

NATURAL LIFE, MANUFACTURED FEELINGS:
NATIONAL IDENTITY, BIO-POLITICAL POWER
AND THE JAPANESE AMERICAN INTERNMENT

By

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M.S., University of Kansas, 2007

Submitted to the graduate degree program in American Studies and the
Faculty of the Graduate School of the University of Kansas
In partial fulfillment of the requirements for the degree of
Doctor of Philosophy

chairperson

Date defended: 05/10/2007

The Dissertation Committee for Andrea Pacor certifies
that this is the approved version of the following dissertation:

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Chairperson

Date approved: 07/23/2007

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Chapter 1

Introduction

The historical facts are well known and easy enough to look up. But facts don't come with their meaning attached, and it is the meaning that interests me.

Tzvetan Todorov, *Hope and Memory*

The intensified life of the camps had its own laws and logical reasons for existence. This kingdom of internees was subject to natural forces proper to itself, which had little in common with the life of a man in Paris or Toulouse, in New York or Tiflis. But the very fact that the world of concentration camps should have existed at all is not without significance to the world of ordinary people: to mankind, in short. It is not enough to establish some kind of physical contact with that life which was so utterly separated from the current twentieth century social structures. The rules must be understood and their meaning grasped.

David Rousset, *A World Apart*

With the First World War, the modern form of sovereignty which emerged from the late eighteenth-century revolutionary period enters a phase of serious crisis which coincides with the crisis of the Nation-State as the political expression of that sovereignty. With the 'Declaration of the Rights of Man and of the Citizen,' approved by the General Assembly of France in 1789, it is clear that the principle of popular rule by which the new sovereignties were legitimated tended to equate humanity with citizenship by failing to distinguish between "birth" and "nation." This equation, however, always leaves a gap, a residue which has to be addressed if this useful fiction is to be maintained. In the twentieth century two essentially bio-political movements, Fascism in Italy and National-Socialism in Germany, began to address this residue aggressively. When they obtained state power they used to change

the biological and cultural character of the population in their care to make it fit the fiction of nationality even as they were constructing and defining it on the basis of racialist and historicist assumptions. Although both movements were eventually defeated by external assault and (very limited) internal resistance, they demonstrated above all that the population as biological body is exceedingly soft before the technical power of the state, especially when the latter is put to use toward the uncompromising moral end of ‘improvement’ and driven by imaginary causes.

The appearance of movements of a markedly bio-political character is accompanied by the introduction of mass denaturalization and denationalization norms in France in 1915, against naturalized citizens of “enemy” descent, in Belgium in 1922, against citizens who committed anti-national acts during the war, in Italy in 1926, against citizens who proved “unworthy” of Italian citizenship, and in Austria in 1933, culminating with the Nuremberg laws for the protection of German blood (Agamben, 1998, 132). In 1942, the United States took similar measures against persons of Japanese descent, both alien and native-born. Japanese Americans of the second generation, the Nisei, were dialectically denied the rights deriving from their American citizenship by being classified negatively as “non-aliens” rather than positively either as citizens or, like their parents, as enemy aliens. As a consequence, they were abandoned to a legal limbo from which it was later extremely difficult to extricate them. The most salient consequence of the exclusion of Japanese Americans from the American national body and the rights that derive from

membership was the appearance of concentration camps across the national territory of the United States. These camps received close to 120,000 people, the majority of whom were citizens. According to Italian philosopher Giorgio Agamen, the presence of the camp in both totalitarian and liberal regimes in the twentieth century suggests a covert affinity between apparent opposites that goes to the heart of Western modern politics. In essence, the structure of the camp is, in all cases, the materialization of the state of exception in an area in which the production of the national body coincides, spatially and temporally, with the production of a “naked life” which stands out conspicuously as its “other.” Whether atrocities are committed within its boundaries or not depends entirely on the ethical and moral disposition of the police force, individual policemen or other personnel that act therein as sovereign (Agamben, 1998).

The purpose of this dissertation is to analyze the Japanese American internment during the Second World War in the light of present theory of sovereignty and the state. I shall argue that this event does not represent an aberration in the political life of the nation. It is, rather, a moment when from within the political order in force emerges a power which, by deciding on a state of exception, presents and confirms itself as sovereign. The experiences under scrutiny take place in the space of the camp, which will appear, following Giorgio Agamben, to be a structural element of modern politics. I will emphasize that the relation between sovereign and subject is conditioned by the peculiar character of the modern territorial state and by

its proclivity to transform the world by technical action. I will also argue that national identification constitutes a powerful operator that mediates the individual's inclusion in and exclusion from membership in the national body. At the same time, the unique military, bureaucratic, and industrial needs of the modern nation-state give great leverage to a population that is willing to trade its undivided loyalty for a certain degree of political relevance. All these elements are visible in the Japanese American experience in internment, but negatively. The banished are defined by what they are denied and by what they are forced to endure.

While the camp certainly contradicts democratic ideals, the same cannot be said of its relation to the legal system that makes these ideals socially effective. Rule and exception can coexist, side by side, without calling the whole system (or any part of it) into question. The occasional temporary suspension of the law is linked to moments of crisis, declarations of martial law, the state of emergency, or the state of siege. I shall argue that the internee is ideally situated to appreciate the nature of the relation that binds the individual to sovereign power. Giorgio Agamben formulates this relation in terms of a withdrawal of the protective mantle of the law from a body on which a ban had been declared, leaving this body utterly unprotected. Agamben describes this condition as "naked life," with a term he borrows from Walter Benjamin. It is a life stripped of all cultural and political husks, absolutely vulnerable and exposed to the whims of decent people, criminals, profiteers, soldiers, and bureaucrats alike.

The drama of sovereignty thus creates a great deal of anxiety that is variously resolved. The outcome need not always be equally harsh, but the possibilities are limitless. In the camp, the sovereign creates a space in which everything can happen and, by implication, not happen. It is, therefore, not surprising that different conditions produce camps with different characteristics and vastly different solutions to the existence of these political artifacts whose nature is inherently ambiguous. Nor should it be surprising that a difference in degree (degree of violence) does not mean a difference in quality, as suggested by David Rousset, who spent sixteen months as an inmate of several such institutions under National-Socialist administration (Rousset, 1951).

Concentrated in the camps by presidential decree, the West-Coast American Nisei and their Issei parents found themselves caught between the biological and cultural demands of familial loyalty on the one hand, and the exquisitely biopolitical demands of the State on the other. The conflict which ensues can only be resolved by the same sovereign power that created it, either by lifting the exception, and thus reabsorbing the banished, or by abandoning them completely to a no-man's land, their own devices in a foreign country to which they may be deported, the legal limbo of the displaced existence of the refugee, or, in the worst scenario, a death which is neither a murder nor an execution. In the case at hand, the ban was lifted with just as little justification as its establishment had required and the camps were simply liquidated. If Agamben is correct in his reading of the camp

as the hidden matrix of modern power, the Japanese American experience will have left a trace of this fundamental biopolitical relation in a number of documents and testimonies sufficient to make a convincing case that, at a fundamental level, the modern state functions according to principles that are not and cannot be entirely subsumed by the legal system that governs its day to day operations. These documents and testimonies, from both sides of the fence, constitute the supporting evidence of the argument that follows.

The use of personal testimony, or witnessing, to any purpose other than its overt intent is never unproblematic. Are autobiographical accounts of traumatic experiences meant to be read and accepted on their own terms? Are they asking of us an act of faith in the ultimate communicability of experience, or at least of experience that matters, even and especially when it runs contrary to official or ideological memory? Are they sacred repositories of a collective identity, generated in suffering and transmitted culturally to a progeny genetically predisposed to accept it as its own? Are they trying to be intransitively specific or universal? The variety of stylistic, rhetorical, and genre choices reflected in the literature accentuates, harshly, the inherent limitations of any approach relying on a singular interpretive key to unravel the “meaning” of such narratives. Simultaneously, it reveals the impelling need for conceptual bridges and doorways to transcend their rigorous singularity. In ‘The Abuses of Memory’ Tzvetan Todorov suggests that this can be accomplished only by descending to the level of generality, which is not, or should not be, an erasure of difference (Todorov, 1996).

Todorov distinguishes between two types, or, actually, two uses of memory: the literal and the exemplary. Literal use of memory is suspicious of any kind of generalization. It considers the event preserved in memory as singular and unalterable, and expects the text to produce meaning without ambiguity in the present as it did in the past, when the events actually occurred. But memory can also be used in an exemplary manner, when one considers the singular event as belonging, with other events, to a category in virtue of one or more characteristics. In doing so, Todorov argues, the memory acts also as a model through which to understand similar events in the present or future. These are, of course, ideal types. They are conceptual tools that highlight specific and oftentimes conflicting functions of memory. No text is ever a pure instance of literal or exemplary memory, although a text may display significant bias in one direction or the other. Moreover, the same distinction can be applied to reading attitudes (which Todorov does not consider), although in this case there is an added ideological layer involved in the application of this literal content to the construction, reconstruction, or reinforcement of identity.¹ Testimony of deeply traumatic events often relies on a literal use of memory that imagines the past as singular and intransitive. Such a past has no necessary meaning of a general nature attached to it. It means only itself and thus resists all comparison because it interprets past

¹Eric Hobsbawm says something similar in different terms. He speaks of invention, reinvention, and reinforcement of the invented tradition. Of course, the inventive aspect does not imply falsity. It only draws attention to identity-building as cultural and political artifice (Hobsbawm, 1983).

experience in a manner that restricts the terms of comparison. In part, this is also due to the need to portray past events with convincing accuracy, as well as to the expectation that the horrific experience, in this case, of the camp, will produce meaning in and of itself. This is especially the case with memoirs of death camps in National-Socialist Germany. There is often a justified fear that comparison with, for instance, gulags in the Soviet Union and internment camps for Issei and Nisei in the United States, may lead to a dilution of the evidence. Thus, a challenge to the uniqueness of National-Socialist death camps can be seen as a move towards the absolution of persecutors from moral responsibility. For victims of other camps, though, comparison with the extreme case represented by the Shoah is sometimes strategically important in demanding attention, recognition or redress.

Does bringing certain memories and situations into comparison with other memories and situations necessarily diminish the identity value of the former by empowering the latter? Are the cultural and political intuitions of persons and groups that resist the exemplary use of memory justified? In many respects and cases, they are. Memory can be sabotaged through erasure, abuse, misrepresentation, exaggeration, ridicule, and so forth. It can be banalized, sacralized, ossified in ceremony, especially when mere remembrance is put to use for the sake of the present. Underneath all these fears lies the simple though central intuition that memory is essentially fragile, and subject to doubt, erosion, forgetfulness, indifference and, of course, lying. It is this fragility that gives it urgency, that makes its recording as text

or picture or sound both absolutely necessary and deeply ambivalent. Unfortunately, literal memory is no guarantee against its corruption, especially because excessive insistence on the singularity of certain events can easily be pushed to the extreme of solipsism, thereby raising the uncomfortable implication of utter inaccessibility to anyone else. A possible defense of the comparative approach is to keep in mind that the search for meaning of a more general nature does not just add value or substance to the narratives that are compared. In processing its raw material, its sources, comparison consumes in order to produce. There is a lessening of the originals, a necessary loss of specificity which allows us, however, to find ideal connections between distant situations. In this regard, Friederich Nietzsche teaches a pertinent lesson, namely, that the general does not exist at a higher level of perfection than the particular, and that the principle cannot match the existential intensity of the single case (Nietzsche, 1990). It follows that the universal, if we choose to admit of any such thing, must not be based on the discovery of a sublime value of some sort on which all may agree, but on the willing and conscious sacrifice of particularity for the sake of understanding. What gives it value is the expenditure of physical, intellectual, and emotional labor it requires.

Chapter 2

Between Japan and Other Places: The Relational Construction of a National Identity

Ayako Tanaka Ishigaki published her memoir, *Restless Wave*, in 1940. By then, relations between Japan and the United States were strained, and deteriorating rapidly. Tensions between the two governments had escalated particularly after the Manchurian Incident of 1931. On September 18 of that year, the Imperial Army created a pretext for the invasion of Manchuria by blowing up a section of the South Manchurian Railway, blaming Chinese forces. Without the approval of the Japanese government it then moved north from its positions in Korea and the Kwantung peninsula, occupied Manchuria fairly quickly, and then called for the establishment, in that region, of an independent country under an independent government. In the meantime, Chinese nationalists staged violent protests and boycotts against Japanese businesses and citizens in Shanghai. With the lives and property of Japanese citizens at stake, then Prime Minister Inukai Tsuyoshi was compelled to send troops in support of his fellow countrymen. The outcome of the ensuing fighting between Kuomintang (Chinese Nationalist) veterans and Japanese marines was unfortunate, as Japanese airplanes hit civilian targets and created yet another cause of friction with the West. Pictures of crying children amid the ruins were featured prominently in American newspapers, inflaming public opinion against Japanese imperialistic adventures at China's expense. Eventually, the situation in Shanghai was resolved with the intervention of the Imperial Army, coming to the aid of the outnumbered marines and pushing the Chinese Nationalist forces out.

These events, and the creation of the puppet state of Manchukuo, on

May 1, 1932, put Inukai's government in great diplomatic difficulties with the League of Nations and the United States. Official recognition of the new state by the Japanese government would violate the Nine Power Treaty of 1922, in which Japan and eight other signatories agreed not to interfere with one other's trade interests in China. This meant, implicitly, that the signatories would not seek undue trade advantages by threatening China's territorial integrity.¹ Secretary of State Henry Stimson made it clear that the United States expected Japan to abide by the provisions of the treaty, and that its violation would have consequences for all other agreements between the two countries, including the crucial Five-Power Naval Limitation Treaty of 1922.² This eventuality would certainly lead to a renewed escalation in the construction of warships as each party to the failing treaty (Japan, the United States, and England) would be free to pursue naval supremacy. Although the maintenance of the existing equilibrium, albeit an unequal one for Japan, was in Japan's interest, Prime Minister Inukai was in no position to oppose the Army. He stalled official recognition of Manchukuo hoping for

¹The nine powers were The United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands and Portugal. The treaty itself was signed by China also, at whose expense the "equal opportunity" or "Open Door" principle was being established. A guarantee of China's territorial integrity was mainly intended to stymie Japanese expansion in East Asia while at the same time keeping Japan in the game as a counterweight to Russian expansion.

²With this treaty Japan, The United States and Great Britain agreed to limit naval construction and to maintain a certain tonnage ratio. For every 5 tons for the US and Britain, Japan could have 3 tons. Given the industrial differential between Japan and the United States, this unequal ratio was not necessarily to Japan's disadvantage, at least strategically. It did, however, look bad on paper and it created a sore point for Navy and Army hard-liners who resented Japan's treatment as a junior partner among the great powers (Barnhart, 1995, 74–76).

a diplomatic solution, but then had to give in.³ After Japan officially recognized Machuquo, the League of Nations demanded the restoration of Chinese sovereignty over Manchuria, prompting the withdrawal of the Japanese delegation in February, 1933.

Withdrawal from the League marks Japan's formal exit from the world-order established in the aftermath of the First World War, when the balance of power and political configuration of the West was dramatically rearranged to reflect fundamental changes. The most significant adjustments concerned the unequivocal emergence of the United States of America as a power of the first order; the end of European colonialism in East Asia; and the establishment of the principle of national self-determination as the core ideology of the new order following the dissolution of the European multinational empires, and its embodiment in the League of Nations (although the application of this principle was never entirely consistent and disinterested). Most importantly, the war forced a revaluation of all tactical and strategic calculations on the scope and duration of modern armed conflict, which consumed lives and resources at an unprecedented pace.⁴

The multiple lessons of this first truly “total” war were not lost on the

³Prime Minister Inukai's lack of enthusiasm for the Army's plan cost him his life. A young naval officer assassinated him on May 15, 1933 (Barnhart, 1995, 97).

⁴The impact of the First World War on society, politics, and government can hardly be underestimated. Eric Hobsbawm calls August 1914 “one of the most undeniable ‘natural breaks’ in history” because, he continues, it marked “the end of the world made by and for the bourgeoisie” (Hobsbawm, 1989, 6). What follows that break is intimately linked with the affirmation of nationalism as a principle of international political organization that appeals both to the elites and to the masses.

Japanese leadership, both civilian and military.⁵ Clearly, access to raw materials, like oil and metals, was vital in determining a nation's capacity to conduct sustained military campaigns. It was therefore unwise to depend on foreign governments to obtain materials whose availability was crucial for the political survival of the state and, in nationalist ideology, the biological survival of the nation. Japan thus strived to achieve through political and military means what it had been denied by geography and geology: autarky, or, the dream of complete economic independence. Only the United States, Japan's most formidable rival in the Pacific, seemed to have partially secured this distinct advantage. Reform at home and expansion abroad thus became the focus of Japanese policy.⁶

⁵The “total” character of the First World War is determined primarily by the direct involvement of civil society in all aspects of modern mass warfare. This involvement ranges from the use of new means of transportation and communication, like the train and the telegraph, to the integration of mass conscription with a professionalized military, to the co-ordination of internal productive forces in the war effort. However, it is too simplistic to attribute the industrialization of war, and the escalation of violence it produced, to a subservience of the state to rampant industrial capitalism. Anthony Giddens is correct in affirming that the latter “provided the means for the industrialization of war, but the activities and involvements of nation-states are at the origin of the phenomenon” (Giddens, 1987, 226). Moreover, the brutality and intensity of the war forced European states to draw heavily on their population. Mass military service, in turn, favored the recognition of citizenship rights for wider segment of the population either right before or right after the war. Prussia, for instance, granted universal manhood suffrage by 1871, while England did so in 1918 and Japan in 1925. For Giddens, the progressive extension of citizenship rights in this historical period in exchange for popular acceptance of the obligations of military service is the price paid by the dominant class for the means through which they exercise power in a polyarchic order of the modern sovereign state (Giddens, 1987, 233). Gianfranco Poggi defines “total war” as “a military conflict which a national society can only enter and sustain with some hope of success if it commits, and exposes to the risk of wear, waste and destruction characteristic of war, a very high proportion of all its material and human resources” (Poggi, 1990, 112).

⁶Michael Barnhart clearly links Japanese imperialism to a search for security: “Japan would use its new acquisitions to build up a power base so great that no Western power

Civilian and military leaders agreed on the necessary link between economic self-sufficiency and national security. They disagreed, however, on the pace of both internal reform and territorial conquest. After 1918 the greatest dangers looming on the horizon of expansionist adventures were war in the Pacific against the United States, and war on the Asian continent against the Soviet Union. In response to this menace, the Army and the Navy were each pushing for military buildup in their departments, using their respective ministries as leverage, each citing the likelihood of a major engagement with a continental or a naval power in the near future. To complicate further the political situation, the Japanese Army became entangled in drawn-out operations against Chinese-Kuomintang resistance in Manchuria, whose effectiveness it had grossly underestimated. Failure to bring the Chinese issues to a close by military means in a timely manner after the invasion of 1933 would prove a lasting embarrassment and an obstacle to the consolidation of Japanese gains. For as long as Chiang Kai-shek's forces resisted, any accord with the United States remained highly unlikely. By December 1941, when Japan attacked the United States, the situation in China was still unresolved. In Japan, however, the Army retained sufficient political power to control directly government policy throughout the 1930s.

When *Restless Wave* was first published war in the Pacific had not yet broken out, and the prospect of a diplomatic solution, although unlikely, re-

would be able to challenge it in the future. Japan, in short, would at last be secure through the construction of its own empire" (Barnhart, 1995, 101).

mained in the realm of the possible. Timing, therefore, adds to the appeal of this rare Issei memoir for the student of Japanese immigration to the United States. It offers a glimpse into the era through the eyes of a sensitive and attentive commentator, still unaffected, for obvious reasons of chronology, by perspective-altering events like the attack on Pearl Harbor, the evacuation of the American Issei and Nisei from the West Coast, savage fighting in the Pacific, and the nuclear bombing of Hiroshima and Nagasaki. In addition, the larger portion of the narrative in *Restless Wave* focuses on the protagonist's life in Japan, while her immigrant experience in the United States is illustrated in the latter third of the text. This is a welcome narrative imbalance that has the advantage of strategically correcting the reader's bias towards the known and the familiar. It affirms, implicitly, that immigrant life does not begin at the border, with a stamp on a passport (when immigration is legal). The immigrant has a past that influenced the decision to leave familiar surroundings and go abroad in search of profit, adventure, safety, or a new home.

Restless Wave is not a historical account, nor was it written to be accurate in this specific sense. Even as a memoir it presents a simplified version of Ishigaki's life. She described it herself as a "novelistic, semi-autobiographical text" in which, I shall argue, key moments in her personal experience acquire symbolic value when they are framed in the larger context of Japanese national history (Ishigaki, 2004, 254. 'Afterword'). This effect is achieved by accentuating a sense of discovery as the narrator wanders from one dis-

closure to the next, almost wide-eyed. Haru's naiveté, however, does not detract from the complexity of a narrative that resists both the reification of allegory, which is often found in moralistic and didactic texts, and the sublimity of metaphor, associated with a Romantic universalism that is seldom capable of transcending the self-imposed confines of linguistic nationalism. Rather, it oscillates slightly between the two, and slightly above the hard and random metonymic ties between people, things, and places found in literary modernism. Metaphoric discourse is sufficiently visible, however, to accord a distinct lyrical quality to a voice whose narrative strains the limits of autobiographical convention.

From Augustine to Rousseau, a commitment to detail, often of the sordid kind, has long functioned as an assurance of truthfulness, establishing the “confession” as the western autobiographical mode *par excellence*.⁷ Here, the boundaries between memory and invention, between autobiography and fiction, are more markedly blurred than is often the case, creating a persona whose social idealism spills over into the narrative, and often selects memories for their aesthetic quality rather than their revealing power. The use of symbolically charged events to underscore character development is most noticeable in Haru’s coming to terms with gender and class relations, or, more pointedly, class relations that appear heavily gendered. The stylized

⁷Ayako Ishigaki published a second and more complete memoir in 1987, entitled *Waga ai no ki ni hana miteri* (I saw the flower on the tree of life). Although, unfortunately, *Restless Wave* is the only English-language book by this author. Although she returned to the subject of her life-story, she still deemed this text deserving of a Japanese translation, published in 1990. Obviously, the earlier memoir is not made redundant by the later text.

recollection of Ishigaki's life in *Restless Wave*, through Haru's persona, is often linked to crucial moments in Japanese history when values and traditions were particularly fluid and likely to be re-negotiated or reaffirmed through revolutionary or reactionary violence.

Haru perceives and narrates her life through a specific ideological lens she has constructed for herself over the years, utilizing many disparate elements mostly of western origin. Ideology, as John Breuilly suggests, is an intellectual phenomenon that relates people's problems to society as a whole (Breuilly, 1994, 54).⁸ Some do so more effectively than others, depending on an individual's circumstances, inclinations, past experiences, and influences. For Haru, socialism seemed to provide not only an explanation of political and social tensions in Japan, but also, more importantly, the possibility of relevant action.⁹ Her cosmopolitan orientation and her concern with feminist issues are also accommodated within the vast framework of this ideology, although I would not argue that they are just subordinate to it. Haru finds

⁸Breuilly also described ideology as a sort of map that allows people to determine their position in relation to others. He also warns that the analogy is limited. Ideological maps shape the terrain as much as they describe it, and often prescribe a certain direction or destination. Their fundamental ambivalence between description and prescription does not impair in the least their appeal as frameworks for political action, and might even strengthen it (Breuilly, 1994, 381).

⁹Michael Denning writes about Ayako Ishigaki's émigré activism as part of the American Cultural Front of the nineteen-thirties and forties. He interprets the opening pages of *Restless Wave* as an example of what he calls the "proletarian sublime." Haru-Ishigaki describes women working alongside men, behaving as their equals. These women frighten the young girl because they challenge traditional femininity with an exuberance that Haru also finds fascinating. The entire memoir can thus be read as a record of Haru's growing consciousness of class and gender issues, leading to social activism both in Japan and the United States (Denning, 1996, 145–146).

feminism and socialism to have elective affinities that make them both essential to understanding her predicament as a young, rebellious woman in a comparatively young nation-state. Haru's self-narrative thus receives, from the application of the two filters to Ishigaki's life, a certain ideological slant.

The willful construction, from experience, of a useable past is a practice hardly limited to individuals. In fact, the urgency with which this practice presents itself in the modern world does not stem primarily from the needs of the individual, but from those of a particular collective subject, the nation, seeking to represent itself as the sole legitimate political unit. In *The Invention of Tradition* (1983), Eric Hobsbawm, with other scholars, examines the traditions behind collective identities and finds that they are indeed constructed and very often of recent origin. They are not only symbolic representations of social cohesion, but also symbolic enactments of the same in collective rituals that, with repetition, periodically replenish a sense of national affiliation. Tradition also plays a strong normative and legitimizing role, which requires its naturalization in order to be effective. In Marxist terms, it could be called a form of "false consciousness," constantly adapting to changing circumstances while maintaining the appearance of immutability. The many rituals through which stability is not so much achieved as proclaimed can be interpreted as signs of anxiety caused by this inherent contradiction. Hobsbawm also notes that the fictitious parts in the invention of tradition are not the many historical details included in such narratives, but the links of continuity between them and with the present. For this rea-

son they can often pass cursory verifications of their accuracy, and are able to resist the challenge of alternative readings trying to substitute one theory of such linkages with another. In either case, the objective of the recuperation of the past is not to preserve an essential (or fond) memory, even when this is the stated goal, but to make history useable in facing novel situations to which a current model or set of values seems to provide answers that are politically inadequate or unacceptable (Hobsbawm, 1983).

During the Meiji period such a selective reading of the past was employed to make reform and modernization acceptable as the recuperation of a true tradition. Pre-modern Japan was treated no differently from the way other nascent or established nation states in the West dealt with their own uneven history, only the entire process was more deliberate. The overriding necessity for change was made clear to a stubbornly isolationist Japan as early as 1853 by the arrival in Edo bay (later Tokyo) of a squadron of American warships under the command of Commodore Matthew Perry. Perry's diplomatic mission consisted in conveying letters from U.S. President Millard Filmore expressing amicable sentiments and urging the opening of trade relations between the two countries. At the same time, Filmore asked for certain concessions for American ships and sailors in need of safe harbor during storms, supplies for continued voyage, and, most importantly, coal fuel.

The Japanese government did not perceive these demands as an innocuous request for a limited expansion of trade. Western dealings in China, especially in the context of the recent Opium Wars, seemed to indicate that

American diplomacy might, in fact, be pursuing other, more alarming ends.¹⁰ In particular, it was concerned with the progressive limitation of sovereignty through the forced concession of treaty ports where Westerners could operate under the shield of extraterritoriality. Clearly, trade with a Western country concealed multiple dangers: from cultural and political influence, to military occupation, to economic penetration of Japanese markets with cheap, mass-produced goods from overseas.¹¹ On the one hand, the letter from Pres-

¹⁰The sale of opium in China was forbidden by the Imperial Government in 1729 due to the health and social problems its consumption had caused. In the following few decades Great Britain would cultivate and manufacture massive quantities of this drug in India, where the East India Company was granted a monopoly on this peculiar commodity in 1773. Opium sales were essential in balancing the British trade gap with China. At the time Britain, along with the rest of Europe, was importing Chinese porcelain, silk, spices and tea in great quantity, offering very little in return that would appeal to Asian markets. Hence the reliance on opium, in complete disregard of Chinese public health and Imperial edicts forbidding its importation. By 1839, 1400 tons of British opium were sold annually. Commissioner Lin Zexu tried to stop this illegal trade by imposing a blockade, to which the British responded by sending warships and troops to the region. The First Opium War (1840–1843) ended with the Treaty of Nanjing, with which Great Britain acquired direct control of Hong Kong, the opening of a number of treaty ports to British trade, and a substantial indemnity. France, Russia and the United States considered these gains an unfair advantage, and thus brought a complaint before the Imperial Government, requesting similar concessions. Under this pressure the Imperial Government agreed to yet another unequal treaty, the Treaty of Wangxia of 1844, with which the United States secured for itself similar trading rights to those given to the British, as well as extra-territorial status for all its citizens. Americans in China were thus not subject to Chinese law and jurisdiction under any circumstance, including murder. One of the consequences of the treaties of Nanjing and Wangxia was a substantial increase in the number of Christian missionaries in region. In 1854 the British demanded a re-negotiation of the treaty of Nanjing, asking for an expansion of their trading privileges to all of China, and, finally, the legalization of the opium trade. Britain exploited an isolated incident involving the arrest of Chinese sailors on a ship, the Arrow, which was flying British insignia, as a pretext to initiate hostilities (known as the “Arrow incident”). With the support of Russia, France, and the United States, Britain was successful in forcing the Imperial Government to ratify the Treaty of Tientsin in 1860, to which the United States was a party. Among the provisions of the treaty were the legalization of opium, the establishment of freedom of religion, and the right of Christians to evangelize (Barnhart, 1995).

¹¹This became particularly cogent four years after the first concessions to Perry, when

ident Fillmore was consciously drafted to emphasize supposedly reassuring differences between the United States and other European powers with whom Japan was already familiar. Specifically, it stated that “the Constitution and laws of the United States forbid all interference with the religious or political concerns of other nations.” But it also made sure to point out that modern naval technology had significantly reduced the distance between Japan and the United States, and that geography may no longer be a sufficient barrier against intrusion. “Our steamships,” the letter said, “can go from California to Japan in eighteen days” (Beasley, 1955, 99). For a government intent on maintaining the status quo this simple statement of fact could carry the most ominous implications.

Interestingly, the actual recipient of these communications between heads of state, intended for the Emperor of Japan, was, in fact, the Tokugawa *Bakufu*.¹² The *Bakufu* (the original “tent government” of the military aristocracy) had been the political government of Japan since 1600, when Tokugawa Ieyasu secured the dominance of his clan over the other feudal lords, the *daimyō*.¹³ For the next 250 years, the Emperor and the Court held little

diplomat Townsend Harris demanded much wider concessions from Japan, that included the opening of all major ports, rights of extraterritoriality, and fixed tariffs on imports (Barnhart, 1995, 7).

¹²Throughout my work I will be relying on the available English-language literature for the translation of Japanese terms. For terms that are commonly used in the sources cited in a given section, no specific bibliographical reference will be given. Whenever I become aware of disagreements or discrepancies in such translations I will endeavor to inform the reader as fully as possible. Working with translated texts is a limitation that augments the omnipresent risk of misreading and misrepresentation. I will endeavor to minimize that risk while reserving the right to take it on occasion, remaining open to correction from more knowledgeable readers.

¹³The Tokugawa shogunate followed, and terminated, a long period of feudal decen-

political power. Government remained firmly in the hands of the Tokugawa shogunate, which managed to maintain domestic peace and keep Western barbarians from establishing a foothold in the country. Resistance to Western intrusion was a defining characteristic of the title of *Shogun*, Japanese for “barbarian-fighting general,” and became a source of legitimacy for the long-standing Tokugawa claim to authority (Barnhart, 1995, 7).

Early in his tenure, Ieyasu had understood that, for the sake of political stability, Japan had to limit drastically all contact with outside forces to avoid upsetting the existing relations of power. In the late sixteenth century the main source of disturbance was the new religion introduced by Portuguese Jesuits and Spanish Franciscans, who, in addition, competed bitterly amongst themselves to secure a dominant influence for their European sponsors. Initially, Ieyasu adopted a policy of tolerance, but changed tactics after 1606. In part, this can be imputed to the lack of religious tolerance, in particular towards Buddhism, that characterized the attitude and proselytizing of Christian missionaries and contributed to the destabilization of the existing political and social order. Mostly, however, the successful conquest of the Philippines by the Spanish seemed to confirm fears that the missionary would be soon followed by the soldier.¹⁴ Thus began a process

tralization that came at the heels of the Fujiwara period (858–1160). The figure of the Emperor survived the changes as a symbol of unity, and the Imperial Court at Kyōto maintained its prominence as a cultural center. When, in the second half of the 19th century, the need for drastic domestic reform arose, the figure of the Emperor, with a tradition going back fourteen centuries, was still available to become, at least rhetorically, the focal point of Japan’s modernization efforts (Reischauer, 1981).

¹⁴Japanese statesmen feared that the new religion might upset local loyalties and favor

of repression that would annihilate Christianity in Japan (which counted at the time 150,000 adepts), and lead to the effective closure of the country to all foreigners for several centuries (Reischauer, 1981, 56–89).¹⁵

Perry's success in forcing the Shogun to accept the letters and enter negotiations with a foreign power precipitated a crisis that would lead to the dissolution of the existing feudal system and to a period of intense institutional, economic, and cultural reform. The irony was not lost on internal opponents of the *Bakufu* that the Shogun proved incapable of fulfilling his etymological role of shielding Japan from the barbarians. Abe Masahiro, who negotiated with Perry as head of the Council of State (*Rōjū*), promised the Admiral a reply by the following year, when the American fleet was scheduled to return to Edo. He then immediately circulated the letters among all the *daimyō* and, betraying again his government's weakness, asked for advice on the course of future Japanese foreign policy. Two distinct positions emerged from the debate. The *kaikoku* faction advocated, as the name implied, opening the country to foreign trade as a way of strengthening domestic economy. *Kaikoku* proponents were persuaded that the financial, technical, and military gap with the West was such that war would certainly lead to defeat.

collaboration with the intruders. The example of the Philippines, where political and military conquest were preceded and accompanied by the introduction of Christianity, was of very recent memory. (Reischauer, 1981, 87).

¹⁵The only notable exception were the Dutch, who were confined to the port of Nagasaki. Japanese statesmen believed they needed to keep at least one source of information on things foreign close at hand. This arrangement was maintained until the modern period. So much so that the *Bakufu* was informed of Perry's expedition in advance of its arrival (Beasley, 1955, 21).

Thus, compromise with Western demands in the present was the price of a more assertive policy of national independence in the future. In the interim, Japan would take steps to acquire the necessary knowledge and implement the needed reforms to bring the country on a par with other powers.

In comparison, the *jōj* faction adopted a more conservative approach, and advocated the expulsion of the barbarians (as the name itself indicated). Theirs was not, however, an uncompromising conservative position. Like their opponents, they acknowledged the superiority of western countries in certain key areas, but believed that allowing foreigners free access to Japan would have disastrous effects on the fabric of a society they considered already in a state of complacent decadence. In their view, Japan should never relinquish control of the pace of societal transformation, and the Japanese people should be prepared psychologically for the encounter with the barbarian, as well as for the ever-present possibility of war.¹⁶

¹⁶My understanding of the debate outlined above is based on W.G. Beasley (Beasley, 1955, 5–18). Beasley also notes that Tokugawa Nariaki, one of the most prominent figures in the *jōj* party, privately described his policy as one of “war at home, peace abroad.” He acknowledged that initial appeasement of the intruding western powers was necessary, but should be accompanied by a belligerent rhetoric of national defense for internal consumption. In public, Nariaki preferred to take a more aggressive position, as is evident in his reply to Abe Masahiro: “It is my belief that the first and most urgent of our tasks is for the *Bakufu* to make its choice between peace and war, and having determined its policy to pursue it unwaveringly thereafter. When we consider the respective advantages and disadvantages of war and peace, we find that if we put our trust in war the whole country’s morale will be increased and even if we sustain an initial defeat we will in the end expel the foreigner; while if we put our trust in peace, even though things may seem tranquil for a time, the morale of the country will be greatly lowered and we will come in the end to complete collapse. This has been amply demonstrated in the history of China and is a fact that men of intelligence, both past and present, have always known (Beasley, 1955, 103).” The past “men of intelligence” mentioned here are the Tokugawa leaders who perceived the intrinsic danger of ostensibly harmless practices like international trade and

The concessions given at the Perry Convention of March 31, 1854, represent a compromise between the two camps, although they hardly amount to a solution to the problem of Japanese foreign policy. Other countries, like Russia and France, now demanded similar privileges, and Great Britain, having just won a military confrontation with China, was now free to turn its attention towards Japan. Four years after this first treaty, American diplomat Townsend Harris used the British threat as an argument to persuade the *Bakufu* that it was in Japan's best interest to strike more substantial agreements with the United States, on amicable terms, rather than be forced to open the country by the threat of British naval power. After long and tedious negotiations, during which the Edo government tried to stall as much as it could, an agreement was reached for the opening of more treaty ports and the removal of many bureaucratic and financial restrictions to trade. Unlike its predecessor of 1854, the new treaty was bound to generate significant resistance even among the more cautious advocates of compromise because of its encroachment on Japanese territorial sovereignty. The *Bakufu* was very much aware of the difficulties it would have to face if it tried to enforce it single-handedly. This prompted it to seek a wider basis of support by turning to the Imperial Court in Kyoto.

In the years leading to the crisis of 1868, foreign diplomats showed growing insight into the dynamics of Japanese internal affairs, and began pushing Christian proselytizing, and wisely closed the country to foreigners in 1600. China is again mentioned by Nariaki as a negative example, especially evident to Japanese statesmen in the context of the recent First Opium War.

for the promulgation of an Imperial decree in order to clinch the Harris deal. They assumed, quite correctly, that the prestige of the Emperor could be exploited to restrain the anti-foreign opposition which was becoming increasingly violent.¹⁷ However, neither they nor the *Bakufu* anticipated that involving this largely symbolic figure directly in matters of internal and foreign policy would, in fact, constitute the Kyōto Court as a legitimate political force around which parties hostile to the Tokugawa government could coalesce and organize. For the next decade the Court remained a weak force that could not openly refuse to cooperate with the Shōgun, although compliance did not automatically mean endorsement. The Emperor could (and did) make known his private disapproval of a policy he was forced to sanction publicly, further embarrassing the *Bakufu* as disrespectful of his position, if not of his authority.¹⁸

As opposition to the Tokugawa government became more and more visi-

¹⁷Beasley describes the period as one of great confusion and uncertainty over the future of Japan from the political, economic, and social points of view. Interaction with western powers certainly precipitated the crisis and gave it a distinct international character, although many of the causes of friction had been brewing over the past two centuries of Tokugawa centralization. In Beasley's words: "The years after 1858 saw a marked increase in the use of violence in political disputes within Japan. It was manifested not only in attacks on foreigners but also in attempts to assassinate Bakufu leaders; in recurrent peasant revolts, often led by samurai; and in the appearance at Kyōto of armed bands of samurai and lordless *rōnin* who at times dominated the city and even attacked the Imperial palace in their efforts to control the decisions of the Court. Such things cannot satisfactorily be explained by a simple theory of conspiracy. Their roots lie deeper, notably in the economic changes that were sapping the strength of the entire régime (Beasley, 1955, 48)."

¹⁸The tensions over the Harris treaty favored the the consolidation of the *jōj* party (expel the barbarian) with the *sonnō* school of thought (honor the Emperor) into a single camp, *sonnō-jōj*, that favored the restoration of Imperial prerogatives as an alternative to the exiting order (Beasley, 1955).

ble and effective, foreign powers began to take divergent views over whom to consider the sovereign authority of Japan. The French continued to support the *Bakufu*, even to the point of providing military resources, technical instruction, and naval training to advance their trade privileges and to ensure the continuation of a cooperative central government. American and British diplomats, on the other hand, were increasingly doubtful that the Shogun could effectively control the country, and began wondering whether the Emperor were the actual, and not just the symbolic, sovereign of Japan. Also, they realized that, except for a minority of *jōjō* fanatics and disaffected *samurai*, the anti-*Bakufu* forces were not as anti-foreign and isolationist as was previously believed. In other words, it was no longer certain that a victory on their part would mean a new expulsion of foreigners, the end of trade, and a military confrontation with the West. British representative Harry Parkes reached this conclusion in the aftermath of the Namamugi incident, which involved the murder of an Englishman by *samurai* of the Satsuma province. The crisis evolved between September 1862 and September 1864. It began with a British demand for the payment of an indemnity and the public punishment of the culprits, and ended with a joint campaign of foreign powers against the rebellious provinces of Satsuma and Chōshū. Although the latter were defeated militarily, the confrontation provided an occasion for direct contact with foreign representatives, who, on their part, were growing impatient with the increasingly ineffective political acrobatics of the *Bakufu* (Beasley, 1955, 83–86).

Clearly, representatives of western countries with imperialist ambitions were eager to find, in Japan, a single political authority capable of ensuring that treaties, whether negotiated or imposed, would be binding for the entire territory. At first, in 1854, the *Bakufu* appeared capable of fulfilling the expectations of the foreigners. Over the next decade, however, its authority gradually wavered under the dual pressure of domestic dissent and foreign demands, exposing weaknesses that opponents of the Tokugawa regime could exploit. In January of 1868, the last Tokugawa Shogun was forced to resign after having alienated all support in the Imperial Court over the enforcement of an old treaty provision.¹⁹ Within the year Chōshū, Satsuma and a few other *daimyō* utterly defeated the Tokugawa militarily and proclaimed the full restoration of Emperor Meiji. Thus began of a period of sweeping reforms that would give foreign governments precisely what they had been looking for: a centralized, modern, sovereign state with a legal system comparable to their own.

Early in the Meiji period the Japanese feudal system was speedily and deliberately dismantled and its obsolete apparatuses were replaced with modern

¹⁹The actual point of contention was the opening of the port of Hyōgo (Kōbe) to foreign trade in accordance with the provisions of the old Harris Treaty. Western powers had agreed once before to postpone its opening to avoid exacerbating anti-foreign feelings. In 1868, however, the French representative, Léon Roches, urged the *Bakufu* to fully enforce past treaties as a demonstration of its control on national policy. This entailed obtaining the approval of the Imperial Court, which was granted only reluctantly after a number of Court officials threatened the Kampaku, the head of the Imperial Court, with resignation. An enlarged opposition seized this opportunity to place an official protest creating a political climate that forced Keiki Tokugawa to resign within six months, ending two-and-a-half centuries of Tokugawa rule (Beasley, 1955, 87–90).

ones, fashioned after European models.²⁰ Technical and industrial modernization was not, however, the sole concern of the reformers. While there certainly was a significant economic and technological gap that had to be bridged before international security and territorial sovereignty could be achieved, there was also a legal gap. In the course of two decades of diplomatic relations with western countries Japan was forced into a number of unequal treaties that limited its sovereignty by granting westerners the protection of extraterritoriality. The Meiji oligarchs were anxious to revise agreements that they considered injurious to Japanese autonomy and an insult to national dignity. European powers, however, resisted vigorously every attempt to renegotiate, citing at every step the inadequacy of Japan's legal system, based on Confucian principles, to handle international issues and to provide sufficient substantial and procedural guarantees that the person, rights, and interests of western travelers and traders would be protected.²¹ Pressed by these concerns, the reformers rapidly equipped Japan with a modern constitution and provided for the training of judges and lawyers.²² At first, jurists

²⁰The first systematic study of the West was the Iwakura Mission of 1871, sent to Europe to determine which innovations could best be adapted to Japanese needs and conditions. For the 1889 Meiji Constitution reformers adapted the Prussian model, while they followed the British example in the creation of a central postal and telegraph system (Westney, 1990).

²¹In China, Anthony Giddens notes, "Confucian scriptures were interpreted to indicate that the authority of the state should rest upon moral rather than legal precepts" (Giddens, 1987, 59). By contrast, the western conception of sovereignty developed as a means to overcome the moral disputes of the wars of religion. It placed a premium on the procedural guarantees of positive law, and on the absolute power of the sovereign to make critical determinations in case of serious conflict. There was no overarching moral framework to sustain an external and, in principle, neutral assessments of a ruler's virtue.

²²Interestingly, the Japanese government initially thought of adopting the French con-

were sent abroad on tours of study, but this arrangement could only be temporary. Soon institutions of higher education, like Tokyo Imperial University (1877) and Waseda University (1882), opened to provide civil service training to constitute the core of a modern bureaucracy.²³ More than anything, these fundamental organizational and administrative changes speeded Japan's transition from a feudal society governed by Confucian principles, to a centralized nation-state regulated by positive law. With this transition Japan qualified for participation in the system of international relations that propagated the nation-state model globally. The League of Nations, established in the aftermath of the First World War, provided institutional reinforcement to the dissemination of this model.²⁴ In 1889, as a culminating

stitutional model. After the defeat of the Second French Empire in the Franco-Prussian war, in 1870-1871, however, the Japanese mission to Europe was directed to examine the Prussian model. Clearly, international success, whether acquired diplomatically or militarily, contributes to the diffusion of certain models rather than others. The same can be said of Great Britain, whose imperial standing in the eighteenth and nineteenth centuries drew much attention to its institutions (Poggi, 1990, 100). Foreign governments desiring to replicate this success were curious to identify its recipe, and to import those necessary ingredients their societies seemed to lack.

²³Appropriate legislation established extremely high proficiency standards for administrative jobs that were awarded through examination. Universities thus became the only source of recruits for bureaucracies on all levels. This meant that whoever controlled these institutions could exercise considerable influence on government. The Imperial Diet and the budding party system were still too weak to balance the power of the oligarchs, leaving to the latter de facto control of the entire state machinery. Interestingly, Waseda University was founded by Ōkuma Shigenobu, who was excluded from the ranks of the oligarchs and subsequently became the leader of a political party, the *Kaishintō* (Reform Party). He obviously perceived the importance of controlling the professional and ideological formation of young bureaucrats to guarantee, if not direct control of state power, at least an indirect control of the state machinery (Barnhart, 1995, 12–14).

²⁴The role of the League of Nations and, later, of the United Nations in spreading and reinforcing a system of sovereign nation-states engaged in constant mutual surveillance might seem counterintuitive. The establishment of intergovernmental organizations to promote, for instance, the international monitoring of health or the development of an

tion to these modernizing efforts, Japan adopted the new constitution, which also provided for limited representation in the Imperial Diet (Barnhart, 1995, 10–12).

The transformation of Japan into a modern nation-state was initially a top-down, government-controlled process in which the state occupied a central place. The “nation,” in a modern sense, would come later, with the progressive expansion of the public sphere and political rights, to the detriment of the exclusive control of the government held by the aristocratic elites. Like its European models, Japan was fast becoming a mass society in which the population was an economic and military resource to be cultivated through training and education.²⁵ Similarly, the population’s loyalty to the state and their willingness to make financial and physical sacrifices to support it, had to be encouraged. Consequently, the polyarchic character of the political

integrated postal service, might be interpreted as indications that the nation-state system is being gradually superseded by some kind of global government, compounded by a global economy. Anthony Giddens shows that the contrary is true. In his view, “the development of the sovereignty of the modern state from its beginnings depends upon a reflexively monitored set of relations between states” (Giddens, 1987, 263). It follows that any development that reinforces the scope and efficiency of international relations also favors the extension of the western model to global state system. Japan is an early example of the efficacy with which the new system promoted itself globally, especially when the alternative was colonial subordination.

²⁵Frank Tipton finds Japan in better shape to become a modern nation-state than any other European candidate in the middle of the nineteenth century. It had clear geographical boundaries, it was already fairly homogenous linguistically and culturally, and it had a long history of centralized government (Tipton, 2002). As a people, the nineteenth-century Japanese also met the criteria indicated by Eric Hobsbawm to be classed as a nation in that particular historical period: they were numerous enough to meet the threshold of nationality; they were historically associated with an existing state; they possessed a literate elite and a vernacular that could be used as the language of administration; they had already proven capable of conquest (Hobsbawm, 2002, 37–38).

system was expanded, beginning with the establishment of the Diet in 1890 (for which about 1% of the population could vote on the basis of status and income) and ending with universal manhood suffrage in 1925.²⁶ These concessions and their obvious social consequences, however, were compounded and contained by new technologies of the self that produced and circulated, through schooling, drilling, and ritual, a fairly coherent set of ideas about the individual's place in the new body politic. In other words, the cultural, political, military, and technical institutions established for the care of the nation and its security, yielded, simply by virtue of their functioning, a nationalist ideology for the masses.²⁷

The Rights of Men... and Women

Ayako Ishigaki begins her narrative of Haru's life in *Restless Wave* with extensive comments on the cultural changes that had invested Japan by the turn of the twentieth century. Haru's father, a university professor, occupies an ideal position to illustrate, throughout the narrative, the selective borrowing from the West and the interpenetration of cultural attitudes that it engendered. Professionally, he had a vested interest in the successful accomplishment of the Meiji reforms. After all, the emphasis was on education and

²⁶Voting rights were extended to women after the war, in 1945.

²⁷The whole, in nationalist *gestalt*, is more than the sum of its parts. Frank Tipton, however, correctly warns not to presume that nationalism does away with the multiple identities individuals deploy in different situations (Tipton, 2002, 161). National identity seems to function more as the outermost framework for a variety of concerns that may or may not be linked directly to the national life.

research, enlarged public participation in politics, and the abatement (though certainly not the abolition) of class distinctions. The Five Charter Oath, subscribed by Emperor Meiji in 1867, outlined the pragmatic dimensions and the ethical boundaries of the changes that were going to be introduced. It promised the abolition of “evil customs of the past” that contradicted the “just law of Nature,” and a world-wide search for knowledge to advance the interests of Japan and of its people (Murphey, 2004). To an extent, Haru’s father is in a position of privilege as a person charged with the dissemination of that useful knowledge. Strategically at least, the category of the intellectuals, to which he belongs, was at the center of a significant nation-building effort. Haru, however, gradually begins to notice the contradictions in her father’s convictions and attitudes, and to see that culture is not the inevitable expression of an essential collective character in response to historical circumstances. Rather, it appears to her as a changing construct to which individuals relate and contribute differently, depending on their social power and positioning. Since the purpose of national identity in the modern world is to create opportunities for inclusion that would appeal to the masses, its acceptance is rarely an all-or-nothing proposition. It is better described, instead, as a patchwork of the old, the new, and the invented, that is dogmatically held to reflect the “natural” coherence and homogeneity of the people as a cultural and biological unit. Thus, Haru’s father can accept, without reservation, the principles outlined in the Imperial rescript, which required all subjects to commit to innovation in the name, and on the

authority, of tradition. Only a little imaginative effort is needed to iron out the inconsistencies that life, chaotic as it is with all its contingencies, keeps throwing in the path of a necessary order:

He tried to reconcile science with superstition by explaining in reasonable terms the wisdom of the old rules, and by giving them a scientific basis. Where a scientific explanation was untenable, he passed off the matter as a law of nature (Ishigaki, 2004, 15).

According to Haru, “Father” reserved for himself the prerogative to decide the kind and degree of modernity appropriate for his household. He, on the other hand, was free to move between worlds: from the placid, past-oriented world of traditional Japan, to the bustling, future-oriented world of scientific progress, and back again. This conceptual freedom of movement is homologous to the passing, socially, from the public to the domestic sphere, and is symbolized by his change of clothing, from a western-style suit to a kimono, upon returning home. In this apparel he can assume the traditional role of master of the household, which is still available to him in spite of the many reforms of the Meiji era (Ishigaki, 2004, 16). And yet, all the rituals that were performed for his benefit created only the illusion of a separate sphere of domesticity, unaffected by the dramatic changes that had swept over Japan. Ironically, he is himself responsible for introducing disruptive elements, whose effects on Haru, “Elder Sister,” “Little Brother,” “Grandmother” and the maids, he could not entirely control. On the surface, these may look like everyday objects that are useful, but otherwise innocuous. A

case in point were the table and chairs that, one day, appeared in the dining room, only to be relocated presently to the father's study because they "disorganized the entire household" (Ishigaki, 2004, 18).

In this "Father" duplicates the behavior and thinking of the Meiji oligarchs who expected to be able to control the effects of the innovations they introduced, only to find that they created, in the Japanese nation-state, a vast and diverse power structure that could be exploited by competing interests. The Diet, for instance, produced a system of parties that mobilized the support of public opinion, often by sheer demagoguery and jingoism; industrialization sparked class conflict between labor and capital; the constitution of a modern Imperial Army and Navy created, not one, but two forces that would contend with one another for influence on military spending and on national policy, both at home and abroad.

When Haru's father introduced his family to a selection of new ideas and principles, the home as the locus of patriarchal tranquillity was invested with the full force of the nation-state's bio-political power (as Foucault would call it), and began to lose its traditional center of gravity only to find a new one, outside itself, in the nation.

Contrary to nationalist arguments, the traditional family is not a micro-cosm of the nation, nor is the modern nation a family writ large. For one thing, family members in a traditional household, both in Japan and in the West, were linked to each other in a relation of inequality, firmly regulated by custom. Citizens, on the other hand, are in a relation of equality with

one another, for they share equally of sovereign power.²⁸ Homology between these two very different social structures is claimed only to lift from tradition certain assumptions about the nature of the patriarchal family and transfer them to the national government. In particular, the presumption of patriarchal benevolence can be a useful tool to encourage obedience and submissiveness in the lower classes. In the initial stages of the development of the nation-state citizens in this category are only admitted to the enjoyment of passive rights, and are excluded from active political participation. What makes these strategies of containment ultimately ineffective is that modern citizenship abolishes the old system of ranked access to the centers of power, and operates, instead, on the principle of a clear-cut distinction between interiority and exteriority—a distinction that it does not find, but that it creates and enforces. There is no such thing as a “degree” of citizenship. One either is a citizen, by birth or naturalization, or one is not, and it makes a world of difference one way or the other.

Institutional and economic reforms transformed Japan from a class-divided society in which demands from below could only be framed as pleas to an aristocracy, into a class-society in which social stratification offered no inherent grounds for their dismissal. Citizenship carries its own legitimacy as a

²⁸In her analysis of Greek thought Hannah Arendt points out that, in the city-state, the *polis* and the household stand in opposition to one another. Equality existed only in the political realm, where man could enjoy freely the company of peers, unburdened by the necessities of life and by relations of power. The family was a creature of necessity, where even the ruler was bound by his obligation to exercise authority. The modern world, on the other hand, is far less capable (or willing) to keep the social and the political separate (Arendt, 1958, 32–33).

structural element of modern sovereignty, as the Japanese aristocracy had to learn from the ascent to political influence of the bourgeoisie, and the latter from the growing leverage of the masses. In *Restless Wave* Ishigaki records bourgeois resistance to the momentous expansion of political participation. Haru's uncle reacts with anger to the clamoring for recognition and protection of the Japanese working class, whose mobilization in the early decades of the twentieth century was prevailingly mediated by socialist ideas. Uncle was a wholesaler who managed to acquire widespread industrial interests during the economic boom that accompanied the First World War only to lose them in the ensuing depression. He lived in a luxurious house that combined Japanese and western architectural styles, revealing how self-servingly selective the process of inventing a tradition can be. At any given time, individuals in different classes, with different sets of interests, will attempt to accelerate social transformation in one area and to stymie it elsewhere. As a merchant, Uncle profited from the abandonment of feudal restrictions to social mobility, but he was unwilling to concede similar privileges to the working class. Labor unrest, he argues, violated the “natural” order of existing social relations that he defends by representing the family and the nation as being unproblematically homologous:

“In Japan,” he said, “there is a beautiful custom of parent and son relationship, and workers and employers have lived harmoniously like one family. To express it in a broader sense, the entire Japanese nation is one peaceful family—helping each other in times of trouble, worrying for each other. But the workers

nowadays have twisted minds and don't consider masters as masters. This is the bad influence of foreign materialistic civilization" (Ishigaki, 2004, 100).

Of course, "Uncle" is quick to condemn what he perceives as a western influence on labor relations, but he fails entirely to see his own entrepreneurship as an expression of an equally new bourgeois materialism. The changes he laments and the changes he tacitly accepts both stemmed from the deliberate reforms that the Japanese elite introduced to give the country a western system of production, and transform the legal framework of the state in accordance with western models. The result was an industrialized, constitutional monarchy, equipped with a modern draft army. With the organizational structure, however, Japan inevitably garnered a profusion of unintended consequences that affected social, economic, and political development along lines familiar to the student of modern nationalism.

Alongside internal factors, international competition in the era of colonial imperialism demanded a greatly increased level of centralization, which caused an unprecedented involvement of the state in the economic, political, and cultural life of its citizens. Everywhere in Japan, industries were developed and subsidized, banks founded, as were political parties and newspapers, while education and military service were both made compulsory in the 1870s. New administrative needs led to the progressive growth, both in size and number, of the apparatuses through which the state projected its power, and, consequently, to an expansion of the network of collaborators

directly or indirectly involved in administrative tasks. Increasing numbers of citizens began to appreciate that the central government was a very effective (and, after the reforms, the only) instrument of intervention towards which they could channel their needs and their sentiments. Clearly, the relation between state and nation is not a unidirectional flow of demands and resources. The modern state relies heavily on a vast manpower whose mobilization and loyalty represent both a practical and theoretical guarantee of sovereignty. Hence the universal utilization of mandatory schooling to disseminate a nationalist doctrine promoting a strong emotional attachment to the state, of course mediated through the naturalized construct of the nation. The content of nationalist ideology, however, is primarily political, with cultural aspects playing a secondary role to the three basic functions identified by John Breuilly: the *co-ordination* of a variety of political interest, the *mobilization* of new groups into politics, and the *legitimation* of a movement's objectives to outsiders (Breuilly, 1994, 93). In other words, state and nation influence each other constantly, favoring a high degree of complicity of significant segments of the population in the administration and perpetuation of power.

By the turn of the twentieth century, Japan was an active participant in a global political order (still in a phase of expansion) in which the legitimacy of state sovereignty was predicated on whether culture and territory formed a congruent unit.²⁹ In time, the emphasis on national homogeneity,

²⁹Ernest Gellner defines nationalism as a movement or sentiment that finds this principle normative and is aroused by its violation. In his view, nationalist doctrines become

implicit in nationalist doctrine, and the need to mobilize the entire population in order to reach the military and economic goals of the state, led to successful demands for wider political participation. Labor and conscription pulled high numbers of previously excluded individuals into a meaningful relation with the political center, giving them a platform from which to present their concerns and their demands in the sphere of public discourse in exchange for their loyalty and sacrifice. Individuals mobilized in this manner by state-nationalism are indeed subjected to new and more intense forms of surveillance, for instance, in the form of military discipline, but they are also given a powerful bargaining chip as the price of their acceptance of the fact that their interests and the interests of the state coincide fully. Clearly, the stability of the nation-state as a political structure depends to a much greater degree than its predecessors on the commitment it is able to command among the general population. For this very reason it is also the power apparatuses of the nation-states are particularly vulnerable to those interests that are capable of mobilizing popular support or acquiescence.

Concomitantly with similar processes in Europe, political rights in Japan were progressively expanded until they were coextensive with the nation, however defined (culturally, ethnically, or racially). One of the causes of “Uncle’s” displeasure is thus tied to a phase in the progressive elimina-

politically viable thanks to the effects of industrialization on traditional societies (Gellner, 1983). Modernization leads to greater homogeneity, literacy, mobility, and anonymity, all of which favor the development of mass political movements. There, is, therefore, a structural incentive to the construction of national identities as a source of political legitimacy and as an avenue of intervention into state policy.

tion of vertical barriers between castes, from which he benefited, and between classes, from which he felt threatened.³⁰ This process accentuated dramatically the problem of defining the limits of the political unit. It was no longer sufficient to simply determine the boundaries of the territory directly controlled by the state. The population under its control also had to be taken in consideration. Language, ethnicity, and culture became crucial indicators of a presumed essential likeness between individuals, in virtue of which they were constituted into a group with a valid claim to political self-determination.

In the eighteenth century the biological life of the citizen is invested with an essential political significance that it did not have before. Consequently, and as soon as it appears in our political vocabulary, the notion of humanity as a universal category of some kind, as sacred life without qualification, is overshadowed by the opposition of citizen to non-citizen, relevance to irrelevance, interiority to exteriority. In this set of binary oppositions an individual matters only when qualified by his/her participation in legitimizing the sovereignty of the state, whose power is now exercised in the name and for the well-being of the people. While these concepts will return in the course of this discussion, suffice it to say, for now, that the innovations introduced

³⁰The gender barrier to active political involvement was removed after the Second World War. Until then Japanese women expressed their “modernity” in a variety of ways, from fashion, to labor, to social activism of various kinds. Horizontal barriers, like ethnicity and race, represent a challenge of a different nature, since they can more easily become the foundation of competing claims to national self-determination which would threaten the break-up of the existing state into a multiplicity of successor states. These hardly apply to modern Japan, where insularity and centuries of centralization (on the basis of a feudal model of multiple and overlapping loyalties) had created enough linguistic and cultural homogeneity to make secessionist claims unfeasible.

in Japan were rapidly and inexorably transforming it from a territorial state, also a recent construction, into a population state. As such, modern Japan had much more in common with its western counterparts, even the liberal democracies, than is often inferred by selectively comparing political systems.

Giorgio Agamben notes that the usage of the word “people” in modern political discourse reveals a fundamental ambiguity in most western languages. In some contexts the word designates the constitutive political entity. In other contexts, the same word is used to refer to lower classes at the margin political participation. This is also reflected in the corresponding adjective “popular,” which connotes the cultural and material production of this particular group as lowbrow, common, and vulgar. The “people” thus lead a double life. As a singular, aggregate entity they constitute the body politic and are, as such, the holders of sovereignty; the political significance of individuals is consequent to their being constitutive parts of a metaphysical subject whose exercises of sovereign power, mainly through the apparatuses of the state, are both expression and evidence of a collective will. As a “fragmented multiplicity of bodies,” however, the “people” is eminently divisible into individualities that retain the pre-social characteristics of a naked life potentially exposed to material need and to the most radical of exclusions (Agamben, 1995, 199). Exclusion of this sort was produced, on a massive scale, by the impoverishment of the working-class through capitalist exploitation in the nineteenth century. “Poverty,” Giddens remarks, “was regarded as an indication of social inferiority; in Britain paupers placed in the work-

house forfeited the rights possessed by other citizens, to virtually the same degree as imprisoned criminals and the certified insane” (Giddens, 1987, 204). Improvement was only seen after the universal extension of political rights in the twentieth century.

Ancient and medieval societies were able, by contrast, to accommodate the paupers and the destitute in the existing social order by relegating them to the bottom of a rigid hierarchical structure. Since pre-modern economies were prevalently agrarian, and as slow to change as the political systems they sustained, the mobilization of large segments of the population was rare, and unlikely to carry any substantive political significance. For the subordinates, conflicts and their resolution were invariably framed in moral or ethical terms as questions of justice, and not in political terms, as infringements of rights. Custom determined the proper station of the individual, and the impossibility of movement between classes guaranteed the vertical stability of the social order. Ishigaki uses Haru’s persona to illustrate the radical difference in social and political dynamics between the class-divided society of the past and the class society of the present. Haru describes her early life with an imagery that emphasizes stillness and continuity:

My world in these days was a quiet world, like the mirrored surface of an ancient pool; without motion, without flow, reflecting the clear blue sky or the moving clouds, itself unchanged. Sometimes a wind ruffled the surface to waves, but it returned again to ancient, untroubled calm (Ishigaki, 2004, 92).

Except for the occasional ripple, caused by the forces of nature rather than the will of humans, there is, here, no sense of motion or of progress. There is, in fact, no sense of time. Later in the narrative, when her involvement with the Japanese labor movement attracts the attention of the authorities, water becomes a symbol of breathless rush, danger, and excitement. When a character identified simply as “Intelligence Officer” warns her that her public eccentricity might cost her the rewards of traditional femininity, meaning marriage, she struggles to conceal the inner tumult she experiences under a pretense of stupidity: “The restless waves in my mind felt as though they would dash into my face” (Ishigaki, 2004, 173). They dashed, instead, onto the cover of Haru’s memoir, to form a title, *Restless Wave*, that reflects both an individual psychological state and a zeitgeist.

Ishigaki and her persona, Haru, embrace in principle the forward rush of history and see the changes around them as irrevocable. Father, on the other hand, is less willing to abandon the past, perhaps as a defense against the utter instability of the present. His lingering nostalgia manifests itself when the family prepares to celebrate the Japanese New Year in the traditional manner. This episode is an illustration of the pre-modern order, now reduced to a an empty signifier of cultural identity. The ceremony is inherently hierarchical, with “Father” at the top followed by the heir, “Little Brother.” The two wear the exact same clothes, suggesting the ritual continuity and stability of the order they represent. At the bottom are the servants, who are not strictly part of the family, but are nevertheless included in the social

structure in an essential function. The passage in which the ceremony is described is worth quoting:

Father and Younger Brother sat on their cushions in front of the Tokonoma; Mother, Elder Sister and I faced them. The serving maid entered to pour the wine which opened the New Year ceremony. First she offered the red, shallow, lacquered wine-bowl to Father. He held it in both hands and drained it. Then, pouring a few drops into it, she handed it to Younger Brother, next in rank. Mother came next, then Nobu, and then I, sitting stiffly waiting for my share (Ishigaki, 2004, 47).

When, with the French Revolution, the people were declared the sole foundation of sovereignty, the ignorant and impoverished masses became an embarrassing presence in bourgeois societies. Collective dignity rested not only on financial assets, or capital, but also on the international standing of the body-politic with which one identified. From the perspective of the bourgeoisie, the mere existence of the abject masses always threatened to degrade the ideal of the sovereign nation by revealing the obdurate biological datum on which it rests. Not surprisingly, the eighteenth and nineteenth centuries were greatly preoccupied with education and hygiene as technologies that allowed the state to groom the individual for the dignity of citizenship.³¹

Unfortunately, the translation into political principle of these supposedly inalienable “Rights of Man” that modern liberalism unproblematically de-

³¹ Regardless of whether the democratization of European states functioned as a catalyst for the development of new technologies of the body, or whether these technology made the development of modern political structures possible, the two are intimately related. Foucault traces this connection from the anatomies of the body-as-machine, developed in the course of the seventeenth century, to the curiosity of the eighteenth century about the biological dynamics of larger groups, at the species/population level (Foucault, 1976, 123).

rived from nature was not straightforward. When the National Assembly of France proclaimed them, on August 27, 1789, it could not do so without tethering them to the citizen as their carrier. It is quite indicative, however, that, even today, the full title of the ‘Declaration of the Rights of Man and of the Citizen’ is commonly elided to exclude the portion that suggests a subordination, or dependence, of human rights on an established state structure willing to protect them. Here, mere editorial convenience conspires with what might be considered a disingenuous lapse of critical insight to conceal that no state in the history of modern western civilization would (or could) protect all human life indiscriminately. Citizenship thus became the legal threshold that separated not only different nationalities, but, more importantly, ‘Man,’ the carrier of rights, from human life as such, devoid of all political significance. In her analysis of modern totalitarian regimes (where we see the extreme consequences of this reasoning), Hannah Arendt poignantly affirms that “man had hardly appeared as a completely emancipated, completely isolated being who carried his dignity within himself without reference to some larger encompassing order, when he disappeared again into a member of a people” (Arendt, 1979, 291). The original structure of sovereignty, predicated, as Giorgio Agamben maintains, on the exception, thus came to the surface, and refused to be submerged again. In his view, modern bio-politics is forced to constantly redefine, on naked human existence, “the threshold which articulates and separates what is inside and what is outside” (Agamben, 1998, 131).

Haru's memoir mentions three noticeable encounters with marginalized individuals, teetering on the threshold that separates the human being from the human animal. The first two were fortuitous, while in the third instance she approached a group of outcasts of her own volition. Chronological order, however, is important. In 1919, Haru is a young student in Tokyo, leading a stylized, protected existence, with a very low tolerance for the rudeness and foul odors of coarse life in the slums. A school trip to a western-style textile factory occasions a brisk walk through an impoverished area of the city, where Haru unwittingly invades the privacy of the slum-dwellers. To her, the misery she witnesses is "but the way of the world," an insurmountable condition she can contemplate from a distance, "tingling with the drama of poverty." Until, that is, her aestheticizing gaze elicits an unanticipated response from the object of her observation. A disembodied voice shouts from a darkly lit interior, "Get away from here. I am not an animal in a zoo!" (Ishigaki, 2004, 109). She is startled by this sudden resurgence of the other, in protest against an unequal rapport in which it is reduced to being the object of someone else's intentionality. Haru is rebuked and driven off because her intent is merely contemplative and, as such, is contingent on establishing and maintaining critical distance between the observing subject and an abstracted object.

The utterance directed at her can hardly be construed as an order because of its lowly provenance. At the same time, it is not a plea meant to elicit sentiments of pity. It is a simple utterance whose directness forces Haru

to acknowledge a horrific likeness between herself and a socially degraded human being. Horrific because it questions the neat separation between the human and the anthropomorphic animal, marked by the rituals and etiquette of civilization. In modernity this distinction acquires a political emphasis, for the dignity of the sovereign nation as a holistic entity depends on it. Moreover, it is invested with the additional task of marking the separation between what is inside from what lies outside the political order in more than just geographical terms. Consequently, any lapse into our animal nature is implicitly intolerable, and the classic metaphor of the body politic as organism, with a hierarchy of functions ranging from the most transcendental to the most base and ignoble, is lacking. From the political point of view, all parts of the modern nation are not only equally important, but must also be equally dignified, or else the entire claim to sovereignty is in jeopardy.

Civilization first, and now also political order, rest on the negation of a nature that remains always visible, as George Bataille suggests, in the life of the flesh that we share with animals (Bataille, 1995, 63). It is this life that speaks to Haru from the slum, adopting a posture of radical passivity that obligates the interlocutor to an ethical response of some kind. Haru's running away should not be interpreted as a willful abandonment of the "other" motivated by fear, but as a latent recognition that she can find no basis for a proper relation. In her inability to make herself infinitely vulnerable to otherness, she cannot be an ethical subject. So she instinctively withdraws. The teacher who scolds her for losing composure, however, is not prepared

to concede that much. He therefore tries to capture the “other” in a web of knowledge (economic, sociological, medical) that is never intended to establish a rapport but only the subordination of the object to the subject: “These low creatures deserve their misery; it is of their own making” (Ishigaki, 2004, 113).

According to Emmanuel Levinas, the only ethical relation with the other is a “non-relation” in which the metaphysical “I” is dispossessed of what has been its defining characteristic since Descartes: the self’s presence to itself. Unless this rational, imperialistic consciousness that stands at the center of a ptolemaic universe is set aside, no immediacy is possible. Any kind of engagement, whether directed outwards or inwards, would only cloister the “I” further as an autonomous agent who decides on the quality and quantity of its involvement with the world. When it comes to the other, however, involvement is not a matter of choice. For Levinas, we are drawn towards it because we are unable to remain indifferent to this person’s mortality, just like we are not indifferent to our own. We thus feel obligated to approach from a position of complete vulnerability, fragile and exposed, and give ourselves over to a state of “being-for-the-other.” The use of the personal pronoun, however, is deceptive, because the original form of this relation must exclude the presence of separate identities interacting with one another. Pain and ecstasy are the two conditions most likely to excite an ethical response of this magnitude. In either case, the person experiencing these conditions is overwhelmed by them, and is thus “beside” himself or herself, with death

lurking at the extreme where the experience becomes, for obvious reasons, a non-experience. At the same time, the spectator's first impulse is to react not as a mere observer, that is, as a separate self, but to respond to the other's pain, or ecstasy, or death by responding to a trace of the other within himself or herself. One can thus say that both persons involved are beside themselves. For Levinas, radical passivity of this kind constitutes the only truly ethical relation with the other. Thomas Carl Wall points out that the kind of relation described here is by definition utterly devoid of intentionality, and may thus stand outside the realm of ethics proper. To intend such an ethics inadvertently extrudes the intending subject, amounting to a betrayal of the non-relation that is expected to actualize it:

That is what makes ethical intentionality an exposure. There is no realizable relation to the other that would be ethical through and through. There will only have been a fictioned, imagined relation—fragile as an image is fragile, ungraspable, unpossessible—a reality made up of nothingness. Outside any particular, defined relation to the other, there is this exposure to “no relation at all” that is an obsession with *Autrui* and that both orients and escapes me. In the end this relation is finitude itself; but it is read by Levinas as something like ethics (Wall, 1999, 34).

“Something like ethics” suffices as a basis from which to critique the three distinct yet homogenous responses to bare life in *Restless Wave*. All three fail to meet the formidable standards of Levinasian ethics, although Haru’s withdrawal is, comparatively, the most responsible reaction. The teacher, on the other hand, forces the other into a pre-packaged hermeneutical system

in which all relations are relations of production, and all actors are valued on the basis of their utility within the economic, industrial, bureaucratic, and military apparatuses set up by the Meiji oligarchs. This endemic disparity of value cannot be corrected by simply extending civil or political rights to more and more individuals in a progressive and otherwise desirable democratization of society. No matter how promising, the application of the political category of sovereignty to the phenomenon of the self sets aside the original ethical relation, as Levinas theorizes it, in favor of an affirmation of individuality that rests exclusively and, perhaps, deceptively, on the exercise of power. Also, modern rights—the Rights of Man—can only be attached to the attribute of citizenship which envelops biological life like a shell and signals its political relevance. But this relevance is recognized only within the particular political order guaranteed by the state, and is always subject to being withdrawn or lost, leaving the individual completely vulnerable to a violence that the law cannot encompass—a violence that is, thus, sovereign.

When the teacher refers to the slum dwellers as “these low creatures” he takes part in the sovereign production of a biological body whose exception (whose being taken out) marks the bio-political boundaries of the existing order. These boundaries, however, are eminently moveable, and segments of the population that were previously marginalized, also as a consequence of industrialization, might later benefit (within limits) from the inexhaustible need the modern state has for literate and healthy manpower, and for a population worthy of the dignity of sovereignty.

At the textile factory, Haru's schooling into the effects of modernization on Japanese society continues. There, the degradation of the impoverished to an existence that is, in relative terms, marginally human is extended to the working class. In the paltry half hour from the sounding of the lunch-break, the laboring women quickly clean their workstations and rush to the mess-hall where they eat without washing their hands. Once again, a figure of authority (in this case, an overseer) presumes to draw the line that separates himself and the schoolgirls from the spectacle before them: human animals ingesting victuals without any concern for manners and propriety. "All these girls are pigs," he says. At which they retort: "We don't mind if we are pigs or horses, just give us our food" (Ishigaki, 2004, 113). This conversation makes Haru blush; it makes her flesh show color as blood rushes about uncontrollably in the excitement of witnessing a breach of decorum. On one level, the women's response signifies a verbal breach of gender roles and expectations. The larger social context is one of pervasive class conflict, as indicated by the frequent strikes and the occasional riot that characterized the time. On another level, Haru's blushing may be interpreted as a reaction to the women's unabashed embracing of their carnal nature. It is the involuntary recognition of a fundamental likeness between herself and the working class women who constitute an "other" that her bourgeois cultural heritage presses her to negate categorically.

When it comes to the rational use of the national population, the interests of modern industry and those of the modern state are, in general, quite

compatible. However, the dynamism that characterizes both the political and the productive activities of modernizing nation-states, like nineteenth-century Japan, also affects social relations in ways that constantly undermine the coherence of nationalist ideology. This is particularly visible where an invented tradition naturalizes a division of labor along gender lines, and invests traditional family relations with a certain moral authority that easily carries over into political discourse. These distinct roles, however, are immediately (if not already) out of sync with the needs of modern industry, which, with the dramatic increase in industrial production of the nineteenth century, required more and more docile and inexpensive labor. As a result, women were being drawn away from the home (and the farm), and onto the factory floor, especially under the periodic pressure of large-scale industrialized warfare, when it is imperative for the survival of the state that production does not suffer from the diversion of male labor power to military activities.

The behavior of the women in the factory contrasts sharply with the ideal of Japanese womanhood that still guided young Haru's behavior. In *Restless Wave* the traditional values of female submissiveness and purity are represented by the grandmother, whose influence, however, is shown to diminish as the reforms in education and labor practices affect social relations, both in the home and in the workplace. Eventually, Father decides to remove his two daughters from their grandmother's care, and entrust their education to the modern system of public schooling. This certainly did not mean gender equality. Schools for middle class young ladies emphasized the domestic roles

of good wives and wise mothers that awaited them after graduation (Tipton, 2002, 151). This emphasis on the traditional value of mothering is commonly found in nationalist rhetoric. But one should not conclude, on this basis, that mothering as a generalized social function is a distinctive trait of pre-modern, class-divided societies, to which national reformers turn in search of authenticity. It is, rather, a reflection of the modern nation-state's vital need for a coherent strategy of population care, to ensure its political future. This future is tied to the management and exploitation of natural resources to economic and political ends; the former are realized in profitable industrial production, the latter in the continuation of the state as an autonomous and sovereign political entity within well defined boundaries. In the century leading towards the First World War, when these two forces are most dynamic, demographic increase was welcomed from both perspectives, since it provided the national economy with the necessary work-force, and the national army with a large pool from which to levy able-bodied recruits. The role of women as competent mothers is situated upstream of their offspring's induction into the army or labor force. Their task is to apply skills acquired through formal education to raise healthy bodies for the nation and to facilitate the socialization of their offspring in the economic, political, bureaucratic, or military apparatus by imparting generic skills and implanting the fundamentals of nationalist doctrine, starting with loyalty to the state.

Ayako Ishigaki shows us how traditional superstitions are readily put to use in nationalist discourse, rather than being simply discarded. The new-

year celebration in the Matsui household is a vivid example of ideological recycling. During the meal, Haru urges her sister to eat all her caviar, so that she might “have a thousand babies.” But Father is quick to point out that the caviar is merely the source of an analogy whose target are Japanese women, and that it possess no magical or medical properties that might bring about the desired result. “It is,” he says, “a reminder to Japanese women to bear as many children as they can” (Ishigaki, 2004, 48). This is no mere debunking of an old superstition. In fact, the general message is quite useful, provided that the misplaced emphasis on female fertility for the sake of the husband, or the narrow family unit, is redirected towards a national duty to increase the demographic power of the state. As if to underline this connection, Ishigaki tells us that the family feast was immediately followed by a ”special assembly” at the school, which the two girls were expected to attend to be “reminded of [their] national duties” (Ishigaki, 2004, 50)

A “New” Code of National Ethics

Grandmother’s values and her views of gender roles were formed before the Meiji reforms, at a time when the concept of national loyalty was still undeveloped, and are thus disconnected from it. In place of an abstract attachment to the state, expected to be shared by all Japanese citizens, there were various personal loyalties to feudal lords, families, or individuals, regulated by an aristocratic code of honor or by Confucian ethics. The vast agrarian population was largely excluded from these networks, and was thus

the target of a milder ideology that stressed the importance of rank, submission, and obedience. This sufficed for as long as the farmer's relation to authority revolved largely around the collection of revenue. But when industrialization and the introduction of conscription mobilized the rural masses into activities of vital importance for the survival of the state, it became necessary to actively cultivate the proper sentiments of loyalty among the commoners.³² With a certain degree of irony, *Bushido* furnished a language through which to instill certain values into the general population, with the advantage of carrying the full weight of tradition. Of course, the irony lies in the devaluation of the figure of the aristocratic warrior that accompanies, invariably, the eventual extension of military service to the masses. In a way, the institution of a modern military structure concludes the transition of the *samurai* class, initiated in the seventeenth century, from warrior to official, and now to officer. The qualitative distinction between *samurai* and

³²In the seventeenth century the Japanese system of values was still closely related to Chinese Confucianism. A distinct Japanese identity was not framed in national terms, and thus in tension with neighboring nations like China, but in opposition to other "barbarian" populations, of which western intruders furnished a prime example. In the seventeenth century began a gradual process of re-evaluation that distanced Japanese Confucianism from that of its "parent civilization" in China. This search for cultural autonomy was, perhaps, a response to Chinese ineffectiveness in confronting intruders from the West. Perhaps, in the eyes of some scholars a Japan organized according to the Chinese model might prove equally incapable of preserving its sovereignty. Of course, the language of this reform was the language of morality and ethics, especially in relation to the values of the warrior class. Confucian scholar Yamaga Sato thus urged the samurai to accept their moral responsibility to furnish not only military, but also political and intellectual leadership, effectively reconciling *Bushido* and Confucian ethics. In the eighteenth century Motoori Norinaga led a Shinto revival that emphasized an ethnocentric conception of good and evil, based on Japanese tradition, and stressed the absolute nature of the political authority of the emperor. These doctrines were considered subversive in the late Tokugawa period (Beasley, 2000, 17–19).

commoner that characterizes the old, class-divided society, is all but gone in the class society that develops out of the Meiji restoration.³³ As citizens, all subjects are equally part of the “nation,” whether rendered metaphorically as body politic or as “family,” and all share with one another the same fundamental values and the same fundamental qualities, from the poorest peasant all the way up to the Emperor. The contradiction with the belief in the divine origin and nature of the Emperor, which would certainly amount to a qualitative difference from the rest of the population, is only apparent. A sense of that difference is certainly maintained in popular cultural practices, and must be acknowledged as an enduring trait of the previous class-divided society. However, from the point of view of modern political theory (and the stated objective of Meiji reformers was to institute a modern state), the divine attribute invites a degree of abstraction of the sovereign power vested in the Emperor that enables the transition to a constitutional system, in which hereditary monarchy, sovereign power, and rule of law are declared indistinguishable. This is implied in articles one, three, and four of the Meiji Constitution of 1889: “1. The Empire of Japan shall be reigned over and governed by a line of Emperors unbroken for ages eternal. [Article 2. is a provision of male succession.] 3. The Emperor is sacred and inviolable. 4. The Emperor is the head of the Empire, combining in Himself the rights of

³³Michael Barnhart notes that “the *samurai* rightly saw conscription as the death knell of their status as a class. Many of them moved toward resistance, gathering under traditionalist Saigō in Satsuma” (Barnhart, 1995, 10). Adding to the insult, the *samurai* rebellion in Satsuma was quickly crushed by Chōshū’s more modern conscript army.

sovereignty, and exercises them, according to the provisions of the present Constitution” (Ito, 1906). Sovereignty belongs not to Emperor Meiji, the signatory of the Constitution, but to an eternal line of Emperors, whose body is sacred and inviolable. Emperor Meiji thus possesses two bodies: one, of a mortal nature, the body of Mutsuhito, the Prince who ascended the throne as Meiji Tennō (Emperor of Enlightened Rule); the other, a *corpus mysticus* very similar, in function at least, to the one developed for the monarchy by European legal theorists between the Middle Ages and the period of Absolutism, when the concept came to full political maturity. In *The King's Two Bodies*, a fundamental study of this topic, Ernst H. Kantorowicz argues that this notion represents the solution to the problem of the continuation of corporate bodies, whose extension in space, as a plurality of persons, did not, *per se*, guarantee their extension in time:

To say it once more, the most significant feature of the personified collectives and corporate bodies was that they projected into past and future, that they preserved their identity despite changes, and that therefore they were legally immortal. The detachment of the corporate *universitas* from its individual components resulted in the relative insignificance of these mortal components who at any given moment constituted the collective; they were unimportant as compared to the immortal body politic itself which survived its constituents, and could survive even its own physical destruction (Kantorowicz, 1997, 311-312).

Kantorowicz continues with the related problem of how to guarantee the perpetuity of the head of the body politic, and traces the doctrine of the immortality of kingly authority to the idea that while the King's body dies,

Royal Dignity is immortal, and continues in the successor. His analysis of the historical development of the concepts of continuous succession of individuals, perpetuity of the corporate body, and Royal *Dignitas* in Medieval political theology is certainly peripheral to the history of the development of modern institutions in Japan. In general terms, however, the problems that the concepts examined by Kantorowitz were designed to solve regard the relation of the individual to a corporate body on the wide end of the political funnel, and to the specific authority which represents the collective on the narrow end. Power is channelled in the direction of the authority lodged at the narrow end where it is utilized and directed to a variety of tasks, ostensibly for the common good. Due to the increase in pressure at the top, the total power output of the funnel is greater than the mere sum of its constituent parts, which justifies pragmatically aggregations of this sort. For the authority at the top, however, the problem of legitimacy is a constant concern, whether the funnel is conceived as hanging from its summit by divine right, or resting on its base like in modern polyarchies. The power capacity of the entire system can then be increased in absolute terms by widening the diameter of the base. This can be accomplished by territorial acquisition (imperialism) and demographic growth (nationalism). In relative terms, the same result can be achieved by extending the length of the funnel by multiplying the yield of individual exertion through technology (organization of labor, industrialization).

These questions were no less urgent in early modern Japan than they were in medieval or modern Europe. By the turn of the twentieth century, both locales were subject to heavy industrialization, which introduced forces that were conducive to the creation of a common environment with common problems. In this environment, the fate of the entire national community was, or was believed to be, at stake in all the activities, be they economic, cultural, or martial, where one nation-state came into contact with another. Nowhere is this new reality more visible than in the development of industrialized warfare, which transformed war from an art, a vocation, or a prerogative of a military aristocracy into a condition from which no-one is exempt. With the world wars of the twentieth century, our capacity to create complex and contained artificial environments, from ancient cities to the modern metropolis, developed into the ability to create artificial habitats that differ from the former in the narrow confines they establish for human life. The trench in the First World War and the death-camp in the Second World War are the clearest examples.

In 1905, just two years after the birth of Ayako Ishigaki, Japanese scholar Inazo Nitobe published *Bushido: The Soul of Japan*. In this famous book, originally written in English and later translated into Japanese, Nitobe attempted to explain Japanese values and culture to western readers by drawing comparison with western morality, ethics, and the familiar concept of chivalry. Here is a clear example of how international relations provide an essential context for the development of a “national consciousness,” for they

occasion the necessary juxtaposition of cultural and political identities from which a sense of the uniqueness of one's own nation can be derived. Indeed, *must* be derived! Cultural distinctiveness and political autonomy go hand in hand in modern political systems that have come to conceptualize the nation and the state as territorially, demographically, and culturally coextensive. The argument is made that nations are universals, that they are natural, and that they are necessary (not contingent) historical formations. In order to mobilize the general public around this fundamental principle of international political organization nationalist ideologies are developed to justify the existence and authority of the state as the expression of the pre-existing values of a unique national community in need of being reminded of its historical destiny.

In his book, Nitobe offers a reminder of this kind when he laments the uncertain future of the *Bushido* code of ethics as more seductive modern philosophies, identified as materialism and utilitarianism, assert themselves in Japan (Nitobe, 1979, 182–193). His complaint is, however, disingenuous, as such calls to return to a valuable past, coming from self-appointed paladins of the national spirit, often are. It was precisely the social and economic transformations that brought feudal Japan to an end that gave *Bushido* a second chance when the abolition of certain social and economic relations deprived its normative power of virtually any material referent. The one elective affinity with the new system that allowed it to become a component of the national ideology was, perhaps, the emphasis on elective loyalty. In

the feudal period this loyalty was directed to the lord a *samurai* served; in modern Japan it could easily be turned towards the state, perhaps through the symbolic figure of the Emperor, as arranged successfully by the Meiji oligarchs.³⁴ Nitobe, however, naturalizes the dissemination of this particular set of values among the general population in a manner that mixes, characteristically, nostalgia and historicism:

In manifold ways has Bushido filtered down from the social class where it originated, and acted as leaven among the masses, furnishing a moral standard for the whole people. The Precepts of Knighthood, begun at first as the glory of the *élite*, became in time an aspiration and inspiration to the nation at large; and though the populace could not attain the moral height of those loftier souls, yet *Yamato Damashii*, the Soul of Japan, ultimately came to express the *Volkgeist* of the Island Realm (Nitobe, 1979, 163–164).

The reference to a “Volkgeist,” a national spirit, is a clear indication that the writer had adopted key theoretical concepts about the nation from western philosophy and culture. He then employed them to explain the Japanese national character in terms that a European or American audience would more easily understand: namely, the Romantic discovery of the idea of folk identity, and of the vernacular as the vehicle of expression of a collective

³⁴Nitobe perceptively notes this characteristic by contrasting Japanese ethics with the primacy of filial duties found in Chinese Confucianism. He follows this point with a parable in which a Japanese father finds honor in sacrificing the life of his child to save the child of his lord—with explicit references to Abraham’s intended sacrifice of his son, Isaac, in the Bible. In this case also relations of loyalty to a sovereign supersede blood relations (Nitobe, 1979, 83–87)

sensibility and collective will.³⁵ Obviously, Nitobe did not need to justify the Japanese claim to nationhood before the international community. Nor did he need to argue the necessity of gathering the ethnic component under a single, national government, by a policy of unification of smaller units or separation from a larger multi-national empire. In this regard, Japan's insularity and its historical imperviousness to invasion by foreign naval forces created better conditions for the achievement of political centralization and cultural homogeneity than were present, for instance, in nineteenth-century Continental Europe—if one thinks of the Italian and German examples. Japan did, however, feel the pressure of racism, in newspapers, books, and the foreign policy of western countries. It is therefore quite understandable that scholars like Nitobe would turn to a potentially hostile audience in the hope of showing that in Japan a civilization had arisen deserving of equal treatment by the international community. Ultimately, the most persuasive argument for international prestige did not derive from the exchange of ideas initiated by

³⁵The political dangers of this idea of the nation as a metaphysical whole was clear to Emile Durkheim, who rejected it decisively. One of the tasks of modern ethnography, as he conceived it, was to destabilize such claims of biological and cultural purity as the foundation of political action, by including the most diverse and distant indigenous populations in the search for shared, universal values (Thom, 2003, 35). If such values are found, then they are susceptible to being charged with political valence, and of having a destabilizing effect on the nation-state whose only truly universal principle is the reluctant recognition of other states like itself. What nationalists would like us to overlook is that theirs is a very narrow and specialized conception of the nation as a culturally homogenous and politically autonomous constitution, residing on a territory without solution of continuity. However, should autonomous national formations be recognized politically on the basis of cultural distinctiveness, as expressed most conspicuously in the use of different languages, an estimated 8000 recorded languages would certainly yield a larger crop than the measly 191 current members of the United Nations (Gellner, 1983, 44).

Nitobe, but from military success over Czarist Russia in 1905. In that same year Nitobe published his book dedicated to disclosing the Japanese “soul” to English-speaking readers, whose interest was piqued by the emergence of this Asian power. Military success certainly persuaded U.S. President Theodore Roosevelt that Japan was fully entitled to equal treatment and all due consideration. As a statesman, and perhaps only in this narrow sense, he was able to transcend the limited horizon imposed by Western racial prejudice, and he worked skillfully to prevent the more virulent regional forms of hostility towards Asians from driving the two countries into a confrontation (Bailey, 1964).³⁶

The 1905 victory over Russia is a crucial moment in the development of Japanese nationalism. The domestic backlash when the terms of the Treaty of Portsmouth became known was so severe that it discredited the oligarchic elite that had governed the country since the Meiji restoration. A vast propaganda campaign had encouraged the general population to support this foreign adventure through the purchase of war bonds and by enlisting in the armed forces. It is therefore not surprising that they were deeply disappointed by the discrepancy between the military and the diplomatic outcomes of the war, and, ultimately, by the poor performance of their government

³⁶At the same time, the specter of an Asian power capable of rivaling western states persuaded many that war was inevitable. This point of view was best expressed in Homer Lea's *The Valor of Ignorance* (1909), in which the author expounded on the prevalent theories of historical development, natural laws, and the strength and weaknesses of nations, warned of the softness, decadence, and military unpreparedness of the U.S., and then proceeded to outline the strategies Japan was most likely to adopt to attack and invade the United States, Hawaii, and the Philippines (Lea, 1942).

in contrast with its pre-war and wartime domestic rhetoric. After the loss of 80,000 lives, the expectation was for Japan to walk out of the negotiations sponsored by President Theodore Roosevelt with significant territorial gains at Russia's expense. To the Japanese, recognition of freedom of action in Korea, acquisition of the Russian lease of the Kwantung peninsula, control of the South Manchuria Railway, and the southern half of the island of Sakhalin, were not just inadequate concessions, but outright insults. Clearly, the Japanese governing elite, which was interested in gaining recognition for Japan on the international stage, and believed it had found it in the Portsmouth negotiations, had failed to factor into their calculations that the mobilization of previously excluded segments of the national body was neither a controllable nor a reversible process. Although the secrecy they imposed on the proceedings betrayed a certain trepidation on their part. Public anger erupted in large demonstrations that, in some instances, degenerated into full-blown riots. In one case, at Hibya Park, Tokyo, more than one thousand people were killed during the protests. Politically, however, the main victim was the top-down state-nationalism that had characterized the relation between the government and the population up to that point. From then on Japanese politicians were forced to take into account a kind of nationalist discourse that appropriated the language created by the Meiji oligarchs to describe the obligations of the citizen towards the state, and applied it to the question of ethnicity.³⁷

³⁷For a study of the importance of the Russo-Japanese war in changing the nature of the relation between citizens and government in Japan, see S.Okamoto, *The Japanese*

Ethnic nationalism of this kind is both unable and unwilling to distinguish between state and nation, and assumes that the interests of the two are, or must be, identical. In this climate, the relation between the state and civil society changes along the lines indicated by Poggi, moving away from the absolutist conception of power, for which society is a complex aggregate to be managed in the interest of the state, and towards a liberal conception, in which the state is an instrument of society's autonomous development (Poggi, 1990, 52–54). Poggi here describes the affirmation of bourgeois liberal constitutionalism in eighteenth and nineteenth century Europe as a way of imposing limits on the absolute power of the sovereign, and, by implication, of the state. For the bourgeoisie to be able to play this role, it must have already developed a high level of economic and cultural autonomy—a condition that, in Meiji Japan, was partially created through political and economic reform, and fast-paced industrialization. Poggi explains the appeal of the idea of the nation in the late nineteenth and early twentieth century as an “unintended, belated effect of the reversal in the relationship between state and society” (Poggi, 1990, 62). The primacy of the latter over the former also increases the credibility of nationalist claims as a basis for social and political action, often in opposition to the aristocratic elite responsible for the modernization in the first place. This helps us understand the far-reaching effects of the popular reactions to the Treaty of Portsmouth on Japanese politics. Especially in the discrediting of government officials who,

Oligarchy and the Russo-Japanese War.

like Foreign Minister and Portsmouth negotiator Komura Jutaro, appeared to have handled international affairs in the interest of the state and without taking into account the sentiments of the “nation.” However, it seems to me that nationalism always seeks to bridge the gap between state and society, so important for bourgeois liberalism, in the name of an authenticity that, under the new principle of self-determination, is entitled to an autonomous political outlet. In doing so it does not argue for a return to the old absolutist model in which the state is the supreme power. Instead, it urges civil society to give itself over willingly and ecstatically to a corporate political entity whose only *raison d'être* is to act for the good of the nation.

With the need to take into account the desires and expectations of the national “crowd,” public relations became an inescapable element of modern politics. Interestingly, in the early years of the twentieth century, Japanese and American statesmen were facing very similar challenges in gaining public support for costly policies that affected the state's ability to function effectively in relation (or in opposition) to other states, but had only an indirect impact on the lives and concerns of their constituencies. On both sides of the Pacific, naval expansion was a controversial topic and advocates of the necessity of building an adequate fleet had to overcome some resistance from competing interests. The Japanese navy had acquitted itself well in the Sino-Japanese war, and the decisive victory over the Russians in 1905 added to its prestige among the general population. Navy ministers and officers realized that elite-level bargaining might not be sufficient to secure

the necessary funding for a program of naval expansion that intended to match Japan's competitors in the Pacific, England and the United States. Thus, they began a public relations campaign that involved the staging of spectacular events, like the induction of new battleships and the 1913 Grand Maneuver of the Fleet, in coordination with a covert use of the newspapers to raise awareness of plausible threats to national security if Japan failed to strengthen its Navy.³⁸ We are still very far from the militarism of the late 1930s.³⁹ At this point, we are dealing with the contingencies of the introduction of political and technological novelties. For instance, the institution of the Diet, in 1890, was largely responsible for the development of party politics as an alternative sphere for the articulation of demands, bypassing the traditional exclusion from access to state power of certain strata of the population typical of class-divided societies. While, initially, parties lacked any political clout, and were viewed with contempt by the traditional elite, they later acquired their own power-base in the masses that industrialization, the institution of a draft army, and heavy public borrowing to finance war with China and then Russia, had placed in a direct relationship with the

³⁸See J. Charles Schenking's 'The politics of pragmatism and pageantry' in *Nation and Nationalism in Japan*. Ed. Sandra Wilson. New York: RoutledgeCurzon, 2002.

³⁹An important legal instrument for the enforcement of conformity in Japan was by the 1925 Peace Preservation Act which was being applied strictly after 1928. The first targets were Japanese communists and sympathizers, soon followed by other radicals, liberals, backers of constitutional monarchy, totaling over 75,000 arrests by 1945. Until 1937, however, Japanese society was still pluralistic and it would be inappropriate to describe the regime as totalitarian. With the promulgation of the National Mobilization Law in 1938 the entire national economy was regimented to function in unison with military objectives. Military spending rose from 9 to 38 percent of the Gross National Expenditure (Beasley, 2000, 176–192).

apparatuses of the state.

Charles Schencking begins his analysis of the pageantry that surrounded the “sale” of a large national navy to the Japanese people by remarking that the “intimate connection” between naval expansion and nationalism was by no means unique to Japan. In Germany, Britain and the United States, the adoption of similar policies, stemming from similar concerns, was handled in a manner conducive to the excitement of comparable sentiments of national pride among the population (Schencking, 2002, 21). Indeed, when Theodore Roosevelt sent the U.S. Fleet on a world-cruise in 1907, his goal was to impress not only the Japanese government and the international community, but also the American people. Gaining popular support was, he felt, an effective way of overcoming opposition to further financing in a hostile Senate (Bailey, 1964, 221–2). The cruise was successful on all counts. Although the fleet set to sea in a moment of strained relations with Japan—right after the 1906 San Francisco Board of Education incident and the riots that followed—its arrival in foreign ports generated much good will towards the United States and helped defuse the existing tension.

That a U.S. president and a Japanese minister of the navy (Yamamoto Gonnohyōe) successfully adopted the same strategy to pressure their legislatures to approve increased spending in naval armaments is an indication of the degree to which Japan had become an integral part of the system of nation-states. This was true not only from the point of view of technology and law, but also in the adoption of ideas correlated, by elective affinity,

with the material changes we associate with modernity. I am referring, principally, to the idea that the nation is the essential political unit, and that the legitimacy of the state depends on its capacity to act in accordance with the nation's collective will. As diverse as the two societies otherwise were, their public opinion was now equally susceptible to manipulation by demagogic appeals to patriotic sentiments.

This tendency was destined to become more pronounced, especially after the right to self-determination was announced by President Woodrow Wilson as the new ordering principle of the geo-political space vacated by the collapse of the Habsburg multinational empire. For the populations displaced by the redrawing of Europe's political map the available options were either to live as ethnic minorities in a host state, under the protection of special laws, or to relocate to a nation-state that corresponded to their ethnic background. The massive population exchanges between neighboring states that followed clearly show a popular perception of human rights as an attribute of nationality.⁴⁰ It is also clear that the value of national rights depended entirely on affiliation with an existing state structure willing to guarantee

⁴⁰Gabriel Kolko sums up the situation as follows: "After 1918 a huge population movement throughout Europe displaced the lives of countless millions as people acted to save their own life or were forced to move as a result of treaties such as those signed at Lausanne in 1923. Refugees from Russia to the rest of Europe and the Far East have been estimated at anywhere from 900,000 to 3 million, with the figure of 2 million being most likely. About a million Germans left areas given to Poland and France at the Paris Peace Conference; about a half-million Hungarians returned to postwar Hungary; and nearly a million Poles moved to the formerly German part of Poland. The Lausanne Treaty ordered 1.2 million Greeks out of Turkey and 400,000 Turks from Greece. Many millions—no one knows precisely how many—were uprooted and compelled to begin life anew (Kolko, 1994, 105).

them. When no such willingness was forthcoming the result was statelessness, a status that was abhorred by everyone affected as a condition that prejudiced a person's humanity. Arendt writes:

Because of it, they [the stateless] were regarded as savages and, afraid that they might end by being considered beasts, they insisted on their nationality, the last sign of their former citizenship, as their only remaining and recognized tie with humanity (Arendt, 1979, 300).

With the application of the nationality principle as a criterion for self-determination, the identification of nationality and citizenship was reinforced. The restrictive effects of this identification (by no means immediate, absolute, or uncontested) are amplified by the nature of the modern state which is characterized, also, by a thoroughly formalized exercise of power. In other words, the state responds to subjects it is able to recognize. Externally, those subjects are other states, and the kind of response they elicit can be cooperative or antagonistic, or a mixture of both; internally, they are the citizens, the carriers of rights, who expect, and generally obtain, a cooperative response. Mere humanity, on the other hand, and in spite of all good intentions evidenced by the various declarations of rights, has never been a sufficient protection against the use of arbitrary violence against the individual by the state. On the contrary, the possibility of a radically antagonistic relation with the state remains always open, although more extreme consequences are contingent on the loss of the privileges of citizenship either *de jure*, by denationalization, or *de facto*, by banishment and internment.

Ironically enough, it is precisely statelessness that puts the naked human being before power. But if human rights are the *only* rights an individual can claim, it is to no avail. From this perspective, the appearance of irredentist movements, the exchanges of populations between neighboring states, and the enormous refugee problem after the First World War, are all indications that the conflation of nationality and citizenship could produce great anxiety and insecurity in the masses that was sublimated, in part, in manifestations of nationalistic fervor.⁴¹

The so-called refugee problem was not limited to the immediate post-war years but kept expanding in scope. In the late thirties Sir John Hope Simpson conducted a detailed survey of the situation for the Royal Institute of International Affairs, with financial assistance from, among others, the Rockefeller Foundation. In this extensive report he noted that the problem was systemic. With every realignment, the international political order founded on the comity of nation-states produced statelessness in populations that did not “fit into the scheme of nationalities.” At the same time, there were no legal provisions for the reabsorption of the displaced populations. The much touted “right of asylum” was, in fact, Simpson notes, a privilege conferred by the state, and not “a condition inherent in the individual” (Simpson, 1939,

⁴¹In this regard Hannah Arendt notes that “stateless people were as convinced as the minorities that loss of national rights was identical with loss of human rights, that the former inevitably entailed the latter” (Arendt, 1979, 292). “Nationality is, here, equated with citizenship, which is a status that only the state can award. It is clear from Arendt’s discussion that the confusion of the two notions arises particularly after the Great War, although the underlying ideas were operative in Western political thinking since at least the eighteenth century, if not, as Schmitt maintains, since the Wars of Religion.

230–231). Thus, the forceful affirmation of national identity as the natural foundation of politics was accompanied, from the beginning, by powerful processes of exclusion whose most radical consequence was the ubiquitous institution of the camp as a homeland for those who lost their original nationality and were unable to acquire another through naturalization.⁴² At the center of this push and pull for national rights is the state, an ancient institution that, in modern times, has produced the nation as a byproduct of its functioning. More precisely, the historical development of the state into the vehicle of a centralized, coordinated, depersonalized, formalized, and autonomous power produced an opportunity for the idea of national identity to assert itself as the main trope in the discourse of sovereignty.

In America and Japan the appeal to nationalist sentiments proved to be a powerful tool for the manipulation of public opinion to specific political ends, but it is also a liability. The state may well hold a monopoly of the means of violence on a certain territory, but not necessarily have a similar control of the double-edged sword of nationalist discourse. In Japan, for instance, Meiji state-nationalism succumbed to political strategies that appealed to the newly formed collective identity, but shifted the focus of identification

⁴²Sir John Hope Simpson studied the refugee problem from the First World War to the mass expulsions from Nazi Germany at the eve of the Second World War. The volume outlines the dimensions of the refugee phenomenon, spanning the entirety of continental Europe, the British isles, Russia, the Balkans, and the Ottoman Empire. The camp is clearly indicated as the refugees' temporary residence while awaiting dispersal. There is nothing dramatic about this structure at the time of writing of this report. The camp is mentioned as a "friendly space" which contrasts with the hostile space from which the refugee fled or was expelled (Simpson, 1939).

from the formal apparatus of the state, with the Emperor at the institutional summit, to the metaphysical unity of the ethnic nation, with the Emperor as the symbolic center. In this manner, the parties in the Diet, the Army, and the Navy were able to encroach on the exclusive entitlement of the aristocracy to access and direct the resources of the state. The unintended outcome of these maneuvers was an increase in the responsiveness of the state to the demands of the constituency, at least when these are properly channelled through party politics or the patriotic discourse of the armed forces.

As suggested also by the Japanese case, it is clear that the manifest objective of nationalist politics is to obtain and use state power, ostensibly for the purpose of upholding the true interest and values of the nation.⁴³ From a strategic standpoint, the challenge to the status quo is not effectuated by appealing to constituted power and pursued through the established channels. Nationalist movements question the legitimacy of the exiting order in the name of a constitutive power, identified with the people, that is not subject to any institutional or procedural restraints. This appeal to the conflictual origin of politics, fraught with danger, uncertainty, and possibility, is not a characteristic of particular movements but is part of the very structure of sovereignty. What is peculiar to nationalist movements, however, is that they attempt to define the constitutive body *a priori* through the construct of the

⁴³Breuilly maintains that nationalist movements, and nationalisms in general, are political creatures and, as such, must be approached from their aspirations: “To focus upon culture, ideology, identity, class or modernisation is to neglect the fundamental point that nationalism is, above and beyond all else, about politics and that politics is about power. Power, in the modern world, is principally about control of the state (Breuilly, 1994, 1).

nation. Consequently, the care of the nation becomes a primary concern of the sovereign, whose political legitimacy now depends on the identification of the sovereign entity with a part-biological, part-cultural datum. In addition, the mobilization of the masses to economic and political ends, especially when these involve the creation of new sovereignties, always leaves in the system a residual energy that must be constantly monitored and controlled, just as it is being directed and exploited. This is necessary to prevent it from engendering new challenges to the legitimacy of the political elite that governs the state.⁴⁴

John Breuilly suggests that nationalist ideology can play three functions within a political movement: co-ordination of diverse political interests, mobilization of groups previously excluded from politics, and legitimization of the goals and methods to outsiders (Breuilly, 1994, 93). These are not peculiar to nationalism and can be found at work providing a rationale for action in a variety of politico-institutional arrangements. What varies, according to Breuilly, is the emphasis and relative weight of each function. In a traditional monarchy, for instance, legitimization and coordination play a more important

⁴⁴Throughout the Japenese-American crisis of 1906–7, for instance, statesmen on both sides of the Pacific were hard pressed to sustain a foreign policy of compromise and appeasement without giving their constituencies the impression of weakness before a foreign power. Japanese politicians, who had learnt the lesson of Portsmouth, were especially keen not to project internally an image of subservience to the United States. Both governments, however, had to deal with its own jingoistic press and its attempts to inflame public opinion. In Japan, some newspapers printed exaggerated reports of the decision by the San Francisco Board of Education to exclude Japanese children from schools, and tried to turn the event into a source of national outrage and indignation; Theodore Roosevelt had to contend with attempts to use the world-cruise of the U.S. Navy to generate a war hysteria (Bailey, 1964, 229).

role than mobilization, while in nationalist politics legitimization plays only a secondary role, provided the other two functions suffice in guaranteeing success. In Japan, all three functions seem to have been directed inwards. Reform-minded Meiji oligarchs coordinated their efforts very successfully, and took advantage of the strain under which outside pressure had placed the Tokugawa Shogunate. They were also successful in enlisting the prestige of the Emperor to give legitimacy to what was clearly a subversion, on their part, of the existing government. Only later was the mobilizing function of nationalist discourse deployed to ensure the active support of the general population in strengthening the state industrially and militarily. While the Japanese were asked to contribute and sacrifice more, economically and personally, they were assured that their stakes in the national venture would also be higher, for profit or for loss.

In *Restless Wave*, Ayako Ishigaki portrays very effectively the dissemination of nationalist discourse among the general population by institutions of learning, and their further transmission and reinforcement in the family. Her formal education included a course in ethics from which students were to derive a proper sense of their national duties, according to gender. Ishigaki mentions one particular narrative that was employed as a vehicle for the instruction of men and women in national ethics, the story of General Nogi and of his wife. Following the death of Emperor Meiji, they chose suicide as a demonstration of loyalty and devotion. Timothy Brennan claims that the decisive influence of romantic ideas on the ideological makeup of modern

nationalism is particularly evident in the invention, recuperation, and adaptation of heroic narratives of the nation (Brennan, 2003, 44). Narratives that emphasize moments of cultural and political unity and authenticity, that nationalist ideology transfigures into a collective spirit endowed with historical will. In essence, that is the function of the Nogi narrative in the popular ideology developed by Japanese state-nationalism. After all, the state possessed both the resources and the opportunity to adopt this romantic trope and circulate broadly a controlled version of the narrative through its institutions. In doing so, however, it infused with prestige a free floating discourse and made it widely available to more radical expressions of nationalist sentiments based on ethnic rather than political identity .

Thus, Haru's younger brother, "thrusting out his chest covered with toy medals," incorporates the Nogi myth into his childhood games, while Haru herself is encouraged to view "Madame General Nogi" as an example of true Japanese womanhood (Ishigaki, 2004, 82).⁴⁵ But for this narrative to function as a carrier for the supreme value of national loyalty, it must be interpreted normatively in the restrictive context of nationalist discourse.

⁴⁵According to Inazo Nitobe, recourse to ritual suicide by women should always be accompanied by a concern with propriety, and modesty. While the example he gives in his book are of a women killing themselves to avoid rape, one wonders whether "Madame General Nogi" had followed the precepts he mentions when she "pierced her heart and achieved a beautiful end" (Ishigaki, 2004, 83). Nitobe writes: "It was a disgrace to her [woman] not to know the proper way in which she had to perpetrate self-distruction. For example, little as she was taught in anatomy, she must know the exact spot to cut her throat; she must know how to tie her lower limbs together with a belt so that, whatever the agonies of death might be, her corpse be found in utmost modesty with the limbs properly composed" (Nitobe, 1979, 141).

All possible allusion to other types of bonding between men (and men and women) are reduced to cultural background noise, drowned by the glorious din of the march of progress. Constant repetition and early indoctrination in the national school system disseminate correct interpretations easily, and with no need for much sophistication since the objective of top-down state-nationalism is to affect the population on average. Haru herself is an example of the system's failure to control every individual interpretation. She starts by doubting that Madame Nogi qualifies as "the mirror of Woman" solely in virtue of an act of suicide motivated by the desire to follow her spouse. Early nineteenth-century nationalist ideology places her at two removes from the nation, here symbolized by the deceased Emperor. She is linked to the sovereign through her husband, the General, who performs the primary sacrifice. Haru is motivated by a budding concern with the role of women in the world, that might well be a projection of Ishigaki's mature feminist ideas. From this perspective, she is able to question the official interpretation of the Nogi story by adding some biographical detail that allows the couple to step out of the iconic narrative as more complete human beings. For example, that the General was aggrieved by the loss of life caused by his campaigns, and that he and his wife had lost two sons to the same wars. Haru's new portrait never questions the General's loyalty to Emperor Meiji or Madame Nogi's devotion to her spouse, but it certainly challenges the flatness of the received narrative and its univocal interpretation. What is truly striking is the callousness of nationalist doctrine towards any sentiment whose direct or

indirect referent is not the nation. Just consider Father's recrimination that the General should have "continued to live and serve the nation" (Ishigaki, 2004, 82).

Father's corrective establishes clearly that the appropriate object of a citizen's devotion should not be the person of the Emperor, which is transient, but the metaphysical nation, which endures. If one looks at the short poems that General and Madame Nogi had written before their self-inflicted deaths, no transcendent referent is apparent. Quite apart from the two authors' intentions, an unorthodox reading of the poems might even suggest that at the delicate moment of the sovereign's death the bond of loyalty is, if not dissolved, at least subject to re-negotiation, and that its renewal might not be as spontaneous as is desirable for the sake of domestic peace. Customs and legal provisions mandating dynastic continuity, generally along the patrilineal line but not eschewing rule by women, have gone a long way towards defusing the regularly recurring menace of the sovereign's death to the durability of the political edifice. Not to mention the constant interference of capricious accident and artful intrigue in ending prematurely the sovereign's life. At any rate, the price of the theological, political, and, ultimately, legal defenses of the principle of sovereignty was the gradual separation of sovereign *Dignitas* from the physical person of the ruler, as Kantorowitz shows for Western Europe. Ironically, this process of abstraction, so fundamental to the establishment of seventeenth and eighteenth-century absolutism, also led towards a conception of sovereign power as the attribute of a national assembly, how-

ever initially restricted, rather than a single person.

From the perspective of Japanese nationalism, General Nogi is something of an anachronism. His choice not to let the bond of loyalty dissolve with the Emperor's death belongs to feudal Japan, when all such bonds were strictly personal, and not in a modern nation. Madame Nogi, on the other hand, had already discharged her duties towards the nation as a mother who lost two sons in her country's wars. Her final act of loyalty, seemingly towards her spouse, is quite simply accepted as such and receives no further comment from Father. Only Haru is compelled to seek other explanations and, in doing so, fills the two short poems with a wealth of plausible emotions, from grief, to regret, to guilt, to weariness of the world.⁴⁶ By comparison, reading the poems for their political implications makes them seem arid and simple, though not quite as simple as nationalist propaganda would have them be. They exemplify a dangerous form of personal loyalty, whose only redeeming quality is that it is directed at an institutional figure which has been identified very strongly with both the state and the nation, and has been co-opted by Japanese state-nationalism. Although the key, here, might not be the needs of the nation as much as those of the state whose coherence and integrity might be imperiled by uncontrolled allegiances between individuals. In an interesting observation, Michael Foucault suggests that western civilization

⁴⁶General Nogi's poem reads as follows: "From this mirrored world/His god has withdrawn;/In my great sovereign lord's/August footsteps following,/I too depart." Madame Nogi: "He is gone.../From today's Imperial visit/ They say there is no return./I will be sad/To meet Him today" (Ishigaki, 2004, 83).

has long considered strong bonds of friendship between men to be indeed dangerous:

For centuries after antiquity, friendship was a very important kind of social relation: a social relation within which people had a certain freedom, certain kind of choice (limited of course), as well as very intense emotional relations. There were also economic and social implications to these relationships — they were obliged to help their friends, and so on. I think that in the sixteenth and seventeenth centuries, we see these kinds of friendships disappearing, at least in the male society. And friendship begins to become something other than that. You can find, from the sixteenth century on, texts that explicitly criticize friendship as something dangerous.

The army, bureaucracy, administration, universities, schools and so on — in the modern sense of these words — cannot function with such intense friendships (Foucault, 1997, 170–171).

It is in the interest of the modern institutions associated with the organization, exercise, and projection of state power to encourage people to view their obligations in relation to abstractions rather than concrete persons. In this manner, a multiplicity of individual relations are reduced to an equivalence that makes each participant potentially interchangeable with another. Intricate and overlapping webs of friendships and enmities are replaced by an intense emotional attachment to a single metaphysical subject. Its intensity is proportional to the sense of isolation experienced by an individual that has been deprived of all other forms of social leverage. Within the boundaries of the modern nation-state, the only relations that seem to have objective social reality, and thus real effectiveness in the world, occur not between persons,

but between their national avatars, and even so at specific public functions like the raising of flags, parading of armies, and singing of anthems. In a sense, nationalism is the political equivalent of the fetishism of commodities: in appearance, its mystical character derives from an increase of the self in the group, while, in fact, it is the product of the loss of a material relation with the other.

A Test of Ethics

The third and last encounter with the marginalized associates Haru Matsui with Christian-Socialist reformer Kagawa Toyohiko. Dubbed the “Japanese Gandhi,” Kagawa had spent several years in the Kobe slums trying, unsuccessfully, to alleviate the plight of the very poorest. His overall strategy was the introduction of new modes of labor organization that, he thought, would mitigate the effects of uncontrolled industrial development. His response to the social crisis before him was very personal. He drew on his faith for a model of ethical conduct, and found it in the ascetic ideal of the selfless Christian saint. This choice involved immersing oneself in the living conditions of the destitute, which, in turn, implied a progressive degradation of the body for the sake of social and spiritual salvation. Kagawa’s political writings and poems made an impression on Haru, who, at the time, felt she was living a life “without significance,” the life of a parasite. She decided to contact him in the hope that embracing his cause would give her a sense of purpose and direction (Ishigaki, 2004, 149). The mere presence of a man

who bore on his body the repercussions of his principles made her speechless. Here was someone so dedicated to his mission of social uplift and reform that he was willing to suffer physically and financially. Could she do that much?

By the end of the chapter Haru recognizes her inability to achieve the same kind of selflessness she sees in Mr and Mrs Kagawa. She finds her “romantic” notions of self-denying dedication inadequate to cope with the harsh reality before her. To her, the slums were a tool for her own redemption and she could not imagine them to have a substance of their own. In a way, they are “below” her. But she soon discovers that her fragile idealism is no match for the sights, sounds, and odors of naked human existence. It shudders at the first assault, when Mr Kagawa takes her through the alleys where the Eta outcasts live, and it collapses with the last, when she faces the prospect of a more intimate contact in the public bathhouse. It is Mrs Kagawa that takes her to the ultimate test of her noble intentions: to mingle with the diseased bodies of the Eta in a medium (water) that opposes a communal experience to the separateness of individual existence.

The Eta, or *Burakumin*, are a remnant of the old Japanese caste system whose exclusion is historically connected to their association with “unclean” occupations like butchering, the handling of corpses, and the execution of capital punishment. Widespread intolerance towards this group seems to have begun with the introduction of Buddhism, in the middle of the sixth century, and was connected to the abhorrence of meat consumption especially among Buddhist priests. In a legal form, it persisted until the Meiji

restoration of 1868 when the separate status of the Eta was administratively abolished and the group was re-named “new common people.”⁴⁷ In this reform is reflected the concern of modern Japan with the gradual, though incessant, production of a culturally and biologically homogeneous population to match the political confines of the state. This intervention is not prompted by the physical extension of the national territory to new areas where such homogeneity might be lacking. It concerns solely the redefinition of the concept of state boundary in the shift from a state form based on the dominion or the principality to a form grounded in fixed territorial sovereignty. The transition from frontiers to borders is characteristic of what Anthony Giddens calls a “realignment of states’ boundaries” that begins with the establishment of the European absolutist states and escalates with the transition to the modern world-system of nation-states (Giddens, 1987, 89). Unlike the frontier, which is porous and represents an area of attenuated control and interest by a central government, the border demarcates the outer limit of state sovereignty in absolute terms. One sovereignty ends where another begins, with no overlap. Independent sovereignties were thus driven to expand or contract the territory under their exclusive control to

⁴⁷In spite of all attempts at reform, social discrimination against the *Burakumin* (“village people”) continues to this day. For the relations between Buddhism and *Burakumin* discrimination in contemporary Japan see Leslie D. Alldritt, ‘The *Burakumin*: The Complicity of Japanese Buddhism in Oppression and an Opportunity for Liberation.’ The article was published online by the *Journal of Buddhist Ethics* (<http://jbe.gold.ac.uk/7/alldritt001.html>). Hugh H. Smythe and Yoshimasa Naitoh offer a brief social history, with observation on the situation in 1953 in the two-part article ‘The Eta Caste in Japan.’

its “natural” boundaries. The doctrine did not refer only to easily defensible geographic formations, like rivers or mountain ranges, but primarily to a culturally and linguistically homogenous population that the nation-state claimed to represent. Obviously, states and their apparatuses played a decisive role in the production of that homogenous population, through forced migration, military service, and education, while care of a strictly biological nature was entrusted to the medical apparatuses.

In the course of the nineteenth and twentieth centuries this European phenomenon quickly became a global one. Meiji Japan was the first Asian political entity to see an advantage in the new system, and to adapt to it. However, the abrupt transition from a feudal to a modern regime required significant and continued efforts by the state to encourage the formation of something like a national consciousness. One of the main obstacles to this endeavor was that the population was accustomed to rule by domain and networks of loyalty were configured locally. A sense of national obligation did not come “naturally,” but had to be cultivated in order to persuade people of the necessity to make sacrifices for the nation-state. Barracks, newspapers, and, especially, primary schools were disseminated on the national territory to propagate a new world-view in which Japan was no longer an isolated realm with multiple centers of power, but a single sovereign entity interacting and competing with similar entities on the vast stage of international relations.⁴⁸

⁴⁸Nationalist discourse in Japan did not just mount in intensity, but also in variety. As Sandra Wilson notes, the state was never successful in imposing complete ideological orthodoxy, although by the end of the Meiji period the nation was, at least politically, an

This concept is neatly represented in world-maps, like the one Haru's father placed in the dining room. Clearly, political geography is not meant to be the interest of the erudite or the specialist.⁴⁹ In the Matsui household the map occupies a central space where it can be used for didactic purposes, and where all members of the family can see it daily and internalize the sense of order it conveys. On the map nations-states are color-coded, and their colors never bleed into one-another but are neatly separated with sharp edges:

On the wall in the dining room hung a large map of the world, and often after dinner Father pointed to the pretty pink of Japan, to the soft green of China, and across the wide expanse of blue to the yellow of the United States. He discussed different customs in these and other countries. It became a game for us to find New York, London, Paris, Berlin, and other cities on the map (Ishigaki, 2004, 18).

These colors are not simply descriptive, but programmatic since they symbolize the organic homogeneity that nationalisms, both state-driven and

"established fact" (Wilson, 2002, 8). There were always competing views of the meaning and content of national identity. For some the center was the emperor or the constitution, for others the people and their needs; some looked to economic strength, some to military expansion in East Asia. But the idea that Japan was cultural and political entity with all sovereign prerogatives concentrated in a single administrative unit, was never in question.

⁴⁹The analogy between the state and biological organisms was commonly found, at the end of the nineteenth century, in anthropological and sociological literature, as well as in modern geography. German geographer Friederich Ratzel, considered the founder of political geography, saw the expansion and contraction of borders as an indication of the vitality of states. He elaborated the concept of *lebensraum*, or "living space," to describe the natural tendency of a people to fill all available geographical space. His political geography suits very well the imperialistic model, but, as Giddens argues, it cannot be equally applied to the nation-state which is defined by clearly demarcated borders (Giddens, 1987, 49).

populist, seek to establish and reinforce.⁵⁰ While internal coherence is often expressed in ethnic terms, even in a relatively small population ethnicity can only refer to a shared cultural heritage and not, with much credibility, to a common biological origin. In fact, as Hobsbawm reminds us, the visible ethnic or racial attributes have more often served as vertical differentiators, separating a society into castes or classes, than as horizontal dividers, separating entire populations.⁵¹ The concern with the population as a whole is entirely modern, although its underlying logic is not. Its basis is a very old analogy that likens the state to an organism whose existence depends on the harmonious functioning of all parts. When not taken literally, the analogy describes quite accurately how cooperation between the diverse elements that constitute this structure yields a degree of effectiveness in the world, a power,

⁵⁰China’s “soft green” also indicates the progressive diffusion of the system through East Asia. For over half a century Japanese leaders of the Meiji period saw China as an example of futile resistance to Western economic and political principles, not to be followed. Conversely, China looked at Japan as an example to emulate, especially after its defeat in the Sino-Japanese war of 1894–95. During the early years of the twentieth century there was a lively movement of scholars and students between the two countries. Many factors contributed to the exchange, including the recent Meiji educational and language reforms, the geographical proximity of Japan, and a budding sense of cultural affinity among East Asian countries as a possible counterweight to western pressure (Tam, 1990). Military success by the modernized Japanese Army and Navy, both against China in 1894–95 and Russia in 1904–05, made for a very convincing argument on the necessity of reform after the hybrid model adopted by Japan.

⁵¹Hobsbawm also notes that the use of visible ethnicity is generally negative because it is employed to define “the other” while one’s group of provenance is perceived as neutral and entirely homogenous. In addition, negative ethnicity rarely produces a viable nationalist or proto-nationalist movement, except where a particularly homogenous population is associated with a historical state tradition, as in Japan and China (Hobsbawm, 2002, 65–67). Here too, however, the initiative to capitalize on ethnic or racial differentiation between large groups remains with the state, whose practical goal was to foster exclusive loyalty to the central government.

that cannot be explained as the mere sum of the individual contributions. It is quite a leap, although a common one, to argue from these premises that the state constitutes an autonomous and coherent entity. Even Hobbes, a dedicated advocate of the absolute nature of sovereign power, was not willing to incur in this fallacy and clarified, in the introduction to *Leviathan*, that he considered the state to be an artificial person leading an artificial life.⁵² His nominalism contrast sharply with philosophical idealism of platonic origin. For Plato the whole has primacy over the part, and the latter has no identity separate from its purpose in relation to a totality.

In modern times the illusion that the state is characterized by a real, as opposed to a fictitious existence is amplified by the intensity and importance of international relations, by a depersonalization of the sovereign, and by a geometrical magnification of state power though technology. To a vulnerable and individualized observer the existence of a metaphysical subject behind or above the immense power of the modern state seems both inevitable and necessary. Popular sovereignty, coupled with the social and political effects of industrialization, introduced the potentiality of infinite fragmentation of the sovereign will that animates this fictive person. The idea of the nation, less fluid than the empirical “people,” brings some degree of order and predictability to modern politics, although it also introduces the idea that the

⁵²Alessandro Passerin D'Entrèves considers the state a set of power relations and agrees with Hobbes for what regards its artificial nature. The attribution of a “personality” to the state is a juridical fiction or a philosophical hypothesis that cannot be empirically verified. He contrasts Hobbes's nominalism with Plato's realist doctrine of the objective existence of universal concepts (D'Entrèves, 1962).

lower strata need to be redeemed from a brutish existence for the medical health, economic prosperity, and political dignity of the entire body politic. From this perspective, Kagawa Toyohiko's missionary spirit fails to meet the stringent demands of Levinasian ethics since it does not answer the irresistible call of the "other," but a calling to fulfill the historical destiny of nations.⁵³

It is noteworthy that the position of the Eta at the bottom of the Japanese class system was not determined by ethnic or racial considerations. What set them apart from the rest of the population was their association with certain lines of work. It is as if, originally, the handling of corpses and the butchering of animals had polluted them with a knowledge of the biological reality of life as such, apprehended in a purely materialistic sense. This knowledge defies the horror of death and putrefaction that seems to be present in all cultures. Georges Bataille conceptualizes this aversion as horror before nature. More precisely, it is a horror of nature's exuberance as expressed in the two liminal experiences of human life: death and birth. In his economic theory, life processes in general are characterized by an extravagant expendi-

⁵³Thomas Carl Wall cites a convergence between Levinas and Agamben on the necessary betrayal involved in a proper ethical experience. Ethics in this sense escapes us decisively for as long intent involves a destiny to fulfill or a task to complete, both attributes of the modern subject. (Wall, 1999, 50–51). To the extent that we value disinterestedness over sycophancy and altruism over egoism as desirable premises in a relation, then we have a paradox even in the most inconspicuous of attitudes: the harder one tries to make oneself selfless, the more one brings into focus the consciousness involved in that pursuit. Clearly, there is no experience of the other can be ethical through and through, for even the mere presupposition of an essential individuality, on either side of the relation, is an impassable hindrance. Endless approximation thus seems to be the only option.

ture of resources. At every step, death represents the most luxurious release of energy that life then consumes. Unlike animals, who only fear death, human beings are also aware of it and this knowledge constitutes the peculiar curse of humanity. Yet the anguish this knowledge produces in the midst of the most luxurious of lives is also the defining moment of the human, as opposed to the animal (Bataille, 1995, 79–86). By extension, individuals who could endure daily contact with death and maintain their sanity must have been thought to have the same diminished awareness. Handlers of corpses and disposers of carcasses, butchers, and those involved in the processing of hides and furs thus came to occupy a very special position in the hierarchy of being. Their labor relegated them to a zone of indistinction between the human and the animal, and earned them the appellation “full of filth” (*eta*) and “four-legged” (*yotsu*) (Ishigaki, 2004, 152).⁵⁴

By the time Haru encounters the Eta, the origin of their untouchable status is a dim memory and all that remains is an assumption of inferiority and the habit of discrimination among the populace. The Meiji reformers attempted to break this habit by imperial decree to encourage the development of the unified national consciousness that the nation-state needs for its political, industrial, and military functioning. On the surface, these seem to be internal matters that reinforce a conception of the nation-state as a self-contained, autonomous unit with claims of absolute sovereignty within

⁵⁴For the meaning of *eta* and *yotsu* in Japanese I refer to Leslie D. Alldritt, ‘The *Burakumin*: The Complicity of Japanese Buddhism in Oppression and an Opportunity for Liberation.’

clearly delimitated boundaries. But the claim itself has meaning only within the system that developed in Europe in the eighteenth and nineteenth centuries and enveloped the globe in the twentieth. What is specifically “national” about this process is that large populations acquire uniform identities whose internal coherence derives from the political presumption that certain boundaries reflect an absolute differentiation between essential natures.

Kazuko Kuramoto and The Nation as Total Identity

Kazuko Kuramoto’s memoir, *Manchurian Legacy*, is a good illustration of the total character of national identity. This social fiction subsumes the self so completely that when the individual is stripped of this layer the bleakest despair takes hold. A sense of utter insecurity and vulnerability will perdures until this center of gravity of modern selfhood is somehow restored. Kuramoto bears witness to a sudden collapse of ontological certainty that has nothing of the gradualism seen in Ishigaki. The latter was able, at least in part, to control the pace and direction of her estrangement from a specific form of national identification in favor of a universalist approach to identity-formation. Her path to emancipation followed the compass of socialist and feminist critique, which she applied equally to her native Japan and to the country of her immigrant experience, The United States.

Kazuko Kuramoto was the daughter of an official representative of the Japanese government in Dairen, currenlty Dalian, in eastern Manchuria, where she was born in 1927. Japan acquired the Russian lease on the city

and on the adjoining Kwantung peninsula with the Treaty of Portsmouth, at the close of the Russo-Japanese war of 1904-05. Dairen remained a part of the Japanese Empire until it was occupied by the Soviet Union, in 1945. Kuramoto thus came of age in a province of the Empire where, as a member of the ruling elite, she enjoyed significant privileges that came abruptly to an end with the Japanese surrender. Once the shield of colonial power was removed, she felt the full brunt of a change of status from ruling class to refugee. In the introduction she compares the experience of the Manchurian Japanese with that of Japanese Americans, and points out that they had followed opposite directions. Geographically, one group travelled east, to the Asian continent, while the other went west, to Hawaii and the Americas; socially and politically, one group would have the opportunity to practice prejudice and discrimination, while the other would suffer under it. One circumstance, however, allows us to draw limited analogies between the two situations: at the end of the war the Japanese colonists in Manchuria underwent a radical reversal in status that placed them in a political vacuum similar to the one realized in a concentration camp.

Kuramoto's memoir actually begins with an emphasis on national identity, foreshadowing the trauma caused by its loss. Her first description of herself is in a chapter entitled 'The Young Patriot' which portrays her family as it was being swept by the general mobilization of Japanese society for all-out war in the Pacific. Two brothers had already been drafted in the service of the Emperor, and now, close to graduation from a junior college for

girls, Kazuko, too, wished to do her part as a member of the Japanese Red Cross Nurse Corps. Her admiration for the uniformed girl on the recruitment poster matches the tone and rhetoric of the propaganda to which she was exposed at school.⁵⁵ The image before her speaks of romantic adventure, independence, and loyal commitment to the supreme good of the national cause.

Although the discursive production of modern national identity is heavily gendered, the distinction between masculine and feminine roles is much less pronounced than in traditional society. In *Manchurian Legacy* the Red Cross provides the opportunity of service in the state's military apparatus for women also, although on a strictly voluntary basis. Kazuko's desire to fill that role unmasks a disquieting disparity between the official rhetoric of femininity and the readiness with which the state can forego it when this is convenient for its day-to-day operations as well as long-term goals. Cousin Toru is baffled by Kazuko's decision to join the auxiliary organization, and can only rationalize it as an attempt to overcome social strictures on feminine behavior. His perplexity becomes even greater when he tries to make light of her "playing soldier" and is informed that *they* (for she is no longer an

⁵⁵I do not wish to over-emphasize the negative connotations of the word "propaganda," which is often understood as an official version that stands opposed to a truthful account. Our ability to recognize propaganda in this sense as biased information often derives from our particular subject-position in respect to the discourse that targets us and its referent. Thus, foreign propaganda is generally easier to debunk than domestic, simply because distance attenuates its power and we have access to alternative sources of information. No public space, however, is free of propaganda since it is a fundamental trait of the modern state that it propagates information and interpretations, and it claims the right to do so exclusively on its territory.

individual but part of a paramilitary unit) had received drills from a regular army sergeant: “Drills? Girls doing drills?” (Kuramoto, 1999, 23).

Kazuko’s induction in the Red Cross marks a transition from the autonomy of civilian life to a regime that shows many of the characteristics of a total institution. As a cadet nurse she is segregated from her habitual social surroundings, including family and friends; all activities conform to an overall rational plan and fulfill the goals of the institution; all activities are collective and coordinated, leaving no room for the expression of individuality or dissent, and they occur according to a predetermined schedule; privacy is abolished by communal living arrangements and by constant staff surveillance; all aspects of life are supervised and directed by a single authority; all communications with the outside are monitored and censored, as Kazuko realizes when the Chief Nurse confronts her about her description of the Red Cross as a “glorified prison” in a personal letter (Kuramoto, 1999, 7–8). For Erving Goffmann, an institution can be said to have a total character when it breaks down the barriers that keep separate the three spheres into which social life can be very broadly divided: sleep, play, and work. Within each sphere there certainly are varying degrees of authority, group coordination, surveillance, scheduling, and so forth, but generally there will be limited overlapping. By and large, one will be able to enter and exit each institutional compartment, moving between family, work, and recreation, while leaving the figures of authority that govern each area largely in the dark about what happens elsewhere. The same is true of relatives, coworkers, and friends.

Moreover, certain activities are by their own nature less prone to becoming highly controlled and disciplined than others (Goffman, 1961).

The hallmark of a total institution is the regimentation of all aspects of life, accompanied by hostility towards any site of resistance. Oppositional locations can be found in those social structures that offer the self respite from the institutional pressure to conform to a limited set of predetermined social roles, especially when they are devised only in the interest of institutional goals. For Goffman, the household performs that social function, and this circumstance places it in structural opposition to totalitarian claims coming from outside. In their turn, total institutions have consistently tried to limit contact between the persons in their care and their families, or at least to control as much as possible the modalities of those interactions. Thus, when we register significant and consistent tensions between a larger institution and the family, we should ask whether totalizing strategies are at play and how aggressively they are being deployed.

Total institutions are powerful social mechanisms, and this power manifests itself within the household as soon as Kazuko states her intent to join the Red Cross. In doing so she conjures the specter of nationalist discourse which strips her parents immediately of their authority. This suggests, however, that the source of that force is not with the institution itself, where power is directed inwards at controlling the recruits, but with the entity that gives such apparatuses unity of purpose and direction: the modern nation-state. One must note, here, that the total character of the modern state

becomes more and more accentuated with the development of political nationalism from the mobilization of the masses. Direct involvement of large numbers of people in all aspects of state life, especially in war, forced the ruling classes to compete for their loyalty. In response to the risks involved in such bargaining, the state developed apparatuses and technologies for the production of loyalty on the basis of national homogeneity. The success of this ideological operation, however, depended on a naturalization of the nation that competed covertly with similar claims by the household. In spite of the well-constructed paternalistic analogies between the nation and the family, nationalist rhetoric must constantly undermine parental authority to foster a sentiment of exclusive loyalty towards the state.

With little enthusiasm, and hoping that the duration of nurse training would outlast the war, Kazuko's parents give in. They were, Kazuko realizes, "trapped" in a web of nationalist discourse that threatened to alienate them from their daughter if, by resisting, they put her in the position of having to choose between family and nation. Despite her triumph, however, the young volunteer is at a loss witnessing her mother's distress. After all, she expected the same joyful farewell her brothers received after they were drafted into the Imperial Army. She expected the celebratory red rice meal and a war hero's public farewell at Dairen port to the triple cry of *Tenno-heika, Banzai!* Although at seventeen years of age Kuramoto's autobiographical persona is too inexperienced to discern her family's true feelings about the war, her recollection of the send-off party for her brother Kay gives us, the readers,

sufficient indications of the underlying emotions. Her later self would have noticed the obvious sarcasm amidst the toasting and singing of Kay and his friends' celebration of their imminent departure:

“Banzai” someone shouted.

“*Tenno-heika, Banzai* (Long live the emperor!)” Someone else made it more formal.

“Hey, don’t forget to holler it with your last breath!” another added. Japanese soldiers were expected to salute the emperor with their last breath on the battlefield.

“Hell!” Kay stood up suddenly. “To hell with it. I salute my mother!” Kay held up his sake cup and shouted, “*Okaa-san, Banzai!* (Long live Mother!)”

A sudden hush filled the room. Then everyone followed Kay’s lead, hurriedly and cheerfully.

“Yeah, right. *Okaa-san, Banzai! Okaa-san, Banzai!*” they toasted Mother. (Kuramoto, 1999, 3)

The contraposition between the irresistible bio-political demand of national allegiance and the biological urgency of familial loyalty could not be more outspoken.⁵⁶ Gradually, Kazuko comes to the realization that, as social constructs, the family and the nation might not be as homologous as her nationalist indoctrination has led her to believe. But before she allows herself to accept this incongruity, the facade of social and political conformity that supports the dominant nationalist ideology must show some cracks. She begins to notice the first fissures when the glamour of war is diminished by the

⁵⁶I am not trying to suggest, here, that familial loyalty is an inevitable biological fact, but that in the development of individual consciousness it takes precedence, chronologically, over socialization in the larger group. It will thus continue to maintain a primary claim on an individual’s sense of obligation, security, and trust, both positively and negatively.

depersonalizing strategies of military training and, especially, by the clear disparity between the ideological representation of warfare and its experiential reality. Although Kazuko never had direct battlefield experience, and thus lacks the foundations for an existential understanding of war, the chronic need for medical personnel at the front prompts the school to expedite her and her comrades' preparation by admitting them to early hospital training. The dissection of a cadaver, a Chinese "coolie," provokes the most intense reactions in the girls. Under institutional pressure, however, any temptation to generalize their revulsion is immediately suppressed: "None of us talked about this experience during the rest of the day, going through the motion of daily tasks as if nothing had happened" (Kuramoto, 1999, 7). Only at night, shrouded by darkness in their beds, they dare vent their distress with sobs and whimpers that, having no audience, remain empty of political content.

Kazuko's unhappiness with institutional life makes her somewhat receptive to the subversive, anti-imperialist discourse she unexpectedly finds in a letter from her friend, Kunio. Bitter over the conduct of the war and the blindness of the Japanese military and civilian elite to impending defeat, he lashes out against the generational sacrifice at whose cost national goals are being pursued. What it means for him, and for Kazuko, is that war is transformed from a profession, or a duty, or a romantic adventure, into an existential condition in which the individual is entirely at the mercy of inexplicable forces that follow an unfathomable logic of their own. Drilling, coordination, the use of sophisticated technologies, industrial and strategic

planning give war an appearance of rationality that does not hold up against the reality of its conduct.

The total character of modern warfare is given by the mobilization of civil society and all national productive forces to one single end, but also by the radicalization of the aims of war in the contraposition of total victory to total defeat. With the Potsdam Declaration of July 26, 1945, the U.S., Britain, and China, demanded Japan's unconditional surrender, promising utter destruction if the conditions were not met. Unsuccessfully, Japanese negotiators sought a Russian mediation to obtain acceptable peace terms. The proposal included disarmament and demobilization, the conduct of war-crime trials under Japanese law, no occupation forces on the home islands, and the preservation of the Emperor.⁵⁷ For the Japanese Army destruction was preferable to the complete surrender of national sovereignty, and, even after the allies made good on their promise of destruction by dropping the first atomic bomb on Hiroshima, army representatives held to their positions

⁵⁷This was the state of things on July 13, 1945, almost one month before Hiroshima. On that date Japanese Foreign Minister Shigenori Togo communicated to his ambassador in Moscow, utilizing a code the Allies had long cracked, that “unconditional surrender [was] the only obstacle to peace” (Zinn, 2005, 423). The political objective of the nuclear attack against Japan was to ensure it surrendered to the United States and not to the Soviet Union. The latter had agreed to declare war on Japan ninety days after the end of hostilities in Europe, and the deadline fell on August 8. What was really at stake was the distribution of influence around the globe among the victorious powers. According to historian Gabriel Kolko, the Italian surrender on September 8, 1943, was the test-case that set the policy: whereas Moscow wanted to establish a formal body to conduct negotiations and determine the political fate of Axis countries, the United States and Britain preferred policy to be determined by military conquest. Stalin implicitly accepted this arrangement, which gave each block complete control over the areas overrun by their armies, regardless of the wishes of the local population, as became evident in Greece (Kolko, 1994, 265–310). The surrender of Japan to the “right” Ally was, thus, an overriding concern.

that Japan should resist invasion at all costs. When the Emperor took a rare political initiative and accepted the Postdam ultimatum, some officers even tried, unsuccessfully, to steal the record of the surrender speech before it was aired to the population and the troops.

Sovereignty in the modern nation-state is an uncompromising principle, and its loss or limitation appears to all political actors as a threat to the very survival of the state, the ruling class, and, surprisingly, the entire national population. War of this kind dramatizes to the point of absurdity the essential link between the attribute of nationality and political citizenship for the determination of what constitutes a human being and a life worth living. The prospect of losing citizenship rights is terrifying, and Kuramoto's memoir expresses very clearly the fear engendered by the sense of abandonment she experiences after the Japanese surrender, even before her home-town is overrun by enemy troops. With the sudden collapse of the imperial structure she and her family are transformed, in a moment, into refugees in their native Manchuria. The intensity of her reaction to the radio announcement of the surrender can only be understood as a sign of the ideological inevitability of the nation in modern politics, and the subordination of individual identity to the national idea.

From the beginning of the memoir it is clear that Kazuko considers Manchuria her home. It is also clear that by joining the Red Cross she proclaims her loyalty to Japan, from which Manchuria is geographically, historically, and culturally distinct. These two locations have been forced

together by modern Japanese imperialism, and by its policies of colonial settlement. Cousin Toru, who is piqued by her patriotism, provokes her into a nationality game in which the starting point is statelessness, which also happens to be the highest penalty: “Suppose you were stateless, and given a choice of becoming Korean or Manchurian, which would you choose?” Unhesitatingly, Kazuko answers “Manchurian,” and argues that her choice is motivated by familiarity with Dairen and her complete ignorance of Korea (Kuramoto, 1999, 25). Toru expected this answer and readily counters that, as a Manchurian Nisei, she is equally ignorant of Japan. What is, then, the source of a connection so powerful that she deemed it necessary to put her life on hold and don a uniform that symbolizes loyal service to a country she has never even visited? After all, the choice is between two equal unknowns.

Her immediate rejection of Korea is disingenuous, but very revealing of the contradiction between the nationality principle and the political economy of imperialism. According to Kazuko, Koreans were *almost* Japanese. In other words, the annexation of 1910 made them part of the Japanese state, as subjects, but not of the Japanese nation. Nationality is crucially linked with sovereignty, even in a constitutional monarchy like Japan, and it cannot be diluted without endangering the already precarious stability of the entire political structure. Kazuko’s argument is particularly interesting because her subject position induces her to answer Toru’s challenge by applying selectively the two principles by which citizenship is determined: by place of birth (*ius soli*) and by descent (*ius sanguinis*). She can thus

argue that she retains a vital political connection with Japan by blood, and claim, at the same time, the right of citizenship in Manchuria by birth. Both options appear entirely natural to her, even though they point to different geopolitical referents. Strictly from the point of view of nation-state citizenship colonialism tends to produce abnormality, since in a normal situation the two criterions for its determination would give the same result: a single, named, territorially bounded nation-state. Either Manchuria, or Japan, or Korea, but none of this confusing mixture.

At a second reading of *Manchurian Legacy* one begins to notice the dramatic irony. At this point she is still able to resolve Toru's hypothetical because imperial power irons out all inconsistencies. After the Japanese defeat, however, the same problem will reappear with the seriousness of a life-and-death predicament. Kazuko and her family hear the Emperor announce the unconditional surrender over their radio in the provincial town of Furanten, where her father had been transferred in an official capacity in March 1945. Fearful of the advance of the Soviet Army from the north, Chiang Khai-shek's Nationalist Army from the south-east, and of the activities of the Communist guerrillas, the Japanese of Furanten decide to take refuge in Dairen. When they arrive they find the city transformed and Kazuko realizes quickly that the privileges she had taken for granted as a Japanese, starting with segregated public transportation, were now gone. It appeared that her birthright, her blood connection with Japan was now worthless and she had to start building a national identity for herself anew. With everything at stake, she

attempts to reinvent herself as a native Dairenian, as if an artificial national identity had suddenly been lifted from her and she now had the opportunity to uncover a more natural self. But *ius soli* lacks the authenticity of blood, and therefore constitutes a weaker claim to citizenship. To obviate the risk of rejection she makes it her mission to establish a more meaningful connection with the native Chinese by studying the local language. The text establishes a deeper, more intimate, symbolic link by preceding her resolution to become “naturalized” with the childhood memory of an unknown Chinese man saving her from drowning (Kuramoto, 1999, 70–71). It is a second gift of life she can fill with political content.

If her plea were successful, she might not be forced to leave her native city for a distant place to which she was bound by fictive ties. Affectively, repatriation seems tantamount to deportation, and she wished to resist it. But in the nationality game it would be unwise to risk remaining unattached, stateless, because of a misplaced sentimentality. The reminder were the Japanese refugees who flocked to Dairen from all over Manchuria and filled every nook with their uncomfortable presence: “They were the forgotten people in the middle of the crowd, a silent discordance in the maddening crescendo” (Kuramoto, 1999, 101–102). Discord and madness symbolize the banishment from humanity that accompanies the indeterminacy of their status. It is an exclusion that threatens to reduce them to creatures of subsistence, naked life awaiting to be ransomed back into political existence by a state willing to call them citizens. Kuramoto gives us the perfect representation of the

extreme consequences of being suspended between humanity and mere existence in her portrayal of the Furanten chief of police, Mr. Kawano, who has survived a severe beating but with evident physiological damage to his brain.

She notices him in a crowd of refugees, but fails to recognize him at first:

A man was sitting cross-legged on the ground trying to peel the burned skin off a baked sweet potato. It was his abnormal concentration that caught my attention. He was holding the sweet potato in his left hand so close to his tilted head that it almost touched his nose. Obviously, he wanted to peel the skin off the potato with his right hand, which shook out of control. He could bring his right hand to the potato, but the shaky fingers were not able to catch the skin. He was not about to give up, however. When a string of drool dripped from the corner of his half-opened mouth, he would wipe it off with the back of his left hand, still holding the potato, and wold then go back to the painful task of peeling the potato skin. I held back my impulse to run over to help him and was becoming angry at his friends for sitting by him but not helping him when he finally caught the skin and yanked it off. When he saw the moist yellow meat of the sweet potato, he looked up and smiled at me as if he had been aware of my presence all along (Kuramoto, 1999, 102).

The deliberate slowness of the description matches the absolute care and attentiveness that the man puts into the simple task of peeling a boiled potato. Mr. Kawano performs it with “vacant intensity” amidst the general apathy, signified by the other refugees’ apparent refusal to assist him. Kazuko is horrified by the transfiguration of the former chief of police, a powerful personality, into a creature of necessity, entirely absorbed with its own sustenance and yet barely able to procure it. She becomes resentful

of the low-class Chinese who reduced him to this condition, and who are now going to appropriate her beloved Dairen as well. Kazuko realizes, then, that Dairen no longer belonged to her, or, more precisely, that *her* Dairen no longer existed. Under Chinese governance the city had deteriorated beyond recognition, and the symbols of Japanese Empire had been removed. Without the statue of General Ohshima at its center the city is unrecognizable for the Japanese colonists. It becomes available for the Chinese who are soon going to inscribe their ownership in the cityscape. After all hope of maintaining a meaningful connection with the place of her birth is lost, Kazuko reveals that her father, evidently not trusting in the durability of foreign arrangements, had ensured that a lifeline would always connect his family to the Japanese nation-state. As soon as his children were able to write, he had forced them to memorize the family's legal address in Japan (Kuramoto, 1999, 108). Once again, the political asserts itself as the most significant ontological category.

To better understand this claim it is necessary to step back to the moment when Kazuko and her family hear the Emperor announce the surrender on their radio. Their first reaction of desperate confusion at this terrible, nightmarish news, is consistent with the manufactured feelings of nationalist doctrine. In her memoir Kuramoto described the idea of a Japanese surrender as unthinkable. I would suggest that what is truly unthinkable is not the surrender itself but the prospect of life under a non-national government. Unconditional surrender implied the dissolution of the sovereign power

that established the boundaries separating a civilized inside from a hostile and barbaric outside. In consequence of this collapse, the people of Japan find themselves exposed to a violence unrestricted by the habitual bonds of mutual obligation between sovereign and subject. Without an autonomous state to give shape to the corporate body of the nation, each individual faces the terrifying prospect of having to stand alone before this supreme force, which has no inherent relation to law and justice. Thus, their fear cannot be compared to the fear of the criminal before the law because the criminal's experience is contained within an established juridical order and receives its structure from it. Refugees, stateless persons, the conquered, and the interned, on the other hand, exist in a condition of anomie in which they may suffer violence without recourse. Contemplating the possibility of defeat, Kazuko's father is certain that the only options are resistance to the bitter end, or collective suicide:

It seemed that Father had already accepted the idea that the time had come for all Japanese to end their own lives. He was merely wondering what method the emperor would choose to execute this mass suicide: would each man have to kill his family members and then shoot himself, or would the government distribute potassium pills to all Japanese? (Kuramoto, 1999)

Prima facie this resolution might seem to originate in the samurai code of ethics, which contemplates ritual suicide, extended to the general population.⁵⁸ The modernity of this response, however, is confirmed by the oc-

⁵⁸Inazo Nitobe devotes a chapter of his book, *Bushido: The Soul of Japan*, to the cultural

currence of a similar discourse in an entirely different cultural space. Citing Friederich Percyval Reck-Malleczewen's *Diary of a Man in Despair*, Hannah Arendt reports the same apathetic disdain for death among Germans before the end of the war (Arendt, 1979, 348). National-Socialist propaganda succeeded in spreading the idea that, in case of defeat, the Führer had "prepared a gentle and easy death by gas for the German people" (Reck-Malleczewen, 1970, 199).⁵⁹ These sentiments cannot be written off as the effect of totalitarian rule, although the latter exasperates the conditions that make them credible. In her work, Arendt makes it very clear that the objective of totalitarian techniques is the alteration of human nature and the creation of an alternate reality that is expected to insulate individuals from one another, by propagating suspicion, and from all that happens beyond the control of the regime, by fostering fear. These techniques, however, are quite independent of the political systems in which they are applied, although certain characteristics of the systems themselves may influence their intensity. In addition, Japan was never a totalitarian regime in the sense expounded by Arendt. Political pluralism was preserved at least until 1937, when military control

and ethical dimensions of the practice of *seppuku*, which he calls an institution of redress in the absence of a higher authority capable of granting it by other means. In modern Japan, redress is granted by the law, regulated by the criminal code, making ritual suicide obsolete, or at least unnecessary (Nitobe, 1979, 111–130).

⁵⁹ *Diary of a Man in Despair* is the journal of a Prussian nobleman who looks with horror on German society during the Nazi period. He describes Hitler as a "middle-class" antichrist and makes profound observations on the nature of mass society and its links with bourgeois mentality, the effects of technology on human life, and the vested interest of business in war as a means of social control and profit increase. The diary ends a few days before the author is deported to Dachau where he died. His influence on the thought of Hannah Arendt is especially evident in her book *The Origins of Totalitarianism*.

of the government turned Japan into a covert dictatorship.

In Kuramoto's description of the tension that followed the broadcast, confusion rapidly gives way to anger and to a sense of betrayal by a country that allowed the veil of ideological security to be torn in this manner. Kazuko felt "betrayed by Japan, the God-chosen country with a noble mission, the country that could do no wrong" (Kuramoto, 1999, 42). Clearly, right and wrong appear to them as a function of national sovereignty. For as long as Japan remained independent, it preserved the capacity to determine, by sovereign decision, the difference between the proper and the improper, the lawful and the illicit, down to the basic moral concepts of right and wrong. This is not the foundation of new ethical systems, but the much more modest assertion, in politics, of a moral relativism whose only guiding principle is the good of the state and of the nation, made indistinguishable. In the name of this supreme good, it can condone and forgive anything. Conversely, when the sovereign loses his prerogatives, all acts priorly undertaken in the name of the nation are potentially subject to criminal prosecution.

The victor, on the other hand, is protected by a sovereign who has retained the power to make exceptions to the general principles expounded by the law. This was particularly evident at the post-war Nürnberg trials, where German war criminals attempted to justify their actions by appealing to the ethical and legal compulsion to obey a superior authority, and by citing comparable acts committed by the Allies that went unpunished. A case in point was the trial of Nazi doctors accused of utilizing human beings as unwilling

ing experimental subjects in extremely harmful medical procedures. When the defenders cited the beri-beri experiments performed by Dr. Richard P. Strong in Manila, under United States jurisdiction, they provoked reactions that illustrate the relativism mentioned above. Alexander Mitscherlich, who published and commented on the first report on the trials, objected that American researchers developing vaccines against beri-beri fever were acting for humanitarian reasons while the defendants at Nürnberg acted on behalf of a repressive and totalitarian regime:

Strong was seeking to protect people against a species of natural catastrophe that was decimating and tormenting them. Scientists like Rose [researching typhus vaccines] were working in the jungle of inhumanity created by a dictatorship to maintain its senseless existence. It is perfectly obvious that his ingenious but fallacious comparisons were intended to hoodwink the prosecution and strengthen his defense (Mitscherlich and Mielke, 1962, 15).

Giorgio Agamben justly notes that while this is a correct historical and political assessment, the ethical and juridical admissibility of the experiments cannot depend on the nationality of the beneficiaries or the circumstances in which the subjects contracted the illness (Agamben, 1998, 157–158).⁶⁰

⁶⁰The same fallacious and, at heart, utilitarian argument is made in 2000 by Jonathan Moreno, staff member of the special commission created by President Clinton to investigate medical research on uninformed citizens. Moreno writes: “In moral terms, light-years separate the Nazi concentration camp experiments from America’s medical-military research during World War II. Unlike Hitler’s Germany, in the United States death was not an acceptable endpoint of an experiment, and no ethnic or political groups were subjected to wholesale butchery in the course of which some of them might be used in cruel ‘research’” (Moreno, 2000, 53–54). In spite of this assertion Moreno’s book, *Undue Risk*:

Kazuko is thus intuitively correct in her opinion that “the loser becomes the criminal and everyone throws rocks at you” (Kuramoto, 1999, 78). She feels the truthfulness of this assessment on a personal level, since she harbors the secret of a war crime of her own as a former member of the Japanese Red Cross. Everyone, in post-war Japan, is burdened by similar sins, and powerful mechanisms are at work to shift the blame for the war on the militaristic elite, a fanatical minority, and the effects of ideological indoctrination (Kuramoto, 1999, 128). The fiction of the wartime unity of the Japanese people is substituted with the equally fictive assumption of the essential blamelessness of the general population, so that a new, peace-loving, democratic Japan could be legitimately constructed under US supervision. Once again, Rousseau is proven correct: the nation is never wrong. At least, we need it not to be for the sake of the existing political order, of which the nation-state is the constitutive element.

The dominant theme in Kuramoto’s portrayal of the plight of the Manchurian Japanese is the problem of statelessness in a world of nation-states.⁶¹ Once the initial shock of the surrender tapers off, they realize that the loss of sovereign protection had placed them in immediate physical danger, not from the advancing, though still distant, Russian and Nationalist Chinese

Secret State Experiments on Humans, remains a powerful catalogue of experimentation on humans in the US which constitutes, in and of itself, a universal indictment of such practices.

⁶¹ John Breuilly notes, in his study of nationalism and the state, that “someone unfortunate enough to be excluded from the rule of a state, a stateless person, becomes both in theory and in practice a sort of non-person” (Breuilly, 1994, 369).

armies, but from local mobs. Now that there are no laws, neither domestic nor colonial, to protect them, former neighbors feel authorized to exact direct retribution for their prior oppression. In the middle of the night, Kazuko and her family flee to the woods to hide under cover of darkness. Suddenly, the reaction they all had to the emperor's announcement appears remote and feeble. In comparison with the potent rush caused by fear of harm of a distinctly physical nature it appears as the predictable intellectual product of manufactured feelings. At this point, the emotional expenditure is enormous and Kazuko succumbs to an absolute fatigue: "Suddenly, I was tired. So tired that I didn't care what had happened to what was going to happen" (Kuramoto, 1999, 53).

From this moment on, the narrative will present the loss of status suffered by the Japanese as a progressive descent into their biological nature, although their dehumanization is never complete. Their removal from the sphere of humanity is hindered, in the last instance, by the presence of a witness, the reader, who is forced to correlate even the most degrading experience to his or her own humanity. The victim of a radical exclusion is thus reclaimed at the last moment, making the representation of complete dehumanization impossible to realize discursively. Kuramoto's narrative contains only one clear instance of pure violence of the kind that comes close to killing the human before destroying the life that sustains it, and that is Mr. Kawano. When he reappears in Dairen, reduced almost to a bundle of physiological functions, he is the embodiment of a horrific destiny to which all humans

caught in the anomie of statelessness are potentially subject. As refugees, the Manchurian Japanese are in constant relation with the political not in spite of the fact that they have been pushed to the threshold of irrelevance, but because of it. The threat of radical exclusion enmeshes biological existence and political life like never before, for the victims, the perpetrators, and the witnesses. For Nietzsche's Zarathustra, "Man is a rope, tied between beast and overman—a rope over an abyss." Pity that the political end of that rope, where our humanity is defined in relation to the humanity of others, is tied to the state, and the biological end, where all obligations should mercifully cease, is tied to the nation. Modern humanity sees no other bearings. Kuramoto shows this in the words of a hysterically frightened man who speaks out in the auditorium where the Manchurian Japanese have taken refuge, and where they are planning the perilous voyage to the city of Dairen:

We should all have died the day Japan surrendered. Japan is crushed and has given up Manchuria. We are abandoned. We are on our own in the middle of the enemies. We are trapped in a no-man's land! What's the use of running? Let's finish ourselves here and now! You can get us enough arms to kill ourselves, can't you? (Kuramoto, 1999, 54)

Abandonment by one's national community, which is, in their case, an unfortunate consequence of an imperialist war gone awry, is described as a condition not unlike death. Life in no-man's land is clearly not worth living, and this sentiment is confirmed by the only argument that manages

to restore some optimism in the dejected crowd. Kazuko's father can only offer his compatriots the task of rebuilding Japan from its ashes, for the sake of the children. The unity of biology and nation is reestablished, if not as a promise, at least as a possibility. Mere survival is, clearly, an insufficient motivation.

For Kazuko, however, Japan offers little comfort. Harsh post-war conditions, and the hostility with which she and the other refugees are received enfeeble the already tenuous connection. Early in the memoir there are intimations that her patriotic sentiments are culturally constructed, and lack, in her experience, a concrete referent. Her anxiety about repatriation to a foreign land of which she has no direct knowledge surfaces in the desire to learn Chinese and perhaps carve a place for herself in Manchuria. Occupied Japan proves even more alien and hostile than she expected. Upon arrival they are greeted with unpleasant sanitary procedures established by the occupation forces, confirming their apprehensions about the absence of a sympathetic sovereign. After being doused with DDT powder, she expresses her resentment to the reader with a note of bitter sarcasm: "Welcome home, you miserable maggots! Welcome home to the land of the Rising Sun!" (Kuramoto, 1999, 114).

Post-war Japan is "a world with no order, no future," a world in disarray where nightclubs, bars, dance halls, and prostitutes cater to the desires of outsiders, and the absence of an autonomous political order makes the very concept of the future meaningless (Kuramoto, 1999, 146). In the fictitious

life of the nation-state, however, the future figures prominently: the future of technological progress, the future of national reform, reconstitution, and aggrandizement, or the messianic future when the promise of a mythic past is fulfilled. Without sovereign representation of an order in which this future might occur, all that is left is an eternal present, dominated by necessity, with no purpose beyond simple being. In Furanten Kazuko's father appealed to his compatriots' sense of national pride to create the illusion of a future for which it might be worthwhile to live and sacrifice. Ironically, his own daughter is unable to embrace that fiction and her unorthodox behavior leads to further marginalization. Her relationship with an American civilian in particular is construed as a betrayal of her obligations towards the family and the nation leading her mother to regard her as a war casualty. In comparison, her decision to join the Red Cross without consulting her parents did not elicit a reaction so extreme.

Each stage of Kazuko's metaphoric descent from full humanity towards mere biological life is marked by the loss of a particular ordering principle of social life. The first structure to fail her is the nation, whose military defeat and occupation signaled the inability of the sovereign to guarantee the political space in which qualified existence is possible. During their time as refugees in Dairen the family shouldered the entire burden of structuring group identification, co-ordinating a barely though sufficiently productive division of labor, and providing its members with a reasonably reassuring mutual support system. Even scaled down to a small community, the

chronic uncertainty of necessity-driven post-war living conditions seem to ensure that role assignment within the group remain relatively loose. It is as if the refugees attained a high level of individual indifferentiation within the group, although not of a kind that would encourage identification with a larger unit, for, in their case, none is available. The family does provide some degree of differentiation within the group, but the inherent social, economic, and existential instability of the *Umwelt* (environment) prevents it from becoming the authoritative structure that determines the boundaries within which the individual must balance his or her tendencies towards individualization and indifferentiation.⁶² An indication of the relaxed role-assigning within the family is the inclusion of Kazuko in conversations from which she was previously excluded because they involved unseemly subjects like rape, prostitution, and abortion(Kuramoto, 1999, 90).

After their return to Japan, however, this autonomy dissipates and, in the general anomie, parents relinquish their authority over their children as if parental qualifications were conditional on the success or failure of the nation. Only later in the process of national reconstruction the family reasserts itself, not like before, as a site of security and freedom limited only by necessity, but as the enforcer of collective values. Its conservative disciplinary

⁶²The terminology and concepts in this section come from Georg Simmel. In his work he identifies the tendency towards differentiation and indifferentiation as a very general norm of association, a heuristic principle that can be applied both to the individuals and to collective entities. Each entity that is contained in a larger group will have to negotiate an acceptable balance between these two needs. How much latitude they will have in this negotiation will depend largely on personal, social, and historical circumstances (Simmel, 1998, 606–609).

action infringes on the autonomy of the individual members for the sake the homogeneity of the larger entity, from which it receives its authority. When Kazuko chooses to associate with an American she undermines the slow and painstaking reestablishment of a clear distinction between inside and outside, between what is Japan and what is foreign. Military occupation has broken the unity of people and territory on which depends the legitimacy of the modern nation-state. In these conditions, a viable discourse of national sovereignty must perforce stress social separation to compensate for the temporary impossibility of true political autonomy. Kazuko's violation is therefore unforgivable, and it warrants her social death. Banished from her native Manchuria and rejected by her family for failing to conform, Kazuko's isolation and dejection deepen until all signs of humanity are pushed to the margins of the narrative, and almost erased. This effect can only be achieved obliquely. Any attempt to engage the reader directly would produce pathos and thus nullify it by drawing attention on the protagonist's jeopardized humanity. Instead, Kuramoto is able to displace, for a moment, the presence of the autodiegetic narrator's consciousness with the image of the cicada call:

There is no music in the call of the cicada. No joy, no life. It is a gloomy and irritating noise, made by the scraping of their membranes, amplified by the hollow space in the insect's abdomen. They live only long enough to mate and lay eggs (Kuramoto, 1999, 147).

Hollowness, sound without structure, life without qualification (without joy) all hint at the gradual impoverishment of Kazuko's perceptive hori-

zon as a sign of her progressive desubjectification. It lasts only a moment, but the experience is comparable to the extreme processes of subjectification/desubjectification Giorgio Agamben describes in *Remnants of Auschwitz: The Witness and the Archive*. Agamben starts from the premise that subjectivity is a defining characteristic of “man,” though not an essential characteristic of the human animal. In other words, the structure of subjectivity is neither primary nor necessary for the functioning of the organism. Subjectivity is, rather, what is at stake in the modalities of our relation with the objects and conditions that fall within our subjective universe, our *Umwelt*.⁶³ The more restrictive our conditions of existence, the more our subjectivity diminishes in depth and range. Nowhere has this phenomenon been more visible than in Auschwitz, a location devoted to the desubjectification of the individual and, to put it bluntly, the industrial production of corpses. Primo Levi and other witnesses of the Shoah provide Agamben with the measure of the success of this program in the tragic figure of the

⁶³The term *Umwelt* was used in this manner by early nineteenth-century zoologist Jakob von Uexküll who developed a theory of meaning according to which living organisms exist in unique and complete subjective universes that are constructed on the basis of the insight provided by receptor organs and effective organs locked in a functional cycle. It follows that there are as many subjective universes as there are subjects perceiving them, and that they are of greater or lesser complexity depending on the complexity of the organism. Objects populate these universes, richly or sparsely, as meaning carriers: “Everything that falls under the spell of an *Umwelt* (subjective universe) is altered and reshaped until it has become a useful meaning-carrier; otherwise it is totally neglected. [...] The contents of the meaning-carriers are different in the various *Umwelts*, although they remain identical in their structures (von Uexküll, 1982, 31). Heidegger used Uexküll’s theory to develop his own ideas on the distinction between man and animal. In his view, inanimate objects like rocks have no world, animal experience is characterized by a poverty of world, a stunned existence, while the human animal is a world-builder. Uexküll’s meaning carriers become, in Heidegger, “disinhibitors” (Agamben, 2004, 39–41).

muselmann, Levi's "total witness" in whom the person is transformed into a non-person while the body still lives (Levi, 1987, 91–92).

For Agamben, the ontological operators coming into play in the production of the subject by separation of the human from the inhuman fall into four modal categories: "possibility," "contingency," "impossibility" and "necessity." "Possibility" and "contingency" are the operators of subjectification and they are realized, respectively, in the self's "to be able to be" and "to be able not to be." This pair is mirrored and negated in the operators of desubjectification, "impossibility" and "necessity," which restrict the self in, respectively, "not (to be able to be)" and "not (to be able not to be)" (Agamben, 2002, 146–148). The human being as subject is given at the point of intersection of these currents, between power and impotence, as the possibility (not the choice) of an autonomous self in relation to a contingency. When the contingent is eclipsed by the necessary the self can no longer (or less and less) position itself as subject, but it does not, for this reason, cease to exist. On the contrary, even in the extreme conditions that produced the liminal figure of the *muselmann*, the non-human survives the human as a continuation of naked life.

George Bataille comes to a similar conclusion in his study of sovereignty when he examines the human relation to necessity. In his view, the human cannot succumb completely to its own objectification and lose itself in that which is contingent and thus become contingent in turn. Death, the epitome of necessity, transfigures the human into something beyond recognition,

something completely other:

The truth is that although man compels himself—or if he can, compels other men—to become a thing, this cannot go very far. To begin with, that temptation comes up against the fact that, passively, in spite of himself, if only because of death that decomposes him and suddenly makes it all look ghastly, it would be impossible for him to submit unreservedly to necessity (death received passively, and revealing him to be other than he is, by itself proclaims that man is not a thing) (Bataille, 1995, 221).

This “sea-change” from person to object is never complete and irreversible. As Agamben puts it, there is no human essence to be destroyed or saved (Agamben, 2002, 134). There is only a fracture between life and *logos*, an ontological gap in which man appears as the threshold across which flow the currents of the human and the inhuman, of subjectification and desubjectification (Agamben, 2002, 135). For this reason, no matter how radical the process of desubjectification, it can never result in the complete reduction of the subject to an object, or, in other words, in a perfect identity between the human and the non-human.⁶⁴ Agamben argues that passivity should be deciphered as a form of subjectivity and that, in conditions that tend towards the extreme, a constitutive split becomes visible between a purely receptive pole, made historically manifest in the *muselmann*, and an actively passive pole represented by the witness. The apparent contradiction

⁶⁴Confront Max Scheler: “It belongs to the essence of the person to exist and to live solely in the *execution of intentional acts*. The person is therefore essentially never an “object.” On the contrary, any objectifying attitude (be it perception, representation, thinking, remembering, or expectation) makes the person immediately transcendent.” (Scheler, 2002, 208).

in the idea of an “active” passivity is resolved if we imagine a subject that is affected by its own receptiveness.⁶⁵

The closest analogy to the *muselmann* in *Manchurian Legacy* is Mr. Kawano, who was believed killed by the mob and whose embarrassing resuscitation as a creature of necessity is witnessed by Kazuko, in Dairen. The witness, however, is herself caught in the downward spiral of necessity and reaches the bottom of desubjectification at the moment when, her national “I” already unrecoverable, she loses, with her exclusion from the family, the last available structure of identification. When the naked sound of the cicada catches her attention, the perceiving “I” is reduced to mere biological datum, to living “only long enough to mate and lay eggs,” in a damning indictment of the failure of nation and family to open possibilities for the self rather than foreclose them (Kuramoto, 1999, 147). Could she, then, follow a friend’s advice, and live life as she sees fit? Freedom of this kind is not available to her. Only John, her partner, seems to be able to exist without the constraints of civilization, perhaps only because Japan is, to him, a foreign world of temporary residence. When Kazuko realizes that he, too, has betrayed her, she attempts suicide, but not for John’s sake. The desire to cease to exist, as she frames it, is linked to feelings of intense homesickness for Dairen that have perdured ever since her repatriation, four years earlier.

⁶⁵Sociologically, Heinrich Popitz makes a similar assertion when he notes that our technical action, which involve the creation, development, and use of artifacts, expands our perceptual and social world with everything that the new instrumentalities place within our physical and conceptual reach (Popitz, 1986, 23).

The method of Kazuko's attempted suicide is also very suggestive. It involves an excessive dose of the sleeping pills she was using to control her insomnia, the physical symptom of an existential distress. Unable to sleep, she spends her nights watching war movies and war-related newsreels from the recent fighting in the Pacific. Her fascination with this material clearly indicates that it bears some relevance to her personal situation, although, for the moment, it remains obscure. After her failed suicide, after she is pronounced lucky to have survived, we learn, from a flashback to a conversation among "colonial-born repatriates" like herself, that the war scenes stand for a preemptive solution to their predicament of bio-political indeterminacy. It is clear to them that no positive value can be attached to mere survival, and that, tragically, a qualified death, the death of a national hero, might be preferable:

Then a mournful groan came out from the darkness, "Lucky were those who have died in glory." "Yeah, had they believed in it," quickly responded a cynic. "They did! I know they did!" and angry voice hissed at the cynic. (Kuramoto, 1999, 164. Italics in original)

The cynic must be silenced to maintain the illusion that in a certain kind of death one can find the meaning that escapes a certain kind of life.

If Kazuko's attempted suicide marks the lowest point of her descent towards a biological life devoid of political relevance, the next chapter, which is also the last in the memoir, except for the short epilogue, signifies her acquisition of a new, politically viable identity. This ascent into the political,

however, cannot be accomplished outside the established categories of national identification. Since she has lost all connections with Manchuria, and her inability to conform prevents her from establishing new links with Japan, she must find a third alternative. This opportunity comes through her marriage with John, which gives her access to US citizenship. It allows her to do what imperialism and war denied her in Dairen: to make a conscious commitment of allegiance to a single country of her choice; a commitment that she seals by renouncing her Japanese citizenship immediately after she becomes a naturalized American. From experience she has clearly learnt that, in time of conflict, only unambiguous affiliation to a single nation-state can offer a limited guarantee of security to those who straddle borders that the logic of the nation-state system understands as absolute bio-political divides. Still, that protection remains conditional. One's presence may not constitute a disturbance to the perceived internal homogeneity of the national population, whether measured with an ethnic, racial, or cultural yardstick. At the same time, one must not represent a threat to the claim of the essential heterogeneity of nation-states by confusing, in one's cultural, racial, or ethnic identity, the inside with the outside, the friend with the enemy.

For Carl Schmitt, the distinction between friend and enemy is the only authentic political category. Other distinctions may add to the complexity of politics, make it more opaque, but they are not essential to it. For instance, there is the moral distinction of good and evil, the aesthetic distinction of beautiful and ugly, and the economic distinction of the favorable and the un-

favorable. Religious, economic, ethical, moral, racial, or ethnic counterforces may rise to become the substance of politics if they have sufficient strength to decide upon the critical case: who, in a concrete situation, is friend, and who is enemy. Only the latter can constitute the basis of a spatial order, a *nomos* of the earth. Enmity thus indicates the intensity of the separation between decisive political entities, and must be understood in concrete, existential terms. It is not speculative, theoretical, or legal. Nor is it “natural,” although the modern concepts of ethnicity and race are often employed to create the illusion that certain forms of homogeneity are necessary and inescapable.

Participation in a corporate body is always a matter of affiliation, from latin *affiliare*, “to adopt,” regardless of the supposed naturalness of the premises. Birth might enter an individual into an assortment of rights and obligations towards a larger community, but it does not guarantee that membership in that community will never be revoked. This possibility gives substance to social pressures to conform in order to demonstrate that one is worthy of being part of the group. If a violation of group values or interest is considered sufficiently grave it may warrant expulsion, or banishment. The subject of the ban is then no longer protected by the laws and customs of the collectivity and is thus left without the possibility of recourse and redress. The law itself withdraws from the banned, leaving them completely vulnerable before their former community, before the world, and before nature. As if to underscore this essential yet hidden component of national

affiliation, Kuramoto's memoir ends with two adoptions. The first regards her acquisition of American citizenship, which naturalizes her membership in the nation. The second is her adoption of a child of mixed ancestry, Junko, whose name she changes to June-Marie, and whom she begins to infuse with an American identity:

I took her to the P.X. (post exchange) to buy her a few necessities such as jeans, T-shirts, and sneakers. A transformation, the creation of an "American" girl. Then I noticed. I noticed that in her old neighborhood Junko had stood out, looking Caucasian, and now in her new neighborhood on the American army post she looked surprisingly Japanese. My friends smiled at her and whispered to me, "She is beautiful. What nationality is she?" (Kuramoto, 1999, 168)

Kazuko's comments in the passage above show that she is certainly not naive about the difficulties of integration, especially when one's appearance is visibly different from the biological body on which political homogeneity is predicated. In this case, race. She is not discouraged by it and finds comfort in her adoptive daughter's feistiness. She interprets it as an indication that June-Marie will not accept being marginalized. At the same time, she associates the visible expression of national affiliation with a necessity of life, a condition of human happiness. It is as if the family were unable to sustain the happiness of its members without attaching itself to a corporate body that carries full political legitimacy—the nation. When that connection is abruptly severed, as was the case with Kazuko in Dairen, the loss of identity can be catastrophic. Mainly, this is because the humanity of the individ-

ual is recognizable only in its relation to the fictive life of a corporate body, mediated by the concept of citizenship. Thus, any real or perceived threat to the individual's full inclusion, any real or perceived attack to the existing homogeneity, any attempt to reconfigure it otherwise, will excite intense reactions. Some will take refuge in nationalism, pledge their unconditional loyalty to the collective entity, and parade its symbols, the anthem and the flag, which are inevitably also the symbols of the state. Others, like Ayako Ishigaki, might allay their anxiety by turning to universalistic ideologies that promise to transcend the nation and be all-inclusive, although few, if any, will go as far as renouncing their citizenship before the utopian society comes into being. Others still, like Kazuko Kuramoto, may seek assimilation, for herself and her adopted child, in a new national community.

It bears noting that Kazuko's acquisition of American citizenship and her adoption of Junko are both juridical acts by which the recipients are taken across the threshold that separates what is inside the political order from what lies outside. The role of the law is to provide a general framework for the regulation of such passages, and to keep open the possibility of access to the general norm to those individual cases that meet preestablished requirements. But the power that traces the borderline, the constitutive violence that marks it on the land and on the population, cannot be contained in the law for, according to Schmitt, the same power is needed to establish and guarantee the normal situation in which the norms themselves can be valid (Schmitt, 2005, 46). This power belongs to the sovereign, who operates in a zone of

indeterminacy at the limit of the legal order, between law and fact, and manifest itself as the entity that decides on the exception (Schmitt, 2005, 5). In concrete terms, quintessential sovereign acts are the political responses to a crisis caused by war, insurgency, rebellion, pestilence, or natural disaster that fatally disrupts, or is believed to disrupt, the normal functioning of government. With the decision to except a single case from the general norm, to single out individuals or locations to whom the law does not apply, the sovereign is able to suspend the entire existing legal order without abolishing it. Sometimes this prerogative is codified in provisions for the declaration of a state of emergency, a state of siege, or of marital law. More often, as, for instance, in the United States, the underlying presumption is that the president will assume the special powers of the commander in chief and act as sovereign until the emergency is over. In this capacity, however, the president also becomes the only entity capable of discerning and deciding whether the situation that warranted sovereign intervention has passed or whether it still persists. Thus, the law might be capable of surrendering sovereign power, but once it has done so it is unable to reclaim it.

The great merit of Schmitt's theory is that it defines the sovereign in relation to a decision on the exception. If, however, the exception is indeed the structure of sovereignty, then sovereignty cannot be fully understood as an exclusively political concept, a juridical category, or, as Schmitt would have it, as an extra-juridical power. It is here that Agamben departs from Schmitt's reasoning and argues that sovereignty "is the originary structure in

which law refers to life and includes it in itself through its own suspension” (Agamben, 1995, 34).⁶⁶ Sovereign power is thus fundamentally paradoxical, since it does not relate to life through the application or imposition of a norm, but through the abandonment of life to an anomic outside to the legal order that is extremely hostile to human existence. Not to existence in general, which can still persist as naked life, but to the qualified existence that thrives in an established order of some kind. I would argue that Kuramoto describes the reactions of modern humanity to the possibility of banishment, which we identify with the loss of citizenship and the statelessness it implies. Renan’s contention that the nation is a daily plebiscite is thus reversed. Membership in the relevant political entity is subject to a deferred judgment of exclusion. When, for any reason, the sovereign decides to suspend the deferral, neither the rights of the citizen nor the rights of man will protect anyone from banishment, unless they are able to muster a violence of constitutive proportions and create an alternative.

% ===== ISHIGAKI AND KURAMOTO: CHAPTER CONCLUSION =====

⁶⁶The translation from the Italian is mine. I depart in one crucial particular from the English translation of Agamben’s text, which reads: “[sovereignty] is the originary structure in which law refers to life and includes it in itself by suspending it” (Agamben, 1998, 28). Note that the referent of the third person pronoun is “life,” which seems to be the thing suspended. The Italian original clearly refers to the law’s suspension of itself: “*essa è la struttura originaria in cui il diritto si riferisce alla vita e la include in sé attraverso la propria [own] sospensione.*”

Conclusion

The two memoirs examined in this chapter illustrate how deeply the global diffusion of the system of nation-states affected individual lives. In general terms, the most significant element was the mobilization of large masses of people by the state to meet the needs of modern warfare and industry. This had a profound effect on the way people came to understand the society in which they lived and the world that surrounded it. They understood that modernity offered an unprecedented opportunity to have a stake, an investment, in the fortunes of the state. At the same time, radical changes in the mode and relations of production ensured that no viable alternative existed to the centralized, sovereign power that coalesced around emperor Meiji. The masses thus entered into a direct relation with the political center, which required their labor power for economic production and their bodies for military conquest.

In Ayako Ishigaki's *Restless Wave* we can see how individual lives were deeply affected by the unintended consequences of a long trail of state interventions whose aim was to modernize Japan so that it could compete successfully with Western colonial powers. In the process, reformers began the transformation of Japan from a traditional, class-divided society to a class society in which all qualitative differences between citizens were erased by the ideological emphasis on a shared ancestry and, most importantly, a shared destiny. This favored the integration of the old state-nationalism,

which instituted the nation-state as a co-ordinated administrative power, with an ethnic nationalism that provided national sovereignty with an appropriate cultural sensibility. Anthony Giddens elaborates on this novelty of modern politics and defines the nation-state as a “conceptual community” that substantiates itself by exploiting shared cultural and historical elements to create an irresistible collective identity (Giddens, 1987, 219). Such an identity, however, is anything but autonomous. In spite of nationalist rhetorical overtures of economic and cultural autarky, the sense of self they advocate cannot be self-referential. It relies entirely on the existence of contiguous territorial states that recognize one another as sovereign political units. These named entities constitute the other places that make possible the referential development of a national identity.

Kazuko Kuramoto’s experience between Manchuria, Japan, and the US shows how thoroughly these new forms of identification implicate the individual, to the point of becoming the sole justification of a worthwhile existence. In this regard, *Manchurian Legacy* has greater explicatory power than *Restless Wave* for it is forced by a sequence of events involving colonization, war, defeat and military occupation of the home country, to deal with the accidental creation of external spaces where individuals are divested of their citizenship and/or of its prerogatives. Kuramoto’s solution is to seek new options of national affiliation. Her acquisition of American citizenship certainly marks a high point in the narrative, highlighted by the adoption of June-Marie. Ironically, only a few years earlier, American citizenship,

whether acquired by birth or naturalization, would have offered her no protection whatsoever. She would have been evacuated to concentration camps with the rest of the Japanese American community for the duration of the war. The memoir ends with somber reference to Japanese orphans that were abandoned in Manchuria and were raised by local Chinese families. Their nationality was concealed, and remained a secret until, in adulthood, many returned to Japan in search of their roots. Kuramoto blames imperialism and war for creating such confusion in people who cannot be content with their familial happiness and their connection with the local community, but must wander the world in frustration, seeking a place where the congruity of state and nation would promise them safety from harm (Kuramoto, 1999, 176).

The content of this restlessness is the search for a clear sign of unequivocal recognition by the state in the form of full and undisputed citizenship. From this relation between state and people arise mutual obligations that can be mediated very effectively, for both parties, through nationalist discourse. The cost of this mediation is that politics inherits, and must operate within, the ideological strictures of nationalist rhetoric. The advantage is the relatively easy production of homogeneity needed for the internal and international legitimization of the state's claim to absolute sovereignty. Kuramoto's memoir supports the argument that national identities are constructed in relation to other places. It also suggests that, for the individual, the urgency of self-identification with a national referent is not solely the product of these sets

of binary antagonisms between nation-state entities. It derives, also, from anxiety over the risk of becoming stateless, and of being banished to the non-place of modern politics. Although we live, as Hannah Arendt notes, in a completely organized world in which there is no outside to civilization where to banish the unwanted, the same anomie and total vulnerability is expressed from within as the space of the exception. Schmitt helps us understand that the decision on the exception, on the single case that is excluded from the general norm, is the moment when a power defines itself as sovereign. In our time, Agamben argues, decisions of this kind become more and more frequent. As a result, the state of exception, which is, for him, *the* fundamental political structure, finds a permanent and visible localization in the concentration camp (Agamben, 1998, 20). It is from this viewpoint that the wartime evacuation and internment of the entire Japanese American population on the West Coast must be addressed. Not as an aberration in a democratic political system to be imputed to racism and corrected, once and for all, with legal guarantees, education, apologies, and monetary redress, but as a recurrent sign of the crisis of modern sovereignty.

Chapter 3

Between America and Other Places: The Arbitrary Disintegration of National Identity

Pearl Harbor. We are at war! Jesus Christ, the Japs bombed Hawaii and the entire fleet has been sunk. I just can't believe it. I don't know what in the hell is going to happen to us, but we will all be called into the Army right away.

Charles Kikuchi

Charles Kikuchi, an American Nisei, opens his personal chronicle of the internment with a conventional reference to the attack on Pearl Harbor (Kikuchi, 1993). Like most Japanese Americans of his generation, Kikuchi identified with the culture, way of life, and political system of his native country. In the passage above there is no difference between the “we” who is at war because of the attack, and the “we” that will be mobilized to fight for the United States. Kikuchi is certainly aware of the long history of discrimination and exclusion that plagued Japanese immigrants and their descendants. Nonetheless, he still says “we,” even when he contemplates the possibility of mob or government violence against the minority. In the next day’s entry, December 8, 1941, he writes: “I should have confidence in the democratic procedures, but I am worried that we might take a page from Hitler’s methods and do something drastic towards the Issei” (Kikuchi, 1993, 43).

The Issei, the first immigrant generation, were still citizens of Japan, although most had resided in the United States for several decades.¹ They

¹In 1868–1869 the Japanese government allowed 149 farmers to emigrate to Hawaii where they would labor in the local sugar-beet industry. Because of poor treatment and intensive exploitation, the experiment was terminated early and emigration stopped. The ban was not lifted until 1885, when Robert W. Irwin, representing the Hawaiian Board

were barred from acquiring American citizenship by a naturalization law of 1790, still in force in 1941, which restricted the privilege to free white persons. As first-generation immigrants, they also retained visible cultural and linguistic ties with their country of origin, and most could not speak English fluently. Charles Kikuchi reacts to the news of the Japanese attack in Hawaii by assuming that loyalty follows nationality, and that the position of the Issei was naturally suspect. In a matter of days, however, Kikuchi records the early signs that a more ominous fate was looming over the whole Japanese American community, irrespectively of citizenship. On December 9, 1941, Chinese friends were already wearing badges to differentiate themselves from America's Japanese enemy, and they offered one to Kikuchi himself (Kikuchi, 1993, 44). Thus, under the pressure of a mounting mood of wartime antago-

of Immigration, managed, in association with Japanese foreign minister Inoue Kaoru and businessman Masuda Takashi, to promote the emigration of skilled farmers from the Hiroshima prefecture (Chan, 1991, 11). The agreement that led this first significant wave of immigration is known as the Irwin Convention (Irwin and Conroy, 1972). The demand for cheap labor in Hawaii increased with sugar production, which went from 32,000 tons in 1880 to more than 500,000 tons by 1910 (Chan, 1991, 27). Gradually, Japanese immigrants began to transfer to the mainland, preferring destination states on the Western seaboard, like California, Washington, and Oregon. Economic competition soon sparked a nativist reaction, especially in California, that led, eventually, to the establishment of barriers against Japanese immigration and naturalization. In 1907 the Japanese and American governments entered an asymmetrical "Gentlemen's Agreement" and Japan stopped issuing passports to laborers seeking to emigrate to the United States. These measures were, however, insufficient to limit significantly the influx of immigrants. Flow estimates for the period 1901–1908 record the arrival to Hawaii and the mainland of 127,000 Japanese. In the period between the Gentlemen's Agreement (1909) and the Exclusion Act of 1924, a total of 118,000 new immigrants reached the United States. The return-rate, however, was very high, so that by 1930 there were 138,834 Japanese in the country, of which 97,456 resided in California (Daniels, 1977, 1). In the 1924 Immigration Act Congress excluded from immigration quotas all aliens ineligible for citizenship and reduced immigration from Japan to almost zero.

nism, often expressed in racial terms, his fear *for* the Issei soon transformed into fear and mistrust *of* the Issei: “If just one of them sabotaged something, what hell there would be to pay” (Kikuchi, 1993, 45).

Although no acts of sabotage were committed by Japanese Americans, on the mainland or in Hawaii, the tab was presented for payment. On February 14, 1942, President Franklin D. Roosevelt signed Executive Order No. 9066, setting in motion a military-civilian apparatus that would incarcerate nearly 120,000 people, between Issei and Nisei, for the next three years. The decision to evacuate matured in government circles, in part, as a response to several months of campaigning by California exclusionists, in part as the political reverberation of the petty interests and aversions of many individuals at the highest levels of government.² After a few test-runs, like the removal of fifty-four families from Bainbridge Island, Washington State, the Army quickly removed all Japanese Americans from the designated military zones. So imperative was total removal that orphans were taken from orphanages

²Roger Daniels attributes a primary role to the Provost Marshal General Allen W. Gullion, who, “like any good bureaucrat, began a campaign to enlarge the scope of his own activities, an activity usually known as empire building” (Daniels, 1993, 40). Gullion requested, unsuccessfully, that the enemy control program be transferred from the Department of Justice to Henry Stimson’s War Department. He then attempted to persuade General deWitt that the evacuation was necessary, citing the demands of California exclusionists, like the Los Angeles Chamber of Commerce. Both directly and through his representative, Major Karl R. Bendetsen, Gullion continued to exert pressure on General deWitt and on the civilians in the Department of Justice until, with help from West-Coast politicians, deWitt finally recommended evacuation. Roger Daniels reevaluated the role of General deWitt, the “man on the spot” deciding on military necessity, and concluded that “it was the politicians and lawer-bureaucrats in uniform who, in the final analysis, made the crucial decisions and having made them adhered to them even though the man on the ground was willing to temporize” (Daniels, 1993, 81).

and the sick and infirm were taken from hospitals. When the evacuation began, in mid-March, 1942, the permanent camps that would be administered by the War Relocation Authority were not yet ready. The solution, devised by Colonel Bendetsen, was to designate racetracks, fairgrounds, and livestock exhibition centers as reception camps. Charles Kikuchi, who was sent with his family to the Tanforan "Assembly Center," had the University of California send his degree in social welfare to "Horse Stable #10" (Kikuchi, 1989, 188). By August, 1942, the evacuation was completed and the West Coast Japanese were under guard in ten concentration camps, euphemistically called "relocation centers" in the official terminology. The camps, all located in desolate areas, were Tule Lake and Manzanar (California), Minidoka (Idaho), Topaz (Utah), Poston and Gila River (Arizona), Granada (Colorado), and Rohwer and Jerome (Arkansas). Kikuchi was sent to Gila.

While still in Tanforan, Charles Kikuchi was recruited by Dorothy Thomas to work on the Japanese-American Evacuation and Resettlement Study (JERS) she was heading, out of the University of California at Berkeley. The internment offered an unparalleled opportunity for scholars, civilian administrators, and the military to observe the behavior of large groups in an artificial and constrained environment, and to measure their reactions to confinement, total governance, and a variety of specific policies, all, one must say, in the context of American democracy. The producers and purveyors of knowledge, public servants, and uniformed protectors of the constitution and the state were able, apparently with little effort, to suspend their sense of contradic-

tion and embrace the inherent opportunities of this utilitarian violation of principles. Perhaps, the myth of a benevolent power overseeing human affairs and managing the affairs of humans, a paternal power, aided a painless (and never infrequent) lapse into moral relativism. Alexander H. Leighton, a lieutenant in the Navy Reserve Medical Corpse, and the head of the Bureau of Sociological Research under the Office of Indian Affairs, emblematically entitled his study of internment at Poston, Arizona, *The Governing of Men*. In the preface he attributes to John Collier, Commissioner of Indian Affairs, the opinion that “the problems presented by the Japanese relocation were a challenge to democratic principles and an opportunity to gain experience and improve methods. The results, Mr. Collier thought, would have value later in the government of occupied areas, in relief and rehabilitation and in the reestablishment of millions of displaced persons after the war” (Leighton, 1945, vii).³

Inadequate paradigms: the camp as elusive object

Initially, the University of California study of the internment was conceptualized as a vast academic operation that would encompass a variety of

³Historian Brian Masaru Hayashi has recently published a study of the Japanese American Internment in which he shows that the attitudes and policies of many military commanders and civilian administrators involved with the evacuation were heavily influenced by impressions, prejudices, and expectations formed during service periods in Asia, especially the Philippines, as well as at home, in the Bureau of Indian Affairs. He also shows that the “lessons learned” in the democratization of the Issei and Nisei “were carried abroad and applied to people residing beyond the national boundaries” (Hayashi, 2004, 8).

disciplines, including sociology, social anthropology, political science, social psychology and economy. Each area of competence answered a specific aspect of the composite “problem” that came into being with the creation of the concentration camps. Each area would, ideally have been approached by a specialist, thereby introducing a basic subdivision of the project into distinct methodologies. This part of the plan failed to materialize due to the reassignment of University Faculty to other war-related tasks.⁴ But is it accurate to say that the missing specialists had been diverted *to* projects connected to the war? Were they not simply reassigned to *other* projects in which academics placed their expertise at the disposal of the state, perhaps more overtly, as part of a concerted effort to gear national life towards military goals? In other words, can we justify the implicit claim by authors Dorothy Thomas and Richard Nishimoto that JERS was not just another instrument in the State’s toolbox of population control?

A tentative answer can be found in the way the authors break down the complex problem they are about to examine into areas approachable on a disciplinary basis. According to the initial planning, sociologists would look into attitude changes and “dislocation of habits” in the interned population, anthropologists would investigate the cultural changes induced by forced concentration and dispersal, political scientists would examine the formation of

⁴The anthropologist, Prof. Robert H. Lowe, was lost to the Army Specialized Training Program; political scientist Charles Aikin and economist Frank L. Kindner to the Office of Price Administration (a federal agency created to avoid or limit wartime inflation); Prof. Milton Chernin of Social Warfare to the Army (Thomas and Nishimoto, 1946, vi).

policy and procedure as well as the relation between the States and the national government, social psychologists would monitor collective and individual adjustment “to the way of life imposed by the government,” before and after internment, and, ultimately, economists would gauge the economic impact of government policies at the federal and local level (Thomas and Nishimoto, 1946, v).

Clearly, all these issues represent a compound problem for one entity only: the State — the one power capable of corralling a heterogeneous population, internally diversified by class, culture, and language across and not simply along generational lines, and turning it into a problem that can be analyzed by applying clear and distinct categories. The State is, in other words, the true beneficiary of professional observation of a situation for which it was entirely responsible. Any claim to neutrality that civilian scholars might advance is based on a merely formal and illusory distinction between military and civilian apparatuses while, in fact, the knowledge produced by these inquiries is utilized to devise policies of social engineering that advance political homogeneity. This presupposes the identification of the categories that answer most readily to the State’s short-term and long-term goals, a task for which the social sciences are eminently qualified. Once these categories are clear, various technologies can be employed to adapt or replace existing forms of aggregation and solidarity. In general, the more radical the required transformation, the more brutal will be the reduction of a recalcitrant population to a mass in which the individual is isolated and malleable. Harshness

of treatment within a concentration camp escalates accordingly, depending, also, on whether a viable exit strategy exists for the liquidation of the camps, and what this entails for the interned population. Here, the comparison with the same structure as it appeared in the great totalitarian regimes of the twentieth century gives an idea of the sheer range of possibility for social engineering that their mere existence opens up.⁵

Two short-term goals could be achieved by means of concentration of the West Coast Nikkei in small areas under direct governmental supervision. Firstly, internment would ensure the State had the ability to wage war successfully in case a Japanese invasion turned the Pacific seaboard into a zone of actual combat operations. With all its faults, the argument of military necessity provided many authorities, including General DeWitt, with a sufficient rationale for action in the face of a real or perceived emergency. In retrospect, all the faulty logic, concocted evidence, and distorted chronology in many official documents were a product of the need for military cadres to justify the evacuation with rational argument. Their conviction that evacuation was indeed necessary, however, was not touched by later or even contemporary rebuttals, for it was based on an unspoken racialized conception of group sol-

⁵This unexpected and yet fundamental likeness can be derived from the work of Hannah Arendt on the great totalitarian regimes of the twentieth century, especially in *The Origins of Totalitarianism*. It is also a tenet of the work of Italian philosopher Giorgio Agamben, who sees in the concentration camp the manifestation of a crisis of modern politics that is not confined to a few, aberrant, authoritarian regimes, but is inherent in the very structure of modernity. In four titles he looks at this issue specifically: *Homo Sacer: Sovereign Power and Bare Life*, *Remnants of Auschwitz*, *The Open: Man and Animal*, and *State of Exception*.

idarity (Gen. John L. DeWitt's infamous "A Jap is a Jap" remark), career considerations (Provost Marshal General Gullion and Maj. Karl Bendetsen), or plain obedience to authority. In this regard it is worth noting that the highest authority in the country, President Franklin D. Roosevelt, was never asked, nor ever volunteered to explain the Executive Order that made the evacuation a reality. Sovereign decision is independent of any and all rational considerations and justifications.

The second goal was the relieving of social and political pressure for wholesale evacuation coming from the West Coast. Morton Grodzins documented extensively the role of local politicians and organizations in encouraging the Federal government to take radical action against the presence of the Japanese minority on the territory of the coastal states. He then incurred the hostility of the JERS group for attributing a primary role to anti-Japanese activists in precipitating the internment. JERS saw larger forces at work behind the camps, forces like racism and war hysteria, that made the entire national population complicitous. If this latter thesis is correct, any effort to attribute specific responsibilities is irrelevant. In spite of substantive differences in approach and conclusions, Grodzins and Thomas clearly share the fundamental presumption that the camps could be explained in terms of cultural, political, or economic causes amenable to being conceptualized as problems for which a rational solution could then be elaborated and implemented through education or juridical reform. They never considered the possibility that the camps could be the manifestation of a fundamental para-

dox at the heart of modernity, a contradiction between, on the one hand, the assumption that the free subject is always capable of establishing rational, discursive relations with an object or with other subjects, and, on the other hand, the constant risk that this mediation might fail at the political level, thus consigning politics, with increasing frequency, to a state of uncontrolled and absolute hostility (Galli, 1996, 53). At such moments sovereign power is revealed as the location of a decision on the exception, a decision on what is excluded and banished from normal society, on what is “other.” Through this act, it defines, time and again, the inside of the political space against a hostile and uninhabitable outside. In modernity, however, this power fails to constitute a political order of any permanence because it relies on the rational subject as the pivot of a process of automatic mediation that is expected to bring form to a world without order.

The Wars of Religion of the sixteenth and seventeenth centuries shattered Christian theological, philosophical, and political unity, and, with it, the mediation of the Roman Church between transcendence and immanence from which the pre-modern western world derived its particular and intrinsically hierarchical forms. Modernity took the reverse path and attempted the construction of order from the bottom by presuming that reason, correctly and rigorously applied, would be able to transform the particular into the universal. Bourgeois philosophy expected this mediation to be automatic, and thus systematically ignored in its theories the nexus between violence, law, and politics which, in different ways, is so crucial to the thinking of

Schmitt, Benjamin, Arendt, Agamben, and Galli.⁶ If the origin of politics, and, as a consequence, of state power, is indeed irrational, then focusing on institutional mediation for the resolution of conflicts can only produce more and more conspicuous exceptions. In our case, the separation of the Nikkei from the normal population by executive order is a decision of sovereign character, but one that addresses the paradox of the compenetration of opposites (citizen and alien, democracy and tyranny) by reaffirming the principle of separation without producing, in the act, a political order capable of owning conflict rather than capitulating before it.⁷

In order to see the camps as a structural element of modern sovereignty one must forgo the western cultural bias toward rationalizations of a utilitarian nature. In the matter of the evacuation, for instance, we tend to focus on the largest possible problem in order to find the most general probable cause, and from there explain all the remainders as auxiliary causes and subsidiary problems. In this optic, the long term effects caused by the concentration of the Nikkei in enclosed areas takes precedence over the short-term goals of dealing with the real or imagined problem of military necessity, and with regional demands for a particular course of action. Once a peculiarly North American brand of racism is identified as cause, it mechanically follows that

⁶Galli considers the problem of rationalistic mediation in his monumental study of Carl Schmitt, *Genealogia della politica: Carl Schmitt e la crisi del pensiero politico moderno* ('Genealogy of Politics: Carl Schmitt and the Crisis of Modern Political Thought'). Unfortunately, this book has not been translated into English and even Italian editions are very difficult to obtain.

⁷The term "Nikkei" refers to those ethnic Japanese who live outside the national borders. It includes first generation emigrants, the Issei, and their descendants.

it should be applied to all visible consequences, while, in fact, whatever the initial or ostensible motives for the evacuation, it is only after the decision is taken, in the form of the executive order, to be implemented by the State defensive, repressive, and bureaucratic apparatuses, that the need for the formulation of a long-term solution arises: at the very moment of their creation by sovereign *fiat*, the camps *become* the problem in virtue of their mere existence as spaces of the exception. Contingency thus defines the question: What is to be done with all these lives, completely in our charge?

The Wartime Relocation Authority was the institutional embodiment of the need to provide an answer to this question, and a solution to the radical exclusion decided by the sovereign and enforced by the Army. Like the evacuation, the WRA itself came into being by Executive Order (No. 9102, dated March 18, 1942), and receives from the President a mandate “to formulate and effectuate a program for the removal, from areas designated from time to time by the Secretary of War or appropriate military commander under the authority of Executive Order No. 9066 of February 19, 1942, of the persons or classes of persons designated under such Executive Order, and for their relocation, maintenance, and supervision” (Commission on Wartime Relocation and Internment of Civilians, 2000, 152). Nothing is said about the duration of the exclusion, which would presumably but not necessarily coincide with the duration of the war. Nothing is said, also, about the final destiny of the “persons designated” for exile to the American deserts. An exit strategy matured with the appointment of Milton Eisenhower as head

of the WRA. Eisenhower recommended a program of progressive “Americanization” of the internees, and their dispersion on the national territory by means of an appropriate relocation program. Eventually, the final decision to begin relocating the internees back to normal America was taken by Dillon Myer, the WRA’s second and last director, in negotiation with the War Department. Scholars have amply demonstrated that the need to democratize the Nikkei was fictitious, that the premises of the Americanization program were wrong, and that it caused more disaffection than new acceptance of the principles of democracy.⁸ In actuality, however, relocation entailed nothing more than the formal clearing of internees to leave the camps, after which most returned to the formerly interdicted zones. Still, the internment cannot be said to have failed just because it did not meet objectives that we now understand as fraudulent. The objectives themselves existed because the camps existed, and because all that exists, especially in a bureaucratic world, must have a stated purpose. Thus, a purpose was conjured by the WRA leadership, and handed down to subordinate civilian administrators who were then expected to embrace it and devote themselves to its success.

The good, the bad, and the ugly: sovereign power, state rights, and the internment camps

⁸See, for instance, Morton Grodzins’ *Americans Betrayed* (1949), the classic *Years of Infamy* by Michi Weglyn (1976), *Concentration Camps: North America* by Roger Daniels (1993), and, more recently, *Judgment Without Trial* by Tetsuden Kashima (2003). Many more studies addressing this issue from more specific perspectives are cited below.

Executive Order 9066, signed by President Franklin D. Roosevelt on January 19, 1942, granted the War Department the authority of prescribing military areas anywhere on the national territory and of establishing military control of the civilian population encapsulated in these areas in order to control the activities of enemy aliens and potential saboteurs. While it was understood that this measure was intended for the West Coast, the Executive Order itself contained no such geographical restraints. It is often remarked, quite correctly, that the order makes no mention of the Japanese American community against which it was going to be used indiscriminately. Notably, the power of the “designated Commander” over the civilian population was not limited to enemy aliens or citizens whose ancestry could, under the circumstances, be deemed compromising. It encompassed the entire population of the United States, just like it spanned the country’s entire geography. More specific guidelines were added by Secretary of War Henry L. Stimson in the letter that transmitted the President’s order, and the concomitant authority, to General deWitt of the Western Defense Command. Stimson explicitly instructed the general not to “disturb, for the time being at least, Italian aliens and persons of Italian lineage except where they are, in [deWitt’s] judgment, undesirable or constitute a definite danger to the performance of [his] mission to defend the West Coast,” to avoid unnecessary hardship by evacuating military areas gradually, and to take advantage of all possibilities of voluntary resettlement.⁹ By March 27, 1942, it was clear that voluntary

⁹Secretary Stimson makes a passing reference to more substantial plans of removal when he requests more detailed evacuation plans and notes that “individuals will not be

relocation outside the interdicted zones was impracticable and undesirable. Almost immediately after this possibility was ventilated the governors of receiving states expressed their opposition to the unregulated influx of “enemy aliens” that the Federal government believed to be too dangerous to remain on the West Coast. At the Salt Lake City Conference of April 7, representatives of 11 Western states argued, with stringent logic, that relocation would not eliminate but only displace the alleged danger of sabotage and fifth-column activities to their constituencies. Morton Grodzins notes that Governor Ralph Carr of Colorado was the only exception in a “solid front of animosity” (Grodzins, 1949, 247–249).¹⁰ Mr. Carr’s willingness to cooperate was dictated by a sense of duty towards the national government and not necessarily by sentiments or friendship or fairness towards the Japanese American community.

Even if Carr’s attitude had been prevalent, it is doubtful that wholesale internment could have been averted. Under the authority of General DeWitt, the Western Defense Command was rapidly expanding exclusion zones from

entrained until such plans are furnished and you are informed that accommodations have been prepared at the point of *detraining*” (DeWitt, 1943, 26. My emphasis.). The clear reference to means of mass transportation suggests that mass deportation was the obvious, though, perhaps, at that stage unacknowledged outcome of the technologies of population control deployed on the West Coast. Military supervision of civilian life seems to lead almost unavoidably to a kind of regimentation that requires a transfer to a structure organized in blocks and barracks.

¹⁰Although opposition to was more vehement for what concerned the Japanese, but it also included Italian and German aliens. The Congressional Report of 1982 attributes partial responsibility for the final decision to evacuate the West-Coast Nikkei to concentration camps to the practical unfeasibility of voluntary migration at short notice and to the active resistance of receiving States (Commission on Wartime Relocation and Internment of Civilians, 2000, 93–94).

specific sensitive areas that did not require the removal of large numbers of residents, to embrace the entire western half of the states of Washington, Oregon, California, and the coastal area of Arizona. Moreover, the expeditious removal of over 100,000 people was not consistent with the naturally slow pace of voluntary migration or with avoidance of unnecessary hardship. Only a concentrated effort by the military would be able to implement a large-scale evacuation and to contain its social and political fallout. At Salt Lake City it became quite apparent that voluntary evacuation would not yield the desired results. Quite the contrary, this unpopular policy created a friction between receiving states and the Federal Government that threatened to extend to the entire nation the anti-Asian and anti-Japanese antagonism traditionally found in California.

In 1906 a comparable situation developed after the San Francisco School Board decided to segregate Japanese American pupils, leading to a diplomatic crisis with Japan. The Japanese reaction and the stubbornness of California authorities forced President Theodore Roosevelt to become directly involved. At the time, though, the friction between Washington and California was clearly framed as an issue of State rights versus Federal sovereignty. Roosevelt considered all actions towards citizens of a foreign country a matter of international relation that fell squarely under federal jurisdiction. He was particularly keen on handling the issue at the federal level because, in this case, the victims of discrimination and, eventually, mob violence, were subjects of a rising power, Japan, which had proven its military capabilities

in recent successful wars against China and Russia.

International relations are critical to the historical development of state entities as unified subjects capable of acting consistently towards one another. A credible state must exercise complete control of its territory and population in order to rank favorably and function effectively in the international system. For this reason, western colonial powers had forced Meiji Japan to develop a strong central government capable of guaranteeing that the treaty obligations it contracted would be binding without regional defections. In 1906 Japan seemed to expect the same consistency from the U.S. government, which accounts for Theodore Roosevelt's embarrassment when the actions of the State of California undermined the authority of the Federal Government to regulate international relations by treaty. When Governor Gillett of California asked President Roosevelt whether he would accept that the matter of Japanese exclusion be submitted to state voters, the President replied that any such action by the State legislature would be construed as an attempt to usurp a power that belonged exclusively to the national government (Baily, 1964, 173). If this were to occur, it would undermine the international standing of the United States as a sovereign entity.

Clearly, two sovereign powers cannot coexist on the same territory. Dual or multiple sovereignty can be maintained only by a neat separation of competences and by avoiding, at all costs, conflicts that may upset the established balance. The U.S. system creates a twofold illusion: from the inside, it creates the impression that distinct entities with distinct prerogatives coexist

on the same territory; from the outside, it maintains the impression of unity and homogeneity that defines the modern state. It is the political magic of modern collective bodies, as expressed discursively in the national motto: *E pluribus unum*.

To defend the prerogatives of the presidency and of the national government, Theodore Roosevelt threatened to employ the military capabilities at his disposal to protect the persons and property of Japanese subjects if the State authorities defaulted on their duties to protect foreign nationals from mob violence. Such statements provoked an intense reaction from both Western and Southern states, the latter wondering how long before their schools would be desegregated with similar arguments.¹¹ The more bitter attacks on Roosevelt accused him of siding with Japan against his own people, and of leading the country into a “constitutional struggle unequaled in danger to the Union since the Civil War” (Bailey, 1964, 108–109). Although raising the specter of civil war was not justified under the circumstances, and was clearly rhetorical, if the institutional clash is not solved at the level of competences (of the states and of the federal government) it may rise to the level of sovereign prerogative where the central government may be forced to assert its power in order to maintain its role. In modern political theory,

¹¹The sensitivity of Southern States to Federal interference in racial issues goes back to the origins of the United States, both in the Revolution and in the negotiations for the new constitutional framework that came out of the Philadelphia Convention. Alfred and Ruth Blumrosen go even further back, and find that the interference of the British courts in the matter of slavery (Somerset opinion of 1772) persuaded the colonies of the necessity to seek independence (Blumrosen and Blumrosen, 2005).

sovereignty—the power of the state over a bounded territory—is understood as absolute and singular. Its autonomy and separateness are reinforced by the principle of popular sovereignty on a national basis, generally accompanied by an injunction of indivisibility of the nation-state.

Internally, the power of the state is limited by social and institutional arrangements (including the ideological division of human life into a public and a private sphere) that limit the power of the state. But when these limitations intentionally or incidentally interfere with the exercise of crucial sovereign functions they represent a direct challenge to sovereign power that must be addressed and resolved for the preservation of the existing political order. Within the national borders, the boundaries of state power are soft and the degree of intrusion into social and individual life may vary. External limits, on the other hand, are hard, for they coincide with the boundaries of other state-entities. From this point of view the significance of California’s “rebellion” against Theodore Roosevelt in the San Francisco School Board incident of 1906 was not in the erection of hard boundaries inside the Union, as was the case in the Civil War, but the undermining of America’s standing as a sovereign nation before its peers.¹² Clearly, state “rights” and state “sovereignty” are not interchangeable terms. By its nature, sovereignty

¹²At the same time, California’s treatment of Japanese immigrants could create an international incident whose consequences would have to be borne by the entire nation. Diplomatic historian Thomas A. Bailey noted that Japan had threatened to deal with California as with an independent nation while an East Coast newspaper expressed the not uncommon view that “of the two it might be cheaper to go to war with California than with Japan” (Grodzins, 1949, 6).

cannot be considered a right. It is the demonstrated capacity to exercise exclusive control over a territory, without limitation. A right, on the other hand, exists only when it is recognized by others as such and guaranteed by an authority capable of enforcing it without fear of being countermanded by a higher power. Rights are not self-justifying; they depend on what someone else does, or does not do.

Three decades later, in the first phases of the evacuation, states adjacent to California, Washington, Oregon, and Arizona were intensely hostile to the settlement within their borders of persons whose insider status in the American body-politic was doubtful, or who could straightforwardly be identified as “the enemy” by nationality, citizenship, or racial characteristics. Their attitude can certainly be understood as a manifestation of racial animosity, heightened by the psychological and material conditions of wartime. Considered from the perspective of the logic of modern citizenship, however, it can also be understood as a defensive measure with which State representatives sought to forestall the devaluation of their participation in the national body by dilution with a foreign contaminant. In an open letter to WRA director Eisenhower, Senator Edwin C. Johnson of Colorado expressed this preoccupation in a language that falls short of the biological metaphor of infection and disease, but is equally effective. He employed the cruder metaphor of waste disposal, and remarked that Colorado “ought not to be made the dumping grounds for the Pacific Coast States” (Myer, 1946, 28).

Hemmed in by the failure of voluntary migration, the Army finally recom-

mended detention, and proceeded to implement it. On March 27, General DeWitt issued Public Proclamation No. 4, with which he forbade further voluntary migration and locked the entire Issei and Nisei population on the West Coast to await removal to the camps. As a result, the nature of the task before Milton Eisenhower's newly formed War Relocation Authority changed radically. It was no longer a responsibility with a natural end in sight, envisaged in the successful relocation of the entire Japanese American population to other areas outside the exclusion zones. It had now become an open-ended concern whose only conceivable limits were determined by an unpredictable variable, namely, the duration of the war. In addition, there was no legal guarantee that after the cessation of hostilities between the United States and Japan, either country would have accepted responsibility for the internees. No legal automatism, analogous to the transmission of citizenship from parent to child, was in place to free the WRA of its burden of care. The matter was entirely one of sovereign decision.

Drinking from the Fountain of Power: The Authority of the War Relocation Authority

From its inception, the WRA was a government agency in search of legitimacy. Its mission involved the detention of large numbers of Japanese and American citizens without due process of law, and was clearly of dubious constitutionality. For the time being the issue of constitutionality could be

set aside since the Supreme Court was traditionally reluctant to challenge the authority of the executive and the judgment of the military during wartime.¹³ The WRA could thus operate under the assumption that the legality of its poorly defined, though pragmatically extensive authority was warranted by its acknowledged source: the war powers of the president. The WRA Solicitor argued that the extent of presidential authority over enemy aliens was “almost unlimited,” and that this applied, by extension, to the agencies to which this power was delegated (Myer, 1946, 33).

In December, 1941, about 40,000 Issei could be classified as enemy aliens and were potentially entitled to the protection of the Geneva Convention of July 27, 1929, if broadly interpreted. Their status as prisoners of war, however, could not be determined simply by reference to existing international regulations. These protected explicitly only civilians giving active aid or providing essential services to a hostile military apparatus. For instance, diplomatic personnel, reporters, civilian contractors, and even industrialists in strategic economic sectors fell squarely into this category of active supporters.¹⁴ The protocols of the various Geneva Conventions had been drafted

¹³For the subservience of the U.S. Supreme Court to the wartime needs of the executive see Clinton Rossiter's *The Supreme Court and the Commander in Chief*.

¹⁴The most sweeping category were citizens rising *en masse* against an invading force would, if captured, be protected by the provisions of the conventions. It still remains too vague to be considered an endorsement of the right of rebellion. In fact, this possibility is specifically excluded by the first modern directive regulating the behavior of armies at war was a U.S. Army manual published 1863, *General Orders 100: Instructions for the Government of Armies of the United States in the Field*. The manual distinguishes between active popular resistance to an invading army, which it considers legitimate, and uprisings against a military force in a country that is “already occupied,” by which act individuals forfeit the protection of the law (Wells, 1992, 128). Significantly, the need for regulation

under the assumption that war was the armed contraposition of two separate state-entities occupying distinct geographical spaces, and that the involvement of civilian populations could be determined straightforwardly by their relation to a military apparatus. Thus, populations that found themselves technically in enemy territory because of the accidents of migration, colonization, and soured international relations, fell entirely outside the scope of these rules. The status of Japanese citizens residing in the United States and American citizens in the Far East remained ambiguous and their treatment, good or bad, was arbitrary.

In the final analysis, prisoner of war status during the Second World War proceeded from a concrete situation developing in the Pacific, whereby the presence of thousands of American citizens in territories occupied by the Japanese Army created the conditions for reciprocity under which the American and Japanese governments were able to negotiate, with great difficulty, two exchanges of civilians. Very few came from WRA camps. Most were drawn from Justice Department internment facilities for enemy aliens that were apprehended by U.S. security agencies immediately after the Japanese attack, and whose ties to the Japanese government were more substantial than the mere juridical fact of citizenship. These detentions were motivated

arose in the context of civil war, after the guerilla raid on Lawrence, KS, by William Clarke Quantrill. During the attack, Quantrill and his cohorts looted and burned the town, killing approximately 150 males of fighting age. In reprisal, Union troops evacuated, searched, and destroyed more than 20,000 homes in four Missouri counties. Clearly, some restrictions were in order. *General Orders 100* inspired similar legislation in Germany, Great Britain, and France, as well as the first international effort to set down explicit laws of war in Brussels, in 1874 (Wells, 1992, 1–4).

exclusively by concerns with internal security. So much so that the arresting agencies resented the later interference of the Department of State's Special Division, which was requesting the release of certain persons to meet specific Japanese conditions for the departure of the exchange ships.

Department of State officials complained, in turn, that they received little cooperation, especially from the Department of Justice, and were often unable to obtain the release of a given prisoner. The Department of War was equally uncooperative when it came to exchanging civilians, at least until General A.W. Gullion was informed by James H. Keely of the Special Division that the exchange ships represented the only possibility of getting supplies to American prisoners of war (uniformed, not civilian) in detention in Asia. Gullion proposed to overcome the resistance of the Department of Justice by turning to the President. In very short order, Franklin Roosevelt empowered the Secretary of State to take all necessary steps to facilitate the departure of the exchange ship, over anyone's objections (Corbett, 1987, 91–92).

The picture that emerges from Scott Corbett's analysis of the exchange of civilians between the U.S. and Japan suggests that the departments concerned with the internal and external security of the State, namely, the Departments of War and Justice, felt compelled by necessity to abandon, for the time of the emergency, civilians that were outside the geographic and bio-political boundaries of the nation-state. It thus seems that American civilians in enemy territory and the Japanese Americans designated, by pres-

idential decision, as a security risk, represented a situation of comparable indeterminacy between inside and outside that the armed forces and the security agencies could not handle. Their predictable response was hostility toward this state of indeterminacy, and toward the demands and restraints it placed upon them. From their point of view, this intolerable situation could only be resolved by a cessation of the emergency, with the defeat of the enemy.¹⁵

From the perspective of the Special Division, the situation must be placed in the historical context of formal international relations. Implicitly, these negotiations meant a mutual recognition of legitimacy between political entities, even in a time of conflict, a premise without which no agreement that could result in a limitation of war would be possible. The European system of sovereign territorial states was shaped in the sphere of diplomacy, and it managed to transform even war from a non-relation in which collective actors in a just war justly strived to destroy the enemy, into a relation capable of establishing, by agreement, the legal parameters of human action. War

¹⁵Corbett cites several instances when the Army objected to the exchange of civilians in its custody as a matter of principle, although military necessity remained the underlying rationale. In one case, the Japanese government requested the inclusion of 331 pearl divers captured in the Pacific in a possible third exchange of civilians with the United States. This condition also applied a similar exchange of British prisoners of war. The divers were held by the Australian government, which deferred its decision to General Douglas MacArthur. In spite of the joint pressure from the Special Division and the British Government, both anxious to secure the speedy return of civilians from enemy territory, the General remained “unalterably opposed to it” (Corbett, 1987, 101). The third exchange never materialized. For the Department of War the repatriation of American civilians remained a secondary concern, almost an inconvenience, even after the American advance liberated the internment camps where many were held (Corbett, 1987, 185).

between states can only be considered a relation if one concedes that it is a legitimate and just activity for both sides, which means abandoning the concept of the just war in favor of that of a just enemy.

For Carl Schmitt, the principal theorist of the *jus publicum Europeum* as the juridical expression of this concrete order, the entire structure is contingent on the fictive representation of the state as a legal person possessing an individual will. If the unity of that will is seriously questioned then the unified identity of the state before its peers is also in jeopardy, undermining the stability of the entire system. The spatial order created in this manner is thus very fragile, and can be assailed both from the inside, with the affirmation of a universal right to self-determination on a national basis, and from the outside, by the factual creation of unlimited opportunities for colonial expansion in the Americas and, perhaps even more importantly from this point of view, in Africa (Schmitt, 2003).

The Peace of Versailles (1919) inaugurates the current criminalization of war, and, by implication, of the enemy, complicating any attempt to reach a negotiated limitation of its destructiveness. One can argue that when the Special Division of the State Department and its counterpart in the Japanese government were trying to arrange a regular exchange of prisoners, they were operating according to the old (and weakening) paradigm upon which the entire system of states was originally constructed. Obviously, their efforts provoked resistance in those departments (War and Justice) that were attuned to the new paradigm and could only see the enemy as a criminal to

be neutralized or destroyed. Their stubborn reluctance to acknowledge the primacy of international agreements over the necessity of total war called for a direct presidential intervention to ensure collaboration with the Department of State.¹⁶

International agreements must not be confused with law, especially not with law of a superior order, which would entail the existence of a superior power capable of enforcing provisions and penalties in the international political space in the same way the state enforces legal provisions and penalties within the boundaries of its territory. Clearly, the discursive reification of the state as a great person carries important material consequences for the preservation of islands of order in the chaos of war. The possibility of non-violent agreement depends on it, although it remains, as Walter Benjamin remarked, entirely “beyond all legal systems” (Benjamin, 1996, 247). Modern political theory, from Hobbes to Locke, to Rousseau, to Schmitt and Benjamin, recognizes that, regardless of our conception of the basis of social cohesion as contractual, coercive, or defensive, state-entities exist outside any legal system and act towards one another as free individuals in a state of nature. Diplomats, Benjamin argues, resolve conflicts on a case by case basis without contracts and without violence. Contracts presume the two kinds of political violence theorized by Benjamin: the violence that preserves the

¹⁶There are indications that the treatment of American civilians in Japanese camps varied depending on the authority that presided over them. Generally, treatment was harsher in camps administered by the Army, which was common in the territories occupied by Japan, than in camps managed by civilian authorities in Japan itself (Corbett, 1987, 173).

law by punishing (or threatening to punish) violators, and the violence that creates the legal order in the first place. Neither type applies to the political space of the (improperly named) “society” of states, where force is a function of the principle of reciprocity. A perfect illustration of this principle in action is the internment of American civilians by the Japanese in response to the internment of Japanese Americans in the United States.¹⁷

Structure Without Law: The Rule of Necessity

In terms of institutional culture, the WRA, from Milton Eisenhower and Dillon Myer down to the Project Directors and other administrators, was also largely alien to the logic and principles of international relations, first and foremost the principle of reciprocity. Except, of course, when specific regulations came in handy to give their arbitrary rule of the captive population a veneer of legitimacy. Thus, while the WRA Solicitor was tracing the agency’s authority over the Issei to the President’s power to restrain enemy aliens at will in a time of war, director Myer was very recalcitrant to acknowledge that the prisoner-of-war status of a considerable number of his charges, one third of the entire population of Japanese American internment camps, placed certain obligations and restrictions on his agency that were also subject to external verification. When the Spanish Consul, as the official

¹⁷In *Quiet Passages* Scott Corbett makes several references to the clear causal links between the evacuation of Japanese nationals in the United States and the establishment of camps for ally nationals in the territories controlled by Japan (Corbett, 1987, 50–51, 88, 168, 184).

representative of Japan's protecting power, began visiting U.S. detention centers to verify the fulfillment of the Geneva Convention, Myer and the Army tried to draw an untenable distinction between "internees" held in Justice Department internment camps, and thus admittedly subject to inspection, and the "evacuees" held in WRA "relocation centers" (Corbett, 1987, 117). In this context the war of words over the proper terminology acquires a more sinister connotation, for the euphemism not only conceals the true nature of the camps but also removes them from the last legal space where part of the internees were still recognized as political subjects: the space of international relations. Even this protection was unavailable to the American-born Nisei, whose constitutional prerogatives as American citizens were withdrawn by Presidential decree. The WRA, but also Congress and the Supreme Court, accepted the presidential prerogative to suspend the Constitution in order to defend the existing political and social order in the face of emergency. According to this doctrine, which hearkens back to Lincoln's assumption of dictatorial powers during the Civil War, democratic government possesses an "unqualified power of self-preservation" that is assumed to be vested in the executive (Rossiter, 2005, 228).

American jurist Clinton Rossiter analyzes the recourse to dictatorial powers in crisis government in four great constitutional democracies, and argues that, in the United States, its use was never as severe as in Great Britain, France, and Weimar Germany. Even in times of national emergency, during the Civil War, the First World War, the Great Depression, and the Second

World War, democratic government continued to function normally, except, he concedes, in those limited areas where the executive suspended it as a protective measure. In the final analysis, Rossiter believes that the Bill of Rights, federalism, and the separation of powers, proved to be effective constitutional barriers against the establishment of a durable regime of constitutional dictatorship in the United States (Rossiter, 2005, 212). Rossiter seems to assume that the short duration of dictatorial powers as they manifested themselves in U.S. political practice strikes a sufficiently clear distinction between democratic government and true dictatorship to allow him to concede that such powers exist in modern politics and that they are quite legitimate. He also assumes that these exceptions can be contained by the framework of the Constitution—a position that puts him at odds with Schmitt who, on the contrary, points to the exception as the only genuine manifestation of essential political power.

In order to sustain his argument, Rossiter must acknowledge, with Lincoln, that the law can be broken without consequence: “in an instance of urgent necessity, an official of a democratic, constitutional state will be acting more faithfully to his oath of office if he breaks one law in order that the rest may operate unimpeded” (Rossiter, 2005, 229). Is the officer here mentioned, then, a criminal? Clearly, he is not. Nor can Rossiter, or any jurist, concede that the law can be broken with impunity even by the President. What we have, here, is an insurmountable contradiction between the law and the emergency. As a system of general statements, the law cannot contain the

historical specificity of the emergency, which is by nature always different, new, and unpredictable. At the same time, the emergency has no structure of its own within which to accommodate the law. According to Schmitt, conflict of this kind makes the presence of the sovereign necessary, for only the sovereign is capable of opposing to the chaos of contingency a representation of order that will constitute the normal situation in which law can take shape. It is thus incorrect to claim that Lincoln broke a specific law so that the system as a whole could be saved. Rather, as Agamben argues, the opposite is true: Lincoln suspended the entire legal structure in the specific instances when necessity jeopardized the order to which he gave sovereign representation. Only incidentally it was the same order formulated in the Constitution, although the actions of the four crisis presidents mentioned by Rossiter altered at a fundamental level the way the constitutional framework is interpreted in relation to the emergency powers of the Executive.

If Lincoln were indeed an official who, in certain circumstances, happened to break the law with impunity, the law would be proven without force, subservient to the privilege of rank, and legality itself would be abolished. In fact, he engaged in the quintessential sovereign act of deciding on an exception, which entails the suspension of the entire legal order in all those cases in which *he*, the President now acting as sovereign, determined that a state of emergency existed. In *Political Theology* Carl Schmitt maintained that “there exists no norm that is applicable to chaos,” that law can only exist in a normal situation, and that only the sovereign can decide whether

this situation exists (Schmitt, 2005, 13). In times of crisis U.S. Presidents have often exercised the kind of power that defines them as the only subjects capable of making that determination. In his analysis of the clash between Congress and the President over the assumption of extraordinary powers during the Civil War, Rossiter describes supreme power in terms that reach into myth. “Even if he,” he writes of Lincoln, “had created chaos, it was for him alone to make it cosmos” (Rossiter, 2005, 249).

Giorgio Agamben characterizes the relation to the state of exception in modern politics as the attempt to include it, at all costs, in the juridical order, resulting in the creation of a “zone of indistinction in which law and fact coincide” (Agamben, 2005, 26). This is done to maintain the illusion that human affairs can be governed entirely by positive law, and that there is no excess that would allow for extra-juridical interventions. Against arbitrary rule, modernity deploys a process of rationalization that depersonalizes power to the point of losing sight of the centrality of the decision in politics. When confronted with the exception, the juridico-institutional model of power, expressed by the system of positive law, can only think “necessity” as an objective situation, a pure fact that will, according to the philosophy of natural law, produce a rational norm appropriate to itself. Agamben critiques this position observing that necessity is not a factual given, but the product of a subjective decision based on a goal-oriented interpretation of existing conditions (Agamben, 2005, 29–30). Politically, a necessity exists when it is declared to exist by a sovereign authority.

There was nothing extraordinary in the appeal of the War Relocation Authority to the broad powers of the president to justify the detention of American citizens, except, perhaps, the obstinate illusion that these were still the constitutional powers of the commander-in-chief and not the unconditional powers of the sovereign. Eager to prove the legality of the internment, the WRA Solicitor became a victim of the confusion between juridical fact and brute fact that the camps he was defending represented. He was, however, correct in presuming that the emergency of total war allowed the WRA to defer entirely to the President without worrying too much about the interference of the law. Dillon Myer includes the following passage from the solicitor's opinion in his report, *WRA: A story of Human Conservation*:

We are engaged [he continued] in total warfare. The stakes are more than mere trade and empire; they involve the survival of our liberties and of our present form of government. If our democracy is to survive, our constitution must prove adaptable to the needs of our times. It has met that test in the past and there is no reason to believe that it will not do so today. Standard concepts of constitutional law will therefore undoubtedly be applied in the light of current war needs. That such application must always be made is itself one of the most fundamental of our constitutional doctrines (Myer, 1946, 33).

There is a clear sense, in this passage, that the survival of American democracy was jeopardized less by the brutality of total war than by the repeated challenges to the Constitutional order in each emergency measure. It is the constitution that must “prove adaptable” to the demands of the times, and this presumption of flexibility in the face of necessity is elevated

to fundamental constitutional doctrine. But the constitution is sufficiently pliable only in the hands of the sovereign, who does not change it in any way, for that *would* be a fatal attack on its credibility, but sets it aside in its entirety. Roosevelt's decision to except the Nisei from the protection of the law enveloped the totality of their bio-political existence. Their exclusion was not partial or provisional, but absolute and indefinite, a truly radical banishment from the space of the law to the space of the exception. Thus, the camp gaped open, manifesting the threshold where law refers to life by capturing it in a relation of exception decided by sovereign violence.

For the civilian administrators of the camps the illusion of constitutionality went hand in hand with the illusion that the internment was a transitional phase, a period of “protective custody” against the threat of racial intolerance, from which the Issei and Nisei would emerge better acclimated to American political culture.¹⁸ By contrast, the duration of the internment was irrelevant for the military, whose sole concern was the removal of a threat,

¹⁸Agamben discusses the historical links between state of exception and the concentration camp, as well as their relation to protective custody: “The camps are thus born not out of ordinary law (even less, as one might have supposed, from a transformation and development of criminal law) but out of a state of exception and martial law. This is even clearer in the Nazi *Lager*, concerning whose origin and juridical regime we are well informed. It has been noted that the juridical basis for internment was not common law but *Shutzhaft* (literally, protective custody), a juridical institution of Prussian origin that the Nazi jurors sometimes classified as a preventive police measure insofar as it allowed individuals to be “taken into custody” independently of any criminal behavior, solely to avoid danger to the security of the state” (Agamben, 1998, 167). David Rousset, political prisoner in Nazi camps, tortured at Neuengamme, worked to exhaustion in the Helmstedt salt mines, survivor of Buchenwald, wrote: “The SS Bible actually taught that the political internees were thrust into the camps to protect them against the just wrath of the German people!” (Rousset, 1951, 61).

whether potential, alleged, or imaginary, without regard for the quality of evacuee life. This difference of outlook between the civilians and the military was exploited by the WRA to impress its mission with the hallmark of humanitarianism. Director Myer noted, in his official report for the Department of the Interior, that “nobody knew exactly what should be done with these people, but a civilian agency was needed to take them off the hands of the Army as rapidly as possible” (Myer, 1946, xiv). Conversely, his predecessor, Milton Eisenhower, who was personally involved in the early phases of the internment, remembers distinctly that “the Army was eager to get the evacuees out of the assembly centers” and into the as yet uncompleted WRA camps where they would cease to be their responsibility (Eisenhower, 1974, 122).

We must distinguish, here, between two different types of political responsibility that pertain to the sovereign. One encompasses the care of mere life in a biological sense, whose only recognized necessities are the need for shelter and sustenance; the other concerns the care of the qualified life of the citizen as a human being whose biological kernel is protected by an outer shell of political relevance which carries the valences that bind individuals into a body politic. In removing the Issei and Nisei from the national territory, the Army discharged the second type of responsibility towards the remaining population of the United States. Once it accomplished its task, however, it found it was also burdened by a responsibility of the first type, having to care for the population it held captive in the reception camps, eu-

phemistically designated as assembly centers. The centers themselves were envisaged as transitory structures, improvised and adapted from fairgrounds and racetracks where persons literally took the place of animals. Making a slight and, perhaps, opportunistic concession to unspecified “higher” needs, General DeWitt wrote in his *Final Report* that “these centers were to be designed to provide shelter and messing facilities and the minimum essentials for the maintenance of health and morale (DeWitt, 1943, 78). In sharp contrast with the structural transience of the assembly centers, the fate of the population they held captive was inherently undecided and open-ended. This established an incongruous relation, a failed synecdoche, between container (the reception centers) and content (the Issei and Nisei) that could only be resolved by transmitting the internees to structures of equally open-ended permanence.

The obvious solution was to pass on this responsibility as quickly as possible to the WRA, the non-military agency explicitly created by president Roosevelt for this purpose. The Army reserved for itself the task of guarding the perimeter against possible escapes and thus continued to fulfill its protective function. Curiously, the WRA was equally reluctant to accept responsibility for the bare life of the internees, perhaps because this peculiar kind of burden, which exists outside the artificial limitations established by tradition and positive law, always involves the prerogative (and the temptation) of being utterly irresponsible. To what degree this occurs depends very much on a combination of factors that were more pronounced in the regimes

traditionally recognized as totalitarian, but this cannot detract that this irresponsibility *could* be exercised. Eisenhower and, after him, Myer, thus attempted to reframe their role in paternalistic terms, from guard to guardian, and to limit the duration of their authority in time by stressing that relocation remained the WRA's *raison d'être*. For as long as it lasted, however, that authority remained, in principle, limitless. Alexander Leighton, who can be classed as a sympathetic observer, betrays a hint of impatience when he notes that internees "gave little appreciative thought to certain points on which those responsible for the conduct of evacuation were inclined to pride themselves, such as keeping families together and permitting self-government in the Relocation Centers" (Leighton, 1945, 47). Clearly, self-government and, more fundamentally, family unity, were concessions, privileges that the internees should (and did) know better than to take for granted.

JERS: Scholars “sensing” chaos

If the Army and the WRA constituted, together, a two-tiered system of control, the social scientists from Berkeley represented a more subtle level of cooperation between military and civilian institutions, engaged in the production of useable knowledge. Since they were not directly implicated in the overseeing and containment of the internees, they could maintain, for themselves and their audience, the illusion of neutrality while taking advantage of the existence of the camps to gather data on a human community confined to an entirely artificial environment and subjected to a vast project of social

engineering. Although the knowledge produced by the Berkeley study did not come to fruition directly in the management of the camps, it should be noted that the sociologists shared with the administrators basic assumptions on the role of culture and acculturation in the shaping of modern society. Both favored a voluntaristic model rather than one based on strict racial or ethnic distinctions. The same assumptions that were applied to the care and study of the captives guided the policies of the administrators and the expectations of the sociologists to the point of creating an implicit alliance between the two like-minded civilian institutions. It is thus not surprising that Thomas and Nishimoto present the WRA as the victim of a rash and misguided military policy which “perverted” its role “from resettling displaced people to planning a way-of-life for them within the confines of barbed wire” (Thomas and Nishimoto, 1952, 87). In fact, the source of this perversion was not the Army, but a basic misunderstanding of just how “displaced” these people were. Physical removal from their homes on the West Coast was only the most obvious and overt form of displacement, which, nevertheless, carried serious bio-political implications concealed behind the pretense that the “evacuation” was a protective measure. There was, then, the politico-juridical displacement consequent to being moved from the space of the nation, where the citizen (never the human being) is the carrier of inalienable rights, to the space of the exception, where life exists in a condition of absolute vulnerability that always accompanies the threat of statelessness.

Rather incongruously, WRA administrators and JERS head researchers

(Dorothy Swaine Thomas and Richard S. Nishimoto) rationalized their involvement with the internment by deploying the colonial rhetoric of “pioneer life.” With this move they redefined the hardships of weather and life in barracks as a natural rather than a political obstacle to the well-being of the so-called “colonists.”¹⁹ In their eyes, the power that restricted the existential horizon of the American Nikkei to the perimeter of the concentration camp, assumed the stature of a force of nature. In its ultimate instance, it appeared irresistible and beyond accountability, although, at the same time, its localized manifestations (the army and the administration) could be resisted (by withholding cooperation) or understood (through the racial paradigm). Their myopia for the bio-political structure of sovereignty—which, Agamben shows, is visible at the threshold of indistinction between nature and norm represented by the exception—made the sociologists overlook that inside the artificial environment of the camp, society is cramped. In normal circumstances, it would be the languid object of sociological knowledge, ready to accept all kinds of models that describe its forms, structures, and trends. Here, the denizens of the peculiar, liminal space of the camp, are forced to uncomfortable closeness, not only with each other, but also with the power that governs, administers, and decides upon their lives. For them, the sovereign looms large; a presence impossible to disregard or overlook, even for the briefest moment. Their society is infinitely malleable, making of

¹⁹Thomas and Nishimoto use this expression in *The Spoilage*, where they also provide evidence that the same metaphor was utilized by WRA project directors in their dealings with the camp population (Thomas and Nishimoto, 1946, 40–41).

its systematic study an exercise in selective vision. For instance, Alexander Leighton could suggest, without a trace of irony, that, in order to understand life in the camp, “the administration must identify the basic social units of the communities” (Leighton, 1945, 359). This essential social unit is, according to Leighton, the “block,” and is thus entirely given by the very limiting morphology of the camp, its organization and topography.²⁰

To the JERS researchers, camp life appears as an unlikely new frontier, one that suddenly opened from within an existing and stable political order, and which should, logically, entail a regression to looser forms of *nomos* than the State, like the “Territory” or the “virgin land” awaiting to be appropriated and ordered. There is a noticeable affinity between this particular choice of metaphor and the necessity to approach this exceptional situation through the familiar methods of social intervention. Administrators resorted to the framework of the “project,” while sociologists conceptualized it as a study of controlled immigration, followed by a period of outmigration. Wedged between the two directions of the migratory flow, *inwards* and *outwards*, is the space of the exception, which remains largely inaccessible to the methods of the social scientist. Like a logger’s wedge, the exception splits open

²⁰Just like JERS, Leighton too is endeavoring to solve problems that exist as such only from the perspective of the overseeing authority. Thus, the block “[emerges] as the preeminently important segment for *administrative purposes*” (Leighton, 1945, 359. My emphasis). Of course, there is nothing spontaneous about the the “block” that it should “emerge” as the fundamental social unit of the Japanese American community in internment. In fact, testimonies and memoirs invariably denounce the constraints on, and disruption of, social life due to the extreme lack of privacy and the fast erosion of existing power relations within the family.

the entire framework of the resettlement study under the heavy blows of the sovereign's hammer.

Thomas and Nishimoto conceptualized egress from the camps as a second migration *into* the United States, after the original Issei arrival from Japan several decades earlier. Regardless of the methodological merits and demerits of this approach in the analysis of social dynamics in a displaced community, the idea itself defines, unintentionally, the removal of Issei and Nisei from their place of residence as a ban. What was for JERS nothing more than a metaphor became, for the internees, a bio-political fact to which researchers remain blind because the focus of their analysis is the internee redefined as migrant. In spite of their conviction, openly stated, that the situation at hand was the product of a grave injustice, they never allowed "power" to become a subject of their study. On the contrary, power is considered on a par with nature, which is not entirely inaccurate since the state had created a total environment for the internees. In this artificial "habitat" life is subject to arbitrary forces whose harmful effects may be deprecated, but cannot be condemned because they operate in a state of necessity. All this occurs at the limit of the law, at the juncture between law and life, where, as Agamben would put it, law applies to life by disapplying itself. It follows that the law cannot serve as a frame of reference from which to judge the effects of sovereign decision. In the camp, the specific case—the only possible object of arbitrary rule, outweighs the generality of the norm—the only possible

object of the law.²¹

If one were to name the wedge that fractured the assumptions of the military, the administration, and the researchers, it would certainly be the disastrous attempt to determine the national loyalty of the internees. From the point of view of JERS, the outcome of the registration drive was going to upset the symmetrical collection of data in the three main “laboratories” at Tule Lake, Poston and Minidoka. This is because the main consequence of registration was a reshuffling of the internee population on the basis of their answers to the loyalty questions, with the attendant conversion of Tule Lake into no-less than a segregation center—a different structure than the ones in which JERS began collecting data. This unexpected development, mostly due to the internee’s refusal to remain docile, forced JERS to bring to the foreground the issue of national and political loyalty. It is at least curious that *The Spoilage*, the first major publication produced by a vast project whose ambition was to follow the Japanese American community through evacuation and resettlement, should be centered on the most peculiar and atypical of the camps. If the project was to be salvaged, Tule Lake had to

²¹For Alexander Leighton, the lesson to be drawn from the camps (“the greatest promise”) was that governmental practice could be improved by the interaction of scientists and practitioners to produce a body of useable knowledge. “The administration,” Leighton continues, “would be geared, not to exploitive or irresponsible experimentation, but to utilizing to the full the experiments constantly being performed by nature” (Leighton, 1945, 366). More troubling than the implicit applicability of knowledge gathered in the camps to the government of free society is that Leighton easily can equate the internment of the Issei and Nisei to a natural occurrence. Sovereign power, which is political and not natural, thus appears as a force beyond rational control. Great promise, indeed!

be explained not as a physical manifestation of the state of exception, but as a social laboratory in which individuals operate according to identifiable and predictable behavior patterns.

A clear indication of methodological and theoretical trouble for the sociologists from Berkeley was that they were not able to freely rank the many variables that came into play. Their choice of which variables to emphasize and which to discard was overdetermined by such factors as the actions of the Army, the administrators, and the internees' own heterogeneous attempts to exert some degree of control on their circumstances. All these conspired to push the issue of loyalty and its determination to the foreground, as the irresistible center of gravity around which this concentrationary universe revolved. Dorothy Swayne Thomas turned for a solution to her skills in statistical analysis, and produced an elaborate system in which she extrapolated the cultural determinants behind the declarations of loyalty or disloyalty. Five relevant variables were isolated: gender, religion (Buddhist vs Christian-secular), occupation (agricultural vs non-agricultural), residence (California vs Pacific Northwest), and, most importantly, type of education (American-educated vs Japan-educated). Nisei loyalty to America, the Berkeley group discovered, followed certain combinations, while loyalty to Japan followed others:

In the terms in which we were able to define and measure it, orientation towards America was associated negatively with prewar isolation from the dominant American majority; positively with prewar situations predisposing toward minority acceptance, as-

similation, or integration; negatively with residence in California, an occupational background in agriculture, adherence to Buddhism, and schooling in Japan; positively with residence in the Pacific Northwest, a nonagricultural or urban background, acceptance of Christianity or “no religion,” and education in American schools (Thomas and Nishimoto, 1952, 102).

These results seem to endow with scientific legitimacy the major methodological subdivision of the evacuated population into three categories, as introduced by JERS: the “spoilage,” the “salvage,” and the “residue.” The *spoilage*, the subject of the first book, refers to those Issei and Nisei who were supposedly “damaged” beyond recovery by their radical exclusion from American society, and have therefore reacted by either applying for repatriation to Japan or by renouncing American citizenship. In the second publication the focus is on the majority of internees who, in spite of the evacuation, had managed to maintain a favorable orientation towards America, and demonstrated it by resettling at the earliest opportunity. This group represented the *salvage* of the evacuation. Lastly, comes the *residue*, referring to evacuees who, by choice, or by stubborn refusal to choose between narrow alternatives, remained in the camps until forced out by the WRA’s decision to liquidate these institutions. Of three intended publications, only the first two were completed, and only the first can be considered a concluded study of a test case. By and large the second book in the series, *The Salvage*, recapitulates very briefly the history of Japanese immigration and internment, and presents, in detail, the aforementioned statistical analysis

and interpretation of the loyalty response.²²

Ironically, the disruption caused by the internment was not limited to civilian lives, but extended to the conceptual structures employed by scholars to master this event, and explain it. When the Army and the WRA forced the question of loyalty on the internees, demanding a clear-cut “yes or no” answer, internee response and agitation, both largely unexpected, forced military and civilian administrators to modify the layout of the existing concentrationary universe to account for it. This resulted in the designation of Tule Lake to become a second-degree internment camp in which to isolate a population that was erroneously believed to be homogeneously disloyal. At the same time, it caused JERS to abandon the project’s initial ambition to produce an analysis of patterns of social adjustment to impose governmental policies and regulations in a controlled environment, and focus instead on the issue of loyalty.²³

The clever metaphors of “spoilage,” “salvage,” and “residue” categorize the internees and reify them as, respectively, perishable goods, damaged

²²Richard S. Nishimoto contributed in varying degrees to all JERS publications. Dorothy Thomas and W. I. Thomas decided to make Nishimoto a co-author in both *The Spoilage* and *The Salvage*, although, for the latter, his contribution was minimal (Hirabayashi and Hirabayashi, 1989, 77). The fifteen life-stories that comprise the bulk of *The Spoilage* were selected by Dorothy Thomas from sixty-four contributed by Charles Kikuchi (Kikuchi, 1989, 193).

²³Tule Lake represented, after all, one of three major sites where data was being collected, meaning that a large portion of available information referred to a highly distinctive situation that was hardly comparable, not only with the other two centers, Poston and Minidoka, but even with itself prior to the transformation of the character of the camp. Incidentally, JERS would also have to account for the social and political changes in the other camps caused by the removal of “disloyals” and “troublemakers” to the segregation center.

hardware, and the remnant of a process involving the consumption of a substance. Hidden in this theoretical subdivision is an unintended analogy between industrial production and the ideological construction of national identity. Unfortunately, the Berkeley scholars remained blind to the full implications of this affinity because they still looked at the question of national identity from the vantage point of a paradigm which opposed a voluntaristic idea of the nation, founded on the rational universalism of the Enlightenment, to a nativist idea, founded on a reading of the past in the light of a Romantic primordialism.²⁴ For the researchers, the belief that American national identity was more inclusive than the European ethnic variants meant that the American camps were, at worst, questionable means to the legitimate end of social and political integration. The alternative, that the camps were sites of permanent exile to which a racial “other” was confined by nativist sentiments of absolute hostility, clearly visible in the activism of certain groups in Cali-

²⁴In 1944 Hans Kohn gave the classic formulation of this understanding of the “age of nationalism” as a tension between the idea of political liberty and of the intrinsic dignity of the human condition, developed in the Enlightenment and supported by the educated middle classes and democratic labor movements, and the idea of mechanical solidarity (to borrow a term from Durkheim) within the historic nation understood as a tribe. Support for this position came, according to Kohn, from European aristocracies and from the masses. *The Idea of Nationalism* was published in 1944, in a period when nationalist politics reached extremes that few had been able to foresee. Naturally, Kohn tried to divorce the American, British and French experiences from those of totalitarian regimes in Germany, Italy, and Russia by distinguishing a “western” and potentially inclusive political nationalism, based on rationality, cosmopolitanism, and ideas of individual liberty, from an “eastern” and necessarily exclusive cultural or ethnic nationalism. For Kohn, nations can be determined by “natural” factors (blood and soil) or by loyalty to an idea, like is the case for the United States (Kohn, 1944, 324). In spite of the danger that ethnic nationalism might lead to virulent conflict, Kohn believed that, in general, the political use of the concept of the nation “brought to private and public life a new morality and dignity” (Kohn, 1944, 575).

fornia, was too monstrous, too “old-world,” to entertain. A third alternative becomes visible only after one begins to conceptualize national identity as a discursive construct, an unstable narrative that frays at the edges where it becomes, as Homi Bhabha claims, alienating and disjunctive (Bhabha, 2003, 311). Bhabha looks at national society from the liminal space where the jarring discourses of majority and minority produce, by friction, what he calls the “perplexity of living” as opposed to the “harmonious addition of contents or contexts” implicit in those approaches that naturalize the nation as imagined community (Bhabha, 2003, 312–314).²⁵

The camp, and all it involves in terms of organization and application of forces, is the productive unit; the administrators and soldiers are the technicians, overseers, and laborers; the internees themselves are the raw material, the ore that is being processed to extract what is most valuable to the owners of the means of nationalist production. The sole owner of the camp is clearly the sovereign, and the valuable commodity produced by these means is the loyal and obedient subject. In this peculiar production, however, value is defined negatively, against the non-value of the portion that turned out faulty and useless. Differently from the refinery, which yields a product in virtue

²⁵From this perspective Homi Bhabha critiques Benedict Anderson for theorizing the “naturalized, nationalized space of the imagined community” without pushing the metaphor to its edges, where the national narrative becomes more ambiguous and appears less stable and appealing (Bhabha, 2003, 311). In Bhabha’s view, Anderson misreads Benjamin’s reference to the “empty time” of modern storytelling to the point of reversing the discomfort that Benjamin finds at its center when he compares it with traditional forms. In essence, Anderson mistakes the political success of the idea of the nation in a historically situated cultural and social space for psychological success in fulfilling the identity needs of a particular community (Anderson, 1991).

of its functioning, passing the raw material through a process of extraction by condensation, the camp does so in virtue of its mere existence, ennobling the portion that remains outside. If one applies this analogy to the internment, it appears most intensively productive when it displays the internees as the negation that affirms implicitly an opposite and positive identity. This was particularly true of the Nisei, who, as banished and abandoned citizens, could serve as the “other” against which the rest is constituted, beyond the barbed-wire fence, as the loyal majority. Tule Lake served exactly the same refining function within the American concentrationary universe, in part due to the unwillingness of the Army to remain burdened with the care of the captive population, to the commitment of the WRA to relocation rather than repatriation, and to the fortunate outcome of the war for the United States.

An early challenge to the JERS framework

In *The Spoilage* and *The Salvage*, Dorothy Thomas and Richard Nishimoto focus exclusively on the evacuation and resettlement, and give only a cursory account of the political, institutional, and cultural conditions that shaped the actions of the United States Government, the WRA, and the Armed Forces. Morton Grodzins, a research assistant in JERS and a doctoral candidate in the department of Political Sciences of the University of California, believed that a complementary study was essential to understand appropriately this extraordinary phenomenon. Grodzins was academically trained to notice the interplay of political forces, both public and private, to which his colleagues

and supervisors were largely blind. He thus scrutinized the involvement of public figures and officials in the process of exclusion of all persons of Japanese descent from the West Coast. His findings implicated a number of prominent figures in local business and politics, as well as organizations like the Chambers of Commerce of all larger cities in the states of Washington, California, and Oregon. The most prominent and controversial of all was Earl Warren, Attorney General of California in 1942, then Governor from 1943, and, eventually, Chief Justice of the United States Supreme Court, appointed in 1953 by President Dwight D. Eisenhower.

Grodzins' research was eventually published in 1949 with the title *Americans Betrayed*, but not before Dorothy Thomas and the University of California ferociously ostracized its publication (Grodzins, 1949). Their campaign was so effective that Grodzins' book was not published in California, but by William Terry Couch, editor of the University of Chicago Press. Eventually, Couch paid the price of his integrity and courage, and was dismissed from his position on the grounds that "inter-university comity was more important than freedom of the press."²⁶ Unable to stop publication, Dorothy Thomas, Charles Aikin (Grodzins' dissertation supervisor) and others, decided to rush through the publication of a third book in the JERS series that would challenge and disprove Grodzins. The result was *Prejudice, War and*

²⁶Words by President Ernest C. Cowell of the University of Chicago after pressure from University of California President, and Earl Warren friend, Robert G. Sproul. The latter eventually expressed official regret at his criticism of Grodzins' book (Suzuki, 1989, 109–110).

the Constitution, a book which, unlike the well-regarded *Americans Betrayed*, received mixed reviews.²⁷

For Grodzins it was clear that the evacuation of the Japanese minority from the coastal states would have political and juridical repercussions far beyond the ethnic group that was directly affected. From the point of view of civil rights, the American Issei and Nisei were at the epicenter of a quake whose destructive force rippled outwards in expanding circles and threatened to tear apart the fabric of American democracy, already strained by the wartime crisis. Animosity toward Japanese immigrants and their descendants was no novelty in California, where it had influenced public policy at least from the turn of the twentieth century, when Japanese immigration to the U.S. mainland began. Several attempts were made to exclude this group from full participation to the political, social and economic life of the state. More alarming (though not particularly surprising) was the fact that these

²⁷ *Americans Betrayed* argues convincingly that civilian organs like the Justice Department and the Administration had abdicated, in favor of the Military, their prerogative to make political decisions with regard to the treatment of citizens and aliens of Japanese descent. In Hawaii, where the possibility of acts of sabotage and the opportunity of Japanese invasion were much more credible, no such action was taken. In fact, incarceration and evacuation were considered and explicitly dismissed as an inappropriate and unwarranted criminalization of a large segment of the population. Persons of Japanese ancestry comprised 37 per cent of the total population and had stronger links with the home country than the Japanese on the West Coast (Grodzins, 1949, 299). General DeWitt, commander of the Western Defense Command, argued the “military” necessity of the evacuation relying heavily on the sociological argument of insufficient assimilation, the anthropological argument of racial loyalty, and the political argument of dual citizenship (Grodzins, 1949, 301). All these arguments, as they appeared in DeWitt’s *Final Report* of June, 1943, were lifted almost word for word from statements made by California Attorney General Earl Warren during the Tolan Committee Hearings in February, 1942 (Grodzins, 1949, 286–288).

pressure groups managed, over time and with a certain consistency, to force the Federal government to adopt their regional attitudes and turn them into national policy. The evacuation and internment were only the last and most effective products of anti-Japanese activism. Grodzins, however, found the general implications of governmental action particularly disconcerting. He wrote:

It was the first time that the United States Government condemned a large group of people to barbed-wire inclosures. It was the first event in which danger to the nation's welfare was determined by group characteristics rather than by individual guilt. It was the first program in which race alone determined whether an American would remain free or become incarcerated (Grodzins, 1949, 1).

Formally, his assessment is correct. However, one should note that the attempt to draw a general significance from the specific context of the evacuation rests on a very literal and restrictive interpretation, not so much of the event in itself, but of its representation. The first claim, for instance, is only true if one defines "inclosure" by the barbed-wire fence that delimits the perimeter of the camps. A less literal reading might find correspondences with reservations and detention camps for Native Americans, or even with the territorial containment of African Americans in the slave-system, with the Missouri Compromise, the Fugitive Slave Bill of 1850, and the Supreme Court decision in the *Dred Scott* case, all amounting to positive governmental action. The second claim, that for the first time a group was considered

a menace to national welfare on the sole basis of a common racial or ethnic characteristic, does not take into account the pervasive influence of social darwinism and the eugenics movement in America, especially in the nineteen-twenties.

At the outbreak of open conflict between the United States and Japan, there existed a well-formed and widely accepted set of assumptions on the role of heredity in the transmission of racial and cultural characteristics, supported by the work of prominent anthropologists like E. A. Ross. The basis of the analysis of immigration to America that he undertakes in *The Old World in the New* presumes a clear hierarchy of races, and presents their mixing as a form of contamination. In 1909 Homer Lea, a rather odd American fiction writer with an oddly clairvoyant grasp of German, Japanese, and Russian political and military aspirations, who was credited with predicting in great detail the Japanese campaign in the Pacific, expresses the same racist concepts:

American nationalization is not a racial antiseptic.

The hereditary instincts of unnumbered generations are not erased from the fibre of men by the word of an official.

The application of American institutions to the control of the lower elements of Europeans who constitute the vast majority of immigrants has proven to be productive of crime rather than civic virtues, while the liberty given them is but a Pandorean gift of winged felonies.(Lea, 1942, 89)

Grodzins' third claim, that race has been used, for the first time, as the sole discriminating factor in determining the incarceration of a citizen, places

racism at the center of his argument as the main causal factor, and displaces to the margin of the discussion any reading of the evacuation as arbitrary governmental decision. If racial discrimination were indeed at the root of the decisions to remove the West Coast Japanese to camps, it would undermine Grodzin's own generalization of this particular incident as potentially emblematic of the present and future experience of all Americans. One may still agree with Grodzins that what governmental process had "produced for Japanese Americans it can also produce for other Americans," provided their alterity is also defined restrictively, in racial terms.

By contrast, Charles Kikuchi detects uneasiness among friends from other minority groups, who fear that the camp model might be used against them in the future: "How can we fight Fascism if we allow its doctrines to become a part of government policies? The contradiction would be too obvious to ignore. Many of the American Chinese, Negro, and Jews can see that a dangerous precedent can be set, which could easily include them later if this thing is not handled democratically. Already my Chinese, Negro, and Jewish friends have made remarks about the possibility" (Kikuchi, 1993, 117). For the minorities cited by Kikuchi, the bio-political mechanism of the camp can only bode ill, since it produces a majority by means of their exclusion. In addition, and unbeknownst to the actual and potential victims of bio-political interventions, the high-level administrators and social scientists mobilized by the internment had a clear sense of the wider applicability of these techniques. This sense is clearly perceivable in Alexander Leighton's *The Governing of*

Men, where he underscores the importance of demonstrating that “the United States could carry out a program of evacuation and relocation in a democratic manner that would provide the greatest possible contrast to population shifts in Axis countries” (Leighton, 1945, 49).²⁸ For sure, the “greatest possible contrast” to a population shift is no population shift at all; the rest is a moral and political relativism that critiques human engineering for its purposes rather than its essence. Kikuchi does not understand the internment in precisely these terms, but gives testimony of its consequences among the Nisei, some of whom begin to develop “Japanesey attitudes” that he considers “unhealthy” (Kikuchi, 1993, 117). Even more questionable is the claim that this particular historical incident established a legal precedent that is “less important for what it did to Japanese Americans than for what it might do to all Americans” (Grodzins, 1949, 1). While the basic truthfulness of this argument seems obvious, Grodzins’ conclusion reduces a conflict of a political nature to racial antagonism. Race might have provided the syntax for the particular discourse of exclusion examined here, but it was the power of sovereign exception that gave it a material structure.

Grodzins concludes that “the veneer of national safety was thin; below its surface and visible at many points was the less marketable but more substan-

²⁸Leighton also quotes a passage from the Report of the Tolman Congressional Committee, which clearly indicates a will to apply the techniques acquired by the WRA in the Japanese American internment to the containment of racial and ethnic minorities, at home and abroad: “A constructive performance, therefore, on the part of the War Relocation Authority will go far toward fashioning the whole pattern of our policy on racial and minority groups now and in the post-war world” (Leighton, 1945, 51).

tial framework of racial animosity, economic aggrandizement, and political fortune-hunting” (Grodzins, 1949, 178-9). What made the language and the demands of pressure groups regarding Japanese immigrants so psychologically, economically, and politically rewarding? Why was a thin patina of patriotic fervor sufficient to coat irrational and untenable positions with a sheen of such irresistible legitimacy that it forced the highest organs of the executive to act in a manner that contradicted the constitution, the logic of military necessity, and common sense? Why were Japanese immigrants the only target? After all, Italian and German immigrant communities displayed the same kind of “old world” attachment as their Japanese counterparts, and represented, if the logic of exclusionist thinking were applied to them, a more (not a less) likely threat to national security. Yet there was no public demand for their mass removal, and public servants went to great lengths to make sure the blanket authorization to evacuate issued by the President was not applied to non-Japanese enemy aliens.²⁹ If one considers this blatant disparity of treatment, “race” seems to offer the most plausible explanation of the internment, accounting for all contingencies. It alleviates the contradictory response to the war crisis by arguing that the long history of regional animosity against the Japanese and the widespread sense of racial affinity with white German and Italian immigrants are symptoms of the same prejudice.

²⁹As was the case with California Attorney General Earl Warren, who tempered the emphasis the American Legion set on dual citizenship as a sign of disloyalty by pointing out that this argument would “unjustly” include Italian and German immigrants (Grodzins, 1949, 47).

Grodzins can safely present racism as the discriminating factor that explains the demand for action against a particular ethnic group, and the absence of such a demand for other groups that the war placed in the same predicament.

The racial argument finds a series of cause-effect links between racism, the demand for evacuation, and the evacuation itself, and thus identifies the elements that need to be corrected in order to avoid similar instances of discrimination and mass incarceration in the future. From a political viewpoint, however, it matters precious little what the ultimate causes might be of a particular stirring in public opinion. Once a movement crosses the threshold of political relevance and becomes noticeable by the state apparatuses (and the persons charged with the associated functions), these will feel pressured to act either in opposition to the demands of the movement, or in their favor. The fact that there was no mass-evacuation of aliens and citizens of Italian and German ancestry indicates that, for the political decision to evacuate, the crucial element is the demand itself, and not the particular brand of racism behind it. Grodzins argues correctly that, without a reference to racism, the West Coast demand for a complete removal of the Japanese minority cannot be understood, but this does not mean that, had a similar demand been made for Italians and Germans, the government would have acted differently because of its racial bias.³⁰

³⁰African American indictment of the evacuation are framed in terms of the effects of the “color line” on government policy (Grodzins, 1949, 164). The DuBoisian metaphor helps us understand the problem in spatial terms. The color line separates an inside from an outside, and in World War II the American Issei and Nisei happened to fall on one side of that line, while Italians and Germans fell on the other. Were racial thinking to be eliminated and that line made more inclusive, would the problem of internment be solved

Weak convictions, weak resistance

Real or imagined public expectations influenced opponents of the evacuation at the highest levels of the U.S. government, like General John L. DeWitt, Attorney General Francis Biddle and Secretary of War Henry Stimson, to reconcile themselves with the prospect of evacuation. These three officials represented the most serious and immediate obstacle to the eradication of the Japanese minority desired by various political, economic, and military interests. All three became the target of concerted pressure strategies from within the civilian and military branches of the Administration. Particularly active proponents of the evacuation were Assistant Secretary of War John J. McCloy and Colonel Karl R. Bendetsen. The latter especially, in Peter Irons' characterization, is responsible for carrying out the internment campaign for General Allen W. Gullion with "single-minded and efficient dedication" (Irons, 1983, 31). General DeWitt was the first to alter his initial view that the rights of American citizens cannot be easily abridged. In part, his change of heart was a reaction to a strenuous public campaign sounding alarmist warning, initiated by West Coast politicians and taken up by the national media.³¹ In part, it was a reaction to the recently published Report of the Roberts Commission on the attack on Pearl Harbor which assigned the blame for the disastrous outcome to the military commanders, Admiral

or just displaced?

³¹When the newspapers became involved the campaign for evacuation was no longer a regional issue. Not with commentators of the caliber of Walter Lippmann denouncing the danger of fifth-column activities by Japanese Americans and calling for drastic measures from the pages of the *Washington Post* (Irons, 1983, 60–61).

Husband E. Kimmel and General Walter Short. It also gave renewed currency to the unsubstantiated claim by Navy Secretary Frank Knox that acts of espionage and sabotage had been committed by Japanese Hawaiians. This disclosure had the twofold effect of fanning the flames of national resentment against Japan and, by reflection, Japanese Americans, and of contributing to general DeWitt's anxiety to forestall future criticism in case of a similar attack on the West Coast; an anxiety that was cleverly exploited by California state officials who lobbied with the general to reach their goals. After the General was persuaded to recommend indiscriminate evacuation, and after Stimson had come around to the intransigent position pushed by Bendetsen, the objections of the Attorney General remained the sole obstacle to the internment. A number of factors contributed to finally swaying him: one was the alarmist campaign that raged in the media, another was the pressure from other branches of the government, especially from evacuation convert Henry Stimson. Arguably, the decisive factor was the suggestion that an evacuation of this magnitude would have to be undertaken by the War Department, thus freeing Biddle's Department of Justice from a potentially embarrassing and legally cumbersome position. With Biddle's capitulation, the constitution became a hostage to necessity.³²

In terms of political efficacy, it is less important to determine whether a particular sentiment attributed to the public has a basis in fact, than to

³²Peter Irons gives a detailed account of the complex evacuation debate between individuals representing various departments in *Justice at War* (Irons, 1983, 9–74).

consider how successfully it is being presented as public opinion. Grodzins contrasts the vigorous pursuit of exclusion by the anti-Japanese organizations, to the largely reactive stance of the pro-Japanese side, which focused primarily on disputing the claim that the West Coast Japanese were disloyal in any significant numbers. Organizations sympathetic to the plight of the Japanese minority had a deeply rooted trust in rational government, and were shaken into more concerted action only by the emanation of the actual evacuation order. Even then, the rational assumption that the military necessity argument was based on privileged information not readily available for civilian review for reasons of national security prevented an effective mobilization of public opinion against the internment. The racial and economic motives of the most vociferous elements demanding evacuation could easily be perceived by the opposing side, but the effectiveness of the techniques they employed to heighten the public visibility of their cause was either underestimated, or, perhaps, not correctly understood.

The lack of proper and honest information on the role and behavior of the Issei and Nisei in Hawaii during the attack on Pearl Harbor contributed considerably to demoralizing and disarming pro-Japanese activists (Grodzins, 1949, 205). Rumors of espionage and sabotage circulated widely in the media, especially after Frank Knox, Secretary of the Navy, blamed the debacle on what he characterized as “the most effective Fifth Column work of the entire war [...] with the possible exception of Norway” (Commission on Wartime Relocation and Internment of Civilians, 2000, 55). These claims remained

virtually unchallenged, in spite of many authoritative denials transmitted by the security agencies to the highest authorities in the American government. Without this crucial information, groups sympathetic to the plight of the West Coast Japanese could not establish, in their arguments and rhetoric, a clear distinction between friend and enemy, between inside and outside. Consequently, the events seemed to corroborate the racial explanation in the eyes of public opinion. Grodzins intuits as much in the following passage, although the racial paradigm still frames the discussion in a manner that conceals the spatial element:

A second deterring factor to the opposition was the very awkwardness of affirming faith in resident Japanese while joining in the larger war effort against enemy Japanese. The German enemy (Nazi) and the Italian enemy (Fascist) could be verbally distinguished from Germans and Italians in the United States, but no such convenient nomenclature existed for the Japanese. In most public discussions, both citizens and enemies were "Japs." As long as the Pearl Harbor myth remained uncontradicted, the identity of the Japanese enemy with the Japanese American was so much the closer and so much the more difficult to deny (Grodzins, 1949, 202).

From the perspective of moral and legal egalitarianism, there is an unsolvable contradiction between the mass evacuation of the Japanese and the decision to allow citizens and aliens of Italian and German descent to remain largely undisturbed. If, however, the notions of "race" and "ethnicity" are considered for their political function, it is apparent that both are similarly deployed to define a necessary human unit deserving of political expression.

Concomitant with this expression is the acquisition of hegemonic access to state power, which, in a system of nation-states, depends very much on the fiction of a naturalized relation between nationality and citizenship.³³

Morton Grodzins noted polemically that General DeWitt's rhetoric in the *Final Report* coincides eerily with the rhetoric Adolph Hitler deployed in *Mein Kampf*, where he remarked that a bureaucratic act, a "scratch of the pen," cannot transform a Pole, a Jew, an African, or an Asiatic into a real German (Grodzins, 1949, 283). The same holds true for the Californian activists who made it their patriotic duty to patrol the purity of the national body against contamination by Asian elements.³⁴ More is at stake in this confrontation than the venting of a mob's prejudice against a particular group. Depending on demographic and political convenience, racial and ethnic discrimination can both be employed as appendages of a nationalist theory of political legitimacy whose actual aim is to resist the potentially limitless expandability of the voluntaristic interpretation of American national

³³Whereas ethnic nationalism is most effective in creating new political entities by separating previous multi-national state structures in pursuit of self-determination, race operates most successfully where political entities are formed by addition, like in the United States. A society with significant immigrant intake needs a discriminating mechanism capable of regulating access to full citizenship with a flexibility that parallels the growth and diversification of the immigrant population. Groups that were formerly excluded may thus reinforce the dominant group, forcing a shift in the self-definition of the essential human unit from the restrictive "stock" to the more pliable and expandable concept of "race."

³⁴Fletcher Bowron, the Mayor of Los Angeles, for instance, proposed, in the name "of an enraged American people," a Constitutional amendment to provide legal means for the "reclassification" of "American-born Japanese and all persons who, within the past 10 years, changed their citizenship from German or Italian to American" (Leighton, 1945, 24–25). With citizenship gone, the Army would be free to put these persons, both men and women, to work as needed.

identity. Assimilation on the basis of intellectual or cultural loyalty to an idea is immediately free of those obstacles that theories based on a demand of ethnic or racial affinity posit as insurmountable. Hans Kohn described the essence of “Americanism” in idealistic terms, as assimilation “in a much deeper sense, in the sense of a spiritual transformation” (Kohn, 1961, 155). Kohn suggested that there were two kinds of nationalism: the voluntaristic brand, virtuous because of its openness, inclusiveness, and universalism, and the ethnic/racial kind, which is inherently divisive, conflictual, and unrealistic in its demands for self-determination.³⁵

The kind of appeal to racial solidarity that was current in California before and during the Japanese American evacuation should not be dismissed as the irrational counterpart of the more modern, and, by implication, more rational voluntarism. In fact, the two principles compete with one another to become the governing idea in the determination of the bio-political boundaries of the essential political unit. The group that manages to control the terms of inclusion into, and exclusion from the collective body of the nation gains a great advantage that translates immediately into control of the

³⁵Kohn mentions contemporary critiques of the principle of national self-determination proposed by Wilson as the foundation of a new world order. One commentator, Robert Lansing, specifically attacked Wilson for the vagueness to which he abandoned the identification of the relevant political unit. This failure condemns any attempt to enforce the principle to becoming a dangerous source of instability and conflict. Kohn, however, identifies the menace of virulent ethnic nationalism in the exploitation of these sentiments by Lenin and by Eastern Communism in anti-Western sense. On the contrary, the “modern North Atlantic world,” represented by Wilson and the United States, and motivated by a genuine concern with the interests of humanity stemming from its liberal tradition, is absolved of any such responsibility (Kohn, 1961, 216–218).

state. Interestingly, in the institutional framework of the United States, the authority in question is clearly the national government, while the individual States are at best of secondary importance.

The national government became the institutional and emotional focus of American national identity with the Philadelphia Convention of 1787. In the debate for and against the adoption of a new Constitution, the Federalists successfully defined the fundamental political unit as the People of the United States, fostering the idea of a unified subject that transcended State borders. In this way they disarmed the individual States of a powerful ideological weapon with which to command the exclusive allegiance of their population. This strategy is reflected also in the ratification process, for which the framers mandated the election of special conventions in each State, in which the representatives of the people would vote on the proposed reform. State legislatures were effectively stripped of their decision-making prerogatives since the adoption of a new constitution was treated as an internal issue of the United States of America, and not as an agreement between sovereign States. Moreover, the Articles of Confederation, which demanded unanimity for any constitutional amendment, were disregarded in favor of a qualified majority of nine in thirteen.

James Madison reassured those who saw in the new, centralized Federal government the end of State sovereignty, that there were sufficient guarantees against the rise of domestic despotism. But these guarantees were not, in his exposition, of a legal or procedural nature. They resided entirely in

the will of the people to resist, with open rebellion if necessary, the prevarication of a few treasonous representatives. Throughout Federalist Paper No. 46, Madison presumes that, in a Republic, there is always a complete consonance between the will of the people and the behavior of elected institutions, and that the people are, themselves, the ultimate guarantee of the existing order. If the rights of the States were ever threatened by the central government, Madison argues, the people would rise in revolt; conversely, if no such revolt is forthcoming, one can then surmise that there is no real infringement of the collective will. He can thus dismiss all objections to the new Constitution on the grounds that its adoption will diminish the political weight of the States as visionary, extravagant, and chimerical (Rossiter, 1999, 262–268). Although critics feared most the degeneration of the Republican system into an aristocratic oligarchy, or even a monarchy, they were correct in presuming that, over time and in spite of all assurances, an increase in the “stateness” of the national government would be accompanied by a decrease of the sovereignty of the individual states.³⁶

Madison’s suggestion that the possibility of rebellion could function as an ultimate guarantee against despotism is purely theoretical. In fact, the actuality of popular insurrection in the colonies after the Revolutionary War persuaded many, including Hamilton, of the necessity to provide the national

³⁶Charles Tilly defines “stateness” as a movement towards greater formal autonomy from other power-structures, greater differentiation of State apparatuses from nongovernmental organizations, centralization, and coordination (Tilly, 1975, 34). His analysis regards the development of states in Western Europe, but the general categories he develops are applicable to the United States also.

government with adequate means of protection against internal as well as external threats (Federalist No. 25). The kind of power associated with these means clearly places the prerogatives of absolute sovereignty on the national state, so that every exercise of these protective powers will be more likely to increase stateness rather than diminish it. Hamilton himself tied the utilization of these means to a state of emergency that suspends constitutional constraints for the sake of security. From Federalist No. 23:

These powers ought to exist without limitation, *because it is impossible to foresee or to define the extent and variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed (Rossiter, 1999, 121).

Like in Western Europe, state-building in America accelerates in comitance with grave emergencies, mostly, although by no means exclusively, linked to a state of war. According to Rachel R. Parker, the Constitution of 1787 was one of a string of state-building events. It was followed by “the Civil War and Reconstruction, two World Wars, and the New Deal” (Parker, 1991, 4). Each produced a greater centralization of state power, and extended its reach far beyond the strictly martial aspects of warfare and into the economic and reproductive lives of the citizens. The Civil War alone made clear the cost of rebellion and secession.

The evacuation of the Japanese minority from the West Coast during the Second World War is likewise a state-building event. Morton Grodzins’

exhaustive analysis of the anti-Japanese strategies and activism of Californian pressure groups suggests that the interests of a few states prevailed in turning their own internal economic and racial conflicts into a national concern. Far from being a defeat of the national government, this concession to localism increased the centralization and intensity of power. Actions ostensibly taken to meet the demands of pressure groups from California involved, in fact, the extension of federal authority at the expense of the separate sovereignty of the states. In the name of military necessity the War Department and the Army parceled the West Coast into military zones that extended across state boundaries. This reinforced the idea that the sovereign authority of the national government was coextensive with the territorial extension of the United States as a whole. Internal subdivisions were not considered of the same quality as the inviolable boundaries of the American nation-state. In the end, the regional demand for a military solution to the presence of a Japanese minority in the Western States constituted an invitation for the Federal Government to step in and exercise its sovereign prerogatives.

The intensification of territorial control was accompanied by a corresponding increase in highly selective population control in the form of a curfew. Congress sanctioned this restrictive measure by legislating penalties for its violation, and the Supreme Court later upheld its constitutionality in the Hirabayashi decision. Gordon Hirabayashi was an American citizen of Japanese ancestry who had been tried and convicted for two distinct violations: the first regarded General DeWitt's curfew, which was imposed

to stop voluntary migration and ensure that Japanese Americans would not evade the coming evacuation; the second regarded Hirabayashi's failure to report to a civil control station in the first phase of the evacuation itself. Clinton Rossiter notes that consideration of the second charge would have forced the Supreme Court to confront the problem of constitutionality. Since the Court was unwilling to do so, it took advantage that the two convictions by the lower courts ran concurrently to avoid the larger issue entirely. Unanimously, the justices determined that the curfew order was legal and that Gordon Hirabayashi was justly found guilty of the imputed violation (Rossiter, 1951, 45–47).

The opinion, written by Chief Justice Stone, states very explicitly that the Court's investigation did not go beyond the specific issue of curfew violation, and that it saw no need, at the time, to "define the ultimate boundaries of the war power." The opinion also recognizes the principle that "ethnic affiliation with an invading enemy" constitutes sufficient justification for precautionary action against American citizens.³⁷ In essence, the Court admitted that, because of the character of total war, the emergency powers of the executive superseded the force of law, and that the law had no jurisdiction on an application of force that was grounded entirely in practice.³⁸ Law, unable

³⁷For the complete opinion, see *Hirabayashi v. United States*, 320 U.S. 81 (1943).

³⁸According to Clinton Rossiter, the Supreme Court often concealed the weakness of the law before a President wielding dictatorial powers during an emergency by resorting to the fiction that the War Powers of the U.S. were, in fact, the combined powers of Congress and the Presidency, and that the former could delegate to the latter a certain legislative authority (Rossiter, 1951).

to step beyond the boundaries of the normal situation in which abstract norms can apply, cannot determine for itself where normality ends and the exception begins. For this crucial task it depends entirely on the sovereign, and this dependency opens a space in modern politics for the surfacing of sovereign power even where the rule of law is guaranteed by the “legal state.” This is conspicuous in the quoted fragment from the Hirabayashi opinion, in which the Justices tie the reality of ethnic discrimination to the possibility of invasion. The Court, however, cannot say whether the real situation that warrants a radical suspension of the law exists: it proved itself blind to the exception.

The proclamation of the state of emergency is not necessarily a response to factual events, like military invasion or natural disaster. It can be wholly independent from facts that are understood to be “real” in a conventional sense, and proceed from an entirely subjective assessment of a threat to the nation, the state, or the corporate body. Conversely, a “real” catastrophe does not constitute an emergency until a sovereign proclamation acknowledges the fact. Depending on the gravity of the factual situation, the pressure of contingency may constitute a sufficient *compulsion* forcing the sovereign to admit that a state of emergency exists. However, the contingent never amounts to a sufficient *limitation* on the sovereign prerogative to represent any event, series of events, or potential events as an emergency.

On September 8, 1939, before any formal involvement of the United States in the war, Franklin Roosevelt issued a proclamation that placed the country

in a state of “limited” national emergency. From a legal point of view, the formula utilized by Roosevelt to activate emergency powers in a time of peace was a complete and unprecedented invention. Roosevelt issued a second proclamation on May 27, 1941, six full months before the Japanese attack, declaring a state of “unlimited” national emergency that broadened further the extent of his powers without Congressional approval of any kind. As Rossiter puts it, “in each of these proclamations the President was untying his own hands” (Rossiter, 2005, 267). These hands capable of untying themselves describe very well Roosevelt in the act of assuming the power of the sovereign, which, by definition, cannot be limited in intensity or duration by any other power, be it Congress, the Supreme Court, or the Constitution. Even death must be conquered, as Kantorowicz teaches us in his study of the medieval concept of sovereign dignity and the transcendent qualities that allow it to pass, unbroken, from one physical body to the next.

Although Clinton Rossiter clearly derives the constitutional dictatorship from the exigencies of a “great national crisis,” and, in fact, analyzes how four American presidents coped with great emergencies, he never defines this kind of governance in terms of sovereignty. He readily admits that, as a political tool capable of guaranteeing the survival of the state, recourse to constitutional dictatorship is necessary for the preservation of democratic institutions, but is also dangerous because, once these extraordinary powers are activated, there is no institutional or political barrier to prevent it from transforming into its evil twin: the unconstitutional dictatorship. The latter

aims not to restore, after a temporary suspension, the legal order represented in the Constitution, but to create a new order entirely. The fiction of popular sovereignty is maintained despite Rossiter's awareness that emergency government occurs with increasing frequency under modern political, social, and technological conditions, and that each exercise causes permanent change in the structure of democratic government (Rossiter, 2005, 285).³⁹

Governmental action *per se*, however, is not all of a sovereign character. Modern polyarchies, liberal democracies in particular, conceal the location of sovereign power in the separation of competences and in the system of mutual controls between the different branches of government (Schmitt, 2005, 11). It is precisely these checks and balances that break down in a time of crisis, when the executive assumes the dictatorial powers that Rossiter theorized as a temporary anomaly and Schmitt understood, more poignantly, as a fundamental political problem involving the relation between norm and decision. At first, Schmitt articulated this relation as a distinction between commissarial and sovereign dictatorship, but then refined his thinking in the theory of state of exception. In the United States the exception takes the specific form of martial law and the executive order: the former proclaims that the law no longer applies on a given territory, while the latter is an appropriation of legislative power by the executive. Both kinds of measures are examples of law-making violence, and are radically different from the law-

³⁹Rossiter's constitutional dictatorship corresponds very closely to Schmitt's concepts of commissarial dictatorship as a temporary suspension of the constitution for the protection of the state, and sovereign dictatorship, as a more radical use of sovereign power.

preserving violence ordinarily exercised by the state's security and repressive apparatuses. Even when a swift return to the previous constitutional order follows the deployment of extraordinary measures, what remains is a power that is not "law" but has force of law, in the hands of an entity that belongs to the law and stands, simultaneously, outside it.⁴⁰ In modern political systems, where power is depersonalized, formalized, and integrated, the resurgence of the sovereign manifests itself in sovereign *acts*, rather than in a concerted attempt to deprive the people once and for all of their putative power.⁴¹

The principle that military necessity may require the relaxation of constitutional protections of individual rights for the sake of internal security—especially in relation to the possible presence of fifth-columns in America—was also accepted by Attorney General Francis Biddle. By 1942, the expression "fifth column" was but few years old, but it had already become a stock phrase of the West Coast exclusionists. Accusations that both Issei and Nisei committed acts of espionage and sabotage in Hawaii, before, during, and af-

⁴⁰Giorgio Agamben analyzes the expression "force of law" in *State of Exception*. He notes that in modern and ancient legal doctrine the expression does not refer to the law itself, but to executive decrees issued as an emergency measure. Although these decrees cannot be considered laws, because they have not been issued by the appropriate institutional body or following the appropriate legal procedure, they are nonetheless imbued with the same force. In the anomic space of the exception, the force law is, in fact, force without law, leading Agamben to spell the syntagm with the word "law" crossed out (Agamben, 2005, 32–40).

⁴¹Even with the monarchs that ruled over the formation of the modern state, from the Wars of Religion to the age of absolutism, sovereignty is more often represented and displayed than actually exercised. The monarch represents sovereignty symbolically. The actual exercise of sovereign power in a decision on an exception is always also a test. In other words, when necessity forces the sovereign to move from his or her iconic representation of majesty to intervene in the world and restore order, the stakes of failure is not just loss of face or territory, but loss of sovereignty.

ter the attack, and suspicion of similar preparations on the mainland, found their way into newspapers, on the floor of the House, and before the Congressional Tolan Committee to rationalize the evacuation.⁴² To no avail were the many authoritative denials that any foul play had occurred in Hawaii, or that there was no evidence to indicate the possibility of hostile action by California residents of Japanese descent.⁴³ To the rhetoric of militant patriotism, the idea of a “fifth column” already entrenched behind the front lines, and against which the forces of legitimate citizenship had to be mobilized, is irresistible. All evidence-supported arguments to the contrary shattered against the modern logic of national enmity, for which the very absence of overt acts of sabotage is compelling evidence of explicit orders from Tokyo, instructing saboteurs to strike at a more propitious moment.⁴⁴

⁴² Senator John H Tolan of California headed this Congressiona Committee for the investigation of “National Defense Migration.” The Committee held hearings between February and March 1942 in San Francisco, Portland, Seattle, and Los Angeles. The majority of the witnesses that appeared before it strongly supported the evacuation of Japanese aliens and citizens. Some took the opportunity to voice their concern for the rights of aliens of Italian and German nationality. Prodded by Senator Tolan himself, one speaker reminded the Committee that the number of enemy aliens of Italian descent included the parents of baseball icon Joe DiMaggio, and persons with sons and daughters serving in the armed forces. In short, their evacuation would be bad for morale (Daniels, 1993, 75).

⁴³ Official reports and communications contradicting the accusations of fifth column activities came, among others, from the Roberts Commission, created to ascertain the “facts” surrounding the attack of December 7, the chief of police of Honolulu, John Edgard Hoover for the FBI, Secretary of War Henry L. Stimson, and Colonel Kendall J. Fiedler of military intelligence in the Hawaiian Islands (Grodzins, 1949, 129–131).

⁴⁴ The term “fifth column” describes a state of insidious indeterminacy between inside and outside, friend and enemy, and it is only appropriate that it should have sprung from the political confusion of the Spanish Civil War (1936–39). It was coined by Nationalist General Emilio Mola Vidal, who, when marching on the city of Madrid with his Army divided into four attacking columns, claimed the support of a fifth column of agents and sympathizers undermining Republican defenses from the inside. Because of the number of nationalities represented in that conflict, the Spanish Civil War can be characterized

Doubts over Japanese American loyalty were raised also by the problem of dual citizenship. This issue was exploited by the California Joint Immigration Committee to argue that complete evacuation was a proper response in a time of war. This organization, devoted to the removal of all Japanese Americans from the West Coast, argued that possession of dual citizenship by American citizens of Japanese descent must also affect their national loyalty. At best it made their true loyalty impossible to determine with any degree of certainty, which, in itself, warranted restrictive measures in defense of the national territory. At worst, this formal ambiguity provided proof of complete or residual loyalty to Japan, an enemy country. Very conveniently the California Joint Immigration Committee chose to ignore that dual citizenship was quite common in immigrant communities, and was not exclusive to Japanese Americans.

Morton Grodzins explains dual citizenship as the product of a frequent conflict between national laws regulating access to, and transmission of, cit-

as a transnational civil war fought on Spanish soil, and a prelude to a second World War. From a bio-political perspective the most important aspect of the war was the organization of the International Brigades into national battalions of foreign volunteers who participated in the fighting without sanction from their own governments. The fact that Western nationals engaged autonomously in ideologically motivated struggles outside their national borders was a threat to the state's monopoly of the means of international violence. More and more commonly, citizens of Western nation-states volunteered to fight in foreign wars, at the possible cost of alienation from their own national community and the government that represented it. Alongside loss of citizenship on a mass scale in the aftermath of World War I and the October Revolution, this is one of the most significant political trends accompanying the crisis of the modern state (Arendt, 1979, 282). It called into question the power of the nation-state to command the exclusive loyalty of its citizens, and exposed the presumption that nationality and citizenship are unambiguous signs of a loyalty that overrides all other loyalties.

izenship in various western countries, and in countries which, like Japan, were modernizing their political system to follow a western model (Grodzins, 1949, 149–155). In essence, citizenship is legally determined according to two principles: *ius soli*, which derives it from the place of birth and establishes a relation between a biological fact and political geography, and *ius sanguinis*, which regards citizenship as an inheritable trait that is transmitted from parent to child. It can be easily seen that the latter principle favors confusion between biological facts and legal categories. It presumes an intimate link between mere biological birth and the transmission of certain legal rights and obligations. In modern systems of government which place their claim to legitimacy in the political mobilization of the masses, this link can no longer find operative expression in the old aristocratic language of descent and bloodline, but only in the new language of collective origin in the nation. Grodzins also points out that most countries apply a combination of both principles in determining the legal modalities for the transmission and acquisition of citizenship. Problems arise however, not because of some logical inconsistency in the application of overlapping principles, but because the migration of individuals across national borders introduces a disturbance in the automatisms that attend to the passing of nationality privileges from parent to offspring.

If all countries applied the principle of *ius soli* exclusively rather than just indiscriminately, meaning that *only* persons born on the state territory acquired full citizenship, then no conflict of this kind could ever arise. True,

such arrangements would imply a risk that children born abroad from citizen parents would acquire a different citizenship from that of their mother and father. But this eventuality is nothing that a little care in traveling arrangements during pregnancy, or the temporary extra-territorialization of the delivery room, with the intervention of a consul would not solve. Provided the rights and obligations now associated with citizenship were applied to mere residence, and that only participation to the political life of the state was restricted (to a greater or lesser degree), this arrangement would not be incompatible with the functioning of an open society. The only remaining uncertainty would regard the issue of loyalty.

It is not the uncertainty of loyalty that offends, however. It is the possible exercise of individual preference on the basis of personal ethical, moral, or economic calculation that challenges the stability of modern state power, as it did in the independent involvement of foreign nationals in the Spanish Civil War. The state demands loyalty in spite of change. Regardless of the different forms it takes as a consequence of succession, reform, or revolution it wants to be able to pass that loyalty on to its successors. Conversely, insiders generally expect the State to discriminate in their favor, and thereby demonstrate that it is capable of maintaining the promise of protection on which the claim to authority ultimately rests. According to Heinrich Popitz, authority arises when the individual's need for recognition, for an anchor to society, is consciously exploited to influence behavior and attitudes (Popitz, 1986, 104). The bond of authority is dual and reciprocal in that it includes

both a recognition of superiority (or competence) of the other, as well as the need for the social (public) validation of one's self-esteem. It is important to note that whoever exercises authority in this sense cannot control all the variables. Unexpected events may cause the bond that conveys this influence to weaken and break.⁴⁵

In the political context of the evacuation, the position of the Justice Department, as voiced by Attorney General Francis Biddle and by Alien Enemy Control Unit chief Edward J. Ennis, also suffers from the indeterminacy between inside and outside caused by the presence on the national territory of "enemy aliens" and "non-aliens of Japanese descent." The latter are, of course, the Nisei, who are defined negatively against the immigrant status of their parents, rather than positively as American citizens. While Francis Biddle appears to have changed opinion on the issue of mass internment — a measure he genuinely wished to avert, although his efforts on behalf of the Japanese were not as vigorous as those on behalf of aliens and citizens of German and Italian descent — it is helpful to note the specific points on which the Attorney General decided to stand up to the demands of the

⁴⁵Modern social contract theory, from John Locke onwards, sees government as a *product* of the contract and not as a party to it. This view is influenced by the lack of biological continuity characteristic of the legislative body assembled in an elected Congress. Unlike aristocracies, elected officials do not transmit their prerogatives to their offspring, and thus cannot form a proper caste. Their obligations as public servants are negotiated *a priori*, and then carried into the political arena. We should not, however, conclude that prerogative — which Locke defines as "the power of doing public good without a rule" and which Hobbes would define simply as the power of doing without a rule — has disappeared. Sovereign prerogative has become, instead, a characteristic of that disembodied machinery of politics and administration we call bureaucracy (Locke, 1982, 103).

War Department, and on which points he was willing to compromise. Morton Grodzins perceptively notes that “the Attorney-General had displayed (early in January) a willingness to carry his opposition to the Army’s plan for mass contraband raids to the President’s Office. Yet he failed to demand this higher review on the far more fundamental issue of evacuation” (Grodzins, 1949, 271. Parenthesis in original.). The issue of mass internment is “more fundamental” only as a violation of human or civil rights. From the point of view of the Justice Department, an institution concerned with maintaining legality *within* the borders of the Federal State, it is of greater concern to limit the powers of the Army to conduct searches and seize private property. As unpalatable as the internment was to the Justice Department, at least it would limit the application of measures of martial law to a homogeneous and easily identifiable community. With the removal of Japanese American to the enclosure of the camp, arbitrary rule could be kept from invading “normal” America.

Francis Biddle’s main concern was to preserve a clear legal distinction between the space of positive law and the space of the exception, to make the further militarization of civil society unnecessary. In the process, he failed to frame the discussion over the opportunity of mass evacuation in terms that would state unequivocally his opposition in legal or ethical terms. When the Justice Department articulated its opposition to the evacuation only one of the three main arguments raised the issue of constitutionality. The remaining two were pragmatical in nature. It was argued that the Justice

Department did not have sufficient means at its disposal to put an evacuation plan into effect, and, lastly, that it could not be justified as a measure of law-enforcement because no laws had been broken.

Justice and legality cannot permit the imprisonment of persons that were not even accused of a crime. If a removal of the innocent was necessary, it had to be justified with a different logic, and that logic was found in the bio-political necessity of affirming the distinctiveness of the corporate body by expelling a dangerous pollutant. Thus, the Justice Department set itself up conveniently for being set aside by the state apparatuses whose responsibility was, precisely, to maintain and guarantee the impermeability of the borders from foreign intrusion. The most effective instrument of such intrusion is the physical body of the enemy soldier, which is followed closely by the institutional body of enemy law. In other words, when the presence of a foreign minority (or perceived such) becomes, because of war, a matter of international relations, the Justice Department finds itself outside its area of jurisdiction, at least in a sense comprehensible to bureaucratic and legal apparatuses concerned with the application of law, rather than its creation. The space between nations, the space of international politics is, quite naturally, an area of conflicting jurisdictions in which the actors — the body politic standing, as a Hobbesian “artificial man,” unconstrained, before its peers — struggle for ascendancy (Hobbes, 1962).⁴⁶

⁴⁶Even John Locke was forced to acknowledge that his theory of the contractual nature of society can only explain the order created *within* the borders of the State. Without, is an entirely different situation. There, the ordering power of the contract has not reached

The War Department, in order to fulfill its political function of preserving the integrity of the body politic, attributed undue significance to all those unverified reports and unsubstantiated opinions supporting the claim of military necessity. One such example was the charge of shore to ship signaling, amply disproved by James L. Fly, chairman of the Federal Communications Commission, whose reports stated clearly that no evidence of such activity existed. Consequently, General DeWitt had to resort, in his *Final Report*, to less than honest arguments, mentioning two instances of Japanese submarine attacks on the mainland that occurred months *after* the evacuation (respectively, on September 9 and June 21, 1942) as contributing factors in the decision to evacuate (Grodzins, 1949, 294–295). Once interest groups and prominent political figures from the West Coast brought to the attention of the Army and the nation the presence of potential enemies inside U.S. borders, the process of exclusion acquired the necessary mass and momentum

to remedy the inconveniences of the state of nature, and the dissolution of agreements is just as common as their formation, since there is no overarching authority to enforce them. For Locke, the clearest sign that one is still in the primordial state of nature, and not part of a society that can call itself “civil,” is being at one and the same time party and judge in a dispute. On this theoretical basis, he denounces the absolute prince as a creature of two worlds, both inside and outside the law (Locke, 1982, 53–54). Begrudgingly, however, he must admit that even when the power of the monarch, or of the executive, is limited by the appropriate legislative acts, the specter of lawlessness is not removed, for commonwealths are to one another like individuals in the state of nature: “There is another *power* in every commonwealth which one may call *natural*, because it is that which answers to the power every man naturally had before he entered into society. For though in a commonwealth the members of it are distinct persons still in reference to one another, and as such are governed by the laws of the society; yet in reference to the rest of mankind, they make one body, which is, as every member of it before was, still in the state of nature with the rest of mankind. [...] So that under this consideration the whole community is one body in the state of nature, in respect of all other states or persons out of its community (Locke, 1982, 90. Emphasis in original.).

to steamroll the timid opposition of those organs of the state which, like the Justice Department and the Department of the Interior, are accustomed to operate within the law. Once the Issei and Nisei on the West Coast were represented as infiltrated enemies, they were easily transformed into creatures of the exception whose only “natural” environment was the camp (barring deportation to a “homeland” prepared to accept them and nationalize them).

It should also be noted that the decision on the evacuation by the Western Defense Command, headed by General DeWitt, went through a first phase involving exclusion from Military Area No. 1 only, which comprised a narrow strip along the Pacific coastline, and then a second phase extending exclusion orders to Military Area N. 2, which was originally designated for voluntary resettlement. Congressman A. J. Elliott correctly identified General DeWitt as the appropriate pressure point in the military/civilian apparatus. In Mr Elliott’s own words: “One other thing in addition to my contacts here which will be necessary to bring this about is to put pressure on General DeWitt” (Grodzins, 1949, 314). With the authority he received from the President in a time of war, the General was in the best position to make an operative decision on the status and fate of the West Coast Issei and Nisei. When Grodzins tries to explain the change of heart in the attitude of the military authorities, from the evacuation of a narrow coastal strip to a region-wide removal, he is at a loss for motives. He finds them eventually by attributing pre-existing racist sentiments to the two military officers directly responsible for the internment, General DeWitt and Colonel Bendetsen. Sentiments that

were undoubtedly there, but that the chronology of events seems to posit as a secondary, though perhaps decisive influence.

Race provided an asymmetrical heuristic for the separation of friend from enemy on the basis of their potential for cultural assimilability, which, for the Japanese, was set at zero. It would be misleading, however, to attribute the evacuation entirely to racism as a failure of rationality, although many irrational factors contributed to the fateful decisions. Racial prejudice was undoubtedly a significant contributing factor, and it provided a focus to the ebb and flow of war hysteria in response to the unfolding of the war. It made it plausible for Attorney General Biddle to spend more energy arguing for the rights of Germans and Italians than for those of the Japanese; it gave bite to the anti-Asian campaign of the Hearst press and of pressure groups and politicians in California; it made Secretary of War Henry Stimson more likely to support actions that increased military preparedness; it allowed Colonel Bendetsen, General DeWitt, and even President Roosevelt to promote or safeguard their careers at the expense of 110,000 Japanese Americans.⁴⁷ Yet, the overarching political and cultural rationale behind the internment is, very plausibly, the exercise of sovereign power to establish

⁴⁷Francis Biddle's partiality to Italians and Germans is mentioned by Roger Daniels on the basis of the Attorney General's memos (Daniels, 1993, 82). Morton Grodzins' *Americans Betrayed* is still the most comprehensive and detailed analysis of the role of pressure groups, politicians, growers' associations, chambers of commerce, and the press in California (Grodzins, 1949). Henry Stimson's susceptibility to racial stereotype is mentioned by Klancy Clark de Nevers, who analyzes the actions and motives of Colonel Bendetsen in *The Colonel and the Pacifist* (de Nevers, 2004, 111). General DeWitt's concern that, like Admiral Kimmel and General Short in Hawaii, he would be made a scapegoat in case of a successful Japanese attack against the West Coast was already mentioned above.

a clear distinction between inside and outside, between friend and enemy, as required by the nationality principle. In the case of the United States, this principle is interpreted and applied loosely, substituting the European criterion based on an intimate connection between ethnicity, language, and political destiny, with a more flexible connection between culture and race. In both contexts, the ethnic and the voluntaristic, sovereign intervention draws the contours of the bio-political body of the nation, excluding even those whom the law, in its generality, has allowed to enter through citizenship.

Race, Necessity, and the Law

Prejudice, War, and the Constitution is the response of the JERS team to *Americans Betrayed* by Morton Grodzins. Floyd W. Matson, Edward N. Barnhart, and Jacobus tenBroek divided among themselves the responsibility for the three sections of the book, devoted respectively to anti-Japanese feeling, the evacuation itself, and the legal aspects involved. The choice of titles for the sections, ‘Genesis,’ ‘Exodus,’ and ‘Leviticus,’ is very dramatic, and suggests, perhaps unintentionally, a degree of inevitability that puts to shame the Hegelian view of History as a series of necessary events tending to the establishment of the State as the ethical entity. In the beginning there was “prejudice,” the premise to the evacuation; then “the Japanese bombs which cascaded upon Pearl Harbor on December 7, 1941” plunged the nation into a Darwinian “struggle for existence,” and drove the West Coast Issei and Nisei, quite literally, into the desert — and with the spokesperson of the

Japanese American Citizens League (JACL) Mike M. Masaoka nicknamed after the Biblical Prophet Moses (due to his fervent advocacy of cooperation in the matter of the evacuation), President Roosevelt seems an obvious cast for the role of Pharaoh. Finally, we are left with a complex tangle of partially resolved legal and constitutional issues that recalls vaguely the third book of the Hebrew Bible (tenBroek et al., 1954, 1).

From the outset it is quite clear that the true aim of the book is to neutralize the analysis of the evacuation and its motives, and the consequent assignment of responsibility, set forth by Morton Grodzins. The authors adopt a polemical stance placing their arguments in direct opposition to what they call “the pressure group and politician theory” to which *Americans Betrayed* supposedly “adheres,” alongside “a number of students of liberal persuasion” (tenBroek et al., 1954, 4). What is noteworthy in this first attempt at discrediting, rather than refuting Grodzins, is that the authors exploit the colloquial understanding of the word “theory” to undermine the credibility of what they represent as the “liberal” bias. To the latter, and to the “official theory” of military necessity, they will oppose conclusions based on a more systematic and dispassionate examination of facts, “made possible by the use of primary sources not previously examined in this connection,” than was done before (tenBroek et al., 1954, 3, 7). The obvious implication is that Grodzins’ study came too closely after the event, and therefore lacks the necessary critical distance. Published as early as 1949, and actually completed four years earlier as a doctoral dissertation, *Americans Betrayed* is indeed very

close to its subject (as is, for obvious reasons, the entire JERS project) but it is certainly not rushed or inaccurate. While its central thesis on the decisive influence of pressure groups and politicians is certainly open to dispute, tenBroek and others contribute very little in terms of original research, and, in fact, rely heavily on Grodzins for many testimonies, interviews, and private documentation not otherwise available.⁴⁸ Although the work of tenBroek and his collaborators is too ideologically vitiated to be considered a reliable source, their efforts to discredit a theory that holds named individuals personally accountable for the role they played in the evacuation, puts them in an interesting place as they try to find justification for a more sweeping and generic attribution of responsibility. In order to do so they have to shift gear, change register so to speak, from the language of a politics of means to that of a politics of ends.

One of the defining moments in the history of the evacuation is certainly the incident of the “loyalty questionnaires.” One was administered by the War Relocation Authority to determine eligibility for leave-clearance on a

⁴⁸Peter Suzuki has written, in great detail, about the conflict, internal to the JERS, between Morton Grodzins and Dorothy Thomas, and the latter’s attempts to stall or prevent the publication of his manuscript to protect the reputation of former California Attorney General Earl Warren. Warren was then rising to prominence in national politics. Robert G. Sproul, President of the University of California and personal friend, nominated Warren as the presidential candidate of the Republican Party in the 1948 elections. Had it not been for the courage and integrity of William Terry Couch, director of the University of Chicago Press, who decided to publish Grodzins’ work above Sproul’s objections, Thomas might have been successful in censoring research whose main fault was its being the source of potential political embarrassment. Suzuki defines *Prejudice, War, and the Constitution* as nothing but a “sanitized and revisionist version” of the original thesis manuscript by Morton Grodzins (Suzuki, 1989, 101).

mass rather than an individual basis, one by the Army to screen for suitable candidates for Selective Service. Both questionnaires addressed the controversial issue of loyalty in questions 27 and 28, with slight variation in wording. Both assumed that the issue was not controversial, that one is either for or against America, against or for Japan, and that a “yes or no” answer should suffice to dispel any doubts. For a person deprived of the security of a domicile, an income, and, most importantly, the benefits of citizenship (true of both Issei and Nisei, equally displaced in this condition of uncertainty), simplicity is an ill-afforded luxury. The same naïvete displayed by the authorities is reflected in the account of the incident given by ten Broek and his co-writers, who seem to share the surprise that the registration should turn out to be a dismal failure. WRA and War Department officials expected this “routine requirement” to run smoothly, and to be, if anything, welcomed by the internees as an opportunity to show their loyalty to the United States. “However,” the authors remark, “the attitude of the evacuees was critical and antagonistic” (tenBroek et al., 1954, 150).

The impression the reader receives is of a carefully planned attempt to determine the loyalty of the internees by means of a questionnaire that was submitted to them in its final form. In fact, the entire venture was thoughtless and clumsy. Question 28 was hurriedly modified *after* its careless initial wording had created major disturbances, and even panic, among an internee population ripe and ready to believe, because of the treatment they had suffered, that their answers would carry the most unpalatable of consequences,

plausibly leading to family separation, forced deportation to Japan, induction of the Nisei into the United States Army, or forced resettlement in a hostile society.⁴⁹ Surprise at the intense antagonism and suspicion with which the internees reacted to what should have been, in the intentions of the administration and the Army, a simple bureaucratic procedure for the unambiguous determination of loyalty is certainly a show of callousness, but it is not necessarily insincere.

A model for the two loyalty questions can be found in an early legal document designed to deal precisely with the “who” and “how” of acquiring American citizenship. I am alluding to the Naturalization Act of 1795, which required the aspiring citizen to declare, among other things, “that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject” (Lemay and Barkan, 1999, 12). The Act of 1790, which established for the first time a uniform rule of naturalization, did not include a formula asking a person to abjure allegiance to any foreign government or

⁴⁹Why the authors decided to minimize this incident remains a subject of conjecture, but it seems hardly likely that they were not acquainted with the difficulties which had accompanied registration. Especially because an essential documentary source they utilize, namely the Department of the Interior’s *WRA: A Story of Human Conservation*, is very clear about the reactions of the internees, which varied from camp to camp. “Within a few hours after the registration started,” this source reports, “the Issei reaction to this question at the Manzanar center was so pronounced that the Assistant Project Director called the Washington office by long distance telephone and asked permission to use a substitute question in the registration of the Issei which would be more acceptable” (Myer, 1946, 56).

authority. In this document, the obligations arising from the bind of citizenship are either implicit, or they are understood to arise from mere residence on the legal territory of the United States. In 1795 American citizenship becomes exclusive, systemically intolerant of any competing loyalty, and of any personal or emotional attachment from which such a loyalty might arise.

For the Issei and Nisei who experienced the evacuation, and who had struggled through registration, this formula can never be heard or pronounced innocently. It remains intimately associated with mechanisms that attend the construction and deconstruction of identity, mechanisms that should remain in the shadow if they are to produce any sense of security and stability for the individual. In the case of Mitsuye Yamada, the anxiety resurfaced at her naturalization ceremony, in 1955, when she was asked whether she would bear arms in defense of the United States. Again, her hesitation created confusion and disbelief that such a simple question should fail to elicit the most spontaneous and affirmative of answers. Exasperated by the inexplicable delay, the officer exclaims: “Whatsa matter? Why do you hesitate? You don’t wanna defend your country?” In Ms Yamada’s perception, the officer was “barking” at her, and, realizing fully the draconian implications of those questions, she was “shaken” by the experience (Harth, 2003, 36).

Prejudice, War and the Constitution is interspersed with frequent and fairly noticeable polemical statements aimed at Morton Grodzins and other proponents of the pressure group and politicians theory. Besides this, an entire chapter is specifically dedicated to demolishing it. Mainly, the authors

accuse Grodzins, Bradford Smith, Carey McWilliams, and other scholars of a “liberal persuasion” of generalizing from an insufficient amount of data, and of attributing to the actions of a minority of agricultural, commercial, and patriotic organizations more weight than is warranted by a consideration of their documented activity before DeWitt turned in his recommendation, on February 14, 1942.⁵⁰ They dispute an exaggerated view of their influence on decision-makers but bring no new evidence to the contrary, preferring to rely on common sense argumentations. A representative statement is that “it seems unreasonable to suppose that these scattered expressions of opinion” would have had the decisive influence Grodzins attributes to them. This critique is not entirely incorrect, but it is made in bad faith, especially for its misrepresentation and radicalization of the opposing view. tenBroek and others are correct in asserting that the military needed little persuasion in this matter. Still, they impute this inclination toward drastic measures to a racism the military shared with many constituencies on the West Coast. It is, however, entirely plausible that, in keeping with Grodzins argument, such like-mindedness would make the military very receptive to cognate ideas, especially when expressed by persons in positions of influence.

Available documents supporting the theory that state officials, law enforcement officers, and commerce associations were involved in a concerted and coordinated effort to sway General DeWitt in favor of evacuation, ten-

⁵⁰Carey McWilliams published a critique of the internment in 1944, entitled *Prejudice: Japanese-Americans Symbol of Racial Intolerance*. Bradford Smith published *Americans from Japan*, edited and prefaced by Louis Adamic, in 1948.

Broek and others argue, are too scanty to be credible. Politics, however, is not restricted to institutional venues. It often occurs during informal gatherings or calls, at which questions are asked and views exchanged without leaving any documentary trace. When such traces are found, as Grodzins finds them, for example in General DeWitt's borrowing heavily from Earl Warren in phrasing his recommendation, it is more plausible to assume that additional, undocumented and, perhaps, undocumented pressure was applied, rather than the opposite. Especially when the direction of documented pressure coincides with the actual turn of events.

The critique of the “pressure groups and politician” theory is based on the assumption, and probably a correct one, that military and civilian decision-makers (the Army and the government) shared the racial bias which scholars on both sides of this issue would accept as pervasive in the culture of the West Coast and, in different terms, the nation as a whole. One has to concede that the target of racial prejudice changes with the social geography of the United States, so the possibility of an alliance between, in this case, California anti-Asian exclusionists and a number of Southern politicians, must be based on elective affinities between their respective brands of prejudice, rather than concrete social relations. Morton Grodzins notes the following: “Only three members of Congress outside the Pacific region showed any large interest, and those three displayed both passion and anger in supporting the extreme California viewpoint.” (Grodzins, 1949, 84). Though vehement in their addresses, three Congressmen from the South certainly fall short of

representing a conspiracy, a movement, or even a concerted effort by their constituencies on behalf of the Californian brand of racial exclusion. What they do show, however, is that there are elective affinities between the logic of the "Yellow Peril" menace in the West and the threat of African-American integration in the South.

Racial prejudice was doubtlessly present elsewhere in the country, but in these other locations no affinity was established, or, more precisely, elected as a sign of compatible interests. The same affinities might and might not have activated a prejudicial response in the officers and officials charged with making the decisions that were going to affect the lives of 120,000 Issei and Nisei. Indeed, the Justice Department was, generally, opposed to the evacuation, while the War Department and the Army supported or even demanded it. It is extremely unlikely that two of the above-mentioned institutions were inclined to employ or attract racially prejudiced individuals, while one was not. It is much more likely that, in one case, the same cultural biases attached successfully to the anti-Asian sentiments pouring from the West Coast, and failed to do so in the other. I would like to suggest that the different responses to the wartime crises were dictated by the institutional function of the government organs to which these individuals belonged. This would explain why the Justice Department and the Attorney General first opposed internment, and then supported it. Or why General DeWitt appeared to have changed his mind over the same issue depending on his perception of the debate, and of his role and responsibilities as protector of the West Coast.

The vociferous demands of the pressure groups and the politicians may well have contributed to creating, in DeWitt, the impression that a widespread consensus existed.⁵¹ Indeed, as already noted, the protest against the evacuation came too late and too little. Moreover, the General's institutional function and cultural bias may well have conspired to induce him to seek positive reinforcement for decisions that he was predisposed to make by his mandate as Commanding Officer for the Pacific Area. The voices for which Grodzins accounts, and which tenBroek and others discount, provided it.

The authors of *Prejudice, War, and the Constitution* reject the thesis that identifiable interest groups and politicians can be held responsible for the evacuation, and favor, instead, the thesis of collective guilt, which dilutes responsibility to the point of irrelevance. In a regime of representative democracy, this argument must be founded on the assumption that the public figures who campaigned aggressively for evacuation, especially the politicians, acted in accordance with the desires of the people they represent, or, at the very least, of a distinct majority. One must assume that if other persons had been in their shoes, representing a constituency in the throes of prejudice and war hysteria, the outcome would have been exactly the same and only the names associated with declarations, speeches, and documents, would have changed. If, on the other hand, one accepts Grodzin's conclusion that the

⁵¹Francis Biddle mentions, in his autobiography, a confidential report of March 9, 1942, by the Office of Facts which suggested that "outside of Southern California, less than one half of those interviewd favored internment of Japanese aliens, and only 14 per cent the internment of citizens of Japanese ancestry" (Biddle, 1962, 224). He gives no further details about the report, but the impression is that

anti-Japanese activism of certain individuals in public office was critical to swaying decision-makers toward authorizing internment, and public opinion toward accepting it, one should conclude that these public figures have, in fact, betrayed the public trust and their mandate. To tenBroek and others this conclusion is extremely unpalatable since it raises the specter of a political failure: the failure of liberal democracy to guarantee the rights associated with political citizenship, provide just and responsible government, prevent the misuse of power, and ensure accountability. Even Grodzins, who is dedicated to the task of assigning personal responsibility, would not go this far. For all commentators, the failure must be social and cultural, better (for tenBroek and others) if on a national level, avoiding any interrogation of the crucial nexus between citizenship and nationality on which hinges the bio-political leverage of modern power, and its potential instability.

Since the legitimacy of the modern state is defined as a function of the “people,” stability and continuity of power, as well as territorial integrity, depend on how the “people” are defined, on who the people are. Whichever body or institution is capable of making that determination, and is successful in enforcing it, asserts itself as sovereign. Whether this is accomplished by a popular assembly, a revolutionary body, or a president, it remains an act of constitutive violence that creates a new legal order and distinguishes it spatially from all other orders. Nationalist movements attempt to restrict access to full citizenship by imposing nativist limitations (expressed, as needed, in ethnic or racial terms) in order to maintain or seize control of the state. This

strategy considers citizenship as a conditional attribute of the human being, and subordinates it to criteria like ethnicity and race that are considered non-negotiable and pre-political.⁵²

Nativist pressure from California urged a sovereign decision over the bio-political boundaries of the nation that would exclude Japanese Americans, but the decision itself was taken at the Federal level. Clearly, by 1942 the sovereignty of the individual states is limited, and it does not extend to issues of national unity. Morton Grodzins was implicitly aware of the disparity of power between the regional and the national level, but he believed, correctly, that decision-makers at the national level were susceptible to social and political pressure from below, and were, in many cases, inclined by racial prejudice to disregard the constitutional rights of a minority that they considered alien and unassimilable. tenBroek and others also believed that federal institutions and bureaucracies were culpable of gross misjudgment, but they never attempt to attribute responsibility to specific individuals:

The responsibility of the Army and the government for the decision which led from curfew through evacuation to detention cannot be shifted. But it can be shared, in a lesser degree, by all who demanded, affirmed, or acquiesced in those decisions (tenBroek et al., 1954, 208).

⁵²Eric Hobsbawm characterizes the concept of the “nation” as it emerged from the French Revolution as a “body of citizens whose collective sovereignty constituted them a state which was their political expression” (Hobsbawm, 2002, 19). This concept is unproblematic only when used against the claims of the old European aristocracy, but is destined to create controversy and conflict when it is applied to a population that is not as homogenous, culturally, linguistically, and ethnically, as was assumed. Also, this definition naturalizes the link between nationality and statehood, conveniently ignoring that the state always precedes the nation.

If any doubt should persist that, in the intentions of the authors, this shared responsibility for the internment is any less than universal (or national, which, since Rousseau, Fichte, and Hegel amounts to the same), it is dispelled soon enough:

Most undeniable of all is that the American people generally, and the people of the West Coast in particular, were anxious, angry, and afraid; that in this mood the familiar specter of the “yellow peril” appeared before them, and that they struck out blindly at its shadow — not knowing that by this blow they were to damage, not the enemy, but the constitutional safeguards of their own free way of life (tenBroek et al., 1954, 208).

The sustained tone and the rhetoric of this passage evokes the image of a lynch mob, blind with rage, falling on the West Coast Japanese to tie them to the stakes and burn them, using the Bill of Rights for kindling. This image is quite a contrast to their own minimizing of the “clamor” of anti-Japanese groups (against Grodzins), and to the rational discussion, careful planning, and orderly execution of the evacuation itself. Certainly, the accommodations prepared for the Issei and Nisei were below any acceptable standard in normal times, but the efficiency of the apparatuses of the state is measured by speed of execution and conservation of resources, rather than quality of life. After all, these people were on their way to exile, so the “amenities” of civilian life could not be reasonably guaranteed, especially in view of the inherent impermanence of the camps.

The camps were carved out of the national territory to provide a solution to the problem of an enemy presence within state boundaries, and, according

to some justifications, to the necessity of placing under protective custody a population exposed to the justified wrath of the nation. Upon their creation, they became a problem in their own right that begged for its own solution. Initially, a policy of relocation and dispersion of the interned population was devised to facilitate and encourage assimilation. Interestingly, this position, which was embraced by the War Relocation Authority, contradicted the argument that the Japanese were too different to be assimilated in American society which General DeWitt and others cited as a rationale for, and justification of, the evacuation.

Part III of *Prejudice, War, and the Constitution*, aptly entitled ‘Leviticus’ and authored by Jacobus tenBroek, examines the decisions of the Supreme Court in relation to the three major cases related to the evacuation: *Hirabayashi*, *Korematsu*, and *Endo*. The first case, *Hirabayashi v United States*, regarded Gordon Hirabayashi’s intentional violation of the curfew imposed by General DeWitt, and his refusal to report to a civil control station to be registered for evacuation. The case was decided in June, 1943, when the Supreme Court held that the imposition of curfews on minorities from countries with which the United States was at war, was constitutional. With this restricted ruling, the Court managed to avoid the issue of constitutionality. The other two cases, *Korematsu* and *Endo*, were decided on the same day, December 18, 1944. Fred Korematsu had been convicted for the violation of Civilian Exclusion Order No. 34, mandating that “all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1”

indicated.⁵³ The Supreme Court extended the arguments of the *Hirabayashi* ruling on the curfew to the exclusion of civilians from military areas. Although the majority opinion, delivered by Justice Black, admitted that an evacuation causes greater hardship than confinement to the home during certain hours, it held that, in both cases, Congress and the executive were acting within their powers, including the power to determine the existence and nature of a war-related danger, like invasion, espionage, or sabotage, and act on that determination to protect the United States (*Korematsu v. United States*, 323 U.S. 214 [1944]). The issue of detention was finally confronted in *Ex parte Endo*. Mitsuye Endo was evacuated from Sacramento, California, to the Tanforan assembly center, and was then interned at Tule Lake. She challenged the internment by petitioning for a writ of habeas corpus, which forced the Supreme Court to consider the possibility that the internment may indeed be a case of unlawful detention. Once again skirting the constitutional issue, the Court held that the government could not detain, without due process, an American citizen that was concededly loyal (*Ex Parte Endo*, 323 U.S. 283 [1944]).

Very perceptively, tenBroek notes that, in all three cases, the Supreme Court managed to pass judgment without addressing the constitutional issues

⁵³The quotation is from Civilian Exclusion Order No. 27, included as a specimen in General DeWitt's *Final Report*. Orders varied in the description of the excluded area, and the address of the Civil Control Station to which one person for every family and all persons living alone were expected to report by a certain date. At the station they would be registered and receive numeric tags with which to label themselves and their luggage (DeWitt, 1943, 97).

involved. In other words, the constitutionality of Congressional legislation sanctioning curfew, presidential Executive Orders authorizing exclusion, and military orders decreeing evacuation, was never evaluated. Even in the *Endo* case, in which the court found in favor of the plaintiff and ordered her release, the decision was framed as a correction of an abuse of authority by the WRA (tenBroek et al., 1954, 213–214).

In the other two cases, the Court refused to intervene and upheld military orders under the presumption that they passed the substantial-basis test, which calls for the determination that a probable cause supports the issuance of the order. No effort was made to determine the factual existence of such a foundation. The Army's arguments, as presented to the Court and as outlined in General DeWitt's *Final Report*, were accepted at face value. As tenBroek notes, the substantial-basis test was announced as a foundation for juridical decision, but was not applied. In his view, the Court's reluctance to intervene and subject military decisions to a stringent review of their constitutionality may be explained by the fear that to limit the exercise of military power in a time of war might seriously impair the capacity of the military to perform its function. Justice Jackson makes this consideration explicit in his dissenting opinion, where he argues that military decisions are not necessarily made on the basis of evidence subject to conventional methods of proof. The implication is that the need to counter possible, and not just probable or verifiable, hostile action by an enemy might require greater freedom of action than any test of constitutionality would admit. Such a

test can only apply a logic of demonstrable facts and justifiable actions that makes sense in normal times, but not in wartime. “Hence,” Justice Jackson argues, “courts can never have any real alternative to accepting the mere declaration of the authority that issued the order that it was reasonably necessary from a military viewpoint” (tenBroek et al., 1954, 217)

Jacobus tenBroek does not accept Justice Jackson’s conclusions. He objects particularly to the implication that military decisions fall outside the jurisdiction of the court, and that restraint cannot be imposed from outside but must be exercised from within the military apparatus. ten Broek challenges this concept by producing a number of hypothetical situations in which military involvement in civilian matters does not, or would not, in the scenarios he imagines, necessarily abolish the validity of constitutional guarantees. However, he never envisions the possibility that secret information could be shared with judges but not with the public, or that a declaration that such information exists could be made in front of the Supreme Court, pending prosecution for perjury after the war if the military failed to produce the necessary proof *post facto*. In the de-personalized bureaucracy that mediates popular participation in government, however, personal accountability is never pursued with the intensity found in other spheres of modern society, especially when the person occupies a position which involves, or demands, the exercise of the sovereign prerogative to act without a rule. Such hypotheticals, mine included, bear little relevance for the analysis of the behavior of the military and the courts in relation to the internment. In tenBroek,

however, they lead to a counter-argument that is exquisitely circular:

Whatever the complications for juridical review created by the fact that information supporting actions taken may be secret and of military importance to the enemy to whom it might become known if revealed to the courts, this cannot be a factor when — as was true of the Japanese American evacuation — the action under consideration was not grounded on such secret information (tenBroek et al., 1954, 220).

Of course, in order to determine whether the action under consideration *is* grounded on secret information one would have to obtain access to such information in the first place. What is important here is not the content of the relevant information, but its secrecy, which presumably indicates its overall significance for the war effort. When the army claims that it cannot disclose information, it conceals the nature of its decisions behind an aura of impenetrable mysticism that arises quite spontaneously from the claim that one possesses crucial secret knowledge. Whether this knowledge is, in fact, information, intuition (a hunch), experience in such matters, first-hand, second-hand, or prejudicial knowledge of the enemy, charisma, or revelation, we are not supposed to find out. Demystifying military decision by subjecting it to rational review, to the burden of proof in a conventional juridical sense, would indeed impair its function, in keeping with Justice Jackson's fears. Ultimately, tenBroek's unwillingness to accept Justice Jackson's argument is due to his inability to see that the function of the military in time of war, and whom or what, precisely, it is the nature and the mission of the

Armed forces to protect, is fundamentally ambiguous. If the answer is ‘the people’ or even ‘the citizen,’ then civilian review of the Army’s action is more than appropriate and cannot be subject to any limitation. If, on the other hand, the answer is ‘the political order that guarantees the rule of law on a given territory’ (as implicit in the position of Justice Jackson), then juridical review of military decisions has less to do with civil or human “rights,” or even “legality” itself, than with a fundamental confusion about the relation between inside and outside the political order. Such confusion is further enhanced by the failure to distinguish between political order and legal order in the first place.

Reluctance to punish the proponents of unjustifiable measures after the emergency has passed, beyond formal expressions of regret that carry no serious legal or political consequences, reflects the embarrassment of having to maintain the illusion of the universal validity of law in situations where the distinction between inside and outside the legal order is no longer certain, and sovereign power is called upon to reestablish it. Willingness to accept, at face value, the claims of those who embody this authority, or are its direct instruments, can be construed as a sign of awareness that a power of a constitutive nature has manifested itself, and that it carries a destructiveness that matches (because it has to) that of the enemy. It must, therefore, be respected and obeyed. Constitutive violence of this kind is rarely understood for what it is. More often, its nature is intuited, especially by observers, witnesses, and objects of the power of exception. It is not surprising that

tenBroek, positioned as a peripheral observer, alternates arguments emphatically in favor of juridical control with exceptions to the principle:

This is not to deny that there are decisions whose secret basis could not be publicly revealed through judicial review or otherwise without grave or even possibly fatal injury to the war effort (tenBroek et al., 1954, 220).

And:

This is not to say that the judges should not candidly appreciate their own fallibility. Nor is it to say that the rigor of judicial scrutiny will not or should not vary as the circumstances vary. The military must be allowed a reasonable latitude of military error when making strictly military decisions (tenBroek et al., 1954, 221).

Just not this time. Not in the case of this particular decision. If he admits that there can be exceptions to the judicial oversight of military conduct, his argument is, ultimately, that the evacuation of Japanese Americans from the West Coast is an exception to the exception. The Court should have intervened. In not doing so, tenBroek fears, it left civil society open to the danger of military control. He does not give due consideration, however, to the fact that modern warfare and the organization of the modern state involve (at least since World War I, with inklings of this tendency being visible as early as the American Civil War) a rather extensive militarization of society, especially in the areas of industrial production and the production

of armies through conscription. War would then avidly consume both these commodities.

Surprisingly, section III of *Prejudice, War and the Constitution* comes very close to recognizing this subordination of civil society to military necessity in time of war, but stubbornly identifies it as a danger for democracy, rather than as a structural element in the constitution and definition of sovereignty, irrespective of the political system. From this point of view, tenBroek is wrong to dismiss Justice Jackson's dissenting opinion as he does. He reads it as a restatement, "with the irresponsible clarity of a dissenter," of the absence of constitutional limitations to military power along the lines of the *Milligan* majority (tenBroek et al., 1954, 240). The tone of the dissenting opinion, however, suggests that Justice Jackson's intent was, in fact, to prevent the principle of military rule by reason of necessity from becoming embedded in the law as constitutional doctrine.

Jacobus tenBroek would argue that Justice Frankfurter's attempt, in his concurring opinion, to ensure that any military order in time of war will pass the test of constitutionality is correct in principle (because the constitution must be respected) but incorrect in application (because in this particular case no real necessity existed). Any military order in time of war *should* pass the test of constitutionality, which was not the case with the curfew and the evacuation. But this was precisely the problem that the Justices were unable to solve. The information needed to determine the justifiability of such measures was not forthcoming, and the Supreme Court was unwilling

to risk indicting the military by demanding it. Even if such information were produced, it was likely to be unacceptable to a Court operating within the confines of ordinary law, failing to pass not just the invoked substantial basis test but even a test of simple rationality. The Court would then be forced to countermand a military order, generating a dangerous institutional conflict between the executive and judicial branches of government. Only by refraining from questioning the military too closely could the Courts preserve the existing political order, in suspension, until the emergency was over and normality could be restored.

It was not Justice Jackson who jeopardized the Constitution, but those who, like the *Korematsu* majority and the concurring Frankfurter opinion, rejected the very possibility of extra-constitutional action, in the true spirit of juridical positivism. If one assumes that the legal force of the founding document has occupied all available political space, leaving no outside, then no contradiction can exist between the protection of certain rights spelled therein, and their suspension in particular cases of necessity. If any such contradiction should arise, it is only apparent, and can be resolved with a more correct reading of the law. Justice Jackson can clearly see that the results are potentially disastrous:

A military order, however unconstitutional, is not apt to last longer than the military emergency. Even during that period a succeeding commander may revoke it all. But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that

the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need. [...] A military commander may overstep the bounds of constitutionality, and it is an incident. But if we review and approve, that passing incident becomes the doctrine of the Constitution. There it has a generative power of its own, and all that it creates will be in its own image. Nothing better illustrates this danger than does the Court's opinion in this case.

Even here, the reference to racial discrimination is less important than Jackson's insistence that the law is now facing an extraconstitutional moment, of limited duration, whose temporariness is the best, perhaps the only, guarantee that the existing political order will be preserved. It seems that the Constitution needs protecting from the sovereign power wielded by the Commander in Chief, as much as from an invading enemy, a rebellion, or an insurrection. This escapes tenBroek entirely, since he is intent on framing the internment as a violation of constitutional rights by the Army, compounded by a failure to apply correctly the test of constitutionality by the Supreme Court. However, this twofold violation does not lead to accountability for any of the parties involved, at least not a form of accountability that bears legal consequences. General DeWitt, tenBroek argues, was prejudiced in only one of two possible connotations of the concept: the first defines prejudice in terms of 'antipathy,' the second defines it in terms of 'erroneous or untested belief.' The discriminatory policies implemented under his command are to be imputed to the latter, and not to the former, because there is no evidence

that the general had acted “out of hatred, vengeance, or for selfish reasons.” According to tenBroek, the *Hirabayashi* Court has in mind this connotation of prejudice when Justice Murphy states, in his concurring opinion: “It is not to be doubted that the action taken by the military commander . . . was taken in complete good faith and in the firm conviction that it was required by considerations of public safety and military security.” He can thus conclude that the General had acted “with an upright motive” since his reasons for violating the equal protection clause in the Fourteenth Amendment was, shall we say, a noble one. Jacobus tenBroek then adds that “the nondiscriminatory purpose demanded by equal protection is a measure of knavery, not of folly” (tenBroek et al., 1954, 264). The authors of *Prejudice, War, and the Constitution* seem to have settled on this particular state of mind (folly) as the “irrational rationale” (and alibi) of the internment. In the conclusion to ‘Part II: Exodus,’ Barnhart argues that, while military necessity was unjustified, “the dereliction was one of folly, not knavery” (tenBroek et al., 1954, 208). With this statement, the stage is set for tenBroek to absolve the military of all legal responsibilities with his interpretation of the Fourteenth Amendment.

In their contention with Morton Grodzins, tenBroek, Barnhart and Matson are eager to dismiss the theory that politicians and pressure groups might have exercised undue outside influence on General DeWitt’s decision to recommend evacuation. At the same time, they are unwilling to make specific charges against him, preferring an unqualified indictment of a generic moral

nature. In other words, the great wrong of the evacuation is to be imputed to widespread racial prejudice which, in a particular man holding a particular position and entrusted with the care of a particular population, conspired to produce the unfortunate consequences with which we are all familiar. Whether consciously or not, the authors of *Prejudice, War and the Constitution* frame their argument in a manner that distracts the reader from the real issue: not the culpability of a man, DeWitt, or an entire society on account of racism, but the ease with which political process in a time of crisis decided and implemented the removal of a portion of the population into concentration camps. A case in point is the elision in the quote from Justice Murphy's concurring opinion in the *Hirabayashi* case which, in its entirety, reads: "It is not to be doubted that the action taken by the military commander *in pursuance of the authority conferred upon him* was taken in complete good faith and in the firm conviction that it was required by considerations of public safety and military security" (*Hirabayashi v. United States* 320 U.S. 81 [1943]). Had the General not been invested by the President with the authority to supersede the Constitution—an authority and an investiture that the Supreme Court never doubted or questioned—he would not have had the opportunity to act as he did, be the motivation knavery or folly.

Advocates of the constitutionality of the war powers do not discount the importance of necessity, but they can only imagine it as a temporary aberration devoid of any structural function of its own.⁵⁴ The system does

⁵⁴This argument is well developed by Clinton Rossiter in *The Constitutional Dictatorship*.

not need it, is threatened with destruction by it, and must defend itself from it with the utmost efficiency and celerity in order to reaffirm legal order in the face of natural anarchy. All the means the system employs in self-defense are, by definition, legal means, since they are employed by the organs and institutions whose appointed task it is to coordinate this defense. Government (with the military) and Constitution both serve the People. It follows that there cannot be a conflict of substance between the two because of executive, military, or police action taken to this end. In fact, tenBroek illustrates this point very clearly using an example from law enforcement to illustrate the inclusion of the exception into the legal order in the form of the emergency:

The police road block, subjecting many to examination in order to catch a few who perpetrated a crime, is a common example. The emergency doctrine is not the same as the doctrine that the Constitution may be violated “if only you are in a hurry.” The standards of classification to be exacted depend upon circumstances. In emergencies, delays that may put at hazard the public safety cannot be tolerated. But the emergency that will justify an overinclusive classification must be real and the restraint commensurate with it or appropriately designed to cope with it (tenBroek et al., 1954, 290).

One may ask, who exactly is entitled to decide on the reality of the emergency, since the emergency, as tenBroek describes it, obviously escapes or exceeds the confines of the law, and the law can hardly incorporate mechanisms that allow it to, paradoxically, suspend itself? Also, once suspended,
ship (Rossiter, 2005).

how would it go about reactivating itself? The crucial point in this passage, and one that tenBroek makes only accidentally, is that the need to set aside the Constitution in the emergency is not tantamount to a license for its violation. Clearly, the presence of the exception does not result in the abolition of the legal order, but only in its suspension. Order and exception do, therefore, exist side by side without conflict. What tenBroek cannot accept, though, is that the exception (the state of necessity) may not be subordinate to the legal order represented by the Constitution, although he admits that necessity has the exclusive and non-reciprocal power to move the entire legal order aside. Ordinary law is admittedly unable to handle the exception, and tenBroek knows no other political structure that might step in. He is therefore forced to fall back on a state of lawlessness, perhaps the pre-contractual state of nature imagined by John Locke, trusting in our innate moral sense to restore normality once the emergency has passed.

The only force capable of dealing with the exception is sovereign power, because it sees *in* the exception its defining moment, and in the overcoming of the exception it finds its fundamental structure. But because sovereign power is inherently constitutive, its appearance is invariably accompanied by a heightened state of anxiety. The alternative, however, is not any less worrying, if one notes that tenBroek tries to describe the functioning of the emergency in time of war by using, as an example, the police, an institution entrusted with the care of the national body from the inside and in a time of peace. Thus the exception crops up more and more frequently in the midst

of normality, opening gaps in the legal tissue of the modern nation-state and then, just as easily, closing them again. By sheer frequency of appearance, the *resort* to the power of the exception becomes the norm.

According to Louis Smith, the author of an important study of civil control of the military in the United States on which tenBroek relies for some of his arguments, militarism constitutes a system of thought to which public opinion may succumb when it perceives the presence of an outside threat. He describes this mental state as one of sustained and “chronic anxiety over military insecurity,” though not one necessarily provoked by an actual threat. Militarism as a state of mind can thus engulf an entire society without ever finding justification, or vindication, in the outbreak of open hostilities, but simply in the awareness of their perpetual imminence. Smith calls this the “garrison state” (Smith, 1951). In privileging a psychological explanation (hysteria) he obscures obvious affinities with the political equivalent of the “garrison state” in various modern legal systems that refer to a “state of siege” or a “state of emergency” to activate the special powers associated with the state of exception. Smith and tenBroek are describing a Constitution and its protector, the Supreme Court, armed with tradition, dignity, and wisdom, caught between the anvil of a public opinion in “garrison state” and the hammer of an executive capable of declaring a state of exception by decreeing martial law. In this situation the prudent course of action may well be one of non-interference.⁵⁵

⁵⁵Agamben points to the origin of the institution of the state of siege in the French Revolution, and, more precisely, in a decree by the French Constituent Assembly of July 8,

While such a view might, *prima facie*, seem cynical and nihilistic, it does not imply the primacy of violence, nor does it ask for passive acceptance of absolute and arbitrary rule. Quite the contrary, it accepts the violence of government and the arbitrary nature of sovereignty as political facts and posits the problem of their limitation (not elimination). It is the positivist argument that *all* prerogatives of the military and the executive are, by definition, derived from the constitution, and can therefore never contradict or threaten its authority, that makes power limitless. In this regard, tenBroek considers the relevance of *Ex parte Milligan*, a case arising from the Civil War that reached the Supreme Court in 1866. The case required the Court to decide under what circumstances and to what extent the war powers of the government and the military apply to the civilian population. It produced a majority and a minority opinion, both arguing that such powers were indeed limited, but disagreeing on the extent of that limitation and on the nature of the powers themselves. For the *Milligan* majority, military government can only be a matter of necessity, arising from a situation of actual combat, accompanied by a breakdown of civil government. It therefore derives the war powers of the military from a state of necessity external to the constitution,

1791. The *état de siège* is distinguished from the *état de paix*, in which military and civilian authorities act each in its own separate sphere, and from *état de guerre*, in which the two act in concert. In the state of siege, “all the functions entrusted to the civil authority for maintaining order and internal policing pass to the military commander, who exercises them under his exclusive responsibility” (Agamben, 2005, 5). For this definition Agamben quotes French scholar Theodore Reinach. Clinton Rossiter traces the development and use of the “state of siege” in French politics from the Revolution to the World War II Vichy Regime (Rossiter, 2005, 79–129).

but restricts its scope in time and space by enjoining two conditions upon its exercise: the absence of a functioning civilian government and the presence of active combat. Other than this, civil government and the justice system are more than adequately equipped to deal with any identifiable threat to national safety. The minority, on the other hand, held that the war powers fall entirely within the scope of the constitution because they are derived from it. This interpretation places a formal limitation to their exercise, but, divorces that exercise from an actual combat situation. Martial law can be established by Congressional Act or by Presidential decree, and it may apply to cases of insurrection or invasion, as well as on territories where civil government is still in effect and functional. The overriding priority is the preservation of the political order in the face of an actual or foreseeable threat, and martial law can be declared “where ordinary law no longer adequately secures public safety and private rights” (tenBroek et al., 1954, 231).⁵⁶

The true motivation of the dissenting Justices, however, is not registered by tenBroek, although it is plainly written in the text of the minority opinion. Chief Justice Chace indicates that he and three of his colleagues concur, for the most part, with the majority opinion, but are moved to dissent from the implication that, without a state of dire necessity causing the collapse of civil government, military rule cannot substitute the latter lawfully. In the passage in question Justice Chace recapitulates the majority position, and then adds:

⁵⁶The passage cited by tenBroek is a quote from *Ex Parte Milligan*, 71 U.S. 2 (1866).

But the opinion which has just been read goes further, and, as we understand it, asserts not only that the military commission held in Indiana was not authorized by Congress, but that it was not in the power of Congress to authorize it, from which it may be thought to follow that Congress has no power to *indemnify the officers who composed the commission against liability in civil courts* for acting as members of it.

We cannot agree to this.⁵⁷

Clearly, what is at stake here is the immunity of the military in time of war, or in war-related decisions that impact a civilian population. *That* is what the dissenters are trying to protect. They are trying to insure that the military will not be held accountable for actions taken in the interest of the state and its preservation, even when those actions involve the civilian population at home. In effect, they are excepting the officers serving on military commissions like the one that condemned Milligan from any kind of accountability to the law that governs society in normal times, including the civil rights granted by the Constitution.

In the *Korematsu* decision, the doctrine of the *Milligan* majority and minority are ignored, while some of their arguments are selectively combined in a manner most favorable to the limitless expansion of military rule. From the *Milligan* minority, *Korematsu* takes the doctrine that the war powers emanate from the constitution, and that they can be exercised whenever national safety, in the broadest sense, demands it. From the majority opinion, it takes the doctrine that necessity is the source of the war powers, but it qualifies necessity by adding that it is no longer limited in scope and time

⁵⁷ *Ex Parte Milligan*, 71 U.S. 2 (1866).

by a specific situation, i.e. actual combat on the national territory and the consequent breakdown of civil government. It is redefined to fit the total character of modern warfare, particularly its use of aerial bombardment and submarine attacks, which has extended, in fact and not just in theory, the definition of military necessity to include the governance of the civilian population on a larger theater than the area of actual combat operations.

Among the proponents of this view was California Attorney General Earl Warren who, unintentionally and unwittingly, linked the defensive needs of modern warfare to its new offensive objectives. In his opinion a total war is “not confined to the actual scene of hostilities but is waged swiftly and violently and at long range upon civilians, factories and fields far beyond the front line” (tenBroek et al., 1954, 233).⁵⁸ It should be also noted, however, that while the *Milligan* opinions involved, and concerned themselves, with military power in the form of the suspension of habeas corpus, no such discussion appears in any of the three cases dealing with the internment. President Roosevelt neglected to place the West Coast under martial law. Instead, he removed the protection of ordinary law (including the Constitution) from a segment of the population suddenly identified as enemy. The violation was thus twofold. Firstly, that part of the population was subjected to military rule without necessity, defined by the *Milligan* majority as a breakdown of

⁵⁸This was precisely the direction war had taken in Western modernity, with the Allies themselves taking the concept to new limits, from firebombing to nuclear weapons. With World War II civilian deaths far outnumber military deaths, for the first time in a major conflict.

civil government due to actual combat. Secondly, that this was done without a formal declaration of martial law on the Pacific coast, which both the *Mil-ligan* majority and minority understand as the suspension of habeas corpus. The result was that Fred Korematsu had been made to embody a paradox that normal law finds unintelligible, and that Justice Jackson was able to phrase with great clarity:

Even more unusual is the series of military orders which made this conduct a crime. *They forbid such a one to remain, and they also forbid him to leave.* They were so drawn that the only way Korematsu could avoid violation was to give himself up to the military authority. This meant submission to custody, examination, and transportation out of the territory, to be followed by indeterminate confinement in detention camps.⁵⁹

In the final analysis, *Prejudice, War and the Constitution* blames the Supreme Court. After a sweeping indictment of “the people” and the prevalent racist attitudes of the day, tenBroek concludes pointing an accusing finger at an institution whose authority is, in the political system, the weakest, based as it is on prestige and tradition. Presumably, in a racist country with a racist President and a racist military, the nine Justices were supposed to somehow save America from itself. Some of the nine wanted to help save America from the Japanese enemy, some tried to save the Constitution from the insanity of war and the fears that it inevitably produces. These were not, perhaps, the ethical choices we would expect, but to conclude that “in

⁵⁹ *Korematsu v. United States*, 323 U.S. 214 (1944). My emphasis.

this way did the United States Supreme Court strike a blow at the liberties of us all,” is to show a blind trust in the naturalness of human rights and the inherent force of good constitutional law (tenBroek et al., 1954, 334). Both are easily disappointed during emergencies, and just as easily restored, once the emergency is passed, by blaming this lapse into barbarism on a lack of proper cultural sensitivity.

The Supreme Court decisions, and dissenting opinions, generated by *Korematsu* and *Endo* are themselves a symptom of the crisis of modern power, and reveal the tension between the demands of the state and the requirements of the law. They reflect the inability of the law to contain a governmental power which chooses to exercise the sovereign prerogative of deciding on the exception: in this case, the suspension of constitutional guarantees and citizenship status for Japanese Americans. Since this same authority is also responsible for determining whether a state of necessity exists that would justify the exercise of exceptional powers, the Court was reluctant to even ascertain the factuality of those conditions by demanding, for instance, access to classified information. The only legal precedent that could allow the Court to arrive to a conclusive and independent determination was the Civil War case *Ex parte Milligan*, which explicitly conditioned the application of military law to a complete disruption of the civilian administrative and legal apparatus, due to invasion or rebellion. Very conveniently for a juridical body trying to avoid a collision with sovereign power, *Milligan* was dismissed because no military tribunal was involved in the evacuation, and because it

was unclear whether the operation was under military or civilian jurisdiction. After all, in deporting the Japanese minority from the West Coast to concentration camps in the interior, the Army was acting upon the will of a civilian political elite, and delivering the evacuees into the hands of the civilian administrators of the War Relocation Authority. One must perforce call it a “will,” and not an “order,” because no official document connected with the evacuation directed the military to incarcerate the evacuees. Executive Order 9066 only authorizes the Secretary of War to designate military areas “from which any or all persons may be excluded,” and to “provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary [...] until other arrangements are made” (DeWitt, 1943, 27). When “other arrangements” were made with the creation of the WRA by executive order 9102, the document again failed to say anything about the legal status of the evacuees.⁶⁰ A good cipher of the legal indeterminacy of the WRA camps is Milton Eisenhower’s rationalization of his own involvement:

Never did we think of them as concentration camps. Technically, the Japanese-Americans were not restricted to the camps, although in fact they could not return to the Pacific coast and movement without safeguards to any other location would probably have endangered their lives, at least in the beginning (Eisenhower, 1974, 121)

⁶⁰Executive Order 9102, of March 18, 1942, directs the new agency to “formulate and effectuate a program for the removal [from designated areas] of the persons or classes of persons designated... and for their relocation, maintenance, and supervision” (Commission on Wartime Relocation and Internment of Civilians, 2000, 152).

On the one hand, this situation reveals the interpenetration of military and civilian competences that, far from being limited to the internment, has been an essential and growing characteristic of modern warfare, at least since the First World War.⁶¹ On the other hand, it betrays a fundamental confusion about the legal status of the internees, in particular of the Nisei since they could not be protected by the international conventions that the WRA and the Army reluctantly and inconsistently applied to the Issei. Justice Douglas, who delivered the opinion of the Court in *Ex parte Endo*, was correct when he pointed out that the *Milligan* decision did not apply to Mitsuye Endo because there had been no legal or factual suspension of habeas corpus on the West Coast, and military tribunals were not involved in her detention. Where did Endo and all the Nisei in her condition stand in respect to legality, and, specifically, to the Constitution as the founding law of the United States? The highest legal authority in the system, the Supreme Court, could not say. All it *did* say was that the WRA had no

⁶¹According to Gabriel Kolko, the demands of modern warfare led to massive civilian mobilization that threatened and, eventually, undermined permanently the authority of the military elite. At the decision-making level, the progressive industrialization of war ensured that business interests had more voice in war planning and organization than professional soldiers. Kolko writes that “by July 1917, with the creation of the War Industries Board, businessmen controlled the various tiers of all the war procurement organizations, operating both formally and informally through trade association leaders—usually the biggest companies in the field—and key executives and bankers from the more advanced, principally anticompetitive corporations and banks who had well before the war favored a synthesis of private and public power” (Kolko, 1994, 68). The War Industries Board was one of the agencies created by President Wilson to control and direct the national economy toward the war effort. As Commander in Chief, he extended governmental control over civilian production, and, at the same time, favored the involvement of civilians in the conduct and planning of war (Rossiter, 2005, 242).

authority to detain loyal citizens, and that, as a consequence, Endo, whose loyalty had not been disputed, was free to go wherever she pleased. By never expressing an opinion, one way or the other, on the legality of her internment in concentration camps, the Court signified that, during the three years of her imprisonment, she was in a non-relation with the law.

The operator that governed her passage from the negative space of the camp, where no legal order could refer to her, to the positive space of normal society, where law applied, was the question of loyalty. Once the organizations that had authority over her declared her loyal, they relinquished their power and were obliged to let her go.⁶² The Supreme Court simply ushered Mitsuye Endo, and, implicitly, all the Nisei in her situation, from the anomic space of the camp to the ordered space of American society. Her jailers were neither punished nor censored, nor was a previous judgment mandating her detention reversed. As a group, the West Coast Japanese were removed from their homes and placed in concentration camps in consequence of an exception to the law. Since they did not commit any codified crime, their status had no legal handles by which the law could seize them and pull them away from their unjust imprisonment. Their most damning trait was, in fact, their innocence. One can therefore apply to the Nisei what Hannah Arendt wrote about Jews in Nazi concentration camps:

⁶²Paradoxically, the WRA's obsession for determining the political allegiance of their wards undermined its ambition to socially engineer the re-integration of the Japanese minority into American society, preferably away from the West Coast and in small groups numerically incapable of constituting an ethnic enclave.

These groups, innocent in every sense, are the most suitable for thorough experimentation in disenfranchisement and destruction of the juridical person, and therefore they are both qualitatively and quantitatively the most essential category of the camp population. This principle was most fully realized in the gas chambers which, if only because of their enormous capacity, could not be intended for individual cases but only for people in general. [...] [T]hus deprived of the protective distinction that comes of their having done something, they are utterly exposed to the arbitrary (Arendt, 1979, 449).

Clearly, no murderous intent was behind the internment of the Japanese minority in America, although it is by no means certain that this was clear to the evacuees themselves while they were being transported far into the desert on trains with sealed windows. There are, however, affinities between the two experiences, especially in the fact that the destruction of the juridical person exposes the individual to the arbitrary. Fortunately, the resettlement policy of the War Relocation Authority and the mass-determination of loyalty attempted with the distribution of questionnaires took the place of the gas chambers, and led to the eventual restoration of the Nisei's juridical person, which allowed the legal state (as the structured expression of the sovereign state) to recognize them and accept them.

A second question arises from these considerations: where do Endo and the Nisei stand vis-à-vis the state and its apparatuses if, admittedly, the law is unable or unwilling to mediate that relation? To answer, one must trace to its source the power of the Army and the WRA to place a population that is uniformly innocent behind barbed wire. Justice Douglas identifies it

without difficulty in the *Endo* opinion. He writes:

Such power of detention as the [War Relocation] Authority has stems from Executive Order No. 9066. That order is the source of the authority delegated by General De Witt in his letter of August 11, 1942. And Executive Order No. 9102 which created the War Relocation Authority purported to do no more than to implement the program authorized by Executive Order No. 9066 (*Ex parte Endo*, 323 U.S. 283 [1944]).

This unqualified power to detain delegated to the two institutions is not limited by law but only by a state of necessity arising from a factual situation towards which the law is ultimately impotent. This impotence is dictated by the suspension of the legal order, and by the inability of the law to determine for itself the boundaries of the necessity on whose basis the state of exception has been declared. For Carl Schmitt, the political vantage point at the limit of the law, from which the difference between norm and exception can be discerned, or, more precisely, decided, can be occupied only by the sovereign. In the modern constitutional state, which seeks to restrict institutionalized violence by imposing formal and ideological constraints, when sovereign power manifests itself in the decision on the exception, it takes the extra-legal form of a temporary dictatorship.⁶³ Schmitt recognizes that

⁶³The systematic limitation of institutionalized violence was carried out successfully in the Greek *polis*, republican Rome, some city-states, and in the modern constitutional state. These different political systems provided similar answers to the problem of the limitation of power, from universal equality before the law, to the recognition of fundamental rights as an inherent limit of legislative power, procedural norms curbing arbitrary uses of power, norms regulating the assignment and duration of public office, norms of public political conduct like freedom of speech or association. None of these, however, represent a satisfactory and definitive solution to the problem, since each new layer of

the final outcome of this period of arbitrary rule is uncertain. If the dictator strives to reestablish the order that was suspended in the face of necessity, we have a commissary dictatorship (Rossiter's constitutional dictatorship); if, on the other hand, the dictator exploits the situation to create a new legal order that will substitute the one that was suspended, we have a sovereign (unconstitutional) dictatorship. For Giorgio Agamben, however, both Schmitt and Rossiter (who is conceptually closer to Schmitt than he cares to admit) are mistaken in their interpretation of the state of exception. Rossiter errs in trusting that he can assimilate the exception to the juridical order by positing necessity as a source of law, primarily the necessary survival of the state before a threat. Schmitt miscalculates when he attempts to inscribe the state of exception in a juridical context by considering it a unique "state of the law" defined by the fundamental distinction between constituted and constitutive power, mirrored in the distinction between norm and decision (Agamben, 2005, 50–51).

From a bio-political perspective the suspension of the law in the exception opens a gap between the categories on which Schmitt counts for the establishment of order. That gap cannot be closed by attributing an ordering power to necessity, because the necessary cannot be determined objectively, nor can it be resolved by a dictatorial decision for the representation of a political order, old or new, on a given territory. Instead, "the state of exception is

institutional guarantees also creates positions of power that must, in turn, be limited or balanced (Popitz, 1986, 52).

the device that must ultimately articulate and hold together the two aspects of the juridico-political machine by instituting a threshold of undecidability between anomie and *nomos*, between life and law, between *auctoritas* and *potestas*" (Agamben, 2005, 86). The concept of *potestas* comes from Roman law and refers to the socially recognized power of the magistrate to promulgate edicts and administer justice. *Auctoritas*, on the other hand, designates a power that is not juridical and tied to a particular office, but emanates directly from the person and thus lives and dies with it. In this person, which can only be defined as sovereign, law originates from life and, at the same time, refers to life without mediation—the idea of a living law. Agamben argues that modern politics is endangered by its inability to keep the two separate, and to resolve crises without recurring with increasing frequency to the bio-political element (*auctoritas*) by invoking, in different guises, the device of the state of exception.

Through detention in the WRA concentration camps, the internees entered into a direct relation with the sovereign power of the modern state, embodied in Franklin Roosevelt. It would be erroneous to presume that the prerogatives he assumed in a time of crisis were institutional, and that they were somehow contemplated by the fundamental law of the United States. Roosevelt did not act as the benevolent dictator who takes the constitution into custody to return it to the people after the emergency. The power he wielded was the power of the sovereign, and the internment of the West Coast Issei and Nisei is the mirror in which it can be recognized for what

it is. Roosevelt's investiture with the powers of the Commander in Chief during the Second World War added an aura of mysticism to his person that transfigured the institutional role of the President into that of the sovereign. Milton Eisenhower's description of his encounter with the President, when Roosevelt appointed him to head the War Relocation Authority, borders on the iconographic. Eisenhower writes:

As we entered the oval office I was startled by the change in the President. In all my previous work with him I had never seen him without his jaunty air. No matter how difficult the problem, he was buoyant, smiling, and confident. Now, as he studied the paper before him, his face lacked color, his lips were a tight grim line, and, as he looked up at me, I saw his eyes were bloodshot.

Normally he would have exchanged a pleasantry or two, perhaps passed along an amusing anecdote, before turning to the problem or chore he had in mind for me. It was understood of course that the President's request was in fact a command, but Franklin Roosevelt was always so considerate and charming that I found myself wanting to do what he asked without needing a directive. I was about to experience the first exception to that (Eisenhower, 1974, 95).

Roosevelt exudes *auctoritas*, the power to make the recipient of an order identify with the will of the authority that issues the command to the point of nullifying the distinction between obedience and autonomy. To obey is to be free, to act on a desire that is indistinguishable from one's own. On the contrary, power grounded in coercion, like juridical authority and the authority of office, always blends obedience with a pinch of antagonism and a dash of resentment, acknowledging the presence of a separate will in the very act

of overcoming its resistance. For a time, the authority of a wartime president was sufficient to induce “deeply troubled” and profoundly conscientious Milton Eisenhower to set aside his moral reservations and begin organizing the sojourn in the space of the exception of over 110,000 persons who would be removed from the space of the law without even the need to suspend constitutional guarantees.

A question of loyalty

In the *Endo* case, loyalty clearly emerged as the operator that governed passage from the negative space of the camp to the positive space of normal society. It confirms that the determination of loyalty was a crucial moment for the understanding of the American camps. Thomas and Nishimoto report on the registration crisis in *The Spoilage*, and note that evacuee response varied significantly from camp to camp. The average negative response to question No. 28 across the WRA concentrationary system was 16 percent of the polled population, with, at the two extremes, Tule Lake, California, at 42 percent, and Granada, Colorado, at a mere 2 percent.⁶⁴ This variation reflects the different ways in which project directors chose to handle the registration process. From the JERS reports it is clear that the percentage

⁶⁴The overall average rate drops from 16 to 10 percent if the Tule Lake result is excluded from the calculation. These percentages are calculated on the total population 17 years of age or older giving non-affirmative replies to question 28 or refusing to register. Camp specific results are as follows: Tule Lake, 42%; Jerome, 26%; Manzanar, 26%; Topaz, 15%; Gila River, 13%; Minidoka, 9%; Rohwer, 8%; Heart Mountain, 7%, Granada, 2% (Thomas and Nishimoto, 1946, 62).

of negative answers increased in proportion with the pressure applied by the Army and the WRA to obtain affirmative (loyal) responses from the evacuees. Conversely, hostility diminished where the administrators allowed the internees adequate time for internal discussion, and made honest efforts to dispel doubts and suspicions about the consequences that positive or negative answers to the loyalty questions would have on relocation, selective service, and family unity.

Lack of proper communication between the administration and the camp population was in itself a sign of a poor understanding of the needs of the internees, and a consequence of the confrontational attitude adopted by some administrators. In the camps at Jerome, Manzanar, and, of course, Tule Lake, this attitude was most pronounced and ultimately conductive to an increased level of community resistance that appeared to validate the suspicion that large numbers of Issei and Nisei harbored disloyal sentiments towards the United States. Government officials, both civilian and military, who believed that loyalty was determined by culture, and that culture was an expression of race, found their beliefs confirmed in every instance of unrest or act of disobedience. Administrators who, on the contrary, believed race to be independent from culture, and that only the latter determined individual loyalty, were more likely to seek some form of cooperation with the internees.⁶⁵ However, both types were unable to see the political essence

⁶⁵ Alexander Leighton, the Department of the Navy psychologist in charge of sociological research at Poston, divided administrators into two categories: the stereotype-minded and the people-minded. As a rule, upper level administrators were found to fall into the

of the conflict, which was intensified by the registration crisis, behind the coded language of race and culture.

The struggle of a population to exert some degree of control over an authority that they perceived, quite correctly, to be arbitrary and inconstant, can only be a political one, and subject to solutions of a political nature. Instead, the overseeing authorities opted for a further and finer separation of the ostensibly loyal from the presumably disloyal. It is not surprising that Tule Lake, with a level of resistance encompassing almost half the camp population, was selected by the Army and the WRA as a “segregation center” for the disloyal. It would become a camp’s camp, a further level of exclusion which duplicated, inside the concentrationary universe, the processes leading to the evacuation itself, this time freeing the territory governed by the WRA from the dangerous presence of the enemy.⁶⁶

Clearly, the WRA and the Army expected registration to clarify, in one

latter category, while lower level administrators fell into the former (Leighton, 1945, 592–596). Recently, historian Brian Masaru Hayashi applies similar concepts to the cultural background of both administrators and social scientists. He concludes that government officials and social scientists favored evacuation because they tended to conflate “race” with “culture,” while social scientists and administrators saw no necessary relation between the two, and privileged “culture” as the foundation of loyalty (Hayashi, 2004).

⁶⁶Tetsuden Kashima places the WRA camps within the scope of a preexisting “loosely structured imprisonment network” created through the informal coordination and cooperation of several government agencies. Detention centers for persons dangerous to national security, often of foreign nationality, and procedures for apprehension, were created, beginning in the 1920s, by the Federal Bureau of Investigations (FBI), the Office of Naval Intelligence (ONI), the Department of the Navy, and the Military Intelligence Division of the US Army (MID). The existence of this *imprisonment organization*, which Kashima defines further as a meta-organization because of its informality, indicates that there was, parallel and prior to the Japanese internment, a significant concentrationary experience in the United States. (Kashima, 2003, 5–7).

stroke, or, rather, with two simple questions, the position of the Japanese minority in relation to American national identity. Only after this clarification could the two institutions implement a dual exit strategy from the factual situation created by the internment. On the one hand, selective service would appease and benefit the military, while contributing to allay concerns about Japanese American loyalty. On the other hand, resettlement would unburden the civilian agency of the care of the interned population, restoring the camp population to the normal situation outside the fences.⁶⁷ Both initiatives proved only partially successful. A rapid resettlement of the evacuees outside the camps was impeded by internal resistance, which was motivated by a number of considerations, including fear of vigilante violence and inability to secure the necessary means of subsistence. Preoccupation with living conditions inside the camps and with the distinct possibility of forced relocation also affected Nisei response to the selective service questionnaire. Many draft-age Nisei chose not to answer in a manner consistent with the wishes of the Army, in part out of resentment for their predicament, in part

⁶⁷The propaganda value of enlisting Japanese-Americans ancestry was not lost on many government administrators. Among them were advocates of the internment like Secretary of War, Henry L. Stimson, and his assistant, John McCloy. McCloy and Stimson welcomed the enlistment of the Nisei believing that a military unit composed entirely of persons of Japanese ancestry would disprove Japan's claim that the conflict in the Pacific was, in fact, a racial war in which Japan was defending the interests of the region it had denominated the Greater East Asia Co-Prosperity Sphere. Roosevelt approved reluctantly the creation of units composed of "enemy aliens" to be used strictly for political advantage, and not in normal operations. Greg Robinson notes that the language employed by the president clearly indicates that he considered the Nisei, who were all citizens of the United States, to be foreigners. Robinson also notes that the admission of Japanese Americans in the Army was not accompanied by a much needed public declaration by the president in support of Japanese Americans (Robinson, 2003, 164–170).

for fear of leaving their elderly parents to their own devices in a hostile world. Once again, if the issue is framed as a problem of national loyalty, the biopolitical character of the dilemma with which Nisei and Issei were presented will escape notice entirely. In the context of the camp, the political decision to commit oneself entirely to an institutional power, acknowledging thereby the right of the state to place one in mortal danger, bears consequences of a biological nature that are unlike those borne by a normal citizen. The latter may feel compelled to accept the personal danger of warfare by a sense of obligation towards an institutionalized power in which he or she has a significant investment in terms of mutual recognition and protection, possibly a debt of honor of the kind expressed by Sarpedon to his friend, Glaucus, in Homer's *Iliad*:

Well, now we have to take our stand at the front,
Where all the best fight, and face the heat of battle,
So that many an armored Lycian will say,
'So they're not inglorious after all,
Our Lycian lords who eat fat sheep
And drink the sweetest wine. No,
They're strong, and fight with the best.'
Ah, my friend, if you and I could only
Get out of this war alive and then
Be immortal and ageless all of our days.
I would never again fight among the foremost
Or send you into battle where men win glory. (Homer, 2000, 74)

This was, of course, long before technological advancement forced the involvement of the masses in warfare, and before the dramatic expansion

of active political rights to previously excluded segments of the population became the price for the survival of the political entity. For the Nisei, deportation to the camps erased the political investment of their earlier lives. When the US Government decided to draft them into the Army from the camps, it asked of them a commitment and potential sacrifice that did not derive from an existing bond with the state. It was, at best, the condition of future acceptance. This sets Japanese American conscripts and volunteers apart from other American soldiers. To them, the battle cry of modern nationalism, *dulce et decorum est pro patria mori*, “the old lie,” as it was defined by British poet Wilfred Owen, is meaningless.⁶⁸ From a bio-political perspective, existence, when unrelated to a political context, is a mere biological fact. Life and death carry no significance beyond the realm of immediate interpersonal affections and are separated from the political, which, in modernity, is invariably mediated by the institutionalized power of the state. Conversely, the ideal relation between the citizen and the state, especially in time of war when loyalty becomes its visible marker, is negotiated directly, without the intervention of other social structures like the family, political

⁶⁸In the poem ‘Dulce et decorum est’ Wilfred Owen challenges the reader’s perception of the war, which was mediated mainly through official versions and propaganda, by describing graphically the consequences of the use of lethal gasses on human beings. The poetic voice speaks the last stanza, quoted in full below, witnessing the agony of a comrade: “If in some smothering dreams you too could pace / Behind the wagon that we flung him in, / And watch the white eyes writhing in his face, / His hanging face, like a devil’s sick of sin; / If you could hear, at every jolt, the blood / Come gargling from the froth-corrupted lungs, / Obscene as cancer, bitter as the cud / Of vile, incurable sores on innocent tongues,— / My friend, you would not tell with such high zest / To children ardent for some desperate glory, / The old Lie: Dulce et decorum est / Pro patria mori.”

parties, or other forms of elective association. The social standing of the family unit depends, to a degree, on the conduct of individual members with regard to the expectations of the state and, implicitly, of the nation. On a personal level, survival is the only true reward of war. In the public sphere, however, only official approval, expressed with a honorable discharge, and, in some cases, with decorations, can validate the sense of pride with which an individual's service to the nation-state can fill both the family and the immediate community. After the internment, neither the Japanese American family nor the Japanese American community could properly be said to benefit from Nisei soldiering, for protection or prestige, at least until they were returned to a normal political space. As a group, they were deprived by the sovereign power of the state of any social subjectivity that might link them with the normal world outside the camp. Their divestiture was not gradual but radical, for it began with a denial of access to a fundamental type of social subjectivity, the need to be recognized by an authority as part of the group, on which all other types are predicated. For Heinrich Popitz, social subjectivities, of which he identifies five ideal types, are constituted in the bond between subjectivity and sociality, between, in other words, the subjective character of each social actor and the dependence of every single subjectivity on social support and confirmation (Popitz, 1986, 114). This bond, Popitz argues, constitutes the basis of authority.⁶⁹

⁶⁹The first two ideal types theorized by Popitz are, in his view, universal. The first is the recognition of membership, generally by an institutional authority. The second type is constructed around ascribed roles, associated with characteristics that are apparent

Individual desire for recognition opens a space for authority by exposing itself to the possibility of denial. Paradoxically, while a negative answer may establish an authority distinguished by its capacity to use of force, only a “yes,” an act of acceptance, endows that authority also with power—the power of a future rejection, or, to apply a category from Giorgio Agamben, banishment. In the modern nation-state, this ancient practice takes the form of denationalization and loss of citizenship, both of which produce the inherently precarious condition of statelessness. When the social recognition of national membership is withdrawn, as was the case during the internment with Japanese Americans and the Nisei in particular, all types of social subjectivity on which an individual has staked a composite identity are shaken at the foundation and threatened with a sudden collapse. If unmitigated by the availability of alternative accesses to viable forms of social subjectivity, like dual citizenship or other recognized status (prisoner of war, convicted criminal), all that is left of an individual thus deprived is the mere biological datum, his or her naked life. From this bio-political perspective one

from birth, like gender, descent, or social rank. The third type is determined by the recognition of an acquired role, and has a higher degree of specificity that derives from the application of personal skills and aptitudes. The availability of such roles depends on the division of labor and increases dramatically in modern societies. The fourth type aspires to the recognition of a public role, and is tied to a public performance. Public roles are not a product of the division of labor but appear in social environments where a politics based on consensus has created a public opinion of sorts. The fifth type is a demand for the recognition of one’s own individuality and uniqueness. Today, we live in a condition of plurality of social subjectivities, and their multiplication is a function of the growing complexity of human society. Each new social subjectivity also creates new relations of authority in virtue of its inherent dependence on social recognition (Popitz, 1986, 114–123).

can understand the outlandish proposal, advanced by Mike Masaoka, JACL National Secretary from September 1, 1941 to June 22, 1943:

Two ideas which we seriously considered at that time illustrated to what extremes we Japanese Americans were willing to go to safeguard our homes and associations. One was to form a volunteer “suicide battalion” which would go anywhere to spearhead the most dangerous missions. To assure the skeptics that the members of the “suicide battalion” would remain loyal, if such guarantees were necessary to quell the objections of the professional agitators of the west, the families and friends of the volunteers would place themselves in the hands of the government as “hostages.” When this idea was informally discussed with a high military official, we were informed that it was not the practice of the government to require “hostages” or to sponsor such “suicide battalions” (Lim, 1990, IC).

Michi Weglyn and Richard Drinnon believe that, after initial rejection, Mika Masaoka’s proposal was implemented by the Army with the creation of the all-Nisei 442nd Regimental Combat Team.⁷⁰ Indeed, the high losses incurred by this racially segregated unit, whose 300% casualty rate earned it the nickname “purple heart battalion,” testifies to the higher expendability and personal courage of the Nisei.⁷¹ Their lives were endangered and sacrificed with no assurance that any benefit would come to them, their families,

⁷⁰Weglyn duly notes the contradiction between the Army’s rationale for its initial rejection of Masaoka’s proposal, namely that segregated units were contrary to Army policy, and the well-established practice of segregation of African-American soldiers during both world wars (Weglyn, 1976, 38). Troops were distributed in transport ships on the basis of race, leaving black soldiers in the lower decks. Red Cross blood banks, developed by an African-American physician, kept separate the blood of black and white donors (Zinn, 2005, 415).

⁷¹In one emblematic episode, in France, October 1944, the 442nd was ordered to break through German lines to rescue a surrounded battalion of the Texan 36th Division’s 141st Infantry regiment. The fighting lasted for three days, after which the 442nd reached and

and their community, or that their war record would outweigh the prejudice that facilitated the internment. In grotesque incongruity with the experience of banishment, the Army presented decorations to Issei parents for the death of their sons preserving an outer shell of formality. The concept of patriotism, describing an intense and privileged relation to the fatherland, mediates, according to Italian political scientist Alessandro Passerin D'Entrèves, between the nation and the state (D'Entrèves, 1962, 246). The void at the center of formal recognitions of Nisei patriotism signifies the failure of this mediation, which is peculiar to the modern nation-state and the nativist bond between the citizen and the sovereign power that guarantees his or her humanity. Apparently oblivious of this emptiness, this lack of political content, WRA director Dillon Myer "periodically sent body counts back to the camps that were to his mind honor rolls showing how many Japanese Americans had proved their patriotism with their lives" (Drinnon, 1987, 157). Patriotism without fatherland (*patria*).

Had the US government judged the loyalty of the household by the willingness of the Nisei to enlist, and had used this as a criterion or as an excuse to spare the entire family the hardships of evacuation and imprisonment, then and only then the Nisei soldier would have been in a comparable relation to the sovereign power of the state to that of the common citizen in arms who was discharging an existing obligation. As things stood, with the

rescued the 211 surviving men of the surrounded unit. Instead of being pulled back, the Regimental Combat Team was ordered to continue the advance. It was relieved only 25 days later, after having suffered 814 casualties (Hosokawa, 2002, 405–406).

registration process the Army and the WRA were engaged in what can only be termed the “production of loyalty” rather than its determination. Policy required that registration yield a high number of positive, “yes-yes” responses to the two loyalty questions. In order to ensure the results, project directors and military officers exerted varying degrees of pressure on the interned population causing general anxiety, and provoking fierce resistance in Jerome, Manzanar, and Tule Lake. A uniform policy, however, existed: “Questions on the selective service questionnaire were, in general, to be answered before WRA interviewers, but questions 27 and 28 had to be answered in the presence of an Army representative” (Thomas and Nishimoto, 1946, 59). This arrangement indicates a clear separation of roles between the WRA and the Army, with the latter firmly in charge of establishing national loyalty. On this validation hinged the hatchway to a rapid depletion of the camps by clearing large numbers of internees for relocation. Clearly, the two overseeing organizations predicted that a dual official presence, administrative and military, would intimidate the “applicants” into answering as desired by the authorities. The unexpected turn of events at Tule Lake, where widespread resistance led to the arrest and removal to the county jails of thirty-four Nisei of draft age, confirms the essential role of intimidation in obtaining loyal responses. Protesters reacted to the arrests by proposing a general strike until the thirty-four were released and returned to camp. In order to avert the strike, which would have taken already strained relations to the breaking point, a delegation representing the internees proposed, among other things,

that the situation be normalized as much as possible by allowing registration questionnaires to be submitted by mail (Thomas and Nishimoto, 1946, 77-78). Obviously, internees did not consider the presence of a WRA and an Army official during the actual filling of the questionnaire a neutral factor.

The Administration and the Army both had a vested interest in obtaining results sowing the near-totality of the internees to be loyal to the United States. Ironically, in those camps where government officials clearly explained the rationale of the entire registration process and the true consequence of a positive or negative response to the two critical questions, the majority of Issei and Nisei concluded that their own interests and those of the institutions were, in fact, compatible. Consequently, the desired answer was easily obtained. But the process was certainly not one in which loyalty was “determined” as much as “produced.” The techniques of covert and overt intimidation deployed to this end can hardly be construed as attempts to probe the deep sentiments of national affiliation that are supposed to drive our political choices. Simply put, just like evacuation and internment turned all Japanese Americans into the enemy overnight, registration was expected to readmit them to the national community as friends, unwittingly exposing the compound lie inherent in all claims that loyalty follows race, culture, or doctrine.

Overall, the overseeing institutions were unable to see that the choice before the internees was essentially political, and that the main benefit of a positive answer was that it gave the nation, as conceptual community, an

excuse to accept their reinstatement to full citizenship. One must also consider that the loyalty of an already excluded group is much harder to sell to the general population than the disloyalty of a minority, leaving enlistment in the army and partaking to the dangers of war as the only credible alternative. However, at this point in the communal experience of the West Coast Japanese, reality had already taken such a turn for the ambiguous and the uncertain that any promise by the government and its representatives was eyed with suspicion and mistrust. An unintended effect of internment in a concentration camp was exposing the precariousness of modern citizenship, especially when it was understood according to the single-loyalty logic of the nationality principle. The Japanese nationalism of some and the American super-patriotism of others are diametrically opposing choices in appearance only. In fact, they reveal the degree to which the logic of modern citizenship was accepted as the only route to a legitimate politics for the individual. For many internees, the decision between the extremes of repatriation/expatriation and an unambiguous declaration of loyalty to the United States was founded on calculations attempting to determine, with the information at hand, which option offered the greatest chance of happiness for oneself and one's family, which country offered the best opportunities, and, why not, who would win the war.⁷² It should not be surprising that even a

⁷²This defensive form of Japanese patriotism, stretched to the point of irrational belief in Japan's victory in the war, is well documented and can be symbolized in the *takara-bune*, the "treasure ship" from Japan carrying rewards for those who remain loyal and show their loyalty by remaining in camp. This standpoint mirrors the JACL attitude of unambiguous American patriotism, and both are highly critical and intolerant of neutrality

majority of Issei chose to remain, since they had invested three decades of their lives in the United States, and that should count for something.

Some of the most interesting and revealing cases regarded individuals who, feeling torn in both directions by their family circumstances, were persuaded by the existential uncertainty of their predicament that maintenance of the status quo constituted the best survival strategy. Thomas and Nishimoto cite a number of such cases as they were brought before the Tule Lake Segregation Board for a last opportunity to change their responses from disloyal to loyal. The following excerpts from the transcripts suggest that the interviewees considered the question of loyalty a matter of political decision based on personal interest, and were unwilling to accept the ideological fiction that wants it to be a genuine sentiment, and, as such, not subject to negotiation or change without severe penalty. Clearly, they understand correctly, albeit intuitively, power relations between State and citizen as an act of reciprocal recognition between, on the one hand, an authority that stakes a claim to legitimacy, and, on the other hand, a subject that supports that claim in exchange for protection, preferential treatment, and, especially, a recognition of his or her own individuality. For these people, the US had clearly failed to

in the matter of national loyalty. One Issei expressed his condemnation of such fence-sitting as follows: "What's wrong with you Nisei is that you've got your hand on both objectives, Japan and America. If Japan wins you'd like to go to Japan, and if Japan loses you'd like to stay in America and make some money" (Thomas and Nishimoto, 1946, 99). For the undecided the logic of opposed nationalisms represented no viable solution to their confusing predicament. Vocal advocates of American or Japanese patriotism, on the other hand, imputed to them a contemptible 'show me the money' attitude, and insisted on the theological argument that the reward should follow a full conversion, thus having the individual bear the entire brunt of responsibility.

uphold its end of the bargain. Consequently, any further demand of loyalty appeared suspicious and untrustworthy. Note that the questions asked by the examiners appear incredibly naïve, especially in juxtaposition with the answers they receive.

An Issei man, aged 59 (through an interpreter):

Q. He doesn't feel disloyal to the United States?

A. Before the war he felt sympathetic to the United States. Since being put here, he feels more sympathy to Japan (Thomas and Nishimoto, 1946, 89).

An Issei man, aged 54 (through an interpreter):

Q. Does he feel more loyal to Japan or to the United States?

A. Since he intends to go back to Japan his sympathies are with that country (Thomas and Nishimoto, 1946, 89).

An Issei woman, aged 39 (through an interpreter):

Q. Will she abide by the laws of the United States and not harm the war effort?

A. She says that if she answers yes, she might have to leave. Should I tell her that her fears are not valid?

Q. It's not a question of leaving, it's a matter of loyalty. We're merely asking questions — it's not for us to decide whether or not she stays. She can sign all the papers and still can go to Japan. That is for Japan to decide if it wants her.

A. She can't answer the question (Thomas and Nishimoto, 1946, 90).

A Nisei woman, wife of an Issei.

Q. Are you disloyal?

A. Yes.

Q. Why?

A. Well — no reason. If I say “loyal” will they take me or leave me here?

Q. We don’t split families. [...] This hearing is just to determine your loyalty.

A. Then it doesn’t have anything to do with staying?

Q. No No, you’ll just be given the choice of following your husband or not.

A. Then I’m loyal (Thomas and Nishimoto, 1946, 90).

An unidentified Nisei, interviewed in Manzanar, explained his protest as a sign of resentment, but also framed in a manner that exposed the dependence of the “Rights of Man” on those of the citizen, rather than vice-versa, and understands the latter in relation to sovereign decision. Internment in a concentration camp erases citizenship de facto, without the need for juridical intervention. Later, lawmakers supplemented the sovereign with a denationalization law, so that legality could catch up with the practical consequences of sovereign decision. To express it with a syllogism: citizens do not belong in concentration camps; you are in a concentration camp; you are not a citizen. And while the logic of natural rights might easily reverse this reasoning to argue that one should be released without delay, force of law cannot enter the outlandish space of the camp to make it so:

Q. Are you a dual citizen?

A. No, we are not dual citizens. But in the first place if we are citizens, how come we are in these camps? The FBI had a record of all the bad ones. How come they took the rest? How come they took the citizens? How come they didn't intern Willkie, LaGuardia and Mayor Rossi?

Q. This is wartime and things were done because of military necessity that would not be done in normal times.

A. I'd rather leave the answer the same as it is.

Q. We know you are angry at what has happened in the past but there is no use in arguing about that here. What we want to know now is about your loyalty, your feelings toward this country.

A. I answered "no" because of resentment and because of how they treated us. [...] How can I have faith in this country? I lost all my ideals about this country. [...] What will it be when the soldiers come back? I don't speak much Japanese, but at least I'll be among Japanese. (The young man's lips are trembling. He is almost crying.) (Thomas and Nishimoto, 1946, 96–97)

At the beginning of the interview the young Nisei immediately resists being reduced to the role of the supplicant, which individuates and isolates him before the legitimate collective identity represented by the Board. He retorts by recontextualizing the questions with a rhetorical switch from the second person pronoun ("are *you* a dual citizen" and we want to know "about *your* loyalty"), used insistently by the interviewer, to a first person plural which implies that his fate is not the fate of the criminal who stands guilty before the law. He cannot be individuated in this manner, for he partakes of the destiny of a group which, having been arbitrarily removed from the protection of the law, finds itself in the position of the public enemy, the enemy of all. By the end of the interview, however, the young Nisei distinguishes

between the feeling of resentment that the loyalty questions stir in him and the unjust treatment suffered by the community. He suggests that, at the time of the registration, his feelings were not motivated solely by the general injustice of the evacuation. The loyalty questions themselves, callous as they were, chafed on the already sore sensibilities of the Issei and Nisei who, like him, could plainly see that the reality of the internment had made all questioning over individual loyalty largely irrelevant.

Interviewers may have believed they were asking straightforward questions, but the interviewees certainly did not perceive them as such. Although the interviews were represented as formal question-and-answer sessions, the transcripts show that the Board often felt pressured by the apparent ambiguity of the entire process into volunteering clarifications. At times, roles were inverted and evacuees appeared as the ones questioning authority about its legitimacy. Board members should have been bewildered by the capacity, demonstrated by the Issei and Nisei who came before them, to shift loyalty depending on their subjective perception of the situation, and in relation to their own interests. If they were not, it was only because the ostensible goal of determining internee loyalty was nothing more than a facade for the much more practical aim of getting applicants to fill in the registration forms "correctly," that is, in accordance with the inner compulsion that such sentiments must perforce generate in a citizen of a modern state. The case of Jerry Kawamoto, of age thirty, responsible for a full family and determined to keep it united in Tule Lake, shows how fully the indeterminacy of the camp

situation transfers on questions of political allegiance, making the nativist pretensions of modern national sentiment entirely transparent:

At the hearing, Jerry told the interviewer that he desired to remain in Tule Lake with his family and later return to Japan with them. [...]

“Hell, you can’t consider me disloyal. I’ve been loyal too long. But if I can’t stay by being loyal, I’m going to be disloyal. I told the interviewer that I wanted to stay here, and he said that I could.”

When he protested against being removed from Tule Lake, he was given another hearing. In the rehearing, Jerry declared that he was no longer loyal to the United States. The interviewer’s comments were: “You can be sure of staying here for the duration if you put it down like this, but I sure hate to see you do it.”
(Thomas and Nishimoto, 1946, 91)

Interviewees were told again and again that the purpose of the hearings was only to determine their loyalty, and had nothing to do with relocation, but apparently this argument was not convincing. In part, this distrust was due to the confusion created by the presence of loyalty questions No. 27 and 28 on a questionnaire named ‘Application for Leave Clearance.’ In part, it could be imputed to legitimate doubts that the promises of the Army and the WRA could be trusted, even if they were given earnestly, especially after the promise of American citizenship had failed to shield the Nisei from being arbitrarily evacuated and interned. In camp, internees were entirely at the mercy of policy, and the assurances they received from the Board and the interviewers that they would not be forcibly relocated on the basis of their answers were certainly not binding for the camp administration, the

Army, the executive, or Congress. Regardless of where they came from, such promises certainly carried less weight than the constitutional guarantees that had already been abridged for reasons of necessity.

Thomas and Nishimoto interpret the reactions they record as expressions of anger, resentment, and disillusionment due to the unfair treatment that the government had meted out on the Japanese American community. Theirs is a psychological explanation of a phenomenon that is, however, better understood as the negative product of an intricate (though not necessarily rational) calculation in which a subject attempts to determine his or her socio-political position in relation to the sovereign. While the relation itself is clearly understood as unequal, it involves a number of tacit and, in normal circumstances, invisible sets of reciprocal relations, like the sovereign's recognition of the subject's individuality — embodied in the rights of the citizen — and the subject's recognition of the prerogatives of the sovereign — expressed in ritual, and, when required, factual demonstrations of loyalty. By its own nature, as a space of the exception, the camp tends to abolish this relation. It asks nothing of the internee, reduces the individual to a number in a statistic, and, in its worst embodiments, reduces the individual's capacity to influence authority to zero. What extremes of subjection are reached is then a matter of arbitrary decision in the face of contingency by sovereign power, camp administrators, the guards on the perimeter, and collaborators. These decisions, in turn, determine the breadth of the political space in which

the internees can attempt to affect the powers that govern their lives.⁷³

The Board clearly brought into the camp, and into its relation to the internees, the assumption that sentiments of national loyalty are not subject to negotiation. In the world outside, however, the citizen can and does exert considerable influence on authority, and the fictional basis of social cohesion as a racial, ethnic, or contractual bond (in its implicit, non-negotiable form) can be still maintained. Inside the camp, this relation is radically negated by a sovereign whose authority includes the power to select a certain category of individuals for exclusion. In these circumstances, the question “are you loyal?” with which the Board is obsessed becomes meaningless. One Nisei sees no reason to answer it: “I have American citizenship. It’s no good, so what’s the use?” Another finds no reason to recognize the authority that is asking it: “I have not been given citizenship rights so I don’t have to answer questions like that” (Thomas and Nishimoto, 1946, 95-96).

Every policy implemented by the WRA to encourage the speedy reinstatement of the camp population in what Thomas and Nishimoto call the

⁷³Primo Levi mentions this dimension of the camp writing from his experience in Auschwitz, the place where, more than in any other, the zero-degree relation between sovereign and subject was realized most fully. For Levi, the dream of absolute sovereignty is realized in the nightmare of total subjection: “Thus the Lager, on a smaller scale, but with amplified characteristics, reproduced the hierarchical structure of the totalitarian state, in which all power is invested from above and control from below is almost impossible. But this “almost” is important: never has there existed a state that was really “totalitarian” from this point of view. Never has some form of reaction, a corrective to the total tyranny, been lacking, not even in the Third Reich or Stalin’s Soviet Union: in both cases public opinion, the magistrature, the foreign press, the churches, the feeling for justice and humanity that ten or twenty years of tyranny were not enough to eradicate, have to a greater or lesser extent acted as a brake. Only in the Lager was the restraint from below non-existent and the power of these small satraps absolute” (Levi, 1989, 47).

“normal stream of American life” contributes to the transformation of Tule Lake into a segregation center, a second-degree internment which strives to create, for the other camps, the illusion of normality, and thus make of relocation an acceptable exit strategy (Thomas and Nishimoto, 1946, 103). In other words, the production of loyalty is completely dependent on the original production of the “disloyal.” But there is, here, a crucial difference between “production” as a process of mechanical separation of the “same” from the designated “other,” and “production” as the original act of sovereign representation that creates an order by “bringing forth” the absolute other, by exposing it as naked life to the elements of political anomie. In the case of Japanese internment this process of sovereign representation and exclusion is not exhausted in the camps, but starts out half-hearted and is then repeated within the concentrationary structure, with further segregation of “true” disloyals in Tule Lake. This camp is thus singled out as an exception within the exception. This unexpected development engulfs one of the three major sites in which JERS was present, the other two being Poston, Arizona, and Minidoka, Idaho, and takes the project direction by surprise upsetting their initial theorization of the camps as social “laboratories” in which they would be able to observe communities in a space that was still part of the American social and political order (Thomas and Nishimoto, 1946, vii). Instead, the space under their scrutiny constituted “a world apart,” to use the expression coined, for other camps, by David Rousset.

When Thomas and Nishimoto claim, in *The Spoilage*, that “in two impor-

tant respects the residents of Tule Lake were in a unique position at the time of segregation,” they refer to the particularly counterproductive handling of the registration, which resulted in an aberrantly high “disloyalty” rate, and to the fact that the designation of Tule Lake as the segregation center for the entire WRA concentrationary universe would provide a negative incentive for Tule Lake internees when asked to change their response to the loyalty questions to a “yes” because it would automatically entail relocation to one of the remaining “loyal” camps (Thomas and Nishimoto, 1946, 102-103). Equally unique, perhaps more significantly so, was the status of segregated Tule in relation to the the overall camp population. This supplementary attempt to separate friend from enemy produced a minority, segregated under suspicion of disloyalty, and a majority, logically cleared of that suspicion and thus held in camps without even the appearance of a justification.

Tule Lake Under Martial Law

Segregation did little to solve the problem of Japanese American loyalty, but it freed WRA administrators from the cultural restraints that induced them to conceal the true nature of the concentration camps they were running behind the euphemism “relocation centers.” The coded language was not a shell without substance, since the dispersal of the Japanese American community all over the national territory has always been the overt objective of WRA social engineering. Now, at least in the Tule Lake “segregation center,” the gloves could come off. In the words of a WRA official: “The plan is

to run it [the segregation center] like an Internment Camp—WRA version. The Japs will just eat and sleep—no work” (Kashima, 2003, 167). The attitude of the WRA, represented by Project Director Raymond Best, became more and more uncompromising and confrontational. A number of incidents contributed to the mounting tension, beginning, in October of 1943, with the firing of three workers from the coal crew for alleged insubordination. The remaining forty-three members protested vigorously and were themselves terminated from employment. Community organizing and a general refusal to fill the now vacant posts induced the administration to reverse its decision and reinstate all workers. More protests and organizing were sparked by two farm-truck accidents, on October 13 and 15, which led to three injuries and one death. The community blamed the WRA of negligence and responded with a work stoppage and elected the *Daihyo Sha Kai* (Representative Body) to handle the dispute. The initial optimism for a negotiated resolution was extinguished when the Administration terminated all farm workers from employment, without warning, and brought in “loyals” from other camps to harvest the produce. In spite of these radical retaliatory measures, the Negotiating Committee continued to work for a negotiated solution with Project Director Best and WRA Director Dillon Myer. Both refused to recognize the legitimacy of the *Daihyo Sha Kai*. In the meantime, frightened by the many public gatherings through which the internees expressed their discontent, the Caucasian personnel demanded and obtained the erection of a barbed-wire fence to separate the administrative area and quarters from the barracks.

As relations with the administration deteriorated, the internees sought the intervention of the Spanish Consul, the neutral guarantor of their rights as Japanese citizens and prisoners of war. The Consul was so persuaded of the seriousness of the situation that he asked George Kuratomi, elected chair of the *Daihyo Sha Kai*, whether it was advisable for him to leave Tule Lake at this time. Confident in the possibility of reaching a negotiated solution, Kuratomi told the Consul that everything was under control, and that he should feel free to leave. The following day, on November 4, 1943, the Administration responded to the protests for the stealthy removal of supplies from Tule Lake for the benefit of the strikebreakers by calling in the Army. Martial Law was declared the same day (Thomas and Nishimoto, 1946, 111-146).

For two months, Tule Lake remained under direct military control, and all contacts with the civilian administration, the WRA, were severed. Notably, the only precedents for the declaration of martial law on the United States mainland date back to the Civil War and the War of 1812, in New Orleans. Even the evacuation and internment were accomplished without a formal declaration in this sense, although the Army acted against aliens and citizens of Japanese descent with powers that are clearly commensurate with martial law, and only the marked sense of civil responsibility displayed by the Japanese American community prevented a degeneration of power into sheer force. Rather than exercise this sovereign prerogative on a territorial basis, the government chose the path of minimal attrition with the civilian population, introducing race as the principle regulating a selective application of

martial law. If, in other words, it is impracticable and counterproductive to except a portion of the state territory from the law, one can still target an identifiable population instead. The camps, where the legal and social constraints of the outside world do not apply, are the territorial manifestation of this space of the exclusion, where rule is as unconstrained by legal limitations as it chooses to be. One must not be deceived by the legal connotation of the terminology. Eighteenth century English jurist William Blackstone, author of an immensely influential treatise of common law, wrote on this subject:

For martial law, which is built upon no settled principles, but is entirely arbitrary in its decisions, is, as Sir Matthew Hale observes, in truth and reality no law, but something indulged, rather than allowed as a law: the necessity of order and discipline in an army is the only thing which can give it countenance; and therefore it ought not to be permitted in time of peace, when the king's courts are open for all persons to receive justice according to the laws of the land. (Blackstone, Vol 1. Chapter 13)

Incidentally, the Constitution and the US Code do not specify anywhere which organ of the State has the authority to impose martial law. They leave this decision to the rule of necessity. It is assumed, though not legislated, that the President, acting as Commander in Chief, will have the prerogative to make this determination. Perhaps this unwillingness to extricate this complex issue stems from the expectation that the law would indicate who can wield such power, while, in fact, it is the wielding of this power, the successful appropriation of this prerogative, that defines the sovereign. What we see in modern legal systems, in which political power is defined and limited

by law (made predictable), and sovereignty is said to reside with a larger or smaller body of people (a development as old as the *Magna Charta* of 1215), is the periodical and temporary resurgence of sovereign power, especially in relation to the state of war. Many of the inconsistencies in its exercise — visible, for instance, in the fact that a forceful act, like the mass incarceration of the West Coast Japanese, is followed by the rather subdued removal of the physical and legal barriers preventing them from returning to the same places from which they were removed — are due to the legal indeterminacy of martial law. A case in point are the events at Tule Lake. Colonel Austin was reportedly uncertain on how this power to suspend the law, once unleashed, should be handled. When Mr. Tada, the head of the evacuee police, asked the Colonel the conditions for the withdrawal of the troops, the reply was a return to normality. Here is Mr Tada's report on their conversation:

Colonel Austin told me that if the center goes back to normal conditions, there is no need of the army remaining. So naturally I asked what he would call "normal conditions." He didn't reply. I asked, "Does it mean if the residents resume the same activities as yesterday?" Colonel Austin said, "Yes" (Thomas and Nishimoto, 1946, 148).

The Colonel's silence reveals the radical uncertainty that follows the proclamation of martial law, not only for what regards the extent of his powers, but also for the modalities of a return to the normal. At this point, normality itself is not just suspended, but abolished. His paralysis is the consequence of the realization that it is now his prerogative not only to de-

cide *when* a return to normality is possible, but *what* normality is. In this predicament, Mr Tada and Colonel Austin can define the normal in one way only: the normal is “yesterday,” the day before martial law is declared. The future is not there anymore, only the past. The future is entirely in the sovereign’s hand, without law, and thus entirely unpredictable.

After this conversation, Mr Tada thought he had good reasons to hope for a speedy resolution of the situation, but was soon disappointed. A return to “yesterday” would involve allowing internees to return to work, but the Army was unwilling to do so, with the exception of the camp hospital. According to Thomas and Nishimoto, the Army and the WRA planned on taking advantage of the arbitrary power in their hands to “purge” the crews of workers under suspicion of anti-administration activities or attitude. They also saw it as an opportunity to force a better organization of labor in the camp, which meant more intensive work for less workers (Thomas and Nishimoto, 1946, 149). At the same time, the Army and the administration were trying to reconcile their aims in a manner that would prove acceptable in a democracy that may have gone despotic, but was not prepared to employ totalitarian methods.⁷⁴ Thus, the Army and administration dealt with the situation as if the emergency that prompted the declaration of martial law had occurred in a normal society, and not in a concentration camp. In what is almost a reenactment of the original evacuation from the West-Coast, bor-

⁷⁴The utilization of totalitarian methods cannot be divorced from the pursuit of totalitarian aims.

dering on the ridiculous if it were not for the seriousness of the situation, they then proceeded to impose a curfew, a ban on public meetings, and the confinement of “all persons of Japanese ancestry” to their WRA-assigned quarters (Thomas and Nishimoto, 1946, 156). Community leaders and purported agitators, including the entire Negotiating Committee, were picked up and arbitrarily incarcerated in a guarded area known as “The Stockade.” In this manner the Army and the WRA removed their “problems” to this location, reproducing on a smaller scale the behavior of the government when it removed the West Coast Japanese to the euphemistically called “relocation centers.” Granted, the purpose of the Stockade was primarily intimidation, but the parallels are too striking to be entirely contingent. The “Stockade” was, after all, a self-contained miniature camp that included “five complete barracks, a mess hall, and a bathhouse,” all erected for the occasion (Thomas and Nishimoto, 1946, 151).

The ensuing confrontation with the internees revolved around two issues: the representativeness of the *Daihyo Sha Kai*, which the Army and WRA refused to acknowledge, and the release of the Negotiating Committee. In order to find a way forward, the *Daihyo Sha Kai* decided to poll the camp population, on a block basis, on three different possible courses of action. The three possibilities were (1) the continuation of the *status quo*, letting the Army solve the situation it had created in the hope that diplomatic pressure, through the Spanish Consul, would expedite a satisfactory solution; (2) calling a general strike, thus forcing the hand of the Army one way or

the other; (3) dissolving the *Daihyo Sha Kai* in the hope that this gesture would appease the Army and lead to the release of the Stockade prisoners (over 200). Overwhelmingly, the camp population voted for the maintenance of the *status quo*.⁷⁵ With this vote they made clear their unwillingness to disband the only body that, they felt, represented them with some degree of legitimacy, and intimated that they were equally unwilling to oppose the “legitimate” violence of the State by deploying the “illegitimate” violence of the general strike.

Neither the involvement of international diplomacy, in the person of the Spanish Consul and a representative of the State Department, nor the principles of democratic representation worked to the advantage of the internees, or at least not as they expected. On the surface, this rejection of an elected body by the WRA and by the Army appears as a denial of the fundamental right to self-determination, which is also a tenet of the nationality principle. Under the surface of ideological pretense, however, the camp authorities are entirely consistent with the historical application of this principle in the progressive development of modern nationalism. According to Elie Kedurie, modern nationalism is best understood by tracing the unintended consequences produced by new theories of individual and collective identity when applied to the political principles that governed relations between sovereign states in Europe (Kedurie, 1998, 140). Once introduced, the principle of self-

⁷⁵Thomas and Nishimoto report 2 blocks undecided, 3 blocks for general strike, 4 blocks for dissolution, 56 blocks for status quo (Thomas and Nishimoto, 1946, 167).

determination disrupted the precarious political balances achieved by absolutist monarchies before the French Revolution, and opened up the political stage to the possibility of endless internal conflict as more and more groups invoked it to legitimate their own political aspirations. It became, also, a source of international conflict, in a way that reflects very interestingly on the situation in Tule Lake.

Geoffrey Bennington suggests that the contractual doctrine of sovereignty, variously conceived in the European political space since at least Thomas Hobbes, is intrinsically intolerant of, and incapable of coexisting with, any system of government not based on the same principle. Since it conceives of Law as an emanation of “natural rights” it also considers legitimate any act of interference in any other political order under the guise of a defense of oppressed humanity (Bennington, 2003, 132). Both the WRA and the Army considered the West Coast Japanese an alien community. This is reflected in the terminology, which described the concentration camps as “colonies.” In principle, these “settlements” were expected and encouraged to produce a form of self-government. However, it became soon clear that any representative body showing hostility towards the WRA and the Army could be easily delegitimized on the grounds that it is not truly representative, or that its election was the product of campaigns of mass intimidation and propaganda. Dillon Myer in person applied this strategy during the Tule Lake negotiations, just a few days before Colonel Austin decided to proceed with the imposition of martial law. From the minutes taken at the meeting:

Myer indicated, at several points, his lack of faith in the “representativeness” of the Negotiating Committee, pointing out that “you folks are serving in a temporary capacity until a truly representative committee has been chosen” and, again, “I don’t know how many people you represent. I doubt that you represent all of them. . . . It is difficult to represent everybody’s point of view when there are 15,000 here” (Thomas and Nishimoto, 1946, 137).

It would be entirely unrealistic, in any system of popular participation, to tie the legitimacy of an elected body to its capacity to represent, not just their constituencies, but *the point of view* of each and every individual in it. The only goals that can be achieved by following this line of thought is the complete delegitimization of all representatives, and a progressive individuation that disintegrates the community into atomized and entirely isolated individuals. Rather than appoint, by authority, a representative for the captive community, as a totalitarian or despotic government would do, a democratic system can achieve the same goals by systematically refusing to acknowledge as a legitimate counterpart any elected body it dislikes. Colonel Austin employed the same tactic on November 12, when he expressed doubts over the representativeness of the Negotiating Committee, also accusing it of not transmitting accurately the Army position to the internees (Thomas and Nishimoto, 1946, 153). The following day he had the entire Committee arrested and placed in the Stockade.

With the failure of all attempts to resolve the crisis by direct negotiation with the Army, the internees turned once again to the Spanish Consul and requested not only that the Japanese government be informed on the current

situation, but also, most importantly, that the protection of Japanese citizenship be extended to the American-born Nisei. They had clearly reached a point of exasperation that made them feel most acutely the utter vulnerability that accompanies the withdrawal of the attribute of citizenship. Without that attribute, human beings were simply the raw material of politics. A material upon which sovereign power can build its claim to authority, by expending it. The Nisei felt, in other words, the “nakedness” of life in a concentration camp, and thus tried to clothe it in the garments of Japanese citizenship, to protect it. But this proved a fruitless attempt, since the Consul and the State Department representative agreed in rejecting this possibility, the former giving a restrictive, or to-the-letter interpretation of Japan’s obligations that excluded the Nisei, the latter by expressing the inability of the national principle to handle overlapping jurisdiction, or responsibilities towards a dual citizen:

I would like to explain the status of the Nisei who have both Japanese and American citizenship. When you are in the United States you are an American citizen. When you are in Japan, you are a Japanese subject. When you are in Japan as Japanese subject, the American Government does not protect you, and when you are in America as American subjects the Japanese Government does not protect you or in this case the Spanish Government will not protect you. You cannot by saying so throw off your American citizenship. You must do a specific act such as renouncing your citizenship. But you can do it in time of peace, but not in time of war. No American subject can throw off his citizenship (Thomas and Nishimoto, 1946, 173).

This clarification is entirely incongruous, for there were no laws regulating the renunciation of citizenship in war *or* in peace until Congress passed Public Law 503, several months after this incident. Also, this gives the impression, which might well be politically correct in a system of nation-states, that multiple citizenships cancel each other out, leaving the individual entirely unprotected. More than that, this outcome seems to be the goal of the entire exercise, for this logic guarantees that when the country of residence chooses to withdraw its protection, there remains no fallback position. It is as if modern sovereign power, limited on all sides by the equal and exclusive claims of other states, guarded jealously its hold on those whom the accident of birth had placed under its control, while simultaneously claiming that its protection is irreplaceable, and that, when withdrawn, it leaves man naked and exposed. It is therefore not surprising that, in response, the *Daihyo Sha Kai* spokesmen immediately tested the claim that citizenship cannot be thrown off, made by the representative of the Department of State, by asking why, then, American citizens had been placed in concentration camps. Clearly, while it cannot be thrown off, the individual can be arbitrarily divested of citizenship when, the representative argued, the security of the United States is at stake. The Nisei, of whom only a limited number held dual citizenship, represented an immanent peril of a more subtle and undefinable nature than the danger posed by the Issei, who were still technically citizens of Japan. They were damned by their innocence. At last, General DeWitt's assertion, repeated by Earl Warren, that the conspicuous absence

of acts of sabotage by Japanese Americans anywhere in the United States is sufficient reason to conclude that such acts *will* be committed, finds its true bio-political context. The representative of the Department of State thus defined the Nisei as outcasts, as the enemy of all that dwell legitimately in the political space of the nation. In this additional sense they were indeed “subjects” since they did not partake of whatever degree of sovereignty (fictional or otherwise) modern political systems ascribe to the citizen. At this point the internees saw no other option but to hold firm in their original decision to maintain the *status quo*, defying the advice of the Consul, the demands of the Army, and the wishes of the WRA:

The people didn’t listen to their speeches. As soon as the speech was over, they’d yell, “That’s not what we want. We want the Negotiating Committee!” All through the meeting the consul would get up and say something and the people wold say, “Oh to hell with you, we want the Negotiating Committee!” (Thomas and Nishimoto, 1946, 173).

All to no avail. Every attempt to elect or nominate more representatives was met with further arrests on charges of “trouble-making.” The absence of any legal basis for the detention of the men in the Stockade was most conspicuous. In a regime of martial law legality is substituted with procedure, and the functioning of the army according to established customs is the only measure of the predictability of power. For all those areas that are not regulated, directly or indirectly, by such procedures, new rules are derived directly from the judgment of the highest authority present at any given

time. In the case of Tule Lake, that authority was Colonel Austin himself, whether he realized it or not. When members of the Negotiating Committee questioned, from the Stockade, the authority of the Army to imprison them on the basis of the opinion of the “commandant,” without any evidence of wrongdoing being raised against them, the Colonel “didn’t make a very clear reply and had to think a long time.” He clearly had the authority to do so, although he obviously had a hard time explaining its source, since it exceeded by far the limits to which he was accustomed, given his intermediate position in the military hierarchy. These uncertainties, however, did not prevent him from taking full advantage of this arbitrary power, as is apparent in his reply to one of the Stockade inmates: “I think you are troublemakers and therefore you are troublemakers” (Thomas and Nishimoto, 1946, 173).⁷⁶

Ultimately, these tactics proved successful. Gradually, the *Daihyo Sha Kai* lost the support of the general camp population. As all work in Tule Lake had been halted, living conditions worsened rapidly, to the point of ra-

⁷⁶This label proved very convenient for the WRA and the Army. It was utilized frequently to isolate persons displaying a pro-Japan attitude, or pronounced discontent with the administration of the camps. No military threat was ever implied. The only criterion was the need to ensure the smooth operation of the camps by removing actual and potential dissenters to isolation centers like Moab, Utah, or, later, Leupp, Arizona. As Tetsuden Kashima notes, no criteria for release were set (or could be set, for that matter) except for a general and ultimately insignificant reference to “good behavior,” so that detention in these isolation centers “was subject to the judgment or whim of WRA administrators” (Kashima, 2003, 152). More than that, the arbitrary power wielded by project directors extended also over any outsider who happened to be in the camp. This was the case of ACLU Branch Director Ernest Besig, who was asked by a group of relatives of Stockade prisoners to investigate their legal situation, but was driven out by Project Director Best. The latter, Besig notes, “simply decided he didn’t want [my secretary and me] around” (Thomas and Nishimoto, 1946, 292).

tioning and actual deprivation. There was no indication that the Army was any closer to acknowledging the legitimacy of the Representative Body, or to releasing the members of the Negotiating Committee from the Stockade. The now failing *status quo* policy depended, for its success, on the application of external political pressure on the Army. Except for an unlikely mobilization of American public opinion, the only remaining source of aid was the Japanese government, represented by the Spanish Consul, which also failed to materialize. The situation was ripe for a complete surrender of any residual sovereignty the community might have, and for an attitude of complete and unconditional collaboration with the WRA and the Army. A new organ was therefore established to supersede the discredited *Daihyo Sha Kai*, a Coordinating Committee composed of “responsible men” that would cooperate with the administration officials sitting on the Advisory Council. The new Committee was elected by a referendum in which the camp population was not asked to decide on the merits of the individual candidates, but, specifically, on whether to support or abandon the *status quo* policy. The latter option passed by narrow margin, especially considering that the Army had applied intimidating tactics by arresting anti-administration activists and by placing armed soldiers at each polling station (Thomas and Nishimoto, 1946, 181).

With these strategies, the Camp authorities managed to obtain the active collaboration of a minority, and ensured that their prestige, concomitant on their effectiveness as go-betweens, depended entirely on concessions by the

Administration.⁷⁷ The new body was allowed to have greater success in improving camp conditions, although its promise to obtain full employment and the release of those imprisoned in the Stockade remained largely unfulfilled. The combination of partial success and active opposition by sympathizers of the now defunct *Daihyo Sha Kai* tightened relations between the Coordinating Committee and the administration to the point that, in order to achieve the shared goal of isolating “radical” elements, the Committee proposed the creation of a group of thirty informants, to be placed on WRA payroll, who would perform intelligence work in the interest of the colony (Thomas and Nishimoto, 1946, 205). The next three and a half months were marked by limited though noticeable successes, but also repeated accusations that the members were “*Inu*,” Japanese for “dog,” derogatory for “informer.” Many suspected an identity of aims and methods with the Administration, and that “the Japanese are held in the Stockade by the Japanese.” The Committee considered the situation restored to “normalcy” and dissolved spontaneously.

A WRA report on this event is quite revealing:

... The Coördinating Committee . . . resigned . . . ostensibly . . . because it was under considerable pressure from certain of the residents to force the release by WRA of all of those detained in the stockade. Actually, however, it had about outlived its usefulness in getting the people back to work. To this Committee should go considerable credit for bringing about a more coöperative attitude

⁷⁷Administration officials actually referred to the Coordinating Committee as “our group,” and reacted with surprise whenever this body took the initiative and tried to force a solution, especially in the matter of the Stockade (Thomas and Nishimoto, 1946, 195).

among the residents (Thomas and Nishimoto, 1946, 220. Elisions in original.).

One should remember that, after martial law interrupted all activity in the camp, the only obstacle to the resumption of work was the Army's prohibition. Actually, the policy of the original Representative Body of maintaining the *status quo* at all costs was a result of that prohibition, and was ultimately a means to put pressure on the Army to remove the restrictions. Had Colonel Austin and Director Best been willing to do so, work could have resumed immediately under the same conditions as were in place on the last normal day in the camp's history, i.e. the day *before* martial law was declared. Rather, as the report quoted above indicates, the actual goal was the dissolution of any spontaneous organization among the evacuees, their atomization into isolated monads with no recourse to meaningful political action, and, thus, to a life of constant uncertainty about a future they did not know how to affect. In other words, both the *Daihyo Sha Kai* and the Coordinating Committee were trying to improve conditions by influencing power, although they made different assumptions on how the world of the camp actually worked. For the Representative Body this world included an outside force that could be mobilized on their behalf, the state of Japan, as well as higher national powers of a legal nature to which both Colonel Austin and Director Best had to answer. For the Coordinating Committee, the Camp *was* the world, a world onto itself, and the only possibility of affecting conditions within that world was to appeal to the powers that gov-

erned it (Austin and Best). Their goal was, in fact, to encourage cooperation without expectations, which is only possible when the exercise of power is arbitrary and inconsistent with any visible rational objectives. Conceivably, internees tended to support one organization or the other on the basis of the perceived reliability of their predictions on the course of camp life. It is thus not surprising that the collaboration-oriented Coordinating Committee received slightly more than half the consensus, nor is it surprising that it resigned at the earliest opportunity. These maneuvers led the internees on the path of resignation with such effectiveness that the WRA believed a form of self-government became possible and advisable even in Tule Lake. Therefore, it announced that elections for a permanent committee, serving only in an advisory capacity, would be held soon. Because of the successful disruption of social cohesion around any political program in the camp, however, “the administration waited in vain for the slightest sign of initiative on the part of the colony” (Thomas and Nishimoto, 1946, 242).

Thomas and Nishimoto describe the period following the breakdown of all forms of representation as one of “extreme apathy and indifference to administrative proposals and actions” (Thomas and Nishimoto, 1946, 261). That this apathy dominated all areas of evacuee life becomes apparent in the next major crisis in Tule Lake, caused by the killing of one internee by a guard. The soldier was then court-martialled and, as generally happens in wars and prisons, duly absolved of all wrongdoing. When the verdict was made public, it was widely discussed in the camp, but the prevailing atti-

tude was one of quiet resignation. The acquittal only confirmed the general suspicion that, in camp, normal conditions did not apply. J.Y. Kurihara, a fifty year old Nisei, born in Hawaii and transplanted to California, where he prospered as a businessman, World War One veteran of the US Army, and, in reaction to the internment, citizenship renunciant, expressed his frustration blaming Congress for passing “selfish” laws by the thousand. Laws that were “a mockery to civilization” because they did not apply fairly and indiscriminately, but only benefited those in full possession of their rights as citizens. Those who fall outside the protection of the law, as the West Coast Japanese did by Presidential decree, were not just excepted and abandoned to their own resources. Once banished, their very existence was considered a danger and a menace to the existing political order, a peril that could be vanquished by complete assimilation (to the point of anonymity), expulsion, or destruction. While we may never be able to determine what, precisely, motivated Pvt. Bernard Goe to kill Shoichi Okamoto, the verdict warrants a bio-political interpretation since it clearly construes the mere presence of an unarmed Okamoto in front of the soldier as a sufficient threat to justify the use of extreme force.⁷⁸ Kurihara can thus comment: “To kill a man just

⁷⁸According to eyewitnesses, the sentry, who was known for his harshness towards the internees, was incensed at the “cockiness” displayed by Okamoto in showing his pass at the gate, so the soldier ordered him to step off the truck he was driving and move to the back. As this would entail stepping outside the gate, Okamoto might have thought Pvt. Goe was creating an excuse to shoot him, so he hesitated. The investigative report describes what happens next as follows: “In the moment of hesitation, in which most say no pipes were lit and no words said, the sentry struck Okamoto sideways on the right shoulder with a rifle-butt. Okamoto raised his right arm and moved his body slightly back to ward off any further blows. While in this defensive position, the guard stepped back

because he was afraid of him is no excuse, yet the officers have acquitted the sentry" (Thomas and Nishimoto, 1946, 260). Since we may assume that both Kurihara and the military tribunal share similar views on the value of legality, fairness, and civilization, then the fact that this killing *was* excusable could only mean that the private had killed something other than a "man." With great dramatic irony, Kurihara states that he "would rather live among the barbarians than among the hypocritical, selfish, everything-for-myself Americans," not fully realizing that, from a bio-political perspective, he already lived among the barbarians. Banishment, after all, always entailed expulsion from the political space of the *polis* to an outside wilderness inhabited by wild beasts and man-animal, the outlaw that can be killed without committing murder. The same can be said of the killing of Takeo Noma, whose active collaboration with the administration, his anti-*status quo* activism, hostility to the *Daihyo Sha Kai*, and less than honest dealings as an insurance agent before the war, had earned him the reputation of Public *Inu* Number One. His death elicited little sympathy since the general opinion was that he had it coming. Again, Kurihara is able to capture the bio-political kernel of the situation in his comment: "Why do I approve of it? Because there is no law here in this camp" (Thomas and Nishimoto, 1946, 272). In a completely organized world, the world created by the modern system of sovereign states, this space is created artificially in the concentration camp, it is carved out of

one pace and from a distance of four or five feet fired without warning" (Thomas and Nishimoto, 1946, 251).

normal society by sovereign power. In this space, the collective selfishness of national identity is replaced with the politically ineffective selfishness of the isolated individual.⁷⁹ Apathy, violence, and the growing influence of gang-type organizations characterize the last phase in the life of Tule Lake. The possibility of renunciation revitalized nationalist movements calling for “re-segregation,” an ulterior separation of persons loyal to America from those loyal to Japan, but many feared, correctly, that a selection based on an intransigent nationalist ideology would split families and create more suffering.

The WRA and the Army had transformed Tule Lake into a segregation center, into a bio-political tool for the negative production of loyalty. By isolating the pro-Japan element as alien and enemy, the WRA hoped to establish the rest as implicitly loyal to the United States, which, they hoped, would allow their reintegration in normal American society through resettlement outside the interdicted zones. The plan failed miserably in two respects: it met with intense resistance, in many forms, and it failed to disperse the community across the North-American continent since most internees returned to the West Coast in spite of having lost their properties and roots in the territory. Because of their philosophical idealism, the representatives of state power and state force presumed that the adoption of a pro-America or pro-Japan stance derived from sentiments of national affiliation that must

⁷⁹In this case Project Director Best once again rebuffed the initiative by some evacuees to appoint a temporary committee charged with ensuring that this incident remain an isolated occurrence. Best insisted that Okamoto’s death is a religious and personal matter, thus devoid of any political content, thereby denying the evacuees, once again, an opportunity for meaningful action (Thomas and Nishimoto, 1946, 258).

override all other concerns (as the nationalist slogans “America First” and “*Deutschland Uber Alles*” make clear). In fact, the choice for or against segregation, which was construed as a choice for or against the US, was dictated by multiple concerns. One was the need to resist the forces that threatened to disintegrate the multi-national family into isolated and, thus, politically more pliable individuals, by equating birth, nationality, and citizenship. Another was the fear of being crushed by the bio-political machine which, as Giorgio Agamben notes, implicates life directly in the calculations of power. The principle of sovereignty invests life with a decision on its value and disvalue (negative value, absolute lack of value), producing, in one stroke, the subject of political power, identified with the citizen, and its radical negation, which, Agamben argues, is the radically vulnerable life of the *homo sacer*. The latter is the key to understanding the bio-political paradigm, for the original political act is not, for Agamben, the framing and imposition of the law, but the sovereign ban as the moment when violence and law coincide. With this act of exclusion, recorded in the political archive of ancient myth, and which modernity is forced to constantly revive and actualize in the relation of exception, the bio-political machine yields, on one end, sovereign power, and produces, on the other end, a pure biological body. Purity, in this case, is to be interpreted as a sign of the political irrelevance, and thus vulnerability, of the banished, in opposition to the political relevance of the citizen-subject. Sovereign power is the power to transform the one into the

other, the relevant into the irrelevant, with a decision on the exception.⁸⁰

The modern ban is a condition that materializes with peculiar intensity in the no-man's-land between national identities. The mere fact that human beings can exist in this space is, paradoxically, both an intolerable threat to the monistic idea of the nation as a self-explicating entity, and a conspicuous effect of the system of nation states which confuses homogeneity (cultural, linguistic, ethnic, or racial) with legitimacy. Yet another concern of the interned Issei and Nisei was possibility of being thrown, utterly unprotected, into a hostile world where the exception of Japanese Americans from the existing legal order could be intended as a universal license to harm them without fear of retribution — a belief supported by frequent accounts of such violence in the media. When this alternative was represented as a choice between resettlement and renunciation of citizenship, the latter option seemed, to many, the most promising and the most secure, if for no other reason than the lack of accurate information on the attitude of Japan towards the Nisei, which became the subject of wild speculation and outright invention. On the contrary, the attitude of the United States towards all Japanese Americans was made self-evident by the existence of the camps.

Renunciation seemed to be the only road to an unequivocal acquisition of citizenship. In Tule Lake this was particularly desirable, for greater pressure for separation on the basis of national loyalty was applied than anywhere

⁸⁰Giorgio Agamben discusses the relation between sovereign power, biological life, and political existence in *Homo Sacer: Sovereign Power and Bare Life* (Agamben, 1998).

else. Martial law was used to this end by the authorities, but because the advantages of a pro-America stance were far from obvious, the result was the appearance and strengthening of an underground resegregationist movement which not only accepted the logic of the nationality principle but was able to apply it very aggressively through propaganda and outright intimidation. Had there been a credible alternative, and had the administration not chosen to repress all attempts to form a representative body acceptable to the majority of the camp population, renunciation might not have involved, in the first month alone, over 40% of internees with American citizenship. A successful renunciation hearing and the removal of the applicant to a Department of Justice camp for enemy aliens was thus hailed like a sea-change in which the “bare life” of a human being stripped of a positive political identity regained significance and became, once again, enveloped in the protective carapace of the citizen. It was accompanied by elaborate public displays of support, and, privately, parents and partners of successful applicants expected to be congratulated and not commiserated for the arrest and transfer of a family member. The experience of June Yamaguchi is emblematic of the magnified importance attributed to renunciation:

My next door neighbor was a big shot in the *Hoshi-dan*. As soon as I heard he was picked up, I went to see his wife to say a few words of sympathy. Boy, she got mad and bawled me out for sympathizing. She said, “This is not sad. You should congratulate me.” So, like a fool, I offered words of felicitation. It became a custom. Everytime [sic] anyone was picked up, we had to congratulate his relatives (Thomas and Nishimoto, 1946,

340).

This behavior follows a pattern of revaluation of values whose goal is to encourage individuals to turn the question of national loyalty into the overriding concern of their existence, to the point of subordinating every aspect of their biological life to the national political imperative. What we see here is, in fact, an attempt to reform the social dynamics of the camp in a nationalist direction. This occurs through the coordination of activities of propaganda and intimidation, first as an underground movement for resegregation, and then in the formation of overtly nationalistic organizations like the *Sokoku* and the *Hoshi-dan*.⁸¹ Different forms and degrees of pressure and intimidation were then applied to mobilize as many of the undecided and the politically inactive as possible to the cause of Japanese patriotism. The episode described above is one of many deployments of public and private rituals to give sufficient social and political currency to the overrated benefits of Japanese citizenship, against a depreciated American equivalent. Thomas and Nishimoto mention this “depreciation” of American citizenship in the concluding paragraph to *The Spoilage*, in which they give a concise and perceptive summation of the events that led from evacuation to renunciation:

Charged with no offense, but victims of a military misconcep-

⁸¹These are abbreviations commonly used in Tule Lake. The full names are *Sokoku Kenkyu Seinen-dan* and *Sokuji Kikoku Hoshi-dan*, meaning, respectively, ‘Young Men’s Association for the Study of the Mother Country’ and ‘Organization to Return Immediately to the Homeland to Serve.’ *Sokoku* then renamed itself to *Hokoku Seinen-dan*, abbreviated to *Hokoku*, meaning ‘Young Men’s Organization to Serve Our Mother Country.’ A change that indicates a step up in militancy and openness in objectives.

tion, they had suffered confinement behind barbed wire. They had been stigmatized as disloyal on grounds often far removed from any criterion of political allegiance. They had been at the mercy of administrative agencies working at cross purposes. They had yielded to parental compulsion in order to hold the family intact. They had been intimidated by the ruthless tactics of pressure groups in camp. They had become terrified by reports of the continuing hostility of the American public, and they had finally renounced their irreparably depreciated American citizenship (Thomas and Nishimoto, 1946, 361).

The group whose wartime vicissitudes are here summarized represents, for Thomas and Nishimoto, the human “spoilage” caused by the war. From the perspective of American national identity, and consistently with the nationality principle, the Nisei who renounced citizenship as an expression of bitterness, despair, disappointment, or filial duty, were damaged goods. In a bio-political sense, they were the *homine sacri* whose banishment defines, negatively, the normal political space of American national identity. They are the bare life that exist in a “zone of indifference” between *physis* and *nomos*, nature and culture, the human being, carrier of rights, and the naked human animal.⁸²

⁸²Agamben links his conceptualization of a zone of indifference to Primo Levi's idea of the “gray zone” (Agamben, 1998, 121).

Chapter 4

**Neither Here Nor There: The
Camp as Alternative without
Choice and National
Identification as Choice
without Alternative**

No precedents existed in American life. European precedents were unsatisfactory for many reasons. Therefore, the Army was faced with the problem of designing a new type of civilian evacuation which would accomplish the mission in a truly American way (DeWitt, 1943, 77).

The intensified life of the camps had its own laws and logical reasons for existence. This kingdom of internees was subject to natural forces proper to itself, which had little in common with the life of a man in Paris or Toulouse, in New York or Tiflis. But the very fact that the world of concentration camps should have existed at all is not without significance to the world of ordinary people: to mankind, in short. It is not enough to establish some kind of physical contact with that life which was so utterly separated from the current twentieth century social structures. The rules must be understood and their meaning grasped (Rousset, 1951, 22).

The bio-political character of the Japanese-American internment is vividly expressed in the many testimonies, particularly by Nisei witnesses, published with increasing frequency since the nineteen-seventies. These autobiographies, memoirs, and oral histories approach their subject with a different set of concepts than the ones employed here, focusing, instead, on the all-important issue of violated justice, or on the task of providing a sincere account of a harrowing personal experience. Thus, issues and relations other than the bio-political are, perhaps, more readily visible. This has become particularly true after Japanese American scholars and activists successfully challenged the notion that the iniquity of mass incarceration could be a source of personal shame for those who endured it.

Existing texts emphasize the many injuries and lasting damage produced by this event. There is, of course, the unequivocal economic damage, esti-

mated between \$810 million and \$2 billion, in 1983 dollars (Commission on Wartime Relocation and Internment of Civilians, 2000, 455-467). There is, then, the psychological trauma suffered by persons of all ages due to a variety of factors, including the total loss of economic security, forced removal from familiar surroundings and climates, the imposition of regimented barrack life, the denial of national identification, and so forth. Lastly, there is the institutional damage caused by the violation of constitutional principles, and the consequent ideological enfeebling of the discourse of inalienable human rights.¹

Individual testimonies allow us to appreciate the general significance of the Japanese American internment as a revealing instance of the exercise of modern bio-political power since the peculiar structure of the camp is at the center of fundamental decisions on the inscription of human life in large political formations. This inscription, or capture of “life” is not indiscriminate. On the contrary, it finds its operative foundation in notions of “difference” expressed in the relation between sovereign and subject. In the texts under examination, written in a variety of styles and genre conventions, sometimes spoken for the benefit of an interviewer, a recording device, or an occasional listener, the narrator assumes a subjectivity uniquely established by the direct experience of cultural, social, and political liminality. These three levels

¹It is, however, prudent not to overestimate the extent of the offense to the founding law since ideology can survive of the slightest relation with the factual world. Any shocks that political necessity may inflict on the juridical order are dampened in the intricate web of legal procedure, where the sole relevant issue is the propriety of the decision-making process.

of alienation—the cultural, social, and political—are ordered to suggest a crescendo of the exclusion leading to the physical and conceptual borderland where inside and outside, sameness and otherness, are decided, and where, simultaneously, they show their ultimate indeterminacy.

This unique narrative subject acquires its qualities and qualifications from witnessing its own survival and from having survived to bear witness. It can be assumed by one who has lived *through* and *beyond* an experience of general human significance, in the act of its disclosure. In this regard, there are legitimate concerns over the manner in which we determine the degree of generality of the experience in question, its measure of universality, without breaching the cultural and political decorum that proscribes us from postulating a single scale of value as referent and arbiter. A possible solution is to abandon qualitative definitions which seek to identify the content of the human condition, and to focus, instead, on the location where humanity is defined against an adjacent other-than-fully-human. In other words, humanity has “range,” or, perhaps, *is* a range more than it is a quality, set between brackets that are constantly being repositioned. If this is true, then the validity and usefulness of Schmitt’s argument that the liminal case and the exception are more interesting and more revealing than the norm extends beyond legal studies. Of course, while the higher end of the range is often lost in the haze of metaphysical speculation, the low end is where all the real action is.

Almost invariably, the disclosure of a personal experience implies a speak-

ing *for* others, as well as for oneself. The inherent “vicariousness” of memoirs arises from the simple fact that narrators must force people their narratives with representations of individuals whose visible actions are described and whose motives are sometimes imagined, sometimes left to the reader to decode. Moreover, discursive testimony reaches beyond the individual self of the witness, one could say, by default, since not all survivors of the same situation choose, care, or have the opportunity to become in their turn discursive witnesses. Finally, the necessity and, sometimes, the compulsion to speak in place of an “other” arises from the peculiar character of liminal experiences, some of which, when lived through, cannot be survived. In these instances the survivor’s capacity to witness reaches the hard, obdurate barrier imposed by death and insanity on the gaze and understanding of the living and the sane. The incorporation of these two extremes in a testimony is a delicate matter that entails great responsibility towards subjects that are no longer able to correct or contradict. When this circumstance arises, survivors typically handle the ethical obligation to truthfulness by keeping their accounts as factual and as accurate as they possibly can, and often appear reluctant to interpret, morally or otherwise, this objective suffering they see in others. They are aware, as we must be, that to describe the circumstances of an irrevocable injury inflicted on a human being is to appropriate for one’s voice the inherent gravity of the event, which infuses the witness with authority and grants a surplus of authenticity to his or her testimony. One, therefore,

wishes to do it fairly and well.²

In the context of this investigation, testimonies are central to a correct understanding of the bio-political implications of the internment. One author, Yoshiko Uchida, was a young adult when she and her family were evacuated. At first, they were sent to the assembly center at Tanforan, and were subsequently moved to the Topaz concentration camp, in Utah. She describes her experience in a memoir entitled *The Invisible Thread*, in which she dwells briefly on a common desert phenomenon, a sandstorm, in terms that illuminate metaphorically the difficult relation between survival and testimony, between the witness, the witnessed, and his or her audience. She writes:

By sunset the storm had spent itself. When I went outside to look up at the wide encircling sky, it had turned glorious shades of pink and gold and lavender. It was hard to believe it was the same sky that only a few hours earlier had spewed out such suffocating terror. It was almost as though the dust storm had never happened, but I knew from our dust-filled room that it had

²Primo Levi recognized, in his own accounts of Auschwitz, the final authority of those who were overwhelmed and drowned by the terrible contingencies of existence in the most extreme of all concentration camps. They are the “complete witnesses” whose memory fills him with a certain reticence in bearing witness, and shame for having survived. In *The Drowned and the Saved* Levi writes: “I must repeat: we, the survivors, are not the true witnesses. This is an uncomfortable notion of which I have become conscious little by little, reading the memoirs of others and reading mine at a distance of years. We survivors are not only an exiguous but also an anomalous minority: we are those who by their prevarications or abilities or good luck did not touch bottom. Those who did so, those who saw the Gorgon, have not returned to tell about it or have returned mute, but they are the “Muslims,” the submerged, the complete witnesses, the ones whose deposition would have a general significance. They are the rule, we are the exception” (Levi, 1989, 84). The usefulness of Levi’s ethical discovery is not limited to Auschwitz, where, as he points out, the drowned indeed vastly outnumbered the saved. With all due sense of measure and proportion, we may draw the lesson that the ultimate consequences of an injurious experience reach beyond our ability to bear witness and to read testimony.

indeed been quite real (Uchida, 1991, 99).

In Topaz, the sandstorm enveloped and invaded the barracks in which the internees lived. Similarly, the internment enveloped and invaded the lives of nearly one-hundred-and-twenty-thousand American Japanese, not counting several thousands that were syphoned into the U.S. concentrationary system from Peru and other South-American countries. This “storm” lasted five years, although some were able to escape its abrasive currents much earlier as students, soldiers, or by obtaining a relocation permit. By the time the last of the camps were closed—Tule Lake, California, on March 20th and Crystal City, Texas, on October 30th, 1946—the storm had subsided completely. Loud as it had been—in the shrill voice of the West-Coast exlusionists, the resoluteness of Presidential decision, the screaming print of General DeWitt’s public proclamations, and the solemn opinions of the Supreme Court—this extraordinary event was soon bracketed between the dull walls of collective amnesia, indifference, and ignorance. Survivors, however, did not have the luxury of forgetting so easily. They remained suspended between the outward calm of a liberal society, confident in its principled irreproachability, and an intimate awareness of what injustice had, in fact, been done. If the “dust-filled” rooms prove to Uchida that the storm was real, their impression in her memory, and, incidentally, in our readerly imagination, can hardly match the sublime and tranquil sky under which normal life (her, and mine, and your) continues.

The high contrast between the radical exclusion of the camps and the

inclusion in civil society before and after the evacuation, albeit a qualified and staggered form of inclusion, invites interpretations that accept the polarity between inside and outside as a structuring principle. Ideally, and, to a great extent, ideologically, it is a distinction that runs along a horizontal plane on which clear lines of separation can be drawn, enforced, defended, and expanded: the plane of modern political geography. For the State, especially in the light of the Schmitian critique, the general subjectivities that correspond most clearly to the opposition between “inside” and “outside” are those of “friend” and “enemy.” One might thus infer that the battle for recognition and acceptance or the specular campaign for the exclusion and rejection of the other, is fought and resolved over the attribution of the “correct” label. In this interpretation, the presence of Japanese ethnics in America at a time of conflict between the United States and Japan could not fail to raise vigorously the question of Japanese American loyalty. In the context of the war, the ensuing spatial ambiguity in the political positioning of this minority credited existing exclusionist arguments with a much greater urgency than could be derived from the traditional racialist stance. The latter, however, still played a decisive role in determining the outcome of the debate in the presumption of inscrutability of the “oriental” subject. This powerful weapon in the exclusionist ideological arsenal questioned the feasibility of Asian assimilation in the American political subject at the juncture of culture and biology.³

³For an analysis of racial prejudice in the rhetoric of West Coast exclusionists see *The*

By the same token, the anti-exclusionist counter-argument could take advantage of the apparent simplification of the issue of Japanese-American inclusion. It could maintain that any doubts regarding Japanese American loyalty could be dispelled *a posteriori*, with a straightforward fact-finding operation by the government, or *a priori*, with a presumption of loyalty on constitutional grounds. In this view, only racial bias and wartime hysteria could prevent the government from immediately recognizing the loyalty of the Nisei and presume the dependability of their Issei parents.

However, from the point of view of the sovereign, or, to take fully into account its modern abstraction, of sovereign power, the critical distinction between inside and outside is of crucial importance in the initial affirmation or periodic reinforcement of certain fundamental prerogatives. Whereas the incarceration of foreign nationals, suspected spies and possible saboteurs, is an exercise of sovereignty in the context of international relations between discrete nation-states, and is, thus, directed outward, the evacuation and internment of the Nisei, their separation from their native soil and their native people, is directed inward. In the first case the existence of a state of war between the host country and the country of origin transforms a migrant group (the Issei) into a displaced population whose status and positioning is the object of inter-state agreements. As Schmitt points out, the State is

Politics of Prejudice by Roger Daniels. In particular, Daniels emphasizes the prevalence of anti-Japanese and, in general, anti-Oriental sentiments in the United States and on the West Coast, contributing to the success of Anti-Japanese campaigns, in the period from the Gold Rush of 1848 to the Immigration Act of 1924 (Daniels, 1977).

the sole subject of international law. It is the only entity capable of recognized action in the space of international relations where each state coexists with other equally sovereign entities. The interaction between state-entities is based precisely on a presumption of equality in this very specific sense (Schmitt, 2003, 269).⁴ For as long as each belligerent state continues to consider the opponent a *justus hostis*, or, in other words, for as long as neither side denies the other's cause a measure of justness, the bracketing of war, and of its potential for violence, is possible. Of course, this is not the "justness" that derives from a moral consideration of the motives and ends of war, as is the case in the application of the old notion of the just cause (*justa causa*), but from a formal consideration of the correctness of the procedures by which a state of war was achieved between two qualifying subjects.⁵ If the extension and intensity of warfare can be limited in this manner, then the material consequences of modern warfare for the populations involved in the confrontation may also be mitigated. The mitigating effect of mutual recognition becomes clearly more difficult when the geo-political localization of large bodies of migrants contradicts the normative bio-political distinctiveness of nation-states, which demands the congruity of government, territory, and population.

In the case of the Nisei the international dimension of their condition

⁴The numerous appeals to Spain as Japan's protecting power by the Japanese American internees proceeds from precisely such an understanding of the principles, mechanisms, and procedures of international relations.

⁵First and foremost is the question: who is the enemy? The type of war must be determined by the type of enemy (Schmitt, 2003, 143)

in the camps is greatly attenuated. While the evacuation of the Issei, their repatriation or their detention for the duration of the war can be understood within the framework of reciprocal relations between States, the position of the Nisei is continually foregrounded as an internal problem. This does not follow mechanically from their status as American citizens, but is related primarily to the suspension of their legal and civil rights which made their national membership indeterminate. Although the initial demand for exclusion was certainly regional, subsequent political and military action was not articulated by the Federal Government as acquiescence to the diktats of one or more the Union's member states (California especially), but as an autonomous and self-motivated response to a more general demand for clarity in the friend-enemy distinction. At this higher level of abstraction, the demands of the vociferous anti-Japanese movement on the West Coast constituted a challenge for the central government to give a demonstration of actual sovereignty under the false pretense that the integrity of the national territory had already been violated by the enemy. The result was an exercise in sovereign power which reaffirmed the State's exclusive prerogative to the use of violence to political ends. For the Nisei, Presidential action meant their relegation to the interstitial space between separate states, a no-man's-land which, in the completely organized world of modern politics, is devoid of geographical depth. It is a virtual wilderness which has found a physical localization in the concentration camp.

In the camps, Issei and Nisei thus share the same physical space, but

not the same bio-political space. While the Issei can claim to be the subject of international law, agreements, and negotiation, the Nisei are simply the object of sovereign decision, which is a decision on a single case that is excluded from the general norm. The liminal case opens, as Agamben puts it, a zone of indifference between law and nature, in relation to which the constitutive character of sovereign power manifests itself in the power to suspend the law, without, for that reason, abolishing it (Agamben, 1998). Modernity thus rediscovers this radical anti-political otherness. More precisely, the modern territorial nation-state produces it from inside the legal order and gives physical localization to the exception by setting aside a portion of its territory to form the enclosure of the concentration camp. This visceral production of the space of the exception is necessary because political entities in the modern system of nation-states are delimited by borders. Anthony Giddens defines borders as “known geographically drawn lines” that demarcate state sovereignty. He opposes the border to the concept of the frontier as a peripheral region in which the military, cultural, and legal control of the state tapers off gradually into the “outer extension of an ‘in-depth’ defensive system” (Giddens, 1987, 49–51). The integrity of the nation-state, on the other hand, is defended at the border, which is considered sacred, inviolable, and ideally impenetrable.

The theory that sovereign power is not ultimately bound by law is the basis of modern political realism and is associated in particular with 17th century English philosopher Thomas Hobbes. Hobbes maintained that the

sovereign, unlike the subject who moves within the legal bounds of society, for it has never completely abandoned the state of nature in which the violence of the strong is inherently justified. At the heels of the absolutist period, this idea was then quickly generalized beyond the physical person of the ruler to the institutional position he or she occupies. John Locke, for instance, who is not himself considered a political realist, applied this notion to what is, for him, the highest legitimate political subject: the commonwealth. For, Locke writes, “all commonwealths are in the state of nature with one another” (Locke, 1982, 114). In short, in the realm of what we might call “international relations,” states and governments are limited in their actions only by subjective calculations and by objective facts, like natural barriers surpassing the capabilities of contemporary technology or the military force of neighboring states. Legal considerations are entirely absent.

The inherent political relevance of this intimacy between physical violence and nature, which in Hobbes amounts to an identity, becomes even clearer if one considers, with Wolf-Dietrich Narr, the foundations of its social and political effectiveness:

Physical violence has the particularity of producing consequences directly, immediately, without recourse to media of communication; normally, speculations about its causes and forms are superfluous... it addresses the integrity of the human body in direct, immediately graspable and comprehensible fashion (Poggi, 1990, 10).

Primo Levi expressed the same idea in *The Drowned and the Saved* where

he opposes to the extreme violence of a particular Kapo the routine violence of all the other supervisors. Violence, Levi writes, was the only language all could understand in the perpetual Babel of Auschwitz (Levi, 1987, 707). Two central ideas are conveyed in Dietrich-Narr's definition, and implied in Levi: that a violence which addresses the integrity of the body makes all speculation, on the receiving end, about its forms, causes and motives irrelevant, and that, for this very reason, violence is a highly efficient and universal tool of political power. Italian sociologist Gianfranco Poggi introduces violence in his work on the state as an instrument that gives political power the characteristic of *ultimacy*, meaning that the absolute power of the state coincides with the supreme consequence in nature: death. This should be understood as a possibility that remains always open but is considered a last resort because, in its finality, it subtracts the victim from the very power that holds it captive.⁶ The power that kills the body, also destroys its usefulness.

According to German sociologist Heinrich Popitz, the vulnerability of the human body is the true foundation of power and the starting point of its development from simpler and sporadic forms to more sophisticated systems. Progress from raw violence to its instrumental exercise by means of structured technologies of power proceeds through the construction and preservation of a credible system of threats and promises. The development of new

⁶The concept of death as the limit of power and the modern bio-political aspiration to extend control through technologies that will impact the body short of the point at which control is perforce relinquished (except for symbolic acts performed on the corpse) was investigated and elaborated by Michael Foucault in *Discipline and Punish* (Foucault, 1995).

instruments, both as artifacts and technologies, reinforces existing relations of power, while creating, at the same time, new positionalities that can be filled by a cooperative subordinate subject (Popitz, 1986, 19–23). The alienating effect of the modern emphasis on instrumentality is due to the fact that instrumentalism, as Arendt points out, sees all things as means to an end (Arendt, 1958, 158). The degradation of the means occurs when the end ceases to be existential (human happiness, the good life, fertility) and becomes self-reflexively productive, defining production as an endless process whose value lies in its functioning and in the promise of future output. Economically speaking, that output are commodities, but from a social and political perspective, that output is the nation as a homogeneous whole that will be fully realized only when the individuals who are elected to compose it adopt a proper political morality. In this sense, the instrumental power of modern state is not just technical, but bio-political. But if even inclusion degrades the individual to a means, what is, then, the role of the excluded, who are means without an instrumental power capable of relating them to an end? Only sovereign power claims them, in order to trace, by their banishment, the fundamental political distinction between inside and outside, which is the mark of the original bio-political relation.

The Unseen Descent of Two-Headed Creatures

The many memoirs written and published by Nisei authors after the experience of the camps devote the better part of the narrative to the internment

itself. Around this momentous center of gravity, strong enough to bend time into a circularity without egress, are appended past and future. The impression of circularity is given by the fact that the time before contains no causal links leading logically to the evacuation, which comes as the surprise of an undeserved indignity, while the time after contains no explanation. Thus, the autobiographical texts in their entirety (in their “objectivity”) *are* the reflection on the event, seeking causes and rationales, but they also reflect correctly the temporal, spatial, and political distortions that determine the unreal character of the camp experience as a radical break from the norms, conventions, and expectations that accord coherence and continuity to the realm of association. Yoshiko Uchida’s description of her emotional reaction to the Tanforan assembly center supports this reading:

I felt like a refugee standing in a soup line in some alien and forbidding land. It was not only degrading and humiliating, it seemed totally unreal—like some horrible nightmare (Uchida, 1991, 76).

“Unreality” is not synonymous, here, with the suspension of the reality principle, turning the camp into an oneiric landscape. Social reality is never contradicted by a dream-like lack of sensory realism, but by the tendency of the camp experience, and of all singular lived moments in the camps, to become hyper-real. In the camp, the world tends to come to the internee with little or no mediation, either of a social, cultural, juridical, or, most importantly, political nature. Fear thus arises with the realization that, from

the moment when one is designated for deportation, things, facts, and occurrences are just what they are. They have no handles by which they can be grasped, observed, appropriated, or set aside. Everything must only be endured: “Shikata ga nai,” the Issei would say, *it cannot be helped*.

In Nisei memoirs and autobiographies the ethnic past is analogous to a subterranean river which surfaces intermittently to cause an assortment of emotional responses, ranging from confusion to clarity of identification, from embarrassment to pride. One such recurring instance is, most commonly, the obligation to attend Japanese language school, which is often associated with the first realization of difference with the American social and cultural space. For Monica Sone the news that she must sacrifice part of her free time—her “afternoon play hours”—to receive additional and, in many ways, alternative schooling marks her separation from other children of a different background. Her reaction is far from enthusiastic. In her memoir, she records a sudden shift in perspective that she expresses in her childhood self’s relation to food. From one moment to the next, her rice, until then so delicious with *obancha* (hot tea), makes her choke (Sone, 1993, 3–4). Angry, she resents bitterly the “intrusion” in her life of the Japanese blood she inherited from her parents (her mother’s explanation of why she must go to more school than other children), anticipating with dramatic irony future and more hostile disruptions.

Other moments of uneasiness, when the tell-tale stream of ethnic identification rises to the surface, include trips to the old country, community cele-

brations on the occasional visit to American ports by a ship of the Japanese Imperial Navy, and relations with the Kibei. The latter, especially, are a source of tension among the Nisei who see in them the possibility (the threat) of an even more radical departure from the American cultural “norm.” All these separate instances of more or less successful ethnic identification are triggered by the first generation’s desire to maintain a meaningful connection with the country of origin, and to transmit that attachment to their offspring. When, however, the ethnic component is brought into the open by external forces and defined, always reductively, as a sign of political otherness, the intermittence which allows the members of a minority to negotiate two different but adjacent cultural spaces is abolished. The resulting inability to switch off, at least in certain contexts, one’s ethnic, racial, or religious distinctiveness allows existing lines of separation between groups to acquire political significance by becoming aligned with the friend/enemy distinction. In the case of Japanese Americans, the combination of West-Coast exclusionism and the realism of inter-state war ignited an explosive blend of racialist thinking and nationalist conceptions of the correct rapport between population and political power.

For Yoshiko Uchida, like for Monica Sone, the ethnic past of her parents and the present in which she lives are mysteriously bound together in a manner that seems to condition the future. This link, which, significantly, furnishes the title for the memoir, manifests itself in the endless stream of visitors from Japan whose occasional appearance in the American life of

the Uchida family revives the Issei's connection with the old country, but is perceived by the Nisei as an intrusion. Uchida writes:

It was as though a long invisible thread would always bind Mama and Papa to the country they had left behind. And that thread seemed to wind just as surely around Keiko [her sister] and me (Uchida, 1991, 5).

When viewed from outside the immigrant community, from the perspective of the majority, the "thread" is hardly inconspicuous, especially when difference is signified by somatic traits that are racially charged. During wartime, the immediate visibility of "race" is compounded, for Japanese Americans, with a feverish emphasis on internal unity and, by implication, homogeneity. In the interest of ideological unity, foreignness may be understated, as was the case with Chinese-Americans, or foregrounded, as happened with the Issei and Nisei. Suddenly, the invisible thread of foreign descent is not only visible, but also acquires political significance when the issue of difference becomes associated to the question of national loyalty. Modern nationalism—the assumption that the nation is the fundamental political unit and the sole force capable of granting legitimacy to the power of the State—accords unprecedented attention to the biological links symbolized by Uchida's thread, reinterpreting them, now and again, in bio-political terms. For the nation-state, these points of contact between life and politics have existential value. Recognition of this value motivates the reaction of certain portions of American public opinion to the presence of a foreign

body, bio-politically speaking, within the national boundaries.

Before the war, during a family visit to Japan, Uchida begins to think of herself as a “mixture” of two distinct ethnicities and cultures, each occupying its own separate political space. Initially, she offers a plea for inclusion in her native land by claiming that she is American where it truly matters, “deep down inside, where [she] really dwelled” (Uchida, 1991, 52). But the hope of being accepted on these terms immediately rings false, so she forces herself to acknowledge that the categories of national identification cannot accommodate her indeterminacy. This must have become especially clear to Uchida with the evacuation and internment, so that, at the time of writing, she was able to project the significance of this experience, which is emblematic of the wartime activation of nationalist sentiment, onto that particular moment of comprehension. Her phrasing of the problem bespeaks a direct exposure to the political mechanics of national identification: “I wasn’t really totally American and I wasn’t totally Japanese” (Uchida, 1991, 52). Here, national identification is not a question of degree anymore—of not being, appearing, or performing “sufficiently” American or Japanese—but of absolutes: one is either totally one thing or totally another. The problems of integration and assimilation, both gradual processes, are absent from her thinking, which seems to revolve, instead, around the more clear-cut issue of loyalty.

Monica Sone experiences a similar impossibility to negotiate her subject position between two distinct cultural spaces. Initially, hybridity presented itself as a puzzle, like the coexistence of old-world rituals (the celebration of

the Emperor's birthday) alongside new-world practices (baseball games), as a small burden (the obligation to attend additional schooling) or, at worst, as a daily struggle against discrimination (Mrs Sone's inability to rent a vacation house for the summer). It is only after the war erupts that difficulty turns into impossibility, and Sone's considerations on the issue of national identity take on a darker hue. One of the first victims of this change is the playfulness in her early use of language, when she mixed English and Japanese without realizing that the practice might be in any way unorthodox. Suddenly, she becomes aware of a certain foreign quality in the heavy accent of some of her Kibei acquaintances (Sone, 1993, 128). Once again after her childhood discovery of difference, she imagines herself as "two-headed." This time, she adds the qualifier "freak" to indicate the holder of two national titles that, for some inscrutable reason, cancel each other out. Thus, she surrenders, for a moment, to the idea that one of two conflicting identities, in her case the Japanese, must be a curse, and that the curse runs in the blood, as the dominant metaphor demands. The relevant passage reads:

Gradually I learned in many other ways the terrible curse that went with having Japanese blood. As the nations went, so went their people. Japan and the United States were no longer seeing eye to eye, and we felt the repercussions in our daily lives (Sone, 1993, 118).

Her conclusion is good measure of how successfully the policy of exclusion of the Japanese enemy reinforces the modern axiom that enmity between states is the same as enmity between nations, and, consequently, between the

individuals that constitute the two warring collectivities. It is not surprising that she begins to think that the Issei's apparently unambiguous national affiliation with Japan, legally visible in their univocal citizenship, grants them the option of making clearer choices, while the Nisei are caught between two impossibilities. Sone tries to resolve her predicament rhetorically with a generational appeal to national belonging as an “elemental instinct” that arises, she claims, from an individual’s relation to her or his native soil and to the nomos of the land:

Even with all the mental anguish and struggle, an elemental instinct bound us to the soil. Here we were born; here we wanted to live. We had tasted of its freedom and learned of its brave hopes for democracy. It was too late, much too late for us to turn back (Sone, 1993, 124).

In the first part of her argument, she refers to her American citizenship, acquired by *jus soli* for being born on the national territory. In the second part, she refers to the republican order of the land to which the Nisei have grown accustomed. She explicitly excludes the other great principle of attribution of nationality and citizenship, *jus sanguinis*, since blood seems to be pulling her in opposite and irreconcilable directions.

The crisis determined by the war politicizes immediately the generational break between Issei and Nisei producing, in Sone’s words, “a moment of incomparable confusion and loneliness” specifically associated with physical, cultural, and political border crossing (Sone, 1993, 123). Confusion and

loneliness also prefigure the coming exclusion in the camps, where the abandonment of American citizens of Japanese descent is finally consummated, and, with it, the first step is taken toward reducing them to political irrelevance. The camps formalize the exclusivity inherent in modern national identity and thus highlight its essentially bio-political nature. It is important, however, to keep in mind that the autobiographies and memoirs analyzed here were written after the fact, and are, for this reason, inevitably involved in processes of discursive construction of national identity that must come to terms also with the aftermath of the internment, with its abrupt end, and the silence that followed.

James Olney has noted the link between autobiography and nationality in the American tradition, and in the national literature of western countries in general (Olney, 1991). This link between autobiography and nation reflects the new conception of the “folk” as the essential political entity underpinning the legitimacy of the American and French revolutions, and of the people as a natural entity fueling Romantic nationalism in the nineteenth century. On these premises, the autobiography of a single man—a distinctly masculine intellectual enterprise indeed—is linked naturally and directly to the character of the nation that expresses him. No longer is the biography of the prince coextensive with the political biography of the state, like, for instance, in Machiavelli. Now, the biography of any individual, though often one exceptionally talented or involved in the political and social events of his (her) time, is symbolically coextensive with the political and cultural life

of the nation. Thus, the development of the genre occurs in parallel with the development of bourgeois subjectivity as a public performance. Memoirs and autobiographies offered an audience of curious citizens the opportunity to gaze at the psychological mechanisms that move to action a social and political subject in whom they can recognize themselves because they share certain prerogatives (Marcus, 1994, 237). In other words, the narration of a life is virtually indistinguishable from the daily motions of a citizen exercising his or her sovereign rights. Thus, the modern conception of the nation is the ideological bridge between the individual past of autobiography and the collective past of history. It provides a “setting” for the former and the appearance of substance for the latter.⁷

In a way, the official narratives of the nation, expressed also in ceremonies and commemorations, oaths, and the mechanical repetition of formulas, supplement individual memory and compensate for its elusiveness. They represent temporal markers on which an author can anchor the development of the self. According to Sidonie Smith, “autobiographical narration begins with amnesia, and once begun, the fragmentary nature of subjectivity intrudes” (Smith, 1995, 18). Such fragmentation is particularly relevant in immigrant autobiographies that reflect lives marked, more visibly perhaps, by successive breaks in the space-time continuities that, ordinarily, give the self a sense of

⁷In the field of American history compare Ian Tyrell’s discussion of the need for genuine transnational research based on a three-tiered model aware of local, national, and international realities, and willing to resist the temptation to reduce the complexity of local history in order to fit them in the national framework (Tyrell, 1991).

stability. Autobiography is therefore seen as an act of remembrance which implies a loss (the portion that is forgotten) but also a possibility of transcendence, if no longer as a higher form of consciousness then as a voluntary merging in a group identity. It is a type of self that not only *has* stability as an attribute, but *gives* stability if it is taken as a model and given exemplary status. Thus, the modern discursive representation of individual identity—i.e. in tension with pre-modern models for the construction of the self—cannot be divorced from the discourse of national identity.⁸

Nisei memoirs that either center on, or include, the camp experience, represent a self whose experiences have left it uncertain regarding the legitimacy of its subject position. If traditional autobiography presents a stable self whose position is legitimized in the assumption that there exists a necessary link between individual subjectivity (its own) and the national subject as constructed and imagined in the modern cultural space, and if the ability to occupy that position depends on a capacity for selective amnesia, then

⁸Where traditional categories tended to assume rigidity, modern and especially postmodern categories claim a greater if not absolute flexibility. According to Phoebe Stein Davis, Gertrude Stein's *The Autobiography of Alice B. Toklas*—which from the title emphasizes the split subjectivity of the author and subject—straddles modernist essentialist views of nationality as something that is attributed once and for all, and postmodern attempts to destabilize it (Davis, 1999, 22). Nonetheless, seeing nationality as a transformative process in which one can resist mere attribution by engaging in semi-conscious shifts or adjustments tends to see national identity as an imposition that forces the nationalization of the subject, while only resistance, intended as at least awareness of the fluidity of the concept, is seen as an acceptable form of action. National identities are indeed transformed and performed, but they also become activated or are reinforced in a variety of manners depending on the subject's perceived interests at a given juncture. Traditional, majoritarian forms of national identity are more static because they appear sufficient to those who adopted them successfully, and thus require less readjustment.

Japanese-American autobiography may very well have to contend with an implicit demand to surrender too much of its past for the sake of inclusion. In this case, amnesia is synonymous with mutism, with the refusal to speak about the camps. Narration becomes possible only when the internment is reevaluated as a violation of rights and an injustice that institutionalized power perpetrated against Americans of Japanese descent, and which is acknowledged and rectified in the name of a truer interpretation of American political and social values. Here, however, the amnesiac is not the autobiographical subject, but the collectivity represented in the dominant cultural and political discourse which is now able to distance itself from past mistakes, hysteria, and racism.

Becoming Non-Alien

Becoming non-alien after Pearl Harbor involved eviction and dispossession. The two are closely related. General DeWitt's evacuation orders limited personal possessions to be taken into the camps strictly to what could be carried. All else had to be sold or abandoned. The need to sell all unwieldy belongings by the date indicated in Army posters mandating the evacuation, was the first concrete public indication that Japanese Americans had been marked for exclusion. Neighbors and other profiteers gauged quickly the newly decreed vulnerability of the minority, and took immediate advantage of it by offering to purchase farms, cars, furniture, and other items, for next to nothing. In doing so they acquired a vested interest in the permanent

removal of the Issei and Nisei, and became complicitous with the authorities which decreed and executed the removal. With a justified sense of pride, Minoru Kiyota reports that his mother destroyed her expensive pottery “to the evident astonishment and dismay of a cluster of white onlookers” (Kiyota, 1997, 62). Kiyota presents it as an act of rebellion against the injustice of the common man compounding that of the government. In the face of impending necessity (an uncertain life in the camps), Kiyota’s mother was able to muster the moral resources needed to salvage the affective value of her possessions at the expense of their exchange value. Intact, the pottery is subject to wild fluctuations of value entirely determined by forces she cannot control. When it is destroyed ritualistically by its owner, it releases its value all at once in a moment of conspicuous consumption that restores the offended dignity of the social actor. I am not suggesting that all Japanese Americans should have acted in this manner toward all their property. In fact, a widespread destruction of property would have been immediately classed as sabotage, especially on farms, and could have dire consequences. My goal is to emphasize that, in the circumstances created by the incarceration order, so much in the preservation of individual dignity, sanity, and self-respect can be encapsulated in the inconsequential act of breaking pottery.

The next section in the memoir provides a pointed contrast to this act of frustration directed toward the material buttresses of the mother’s sense of self—the cultural objects that localize individual identity and ground it in the collective—now become signifiers of impotence, marginality, and exclusion.

The narrator's attention shifts to the neighboring house, where Hiro's dark window reminds him that the entire family had moved outside DeWitt's exclusion zone, and thus away from the danger of internment. With a hint of resentment, Minoru Kiyota speaks of this amalgam of cultural integration, suggested by Hiro's "great disdain for the martial arts," and financial success, apparent in the family's ability to leave at a time of their own choosing, as enviable proficiency in the "art of self-defense" (Kiyota, 1997, 62–63). The final pronouncement on Hiro is harsh and unforgiving:

He would never think of becoming caught up in things like Japanese culture and literature, in tradition and ethnic pride. Hiro had no dreams, so life was easy for him. He was clever. And I despised him for it (Kiyota, 1997, 63).

Here, Minoru Kiyota imagines a successful strategy of social integration in mainstream American society that echoes the asymmetrical demands implicit in the idea of the melting pot. What is required of the outsider is the ability to project a cultural blankness, a readiness to be inscribed with the appearance and content of the dominant value system. This ability is seriously hindered in proportion to the foreignness of one's accent, demeanor, and appearance, as the entire Japanese American community has learned throughout its immigrant history in the United States. But the conditions maturing under the strain of antagonistic international relations, and coming to full fruition with the practical and formal entrance of Japan and the U.S. into a state of war, stood for much more than just another, though

formidable, obstacle in the path to integration. It meant the factual denationalization of the entire natively born second generation, its consignment to concentration camps, and exposure to the vulnerability that comes with total loss of political relevance. By contrast, the Issei maintained a degree of political relevance in the sphere of international relations because their unambiguous affiliation with Japan, through single citizenship, entitled them to a treatment consistent with that of an enemy population temporarily in the care of an occupying army. Their treatment thus depended on the obligations undertaken by one state toward another, and not, as was the case with the Nisei, by the obligations of the state toward its own citizens.

National loyalty and the grounds, possibility, or impossibility of its determination, are central to understanding the distinctive character of Nisei internment as a political choice that finds justification primarily within the framework of the modern system of nation states. In the case of the Nisei, the modern political operator of national loyalty failed to mediate between this particular group, defined ethnically and/or racially, and the state. According to Italian political thinker Alessandro Passerin d'Entrèves, the relation between the modern conception of the Nation and the state is not direct, but mediated by the concept of the *patria*, or "homeland." D'Entrèves astutely observes that the historical and cultural demand to die for the group is always formulated as a demand to die for one's homeland, or one's country (*patria*), but never for the nation itself (D'Entrèves, 1962, 246). It seems to me that it would be politically unwise, and outright dangerous, for the

state to leave the notions of ultimate sacrifice and of extreme violence by the individual on behalf of the group unattached to its own role as the exclusive organization through which the collective will of the nation is converted into action. For this reason, the State encourages, through its ideological apparatuses, an intimate association between the concrete political order of the land and the abstract principle that, on the one hand, legitimizes it and, on the other hand, gives a contingent mass the coherence of a population.

To expand again on the excellent point made by d'Entrèves, from the point of view of the individual, the public expression of patriotic feelings functions as a plea for recognition by the State. Thus, a parade, the displaying of the flag, a patriotic sticker, reciting the pledge of allegiance, or other emotionally charged public rituals, are acts of mutual reassurance between the citizens and sovereign power. The psychological significance of such acts, however, depends on the current alignment of the individual with the self-image of the nation-state. The latter should be considered here in the concreteness of its organization and the materiality of the consequences of its functioning. The centrality or, conversely, the marginality of the patriotic subject determines the intensity of the need for recognition and, also, how acutely sovereign power feels pressured to respond, and to respond amicably. It is easy to see, applying this perspective to the situation immediately following the outbreak of war between the U.S. and Japan, why Nisei patriotism, expressed through community organizations like the Japanese American Citizens League, was easily outweighed by the opportunistic de-

mands of old-school West-Coast exclusionists and their new-found jingoistic supporters and sympathizers. The war augmented the political visibility of a regional conflict, one whose character was prevalently cultural and economic, forcing the federal government to notice it and to provide an authoritative response—internment—to a hypothetical danger—fifth-column activities.

While the power of the government over the Japanese American minority is self-evident in the effective removal of the Issei and Nisei from the West Coast, the self-assurance of sovereign power with respect to the perceived moods of public opinion is rather a presumption based on the apparent unassailability of the modern state-machine (an impression not entirely unjustified but often exaggerated), and its assumed imperviousness to demands from below. This position, however, tends to overlook the fact that the modern state is physiologically constrained to seek a wide support base among the population, and that it does so by satisfying the material, psychological, and ideological needs of a sufficiently large constituency to guarantee the functioning of its bureaucracy and armed forces.⁹ When its capacity to perform

⁹Material needs might involve, for instance, guaranteeing acceptable rates of employment or that the necessities of life, as well as some luxuries, are readily available at a reasonable cost. Psychological needs can involve the assuaging of anxieties produced by the material conditions of modern life by compensation with a sense of personal satisfaction for the international success and superiority of one's country—be that real, imagined, or an impression crafted through propaganda. Ideological needs are as easily instilled as found in the general population and they originate from attempts to relate individual experience to the world as a whole by imagining fictitious relations to explain effects that are very real. A pertinent example is the modern preoccupation with the problem of security, which requires the generation of theories regarding the source and nature of the threat and the elaboration of strategies to forestall it, from increasing the military budget to a preemptive attack. The definition of ideology presented above combines ideas from John Breuilly (Breuilly, 1994) and Michael Foucault (Foucault, 1995)

this function is questioned, and the critique reaches a certain threshold of visibility, the anxiety produced in power-holders will be more likely to result in a display of sovereign power or, in case of extreme anxiety over the stability of the existing arrangements, in an exercise of sovereign violence. These considerations remain, however, under the surface of political discourse, and are mediated through the language of ethnic or cultural nationalism, racial solidarity, or national security. Each of these categories brings its own vocabulary, which implicitly narrows the range of real situations they are capable of comprehending thoroughly. A case in point is the suppression of the report prepared, on presidential orders, by Curtis B. Munson before December, 1941. Munson concluded that there were no substantial reasons to doubt the loyalty of Japanese Americans, and that the existing security organizations with whose cooperation he had drafted the report, namely the F.B.I. and the Office of Naval Intelligence, were capable of dealing with all suspicious cases with the instruments at their disposal. From the point of view of the executive, the Munson report, rational and dispassionate, did nothing to relieve political pressure from West Coast exclusionists. In addition, the prevalent racialist understanding of the question of Japanese American allegiance had the advantage of simplicity over a report that both presumed and presented social and political reality as the product of complex psychological, cultural, and historical elements. The former explanation had, over the latter, the advantage of a very short pipeline between analysis and action, and it did not contradict widespread nativist beliefs about the necessary connection

between national identity (Americanism) and race. After all, meaningful action does not require comprehension, only organization, compensating for any lack of proper intelligence with the use of force.

In his book on Franklyn D. Roosevelt's role in the Internment, Greg Robinson notes that a subtle combination of racial prejudice and political expediency prompted the President to sign Executive Order 9066, authorizing the evacuation.¹⁰ Roosevelt and his Administration displayed an indifference toward the fate, rights, and well-being of the Japanese American minority that can be explained in terms of the latter's racial and cultural otherness, and numeric insignificance relative to the national population. These characteristics already relegated the Issei and Nisei to a position of political marginality, but it is not until their exclusion receives sovereign sanction that it takes the form of a proper ban. By signing the Executive Order, Roosevelt gave force of law to what had been, until then, social marginalization, supported, in the worst cases, with legal provisions at the local level that were often hotly contested by the Federal government as a potential source of embarrassment in international relations.¹¹

¹⁰According to Robinson, Roosevelt's offhandedness toward Japanese Americans and his habitual resistance to delegating policy-making authority created additional hardships for the internees. Robinson is referring specifically to the failure to make adequate and effective provisions for the preservation of Issei and Nisei property during the internment. Roosevelt's appointment of Federal Deposit Insurance Corporation director Leo Crowley as alien property custodian met the belated objections of Attorney General Francis Biddle and Secretary of the Treasury Henry Morgenthau, Jr., after the attack on Pearl Harbor. Each of these staff members believed that custody of alien property fell in their jurisdiction. Roosevelt's unwillingness to resolve this issue prevented the implementing of any custodial measures, leading to the total loss of all abandoned Japanese American property (Robinson, 2003, 134–146, 248–249).

¹¹Since a United States Supreme Court ruling had determined that immigration was

This is not, however, a simple intensification of an existing form of discrimination. During wartime the actions of institutional authority, of administrative power, are seen as ineluctable responses to a state of necessity, driven by the imperative of political and biological survival (indistinguishable in the nation-state), causing a resurgence of sovereign power. In this context, the withdrawal of the sovereign's recognition of an individual or a group is, in all effect, a banishment that places the individual or group in a negative relation to the entire social framework. Only the sovereign can produce this effect, in the form of a decision on the exception. In the case at hand, the Issei and Nisei were the object of that decision, and the subject of that exception. Giorgio Agamben defines the exception as being “a single case that is excluded from the general norm,” and whose exclusion merely suspends the norm without necessarily abolishing it.¹² The norm continues to exist,

a form of international commerce, therefore not to be regulated by State but by Federal law, Californian exclusionists could only resort to indirect measures (Chan, 1991, 54). A typical example is the decision by the San Francisco Board of Education, on October 11, 1906, to segregate Japanese and Korean students to the Oriental schools to which the children of Chinese immigrants had already been relegated. Although this measure was not a regulation of immigration proper, it placed significant strain on diplomatic relations with Japan, an Asian country that was quickly becoming a first-class military power even by Western standards. The United States and Japan tried to ease these tensions by limiting Japanese immigration by means of a Gentlemen’s Agreement, stipulated in 1907, in which Japan agreed not to issue passports to laborers seeking to emigrate to the United States. At the same time, with Executive Order 589, Theodore Roosevelt manages to appease Californian exclusionists and have the Board of Education order withdrawn by prohibiting reemigration of Japanese laborers from Hawaii, Canada, or Mexico (Daniels, 1977, 34–44).

¹²In the definition of the exception I prefer to preserve, as closely as possible, the structure of Agamben’s original Italian sentence. Daniel Heller-Roazen’s translation reads: “The exception is a kind of exclusion. What is excluded from the general rule is an individual case” (Agamben, 1998, 17). The original phrasing emphasizes the act of excepting, while the translation focuses the reader’s attention on the thing excepted. This may cre-

in relation to its own suspension within the space of the exception, and looks at that space as its own outside. In other words, the norm applies by disapplying itself and thereby creates, in this negative relation, a threshold of indifference—intended as a lack of clear differentiation—between the space of the norm and a situation outside that space. By extension, the latter cannot be said to exist either *de facto* or *de jure*, but somewhere inbetween. In this situation the legal order *is not* abolished, it is merely withdrawn, and it is over this space that the sovereign will exercises its formidable prerogatives (Agamben, 1995, 21–24).¹³ Exception, one must add, is always exception *from* the law, a controlled and confined suspension of the legal order of the day, by sovereign act. And it is precisely because the exception and the norm can exist side by side, without annulling each other out of political existence, that the intimate interdependence of the two cannot be dismissed. Indeed, in the state of exception one can see the bare nerve of sovereignty at work.

If the internment is seen, from this perspective, as the material consequence of a sovereign decision on an exception, the rhetorical warning that incarceration without cause or due process for one set of individuals fore-

ate the illusion that by regulating the exercise of sovereign prerogatives, exceptions of this kind may be avoided. For Agamben, however, the object of the exception, the *homo sacer*, is completely vulnerable before the power that decides on the exception. If that power is subject to being regulated by another power (law), it is not then properly sovereign.

¹³In the same passage Agamben notes the etymological root of the term “to except” from the latin *ex-capere*, or, “to take outside.” This places the emphasis entirely on the production of an outside from the inside of the law, and is more apt to describe the appearance of the concentration camp than the term “to exclude,” which, by contrast, originates from the latin *ex-claudere*, or, “to shut out.” The process of “exclusion” is, thus, always more linear, while the phenomenon of the “exception” is, so to speak, more visceral.

bodes the same for all others immediately appears inadequate. In matter of fact, for “all others” nothing changed. Legal order continued to exist, untarnished, alongside the camps that engulfed both aliens and citizens, Issei and Nisei. It bears repeating that, as citizens, the latter were legally indistinguishable from the remainder of the national population. Here, the decisive difference between minority and majority is in their respective relation to state administrative power in terms of a relation of inclusion/exclusion from those processes of reflexive monitoring that tie the interests of the state to the “general interest” of the population. For Anthony Giddens it is true that the historical expansion of state power becomes socially operative in the form of surveillance, but it is also true that this expansion multiplied possible sites of contestation. The three “levers of struggle” listed by Giddens are related to the ideological development and social deployment of the concepts of *civil rights*, *political rights*, and *economic rights*. Once these levers become available, they can be exerted by larger and previously excluded segments of the population to obtain their extension to themselves, in the name of equality and on the basis of citizenship (Giddens, 1987, 206).¹⁴ For Giddens the appearance of the modern state is marked by the establishment of bour-

¹⁴Giddens points out that the modern invention of the private sphere has worked well in the interest of capital, by isolating economic rights from the public sphere of political negotiation and intervention. At the same time, this facilitates the perception of civil and political rights as a unit, closely associated with modern citizenship. As much as all three sets of rights are a bourgeois invention, they are not to be dismissed as bourgeois rights that cannot be co-opted by the working class. The very fact that they become historically a site of tremendous efforts (and tremendous compromise) to obtain their extension suggests that they were perceived as an essential component of modern selfhood (Giddens, 1987, 188–209).

geois rights and their subsequent extension to the working class, in part, by papular demand, in part to answer the peculiar needs of the modern state. In particular, these needs concern the conduct of modern warfare, which is labor-intensive and requires the mobilization of the productive and destructive force of the masses. We may surmise the relative insignificance to which minorities are relegated in a system that rewards size. Even in the best of circumstances, the sovereign is no longer free to extend his special protection to marginal groups because the illusion of a complete identity of purposes and interests between the population and the state requires clarity in the drawing of bio-political boundaries. The struggle is, then, over the nature of that crucial difference. Institutional discrimination between citizen and alien on the basis of nationality (birth) is the solution by which the modern nation-state both discovers and creates minorities in the midst of the native population.

Even in this regard, the Japanese-American Internment marks a regression in that all the advantages and benefits of citizenship are withdrawn from individuals who already had legal access to them. Nor should one doubt that the loss is here any less than complete, for it involves far more than just a restriction of the freedom of movement. The individual citizen who violates specific laws and is apprehended, tried, and sentenced by due process, maintains a relation with the legal order, even from prison. Such was, after all, the case of the Nisei draft resisters, the so-called “no-no boys,” whose refusal to be inducted in the military while their parents were being held hostage in

the camps forced the legal system to bring them to court, and thus readmit them into civil society, albeit as criminal offenders. In a very narrow sense, their status improved, for the charges brought against them allowed the Nisei to exit the legal and procedural limbo of the camps and re-enter civil society, albeit as criminal offenders.¹⁵ Unlike the rest of the camp population, they received sentences that carried a certain term of imprisonment, were subject to appeal, and consigned them to a prison system that was regulated and monitored. The testimony of Mits Koshiyama, one of the sixty-three draft resisters from the Heart Mountain camp, suggests as much:

On June 26, we were convicted. The judge read us his reasons. He said since we were classified 1-A by the government, all our rights had been returned to us. We were first-class citizens, and we had no right to refuse to bear arms. I couldn't buy that. He said we broke the law. But he won't accept that the government broke the law, the constitutional law, by denying us our day in court before putting us in concentration camps (Levine, 1995, 147–148).

Only “first-class” citizens can break the law, stand trial, and receive a sentence. Paradoxically, the evacuees were excluded from the courts not by their guilt, but by their innocence. The judicial system turned blind in their regard as soon as sovereign exception suspended the institute of *habeas corpus*, through which the law normally handles unjustified imprisonment.¹⁶

¹⁵For a detailed examination of draft resisters trials see Eric L. Muller’s book, *Free to Die for Their Country* (Muller, 2001). Muller’s work puts into perspective the great difficulties encountered by the Courts in disentangling the legal mess created by the evacuation, which resulted in idiosyncratic pronouncements that reflected the biases and sensitivity of the presiding Judge rather than a pondered application or interpretation of the law.

¹⁶According to Hannah Arendt, “[t]he best criterion by which to decide whether someone

When the government decided to consign the entire West-Coast Japanese American population to the camps, it did not simply *violate* certain prerogatives that pertained to the Nisei as American citizens, but effectively *deprived* them of civil, political, and economic rights. Since these sets of rights became operative in modern Western political and juridical orders as the rights of the citizen (regardless of the fondness for universal “human rights” in political discourse), their withdrawal was tantamount to depriving the Nisei of their citizenship, and, with it, of access to a crucial type of social subjectivity. For Heinrich Poptiz the concept of “social subjectivity” relates the individual to the social by juxtaposing the subjective character of singular, individual existence, to the dependence of this individuality on external confirmation (Popitz, 1986, 114). This link between the subjective and the social, Poptiz argues, constitutes the basis of authority. Power is produced as an effect of this process in the small interval of uncertainty between acceptance and rejection. It also corresponds to a social offer of possible models and locations of identification, from ascribed roles determined by characteristics visible at birth, to acquired roles of a professional nature, to public roles requiring a performance on behalf of, or in view of, the public (Popitz, 1986, 117–120).

Modernity has multiplied the possibilities immensely, especially in comparison with traditional societies in which solidarity followed a mechanical

has been forced outside the pale of the law is to ask if he would benefit by committing a crime. If a small burglary is likely to improve his legal position, at least temporarily, one may be sure he has been deprived of human rights. For then a criminal offense becomes the best opportunity to regains some kind of human equality, even if it be as a recognized exception to the norm” (Arendt, 1979, 286).

model. The progression described by Popitz is linear, for it moves from the mechanical to the organic, from the fundamental experience of recognition of belonging to the development of a myriad of social roles, each corresponding to a possible individual identity. By comparison, national identity, which is the most general form of identification offered, is also the one whose loss carries the most extreme of consequences. There is no fall-back position, to, for instance, religion, the family, or the clan. The loss is complete, and only the prompt availability of a homologous alternative such as the possession or acquisition of a second and different national identity, a second citizenship, can restore the individual to political relevance. Such was the case with the Issei, who, having been excluded from naturalization in the United States, had at least retained their Japanese citizenship. The Nisei were thus exposed to a unique danger when sovereign decision severed their link of identification with the modern nation-state, adding the threat of statelessness to the physical hardships, economic loss, unjust treatment, and uncertainty for the future they shared with their Issei parents. On these grounds Monica Sone, incarcerated in Minidoka, comes to doubt the reality of her American citizenship because she has clearly been deprived of liberty like a criminal, but without being processed by the justice system, and without any reference to criminal law. For what regards her parents, she distinguishes their legal citizenship, which was Japanese, from their personal migrant history, which linked them to the territory of the United States and to its political order:

Maybe I wasn't considered an American anymore. My citizenship wasn't real, after all. Then what was I? I was certainly not a citizen of Japan as my parents were. On second thought, even Father and Mother were more alien residents of the United States than Japanese nationals for they had little tie with their mother country. In their twenty-five years in America, they had worked and paid their taxes to their adopted government as any other citizen (Sone, 1993, 177).¹⁷

National identification acquires this crucial role when, in modern political systems, the nation becomes the principle from which sovereign power derives its legitimacy. In the last analysis, the preeminence of one particular form of identification, which has no intrinsic merit that should justify its elevation above others, is determined by its successful association with the power to trace the lines of inclusion/exclusion that separate domestic from foreign and friend from enemy. According to Carl Schmitt, “[e]very religious, moral, economic, ethical, or other antithesis transforms into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy” (Schmitt, 1996, 37). Although Schmitt does not mention national identity in his list of antitheses, its unchallenged role as the principle on which fundamental political units are understood (and constructed) is evident from the fact that ethnic, racialist, and religious political discourses compete not to replace the nation as the decisive unit, but to determine what (or who)

¹⁷Discussing the historical threat of large numbers of stateless people seeking asylum to the European system of nation-states, Hannah Arendt mentions the now inapplicable medieval principle “*quid quid est in territorio est de territorio*,” which translates to those who are on the territory belong to the territory (Arendt, 1979, 280). This involves sets of mutual obligations for both the migrant and the sovereign authority in the territory in question. Clearly, this principle serves the needs of a social and economic system that was infinitely less dynamic than modern capitalism.

the nation is. This is also true of liberal political discourse, which affirms more flexible criteria of membership, consonant to its conceptualization of an open society.¹⁸ If the modern state offers national identity as a possible (and preeminent) form of social and political identification, then nationalism is a favorable and fervent reaction to this offer. The expression of nationalist feelings is not just an expression of loyalty but also, when sufficiently massive, a reminder to the state that its power to organize and manage a population without resistance entails the obligation to reciprocate. Reciprocation can be both positive, in the form of protection and service for the national community, and negative, in the denial of the same (or any) level of service and protection to groups that do not meet the accepted criteria of national belonging, even if (and especially when) they share the selfsame territory. In other words, the nationalist seeks a privileged relation with sovereign power, which is almost invariably associated with the state, in exchange for loyalty, and to the exclusion of all whom the nationality principle defines as other or alien.¹⁹

¹⁸In a recent collection of essays on Carl Schmitt, aptly entitled *The Challenge of Carl Schmitt* and edited by Chantal Mouffe, Ulrich K. Preuss says the following: “Since the end of the eighteenth century, almost all revolutions have been fought on behalf of popular rule. Today there is no principle of political legitimacy that can seriously challenge the democratic axiom. Hence the question is not who is the sovereign, but who can credibly identify himself with ‘the people’ and claim to be ‘the people’ ” (Preuss, 1999, 173). This is intended as a critique of Schmitt’s theoretical framework as too tied to a legal definition of the state of exception to account for such massive expressions of a profound (and irrational) need for self-determination. This argument ultimately misunderstands Schmitt’s notion of sovereign power by seeing it as a mystical rather than a pragmatic quality of the institutions that exercise it. Like Foucault, Schmitt strives to understand power from its effects, although, as a legal theorist and historian, his approach privileges the agency of the State.

¹⁹In a world organized in accordance to this principle, there is tremendous pressure

An explicit act of sovereign rejection is implicit in the signing of Executive Order 9066. The evacuation tagged the Japanese American community as a subject that has been denied recognition by the sovereign power representing (at least ideologically) the national community. The Civilian Exclusion Orders promulgated by General DeWitt required all residents of Japanese descent in the exclusion area to register at a designated Control Station, where they would receive a “registration envelope” containing, among other things, a Personal and Baggage Tag, in triplicate. The tagging was, thus, quite literal, and this badge of exclusion stunned Japanese Americans as an incontrovertible sign of their difference. In his *Final Report*, DeWitt writes:

This tag carried the family number assigned to the evacuee—that which appeared on the Social Data Registration Form and the Routing and Control Slip. The first portion of this tag was to be worn by the head of the family at the time of the movement to the Assembly Center; the second portion to be attached to the baggage of the evacuee, and the third part to be taken by the examining physician at the time medical examination was made. Similar triplicate tags were furnished for each additional member of the family, and the assigned family number, and the name of the head of the family was written on them at the time of issue (DeWitt, 1943, 120)].

(and incentive) for culturally homogeneous communities to aspire to national autonomy and self-determination. The pressure derives from the realization that while human rights are, in themselves, unreliable, national rights are guaranteed by the state through the institute of citizenship, which is inherently discriminatory. Nationalism is, as John Breuilly maintains, a form of politics, and is best understood in its claims and effects with this in mind: “To focus upon culture, ideology, identity, class or modernisation is to neglect the fundamental point that nationalism is, above and beyond all else, about politics and that politics is about power. Power, in the modern world, is principally about control of the state” (Breuilly, 1994, 1).

Efficiency was certainly the main concern of the civilian and military administrators who thought of utilizing numbered tags to identify both baggage and people. The substitution of the name with a number, however, forces an equivalence which reverses the normal relation of ownership, causing the person to lose individuality, while the baggage, not having any to trade in, only stands to gain. Minoru Kiyota distinctly remembers the effect of this reversal when he and his mother assembled with the rest of their community at the local YMCA, in San Francisco, to be loaded on buses and taken to the Tanforan Assembly Center. Initially, the crowd exchanged polite greetings and tried to make the best of the situation. “But then,” Kiyota adds, “everyone fell silent when the armed soldiers supervising the operation began to treat us like so many pieces of baggage, handing out large tags with numbers to be hung about our necks” (Kiyota, 1997, 64). Silence occurs, in this case, when attention is drawn to the tags as signifiers of the special status that sovereign rejection had created for Japanese Americans. The Army could now act upon them (the preposition “against” would be inappropriate here for they were not properly enemies) without regard for the laws that govern normal society. Dispossession was the first consequence of this action, because of the injunction to bring only what an individual (or a family) could carry. When the time comes to leave for the assembly centers, everything the community owns is deposited on the sidewalk, awaiting removal.²⁰ As

²⁰A sample Civilian Exclusion Order included in General DeWitt’s *Final Report* specifically instructs all persons of Japanese Descent slated for evacuation that “the size and number of packages is limited to that which can be carried by the individual or family

a group, they have become physically mobile and politically indeterminate, since the category of citizenship—the only one that truly mattered—was ignored for the two-thirds that were *de jure* American citizens, and alternative categories like “refugee,” “prisoner of war,” or “criminal,” could hardly be applied (and certainly not uniformly) to the camp population.

The fact that the identification tags conflate individuals with their property and place them on the same moral plane did not escape Miné Okubo. In her pictorial memoir of the evacuation, Okubo juxtaposes repeatedly tagged baggage and tagged persons, making the confusion between categories visible in single as well as consecutive drawings (Okubo, 1983, 22, 24–25). She also chooses the number assigned to her family as an element of the title of her memoir, *Citizen 13660*, constructing the title’s effect around the incongruity between the number itself, denoting objectification within a rational bureaucratic system of control, and the word which designates the bearer of rights in Western political discourse. The word “citizen” creates a more dramatic contrast with the number than would alternatives like “person,” “individual,” or even “human being.” Rights are clearly perceived as an invention of politics and not a fruit of nature, and their defense is only possible with a successful appeal, in normal times, to the legal order in which they are framed, and, in exceptional times, to the sovereign power that guarantees

group” (DeWitt, 1943, 100). No provision would or could be made to ship larger items to the camps, also because the evacuees’ final destination was still undisclosed and the actual sites were undergoing constructions. Property could be placed in storage with government agencies, but “at the sole risk of the owner,” as the Exclusion Order just cited made clear.

that order. Unfortunately, the modern attempt to contain institutionally all forms of arbitrary power makes it increasingly difficult to correctly identify the sovereign, so that the possibility of an appeal vanishes precisely when it is most needed.

According to Carl Schmitt, modern liberalism transformed the concept of the political, which rests on a concrete distinction between friend and (legitimate) enemy, when it sought to neutralize it in order to limit the power of the state. Paradoxically, the discovery of “natural law” as the apolitical foundation of society, and of the “people” as the apolitical source (fountain) of sovereignty, paved the way for the appearance of a new kind of state—one characterized by tremendous power of penetration into society itself, coupled with an irresistible cultural aspiration and economic need to exercise this newly available form of control in order to protect its investment in the natural resource represented by the mass (Schmitt, 1996). Thus, the idea of “humanity,” and the attendant notion of “human rights,” would seem to require a universal state, but the historical plurality of political entities leads, rather, to the partitioning of humanity into convenient “national” groups, each possessing a “general will” of its own which is entitled to (and demands) political expression and representation.²¹ The new nation-state appears on

²¹The convenience is certainly mutual, both for the “people” and the state, which accounts for the historical success of this model. For a critique of Rousseau’s notion of the “general will” as inimical to human freedom, see Isaiah Berlin, ²² (Berlin, 2002). Berlin’s argument is that the invention of a “general will” and its application in politics deprives the individual of autonomy in the name of a metaphysical subject that requires obedience. Rousseau identifies human freedom with compliance with this “general will” and thus furnishes any authority that identifies with it a powerful justification for the repression of

the European political theater as an organic whole, legitimated in its constitution and actions by the organic unity of the people as nation.²³ The people, however, cannot be appealed to directly. One must must, therefore, find, an effective candidate for the position of sovereign amidst the plethora of institutions into which this tremendous power has been partitioned. A small number of Japanese Americans tried to appeal to the law, hoping that draft resistance or the violation of military curfew and evacuation orders could force the courts to take note of the internment and express an opinion on its legality. Many more enlisted in the Army hoping service to the state and the nation would gain the recognition of the sovereign, here implicitly identified with its military function.

A world Apart

In the camps internees experience a profound sense of disorientation. That they were removed from their familiar surroundings, forced to abandon their property, and taken to unknown destinations in trains with blacked-out windows seemed to validate the most fantastic of speculations. Some developed

dissent.

²³In his discussion of Rousseau's "general will," Schmitt underscores the difference between politics based on the decisionist versus the organic paradigm: "But the necessity by which the people always will what is right is not identical with the rightness that emanated from the commands of the personal sovereign. In the struggle of opposing interests and coalitions, absolute monarchy made the decision and thereby created the unity of the state. The unity that a people represents does not possess this decisionist character; it is an organic unity, and with national consciousness the idea of the state originated as an organic whole" (Schmitt, 2005, 48–49).

the distinct impression that they were secretly “traveling in hostile country” (Sone, 1993, 91). David Rousset, who survived a number of Nazi concentration camps, including Buchenwald, insists on the apartness of this strange kingdom constituted by a myriad of enclosed, small, bare, and functional spaces, and that this radical difference with the world outside makes a lasting impression on anyone who is engulfed by it: “Ordinary human beings do not know that everything is possible. Even when the weight of evidence forces their mind to admint this, they do not really believe it in their bones. The internees know” (Rousset, 1951, 109).

In Yoshiko Uchida’s memoir, the awareness of the intensity of her exclusion from the organic community of the nation is translated, with great immediacy, into a biological symptom. She reacts with such deep horror to the sight of American soldiers confronting her with mounted bayonets that she can only express her anguish through her body: her knees feel weak and she almost loses her breakfast (Uchida, 1991, 74). Interestingly, the effect of the camp as an outlandish place were not limited to the internees. Administrators, social workers, and visitors were also susceptible to its mystique. Peter Simpson, now a professor of history at the University of Wyoming, remembers a visit to Heart Mountain, when, at the age of thirteen, he entered the camp on a mission of solidarity, accompanied by the minister of his Episcopalian church, John McGlaughlin: “I will never forget going through the gate and coming into what seemed like an absolutely alien, strange, horrifying, and difficult world” (Inada, 2000, 144).

Simpson and Uchida both realize they have crossed a boundary between two radically different spaces. In spite of the boundary's apparent fixity, marked as it is on the territory by fences, gates, and guard-towers, it does not signify or create two symmetrical and opposed political orders, as would be the case with adjoining sovereign states. The essential function of the state of exception, localized in the camp and brought to existence purely by sovereign decision, is that of confirming the reality and stability of the social and political order on the outside. Again, the contrast between Simpson and Uchida is revealing. While he recognizes the otherness of the camp, his capacity to leave after each of several visits forecloses understanding of its bio-political fluidity. Uchida, on the other hand, understands existentially the bio-political nature of the movable line of demarcation that included her yesterday and excludes her today. The outline of the camp is only a punctual physical manifestation of the arbitrary power to banish, while the true line of exclusion passes not this or that side of her, but through her. From this perspective, Simpson's closing comment acquires a meaning that its author had no vocabulary to frame correctly. "The distance between Cody and Heart Mountain was twelve-and-one-half miles," says Simpson, "but it seemed like the longest trip in the world for a young boy between two cultures and two separate times" (Inada, 2000, 148). His intuition is impeccable, but the reference to a cultural distance is misleading. It *was* the "longest trip" because it took him, to use David Rousset's expression, to a "world apart," an outside with no inside of its own.

Like the sovereign power that produced them, the camps are inherently paradoxical. According to Giorgio Agamben, the paradox of sovereignty is peculiar to the very structure of modern power. It manifests itself whenever (and wherever) an authority acts as sovereign in deciding on a state of exception and thereby produces spaces like the concentration camp, the refugee camp, but also the ghetto, rogue nations, and so forth. More than an aberration, the camp seems to be, as Agamben maintains, the hidden matrix of modernity(Agamben, 1998). As material structures, the American internment camps, express this paradox also in the contrast between their functional design, conductive to a regimented life, and the fact that were constantly undergoing construction. Okubo's drawings of Tanforan and Topaz point to their chronic incompleteness. As she laconically puts it in the description that accompanies one such drawing, "the camp was a mess" (Okubo, 1983, 48). For the internees, these messy camps, in which bare rooms were made livable through scavenging, thin wooden walls abolished all privacy, basic bodily functions had to be performed almost in public, and in which the inhabitants were stunted from forced idleness, became quickly the sole real situation. Their detachment from the more or less integrated (but certainly free) social contexts in which they lived their previous lives was complete. This peculiar condition of the camp inhabitant allowed the military and civilian overseers to engage with great latitude in the artificial creation of facts by enforcing living conditions that were completely man-made, but were naturalized as a state of necessity.

For the subject—the “humble” precursor of the modern citizen—the problem of arbitrary rule lies in the difficulty of imagining its own relation to authority. When conditions of existence change radically, as they did in the internment, relations of authority have to be re-imagined taking into account the new boundaries of individual autonomy. Restrictive conditions will thus limit possibilities, while exuberant conditions will support and confirm a richer variety of subject positions. Our capacity to identify authority and imagine its attitude toward us makes obedience possible, and makes our social investment reasonably predictable for both rewards and sanctions. When we are confronted with inconsistent statements, expectations, and behaviors, obedience, which Stanley Milgram defines as the link between individual action and political purpose, ceases to be meaningful (Milgram, 1974, 1). At the same time, disobedience, intended as the clear sign of an ethical break with authority, is no longer conceivable as the exercise of a civil right pertaining to the citizen. In a declared state of emergency, this radical choice aiming to the affirmation of full individual subjectivity against the claims of authority is perceived by sovereign power as a direct political challenge and is dealt with harshly.

When authority precludes all relations of reciprocity by the arbitrariness of its behavior, the command in itself becomes insufficient. To be effective, power must find a supplement and an accretion in violence and in the constant threat of its imminent use. Cases of extreme violence, like the unjustified shooting of James Soichi Okamoto in Tule Lake, were rare, but

demonstrated very effectively that the power of the camp authorities was based on credible threats. This perception was then reinforced when the soldier who killed Okamoto was disciplined for wasting a bullet, and charged a fine of one dollar.²⁴

The lasting psychological effects of living conditions in which the possibility of intimidation and unhindered violence is always present is particularly apparent in Sue Kunitomi's retrospective re-evaluation of her experience in Manzanar. The occasion was the broadcasted court-martial of the soldiers responsible for the Mylai massacre, during the Vietnam war. When one of the soldiers was asked whether he realized he was shooting human beings, his reply, that he was ordered to destroy the village in order to save it, awakened powerful emotions in Ms Kunitomi. The memory of the possibility of absolute sovereign violence in her own past and this concrete instance of its use in the present combine to bring forth a shocking conclusion: "God, we were lucky to get out alive from Manzanar" (Levine, 1995, 217).²⁵

²⁴Tetsuden Kashima mentions this incident and corroborates the view that it had a terroristic impact on the camp population referring to the testimony of one internee: "The shooting of this boy filled the whole camp with of internees with an unspeakable horror and a deep fear because of the want of protection accorded the internees against outbursts of violence against them Panic reigned in the camp" (Kashima, 2003, 168). Minoru Kiyota, who was then at Tule Lake, notes that the military "generally harassed and intimidated the entire population" also by firing warning shots from tanks (Kiyota, 1997, 105).

²⁵Seiichi Higashide, who had been deported to the United States from Peru as part of the U.S. effort to eradicate the Japanese ethnic presence in South America, similarly projects onto his own past information he obtained later. After disembarking in New Orleans, he and the other deportees were directed to a large shower room by INS personnel. Higashide writes: "If we had known then what had happened at the camp in Auschwitz, the simple mention of 'shower room' would have made our blood freeze. But, fortunately, we knew nothing of that. On the contrary, we were happy to take a hot shower after a long period at sea" (Higashide, 2000, 156). The comparison with Auschwitz is not justified by the

Arbitrary treatment in a present time in which anything can happen produces an unbearable uncertainty about a future into which the internees are unable to project their agency. They are unable to transcend the present because they have been denied the possibility of redemption from the irreversibility of the past and the uncertainty of the future. Arendt considers these two predicaments of human action to be essential to a definition of the human condition. She argues that we can be reasonably free of the irreversibility of the past through our capacity to forgive. Our capacity to make promises, on the other hand, frees us of the uncertainty of the future. To be sovereign is thus to be able to “dispose of the future as though it were the present” (Arendt, 1958, 236–247). These two possibilities of freedom from the constrictive aspects of the human condition were unavailable to the internees. Since they committed no criminal or moral offense of which to be forgiven, their innocence cut them off from the first possibility. At the same time, and for as long as they existed in the state of exception, their ability to predict and direct their own future was also severely limited. Thus, the open-endedness and indeterminacy of their situation cut them off from the second possibility. Access to both these faculties, which, for Arendt, bracket the range of human autonomy is foreclosed, leaving the camp inhabitant without individual or social agency.

Hannah Arendt often speaks of individual agency and autonomy in terms

extent of the violence visited on the Nikkei in the U.S. camps, but it still resonates as a plausible reference to a condition of great vulnerability toward sovereign power.

of sovereignty. In *The Human Condition* she writes: “If sovereignty is in the realm of action and human affairs what mastership is in the realm of making and the world of things, then their chief distinction is that the one can only be achieved by the many bound together, whereas the other is conceivable only in isolation (Arendt, 1958, 245).” If this is the case, then sovereignty in a political sense, the sovereign power of nation-states, must diminish that of the individual. The power of the modern state is emphatically linked to technical action, which Popitz defines as the ability to create “facts” by changing the world, and which, in an industrial society, achieves unprecedented efficacy. This power is situated squarely in the realm of means, and it can be understood, after Arendt, as an instance of human mastership in the world of things. However, for the fictitious person of the modern state to claim sovereignty, the individual must relinquish his or her own sovereignty. This surrender of sovereign prerogatives is not contractual, as John Locke would have us believe, but existential in that the conceptual unity of the national body that is thereby produced is not rational but mystical. It is achieved by drowning the sovereign individual in the irrational communion of the nation. Once this is accomplished, the end of political power as conceived in modern Western political thinking—human happiness—loses its concreteness by being endlessly deferred. Present humanity thus becomes a means to an end, a resource on which the power of the state acts to ensure the survival of existing political (and economic) arrangements in the interest of an entity that will manifest itself fully only when the dream of self-determination is

realized.

Reversed Individualization

Reversal of individualization is closely linked to the severe limitation of private space due to the extreme rationalization (in the bureaucratic sense of good management practice) of the living arrangements. One particular drawing by Okubo captures the bio-political significance of this lack of privacy, although it is the caption that transmits the idea of excessive and enforced intimacy under the constant supervision of institutional authority. Speaking of the large dorm in which the bachelors had been accommodated, Okubo says: “They slept and snored, dressed and undressed, in one continuous public performance” (Okubo, 1983, 63). The discomfort of inescapable physical proximity arises, here, from a state of necessity that is not determined by natural forces or conditions, but by a political decision to restrict the boundaries of individual freedom, and, with it, the subjectivities available to those who have been thus confined. The “continuous public performance” to which the bachelors, but, also, the internees in general, are subjected is the objective correlative of the constant supervising action of a power that, insofar as it succeeds in reducing individuals to a population and this population to the object of its agency, defines itself as sovereign. The erection of walls of sheets and blankets, and, especially, the preservation of the family unit throughout the American concentrationary universe—except in cases when a family member, generally male, was apprehended separately by a security

agency, or subsequently separated from the family to be sent to a segregation center—provided an effective, though limited, line of defense against desubjectification. The faculty to maintain the family unit intact, however, did not remain with the evacuees themselves. It was, instead, a decision taken by the overbearing power of the sovereign, vested in the military and civilian apparatuses that executed the evacuation. From General DeWitt's outline of the decision-making process in the *Final Report*:

Second, it was determined that the evacuation would not split family units or communities where this could be avoided. In certain foreign countries the evacuation of a civilian population had proceeded as follows: First, dangerous adult males and females—those suspected of subversive activities—were removed to internment camps; and second, all other males of military age were sent to special labor camps. Women and children were often separated from the remainder of the family. This method removes the normal economic support of the family and forces it to dissipate its resources. This in turn creates a community problem of dependency, and disrupts the entire organization of the family (DeWitt, 1943, 77).

Cramped quarters, latrines without walls, and common sanitation facilities are the most obvious signs of the institutional invasion of privacy. The internees' sense of self was also undermined by their dependence on the administration for clothing, since the strict evacuation guidelines limited their wardrobe. In expectation of a cold winter, the War Relocation Authority began distributing military left-overs from the First World War. To Monica Sone's mother, the practical value of "good quality" woolens in a concentration camp located in the Idaho desert is undeniable, but she is also aware of

a consequential trade-off when she poignantly adds, “too bad we aren’t all males.” Old uniforms erase gender difference under their shapeless woolen functionality. Young Monica rebels vigorously against the First World War era, hand-me-down, “olive-drab” longjohns that would make her an even more anonymous element of the increasingly amorphous humanity massed in the camps. That her instincts are correct is immediately apparent from her brother Henry’s reaction to her outrage. Annoyed with his sisters’ protestations, he voices, unwittingly, the hidden logic of their immediate environment: “Oh, women! Why should you care what you look like in camp” (Sone, 1993, 196).

For Monica and her sister, Sumi, this is an opportunity to resist the crushing, homogenizing force of necessity by affirming the difference of their femininity through the conventionality of dress and fashion. The normal and the ordinary, which, in the world outside, are the measure of our conformity rather than our distinctiveness, become, in camp, a daring affirmation of individuality. This is because normal people, living in an ordered world, assess and confirm their degree of inclusion in human society very comfortably from the middle. That is, we measure it as variance from a broadly taken human average only to find that most of us very easily fit in, and are encouraged to do so by the pathos of national belonging. In the space of the exception, humanity is measured at the extremes, against, on one end, the unfettered agency of the sovereign, and, on the opposite end, a naked life deprived of all political significance. For Nietzsche’s Zarathustra humanity is

a tension between extremes: “Man is a rope stretched between the animal and the Superman—a rope over an abyss” (Nietzsche, 1995, 14). In camp, the rope gets shorter, and as it gets shorter the most ordinary acts grow into extraordinary feats by which a subjectivity is saved or lost.

Determined to “rather freeze” than surrender their femininity, the two sisters brave the harsh Idaho winter for as long as they are able to endure the physical and psychological hardship this involved. Eventually, they break on both accounts: physically, when their skin turns the color of eggplant, and psychologically, when an internee dies of exposure in a snowstorm. At the clothing office they beg for anything warm to wear, regardless of shape or size. Their initial resistance ironically costs them more than their femininity and pride. It costs them their heads which disappeared below the large collars of the oversized coats they receive. With a good dose of humor, Monica and Sumi “agreed that it was much better to look like headless mariners than to become a block of ice and chip slowly away into nothing” (Sone, 1993, 197).²⁶

²⁶Miné Okubo portrays the same scenes in the Tanforan assembly center. In one drawing, women of all ages are shown wearing slacks or jeans. Okubo conveys the danger of desubjectification contained in this flattening of gender difference through uniformity by presenting the five women and the toddler from the back. Their hair are either very short or gathered in a knot, and the viewer cannot see their faces or the tell-tale outline of breasts underneath the heavy clothes (Okubo, 1983, 52). The utterly alienating effect is then compounded at the final destination camp at Topaz, Utah, by the distribution of the same leftover heavy jackets mentioned by Monica Sone, and by the uniform look of civilian clothing independently ordered through the Sears-Roebuck catalogue (Okubo, 1983, 151–153).

The dwindling of the internee into nothingness is a tendency that is organic to the concentration camp. The degree to which the camp succeeds in this process is largely determined by the duration of the internment, the intensity of the exclusion (measured in the hostility or indifference of the public), the size of the interned population, and, frankly, the vagaries of sovereign decision. Although this reduction might serve as a prelude to physical annihilation, it is not identical with it.²⁷ The primary effect of this process, in fact, to strip the internee of all forms of identification that carry political relevance in the outside world, and, thereby bring forth the “naked life” underneath. In spite of our capacity to adopt a multiplicity of social subjectivities, either chosen among the copious offer of modern economic and social arrangements or constructed *ad hoc* to express individual distinctiveness, we default to a mere bodily presence as soon as we are despoiled, *de facto* or *de jure*, of the twin attributes of citizenship and nationality. The system of nation-states as global political order forces these two concepts together, confusing the categories of political and biological enmity. The political enemy is a threat to the existence of the order expressed in, and guaranteed by, a particular sovereign state. If this order should cease to exist a certain instance of citizenship indicating a privileged relation with a certain sovereign power, would also become inoperative. In a world of nation-states the survival of the po-

²⁷Physical annihilation was the chosen “solution” to mass incarceration in Nazi death camps. In this regard, Giorgio Agamben points out, in *Homo Sacer*, that internment was invariably preceded by denationalization as a means of depriving the individual of political relevance and thus making him or her absolutely vulnerable (Agamben, 1998).

litical order is identical with the survival of the supposedly biological entity that underpins it and legitimates it. For this reason, the political enemy is, at the same time, a biological enemy that represents an existential threat to the entire population. In this case enmity is, in principle, absolute.

Minoru Kiyota met with enmity of this kind during his interview with an F.B.I. agent in Topaz, Utah, as part of obtaining leave clearance to continue his studies outside the camp. Trembling from apprehension, Kiyota reported to the proper office and was immediately confronted with his Kibei status. As a Japanese-American who had been partially educated in Japan, he was considered immediately suspicious, regardless of the fact that he had visited his parents' land of origin only as a child. His past membership in the San Francisco Kendō Club, which was affiliated to the Japanese Martial Arts Association (*Butoku-kai*), was taken for sufficient proof that he may have been receiving direct orders to commit sabotage from Japanese General Araki Sadao, who headed the organization at the national level. When the F.B.I. officer asks Kiyota whether he would be "glad" if Japan won the war, Kiyota is speechless. Hurt by the humiliating attack and verbal abuse, Kiyota hesitates for a moment, and then proclaims: "I am an American citizen" (Kiyota, 1997, 81). Unfortunately, this last-ditch appeal to his legal status fails to restore his rights, for the officer had already abolished Kiyota's American national membership by calling him a "dirty Jap" (Kiyota, 1997, 81). Without the recognition of belonging based on an unchallenged acceptance in the national body, citizenship becomes meaningless. The decision, however,

was not made on the spot by the examining officer. It had been made at the time of the evacuation by the state apparatus wielding sovereign power, and not for the Kibei only, but, indiscriminately, for the entire Japanese American community.

Kiyota experiences this incident as a prolonged and excruciating injustice that he must perforce endure since his captive condition would not allow him to simply walk away. The conflict with this callous representative of the sovereign authority that had imprisoned him cannot be evaded.²⁸ The officer's attitude during the interview persuades Kiyota that his antagonist was "utterly oblivious to any human feelings [he] might have" (Kiyota, 1997, 81). He perceives the other's attitude as a clear threat to his sense of self-worth and humanity. In his autobiography, Kiyota tries to recuperate a human dimension for his remembered self by imagining how he could have applied swordsmanship skills he had learned in *kendō* classes to kill the officer and then himself, had he only had a knife. The bureaucratic character of the leave clearance process was only superficial. Sovereign exclusion subjected Japanese Americans to authority that could be as arbitrary and capricious

²⁸Kiyota's situation is the perfect case study for an examination of power. Indeed, Heinrich Popitz tries to understand the processes by which power is formed socially by looking at three exceptional situations: the passengers on a ship, inmates in a prison camp, and inmates in a correction facility. All three are examples of what he calls "barrack-type socialization" and are thus defined by conditions that exclude the possibility of easily evading conflict by separation. Also, existing social constraints are lifted and all social actors start "empty-handed." Although Popitz is interested in the formation of social power, which he defines as the ability of a minority to impose its will on a majority even against the majority's interests and intentions, his analysis helps us understand the socially disruptive effects of the camp situation (Popitz, 1986, 151–188)

as it wished to be. Kiyota realizes it during the interview and concludes that his life, trapped in a present that would last for as long as others desired, has no value: “My future didn’t matter anyway” (Kiyota, 1997, 82).

Kiyota clearly perceives that what is at stake in this confrontation is not just a permit to leave camp and continue his studies on the outside, but his humanity. Once he is denied the protection of his American citizenship, he feels vulnerable, desperate, and angry. The future becomes obscure and suicide the only meaningful act, for it would allow him to reclaim the dignity he had lost. At that point, Kiyota clearly did not believe that his dignity and the preservation of the human life in him were necessarily compatible. Dignity pertains to a life that is qualified by attributes which elevate it above mere existence. The loss of these qualifying attributes diminishes progressively the value of the life to which they are/were attached. When a criminal is deprived of his or her freedom, one such layer is peeled away, leaving many more in place. What is peculiar to the camp, however, is that exclusion from the national body and from the protection of citizenship peels off the bottom layer on which all the others seem to rest: the right to personal liberty, recourse to the law, property rights, the distinctively modern right to a procedural relation with authority. Mere life, the simple datum of being, presents no guarantee. Kiyota’s intuition thus echoes Walter Benjamin’s view that life is not inherently valuable, and that the modern dogma of its inherent sanctity threatens to neglect dangerously the fundamental importance of moral, ethical, and political qualifiers that value life as just, happy, and

relevant. Benjamin, who is interested primarily in the moral and ethical implications of being, states:

Man cannot, at any price, be said to coincide with the mere life in him, any more than it can be said to coincide with any other of his conditions and qualities, including even the uniqueness of his bodily person. However sacred man is (or however sacred that life in him which is identically present in earthly life, death, and afterlife), there is no sacredness in his condition, in his bodily life vulnerable to injury by his fellow men (Benjamin, 1996, 251).

Giorgio Agamben takes Benjamin's argument even further, and suggests that sacred, naked life is intimately related to sovereign power. He uncovers a correlation between the modern conception of human life as valuable in itself and the *homo sacer*, an obscure and controversial figure in Roman law. The defining characteristic of this figure is its vulnerability. A man who was proclaimed *sacer* could be slain with impunity but could not be executed according to the law or sacrificed in a ritualistic manner. In a classic study, Warde W. Fowler explains the latin formula *sacer esto* as a curse of banishment by which a man was proclaimed an outcast, and, consequently, a creature impossible to place either within human or within divine law.²⁹ Agamben attempts to find a concrete position for the *homo sacer* by positing the ban as the original political relation in which the bare life of the banished

²⁹Fowler notes also that the status of the *homo sacer* in antiquity is comparable to that of the primitive Semitic *outcast* as described by Robertson Smith in *Religion of the Semites*. (Fowler, 1920, 15–24). At the turn of the fifth century, Latin philosopher Macrobius already found this very specific use of the term “sacred” extraordinary and incomprehensible. It appears that the ancient meaning of the word was current until the age of Cicero, first century BCE.

is not discovered underneath the cultural, social, and political layers that supposedly conceal a biological essence. It is produced by sovereign power as the powerless pole of the relation of exception. This unqualified life represents “a zone of indistinction between inside and outside, exclusion and inclusion,” and the “threshold of articulation between nature and culture” (Agamben, 1998, 181). The *homo sacer* is thus placed, not inside human or divine law, but in a direct and constant relation with the sovereign power that produced it. Only through, and by means of, this exception can sovereign power refer to life and capture it in its calculations.

When the modern political paradigm finds in the “people” the source of political legitimacy it invests life with the principle of sovereignty and makes of life itself the place of sovereign decision. This is reflected in the structure of the nation-state, which is based on the congruity of three elements: political order, territory, and birth. It is also apparent in the current crisis of this system, which seems unable to produce a stable political order. In fact, the bio-political vocation of the modern nation-state constantly undermines the possibility of a structural or contingent stability because of its need to define a population so that it may take charge of it and, thus, both establish and guarantee its own legitimacy. The sign of this crisis is the frequent surfacing of the state of exception which finds a physical localization in the concentration camp. The camp is thus more than the space in which, as Benjamin feared, the human being is *said* to coincide with his or her bodily condition. It is the bio-political space in which the human being is *made* to

coincide with it.

Uncomfortable closeness

The pressure toward the biological pole of the bio-political relation comes across in memoirs and testimonies as an unfamiliar closeness to an aggressive natural environment. The geographical location of the camps in remote areas where weather tended toward extremes of heat and cold may explain the references to harsh environmental conditions as realistic descriptions of the surroundings. Take, for instance, Monica Sone's description of Minidoka in the Summer:

The almighty sun was king here, its pressure overwhelming, overpowering. The sun beat down from above and caught us on the chin from below, bouncing off the hard-baked earth, and brown-ing us to such a fine slow turn that I felt like a walking Southern fried chicken. The sun dried our laundered sheets into stiff bill-boards, and our dresses hung like paper-doll cutouts on the line.

When September came we slowly emerged from our stupor. The sun no longer stabbed the back of our necks and we walked up-right again. Now when I awoke in the mornings the air felt cool and crisp (Sone, 1993, 194).

Note the emphasis on an antagonistic relation with nature. As the latter grows in the magnitude of its effects on the internee, the human being seems to diminish into a state of passive responsiveness. Miné Okubo, for instance, describes the journey to the camp as a long, nightmarishly, and blind train ride which consigned her and her fellow-travelers to a "shiftless existence."

Forced idleness, she adds, made the internees restless, perennially weary, and desirous to divert their minds from their predicament through games, sports, or “just staring up at the sky” (Okubo, 1983, 95). In this regime, leisurely activities fail to provide the expected release so that the limited purpose of sports is equated with the purposelessness of staring at distant object with which one can establish no relation. Leisure is no longer an opportunity for a quiet and personal examination of the self, the world, and the self as an active and ethical entity in that world. When agency is drastically limited, the opportunity leisure offers for philosophical inquiry, contemplation, or hedonism, simply disappears. Leisure becomes a curse. Yosh Kuromiya, for instance, tried to keep himself occupied with watercolor painting, but realized that he was unable to complete a single picture: “There was always this big question mark. Who are we? What are we doing here? I shouldn’t be out here painting pretty pictures” (Inada, 2000, 116). What is terribly ironic about Kuromiya’s inability to finish his paintings is that the act of leaving them incomplete, which, he imagines, could have been “unconsciously deliberate,” is a successful artistic expression of a condition so peculiar that questions which seem to inquire about ultimate reality—who we are and what we are doing here—can only refer, in fact, to the immediate reality of the camp which defines the “who” by the “where.”

The vocabulary used in these descriptions—shiftlessness, idleness, and stupor—suggests that natural conditions affect the inhabitant of the camp adversely with greater intensity than they do an individual that is well in-

tegrated in a network of social and political relations. Since this network represents a collective response to the environment, and the presence of the sovereign represents the structuring and organizational principle of that response, we experience the natural world primarily through a social filter. Not, that is, as isolated individuals, but as members of a “civilization” that is the product of our collective technical action. Sigmund Freud argued that the “principal task of civilization, its actual *raison d'être*, is to defend us against nature (Freud, 1989, 19). In the American camps, civilization seems to underperform in this essential task in spite of the fact that basic shelter, food, and care are provided. The key, here, is that life in the camp is greatly restrictive in comparison with the internee's previous life, especially in the limitation of movement and agency. Movement is objectively restricted by the fence and the guards that prevent individuals from reacting to disagreeable natural (but also social) conditions by simply leaving. Agency is equally impeded by a more or less thorough imposition of an external will within physical confines that afford little private space where to take refuge. When combined, these two effects of the internment turn the camp into the sole existential reality available to the internees. In this reality, which, we should never forget, is manufactured politically by the unchecked agency of the sovereign, nature as necessity invades the space of human subjectivity. This is immediately apparent to Amy Akiyama's mother, who, upon arriving at Topaz, Utah, breaks into tears as soon as she meets the old inmates. As she explains to her daughter, “All those people meeting us, their hair is all

white from the dust.” Amy Akiyama draws the necessary generalizations for us: “Everyone would become white” (Levine, 1995, 50).

The thin layer of dust covering all signals the danger of a transfiguration into creatures of necessity whose existence revolves around the fulfillment of basic needs. It signifies the passage of the internees from an “environment” upon which they are able to intervene, to a “habitat” by which they are determined. Compared to the subjective universe outside the fences, the one inside is greatly impoverished resulting in a reduction of the depth and range of human subjectivity.³⁰

If the former is open to possibility and contingency, the latter is characterized by impossibility and necessity. For Giorgio Agamben, “possibility” and “contingency” are the operators of subjectification and they are realized respectively in the self’s “being able to be” and “being able not to be.” This pair is mirrored and negated in “impossibility” and “necessity” as the operators of desubjectification which restrict the self in, respectively, “not (being able to be)” and “not (being able not to be)” (Agamben, 2002, 146–148).

The subject is negotiated at the point of intersection of these currents, be-

³⁰Early nineteenth-century zoologist Jakob von Uexküll, cited by Agamben in his book *The Open: Man and Animal*, developed a theory of meaning according to which living organisms exist in unique and complete subjective universes that are constructed on the basis of the insight provided by receptor organs and effective organs locked in a functional cycle. It follows that there are as many subjective universes as there are subjects perceiving them, and that they are of greater or lesser complexity depending on the complexity of the organism. Objects populate these universes, richly or sparsely, as meaning carriers: “Everything that falls under the spell of an Umwelt (subjective universe) is altered and reshaped until it has become a useful meaning-carrier; otherwise it is totally neglected. [...] The contents of the meaning-carriers are different in the various Umwelts, although they remain identical in their structures (von Uexküll, 1982, 31).

tween power and impotence, and produced as autonomous self in relation to a contingency. Subjectivity is the field of battle on which a decision is made on the human and the inhuman.

Seiichi Higashide experiences the desubjectifying effects of the passage from world to habitat during his imprisonment in Crystal City, Texas. To him, this camp appeared, at times, as a strange utopia, able to sustain life adequately for the entire arch of human existence, “from cradle to grave.” All the material necessities, from food to shelter, were provided. At the same time, the structure was clearly incapable of providing external confirmation for any meaningful form of social subjectivity. In this context Higashide begins to see “free time” as a burden which is more exhausting to bear than any physically demanding, yet “productive work” (Higashide, 2000, 167–169).

Work in itself may provide a momentary distraction from the dreary routine of senseless regimentation, but it does not constitute, in and of itself, a mode of resistance to the desubjectifying force of the camp. The emancipation of the human being from both the elementary force of nature—the realm in which the human animal labors to sustain biological life—and from the “utilitarian instrumentalism of fabrication and usage” that defines “work,” requires “action.” Hannah Arendt defines action as the only activity that “corresponds to the human condition of plurality” and is, thus, “*the condition of political life*” (Arendt, 1958, 7).³¹ The political relevance of human

³¹In *The Human Condition* Arendt differentiates between otherness and distinctness. Otherness indicates the phenomenological alterity that separates things from one another,

action, however, depends on its being recognized by a sovereign power vested in an institutional, traditional, charismatic, or social authority with which the individual desires a meaningful relation. When no such validation is forthcoming, or when recognition is revoked, the political poverty of the modern world, which recognizes only one viable sovereign subjectivity in the nation-state, seems to preclude alternative forms of identification.

Let your word be ‘Yes, Yes’ or ‘No, No’

For Japanese Americans, the passage between a contingent world, richly populated with meaning carriers (things natural and social) to a habitat in which life is hemmed in by necessity, is governed by the political operator of national loyalty. Exclusion from the political entity of the nation is therefore always associated with denationalization, either as an antecedent by which legal barriers to special treatment are removed, or as the factual consequence of a ban. In 1941, the Japanese American community was peculiarly comprised by a first generation that was still legally affiliated to the country of origin while being legally excluded from citizenship in the country of residence, and a second generation that held American citizenship by *jus soli*.

while distinctness separates living beings from one another. The unique distinctness of man is revealed in speech and action, both of which are social activities: “Human plurality, the basic condition of both action and speech, has the twofold character of equality and distinction. If men were not equal, they could neither understand each other and those who came before them nor plan for the future and foresee the needs of those who will come after them. If men were not distinct, each human being distinguished from any other who is, was, or will ever be, they would need neither speech nor action to make themselves understood. Signs and sounds to communicate immediate, identical needs and wants would be enough” (Arendt, 1958, 176).

Any attempt, genuine or disingenuous, to clarify the position of the Nisei would strain tremendously family relations.

When the clarification is expected to follow the logic of the nationality principle, which holds that political organization into sovereign state-entities is the expression of the naturalized nation's longing for self-determination, the effect on the family unit (or any other form of affiliation not based on the nation) will be centrifugal. If we take the center to be the organic community in which the individual is first socialized and toward which he or she feels a primary attachment—in this case the Japanese American family situated within the Japanese American community—it is clear that the spin of the loyalty apparatus will, much like a washing-machine, hurl the Nisei toward the wall of the national drum while their Issei parents are held at the hub by their legal affiliation with Japan. Note that in a world-system of nation-states only national identity, represented in the analogy by the drum walls, prevents one from being lost in the empty space of political irrelevance.

John Okada explores how the disruptive effects of the loyalty apparatus extend beyond the internment and into the civil life of former internees. His novel *No-No Boy* is set in the aftermath of the evacuation and examines the emotional consequences of internment on familial ties between Issei and Nisei. The novel was originally published in 1957, but was not embraced by the Japanese-American community until its second publication in 1976. Delayed acceptance can be attributed to Okada's controversial choice to place at the center of the story Ichiro Yamada, a Nisei eligible for the draft who

refused to join the military out of a sense of filial piety. For a majority of the Nisei, who viewed military service as the opportunity to prove their loyalty to the United States, the protagonist of *No-No Boy* represents an unacceptable breach of decorum. This violation is certified in Ichiro's negative answers to questions 27 and 28 of the ill-fated loyalty questionnaire that the military authority circulated among the internees in February, 1943. Question 27 asked whether he would be willing to serve in the armed forces of the United States, while 28 demanded that he forswear any form of allegiance to the Japanese Emperor.

After his release from prison, Ichiro reenters American society beset with doubts and regrets. He also bears the stigma of the disloyal citizen, which makes him unwelcome in his own immigrant community. Ichiro thus suffers a multiple loss of identity, or a loss on many levels: as an American citizen, as a son of Japanese immigrants, and as a member of a specific, localized community.³² In this he is not alone. Okada's characters have to negotiate a political condition that makes the inherent virtue of any choice dubious, and the efficacy of all strategies of national affiliation a gamble. The expe-

³²Some interpretations of this novel focus on Ichiro's initial alienation and eventual success or failure in confronting and resolving his predicament. This approach, however, personalizes the struggle at the heart of the novel in a way that reduces the other characters to allegorical representations of the options available to the protagonist in the reconstruction of a coherent self. See Gayle K. Fujita Sato, "Momotaro's Exile: John Okada's *No-No Boy*" (Sato, 1992) and Dorothy Ritsuko McDonald, "After Imprisonment: Ichiro's Search for Redemption in *No-No Boy*" (McDonald, 1999). Other readings emphasize Okada's dissatisfaction with the binary opposition of American and Japanese that forces the Nisei to choose between alternatives that are tragically irreconcilable with their experience. See the articles by David Palumbo-Liu and Lawson Fusao Inada. And, more recently, Bryn Gribben (Gribben, 2003) for a psychoanalytical reading.

rience of the camps revealed to them a fundamental fracture in the relation between biological being and nation. What does it mean to be or become a natural citizen of a modern nation state? For the Nisei, who were caught in the ideological crossfire of Japanese and American nationalism, no clear answer was forthcoming. This left them with two options: super-patriotism, which required a yes-yes answer to the loyalty questions, or resistance, which required a no-no answer. In Okada's novel the main character, Ichiro, and his friend and counterpart, Kenji, make distinct choices at this crucial moment, but their relationship suggests that there was no *right* choice to be made. This defies nationalist mentality, which would rather have the proverbial Solomonic judgment over the contested child carried out than admit the permeability and indistinctness of borders.

Ichiro's return to the family in the opening chapters is marked from the very beginning by palpable tensions. The father, who has taken refuge from historical contingency and familial problems in heavy drinking, is simply happy to have his son back, and that Ichiro's ordeal with the authorities is finally over. Yet, in the exchange between father and son as they are reunited, it immediately transpires that the former has renounced his traditional parental prerogatives, and thus accepts passively the son's overt show of contempt. The mother, on the other hand, seems to have hardened during Ichiro's time in jail, and the two are incapable of re-establishing an emotional bond. Rather, she appears as an icon of Japanese nationhood, and greets her

son expressing not happiness for his release, but pride in his refusal to enlist.³³ Clearly, she interprets his decision as an unambiguous demonstration of loyalty to her own home country (Okada, 1977, 11). The marker of her symbolic function in the story is her precipitating insanity which becomes first apparent as she reads to her son a propaganda letter announcing the imminent Japanese victory and the coming rewards for all loyal citizens abroad. The mother's ultra-nationalist attitude instigates Ichiro's antagonism and brings her character close to a rather simple allegory. Even in her extremism, Mrs. Yamada still remains the credible portrait of an Issei woman whose whole life has been completely dedicated to the physical and emotional well-being of her family.³⁴ The traditional social role of a Japanese mother was to impress core values into her offspring. In modern Japan, this role was easily adapted in function of national identity, which became the main value to transmit. Since Mrs Yamada had been barred from naturalization in the United States

³³An important part of the traditional value system that Japanese immigrants brought with them, was the central role played by mothers in child rearing, which was reinforced in the diaspora. Ethnographer Susan Matoba Adler remarks that, before *and* after immigration, Japanese mothers were traditional carriers of culture, and that they were particularly protective of their offspring (Adler, 1998). This relation of dependency, described by the Japanese word *amae* ("indulgent love") entailed not only protection, but also high expectations for the child's social success. As is the case in many patriarchal societies, women, restricted to their role as wives and mothers, would often seek fulfillment vicariously, through their male offspring especially. This aspect of Japanese immigrant culture reflects on John Okada's novel because of the protagonist's relation with his mother, because of her influence on his political choices during the internment, and because of her commitment and symbolic association with Japanese national identity.

³⁴Gayle Fujita Sato interprets Mrs. Yamada as a function of Okada's rendition of the legend of Momotaro, and reads her gradual physical and emotional "drying up" as lack of mothering qualities (Sato, 1992). Lawstone Fusao Inada sees her in the role of the domineering mother (Inada, 1982).

she was unable to perform the same function for American national identity. Her only option was to cling (or return) to a Japanese nationalism that is emotionally damaging because the war makes it incongruous with her immigrant condition. The fanaticism she displays at the beginning of the novel stems from her desperate effort to cling to the fictitious identity of nativity and nation. When she is reunited with Ichiro she clearly subordinates the biological link between mother and son to the mediation of the national narrative. Her first words are: “I am proud to call you my son” (Okada, 1977, 11). She sees her mothering role as a function of nationality and defines the mother-son relationship as elective rather than factual. The allegory of the nation as mother usurps the role of the biological mother, transfiguring all children into adoptive sons and daughters whose status is, however, always subject to recall. Nevertheless, it is not until one’s loyalty is questioned that the ideological link with the national body is denaturalized, revealing the horrific isolation of the disowned citizen-subject, not only from the nation but also from his or her biological parents. When we speak of national affiliation we must remember that the term’s etymological origin in the latin “*af-filiare*”—to adopt.

In the end, Mrs. Yamada struggles to reconcile biological and political reality and stubbornly refuses to acknowledge the defeat of her country. She accepts it only after receiving a letter from her sister in Japan, asking for help. This letter is only one of many previously unsuccessful attempts to contact the Yamadas in America. The sister was able to see that her sibling’s

silence could be attributed to the suspicion that the appeal for help could be a fabrication of American propaganda. In order to break through the delusions to which Mrs Yamada desperately clings, the sister addresses her with a childhood nickname, Kin-chan. She also tries to evokes the shared memory of Mrs Yamada's near-drowning in a river close to the family home. This memory, so private and intimate, successfully re-establishes an emotional connection between the sisters. At the same time, the reference to drowning substantiates a biological body at the moment of its invasion by a foreign and deadly substance. This experience cannot be subsumed by the narrative of national identification, for, on the verge of irreparable loss, the autonomous self truly and tragically *owns* the body. The nationalized self, however, *owes* that body to the nation. Thus, this unstable resurgence of Kin-chan's body, bespeaking a truth beyond national identity which Mrs. Yamada finds deeply troubling, must be resolved at all costs. In her madness, she becomes that child again, struggling with the current, and is thereafter constantly accompanied by images of water and drenching leading to her self-inflicted death by drowning.

Ichiro's development mirrors and inverts that of the mother. It begins in confusion and it ends in a partial resolution, although it is not his relation with the nation that is resolved, but his relation with his parents. Recovery thus begins when he realizes that he cannot ignore their national affiliation with Japan, just like, in turn, their relation with him must incorporate any sentiments that he might have for his native country. In this tug of war be-

tween mutually exclusive principles of nationality, familial ties are lacerated in ways that drive the father to alcoholism, the mother to insanity, and Ichiro to self-loathing. The fourth member of the household, Ichiro's brother Taro, is not exempt. He expresses his radical choice by disowning the biological tie with his "no-no boy" brother. In a scene of brotherly betrayal, Taro lures him outside a bar and into an ambush by angry and resentful Nisei youths, who clearly attribute their marginalization to the twofold refusal Ichiro represents: refusal to serve the nation in arms, and to make an unequivocal choice of nationality. Ironically, this is also the order of the loyalty questions, 27 and 28, suggesting that a state of militant vigilance, if not outright belligerence, is always at the heart of national identification.

The relationship with the mother is the subject of a long interior monologue in which Ichiro ponders the consequences of the modern expectation that the self be congruous with the nation. In his experience, multiple affiliations result in the fragmentation of the self rather than its enhancement. The dominant semantic operator in this passage is the word "half" which denotes a split between American and Japanese. Ichiro begins with a reference to early childhood, when the exclusive relation with the mother enabled him to feel wholly Japanese. She transmitted that identity to him through the mythic tale of Momotaro.³⁵ This Japanese folk-tale is the story of an elderly couple that recovers a giant peach floating down the river and finds a child

³⁵For an English translation of this Japanese folk tale see Linda Shute, *Momotaro, the Peach Boy* (Shute, 1986).

inside. Not having any children of their own, the couple adopts the foundling. The latter grows strong and brave and he eventually performs a great service for them and the village in which they live when he challenges and defeats the ogres that tyrannize it. The story of Momotaro, which Japanese children would hear in the home and at school, establishes the proper relation between the individual and the nation as a debt of the former for the identity that the latter provides.³⁶ As if to confirm that membership in the political community is not a necessarily consequence of biological birth but must receive tacit or explicit validation, the paradigmatic relation illustrated in Momotaro comes into being through adoption. Superficially, the lesson of Momotaro is the decorum of duty. From a bio-political standpoint, the true lesson is that although we assume that membership in the political community is granted at birth, it remains provisional and can be withdrawn by sovereign ban.

Throughout Ichiro's childhood Mrs Yamada is "mother" both in the biological and the political sense. Ichiro cannot yet perceive the contradictions of his multiple identity, and how the ideological implication of mothering in the production of the citizen-subject both in Japan and in America will bring those contradictions to a head. Thus, he still remembers his mother smiling "a mother's smile" (Okada, 1977, 11). Only later, with the added pressure of the war and of the evacuation, Ichiro the Nisei realizes that his

³⁶Gayle Fujita Sato points out the pre-modern origin of the story and its links to the Japanese Confucian family tradition, in which children owe a debt for their identity and existence to parents, country, and culture (Sato, 1992, 242–243). Modern Japan redirected this narrative to nationalist ends.

parents cannot mediate his national affiliation with America. At the same time, he is not allowed to distinguish his parents and their nationality. He is not permitted to distance himself from the latter without also giving up the former. Ichiro is therefore trapped between conflicting claims that he expresses as follows:

I was that boy in the peach and you were the old woman and we were Japanese with Japanese feelings and Japanese pride and Japanese thoughts because it was all right then to be Japanese and feel and think all the things that Japanese do even if we lived in America. Then came a time when I was only *half* Japanese because one is not born in America and raised in America and taught in America and one does not speak and swear and drink and smoke and play and fight and see and hear in America among Americans in American streets and houses without becoming American and loving it. But I did not love enough, for you were still *half* my mother and I was thereby still *half* Japanese and when the war came and they told me to fight for America, I was not strong enough to fight you and I was not strong enough to fight the bitterness which made the *half* of me which was you bigger than the *half* of me which was America and really the whole of me that I could not see or feel. Now that I know the truth when it is too late and the *half* of me which was you is no longer there, I am only *half* of me and the *half* that remains is American by law because the government was wise and strong enough to know why it was that I could not fight for America and did not strip me of my birthright. But it is not enough to be American only in the eyes of the law and it is not enough to be only *half* an American and know that it is an empty *half*. I am not your son and I am not Japanese and I am not American (Okada, 1977, 15–16. My emphasis.).

The incessant repetition of the word “half” underscores the absurdity of a system that parcels human beings astride national categories into di-

minishing halves to make them fit the absolute distinction between inside and outside (Schmitt's friend/enemy distinction) represented by the sharply drawn border of the nation-state. This passage also contains, in embryo, Ichiro's formidable insight into the ideological nature of national identity, which he defines tentatively as empty. True, here he refers to an internalized emptiness that he attributes to himself. By the end of the novel he will externalize, identify, and expose this absence as the ideological pivot on which turns the nationality principle. At this point, however, he is still beset with doubt and regret.

Even at this stage, Ichiro senses that his divided identity is the product of conflicts between countries that, in their efforts to constitute or confirm their sovereignty, "kill and hate and destroy but not enough" to end all wars by eliminating all difference. This invocation of an impossible *final solution* to human conflict only underscores that there is none. It also intimates that the friend/enemy distinction is a constitutive element of national identity that the individual is pressured to internalize.

Ichiro and his family are the victims of a systemic violence that leaves no visible wounds. The bearer of wounds is Ichiro's friend, Kenji, a Nisei who had answered yes-yes to the fateful questionnaire, gone to war for his country, and returned home mutilated by the loss of a leg. In Okada's vision, Kenji's patriotic choice does not preclude friendship with a "no-no boy." After all, he and Ichiro share the same existential anguish. The veteran's condition acquires even greater dramatic relevance when we find out that an

unseen gangrene eats away at the stump that ideally represents a badge of loyalty. Ichiro himself believes the physical wound has the power to bestow the privilege of pride in American citizenship. He even tells his friend that he would gladly trade places. Veteran status gives one the right to hope, live, laugh, and, most importantly, fill the emptiness of nationality alluded to in Ichiro's Momotaro monologue with a substance the "no-no boy" can neither find for himself nor define outside the binary logic of the questionnaire. Kenji does not argue against this view, but one of the reasons for their closeness is that he, too, feels far from safe in his national affiliation. His loyalty is subject to endless questioning and he is quickly tagged as a "*Jap*" or a "*Jap lover*" because of their friendship by resentful Nisei, too young to have fought in the war, but old enough to remember "no-no boys" and blame them for the marginalization of Japanese-Americans.

Kenji and Ichiro represent the two poles of the Nisei response to the demands of national identification as they are redefined under the twofold stress of wartime and evacuation. In the binary logic of national affiliation they represent irreconcilable choices: a pro-Japan and pro-America. In the opening scene Okada introduces his main character in opposition to the patriotic choice. Just out of prison, Ichiro meets his friend Eto in Seattle. As soon as Eto realizes that Ichiro is a "no-no boy" the friendliness turns to contempt and a confrontation ensues. Except for Kenji, Ichiro can socialize only with other "no-no boys" like himself. Their friendship is therefore an open challenge to such polarizations, and an indication that they share the

same emotional distress. Also, the family dynamics are interestingly specular. Kenji's decision to enlist had significant repercussions on the relation with his widower father. In their case, however, the result is not the dissolution of family ties. Unlike Ichiro's mother, Kenji's father is able to dissociate his parenting role from his national identity. He is able to understand his son's need to play along with the demands of nationality and, volunteering, demonstrate that he, a Japanese son of Japanese parents, was not Japanese (Okada, 1977, 120–121).

The absence of ethnic signifiers in Kenji's house and in his family's life-style is a sign of successful acculturation that counterpoints the ethnic markers displayed in Ichiro's home. Mrs. Yamada clings desperately to the hope of return. Conversely, Kenji's father reviews, in his thoughts, the process that led him to discard this possibility. At some point, he says, he realized that America had become his children's home, and that, through them, he himself had developed an attachment to it. Thus, he faded into the background of his son's life until wartime foregrounded him again as proof of the second generation's secret otherness. The father remembers clearly the painful lecture the Issei were given in the camps by a young Nisei sociologist who was trying to find sociological solutions to a political predicament created by sovereign power. Since he is unable to question sovereign decision, or even see its arbitrariness, he can only blame the Issei for their failure to assimilate:

“How many of you are able to sit down with your own sons and own daughters and enjoy the companionship of conversation? How many, I ask? If I were to say none of you, I would not be far from the truth.” He paused, for the grumbling was swollen with anger and indignation, and continued in a loud, shouting voice before it could engulf him: “You are not displeased because of what I said but because I have hit upon the truth. And I know it to be true because I am a Nisei and you old ones are like my own father and mother. *If we are children of America and not the sons and daughters of our parents, it is because you have failed.* It is because you have been stupid enough to think that growing rice in muddy fields is the same as growing a giant fir tree. Change, now, if you can, even if it may be too late, and become companions to your children. This is America, where you have lived and worked and suffered for thirty and forty years. This is not Japan. I will tell you what it is like to be an American boy or girl. I will tell you what the relationship between parents and children is in an American family. As I speak, compare what I say with your own families” (Okada, 1977, 124–125. My emphasis.).

This tirade blames the Issei entirely for a marginalization that has been legislated into American immigration laws, and for a system in which ethnic identities become national concerns and are reduced to binary oppositions. The biological link between parents and offspring is thus invested with such significance for the formation of national identity that no incongruity is tolerated. The only acceptable alternatives seem to be either American son of American parents, or Japanese son of Japanese parents.

Kenji is very much aware of the implications of national antagonism. Ichiro’s grievance, early in the novel, that conflicts between nations never achieve total resolution, and the veteran’s mutilated body, which is a remain that he refuses to conceptualize as patriotic sacrifice, are an implicit critique

of the conflation of citizenship and nationality. In a toast, Kenji wishes for the dissolution of ethnic, religious, racial, and national groups into “people.” He intends it as an open category, and not as the monistic entity that the modern nation-state projects it into historical past and retroactively invests with constitutive power in a myth of origin:

“Have a drink for me. Drink to wherever it is I’m headed, and don’t let there be any Japs or Chinks or Jews or Poles or Niggers or Frenchies, but only people. I think about that too. I think about that most of all. You know why?” (Okada, 1977, 165)

Kenji is able to find a reason for wishing away all difference in the wartime murder of a German soldier that he committed in the service of his Nation. This particular German he had killed stands out in memory because he was able to witness the consequence of pulling the trigger, seeing the man’s body roll off a roof. Most importantly, he intuits that this violence upon the enemy would have to be repeated endlessly as an affirmation of the enemy’s otherness. Thus, a re-humanization of the enemy that turns him, also, into just “people” blurs the absolute boundary that the uniform, the flag, and war had established, and has a chance to disrupt, in Kenji’s perception, the ideological cohesion of one form of identity over another. That this is more than idle talk for the veteran is clear from his final arrangements. Persuaded that creating ethnic communities creates boundaries, he asks his family not to bury him in the Japanese section of the Washelli graveyard in Seattle, so that he can get started right in the “next place.”

For both Kenji and Ichiro, family influence is paramount in determining their conduct during the confusing and difficult days of the evacuation. Ichiro's family—represented primarily by the mother—is unable to let go of the cultural and emotional link with Japan. Kenji's family, on the other hand—represented by the father—appears to have embraced America. This is a simplistic rationalization.³⁷ Okada does not separate the issue of divided loyalties within the Japanese-American community from the evacuation and internment as an unequivocal sign of wholesale rejection in America. After all, the restrictive measures to which Issei and Nisei were subjected, precede and force a choice of sides framed in the bureaucratically intelligible format of the questionnaire.³⁸ No doubt, Kenji made a different choice out of a sense of loyalty towards the country of his birth, while his father's decision not to oppose him allowed him to maintain a vital connection with the family as a refuge from the demands and inconsistencies of nationality. This is a luxury

³⁷Gayle K. Fujita Sato maintains that “the framework presented in the novel for resolving this [generational] gap [between Japan-oriented immigrant parents and American-born children] is two kinds of families, one reproduces ‘Japanese’ children and the other produces ‘Americans’.” (Sato, 1992, 248) Fujita Sato uses the term “reproduction” to describe the attempt to preserve Japanese identity in the United States, and the term “production” to identify the process by which immigrant groups become integrated. While the former process is implicitly defined as static repetition, the latter is characterized by the dynamism of output and transformation, very much in keeping with an assimilationist model of American society. In fact, it was the evacuation that *dynamically* excluded Japanese immigrants and their descendants from the *static* reproduction of American national identity.

³⁸The loyalty of the Issei and Nisei was officially investigated, upon presidential order and before the attack on Pearl Harbor, by Special Representative of the State Department Curtis B. Munson. Munson availed himself of the cooperation of the Naval and Army Intelligence, as well as the FBI. His report to the president makes it clear that there were no reasons to doubt the loyalty of Issei and Nisei, and that no protective measure against sabotage was necessary beyond guarding sensitive areas (Weglyn, 1976, 33–54).

that Ichiro would not have. Nationality made of Ichiro something less than a man by splitting his sense of self in two irreconcilable halves and alienating him from his biological parents. Similarly, nationality has turned Kenji into half a man—his own definition—by mutilating him physically. Their closeness can therefore be explained by a shared sense of lost wholeness, rather than mere compassion for one another’s disability.

In *No-No Boy*, social disability is produced by a dislocation in the biopolitical identity of birth and nation. In the Japanese-American community such dislocations happened regardless of positive or negative answers to the infamous questionnaire. Neither service in the armed forces nor refusal to serve could shield Kenji, Ichiro, and their families, from the consequences of representing a challenge to naturalized national identification. After his mother’s death, Ichiro observes his father packing supplies to be sent to their relatives in Japan. The father is finally free to act sensibly, without hurting his delusional spouse, and, the narrator tells us, Ichiro is able to see his strength as a man of “natural feelings” who expresses his existential relation to life in his appreciation of seasonal cycles. The mother, on the other hand, had “tried to live her life and theirs according to manufactured feelings” (Okada, 1977, 212–213). With this phrase Okada circumscribes brilliantly the ideological nature of nationalism.³⁹

³⁹For Terry Eagleton, “ideology is not primarily a matter of ‘ideas’: it is a structure which imposes itself upon us without necessarily having to pass through consciousness at all. Viewed psychologically it is less a system of articulated doctrines than a set of images, symbols and occasionally concepts which we ‘live’ at an unconscious level” (Eagleton, 1999, 218–219). In Mrs Yamada we can see how the internment was able to bring these

John Okada shows that the evacuation and the war created the conditions that forced Issei and Nisei to become forcefully aware of processes that must remain unseen in order to provide a viable fiction of national identification. In Ichiro, this awareness causes alienation from society and family, in Kenji it turns into a desire for the disappearance of ethnic distinctiveness, it becomes madness for Mrs. Yamada and drives her husband to seek refuge in the stupor of alcohol. No Issei or Nisei character in Okada's novel is spared the psychological stress of confronting one's vulnerability and impotence vis-à-vis the processes that claim or reject our allegiance. Sometimes, as is the case with Ichiro and Kenji, this state of mind is sustained long enough to make the unfortunate initiate truly appreciate the terrible void behind the more conceptual and generic forms of identity.

When we meet Ichiro at the beginning of the novel he is still unable to separate his alienation from a sense of personal failure. His torment and his anguish are twofold, stemming from a failure to be American—signified by his “no-no” answer to the questionnaire—and a failure to be Japanese—articulated in his inability to follow his mother in her unwavering nationalism. In the monologue in which he identifies his American half as an empty one he also realizes that legal citizenship does not guarantee full participation in the national body. Later on, the narrator articulates more clearly Ichiro's sentiments with the wonderful metaphor of the “slide rule.” This crucial pas-

unconscious images, symbols, and concepts under the harsh spotlight of consciousness producing the devastating effects recorded in memoirs and testimonies.

sage begins with a description of Ichiro's feelings as he walks across campus to an engineering class. The slide rule he carries, which he call a "sword of learning," is both the symbol of his American education and identity, and the weapon with which brave Momotaro defended his village (Okada, 1977, 53). As the symbol of a composite identity, it indicates that, at that particular moment, his love for his family and his country (or, more appropriately, *countries*) were not mutually contradictory. But when war, discrimination, and nationalism made them so, he could find no reason to fight for America.

In his words:

But I did not remember or I could not remember because, when one is born in America and learning to love it more and more every day without thinking it, it is not an easy thing to discover suddenly that being American is a terribly incomplete thing if one's face is not white and one's parents are Japanese of the country Japan which attacked America. It is like being pulled asunder by a whirling tornado and one does not think of a slide rule though that may be the thing which will save one (Okada, 1977, 53-54).

At this point Ichiro still sees his predicament as a consequence of a personal failure. He compares his "no-no" answer to the apparently rewarding choice of those other Nisei who, instead, affirmed their loyalty by volunteering, as was right, and just, and pious, and expected. In the passage above, however, he seems to intuit that being forced to think rationally one's national identification provokes a rupture in the ideological veil that engulfs it. His friendship with Kenji leads him to the realization that the patriotic

choice also fails to restore assurance in one's place in America. Slowly, he realizes that the number of outcasts includes other people beside himself, like Kenji, the Nisei who antagonize and beat him early in the novel, the African-American youths that insult him in the street, a white employer who expresses his sympathy and sense of personal guilt for the internment, and so forth. This interminable list leads Ichiro to conclude that "maybe there is no in":

Maybe the whole damned country is pushing and shoving and screaming to get into someplace that doesn't exist, because they don't know that the outside could be the inside if only they would stop all this pushing and shoving and screaming, and they haven't got enough sense to realize that (Okada, 1977, 160).

But this answer is also unsatisfactory, for it fails to account for Kenji's imminent death, his mother's madness and suicide, or the compassion and affection that Emy, a young Nisei, shows him. Each in its own tragic way, madness, death, and intimacy escape, by exceeding them, the bio-political structures that constrain humanity within the compass of the nation. The far from obvious conclusion to which Okada leads his protagonist is that, at the moment of birth, we become hostages of culture, nationality, and identity, and that within these constraints the smallest of signs, an apostrophe, can determine a person's life by distinguishing the Japanese "Ohara" from the Irish "O'Hara." Ichiro describes that apostrophe with words that also fit the bio-political relation as "the slippery, bald-headed pivot on which man hung,

unborn and unnamed until suddenly he found himself squirming on one side or the other” (Okada, 1977, 228).

Only, the issue is political and not cultural. The human being that squirms between different political subjectivities and different fates does not appear at birth, as a rule. It can be produced at any moment and as soon as sovereign power decides to capture naked life as its own opposite in the relation of exception represented by the ban. The ability to chose presumes that a choice is offered. The state of exception, which modernity localizes in the concentration camp, presents no real alternative to the mundanity of acceptance except for the extreme of banishment. Existentially, Ichiro might be right. Maybe there is no in. There is only a middle without glamour, which modernity conceptualizes as national identity, fixated in the legal institute of citizenship. Then there are the two exotic extremes: the sovereign and the naked life of the *homo sacer*. Politically, though, the question of inside and outside may very well be the only one that truly matters. In a world of nation-states, however, the question is in fact rhetorical and an answer is given for us *a priori*. Matthew 5:37 says: “Let your word be ‘Yes, Yes’ or ‘No, No’; anything more than this comes from the evil one” (Metzger and Murphy, 1991). According to this maxim, the devil is in the complexity of the answer, because it confounds the simplicity of the truth. Pace Matthew 5:37, the internment and the loyalty questionnaire that tried clumsily to sort it out demonstrate that evil lies in the insincerity of the question. The answer can only be a forthright “yes” or “no” if one ceases to care about

consequences for oneself and others, and if one ceases to care for what kind of social and political world is produced, precisely, when that question is asked and answered.

Chapter 5

Conclusion

... a child is born a subject of no country or government.

John Locke, *Second Treatise*

The indiscriminate wartime internment of the Japanese American minority is a complex historical event that has been researched extensively but remains a generous source of valuable insight into the nature and functioning of political power. Its significance is not limited to the United States, nor is it limited to the Second World War era. The internment transcends both time and space in at least two ways: the memory and memoirs of former internees, who are unable and unwilling to forget their experience, and who find it still relevant in today's political climate, and the alarming isomorphism of the euphemistically called "relocation centers" with the bio-political space of the concentration camp. In the preceding chapters, I have tried to underscore the general significance of this particular event as a sign and a product of the crisis of Western politics. I have relied on thinkers that have devoted their energies to uncovering this crisis and to warning us of the inadequacy of our responses. The most relevant among them are Carl Schmitt, Hannah Arendt, and, in recent years, Giorgio Agamben. In order to support my thesis it was necessary to cast a wide net that would include in the discussion the formation of modern national identities and the modern nation-state, the assumptions and expectations of nationalism, the organizational character of state power and its technical action, and modernity's tendency to force into the open the paradoxes of sovereignty.

I believe I have argued convincingly that the Japanese American intern-

ment should be understood in the larger context of the historical development of a world-system of nation states. The collective identities that this system produces are inherently antagonistic and they reflect two related but distinct sets of anxieties. The first set is related to the global competition for resources and markets between states ravenous for both since the industrial revolution. Colonialism, imperialism, and global capitalism, are some of the solutions that have been, and are being attempted. The second set regards the profound sense of vulnerability to arbitrary violence and dread of superfluity felt by the populations that constitute the industrial, bureaucratic, and military labor force of these states. It seems to me that modern nationalism is a unique response to the anxieties of these populations whose only comfort is the belief that they are the indispensable source of legitimacy of political power. I agree with John Breuilly that nationalism is primarily a form of politics whose ultimate aim is control of the state. I would add, however, that for the largest part of the population that control is vicarious at best and illusory at worst.

The most significant reward of affiliation to a modern state is, in concrete terms, access to a set of personal guarantees in the form of rights. In the course of my argument I have often remarked that I agree with Hannah Arendt, and, after her, Agamben, that these are identifiable with the rights of the citizen. They are guaranteed by the legal system in force and, ultimately, by the sovereign power that upholds that system. Human rights are, by comparison, much less concrete, for they are created in modern political and

legal theory by the rational application of the privileges of the citizen to humanity *in general*. While the relation between the state and the citizen is realized concretely in the interaction between a physical individual and a material state machinery, universal humanity exists only as an abstraction. The idea of human rights can only become effective in the world after it has been accepted as a guiding principle for the action and conduct of the state and its institutions. Unfortunately, the demand to make the rights of the citizen universal without further qualification would make the very concept of citizenship obsolete, and would thus, oddly enough, put the citizen and the human being in competition with one another over a privileged relation with sovereign power.

For the Japanese Americans in the concentration camps, both Issei and Nisei, the question of effective national affiliation is crucial. Expressions of American or Japanese patriotism, the appeals to the Spanish consul as representative of Japan's protecting power during the war, the attempts to challenge the evacuation in the courts by resisting the curfew, the evacuation, or the draft, all aimed at reestablishing a meaningful relation with sovereign power after the evacuation had relegated this minority to a position of political irrelevance which coincided with the state of exception.

The general indifference with which the Japanese American evacuation was accepted by the public, and the state administrative power's confidence that it would not elicit adverse responses of any significance, casts the internment itself as a token of the bond uniting nation and state in America.

To everyone but Japanese Americans, it proved that they still benefited from a privileged relation with state power as acknowledged members of the nation. This may also help understand the exemption of American citizens of German and Italian descent from any form of “protective custody,” (with the exception of individuals considered a security risk by the F.B.I. or by the military intelligence agencies) as well as the exemption of Japanese Americans in Hawaii where they represented a proportionally large part of the population.

If the question “Who is a citizen?” is a political question, and if Carl Schmitt is correct in placing the friend-enemy distinction at the heart of the political, then the two must be closely related. For Schmitt, enmity is not an existential condition in which the physical survival of one side depends on the destruction of the other, but both the premise and the product of the political. Thus, exclusion from citizenship would not necessarily transform the excluded into an enemy, but, since the friend-enemy distinction is also a distinction between inside and outside, it would certainly place him or her on the outside of that political community and in greater danger of arbitrary treatment.

Sovereign power, defined here (and identified) by its ability to distinguish, in critical times, between inside and outside, thus controls the category of citizenship, which mediates the relation between the individual and the state. The Japanese American case during World War II shows that national identity (the cultural equivalent of citizenship in the modern nation-state) is

neither exclusively biological (determined by birth into a particular group or ethnicity) nor exclusively legal, but bio-political. What this means is that, by relegating citizens to a state of exception (and, consecutively or concurrently, to the camp as space of the exception), the sovereign actually decides on the possibility or impossibility of national identification. By extension, this decision also affects the privileged relation with state power that comes with citizenship.

The inadequacy of legal citizenship in protecting the Nisei from the arbitrary power of the state suggests that the relation between sovereign power and the nation can bypass the law entirely. For this to happen the idea of the nation must first be naturalized through a nativist discourse that employs such slippery categories as race, ethnicity, stock, blood, or heritage (national culture), as a criterion of inclusion and to selectively exclude the undesirable. Once this view of the nation as a fundamental bio-political entity is disseminated and accepted as a viable ideology, then the denationalization and banishment of some can occur without constituting an obvious threat to the inclusion of most. By “viable ideology” I mean an explanation of the world that is able to firmly place the individual who adopts it in a meaningful relation with his or her circumstances. Unfortunately, the only explanations that transform both the good and the bad in human experience into a stable order are not rational or utilitarian, but moral, and they find expression through indignation and outrage rather than argument or calculation. In a way, nationalism is the morality of collective selfishness, and it finds in the

national state a much more responsive deity than in any other metaphysical equivalent.

If we try earnestly to resist the loyalty-driven logic of modern nationalism, then we can see that the main problem before us is that of violence and its limitation. The sovereign power of the state, which is first defined historically as a prohibition of interference in internal affairs, knows no limitation that can be codified in law. Since the sovereign guarantees the normal situation in which the law applies, sovereign power must be able to manipulate that situation at will. In concrete terms, this power is exercised as a temporary and circumscribed suspension of the law when an exception is decided. When this occurs, all safeguards against institutional violence are removed, starting with the only legal institution that protects the individual in concrete terms: *habeas corpus*. It is not surprising that the only moderately successful legal challenge to the evacuation, *Ex Parte Endo*, focused on this particular institute that was not legally suspended but was simply ignored.

The work of Carl Schmitt on the relation between the political and law shows that the modern world confronted the problem of the limitation of violence in the realm of international relations first. This required a shift from the medieval justification of war as a non-relation based on the principle of the just cause which defines implicitly the enemy as criminal and forecloses the possibility of a negotiated peace, to the modern concept of war as a relation with a just enemy. The latter implies mutual recognition of one another's right to pursue one's interests through war, and thus under-

stands it as one means among many and not as an existential condition. The nation-state, on the other hand, is physiologically incapable of thinking in these terms. This is because the nation will not readily accept that the state with which it has an exclusive relation, within the bounds of its territorial extension, may have relations of its own with external entities. Nor will it accept that the obligations these entail may take precedence over their own interests. In the Japanese American internment this is readily visible in the contrast between the Special Division of the State Department, which was continually engaging its Japanese counterpart to mitigate the effects of war, and the Departments of War and Justice, whose cooperation in the internment betrays the confusion of the categories of enemy and criminal. The Issei benefited moderately from their legal association with a state-entity, Japan, with which the United States was having a reciprocal relation temporarily complicated by war. One might argue, here, that the preservation of some form of reciprocity is, in fact, a legacy of the state system Schmitt credits with the successful limitation of war for almost two centuries, and which received its *coup de grâce* in the First World War

The bio-political character of the power of the state manifest itself through decisions on a naked life that sovereign power produces in the relation of exception. Agamben theorizes this relation from the opposite perspectives of sovereign agency versus the passivity (or self-affecting receptiveness) of the *homo sacer*. I would add that the bulk of the population, which falls somewhere between these extremes, throws itself at the sovereign state to be

recognized, managed, and refined into the national body politic. This augments tremendously the capacity of the state to intervene on that population. The result of bio-politics is the multiplication of the instance of exclusion, which creates even more anxiety by producing more refugees, internees, rogue states, failed states, and the like. When the Japanese American Citizens League adopted a super-patriotic attitude and proposed the constitution of suicide battalions manned by Nisei soldiers it was acting out the same anxieties that motivate more moderate expressions of attachment to the nation. The JACL was wrong to believe that military service could earn Japanese Americans readmission to the American national body. If the leaders who proposed it had not sensed this, they would not have made the outlandish offer of the Nisei as sacrificial victims. In fact, the sovereign intent to suspend the ban was signaled by the constitution of the segregated 442nd Regimental Combat Team—announced in January, 1943, and deployed in June, 1944—and later confirmed by the decision to draft Japanese Americans into the Army—announced in January, 1944. The extraordinary military record of these units follows that decision and validates it. Still, the anxiety that draft resistance caused in the community indicates that the experience of the camps impressed upon the Issei and Nisei the ultimate unreliability of any promise of inclusion. It is this lesson that the majority must learn if we are to develop an ethical politics that limits violence from below.

An ethical relation to power cannot be mediated by the principle of national loyalty. It is too markedly exclusive and it demands compromises with

our sense of justice and fairness that are becoming increasingly risky. The risk we run is the global civil war predicted and feared by Carl Schmitt. He intends it as a conflict that is incapable of producing a stable order because all the parties involved believe that what is at stake is their very survival and not just the achievement of their goals. The modern state was originally able to create order out of the chaos of the Wars of Religion. Its successor, the nation-state, is the expression of a new form of enmity that is not grounded in religious dispute, but in the radical politicization of naked life. This engenders a generalized fear of exclusion and a fierce determination to defend at all costs the state-entity that keeps us out of the no-man's land of political irrelevance. We do not trust that any other organization would be capable of performing that function, and we are encouraged to believe that life worth living is only possible within its boundaries and as part of the self-determining nation. What, then, of the single human being? Does it have any value in and of itself? Its value cannot be found in the nation, for, in that context, it will never be truly disengaged from collective identity. It can only be created by a conscious effort to look beyond one's membership in the nation, and, if necessary, abdicate from it, in recognition of the vulnerability inherent in the human condition. Once this is accomplished one must guard from the nihilism of contemplation, and seek, and find, a concrete opportunity to live that vulnerability and, thus, overcome it.

To refuse to fear and hate when everything in our culture and in our politics tells us that our survival depends on fearing and hating; to go one

step further and to disarm ourselves so that we may not be feared and hated, when everything in our history and experience tells us that we should be armed, is truly the self-overcoming that ennobles human life. We should not, however, delude ourselves that this is a recipe for peace. Schmitt is right in arguing that peace is the province of politics and that the best we can hope for is, in fact, order. Nietzsche, the psychologist of self-overcoming, can only promise peace of mind:

Rendering oneself unarmed when one has been best armed, out of a height of feeling—that is the means to real peace of mind; whereas the so-called armed peace, as it now exists in all countries, is the absence of peace of mind. One trusts neither oneself nor one's neighbor and, half from hatred, half from fear, does not lay down arms. Rather perish than hate and fear, and *twice rather perish than make oneself hated and feared*—this must some day become the highest maxim for every single commonwealth, too (Kaufmann, 1974, 187).

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