked to bodily integrity, claiming that the body is inviolate.⁷⁴ Cynthia Daniels, in her book on women and abortion rights, argues that women are understood as a class whose bodies can be intruded in a way that men's bodies cannot, contrary to liberal political ideology.⁷⁵ In the case of stalking, we need to extend this liberal definition beyond the body, also defining as inviolable freedom of the body from restraint. Condoning stalking is inconsistent with our American tradition of liberal jurisprudence. As Justice Louis Brandeis once aptly stated in a dissenting opinion: "[T]he right to be let alone [is] the most comprehensive of rights, and the right most valued by civilized men."⁷⁶

III. SANITY IN STALKING?

People commonly label those who blatantly stalk as "strange," or more popularly, as "psycho," believing that these persistent

71. See Thom Weidlich, *Is Stubborn E-Mail Romeo a Stalker?*, NAT'L L.J., June 20, 1994, at A7.

72. See Guy, *supra* note 45, at 1000.

73. See generally DOREEN ORION, *I KNOW YOU REALLY LOVE ME: A PSYCHIATRIST'S JOURNAL OF EROTOMANIA, STALKING AND OBSESSIVE LOVE* (1997) (relating the personal account of a stalking victim).

74. CYNTHIA R. DANIELS, *AT WOMEN'S EXPENSE: STATE POWER AND THE POLITICS OF FETAL RIGHTS* 5 (1993).

75. See *id.* at 138.

76. *Olmstead v. U.S.*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting).

pursuers must be mentally abnormal.⁷⁷ When we examine whether stalking is heavily implicated in our notion of romance, however, we find that stalking activity is significantly supported in and by our culture. This general cultural acceptance suggests that stalking is not always seen as deviant, but may actually represent what we think of as “normal” romantic pursuit.

A. *The Myth of the “Psycho-Stalker”*

To explain the reasons for stalking behavior, experts have concluded that such conduct is caused by mental disorders.⁷⁸ While these psychological models may help explain additional causes underlying some cases of stalking, psychological deviations cannot account for, nor do they explain, all instances of such a pervasive phenomenon. Society long held the same misconception about rapists, believing that they as a group are mentally disturbed. One extensive study involving rapists, however, showed that most of the rapists did not have records of mental sickness, and when compared to other felons, they had not had more contact with the mental health system.⁷⁹ If stalking behavior, like rape, is in fact culturally encouraged, then stalking may represent social conformity rather than mental deviance. Erotomania, a disease attributed to many stalkers, has entered our general vernacular as the disease afflicting many celebrity stalkers.⁸⁰ Classified under the category of delusional or paranoid disorder in the *Diagnostic Statistical Manual of Mental Disorders* (DSM-III-R), erotomania is the delusional belief “that one is loved by another.”⁸¹ Psychiatric experts concede, however, that aside from the delusion, the patient’s behavior is otherwise normal, qualifying the severity of this “mental illness.”⁸²

People suffering from erotomania not only delude themselves into believing that their objects (generally of the opposite sex) reciprocate their love, but also believe that they share a perfect love.⁸³ Although erotomaniacs usually are not significantly acquainted with their beloved, they still believe that the object would

77. See Ali, *supra* note 34, at 29-30.

78. See Paul E. Mullen & Michele Pathé, *Stalking and the Pathologies of Love*, 28 AUSTL. & N.Z. J. PSYCHIATRY 469, 470 (1994).

79. See DIANA SCULLY, UNDERSTANDING SEXUAL VIOLENCE 90 (1994).

80. See Marie Brenner, *Erotomania*, VANITY FAIR, Sept. 1991, at 188, 191.

81. See DIAGNOSTIC STATISTICAL MANUAL OF MENTAL DISORDERS 199 (3d ed. 1987) [hereinafter DSM-III-R].

82. See Zona et al., *supra* note 5, at 895.

83. See *id.*

return the love if not impeded by some outside obstacle.⁸⁴ The object is usually an impressive and even famous figure, who belongs to an elite socio-economic class.⁸⁵ Erotomania has been labeled as a "female disease"; many experts argue that women tend to fixate on older, accomplished men.⁸⁶ But in one psychiatric study on erotomaniacs, only three out of fourteen subjects were women,⁸⁷ and celebrity stalking cases reveal that male erotomaniacs are common.

For example, Hollywood actress Theresa Saldana was stalked and brutally attacked by Scotsman Arthur Jackson, an unemployed itinerant who believed that he could secure her love if he visited her in the United States.⁸⁸ A man from singer Lisa Germano's hometown followed her on tour because he imagined that she was his long-lost soulmate and that they were destined to rekindle their love.⁸⁹

The notion that women are prone to erotomania is not accurate and is reminiscent of Freud's contrived conclusion that hysteria is categorically observed in female patients.⁹⁰ In addition, the focus on erotomania and its questionable association with female stalking de-emphasizes the fact that stalking is usually female-targeted, not female-perpetrated.

Erotomania is probably the most well-known mental disorder afflicting stalkers, but erotomania actually affects only 0.03% of the general population, or three in every 10,000 people.⁹¹ Experts say that only 9.5% of stalkers suffer from erotomania, with the rest supposedly afflicted with a host of other dubious mental disturbances, such as love obsession and simple obsession.⁹² Subjects in the love obsessional category are defined as being obsessively in love with their targets without necessarily believing that their targets reciprocate the feelings,⁹³ whereas those suffering from erotomania believe that their objects do (or would) truly love them if given the opportunity.⁹⁴ In a study of love obsessional subjects, however, less than half of the subjects were definitely diagnosed

84. *See id.*

85. *See* Brenner, *supra* note 80, at 190.

86. *See* DSM-III-R, *supra* note 81, at 199.

87. *See* Zona et al., *supra* note 5, at 894-903.

88. *See* RONALD MARKMAN & RON LABRECQUE, OBSESSED: THE STALKING OF THERESA SALDANA 56 (1994).

89. *See* Ali, *supra* note 34, at 30.

90. *See* SIGMUND FREUD, DORA: AN ANALYSIS OF A CASE OF HYSTERIA (Philip Reif ed., Collier Books 1963) (1909).

91. *See* Zona et al., *supra* note 5, at 895.

92. *See id.* at 897.

93. *See id.*

94. *See id.*

with a serious psychiatric disorder,⁹⁵ casting further doubt on whether “love obsession” itself constitutes an illness. Adding to the list of these questionable syndromes, doctors continue to identify previously unlabeled psychiatric disorders, diagnosing more stalkers as mentally ill.⁹⁶ By expanding the repertoire of psychiatric illnesses, doctors are simply attributing every peculiar manifestation of social behavior to a mental cause, creating and defining disorders whose origins (whether biological or environmental) are still unknown.

The typical stalker is portrayed as a deranged, socially ostracized individual who obsesses about his or her target. An article in *U.S. News and World Report* stated, “[s]talkers range from coldblooded killers to lovesick teens, huddled beneath an umbrella of psychological syndromes To some degree, all are mentally or emotionally disturbed; many share a family history of similar illness.”⁹⁷ We have to realize that this “typical profile” of a stalker is not accurate. Just as anyone can be a victim of stalking, anyone can be a stalker; therefore, we cannot necessarily detect potential stalkers, just as we cannot discern likely rapists.

Moreover, as studies have shown, all stalkers do *not* have major mental conditions.⁹⁸ There have been numerous cases in which the stalker does not exhibit any of the expected personality traits, but to all appearances is normal and perhaps even respected.⁹⁹ A notable example is Chief Justice Sol Wachtler of the New York State Court of Appeals, the highest court in the state of New York.¹⁰⁰ He was convicted of stalking as he repeatedly harassed and attempted to blackmail his ex-lover, Joy Silverman.¹⁰¹ It is arguable whether Judge Wachtler is clinically mentally ill,¹⁰² but regardless, he does not represent (at least superficially) the type of person many would expect or consider to be a stalker. Other accused stalkers have included a male teacher who worked with special-education children and came from an affluent and conservative Mormon family,¹⁰³ as well as a highly accomplished undercover

95. See *id.* at 901.

96. See Richard Evans, *Every Step You Take: The Strange and Subtle Crime of Stalking*, LAWLINES, Nov. 1994, at 1021, 1021.

97. Tharp, *supra* note 18, at 28.

98. See Mullen & Pathé, *supra* note 78, at 471.

99. See Gill, *supra* note 4, at 166.

100. See Leslie J. Kurt, *Stalking as a Variant of Domestic Violence*, 23 BULL. AM. ACAD. PSYCHIATRY & L. 219 (1995).

101. See *id.* at 220.

102. See *id.*

103. See Gill, *supra* note 4, at 166.

investigator for the United States Customs Department.¹⁰⁴ We can see that demographically, stalkers emerge from every segment of society and from various socio-economic backgrounds.¹⁰⁵ Stalkers are not necessarily socially-inept individuals who avoid or are shunned from larger society, but can even occupy positions of power and prestige.

Not only do these examples demonstrate the fallacy of the "deranged" or "psychotic" stalker, but they also show how psychological explanations can sometimes fall short. In fact, invoking psychiatric conditions as the sole cause of stalking activity is counterproductive in that it ignores the problem of non-psychotic stalkers and their actions. George Lardner, Jr., the father of a stalking victim, notes that by attributing such actions to individual psychology or circumstances, we are in effect telling stalkers (as we do with domestic batterers) that they are victims themselves.¹⁰⁶ Instead of teaching the perpetrators to take responsibility for their criminal actions and encouraging them to change their behavior, we pity the offenders and teach the victims to pity their aggressors as well.

Furthermore, the pervasiveness of stalking points to the possibility that stalking may not arise from individual differences, but from deeply embedded notions of romance found in Western culture. While these psychological theories are plausible, they suggest that stalking behavior is inevitable and asocial, as mental conditions are continually created to explain the diverse group of stalkers. Whereas mental illness is omnipresent, stalking behavior does not have to be. If society revises its notion of the ideal romantic paradigm to distinguish between healthy, mutual romantic interest and unwanted, one-sided pursuit, then the initial stages of stalking will neither be socially acceptable nor condoned, and will less likely degenerate into advanced stalking actions. If we acknowledge that stalking may be socially facilitated, then the problem may be socially discouraged, if not controlled.

B. An Alternative (Romance) Hypothesis

In order to explain how and why stalking has become so commonplace, I assert a socio-cultural hypothesis which states that stalking may be produced not primarily by mental disturbance but

104. See Richard Jerome, *The Night Caller*, PEOPLE, Feb. 26, 1996, at 40, 40-42.

105. See Gill, *supra* note 4, at 163-67, 195.

106. GEORGE LARDNER, JR., *THE STALKING OF KRISTIN: A FATHER INVESTIGATES THE MURDER OF HIS DAUGHTER* 95 (1995).

by popular Western romantic ideology, and in fact is implicated by common romantic norms. Specifically, I argue that stalking may be rooted in our “no means yes” culture, in which women are made to play the role of the resisting yet yielding target, and men the role of the romantic pursuer, relentless despite the woman’s protests. By uncovering how stalking behavior is facilitated and encouraged, we can realize that the behavior may not be isolated nor sudden. If we instead recognize that stalking, to a certain degree, lies on a continuum of romantic expression, we can see the growth and trajectory of stalking behavior over individual romantic episodes.

IV. THE TRAJECTORY OF STALKING: SOCIO-CULTURAL ANALYSIS

A. History of Courtship and Romance

The “no means yes” ideology central to courtly persistence is rooted in Western romantic tradition, as love and courtship texts unmistakably invoke this belief.¹⁰⁷ The history of stalking is tied to the history of courtship, and it is exactly this intimate and accepted association that makes stalking so dangerously common. Ovid’s *The Lover’s Handbook* is a perfect example of an ancient text which teaches that a woman is not “as good as her word”:

First Rule and foremost: -With a maid
Make up your mind that you will win her . . .
Sooner will birds fall mute in spring
And grasshoppers in summer weather . . .
Will a fair maid refuse his plea;
Though she say *No*, she’ll willing be.¹⁰⁸

In his *Art of Love*, Ovid tells “Love’s charioteer” to pursue and be persistent, advising the male suitor to “[p]ress on: in time you’ll reap the sought-for fruit.”¹⁰⁹ The poet guarantees that as long as one does not give up and remains determined, he will be the romantic victor. Ovid’s poems even suggest that the man observe and follow the woman, encouraging active stalking behavior:

107. Courtly persistence is depicted in Ovid’s works, *The Lover’s Handbook*, *infra* note 108, and *Love Poems*, *infra* note 109, which claim that women desire persistent romantic attention, but are supposed, and expected, to “refuse” the man’s advances.

108. OVID, *THE LOVER’S HANDBOOK* 125 (F.A. Wright trans., E.P. Dutton & Co. 1923).

109. OVID, *THE LOVE POEMS* 99 (A.D. Melville trans., Oxford Univ. Press 1990).

Meanwhile if in her litter she repair,
 Steal unobserved on the recumbent fair . . .
 If idly in the long arcade she stroll,
 There linger too and share the idler's role. . .
 And cross her path, or saunter side by side.¹¹⁰

By tracing the introduction and rise of courtship and romance in Western culture, we can see how these practices include stalking, although not called as such, as an effective and prominent aspect of the romance ritual.¹¹¹

The concept and practice of courtly love is believed to have emerged in the twelfth century, and usually took place between male admirers and their honorable ladies.¹¹² The behavior of the medieval suitor may have been harmless and went unnoticed until he dared to confront his lady, but this "innocent" practice easily paved the way for obsessive, and hence dangerous, stalking actions.¹¹³ These male admirers, called troubadours, expressed their feelings in verse, composing lyrics and poems to their beloved in the name of love.¹¹⁴ Recreating the relationship between feudal lord and vassal, these ardent lovers raised their ladies onto an ideal pedestal and regarded them as superior to themselves.¹¹⁵

The aspiring courtly lover quietly observed his love from a distance.¹¹⁶ Like many of his contemporary lovers, he would conceal himself in the bushes, waiting to steal sight of his love. By lurking and secretly following the object of his attention, the medieval lover engaged in stalking activity.¹¹⁷ But since this behavior was carried out under the rubric of romance, the lover was socially encouraged to pursue his object as proof of his affection, not of his obsession.

In another old text about love and courtship called *Loves School*, a section entitled "To Woo a Scornful Maid" offers a scene between a pitiful, albeit dedicated, suitor and an unwilling woman.¹¹⁸ The suitor may be seen as pathetic in his refusal to accept the maid's rejection, but he may also be regarded as romantic because he is unconditionally devoted to his love. His words betray

110. *Id.* at 100.

111. See generally BERNARD I. MURSTEIN, *LOVE, SEX, AND MARRIAGE THROUGH THE AGES* (1974) (discussing the evolution of love, sex, and marriage from Biblical to modern times).

112. See *id.* at 148.

113. See *id.* at 149.

114. See *id.* at 154.

115. See *id.*

116. See *id.* at 149.

117. See *id.*

118. *LOVES SCHOOL, OR, A NEW MERRY BOOK OF COMPLIMENTS* (1981), microformed on WL 3283 (Univ. Microfilms Int'l).

the fact that he has tried to win her affection on previous occasions, and imply that he believes he was always rudely denied the treasured love that he seeks: "Man. Let not my love be misconstrued for presumption, if I once again so strive to warm your affections. . . . I pray you at last be merciful, and do not still reward my love with cold disdain."¹¹⁹

The woman apparently has heard her suitor's arguments before, and is firm with him to convince him that she will never return the affection. She responds directly and honestly, fulfilling the only obligation she has to her persistent suitor, but she is made to appear heartless and cruel as her candid answer is contrasted with the man's emotional appeals: "Maid . . . if you would be more thrifty of your breath, you may spend it to better purposes: for you may intimate your desires, and make tedious discourses, but in a word, I shall never love you."¹²⁰

He imposes his feelings on her by telling her that he will not give up on his love, no matter how resistant she may be: "Man. While I live I will attend on you."¹²¹ The man presents himself as his maid's eternal servant, a gesture which seems on the surface to be done in love, but which is actually selfish, intrusive, and disrespectful of the wishes of the "beloved."¹²² Since we are to believe, however, that the lover is offering his services because he loves his lady, he becomes an example of the "hopeless romantic," a victim of weaknesses of the heart. He may be a pathetic figure, but we are expected to sympathize with him and not with the woman.

The history of courtship and old courtship practices influence contemporary courtship behavior to an extraordinary degree, and examples of modern events which closely resemble past events may be due to more than mere coincidence.¹²³ For instance, modern-day stalkers have been known to send severed fingers to their targets.¹²⁴ This gruesome act can be traced to medieval times, as one notorious case of courtly wooing involved a lover cutting off his finger and sending the severed digit to his beloved as a show of his affection and dedication.¹²⁵ His lady was supposedly pleased by this

119. *Id.*

120. *Id.*

121. *Id.*

122. *Id.*

123. Compare the advice given in Ovid's ancient *Love Poems*, *supra* note 109, with the contemporary advice handbook, *More Love Tactics*, *infra* note 164.

124. See Sherman, *supra* note 6, at 198.

125. See MURSTEIN, *supra* note 111, at 156.

sacrifice, a belief that could have influenced stalkers to demonstrate their love in similar fashion.¹²⁶

One tenet of courtly love is that the value of the love depends upon how difficult it is to achieve it.¹²⁷ Thus, a common belief is that love that is hard to get is worthwhile, providing an even greater incentive to pursue a woman whose love is not easily granted.¹²⁸ Men may expect or want a less than encouraging response from women, and be tempted to pursue this ideal template of love without considering the woman's honest intentions.¹²⁹ The woman is not alarmed by her suitor's persistent attention but flattered, even though she may not be interested, until she realizes that he is playing for keeps.¹³⁰

An examination of the history of American courtship demonstrates the ways in which the concept of romance has undergone many changes, from the idea of ephemeral longing to sincere affection.¹³¹ This examination also shows how romance was socially introduced and nurtured together with stalking, intermittently in the eighteenth century and steadily from the mid-nineteenth century to present times.¹³² Romance was not glorified in America's early days as it is today, as the term was unfavorably associated with the idea of undesirable and fleeting passion.¹³³ Romantic endeavors and fulfillment were more commonly discouraged in the eighteenth century because men and women were advised by their parents and their churches to make suitable marriages, however loveless they may be.¹³⁴ Voluntary attraction was not or could not be a priority for many couples. Not everyone, however, adhered to these familial and religious expectations, and those who sought their hearts' desire expressed their attraction freely and candidly, without much romance.¹³⁵ Courtship was a type of social diversion, a luxury which colonial farmers in America could not afford. Burdened with the arduous task of constantly working to maintain

126. *See id.*

127. *See id.* at 160.

128. *See id.* at 148-49.

129. *See id.* at 149-50.

130. *See id.* at 155-56.

131. *See* ELLEN K. ROTHMAN, *HANDS AND HEARTS: A HISTORY OF COURTSHIP IN AMERICA* (1984).

132. *See id.*

133. *See id.*

134. *See* LINDA GRANT DEPAUW & CONOVER HUNT, *REMEMBER THE LADIES: WOMEN IN AMERICA, 1750-1815*, at 11 (1976).

135. *See id.* at 5.

a living, a colonial farmer and his family were left with very little time and energy for courting activity.¹³⁶

In the late eighteenth and early nineteenth centuries, romantic love implied frivolous and immature love, and both men and women sought honest rather than romantic love.¹³⁷ However, the colonial merchant class, forming the aristocracy of early American society, lived more leisurely and imitated the habits and dress of their English counterparts.¹³⁸ Well-to-do merchants attended local dinner and dancing parties, the ladies and gentlemen interacted under carefree and gay circumstances.¹³⁹ Even at this juncture, however, romance was not heavily practiced. In the nineteenth century especially, men were expected to display only sincere interest, and women were required to respond truthfully to the man's behavior.¹⁴⁰ Romance, however, did not remain long latent. From the mid-nineteenth century, romantic love began to become more popular and even regarded as necessary for serious intimacy or marriage.¹⁴¹

The nineteenth century was also characterized by Victorian morality and austerity, and the sexual attitudes of both the upper- and lower-classes became more restrained.¹⁴² Since the freedom to express sexual attraction became increasingly limited, romance was resuscitated as the more favorable way to communicate one's sexual interest. The courtship ritual was elaborated in the practice of the more leisurely upper classes and "developed into a kind of teasing game."¹⁴³ Young women were supposed to bait potential suitors, trying to emotionally reel in as many men as possible, while apparently offering no reassurance of their own affection.¹⁴⁴ Then, when a serious suitor offered his hand in marriage, the young maiden had to respond with surprise and even anger, and send him away in rejection an indefinite number of times, but always the first time.¹⁴⁵ How many times she refused him depended upon how "successfully" they played the game.¹⁴⁶ Honesty was not encouraged nor expected in these courting exercises, thereby complicating the woman's true intentions and justifying the man's courtly persis-

136. See HARRY J. CARMAN, *SOCIAL AND ECONOMIC HISTORY OF THE UNITED STATES* 110 (1930).

137. See DEPAUW & HUNT, *supra* note 134, at 14.

138. See CARMAN, *supra* note 136, at 136.

139. See *id.* at 170.

140. See ROTHMAN, *supra* note 131, at 40.

141. See *id.*

142. See DEPAUW & HUNT, *supra* note 134, at 14.

143. *Id.*

144. See *id.*

145. See *id.*

146. See *id.* at 6.

tence.¹⁴⁷ Thus, romance became socially defined through gendered roles, hindering the development of unaffected and mutual romantic pursuit. Romantic love prospered into the twentieth century, now representing easy love — man and woman coming together through natural attraction, as opposed to cultivated affection.¹⁴⁸

Popular literature of those times, some of which have become the classics of today, offers prime examples of the way in which society perceived, and continues to understand, romance.¹⁴⁹ More importantly, popular culture, including literature, not only reflects societal attitudes regarding courtship practices, but also helps shape our notions of what is socially acceptable and even desirable. Since popular culture permeates society through various channels, such as literature and music, its existence and presence are hard to ignore, and we may easily subscribe to its not always healthy messages.¹⁵⁰ In addition, the fact that these ideas have entered mainstream culture may encourage people to adopt similar viewpoints, to conform with the “majority.” In this way, popular culture is a powerful influence in that it can ingrain traditions deeply into our collective social and cultural psyche, and embed them on an unconscious level.

For instance, *Love in the Time of Cholera*, by Gabriel García Márquez, is a well-known and well-respected work that is a story of a most devoted love.¹⁵¹ In this story of ultimate romantic loyalty, Florentino Ariza remains faithful to his lifelong love, Fermina Daza, and confronts her with chilling dedication: “Fermina,’ [Florentino] said, ‘I have waited for this opportunity for more than half a century, to repeat to you once again my vow of eternal fidelity and everlasting love.’”¹⁵² Florentino engages in an intense courting campaign, whose behavior cannot be mistaken for anything less than stalking: “Florentino Ariza spied on her in astonishment, he pursued her breathlessly . . . and she passed so close to him that he could smell her scent, and if she did not see him then it was not because she could not but because of the haughty manner in which she walked.”¹⁵³ The reader is supposed to sympathize with

147. *See id.*

148. *See* RODNEY M. CATE & SALLY L. LLOYD, COURTSHIP 20 (1992).

149. *See, e.g.*, HUGO, *infra* note 159; ALCOTT, *infra* note 155; AUSTEN, *infra* note 156.

150. *See generally* HOW MEN PROPOSE: THE FATEFUL QUESTION AND ITS ANSWER, LOVE SCENES FROM POPULAR WORKS OF FICTION (Agnes Stevens ed., A.C. McClurg & Co. 1988) [hereinafter HOW MEN PROPOSE].

151. GABRIEL GARCÍA MÁRQUEZ, LOVE IN THE TIME OF CHOLERA (Edith Grossman trans., Alfred A. Knopf, 1st Am. ed. 1988) (1985).

152. *Id.* at 50.

153. *Id.* at 100.

Florentino as a pitiful yet heroic lover, despite his hundreds of letters “whose determination frightened [Fermina].”¹⁵⁴

Louisa May Alcott’s classic book *Little Women* depicts young romance, and mirrors Western romantic culture: “but girls are so queer you never know what they mean. They say No when they mean Yes, and drive a man out of his wits just for the fun of it,” returned Laurie, entrenching himself behind an undeniable fact.”¹⁵⁵

A passage in Jane Austen’s famed novel, *Pride and Prejudice*, also plays upon the notion that women are manipulative rather than sincere in their courtly actions, as Mr. Collins addresses Elizabeth:

it is unusual with young ladies to reject the addresses of the man whom they secretly mean to accept when he first applies for their favour. . . . As I must . . . conclude that you are not serious in your rejection of me, I shall choose to attribute it to your wish of increasing my love by suspense, according to the usual practice of elegant females.¹⁵⁶

Popular and classic literature offer numerous examples of men constantly observing and following ladies, trying to discover and understand their habits.¹⁵⁷ The men reveal to their ladies the lengths to which they went to discover information about them, but these confessions are interpreted as expressions of their love.

In *Agatha’s Husband*, by Miss Mulock, Nathanael Locke Harper reveals to Agatha:

Into that heart I took you, from the first moment I ever saw your face. . . . I have watched you continually; every trait of your character — every thought of your mind. From other people I have found out every portion of your history — every daily action of your life. I know you wholly and completely, faults and all, and — I love you. No man will ever love you more than I.¹⁵⁸

Interestingly, the author of this novel is apparently a woman, a fact which demonstrates that women themselves are conditioned to think that stalking the one you love is romantic and honorable, and a natural part of love-making.

154. *Id.* at 67.

155. HOW MEN PROPOSE, *supra* note 150, at 18 (quoting LOUISA MAY ALCOTT, *LITTLE WOMEN*).

156. *Id.* at 102-04 (quoting JANE AUSTEN, *PRIDE AND PREJUDICE*).

157. *See generally id.* (profiling romantic love scenes from famous literature).

158. *Id.* at 172 (quoting MISS MULOCK, *AGATHA’S HUSBAND*).

In *The Toilers of the Sea*, Victor Hugo depicts a scene in which the woman is initially taken aback when her ardent lover confesses that he has been watching her and taking note of her habits, all of which can be construed as stalking activity.¹⁵⁹ Instead of becoming alarmed by his spying behavior, however, she is overwhelmed by his romantic approach and becomes awed by his fidelity:

The being, who was only a shadow . . . spoke. A voice proceeded [sic] from the thicket. . . . "Mademoiselle, I see you every Sunday and Thursday. . . . You walk in your garden every evening. It would be an ill thing in me to know your habits, if I did not cherish my present intention. . . . Will you have me for your husband? . . ."

"Monsieur," stammered Deruchette, "I did not know that I had been noticed on Sundays and Thursdays."

The voice continued . . . "You were present, nothing more; I was there, nothing more. I have done nothing but feel that I loved you . . ."

Deruchette hung her head and murmured, — "Oh! I adore him!"¹⁶⁰

Other examples in literature show how men ask and expect women to learn to love them. Love, we see, can be taught, with the man acting as the teacher and the woman acting as the consenting pupil. In *Off the Skellings*, by Jean Ingelow, the male suitor tells his lady: "Then . . . I will teach you to love me, my sweet, if you will let me."¹⁶¹ We see a similar picture in *One Summer*, by Blanche Willis Howard, as the character Phillip says, "I believe that I can teach you to love me."¹⁶²

Nineteenth-century etiquette for courtship continued into the twentieth century, with women still bearing the duty of controlling the relationship, of having to resist by saying "no" to the man's advances.¹⁶³ Nevertheless, I maintain that in our Western romantic culture, the woman's word "no" is reinterpreted as "yes," thus, minimizing woman's freedom and maximizing man's romantic prowess in courtship.

159. See 2 VICTOR HUGO, *TOILERS OF THE SEA* 212-14 (Isabel F. Hargood trans., Thomas Y. Crowell & Co. eds., Kelmscott Society 1888).

160. *Id.* at 212-14.

161. HOW MEN PROPOSE, *supra* note 150, at 117 (quoting JEAN INGELOW, *OFF THE SKELLINGS*).

162. *Id.* at 243 (quoting BLANCHE WILLIS HOWARD, *ONE SUMMER* (1878)).

163. See CATE & LLOYD, *supra* note 148, at 24.

B. Contemporary Romantic Culture

A modern version of a courtship handbook called *More Love Tactics*, ironically parallels its ancient predecessor in terms of language and advice, and tells the reader to be persistent and to disregard the other person's words or actions because they are irrelevant.¹⁶⁴ Written hundreds of years later, this work essentially uses the same type of forceful language to advocate pursuing or "winning" the object of affection, at any cost and despite the other person's protests. "Don't depend on the responsiveness of your partner while you are still in the process of winning them over. You must ignore what they say and do while you act out your part on faith. This is the way to ultimately win."¹⁶⁵ This handbook also teaches the reader that love does not have to be mutual, at least not in the beginning stages. The book assures the reader, however, that love will not stay one-sided for long, for the love will inevitably be returned:

When you commit yourself to another, which is the ultimate act of love, it's for better or for worse. In the beginning, you must love first without reciprocation. This fulfills the unconditional aspect of love that others need so desperately yet are powerless to obtain on their own. . . . You will be loved . . . because you loved that person first.¹⁶⁶

The authors focus on the perspective of the pursuer, rather than on the experience of the one being pursued.¹⁶⁷ They assert that the decision to love and persist after someone is solely yours, regardless of the other person's wishes or actions to the contrary:

Just make up your mind to ignore what the other person might be thinking about you. Act. Don't react. . . . Always remember that within each human being is a person bursting with readiness to love and be loved. This exists no matter how hardened and apathetic they may seem to you.¹⁶⁸

The authors also maintain that romance is a fool-proof way to gain someone's affections, saying all individuals want or are

164. THOMAS W. MCKNIGHT & ROBERT H. PHILLIPS, *MORE LOVE TACTICS: HOW TO WIN THAT SPECIAL SOMEONE* (1993).

165. *Id.* at 5.

166. *Id.* at 33.

167. *See id.* at 9.

168. *Id.* at 52, 74.

impressed by romance without exception: "Take some initiative, and it'll have a magical effect. It will sweep that person off their feet! And they *want* to be swept off their feet. They really do! It's a universal human desire."¹⁶⁹

As this book shows, ideal notions about romance and romantic pursuit still exist today, suggestive in style and content to old works of its kind. However, the problem with these and previous advice-toting authors is that they emphasize the infallibility of romantic persistence without considering the desirability of the pursuer. The authors of this handbook do not place equal importance on the wishes of both the pursuer and the object, instead egotistically stating that if the lover wants, he will get.¹⁷⁰

Although McKnight and Phillips do not explicitly say, their advice seems geared toward men pursuing women.¹⁷¹ The "love tactics," as they call them, are traditional in approach, and men are the traditional suitors who initiate and control the wooing process.¹⁷² The cover of the book, however, resembles a Valentine's day card with its title clearly written in large red letters and the page dotted with pink and red hearts. Whether men would be attracted to this type of book is not certain, and some may argue that the feminine cover was designed to attract female readership. But if more women than men read the book, then women may subscribe to the idea that they are supposed to be passive in courtship and appear elusive, playing the role of the hard-to-get female. The book teaches women to act their part according to the script in order for men to respond in kind.¹⁷³ The danger lies, however, when the woman steps out of her prescribed role, and the man, playing his part, forces her back into it.

A recently published book advocating old-fashioned dating tips written by women for women serves as an effective companion work to *More Love Tactics*.¹⁷⁴ The book, *The Rules*, outlines passive and misleading methods to seek and keep the kind of man most women apparently want to marry.¹⁷⁵ The two female authors of the book clearly tell women to give opposing signals to the men they want to attract: "Your job now is to treat the man you are really, really

169. *Id.* at 56.

170. *See id.* at 31.

171. *See id.* at 3.

172. *See id.* at viii.

173. *See id.* at 89-102.

174. *See* ELLEN FEIN & SHERRIE SCHNEIDER, *THE RULES: TIME-TESTED SECRETS FOR CAPTURING THE HEART OF MR. RIGHT* (1995).

175. *See* Elizabeth Gleick, *Playing Hard to Get*, *TIME*, Sept. 30, 1996, at 58, 58.

crazy about like the man you're not that interested in."¹⁷⁶ The authors claim that the man is by nature and biology the romantic aggressor, and that he must initiate progress in the relationship.¹⁷⁷ In saying this, they relegate women to a passive position in courtship and reinforce the traditional idea that the man is supposed to pursue the woman. They teach women to look and to be "feminine" in order to seize the attention of men.¹⁷⁸ Moreover, Fein and Schneider recommend that women act mysterious, and that they not reveal very much about themselves or their habits, advising that they end phone conversations quickly because they are simply "busy."¹⁷⁹

The authors, however, are so narrowly focused on discovering how to keep a man's interest that they do not see how easily their suggested techniques can make the man become *too* interested. The authors even claim that a man's anger can be a positive sign of his love rather than a sign of violent attachment: "It's good when men get upset; it means they care about you."¹⁸⁰ Their recommended constant secrecy and avoidance tips can lead the man to become so curious or suspicious that he begins to probe into a woman's background, daily activities, and whereabouts. If a suitor wants to talk on the phone, but the woman abruptly informs him that she cannot because she is simply occupied with "something," he may very likely wonder what she is doing and be tempted to go to, or even stake out, her residence to find out. He may decide to observe and follow her in public on days when she tells him that, for vague reasons, she cannot meet him. Although these behaviors are certainly a woman's prerogative, since she is not obligated to divulge anything to a newly-acquainted suitor, these deceitful techniques inhibit honest courtship communication and encourage the suitor to become obsessive and possessive in response to her clandestine ways. The immense popularity of *The Rules*¹⁸¹ suggests that the recommended dating techniques speak to certain traditional beliefs that many women (and men) already hold, and its popular methods reinforce the historically deceptive quality of romantic interaction into present-day America.¹⁸²

176. FEIN & SCHNEIDER, *supra* note 174, at 8.

177. *See id.* at 7.

178. *See id.* at 15-21.

179. *Id.* at 45.

180. *Id.* at 48.

181. This book was a bestseller, and its success prompted a publication of a sequel, *The Rules II* (1997). *See* Ellen Fein & Sherrie Schneider, *Seal the Deal (and Make Him Commit 100%)*, COSMOPOLITAN, Oct. 1997, at 208.

182. *See* Gleick, *supra* note 175, at 58.

Popular music is an important conveyor of contemporary culture, and romantic ballads, complete with obsessive elements, comprise a good number of popular songs. These songs contribute to the way stalking is culturally facilitated, hiding its threat and harm under the facade of romance. For instance, the classic song by the British band The Police entitled *Every Breath You Take* is highly romanticized and regarded as a champion of love songs.¹⁸³ If we listen to and understand the significance of its lyrics, however, we see that they eerily revolve around the refrain of constant surveillance,¹⁸⁴ which is inherent in stalking activity:

Every breath you take
Every move you make
Every bond you break
Every step you take

I'll be watching you

Every single day
Every word you say
Every game you play
Every night you stay

I'll be watching you . . .

....

Every move you make
Every vow you break
Every smile you fake
Every claim you stake

I'll be watching you.¹⁸⁵

These lyrics repeat themselves in a haunting tone, while the singer accuses the subject of being unfaithful ("every vow you break"), insincere ("every smile you fake"), and self-interested ("every claim you stake").¹⁸⁶ All of these messages betray the singer's malicious obsession with the subject of the song. Despite its jealous and malevolent undertone, the song is romanticized because the singer's constant thoughts of the subject, and his passionate appeals, are

183. See Jay Cocks, *Band on the Run*, TIME, Apr. 27, 1987, at 72.

184. See Jay Cocks, *Official Police Business*, TIME, Aug. 15, 1983, at 50, 50.

185. THE POLICE, *Every Breath You Take*, on SYNCHRONICITY (A&M Records 1983).

186. *Id.*

seen as romantic longing and fidelity, not as an evil obsession. Hence, the song becomes a “love song.”¹⁸⁷

There are many examples of songs that romanticize stalking and “popularize” it.¹⁸⁸ Oddly enough, these are the songs which propel performers into stardom.

The song “Two Steps Behind” became popular in the early 1990’s and helped focus some of the music industry’s spotlight on the long-absent British hard rock band, Def Leppard.¹⁸⁹ The song begins by talking about the futility of trying to escape from the one who loves you, and invokes an eerie image of the lover’s lurking “shadow”:

Walk away if you want to
It’s okay if you need to
You can run but you can never hide
from this shadow that’s creeping up beside you.¹⁹⁰

Shortly after, the song enters its refrain section, which confirms that the lover will always be near, and sarcastically suggests that the beloved feels her time is too “precious” to be spent on him:

Whatever you do, I’ll be two steps behind you
Wherever you go, I’ll be there to remind you
That it only takes a minute of your precious time
To turn around, I’ll be two steps behind.¹⁹¹

In the next section of the song, however, the lyrics take on a more romantic tone, as the lover claims that the beloved *does* return the affection, but is too scared to take love’s risk or “walk the line”:

Take the time, to think about it
Walk the line, you know that you just can’t fight it
Take a look around, you’ll see what you can’t find.¹⁹²

Canadian singer/songwriter Sarah McLachlan, a stalking victim herself, in a song appropriately entitled “Possession,” adopts the script of the stalker; literally, she uses segments from actual letters

187. See Cocks, *supra* note 183, at 72.

188. See, e.g., THE POLICE, *supra* note 185; DEF LEPPARD, *infra* note 190; SARAH MCLACHLAN, *infra* note 193.

189. See Dimitri Ehrlich, *Reissues: Vault*, ENT. WKLY., Nov. 10, 1995, at 67, 67.

190. DEF LEPPARD, *Two Steps Behind*, on VAULT (Mercury Records 1995).

191. *Id.*

192. *Id.*

sent to her by her stalker as her lyrics.¹⁹³ Although the song is eerie and foreboding, the sensual tone of the music and lyrics make the song seem more romantic and longing:

[T]he night is my companion and
solitude my guide,
would I spend forever here
and not be satisfied?

And I would be the one to hold you down,
kiss you so hard.
I'll take your breath away and
after I'd wipe away the tears.
Just close your eyes, dear.¹⁹⁴

The song talks about the stalker's "romantic" fantasy, which appears to be in the form of forced sexual gratification. He would "hold [her] down" and "wipe away the tears," strongly implying that he would have to forcibly make her submit to his physical impositions.¹⁹⁵ In the next stanza, the stalker believes his beloved is playing games with him, but nevertheless she gives him hope:

Oh, you speak to me in riddles,
and you speak to me in rhyme.
My body aches to breathe your breath,
your words keep me alive,
and I would be the one, to hold you down ¹⁹⁶

The song finally progresses from the stalker's (imagined) fantasy to actual realization of this fantasy, as he steps into a "waking dream" and upon finding his target, will not be "denied" his sexual pleasure:

Into this night I wander,
it's morning that I dread.
Another day of knowing of the path I fear to tread.
Oh, into the sea of waking dreams,
I follow without pride.

193. See Kathy Silberger, *Q&A: Sarah McLachlan*, ROLLING STONE, Jan. 8, 1998, at 50, 50.

194. SARAH MCLACHLAN, *Possession*, on FUMBLING TOWARDS ECSTASY (Arista Records 1993).

195. *Id.*

196. *Id.*

Nothing stands between us here,
and I won't be denied.¹⁹⁷

C. Romance and Stalking in a College Context

Stalking is by no means limited to any particular type of environment, but this phenomenon may be more common in certain settings, such as in a university or college atmosphere.¹⁹⁸ Stalking may tend to proliferate on the college campus because it is an enclosed and self-sufficient community in which individuals remain for a significant length of time.¹⁹⁹ A student or any other person affiliated with the college can easily develop an interest in another member of the academic community and stalk her using the many networks and resources available within the college system. For example, one can find information on a student through the college directory, her e-mail address, and her friends or other people who know her.²⁰⁰ Just knowing that the targeted person might study at a certain library makes it easy to stalk her.

In fact, it may be common for a male student to begin stalking a female student if he develops a "crush" on her, but he is too shy to ask her for a date. Rather than waiting to run into her by chance on campus, he may prefer to catch calculated glimpses of his beloved and find out tidbits about her life and habits. He may even involve his friends in his detective work, expanding the number of people who may learn to enjoy stalking as an absorbing pastime. Although college women may also initiate or be involved in their own stalking adventures, men in general engage in stalking activity more often than women, and the predominant gender of stalkers on college campuses is unlikely to prove to be an exception.²⁰¹

Students may be tempted or encouraged to stalk the one they romantically admire if they are in an academic and social environment, such as the college community, where they are surrounded and influenced by their peers. Finding an object of romantic interest is easy on a college campus, with its large array of individuals and social opportunities. Moreover, many students may expect

197. *Id.*

198. See James T. Tucker, *Stalking the Problems with Stalking Laws: The Effectiveness of Florida Statutes Section 784.048*, 45 FLA. L. REV. 609, 681 (1993).

199. See *id.*

200. See Jasmine A. Davila, *Expert Advice for the "Holiday," Step One: Stalking*, FREE PRESS (University of Chicago) Feb. 1996, at 44.

201. See Lisa Nolen Birmingham, *Closing the Loophole: Vermont's Legislative Response to Stalking*, 18 VT. L. REV. 477, 523 (1994).

or hope to find their potential mates in college, and may feel pressured to establish a serious relationship, or at least find someone in whom to be interested. They are subjected by friends and family to the frequently-asked question: "Are you interested in anybody?" If they are not in a relationship, then one may instead derive romantic pleasure from tracking down the person with whom one would like to be involved. In this way, stalking may be an alternative to dating as exemplified in the exaggerated but somewhat honest article entitled *Expert Advice for the "Holiday," Step One: Stalking*, which was published in the Valentine's Day edition of an independent college newspaper:

I present to you my guide to stalking for fun and profit: *Coffee Stalk with Aunt Jazzy*. . . . The first thing you might wanna do is have a crush on someone, particularly someone you don't really know. . . . Having done that, this is where you get to play detective. . . . If you need to determine identity, you'll probably need to stake out the first place you saw that person . . . beg, borrow, or steal copies of the Student Directory and the University Directory.²⁰²

Even if stalking is not encouraged among college students, the act of stalking is not treated seriously. On the contrary, it is seen as a topic suitable for jest and sarcasm.²⁰³ As an article in *Rolling Stone* reflected: "Stalking references have become the joke du jour for '90's stand-up comics and sitcom wisecrackers."²⁰⁴ Although the phenomenon of stalking is just as grave as issues of rape and domestic violence, stalking does not have the same stigma attached to it, and, as a result, the term is flaunted freely and carelessly.²⁰⁵ In college settings, when a student is interested in another and reveals certain information about her, people will say things like, "Hey, sounds like you're stalking her," but this comment is uttered as playful banter rather than as a serious and disapproving observation.²⁰⁶

We would not as easily, however, make light of incidents of probable rape or battering, since we would be alarmed and upset if someone were to say "Hey, sounds like you raped her," or "Sounds

202. Davila, *supra* note 200, at 44.

203. See Ali, *supra* note 34, at 30.

204. *Id.*

205. The term "stalking" is not taboo, because people make jokes about stalking and do not understand its consequences.

206. I have witnessed college men make this particular comment, as well as other similar statements.

like you beat her.” But the act of stalking does not have the same shock value. Stalking behavior is not as feared and criticized in our society because we do not fully understand the ramifications and complexities of this behavior.²⁰⁷ The lack of awareness and sensitivity regarding this issue allows us to misuse the term, preventing us from according this phenomenon the same degree of serious discussion. Stalking may be a commonly known word, but we do not commonly grasp the full significance of it.

Although we may expect a stalking scenario to most likely take place between two students, stalking has also occurred between other college members.²⁰⁸ One young woman disclosed in an indignant Usenet posting that she was sexually harassed and stalked by a professor in her department, who she states, “[became] obsessed with me and took to telling me he loved me, wanted to marry me, stalking me to my classes, and yes, sending me sexually-oriented humorous email.”²⁰⁹ The offending faculty member apparently had romantic feelings for the student and incorporated stalking activity in his tactics to gain her affection.²¹⁰ Other cases involve a student stalking her female teaching assistant, and a student harassing and possibly threatening her professors to the point where they requested university security.²¹¹

V. THE AGE OF ELECTRONIC STALKING

In this information age, romantic pursuit and its stalking counterpart have found their way into another avenue — the Internet.²¹² Both men and women, but seemingly more men, are entering cyberspace in search of electronic courtship, more popularly referred to as “virtual love,”²¹³ as evidenced by the large number of on-line discussion forums devoted to meeting a mate.²¹⁴ But on-line romance can be accompanied by or lead to on-line stalking.²¹⁵ Indeed, the Internet is proving itself to be a hostile

207. See Birmingham, *supra* note 201, at 522.

208. See Annette M. Litman, *Sexual Harassment, Email Harassment, & Abuse of Systems of Academic Freedom by Professors* (visited Mar. 8, 1997) <<http://alt.comp.acad-freedom.talk/news.admin.policy/alt.comp.acad-freedom.news>>.

209. *Id.*

210. *See id.*

211. Telephone interview with Dana Morgan, student, University of Chicago (Apr. 21, 1997).

212. *See* Weidlich, *supra* note 71, at A1

213. *See* Rose, *supra* note 33.

214. Some examples of specific new groups include alt.romance, alt.personals, pdx.singles, and soc.singles. Specific live chat channels include #lovechat, #romance, and #singles.

215. *See generally* WIRED WOMEN: GENDER AND NEW REALITIES IN CYBERSPACE (Lynn

place for women, where female abuse can be found everywhere, including: e-mail messages, chat rooms, and Usenet newsgroups.²¹⁶ The atmosphere surrounding newsgroups (open electronic conferences) is charged with such high levels of sexual harassment, and disrespect for women that many women are joining private mailing lists for cyberspace community and interaction.²¹⁷ Technology has brought the emergence of electronic stalking, which differs from conventional stalking only in that the former is more sophisticated in its execution. The term stalking seems to have a strange yet popular association with computer innovation, as one software company adopted as its name "Stalker Software Inc.," complete with a logo of yellow, preying, animal-like eyes and advertising for its website.²¹⁸ Moreover, the term "lurk," which in real-life is one form of stalking activity, has entered standard computer vernacular to refer to what a computer user does when he or she observes, but does not participate in, a virtual chat room.²¹⁹ One could argue that claiming such a word like "lurk" and "lurker" as computer jargon not only helps de-stigmatize the creepy meaning of the term, but also helps introduce the unsavory behavior associated with this term into a whole other realm, namely cyberspace.

Cyberspace is mostly a male-beaten path,²²⁰ but women who do frequent the net find themselves the targets of cyberstalking more often than men.²²¹ Because the Internet is a rather recent invention, laws do not yet have a place in this computer netherworld.²²² Without legal protocol demarcating and ensuring individual cyber-rights, on-line stalking and harassment are allowed to surface in cyberspace. Instances of computer abuse are proliferating on college campuses where students, who are given free Internet accounts, are increasingly exploring digital territory.²²³ Campuses are fertile

Cherny & Elizabeth R. Weise eds., 1996) (discussing female harassment and male hostility on the Internet).

216. See *id.*

217. One such example is *Systers*, a women-only mailing list for women in computing. See *Systers* (visited Feb. 12, 1998) <<http://www.unix.umbc.edu/~korenman/wmst/forums.html>>.

218. See Stalker Software Inc., *Stalker Software Home Page* (visited Feb. 10, 1998) <<http://www.stalker.com>>.

219. See *IRC Help* (visited Feb. 8, 1998) <<http://www.irchelp.com>> (providing general information on-line regarding how to use IRC chat).

220. See Colin G. Hatcher, *Internet Cyberstalking & Online Harassment* (visited Mar. 6, 1997) <<http://www.cyberangels.org/download/netstalk.txt>>.

221. See *id.*

222. But see MICH. COMP. LAWS ANN. § 750.411h(e) (West 1997-98).

223. See Harmon, *supra* note 30, at A1.

ground for on-line stalking behavior, and as a result have served as battlegrounds for legal intervention.²²⁴

A. *"The Lurker Files":²²⁵ The Lure and Danger of the Internet*

It is a misconception that electronic stalking is less serious than conventional stalking. David Banisar of Electronic Privacy Information Center (EPIC) contends that "e-mail stalking . . . is a ridiculous concept," that it "trivializes" real or physical stalking.²²⁶ However, Banisar is confusing the act with the medium. Not only can a cyberstalker send e-mail to his target, threatening and informing her that she is being stalked, but he can also literally track down his victim through her e-mail activities, observing when and where she logs on, and accessing other personal information including her address and school or work affiliation.²²⁷ Banisar also fails to realize that electronic stalking often leads to, or is accompanied by, physical stalking, and explicitly or implicitly threatens physical stalking.²²⁸ In one case, a woman discovered that she was being watched from her home when her electronic stalker described her neighborhood in one of his messages.²²⁹ After receiving this message, she noticed that someone had cut the bushes outside her bedroom window.²³⁰ Another on-line stalker explicitly threatened to rape a woman as well as her five-year-old daughter.²³¹

Victims of cyberstalking have found the police neither responsive nor sympathetic, as officials do not perceive on-line stalking to present a real danger, and instead dismiss the complaint as a "trivial situation."²³² Law enforcement officials do not recognize that cyberstalking does not end in cyberspace, but usually transcends into real life.²³³ Consequently, they do not address electronic stalking until it becomes real life stalking, and even then, the

224. *See id.*

225. *See* Stalker Software, Inc., *supra* note 218.

226. Scott Leibs, *Mail Aggression — Should Electronic Harassment Carry the Same Penalties as Real-Life Threats?*, NETGUIDE, LAW & ORDER, Jun. 1, 1995, at 71, available in LEXIS, Nexis Library PCNEWS.

227. For example, one can look up an individual's recent record of e-mail activity in the Unix system by typing in "finger" followed by a login name.

228. *See* Colleen O'Connor & Laurie Wilson, *Women Battle Online Stalking*, DALLAS MORNING NEWS, Oct. 12, 1996, at 1A.

229. *See id.*

230. *See id.*

231. *See id.*

232. *See* Evelyn McH., *CyberAngels* (visited Mar. 8, 1997) <www.cyberangels.org>, available in <alt.online-service.prodigy>.

233. *See* Hatcher, *supra* note 220.

target may need to first demonstrate that she has been or will be physically attacked. People may find it difficult to believe that cyberstalking constitutes cause for concern because they argue that one can just log off, or that the Internet is not dangerous because it consists of only words. Cyberstalking cannot be so simply rejected, however, when we understand that the electronic stalker does not stop his hunt when one shuts off the computer, or when words (which have a power in and of themselves) are followed by action.²³⁴

Law enforcement's inaction reflects the lack of legislation explicitly addressing electronic stalking.²³⁵ The vast majority of state laws neglect to acknowledge that stalking is now often perpetrated electronically. The state of Michigan, however, does include "electronic communications" in its anti-stalking statute,²³⁶ and this provision was recently invoked in what may be a groundbreaking e-mail stalking prosecution.²³⁷ Andrew Archambeau, a thirty-one-year-old graphic artist, was accused of stalking a twenty-nine-year-old school teacher whom he met through a video-dating service on America Online.²³⁸ After their relationship had taken a bad turn, he sent her about twenty e-mail messages over a two-month period, all of which he argues could have been ignored.²³⁹ Archambeau maintains that he was only trying to express his romantic interest through his persistence, and does not see how his actions could have been interpreted as threatening or as stalking.²⁴⁰ His attempt to regain the woman's affections was not limited to electronic mail; however, he also left several phone messages, ominously admitting in one of them that he "stalked her for the first time" that day, a statement which he claims he said in jest.²⁴¹ His "innocent" appeal perfectly exemplifies the way stalkers, whether they utilize electronic or conventional means, often try to justify their actions by cloaking them in old-fashioned courtship terms, blurring the line between romance and stalking.²⁴²

The Internet is quickly becoming the romantic suitor's handiest tool for his pursuits, with the information superhighway now

234. See generally CATHARINE MACKINNON, *ONLY WORDS* (1993) (discussing the impact of words).

235. See Eileen S. Ross., *E-Mail Stalking: Is Adequate Legal Protection Available?*, 13 J. COMPUTER L. & INFO. 405 (1995).

236. MICH. COMP. LAWS ANN. § 750.411h(e) (West 1997-98).

237. See Weidlich, *supra* note 71, at A7.

238. See *id.*

239. See *id.*

240. See *id.*

241. *Id.*

242. See Sherman, *supra* note 6, at 200-01.

making stalking notoriously easy.²⁴³ Women are targeted for electronic stalking in three main areas of cyberspace: Internet Relay Chat (IRC) or Live Chat, Usenet newsgroups or other bulletin boards, and e-mail communication.²⁴⁴ Female on-line users, especially “newbies,” or those obviously unfamiliar to the net, are usually first singled out for electronic stalking in real-time chat conversations.²⁴⁵ Cyberstalkers generally then contact their targets through their private e-mail accounts, leaving alarming messages and sending attached files.²⁴⁶ The danger and, as stalkers have mentioned, the thrill lies in the relative ease and anonymity by which someone can stalk another person via the electronic apparatus.²⁴⁷

As many have pointed out, the Internet is essentially a “decontextualized” medium in that people can send messages without revealing their handwriting or other clues to their personality, such as the type of stationery they opt to use.²⁴⁸ Cyberstalkers can easily disguise themselves by adopting several false names and forging e-mail messages.²⁴⁹ Compounding the fear behind the cyberstalker’s faceless threats is the amount of information electronically available on any given individual.²⁵⁰ A stalker can remain anonymous indefinitely and exert even greater control by gaining access to information regarding his target.²⁵¹ From an Internet connection alone, an electronic stalker can discover a person’s full name, address, and phone number. Commercial on-line services like America Online (AOL) ask its users to voluntarily complete a “Personal Profile” in which users can reveal their name, age, marital status, and location, all of which are then accessible to AOL’s four million subscribers.²⁵² Our information-hungry age has even produced *The Stalker’s Home Page*, a World Wide Web site that consolidates the host of resources available on the Internet and elsewhere to aid any user in uncovering everything from the local street map of a person’s residence to his or her Social Security

243. See *supra* notes 218-31 and accompanying text.

244. See Hatcher, *supra* note 220.

245. See *id.*

246. See *infra* notes 307-22 and accompanying text.

247. See Sherman, *supra* note 6, at 200.

248. See Susan Herring, *Politeness in Computer Culture: Why Women Thank and Men Flame*, in CULTURAL PERFORMANCES: PROCEEDINGS OF THE THIRD BERKELEY WOMEN AND LANGUAGE CONFERENCE, Apr. 8-10, 1994, at 278, 278.

249. See *CyberAngels*, *supra* note 22.

250. See Jeffrey Rothfeder, *The Web and You: No Privacy on the Net*, PC WORLD, Jan. 1997, available in LEXIS, Nexis library NEWS/PCWLD.

251. See *id.*

252. See *CyberAngels*, *supra* note 22.

number.²⁵³ This site also provides information on how to stalk an individual discreetly, how to make traceless phone calls, and even advertises a publication titled *How to Spy on Anyone Without Getting Caught*, which one can purchase on-line.²⁵⁴ Glen L. Roberts, the creator of this multi-linked page, claims that he organized this site to warn Internet users of the potential abuses to their privacy.²⁵⁵ He does not explain, however, his intentions behind the site's title, which begs for misinterpretation. Moreover, he blithely states in his web page:

Of course we don't encourage anyone to engage in stalking or other impolite behavior . . . but look at the resources! . . . The information is there! It's available to ANYONE, who wants to ACCESS it for whatever their PURPOSE may be! Good or Evil! The information is here, it is quick to access, it is free and from anywhere in the world you can learn about people anywhere in the USA!²⁵⁶

As increased Internet use results in more electronic complaints, state legislatures are pressed to confront the growing issue of unauthorized and harmful Internet activity. They may be forced to propose laws regulating on-line behavior, and to recommend strict penalties for electronic stalking. Presently, only four states — Michigan, Oklahoma, Alaska, and Wyoming — include provisions outlawing electronic stalking, by recognizing e-mail as another method of unwanted contact, and making electronic transmission of harassing or threatening messages illegal.²⁵⁷

Similar endeavors are being pursued on the federal level. In the House, the Electronic Anti-Stalking Act²⁵⁸ has been introduced as a bill to prohibit stalking through electronic means, building upon the Federal Telephone Harassing Statute, which only addressed harassment via telephone communication.²⁵⁹ In the Senate, an amendment, that also prohibits electronic stalking and harassment, was added to the approved telecommunications bill²⁶⁰ that outlaws the "sending and receiving of 'obscene' messages and materials

253. Glen L. Roberts, *Stalker's Home Page* (visited Nov. 22, 1996) <<http://pages.ripco.com:8080/~glr/stalk.html>>.

254. *Id.*

255. *See id.*

256. *Id.*

257. *See* Roberts, *supra* note 253.

258. *See* Ross, *supra* note 235, at 405-06.

259. *See id.*

260. *See id.*

through on-line services.”²⁶¹ This amendment, if passed, would make on-line service providers liable for such abuses committed through their networks.²⁶² America Online (AOL), the largest international on-line service provider, supposedly has an aggressive stance against electronic harassment, but has not yet taken a similar position regarding electronic stalking, apparently because it is such a recent problem.²⁶³ If on-line companies, however, truly want to make the Internet safe and friendly for their subscribers, and hope to avoid future lawsuits, they cannot afford to waiver on such an important issue.

B. The Problem of Cyber-Love in Academia

Colleges all over the country are realizing and grappling with the problem of on-line stalking and harassment via electronic mail, which is usually of a sexual or romantic nature.²⁶⁴ With the increased use of the Internet comes the increased probability for abuse. Electronic stalking is prevalent at these “edu” sites, where students hide behind the anonymity of their computers to stalk students they know.²⁶⁵ College and system administrators, including those at University of California at Los Angeles, University of Wisconsin at Madison, and Cornell University have been inundated with complaints due to the popular use of e-mail to stalk and sexually harass.²⁶⁶ At Cornell, the number of complaints has increased twofold every year during the last couple of years.²⁶⁷ Massachusetts Institute of Technology, which handles about fifty harassment complaints a year, has adopted a campus-wide “stop it” system in which the e-mail recipient simply notifies the offender to stop sending messages.²⁶⁸ Other schools have needed to take further action in response to particularly serious cases of stalking or harassment. The University of Michigan suspended a male undergraduate for posting in a Usenet newsgroup a fantasy story about the rape, torture, and murder of a named female classmate.²⁶⁹

261. Mark Rockwell, *Proposed Amendment Seeks to Curb Obscene Messages Across Net*, COMMUNICATIONSWEEK, Network Services, June 27, 1995, at 62.

262. *See id.*

263. *See id.*

264. *See id.*

265. *See* Harmon, *supra* note 30, at A1.

266. *See* Rockwell, *supra* note 261, at 62.

267. *See* Harmon, *supra* note 30, at A1.

268. *See* BERNICE R. SANDLER ET AL., *THE CHILLY CLASSROOM CLIMATE: A GUIDE TO IMPROVE THE EDUCATION OF WOMEN* 68 (1996).

269. *See* Ed Garsten, *Michigan Student in Trouble for Electronic Stalking*, CABLE NEWS

California Institute of Technology (Caltech) expelled a male doctoral student for stalking a former girlfriend, largely via e-mail.²⁷⁰ The institution justified the expulsion on the grounds that it does not differentiate e-mail from any other type of communication, thus making the offensive and unwanted e-mail contact punishable under the school's harassment policy.²⁷¹ Some members of the campus community questioned the appropriateness of the punishment, including the accused student's advisor: "[I]t's not clear to me that it's sexual harassment. It's email."²⁷² This advisor, however, as may others, incorrectly assumes that sexual harassment and email are mutually-exclusive. Electronic mail does not itself constitute stalking activity, but rather, it is a medium through which the act of stalking can be committed.

C. Internet Participant Observation

To investigate the new phenomenon of electronic stalking, and how it may be accompanied with romantic intent, I observed Usenet forums and participated in IRC (Internet Relay Chat), which is a network of live conversations accessible to computer users around the world. By witnessing discussions revolving around the subject of romance, I explored the perceptions men and women have regarding their respective roles in the courting ritual. Electronic users readily engage in and initiate discussions on romance, easily transmitting their mostly traditional views to many users across the country. In one Usenet message, a male contended that men can better evaluate or conclude what women "truly" desire and vice versa, stating that, "The OPPOSITE sex is a MUCH better judge as to how each sex REALLY ACTS."²⁷³ In another posting, one man even offered his own diagnosis of what women need, proclaiming that "women in this country are starving for romance!"²⁷⁴ He reached this conclusion by noting that women are the major consumers of romance novels, and thus argued that women are impressed with romantic methods, commenting that, "knowing how and when to be romantic will make you intriguing to women."²⁷⁵

NETWORK, Feb. 10, 1995, available in LEXIS, Nexis library PCNEWS.

270. See Harmon, *supra* note 30, at A1.

271. See *id.*

272. *Id.*

273. Thomas, *Why What Women Say Doesn't Mean S**T* (visited Nov. 23, 1996) <news://alt.romance>.

274. Tamara Leigh Knox, *Re: Women Want Romance* (visited Sept. 26, 1996) <news://houston.personals>.

275. *Id.*

Another computer user, claiming to be an expert on women, invited male readers to electronically access his "Power Seduction" techniques to attract women.²⁷⁶ In the introductory sections of this website, he offers his own idea of what women want: "To a woman, there is nothing more romantic than being swept off her feet and seduced by a stranger on the first night. That's a fantasy for most women."²⁷⁷ He then states that men cannot be honest or direct in their approach. "Nearly all persuasion requires manipulation A straightforward approach with women has been statistically proven to NOT work. Romance is often described as '[T]he art of delightful deceit.' Unfortunately, females are the masters of opposite-sex manipulation and deception. Men have to learn deceptive tactics in order to compete"²⁷⁸ In his justifications, he fully subscribes to traditional romantic norms by reducing romance to a game of cunning and deception, by blaming women for their illusory practices, and advising men to do the same.²⁷⁹ Whether available off- or on-line, much male advice regarding women relies upon and perpetuates long-standing western ideas of romance.

While men may think that romance will pave the way to courtship bliss, women do not necessarily agree. A female who replied to the "Women Want Romance" message asserted that, "many women are extremely uncomfortable being pampered in any way by men they are not very, very close to, and some women don't want that at all."²⁸⁰ She admitted that women may appreciate considerate acts, but that these do not have to be romantic favors. Maintaining that romantic methods are not guaranteed to result in success, she challenges the notion that women uniformly desire and unconditionally yield to all romantic attempts on the parts of their restless Romeos.²⁸¹ This electronic exchange illustrates both conflicting views regarding how a man is supposed to woo a woman, and gendered misconceptions that can translate into serious courtship miscommunication.

Further complicating dating guidelines is the fact that some women do enjoy romance and want to see the romantic tradition continued. A woman electronically remarked, "Don't be too quick to lump all of us 90's women into the same mold. I for one happen

276. Gemini, *Power Seduction* (visited Mar. 3, 1997) <<http://www.getgirls.com>>.

277. *Id.*

278. *Id.*

279. *See id.*

280. Knox, *supra* note 274.

281. *See id.*

to love romance, and don't think it's dead at all. Viva Romance!!!"²⁸² A second woman echoed this sentiment, "Amen to that!!! Viva Romance!!!"²⁸³ These women may be referring to the romance that flourishes between two committed individuals, but because they did not qualify their enthusiastic statements, male subscribers to this newsgroup may easily interpret this message in another way. Men may not see romantic motions as a way of flattering a woman once she reciprocates the affection, but are encouraged to believe that romance is *the* way to win a woman's love.

In our relatively fast-moving society, themes of romance and romantic idealism are taught to us at a young age, making it difficult for the younger generation to discriminate between stalking and romance. In one posting, an adolescent female invites romantic male attention, "Hello, I'm 14 years old in grade nine. I want a guy to write to me. I love romance, and sweet guys . . . I just want sweet, romantic letters from a guy 14-17. Please write to me at. . . ."²⁸⁴ She also reveals her height and weight, as well as her hair and eye color.²⁸⁵ She probably does not know the dangers of making such an appeal and in providing such information about herself.

Not only do people talk about romance in cyberspace, but people also seek and find romance in this virtual arena, as exemplified by this posting by a male in the newsgroup *alt.romance*:

There's this girl that I've started to chat regularly with on mIRC. I have never met her but I think I'm falling in love with her. Is that possible? Or is it just that I'm lonely and that my heart is craving . . . some romance? . . . I can't stop thinking about her.²⁸⁶

Wherever there is the possibility for romantic interaction and attachment, there is also the possibility for obsessive attraction, and stalking tendencies. In a posting about how men should act to secure a date, a man succinctly says "persistence is the key,"²⁸⁷ an important tenet of traditional romantic custom *and* an important

282. Glenna Rose, *Re: Whatever Happened To Dating* (visited Feb. 14, 1997) <news://pdx.singles>.

283. *Id.*

284. Lesley Donaghy, *Re: Female Teen Looking for Romance* (visited Jan. 24, 1994) <news://alt.romance.teen>.

285. *See id.*

286. Duane Morin, *Re: Can You Fall in Love with Someone That You've Never Met?* (visited Jan. 26, 1997) <news://alt.romance>.

287. Brian Odom, *Re: Why What Women Say Doesn't Mean S**T* (visited Nov. 26, 1996) <news://alt.romance>.

characteristic of stalking behavior. He freely and adamantly admits that men need to be aggressive and deceptive in their dating approach. This advice that sounds more obsessive than romantic. "[W]ithout some modicum of arrogance and persistence, confidence will simply not work. Men have to be like peacocks; show their feathers off and persuade (trick) the woman into liking us, otherwise they're blind, oblivious, and show great apathy [to] those who don't show some arrogance" ²⁸⁸

Other Usenet postings have openly discussed either personal or observed incidences of electronic stalking, demonstrating that the Internet is increasingly becoming a conduit for stalking and consequently frightening many computer users. Responding to a message that asked whether one had ever been stalked over the Internet, a person replied, "Yes, it was so scary, they followed me all over 'the Net.'" ²⁸⁹ This person added that "many other people have also been followed all over 'the Net.'" ²⁹⁰ In another message, a woman reveals that her cyberstalker has been playing detective, "[S]ince I've already been told where and how I post, my age and what I do for a living, I shall count my blessings and lock my doors Better safe, right?" ²⁹¹

Cyberstalking does not have to occur or be communicated in private or undercover, but can even take place in front of many witnesses, as this posting makes clear:

Some guy who got hysterical over a woman and started calling her [voice-mail] and letting her know he knew where she lived, followed by a couple of protective guys tracking him down by his account and letting him know that they knew all about him and he'd better lay off. It occupied a lot of that newsgroup for a few weeks. The original stalker was an obviously weird person. . . . He became upset when she wouldn't have any relationship with him. Most, if not all . . . of this was conducted in public. Quite odd. Very riveting. ²⁹²

This individual apparently found this case rather entertaining, digesting it as one would tabloid news or gossip.

With cyberspace serving a secondary, though nevertheless prominent, function as the world's largest singles scene, this

288. *Id.*

289. Adoph R. Trudeau, *Re: Stalking and the Internet* (visited Feb. 20, 1997) <news://tamu.general>.

290. *Id.*

291. Bermey, *Re: Stalking Update* (visited Mar. 7, 1997) <news://alt.abuse.recovery>.

292. Cyli, *Re: Stalking* (visited Feb. 19, 1997) <news://alt.true-crime>.

"happy-hour" like atmosphere may encourage on-line aggression in the forms of stalking and harassment. Many men cruise the Net in search of a romantic conversation with a computer pal, and if they stumble upon an apparently female user, they will often ask personal questions such as: Where do you live?; How old are you?; What do you look like? If the female user answers any of his questions, he may interpret her response as an invitation to inquire further. I encountered this type of male attention in my own computer participation. While participating in the IRC channel *#chatcafe* under the pseudonym "Violet," I was "privately" contacted repeatedly by "michael" as he asked me the following questions:

hello sexy
[how old are] you?
married???
where do you live??²⁹³

Another computer user in this chat channel unexpectedly said that he would stop by a female user's place after he learned where she was writing from:

spaceman: i'm from germany
Spinica: im in uk
spaceman: nice, I visit you next week.
Spinica: visit meeeeeee?
Spinica: u sleep on the floor and clean my house?
spaceman: y not, if you lent me your Visa²⁹⁴

Spaceman's return comment is unexpected given that he just met Spinica on-line. At the same time, Spinica is apparently not alarmed and treats the remark lightheartedly.

During this same chat session, however, Spinica suddenly discloses in open forum that she is being followed on the chat lines by a persistent male on-line user:

Spinica: got weirdo
Spinica: got me on private chat
Spinica: he looks for me
Spinica: he found my email address
Spinica: cant get rid of him
Spinica: I dont know what to do²⁹⁵

293. Michael, *#chatcafe* (visited Feb. 15, 1997) <irc.funet.fiport6667>.

294. Spinica, *#chatcafe* (visited Feb. 15, 1997) <irc.funet.fiport6667>.

295. *Id.*

Spinica's comments are interspersed throughout the other open conversations which were taking place simultaneously, but none of the other users responded until she kept talking about her problem:

Spinica: weird man keeps getting me on private chat
spaceman: that's tragic
Spinica: i really dont like it
Spinica: he looks for me
Lorin: go out of the server, change your [nickname] and come back on
lemonlab: no just tell him your a guy
Spinica: he's got my email
Spinica: i closed the channel last time and he had a go at me about it
Violet: does he email you often
Spinica: not yet
Spinica: just worried cos he's weird
Violet: how do you know
Spinica: believe me he is
lemonlab: do you have his email address
Spinica: no
lemonlab: how many times have u talkd to [him]
Spinica: not many yet
lemonlab: tell him your a cop or something like that
Spinica: gotta go²⁹⁶

It is evident from Spinica's statements that she is upset and alarmed about her situation. She has good reason to be, because she is being electronically stalked. Not only does her cyberstalker try to privately chat with her, but as she puts it, "he looks for [her]," perhaps locating her in different chat rooms or contacting her every time she is logged into IRC.²⁹⁷ She also mentions that he becomes angry when she ends the conversation or refuses to talk to him,²⁹⁸ demonstrating that he is not afraid to use anger when rejected. He also discovered her e-mail address (which Spinica implies is not common knowledge),²⁹⁹ allowing him to leave messages for her at any time. The cyberstalker must have made an effort to uncover her address through other resources on the Internet, unfortunately not too difficult a task. He might have obtained her e-mail address

296. *Id.*

297. *Id.*

298. *See id.*

299. *See id.*

from an Internet directory, which is as easy as finding someone's home address in a telephone directory.

Moreover, just as men exhibit more belligerent behavior in bar environments, they are also known to raise their voices and uncensor their words in the virtual domain.³⁰⁰ On the other hand, women prefer to be respectful in cyberspace and observe the rules of "netiquette."³⁰¹ In addition, the detached and resourceful nature of the Internet can facilitate on- or off-line activities, as seen with *The Stalker's Home Page*.³⁰² In this *Home Page's* comments section, several computer users admit that this website helps them carry out their offensive or violent intentions, either in cyberspace or in real life. One visitor commented, "Stalking online is something i do quite frequently — i absolutely love freaking people out by just following them around the chat lines, writing them anonymous email, etc., etc., etc."³⁰³ Another visitor wrote, "THIS PAGE KICKS ASS, IT WILL HELP ME FIND THAT GUY THAT I WANT TO KILL."³⁰⁴

Stalking victims have also posted comments expressing their alarm and concern regarding the frightening reality of being stalked. One posting read, "I got this damn Internet stalker, 5 messages in my mailbox every day, i haven't emailed him back in months, he's freaking scaring me!"³⁰⁵ Another victim wrote, "I am currently being stalked by a member of my college's hockey team. He has gotten my home phone number and calls me several times a day. I wonder if he got it off the net. It's not listed with the school."³⁰⁶

The Stalker's Home Page demonstrates how the creation and maintenance of such a site in cyberspace offer individuals additional tools to romantically pursue or threaten someone. The website also possibly prompts others to indulge in stalking activity, given the new-found facility of the Internet.

VI. STALKING WITHIN THE IVORY TOWER

As discussed, the college campus may be conducive to stalking activity due to the concentration of social and romantic interaction within its intimate walls. Romantic interest can flourish or decay

300. See Herring, *supra* note 248, at 279.

301. See *id.*

302. Roberts, *supra* note 253.

303. *Id.*

304. *Id.*

305. *Id.*

306. *Id.*

in an environment where one is likely to find someone attractive and where dating is common. Since finding information about a certain individual is relatively easy due to the extent of networked information and people's connections, as well as the predictable nature of the college campus, students may routinely engage in stalking activity as part of their romantic pursuit. Yet college students may not easily discern between stalking and flattery, if the interest is laced with romance, until flattery transforms into blatant obsession. Many college students, both men and women, may not recognize the signs of stalking in romantic situations because of the aggressive social atmosphere surrounding their peer community. By exploring student experiences and perceptions of stalking situations in the following sections, we will gain a better conception of how stalking is carried out and perceived among college populations.

A. Student Experiences: Interviews

I conducted personal interviews with several college women who have been stalked to understand how a stalking episode may develop, and to learn how these women acted and reacted in their specific situations. Through these in-depth interviews, I was also able to elicit important details about the personal nuances of an individual's experience that a uniform questionnaire would be unable to provide. In this respect, personal interviews are another valuable research tool in trying to understand an issue or phenomenon.

Gwen³⁰⁷ was stalked during her first year in college.³⁰⁸ Her stalker contacted her through the Internet, by leaving anonymous e-mail in her inbox. The first message she received quoted lyrics from the sexually violent songs *Mr. Self Destruct* and *Closer* by the band Nine Inch Nails:

I control you³⁰⁹
I want to f[—] you like an animal
I wanna feel you from the inside
my whole existence is flawed
you'll get me closer to god³¹⁰

307. Name has been changed to protect identity.

308. Interview with Gwen Smith, student, in Chicago, Ill., (Apr. 21, 1997).

309. NINE INCH NAILS, *Mr. Self Destruct*, on *THE DOWNWARD SPIRAL* (Nothing TVT/Interscope Records 1994), *quoted in God, Death Comes Ripping* (visited Feb. 28, 1996) <e-mail: FFF@midway.uchicago.edu>.

310. NINE INCH NAILS, *Closer*, on *THE DOWNWARD SPIRAL* (Nothing TVT/Interscope

The sender name on this message header simply stated "God" with the subject "death comes ripping."³¹¹ Gwen thought the message was strange, but concluded that it must have been sent by one of her friends as an awful joke.³¹² She received another anonymous e-mail, however, a couple of days later, again only consisting of the following explicit song lyrics:

I wanna make angry love to you
do terrible things to you
you give me the reason
I said you should have worn that dress
and i know you want what's on my mind
so come on baby light my fire
cuz your my one desire
you are a temple with walls made of flesh
and i want to come inside
be inside, confessions i see through
I am the silencing machine
I wanna scream in your sanctity
I wanna i wanna kinda i want to³¹³

The next day, Gwen found another message in her inbox, similar in content and tone:

you are my disease, my infection
come and get some of my hot SPAM injection
sex is violent
there is no sex in violence
f[—] me up
make me yours
get down and make love
cuz it's what i feel like makin
you my b[—]
and the end is not near but no far away
i'm hard as steel
and i've got the power, i will devour
great ball of fire

Records 1994), *quoted in God, Death Comes Ripping* (visited Feb. 28, 1996) <e-mail: FFF@midway.uchicago.edu>.

311. *See id.*

312. *See id.*

313. Seven, *Jesus Christ Pose* (visited Mar. 1, 1996) <email: nobody@midway.uchicago.edu>.

burn baby burn
gonna make you smile³¹⁴

All of the messages had eerie sender names and addresses, including, "<evil@—edu>." A fourth message from the nameless stalker was waiting for Gwen two days later:

I put my Gothic key
into your Christian lock
thrust turn twist
unlock your Victorian secret³¹⁵

Although Gwen had initially found these messages annoying, their frequency became frightening. At first, they came every day or every two days, but the fifth message was sent the same day as the fourth. She still remembers the unsettling effect this message had on her, especially the first several lines:

I see you
do you see me
have you guessed correctly
or does your mind plod aimlessly
one thousand lips
one thousand tongues
one thousand lungs
one thousand things
I want to do terrible things to you
suck
physical
last
get down and make love
closer
big man with a gun
reptile
fistf[—]
ringfinger
something i can never have
sanctified
kinda i want to³¹⁶

314. Misfit, "Go to Heaven," (visited Mar. 3, 1996) <email: evil@midway.uchicago.edu>.

315. Behind blue eyes, *Memorabilia by soft cell*, (visited Mar. 5, 1996) <email: who@midway.uchicago.edu>.

316. Clockwork orange, *NIN*, (visited Mar. 5, 1996) <email: alex@midway.uchicago.edu>.

Gwen slowly realized that whoever the sender was, he was not only harassing her, but also watching her. She did not respond to any of these messages because she did not want to encourage him or pay him any attention. Apparently, her silence was enough encouragement for him, as he sent her a sixth message only minutes after the fifth one. Gwen's cyberstalker knew that Gwen might begin to avoid reading his messages. He therefore cunningly invited her to click on his next electronic entry by listing an innocuous name as the sender (Matthew Barnes <mlbarnes@—edu>) and putting "scholarship information" as the subject.³¹⁷ When she read the message, however, she realized she had fallen for his malicious scheme. Gwen found this message to be the eeriest one, since the stalker addressed her by name, and in his own voice:

Dear Gwen,
My name is Matthew Barnes and I am a member...ha-ha!
fooled you.
B[—]
Get dOWn and Make LOVE!!!
I love modern technology.
yes, i'm a sick bastard . . . but i like it all the same.
the only thing that would be better is . . . well, you can guess
I know what you are thinking . . . HELP!!
can life ever be sane again?
the sanest days are mad
i'm a sunshiny day . . . what are you?³¹⁸

By this point, Gwen was sufficiently alarmed and notified housing officials as well as the university computing systems administrators. While the administrators were trying to trace the electronic messages, Gwen received two more messages in her inbox from the stalker. Finally, officials discovered that one of the messages was sent directly from a student's dorm room. The offender turned out to be Joe,³¹⁹ a fellow freshman from Gwen's chemistry class. He was someone whom Gwen would occasionally say "hi" to at parties or on campus, but hardly someone she would consider an acquaintance. Joe claimed that his behavior stemmed from a "crush" he had on her. The University Housing Office immediately revoked Joe's e-mail privileges and told him that he was not allowed to go near Gwen's residence hall. Gwen felt extremely

317. See Matthew Barnes, *Scholarship Information* (visited Mar. 5, 1996) <email: mlbarnes@midway.uchicago.edu>.

318. *Id.*

319. Name has been changed for confidentiality.

uncomfortable knowing that the stalker was in the same class as she, and asked if he could be made to leave the class. The university officials, however, were hesitant to oblige her request. They argued that they did not want to infringe upon his rights as a student. As a result, Gwen's mother called the University Housing Office and threatened to go to the police if the university did not make Joe leave the class. College officials relented, telling Gwen's mother that "they would take care of it."³²⁰

Joe began to blatantly stalk Gwen physically and scare her. While at a bar one night, a friend pointed out to Gwen that Joe was sitting several tables away. Gwen became so distressed that she had to leave, but even after she had left, she was still disturbed by the incident. Although she had become more cautious of her surroundings, she had not realized until then how strong an emotional effect the whole experience was having upon her. That night, just seeing him sitting in the bar alarmed her and let her know that he could have been lurking there on numerous previous occasions, observing her. It became too much for her to handle when she understood that he was not going to go away easily.³²¹

Another time, Joe went to the campus coffee shop where Gwen worked, and watched her. Gwen, alarmed and frightened by his bold behavior, told her employer, who contacted the university police. The police officers arrived, but they told Gwen that they could not do anything unless she first filed a restraining order. She then contacted the Dean-on-Call, who came and asked Joe to leave. Gwen commented that the school officials were hesitant to ban Joe from certain places on campus, apart from her dorm. She did not find this approach very reassuring.³²²

Although Joe was given a formal disciplinary hearing by the school about two or three weeks after the e-mail incidents, Gwen was surprised and upset that she was not invited to attend. She wanted to relate her experience, and confront her stalker in a formal setting. Furthermore, she was indignant and outraged that school authorities would not inform her of the hearing results. Rather, they requested that she "respect his privacy,"³²³ a response which she felt undermined her right, as his victim, to know the decision. She eventually discovered from other sources that his formal punishment consisted of expulsion from student housing and suspension for three consecutive academic quarters, which included

320. See Smith, *supra* note 307.

321. See *id.*

322. See *id.*

323. *Id.*

a summer quarter. In retrospect, Gwen remarked that if she had to go through this ordeal again, she would rather work with the Chicago police than with the school officials.³²⁴

While many of Gwen's friends, both male and female, were supportive, not all of her peers were sympathetic or even believed her experiences. Joe had been pledging a fraternity the same year the situation erupted and, although Gwen knew several of the fraternity brothers, they found it hard to believe that their pledge could be guilty. Gwen almost felt compelled to show them the electronic proof. The fraternity brothers considered Joe too "normal" to have committed any of the obsessive actions. They themselves did not penalize him for his behavior, even after he was found guilty by school officials. Instead, they accepted him into the fraternity, allowed him to live at the fraternity house, and simply recommended that he seek psychological counseling.³²⁵

Gwen did hear from Joe again about a year after the incident. He sent her another electronic message, asking her if they "could be friends."³²⁶ She directly responded that she could not be friends with him after what had happened. Although she has not heard from him since he contacted her several months ago, Gwen knows that he has resumed his academic studies and she dreads the possibility of running into him on campus at any time.³²⁷

Dana,³²⁸ another college student, was stalked by Tim,³²⁹ an older classmate.³³⁰ A third-year undergraduate, Tim was in the same physics class as Dana, who had just begun her first term at college. They were also in the same lab section. Dana was friendly to him because she thought he was nice and interesting, although she did not yet know his name. One day she saw him waiting outside her math class, which she had following physics. As she left class, he bluntly asked, "Dana, what are you doing Friday night?"³³¹ Surprised that he knew her name, Dana did not feel comfortable going on a date with him. She told him she had other plans for the weekend.³³² Annoyed, he responded, "Look, if you don't want to do anything, just say so."³³³ Feeling that she had overreacted and was

324. *See id.*

325. *See id.*

326. *Id.*

327. *See id.*

328. Name has been changed for confidentiality.

329. Name has been changed for confidentiality.

330. Interview with Dana Morgan, student, in Chicago, Ill. (Apr. 25, 1997).

331. *Id.*

332. *See id.*

333. *Id.*

rude, she asked him for his phone number and called him later that day. Their phone conversation went so well that Dana agreed when he suggested that they meet and talk.³³⁴

Soon after, they met to have dinner and see a movie on campus. Dana did not consider this meeting to be a date, and tried to let Tim know this by repeatedly telling him how much she disliked classifying every social meeting as a "date."³³⁵ During the dinner conversation, Dana was "weirded out" when Tim started saying that he hated it when girls flirted with men, but then did not want to have sex.³³⁶ Dana began to find Tim more strange than interesting, an impression which was confirmed when Tim came to Dana's physics discussion class one afternoon — even though he was in a different section.³³⁷ He was quiet throughout the discussion. After class he approached Dana, telling her how much he had restrained himself from calling her the previous weekend.³³⁸ The following weekend, he called her and asked her out, but Dana declined. The next time she saw him in physics class, she did not talk to him. They did not communicate again until spring, when Tim called her and asked her out again.³³⁹ When she rejected his offer, he asked her why she did not want to go out with him and tried to convince her to spend time with him.³⁴⁰ Dana finally hung up on him, but he immediately called back, letting the phone ring thirty to forty times until Dana decided to pull out the phone cord.³⁴¹ She did not hear from him again for the rest of that school year, although she did run into him occasionally, which she found "creepy."³⁴²

More than a year later, Dana learned from a mutual friend that Tim was "in love" with her and had never gotten over her.³⁴³ Tim apparently had wanted to talk to Dana all year, but was too intimidated. Dana was shocked. She had only spoken to Tim about ten times and did not understand how he could have developed such strong feelings for her. A week later, Tim called Dana at her parents' home, which was in a different state, after obtaining the phone number from city information.³⁴⁴ His first words were: "I bet

334. *See id.*

335. *See id.*

336. *Id.*

337. *See id.*

338. *See id.*

339. *See id.*

340. *See id.*

341. *See id.*

342. *Id.*

343. *See id.*

344. *See id.*

you know why I'm calling,"³⁴⁵ and Dana assumed that Tim had talked to their mutual friend. Tim, however, called to discuss their last phone conversation from over a year ago, asking her if she thought she had acted "like a bitch."³⁴⁶ Outraged, Dana made him listen to her side of the story. Afterwards, Tim did not have much to say, and Dana decided to make polite conversation with him because she felt that she had handled the whole situation badly. At this time, Tim was enrolled in graduate school, and wanted to give Dana his phone number. She replied that she did not think that was a good idea, but offered to take his e-mail address instead.³⁴⁷

Tim sent her e-mail a month later, asking Dana why she had not written. When she sent a snide response, he replied that she was being "juvenile."³⁴⁸ This incident, which occurred a year ago, was the last time Dana heard from Tim, but she is not confident that "he will ever go away."³⁴⁹ She admits that she is now more wary of meeting strange men, and is more careful about talking to random people. Regarding dating practices, she believes that the person who initiates interest should give the other person time to reciprocate and demonstrate mutual attraction.³⁵⁰

Like Dana, Amy³⁵¹ knew the person who started to bother her during her first year at college. He was not someone she initially regarded as strange or harmful.³⁵² Also a first-year student, Rick³⁵³ lived in the same residence hall as Amy, one floor above hers. Amy became acquainted with Rick because he knew mutual friends and people who lived on her floor. Rick flirted with her and would find excuses to come near her or to touch her, once trying to "snuggle up" beside her (to her surprise and discomfort) as they waited outside for the bus on a cold day.³⁵⁴ Amy was almost certain that Rick was interested in her, but she did not encourage him.³⁵⁵

Rick, however, had only just begun. While Amy was alone in her unlocked room taking a nap one afternoon, Rick entered the room. He took the teddy bear that Amy kept on her bed and propped it up with a cigarette in its mouth, accompanied with a

345. *Id.*

346. *Id.*

347. *See id.*

348. *Id.*

349. *Id.*

350. *See id.*

351. Name has been changed for confidentiality.

352. Interview with Amy Brown, student, in Chicago, Ill. (May 5, 1997).

353. Name has been changed for confidentiality.

354. *See Brown, supra* note 352.

355. *See id.*

note that said: "Thanks for a good time."³⁵⁶ When Amy awoke, she was startled to find the bear in an upright position with the note. She was also alarmed that someone had unknowingly entered her room. After a friend informed her that Rick had done it, Amy immediately confronted him.³⁵⁷ Amy told him that he had no right to enter her room uninvited and that she would speak to her resident head if he continued to pull these pranks.³⁵⁸ Soon afterward, Amy and her date ran into Rick at a fraternity party. Rick followed Amy and her date around the party, and even followed them outside when they decided to leave.³⁵⁹ Amy noticed Rick's actions and yelled at Rick to leave her alone.³⁶⁰ Later, Amy found a pile of crushed aluminum cans outside her door, and a note on her messageboard that read, "I'm crushed."³⁶¹

One night, Amy also realized that Rick liked to observe her from his window upstairs, which was angled in a way that allowed him to see her bed.³⁶² He looked out his window and yelled annoying and lewd comments to her, like, "Can I watch you sleep?"³⁶³ Amy did not know how long Rick had been watching her, but she began to close her window blinds every night. For at least two weeks afterwards, Rick yelled at her from his window nightly. Although Amy remarked that Rick began acting "weirder and weirder," she did express surprise at his sudden transformation from "a sweet but annoying guy who liked her" to a strange and scary guy who could not handle romantic rejection.³⁶⁴ We can clearly see how Rick pursued and stalked Amy under romantic intent, vacillating between harmless and alarming tactics in his "romantic" campaign.

After Rick's interest in her subsided, Amy thought that she could just forget about the whole issue, but later that year, Amy's resident head contacted her to notify her that the housing office was considering kicking Rick out of the housing system because six other female students had each accused him of sexual harassment.³⁶⁵ Her resident head wanted to know if Amy was willing to add to the list of grievances against him. Amy eagerly explained to

356. *Id.*

357. *See id.*

358. *See id.*

359. *See id.*

360. *See id.*

361. *Id.*

362. *See id.*

363. *Id.*

364. *Id.*

365. *See id.*

them everything that had happened. She communicated her story only to her resident head. She would have liked the opportunity to formally voice her complaint to administration officials, but the school never encouraged her to pursue her case, and she was hesitant to approach college officials herself.³⁶⁶ Amy was notified that Rick was being transferred to a different residence hall, and that he was not supposed to come within fifty feet of her. Amy never learned of the final outcome (i.e., whether he had a formal hearing, etc.) and was upset that he was still allowed to remain in student housing.³⁶⁷ Amy regrets that she did not address her situation further on a more formal level, and does not believe that Rick was adequately penalized for what he did to her and to the other women.³⁶⁸

B. Student Perceptions: Survey Results

In order to assess more systematically how college students view and define mutual romance compared to stalking, I devised a rather extensive survey instrument to distribute to college students. Limiting the survey to college populations was a conscious decision. Although I believe, and indeed assert, that the general population may view certain stalking behaviors as a natural component of romance, I wanted to see whether college students significantly subscribe to this social mentality.

In constructing the research instrument, I divided the survey into three sections: background information,³⁶⁹ a dating scenario and questions about it,³⁷⁰ and questions about the respondent's own dating experience and ideas about romance.³⁷¹

The first part asks respondents to provide ordinary demographic information, including: sex, college academic level, academic major, and living situation.³⁷² These questions, although answered anonymously, are important in order to establish the personal context of the respondent and to determine whether any of these background factors significantly impact the rest of the survey responses. For example, I wanted to see whether gender affects one's perceptions of romance and stalking. The background

366. *See id.*

367. *See id.*

368. *See id.*

369. *See infra* app. A, pt. 1 (providing a reprint of the background survey).

370. *See infra* app. A, pt. 2 (providing a reprint of the dating scenario and questions).

371. *See infra* app. A, pt. 2 (providing a reprint of the dating experience survey).

372. *See infra* app. A, pt. 1.

information also provides useful data in case a survey recipient does not wish to complete the survey. The recipient may not feel that the survey is serious or important, or he or she may not feel comfortable with the topic or questions. To assess the significance of this possibility, we need to know some basic personal information regarding the non-willing recipient.

The second section involves reading a scenario and answering the related questions that follow.³⁷³ The scenario involves a dating relationship that progresses to stalking between two fictional college students named Julie and Carey.³⁷⁴ Since this survey was intended to be distributed to a wide range of students with varying levels and types of dating experiences, I decided to construct a standard stimulus — a story about attraction and pursuit — to which everybody could respond.³⁷⁵ In addition, though the scenario

373. See *infra* app. A, pt. 2.

374. See *id.*

375. Before printing the final copies, I performed numerous test runs of my research instrument to determine the time it takes to complete it, the type of responses it elicits, and the clarity and efficiency of the questions. The time it took to fill out the survey varied from about ten minutes to twenty minutes, making the survey time longer than I expected or had intended. Thus completing the whole survey did require some effort and motivation on the part of the respondent. The majority of my test subjects readily answered that Carey did stalk Julie, and did so consistently across the different scenario types. Their responses led to me to realize that the scenario forms I had originally devised were rather easily recognizable as stalking cases, since they were over-saturated with stalking actions and not countered with sufficient romantic elements. In addition, the relationship between Carey and Julie was too one-sided. This dynamic did not accurately represent my romance hypothesis that states the woman is expected to play “hard-to-get” and send opposing signals.

I revised all of the scenario forms by making Julie appear more “complicit” in the relationship and by making the differences between the variable changes more salient, rendering the situation more ambiguous. Since I had several “leading” questions about Carey’s behavior, I also included an equal number of controversial questions about Julie’s actions. Subsequent test runs demonstrated that these revisions made it more difficult for respondents to determine if the situation involved stalking or “non-threatening” romance. I have to admit, however, that many of the respondents suspected the true focus of the survey, despite its innocuous title. Given the nature of the survey topic, however, I realized that I could not avoid using the term “stalk” or associated behaviors; therefore, I decided to concentrate not so much on concealing the stalking aspect, but on provoking the respondent to think about the issue and to define for themselves what stalking entails.

I decided to conduct a nation-wide survey to try to adjust for any peculiarities in dating or romantic behavior that may be specific to a particular school or geographic region. Another benefit of wide-spread distribution is that it allows us to see if stalking is indeed a trend on our nation’s college campuses. I am aware that the colleges I have sampled consist of elite, private institutions, and thus may not be very representative of United States colleges as a whole. Through my peer contacts at various colleges, the surveys were disseminated to students through residence halls, dining halls, classes, extracurricular activities, and sororities and fraternities. The major disadvantage I had in distributing them was that although my assistants were willing to undertake the burden, they did not always have adequate time to distribute as many as I would have liked. Also, they found it difficult to ensure high rates of survey return since the questionnaire is rather lengthy and involved,

always involved Julie and Carey, I varied the scenarios slightly in order to test for my main romance-stalking hypothesis.³⁷⁶ By devising these scenarios, I was able to keep the effect of outside factors to a minimum and could better guarantee that subjects respond to treatments that vary in only specific ways. Therefore, any differences seen among respondents who were given different treatments most likely would be caused by the scenario variations themselves — allowing me to establish any cause-and-effect relationships.³⁷⁷ Presenting a set model for students to respond to also allows them to process these elements and engage in discourse without requiring them to have had certain experiences. Also, the fact that this section focuses on an objective stimulus rather than on the respondent's subjective experiences or actions may prompt students to answer the questions more candidly or fully. In all of these respects, this scenario section may yield the most significant results from my survey.

Since my paper explores several different ways in which stalking develops, I constructed and utilized six different scenario forms that each isolate the effect of different variables,³⁷⁸ similar in method to previous survey experiments which used vignettes that differed in wording.³⁷⁹ The scenario situations differ according to four main variables. Variable One (v_1) tests for the mode through which a stalker can contact his target, specifically through conventional or electronic stalking.³⁸⁰ Variable Two (v_2) examines whether the presence or absence of romantic elements blurs the stalking activity that is taking place.³⁸¹ Variable Three (v_3) tests to see if evidence of anger on Carey's part renders his stalking actions more overtly threatening and thus more discernible.³⁸² Finally, Variable Four (v_4) looks at the initial relationship between Julie and Carey,

and requires the respondent's own motivation. Survey return might have been better guaranteed if I had offered some kind of worthy incentive, but unfortunately my limited funds did not enable me to do so.

376. See *infra* app. B (providing the six scenario variations).

377. EXPERIMENTAL FOUNDATIONS, *supra* note 8, at 11 (explaining that by assigning subjects to treatments randomly, the experimenter can be confident that any differences observed among subjects assigned to different treatments must be caused by differences in the treatments).

378. See *infra* app. B.

379. See Howard Schuman & Lawrence Bobo, *Survey-Based Experiments on White Racial Attitudes Toward Residential Integration*, in EXPERIMENTAL FOUNDATIONS, *supra* note 8, at 54.

380. See *infra* tbl. 1 (showing which variables exist in each of the six scenarios).

381. See *id.*

382. See *id.*

and whether familiarity (or lack of familiarity) between the two characters affects one's response to the scenario.³⁸³

Although I used six scenario variations, I tried to maintain consistency and accuracy by introducing only minimal variations across the scenarios. If I was unable to perfectly duplicate a certain segment of the control scenario, I then attempted to faithfully but appropriately parallel the actions or situations in the variation. For instance, in scenario Form One,³⁸⁴ Carey sends Julie orchids with a note, and in scenario Form Six,³⁸⁵ Carey sends Julie an electronic message with an attached photo of orchids. Since these scenarios concentrate more on Carey's actions and whether people recognize or interpret them as stalking activity, I kept Julie's actions and responses constant across all the scenarios, manipulating only Carey's behavior.

Scenario One is the case of the "romantic suitor," in which Carey is a classmate of Julie's (thus an acquaintance), who stalks her conventionally, meaning through direct observation and contact.³⁸⁶ This scenario type includes romance (+v₂) but does not include any anger (-v₃).³⁸⁷

Scenario Two,³⁸⁸ the case of the "obsessive suitor," is identical to Form One except that Carey does not use romantic methods (-v₂) and does display anger (+v₃).³⁸⁹ Although Carey in both scenarios is "obsessive," a term usually associated with stalking, he is obviously more so in Scenario Two because his actions are not masked as romance. Scenario One, thus, is the treatment in this set because it tests for the effect of the romance variable.

In Scenario Three, Carey is the "romantic stranger," who still personally stalks Julie, but initially contacts her through anonymous letters.³⁹⁰ However mysterious Carey may be, he still tries to be romantic (+v₂) and does not become angry (-v₃) when Julie rejects him.³⁹¹

In its counterpart Scenario Four,³⁹² Carey is the "obsessive stranger" and therefore does not rely upon romance (-v₂), and does

383. *See id.*

384. *See infra* app. A, pt. 2.

385. *See infra* app. B.

386. *See infra* app. A, pt. 2.

387. *See infra* tbl. 1.

388. *See infra* app. B.

389. *See infra* tbl. 1.

390. *See infra* app. B.

391. *See infra* tbl. 1.

392. *See infra* app. B.

become angry (+ v_3) when provoked.³⁹³ Scenario Three is the test form of this set because it allowed me to isolate the predicted mollifying effect of romance, this time from a mysterious stranger.

The third set of scenarios deviates from the others because the last two scenarios no longer deal with conventional stalking, but rather introduce electronic stalking. Carey is the "Internet stalker" in Scenario Five, a stranger who contacts and stalks Julie strictly on the Internet, specifically through chat rooms and e-mail.³⁹⁴ Carey is romantic (+ v_2) and does not become angry (- v_3).³⁹⁵ In Scenario Six, however, Carey becomes the "virtual-real stalker," a stranger who eerily transcends cyber-territory and begins to stalk Julie in real-life.³⁹⁶ The mode of communication (v_1), therefore, is made more complicated in Form Six, because Carey engages in both electronic and conventional stalking.³⁹⁷ This is the only variable that is being tested; v_2 and v_3 remain the same as in Scenario Five.³⁹⁸ Scenario Five is the test type since Carey's actions are perpetrated electronically and less readily meet society's definition or expectation of "real" stalking.

The questions that follow each scenario form are uniform and ask the respondent to characterize Julie's and Carey's actions in the scenario, and ask the respondent whether Carey stalked Julie.³⁹⁹ I first offer neutral questions about each character's behavior by allowing the respondent to choose from a list of terms or provide their own characterizations, helping the respondent process the situation.⁴⁰⁰ I then ask a series of questions that become increasingly controversial, asking the respondent to make strong judgment calls.⁴⁰¹ In each respective pair of questions about Julie and Carey, the first question concerns Julie so that the survey's main focus on Carey's behavior is somewhat displaced.⁴⁰² Also, for every question about Carey's actions, I include a complementary question about Julie's actions.⁴⁰³ At the end of this section, I ask an open-ended

393. See *infra* tbl. 1.

394. See *infra* app. B.

395. See *infra* tbl. 1.

396. See *infra* app. B.

397. See *infra* tbl. 1.

398. See *id.*

399. See *infra* app. A, pt. 2.

400. See *id.*

401. See *id.*

402. See *id.*

403. See *id.*

question regarding the scenario, inviting respondents to expand upon their impressions.⁴⁰⁴

I hypothesize that for all three sets of scenarios, survey respondents will more likely agree that the control form is a case of stalking rather than the test type, because the former depicts stalking behavior that is not mitigated by a plethora of romantic efforts nor is it restricted to cyberspace. I also expect that respondents will most commonly perceive Scenarios Two and Four as stalking cases because they involve strictly real-life stalking and present Carey as a more aggressive rather than romantic suitor.⁴⁰⁵ People may find Scenario Four more frightening since Carey is a stranger who observes Julie from afar, a factor which may render the relationship less obligatory, because she neither encouraged his interest nor consented to the relationship from the outset.⁴⁰⁶ I did not necessarily expect to find gender differences since I assert that both men and woman are socially conditioned to view stalking behavior as an acceptable component of courtship. The gender differences may be explained by the fact that women may be more aware of stalking and harassment issues, leading them to empathize more with Julie than Carey.

The third part of the survey is entitled "Dating and Romance,"⁴⁰⁷ and concentrates on the respondent's personal dating experiences, preferences, and observations. I not only ask respondents to report their personal experiences, but also ask them to characterize the nature of these experiences and to judge their own actions.⁴⁰⁸ Specifically, I ask if they have ever been pursued, and if so, how they were pursued.⁴⁰⁹ I then ask them if they have ever been stalked, to understand whether they perceive their own experiences as such.⁴¹⁰ Although several of the questions may seem too point-blank, I did not see how I could avoid asking direct questions about such provocative and stigmatized issues if I wanted to obtain direct answers.⁴¹¹ In this section, I also inquire about general social activities to gauge the frequency of stalking actions within college communities.⁴¹² I offer respondents an opportunity to expand or comment upon their ideas of romance and pursuit, and conclude the

404. *See id.*

405. *See infra* app. B.

406. *See id.*

407. *See infra* app. A, pt. 3.

408. *See id.*

409. *See id.*

410. *See id.*

411. *See id.*

412. *See id.*

entire survey with an open-ended question that allows the respondent to add any final comments or suggestions.⁴¹³

The survey was distributed to both female and male college students on six United States campuses. I distributed a total of 935 surveys and received 604, for an overall response rate of 64.6%.⁴¹⁴

The survey results suggest that college students do not readily discern stalking activity when it is colored with romance, and that college students from different schools do not differ greatly in their responses.⁴¹⁵ Regarding whether Julie was stalked, sixty-one percent of all respondents who answered this question believed that Carey stalked her.⁴¹⁶

There is a noticeable, but not significant, gap between the percentage of women (63.3%) and men (58.2%) who said that Julie was stalked.⁴¹⁷ Women and men, however, may see the situation differently, as one female respondent assigned to the "obsessive suitor" case said: "Carey should've just gotten the hint [and] stopped pursuing Julie."⁴¹⁸ On the other hand, a male assigned the same scenario remarked: "Julie should have been more direct when she answered Carey (should have given him concrete reasons instead of saying 'I'm busy')."⁴¹⁹ More women than men recognized the scenario situation (controlling for form) as involving stalking, possibly because women are more sensitive to stalking or to aggressive dating patterns. Since women are more frequently targeted for stalking, they are more likely to have been victimized by it, or known a female friend who has gone through, or is going through the ordeal. Moreover, popular women's magazines such as *Cosmopolitan*, *Glamour*, and *Mademoiselle* have all highlighted the issue of stalking within the past several years, informing their female readers of the prevalence of the crime and the threat that stalking poses to them.⁴²⁰ Many women read and digest the information given in these and other similar type of magazines, and as a result, their perceptions regarding stalking may be largely shaped by how these magazines treat the issue.

413. *See id.*

414. *See infra* app. C (providing specific distribution and response rates).

415. *See infra* app. D (reporting school figures).

416. *See infra* tbl. 2.

417. *See id.*

418. Answer to survey by anonymous female respondent (Apr. 4, 1997) (survey on file with author).

419. Answer to survey by anonymous male respondent (Mar. 3, 1997) (survey on file with author).

420. *See, e.g.,* Gill, *supra* note 4; Sherman, *supra* note 6; Blanchard, *supra* note 16; Simakis, *supra* note 20.

A number of men also reported that Carey stalked Julie, and this figure does not stray far from the female response.⁴²¹ This noticeable, yet not very significant difference in romantic perception by gender strongly suggests that men and women are reacting not to their own gendered biases, but rather to the scenario situation and its specific elements. For the most part, our culture helps determine what we view as “romantic,” and this cultural training may shape the way men and women responded to the survey stimulus. It is true that men and women are conditioned differently with regard to their respective gender roles, but at the same time they are aware of both sets of behavioral norms and traditional gender interaction, which are what the scenarios primarily try to address. Therefore, the gender of the respondent should not and did not cause too much of a disparity.⁴²²

If we look at the responses to the important question “did Carey stalk Julie?” across the different scenario forms, we see some interesting trends.⁴²³ Scenario One, the case of the “romantic suitor,” yielded the lowest percentage of respondents who reported that Carey stalked Julie,⁴²⁴ whereas Scenario Four, the “obsessive stranger,” yielded the highest percentage of respondents answering “yes,”⁴²⁵ providing the expected result. Carey as a romantic suitor offers the least threatening situation because he is an acquaintance, and because Julie was sufficiently interested in him to agree to go on a date.⁴²⁶ This suitor also uses romantic and desperate methods to attract Julie’s attention, making him appear more love-sick and pitiful than creepy.⁴²⁷ Carey as an obsessive stranger, on the other hand, evokes more suspicion and fear because he is mysterious — someone who notices Julie from a distance and imposes his attention upon her.⁴²⁸ Also, not only is he not romantic, he also becomes upset when Julie rejects him, demonstrating violent tendencies. Although Carey commits the same stalking actions in both scenario forms, his behavior appears more egregious in Scenario Four because he is a stranger.⁴²⁹ The respondents’ perception that an acquaintance is less dangerous or guilty than a stranger is

421. See *infra* tbl. 2.

422. See *id.*

423. See *infra* tbl. 3.

424. See *id.*

425. See *id.*

426. See *infra* app. A, pt. 2.

427. See *id.*

428. See *infra* app. B.

429. See *id.*

similar to the way people perceive an acquaintance versus stranger in rape cases.⁴³⁰

Nevertheless, even in the stranger cases, romance played a role in people's perception of Carey's actions, sometimes even undermining the stranger factor.⁴³¹ For the case of the romantic stranger, one female subject commented, "This is a good example, because it's difficult to judge whether or not Carey is a stalker. It's tempting to feel sorry for him, but he definitely stepped over the line."⁴³² Another woman commented, "I think that both their actions were natural. Carey was very nice, but a little pushy."⁴³³ The romantic aspect, however, did not confuse everybody, as one woman saw the true nature of Carey's actions. She said, "Carey's action [is] a sign of an abusive or controlling men. His attitude towards wanting to know what Julie is doing, or feeling [that] it's okay to visit without invitation and [waiting] outside of her house are signs of over-emotional attachment and obsession."⁴³⁴ This woman's own experience may have influenced her views on romance and obsession:

An ex-boyfriend of mine was convinced that I was cheating on him due to the change in my attitude towards our relationship. I found that he was sitting in the parking lot outside my house or sitting outside my door [without] my knowledge . . . to find out if I was cheating. . . . Such actions in my opinion are extreme and I threatened to report him to the police and other people threatened him with physical harm so he left me alone.⁴³⁵

If we look at the yes and no responses to the stalking question across all the scenarios, we easily can see that the respondents most often report the incidence of stalking in the two obsessive cases,⁴³⁶ demonstrating that the absence of romance more clearly reveals Carey's actions as stalking. In addition, when we look at the pairs of scenario types categorized by stalker type (suitor, stranger, and Internet), we see that the even numbered form (or the control form) in each pair yields a considerably greater percentage

430. See SCULLY, *supra* note 79, at 85-86.

431. See *infra* tbl. 5.

432. Answer to survey by anonymous female respondent (Mar. 20, 1997) (survey on file with author).

433. Answer to survey by anonymous female respondent (Mar. 21, 1997) (survey on file with author).

434. Answer to survey by anonymous female respondent (Mar. 18, 1997) (survey on file with author).

435. *Id.*

436. See *infra* tbl. 3.

of respondents who reported that Julie was stalked.⁴³⁷ These results are consistent with the treatment designations: both Scenarios Two and Four are stripped of romance, and in Scenario Six Carey progresses from virtual to real-life stalking.⁴³⁸ All three scenarios render it easier to notice the stalking elements embedded in these forms rather than in their more ambiguous counterparts.

The percentage of respondents who said that the “romantic suitor” and the “Internet stalker” scenarios resulted in stalking is significantly lower than in the other cases.⁴³⁹ In fact, the data for the “Internet stalker” (50.0%) is rather close (albeit still higher) to that for the “romantic suitor” (47.8%),⁴⁴⁰ suggesting that factors such as Internet communication, stalker familiarity, and the presence of romance may similarly affect how a person interprets a stalking situation. Specifically, people may not perceive electronic communication to be threatening, because it is less personal and more removed.

People may also not understand or be aware of how one can follow and observe other users in cyberspace, and thus, dismiss the Internet case as harmless. One woman assigned to the “Internet stalker” case said, “I think Carey was persistent and needed to be told a firm ‘no,’ but I don’t see him as ‘bad’ per se; he thought he found someone who liked him (who he liked) and was disappointed and hurt when he was being brushed off.”⁴⁴¹ Others, however, did recognize the possible danger in an electronic situation, as a female subject also assigned to this scenario said, “I was frightened by his continual surveillance of her.”⁴⁴²

This examination of electronic stalking is important, since virtual communication and romance among students may be common. Indeed, one woman voiced, “It’s pretty common nowadays especially on college campuses!”⁴⁴³ Still, many people may not see the Internet lover as a real or physical threat, and they may believe that if he is ignored, he will go away. Therefore, even though the Internet stalker is still a stranger, his virtual mode of communication overshadows this factor and makes him seem less of a threat

437. *See id.*

438. *See infra* app. B.

439. *See infra* tbl. 3.

440. *See id.*

441. Answer to survey by anonymous female respondent (Mar. 16, 1997) (survey on file with author).

442. Answer to survey by anonymous female respondent (Mar. 18, 1997) (survey on file with author).

443. Answer to survey by anonymous female respondent (Mar. 16, 1997) (survey on file with author).

— until he begins to make his presence known in real life, at which point a few more people report his actions as stalking.⁴⁴⁴

When we look at the data for the forty-eight respondents who did not answer the stalking question, we find no gender difference between those who said they “did not know” whether Carey stalked Julie. Sixty percent of the people, who completely skipped the stalking question, however, were men. Therefore, of the people who reported “don’t know,” both men and women at least tried to address the question but could not decide “yes” or “no.” In the second group, however, more men opted to skip the question altogether, suggesting that they either did not want to answer the question or that they did not think the question was important.

To further expand, men may have felt that the question was too strongly biased against Carey, or they may not have regarded stalking as serious an issue. It is true that about half of these subjects did not answer the scenario section at all, implying that perhaps they did not know what the scenario was about or did not have the time to read it.

Looking at other background information regarding this set of subjects yielded no other major patterns or differences — the subjects represent a wide range of academic levels, academic majors, and living arrangements. They also were assigned to all scenario types. Although some scenario forms may have been represented more heavily than others, the small size of this subject group does not allow us to make confident conclusions regarding the relationship between the scenario types and their non-responses.

If we look at whether stalking and romantic pursuit are closely associated, we see that 23.2% of all people who answered the stalking question said that they believed Carey is romantic.⁴⁴⁵ Of those who said that Julie was stalked, 18.3% agreed that Carey was romantic.⁴⁴⁶ But more importantly, of those who said that Julie was *not* stalked, 30.9% agreed that he was romantic.⁴⁴⁷ Therefore, people who believe that Carey did not stalk Julie are significantly more likely to call Carey romantic, showing that actions seen as romantic are not likely to be regarded as stalking.

In order to see whether the romantic treatments had their intended effect on people’s perception of Carey, we should examine how often people regarded Carey as romantic with respect to the

444. See *infra* tbl. 3.

445. See *infra* tbl. 4.

446. See *id.*

447. See *id.*

different scenario forms.⁴⁴⁸ Of the people who were assigned to the “romantic suitor” treatment, 38.9% of them said that Carey was romantic, whereas only 5.4% of those assigned to the “obsessive suitor” case said he was romantic.⁴⁴⁹ A significant difference also is observed in the stranger cases, as 34.1% of those who received the “romantic stranger” case said Carey was romantic, compared to only 7.1% of those who received the “obsessive stranger” case.⁴⁵⁰ The figures for the Internet cases, however, are not as divergent: 19.1% of those assigned to the “Internet stalker” case said Carey was romantic, similar to the 21.4% of those assigned to the “virtual-reality” case who believed he was romantic.⁴⁵¹ This non-significant difference in the two Internet scenarios is consistent with the fact that both forms contained romantic elements, although we still might expect people to think Carey less romantic and more frightening in the “virtual-reality” scenario. These results confirm that the treatment variations directly shaped people’s opinion about Carey.

If we look at some of the questions from the “dating and romance” section, we can gauge the type of activities that commonly take place in college settings. Based on the 563 responses to question twenty-five — “What kinds of things do people generally do when they are very interested in or have strong feelings for another person?”⁴⁵² — about a fifth (21.1%) reported that asking others about the person’s routine is common, and 23.1% responded that going by the person’s workplace or home often are popular practices. About half (49.4%) of the respondents said that it is common to alter one’s routine in hopes of running into the other person, and a considerable 60.7% reported that asking others about the person’s background is common. All of these activities lie on the spectrum of stalking activity. Because respondents most likely answered this question based upon their own and their peers’ experiences, we can conclude that an appreciable percentage of college students regularly engage in various types of stalking or near-stalking activity as part of their romantic pursuits. Consistent with this trend, we see that 42.6% of 568 actual respondents reported in their answers to question twenty-six that they have done something

448. See *infra* tbl. 5.

449. See *id.*

450. See *id.*

451. See *id.*

452. See *infra* app. A, pt. 2.

questionable because they liked someone.⁴⁵³ "Questionable behavior" is intended to mean "obsessive behavior."

Some of the survey respondents were quite willing to share their own experiences with stalking, giving us a more intimate picture of the types of behavior students encounter. One woman revealed:

I've had a few strangers approach me to talk . . . who then would call and ask me out (although they were much older), or sort of follow me around, or show up where I would hang out. Male friends discouraged them, or I just ignored them. One showed up at my work everyday, asked me to drive to his house hours away to see a "private exhibition" of his artwork. I knew nothing about this guy. He called me (though I had never given him my number), repeatedly asked me out, and showed up at a coffee house where I often hung out. Eventually I lied and told him that I had a serious boyfriend. My employers asked him not to come in anymore, and he left me alone.⁴⁵⁴

Interestingly, this woman, a definite victim of stalking and obsessive behavior, reported on the survey that she had never been stalked.⁴⁵⁵ Similarly, several other subjects who described having been the targets of relentless pursuits did not say that they had been stalked. This trend demonstrates that either people cannot always objectively judge their own experiences, or that they do not easily see themselves as victims.

One male respondent gave us a different perspective. "I was recently accused of stalking my ex. I guess I went over the line, but I think 'stalking' is too strong of a word. I love her, and I refused to let her go that way. But we're still friends. We talked to counselors."⁴⁵⁶ His comment illustrates how stalkers, like their victims, may not admit or realize that their actions can be construed as stalking.

VII. DISCUSSION OF EMPIRICAL FINDINGS

Based on the survey results, we find that a romantic treatment blurs the issue of stalking, and decreases our ability to recognize

453. *See id.*

454. Answer to survey by anonymous female respondent (Mar. 22, 1997) (survey on file with author).

455. *See id.*

456. Answer to survey by anonymous male respondent (Mar. 22, 1997) (survey on file with author).

stalking actions. In fact, people are likely to call a person who uses romantic methods to attract another person's attention as more quixotic and less stalker-like. On the other hand, the absence or infrequency of romantic techniques as well as the presence of anger (i.e., becoming upset when rejected) increases our ability to discern stalking activity. The target's initial relationship with the stalker also shapes our impressions. A stranger-stalker is perceived as more dangerous than an acquaintance-stalker.

Moreover, actions which are characterized as stalking in a non-electronic context are interpreted as more like romance and less like stalking in an Internet context. If a stalker initially communicates with his object through the Internet, then his activities are perceived as isolated incidents only occurring within the electronic medium. When an electronic stalker becomes real, however, physical proximity increases, and electronic activities are reinterpreted as part of a larger stalking campaign. Whether or not we understand cyberstalking as "stalking" depends upon what other kinds of behavior accompany electronic activities. As we have seen in recent electronic cases, a cyberstalker usually does engage in real-life stalking or threatens to do so, whether the object knows it or not.⁴⁵⁷

The non-significant gender result regarding the stalking question also has important implications. If women are not more likely than men to discern stalking actions in a romantic context, then they are more likely to become victimized by progressive stalking behavior. This is especially true on college campuses, where we see that a strong percentage of college men do not see Carey's actions as stalking.⁴⁵⁸ Both women and men need to understand how stalking activity coupled with romance is stalking nevertheless. Stalking may indeed be a growing phenomenon among our nation's young population, as the survey data demonstrates the popularity and even acceptance of stalking behavior on college campuses.

VIII. PUBLIC POLICY CONSIDERATIONS/RECOMMENDATIONS

If we understand how our romantic culture facilitates stalking behavior, we can see the trajectory that stalking usually follows to better identify and address the warning signals. To address such actions before they easily advance into serious stalking, either

457. See *supra* notes 208-10, 228-34 and accompanying text. See also text accompanying *supra* notes 306-23.

458. See *infra* tbl. 2.

conventional or electronic, I suggest that we as a society implement the following recommendations.

A. Educational Programs

Education can be an effective and hands-on way to teach people to redefine their idea of romance and clearly differentiate it from the notion of stalking. The problem of stalking harms people on an individual and intimate level, and thus it is important that we meet potential stalking victims and stalkers where they are — in our schools and workplaces. In the workplace, programs should be conducted addressing issues of stalking and sexual harassment. These programs should explain how sexual harassment and stalking can infiltrate the workplace, affect the productivity and safety of all employees, not only that of the targets.

In order to reach our nation's young people, educational programs to prevent stalking should be established in high schools and junior high schools since many students develop their views on romance and dating early. These programs can be conducted in the form of extracurricular workshops, or more preferably, be integrated into the curriculum, or taught in conjunction with health or sex education programs. Similar education proposals regarding date rape prevention have been proven to be successful in a high school setting.⁴⁵⁹ We need to change the way we as a society view romance, and this cultural change should and can begin on an educational level.

Another effective route would be through the mass media, although this is a much more complicated task. A feasible option, however, could include local and national school boards working with television and radio stations to broadcast educational advertisements about stalking and related issues, similar to the "Just say no to drugs" and "Be cool, stay in school" advertising campaigns.

B. State and Federal Legislation

State legislators should not emphasize the "credible threat" or "malicious intent" stipulation in their stalking laws, because people may stalk under romantic delusion, not realizing that they are threatening or even frightening the victim. An alternative would

459. See Sarah Gill, *Dismantling Gender and Race Stereotypes: Using Education to Prevent Date Rape*, 7 UCLA WOMEN'S L.J. 27, 70-80 (1996) (discussing Stopping Teenage Acquaintance Rape (STAR), a workshop conducted by male and female peer educators at an inner city high school).

be to create a less extreme statute addressing "romantic stalking" that is not overtly threatening. Both state and federal legislation should also clearly include "electronic communications or contact" in their anti-stalking statutes to deter electronic stalking.

C. Law Enforcement

Law enforcement officials need to become sensitized to the potential seriousness of obsession, instead of dismissing those cases as benign flattery or attributing the woman's fears to "female overreaction." Officials also need to know and be updated on current anti-stalking legislation, to better protect stalking victims and punish stalking offenders. Finally, law enforcement officials need to realize the potential and actual dangers of electronic stalking, and how to intercept in more complex cases. Police departments across the country should organize separate investigative units that specialize in stalking crimes, following the example of the LAPD's Threat Management Unit, which incorporated computer expertise to combat on-line stalking.⁴⁶⁰

D. University/College Policy

University and college officials need to promote awareness of stalking issues among their campus communities, through educational programs as described above. In addition, officials should implement specific anti-stalking policies to discourage and punish both physical and Internet stalking. As college students represent one of the largest groups of Internet users, computing administrators should monitor on-line activity more strictly. They should also implement anti-electronic stalking/harassment measures, such as creating a system that allows recipients of offensive e-mail to send a standard electronic letter to their respective senders, clearly informing them of their unwanted contact and listing the possible repercussions if the warning is unheeded.

E. On-Line Service Providers Cooperation

On-line service providers, including but not limited to AOL, Prodigy, CompuServe, and GEnie, should adopt clear and strong anti-stalking policies, and invest in monitoring resources to match the level of activity of their growing on-line clientele. They should

460. See text accompanying *supra* note 60.

implement efficacious methods by which subscribers can voice their complaints and have them addressed. The different on-line providers can also cooperate by creating a common database profiling repeat and serious on-line offenders, to prevent a criminal user from gaining Internet access through other companies after having accounts removed from previous providers.

IX. CONCLUSION

I argue that in contrast to the dominant explanation of stalking as a form of mental deviance, our Western romantic tradition has essentially provided a supportive context for stalking activity. I demonstrate the plausibility of this romance theory by first offering a socio-cultural analysis of the phenomenon, in which I look at ancient and contemporary handbooks on courtship, as well as popular literature and music, to show how stalking is inextricably linked to our romantic culture. I then present multiple empirical studies, including: Internet participant observation, a nationwide survey of college students regarding their perceptions on stalking, and open-ended interviews with college stalking targets. By taking part in Internet activities, I discovered that many computer-users have been electronically stalked, commonly for romantic reasons. I demonstrate how the benefits of the information superhighway can be costly as information may be insidiously accessed to stalk Internet users.

To gauge the problem of stalking in academia, I constructed a detailed survey instrument and distributed it to college populations on six campuses in the United States to determine if stalking behavior is enacted and even rationalized under the guise of romantic persistence. In the survey, I depict both conventional and electronic stalking scenarios either infused with or devoid of romance, followed by a series of questions. The responses to these scenarios support the idea that romantic methods and/or electronic contact hinder people from recognizing a stalking situation. Moreover, I conducted open-ended personal interviews with several college students who had been stalked to elicit more details and gather more qualitative data. These narratives offered intimate accounts of victimization due to stalking.

I hope that my research will increase our awareness and better our understanding of this serious crime, helping us as a society implement and practice preventive and protective measures — as opposed to the current legal sanctions which address stalking only after it has gone too far. This Article suggests that we can confront

potential and actual stalking activity if we recognize its romantic and electronic implications. This caution, however, needs to be incorporated and executed through various channels: education, state and federal laws, law enforcement procedures, and Internet service providers. Due to the dearth of academic literature on this issue, many aspects of stalking have yet to be properly investigated, for example: the differences between stranger- and former-intimate-stalking; and the emotional, psychological, and economic effects of stalking on victims and survivors. Although stalking has garnered a media spotlight, much of this attention has been of a "sensational" and even "glamourized" nature. We need to open our discussion of stalking as an important and legitimate area of distinct study, which requires serious discourse and understanding in its own right.

TABLE 1

Presence of Variables in Scenario Forms

Form	Variable 1 Conventional	Electronic	Variable 2 Known	Unknown	Variable 3 Romance	Variable 4 Anger
Romantic Suitor	X		X		X	
Obsessive Suitor	X		X			X
Romantic Stranger	X			X	X	
Obsessive Stranger	X			X		X
Internet Stalker		X		X	X	
Virtual-Real Stalker	X	X		X	X	

TABLE 2

*Did Carey Stalk Julie?**

	% Everyone	% Women	% Men
Yes	61.0%	63.3%	58.2%
No	39.0%	36.7%	41.8%
Total:	100%	100%	100%

* Calculated for 556 respondents out of 604 who answered this question.

TABLE 3

By Scenario Form, Did Carey Stalk Julie?*

	% Form 1 Romantic Suitor	% Form 2 Obsessive Suitor	% Form 3 Romantic Stranger	% Form 4 Obsessive Stranger	% Form 5 Internet Stalker	% Form 6 Virtual- Real Stalker
Yes	47.8%	68.5%	64.0%	78.4%	50.0%	60.9%
No	52.2%	31.5%	36.0%	21.6%	50.0%	39.1%

*Calculated for 556 respondents out of 604 who answered this question.

TABLE 5

*By Scenario Form, Is Carey Romantic?**

	% Form 1 <i>Romantic Suitor</i>	% Form 2 <i>Obsessive Suitor</i>	% Form 3 <i>Romantic Stranger</i>	% Form 4 <i>Obsessive Stranger</i>	% Form 5 <i>Internet Stalker</i>	% Form 6 <i>V-R** Stalker</i>
Romantic	38.9%	5.4%	34.1%	7.1%	19.1%	21.4%

* Calculated for 556 respondents out of 604 who answered this question.

** V-R Stands for Virtual-Reality

TABLE 4

*Of the people who answered the stalking question, how likely were they to call Carey romantic?**

	Romantic
Julie was stalked	18.3%
Julie was not stalked	30.9%
Total	23.2%

*Calculated for 566 respondents out of 604 who answered this question.

APPENDIX A

DATING AND ROMANCE SURVEY (REPRINTED)

PLEASE DO NOT DISCUSS THIS SURVEY OR YOUR ANSWERS WITH ANYONE WHILE YOU ARE COMPLETING IT. Your *independent* answers are important for my senior thesis research and I thank you for taking the time to complete this survey. If you need additional space to answer any of the questions, please feel free to use the back(s).

*If for some reason you strongly do not wish to complete the survey, then please just answer the background info. questions 1-9 and still return the survey.

I. Background Information

Please provide some background info. about yourself:

1) What is your sex?

Male

Female

2) What is your age?

3) What is your marital status?

Single

Married

Separated/Divorced

Other (please specify)

4) Are you a U.S. citizen?

No

Yes

5) Do you identify with a particular racial or ethnic group?

Caucasian

African

Latino

Asian

American Indian/Alaskan Native

Other (please specify)

6) What is your college academic level?

- Freshman
- Sophomore
- Junior
- Senior
- Other (please specify)

7) Have you chosen a major? What is it?

8) In which type of housing do you live?

- On-campus/residence hall
- Off-campus apt.
- Home
- Other (please specify)

9) Do you have roommates? If so, how many?

- No
- Yes

II. Scenario Questions

Please read the scenario below carefully and answer the questions that follow.

*Julie and Carey*⁴⁶¹

Julie is a college sophomore. Carey, a college junior, is in a classical music class with Julie. Carey thinks Julie is beautiful and asks her out on a date. Julie is flattered and says yes. Friday night, Carey brings Julie peach roses and takes her to a fancy Italian restaurant. After a candle-lit dinner with wine, he suggests that they go to a French café for dessert.

Carey immediately asks her out for another date, to which Julie agrees. This time he surprises her by cooking her dinner, a lavish and delicious three-course meal. After a relaxing dinner, he turns up the sultry sounds of Harry Connick, Jr. and asks Julie for one dance before he takes her home. She replies that she'd rather not, but he coaxes and insists, and finally she gives in. The next week, he takes her on a picnic under the stars. He gives her a call the following Thursday to get together on Saturday, but Julie apologizes, saying that she already has plans. When he asks her

461. This scenario is Form 1, "The Romantic Suitor."

what her plans are, she simply says that she is busy and ends the conversation, telling him that she was in the middle of something.

When Julie returns home late Saturday night, she finds messages from Carey on her answering machine. She also receives orchids from Carey with a note telling her that he misses her and wants to see her. When he calls to see if she received the flowers, Julie tells him that she did and that the orchids are beautiful. When he asks if he can come over that night, she says no, adding that she is too busy. When he probes, she just says that she has a lot to do. Carey figures that she is making it hard for him, so he visits her. Julie tells him that she wants her space, and Carey sadly leaves.

The next day he calls her, but her answering machine does not pick up. He wonders why, and tries to reach her all day. He decides to see if she is home, but no one is there. He waits in the car outside, and approaches her when she returns, asking if everything is okay. Julie ignores him. The next night, Carey knocks on her door, and smiling sheepishly and holding flowers, he confesses his affection for her.

10) How would you characterize Julie's actions in the scenario?
(Circle any that apply)

Flattering	Natural	Unexpected	Intentional	Other(s)
Romantic	Flattered	Misleading	Manipulative	
Honest	Flirtatious	Longing	Mysterious	
Sincere	Faithful	Relentless	Expected	
Devoted	Strange	Idealistic	Alarming	
Persistent	Justified	Stubborn	Normal	
Consistent	Bold	Determined	Courtly	

11) How would you characterize Carey's actions in the scenario?
(Circle any that apply)

Flattering	Natural	Unexpected	Intentional	Other(s)
Romantic	Flattered	Misleading	Manipulative	
Honest	Flirtatious	Longing	Mysterious	
Sincere	Faithful	Relentless	Expected	
Devoted	Strange	Idealistic	Alarming	
Persistent	Justified	Stubborn	Normal	
Consistent	Bold	Determined	Courtly	

12) In her actions, should Julie have been: (Circle any that apply)
More loving More angry More assertive More considerate
Less loving Less angry Less inviting Her actions were fine

13) In his actions, should Carey have been: (Circle any that apply)
More loving More angry More assertive More considerate
Less loving Less angry Less inviting His actions were fine

14) Do you think that Julie annoyed Carey?
No
Yes

15) Do you think that Carey annoyed Julie?
No
Yes

16) Do you think that Julie led Carey on?
No
Yes

17) Do you think that Carey harassed Julie?
No
Yes

18) Do you think that Julie took advantage of Carey?
No
Yes

19) Do you think that Carey stalked Julie?
No
Yes

20) Is there anything else you would like to say or add about the scenario?

III. Dating and Romance

21) How often do you go out on dates:
Over this past month, have you gone on one or more dates?
No
Yes

- 30) What was the sex of the pursuer(s)?
Male
Female
Both male and female
- 31) What was their status?
Ex-boyfriend/ex-girlfriend
Student acquaintance/friend
Student stranger
House/Dorm-mate
Faculty member
University staff
Outside acquaintance
Stranger
- 32) Did you talk to anybody about your situation(s)?
No
Yes
- 33) What, if anything, was done about the situation(s)?
- 34) Please take this opportunity to describe the details of a specific incident(s) in which you were pursued or you pursued another person. Please feel free to offer any thoughts or comments regarding your idea of romance.
- 35) Have you ever been sexually harassed (been subject to unwanted sexual statements, unwanted personal attention, unwanted sexual propositions, unwanted physical or sexual advances)?
No
Yes
- 36) Have you ever sexually harassed anyone?
No
Yes
- 37) Have you ever been stalked?
No
Yes
- 38) Have you ever stalked anyone?
No
Yes

39) Do you use the Internet?

No

Yes

40) If so, what types of activities do you do on the Internet? (Circle all that apply)

E-mail

Browse World Wide Web

Subscribe to bulletin boards/newsgroups

Subscribe to mailing lists

Participate in chat rooms/IRC

Participate in MUDs/MOOs

Other (please specify)

41) What kinds of things do people generally do when they are interested in someone over the Internet? (Circle any that apply)

Try to find out the person's e-mail address

Send regular e-mail often

Send unrevealing e-mail

Request "ntalk"

Try to get other info. via the person's e-mail address, Webpage, etc.

Find out whether the person subscribes to certain news-groups or mailing lists

Join chat rooms that the other person participates in

Try to private chat or "/dcc chat" often with the person

Other (please specify)

42) Have you ever been sexually harassed via the Internet?

No

Yes

If so, through which activities?

43) Have you ever sexually harassed anyone via the Internet?

No

Yes

If so, through which activities?

44) Have you ever been stalked via the Internet?

No

Yes

If so, through which activities?

Over this past year, have you gone on one or more dates?

No

Yes

Have you been in a "steady" relationship over this last year?

No

Yes

22) If you meet a potential date, do you feel more comfortable if the other person expresses interest first or if you make the first move?

You

The other person (please specify M or F)

It doesn't matter

23) Would you ask again if a person refused your offer of a date the first time?

No

Yes

24) Would you ask again if a person refused your offer of a date the second time?

No

Yes

25) What kinds of things do people generally do when they are very interested in or have strong feelings for another person? (Circle any that apply)

Call often to see if the person is home

Call often to hear the person's voice on the machine, and then hang up

Call often and leave messages

"Finger" the person often on the Internet

Send regular e-mail often

Send the person unrevealing e-mail

Go by the person's workplace or home often

Ask people about the person's background

Ask people about the person's interests

Ask people about the person's dating history

Ask people about the person's current partner/significant other

Ask people about the person's routine

Alter one's routine to run hopefully into the other person

After seeing the person, observe and follow the person for a while

Become angry during moments of intense passion or emotion

Other (please specify)

26) Have you ever done something because you liked someone that people might view as questionable?

No

Yes

27) If you're not interested in someone, do you let that person know?

No

Yes

28) Has someone ever persisted in trying to gain your affection, despite your lack of interest?

No

Yes

29) If so, what did the person(s) do to try to gain your attention or get info.? (Circle any that apply)

Called just to chat

Dropped a friendly note

Sent regular e-mail often

Offered a small gift

Visited your dorm or apt. often

Called often to see if you were home

Called often and left messages

Called often to hear your voice on the machine, and then hung up

Requested "ntalk"

Sent unrevealing e-mail

Came by your workplace or home often

Asked people about your background

Asked people about your interests

Asked people about your dating history

Asked people about your current partner/significant other

Asked people about your routine

Altered their schedule so that they could run into you

After saw you, observed and followed you for a while

Became angry during moments of intense passion or emotion

Other (please specify)

45) Have you ever stalked anyone via the Internet?

No

Yes

If so, through which activities?

46) Any comments or suggestions about any of the questions or about the survey?

Thank you!!!

APPENDIX B

Scenario Form 2, "The Obsessive Suitor"

Julie and Carey

Julie is a college sophomore. Carey, a college junior, is in a classical music class with Julie. Carey thinks Julie is beautiful and asks her out on a date. Julie is flattered and says yes. Friday night, Carey takes Julie to an Italian restaurant. After dinner, he suggests that they go to a café for dessert.

Carey immediately asks her out for another date, to which Julie agrees. This time they go to a restaurant-club and Carey asks Julie for one dance before he takes her home. She replies that she'd rather not, but he insists, and finally she gives in. They go out again the next week. He gives her a call the following Thursday to get together on Saturday, but Julie apologizes, saying that she already has plans. When he asks her what her plans are, she simply says that she is busy and ends the conversation, telling him that she was in the middle of something.

When Julie returns home late Saturday night, she finds messages from Carey on her answering machine. Carey sends her a note telling her that he misses her and wants to see her. When he calls to see if she received the note, Julie tells him that she did. When he asks if he can come over that night, she says no, adding that she is too busy. When he probes, she just says that she has a lot to do. Carey figures that she is making it hard for him, so he visits her. Julie tells him that she wants her space, but Carey becomes upset and abruptly leaves.

The next day he calls her, but her answering machine does not pick up. He wonders why, and tries to reach her all day. He decides to see if she is home, but no one is there. He waits in the car outside, and approaches her when she returns, asking her where she has been. Julie ignores him. The next night, Carey knocks on her door and tells her that he has strong feelings for her.

Scenario Form 3, "The Romantic Stranger"

Julie and Carey

Julie is a college sophomore. One day she finds a love letter in her mailfolder from a "male admirer." In the letter, he states that he has seen her on campus and thinks she is beautiful. He mentions that he discovered from a friend that she is a classical

3music major — and that he also happens to share a passion for classical music. He admits that she does not know him yet, but reassures her by stating: “Don’t worry, you will meet me someday.”

Julie continues to receive love letters from him. Then one day, an unfamiliar young man approaches her and humbly reveals himself as her secret admirer, offering her peach roses. She learns that his name is Carey, and that he is a college junior. She agrees to meet him for coffee one afternoon. Carey immediately asks her out for another date, to which Julie agrees. He takes her to a fancy Italian restaurant complete with a live orchestra. He asks Julie for one dance before he takes her home. She replies that she’d rather not, but he coaxes and insists, and finally she gives in. He gives her a call the following Thursday to get together on Saturday, but Julie apologizes, saying that she already has plans. When he asks her what her plans are, she simply says that she is busy and ends the conversation, telling him that she was in the middle of something.

When Julie returns home late Saturday night, she finds messages from Carey on her answering machine. She also receives orchids from Carey with a note telling her that he misses her and wants to see her. When he calls to see if she received the flowers, Julie tells him that she did and that the orchids are beautiful. When he asks if he can come over that night, she says no, adding that she is too busy. When he probes, she just says that she has a lot to do. Carey figures that she is making it hard for him, so he visits her. Julie tells him that she wants her space, and Carey sadly leaves.

The next day he calls her, but her answering machine does not pick up. He wonders why, and tries to reach her all day. He decides to see if she is home, but no one is there. He waits in the car outside, and approaches her when she returns, asking if everything is okay. Julie ignores him. The next night, Carey knocks on her door, and smiling sheepishly and holding flowers, he confesses his affection for her.

Scenario Form 4, “The Obsessive Stranger”

Julie and Carey

Julie is a college sophomore. One day she finds a note in her mailfolder from a “male admirer.” In the note, he states that he has seen her on campus and thinks she is beautiful. He mentions that he discovered from a friend that she is a classical music major — and that he also happens to share an interest in classical music.

He admits that she does not know him yet, but simply states: "You will meet me someday."

Julie continues to receive notes from him. Then one day, an unfamiliar young man approaches her and reveals himself as her secret admirer. She learns that his name is Carey, and that he is a college junior. She agrees to meet him for coffee one afternoon. Carey immediately asks her out for another date, to which Julie agrees. He takes her to an Italian restaurant with live music. He asks Julie for one dance before he takes her home. She replies that she'd rather not, but he insists, and finally she gives in. He gives her a call the following Thursday to get together on Saturday, but Julie apologizes, saying that she already has plans. When he asks her what her plans are, she simply says that she is busy and ends the conversation, telling him that she was in the middle of something.

When Julie returns home late Saturday night, she finds messages from Carey on her answering machine. She also receives a note from Carey telling her that he misses her and wants to see her. When he calls to see if she received the note, Julie tells him that she did. When he asks if he can come over that night, she says no, adding that she is too busy. When he probes, she just says that she has a lot to do. Carey figures that she is making it hard for him, so he visits her. Julie tells him that she wants her space, but Carey becomes upset and abruptly leaves.

The next day he calls her, but her answering machine does not pick up. He wonders why, and tries to reach her all day. He decides to see if she is home, but no one is there. He waits in the car outside, and approaches her when she returns, asking her where she has been. Julie ignores him. The next night, Carey knocks on her door and tells her that he has strong feelings for her.

Scenario Form 5, "The Internet Stalker"

Julie and Carey

Julie is a college sophomore. She likes to spend time chatting on the Internet, especially on the classical music chat channel. Carey, a junior at a different college, also participates in this channel. Carey thinks that Julie's comments on the screen are interesting. One day while they are both in the channel, he asks if she would like to do private or "/dcc" chat with him. Julie is flattered and says yes. They "chat" for a while, about music and other things. Carey tells her how wonderful it is to talk to someone

who is so dazzling and reflective as she, and says that her beauty must match her brilliance.

At the end of their conversation, he asks her if they could “chat” again the next day, to which Julie agrees. While “chatting” the next night, he offers some poetry dedicated to her. He asks Julie to come up with one stanza of poetry before they log off. She replies that she’d rather not, but he coaxes and insists, and finally she gives him a short poem. When they “chat” again the following Thursday, Carey asks if they could “chat” Saturday night, but Julie apologizes, saying that she already has plans. When he asks her what her plans are, she simply says that she is busy and ends the conversation, telling him that she has a lot to do.

When Julie logs on late Saturday night, she finds messages from Carey in her e-mail inbox. One of the messages contains a photograph of orchids he took with a note telling her that he misses her and wants to talk with her. When he sends her another e-mail to see if she received his mail, Julie responds that she did and that the picture of the orchids is beautiful. When he writes her back to ask if they can do private chat that night, she says no, adding that she is too busy. Carey figures that she is making it hard for him, so he requests “ntalk” with her whenever he sees that she is logged on that night. Julie sends a message telling him that she wants her space, and Carey responds with: “That’s too bad :(” and logs off.

Julie notices that Carey begins to join the same chat rooms that she frequents. One day, Carey notices that Julie has not checked her e-mail in a while and he knows that she does usually every day. The following day, Carey sees that she is logged on, so he sends her e-mail, asking if everything is okay. Julie ignores his messages. The next night, Carey sends her a photo via e-mail, of him smiling sheepishly and holding flowers.

Scenario Form 6, “The Virtual-Real Stalker”

Julie and Carey

Julie is a college sophomore. She likes to spend time chatting on the Internet, especially on the classical music chat channel. Carey, a junior at a different college, also participates in this channel. Carey thinks that Julie’s comments on the screen are interesting. One day while they are both in the channel, he asks if she would like to do private or “/dcc” chat with him. Julie is flattered and says yes. They “chat” for a while, about music and other things. Carey tells her how wonderful it is to talk to someone

who is so dazzling and reflective as she, and says that her beauty must match her brilliance.

At the end of their conversation, he asks her if they could “chat” again the next day, to which Julie agrees. While “chatting” the next night, he offers some poetry dedicated to her. He asks Julie to come up with one stanza of poetry before they log off. She replies that she’d rather not, but he coaxes and insists, and finally she gives him a short poem. When they “chat” again the following Thursday, Carey asks if they could “chat” Saturday night, but Julie apologizes, saying that she already has plans. When he asks her what her plans are, she simply says that she is busy and ends the conversation, telling him that she has a lot to do.

When Julie logs on late Saturday night, she finds messages from Carey in her e-mail inbox. One of the messages contains a photograph of orchids he took with a note telling her that he misses her and wants to talk with her. When he sends her another e-mail to see if she received his mail, Julie responds that she did and that the picture of the orchids is beautiful. When he writes her back to ask if they can do private chat that night, she says no, adding that she is too busy. Carey figures that she is making it hard for him, so he requests “ntalk” with her whenever he sees that she is logged on that night. Julie sends a message telling him that she wants her space, and Carey responds with: “That’s too bad :(” and logs off.

Julie notices that Carey begins to join the same chat rooms that she frequents. One day, Carey notices that Julie has not checked her e-mail in a while and he knows that she does usually every day. The following day, Carey sees that she is logged on, so he sends her e-mail, asking if everything is okay. Julie ignores his messages. The next night, Carey sends her a photo via e-mail, of him smiling sheepishly and holding flowers. Soon afterwards, she gets a message from Carey on her answering machine. The next week she finds peach roses from him outside her apartment door.

APPENDIX C.

SURVEY DISTRIBUTION AND RESPONSE RATES

School	No. Distributed	No. Returned	% Responded
University of Chicago	355	242	68.2%
John Hopkins University	220	181	82.3%
Georgetown University	220	89	40.5%
Stanford University	40	89	90.0%
Brandeis University	60	36	68.3%
Harvard University	40	41	37.5%
Total	935	15	64.6%

APPENDIX D

SCHOOL DIFFERENCES IN SURVEY DATA

By school, did Carey stalk Julie?*					
U. of Chicago		John Hopkins	Georgetown	Stanford	Brandeis
					Harvard
Yes	60.5%	63.4%	62.1%	62.9%	45.5%
No	39.5%	36.6%	37.9%	37.1%	54.5%
					64.3%
					35.7%

* Calculated for 556 respondents out of 604 who answered this question.