

**Book Review: Leigh Goodmark, *Imperfect Victims: Criminalized Survivors and the Promise of Abolition Feminism*. University of California Press. 2023. ISBN: 9780520391123 (Paperback). 296 Pages. \$24.95.**

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Leigh Goodmark's *Imperfect Victims: Criminalized Survivors and the Promise of Abolition*, seems to rupture any idealistic views of a protective and just criminal legal system. Instead, Goodmark introduces readers to the nitty gritty underside of laws, policies, and legal processes put into place to protect the most vulnerable. In this work, Goodmark apprises readers of the cycle of victimization that survivors of violence are subjected to within the criminal justice realm. Offering true narratives and statistics along with eye-opening insights, Goodmark illustrates the means by which women, trans, and non-confirming individuals are subjected to criminalization by the justice system in the form of state interventions intended to protect them. This work pushes readers to challenge their perceptions of victims and offenders while asking them to embrace the idea that the justice system is inherently flawed. Goodmark, however, does not leave readers hopeless and empty-handed as she offers abolition feminism as the remedy to the institutionalized challenges faced by criminalized survivors. *Imperfect Victims* aims to give voice to victims of gender-based violence and dismantle the system that continues to victimize them.

For ease of analysis, Goodmark's work can be split into two distinct sections - the introduction of criminalized survivors as a concept and a

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discussion of abolition feminism, Goodmark's proposed remedy to this phenomenon. Acknowledging that the criminal legal system has long been the mechanism for gender-based violence in the United States, this work suggests that the system's efforts to combat this type of violence has directly resulted in the criminalization of survivors. Criminalization of survivors comes in the form of arrests, prosecutions, convictions, and incarcerations of the same individuals that the system is intended to protect, namely the victims of violence.

Weaving stories and narratives with hard statistics and a brief outline of historical policy changes, Goodmark's work gives names and faces to those trampled by the system put in place to help them. As if to intentionally overwhelm the reader with a seemingly unending barrage of these painful narratives, the author paints a jarring picture of mass prosecutions for crimes seemingly related to the victimization of the alleged offender. In doing so, Goodmark attempts to highlight the role of punitive intervention by the criminal justice system and demonstrate that this form of state intervention has manifested in another form of violence, particularly against women and TGNC identifying individuals who are prosecuted in masses for defending themselves against gender-based violence.

The author earmarks for readers three distinct stages where the process of criminalization is most impactful for women, trans, and gender non-conforming individuals. She notes the specific treatment of these individuals in their youth, at arrest and prosecution, during sentencing, and post-conviction proceedings which ultimately leads to their victimization at all processes of legal proceedings. Goodmark bases her theory on the premise that criminalization of survival begins at an early age for these marginalized groups. Without directly asserting it, the author suggests that social dynamics and perceptions play a large role in the treatment of young girls and TGNC youth who do not conform to expectations of gender roles. She maintains that while there has been an increase in the prosecution of young girls within the last three to four decades, it is not related to a change in the nature of young girls, but rather, how they are perceived and treated. Foremost, she critiques the criminalization of what she describes as marginally criminal acts of bad behavior in young girls, as well as harsher treatment of this behavior in relation to their male counterparts.

Goodmark's arguments sit comfortably within an ongoing discourse surrounding the increased aggression towards young females in the criminal justice system within the last several decades. Tia Stevens and her colleagues similarly submit that young girls suspected of committing

assaults are a rapidly increasing population within the juvenile justice system. (Stevens et al., 2011) Results of their studies, corroborated by statistics cited in Goodmark's work, reflect an increase in the probabilities of justice system involvement, particularly for black girls, that is replicated by the statistics surrounding black males. (Stevens et al., 2011) One explanation offered for this phenomenon, and rejected by Goodmark, is the notion that forms of relational aggression previously utilized by girls are increasingly escalating to physical altercations, meaning women are actually becoming more aggressive. (Graves, 2016) Goodmark, Stevens, and others suggest that changing policies and perceptions are the actual cause of an increase in criminalization of young girls and women. (Stevens et al., 2011)

More importantly, Goodmark highlights this period of youth as being the time in which these individuals are exposed to some form of violence, ultimately igniting their role within the system. Patterns of violence directed at females and marginalized groups from an early age have been found to result in greater instances of incarceration and domestic abuse as adults. While it is widely accepted that perceived delinquency in youths is related to later victimization, some argue that this occurs as a result of increased anger and depression causing a heightened desire for retaliation, manifesting in the engagement of criminal acts. (Wemmers et al., 2018) Goodmark seems to acknowledge this explanation for the criminalization of women, but does not grant this discussion much space within her arguments. Citing Katheleen Ferraro's *Neither Angels Nor Demons*, Goodmark briefly reflects that the abuse and oppression of women narrow their pathways towards crime in some instances.

In adulthood, Goodmark argues that the criminalization process is triggered by a simple arrest. What complicates these seemingly simple arrests is the fact that they are often made by law enforcement in an effort to get victims to cooperate in prosecutions, to force services upon individuals, or simply because victims are perceived as offenders in some form. Many scholars and those practicing within the field have acknowledged the ongoing issue of pro- and mandatory arrest policies resulting in a surge of domestic violence victims being arrested, which Goodmark discusses briefly as well. (Hovmand et al., 2009) The function of these policies, originally to encourage officers to make arrests in domestic violence cases, has effectively resulted in officers making increasing arrests of women, especially in cases where no violence was observed by an officer or third party. (Hovmand et al., 2009)

During or following an arrest, these individuals are sometimes

subjected to abusive police tactics and even physically triggering forms of police violence. These processes, as Goodmark points out, are usually followed up with criminal prosecutions where doubt is cast on the person's status as a victim and overwhelming evidence of victimization must be presented to the prosecution in order to persuade them not to proceed with a case. In even worse circumstances, Goodmark points out that prosecutors seeking to win cases and rescue perceived victims often re-traumatize these individuals by forcing their active participation in the prosecution, sometimes resulting in the issuance of warrants for victims who refuse to appear and testify. Here, Goodmark's insights are directly relevant to a larger conversation amongst criminal justice reformers about the apparent increase in death rates of victims of domestic violence as a response to partner arrests, particularly amongst people of color. (Sherman & Harris, 2015) Shocking examples of such are reflected in findings of studies conducted by Sherman and Harris which suggest a 64% increase in death rates amongst victims where their partners had suffered an arrest. (Sherman & Harris, 2015) These findings also supported an increase in risk of death by 129% where the abuser had no prior arrest record. (Sherman & Harris, 2015)

But aside from tangential harms caused to victims of abuse, Goodmark and her contemporaries point out that perhaps the most egregious forms of criminalization arise where victims themselves are prosecuted, either for bad acts of their abusive partners, which Goodmark refers to as "culpability inflation," or simply for defending themselves against repeated domestic abuses. As the author suggests, preconceived notions about what a victim should look or act like create a massive hurdle to the presentation of these defenses during trials with aggressive plea bargaining processes being offered as the only alternative to this route in most scenarios. As Hovmand and colleagues note, these perceptions work against these individuals beginning in the arrest stage where misconceptions about forms of self-defense create a narrative of mutual combat where self-defense is not exercised in the stereotypically accepted fashion. (Hovmand et al., 2009)

Ultimately, where these individuals are convicted, Goodmark argues that they are subject to further victimization in various forms. One such form, brought on by sentencing policies setting mandatory minimums for certain classes of crimes, is excessive incarceration. Arguably the most inflammatory topic presented by Goodmark in this work is the idea that victims of domestic abuse who kill their aggressors are often subjected to life without parole, or "death penalty in slow motion" as she refers to it. This particular topic has been the center of debates and reform

movements for nearly decades with some scholars referring to this phenomenon as “survival homicide.” (Buchandler-Raphael, 2023) One such flaw in the system as pointed out by both Goodmark and Buchandler-Raphael is that the law does not currently recognize a distinct self-defense claim in mitigation of survival homicide. (Buchandler-Raphael, 2023) Therefore, victims of abuse are limited by standard self defense statutes, which they often cannot prevail on. (Buchandler-Raphael, 2023) Despite calls for reforms in this regard, Goodmark points out that perceptions of how victims should react or behave in these circumstances drive the formation of policies and sentencing laws. This work attributes these perceptions to an increase in economic power for women, the liberalization of divorce, stricter rape laws that should theoretically encourage reporting, as well as no-drop prosecution policies in intimate partner cases.

And while Goodmark does acknowledge the acts implemented by various jurisdictions to mitigate sentences for victims of domestic violence, stereotypes and misconceptions continue to dominate the sentencing process with masses of these individuals still being sentenced to life in prison in many cases. Policastro and Payne discuss this phenomenon in the context of their research finding that student participants were more likely to support domestic violence myths and that the promotion of these myths coincides with greater support for increased criminal penalties in cases of repeat victimization. (Policastro & Payne, 2013) Unfortunately, following their incarceration, these individuals are further subject to physical and psychological abuses by other inmates and sometimes by jail staff in the form of solitary confinement, rape, assault, strip searches, and denial of access to healthcare or gender-affirming accessories.

The final stage discussed by Goodmark in the fifth chapter of this work is the post-conviction stage which she titles “reconsideration and clemency.” This stage, as described by Goodmark, is characterized by politically motivated parole hearings, gender and race-biased assessments of future criminality, countless denials of clemency, and lasting trauma impeding rehabilitation efforts post-release. As with the stages of criminal proceedings, where Goodmark notes the various policies that have been adopted to lessen the impact of the criminal judicial process on actual victims of crime, the policies that Goodmark points out are often ineffective or result in further harm to these victims.

In response to these issues, the final chapter of Goodmark’s work offers abolition feminism as the essential mechanism to paving the way forward and repairing the harm done by the failures in the justice system.

She defines abolition feminism as “feminism that opposes, rather than legitimates, oppressive state systems.” Specifically, Goodmark calls for a rejection of punitive structures and the promotion of community institutions to support the well-being of women and TGNC populations. Abolition feminism conceives of a shift in perceptions and policies away from supporting government institutions and instead implementing more community resources as a means of addressing the root of gender-based violence. Additionally, abolition feminism entails the repeal of laws thrusting young women into the criminal justice system as well as a defunding of structures that drive criminalization, such as law enforcement agencies, probation, parole, criminal courts, and prisons.

Touting abolition feminism as the only way forward, Goodmark sets forth a proposal that is arguably much bolder than those proffered by many of her contemporaries. Fran Danis, acknowledging that the systemic tools put in place to stop abuse and hold batterers accountable have not been impactful in all situations, proposes a more community focused approach where social workers combine efforts with community institutions to encourage the identification of gaps in the system. (Danis, 2003) Alaina Richert, alternatively embraces the full extent of the legal system’s impact and suggests systemic remedies, including the formation of an affirmative defense in domestic violence cases, new resentencing structures, and fewer limitations for use of trauma defenses. (Richert, 2021) Goodmark, however, rejects her colleagues’ alternative approaches in favor of an innovative and aggressive revamp of social structures from their root.

Overall, *Imperfect Victims* provides a thought-provoking and well-researched peak behind the veil of the criminal justice system, expanding the discourse on reformation efforts, particularly involving women and TGNC populations. Goodmark’s work exposes the processes of state intervention as harmful and violence-perpetuating for these marginalized groups, while calling for greater institutional and community-based resources to prevent the root causes of their criminalization.

Despite driving forward important narratives in the field of criminal justice reform, this work is arguably limited by a lack of defined terms. Most importantly, Goodmark never establishes the criteria that define an individual as a victim to begin with. And while traditional definitions certainly cover the easiest cases of victimization in the reader’s imaginations, especially in the context of domestic relationships, the line between victim and aggressor in reality is often skewed and alternating. Furthermore, many of Goodmark’s assertions are dependent upon the assumption that causation necessarily exists between many of the

phenomena that these populations suffer from. While Goodmark does cite some broad statistics, the current reality seems to be that, at this time, research does not definitively support many of the assumptions that readers are forced to make in order to receive all of Goodmark's proposed contentions. These limitations lead to many unanswered questions, including "how does one make the determination of who qualifies as a criminalized survivor?" and "how do we ultimately distinguish between a criminalized survivor and a minimally impacted victim of crime who subsequently engaged in crime?"

Notwithstanding these shortcomings, *Imperfect Victims* is an important work that achieves its goal of driving forward the narrative with respect to gender-based violence and the perpetuation of harm caused by the mechanisms put in place to protect victims. This compelling book proves itself as a vital contribution to the field of criminal justice reform and provides a fresh perspective that scholars, law enforcement officers, defense attorneys, prosecutors, judges, and other advocates in the criminal justice field can benefit from. Goodmark ultimately challenges readers to check and overcome their own biased perceptions, while encouraging those embedded within the system to consider drastic measures in addressing a devastating problem. A bold take on the inherent failures of the justice system, *Imperfect Victims* is an impactful call to do better by victims of violence.

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