

# Traumatic Origins in Hart and *Ringu*

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## Introduction

Popular culture is a domain for legal thinking: a domain in which we can explore how law is ‘made up’, as Elaine Scarry says, before it is ‘made real’.<sup>1</sup> It is productive to think of certain horror films as exercises in legal thinking because rules and authority are integral to both law and the horror genre. Accordingly, in this piece, we explore a popular horror film for what it reveals about the nature of legal authority and how the origins of law are ‘made up’.

The primary focus of our analysis in this chapter is on the cult Japanese movie *Ringu* rather than the cult American remake,<sup>2</sup> *The Ring*, that it inspired.<sup>3</sup> The premise of *Ringu* is that anyone who watches a video of subliminal and abstract images is fated to die one week after the viewing. The video states: ‘If you do not wish to die, you must follow these instructions exactly...’ and then the video cuts to static. In the horror genre, monsters are subject to rules that are both the source of their horror and the means by which they can be defeated: zombies eat brains and need to be decapitated. *Ringu* is devoted to discovering the means of defeating a curse; the plot initially appears to obey the internal rules that attach to the monster, Sadako—but these rules are ultimately shown to be irrelevant. This paper explores the ways in which the genres of both law and horror construct and communicate stories of origins that are integral to power and authority. We also show the ways in which these stories are subject to deconstruction and subversion, and the significance of these tactics.

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<sup>1</sup> Elaine Scarry (1992). See also Cover (1983); Derrida (1992); Motha (2015).

<sup>2</sup> Nakata (1998).

<sup>3</sup> Verbinski (2002).

In particular, we will study origins in the context of Hart's legal theory. *Ringu* is particularly apposite to explore Hart's theory of law because a key concern of Hart's was the identification of the foundation of the legal system, and the idea that the origin of law would provide law with authority and legitimacy. Studying Hart's portrayal of law through the prism of a cult horror film is an exercise which can be understood as forming part of a larger legal cultural studies project in which popular culture is examined not only for the ways in which it reflects and expresses assumptions, values and wishes about the legal system, but also *produces* alternate versions of law and legal thinking.<sup>4</sup> *Ringu* dislodges old understandings and facilitates a reopening of sedimented conceptions of the relationship between the origins of law, violence and trauma. It transposes the clean abstractions of law and justice into the messiness of representation, a language and genre of contexts, saturated with nuances.<sup>5</sup> In *Ringu*, not only are origins thematically explored, but the film has been acclaimed as the origin of 'J-Horror', successfully launching a revival of horror filmmaking in Japan,<sup>6</sup> with subsequent films including *Pulse*, *The Grudge*, and *Dark Water*.<sup>7</sup> Released in 1998, *Ringu* became the highest grossing horror film in Japan and received critical acclaim. It gained cult status in the West. The American remake *The Ring* reached number one at the box office in both countries and grossed more in Japan than its original.

A key assumption of the main characters in *Ringu* is that the discovery of the origin of the monster is a way to resolve the curse. Indeed, the film thematises the question of origins through its composition and cinematography, as well as its narrative and character drives.

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<sup>4</sup> Honig (2013); MacNeil (2007); Sarat and Kearns (1998).

<sup>5</sup> Dimock (1996).

<sup>6</sup> Balmain (2008).

<sup>7</sup> *Pulse*: Sonzero (2006); *The Grudge*: Shimizu (2002); *Dark Water*: Salles (2005).

The recurring natural imagery of oceans and wilderness, and the iconography of the sphere outlined by moonlight, are composed as puzzles for narrative, aesthetic and psychic resolution. *Ringu* starts with a vision of the ocean at night while the opening credits are playing, then switches abruptly to a baseball game when the credits finish. Two teenage girls (Tomoko and Masami) have a baseball game on a television in the background as they discuss an urban legend about a cursed video that leads to the death of the viewer seven days after watching it. Tomoko admits to Masami that she has seen it, but neither girl takes this seriously. When Masami leaves Tomoko alone in the kitchen/lounge the television turns on. Tomoko switches it off, but it comes back on again. Tomoko turns around and gasps in horror. The moment of her death is captured in a still image. The film then cuts to the main character, reporter Reiko Asakawa, who is investigating the urban myth of the video curse through interviews with teenagers. Asakawa takes the curse seriously after her niece becomes one of four teenagers who die in mysterious circumstances one week after going on holiday together. Asakawa finds and watches the video and then asks her ex-husband Takayama to watch the video and help her 'resolve' the threat. The stakes are increased after Asakawa discovers that their young son, Yoichi, has also watched the video. Ironically, it is Asakawa's interest in a child-killing monster that results in her own child being put in harm's way.

The characters' attempts to resolve the violence revolves around their focus on origins. They discover that the origin of the curse is Sadako Yamamura, the daughter of the great psychic Shizuko Yamamura who was driven to suicide after being ridiculed as a fraud. The video is the psychic projection of Sadako's rage. They believe that Sadako's vengeful spirit killed the teenagers after being murdered by her 'father' when he put her down a well to die. They believe that by uncovering this trauma, and her corpse at the bottom of a well, they will appease her angry spirit and break the curse. The film thematises this scene as a scene of

resolution. However, *Ringu* undermines this story of the resolution of origins when Sadako's curse continues unabated, and Asakawa realises the only way to escape the curse is by copying the video and showing it to someone else. Thus, the law of resolving the monster requires a never-ending cycle of trauma and also requires victims to undertake an act of complicity—the tape must be copied and passed on to others, who will similarly be subject to the curse, to ensure the survival of its viewers. Asakawa asks her father to view it in order to save Yoichi.<sup>8</sup>

This chapter explores the commonalities and dissonances of sources of authority between *Ringu* and Hart's highly influential positivist account of law. The first section outlines the centrality of rules in law and horror, highlighting that both Hart and horror are more concerned with formal validity than the substantive effects of rules. The remainder of the chapter then analyses the quest for origins by Hart and the protagonists of *Ringu*. The second section examines the idea that identifying the origin will provide resolution—whether of the monster, or of the legitimacy and authority of the law. In the third and final section, we highlight that in horror the origins of the monster are often (but not always) imbricated with trauma. This provides a reminder of the violence of law and its origins. *Ringu* displays a traumatic origin of the monster, but undermines the assumption that the trauma narrative will provide a means to resolution.

## **Law and Horror**

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<sup>8</sup> *Ringu 2*, see Nakata (1999), shows that although Asakawa's father watched the video he did not pass it on and thus died of the curse.

Hart's theories of law and legal authority are constructed around rules and their transgression—and these are also major concerns in horror. Monsters are central to the horror genre,<sup>9</sup> and theorists have emphasised that the key attribute of monsters is the transgression of the borders of humanity. This imbrication of law and transgression in the production of monsters was considered by Foucault in *Abnormal*:

*Essentially, the monster is the casuistry that is necessarily introduced into law by the confusion of nature . . . it is a monster only because it is also a legal labyrinth, a violation of and an obstacle to the law, both transgression and undecidability at the level of the law.*<sup>10</sup>

On this account, the production of monsters is understood as a double breach of nature and law. Without rules (to transgress), there would be no monsters. The historic common law construction of monsters reflected this idea of a double breach of nature and law.<sup>11</sup>

The centrality of rules to horror and the production of monsters is portrayed in *Ringu* in two central ways. First, monsters have the potential to contaminate and undermine cherished borders, to blur and weaken dividing lines that affirm binary relations. This is because monsters not only break rules and cross borders, but because they also challenge the border

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<sup>9</sup> The boundaries of the horror genre are open to debate. There are two key attributes. First, the genre is associated with the emotion that it intends to arouse, that of horror: Carroll (1987). Second, horror is particularly, but not always, associated with monsters. It should be noted that horror does not always succeed in horrifying. Moreover, monsters are not confined to the horror genre. Monsters populate other entertainment forms such as science fiction and children's shows. However, devotees of the genre are confident in their own definitions and expectations of the genre. See Tudor (1989).

<sup>10</sup> Foucault (2003), p 64.

<sup>11</sup> Sharpe (2010). The category of monster remains relevant to law explicitly and implicitly. See, for example, Cole (2006); Crofts (2012); Crofts (2013).

itself, by being both and neither one thing and/or another.<sup>12</sup> Monsters resist and refuse easy categorisation. They are disturbing hybrids that refuse to participate in the classificatory ‘order of things’, problematising and challenging classifications built on hierarchy or binary oppositions.<sup>13</sup> Monsters break apart the ‘either/or’ syllogistic logic with a kind of reasoning closer to ‘and/nor’. For example, vampires are the living dead—they are both/neither dead and/nor alive. In *Ringu*, Sadako is both alive and dead, victim and perpetrator, and she is a child who has lived a particular history as well as being a timeless spectre who haunts. She disrupts our assumptions about children as innocent, explicitly claiming in the American version that she wants to hurt people. The films play with the meeting of water and electricity, physical boundaries that we are taught from an early age should never meet. She crosses from the television into real life, breaching the safety we assume that protects us from monsters in film.<sup>14</sup>

Second, monsters do not only transgress rules, but are themselves also bound to follow rules. They have specific attributes and rituals that are themselves horrific and the means by which they can be defeated. For example, with some play on the rules, zombies eat brains and need to be decapitated, vampires suck blood, and are allergic to garlic, crucifixes, and sunlight, and need to have a stake through the heart. Fantasy fiction, whether science fiction or horror, succeeds or fails by the rules it articulates or creates and whether or not the fiction satisfactorily follows, interprets and applies these self-imposed rules. There are specific rules

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<sup>12</sup> The classic monsters of horror films—zombies—have been used to explain Derrida’s ideas about undecidability. Zombies might be ‘EITHER alive OR dead. But it cuts across these categories: it is BOTH alive AND dead. Equally, it is NEITHER alive NOR dead, since it cannot take on the “full” senses of these terms . . . in terms of life and death, *it cannot be decided.*’ Collins and Mayblin (1996), pp 17-20.

<sup>13</sup> Cohen (1996).

<sup>14</sup> In Suzuki’s novel, Sadako further disrupts gender boundaries as a hermaphrodite; in the film adaptations she is coded female.

and rituals in *Ringu*. The curse is only activated once someone watches the video. After this, a phone will ring. This aspect of the curse is regarded as particularly scary by the protagonists not only because it crosses a line from television to phone, but it shifts from a situation where the curse could be addressed to anyone to one to where there can be no possibility of mistake—the call of the phone is for them alone.<sup>15</sup> The curse is that a person will die on the 7th day after watching the video. What should be done during those 7 days? The adult protagonists devote their time to discovering the means of defeating the curse by trying to find where/who it comes from.

It is of course possible for fiction to break its own rules, but this must be done in a way which indicates awareness and reflexivity. Mistaken or careless breaching of these self-imposed rules has the potential to undermine the suspended disbelief of the audience.<sup>16</sup> This idea of a system being bound by rules of its own creation, no matter how difficult or destructive, has also been explored in legal theory,<sup>17</sup> as demonstrated in the Hart/Fuller debate about the legal consequences of the Nazi grudge cases.<sup>18</sup> The natural law theorist Lon Fuller sought to argue

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<sup>15</sup> Martel (2017).

<sup>16</sup> There are websites devoted to continuity errors or ‘goofs’ in films. For those focusing on *Ringu*, see, for example: Movie Mistakes, ‘*Ringu* (1998) Continuity Mistakes’, <http://www.moviemistakes.com/film3076/continuity>; IMDb, ‘*Ring* (1998)—Goofs’, <http://www.imdb.com/title/tt0178868/goofs>.

<sup>17</sup> In a review of *The Ring 2*, see Nakata (2005), Shepard asserts the film is crappy because its rules are ‘stupid’ and there are too many logical inconsistencies and gaffes: Shepard (2005). To take another example, the *Doctor Who* BBC science fiction series was confronted with the problem of self-created rules potentially resulting in the end of the series. It was first stated in the episode ‘The Deadly Assassin’ (1976) that a Time Lord can regenerate twelve times (thirteen incarnations in all). However, when it seemed likely that the series was coming to its 13th incarnation, a process of interpretation and careful application to the ‘facts’ explained how the original rule was sustained but bypassed so that the series could continue.

<sup>18</sup> The grudge cases involved people reporting another for trivial crimes which nonetheless resulted in the death penalty in Nazi Germany. Hart and Fuller were responding to a report of a case, post World War II, of a woman who had reported her husband of making derogatory remarks about Hitler. The husband was convicted, but

that the legal system in Nazi Germany was so morally flawed that it was not a legal system at all, and thus any Nazi laws could not be valid.<sup>19</sup> In contrast, Hart argued that the morality of a law was separate from the question of its validity. Accordingly, even laws such as those relied upon in the grudge cases should not be invalidated on the basis of a moral question.<sup>20</sup> For Hart, the actions of those who relied on bad law to prosecute personal grudges could either be regarded as undesirable but lawful, or if necessary, a retrospective law could be passed to punish them.<sup>21</sup> Hart asserted that while this was undesirable, it would retain the legitimacy of the law.

One of the reasons why monsters are celebrated by poststructural theorists is that,<sup>22</sup> by transgressing cherished borders or rules (such as the boundary between life and death, human and inhuman), they challenge other cherished rules.<sup>23</sup> On these accounts, admixtures of

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although sentenced to death he was sent as a soldier to the Eastern Front. The man survived and returned to institute proceedings against his wife. The woman argued that she had not committed a crime because a court had sentenced her husband in accordance with the law of the time. She was convicted of illegally depriving another of his freedom. The court was incorrectly reported as stating that the Nazi laws were ‘contrary to the sound conscience and sense of justice of all decent human beings’: Hart (1958), p 619.

<sup>19</sup> Fuller (1958).

<sup>20</sup> The famous legal debate about so-called ‘grudge’ cases provides a link with J-Horror, in the form of the *Grudge* films. *Ju-On: The Grudge*, Shimizu (2002), was remade in 2004 as *The Grudge*, Shimizu (2004), and presents a curse that is born when someone dies in the grip of a powerful rage or extreme sorrow. The *Grudge* films demonstrate the complexity of origins, with the ‘original’ *Ju-On: The Grudge* coinciding with its American counterpart *The Grudge* in 2004 in its South Korean debut, both original and adaptation made by the same director, Takashi Shimizu. See Phu (2010).

<sup>21</sup> Hart (1958).

<sup>22</sup> For example, Halberstam (1995), p27, reads monstrosity as ‘almost a queer category’: ‘The monster always represents the disruption of categories, the destruction of boundaries, and the presence of impurities and so we need monsters and we need to recognize and celebrate our own monstrosities.’ See also Haraway (1992); Sharpe (2010).

<sup>23</sup> *True Blood*, Ball (2008-2014), explores the idea of monsters breaching the rules of the possible. If vampires are real, then what other monsters exist? Throughout its series, *True Blood* introduces other ‘monsters’ such as werewolves and fairies.



genres and borders offer political promise or a ‘reverse discourse’.<sup>24</sup> Despite the requirement that monsters transgress rules (in order to *be* monsters), they remain rule-bound and reflect an approach that Hart would have applauded. Rules are rules and the only question is whether they were validly made, independent of their content.<sup>25</sup> Thus monsters, including Sadako, have a set of rules they must follow, even if the rules are irrational or increasingly difficult for their creators to meet.<sup>26</sup> What would happen in *Ringu* if no one answered the phone, or the phone was busy, or someone else answered it? Why does the phone ring at all? Would the curse still be fulfilled? Why do the victims have to wait seven days? Monsters in horror perform Hart’s depiction of the legal system—they are situated in an established system of rules which are assumed to be valid, regardless of their substance. The failure to follow rules undermines the mystique of the system—whether in horror or law.

### **Point of origin as a means of resolution**

An assumption guiding the protagonists in *Ringu* is that if they find the origins of the curse then they will be released from their fate. The video that transmits the curse portrays key scenes from the lives of the protagonists—it is their belief these scenes need to be decoded, and their origins located and understood, in order to end the curse. The film’s structure, aesthetics and its identification as spawning J-Horror also thematise and emphasise the significance of origins—the tape itself is played to the viewer repeatedly, encouraging the audience to also seek its meaning. Both law and horror are genres that construct stories of origins that are integral to power and authority. For example, a classic trope of horror is that

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<sup>24</sup> Foucault (1978), p 101.

<sup>25</sup> Hart (1963).

<sup>26</sup> An alternative way to challenge irritating rules is to question the authority of the rule-maker. Thus vampires might laugh at the rule that they are allergic to garlic or crucifixes by stating that those rules were made up by humans who do not actually know vampires.

understanding the origin of a monster provides a means to resolve it. Resolution in horror can include fitting monsters into categories by providing an explanation of *why* they exist, as well as providing a means by which they can be defeated.<sup>27</sup> This explanation of monsters in much of the horror genre reflects a comforting notion that evil is unnatural and needs an explanation, it does not just exist.<sup>28</sup>

In *Ringu*, the protagonists believe that they have found the origins and thus the solution, but this foundational story is incomplete and disrupted. In the first ‘resolution’ of *Ringu*, Sadako’s story, and her monstrosity, appear to be resolved as a trauma narrative: Sadako’s abandonment by her mother is healed when Asakawa finds and embraces Sadako’s remains at the bottom of a well, the climactic soundtrack and story arc signalling that Sadako’s monstrosity ceases at the point that her victimhood is acknowledged and resolved. At this point, the protagonists believe that they have found the origins of the trauma and thus the solution to the curse. But this foundational story is incomplete and disrupted: the discovery of traumatic origin, and its seeming resolution, is not the end. Rather, Sadako returns to claim another victim (Asakawa’s ex-husband) and only stops killing when Asakawa discovers the key to both her victimhood and her monstrosity: to end the curse, Asakawa must copy the video tape and pass it to someone else, thus becoming complicit in the curse.

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<sup>27</sup> Classic literary examples include *Frankenstein*: Shelley (1818); *Strange Case of Dr Jekyll and Mr Hyde*: Stevenson (1886); and *Dracula*: Stoker (1897). Cult classic horror films that provide a story of origins include *Halloween*: Carpenter (1978); *Friday the 13<sup>th</sup>*: Cunningham (1980); *Nightmare on Elm Street*: Craven (1984); and more recent TV examples such as *Stranger Things*: The Duffer Brothers (2016); and *Channel Zero*: Antosca (2016) as well as the (not completely successful) film *Alien: Covenant*: Scott (2017).

<sup>28</sup> An alternative approach is to propose that evil comes from somewhere else. Thus in *Buffy the Vampire Slayer*: Whedon (1997-2002); the town is on a hell mouth, and the monsters Buffy fights are from hell: See Cole (2006). There are of course examples of horror that do not provide any explanation for the monster—it just is. In the gorgeous *It Follows*: Mitchell (2014), there is no back story for the monster, but it remains rule-bound.

Jurisprudential thinkers have searched for the origin of law as a means of providing a foundation of legitimacy and authority, thematising origins as the key to law. However, this quest has not provided resolution. In particular, Hart divided laws into two basic groups: primary rules, which are substantive laws; and, secondary rules, which are effectively rules about rules, which ‘specify the ways in which the primary rules may be conclusively ascertained, introduced, eliminated, varied, and the fact of their violation conclusively determined.’<sup>29</sup> Hart’s ‘rule of recognition’ was also a secondary rule *and* an over-arching rule that provided a basic source of legal authority in any legal system and for distinguishing legal rules from non-legal rules.<sup>30</sup> Hart was unclear as to the exact content of the rule of recognition:

*In the day-to-day life of a legal system its rule of recognition is very seldom expressly formulated as a rule . . . For the most part the rule of recognition is not stated, but its existence is shown in the way in which particular rules are identified, either by courts or other officials or private persons or their advisors.*<sup>31</sup>

The rule of recognition thus appears to rely upon the attitude of the system’s officials. But what makes the officials official?<sup>32</sup> This can only be the rule of recognition. Officials can only be identified as official when such a framework of rules comes into existence. This circularity has been the subject of much academic criticism.<sup>33</sup> In an attempt to seek closure of

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<sup>29</sup> Hart (1961), p 94.

<sup>30</sup> Hart (1961). Hans Kelsen sought to answer the question of legal validity by pointing to a Basic Norm, the validity of which cannot be derived from a superior norm: Kelsen (1967), p 110. Later, Kelsen asserted that ‘the Basic Norm of a positive moral or legal system is not a positive norm but merely a thought norm (ie a fictitious norm), the meaning of a merely fictitious, and not a real, act of will’: Kelsen (1991), p 256.

<sup>31</sup> Hart (1961), p 101.

<sup>32</sup> Davies (2008), p 105.

<sup>33</sup> See, for example, Kramer (1991), p 115.

the law, Hart asserted that what makes law ‘law’ is the existence of some limit which is itself a principle of coherence and identity for law.<sup>34</sup>

The idea of closing the legal system with laws about what make law ‘law’ is depicted in the circularity and proliferation of copies of the curse in *Ringu*. In Hart’s account of law, the only way to determine whether or not law is ‘law’ is through more laws which are themselves lacking in foundation. Hart’s primary rules require ‘secondary rules’ which themselves require an overarching ‘rule of recognition’. The precarity of this obsession with origins, which relies upon a system-within-a-system, is revealed by *Ringu*’s thematisation of origins, and its use of repetition and reproduction. The only way to escape the curse is to copy it and create more. *Ringu* and its American remake *The Ring* suggest that an ‘original’ is at the heart of copy, yet the proliferation of copies and the failure to identify any ‘original’—whether in the film narratives or the origins of J-Horror—undermines the possibility of any clear point of origins. Copying and proliferation is at the heart of J-Horror. *Ringu* is lauded as the origin of what has since been labelled ‘J-Horror’, but the films were inspired by, and superseded, the novel *Ringu* by Koji Suzuki.<sup>35</sup> The films reflect a relatively rare situation where the films are infinitely better than the original novel. It is also open to argument as to whether the 2002 American remake (starring Naomi Watts) is better than the 1998 film.<sup>36</sup> Hollywood lore

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<sup>34</sup> Stewart (1987).

<sup>35</sup> Suzuki (2003).

<sup>36</sup> Holm (2011); Wee (2011). Wee resists any suggestion as to whether *Ringu* or *The Ring* is better, but uses the films as an opportunity for cultural comparison and analysis. For a discussion, see: Valerie Wee, “‘Ringu’ (1998) vs. ‘The Ring’ (2002)”, <https://www.youtube.com/watch?v=-najqxp5FU>.

claims that funding for the American remake was based on a pirated copy of *Ringu* viewed by an employee of DreamWorks.<sup>37</sup> Phu argues that:

*[A]lthough the varied forms of J-Horror adaptation alternatively offer overlapping, intersecting and diverging accounts, taken together they hint at the openness and endlessness of narrative, so that no one version, no particular copy, could properly be considered definitive.*<sup>38</sup>

Theorists have also interrogated the cultural origins of J-Horror, asking whether or not it can and should be regarded as peculiarly Japanese, as Japanese horror influenced by the American Occupation post-World War II, and/or as a reflection of American cultural dominance.<sup>39</sup> An argument can be advanced that the Japanese horror film draws on the storylines, structures, performance practices and iconography of traditional theatre as much on the traditions and mechanisms of western horror.<sup>40</sup>

The question of origins has also been explored in the construction of Sadako as a monster. Part of the creepiness and thus efficacy of the films for western audiences is the foreignness of the construction of this monster. Sadako seems quintessentially Japanese and yet she arouses horror in western and Japanese audiences alike. In *Ringu*, the director used a Kabuki actor to perform Sadako's awkward gait as she walks from the television into a room to kill her victim with horror. Kabuki is a Japanese dramatic form dating from the 17th century

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<sup>37</sup> Phu (2010). Copying is also a staple of the industry and the genre of horror, with other titles from the *Ring* narrative including *Ringu 2: Nakata* (1999); *The Ring Virus: Dong-bin* (1999); and *Ring 0: Birthday: Tsuruta* (2000); Hand and McRoy (2007).

<sup>38</sup> Phu (2010), p 46.

<sup>39</sup> Balmain (2008); Hand and McRoy (2007).

<sup>40</sup> Hand (2005), p 22.

onwards.<sup>41</sup> It was part of storytelling tradition, with a revolving stage and a passage way dissolving spatial distance between audience and stage, and involving exaggerated poses (comparable to freeze frame) and the use of sound and colour (with specific meanings attached to colours).<sup>42</sup> These characteristics lend themselves very well to film and construct an ostensibly Japanese feel. Sadako moves slowly but inexorably toward her victim. In the terrifying climax, shared by both cinematic versions, the proxy viewer is removed, so that the audience looks directly at the horror of Sadako emerging from the unobstructed television screen.<sup>43</sup>

Part of the horror of Sadako is also due to her face being covered with long wet hair. This can be contrasted with the equation of cleanliness with civilisation and advertising for shampoo,<sup>44</sup> which celebrates long hair that looks remarkably similar to Sadako's.<sup>45</sup> *Ringu* and other J-Horror films encourage us to revise this celebration. This horror of hair seems to be peculiarly Japanese and a specific feature of J-Horror; for example, Hand characterises J-Horror as vengeful wet dead girls with ropes of hair.<sup>46</sup> Yet theorists note that the first thing we feel disgust for as humans is hair in our mouth.<sup>47</sup> In *The Ring*, Naomi Watts's character coughs up a long black hair ball, arousing horror in western and Japanese audiences alike.

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<sup>41</sup> Balmain (2008).

<sup>42</sup> Balmain (2008), p 16.

<sup>43</sup> Phu (2010), p 48.

<sup>44</sup> Freud (1975).

<sup>45</sup> See, for example, DesignSwan, '11 Creative and Impressive Pantene Shampoo Advertisement Design', <https://www.designswan.com/archives/11-creative-and-impressive-pantene-shampoo-advertisement-design.html>.

<sup>46</sup> Hand (2005).

<sup>47</sup> Miller (1997); Rozin et al (2000). Carroll has asserted that horror is a combination of fear and disgust: Carroll (1987).

*Ringu* is a horror film about a horror film, acclaimed as the originator of copies, sequels and the J-Horror genre, but with its own origins based on an earlier novel and an admixture of cultures. *Ringu* points to the precariousness of an authority based on origins, just as Hart's jurisprudence is an account of rules about rules.

## **Origins of violence and trauma**

Hart's positivist explanation of the origin of law is that the law of modern legal systems is 'posited': law is essentially and originally laid down, by whatever mechanism. Hart sought to distinguish his theory of law from earlier positivists, such as Austin and Bentham, through his development of secondary rules and the rules of recognition. Hart likened Austin's theory of law as 'orders backed by threats' to a gunman theory of law,<sup>48</sup> but later theorists have argued that Hart's theory of law veils the force of law,<sup>49</sup> while at least earlier positivists such as Austin were overt about the imbrication of violence and the law.<sup>50</sup>

For Benjamin and Derrida, law's thematisation of origins has a very dark side. In his essay 'Critique of Violence', Walter Benjamin argues that it is in fact the search for origins (or at least, the narrative of this search) that animates legal violence. In this essay, Benjamin provides an exposition of the logics of natural and positivist law, which are organised by 'means' and 'ends', and produce violence that is sanctioned and unsanctioned by the law.<sup>51</sup> Benjamin argues that the law represents itself as mediating and adjudicating violence, and this is power-making.<sup>52</sup> Jacques Derrida continues Benjamin's argument by arguing that the

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<sup>48</sup> Austin (1832), lecture 1.

<sup>49</sup> Hart (1961), p 20.

<sup>50</sup> MacNeil (2007), Ch 3.

<sup>51</sup> Benjamin (1996), p 279.

<sup>52</sup> Benjamin (1996), p 293.

adjudication of violence in the law becomes instrumental in supporting the law's claim to authority: its adjudication is 'said to found the law or state'.<sup>53</sup> Derrida considers 'law', 'justice' and 'morality' within the schema of violence: violence is an operating idea that organises these concepts, and naturalises a particular world-view. The paradox is that although law claims it is adjudicating violence, violence becomes the occasion for law to justify its own infliction of power/violence. The key, for Derrida, is that the concept of 'origins' is abstract, not historical—the moment of origins 'always takes place and never takes place'.<sup>54</sup> These are not Rousseauan origins but rather a continuing, animating concept: for Derrida, origins are about moments of 'emergence', 'foundation', 'iterability'.<sup>55</sup> While these moments are neither inherently 'just nor unjust', they are represented as just through a 'discourse of self-legitimation'.<sup>56</sup> Such moments are '*said to found law*'.<sup>57</sup> It is the control over the means of representation that is crucial, both to the 'emergence of justice' and the violence that is inherent in this representation.<sup>58</sup> Legal origins are suspect: we should sense that they are really assertions of power, and accompanied by violence.

*Ringu* is similarly suspicious of claims made through representational practices, and is essentially diagnostic in its legal thinking: illustrating the manipulation of narratives, logics, norms and morals by the powerful. If there is an answer to the question 'what is the origin of law/authority?' it is not an abstract philosophy, but a deconstructive interrogation of supporting narratives, figures and norms—a set of questions that ask what is the story of law

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<sup>53</sup> Derrida (1992), p 31.

<sup>54</sup> Derrida (1992), p 31.

<sup>55</sup> Derrida (1992), p 43.

<sup>56</sup> Derrida (1992), p 36.

<sup>57</sup> Derrida (1992), p 35. Emphasis added.

<sup>58</sup> Derrida (1992), p 35.



in a particular situation, what kinds of practices are used to support this story and whose interests are served by this story and the action(s) it occasions?

*Ringu* explores the imbrication of authority and trauma. The traumatic origins that are obscured in Hart's account of legal authority (but brought forward in the Benjaminian/Derridean account) are further complicated in *Ringu*'s representation of authority. In *Ringu*, there are unclear boundaries between victims and perpetrators that further implicate law in its adjudication of violence. *Ringu* plays with the trauma narrative that has informed the psychoanalytic/cultural studies understanding of legal processes as being healing, cathartic, or as providing a resolution to trauma through process. The interrelation of law and injury has been particularly strong since the beginning of the twentieth century, which has been defined as 'the century of trauma'.<sup>59</sup> In the late twentieth century, trauma theorists such as Shoshana Felman, Dominick LaCapra and Cathy Caruth extended the psychoanalytic framework of trauma beyond the individual psyche to account for the collective and intergenerational trauma of events such as the Holocaust.<sup>60</sup> These theorists emphasised the role of representation in responding to trauma, and, in particular, the role of the literary/cultural domain in finding new forms and frameworks to make suffering legible. Their work has also increasingly examined harms that are not caused by isolated, sudden events, but which accrue as part of an eviscerating daily life. The emphasis in the work of trauma scholars is on witnessing. *Ringu* uses very different strategies. The narrative of *Ringu* does not require harms to be witnessed. Rather its imaginary demands a different kind of reading and relation, one that involves the recognition of complicity and the practice of critical 'undoing'.

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<sup>59</sup> Felman (2002), p 171.

<sup>60</sup> See Caruth (1996); Felman (2002); LaCapra (2001).

The viewer of *Ringu* is blocked from a sentimental identification with Sadako—the figure refuses this kind of identification. Sadako transgresses the boundary between victim and perpetrator, between victim and monster. Was Sadako always a monster, or did she become a monster because she was victimised? In traumatising others to escape our own trauma do we become monsters? *Ringu* is also unclear as to the precise moment when Sadako became a monster. Was it when her mother, Shizuku, was mocked as a psychic, and Sadako uses her supernatural powers to kill the journalist who called her mother a ‘freak’? Did she become monstrous when she was murdered by her ‘father’, left at the bottom of a well to die? Or was she born monstrous, a product of a union of her mother with a sea monster? Or did her ‘father’ kill her because she was monstrous? *Ringu* opens these questions, and the narrative tension drives them, but at the moment of crisis this whole narrative is undermined and the questions are left forever unanswered.

The film sets up a ‘resolution’ to the curse—Sadako’s body is recovered from the bottom of the well, and is embraced by a mother-figure. This point is thematised as the film’s ending through the music, aesthetic and narrative arc of the scene. This is the point at which Sadako’s traumatic story is resolved, which trauma theory would suggest produces justice. However, the search for traumatic origins is revealed as a ruse. Immediately following this scene, just as the audience relaxes into the expectation that the film will now end, Sadako the monster rises and kills again. The characters eventually discover that the curse is not lifted by a resolution of trauma or violence: rather, they are protected from the curse only by the act of physically copying the tape and passing it on—by an act of complicity, not judgment or reparation. In law, justice is a story, a ‘narrative of jurisdiction that might constitute the texts

that ground judicial commitments'.<sup>61</sup> Justice provides a foundational literature and tradition of how we wish to see ourselves and who we would to become. In *Ringu*, the rules are investigated by the characters (the rules of trauma, which fail, then the rules of complicity, which succeed) but their ability to negotiate survival lies outside the rules themselves.

## Conclusion

Hart's classic and highly influential theorisation of the legal system placed rules at its centre and foundation. Likewise, the horror genre places great emphasis upon rules in the construction and limits of its monsters. *Ringu* can be read as a powerful critique of Hart's conception of law. Sadako is monstrous because she transgresses rules, but is also bound by rules. Although these rules are irrational (and somewhat farcical), as in positivism, the substance of those rules is not open to challenge. The shifting space of the origin of the video's curse is a powerful illustration of how Hart's attempt to find justification and legitimacy for law within itself runs into infinite regress. Moreover, *Ringu* also reveals the violence that animates this logic. *Ringu* performs the precarity of Hart's obsession with origins and illuminates the imbrication of law and trauma.

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