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Who Gets Believed? Respectability, Credibility and Criminal Justice Before Evidence Speaks

ABSTRACT

This article addresses the fundamental problem of the determination of credibility in criminal justice before evidentiary evaluation, i.e, the systemic tendency of formal and informal justice mechanisms to assign believability, victimhood, and guilt based on pre-determined socio-moral prejudices rather than empirical fact. While the very crux of criminal justice in India lies on the objective evaluation of evidence through neutral procedural metrics, a critical gap persists in examining how social constructions of respectability pre-determine legal outcomes, or frame legal realities before formal evidence is ever gathered, investigated or evaluated. By employing a dual theoretical framework, i.e. combining Nils Christie's Ideal Victim Theory with Kimberlé Crenshaw's theory of Intersectionality, this article utilizes the film Wicked Little Letters (2023) as a socio-legal case study to interpret how several institutional and social factors manufacture credibility and suspicion through intersecting factors of class, gender, nationality and moral conformity. The article then moves on to contextualise these concepts within the context of criminal justice in India with the help of examining landmark decisions such as Tuka Ram v. State of Maharashtra (Mathura case), D.K. Basu v. State of West Bengal, etc., simultaneously evaluating Supreme Court handbooks on code of conduct and historical genesis of these concepts. The findings demonstrate that the concepts of the "Ideal Victim" and its inverted construct, the "Ideal Suspect", function as powerful extra-legal factors that shape criminal justice and legal realities even before the investigative agencies start with the subjective evaluation of evidence.

KEYWORDS

Ideal Victim Theory, Ideal Suspect, Intersectionality, Wicked Little Letters, Criminal Justice, Credibility.

INTRODUCTION

The criminal justice system worldwide is established upon the ideas of non-arbitrariness, subjective evaluation of evidences, it aspires to be absolute and is governed by strict statutory codes of evidence, the solemn presumption of innocence, statutory burdens of proof. It is engineered on the premise that legal institutions arrive at objective truth through the

neutral, empirical evaluation of facts. The courtroom is perceived to be the temple of truth where evidence is weighed on legal scales divorced from any form of passion, bias, or societal prejudices. Yet, long before empirical evaluation even starts, before a forensic expert presents his/her findings, or before a judge assesses the facts of the case, the machine which we know as criminal justice is set in motion by human perception. Investigations do not always start grounded on the basis of pure logic; they start from initial complaints, public panics, community reports, etc. In these volatile, uncodified, informal, pre-evidentiary moments, human actors make immediate, subconscious, and culturally conditioned assessments. They assign credibility, suspicion, and victimhood not based on "what evidence is available" or "what was done", but on who is speaking and how they present themselves to the world and hence the society.

This fundamental disconnect between legal theory and socio-legal reality raises an important question, i.e. how do extra-legal constructions of social vectors such as respectability, class, gender, nationality, manufacture legal realities and assign credibility or suspicion prior to the gathering and evaluation of objective evidence? The criminal justice system's claim to impartiality therefore requires an examination of the social conditions under which individuals first become recognisable as victims or suspects. The question is not merely whether evidence is eventually evaluated objectively, but whether the individuals presenting that evidence are afforded an equal opportunity to be believed before such evaluation begins.

To understand this problem further, this article applies Norwegian sociologist and criminologist Nils Christie's seminal construct of the "Ideal Victim"[1], which demonstrates how the formal institutions and broader society reserve official sympathy and protection exclusively for those who fit the narrow parameters of powerlessness, moral purity, and social conformity. However, because Christie's framework primarily focuses on victimhood and treats social traits as simple binaries, this article also integrates Kimberlé Crenshaw's theoretical framework of "Intersectionality". Crenshaw's model describes the multi-dimensional, overlapping factors of identity such as caste, class, gender and ethnicity, that compound structural disadvantage and systematically change an individual's standing before the law.

To observe these theories in live action and to connect them with past Indian criminal legal history, this article analyses the film *Wicked Little*

[1] Nils Christie, 'The Ideal Victim' in EA Fattah (ed), *From Crime Policy to Victim Policy* (Macmillan 1986) 17–30.

Letters (2023)[2]. Based on the real-life 1920s Littlehampton, UK libel scandal[3], the film serves as a socio-legal case study showing how a close-knit community and its formal law enforcement can construct guilt and innocence and form a social and legal reality out of social prejudice. Crucially, this phenomenon is not restricted to early 20th-century Britain. By bridging filmic socio-legal analysis with contemporary landmark Indian criminal judgements, this article demonstrates how Indian courts and investigative agencies routinely struggle and grapple with the very same extra-legal prejudices, where factors such as caste, gender, class and religious identity determine who is believed and who is not.

LITERATURE REVIEW

Nils Christie and the Ideal Victim

To understand how and why the treatment towards Edith and Rose differed, we must turn to Nils Christie's framework of the "Ideal Victim". Christie defines the ideal victim as a person or category of individuals who, when hit or affected by crime, are immediately given the complete and undisputed status of being a legitimate victim[4].

Christie identifies five key attributes or factors necessary to claim this status:

1. **Weakness and Vulnerability:** The person is physically or socially weaker than the offender, such as a child, an elderly person, or a frail individual.

2. **Doing Virtuous Things:** The victim was engaged in a respectable, blameless activity at the time of the crime, e.g. walking home in broad daylight, doing charity work, or tending to daily chores.

3. **Blamelessness:** The victim bears no responsibility for what happened and did not provoke the incident.

4. **The Offender is "Big and Bad":** The perpetrator is a clear-cut stranger with no prior personal or ambiguous relationship to the victim.

[2] *Wicked Little Letters* (Thea Sharrock dir, StudioCanal 2023).
[3] Christopher Hilliard, *The Littlehampton Libels: A Miscarriage of Justice and a Mystery about Words in 1920s England* (Oxford University Press 2017).
[4] Christie (n 1) 17–30.

5. **Powerlessness to Threaten Status Quo:** The victim is weak enough not to pose any political or social threat to powerful interests once the case gains attention.[5]

Christie's theory explains why certain individuals are granted the status of legitimate victims while others are denied it. However, Christie's theory focuses primarily on the person who receives harm—the victim. It tells us why certain individuals are denied or granted victim status, but it does not fully explain the process through which non-victims are sometimes actively transformed into a target of the state.

Kimberlé Crenshaw and Intersectionality

To fully understand why Edith is automatically believed and Rose is automatically targeted, we must analyse the context through Kimberlé Crenshaw's theoretical framework of Intersectionality.[6]

Identity categories do not operate in isolation; they overlap to create distinct systems of privilege and subordination before the law which frame legal and social realities. Crenshaw's framework describes how the multi-dimensional and overlapping factors of identity compound structural disadvantage[7].Crenshaw's framework demonstrates that the law's claim to treat individuals equally falls apart because the law encounters individuals who are already structurally positioned as either inherently credible or inherently suspicious long before they enter a courtroom.

The Theoretical Gap: From the Ideal Victim to the Ideal Suspect

While Christie primarily focuses on the social construction of victimhood, the same characteristics that produce the ideal victim also simultaneously construct and form an equally recognizable legal figure—the Ideal Suspect. The Ideal Suspect is not merely someone who lacks victimhood; they are a socio-legal archetype whose identity is pre-determined for guilt. The structural framework of the Ideal Victim and the Ideal Suspect essentially operate as inverted mirror images.

Christie's theory focuses on the person who receives harm and does not fully explain the process through which non-victims are actively

[5] Christie (n 1) 17–30.
[6] Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989 University of Chicago Legal Forum 139; Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color' (1991) 43 Stanford Law Review 1241.
[7] Ibid.

transformed into targets of the state. To understand how Rose is selected for criminal prosecution and is in the film arbitrarily detained and then arrested, we must extend Christie's logic to understand this pressing gap in the theory. The concept of the Ideal Suspect is therefore developed in this article as a structural counterpart to the Ideal Victim, extending the discussion from the social construction of victimhood to the social construction of suspicion.

RESEARCH METHODOLOGY

This article employs a qualitative socio-legal approach, combining theoretical analysis, cinematic analysis and examination of Indian criminal jurisprudence.

Cinema does not exist in an aesthetic vacuum; it reflects the society, its assumptions, anxieties and moral hierarchies while shaping how the society thinks at the same point of time. As a methodological tool, film analysis allows us to examine how systemic bias operates within the legal framework. The article utilizes *Wicked Little Letters* (2023)[8], based on the real-life 1920s Littlehampton libel scandal[9], as a socio-legal case study. The film is examined through the theoretical framework of Nils Christie's Ideal Victim Theory and Kimberlé Crenshaw's Intersectionality. The article then contextualizes the theoretical arguments within Indian criminal jurisprudence by examining landmark judicial decisions, including *Tuka Ram v. State of Maharashtra* and *D.K. Basu v. State of West Bengal*, alongside the Supreme Court's Handbook on Combating Gender Stereotypes (2023).

The historical development of the Ideal Suspect is further examined through the Criminal Tribes Act of 1871 and the discussion of policing practices involving De-notified and Nomadic Tribes.

The article therefore uses filmic analysis and doctrinal examination to understand how social constructions of respectability, class, gender, nationality, caste and other identity markers influence the preliminary assignment of credibility, victimhood and suspicion.

DISCUSSION AND ANALYSIS

Wicked Little Letters: Cinema as a Socio-Legal Case Study

Wicked Little Letters is not merely a dark period comedy about anonymous, obscene letters harassing a small English town. Legally, the film tells us how human beings decide whom to believe.

[8] Sharrock (n 2).
[9] Hilliard (n 3).

The story revolves around two women: Edith Swan[10], a deeply religious, unmarried, middle-class woman living under a strict patriarchal household dominated by her father, and Rose Gooding, a vibrant, vulgar, working-class Irish single mother who recently moved into the neighbourhood. When the community receives a series of profane, vulgar and obscene letters from an unknown writer, the village—and subsequently the local police force—immediately targets Rose as the sole perpetrator, despite a total absence of physical or forensic evidence. The film matters legally because it strips away the illusion that the method of delivering criminal justice is free and fair and hence devoid of personal subjective biases. It illustrates that when an investigation is launched, the law does not assess physical facts neutrally; it processes these facts through the pre-existing cultural scripts of the society in which it operates. *Wicked Little Letters* serves as a demonstration of how moral panics and respectability politics shape credibility, victimhood and suspicion in society.

Manufacturing Credibility: Edith Swan and the Performance of the Ideal Victim

Why is Edith Swan believed without question? When the letters filled with obscenity began arriving at her doorstep, neither her family nor the local constable demands corroborating forensic proof. Her testimony is taken as self-evident truth. Edith's sort of almost immediate believability is manufactured through a continuous, disciplined performance of social and moral conformity. She embodies someone who is:

- **Pious and Religious:** She is actively engaged in church life, using religious devotion as her primary social mask.
- **Obedient and Submissive:** She lives under the absolute rule of her patriarchal father, showing submissiveness and adherence to traditionally sanctioned female roles.
- **Feminine and Respectable:** She speaks softly, dresses modestly, and avoids public vice or conflict.
- **Class Status:** As a member of the fragile, aspiring middle class, her lifestyle aligns with the moral standards cherished by the town's authority figures.

Edith's credibility is not an inherent virtue, nor is it supported by material facts; it is carefully constructed, it is performed. The community accepts her status as a victim because she fits their cultural archetype of

[10] Sharrock (n 2).

who deserves protection. She is automatically termed as credible even before investigations start. By analysing the film directly through the lens of Christie[11], Edith Swan fits every single parameter. She is physically fragile, victimized within the sacred boundary of her own home, engaged in pious domestic routines, targeted by a rude, aggressive outsider. Christie's theory explains exactly why the legal institutions and the public instantly sympathise with Edith: her social position grants her automatic, unearned credibility.

Manufacturing Suspicion: Rose Gooding and the Making of the Ideal Suspect

On the other hand, why is Rose Gooding immediately suspected? Long before any handwriting comparison or physical investigation even takes place, the town of Littlehampton has already tried and convicted her in the court of public opinion.

Rose's criminalization is driven by her explicit refusal to conform to the village's codes and pre-determined standards of respectability:

- **Nationality and Race/Ethnicity:** As an Irish woman in post-WWI England, she is subjected to xenophobic tropes that frame the Irish people as inherently chaotic, uncivilized, and lawless.
- **Class:** She belongs to the working class, lacking the economic capital that guarantees her social protection.
- **Unmarried Motherhood:** She raises a daughter out of wedlock, openly defying the dominant sexual and moral orthodox rules of that era.
- **Public Behaviour:** She drinks in local pubs, swears loudly, expresses anger openly, and maintains an unapologetic sexual and personal independence.

When the obscene letters appear, the police and community do not ask who had the opportunity or whose handwriting matches. They ask who is morally capable of writing such filth. Because Rose's daily life violates every aspect of "respectable" womanhood, her character is treated as circumstantial evidence of guilt. She is then automatically treated as suspicious even before evidence is collected.

The Ideal Victim and the Ideal Suspect: Inverted Social Archetypes

The Ideal Suspect is not merely someone who lacks victimhood; they are a socio-legal archetype whose identity is pre-determined for guilt. The

[11] Christie (n 1) 17–30.

structural framework of the Ideal Victim and the Ideal Suspect essentially operate as inverted mirror images:

Structural Dimension	Ideal Victim – Edith Swan	Ideal Suspect – Rose Gooding
Social Position	Highly respectable, fits the dominant moral, social and religious archetype.	Low respectability, marginalised by factors such as class, ethnicity, economic strata, lifestyle, etc.
Moral Demeanour	Submissive, pious, modest, obedient.	Outspoken, assertively independent, defiant of social norms.
Benefit of Doubt	Higher – statements accepted at face value, minimal to no empirical proof demanded.	Lower – presumption of guilt, several innocent acts are reinterpreted as suspicious.
Institutional Response	Immediate protection, empathy and validation.	Immediate surveillance, interrogation and several coercive actions taken by the state.

When Prejudice Becomes Evidence: Constructing Reality in *Wicked Little Letters*

How did the village of Littlehampton become utterly convinced that Rose was guilty without a shred of physical proof? How did this collective prejudice solidify into an accepted legal fact? This process followed a detailed community-wide performance of construction of reality, and later legal reality, where even though Rose was innocent, she was framed to be guilty and was faced with coercive state action as a result of that.

- **Gossip as Informal Fact-Gathering:** In the absence of modern forensic tools, the local police often relied on community chatter. Gossip in Littlehampton was governed by strict moral hierarchies; the word of pious churchgoers carried the weight of legal testimony, whereas no heed was paid to Rose's statements.

- **Morality and Religion as Metrics of Evaluation:** The profanity in the letters was used as direct proof of Rose's involvement. The logic was simple yet extremely incorrect: Rose uses profanity

verbally; the letters contain profanity; therefore, Rose wrote the letters. The police failed to consider that anyone seeking to frame an enemy would copy their known traits.

- **Institutional Confirmation:** Officer Pardy, representing state authority, did not conduct a neutral investigation. He only sought evidence that validated the village's initial diagnosis which was heavily riddled with prejudice. When Rose reacted with justified outrage at being falsely accused, her anger was cited by the police as further proof of her criminal nature.

Crenshaw's Intersectionality in Action

Identity categories do not operate in isolation; they overlap to create distinct systems of privilege and subordination before the law which frame legal and social realities as seen in the case of Rose Gooding. Rose Gooding is not merely targeted because she is a woman, nor is she targeted solely because she is working-class, or solely because she is Irish. She is criminalized at the precise intersection of these identities. All of these varying factors of social identity together function to strengthen the bias against Rose.

If Rose were a wealthy Irish woman, her class position would offer a buffer of legal protection. If she were a working-class English widow, her nationality might have granted her community sympathy. It is the specific convergence of her identities that strips her of all legal protection. Crenshaw's framework[12] demonstrates that the law's claim to treat individuals equally falls apart because the law encounters individuals who are already structurally positioned as either inherently credible or inherently suspicious long before they enter a courtroom. Their social status, economic capital or class benefits has already shaped the majority of the legal outcome even before evidentiary analysis even begins.

From Fiction to Reality: The Indian Criminal Justice System

Does modern criminal jurisprudence reveal similar processes of manufactured and artificially constructed credibility and suspicion? The Indian criminal justice system offers a clear real-world parallel, where extra-legal constructions of respectability routinely displace statutory evidentiary standards.

Ideal Victims in Indian Courts

The Indian criminal jurisprudence historically reveals how judges have relied on the construct of the "Ideal Victim" to dismiss a genuine

[12] Crenshaw (n 6).

complaint of sexual violence.

- **Tukaram v. State of Maharashtra (1979) (The Mathura Rape Case):** The Supreme Court of India reversed the conviction of two police officers accused of raping a young tribal girl, Mathura, inside a police station. The Court's reasoning was rooted in socio-moral standards: because Mathura was not a virgin, had a boyfriend, and did not exhibit visible marks of extreme physical resistance, her testimony was deemed incredible. She failed to fit the narrative of the chaste, passive "Ideal Victim," leading to a historic miscarriage of justice that sparked national legal reform[13].

- **The Supreme Court's Handbook on Combating Gender Stereotypes (2023):** Recognizing the persistent influence of these extra-legal biases, the Supreme Court of India released a formal handbook explicitly forbidding judges from using stereotypical language, for example labelling women as "chaste," "promiscuous," or "hysterical" to determine credibility in sexual offence trials. Such language is to be replaced by neutral legal alternatives to ensure fair, trauma-informed adjudication[14].

Ideal Suspects and Systemic Profiling

The manufacturing of the "Ideal Suspect" is equally deeply entrenched within Indian investigative methodologies, where marginalized groups are routinely profiled as naturally criminal.

- **Police Profiling and De-notified Tribes:** Decades after independence, members of De-notified and Nomadic Tribes (DNTs), alongside working-class urban migrants and destitute individuals, remain the primary target for arbitrary arrests, illegal detentions, and custodial violence.

- **Arnesh Kumar v. State of Bihar (2014):** The Supreme Court addressed the widespread practice of mechanical, routine arrests by police officers, establishing mandatory guidelines under Section 41 of the Code of Criminal Procedure (CrPC) to stop police from arresting individuals based on subjective impression or socio-economic vulnerability. [15]

- **D.K. Basu v. State of West Bengal (1997):** The landmark ruling laid down fundamental safeguards against custodial torture and unrecorded arrests, directly responding to the police tendency to

[13] *Tukaram v State of Maharashtra* (1979) 2 SCC 143.
[14] Supreme Court of India, *Handbook on Combating Gender Stereotypes* (2023).
[15] *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

inflict violence upon "Ideal Suspects"—those who lack the financial or social capital to demand legal representation[16].

- **Status of Policing in India Report (SPIR):** Empirical data from recent SPIR surveys confirms that a significant percentage of police personnel hold innate biases, viewing marginalized groups (such as Muslims, Dalits, and Adivasis) as naturally inclined toward criminality, directly influencing rates of pre-trial detention[17].

Intersectionality in Indian Jurisprudence

In India, the intersection of caste, religion, gender, and class dictates one's standing before the law.[18] A Dalit woman reporting sexual violence by upper-caste perpetrators frequently faces a double institutional barrier[19], a double challenge to prove herself innocent: her caste status renders her suspect to local law enforcement, while her gender subjects her to victim-blaming[20].

Just as Crenshaw[21] had illustrated in her theory, her legal disenfranchisement cannot be solved by addressing caste or gender alone; it stems from their compounded intersection, which has hence resulted in the status of reduced credibility on the part of the victim.

The Historical Production of the Ideal Suspect

The social fabrication of the construct of "Ideal Suspect" in modern legal systems is not an accidental byproduct of individual prejudice; it has deep institutional and historical roots.

In colonial India, the British administration codified suspicion through the Criminal Tribes Act (CTA) of 1871. Under this legislation, entire communities, castes, and tribes were declared "to the systematic addicted commission of non-bailable offences."[22] Innocence or guilt was no longer an individual issue which was to be empirically evaluated but was a statutory attribute assigned at birth based on collective social

[16] *D K Basu v State of West Bengal* (1997) 1 SCC 416.
[17] Common Cause and Lokniti – Centre for the Study of Developing Societies, *Status of Policing in India Report 2025: Police Torture and (Un)Accountability.*
[18] Shailaja Paik, 'The Rise of New Dalit Women in Indian Historiography' (2018) 16(10) *History Compass* e12491.
[19] Shewli Kumar, 'Researching with Dalit Women Activists: An Intersectional Feminist Social Work Approach' (2025) 6(2) *CASTE: A Global Journal on Social Exclusion* 330–342.
[20] Atufah Nishat, 'Placing the Dalit Women at the Intersections: A Sociological Study of Dom Women of Kolkata' (2023) 15(1_suppl) *Contemporary Voice of Dalit* S180–S187.
[21] Crenshaw (n 6).
[22] Part I, Section 2 (as well as Section 3) of the Criminal Tribes Act, 1871 (Act No. XXVII of 1871)

identity.This was made possible due to the deeply entrenched colonial racial hierarchies and pervasive cultural colourism formalised in colonial India, where darker skin, economic marginalization, nomadic lifestyles of the people, and non-conformity with the Victorian moral codes were automatically and statutorily categorized as inherent indicators of dangerousness.

These historical developments contributed to more deeply entrenched institutional ideas about who appears respectable and who appears to be dangerous, factors which dictate how modern Indians think when they meet a victim or a perpetrator who does not fit their typical archetypes or metrics of "Ideal Suspects" and "Ideal Victims"[23]. Their underlying logic remains embedded within the memory of investigative agencies, continuing to dictate which individuals police officers approach, detain, and interrogate.

FINDINGS

The analysis demonstrates the following:

1. **Credibility precedes evidentiary evaluation:** Human actors make immediate, subconscious and culturally conditioned assessments during pre-evidentiary moments. Individuals are assigned credibility, suspicion and victimhood based on who they are and how they present themselves to society.

2. **The Ideal Victim is a socially constructed category:** Edith Swan receives automatic credibility because she fits the socially prized script of respectability, piety, submissiveness and moral conformity.

3. **The Ideal Suspect operates as the inverted counterpart of the Ideal Victim:** Rose Gooding is marked for prosecution because her class, ethnicity, nationality, motherhood and lifestyle position her outside the dominant standards of respectable womanhood.

4. **Social prejudice can become institutional justification:** Gossip, moral assumptions and pre-existing suspicion can influence investigative decisions, with innocent conduct being reinterpreted as evidence of guilt.

5. **Intersectionality compounds structural disadvantage:** Class, gender, nationality, caste and other identity markers do not operate independently. Their convergence can determine whether

[23] Christie (n 1) 17–30.

an individual is perceived as inherently credible or inherently suspicious.

6. **The construction of suspicion has historical roots:** The Criminal Tribes Act of 1871 demonstrates how collective social identity was historically converted into a statutory marker of dangerousness.

7. **The Indian criminal justice system illustrates the continuing relevance of these constructions:** From historic judicial decisions concerning sexual violence to police profiling and custodial safeguards, the question of credibility extends beyond courtroom evidentiary assessment.

CONCLUSION

Before the law ever begins its search for empirical truth, society and state institutions have more often than not already assigned credibility, victimhood, and suspicion. As demonstrated through the socio-legal lens of *Wicked Little Letters*, individuals like Edith Swan are granted automatic credibility because she fits the socially prized script of respectability, whereas individuals like Rose Gooding are marked for prosecution because their class, ethnicity, and lifestyle position them as natural suspects.

Nils Christie's "Ideal Victim" and its structural counterpart, the "Ideal Suspect", show how extra-legal prejudices bypass objective evidentiary standards. Kimberlé Crenshaw's framework of intersectionality further clarifies that these manufactured legal statuses are not driven by single markers of identity, but by the compounded convergence of class, gender, race, caste, and moral non-conformity.The Indian criminal justice system illustrates that analysing cinema as a socio-legal mechanism is far from fictional. From historic rulings that dismissed sexual violence victims for failing to display expected submissiveness, to routine police profiling that targets marginalized communities without any cause, the Indian criminal justice system demonstrates that legal institutions must constantly resist allowing social constructions to replace objective evidence.

Justice therefore depends not only on evaluating facts impartially, but also on systematically recognizing, breaking and dismantling the pre-existing prejudices that shape human perception before the facts of the cases are even examined.

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