I’d like to value justice, but the criminal justice system doesn’t work that way. The criminal justice system is violence, institutionally sanctioned and perpetuated through the enforcement of rules to impose order on what the State deems inappropriate. This isn’t the subjective violence we normally call violence, disruptive outbursts that the State handles to restore order. This is objective violence, the sinister “starting point” against which we measure other acts of subjective violence. Objective violence is the essence of the State; it manifests itself in the peaceful order obtained with the elimination of instances of subjective violence. It perpetuates itself; it commits horrendous acts of oppression, robbery, and murder to restore the Utopian fantasy of a world free from subjective violence. Subjective violence takes the easy way out; we find it easier to observe subjective violence, so we assume that its reduction is the true aim of justice. Zizek:  
Slavoj Zizek, bearded badass and really smart Slovenian dude, University of Ljubljana “Violence”, pp. 2-3

There is an old story about a worker suspected of stealing: every evening, as he leaves the factory, the wheelbarrow he rolls in front of him is carefully inspected. The guards can find nothing. It is always empty. Finally, the penny drops: what the worker [he] is stealing are the wheelbarrows themselves… If there is a unifying thesis that runs through the bric-a-brac of reflections on violence that follows, it is that a similar paradox holds true for violence. **At the forefront of our minds, the** obvious **signals of violence are acts of crime** and terror, civil unrest, international conflict. **But we should learn** to step back, **to disentangle ourselves from the** fascinating **lure of this** directly **visible “subjective”** violence, **violence performed by a clearly identifiable agent.** **We need to perceive the contours of the background which generates such outbursts.** A step back enables us to identify a violence that sustains our very efforts to fight violence and to promote tolerance. This is the starting point, perhaps even the axiom, of the present book: **subjective violence is** just **the most visible portion of a triumvirate that also includes** two **objective kinds of violence.** First, there is a “symbolic” violence embodied in language and its forms, what Heidegger would call “our house of being.” As we shall see later, **this violence is** not only **at work in the** obvious- and extensively studied- cases of incitement and of the **relations of social domination reproduced in our habitual speech** forms: there is a more fundamental form of violence still that pertains to language as such, to its imposition of a certain universe of meaning. Second, **[T]here is [also]** what I call **“systemic” violence,** or **the** often **catastrophic consequences of the smooth functioning of our** economic and **political systems.** The catch is that **[S]ubjective and objective violence cannot be perceived from the same standpoint: subjective violence is experienced** as such **against the background of a non-violent zero level. It is seen as a perturbation of the “normal”, peaceful state of things. However, objective violence is** precisely **the violence inherent to this** “normal” **state** of things. **Objective violence is invisible since it sustains the** very **zero-level standard against which we perceive something as subjectively violent.** Systemic violence is thus something like the notorious “dark matter” of physics, the counterpart to an all-too-visible subjective violence. It may be invisible, but it has to be taken into account if one is to make sense of what otherwise seem to be “irrational” explosions of subjective violence.

The affirmative endorses action by the criminal justice system to rehabilitate the criminal and forcefully reincorporate them into society. They identify the actions of the criminal as something impermissible that the State must punish and impose order upon, reifying the control subjective violence has over society. Identifications of subjective violence like the aff make ethics impossible by allowing the State to coercively intervene into the lives of victims. The only way to avoid this is to not discuss subjective violence at all and preserve our ability to “speak justice” in the face of the State. Zizek 2:

My underlying premise is that there is something inherently mystifying in a direct confrontation with it: **the overpowering horror of violent acts and empathy with the victims** inexorably function as a lure which **prevents us from thinking. A *dispassionate*** conceptual **development of the typology of violence must** by definition **ignore its traumatic impact**. Yet there is a sense in which **[A] cold analysis of violence** somehow **reproduces and participates in its horror.** A distinction needs to be made, as well, between (factual) truth and truthfulness: **what renders a report of a raped woman** (or any other narrative of a trauma) **truthful is its** very **factual unreliability, its confusion, its inconsistency. If the victim were able to report** on her painful and humiliating experience in a clear manner, with all **the data arranged in a consistent order, this** very **quality would make us suspicious of its truth**. The problem here is part of the solution: **the** very **factual deficiencies of the traumatized subject’s report** on her experience bear witness to the truthfulness of her report since they **signal that the reported content “contaminated” the manner of reporting it.** The same holds, of course, for Holocaust survivors: the witness able to offer a clear narrative of his camp experience would disqualify himself by virtue of that clarity. **The only appropriate approach** to my subject thus **seems** to be one which permits variations on violence **kept at a distance out of respect towards its victims** (3-4).

The criminal justice system aims at establishing universal Evil—something that must be fought against in order to create the illusion that we have discovered Good. It characterizes subjective violence as something to constantly be negated to preserve the static order objective violence has created, preventing radical change and engagement with justice. The discourse of universal Evil presents a bankrupt philosophy of static moralism, precluding the pursuit of the Good. Badiou:  
“Ethics: An Essay on the Understanding of Evil” Alain Badiou

In the second place, because **if the ethical ‘consensus’ is founded on the recognition of Evil**, it follows that **every effort to unite people around a positive idea of the Good**, let alone identify Man with projects of this kind, **becomes** in fact the real source of **evil itself.** Such is the accusation so often repeated over the last fifteen years: every revolutionary project stigmatized as ‘utopian’ terns, we are told, into a totalitarian nightmare. Every will to inscribe an idea of justice or equality turns bad. Every collective will to the Good creates Evil. This is sophistry at its most devastating. For **if our only agenda is an ethical engagement against** an **Evil** we recognize a priori, **how are we to envisage any transformation of the way things are?** From what source will man draw the strength to be the immortal that he is? What shall be the destiny of thought, since we know very well that it must be affirmative invention or nothing at all? In reality, the price paid by ethics is a stodgy conservatism. The very idea of a **[C]onsensual ‘ethics’, stemming from the** general **feeling provoked by the sight of violence**, which replaces the ‘old ideological divisions’, **is a powerful contributor to** subjective **resignation and acceptance of the status quo.** **The Law** (human rights, etc.) **is always *already there*. It regulates judgments and opinions concerning the evil that happens in some variable elsewhere. But there is no question of reconsidering the foundation of this ‘Law’**, of going right back to **[and] the conservative identity that sustains it.** For what **[E]very emancipatory project** does, what every emergence of hitherto unknown possibilities does, is to put[s] an end to consensus. How, indeed, could the incalculable novelty of a truth, and the hole that it bores [a hole] in established knowledge, be inscribed in a situation without encountering resolute opposition? Precisely because a truth, in its invention, is the only thing that is *for all*, so it **can** actually **be achieved only *against* dominant opinions, since these always work for the benefit of some rather than all.** These privileged few certainly benefit from their position, their capital, their control of the media, and so on. But in particular, they wield the inert power of reality and time against that which is only, like every truth, the hazardous, precarious advent of a possibility of the Intemporal. As Mao Tse-tung used to say, with his customary simplicity: ‘If you have an idea, one will have to split into two.’ Yet ethics explicitly presents itself as the spiritual supplement of the consensus. The ‘splitting into two’ horrifies it (it smacks of ideology, it’s *passé* …). **Ethics** is thus part of what **prohibits Man from** becoming an Immortal and **envisioning any** broad, **positive vision of possibilities, any coherent project of thought, settling instead for overlaying unthought** and anonymous situations **with** mere **humanitarian prattle (which**, as we have said, **does not** itself **contain any positive idea of humanity**). And in the same way, the ‘concern for the other’ signifies that it is not a matter – that it is never a matter – of prescribing hitherto unexplored possibilities for our situation, and ultimately for ourselves.

The codification of ethics in legal doctrines allows the State to manipulate objective violence to combat instances of subjective violence, handing over determinations of justice to the State and its oppressive mechanisms of enforcement. Douzinas:  
Douzinas, Costas, Birbeck College, University of London. Humanism, military humanism, and the new moral order. Economy and Society Vol. 32 No. 2, May 2003: 159-183.

What are the stakes between the debate? Postmodern mass societies and globalization increase[s] existential anxiety and create[s] unprecedented insecurity about life prospects. **In this climate, the desire for simple life instructions and** legal and **moral codes with** clearly **deﬁned rights** and duties **becomes paramount. Codiﬁcation transfers the responsibility of deciding ethically to legislators** and moralists, to false **[and] sovereigns** and fake tribes. **In our over-legalized world, rules and norms discourage people from thinking independently and discovering their own relation to themselves, others, language and history. The proliferation of** human rights treaties and the mushrooming of **legal regulation [is] part of the same process, which aims to relieve the burden of ethical life** and the anxiety or, in Heidegger’s terms, the “homelessness” of postmodern humanity. International human rights **law promises to set all that is valuably human on paper** and hold it before us in triumph. The world picture of humanity will have been ﬁnally drawn and everyone would be free to follow their essence **as deﬁned by** world **[the] government**s.

Our way out is to “speak justice”—destroy the written legal texts that enable the State to retain control over the use of objective violence. The focus on subjective violence just makes objective violence more powerful; identifying subjective violence is interpreted as a cry for order, for help, in the form of the State, legitimating its control. I don’t say that subjective violence is good—I engage in a critical investigation of why subjective violence happens in the first place. Objective violence presumes that there exist people who will violate order by establishing its punishments prior to the crime it punishes. We need to stop talking about these crimes and engage in the higher-level discussion of how the very structure of the State has led to development of the oppressive punishments inherent to the criminal justice system. Anything else means consenting to our own oppression. Louis Paine concludes the case with his final speech of justice.   
“justice--rules governing social interaction, card it” by [Louis Paine](http://www.facebook.com/louis.paine.1) on Tuesday, November 30, 2010 at 12:18am http://www.facebook.com/notes/louis-paine/justice-rules-governing-social-interaction-card-it/465793144619

The problem of criminality has plagued humanity since before the invention of writing. Some anthropologists and philosophers suggest that the construction of law—an explicitly codified structure of norms concerning social interaction, highlighting moral boundaries, delineating the “allowable and the illicit”—may have inspired the first permanent lithographic texts, such as religious manuscripts written in Sanskrit that influenced the Indus Valley Civilization, or the Cuneiform writing system in Sumeria; adapted later on to “communicate” Hammurabi’s infamous “code”—law as “eye for an eye, tooth for tooth”. Thousands of years later, sociologists, philosophers, and anthropologists, theologians, and criminologists still question, “why do criminals offend?” or “what “factors”(structural, cultural, racial, economic, etc.) cause people to keep offending? Within the status quo, there are multiple material and psychological factors that prisoners face because of going to prison that cause them to reoffend.  Some examples of the issues the prisoners are reported to face as a result of being incarcerated are: denial of adequate health care—prolonged by inability to get it once out of jail because of diseases prisoners catch in jail. Not to mention the platitudes of psychological abuse, physical abuse, neglect, mistreatment, endemic unemployment resultant from permanent statuses offenses (felonies), and all of the other things “law abiding” citizens politely assume in their every day lives that, “those who go to jail get what they deserve” (N.R.R, 4).  For example, in the United States, most felons carry the label and stigma of a felony for the rest of their lives. Former inmates, who already have a diminished social position, are more likely to suffer from chronic “… unemployment, poverty, and marital instability—some of the best-known risk factors for poor health …The status of “ex-con” is highly devalued and leads to … high rates of discrimination” (N.R.R., 4).  Pertinent health factors associated with discrimination include increasing amounts of stress, higher levels of depression—even “anxiety and blood pressure” (N. R.R., 4). Simultaneously, the psychological consequences of discrimination disproportionately affect “those who feel they have no way to redress their mistreatment” (N.R.R.,4). It is a well-known fact that discrimination based on one’s legal record is state sanctioned and even required. One ominous epiphenomena that society ignores are the nefarious effects resultant from prisoner release of parents back to their families—many children of inmates report “symptoms of post-traumatic stress disorder, including hypervigilance, anxiety, and even flashbacks of their parent’s arrest”. The separation of children from parents is also psychologically defined as traumatic, for both parents and children. Evidence goes to far to suggest that these issues are exacerbated for female law violators because of their unequal, imposed social burdens to perform as “caregivers” for children (N.R.R,4). It seems as if **injustice is always present because people** are content to **presume that justice exists already, that because there is a “written law”, it is effective or it can be changed to adapt to certain circumstances.** But what if that “adaptability” of the law that we rely on so much, the idea that law is a reflexive text that can be interpreted in different ways such that it can be infinitely corrected (*i.e. the “idea” of corrections systems???)* is actually the never-ending wound of injustice, constantly needing treatment, rehabilitation, control, and *correction*? This would seem to indicate that justice through “codified, written law” is impossible. The alternative to criminal justice within the status quo ought to be a literal “destruction” of the “law” in written texts, admitting the *insufficient justice*inherent to the “law” as a written set of norms that approaches objective appropriation of punishmentaccording to some socially constructed (subjective) standard of “exchange and equivalency”. **We need to burn all legal texts, since if they are already written, one would automatically presume that there would be people who violate the law. The presumptive “guilt” inherent to “textual law” might even explain the inability to have a consensus on causal explanations for why people break the law, i.e., that the “law” is already written and applies itself** contingently to the experience of those who enforce and violate it, but **universally**, **in that we all submit to the “law” regardless if we want to or not.  I propose that we stop “writing the law” and “speak it”**, rather than expecting police officers to inform us of our rights (ironically, off of a piece of paper in most circumstances), all citizens must “affirm their rights as inviolable”. **The “law as written text” creates a language** implicitly **denying access to following it—most people are not accustomed to the** specific **parameters of juridical** and civil **codes to the extent they can interpret it in the same way a** Harvard trained lawyer, turned prosecutor, turned **judge interprets it.** Perhaps **the solution is** no longer to “ constantly rethink” in the Focaultian sense of the term, constantly questioning semio-techniques or biopoltics but **to “selectively enunciate” what is just or unjust not as a universal utterance, but as a radically contingent event.** Embracing the contextual experiences of horror such as robbery, rape, or homicide that actually led to the construction of laws is only possible by an immediate “utterance of protest”.The oral obligation would not fall onpolice officers, parole workers, prosecutors, the media, or **legislators**, because they **would be unnecessary if everyone learned to “speak justice” as an event that only arises when there is a violation rather than to “interpret it” retrospectively as a correction to an** seemingly **infinite list of presumed violations.**