Persons or Things? Fetal Liminality in Japan's History

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ABSTRACT As a prenatal human between baby and embryo, the fetus is necessarily an in-between entity whose human status can be called into question. In the West, this liminality informs debates surrounding the ethics and law of abortion, the politics of reproduction, and the development of feminist and maternalist ideologies. This paper examines the genealogy of the fetus in the Japanese context to elucidate how this liminality has been negotiated in both spiritual and secular dimensions. It proceeds through an comparative analysis of the fetus' place in the Shinto and Buddhist traditions in Japan, and briefly examines how these origins are made manifest in contemporary rituals of *mizuko kuyō* 水子供養 (fetus memorial services) and the use of *hanayomenuigyō* 花嫁繍業 (bride dolls). The paper then examines the changing culture of infanticide in the Edo to Meiji periods, how this shift precipitates new developments in the modern era of Japan, and argues that current paradigms of investigation exclude nuance or holistic understandings of maternity as valid contributions to fetal topologies.

Keywords: natalism; fetus; Japan; Barbara Johnson; abortion; maternity; *mizuko kuyō;* fetus memorial services; *hanayomenuigyō;* bride-dolls; infanticide, initiation rituals, *mabiki*; infanticide

The fetus is a liminal being, one that is treated as both object and subject by human beings depending on the context. This ambiguity of the fetus is stationed as the cornerstone of persistent debates from the political to the sacred. It operates with the capacity of being, in one moment, neither person nor thing, and in another, both. In order to wholly investigate the fetus in any one particular culture, one needs to first rigorously research how it is conceived in both categories, as well as the relationship between them. One way in which to study the fetus' state as a liminal being is to investigate the structural relation between objects and subjects that underpins this liminality, a topic post-structuralist theorist Barbara Johnson takes up in her 2008 study *Persons and Things*. Johnson's study aims to undermine the perceived binary between the categories of persons and things by demonstrating tensions in which definable constituencies of either are shown to be ineffable. She observes that “something defined as not one of them is not therefore the other” (Johnson, 2008). A fetus is an excellent example of this kind of conundrum, for like slaves and corporations, its liminality has provoked its allocation to it to a third category, that of the *non-person*, in the eyes of many legal

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histories, yet this third station neither corresponds neatly with the fetus' emotional, ethical, or metaphysical conceptions nor settles what such fluidity and interchangeability implies about any definition of what is human.

Johnson uses three particular dimensions in her analysis: the reality of rhetoric, the reality of materiality, and the reality of desire (Johnson, 2008, p. 2). No clear-cut definitions of these lens are put forward by Johnson. They themselves are liminal tools, defined by the focus of their conceptual attention, and each putting forward "an image of the relation between persons and things that ignores the others" (Johnson, 2008, p. 3). Each definition of analysis is exclusive, and as such offers a unique icon to represent the relation. Through intensive research on the scholasticism surrounding the fetus in the Japanese context, overwhelming emphasis was found to be applied to analyses which surrounded the reality of rhetoric and its discourse, and the reality of materiality and its form. In other words, most scholars adopt a stance of treating the fetus as a person or a thing, but seldom acknowledge its liminality to the detriment of considerations of its topologies in realities of desire, or fantasy. Despite this, the most interesting relational image I believe exists on the topic in the Japanese context is the interplay between the corporal and the fantastical, specifically with respect to how spiritual thought and practice in Japan has historically reinforced fetal liminality in ways that falsely appear to scholars on first reading as distinct from Western notions of the same phenomena.

Each study of the unborn in Japan often claims that its contents are the most far-back of any other, but each year this seems to change and new documents or manuscripts are unearthed and reexamined for relevance. The oldest document appears thus far to be the *Kojiki* 古事記 (The Chronicle of Ancient Matters), dated A.D. 712. It is the earliest known collection of Japanese myths, legends, historical records and genealogies responsible for inspiring many of the practices and rites of Japan's indigenous spiritual system, *Shinto* 神道 (Way of the Gods). *The Kamiyo no Maki* 神代巻 (Volume of the Age of the Gods) of the Kojiki mostly pertains to creation deities and myths, the most

infamous of which concerns The Leech Child of creation deities Izanami and Izanagi.

Jane Marie Law, a Japanese religious scholar from Cornell University, studied the Kojiki's Leech Child in an effort to “offer a map for designating a typology of sorts for imagination of the fetus" (Law, 2009, p. 260). Motivated by observations rooted in the contemporary debates of abortion in Japan, Law noted that the fetus does not operate as a symbol, but rather as a medical, political, and rhetorical subject (Law, 2009, p. 260). Her work aimed to correct this gap, and her typology can be seen in Johnson's schema as an effort of elucidate the symbolic position of the fetus within the reality of desire.

Law argues that in the myths in the Kojiki, the Leech Child, also called Hiruko 蛭子, should be identified as a miscarried fetus not only because a leech and a fetus bear a physiological similarity, but also because a placenta is described not soon after in relation to the creation of the island of Awaji (Law, 2009, 263). From this, Law argues for a reading of the fetus as a cautionary tale regarding violations against the natural order. This is because in the myth, the courtship leading to Hiruko's birth between the first two deities, Izanagi and Izanami, involves their walking in opposite directions around a heavenly pillar, meeting, speaking, and having sexual relations. Because the woman spoke first as they met on the first two occasions, and because according to higher-level deities with which they were in communication, "it is not proper that the woman speak first" (Law, 2009, p. 262), their union, and consequently its offspring, are considered violations of nature. This is why Hiruko is not a fully-formed human baby but a boneless leech. Instead of raising this monstrous half-human, Izanagi and Izanami put him in a Mosaic boat of reeds to be floated away downstream.

Law interprets the myth's discourse to be one of “nascent theodicy”, wherein a miscarried fetus is a symptom of the transgression of gendered roles (Law, 2009, p. 263). This has the dual purpose of explaining in an absence of a scientific paradigm why miscarriages occur at all at the same time that it cautions against social violations of the patriarchal order. Anthropologist Emiko Ohnuki-Tierney

agrees that this kind of nascent theodicy exists in the same mythos, although in another passage in which Izanagi and Izanami conceive their legitimate offspring. Unlike Law, Ohnuki-Tierney sees the Leech Child to represent the transgression of not merely the gendered order, but the metaphysical principles 'purity' and 'impurity' from which they originate. She writes:

> "In this record, the most important deities are described as born out of purification rites, performed by their father (Izanagi-no-Mikoto) who was defiled by seeing the corpse of his deceased wife (Izanami-no-Mikoto) covered with maggots in the underworld of the dead. According to the theogony, when he washed his left eye, Amaterasu-Omikami, the founding ancestors of the royal family, was born; her brother, Susano-o-no-Mikoto, was born when the father washed his nose. In other words, the major deities of Japan were born out of the dialectic between the two opposing principles of purity and impurity, which are correlated with life and death. These oppositions in turn are correlated with the spatial classifications of the universe into this world and the underworld" (Ohnuki-Tierney, 1984, p. 36).

Both scholars identify how the myth structures liminality as impurity, and casts its creations out as monsters. This is reinforced by the identification of the fisherman god of luck, Ebisu 恵比須, with the Leech Child historically. This Leech Child-Ebisu continuum contains a number of commonalities, such as an ugliness so grave it presents danger to its witness, a power to inflict curses on the scale of natural disasters to any who do not issue the adequate ritual performances of respect and servitude, and, as Law writes, are "identified by the markers of liminality, deformity, amorphousness, and sexual ambiguity" (Law, 2009, p. 264). Because Ebisu is a deity capable of bestowing blessings or inflicting curses depending on whether or not he is treated well, the myth reiterates a Shinto notion of morality that warns that inadequate spiritual handling of one's failed creation attempts subjects one to the risk of retribution or *tatari* 祟り (curse or divine punishment).

Further, the *Norito* 祝詞 (Invocation of the Gods) found in the *Kojiki* further associates impurity with the liminal. It details not only that "impurity is the gravest sin of all", but that sins of impurity are things like "cutting living flesh; cutting dead flesh; white leprosy; skin excrescences" or any handling, killing, or illnesses derived from corpses (Ohnuki-Tierney, 1984, p. 37). It also gives recommendations for the rituals involved in the purification of such sin once contaminated, and they all

involve the use of water, brine, and wind to carry the sin deep into the underworld through the "myriad currents of brine in the myriad meeting-places of the brine of the many briny currents" (Ohnuki-Tierney, 1984, p. 39). It is no wonder that this Shinto myth has its creation deities send their sinful creation Hiruko out on the river letting the wind carry it away toward the underworld. This account remarkably bears much similarity to the particular Japanese transculturation of the Mahayama Buddhist tradition, which designates a Bodhisattva named Jizō Bosatsu guardian of the unborn, aborted, miscarried and stillborn babies lost in the *Sai-no-kawara* 賽の河原 (Riverbed of the Netherworld Japanese Limbo for Children). Jizō helps prevent hell demons from constantly scattering the stones the lost children use to build small bridges over the river *Sanzu No Kawa* 三途の川 (River of Three Roads, River of Three Crossings) to get from limbo into paradise.

In both myths, what is impure is purified through the alchemy of rivers until it reaches a state of dispersal. Ohnuki-Tierney notes that this idea of purification through Shinto and Buddhist mythos is responsible for the contemporary illness etiology of the Japanese, wherein because death and other such liminal acts like birth, menstruation, miscarriage, pregnancy, and meat-eating were considered contacts with the 'impure', water, brine (salt), and wind were assigned positive powers of purging impurity and promoting the health of the participants. In this transference, the death of a woman is seen as "doubly polluting" (Ohnuki-Tierney, 1984, p. 36) because of her prior and unavoidable physiological engagements with the impure vis-à-vis menstruation, and as such the reality of desire that the fetus operates within the typology of Law's system is only made possible by its reality of material. Japan scholar William LaFleur writes that this tendency can be found in much of the Japanese philosophical traditions, wherein most ideas of ethical conduct are grounded in everyday practices of embodiment (LaFleur, 1990, p. 537). It is the physiological contact with impurity that causes its contamination, but, as in the case of women, this contact is unavoidable, generated as a necessary condition of being. The 'fantasy' of impurity is grounded in the material, and the material acts of

purification are what are demanded in response. To be purified is to forget; to appease the god Ebisu, one must handle one's failed creations by allowing them to flow back into the river leading to the underworld. Otherwise, one subjects oneself to the potential wrath of divine forces.

Law's concern that the fetus is challenging to pinpoint symbolically stems from its treatment in abortion debates, both in Japan and abroad, which in turn come from current discussion and debate in East Asian Studies surrounding how to understand the prevalence of *mizuko kuyō* 水子供養 (fetus memorial service) rituals inspired by the Buddhist ecologies of Jizō Bosatsu. William LaFleur notes that because of the widespread belief in the transmigration and rebirth of the soul as per Buddhist teachings, the 'finality' of an abortion is severely reduced in the Japanese context, giving parents the expectation that the fetus' entry into the world has merely been postponed (LaFleur, 1990). As such, mizuko kuyō has been interpreted as bearing many meanings, such as being an exploitive practice of promoting false ideas of fetal retribution aimed at generating capital for temples, to a *chitsujo* 秩序 (order) maintaining agent to counter-act the rise of the *parasaito shingaru* シンガル(parasite single) lifestyle, a potent healing effect for the troubled emotions of involved couples, and a barrier against the hardening of *kokoro* 心 (heart/mind) and the disintegration of the Confucian familial structure in Japan (LaFleur, 1990, p. 530). At the Adashino Nenbutsuji temple in Kyoto, 10,000 to 20,000 *tōba* (wooden slats) are erected in the memory of miscarried or aborted fetuses and burned each year (Brookes, 1981, p. 47), suggesting that regardless of the exact symbolic meaning of the mizuko kuyō, a schism exists as to the Buddhist position of the legal and social admission of abortion as a practice and the psycho-spiritual effects of it as a phenomenon in the lives of the people touched by its supposed spiritual impurity.

Some scholars have interpreted the mizuko kuyō rites as ways of offsetting the bad emotions surrounding the ethical ambiguity, karmic inheritance, and impurity stemming widespread historical infanticide and abortion before the modern period. In the late seventeenth century especially when the

religious rites are said to have been widespread facets of everyday life, "overpopulation fears and individual household strategies amid an increasing scarcity of land reinforced preexisting permissive attitudes towards infanticide" (Drixler, 2010, p. 20). The attitude about the status of the fetus shifted depending on socio-economic concerns of the region. For example in the 1790s, infanticide was regarded as an expectation of social responsibility because of limited food and land. As such, this corresponded with the ideology that infants were liminal beings rather than "fully formed vessels such as adult animals and humans" (Drixler, 2013, p. 22). When backlash against infanticide began, the rhetoric was instead that the victims of infanticide were fully human (after all) and it was the perpetrators who degraded themselves into the lower levels of monstrous beasts. As Fabian Drixler contends in his work on infanticide in Eastern Japan, fertility rates fell and rose as the result of changing images, metaphors, and understandings of human life. The pendulum of fetus from person to thing swung so swiftly at times between the two categories that Drixler believes fertility "eludes confident prediction" (Drixler, 2013, p. 50) on the material plain because of its amorphous relation to the culture of its historical juncture. This feedback loop between demography and discourse can be identified with Johnson's relation between the reality of rhetoric and the reality of materiality, and shows how the linguistic ways of describing the ontological status of the unborn were both shaping and being shaped by the demographic context of Japan's historical past.

An example of this strange feedback loop are the ways in which *kuyō* rituals were conceived of with respect to infanticide in late eighteenth and nineteenth century Japan. Even though the veneration of the dead remained an active part of daily life to the Japanese during this time, enshrined ancestors were thought to require only one descendent per generation to maintain their happy condition. As such, the idea of raising more children than necessary was considered to sap the strength of the stem line rather than increasing its potency. During this period, Drixler argues that human status was paradoxically never applied to newborns in a climate of constant infanticide. Due to their proximity to

the spirit world, killing them was conceived of as cosmologically different from any other act of killing, and they would not receive a proper funeral or kuyō (Drixler, 2013, p. 50). This is perhaps why one of the oldest terms for infanticide, *kogaeshi* 子返し, refers to the "return" of the child to some other world, and does not infer the connotation of violence that the other observed variants, *oshikaeshi* 押し返す, *oshimodoshi* 押し戻す, and *bukkaeshi* 打っ返し admit (Drixler, 2013). Under the same logic that considered human status too privileged for newborns and fetuses, those individuals to whom a community could identify as reproducing without restraint would be lowered to the status of animals. Further, a couple who gave birth to twins were considered closer to animals than to their fellow human beings. As Drixler notes, however, it is challenging to ascertain the exact variance of ontological views about the fetus from these more distant time periods, for historical records often group multiple disparate villages together and can not account for privately held, eccentric, or adverse opinions of everyone in rural Japan. Instead, it is during the contestation of infanticide under the guise of nation-building during the initializations of the Meiji Restoration that the human status of fetuses began to take on greater emphasis in public discourse.

For example, Sawayama Mikako studied paperwork from the bureaucracy of pregnancy surveillance systems which showed what names and terms women referred to their fetuses by and at what stage of pregnancy. Sawayama shows that certain dimensions of materiality help ground the rhetorical language surrounding the fetus, such as *gessui tomari* げっすい泊まり(arrested menstruation), *hitogatachi ni mo gozanaki mono* 人が立ちにもござ亡き者 (a thing without human shape), *ryūzan* 流産(spilled or flowing birth) usually being terms applied to a pregnancy before the 5th month, for once the "quickening" of the fetus began, often women and medical practitioners would change their terminology and begin employing words such as *akago* 赤子 (infant), *shōni* 小児 (small child), *joshi* 女子 (girl) and *danshi* 男子 (boy) (Drixler, 2013, p. 52). Sawayama acknowledges that

these surveillance systems demanded forensic precision, and as such it may not be the most reliable gauge into the inner emotional lives of the women designating a term for the fetus developing inside them. Similarly to today, structures of power predetermine that certain contexts use particular discourses, and so what a woman may call a developing fetus to her doctor may differ from what she refers to it to a close family member, a stranger at the supermarket, or herself in privacy. As Johnson points out, “to talk as if concepts and abstractions act and feel and intend as people do implies one knows how people act, when in fact those beliefs may inhere in a linguistic system of which its users are not conscious” (Johnson, 2008, p. 4). Further, there is also the possibility that its users are conscious, and that their rhetorical talk is a deliberate guise. A woman may emotionally conceive of her pregnancy as a potential baby or person, but refer to it differently in the face of her community in order to perform the expected ideology. It may also even be the opposite case, such as that suggested by the investigation made to town in Kumamoto where sixteen women were found to be making a living charging parents for strangling a newborn (Drixler, 2013, p. 57). One may possess distinct attitudes from infanticide as a social phenomenon and one in which you morally or karmically pollute oneself with the impurity of sin.

Because of the Edo Period's cultural graduation of human status and liberal views on the permissibility of infanticide, most Japanese women raised approximately three children but gave birth to six. In order to decide which children to 'cull' from these possibilities, elaborate and sometimes even contradictory systems were framed in a language of rationality. The most important factors for whether a child lived or died were related to whether the sex of a birth matched the predictions of the community, and whether or not the child's arrival came at an auspicious moment (Drixler, 2013, p. 57). Child-rearing was often conflated with agricultural farming techniques, as both emphasized the importance of planning, timing, sequence, and matching to achieve the most prosperity. This is also why the term for infanticide, *mabiki* 間引き, means “the culling of the seedlings” or “the thinning out the plants”

(Drixler, 2013, p. 91). As such, infant selection procedures did not go along the basis of gender, for girls were just as desirable as boys so long as their gender matched the prediction made by a village soothsayer. Such occupations allegedly were in abundance by the late seventeenth century in Japan, such as Chinese prognostication methods, Japanese yin-and-yang masters (*onmyōdō* 陰陽道*)*, physiognomists, geomancers, dream readers, astrologers, and hexagram experts (Drixler, 2013, p. 97). Obstetricians would teach that children would be female if conceived or born during any of the mother's life-years number 15, 17, 19, 23, 27, 28, 30, 32, 36, 38, 44, or 48 (Drixler, 2013, p. 98). Checking the pulse of the vein in the right or left hand or the gait of a pregnant woman returning from a southern direction could count as just cause for sex determination, as well as investigating the exact age difference between the parents or their zodiac signs. If any of these predictions were wrong, it was thought that the child was what was wrong, not the individual diviner, and they would be killed accordingly.

In addition, certain years known as the *yakudoshi* 厄年 were considered life-years during which conception and childbirth would be preferably avoided altogether. These years, 25 and 42 for men, and 19 and 33 for women, were especially considered ill-advised, but also the years immediately before or after. Being born in any of these years was an attribute of bad karma. Other presentations at birth could also stamp a newborn with undesirable attributes. For example, children born with umbilical cords around their necks were believed to be destined for death by hanging, and children born with teeth were called *onigo* 鬼子(devil children). Any other defects of any kind were killed due to a widespread notion that defects were the result of infidelity (Drixler, 2013, p. 104).

What is interesting about all of these methods of infant selection is that they all operate as realities in which a potential human is designated as such. From this stage, fetuses, newborns, and even infants under the age of one, are all possibly subject to acts of infanticide, and necessarily their ontological status becomes characterized by liminality. Each potential child is competing for human

status by the acquiring or losing of certain attributes, such as the attribute of gender, or the attribute of disability. Attributes, however, as Johnson observes, belong to non-persons because they only belong to the third person (Johnson, 2008, p. 10). Often, the fact that the fetus resides within the mother, a designated human being, is not discussed in any of these discourses, but this fact is its greatest attribute of human correlation. Interestingly, the woman in whose womb the fetus grows is not conceived of as having more authority over the fetus' future human status, gender, or luck, and she is not consulted as the ultimate diviner in its future. In fact, her relation to it as biologically necessitating its potential and actual existence as a human being is seldom mentioned. The 'fantasy' of the fetus is constructed in its potentiality as a person, and it is this constructed personhood that is destroyed in the act of infanticide. Nowhere is its reality *inside* the reality of another considered, let alone questioned. It is omitted.

The birth of twins aroused predominantly disgust during the Edo period. Despite being in fact two people, twins were less likely to be granted human status than a premature single child. This was because twins were considered a sign that the mother had mixed the seed of several men, and evoked to the rural Japanese the idea of animal litters. As such, twins possessed a greater degree of liminality between not just the living and the dead but the human and the animal, and the mothers of them were considered literally animals (*kinjū* 禽獣）(Drixler, 2013, p. 5). It is possible that the birth of twins was a monstrosity because of its gesture towards that of the double. In Freud's study, he believed the human dislike of the double was “a vestigial trace of the archaic reaction which feels the 'double' to be something uncanny” (Freud, 1919, p. 247). Unlike the uncanny itself, however, in which dread and horror is often provoked in its witness, the double is often reacted to with repulsion and distaste. He explained that when he and Ernst Mach on separate occasions mistook their own image for that of another, they found their own appearances homely and unpleasant.

At the same time that the double-as-twins and their parents were repulsive on the grounds of their proximity to animals, rural Japanese in places such as northern Tohoku would practice another

ritual involving the double but as a means of securing the successful transmigration of wronged soul towards Buddhahood. Bride dolls called *hanayomenuigyō* 花嫁繍業 were *s*aid to be infused with the spirit of the Bodhisattva Jizō and functioned as a spirit spouse for the unquiet soul of a child or youth who died before marriage" (Schattschneider, 2005, p. 141). The figurine used is the opposite sex of the deceased, yet despite this its living relatives claim the doll's face gradually comes to resemble that of the dead person over time and that it is this emerging resemblance between the face of the doll and that of the dead child that acts as proof that the ritual has worked and the lost soul is finally on the correct path towards transmigration. Often these dolls are enshrined within a small glass box alongside a photograph of the deceased, a placement whose juxtaposition makes explicit the strength of this double relationship. In this case, Schattschneider observes the symbolic forms of ritual objects are always doubled in this way. What the hanayomenuigyō dolls do is make an otherwise implicit relationship explicit, for they are both representations of an absent element (in this case the deceased child) and the thing itself (Schattschneider, 2005, p. 143). In these sense, these dolls, as images, are both signifier and signified by acting as living things gesturing towards absent things.

Freud notes that in Otto Ranks' study, the double is often treated as a symbol of the dual-nature of reality, yet he situates it in a more Western trajectory as an insurance against the destruction of the ego, a renewal of our inborn denial of death's supreme power (Freud, 1919). As such, Rank associates the idea itself of an immortal soul as the first doubling of the body, and recognizes its necessity stemming from what could be considered the necessary thanatophobic condition of being human. Rank thinks of doubling as an attempt at objectification, and explains the mummification process by ancient Egyptians as an example of the primary narcissism underpinning the human quest for immortality. Johnson would likely agree with this kind of analysis, for in her study of persons and things in the context of the double found in Lacan's mirror stage, she continually comes up against the strange repetition that it appears human beings desire to become objects because of the object's ability to

transcend morality. Our eerie fascination with the inanimate is, as Freud would equivocate, a drive towards our own destruction (Johnson, 2008, p. 59). As Johnson puts it, “the definition of 'person' would then be: the repeated experience of *failing to become a thing*” (Johnson, 2008, p. 59).

Yet in the case of the hanayomenuigyō dolls, a process occurs whereby the image in the mind of the deceased becomes transubstantiated into an inanimate object, and placed alongside an actual image or representation of the person in the state of the living. To objectify something through a representation is to give it a longevity in its stillness through which mourners contemplate its dual nature. The liminality of the dolls is that the longer the statues come to represent the absence of the person, the greater they appear to be taking on its characteristics. This process is one in which the reality of materiality and that of desire or fantasy come together in a kind of dance, an alchemy of two rivers of being. Remarkably, the process by which one mourns through these dolls echoes the process through which fetal memorial rites are conducted in the case of the *mizuko jizō* statuettes which are given red bibs and bonnets and come to personify to mourners the identify of the aborted baby. What both rituals have in common is they reveal the contours of the liminal relationship between the living and the dead in the absence of accessible content and through the phenomenon of doubling. When a spirit is wounded, its correlate is a wound in the *kokoro* of the living whose memories safeguard their essence. In order to let the soul of the deceased transmigrate back into the underworld, the living must ritualistically release the hold within *themselves* over the dead. This doubling feature of the dolls and the statuettes is arguably intended for the opposite of what Otto Rank suggests, not to safeguard the immortality of the ego but to gently remove the ego-like associations surrounding a soul in the minds of the living. The process of immortality, therefore, is one in which structure of meanings are broken down (death), to return the formed *onigo* 鬼子 (mistaken child or changeling) (Drixler, 2013, p. 101) back to the underworld rivers through denying it its rite of passage through the cosmological category of humans (*ikimono* 生き物) (Drixler, 2013, p. 59).

When Law calls the typology of the fetus as that which is “out-of-place”, she is gesturing toward the human mystery its liminality evokes to those who come into contact with what the Japanese considered its impurity. To reduce the matter severely, the fetus represents the philosophical conundrum of *when* a thing becomes a person, a question neither the East nor West have ever been able to adequately answer. There is no determinate or fixed point in which things-without-human-shape take on human shape, and thus become human beings. As such, it is no surprise that in the context of widespread infanticide in the Edo period, Drixler observes that children were accepted as human beings through a gradual process involving a number of rituals such as the first wrapping of the infant in a cloth, “a first bath, a first clipping of a lock, the first clothes” (Drixler, 2013, p. 52). An entity who has not undergone these rituals is closer to liminality, and this is why infanticide in Japan, and arguably throughout the rest of the world, was more often than not neonaticide, and why to this day the death of toddlers is considered a graver tragedy than the death of a newborn infant or a miscarriage. Because we cannot ascertain when a thing becomes a unity, we enact initiation rituals in order to collectively recognize the passing of these unknowable thresholds. Through these initiation rituals, its human status is conferred and the community comes to recognize the entity as human.

While the liminality of the fetus may have its roots in Shinto and Buddhist teachings as we have explored, during the Meiji era Fujime Yuki argues that when the emerging nationstate of Japan required a large population for both labour and military might, the permissive discourse and surrounding infanticide shifted dramatically in order to instill a system of discipline over citizens as subjects (Burns, 2006, p. 37). In 1869, an edict prohibiting midwives from providing drugs to induce abortions was passed, followed by the 1874 Medical Act 医制 which banned midwives and physicians from inducing abortions completely (Burns, 2006, p. 37). By 1880, abortion was criminalized, punishable by 60-100 days of penal servitude. The process began in which the Tokugawa attitudes regarding abortion and infanticide as *kazoku no tsumi* 家族の罪 (crimes of the family) shifted

dramatically to being viewed by the majority as *kojin no tsumi* 個人の罪 (crimes of the individual) (Burns, 2006, p. 45). Susan L. Burns notes in her study of cases from the early Meiji period that often in abortion or infanticide cases, authority for the criminal decision was seldom ever designated to the young pregnant woman herself. Burns' analysis of cases in the years leading up to the 1880 statue show the criminally persecuted were well-aware of the changing legal terminology and structure surrounding distinctions between preconceived and willful murder (*bōsatsu* 謀殺 and *kosatsu* 故殺) and principal and participant (*shuhan* 首犯 and *juhan* 従犯) roles in criminal acts (Burns, 2006). Because of this growing awareness, the rhetoric used in legal cases are less reliable sources of understanding how historical actors conceived of fetal liminality, because the rhetorical reality surrounding the fetus is being consciously manipulated by both sides of the judicial process to promote the interests and coerce a desirable outcome for the trial.

Burns observes that in the cases she analyzes from this period, plaintiff testimonies all demonstrate a familiarity with the legal codes, for they are selective in their vocabulary when re-telling the alleged criminal event of infanticide or abortion in order to convey a clear-cut case of who is the participant and who is the principal. Furthermore, Burns inadvertently brings up a central issue when analyzing abortion from the perspective of its legal criminality, and that is that testimony is often coerced under the circumstances, and as such, may not be the best vehicle of which to gather how the fetus was necessarily viewed by participants in the case of abortion. Testimonies were structured with the aim of producing a particular judicial verdict, not to truthfully represent the cultural nuance behind fetal construction and personhood.

In addition, Burns also notices that the changing formulations of Meiji era law pitted family members against one another in an effort to escape the persecution as the principal agent involved in an abortion or act of infanticide. As such, the Western notion of 'choice' is transposed through their inheritance of constitutional and criminal codes into the formerly feudal Japanese cultural context, and

has undergone many complex interactions with this typology of the fetus in the public imagination. Despite this, the result has been less of an adoption of Western ideology surrounding discourses of choice and rights and more a resurgence or continuation of earlier-held Buddhist and Shinto beliefs. For example, in her ethnographic overview of contemporary obstetric practice in Japan, Tsipy Ivry finds that the word *taiji* 胎児 (fetus) is hardly ever used by medical practitioners or parents in contemporary Japan (Ivry, 2010). Instead, a medical term called *botai* 母体 (the maternal body) is far more common, even though this term is applied to legal circumstances, such as the title of a 1996 Japanese abortion law called *Botai Hogo Hō* 母体保護法 (the Maternal Body Protection Law). Ivry notes that *botai*, the "mother-child" part of the title, is especially interesting because the kanji compound of mother and child forms a "mother-baby" integrated entity. This invokes the idea that an expectant mother is a special category of persons, one whose physical presence on earth contains another potential person. This material foundation to pregnancy is expressed in the Japanese context therefore not as a "mother-to-be", but as a "mother-already" (Ivry, 2010, p. 93).

Lacan once argued that the inherent juggle in the Japanese language between *on yomi* and *kun yomi* (two ways of reading and pronouncing each kanji character) confound a Western psychoanalytic process of reading 'true repression', making the aphansis of the subject in relation to language perpetually deferred or frustrated (Shingu, 2010, p. 264). This reinforces the notion of the Japanese Buddhist subject who lives in a state of oscillation between notions of *shinnyo* 真如 (True Reality) and *shinkai* 真怪 (True Mystery) (Josephson, 2006, p. 159). This mother-child continuum ideology is therefore just one of many consequences of this dual-reality of rhetoric, and has specifically material consequences. For example, in Japan it is expected that the acting obstetrician-gynecologist (ob-gyn) involved in a particular case of pregnancy provide health care to both the mother and the child well after birth. Discourse differs from the West which tends to view the mother as providing a linear feeding "function" to the baby rather than a holistic eco-system of mutual-dependence. Like the

metaphor *mabiki* of plant-culling, ob-gyns often refer to the mother-child continuum in agricultural terms, using images and phrases such as "to grow nice flowers, you need nice soil" (Ivry, 2010, p. 94).

As a specific category of human being, women's capacity to reproduce has historically been seen as a specific 'attribute' through which they themselves achieve personhood. This ideology, that Womanhood is Motherhood, can be seen in the Japanese notion of *ryōsai kenbo* 良妻賢母 (Good Wife, Wise Mother) which came to associate childbearing as a patriotic duty on behalf of the nation and the emperor during the Meiji era. This pronatalist policy was referred to as *Fukoku-kyōhei* 富国強兵 (Enrich the state, strengthen the military) (Kato, 2009, p. 36). Because women were less people if they were not mothers, *naien* 内縁 (test marriages) were permitted in order to check fertility. Women who could not conceive were labelled either a *umazume* 石女 (stone woman) or a *kizumono* 傷物 (flawed object) and promptly abandoned. This rhetoric seems contradictory, for earlier we learned how seldom women were consulted, blamed, or given agency in the family drama of an abortion or infanticide in the Meiji period, and that even though the burden of the nation's military and productive prosperity rested on a woman's ability to reproduce, women were still not entitled to any rights such as the right to vote, to be elected, to be a lawyer, or to become a member of a political group (Kato, 2009, p. 37).

The notion that femininity necessitates procreation gets further complex when one considers the origins of abortion's recent legality in Japan in the 1940s in the form of the National Eugenic Law. This law allowed the sterilization of alcoholics, rapists, narcotics users, robbers, lepers, and other members of society considered disabled or undesirable. Abortion therefore only comes about as a legal viability in the context of eugenic discourse, not as an increased 'right' for its female citizens, and ironically during an age where pronatalist policies were put in place with intent on increasing the population to 100 million by 1965 (Kato, 2009, p. 44). Overpopulation, in fact, was one of the articulated grounds by the Meiji government used to justify colonial expansion into Manchuria by Japan during the 1920s and

1930s, yet during the same period the government enacted policies prohibiting any contraceptives or abortion, lowered the legal marriage age for men from 17 to 14, and for women from 15 to 12, and sought to secure a target of five children from each couple on average (Kato, 2009, p. 38).

In this strange turn of historical events, the category of human person undergoes a radical shift in the context of ideal national subject. Abortion becomes a weapon designed to structure a specific population for the future, and discussions of its ethical parameters or spiritual correlates disappear from the foreground. Instead, what constitutes a human narrows to exclude former members of the category such that women are barely considered human, and are reduced to their function to the state. In this context, abortion is seen as an act of betrayal to the state. Again the government issued paradoxical decrees, stipulating the importance of female fertility and yet implementing the vast majority of eugenics-lead sterilization programs against women rather than men. Instead of the criteria of numerology and zodiac signs practiced in the Edo period, abortion and sterilization in the postwar period were encouraged to any child who potentially may not be able to reach "economic independence within society" (Kato, 2009, p. 38). Movements to prevent births of children with defects or disabilities grew in the 1960s, and were called *Fukō-na-kodomo-o-umanai-undō* (Movements to Prevent Unhappy Births" (Kato, 2009, p. 48). Reproductive technologies such as amniocentesis were developed and institutionally made available under the aim of eliminating disability through abortions, inferring in the practice of fetal screening the ideology that disabled people should not be born.

Underpinning the disability and pro-choice rhetoric in the West is the idea that both disabled subjects and pregnant women have a 'right' to self-determination. Both the notion of 'rights' and 'self-determination' infer Western connotations about the nature of the individual, who is held to be a strong, rational, autonomous, utilitarian, enlightened, liberated 'self', the practitioner of right (Kato, 2009, p. 16). This right-possessing individual often exists in an eco-system involving secularism, materialism, individualism, and a Hobbesian malice against other members of his human race. Self-determination is

usually related strongly with economic independence, and it is from this paradigm of which abortion laws in Japan were given the "economics clause" under which more than 90% of abortions are sanctioned. In the debates, however, surrounding the eugenics of the disabled and abortion, sociologist Shinya Tateiwa argues that the idea of self-determination isn't applicable to the Japanese context for many reasons. Tateiwa argues that the genealogy of the concept of self-determination can be traced back to liberalist ideas in Western philosophy, especially those of John Stuart Mill who contends that one's will generates one's labour to produce something and uses this logic to ground his notion of private property (Kato, 2009, p. 16). For Tateiwa, Mill's ideas are absurd, for natural resources with which all labours are directed from are *not* produced by human will, nor are the physical bodies human beings used to exercise their labour power (Kato, 2009, p. 23). Further, even with self-determination given to individuals as a right in some context, there are always certain affairs in which we do not want to make decisions about, namely those involving the meaning of the subject or self. We do not wish to make decisions about the liminal thresholds, the exact space in which the fetus occupies in all dimensions of rhetoric, materiality, and desire. Tateiwa concludes that women do not possess any rights on the qualities and attributes of the would-be child, nor do they have rights because the fetus is a private possession grounded in private property. Rather, he articulates that due to the bodily experiences and conditions of pregnancy (arguably the mother-child continuum), women have just grounds to alter their physical experience *of* pregnancy through its termination. Tateiwa's argument is nuanced, and unfortunately his work is not translated into English, but more work could be done to integrate his ideas with a critique of how the fetal subject is conceptualized in contemporary discourse by imported, and in this case, out-of-place Western ideology.

Though this paper is but a scratch at the surface of such a multifaceted topic, key discontinuities emerge in a Johnsonian deconstruction of persons and things when considering the fetus in the Japanese historical context. Importantly, the category assigned in the dyad bears an indeterminate

relation to other such dyads in the Japanese cosmological milieu, such as that explored of purity/impurity, male/female, life/death. Its liminality acts as a symbol to multiple sites of spiritual, political, and sexual exploration. A historical trend emerges from the Edo period to the Meiji in as the emphasis moves from families to individuals, and women are given less rights but more responsibilities, the greater the emphasis is given to fetuses-as-persons.

Importantly, this purview clarified that greater research and analysis is needed over the phenomenological relation of the fetus as a person-inside-another. This is not a topic generally ventured in any of the work I found thus far, though Johnson's work does explores some lines of thought that may prove conducive to further work in this direction, such as her investigation into D.W. Winnicott's work on transitional objects as "between" entities, and of course, her investigations into holes, cavities, openings, and voids (Johnson, 2008). Despite initializing some work on Winnicott's ideas and finding many fruitful possibilities, the limited scope of this paper is not able to incorporate it into the above research. The mother-child continuum of the *botai* is the fetal environment; its contours within the reality of materiality are literally the uterine receptacle existing in most of the female species. Derrida links this kind of thinking with the human ear (due to its capability of being filled with speech), but Johnson alludes that "another form of materiality that may be lurking around the jug is sexual reproduction", specifically "pregnancy" (Johnson, 2008, p. 71). Johnson suggests that because men can only desire that which seems to have no function, the reality of materiality that pregnancy surrounds necessitates a certain divorce from the reality of desire, and even of rhetoric. Any understanding of the fetus in whichever Johnsonian dimension tend to exclude another, and so any holistic explanation of a fetus' liminality possesses the same ineffable qualities of explication in Japan as in the West.

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Handbuch der Orientalistik Section Five Japan Edited by M. Blum R. Kersten M.F. Low VOLUME 13 A History of Nationalism in Modern Japan Placing the People by Kevin M. Doak LEIDEN. BOSTON 2007 This book is printed on acid-free paper. Library of Congress Cataloging-in-Publication Data Detailed Library of Congress Cataloging-in-Publication data are available on the Internet at http://catalog.loc.gov ISSN 0921-5239 ISBN-13: 978 90 04 15598 5 ISBN-10: 90 04 15598 8 Copyright 2007 by Koninklijke Brill NV, Leiden, The Netherlands Koninklijke Brill NV incorporates the imprints Brill, Hotei Publishing, The current, editable version of this book is available in Wikibooks, the open-content textbooks collection, at http://en.wikibooks.org/wiki/Japanese_History. Permission is granted to copy, distribute, and/or modify this document under the terms of the Commons Attribution-ShareAlike 3.0 License. Introduction. Prehistory through the Jomon Period. The Yayoi Period. The Kofun or Yamato Period. The Asuka Period. The Nara Period. The Spread of Buddhism in Japan. The Early Heian Period. The Middle Heian Period. practice in Japan has historically reinforced fetal liminality in ways that falsely appear to scholars on. first reading as distinct from Western notions of the same phenomena. Each study of the unborn in Japan often claims that its contents are the most far-back of any. other, but each year this seems to change and new documents or manuscripts are unearthed and. reexamined for relevance.Â (Volume of the Age of the Gods) of the Kojiki mostly pertains to creation deities and myths, the most. Persons or things? Fetal liminality in japan's history. Philibert, 3. infamous of which concerns The Leech Child of creation deities Izanami and Izanagi. Japanese civic religion still included very many elements of Confucianism in its political and administrative thinking, while popular Japanese religion was a pragmatic fusion of Shinto rituals and myths with a hefty dose of Buddhism.Â There have been several periods in Japanese history when attempts have been made, with varying success, to impose a centralised and imperial Shinto on various local shrine cults. Liminality in Popular Fiction. Adam Crowley. University of Maine - Main.Â Liminality in popular fiction. By Adam Crowley Thesis Advisor: Dr.Â "Mwadyi" may mean various things: "it may stand for 'a boy novice in circumcision rites,' or a 'chief designate undergoing his installations rites', or, yet again, 'the first or ritual wife" (Betwixt, 6). "Mwadyi" is an important label because it points to a state that is neither impermanent, like boy or girl, nor a state that is relatively permanent (in a world where gender can be altered) like man or woman.