OF MIMICRY AND MADNESS: SPECULATIONS ON THE STATE

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1.0 INTRODUCTION

Continental European international law since the 16th century, the jus publicum Europaeum, originally and essentially was a law among states — among European sovereigns. This European core determined the nomos of the rest of the earth. The development of the jurisprudence that we call public international law today has been undertaken by European jurists. Beginning with Bodin, the theorisation of law among nations has continued through the centuries with thinkers — among many others — such as Grotius; Hobbes; Pufendorf; Rousseau; Vattel; Schmitt; Kelsen, and more recently, Agamben. These

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Jean Bodin conceptualised sovereignty as an inalienable right of kings, absolute and indivisible.

Grotius Hugo De jure belli ac pazis (On the Laws of War and Peace) 1625 (2nd ed. 1631); The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant (Tuck Richard Ed.) Oxford University Press 2005, which established a system of principles of natural law.

Hobbes Thomas Leviathan University Press London 1651, one of the first influential texts on social contract theory.

Von Pufendorf Samuel De jure naturae et gentium Lund 1672; De officio hominis et civis iuxta legem naturalem libri duo or "On The Duty of Man and Citizen According to the Natural Law" (Silverthrone Michael trans.) Cambridge University Press 1991 (original publication 1673).


De Vattel Ememich The Law of Nations (Chitty Joseph Ed.) T & J.W. Johnson 1858 (original publication 1758 as Droit des gens; or, Principes de la loi naturelle appliqués à la conduite et aux affaires des nations et des souverains).

Schmitt Carl Political Theology: Four Chapters on the Concept of Sovereignty University of Chicago Press 2006 (Schwab George D. trans., Strong Tracy B contrib.) (original publication 1922, 2nd ed. 1934); The Nomos of the Earth in the International Law of Jus Publicum Europaeum, above note 1.

jurists have defined and re-defined the nature of sovereignty and relations between sovereigns in an attempt, in part, to answer a core question: the authorisation of violence. Unsurprisingly, the topic of sovereignty is considered by some to be ‘vastly overwritten’ and to paraphrase Schmitt, after several hundred years of thinking about sovereignty it is simply not easy to think the state otherwise. Violence, however, and state-sanctioned violence, continues to proliferate. The international lawyer today is faced at one end by an ongoing ‘crisis of international law’ maintained by a spectacle of proper names, while looking at the other toward a receding horizon of the promise of perpetual peace. It is still necessary, and urgently so, to think the state otherwise.

How, then, are relations and encounters between states to be interrogated? Despite being drawn upon by critical legal theorists, the work of Sigmund Freud has so far featured little in other writings on sovereign relations. I suggest that psychoanalysis — what is ‘arguably the most sophisticated and convincing account of subjectivity ... ’ may provide a useful framework within which to begin writing relations and encounters otherwise. In part 2 I elaborate this suggestion with a brief overview of Freud’s oedipal theory, followed by a consideration of its interrogations by two contemporaneous thinkers, René Girard and Jacques Lacan. Freud’s psychoanalytic concepts become even more interesting vis-à-vis sovereign relations in relation to the work of Lacan, who ‘add[s] the powerful insights of semiology to [the] Freudian bedrock’, and Girard, who relies upon literary and anthropological studies to reconceive the fraternal relation. As commentator Maurizio Meloni observes, both authors are interested in ‘the constituent character of the other in the structure of desire...the proliferation of triangles within

12 Schmitt, The Nomos of the Earth in the International Law of Jus Publicum Europaeum, above note 1, 122: ‘After several hundred years of rationalization in thinking about relations among states, it is not easy to return to a pre-state doctrine ...’
13 Two main aspects of the crisis are: one, the ineffective nature of international agreements and decision-making in the face of humanitarian and environmental emergencies since the Cold War, and two, questioning of the legitimacy of laws created by an international body dominated by powerful states with a history of imperialism and imposed upon structurally disadvantaged states.
15 The United Nations headquarters in Geneva boasts a sculpture embodying words from The Book of Isaiah, 2:4 ‘They shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.’ Immanuel Kant, in his 1795 text Perpetual Peace, presents a satirical commentary on the dictatorial nature of the 16th century peace treaty — a text read today by international lawyers as a call to realise a messianic vision.
16 Jacqueline Rose, in her book States of Fantasy Oxford University Press 1996 argues for historical events and state relations to be informed by psychoanalysis.
18 1923–1980. Girard is a historian, literary critic, philosopher and anthropologist.
20 Grosz above note 17 at 4.
apparently dual relations...doubles and mirrors, imitation and the Imaginary, and the crisis of modern society within which the “rite of Oedipus” is situated.21

In the remainder of part 2 I examine the possibility of re-thinking state relations in terms of a socio-psychoanalytic model as conceived by Girard and Lacan, discussing the concept of recognition both in psychoanalysis and in international law. Law is a useful site of study because Law, at its most reductive, is pure language — speech and writing — and ‘what is at stake in writing is the very structure of authority itself’.22 International law in particular (broadly conceived), being pure speech in the place between nations, offers the possibility of examining structures of authority in process and in relation to subjects’ negotiation of divine vis-à-vis so-called popular sovereignty.

While psychoanalytic concepts provide many useful insights, feminist commentators (whether working within the discipline or critiquing it from without) maintain that ‘psychoanalysis itself is nevertheless phallocentric in its perspectives, methods, and assumptions.’23 Girard’s texts excavate ‘the idea of culture as an immense task of hiding the body, and disguising its violent origins’.24 In part 2.3 I trace those violent origins through the work of feminist thinkers Toril Moi and Luce Irigaray, asking whose bodies are hidden or sacrificed. Understanding the mimetic appellations of international law at the coalface of state violence requires the identification of the ‘unavowed theologeme’25 in what is normatively portrayed as being a secular relation.26 In analysing the way in which relations between states are imagined therefore, the operation of the divine within Girard and Lacan’s mimetic triangles may be considered. I argue that the role of the mediator in Girard’s triangle of mimetic desire and the Name-of-the-Father in Lacan’s symbolic order has a prior metonymical equivalent that is mirrored in Plato’s Sun: God. Part 2 ends with a discussion of how the feminist psychoanalytic concept of hysteria may make explicit the impossibility of these substitutions in coalescing Law’s authority. In part 2.5 I turn to the Japanese story of origin, noting a different conception of divinity and sovereignty to that underpinning international law.

In the part 3 case study I look at how this feminist critique could be used to open up Girardian and Lacanian ideas of mimesis to a different reading of state relations. This article

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23 Grosz above note 17 at 3. Feminist psychoanalytic thinkers critiquing Freud’s work include Deutsch Hélène Psychoanalyse der weiblichen Sexualfunktionen); Chodorow Nancy The Reproduction of Mothering: Psychoanalysis and the Sociology of Gender University of California Press 1978; Feminism and Psychoanalytic Theory Yale University Press 1989; Femininities, Masculinities, Sexualities: Freud and Beyond University Press of Kentucky 1994; and most recently The Power of Feelings: Personal Meaning in Psychoanalysis, Gender, and Culture Yale University Press 2001. Two thinkers who will be discussed in this article are Toril Moi (interrogating Girard) and Luce Irigaray (interrogating Lacan).
24 Meloni above note 21.
26 Carl Schmitt describes ‘[t]he decisive step from medieval to modern international law — from the theological system of thought predicated on the church to a juridical system of thought predicated on the state’ in depth in The Nomos of the Earth in the International Law of Jus Publicum Europaeum, above note 1 at 120.
concludes with a consideration of the operation of mimetic desire vis-à-vis Homi Bhabha's critique of colonial mimicry for the ways in which international relations and international law is imagined and written. The structures canvassed in earlier parts of the article are discussed in relation to the case study one specific encounter between two states — the Japanese Emperor's unconditional surrender of Japan to the United States (and its allies) in 1945. Part 3.1 provides a brief historical background to the encounter, and in 3.2 and 3.3 I outline the US' creation of a so-called secular democratic Japan, undertaking an analysis of texts produced by the two sovereigns of those respective states. Foregrounded by the models and critique of mimetic relations discussed earlier, in 3.4 I draw further on postcolonial conceptions of mimicry to show how in this particular exchange, the hysterical symptom is precluded by the reinstatement of phallogocentric authority in another form.

2.0 REFRAIMING SOVEREIGN RELATIONS

2.1 Triangulating Desire: Freud, Girard and Lacan

It is the fate of all of us, perhaps, to direct our first sexual impulse towards our mother and our first hatred and our first murderous wish against our father. Our dreams convince us that that is so. King Oedipus, who slew his father Laius and married his mother Jocasta, merely shows us the fulfillment of our own childhood wishes. But, more fortunate than he, we have meanwhile succeeded, in so far as we have not become psychoneurotics, in detaching our sexual impulses from our mothers and in forgetting our jealously of our fathers.\textsuperscript{27}

With these words, Sigmund Freud identified what he later termed the 'Oedipus complex'. Both an initial desire for the mother and jealousy or resentment of the father is repressed, he claims, due to a fear of castration by the father. There have been many commentators discussing the plausibility or otherwise of Freud's theory, but one in particular — René Girard — highlights the significance of mimicry for an interdividual psychology,\textsuperscript{28} developed in part, in response to the oedipal theory. While Girard's work cannot be used in its entirety due to certain problematic aspects which cannot be discussed in this article at any length,\textsuperscript{29} his concepts of mimetic desire

\textsuperscript{27} Freud Sigmund \textit{The Interpretation of Dreams} 1991 (Richards Angela ed.) (original translation by Strachey James first published in 1953 by the Hogarth Press and the Institute of Psycho-Analysis by arrangement with George Allen & Unwin Ltd) (original publication in 1900 as \textit{Die Traumdeutung}) at p 364. Freud remarks in a footnote added in 1919: 'Later studies have shown that the "Oedipus complex" ... throws a light of undreamt-of importance on the history of the human race and the evolution of religion and morality. (See my Totem and Taboo, 1912-13)' at 365.

\textsuperscript{28} Meloni above note 21: 'Girard aims towards the construction of what he defines ... as an interindividual psychology.' This term essentially refers to a social psychology of human beings.

\textsuperscript{29} Meloni as above: 'Girard's ideas have been received on the one side with silence and almost total ostracism by the dominant disciplines, and on the other side with the enthusiastic welcome of a group of 'disciples' who ... have attempted to develop the principal intuitions of Girard.'
and sacrifice on their own are nonetheless useful in rethinking relations within socio-political and institutional frames.

Girard proposes that a subject's desire for an object is always provoked by the desire of another person (real or imaginary)\(^3\) for the same object. By way of example, Girard cites various literary examples of desire by a male subject for a female object as being in fact a thinly veiled desire by one (male) subject to become as another subject (called the 'model' by Girard). A brief diagram may be of use for outlining Girard's ideas of mimetic rivalry (Figure 1):

![Figure 1]

Figure 1 shows the subject desiring (indicated by the arrows) an object, but doing so only in relation to a perceived desire by the model for the same object. What is commonly understood as being a heteronormative relation is, in other words, a 'homosocial' one. The moment that this homosocial desire is mutually recognised as such by its subjects, the desire to attain what is perceived to be the other's whole, masculine subjectivity must be triangulated through an object and transformed into a mimetic rivalry\(^3\) so as to prevent the narcissistic collapse. This rivalry — played out as a struggle for possession and occupation of space, corporeal and geographical — then reaches a point at which violence threatens to ensue.

It is at this moment, claims Girard, when a scapegoat is identified and sacrificed in order to maintain peace (between individuals and among communities).\(^3\) The victim, proposes Girard, then appears as both the origin of crisis and 'bringer of peace' and is later venerated as the sacred or the divine.\(^3\) The diagram below demonstrates this shift of the original configuration:

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\(^3\) Girard Rene *Deceit, Desire and the Novel* Johns Hopkins University Press 1966 (Yvonne Freccero trans.) (original publication 1961 as *Mensonge romantique et vérité Romanesque*) at p 4: 'The mediator is imaginary but not the mediation.'

\(^3\) As above.

\(^3\) Moi Toril 'The Missing Mother: The Oedipal Rivalries of René Girard' 12 (2) *Diacritics* Cherchez la Femme Feminist Critique/Feminine Text (1982) 21 at 22: 'The sacrificial mechanism consists in finding an outlet for the mimetic violence outside the community, thereby providing the basis for a stable and peaceful society.'

\(^3\) Girard Rene *Violence and the Sacred* Johns Hopkins University Press 1977 (Gregory Patrick trans.) (original publication 1972 as *La violence et le Sacré*).
While Girard does not distinguish them in this way, it is important to note here that the difference between the body forming the initial 'object' of desire and the body of the subsequent 'victim/God' exists because the very act of sacrifice causes the body to be split in two: it remains, on the one hand, the forgotten or 'invisible' object, while on the other becomes a victim, gaining economy within the social symbolic order. Girard explains how subsequent and ongoing sacrifices serve to reenact the initial violence:

[T]he very function of the sacred is to procure socially acceptable outlets for mimetic violence. Mimetic rivalry between subject and model increases as the difference between them diminishes; the model then becomes the subjects' double, and the mimetic violence grows in intensity. In order to halt this circle of violence a victim who is different from the rivaling subjects/mediators, a scapegoat, must be chosen. Precisely because the scapegoat is different it can break the unending cycle of mimetic rivalry between near-identical doubles.34

In terms of Freud's oedipal complex, Girard denies any intrinsic desire for the mother, attributing that desire instead to an overriding mimetic desire between men to have what the other is seen to possess.35 Girard also dictates the father to be the model: 'paternal imitation generates the desire of the object. A force, which is one and the same, the will to substitute for the father in every way, feeds the identification with the model and the desire for the mother'.36 For Girard, notes one commentator, 'the objects disappear ... everything is potentially desirable, as long as a mediator is there to designate it: it is mimetism which determines sexuality and not the other way round'.37 The structure of relations between men; the cause of tension and crisis, and the threat and placation of violence is, claims Girard, determined by mimesis and not by the repression of incestuous desire.

34 Moi above note 32 at 22.
35 'In my opinion, Freud tried initially to develop the Oedipus complex from the basis of desire that is mimetic, yet he is inclined toward the desirability of objects ... ' A conversation between Sergio Benvenuto and Rene Girard, in collaboration with Meloni Maurizio, 'Psychoanalysis and Sacrifice: Difference and Identity between Psychoanalysis and Mimetic Theory' Journal of European Psychoanalysis 14 (2002) (electronic article).
36 Meloni above note 21.
37 As above.
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While Girard’s hypothesis of mimetic desire is a convincing portrayal of socio-political relations, it potentially opens itself up to readings which essentialise relations as being between men, as opposed to relations as being usefully understood in terms of patterns established by particular gender constructions. It also reads out of the Oedipus complex two of Freud’s key tenets: a prior desire for the mother which is repressed due to fear of castration by the Father, and the expression of the libido in language. In addition, it lacks a more complete explanation of how the triangulation of desire takes place; the role of the mediator and its difference, if any, to what Girard calls the ‘model’. Such an explanation may lie with Freud’s most infamous interlocutor and a contemporary of Girard: Jacques Lacan. For the purposes of this article I will be discussing one of Lacan’s seminal ideas in particular: his concept of the ‘mirror stage’.

What Lacan terms the ‘mirror stage’ describes a time in childhood development where the child, seeing its own image reflected in the mirror, at once recognises and misrecognises it as representing a whole, unified, self (at the same time realising that it is separate from the world as a whole.) This leads to what is called a ‘split subject’, whereby its subjectivity is divided into Self and Other, which ‘is a necessarily alienating structure because of the unmediated tension between the fragmented or “fragilised” body of experience; and the “solidity” and permanence of the body as seen in the mirror.’ From the early fifties onward Lacan considered the ‘mirror stage’ as having primarily structural value in describing what he calls the ‘Imaginary’ order, over its historical value in describing the development of the infant. It is within this socio-psychoanalytic frame that the mirror stage will be discussed. I will outline firstly, the significance of the subject’s process of recognition and imaginary identifications vis-à-vis the mirror; secondly, the ways in which these identifications are mediated, and thirdly, how this process relates to Girard’s concept of mimetic desire in terms of state relations.

While the subject’s ‘identification with its specular image impels it nostalgically to seek out a past symbiotic completeness’, explains the feminist theorist Elizabeth Grosz, it simultaneously realises the impossibility of (re)union with the (m)Other. The image of the (m)Other must then be incorporated in order to deny the ‘internal rupture and [conceive] of itself as the source of its own origin and unity.’ This imaginary relation, however, ‘although structurally necessary, is … ultimately stifling and unproductive’ and must be mediated by a “third term”:

This ‘third term’ is the Father; not the real, or rather, the imaginary father, who is a person … [although] … It is generally the father who takes on the role of (symbolic) castrator and the Name-of-the-Father. Through the ‘name-of-the-father’, the child is positioned beyond

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As above: ‘Perhaps the author-bridge between these two paradigms — the one who started out by introducing jealousy, rivalry, the seesaw of desire, into the heart of psychoanalysis — is Jacques Lacan …’

Grosz, above note 17 at p 35: ‘ … recognition of absence is the pivotal moment around which the mirror stage revolves … Only at this moment does it becomes capable of distinguishing itself from the “outside” world, and thus of locating itself in the world…In other words, its recognition of itself as a (potential) totality is correlative with its recognition that the world as a whole is not its own.’

As above at 42.

As above at 39–40.

As above at 47.

As above at 46.
the structure of dual imaginary relations within the broader framework of culture, where genuine exchange may become possible ...  

The subject's entry into culture (the symbolic order) is therefore predicated on the further introjection of a regulatory Father, with whose name and image the subject must develop a specular identification. This process of introjection takes place through the binding exchanges of language and law with the symbolic Father. Within a Lacanian framework, therefore, mimesis between subjects (manifested in language) occurs within this symbolic order. Furthermore, while Girard proposes that tension inspired by mimetic desire and rivalry between subjects and their models is dissipated through the sacrifice and subsequent veneration of a victim, a Lacanian critique would view that tension as being an inherent part of the split subject who, through the process of venerating the Name-of-the-Father, seeks to fill the lack created by a prior sacrifice of the (m)Other.

2.2 Recognition in Psychoanalysis and International Law

While the object has a metonymic character for both Girard and Lacan, '[f]or Lacan the central theme, in this phase of his research is the Kojëvian theme of recognition ...': 'The desire of man finds its meaning in the desire of the other, not so much because the other is the keeper of the keys of the object desired — (which would be more the Girardian theme in the sense of the mimesis of appropriation) — so much as because his first object is being recognised by the other.' Recognition, according to Kojève, is only possible when enacted between equals, since man can only be satisfied by recognition from those whom he himself recognises. This need for mutual recognition, he observes, drives the legal relations which will be discussed next.

Mimetic identifications and recognitions, as well as the "divided" notion of self ... are crucial in so far as they may explain processes of social inculcation and positioning. As such, it may be possible to read mimetic structures in the relations between sovereign states (the place of pure speech), manifested in the form and language of treaties, edicts and proclamations. Part II of this article will look more closely at how desire for a pure, complete and a priori sovereign body creates tension between on the one hand, a mimetic desire to be like or to be harmonised with, other states who reflect back the subject's own imaginary clean-and-proper body, and on the other hand, a mimetic rivalry that arises out of competition to assume the Name-of-the-Father,

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44 As above at 47. Grosz describes the parallels between Lacan's orders and Freud's oedipal theory thus: 'Lacan's understanding of the name-of-the-father, on which the child's entry into the symbolic order depends, is a reading and rewriting of Freud's oedipal model in linguistic and socio-cultural terms.' At 50–51.


46 Grosz above note 17 at 39–40.

the first and only symbolic order. This desire and rivalry is mediated by the imaginary gaze\textsuperscript{48} of the subject's idealised ego.

The language of protection and security in contemporary international law is but the latest in a long series of discursive distortions played out within this utopic space of the global fraternity. The corporeal memory of security during the occupation of the mother's body\textsuperscript{49} is transformed into the language of protection and security of the Other. The other subjects of international law must be protected, since what is at stake is the survival of a mirror-image which, within the mimetic structures described above, is the only guarantee of self-recognition. Despite the dually problematic nature of reading the concepts of two theorists from separate disciplines together, and then of representing it in diagrammatic form, it may be useful at this point to redraw our initial outline of Girard's work. In particular, we can do so in light of Lacan's mirror stage and in terms of its applicability to a re-reading of relations between states:

In this new picture the subject (imagining sovereignty, being sovereign) triangulates desire through the Name-of-the-Father. Mimetic desire/rivalry between subjects (fantasising themselves acting out the body of the sovereign state) is now mediated/reflected by the Name-of-the-Father, under whose imagined gaze the subject finds both a necessary distance from its rival and a fragile recognition of itself. The disappearance of the object in this diagram indicates its insignificance.


within the symbolic structure. This disappearance is next described in this article as preceding the re-inscription of the object as corporeal evidence of the symbolic triangulation.

What has disappeared from this phallogocentric structure is the subject’s (original) object of desire — the maternal feminine. What remains unaccounted for is the operation of the divine — whether as victim/god or as an icon in the symbolic order — within the seemingly secular fraternal relation set up in the model above. The following section of this article seeks to trace both the descent of the forgotten object and the complicity of the “unavowed theologeme” within these mimetic structures, before concluding with a discussion of the applicability of these narratives and counter-narratives to a legal exchange between two states.

2.3 Feminist Critiques of the Psychoanalytic Order

While Freudian, Girardian and Lacanian conceptions of relations between men could be accepted as convincing accounts of a patriarchal hegemony, they nonetheless benefit from a critical intervention by feminist commentators who seek to articulate what is missing from those accounts; perhaps forgotten, or buried alive. Toril Moi comments on the absence of the female subject in Girard’s mimetic model:

> Already in Deceit, Desire, and the Novel it would seem that for Girard the desiring subject is always male, and that so is the rival, whereas (tiens!) the object is female. Throughout Girard’s work this male-male-female constellation recurs as an absolute, ahistorical structure.

Thus, Girard’s mimetic structures preclude the existence, not only of the desiring female (the feminine who has agency to desire), but also of the desired female (the feminine, desired for itself as a subject rather than as the object). This excision of the female subject begins at the pre-Oedipal stage, where, according to Girard, a Freudian desire for the mother cannot exist, since all desire is mimetic. Moi speculates that the logical endpoint of Girard’s proposition in fact affirms the pre-Oedipal desire of the mother, which “becomes paradigmatic of all desire…” Furthermore this original desire is, I suggest, all the more compelling since it is the mother with whom the subject has not only a specular but also a corporeal identification.

This original desire for the nurturing feminine — or more precisely, the memory of occupying a space while being possessed; being protected — is distorted by Girard and Lacan’s stories of Fathers, brothers and absent mothers. It is transformed into a desire for corporeal (re)unification with the subject’s masculine mirror image, or in Lacanian terms, through the appellation of the Name-of-the-Father. Both image and name are metonymically substituted by God and by law

50 Derrida above note 25.
51 Sedgwick Eve, in her book Between Men: English Literature and Male Homosocial Desire Columbia University Press 1985 has also used the Girardian idea of mimesis, but has inverted it to demonstrate (through literary critique) the oppressive nature of what she terms ‘homosocial’ relations between men.
52 Moi above note 32 at 23.
53 As above at 27.
54 As above at 28.
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(the word of God). The sacrifice (what Anne Orford calls the ‘prior unacknowledged sacrifice of the feminine’) therefore, enables us to locate the structure of the law. This sacrifice of the body upon which subsequent sacrifices are made becomes an afterthought, then not thought at all, while religion — read again and again — becomes the arbiter of justice. Moi notes that ‘if the religious dimension disappears from society, society [according to Girard] will sink back into unlimited mimetic violence. Behind the assumptions which structure Girard’s sexual triangulation can be discerned the shape of another mystifying Trinity.

This Trinity, or rather, its substitution of a masculine divine for feminine subjectivity, is the focus of Luce Irigaray’s critique. In Speculum of the Other Woman Irigaray deconstructs key concepts (of the ancient Greek philosophers to contemporary psychoanalysts) which seek to establish a normative metaphysics that constructs the idea of “masculine” as being privileged over the idea of the “feminine”, thereby foreclosing any possibility of a real politics of sexual difference. One chapter in Speculum, ‘Plato’s Hystera’, is particularly interesting to our investigation for Irigaray’s critique of metaphors (mirrors, men, concealment and unconcealment) that appear in both Girard and Lacan’s mimetic triangles and that canon of Western metaphysics, The Republic. Furthermore, Irigaray’s reading exposes the phalacy of additional metaphors — the cave; the sun; vision and light, and speech, which to this day present themselves in the subtexts of secular discourse.

The cave allegory is a story of men, prisoners who from childhood have been chained within a dark cave; their gaze fixed to a wall against which shadows of statues paraded by people behind them are cast by a fire. The prisoners play at naming the shadows, and believe that the echo of the statue-carrying people’s speech is the voice of the shadows they see. The allegory proposes that if one prisoner is released and made to turn around, he would be momentarily blinded by the sun (and think the shadows real, the statues fake) until, after a gradual ascent through the passage from the cave to the ground above, he would see the sun and the world for what it is. Compelled to return and free his companions, he would find that back in the dark his unadjusted eyesight makes him appear temporarily blinded to his fellow prisoners, who will be difficult to convince to undertake the ascent. The allegory seeks to describe ‘the philosopher’s progression from the material shadows of the cave to the bright world of ideas’.

[T]he prison-house is the world of sight, the light of the fire is the sun, and you will not misapprehend me if you interpret the journey upwards to be the ascent of the soul into the intellectual world … in the world of knowledge the idea of good appears last of all, and is seen only with an effort; and, when seen, is also inferred to be the universal author of all

56 In the sense of ‘just war’.
57 Moi above note 32 at 31.
58 The stages of the ‘concealment and unconcealment’ of Truth read in the cave allegory by Martin Heidegger are also the subject of Irigaray’s critique in her chapter.
59 Recounted by Socrates at the beginning of Book 7 (514a–520a) in Plato, The Republic Hackett Publishing 2004 (Reeve C.D.C. trans.).
things beautiful and right, parent of light and of the lord of light in this visible world, and the immediate source of reason and truth in the intellectual; and that this is the power upon which he who would act rationally, either in public or private life must have his eye fixed.\textsuperscript{61}

In this allegory the sun becomes “the author of all things”; “parent of light”, and the “source of reason and truth”. The rational actor must “have his eye fixed” to this heliotrope which, in a deft sleight of hand, is substituted for the origin, source of all things. Luce Irigaray excavates these strategies of substitution in her extended reading of Plato’s cave allegory. Irigaray re-tells this story as Plato’s \textit{hystera},\textsuperscript{62} where men leave the body of the mother to ‘identify with the law-giving father, with his proper names, his desires for making capital, in every sense of the word, desires that prefer the possession of territory, which includes language … ’\textsuperscript{63}. The fantasy of the state (constructed by the bodies of men) is predicated upon possession through occupation of every space; a possession recognised and ratified by not-quite same mirror images of themselves.\textsuperscript{64} Irigaray describes this process thus:

The place the man had once inhabited must be mimicked by turning it inside out and back to front and by gradually raising it up. By gradually verticalising and erecting it … This is an effective way to prevent anything from remaining concealed, buried, shrouded, to stop it hiding, lurking … \textsuperscript{65} For Being’s domination requires that whatever has been defined … as ‘more’ (true, right, clear, reasonable, intelligible, paternal, masculine … ) should progressively win out over its ‘other’ … its negative, its ‘less’ (fantastic, harmful, obscure, ‘mad’, sensible, maternal, feminine … ). Finally the fiction reigns of a simple, indivisible, ideal origin.\textsuperscript{66}

This fiction, says Irigaray, must never be recognised as such by men in the world of light. The passage to the place from which man has always already been expelled\textsuperscript{67} must be forgotten\textsuperscript{68} and

\begin{enumerate}
\item Above note 59.
\item Meaning ‘womb’.
\item Irigaray Luce ‘Any Theory of the “Subject” has always been misappropriated by the “Masculine”’ in \textit{Speculum of the Other Woman} Cornell University Press 1985 (Gillian C. Gill trans.) at 140.
\item See the discussion on possession after Figure 1 above.
\item Irigaray Luce ‘Plato’s Hystera’ in \textit{Speculum of the Other Woman}, above note 63 at 285.
\item Above at 275. Irigaray’s work has previously been criticised as being essentialist (Judith Butler, for example, insists that the idea of a ‘maternal feminine’ presumes a ‘female’ subject when in fact all gender subjectivities are constructed). I argue that the so-called essentialism deployed by Irigaray in work such as \textit{Speculum} is a strategic disruption of the heteronormative subject. Irigaray, in her reading of Plato’s cave, substitutes cave for womb in order to disclose the tropisms of both metaphorical devices.
\item As above at 292: ‘man will have to be expelled from this speculum, from this still specular cave, so that no possibility of a self-portrait may remain.’
\item As above at 310: ‘It must, absolutely must, not be known how much the procreation of the ‘son’, of the logos, by the father, owes to inversion.’ See also Caldwell Anne ‘Transforming Sacrifice: Irigaray and the Politics of Sexual Difference’ 17(4) (2002) \textit{Hypatia} 24: The forgetting of passage thus shapes the understanding of the conditions for symbolic mediation that have remained in effect since Plato and reappear in liberalism, deconstruction and psychoanalysis. With the loss of the passage connecting the material and the intelligible, the material is seen as unrepresentable in the order of the intelligible, and instead becomes the constitutive outside against which an intelligible identity is defined … By recovering the forgotten passage connecting the material and the intelligible, Irigaray shows that concepts and subjectivity emerge within a dynamic interaction between the material and the intelligible, neither of which can be reduced to the other.
\end{enumerate}
the Father/Sun must remain at once an origin without beginning and an infinitely expanding yet infinitely receding destination. The Father/Sun, moreover, ‘... holds nothing outside of itself ... [it] conserves its own indefinitely identical identity.’ Irigaray summarises it thus: ‘man will be taken out of the cave and referred to an other origin — the origin of sameness — an other life, which both predate everything and are still to come ...’ This “indeﬁnitely identical identity” named the father by Freud, the mediator by Girard and the Name-of-the-Father by Lacan, has a prior metonymical equivalent that is mirrored in Plato’s Sun: God.

We see now the verticalisation of our initial diagram with the inversion of origin:

![Diagram](image)

Figure 4

Here see the encounter between sovereign states as one mediated by a specular identiﬁcation with the Sun/Father/God, whose imagined gaze empowers the sovereign speaking subject to recognise themselves under rubric of a masculine subjectivity. Mimetic rivalry ensues (as discussed previously) because of a need to distinguish one’s boundaries: something which is always already risked when recognition is the basis of subjectivity. As the diagram demonstrates, the sacriﬁce (and hence disappearance) of the object (including both the ‘invisible’ object of the feminine and what Anne Orford calls the prior unacknowledged sacriﬁce of the maternal feminine) functions here as secular proof of the immaculate conception — as the corporeal evidence of God’s word. Law (pure speech between nations) becomes the means of substitution for corporeal sacriﬁce. In this diagram, the inverted speculum (Irigaray’s mirror) sits at the entrance of the cave/womb, at the base of the paradigmatic passage to psychoanalysis’ monophallic structure.

69 Above note 65 at 295.
70 As above at 298.
71 As above at 293.
2.4 The Hysteric — Trapped, between Man and God

Carl Schmitt argued that the shift from medieval to modern international law is characterised by the substitution of state sovereignty for religion as law’s foundation. He proposed that ‘from the 16th to the 20th century ... [t]he formal reference point for determining just war no longer was the church’s authority in international law, but rather the sovereignty of states ... Any war between states, between equal sovereigns, was legitimate.”\(^7^2\) Yet what is presented today as a secular set of relations between states can be revealed to be a trompe l’oeil — the substitution of a patriarchal authority for a papal one. Girard identifies the ongoing operation of the divine within mimetic triangles of desire, when he says that ‘false prophets proclaim that in tomorrow’s world men will be gods for each other ...”\(^7^3\) What Schmitt’s argument does demonstrate is that the metonymic shift from God to Man, church to state, necessitated the limitation of violence through triangulation of desire via an über mirror-image (the Name-of-the-Father), stressing the equality (sameness) and legitimacy (clean-and-proper bodies) of states (men and their territories). Lacan himself noted that ‘the myth of the God is dead...perhaps this myth is simply a shelter against the threat of castration.”\(^7^4\) The fantasy of a clean-and-proper, delineated territory must remain as a promise for all States equally, mediated by refractions of other sovereign states and maintained by the hypnotic gaze of an imagined Father.

These triangular relations may fade away from the foreground but can be traced via deconstructive analyses of legal texts.\(^7^5\) What is loosely called international law — the language between states, ‘reflects/refracts its sameness in itself and for itself”\(^7^6\) mediating their mimetic desires. Harmonisation takes place not only through the exchange of words (in that place between nations which is pure speech), but through the exchange of resources (bodies and land) which function to guarantee those words. The mimetic inversion therefore occurs as the body lost\(^7^7\) is re-produced as the phallogocentric order whose origin is symbolised by the Father/Sun/God, while the memory of the mother’s body is sacrificed, only capable of reincarnation within the symbolic order as icon (virgin or queen) or as the monstrous (abject) feminine. In other words, the utopic body of the maternal feminine is a body which has no place, and as such, cannot be emancipatory as long as it is written within the mimetic structures of men.

Girard discusses how “The wretched creatures rejoice in the thought of a great fraternity. They do not perceive the irony of their own formula they think they are heralding paradise but

\(^7^2\) Schmitt above note 1 at 120.
\(^7^3\) Girard above note 33 at 61.
\(^7^4\) Lacan above note 48 at 27.
\(^7^5\) This will be undertaken in the second half of the article.
\(^7^6\) Irigaray, ‘Volume-Fluidity’ in Speculum of the Other Woman, above note 66, 229.
\(^7^7\) Grosz above note 19, 122–123: ‘... in appropriating the body of the other, he must lose access to his own ... In exchange for the body he has to sacrifice (the polymorphous pleasures of the pre-oedipal period) he is granted access to the bodies of women whose bodies replace the place from whence he came (the maternal womb). Women’s bodies are the socially guaranteed compensation for men’s acquisition of phallic status, the repositories of men’s own lost corporeality, and the guardians of men’s mortality.’ It should be noted here that the female subject, in so far as she exists, must live a double life with an imperative to have the phallus while simultaneously being signified as being the phallus.
they are talking about hell, a hell into which they themselves are already sinking.\textsuperscript{77} This brotherhood is thus constantly in danger of psychically collapsing in on itself due to the threat that the 'initial lie' of the feminine sacrifice — what Irigaray calls 'the waste involved in such reduplication and procreation'\textsuperscript{79} — may be recognised.\textsuperscript{80} This danger will indeed transpire, she says, and 'the hysteria — derived from \textit{hystera} ... will deceptively, covertly, bring up the forgotten dilemma.'\textsuperscript{81}

The mirror cracks. The voice that emerges is the voice of the hysteric — a voice which the French feminists describe as 'repetitive, spasmodic separations from the dominant discourse which they are forced to imitate.'\textsuperscript{82} What is this voice — and is there, as Luce Irigaray suggests, 'a revolutionary potential in hysteria'?\textsuperscript{83} To summarise briefly, the concept of hysteria (from the word \textit{hystera}, meaning womb) extends back almost three thousand years in European history.\textsuperscript{84} The hysteric symptom was reinscribed in the early twentieth century by Freud as 'the product of a psychical trauma which had been forgotten by the patient ... ',\textsuperscript{85} 'a series of perfectly rational thoughts ... [that] have been transformed into the symptom by means of condensation and the formation of compromises ... and also, it may be, along the path of regression.'\textsuperscript{86} Commentator Elaine Showalter argues \textit{Hysteria Beyond Freud} that Freud's psychoanalytic elaboration of the hysterical in fact marks the beginning of the end of this longstanding interest in the condition. The appropriation of hysteria as a 'specifically feminine pathology that speaks to and against patriarchy'\textsuperscript{87} took place from the late 1960s onwards by the so-called French feminists (Hélène Cixous, Luce Irigaray and Julia Kristeva), and by Jacques Lacan. There are two opposing feminist views on hysteria; one which proposes that '[h]ysteria is the very stuff of revolutions',\textsuperscript{88} and the other which is ' ... sceptical about the ultimate power of hysteria as a form of feminine subversion.'\textsuperscript{89} I suggest a place for hysteria which lies somewhere between the two. Rather than conflating the performance of hysteria with an affirmation of the female sex, it may be more useful to consider it a symptom which arises out of, and in reaction to, particular gendered constructions.

\textsuperscript{77} Girard above note 30 at 61.
\textsuperscript{79} Irigaray above note 63 at 298.
\textsuperscript{80} Ibid 251: 'The protagonists don't understand what is going on. No one knows any longer who is the deceiver and who the deceived. How are the parts being cast? ... Meanwhile, on that set-up stage of men's representation, we find a minimum of two men [who] uphold the process of mimesis from each side of a wall curtain in which their stratagems are lost in infinite regression.' (my emphasis)
\textsuperscript{81} Irigaray above note 63 at 258.
\textsuperscript{82} The body entering the text disrupts the masculine economy of superimposed linearity and tyranny: the feminine is the 'overflow' of "luminous torrents". Cixous Helene 'The Laugh of the Medusa', \textit{Signs} (1976) 876.

\textsuperscript{83} Irigaray above note 63 (1985) 47: 'It is because they want neither to see nor hear that movement that they so despise the hysterics.'
\textsuperscript{85} Freud above note 27 at 14.
\textsuperscript{86} Freud as above at 756.
\textsuperscript{87} Showalter Elaine as above note 84 at 286.
\textsuperscript{88} Showalter Elaine as above note 84 at 332.
Showalter refers to Josef Breuer's metaphor of hysterics as being 'the flowers of mankind, as sterile, no doubt, but as beautiful as double flowers'\(^90\), and feminist Olive Schreiner's imagination of the cultivated flower which, 'having no more need to seed turns all its sexual organs into petals, and doubles, and doubles; it becomes entirely aesthetic.'\(^91\) The hysteric voice, then — another kind of mimicry — occurs when Law no longer needs to or is able to, reproduce itself. The subject can neither be, nor have, the corporeal guarantor required for participation in the fraternal economy of sovereign language. In terms of international relations and international law, hysteria arises when the speaker has no unitary voice; no power to enforce the word, nor polis to stand in for the clean-and-proper body. The drive to revolt against its own impossible office can only be discharged through aesthetic signification. The voice of the hysteric, I argue, is a symptom which may indicate both the impossible place (in Law), and a moment where the possibility of the ethical encounter arises.\(^92\)

### 2.5 Reflections of a Sun God(dess)

Are there indeed any encounters in that place between nations, where we can identify the hysteric symptom? Here I turn to another cave story where origin and speculum may appear to be reversed. The sun goddess, Amaterasu — origin of the Japanese people and ancestor of the Imperial family — is symbolised by a mirror within an empty shrine. The story describes a contest between the goddess and her brother, Susanoo, to produce offspring more noble than the other. The contest ends with Susanoo resorting to violence at Amaterasu's insistence of victory. The sun goddess flees into a cave, covering the world in darkness. In order to entice her out, the goddess of merriment creates such laughter that Amaterasu looks out in curiosity and then emerges, dazzled by her own reflection in a mirror placed at the mouth of the cave.

Laughter, rather than reason; nonsense, rather than sense, is what coerces divinity into the world. The subject's existence is explicitly recognised here as being conditional upon the movement between both inside and outside; origin and destination; cave and nation. Divinity is symbolised by the speculum itself, a mirror within a shrine which reflects back the subject's own gaze. The fact, too, that the story concerns a female divinity (who is both sovereign and sun) as the origin of the nation, complicates the Western project of constructing state sovereignty through the binding words of brothers and Fathers. It is this divinity that the United States demanded the Emperor renounce in their project to secularise Japan at the end of the Second World War. This story, however, is running ahead of itself, and we must begin from the point of first encounter between the two states.

\(^90\) Breuer Josef and Freud Sigmund Studies on Hysteria Penguin Classics 2004 (Luckhurst Nicola trans.).


\(^92\) This is somewhat analogous to Jacques Derrida's call for and 'unconditional sovereignty', which will be discussed in the following section.
3.0 THE US — JAPAN ENCOUNTER: A CASE STUDY

3.1 Black Ships

In the beginning was the fence. Fence, enclosure, and border are deeply interwoven in the world formed by men, determining its concepts. The enclosure gave birth to the shrine by removing it from the ordinary, placing it under its own laws, and entrusting it to the divine. The enclosing ring — the fence formed by men's bodies, the man-ring — is a primeval form of ritual, legal, and political cohabitation.93

After several unsuccessful visits by U.S. representatives to negotiate trading agreements, one Commodore Perry sailed into Japan in 1852, then again in 1854 with coal-fired war ships, forcing Japan to sign the 'Treaty of Amity and Commerce' with the US. The pretext of commerce lay hand in hand with what the US saw as being also a civilising mission, 'carrying the gospel of God to the heathen'.94 This was the first forced encounter between the US and Japan, ending Japan's seclusion from the rest of the world and beginning a gradual militarisation of the nation, leading to Japan's brutal expansion of empire throughout East Asia and South-East Asia from 1867 to 1945.95 On 15 August 1945, nearly one hundred years after Commodore Perry's visit and toward the end of the Second World War, a second encounter between the two states took place: this time with the use of nuclear weapons, and this time, ending in Japan's unconditional surrender.

The US' military victory gave rise to their claim of the seldom-used customary law doctrine of *debellatio* (allowing the occupier to reshape occupied territory without regard for its prior sovereign) — the legal doctrine which most closely resembles the US occupation vis-à-vis Iraq today.96 This case study is interesting because despite their demand for unconditional surrender and subsequent claim of *debellatio* in the pursuit of their secularisation of Japan, the US chose to retain the Emperor (albeit as a symbol of the state rather than as an official sovereign head of state).97 This part of the article will analyse the mimetic significance of the demand for unconditional surrender and secularisation, through the texts of surrender and the Emperor's renunciation of divinity. It ends with some observations as to whether or not the possibility of the hysteric symptom arises in this place between nations.

93 Schmitt above note 1 at 74.
94 As described in the painting by Evans James G. 'The US Japan Fleet. Com. Perry Carrying the “Gospel of God” to the Heathen. 1853'. Oil on canvas.
95 The drive to access raw materials and new markets led to the push for what was termed a 'Greater East-Asian Co-Prosperity Sphere'.
97 This in fact mirrored the Emperor's traditional role in feudal Japan, where s/he would act as a symbolic head of state, not directly involved in politics and the day-to-day running of the country.
3.2 Unconditional Surrender

The US’ call for unconditional surrender moves from almighty force: “the threshold of annihilation” and “complete destruction of the Japanese armed forces” and salvation: “the path of reason”; “a new order of peace, security and justice” to: “revival and strengthening of democratic tendencies among the Japanese people” and the establishment of “fundamental human rights”. It ends with the promise that “eventual Japanese participation in world trade relations shall be permitted” once Japan emerges as “peaceful and productive” people with a “responsible government”, the product of the “freely expressed will of the people”, it would be “permitted” into the Allied fraternity and sutured to an international law. Japan, as evidenced in these texts, was the quintessential patient of what Upendra Baxi identifies as the ‘Operation Infinite Justice/Enduring Freedom’.99

It was the Emperor himself who decided to break precedent and speak, for the first time in history, directly to his subjects. The text of the declaration of surrender was completed close to midnight and recorded on a Japanese phonograph the next day. There were two attempts by

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98 The Potsdam Declaration: A statement of terms for the Unconditional Surrender of Japan, July 26, 1945: (1) We-the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agreed that Japan shall be given an opportunity to end this war. (3) The result of the futile and senseless resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges upon Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, will mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland. (4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisors whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason. (5) Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay. (6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on a world conquest. We insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world. (7) Until such a new order is established and until there is convincing proof that Japan’s war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth. (9) The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives. (10) We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion and of thought as well as respect for the fundamental human rights shall be established. (11) Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to rearm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted. (12) The occupying forces of the Allies shall be withdrawn from Japan as soon as those objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government. (13) We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

military leaders to prevent the recording from being broadcast — once at the Emperor’s palace (the recording was smuggled out in a laundry basket), and again at the radio station. The coups were both unsuccessful, and the recording was aired. John Dower notes that ‘[d]espite its chaotic genesis, the rescript emerged as a polished ideological gem.’ In the rescript, called the Gyokuon Hoso, (literally, ‘Jewel Voice Broadcast’), the Emperor declares: ‘The thought of our subjects dying in the battlefields…pains my body to the point of fragmentation’ and ‘I am willing to endure the unendurable, tolerate the intolerable, for peace to last thousands of generations.’ Delivered in archaic aristocratic Japanese over crackly airwaves, the speech was not immediately understood by the public. What did this exceptional act signify?

The sovereign’s speech was the diction of law, a juris-diction. As such the Emperor, by recording and broadcasting his voice throughout Japan, transcribed the Empire Japan as the Nation Japan. In a single act, he simultaneously performed an unconditional surrender and established a total jurisdiction over the new demos. Promising a future of perpetual peace, the Emperor’s speech signified the re-birth of a nation always-already formed. It was at this moment, ‘as sentimental royalists would soon put it, [that people actually heard] the sovereign’s true voice … It was “as if the sun had at long last emerged from behind the dark clouds”’. One way of reading this act of speech, then, is to term it a resistance against the call for unconditional surrender. In this reading, the Emperor performs a sleight of hand and re-marks his territory by re[state]ing sovereign jurisdiction on and in Western terms — by speaking directly to the people. “Endure the unendurable”, he says; “tolerate the intolerable” — it appears as if this is the aporetic moment of law par excellence, what Jacques Derrida calls an unconditionality of the ethical act at its purest. We could even go so far as to say that this act of hospitality is given not only by the Emperor-as-host, but that such an act of unconditional hospitality requires the mortgaging of part of the body (the Emperor’s voice) for the whole (the Nation’s body). The capacity to host

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100 Dower John *Embracing Defeat: Japan in the Wake of WWII* W.W. Norton 2000 at 35.
101 Douzinas Costas ‘Speaking Law: On Bare Theological and Cosmopolitan Sovereignty’ in Orford Anne (Ed.) *International Law and its Others* Cambridge University Press 2006 at 41: ‘Jurisdiction speaks the law: it is juris diction, the diction of law, law’s speech and word.’
103 The act of directly addressing the constituency has been performed in the West since Roman times.
104 Against the triumphalism of the liberals and the knee-jerk reaction of cosmopolitans, Derrida has consistently emphasized the aporetic nature of sovereignty. He reminds us of its auto-immune ability; the proximity of its absoluteness with the unconditionality of the ethical act at its purest.” (Derrida Jacques “The University without Condition” in *Without Alibi* (Kamuf Peggy trans. and contrib.) Stanford University Press 2002 at 202-37. In thinking about unconditionality, I am thinking in particular of unconditional hospitality and unconditional forgiveness, two privileged terms addressed by Derrida in several of his writings.
105 The ‘hosting body’ is a concept which seeks to problematise the coding of relations by dialectical categories (active/passive, strong/weak), and is developed later in this thesis.
106 Douzinas above note 101 at 43: ‘The confusion, the rolling together through the rhetorical figure of *metalepai* ([where] the part stands in for the whole) is implicit in the nature of all jurisdiction and not only in constitution-making after revolutionary upheavals.’
thus relies on a concomitant existence as hostage (its etymological Other), hence exposing the speaker's body to the risk of hysterical fragmentation.

The Emperor's speech, however, obscures the fact that this new nation he promises — purportedly guaranteed by the Emperor's new body — is conditional upon entry into the fantasy of the fraternal relation. The US' offer to spare Japan from annihilation was made conditional to Japan's eventual participation in fraternal exchange called the international economy. Sovereign desire for a whole, white, clean-and-proper body, a priori, is manifest in these particular texts as the positioning of the US and Japan as what in today's vocabulary is called 'developed' (written in the past perfect; imagined as always already complete), as compared to 'developing' countries who are written as nonetheless traversing a trajectory towards the same-yet-infinitely-retreating object of desire. Both countries invoke a perpetual peace in the name of Empire. Here, call and answer begin to sound not unlike a conversation: the demand for unconditional surrender is revealed to be a demand for unconditional love.

3.3 From Divine to Secular Fraternity

A few months after surrender in January 1946, Hirohito, at the direction of the head of the occupying forces General Macarthur, renounced his divine ancestry in another radio transmission to the people. In this pronouncement Hirohito states:

The devastation of war inflicted upon our cities, the miseries of the destitute...are indeed heart-rending ... The ties between Us and Our people have always stood upon mutual trust and affection ... They are not predicated on the false conception that the Emperor is divine ... [Appealing to] 'the desires of the people' [he declares that] 'a bright future will undoubtedly be ours, not only for our country, but for the whole humanity.'

Here, "the people" are named the objects of war; however, peace is not described as having been brought about by their sacrifice. Rather than recognising the people as victims to be venerated, the Emperor has already substituted his own "fragmented body" in the initial broadcast and the body of the Emperor, 'fragmented' by and for the people, functions as the Eucharist—a body through which the subject may gain purity and wholeness through consumption (see Jennifer Beard, The Political Economy of Desire: International Law, Development and the Nation State (2007) 45). Interestingly, the word 'hostage' derives from the c.1275 meaning of 'a lodger held by a landlord as security' (O.Fr. *hoste* 'guest'), or from the Latin *obsidanus*, 'condition of being held as security'. The modern use of 'hostage' in discourses of terrorism dates from the 1970s.

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107 (1) 'Person who receives guests' c.1290, from O.Fr. *hoste* 'guest, host' (12.c), from L.*hospitem* (nom. *hostes*) 'guest, host', 'lord of strangers' from PIE *ghostis* 'stranger' (c.f. O.C.S. *gospodi* 'lord, master' Goth. *gats* 'guest'; (2) 'Animal or plant having a parasite' c.1857; (3) 'Guest, enemy' (O.E. *gæst, geast*; (4) 'Mutitude' from O.Fr. *host* 'army' (10.c), from M.L. *hostis* 'army, war-like expedition', from L. *hostis* 'enemy'; (5) 'Body of Christ, consecrated bread' c.1303, from L. *hostia* 'sacrifice'. The body of the Emperor, 'fragmented' by and for the people, functions as the Eucharist — a body through which the subject may gain purity and wholeness through consumption (see Jennifer Beard, The Political Economy of Desire: International Law, Development and the Nation State (2007) 45). Interestingly, the word 'hostage' derives from the c.1275 meaning of 'a lodger held by a landlord as security' (O.Fr. *hoste* 'guest'), or from the Latin *obsidanus*, 'condition of being held as security'. The modern use of 'hostage' in discourses of terrorism dates from the 1970s.

108 Irigaray above note 68 at 293: '[m]an will only be able to move close to the infinite or away from it in asymptomatic fashion, by more or less good, true, enlightened visions, by more or less harmonious numerical relationships, by more or less appropriate language.' 291: 'Syntax dominated by the desire for Truth which makes the decisions of agreements "between" without ever having recourse to distinguishing, defining, recognising those who gaze and speak...Because it is not represented, because it is forbidden to appear in the show, auto-reproduction is able to inform and mobilize its economy: the search for more and more copies of the same, of the auton whose term is eclipsed by the domination of the Idea.'

109 Imperial Rescript on National Revitalisation (Nentō, Kokkun Shinkō no Shōhō).
divine office in the second broadcast as the sacrifice. Furthermore, future violence is mitigated and a “bright future” ensured by creating a harmonious brotherhood triangulated through an imagined gaze in the Name-of-the-Father — a gaze, as Luce Irigaray says, ‘of the older man in which his image is formed, that enlightened point of view of a father whom he lacks and who, out of love for himself and an equal sense of lack, claims to constitute him as an equal.”110 The secularisation of the sovereign’s body and democratisation of the state initiated in this speech is predicated upon “mutual affection” within the fraternal relation which then stands in for “the whole humanity”.

Consequently, the reply to the demands amounts to a confession111 (exchange of the part (the word) for the whole (the s(p)ecular body)), where a convenient substitution of Man for God occurs.112 What appears to be a religious conflict between the two states is in fact an exchange of desire for mutual fraternal recognition of their respective possessions and occupations of land in the Name-of-the-Father. The Emperor’s rhetorical sleight of hand functions to remake his territory without losing at any point his position as the privileged signifier. Sacrifice of the divine office, both by the US and by Japan, enables the rearticulation of authority over the subjects of both states. The US’ demand for the Emperor’s surrender of divine authority can thus be interpreted as being a demand for surrender of the maternal divine and maternal origin — the sun goddess Amaterasu. The myth itself is exposed as phallacy, as the impossibility of self-recognition in mirror at the mouth of the cave becomes apparent. The substitution of the “fragmented body” of the sovereign as the symbolic sacrifice obscures the structural sacrifice of the maternal feminine, as both states “now work towards love of mankind”. The prophecy of “a bright future” will indeed be revealed as the Emperor ascends to bask in the s(p)ecular image of a body complete in time and space.

3.4 A Lovers’ Discourse

A final question then remains: can we identify here the hysterical symptom; the possibility of the ethical encounter between states? No, not here, in this lovers’ discourse. The fragmentation of the sovereign’s body does not result in the hysterical symptom since what we see here is the reincarnation of the divine corporeal guarantor as secular phallic avatar within the mimetic discursive economy, precluding any recognition of the origin(al) sacrifice. Through phone (sound, voice), the avatar’s jurisdiction enables the remaking of territory in his (mirror)image: Hirohito

110 Irigaray above note 63 at 323.
111 See Beard above note 107 at 27–52 where the author undertakes a detailed discussion of the ‘mimetic traces’ of the practices of religious confession on western discourses of development (of colonized nations).
112 “The transformation of the absolutist and patrimonial model consisted in a gradual process that replaced the theological foundations of territorial patrimony with a new foundation that was equally transcendent. The spiritual identity of the nation rather than the divine body of the king now posed the territory and population as an ideal abstraction.” Hardt Michael and Negri Antonio Empire Harvard University Press 2001 94–5. There is one interpretation of this pronouncement which argues that renunciation of divinity was not the purpose of the rescript, but rather, that the Emperor wished to emphasise the existence of Japan’s democratic nature prior to the occupation (during the Meiji era): See Dower above note 97 at 314. This argument, however, merely supports my proposition that the renunciation as such was not undertaken with the purpose of absolving the Emperor of power, but rather, to rearticulate and redefine the foundation of sovereign authority.
ascends from his cavernous bunker after renouncing his maternal divinity — to speak as the Father. Through ultrasound, he speaks-sees into the cave of ghostly shapes, using echoes to locate its interior and ensure access to the fruit of its labours.

This resurrection of sovereignty through the act of Imperial speech, the re-appropriation of the language of nation and empire, and the repositioning of Japan from the role of ‘occupier’ to ‘occupied’, was the beginning of Japan’s re-writing of post-war history, ‘where issues of war responsibility have more often than not deflected and bypassed the questions of Japanese colonialism.’113 This was possible, as another commentator notes, because ‘Japanese nationalism itself could accommodate US imperial nationalism, or even be an organ thereof.’114 The ‘purification and sanitisation of the social body’,115 performed through Emperor Hirohito’s exchange of divine office for entry into the white fraternity, simultaneously enabled the preservation of the discourse of ‘nation’ within Japan and the creation of a new discourse of the state.

This same moment is similarly related by the Russian director Alexander Sokurov in his 2004 film ‘Solnze’ (The Sun), where one scene depicts the character of the Japanese Emperor posing in the garden of the Imperial Palace after Japan’s unconditional surrender. While posing for US wartime photographers, it first appears as though the Emperor is refracting their orientalising gaze by mimicking the American mime Charlie Chaplin. It may be useful to refer here to Homi Bhabha’s discussion of colonial imitation:

It is...this area between mimicry and mockery, where the reforming, civilising mission is threatened by the displacing gaze of its disciplinary double ... Mimicry does not merely destroy narcissistic authority through the repetitious slippage of difference and desire. It is the process of the fixation of the colonial as a form of cross-classificatory, discriminatory knowledge within an interdictory discourse ... The ambivalence of colonial authority repeatedly turns from mimicry — a difference that is almost nothing but not quite — to menace — a difference that is almost total but not quite.”116

For Bhabha, inherent in the mimicry of the colonizer is a potential for the “displacing gaze”: a potential to unsettle, if not emancipate, the mimic. In Sokurov’s scopic exchange, however, parody becomes pastiche,117 and the director’s keen observation produces later scenes with

114 ‘... Even today, Japanese nationalists are incapable of confronting the complicity between their nationalism and US hegemony ... they would never be able to engage in serious negotiation with people in East and Southeast Asia who were directly victimized by ... Japanese imperial nationalism.’ Sakai Naoki ‘You Asians’: On the Historical Role of the West and Asia Binary’ in Yoda Tomiko and Harootunion Harry (eds), as above at 186-7.
117 Fredric Jameson terms ‘pastiche’ — a blank parody: ‘Pastiche is, like parody, the imitation of a peculiar or unique, idiosyncratic style, the wearing of a linguistic mask, speech in a dead language. But it is a neutral practice of such mimicry,
Emperor Hirohito and General Macarthur which reveal that the refraction has in fact turned into a reflection, devoid of the satirical impulse. As such, in the case of the demand and reply for unconditional surrender, the mimetic inversion has occurred without incident.

The analysis in this article suggests that the US' demand for unconditional surrender and absolution of divine origin is not a demand for Japan’s transformation into a democracy as such but rather, a demand for unconditional love and recognition of the US' territoriality. The Emperor’s response simultaneously reinscribed his sovereignty (conditional upon recognition by the occupier) and rendered invisible the prior sacrifices of war. I will end with a short collage of the demand and surrender:

Incalculable\(^\text{118}\)
The killing of innocents\(^\text{119}\)
Of this sacred state\(^\text{120}\)

A statement of terms\(^\text{121}\)
There are no alternatives\(^\text{122}\)
We brook no delay\(^\text{123}\)

Most cruel explosive\(^\text{124}\)
Pains my body\(^\text{125}\)
To the point of fragmentation\(^\text{126}\)

Unconditional\(^\text{127}\)
The time has come for Japan\(^\text{128}\)
The path of reason\(^\text{129}\)

Peoples of the world\(^\text{130}\)
In fraternal contention\(^\text{131}\)

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\(^\text{118}\) Gyokuon Hoso (lit. 'Jewel Voice Broadcast') Imperial rescript on the termination of the war via phonograph.
\(^\text{119}\) As above.
\(^\text{120}\) As above.
\(^\text{121}\) Demand for Unconditional Surrender: The Potsdam Proclamation (1945), Title sub-heading.
\(^\text{122}\) As above at Line 5.
\(^\text{123}\) As above.
\(^\text{124}\) Gyokuon Hoso As above note 118.
\(^\text{125}\) As above.
\(^\text{126}\) As above.
\(^\text{127}\) Demand for Unconditional Surrender As above note 121 Line 13.
\(^\text{128}\) As above Line 4.
\(^\text{129}\) As above Line 9.
\(^\text{130}\) Demand for Unconditional Surrender As above note 121 Line 3.
\(^\text{131}\) Gyokuon Hoso As above note 118.
New order of peace\textsuperscript{132}

Tolerate the intolerable\textsuperscript{133}
For peace\textsuperscript{134}
To last thousands of generations\textsuperscript{135}

On a world conquest\textsuperscript{136}
The Empire of Japan\textsuperscript{137}
The United States\textsuperscript{138}

\textbf{4.0 CONCLUDING REMARKS}

John Caputo remarks that ‘while we have inverted the old schema, turning it on its head, by giving power to the people, we have not slipped free of its most basic presupposition, that of sovereignty itself, which goes unchallenged.’\textsuperscript{139} My hope is that this article has gone some way toward challenging the presupposition by articulating the structures and prior sacrifices of the mimetic relation and by tracing their operations through a brief examination of post-war US - Japan relations. Although the hysteric symptom is precluded in this instance, the impossibility of secular relations in an age sown by the seed of men\textsuperscript{140} is becoming clearer.

While there is no scope in this article to include additional textual analyses, there remain many sites within the international legal order where instances of state-sanctioned violence may be read otherwise. Revisiting the narratives of modern nation-states using psychoanalytic, feminist and post-colonial understandings of desire, mimicry, recognition and sacrifice makes explicit that enclosure cannot be afforded by men’s bodies, as we yearn toward the vanishing point of an unconditional sovereignty.

\textsuperscript{132} Demand for Unconditional Surrender As above note 121 Line 6.
\textsuperscript{133} Gyokuon Hoso As above note 118.
\textsuperscript{134} As above.
\textsuperscript{135} As above.
\textsuperscript{136} Demand for Unconditional Surrender As above note 121 Line 6.
\textsuperscript{137} As above.
\textsuperscript{138} As above.
\textsuperscript{140} From L. secularis "of an age, occurring once in an age," from seculum "age, span of time, generation," probably originally cognate with words for "seed," from PIE base *se(t)- "to sow" (cf. Goth. manasēþs "mankind, world," lit. "seed of men").