



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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VICTIM BLAMING IN CRIMES AGAINST WOMEN: A SOCIETAL FAILURE

-Khyati Oraon

I. Introduction: The Anatomy of a Social Injustice

Victim-blaming is a series of many circumstances, not just a few insensitive and thoughtless questions. It is a widespread way of thinking that has systematically shifted the burden of accountability for a crime from the person who committed the crime to the person who survived it. In relation to gender-based violence against women, victim-blaming is not just an unfortunate result of self-serving ignorance, but rather it is a fundamental part of the failure of the social system that both allows for gendered violence to continue, and keeps anyone who survives it from having their voice heard. Psychologists and sociologists describe victims as persons who bear some or all of the consequences or guilt from having been a victim of some criminal act. Victim-blaming distorts reality because it shifts the focus to the actions of the victim, their clothing, or the way they act, which suggests that the actions of the victim are the cause of their victimisation. The purpose of this article is to present evidence that the cultural dynamics of victim-blaming not only distort public perception that sexual violence is pervasive in our society, but also create barriers to justice through the dysfunction of the legal system, reinforce the culture of silence surrounding sexual violence, and cause extreme psychological harm to survivors of sexual violence on a global basis.

II. The Psychological Underpinnings of Societies Blaming the Victim

In order to understand why there is a tendency in society to support the accused rather than the victim, it is helpful first to study the psychological foundations of how humans think. The predominant theory in psychology is known as the Just World Hypothesis, which is based on the assumption that human beings cannot understand a world that is chaotic, unpredictable and fundamentally unfair; therefore, they create their own beliefs and value systems in order to

rationalise an unfair world.¹ When people witness sexual assault, which violates their belief in a just world, they reformulate the story in order to protect their perspective of the world they live in. The observer might think to themselves, I need to distance myself. That individual must have done something to warrant an assault; therefore, I am safe because that would never happen to me based on my actions." This type of thinking allows observers to defend themselves against their own guilt relating to their beliefs. Research shows that when a person feels that their belief in a just world has been threatened, they often will blame the victim in order to relieve their own cognitive dissonance.² As a result, the survivor is disparaged to protect the social order from the brutal acts committed against an individual.

III. Statistical Facts: Violence Handled in Silence

The massive amount of violence against women in our society and the ongoing high prevalence of victim-blaming are staggering. The World Health Organization states that one in three women (approximately 840 million women throughout the world) has been physically and/or sexually assaulted at least once during their lifetime.³ United Nations reports for 2024 show that an estimated 50,000 women and girls were murdered by their intimate partners or family members, which equals a woman being murdered approximately every ten minutes.⁴ In spite of this staggering number of women and girls who have experienced violence, the societal response continues to be that of disbelief and questioning. In 2023, a survey of five nations found that 59.50% of young respondents experienced victim blaming after being a victim of sexual and/or harassment violence. Respondents reported that the victim-blaming responses made them feel ashamed and humiliated.⁵ People constantly overestimate the number of false claims made regarding sexual violence, but this misconception is used against survivors every day, thus generating a culture of silence in which survivors do not report sexual assaults due to learned experiences showing them that prior to protecting the survivor, the system/society will

¹ Melvin J. Lerner, *The Belief in a Just World: A Fundamental Delusion* (1980).

² Melvin J. Lerner & Carolyn H. Simmons, *Observer's Reaction to the "Innocent Victim": Compassion or Rejection?*, 4 J. Personality & Soc. Psychol. 203, 203–10 (1966)

³ World Health Organization, *Violence Against Women Prevalence Estimates*, WHO Global Database on Violence Against Women (2024)

⁴ U.N. Office on Drugs and Crime & U.N. Women, *Report on Intimate Partner and Family-Related Killings* (Nov. 25, 2024).

⁵ RNW Media, *Accelerating Impact on Victim Blaming: Stories from RNW Media Partners*, RNW Media Reports (Dec. 4, 2023).

vilify them.⁶ Support for this premise is provided in the 2022 National Crime Victimization Survey, which shows that 21.4% of all sexual assaults will be reported to law enforcement, making it the lowest rate of any crime measured.⁷

IV. The “Ideal Victim” and the Failure of Media Representation

The media plays an important role in perpetuating victim-blaming through the portrayal of the “ideal victim.” Many major news outlets choose to portray certain victims in such a way as to elicit sympathy from their audience while further vilifying others. An examination of crime reporting in the media demonstrates that this portrayal of “ideal victim” is the norm and is not an isolated case, as victims’ private lives are dissected while perpetrators’ actions are minimized or justified. The 2024 Bengaluru murder case serves as an explicit example of how victim-blaming generates outrage in society, as law enforcement officials stated that the young woman’s death was, in part, due to her alleged “numerous affairs,” which generated public outcry while also illuminating that there is a dangerous normalization of victim-shaming by societal/institutional authorities.⁸ In another event in Mexico, a 2024 study found a causal relationship: participants who read a newspaper article that framed a femicide (the gender-based murder of women) in a way that blamed the victim subsequently demonstrated much higher rates of victim-blaming attitudes than those who read a neutral piece of reporting about the femicide. This indicates that the way in which the media frames an event does not simply reflect public opinion but also actively creates and justifies bias.⁹

V. Case Studies of Institutional Failing and Legal re-traumatisation

The criminal justice system was designed to protect innocent people; however, at times, it is used as an instrument of secondary harassment and trauma for those who are victimised. Perhaps there is no better example of this than what occurred in 2015 in the Stanford sexual

⁶ David Lisak et al., False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases, 16 Violence Against Women 1318, 1318–34 (2010).

⁷ Bureau of Justice Statistics, Criminal Victimization, 2022 (Nat’l Crime Victimization Survey 2022)

⁸ Times of India, Inhumane Bengaluru Murder: ‘Multiple Affairs,’ Is Victim Blaming the New Normal?, Times Now News (Sept. 23, 2024).

⁹ Sara M. Garcia & Jennifer L. Gibson, Public Perceptions of Femicide and the Feminist Movement in Mexico, 39 J. Interpersonal Violence 2350, 2350–72 (2024).

assault case. In that situation, when a former Stanford student and Olympic swimmer, Brock Turner, was convicted of sexually assaulting an unconscious woman, the media coverage of the trial shifted to discussing the details of the victim's social life as opposed to focusing on Turner's violent behaviour. Throughout the trial and following its conclusion, both public discourse about and judicial commentary (including Brock's father asking for leniency for his son on the grounds that Turner committed an act of "20 minutes of action") routinely diluted the amount of trauma suffered by the victim. As stated by the victim in her powerful impact statement, the definition of victimisation was best demonstrated through her statement, by indicating, "you took away from me my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence and my own voice, until now."¹⁰ Her statement made it clear that the failure to properly hold perpetrators accountable as a result of normalising male violence and doubting women's untoward behaviour represents an ongoing and systemic injustice, which then builds upon the initial assault.

The intersection of patriarchy and victim-blaming in India creates even more devastating outcomes, with the scrutiny of the character of the victim immediately following a horrific act of violence in 2023/2024. In the case of the rape and murder of a young female doctor in Kolkata, her family were initially told that she had committed suicide as a way to erase the violent assault story about a working woman. Further, even though the law was updated in 2023, through the introduction of the Bharatiya Nyaya Sanhita (a law that introduced provisions for harsher punishment), the cultural lag continues.¹¹ Survivors report that police engage in victim-blaming, slut-shaming and show a lack of empathy and little cooperation, thereby discouraging the victim from utilising the legal process. Hence, the law states one thing, but the actual application of it varies greatly.

V. The #MeToo Movement from Social Media Perspective – A Double Effect for Perpetrators and Support for Victims

The growth of social media, particularly the #MeToo movement, has provided a means for a reckoning for perpetrators and an opportunity for victims. However, the digital age has created a paradox for survivors; it has proven to be a double-edged sword. While the #MeToo Movement created greater attention to discussions about rape myths, as well as being used to

¹⁰ Jessica Valenti, To Brock Turner's Victim: Know This – We Are with You, The Guardian (June 6, 2016).

¹¹ Gov't of India, Bharatiya Nyaya Sanhita, 2023 (Ministry of Law and Justice 2023).

hold high-profile celebrities accountable, research has shown that the psychological patterns associated with victim-blaming are still very much alive. A 2024 study looking at the impact of the #MeToo Movement found that participants inflicted a significant "#MeTooLate" effect on women who were sexually harassed but did not report this to authorities for a number of years; participants blamed them for being a victim, had less trust in the victim, and assigned the perpetrator greater culpability than in cases where the harassment was reported immediately.¹² This suggests that while society professes to support survivors, it expects that they will comply with an exact and precise timeline of being able to present themselves as victims.

VII. Societal Fragmentation: The Cultural and Economic Toll

Victim blaming inflicts many costs on our society, from creating fragmentation within the social fabric to placing a heavy economic burden on our economies. When a victim is blamed for a crime, such as rape, they are less likely to seek medical attention as well as Post-Exposure Prophylaxis (PEP) for HIV infection and Emergency Contraceptives (EC). According to the World Health Organization (WHO), violence against women results in numerous short- and long-term consequences to the victim's health, including chronic pain, gastrointestinal disorders, and depression.¹³ Victimization also creates an environment where men can continue to engage in sexually harassing behaviours without fear of being held accountable by women reporting them. By blaming women for male-perpetrated sexual violence, our society has created a new tax on women's participation in public life, through the imposition of restrictions (i.e., do not walk alone; do not drink; do not wear certain clothing; do not walk alone) on women's behaviour.

Surveillance is not safety; rather, it is the codification of the idea that male sexual entitlement is normal, and as such, female independence must be controlled by the behaviour of the other half of our society.

VIII. The Failure of Legal Pedagogy: Training the Gatekeepers

¹² Marina A. Craig, The #MeTooLate Effect: Victim Blame and Trust Denial for Sexual Harassment Not Immediately Reported, 79 Am. Psychologist 845, 845–60 (2024).

¹³ World Health Organization, *supra* note 3 at 5.

The lack of appropriate training of first responders is one of the most serious failures that have contributed to the perpetuation of victim-blaming in sexual violence cases. Police, judges, and medical examiners, who are the first responders to victims of sexual violence, are usually the first individuals to interact with the victim and document the incident. Law enforcement agencies commonly continue to rely on outdated "rape myths" when documenting sexual violence investigations. An analysis of police records indicates that police often include statements in official case files, blaming the victim for being assaulted based on the victim's prior sexual history, relationship status, or the fact that the police blamed the victim for the assault when she disclosed it to them. Furthermore, judges are susceptible to the same biases as police. Oftentimes, judicial decisions reflect a "zero-sum" mindset, where, if the victim is partially responsible, then that also results in a corresponding reduction of the defendant's responsibility. This legal pedagogical failure results in the continued objectification of the female body and the exoneration of the male actor. The justice system will always remain the greatest ally of the perpetrator until mandated and rigorous trauma-informed care and instruction on the neurological reality of victims' response (e.g., delayed reporting, lack of physical resistance due to tonic immobility, and emotional numbing) are implemented in law schools and police academies.¹⁴

¹⁴ World Health Organization, *supra* note 4.

Laura P. Witte & Astrid Flechsenhar, *Factors Influencing Victim Blaming*, Sage J. (Aug. 10, 2024); FBI Law Enforcement Bulletin, (In)Credible Survivors, FBI Nat'l Press Office (July 9, 2024).

IX. Conclusion: Towards a Culture of Accountability

Victim-blaming is not simply individuals making cruel comments about someone; it is a societal structure that exists to maintain the status quo of gender inequality. Victim-blaming relies upon the imperfect assumption that a just world cannot handle the idea of random evil, and thereby requires victims of male violence to shoulder the ethical burden of that man's violence. In order to dismantle this failure, society will require a radical paradigm shift. We must change the question from "What was she wearing?" to the accusation of "What did he do?" We need to compel media sources to stop utilising neutral language, which lessens the responsibility of the perpetrator. We need to legislatively prohibit the use of a victim's sexual history in court systems (rape shield laws) and criminalise the cover-up of institutional acts. The World Health Organisation's statistics make it painfully clear that 1 in every 3 women globally will be a victim of violence at some point in their lifetime. This is truly an epidemic that impacts everyone living in society today. Each time a society denies the legitimacy of any survivor, society gives permission for the perpetrator of the next crime. Society needs to stop being silent about naming and blaming the perpetrator. It is not simply a slogan: it is the only way to stop the bleeding.