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# 'What Happened to Me Does Not Define Who I Am': Narratives of Resilience in Survivor Victim Impact Statements

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## ABSTRACT

While research shows that “ideal victims” still receive more media coverage and more favorable depictions and results in the criminal justice system, it is not clear whether this is how victims of crime want to present themselves. We code and analyze the transcripts of 21 violence against women survivor victim impact statements (VIS) from YouTube videos, to assess how survivors present their victimization. While survivors of violence discuss their pain and trauma, they also call for better services and protection for other survivors, and attempt to bring awareness about the ubiquity of violence while motivating other survivors to come forward. Survivors rarely present themselves as stereotypically defined “ideal victims,” though in some cases, they do focus on their own blamelessness and the motherly, familial relationships that have been negatively impacted by their victimization. Though ideal victim presentation may be a rational response for those seeking justice from patriarchal legal institutions, survivors resist ideal victim presentations based on stereotypical notions of femininity, demonstrating that from their perspectives, hierarchies between “deserving” and “undeserving” victims may be dissipating.

## KEYWORDS

Victim impact statement; victimization; violence against women; family/ domestic violence; victim participation

## Introduction

Violence against women (including domestic violence, sexual assault, and intimate partner violence) is unfortunately still a common phenomenon throughout the United States and globally (Abrahams et al., 2014; Carvalho et al., 2011; Devries, Mak, Garcia-Moreno et al., 2013; Meyer, 2016). This violence brings with it a host of negative health and social consequences, which are often felt especially by women and children (Abrahams et al., 2014; Meyer, 2016). Beyond the physical health consequences that impact victims of violence such as asthma, frequent headaches, and chronic pain (Basile et al., 2021; Carbone-López et al., 2006; Foran & Phelps, 2013; Johnson et al., 2007), research in the medical, social, and psychological sciences has found that violent victimization has a detrimental effect on mental health, including increasing rates of depression (Bacchus et al., 2018; Beydoun et al., 2012; Tsai et al., 2016), anxiety, posttraumatic stress disorders, and self-harm (Devries et al., 2011; Dillon et al., 2013), substance abuse (Carbone-López et al., 2006; García-Moreno et al., 2013), and risky sexual behaviors and delinquency (Goodkind et al., 2006). Violence against

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women also brings with it a high economic cost (Andresen & Linning, 2014; Foran & Phelps, 2013; Modi et al., 2014), due to victim advocacy and legal services (Black et al., 2011), increased counseling and health services for victims and other family members (Bonomi et al., 2009; Rivara et al., 2007), and impacts on unemployment and labor productivity (Black et al., 2011; Foran & Phelps, 2013; Hanson et al., 2010; Modi et al., 2014).

In all cases of violence against women, stereotypes and expectations regarding who is an “ideal victim” (Christie, 1986) continue to shape who is “entitled” to support and empathy (Jarnkvist & Brännström, 2019), and therefore the justice they receive. How victims construct their victimhood in cases of violence thus remains important, especially in a legal culture that continues to take steps toward increased victims’ rights. With more widespread acceptance of victim impact statements (VIS) for violent crimes, these statements offer an avenue for victims to self-present and have their voices heard. However, they can also be used to reify reductive “ideal victim” narratives that exacerbate inequalities and disadvantage both marginalized victims and defendants, forcing victims to prove they are “worthy” of compassion (Fattah, 2003; Hall, 2017; Hayes & Luther, 2018; Jarnkvist & Brännström, 2019; Knoop, 2019). To increase our understanding of the use of VIS, how victimhood can be constructed, and the “ideal victim” model and its effects, it is vital to analyze the texts of victim impact statements.

## Background

### *Ideal victimhood*

While the construction of victimhood and even the use of the term *victim* (Fohring, 2018) has changed since Christie’s (1986) initial conceptualization of the “ideal victim,” this framing remains important for those seeking justice today. According to Christie (1986), to be an ideal victim and thus worthy of support, victims need to fulfill five key attributes. They are (a) weak or vulnerable; (b) involved in a respectable activity at the time of victimization; (c) blameless in the circumstances of their victimization; (d) victimized by a vicious offender; and (e) victimized by an unknown offender. The victim must also be strong enough to convince those in decision-making and legal gate-keeping positions that they have truly suffered (van Wijk, 2013) – without presenting as too strong, which may raise questions about their role in victimization provocation or muddy their presentation as an ideal victim (Christie, 1986; Mason, 2014). For female victims of violence against women, this balance must be struck between appearing stalwart, but making sure to appear warm and caring, features that accentuate stereotypical “emphasized femininity” (Budgeon, 2014; Connell, 1987).

Recent analyses have also added additional characteristics to the ideal victim, including whether the victim acts “rationally” to escape the abuse (Capezza & Arriaga, 2008; Jarnkvist & Brännström, 2019), including in incidents of sexual violence (Green, 2012). Women (especially mothers) who fulfill traditional gender roles as homemakers are more likely to be viewed as warm, and therefore less likely to be blamed (Mouzos & Makkai, 2004). Moreover, victims who are female and young are often strategically framed as naïve to emphasize their blamelessness and ideal victim status (Green, 2012; Wilson & O’Brien, 2016). Women who are not perceived as ideal victims are less likely to receive help and

can feel powerless in their attempts to seek justice (Fitz-Gibbon & Vannier, 2017; Kogut, 2011).

While recent analyses have added characteristics to the theoretically ideal victim, it must be noted that the concept does not often extend to certain social identities in a practical sense. For instance, critical criminologists argue that ideal victim classification is “far from objective and in fact (reflect) deeply ingrained power inequalities within society” (Hall, 2017, p. 285). Those in marginalized social positions, either by class, race, sexuality, or disability, have more difficulty being properly recognized as victims and garnering public sympathy (Fattah, 2003; Hall, 2017; Hayes & Luther, 2018). Adeniji (2015) discusses the phenomenon of the “unrapeable Black woman,” which signifies the legal system’s failure to acknowledge Black women’s experiences of sexual victimization. Racist and sexist stereotypes, rooted in slavery and misogynoir, effectively deny Black women’s entry into the ideal victimhood description. Moreover, Black, Hispanic, and/or working-class people are often cast and framed by media as criminal, and therefore less appealing as an ideal victim (Hayes & Luther, 2018). This framing perpetuates the notion that there is a singular proper way to be a victim (Fitz-Gibbon & Vannier, 2017; C. Greer, 2010), and encourages continued unequal treatment of victims based on this ideal.

### **Victim impact statements**

Victim impact statements are accounts given by victims orally, in writing, and/or through video, photos, music, or other digital media in courtrooms (Englebrecht & Chavez, 2014; Updegrave, 2020). They are meant to paint a more detailed picture of how the alleged crime in question affected its victim(s), with an eye toward recovery from emotional harm and restorative justice for victims (Boppre & Miller, 2014; Lens et al., 2015; Roberts & Erez, 2004). VIS can also be used to counter common media narratives about what crime “usually” looks like and demonstrate the severity of the crime. Research has found that victims’ most often want to present VIS for healing-related and therapeutic purposes, including closure, empowerment, catharsis, and restoration (Englebrecht & Chavez, 2014; Krause, 2014; Roberts & Erez, 2004; Zaykowski et al., 2014). Although some scholarship asserts that VIS are not a proper vehicle to present victims’ views and can even result in post-crime or double victimization, the benefits of this aspect of the legal process have made VIS a common part of the sentencing phase.

In the United States, this rise was borne of the 1980s and early 1990s push for victims’ rights (Nadler & Rose, 2002). One of the key victories of this movement was the Supreme Court’s decision in *Payne v. Tennessee* (1991), where VIS were deemed admissible in capital cases. This victory came following two previous Supreme Court cases – *Booth v. Maryland* (1987) and *South Carolina v. Gathers* (1989) – where the Court found that VIS violated defendants’ Eighth Amendment rights against cruel and unusual punishment, and that courts should be concerned only with the defendant’s character and culpability, rather than the impacts it had on victims (Boppre & Miller, 2014; Pitt, 2013). Following *Payne*, states can now largely determine “the extent to which parties may offer evidence and the forms VIS may take” (Pitt, 2013, p. 485), and VIS have become increasingly common practice (Gordon & Brodsky, 2007). *Payne* affords states wide latitude in the boundaries of

admissibility for different types of VIS, as the Supreme Court did not set clear guidelines on what type of statements are acceptable (Updegrave, 2020).

The effect of VIS has been studied for a variety of criminal allegations and victims, usually through experimental study designs, with mock jurors, crime vignettes, and artificial statements (Lynch & Haney, 2009; McGowan & Myers, 2004; Nuñez et al., 2017). In some cases, scholars have found that statements have little impact on sentencing decisions (Eisenberg et al., 2002), and that both judges and prosecutors are only occasionally interested in the impact of the alleged crime on victims (Gordon & Brodsky, 2007). Others have observed a strong effect for defendants and sentencing (Gillespie et al., 2014; Greene et al., 1998; McGowan & Myers, 2004; Nuñez et al., 2017; Peace & Forrester, 2012), confirming the fears of some in the legal community (Updegrave, 2020). In other research, jurors who view VIS have been found to be more angry, hostile, and vengeful toward defendants, and feel more empathy toward victims, which could lead to more likely and harsher punishment (Paternoster & Deise, 2011). Moreover, judgment of a victim's respectability or likability can influence sentencing through changes to perceived seriousness of the crime and the validity of mitigating factors on the defendant (Greene et al., 1998). The emotions conveyed in VIS may also have an effect, as an experimental study where mock jurors were shown both angry and sad VIS resulted in an association between the angry statement and increased death sentences, with no association found for the sad statement (Nuñez et al., 2017). Other studies have found no link between emotionality and more severe sentences (Peace & Forrester, 2012).

As with constructions of ideal victimhood, the effect of impact statements can differ based on the multiple identities and personal characteristics of the victim (Forsterlee et al., 2004; Gillespie et al., 2014; Holcomb et al., 2004). As Gillespie et al. (2014) write, "victim demographic characteristics, such as age, race/ethnicity, sex, and character, are not legally relevant [but] there is the potential for them to influence jury decision-making" (Gillespie et al., 2014, p. 176). In accordance with this potential outcome, researchers have found that white, female victims provoke harsher sentencing, regardless of their conduct (Holcomb et al., 2004; Lynch & Haney, 2009; Stauffer et al., 2006; Williams & Holcomb, 2004). Gillespie et al. (2014) also found that perpetrators of violent crime against female victims not involved in any illegal activity were given harsher sentences, adding an important behavioral component to analyses of victim characteristics. Taken together, these studies describe the gender, race, and behavioral characteristics associated with ideal victimhood, and echo the concerns of United States Supreme Court Justice Stevens in *Payne* that VIS can "create sentencing disparities based on victims' standing in the community" (*Payne v. Tennessee*, 1991; Updegrave, 2020).

Though much of the extant literature point to positive effects for victims who fulfill the qualities of *ideal victims*, there are few studies explicitly examining ideal victimhood and its portrayal in VIS. Kleinstuber et al. (2020), using transcripts from VIS presented in capital sentencing hearings, found that "a greater amount of [VIS] was presented when victims aligned more closely with the cultural stereotype of the *ideal victim*." (p. 93). Accordingly, in the current study, we use VIS videos to explore the ways in which victimhood is presented by survivors of violence against women.

## Data and methods

### Data collection

In this study, we examined video-recorded publicly available VIS from cases of violence against women. All statements were found on YouTube, an under-used source of publicly available data. YouTube videos of VIS are an especially important source of data because these statements will be viewed and heard many more times than nearly all VIS transcripts or VIS delivered in courtrooms. The content of these statements will therefore impact and shape future presentations of victimhood and are worthy of study. These videos include cases of domestic violence, domestic battery, rape and sexual assault, where survivors speak about their own experiences and the effects of the incident. To be included in our sample, all statements needed to be read aloud, usually in the court room. In some instances, survivors read and recorded their statements outside of the courtroom as part of victim's rights projects or to have their voice heard by more people, including other survivors.

To compile a purposeful sample of victim impact statement data (Patton, 2002; Suri, 2011), we conducted a targeted search of YouTube's video library. Between July 27 and August 4, 2020, we searched for *victim impact statement domestic violence*, *victim impact statement sexual assault*, and *victim impact statement assault*. The geographical context of our search covered only victimizations in the United States. We also used snowball sampling (Patton, 2002) to search through the "related videos" sections of videos that fulfilled our criteria of inclusion. This resulted in 19 videos, 21 VIS, and over 500 minutes of VIS. As far as we have seen, this is the first study on VIS that use publicly available video data to examine constructions of victimhood. While this data collection method does not result in a completely representative sample of all recorded VIS of survivors of violence against women in the United States, it does present a sample of the recorded VIS most likely to be viewed by those in the general population, especially those looking to understand how VIS are delivered in courtrooms and what they might want to include in their own statements.

Using the videos, video descriptions, content of the statements, and when possible, searches of the publicly available legal case files associated with the video, we collected data about each case. This includes the crime type, date of the trial, location (e.g., city and state), and the victim and defendant gender, and race. This data was researcher-assigned, by watching the VIS videos or examining the wording of the statements, and triangulating with other sources like news articles or the legal cases (which were also used to identify the existence of the actual cases and the places where the victimizations occurred). In the 19 videos analyzed, there were 21 survivors represented, 20 of whom were adult women (one younger girl spoke with her mother present as well). Of these 21 survivors, 13 were White, 2 Asian-American, 2 Latinx, 1 Black, 2 mixed Latinx and White, and 1 mixed Black and White. All 19 of the alleged perpetrators of violence were men, with 9 of them White, 3 Black, 1 Asian-American, and 1 mixed Latinx and White. It was not possible to discern the race of 5 of the other alleged perpetrators.<sup>1</sup>

While the lack of racial diversity in survivor's VIS here represents a limitation of this study, it is also telling in its own right, and points to biases based in conceptions of ideal victimhood. Given that we know that Black women and women of color suffer either equal or higher rates of sexual, domestic, and intimate partner violence compared to White women (Basile & Smith, 2011; Cho et al., 2020). The lack of women of color and specifically



Black women in these VIS may point to these women's justified distrust in the criminal legal system to win justice for themselves and their communities. It may also reflect Black women's feeling that due to intersectional racist and sexist stereotypes and misogyny, they will not receive fair treatment, sympathy, and ultimately justice when they present themselves as survivors in the courtroom or in public (on YouTube; Fattah, 2003; Hall, 2017; Hayes & Luther, 2018). This harkens back again to Adeniji's (2015) work on the "unrapeable Black woman," whereby Black women are not viewed as ideal victims or even as survivors worthy of care and support. Given these factors, it is perhaps unsurprising that Black women and other women of color do not publicly post videos of their VIS following violent victimization.

### **Data coding**

Each victim impact statement was transcribed verbatim by the two researchers, resulting in 60 single-spaced pages of transcripts. To conduct the analysis, the second researcher engaged in a first round of inductive coding using MAXQDA's qualitative data analysis program to identify major themes related to the construction of victimhood (Kleinstuber et al., 2020; Saldaña, 2015). Thereafter, the first researcher conducted a second round of coding using a focused approach to refine and condense the codes. As explained by qualitative scholars, focused coding involves using the most substantial and frequent codes found during the initial coding to firmly and completely categorize the data (Charmaz, 2006; Qureshi & Ünlü, 2020). When examining the data for major themes, we looked for recurrences in language/verbiage as well as parallel representations of reader experiences (Rathus et al., 2019; Ryan & Bernard, 2003). Themes that emerged within the data encapsulated ways that victims describe themselves, as well as the ways that defendants are framed in statements. Using a codebook of these themes identified in the second round of coding, the first researcher then conducted a round of deductive coding on all statements. Inter-coder reliability was 90%, and peer debriefing resolved disagreements regarding inconsistent coding (Nowell et al., 2017; Saldaña, 2015).

### **Findings**

Within our sample of recorded VIS, we uncovered the following victimhood-related themes: *psychological and physical effects, feeling "robbed," good character, parental and familial role, perseverance/strength/agency, insulted by lack of remorse, so much potential, gifted and talented, disillusion with the criminal legal system, mention of God, victimization in broader terms, more than one victim, internalized blame, and defenselessness* (Table 1). Themes and descriptions of coded segments from survivors are found in Table 1 below.

In domestic violence, sexual violence, and intimate partner violence cases, survivors provided impact statements to the court and, at times, directly addressed the offender (coded segments found in Table 1 above). Statements focused on not only damaging aspects such as blameworthiness and feelings of loss of security following the victimization, but also on positive qualities that arose due to or despite their victimization, including their perseverance and resiliency. Survivors also often brought up the broader societal impact of victimization in society more generally, as well as the power of speaking up as a survivor of violence or sexual violence.

**Table 1.** Coded themes from survivor VIS ( $n = 21$ ).

Theme	Sub-theme	Survivor Mentions	Description
Psychological and physical effects		101	
	Trauma	15	Survivor discusses trauma they have after victimization
	Physical injuries	12	Survivor brings up physical injuries
	Living in fear	11	Survivor explains that they now live in fear due to their victimization
	Anxiety and depression	9	Survivor states that they have suffered bouts of anxiety and depression
	Nightmares and losing sleep	9	Survivor reports having nightmares and/or losing sleep
	Shell of themselves/lost sense of identity	8	Survivor reports not feeling like themselves anymore
	Loss of security and safety	7	Survivor no longer feels safe or secure in their home, outside, etc
	Financial impact	5	Survivor mentions financial losses due to lost wages or lost job following victimization
	Impossible to forget abuse	3	Survivor cannot forget the abuse they have suffered
	Shame	3	Survivor feels ashamed of their own victimization
	Stress	3	Survivor feels heightened levels of stress
	Lowered self confidence	2	Survivor has had their self confidence destroyed following abuse
Feeling "robbed"		5	Survivor describes feeling "robbed" of time with their loved ones or of quality time in their life generally
	Feeling robbed of family, family relationships	2	Survivor describes feeling "robbed" of the family relationships they would have had with the victim, or the family relationships the victims would have had with others
	Feeling robbed of innocence	2	Survivor expresses having their childhood innocence or their child's innocence taken away following victimization
Good character		2	Survivor discusses the survivor's or their own strong moral character
Parenthood – spouse – family		3	Survivor mentions the their role as a parent, spouse, or in the wider family.
Perseverance, strength, agency		9	Survivor state that they will move on from this, and continue to try to live their life with purpose or happiness
Insulted by lack of remorse or acknowledgment		17	Survivor expresses negative feelings about the lack of remorse or acknowledgment of wrongdoing by the defendant
So much potential		2	Survivor states that they had so much potential to succeed or impact society in positive ways
Gifted and/or talented		2	Survivor discusses the victim/their own talents or abilities
Disillusion with the criminal legal system		13	Survivor places blame for their pain and/or the victimization in question on the criminal justice system
Mentions of God		6	Survivor brought up God in some way, either in thanks for the judgment against the defendant, or discussing their own faith or prayer as a means of resilience
Exhausted by suffering		6	Survivor expresses exhaustion at the suffering they have endured
Victimization couched in broader terms		23	Survivor discuss the victimization that occurred in the context of broader social issues
	Protecting other victims	5	Survivors express a desire to use their VIS or their coming forward to protect other potential victims of the defendant
	Many people suffer from inter-partner violence	3	Survivors explain that they know and want it to be clear that inter-partner violence is pervasive.

*(Continued)*



**Table 1.** (Continued).

Theme	Sub-theme	Survivor Mentions	Description
	Want to convince others to share stories	2	Survivors want to use their VIS to convince others to share their stories
	Need to better understand inter-partner violence	2	Survivor expresses the need to better understand the issue of inter-partner violence
	Conviction would show this behavior isn't acceptable	2	Survivor mentions that a conviction of their assailant would show to others that inter-partner violence is unacceptable
	Need to change rape culture	1	Survivor expresses frustration and a need to change society's pervasive rape culture
Survivor is one of several others		8	Survivor mentions that they are one of several victims of the alleged assailant
Self-blame		5	Survivor blames themselves in some way for the victim's or their own victimization
Survivor was defenseless		4	Survivor explains that they were defenseless in the situation

With regards to culpability for victimization, researchers have found that individuals can and do internalize the victim-blaming that is projected on them, especially with cases of sexual assault (Bhuptani et al., 2019; Miller et al., 2010). To this point, one survivor stated that, "I still question the 'whys,' I question what I could have done, what I shouldn't have done. I've questioned a lot about this." Another survivor notes:

I opened my door and let in a rapist. That statement alone has caused me so much anger and self-hatred. I opened the door. Nothing warned me something might be wrong, that I should be careful, that people are not to be trusted, or that the person on the other side of the door was someone who wished me harm. How stupid I was to open that door.

VIS also included explanations of how feelings of security have been forever changed after such a traumatic experience. Although research has found that criminal legal interventions can increase victims' feeling of safety (Cerulli et al., 2014; Miller, 2003), several of the statements in our sample expressed ongoing psychological distress and fear of repeat victimization post-intervention. As one survivor said:

I'm constantly looking out of windows and checking doors to make sure my children and I are safe. Just to be able to function normally [I] sleep with guns next to my bed. I carry one everywhere I go. I have armed officers walk me to and from my car every day at work.

Other victims described living in a "hyper vigilant mode," being anxious about their safety all day long, or being extra watchful of strangers getting too close. This theme coincides with the findings of Ullman et al. (2018) that explain the various self-protective measures individuals take after victimization, such as only living in buildings that have security cameras and guards, carrying pepper spray and Tasers, and avoiding alcohol consumption.

Despite the difficulties in their lives following trauma, VIS also included more hopeful notes and expressed how survivors have persevered and (re)gained strength since the event. For instance:

Eventually, I chose to try to take back what you stole from me. I chose to live without looking over my shoulder. Although it was difficult to work through and let go of my fear, [I] made the

decision to surround myself with supportive friends and family and I started to focus on my talents. . . . despite the fact that you made me afraid of the dark.

But with the support of everyone around me, I continue to live day by day. I will never forget what happened to me. But I'm a survivor. What doesn't kill you does make you stronger. . . . What happened to me does not define who I am. I define myself every day through my own actions. I am no longer a victim. I'm a fighter.

Survivors spoke about moving past their victimization, and not being essentialized as a survivor/victim and nothing else. Victimization scholars and those focusing specifically on ideal victimhood have shown that the notion that ideal victims must be docile and meek may be outdated, as victims demonstrate the agency and power they still hold to move past their victimization (Jarnkvist & Brännström, 2019).

Interestingly, survivors also frequently used their opportunity to speak to the court about the broader societal impact that reading their statements might have. Victims explained the ways in which sharing their traumatic experience would bring awareness to violent victimization and strengthen others' resolve. As one survivor explained:

So many victims and survivors of domestic abuse choose not to come forward because it is lengthy and terrifying. . . . I decided to come through with these charges [so] I can stand up for what's right. To tell [others] who were abused by their partner, even though you are scared, you need to stand up for your family, your children, and most of all for yourself.

In this case, the survivor in question wanted not only to ensure that her abuser was brought to justice and that he could no longer hurt someone else, but she also wanted to show other survivors that they too can stand up for themselves and those around them. This idea of sharing one's story so that others feel comfortable sharing theirs was present in several VIS.

It's my hope that this story might encourage others to share their stories, to report crimes that have been committed and to continue to fight for our rights and the respect that each and every one of us deserve as human beings.

And I ask that there continues to be a greater dialogue for society as a whole to understand the trauma that survivors go through. So . . . there is an understanding that there is no shame for having been a victim of domestic violence and sexual assault. We did nothing wrong.

Finally, survivors spoke to their disappointment with the criminal legal system and about how the system (mal)functions to allow for victimization to occur. In this way, VIS gave space for survivors to bring awareness to the system's flaws in hopes to prevent such victimizations from recurring. Survivors spoke about their anger at the light sentences and punishments for their abusers, and others questioned the lack of help and support from the police. Criticizing the legal system also represented a type of empowerment from the victims, in that they felt confident to condemn the system in its presence.

After wrapping my head around that there would be no trial and only a misdemeanor and slap on the wrist [for] the man that strangled me and put a screwdriver to my head . . . and I just learned that there'd be such little justice. And I was so devastated by that misdemeanor plea agreement.

The stranger who had lied to get into my home [had] been walking free all these years. . . . But reopening the case also reopened all my fears as well as a huge bubbling up of anger. Rehashing the whole incident trying to recall horrific details, I felt so angry again at myself, at the system,

at my whole life being turned upside down once more. . . . Aren't the police supposed to be protecting us from criminals?

In general, survivors do not go to great lengths to frame themselves “ideally,” and seem more concerned with accurately portraying their pain while simultaneously demonstrating to themselves and to other survivors that they are not alone and can move past their victimization.

## Discussion

### *Tales of resilience*

Survivors of domestic, sexual, and intimate partner violence did not often present themselves and their stories in terms of ideal victimhood. While there was some mention of how their victimization may have impeded their potential accomplishments or hurt their familial relationships with partners, children, and parents, survivors more often used discourses of strength and agency in discussing how they have persevered and moved past their victimization (Boonzaier, 2008; Jarnkvist & Brännström, 2019).

They also often couched their victimization in broader terms, expanding outside of a strict description of how their victimization impacted them personally. Nine of 21 victims of IPV or sexual violence used their statement (at least in part) to discuss wider issues related to the public's lack of understanding of violence against women, difficulty in reporting, rape culture, and the general pervasiveness of this issue. Victims did not spend much time discussing their own innocence or lack of blame, their familial relationships, or their own character.

While this may be partially a product of modesty or typical speech patterns, where it is more common for others to speak highly of the character of someone else than it is for a person to do so about themselves, it also sheds a light on what the purpose of VIS might be, particularly for IPV, domestic and sexual violence victims. Beyond highlighting their own resilience, survivors also focused their statements on the broader impact that their statement could have on other survivors, other potential victims, and on the discourse around violence against women generally. Victims spoke about empowering others to share their own stories, showing that abusive behavior is unacceptable both for themselves and others, and dispelling rape myths. Though we were not able to interview these victims and ask directly about the purpose of their statement and what they hoped to get out of it, for many survivors it seemed clear that they were not seeking justice or closure solely for themselves.

This idea of using impact statements to represent empowerment harkens to the #MeToo movement – spearheaded by activist Tarana Burke – that set out to give voices to those who have experienced sexual harassment and assault (Bogen et al., 2021; Ozkazanc-Pan, 2018). Individuals used social media to come forward and share their stories, motivate others to do the same, and encourage survivors to realize that they are not alone in their victimization and the road to healing. This theme is also apparent in VIS that have been read in high-profile cases. For instance, in the case against Larry Nassar (who victimized 150 gymnasts during their time on the U.S. Olympic team), team members all read VIS at sentencing, and in addition to explaining the harms they experienced, spoke to recovery and perseverance (Eiler et al., 2019; McCradden & Cusimano, 2018). In one of the videos of VIS compiled for this project, the survivor (Emily Doe) victimized in the infamous Brock Turner case (Sheley,

2017; Sweeny, 2020) had her statement read out by over 10 different women in a show of solidarity and support.

Though survivors used VIS to make juries and judges aware of the harm and about their need for justice, they rarely tried to present themselves as “ideal victims” in the ways scholars have commonly described (Christie, 1986). Survivors’ desire to bring up more macro issues of access to justice and to express solidarity and care for others may point to the common goals survivors have when delivering VIS. Rather than strictly pushing for longer or harsher sentences, survivors may want to make a larger difference in terms of how violence is discussed and legislated, with a goal that is oriented toward restorative and transformative rather than retributive justice (Kim, 2021). Another common theme in survivor VIS was their shock, anger, and frustration at the lack of remorse shown by defendants. Survivors seemed to want to see genuine repentance from their alleged abuser, and while we cannot speak with certainty about where this desire stems from, it might again point to the desire for a more progressive, nonviolent, and perhaps non-carceral form of justice. Findings like these may begin to quell fears that VIS can create sentencing disparities (*Payne v. Tennessee*, 1991; Updegrove, 2020) due to angry victims demanding longer sentences and more harsh punishments in their statements.

Though the characteristics of ideal victimhood did not figure prominently in VIS of survivors, a few mentioned their strong character, potential, and the talents they possessed. Several survivors also brought up their roles within their families as parents and spouses. There are few relationships more *respectable* in American society than close familial and especially parental relationships, even years after Christie’s (1986) initial formulation of ideal victimhood. In these cases, survivors explicitly spoke to caring and nurturing qualities they had, as mothers, grandmothers, and aunts. This focus on motherly traits historically coded as feminine is also consistent with literature on ideal victimhood, as scholars have found that women who are viewed as having these characteristics are more likely to be perceived as warm and therefore less likely to be blamed for their victimization (Capezza & Arriaga, 2008; Jarnkvist & Brännström, 2019). Again however, these stereotypically motherly traits were only brought up in a few cases.

### ***Ideal victimhood: a rational response?***

While there are potential negative consequences of reinforcing a hierarchy of victims through the construction of ideal victimhood, it is important not to lay blame on the few survivors who did construct this narrative. For survivors or anyone suffering harm, framing their victimization in ideal victim terms can be considered a rational response for those looking for justice and adequate attention from the court (Strobl, 2004). Survivors may notice that ideal victims are given a higher quantity and more favorable coverage in media (Slakoff & Brennan, 2019). They also may understand that in a society still structured by patriarchy and while participating in an even more patriarchal legal system, presenting themselves or the victims they speak for as upholding values of “emphasized femininity” (Connell, 1987) (e.g., “motherly,” docile, and blameless for their victimization) can yield better material results. Lastly, it is common practice for legal defense teams to try to paint survivors of violence as untrustworthy and reckless (Capezza & Arriaga, 2008; Van der Bruggen & Grubb, 2014), and this may prompt survivors to try to counter this narrative.

Furthermore, as referenced above, although ideal victimhood is said to be gender neutral, the media often pays more attention to those who are white and female (Hayes & Luther, 2018; Lens et al., 2015; see also *missing white woman syndrome*; Slakoff & Fradella, 2019; Sommers, 2017). Survivors may have internalized some of this media messaging. This pattern of overemphasis on white female victims is also reflected in the data we collected – the overrepresentation of videos in our sample that focused on white female victims is likely indicative of whose cases are brought to a courtroom in the first place, and who is willing to speak up and present themselves as a survivor.

However, it is important to reiterate that most survivors in our sample did not frame themselves in stereotypically “ideal” ways. While survivors undoubtedly want justice, their conception of justice may be more wide-ranging and restorative than punitive, and may encompass broader goals based in better awareness and in the reduction of violence more generally. This conception does not rely on framing themselves as ideal victims and may actually rely on *not* framing themselves in such a way, as this creates a hierarchy of victims. Survivors’ VIS point to a desire to simultaneously demonstrate the pain that their personal victimization has brought about, while also including a wider critique of the social and legal landscape surrounding violence against women more generally.

### **Limitations and directions for future research**

There are several limitations to this study that must be noted. The first is with the sample of videos used. While we attempted to find a full sample of publicly available, recorded VIS from victims of violence against women, we cannot be sure this is the case. Both researchers spent multiple hours searching for VIS on YouTube and Google from different geographic locations; however, it is possible certain videos were missed. As mentioned above, most of the survivors were white, likely reflecting racist inequalities and misogynoir in the criminal legal system that makes Black women and other women of color less likely to deliver and publicly record VIS. Still, future research should look to interrogate VIS specifically by women of color, especially in the context of ideal victimhood construction. Second, as we found VIS from various jurisdictions, it is possible that the content of the statements differed based on rules and restrictions in different locations. We also did not speak to the survivors in question, and therefore can only infer what messages and meanings they tried to convey with their VIS. Qualitative interviews with those who have given VIS could help in identifying what goals they have with these statements.

We must also acknowledge that there is a more theoretical limitation with our data, in that any sample of YouTube video recordings of VIS will likely include a high proportion of unique or noteworthy statements, with proportionately fewer common and routine VIS. It is therefore possible that our sample does not represent typical VIS, as these kinds of common VIS likely do not make it onto the internet. However, it is still important to analyze these more noteworthy or unique statements, as they are the videos and examples of VIS that more people will watch, learn from, and perhaps emulate.

We also only examine VIS in traditional adversarial court room settings; future research may want to look at VIS delivered in alternative justice settings like restorative justice mediation to assess how these alternative forms of justice may impact VIS content and whether they more adequately respond to victim desires. Lastly, we cannot speak to whether

framing victims in more “ideal victim” terms is an effective strategy for garnering harsher sentencing or better outcomes for survivors in terms of “justice.” Large-scale quantitative research examining sentencing for “ideal victim” framing and how it compares to non-ideal framing could reveal judge bias and justify some survivors’ use of this framing, or if no difference is observed, could point to important advances in abolishing victim hierarchies and notions of “deserving” and “undeserving” victims.

## Conclusion

VIS have become and will remain an important part of sentencing in Western adversarial criminal legal systems. It is therefore imperative to understand how survivors of violence against women discuss their victimization and the structures that impact these presentations of victimhood. The results of this study show that survivors seem to both implicitly and explicitly reject ideal victimhood-based hierarchies, and make broader calls to raise awareness about the pervasive nature of IPV and to encourage other survivors to come forward. Survivors also show strength and resilience in their VIS, demonstrating resistance toward the victim label and to patriarchal notions of feminine docility and weakness. While VIS are vital in understanding the pain and harm caused by offenders, it is perhaps equally vital that our media, legal, and judiciary systems – as well as the patriarchal forces within them – do not uphold and sustain hierarchies that privilege some victims at the expense of others. Our analysis of VIS content also points to the need for more restorative, transformative and anti-carceral justice solutions to violence, rather than harsher retributive sentencing.

## Note

1. List and details of videos available upon request.

## Disclosure statement

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