Women, Between Family and Work in Present-Day Japan

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Introduction

As in almost all other societies, a large majority of past Japanese society has been characteristically patriarchal, meaning in effect that women have been contended with second-class status and fidelity to men, and have been treated oftentimes as being inferior to men in many respects. Nevertheless, during the preindustrialized times many women were highly involved in the same work worlds as their husbands and have always played an important part in the production of goods and services on the farm or in home-centered craft. Up until recently for the majority of women, subservience, and the more traditional roles to become “good wife and worth mother” (ryosai kenbo) have been stressed by the order of male supermacists even in modern industrialized society.

But in general, independent role of working and earning money outside of the family home, was not welcomed and even tabooed since women were traditionally relegated to just household chores, caring and supporting for the husband and the elderly, and child bearing and rearing within the family household.

Immediately after the end of World War II in the late 1940, the Japanese government enacted fundamental social reforms which have brought drastic changes to the general status of women and to the relationship between the sexes. Dignity of the individual and the fundamental equality of the sexes before the law were expressly recognized and guaranteed by the new Japanese Constitution in its article 24, which marked a brilliant new milestone in the history of
Japanese women's live. Beginning with revisions in Japan's Civil Code and the enactment and enforcement of various statues based on fundamental principles of the Constitution, such as the Fundamental Law of Education, the Public Office Election Law, and the Labour Standards Law, equal rights and responsibilities of women were further established and confirmed. During the early postwar years, Japanese society had underwent a period of democratization and modernization started by the occupying forces taking the form of a national policy for women to emancipate from their traditional statuses and roles of prewar. In the traditional attitude of Japanese society towards women, a female was exceedingly brought up to fulfill her roles as daughter, wife and mother within the family sphere; hence, the roles characters of the "tender wise mother" or the "good little wife" were dominant. Most of the activities of women took place within their homes and families and therefore, excluded public life. The old Confucian adage that a woman should in youth obey her father, in maturity her husband, and in old age her son severely prevailed in Japanese society for centuries. Females were placed at an immediate disadvantage and suffered severe discrimination from the moment of birth until death in this society which based itself upon the idea of the predominance of men over women and therefore expounded patriarchal value systems. Overall, society demanded that women correspond only to the roles of good wife, and good mother. The principal role of women was to assist and obey her husband, and not by taking a leading role. This is why the idealized characteristics of women were those which fit her well within the family household framework and not those which gave her a sense of independence. Therefore women had subordinate structure and invisible human existence, conforming with existing social standards. A double sexual standard which left the men very tolerate or free and the women strongly restricted was very common.

Since the end of the World War II, the position of women and relationships between the sexes in laws have been greatly reformed,
but they have not been revolutionary. Postwar Japanese women, with their new rights, began taking part in civic activities to democratize and modernize their family lives and community environments.

Although there is no doubt that Japanese women contributed a great deal in postwar Japan's rapid modernization and democratization, genuine equality between women and men in Japanese society still seems to be a long way off. Following a period of reconstruction and recovery, national policies in general were given precedence in order to build up Japanese society and to change it to a high industrialized "wealthy nation" from a defeated in a battle and a less developed country. The truly remarkable developments in Japan mainly in the 1960s: the rapid advancement of industrialization and the growing economy, the changing industrial structure, the large-scale concentration of employed worker population urban areas, and significant science and technological innovations have further promoted urbanization and tremendous changes in various aspects of Japanese society and people's lives. The standard of living has markedly improved nationwide and there have been notable changes not only in people's personal life styles, consciousness and attitudes but also in the community. In regard to women's lives, significant changes have also taken place. There has been a decrease in birth rate (or fertility), a rise in the mean age of marriage, a shortening of the length of time for child-rearing, and a lessening of household tasks, due to an increasing availability of various kinds of home electrical appliances. In addition, the changes have included the spread of "nuclear family household", a separation between the family and the workplace, an increase in life expectancy, improved and hightened educational standards, a considerable increase in leisure time, a changed consciousness, and an increase in the number of working women outside the family. All these changes in women's environment have led to totally new perspectives for women's lives. Women have become aware of their needs to develop further their abilities and qualities,
to achieve self-fulfilment and to establish themselves. Thus, in addition to the traditional needs for education in home management and in the family education of children, there has been a growth in new needs such as studies on problems affecting women, on social voluntary activities, and on vocational activities. However Japan, despite its great technological advances and all its concomitant changes, clings to traditional sex role conceptions. Very rapid industrialization and modernization notwithstanding, Japan lags behind other Western developed countries in equalizing the status and privileges of the sexes. Government policy has not been directed toward effecting these changes on women's needs and life styles. Even within the urban middle classes of white collar workers, most Japanese women had to continue in their roles of having very low self esteem and being dependent and subordinate in relation to men. An increasing number of younger women attend colleges and universities in Japan, but an informal quota existed. The rate of women in professional positions was low, except in occupations traditionally accepted, as a "gainful nonfamily employment" of women. These included some categories of the entertainment industry (actress, hostesses of bars and cabarets and geishas), important productive roles of women in rural areas, self-employed entrepreneurship in service industries in cities, and teachers of primary education and nurses. Interestingly on the other hand, with increasing industrialization and the separation of the home and workplace, the role of wife and mother came appear to have more prestige and importance especially among the new white collar middle class families in the cities. This new seemed to limit the push of women into the working industrial sector.

During the United Nation's Decade for Women (1976-1985), the Japanese government had formulated the "National Plan of Action" on the basis of the "World Plan of Action", and had ratified the treaty for the abolition of Sexual Discrimination against Women. As the year 2000 approaches the government has been further promoting a wide range of policies and measures to be implemented to confirm
the improvement of the status of women. Regarding education, based on the “Plan of Action”, the government continued to plan and implement national policies to enhance formal and non-formal education, aimed at promoting women’s participation in every field of society on an equal footing with men. However, the Ministry of Labor’s 1981 “Survey on Corporate Hiring Plans” showed that applications from female university graduates were not accepted by more than 70% of large Japanese companies. More than half of those that did offer scaled-down training programs for female employees, or none at all.

The new Equal Employment Opportunity Law of 1986, enacted by the Diet, was designed to alter for the better these numbers but the lacks teeth (violation, penalties), and many people have been skeptical of its real effectiveness. But, now quietly and steadily the tides of history are changing. Women are once again advancing while male power seems to be diminishing. More and more women have sprung up in the last few years, yet although most powerful engine for change is the Japanese woman, herself, who is making a rather silent transition into the standing labor market and public life. Now comprising nearly half of the Japanese workforce, women are making enormous contributions to the present economy and social change.

I. Demographic trends and changes in Women’s life cycle

1) Population Change

The population of women in Japan in 1990 was 62.92 million, 2.2 million greater than of men. This figure of 62.92 million accounted for 55% of Japan’s total population of 124.14 million. A noticeable change is the extended average life span. In 1990, the average life expectancy was 81.79 years for women and 75.99 years for men, both among the world’s highest standards. Until a little after World War II, Japanese life expectancy was rather low averaging around 50 years. In 1947, male life expectancy at birth was 50.06 years, and female life expectancy at birth was 53.96 years. The principal fac-
tors contributing to this increase in life expectancy include the marked decrease in infant mortality and the remarkable decrease in pulmonary tuberculosis among the young and in serious diseases among the old due to advances in modern medicine and more significantly, improvements in sanitation, nutrition, public health care and general living conditions. The estimated age composition of the Japanese population in 1990 estimated: under 15 years of age, 18.2%, 15 to 64 years, 68.4%, and 65 years and older, 12.1%; whereas the corresponding figures for 1950 were respectively 35.4%, 59.6% and 4.9% pointing out the astonishingly rapid rate at which the population is aging. According to statistics announced in 1990, the age breakdown is expected to be 15.5%, 59.4% and 25.2% respectively in the year 2020. (Japanese Institute of Population Problems). Increasing life expectancy has had different implications for men and women some of these include the marked predominance of aged women and the differences between older aged men and older aged women in marital status. Due to both the longer life span of women over men and their younger age at marriage, women over the years have continued to outlive their husbands at increasing rates. Today, by their 60th birthday, women can expect to live another 24 years and men another 20 years. Of the total population of the elderly Japanese, women comprised about 60% in 1990.

The sex ratio has also changed over the years. In 1920, among people 60 years and over, were 84.5 males for every 100 females. By 1975 the ratio of males to females in that age group had dropped to 78.3. Thus, with increasing age, the sex ratio becomes even skewed. By 1990, in the group beyond 65, the ratio of men to women was estimated at 67.1. A far greater proportion of elderly men are presently married than elderly women. Indeed, in 1985 among women aged over 75, about 85% were single, unmarried, widowed or divorced, while for similarly aged men, the proportion was about 40%. Among those aged 85 and over, the proportion of married men (47.8%) is over 9 times that of women who were married (5.2%). The present great
majority of older primary individuals are women. This is true for the following reasons. First, there are more widows than widowers because of different life expectancies. Second, because women tended to marry men older than themselves they increased their chance of being the survivor. Third, the rates of remarriage were greater for males than for females. Thus, many older women have been required to adapt to a drastically new way of living late in life, that of living alone. With the remarkable increase in the average life expectancy, the problems of the aged have also increased. And the problems of the aged are increasingly becoming the problems of women.

On the other hand, the birth rate in Japan, which had been on a trend of increase, with a crude rate of 30 (per 1.000 persons) in the prewar period, rapidly declined following the postwar baby boom years 1947-1949. Since the government modified the Eugenic Protection Law in 1952, which eased restrictions on abortion, the practice of abortions and the use of contraception have been widespread, particularly in urban areas.

2) Changes in Family structure
A decrease in average family size is one of the important factors which has caused recent changes in Japanese family life. This trend is thought to be mainly due to the spread of the "nuclear family" and the decrease in the fertility rate. After World War II, a high living standard was achieved nationwide, as a result of the demographic change from "numerous births and numerous deaths" to "a few births and a few deaths", and of the introduction of policies aimed at high economic growth until the late 1950s. The average household, from 1920 to 1955, consisted of about five members. After the end of the War, throughout the period of economic recovery, the average family size did not decrease. However, high economic growth in the 1960s, with the resulting dramatic changes in the industrial structure, increasingly caused the movement to large urban areas and the development of the "nuclear family". This, coupled with the persistent
trend in the decline of fertility, contributed to the decrease in the average size of the household. The average number of members per household in 1985 was 3.2 persons, this continued to decrease to 2.99 persons in 1990. According to the national census, the proportion of "nuclear family" households increased from 63.5% to 76.0% of the total number of Japanese family households between 1960 and 1985. In addition, the nuclear family is becoming the norm, particularly in the cities. The average number of children per couple decreased from 2.8 to 2.2 between 1962 and 1982.

Despite the spread of the "nuclear family", Japanese society has still preserved the three-generation extended family structure, or in other words, the traditional direct lineage family structure. According to the national census data, in 1985, about 66% of people over 65 in Japan lived with their children, 20% lived with their spouse only, and about 14% lived alone or in an institution.

Although the proportion of three generation family households of the total number of Japanese households has decreased from 43.9% in 1955 to 13.5% in 1990, the real number of elderly people to co-reside with their children has steadily increased. The present day co-residential extended family is not always the same as the Japanese traditional stem-family or patrimonial lineal-family, even if it has still preserved its traditional normative consciousness or feelings and attitudes. Quite a few people want to live in extended family situations especially as they grow older, both for the parents and childrens generations, conveniences in sharing living places, living expenses, household chores and give and take caring. Overall, there has been a marked decrease in family size, a simplification of family household components, an increase in the rate of single person households for both younger and older people, and an increase in middle-aged-couple only households and the elderly couple only households.

3) Changes in women life course

A great deal of the recent changes in the family lifestyle stems
from underlying demographic trends. This in turn has influenced changes in the lives of children and youth resulting in a pattern of life far different from that of a person growing up earlier in this century. The life course changes in general have been even greater for females than for males especially in areas of great relevance to women's lives, such as the mean age of the marriage, the like children and youth and middle age, for that matter old age is also a relatively recent creation as a distinct life stage (Elder, 1975).

The number of children per woman, the average age for bearing the first child and the last child, the period of employment during child rearing, and their average life expectancy: these factors are greatly different from those of their mothers and grandmothers. Furthermore the lengthening in life expectancy has increased the difference between men's and women's family lives in terms of status and roles. More women face a long period of living single or widowed later on their cycle of life stage.

Women who married in the beginning of this century had an average of 5 children, whereas women who married in the 1950s had an average of 2 children. The very recent sharp decline in the number of children per Japanese woman (fertility rate: 1.76 in 1985, 1.66 in 1988 and 1.53 in 1990) greatly shortened the length of time for child-rearing, which lasted on the average age until the mothers of mid-forties in the past, but now ends during the mothers mid to late thirties. At the time when they reach the so-called "empty nest" stage of the family life cycle, they will still have several decades before normal retirement from working life and life as a wife. Furthermore, many people live 20 or more years longer after retirement. For many women, child bearing and child rearing are no longer the lifelong jobs that they were for their parents who had their first children early in life, had large families, and died around the age of 50. The average marrying age for Japanese women was 25.9 in 1990 (men at age 28.7)—up from age 23.8 in 1960 (Japanese Institute of Population Problems).
Furthermore, an increasing number of women born after World War II are highly-educated, have been in the labor market for years after the education are postponing marriage and the birth of their first child until they are well into their late 20s, and are having one or two children or, at most, three children. The significant reduction in the proportion of a married woman’s life that is occupied with child rearing is strongly associated with the move of women into the labor force and engagement in social activities.

II. Women at work

Over the last few decades unprecedented socio-economic developments and changes have brought about a substantial change in the overall Japanese women’s lifestyle. The change of work outside the home has been particularly noticeable. Given the high economic growth since the 1960s, the industrial structure has undergone a drastic change. Rapid increase in industrialization has reduced the number of people engaged in the primary industries and increased those in the secondary and tertiary industries (in particular the service industry), reducing the numerous working at home, and sharply increasing the number of employed people outside the home in cities. These changes reflect shifting employment patterns which gradually changed and diversified. In the area of primary industries (agriculture, mountain and fishing industries), however, there has been rise in the outflow of not only the surplus labor of young workers but also in the heads of farming households into other industries. Therefore, between 1960 and 1980, the agricultural population and the number of farming households declined by half. Among the farming householdes, the number of full-time farming households has intensely decreased, while that of part-time farming households has increased requiring housewives and elderly parents to take increasing responsibility for maintaining the farm work and managing the household. Generally speaking in accord with the changes in the women’s lifestyles, consciousness and attitudes, which partly resulted from the
rationalization and mitigation of the burden of domestic chores, the extention of leisure time, coupled with marked developments in women's life cycle and their high-educational level, the situation and circumstances regarding working women have significantly changed. Therefore, there has been a substantial increase in the number of working women, especially employed outside the home, an increase in variety of work for women, a change in age composition of women workers, and the gradual improvements of working conditions and situations for women.

According to the national census, in 1985, the population of women over 15 years old numbered 48.63 million. Some 46.4% (22.56 million) worked, 45.4% (22.08 million) kept house or didn't work and 8.2% attended school. Although the proportion of the women's participation in the labor force started to decrease from 1960, reflecting the decreasing number of farming households and their workers, there has been an upward trend since the mid-1970s with the increasing number of employed women outside the home. In 1990 women constituted 40.6% of the total Japanese labor force. Recently, the number of women employed outside the home significantly rose from 7.38 million in 1960 to 15.48 million in 1985 and to 19.34 million in 1990.

The recent increase of middle-aged and older women and decrease in younger women employed reflect the growing number of girls entering senior high schools without joining the labor force after junior high schools. In addition more than a third of Japanese girls continue their education after high school, compared with almost a quarter of the boys. Therefore, by age group, the proportion of women's labor force participation is very small from ages 15 to 19. It increases for the age group of 20 to 24, which also comprises the largest number and the corresponding period in which women join the labor force after completing their studies. Next, labor force participation decreases for the age group of 25 to 34, which is the period of childbirth and child-rearing. The rate increases again for
the age group of 35 to 54 and then decreases continuously, which gives the overall labor force participation graph an M-shaped figure.

The growing number of middle-aged and older women as well as married women participating in the labor force is concentrating more and more in the service-oriented industries. Other changes in women's lifestyles include the tremendous increase of women seeking higher education, the increase in leisure time, and a higher quality of life.

The recent noticeable situation of working women has shown a significant increase in the number of employed women and a remarkable decrease in the number of women engaged in family businesses. These trends are attributable to the changing industrial structure which led to a significant decline in the number of farm and forestry workers and a substantial increase in the number of people employed in the secondary and tertiary industries. Almost 80% of the total female employees work in the service industry, manufacturing industry, and wholesale and retail industries.

In these three industries, there were about 10.3 million married women in 1984. This number made up 70% of all working women outside of the primary industry. They constituted 30% of all married women. That is, more than two-thirds of working women are married and 30% of housewives were employed. Among employed women part-time workers increased steadily after the mid 1960s. Of the number of 300,000 new female workers in 1984, 20,000 were housewives, many of whom worked parttime. Parttime labor in Japan averages less than 35 hours per week and 23 days per month. Parttimer workers are often given no provisions on their employment term. They are paid by the hour and earn about 600-800 Yen per hour at the moment and their average age is 42 years, the majority of whom are married. It is said that a quarter of parttimer workers do in fact work fulltime, and that 20% of them worked 40-48 hours, 5,5 days a week. For the majority of parttimer workers, the issuing
of labor permits, health insurance, medical examinations, unemployment insurance and joining annuity system depend on the employers whim. Labor Unions not only neglect parttimer workers' adverse working conditions but also derive advantages from the exploitation of female parttimer workers. Nevertheless, more and more middle-aged and older women and married housewives are participating in the labor force, mostly on a part-time level due to various factors such as society's trend in becoming increasingly service-oriented, the rise in educational level among women, the increase in spare time due to changing life course and life style, and the desire to not only make money to improve living standards but also to seek new possibilities in life. In general, marriage and looking after and caring for the children and the household still tend to limit Japanese married women's employment, while the decrease in family responsibility, divorce and widowhood tend to bring them back into labor force. Most of Japanese women have been so well socialized to believe they should stay home and care for their children and sometimes the elderly that, for many, working outside the home, leads to feelings of guilt. Since Japanese female labor in general is still a marginal section of the labor force, the current increase of working married women cannot be thought of as real progress because the provisional status and environment of overall female labor have not been greatly altered. In recent years many younger women who want to choose both marriage and a career find that their situation is one where the norms are confused and uncertain. This is because there exist no clear guidelines for her to apportion time and resources between the two major roles. The ability to handle tactfully the roles of wife, mother and career woman is still for the most part an individual endeavor at adaptation. Furthermore, aside from basic discrimination, the traditionally inflexible structure lifelong commitment, is discouraging for most women workers. Most of Japanese companies and their employees have made lifelong commitments to the company. This emphasizes that employees prove their loyalty in order benefit from
the seniority system which includes a host of benefits, not limited to promotion and salary increase but which also includes subsidized housing, insurance, a reduction in taxes, the use of company welfare facilities, and various kinds of allowance such as those for dependents, seniors, the main bread-winner as the "head of the household" and of the Japanese Labor market, which is still oriented to seniority and retirement. The system of seniority and dependence in most Japanese organization, more or less, shut out women workers. The majority of companies do not consider women to fit the "head of the household" category. In addition most women have family-centered attitudes and opt to go out and enter the labor market temporarily when this does not coincide with childrearing years nor interfere with caring for the elderly. For married women, according to the national Census, continuing to work outside the home involves many difficulties concerning health and their ability to cope with not only their traditional household duties and the rearing of children but also to perform well at their jobs. This problem arises from the lack of child care centers, institutionalized maternity leave practices, and a supportive environment for married women who work outside their homes.

III. Trends in Marriage and divorce

1) Marriage

Marriage and marriage-oriented attitudes are still very popular among Japanese people. Almost 98% of the population marry at least once by the age of 50. However, general demographic trend of marriage shows that people's attitudes towards marriage have shifted steadily along with various changes in recent socio-economic factors.

The mean age for a first marriage for both sexes has been increasing. This is partly due to the fact that more and more younger women continue onto higher educational and then enter the labor market for several years before getting married. The mean age for a first marriage has continued to rise from 26.6 to 28.7 years for males and from 23.8 to 25.9 years for females between 1960-1990.
This trend is more remarkable for women than men. The percentage of unmarried women in their early twenties rose from 68.1% in 1965 to 85% in 1990. The upward trend of the mean age for a first marriage and the decrease in differences in age between spouses are very noticeable. These trends in marriage have been related to changes in attitudes especially of women toward marriage, family surroundings, and spouse relations. Many recent Japanese young women are more educated and earning more in the widened labor market before marriage. They are also more independent-minded and more liberated to enjoy themselves than ever before in Japanese history, are refusing to submissive traditional roles and to the conventionally suppressive marriage life. More and more young ordinary women pick and choose their own marriage partners, and delay marriage until they have enjoyed their single lifestyle with regard to work, money, travelling abroad, hobbies, fashions and luxurious consuming in society’s booming economy. The present younger generation of women do not always cast greedy eyes upon marriage. They are much more desirous of a happy successful, and satisfying marriage than their mothers.

2) Divorce

Although the divorce rate in Japan is still low by Western standards, the number of divorces had been on the rise from the end of World War II until first half of the 1980s, but has since then been leveling off. Both in 1963 and 1984, the number of divorces was 179,000, and the rate of divorce was 1.5 cases per 1,000 people. The number and rate of divorce decreased to 158,000 and 1.28 per 1,000 people respectively in 1990. The present notable trends in divorce is that the number of divorces among middle-age or older couples is increasing.

Along with the recent changes in life styles, many women who gained an unprecedented degree of economic and conscious independence have not been clinging to unhappy marriages or to absurd husbands any more. Although there is still continued acceptance by Japanese society of belief that marriage should continue until ended by death,
more tolerate attitudes towards divorce and the divorcee is gaining ground. Under the present Japanese Civil Code and the Family Registration Law, unmarried cohabitation and illegitimate children still have many disadvantages in laws and are discriminated by society.

IV. Women in Family Law

The legal aspects of Japanese family, marriage and divorce are prescribed by the Civil Code and the Family Registration Law, which has relevance to procedural legislation. After World War II, the new ideas of democracy in regard to Japanese families and family relationships were codified, and in regard to marriage Article 24 of the new Constitution of 1947 states:

Marriage shall be based upon the mutual consent of both partners and it shall be maintained through mutual cooperation with equal rights for both, husband and wife. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

On the basis of these principles of the Constitution, family laws were extensively revised and the foundations of the Japanese traditional family system and the patriarchal and patrilineal authority of head of the Ie which were established by the Civil Codes of Meiji period were abolished.

The revision of the Civil Code affected a revolutionary change not only in women's legal status, rights and responsibilities but also in the relationships between husband and wife, parents and children, and among siblings. The significant characteristic of the revised Civil Code was a rejection of the legally assured dominance of the Ie (patrilineal stem family system) over the individual within the family. Under the new Civil Code, a spouse (husband or wife) and all children have a right to half of the left estate each. The children share equal obligations to support their parents when aged. This replaces
the inheritance of all property of the Ie by the eldest son. This means that according to the new Civil Code the old direct-lineage family system as an ideal form, and consequently, the inheritance of the position as the head of Ie has become impossible and inheritance itself has become limited to the estate of the deceased.

1) Marriage system

Under the Civil Code, a legal marital relationship is established only by notification to the mayor of the local administration. Under the Family Registration Law, the newly established married couple forms a new independent nuclear family household which is to have a separate registration sheet ("koseki-bo") from that of their parents'. The new registration sheet is upon marriage, at the local registration office. This replaces the old Ie system whereby a new head of the household was the reason for starting a new sheet for any family household. The present requirements for marriage include the following points:

1) That both the man and the woman shall agree to the marriage based on their own free will,
2) that both sexes shall be of the requisite age (18 and over for men and 16 and over for women),
3) that the marriage shall be monogamous and shall not be consanguineous within three degrees, and
4) in the case of marriage by a minor, he/she must have parental consent.

As the legal consequence of marriage, the husband and wife shall assume either the husband's or the wife's surname. Married couple shall cohabit and shall cooperate with and assist each other. They are collectively responsible for daily household matters and liabilities. Their marriage contract can be revoked by either spouse at any time during the marriage. A married minor is recognized as an adult. Under the inheritance law, husband and wife can enjoy the equal to inherit from each other. All of these statutes on marriage sounds
very egalitarian between husband and wife. Yet, marriage in fact has different legal consequences for men and women. Once a couple is legally married a husband and wife in fact do not enjoy legal equality. During the past few years in Japan, there has been increasing concern among some women as well as some lawyers that when marry they lose their maiden surname. In the case of Japan, in almost 98% of marriages women in fact give up their maiden name. In many ways the loss of a woman's surname at marriage means the loss of an important part of her identity as well as implying subservience to her husband, becoming in fact a member of her husband's patrilineal Ie (old stem family system). The change in the woman's name upon marriage in Japan is consistent with traditional social custom. In most marriages, the husband becomes the legal head of the family household. If a Japanese man changes his surname at marriage, he is still looked upon as a yoshi (the old practice of adoption as a daughter's husband into a family house without sons). Not only are most Japanese men reluctant to change their surnames at marriage, but most of society recognizes the husband as the head of the family household and therefore that he keeps his surname at marriage and holds the rights and responsibilities for supporting his family. If a married woman who gave up her maiden name wants to keep using her maiden name in her official or social activities, she has a lot of difficulties. Some women dare to chose the situation in unmarried cohabitation or divorce to keep her maiden name. Even today the legal dependency of the wife on the husband can be seen not only in the surname change and in the right to ownership of family property, but also in a variety of possible life experiences. The present Japanese family laws are rooted in the old Ie system and maintain the Ie implications. Reforms are needed for the formation of a real partnership marriage. Although family life and women's lifestyles have undergone dramatic changes during the last few decades, Japanese family law still lags behind in reality.
2) Divorce system

One of the legal natures of the divorce system in Japan is divorce mainly based on mutual agreement of both spouses. A marriage can be legally dissolved both parties notifying the mayor at the local administration office (Kyogi-Rikon in Japanese); this is similar to the idea that marriage can be effected only by notification to the local mayor. In the case of divorce by agreement, the amount of alimony and child support is determined by negotiations between the parties. If an agreement on divorce cannot be reached between both parties, they can bring the matter to the Family Court for arbitration or judgement. If either of the parties do not agree to the divorce, the divorce cannot be effected.

About 90% of all divorce cases in Japan are by mutual agreement to make decision and the rest 1% only is determined with judgement on a judicial precedent, which applies fault provisions. 9% of all divorces are finally determined by Family Court. With regard to the amount of alimony, this is determined by the standard of living and by the contribution of the partner during marriage. Usually, however, the woman actually receives only a small amount of alimony, even if she was a professional housewife. Although divorces and divorcees are more socially and personally acceptable in Japan today than they were in the past, and increasing number of women have gotten the initiatives of divorce and parental custody of their children, their lives after divorce are mostly bad not only in socio-economic and psychological situations but also on the judicial care and support.

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