

RELEASE THE FURIES!: VICTIM IMPACT STATEMENTS
EXPOSE THE SOCIAL IMPACTS OF MURDER

By

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Abstract

This study explores the victim impact statements (VIS) by family members of murder victims, utilizing a multi-perspectival adaptation to hermeneutical phenomenology. Three distinct readings of 78 statements highlight the ways in which murder is experienced at the individual, familial, and societal level. The use of this novel tri-layered hermeneutical method draws out important nuance and differences when read in the context of an abstract individual versus that person as the mother, sister or son of a murder victim. Additional insight drawn into the hermeneutic circle from historical contextual factors, such as colonization or gang involvement further delineates the experiences within these narratives. The research was guided by questions of what is being said in VIS and what VIS authors might tell us about murder as a phenomenon. The narratives reveal critical insights into the way murder operates and discriminates in this Canadian prairie urban environment in which 18% of the population, yet fifty percent of homicide victims, are Indigenous. In the first study of this kind, that examines Indigenous and non-Indigenous VIS, existing perspectives about the impacts of murder are questioned. Replacing an individualistic trauma lens with a wider social lens highlights how the crime of murder, and the societal responses to it, are rooted in colonialist legal and social perspectives that result in revictimization of these families. The findings also identify the disproportionate burden of murder on women, exposing discriminatory policies within victim and family services with broader implications across Canada. Greater still, this research uncovers an interesting pattern in the way VIS are written that overcomes the instrumental/expressive debate with an agentic model of VIS, leading into theoretical territory beyond Canadian borders. The agency and ritual-like process undertaken by these VIS authors attests to the powerful role of emotion in justice and offers a new perspective that transforms the authors from bereaved victims into empowered citizens demanding acknowledgement as parties wronged by crime. Through this paradigm shift we might finally move away from the pathologized-victim lens to one that acknowledges the agency of victims' kin in their role as primary stakeholders in this crime.

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Randall... NOW it's Randall time. <3

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Dedication

In place of fresh water and black sheep
this work is dedicated to the Ancient Ones:

Allecto, Tisiphone, and Megaera

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List of Abbreviations

CJS	Criminal justice system
CFS	Child and Family Services
CRCVC	Canadian Resource Centre for Victims of Crime
CVBR	Canadian Victims' Bill of Rights
HPA	Hermeneutic Phenomenological Analysis
MVBR	Manitoba Victims' Bill of Rights
VIS	Victim Impact Statement(s)

Chapter One – Introduction and Summary

A vast territory, a prominent organizer of our daily discourse this concept of justice is, a system of life, such that through its interplay, through the specific ways it opens, organizes, channels our thinking, we stir up certain emotions or find ourselves free of them, generate the needs to speak or the capacities for silence, consider matters open or closed (Axelrod, 2021).

Introduction

What do the families of murder victims want? Justice. This word—justice—is invoked by the act of murder. Beyond that, finding the words to describe the crime, or its consequences, according to those who have been through such a loss, is difficult. Victim impact statements (hereafter VIS) are by design meant to provide their authors with a template by which to find the words, or at least categorize the experience into understandable sections: emotional, physical, and financial impacts of the crime. These categories align with areas of impact often utilized in bureaucratic insurance claims or applications, therefore recognized in the language of the court in which they are to be presented. But the language used by the authors of these intimate testimonials stretches outside of any category, forming a beautiful, if tragic, tapestry of the depth of human suffering and the fragility of social interaction.

The feeling of powerlessness that comes with hearing the news that a member of your family is dead—was murdered—is something few can convey in words. There was a time, in fact stretching through most of human history, that the kin of the murder victim had and exercised the utmost level of power in the name of justice. The social well-being and survival of human societies depended on the swift resolution of this most serious and destructive violation of social relations. The victims' kin alone shouldered this task, indeed this duty, that both punished the social harm and settled the impact of the loss. The findings in this study suggest there was another purpose or function of assigning those closest to the victim with meting out justice. It is those closest who most need to respond, to release the fury—before that fury turns to vengeance.

This functional system of interpersonal justice often took place through ritual, with written records going back to the Code of Hammurabi (1750 BCE), Ur Nammu (2100 BCE) and likely further still, supported by oral histories. Justice was determined and upheld by the victims' kin, in some form or other, up until the 18th century. Now they hold up a photo of their murdered loved one and read a prepared statement to the court—after all is said and done. For, though VIS are presented during the sentencing hearing after a finding of guilt, their actual ability to affect a sentence for the crime of murder is negligible. One of the central motivators for this research was to address this paradox in the purpose and reasons homicide survivors submit a VIS.

Those who have lost a loved one to homicide often say they are part of a “club nobody wants to join” (MOVA, 2020; Saco & Dirks, 2018, p. 830), that only others victimized in this way could understand what they are going through. Family “homicide survivors,” as they are often called in academic literature and by victim-serving agencies often repeat the phrases that “nobody could possibly understand” and that “there are no words” to describe homicidal loss. Yet, we have evidence that they try to do just that in victim impact statements. I undertook this research to find out how the complex experience of the murder of a loved one is described in these statements.

Homicidal loss is not something that can be explained, as family survivors so often try to make others understand. We, as a society and as friends and neighbours of families victimized by murder, lack the context to understand. As academics, the little we do know is gained through the questions we construct and the observations we are privy to. The majority of the experience takes place behind closed doors. The unsolicited narratives written by the VIS authors in this study offer a different guiding lens; one that brings formerly overlooked details to the fore, highlighting important aspects of the interpersonal effects and social impacts of this crime.

The VIS collected for this study were written and submitted to court for the sentencing hearing of the person(s) convicted in court for the murder of their loved one¹. VIS contain rare insights into the first-hand experience of how murder impacts the family. Although emotional and evocatively written by loved ones grieving a loss, I firmly submit that the impact is not solely that of bereavement and emotional trauma, and that VIS are being used for something entirely different than that identified in the literature to date. The authors of these statements are telling a bigger story.

As a part of this study, as I reviewed existing research, I found reports of differing motivations and reasons for writing VIS. I uncovered reports of the different ways VIS have been used and appropriated by the courts for their own purposes that in some cases conflict with the purposes for which they were created. I also discovered evidence that some VIS authors did not fully understand what these statements were or why they were submitting them. Yet, for the most part, the content of the VIS in the current study provided clear intentions by their authors.

That *there are no words*, is at once both a recognized euphemism that prepares the listener for an experience beyond common vernacular and a disclaimer that the speaker intends to try to proceed to find the words, nevertheless.

I was not able to share those words used by the authors in order to protect their identities. This is a great loss, as any interpretation I provide will fall short of the care taken by each of these individuals in choosing their words to honour the deceased and articulate what is most important—what needs to be said. These statements were difficult to read, disarming and gut-wrenching at times and frustrating and enraging at others. There were instances of visceral rage in the words of mothers denouncing the vile acts carried out on their children. Within the full collection of these written testimonials, I read of the graphic details burnt into the minds of siblings and the heartbreaking rituals of visiting the cemetery that have become normal, only to

¹ Victim impact statements may also be submitted at parole hearings but the VIS in this study were all written for sentencing hearings.

be followed by the fragile and delicate wording of a father describing his precious daughter with such tenderness and care. Though I cannot use their words, I can capture the essence of meaning and more to the point for this study, what that essence conveys about the phenomena. There are two phenomena here: the ‘what’ that is said within these VIS and the ‘saying’ of it. What role do VIS play in the aftermath of murder and how do the victims’ kin utilize that one opportunity to speak inside of Justice?

Areas of Interest

The Paradoxical Nature of Victim Impact Statements

The VIS operates as a juridical mechanism, primarily utilized by Crown attorneys in their sentencing submissions to the court. Presented to victims of [violent] crime as a means of participation in the justice system, the form of that participation is unclear. VIS are characterized in legal and other academic literature in their utility as communicative or expressive outlets, particularly for families of murder victims, for whom any impact on sentencing is questionable. This is particularly so in Canada due to the lack of judicial discretion available in homicide sentencing. The legal utility of VIS contains a contradiction in the fact that survivors are not recognized as “proper victims” (Saco & Dirks, 2018) in the eyes of the law, but still categorized as victims *per se* for the purpose of submitting a VIS in court—providing legal documentation on how *they* were impacted by the crime. With the primary victim deceased, the family and loved ones are left with the burden and costs of the crime, locating them in an ambiguous role. Indeed, the VIS themselves exist in ambiguousness; not quite testimony yet subject to cross examination (Janzen, 2020).

VIS are, however, enshrined in the Canadian Criminal Code (722), and now also endorsed² in the Manitoba Victim Bill of Rights (MVBR), yet they lack enforceability

² Endorsed only since the Manitoba Victims’ Bill of Rights are not enforceable and contain little by way of mechanisms for complaint.

mechanisms for appeal. Additionally, and most notably in cases of murder, there is little guidance offered to judges in how they are expected to “consider” VIS in sentencing. To add further confusion, the VIS documents themselves exist in somewhat of a bureaucratic puzzle, classified as public documents along with other court transcript and testimony, yet not subject to the formal filing and/or retrieval systems of all other legal documents. In Winnipeg, at least, they are seemingly added to the exhibits box for their respective cases once the trial has concluded and the sentence handed down. In what can only be called Kafkaesque in its organization, access to these documents by the public requires an intensive process that includes appearing before the judge that oversaw the case in which a VIS was submitted with the potential need for a hearing that includes Crown counsel and any opposing parties. The prospect of requesting multiple VIS submitted in murder trials over many years is absurdly problematic and unlikely, making this type of research prohibitive. The fact that I was able to gain access to physical copies of eighty-three victim impact statements, that were submitted in cases before multiple judges, was unbelievably lucky and came down to a combination of unique circumstances that facilitated a case of rare discretionary use for research.

The Misunderstood Nature of Victim Impact Statements

Given one opportunity to address the court—and the offender—what are families of homicide victims saying? What is the most important aspect of this experience and its impact given voice in these statements? There is an incompatibility in the purpose and use of victim impact statements in murder trials in particular. Some scholars have remarked on the revictimizing nature of the VIS itself due to unrealistic expectations that the statements will have meaningful impact on the sentence (Markin, 2017). The impact, as such, must fit within parameters set by the justice system that align with a quantifiable civil claim mentality; one ill-

<https://www.gov.mb.ca/justice/vs/other/complaints.html#:~:text=The%20Victims'%20Bill%20of%20Rights%20provides%20a%20complaints%20process%20for,and%20take%20any%20appropriate%20actions.>

suiting to this crime. As I demonstrate in this research, the so-called impacts of murder cannot be fully articulated within the legal form provided, leaving the authors of these statements unsure what or how much to try to convey. Most attach their own written narratives to the forms, unable to fit such things into the assigned spaces provided for physical, emotional, and financial impact³. Some dutifully use the forms, fitting their answers into the boxes provided—this too adding valuable meaning to the phenomenon under study. And so, for nearly four decades, the victims’ families fill out the forms as best they can. Surprisingly, many found a way to say what they needed to. The depth and richness of these testimonials illustrated the power, importance and ability of emotion to address matters of justice—in stark contrast to the principles and rationalities of the law. In 2001, nineteen Manitoba judges found that two-thirds of VIS contained “inappropriate” information (Canada). Contrary to the stated purpose as set forth in the VIS forms, 76.6% of VIS focused on traits of the deceased victim. Of the three prescribed categories of impact, only 9.4% of VIS noted physical, 3.6% financial, and 26.6% emotional impacts of the crime (Myers et al., 2018, p. 480).

This idea of crime impact has a distinct meaning in the courts that is misaligned with the actual experience of crime. There is something intriguing about the way every family that describes the impact of murder, independently of one another and across vast differences in social, economic, and cultural locations, ultimately arrives at the moral violation. The VIS discourse in the justice system and the VIS narratives themselves are fundamentally at odds in defining impact. As I discovered, it was more often the most mundane details, making note of technicalities or administrative issues in their more general descriptions of the horrors endured, that captured the most devastating consequences of murder. The emotions of sadness and anger are explicit, but the messy and complex minutia of the ordinary that has become so unordinary, is what makes these documents so rich and meaningful for the study of this ancient human

³ Victim Impact Statement forms may be found on the Manitoba Justice website: <https://www.gov.mb.ca/justice/vs/impact.html>

crime. VIS provide the multidimensional experiential impact across time and space while the courts ask for a two-dimensional report on categories of murder impact.

The psychological tunnel vision that frames the body of post-homicide research largely neglects the social, historical, and familial contextual influences I found in these written accounts, leaving out important implications in meaning. Our assumptions about what murder means and how it impacts society, from our post-Enlightenment perspective, often limit the breadth of the questions we ask or skew the way we interpret the answers. As citizens and scholars alike, we've reduced murder to concepts of crime, punishment, and grief at a deficit to recognizing the more complex and widespread social damage inflicted by acts of lethal violence. The narratives in this study revealed the ways everyday normative interactions become uneasy or otherwise changed by murder.

Murder is a taken for granted experience in many ways. It has always been a part of human societies and the sudden elimination would be perplexing. Some suggest it is even a functional aspect of society that reminds us of our moral obligations (Durkheim, 1984; Morrall, 2006). Taken for granted, however, is not to say it is common. In fact, the exceptionality of murder is used to reinforce Just World Beliefs (Lerner, 1980) that provide the average person security and distance from similar victimization by allowing one to find fault—any fault—with those who must have brought it on themselves. There exists a reliance on stereotypical representations of murder based almost entirely on news media reports and the entertainment industry, both of which present a discourse based on the most extreme moments amplified into public consciousness.

When one considers the concept of murder it is often tied to the concept of justice. Murder is most normatively associated with its characterization as a crime, leading public consciousness to visions of arrest, trial and ultimately a sentence. The victim might come to mind but most often it is the actions done to the victim that make an imprint on thoughts about murder. The victims' loved ones whose lives are torn apart and dominated by the crime for years

after the event are rarely included in public discourse in societies that have come to define murder as a criminal offense against the Crown. According to the Oxford Dictionary, the term ‘victim’ originates in late 15th century, denoting a creature killed as a religious sacrifice: from the Latin *victima* (Van Dijk, 2009). In an increasingly secular society (according to some) are we making a social sacrifice of the victim’s family? The modern discourse of victimhood, according to Van Dijk (2009) still builds on the notion that victims must sacrifice their interests by transferring all related matters solely to the state via the court system.

Murder is a social sickness that contaminates societies (Morrall, 2006). It infiltrates the many-layered world of not only the families of the victims, and indeed the offenders as well, but also those within social networks and communities of each individual. Those most directly impacted, however, hold important information that might help us to better understand and find ways to respond to murder before its harm spreads.

The bulk of research on family members of homicide victims has elevated psychological trauma as the singular matter, creating a pathologized understanding of the experience (Amick-Mcmullan et al., 1991; Armour, 2003; Marilyn Peterson Armour, 2002). Most studies in victimology in Canada rely on self-reported survey data⁴ (that don’t include secondary victims of homicide), questionnaires about satisfaction with various services and programs, and government funded reports authored by non-profit agencies and victim support groups (Meredith & Paquette, 2001). But if we take a closer look there really isn’t substantive literature that supports such targeted attention to the psychology of the victim. In fact, if we go back in the literature far enough, we might discover the *needs* have been, and continue to be, couched in demands for justice all along. We simply haven’t been listening.

Those left to pick up the pieces, shoulder the costs and live with the consequences of the act are too often denied the recognition of that burden—of their legitimacy as the living victims

⁴ Here I refer to the General Social Survey – Victim Survey by Statistics Canada

of this crime. This study draws out the many burdens and injustices of murder and in the process reveals who is most heavily burdened.

Summary of research

In the first study of this kind in Canada I conducted a multilayered interpretive analysis of the victim impact statements (n=78) written by family members of 36 murder victims in the Canadian city of Winnipeg, Manitoba (pop. 849,000). The VIS in this study were submitted in court between 2011 and 2020⁵. This research revealed not only the impacts of murder on individuals and families but also unsettling evidence of differences in experience and impact by location within the family and in society. The implications for a sociology of murder make this modest study an important contribution to the literature while exposing flaws in our justice system and the victim impact statement program itself.

Importance of Research

The Crime

Homicide only makes up 0.2% of all police-reported violent crime in Canada (Moreau, 2022). This may seem like a small issue in the bigger criminological picture. However, this 0.2% still amounts to 2.08 per 100,000 persons every year—a staggering 6.24 per 100,000 in Manitoba (Moreau, 2022). In Winnipeg, that rate is 5.39, the highest in the census metropolitan areas for 2021 (David & Jaffray, 2022) and on par with the United States. There were 874 homicides in Canada in 2022, with 52 in Winnipeg alone (Canada, 2023) and more than half were identified as Indigenous. The “collateral harm” of homicide, estimated at 6-10 family members for each individual murder victim (Connolly & Gordon, 2015; Gross, 2007), demonstrates a need for better understanding of the social impacts of murder. The Centre for Victim Research (2019) in the U.S. estimated 9-15% of adults and 8-18% of youth have

⁵ I am not able to identify which or how many of the statements were read aloud in court, however each of seventy-eight VIS in this study were presented to the Judge as part of the sentencing submissions of the Crown.

experienced the loss of a loved one to homicide during their lifetime (Reed, 2022; Reed & Caraballo, 2021). With the comparable rates of homicide in the city of Winnipeg, it is not unreasonable to expect comparable levels of exposure in our population. More concerning still, is the increased numbers of Indigenous children and adults impacted by this crime. Overcoming one of the recognized limitations in the literature, namely the overrepresented voices of “Anglo-White” participants (M. Armour, 2002), I have compiled a representative selection of VIS that includes 50% Indigenous and 10% visible minority families, adding much needed perspective and voice in this type of research.

The Costs

The financial costs of homicide in Canada were pegged at \$4.8 to \$5.9 million in 2014 (Gabor, 2015). Pain and suffering was calculated at \$2.2 million (1999 dollars) with an average \$72,000 per victim (Gabor, 2015). When assessing costs of violent crime, we tend to rely on direct costs—healthcare and justice system operations—and not long-term social and economic consequences to families and future generations. Missed potential, lost opportunities, and the time requirements of new obligations have not been monetized but have real economic implications, nevertheless. The current study identifies hidden costs associated with discriminatory service provisions and the injustices and revictimizations disproportionately affecting some families more than others.

Scholarship and Praxis

The deficit in the research on social impacts of murder that this study hopes to rectify in its small yet important contribution, opens pathways into new research areas and out of stagnant debates. The victims of murder—and importantly those living with the impacts—have been relegated to the margins of justice for too long. Victim impact statements contain incredibly rich detail about the complexity of murder and justice captured in a unique format that differs from other qualitative data. This research demonstrates one example of

methodological ways to access understanding without further victimization to a population deemed vulnerable and difficult to approach. The methodology and findings of this study provide a valuable model for further research that can and should be done by the primary stakeholders in this area. This study is meant to reignite the conversation on the rights of families of murder victims to dignity, respect, recognition and support.

Honouring the Victims

In this work I take care to uphold this respect and to honour these families in their role in justice. I seek to bring recognition to their words as written in the only form provided to them in law. Through this exploratory examination of the written VIS, I retrieve the voices of these family members who have so often been relegated to the sidelines of justice, their VIS abandoned in boxes in the basement of the Law Courts building. Pulling these personal testimonies from their boxes, I listened carefully and respectfully to what each person was saying, drawing them together to reveal what they know and can tell us about the impact of murder and about justice. I am unable to return the dignity lost to them in the processes they've experienced but I have tried to restore that of their loved ones by sharing the ways they wanted them remembered and represented. It took almost two years of reading and reflecting, carefully placing their words into the context in which they were written. My findings have unearthed interesting and important understandings of murder in this Canadian prairie city. This research opens pathways out of old academic debates about the use of VIS while providing evidence of the potential for those victimized by murder to reclaim their rightful place in justice.

Research Questions

At the outset of this study, I was piqued by the primary question of what is being said in the victim impact statements of family members of murder victims. My query was guided by an interest in the perplexing use of VIS in murder trials, the sentencing hearing in particular, and what role they play in justice. My existing interest in the history of justice processes in murder

cases, and the dramatic shift that saw the replacement of the victims' kin with the Crown as the victim and stakeholder in murder, led me to questions of what the content of VIS might disclose about the experiences of victims' kin in modern Western society. From these overarching inquiries, I formulated the following research questions:

1. What is being said in the victim impact statements?

Here I wanted to know if VIS narrative matched the homicide victim and bereavement literature or if there was something more being conveyed. Given one opportunity to speak in court, what do these loved ones of deceased victims deem most important to include?

2. How are victim impact statements being utilized?

In reference to the perplexity of the propounded rationale, benefits and goals of VIS, and the actual inability for the realisation of these things, how do VIS actually operate in murder trials?

3. What can victim impact statements tell us about the phenomenon of murder?

As described above, I am interested in how murder operates in society, generally and specific to this Canadian prairie city with unique attributes relevant to murder. What do the narratives tell us about the experience of murder, its presence, and effects in society, or how it is understood and responded to? And finally, whether it has an essence that can be identified across time.

4. What was revealed about victim impact statements as phenomena in themselves?

A fourth question came from the research with important implications. Where is VIS situated and what role does it play in a multipronged justice industry that advances a colonialist and capitalist project of social, economic, and legal discrimination? Winnipeg, and the overrepresentation of Indigenous people in lethal violence, both as victims and offenders,

provided an ideal climate for examining this issue. With one of the highest murder rates as well as the largest urban Indigenous population in Canada, the representative numbers of narratives from families victimized by murder provided a valuable snapshot of the discrepancies within our city. As will be shown, this served to substantiate the continued discriminatory policies and practices of our social and legal institutions, within the content of one of the very tools used to deny the same rights and agency to different sectors of the population.

Methodological factors

This work, in addition to its primary purpose as a phenomenological study, is also a project in pushing methodological boundaries. The methodology I adopt requires more of an interpretive process to bring together what is said and not said, by whom and in what context. Through hermeneutic phenomenological analysis I am able to draw out and examine multiple experiences of the same rare event, from multiple perspectives, to see what concrete lived experiences reveal about murder.

The VIS narrative alone offers one level of understanding while the lifeworld of the author adds depth and meaning to their words, adding a deeper level unseen by a surface reading. The directions taken in my inquiry were led by the findings, but also, as in all research, my own situatedness and lens (some might say bias) imbued the things I noticed most prominently or sparked the connections with previous concepts and theories. Hermeneutic phenomenology uses a methodological tool called the *hermeneutic circle* which directs the researcher to move through the particular and the broader elements in an iterative fashion, picking up or pulling in external pieces of “the story” along the way.

This tool has become a central aspect that stands hermeneutical phenomenology apart from other interpretive methods. When a phenomenon appeals to us, it triggers the beginning of phenomenology and the circle is opened (Borren, 2013). Through the iterative use of the hermeneutic circle, I moved from each narrative to the broader voice of the whole, from the individual to defined groups and families and back. From part to whole, again and again, the

reader takes pause as pre-understandings evolve. What is said by each VIS author is brought into conversation with the others. Only after that is done with integrity to their words do I then move outward to weave them into a larger understandings and perspectives, drawing them together into private conversations (role groups or family units) in order to see what some groups talk about that others leave untouched. Sisters talk about things that mothers do not. Siblings know the deceased in ways parents didn't. The families' experiences as shared in VIS are read within relevant and unique contexts that give words different meanings from family to family or person to person. Hermeneutic phenomenology provides the flexibility to draw in that historical context.

Organizing the Findings

The chapters in the findings section were written during this process, each written before the next reading began in order to capture what was sought prior to the influence of new ideas. The first answers the question of what is being said across the full set of statements. In the second chapter, I report on an emergent observation that the experiences of murder impact differed by the individual's role within the family. The third chapter examines the impact of murder on the family, carving a path into new territory about how murder operates in our society. These findings are specific to Winnipeg, Manitoba, Canada but highlight issues that are relevant for other Canadian cities and beyond. Each findings chapter was given a brief summary and conclusion to locate them in the larger discussion chapter that followed.

Once I completed three levels, or horizons, of interpretation I reached a plateau, inviting the voices of the broader academic and literary world into the circle. It is here that the discussion developed, and the phenomena revealed themselves more fully. Because of this design, there is no traditional theory section in this dissertation. Instead, theoretical discussion is brought into dialogue with the findings of the three sections in chapter seven, followed by my conclusions and recommendations in chapter eight.

Knowledge Translation

Due to the stringent ethics requirements I was bound by, I could not publish any verbatim language or quotations from the VIS documents. I was allowed only to repeat any statements made by multiple VIS authors, which I did using italics. Presenting my findings required a painstaking process of crafting and paraphrasing, pulling in secondary material that conveys the sentiments of those whose own words I could not use. In going from interpretation to translation I must find a delicate balance in reporting the knowledge I find while preserving the privacy of the authors. By presenting the findings separately first and then weaving them into a discussion in dialogue with the literature, I found that balance and was able to follow a rigorous method of reporting those findings and their implications for both academic and general readership. Where the authors narratives aligned with existing literature, my practice was successful, and I was able to convey the intent and meaning of the authors. However, when examining the intent or broader motivations contained within various narratives, it was more helpful to draw on similar experience through prose, poetry, or philosophy to convey that deeper emotion in the social world.

Anthony Bottoms (2011) describes a three part process of social science research developed by Runciman (1982) using ‘reportage,’ ‘explanation’ and ‘description’, that is “faithful to Weber’s direction that ‘a satisfactory theory of social explanation must take account of both the meanings and the causes of social phenomena’”(p.23). You can get the factual reporting and the explanation correct, (the what, and the why) but the ‘what like’ determines true understanding. (Bottoms & Roberts, 2011). Referring to a hypothetical example of union strikers, Runciman asks, “What did [the strikers] think they were (‘really’) doing? [...] it is not enough to convey to the reader an adequate sense of *their* sense of the context within which their actions took place and of the nature of the institutions and practices of the society, region, industry, community and plant as experienced by them” (Bottoms & Roberts, 2011, p. 25). Without knowing the intricacies of the relationships between the strikers or the complexities

beneath their grievances, the sociologist can only report and explain what information they have collected, and “may fairly be told that he writes of things which he knows little or nothing about” (p. 26). Applying this comment to the topic at hand, Bottoms advances the suggestion that a sentencing court that sentences a violent criminal while not fully appreciative of what it is like to be the victim, “may fairly be told that it is acting on behalf of society while knowing little or nothing about what it is called upon to judge” (p. 35).

I present the same question as Runciman, then: “What did [the VIS authors] think they were (‘really’) doing? That is, drawing from all the available layers of their experience, am I able to convey the ‘what like’ of murder that brings explanation to the fore of description? In this study I set out to do just that. I adopted Bottoms’ illustration of Runciman’s what, why, and what like for the same reasons and within the same territory of inquiry, that is, “ ‘the duty to understand’ of tribunals within the criminal justice system” (p. 27). More importantly, I strove to then disseminate that understanding, or knowledge, in a manner that both shows and tells, along with the added experience of one that has felt the what-like of being victimized by homicidal loss and presenting a victim impact statement in court.

Situating Myself in the Research

It is important to situate myself in this research for ethical and ontological reasons. As a Métis woman that has lived in Winnipeg my whole life, having navigated many of the financial and social stresses of relative poverty, and watching helplessly as the intergenerational harm experienced by my family continues to expose loved ones to violence, murder and criminalization, I am connected to many of the same stories that are told by the authors in this study. I feel an added responsibility to them and have kept each of the families in my thoughts throughout this research, with utmost care to do no harm but rather to use this research to confront harms that have been permitted to disproportionately impact families like mine.

I have personally experienced the loss of an immediate family member by murder and exercised my right to submit a VIS in two criminal trials. As a member of that *club*, I have an experiential understanding of the phenomenon under study. However, I do not claim to have had the same experience, nor been impacted the same way. For example, I am no longer living in poverty, have amassed some symbolic capital, and have the privilege of light skin (a privilege many in my extended family do not share) which afforded me protections against some of the indignities and injustices experienced by a number of the authors in this study. As a social scientist, I have an academic understanding of the social, historical, and philosophical elements of the phenomenon. What I came to learn was my limitations in some aspects of understandings, specifically those that required a feminist lens—something outside of my areas of expertise—and the need to widen my own perspectives and undertake new learning as I went.

At the outset of this study, I naively thought my own “insider experience” would give me a unique ability to translate the words of the authors to those that couldn’t possibly understand what it was like to lose a loved one to murder. On the contrary, I found distinct differences in the experience, in part due to the level of ideal victimhood and the recognition and treatment that entails. Nils Christie (2018) provides the most recognized example of an ideal victim as “a little old lady who, on her way home from caring for her sick sister, is hit on the head by a big man who robs her in order to buy alcohol or drugs” (p. 19). He identifies five attributes of the ‘ideal’ victim: (i) the victim is weak (female, elderly); (ii) the victim was carrying out a respectable project (caring for her sister); (iii) she could not be blamed for where she was (she was outside in the daytime); (iv) the offender was ‘big and bad’; and (v) the offender had no personal relationship with her (p. 19).

For those victims that were male, racialized, in the wrong part of town or the wrong time of day at the time of their death, they were stripped of the protections afforded ideal victims, more often used to bolster victim-blaming (self-assuring) sentiments by mainstream society.

In my own case, my partner's death met some general requirements of an ideal victim: he was a white male, attacked by a group of young males unknown to him while out walking in our neighborhood. I was an educated mother living in that good neighborhood with a fair complexion. These circumstances, combined with the media characterization of the perpetrators, granted me victim status by the public and the justice system denied to varying degrees by other families⁶. I decided against including my own experience and my VIS in this research directly, opting instead to reflect on my perspective when it might be relevant while self-auditing throughout the research process, acknowledging that this methodological choice was the better one. In the end, the work that came out of the study was far richer than it would have been had it been limited by my own experience. Instead, following the Surrender and Catch method developed by Kurt Wolff (1976, 2004) led me to allowing my perspective to speak when needed and silencing it when it tried to dominate the conversation.

Notes on Terminology and Definitions

To better conceptualize some of the terminology used in this work, I provide the following comments to situate the use of language within the context it was used by VIS and academic scholars.

Family: A substantial part of this research focuses on 'the family,' which may mean different things to different people. For the purpose of clarity, I use the definition provided by the Vanier Institute for its broadness that best captures the families in this study: Any combination of two or more persons who are bound together over time by ties of mutual consent, birth and/or adoption or placement and who, together, assume responsibilities for variant combinations of some of the following: Physical maintenance and care of group members; addition of new members through procreation or adoption; socialization of children; social control of members;

⁶ The use of ideal victimhood in this work gets fuller discussion in later sections where I address the problematic nature of Christie's original iteration through the use of an ideal victimhood scale. The reasons for this will be explained.

production, consumption, distribution of goods and services, and affective nurturance – love. (Vanier, 2023)

Indigenous: This research relies on the broad definition that includes First Nation, Métis, Inuit and as identified by the Canadian Government, Crown Indigenous Relations and Northern Affairs, and recommended by the National Aboriginal Health Association (Crown-Indigenous Relations and Northern Affairs Canada, 2023; National Aboriginal Health Organization). In determining whether an individual in this study was Indigenous, I relied on self-identification in VIS, media reports and photos, and court records. In any cases that I could not make a reasonable determination through these routes, I recorded them as non-Indigenous. Unfortunately, I was not able to provide distinction between these broad groups since self-identification as Métis, or First Nation community of origin was rare. Most only used broader terms such as Aboriginal, Native, or Indigenous. Therefore, I use the terms Indigenous or Aboriginal throughout.

Homicide: A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being. According to Section 222 (1) of the criminal code:

- (2) Homicide is culpable or not culpable.
- (3) Homicide that is not culpable is not an offence.
- (4) Culpable homicide is murder or manslaughter or infanticide.
- (5) A person commits culpable homicide when he causes the death of a human being,
 - (a) by means of an unlawful act;
 - (b) by criminal negligence;
 - (c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death; or
 - (d) by wilfully frightening that human being, in the case of a child or sick person.

This study includes the VIS of family members impacted by (5)(a): Culpable homicide that causes the death of a human being by means of an unlawful act.

Murder: In place of homicide, I use murder throughout the paper unless the technical term “homicide” is more appropriate in the context of the discussion. Murder is not the sterile, technical action more often represented in a court of law. It is emotional and messy and carries a heavy moral weight that is reflected in the use of murder more often by the VIS authors.

VIS Author: It is necessary to distinguish the unique nature of murder from other crimes. The victim is dead. However, the loved ones of that person are the living recipients of the impact of the crime. Called survivors, co-victims, friends and family of homicide victims [FFHV], or family survivors in the literature, there is no universally preferred term. Out of respect for their autonomy and not knowing their preferences I call them authors in this study. As will become clear, it is my position that these individuals are victims of this crime, their suffering and losses caused directly by the crime and at least partly foreseeable by the perpetrator.

Pronouns: Most of the literature, documents and reports I draw from in this work, and all the victim impact statements, use the heteronormative (binary) pronouns (he/she) and therefore I also use the same. I adopt whatever gendered terminology is used by the scholars I quote in this work.

Organization of the Dissertation

The study is organized into eight chapters, following a traditional outline and trajectory. After the current introductory chapter, which provides the preliminary research boundaries and goals, the paper moves into the existing scholarship and background in this topic area. Chapter 2, then, contains the literature review and relevant historical and background context for the study. Chapter 3 provides a detailed discussion of my methodology, rationale, and the methods used for this research. Chapters 4, 5, and 6 cover the findings of this research. Chapter 7 offers a theoretical discussion of the key findings in answer to the research questions indicated at the

outset and chapter 8 completes the paper with the conclusions, implications of the research and recommendations.

Chapter Two – Historical Context and Literature

Introduction

The nature of the research undertaken has unique attributes that set it apart from more common types of qualitative research done in sociology and criminology. The textual narratives examined, and the methodology used created the ability to draw on less positivistic and more multi-disciplinary style of the written dissertation. As noted earlier, in place of a traditional literature review chapter, the findings and discussion are woven into dialogue with the literature. This allows for a more appropriate chapter on the background and historical context of the main areas of the phenomena studied. As will be explained in the methodology chapter, hermeneutic phenomenology calls for a close reading of the text that locates the phenomena in its historical context. Without the foundational background of the social, political, and legal elements that lend important meaning to the words of the VIS authors, the reader of this work would be left adrift.

The evolution of justice after murder

Murder is the oldest crime in human societies, the original taboo, an act so vile that it is believed to pollute all in the vicinity of it (Freud, 1913; Nussbaum, 2016; Phelps, 2006; Plato, 348 BC). Its social impact ascribes a dual crime to murder; perpetrated once against the individual (as a member of society) and a second assault on the family or close kin group. There has been a renewed interest in the location of victim kin in the legal realm, with some suggesting ancillary harm to the living victims of the crime should be taken into account more formally (Roberts & Manikis, 2010). In fact, the crime against both the family and larger social group have historically been recognized by Justice⁷ for at least 5000 years (and likely much longer), as

⁷ Justice is capitalized in this work when I refer to the abstract conceptualization of justice as an institution, distinguishing it from the noun or alternative meanings such as social justice.

set out at the introduction to this work. In a project of Western civilization, murder was codified and juridicalized—stripped of the innate and vital human emotion of dispute resolution—with lofty ideals of equality that never fully materialized.

Athenian Law was the first to try to transfer some of the responsibility to a jury (Hyde, 1918; Plato, 348 BC). Interestingly, it was in this era that Aristotle issues his *Rhetoric*, outlining the very same mechanisms of speech that appear today in victim impact statements. The institution of the jury trial which predates and set the model for our current common law system was brilliantly articulated by Aeschylus in *The Oresteia*, the story that tells of the transformation of the Furies into the Kindly Ones to make way for this new rational legal form. These powerful and righteous deities that had been avenging murder to protect the polis from pollution since time immemorial, were tricked by Athena in some interpretations, and sacrificed in others, to make way for a vengeance-free Justice.

Revenge was once at the heart of the idea of justice. Honour and duty provided a strong impetus for upholding the moral and pragmatic rules of human societies and that the taking of revenge was considered a noble duty (Johnston, 2011; Olson, 2000; Phelps, 2006; Roth, 2014). Throughout history the murder victims' kin were central to securing swift, meaningful justice—reinforcing sociocultural values and community cohesion. There was a price to be paid and a debt to be collected—a social interaction that put the matter to rest.

This modern enigma of years-long court battles and turmoil is a major impediment to just moving on—the ever-elusive idea of 'closure.' Victims kept their central role in justice until the mid-nineteenth century, most predominantly in systems of private settlement although they participated prosecutions between the 13th and 19th centuries (Manikis, 2019). Since then, without ability to respond to the gross moral violation against them, they have been reduced to pathologized caricatures of angry, vengeful, traumatized unfortunates who suffer from increasing psychological ailments, now subjects of study or treatment rather than rights-bearing citizens and agents in matters directly impacting them. Nietzsche might more clearly diagnose

the situation as the clearcut ... of *ressentiment* (Nietzsche, 1887). The Furies, long forgotten and thought neutralized in the netherworld have been gnashing their teeth and clawing at the hearts of mothers, daughters, fathers, and brothers, the families of murdered loved ones that have failed to exercise their rightful duties to the sacred moral laws that have been broken. The pollution created by murder is embroiled in moral passions left to ferment, misdirected and unexpressed fury spreading outward. The expiation of pollution is an essential and ancient practice, represented in different ways by different cultures over time.

Prior to Colonization in Canada, Indigenous peoples practiced kin-based redress systems of law, almost identical to those of pre-Anglo-Saxon law in Europe (Aboriginal Justice Implementation Commission, 1999). “In theory, murder placed an absolute obligation upon the kinsmen of the dead man to seek revenge by clamoring for the slaying of either the murderer or someone else closely related to him.” Like early practices in Europe, blood feud was deterred through law and order that made criminal activity a collective responsibility. Similar to Wergild, the Germanic term meaning man price, a payment “would be borne by all members of the offender’s clan or family and it would be shared by all members of the victim’s clan or family” (Aboriginal Justice Implementation Commission, 1999).

In direct conflict with the narrative that proposed reducing violent blood feuds by the enactment of a centralized judicial process, it was the State that invented all manner of violent and bloody practices of corporal and capital punishment. Of note is the often referenced practice of the Ordeal that lasted from 800 to 1200 (Bartlett, 2014). Perceptions of guilty criminals facing public execution and spectacles serves the general public’s taste for vengeance, but, as Foucault so spectacularly discovered, such shows of gratuitous slaughter soon lost favor and really only served the purpose of displaying the power of the state (Foucault, 1975).

Even today, the idea of punishment providing some sort of closure to families of murder victims has found tepid support as more and more research findings show dissatisfaction or

ambivalence by most families that find execution failed to bring the closure they had hoped for, and life sentences only serve to subject them to the same life sentence as their own lives are bound to the offender's activities, whereabouts and parole hearings. Even when the offender is sentenced to be executed, often that individual spends decades on "death row," as the victims' families attending hearings, appeals, and eventually, the execution itself.

Indeed, outspoken opposition to public executions in the first half of the 19th century led to the system currently used in the United States which reserves a private viewing for the families of victim and offender. Foucault (1975) argues that public executions first served to seal the transference of power in matters of justice from private persons to the state and that once state power was stabilized, there was a more secure control over justice so they could afford to lessen up on such manifestations of authority performed in the spectacle. "The modern rituals of execution attest to this double process: the disappearance of the spectacle and the elimination of pain" (Foucault, 1975). However, the pain of the victims' loved ones has become of central importance.

Where previously, ideals of human rights applied more often to the accused, the victim now holds court. Human suffering has found a place of honour in a trauma discourse that elevates victimhood into every aspect of human and social life (Fassin & Rechtman, 2009). While this has fed a robust mental health industry, it has overstepped the boundaries of justice to the detriment of actual victims of serious crime.

Although I want to draw the focus away from the singular trauma lens that is so often applied in post-homicide research, I don't deny the traumatic impact of murder, but rather acknowledge it as one area of impact among others. The trauma experienced by the murder of a loved one should not be confused with the popular discourse that ascribes an event with traumatic status or associates the term to anything vaguely emotionally unsettling. Rather, most homicide survivor scholarship is aligned with Caroline Garland's (1998) definition of trauma as a kind of wound, following on Freud's description of the effect of the protective shield of the mind being

pierced, such that it causes a massive disruption in functioning, “a loss of belief in the predictability of the world, and in the protective function of one’s good objects, both internal and external, [that] will inevitably mean a resurgence of fears about the cruelty and strength of bad objects” (Garland, 1998, p. 11).

Having so defined trauma in the context of murder, I am reticent to give undue weight to the trauma discourse for two reasons. First, there is a difference between intense grief and emotional responses versus paralyzing trauma that impedes one’s ability to function. In the majority of narratives in this study, (though not all) the authors identified more closely with the emotional impact than a diagnosis, which is my second concern and the main point at this juncture: that the trauma lens has served to pathologize victims of violent crime, “diminishing the capacity for agency in victims” as wronged parties (Cook, 2021, p. 39).

By presenting anguished families of murder victims for all to see, whilst strengthening the might of the state in its show of compassion and justice, an entire victim-serving industry emerged (Fassin & Rechtman, 2009; Garland, 2001; Kirchengast, 2006). There remains a performativity of suffering that exploits the victims’ private pain whilst denying them legal redress for that suffering.

VIS presentation has become a ritual part of the sentencing hearings in Western society. Some show enlarged photos of the deceased as they read their statements in court. This has recently evolved to the use of PowerPoint presentations and YouTube video documentaries, with musical accompaniment for additional emotional purchase. The grieving family is given sacred status not unlike in a funeral procession. In the U.S. these hearings are broadcast live on television and social media. The conviction itself marks the offender with shame. Now he must endure the additional public dressing down and denunciation by his victims. Is this not reminiscent of the rituals of compensation and penance that marked justice for thousands of years?

The retributive foundation of the contemporary common law system remains couched in virtues of vengeance. Indeed, what we have here is yet another iteration of vengeance by the state and I would suggest it will face the same fate as the spectacle of public execution as more excruciating methods of performance are enacted.

Foucault (1965) might say the victim's madness is on display. Indeed, the courts and the criminal justice system first help nourish this state of mind and then create the stage upon which it is let loose. *Don't react. Don't show emotion*—during your first exposure to the details of the murder of your loved one. But *do compose a written testimony of the impact the crime has wrought on your life, and you will be given an appointed time to express it*. That is the madness.

There exists an insoluble tension between the systems and language of law and those based on medical norms in our legal institutions. Foucault (1975) identified this phenomenon in relation to the criminal, but it is equally visible in the pathologization of the victim.

The evolution of the victim

Here we are, at the start of the twenty first century, asking the victims' kin if they might like to tell the court how the murder of their loved one has impacted them. Where did this idea come from? How did we come to give victims of crime a place in justice again? The 'victim'⁸ as most commonly conceptualized, is a relatively new idea that dominates large swaths of academic and political thought; a social construct built out of a Western cultural discourse. To be sure, "Although victimization is as old as humanity itself", according to victimologist Ezzat Fattah, "it was not until after the Second World War that the scientific study of crime victims emerged as an essential complement to criminology's well- established research on offenders" (Fattah, 2000, p. 18)

^{8 8} Terminology for this group is varied in the literature. I try to be consistent in using family of or loved ones, but in some places, I opt for the same term as that used in the topic being discussed. Here, 'victim' represents the family or kin of the murder victim.

The first significant inquiries into victimization were made by German criminologist Hans von Hentig, who published *Remarks on the Interaction of the Perpetrator and Victim* in 1941 and *The Criminal and His Victim* in 1948, that “many consider the founding text of the sub-discipline, and was actually produced in the USA following the author’s flight from Nazi Germany” (Hall, 2010, p. 16). However, in tune with the thinking of the day, these works focused mainly on the offender’s point of view. Specifically, von Hentig (1948) was interested in analyzing the degree to which the victim contributed to the perpetration of the crime, and why particular individuals were targeted as victims (Fattah, 2000; McGarry & Walklate, 2015).

The victim was reconstructed within a broader political rights movement in the 1960s and 70s, triggering a new academic interest in the imbalance between the rights of offenders and those of crime victims. A new, more critical criminology took up the needs of crime victims while a more punitive leaning political arena provided fertile ground for the elevation of victim rights and participation in the justice system.

At the height of the women’s’ rights movement (second wave) and burgeoning victims’ rights discourse a right-leaning government saw a political opportunity and jumped at it. In 1982, President Ronald Reagan commissioned a task force on victims of crime. The task force, operating on a “violence run amok” discourse, determined that crime victims, no less than defendants, are entitled to have their views considered—at sentencing hearings (Mundy, 2020, p. 312).

In 1985, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, defined the victim thus:

‘Victims’ means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

In Canada, victim rights were first introduced in Bill C-89 (1988), which made provisions for restitution, power for judges to impose publication bans to protect the identity of vulnerable victims, and the creation of victim fine surcharges. However, the restitution provisions “were never proclaimed because the cost benefit analysis showed the cost of the implementation of the program would outweigh the benefits to the victim” (Crime, 1998). More importantly, the Bill also introduced the opportunity for crime victims to submit victim impact statements at sentencing hearings. For the first time in Canada, families of murder victims were now recognized in the justice system, albeit limited to little more than a juridical nod from the bench.

Neither the Criminal Code provisions, nor the protections afforded in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*, actually gave victims actionable rights, granting only incremental amendments such as removing the pre-existing victims’ obligation to cooperate with authorities (Wemmers et al., 2017). In 2015, the Canadian Victim Bill of Rights was redrafted, stipulating that judges “shall consider” VIS in sentence determination, however no regulations or guidelines were provided (Manikis, 2022).

The introduction of victim impact statements

Victim impact statements have been a source of controversy from the start, with legal scholars and academics lodging dire warnings about the erosion of criminal justice principles by privileging harm over fact, undermining the rights of the defendant, and exploiting victims for the goal of harsher penalties (Erez, 1999). The fears of allowing victim voice into the adversarial courts were met with opposing concerns of “victim prostitution” by the prosecution (Erez, 1999, p. 546) by exploiting emotional suffering to overstep constraints on emotion by legal actors. Twenty-five years later these same arguments continue to circulate, albeit most predominantly in the United States in the specter of the post-Booth/Payne debate. I provide a detailed account of these historical U.S. Supreme Court cases below.

An important difference between the legal/political climate and court procedures between Canada and the United States holds equally important implications for how VIS are

used by authors. The key difference is the life and death implications within VIS in those U.S. states that practice capital punishment. In such cases, VIS are presented to the jury who will make such determinations, triggering the seminal cases just noted and making up the main body of existing research literature on VIS.

The concerns about the inclusion of statements written by homicide survivors can be tied back to an overgeneralization regarding the trauma condition or psychological state of this population due to the vast body of literature that has rarely strayed from this narrow lens. Studies on homicide survivorship have found increased incidence of emotional trauma and various psychological and emotional symptoms as well as other invasive interruptions in their lives that were caused or exacerbated by the crime (Amick-McMullan et al., 1991; Marilyn Peterson Armour, 2002; Connolly & Gordon, 2015; Deborah Spungen, 1998). Such research has suggested the majority of individuals bereaved by homicide have some form of PTSD (Amick-McMullan et al. 1991) or other prolonged or complicated forms of grief, substance use, depression and anxiety disorders (Jackson, et al. 2021). The sheer numbers of studies that repeat these same issues have coloured the lens through which victim impact statements are viewed. Alongside risks of vulnerable or unreliable victims reading out their statements in court is the additional stereotype of vengeful victims.

The VIS Literature

The scholarly literature on post-homicide VIS is both limited and narrow, consisting predominantly of American studies focused on Capital trials, most of which debate the legal utility and potential juridical consequences of VIS with few examining the content for its own value. While there are a handful of qualitative analyses of the statements themselves, these are conducted through a victim-service lens, concerned with psychological harms associated with homicide bereavement. PTSD tunnel vision and an overreliance on outdated and problematic dominance on trauma discourse has become subject to trauma creep, essentially stalling research on “homicide survivors” and crowding out space for other important aspects of VIS. In

a literature review on the topic, Armour (2002) found thirteen of twenty studies between 1975 and 2000 focused on PTSD. A Google Scholar search for “post-traumatic stress in homicide survivors” conducted in April 2022 yielded more than 32,000 hits. “Social impacts of homicide” netted 2 results. I don’t dispute the traumatic experience, but I recognize an important gap in the literature and therefore investigate the sociological aspects in place of therapeutic discourse.

VIS – Theoretical Research

The concept of victim participation holds a central place in victimology. In a research area that relies heavily on victim satisfaction, couched in procedural justice theories (Tyler, 1988), it is surprising that the actual levels of participation afforded to those most directly victimized by homicide have not been more closely studied. On the one hand, VIS is tendered as the one territory relegated to the victim to express the harm they’ve endured. Yet, on the other hand, the VIS has been designed to present a particular narrative in the form of an item filed by the prosecution [the state]. This sleight of hand has been bolstered as a win for the victim rights movement (Markin, 2017).

This hard-fought right to “participation” consists of providing the answer to one question: how the crime has impacted you – physically, emotionally, and financially? For the average victim of crime this is a straightforward opportunity to file any damages suffered as a result of the criminal actions of the defendant, be it property damage, robbery, or fraud. For the crime of murder, it is more complicated.

The role of VIS in the Criminal Justice System is given prominent status in theory but is in reality inconsequential. The court in its most simplified form seeks to determine guilt or innocence of the defendant and then apply an appropriate penalty. This penalty falls within a predetermined range which then considers any aggravating and mitigating factors such as the particular heinousness of the crime, criminal history, or presence or lack of remorse. Victim impact is one such aggravating factor amongst others, an item placed in the plus column to be

balanced against the items in the minus column—nothing more. As the seriousness of the crime and its prescribed sentence increases, the weight of aggravating and mitigating factors decreases. In a first-degree murder conviction, there is no discretion left for the judge. The sentence in Canada is life with a parole eligibility of 25 years. In second degree murder, the eligibility for parole has a range of 10-25 years. Manslaughter has no minimum custodial sentence but could receive a life sentence with parole eligibility at 7-10 years. A VIS will have no effect on the sentence of those convicted of first-degree murder in Canada.

Instrumental and Communicative Debates.

The controversial use of VIS in capital trials has created a debate on the instrumental versus expressive purpose and value of VIS, particular to the matter of murder (Janzen, 2020; Roberts & Erez, 2004).

An important difference between the legal climate and court procedures between Canada and the United States holds key implications for how VIS are used in murder trials. Capital punishment in the U.S. means VIS have the potential to influence a jury to sentence an offender to death, allowing the VIS authors a role in true retribution. In such cases, with the jury making such determinations, there are concerns that persons untrained in the law are more likely to be swayed by emotion, while a life hangs in the balance, triggering a flurry of legal and academic attention that now makes up the main portion of existing research literature on VIS.

In *Booth v. Maryland* (1987) the US Supreme Court, (at 501-02) prohibited capital juries from the consideration of VIS that “described the personal characteristics of the victims and the emotional impact of the crimes on the family” (Butler, 2013, p. 845). In 1991 the Supreme Court reversed itself in *Payne v. Tennessee* (at 830 and 822), citing that its earlier decisions regarding VIS had been ‘wrongly decided’ and that:

In part because of the wide latitude defendants possessed in presenting mitigating evidence during the penalty phase, prosecutors should similarly be permitted to present

evidence offering ‘a quick glimpse of the life’ that a defendant ‘chose to extinguish’ (Butler, 2013, p. 846)

The landmark case in Canada, *R. v. Gabriel (1999)*, seems to side with *Booth* while going a step further in its position on the victim’s interest:

Without, in any fashion, diminishing the significant contribution of victim impact statements to providing victims a voice in the criminal process, it must be remembered that a criminal trial, including the sentencing phase, is not a tripartite proceeding... It is the public interest, not a private interest, which is to be served at sentencing (Markin, 2017).

In Canada, studies on VIS are few, maybe due in part to the lower moral urgency of the matter in a country that abolished capital punishment. Butler (2013) cautions that we shouldn’t rely on such ideological comforts, “especially given recent indications that a majority of Canadians approve of the death penalty at least in the abstract” (p. 842). However, what research does exist still grapples with the same questions of the communicative versus instrumental value of VIS.

Roberts & Erez (2004) determined VIS to be an important form of communication between the victim and the offender that also allows victims to be recognized as the injured party. “The expressive function more accurately reflects the original purpose of the victim impact statement...” and that, as such, it may “introduce a restorative element to adversarial proceedings” (Roberts & Erez, 2004). This ‘non-punitive model,’ so defined by Roach (1999b), takes focus away from the sentence and directs it to the harm caused. On the other side of the debate lies the punitive model of victims’ rights—thought to uphold a law and order ideology that feeds into the “vindictive victim” and “eye for an eye” discourse that better aligns with conservative justice values. In either case, that victims view VIS as a way to communicate harm to the offer through the use of emotion and rhetoric is not disputed. The appropriateness of such emotion in the sentencing hearing is what some take issue with (Bandes, 1996, 2022)

There was more attention in the Canadian literature investigating whether and how judges include VIS in their deliberations if at all (Dufour, 2021; Manikis, 2022). The ambiguous rules regarding how VIS are to be used by judges remains a source of confusion for VIS authors and judges alike. At the end of the day the wording around VIS in the MVBR and Criminal Code continue to promote expectations that VIS will impact sentencing. Reforms to VBRA in 2015 were seen as a positive step for victims by some but others point out continued criticisms that they fail to provide the much needed clarity on the use of VIS and that claims to promote victims' rights is misguided and even harmful for victims" (Janzen, 2020; Markin, 2017).

Studies conducted prior to the 2015 requirements that VIS be considered, reported that 59% of judges in Manitoba found VIS useful during sentencing (Roberts & Edgar, 2006). However, when asked if VIS provide information relevant to the principles of sentencing, only 8% said always or almost always (Roberts & Edgar, 2006). They identified VIS most helpful in violent crimes and sexual offences. In cases of murder, the limited judicial discretion available in the presumptive life sentence all but eliminated the usefulness for sentencing. Studies on judicial responses to VIS have reported judges willing to tolerate grief in VIS presentation but find expressions of anger less welcome in their courtrooms (Schuster & Proppen, 2010). Still, judges appreciated the ability to direct supportive comments and show sympathy to the families when delivering their sentence (Canada).

Although speaking to the use of VIS primarily in crimes of sexual violence, Rakhi Ruparelia (2012) highlights an important factor of VIS in Canada that must be considered. She notes that Aboriginal and racialized men "bear the brunt" of VIS use while Aboriginal and racialized women "have little if anything to gain" by submitting their statements (Ruparelia, 2012). I address this matter in my examination of how VIS are used currently and how they might be improved upon.

The ambiguous guidelines and lack of official legal classification has subjected VIS to a netherworld making it difficult to study or even evaluate. According to the Canadian Office of

the Federal Ombudsman for Victims of Crime (2020) “We also do not know how often victims complete statements only to have them sit in the Crown file, never to be presented at sentencing” (Dufour, 2021). VIS submission rates are not reported to Statistics Canada by all provinces and co-victims of homicide are not included in the victim survey or homicide survey data in any case.

The 2015 amendments also streamlined VIS procedure, adopting a specific form to be used (Form 34.2) now required by s. 722(4). This VIS form specifies impact as physical or emotional harm and economic loss, a specificity that “is more likely intended to support an instrumental model of VIS by ensuring the statement is limited to relevant evidence on which to base a sentencing decision” (Markin, 2017, p. 111) Victim impact statements were originally intended to address the exclusion of victims from matters of justice central to their lives and those of their families. By attaching impact as ancillary harm to the sentence for the primary crime (recognized in law), the rationale for including victims in the process, as an expressive mechanism, is undermined (Markin, 2017, p. 119). Not only that, the actual effect that VIS has on a sentence for murder or manslaughter is negligible thus appearing to afford little value to the victims’ suffering.

Skill in articulation and unconscious bias are also identified as creating unequal measurement of the value of a life. Notably, this issue relies on an assumption that VIS are meant to express the value of the victim (in itself). My research suggests the commentary provided on the victim’s life and character is merely one step toward a larger project of reconstructing the personhood of the individual after it had been flattened by the courts.

Another key critique of the use of VIS lies in the argument of whether recognizing ancillary harm (of co-victims) might count the harm twice against the offender (Markin, 2017, p. 117). Debates on VIS tend to highlight the problematic nature of this instrumental function, pointing out differences in sentence between cases (parity) with, versus without, VIS. That parity in sentencing, the requirement of proportionality codified in section 718.2(b) may be

broken by the subjective qualities of each VIS brought to court, was first addressed in *Booth v. Tennessee*, and continues to be a relevant sticking point. Despite such issues, Roberts and Manikis (2011; 2010) argue that VIS *should be* used to prove ancillary harm, or harm beyond that caused to the individual victim, as an aggravating factor in sentencing.

VIS – Empirical Research

Research on victim impact statements is limited, with very few studies examining VIS written by family members of homicide victims, and fewer still that examine the content of the statements. Those studies that do examine the content itself rely on more quantitative coding methods and thematic analysis. There was, however, some work looking at different measures of victim impact that have parallels to VIS. I now turn to a brief review of handful of studies make up the knowledge in this area so far.

The most cited study of VIS content was conducted by Myers (2018) in the United States. In a longitudinal study 192 sentencing transcripts from 75 capital cases were analysed (drawn from an existing list of homicides) to measure anger and vengeance among victims' families. Anger was actually found to be higher in those that completed VIS (Myers et al., 2018) versus those that had not, lending support to the findings by Lens (2015) that "VIS offer no direct therapeutic effects" (p. 27), echoing Erez (2004). Still, this introduces questions about which elements of VIS participation, if any, might be contributing to increased anger and whether reading the VIS in court had any effect. The Myers study reported a high number of VIS noting the qualities of the deceased victims, a common finding across nearly all VIS research.

Myers cites a previous U.S. study in 2009 using 42 trial transcripts from 1991-1998, which included 80 VIS, that reported a similar focus on victim character, especially personality, to be "recurrent and prominent" (Younglove, Nelligan, and Reisner, 2009 cited in Myers et al., 2018, p. 477). These studies grant relevance to the position stated in *Booth v. Maryland*, while

highlighting an interesting aspect of these testimonials—the gap between intended purpose and utilization of VIS.

Szmania (2006) examined 40 statements from a serial murder case in which 48 women were killed. Using grounded theory, with a focus on the communicative function of VIS, she found the themes of memorializing the victim, offering sentence recommendations, and personal opinions about how case was handled. This utilization of VIS to memorialize deceased victims is perplexing to several scholars. Szmania concedes, “most discuss personal qualities of loved ones” but the reasons for this remain unclear (Szmania & Gracyalny, 2006, p. 237).

A more recent 2020 study of 35 transcripts of sworn victim impact testimonies was conducted in the U.S. by Kleinstuber et al. (2020). The focus of the study was the impact of ideal victims (using Nils Christie’s concept) on sentencing. Open coding was utilized that identified six categories: victim important to community, to family/friends, was hard-working/ambitious, possessed good character, had a criminal history, and engaged in non-criminal deviant or troubling behavior. Indeed, they found victim idealness, rather than the statement itself, as a contributing factor in increasing death sentences.

Other studies examined VIS in its method of execution rather than content. In 2017, Kaufman conducted an ethnography observing 800 hours of U.S. death penalty trials, framing VIS as mourning ritual; as performance (Kaufman, 2017). In her opinion, “victim participation is necessarily a public (as opposed to private) enactment of a role that is social (as opposed to theatric) in that it involves real-world, socially structured relationships, produced both by and for groups of people with their own sets of norms and goals” (Kaufman, 2017, p. 1156). I find this study flawed regarding VIS since the performance denoted takes place in front of a limited audience. However, as I found in the current study, there were ritual-like aspects of ancient justice practices present in the structuring of the narratives. While there is some relevance to her statement that as a group of mourners, victims are given socially sacred status, this only has

social weight in larger public forums, and by ‘ideal victims’ whose narrative is most readily dispersed by the media. Still, this study opened a new pathway out of the old debates.

Vollum & Longmire (2007) analysed the content of 159 public statements from 320 executions 1982-2004. This study identified ten major themes: healing and closure, satisfaction, justice/revenge, memorialize/honour victim, removal of condemned, forgiveness, sympathy, rationalization, death penalty support/opposition, and religion. This is an example of the kind of research that could have benefited from deeper analysis using the method I adopted in my study. For example, one of the themes defined by Vollum & Longmire (2007) was Religion, of which they state only 13.8% of cases made note. The excerpts chosen contained the words, “bible,” “biblical,” and “God.” Yet, reading the quotes in their entirety, the authors are really talking about justice, “an eye for an eye,” “it was the biblical thing to do,” and having to “face the perfect justice of God” (Vollum & Longmire, 2007). Vollum & Longmire do not declare their coding process, but the findings suggest the use of NVivo or similar word frequency distribution methods. There is depth and nuance available that was missed here due to method alone.

Using constant comparative analysis on 60 transcripts from 1993-2005 NY (101 statements and 23 interviews), Englebrecht (2014) again produced findings of grief, honouring the deceased and unanswered questions as predominant themes. Setting the record straight and themes of punishment and justice were also identified. The bulk of content analyses produced similar themes as those in homicide bereavement literature more broadly.

Finally, Booth undertook a narrative analysis of 24 VIS as part of a study in New South Wales (in 2007-2008) that observed participation of victims’ families in sentencing hearings to explore the expressive capacities of VIS. She found restorative capacities within the VIS process although victims’ voices were constrained by legal restrictions. The content of the statements included, again, the value of the deceased, the brutality and violence of the offender, and the scale of the family’s loss (Booth, 2014a, p. 322).

Canadian Studies

Like other countries, existing Canadian research has identified three main goals of VIS, with influencing sentencing most cited, victim participation or voice coming in second, and providing catharsis last. It has been suggested that catharsis might simply be a leftover artifact of inaccurate interpretation of the positive feelings expressed about acknowledgement of victimization by judges (Booth, 2014b). Indeed, Lens (2015) found no evidence of any therapeutic value in VIS, rather noting the re-victimization documented in more recent scholarship and anecdotal reports by victim serving agencies such as the Canadian Resource Centre for Victims of Crime (CRCVC).

The problematic nature of utilization of VIS by the Crown, including the coercion of victims to use only language supportive of the justice system, is gaining interest in Canadian VIS research (Gibson, 2021; Markin, 2017). Ewick & Silbey (1995), cited by Englebrecht & Chavez (2014) note that “institutions have ‘expected narratives’ that reinforce the institution’s goals” (p. 390). “A VIS remains an attractive option for the prosecution, for in allowing the introduction of a VIS the state secures for itself a rhetoric of sincerity that as an institution it could not otherwise hope to wield” (Butler, 2013, p. 841). It is the content, alluded to here, that is sparse in the literature.

Manikis (2015) highlights the sparsity of Canadian-specific research, which is echoed by Dufour (2021) in her extensive review of the literature. Our understanding of VIS, in both its instrumental purpose and its utilization and value, is sorely lacking after four decades since it became attached to the court process. Within the last decade there have been better attempts of evaluative research, using focus groups and interviews. However, there have been only two substantive studies of the content of VIS in Canada, both in unpublished master’s theses out of Saint Mary’s University in Halifax, and neither were specific to homicide (Dufour, 2021; LePage, 2022).

The constraints of the VIS statements have been identified in the literature, with some noting the prevalence of victims breaching the permissible topics and others suggesting the risk of further injury and revictimization to the authors (Englebrecht & Chavez, 2014; Lens et al., 2015; Myers et al., 2018), undermining the expressive function and proclaimed psychological catharsis first identified by Erez (1999). Roberts and Erez later amended this position to acknowledge the opposing research on catharsis while highlighting recognition as injured party as more important to victims (2004).

In this study I refocus the lens on the deeper meanings contained in VIS testimony, from an inside perspective and using a well-suited methodology. While VIS is written as a first-person narrative, the experience described is one with both individual and social implications. The social act of murder itself is often overlooked once the justice system shifts attention to the offender. Still, murder is at its core a social phenomenon. What the law has carefully excised from murder to draw it through a codified system of procedure is not eliminated in the process. The other elements of murder exist outside of the courtroom, poisoning families, communities, and societies.

Gaps in Research

The need to go deeper than the surface—to ask not only what is being said, but how and by whom—stands out as the most obvious gap in the literature. The tunnel vision of the trauma discourse is obscuring our sight. “Studies of co-victims of homicide are sparse,” said Marilyn Armour, in 2002. “They focus on the trauma response to the exclusion of other dimensions of the posthomicide experience (e.g., stigmatized identity, death notification, family dynamics, criminal justice encounters)” (M. P. Armour, 2002). Twenty years later little has changed. While grief and trauma are unarguably a factor in the lives of those victimized by murder, it is not the only factor and certainly not even the dominant topic of discussion in VIS. The current study offers newly conceptualized understandings of the needs of homicide survivors that include and

build on the issues previously identified while providing actionable recommendations for tackling those needs.

Some of the gaps identified by Connolly and Gordon (2015) in their literature review on co-victims of homicide include the social impacts of murder and the distinction between the effects of homicide on different individuals of the family unit. While Dufour (2021) highlights the fact that the cost of victimization is greater for women than for men (Johnston et al 2018), gendered differences in the experience itself have not been given adequate attention. The findings of the family role analysis in my study provides stark evidence of the gendered impacts of murder that open new territory for future research.

More attention is needed to see how VIS are being utilized and to what end. Is there something more operating here? Once a more rigorous research agenda can be put together to access and utilize VIS for a critical victimology and sociology of murder, it will be incumbent on researchers to develop methods to better capture the differences experienced by various sectors, especially marginalized and overrepresented populations. Heidi Illingworth, echoing the recommendations of Benjamin Roebuck (Ombudsperson for Victims of Crime in Canada) indicated “[a] lot of the data we have ... [is] really showing that we’re serving white settlers. We’re not serving, perhaps, many groups who are being really negatively impacted by violence.” She further explained that since Black, Indigenous, and people of colour are “overpoliced and overrepresented in the criminal justice system,” it is clear that these groups are “under protected as victims” (2022 Report of the Standing Committee on Justice and Human Rights). Again, this small study offers a rare glimpse at the experiences of Indigenous families described in their VIS, highlighting additional and compounding injustices unique to the urban Indigenous population in Manitoba.

Closing remarks

There are two phenomena here: the experience of a murder in one’s family and the speaking of that murder in a victim impact statement; a personal testimony within an

impersonal legal domain. An interesting paradox, it creates an opportunity for more complex interpretative analysis that draws on both the instrumental and expressive motifs in the literature. Yet we must read these testimonies with more than a juridical eye. What is needed is phenomenological research—a return to the thing itself. The methodology best suited for this unique data set is hermeneutic phenomenological analysis (HPA), which I've adopted in this study.

Chapter Three – Methodology

Introduction

Victim impact statements are unique from other qualitative data in ways that present challenges and opportunities for research. The written narratives are voluntary, yet written as part of a formal, legal proceeding. As part of the legal record, VIS are public domain yet constrained by ethical boundaries that make the use of direct quotation untenable. The public interest in homicide creates a wealth of secondary supplemental information that other narrative documents lack. This last factor is what makes hermeneutical phenomenological analysis the ultimate methodology due to its specific inclusion of secondary and historical information in the interpretive process.

Defining the data

Unsolicited narratives

“How might the histories we write change when we direct the focus of our investigative energies to the [victims’ kin] and the personal trials they endured? [...] What happens if we tangle with all of the mamas and daddies, sisters and brothers, playmates and cousins, and extended families and friends?” (Williams, 2021, p. 153). These questions posed by Williams, in ground-breaking research on the personhoods of lynching victims through the examination of correspondence from a lynched boy’s kin, broach the same methodological questions I have. By telling a different story about his killing, about his life and relationships, and the circumstances in which that life was lived, the outcome provides completely different perspectives from which to examine the killing of a boy and the act of lynching Black boys. Murder by lynching in the United States is qualitatively different from the murders in this study, however the motivation for phenomenological research through the use of personal written narrative is the same. Behind each lynching and each murder are real people and real families that have experienced

something horrific and meaningful that can advance our understanding and influence the ways society responds to these crimes. For five hundred years the history of murder has been written with a focus on the law and punishment of the offender, with little consideration for the victims or their families.

I am cognizant of the danger of placing too much emphasis on subjective experiences, especially those reliant on memory or reflection, and the application of meaning long after the fact. I do not seek to impose the stories of an isolated group of families onto generalizations about broader issues, but rather examine them within the context in which they were written to better understand how that experience varies between the individuals and families in question. Still, once the family narratives were assembled and laid out, one after the other, there was no denying the existence of identical elements of an experience shared by these families, as they grapple with questions that go to the core of humanity and universal moral codes. The individual narratives, written under the same conditions for the same procedural purpose of the court, revealed fascinating similarities that could not be attributed to researcher prompts or unintentional bias. VIS statements are voluntary. The forms are structured into three impact areas, with the only guidance contained in bulleted examples.

The past 75 years have seen a shift in attention to the victim, or so-called survivor, but this has been predominantly conducted through a trauma discourse lens. By using the written accounts of those directly impacted by the murder of a loved one, I was able to avoid the trap of interviews leading into a singular territory or the equally challenging risk of content analysis software producing findings weighted by the use of trauma-related words. Other methods of content analysis have similar limitations of coding and thematic analyses that have an over-reliance on the face value of the narrative, without an ability to see from multiple perspectives. The search for the most appropriate research methodology for studying the unique type of textual data in victim impact statements led me into multidisciplinary territory and eventually to the sociolegal-historical-philosophical method of hermeneutic phenomenology.

Quasi-legal documents – Public Domain

The use of unsolicited written narratives has become common in the health sciences in particular, often cited for being valuable data sources for understanding the nature of suffering (Kavas, 2018). VIS are historical documents but can also be considered a form of unsolicited written narratives that capture a rare human experience and reveals the personal suffering endured by this unique population. The “participants” are instead authors, respondents that have provided a written response to a question for the stated purpose of providing information to the court. I refer to these testimonials as quasi-legal documents. According to Bandes and Blumenthal (2012), the field of law and emotion confronts the paradox of VIS within the courtroom. “The idea that VIS are “just” an emotional outlet is short-sighted. VIS are well thought out and constructed to meet needs for justice by appealing to moral obligations, thus creating opportunities for “rebalancing social relations” (Bandes & Blumenthal, 2012).

All authors provide written responses to the same question about the same experience, within the same timeframe in their victimization by the crime [24-36 months post-crime]. The type of text in VIS is best suited to an interpretivist framework. Ontologically, there are multiple realities in the phenomenon of murder with a vast landscape of experiences contained within the experience. VIS captures these experiences as described by the author, without prompts by an interviewer.

Testimonials

“*Testimonio* (testimony) implies the telling of truth in legal and religious contexts. “Testimonies can take many forms and requires some creative, but sympathetic, methodological innovation to make it suitable for victimology” (McGarry & Walklate, 2015). Victim impact statements are a form of testimonial and as such invite an engagement with their content from an ethnographic perspective. As McGarry and Walklate point out, “due to the frequent lack of literary skills on behalf of the narrator, testimonio has no literary or academic aspirations,

setting itself as distinct from oral history and biography as found within the criminological literature” (McGarry & Walklate, 2015, p. 87). Testimonials provide access into harmful or painful experiences through connections with similar experiences of a broader community. However, the pathways followed in these *testimonia* require particular methods to facilitate the many layers of experience contained within this narrative form. “Learning about the embedded rather than abstracted experiences of victimisation is of value to victimology and the use of testimonio offers this to the discipline” (McGarry & Walklate, 2015, p. 166). As will be shown, I found some evidence of language shared by those in this unique population of “homicide survivors and co-victims.” Having been connected to that network for a time, I recognized and was able to contextualize and separate “group narrative” from individual narratives. The ethnographic perspective suggested by McGarry and Walklate is present here in this way.

Choosing a methodology

Methodologically, the primary aim here is to translate an unknowable experience into language that outsiders can more fully understand. To conduct phenomenological research from textual material alone, in this case victim impact statements, I required a particular methodology that could facilitate rigorous qualitative analysis while accommodating strict ethics boundaries that prohibit the use of direct quotation from the narratives under study.

In preparation for this work, I spent six months laying the groundwork and researching different methodologies that might be best suited to the unique nature of the data. I found my way into hermeneutics and spent a great deal of time gaining necessary understanding of the process as well as the philosophy behind it. Although there was no guarantee that I would eventually gain access to the materials I was interested in, I took the time to do this work nevertheless, following the wisdom of a member of my committee and longstanding mentor: “[A] word of caution: though a pre-given construct might make it easy for us to start, it could make it difficult for us to proceed effectively if the construct we choose inadvertently debar us from what is central to the topic. [...] A careful beginning is advisable” (Axelrod, 1979, p. 3).

Hermeneutics

Hermeneutical Phenomenology is rooted in hermeneutics and provides both the scope and the room for interpretation informed by supporting sources such as historical, philosophical, and social context. Gadamer asserts the need for the inclusion of multiple horizons, or perspectives, in fully understanding phenomena (Gadamer, 2013/1975). Dilthey claims to understand expressions of human life calls for an act of historical understanding (Dilthey, 1972).

In this study, an understanding in the historical injustices of colonialism was crucial to be able to represent the experiences of intergenerational harm, poverty, and social inequalities woven into the narratives of the Indigenous families that make up half of the VIS in this study. In order to accurately portray the full extent of social and legal exclusion of some families, and the additional hardships endured because of it, it was vitally important that I was able to extend my reach to draw on outside documentation that provided additional details about the murder that was not always included or articulated. The unique nature of this research topic in its capacity as both a judicial matter and one that is usually accompanied by extensive news media coverage gave me access to supplementary information and detail about each case. Such information found in court records and news articles added important context and meaning to the family impact section of my study.⁹

To recognize the immense strength and resiliency it took for such family members to submit a VIS, despite being denied the same rights as others, added richer context and highlighted important insights that would have been overlooked using another method such as content analysis.

⁹ As I explain in the findings section, I relied only on the VIS for the first two levels of reading and made the decision to draw on outside sources upon examining the impact of murder on families.

And finally, to draw from my own experience with the phenomena under study, called for by hermeneutical phenomenological analysis (HPA), added an inside perspective that allowed me to recognize some of the emotional nuance that other methods limit.

Phenomenology

There are three main phenomenological traditions: transcendental, existential and hermeneutic. The premise of transcendental phenomenology, is most readily associated with Husserl, as “the notion that experience is to be transcended to discover reality” (Kafle, 2011, p. 186). Existential phenomenology, most often credited to Maurice Merleau-Ponty, is concerned with the description of *everyday experience* as it is perceived by the consciousness of individuals. Hermeneutic phenomenology is more closely aligned with Heidegger, who rejected the idea of Husserl’s “*epoche*,” the act of suspending personal opinions with the goal of identifying an objective truth (van Manen, 2014). Instead, van Manen explains, it is the subjective experience, drawn out from text in concert with the researcher’s own experience, through an interpretive process, which sets this form apart (p. 220).

Unlike existential phenomenology, the hermeneutic method is most appropriate for particular events that have been experienced rather than aspects of everyday existence. This tradition has the researcher enmeshed in the essence of a particular phenomenon, that is the essential meanings of that which makes a thing what it is (van Manen, 2014). Murder, as not just a criminal offence but as a human activity that violates the deepest obligations to one another and infiltrates the deepest reaches of individual and family existence, is one such event. The things that make murder what it is can be found within the consequences described by those most directly impacted by it. Hermeneutics is a very particular and specialized form of textual analysis that originates in biblical interpretation and juridical exegesis (Palmer, 1969), while phenomenology is rooted in the practice of examining the things in themselves. Using

HPA for this project does not deliver factually accurate accounts but rather provides ‘felt’ knowing that is difficult to encapsulate in this kind of experience.

Hermeneutic Phenomenology

Laverty (2003) provides a clear distinction between phenomenology and hermeneutic phenomenology (Kafle, 2011). Hermeneutic research “is interpretive and concentrated on historical meanings of experience and their development and cumulative effects on individual and social levels” (Laverty, 2011 p. 27). The difference in terms of ontological, epistemological, and methodological considerations is located in the historical and contextual background of one’s experience. The interpretive process “includes explicit statements of the historical movements or philosophies that are guiding interpretation” (Barclay, 1992 cited in Laverty, 2003 p. 27), that is, my own pre-understanding of victimology, justice, murder, and of VIS within 21st century Western society. It also includes “the presuppositions that motivate the individuals who make the interpretations” (Laverty, 2003 p. 27), this being my inside perspective and interest in exposing injustices faced by murder victims and their families, principally through turning a lens toward their own narrated accounts.

According to Gadamer (2013/1975), “hermeneutics must start from the position that a person seeking to understand something has a bond to the subject matter that comes into language through the traditionary text and has, or acquires, a connection with the tradition from which it speaks” (p.306). He further views interpretation as a “fusion of horizons,” a horizon being “a range of vision that includes everything seen from a particular vantage point” (Gadamer, p. 317). In Gadamer’s view, “A person with no horizon does not see far enough and overvalues what is nearest at hand, whereas to have a horizon means being able to see beyond what is close at hand.” There is a distinction in the German terminology between *Erlebnis* (experience), *erleben* (living through something), and *Erfahrung* (meaningful lived experience) that lends a deeper quality to this type of work. “Experiencing *erlebnis*” according to Frechette

(2020) is “to be alive when something is grasped” (Gadamer, 2013/1975). An account of lived experience is incomplete if it remains purely descriptive (Lavery, 2003).

Considering epistemology and ontology.

Hermeneutic Phenomenological Analysis (HPA) is sometimes located within the genre of content analysis, incorrectly identified with interpretive phenomenological analysis (IPA), heuristics, hermeneutics, and other variations of textual analysis. Briefly, HPA is distinguished as a textual-based analysis that draws the historical context of the material [and author] into the interpretation and relies on the shared experiential knowledge of the researcher. Marilyn Armour, a leading scholar in homicide survivor research, referred to her late 1990s qualitative study as guided by a “hermeneutical phenomenological paradigm” (Marilyn Peterson Armour, 2002). However, she used family interviews rather than textual analysis and the time from homicide ranged from 18 months to 23 years. The method of coding and themes she reported does not fit the HPA methodology I use, and she concedes a limitation in not being a homicide survivor herself, which falls short of the HPA requirement that the researcher have experiential knowledge of the phenomenon in question. Still, her study adopted a method of interviewing family members together, to allow the phenomena to appear authentically in dialogue, that provides a unique acknowledgement of the need to consider the family unit in this research (Armour et al., 2009, p. 108). She also reported having included supplementary materials such as newspaper articles about the crime, and other artifacts provided by family members, such as a coroner’s drawing of the victim’s wounds (Armour et al., 2009, p. 109). Her findings captured the essence of the post-homicide experience, using the inclusion of important contextual and philosophical aspects unique to this research model (Armour et al., 2009). The textual aspect of hermeneutics, and the expectation that the text will be supplemented by additional sources and will draw on historical contextual aspects of the author and experience, are what makes

hermeneutical phenomenological analysis particularly suited to VIS research (Polkinghorne, 1986 cited in Armour et al., 2009 p. 105).

Testimonial research.

Victim impact statements are testimonial in the sense that the authors are testifying to an experience as victims in a court of law, and as personal accounts of an exceptional event that sheds light on the human experience. VIS differ from testimonial literature or legal testimony of State crimes or abuses. Still, they share some of the complex difficulties for research, while overcoming others.

A challenge is found in testimonial research from distant historical events such as genocides in which the subjective nature of statements taken from individuals, sometimes generations apart, referring to events that span geographical and temporal space. Often such research relies on a mix of firsthand and second-hand stories. Testimonials have a deficit, at once both able and unable to explain the experience of suffering to one that hasn't the particular pieces of history within themselves to make that 'felt' connection that those who have are able to make. The testimony of a Residential School Survivor can elicit anger, empathy, or outrage based on a shared moral community, but unless one's own family has felt the intergenerational harm there are meanings beneath the words that cannot be fully understood. One survivor can never be said to feel the same as another. Indeed, much of the social research must collapse the individuals to be able to reveal the broader phenomena and highlight the structural issues of such topics. That is not to say the individual's subjective experience or testimony is less important. There are violations to the human spirit so deep they cannot be described to others or even by those that have experienced similar harms. The depth of experiences that impact one's ontological and existential being have been deemed unknowable by others, such as Holocaust survivors, for example the descriptions of *Musselmänner* by the survivors who bore witness (see, for example, Agamben, 1999; Levi, 1979). One who has been denied personhood

can understand how that felt for them as a point of reference, but lacking the other, layered aspects of compounding losses from that initial harm makes the experience alien.

There is a language and a culture with a particular historical context; one that shapes the present context in which the narratives were provided. There are unique meanings in the words used by the authors of these types of testimonial narratives. Examples of this can be seen in many of the Holocaust testimonial literature in which survivors transform the most common or unremarkable things into the darkest representations of crimes against humanity. An example closer to home is the red dress, which holds deep political meaning in Canada as a symbol of missing and murdered Indigenous women and girls (MMIWG). The inadequacy of language when describing human suffering has been acknowledged by Primo Levi's (1979) demolition of a man and Elaine Scarry's (1985) unmaking of the human psyche during torture. The difficulty in expressing authentic human suffering is not new. But trying to get beneath the words to their meaning and purpose by drawing in historical and social context and then examining them from still other contexts, both similar and different—horizons—offers novel ways of reaching into the meaning via intent.

The current study stands apart and attempts to overcome such limitations by doing just this. The VIS provide the first: seventy-eight versions of the same event (the murder of a loved one) at the same temporal distance from the event (~30 months post-crime) and within the same social and geographical location. The rarity of such an experience makes it a unique event and phenomenon. Yet, each murder was a separate and personal version of that event. By the time one is submitting their VIS, these families impacted by murder have often been traversing new social terrain for two years or more. This is just one of the considerations that elucidate the different layers of anger, fear, and anxiety that is too often read as “homicide bereavement trauma” by researchers.

The authors are not giving different perspectives on one historical event but rather narrating the “shared” experience of murder independently of others. As will be shown, at the

core of their statements, the authors spoke about nearly identical aspects that only those who have felt that depth of moral injury could speak to. For someone that has not had that experience, no number of testimonials will bridge that epistemological gap. In this study I try to bridge that divide. Here I present myself like Simmel's Stranger, both near and far (Wolff, 1964). However, even with that shared human perspective from having gone through it, I found that the broader social impact had its own subjective qualities that deepen the unknowable elements of murder.

Deciphering from manifest content and meaning to latent or hidden meaning assists in this phenomenological project. Hermeneutic phenomenology provides the best method of uncovering those elements, one layer at a time. The focus away from the psychological trauma in order to examine the social impact of murder, brings these seventy-eight individuals into a community of perspectives or horizons. This is a micro study that looks deep but not far.

HPA is time consuming and all encompassing. It is messy and unstructured while allowing the most coherent and concrete construction of understanding through the marriage of textual interpretation and contextual perception. As indicated, it comes with risks, but the potential is exceptional. It is the purest form of phenomenology possible for the study of text.

Hermeneutic Phenomenological Analysis (HPA)

Hermeneutic phenomenology is tasked with illuminating details of seemingly trivial aspects within experience, through the inclusion of philosophy. For example, VIS authors commonly reference the death notification in their statements. This is the official visit by police to notify immediate family members that their loved one was the victim of a homicide. In an average content analysis, the researcher might code this as "traumatic" or "police contact" or a number of other themes. I am more interested in why it is so common for family members to talk about this in a court statement meant to describe the impact of the crime.

The death notification must be examined more closely, in its existential weight, in its rupture of the timeline of this individual's life world, or, again, Ricouer's *narrative identity*. Its importance as the first exposure to the unreal realness of the violent killing of a family member is fraught with layered significance. The sociological implications of the death notification include the beginning of the symbolic division from one's neighbours and an end to one's identity that was bound to the deceased in their familial roles. The death notification is an administrative task for police, but it is the moment of impact when the before and the after are severed in the life of the victim's family. Where does death notification fit into the physical, emotional, or financial harms of the crime? The prominence of the death notification offered an early clue to the more intentional structure of how the VIS are construed.

This is just one example of the seemingly trivial aspects, or taken for granted pieces, of the experience easily overlooked or misinterpreted by a researcher who only has a non-criminal grief experience from which to weigh it. Hermeneutic Phenomenology might draw on the meaning of police presence itself, its role in the process of investigation: the levels of meaning and purpose for this administrative task that is so keenly remembered and reencountered by VIS authors. Crowther (2017) articulates the way in which this methodology teases out these easily overlooked aspects of phenomena:

An ongoing, creative, intuitive dialectical approach that challenges pre-determined rules and research procedures, thus freeing us from dichotomous "right" and "wrong" ways of doing things. Hermeneutic researchers seek to reveal aspects of phenomena that are rarely noticed, described, or accounted for... to illuminate essential, yet often forgotten, dimensions of human experience in ways that compel attention and provoke further thinking (p. 827).

I note Ricouer's narrative identity in this work and my readers might wonder why I haven't included his own expertise in hermeneutic phenomenology in my larger methodological discussion. Ricouer identified self-understanding as the outcome of the hermeneutical process

whereby one seeks to uncover meaning of existence through interpretation of phenomena (Carney, 2015) whereas I am using it as a tool for interpreting not existence but the phenomena itself. Through the individual testimonial narratives I seek to see through their eyes, to observe how the social world around them is implicated and impacted. I ask what the written narratives tell us about murder. In this sense I would say we are operating in different directions. I would propose that Ricouer's method is more aligned with a *phenomenal hermeneutics*.

Method and Practice.

Hermeneutic Circle.

A central component of HPA is the use of the hermeneutic circle, "moving from the parts of the experience to the whole of the experience and back and forth again and again to increase the depth of engagement with and the understanding of the texts" (Lavery, 2003 p. 24). I struggle to articulate the messy and complex direction, I might dare say haphazard in some ways, I followed. If my readers have ever seen a robot vacuum at work, that is a close facsimile to how the pieces were gathered together here. I began this process with an initial read-through of all the VIS, one after the other, stopping to highlight and note pieces that stood out for my later readings. By beginning with the 'whole' body of data, I went where the text guided me without prior plans or conceptions.

A co-dependency of human existence and world is how Hannah Arendt described the hermeneutic circle (Borren, 2013). "[We] simply cannot understand ourselves without the detour through the world, and the world cannot be understood without reference to [our] way of life" (p. 241). Recognizing nuance and minor shifts in meaning in the VIS narratives required an open mind and the sensitivity and trust to pay close attention to my instinctual voices of both researcher and co-victim of homicide.

Surrender and Catch.

“Surrender and Catch” (Wolff, 1976) is the guiding paradigm that I chose to experiment with from the start, inducing my ability to surrender to each individual experience without feeling influenced by new insights that came up as I moved forward. Wolff’s surrender and catch shares elements of Husserl’s approach to phenomenology, but as previously noted, Wolff’s catch is not the same as Husserl’s bracketing. Rather than consistently bracketing my own experiences, this method provided me with an ability to surrender to exploring some connections while escaping the trauma trap that might easily dominate what could be seen in the heavy anguished stories I was reading. Instead, a “catch” would grab my attention, drawing me to investigate new areas of thought and perspective.

One such insight led to an expansion of how I worked with these documents that I will briefly explain. Using HPA means supplementing the source materials with secondary sources that provide context or new theoretical territory or new positionalities. These supplements enter into the hermeneutic circle and become part of the parts and the whole. Again, if we think of the floorplan of a house, the Robovac® will complete that circle, coming back to the starting room before going out again to gather more dust, changing direction when it bumps the leg of a chair.

Surrender and Catch (Wolff, 1976) is a phenomenological process that guided this work, triggered the recognition of important flags that created the necessity for turning down new paths and eventually finding myself in this tri-layered study. Wolff describes his practice of surrendering to his surroundings. In much the same way Husserl speaks of returning to the things themselves, Wolff explores his inquiries as though seeing things for the first time, as alien. “I, I felt, had no scheme at all; I, I wanted to know” (Wolff, 1976 p. 11). To surrender is:

to take as fully, to meet as immediately as possible whatever the occasion may be.

It means not to select, not to believe that one can know quickly what one’s experience means, hence what is to be understood and acted on: thus it means not to suppose that one can do justice to the experience with one’s received

notions, with one's received feeling and thinking, even with the received structure of that feeling and thinking: it means to meet, whatever it be, as much as possible in its originariness, its itself-ness" (p. 20)

The "catch," is described as the unanticipated "yield" of such an experience; it is what one does, feels, perceives, or thinks as a result of surrender. Those things that might otherwise be overlooked or have different relevance in one situation versus another are the very things that suddenly appear as something. In existing research on victim impact after homicide there has become a complacency or a matter-of-fact acceptance of some of the commonly reported experiences as expressions of grief or trauma. We see a rock and we call it a rock and move on. But what if we kick it and find it doesn't move? This is catch (at its most basic). The kicker inspects further and eventually finds his rock to be the tip of a statue buried below the ground. However, as Wolff explains, the catch may, but need not, be analytical.

[The catch] may indeed not be a concept in the everyday or scientific sense of the word but = for instance= a decision, a poem, a painting, the clarification or urging of an existential question, a change in the person: in one's experience – it is a new conceiving, a new concept, a beginning, a new being-in-the-world. It cannot, however, exhaust the experience of surrender; it can only approximate it. The experience recedes from the surrenderer like water from a net; it challenges him to explore it, to invent ("come into"), and to inspect the catch (p. 20)

Through this willingness to surrender to the data I was able to approach intellectual breakthrough, to see something differently than it has been seen before, to dare to leave the orthodox methods of qualitative research (Axelrod, 1979). Daring to be so bold was outside my comfort level and forced me to learn and grow. This research process itself was a practice in surrender and catch personally. I had many moments of catch in my own biases and limited

understandings that pushed me into personal and academic territories I'd in some ways resisted. I returned to the things themselves.

In this study I began with the VIS only, redacted and reordered prior to my collection from the courts. The first reading provided individual narratives that were thematic in their topics but then also merged into a recognizable entity or essence. The statements were divided into their role groups for a second reading which identified interesting elements of difference between familial roles and performances. Being immersed in these statements for months resulted in my becoming very familiar with them and I began to notice small details shared between the VIS of different groups and family units. During the readings of the separate role groups, read in different order with different spaces between each VIS, certain similarities were revealed across groups as I noticed similar phrases or details: a sister here with a father there or a mother in the mothers group with her husband in the fathers group.

A moment of “catch” provided me with a dilemma. If I surrendered to the potential for knowledge that I saw revealing itself, I might either undo the *purity* of the work I'd set out to do or I might enrich the research but be unable to share any of my findings! After some thought and a review of the ethics guidelines and agreements I'd undertaken, I found no harm in undertaking the third version of the study—on the families of members I was able to connect through their narratives. Having been able to group 52 of the 78 statements into eighteen¹⁰ probable family groups based on the details they provided about the victim, the crime, the circumstances of their lives and family, and other minor similarities, I returned to my original list of fifty cases provided to the court to confirm that I'd made the correct matchings to the correct victims. I additionally drew on details published in the news articles from which I had verified VIS, to provide further context and horizons in the particular study of the impact on the

¹⁰ The number of family units I examined grew to 20 after my careful process of confirmation and verification.

family unit. Expanding the source materials in this way led to new ‘epiphanies’ that ultimately provided an entirely new area of study, which drew comparisons between families—something that had not been done before.

In order to preserve the anonymity of the victims, I used fictitious initials in my notes and performed extra audits of my writing to make sure I had not inadvertently shared any information that could be recognized by a given family or individual.

Because of the multiple perspectives that emerged in this research I had to take breaks from the VIS to try to forget as much as I could in between the three different analyses. I took a month-long break from the VIS after writing the draft findings at each of the three levels. By the end of the writing of the dissertation, I had lost any distance or ability to compartmentalize the three sets as each of the authors and their families became part of a bigger story and together told of the ways murder had infiltrated and spread throughout this small Canadian city. The final written report of this dissertation contains three distinct findings, a dialogue of the findings with the academic literature, and a theoretical and philosophical discussion. Although complex and multilayered, I put the utmost care into ensuring academic rigor, ethics, and methodological technique into each stage of the study.

Qualitative Research Standards

Intellectual breakthrough, according to Axelrod (1979), surfaces as a challenge to the conventions of the intellectual community’s paradigm. In Sociology the paradigm is content analyses (of interview transcripts) by way of coding or thematic practices. To enter the analysis of historical written documents at one level and then shift the target of analysis to get beneath and see other level was the only way to break through the limitations of a surface understanding that the current method permits. Following surrender and catch, I then adjusted my gaze once more to have a look from a different perspective, to step back and pull the micro out into the macro and see what it said then. In order to do this, I had to understand the particular macro it lived in. To reach beyond the ethical and juridical constraints of this study I had to draw in other

material artifacts that set the background for the narratives under study. One example of this was the issue of gang involvement by a victim or family. The additional layers of meaning to concepts of fear, community, and *family* would be overlooked without that added context. Having this additional insight provided nuance and even a shift in meaning of the things discussed.

Adopting innovative practices and methodologies still requires adherence to the strict measures within the discipline to hold research to the highest standards. Applying methods more common to philosophy or humanities generally arguably calls for even more careful attention to potentials for error. Indeed, in Kurt Wolff's review of Axelrod's study on intellectual breakthrough, he pointed out that "all paradigms, 'normal' as well as 'revolutionary,' impose restrictions" (Wolff, 1981). As such, I turn to the research standards that ensure the research process I used meets the requirements for rigor and trustworthiness.

Triangulation, such as this, is one of the central techniques described by Creswell (1998) for overcoming researcher bias and ensuring, "the study can be trusted to provide information on some important human phenomenon" (Armour et al., 2009). The other two are prolonged engagement and member checking. I was deeply emerged in the VIS narratives, reading and writing and re-reading and re-writing for 18 months. Although I was not able to conduct formal member checking, I intend to share this research with the victim-serving agencies previously noted so members of the homicide survivor community can offer their evaluation of the findings.

The standards for qualitative research purported by Guba and Lincoln (1999) of credibility, transferability, dependability and conformability are not the best measures for this unique form of textual data as they don't provide an appropriate fit with hermeneutic phenomenology (Kafle, 2011). Van Manen (1997), cited in Kafle (2011) enlisted four rigorous criteria for this type of research that better meets the demands of textuality: orientation, strength, richness and depth (p. 195).

Rigorous Criteria for HPA

Orientation.

Orientation, as described by van Manen, is “the involvement of the researcher in the world of the research participants and their stories” (van Manen, p. 196). I am authentically involved in the experiences of loss through homicide as well as the process of presenting a VIS in court. “The researcher is called, on an ongoing basis, to give considerable thought to their own experience and to explicitly claim the ways in which their position or experience relates to the issues being researched” (Lavery, 2003 p. 28). As a Winnipeg, an Indigenous person, and a co-victim of homicide there were many opportunities that called for my careful consideration of not only my potential biases but the added insights I was able to advance. However, this also required constant and consistent attention to evaluating my limitations and ensuring I don’t try to speak for the VIS authors. My position within the “club” allowed me to conduct informal member checks on my findings and interpretations that provided a level of accountability to the authors’ meanings and intent.

Strength.

According to van Manen, “Strength refers to the convincing capacity of the text to represent the core intention of the understanding of the inherent meanings as expressed by the research participants through their stories” (Kafle, 2011, p. 196). The stringent legal requirements of VIS create an insulated and uniform record of the written testimony of the impact of homicide with parameters and guidelines for every person. The VIS in this study all come from within a ten-year period, from within the same city, and each was written in the prescribed window between conviction and sentencing, which typically takes place 24-36 months after the crime. The legal nature of the VIS and its importance to the family further strengthens representation of the core intention and inherent meanings expressed. The VIS captures authentic, thoughtful accounts of the experience written during the period in which the

authors were living it. Such accounts are not easily replicated by interviews or memory-based reports.

Using VIS allows me to stay as close to the lived experience as possible, getting at what Geertz (1973) described as “what participants really experienced, from the inside out, not simulations of what they thought they experienced” (Laverty, 2003, p. 29). While there were a few authors who reflected on aspects of their experience or their reaction to the murder, most provided a narrative account of the issues they chose to talk about. Hermeneutic phenomenology invites me, the research and co-experiencer, with an ability to represent layered experiences, within their contexts. I am keenly aware of my obligation to respect and honour the personal testimonials and to honestly represent their intended meanings, with the assistance of historicity, philosophy, and sociological analysis which is reflected in this writing. I was able to conduct informal member checks through numerous conversations and discussions about my findings and interpretations throughout my research. My location within the small homicide survivor population and bonds to the community further strengthen my accountability to the authors of these narratives.

Richness.

Richness, “is intended to serve the aesthetic quality of the text that narrates the meanings as perceived by the participants” (van Manen 1994, cited in Kafle 2011, p.196). Hermeneutics gives me the opportunity to use my own interpretive articulation of the descriptions of the authors without breaching the stringent privacy rules I am bound to. Despite this, the uniqueness of each voice, and each story, lends richness to the whole as threads embroidered into works of art. Rhetoric is a tool utilized in HPA as a reporting style of the research work. “A language mode with informal tone with idiographic expressions full of adages and maxims is considered suitable for reporting this type of research” (Kafle, 2011, p. 196). The

use of evocative prose to convey deep emotion served to bring the words of the authors to life, if not as individuals, at least in unity and authenticity.

Depth.

Finally, “Depth is the ability of the research text to penetrate down and express the best of the intentions of the participants” (p. 196). Kafle’s (2011) informative review of the different schools of phenomenology depicts the core defining aspect shared by all in that it “has the potential to penetrate deep to the human experience and trace the essence of a phenomenon and explicate it in its original form as experienced by the individuals” (p.183). Through careful attention to the contextual aspects of each VIS author’s life and using the iterative and reflective practice of the hermeneutic circle, I was able to read beneath the words to their deeper intention from different perspectival locations or horizons. The use of multiple readings from the three separate perspectives afforded a level of depth unreachable in most other research methods. I considered the words written on face value, from the perspective of an individual. I then considered the words written from that person’s role as a sister or a spouse, and then as one of multiple members of the same family. I also considered the words written from within the social and political histories, contexts of poverty and Colonialism, and the role of racism and sexism that emerged within the experiences narrated in the VIS.

Interpretation and Dissemination

Wilhelm Dilthey, a central figure in hermeneutics, considers this idea of discovering the intentions to be a key component of this methodology. “The ultimate goal of the hermeneutic process is to understand an author better than he understood himself” (Dilthey, 1972, p. 244). Yet, he is careful to point out that its main purpose is also “to preserve the general validity of interpretation against the inroads of romantic caprice and skeptical subjectivity, and to give a theoretical justification for such validity...” (p. 244). The use of triangulation and combined voices minimized the risk of misrepresenting what was there.

An important aspect of HPA is the written research discussion. Crowther (2017), citing Caelli 2001, describes “crafting” as the process of “deriving narratives from transcripts” (p. 826), as the prescribed practice, challenging the orthodoxy of verbatim quotes in qualitative research (p.827). She further points out that HPA requires intimate understanding of the experience of the participants, creating a fusion of horizons that allow for more creatively ‘showing’ human experiences with provocative language and rhetorical finesse that resonates with readers. Crafting in this way draws out the “compelling and salient qualities that illuminate the phenomenon” (Crowther & Thomson, 2020). The experience of murder as narrated in VIS invites this unique method to get to the essence of it. The pragmatic need to find different ways of conveying the knowledge made crafting a good fit. Following the recommendations of Crowther, I used engaging and emotive prose where possible to match the words in the VIS that I could not use.

Research design and process – data collection

Using purposive sampling, I submitted a request for the victim impact statements of fifty Court of Queen’s Bench (QB)¹¹ homicide cases submitted between 2011 and 2020, which yielded eighty-three statements.

Criteria and Parameters

Due to the difficulty of attaining this sort of data, I began with the broadest sample possible within my parameters [sentence date after 2010, within Winnipeg, Manitoba] and the relatively small population of homicide co-victims—averaging 30 per year during that period.

¹¹ My data collection took place prior to the death of Queen Elizabeth and her succession by King Charles. On September 8th, 2022, Chief Justice Joyal updated the Court title: “In light of the sad news respecting the Queen's passing, pursuant to s. 3 of The Court of Queen's Bench Act, the Court in name and in all documents and proceedings shall be designated and described as the Court of King's Bench.” https://www.manitobacourts.mb.ca/site/assets/files/2044/notice_to_the_profession_-_change_of_court_name_2022_sept_8.pdf

The reason for these parameters was my preference to examine the VIS here, in Winnipeg, and my ethical boundary of excluding cases I might be personally familiar with through my own loss to homicide in 2005. Families of homicide victims experience a rare human event with existential and traumatic effects that cannot be understood by those who have not experienced it (Armour, 2003; M. P. Armour, 2002). As such, it is common for such individuals to seek one another out—for moral support or information—or to come together through group therapy and victim advocacy organizations. In a small city such as Winnipeg (population of 850,000), there are only one or two such agencies and service providers, so it is common that co-victims get to know others whose loss happened around the same time as theirs. In my own experience this was the case. I encountered several other families through group therapy for homicide survivors and in my role as a board member of Manitoba Organization for Victim Assistance (MOVA). Since my partner's murder was in 2005 and I ended my association with MOVA in 2010, I decided to exclude cases prior to 2010.

Selection Process

Through a general online search for homicides in Winnipeg I was able to find a complete public database listing homicides by year in Manitoba (Viklund, 2021). I found additional web sites that had similar lists, although not as complete, that I was able to use to cross reference my main list. I entered the name of each offender in the online Manitoba Court Registry (MCR) site, searching criminal records only, and skimmed the notes for verification that the file in question was a homicide with a completed sentence hearing date. I also verified that each of my cases included the standard sentencing stipulations in homicides, such as DNA registry and weapons prohibition, to be sure that my case numbers were correct. I recorded the court file number for each to submit to the court.

To ascertain the likelihood of at least one victim impact statement connected to the case list I compiled, I eventually turned to online news reports as a verification process to facilitate a

more productive result from the courts. A benefit of relying on media reported cases was that there was a level of similarity across cases that deemed them media worthy, as well as the already described access to contextual information. This was an unintended benefit that created a more uniform “type” of homicide loss. I did not include cases of driving under the influence, accidental death, or neglect.

As the availability of suitable cases—those including at least one VIS—narrowed, I tried my best to adhere to a representative sample of murder victim demographics in Winnipeg in the last decade, measured against Statistics Canada 2020 data. My sample falls within acceptable representation ranges. The VIS I received were redacted for all identifiers (names and dates), with the family role written by the court (i.e., mother, sister, son, etc.). My sample consisted of 24 mothers, 10 fathers, 16 sisters, 11 brothers, 6 daughters, 4 sons, and 7 spouses (all women)¹². After the research began, I took detailed notes of demographical information and was able to verify Indigenous identity for 50% of the victims—through the VIS, media reports and court records. According to Statistics Canada, approximately 65% of homicide victims in Manitoba are Indigenous.¹³ An APTN investigation of the five-year homicide average within the City of Winnipeg (between 2014 and 2018) reported that 47.1% of the victims were Indigenous (Troian, 2019). During this period Winnipeg averaged 30 homicides per year.¹⁴

While using VIS as a data source offers a unique research opportunity, it also has the benefit of overcoming the slow and difficult process of recruitment in this hidden population. The statements were written during the experience, at the end of the trial process, therefore

¹² Of the original eighty-three statements, I excluded five from the study.

¹³ This average was calculated between 2014 to 2020. Indigenous identity of victims was not recorded before 2014. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015601&pickMembers%5B0%5D=1.8&pickMembers%5B1%5D=2.1&cubeTimeFrame.startYear=2014&cubeTimeFrame.endYear=2020&referencePeriods=20140101%2C20200101>

¹⁴ This average was calculated between the years 2009 and 2019—the time period of the crime used in my proposed research (approximately 24-23 months prior to VIS submission). <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510007101&pickMembers%5B0%5D=2.1&cubeTimeFrame.startYear=2009&cubeTimeFrame.endYear=2020&referencePeriods=20090101%2C20200101>

avoiding reliance on memory alone. Composing a VIS means what was included was thoughtfully written, rather than questions answered on the spot. VIS offers a rich source of experiential data without the risk of re-victimizing the family members by asking them to revisit painful memories.

To determine the timeline within which VIS were written I first relied on the legal requirements for reasonable trial in the Canadian Charter of Rights and Freedoms, Section 11(b). In *R. v. Jordan* (2016) the Supreme Court of Canada established a presumptive ceiling for completion of charges through court, determining that 30 months from arrest to trial completion is the standard in cases where there is a preliminary hearing, which is par for murder cases. Otherwise, 18 months is the maximum allowed (Maxwell, 2018). In 2016/17 a reported 93% of Manitoba cases were completed within the limits of the Jordan ceiling. I was able to verify that the cases I chose took place within this timeframe by comparing the date of the offense to the date of sentencing for each of the cases, identifying an average 31.4 months from crime event to sentence date.

Since most VIS contained references to attending trial or details revealed at trial, it is reasonable to suggest most statements were written between the trial completion and the sentencing hearing. Guidelines for sentencing hearings, to allow for pre-sentence reports, are 4-10 weeks after trial; the earlier dates reserved for those already in custody (Manitoba, 2019).¹⁵ VIS must be submitted in time to ensure the offender and defense have time to read and approve them, while also providing time for requested amendments. I therefore suggest the statements in this study were likely written shortly after the trial, which on average takes place 31.4 months after the crime. Anecdotally, many authors spoke of the two plus years they had waited for trial.

¹⁵ Notably, those convicted are likely to have their bail conditions revoked and be taken into custody while awaiting sentencing.

Data Collection

Due to the complicated and uncertain nature of gaining access to this type of data, I decided to secure my data source prior to completing my research design and submitting my proposal. This was a lengthy undertaking that consisted of two separate processes: 1) Compiling a list of murder cases that went to trial in Winnipeg, in which at least one VIS was submitted; 2) Acquiring permissions needed from the Court of Queen's Bench to access physical copies of VIS for analysis. In setting my sample criteria, I limited my request to the VIS of immediate family only: parents, siblings, children, and spouses of the deceased victim. I selected Court of Queen's Bench (QB) cases only since this eliminated the need for me to apply to two separate courts with two different processes, i.e., King's Bench (KB) and Provincial Court (PC).¹⁶

Court access.

Accessing court documents for research, and VIS in particular, is a delicate process. Unlike publicly accessible court transcripts, victim impact statements fall under a distinct category, as exhibits, which require a special application process. I suspect this is one reason there has been very little research conducted on the content of VIS in Canada. I began inquiring about the possibility of accessing VIS in October 2021.

I was initially advised that my access to these documents could be limited to in-person viewing and either hand-written notetaking or voice-recorded reading. In order to attain physical copies, the process requires appearing in front of the judge that oversaw the trial in which each VIS was presented, in a hearing that includes any opposition from the Crown's office and other potential third-party intervenors. As it was simply not realistic to attempt to appear before multiple judges, I thought I would have to abandon this research idea. In a phone call with the Executive Assistant to the Chief Justices I was able to more fully explain my

¹⁶ The only difference is that QB hears all murder and some manslaughter cases while PC hears only manslaughter cases. For the purpose of my research, I make no distinction between the two since in every case there was violence and intent noted.

background and interest in this area and the potential importance of this research. I was fortunate to find support in this office and over several weeks discussing how this might be conducted, through identifying and mitigating all possible oppositions and issues, I prepared a case for requesting research access.

On November 29, 2021, I was invited to submit a letter of request to the Chief Justice, outlining the various provisions discussed prior to protect the statements and the information within them. While waiting for a response I conducted a search for appropriate cases to submit to the court, as previously outlined. A test run was suggested to search for ten cases to see what obstacles I might face. My detailed process follows.

Case search and retrieval process.

Compilation of homicide cases.

I began the process with an online search for any central databases or official lists of homicides in Winnipeg. I located a detailed listing compiled on a public, searchable site called winnipeg-homicide.org. I cross-referenced this list with the annual Winnipeg Police online crime data report and random newspaper report verifications to determine level of accuracy. Once satisfied of the reliability of the listing, I began searching each of the names from the years 2010 through 2019¹⁷ in the Manitoba Court Registry (MCR) database. I searched for 250 cases, however only those that were heard in the Court of King's Bench were accessible. This had an unintended benefit of further homogenizing the cases, excluding cases heard in Provincial court. My MCR search yielded 200 case numbers, each representing a minimum of one homicide victim¹⁸. I created my own spreadsheet which included the offender name, victim name, gender, age, date of crime, and any additional information available.

¹⁷ These are the dates of the crime. The VIS dates are based on sentencing hearing date, which falls 31.4 months later, on average.

¹⁸ Cases are identified by the offender, i.e. R. v. Offender Name and in some instances, there may be more than one victim tied to the crime.

Since the online Manitoba Court Records (MCR) database only allows access to QB court files, some cases in my list did not appear (if they were heard in Provincial Court). The original homicide list I used contained between 22-44 cases per year between 2009 and 2019¹⁹ yielding a fair representation of approximately 25 per year. With a target of 50-75 victim impact statements for this study, I requested the VIS of 50 cases in my court access application. I had a large enough list to randomly select a representative sample from each year. I now turn to the process of acquiring VIS for these cases.

I chose 10 random case numbers to submit for our test run. Two of the first three did not have a VIS, leading to a conversation in which I learned a little known but important piece of information. As court exhibits, VIS are stored in the exhibits locker in the law courts building. They are not filed, per se, nor is there an electronic database to search for them. Pulling these documents is an onerous process that requires the exhibits clerk to physically search through boxes associated with each case number. Therefore, it was important that any case numbers I provided had a high likelihood of containing relevant VIS, that is, those of immediate family members, since otherwise it was like searching for the proverbial needle in a haystack.

I went back to my list of cases and entered the offender's name and the terms, "sentencing Manitoba" into a Google search to find media reports that could verify whether a VIS was read in court and by whom. I repeated this for each of the cases, skimming the articles for mention of a victim impact statement read in court by a family member. After searching and reading through multiple media reports on each of the 200 cases²⁰, I was able to verify approximately 75 cases, (5-8 per year) that met my criteria. I conducted a closer examination of the MCR files for these 75 cases, searching for and recording the date of sentencing, and cross referencing with the dates reported by media. The incidences of more than one homicide case

¹⁹ Date of crime, not VIS submission.

²⁰ If I found one report that mentioned a VIS, I searched for a second source to verify it and minimize the chance of error.

number assigned to the same offender²¹ called for careful attention to cross-referencing published dates to ensure I had the correct cases.

I sent a second set of ten cases to be checked, this time verified by media to contain VIS. Eight of the ten statements contained VIS. The test run was deemed successful, and we agreed to move forward. I sent over the remaining forty cases from my list (representing an average 5 cases per year). I expected this would yield 1-2 VIS from each case, within my selection criteria, well within my target data set of 75 statements.

To further mitigate any obstacles, I had agreed to the stipulation that the statements be redacted before being released to me. I was asked to send over the full case list so they could start working on it over the month of December while we waited for the response from the court and any next steps I might be required to take.

Data Collection Agreement.

On January 14, 2022, I received an email from my court contact advising me that she had redacted 241 pages of VIS from the first 36 cases—with 14 cases left. Attached to the email was the draft letter from the Chief Justice granting me the access I requested. Along with a reference to the research ethics and protections I had proposed, the letter referred to a portion of the *Access to Court Records in Manitoba policy, 1.1 Principle of Openness*, stating that “access to court records is guided by the principle of openness and is of fundamental importance to a free and democratic society [...] This openness ensures not only that justice is done, but it is also seen to be done” (Justice). On January 28, 2022, I attended the Winnipeg Law Courts building to pay the fees²² for and collect the materials which consisted of 293 pages—eighty-three VIS in total—setting me on an 18-month analysis of what victim impact statements tell us about the phenomenon of murder.

²¹ In some instances, the offender has been charged and/or convicted of multiple, unrelated, homicides.

²² I was advised there would be a photocopy fee pursuant to item 2.2.4 of that same access policy, with a duplicate charge for the cost of recopying the redacted pages to assure they could not be read through.

Data Exclusions.

The original data set consisted of eighty-three statements which I numbered in the order I received them and then conducted an initial pre-reading to check for errors, anomalies, or any issues to be resolved before my first proper reading. I excluded three VIS that were written by authors younger than eighteen years of age or did not fit the criteria provided. I later excluded two additional VIS written by grandmothers. Although they did have a central role in the family and could be considered guardians, I had to exclude them because they were not listed in my criteria which meant other grandmothers had likely been left out of the retrieval process. In retrospect this was an oversight on my part. When trying to set a manageable data set, I failed to include others who may have lived in the family home since it would be too difficult to determine and complicate my data collection potential. I now wish I had included grandmothers since they are a significant presence in families, especially Indigenous and immigrant families in Winnipeg.

Sensitivity

I would like to take the opportunity at this point to discuss an important aspect of this research, and of this methodology that required such deep immersion with the text. These VIS contain personal accounts of the most horrific side of humanity. The details of the deaths are often included, and the reader is given a private glimpse into that person's life beforehand, and all that the family has suffered. This work is heavy and emotionally taxing. I am viscerally aware that I am intruding in the personal lives of these authors, reading their private and painful narratives that were not meant for me to read. I am also cognizant of the impact this research might have on others, such as my committee members.

I experienced this consideration firsthand when the individual who collected and redacted the statements for me related the impact it had on her. While I was working with and interpreting the VIS in their entirety, I acknowledged the delicate balance in excluding specific

detail while capturing the raw experience. There were moments that called for difficult topics to be explored and described but I kept this to an absolute minimum, never drawing in gratuitous material that had no specific utility in the research.

Ethics

A thorough description of the rigorous ethics process I undertook with the Court of King's Bench was followed by a review of the University of Manitoba ethics requirements for research concerning human subjects. It was determined that this research was exempt from REB application based on the following:

The following list does not require REB review²³.

1. Research that relies exclusively on information that is either of the following
 - a. Publicly available through a mechanism set out by legislation or regulation and that is protected by law (e.g., Statistics Canada files)
 - b. In the public domain and the individuals to whom the information refers have no reasonable expectation of privacy (non-intrusive, does not involve direct interaction between the researcher and individuals through the Internet)
2. Research involving observation of people in public places where any of the following are true
 - a. It does not involve any intervention staged by the researcher, or direct interaction with the individuals or groups
 - b. Individuals or groups targeted for observation have no reasonable expectation of privacy
 - c. Any dissemination of research results does not allow identification of specific individuals
3. Research that relies exclusively on secondary use of anonymous information or 'anonymous' human biological materials, so long as the process of data linkage or recording or disseminating of results does not generate identifiable information. In this circumstance, 'anonymous' means that direct identifiers were never collected

²³ This is the REB exemption summary provided by University of Toronto's "Activities Exempt from Human Ethics Review": <https://research.utoronto.ca/ethics-human-research/activities-exempt-human-ethics-review>

4. Reflective Practice* / Professional Development activities that involve others (e.g. colleagues, students and supervisors) to solicit information that can be used for self-evaluation and growth, provided no information about these other individuals is made public or identifiable
5. Standard Professional Practice that may involve research-like activities that are within acceptable standard practice of the respective profession. Typically, professional ethics codes cover these activities

* “Examining one’s situation, behavior, practices, effectiveness, and accomplishments by asking: What am I doing and why? The self-evaluation that follows involves active, persistent, and careful consideration, speculation, and contemplation of the practitioner's beliefs and knowledge and leads to professional development, growth, and greater understanding of self and the profession.” Valverde, L (1982). The self-evolving supervisor. In T. Sergiovanni (Ed) Supervision of teaching (p 81 - 89). Alexandria: Association for Supervision and Curriculum Development.

Chapter Four – Findings Part One—The Individual

Chapter Description - Victim Impact Statements: First Reading

It is important to point out that this first chapter draws on the most prevalent issues that stood out in the VIS, as a body, and do not include some topics which I've reserved for later discussions.

A note on terminology for this chapter: As explained in the introduction section of the thesis, I use the term murder rather than homicide, unless specifically referring to the legal context of the crime. In addition, I refrain from using the term 'victim' unless it is called for, instead referring to those who wrote the VIS as authors. The terms co-victims, family-victims or survivors are used only when citing other work with these terms. Lastly, there is some debate in the literature on the use of the term offender—mainly in restorative justice literature that seeks to avoid hierarchizing victim and offender. I also acknowledge the overlapping nature of victim/offender that creates conceptual blurriness, especially when undertaking criminological research focusing on populations known to have histories of victimization (Comack, 2018; Comack et al., 2013; Fattah, 1989; Martin, 2016; Wemmers, 2017; Woolford, 2008; Woolford & Nelund, 2019). Finding no suitable term to escape this dilemma I use the terms offender, accused, killer (when appropriate), and perpetrator interchangeably.

I also remind my readers that in order to convey the sentiments of the authors without using identifiable quotations from their statements, I rely on the use of common terms used in multiple VIS when possible. Italicization is used to identify these words or phrases written by more than one VIS author while I reserve the use of quotation marks for the proper citation of outside materials.

Individual level reading

Here, I present the first level: the 'what is being said' of VIS. The 'what' of VIS content is at its core a subjective account of experience. In reading the statements as a unified body, the

experiences come to life as phenomena and begin to speak and guide the reader. The focus of these narratives tended to fall under six distinct topic areas²⁴: 1. The Self (personal impacts), 2. The Family (harm to the family unit), 3. The Deceased (speaking for and of a loved one), 4. The Murder (speaking about the event itself), 5. The Offender (directing comments to the person newly convicted of the crime), and 6. The Process (the experience of the criminal justice system). In later sections, as I draw out contextual factors and background, I will provide an interpretation of the ‘why’ of what is said in VIS and the ‘how’ it informs an understanding of murder as a phenomenon, and more directly, of the enigma of post-homicide victim impact statements.

1. The Self: Personal Impact

This first area that I call The Self, contains the basic elements of physical, emotional and financial impacts of the murder, as set forth in VIS forms. It is also this area that reveals the traumatic experiences of homicide survivors most often discussed in the literature. Yet, within these narratives there was much more to consider. The non-psychological personal hardship directly caused by the actions of the perpetrator of murder is not often acknowledged or even known by those that have not themselves experienced the murder of a loved one. Stereotypes and media focus on the ‘bereaved family’ too often limit the experience to grief and loss without considering the ongoing and day-to-day consequences of such a major, life-changing event. The literature, too, tends to be centred on the psychological aspects of homicide for the “survivors,” a term deeply enmeshed in a trauma culture in Western society (Acorn, 2004; Fassin & Rechtman, 2009; McGarry & Walklate, 2015). Without minimizing the psychological impact and emotional suffering caused by murder, there is a critical gap in our understanding of the social impacts of murder, which these VIS bring to light. Those impacted by the murder of a loved one

²⁴ These six distinct topic areas at this level are later grouped into five main areas, combining #4 (the murder) and #5 (The offender) into one. The reasons for this will become apparent but it is important to show their distinctions here.

must readjust their lives to accommodate the detrimental effects of what is described as *every aspect of every day*.

The personal hardships created by the murder of a loved one are difficult to adequately capture in the categories (emotional, physical and financial) provided in the VIS forms. Despite this there was a noticeable effort made by the authors to structure their statements by roughly following these sections, but since much of the testimonials speak to impacts outside of such constructs, I have tried to curate appropriate categories within the three main sections of impact where possible, not just for the sake of brevity but to allow for comparisons (in later chapters) with the literature. My later analyses²⁵ incorporate the deeper hermeneutical methods and therefore largely abandon the use of categorization when discussing impact.

Emotional impact.

The VIS forms contain a section for emotional impact, which is understandable since it is well-documented in both academic and societal observations on homicide loss. These statements contained a fullness and multitude of expressions of emotion by people of all walks of life; descriptions of unmanageable, uncontrollable, and unpredictable breakdowns and mood swings that invaded their lives after the murder. It was commonly expressed that there was a complexity of different and opposing emotions somewhat driving the person against their will. A 2002 study cited by Connolly and Gordon (2015) found 66% of family members of a murder victim reported being angrier people than they had been before the murder (p. 498). The predominant emotions reported in the current study are in line with the literature on homicide survivors, including sadness, despair, anger, shock, numbness, and hopelessness (Amick-McMullan et al., 1991; M. Armour, 2002; Connolly & Gordon, 2015; Rock, 1998; D. Spungen,

²⁵ The other two readings that will follow this chapter begin to draw literature and meaning into the discussion, rather than strictly reporting content alone.

1998). But also reported were feelings of love, appreciation, pride, hope, pity and compassion (Acorn, 2004; Rock, 1998).

Guilt, for having failed to protect the victim, for not fulfilling their role as parent, sibling or spouse is a predominant issue for many. The associated feeling of having a duty to attend court, and to prepare and submit VIS, or to speak on behalf of the deceased is also a dominant theme.

Very few spoke of vengeance directly but those that did provided a detailed account of a rage of such intensity that it frightened them. Normative expectations of anger and vengeance by victims' families are not felt as natural by these individuals as they describe their struggle to overcome such passions that feel alien and unwelcome. Indeed, we have been socialized in Western society to repress and feel ashamed of such passions (Phelps, 2006). Many of the authors resent the invasion of these negative and harmful emotions into their lives as antithetical to who they are as persons as well as an insult to the values shared with or gained from their deceased loved one. They decry these sentiments as further impacts brought into their world by the actions of the offender.

There were cases in which the author was entrenched within their rage, without reserve. These VIS contained phrasing in all caps, bolded, underlined, and double or even triple exclamation marks, recounting every vile detail of the crime and leaving no ambiguity about their beliefs or preferences for the fate of the offender(s). One might recognize the presence of The Furies here, unrelentingly calling for vengeance as a poison seeps through, leaving destruction in its wake (Aeschylus, 2002). The Furies hold a predominant place in a later discussion which I'll reserve my further comments for.

The authors lament they are no longer emotionally available to others, unable to muster the energy and mood necessary to do things such as attending celebrations or babysitting for friends or family, or even managing a friendly phone call.

Psychological impact.

An overreliance on the trauma narrative in homicide research does not negate its existence nor its harm. The psychological trauma in the aftermath of homicide is well-documented in the literature and the findings in this study support all that has been reported before (Amick-Mcmullan et al., 1991; Armour, 2003). A predominant psychological aspect highlighted is the torment of the ways in which their loved one suffered, or might have suffered, in their last hours or moments. There is an overriding preoccupation with imaginings of the victim alone and scared, with nobody there to comfort or care for them in their dying moments. This is something that eats at these narrators in testimony after testimony, their greatest fears and feelings of guilt surrounding the loved one's end of life: of not being there for them. Attached to this is the inability to remember the deceased without memories of them being tarnished or eviscerated by the details of the death. A simple photo that once held happy memories becomes a trigger that directs their minds to the crime.

Reports of invasive thoughts, inability to sleep, depression and anxiety, reliance on medication, and feelings of deep sadness or hopelessness could be found throughout these statements.

Physical impact.

The physical effects of murder are also well documented in the homicide bereavement literature and represented in these VIS. They include the need for medication, hospitalization, and home care. Heart attacks, strokes, and miscarriages were attributed to the stress of the murder itself or the associated stressors brought on by the continual onslaught of the *never-ending nightmare* in which they now live. The deterioration, and even death, of elderly family members (in a few cases) was reported. This category of physical impact in VIS is one of the better examples of items designed for crimes other than homicide. Some commented that they had nothing to say here or made mention of being unable to explain the physical pain they feel.

Financial impact.

To speak of financial impact was considered taboo by those that mentioned it. Some directly pointed this out as they tried to convey how little such things really matter in the circumstances. Most left this section out. Still, there were some authors that reported losing or leaving jobs as a consequence of the aftermath of the murder event, causing financial strain. The additional costs of funerals, missed work to attend court hearings, and the loss of personal property, furnishings and even their homes were also briefly noted. Despite this, few chose to talk about financial matters in their VIS. A sense of taboo came through in comments about monetary matters being unimportant in the scope of things. However, such sentiments were the privilege of those in higher economic categories. There is a Victims Compensation Program that requires separate application which *some*²⁶ families are encouraged to use instead right on the VIS forms²⁷.

Personal hardships and general impact.

Authors of VIS made other striking comments and reflections that fell outside the prescribed categories but illustrate important issues that were highlighted throughout the full collection of statements.

Victimization.

Above all, each of the authors in these victim impact statements provided examples and evidence that state either implicitly or explicitly: *I am also a victim of this crime*, I was not physically murdered but *I am the one that is now suffering* the consequences. My analyses of later readings will again provide a deeper discussion of why this is communicated in VIS and what that means.²⁸

²⁶ This topic requires its own discussion and is addressed more fully later in the paper.

²⁷ These forms can be found on the Manitoba Justice website: <https://www.gov.mb.ca/justice/vs/cvc/index.html>

²⁸ There are some topics that lend themselves to fuller discussion in other sections of this research. For example, in the comparative analysis between different family members or different familial roles. I include it here too because

Burden and Obligations.

Other personal hardships declared were the taking over of various responsibilities after the death of a member of the family. This begins immediately upon notification, with having to tell others what has happened, including young children and elderly parents and grandparents. Funeral arrangements, police investigations, media requests, following and keeping everyone abreast of new developments, court proceedings, and managing the vengeance of others—potential reactions or rebound anger and violence by the victim’s friends or other family members—takes a toll. Many accounts of *filling the shoes* of the deceased include providing income or emotional support to other family members to taking over care and custody of the children of the deceased victim to in some cases replacing their role in the community.²⁹

Other authors dependent on the deceased, both emotionally and financially, were left feeling alone and adrift, lacking outside supports or just failing to care enough to seek out any services they did need. A number of these statements contained admissions of turning to alcohol and other substances, contributing to further deterioration of their lives after the initial life altering event. Feelings of shame associated with the inability to function fully or independently along with feeling like a burden to family and friends was commonly confessed. Such interpersonal impacts, while captured in various ways, stood out as their own fourth category in order to set apart the social impact³⁰ as an equally important area.

some of the VIS were not included in other groupings and discussions. One of the difficulties of being unable to use direct quotes was determining how to navigate such issues to ensure all voices were nonetheless included.

²⁹ Here I refer specifically to those families involved in the street gang economy. More than one family member spoke of being required to step up and take over that position out of necessity or norms.

³⁰ More recent versions of the VIS forms now include social impacts as suggested topics to include but they are listed within the emotional section. Forms may be viewed here:
<https://www.gov.mb.ca/justice/vs/pubs/victimimpact.pdf>

Social impact.

Identity.

Whether due to emotional trauma or the physical, financial, or spiritual injuries sustained, these individuals' lives are now impeded by the weight of a victimhood they simultaneously seek recognition of and escape from as they struggle to regain some sense of stability that has been *stolen* from them.

The physical act of murder that is reflected in law was not a singular crime, in the opinions of these authors. These individuals consider murder to have been also a violent (if not intentional) action against them, a critical injury to each of them with lifelong, life-altering damages. They experienced physical pain and suffering that persisted years after the event. They repeated exclamations that *not just one life ended that day*, that they no longer live but *just exist*, that they are *forced into a life that is not their own*.

The sense of having lost one's self or identity is described by many VIS authors. They describe an inability to trust their own judgement, no longer recognizing the person they've become and coming to the realization that not only people they knew previously but anyone they meet in the future will never know the happy, carefree, or fun persons they had once been.

Reports of self-censoring and fear of over-reacting in situations that don't require the level of anger they feel and express have created increased withdrawals from social life and in some cases complete isolation. More than one author spoke of their inability to stop themselves from hurting those they love as their biting words and negativity pushed people away. They describe a sensation of watching themselves, yet unable to intervene and stop themselves from behaviours they know are toxic and damaging. They express a hostility when speaking about the people they've turned into.

Some describe having to reconstruct a new identity in order to continue to fit into their surroundings. There was a sense of having to adjust one's conduct and way of being in the world,

having to act in socially sanctioned normative and appropriate ways that require hiding one's own suffering and knowledge to uphold the act or save face, mostly to save others from the horror or discomfort that this unique form of poison, that is, the proximity to murder and intense grief. This included the need to hide the truth by not mentioning the death to avoid uncomfortable social situations. This was especially difficult for parents struggling with the anticipation of how to answer the normative social question of "how many children do you have?" and being torn between the easy answer of avoidance [that comes with an unconscionable feeling of betrayal to their dead child] or the difficult truth that might create immediate social stress and permanent exclusion and othering.

The fact of the matter is, according to the authors here, the way they see everything in this world has changed, the certainties they once had in a stable world have been obliterated, their ability to live in ignorant bliss was violently stolen from them.

This daily charade is emotionally exhausting, on top of the piling up of other stressors and new responsibilities. Descriptions of drawing the curtains closed and shutting out the world display a feeling of tired defeat that is not fully attributable to depression or mental health diagnosis but also an indicator of the taxing struggle to carry on as usual when everything in their life has been *flipped*. There is a consensus that life is no longer natural or normal; that they are weighted down and never able to relax and just *be* as they were. Some wrote that they had to be strong for others, for children, or to uphold a sense of normalcy or stability, but then admitting to the moments of crumbling in the shower or in the little privacy afforded in their car.

Autonomy.

The loss of relationships was commonly referenced within the context of the entire restructuring of one's life due to the changes caused by the murder. The life trajectories and goals they had previously been working toward had to be abandoned to deal with immediate

responsibilities and attend to the needs of the family. The loss of control over their own lives is lamented as they angrily declare that all their choices were taken away from them by an individual that determined their fates along with that of the deceased victim. They describe this severing of their life trajectories against their will as a violent rupture, akin to a bomb going off. A number of authors also make note of being controlled by the criminal justice system, which I'll say more about shortly.

Privacy and Anonymity.

The intrusion of the public into the private life and home of a person takes away one's ability to present oneself in one's surroundings, to separate public from private. Authors talk about returning to work, knowing their co-workers have seen the news and likely discussed it amongst themselves. Perceptions that their colleagues are tiptoeing around them or *avoiding eye contact* adds new tension to work life. The knowledge that people they work with are privy to their personal tragedy and private details creates a loss of privacy and freedom that is normally afforded to us (van der Merwe & Mitchell, 2020). Numerous authors note the loss of their job, either from missing work or being unable to function at their full capacity—or leaving because it was no longer endurable—as a major impact on their sense of identity and place in the world.

2. The Family: Harms to the family unit

Outside of personal impact, the authors provided anecdotes and stories of their observations on how the murder impacted those around them. They often talked about how difficult it was to see those they love going through this experience, noting the helplessness they felt as they watched their family members suffer and succumb to mental health crises or substance abuse. This only compounded the resentment voiced by multiple authors at having to watch the offender in court, laughing or smiling with his or her family, something they themselves have lost forever.

Far too common were situations in which family members experienced the impacts in such different ways that they became alienated from one another. There were depictions of a silence hanging between people as they struggled in their own isolation or lashed out at each other, only to write in their VIS of the torment of watching loved ones in anguish but the anger blocking any ability to reach out. Those caring for young children of the victim describe their heartache as the children suffer from night terrors, separation anxiety and other behavioral issues. Older children tended to be withdrawn, become moody or turn to risky behaviors which added additional worry for their safety to an already over-stressed caregiver.

The constant variable across all VIS was the sense that everything and everyone has changed since the murder. There is a sad recognition that they no longer know themselves or their loved ones, to the point of *grieving the loss of the people they once knew*.

3. The Deceased: Speaking for and about a loved one

According to Myers et al. (2018) a large majority (76.6%) of post-homicide VIS breach the constraints of the permissible areas of impact (emotional, physical, and financial) to instead talk about the deceased victim of the crime (2018, p. 480). In some of the limited literature on VIS content there were findings of memorializing the victim, specifically the characteristics of the person so unexpectedly torn from their lives. I found this to be a central aspect of nearly all VIS in this study as well. However, I noted that the accounts of the deceased in VIS fell under separate types of narrative that met differing purposes. The literature highlights the practice of idealizing the deceased. The VIS in my study suggest there is more to it than this.

In fact, I found the narratives fell into three main areas and that all three were included in most of the statements. Memorializing, reconstructing, and humanizing appeared to be not only categorical but rather the steps in a process of ascribing value to the person that was violently removed from their world. Although I do not propose to deduce meaning or motive at

this stage, I point out the distinction for later discussions of justice due to the relevance to the historical practice of Wergild (man price) introduced at the beginning of this paper.

Memorializing.

Using VIS as an outlet for memorializing the deceased victim might seem unusual but in fact it was expressed by many as a necessary step to being able to describe the impact of losing them in such unique circumstances. One of the primary reasons reported in the literature for attending court and/or providing a VIS is to show that the victims had been living, breathing people that were loved and deeply missed (Kleinstuber et al., 2020; Rock, 2010).

The accounts provided talked about the life of older victims but for those that had their lives cut short at such a young age the focus was on lost potential and expected futures. Every VIS without fail included some statement describing the unique relationship or bond they'd had with the deceased. Next to this was their deep regret and sadness at the lost moments they will no longer get to share, the loss of their gifts and talents to the community, the loss of potential children, grandchildren, nieces and nephews, and the loss of life—the life taken from their loved one—as they speak on their behalf.

The grief experienced by the authors comes across strongly as they openly despair about their loss, often using rhetorical statements that the death felt like their own heart was ripped or torn out, that *a part of them died with the victim*, or that *they live in a darkness* now. They voice a helpless preoccupation with impossible wishes of their loved one walking through the door, of hearing their laughter and regular banter, and wanting nothing more than *to wake up from this nightmare*.

Balancing out the heartrending sadness is the happier recollections of the attributes or funny mannerisms that uniquely identified their loved one. As is common in all memorials, regardless of cause of death, the victim's laughter was highlighted as most keenly missed through the use of maxims such as *laughter that lit up a room* or references to their *contagious*

laugh. The sheer number of VIS citing the laughter of the deceased was the first observation I took note of in this study. I found a surprising amount of literature on the psychology and sociality of laughter that made this finding interesting (Kurtz & Algoe, 2015; Lavan et al., 2016).

We see others in an authentic moment of their being through their uncontrolled laughter³¹. In the unique nature of each person's laughter, we remember something that was uniquely them bound to the memories of their happiness in those moments. Laughter is one of the most authentic and unguarded behaviours in social interactions, expressing a shared intimacy and trust that defines the participants as members of a shared and exclusive group (Scott et al., 2014). This study made me reflect on my own observations of the nature of letting go of all pretensions and roles when we burst into laughter. "Spontaneous laughter has thus been argued to include hard-to-fake acoustic features, marking it as a reliable, authentic signal for receivers" (Lavan et al., 2016). Indeed, by the descriptions of laughter in VIS, they seemed to be highlighting the laugh as something unique and authentic about the person's character. Laughter explodes out of us, naturally. Authentic laughter means we have our guard down, we trust those present and are willing to be totally vulnerable, literally showing the insides of our mouths!

The other thing that stands out is the prevalence of referrals to the little, mundane, day to day things: making them lunch, going for drives, the tasks they did for elderly neighbors and relatives, and habitual or personal ways they did things that nobody else did. The way they made a favorite snack, sang while doing chores, or released rather than killed houseflies were things most cherished in these testimonials. More intimate details and personal things were mentioned such as nicknames the deceased had called them, goofy or embarrassing habits they had, and other things that I was surprised to see written in the statements. Numerous accounts of their funny sense of humor and how they liked to tease are fondly recounted. Some wrote very

³¹³¹ Cite study that distinguishes the type and tone of different forms of laughter such as fake or forced versus authentic.

touching letters to the deceased as well. Although every VIS contained some form of direct statement about how much they loved and missed the deceased, they further demonstrated this with memorials dedicated to them.

Humanizing.

Not all the memories were particularly positive or endearing. While there were instances of VIS that put the deceased on a pedestal and presented them in an idealized version, these were very few. Most instead tried to impart the real life of the person, someone who *wasn't perfect*, someone who *was trying*, or maybe overcoming adversity and obstacles.

In a number of VIS, the victim's life struggles, poor choices, and even non-legal lifestyle were talked about with stark honesty. None gave any indication that the death was therefore justified, however. The unwritten yet clear message was that despite anything the deceased may have been or done, *they did not deserve this*. What many did say was that YOU, in speaking to the offender, *YOU did not have the right* to make this choice.

These comments were usually presented within the context of, or written in close proximity to, declarations that the victim was more than a 'body' or 'case' or 'victim,' and most certainly not *just a statistic* or *just another Indigenous woman*. The inclusion of negative attributes of the deceased seemed to be purposefully or intentionally included to humanize them and remind the court that there is a real person at the core of the proceedings.

There were those that even held their loved ones accountable for contributing to their own deaths. Some went as far as to voice their anger or resentment at the victim, suggesting they had made poor choices or were selfishly putting themselves and others at risk. Others still, justified such lifestyles and stood by the right of the person they loved to live life as they chose. More commonly, authors objected to media reports and court testimony that presented the victim in a negative light, using their VIS to "balance accounts" (Cacho, 2012; Martin, 2016).

Some statements contained a more nuanced way of presenting the victim as relatable, as similar to someone in your own family. By touching on some of their sufferings and hardships, the authors presented the deceased as *just a regular person*, or that they were indeed trying to have *just a regular life*. There was a sense of additional resentment that after having gone through difficulties or struggles, their death was that much more tragic—that much more unjust. The injustice of it was often highlighted by those that maybe had judged or been less supportive than they wish they had been. The regret was overshadowed, however, with the sentiment that this *should not have happened* to them. Like *your* loved one, they seemed to suggest, *mine* had dreams and goals, strengths and weaknesses, loves and fears.

What is unique is the quantity of stories about interactions with children. So many of the victims were reportedly loved by children, had lives that revolved around children or naturally attracted the adoration of children everywhere they went. Some suggested this was due to their own childlike and carefree personality. Here I noted interesting parallels to the phenomenon of one's laughter in demonstrating a more alive and happier version of that person. Whether this was an unconscious emergence of overcoming the violent images of their loved one's last moments or a purposeful attempt to distance the victim from those final moments, the fact is that most everyone did this to some degree, suggesting something more concrete.

Despite not having much in a material sense, or of having a lot on their plate, the deceased victims were remembered for their kind hearts, generous natures, and willingness to help others if they could. Like in other kinds of death, there was mention of the good nature, kindness, and generosity of the deceased, that *they would give the shirt off their back*. Here is a noticeable phenomenon after non-homicidal death too (most often observed in newspapers and obituaries). That the recently deceased “would give the shirt off their back” has become a common trope and it is recognized as a way to tell the story that that person stood out for their kindness or selflessness. *This* is not that. The laughter is something else entirely.

Reconstructing.

In their descriptions of the deceased, using anecdotes and intimate details, the authors counter the negative characterizations of their loved one reported in the media or presented in court by the defense. Not only did they try to reconstruct the relationship to the victim but also the personhood that had been dehumanized by the legalistic process of the criminal justice system. “The facts of the case strips the victim of his biography, social and moral identity, and the family also maligned and reified” (Bottoms & Roberts, 2011, p. 215).

Described as identity management (Goffman, 1959) or balancing accounts (Martin, 2016), the author practices agency and reclaims the personhood that was stolen from them. From the moment of death, through the investigation, and throughout the court proceedings, an entire life is flattened and reduced to the moment of one’s death and any facts relevant to the court. VIS after VIS refer to *that laugh* in trying to reclaim the story of the person, to show the court, the offender, and the judge, that the victim was a living, laughing, loving person.

The other aspect of reconstruction is seen in the taking back of the narrative about the event itself. Accounts of that last day are described in detail in VIS, from the most monotonous tasks carried out or things said to reasons why the characterizations of the deceased’s behavior must be incorrect. The personality and usual habits of the person are explored, the natural ways they would have reacted to situations are examined that highlight the incomprehensibility of what happened—due to the type of person the victim was. Author after author insists that *if only you knew them* seemingly suggesting—you never would have done this. Others simply declare the victim was not the type of person this happens to. In most cases, they are right. The vast majority of the violent deaths of the loved ones described in these statements were the result of the most minor dispute, interpersonal clash, overreaction, or response to some slight, either real or perceived.

Despite the reasons behind the killings, they are still killings: the intentional taking of life through varied levels of violence and cruelty. “The greater the perceived intentionality and

malevolence of the killing, the higher the distress seen in survivors” (Miller, 2009, as cited in Reed & Caraballo, 2021, p. 2). Although warned against commenting on the crime itself, some spent considerable effort in recounting and calling out each grievous moment and vile act perpetrated on their loved ones.

4. The Murder: Naming and describing the wrong

The murder event is talked about to different degrees in approximately half the statements. The abstract and concrete forms of murder are present as authors address moral issues of the act on the one hand, and disturbing factual details on the other. In both instances, these comments are often (but not always) directed at the offender. It is also notable that those that do address the offender tend to have longer statements and a much wider breadth of material they cover overall. The act of directing these messages to the offenders is an important piece of the puzzle and it provides a key element of the ways VIS are being utilized by those victimized by this crime.

The use of violent, descriptive language to give voice to the brutality inflicted on the body of the person they had so lovingly given life, tenderly raised with care, or spent a life growing up with demonstrates an interesting practice of confronting and exposing the existential extremes woven into the act of murder. The authors describe their blood running cold when they first hear the depth of a knife wound or the place the body was found. There is an animated space within these VIS that provide disturbing visual reconstructions of the murder.

To read the narrations, one experiences a sense that they are hurling these words back at the perpetrator, holding up a mirror to him³² so he may see the fullness of his own horrific actions. There is a moment of moral reckoning in these accounts. This is contra to the neutral juridical language of the trial and the immateriality of the victim as anything with depth or richness. The authors carefully craft a re-enactment of the brutal actions of the offender on the

³² I use the male pronoun here as a simple literary choice and because the majority of offenders were male.

fragile bodies of the victim as though they want the court to feel the revulsion and nauseating realness of what murder is; of what the person sitting in the defendant box really, and actually did to a living, breathing person.

Murder is not sterile and technical. It is vicious and messy and takes time and physical force. Again and again the VIS are littered with harsh statements and visceral declarations of a cold numbing sensation spreading over them (similar to the reaction of the news) when they finally heard the details in court: of how deep a knife was plunged into a specific area of their loved one, of the physical destruction caused by a bullet, of the number of stab wounds—not uncommonly in the double digits; of witness testimony about their cherished family member’s last hours or minutes.

Such things are difficult to write in a dissertation and are likely shocking and distasteful to the readers. But there is no way to adequately convey the things that were at the top of the minds and guiding the words these individuals wrote, knowing these things that were done to their mothers, daughters, brothers, or fathers. The emotion in their words was palpable.

The saying out loud of the most visceral aspects of the crime is also to more solidly secure the vulnerability of the victim. Contained in the VIS were the disturbing acts of cruelty and torturous and lengthy assaults on women described as petite, slight-framed, gentle and beautiful, soft-spoken and loving. These authentic human images communicate something so much deeper and morally repugnant that again exists nowhere else in the court process. They use words that describe the intentional acts carried out by the person about to be sentenced to *show* in the way a coroner’s report or police officer’s testimony cannot. To say or write the words that *show* the act in all its grotesque and savage detail is what distinguishes the weight of murder from the technicality of homicide. There is a moral element that is excised from law and brought back by VIS.

A minor but intriguing detail that emerged in this study is the refrain from dehumanizing the offender, despite so much homicide survivor literature that speaks to such

sentiments. Only in those cases where the victim had been missing for some time did the authors use the word ‘monster’ when referring to the offender. Regardless of the heinousness, the horror, or the betrayal of being murdered by a friend or loved one, the authors rarely dehumanized the offender in VIS. But that additional insult, the moral cruelty of disposing of and seemingly ignoring what had been done for months and years after, removes the perpetrator from human society in the eyes of the victims’ loved ones. There is something here, something ‘monstrous’ in standing by, watching the family searching for a missing person, clinging to hope, pleading for answers, and despite knowing their loved one has been dead the whole time—saying nothing.

5. The Offender: Addressing the wrongdoer

The descriptions found in Rock’s 1994 study in the UK are startling, not only for the nearly identical phrases found in mine (30 years later and halfway across the world), but for the intriguing way such deeply intimate narratives provided in interview research were also used in the sterile format provided in the VIS. The experience of murder is seemingly only explainable through the most personal confessions of family life and the relationship with the deceased.³³ The impact is most keenly felt and communicated in the recollections of the intimate lives lived behind closed doors. The close ties and special moments are what is missed and the strikingly identical private moments between people, revealed as they suffer in the aftermath, seem to be chosen as the defining moments that best describe the impact. But this doesn’t explain why so many authors tell in such detail of their complete downfall and moral failings after the event, how they treat everyone around them with disdain, disappearing *into the bottle* for months at a time, neglecting those that need them most and simply not caring. Foucault (1978) characterizes humans as “the confessing animal” (p. 59) and these statements suggest he is correct. The

³³ A notable exception comes to mind in a sculpture called “6.5 weeks,” made by the father of homicide victim—just his young daughter’s delicate hands with rough rope bound around the wrists—a piece that said so much more than words. <https://canadianmennonite.org/articles/beauty-loss>

reason for such confessions, however, were quickly recognized in the context not only of how these things were said; but mostly to whom. The authors directed these dialogues of self-depreciating reprimands and shame to the perpetrator of the crime. Their message was simple: You did this to me. You turned me into a monster.

The senselessness and absurdity of the reasons for the taking of life are pointed out with frustration and anguish by many of the authors, unable to comprehend the horror that has been wrought upon their lives, and *for what?* The incomprehensibility of it is also discussed as well as the cruel injustice that in so many cases the victim either didn't even know or had only just met the person that would decide their fate, and that of their families. This concept of decision-making is again highlighted as family members decry the manner in which their lives were completely upturned, leaving them with the burden of it, the responsibilities and losses forever carried by them. The term that best captures their sentiments is resentment, beautifully depicted by Adam Smith: "what resentment is chiefly intent upon, is not so much to make our enemy feel pain in his turn, as... to make him sensible, that the person whom he injured did not deserve to be treated in that manner" (A. Smith, 2016). In other words, they respectfully demanded respect.

Questioning.

This idea of the senselessness of the killing, questioning how something as inconsequential as one's appearance or shockingly modest drug debt called for such extreme lethal violence, is talked about across the VIS. In most cases the catalyst was a slight, real or perceived. These statements reflect the bewilderment and desperate interrogations of families in awe of the seemingly easy ability to snuff a life out at a simple snub or show of disrespect, a snarky comment, or even someone's unintended demeanor. The ways in which these authors struggle to make sense of it in VIS after VIS makes it all the more difficult to portray here. These fatal interactions were all so preventable. In each case the lethal response was immediate, with

the 'offended' party pulling out a knife and stabbing the unarmed victim or simply putting a gun to the head of their enemy in the moment and delivering two shots, one-two, erasing their existence. In other cases, a physical assault over a period of time was meted out, often in the company or participation of others. To the victims' loved ones, it was senseless.

Disturbing factors such as the length of time the killer expended on the murder or the obscene number of injuries are difficult for the loved ones, not only because of the extended suffering involved but due also to the moral issue that delineates an immediate overreaction from a measured, lengthy, and brutal attack. Interestingly, more than a few authors spoke of needing to see the injuries inflicted, the number of wounds, and to know what their loved one went through.

As the families of these (most often) young victims cannot fathom why their loved one is now dead after such illogical stupidity, they address the common-sense questions to the offender in their VIS. Why didn't you just walk away? Look at what your actions have caused. How could you have such little regard for life? This idea of the value of a life is a central concern, brought up often, with inferences of the sacredness of life and the moral obligation we have, to honour the lives of others. The levels of disregard for human life seem to be assessed by the authors by the brutality, the physical damage inflicted, and the way the person was discarded, in some cases described as no more than trash. There is a personal offense that someone could treat another person with such little respect. That their own cherished family member was mistreated in such ways is unbearable to them.

What were their last words? Did they die alone? Or worse, were they dead when they were discarded, buried, or otherwise abandoned? Were you sure?

Judgement.

Others forego such questions, choosing to confront the offender more directly in their demands that they take accountability. There is less so a sad resignation that the crime was the

result of momentary stupidity or overreaction and more of an outrage at the unnecessary force and evil that demands acknowledgement.

They seem incensed at the audacity when the offender voices wanting this to all go away, wanting their life to go back to the way it was, as though nothing happened. Anger and resentment at seeing the defendant in court day after day, talking and joking with their family, or posting about their lives on social media over the months or years before going to trial provides nourishment for a vengeance that threatens to destroy loved ones of the victims from the inside, as previously discussed.

Notably, their judgements are not limited to the offender as many breach the rules of VIS and share their views of what is called for by the judge and by justice. It is common to read demands that *our family was given a life sentence* or that *life means life* or *justice means a life sentence*.

Shaming and Guilt.

Shame is shifted to where it belongs. Through their impact statements, the authors try to make the deceased relatable not only to the court but to the offender, specifically. As previously indicated, they tell them of the kind of person the victim had been, of their joys and sorrows. Through this direct discourse they show the offender that they broke a moral law, a most basic human duty, (Darwall, 2013; Honneth, 1997) the obligation that we do not attack our own. They did not kill an enemy (and thus have some level of lesser responsibility) (Fiske & Rai, 2015). They did not kill a monster (thus again relieving some of the culpability in their own psyches) (Fiske & Rai, 2015). They killed a member of their own community, someone that was just like their own brother or mother—perhaps the daughter of a neighbor. The things said in VIS to the persons who carried out the act serve to eliminate any distance from their crime that might have allowed them to sleep at night. By personalizing the victim, the authors have annihilated the deconstruction of their loved one into an abstract entity and essentially introduced them to the

individual about to begin serving a long sentence with nothing but time to think about it. The authors want to see the horror and the shame reflected in the eyes of the killer (Rock, 1998). They want to see *Agenbite of inwit* (Ayenbite of Inwyt in the original, “literally the ‘again-biting of inner wit,”) a remorse so great they should want to die to escape it (Murphy, 2007, p. 430).

Some do voice pity for the offender’s family, and even in a few notable cases, for the offender themselves. They urge them to get the help *they so clearly need, to fix what is wrong with them*. There were also those that offered dire proclamations of the far more fearful judgements awaiting them in the metaphysical sense. In these cases, the offender was begged to seek the forgiveness of the Lord.

It is not uncommon to find VIS that talk about the young children left in the aftermath. Again, we see the mention of children in a significant number of VIS. These stories relate the anguish of having to tell a child their mom or dad will never come home, or to similarly explain it to young siblings or nieces and nephews. Many of these cases include reports of emotional and developmental difficulties the children are already exhibiting or fears of the potentials for such things, especially in those that do not receive proper interventions and supports. Describing the suffering or victimization of a child carries a weight and a heavier moral implication that VIS seem to strive to elicit from their audience. A few VIS included small notes and drawings from children close to the deceased. There were not enough for me to make any informed comment on the motivations of such inclusions, but it would seem reasonable to suggest the emotional capital of such things in trying to convey impact was an act of agency rather than accident. There is a lifelong harm that murder inflicts that is not considered in law. After all, the only legal victim of the crime is already dead.

6. The Process: Experiencing the criminal justice system (CJS)

In fact, this legal oversight and neglect of those victimized by the event holds a central place in many VIS. Over and over the narratives echoed the same exhausted and resentful

declarations about the never-ending nature of court hearings and trials, the difficulty and emotional trauma associated with writing the VIS, the inequality in rights of the accused versus the family of their victims, and the personal affront and anger at being pushed out and treated as any common observer. The revictimization by the justice system is well-documented in the literature, citing complaints of feeling “barred, patronized, and discriminated against” (M. Armour, 2002). From the moment of the notification to the completion of their VIS, the major stakeholders in this crime have the lowest legal status—forced to endure the all-encompassing consequences of the crime without any legal recognition or recourse.³⁴

VIS forms clearly state that one is not permitted to comment on the justice system (CJS), the courts – including the judge, attorneys, and jury—or the sentence. Victims are made aware that to do so risks the possibilities of having their VIS reviewed and redacted or rejected outright. The prevalence of VIS containing commentary on the CJS displays the level of discretion afforded these statements. According to the amount of space given to discussions on the negative impact experienced because of various aspects of the CJS, this stands out as a dominant feature that requires special attention. The following areas highlight the most remarkable issues of this nature identified in this reading.

The notification.

One of the earliest observations in this research was the prominent place in the narratives given to the notification. Spungen (1996; 1998) describes the notification as “the blackest hell accompanied by a pain so intense that even breathing becomes an unendurable labor.” The notification was described in VIS as the moment of finality, the indisputable knowledge that nothing would ever be the same again. In fact, many VIS begin with the story of

³⁴ According to the Victim Bill of Rights, victims have the right to request restitution, but this is rarely tenable due to the unlikelihood of the offender’s ability to pay. As well, in 2015 the use of victim surcharges was deemed unconstitutional and struck down by the Supreme Court of Canada. The other available option is civil suit which carries the same probabilities for collecting award. In addition, civil suits are expensive and not a realistic option for most families.

when the authors were told, how they found out, or the moment either the police or hospitals conveyed the information that *stopped time*. They often present the stark contrast of the regular day they'd been having, the last time they saw or spoke to the deceased, how very regular and normal their lives were, to a bomb explosion that flipped the world they knew and understood, hurling them into a life they don't recognize.

Juxtaposed with the banality of their day, the notification is presented in sharp relief, with descriptions of the reactions of shock, depictions of guttural screams, wailing, and even physically violent outbursts, disbelief and chaos that seemingly took place within a rupture or schism in their world (Janoff-Bulman, 2009). Such animated reactions were followed by a cold, hollow, numbing sensation. Similar sentiments are relayed after other kinds of unexpected deaths (such as suicide or car crashes) as a regular part of grief. But what is described in the VIS (and repeated in homicide bereavement literature) is something far more complex and extreme. There are social, moral, and existential implications that disrupt one's ability to grieve (Aldrich & Kallivayalil, 2015; Armour, 2003; Morrall, 2006; Sharpe & Boyas, 2011).

Once all hopes have been dashed by the authoritative declaration that a homicide has resulted in the death of their loved one, the authors describe a palpable, intrinsic need to see or be with their deceased. This is denied. Most traumatic for the family members at that moment is the additional psychic assault when they are advised that their loved one is now *just a piece of evidence* in a criminal investigation, and as such, *the body* is securely locked away (see Spungen, 1998).

The authors recount their desperate pleas to be allowed to see, touch, or hold their child or spouse. But in every case, they are shut down, blocked by authoritative claims about rules, procedures, and the law. The "official" notification—the visit by police to formally advise the next of kin—is just an administrative task that must be carried out to identify the victim and begin investigation. There is growing literature on the death notification (Martin, 2016; Reed, 2022), bolstering the stories reported in earlier homicide survivor publications (Rock, 1998;

Deborah Spungen, 1998). Still, in line with these works, the focus is in educating service providers on the lasting trauma of notifications and creating proper procedures to be followed by police and others. Notably, homicide is different from other unexpected deaths in the investigative requirements. It is in this context that the authors were most anguished.

Most families were unaware that they are being studied and recorded during the notification process, but a few did mention in their VIS the frustration of being treated as criminals rather than victims as they were questioned, in some cases taken into custody, immediately after the police arrival. Others were asked questions they didn't understand, (such as any identifying marks on their loved one's body) or asked to go to the station to answer some questions without the full comprehension that their loved one had died. The slow realization of *why* identifying marks might be necessary and why they didn't disclose the truth before questioning them are woven into these VIS narratives with a heaviness that has become normal.

Some hear about the murder on the news. They recount frantic phone calls to police, hospitals, workplaces, or neighborhood networks. Several VIS authors told of being unaware for a full day or not being officially notified until hours after hearing about the death, adding to their overall regret and distress. Those living in remote communities describe the long, anxious drive to the city, with only minimal and incomplete information, in some cases having been told only of an injury or accident. Indeed, a major finding in one study found that people were often given incomplete information or led to believe there had been an injury or accident rather than a death (Reed, 2022). Another finding in that same study highlighted the incidence of being handed a piece of paper with a number to call on it. This too, was experienced by individuals in my research.

Court hearings.

One of the detrimental factors associated with the practices of our criminal justice system is the issue that families are not told critical pieces of information that could give them

the peace needed to begin to move on with their lives. The worst possibilities haunt them for months and years as their minds go *to the darkest places* until finally, along with everyone else in the courtroom, they learn the facts—on average, two to three years after the crime. Until then, these families are haunted by the missing pieces of how their loved one died at the hands of another person. The indignity of this, along with the strict warnings that families must not show any emotion or risk being removed from the court, is voiced in some VIS but does not address the fully problematic nature of this issue. Unfortunately, the limitations of this study don't allow for the room it deserves. Still, to finally find out what happened that led to the death of their loved one, many families feel obliged to attend the trial. Some note that despite the negative experience of it, they make a conscious decision to be there to represent the victim, to show that *she had a family and is loved*, that his interests are being looked out for.

There is a heavy toll on their mental and physical health that comes from not only the months and months of anticipation and stress of waiting for trial, but the act of attending itself. Murder trials typically take between one to four weeks. Court runs in two sessions per day with a long lunch break. In 2005 the Manitoba Organization for Victim Assistance lobbied for a private victim's room at the law courts that affords one family (pre-reserved) a space to be away from everyone, including the offender and his family, during breaks or waiting for a verdict. This room was mentioned by a few authors.

These families still must stand in line and go through security with the families of the offender, and the offender as well if they are not in custody. They must wait outside court together and sit in the same gallery. The disrespect and additional stress they feel because of this was a prominent complaint. They must miss work, find childcare, and compete for seats in the courtroom, all for the privilege of *seeing the face of the offender day after day*. This is compounded by being at the mercy of the court schedule, often met with last minute schedule changes that they are not privy to ahead of time. All these aspects of the experience were found

within the narratives under study, in attitudes ranging from mild irritation to disgust and outrage.

Aside from these pragmatic issues, the hardest part of attending court as described by families was hearing the witness testimony. Day after day new facts are shared—awful, painful facts about the event and negative, defamatory characterizations of their loved one—presented by defense attorneys trying to deflect moral culpability from their client. Having to keep a stony demeanor during the most emotionally upsetting testimony and evidence was described to be difficult, exhausting, and wrong. It is common for authors to note that they kept their head down, taking notes, as a way to cope with what they were hearing. Some said they couldn't bring themselves to attend the trial, citing how unbearable it would be to sit in the same room and walk the same hallways with the perpetrator.

In the VIS of those that did attend court, they were distressed by a lack of decorum or ceremony to represent the weight of the matter at hand. The resentment of an informal atmosphere in which the offender is smiling or chatting with his family was found so offensive to some that they were enraged at the show of injustice and the lack of respect they felt was due to them and to the victim.

The trial takes just a few weeks, as noted. The *waiting for trial* was cited by most to be the hardest on them. The lengthy process of the criminal justice system is not what is expected and comes as a surprise that is interpreted by some as a further insult. It takes approximately 30 months for a murder case to get to trial in Manitoba³⁵. There are bail hearings, *voir dire*s, preliminary hearings, and sometimes multiple trials that can take up years of the family's time and emotional energy. Authors are not ambiguous in their universal complaints regarding the impact of the criminal justice system over their lives. That *it never ends* or there's always another hearing and another motion and another meeting, is lamented by many authors. And

³⁵ This was the allowable time required by Section 11(b) of the Canadian Charter of Rights and Freedoms and the average of the cases in my study was 31.4 months.

each time, they note, new information comes out and the old wounds are *ripped wide open again*.

Victim Services.

One of the factors in my analysis is paying attention to what is not said. Throughout these narratives that talk about the many unique experiences that come with living in this nightmare, victim services and assistance was mentioned only two or three times, and only in regard to paying funeral expenses or counseling. A few authors thank police, the Crown, the judge, even strangers that showed care and support. I followed up on this finding by investigating the claims of victim services in Manitoba. Unsurprisingly, they don't distinguish how many victims served were "homicide survivors," making it impossible to determine if they are meeting the need that exists.

It is not victim services but rather the Crown attorney who is credited for explaining things at the end of each day in court, of meetings prior to the trial, and of course, the VIS forms are to be submitted to the Crown's office. This creates an expectation for families that the Crown is on their side, representing the victim. This is misleading. Some authors voice frustration with the lack of representation, of the failure of the Crown attorneys to stick up for their loved one more during the trial.

Families with no prior exposure to the justice system or the courts are not privy to the fact that the information they learn in court, finally, after so many months or years of waiting, is only a partial and biased version of the story. The Crown's office only chooses those pieces of evidence that are most relevant to the legal arguments they intend to use, to most strongly support the charges they determine to be most appropriate. The Crown attorney represents the state and has no obligation to the victim, the victim's family, or their interests, although they do make an effort to explain rules and proceedings, as noted. There seems to be a misunderstanding that lacking any legal standing, the victim's family does not have a "side," but

rather is given access to a victim services support worker to help them navigate the complexities of the trial, as observers. The content of VIS in this study highlights a strange absence of victim services fulfilling the roles they are said to be filling.

The sentence.

The most interesting observation regarding the sentence was the number of authors that took offense to the use of Gladue reports or the consideration of drugs or alcohol use as mitigating factors in sentencing. This was especially significant in the statements by the families of Indigenous victims. In these statements they denounce such *excuses*, stating that *their families* suffered the same background difficulties, came from Residential Schools, were impacted by the child welfare system, had abuse and substance issues and yet THEY didn't kill anyone. They elevate the moral issue above any systemic circumstances. At the end of the day, they proclaim, we know killing is wrong. You just walk away. *Why didn't you walk away?* The deliberate nature of homicide is identified as a key factor that differentiates the experience from that in other deaths (Alves-Costa et al., 2018), and comes through in different parts of VIS.

A similar phenomenon was observed with references to MMIWG. Although there were few women in my data, more than one articulated that their loved one was *not just another Indigenous woman* and not another statistic, but rather *a mother, sister, and daughter*. The intimation of annoyance or resentment at one's murder being tied to social issues is an interesting finding for further research. Non-Indigenous families also dismissed the defense of alcohol or drug use, demanding the offender take accountability and take responsibility for their actions.

Plenty of VIS authors made the distinction that they had been dealt a life sentence and a high number of these proclaimed therefore that the offender should too. Others made similar simple proclamations that there is *no punishment severe enough*, or no defense acceptable. For those that chose to address the issue of sentencing it was a black and white matter.

Victim Impact Statements.

The process of writing their statements is touched on by several the authors. They convey how difficult it was to write, how long it took, or how many starts and stops they experienced. There were worries about getting it right, of not *saying the wrong thing*, of wanting to make sure they were getting across what they needed to, what *the offender needs to hear*, and to *speak for...X*. There was a hint of anxiety at not properly following the VIS rules and worries it would be rejected. As previously noted, not everyone shared these fears. There is a misconception within academia and government that writing a VIS is somehow a cathartic process. I did not find a single example that would support this idea.

The ways in which they completed this arduous process came through in interesting ways. There are those that dutifully answer each question in the space provided in the forms. These were a minority. There are those that fill out the first page and then attach their own prepared statement. There are those too, that say the least, but stand above the rest for what they are unable to put into words. My little girl is dead. What do I do now? In more than one case, the author began and then didn't finish the statement. They submitted them anyway.

Justice

The overarching message contained within the narratives is the frustrated cries for justice. This comes through in different ways, some directly asking for a life sentence, some airing their grievances and resentment at the unjust and disrespectful treatment to which they've been subject. But the central issue of justice seems to be entwined in the need to act in the face of injustice.

Summary of Section

This collection of seventy-eight victim impact statements contained the deeply personal stories of what it was to experience the loss of a family member to the violence of murder. The impact was reported to have infiltrated every aspect of their lives, across time and space. The

pre-conceived categories of emotional, physical, and financial impact provided by the VIS guidelines and forms did not meet the needs of nor could they contain the real and far-reaching consequences for these authors.

The VIS, as a full set of narratives, fell most broadly into six distinct topic areas. The personal impact was most closely aligned with the VIS categories, which is sensible since this is the ‘relevant’ impact sought by the courts. Within personal impact authors most often referenced emotional anguish, a lost sense of identity and anonymity, associated with harm to their social world and the damage to relationships. The harm done to the family was highlighted by many and receives a fuller discussion in its own section in this work. The need to talk about the deceased was a central factor in VIS, and this was done in different ways: reconstructing the victim’s personhood, humanizing their loved one, and memorializing the person whose life was unjustly taken by the offender(s). The details of the murder were often recounted in disturbing detail. VIS authors failed to adhere to the set parameters by addressing issues that were not supposed to be included in VIS and in fact prohibited with the warning that the VIS could be revoked. They spoke directly to the offender, some in open denunciation and judgement. They also criticized the courts, the criminal justice system, and the injustice they felt by it. A minority provided their demands for a just sentence as well, despite the unlikelihood their opinions would be considered. Though so many repeated the phrase that claimed *there are no words*, together their voices merged into a rich description of a phenomenon we so rarely get an inside glimpse of.

Before I close this chapter, I also want to note the delicate balancing act undertaken of portraying the authentic voices of the authors through the use of paraphrasing and general descriptions due to the inability (for ethical reasons) to use direct quotations. Although some might have concern of verifiability at this point, as the work proceeds the richer findings and analyses make up for this temporary shortfall. In the next chapter I will turn to the more in-depth presentation of the experience from the unique perspective of each of the familial roles

that made up this set of statements. This will include fathers, mothers, siblings, adult children, and partners. Some of the material was more relevant or insightful in the context of the person who wrote it and was therefore held back from this first chapter.

Chapter Five – Findings Part Two—Family Roles

Chapter Description – Victim Impact Statements: Second Reading

In this second reading of the VIS, all 78 statements were divided into role groups: mothers, fathers, siblings, partners, and adult children. One after the other, I read, reflected, and brought into the interpretive analysis any secondary material that helped provide context and deeper understanding of the authors in their roles within the family.

As indicated earlier, there were aspects of the post-homicide experience recorded in victim impact statements that were either unique to a particular role or stood out significantly in requiring a fuller discussion separate from the general findings. Such areas were held back for this chapter to highlight the weight of shifting and layered perspectives in qualitative research on significant or rare life events such as murder.

The current discussion begins to take on the determining aspects of hermeneutical analysis as the data has been essentially reshuffled and reorganized to be read with a new lens. Here, I look at each group independent of the other as I draw out the Fatherness or Siblingness, for example, of the individuals as they appear in their role groups. How do mothers and sisters of the victim differ in what they say in their statements? Is murder experienced differently based on familial relationship alone? As it turns out, there were peculiarities unique to one group while previously revealed issues are entirely absent in others. To capture these intriguing insights about murder in this remarkable format (provided by the VIS scheme) served to increase the perplexity of the VIS phenomenon in its utilization at the sentencing stage of murder trials. What begins to emerge in this second reading is the social impacts within the family and the sociological issues that were so easily overlooked in the first, surface reading.

I remind the reader that all VIS authors identified their roles in traditional gender categories within the family and therefore, for the purpose of this study, I utilize the same here. I first draw out the major observations of each family role and then draw out any particularities

by gender if they exist. Murder has been identified as a gendered phenomenon in its capacity of disproportionately victimizing women through intimate partner violence. However, the vast majority of murder victims outside of IPV are men (Nations, 2019). What emerged in this reading was the fact that the victim experience is also gendered. Not only were there important differences between male and female authors, but the families also tended to follow quite traditional (Western) family gender roles as well in a manner that I found quite interesting.

Each member of a family plays a specific role in the life of every other member. The ways in which the authors described how the murder of a particular family member impacted them was eclipsed by their own position in the family overall. Sister-sister relationships contain different obstacles and benefits than father-son relationships, for example. The mother-child relationship is fraught with distinctive characteristics that set it apart in most contexts and certainly in those situations that sever that bond. The wider impacts of these multiple losses within the family, that is, the subjective experience of each family member of the same death, is examined in the next chapter more fully. At this stage, my focus is on the qualities of the experience shared by those in the same familial role from different families³⁶.

The mothers of murder victims carry a distinct victim status that sits atop the hierarchy of ideal victimhood (Rock, 1998; Sharpe & Boyas, 2011; C. A. Smith, 2016). A cultural norm is violated with the unnatural taboo of killing a child, thus leaving mothers to outlive their children. This atrocity is morally repugnant and universally denounced in society, granting bereaved mothers the highest status in victimhood (Cook, 2020). Mothers in this study, as well as in the public consciousness, are portrayed as the most emotionally devastated party to the loss of a family member. They also most loudly proclaim their grief as well as their rage. There is no shortage of historical evidence that they will fight to the death for their children. One needs

³⁶ Although it falls outside of my areas of expertise, and was not the focus on this study, there are important connections to be made with family systems theory and role theories that might offer a richer interpretation and additional horizons in the findings in this chapter.

only look to the Bible or to The Iliad, Oresteia, and Euripides' Hecuba for examples of a mother's vengeance.

There has been much attention academically over the past few decades directed to the phenomenon of mothers transforming the power of their grief into action, through advocacy and political activity (Cook, 2020, 2021; Rock, 1998). The Madres de la Plaza de Mayo (mothers of the disappeared) in Argentina is the most prominent example of this phenomenon. Others closer to home include Mothers Against Drunk Driving (MADD) and Canadian Parents of Murdered Children (CPOMC) as well as other Mother of Murdered Children groups in nearly every province in Canada, although these are minor in comparison to the vast landscape of mother-driven political movements in the United States.

In honouring their place and the work they have done I begin this section with the mothers of deceased victims.

Mothers of murdered children

Nearly one third of the VIS in this study were written by the mother of the victim (29.5%). The VIS of mothers ran pages long in most cases although there were a few in which the first page of the forms was filled out only, or the first section was started and then abandoned, left incomplete. They still submitted the forms. To submit VIS, on the record, is to make a statement. X was loved. I am here for him. I am a victim of the murder too.

The content of the VIS narratives written by mothers identified a unique set of impacts and reactions to the murder of their children. There was no way to categorize the impact of murder on mothers as each of the potential areas is so tightly woven within the other. For example, one is at a loss to try to separate motherhood, emotion, or identity and to do so would be to minimize the fuller impact of the combined meaning associated with each aspect. The depth of the psychological experiences conveyed in their VIS just do not fall within a category and to try to infer one is to be disingenuous to these mothers as they gave such raw and painful

accounts of what they endured. Therefore, I try to provide as much direction and flow to the section as I can while adhering to the multilayered topics shared by mothers of murder victims.

The first observation that stands out so distinctly—especially in comparison with fathers—is the habit of referring to the murder victim as a child. In memorializing the deceased, and restructuring their character as previously described in the earlier chapter, here they base their reflections on a childhood version of the deceased. Even when the victim is an adult with their own family, living independently, the mothers speak of the child: *my child taken from me*. In place of the terms daughter or son, they more often use the terms child or baby. Connected to this were the numerous anecdotes provided from the childhood years and exclamations that *my baby* is dead, and *they killed my child* or *my first born, taken from me*. More than one mother, in recounting their attempts to see the body of the deceased (and denied) described the anguish at being separated from them at that moment, feeling they were *needed* and desperately wanting to hold or rock their child. They expressed horror at the thought that their baby was alone and afraid, or cold and not properly dressed when they were found outside. The last moments of the victim's life are especially traumatizing for their loved ones (Alves-Costa et al., 2018; M. Armour, 2002; M. P. Armour, 2002; Rock, 1998).

The special talents and gifts of the deceased victim are highlighted more often in the VIS of mothers than any other group. Similar to fathers noting how proud they were of their son or daughter, mothers tended to elevate the status of their kids, their accomplishments, and their popularity. Mother-VIS indicated the high number of friends at the funeral and the ways in which their child was outstanding in their skill and talent areas. It was intriguing that the moms focussed on the accomplishments, strengths, and positive character traits gained in childhood. The one exception that stood out was the declarations that the victim had been a good parent; had loved their children. There were occasional references to their adult sons or daughters coming to check in on them or visit along with other caring activities, but I did not find a single

account of a mother/son or mother/daughter activity once they reached adulthood discussed in their VIS.

The psychological anguish of murder is more pronounced in the VIS of mothers. While other VIS contained rhetorical declarations of feeling as though their *heart had been torn out* or that *a part of them died with* the victim, there is a biological element to such claims when made by bereft mothers. Their child was literally and figuratively a part of them. They birth new life into existence and provide their children with the nurturance and sustenance, at various levels, for the rest of their lives. More than one mother directly referred to this fact, suggesting a mother that brings a child into the world should be there to comfort them when they leave it. Being robbed of this inherent right added moral insult to the theft of the child in question.

A mother's life revolves around her children, for the most part, according to these authors. In each and every VIS in this set, it is these deep connections and bonds they allude to implicitly and explicitly, in trying to explain to the court what it is to have a child murdered, after having been so intrinsically inseparable from them for their whole lives, or greater part thereof.

Mothers talk of a pain that never ceases, that torments them each and every day. *Constant. Unbearable.* They complain of being unable to get any rest or reprieve from the barrage of thoughts and hauntings of the myriad ways their child likely suffered.³⁷ They feel tormented night and day by invasive images of the event as they envision and replay that fateful day or night, their minds filling in the unknowns with disturbing possibilities that evoke pure terror. Others described this torment as well, but it came through as especially traumatic for mothers. Some tried to explain this feeling of dread through examples of the gripping fear one feels at hearing their child has been hurt. Even the most minor scrapes and boo boos of childhood are distressing for mommies that are expected to be able to make it better. Being

³⁷ Recall that the family is not told of the true circumstances and details of the death until trial.

unable to make this better tears them apart. The psychological mechanisms underlying this phenomenon are beyond the scope of this paper but the emphasis within the VIS provides evidence of a strong and unique emotional pain felt by mothers.

They describe a physical pain as well, remembering having felt something was wrong that day along with experiencing unbearable physical anguish upon hearing of the death. Several troubling physiological experiences were commonly reported by mothers, often listing each after the other as part of a larger ailment. They speak of the chest pain, an ache in their heart and constant headaches after the murder. There is lack of full presence described in several accounts, of an almost automaton-like existence in which the authors talk about losing track of their surroundings or finding themselves staring off into a room in the house or the places once filled with the presence of the deceased. They describe being overcome with numbness, living in a fog, and simply going through the motions of their day-to-day dealings. A good number of these authors shared anecdotes of not really listening or of looking through people, staring through the television or just at nothing at all. The common phrase, “I am no longer living”—*I’m just existing*, is present in multiple statements (although this sentiment is not restricted to mothers alone.) I caution the reader to make note that there are a number of catch phrases and tropes common to homicide survivors as a population, often picked up in their interactions with victim serving agencies and groups (see CRCVC). Some such phrases include “not just one life was taken,” “a part of me died with the victim,” and, “there are no words.” This in no way minimizes the suffering beneath these words but they are not something that stood out in this study alone. Partly attributable to the emotional numbing and preoccupation with mental imagery is the identification of the loss of time.

While some find this disconnect disturbing or even alarming, others find a strange comfort in it, allowing themselves to give in and sink *into the darkness*, of closing out the rest of the world and just being in their grief and fully encompassing that, clinging to the child they’ve lost. They use a metaphor of putting on a mask to pass in the world as they go about the day-to-

day requirements of work and errands, and then the relief at taking off the mask again at home and allowing themselves to let go once again. Some were either unable to keep up the requirements of going to work each day or were not employed outside the home. In these cases, they were more likely to confess to a fuller descent into depression through the added use of alcohol, emerging months or even years later at the urging of other family members.

Those that give in to the darkness voiced a reluctance to come back out, a spoken fear of what might happen or what it might mean if they did so, and an unspoken fear that it would be a betrayal or would mean abandoning their child once again. They express a loss of the will to go on otherwise; no longer caring for themselves—or only going on for their other children or children of the deceased that they are now responsible for. They cling to the moment, desperately wanting time to stand still so they don't lose the visceral feelings and memories they have. This self-imposed exile comes at the cost to the rest of the family as these mothers become essentially absent or a cause of additional stress to the other family members.

For mothers who were sole caregivers, especially of other younger children, opting out in this way was not available to them. These moms describe a different post-homicide life that forces them to shelf their own needs to keep the family from sinking, both emotionally and financially. For these mothers, anger and resentment take the place of grief and depression. Many mothers are now raising the children of the deceased. They talk about the difficulty of being the ones to have to explain, to have to manage with the additional behavioural issues created by the crime. Being the sole providers means mothers end up with all responsibility and outstanding matters left in their laps. Not only do some still have other dependent children of their own, but they now must raise their grandchildren as well.

In some VIS, there are mothers that openly keep the presence of their deceased child central to their post-homicide world by erecting a makeshift shrine in the home or, in the cases where the victim was still living with the parent(s), preserving the spaces of the deceased such as their bedroom or place at table. In these cases, the mothers attempted to sustain a living

relationship with their child by trying to freeze time in a different way. This practice was identified by Rock's (1998) seminal book, *After Homicide*, but is a common phenomenon with all types of child-death, not limited to unexpected death.

The murder of a child creates conflicts in how these mothers parent their other children. They describe having become hypervigilant and over-protective, leaning on and in some cases stifling the freedom of their other children. They share their worries about other family members as well, feeling helpless on the one hand and full of anger and resentment on the other.

The financial implications of this must be tremendously difficult for many in this situation. As with other VIS, the financial impacts of the crime are implicit within the anecdotes and stories of the additional stressors that pile up in their lives, but here, as in other cases, the topic was not directly mentioned in most cases. Due to this the outliers were noticeable for their different interpretation of financial impact. Those from higher income families lamented that they wished they could get back the financial stresses of raising a child. They listed the things they would never be able to buy for the child, gifts, meals, helping them pay for college and financing their futures.

The unnaturalness of losing a child and then the moral indignation that after carrying them for 9 months, raising them their whole lives, to have someone that barely knew them decide their fate. It is outrageous. *No mother should bury a child* is another common refrain, also commonly repeated in groups such as MOVA and POMC. *Mother grief* is a recognized phenomenon (Cook, 2021). They are not ambivalent in their singular assertion that the life of this person was unjustly and cruelly stolen *from them* by another human being. The simple fact, that their beloved child was murdered, is highlighted by these authors as the worst possible kind of death to survive. This distinction was made by other family members as well.

Nearly every VIS by mothers addresses the sentence or calls for justice. The moral injury of seeing the offenders alive and well is an assault on their existential being. The child they

raised for their entire life is erased from the world at the hands of another person and then society holds the rights of the killer as sacred while the body of the victim is merely treated as evidence in that individual's trial. These moms are incensed at the cruel injustice when mothers of the offenders get to see and interact with their child while their own desperate longing for that same simple privilege is forever gone.

Anger is palpable in the VIS of mothers. They let out a boiling rage that can only be imagined from their written expressions and the use of 'all caps,' bolding and underlining in their VIS. More than any other group, it was the mother of the victim that called for a life sentence; that declared there simply is not any sentence that could be enough. It was mothers that went as far as to suggest or promote the principles of *lex talionis*—an eye for an eye.

That their child has become no more than a prop in the story of the offender, a piece of evidence relevant only to *his* legal predicament, was expressed as a moral outrage.

It is interesting that mothers unleashed their fury while also using their VIS to educate the offender about the moral implications of the murder. They tend to *explain* more than other groups, enlightening the offender to the immensity of the fallout from their actions. They used their VIS to describe how they had been left with the bulk of the fallout from a choice made by the offender. The mothers were most often the ones to resentfully point out the bare facts: *I had to clean up this mess* or *I was the one that suffered* because of you, or *you don't know how many people you hurt* and, of course, *you destroyed my family*.

Dominant in the VIS of mothers were exasperated declarations of the senselessness of it. That their own life and family had been destroyed over a simple misunderstanding or minor dispute is highlighted especially by the mothers of the victims. How could anyone do such a thing? They often wrote of the absurdity of whatever excuse had been provided or motive that had been discovered at trial. Having it sit there on the page, in black and white, next to the unfathomable fact that their beloved child was killed, *in cold blood*, for such stupidity, added a powerful rationality that mothers tend to exhibit, as mothers.

There were several variations of similar sentiments, along with reminders to the killer that killing is wrong, *something we all know*. There was, at some points, not quite a tenderness but a matriarchal tone in these communications. One of the interesting, gendered findings in this study was the need for women to make sure the offender understood how many people had been harmed and the immense pain they caused, as will be shown in sisters and daughters. A few mothers also voiced pity for the offender and even forgiveness, though this was rare.

Another area that stood out in the VIS of mothers had to do with isolation and identity, as found in the previous chapter, in the full set of VIS. What was unique here was the significant importance motherhood holds in society and in one's own sense of self within that role. They speak of the little things, of wishing only for those little day-to-day things back. And they specifically state that they only want to be the deceased's mom, that's all they ever wanted.

The absence of their child was also intrinsically tied to their sense of identity as a mother and intertwined with their other roles. Motherhood is a much-honoured role in society—a title these authors took much pride in. Having lost that status, if the victim was an only child, the authors describe feeling as an outsider in former friend circles. They talk of loneliness that goes beyond the loss of the deceased, extending to other family relationships and social circles. They relate situations of new strain in old friendships where good friends are now hesitant to share happy news about their own kids or seem uncomfortable to bring up the deceased, something also noted in other studies (Alves-Costa et al., 2018; Harth da Costa et al., 2017; Rock, 1998). These moms note with frustration their hunger to hear their child's name spoken aloud, their wishes that others would remember them. A strained silence from friends and family feels like a betrayal. Losing their only child, especially if the victim did not have children of their own, also left these mothers feeling anxious without anyone to care for them as they age. This fear was echoed by fathers of the victim.

Fathers of murdered children

Fathers made up 13% of the VIS under study, amounting to just over half the number of mothers.

Fathers suffered a profound sorrow and mourning of their sons and daughters, but they provided more depth on the special adult relationships with the deceased victims, using anecdote more than direct expressions of anguished pain, referring to their child by name more often. Though a number of fathers spoke of a barely controllable fury, an equal number had no fight in them. They expressed a deep sadness and resignation, a hopeless outlook of a future without their child in it. Being unable to give them all the things they wanted to and to watch them experience the joys life can hold—joys these fathers had sacrificed much to provide to their children—was painfully lamented by nearly every father in this study.

For many of the fathers, their children were the bedrock of their reason for being. They often reflected on watching them grow and learn, having guided and taught them, in preparation for a future that they were set on ensuring was happy and successful. They spoke of an anticipated future, one they'd just expected and counted on, that was stolen. *Stolen*, unjustly torn away from them; words that present a way of sanctifying the deceased who has not had a long life of accomplishments (Martin, 2016).

The most poignant observation in the VIS of fathers was how they described *what* was lost. They missed seeing their children's play; the laughter, dancing, smiles, and the smallest moments of happiness or excitement in their voice. In VIS after VIS, they desperately missed seeing their children happy and thriving. This is what seemed to nourish these men. For fathers, there was an intense longing for the singular moments and observations from afar and they grasped these memories as all they had now. While mothers also spoke of the moments they cherished, wishing more than anything that they could go back in time or constantly replaying them to keep their child present, for fathers it was slightly different. They almost collected each smile into a personal bank and the realization that they had received the last one they would

ever get was the thing that broke them. Rather than backward looking and wishing to replay each one, the fathers just clung to them at the same time as looking at a future void of that person entirely. Many just shut down, spending quiet time at the places they had shared with their child, at the lake or at the cemetery, it didn't matter which. Fathers went out of the house to *be with* their deceased child, seeking privacy and silence. They felt ashamed and unable to face others or provide the type of support expected from them. The murder of their child diminished them as men.

Fathers came across as very role oriented in their VIS, identifying meaningful father-daughter and father-son activities and relationships. Above all else, they spoke of how proud they were of their sons and daughters, of how they had raised them well and that this was evident in the type of adults they became. They raised *good boys* that became *good men*. They were proud of sons that followed in their footsteps and practiced the same values and ideals instilled in them. Fathers seemed to contrast the values of their sons with that of the offenders—one of the ways in which they used words to shame them. Fathers reduced the offenders to lowly cowards more often than other role groups.

Fathers were proud of their daughters as well but spoke more about the troubles their daughters had been experiencing prior to their deaths. Whether this was due to a greater likelihood of daughters admitting their struggles to their dads was not conclusive. However, knowing they had been in potential danger may have added to the guilt so prevalent in father-VIS, and voiced more in the deaths of daughters. Daughters that had overcome adversity or were still struggling with various issues at the time of their deaths were revered for their courage and strength. Having their lives stripped away before they had the chance to get past previous challenges and reach their potential was especially hard for fathers whose recent memories of their daughters were not the memories they should have had. When grieving the murder of a daughter, there was a more violent rage that overcame them in the VIS. Some voiced being unable to face the offender, fearful of their own thoughts and impulses. Those that didn't attend

court were spared from hearing the horrific details while in the company of strangers as well, something they said they couldn't bear.

The moral outrage was palpable in those VIS where their daughters were so brutally overpowered by men twice their size. *COWARDS*, they spewed. Whereas we saw mothers calling the murder senseless, the fathers here were more intent in directly blaming the cowardice and poor character of the offender as the sole issue.

A good number of these men gave heart wrenching accounts of the last time they saw their loved one and of how much they missed the tender and affectionate moments, the hugs and the tears, the long phone conversations, or cherished activities they did together. When addressing the loss of their sons, they pronounced the extended loss that went beyond their family. There was a sense that these were the sons of the community too. The sons were valued and contributing members that were missed or left a hole. Daughters were held more closely as only theirs. Nobody else could understand or share that loss.

The loss of potential grandchildren—already loved—was again lamented, along with carrying on the family name, business, or the dreams they'd had for their children. This was especially detrimental to fathers that had sacrificed everything in preparation for their sons' financial futures. They had made their son the centre of their world and future and it was all for nought. They were left with nothing to work toward, nobody to inherit and carry on the legacy. Their wives described them as diminished, withdrawn, and having given up any will to carry on.

Although daughters were not depicted as belonging to the whole community, they held important future value described in their potential and gifts that would not be fulfilled as an ensuing loss to society. They described young women that had so much potential and had been planning for the future, working so hard to reach their goals when their lives were so violently and horrifically ended. The dads of these young women spoke of how proud they were of their girls and of having had the honour to be their dad. They recounted special moments in their daughter's life but more often these dads talked about the most benign things such as helping

them with homework or teaching them to drive. Again, and again the authors of VIS focus on the little things, the everyday life stuff that is deemed so important to mention and include their statements. Fathers were more forthcoming about substance use and addictions issues faced by their daughters³⁸ but this was done in a manner of harsher denunciation, presented as an aggravating factor that made the actions of the offender all the more exploitative or cruel.

The VIS of fathers contained references to their inability to interact socially like they used to, unable to show warmth and friendliness any longer. Family functions now proved too difficult, compounding their feelings that they were failing those that needed them. Being a father was so entwined with the identities and meaning of these dads that even when they still had other surviving children, they conveyed a sense that in their failure to protect the one, they had lost faith in their abilities to parent at all, at least in the way they had found to be natural. The murder took away their freedom and carefree nature and turned them into protectors and defenders against a danger that hadn't previously existed but now felt smothering.

Tormented by invasive images of the death when alone, they know their families are also suffering from these same awful mental images. *There are no words to explain*, they say, but the descriptions of watching their loved ones being emotionally tortured provides something so horrific that words are not needed. The guilt they feel for being unable to protect their family from *this awful nightmare* adds to their despair. They voice frustration in their impotence and at the lack of supports they so badly need.

Fathers stood out in their comments on victim services and supports, and other criticisms of the processes they'd undergone. This nightmare they live in is directly attributed to the criminal actions of the offender, and yet these injuries are not recognized as criminal harms. Instead, certain members of the family that qualify are provided with up to a maximum \$2000³⁹

³⁸ There were no comments regarding this topic when it came to sons.

³⁹ This amount was increased to \$4000 after completion of this research. See Manitoba Justice web page: <https://www.gov.mb.ca/justice/vs/cvc/supportvictims.html>

counseling benefit by victim services⁴⁰, amounting to ten sessions, which fathers point out is inadequate. They voice irritation with the criminal justice system and the constraints it keeps the family under. These invasive, tormenting imaginings of the killing of their son or daughter could be mitigated by hearing the facts early on. To know is to let go, finally, the worst things the mind invents in place of the wide gaps between minute facts and pieces of evidence that trickle out in pre-trial hearings. Some fathers also spoke to the incomplete information or unknown truth of what was gathered in court, instead directly begging the offender for answers in their VIS. Others extend the offer to meet in restorative justice meetings, in hopes that they can get some peace there.

Whereas mothers asked the question, *why?* fathers more often asked, *why him?* or *why her?* The insistence that their son or daughter was not someone who this happens to, that they were good kids or came from just a regular family is expressed as a special injustice.

Fathers were more apt to speak about their other children and elderly parents, and the pain of watching helplessly as these loved ones suffered with their own grief and anger. They voiced worries of how the trauma would impact their other children. The way a missing sibling in their lives will affect them was specified, along with fears that the murder will now become a part of their biographies, changing *the lives they were supposed to have* and altering the people they might now become. Some fathers spoke of a new vigilance in protecting their children from the evil in the world while others felt helpless and afraid. Murder took security from fathers and left them feeling powerless.

There were similarities and differences between mothers and fathers that stood out. The greatest similarities were the psychological traumas associated with the details of the murder and the invasive thoughts associated with that. Where mothers had spoken of the ceaseless thoughts running through their minds and the inability to escape the mental torture, fathers

⁴⁰ Notably, this amount is the same, in Manitoba, whether the victim of break and enter, assault or rape. See Manitoba Justice Victim Services: <https://www.gov.mb.ca/justice/vs/cvc/index.html>

credited their jobs in keeping their minds busy, so they didn't succumb to the same level of mental turmoil *day and night*. Fathers expressed a physical revulsion to seeing the offender's face, sickened by their boldness to do what they have done and then to stand and deny it. Mothers were more repulsed by the spectacle in court of the offender smiling or talking with his family, as though everything was perfectly normal in their lives. Yet, mothers more often spoke of facing them in court.

Whereas mothers put the blame for their lost motherhood squarely on the shoulders of the offenders (motherhood was stolen from them), fathers more often blamed themselves for failing to protect their kids (the world is unsafe). This is not to say they hesitated to denounce or blame the offenders. In fact, father-VIS stood out in one of the most powerful findings of this research in the ways they held the offenders accountable through direct confrontation. They voice the moral reprobation, judge the evil and cowardly character of the killer—not in the persuasive tone of the mothers. Rather, they coldly state that the killer has no value in the world or that they lack humanity or capacity that *a man* should have. Fathers confront. They denounce, dispel, and disparage the audacity of the killer to stand before them in court and dare to plead not guilty. They outright refused any defense of drugs or alcohol as the weak and pathetic character traits in one that runs and hides from his actions. *YOU did this!* they declare. *You had NO RIGHT*, they spew, as one after another, the fathers of murder victims insist that everyone should be accountable for their deeds. Only a coward tries to hide. One need only consider the old-fashioned trope of the nervous new love interest meeting the father of their date for the first time, or of the origins of the term “shotgun wedding,” to begin to imagine what it might be like for the offender in the courtroom as a father reads his victim impact statement. Still, in addition to their anger, they uniformly blamed themselves for failing to protect their sons or daughters.

Siblings of murder victims

Siblings made up the largest group in this set, accounting for 35% of all statements in the study. There was a 60/40 split in VIS written by sisters and brothers respectively. Additionally, there were a number of VIS written by one sibling (a sister) on behalf of the others.

The impact of homicide on siblings is beginning to gain traction in academia, but the focus tends to be dominated by the field of psychology and primarily on children and young adults (See Freeman et al., 1996; Tasker & Wright, 2020). This is the first study I'm aware of that examines the experience of adult siblings as a cohort. The narratives provided offered a rich description of a victim-group that is not often considered in the larger society either. Most often in news coverage of murders and murder trials, the parents of the victim are front and centre with any other family members hanging back, if present at all. As media consumers and residents of this city, we don't often consider that those parents standing on the steps of the law courts building are being primarily supported by their other children: the siblings that grew up with the deceased victim.

Losing a sibling is a unique experience, compounded when caused by the violent actions of another person within the complexity of the criminal justice system. Siblings are one's first friend and often become both trusted confidant and rival throughout a shared upbringing in close quarters. The relationship between siblings has been identified as often the longest relationship in a person's life (Freeman et al., 1996). The authors in this group talk about the deep pain of suddenly having someone they knew for their whole life ripped out of existence.

As with mothers and fathers, we again see the interesting use of particular language unique to the group. Siblings speak in units, portraying a special and exclusive inside group that contains its own culture, rituals, memories, and roles. The 'we' is present in sibling VIS more than in any other group. The rippling effect of the rupture of that core sibling group, (depending on the number of siblings) impacts the individual secondary families of each sibling as the complexity of their trauma and familial intricacies make it *impossible for anyone else to*

understand what they are going through. Of all the role groups in this study, siblings are the most misunderstood. Their grief is described as under-appreciated and even in some cases dismissed.

For siblings, the murder *altered* who they were whereas for mothers it decimated their sense of self and being in the world. Mothers no longer wanted or cared about who they were. They just lost the will and were singularly focused inward. Siblings, on the other hand, spoke of trying to change back, to somehow regain the parts of themselves they'd lost in this devastating crisis. There seemed to be a consensus that once the trial was over, they might be able to get back to living again.

Siblings make more family-centred claims, again in that 'we' frame, often referring to the way the actions of the offender broke their family. They use metaphors such as a hole being punched through the family or of the pillars of the family crumbling. The deceased's role in the family is pronounced as having been integral in so many ways, as a part of the bigger sibling unit. Those that do focus on their own one-on-one relationship, whether because that was their only sibling or they were especially close, note feeling unacknowledged as victims, or being expected to shelf their grief in order to help support the 'real' victims, that is, their parents. There is a resentment in some VIS that sibling loss is not weighted fairly in society.

While the emotionality of the murder has psychological impacts here as with all loved ones, regardless of role, there are significant costs beyond the traumatic aspects experienced by adult siblings of murder victims. As noted, the crime has detrimental effects on the extended families of each sibling.

The financial and material costs of murder to siblings is also significant. There were many accounts of lost income from attending court, caring for parents, and geographical moves to facilitate care work and other responsibilities brought on in the aftermath of the murder. Siblings career and educational goals were interrupted, a number stating they'd had to take a leave from their studies—some giving it up entirely—due to a multitude of issues caused by the

situation. New financial burdens were cited for causing strain within the marriages of siblings victimized by murder.

Social impacts more pronounced by siblings and spouses, likely an attribute of age group. Even in cases where the siblings didn't have a particularly close relationships, the effects of the murder have still turned their lives upside down. The social lives of these authors are depicted as fractured and unhealthy. Descriptions of not being fully present and breakdowns in communication with partners was common. They know they are hurting loved ones with their anger and pushing them away and at the same time they struggle with the pain of seeing those loved ones suffering and being unable to bridge the gap. Each person is split off and isolated like there's a border erected between them that they can't get through.

Yet they are able to turn to their siblings and weather the storm. The sibling group becomes closer in some families as they feel alienated by others that no longer recognize them since they are *no longer the same people* they once were.

The relationships fostered by siblings grew and matured over time, allowing them to carry on trusted friendships after moving out of the parental home. This afforded siblings more intimate knowledge of one another's lives that parents were often not privy to. It also created feelings of guilt in the surviving siblings that knew the victim was potentially in a bad situation and not doing more to intervene. Although it wasn't spoken of, there was very likely a strain in such cases where the parents were in the dark prior to the murder but the siblings were not. As noted, some fathers were aware of the struggles of daughters but less so of sons. These dynamics were directly addressed by siblings of younger victims.

In their VIS siblings often lamented the heavy toll the murder had taken on their parents, diminishing the people they'd once been. They speak of mourning the parents they had prior to the crime. Despite some resentment previously identified, most siblings showed concern and increased attention to the needs of their grieving parents. To protect parents as much as possible, siblings of the victim tend to take charge of the situation early on, ending up

shouldering a lot of the work that families of murder victims are overwhelmed with. Sisters in particular felt obligated to attend to the needs of their parents and other siblings, largely abandoning or at least causing their own family to shoulder the burdens of this.

Sisters

Sisters spoke openly about pre-existing issues faced by the family and the deceased to draw out the tragedy of such a crime inflicted on an already vulnerable family. So many of these families were already overtaxed with enormous impacts of poverty and racism, or of intergenerational impacts of colonialism. This most recent assault on their family was presented as the final straw. The words, *you broke my family* were among those most often found in the VIS of siblings.

Sisters of deceased victims most often report being the first notified or the ones that jumped into action, searching out information and taking care of the immediate tasks. A number of sisters spoke of their experiences at hospitals, trying to find out their sibling's location and condition, only to be treated abruptly, told where to call to pick up the body or simply told *it* was locked away as evidence. It is these kinds of experiences they were saving their parents from experiencing at a cost to their own well-being and trickling down to their spouses and children.

As family representatives, sisters more often spoke of the experiences in court. They felt invisible, like bystanders to a drama that is centrally about them. They felt dragged through a process they *did not want to be a part of*, given no agency or choice but tasked with the obligation to be there. Essentially, they described it as their life revolving around the case for years, forced to attend court to gain any new information about the case, but at the same time being treated as any other citizen. This goes on for years, keeping them from moving on. Some described it as a purgatory. In the end, they felt let down by the justice system, bitter from disillusionment and disappointment.

Sisters rose up as the strong ones in families victimized by murder by necessity only, citing their need to be strong for their parents, for their other siblings, and for the children of their deceased sibling. They felt an obligation that stretched between households. Although they put on a brave face and did their duty as they saw it, many of these women also spoke of the cost of this.

The damage sustained in their relationships further diminished their own well-being and ability to cope. Nearly all sister VIS had claims of being different people after the murder. Their ways of being in the world—of being with one another—had been altered. Many struggled with anger and the harm of their anger to others around them. Others talked about giving in, of withdrawing from others in a bid to protect them, instead turning to self-destructive behaviors to punish themselves for what they felt were failures on their part. This is not to say they didn't acknowledge the principal cause of such problems. Several authors set that burden at the feet of the offender in their declarations of blame and their denunciations of the conduct and lack of remorse shown.

Having taken on the role of information gatherer or family representative locks them into an obligation they couldn't have anticipated that in the end, stretched over years. They were caught between their need for answers, a feeling of duty to attend court, and the cost of doing so on their own relationships and family well-being. They voice frustration at the seemingly never-ending legal process and the physical and mental exhaustion of it. There are interpersonal costs as well when their partners don't share their perspective or support their sacrifices. The murder of a sibling seems to have strong duties associated with it that those without siblings found frustrating, creating schisms and even family breakdown in some cases.

But despite the toll it takes on their lives, they are adamant in their resolve of the necessity and importance of representing their deceased sibling, to show he or she was loved and valued. One of the common reasons reported for this was to counter the support shown to the offender. It was important to the authors that there was a balance as far as optics and that

they send a clear message that the deceased was important, had a family that loved and supported them *too*.

Sisters were unique in their appeals to the offender, the retroactive pleadings that the killers had miscalculated, had been mistaken in who they had ultimately murdered. They insist over and over that their brother or sister was so good and kind, was so friendly and funny, that surely if the offender *had only known them*, they too would have liked them. Certainly, they would have never had any interest in harming them. In other VIS similar comments held a different message, more often directing such sentiments to *the court* in their attempts to show the deceased loved one as relatable, as more valued, and therefore the murder more unjust and calling for stiffer penalty. With sisters they are more interested in convincing the offender of the goodness of the victim in an after the fact, too late way. It didn't have to be this way. This aligns with an overall appeal to the senselessness of so many murders in VIS, as somehow explaining it to the offender will show them that it was indeed senseless, unnecessary, and a mistake.

Brothers

Like sisters, brothers too seemed to be trying to reason with the offender in their explanations that *if only you'd known them*. Brothers more often held up the deceased as the pride of their parents, as the strength of the family and a valued member of the community. They more often talked of their grief, of the personal loss of an important bond. They felt an expectation that they must fill the shoes of their sibling, making declarations that they will be there for their nieces or nephews. They don't mention taking on any main representative role for the family. There were cases in which the brother might be tasked with funeral arrangements or helping out with children of the deceased, but there was a notable absence of an ascribed role or status in the way described by sisters.

Brothers speak more of expectations on them of being there for their parents as something frustrating, as though this somehow delegitimizes their own status as victims of the

crime. A lack of acknowledgement of the impact of murder on siblings is resented by some while others simply state that nobody could understand unless they had experienced it themselves. The loss of brotherly comradeship cut deeply for some who had looked forward to their kids growing up together and taking part in big family events. The loss of a sister was expressed in a different way, like losing a mother for some that had felt they'd basically been raised by an older sister. For others, the sister was someone they had protected, even if she had been older.

Brothers, more so than sisters, vented their anger at the offender. They also noted their struggle to keep the rage and feelings of vengeance under control, relying on their own children and the pragmatic need to stay out of prison for keeping them from acting on their impulses.

Like fathers, brothers blame themselves for not protecting their sibling, especially if the victim was their sister. As was the case for sister VIS, here too the impact of the crime on their own families and marital relationships was noted.

Partners of murder victims

VIS written by partners made up 9% of the sample. There were seven statements written by the partner of the deceased victim and all were the female spouses of male victims. The statements of partners were quite lengthy—either due to the inclusion of impact on their young children⁴¹ or due to the complex and multifaceted impact of murder on this type of relationship. Such relationships come with a co-dependence or stronger reliance on one person by the other than we tend to see in other familial relations. While the particulars of familial relationships fall outside the scope of the current study, the issues identified by this group highlight important implications for other disciplines and will hopefully add to the literature in various areas.

⁴¹ Those of legal age write their own VIS while parents of young children are told they can include pictures, drawings, or other submissions by the child of the victim in their own statements. They may also provide their own observations and thoughts on the impact on their children.

The narratives of spouses are organized into emotional, parental, and financial impacts that are unique to this group in the interdependent nature of their relationship with the deceased.

Emotional impact

The death of a partner was most immediately described as the instant severing of what had been a team, a partnership that shared not only responsibilities but also the everyday and long-term emotional stressors and celebratory joys of life. They once shared the financial responsibilities, decision-making, and worries of domestic life that was additionally made easier by the security and stability of having someone beside them. Suddenly these women were on their own, their *other half* torn out of their homes and lives forever, leaving them feeling as though a piece of them died with the victim. Their VIS make the distinction between unexpected death and the morally loaded criminal violence that they've experienced.

They also spoke of the other side of an intimate partnership that provided an inner sanctity from the world, a soft landing and a place that held their private dreams and secret disclosures—the things kept between two people. They talk about things only a wife could know, as they describe the deceased: the vulnerabilities and the inner feelings of pride, the things that most others in the victim's life didn't know. Intimate relationships with the deceased give these women deep insight of the personhood of the victim. They see the most tender moments, the inner shell of the men they knew and loved, eliciting some of the saddest testimony of the emotional wasteland left in the aftermath of murder. They share precious anecdotes of moments their children had with their dad, following these with bitter retorts that these memories are all their kids will have now.

Accounts of the deafening silence and loneliness made their homes painful to be in. Living with the ghost of the person whose support and physical intimacy they needed now more

than ever is tormenting. They still talk to their partners, begging them to say something back or telling them how sorry they are that they weren't there for them.

The social isolation associated with no longer being a part of a couple is emphasized. Not only is there no time to enjoy much social life when one has been left to pay all the bills and provide all the childcare, but they also mention feeling disconnected from other couples that they'd spent time with. As described by others in this study, there is a social tension created by murder that dissolves the easiness between people as they tiptoe around uncomfortable topics. In this case the absence of the deceased is more pronounced as they played a specific role in the social group. Both sisters and spouses often claimed the deceased was the glue that kept the social or sibling group together.

Parental impact

The VIS of partners differed between those with children and those without. For those with children there were two different experiences, made so by the involvement of the deceased prior to their death.

For women left to raise children on their own without the co-parent that had previously handled half of an incredibly big job, there was an elevated sense of helplessness and desperation early on, which they all spoke of having had to overcome quickly. On top of losing the love and support of a mate, they had to also consider practical matters that took precedent as they went into survival mode and prioritized the needs of the children. Those with older or adult children tended to lean on their kids during this time of crisis, despite their admonishments that they should be the strong ones. They felt weak, like a burden on their kids, but seemingly powerless to do anything.

Other moms focused their VIS on the emotional loss of a daddy for their kids but hinted that the dads in question had not been actively supportive in the parenting realm, either due to substance issues or lifestyle choices, or simply because they were estranged from the moms and

not cohabitating in the family. Absent fathers were still described as loved and valued in any case. Yet, there were moments of recrimination and bitterness at the victim's role in the circumstances. In such cases it was all reduced to a frustrating and senseless mess that they, the mothers of these orphaned children, were now *left to clean up*. Where one wishes she'd tried harder to pressure her partner to leave the risky life he'd been living, another relents that this is just one more thing that has now added to her already difficult situation.

These moms describe carrying out the most awful task for a mother, telling their children that daddy is never coming home. To be the one to say the words and see the recognition, or the lack of recognition, is unbearable for these mothers (or grandmothers). For others whose babies were too young to understand, they know that day is coming, as the children grow old enough to be told why they don't have a daddy. It was notable that even in the cases where the author voiced frustration and resentment toward the deceased for the lifestyle choices, there was still no ambivalence about justice. It was the offender who was responsible for the death—no question. It all just seemed so tragic and avoidable. The authors lamented the waste of life and a resignation that nothing will change.

These women worry about the impact this will have on their children's futures and many are angry that important and meaningful rituals between fathers and their children, such as walking their daughter down the aisle or teaching their son to be a good father will create an unfillable hole in their lives. Important connections and experiences have been stolen from their kids and they feel sentenced to a lifetime of watching their sadness and disappointments.

I caution the reader here, that we must bracket our external understandings as readers that allow us the privilege to consider the future potential and likelihood for new relationships and everchanging life events. For the authors, at the time of writing, however, there was a sense of finality. They see the future as a continuation of the present and this is one of the important insights of the experience captured in victim impact statements.

Childless spouses

Those spouses without children tended to fall apart. They more often described having turned to substances to cope, stopped working and became destitute. Women that were financially dependent on their partner or had been living with them found themselves suddenly homeless. There were examples provided where the home was destroyed during the murder, along with the belongings of the surviving spouse. In such cases they were faced with having to truly start over in every sense. In other cases, it was no longer financially viable to stay. Those without children lacked the immediate responsibilities forcing them to put one foot in front of the other, so they didn't. As childless partners, some felt alone and excluded from the family of the deceased victim. Without children granting them a more legitimate grounding in victim status, these spouses felt inconsequential and disenfranchised in their loss. Notably, others that were not in a cohabitating relationship with the victim, but had birthed his child, were granted victim status, officially and socially, along with the associated benefits thereof.⁴²

The loss of a spouse was devastating to these women. They experienced it as the end of their own life, the life they'd had and the future they counted on. These VIS contained unrestrained heartbreak and a moral repugnance toward the evil and cowardly perpetrators of such senseless violence.

Financial impact

The spousal experience differed too for women with the means and resources to take a time out to fully mourn the loss or attend court proceedings if that was what motivated them. Those women that depended on the deceased or had children that required their attention had no choice but to go back to work. In some neighborhoods the ever present threat of child welfare agents (CFS) puts pressure on women, regardless of the situation, to work harder than others to preserve the right to parent their children (Native Women's Association of Canada, n.d.). Having

⁴² The topic of victim compensation will be discussed in a later chapter and will refer back to this situation.

the financial security of life insurance or other benefits allowed some women to access childcare and support services to relieve some of the immediate pressure. Even the meagre assistance provided by victim compensation created a world of difference for some. This matter comes up for discussion later in the thesis.

Adult children of murdered parents

The final group in this part of the study is the adult children of murder victims. Of the full set of VIS, 12.8% were written by adult children of the victim. The findings here were organized in dependent, partially dependent, and independent children of the victim. There were VIS submissions provided on behalf of young children (by the victims' mother or spouse), but these were not included in this section. Instead, those narratives are included as observations of the authors in their own sections, i.e.: mothers and partners. As explained earlier, I excluded VIS written by minors for ethical reasons, however I included those that were not yet eighteen at the time of the crime but had reached the age of majority by the time of writing the VIS. This decision was balanced on the ability to preserve their anonymity while also offering valuable material that adds to the literature on this population. There is a growing body of literature on the experience of young siblings of murder victims, but I've not come across any studies that explore the impact on adult children as a cohort.

The statements of sons and daughters of murder victims provided similar accounts of the grief of losing a parent generally, but aside from that aspect, the experiences shared in these VIS were surprisingly distinct. Outside of the immediate grief and shock the murder experience was quite gendered, tracing traditional gender norms, roles, and responsibilities. To highlight this phenomenon for its important implications for my later discussion, I have organized this section as such: the universal experience of losing a parent to murder, followed by those aspects unique to daughters and sons. Experiencing the murder of a parent is rather subjective, compounded by factors of age, maturity level, cultural issues, class and even lifestyle choices. Of all groups in this second reading, the VIS of adult children who lost a parent by murder contained the most

variation and offered rich insights into the complex consequences of murder from a new perspective.

The majority of statements in this set came from those living in difficult conditions, both economically and socially, which is reflected in the narratives I now do my best to accurately and sensitively capture.

Dependent adult children

Dependent children were more self-concerned in their statements, appropriate to their age or other factors associated with dependency. There was a feeling of desperation and fear about being left adrift. For these individuals previously unable and unaccustomed to living independently, the impact on their lives was catastrophic. In some cases, the only option was institutionalized care, in others they described months of living unhoused in dangerous situations until finally they were able to secure the most minimal form of shelter, albeit living in abject poverty.

For adult children in this study that were dependent on the deceased parent, life was a struggle even prior to the murder. The murder of mothers had more of a direct impact regarding the most immediate areas of dependency by adult children due to the simple fact that the majority of victims were single mothers. In two-parent households there was still a devastating impact but financially, at least, this tended to be buffered slightly by the presence of a second parent. There were no cases that identified adult children dependent on single fathers.

Partially dependent adult children

There were many multi-generational women-led families in this study, a relatively common phenomenon in some neighborhoods of Winnipeg, that were devastated by the murder of the matriarch. The death of such a central presence and source of stability led to the most devastating consequences. There were daughters with their own young children who in the midst of this crisis had their children apprehended, either because they were no longer able to

support themselves or because the crisis created turmoil in the home—both most likely temporary circumstances. Instead, the cascading effect resulted in permanent damage with parents and kids divided and displaced.

There were a few cases in which the children of female victims were not living with their mother at the time of death but remained dependent, nonetheless. In these families the authors note their mom had been providing some form of assistance such as food, income, or part-time shelter to their struggling offspring.

A number of these authors explained that their mothers—who had lost their children to CFS—were working toward reuniting their families with the expectation of reunification in the near future.⁴³ The statements of young adults that had been banking on the family being reunited “any day” described the devastation when those hopes were forever dashed. Those in temporary care were split up indefinitely and became permanent wards of the state. Notably, for those whose estranged fathers were murdered, although there was less disruption in the household headed by their mothers, the death created other fractures between half-siblings that suddenly had their connection severed. In such families it fell to older children to try to keep the others connected.

Most mothers were depicted in the VIS of their adult children as playing an essential role in their lives, providing emotional support, love, care, and other forms of familial help such as childcare and emotional support through health and other personal issues.

Independent adult children

Mothers of independent adult children remained integral to their lives in many ways, especially since the victims were rarely over the age of forty. Mothers had provided significant emotional or cognitive support that allowed some VIS authors to live independently. The mental

⁴³ Several the murder victims represented in my study were struggling with substance issues or criminal charges and were in the process of completing the requirements to regain custody of their children from CFS at the time of their death. This information was provided in the VIS of parents, siblings, and now children as well.

crisis of the murder left them bereft and unstable leading to a loss of that independence and feeling hopeless about the future.

The children of murdered parents in this group were either just transitioning into adulthood or parents of young children themselves. Adult children with their own families provided still other varied perspectives and experiences of the murder of a parent. The authors described the sadness of the loss, not only of their mom or dad but of a grandparent to their own children. Sons and daughters both highlight the important bonds between grandparents and grandchildren that are now absent for their children. They all talk about the deep regret that their children will never meet, remember, or know the type of person their grandparent was.

Having to explain the death and navigate the various behavioral issues of different aged children is only one of the myriad complications placed on their shoulders due to the crime, an experience voiced by other parents throughout the full set of statements. Knowing they can never again pick up the phone to ask their folks if they can babysit is something so small and yet so immense in the big picture. Daughters and sons both talked of the values and characteristics they gained from their parent that their own children will not get to know or experience first-hand.

Memorialization of the deceased parent is common in VIS as they proclaim all the good things passed on to them and recall the special times spent together while they were growing up. Children tend to focus on their direct relationship with the deceased and the impact of that person being missing from future events in their lives. They portray the parent as vitally important in their life, but they don't exaggerate or idealize them. They are frank about any shortcomings, struggles or poor life choices.

Most adult children spoke of the mature relationships they'd had with their deceased parent as something they cherished. Others lamented not having had the chance to have that sought after adult-friendship—feeling cheated by having that taken from them. They note that they try to conceal or deny any anger from the murder because they were raised differently, they

wish to honour the values of their parent. They still seem to want to make their parents proud, to do what they were raised to do. Whether still living at home or not, all children relied on the advice and support of their parents and felt a major sense of vertigo when suddenly flung into this indescribable chaos. There was an anxious instability felt as they faced their first crisis without this central person at the moment in their lives when they most needed them.

There is again a distinction made between the natural death of a parent and a murder at the hands of another. The agency and power involved is something that compounds the loss with resentment and anguish at the injustice and suffering that was created by choice. Moral outrage and questions of how someone could be capable of such violence on another person was not a gender specific topic. There seems to be a consensus, rather, on the heinousness and unspeakable dishonour of using violence against those more vulnerable or in a vulnerable state at the time of the murder.

After the murder of a parent, there were authors that recounted the damage to relationships with their own children due to their change in personality or inability to overcome their heightened anger or depression. Guilt is present in this group too as they denoted having thought they'd have a lifetime to repay parents for their love and guidance and then not having even had the chance to say thank you, or I love you, or goodbye. With the usual death of a parent that comes with old age or illness there are cultural norms and rituals that assist us with preparing for and facing such events (Aries, 1981; Northcott & Wilson, 2017). There were sensitive issues tied to religion that were denied due to the aspects of the murder.

The most pragmatic issues, such as the lack of having life insurance, is something that the criminal justice system overlooks in the far-reaching consequences of murder. It is one thing to be unprepared in the case of an accidental death, but when the death was intentionally carried out by someone, while the victim was simply going about their day, who is liable? The children of the victims were left to take care of the arrangements and expense, often without a will or the financial capacity for such responsibilities.

Notably sparse in the VIS of adult children is any overt reference to pleas for justice or vengeance. Adult children placed less emphasis on the sentence in their VIS, and instead focused on the injustice of such an act and the moral implications of a world that no longer looks or feels safe or stable. They show compassion to the offenders and their families, echoing others in their sadness that the senseless actions of the offender have brought both families so much pain and suffering. They reprimand the offenders, pointing out the moral failures in particular: the disregard for human life, evil, cruelty and selfishness.

Older adult children were less dependent on parents. Their VIS leaned more toward memorials and gratitude for all their mothers or fathers had given them in their lives. They are repulsed by the unfairness that such a kind and gentle individual that had given so much over a lifetime could be so violently and brutally attacked and killed at the hands of another. This contrast of the gentle nature of the victim and the violent end they experienced is not unique to this set but was a common finding throughout all roles. Even in those cases where the victim led a rather violent street life, they were heralded for their kindness and generosity by family members.

The transparency with which these authors volunteered such personal detail of complex home situations and the challenges and barriers that preceded the tragic event stood out in the VIS of adult children of murder victims.

There was an interesting contradiction in those statements of adult children that on the one hand decried the immorality of the murder while on the other hand overlooked the moral questions of the conduct of criminally involved parents. Both mothers and fathers of a fair number of these authors had been involved in varying levels of criminal lifestyles or were exposed to elements of these lifestyles through others in their lives. These factors were not unknown to their children and were openly acknowledged as playing a role in the death. Despite this, there was not a single case in which the author excused the murder or justified it. They denounced the injustice as loudly as any other family member of a murder victim.

Gendered experiences.

Although they described putting their own trauma aside, daughters and sons both spoke of being unsuccessful in keeping it contained. There were many accounts of their inner anger unleashed on loved ones before they could stop it, damaging their relationships and ability to “keep it together” at work or other social functions. The public and unexpected invasions of media reports appearing in their daily lives was upsetting for younger authors trying to preserve some sense of privacy in their work or school lives. In some neighborhoods the victim was well-known and respected, making their grown children—daughters in particular—feel exposed (either to unwanted sympathy or danger).

Daughters felt a responsibility for their deceased mothers that led to comments of self-reproach for not protecting them or doing more for them while they were alive. When a father was the victim, on the other hand, they voiced more of a dependence on them which was adding to their upset. In those cases where they had known their dad was involved in criminal activity, they felt torn between knowing this outcome was an eventuality and resenting the actual hardship it created for them.

The murder of a father meant the loss of special father/daughter culturally normative experiences such as *having my dad at my wedding* or *walking me down the aisle*, claims that were front and centre in these VIS. Being a *Daddy’s girl* was also disclosed as something central to their core identity. In situations in which the murder victim was a father that had been estranged from the family or in split-household situations, daughters expressed the additional injustice of not being informed in a timely way and of having the responsibility to look out for younger half-siblings. Sons provided anecdotal examples of equally special father/son times they shared as well.

At this stage in life, it is not unusual for people to begin finding their way in the world. Not only did the murder interrupt life goals but in more than a few instances the authors spoke of leaving university indefinitely, of having their plans and goals derailed. Daughters tended to

reflect more on the damages to their relationships and social lives, often blaming their own negativity and anger. However, the active practice of purposely pushing people away, either for self-preservation or to spare others while they worked through their anger, was not found to be gender specific. Sons also made a point of the necessity of withdrawing from social circles for similar reasons. The emotional toll from the event derailed the work and education of daughters more so than sons, but only in those cases where there was a spouse to pick up the slack.

Daughters of a murdered parent spoke of having to set their own grief and pain aside because they were needed or too busy taking care of everything and everyone. Daughters more often than sons talked about taking care of the administrative tasks, the funeral, and legal procedures after the death of a parent. They also depicted themselves as the person keeping everyone in the loop, the prime communicators and contact person regarding the additional weight of the criminal nature of the death and the months of court hearings, estate planning, and media inquiries—none of which were mentioned by sons.

Daughter more often voiced a new fear of strangers, of being out alone while sons directed their thoughts to a more generalized darkness in the world, an inability to trust in the same way. There were also situations in which the deceased parent had been entrenched in a criminal lifestyle. In these cases, daughters more than sons reported their fears for their safety.

Women, in general, spoke more openly about turning to substances and struggling with addiction after the murder. While there were some daughters that disclosed this in their VIS, the majority alluded to the support of siblings, their families, and their work to keep them from this type of self-destructing behavior.

The support of the community was highlighted by daughters with stories of people coming together for vigils or funeral rituals and even strangers that reached out to offer support. On top of the appreciation for such community support, they voiced a resentment toward the offender for the weight put on individuals that came to support them in their time of need; time taken away from their own families.

Summary

This reading of the statements, divided into familial roles, provides a different lens that allows the distinct elements of the experiences depicted in VIS to emerge. Voices that had been muffled within the larger set provided new understandings of the salience of relationship in the impact of murder when the family role is considered.

Existing literature identifies some issues unique to mothers and younger children of murder victims (Freeman et al., 1996) but this chapter provides a first glimpse at some of the particular perspectives and inside accounts that are missing in our understanding of murder as a social phenomenon. The intriguing differences in the narratives provided by different types of co-victims, lend support for important issues formerly overlooked or misinterpreted.

By beginning to deepen the interpretation of the testimonials through the inclusion of relation, gender, and some of the social, economic, and political factors as seen through the eyes of a sister, brother, daughter or son, the phenomena of murder and its portrayal in this particular legal mechanism (VIS) gains new depth and meaning.

There were a few key highlights that set each group apart and identified important aspects of murder impact unique to individuals based on their relation to the deceased victim. Interestingly, the three categories of impact defined by the VIS forms (emotional, physical, and financial) have different implications for different roles.

Physical impacts were generally limited to health issues associated with stress, grief and anger. These were most discussed by siblings when referring to parents of the deceased. Sisters also experienced more physical symptoms and were more burdened with the demands of care and work in the aftermath of the murder. Fathers spoke of physical deterioration and a lack of activity.

The financial impact did not stand out in the first reading but in the context of familial roles it became more pronounced. Homicide victimization is highest in the 25-34 age group (David & Jaffray, 2022) and most young adults aren't thinking about life insurance at that age.

The young, dependent children of these victims have lost their financial security in the world. The older children are burdened with funeral and other costs, while finding themselves unmoored in the world.

As well, the majority of families in this study faced financial and social barriers that excluded them from qualification or the affordability of insurance. While the Victim Compensation Program provides some benefit for those not covered by insurance, the amount provided is vastly inadequate, leaving these young adults with significant debt as they are just beginning their own lives. The financial impact of the murder of a parent is a significantly under-addressed issue. For siblings, financial impact was least notable due to an absence of financial dependence.

Emotional impact was most profoundly dominant in the VIS of parents. The element of bereavement was highest in those who raised the deceased and had invested so much of themselves in raising that child and providing for their future, a future that was suddenly ended. Anger was present in all groups but most visceral in the fathers and mothers. Sisters held more resentment and brothers more vengeance. Children of the deceased were anxious and fearful but also more sentimental in speaking about their deceased parent.

In the next chapter I continue this transposing of horizons as I move into the territory of the family unit itself. Regrouping the VIS into groups that reflect members of the same family I draw out further detail about the insidious ability of murder to seep into each of these families, their households and social connections. We are still in the findings territory, and I refrain from providing analytical comment, once again keeping to the experiences written by the authors of VIS without outside intrusion or premature assumption.

Chapter Six – Findings Part Three—Family Units

Chapter Description - Victim Impact Statements: Third Reading

In the previous two chapters I reported on the individual impacts of murder and the distinct experiences between individuals in their family roles. In this chapter I draw the individual narratives together into the context of their family units, allowing for a more complex and multi-perspective examination of the *family impact* of murder, as well as any notable differences between families. How the family experiences the murder of one of its own and describes the response and reactions by others, aids in advancing a unique sociological understanding of the phenomenon of murder in society. The full set of 78 VIS in this study belonged to the family members of 36 homicide victims. This chapter focuses on the families of twenty of those victims, with 3-5 VIS examined in each family, which totaled 53 of the 78 statements. Only those statements that were a definite match to a particular victim were included in this third reading. This was determined through specific details provided in the VIS and verified through triangulation with the VIS of others in that family, newspaper reports, and court records.

This third section of the study was not originally intended and provided some of the most important findings. As such, I have written a longer introduction to this chapter in order to provide necessary background and context to the issues that emerged in the research.

Families in This Study

Most families in Winnipeg are busy going about the day-to-day business of everyday life without ever considering the possibility that it could all be torn out from under them in a split second by murder. The families in this study no longer have this luxury. The violent death of a loved one by an intentional act of another person is something that devastates the family in ways most other deaths do not (Amick-McMullan et al., 1991; Armour, 2003; Marilyn Peterson Armour, 2002). Murder is said to have lifelong impact on families that is unique from other

deaths. Indeed, it is common for homicide survivors to say as much, most commonly in the homicide survivor and bereavement literature, documented by victim/survivor-serving agencies such as the Canadian Resource Centre for Victims of Crime (CRCVC) and Manitoba Organization for Victim Assistance (MOVA), but also in publications and commemorative written works by these individuals and families (see, for example, MOVA, 2020; Spungen, 1996).

Within the ten-year period covered in this study families of many different walks of life were knocked off kilter and thrown into a *nightmare that never ends* when a beloved family member became the victim of homicide. There were middle-class suburban families, shuttling their kids back and forth between various sports and lessons. There were immigrant and refugee families, active in the community and pursuing their dreams for a better future in Canada. Families operating successful businesses, some with kids in university, others with kids in daycare and parents nearing retirement age; others just beginning careers. There were First Nations and Métis families, living in the city and in rural or remote communities. There were families living in poverty, working hard toward upward mobility—some successfully progressing and others struggling just to make ends meet. Some families lived in complex situations entwined in underground economies and street gang involvement while others had summer cottages and university degrees. In every single family, there was a plethora of impact from this crime that infiltrated every part of their lives and went beyond the categories set forth in the VIS forms. The one thing they had in common was that the crime took place in Winnipeg, Manitoba.

Winnipeg has unique attributes that culminate in clear geographical divisions that also create segregated pockets of poverty, most notably in the North End and inner-city. Many of the victims were killed in these areas. As an early industrial mecca, the city was built around the railways which essentially separated north from south with the North End becoming populated by immigrants that came to work in the surrounding factories (Silver, 2010 cited in Comack et al., 2013, p. 46). Over time those turn of the century houses have become run down and

inhabited by low-income families and individuals that couldn't afford to live elsewhere.

“Understanding why Winnipeg has been labelled the ‘gang capital of Canada’ requires not just looking at poverty, but acknowledging the particular form of poverty—specifically, spatially concentrated, racialized poverty—that has become entrenched in inner-city communities” (Comack et al., 2013, p. 7).

A fair number of Indigenous families now live in multigenerational or multi-family homes,⁴⁴ many in the neighborhoods described. As people arrive from remote communities, in search of better opportunities, they find their way to those places with the highest concentration of family and friends. Though these neighborhoods experience higher levels of violence it is important to note that most residents are not involved in the violence and are quite happy and rather proud of the also higher levels of community engagement in these areas.

Regardless of race, ethnicity, wealth, or education, every single family in this study experienced the loss of a close family member to murder as an unimaginable and permanent devastation to the family they had been. Every family referenced the before and after of the event as separate and distinctly different existences.

A word on family.

The Vanier Institute definition of family was presented at the start of this paper. There is another definition of family that hold relevance for the upcoming discussion. According to the Victims' Bill of Rights:

"[F]amily" in relation to a victim includes an individual, other than the offender or the alleged offender, who, not being married to the victim, is cohabiting with him or her in a conjugal relationship of some permanence;

⁴⁴ According to Statistics Canada 14.2% of Indigenous people in Winnipeg in 2021 lived with a grandparent. In 78% of these households a parent lived there as well.

"[N]earest relative" means, with respect to a deceased victim, the adult person who is related to the victim and is first described in the following list: (a) child, (b) grandchild, (c) great-grandchild, (d) parent, (e) sibling, (f) niece or nephew (Justice, 2023).

Although the criteria for family members used for this study was based on the criteria for VIS submission to the courts (prior to the 2015 amendment), the fact is that families come in many forms, and this is reflected in this study. To conceptualize the term 'family' in this study does not strictly adhere to the nuclear family, but rather the primary family by which I mean the members of a core network of care most closely connected to the deceased victim.⁴⁵ Families in my data include co-parent families (which included two sets of households) and multi-generational households in which a matriarch, generally the grandmother, was head of household and often the primary caregiver for children. My sample also included more than one author identifying as "spouse" of the same victim in some cases, thus including ex-partners with children of the victim.

As I became aware of the existence of multiple VIS connected to the same victim, I anticipated finding a richer account of the *shared* experience of family members. However, what I found instead were collections of statements from the same family that only exemplified how isolated each person's experience really was.

Since the emergence of the victim rights movement in the 1960s, and the elevation of the murder victims' family into the public consciousness through media coverage, it has become somewhat of a cultural norm to see iconic photos of "the family" on the front page of newspapers. Invariably, they are grouped together in front of microphones, often standing in front of a courthouse—sometimes wearing T-shirts or holding up large placards calling for justice or memorization of the victim. It was a little surprising, then, to find that the vast

⁴⁵ The term, "family" in this study follows the definition of the Vanier Institute: <https://vanierinstitute.ca/definition-of-family/>

majority of these families are not united but instead find themselves disconnected and divided. Nonetheless, the narratives imparted different pieces of the family story that provided unanticipated and important information on the reach of murder into every aspect of family existence.

The impact of murder on families begins with notification and continues to and beyond the sentencing hearing. I say beyond because the costs of murder often bankrupt the lives of families, leaving them with lifelong financial, emotional, and social debts that carry over into future generations. However, there were additional losses experienced outside of these categories that showcase the intangible immaterial and social damages wrought on the families of murder victims.

There was no easy way to organize such complex material. In the end I followed the most common practice of the VIS authors, using a chronological framework, beginning with the crisis stage, and moving to the post-crisis or adjustment stage, to the pre-trial stage and ending with their reflections on the trial. The discussion moves from the inner life of the family as the primary focus outward to the broader impacts faced by the family as they navigate their *new normal* while awaiting the trial. The social impacts of murder are felt within the community setting as well as the larger society (Harth da Costa et al., 2017). It is in that territory that the discussion turns to the experience, or rather the disillusionment, with Justice once the family finally reaches the apex of victimhood.

Each time a homicide is announced on the news, the family of the victim has either just been informed or is about to be.

Crisis Stage

Notification: the family experience

The notification served as a temporal marker dividing the before and the after. Nearly all statements contained a reference to the notification and the author's response, noting it was the

moment their lives changed or ended. Indeed, the notification is identified as one of the “most defining, enduring and vivid aspects of the memory of murder impact recounted by co-victims” (Byers 1996, Scott 1999, & Spungen 1998 cited in Reed).

The method and timelines of notification varied, especially when families were spread out geographically or some family members were difficult to track down. For most families in this study there was a general sameness to the impact of hearing a loved one had been murdered. The life each family had known up to that moment was shattered as *their family* suddenly became *that family*. Each person describes the moment they were told a loved one had been “the victim of a homicide” in much the same way, describing how everything sinks into slow motion as the word—*DEAD* hangs in the air for a few seconds before the floor falls out from beneath them.

Some authors recounted this moment and the way the news hit them with such force, that they were only able to then watch helplessly while each member of their family was *guted* one after the other by the same horrific news as police explained it anew—the enormity of its meaning coming clearer and clearer and comprehension on the faces of others making it more real.

Some got the news by phone. From all accounts, those notified by phone were given incomplete information, telling them only that there had been an accident or a loved one had been hurt or was in hospital, creating confusion and additional shock as families shared different accounts based on misinformation with each other. The VIS were nearly identical in their descriptions of the phone call, *we dropped everything*, and getting on a flight or driving many hours as panic made time stretch and shrink—or just stop moving at all. For these families there was an additional shock when they arrived to find their loved one was actually dead, *murdered!*

The gathering of families in shock and sorrow was commonly recounted in the VIS of each member, from their individual memory of it. Stories of approaching the family home,

people gathered wailing and sobbing, or everything observed in slow motion as through a fog of unreality were not uncommon. Others wrote of a busy hive of activity around them as extended family came together and immediately took charge to begin tackling the complex management of the chaos amidst media arriving and phones ringing from everywhere. A show of unity and support was strong at the start. This was true of nearly every family. But while families can provide a place of comfort and mutual support, they also foster environments that can buckle under stress rather quickly.

The notification was the first evidence of the infiltration of the state agents into private affairs, providing an initial glimpse of the discrimination and inequality faced predominantly by families living in poverty illustrated in reports of how they were treated by police. However, one aspect of state power that acts on all members of society equally was also present and equally distressing for all families. The power of the state to exercise sovereignty over its citizens' bodies, as property, is rarely contemplated in Western society⁴⁶. The bare truth of this power we call law⁴⁷ is exposed in the testimonials of family members as they recount the cold bureaucratic processes that denied them access to *their* deceased loved one with the added cruelty of the person referred to as an object being *kept in an evidence locker*—property. Families were distraught when they learned they would have to wait until the remains of their loved one was “released” to the funeral home. This often took days in light of the criminal investigation, marked as another impact by families, especially when this interfered in their ability to adhere to important cultural death rituals. Interference by the state in what was considered a personal tragedy and private family affair made an already horrific experience more difficult. Having that personal tragedy subject to media coverage and used for moral lessons and reminders of the need for law and order, only compounded the harm during this time of crisis and grief, when the

⁴⁶ Although there is an interesting territory here for discussion, drawing on the work of Agamben, Derrida, Benjamin, Foucault, and others—I unfortunately had to leave such a discussion aside due to the constraints of this paper.

⁴⁷ All matters of evidence fall under the criminal code of Canada.

need for privacy and space is greatest. This unique quality that transforms private loss into public inquiry usurps death in way that can only be similarly seen in matters of criminal execution. Some families in this study expressed distress about these things, while others were quite matter of fact about it.

Media

The news media play a central role in the way murder is represented, understood, and experienced in society. For families impacted by murder, the media can amplify that impact. The level of media coverage varies across families but every family in this study had their private tragedy made public to some extent by the media.⁴⁸ In the most unsettling examples, family members recounted seeing media at the funeral service and private vigils.

There seems to be a general understanding that once the family has been notified the media is free to report on the crime. Judging by the number of families that reported first hearing of the murder second-hand through the news, there appears to be little formal enforcement of this norm. In a recent study on death notifications, “52.6% of the next of kin received initial information or notice about the incident before the actual official notification of death itself was delivered” (Reed, 2022, p. 373; Reed & Caraballo, 2021). Families felt blindsided by the lack of official notification and the incomplete or inaccurate information they did receive. The families in this situation were unable to provide reliable answers to others, putting them in a disempowered position feeling as outsiders and taking away their control over how to share such sensitive news with loved ones and children. Being overlooked in such ways can be seen as taking away their power and agency to manage the crisis in their communities and undermining their stake as victims of crime. Factors of legitimate victimhood are cited as crucial to social recognition, without which families are subject to scrutiny or stigma by others in their communities, leading to feeling shame and disenfranchisement in their grief and victimhood

⁴⁸ As previously noted, I used media accounts for verification and background context in this third level of analysis.

(M. P. Armour, 2002; Freeman et al., 1996; Pemberton et al., 2018; Woolford & Nelund, 2019). “Social stigma creates an underclass of griever, ‘bad luck families’ whose shame blocks the acceptance and understanding they need from themselves and others” (M. Armour, 2002, p. 376).

The news media’s interest in profits have created a culture that defaults to reporting the most grotesque and disturbing details of murder, often publishing photos from the crime scene. The impact of such things creates lasting traumatic memories for the families of the victims, over-riding pleasant memories of the life of the deceased with images *burned into their minds* or invading their thoughts.

Once a murder has been published by media it seemingly remains in their files for quick use in future stories. Families report being taken by surprise, *like a gut punch* when the photo of their loved one is published unexpectedly, months or even years after the fact. Examples include stories on the murder rate in Winnipeg, MMIWG, or in connection to other murders with similar circumstances or attributes. Younger family members resented the invasive nature of this on their private lives and the traumatic re-victimization they felt.

Some families used media coverage to their benefit, for example in drawing attention to missing persons or social and political issues tied to the murder. The priority of finding their loved one was a fair trade off. For most families, though, there was no benefit, but rather great distress and disgust created by sensational reporting and negative stereotyping of the victim, family, neighborhood, and often race or ethnicity. As has been well documented, there is a gross discrepancy in the media coverage of missing persons with a stubborn and inherent racism determining who is deserving and valuable, including a study done in Winnipeg. Gilchrist (2010) found “in comparison with articles written about white female victims, articles written about Aboriginal women received three and a half times less coverage, were shorter, and were also less likely to appear on the front page of the newspaper” (cited in Bouchard et al., 2020, p. 316).

There was a mixed response to media coverage with some families resentful at the intrusion into their private lives and others grateful for the coverage and attention. Some families were irritated that the murder of their family member was coopted and politicized, however, without consent or consideration of whether the deceased would have wanted that. They used their VIS to counter the ways media used their loved one as a moral lesson or statement on crime. Instead, what was highlighted as most important was their role as a sister, mother, and daughter or their full life and personhood that was overshadowed by the circumstances of their death by media.

The funeral

The final topic highlighted in the immediate aftermath of murder—the crisis stage—was the funeral. There were two issues that arose here that may have precipitated the need for authors to include it in their statements. First, as discussed earlier, the funeral provided a tangible measure of the value of the deceased through the large numbers of people that attended.

However, the funeral preparation and rituals carry significant weight in deaths and perhaps more so in the unexpected and violent deaths of young persons. The need for acknowledgement and community support was highlighted by families of young murder victims. Preparing for and carrying out the final preparations for these valued members of the family are often the most traumatic episodes discussed in VIS, due to the horrific things done to the victims but also the confrontation with the power of the law that takes ownership of the body as an object of evidence. The denial of access afforded to loved ones of the deceased causes extreme duress. The resulting delay or in some cases cancellation of traditional funeral practices is psychologically, culturally, and socially harmful to families. The cold and bureaucratic procedures of the state make it easier for agents to carry out their roles in these situations but for the families that have just been notified of the death of someone dear, the immediate loss of

personhood stripped from “the body” causes lasting distress (Howarth & Rock, 2000). Not only do they speak about it in their VIS, but it also becomes a part of the biographical script that families carry from then on.

Only after *the body* is released to the funeral home are loved ones finally permitted to see them. There were crushing accounts of parents describing seeing their son or daughter lying in a coffin as they tried to comprehend the impossibility that the lifeless body in front of them was the vibrant, bigger than life young adult that had been such a presence in their family. They were anguished in their descriptions of coming to grips with this impossibility that was so concretely and unarguably there in front of them. Mothers and wives spoke of the time they spent alone with the deceased, tenderly holding their hand and just quietly being with them for the last time after having meticulously studied every wound inflicted in fruitless effort to comprehend the death—somehow hoping these injuries would give them the answers they needed. Accounts of the need to know were found in the VIS of parents, siblings, children, and spouses. They each conveyed the critical importance of knowing what their loved one went through, *every detail*. The same phenomenon was found in Rock’s 1998 study of homicide survivors, as one mother recounted, “I wanted to know everything, every knife wound. I suppose I wanted to go as near to death’s door as I could with Peter” (Rock, 1998, p. 100). This sacred yet painful task falls mostly to women who then go home and smooth the edges of it for the rest of the family.

The funeral provides an end point of the crisis phase, and a starting point of the long process families go through as they wait for trial. Although not all families wish to attend the trial, it is identified by many as the event they *must wait for* to finally get some of the answers they need about what happened to their loved one. Police and the Crown will not disclose details of the death, telling families that doing so could jeopardize the case. This overarching fear of justice being lost serves to keep families docile in this respect. So, they wait.

Entering victimhood

Early interaction with justice officials, media, and friends and neighbours are recounted. Though they spoke directly of the emotional numbing in the early days, they also revealed a clarity in the shift to victimhood that took place.

Trauma & Stress.

VIS speak to the traumatic experience of the murder of a loved, often opening their statements with the most shocking or traumatic episode of the notification, followed by listing various effects the death had on their wellbeing. There came across a resigned declaration that nobody can help with what they suffer from as the authors tried to convey the enormity of what they live with on the one hand juxtaposed with the handfuls of prescriptions on the other. Their message is clear that *pills won't fix this*. Still, a sickness vernacular was widely adopted throughout the VIS and was identified as one of the earliest impacts in the family.

The bereaved family.

In fact, an interesting phenomenon was revealed in the commonality to how families were almost immediately classified and pathologized by the criminal justice system and victim services. Once police were able to gain investigative information through the notification process or interviews, clearing them from suspicion, the family shifted from suspects or victims of crime to traumatized loved ones. Concerns about justice were redirected to resources for grief and trauma as depicted in the many accounts of being treated like patients rather than aggrieved and rights holding citizens that had undergone a criminal violation.

These families found themselves severed from the criminal investigation and any interest as direct stakeholders in the matter. The rapid shift from crime victim to bereaved, from legal to psychological categorization was noticeable in the stories of individuals but made more evident in the family experiences.

The references made to prescription medications being taken for various aspects of trauma, anxiety, depression, or inability to sleep held a dominant presence in VIS. There was a mix of resentment and gratitude by individuals that felt they were unable to function without them, many noting the continued need for and reliance on pills in their *new normal*. Indeed, one of the notable impacts on family breakdown was the medicalized state of one or more family members that diminished their ability to participate fully in their household or familial roles. Many of these accounts came directly from those prescribed sleeping pills or anxiety medications. They expressed feelings of being unable to cope without the medications but at the same time admitted feeling less capable and a burden on their families. As problematic as pills became, they were normalized by most and a number of authors declared they expected they would need them for the rest of their lives *just to function*.

This medical gaze was internalized by entire families as they began to characterize themselves as sick. Phrases referring to the *sickness in our family* and a *poison going through everything* denotes an illness identity that hangs over families and renders them ill equipped to exercise agency or power in any legal sense.

Importantly, there were families that did not speak about medication or counseling at all. Indeed, in those families that spoke of early and strong community support, cultural or spiritual practices, and even the lack of access to or affordability of psychological supports, they more quickly regained momentum, directing their grief and anger to more empowered means of moving forward. These families, characterized as “transcenders,” illustrating an evolution from victim and survivor narratives (Discola, 2021, p. 210), more often regrouped and created avenues for change or justice in the community or for the legacy of the deceased victim. The importance of community cohesion in neighborhoods disproportionately impacted by murder cannot be understated. In spite of the increased risk of violent crime for families living in the inner-city (Wemmers, 2017), and associated stress, which in turn promoted victimization,

Turner et al. (2013) found that family social support mediates the impact of community disorder on distress (cited in Wemmers, 2017, p. 96).

Access to resources emerged as a problematic issue. Despite a discourse that presents murder through a trauma lens and the impetus put on the counseling benefits provided by victim services, there was a clear indication of unequal and inadequate help available. As well, there were situations in which one member had sought counseling early on and then benefits ran out before the trial began. Those that hadn't had counseling prior to the trial indicated the need to do so after hearing the details of their loved one's death in court.

For some families living on northern reserves access to counseling was limited or altogether absent. Some referenced the injustice of this noting that the offender had access to a myriad of health services that they did not. To add insult to injury, if the *victim* had been deemed to have contributed to his or her death through involvement in illegal activity, the family did not qualify for victim compensation benefits.

Post-Crisis Stage

Once the funeral is over, "real life" resumes. While everyone else goes home, the families of murder victims bitterly concede the fact that they must *take the nightmare home with them*.

Adjusting to new normals

The impact on the family is understandably different for those that lived in the same household versus those in which the victim lived apart from them. While the family, as a *family*, certainly experiences unique impacts, the household of the murder victim suffers additional consequences by nature of the intimate living conditions and separation from the outside world.

The aspects unique to families living under the same roof include financial issues, custody and childcare matters, and navigating the physical absence of the deceased in the home. The physical and relational dynamics in the household undergo destabilizing changes with varying levels of harm to these families, some with emotional, social, spiritual and financial

implications for future generations. For example, effects and limitations created by poverty as consequence of the death, loss of life opportunities by children in the aftermath, substance issues and criminal involvement by youth in crisis, and the loss of family connections and culture due to CFS apprehensions, to name but a few.

Financial damages-cohabiting families.

Although financial impacts of murder are rarely addressed directly in VIS due to the taboo nature of associating material loss with the loss of life, the impacts are nonetheless real and detrimental to families. The loss of the primary caregiver is not only a financial strain for households, but in some cases the catalyst for the complete destruction of the family.

Picking up the pieces after murder begins with assessing the damage and attending to the immediate needs of shelter and safety. The extent to which families lose everything after murder, including the roofs over their heads, is something not uncommon that has been largely ignored or overlooked in homicide literature.

The confessions of bills unpaid and piled up, relationship breakups, evictions, and loss of homes due to fire provided evidence that financial hardship was present for many families. The loss of the income of the deceased, including future earnings that were relied on, impacted some more than others. Most families did not have life or house insurance and yet faced the enormous costs of funerals. An issue of major significance that arose in this study was the disproportionate number of low-income and Indigenous families that were denied victim benefits.

In addition to the stressors of murder already indicated, young adults that had been dependents still were left in financial crisis, losing the home they lived in and suddenly finding themselves without that sense of safety and security of a parent in charge. Being forced into the world was not only mentally taxing but also destabilizing. A number of authors reported being rendered essentially homeless or forced to live in dangerous situations by the limited allowance provided by CFS or for those that had aged out, welfare.

Within the VIS of these families, becoming homeless after murder was not a rarity. In most cases this was due to financial impacts, but family breakdown was a contributing factor too. In the first case, the loss of the primary caregiver or important source of income resulted in evictions. This was the most common scenario shared by authors. This collateral damage went beyond the immediate crisis, creating long-term damage to families. The compounded stress from an eviction amidst a murder throws families into chaos, with some turning to drugs or alcohol and others turning to the streets. The financial impact for families living in poverty has far reaching secondary consequences that can be disastrous for the survival of the family.

Violence, and lethal violence in particular, most often happens in lower-income neighborhoods due to a multitude of sociological factors. Families that have nowhere else to live due to the financial constraints, find themselves trapped in areas with a higher level of instability, mental health, addiction, and unemployment creating the high-strain environment that so often results in these violent altercations. Some families faced pressure to shift allegiances or avoid going out in public. Retribution and cycles of violence were noted both directly and indirectly by some authors.

The involvement of CFS in low-income neighborhoods is well documented and has also been equally represented in this study. A number of VIS referred to the involvement of CFS in their families and genealogies prior to the murder but it seemed that being victimized in this way provided impetus for renewed CFS interventions. In the most tragic cases, adult children with their own young ones had been living in the family home, with the matriarch providing a roof for multiple generations, as is not uncommon in our city, and certainly not grounds for government intrusion. The reduced ability to provide the same stability and security in the days and weeks after the murder risked outside intervention for some families while others, who spoke of equally unstable households amid the crisis, were left alone. Indeed, such a phenomenon is not only known but the additional harm to families has been highlighted. “Exposure to family violence leads to many children being taken by CFS, continuing a cycle that

is difficult to end, because mothers whose children are taken often experience depression and grief and fall deeper into poverty” (NWAC n.d.). The consequences of such compounded crises all but ensures those children will not be returned and puts them at higher risk of contact with the criminal justice system via violence and victimization, thus perpetuating the cycle (NWAC n.d.).

Babies were apprehended, in more than one family in this study, and the parents were left to fight a government agency in the midst of a family murder and without the resources to do so.

The VIS revealed the ability for a crime such a murder to completely overwhelm the economic security of a working class family. Some had been managing up until the crime, without any need for intervention by social welfare agencies, but reported in their VIS that they were forced to turn to welfare after losing everything. Although this caused undue hardship and emotional stress (shame was identified by such authors) the families were able to remain intact, physically. Quite a substantial number of authors spoke of a sense of pride and the importance of working for a living, especially when speaking of the deceased. Families forced to turn to social services in the aftermath of the murder identified this as a separate injury and humiliation. The idea of collecting “benefits” was unpalatable to these families because of the stigma and shame attached to it. Although victim compensation is a right within the victim bill of rights, it is presented as a social welfare benefit. The program, application process and the forms required resemble applications for other social assistance benefits with the added insult of asking invasive questions about criminal history and details of the crime. For those families most in need of financial supports after murder, the application process can be shame inducing and in fact a deterrent to applying.

Other families were afforded some relief by class and social location that provided a safety net for such crises. A few authors made note of having access to insurance benefits for counseling and employment leaves. Disability insurance often covers mortgage payments in

such cases. However, that is not to say the homes of families in higher income brackets were any less impacted by murder in other ways.

Financial damages - non-cohabiting families.

Family members living in separate homes, independently or with their own primary families, were also impacted financially by the murder. Since many families spoke of relying on external family members, these losses contributed to added strains in relationships and lesser abilities to provide financial support to one another. The most common impacts reported were numerous accounts of lost employment, reliance on social benefits and savings, or even giving up plans to attend university. The long-term and permanent costs were alluded to by some VIS authors, especially when talking about children's' futures. The stress and anger of this injustice was identified as yet one more thing that these families were left to deal with because of the actions of the perpetrator. Many further indicated that it was the anger and stress of this that created the first cracks in what they described as the destruction of their families.

Physical health related losses.

The deterioration of physical and mental health of more vulnerable members was cited as a significant impact on families. The prevalence of heart attacks, strokes, and stress-induced complications of other pre-existing issues was not surprising considering both anecdotal evidence provided by victim serving agencies and homicide survivor literature (Freeman et al., 1996; Hertz et al., 2005). One study commissioned by The Commission for Victims and Witnesses (2011) found eighty three percent of those bereaved by homicide reported health problems attributed to the murder, including high blood pressure and heart problems in 33% and 12% respectively (Canadian Parents of Murdered Children, 2018). The deaths of elderly family members in such a small sample were more alarming. Worry about elderly parents and grandparents, seniors that seem to suffer cognitive and health decline in the aftermath of the murder, creates new anxieties in families already under the pressure of additional needs of their

children or siblings. The loss of important matriarchs due to the shock and stress of the crime compounded the grief of the family and larger community.

Home in the abstract.

The loss of home need not be literal and indeed many family homes were transformed by the enormous changes resulting from emotional strain, shifting roles and dynamics, substance use, and especially, an all-encompassing anger that invaded the peace of so many families, rendering a feeling of loss of the home they'd had. When it comes time to go to trial, the family comes together and shows a united front, often constructed for the purpose of showing that the victim had a loving family that was there to represent them. They appear as a unit, as a force. But the stories in their VIS tell the real story behind closed doors, after the media is gone. Behind closed doors these families were sometimes barely communicating, as revealed in their VIS.

Many of the narratives talked about home as an abstract, an essence in some effect. The once easy relaxed atmosphere where they could let down appearances and just be had been torn from beneath them. There was almost a sense of homelessness in some respects as authors decried the lack of space to just let go: *nobody can ever just fully relax*. Home provided a comfort that could be relied on and *was* relied on more than they realized, until it was gone. For some, home became a hostile and dangerous place as they felt more vulnerable and unsafe, whether due to the real threat of violence or perceived dangers caused by trauma anxiety.

Nearly all VIS contained some variation on the statement that the family they'd known had also died that night. *Home is where the heart is*, claimed some, but many resentfully conceded this was no longer the case, with versions of the sentiment that *our hearts have been hardened*. References to notions of home are prevalent in the narratives of family members grieving the loss of what was, while navigating an alien or in some cases hostile household. Some describe an emptiness and others a darkness hanging over everything and taking up

space. By this they go on to depict the devastating transformations that had overcome the family home, making it feel as though their home had been physically intruded upon by an outside force that caused turmoil, anger, and unrest.

Relational Impacts

Household dynamics.

The families described in these statements were by all accounts just normal families before the murder. They were also loving, supportive, busy families going about their lives and feeling secure and steady in the family culture that made them who they were. Some made it a point to say they weren't perfect, that they had their issues and struggles even before this happened. However, after the murder families say they are no longer the same.

The dynamics within the household are significantly and detrimentally changed by murder, as the majority of VIS authors took pains to convey. This is common after murder, as emotional and financial burdens cause family destabilization (Harth da Costa et al., 2017; Jackson et al., 2021). Every single VIS spoke of broken relationships, broken selves, and many of broken families. The interfamilial harm caused by the aftermath of murder is massive and long lasting. At a loss for how to explain the extreme changes within relations most were only able to explain it as the result of losing the key person that held them all together. Many authors referred to the deceased as the pillar of the family or the glue that held them together.

The role the victim played in the family, a role that was deemed unique and irreplaceable, has been extinguished, creating what authors depicted as a hole punched through all the places that person belonged and was needed. Whether in the role of breadwinner or caregiver to the ascribed Christmas elf or family storyteller, to the most intimate and personal champion and protector, the jokester of the family or the constant pain in the ass, having that person erased from the world in an instant sent the families reeling.

The dynamics of each family is unique and serves to balance a division of labour while managing the needs of one another. One of the most prominent aspects of harm brought to the attention of the offender in the VIS was the damaged relationships and the ways misplaced anger made families turn on each other. Families don't *need to explain* who they are or what the person was. But they *need the offender to understand* why that person was so important and therefore valuable.

The breakdown of relationships due to anger and stress after the murder were prevalent. Some families spoke about the fighting and others spoke about the silence in the household. Even if the families were not physically dissolved, they suffered great emotional damage. Each familial role eliminated caused turmoil in the rest of the family as they tried to readjust roles and responsibilities while still adjusting to the shock and grief.

Sometimes the role cannot be filled, or the existing family members lose the characteristics that gave them their unique place in the family. What was shared by all was the effects that came from changed personalities. The individuals that made up the "before family" were gone. Fathers that had always been non-violent and patient became full of rage, anger, and hate.

The claims that the murder broke the family were most evident in those in which the primary caregiver—most commonly a single mother—was the victim. When fathers were murdered, there was a wife or mother to keep the family together, whether this meant a continued role as caregiver for the children or adopting the children of the deceased victim. If there was no family to step in, the dependents of the deceased became wards of the State. In their VIS, older siblings and relatives did what they could to keep the family in contact. Families that had already been separated attested to the unlikelihood of recreating those broken family bonds. There was great regret by some that never got the chance to know their deceased loved one after the murder ended any such hopes or intentions.

It wasn't uncommon for young male homicide victims to leave behind young families. A family of three became two. These VIS suggested an incompleteness, a loss of being. Having lost their identity as *a family* left these moms unmoored and feeling disconnected from society in the ways they had been. Becoming a single mother suddenly entailed filling the role of both parents. For those living with extended family or in the homes of their parents the change wasn't so severe but for those on their own, life became an unending list of things needing to be taken care of without the security and comfort of sharing the burden with their spouse, as noted earlier.

Most families with dependents were led by single mothers while the fathers in this study more often had adult children already living independently. In their despair, some mothers feel no longer capable of fulfilling the duties and roles they held previously, contributing less, or becoming an additional burden to the family for a time. Opting out more than any other family members, these moms sometimes just throw in the towel, either self-medicating with alcohol or becoming dependent on prescription drugs. The families must fill the role mom previously filled while also trying to care for her. Again, these were usually in cases without dependent children living in the home.

For others, they were forced to power through when there was simply nobody else to do the work. In some cases, the survival of the family depended on her setting aside her own trauma to keep the family above water and under the radar of child welfare authorities. The role of mothers was difficult for others to fill, and most VIS accounts illustrated the extra burden of mothers after murder.

Sisters and wives struggled with anger and the betrayal and senseless violence that dismantled their beliefs in a just and stable world. Other family members described them as no longer the *nurturing* mothers they had been. This could be because they have had to take on the family work, the emotional labor, the organizational labor, the household management, and

command central for keeping everyone else informed. From the accounts provided, other family members didn't take great lengths to help fill their role.

Children and siblings noted having lost the stability from the adults in their world, walking on eggshells, the loss of freedoms, and new obligations and responsibilities. Some siblings became only children and children became orphans with the murder of a parent. The loss of a child put enormous pressure on siblings to fill the role or support their grieving parents. In some cases, though, the surviving child felt ignored or invisible (Harth da Costa et al., 2017) and also felt an additional responsibility to take on the duties of parents lost in their grief. As discussed in the previous chapter, sibling groups experienced a loss of their own that changed the dynamic of their group structure and relationships.

Most families tried to bind together, for a time. Anecdotes of teenagers spending more time at home, doing the chores, compensating for a lost sibling or parent drew regret and guilt from parents writing the VIS while the teenagers in question wrote of their frustrations and resentments, feeling stifled and oppressed by duty.⁴⁹ In other families there was evidence of clear discord and estrangement, each member securely concentrated on their own suffering and hardships with little mention of others or the family itself. Over and over again the VIS of families say *we are no longer the same. We are different now. We are broken.* The anger and incensed rage at such a cruel and *senseless* act was experienced and described like a poison that seeped through everything and everyone.

Despite the unwavering attempts of one member of the family trying to fill the shoes of the deceased, most admitted they were unable to sustain it for long. The multiple hardships associated with murder rendered the family barely capable of meeting their basic needs. As previously uncovered, the weight of family responsibilities as well as taking charge of legal matters usually fell to women, not only exhausting the energy and capacities they had during

⁴⁹ The young people referred to here were teens during the experiences spoken of by others but were over the age of majority by the time of writing their own VIS, included in this study.

such stressful time but then adding feelings of inadequacy and guilt that they weren't doing enough; hadn't done enough.

The hole that cannot be filled.

VIS authors spoke of the enormous sense of emptiness felt around them after a loved one was murdered. That there was *a hole in the family* was a common refrain. In the family home this was experienced differently by different family members with some trying to fill up the spaces and others preserving it as it was.

The spaces previously occupied by the voice and habits of the deceased became unbearable with many noting how loud the silence was and how empty was the home. As one way of coping some tried to hold on to the presence of the deceased, freezing time in a fruitless and desperate attempt to keep the death away. By setting a place at the table, keeping their shoes at the door and coats in the closet, some family members create a false sense of continued presence of their loved one around them. While this may provide comfort for them, others in the home were forced to live in this tense spectacle, living with a ghost and tiptoeing around the delicate needs of the living. This was described as particularly frustrating by siblings that were expected to uphold this awkward or upsetting charade to protect a grieving parent's needs at the expense of their own needs and mental well-being.

For others, the urn, often accompanied by a makeshift shrine consisting of photos and flowers or incense, held a place of honour in the homes of some murder victims. Parents referred to *having X with me* and *keeping them close*, as the thought of their child in the ground was too much to bear.

Photos and memorabilia are spoken of by VIS authors trying to convey the cruel substitute for the vibrant living person that was taken from their lives. This too differed between families with some sadly recounting the hundreds of photos they sorted through for the funeral or media, while others were lucky to have one. In its very nature as a criminal act,

murder entails the killing of another and then the covering of one's tracks. Fire is sometimes used to destroy evidence while leaving horrendous circumstances for the grieving family and friends. For many, salvaging meaningful mementos from the rubble was impossible, yet there were a few accounts of the painful attempts to do so. These families lost everything—not only the belongings and items to memorialize their loved one, but also their own belongings and important documents and photos. The only photo they had was the one they provided to the media, now forever attached to the murder.

Emotional impacts

Everyone is impacted in different ways that invariably clash with others and make home life strenuous. Children experiencing night terrors and separation anxiety after the murder of a parent add to the sleeplessness of everyone and make for unrested and unhappy children during the day. Many a caregiver lamented that they never get a minute of rest now. The comfort of home has been stolen from these families in so many ways and their anger and frustration and depression are considered personal troubles without any recognition in law or otherwise that they are the direct victims of a criminal act.

Each VIS describes a loss of control over one's emotions and feeling like their personality has been altered, but even more, they describe each other as different people now too. Consider the change in the household if one member of the family were to sustain a brain injury, completely changing their personality. This is how the impact of murder is described. A formerly cheerful and optimistic teen becomes full of anger and aggression or an active, community involved spouse becomes withdrawn and moody, never leaving the house. Many similar stories were shared in the VIS that shows a widespread problem that is not being addressed. To make matters worse, it was rarely only one member of the family inflicted in this way. In most accounts they claimed everyone was changed, with *hardened hearts* and *turning anger on each other* these families became divided and dysfunctional.

Anger.

Anger was once an alien concept to many VIS authors as they referenced being raised with kindness and patience, having never had a place for anger in their lives. When the anger came, with a force they couldn't have imagined, the families of these individuals were not equipped and fell victim to it. We're *hurting each other* or *we get mad over nothing* are common refrains in the VIS of family members. The same story is told in so many VIS, of an anger or rage seething in them after the murder and seeping out toward everyone around them. Small irritations now enrage, and minor issues turn into overblown arguments. So many of these families blame anger for their downfall. They all express the same remorse in their inability to control it, watching the bitter words come out of them and *unable to stop them*. To protect others from their rage, family members withdraw into themselves or stop engaging and attending family gatherings.

Vengeance simmers just below the surface in some families. This creates a tension by those wanting to quell any more violence or trauma to the family. Young males in the family and those in outer social circles may have noble intentions but indirectly bring additional stress to the family unit with declarations of vigilante justice and bravado, according to sisters and daughters. Older men fight the urges that burn within them, afraid of the rage that tears them apart. They keep the welfare of their family top of mind, knowing the additional devastation such actions would bring. Mothers may call for the death penalty. Fathers fantasize about doing the deed themselves.

Betrayal.

When the person that carried out such brutality was an individual known to or welcomed into the family, the levels of anger expressed in VIS are multiplied. These families tend to use similar wording in their VIS, drawing on a shared terminology with descriptions of the offender having *infiltrated* their private family and then *stole* a life like a thief in the night. These families

speak of an inability to comprehend how someone that claims to love a person can turn around and viciously beat the life out of them. The betrayal and cruelty are astounding and considered to be a personal attack on the family that trusted them. This is the reality for so many families of victims of intimate partner violence. Where there exists an assumption by so many other authors that *if only you'd known X*, here the dynamic shatters such faith in loyalties, or in basic human decency and trust. Some of these families welcomed the perpetrator into their homes and hearts. To say the knowledge of such a thing *has hardened our hearts* is the only way they can explain it. The number of families that used this or similar expressions is significant. Murder contorts a family tragedy that brings its members to their knees and to their most vulnerable and then turns their hearts to stone. Even the most closely bonded, warmest and happiest of families describe the before and after as two separate and different families. Everything they had been was destroyed, including their capacity to lean on one another or to trust others. When they say *I have never been so alone*, there is nothing more simply the truth.

Anxiety.

Carefree habits in the home, such as leaving the windows open overnight in summertime are replaced with ensuring everything is locked and setting home security systems before going to bed. The most prosaic elements of home life become weighted by malignancy. A simple knock at the door creates anxiety. Arriving home later than expected or not answering one's phone is a source of stress between family members. Everyone in the household is either living on edge or tiptoeing around those that are. These general descriptions of day to day life are eclipsed by specific examples of disagreements about how and to what extent the family should be taking part in "the case," issues highlighted in other research as well (Discola, 2021). For some, every new piece of information is critically important to them while others just want to wipe it all from their minds.

The very nature of murder usurps and forever summarizes that person's life with the circumstances of the death. If a person died while involved in criminal activity, they will forever be remembered as that. No other death has such power to reduce a life to one small aspect of it. Families comment on the injustice of this. As children grow older, they will learn the details that will require them to process and reinterpret the meaning that death now holds for their lives. Many caregivers spoke of the weight of having to eventually explain, to have this terrible duty put on their shoulders, having to be the one to tell and the one to withhold until such time as they can. This was highlighted as particularly stressful for families of girls, feeling an extra horror of having to prepare girls for dangers that they are uniquely at risk of due to their gender alone. More than one caregiver spoke of the terror of daughters reaching the age to begin dating. A time that should be exciting and natural has been transformed into something negative and dangerous. The forecasting of family strain and additional divisions during already tumultuous teenaged years was one of many future consequences of murder contemplated in VIS. The lasting effects and continual interruption of murder on the lives of families was astounding.

Social impacts

Celebrations and family rituals that held importance and joy prior to the death were simply canceled by most families. For those families that only manage to get together over certain holidays this increased separation and divisions. Most calendars now kept dates associated with the date of the murder, or locating the deceased, or a continual listing of upcoming court dates. Family events were now described as feeling like an obligation, too taxing, awkward, or painful. This was especially so for those in which the deceased had a special connection to a particular date, or the murder took place on a recognized holiday. Cultural and religious events or traditional ceremonial practices were also interrupted or put on hold causing additionally negative consequences for some families. Important community ties were lost

adding to the isolation of individual families. A number of parents asserted that they spend holidays at the cemetery now.

For some, their loved one is never located. There is no opportunity for burial or other rituals or goodbyes and there is no place to visit and no urn on the mantle. For these families, this person that was so interwoven in their life and heart is suddenly and completely erased from the world. For these families photos are most precious.

Families of murdered parents, siblings and spouses now face such milestones marred by the missing loved one. Celebrations are marred by the absence of the deceased and then the unavoidable topic of the murder. Individually these are sad and unfortunate events but taken together they convey a bigger and lasting impact on families that had been previously able to count on a stable and predictable world.

Secondary and extended impacts

The families victimized by murder in this study often suffered the secondary and extended impacts caused by the strain of murder. Substance use and addiction were predominant in these VIS and created numerous additional problems for families already struggling in crisis. Several the families fell victim to poor coping mechanisms during such extreme circumstances, most notably in cases where chronic stressors associated with poverty, mental health and other pre-existing issues rendered them emotionally incapacitated by this latest crisis. Some described substance use meant only to provide them temporary reprieve or some sense of calm that quickly spiraled into the destruction of their marriages and families. The damage to marriages was not rare and was identified by the authors as a direct consequence of the murder. Rock (1998) references a common myth in homicide survivor circles that claims 90% of marriages end after the murder of a loved one.

Opting out in some form is common in the early months after murder but some VIS authors describe disappearing into the bottle for years before ultimately taking stock or being

jarred to action by the need to act on behalf of the deceased loved one. Some authors described watching their adult children spiral into drug and alcohol abuse, unable to intervene as it tore the family apart or landed the user in jail or rehab. A fair number of the families had prior struggles with substance use and addiction. Already vulnerable to such issues, the impact of the murder of a loved one served as the proverbial lynchpin that turned a manageable problem into the destruction of the home. A familiar cycle emerged in the VIS where family breakdown served as a catalyst for drinking which in turn led to further interfamilial problems creating more serious problems that resulted in devastating outcomes for everyone involved.

There is a tragic irony in the reality that drugs and alcohol are present factors in nearly all homicides and then these substances are credited with creating significant secondary damages to families in the aftermath. The number of families that included one or more family members spiralling into drug and/or alcohol abuse was staggering. In every case the users explained that their loved ones all *walked away from them*, unwilling to watch them self-destruct or no longer able to sustain the verbal abuse that came with the anger/alcohol mix. They describe *disappearing into the bottle* and *drowning out everything* with booze. Yet, in every case, they prioritized writing and submitting their VIS statement. This suggests the possibility that attending the trial, whether to represent their loved one or have their say in other ways, was more important to them; important enough to draw them back to the surface again.

Authors spoke of functional alcoholism or periods of sobriety that were effectively ended by the murder. Even families that hadn't dealt with substance problems talked about the rapid force of drugs and alcohol that overtook members of the family, ruining careers, education, and relationships within months. The VIS of both the substance user and worried family members provided tragic glimpses into the sheer magnitude of harm sustained by the family. The user spoke of the immense guilt and shame they felt for adding to the burden of the family. Their loved ones voiced frustration and anger at the offender and a justice system that dragged on and

on as their family fell apart. In some cases, the substance users spiralled into homelessness, criminal involvement or even ended up incarcerated further impacting family resources that were already precarious.

As a side note, these same families also report hearing rumors of the offender *partying* or otherwise enjoying recreational drinking with friends while out on bail awaiting trial—behaving as though it had never happened, or worse, was insignificant to them. The pain of being helpless and the anger at the cause of it feeds a boiling rage in those watching their family members self-destruct while receiving no justice or even a date for trial that might bring some relief or at least finality for them. There are parents that just shut down and become distant from their adult children, they themselves falling into despair and shutting the world out. Their children reprimand them and try to strongarm them to getting help. Some even hold back access to their grandchildren until they do. The oppressive sense of injustice felt by these families is visceral. And it seems to become a part of the new normal that they are expected to simply deal with as a private family matter.

Pretrial Stage

The inner life of families is hidden for the most part while they put on a public face in the community. Many VIS authors talked about walking in their neighbourhoods or facing their social groups again after the event had been so publicly *out there*.

One of the difficult matters that came up for so many families was the surreal world in which life just went on normally for everyone around them while their own came to an abrupt halt. While some never really recover, most spoke of having no choice but to carry on. Families appear to get to a stage where things settle or stabilize as they wait for the legal proceedings to begin, on average a 30-month wait. Having become *that family* in the meantime has proffered them with new obstacles and meanings that render the world a rather alien, if not hostile, environment for some. Janoff-Bulman (1993) suggests “people raised in Western societies by attentive caregivers tend to develop deep-seated underlying assumptions about the

predictability and just nature of their everyday lives and about the benevolence of themselves and others (often despite their knowledge that the ‘outside world’ is not like that)” (Janoff-Bulman, 1993, p. 7 cited in Thiel, 2015, p. 200). Over and over the families exclaimed that their entire worlds had changed, everything was different, and they felt cast out from their surroundings and neighbours.

Extra-familial impacts

Relationships and bonds continued to be strained within some families, and in some cases severed due to the insidious ways murder undermines issues of trust and security, spread outward to other relationships too. Like the individual, the family undergoes identity transformations that cause internal stress and external distancing. The isolation and turning inward from a hostile world (either real or perceived) further perpetuates these stressors, causing additional pressures that drain the strength and resources of the family. Fear, trust, stigma, and abandonment were identified as those areas that altered the social relations and locations of the family in the larger community and society.

For the most part, families more often turned inward as they found it increasingly difficult to navigate outside social relationships. The fear of stigma or being recognized as “that family” had made going out in public an unwelcome task. This was especially so in cases where the victim was deemed to be carrying “risk behaviours” as found in other studies as well (Harth da Costa et al., 2017, p. 3091). Although it wasn’t directly mentioned, I would expect this had implications for the participation of children in extracurricular activities. The loss of such experience or training in sport comes with costs to later opportunities. Again, the impact of murder on future potential is something not often addressed outside of these statements. While the impact of a prison sentence is thoroughly evaluated in criminology literature, there is little attention given to the life chances lost due to victimization.

Murder, in its abstract form embodies taboo that touches our deepest fears. This aspect of it sets murder apart from other deaths, adding an additional stigma that blankets families and separates them from the rest of society. In some cases, even just the perception of this othering is enough to lead to social exclusion since such concerns affect the overall behaviors and interactions of the family. These families put self-imposed limits on their own freedom in attempts to avoid stressful interactions or to protect the family from overt judgement. Often it was families with children that were most heavily impacted by social issues such as these.

Isolation.

The loss of trust and of meeting new people was also noted by many VIS authors but the impact of this on families is overlooked. These outside connections and relationships that widen networks and provide social interaction and growth are important and provide topics of conversation within the family as well. When everyone retreats from the outside social world not only do they limit their own lives, but they also crowd in on the household. Limited outside engagement creates stagnation within and like an echo chamber the family is more apt to find nothing else to focus on but the dominant theme of the murder, the case.

Regardless of culture, class, or geographical location families struggled with varying levels of isolation. The claims that murder had changed who they were resulted in the breakdown of friendships and relationships with others that couldn't understand without experiencing it themselves.

Othering.

The social complexities surrounding their lives after murder are too often misunderstood or even misrepresented by outsiders. For some families, the well-intentioned actions, and attitudes of those outside the family brought additional stress rather than comfort or support. Some articulated the difficulty of managing the anger and calls for vengeance by friends of the deceased.

Stigma.

Even pre-existing relationships were reportedly stunted or severed as families became less involved in community activity or found interactions with other families awkward or stressful. The murder created barriers between families as the victimized family felt like the normal families were tiptoeing around them or scrutinizing them. The result was the family living in either a self-imposed or socially imposed fishbowl. In some cases, the victimized families became resentful of those that escaped a similar fate and were able to continue living a regular life. The breakdown of social ties was devastating to families that were previously deeply integrated in their communities. However, the majority were simply indifferent to the loss as their own sadness, anger or familial problems dominated their concerns.

The feelings of social exclusion due in part to ambiguous victim status left some families experiencing a formerly welcoming community as a hostile and alien place. Different families perceived this to varied degrees, depending on their previous social location and self-perceptions. This issue seemed to be most spoken of in the VIS of those that lived in neighborhoods where violent crime was mostly unheard of, making them feel like pariahs in the eyes of their neighbors. This was especially hard for families unable to defend themselves against false or exaggerated media reports that created a sense of drama or intrigue where there was none. The victims' families in these circumstances more often referenced coming home and closing the curtains, no longer participating in community life, or relating stories of the horror of running into people at the grocery store and the ordeal of feeding their curiosity or enduring their pity. In some families the social anxiety created by feelings of stigmatization or othering was made worse by situations that felt threatening.

Fear and danger.

Perceived dangers and threats.

Understandably, there was a heightened fear of going out in public in those cases in which the murder was completely random and took place in a public space. However, public killings of victims in lower-income neighborhoods resulted in noticeably fewer fears acknowledged by their families. This, however, could be explained by factors of desensitization in neighborhoods with high levels of violence that might be characterized as dangerous by outsiders while those living there do not see themselves in any increased risk of violent victimization. In fact, such families more often directed blame to the offender alone whereas those from less violent neighborhoods more often spoke of increasing violence and danger more generally as a contributor to the crime. The impact of such fears could be seen in comments by parents regarding how they planned to change their parenting style, being more vigilant about danger and keeping their children safe. The latent consequence of this is the potential for increased anxiety in those children and the social harms associated with restraints on their freedom and friend groups.

Murder has an innate power over the emotions of the loved one's of the victims. Anger and fear are the two main emotions that tend to dominate and infiltrate the family. Anger was addressed earlier, and fear was briefly encountered. Here, I draw out a particular fear that impacts the families of victims tied to gang activity since there were a significant number of such families in this study.

Actual dangers and threats.

For some, as mentioned, the traumatic experience led to the development of a generalized fear whereas others didn't feel any increased sense of danger than previously known. In some cases, their whole lives became a source of physical danger. In these cases, their fears were not unreasonable as the one person that had been keeping them safe was now dead.

Members of street gangs made up a surprisingly large portion of murder victims in this study and in most cases the families knew or were associated themselves and therefore realized a new level of danger when one of their own was killed in this capacity. These families, the gang-entrenched families that exist within a world of risk, recognize the situation for what it is and admit to having got there with eyes wide open. Their fears are valid and provide a stark reminder of a part of this city that most residents are privileged to remain either blissfully unaware of or safely distanced from. For a number of families in this study, no such privilege exists.

As might be expected, these families were the least able to simply get up and move to a safer place. Also unsurprising is the sad reality that those left in such vulnerability were most often grandmothers, mothers, and children of the newly deceased gang member.

With the death of an active member of a gang comes an unsecured open door to their family. The complex nature of gang life in a small city like Winnipeg means many of these families could have ties to multiple and competing gangs (Henry, 2021; Martin, 2016; C. A. Smith, 2016). The offender might even be a family member or close family friend, as was sometimes the case in this study, leaving dangerous political decisions to be made by the surviving family members. Some spoke of pressures to replace that person and the pragmatic needs of continued memberships with affiliated others.

Some families in this situation expressed fear of being caught in the crossfire of retributive actions while others simply stated that they would do what was expected of them. The complexities of various familial connections in rival gangs added additional stress for young mothers now left to raise children alone, trapped in a life they didn't want and angry at the deceased partner that left them in this mess. More than one young widow spoke about the hopes she'd had that *he* would leave that life behind and choose her and the kids. These moms felt hopeless as they lamented knowing they now had to let go of dreams to live *just a normal life* and have a *normal* family.

Still, most families in this study were not gang affiliated and fear, anxiety and mistrust still made the outside world a hostile and exhausting place for them.

Other injustices noted

Before turning to the experiences with the justice system, there were a number of injustices experienced by the family that can best be characterized as immaterial losses. Falling outside of relational or social impacts, these losses still impacted the lives and wellbeing of families and were considered direct injuries or damages sustained from the criminal act.

Immaterial losses.

It was the non-material losses that tended to have a greater impact on families in the long term. Immaterial, abstract and spatiotemporal losses were not articulated clearly by individuals but could be deduced in the background of their stories and the anecdotes provided. Such abstract or unquantifiable elements of everyday life that we take for granted such as time, space, privacy, agency, and freedom are some of the secondary constraints imposed upon members of the family by this criminal act and its resulting social and legal responses.

Families of murdered loved ones are stripped of their privacy, autonomy, and freedoms to enjoy the same rights as other families. The life trajectory and narrative identities of families were not only interrupted by a death and concomitant grief, but also transformed by the social and legal responses to the crime. When one speaks to the pollution created by murder, it is these intangible aspects that most often come to mind.

Privacy.

Privacy, as previously revealed, is no longer taken for granted by families who describe feeling exposed by media and judged by society. The number of families that felt stigmatized in their own neighborhoods, especially in those outside of the inner-city—neighborhoods considered immune to such violence—reported feeling as though their neighbors and

communities no longer engaged with them in the same ways. They reported feeling exposed and under scrutiny, leading some authors to report opting to just shut the curtains and keep to themselves. In the workplace too, individuals felt judged or set apart because of their connection to the murder, denied the same level of private lives afforded their coworkers. In some cases, they left their jobs or changed careers entirely.

Some shared anecdotes of complete strangers approaching them and behaving as though they were more familiar than was appropriate. In particularly heinous or otherwise newsworthy cases, families would unexpectedly see their loved one on the front page of newspapers out of the blue, eliciting questions and comments from well-meaning others all over again. Unwanted attention was not only an extra burden for adult family members but some voiced concerns for their safety or that of their children. A few families simply moved away.

Agency.

Agency too is stripped from families who spoke of having all their choices taken from them. The disempowerment felt by families was often discussed in their VIS. In most cases, this was directly attributed to the criminal justice system but there were multiple other ways agency was taken from the family. Whether forced into untenable circumstances or denied information and input into decisions that directly impact their lives, declarations that choice was stolen from them were made in a large number of statements.

Consistently, authors directed comments to the offender, disparaging him or her for making the choices that determined their fate. As noted earlier, parents lost the ability to raise their children in the manner of their choice, having to institute tighter restrictions on their freedoms or explain things they never wanted to have to explain. All families in this study had their freedom encroached upon, to one extent or another. Freedoms constrained by dangers—real or perceived—that didn't exist prior to the murder, severely impacted the social lives and general sense of being in the world for many, leaving families that had once been active and

engaged in their communities feeling more and more confined to their homes. Having to set security alarms, fearful of walking in the neighborhood or shopping, not going out after dark all created a real limitation on freedoms previously taken for granted. Freedom was also impacted in other ways for those that felt obligated to take over care of the victim's children, losing the freedom and future plans for retirement and travel.

Autonomy.

Autonomy, like privacy, was described in a family context as well. The inherent right of inclusion as members of their society, without unfair bias or scrutiny, was lost for many families. The murder leaves the family relegated to the sidelines of the justice system and is experienced by many as a form of banishment or exile from the legal membership as full citizens. Forced to adopt a victim identity, either to qualify for benefits or rights afforded to victims in the VBR, or to sustain basic social status through legitimacy as victims rather than “problem families” leaves them untethered from autonomous lives afforded to other families. Even what they are allowed to say in their VIS is pre-determined and reviewed by outside agents.

The insult felt at being treated as a third party or as outsiders to the criminal case was experienced as an ontological assault by some. Others viewed it as being treated as *outlaws*. They were appalled at the protections and rights afforded to the offender while their rights were all but ignored. Despite being the parties left to shoulder the burden of the crime, they were not acknowledged nor given legal protections as equal parties in justice. The moral hurt of this was exemplified in the shattering of normative beliefs in where they fit and how they are valued in the world (Lerner & Miller, 1978). As tax-paying, law-abiding citizens they had expected that when victimized by crime the state would surely *be on their side*. In fact, it was the opposite. And for some families, as I'll describe shortly, they were criminalized and penalized by the agents of the state they turned to for assistance. Here too, the media was implicated in making

the family feel as though they had “lost control of their own truth” (Harth da Costa et al., 2017, p. 3092).

Time.

A dominant issue in the VIS of these families was the time stolen from them. Murder takes less than an hour, in most cases mere minutes or even seconds. The fallout lasts for years as the criminal case winds through the criminal justice system. For the family and loved ones of the victim, the murder impacts the rest of their lives. Lives revolved around the case—around the timetable of the courts. Months and years were put on hold, families not able to fully engage in *normal life* with this constant presence hanging over them.

As time passed the families faced new and increasingly exhausting obligations and expectations thrust upon them that withered away at their lives *like death by a thousand cuts*. Any sort of regular life was continually interrupted by invasions into their privacy or new last-minute court appearances. Just as things were settling down the family would be thrown into crisis again by an unexpected news report or some small detail formerly unknown to them. Most families reported feeling like they too had received *a life sentence* since they were essentially hostage to the agenda of the Crown. Whether months or years, the case and the wait for “justice” encroached on valuable time, encroachments that other families were not subject to. The day to day and week to week demands on their time for counseling or court or other legal and administrative matters caused by the death amounted to the accumulation of little thefts of time, none of which were compensated. The loss of time that could have been earning a degree or employment advancements was simply gone.

The ability to process the new information learned finally, and then grieve that loss again, is articulated by a participant in a different study.

It actually took three years [before the start of the trial]. That was terribly long.

[...] I had the feeling that I had been carrying my [murdered relative] on my back

during those three years. [...] When I woke up on [the last day of the trial], I said ‘today is the day I’m going to be able to bury my [relative]. [...] They should not be allowed to do that, it should not take so long. Because it is only [after the trial] that you can mourn. ("Zara" quoted by Van Camp, 2014, p. 86)

Notably, some families spent months waiting just for an arrest in the case before the average 30-month wait for a trial date even began. For victims that had been missing, in some case for years, those years could not be given back to those families who had spent countless days, weeks, months or years searching. The concept of time stolen, of a sentence handed to the family, is a common theme and further promotes their claims of loss and demands for recognition. Time is a precious commodity and its use as punishment in our legal system makes it that much more disdainful as something taken without consequence. A profound sense of double injustice is presented around this issue. *We’re not living, we’re just existing*. The situation was described by some as living in a *purgatory*.

Space.

Space has been limited for families victimized by murder. Some authors in describing the lifeworld of the home used rhetorical imagery to convey the darkness that now envelops them. *Everything is darkness. There is no joy*. The inability to feel the warmth of the sun any longer, a deathly and oppressive silence that smothered everything, and the exclusion from spaces once welcoming and safe restrict and enclose the spatial lives of the family. The space most commonly talked about was the household.

The family household is a place of refuge from an outside world that can’t possibly understand. The mantra of homicide survivors is “nobody can understand unless they’ve experienced it.” The world is smaller for them now. Some families depict the home as a prison, something they have been forced to retreat into as they await the trial, hiding from media, from neighbors and even from friends and co-workers. They say they have been sentenced to a life not

their own, their freedom taken and the loss of everything they'd known. Purgatory has both a temporal and spatial dimensions.

Trial Stage

The final topic of the experience discussed in VIS and the event that every family impacted by homicide must face in one way or another is the trial. To have their day in court and to see the offender tried for his or her crime also serves to bring an end to the agonizing wait for the truth, or at least the facts known about how their loved one's life came to an end. Some homicide survivors refer to finally having the opportunity to face the perpetrator. For others, it marks the end of the wait for the details, to finally hear how their loved one was killed and what their final moments were like. Most, though, hope the trial might bring justice.

While seeing justice done at trial is identified as important, most families resent the wait for and necessity of attending the trial. The control over their lives was the most common complaint and had the biggest impact on family breakdown. Submitting a victim impact statement, whether written or read out in court, afforded these families an opportunity to tell their stories, to show the court and put on the record that they have all been horrifically and unjustly victimized by this crime.

Until now, the findings explored the subjective experience within the family, which illustrated some of the variations from household to household but tended to highlight the similarities in the post-homicide experience from within the household. What stands out in these narratives about the justice system is how distinctly different the experiences and expectations were between families.

In their narratives, the trial and interactions with the justice system were often given prominence. Those that addressed the issue directly commonly identified alienation and disillusionment in the justice processes. I bring this chapter to a close with a brief review of these matters, with emphasis on the differences just described.

Justice and Disillusionment

Many families came to the same conclusion that getting justice through the channels available to them (i.e., the courts) was more of a burden than a benefit. They spent months and years fighting to have a voice and to *see justice done*, only to be frustrated, disrespected, and ultimately let down by the real thing.

Families victimized by the murder of a loved one are taken aback when they realize they have no legal standing in the matter, are not privy to information about the death of their loved one and will have to wait an average of two years before the case goes to court. They, like the rest of us, have seen the headlines; perhaps followed prominent trial coverage, and felt for those poor grieving families seen standing together on the steps of the Law Courts Building after sentences that are never enough are handed down. But until they become *members of the club nobody wanted to join*, they are entirely unprepared for the two years they will endure as they wait for some end to *their nightmare*. When they finally reach that pinnacle themselves, as they become *that family* walking out of the courts to the throngs of waiting reporters, they carry a heaviness that they hadn't noticed in the families that stood in their place before.

It was common for multiple members of a family to make similar comments about their perceptions of the justice process and their role in it. Overall, most families were dissatisfied with being treated as outsiders, feeling like outcasts and left out of important matters and decisions that affect them.

In those families that managed to survive the initial impact, finding ways to adjust and keep one foot in front of the other, they were impaired in their ability to move forward. Many families grew tired of putting their faith in the idea that once the trial was over, they could get back to a normal life. Some openly criticized the courts and the justice system in their VIS as they made angry declarations of disillusionment with the system and decried the unjust treatment received by a system that placed the needs and rights of the accused over their own.

Still, the trial served as a pinnacle for most families as they waited for that moment when justice would finally be at hand. Many put stock in *getting justice* or *seeing justice done* while others had no faith in the outcome of trial. They held no illusions that any sentence could bring them comfort. Instead, they waited for their one opportunity to speak for their loved one.

Some families thanked police and prosecutors in their VIS, indicating higher levels of satisfaction with the CJS. These families neither voiced high expectations nor complained about the wait for trial as persistently as others. A few authors wanted to balance accounts, correct the record, and regain the personhood of their loved one. Often, members of the same family made similar appeals or demands. There were several that expressed more outrage, and decried the unfair treatment they experienced by a justice system they had expected to put their rights first. Surely, as victims of the most heinous of crimes, the courts would be on their side! These families more often described the futility of the justice system and resented being asked to write VIS, *to go through that*, when it would have no effect in the end.

Other families, more often tended to direct their anger at the offender more than at the courts. Their statements depicted a submissive and overpowered voice that expressed anxiousness that their VIS would not be accepted as written. In the face of unrelenting stress and never-ending hearings and waiting, it was crucial that they stay informed and take up their right to speak when it came. So, they endured. These authors were most vocal in trying to show the court that the deceased victim was important to them, and that they were good and law abiding people. These families didn't voice expectations of the court, other than wanting justice done.

Despite perceived failures of the justice system by many there was a strong need to represent the powerless and faceless victim of the crime was a real person that had a meaningful and valued life; was important and had contributed to society; that justice must be done to acknowledge the rights of the victim.

Where some described feeling like refugees, others depicted frustrations of being hostage to a criminal justice system that kept them in stasis. Their lives were put in a holding queue as they waited months and months for their opportunity to finally face the perpetrator in court. Even though they have no legal standing and note being consistently left on the sidelines of the justice system, there still remained a stalwart perception that *they* are the opponent in this battle—not the Crown and not the State. The victims’ kin hold steadfastly to their beliefs in their rightful place in justice.

It was not surprising to find something of a culture shock of sorts some families upon the realization of how little they and their deceased loved on mattered in the eyes of the law, particularly for those that had no prior exposure to the criminal justice system. Whereas families that had experience in the CJS had a leg up in this area as they had fewer illusions about justice, others that had believed in an ideal and sanctified justice system were quite frankly gobsmacked. They simply had no experience to prepare them for something like this which came through in their VIS as additional hardship. The complete disrespect and disregard by agents of justice was something unfathomable and considered a grave injustice, most noticeably expressed in the VIS of families from higher economic classes or living in suburbs or remote communities. Those families that had been shielded from violence, either due to economic privilege, geographical location, or simple luck lacked the resilience and armor of those that had some exposure. These families more often compared the crime to a nightmare or a horror movie. Families from the suburbs felt more stigmatized and alienated from their neighbors. They were more aware of a new vulnerability that set them apart from others in their world. They used the term ‘victim’ more often in their statements, directly stating that they are victims of this crime. This was juxtaposed with the other ‘fact’ that this kind of thing doesn’t happen to families like them. This should never have happened.

For families used to the bureaucratic and oppressive treatments of government institutions, such as social assistance and child welfare agencies, there were small

acknowledgements of gratitude for the minor concessions granted them during this arduous journey.

The lack of meaningful input or even basic respect in some cases is distressing enough but as time goes on, they are “thrown back again and again” as new details are slowly revealed in pre-trial motions and hearings that can last upward of two years. There is a powerless dependence that keeps families attached to the courts as they wait for “justice” that can only come with The Trial. Families often reference “our case” in their narratives. Although the initial event of the murder was the first cut, the abuses experienced by the criminal justice system and court proceedings left many families feeling revictimized and resentful. Several used metaphors of having a wound reopened every time they had to attend another court hearing.

For those accustomed to preferential treatment and status in society it was inconceivable that they were disrespected and disempowered in this way, especially since everything being decided, withheld from them, or discarded as irrelevant was *about our family!* Families that had prior experience with social exclusion and paternalistic treatment were less shocked but no less upset. For them, the injustice and disrespect were more firmly located in the unfair representation of the deceased, and in some cases the audacity of the offender to plead not guilty.

To add insult to injury, those family members who attend court hearings report having to endure seeing the family of the accused seemingly unphased by the situation or even showing contempt toward the victim’s loved ones for being there. The normative legal discourse that the case is between the accused and the Crown leaves the family of the victim not only denied legal representation but also made to feel unwelcome or thought of as an unfair impediment by the supporters of the accused. The victim’s family is considered a hindrance, there only to instigate jury compassion and thus tarnish the appearance of innocence sought by the accused. In short, the victims’ families are considered spectators with no stake in or legitimate reason for attending court. This perceived hostility, on top of the general exclusion and disrespect, is

decried as an outrageous injustice by those that discussed it. Still, there were occasions in which VIS authors noted kindness and compassion from the families of the accused. And there were families that neither felt oppressed by the system nor fully denigrated in the news. They displayed less despair and outrage and were more pragmatic in just trying to keep moving forward. That said, the consequences of being unacknowledged and uninformed were detrimental to family wellbeing and ability to pick up the pieces and live their lives.

Ideal Victimhood

I want to draw attention to an interesting observation. In my first reading, on the individuals and the general areas the narratives tended to fall into, I highlighted the practice of ascribing value to the deceased within a project of reclaiming their stolen status and personhood. A similar practice was noticed in the ways authors described, or otherwise situated their families. Through the common inclusion of minor background details revealing their social and economic location, lifestyle, and community connections, these families were essentially locating themselves within social hierarchies by enumerating their social and symbolic capital.

They provided insignificant comments and details that denoted markers placing them in relation to the other families in the study. For example, walking around the streets of the North End versus spending time at the cottage, becoming homeless versus family vacations, large community gatherings versus normalized street violence, references to university versus upgrading, and welfare cheques versus life insurance policies, to name just a few. Interestingly, it was not these factors alone but rather the combination of such economic, cultural, and class differences alongside the circumstances of where and how the murder took place that set families apart in their experiences as co-victims of homicide.

This phenomenon was astonishing in what it revealed about our social behavior in respect to matters of justice, namely that it was a normative practice for these families to assign and defend the worth of a life in such a Capitalistic yet moralistic manner. More astonishing was

the need to do so in response to the labels and stigma that influence how homicide survivors are regarded and therefore how they experience murder socially. But further to that, there was a distinct separation between families in each hierarchical position in the ways they responded to such a social location as articulated in their statements.

By hierarchy, I allude to a scale of *ideal victimhood* that served as a framework for this secondary, yet interesting finding. As with a number of intriguing observations in this research, though it falls outside the scope of the current study, I include a brief account but must leave further examination to others with the appropriate expertise and insights I lack.

At the outset of this work I spoke of a unique aspect of hermeneutic phenomenology and my use of surrender and catch, noting that as the study progressed and my interpretive analyses moved through the hermeneutic circle, I increasingly expanded my lens to draw in supplementary and historical materials. It wasn't until this third reading that I turned to the media reports of each of the murders, first to verify the accuracy of my family groupings and then ultimately to strengthen the rich contextual meaning. The media coverage of the murders contained a wealth of information that did provide deeper meaning to some of the matters discussed in the VIS narratives. However, they also revealed valuable traces of the hierarchical manner by which media represents different victims and their families, matching levels of ideal victimhood status. The consequences were seen in the way families resisted or embraced such status and how it seems to have influenced their own perceptions and attitudes about justice.

Ideal Victimhood Scale.

Although there were noticeable divisions highlighted by race or class in some cases, I found the most consistent difference was due to this moralizing differentiation of ideal victimhood. As noted earlier, the concept of ideal victimhood was introduced by Nils Christie, found to be a socially recognizable measure of determining the legitimacy of victimhood, utilized in attempts to find blameworthy factors in victims in order that as onlookers we might better

create a sense of distance from such a thing happening to us. I acknowledge the limitations of this concept due to the incompatibility of Christie's original victim stereotype with our more contemporary understanding of the complexities of victimhood. Christie identified vulnerability and innocence as factors of ideal victimhood. This too often tends to translate into white, middle- to upper-class. However, I found the utilization of an ideal victimhood *scale* allowed me to discuss the important findings without revealing identifying characteristics of the families being discussed. Notably, though both Indigenous and non-Indigenous victims were distributed throughout the victimhood scale, there was a noticeable weight of Indigenous victims in the lower end of the scale met with an equal skew of non-indigenous victims in the higher categories. Yet, while evidence exists in other research on media bias, it is important to recognize the limited ability to draw any substantive conclusions in such a small data set. I remind the reader that this scale is used only to shine light on some interesting observations between families.

For ease of discussion, I have divided the families into the following degrees of ideal victimhood (IV⁵⁰) on a scale from the lowest level of ideal victimhood (1st degree) to the purest level of ideal victimhood (5th degree):

1st degree IV: were those in which the victim was directly participating in some form of illegal activity at the time of their death such as drug deals or gang activity. These victims were presented to the public as getting what was coming to them. They received the least media coverage and were characterized as numbers more often than other victims.

2nd degree IV: were those victims that were involved in high-risk lifestyles at the time of the murder, for example working in the sex trade or associating with

⁵⁰ Although ideal victimhood scales have been introduced by others (see Kleinstuber et al, 2020). I found it more relevant, for the purpose at hand in this discussion, to provide a scale better tailored to the cases in this study.

criminally involved persons or those with a criminal record as reported by media. Public sympathy was limited for such victims.

3rd degree IV: were those murdered while out in a nightlife environment, with drugs or alcohol present in which an altercation led to the murder. These murders took place in public locations and were often reported by media as violent interactions rather than random attacks. The victims were presented as partly responsible.

4th degree IV: were those cases in which the victim was murdered by someone they knew or trusted with or without prior altercation. Examples include intimate partner violence and acquaintance killings. These murders often took place in a private residence and were reported as tragic, yet somewhat preventable deaths, with the victims deserving pity.

5th degree IV: were those in which the victim was murdered while carrying out everyday activities such as daytime outdoor activities or errands, while at work or home, for example robberies, random attacks, and home invasions. These victims were reported as completely innocent by news media, often igniting public sympathy.

The way the victim is portrayed is a point of contention for families who so often find themselves under close scrutiny by friends and strangers alike. In the earlier chapters this practice of balancing accounts and memorializing the victim first emerged. Here, due to the implications for the integrity of the family as they navigate public scrutiny, the level of ideal victimhood played a role in the impact of murder on the family. There were certainly indications of inequalities and differing levels of impact between IV location throughout other areas of the VIS, I limit the use of this descriptive tool to their interactions with the justice system. A wider examination falls outside of the scope of this study.

Police and Other Official Interactions.

One of the most glaring disparities between families was their descriptions of the notification. The family members of victims that had been tied to criminal activity at time of death recounted being notified in public settings, without compassion or respect for their privacy or grief. In some cases, the VIS author described police taking them to be interviewed immediately, in front of coworkers or neighbors. The families of victims that fell within the mid-levels of ideal victimhood, such as those that were killed during a house party or using drugs at the time of death, more often noted being given incomplete or false information or not notified of the death for many hours after it had occurred. At the other end of the spectrum, the families of ideal victims spoke of the kindness and consideration by police. Communities banded to support these families and there were fewer complaints of being denied access to their loved one by hospital staff. There were still instances of being provided incomplete information or being turned away by hospital staff, but these were the minority in this sample.

Victim and Social Services.

For families of deceased victims in the lowest categories of ideal victimhood spoke of negative interactions or no interactions with service providers in the aftermath of the crime. The denial of victim benefits was mentioned by VIS authors in this level as well as having children apprehended amidst the fallout of what had happened. Due to the serious implications for this topic, it has been unpacked more fully in the discussion chapter following this one. In the rare instances in which victim services or supports were noted, they came from the VIS of more ideal victim families. However, it was mostly the access to counseling and medications that came up with very little comment made on supportive services by victim workers. Families in the mid to higher levels of ideal victimhood commented on the financial benefits they received to offset funeral costs and allow them to attend court hearings.

The CJS and the courts.

Having already addressed this topic at length, I will limit the comments here. What stood out most immediately, as previously noted, was the frustration with being excluded from and denied recognition by the justice system itself. Those in the highest ideal victimhood levels tended to have had no prior personal experience with criminal justice and were unequipped when it came to navigating the emotionless and demanding nature of the legal process. Being denied information and the respect they felt due was most loudly denounced by those in the mid-levels of ideal victimhood that felt their loved one was indeed an innocent victim, but they felt criminalized and abandoned by the system. For families in the highest category, there was the presence of resentful comments and disbelief about the rights of the offender over those of the victim. Yet, it was those who more often defended the lifestyle choices or circumstances of the death, demanding acknowledgement of their value as citizens and human beings, who complained of the revictimization by the courts and the lengthy wait for information that could only come from attending trial. By comparison, the families of those that had been involved in or judged to be complicit in their own deaths, were largely more supportive of the court process and being given a chance to speak for the victim.

An important observation was made that in those families with a victim in the lowest IV categories experienced higher levels of substance use, insecure housing and income while those in the middle range spoke of returning to work (though having to miss work to attend hearings). The VIS of the most ideal victims spoke more often of struggles with depression and other mental health issues that left them further weighted down for the duration of the criminal court processes to reach a conclusion.

There were additional aspects of attributes of ideal victimhood that appeared to have some correlation with other pieces of the family experience, but however interesting they might be, they must be set aside at this time. It is the perceptions of and interactions with justice that

are most relevant to the key areas identified in this research which will be uncovered and given more thorough examination in the next chapter.

Concluding thoughts

This brings an end to the third and final section of the findings in this study. Though the three readings all came from the same set of victim impact statements and were read and interpreted by me alone, each one revealed a distinct study that had to be undertaken separately. The three offer different areas for discussion while at the same time reflect one on the other in highlighting the multifaceted and complex nature of murder.

This third and final reading of victim impact statements revealed the unique impacts of murder experienced by families. As was shown, the narrative carries different meanings when read from the perspective of an individual or as the member of a family. The multilevel method used also presented a rare ability in qualitative research to build on prior understandings as more and more context and different horizons draw out the many layered phenomenon of murder. In this chapter the family experience shed light on the social implications of this deep moral violation of one community member by another. The lengthy and costly dependence on a slow-moving justice system has added significant hardship to the families of murder victims.

When a member of one's family is murdered, that family also experiences a kind of death due to social, emotional, and financial impact. Some describe their family instantly destroyed while others describe a slow, torturous deterioration. "The family... often conjures strong normative overtones for providing care and belonging and can, at times, act as a space of security and safety for many. However, if family can in these ways be places for intimacy and security then they also hold the potential for the most profound grief when they are dismantled or dislocated" (Cook 2021, p. 3).

Shifting focus is now required to bring together the three separate perspectives back into one. I've been following the hermeneutic circle in my reading and interpretation of the VIS from the start, expanding and retracting my lens to investigate and better understand the phenomena

at hand. I now draw the voices of philosophers, novelists, and scholars in sociology, history and law into the circle to develop a fuller understanding of murder and its impacts.

The following discussion will be organized through the synthesis of the findings reported in the last three chapters with the research questions that initially prompted my interest in these victim impact statements.

Chapter Seven - Discussion

Chapter Description

Through the slow and difficult process of searching for, locating, and accessing the documents for this research, an opportunity for new knowledge was presented. By robust preparation that included identifying and gaining the ability to use the most appropriate methodology for this type of research, a solid foundation was laid for a multi-layered interpretive analysis of VIS written by the loved ones of murder victims. The use of multiple horizons and a hermeneutical phenomenological process facilitated the formidable structure for thought called for by Axelrod () to break through regular channels of qualitative narrative analysis. This method provided a blueprint for building the following discussion that presents the written experiences of the individuals and families of murder victims in a logical sequence with an eye to readability. There were important discoveries and epiphanies along the way that led to key areas that stood out and merit a theoretically informed discussion.

The rationale for this study began with a recognized need for understanding the social impacts of murder in light of the narrow trauma lens dominating the literature. With the guidance of the findings now reported in full, I proceed to situate those findings in the literature, addressing current debates and perspectives within the process of answering the questions posed at the outset of this study. The four questions are: 1) what is being said in VIS? 2) How are VIS being used? 3) what can VIS tell us about murder? and 4) what did VIS reveal about the VIS phenomenon itself?

Question #1: What is being said in VIS?

The VIS in this study revealed fascinating evidence of not only the impact of murder but also the existence of ancient and enduring aspects of human response to interpersonal conflict and violations of moral systems. Within these narratives the authors addressed matters of injustice,

discrimination, and social exclusion as well as deeper existential and philosophical experiences of moral and spiritual injury, honor and duty, and good and evil.

VIS authors speak to the trauma and psychological impact that is inherent within the experience of homicidal loss. But they also talk about matters of morality and injustice, the harm to their families and communities, as well as their frustration with the injustice and indignity to which they are subject by the law. VIS are written in emotional language that delves into the human experience of murder in ways the legalese of the courts cannot, providing a strong case for the necessity of *the passions* in articulating and addressing matters of justice that emerge from this crime that itself driven by human emotion. The narratives are filled with resentment and candor as they use words to uphold a dignity and rightful presence in justice.

The authors express an anger that has destroyed their relationships and ability to sustain social engagements—an anger they say has changed their very personalities. *I'm not the same person anymore.* They demand recognition as the parties victimized by the crime. *We are the ones left to pick up the pieces. My family now pays the price.* Despite the plain fact that it is the family of the victim that bears all the costs and consequences of this crime, the damages and harm to them are entirely excluded from the charges being tried in court. The accused person is convicted of the crime of homicide, which is a crime against the Crown. This reference to the unacknowledged victimization of the surviving family members of murder victims was a dominant feature in the VIS that holds important implications for understanding how justice might be understood by those seeking it. The realization that the Crown does not represent them—or the deceased victim—also leaves the loved ones with a heavy sense of responsibility for ensuring somebody is there to speak for the deceased victim. The case takes precedent over their lives and ability to plan or commit to anything that could be disrupted by their need to attend hearings or trials. “Although they are not the ‘direct’ victims, families of homicide victims are often the most directly impacted by the murder and intimately invested in justice for their loved ones” (Reed & Caraballo, 2021, p. 2). This dilemma was shared throughout the majority of VIS,

but the impact was far greater for some leader to an important finding of a discrepancy in the actual access to justice for all.

In constructing their larger narratives the authors speak about their lives, their surroundings, and the multitude of ways in which the crime has changed the world they knew. This tangential material, the background noise that helps the authors to describe the particulars, captures so much more than the impact to that individual. It is the surrounding observations and the interactions described that help to inform a better understanding of what murder is and how it operates—through the indirect messaging. What is said in VIS is that murder has deep social, moral, and emotional implications that go beyond the individual authors, spilling out into the broader society and impacting attitudes and reactions that shape how murder is experienced. This has real consequences that go to the core of what constitutes justice outside of the court of law. There is a gap between the current understanding of how individuals and their families fare in the aftermath of murder versus what was said in the narratives of these individuals and families. The authors curated their statements to describe lives not chosen and futures forever altered while drawing the reader to dominant aspects of the experience that highlighted the plain fact that this crime victimized them too, in addition to the deceased. They demonstrated exasperation with the senselessness of murder, outrage at the moral violation, and distress at the injustice experienced throughout the long journey to trial.

We are the victims

In confronting this lack of recognition of the true extent of the costs of murder shouldered by victims' families is one of the key markers that deconstruct a discourse that presents homicide survivors as bereaved and helpless victims by highlighting their uptake of power in the words they use in their VIS. There is an important distinction to be highlighted in the ways these authors identify as victims of the crime, as rights holders and parties unjustly wronged and inadequately protected or defended, that serves to deconstruct a discourse that

presents homicide survivors as firstly, bereaved and diminished victims in need of comfort and treatment, and second, as suffering from a private problem rather than a societal issue. VIS narratives pushback on victim-blaming and pathologizing stereotypes by speaking to the social contributors to violence in this city as well as asserting their roles in relation to the state as public stakeholders in the matter that directly dismantled their lives.

The authors are saying *the crime destroyed my family*. Vincent (2009) examined the sequelae of violence and the ways in which exposure to violence affects family systems, highlighting disruptions in the organization of the family (p. 143). He found that family members isolated themselves from each other as well as from others in the broader community (p.141). As just noted above, family survivors of homicide are abandoned and left in the aftermath of crime without any legal protection and very little supports (M. Armour, 2002; Cook, 2020, 2021). What happens after the headlines and for the duration of the years-long wait for “justice” is rarely acknowledged in the public conscience and incomplete in academic literature. Having provided, through stories and anecdotes of the hardships and costs endured, and the treatment received by agents of the state, the authors have set out concrete evidence of their under-recognized capacity as victims of the crime. As previously noted, they said *WE are victims, it is OUR lives that were impacted*. This is not simply the testimony of impact or loss within the intent and purpose of the VIS program. These declarations have greater importance that will be revealed as this chapter progresses.

The senselessness of it

There appears, in VIS, to be an authoritative denunciation of the motives by the killers of their loved ones. The *senselessness* of it is what most often distressed these families and leaves them in a world void of meaning. “A seemingly trivial occurrence becomes the occasion for an instance of what, at first glance, seems an incomprehensible and thus ‘senseless’ violent reaction” (Karstedt et al., 2014). But there is a growing literature that presents a case for the

logical and even moral thinking that motivates the actions of killers. Among the reasons found for lethal violence, those discovered by Fiske and Rai's theory of virtuous violence included: to save face, to impose justice, to assert dominance, to avenge a wrong, and to enhance status (Fiske & Rai, 2015). What links these factors is one's sense of respect. An historical literature exists on issues of honour and status that make what appears a momentary overreaction of violence a rational and deep-seated cultural norm that is nourished by hypermasculinity and the strains of inequality and injustice. Anderson's (1994) *Code of the Streets* or Wacquant's (Wacquant, 2000) work on the ghettoization of poverty display a phenomena of symbolic and social capital that intersect at the micro and macro levels, transposing might where money is absent and relying on an economy of respect built on defending one's only asset: honour. Other research on gang culture in Canada report a similar findings in masculinities and honour-based identity issues (Comack et al., 2013; Henry, 2013). The sheer number of victims in this study, and in Winnipeg more generally, that were the result of issues of disrespect or slights of some kind, lend support to these theoretical perspectives.

Another point of relevance, especially in light of the high levels of economic inequality and poverty associated with Colonization, can be tied to equally meaningful perspectives. Scheff (2002) posits a theory that violence is a reaction to disappointed expectations regarding the display of recognition and respect for a person's identity (cited by De Haan, 2014, p. 40). This is supported by Gilligan (1996), who says "all forms of violence have shame at their core" while Cartwright (2002) further denotes the need for one humiliated "to relieve himself of unbearable state of mind by repairing his identity and having it confirmed by others" (De Haan, 2014, p. 41). The harm to identity and culture created by the residential school system and other policies that diminished Indigenous people in this province and beyond is well documented in the Report of the Aboriginal Justice Inquiry of Manitoba (1999) and the reports released by the National Centre for Truth and Reconciliation (2015).

What is interesting here is that VIS seem to dismiss this agency and honour from the offender's actions by their own characterizations of murder as the senseless acts of an agentless actor. The references to senselessness so prevalent in these statements, whether inadvertently or purposively, served to degrade the status of the offender. VIS narratives strip that power and dismantle any excuse or sense of respect the offender may have sought or used to justify his actions. Indeed, several authors reconfigured the offender's behaviour as cowardly and pathetic.

Moral outrage

Morality manifests in VIS in the outrage felt at the act of murder itself as a deep violation of a most sacred value upheld by one's peers. Authors address this moral element of murder, something so shocking and impossible to comprehend that it shatters their foundational beliefs about the world and their place in it. Normative expectations of human decency decry such behaviours, and the concrete fact of it—that a person made the conscious choice and intentionally ended the existence of another person—violates those norms, leaving the offender as an outcast. According to Just World Belief a sense of injustice comes from the inability to overcome the impossibility that one who was judged to be good and kind, generous and friendly—one that based on these qualities and should be entitled to "certain desirable fates"—met the opposite fate (Lerner, 1980). Resentment by families feeling that they, rather than the perpetrator, have been cast out and othered creates a moral dilemma. Connected to this is an insecurity in the knowledge that the safe and reliable world and their trusted location in it have been stolen from them and there is no recourse or redress to those not granted legal standing.

Ontological collapse

Murder carries ontological implications associated with the disintegration of the just world beliefs of the average family (Lerner & Miller, 1978) as the shock and moral injury shatters the inner world of those impacted by murder (Janoff-Bulman, 1992; Deborah Spungen, 1998; van de Ven & Pemberton, 2022). Ontological assault (Janoff-Bulman, 1992) has been

used to describe this feeling of existential wrong, but the term is tightly embedded in psychology. Woolford's slightly different description of ontological destruction, particular to the cultural destruction of Indigenous peoples, challenges the idea that such a loss can be recovered, at least through restorative mechanisms designed by the same political entity responsible for the harms (Woolford, 2009, 2019). Urban-Walker (2006) provides a less pathologized or political perspective in the term "moral injustice" that ties just world belief to the existential and moral injustices experienced by the loved ones of murder victims.

Moral injury serves to conceptualize that which VIS authors find so difficult to put into words. The deep violation of a trust and recognition of our dignity and shared humanity creates an injury to the fabric of our relationships to others. To say they want justice is often much more than a court of law can provide. Moral injustice more accurately conveys what the loved ones of murder victims describe in their VIS. In his discussion of recognition and moral obligation, Axel Honneth (1997) provides a concise definition of moral injustice when he posits how a physical injury becomes a moral injustice, "whenever the subject affected has no choice but to view it as an action that intentionally disregards it in an essential aspect of its well-being; it is not solely the bodily pain as such, but the accompanying consciousness of not being recognized in one's own self-understanding that constitutes the condition for moral injury here" (Honneth, 1997, p. 23) By 'it' he is referring to the subject. Though he speaks of physical injury, which is also the example provided by moral philosophers such as Darwall in his example of one standing on the foot of another, the gross level of disrespect for personal integrity and the disregard for the integral freedoms and safety of the victims and their families by perpetrators of lethal violence cannot be disputed.

In place of the terms "injury" and "harm" which feed a victim narrative that relies on a pathologized perspective of those wronged by murder, I introduce the less trauma-laden concept of ontological collapse, the sudden or haphazard dismantling of core belief systems that had provided certainty and security in the world, with the insinuation that a rebuilding is both

possible and imminent. Rather than seeking healing for an injury, I propose that homicide co-victims are able to access and pursue their need for moral justice through the opportunities of agency embedded in the process of writing and submitting the VIS.

This is not justice

Ideas of what constitutes justice are met with conceptions of what a lack of justice looks like. Judith Shklar's (1990) theory of injustice sits at the center of this study and the larger victimological questions around the place and experiences of family members of murder victims. Shklar forwards the position that the notion that injustice is simply the absence of justice is inaccurate. The law seeks to uphold justice, but it is injustice experienced by the murder victims' loved ones that is neglected by that same law, severed from it rather than encompassed within it. Justice has its own priorities that are not compatible with the expiation of injustice as "justice must of necessity be general and social in its aims" (Shklar, 1990, p. 84) while injustice is subjectively experienced. The importance of this distinction in the current discussion is captured by Bernard Yack (1999), "murder, and I would say injustice in general, invokes a harm such as killing, plus the violation of some expectations we have about the behaviour of others" (cited in Pemberton p. 365). This is echoed by Shklar's sentiment that injustice is "the special kind of anger we feel when we are denied promised benefits... what we believe to be our due..." (Shklar, 1990, p. 83). The violation of an expectation that someone will not murder your son, or your mother creates that personal injustice that remains unanswered for in the courts.

Injustice is additionally felt in the multiple assaults, indignities, and hardships described in VIS. The authors voice astonishment and frustration at a justice system that has left them feeling like outcasts, stripped of their own interests in a matter central to their lives. The VIS underscore the unmet needs for justice denied by this system that excludes the victims' stake in it. "As long as we have a sense of injustice, we will want not only to understand the forces that

cause us pain but also to hold them responsible for it—if we can identify them” (Shklar, 1990, p. 5).

The anger expressed in these testimonials and their descriptions of the destruction it has wrought on every aspect of their lives provides us a glimpse of the Furies, the mythological trio of deities called upon to avenge murder, as depicted in the *Oresteia* by Aeschylus. Their ancient task to expiate the pollution of murder, thereby protecting society, was lost when they were sacrificed in the name of justice with the introduction of the jury trial. There is a metaphor here that was adopted in this study tying the silencing of victims’ kin to that of the Furies, that will be fully developed later in the chapter. The pollution of murder in the modern age is most recognizable in its manifestations of anger, hatred, and vengeance; but also, in distrust of one’s neighbours, cynicism at one’s justice system, and resentment toward society found in the narratives in this study. Such unburdening of hatred toward the perpetrator of these evils is a notable aspect of VIS for not only its measured application through concise and well-placed phrases but also in the prohibitions against such directed confrontations stipulated in the VIS regulations.

Question #2: How are VIS being used?

Charles Axelrod (2021) illustrates the simple truth that “we would not be able to register the emotions of shame, gratitude, bitterness, forgiveness—to mention only a few taken from a longer but incomplete list—except by employing the conceptuality of justice” (Axelrod, 2021, p. 66). The narratives provided in the impact statements both illustrate this truth and demonstrate the ability to translate such emotions into justice and more specifically, moral justice.

The ‘what’ of VIS broadened our understanding of what is most important for these authors revealed by what they chose to include in their VIS and what they did not. The ‘why’ of VIS shifts our perspective from the trauma discourse that has dominated victimology for so long to open new territory for academic debate regarding the purpose and utilization of VIS by the families of murdered loved ones. Communicating directly with the offender has been identified

by victims as a primary goal of VIS for twenty-five years, but this study provides a deeper understanding of that process (Bandes, 2022; Erez, 1994; Rock, 2010).

Instrumental/Expressive debate

In answer to the question of how VIS are being utilized, I rely on two major findings that emerged which I refer to as the agentic value and the ritual elements of victim impact statements. As I will explain in this chapter, the authors of victim impact statements in this study demonstrate the use of agency in their narratives, following a narrative that aligns with the stages of ritual described by anthropologists, Victor Turner and Arnold van Gennep (Chase, 2005, p. 117).

Expressive.

Proponents of the expressive value or model of VIS often describe its therapeutic role, the ability for victims to express and release the intense emotional details of how the crime impacted them. Others highlight the needs of victims to communicate directly with the offender (although they were originally prohibited from doing so). The stringent guidelines for writing and submitting a VIS lend it an official quality that misrepresents its real weight in court. The CJS can override victims' narratives, "dismissing them as mere stories while the narrative of the criminal justice process itself upholds the pretense of being one of 'universal reason'" (Pemberton et al., 2018, p. 12). This idea of storytelling by victims as therapeutic expression, "intended to achieve greater well-being through the act of venting emotions" is misleading (Pemberton et al., 2018). Not only does this misrepresent the role and impact of venting in therapy itself, it also overlooks the fact that the victims are likely to be aware of the place and the setting in which they are telling their story, and hence of the deemed appropriateness of their emotional expressions (e.g. Lens et al 2010) in (Pemberton et al., 2018). An overreliance on the bereaved survivor discourse has created a tunnel vision that translates an instrument developed to inform sentencing into a therapeutic activity that should somehow

bring about closure. If, in fact, the matter could be reduced to one of emotional trauma and bereavement, there still remains a disconnect in the idea that sharing the details of that mental anguish in court is therapeutic in any sense. “The legal dialogue on healing and ‘closure’ seems to exist in a parallel universe, making little or no reference to the psychological literature on healing and trauma” (Bandes, 2022, p. 1270).

Instrumental.

The instrumental value of VIS has created decades of opposition by juridical scholars and judges alike (Janzen, 2020; Manikis, 2022; Roach, 1999a) due to its proposed impact on sentencing, especially relevant for murder cases. In Canada, such concerns are essentially moot due to the prescriptive life sentence for murder convictions. The very minimal time that could, in theory, be added to the parole eligibility date would be an insult to families and subject to negation by future calculations determined by the Correctional Service of Canada (CSC). Additionally, recent research out of Halifax demonstrated that most judges do not even consider VIS in sentencing (Dufour, 2021). In fact, there are some questions being raised about whether these statements are even being read if they are not actually presented in court.

The instrumental value *for the authors* has always been found within the expressive or communicative model. VIS are first and foremost a platform for describing the losses incurred from the crime. However, a minor perspectival adjustment reveals that every VIS presents these damages by contrasting the lives and personalities they had before the crime and the diminished state of things afterwards. In this premise/conclusion format, the authors present proofs that they, not the state, suffered the hardships caused by the murder. The instrumentality of this action lays the pathway for utilizing VIS in a more indirect form of redeeming the place of judge and sentencer that was taken, using language in the uptake of justice.

This uptake of justice fulfills both an instrumental and expressive function in that there is a pragmatic need to stake claim in the matter to reclaim lost status through the also pragmatic

expression of the emotion that provides the only language to address the moral and ontological essence of murder. Justice, for these families also meant speaking for the deceased, while asserting their familial ties. “The obligation to avenge is one of the basic elements of the bond between... father and son, and the man who fails to perform that obligation dissolves the ties that linked him to the deceased” (Lewis, 1990 cited in Fiske & Rai, 2015, p. 81). The authors spoke of the difficult task of writing their VIS, but they wanted to speak for a loved one rendered silent by the crime. This duty was theirs alone. “If thou didst ever hold me in thy heart, Absent thee from felicity awhile, And in this harsh world draw they breath in pain, To tell my story...” (Shakespeare, 1954).

Agentic.

I discovered in VIS an agency that negates the notion that the experience is primarily driven by grief nor that VIS serves an expressive purpose solely in its provision as a cathartic enterprise for its authors through the process of narration as a form of meaning making (Armour, 2003; Erez, 1994). Instead, I observed the use of VIS, not in its therapeutic potential but in its actionable power to direct what needs to be said to the person that needs to hear it within an intentional taking up of justice. In fact, the narratives in this study showed that while emotionality of the experience is certainly present, it is used in the service of reclaiming legitimate victimhood status, applying that status to confront the wrong done and to demand acknowledgement of the harms enacted on them and their families. Woolford and Nelund (2019) highlight the importance of this set against the limitation of tools by which to do so, with victims often cultivating understandable narrative through the use of “culturally resonant tropes” (p. 125). Through speech acts of rhetoric and metaphor, VIS authors are able to provide proofs that they were unjustly victimized, through no fault of their own thus deflecting blame and stigma. At the same time, they loudly denounce the wrongdoer. Similar to the dyadic transfer that takes place in restorative justice meetings, described by Marilyn Armour and Mark Umbreit (2018) by which the authors shift the burden to its rightful place, VIS transmits the full

culpability of the crime to its owner and cleanses the pollution of the crime that has hung over them for so many months. The status gained is one of honour and dignity alongside their neighbours after many months of having that status precariously balanced on reports by media and the outcome of the trial.

I turn first to the elements of agency and purpose being exercised in these court documents. Pemberton (2018) has credited the criminal justice system (CJS) as an arena for victims to attempt to “rebuild agency and communion,” providing a “referendum on the social standing of the victim” (p. 8). However, the agency I’ve discovered in the utilization of VIS is something entirely different. There are critical differences between victims of crimes other than homicide and those that have lost a family member by homicide that delineates the experience and the use of VIS between such cases. Homicide survivors have entirely different concerns and motivations and, as just discussed, are grappling with moral and existential matters that go back through human history. Lacking true victim status in law, the families of murder victims rely entirely on the VIS for participation in court. As such, the VIS serves as a quasi-legal mechanism through which these authors may be recognized and granted standing in law, albeit for just one day. VIS authors are not only speaking for the deceased crime victim but are themselves participating in an agentic process that supersedes the role of a victim with one of a judge, asserting the orthodox kin rights of confronting the wrongdoer and demanding accountability from them.

As my first reading on the individuals showed, there are five main areas of focus. Although there was variation in the order in which these matters were presented, the following elements of taking up justice were included in VIS: the personal impact and hardship, the life and character of the deceased, impacts on destruction of the family, addressing the offender (and recounting the murder details), and asserting reproaches about the criminal justice system.

Applying a critical lens, I discovered that each of the areas talked about were reasoned and persuasive arguments in a project of staking claim and taking up justice. Although these

were not the documents of professionally trained jurists, they contained the tripartite elements of judicial speech in Aristotle's Rhetoric! *Logos* is used to appeal to reason, "most prominent in judicial discourse;" *pathos* "appeals to the emotions of the audience;" and *ethos* elevates the speaker's character (the articulation bias noted by opponents of VIS) (Aristotle, 1984, p. xvi). As became clear, each of the five areas of focus in the VIS were put in service of a larger project to describe injuries sustained, claim victimhood, assert rights thereof, enact duty, and restore status.

Thus, I found substantive evidence that suggests VIS are being used in an entirely different manner than has been considered to date. There has been recent scholarship examining the subversive value of VIS, most notably after the Nassar case (Gibson, 2021). While I certainly found subversive elements in the narratives of a couple of the authors, my broader findings of agentic uptakes of justice were more consistently present across the full set.

VIS were found to restore social status lost by the victim and the family. As already established, the authors used VIS to memorialize, humanize and reconstruct the life and personhood of the deceased victim. The deceased's personhood, flattened by the law to serve as evidential material in a trial concerned with the rights of the offender, is reconstructed through VIS. Reconstructing the identity of the victim and his place in the world is a task both arduous and important. Martin (2016, p. 102) emphasized the need for "balancing accounts", presenting the deceased as relatable, like everyone else; not othered. We're not the type of people—these things don't happen in our world: to good, kind, generous people—is a message difficult to convey without an ideal victim to sanctify. The pragmatic value of this reconstruction served to provide proofs of the social status stolen from the deceased victim while also reclaiming that status through this speech process. Bades (2022) indicated a fundamental need of victims to have their harms named and acknowledged. This finding was echoed by the homicide survivorship literature more broadly and is evidenced here as well as the justice philosophies referred to throughout this work. Additionally, the tarnished public status of the family is

restored through the legitimization of their victimhood, putting blame where it belongs, and erasing any ambiguous doubt in the community. Indeed, it was this opportunity to be recognized as the injured party that was credited for early suggestions of the provision of psychological catharsis in VIS (Erez, 1994; Roberts & Erez, 2004).

The authors challenge the role of Crown as victim by demonstrating their own victimhood, overstepping that dominion by directly confronting and judging the offender themselves. It is notable too, that the deceased was brought back to life in the context of family and social life, to show not only how loved he was but to declare his value, a technique of justice dating to antiquity⁵¹. Elevating the value of the deceased recalls the role of Wergild (man price) and historical practices of compensation in victim-led justice. For the Crown, such reminders of their short-lived reign over justice hold power for victims' kin.

The other notable attribute of agency acting in VIS was the authors' focus on the crime itself and on purposively reiterating every disturbing detail back to the perpetrator. These descriptions were directed to the offender more often than to the court, supporting my hunch that there was a conscious act of unburdening and denunciation taking place. The sense was that the authors were holding up a mirror to the offender, demanding they acknowledge their acts and the consequences, first describing the anger that tore their lives and relationships apart and then redirecting it to its rightful place.

Addressing the offender directly, despite being cautioned against doing so, has interesting ties to historical practices that brought the offender before his accuser. A participant in Van Camp's research on homicide survivors highlighted a common complaint at the time when VIS were allowed only to be read in court by Crown attorneys: "Why isn't it to the offender's face? Why are they always protecting [offenders], you know what I mean? (Van Camp, 2014, p. 8), while Foucault recounts similar sentiments the first time the guillotine was

⁵¹ Wergild or other iterations of financial compensation such as Bot and Wer, for example, were used in medieval justice settlements that follow a value discourse that treated murder like debt. (See Olson, 2002; Hyams, 2003)

used, reporting “that people complained that they could not see anything and chanted, ‘Give us back our gallows’” (Foucault, 1975, p. 58)

The right to look at the offender while he is low is not necessarily a moral high point, as we recall Nietzsche’s excellent discussion on this very thing in describing the nature of resentment (Nietzsche, 1887). However petty it might appear, resentment has a place in the moral accounting we apply to justice, just the same (Murphy & Hampton, 1988). Still, the ultimate purpose of this confrontation, according to my findings, is the uptake of a moral justice tied to murder that places demands on the victims’ kin—an element that has been stripped from justice with the institution of Anglo-Saxon law. These findings suggest VIS have provided such kin with a mechanism to manifest their ancient and orthodox role.

Moral Justice

Such practices draw on orthodox rights and practices of moral justice – what we owe to each other (Strawson, 1974; 2008) through the utilization of emotive language (Phelps, 2006) in confronting those who have violated these moral laws. Through the practice of calling out one that has wronged them, they are practicing what Darwall (2013) refers to as the second-order right to demand acknowledgement from members of a shared moral community to whom they ascribe the moral obligations that provide stability to human societies (Darwall, 2013; Honneth, 1997; Urban Walker, 2006). This process takes place within important moral violations of murder, reigniting person-to-person practices utilized far into the historical record. The re-emergence here creates exciting insights into the phenomenon of murder and renewed conceptions of justice, both of which are central the third question of this study and will be given a fuller discussion in that section.

Rights & Duties

Having established victimhood through the many examples of suffering and loss directly attributable to the crime, the authors exercise their orthodox and inherent moral right to

confront, denounce, and cast judgement on the offender. Justice is closely linked to “how, and as what, subjects mutually recognize each other” (Honneth, 1997, p. 17) . Those that read their statements in court drew on the full power of public humiliation to shame the offender thus taking back any status he might have gained through his crime. Indeed, the kin of murder victims have been recognized as the pursuers and dutybound administrators of justice going back to the earliest written record in the Code of Hammurabi (1750 BCE). Although limited to the use of language in their acts of confrontation in a contemporary justice system that has eliminated these rights, they are still able to find a sense of fulfilling their kin duty. In either case, the duties of kin have been met.⁵²

Honour Culture.

Honour culture and social status play an important role in human societies, present in not only the offenders’ actions but also in the narratives of the victims’ kin. In fact, “The Greek word for avenging the dead is etymologically related to the word for honor, signifying that revenge is more than satisfaction for the revenger, but also a requisite restoration of honor” (Phelps, 2006, p. 15).

There are different meanings of honor culture that play a role in violence, and homicide in particular. For the purpose of the current context, I limit the discussion to the honor culture that operates *after* a wrong has been done. The moral obligations due to one another that uphold our dignity and mutual respect comes into play even after the most serious violations of our shared moral communities.

Darwall makes the distinction between third-personal attitudes and second-personal claims. The latter form of reactive attitudes are inter-personal, “in that they implicitly make or address demands to their objects,” whereas the former third-personal attitudes such as

⁵² I provide fuller discussion on duty and distinguish the modern use of language in place of violence later in the chapter.

contempt and disdain do not (Darwall, 2013, p. 84). Another distinction he provides is that second-personal reactive attitudes go beyond simply seeking to inform others of a claim. “They actually hold the other accountable for having violated the claim and implicitly demand that their object hold themselves answerable for this as well” (p. 84) Now, what is central to Darwall’s position is the victim’s recognition of the second-personal competency of their object, as an equal and one that holds and must be held to the same shared second-personal authority. What stands out in the utilization of VIS is this recognition and willingness to make that appeal to the shared normative moral duties by addressing them and making that demand on them. “And this commits us to morality, which just is what we are accountable for as one second-personally competent being among others—*morality as equal accountability*” (p. 87)

In his discussion on second-personal respect, Darwall provides a quote by Feinburg (1980: 151) that gets to the core of what has been lost to victims’ kin by the criminal justice system. “[H]aving rights enables us ‘to stand up like men’ [and] look others in the eye” (Darwall, 2013, p. 21). Having their day in court or facing the offender were common refrains found in the VIS in this study and have been identified as important to homicide survivors in the literature as well as publications written by survivors themselves.

Darwall’s second-person standpoint builds on Strawson’s reactive attitude, which holds a person accountable in a way that acknowledges their membership in a moral community. While a look of contempt, for example, sends a message, addressing the wrongdoer is an action of making a claim and comes with an implied RSVP. This introduces a key limitation of the VIS in its current presentation as part of the sentencing hearing since there is no real opportunity to receive the response sought. However, it can be argued that directing the claim at all, whether in writing or read aloud in court has in itself legitimated that claim and left the offender with little opportunity to deny it. The RSVP may hang in the air, but it has been delivered nonetheless.

The Ritual-like elements of VIS.

While there is a strong case for the argument that VIS provides some of the same ritual elements that have been used historically in human societies to expel emotional energy or recognize something thought to be sacred, such a discussion would take this chapter too far outside of the proposed boundaries without theoretical purchase. However, it is worth a brief review of the major aspects of ritual that introduce parallels to the narratives and use of VIS for future reference in the ways the VIS scheme might be implemented to maximize their potential in justice.

Ritual has, at its core, the power to transform emotion in the service of values—and thus justice—making it a valuable asset in dispute resolution (Bell, 1997). Sally Falk Moore found that “By the end of the judicial process the relative positions of the disputing parties are altered in relation to each other, in relation to the tribunal, and in relation to the community the tribunal represents” (cited in Chase, 2005, p. 117). “General patterns of rites of passage or transition,” used in the rituals described above, pass through three phases (separation, margin, reaggregation) first observed by Victor Turner and Arnold van Gennep (Chase, 2005, p. 117). According to Turner, “the first phase involves symbolic behavior that signifies the individual’s separation from a ‘fixed point’ in the social structure”, in the next (liminal) phase the subject is in an ambiguous position, while in the final phase reaggregation is met by which the rights and obligations at the basis of dispute are settled and recognized (Chase, 2005). While most such practices are better aligned with restorative justice procedures, the elements of ritual are unarguably present in VIS as well. In fact, the liminality of the VIS process itself, especially the act of reading one’s VIS in court, overcomes its paradoxical quasi-legal problem when considered within Turner’s conception that “liminality is regarded as a time and place of withdrawal from normal modes of social action” (Turner, 1969, p. 167). We can unpack the ritual aspects of VIS from this perspective.

Communitas, according to Turner is a “relationship between concrete, historical, idiosyncratic individuals, who, though differing in physical and mental endowment, are nevertheless regarded as equal in terms of shared humanity”(p. 177). It is this shared humanity and equality in liminal space and the ritual atmosphere that facilitates the moral justice procedure being utilized by VIS narrators, social status varies, and the use of ritual facilitates passage from one status to another by which individuals confront one another in the ritualistic atmosphere and liminal space. It is properly considered a modality of social relationship (p. 96), that is appealed to in ritual by “giving recognition to an essential and generic human bond, without which there could be *no* society” (p. 97). However, he follows this statement with a disclaimer that any notion of a generic bond between people ought not be considered a type of herd instinct or “humankindness” but rather “the product of human faculties, which include rationality, volition, and memory, and which develop with life in society” (p. 128).

Through VIS the authors undertake the transformation of the deceased victim and themselves, from citizen with rights and uninterrupted lives (in the before narratives), to deconstructed and othered victims of the unjust actions of the offender and the state (the after narratives), to reconstructed and recognized wronged parties with legitimate claims on justice (the agentic utilization of VIS). They do this within the five stages of VIS previously described in the following process. By asserting claims of victimhood through narratives of the myriad ways the crime had impacted them, the authors enter the separation stage of ritual. They separate themselves from the general public and mere observers in the court to victims of the crime and legitimate actors in justice. Here they remain at the margins or liminal space confronting and making demands on the wrongdoer from a place above the court, from a moral justice standpoint that has no official legal legitimacy but holds ancient kin right and second-person authority to demand accountability from the offender. They reach the final stage of reaggregation upon the completion, submission or reading aloud of the VIS. By this act, they have transformed to fully vindicated members of the moral community that have completed

their kin duty to the deceased and gained recognition of the law, so that they may return to their previous station in society in good standing with their neighbours.

It is unlikely that the authors were aware of the ways in which their construction and delivery of VIS parallels ancient ritual-like processes followed in the aftermath of murder for millennia. However, the agency and purpose with which they acted out justice in the most empowering methods available to them shows intentional transformation. Agency need not be limited to the idea of having influence on the sentence. As I've illustrated, these authors practiced agency in a number of powerful ways that I would argue provides a fuller experience of justice than any sentence could provide. Therefore, I concluded that VIS hold what might be called agentic value and purpose.

The agentic value of VIS that I have developed supersedes the instrumental and expressive, providing a concrete and monolithic role for VIS in justice. Indeed, the act of writing and submitting VIS seems vitally important to the authors and was evident in the many situations described where no matter how chaotic their lives—whether in the throes of substance use, homelessness, or after the complete dismantling of their family, they prioritized this process. The urgency and necessity of exercising this one right to speak, to speak for the deceased and to speak against the injustice of it all, revealed expressive and instrumental motivations that provoked an agency and obligation overriding all ongoing circumstances, suggesting a powerful pull by what justice calls for that draws people to their feet amidst the most difficult adversity. The ritual elements of VIS lend weight to the justice seeking activity being assumed by VIS authors through a progression through stages of ritual confrontation that have concrete ties to the ancient and enduring justice practices of human societies.

Question #3: What can VIS tell us about murder?

The narratives examined in this study revealed a great deal about the phenomenon of murder. The findings, and this subsequent theoretical discussion, have two branches that will be set out separately. The first falls within the realm of philosophy and the second in sociology. We

might say the former deals with justice and the latter with injustice. On the one hand, VIS revealed the emotionality and the moral violence contained within the violation between people that has been neglected in the contemporary adversarial system of law that is based on rationality and codification. Implications of this exclusion were evident in the VIS narratives and call for re-visiting of the concept of pollution in greater detail. On the other hand, the social harms of murder that feed on human inequality, allowing it to take a foothold in the most fertile ground (and perpetuate the pollution just noted), have been exposed within these same systems of law. The consequence has been a vast disparity in the impact of murder that has disproportionately and discriminately affected women and Indigenous families. In both cases, weaknesses and outright failures of the criminal justice system are identified that call for a critical eye on how justice operates after murder.

I address the first of the two branches, drawing out philosophical themes that build on the moral justice elements of murder found in VIS, as briefly described in the last part of this chapter. This will be followed by the second branch, as I draw out the sociological elements of murder that were found in the comparisons that emerged most clearly in the second and third readings. The two branches together expose an essence to murder that has not been identified in any other research that I am aware of.

Not only does VIS reveal this interesting practice with ties back to historical interactional patterns of justice after murder; it also uncovers deep meanings and understandings of how murder operates and is operated against. Here again, parallels emerge between contemporary society and ancient practice and values.

Part One: Philosophical elements of murder

Phenomenologists begin their investigations from an analysis of concrete lived experience. What makes hermeneutic phenomenology so practical for this study is the philosophical framing and lenses that allow the researcher access to different ontologies.

Hannah Arendt practiced a phenomenology, one that she characterized as “not in Hegel’s way, or Husserl’s” (Borren, 2013, p. 232). What stands out in Arendt is her ability to investigate the lived experience of political events grounded in concretely “mundane” human ways of being. In her examination of Arendt’s body of work, Marieke Borren suggests that in studying phenomena, “what is emphasized is the *worldly*, as opposed to the natural, character of their existence” (p. 236). In other words, the style of Arendt’s research was rather a unique hermeneutical phenomenology that foreshadows its utility for deeper philosophical human research questions. Her infamous conclusions about the existence of the mundane within the most horrific accounts of human action were found in the current study, yet it was in the actions of victims rather than perpetrators of such acts.

I also approached a place quite close to Arendt’s analysis of the mundane within the monstrous in reading Elaine Scarry’s examination of torture; unmaking, she called it (Scarry, 1985). Murder, like torture, inflicts an unmaking on the family members of murder victims. What stood out in my study was the ways the authors recounted what matters, what was most important—which they could still hold onto after their world had been turned upside-down. It was from that bare place that they composed the narratives to tell the court of their suffering. In doing so they revealed the far more meaningful and impactful phenomenon of murder.

Conceptualizing justice.

As was shown in the previous discussion, the ritual-like procedure being utilized in VIS can be conceptualized as a carry-over from ancient and enduring human enactments of justice. Murder is not something that can be properly contained within the constructs of criminal law due to its reliance on rationality in place of emotionality. It is both a social crime and a personal moral wrong that requires redress or acknowledgement with participation of the victims’ kin. A duality to murder exists in the social and the moral essence and impacts. Justice once addressed both halves, putting the onus—as sacred duty (for the society as well as the family)—into the

domain of the victims' kin. Indigenous peoples were practicing laws based on kinship obligation long before colonization. We have severed this process, excising the wronged parties and allocating their right and entitlements to the Crown. If the homicide bereavement literature tells us anything, it is evidence of the destructive consequences of this move. In trying to restrain the Furies, the pollution of murder has gone unchecked, spreading through families and communities, the toxic elements lasting into future generations in some cases. Emotion has always been the power of murder and the vector for spreading its poison. To suggest it can be eliminated from the law is both ludicrous and arrogant bureaucratic naivety.

The orthodox rights of kin as the pursuers and deliverers of justice are well documented. Use of ritual in matters of settling justice have fallen to the victims' kin throughout written and unwritten history, recorded in the Old Testament (Numbers 35:13-33), Attic Laws (Plato, 348 BC Book IX), and the Code of Hammurabi (1750 BCE). The importance of ritual is also found in Indigenous laws that were observed and documented by settlers and shared through oral histories of those that practiced such law (Aboriginal Justice Implementation Commission, 1999). Important to note here is how the commission highlighted the recognition that “ceremonies themselves meant much more than the actual Treaty that followed in terms of defining the relationship” (Canada, 2020). The implications of such insights bear significant weight for the justice called for here, lending additional meaning and purpose to such ritual-like properties and potential of VIS.

Moralities and Murder.

This is a vast philosophical territory that cannot be given adequate attention within the confines of this study, but I wish to draw on the most basic principles of morality that undergird a moral justice sentiment violated by murder. Moral justice, a concept developed in my past research in its context within the unique crime of murder, manifests one half of a dichotomous

justice requirement imposed by this violation of human relationships.⁵³ It describes that component of that human-to-human obligation which demands acknowledgement, something that has been stripped from justice in our adversarial criminal justice system.

Margaret Urban Walker poses the question, “what does it mean, in moral and human terms, to respond adequately to wrongdoing and wrongful harm in a way that serves justice in an ancient and enduring sense, putting individuals in right relationship with each other and communities as a whole into a sustainable order of reciprocal expectations by which their members measure what is due to each other?” (Urban Walker, 2006, p. 6). Moral repair, the title of her book, is defined as “the attempt to address offense, harm, and anguish caused to those who suffer wrong” (p. 7). The use of direct discourse in fulfillment of this justice seeking act can be seen in Darwall’s second-person standpoint, and demonstrated in past ritual-like justice processes such as Concordia and the Kiss of Peace (Olson, 2004; Petkov, 2003).

Revenge.

While Urban Walker calls for moral repair, I propose that murder is situated in its own realm outside of most moral injuries and thus cannot be repaired *per se*. Shklar’s work on injustice provides a helpful lens for encapsulating the moral wrong within the realm of justice. Injustice, rather than the opposite of normal justice (distributive justice), is instead presented closer to ideas of natural justice such as “settling what is due” (Shklar, 1990, p. 18). Phelps illustrates the way in which injustice might be confronted in her discussion of Ariel Dorfman’s *Death and the Maiden*.

In the play, the protagonist is a woman by the name of Paulina Salas, a torture survivor of an unnamed military dictatorship, who finds herself by coincidental circumstances standing face to face with the perpetrator in her living room, fifteen years after the fact. Recognizing him

⁵³ This work is primarily covered in my unpublished manuscript, *The Closure Factor: The justness of restorative justice after murder*.

by his voice only, since she had been blindfolded during his assaults so many years prior, she finds herself in a rare situation with the ability to incapacitate him, thus holding the power and opportunity to *get her justice*. In place of the vengeance she'd sought for so long, she instead demands the acknowledgement that had been denied, and that left her without legitimate claims in law. Paulina was denied victim status in a tribunal on which her husband was to sit, considered ancillary harm—much like the VIS authors in this study.

With a tape recorder and her husband present as witness, Paulina takes a detailed confession from her captor turned prisoner, promising to release him in return. Having no words to describe the pain she'd endured, then or now, as language itself was stolen by the torturous acts, she weaponizes that language, reclaiming her power through the words she now controls. “Can wanting revenge mean [...] wanting something back that was lost as a result of the initial harm?” (Phelps, 2006, p. 13). Paulina claws back every word of what was done to her in a way that mirrors how every detail of the murder of a loved one was thrust at the offender by the VIS authors in the current study.

The parallels between Paulina and the VIS authors are intriguing. As was evident in the VIS, there was a similar pattern of taking up justice through the one opportunity in which the offender is “within their power” by being legally required to listen to the story of their victim. Paulina's needs for validation, voice, and vindication mirror the needs of the loved ones of murder victims, in the literature and in the findings of this study.

Paulina illustrated an example of Strawson's “reactive attitudes” that provide us the emotional imperative to “concretely hold others (and ourselves) to account” through the execution of second-person standpoint (Darwall, 2013). “We feel indignation and disapprobation when we feel we can demand, as members of the moral community, that people act in certain ways” (Strawson, 1974; 2008). Strawson suggests we live in constant readiness to express these reactions and so address each other as responsible beings.

Drawing on Aeschylus's *Euripides*, Nussbaum (2020) illustrates the discourse that continues to signify the anger of women as something unnatural and insane. When Hecuba learns of Polymestor's betrayal, she is transformed into a different person. "Unable to repose trust in anyone, unwilling to be persuaded, she becomes utterly solipsistic and dedicates herself entirely to revenge" (Nussbaum, 2020 para. 2). She murders Polymestor's children and puts out his eyes. Dante summarizes her story in the *Inferno*, "deranged, she barked like a dog: so far had anguish twisted her mind" (Nussbaum, 2020 para. 2). Hecuba is not just grief stricken, says Nussbaum, she is "stricken, as well, in the very core of her moral personality" (para. 3) The Furies are said to be like dogs, sniffing after their prey, incapable of love or justice. When women express this kind of rage, it is treated as a malady, unnatural (Nussbaum, 2016).

Passions.

Annalise Acorn provides a condemning account of the removal of emotion from the courtroom: "To avoid the sentimental we are supposed fastidiously to keep the private/feminine hidden. The consequence of this kind of hyperdecorous and misogynist denunciation of the sentimental in relation to the institutions and *justice* in particular is certainly politically and ethically pernicious" (Acorn, 2004, p. 84), Citing Saul Bellow's *Herzog*, she illustrates the absurdity of the matter:

As Herzog listens to the blandly delivered testimony of the witnesses describing the habitually filthy condition of the deceased child, the mother's destitution, the child's bruised corpse, he is overcome by the incongruousness between the heartrending events and the emotionally indifferent manner in which they are being related [...] The legal system grinds even the most horrifying of crimes and violations down into ho-hum business as usual." (p.85)

"The two 'goods,' societal order and personal emotional need for redress," are deemed antithetical, according to Phelps (2006 p. 31), who argues our contemporary notions of justice

were constructed to repress the emotions in the interests of social order. Pitting societal order against emotional expressions used in attaining redress is nonsensical, especially in the morally charged nature of violent crimes against the person (Phelps, 2006).

Murder is emotional. That cannot be disputed. It is an act carried out in the height of emotion (in most cases) and its effects, even the non-psychological, are often described in emotive language. Yet, it is easy to misinterpret or dismiss such emotionality as psychological harm since to associate expressions of feelings to one's mental health is a natural consensus. However, what is overlooked is the necessary utilization (the means) of emotionality in a grander project rather than just an end in itself. The embodiment of a moral compass is dependent on the passions that elicit the reactions and responses each of us have to the actions of one another.

Hatreds and violent masculinities are conceptualized with ideals of honour and status but when exercised by women they get transformed as hysterical and irrational. There were two relevant observations in this study: that mothers conveyed more rage than any other group and that VIS directed that rage to its source through carefully constructed written narratives in a rational and powerful uptake of justice. Although beyond the scope of this particular study, the literature has shown that mothers more than any other homicide survivor, even those that fell to the ground in anguish, eventually tend to transform anger into advocacy, demonstrating a mastery of the passion so often used to diminish their agency and power. Unlike the men that more often act on the anger in displays of lethal violence, women take measured control of the Furies and unleash them in the service of justice. Emotion is not for the weak. The law eliminated it from the courts because of its power. Recent legal decisions examined by Manikis (2022) state that "VIS must not contain material that distracts judges from sentencing" adding that judges must be "wary" of the risk of such narratives "based on the strength of feelings expressed in the VIS" (Manikis, 2022 sec 1.1). Further, judges are directed that if such information is present they should ignore it or, "have it excised by consent of the Crown and

defence” (Manikis, 2022 sec. 1.1). As previously shown, emotion is not irrational but rather the necessary language through which we cognitively speak to matters of morality in criminal violations. This is especially so and was highlighted in the VIS by a majority of family members utterly destroyed by the incomprehensible acts committed on their loved ones.

Anger not only has a pragmatic role in the context of murder but for social behavior in general as prescribed by philosophers from Aristotle to Hampton to Nussbaum and Nietzsche, as an appropriate response to wrongdoing.

Anger was considered a temporary emotion that propelled the appropriate passions to defend one’s honour from insult or injury. “Anger communicates competence and the ability to exert power” (Karstedt et al., 2014, p. 247). Once expelled through vengeance or satisfied through justice, it was thought to fade. Only when it could not escape did anger evolve into “cold, hard hatred” and become a danger (Smail, 2001). It is in this context that a family or society might become polluted by the destructive forces of such emotion. That destruction is most palpable in the VIS of mothers, a phenomenon with its own area in the literature under the label of mother-*rage*.

What I found in this study was not hysterical nor irrational insanity but rather the emotional intelligence that women use in every aspect of managing the worlds of everyone else. Even with murder, there was a quiet strength made visible in the accounts of simply holding it together and doing what needed to be done until the time came to face the individual(s) that so brutally and carelessly extinguished the life of their child. Whether controlled or unleashed on those around them, this fury was present most clearly in the narratives of women, but the Furies began to emerge and become visible in the households of most of the families in this study.

The Furies.

It wasn’t until the final reading (the family impact) that the Furies made their entrance. Individual authors had made mention of the uncontrolled anger they experienced, and how it

had poisoned their relationships and family atmosphere. It was in the particular context of the family home, however, and interactions with outside forces that the individual comments on the spread of poison, the sickness of the family, and the confrontations with injustice that I located the source of the Furies in the moral outrage. Interestingly, the source also provides the means for the elimination of the Furies. The moral assault instigates the reactive attitudes propelling the wronged to act by executing their second-person authority. Adam Smith called this “a sacred and necessary law of retaliation” (Smith, 1759 cited by Phelps, 2006, p. 32). Because it destroys an essential presupposition of the individual’s capacity to act, every moral injury represents an act of personal harm” (Honneth, p. 24).

The Furies (Erinyes) are a triad of Roman goddesses of vengeance: Alecto (“unceasing”), Tisiphone (“avenging murder”), and Megaera (“grudging”) with their better-known counterparts in Greek mythology and many works of Greek literature (for example, Homer, Aeschylus, Sophocles). These ancient deities of “wrongdoing and bloodguilt” serve to uphold moral and legal codes, most often referenced in their role in Aeschylus’ *Oresteia* as the Eumenides as avengers of murder tasked with protecting the polis from the pollution of murder. Depictions of these ancient ones found throughout Greek mythology and popular culture instill terror meant for the guilty conscience: “the sisters had bats’ wings, coal-black skin, and hair entwined with serpents. They carried torches, whips, and cups of venom with which to torment wrongdoers⁵⁴.” Aeschylus depicts these ancient ones in their traditional weblike robes with snakes for hair and blood-stained eyes and an insatiable desire for the torment and devouring of unrepentant murderers.

In that tale they swarm Orestes for the matricide of his mother, Clytemnestra, only to be hampered and ultimately outdone by Athena in her project of replacing vengeance with justice through the creation of the jury trial. Taking a deal that preserved their power over the lives of

⁵⁴ This quotation was found in numerous online encyclopedias, but I was unable to find an original source.

mortals with promises of honours (sacrifices made to them), the Furies surrendered their stake in murder to a new legal form that replaced vengeance with deliberation and swift justice. They ceded to the jury in matters of criminal justice *but* continued their dominion over the moral goodness of people. The offender was protected by the law (under aegis of Athena) but of the victims (kin) and their role there is curiously nothing said.⁵⁵ In any case, we are to believe these most powerful and ancient beings quietly ceded, during a play on their authority and sacred rights, trading their furious titles to be known from then on as The Kindly Ones.

More modern interpretation and feminist scholarship has challenged the dominant perspective, suggesting rather that the Furies were tricked by Athena's persuasive tongue and sacrificed for the comfort of others (Dolger, 2012). A similar sacrifice of The Victim two thousand years later is an intriguing parallel that emerged in this research (Christie, 1977; Kirchengast, 2006; Nussbaum, 2016; Schafer, 1968).

Other iterations have depicted the Furies as spirits driving those guilty of murder to utter madness for their vile acts and lack of remorse, or preventing them from using reason, as in the Iliad. Sartre (1975) embodied the Furies in swarms of black flies that formed a cloud over and a buzzing hell throughout the city and its citizens that stood by while their King was unjustly murdered by his wife, Clytemnestra. In this iteration the Furies personify the pollution in the black swarming insects themselves. Despite having their own ancient rights stripped from them, and despite being sacrificed in the same ways as these kinfolk, the Furies turned their unceasing and grudging gaze toward them, took hold and drove them mad with fury (nurturing rather than purifying the polluting effects of murder) in holding them to *their* sacred duty to confront and call out the moral violations.

This stood out most directly in the testimony of families that knew the offender personally. They directed moral anguish at the idea that such an individual had been in their

⁵⁵ We do know there is a section missing at this junction of the work that begs the question whether this central role was not overlooked at all.

homes, held their babies, and brought evil into their families. Such comments allude to different interpretations of the pollution doctrine that incites fear of the spread of evil through contact with one polluted by murder. Other interpretations suggest it is the victims that are polluted or responsible for the murder pollution spreading through society as they have a sacred duty to act, to settle justice and appease the Furies.

Like Sartre's Flies, these Furies were found infesting the homes of the VIS authors in this study, who through no fault of their own stood by and did nothing when their loved ones were murdered. Furies and victims together, both sacrificed for the comfort of others (Dolgert, 2012) by a justice system set on removing the passions (emotion) from the law (Bandes & Blumenthal, 2012; Nussbaum, 2016).

Expiating pollution.

This myth that emotion is irrational, prejudicial, and impervious to reason forms a legacy of the Enlightenment that has caused enormous damage to our ability to hold one another to account for the moral violations embedded in murder (Bandes, 1996). The removal of the victim from the courts has trapped the Furies in the household, the traditional domain of women, also causing enormous damage and leaving it to the matriarchs of the household to manage. The rather paternalistic attitude that has vilified the role of the passions in law fails to consider important implications that scholars in the discipline of law and emotion have brought to light, not least of which is the central role of emotion in our decision making and judgement abilities (Bandes & Blumenthal, 2012; Karstedt et al., 2014). "VIS are typically presented in a context in which emotion and law are inextricably linked" (Myers et al., 2018, p. 475).

The victim appeals to the Other, exposing that human frailty of dependence on one another that allows us to live in a secure and reliable world. The need for acknowledgement that others understand exactly how we feel and that they have remorse, wanting nothing more than to give us that thing that can provide comfort and eliminate our suffering—this is what compels

us to address the wrongdoer. We seek recognition and we seek reinforcement that we are part of a shared moral community, and our beliefs are correct, validated and remain intact. There is an intimacy between victim and offender in their shared confrontation with the matter between them that manifests in face to face dialogue (Dietrich, 2018). This idea was given excellent description, most significantly in the dyadic transfer of emotional energy in restorative justice meetings (Armour & Umbreit, 2018). VIS differs in its unidirectional nature and variation in presentation (spoken or written), but it facilitates the transfer from victim to offender allowing the author to shift the burden to where it belongs. In *Death and the Maiden*, in telling her truth to the bound and gagged offender, Paulina comments, “isn’t this bizarre, that I should be telling you all this as if you were my confessor, when there are things I’ve never told [my husband], or my sister, certainly not my mother...” (Phelps, 2006, p. 44). While there may be therapeutic value in the telling through VIS, in saying aloud the things they’ve been silently suffering with, there is power in unleashing it on the person that caused it rather than family or friends.

The pollution that manifests in anger, rage, hatreds, and vengeance must be expiated in order for justice to be met. The pollution created by murder comes not from the act but from the unsettled injustice that feeds the anger and resentment of those denied their due – namely the Furies, the ancient deities whose purpose was to avenge the unlawful killing of kin but through transformation to fit a more “civilized” justice system, have become embodied in the victims’ kin themselves. In VIS we see the presence of pollution and the damage it has wrought on individuals, families, and society. In VIS we also see the pathway to expiation.

According to Darwall, second-person standpoint is “the perspective you and I take up when we make and acknowledge claims on one another’s conduct and will [...] explicit, in speech (demanding, reproaching, apologizing) or implicit in thought (reactive feelings like resentment and guilt)” (Strawson, 1974; 2008). “When we seek to hold people accountable, what matters is not whether doing so is desirable, either in a particular case or in general, but whether the

person's conduct is culpable and we have the authority to bring him to account" (Strawson, 1974; 2008). If the offender argues

Part Two: Sociological elements of murder

This second part of this discussion turns to the sociological territory in which the most immediate social impacts of murder can be found. The examination of the family impact of murder illustrated disparities in the prevalence, experience, and impact reflected in nearly every aspect of the post-homicide experience. Using this lens and having the opportunity to compare the narratives of more than twenty families afforded me the rare ability to expose serious injustices operating in our norms and values, disseminated by our media, and reproduced in our social institutions. Even more stunning is the way our justice system—and victim services more specifically—supports and propagates this injustice.

Inequality and Discrimination.

What I found was the social fact of murder in its hunger for violent passions between people was most often found in those whose passions are weighted down under the oppression of inequality. This is something we, as sociologists (and governments and policy makers) already know. What was surprising was the open willingness of society and the structures meant to protect the most vulnerable populations to not only withhold support and care, but to purposively contribute to the added hardship and suffering wrought by such violence. Those experiencing the highest levels of poverty in this city, namely Indigenous, single-family households led by women, faced discrimination and revictimization from the moment of notification of the murder of their loved one, through the social stereotyping and stigmatization by media, to their interactions with the criminal justice system (CJS hereafter).

This study exposed two ways in which murder is experienced unequally across society. Firstly, it is the women in the lives of murder victims who are left to pick up the pieces and shoulder the responsibilities and fallout. The second finding was the gross injustice faced by Indigenous families victimized by murder. The narratives in this study provided unarguable evidence that Indigenous families are discriminated against by media, agents of the criminal justice system and even victim rights and services policies. The intersectional impacts on Indigenous women are evident and make it difficult to split up the discussion into separate territories when it comes to discrimination and unequal impacts of murder.

The discriminatory power of media.

The ways in which some families were able to utilize media reach to assist them in searches or bring attention to the case was discussed in earlier chapters. In the current discussion I draw out the issue of how media define how a story is told and have been telling that story in a certain way for decades, creating discriminatory perceptions and victim-blaming attitudes that spread through the public and into the social structures that oversee crime and justice in society. How the victim is portrayed by media is a point of contention for families who so often find themselves under scrutiny by friends and strangers alike. An inherent bias exists in society that allows us to distance our own risk by finding fault with those touched by it. In earlier chapters this practice of balancing accounts and memorializing the victim first emerged. Here, there are implications for the integrity of the family as they navigate public scrutiny, due to the level of ideal victimhood ascribed and acknowledged, that played a role in the impact of murder on the family.

The literature is amassed with references to Christie's ideal victim concept, but he also wrote of a sixth attribute of an ideal victim that few make note of. "A condition, number six, for

being an ideal victim, is thus that you are powerful enough to make your case known and successfully claim the status of an ideal victim. Or alternatively, that you are not opposed by so strong counter-powers that you can not be heard” (Christie, p.19). This sixth attribute is what seals the fate of most poor or Indigenous families in the media.

Media is one of the core contributors to the continued entrenchment of stubborn racist and class stereotypes and attitudes toward victims of homicide. The negative representation of Indigenous victims of homicide is topped only by its opposite presentation of white victims. The ideal victim discourse that blames Indigenous people for what is determined to be their own poor choices has only bolstered victim and welfare agencies in their discriminatory practices when it comes to Indigenous families. Gilchrist (2010) reports a public apathy in which Aboriginal victimization is perceived as too routine or ordinary, and/or irrelevant to (white) readers (Gilchrist, 2010) creating a self-perpetuating media cycle of privileging stories of white victims.

Media provide and uphold the racist discourse that serves as one three points of a “triangle of oppression” that continues a project begun with colonization (Anderson, 2016). If native women are constructed in ways that diminish them in their roles as women and mothers, they will be “rendered worthless by public institutions such as courtrooms or hospitals, or in relations with police” (Anderson, 2016, p. 91; Collier, 2017). Overreaching and invasive responses to family crises, such as experiencing the murder of a loved one, are conducted and justified by social services agents as benevolence when in fact it is more akin to another form of net-widening and criminalization.

Secondary victimization most often associated with negative treatment or feelings of disrespect by criminal justice system officials and other agents of the state is also experienced in the privacy of the homes of some families. Included within this form of revictimization is a lack

of recognition or denial of victim benefits and services based on discriminating factors that most often accompany poverty. I would go as far as to suggest the former is a re-victimization while the latter is no less than an offence calling for sanction and redress. Not only are some denied victim status, but their victimization is then used to penalize them, leading to devastating consequences for families and future generations. I remind the reader of the devastation experienced by mothers at the loss of their murdered children. To then go in and remove the other children in the home is unconscionable, especially when the alternative was to provide victim benefits and other supports to help the families restabilize, and especially too, when such actions were only taken against Indigenous families (in this study).

The embedded powerlessness that has taken root in some of the individuals that authored these VIS came through in stunningly blasé or taken for granted expressions of self-blame for injustices committed against them by the state. In the cases in which parents lost custody of their children due to the destructive forces that murder wrought on their lives, their tone was defeated and regretful where one would expect outrage. The matter-of-fact possibility of becoming homeless, of not qualifying for victim benefits, of being required to attend to police interviews before notifying the rest of the family of the death, as normal (or at least not identified as abnormal) tells a bigger story that has been overlooked in the post-homicide literature. Although this issue of internalized disempowerment goes beyond the scope of this discussion, it was something that stood out and deserves future research in victimology, and homicide studies in particular.

The media sends a powerful message in society about who is and is not a victim deserving of sympathy and outrage. That message has created a tone and a hierarchy of victimhood that contributes to and promotes systemic discrimination. In Winnipeg, this

discrimination is most often directed to Indigenous people. However, in this study there was evidence of how media influenced how all families of murder victims experienced their post-homicide society.

The impact of murder on women.

One of the benefits of the multilevel perspective afforded by my chosen methodology was the ability to include what was revealed in the minor or insignificant details and comments, the background explanations and anecdotes, and the inclusion of multiple horizons provided in secondary source materials to see beneath the surface.

In my second level reading which grouped the VIS by familial role, there was overwhelming evidence of the disproportionate burden of murder shouldered by women. Men make up approximately 80% of murder victims, a statistic that remains consistent everywhere (Nations, 2019). Curiously, there is little in the way of scholarly research that addresses women as the voice of the ‘survivors’ instead simply folding them into the abstract and genderless group of homicide survivors or co-victims or families in the behemoth research area of homicide bereavement and trauma. There is a vastly growing body of literature on women as murder victims, whether that be intimate partner violence (IPV) or Murdered and Missing Indigenous Women and Girls (MMIWG), again privileging this victim discourse that situates women in a paternalistic paradigm of weakness. However, when it comes to the women left behind in the aftermath of murder, the sisters and wives, mothers, and daughters; the only scholarly work I could find was on grieving mothers.

There was nary a word in the literature on the wives, sisters, or daughter of murder victims in spite of the fact that it is they that are most heavily impacted by murder. It occurred to me that nothing was written on this subject because it is simply expected of women to take over

the emotional care, the administrative details, the management of the household and family in crisis and the role of family representative in all the legal hearings and justice matters. Women are forced to hold everything together, to shelve their own pain and suffering in the face of crises. In short, women are expected to sacrifice—are sacrificed—like the Furies, for the comfort of others.

Women have borne the responsibility for the care work and costs after murder for decades, yet characterized as bereaved rather than wronged, they have gained little in the way of compensation. There does exist some literature of women's experiences by Holocaust survivors and the Mothers of the disappeared in Argentina, but there remains a wide gap between state sanctioned killing over time and the individual interpersonal killing in one's neighborhood.

Although, still in the territory of state violence, I did find interesting parallels in the testimonies of women in *Women's Contributions to South Africa's Truth and Reconciliation Commission* report. There were near-identical descriptions of how women assumed vital roles in the wake of crisis as well as taking on leading roles afterward, "sometimes willingly taken, sometimes less so" (Gobodo-Madikizela, 2005, p. vii). The differences between men and women mirrored those in this study, with men speaking more directly about their own experiences of pain and violations while "women [spoke] *about* others and not focusing on their own pain," using their stories to represent loved ones and encourage others to come forward. "I didn't want to talk about me. No. How would that bring out my son's story?" (p. 15). The report refers to a nurturing nature in women that results in their willingness to take on so much in the face of suffering, although they clarify that "This study does not assert that women are naturally more peace loving than men [...] that women experience conflict differently from men" (p. 3). I found

that the women in my study simply had no choice. Many were matter of fact in their resolve but there were some that voiced resentment and even a simmering rage.

There is also some research closer to home that has emerged in the wake of the residential schools and sixties scoop reckoning that provides a window into the experiences of women whose children were taken and never came home in Manitoba. But this was again a broader action by the state and the victims were not even recognized for decades after the fact and they tended to be direct victims or second-generation survivors that have a compelling but different experience of injustice that has impacted the men in these communities no less than the women. Having said that, it was the harms resulting from these policies that created many of the current social problems faced by urban Indigenous families in this city and put them at higher risk of victimization by violence.

While mothers of all murdered children experience an anguish and a rage beyond imagination, Indigenous mothers have been battling the oppressive forces and dysfunctional dynamics of violent neighborhoods, still reeling from the legacy of residential schools, and colonialism. Under these circumstances, the additional assault on one's being such as the murder of a son or daughter, creates additional, compounding adversity and risk. Parallels are described in literature of Black mothers in similar, yet different, circumstances in the U.S. One such mom describes "the gendered punishment of living death handed down"(C. A. Smith, 2016, p. 31). The experience of death comes from police shootings of their sons. In Canada the shootings are less common, but the violence due to similar racist and structural conditions are there, nonetheless.

There exists an additional trauma for the children of these victims growing up in a culture that seems to support, or at least normalize, the disposability of the people in their

neighborhoods. In a study that asked women working in the sex trade about a program creating a DNA bank for sex workers, one of the participants commented, “sounds like they know they’re going to die” (Puzyreva & Loxley, 2017). MMIWG and Stolen Sisters have brought significant attention to the issue of the disposability of Indigenous women and girls, and Black Lives Matter has done the same for Black people, but little attention has been garnered to address the high numbers of Indigenous men murdered each year in this country or of the women and children left with the costs and consequences.

The impact of murder on Indigenous people.

Indigenous women face the harshest injustices after the murder of a loved one as they already struggle with a multitude of problems and then the murder draws unwanted attention from child welfare agencies that only bring additional risks and potential harms to their families. The Native Women’s Association of Canada (NWAC) notes, “The law rather than protecting women vilifies, criminalizes, and imprisons them, subjecting poor, and racialized women to ‘hyper-responsibilization’ for their lived realities of marginalization and victimization.” This statement was supported in the findings of a report written by the Law Commission of Canada (Law Commission of Canada, 2022).

Just living in the circumstances of poverty and violence places the burden on the shoulders of women, somehow expecting this to be a part of their lived realities instead of acknowledging the fact that they were, firstly, not living under the existing circumstances by choice and secondly, should not be left to carry the burden of the men in their lives being killed through violence. Young Indigenous women and their children are increasingly being criminalized by the criminal justice system (Comack et al., 2013; Eberts, 2017; Puzyreva & Loxley, 2017).

The Canadian Association of Elizabeth Fry Societies (CAEFS) and NWAC note:

women who face criminal charges risk losing their children to child welfare authorities. If charges are dropped, women are found not guilty, or wrongful convictions are reversed, it is often difficult for mothers to regain custody as their children are already lost in the system. (Eberts, 2017, p. 78)

Eberts further reported that even if not involved in illegal activity, an Indigenous woman is at risk of losing her children anyway because they are found to be living in poverty or there is “violence in the home” (p. 78). What is actually happening, according to CAEFS/NWAC is that “the state is looking to the mother to correct the systemic conditions of poverty and violence affecting Aboriginal families and punishing her with the loss of her children if she fails” (Eberts, 2017, p. 78)

Revictimization.

In Canada, and Winnipeg specifically, the overrepresentation of Indigenous people as both victims and offenders of homicide, is another social fact. Alberta and Manitoba have the highest homicide rates in Canada, have the largest Indigenous populations in Canada, and are the only two provinces in Canada that disqualify individuals (and families) from victim compensation programs if they have a criminal record (Wemmers, 2017).

The references of victim compensation in the VIS, both directly and Indirectly, led me to further investigation of this small yet important aspect of the experience of these families. Especially for families already overburdened by the effects of poverty, embroiled in racism, colonialism, and other forms of class discrimination—the need for supports in this type of crisis are essential. What I found rather than a program designed to provide care and supports to families (many with young children) was instead a welfare-mentality based “benefit” that not

only further revictimizes but criminalizes the populations most often impacted by violent crime by penalizing families for pre-existing social conditions that are so often the result of a society designed to perpetuate inequality.

One of the key components of the pathways of harm through which injustice presented in this research was in the blatant discriminatory policies for victim compensation. The following is excerpt is contained in the Manitoba Victim Bill of Rights (Justice, 2023), which guides the policies of Victim Services and Compensation and is worth reprinting here:

Compensation to family members of deceased victims 48(1):

If a victim dies as a result of an incident described in subsection 46(1), the spouse or common-law partner of the victim and a parent, child or sibling of the victim are entitled, in accordance with the regulations, to (a) reimbursement for expenses prescribed by regulation that were incurred as a result of the death; and (b) compensation for related counselling services.

The VBR further stipulates:

Additional compensation to dependants 48(2):

In addition to the compensation provided under subsection (1), (a) if the deceased victim had a spouse or common-law partner who was, in whole or in part, dependent on the income of the victim at the time of the victim's death, he or she is entitled, in accordance with the regulations, to compensation for loss of the victim's wages; or (b) if a deceased victim did not have a spouse or common-law partner, any other dependant of the victim is entitled, in accordance with the regulations , to compensation for loss of the victim's wages in the form of a monthly payment.

However:

If the victim was not employed or was receiving income assistance, the claimants do not qualify for wage replacement benefits. Any grandchildren of the deceased (those taken into CFS care after the parents were no longer able to provide a stable home—as previously noted) are eligible for *some* compensation as wards of the province. This is either put in trust until they reach the age of majority, or it may be accessible to the persons responsible for their care.⁵⁶

However:

Applicants may be denied or have any benefits reduced if they or the deceased have been convicted of so-called prescribed and non-prescribed offenses within ten years of the crime. If the deceased victim of the crime has a criminal record, neither their children nor their grandchildren are eligible for victim compensation. It is worth again reprinting the relevant section of the Manitoba Victim Bill of Rights in part:

Victim convicted of prescribed offence 54.1(2):

No compensation is payable under this Part if the victim has been convicted of a prescribed offence. Definition of "prescribed offence" 54.1(1) In this section, "prescribed offence" means an offence under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is prescribed in the regulations.

Exception 54.1(3:)

As an exception to subsection (2), the director may, in accordance with the regulations, pay compensation under this Part if (a) the victim's conviction for the prescribed offence occurred more than 10 years before the incident that resulted in the victim's injury or death; and (b) the victim has not been convicted of any offence under

⁵⁶ https://www.gov.mb.ca/publictrustee/services/childrens_trusts.html

the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) since he or she was convicted of the prescribed offence.

Denial or reduction of compensation due to conviction for non-prescribed offences

54.1(4):

The director may, in accordance with the regulations, deny or reduce the amount of compensation payable under this Part if the victim was convicted of one or more offences under the Criminal Code (Canada) or the Controlled Drugs and Substances Act Part 5: Indemnisation des victimes' actes criminels (Canada) — other than a prescribed offence — within the five-year period before the incident that resulted in the victim's injury or death or at any time after the incident.

Wemmers (2017) clarifies that such non-prescribed offences generally meant crimes of the poor. Examples of vagrancy and “common nuisance” were specifically named in the Alberta compensation forms while crimes such as fraud, and other more typically white-collar crimes were exempt (Wemmers et al., 2017, p. 162).

The definition of victim rights within the Bill is problematic in its narrowness as well as its ambiguity and lack of any avenues for appeal. There are a couple of important distinctions to point out here. The “victim,” in this context, means *both* the deceased murder victim AND the claimant who is deemed a victim for the purposes of the VBR and victim compensation program. Thus, in essence we have victims of crime being denied legal rights based on their past behavior, essentially committing a double jeopardy punishment against the—a revictimization and gross violation of their rights. The discretionary powers of the director are interesting but fall outside the scope of the current discussion. However, it is worth highlighting the unbroken thread in

paternalistic policies that conflate need with deservingness, a foundation of policies that impose moral screening on women—policies dating back to so called Confederation (Strange & Loo, 1997).

“The term, ineligibility, underscores that legal recognition is not and cannot be a viable solution for racialized exploitation, violence, and poverty. For all legally uncertain populations, the law punishes but does not protect, disciplines but does not defend” (p. 8). In her discussion on the exclusion of some portions of society from full participation and shared membership, Lisa Marie Cacho (2012) refers to immigrants and illegal aliens, but the concept fully applies to Indigenous populations in urban cities of Canada. “We can transparently recognize criminals (with their disreputable traits and deceitful nature) only if we refuse to recognize the material histories, social relations, and structural conditions that criminalize populations of color and the impoverished places where they live” (Cacho, 2012, p. 9). Targeted populations need not break laws to be criminalized (Garland, 2001; Martin, 2016; Roach, 2022; Wacquant, 2009).

The criminalization of poor and Indigenous people, in concert with the risk factors of criminality associated with various life-situation stressors couched in multi-generational poverty, is arguably the major causative factor in most homicides in this city. To then be doubly penalized for having undertaken actions in one’s life where there were very few alternatives surely counts as an injustice. To add to the insult, penalization (denying victim benefits) is inflicted upon people at the apex of their suffering, in the midst of their grief after the murder of their loved one. Notably, many authors disclosed alcohol and other substance abuse, dependence on anti-anxiety and depression medications, and a diminished state overall during this period which makes it that much more prohibitive for them to appeal or just navigate these highly bureaucratic

and legally onerous systems. While such obstacles may not in themselves qualify as an injustice per se, it is a revictimization nonetheless.

Revictimization was reported directly and indirectly in the VIS across the full set of statements without any notable inequities. During the final stage of this research, I undertook a review of the policies and applications these families faced. There was one particularly heinous form of revictimization that can only be interpreted as specifically targeting over criminalized, predominantly Indigenous families in this study. I refer to the application for victim compensation through Manitoba Justice. The discriminatory rules and policies of victim compensation were addressed earlier in their definitions within the victim bill of rights. It is safe to suggest most victims seeking compensation are not familiar with the stipulations in the VBR, instead experiencing the application process itself.

For those targeted by these questions they are demeaning, shame-inducing, stressful and very likely result in such applicants abandoning the process entirely. Not only are they unlikely to qualify for benefits but they are also being asked to further criminalize the deceased, causing undue emotional stress and guilt as well as proving personal information about the crime victim's history that should be wholly irrelevant.

There are different application forms for direct victims of crime and family members of deceased victims. For the family members, the application is twenty pages in length written in a paternalistic tone and containing presumptive and aggressive (bolded) language.

Section 10: Declaration states:

*By signing this section, you state that the information you have given is true and correct. **Your application can be denied if you make a false declaration (don't tell the truth).** If, at any time, it is discovered that false information has been provided, you will*

be legally required to repay the program, immediately, for any compensation you have already received. (Manitoba Justice)

This warning was found on the last page, where the applicant was required to sign after having filled out 19 pages of derogatory and invasive questions.

Section 3 of the application asks for “other names used” including any aliases and provides the following directions:

Was the deceased victim ever convicted of a crime (criminal offence) for which he/she did NOT receive a pardon? Check ‘yes’ or ‘no’ or ‘don’t know’ box. If yes: Give the kind of offence(s) and date(s) of conviction(s), if you know. [Use an extra sheet of paper if there are more than three.]

Did the deceased victim have any pending criminal charges at the time he or she died? Check ‘yes’ or ‘no’ or ‘don’t know’ box. If yes: Give the kind of offence(s) and date(s) charges were laid, if you know. [Use an extra sheet of paper if needed.] (Italics are mine.)

Did the deceased victim ever live outside of Manitoba? If yes: Give the address where the deceased victim lived (city/town, province/ state, country), in the last 10 years. (Manitoba Justice)

The applicants are advised in section 9: Authorization, that by signing the application they authorize “the police service and any other agency... to give the director any information directly or indirectly related to the alleged crime(s)” and “the director to get information about pending criminal charges and/or criminal convictions of the deceased victim,” along with five other items of authorization to verify employment, income, and health information provided. They are then advised that “this authorization shall be valid for *two years* from the date of

signature.” (My italics) This disclaimer is likely tied to the previously described stipulation by Victim Services that not only will compensation be denied to families of victims with a criminal record but that should the applicant commit a crime in the future, their benefits may be cancelled—suggesting the potential that someone will be checking. Requiring information about any pending charges of a deceased victim (under the presumption of innocence) is prejudicial and discriminatory. The procedure of requiring the family members to report on such aspects of their life in return for financial support is a grotesque form of revictimization and serves as another form of punitive dismantling of the dignity and personhood of that loved one.

What VIS revealed most clearly about murder is the implicit bias that values some lives over other operating beneath the criminal justice system and the agencies and services that are supposed to provide care and support to victims and their families.

Social Death.

Many of the victims in my research come from poor neighbourhoods and most of those were involved in underground economies, having been denied economic participation as social welfare recipients and chronic underemployment. Characterized as social deviants for the way they dress, their recreational and musical choices, and geographical spaces taken up, racialized people in particular tend to be denied the same value attributes as those that fit a more middle-class suburban sentimentality. At the time of their deaths, the majority of the young men were not participating in anything illegal but rather partaking in recreational activities that were either criminalized or scrutinized, in a masculine subculture in which their primary asset is violence, bravado and toxic masculinity, bundled into a street version of an honour culture (see Anderson, 1994; Cohen, 1990; 1972; Henry, 2021; Presdee, 2000).

The use of VIS to balance accounts of such young men can be difficult for those in the lowest echelons of ideal victimhood constructs. Indigenous families in this study disproportionately fall into this category. I found startlingly similar accounts by Latino families in the United States with Indigenous families in Canada. “Deservingness and entitlement have different frames of reference, which determine how legitimacy and credibility are assigned” (Cacho, 2012, p. 139). Speaking about the death of her cousin, Cacho writes of the difficulty faced in trying to provide narratives of his life that ascribe social value in the eyes of society while also adhering to the authentic attributes that “felt true to him and his memory” (Cacho, 2012, p. 28). She explains that this disparity exists in “neoliberal ways of knowing,” in which a life is valued according to economic success and contribution, with little room to celebrate a real human life lived. (Cacho, 2012, p. 33) It was not enough to say that “he was not a gang member” because he did not leave us with something to say next” (Cacho, 2012, p. 28). Indeed, she could just as easily have been talking about several of the victims in my study.

Those lacking the economic value prized in our society not only find themselves at higher risk for violent victimization in life, but then denied the legal recognition of full personhood in death when their life is taken. The families are denied legal protections as persons victimized by crime, as the state usurps that role and declares itself legal victim.

“When a group’s rights are not socially recognized, discussions revolve around whether the aggrieved group even deserves to speak out against discrimination or exploitation, which effectively subverts or forecloses any dialogue about the actual injustices” (Cacho, 2012, p. 139). Hannah Arendt (1951/1976) defines such groups as those denied “the right to have rights” (p. 296). Here, again, we might envision Agamben’s *müßelmann*, but I turn instead to his discussion on *zōē*, in *Homo Sacer*: “the bare, anonymous life that is as such taken into the

sovereign ban” (Agamben, 1995, p. 124). For those living on the edges of society, marginalized and othered, life is equal only in its capacity as *zōē*. “The bodies and localities of poor, criminalized people of color are signifiers for those who are ineligible for personhood [...] To be ineligible for personhood is a form of social death” (Cacho, 2012, p. 6). Social death was first coined by Patterson (2018; 1982) in his seminal work on slavery. Here, social death epitomizes the living dead existence that began for these families prior to the murders of their family members due to a stubborn and ingrained racism that persists in this country. Sharon Holland (2000) calls racism “a killing abstraction [...] [that] ensures that certain people will live an ‘abstract existence’ where ‘living [is] something to be achieved and not experienced” (quoted by Cacho, 2012, p. 7).

Essentially, we have a justice system that over-polices and under-protects the poor and Indigenous populations in this city (and elsewhere). The homicide rates for Indigenous people in Canada were nearly seven times that of non-Indigenous in 2022 (Moreau, 2022). Indigenous persons accounted for 75% of accused⁵⁷ and 70% of victims⁵⁸ of homicide in Manitoba, despite accounting for only 14% of the population. Of twenty *families* in this study, at least ten did not qualify for victim compensation based on the victim’s participation in criminal activity contributing to his or her death and/or having a criminal record being deemed as involved in criminal activity contributing to his or her death⁵⁹. Eight of the ten were Indigenous families, all

⁵⁷ Statistics Canada Table 35-10-0157-01 (formerly CANSIM 253-0010):

<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015701&pickMembers%5B0%5D=1.8&pickMembers%5B1%5D=2.1&cubeTimeFrame.startYear=2018&cubeTimeFrame.endYear=2022&referencePeriods=20180101%2C20220101>

⁵⁸ Statistics Canada Table 35-10-0156-01 (formerly CANSIM 253-0009):

<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015601&pickMembers%5B0%5D=1.8&pickMembers%5B1%5D=2.1&cubeTimeFrame.startYear=2018&cubeTimeFrame.endYear=2022&referencePeriods=20180101%2C20220101>

⁵⁹ These are the cases that were mentioned either in the VIS or news media. There was no way to reliably verify these or any of the others in the full set of VIS and I didn’t deem it necessary or relevant for the purposes of this information.

headed by single mothers. All were living in poor and inner-city neighborhoods. These families are forced to live in the neighborhoods most vulnerable to violence and crime while refused the necessities and opportunities to buffer them from either one and then criminalized when they do inevitably become embroiled in some form of deviant behavior only to turn around and use this to disqualify them from full citizenship and legal rights when they are victimized by the violence bred in the very existences they are trapped within. I earlier referenced a madness inherent in the court system and its demands on the kin of murder victims. The cycle of victimization that is both foreseeable and preventable, with structures in place that should be able to intervene, but instead bolstered by those same structures... this too is madness.

Is it so far-fetched to suggest that providing adequate and rightful supports to offset the devastating losses incurred by this crime might lift some of the most severely impacted families out of crisis and downward spiral? If, instead of re-criminalizing the poor and Indigenous and disqualifying them from legitimate standing as victims of this crime, victim services and the victim bill of rights removed those clauses, how many families might be spared the further destruction of the families and futures? Might such unbiased approaches stop the inevitable cycle of over-representation in the criminal justice system (or the morgue)? Might it at least rein it in?

The fact that middle- and working-class families from higher socioeconomic status were provided the financial supports to take time off work, help cover funeral costs, attend court hearings, and even flight and accommodation for those living out of town, while families with the highest need were denied, should be quite alarming to my readers. After having read of the additional devastation including CFS apprehensions, addiction, homelessness, and incarceration experienced by families' ineligible for victim benefits, I would expect the earlier uneasiness to turn into outrage. We now see how far the pollution of murder and associated reach of the Furies

extends. I imagine it is not lost on my readers why the Law continues to keep them out of sight, “beneath the feet of Justice” (Aeschylus, 2002).

Question #4: What was revealed about victim impact statements as phenomenon?

The phenomenon of the victim impact statement, particularly when used in cases of homicide, has been controversial for its contradictions and ambiguousness in law. As pointed out at the start of this work, this has left VIS open to interpretation by their authors that has evolved into uneven use and application. What stood out and guided this research is the vast number of tangential narratives included within these statements, providing a better understanding not only of the experience of homicide by loved ones but also of the VIS itself. Therefore, I found a fourth question emergent in this study centering on what was revealed about the VIS project itself; this token of victim voice that serves only to further muffle that voice. Where is VIS situated and what role does it play in a multipronged justice industry that advances a colonialist and capitalist project of social, economic, and legal discrimination? What was astonishing in this research was the surprise that VIS revealed its own project therefore providing some explanation as to why the incongruities have been allowed to stand for four decades.

Victim impact statements emerged (with rapid speed) amidst the height of the rehabilitation era: an era that began turning attention to the social factors of criminality. Posed as pushback against unbalanced rights for the criminal, VIS arrived on the scene at a moment that catapulted the pendulum back toward a punitive turn, reining in any talk of societal blame for crime by artfully bringing the unbearable sufferings of victims into the court and, more importantly, the news. Hailed as a win for victims’ rights, as giving a voice to victims, the VIS scheme heralded the greatest sleight of hand by the justice system since the introduction of the prison.

Why is the VIS program tied to the justice department, rather than victim rights? These submissions are presented in court as evidence of criminal harm, yet the authors are not granted legal status as parties to the case. Are they victims or not? They are not there to report on the impacts experienced by the deceased victim. They are to speak on the impacts they have personally experienced. There is no legal remedy considered for these harms. These statements have no bearing in law. The authors have no standing in law. What, then, is the purpose of VIS?

It seems a far cry to transform such groups, the surviving loved ones of homicide victims that had been cast aside for so long, now suddenly into ideal victims deserving of voice and direct participation in the sentencing portion of trial. Here lies the stunning beauty of VIS as the legitimate swindle to recognize someone as a victim in this way. In short, the justice system has created a tool (VIS) to have those that are most vulnerable to victimization—due either in full or in part to systemic and institutional inequalities—use their own experiences, in their own words, to direct the gaze away from such institutions and back onto the individual. This is the magic of VIS. It provides a mechanism to turn a public issue into a personal problem (Mills, 1959) by focusing the victim on those categories of “impact” caused by “the crime,” while situating the state as benevolent protector and fierce upholder of justice. The state provides victims an outlet to direct the Furies while appearing as benevolent protector. Any technical shortcomings or juridical failings in the execution of VIS are not important in the big picture. The instrumental purpose of VIS is quite clear.

Misappropriation of VIS

Norbert Elias points out that “the state is prepared to recognize someone as a victim only if their injury or loss can be acknowledged without challenging the status quo” (Ruparelia, 2012). In other words, if “the harm can be directly attributed to the actions of the individual

offender; other (more systemic) factors are not implicated” (Ruparelia, 2012, p. 669). The added ability to “deflect attention away from state action or inaction that results in injury or loss to marginalized groups” (Ruparelia, 2012, p. 669). “At the bottom of this hierarchy would be the homeless, the drug addict, the street prostitute—all those groups of people for whom it is presumed that victimization is endemic to their lifestyle, thus rendering any claim to victim status a highly problematic one” (Walklate, 2005).

Constraints.

From the start, the paradoxical nature of this program was recognized by judges and scholars alike that tried to find ways to make it make sense in a criminal code that places strict limits on sentencing discretion and classifications of impact that either don’t meet the experience of its authors or go against the principles of sentencing. According to 722 (8) of the Criminal Code, “In considering the statement, the court shall take into account the portions of the statement that it considers relevant to the determination referred to in subsection (1) and disregard any other portion.” Relevant to whom? How are families to define what part of their experience is relevant? I leave this problem to the legal experts for the moment. The issues that arose in this study that I wish to address are the way in which VIS fail to provide real and meaningful participation to victims’ families serving to revictimize many.

Confusion.

A number of authors disclosed nervousness about filling out their statements, voicing concerns that they couldn’t say everything they wanted to and worried that their statements would not be allowed in court. On the one hand they are instructed to tell the court how the crime has impacted them but on the other cautioned that what they say is subject to cross-examination, redaction, or removal. There has been research demonstrating that some victims complete VIS

without realizing what they were signing. “Many victims regard it as just another form to be completed” (Roberts & Manikis, 2010, p. 3). According to Roach (1999) VIS are often used to serve the interests of the Crown rather than the those of the victim. VIS remains an attractive option for the prosecution, for “in allowing the introduction of a VIS enables the state to lay claim to a sincerity of loss, thereby securing for itself a powerful rhetorical weapon that as an institution—rather than an individual—it could not otherwise hope to obtain” (Butler, 2013, p. 844).

Returning to the instrumental versus expressive or communicative matter, it is still unclear what purpose VIS are serving for the court. I have made a rather solid case for their use by family members of murder victims, but it remains to be seen if VIS are simply kowtowing to politics or appeasing victims. Victims themselves aren’t entirely sure of the point.

In practice, it is rare for VIS to be cross-examined in court and only two of the VIS in this study had minor content redactions. It would seem they are being accepted as written for the most part. Having said that, there is no way to know how many (if not read out in court) have actually been read by the judge. This is an important oversight, especially in light of judges attitudes toward VIS in Roberts and Edgar’s (2006) excellent research. Here I turn to the comments of one such judge from that study:

VISs are one of Parliament’s more stupid ideas. They send the wrong message to victims [who] should not be involved in sentencing. Relevant information can come from them through the Crown. VIS should not be a soapbox for victims to rail at offenders. That is not a proper use of a courtroom. Reading the VIS in court is threatening and is of no use to the judicial process. If it is to be done, do it in some other forum. I go through the

motions for VIS, but they are only useful in informing the offender about the harm. They should not affect sentence” (p. 28).

We have seen some evidence of a shift away from such extreme opposition to VIS, but it is important to recognize some key issues identified in this one opinion. In a U.S. study measuring judicial response to VIS, another judge commented, “I kind of feel like the legislature has pulled kind of a sleight of hand here by saying, ‘You are entitled to come in and do this [give an impact statement],’ but then with a wink and a nod: it’s totally meaningless” (Shuster and Proppen p. 87). I agree, VIS is of little use to the judicial process and the current form does send the wrong message to victims in leading them to think their words can influence the courts. However, I disagree with the statement that VIS should not be a soapbox for victims to rail at offenders. In fact, based on this research it is my firm position that this is the most important element of VIS in cases of murder.

Coopting

The emotionality and rhetoric used by many of the authors turn VIS into a performance (Kaufman), the raw pain and grotesque detail delivered with the deepest feeling and language to elicit the moral anguish of the offender (that must surely be suffering from the most horrendous guilt!) Is this no more than spectacle? Unfortunately, this study didn’t provide information on the voices that were missing and whether this is due to choice, lack of information, or a more active process of selection by Crown attorneys.

Wemmers notes VIS were found to be most likely used in cases where *prosecutors* believed them to be important, in some cases even filled out by police without the victim understanding that he or she was making a VIS (Roach, 1999a). VIS are not intended as a tool for the prosecution and such use is contrary to the principles of justice for victims outline in the

UN Declaration (Wemmers, 2017). Such a question remains unknowable for now. What we do know is that those invited to write a victim impact statement serve a purpose already before saying anything at all. The optics of VIS present those victimized by crime in a certain light that will inevitably be shone out to the public through the reporters sitting in the courtroom. Even for those that were subjugated and stigmatized up to that point, the VIS presents every author as an ideal victim.

Summary

At face value, one might read the seventy-eight statements from this study and classify them as the sad and tragic stories of people mourning the loss of a loved one. This neatly ties the horrific harms described directly to the actions, and in some cases the evil, of the perpetrator. However, when we pay closer attention to the narratives, to the stories of the individuals and family lives before and after the event, the complex and intertwining issues operating through the before and after, a different discussion begins to emerge. The violent act of one person against another—the crime—is actually more deeply set within a larger social landscape that brings clarity to the phenomenon of murder in human societies.

VIS show a society that has been willing to sacrifice some citizens for the comfort of others, the same way in which the Furies had been sacrificed through trickery and Athena's persuasive tongue. Like the Furies, the victims' kin took back their rightful place, symbolically (in the CJS) and actively in VIS. Despite ulterior motives or political purposes, VIS have been carved out and repurposed to meet the needs of its authors.

The agency with which these authors used this quasi-legal document and unofficial participatory right demonstrated clear parallels to historical and ancient practices of the victims' kin. This uptake of justice fulfills *both* an instrumental and expressive function in that there is a

pragmatic need to stake claim in the matter in order to reclaim lost status through the also pragmatic expression of the emotion that provides the only language to address the moral and ontological essence of murder.

Murder, like justice writ large, operates in duty to society. There is a logic to murder, from the near perfect conditions that fertilize it to the social and legal responses that manage it, and ultimately reproduce it across generations. Like Durkheim's *Suicide*, murder is likewise a social fact with a never-ending and generally stable rate. The factor that has changed is the spread of pollution created by this human moral violation; a pollution that was once kept in check by the swift and certain obligatory action of victims' kin. Since losing this meaningful role and ceding the territory of justice to the state, the loved ones of these citizens have been left to suffer in silence and in torment of their own fury.

This study has provided evidence for the ancient and enduring power of the Furies, through agency and voice of the living co-victims of this ageless human crime. VIS have revealed important insights into the phenomenon of murder and the discriminatory and unjust ways its victims have been denied dignity, support, and the right to be fully informed in all matters of their loved one's death. To this end, VIS is being used in ways that overturn the worn out pathologized characterization of homicide victims as emotionally unreliable, bereaved outsiders in the crimes that have directly impacted their lives. These authors are not simply sharing stories of their grief and loss but rather elevating all they've endured as evidence of their right to be heard and be included in a legally recognized forum. What VIS authors are saying in these statements is that they want justice. This study has examined what justice might look like and how it is being sought by those willing to go through the onerous process to have their say

and face their wrongdoer. VIS has fallen short and been subject to misuse through inconsistent implementation and understanding as well as unresolved juridical issues and policies.

Chapter Eight – Conclusions and Recommendations

This final chapter contains conclusions drawn from the key findings of this study, followed by recommendations for action and future research.

The purpose of the study

This research was undertaken to address a curious gap in research on the use and value of VIS in Canada. The lack of empirical research on the content of victim impact statements in murder trials has allowed the VIS program to operate with little understanding or oversight that has arguably contributed to the suffering of families victimized by murder. The question remains: who is listening? Those few studies that do exist are limited in scope with a psychological focus that all but ignores the social impacts of murder. In this study I sought to answer what is being said in the VIS of so-called homicide survivors and what this might reveal to us about murder as a phenomenon and VIS itself as another. The amount of rich and valuable knowledge provided by the authors who took such care to get their meaning across, has given an enormous gift to us; one that might inform our understanding of this crime and its impact on real lives and families in this city—for a start. It is my singular hope that this small study somehow compels practical change that will make this devastating rare human experience just a little less so for other families that are sure to come afterward.

Conclusions

There were many interesting findings that came of the multilevel analysis conducted through hermeneutical phenomenology. In the seventy-eight victim impact statements written by the family members of victims murdered in Winnipeg within a ten-year period we learn a

great deal about not just the direct impact on these lives, but the complex web of impact that murder and its responses have on our society. Victim impact statements contain horrendous accounts of the hardship and suffering wrought on people's lives and futures. But what stood out was the empowerment potential of VIS being exercised to take up and act out justice. This piece of the phenomenon of VIS identifies the presences of and appeal to a moral justice element in the crime of murder by victims' kin, opening—or reopening—a mechanism that fulfills the need to act in response to moral wrong. Many homicide survivors cite a need for healing from murder. This term, healing, is often conflated with a sickness vernacular when instead the message tends more toward finding meaning and regaining ontological equilibrium. Indeed, survivors of homicide might actually be searching for moral justice. In fact, what this research suggests is that the activity itself, acting out one's moral right to confront the wrong, allows these individuals to begin living in ways of empowerment, honoring their loved one, and reclaiming meaning in their lives, all of which primordial kin practices encompassed.

While there were many areas of interest found in this research, I draw attention to those key findings that have the most immediate implications and actionable opportunities. There are three major findings that I choose to focus on and now provide the conclusions for.

1. The agentic value of VIS

The first comes from the overarching question that guided this study that sought to know what is being said in victim impact statements after the murder of a loved one. Here I found that the results both supported and expanded what was previously reported in the literature. While my results found many of the same topics or themes discussed in VIS, I identified a pattern in the way these narratives were constructed by the topics given most prominent space. Using multiple perspectives to examine the things that were said, revealing different meanings or motivations, led to my conclusion that rather than telling of sorrow and hardship for itself, the statements and anecdotes provided were used in the service of a larger, purposive project of

setting out proofs or claims in order to legitimize themselves as victims of the crime rather than bereaved loved ones that were the unfortunate recipients of secondary harm. The things that are said have not changed since the implementation of VIS, but the interpretations have been incomplete.

Through their VIS, the family members of murder victims claim legitimate victimhood, and the moral justice rights thereof. VIS appears to be used to exercise the duty of kin to confront, judge, and demand acknowledgement of the wrong committed. This finding makes a significant contribution to the literature in adding a new element to the conversation, potentially bringing a close to the debate on the instrumental versus expressive value or purpose of VIS. For murder, at least, I propose that VIS are used instrumentally *and* expressively in a more direct agentic mechanism of justice seeking activity. Further, in doing so the element of emotion is returned to post-homicide settlement practices, allowing the victims' kin to act through direct confrontation.

The ritual-like element of VIS adheres to ancient justice processes that were abandoned in Europe and eliminated in Canada. One of the findings highlighted in the Manitoba Aboriginal Justice Inquiry (1999) again speaks to the matter quite clearly:

Aboriginal cultures have, and continue to practise, ceremonies which encourage the controlled release of emotions in an appropriate manner. There are “grieving” ceremonies in which Aboriginal people are encouraged to deal with loss and separation. The “shaking tent” and “sweat lodge” ceremonies were used in this manner to “purify” or rid a person of latent hostilities and anger. (Aboriginal Justice Implementation Commission, 1999)

It is not that we don't know how to release the Furies; it is that we refuse to acknowledge systems of justice and law that contained the mechanisms to do so. With the grossly high rates of murder affecting Indigenous people in this province, it is time to give credit where credit is due and utilize this knowledge. As this study has shown, such practices that allow for direct

interaction and “controlled release” of the Furies continue to provide meaningful avenues of justice for families of murdered loved ones—despite a court system that tries to deny it.

2. The social impact of murder

The second key finding in this study addresses the social impacts of murder. Here again the narratives of each individual VIS offered direct and irrefutable evidence of the devastating effects of murder on one’s social life, relationships, and ability to interact in a world that feels hostile and unstable. In the second reading of the VIS—the experiences by familial role—there emerged clear differences in the weight and manifestation of impact between family members.

Each member of the family experienced impacts unique to that familial location, e.g., siblings felt unacknowledged and responsible for grieving parents. Most noticeable were the differences between gender roles with mothers either rendered unable to function due to the emotional and ontological collapse or else they were forced to put their own needs aside for the needs of the family. Women, whether mothers, sisters, daughters, or wives, were overwhelmingly overburdened by this crime. In their narratives and supported by the narratives of their family members, the story was consistently one in which women stepped up or were left with the duties and responsibilities that murder creates. In addition, women were most heavily impacted financially and socially by this crime, often speaking of how the murder took up all their time and energy, leaving them no time just to relax.

3. Criminalization and revictimization

The sociological impacts of murder were most notable in the examination of the families in the third reading of the statements.

The impact of murder on Indigenous families and individuals was already well-known statistically. However, this study provided evidence of the social, emotional, and material impacts that disproportionately affect Indigenous people in Winnipeg. Due to circumstances of poverty, they were at higher risk of being victimized by violent crime. Once the murder

happened, they faced more obstacles and hardship than non-Indigenous families, compounding the short and long-term consequences. They were also revictimized more extremely by media, justice agents (including police and Crown attorneys), victim services and child welfare authorities. Indigenous victims in this study were more often involved in illegal activity at the time of their death, resulting in disqualification by their families for critical victim compensation benefits. Even those families not criminally involved were criminalized nonetheless by media and child welfare agents that instead of providing supports to families in crisis, apprehended children from homes deemed unstable or unsuitable.

This study draws attention to the fact that the victimization of Indigenous men is a serious problem in Manitoba and needs more attention. Not only are families losing their fathers, brothers, sons, and partners—it is the women left behind that are shouldering this burden.

Limitations

There were remarkably few, yet important, limitations of this research, with most due to the chosen data. Due to the strict privacy protections by the courts, I was not allowed to publish any verbatim quotes from the material that could be identified by a VIS author. My chosen methodology overcomes this limitation, as previously discussed, and forced me to explore new avenues for analyses and interpretation which was a key accomplishment in this study.

The difficulty of accessing this type of data and inability for a larger sample with expanded criteria could be considered a limitation, however for this particular study and the size of the population it was a fairly good representation and large enough to provide comparison and nuance. The exclusion of extended family members living in the household of the victim is regretted but would have made this study unmanageable for one person.

One of the main limitations of this study was the inability to determine which, or how many, of the VIS had been read aloud in court versus those just submitted in writing. There are important differences to be expected in the ritual process between the two formats. Although the

written documents were the focus of this study, and it was the written narratives that revealed the agentic step-wise process alone, the face to face encounter holds more powerful opportunities for two-way dialogue and emotional transfer. I touch on this in my recommendations.

Another limiting factor was the inability to measure the differences between those that had participated in VIS and those that had not. As well, longitudinal studies to investigate the long-term outcomes of VIS participation would provide valuable knowledge. The use of historical documents limits the ability to ask questions or conduct follow-up with “participants” that have the potential to provide important longitudinal knowledge about the outcomes of the VIS authors. However, what was lost in that respect was secondary to the rich knowledge gained by the authentic *lifeworlds* captured in these narratives.

Recommendations

Policy recommendations

In light of the research undertaken and the findings and the conclusions herein, I forward a number of recommendations for addressing the unequal and unnecessary suffering that has resulted from 1) the removal of the victims’ family from meaningful participation in the attainment of justice for the intentional killing of their loved one; 2) racist and discriminatory policies that unfairly assist some families while denying assistance to others, partly due to ongoing colonialist institutions and partly due to discriminatory and exploitative media reporting; 3) Victim rights legislation and programs that apply paternalistic attitudes that deny the rights and dignity of families victimized by murder.

Thus, in light of the findings and conclusions of this research I call for the following actions:

1. *That: VIS hearings (in murder cases) be severed from sentencing, given their own separate, post-sentence hearing.*

The authors in this study made clear the importance of having the opportunity to submit their statement, and in several cases, face or address the offender in court. Indeed, there was evidence of several authors overcoming major obstacles and situations or making costly sacrifices to their education or careers in order to be able to attend the trial and/or submit their statements. However, the unmet expectations that the VIS will have any meaningful impact on the sentence has been shown to further revictimize the authors. This study revealed the importance of VIS as an agentic justice instrument that would be more effective in a post-sentence hearing. The problematic elements of the VIS process that have contributed to the debates on its value and utility to law can be overcome by severing the VIS hearing from sentencing. The minimal capacity for impacting the sentence and the hostile and defensive environment in which they are being presented (as an element of the Crown's case) undermines the potential for VIS as a justice mechanism. VIS would be better applied to a separate hearing, after the offender has been sentenced, increasing the ability for him to listen to what is said without concerns for showing guilt and jeopardizing his legal position.

Removing the juridical threat of the VIS facilitates a more open and neutral environment which might increase the potential for acknowledgement and dialogue—the RSVP advanced by the moral charges advanced by the victims' kin. I am not advocating for restorative justice meetings at this stage, although there are strong reasons for including that option at another time.

It is important that the hearing still be held in the ritual atmosphere of the court, with the judge (in robes) in attendance to exemplify legitimacy and acknowledgement to those victimized, reinforcing the belief that the victims' family are equally protected under law and deserve to be heard in that capacity. However, this hearing should be a private one, closed to the public and media. Further, the records should be sealed so the proceedings may not interfere with the offender's procedural rights. Judges often are required to set aside portions of testimony in their day-to-day operations, and this would be no different.

2. That: VIS be formalized, regulated, and privacy protected.

Victim impact statements should also be privacy protected. The level of candor and personal intimacy shared in these statements raise an important issue around the balance between the need for VIS authors to say what they need to say and the constraints on them to do so in such a public forum and on public record. Currently the authors feel obligated to sign forms advising them of the public nature of the VIS, during emotionally difficult times. These forms should be updated to provide a default of privacy with the option for authors to make their VIS available, in whole or in part, for research that benefits victims, improves accountability and provides ongoing evaluation. VIS authors should be provided information and contacts so they may change their mind at any time in the future along with an option to specify whether they are willing to be contacted.

As far as formalization and regulation, VIS administration and filing needs an overhaul to facilitate proper filing and storage of these documents. The current system, in Manitoba at least, of haphazardly adding them to exhibits boxes is inadequate and disrespectful. These statements should be treated with the same dignity and protections as those made by victims and survivors in other inquests or hearings.

3. That: Media be regulated on how homicides are reported.

The current practices of sensationalizing these tragic and painful crimes in the *if it bleeds, it leads* attitude that openly acknowledges the profitability of these practices, must be reined in. The impact of how victims were represented in the media was strongly correlated family treatment and access to services. In particular, those presented as ideal victims spoke of more public sympathy, compassion by justice officials, and receipt of victim benefits. Responsible reporting is called for that provides pertinent information to the public without derogating the character or lifestyles of victim or offender. The personal history or criminal record of a victim should be protected by victim right to privacy. While some provinces withhold the name of victims, I would recommend consulting with victims and survivors on their

preferences. I further recommend a formal sanction process for violation of such rules as well as a process for victims and offenders to seek redress for their exploitation by media.

The particular harm of these practices to Indigenous people has been well-documented. The 1996 Royal Commission on Aboriginal Peoples⁶⁰ noted that “racist public discourse towards Indigenous people persists, that Indigenous people are often excluded by the media, and they are portrayed in historical and damaging stereotypes, such as “angry warriors” and “pathetic victims” (The Canadian Bar Association, 2023). The harms of media reporting are not limited to Indigenous people, however. The findings of this research provide strong evidence of the urgency to act on this issue for all families of murder victims.

4. That: The policies for victim compensation be reviewed and updated.

The current victim compensation scheme is wholly inadequate and relies on outdated discriminatory and paternalistic attitudes that shame people in need of supports. In contest with the Victim Bill of Rights, the stipulation that disqualifies or reduces the benefits of anyone with a criminal record (or their family members) should be removed. While there has been some discussion of amending the program to allow the director to make determinations on a case by case basis, this leaves room for continued discriminatory outcomes. Claims that the public purse should not give money to criminals is a political statement only and has no place in policies designed to assist those victimized by crime. Providing proper supports for victims of crime is essential to perceptions that they are valued and cared for and therefore facilitating a quicker return to regular life and activities. A call to address this issue was sent out in 2021 (Wemmers, 2021) to the Federal Office of the Ombudsman for Victims of Crime.

5. That: Victim rights legislation be implemented to provide access to information and legitimate status as a stakeholder of the crime.

⁶⁰ Royal Commission on Aboriginal Peoples. (1996). People to people, Nation to nation: Highlights from the report of the Royal Commission on Aboriginal Peoples. Ottawa: Minister of Supply and Services Canada.

The authors in this study unanimously denounced the revictimization of being pushed out of the criminal justice process, being provided with fewer legal protections or rights than the accused, and generally treated as “outlaws” and given a lower status in society. Victims’ families ought to have rightful access to the information regarding their loved one’s death, from the start, rather than made to wait upwards of three years to hear details in court—deemed outsiders in proceedings centrally concerned with their lives. The current reason for withholding information from victims is an unproven suggestion that failure to do so might jeopardize the case. Having these family members sign non-disclosure agreements (that expire after trial) would eliminate this risk. Recognition as legitimate victims of the crime affords these families protection from scrutiny and stigma that currently results in social isolation and economic losses. Granted legal standing with provisions that respect their dignity and rights would go a long way toward alleviating the revictimizing impacts of the CJS. Minor procedural changes could have enormous benefit for victims’ families. A member of this committee asked, “what would it take for the state to allow family to see their loved one?” Indeed, with the recent experience with personal protective equipment during the pandemic one might imagine a few simple ways of mitigating a risk to evidence while allowing that ability for a mother to see her deceased child.

6.That: CFS, EIA, and other social welfare agencies review policies and require training.

In light of the many indignities and injustices experienced by the VIS authors in this study, there is a need for sensitivity training for the paid civil servants that are meant to assist victims of crime. There are numerous publications and handbooks going back 25 years that were written specifically for this purpose. Alarming issues were revealed in this research that call for immediate investigation and review of the policies of social welfare agencies regarding families in crisis due to the impacts of murder victimization. Additionally, there should be a review of the financial supports available for struggling families. The disproportionate financial impacts faced by women that emerged in this research call for a re-examination of the social and child welfare

benefits schemes. There needs to be a separate benefit (that is not clawed back by EIA) for families victimized by murder to provide immediate financial supports for housing, childcare and homecare support to help alleviate the pressure on single moms in particular. Collaboration between EIA, CFS and Manitoba Justice – Victim Services is called for, in consultation with victims.

Research recommendations

In addition to these calls for action on policy matters the findings in this research provide a strong jumping off point for new areas of discussion and research. I make the following suggestions for future research informed by this study:

- 1. More research is needed to investigate the discriminatory policies that are revictimizing those already suffering the consequences of one of the most devastating crimes in human society.*
- 2. There is a concerning lack of attention on the disproportionate burden of murder being shouldered by women. More research is needed in this area.*
- 3. I am also optimistic that this study could trigger new theoretical research on the role of moral justice and its role in righting the wrongs of murder.*
- 4. Connected to the last point, there is a case to be made for the value of ritual-like aspects of VIS, along with restorative justice dialogue, which have ties to human justice practices throughout time. The idea that emotion can or should be excised from law has been soundly criticized. There is knowledge to be gained in the role of extra-judicial or post-sentence ritual that appeals to rather than denies powerful emotion.*
- 5. More research is needed to see if there is a measurable difference in the outcomes of those who participate in VIS and those who do not. There is a case to be made for the release of the Furies and the return of honouring the deceased through the uptake of justice.*

Final Thoughts

In summary, the individuals that provided the written narratives in this study identified a small yet actionable number of issues that caused undue misery and hardship. Having to wait for upwards of three years to hear the details of the death of their loved one is the main contributor to their mental anguish, financial hardship, and social issues. Currently, families victimized by murder in this city are treated as deviant or devalued, given lower status and legal protections than the offender and criminalized and dealt punitive sanctions amid their suffering. By treating victims' families like valued and respected members of society through a show of basic respect and care, the impacts of murder would be more manageable and shorter lived. By respecting the dignity and agency of these members of our community rather than pathologizing and disempowering them as sick individuals with diminished capacity, nothing relevant to contribute, and no stake or interest in the case that entirely capsized their lives, we might create meaningful transformation and promote a justice mentality instead of welfare mentality.

A simple change in policy could alleviate the harms associated with years long entrenchment in the court process by granting privacy protected access to information. The documented bias and stereotyping of media that exploit the victim and their family for financial profit has created a hostile, racist, anti-poverty and victim-blaming environment that impacts all interactions these individuals have connected to this crime. Revictimization by society and the structural institutions that uphold our discourses could be significantly reduced by media regulation and protections for victims of crime. The multiplication of poverty-related impact by murder is felt almost entirely by women, and predominantly those of Indigenous background. Rather than worsen the situation and increase the probability of continued cycles of overrepresentation as both victims and offenders in lethal violence, murder victimization ought to trigger immediate support services for the whole family to weather the crisis and elevate their lives afterward.

The narratives written in the victim impact statements are clear evidence that family and loved ones of murder victims have important and meaningful things to say and should be provided the respect they deserve as members of our society that have been unjustly wronged. This is only one small glimpse at the contents of post-homicide VIS but it has uncovered what was suspected all along: that victims' kin play a crucial role in the aftermath of murder and a rightful place in justice. Like the Furies, they have been silenced and transformed into disempowered and disenfranchised stereotypes. The words written in their VIS flip the construction of bereaved, over-emotional or irrational victim. Indeed, emotion is artfully directed at releasing the furies and holding accountable the person who shoulders the responsibility for his or her own polluting acts.

With a few minor amendments and formalization, the VIS process has potential as a robust justice mechanism to meet the needs for moral justice, resituating victims' kin to their rightful moral position and returning to them the dignity and status lost by the murder of a loved one.

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