Article

From victimhood to victim*could*: Hypothetical injury and the 'criminalization' of Donald Trump

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Abstract

This article theorizes how far-right cultural politics leverage hypothetical injuries and imaginary futures, often through media, to justify agendas of social violence – a technique I term victim*could*. Victimcould is both a representational achievement (alive within the cultural repertoires of the far-right) and a justificatory logic (supporting the cultural legitimacy of far-right political agendas). Working with the concept of vulnerability politics and building on extant critiques of regressive and 'tactical' weaponizations of victimhood, I position victimcould as an analytical intervention that clarifies how far-right claims to victimization strategically exploit both the prospective temporality of vulnerability as *openness* to injury (rather than injury itself) and the definitional openness of the unarrived, always-as-yet-undetermined future. I do this by way of an illustrative example: the so-called 'criminalization' of Donald Trump. Analyzing a series of AI-generated images of Trump's could-be arrest that went viral online six months before his actual arrest occurred, I argue that Trump and his allies have engaged victimcould to appropriate the cultural legacies of movements like #BlackLivesMatter while strategically inverting the actual material politics of the US criminal legal system, repositioning wealthy white men (and Trump as their proxy) as its primary victims. I conclude by arguing for how and why the concept of victimcould can help equip us for the resistance of regressive cultural agendas, and for the recalibrating of public vulnerability politics for progressive ends.

Keywords

Black Lives Matter, criminalization, Donald Trump, far-right, futures, generative AI, representation, state violence, victimcould, victimhood, vulnerability politics

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Introduction

Donald Trump is a perpetual victim of injuries that never quite befall him. On 20 January 2025, the former US president was inaugurated for a second term, returned to the White House not just by a majority of electoral college votes but by a majority of US voters. The many could-have-been obstacles to his political resurrection – among them, a civil lawsuit in which he was found liable for sexual abuse, a string of criminal convictions, an investigation into his role in an alleged conspiracy to overturn the results of the 2020 presidential election and two separate assassination attempts – ultimately proved inconsequential. Literal and metaphorical bullets that merely grazed. Contrastingly, in a new era of absolute power across the executive and legislative branches of the now fully MAGA-fied US government, the many could-be injuries that Trump has long promised to inflict upon (and on behalf of) the American people – mass deportations, the dismantling of transgender rights, defunding public services and a broad 'anti-woke' agenda that will vilify and persecute those working for equity and social justice – now feel assured. At this historical juncture, the dizzying question for cultural theorists is thus: how did a man of seemingly limitless wealth, power and impunity style himself as the victim *du jour* of America's prevailing political order, laying the groundwork for a new political programme that will, as a matter of legislative priority, seek to economically, politically and culturally victimize the nation's most vulnerable citizens?

Trump, of course, is not an enigma. His return to power in the United States forms part of a global trend, in which populist far-right actors and organizations are steadily travelling, by way of electoral support, from the political fringes to seats of legislative power. This dispersed, transnational ascent of the far-right is cohered by a set of shared political commitments: in particular, the securitization of migrants, queer and transgender people, feminists, people of colour, democratic socialists and political progressives, all of whom are positioned, within far-right cultural repertoires, as intolerable threats to a 'people' from which they are implicitly excluded. It is also cohered by a set of shared communicative and cultural strategies designed to manage the intrinsic moral dissonance of securitizing agendas which perpetuate vulnerability, harm and exclusion (for some citizens) in the name of safety, security and justice (for others). Much has already been written about the cultural repertoires of the far-right, most notably about their cultural vilification of marginalized groups (e.g. Khosravi Ooryad, 2023; Wodak, 2015) and about their tactical claims to political victimhood in public discourse (e.g. Chouliaraki, 2024; Sengul, 2021). What we still need, however, is a clearer understanding of the precise kinds of justificatory work that have helped legitimize far-right agendas of state violence and neglect – cultural techniques that have proved so effective that such programmes are now gaining broad support among voting publics.

Key among these cultural techniques, I propose, is a strategic leveraging of hypothetical injury that I term ***victimcould***. Victimcould is both a representational achievement and a justificatory logic. As a representational achievement, it works similarly to simple victimhood: as a public claim to injury that accrues moral value to the claimant and animates protective, restorative and/or ameliorative practices on their behalf (Chouliaraki, 2024). The key difference, however, is that victim*could* expresses this

claim in a subjunctive mood, locating the definitional injuries of 'the victim' in an unarrived, officially unreal, version of the imaginary future. Victimcould is thus a kind of mediation that uses language and image to agitate imaginations of intolerable futures and weaponize them within the cultural politics of the present day; it invites us to imagine the world *as if* the things we fear *could* happen are, in fact, already happening.

As a justificatory logic, then, the ultimate function of victimcould is to blur the distinction between what is *probable* and what is *merely possible* and to subjugate the former to the latter within the cultural politics of vulnerability that negotiates the legitimacy of far-right agendas. By mediating the future in ways that are strategically dislocated from the material political realities of the present, victimcould exploits both the prospective temporality of vulnerability as *openness* to injury (rather than injury itself) as well as the definitional openness of an unarrived future in which all things are, officially speaking, possible, if not equally likely. Through the uses of victimcould, the intolerable injuries to which the 'protective' agendas of far-right movements respond are imaginatively confined to a future iteration of the world that is always, conveniently, just around the corner of history. There, such hypothetical injuries remain perpetually shielded from critical arbitration vis-à-vis the actually existing injuries of present-day political orders, and thus insulated from present-day cultural disruption.

The purpose of this article is to theorize victimcould as both a representational achievement (alive within the cultural politics of the far-right) and a justificatory logic (supporting the cultural legitimacy of far-right political agendas). I do this by way of an illustrative example: the so-called 'criminalization' of Donald Trump and its role within the cultural mythologies that buoyed his return to power. As critical scholars of the criminal legal system have long argued, criminalization is its own kind of vulnerability politics, whereby the state inflicts violence, exclusion and economic exploitation on some of its citizenry in the name of ensuring 'safety' and 'justice' for the nation as a whole (see Cacho, 2012). This calculative politics is deeply racialized and classed: by design, it principally targets people who are racially minoritized and/or socio-economically disadvantaged, while those with economic and racial advantages (i.e. white people in general, and wealthy white men in particular) are the primary beneficiaries of the structures of racial capitalism that criminalization helps gird and reproduce (see Davis, 1998; Wilson Gilmore and Gilmore, 2016).

By culturally leveraging his status as a convicted felon, I argue that Trump and his allies engaged victimcould to (a) *appropriate* the cultural legacies of movements like Black Lives Matter (BLM), which raised public consciousness around the politics of criminalization in the 2010s, and (b) tactically *invert* that same politics, so that white, wealthy men like Trump were imaginatively repositioned as its primary victims, rather than its primary beneficiaries. To explicate the role that victimcould played in this tactical inversion, the forthcoming analysis looks closely at one paradigmatic case of the kind of mediated representation that supported Trump's mythologization as a criminalized subject: a series of speculative artificial intelligence (AI)−generated images of Trump's could-be arrest, which went viral on the Internet more than six months *before* his actual arrest occurred.

The politics of vulnerability

The context for victimcould is a marked and perhaps unprecedented turn towards the predicament of vulnerability in public culture. Vulnerability is, as Ann Murphy (2012) writes, 'above all a figure concerned with potentialities' (p. 98), an ambivalent state of openness to a multiplicity of as-yet-unarrived futures. Efforts to manage, mitigate and/or reduce vulnerability – to assert control over how we and others will move from the present into the future – sit at the core of much of what we call politics, especially within the domains of politics associated with the ideals of safety, security and protection from harm. Yet, none of us is ever truly *invulnerable* to the forces of change, transformation, sickness, injury or death until the last of these claims us.

This is precisely what makes vulnerability a *predicament* for political subjects. Vulnerability is, by definition, both *universal* (we are all vulnerable) and *intractable* (nothing can make us otherwise). Even the most cursory of glances at the state of our world, however, makes clear that vulnerability is also profoundly and often catastrophically differentiated by power. This tension – between vulnerability as 'ontologically shared' and vulnerability as 'politically differentiated' (Gibbs, 2018) – has made vulnerability a core concern for feminist engagements with politics, which have long recognized how vulnerability serves paradoxically as both a rationale for and an invariable consequence of practices and projects violent domination (see Butler et al., 2016).

Vulnerability has thus always been a political matter. However, we now find ourselves in a conjuncture wherein questions of *who* is most vulnerable, *to whom* and *why* seem to have taken centre stage in public political discourse and within struggles over the normative ideal of justice. Crucially, this is observably true both for the discourses of the left and those of the right and far-right, wherein concern for/with vulnerability has been steadily centred within the narratives of protection, restoration and security that frame and inform regressive political projects (see, for example, Chouliaraki, 2024; Higgins, 2023; Oliviero, 2018; Sengul, 2021). The pivot towards vulnerability is at least in part due to the broad (yet profoundly uneven) exacerbation of material vulnerabilities in the context of (among others) the COVID-19 pandemic, the expansion and escalation of armed conflict and violence worldwide, the degradation of welfare states and the abject failure of neoliberal capitalism to adequately provide for the material needs of most human beings. However, against this backdrop, vulnerability has also emerged as a kind of *lingua franca* of cultural politics, with spectacles of pain, injury and suffering – testimonies of vulnerability, increasingly public, usually mediated – emerging as a primary mode of political claim-making. It may or may not be true that many of us are *more vulnerable* than we used to be – but it feels undeniably true that more of us feel more inclined to *claim and exhibit our vulnerability in public* than at perhaps any other point in history (see Chouliaraki, 2024; Orgad, 2024).

Because, as Alyson Cole (2016) writes, 'we are all vulnerable' and yet, undeniably, 'some of us are more vulnerable than others', the predicament of vulnerability possesses a political shape and character. Here, I understand the politics of vulnerability to have two core dimensions: the material and the cultural. First, the material politics of vulnerability captures the obvious way that embodied vulnerability to material harm is unevenly distributed in society. In contexts of profound inequality, and amid the enduring

structures of domination that make up our global political milieu, this uneven distribution of exposure to harm cuts along well-worn lines of neglect and exclusion: lines delineated by categories of race, gender, class, sexuality, and dis/ability, as well as by enduring geographies of exploitation and subjugation established through the conjoined projects of colonization and racial capitalism. A body vulnerable to the elements (as all are) is less so tucked safely inside the shelter of a house; a body vulnerable to hunger (as all are) is more so in places where capitalist enterprise has degraded the natural environment, or where access to basic foodstuffs is controlled by an occupying military.

But, of course, not all bodies exposed to the elements or denied the nourishment of food are treated with equal care, concern or consideration. Rather, this uneven material politics of vulnerability is mirrored in – I propose, reproduced by – a *cultural politics* of vulnerability that is similarly uneven. The meanings and affects attached to vulnerability serve as the legitimating basis for acting upon it (or not). Consequently, the question of what makes vulnerability 'political' necessarily implicates the symbolic and affective work of representation – in particular, how discursive practices of language and image work to differentiate *vulnerabilities* in the plural (Cole, 2016), so that some forms of vulnerability come to be seen as permissible or even desirable (e.g. the kinds of vulnerability created for migrants through hostile border architectures) and others intolerable (e.g. the kinds of citizen vulnerability ostensibly mitigated by way of those same border architectures). As Katie Oliviero (2018) writes,

> [How] are competing claims of vulnerability adjudicated: when laid-off citizens are pitted against irregular migrants, defenders of heterosexual marriage against similar-gender couples, second- or third-term fetuses against women seeking abortions? [These] questions are essential because conservative and often antidemocratic forces have long relied upon a vocabulary of vulnerability to organize their claims, gaining traction in the law and public policy. (p. 6)

How this cultural adjudication works in/through representation is something I will address in a subsequent section in this article. However, my point at this stage is that it is precisely because so much of what we do in the name of 'security' creates vulnerability (for some) in the name of mitigating it (for others) that a cultural politics of vulnerability is required to fortify its material corollary.

From victimhood to victim*could*

Against the backdrop of this historical 'turn' towards vulnerability, the figure of the *victim* – once reviled as weak, infantilizing and intolerably feminine (Cole, 2008) – has taken on new political and cultural currency. Once again, this has been observed across the political spectrum, with much recent scholarship seeking to understand, in particular, how victimhood has been 'hijacked' (Barton Hronešová and Kreiss, 2024), 'appropriated' (Banet-Weiser, 2021) and 'weaponized' (Chouliaraki, 2024) within the cultural strategies of far-right populists and other regressive political projects and actors. Sarah Banet-Weiser (2021), for example, writes of how, in the aftermath of the #MeToo movement, powerful white men accused of sexual violence have 'taken up the mantle of victimhood themselves' in order to 'wrestle back hegemonic stability' (p. 62) around

patriarchy – including around the dimensions of patriarchy that used to ensure *de facto* believability and impunity for such men (see also Banet-Weiser & Higgins, 2023). This pivot towards the public mediation of white male pain emerges from longer history of simmering gendered and racialized aggrievement, wherein white American men's self-perceived loss of power and privilege has been framed as evidence of their unique and specific oppression within a post-civil rights-era United States – in other words, of their victimhood within a new political order (see Carroll, 2011; Kimmel, 2013). Similarly, scholars of contemporary victimhood politics have observed its uses in stoking moral panics about white vulnerability to Black violence (King, 2015); spurring exclusionary white 'feminisms' (Phipps, 2021); galvanizing hate and legislative violence towards transgender people (Okamoto and Guerra, 2024); facilitating the abject neglect of vulnerable populations during the COVID-19 pandemic (Chouliaraki, 2024); consolidating populist political projects through contorted historical narratives of 'good versus evil' (Al-Ghazzi, 2021); agitating anti-immigration sentiments and policies (Zimanyi, 2021); and mobilizing securitization against economically and socially vulnerable populations (Barton Hronešová, 2024).

Following Lilie Chouliaraki's (2024) conceptualization of victimhood, I understand 'the victim' not as a stable subject position but rather as a particular articulation of *subjectivity* and *suffering* that occurs in/through *victimhood* as a flexible communicative structure. Drawing on Stuart Hall's (1985) concept of articulation, Chouliaraki proposes that victimhood harnesses the 20th-century languages of pain – trauma and rights – to articulate spectacles of suffering (appeals to empathy and human feeling) and claims to injury (appeals to justice) in particular historical moments. Through public (and, usually, mediated) spectacles of pain, suffering and the self are fused in ways that are always 'fragile' and 'provisional' (2024: 23–24) but which may be tactically positioned (by the sufferer, or by others seeking to weaponize their suffering) as fixed and intrinsic.

The result, Chouliaraki proposes, is a communicative 'politics of pain' which distracts from the question of *where suffering comes from* to instead ground narratives of justice in the alleviation of hurt (as hurt is deceptively positioned as a *de facto* trace of injury, and injury as a *de facto* trace of oppression). In doing so, the politics of victimhood ultimately allocates greatest sympathy, recognition and ameliorative attention to those sufferers already most privileged within the mediated economies of visibility that circulate pain's visible and audible traces (see Banet-Weiser, 2018) and already atop the 'racialized and gendered hierarchies of life and death' that structure contemporary emotional capitalism (Chouliaraki, 2024: 39; citing Illouz, 2007). In a world of rival victimhoods, public culture becomes saturated with multiple and competing testimonies of unacceptable suffering – and those forms of suffering that are *most* indicative of systemic injustice (i.e. suffering that emerges from oppression) become, paradoxically, *least* easily intelligible as victimization.

Victimcould represents a twist on this formula that is both subtle and profound. While claims to victimhood articulate suffering and the self through representation of injuries past and present, victim*could* locates the definitional injuries of the victim in a future that has not yet arrived – and indeed may never. Suffering, in this case, does not emerge from injury in the here and now but rather from mere *openness to the possibility of injury* in an officially unknowable (and thus, difficult to arbitrate) there and then. This indexing of

victimhood to the *couldness* of injury, rather than to injury itself, makes victimcould both a specific kind of representational achievement and a pervasive justificatory logic for practices of contemporary violence ostensibly designed to keep 'undesirable' hypothetical futures from coming into being. In the next two sections, I lay out my argument about *how* and *where* the representational achievement of victimcould takes place. Following the analysis, I conclude with a brief explanation of *why* victimcould works so effectively as a justificatory logic of violence.

How it works: realness, wrongness, justice

I have already proposed that the politics of vulnerability comprises two interdependent dimensions: the material politics of vulnerability, whereby openness to harm and injury are unevenly distributed across society, and the cultural politics of vulnerability, which negotiates the public legitimacy of that uneven material distribution through representational and discursive struggles over meaning. Victimcould is a particular kind of communicative achievement within the latter, which has profound implications for the legitimation of the former. To understand precisely *how* victimcould is achieved, however, requires drilling a little deeper into the internal symbolic mechanics of a cultural politics of vulnerability.

There are, I propose, three core domains of symbolic contingency within a cultural politics of vulnerability. Three axes of struggle, three open questions always bidding for discursive closure, by which and through which competing claims to vulnerability are culturally adjudicated. I term these **realness**, **wrongness** and **justice**.

Realness is a question of vulnerability as a political condition, or as 'real' openness to harm and injury and thus a 'real' location within everyday power relations. It asks, 'who is truly vulnerable, to whom, and under what conditions?' In terms of mediated representation, the struggle to present different forms of vulnerability as more or less real plays out through efforts to measure, to verify and to prove: statistics, graphs, body counts, bruises, photographs, videos, eyewitness accounts, expert opinions – bids to facticity. However, not all forms of vulnerability that can be representationally established as 'real' are consequently understood to be 'wrong'. Most people would agree, for example, that incarcerated citizens are 'really' vulnerable to violence, sickness and other forms of injury and neglect. Yet, our cultural politics of criminality leads many to feel that these 'real' vulnerabilities are, in fact, good and desirable for people convicted of crimes.[1]

Thus, debating the question of what is 'real' only gets us so far. The question of realness is necessarily supplemented by the question of *wrongness*: of vulnerability as a moral condition, or as 'wrong' openness to harm and injury. This second dimension asks, 'which kinds of vulnerability are matters of moral concern, which are morally desirable or tolerable, *for whom* and *on what basis*?' It is the open question of wrongness, rather than of realness, that symbolically arbitrates the distinction between injustice and mere misfortune (see Cole, 2016). In terms of mediated representation, struggles over the wrongness of different forms of vulnerability play out through representational bids for compassion, care, empathy, admiration, shock, fear, disgust, indignation or anger; these are struggles over reality as *felt*, rather than reality as 'factually' established.[2]

The final component is the question of *justice* – of *what is to be done* about those forms of vulnerability that are positioned, within and through cultural politics, as both 'real' and 'wrong'. Here, the predicament of vulnerability functions as a practical epistemology of justification, or a justificatory basis for action. More specifically, there are four open questions through which the justification of different forms of protective and/or ameliorative intervention is representationally negotiated: the question of *necessity* (is this intervention needed?); the question of *efficacy* (will this intervention be effective?); the question of *morality* (is this intervention morally good?) and the question of *justice* (is this intervention going to bring about a more just social situation?). Struggles over the answers to these questions (vis-à-vis specific kinds of protective and/or securitizing practices) play out precisely through the negotiation of the relative realness and wrongness of different forms of vulnerability implicated in a given competitive struggle.

Realness, wrongness and justice are the symbolic grammar of victimcould. In simple terms, victim*hood* is what emerges when a particular form of vulnerability is positioned, though cultural representations, as both 'real' (that is, factual) and 'wrong' (that is, intolerable). As scholars of contemporary victimhood have noted, our present-day politics of vulnerability is one in which the latter (wrongness) often overdetermines the former (realness), so that spectacles of suffering can justify violence without close interrogation of their underlying material conditions. Evading the justificatory pressures of material political reality, however, is no easy task; positioning a shoplifter as less vulnerable to poverty and the criminal legal system than a multimillion-dollar supermarket chain is to shoplifting (for example) is a significant and always-fragile representational achievement. This is precisely where and how victim*could* intervenes: by strategically and perpetually deferring the question of relative 'realness' (and thus, the disruptive question of power) to a future that is not yet here.

Where it works: subjunctive media and the imaginary future

Mediated communication, representation and storytelling are fundamental to victimcould because they are our only means of gaining access to the future from the intractable vantage point of the present. It is precisely the prospective temporality of vulnerability that distinguishes it from injury; claims to vulnerability that position openness to the possibility of harm as *itself* injurious (as I will argue victimcould does) require profound investments of imagination to bridge the gap between an observable and investigable political present and an unarrived, officially unknowable future world. For this reason, critiques of securitization have long been concerned with the role media play in propagating selective and politically convenient imaginations of the future (see Amoore, 2007, 2009; De Goede, 2008). Mediated 'lines of sight' are the thoroughfares by which we can imaginatively engage with hypothetical future versions of the world (Amoore, 2009). Unsurprisingly, these lines cut along familiar creases of race, class, gender, sexuality, dis/ability and geography, training our imaginative efforts towards certain kinds of threats and certain kinds of could-be injuries while endorsing, normalizing and/or occluding others (Amoore, 2009). Thus, when we 'pre-mediate' unknown futures (see Grusin, 2004), we do not tend to pre-mediate *every* possible future that *could* occur,[3] nor simply

those futures that are most likely. Rather, we pre-mediate those possible futures to which we have, through culture, been (hopefully or anxiously) attuned.

However, unlike a politics of risk (which articulates claims about the relative likelihood of different futures), or a politics of fear (which seeks to elicit fear as a politically useful emotion by asserting certain futures *as* likely), victimcould works by appealing to the subjunctivity of imagination. The subjunctive is, as Barbie Zelizer (2010) describes it, a way of representing the world that 'adds impulses of implication, contingency, conditionality, play, imagination, emotionality, desire, supposal, hypothesis, hope, liminality, and (im)possibility to the supposed certainty of visual representations'[4] (p. 14). As a subjunctive mediation of the future, victimcould does not seek to convince, mislead or deceive about the relative *likelihood* of different hypothetical versions of political reality. Rather, it invites audiences to divest concern for the question of likelihood altogether: to experience hypothetical futures 'as if' they were already here, and to witness certain hypothetical injuries 'as if' they were occurring in the present, without necessarily seeking to trick us into believing that they are. In her discussion of the subjunctive power of news images, Zelizer (2010) describes the politics of the subjunctive as follows:

> Facilitating a play to multiple emotions, imagined sequences, and incomplete and contingent suggestions of what people see, the 'as if' can be utilized by people in institutional settings, which develop it for reasons of their own. That makes an image's strategic use value, instrumental in unsettled times, into a lightning rod for those hoping to coax public sentiment one way or another. (p. 307)

Thus, in terms of *representational realism*[5] – or the different ways that mediated representations intervene in the construction of social reality – acts of mediated victimcould are deeply ambivalent. On the one hand, they are self-consciously (and strategically) apathetic, playful, even irreverent in their constructed sense of perceptual realism, or in their positioning as 'factual' representations of the world. This irreverent or indifferent orientation towards factual truth makes acts of victimcould broadly coherent with what many have described as a 'post-truth' turn in public political culture, wherein matters of fact appear to be both decreasingly resolvable within and decreasingly relevant for politics (see Harsin, 2024; Higgins & Banet-Weiser, 2024). However, acts of mediated victimcould are, simultaneously, deeply earnest in their pursuit of categorical and ideological realism: their appeals to affect, emotion, and moral contemplation. In this way, victimcould is an ideological tool perhaps more closely akin to dystopian science fiction than to disinformation, as it is impossible, technically speaking, to 'disinform' the public about the true political shape of a future that is not yet here (and thus, not yet real). Like science fiction, victimcould adopts a playfully speculative posture vis-à-vis the future, sketching visions of hypothetical worlds not to 'predict' our political future *per se* but to position the imaginary future as an allegory for our political present.

The 'criminalization' of Donald Trump

United States President Donald J. Trump is the first former US president to be convicted of a felony, the first person convicted of a felony to be selected as the presidential

nominee of a major US political party and the first person with a felony conviction to be elected as president. In May 2024, a Manhattan jury found Trump guilty of 34 felony charges relating to falsification of business records as part of a hush money cover-up. The convictions have added Trump to the ranks of the approximately 19 million US citizens with prior felony convictions (Prison Policy Initiative, 2020), among whom African American men are significantly overrepresented (see Shannon et al., 2017). In addition, as of October 2024, Trump faced three other criminal cases: in Fulton County, Georgia, where he faced racketeering charges relating to alleged efforts to overturn the 2020 election result in that state; in Washington D.C., where he was indicted on four further felony charges relating to his alleged role in the January 6th insurrection at the US Capitol; and in Florida, where Trump was indicted by a federal grand jury on charges relating to his alleged unauthorized retention of classified national security documents after leaving office – charges that were thrown out by a federal judge in on July 2024 but which were, as of October 2024, under appeal (see The New York Times, 2024). In May 2023, a Manhattan civil court additionally found Trump liable for sexually abusing writer E. Jean Carroll (Weiser et al., 2024). Trump denied the charges, and subsequently lost a civil defamation lawsuit brought by Carroll in Manhattan (Murphy Marcos, 2024).

In March 2023, while Manhattan prosecutors were mulling what would eventually become the first batch of criminal charges brought against Trump, images of his 'arrest' went viral online. The images (see Figures 1 and 2) show Trump being wrestled to the ground by a gaggle of uniformed police officers in the middle of a public street. They were made by a man named Eliot Higgins – co-founder of the open-source investigative journalism group Bellingcat – using the AI-powered image generator Midjourney (version 5) and simple prompts, like 'Trump falling down while being arrested'. Higgins posted the images on his Twitter/X account with the caption: 'Making images of Trump being arrested while waiting for Trump to be arrested'. In a later interview, Higgins would say that he never expected the images – which were explicitly labelled as fakes – to receive more than a few likes and shares on the platform. However, within two days, they had been shared thousands of times and viewed by more than five million people. Entering the public imagination more than six months *before* Trump's actual arrest in September 2023, the images became, as *Media Matters for America* president Angelo Carusone described them, 'The first visual collateral of Trump getting arrested. . . *even if he's not*' (Stanley-Becker and Nix, 2023, emphasis added).

The images – speculative pre-mediations of what the arrest of Trump *could* look like – went viral online precisely because of how the subjunctivity of victimcould (combined, in this instance, with the spectacle of generative AI) can appeal to both fear and fantasy simultaneously. For his critics, the images offered a vicarious thrill, a salacious fantasy of possible accountability and punishment. For his supporters, the images were dystopian visions sent back from an encroaching, intolerable future in which Trump – and the version of America he purports to represent – would be violently victimized by the state. Capturing this ambivalence most clearly, perhaps, is that several days after Higgins' images of Trump's forceful arrest went viral online, Trump himself shared a similarly styled AI-generated image made by one of his supporters: kneeling, backlit and martyrlike, with a caption that reads: 'Pray for this man' (see Figure 3).
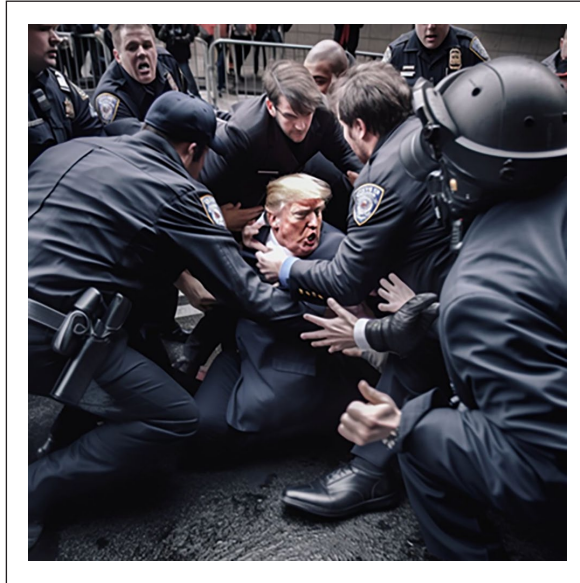
Figure 1. An AI-generated image of Trump's could-be arrest, made by Eliot Higgins using Midjourney and shared to Twitter (X) in March 2023.

Figure 2. A second AI-generated image of Trump's could-be arrest, made by Eliot Higgins using Midjourney and shared to Twitter (X) in March 2023.

These images represent an early flashpoint in what became a heated public struggle over the *meaning* of Trump's criminal convictions, particularly vis-à-vis the predicament

Figure 3. An AI-generated image of Trump praying, re-shared by Trump's Truth Social account in March 2023.

of vulnerability and its relationship to power. Throughout the campaign season for the 2024 presidential election, Democratic operatives (including presidential nominee and former prosecutor, Kamala Harris) embraced the label of 'convicted felon' to call into question Trump's suitability for high public office and to position him as a could-be victimizer of the American people. 'Hear me when I say, I know Donald Trump's type', Harris declared in her campaign kickoff speech, in reference to her career of using the law to take on 'predators', 'fraudsters' and 'cheaters' (see Bennett, 2024). However, Trump too emphasized his legal woes in his public discourse, positioning them not as evidence of his own wrongdoing but as evidence of his political persecution at the hands of the Biden administration. 'The gravest threats to our civilization are not from abroad, but from within. None is greater than the weaponization of the justice system. . .', Trump told a crowd of his supporters on 15 November 2022 as he announced his bid for reelection, 'And I'm a victim. I will tell you, I'm a victim. . .' (see Lowry, 2022).

Both sides of the illusory 'aisle' of US politics, in other words, sought to capitalize on Trump's criminal and civil cases: the Democrats by harnessing the stigma of criminality and weaponizing it against Trump, the MAGA Republicans by pointing to the mounting pile of charges against Trump as supporting evidence for the larger mythology of Trump as 'victim' of malicious and conspiratorial wielding of state power – a myth that, dizzyingly, managed to endure even while Trump himself was head of the US government.[6] The symbolic construction of Trump as 'criminal' in and through US public political culture has thus been deeply ambivalent, interpolating both desire and dread simultaneously. It has also animated contradictory visions of the criminal legal system: first, as a site of righteous punishment and accountability, even for society's most powerful actors; and, contrastingly, as a site of profoundly *unjust* violence where power is wielded

selectively and with impunity *against* the vulnerable in the service of nefarious political ends.

These images of Trump's could-be arrest serve as paradigmatic examples of victim-could at work. As representational texts, they characteristically utilize the core symbolic mechanics of victimcould: an earnest appeal to emotion and ideological judgement (wrongness), coupled with an unserious and self-consciously irreverent relationship to reality, which defers the arbitration of their relative facticity (realness) to a future not yet here. More profoundly, however, the Trump arrest images exemplify how victimcould works as a justificatory logic: by unhooking the (emotive and ideological) spectacle of arrest from the actual material politics of criminalization.

Criminalization is, as Lisa Marie Cacho (2018) reminds us, more than its official legal definition, and more than simply the stereotyping of a subject as criminal (p. 4). It is, rather, *an entire system of vulnerability politics* that governs how, when, and to what ends the coercive power of the state is wielded on behalf of – and against – its own citizens. More specifically, Cacho (2012) theorizes criminalization as a means and mode of 'social death' whereby certain populations are systematically subjected to the state's power to use coercive force to discipline, regulate and punish, while being simultaneously excluded from the state's mandate use those same powers to protect citizens from harm (see also Kelley, 2016). Far from its prevailing cultural construction as an effect of law-breaking, criminalization is, in fact, an effect of law itself – specifically, of how law is made and moved to engineer the social in line with specific political aspirations and ideals, often rendering the possibility of 'law-abiding' impossible for marginalized citizens in the process (as in, for example, the criminalization of homelessness).

Once criminality is grasped in these structural terms – not as a legal status or a simple stereotype, but *as a positionality, within and vis-à-vis the law* as a racialized, gendered and classed system for distributing material vulnerability – the incoherence of Trump's status as a 'criminalized' subject becomes clear. Regardless of how many laws Trump may break or how many crimes he may be charged with, this sense of incoherence holds. Yet, this is *precisely* what Trump's self-mythologizing as a 'criminalized' subject has posited: that the law is wielded in arbitrary and malicious ways, and that Trump is a victim *par excellence* of the vested political interests that the US criminal legal system both enacts and conceals.

Trump's criminal charges – and, these speculative images of his could-be arrest – entered public culture at a moment in which consciousness around the oftentimes arbitrary and always political nature of the US criminal legal system had been significantly boosted by racial justice movements like #BlackLivesMatter (see Camp and Heatherton, 2016). In the context of viral images of George Floyd being murdered by a police officer, and equally viral images of those protesting his murder being brutalized by riot police, the hitherto dominant imaginary of policing as 'public safety' or simple 'law enforcement' came under radical pressure. Mass incarceration, police brutality, and the linkages of dependence between racial capitalism and the prison industrial complex became the stuff of mainstream public discourse. The criminal legal system, in other words, became newly legible to a newly enlarged section of the public as a forceful containment mechanism for crises: in particular, crises of legitimacy that emerge amid a 'lack of consensus about what the state should be or do' that inevitably requires 'greater coercion of some of that's state's subjects' than others' (Wilson Gilmore and Gilmore, 2016: 173–174).

While racial justice movements fostered a growing public consciousness around the way that the state's criminal legal system can be wielded as a tool of oppression and exploitation, the Right's contemporary appropriation of that consciousness, distilled within the Trump arrest images, posits that it is in fact *white men of power* (like Trump, but certainly not limited to Trump) who are its primary victims. Trump is represented as a *could be* victim of state violence in a way that strategically detaches the hypothetical future from the actual shape of the political present: specifically, by inverting the gender and racial politics of criminalization while harnessing its contemporary cultural iconography and aesthetics.

In a perverse appropriation of what Allissa Richardson (2023) terms the 'corporeal call-and-response' of the anti-police brutality movement, the Trump arrest images echo the bodily iconography of news photographs of protestors (primarily, Black protestors) being violently arrested by local police during BLM uprisings following the murder of George Floyd.[7] The images of Trump's hypothetical arrest foreground the coercive power of the state, but strategically dislocate that power from the context of US racial capitalism – a context which, let us remember, the US criminal legal system was designed to support (see Wilson Gilmore, 2021; Alexander, 2010). It is also a system of which wealthy white men, like Trump, are the primary beneficiaries. Given what is known about how generative AI technologies are trained on datasets of existing public images, recycling their semiotic and aesthetic contents, the degree of appropriative likeness between the Trump arrest images and BLM protest photographs – arguably the most prolific and culturally iconic images of forceful public arrest in the United States this century – is more likely to be procedural than incidental.

Of course, speculative mediations of could-be political futures do not require advanced media technologies, and victimcould is not an essentially 'AI generated' representational phenomenon. However, in the era of generative AI, visualizations of hypothetical futures are imbued with ever-increasing degrees of representational realism, and the pairing of factual irreverence and ideological earnestness that characterizes victimcould as a communicative strategy becomes increasingly potent. As extant critiques of the visual politics of generative AI and deepfake media have argued, we should not mistake 'deception' and 'disinformation' as the primary political risks of the technology, not least because most AI-generated images and videos are implicitly or explicitly coded as fake (see Maddocks, 2020; Paris and Donovan, 2020 [2019]). Rather, as the Trump 'arrest' images help underscore, it is the technology's capacity for ideological spectacle, and its capacity to appeal to the subjunctivity of imagination in ways *explicitly detached from the question of fact*, that give such media real political force and cultural consequence.

Viewed through the prism of this larger conjuncture of state violence, racial capitalism, anti-racist activism, new media technologies and an ascendant far-right, the primary public 'wrong' of the Trump arrest images is not, in my view, that they potentially deceive or mislead their viewers. Rather, it is that they depict Trump being criminalized (through the spectacle of arrest) in a specific way – publicly and violently – that he would almost certainly never actually *be* arrested, precisely *because* of the differential way that the criminal legal system treats men who are white, wealthy and powerful. While these AI-generated images self-consciously locate Trump's 'could be' injuries in an unarrived future, the emotions and imaginations they agitate are mobilized within the cultural

politics of the present. It is the prospective temporality of hypothetical victim*could* that allows this strategic unhooking of the material and symbolic politics of criminalization to occur so seamlessly.

Conclusion: victim*could* and regressive cultural politics

How does a man who once, as head of state, warned BLM protesters that 'when the looting starts, the shooting starts' (see Sprunt, 2020) culturally reposition himself as the primary victim of the state's power to make victims of its own citizens? The notion is, on the surface, absurd. Yet, absurdity is hardly in short supply: on his first day in office, Trump signed an executive order to end the 'weaponization' of the federal government along lines of political prejudice, only to swiftly stack almost every government agency (including the Federal Bureau of Investigation (FBI) and the Department of Justice) with MAGA loyalists who promise to do his political bidding (see The White House, 2025). As the justificatory claims of far-right movements (both in the United States and beyond) become more and more absurd (i.e. more irreverent in their relationship to reality), however, they perversely become less and less vulnerable to efforts to 'fact check' their contents. Thus, it is the far-right's *'efficiency of method'* rather than its *'absurdity of content'* that demands our urgent critical attention (see Arendt, 1951: 346, emphasis added). Victimcould, I propose, is one of the most efficient of this emerging repertoire of far-right cultural methods. It is also one of the ripest for resistance and disruption.

In *The Origins of Totalitarianism*, Hannah Arendt (1951: 346) proposes that 'demagogically speaking, there is hardly a better way to avoid discussion than by releasing an argument from the control of the present and by saying that only the future can reveal its merits'. This is precisely how victimcould works. Most obviously, victimcould offers a justificatory framework that allows for the claiming of woundedness without the furnishing of actual wounds. It smooths the far-right's dislocation of victimhood from material politics, and facilitates a false sense of moral equivalence between the actually existing violence of far-right agendas and the hypothetical violence those agendas purport to prevent. More fundamentally, however, by couching justification in the language and logics of mere *possibility*, victimcould culturally re-enshrines *invulnerability* (and thus, absolute control over the political shape of the future) as one of the 'settled expectations' of political whiteness (HoSang, 2010; citing Harris, 1993). If vulnerability is understood as a condition of interdependence – the capacity to affect and be affected in turn (Gilson, 2014) – then far-right victimcould asserts that *any* degree of vulnerability is intolerable for its subjects. The cultural mandate for far-right securitizing agendas can thus maintain coherence so long as the hypothetical futures conjured through victimcould remain officially possible. Which, of course, they always will, as thus is the nature of historical possibility.

Victimcould is not unique to this one, paradigmatic example of Trump's could-be arrest and would-be criminalization. Nor is it (as noted earlier) reliant on the representational affordances of generative AI. The politics of possibility and the imaginative force of the hypothetical are now core strands of far-right cultural politics, and contemporary mediations of victimcould range from the simply grammatical to the complexly representational. We can find victimcould at work in, for example, fears of a Great Replacement

that would leave white people outnumbered and structurally subjugated in the West (see Feola, 2024); in Men's Rights Movements' claims that the feminist injunction to 'believe women' risks subjugating men within a matriarchal order of justice, despite the actually existing legal impunity with which the overwhelming majority of sexual violence is perpetrated (see Banet-Weiser & Higgins, 2023; Banet-Weiser, 2021); and, in trans-exclusionary movements' constant invocation of the hypothetical injuries that cis women and children *could* sustain if trans people are allocated even the most basic rights and freedoms, like the ability to access gender-appropriate essential services. These are but a few examples. What unites them is not shared representational modes or technologies, but rather a shared technique of vulnerability politics: one that insists that safety, security and freedom are zero-sum, and one that disavows moral and political concern for present-day regimes of domination and injury (and, for those made vulnerable within and by those regimes) by indexing their justification to a future that always, could be, worse.

Resisting the logic of victimcould thus requires insisting on the primacy of the actual over the hypothetical at every turn, attending (both representationally and politically) to the violences of the world still with us. Of course, in a moment of escalating armed conflict, entrenching global inequalities and accelerating climate collapse, there are certain possible versions of our collective future that demand urgent contemplation, including in/through media. However, disrupting the far-right's politics of victimcould means mediating the future in ways accountable to the political shape of the present from which any future will emerge. It means finding ways to harness the subjunctivity of imagination not for the justification of social violence, but for the sustenance of hope.

Data availability statement

Data sharing is not applicable to this article as no datasets were generated or analysed during the current study.

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Notes

1. For extended discussions of the politics of criminality and the way it venerates state violence as 'punishment', see Davis (2003, 2005) and Cacho (2012), and Higgins (2022).
2. See Chouliaraki's (2006) 'analytics of mediation' for a discussion of the various dimensions of representational realism. This model served as a rubric for the analytics of mediated vulnerability politics proposed here.
3. This is contrary to Grusin's (2004) conceptualization of pre-mediation, which he describes as being 'like a video game. . . it is not necessarily about getting the future right as much as it is about trying to imagine or map out as many possible futures *as could possibly be imagined'* (pp. 28–29).
4. Zelizer's work discusses the subjunctive power of images specifically, but victimcould is not 'visual' by definition.
5. See Chouliaraki's (2006) 'analytics of mediation'.
6. During his first term in office, the survival of this myth was aided by another: that of a 'deep state' against which Trump was heroically battling.
7. For illustrative examples of the types of Black Lives Matter arrest images I am referencing here, see images in Cinone (2021) and Oladipo (2023).

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