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MIMESIS AND SANCTION

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Abstract
This essay examines the relation between vengeance, sanction and the symbolic form of law. It argues that the transition from private retribution to institutional justice does not abolish violence but reconfigures its role within a ritual grammar of social order. Drawing on Girard and contemporary analyses of digital contagion, it considers whether modern legal structures can sustain their normative force in the absence of coherent mediation. The essay concludes that law's claim to meaning depends not on eradicating its archaic roots but on remembering the limits of what it can promise.

Keywords: Law; Vengeance; Mimesis; Sacrifice; Digital Justice.

1. Framing Law: Boundary-Making and the Demand for Meaning

It is worth saying from the start that any fair account of law must resist the urge to see it as nothing more than a set of commands backed by force. Law, in its fuller sense, is not just about rules or steps; it is a frame through which people shape their claims about order, strife, and fairness.

At heart, law brings in a rule of restraint that turns raw force into the rightful hope of self-control. In doing so, it draws lines that would otherwise blur: between what is allowed and what is banned, kin and stranger, peace and turmoil. These lines do not arise on their own. They call for a shared sense of what counts as fair conduct and what crosses the line.

A good place to begin is to see that rules take for granted the chance of breach. A rule means something only because it hints at what may go wrong – and the thought that wrongdoers will face some kind of answer. This plain point shows us that law does not grow from pure thought alone, but

from the lived need to make sense of strife – to draw bounds that help hold conduct steady where mere habit would fall short.

Some say that law, at bottom, is about threat – that its strength lies in fear of harm. There is some truth in this, but it leaves out much. The sense of right and wrong does not start with fear. It starts with the thought that some acts must be marked out, weighed, and dealt with. Long before courts come to be, there are shared hopes and group bonds that guide how folks act and what their acts mean. Law gives shape to these hopes, making them clear – and more to the point, open to dispute.

One might say this is just stating what all know. But the point is far from dull. It means that law's power rests on more than fear of pain. It stands or falls on whether its lines – between right and wrong, fair and foul use of force – still make sense to those who live by them. When these lines grow dim, law may stay in place as a tool but lose its pull. At that point, it no longer helps folks weigh harm or duty but becomes just one more way to rule by strength.

It helps to recall that law's line-drawing work is no fluke. It springs from the plain fact that people do not live by urge alone, but by webs of sense. These webs rest on the drawing – and guarding – of lines. Where such lines fail, so does trust: people no longer know who owes what, or what wrong must be righted.

Yet this is no sure thing. The line between rule and force is never firm. Today's world may think it has outgrown this frailty through set forms, but that is a false hope. Punishment still means doing harm – harm that is borne only as long as it feels fair. When this sense of fairness breaks down, the hurt law once claimed to tame may show its face again as plain brute harm.

This strain is not just a thought game. It shows up when old lines – between what is private or shared, between folk ways and strict rules – wear thin. In such times, law must do more than push folks to obey. It must keep up the belief that it offers a true way to face wrong, not just a mask for power.

Maybe in some times or places, this frame still holds. But where it does not, what's left is not law worth keeping. What's left is a shell: a tool that still gives orders but can no longer say why it should be heard.

2. Law's Religious Foundations and the Legacy of Sacrifice

Any search for law's roots must face the fact that it sprang from rites and faith. It is no mere twist of fate that, for many groups, rules first came not as deals between folks, but as truths from a higher

source. These rules were not seen as man-made, but as binding words handed down – from gods, from the dead, or from the stars.

This link with faith is not just for the past. It helps us see why law still speaks in ways full of weight and tone – with words like guilt, pardon, and grace. These words do not stem from mere rule-keeping; they echo an old sense that to judge is more than to weigh facts – it is to reach for rightness that no dry code can give. It helps here to see that the court still keeps old signs. Robes, ranks, set ways of speech – these are not just show. They hint, even now, at a power meant to rise above self-gain and hate. Whether these signs still move us is a fair doubt; but their hold shows that law's pull has long leaned on being more than a push from strength.

René Girard's view of the link between sacrifice and law shows this well. He held that early folk held off the threat of tit-for-tat harm by putting it into rites[1]. The scapegoat, by bearing the group's hate, stopped strife from burning through all. Law, in this light, came not to end harm but to give it shape. The pain that stands in for the rite does not end hurt; it sets it in a form that can be known, foreseen – and key point – seen as fair.

This last point needs stress: punishment is still hurt, set apart from pure spite only by its rite-bound role. Its truth stands or falls on whether the trade it claims – a wrong met with a right cost – still feels real. When this trade no longer rings true, the line between rule and plain hurt breaks down.

Some might say that today's world has left these roots behind. But that is at best half true. Michael Barkun, among others, showed that rule by law cannot rest on threat alone[2]. In many groups with no strong state, order is kept not by harm but by held beliefs. There, law works by giving folks a shared way to make sense of blame, duty, and leave – a kind of speech for judging acts, both one's own and those of others.

From this view, law's key task is not to force, but to make acts make sense. It brings shape to things by making some deeds seem fair, some wrong, and some open to talk. In this way, law shapes how we *see* acts, not just how we *do* them.

This brings two key thoughts:

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[1] R. Girard, *La violence et le sacré*, Bernard Grasset, Paris 1972, pp. 13-14.

[2] M. Barkun, *Law without Sanctions. Order in Primitive Societies and the World Community*, Yale University Press, New Haven and London 1968, p. 151.

(i) law's right to rule does not rest on fear alone: it rests on whether it can still help folks make sense of strife in a way that feels fair and known;

(ii) when law fails in this – when its signs grow dim or feel false – it may still work as a shell, but it has lost its deeper ground: it can still rule, but it no longer moves.

In such times, law risks turning back into what it once held back: a world where hurt still rules, but no longer wears the cloak of shared right. What's left is the rite with no belief, the blow with no sense that a wrong has been set right.

3. From Retaliation to Rule: How Vengeance Becomes Legal Sanction

A central step in any account of the origins of law is to distinguish vengeance from mere reaction. While defensive violence may arise from immediate threat, vengeance involves something more structured: a felt obligation to return harm, not simply as retaliation, but as a kind of moral response. It is shaped by expectations–often implicit–concerning honour, loss, and redress.

This is not a trivial observation. It suggests that vengeance, far from being a symptom of breakdown, may express a basic conception of justice. To avenge is not only to respond to harm, but to restore a disrupted balance. Whether this should be endorsed is a separate question; the point, rather, is that in the absence of formal institutions, vengeance may serve as a form of social ordering–imperfect, but intelligible.

René Girard's account helps to clarify why vengeance, although structured, cannot be left to its own logic. Because it operates through mutual imitation–what Girard calls *mimesis*–each act invites a further response. The result is not resolution but escalation (*la mimesis de la violence infinie*)[3]: a cycle of harm that threatens to overwhelm any settled form of life. Left unchecked, vengeance undermines the very order it claims to restore.

Legal institutions, in part, arise to interrupt this pattern. They do not abolish violence; they relocate and reshape it. What was once a personal duty to avenge becomes a delegated power to punish. The shift is not from violence to peace, but from unregulated harm to authorised sanction–harm carried out under conditions meant to render it justifiable.

[3] Girard, *op. cit.,* p. 331.

This transformation follows a certain structure. What Luigi Alfieri describes as the "transcendence" of judicial power refers to the removal of conflict from the closed circuit of grievance and reply[4]. The solitary avenger is replaced by a third party–an institution–that claims to stand outside the immediate quarrel. In doing so, it imposes form and finality on what would otherwise remain open-ended.

Yet the distinction between vengeance and punishment is not absolute. The Girardian account posits that the symbolic structure of legal sanction retains traces of the sacrificial act. Punishment isolates the wrongdoer, subjects them to controlled harm, and seeks to reaffirm a fragile collective order. In this respect, punishment can be seen as vengeance ritualised: not eliminated, but rendered repeatable and, at least in principle, accountable.

Anthropological evidence lends support to this continuity. In many stateless or loosely governed societies, vengeance persists not as unbounded violence, but as a regulated practice. Raymond Verdier's studies show that acts of revenge are often governed by norms–concerning timing, proportionality, and public acknowledgment[5]. These acts are embedded within rituals that give them recognisable meaning. Antonio Pigliaru's account of the Sardinian vendetta shows this point clearly: vengeance, in that context, functions not as arbitrary force but as a form of rough justice, guided by obligation and shaped by shared codes of conduct[6].

Some may argue that such practices fall outside any defensible definition of law. Kelsen's legal positivism would support that view: unless norms are backed by a formal institutional structure, they cannot properly be called legal[7]. As Amedeo G. Conte explains, building on Kelsen's theory, "a descriptive proposition can exist without being true," but "a prescriptive proposition cannot exist without being valid, since, due to the equation of validity and existence, a prescriptive proposition

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[4] L. Alfieri, *Dal conflitto dei doppi alla trascendenza giudiziaria. Il problema politico e giuridico di René Girard*, in D. Corradini Broussard (Ed.), *Miti e archetipi. Linguaggi e simboli della storia e della politica*, Ets, Pisa 1993, p. 438.

[5] R. Verdier, *La vengeance*, vol. I, *La vengeance dans les sociétés extra-occidentales*, Cujas, Paris 1980, pp. 11-42.

[6] A. Pigliaru, *Il banditismo in Sardegna. La vendetta barbaricina*, ed. by L.M. Lombardi Satriani, Giuffrè, Milano 1975. The volume is composed of two distinct sections. The first presents a revised and systematised version of *La vendetta barbaricina come ordinamento giuridico* (Giuffrè, Milan 1959), wherein Pigliaru conceptualises vendetta as a normative legal order embedded in the socio-cultural fabric of inner Sardinia. The second comprises a curated selection of analytical essays on the phenomenon of Sardinian banditry, written over the period 1955–1969, which collectively offer a critical engagement with the interplay between customary justice and the marginalisation of state authority.

[7] H. Kelsen, *Reine Rechtslehre*, Franz Deuticke, Wien 1960, pp. 3-24.

that exists without being valid would be a prescriptive proposition that exists without existing, which is impossible[8].”

This formalist view treats legal norms as ontologically dependent on institutional validation. But such a position overlooks the practical function that these acts perform. As Mario Jori argues, even where norms are institutionally valid, their application still requires interpretive choices–especially when bridging abstract rules and concrete facts. In legal practice, the norm does not “exist” merely because it is declared, but because it is enacted and interpreted within a context[9]. From this perspective, the boundary between formal legality and lived normative force becomes more porous. If vengeance, however rudimentary, helps to enforce norms and contain conflict, then it cannot be dismissed as mere lawlessness. It may be better described as a preliminary form of sanction–rough, but intelligible within its setting. This distinction matters. The claim that modern forms of justice are superior to earlier ones cannot rest on institutional structure alone. It must be shown that public adjudication achieves something private retaliation cannot: namely, impartiality, restraint, and a sense of closure. The promise of law is not only that it settles disputes, but that it does so without reproducing the cycle of harm.

That claim, however, is not beyond challenge. It assumes that legal institutions retain their claim to neutrality and that their procedures remain credible to those who rely on them. When this credibility erodes, the re-emergence of vengeance–whether literal or symbolic–cannot be ruled out.

The broader point follows: the development of law does not abolish the impulse to retaliate. It reframes it. Whether that reframing holds depends on whether the forms and procedures of sanction continue to make sense to those who are subject to them. If they lose that power, law may persist as machinery, but its moral claim weakens. What remains is not the triumph of reason over violence, but a shift in how violence is presented, contained, and, ultimately, justified.

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[8] A.G. Conte, *Primi argomenti per una critica del normativismo*, Tipografia del libro, Pavia 1968, p. 25.

[9] M. Jori, *On Touchie, Logic and the Universe*, in “International Journal for the Semiotics of Law”, 11:31 (1998), pp. 59 –65, sp. p. 64: “In the present society there is no legal reference without choices, which means that it is ultimately impossible to apply legal rules to actions, real or imaginary, without decisions”.

4. Beyond the State: Ritual Justice and the Function of Customary Law

The standard account of legal modernity presents a clean transition: personal revenge gives way to public sanction; informal norms are replaced by formal adjudication. Yet anthropological evidence complicates this view. In a range of settings, vengeance persists not as a relic of disorder, but as an organised way of responding to wrongdoing where central institutions are absent or distrusted.

Raymond Verdier's studies of African societies are instructive in this regard. What is often labelled "revenge" is seldom arbitrary. It is typically structured by shared norms–determining who may act, when retaliation is appropriate, and what counts as a proportionate response. These acts are not hidden or random; they are carried out in public, and often within ritual forms that confer recognition. In such cases, vengeance operates less as an eruption of violence than as a socially recognised mechanism for restoring order.

This should prompt a reconsideration of what we take law to be. If vengeance can function in ways that are patterned, rule-bound, and widely understood, then it cannot simply be excluded from the legal domain by definitional fiat. The decisive feature of law, in this light, is not institutional form but social function: the capacity to define duties, resolve disputes, and produce outcomes that are treated as binding. Where these functions are carried out effectively, the absence of a central court does not automatically disqualify a practice from being juridical in nature.

Antonio Pigliaru's account of the Sardinian vendetta underscores this point. In certain highland communities, acts of vengeance were seen not as personal excesses but as forms of justice. They followed shared codes, were understood by those involved, and were often carried out by individuals acting not in a personal capacity but on behalf of a kin group. In the absence of a trusted formal tribunal, such actions were regarded not as lawless, but as morally required.

This may seem to stretch the concept of legality too far. If any rule-bound practice counts, what distinguishes vengeance from a feud governed only by whim or threat? Here, H.L.A. Hart's idea of the "internal aspect of rules" becomes relevant[10]. A rule, to count as such, must be accepted by its

[10] H.L.A. Hart, *The Concept of Law*, Clarendon, Oxford 1961, p. 55. Where a habit is widespread within a social group, this generality amounts merely to an empirical regularity in observable behaviour. No member of the group need be aware of the general pattern, nor need they intend to preserve or transmit it; it suffices that each behaves in a manner coinciding with that of others. By contrast, the existence of a social rule presupposes that at least some members regard the relevant behaviour as a general standard, one to be observed by the group at large. In this case, the rule exhibits an *internal* dimension in addition to its *external* aspect–namely, the regularity in conduct detectable by an external observer. The internal aspect consists in a normative attitude: a recognition that the behaviour in question is not merely

participants as a standard–something to be followed, not merely predicted. Ritual vengeance, where it meets this condition, differs from arbitrary violence precisely in this respect: it is not simply reactive, but structured and normatively intelligible.

Such systems also tend to draw clear lines between insiders and outsiders. Practices like hospitality, often viewed as spontaneous or generous, are in fact governed by strict norms: the guest is not simply welcomed but incorporated into a network of mutual obligation. This reinforces the point that so-called primitive forms of justice are not rudimentary versions of disorder. They reflect a different logic–one in which justice is grounded not in impersonality, but in social ties.

The implications for legal theory are significant. If law is defined solely in terms of institutional form, then these practices fall outside its reach. But if law is understood in terms of its role in stabilising expectations and managing conflict, then structured forms of vengeance can be seen as early–if limited–versions of sanctioning systems.

This, in turn, bears on the normative claim that modern legal systems are not only more stable, but also more just. The appeal to central authority cannot by itself settle the matter. One must show that institutionalised sanction is more than a mechanism for control–that it introduces genuine impartiality, clarity, and restraint. This is the core of the natural law tradition: the idea that law, properly understood, embodies standards of fairness that apply generally and without privilege.

Yet Kelsen's scepticism remains a useful counterpoint. If legal norms are treated as moral absolutes rather than functional instruments, the risk is that law becomes mystified. The point is not to equate vengeance with justice, but to recognise that both seek to manage violence, and both rely on shared forms of meaning to do so. What separates them is not an absolute break, but a change in how communities mark and justify acts of retribution.

Seen in this light, the shift from vengeance to sanction is best understood not as a sharp rupture, but as a transformation of ritual form. Both seek to restore order through the controlled use of harm. What differs is the means by which that control is legitimised–whether through kinship, custom, or the authority of a state.

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customary, but obligatory.

5. When Law Falters: Tragedy, Retaliation, and the Return of Unmediated Harm

At this stage, it is worth returning to a basic question: what does institutional punishment achieve that personal vengeance does not? A common answer is that it repositions violence within a framework that claims impartiality. Vengeance is bound up with personal involvement and partial judgment; legal sanction, by contrast, aspires to rise above the quarrel, offering a form of resolution that rests on general standards.

Yet this aspiration requires scrutiny. Law does not eliminate violence; it seeks to contain and justify it. Punishment remains a form of harm. What distinguishes it from cruelty or retaliation is not its content, but the justification offered in its name. If that justification loses credibility, the difference between legal sanction and private revenge becomes harder to sustain.

This tension is already present in classical tragedy. *Antigone*, for instance, stages a conflict between the authority of the state and a moral claim that cannot be absorbed into its categories. Antigone's action is irrational only from the perspective of civic law; within her own ethical framework, it is not only reasonable but required. The tragic dimension lies precisely in the absence of a common measure between these two orders once they diverge too far.

Girard's interpretation of tragedy takes the argument further. For him, tragedy reveals what sacrificial ritual once concealed: the contagious force of imitation in a context where distinctions collapse. When the boundaries between roles weaken, actors mirror one another until violence becomes the only available form of resolution–typically in the figure of a scapegoat, whose removal restores, if only briefly, social balance.

This logic is not confined to ancient contexts. Elias Canetti's observation that vengeance presupposes proximity remains relevant: retaliation requires the wrongdoer to be visible and within reach[11]. This notion resonates deeply with the transformation of the hunting pack into the lamenting pack. When direct punishment becomes unfeasible or unbearable–whether due to fear, guilt, or the sheer magnitude of violence committed–the persecutors seek a different form of resolution. They attach themselves to the figure they have marked for death, not out of compassion, but as a subconscious strategy to shift the weight of their own culpability. In mourning the victim, they symbolically realign themselves with suffering, as if by lamenting they too have been wronged. It is a ritual inversion: the

[11] E. Canetti, *Masse und Macht*, Claassen, Hamburg 1960, p. 150.

hunter becomes the mourner, the aggressor the fellow sufferer (Canetti 1960: 169 ss.) But even this shift depends on proximity. The dying victim remains close enough–physically, emotionally, morally –to absorb their projections. Without that nearness, without the shared space of torment and recognition, the cycle of guilt and redemption cannot complete itself. Vengeance and expiation, then, are not abstract forces but relational acts, deeply dependent on presence, on bodies, on eyes that meet and voices that cry out. It is this proximity that gives both violence and remorse their power–and perhaps, their limits.

Modern legal institutions, by contrast, remove punishment from the realm of personal contact, assigning judgment to a third party presumed to be detached from the immediate harm. Yet the sense that harm demands response does not disappear with institutionalisation. When legal systems lose their normative grip, the impulse to reclaim justice directly may return. One sign of this is the difficulty modern institutions face in naming certain forms of wrongdoing. The language of "evil" has become contested, even avoided, in contexts where procedural neutrality is prioritised. This avoidance may be well-intentioned, but it leaves a gap that is often filled by informal publics, less constrained by procedural norms.

Some may view this as a form of ethical progress–a refusal to rely on absolute moral claims. But the danger lies in the opposite direction. When formal judgment weakens, the structures that emerge in its place are not necessarily more reflective. They may instead replicate older patterns in altered form. The digital sphere, for example, offers a setting in which moral condemnation is broadcast, amplified, and enacted as public performance. This is not a simple return to ritual sacrifice, but something more disjointed: expulsion without closure, exposure without reckoning.

What follows is that the legal function–the mediation of violence through shared procedures–must constantly reassert its credibility. When it fails to do so, the forms meant to stand between harm and retaliation collapse or are bypassed altogether. The promise of law is not that violence will disappear, but that it will be brought within a framework that can be explained, challenged, and understood. When this promise fails, law becomes indistinguishable from the force it claims to regulate.

6. Law Without Force, Sanction Without Law: Legal Meaning at the Threshold of the Digital

A long-standing assumption in legal thought is that norms and sanctions are internally linked. From early codes of retribution to modern systems of punishment, the force of law has been taken to depend

on its capacity to act: a rule is binding, in part, because its breach invites a consequence. If that link is severed, what remains may resemble law in form, but lacks its decisive feature–namely, its claim to authority in conditions of dispute.

Current developments place pressure on this assumption. On the one hand, we encounter norms that are only loosely or selectively enforced: international agreements, platform rules, codes of conduct with unclear mechanisms of redress. On the other hand, we face forms of punishment that occur entirely outside legal institutions: online shaming, reputational destruction, algorithmic exclusion–penal effects without procedural ground.

These shifts point to two distinct phenomena that deserve conceptual attention: law without sanction, and sanction without law.

The first may seem to show that coercion is not essential. If certain norms are widely followed despite lacking formal enforcement, perhaps their authority lies elsewhere–in shared expectation, functional necessity, or the simple fact of being embedded in regular practice. There is something to this. Many norms work because they stabilise conduct, coordinate behaviour, and foster internalisation. In such cases, the threat of punishment may be largely symbolic.

But there is a limit to this analysis. A norm that cannot, in principle, be enforced may remain influential in ordinary cases, but its authority tends to weaken when it is challenged. A legal norm whose sanction is conditioned upon a state of affairs that is empirically unrealisable is unlikely, in practical terms, to produce abuse. Its functional inertness ensures its desuetude through structural inapplicability. The more pressing danger lies in the converse case: penal norms whose constitutive predicates are imprecise, vague, or open-ended. Such indeterminacy does not merely permit discretion; it institutionalises it, endowing the judiciary with a scope of interpretive authority that risks evading normative constraint and escaping procedural accountability. In this configuration, the boundary between the licit and the illicit ceases to be drawn by law itself and instead becomes contingent upon the exercise of discretionary judgment, often opaque and resistant to external scrutiny[12].

In conditions of conflict or dissent, unenforceable norms lose traction. This is not merely a theoretical concern: digital environments provide examples in which normative inflation occurs–more rules are

[12] C. Luzzati, *La vaghezza delle norme. Un'analisi del linguaggio giuridico*, Milano 1990, p. 387.

asserted, but fewer are backed by credible procedures. What results is a shift from institutional resolution to diffuse forms of control: platform moderation, crowd-based judgment, algorithmic filtering. Authority is displaced, not abolished.

The second phenomenon–sanction without law–is more unsettling. Here, harm is imposed without reference to codified standards or due process. It is immediate, highly visible, and often emotionally charged. It may reflect a genuine sense of wrong, but it bypasses the checks that distinguish judgment from retaliation.

In digital contexts, this has become increasingly common. Traditional legal categories–such as jurisdiction, admissibility, and evidentiary threshold–are rendered uncertain. Punishment takes place through visibility and repetition rather than through deliberation. A person is named, condemned, and cast out–not through legal procedure, but through spectacle.

From a Girardian perspective, this is unsurprising. Where law no longer maintains its authority, older structures reappear, albeit in new forms. The digital crowd functions like a sacrificial mechanism: an individual is isolated, marked, and expelled, momentarily restoring a sense of order. But unlike ritual, there is no closure. The process repeats, without reflection or end.

This raises a deeper question. Is sanction merely a supplement to law, or part of what makes law what it is? Legal positivists such as Kelsen have insisted that the norm and its sanction belong together[13]. Other views, such as Hart's, allow that law may guide behaviour by shaping expectations, not only by threatening force.

But whatever one's theoretical commitments, a practical point remains: a legal system's authority depends not only on issuing rules, but on its ability to act when those rules are contested. When sanctions appear arbitrary or norms seem hollow, the link between rule and response breaks down.

The digital sphere intensifies this dynamic. It accelerates judgment, diffuses responsibility, and detaches sanction from deliberation. In doing so, it makes visible a broader problem: the erosion of the distinction between justice and expulsion, between judgment and mimetic reaction.

That distinction is not fixed by definition. It is sustained–or lost–in practice. A legal order that cannot hold together norm and sanction does not simply become ineffective. It risks reverting to the very patterns it once sought to contain.

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[13] Kelsen, *op.cit.*, pp. 25-30.

7. Digital Mimesis and the Breakdown of Legal Form

It might be assumed that the mimetic structures described by René Girard belong to a distant anthropological past. But this view underestimates the extent to which the dynamics of imitation, rivalry, and exclusion remain operative–particularly under contemporary technological conditions. The digital sphere does not neutralise these forces; it amplifies them. The network's structure allows for the rapid spread of desire, grievance, and hostility, with little mediation. Each participant becomes both observer and actor in a collective performance of resentment.

Earlier forms of sacrifice, however crude, were at least framed by ritual procedures aimed at restoring some form of stability. The scapegoat was chosen, condemned, and expelled through acts that sought to contain the surrounding disorder. The violence was not denied but bounded–justified by reference to a larger narrative of reconciliation.

By contrast, the digital scapegoat emerges without ritual form. Visibility is driven by algorithms, timing is accidental, and judgment is collective but disorganised. The expulsion is real–reputational, social, and sometimes economic–but it lacks closure. There is no resolution, only repetition.

This is not justice in any meaningful sense. It lacks proportion, process, and deliberation. It reproduces the form of sacrificial violence but without its symbolic economy. The act of punishment becomes automatic, decoupled from questions of evidence or responsibility. The logic is expressive rather than justificatory: it affirms group identity through the act of condemnation, not through any settled judgment of harm.

What is lost in this process is not simply fairness, but intelligibility. In earlier forms of vengeance, however destructive, the link between wrong and response was at least conceptually graspable. Today, the object of punishment may be unknown, or known only through fragments. What matters is not the deed, but the effect it provokes. The scapegoat becomes a role, not a person–a narrative placeholder onto which outrage is projected.

This introduces a further shift. The mimetic cycle is no longer tied to a shared sense of cause or loss. Participation is not motivated by direct injury but by emotional identification. The act of joining the condemnation is less about reparation than about belonging–to show that one stands with the group, on the right side of a conflict whose terms are only partly known.

Certain patterns are consistent. Facts become secondary; judgment precedes understanding. Each new instance reactivates the cycle, adding to a growing archive of unresolved conflict. What might once have functioned as symbolic resolution now becomes accumulation–an ever-expanding record of exclusion with no framework for closure or reintegration.

In such a setting, legal forms are not directly attacked so much as bypassed. Trial, evidence, and verdict are mimicked but hollowed out. The appearance of process masks the absence of justification. The procedural values that once distinguished law from spectacle–proportionality, reasoned judgment, presumption of innocence–are replaced by speed and repetition.

The result is not simply a failure of regulation. It is a transformation in the structure of judgment. Where formal procedures are seen as slow, inadequate, or complicit, they lose not only their efficiency but their legitimacy. Defenses of legal process risk being cast as evasions, or worse, betrayals of shared values. When that suspicion dominates, public emotion overtakes institutional mediation. The community no longer reaffirms itself through law but through symbolic destruction.

What returns here is not the archaic form of sacrifice, but its underlying pattern–accelerated, fragmented, and stripped of symbolic constraint. In the absence of shared procedures for naming and resolving conflict, the cycle of imitation intensifies. Those who punish may in turn be punished. Roles reverse; distinctions blur. No final word is possible.

This is not merely a matter of institutional design. It concerns the fragility of form itself. When law loses its capacity to draw meaningful distinctions between judgment and vengeance, it becomes increasingly difficult to sustain it as a distinct mode of response to conflict.

8. The Fragility of Legal Order: Between Mediation and Mimetic Collapse

It is often assumed that the historical movement from vengeance to legal sanction marks a fundamental break: that once institutional procedures are in place, the older structures of retaliation are overcome. The account offered here suggests a more cautious view. Law does not abolish the forces that generate retribution; it reinterprets them. Its authority depends on the success of that reinterpretation.

Under contemporary conditions, that success can no longer be taken for granted. Norms without enforceability risk becoming symbolic without being effective. Sanctions without legal form risk

becoming punitive without being just. When the link between rule and response weakens, law no longer mediates conflict; it is replaced by patterns that resemble what it was meant to contain.

This is not to say that collapse is inevitable. But it does imply that the line between legal judgment and mimetic expulsion is never secure by definition. It is sustained, if at all, by collective restraint– by a shared willingness to defer immediate condemnation in favour of procedures that can still claim legitimacy.

When that restraint weakens, the symbolic weight of legal forms begins to decay. Law remains operative as process, but it loses its status as a shared language through which violence can be made answerable. What takes its place is not an absence of regulation, but the return of mimetic cycles: public accusation, informal punishment, the search for moral clarity through exclusion.

No legal system is immune to this drift. Its resilience depends less on structure than on whether it can still persuade those subjects to it that its practices are more than empty form. If it fails to do so, the distinction between sanction and spectacle dissolves. What remains is enforcement without meaning –rule without recognition.

Whether that distinction can be recovered is not a matter of doctrine alone. It turns on deeper questions of moral psychology: on whether societies still possess the symbolic resources to sustain law not merely as a set of commands, but as a framework through which conflict can be made visible, interpreted, and addressed without recourse to the cycles it once aimed to interrupt.

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