The 1AC’s valuing of rehabilitation over retribution posits an act of forgiveness bestowed upon an offender. This leaves the oppressed reliant on and infinitely indebted to the very State that oppresses them. **Zizek 08**[[1]](#footnote-1)

When a subject is hurt in such a devastating way that the very idea of **revenge according to ius talionis** is no less ridiculous than the promise of the reconciliation with the perpetrator after the perpetrator’s atonement, the only thing that remains is to persist in the “unremitting denunciation of injustice.” One should give this stance its full anti-Nietzschean weight: here, resentment has nothing to do with the slave morality. It **stands** rather **for** a refusal to “normalize” the crime, to make it part of the ordinary/explicable/accountable flow of things, to integrate it into a consistent and meaningful life-narrative; after all possible explanations, it returns with its question: “Yes, I got all this, but nevertheless, *how could you have done it?* Your story about it doesn’t make sense!” In other words, the resentment for which Sebald pleads is a Nietzschean heroic resentment, a refusal to compromise, an insistence “against all odds.” How, then, does this authentic resentment relate to the triad of punishment (revenge), forgiveness, and forgetting, as the three standard ways of dealing with a crime? The first thing to do here is to assert the priority of the Jewish principle of just revenge/punishment – **an “eye for an eye,”** the ius talionis – over **the** standard **formula of “we will forgive your crime, but** we will **not forget it.” The only way** truly **to forgive and forget is to enact** a **revenge** (or a just punishment)**:** **after the criminal is properly punished, I can move forward and leave the whole affair behind.** There is thus something liberating in being properly punished for one’s crime: I paid my debt to society and I am free again, no past burdens attached. **The “merciful” logic of “forgive, but not forget” is**, on the contrary, much more **oppressive: I** (the criminal who is forgiven) **remain forever haunted by the crime I committed, since the crime was not** “undone (ungeschehengemacht),” **retroactively cancelled**, erased, in what Hegel sees as the meaning of punishment. Rigorous Jewish justice and Christian mercy, the inexplicable gesture of undeserved pardon, stand opposed. **In the Christian view,** we **humans were born in sin.** We cannot ever repay our debts and redeem ourselves through our own acts. **Our only salvation lies in God’s** mercy, in his supreme sacrifice. Yet in this very gesture of breaking the chain of justice through the **inexplicable** act of **mercy**, of paying our debt, Christianity imposes on us an even stronger debt: **we are forever indebted to Christ, we cannot ever repay him for what he did for us.** The Freudian name for such excessive pressure which we cannot ever remunerate is, of course, superego. Usually, it is Judaism which is conceived as the religion of the superego and of man’s subordination to a jealous, mighty, and severe God, in contrast to the God of mercy and love who is Christian. However, it is precisely through not demanding from us the price for our sins, through paying this price for us himself, that the Christian God of mercy establishes himself as the supreme superego agency: “I paid the highest price for your sins, and you are thus indebted to me forever…” In a letter to his father, Franz **Kafka notes this** same **paradox of mercy** (grace)**: “from** the **many occasions on which I had**, according to you clearly expressed opinion, **deserved a beating but was let off at the last moment by your grace, I** again **accumulated only** a huge sense of **guilt. On every side I was to blame, I was in your debt.”** The contours of this God as the superego agency whose very mercy generates the indelible guilt of believers are discernible up to Stalin. One should never forget that, as the now available minutes of the meetings of the Politburo and Central Committee from the 1930s demonstrate, **Stalin’s direct interventions** were as a rule ones which **displayed mercy. When younger CC members**, eager to prove their revolutionary fervor, **demanded** an **instant death penalty for Bukharin, Stalin always** intervened and **said, “Patience! His guilt is not yet proven!”** or something similar. Of course this was a hypocritical attitude – Stalin was well aware that he himself generated the destructive fervor, that the younger members were eager to please him – but nonetheless, **the appearance of mercy is necessary here.** There is thus more than tasteless irony in proposing a pseudo-dialectical synthesis of the two terms as a way of resolving the eternal dilemma “to punish or **to forgive**”” first, punish **the perpetrator**, then forgive him … Is this not the final outcome of Lars von Trier’s “feminine” trilogy of Breaking the Waves, Dancer in the Dark, and Dogville? In all three films, the heroine (Emily Watson, Bjork, Nicole Kidman) is exposed to terrifying, if not outrageously melodramatic, suffering and humiliation; however, while in the first two films the heroine’s ordeal culminates in a painfully desparate death, in Dogville she mercilessly strikes back and exacts full revenge for the despicable way the residents of the small town where she took refuge treated her, personally killing her ex-lover. (“There are some things you have to do yourself.”) This denouement cannot but give rise, in the spectator, to a deep if ethically problematic satisfaction – all the wrongdoers certainly receive their comeuppance with interest. We could also give all this a feminist twist: after the spectacle of feminine masochist suffering dragged on to an unbearable length, the victim finally gathers the strength to strike back with a vengeance, asserting herself as a subject regaining full control over her predicament. We thus seem to get the best of both worlds: our thirst for vengeance is not only satisfied, but even legitimised in feminist terms. What spoils this easy solution is not the predictable (but false) feminist counter-argument that her victory is paid for by her adopting a “masculine” violent attitude. There is another feature which should be given its full weight: the heroine of Dogville is only able to enact her ruthless revenge the moment her father (a mafia boss) comes to the city in search of her. In short her active role signals her renewed submission under paternal authority. Another approach to the trilogy would be to read Dogville as, quite literally, the film of true mercy. Grace lacks mercy insofar as she **patronizingly “understands” the inhabitants, offering them** her **services,** silently enduring her ordeal, **refusing revenge.** Her gangster father is right: **this is** her **arrogance.** It is only when she decides on her revenge that she effectively acts as and becomes one of them, losing her arrogant, superior position. In killing them, she recognizes them in a Hegelian way. When she sees them in a “new light,” she sees them as they are, not the idealised poor, small town people. Her act of killing is thus an act of true mercy. The big argument of anti-(death-)penalty advocates is the arrogance of punishing of the human beings, or even killing them. What gives us the right to do this? Are we really in a position to judge? The best answer to this is to turn the argument round. What is really arrogant and sinful is to assume the prerogative of mercy. **Who among us, ordinary mortals**, especially if we are not the culprit’s immediate victim, **has the right to erase another’s crime, to treat it with leniency?** Only God himself – or in state terms, the very pinnacle of power, king or president— has, owing to his exceptional position, the prerogative of erasing another’s guilt. **Our duty is to act according to** the logic of **justice and punish crime: not to do so entails** the true **blasphemy of elevating oneself to the level of God,** of **acting with his authority.**

True resistance to oppression is impossible when we engage the State to protect marginalized populations. **Arrigo and Williams 2k**[[2]](#footnote-2)

The impediments to establishing democratic justice in contemporary American society have caused a national paralysis; one that has recklessly spawned an aporetic1 existence for minorities. The entrenched ideological complexities afflicting under- and nonrepresented groups (e.g., poverty, unemployment, illiteracy, crime) at the hands of political, legal, cultural, and economic power elites have produced counterfeit, perhaps even fraudulent, efforts at reform: Discrimination and inequality in opportunity prevail (e.g., Lynch & Patterson, 1996). The misguided and futile initiatives of the state, in pursuit of transcending this public affairs crisis, have fostered a reification, that is, a reinforcement of divisiveness. This time, however, **minority groups compete with one another for** recognition, **affirmation**, and identity **in the national** collective **psyche** (Rosenfeld, 1993). **What ensues by way of state effort,** though, **is** a contemporaneous sense of equality for all and a near imperceptible endorsement of inequality; a **silent conviction that the majority still retains power.** The “gift” of equality, procured through state legislative enactments as an emblem of democratic justice, embodies true (legitimated) power that remains nervously secure in the hands of the majority. The ostensible **empowerment of minority groups** is a facade; it **is the ruse of the majority gift.** What exists, in fact, is a simulacrum (Baudrillard, 1981, 1983) of equality (and by extension, democratic justice): a pseudo-sign image (a hypertext or simulation) of real sociopolitical progress. For the future relationship between equality and the social to more fully embrace minority sensibilities, calculated legal reform efforts in the name of equality must be displaced and the rule and authority of the status quo must be decentered. Imaginable, calculable equality is self-limiting and self-referential. Ultimately, it is always (at least) one step removed from true equality and, therefore, true justice. The ruse of **the majority gift currently operates under** the **assumption of** a **presumed empowerment**, which **it confers on minority populations. Yet, the presented power is itself circumscribed by** the **stifling horizons of majority rule** with their effects**. Thus, the gift can only be construed as** falsely eudemonic: An avaricious, although insatiable, **pursuit of narcissistic legitimacy supporting majority directives.** The commission (bestowal) of power to minority groups or citizens through prevailing state reformatory efforts underscores a polemic with implications for public affairs and civic life. We contend that the avenir (i.e., the “to come”) of equality as an (in)calculable, (un)recognizable destination in search of democratic justice is needed. However, we argue that this displacement of **equality is unattainable if prevailing juridico-**ethico**political conditions** (and societal consciousness pertaining to them) **remain** fixed, **stagnant, and immutable**. In this article, we will demonstrate how the gift of the majority is problematic, producing, as it must, a narcissistic hegemony, that is, a sustained empowering of the privileged, a constant relegitimation of the powerful. Relying on Derrida’s postmodern critique of Eurocentric logic and thought, we will show how complicated and fragmented the question of establishing democratic justice is in Western cultures, especially in American society. We will argue that what is needed is a relocation of the debate about justice and difference from the circumscribed boundaries of legal redistributive discourse on equality to the more encompassing context of alterity, undecidability, cultural plurality, and affirmative postmodern thought.

Vote Neg to recognize justice as an impossibility. The alt is key to resisting the oppressive mindset behind forgiveness in punishment. **Arrigo and Williams 2k**[[3]](#footnote-3)

The distinction between justice and law has significant ramifications for the logic of the gift and the discourse on equality in Western civilization. Justice, for Derrida, is not law: “**Laws are not just as laws. One obeys them not because they are just but because they have authority**” (Derrida, 1992, p. 12);“**Justice** is what **gives us** the impulse, the drive, or **the movement to improve the law**” (Derrida, 1997, p. 16). Justice functions as the catalyst by which laws are enacted, amended, or abolished. Thus, we may speak of the law as a thing: “The law is a physical, written, definable, and enforceable governing force that constitutes the judicial system in all its legality, legitimacy, and authorization” (Caputo, 1997, p. 130). Conversely, **justice is not** a thing. It is not **an existing reality** (such as the law) **but** rather an “absolutely (un)foreseeable prospect” (Caputo, 1997, p. 132). It is **through justice as an (im)possibility** that **the law can be criticized**, that is, deconstructed (e.g., Balkin, 1987; Cornell, Rosenfeld, &Carlson, 1992; Landau, 1992). The sufferance of critical deconstructive analysis is that a provisional, relational complicity between (majoritarian) rules and the (minority) transgressions the rules formally forbid threaten the very authority of the law itself and are discoverable through (un)foreseeable justice (Derrida, 1992, p. 4). **Revealing the slippages between law and justice** becomes progressively transparent and represents incentive to seek justice—absent the imposition of laws (the [im]possible, “just” law). It is this activity of displacing or dissociating law and, thus, moving toward justice that makes convalescence possible in the sphere of the legal.9 Moreover, it is through this (im)possibility that democracy strives for justice when deconstructively examining the law. In this context, a critique of juridical ideology mobilized by the (im)possibility of justice **becomes a tool for** a **sociopolitical equality,** its basis being the **“desedimentation of** the **superstructures of law that** both **hide and reflect** the **economic and political interests of the dominant forces of society”** (Derrida, 1992, p. 13). In other words, the inherent injustice of law as a performative force becomes the subject of disclosure. Thus, in a sense, deconstruction is justice. “**Justice as the possibility of deconstruction” is what makes** the spectre of **equality (in)calculable,** (un)recognizable, and (un)knowable (Derrida, 1992, p. 15).10 Derrida’s position on the (im)possible, as applied here to justice and equality, is not so much that it is beyond the exclusionary law-like limits of the possible as much as it is within it. **The (im)possible** both constitutes the outside-within of the possible and **deconstructively disrupts the seemingly self-contained but actually haunted** or forever aporetic **dimension of everything that appears as possible.** In this way, the (im)possible is never an end-state as much as it is a forever passing moment, that is, a materialist tremor and/or poetic glimpse of an otherwise displaced alterity that itself repetitiously displaces (but never absolutely replaces) the partial and provisional authorized legalities it opens up. In this sense, there is a spiraling motion to Derrida’s deconstruction followed by a law-like (although aporetic) reconstruction. These reconstructions are exemplars of justice and its (im)possibility. Much of the distinction between law and justice has implications for the gift (of equality) and the (im)possibility of justice as equality: “The gift is precisely, and this is what it has in common with justice, something which cannot be reappropriated” (Derrida, 1997, p. 18).11 **Once a gift is given, if** any **gratitude is extended in return, the gift becomes circumscribed in** a“moment of **reappropriation**” (Derrida, 1997, p. 18)**.** Ultimately, **as soon as the giver knows that** he or **she has given something, the gift is nullified. The giver congratulates** him- or **herself, and the economy of gratitude**, of reappropriation, **commences.** Once the offering has been acknowledged as a gift by the giver or receiver it is destroyed. Thus, **for a gift to truly be a gift, it must not** even **appear as such.** Although it is inherently paradoxical, this is the only condition under which a gift can be given (Derrida, 1991). This is the relationship between the gift and justice. **Justice cannot appear as such; it cannot be calculated** as **in the law** or other tangible commodities (Derrida, 1997). Although Derrida acknowledges that we must attempt to calculate, there is a point beyond which calculation must fail and we must recognize that no amount of estimation can adequately assign justice (Derrida, 1997). For equality (like the “gift beyond exchange and distribution”; Derrida, 1992, p. 7) to be possible, we must go beyond any imaginable, knowable notion. This is why the gift and justice are conceptually (im)possible (Desilva Wijeyeratne, 1998). They serve a necessary purpose in society; however, they represent something to always strive for, something that mobilizes our desire. If the impossible was possible, we would stop trying and desire would die. Justice, and thus democracy, is an appeal for the gift. As Derrida (1992) notes, “this ‘idea of justice’ seems to be irreducible in its affirmative character, in its demand of gift without exchange, without circulation, without recognition of gratitude, without economic circularity, without calculation and without rules, without reason and without rationality” (p. 25). **The gift (of equality), like justice** and democracy**, is an aporia, an (im)possibility.** Thus, the **use of the gift** as a transaction **in the name of equality**, and equality in the name of justice and democracy, **is truly (un)just**, (un)democratic, **and (in)equitable. The gift is a calculated, majoritarian endeavor toward illusive equality. Equality beyond such a conscious effort** (i.e., where the illusion is displaced) **is open-ended and absent of** any **obligatory reciprocation.** As Caputo (1997) notes, “**justice is** the **welcome given to the other in which I do not . . . have anything up my sleeve**” (p. 149). With this formula of equality and justice in mind, one may still speculate on the law’s relationship to the gift. But again, the law as a commodity, as a thing to be transacted, eliminates its prospects as something to be given.

1. Slavoj Zizek (anti-capitalist philosopher, cultural critic). Violence. 2008. [↑](#footnote-ref-1)
2. Arrigo, Bruce and Williams, Christopher (California School of Professional Psychology), 2000 “The (Im) Possibility of Democratic Justice and the "Gift" of the Majority.” Journal of Contemporary Criminal Justice.http://ccj.sagepub.com/cgi/reprint/16/3/321 [↑](#footnote-ref-2)
3. Arrigo, Bruce and Williams, Christopher (California School of Professional Psychology), 2000 “The (Im) Possibility of Democratic Justice and the "Gift" of the Majority.” Journal of Contemporary Criminal Justice.http://ccj.sagepub.com/cgi/reprint/16/3/321 [↑](#footnote-ref-3)