

# Voyeurism as a Crime – The Legal Definition

<https://www.hg.org/legal-articles/voyeurism-as-a-crime-the-legal-definition-52881>

## Rear Window's voyeurism issues

In discussions of *Rear Window's* involvement of the crime of voyeurism, there are usually a number of confusions about what is involved in voyeurism as a legal offense. The difficulty is that the characterization of someone who looks at someone else without knowledge of the other, "peeping Tom," blurs into conditions where the legal term voyeurism applies, but many where it does not.

No one ceases to look at other people because they have not gotten permission to look. Nor are there generally complaints by those who, when seen by others, are aware of this fact. Being stared at is uncomfortable; being watched by others can be annoying; but neither constitute any basis for legal complaint.

There are two key conditions that make looking at others illegal. (1) the other has a reasonable expectation of privacy, even if they are technically exposed to view. (2) the viewer surveils the viewed with the aim of sexual arousal.

Neither condition would have been met in the case of *Rear Window*. The heat wave has forced residents to seek ventilation of the courtyard and to throw open their windows and curtains. They have done this knowingly, and in some cases (the couple who sleep in their pajamas on a mattress on their balcony) push the limits of exhibitionism. Miss Torso has herself removed any visual barriers and practices in full public view. Only in cultures where the female body is forbidden to be exposed in any way would this be considered illegal, certainly not in New York, where clearly Miss Torso is rehearsing for a stage performance. She has given up any expectation of privacy, and sexual arousal, though it may take place, has never been the aim of dance performance.

Visual curiosity is not criminal unless it intends to do the observed harm. Violating expectations of privacy is such a harm, but in the *Rear Window* courtyard, these expectations seem not to exist. Augmenting the view however seems to push this allowable intrusion. It implies a loss of reciprocity, in that the viewer cannot be seen, equally, by the viewed, so any assumption of privacy is involuntarily forfeited. This however would be true of any use of binoculars, telescopes, or cameras with telephoto lens. The issue then focuses on (1) intent; and (2) expectations of privacy that may be perceived to be in place because of distance, which the optical device has defeated. The nurse Stella's warnings are directed at Jeff's intent, not the revised expectations of privacy.

While Jefferies may be using his binoculars without our knowledge, he does not look through his telephoto lens until he suspects a crime may have been committed. Once he begins to intrude into the Thorwalds' domestic space, his only potential crime is one of vigilante-ism. Yet, he seeks authorization from his policeman friend, Tom, and is partly condoned. The lieutenant cautions him and Lisa admonishes him, but Jeff feels justified by the accumulation of evidence of Lars' crime. He reasons that, unless someone were taking these clues into account, Lars would be allowed to get away with murder. He persists, despite the objection of Stella, Lisa, and Tom; still, he "keeps them in the loop" of what he is doing and makes no attempt to conceal his surveillance. In fact, he makes every effort to involve the police and thereby legitimize his actions.

It should be noted that Jeff's apartment windows are covered by thin bamboo roll-down blinds, which offer no privacy when his apartment is lit at night. Jeff does not therefore operate from a "blind," although he

does make use of a shadow line at night to pull back from anyone's view. Although his apartment must face north, the sky seems at sunset to be blazoned (Lisa's first appearance). The shadow must be from night illumination sources, although these aren't evident in the dog murder scene or final scene where Jeff is pushed out of his window. We see sunlight coming in, but shadows on the wall opposite show that the sun angle is behind him, to the south. Jeff faces north.



**A person commits the crime of voyeurism if, to arouse or gratify his sexual desires or those of another, he knowingly views, photographs, or films another person in a private place without consent.**

This does not seem to be the case in *Rear Window*.

## What Is Voyeurism as a Crime?

When someone secretly views another person through what should remain a private place, he or she can become a voyeur in many respects. However, this place should have an expectation of privacy such as a home or a hotel. The specific connection to the criminal aspect of these actions as a crime depends on the intent and what the person is viewing as a voyeur. If the intent is to watch the other for sexual arousal or for sexual relations involvement as someone that watches rather than participates, the person can commit a crime in many states.

### Elements:

- surveillance related to sexual desire
- viewing, photographing, or filming
  - which has led to suffering on the part of the viewed.
- without consent of the viewed
  - residents give implicit consent by performing within view, knowingly
- "private place" (where there is a reasonable expectation of privacy).
  - (where windows and blinds are opened by the residents, there can be an expectation of privacy, and in fact we witness no illegal or immoral or even sexual activity.)

When the perpetrator of voyeurism commits the crime for the purpose of sexual arousal or to gratify his or her fetish, it is at the expense of the target. The person affected is unaware of the activity unless he or she learns of it later. There is no permission granted, an invasion of privacy and arousal with the activity with the person committing the crime. Because the crime occurs through the lens of a window, electronic device or through the person inside the house, charges for voyeurism are often harsh in certain states depending on the activity involved.