

Japanese Internment and the State of Exception

Present-day American politics are currently divided over issues of inclusion and exclusion, issues of national identity, and what it means to be an American and how one acquires the rights of a citizen. This division is simultaneously expressed along ethnic and religious lines, in terms such as those of a ban on Muslim immigration and fear of Latin American immigrants, and in the language of values, nationhood, and citizenship. In times such as these, it is important to examine the underlying legal framework that drives these arguments; how this framework has emerged in the past; and what the consequences of this legal apparatus can be. By examining previous examples of ethnic, religious, and racial, exclusion by the United States, we can better understand our present circumstances.

If awarded this UROP grant, I will write an analytical research paper examining Japanese internment in the United States through the lens of Giorgio Agamben's ideas of "bare life" and "the state of exception," while also drawing on Walter Benjamin's discussions of history, violence, and law in his "Theses on the Philosophy of History" and "Critique of Violence." Through these texts, I will examine two literary representations of Japanese internment: *No-No Boy* by John Okada and *Legends From Camp* by Lawson Fusao Inada. I shall also examine various elements in Inada's anthology, *Only What We Could Carry*, as well as the text of the *Korematsu v. United States* (1944) decision and the 1988 Civil Liberties Act, which granted reparations to former Japanese-American internees.

In order to document the extent to which the construction of Japanese-Americans as an internal enemy was ideologically necessary to emphasize the identity of the American people for the World War II war effort, I will examine historical newspaper articles and editorials from the period surrounding World War II, cataloguing discussions of Japanese-Americans and instances

where Japanese or Japanese-American attributes are juxtaposed to “American” attributes. I intend to conduct my search through historical newspaper and magazine databases accessible through the University of Minnesota Libraries, using such tools as ProQuest Historical Newspapers. In addition to the legal, theoretical, and literary works I will be analyzing, the articles I find will provide information regarding the development of ideas in mainstream U.S.-American consciousness about Japanese-Americans and their legal and political rights.

Thus I intend to examine how Japanese internment serves as exemplary of limits to national belonging in the United States of America. The rights the Declaration of Independence assigns to U.S.-American citizens as fundamental and God-given have been shown, throughout U.S.-American history, to be radically contingent, always produced through a contrast with the unfreedom of specific subsets of the U.S. population itself. The American people that possesses these freedoms is demarcated by acts of violence and exclusion, acts which determine who is free and who is not, who is part of the sovereign people of the U.S.A., and who is excluded. The internment of Japanese-Americans was one such act of demarcation, the identification and confinement of a population considered insufficiently “American,” and tantamount to the creation of an internal enemy population against which the patriotic U.S.-American people could be defined. Agamben himself provides the insight that even this act of exclusion, however, is in a way an act of juridical inclusion, because the American legal order itself requires this fundamental distinction between the included and the excluded, and what the German legal philosopher Carl Schmitt deems as the central distinction of all politics, namely the friend-enemy distinction.¹

¹ Giorgio Agamben, *Homo Sacer* (Stanford: Stanford University Press, 1998), 18, and also Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 2007).

The Civil Liberties Act of 1988, as well as the dominant narrative of Japanese-Americans regaining their citizenship through military service and “model minority” behavior, attempts to construct Japanese internment as a unique event, cut off from the larger history of American nationalism and citizenship. However, both *No-No Boy* and *Legends from Camp* challenge this distinction, forging a link between Japanese internment during the war to the postwar (and even prewar) era in order to show that this kind of inclusive exclusion has a long tradition in American politics and governance. And this tradition uses the legal framework of the state of exception as a form of what Agamben, following Foucault, calls biopolitical domination, a method of gaining access to the extralegal means necessary to reduce certain populations from citizens and subjects to a form of what Agamben calls “bare life,” or existence stripped of all legal recognition, and to dissolve their multiplicity “into individual bodies that can be kept under surveillance, trained, used, and, if need be, punished”.²

Therefore, in contrast to attempts to establish Japanese internment as an exceptional decision, Japanese internment appears as a structural feature of the American political system. The state of exception under which Japanese-Americans were robbed of their full rights via internment, leaving them thus outside the law, is but one example of the use of the state of exception in United States history. Indeed, it is in fact but one instantiation of the permanent possibility of declaring such a state of exception, as revealed in the Civil Liberties Act itself, which explicitly states that the reparations for Japanese internment cannot be the legal basis for reparations for losses by Native Americans. Thus, my study of Japanese internment serves as the beginning of a broader study of the state of exception in the history of American politics and governance.

² Michel Foucault, *Society must be defended: lectures at the Collège de France, 1975-76*, eds. Mauro Bertani, Alessandro Fontana, and Francois Ewald, trans. David Macey (New York: Picador, 2003), 242.

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