

## CRIMINALITY AND PSYCHOPATHOLOGY. THE PROFILE OF STALKERS

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### ABSTRACT:

*The present research is aimed to analyze the evolution of the profile of stalkers in the Italian culture. The stalking is a complex behavioral constellation with different motivations, not always with psychopathological relevance. It is a desperate attempt to seek an interpersonal relationship: to devalue and above all to subject the victim to constant control, allows the stalker to keep alive, albeit in a persecutory key, the desire for an indissoluble bond.*

**KEYWORDS:** *stalking, behaviour, criminality, psychopathology*

### INTRODUCTION

*The relationship between psychopathology and criminality can be tackled from different perspectives, but I have chosen to minimize any legal, philosophical and anthropological encroachment to then analyze the figure of the stalker. In this perspective, starting from the complex history of criminological psychopathology, we proceeded to analyze the evolution of the '50s and '60s and then focus on the specifics of the "harassing molester". The criminological investigation aims to grasp the motivations of those who break the law, the causes of sometimes radical and apparently incomprehensible conduct, the significance of crime in the biography of a criminal personality, sometimes overwhelmed by the perception of uncontrollable dangers and unpredictable that enhance psychic disturbance. In the history of criminology different theories have confronted different legal and cultural systems. In particular, the scientific approach to the disease, and in particular to mental illness, is born with Greek culture,<sup>1</sup> with the abandonment of magical thinking and the arguments of humoralism and the removal of the disease from the universe of evil. The present analysis, although aware of the richness and vivacity of the European tradition, will tend to be limited to Italian culture alone.*

## I. CRIME AND PSYCHOPATHOLOGY

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<sup>1</sup> While in Greek culture the scientific knowledge matures, in the Roman culture the law matures. Already from the XII tables (around 450 BC) the mentally ill is the object of care and is therefore in a particular position before the law and in the Digests Iustiniani Augusti impubes and furiosus are assimilated and do not respond to serious responsibility.

The eighteenth-century development of anatomy, comparative anatomy and above all neurophysiological research bring to light an anthropological model characterized by the hegemony of the nervous system, and methods of observation, linked to anatomy, such as physiognomy and phrenology.

Physiognomy, in particular, has not had great impact on Italian medicine in the early nineteenth century, but it transmits a knowledge that in the second half of the century will favor the construction of the stereotype of the criminal. The phrenology, between medicine, criminology and the study of races, still the various personal inclinations to the development, more or less broad, of a well defined cerebral territory [Lanteri L. G., 1970]. Gall in particular advances the idea that there is a parallelism between the embryological development of the cranial bones and the underlying cortex, so that a different development of the various brain zones (responsible for the different inclinations) would correspond to similar modifications of the cranial vault. In this perspective, which proved to be incorrect, then, through the analysis of the skull, it would have been possible to elaborate a topography of the various individual inclinations [Lombardo G. P., Duichin M., 1997].

In particular Morabito [1994] states: "We call" organology "Gall's theory because this was always the term he used. Initially it was Schädellehre (craniology), but it was abandoned because it was the brain and not the skull the object of interest of Gall. [...] "Phrenology" (from the Greek, doctrine of the mind) is a term used and spread by Spurzheim since 1818, but on the opportunity to adopt it Gall was always contrary (because he tended to identify the functions of the brain only with the mind) [...] ". In Europe, biologists and doctors are interested in phrenology, but also jurists and theologians and in Italy we remember Fossati and Miraglia. In particular, the southern scholar Miraglia [1854], in a work on the thought of Gall, presents tables that provide a map of the skull and provides a link between the development of organs and certain human behaviors. For example, transgressive behaviors are configured as the emphatic manifestation of normal inclinations. For the phrenology the behavior depends, therefore, from an anatomical substrate and, therefore, the criminal is a figure determined by inevitable factors of natural order.

With the development of embryology, proved unfounded the thesis that the skull is modeled on the brain, the phrenology was quickly exhausted and its image of the rich man of motives will flow into positivist anthropology. In particular, Cesare Lombroso, considered the father of criminal anthropology, adheres to evolutionist positivism and using history, social statistics and anatomical measurement, comes to a typification of the criminal man.

Lombrosian thought moves in an evolutionary sense: history and evolution merge more and more intimately according to a correlation that moves from monkeys, to savages, to civilized man, passing through the possible biological regressions of criminality and mental illness. Lombroso's interest in any abnormal or pathological morphological trait is inscribed in the climate that characterizes medicine in the second half of the nineteenth century: interest is no longer on normal anatomy but on pathological anatomy.

Lombroso advances the hypothesis that the criminal man is the bearer of stigmata of primitive times, in which violence and means of oppression were wholly physiological. The delinquent man would then be the bearer of an abnormal psychism, not so much because it was the expression of a sick mind, but because of the emergence of ancient behavioral structures, which today are completely unacceptable.

The reading provided by E. Morselli, on the other hand, is more linked to psychiatric dialectics. He, deepening the theme of suicide in criminals and the relationship between

murder and suicide, explains mental illness, suicide and criminal conduct as signs of degeneration that united the "losers in the struggle for life" in a single anthropological grouping. Criminal conduct is therefore completely assimilable to mental illness and shares the source of genetic origin with it: criminals, like madmen, express a pathological mental dialectic. Thus the season of positivistic forensic psychiatry was inaugurated with Morselli.

Around the Lombrosian thought there arose the positive school, whose most representative figures were Enrico Ferri and Raffaele Garofalo,<sup>2</sup> a jurist and a magistrate, the first more attentive to the social dimension of crime, the second, instead, at the psychological moment that underlies the crime.

Lombroso, however, between controversy and contrasts, has attracted the attention not only of contemporaries, but also of many of the leading scholars of the '900.<sup>3</sup> Continuers of the Lombrosian tradition were the daughter Gina<sup>4</sup>, the son-in-law Ferrero, Niceforo, Di Tullio<sup>5</sup>, etc. and the continuity of positive school bears witness to the strength of a knowledge, even if the field of criminal anthropology must not be identified with that of criminal psychopathology alone, or psychiatry.

The image of a man around whom clinical psychiatry develops, in fact, is different from that on which criminal anthropology is founded: the radical primacy of the nervous system is consolidated and an immanentist conception of the soul is proposed. "The encephalous ... sits in the place of honor, in the highest room of the human edifice, as if to signify that it must oversee everything and watch over everything" [Verga A., 1896]. In Verga's thought, the task of the psychiatrist before the crime is to recognize the possible presence of a mental disorder, to relate it to the environment in which it manifests and understands its value in the criminal dynamics. Psychopathology has an uncertain horizon despite references to the system of neurology that orients not only mental medicine but all general medicine with the advent of modern constitutional theories. Constitutionalism<sup>6</sup> proposes a vision of man in its entirety, at first through the enhancement of the nervous system and, in the second half, thanks also to the role of harmonization and coordination of the various organs recognized to the endocrine glands. The large total institutions, the asylum and the mental asylum, which arise between 800 and 900 are the answer to the doctrinal needs

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<sup>2</sup> Garofalo, moving on Lombrosian positions, argues that crime is not a mere convention defined by law, as the classical school wants, but it is a natural fact: "The social or natural crime is a lesion of that part of the moral sense that consists in fundamental altruistic sentiments (piety and probity) according to the average measure in which we find ourselves in the higher human races, which measure is necessary for the adaptation of the individual in society". Garofalo [1885] manifests a radical pessimism that derives from the conviction that "all criminals are ... psychically abnormal men, many also anthropologically"; and moreover if, under similar conditions, among so many one and only five men it must be consistently deduced that "the prime factor of the crime is always individual, and that without it the occasional thrusts remain ineffective". The crime, therefore, is fatally induced by an individual anomaly, and, therefore, the family and social influences have little importance. Otherwise Enrico Ferri adopts a more sociological approach, arguing that the largest number of delinquents is made up of occasional ones, particularly influenced by social motivations.

<sup>3</sup> We remember the controversy with the contemporary French authors that revolve around the school of Topinard and the debate, even after death, with Agostino Gemelli, Zerboglio, Gentile, Gramsci

<sup>4</sup> The daughter Gina took care of young or not very accessible works of her father, but she was also very attentive to the difficulties of the female condition and engaged in promoting the cultural elevation and social emancipation of the woman.

<sup>5</sup> A Di Tullio is responsible for a treaty of criminal anthropology. He intended to ignore any philosophical question to deal with the crime alone: a human act that must be considered and evaluated in relation to the social context where it is consumed. «... every crime is always the expression of a psychic disturbance» [1945].

<sup>6</sup> The founder of the Italian school is Achille De Giovanni who attributes to the sympathetic the role of influencing the individual constitution.

of the Lombrosian anthropology that, by denying free will, refers to atavistic degeneration, coming to assimilate mentally ill people and delinquents. In particular, the criminal asylum is functional to the protection of society and is an expression of those nineteenth-century biological guidelines anchored to the concept of degeneration. So it is physiological that it loses consensus during the 1900s, after having revealed its limits. After the 1904 law on mental hospitals and the insane,<sup>7</sup> psychiatric hospitals are called upon to receive patients on the basis of the criterion of social danger, rather than on the basis of exclusive clinical motivations. Consequently, the psychiatrist becomes an expert in psychopathology, a medical examiner, with tasks more and more as an expert and not as a therapist. The balance that is established between criminology and psychiatry, on the other hand, transpires from the essay by Catalano Nobili and Cerquetelli [1953] on psychopathic personalities and from the treaty of Ferrio of clinical and forensic psychiatry [2nd ed. 1970], anchored to references to Kretschmer and Schneider. It will only be the widespread interest in psychoanalysis and phenomenology, the new sociological approaches and the penetration of German psychopathology<sup>8</sup> in Italian culture to produce a renewal in this area, breaking down traditional psychiatric knowledge. In particular, Schneider argued that psychopathic personalities are to be understood as human types describable in an asystematic manner, distancing themselves from biology. The Comparative Criminology Treaty of Mannheim is fundamental [1975], which in relation to the relationship between psychopathology and criminality describes the risk that, in the genesis of crime, can be connected to various psychic disorders and shows the need for a deeper knowledge of psychology of the normal offender. Mannheim also focuses on the modern sociology of crime, aware that now new forms of crime have arisen, new theories to interpret the crime and that even psychopathology has been renewed.

Between the '60s and '80s there was an institutional reorganization of psychiatry which is also reflected in crime.

The law n. 180 of 1978<sup>9</sup>, then implemented by law 833 of the same year, produces the deactivation, after almost a century, of the asylum, challenged to be more a segregating structure than therapeutic. The law 180, known as the Basaglia law, abolishes, in fact, the reference to the danger for the hospitalization of the mentally ill. Basaglia who had challenged for years the meaning of the asylum, but also of the prison, as structures in which recourse to the alibi of delinquency and psychopathy marginalizes those who are poor, had expressed great concern for the fate of hospitalized patients on the basis of an alleged dangerousness, which is in fact locked up "to expiate a guilt of which he does not know the extremes and the condemnation, nor the duration of the atonement" [1982].

"Madness is a human condition. Folly exists in us and is present as is reason. The problem is that society, to be called civil, should accept both reason and folly, instead it

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<sup>7</sup> Article. 1 of the law of 14 February 1904 on mental hospitals and the insane as a matter of fact recites: "Persons affected for any cause of mental alienation must be kept and treated in mental hospitals when they are dangerous to themselves or to others".

<sup>8</sup> As for the diffusion of German psychopathology and criminology, it is worth mentioning the translations of the clinical psychopathology of Kurt Schneider of 1954, of the General Psychopathology of Karl Jaspers of 1964 and of the Comparative Criminology Treaty of Hermann Mannheim of 1975.

<sup>9</sup> The norm, with the closing of the mental hospitals and the regulation of the obligatory health treatment, opened a new course of psychiatry. In the past, mental hospitals were similar to prisons, and were functional only to contain and control patients. Law 180, on the other hand, foresaw a reduction in treatment and aimed at establishing human relationships between society and patients, taking care of their quality of life.

instructs a science, psychiatry, to translate madness into illness in order to eliminate it. Here the asylum has its *raison d'être* ».

"Delinquency or illness" - he adds - "are human contradictions, but they are also a social product, and the consequences can not be paid to those affected as if it were always and only an individual fault". It is a deresponsibilizing optic that, having abandoned the Lombrosian bio-anthropological perspective, is based on sociological dynamics: we should change the family, society and factory, etc.

"The overthrow of a dramatic and oppressive reality, like that of the asylum, can not therefore be carried out without polemical violence against what is wanted to be denied, involving critics in the values that allow and perpetuate the existence of such a reality. This is why our anti-institutional, antipsychiatric (ie anti-specialist) discourse can not remain restricted to the specific terrain of our field of action. The polemic to the institutional system emerges from the psychiatric sphere to move to the social structures that support it, forcing us to a critique of scientific neutrality, which acts in support of the dominant values, to become critical and political action. Within the psychiatric institution, every scientific inquiry into mental illness is possible only after having eliminated all the superstructures that refer to the violence of the institution, to the violence of the family, and to the violence of society and of all its institutions. (October 1967) »[1968].

The desire to give an explanation to the criminal phenomena is ever more evident, taking into account different factors such as those of a social nature and thus develop new theories, especially in the sociological field. In particular Merton publishing in 1938 the volume "Social Structure and Anomie", shows that: "The image of man as a bundle of unmoved impulses begins to look more like a caricature than a portrait [...] being the role of biological impulses, it remains to be explained why the frequency of deviant behavior varies in different social structures, and how it happens that in different social structures the deviations are manifested in different forms and models".

A behavior depends above all on the meaning that the subject attributes to it, in relation to the social purposes he intends to pursue, and which society itself presents to him as models to be followed.<sup>10</sup> Criminology takes into account the basic units of personality: temperament, skills and character [Elena-Ana Nechita, 2009].

Over time, many conjectures of traditional criminological psychopathology are obscured and it clearly emerges that there is no equivalence between mental illness and danger and that the danger is not well predictable [Fornari U., 1989; Merzagora Betsos I., 2001; Ponti G., 1999]. Gulotta [2002], in particular, states that "mental disorder is a risk factor for violence and the correlation between violence and mental illness is significant but low". Yet the prejudices are still very persistent, certainly also fed by the media,<sup>11</sup> which generally avoid dealing with mental illness, or speak only in relation to facts of crime. In cases of violence, in fact, too often emerges the question about an alleged pathological origin of violent behavior from which to start the motivations that push men to brutal aggressions.

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<sup>10</sup> Merton makes a distinction between cultural goals and institutional means: the first are the desirable objectives of each member in a given society (well-being, success, etc.); the means, on the other hand, are the legitimate tools that the subjects can use to reach their goals. These two components are not integrated with each other and the excessive exaltation of the goals leads to a demoralization of the means, leading to anomia. While for Durkheim the anomaly originates in the excessive stimulation of individual aspirations, for Merton the anomaly arises from the dissociation between socially recognized values and legitimate means to achieve them..

<sup>11</sup> A 1996 UK survey found that 66% of mental illnesses represented on TV is associated with violence.

Important information transfer of affectivity is achieved through extraverbal channels [Elena-Ana Nechita, 2009].

Today more and more criminological psychopathology, without neglecting the somatic and genetic foundation, tends to enhance multifactorial interpretations of criminality, considering also the social context where crime has matured, looking with great attention to the sociological elements that intertwine and underpin each dynamic psychological and psychopathological.

## **II. PSYCHOPATHOLOGY OF THE STALKER**

Going against what is the collective imagination is first necessary to clarify that not all stalkers are affected by mental disorders and that outlining the typical profile of the stalker is a rather difficult task, because it is always necessary a case by case analysis, avoiding include, reductively, in one or some categories the possible psychopathological aspects that characterize it.

The stalking, in fact, recalls a complex behavioral constellation, which can have different motivations also, but not only, of purely psychopathological relevance. It also includes a whole series of behaviors that are at the limit with socially and culturally accepted actions.

We are certainly in the presence of an extreme and desperate attempt to seek an interpersonal relationship: to devalue and above all to subject the victim to constant control, allows the stalker to keep alive, albeit in a persecutory key, the desire for an indissoluble bond.

The stalker generally manifests an evident problem in the emotional-emotional, relational and communicative area that does not always correspond to a precise psychopathological framework. First we can identify two types of stalker behaviors [Mullen P. E. & al., 2000]: intrusive and control. The first (phone calls, messages, e-mails, gifts, etc.) are put in place by the stalker to try to convey to the victim their emotional state, their feelings, desires, intentions, moods, with ambivalent emotional manifestations and often contradictory. Control behaviors (stalking at home or at work, stalking, threats, assaults up to murder) aim, precisely, to constantly monitor the victim, violating heavily freedom and privacy and generating a state of strong pressure psychological.

Usually the stalker uses both behavioral strategies according to a criterion that follows the escalation of violence or, in some cases, alternating phases. As with any conflict situation, it is indeed possible to identify phases of escalation of violence, which can synthetically be reduced to three essential moments:

1. a positive phase, in which the stalker, infatuated, invests emotionally on the victim and courts her;

2. an ambivalent phase, following the refusal of the victim, in which the stalker on the one hand begins to project his feelings onto the latter, so that his refusal assumes the value of a manifestation of love, on the other, however, seized by a strong anger and hostility, he takes on intimidating behavior, which feeds his desire to possess the victim and who manifest his need to restore his self-esteem, strongly threatened by rejection.

3. The last phase is the one in which the victim is defined as ungrateful and unfaithful and the violence tends more and more to increase up to the point of murder.

Starting from the needs and desires that underlie the harassing behavior, it is possible to identify different types of stalkers. In particular, following the classification of Mullen:<sup>12</sup>, we can identify five categories of stalkers:

1. The refused, who, unable to accept the end of the relationship, is in search of a last desperate contact and puts in place behaviors that on the one hand aim to restore the relationship and on the other hand express his desire for revenge. Controlling, persecuting the victim becomes a way to try to keep the relationship and not accept the loss. This stalker has narcissistic and antisocial traits and, to a lesser extent, dependent, with substance abuse. Where they have failed to establish a positive personal relationship with their victim, they try to force it with threats and intimidation. The most frequent behaviors are: stalking, repeated direct approaches, phone calls, messages, etc.

2. Intimacy seekers are looking for an emotional / sexual relationship with the victim, who may also be a stranger. They invest a lot in this fantasized relationship, facing a central problem of their life, solitude. In the throes of a real erotomania (the belief of being secretly loved by someone), they attack unknown victims and celebrities of whom they are in love, with the desire to start a relationship with them. In this category we also find women. It appears to be the most persistent form of stalking [Mullen et al., 1999]<sup>13</sup>.

3. The rancorous, who is convinced that he has sustained a real or presumed wrong (eg for the end of an emotional relationship or for the end of a working relationship, or a customer dissatisfied with a service, or in condominium relationships) is a stalker that we often find in professional relationships. His behavior is justified as a defense or a fair revenge against those who allegedly damaged him. He feels betrayed and begins by seeking revenge and rehabilitation of his own reasons. Thus he pursues a punitive plan against his own "oppressor". In this type, borderline, narcissistic and paranoid personality disorders are more frequent. An example of rancorous we find him in the figure of Alvi Pepler in the "Zuckerman unleashed" by Philip Roth.

4. The incompetent is an inadequate suitor, not very skilled, with poor social and intellectual abilities. He wants to court, but ends with adopting attitudes that can be annoying. This type of stalker acts for short periods against the same victim and turns, soon, to other people.

5. The predator is the most dangerous category, because it draws pleasure and sense of power in the "voyeurism", that is in watching and spying in secret the chosen victim, planning in the meantime the attack. The predators then attack the victim by surprise. They are mostly men, often suffering from paraphilias (in particular pedophilia, exhibitionism and fetishism), bipolar disorders or substance abuse [Mullen et al, 1999]. «The duration of stalking is greater in those refused and seekers of intimacy and far less in incompetents and predators» [Monzani M., 2016].

As we have already pointed out very often, the stalker implements behaviors that to a certain extent are socially shared. We think of the jealous and passionate boyfriend who wants

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<sup>12</sup> Stalkers (Mullen et al., 1999): "il risentito", "il bisognoso di affetto", "il corteggiatore incompetente", "il respinto" ed il "predatore". Tra le più recenti forme di stalking abbiamo quello agito nel cyberspazio. I cyber-stalkers, infatti, incontrano le loro vittime in chat e ne diventano ossessionati.

<sup>13</sup> Lo studio inglese di Mullen, Pathé e Purcell (2000) dell'università di Cambridge ha cercato di classificare lo stalker sulla base di un campione di 168 valutazioni cliniche di casi di stalking cercando di analizzare e la motivazione predominante dello stalker, il contesto, la natura del rapporto preesistente e la sua diagnosi psichiatrica (Curci, Galeazzi, Secchi, 2003).

to win back his woman. How many more can they see real stalking actions in these behaviors? Precisely the cultural data once again often causes the victim not to perceive the severity of the conduct suffered. This is why often there can still be a strong resistance to recognizing the oppressive behavior as real "harassing harassment". And then once again it is necessary that alongside the regulatory interventions we act to favor a cultural transformation that relegates to the area of unlawfulness every action that in the name of "love" violates the person in his body and in his psyche.

## **CONCLUSIONS**

Today more and more criminological psychopathology, without neglecting the somatic and genetic foundation, tends to enhance multifactorial interpretations of criminality, considering also the social context where crime has matured, looking with great attention to the sociological elements that intertwine and underpin each dynamic psychological and psychopathological. As we saw the stalker manifests emotional, relational and communicative problems that does not always correspond to a precise psychopathological framework

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