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Culture of Patriarchy in Law:

Violence from Antiquity to Modernity•

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Stalking is a social behavior of repeatedly watching and imposing surveillance on the victim in ways that intimidate her autonomy. On April 3, 2001 a jury in Miami, Florida, US, had found a 46-years-old man guilty of stalking the tennis superstar Martina Hingis. He sent her flowers, faxes, letters, and then traveled to her home in Zurich, Switzerland, to tell her how much he is emotionally attached to her, after he had seen Ms. Hingis in the TV. Her friends repeatedly told him that Ms. Hingis would not like to meet him, but the stalker had insisted and followed her all around the world where she played tennis. Hingis claimed in court that she is fearful of being stalked by a 'crazy' fan.[1] Other heroes of cultures, as film and music stars, experienced similar events that are constitutive parts of cultures that frantically consume sex and pornography (Friedman 1990).

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[1] BBC NEWS , April 4, 2001.

Male stalking of women is a constituent of daily practices. In different countries like Australia, Belgium, Canada, Denmark, Ireland, Israel, Japan, Netherlands, Norway, US, and United Kingdom, male stalking has become a prevalent phenomenon that has attracted the attention of feminist NGOs, and activated anti- stalking legislation (Malsch 2000; Mullen 2000). Figures reported by US Federal and NGOs sources about stalking are staggering: 8% among women and 2% among men in the US were stalked in their lifetime. Most of them (77%, 64% respectively) knew their stalker/s with whom they had relationship. In 1999, for example, more than 1 million American women were stalked. In 2003 Congress reported about 1,006, 970 women and 370, 990 men who were stalked annually in the US. Worst, 76% of femicide instances of intimate partner, and 85% of attempted femicide cases of intimate partner, involved at least one incident of stalking within one year of the (attempted) murder.[2]

Orit Kamir's book on stalking narratives and the law is well integrated into law and society scholarship. Though it is primarily stimulated by contemporary US experience, the book expounds the historical sources of stalking as transnational and transhistorical problem. It profoundly analyzes stalking as male violence embedded in patriarchy: "judging by the statistical data that has just begun to accumulate, stalking seems to serve as a pattern of abuse, perpetrated by men on women they

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[2] The data is collected by the National Center for Victims of Crime: http://www.ncvc.org. For similar data updated to 2003, see in the Congress report preceding the resolution to establish a National Awareness Stalking Month in the US (July 8, 2003), http://www.ncvc.org./policy/Stalking%20Resolution.htm.

know. Its consequences seem to be significant. It may, therefore, justify legal intervention, including new legislation and enforcement policies." (2001: 11).

Unexpectedly the book begins with examination of the archetypal female stalker, *Lilit*, a goddess in antiquity, to explicate how transhistorical subordination of women to men has led to characterization of independent and assertive women as stalkers. Then it dwells on female stalkers throughout the medieval ages until modernity. Only in subsequent chapters Kamir explores the phenomenon of male stalkers and its most violent aspect of serial killings. As I explore below, she conceptualizes both types of stalkers as major phenomena of patriarchy. The last two chapters deal with legal moral panic, namely- public hysteria, and culture as perceived through stalking mythologies. Kamir employs narration analysis of intergenerational mythologies and demonstrate how they have constructed patriarchal culture and law. It accords with critical feminist studies that understand patriarchy, and male violence, as a fundamental structuring logic in Western thought and practices. Below, I review these topics in a focused theoretical context that I offer.

Rooted Violence and Narrow Public Policy of Legal Responses

The book conceives stalking neither as an exclusively modern phenomenon nor as a deviant behavior but as transhistorical embedded violent behavior. Nearly all stalkers are ordinary men, constructed in and reproduced through patriarchy, who use stalking to control women (Kamir 2001: 210).

From tribalism to modernity, despite egalitarian illusions and some achievements in modernity, women have largely been subordinated to male control and violence as

indicated in economic inequality, political under-representation, cultural marginalization, and sexual violence (Abu-Lughod 1995; Barzilai 2003; Butler 1990; Cuomo 1998; Ferguson 1995; Fraser 1997; Freedman 1995; Shachar 2001; Young 1990; West 1997). Male violence against women, with its multifarious appearances, has internationally transcended specific religions and local traditions (Amnesty 2001, Shalhoub-Kevorkian 2002).[3] Even in Western societies, which articulate liberal egalitarianism, male violence against women is widespread.[4]

Stalking, as a type of violence, should be theorized as part of multidimensional power relations in patriarchy.[5] One, who holds the power of control, holds the violent means to impose his desires on her.[6] She would not do what he wants, against her prime interests, unless he violently controls her practices. His violent control does not need to be physical. Due to biological reasons most men are physically stronger than most women (Gat 2000). Yet, he controls her not necessarily because he is physically stronger, rather he enjoys the patriarchal society that makes her dependent on him (Panichas 2001). He can control her violently through means as domestication and economic dependence (Fraser 1997; MacKinnon 1993; Minow 1993; Polan 1993; Rifkin 1993; Shachar 2001; West 1993; Young 1990). Violence is not only to beat

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[3] For an updated information on male violence against women around the world, see: http://www.qweb.kvinnoforum.se/violence/papers.html

[4] The US Attorney General devotes attention in reports to domestic violence against women, as a symbolic reaction to harsh realities of female predicament.

[5] For a somewhat similar argument as a basis of jurisprudence, see: Minow and Shanley 1997.

[6] The political control of men over political power foci in Western societies is enormous. Violence against women is partly due to their political weakness. For comparative figures, see: Siaroff 2000.

and harass, even to kill; violence is the power to discipline the victim through, *inter alia*, cultural and economic means.[7] The ability of X1 to enforce X2 to behave in contradiction to the essential interests of X2 is contingent on X2's vulnerability to X1's intimidation. In a gender- stratified setting, the intimidation inflicted by X1 upon X2 is further empowered since he (X1) is significantly supported by a patriarchal culture.

Despite some success of feminism in and outside the courtrooms, basic practices of male dominated societies against women---marginalization, domestication, discrimination, subjugation, displacement, under-representation, sexual exploitation, and violence--- have not significantly been altered even when 'globalization' has generated expectations of liberal egalitarianism (Calavita 2001; Merry 2001). However, the common legalistic approach to stalking has not comprehended it as a prevalent violent intimidation. Following public panic of serial killings, and subsequent reactions of anti- stalking legislation, legal scholars, psychologists and psychiatrics have erroneously perceived stalkers as deviants, either erotomaniacs or obsessionals instead of recognizing stalking as violence rooted in patriarchy (Kamir 2001: 198-202).

Towards the end of the 1970s the press in the US, heavily influenced by *Taxi Driver* and similar films, depicted male stalkers as serial killers. Most serial killers were men obsessed with sexual fantasies and pornographic material, and they stalked their female victims ahead of killing them. Around that time, Kamir keenly shows, the

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[7] For concepts of power, see: Lukes 1986; For a claim that violence, also as intimidation, is embedded in law, however not necessarily in its gender-based context, see: Jacques Derrida 1992.

term ‘stalking’, previously popular in the US in male sports of hunting and boxing, became a social category that labeled men who intruded and deadly attacked women. Referring to the immediate etiology of the category of stalking she notes: ”Thus, through the media and professional literature, Travis Bickle, Son of Sam, and Ted Bundy were defined as stalkers and serial killers. Their stalking was established as an essential element of their serial killing, and their serial killing was portrayed as the ultimate expression of their stalking. They became a social category, a type of people who shared a scientific profile. Closely associated with the traditional imagery of the male stalker, the serial- killing stalker became a mediating social category: at a time of deep social anxiety, it associated a small, defined group of people with the archetypal male stalker.” (2001: 153)

The case of Bardo exemplifies the insufficiencies in legalistic categorizations of stalking. The murder of Californian actress Rebecca Schaeffer by her male stalker, Robert Bardo, led to the first anti- stalking legislation in the US. Stalking was utterly simplified as violence of deviant men, mentally disturbed. Its historical cultural context-- profoundly analyzed by Kamir—was absent in that legislation. In reacting to the public hysteria the Californian legislature defined stalking in a very narrow way. Only a malicious intent and a repeated behavior to place the victim under a reasonable fear of life or great bodily injury were defined as unlawful stalking. Correspondingly, Kamir argues, most anti-stalking legislation in the US reflected the public panic concerning serial killers, while much more frequent and non-murderous incidents of male stalking were neglected in state law. Anti-stalking legislation was affected by public panic, hysteria, and did not respond to the sources of women’s subjugation to violence. In that sense, state law signals structuring logic of patriarchy

that transcends and undermines attempts at in-depth sociolegal change. Reforming a society requires to know more about the place of mythologies in our normative and practical world.

Mythologies of Stalking as Culture in Law: Transmissions and Conjunctions

Kamir's major contributions are embedded in her analysis of transhistorical and intergenerational mythologies of stalking. The focus on mythological genealogy explores how stalking was de historicized and displaced of its context in contemporary state law that signals patriarchal power relations. While state law has presumed that stalkers should be punished as individuals who deviated from egalitarian behavioral norms, Kamir calls to deconstruct these legal categories of stalking and to look into the sociopolitical origins and contexts of male intimidation. She follows feminist theorists as MacKinnon and Dworkin (1997) who have aimed to challenge state law, and its ideology, through its deconstruction as patriarchal.

Since culture, and the sociopolitical forces that shape it are in law, and not only interact with law (Umphrey 1999), Kamir is correct in tracing the cultural genealogy of stalking through mythologies. Since mythologies are broad cultures embedded in public consciousness they enable us to better comprehend how legal ideologies, as the normative motives of state law, are constituted. Scholarship of culture in law is characterized by diverse methodologies: public opinion polls (Gibson and Caldeira 1995; Gibson and Gouws 1997); neo-institutional perspectives on courts and norms (Epstein and Knight 1998; Gillman 1997); daily stories explored through interviews (Ewick and Silbey 1998), and narration analysis (Brigham 1998; Merry 2001; Umphrey 1999; Yngvesson 1997). Public opinion polls may detect current collective

trends of articulated attitudes and beliefs, which may indicate some veiled social proclivities. They lack historical etiological depth, however, and do not necessarily explicate daily practices. Interviews with ordinary people may expound more intricate stories about law and culture and allow more insights into daily practices. That methodology is highly dependent on the questionnaire and its structure, whilst the mode of interactions between the respondent and the interviewer is crucial. Even so, interviews with common people who are asked about law as their daily life are illuminative, but lack historical depth, and they only partially reflect practices.

Kamir is using narration analysis and she is investigating popular mythologies through poems, books, plays, songs, religious texts, and films. Films have had a special effect since via TV, Video, DVD, and the Internet they could have influence collective consciousness.[8] As Austin Sarat, in his seminal LSA's Presidential Address pointed, no in- depth study of law and society is possible without explication of films' influences on constructing legal cultures (Sarat 2000). Since films are broadly watched, easily accessible, and powerfully visualize daily practices, their effect on collective consciousness and behavior may be especially crucial (Rosenberg 2001; Rosenfield 1993; Stoneman 2000).

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[8] Kamir reflects on the Internet as a possible major source of stalking in the 21st century but does not develop her argument (2001: 139). The Internet may further enable men to stalk women, while the stalkers are in their private rooms, or working places, in a relatively free and isolated environment. Reports from different countries testify that stalking has increased due to the Internet (Bocij 2003). Especially in the cyberspace, the ability of users to reconcile family values, as loyalty and monogamy, with stalking other women is greater than ever before, because the cyberspace diversifies personal capabilities to simultaneously enjoying different sexual practices and fantasies.

The book exceeds the possible differences between various types of texts in order to construct a solid theme about mythologies in law.[9] Such a methodology has two major advantages. First, the book goes deeper than explaining public mood and rhetoric and explicates how culture was practiced. Further, it exhibits intergenerational transmissions and historical transformations of mythologies. Second, it explains the legalistic effects of public hysteria that erupts in reaction to daily events and equally explicates which cultural materials have constructed legal ideology that has secluded stalking from its patriarchal context. Myths, referring to assertive women as stalkers, and to male stalkers as deviants, may not only derive from legal ideologies but once practiced they may constitute legal ideologies.

Compared with studies that rely on personal interviews (Kostiner 2003), narration analysis may overshadow possibilities of causal constitutive relationships between mythologies and practices. Since the book aims to cover stalking stories along five millenniums, the ability to unveil causal constitutive relationships between meta-stories and practices is even more problematic. Yet, Kamir analysis of folk mythologies is sensitive to historical developments of myths that are embedded in

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[9] Critical thinkers as Herbert Marcuse (1968) and Antonio Gramsci (1971) have alluded how the mass media, which is motivated and controlled by and through the materialistic capitalistic process, constructs distorted social needs like mass consumption of sex, and hampers sociopolitical attempts to deconstruct them. The absence of that criticism has missed a critical context that alludes to the interests and ability of the film industry to maintain a patriarchal society. Generation of images of stalking is not only a reflection of prevailing myths (Kamir 2001: 112-139), but also a result of profit-oriented film machinery.

legal categories. A similar methodology was used to study criminal procedures and the constitutive influences of narratives of criminal responsibility (Umphrey 1999). That methodology enables us to see that each mythology is a certain layer in an open ended, potentially circular, historical process. Each mythology points to identities that may constitute practices of stalking.

Hence, the book provides unexpected insights drilled from the ingredients of mythologies- emotions, fears, obsessions, sexual fantasies, hidden behavioral modes, forbidden dreams, faith, beliefs, and informal interests. Such a methodology unveils the patriarchal power relations that stalking signals, and illuminates the inadequacies of contemporary conceptualizations of male stalking. It exhibits that certain facets of violence are deeply embedded in our intergenerational cultural psyches in an archetypal way.

Mythologies about Women and Men as Stalkers

Through systematically illuminating mythological texts, we may explore insights as those related to women as stalkers and men as their presumed stalked subjects. If the context in which the book should be comprehended is patriarchy, how can we explain violent women? The story of *Lilit*, a Sumerian goddess canonized in Western culture is Kamir's allegory to popular framing of female stalking.

Lilit is a mythological evolvement of *Inanna*, the goddess of law and social life in Sumer, about 3,000 B.C. With the consolidation of patriarchy in Sumer, *Eve*, the image of the domesticated woman, and *Lilit* the female stalker, had replaced *Inanna*'s image in Sumerian mythology. At that historical point, with the disempowerment of

women in control, violence was related to the undomesticated woman, who aims to be in power. Already in the middle of the first millenium B.C. the symbols that were associated with *Lilit,* the female stalker, had become associated with female witchcraft. These symbols were later transmitted to the Hebrew-Jewish and to the Christian canonical texts. Thus, the mythology of the female stalker, which was originated in early Sumer, became an integral part of culture in law.

Modern law, as Peter Fitzpatrick has claimed, following Marxist, Neo- and Post-Marxist traditions, contains mythical symbols (Fitzpatrick 1992). Kamir moves one significant feminist step further in explicitly and critically exploring how mythologies have constituted a male legal ideology that has empowered and generated gendered-based structures. It is a significant contribution to the literature since law is not only a mythology by itself (Fitzpatrick 1992; Scheingold 1974). Rather, it has been constituted by antique mythologies that constructed patriarchy. Women who desired to challenge patriarchy were perceived as stalkers, as witches, and as prostitutes (Kamir 2001: 42).

The more insecure men feel, the more they procreate the image of progressive women as stalkers. Thus, the witch-hunts in Europe between the fourteen and seventeen centuries were violent practices that reflected the image of stalking in law. Mainly, the Catholic Church prosecuted women who were outside its disciplinary power in order to reconsolidate its powerful position *vis-a-vis* the younger Protestant Church. Using the legal category of diabolism dozen of thousands women were convicted in courts, after they were tortured during the interrogative processes (Kamir 2001: 62).

The genealogy of stalking includes the story of modernity. The book continues the themes of Michel Foucault (1980) and Catharine MacKinnon (1987, 1989, 1993) on the centrality of sexuality in modernity and its regulation for preserving patriarchy. The nation-state has contributed to the engendering of stalking mythologies in order to regulate feminine sexuality, especially when women might have endangered the patriarchal social order. Kamir masterfully explicates how in the eighteen and nineteen centuries, when feminine sexuality became more prevalent and still veiled through conservative arrangements of marriage, prostitutes had become targets of legal prosecution by state authorities, blamed as spreading dangerous diseases as syphilis, since like *Lilit* and the witch, "the prostitute enabled the female stalking story to be burst out into a series of moral panics." (2001: 64).[10]

Liberalism and liberal feminism in the twentieth century that apparently could have reduce the scope of stalking due to constitutional protections on individual autonomy and privacy incited the opposite public reaction. It was articulated in films since films are spheres of legal imagination[11]; they construct the boundaries of our imagined reality by showing and framing —through the moving images--- what is 'happening' and what may 'happen' (Black 1999; Denvir 2000; Sarat 2000, 9).

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[10] The argument concerning state's regulation of sexuality in times of public panics (Kamir 2001: 175-203), transcends female stalking and illuminates other types of gender-based violence. Thus, the same apparatus was utilized through the heterosexual ideology against homosexuals in the twentieth century as they were blamed as spreaders of Aids (Richards 1999).

[11] For a list of films with legal themes, see: http://www.law.gwu.edu/apply/read.asp#FILMS

Fatal Attraction (1987) demonstrated a narrative of female stalking. Alex is a single, professional woman who is seducing a married man, Dan, when his wife and daughter are away for the weekend. When Dan refuses to continue their relationships Alex insists, and she is imposing herself by appearing constantly in his office, by his car and even in his home, but fails to attract him again. Then she attempts a suicide, and finally trying to kill Dan's wife, and finds her death. Kamir argues: "… sexually initiating woman, she is portrayed as a contemporary Lilit who refuses to go away, a witch and a female erotomanic serial killer." (171). *Fatal Attraction* has articulated female stalking amidst liberalism, when feminism propelled feminine dignity, imposed pressures on policy makers to frame more egalitarian public policies, and demanded public attention to male stalkers. In reaction, independent and strong women, social constructs of liberal feminism, have been conceived as stalkers. In the imagination of *Fatal Attraction*, the social guilt has completely been transformed from the male to the female stalker.

Less convincingly Kamir argues the same about *The Eyes of Laura Mars* (1978), which depicts an assertive celebrated photographer, liberal woman, Laura Mars. A mysterious serial killer is murdering her lesbian models. He happens to be the police officer who investigates the murders, and with whom Laura Mars has a passionate affair. She experiences uncontrolled visions of the murders before they take place since her sight is being taken over by the murderer, her lover, and she can only see what he sees when he stalks his next victim. Furthermore, her murdered models are found dead in the same positions that are identical to the sexual and violent positions that she had staged and photographed prior to the murders.

Kamir analyzes how Laura Mars is depicted as a female stalker: ''Although she does not perform the actual killings, she participates in the stalking phase of the murders through her psychic visions…" "More significantly, the uncanny similarity between the models' positions in death and in their photographs underlines Mars's moral responsibility in the bloodshed. It is explained, in the film fictional world, by the telepathic, premonitionary connection between Mars and the murderer. The telepathy symbolizes the inherent connection between Mars's violent sexual fantasies and their dangerous execution in reality." (2001: 167-168). It may be argued, however, that in this film the man is exhibited as the stalker, while the woman is framed as the victim. Unlike Alex, Laura is compelled to be part of the murders and can be depicted as a victimized personality manipulated by a male stalker.

When men stalk women they repeatedly watch them, supervise them, intrude upon their life, and strive to subordinate them to their own will. As studies cited in the book exhibit, the male stalker expects that the stalked woman will behave according to his expectations (Kamir 2001: 210). In patriarchy, she is expected to behave according to his own interests, due to his intimidation on her safety. This is how X1 (the male stalker) has power over X2 (the stalked woman).

That intimidation on one's personality cannot lead to symbiotic relations, but to subordination of women to men. While rape and other types of physical violence are intrusions into the female body, stalking is an intrusion into her spirit, and the demand that she would surrender her autonomy (to him). In allegories as *Satan*, *Dracula*, *Frankenstein, Faust* and the *Vampire* the male stalker has been portrayed as an

abusive intruder, as a vampirish trespasser (2001: 89-98, 102-103). In culture of patriarchy, however, that abusive behavior has been celebrated as a desirable and canonized behavior: "Tales written by male writers portrayed stalking as thrilling woman-hunting, inviting readers to participate and take delight in the predator's excitement. Such literary treatment of stalking was voyeuristic and often pornographic. It conformed with dominant patriarchal perceptions, establishing vampirism and stalking as sensational mass entertainment." (2001: 98). Furthermore, the male stalker is often framed as somebody innocent who punishes a female stalker, namely- a prostitute or his wife that surrounds to her suitor.

The film *Taxi Driver* (1976) demonstrates how the Vietnam trauma had incited stories of male stalking as an extreme and isolated category of serial killing. Vietnam veterans were perceived as potential male stalkers, even murderers, who try to compensate for their feelings of weakness and castration. In *Taxi Driver* the stalker, a shy and lonely Marine veteran, working as a New York taxi driver is a serial killer. The film portrays a sleepless driver who aspires to clean the city from its corruption, trying to save an underage prostitute from her pimp, and ending up in killings. Based on the genealogical explication of transhistorical mythologies, the book criticizes that narrow category of male stalking as serial killing and argues that such narrow categories of stalking 'normalized' non-murderous male stalkers who have rejoiced the subordination of women (2001: 141-144).

Such a concept of grand stories that carry and constitute struggles of identities over power through state law was previously alluded by different thinkers (Cover 1992; Olsen 1990).}}

Problems with Mythological Approach

Kamir attempt to conjoin deconstruction of intergenerational and transhistorical mythologies with current prescriptions for legislation is problematical. On the one hand, she powerfully exhibits that legal categories are epiphenomena of a cultural context (see similarly: Cover 1992; Olsen 1990). On the other hand she aspires after legal categories as the remedy for stalking. I will first explore her attempt to offer better legalistic regulations of stalking, and then explain the problem with her important project and the antinomy embedded in it.

The call for a legalistic regulation of male stalking through a broader category of unlawful stalking is similar to ambitions in other critical legal feminist writings that aspire to exclude violent sex through formally regulating and excluding pornography (MacKinnon and Dworkin 1997). The book submits a genuine feminist criticism of the 'reasonable person test', required in most anti-stalking legislation[12], following critical scholars who have deconstructed legalistic tests that veiled sociopolitical interests and ideology (Horwitz 1990; Kairys 1990; Mautner 1994; Shamir 1994). It is forcefully argued that the reasonable woman test in anti-stalking legislation

[12] Only in a few instances, in Belgium, Denmark, Ireland, and Norway, there is no requirement of the reasonable-person test (Malsch 2000). According to the 1990's California law, the defendant is guilty of stalking if he/she makes a credible threat with the intent to place a person in reasonable fear of death or great bodily injury. A person can be accused of stalking if she/he willfully, maliciously, and repeatedly follows or harasses another person. Harassment is defined in the law as a course of conduct that would cause a 'reasonable' person to suffer substantial emotional distress.

internalizes injustice since it is asking whether other women would have felt what the alleged stalked woman claims to feel as a result of the alleged stalking.

To obligate a victim to feel what others 'should' feel as 'reasonable' women is in practice to substantiate the hegemonic values of patriarchy. As Kamir argues, the alleged victim has to prove in court her 'reasonable' suffering, namely- that she is not merely hysteric and fragile as women are often suspected to be in patriarchy. Furthermore, I argue, because the injured feelings of the stalked woman are subjective and cannot be standardized, the distortion caused by the reasonableness test is even greater than in many other legal categories of unlawfulness that refer to concrete tangible damage caused by violence. Requiring reasonableness of feelings is an attempt to 'objectify' stalking and therefore to transcend its social facets from the context of patriarchal violence. Since stalking is mainly a male violence against women[13], men are unable to judge what a stalked woman feels. Furthermore, I argue, the reasonableness test ignores the heterogeneity of women and their diverse multicultural reactions to male stalking. How can a white man know what a black woman felt, whilst a white man had stalked her?

Current legislation would enable the legal authorities to convict only about 6% of the alleged stalkers (Kamir 2001: 206), while the 2001 report on stalking, submitted to Congress by the Federal Attorney General reveals that only 1% of stalking instances are brought to court in criminal procedures.[14] The book advises that anti-stalking

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[13] For various data sets, see: http://www.ncvc.org/special/stalking.htm

[14] *US Attorney General Report to Congress (2001) Stalking and Domestic Violence.*

legislation will define stalking broadly, and not require women to prove the damages that allegedly were caused by their stalkers.

Problematically, Kamir does not follow her own fascinating account of mythologies that should cast severe doubts about the efficacy of any legal reform. Rather drastically she turns from criticism of male-state constituted culture to advocacy of male-state public policy, and believes in the willingness and ability of state law to reform practices, at least as a first significant step in a more compound journey of social reforms. Will the abolishment of the reasonable-woman test reform reality? Formal state law codes a certain behavior as unlawful and frames a space in which criminal prosecution and the courts may punish (Sarat and Kearns 1993, 1998). But as comprehensive the categorization of unlawful stalking may be, violence against women and stalking are graver social problems and not merely legalistic issues.[15] The inherent tension in trying to conjoin research of transhistorical mythologies with an attempt to shape a contemporary legal policy is prominent because the legalistic formalities deal only with manifestations and not with the sociopolitical and cultural sources of male violence against women. The section below explicates possible directions for women's redemption.

Can Legislation Quell Stalking?

In order to seriously confine the scope of male stalking, a broader legislation as Kamir offers will not suffice. Instead, the prime strategy of feminists should be the deconstruction of culture of patriarchy, even if that deconstruction is incrementally

[15] It is outside the scope of this article to debate legalistic calculus. A broad legal category of unlawful stalking may be ineffective in its enforcement or struck down as too vague.

implemented. My advocacy of the author's criticism of the reasonable-person test notwithstanding, the book expects too much from state law. Social forces, like feminist NGOs, should carry the criticism and deconstruct patriarchy through placing non- normative mythologies and normative mythologies, while state law cannot render such a social change by itself. Since patriarchy is grounded in state law itself, in its formalities, legal ideology, and practices (MacKinnon 1989; Olsen 1990; Polan 1993), legislation and court rulings are constitutive constructs of patriarchy itself, despite contingencies and dynamics of hermeneutics. As the empirical findings point, above, it is significantly doubtful whether anti- stalking legislation, as capacious as it may be, spurs fundamental sociopolitical changes. The formal legal text may form a basis of incremental legal change but much more is required for inciting reforms in practices (Rosenberg 1991).

Potentially, anti-stalking legislation may benefit from knowing about the place of mythologies in culture and law and it may touch upon some mythological thinking as non-normative. Yet, the origin of stalking is subjugation of women, therefore feminism should endow its foremost efforts elsewhere, and not in formal law that may be futile without liberation of women from the primary elements that constitute their subjugation (Brown 1995; Hartsock 1983; Nussbaum 1999). To significantly transform the status quo, above few legalistic moments, requires expelling culture of patriarchy from law.

Such a claim has concrete consequences. State law should not be the main field of endeavors to expel patriarchy. Women have to acquire a strong collective feminist consciousness (Weiss and Friedman 1995), which is a precondition to liberation of

oppressed non-ruling communities (Barzilai 2003). Empirical studies show that grass roots efforts to build feminist consciousness are not futile, and do have a record of success (Barzilai 2003; Weiss and Friedman 1995). It does not exclude using legal reforms as part of the process. State law may assist in mobilizing feminist purposes of constructing a feminist collective consciousness. Its assistance, however, may be confined within the basic patriarchal configurations in cultures and institutions (McCann 1994).

Legal reforms through state law should be a sociopolitical tactic and not a strategy by itself. While the book invites criticism of strategy of legal reforms, its emphasize on legislation contradicts its cultural message. Feminists should begin with a concept of a feminist collective consciousness in order to challenge patriarchal myths outside and inside law. Legal reforms by themselves are only secondary in constructing such a consciousness, since usually they would not transcend prevailing legal ideology of the state and its patriarchal prevailing myths (Olsen 1990).

The book findings should enable women to overcome myths as if feminine independence is evil, and as if assertive, educated, and liberal women are stalkers. Deconstructing culture through exposing mythologies, as Kamir does, should become part of education, in order to empower women to fight male stalking, and acquire economic and social independence. When that politics prevails, whilst patriarchy has significantly been deconstructed, anti- stalking legislation will be effective, and yet prominently less relevant. Anti- stalking legislation that considers mythologies, as Kamir prescribes, is part of a more egalitarian society. Yet, it is ineffective without other social forces of women liberation coming to the fore theorizing and practicing

alternatives to settings of patriarchy and violence. Grass- roots activities among women through unveiling and deconstructing mythologies may assist in reaching a communal feminist consciousness and economic independence of women. *Every Breath You Take* is an important base of such a feminist theory, since it genuinely explores how intensely violence, and particularly male violence, is embedded in our cultural psyches.

Conclusion

Exploring the place of mythologies in law is an important endeavor to redeem law from its formalistic and positivistic stigmatizations, and to deconstruct it in order to reform society. A narration analysis of transhistorical mythologies, through varied primary texts, is path breaking in studying popular legal cultures since the temptation to be a stalker and the fear of being stalked are substantially framed and reproduced through such spaces as films (and lately the Internet) and through more traditional types of texts from antiquity to modernity.[16]

The book neither neglects the law nor does it neglect society. Its research advances scholarly endeavors in law and society because it enables us to better comprehend how popular beliefs and folk practices have constructed and shaped legislation, court rulings, law and hermeneutics. The book provides us with a transhistorical model of law and culture against which scholars may evaluate the merits and deficiencies of

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[16] See: 1999 *Report on Cyberstalking: A New Challenge for the Law Enforcement and Industry. A Report from the Attorney General to the Vice President*, August 1999. In: http://www.cybercrime.gov/cyberstalking.htm

contemporary law. That transhistorical model shows that due to power struggles, the intimacies between law, male violence, and popular culture and the role of courts in regulation of sexuality had existed even several millenniums before the creation of the nation-state. One who reads Kamir's book can not but be impressed that instead of being either state critics or state protagonists, or both, we should be interested in the various historical configurations of power and violence against women.

Rather than suggesting abstractions detached from a concrete local knowledge, the book constructs a very detailed and compound picture of stalking from interdisciplinary perspectives without losing the conceptual aspects of feminist legal criticism. Conceiving it as an important book about violence in patriarchy, as I argue, offers a critical conceptual prism to evaluate its high quality and its potentialities to invite additional studies about mythologies and law. Understanding mythologies in law from antiquity to modernity, as Kamir does, is a very impressive meaningful effort that should be prominent both in feminist theories and in law and society studies, since Every Breath You Take someone is watching you.

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