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978-1-108-42065-5 — Gender and Sexuality in Modern Japan
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Introduction

On December 18, 2019, a young woman by the name of Itō Shiori stepped outside the Tokyo District Court holding up a banner reading "victory" (*shōso*). The court had ruled that Itō had been assaulted by Yamaguchi Noriyuki, a prominent journalist, who would be punished for his crime. This was a significant result given that Japan's sex crime laws do not consider consent; instead, they require evidence of violence and intimidation – which can be difficult to litigate successfully. But with this case the fact that the court had found her "highly trustworthy" marked new ground, bringing Itō to express the hope that her case would instigate a change in the law.[1] A few months later, *Time* magazine listed her as one of the 100 most influential people in the world for her contribution to Japan's #MeToo movement. While Itō's courage was indeed in part inspired by the global reverberations of what had begun under that hashtag, the critique of sexual and gender relations in Japan has a much longer history.[2]

This book is about experiences of and debates about sex, gender, and sexuality in modern and contemporary Japan. This long period from the 1860s to the 2020s witnessed the uneven transformation of earlier understandings of "sex" into three currently customary categories of inquiry: The term "(biological) sex" concerns chromosomes, genes, genitals, hormones, and other physical markers, some of which have become subject to modification. "Gender" represents masculinity, femininity, and the behaviors commonly associated with them. And "sexuality"

[1] Yukiko Tsunoda, "Sexual Harassment in Japan," in *Directions in Sexual Harassment Law*, ed. Catharine A. MacKinnon and Reva B. Siegel (Oxford: Oxford University Press, 2003), 618–33; Motoko Rich and Hisako Ueno, "Woman Wins High-Profile #MeToo Case in Japan against TV Journalist," *New York Times*, December 18, 2019, accessed April 22, 2020, www.nytimes.com/2019/12/18/world/asia/japan-metoo-shiori-ito-rape.html?login=email&auth=login-email.

[2] The hashtag itself was first used by the American activist and founder of the movement, Tarana Burke, in 2006, even though the movement's global prominence was triggered by the revelations of Harvey Weinstein's offenses in 2017; see "Get to Know Us," me too, accessed March 3, 2021, https://metoomvmt.org/get-to-know-us/.

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refers to the erotic, including behaviors and fantasies. This book envisions sex, gender, and sexuality as constructed categories that have been and continue to be redefined while also interconnecting, overlapping, and intertwining in the Japanese and, to varying degrees, global public sphere.[3] It tells of struggles far beyond what the first "womanists" of the late nineteenth century referred to as "sexual morality."[4] It views what current-day law captures as "sexual harassment" as being only the smallest kernel at the core of all the big questions – about life and death, freedom and happiness, and the social contract – and grounds of a range of complex issues related to the continuously evolving arrangements of sex, gender, and sexuality in the archipelago.

In doing so, this book aims to balance descriptions of individual experience (such as Itō's); institutional mechanisms based in law, pedagogy, and statecraft; and the socioculturally inflected politics within which those mechanisms have been embedded and which they have in turn shaped over an extended period that began with the nation- and empire-building of the late nineteenth century. These various elements constellate into distinct themes and categories that are delineated in the following.

What Is Modern Japan?

But when did the archipelago's modernity begin? And what do we mean when we say "Japan"? The political revolution of 1868 that overthrew the Tokugawa shogunate formally marks the foundation of the modern nation-state. This nation-state became almost immediately enmeshed in its first modern anticolonial colonialist project. In 1869, it unilaterally extended its rule over an island – Hokkaido – that the Japanese had for centuries called the "Land of Barbarians" (*Ezo* or *Ezogashima*). And in 1879 it officially annexed Okinawa (formerly the Ryūkyū kingdom), which had been already administratively annexed by the shogunate in 1609. Thus, "Japan" had behaved like an empire long before its formal inception as one – which was marked much later by the acquisition of Taiwan at the end of the Sino-Japanese War (1894–1895). Japan expanded from there, propagating resistance to western colonial powers as it pursued imperialism and war (1868–1945). As a result of the Russo-

[3] I adopt Joanne Meyerowitz's descriptions in *How Sex Changed: A History of Transsexuality in the United States* (Cambridge, MA: Harvard University Press, 2009), 3–4.

[4] Marnie S. Anderson proposes the word "womanists" instead of "feminists" for those early activists, since their accomplishment lies less in women's rights than in claiming "woman" as a political and social category; see Marnie S. Anderson, *A Place in Public: Women's Rights in Meiji Japan* (Cambridge, MA: Harvard University Asia Center, 2010).

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Japanese War of 1904–1905, the Korean empire, proclaimed such in 1897 by Emperor Gojong of the Joseon dynasty, became a protectorate of Japan; it was annexed in 1910. Subsequently, the Japanese empire aggressively and violently brought under its control vast areas of land and sea. Key moves include the Japanese invasion of Manchuria in 1931; the Battle of Nanking in 1937, which marked the beginning of a full-blown war with China more than two years before the September 1939 start of World War II with Nazi Germany's invasion of Poland; the aerial attack on Pearl Harbor in 1941, after which the United States entered the war; and, finally, the US atomic bomb attacks in 1945 on Hiroshima and Nagasaki, which precipitated the empire's surrender and collapse.[5] This was followed by a largely antimilitarist liberal democracy – a period that has spanned more than five emperors' reigns – Meiji (1868–1912), Taishō (1912–1926), Shōwa (1926–1989), Heisei (1989–2019), and Reiwa (2019–present), with the Shōwa emperor embodying the transition from commander in chief to being a "symbol of the state and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power."[6] Given the instability of the sociopolitical shape and circumstances of the archipelago throughout the modern and contemporary eras, rather than a singular political event, then, a range of changes constitute landmarks of the modern with regard to sex, gender, and sexuality.

Families and Households

The year 1871 saw the establishment of both the family and household system (*ie seido*) and the family registration system (*koseki*), the latter of which required that every individual's family affiliation be registered with the government. Thereafter, the emperor was seen as the symbolic parent of the nation, and the male head of each family was considered his analogue within that family. As such, the husband/father was all-powerful within the household. His dependents were not just expected to defer to him – they were legally compelled to do so. In addition, inheritance became strictly patrilinear. In the absence of a male heir, a son-in-law or male relative was adopted in order to ensure the family headship

[5] The phrase "anti-colonial colonialism" was coined by Jennifer Robertson, *Takarazuka: Sexual Politics and Popular Culture in Modern Japan* (Berkeley: University of California Press, 1998).

[6] Article 1 of the constitution of Japan can be found on the government webpage "The Constitution of Japan," Prime Minister of Japan and His Cabinet, accessed February 7, 2021, https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

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would pass from a "father" to a "son." In this system, women were considered nothing more than "items of exchange between families, place markers or 'borrowed wombs' for the production of sons."[7]

A competing notion of the family – the home (*katei*) – took root as well, inspired specifically by the Christian ideology of monogamy and more generally by the western ideal of romantic love. Envisioned as the Japanese version of the modern nuclear family, the home centered on a romantically bonded married couple and their offspring. In contradistinction to the multigenerational households of earlier times, the husband's parents had no place in this new framework. And in both systems – the *ie seido* and the *katei* – women's roles were limited to the home and family. For many women of the lower classes, however, the ideals of the *katei* remained a distant dream until the mid-twentieth century, since they had to work outside the home just as their mothers and grandmothers had.[8] Previous generations of women had primarily been farmers and fishers – until the late nineteenth century onward, when the young increasingly migrated from their villages to work in textile factories, coal mines, brothels, and the households of the rich, both in urban areas in Japan proper and throughout the growing empire.[9] Today, the Japanese nuclear family remains a "stem nuclear" family in that, unlike the western neolocal nuclear families, it can expand to include only one married couple per generation. Not just the absence of offspring, but also the absence of competent biological offspring can be grounds for adopting a successor – even married couples can be adopted in order to insure an *ie*'s continuity. This is why the *koseki* retains its authority even as the postwar constitution recognizes the sovereignty of the individual.

In 1872, just a year after the launch of the family registration system, a host of legislation reconfigured childhood. The Fundamental Code of Education established a mandatory elementary school system, which stratified the child population into age groups by prescribing first five and then six years of basic education for girls and boys from the age of six. In addition, various legislation in the areas of health, welfare, labor, and crime concerned itself with the protection of children as well as the

[7] Takie Sugiyama Lebra, *Above the Clouds: Status Culture of the Modern Japanese Nobility* (Berkeley: University of California Press, 1993).

[8] Sharalyn Orbaugh, "Gender, Family, and Sexualities in Modern Literature," in *The Columbia Companion to Modern East Asian Literature*, ed. Joshua S. Mostow, Kirk A. Denton, Bruce Fulton, and Sharalyn Orbaugh (New York: Columbia University Press, 2003), 43–51.

[9] For more on *karayuki-san* see David R. Ambaras, *Japan's Imperial Underworlds: Intimate Encounters at the Borders of Empire* (Cambridge: University of Cambridge Press, 2018).

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protection of society from any children who might be dangerous. All these efforts gradually replaced class status with age group or grade level as a primary social marker of childhood.[10] Childhood had always been uneven across classes, regions, and communities. After 1872, the end of childhood was in flux, and increasingly differed for girls and boys in various ways. For instance, in 1900 or so about half of the laborers in textile and match factories were children under the age of fourteen, and 60 percent of them were girls.[11] Yet female adulthood remained tied to marriage and motherhood; if a female in her early twenties was unmarried, she was not seen as having reached womanhood. On the other hand, male adulthood was distinctly marked as the age of twenty, when boys had to report for their military physical exam with the prospect, in principle at least, of being drafted for three years of service in the archipelago's new, modern mass army. The 1872 introduction of the mandatory conscription system thus redefined what it meant to be a ("real") man, initiating the militarization of ideal manhood. The subsequent military campaigns and empire-building efforts between the Sino-Japanese War of 1894–1895 and the end of the Asia-Pacific War in 1945 solidified the soldier as the embodiment of the modern nation-state and empire. In the public sphere at least, the forces of militarization increasingly shaped gender roles and sexual lives in decisively binary ways. A range of often class-specific men's roles greatly narrowed to a singular concern: that men be enthusiastic or at least outwardly willing aggressors, a focus that was meant to align their sexual prowess with national military power – in the name of advancing Japan's domination in Asia.

Returning to the roles of women in relation to military men: women needed to be the chief supporters – and later mourners – of their soldier husbands, brothers, and sons. Some of these women were also the victims of sexual violence. Finally, one of the cruel truths of modern militarization concerns the fact that children were elevated to being political actors of sorts. Japanese boys were hailed as future soldiers, and Japanese girls as sisters, girlfriends, and future mothers of such

[10] Moriyama Shigeki and Nakae Kazue, *Nihon kodomo-shi* (Tokyo: Heibonsha, 2002), 8–19; see also Michael Kinski, "Japanische Kindheiten und Kindheitsbilder: Zur Einleitung," in *Kindheit in der japanischen Geschichte/Childhood in Japanese History*, ed. Michael Kinski, Harald Salomon, and Eike Grossmann (Wiesbaden: Harrassowitz, 2015), 1–32.

[11] Atsuko Fujino Kakinami, "History of Child Labor in Japan," in *The World of Child Labor*, ed. Hugh D. Hindman (Armonk, NY: M. E. Sharpe, 2009), 881–88; David R. Ambaras, *Bad Youth: Juvenile Delinquency and the Politics of Everyday Life in Modern Japan* (Berkeley: University of California Press, 2006), 41.

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soldiers. Both boys and girls under Japanese imperial rule were expected to be cheerleaders of war – as well as the grateful recipients of soldiers' protection, rescue, and redemption.

Codes and Laws

As far back as in the late nineteenth century, young female activists such as Kishida Toshiko (1863–1901) and Fukuda Hideko (1865–1927) of the Freedom and People's Rights movement of the 1870s and 1880s fought for representative government. They demanded not only "women's rights" but also, rather explicitly, "a single standard of sexual morality."[12] Progressive women and men knew then that the vastly different standards for "sexual morality" were rooted in sexual inequality, which in turn was intrinsically interlinked with other inequalities – of the gender, social, political, and economic sorts – and that power relations were at the heart of them all.

The 1889 Civil Code prevented women from joining political associations or speaking at or even attending public meetings. Furthermore, in line with the primogeniture noted earlier, this law treated wives as minors without property rights, subordinating them under the authority of household heads. While these details all inhibited women, ironically the Code also initiated the recognition of concubines as legal entities. Then, in 1922, the restriction was lifted regarding women attending political meetings – at which point first-wave feminism swept the country, addressing motherhood and reproductive rights, marriage, suffrage, and a range of debates about what it meant to be female. Later, in an act that lagged behind many other countries' similar policies, the right to vote was finally extended to women in 1946. In a separate timeline, reproductive control was embattled throughout the modern era. The struggle to seize it pitched the empire's aggressive pronatalism against eugenics and birth control movements that covered the entire political spectrum – from the anti-imperialist left to the reactionary right, which ultimately imposed forced sterilization of individuals with certain kinds of conditions. The only change in the law to date, in 1996, just emphasized the protection of the maternal body. Ultimately, the dramatic decline in the population has more recently changed the direction of

[12] Teruko Craig, "Introduction," in *In the Beginning Woman Was the Sun: The Autobiography of a Japanese Feminist – Hiratsuka Raichō*, trans. Teruko Craig (New York: Columbia University Press), viii. Interestingly, Raichō does not evoke earlier womanists; see Anderson, *A Place in Public*; Anne Walthall, *The Weak Body of a Useless Women: Matsuo Taseko and the Meiji Restoration* (Chicago, IL: University of Chicago Press, 1998).

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the march toward the "world-historical severance of sex from procreation."[13]

The constitution of 1946 signified changes on all sex and gender fronts. Rattling the male-centered order of the preceding period, Article 9 in particular explicitly renounced the state's right of belligerency, which led to the rapid demise of the military man as a masculine ideal.[14] In its stead rose the salaryman – the white-collar middle-class male employee – as the new icon of manhood. According to populist corporate manuals and popular discourse alike, rather than giving his all to nation and emperor in war, this new man instead was to give his all to his company in commerce – with his nuclear family serving as primary support, confirmation of his (idealized middle-)class standing, and reassurance of his sexual and gender normativity. But when the Japanese asset price bubble burst in 1992, the economic and financial crises that followed saw the death of the salaryman as a near-hegemonic masculine ideal. Ever since, social change in the archipelago has been characterized by the diversification of modes of manhood and masculinity – providing a new sense of liberation and freedom for some, while producing considerable anxiety and precarity for others.[15]

The 1946 constitution also recast the family as an egalitarian institution, one based on equality between husband and wife and between male and female siblings. Article 14 declares: "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin." Article 24 further specifies that "laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes."[16] Initially, the emphasis on the essential equality of the sexes was

[13] Susan Watkins, "Which Feminisms?," *New Left Review* (January–February 2018): 8. According to the World Bank's population statistics, Japan's population is declining at a negative rate of 0.14 percent; see "Population growth (annual %)," Population Pyramid.net, accessed October 1, 2021, www.populationpyramid.net/hnp/population-growth/2015; as such, in 2100 Japan might have little more than half of its population in 2010; "Japan 2050," accessed April 23, 2020, www.populationpyramid.net/japan/2050/.

[14] "The Constitution of Japan," Prime Minister of Japan and His Cabinet, accessed June 1, 2021, https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

[15] Annette Schad-Seifert, "Dynamics of Masculinities in Japan – Comparative Perspectives on Men's Studies," in *Gender Dynamics and Globalisation: Perspectives from Japan within Asia*, ed. Claudia Derichs and Susanne Kreitz-Sandberg (Münster: Lit Verlag, 2007), 33–44; and Annette Schad-Seifert, "Väter am Wickeltisch in Japan," *Bildung und Erziehung* 67, no. 2 (June 2014): 203–18.

[16] In addition, Article 21 guarantees "freedom of speech, press and all other forms of expression," and provides that "no censorship shall be maintained." Its rights guarantees are framed in absolute language, without the qualifying clauses that had undermined these in the Meiji constitution. Bret Boyce, "Obscenity and Nationalism: Constitutional

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progressive, radical even. In recent decades, however, two issues have brought an increasing number of progressive individuals and minority communities to deem these constitutional assurances insufficient: They have failed to guide *manifestations* of equality, particularly in government and in the corporate world; and they have also failed to sufficiently protect those with nonnormative sexualities and genders – as well as with differently abled bodies.

In response to the first issue – the viability of the constitution sufficiently shaping and controlling behavior on the ground – in 1986 the Equal Employment Opportunity Law was implemented with the intention of abolishing gender inequality in the workplace. It has since been revised twice: in 1997 to target the discrimination of women in specific areas of recruitment, hiring, and promotion; and in 2006 to make employers responsible for eradicating sexual harassment in the workplace.[17] As for these new laws' efficacy: the World Economic Forum's 2020 Global Gender Gap Report, which surveys and ranks world economies "according to how well they are leveraging their female talent pool, based on economic, educational, health-based and political indicators," has again placed Japan in the bottom third – 121 out of 153 countries, ranking with the United Arab Emirates and Kuwait. (For comparison, the United States is rated 53; Iceland, Norway, and Finland, respectively, score the highest.)[18]

As for the second issue – the marginalization of queer individuals – progress has also been slow and hesitant, and has played out within a curious sphere. Japan has a rich history of ambivalence regarding transgenderism and other gender-related rights and – with the exception of a brief period in the 1870s – Japanese modern law has never criminalized same-sex relations.[19] That said, this legality has not prevented

Freedom of Sexual Expression in Comparative Perspective," *Columbia Journal of Transnational Law* 56, no. 4 (2018): 683–749.

17 An English translation of the law can be found at "Equal Employment Opportunity Law (Japan)," Wikimedia Foundation, last modified December 15, 2020, 17:54, accessed May 31, 2021, https://en.wikipedia.org/wiki/Equal_Employment_Opportunity_Law_(Japan).

18 *Global Gender Gap Report 2020*, published in 2019, reflects data from 2018; World Economic Forum, accessed August 13, 2020, www3.weforum.org/docs/WEF_GGGR_2020.pdf.

19 Regarding that rich history, Jennifer Robertson points out that "femininity and masculinity have been enacted or lived by *both* female *and* male bodies as epitomized by the 400-year-old all-male Kabuki theater and all-female Takarazuka Revue founded in 1913. Nevertheless, both theaters continue to reproduce not alternative but dominant stereotypes of femininity and masculinity. Moreover, there is a qualitative, socially reinforced – and socially sanctioned – difference between the kind of femininity performed and lived by male bodies and the kind of masculinity performed and lived

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institutionalized discrimination from making same-sex marriage a contentious issue – indeed, even the LGBT+ community is of two minds on the subject. On the one hand, proponents have long argued that marriage is an important means of social recognition that many queer individuals aspire to; some hope it would serve as means of making hierarchical social structures more porous. But on the other hand, progressive opponents worry that even same-sex marriage ultimately supports the patriarchal and discriminatory family registration system (*koseki*). Amid that ongoing discussion, in 2015 Shibuya ward in Tokyo made the first step toward the legal recognition of same-sex couples by issuing same-sex partnership certificates. Another curious irony within this contentious environment is the fact that it has been possible since 2003 for Japanese citizens to legally change their sex, namely by changing their entry in the family registration system – but only following sex-reassignment surgery and sterilization.[20]

Adding to the political debate is the fact that, during the last two decades, an ultra-conservative right – which includes former prime minister Abe Shinzō (2006–2007 and 2012–2020) and other members of the conservative ruling Liberal Democratic Party – has been working to "[claim] tolerance and understanding, while simultaneously advocating against legislative reforms" that would address and help prevent such institutionalized discrimination.[21] Altogether, the struggles for equality continue. This book aims to highlight the occasional reconfiguration of the struggle itself. For instance, in the early twentieth century there emerged radical utopian visions of the malleability of sex and gender; at the beginning of the twenty-first, an increasing number of otherwise fairly ordinary individuals now consider, pursue, publicly discuss, and inhabit a great diversity of sexes and genders – while others refuse such distinctions, identities, and fluidities altogether.

Words and Concepts

This book maintains that sex, gender, and sexuality are sociocultural constructs that have historically evolved – perhaps never more dramatically than during the modern era. In the past, the Japanese word for "sex"

by female bodies, whether on- or off-stage; see Jennifer Robertson, "Gendering Robots: Post-Human Traditionalism in Japan," in *Recreating Japanese Men*, ed. Sabine Frühstück and Anne Walthall (Berkeley: University of California Press, 2011), 288.

[20] S. P. F. Dale, "Same-Sex Marriage and the Question of Queerness–Institutional Performativity and Marriage in Japan," *Asian Anthropology* 19, no. 2 (2020): 143–59.

[21] Claire Maree, "'LGBT Issues' and the 2020 Games," *Asia-Pacific Journal: Japan Focus* 18, 4, no. 7 (2020): 1–7.

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(*sei*) signified an amalgamation of biology, nature, and culture. Few were invested in separating one meaning from the other, even though a number of other Japanese characters had been used that could variably signify what we today refer to as "sex," "gender," or "sexuality" – or even "character" or "nature."[22] Even in 1929, when a Research Group for Cultural Sources (Bungei Shiryō Kenkyūkai) under the leadership of a certain Satō Koka published a *Dictionary of Japan's Sexual Morals and Customs* (*Nihon Seiteki Fūzoku Jiten*), it included a great many terms that signified sexual relations of one sort or another – from "*aiaigasa*," literally "shared umbrella," referring to lovers, typically involving a prostitute; to "*okefuse*," signifying the Edo-era criminal punishment of a man seeking entertainment-district pleasure without having the money to pay for it.[23] To be sure, the dictionary listed many word composites involving "*iro*" (literally "color" but signifying "erotic") and yet none involved "*sei*" for "sex," "gender," or "sexuality."[24] In Japanese, the almost exclusive meaning of "sex" for the noun "*sei*" crystalized only around the time of the dictionary's publication.

Similarly, previous to the modern period, sexual practice was not necessarily associated with exclusive "sexual orientations" or "identities."[25] Even in contemporary Japan, the self tends to be understood as being "multiple," of which sexual identity is but one malleable component. This is in contrast to what anthropologist Wim Lunsing once described as a mostly US obsession with a singular, wholesome self that neatly aligns with a stable and distinct sexuality.[26] Accordingly, many same-sex individuals who are not out to their families and friends shy away from the "homosexual" label because they do not want to be reduced to what they see as just one aspect of their personhood; to them, coming out would assign superior significance to that one aspect of their personality. When "*gei*" (from the English word "gay") was introduced in

[22] Inoue Shōichi, Saitō Hikaru, Shibuya Tomomi, and Hasegawa Kazumi, *Seiteki na kotoba* (Tokyo: Kōdansha, 2010); Furukawa Makoto, "Renai to seiyoku no daisan teikoku," *Gendai Shisō* 21, no. 7 (1993): 110–45.

[23] The punishment for such behavior was intriguing: the man was confined (unable to escape) in a bathtub placed in the middle of Yoshiwara foot traffic; Satō Koka, *Nihon Seiteki Fūzoku Jiten* (Tokyo: Bungei Shiryō Kenkyūkai, 1929), 58.

[24] Satō, *Nihon Seiteki Fūzoku*. On contemporary linguistic/sexual/queer issues, see Claire Maree, *Queerqueen Linguistic Excess in Japanese Media* (Oxford: Oxford University Press, 2020).

[25] Robertson, *Takarazuka*, 174.

[26] Wim Lunsing, *Beyond Common Sense: Sexuality and Gender in Contemporary Japan* (London: Kegan Paul, 2001), 18; Chikako Ozawa-de Silva, "Beyond the Body/Mind? Japanese Contemporary Thinkers on Alternative Sociologies of the Body," *Body & Society* 8, no. 2 (2002): 21–38; Louella Matsunaga, "Bodies in Question: Narrating the Body in Contemporary Japan," *Contemporary Japan* 27, no. 1 (2015): 1–11.

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