

Legal Perspectives

In 1990 the State of California enacted the first “antistalking” law in the United States. This law, as it was then formulated, prohibited a course of conduct that included a credible threat, a willful and malicious intention to place a target under reasonable fear for her or his bodily safety, and the actual arousal of such reasonable fear. Over the following three years, every state, as well as the federal government, followed suit, establishing “stalking” as a legal term and a legal issue.¹

This dramatic creation of stalking as a legal category invites inquiry into not only its legal but also its metalegal implications. That is, it poses a set of theoretical questions that are inseparable from the (meta)legal treatment of any issue. What is the harm and/or damage caused by stalking to its targets, to a society, and to that society’s fundamental principles? Which of society’s protected values are affected by stalking, how, and to what extent? Why and in what terms are such effects significant enough to justify legal action? In order to better confront these (meta)legal aspects, it is necessary to pose questions of a more cultural nature. Why do targets respond to stalking the way they do? How do they experience stalking? What is behind society’s response? What is the cultural background against which stalking is perceived as damaging and/or harmful? How has stalking come to mean what it does? What are the ideological assumptions underlying our conception of stalking? In other words: what, in the broad, cultural sense, *is* stalking? Answering these questions is essential for a theoretical assessment and critical analysis of the legal treatment of stalking. Only then may we approach issues such as the justification of antistalking laws. Do they address the relevant elements of stalking, that is, those that pose a substantial threat to rightly protected social values? Do they define stalking accurately? Are they structured in the best possible way to address the threat posed by stalking? Is their scope appropriate?

This is the multilayered set of questions this book seeks to explore; in this respect, its framework and motivation are (meta)legal.

However, stalking is not a uniquely legal issue. As a human behavior and a social phenomenon, it may be an object of inquiry in various human

1. Different states have defined stalking differently, and the state of California has changed its definition several times. For further discussion of the legal definitions of stalking see chapters 8 and 9. For a different, culturally oriented definition of stalking, see the last section of this chapter.

sciences. Stalking may interest psychologists, sociologists, criminologists, and psychiatrists. But the aspects of the issue that concern social scientists are distinct from the (meta)legal issues presented above. For example, from the psychiatric and psychological perspectives, the relevant questions regarding stalking may include the following: Who are the individuals who engage in this conduct? What is the makeup of their personalities? Why do they engage in stalking? How does the pattern of their behavior reflect personality difficulties? How do they choose their victims? What are the types of stalking behaviors, and how do they correspond with types of characters? How can stalkers be cured? How do victims of stalking respond to it? How can *they* be helped? These and related questions are at the heart of fifteen scholarly articles that have recently been published in Reid Meloy's *The Psychology of Stalking: Clinical and Forensic Perspectives*.

The two sets of questions described above are closely connected; it is almost impossible to treat one without touching on the other. Yet they are, and should be, distinct. As fascinating as the demographic and psychiatric makeup of stalkers may be, it is not, nor should be, at the center of a critical legal discussion. While the social sciences may conceptualize the stalker's conscious and unconscious motives and goals, the legal and metalegal perspective must focus on society's protected values, on the nature of the threat posed by stalking to these values, and on the normative justification for legal intervention. This is why this book does not attempt to reveal "the stalker," but rather to understand the social construction of the threat posed by stalking to individuals and to the social order. When touching upon stalkers and their targets, my discussion does not aim to define human categories or deficiencies, but merely to better understand the social phenomenon as it is conceived and constructed within the relevant culture.²

The Cultural Legacy

The legal treatment of stalking is new. But stalking as a concept and the fear of stalking as a perceived personal and social harm have been with us for many centuries, interwoven with some of our culture's stories, its fictional characters and literary images. The fear of stalking, on both the personal and the collective level, has been expressed through and developed by powerful literary images; it is inseparable from stories told of mythological characters, legendary entities, literary protagonists, and film personae. Such stories express the fear of stalking as molded within culture, while furnishing it

2. So far, much of the legal, professional discussion of stalking has addressed the "psychological" set of questions, rather than the legal one. Other writers analyze the existing positive law, particularly its constitutionality. Not enough attention has so far been given to the fundamental (meta)legal questions presented above. For further discussion of this point see chapter 8.

with details and perpetuating it in our collective memory as well as in our individual psyches. In other words: the fear of stalking within our culture is a product of an ongoing interaction between fears and the stories told about them. In my attempt to identify the components of stalking and its effects, I turn to several cultural discourses, examining the stories and characters that have manifested and created our fear of stalking. These discussions offer a cultural analysis of stalking.

The antistalking legislation of the 1990s regenerated in legal form an ancient fear freighted with a cultural legacy of perceptions and connotations that began to accumulate within Western culture perhaps as early as five thousand years ago. When integrated into our contemporary legal system, the fear of stalking carried with it faint echoes and images of worlds haunted by supernatural creatures, cosmic quests, and tragic fates. Making their acquaintance enables us to better understand how we, as lawyers, judges, stalkers, targets, and potential jurors, feel and think when we encounter stalking. Exploring its cultural origins helps us determine which parts of this rich cultural heritage we wish to maintain, for what reasons, and in what forms.

In my exploration of stalking, I recognize that earlier concepts, images, and symbolic meanings, with which we may not be consciously familiar, influence the stories we tell ourselves. Historical developments and changing discourses can reshape or transform images and stories to the extent that current users may be completely unaware of former incarnations of figures of speech, legends, and ideological assumptions. We may have collectively forgotten, suppressed, or reinterpreted earlier contexts and symbolic systems within which the precursors of our modern ideas grew and flourished. Nevertheless, though disguised and cloaked in layers of later meanings, old stories, images, and concepts are very much alive and may manifest themselves in our dreams, myths, religions, languages, movies, social sciences, and legal discourse. Like ghosts, they haunt our lives and alter our behavior.

Fundamental Concepts of Male and Female Stalking

The cultural analysis of stalking stories reveals fundamental differences between stalking by males and stalking by females, as each corresponds to distinct emotional experiences, narratives, and social constructions.

The pursuit of stalking (stories) has led me centuries and millennia back to Mesopotamia, the “Cradle of Western Civilization” and to its mythological night-stalking female demon, Lilit (“owl”).³ I suggest that Lilit embodied the demonized, powerful aspects of the almighty ancient Great Goddess Inanna, after the Goddess was replaced by a younger generation of male

3. The demon’s English name is *Lilith*. I chose to use *Lilit*, which is the transliteration of the Hebrew name.

Gods. In their narration of Lilit's nocturnal forays, formulating the notion, image, and story of female stalking, the Sumerians expressed a patriarchal fear (laden with guilt and desire): that of a vilified, prepatriarchal feminine entity, who returns repeatedly to haunt them. Patriarchal fear of female stalking and Lilit's story subsequently merged. In later Jewish mythology, the female night stalker Lilit became Adam's sister and first wife (prior to the creation of Eve), who flew away from the Garden of Eden refusing to comply with Adam's attempt to establish his dominance. In Adam's sons' story of Lilit, fear of female stalking took on additional association with a strong, independent, sexual, long-lost mirror-image "sister," greatly loved and feared, much desired and hated. A detailed analysis of the exact elements of Lilit's story testifies to, and enables us to construct, the fear of female stalking as it may have been felt and perceived by the authors and audiences of the story, that is, by individuals as well as by the patriarchal social order. Moreover, throughout the ages and territories of Western civilization, Lilit's image has taken on many names and faces. (Glenn Close's character in the film *Fatal Attraction* is one conspicuous, contemporary example.) Tracing the development of Lilit's archetypal character and stalking story exposes the source and politics of the fear surrounding female stalking. It also sheds light on modern legal perceptions of the personal and social harm caused by stalking.

The journey into the history of stalking stories also led me to stories of archetypal male stalkers, that is, to the cultural manifestations and constructions of our fear of male stalking. In cultural narratives, male stalking is experienced as a lurking, watchful, controlling, supernatural threat. The corresponding fear is of an ever-present, omnipotent, overpowering, and "objectifying" entity. It is the fear of being ever supervised, judged, and condemned. The most illuminating metaphor of male stalking is God's watchful, ever-present, unseen eye, waiting to witness man's fall. The medieval overreaching Faust is a human version of the stalking Godly image; his insatiable quest for Knowledge is perceived as an attempt to penetrate and control. Satan is yet another "derivative" mythological male stalker, present at people's moments of weakness and failure, ever ready to seduce, report, and condemn. The legendary vampire is the most powerful image of male stalking. With his penetrating gaze, the nocturnal vampire stalks his human prey (women in particular), exposing and punishing the carnal and sinful. Like Lilit, Faust, Satan, and the vampire reappear throughout the ages, forming and perpetuating our fear of male stalking. (Frankenstein's creature, Dracula, and the monstrous serial killer Michael in the film *Halloween* are prominent examples.)

Comparison of male and female stalking in cultural narratives reveals their unique features. From the individual's perspective, male stalking is typically experienced as controlling, overpowering, oppressive, and ever-present. Female stalking is felt as repetitively returning, sexual, seducing,

terrifying, and guilt inducing. The individual damage associated with male and female stalking is, therefore, distinctly different. The wider perspective of collective, social harm reveals an even more significant difference. Stories of female stalking have served the patriarchal social order as a disciplinary mechanism. Lilit's devilish image terrifies men, causing them to fear undomesticated, nonpatriarchal women, while demonstrating to women the horrible price of condemnation and isolation to be paid for choosing such a non-traditional feminine existence. Yet Lilit's character and story are also highly subversive and therefore dangerous to the ruling social order, because Lilit is not merely threatening, but also alluring and desirable. Like the carnival, stories of female stalking are a risky outlet for subversive undercurrents and a potentially dangerous component of the patriarchal social order. Like the carnival, such stories may be useful for the ruling classes if wisely controlled and manipulated in the service of their interests. The threat of male stalking, on the other hand, is a straightforward, highly efficient disciplinary mechanism of the patriarchal social order. Lacking the subversive qualities of female stalking, it effectively frightens men and women into social roles designed for them, subordinating them to the ruling ideology, ruling classes, and ruling deity.

This fundamental difference between concepts of male and female stalking may explain the different social functions they have been assigned throughout history. As this book illustrates, stories of male stalking have been regularly nourished and nurtured in the daily service of the social order. In dangerous times of social instability, the fear of female stalking, preserved in female stalking stories, was used to incite witch-hunts (moral panics), in which society united in pursuit of appropriate female scapegoats.

In mythology, folklore, literature, and film, women stalkers are at least as present and threatening as their male counterparts; Lilit, witches, prostitutes, and *Fatal Attraction's* female protagonist are powerful female stalking characters. In reality, however, stalking seems to be a behavior predominantly perpetrated by men on women. This fact is an arresting reminder that stories do not necessarily reflect lived experiences, but can also express anxieties and dreads, constructing our perceptions of social realities. Such is also the close connection between stories of female stalking and periods of moral panic.

Stalking and Moral Panic

The sociological term *moral panic* refers to a period of public preoccupation with a social phenomenon that is irrationally perceived as exceptionally dangerous to the collective well-being. Such public preoccupation manifests collective insecurities. It labels and targets defined, unpopular groups and sometimes results in legislation or adoption of new social policies. Stanley

Cohen, first to develop the term, defined moral panic in the following manner:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself. (1980, 9)

A wider and more detailed definition is offered by Erich Goode and Nachman Ben-Yehuda:

At times, societies are gripped by moral panics. During the moral panic, the behavior of some of the members of a society is thought to be so problematic to others, the evil they do, or are thought to do, is felt to be so wounding to the substance and fabric of the body social, that serious steps must be taken to control the behavior, punish the perpetrators, and repair the damage. The threat this evil presumably poses is felt to represent a crisis for the society: something must be done about it, and that something must be done now; if steps are not taken immediately, or soon, we will suffer even graver consequences. The sentiment generated or stirred up by this threat can be referred to as a kind of fever; it can be characterized by a heightened emotion, fear, dread, anxiety, hostility, and a strong feeling of righteousness. In a moral panic, a group or category engages in unacceptable, immoral behavior, presumably causes or is responsible for serious harmful consequences, and is therefore seen as a threat to the well-being, basic values, and interests of the society presumably threatened by them. These perpetrators or supposed perpetrators come to be regarded as the enemy—or an enemy—of society, “folk devils” (Cohen 1972), deviants, outsiders, legitimate and deserving targets of self-righteous anger, hostility, and punishment. (1994, 31)

Goode and Ben-Yehuda add that “it is almost axiomatic in the literature that moral panics arise in troubled times, during which a serious *threat* is

sensed to the interests or values of the society as a whole or to segments of a society" (32).⁴ Furthermore,

when a society's moral boundaries are sharp, clear and secure, and the central norms and values are strongly held by nearly everyone, moral panics rarely grip its members—nor do they need to. However, when the moral boundaries are fuzzy and shifting and often seem to be contested, moral panics are far more likely to seize the members of a society. (52)

Cohen's (1972) research focuses on the preoccupation of the English public in the 1960s with a particular form of youth culture (the mods and rockers), which was perceived as deviant and dangerous. Goode and Ben-Yehuda (in 1994) explore what they define as the Renaissance witch craze, the LSD panic of the 1960s, the panic concerning satanic ritual abuse, the American drug panic of the 1980s, and the Israeli drug panic of May 1982. In each of these cases, they claim, there appears "a certain *disassociation* between protectionism and concern, that is, . . . concern and fear are not *strictly* a product of the magnitude of the threat, and therefore . . . the steps taken to protect the society from that threat may be somewhat misplaced" (20).

I have so far referred to stalking as a legal concept and as a set of stories that formulate and express individual and collective fears. I suggested that critical investigation of the legal concept of stalking can be assisted by exploring the details of the stories about stalking. I now suggest further that the (legally oriented) study of stalking stories is intertwined with the study of certain moral panics, which have been fueled by the stories and fears surrounding stalking.

In times of turmoil and insecurity, "when the moral boundaries are fuzzy and shifting," when collective frustration must find an outlet, stalking stories offer a structure for the public manifestations of anxiety and hostility that become moral panics. Such moral panics focus on social events that can be narrated as stalking stories and on characters who can be presented as archetypal stalkers. Images of fictional stalkers serve to create social categories of the deviant, the other, the enemy, and the folk devil who must be prevented from causing social harm.

As stories of both male and female stalking are deeply connected with the patriarchal social order, these stories are likely to evolve into moral panics when social turmoil affects the basis of patriarchy. Fictional male stalkers

4. Nevertheless, "there must be substantial or widespread agreement or consensus—that is, at least a certain minimal measure of consensus in the society as a whole or in designated segments of the society—that the threat is real, serious, and caused by the wrongdoing group members and their behavior" (Goode and Ben-Yehuda 1996, 34).

tend to strengthen the grip of the patriarchal social order; fictional female stalkers pose an inherent threat to patriarchy. It is the female stalking stories, therefore, that are likely to be used to fuel moral panics, legendary female stalkers skillfully constructed as models for human categories of “folk devils” targeted during these periods.

The most prominent example of a female-stalking moral panic is what Ben-Yehuda defines as the European witch craze, better known as the European witch-hunts. Lilit’s stalking image was superimposed on women labeled “witches,” who were promptly prosecuted and executed. The image of the witch served as a mediator between the mythological Lilit and real women. It facilitated the creation of a social category of women who were associated with the demonic, murderous, semen-stealing night stalker Lilit. In this respect, the witch craze was an enduring acting-out of Lilit’s ancient stalking story.⁵ Similarly, the Victorian treatment of streetwalkers was, from this perspective, analogous to that of witches by medieval and Renaissance society. The category “prostitute,” much like “witch,” served as a mediator between the archetypal night stalker Lilit and certain nineteenth-century lower-class women. Interestingly, the panic associated with Victorian prostitutes was accompanied by one incited by a mythologized male stalker, Jack the Ripper. The Ripper panic targeted lower-class immigrants and minorities, but above all it disciplined women, in particular those who desired to follow the model of the New Woman and forsake their roles as “angels in their houses” in favor of the public sphere. The panic regarding Jack’s stalking image, lurking in the dark streets of London, served, above all else, to frighten rebellious women back to their traditional roles within the patriarchal social order.

Periods of moral panic often trigger the adoption of legal measures, in particular legislation. In both the cases of “witches” and prostitutes, new laws were enacted to better address the threat posed by these categories of stalking women. By using an interdisciplinary perspective, combining law, sociology, and literature, we can reveal the scope of sociocultural mechanisms—the storytelling, labeling, demonizing, and legislating—by which societies create, target, and discipline their scapegoats. Once these mechanisms are identified, they can be applied to analysis of contemporary social reality and positive law.

Stanley Cohen concludes his book on moral panics and folk devils with the following statement: “It is not enough to say that witches should not have been burnt or that in some other society or in another century they

5. Goode and Ben-Yehuda rightly note that a moral panic that “seems to have been sustained over a long period of time is almost certainly a conceptual grouping of a series of more or less discrete, more or less localized, more or less short-term panics.” More specifically, “The Renaissance witch craze . . . was not active during the entire period of its 200 to 300 years of existence. It flared up at one time and place and subsided, burst forth later in another location and died down and so on” (1996, 39).

might not have been called witches; one has to explain why and how certain people get to the stake now" (1980, 204). This book examines stories of stalking and some of the moral panics they provoked over the course of history. It critically analyzes the contemporary treatment of stalking and stalkers in the context of the new legislation, and concludes that contemporary anti-stalking legislation is motivated by a stalking moral panic that has been developing in the United States over the last three decades.⁶

The analysis of contemporary popular culture suggests that, since the 1970s, stalking has been associated with deep insecurities regarding what is perceived as feminine empowerment, on the one hand, and failed, castrated manhood on the other. The fear of femininity triggered by feminist activism is manifested in popular fictional characterizations of obsessive female stalkers such as Alex, Glenn Close's character in *Fatal Attraction*. The failed military adventure in Vietnam, described by sociologists as a castrating "abortive rite of passage for an entire generation of American males" (Raphael 1988, 146–47), generated fictional male stalkers such as Robert De Niro's war veteran in the film *Taxi Driver*. Influenced by the real-life serial killer Son of Sam, these fictional male stalkers evolved into deranged, serial-killing monsters (think of *Halloween's* Michael).

By portraying independent women, veterans, and social outcasts as obsessed, deranged, serial-killing stalkers, popular culture has created mediating images that facilitate the identification of members of certain social categories as stalkers. Furthermore, the mass media and professional literature have joined forces with popular culture in generating a contemporary stalking moral panic. The new antistalking legislation is a product of this moral panic. It was motivated by disproportional fear of deranged serial-killing stalkers and designed to punish, and preferably eliminate, distinct types of people who have become "folk devil" stalkers. Because of this origin, antistalking legislation cannot address the real problems of stalking in contemporary social reality.

Stalking seems to be a serious, prevalent problem in contemporary American society. Victims experience damage and loss, and their rights to privacy and autonomy are severely infringed. The popularity of film may amplify some people's fear of being stalked while provoking others to actively engage in stalking. Stalking may, therefore, be more widespread and more disturbing than in previous times. Consider the following eight testimonies of victims, some of which were formulated by the mass media:

Being stalked is the stuff of nightmares, a favorite topic of scary movies such as *Fatal Attraction*. In real life, it's a mental game, a war of control, with sometimes deadly results. . . . "I think it's the way relationships are now and how volatile society is. The pressure on people in relationships

6. The first writer to analyze antistalking legislation (in Canada) as part of a moral panic is Rosemary Cairns Way (1994).

is incredible with the ways the family is breaking up. Everyone is under stress. . . . The majority of the victims feel there's no way out. The stalking will go on forever, and they'll never get their life back," Golubic [Marc Golubic, of the Exodus Group, a Houston company that provides personal protection and antistalking training] said. "A victim feels like a mouse in a maze in a cage. She gets tired. There's despair and hopelessness." (Lake 1995)

"The day his sentence ends, mine begins," Betty said. "I have no doubt he'll be right back on my doorstep." . . . "Hey, somebody is always watching you," a bank guard wrote to a teller he had been stalking. "Somebody is watching you in or out of the office, in or out of bed, in or out of the bathroom. . . . The road ahead for you is a real bitch. It's going to get more and more and more ugly!" (Corwin 1993)

What had begun as a relentless inconvenience became something more oppressive. . . . Hopewood says that the most upsetting part of the experience was his utter lack of control. (Gerrard 1994)

Let me first tell you a little about myself. I'm a single mother of a college-age daughter. I hold a corporate level position with a prominent company. Up until six months ago, I was excited about my job, about my future, about my life in general. I felt I had it together, and that all my hard work had finally paid off. I was in control. That was then, and this is now. Now my hands shake and I often feel as though my heart is pounding through my chest. I don't sleep without nightmares, and I can't seem to concentrate on anything. Adrenaline rushes are a routine part of my day. I feel as though my entire being has somehow been altered. My lifestyle is changed. My coping mechanisms have been challenged to the max. Relationships both working and personal have paid a heavy penalty. Anxiety remains at a peak level with only moments of relief. A phone call, a door slamming outside, a family member arriving home later than expected, all prove to cause the adrenaline to rush once more. My home has become a fortress, blinds pulled, doors double locked, and a high security alarm system in place, not to shut the world out, but to shut me in.⁷

I began to realize that I couldn't leave my home. In effect, I was a prisoner. I couldn't leave and subject my children and baby-sitters to this terror, so I stayed home. I felt as if I were being watched day as well as

7. This and the next four quotations are from testimony given in hearings before the Michigan Senate Judiciary Committee in May 1992. I have recordings of these hearings. I thank David Cahill for furnishing me with the tapes, and Rebecca Johnson for helping me in their transcription.

night. I even questioned things that I did: had I asked for this? Did I dress suggestively? Did I do anything? . . .

I lost my freedom for three years. I am still watchful and scared. I look out my window constantly at night, and I'm afraid he's outside my window when I go to bed.

I am living a never-ending nightmare. . . . As in rape, assault, kidnapping, and murder, they all go hand in hand, because it violates my privacy and body, as well as my mind. . . . We are prisoners in our own home. We have no freedom and no safety.

I have slept in fear. . . . He has spied on me from parking lots in the middle of the night when I get off work . . . and [will] call and call and call and call. . . . He wants to control me. He wants what he wants and damn what I want. . . . He wants to be the victim. He doesn't believe I am the victim . . . wanting me to understand what he's been through. . . . I don't have freedom from driving wherever I am around my small town without fearing that he's just going to pop out. It's a devastating situation . . . and in the past responses have been "Well, he's just in love."

He took something away from us that no other person could: he took away our freedom, and he took away our faith. . . . I just lost hope. . . . He's promised us that he won't leave us alone, and I believe him.

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 know. Its consequences seem to be significant. It may, therefore, justify legal intervention, including new legislation and enforcement policies. But legal intervention must attempt to see through the moral panic and define the harm of the lived social phenomenon, addressing the relevant legal and metalegal issues. The current legislation, motivated by moral panic rather than by reality, cannot live up to this task. Instead of identifying and determining the individual damage and social harm, legal discourse has been fascinated with analyses of stalkers' mental makeup and the psychological motivations for their conduct. Legal preoccupation with psychiatric issues invites stereotyping, labeling, and, probably, the demonizing of "deviants." I therefore suggest that stalking legislation be reassessed and reformulated to address the real social problem and not the moral panic surrounding it. It is difficult, at a time of an ensuing moral panic, to distinguish the "real" issue from its public perception; I believe a close reading of the relevant stories and their historical development may assist in confronting this necessary task.

Having established moral panic as one underlying theme of this work, I must register a substantial reservation regarding the term and its moral undertones. Goode and Ben-Yehuda mention Waddington's criticism:

“Conceptually, the notion of ‘moral panic’ lacks any criteria of proportionality, without which it is impossible to determine whether concern about any . . . problem is justified or not. . . . Perhaps . . . it is time to abandon such value-laden terminology” (Goode and Ben-Yehuda 1996, 42). Despite plausible replies to this criticism, the choice of words (*moral* and *panic*) does seem to be judgmental and moralizing. Worried by these concerns, I considered replacing *moral panic* with a more benign phrase. I have decided to remain within the boundaries of accepted professional terminology, but would urge the reader to keep in mind the value-laden implications of the term.

The Argument

The pursuit of stalking led me to unexpected times and places. I began in the ancient Near East, only to find myself in medieval Europe, in nineteenth-century England, and in the world of cinema. Articulating this voyage to earlier cultures as a book, I was faced with the dilemma of how to go about it. Plunging directly into the fascinating past, I risk losing the reader, who might not see the purpose of this excursion and where it is leading. Yet starting from the present and making my way back may result in imposing too many of our own assumptions on earlier stages of development, which would, of course, undermine the project. After much thought, I found myself convinced by the position taken by Mieke Bal in her reading of fatal love stories in the Hebrew Bible. “In the case of a developmental story, starting at the end means losing sight of the development. In the linear reading, the possibility that these features are self-evident is questioned by the very concept of development” (1987, 130).

I therefore decided to start at the beginning and move through the historical phases of the sociocultural development of stalking, as we know and understand it from a contemporary perspective. In this sense, this work offers a linear reading of stalking in Western culture. At the same time my reading is also cyclical and repetitive. Each of the following chapters focuses on a different historical period and on a different sociocultural phenomenon; but at the same time each discusses the fundamental narrative structures, plots, characters, and specific motifs of stalking that, by taking on new shapes and meanings at different times in different places, move from one phase to another. In this respect, the fundamental themes recur in every chapter. This is not meant to imply the existence of any mystical, metaphysical, or collective universal truths. It is merely another way of saying that within a given culture ideas never die, but only take on new forms.

Having chosen a linear format, I begin with a presentation of female stalking: the stories, fears, and images as they were formulated, mostly through mythology, in the ancient Sumerian and Hebrew cultures. Thus,

chapter 2 explores the story of the night-stalking Lilit, demonized descendant of the ancient Great Goddess of antiquity, Inanna. It follows the development of Lilit's stalking story, analyzing the significance of particular elements associated with her, such as the moon, the gazing eye, and her close family ties with Adam, her brother, lover, and target. Two appendixes elaborate the methodological issue of approaching antiquity and the historical development of Lilit in Jewish culture. Chapter 3 offers a close reading of two occurrences of female-stalking moral panic. Looking at the medieval and Renaissance witch-hunts and at the hysterical public treatment of prostitutes in Victorian England, I suggest that both were outbursts of anxieties associated with and formulated through stories of female stalking. I show that the terms *witch* and *prostitute* facilitated the connection of specific groups of women with the archetypal stalker, Lilit.

Chapter 4 introduces male stalking, the stories and the related fears. I present four distinct male characters and their literary patterns of stalking: the all-seeing, overpowering God of the Hebrew Bible; the overreaching Faust, who attempts to know all; the lurking, spying, condemning Satan; and, above all, the nocturnal, undead, bloodsucking vampire of folklore. Two appendixes discuss relevant philosophical terminology and the vampire as a shadow image of the son God. Chapter 5 follows these characters, as well as Lilit, into nineteenth-century English literature. Concentrating on two highly influential works, Mary Shelley's *Frankenstein* and Bram Stoker's *Dracula*, I show how notions and definitions of stalking, originally created in popular genres such as mythology and folklore, were reformulated and reconceptualized by art. Working with familiar images, Shelley's story criticized modernity's scientific inhumanity while sympathizing with its tormented creation and victim, the monstrous stalker. Stoker's *Dracula*, on the other hand, used the same cultural materials to reestablish the male stalker as a modern, disciplining, patriarchal character. An appendix supplies Shelley's literary biography; another includes the first chapter of a popular nineteenth-century serial *Varney the Vampire*.

Chapters 6 to 9 study stalking in the twentieth century. Chapter 6 focuses on the construction of stalking in film during the first half of the century. I claim that film is experienced as simulated stalking, training viewers in voyeuristic stalking. At the same time, film subjects viewers to the intense experience of being stalked. Through those experiences, stalking becomes an important part of viewers' lives. The expectation and fear of stalking linger on when the audience leaves the theater. The idea of expressing their own emotions and needs through stalking becomes plausible.

Chapter 7 explores the contribution of popular film, professional literature, and mass media to the emergence of a stalking moral panic in the United States during the last quarter of the twentieth century. It analyzes the process by which the film industry, the mass media, mental health profes-

sionals, and social scientists formulated powerful contemporary stalking images. These images mediate between images of archetypal stalkers and real individuals.

Chapters 8 and 9 review the legal treatment of stalking since the first antistalking legislation in 1990. Chapter 8 depicts the growth of the new legislation, which reflected and augmented the developing moral panic. Chapter 9 offers an alternative legal perspective, distinguishing the real social problem of stalking from the moral panic surrounding it, and proposing appropriate legal responses. It suggests that a legal solution formulated from within a moral panic cannot effectively address the real problems posed by stalking. To meet the needs of social reality, the law must focus on the appropriate questions and formulate relevant means of addressing them. This final chapter also presents a draft of legislation that I believe both defines and treats stalking in a legally responsible manner.

Several other themes recur throughout this text. Constancy and change in symbolic imagery of stalking is a prominent theme. Other issues are the process of creating cultural archetypes, the relationships among images, archetypes, and narratives, and the transformations of stories and images by ever-changing social ideologies. The discussion explores mechanisms of mutual influences between fact and fiction, story and history, individual and community. It traces the evolution of gender imagery within patriarchy and compares its manifestations and consequences in different social discourses and in different historical settings. One fundamental theme, which connects all the others, is the ongoing dialogue among such cultural discourses as religion, the media, folklore and myth, literature, film, social sciences, and the law.

I have so far emphasized the diachronic aspects of this work. From a synchronic perspective, it can be said to examine and compare the story of stalking as it is told in the fields of Near Eastern studies, medieval studies, English literature, film theory, social sciences, and the law. Viewed in this manner, the professional literature I present is not merely secondary to the phenomena investigated, but an important primary source in its own right. Thus my frequent quoting of various opinions on many issues. The presentation of many voices allows for a conversation, within this text, among different scholars and between them and me.

The Story of Stalking

I started this introduction with a short definition of stalking as formulated in California's first antistalking law of 1990. I wish to conclude these opening remarks with a different portrayal of stalking. Reading stalking stories that have been created in our culture over many centuries, I encountered recurring themes and motifs that will gradually be encountered in this book.

Typically, in these accounts, at least one person, usually the stalker, believes that an extraordinary, fundamental (potential or materialized) bond exists between two people, usually the stalker and the target. Stalking ensues where such a perceived union is experienced as primary, eternal, and inevitable. Often, the stalker views the relationship with the other as preceding time and history; as stronger than nature, culture, and death itself (hence primordial stalking characters and frequent returns from death in stalking stories). The attachment springs from the very essence of the characters' beings: they are as inseparable as mother and son, brother and sister, lover and beloved, two halves of one whole. Their assumed symbiotic existence makes their separation unbearably painful. (Think of Jekyll and Hyde, whose separation literally means death.) Stalking stories often take the point of view (usually the stalker's) that sees a deep bond between stalker and target. Stalking is frequently an attempt to rescue a relationship from change or termination, which is experienced as insufferable. If the relationship has not been fulfilled, stalking may be an attempt to consummate it. It is always a desperate endeavor to force a relationship on another party, who seems to be indifferent, uncooperative, or trying to break away.

Stalking behavior often consists of the stalker's repetitive returns into the life and consciousness of the other party, returns that may be experienced by the target as the pursuer's perpetual presence in his or her life. The stalker may simply reappear in the other's presence, as a constant reminder of the stalker's existence and expectations, and sending the message that he or she, the stalker, will always be there. The stalker may follow the other person, becoming an ever present "shadow." The stalker may watch the other person and communicate his or her knowledge of (and therefore control over) the other's life. There may be nightly visits or attempts to impose on the target through metanatural means, such as magic, telepathy, or hypnosis. Whatever the particular manifestations, the behavior always invades the other person's privacy, disregards the other's will, and denies his or her right to self-determination. Stalking consists of recurring events that undermine the other person's control over his or her own time and space. (This is the symbolic meaning of magic, telepathy, and hypnosis.) The stalker's repeated returns to the other's life create a circular time frame that unites pursuer and prey in a closed, seemingly eternal cycle. This circular time (often symbolized by the moon) constantly imposes the (shadow of the) past on the victim's present and future and precludes a progression that would allow gradual movement away from the stalker.

From a slightly different perspective, stalking is about the tension between a perceived center and a perceived exterior; between an inside and an outside, a present and a past, strength and weakness. Stalking is a response to feeling left out in the past by the other person. It is the stalker's struggle to move (back) into the other person's life, which the stalker perceives as the inside, the present, the center of everything that is meaningful.

In a typical story, the stalker feels that he or she is seeking justice and/or aspiring to correct a wrong. The relationship with the victim must be established or saved at any cost. The stalker is typically motivated by a desire to gain the other party's acknowledgment, acceptance, respect, affection, or pardon. Some stalk to maintain or to achieve control over another party. Retaliation, revenge, and punishment are common drives that lead to stalking, as are jealousy, dependence, anger, and humiliation. Most often, several motives join forces, either sequentially or simultaneously. In stalking an individual, the stalker often also "communicates" with society at large. Stalking stories often involve extreme emotional investments and separations that are inherently stormy. Stalking is, therefore, usually embedded in such paradoxical, confusing, and contradictory passions as love and hate, jealousy and self-interest, attraction and repulsion, intimacy and fear, desire for acceptance and retaliatory hostility. Such emotions can be experienced concomitantly. Almost inevitably felt by the stalker, they are often shared by the victim. The latter may also experience guilt, longing, loneliness, failure, sorrow, anger, anxiety, entrapment, and fear. Stalking behavior is often so remote from the stalker's normal conduct that the victim or stalker may perceive the person who stalks as an unfamiliar double, dark shadow, or evil mirror reflection. (These images are widely used in stalking stories; think of a man who turns into a werewolf.)

A stalking story often reflects a perceived shift in the power relations between stalker and target. In other words, the perceived gain or loss of power in a relationship may lead a person to stalk. Paradoxically, loss *or* gain of perceived power can provoke this response. Either type of change may cause one party to feel stalked by the other and may lead him or her to stalk in return. This pattern elucidates several fundamental and closely connected points in stalking stories. The first is that stalking is very often mutual, in the sense that each party perceives him- or herself as the victim and may, in response, resort to stalking the other party. The second point exposes stalking's paradoxical nature: stalking behavior, as well as a person's perception that he or she is being stalked, may result from feelings of either gain or loss of power in a relationship. In this complex sense, stalking stories are never rational and are always highly subjective. Many such narratives suggest that the relevant faculty for understanding stalking is not so much reason as intuition. (In stalking films, animals are often the best judges of events.) The third and most pertinent point is that these stories are largely determined by the point of view from which they are told. Told or read from different perspectives, different behaviors may be viewed as stalking and different motivations may be revealed.

Stalking stories have been interpreted in many different fashions. Most interpretations stress one perspective and associated elements while ignoring other aspects. But the narratives themselves often convey at least two points of view, presenting elements that belong to different and sometimes

contradictory perspectives. Such multiple perspectives are what make these stories so paradoxical, elusive, and uncanny. They also make them real, truthful, whole, and gripping. Stalking, like its stories, is messy, irrational life.

Stalking stories establish stalking as a transformative relationship. In addition to a shift in power relations between parties, stalking can also cause a shift in a person's sense of identity. Either party may experience a deep change in self-perception. The most common and obvious change is the victim's loss of a sense of freedom, individuality, and autonomy. Either party or both may also experience a change in their perceptions of time since, as noted earlier, stalking tends to replace a linear feeling of passing time with a cyclical one. Any discussion of stalking must take into account the possibility that the parties involved will change and will experience transformations in their perceptions of time and of their shared relationship. With this possibility in mind, we can view stalking as an assault on a person's self-perception. I stress this point because contemporary Western legal thought tends to assume atomic individuals and a linear time frame and to separate the former from the latter. Legal discourse perceives persons as stable separate entities, and human behaviors as taking place in linear time. Behaviors, in legal discourse, are commonly external to individuals, and individuals are unchanged by behaviors. These essentialist notions of individuality and time may obscure the nature of stalking, especially because the stalking story, like some of its central characters, is about transcending categories and distinctions. Conventional legal categories cannot recognize this transcendence and are, therefore, inevitably inaccurate in application.

Stalking episodes can occur between persons of the same sex. A stalking story can develop between father and son (think of Frankenstein and his creature), or between a man and his double or shadow self (consider Jekyll and his Hyde, or *Cape Fear*). Many stalking stories contain a homosocial aspect (directed either at an individual or at society at large), and often the stalker's target is not his or her immediate or only victim. But most typically, stalking involves a man and a woman, and it is on this pattern that I have focused. In this context, the stalking stories of the West (as all stories of that culture) have developed within a patriarchal framework. Although many of these narratives contain elements that can be read against the grain, most are structured in accordance with patriarchal images of masculinity and, especially, of femininity. Most such stories conform to one or more of the following structures: (1) a strong, sexually initiating, dangerous Lilit woman stalks a man, threatening him and his family; (2) a "Jack the Ripper"/serial-killer "shadow" male character stalks a sexual, evil woman because she "asked for it," "had it coming," and "brought it on herself"; or (3) a monstrous male stalks a weak, domestic, Eve-woman, who is saved only if she is revealed to be a Virgin Mary character. All three structures reflect and perpetuate stereotypically patriarchal images of women. Women are either good and

weak (castrated), or strong, sexual, and evil (castrating). In this sense, at least, stalking stories as we know them are products of the ruling patriarchal culture and its basic images and values. Through their structures they perform a second rape (figuratively speaking) of their women characters (sometimes with much pornographic pleasure). This is an issue that legal discourse should study in order to avoid the stereotyping associated with stalking and to begin a genuinely legal analysis of it.