

There is no reason for rape, no sequence of premises that necessarily leads to a conclusion. However, there are conditions that encourage rape. Rape frequently occurs in a victim's home, or is perpetrated by someone with whom the victim feels at home. Economic forces related to immigration, unemployment, homelessness and poverty nurture rape. Legal structures serve landlords who make their residents vulnerable to assault.

*Rape New York* is a cross section of rape's emotional, legal, criminal, philosophical, and economic realities; it is also a dissection of an individual rape case. Similar to the way in which medical studies of an individual body serve to explain the generic body, *Rape New York* uses a personal experience of rape to decipher the anatomy of rape. However, unlike the anonymous character of a medical case study, in this dissection the identity of the body is not hidden, nor is its individuality denied.

From the perspective of a foreigner coming to the United States, and moving to New York, *Rape New York* exposes the differences between the more public oriented systems in European countries versus the more privatized systems, in the United States. *Rape New York* reviews the values of the American dream and compare them to the reality.

The rape recounted in *Rape New York* is ordinary because it followed a common pattern, a stranger entered the victim's apartment and threatened her with a gun. The rape is also exceptional in that it occurred in bright daylight, at noon, with no physical aggression and in a casual way. Coercing sex against anyone's will is inherently violent, but the behavior of the rapist was not violent, and the two hours he spent in the victim's apartment in many ways resembled a mundane social visit. The fact that the case is in some ways common and in other ways unusual makes it a good case for study. The probability of rape is high, but individuals don't expect it to happen to them. Rape is made ordinary by its frequency, but as an event its effects are extraordinary.

*Rape New York* relates rape to real estate development. In the transition of a neighborhood from "undeveloped," of low real estate value, to fully developed, a few get rich and many get hurt. Strategies to evict tenants vary from direct harassment: cutting basic services and charging illegal fees, to covert harassment: allowing or encouraging crime to invade a building in order to force tenants to leave. The crimes include assault, rape and murder. This book exposes the way one landlord ran his building and examines the effects upon tenants' lives.

Lack of security facilitates crime. A tenant cannot change the lock on the front door to an apartment building or prevent access from a roof to a connecting stairwell. Only a landlord can. Leaving tenants vulnerable is a form of psychological aggression. In *Rape New York*, sexual assault and real estate abuse are discussed as two symptoms of a broader phenomenon.

Cities are more and more like interiors: climate-controlled islands. In New York, a stereotype of a city, life happens mostly indoors and housing is expensive and difficult to find. However, laws do not always protect a building's tenants, who have no control over their building's

security. A law such as "Article 16," in which the landlord's liability is apportioned between the landlord and the assailant, deters victims from pressing charges against an assailant when suing their landlords for negligence. The landlord may pay less for damages if the rapist is found and convicted. For workers raped on the job the situation is even worse, because in certain professions legal structures interpret sexual assault as a work injury. For the hotel maid or the fast food clerk, rape is accepted as a "job hazard" and taken for granted. As attorney, Madeline Bryer, explains, "In New York, a worker who is raped at work because of the employer's negligence cannot file a civil lawsuit."

An autobiography of a rape, *Rape New York* presents all of the legal documents of a rape case: police reports, medical records, detective files, psychological evaluations, lawyers correspondence, deposition transcripts, recorded conversations with the assailant, and the victim's statements and letters. *Rape New York* combines this data with the victim's art pieces, personal essays, photographs, drawings and other affective documents. The book introduces the concept of "affective documents" to prove emotions and emotional damages as opposed to merely expressing or discussing them.

Psychology, law, criminology and literature each conceptualize rape differently. *Rape New York* juxtaposes these approaches, revealing by contrast the roles of written and visual language in communicating facts or emotions. Lawyers, psychologist and detectives report facts. Their reports, even in the case of psychologists, do not document emotions. Clearly though, there are correlations between trauma and the loss of joy and between the act of rape and the long-term feelings of humiliation.

The approaches that professionals take to language when reporting rape eliminate emotions from facts. But emotions are a reality inseparable from facts. The use of codified phrases and bureaucratic procedures facilitates recording and classification but conceals the full reality of rape, reducing its emotional importance. Reality is reduced to facts and the victim to a subject for study. For the victim, rape is a life-altering event, for the rapist it is merely an action-a crime he voluntarily commits. However, when a rape is treated as an action, one takes the point of view of the rapist. Switching to the perspective of the victim, rape is treated as an event. *Rape New York*, by including works of art and personal narratives, bridges emotions and facts to address the reality of rape without taking the perspective of the assailant.

A series of photographs and writings that could be considered art or poetry, outside the context of law, were introduced in legal proceedings. In trials, feelings may be expressed but they are rarely documented. As an archive of these art processes and language being exported to law, *Rape New York* serves as a "text book" on art's potential to enrich other disciplines, a manual. As an archive of a civil and criminal trial, *Rape New York* recounts how these disparate art methodologies were used in a legal case, infiltrating law, illustrating how art unifies process and content and bridges emotions and facts in order to resist dehumanization.

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The rape was something random in the daily routine: the rapist surprised me as I was coming from the supermarket. He assaulted me in the building where I lived. At the very time I was being raped in my apartment, the building was being sold. Perhaps this coincidence was a matter of probability; the landlord owned many buildings, most of them low-income residences into which he allowed crime as a strategy for making a profit. The sequence of my rape was common. The rape occurred in my apartment; the rapist took advantage of the poor security of the building; he probably entered through the roof and waited in the stairwell above my apartment while I unlocked my door. The sequence of the rape is common, however, the event itself had a certain absurdity. The rapist sat in my living room for a long time before raping me. He sat quietly, with daylight illuminating his face, holding a gun. Though he was trespassing in my house and requested money, he politely asked for a cigarette. Eventually he opened a conversation with a line one might overhear in an airport lounge, the equivalent of: "What's a nice girl like you doing in a place like this?"

The absurdity of the situation made it feel like a game. The assailant was obviously playing a role. He kidnapped me in my own house and would eventually assault me, but he was a tentative, even friendly, stranger. I had to discover my role and play it well in order to survive and to force myself to go against my nature, to be kind even while being assaulted. In games, players know the rules and the result is, for the most part, aleatory. But in this game I was an involuntary player. I had to intuit the rules and I was absolutely vulnerable. His casual manner may have helped him to avoid responsibility, it was just a game. But I knew it was a game I would lose; I just didn't know what I would lose. I tried to introduce control through small gestures such as asking to keep one dollar after he took my money. I told him to use an ashtray. I played along with the absurdity he set up and asked if he'd like something to drink as if it were a pleasant social occasion.

Afterward, I couldn't find an answer to the questions, Why me? Why rape? But I observed that all rapes follow certain rules. The rapist takes advantage of certain opportunities, such as entering through an unlocked main entrance and waiting for a woman to open the door of her apartment. And the assault is supported by the reasonable premise that it will not be reported. Rape is random, but its sequence of events is not aleatory. To find the man who assaulted me, I tried to detect the missing steps in the sequence. How did he enter the building? Was he waiting for an easy prey? Did he know the building? Did he live in the neighborhood?

Before the assault, I had written about photography and taken pictures. The day after being held in my apartment and raped, it was natural for me to return to the building to take pictures. Never a documentarian, I was adept at capturing absences. A photograph translates reality into an image; it is a transcript. But when I take a photograph, my expectation is to see in the picture what cannot be seen in reality. My impulse was to return to the building to follow the imaginary path of the rapist through the roof door and down the staircase. By following his path, I

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might be able to register a trace of his presence. That trace is in the photographs, not in the form of a figurative ghost but in the mysterious quality of the stairs. My camera, loaded with film, was mounted on a tripod facing the intruder during the two hours he stayed in my apartment. To take a photograph of his face for identification would have been too dangerous. On the morning following the rape, I didn't recognize myself in the bathroom mirror. I took a picture. The photograph shows the rapist's reflection in my face, the effects of his actions distorting my features. The only thing I could realistically do was to capture his absence. The self-portrait is grim. The two black holes of my eyes make people uneasy. To talk about rape or to show its effects is taboo. People blame the victim, so she stays silent. They do not want to be contaminated by her sadness and alienation. I recorded this phenomenon in *SIC: Survival Is a Crime* (2002), a public art piece about penalizing a rape victim with silence.

A rape that uses coercion instead of visibly evident violence can easily be dismissed as consensual. A non-violent rape requires special care to be proven true. In fact, another woman had alleged rape by the same man who raped me. She presented charges before I did, and they were dismissed. DNA, taken later from the man when he was convicted and sentenced to six years in prison for participating in a shooting, matched the DNA found in her underwear and inside her vagina. The grand jury, however, didn't believe her allegation until I also pressed charges against the same man. He was then charged for both rapes. A lack of physical violence doesn't imply that rape did not occur, it merely means that the rape cannot be proven using existing means. Evidence of forcible penetration was collected from my body in the hospital. A condom wrapper was found on the floor close to the bed-my assailant knew not to leave his DNA. The evidence suggested rape, but the same evidence could have been gathered after rough consensual sex. There were no major injuries, but I had lost the feeling of safety in my home, and that is an injury. I felt covered in wounds. My installation, *Rape-Room* (2002), illustrated those feelings. I built a room and covered it with wallpaper composed of images of a wound. The room was an impression, an x-ray of what the walls had witnessed.

There is usually no witness to a rape. Rape is an intimate transgression that requires a certain degree of privacy. Only a surveillance camera, which had recorded my rape could have acted as a witness. However, there were no surveillance cameras in my apartment. Mimicking a sophisticated security system, I later filmed the everyday life of a resident moving through his apartment, followed by a fictional intruder. A 9-video surveillance camera channel registered, from various angles, the moves of the resident and the intruder. *The Intruder* (2003) addresses the discomfort of being observed and the threat of being assaulted.

The photographs I took in the building the day after the rape were introduced as "exhibits" in the negligence suit I brought against my landlord. They are documents that prove the building's lack of security. But beyond showing that the lock was missing from the roof's door, they

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also show the building as a place of fear. Directly after the rapist left my apartment, I took a photograph of the sheet, its wrinkles registering body prints. The image was used in the trial as “exhibit 8.” There is no evidence of crime in the picture; however, there is a sense of transgression and broken intimacy. The exhibits neither manipulated reality nor were they emotional about rape. Rather, they document emotions, showing in an informative manner the distress caused by the assault. This is what I define as the function of “affective documents.”

“The ultimate invasion of privacy” is the medical definition of rape written in my St. Luke’s Hospital record. This phrase sounds almost poetic. However, the pictures taken in the hospital as part of the examination were anything but poetic. They show the consequences of physical abuse: laceration, edema and brutalization through sex. I had seen many medical photographs of hospitalized women in states of hysteria, always with an emphasis on the psychological nature of their diseases. Until my own rape, I had never seen the physical effects of rape on the sexual organs. My attorney, Madeline Bryer, is a sexual assault victim herself who specializes in representing victims of violent crimes in negligence suits based on inadequate security. She was astonished by the images of my cervix traumatized by rape and decided to show them as enlarged prints mounted on white board. The medical pictures of my cervix and vagina were presented to the landlord’s lawyers in the same format that photography is treated in art, mounted and enlarged.

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Five years later I used the self-portrait taken in the bathroom mirror the day after the rape as evidence in this case. Photographing myself had been an immediate reaction to feelings of alienation and lack of control over my body. In the legal proceedings with my landlord, I juxtaposed the self-portrait with one taken a few days before the rape. This comparison was the result of a difficult and complicated question: How to illustrate loss? In comparing the photos one can see the drastic change that occurred in my face in only a few days.

The self-portrait taken in 2001 after the assault is a transcript of the crime in my face; its importance is that it was taken the day after the rape. In this sense it is a document. In 2006, this same post-rape portrait juxtaposed with a photograph of me taken a few days before the rape establishes a difference between the before and the after. When seen comparatively the self-portrait is neither a photograph nor a document, it is an affective document. The main quality of the each photograph is that it refers to a reality. The main value of the comparison is that, besides referencing a reality, it offers a reading of it, making clear another reality. Which is also a function of art.

The pictures taken before the rape and used in the legal proceedings were from my personal album. In one, my boyfriend and I are at the kitchen table. Another is a picture of me that he took in the airport as we said goodbye a few days prior to the rape. We always took pictures of each other, even when we were to be apart for only a few days. The self-portrait

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taken in 2001, as well as the pictures from our personal album taken in 2000, were introduced in the negligence case against my landlord in 2005. The rape changed my face because it made me a different person. This is easily seen by comparing the images. The self-portrait taken the day after the rape recalls what I wanted to forget. I had a dream of a machine with which memories can be frozen. In 2006, this image became an art piece, *The Memory Freezer* (2006).

I understood the trial, not only as a procedure, but also as an opportunity to act. After the assailant pled guilty I had the option of reading or mailing a statement to the judge. I chose to read my statement in the courtroom in order to use an action to counteract the helplessness I experienced during the attack. An action is the term used in art for a performance that displaces an action from its context as a means to make others empathetic with the absurdity of a situation and to show frustration with a reality. This was the second time that the assailant and I sat together in the same room, but this time he wasn’t in control and I wasn’t silent.

I spoke a language unusual in the courtroom. My statement described my emotional devastation and loss of enthusiasm, which were consequences of the rape. However, I also related the rapist’s relative lack of excess in violence. I stated that, while I hated his action, rape, I didn’t hate him. Then my tone switched from the personal to the philosophic, also unusual in a courtroom, as I questioned the wisdom of applying a lengthy prison term in a case of rape. I introduced the possible relation between long sentences and rape followed by murder. Might the possibility of receiving a long sentence encourage a rapist to kill his victim so that she cannot identify him as the assailant? On the other hand, do light sentences or dismissed charges act as incentives to rape? A long sentence for rape might be a deterrent, but it might also encourage murder after rape. To strongly punish perpetrators may help rape prevention, but it may have fatal consequences for future victims. The judge said that the sentence was already set when the assailant pled guilty; however, off the record the judge asked for a copy of my text and said she would try to consider my petition in the final sentencing.

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A victim’s statement questioning the nature of the prison sentence for rape is unusual. One can more easily imagine a victim eager for punishment. One also might expect a rape victim to bring emotions to the courtroom but not intellectual discussions about the length of the sentence as incentive or disuasion for rape. When I had the opportunity to read a statement in the courtroom, I used it not only to express my feelings but to bring attention to the dangerous paradox that I found between harsh punishment for rape and the incentive for murder after rape. I asked the judge not to be excessive in applying the sentence. The victim is usually a passive and silent subject in the legal system. In opening a discussion regarding the length of the sentence as incentive or disuasion for rape, I believe the statement set a courtroom precedent.

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