

Art Chasing Law: The Case of Yoko Ono's *Rape*

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Abstract. In 1968, Yoko Ono and John Lennon directed *Film No. 5 (Rape or Chase)*, a 77-minute-long color film based on Ono's *Film No. 5 Rape (or Chase)*, a set of printed instructions directing readers to chase a girl on a street with a camera. Often known simply as *Rape*, the film made a compelling case to the law, calling upon its interpreters, practitioners, and enforcers to reconsider the assumptions on which it stands. The film asks how the ethical predicament an artwork generates can sometimes be powerful enough to function as a call for legal intervention into situations yet to be officially recognized by the law. I argue how the experience generated by the film makes concrete ideas that, when expressed in the language of the law, can be unduly abstract despite the law's idealization of semantic clarity. Similar to forms of legal judgment that call jurists to interpret written instructions, *Rape* entailed translating written procedures into a combination of sound, image, and time. The film subsequently offers the law a critical opportunity to recognize situations in need of its attention, but only after it recognizes the importance of slow and close looking.

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INTRODUCTION

In the distance a young woman walks briskly on a gravel road. Her gait is purposeful and her pace consistent. As she moves into our line of vision, her glance occasionally meets the camera. She, however, betrays no curiosity nor any inclination to linger. We follow her silently as she enters Highgate Cemetery in London. She smiles easily, although tentatively. Looking at, but not into, the camera, she appears to ask questions of its operator, first in German, then in Italian. Yet he makes no answer, remaining silent as he follows her through the cemetery and, eventually, other parts of London. She begins to show unease, attempting at turns to lose and ignore the camera. But the camera has become a shadow from which escape or defense seems impossible. It relentlessly tracks the woman even into what appears to be her own home. Eventually she collapses in near-hysterics.

Such are the general events of *Film No. 5 (Rape or Chase)*, the 77-minute-long color film produced and directed by Yoko Ono and John Lennon. It was shot in November 1968 and released in 1969, the year the Beatles released *Abbey Road* and when Ono famously married Lennon. Often known simply as *Rape*, the film easily passes as a response to the overwhelming media attention engulfing one of the world's most famous couples. The graininess of the film, the unsteadiness of the camera, and the innumerable extreme close-up shots mimic how celebrities were and are often represented to the general public, particularly on television.

Yet the film is more than a biting critique of unwelcome media attention. *Rape* makes a compelling case to the law, calling upon its interpreters, practitioners, and enforcers to reconsider the assumptions on which it stands. The film asks how the ethical predicament an artwork generates can sometimes be powerful enough to function as a call for legal intervention. *Rape* was a searing indictment of contactless crimes in a time and place where such actions had yet to be criminalized or even named. In particular, it offered a compelling argument against stalking, a crime whose victims are disproportionately women and for which there is still no universal legal definition. Watching the film has us assess the rights and responsibilities of its protagonist. The judgment we exercise more closely recalls legal judgment than it does connoisseurship or even criticism, the modes of judgment usually applied to film and art.

The experience makes concrete ideas that, when expressed in the language of the law, can be unduly abstract despite the law's idealization of semantic clarity. Similar to forms of legal judgment that call jurists to interpret written instructions, *Rape* entailed translating written procedures into a combination of sound, image, and time. The film subsequently offers the law a critical opportunity to recognize situations in need of its attention, but only after it recognizes the importance of slow and close looking. Or, as Ono declared, "let people's eyes look at my films; their minds will catch up later."¹

THE CIRCUMSTANCES OF RAPE

Rape was based on one of Yoko Ono's "Thirteen Film Scores," a set of printed instructions first published in London in 1968. Each "score" consisted of short directions or statements whose nature was more conceptual than concrete. The score for *Film No. 4 Bottoms*, for example, simply instructed the reader to "string bottoms together in place of signatures for petition for peace." Closer to poetry than actual procedure, the scores demonstrated Ono's longstanding interest in conceptual art and its prioritization of ideas over their physical manifestations. *Film No. 5 Rape (or Chase)* was more detailed, suggesting to readers how it could actually be made into a film. Comprised of five brief sections, it first specifies the length of the film as well as that it be in color and accompanied by a soundtrack. It then instructs a cameraman to "chase a girl on a street with a camera persistently until he corners her

in an alley, and, if possible, until she is in a falling position.” Ono also included possibilities for the film. Depending on the film’s budget, the cameraman may, for instance, “chase boys and men as well.”

It was Ono’s idea on which *Rape* was based and why she is generally credited as its sole author.² It was co-directed, however, by Ono and Lennon, although neither was present during filming. Cinematographer Nic Knowland who filmed Ono and Lennon’s *Bed-Ins for Peace* actually filmed *Rape*, with Christian Wangler responsible for sound. Ono instructed Knowland to go to Hyde Park to film passersby without saying anything.³ Initially he stood on the street filming pedestrians, most of whom simply giggled and fled.⁴ Apparently dissatisfied with this response, Ono asked Knowland to be more assertive. The result was to have him trail a woman, a 21-year-old Austrian national named Eva Majlata, for three consecutive days.

Rape was made in the wake of a protracted confrontation with law enforcement. A few years before, Ono battled British state censorship of *Bottoms*, a five-minute film she and then-husband Anthony Cox shot in New York in 1966. Sometimes referred to as *Number Four*, after the score on which it was based, the film was comprised of tightly cropped images of naked male and female bottoms. A longer version was also made in London at the end of 1966. In March 1967, Ono and Cox applied to the British Board of Film Censors (BBFC) for a certificate granting them permission to screen *Bottoms* nationally in commercial theaters. Perhaps out of sheer unfamiliarity with experimental films, the BBFC initially denied permission, informing Ono and Cox that the film contained material “not suitable for public exhibition.”⁵ Mere nudity was not the issue. In a letter written by BBFC Secretary John Trevelyan, the bare human bottom is not “necessarily unsuitable for public exhibition” since the BBFC had previously approved the screening of nudist films.⁶ The question was “whether a continuous display of human bottoms is, or is not, potentially harmful to certain types of sexual perverts.”⁷ Ono and Cox protested the decision by picketing the BBFC office in London. Ono was especially incensed that her film should be refused a certificate “in view of the violence, sex and degeneracy expressed on the screen with the censor’s blessing every day.”⁸ The filmmakers made a last-ditch effort by arguing that *Bottoms* was an artwork. Trevelyan accepted their argument, yet it was not enough to convince the board or most local city authorities to permit the film’s screening.⁹

The *Bottoms* controversy may explain why Ono and Lennon screened *Rape* not as a commercial film but as a television program, and later as an artwork. First broadcast on Austrian public television on March 31, 1969, it was part of a government-mandated expansion of programming to include the broadcast of experimental and less popular programs, including independent movies and undubbed documentaries.¹⁰ *Rape* was shown later that year at the Montreux Television Festival, the Mannheim Film Festival, and the Institute of Contemporary Art in London.¹¹

Risk of censorship, however, did not deter Ono and Lennon from making films that might be seen as a form of social and political intervention. In a May 1969 interview for the BBC, they claimed that *Rape* was conceived as a “social experiment.”¹² No further explanation was given, but numerous commentators have later speculated how *Rape*, subtitled “Chase,” was a “perverted mirror of their own tribulations” caused by the media following, photographing, and watching their every move.¹³ Ono herself claimed that the idea for the film predated the enormous media attention her relationship with Lennon attracted in the late 1960s.¹⁴ Still, it is hard not to watch the film without envisioning the many images of Ono and Lennon taken by the press. When *Rape* was made, legal conceptions of privacy in Britain were influenced by strong libel laws and related debates over informational privacy, or the control individuals had over access to their personal information.

If *Rape* struck some viewers as “perverted,” it was because Ono and Lennon seemed to use an innocent unknown to make their point. Less than a minute into the film, Majlata says in English and again in German, “I’m not a film star.” Lennon tried to minimize the autobiographical dimension by redirecting attention from his and Ono’s celebrity to a more generalized condition of unwanted surveillance that he implied was part of everyday life. A day after the film’s premiere on Austrian television, he stated, “we are showing how all of us are exposed and under pressure in our contemporary world. This isn’t just about the Beatles. What is happening to this girl on the screen is happening in Biafra, Vietnam, everywhere.”

But Lennon’s rhetorical sleight-of-hand was more than a ruse to turn public attention away from his and Ono’s relationship. In the *Evening Standard* newspaper, critic Willie Frischauer wrote how *Rape* “does for the age of television what Franz Kafka’s *The Trial* did for the age of totalitarianism.”¹⁵ Escaping from the press, and particularly, from television, was a shared challenge. The very idea of images being televised so readily into any home, traditionally defined as an inherently inviolate space, demonstrated what Michel Foucault would soon discuss in his classic volume *Discipline and Punish* as the subjection of citizens “to a field of visibility.”¹⁶ Using Jeremy Bentham’s models of prison reform from the 19th century and particularly his emphasis on the panopticon, a circular prison organized around a central tower or core from which inmates could be seen at all times, Foucault argued how control in a democratic and capitalist society was contingent on citizens believing that they could surveilled at any time. When *Rape* was shown, such belief was widespread, not only as a species of fear but also of pleasure. *Candid Camera*, the television show deliberately putting unsuspecting ordinary citizens into various situations for comic effect would be among the highest rated shows in both the US and Britain during the 1960s.

Film scholar Joan Hawkins has argued that *Rape* concerns the general objectification of women and the role of the camera in enabling such depersonalization to happen.¹⁷ It bears remembering that *Rape* was shown only a few years before

"Visual Pleasure and Narrative Cinema," the seminal essay written by Laura Mulvey which so memorably framed the act of looking as an ethically fraught relationship between male viewers and female subjects. "In a world ordered by sexual imbalance [...] women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be said to connote to-be-looked-at-ness."¹⁸ Mulvey provides a theoretical footing on which to consider the criminalization of looking as a distinctly gendered form of assault, one that has more in common with rape than with other infringements on individual autonomy.

Then there are the broader privacy implications of Hawkins's argument. Majlata has no privacy because she is filmed as if she were an object rather than a person. The camera darts in and out of her personal space with impunity, presenting her face and body for viewer examination. In the May 1969 BBC interview, Lennon states that Majlata is saying "Why me? Of all the people in the world?"¹⁹ She has been singled out for special attention, but individuation does not translate into an acknowledgment of her individuality. Although initially flattered by the attention, Majlata soon becomes anxious and even desperate to know why she is being filmed ("you must have a reason for doing this," "for whom are you making this film?").

Despite Majlata's demands for an explanation or even a brief identification ("if I at least knew who you are"), Knowland and Wangler consistently refuse to speak with her. Their silence diminishes her ability to voluntarily enter into the kind of social negotiations central to maintaining one's rights to bodily security. Indeed, Ono and Lennon instructed Knowland and Wangler not to answer any of Majlata's questions in order to prevent them from becoming "sort of friends."²⁰ Majlata verges on becoming a mere object of scrutiny, especially to viewers without German knowledge. The lack of subtitles emphasizes her foreignness.

Majlata struggles against her objectification. Early in the film, she asks Knowland if he speaks German or Italian. She then apologizes in English for not speaking English, as if to excuse herself from any further interaction. Her tone is polite and even friendly. "I think you are confusing me someone else," she says.²¹ Majlata quickly tries to appeal to Knowland's common sense ("I think you will have a hard time, this really isn't worth it," "this is hopeless," "you will soon run out of film.")

Hawkins asserts that Majlata did not physically confront the cameraman because she was a woman and was therefore socialized to resolve conflict using "civility and charm."²² But her attempts to resolve her predicament in a civil fashion readily fracture into real annoyance and later, infuriation. "You are bothering me. I want to check out this cemetery by myself [...] oh my god, why don't you notice that you are bothering me? I want to be alone," she utters less than 10 minutes into the film. Around the 11-minute mark, Majlata blows smoke straight into the camera. It is a gesture that would be patently rude but could still pass as a jesting prank. At the 20-minute mark her initial bemusement and irritation flare into something more serious. She growls faintly while walking swiftly on a busy street.

Five minutes later, she wears a look of distracted vexation, an expression seemingly intended to shut out her followers. Eventually she speaks forcefully to both men, repeatedly demanding in German that “this can’t go on. I am starting to get really bored with what you guys are doing here [...] you have been following me for two days already.” Not surprisingly, the camera seems to follow her even more closely now that its operator is finally beginning to extract from Majlata the performance.

Ono later claimed that she “just wanted to show that even conceptual violence is extremely dangerous.”²³ The film’s graphic title, a word referring to a crime so personally invasive as to practically repel all efforts at representation, proposed criminal violation as the lens through which to see the film. Ono’s own works preceding *Rape* were more explicitly violent. Consider the almost sadistic glee with which some men participated in *Cut Piece*, a 1965 work that involved the artist inviting audience members to cut away her clothing one item at a time. But the artist was also committed to showing how violence might extend beyond physical assault. How to do so was the challenge Ono sought to address via *Rape*.

STALKING BEFORE STALKING

When *Rape* was first screened, stalking was not yet a legal concept in Britain where the film took place nor in Austria whose citizen Majlata was.²⁴ This may explain why the film was called “rape”: there was yet no language to describe what was taking place. Yet British jurists have long recognized the fear certain kinds of repeated contact – namely letter writing and following – have caused. Early attempts to prosecute these cases involved citing the Offences Against the Person Act 1861, yet attempts to prove psychological harm were unsuccessful.²⁵ Even as recently as the 1990s, English judges were undecided as to whether “bodily harm” included psychiatric injury.²⁶ Courts later suggested that “bodily harm” could include mental distress, but only when experts recognized it as part of an actual and recognized mental disorder. Filming or mere looking were often disregarded as actionable offenses even though following is today considered among the most common forms of stalking.

Bystanders certainly paid little attention to those following Majlata. At the 27-minute mark, two movers perched on the back of a truck stop to watch Majlata, but they do nothing to hinder or even question the scene. Two minutes later she enters a store where her own sister is present. She tells her sister to ask them in English who they are, what they want, and that she should “throw them out.” But neither the sister nor the other women in the store express concern or even interest beyond a quick glance.

Even after Majlata showed visible signs of distress at the 32-minute mark, bystanders feigned far more interest in the camera (and possibly the microphone) than in her. A production still of *Rape* shows Knowland and Wangler standing about two or three feet away from Majlata, who hangs her head as if she were a

celebrity evading the gaze of the media. Likely taken around the halfway mark of the film, it was well after Majlata began to register palpable signs of annoyance. Here Wangler carries a giant microphone that protrudes into the lower right hand corner of the picture. Its size and prominence justifies the filming and may have deterred bystanders who may have otherwise been suspicious. The microphone flagged the scene as “make believe,” much as it did at the 34- and 40-minute marks when its brief appearance seemed just calculated enough to reassure viewers that what they saw was “just” film and that Majlata was not truly in danger.

Audiences responded more actively. According to the filmmaker and critic Jonas Mekas, a close friend and collaborator of Ono who arranged for the New York screening of *Rape*, viewers watching the film at the Elgin Theater in New York actually became outraged “that nothing was happening to the girl. They were waiting for a rape, they wanted a rape, a carnal rape, not the camera rape.”²⁷ In Mekas’s view, the audience saw being followed as a fake rape, a “camera rape” that only justified their expectations in seeing a crime committed on screen. The camera, moreover, was a potential accessory to what could easily have been further assault.²⁸ The response of the Elgin Theater audience was a disturbing reminder of what might be called the anticipatory criminal potential of stalking, where unwanted following taking place over a certain length of time might in fact result in actual rapes or even murder. Majlata implies as much around the 35-minute mark when she confronts the men again, this time declaring, “you are driving me absolutely insane. I might get hit by a car.”

Viewers who saw the film during and after its rediscovery at the 1989 Whitney Biennial, would have been more likely to consider the events of *Rape* as a case of stalking. The first anti-stalking laws in the US were passed in 1990, first in California, and then throughout the country. Yet the non-violent nature of many forms of stalking made it hard for authorities to believe that it could be an actual crime.²⁹ Likewise, the public failed to recognize stalking as a social problem. In *The Psychology of Stalking*, one of the first scholarly attempts to define the nature of stalking, psychologist J. Reid Meloy notes the long history of harassment, but argued how the vagueness of what constitutes stalking had prevented many cases from being tried or even coming to light.³⁰ Jurisdictions are and were undecided as to what factors should be present in order to declare the presence of stalking: do certain acts become criminal when the target expresses fear? Or must there also be proof of the alleged perpetrator’s intentions?

Rape complicates the matter of consent, an issue primary to, and frequently dispositive in many rape cases. The following of Majlata was arranged through her sister without her knowledge. In *Rape*, the presence of violation is closely intertwined not only with Knowland’s utter disregard of Majlata’s pleas, but also with the futility of her responses. Nothing she does will stop the camera. At the 26-minute mark she says, “please, please stop. I have been angry. I have been nice. I really did everything you wanted. Why don’t you finally leave me alone?” But like many incidents of

harassment it is never enough, in part because she is not a person, at least not how we see her through Knowland's camera.

The process of depersonalization matters given how rapes are often reframed by police, lawyers and judges as a non-criminal incident of seduction, romance, or a consensual interaction. In her study of the film *Last Year in Marienbad* (1961), Lynda Higgins notes how rape cases are often characterized by debating whether a crime was committed at all.³¹ The debate recalled the tendency of law enforcement to dismiss many cases of harassment as being unworthy of investigation.

In *Rape*, the inconsistency and variety of Majlata's variable responses only emphasized the difficulty of identifying when a given action became so offensive as to constitute a crime. Lennon commented how "at first" "everybody" is "all a bit happy" to be filmed, to be thought of as sufficiently worthy as a subject for mass attention: "Is this television," they ask, "am I on?"³² Television, Lennon suggests, has lowered individuals' defenses; everyone freely consents to exchanging at least part of their anonymity for attention. But even in an apparent moment of acute distress, when she hides her face from the camera, Majlata occasionally peeks through her fingers. She looks to check if the men are still present, but the gesture resembles a scene from a game of hide-and-seek. The contradictory responses diminish the overall force of her rejection of the camera. However, the *net* effect is still of refusal. Here the expression of consent is not an absolute proposition where a single action determines the fate of all subsequent behavior. *Rape* instead suggests how consent should be inferred from a net assessment of a person's conduct over a specified period of time.

An intriguing subtext is how the filming of *Rape* was made possible by the subjugation of male preference to female authority. Knowland had expressed previously a reluctance to fulfill Ono's script, yet he still heeded Ono's orders to chase Majlata. Ono clearly knew about his reluctance: "Nick is a gentle-man, who prefers eating clouds and floating pies to shooting *Rape*."³³ "Nevertheless it was shot," she added, a remark that hints at how her exercise of authority was as integral to the film as the events it depicted.³⁴ Ono described Knowland as "our cameraman," suggesting that he was in her and Lennon's possession. The characterization recalls the instructions Ono set forth in 1964 in *Wearing Out Machine*: "ask a man to wear out various things before you use them. Such as: women [...]."³⁵ Knowland and Wangler, were asked to wear out, or rather, wear down Majlata's defenses so that she would figure as usable material.

Lennon might have been right in suggesting that everyone was willing to temporarily relinquish their privacy for Warhol's proverbial 15 minutes. But a "half hour" was all it took for Majlata to "get a bit uncomfortable."³⁶ Knowland's activities very closely resembled those of an actual stalker casing his or her victim over an extended period of time.³⁷ Like *Bottoms*, a film censored not only because of the images shown but its duration (the "continuous display of human bottoms"), the long stretches of Knowland following Majlata imparts an affective gravity to the

narrative that for some viewers registered as actual psychological weight.³⁸ Mekas may have come the closest in articulating this point when he said that *Rape* was neither “fiction, nor documentaries, nor poems. They are film objects, film things.”³⁹ Watching the film was like grappling with a physical object. Ono herself described the film as a “rape with camera.” Her score anticipated how a camera might actually force someone to collapse.

WHEN THE EVERYDAY BECOMES CRIMINAL

What happened to Majlata was not rape as the law tends to understand rape: as the forced or nonconsensual sexual penetration of a person. Nor is her distress equivalent to that suffered by a rape survivor. But the incidents *Rape* depicts nonetheless suggest the presence of a violation that should be addressed through a holistic conception of corporeal harm that covers both emotional suffering as well as bodily injury. Such a conception would recognize the severity of damage caused by acts that, in isolation, might be seen as less significant or even negligible. It would also eliminate a putative hierarchy of evils that orders survivors according to the physical severity of their injuries. A holistic approach to harm would help create a community of survivors whose solidarity would be a worthy preemptive defense against possible future acts of injustice and violence.

Seen in an expansive light, *Rape* compels viewers to reconsider whether certain everyday actions are in need of regulation beyond that available via social custom or expectation. To walk behind or next to someone is an everyday action; legal scholar Emily Finch has discussed how victims of harassment have been denied police relief because the alleged stalker was just “watching the house” or “standing on the pavement.”⁴⁰ Lack of apparent purpose would not be enough, as was made resoundingly clear in high-profile cases like *Papachristou v. City of Jacksonville*. There the US Supreme Court voided a city ordinance that condemned walking from place to place without any lawful purpose or object: “Walking and strolling are historically part of the amenities of life as we have known them [...] and] have been in part responsible for giving our people the feeling of independence and self-confidence, [and] the feeling of creativity.”⁴¹

Rape asks what the standard should be for determining how and when the act of following or watching someone else might trigger legal scrutiny. By subtitled the film “rape or chase,” Ono links distinctly criminal activity to certain kinds of following. The film itself depicts the blurriness of the boundary separating rudeness and crime. Already Knowland and Wangler breached social protocol by failing to introduce themselves to Majlata at the beginning of filming. Forty minutes into the film, the persistence of Knowland’s camera becomes a kind of prolonged staring that in most circumstances would be regarded as inexcusably rude.⁴² The refusal of Knowland and Wangler to answer any of Majlata’s questions compounds the rudeness.

But when does rudeness become criminal? It is not hate speech, or any speech, gesture or conduct, writing, or display legally forbidden because of its potential to incite violence or prejudicial action against or by a protected individual or group. Nor does it quite fall under the Public Act 1986, a British law applicable to objectively threatening conduct, namely behavior and words which a recipient would find threatening or abusive. The silence of Knowland and Wangler is ominous, but would it have caused Majlata to believe that immediate unlawful violence would immediately follow?

The changing responses of Majlata from politeness to annoyance, to resignation to fear and to aggression all indicate the evasive nature of crime: that an act can be criminal yet we might not know how or when it begins. Even after Majlata realizes how neither Knowland nor Wangler will respond to anything she says, she continues to speak intermittently in German for relatively long stretches of time, alternately begging and commanding the men to leave her alone. She actively refuses to be silent, a shrewd move on her part given the law's position on silence. Silence is considered neither an acknowledgment nor a denial. Should one be accused and say nothing in one's defense or in response, however, common law often regards silence as a presumption of guilt. Hence there is greater incentive not to be silent even when the intended audience cannot understand what is being said. Furthermore, in rape cases, some judges infer consent from a victim's silence.

For audiences not understanding German, Majlata's words sound like expressions of distress, but whether they amount to a demonstration of harm is less clear-cut. To borrow the language of the US Supreme Court in *Papachristou*, is actionable harm present when the action negatively impacts the ostensible victim's "independence and self-confidence"? And if so, how do we know what this looks like? In the cemetery, Majlata walks in a zigzag fashion as if to lose the camera. At the 26-minute mark, she suddenly whirls around and directly looks into the camera. At the 29-minute mark, she attempts to shut a door on the camera, stating in German, "now I can really hit the door in your face." Would responses like these count, and for how much?

How and when to criminalize everyday action depends on identifying particular inner states, namely fear or distress of the victim and the intention of the perpetrator. When *Rape* was made and first screened, the Anglo-American legal system bore what legal scholar David Mellinkoff described in 1963 as an "increasing regard for the intangibles of mind and emotion."⁴³ *Rape* asks what would be the legal standard for determining if an action should be reclassified as a crime. Film scholar Julia Lesage implicitly warns how that standard might too easily succumb to the "ideology of rape," one founded on "an assumption of women's powerlessness to convey its message."⁴⁴ An example she discusses is Mitchell Block's *No Lies*, a short film from 1973 that, like *Rape*, centers on the relationship between a cameraman and a young woman in emphasizing camera scrutiny as a metaphorical assault. In Block's film, the cameraman interrogates his protagonist about the actual rape she survived.

Lesage criticizes *No Lies*, among other things, for its predictability. If the audience “is led to protest emotionally the way the student filmmaker ‘rapes’ his subject,” it is because the film ends with how audiences generally might expect a woman to behave, in this case, with tears and anger (she slams the door as she exits the scene).⁴⁵

In contrast, *Rape* asks just how far outside the scope of everyday behavior should the alleged victim's response be in order to constitute actionable fear. Given that the prevailing legal standard places the burden of demonstrating the effects of the unwanted action on the viewer, must any expression of distress be preceded by attempts to defuse or resolve the situation so as to dispel any suspicion regarding the victim's emotional stability? And when are some responses considered inappropriate or insufficient? Victims could photograph or otherwise record the alleged stalker in the name of gathering evidence, but it potentially turns the victim into a perpetrator, even when the actions are committed in the name of self-defense.

Artworks in particular offer an opportunity within which to consider the valence of action. They may even suggest how the law might decide when, and which everyday actions take a criminal turn. Often mentioned in connection to *Rape* is *Following Piece*, Acconci's work from 1969. Sponsored by the Architectural League of New York, it was enacted over the course of a month whereby Acconci followed a different person each day over the course of a month, stopping only when his subjects entered into a “private place.” Photographs documenting his performance show how Acconci maintained enough distance from his subjects, usually between 15 or 20 feet, in order to avoid detection.

One might also read the distance, however, as an attempt to build in plausible deniability regarding the nature of his activities. Simply following others was not against the law. And the artist flatly denied any suggestion of untoward behavior: “I'm certainly not a spy. I'm being dragged along.”⁴⁶ Yet the distance Acconci kept from his subjects was far enough so as to avoid breaching legal and social protocols. Parallel to what in the 1990s was the newfound criminalization of stalking, art historian Amelia Jones implicates Acconci as a stalker and characterizes *Rape* as an illustration of how ordinary citizens become objectified and violated when exposed to “the public eye.”⁴⁷ Such objectification, she argues, “demobilizes women in the public sphere.”⁴⁸

Whether a particular distance was socially acceptable depended not only on the kind of action performed, but also on who was involved. *Cruising White Women* by Adrian Piper was a series of performances addressing the objectification of individuals based on the slimmest of visual cues. A photograph taken of one performance shows Piper dressed like a young African American man, sitting on a stone step outside Harvard University. Her head is turned towards the direction of a passing white couple walking at least five to six feet away. Her eyes are covered by a pair of large sunglasses, making it difficult to figure out at what or whom she is looking. The male half of the couple returns Piper's look with more than a hint of challenge.

Although not enough to qualify as an outright provocation, the look of the unidentified white man is more than the passing glance of a disinterested bystander. To him there is something amiss about Piper looking, even when it is difficult, if not impossible to tell what she is looking at.

Piper herself was not seeking to “actually violate conventions of behavior.”⁴⁹ But the reaction of the white male pedestrian implied how some might regard casual looking as grounds for criminal suspicion. Distance that in a densely populated city would ordinarily be considered socially acceptable, or more specifically, safe, now seems too close to qualify as such. One speculates how bystander reaction might have been different if Knowland or Wangler were young African men; the act of filming of a young white woman would have taken on a very different cast in the eyes of the mostly white passerby. In addition, Majlata was an illegal alien, and thus imminently subject to another system of domination. Some viewers might accordingly regard the actions of Knowland and Wangler as a form of vigilantism: good British citizens tracking, and perhaps apprehending, a person who had no legal right to stay in the country.

Still another comparison is Gordon Matta-Clark’s 1971 film *Chinatown Voyeur*. A black-and-white film lasting just over an hour, it depicts a view of Matta-Clark’s general neighborhood – lower Manhattan – from the window of an apartment on Chatham Square. Using a long lens camera, Matta-Clark filmed the cracks in windows, looking into people’s apartments. Little is revealed, however, save for a black rectangular field relieved only occasionally by patches of white and intimations of physical activity. *Chinatown Voyeur* was originally meant to be shown on the exterior of buildings, therefore blurring the division between outside and indoor space. But there is a lingering dullness to the proceedings, one that underscores the banality of surveillance and not the titillation that so often gives stalkers their motivation.

Knowland, who later filmed *Scream Quietly or the Neighbors Will Hear*, Michael Whyte’s important 1973 documentary on battered women, underlines the agentive role of physical distance by varying how close his lens gets to Majlata. Few works, however, more forcefully explode the myth that physical closeness somehow equals intimacy. Knowland initially keeps a certain distance from Majlata. Less than two minutes into the film, the camera is almost directly behind her. He later brings the camera so close that we can count the number of lashes on each eye, further emphasizing her status as a specimen to be examined and not with whom we can sympathize as a virtual extension of our own selves.

Here the terms used or invoked by the film seem to converge. Legally, rape refers to nonconsensual penetration of a sex organ. Direct physical contact is mandatory. In the film, no such contact actually occurs, or in the language of the law, there is no battery. At the same time, Knowland and Wangler’s actions caused Majlata to express distress in ways comparable to what might be expected after an actual assault. “I have had enough,” she repeatedly says throughout the film.

Further complicating matters is how to describe her pursuers. Sometimes they follow her openly, but at a pace slow and methodical enough to parallel common perceptions of stalking. At others, they are running after her. The boundaries between rape and chase are blurred, while the notions of assault and battery are concurrently enlarged.

PRIVACY MADE TANGIBLE

Among the most striking moments of *Rape* happens just after the 38-minute mark. The film cuts abruptly from a scene of a morose, or perhaps, resigned Majlata walking next to the Thames to a darkened screen. After a few awkward seconds, a male voice says “take one-oh-one, cut one” followed by another extended pause. Two sharp knocks on a reddish door cut the silence, followed by another set of knocks. A key is heard turning the lock. Darkness suddenly gives way to a thin shade over a window that lets in just enough light for us to see that we are entering a clearly domestic space. For several minutes, the camera toggles between extreme close-up shots of curtains, a lamp and some furniture as well as less extreme shots establishing the size and scale of the home. Majlata suddenly emerges in the picture, speaking quickly and with anxiety: “Jesus Christ, please leave immediately. This is outrageous [...] this is scandalous, this isn’t even my apartment.”

The transition from street to home calls attention to the significance of place. In *Papachristou*, the US Supreme Court stated that certain activities, like standing or walking, were so common to everyday life that it would be unlawful or impossible to regulate, even if they were undertaken with less than honorable intent. But it was curiously silent on the matter of effect, a phenomenon only later emphasized in the new battery of anti-harassment laws passed in the US and Britain during the 1990s. Britain’s Protection from Harassment Act 1997 holds that “a person must not pursue a course of conduct [...] which he knows or ought to know amounts to harassment of the other.” *Rape* falls somewhere in the middle of these two standards. It suggests how a sufficient expression of distress should be enough to render some ordinary activities a crime regardless of the perpetrator’s intent. But how might we deduce intention? By the nature of spaces invaded or occupied by a perpetrator?

Here privacy becomes tangible as a function of engagement with physical structures made specific through property ownership. Photographing or filming a private person or a privately owned place without permission was widely regarded in many parts of Europe as a violation, even if the purported victim could cite no laws in support of their claim. Mekas wrote in 1967 of being stopped by police on Italy who claimed how “only the press is allowed to take pictures.” The filmmaker was chased out of stores by those who insisted that he was invading “their private property, their privacy.”⁵⁰ In *Rape*, a male voice with a British accent is heard faintly at the 15-minute mark muttering, “can’t got permission,” an aside likely directed at

Knowland and Wangler. The idea of personal space – that others should respect the space around a given body as an extension of the person’s property – is blatantly ignored. Acconci seemed to be mindful of this idea in *Following Piece*, when he chose not to follow his subjects into what he called “private” places even if technically they were still open to the public, like stores or banks.

In *Rape*, the force of intrusion feels strongest when filming takes place inside a private home as opposed to in the cemetery or on a busy city street. That this is hardly a friendly social call is sharply intimated by the bulbous microphone protruding just slightly from the very bottom edge of the frame. Its phallic shape is overtly suggestive of male domination given how Knowland seems to have boxed Majlata into his viewfinder. Eventually Majlata buries her face in her hands. It is the only means of escape she has. “I will now have no further reaction whatsoever,” she tells Knowland and Wangler. She covers her face for almost two minutes, an eternity in *Rape*’s fast-paced world. The framing of scenes suggest how looking can assume the effect of touching, holding, and grasping.

Certainly looking is palpable, something Lennon insinuated in his early remarks about the film when he spoke of the film in terms of “exposure” and “pressure.” By using these words in the same sentence as if they were somehow causally linked, he suggested how being continuously visible can eventually be tactile. In *Rape*, the camera almost functions like an actual hand seeking to capture Majlata. During the last 20 minutes, she appears to be entirely boxed in by Knowland’s viewfinder as if he, not she, controlled her movements. She pounds frantically on the door in attempt to leave the apartment. But the door is locked, forcing her to retrace her steps. Near the film’s end, Majlata crumples. The upright body finally buckles under the weight of the eye, which is doubled by the lens of the camera and by the cameraman who supports it.

In Britain, the legal idea of privacy circa 1969 was highly nebulous. It was understood through two separate channels: the right of an individual to control information about him/herself and the more ambiguous right to a “private sphere.”⁵¹ During the late 1960s, when privacy surfaced as a leading issue for British lawmakers, some held that the “sphere” could be violated even if there was no actual physical contact. Alexander Lyon, one of Parliament’s most zealous advocates of privacy, argued in 1967 how “the real threat to liberty” is “the invasion of privacy by all who have the apparatus to do so without in any way trespassing on the property of the person.”⁵² Lyon’s claims help explain *Rape* as an extended meditation on the beginnings and ends of the “private sphere.” That these points seemed to constantly fluctuate reflected on how much privacy depended on assumptions regarding gender, race, and the nature of communication technologies.

British common law permits landowners to impose any conditions they wish upon how others may enter their property, including restricting photography taking place on the grounds. Were Majlata the owner of the home depicted on screen, she would have been legally entitled to evict the men. But the law would have been

cold comfort given the unlikelihood of Majlata physically ousting two young men fit enough to carry heavy equipment over long distances. This very unlikelihood of a physical refusal introduces another point: *Rape* foregrounded the need to regulate some actions not involving physical contact. It foreshadowed how some thirty years later, virtual contact through a computer or mobile phone screen would sometimes be perceived as a form of assault.

THE CONSTRUCTION OF PROOF

Rape does not specifically propose any legal remedies. Yet as film scholar Sarah Projansky argues, depictions of rape in television and film contribute to a discourse that is central to the understanding, and even committal of rape.⁵³ Compounding the urgency of these questions was how the administration of rape law frequently turns on establishing (or destroying) the credibility of female survivors and witnesses. This urgency lay at the core of *Rape*, the 1975 film made by JoAnn Elam. Elam's work revolves around an evening's conversation between the filmmaker and actual rape survivors who are, at turns, loud, belligerent, passionate, impatient, and pensive. Unlike *No Lies*, it is unscripted. At the same time, the candor of the women is not gratuitous. The plurality of participant responses and the film's modest production values generate a resounding earnestness that makes its testimonial value hard to discount.

Rape is not so much proof of a crime's occurrence than it is of an act being legible as a crime. But it differs from the films of Elam or Block because of how it so explicitly read as indeterminate, as neither fact nor fiction. *Rape* seemed candid enough, but was in fact enhanced in a laboratory prior to its release. Audiences were unsure if the film was documentary, a reenactment, or a fictional narrative. Both Ono and Lennon maintained that Majlata's fear was genuine and that she had no prior knowledge of being filmed. Yet at the 32-minute mark, when mild annoyance has disintegrated into agitation, she laughs after Knowland apparently runs into a lamppost and briefly drops his camera. The scene then cuts to show Majlata with a trace of a smirk on her face, a reaction that seems unlikely if she was really in fear of her pursuers. Even after Knowland and Wangler have entered the apartment of Majlata's sister and after she is barred from leaving, she admits, "it has been kind of fun so far but this is over the top [...] I must go out."

The film is less of a straightforward documentary than a form of "direct cinema," a phrase used by the filmmakers Albert and David Maysles to refer to their works involving "real situations in real life—directly while they are happening."⁵⁴ Film scholar Scott MacKenzie argues how *Rape* mobilizes the "cinema direct" aesthetic "in such a way as to problematize the relationship between both the camera and the spectator and the camera and the subject."⁵⁵ Hawkins adds that Ono wanted people to feel complicit in the victimization of Majlata while also leaving mental room for viewers to identify themselves with the victim.⁵⁶

On this count, *Rape* was successful. Many viewers asked why she did not do more to prevent Knowland and Wangler from recording her. Their questions demonstrated how they imagined themselves in her place, imagining ways of thinking what they might do to defend themselves. She was far from passive, however.⁵⁷ During the film, she walks hurriedly across the pavement as if to shake him off (25'), crosses the street (25'), gets into a taxi (33') and even throws pillows at the camera (40'). Near the end of the film, Majlata threatens to call the police a few times. Her pursuers seemed to have gotten the point at least once. After another impassioned demand by Majlata that Knowland and Wangler stop following her, the two men abruptly halt their pursuit. Instead of following her closely as she crosses a busy street, they stop and film her from a distance. Upon seeing Knowland and Wangler in her sister's apartment she yells in German, "I will throw this at you and your head," a threat she escalates near the hour mark when she promises to "destroy your camera so that this is finally over."

The ambiguity of where the film falls on the fact/fiction spectrum is what makes it effective. It mirrors how laws are often rationalized by a set of hypotheticals. Majlata's perplexing series of reactions in the last third of the film connote how ill-equipped the law is to accommodate the complexity of actual experience. Her weirdly diverse and contradictory set of responses in the last third of the film shows how different assumptions regarding the nature of rape, assault, battery and stalking converge. The actions of Knowland and Wangler in the compressed space of a home might be seen as a threat of physical harm so imminent as to already be equivalent to attempted assault.

In wondering whether the film was "real," we are effectively asking whether Majlata was paid or compensated for her work. The script for *Rape* notes how the film might upset the subject, but that there might also be "a way to get around this." Here, Ono may be suggesting that there may be a way to avoid the repercussions of causing offense. One solution would be to admit the damage such offense caused by treating it as if it was the kind of emotional suffering that would lead to court-administered financial compensation. But what would be the measure for suffering in this case? Damages for "pain and suffering" have been long embedded in British common law since at least the 18th century. Popular manuals describe various circumstances under which claims for emotional and physical damage could be made, including dog bites and carriage malfunctions.⁵⁸ *Rape* asks whether a specific toll should be levied for certain forms of distress. How much, for example, would a frown be? The price of a single tear? The value of a scream?

And what of the use of another's likeness or personal information? *Rape* resonates strikingly with William L. Prosser's classic definition of privacy, whose effect on jurist notions on the issue has been lasting. Although Prosser addressed an American audience, the arguments he set forth would greatly affect how British courts and lawmakers thought about privacy in general. Written almost a decade before *Rape*, his essay defines privacy through its most common violations, namely

the intrusion upon a subject's "seclusion or solitude," public disclosure of private facts, publicity casting the subject in a "false light in the public eye" and the appropriation of the subject's name or likeness for the alleged infringer's advantage.⁵⁹ Some of the violations Prosser cites reads as an alternative script for *Rape*. Majlata was not cast in a "false light," but the film provoked the curiosity of many people that made it difficult for her to find employment.⁶⁰ Perhaps most controversially, the film contributed to the status, and implicitly, authority, of Ono and Lennon as visual artists and filmmakers but without commensurate recognition of Majlata's contribution.

Central to the film's subsequent capacity to perform as social action is the breakdown between the experience of seeing the work and what we imagine was involved in its production. On the one hand, we think it unacceptable to frighten a young woman in such a manner. On the other, we want her to be physically hurt because the increasing negativity of Majlata's reactions delineates a narrative progression mimicking the trajectory of scripted horror films.⁶¹ The profound discomfort of the experience was reflected at a press conference following the screening of *Rape* in Montreux, where a reporter asked Ono if she and Lennon had "the right" to put Majlata through such an ordeal.⁶² Ono retorted, "leave our morals alone," a rebuttal that only underscored the ethical dilemma underpinning the claims of *Rape* and of many performance works to social relevance.⁶³

We may ask what possible legal remedy Majlata could have had if she in fact was legally able to sue Ono and Lennon under British law. Some would say no. After all, she was retroactively paid for her presumptive services with a signed album from Lennon and Ono as well as £25,000.⁶⁴ *Rape* was shot mainly on public property, thus neither Ono nor Lennon was legally required to obtain Majlata's consent. In addition, the film took place with the consent of the protagonist's sister who provided Knowland with a key to her apartment (while depriving Majlata of her own).⁶⁵ No charge of breaking and entering could thus be brought. Others, citing how *Rape* so vividly fleshes out the specificity of Majlata's distress, might disagree.

Performance studies scholar Joshua Chambers-Letson argues how performance often functions as a "rehearsal" for a world yet to come.⁶⁶ Following this logic, *Rape* comes across as a legal thought experiment. Ono made full use of the alibi that being an artist sometimes offered: the artwork became a place where one could explore the dynamics and effects of certain behaviors without being accused of a crime. Our will to intervene or protest what is happening to Majlata is neutralized by how we see her. She is made visible through the lens of her harasser.⁶⁷

Rape evokes how, within a legal context, the legibility of rape and harassment cases often turns on the visibility of victims and the invisibility of perpetrators. Along these lines, it is hardly coincidence that its designated protagonist should be a young woman so attractive as to be especially memorable. Strikingly few questions have been raised about the personal culpability of Knowland and Wangler. Their being subject to Ono's authority seemed to pass as a believable defense. But

they proved, albeit on a humbler scale, what social psychologists and jurists in the early-to-mid-1960s had so vividly illuminated via the Milgram experiment and the Jerusalem trials of Nazi war criminal Adolf Eichmann: how ordinary citizens could act contrary to their own consciences at an authority figure's behest.⁶⁸ In addition, they demonstrated how such obedience could allow them to remain unseen, and therefore, beyond accountability.

The visual experience *Rape* presents reads as a corrective to the lack of understanding and sympathy from those to whom victims of comparable forms of harassment rely for protection, including judges and police.⁶⁹ The film takes seriously the fear of those who are stalked, a fear that in Britain was only legally recognized in the late 1990s through laws like the Protection from Harassment Act.⁷⁰ On one level, *Rape* thus reads as a call for the law to contain the violence of stalking. It might also be regarded as championing a certain kind of paternalism concerning the mediation of personal relationships.

But if law is partly defined by how knowledge and practice shape and generate subjectivity and social change, then films can define a precedent for thinking about how contactless acts produce harm that should be criminalized. Certainly it makes a case that virtual crimes such as harassment through email do in fact have palpable effect on their victims. This is an important point since legal protection is often only available when substantive physical contact has occurred and how not all stalkers break the law.⁷¹

Rape draws new attention to how legal conceptions of privacy have been mediated through competing demands. The speed and scope of information distribution generates one type of pressure. This exceeds the need-to-know right so integral to the media's attempts to guarantee for themselves as much scope for activity as possible. It also encompasses the demands thrust upon the law by the technologies allowing information to travel and replicate so quickly. *Rape* itself has been disseminated on the Internet countless times making it all but impossible for Ono to fulfill her privileges as the copyright holder.

A second set of pressures stems from a pressing need to consider emotion when taking legal action on the other. In fact, the demands of technology with which the law so vainly grapples is what makes the claims of emotion stronger. Consider, for instance, Britain's Data Protection Act allowing journalists to use footage if it serves the public interest. But even this exemption did not preclude subjects from claiming damage if the use of such footage caused distress.

Rape was more than an argument against the violation of an individual's autonomy. It also figured as an allegory about a society afflicted by internalized patriarchy. In her 1971 essay "The Feminization of Society," Ono mourned contemporary society, declaring that it "killed female freedom."⁷² Her statement was especially powerful given the dramatic upsurge of violent crime taking place in 1960s Britain and America; indeed, it was the only decade in the 20th century where the incidence of crime doubled. "If we try to achieve our [women's] freedom within the framework

of the existing social set-up, men, who run the society, will continue to make a token gesture of giving us a place in their world.”⁷³ Ono looks ahead to the inadequacy of the law, an institution very much integral to the “existing social set-up.”

The paradox of *Rape* is how it argues for the criminalization of certain types of looking while also making a case for the potential legal utility of active and close watching. Such watching, or rather, seeing, generates new ways of thinking more specifically about abstract concepts like harassment, harm and privacy. Watching *Rape* in full offers viewers an opportunity to problematize the law's management of bodies and emotions via conceptions of physical and psychological space. Ono, Lennon, Majlata, Knowland and Wangler took what in writing would have been an uninformative set of facts and turned it into a visual and auditory experience that compelled viewers to consider their own potential for action. Their actions urged audiences to mobilize their senses when thinking about their own society-molding capacities. The result emphasized just how much art had to say to the law about matters of social justice both recognized and nascent.

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DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

1. Yoko Ono, cited in “Yoko: The Filmmaker,” *Crawdaddy* 6 (August 29, 1971): 33–34.
2. When first released, *Rape* was described by some as “Lennon’s” film, perhaps due his greater notoriety. Lennon himself referred to *Rape* as “Yoko’s film”; Jann Werner and John Lennon, *Lennon Remembers* (San Francisco: Straight Arrow, 1971), 43. Of the Ono/Lennon collaborations, curator Chrissie Iles observes that “primary authorship” was determined by whoever had the initial idea for the work; hence, the general consensus is to credit Ono as the work’s creator. Unaware, perhaps, of the legal definition of “joint authorship,” Iles somewhat confusingly adds that shooting, editing, and production was shared, making their films a matter of “joint authorship,” a term that legally gives both artists equal rights over the disposition of the work; Chrissie Iles, “Yoko Ono,” in *Have You Seen the*
3. John C. Winn, *That Magic Feeling: The Beatles’ Recorded Legacy, Volume Two: 1966–1970* (New York: Three Rivers, 2009), 284.
4. Scott MacDonald, *A Critical Cinema 2: Interviews with Independent Filmmakers* (Berkeley and Los Angeles: University of California Press, 1992).
5. John Trevelyan, letter to Anthony Cox, March 7, 1967, taken from BBFC file: No. 4.
6. Ibid.
7. John Trevalyan, letter to E. W. Newberry, Greater London Council, Licensing Department, March 16, 1967, taken from BBFC file: No. 4.
8. Yoko Ono Productions, press release, March 8, 1967, taken from BBFC file: No. 4. For a firsthand account of the protest, see Sheldon Williams, “Patterns in Today’s Art: 1. Miniature Philosopher — The

- Trials of Yoko Ono," *Contemporary Review* 212, no. 1228 (May 1968): 268.
9. "Local Authority Decisions," March 7, 1967, taken from BBFC file: No. 4. The exceptions were authorities in Birmingham, who curiously awarded the film a "U," or universal rating, and those in London who gave *Bottoms* a more predictable rating of "X," approved the film's commercial release.
10. Margie Ann Nicholson, "The Development and Use of Broadcasting in Austria" (MA thesis, University of Wisconsin at Madison, 1974), 142.
11. Rather than show *Rape* theatrically in the Britain, which would require a BBFC classification or permission from the local authority where the film is shown, *Rape* was projected at the Institute for Contemporary Art in London.
12. Winn, *That Magic Feeling*, 284.
13. Peter Doggett, *The Art & Music of John Lennon* (New York: Omnibus, 2005), n.p.
14. Scott MacDonald and Yoko Ono, "Yoko Ono: Ideas on Film: Interview/Scripts," *Film Quarterly* 43, no. 1 (1989): 2–23.
15. Willie Frischauer, "Rape!," *Evening Standard* (April 1, 1969).
16. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Pantheon, 1977), 203.
17. Joan Hawkins, *Cutting Edge: Art-Horror and the Horrific Avant-Garde* (Minnesota: University of Minnesota Press, 2000), 125–6.
18. Laura Mulvey, "Visual Pleasure and Narrative Cinema," *Screen* 16, no. 3 (1975): 6–18.
19. John Lennon, interview with Michael Wale, "How Late It Is" (May 1969), BBC.
20. Ibid.
21. All German dialogue from *Rape* quoted in this article was translated by Nadja Rottner.
22. Hawkins, *Cutting Edge*, 133.
23. Yoko Ono in conversation with Alexandra Munroe, July 15, 2015, Museum of Modern Art, New York.
24. The only exception in Europe was Denmark, whose Criminal Code of 1933 contained a provision covering stalking.
25. Emily Finch, *The Criminalisation of Stalking: Constructing the Problem and Evaluating the Solution* (London: Cavendish, 2001), 188.
26. Ibid., 189.
27. Jonas Mekas, *Movie Journal: The Rise of the New American Cinema 1959–1971* (New York: Macmillan, 1972), 412.
28. Tragically, Majlata (sometimes known as Eva Majlath, or her married name, Eva Rhodes) would herself become the victim of a horrific murder. She disappeared in Hungary in 2008 and her remains later found. An employee at the animal sanctuary she ran eventually admitted to killing and burning her.
29. Finch, *Criminalisation of Stalking*, 103.
30. J. Reid Meloy, *The Psychology of Stalking: Clinical and Forensic Perspectives* (San Diego: Academic Press, 1998), 2.
31. Lynn A. Higgins, "Screen/Memory: Rape and Its Alibis in *Last Year at Marienbad*," in *Rape and Representation*, ed. Lynn A. Higgins and Brenda R. Silver (New York: Columbia University Press, 1991), 303–321.
32. John Lennon, interview with Wale, "How Late It Is."
33. Ono, "On Rape" (April 1969); *idem*, *Grapefruit: A Book of Instructions and Drawings* (New York: Simon & Schuster, 1970), n.p. Originally self-published in London.
34. Ibid.
35. Ono, *Grapefruit*, n.p.
36. John Lennon, interview with Wale, "How Late It Is." Majlata's spoken dialogue suggests she was in fact annoyed almost immediately.
37. Hawkins, *Cutting Edge*, 151.
38. BBFC Secretary, letter to Greater London Council, Licensing Department, March 16, 1967, taken from BBFC file: No. 4. The same explanation was given to the Chief Constable of Manchester City Police after a film company sought permission from Manchester authorities to screen *Bottoms* there in 1968.
39. Mekas, *Movie Journal*, 411.
40. Hawkins, *Cutting Edge*, 152.
41. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972).
42. Recent anti-rape laws around the world have begun to treat staring as itself a form of sexual aggression. One anti-rape law in India bans staring, while a bill that passed the US House of Representatives attempted to criminalize staring directed towards children, even in public places. Prohibitions against such viewing are already in effect in Maine under the 2003 Visual Sexual Aggression Against a Child Act to criminalize staring at children in a public place. Prohibitions against viewing children in a public place are already in place in Maine under the Visual Sexual Aggression Against a Child Act.
43. David Mellinkoff, *The Language of the Law* (Boston: Little, Brown, 1963), 273.
44. Julia Lesage, "Disarming Film Rape," *Jump Cut* 19 (December 1978): 14–17.
45. Ibid., 16.
46. Vito Acconci, "Following Piece," *Avalanche* (Fall 1972): 31.

47. Amelia Jones, *Body Art/Performing the Subject* (Minneapolis: University of Minnesota Press, 1998), 127.
48. Ibid.
49. Adrian Piper, *Out of Order, Out of Sight: Selected Writings in Meta-Art, 1968–1992*, vol. 1 (Cambridge, MA: MIT Press, 1996), 264.
50. John Mekas, "On Private Property and Cinema," in *Movie Journal: The Rise of the New American Cinema 1959–1971* (New York: Macmillan, 1972), 281. Originally published June 22, 1967.
51. Walter Pratt, *Privacy in Britain* (Cranbury: Associated University Presses, 1973), 13.
52. Ibid., 168.
53. Sarah Projansky, *Watching Rape: Film and Television in Postfeminist Culture* (New York: New York University Press, 2001), 2.
54. Albert Maysles and David Maysles, "The Maysles Method," *Aspen* 2, no. 7 (1965): n.p.
55. Scott MacKenzie, "On Watching and Turning Away: Ono's Rape, Cinema Direct Aesthetics, and the Genealogy of Cinema Brut," in *Rape and Art Cinema*, ed. Dominique Russell (New York: Continuum, 2010), 159–170.
56. Hawkins, *Cutting Edge*, 254.
57. One wonders if Majlata could have inverted the situation by shouting what was then the very popular *Candid Camera* tagline "Smile, you're on Candid Camera!" According to the creator and host of *Candid Camera*, Allen Funt, a girl successfully defended herself from the menacing overtures of two men on a New York subway car in 1961 who fled after she screamed the tagline; Allen Funt with Philip Reed, *Candidly, Allen Funt: A Million Smiles Later* (New York: Barricade, 1994), 100.
58. John Fabian Witt, "The Political Economy of Pain," in *Making Legal History: Essays in Honor of William E. Nelson*, ed. Daniel J. Hulsebosch and R. B. Bernstein (New York: New York University Press, 2013), 238–9.
59. William L. Prosser, "Privacy," *California Law Review* 48 (1960): 383–423.
60. Ono in conversation with Munroe, July 15, 2015.
61. Contrast *Rape* with the three-minute performance staged in 1979 by Chicago artist Joy Poe in which she arranged for a male friend to stalk her, force her to the ground and rape her. Although the work was staged, one viewer was so convinced of the attack's authenticity that she tried to pull the man off Poe. Others later discussed feeling "raped," or "assaulted by the violence of the performance and powerless to control it"; Cindy Lyle, "Chicago Rape Performance," *Women Artists News* 5, nos 2/3 (1979): 1, 14.
62. Hawkins, *Cutting Edge*, 127.
63. Ibid.
64. Reports disagree as to whether Majlata was actually compensated for appearing in the film. Some claim that she received £25,000 decades after the film's completion; Sukhdev Sandhu, "Eva Rhodes and Yoko Ono: One of the Most Violent Movies Ever," *The Telegraph* (May 5, 2009). Others state that Majlata never received her fee; Danny Buckland, "John Lennon, Animal Rights, and the Model 'Murdered by Gangsters,'" *Daily Express* (May 20, 2012).
65. At the 72-minute mark Majlata tells her sister that "they locked me in. I don't have a key. You took the key. You did. Somebody will have to come and open this door."
66. Joshua Chambers-Letson, *A Race So Different: Performance and Law in Asian America* (New York: New York University Press, 2013), 24.
67. Knowland would later be praised for his shots of a rapist's point of view in *Complex of Fear* (1993), a made-for-television film based on a true story of serial rape; Griffin Gilbert, "Complex of Fear," *Variety* (January 12, 1993).
68. Begun in 1961 a few months after the Eichmann trial, the Milgram experiment famously demonstrated the power of authority figures in compelling obedience from their subjects. Participants were shown to commit acts conflicting with their personal beliefs, even if such acts visibly caused others extreme physical or emotional pain. Psychologist Stanley Milgram published a comprehensive discussion of his findings in *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974).
69. Finch, *Criminalisation of Stalking*, 285.
70. Interestingly, Austrian law would take a broader view of stalking. Under the rubric of "persistent persecution," the Austrian Criminal Code includes actions such as attempts to draw close to the victim, repeated unwanted contact, and the illicit use of an individual's personal data.
71. Finch, *Criminalisation of Stalking*, 169.
72. Yoko Ono, *YES Yoko Ono* (New York: Japan Society/Abrams, 2000), 299. Originally published in the February 23, 1972 issue of the *New York Times*.
73. Ibid., 300.

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