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**Special Issue in Commemoration of the 130-Year History
of the Nihon University College of Law**

**Comparative Law Institute
Nihon University Tokyo**

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Remarks on the Publishing of the Commemorative Issues

Dr. Prof. Tsukasa Oda
Dean of Nihon University College of Law

Nihon Law School, the predecessor of Nihon University, was established by the founder, Count Akiyoshi Yamada, on October 4, 1889 (the 22nd year of the Meiji Era). One-hundred thirty years have passed since then, and the entire faculty and staff of Nihon University College of Law (NUCL) is pleased to celebrate the 130th anniversary day in October, 2019 (the 1st year of the Reiwa Era).

Today, while it is expected in Japan that the population of 18-year-olds will significantly decrease with the declining birthrate and aging population, the Japanese Ministry of Education, Culture, Sports, Science and Technology has strictly enforced lowering the rates of student admissions and enrollment quota. Thus, the environment surrounding not only Nihon University but other private universities is very severe.

Given these circumstances, all the NUCL faculty and staff, with pride in its long history and tradition, must work together on education, research and university administration. Moreover, to further develop the NUCL, we must do our best in striving to make it “an undergraduate school appealing to society” and “an undergraduate school attracting attention from society”.

As a commemorative project, Nihon University will sponsor and hold a ceremony and celebration for the 130th anniversary of its founding on October 4th, 2019, the first year of the Reiwa Era. In addition, in commemoration of the 130th anniversary, NUCL will hold events including a symposium organized by the Department of Political Science and Economics, a special concert of the Nihon University Orchestra sponsored by the NUCL Alumni Association, and an exhibition of NUCL’s treasured books.

Education is the most important role for universities, but education and research go hand in hand, and research activities are also one of the most important roles for teachers. Therefore, in this memorable year, as part of the project commemorating the 130th anniversary, NUCL decided to publish a special commemorative volume of its own journals, “Journal of Law [*Nihon-Hōgaku*],” “Studies in Political Science and Economics [*Seikei Kenkyū*],” “*Oōmon Ronsō*,” and “Comparative Law Journal.” At the time of the 120th anniversary, NUCL published the special “NUCL 120th Anniversary Commemorative Collection” in three volumes in total as part of the then commemorative project, but this time we do not publish a special issue as “Commemorative Collection”. Instead, we decided to publish the NUCL journals as a commemorative issue in that they may present a simple representation of the level of daily research engaged in by the full-time faculty members. Unlike the Department

of Law of fellow universities, NUCL has five departments including: Department of Law; Department of Political Science and Economics; Department of Journalism; Department of Business Law; and Department of Public Policies and Affairs. The research areas of full-time faculty members in charge of the specialized subjects offered in these five departments are diverse. In addition, we are blessed with a full range of full-time faculty members in charge of liberal arts and foreign language courses. The 130th anniversary commemorative issues reflect the proud qualities of NUCL, which has researchers from various fields.

From the planning to the publication of the 130th anniversary commemorative issues, time was tight. Despite such circumstances, we have received many diverse articles for the commemorative issues. I would like to express my sincere gratitude to the faculty members for submitting their articles. I would also like to express my sincere appreciation to the editorial committee members for making it possible for the commemorative issues to be published on time during a tight schedule. Likewise, I would like to convey my warmest gratitude to the secretariat who supported the editorial committee in a less than favorable financial situation.

The commemorative issues have become a collection of articles suitable for celebrating the 130th anniversary of NUCL's founding. I pray that the submitted articles will benefit each relevant academic community. With that said, I hereby would like to close my remarks on the publication of the commemorative issues.

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Articles

Party System Change and Electoral Reform

*Masahiro Iwasaki**

Abstract

Political parties and a party system in Japan changed after political reforms such as the enactment of the four Political Reform Laws in 1994. The political reforms attempted to cope with various issues that Japanese politics at that time was facing. In this paper, I will discuss what the changes made by the reforms have been, rather than to evaluate the success or failure of the institutional reforms. Specifically, this paper focuses on political parties and the party system in order to examine what has and has not been changed by the institutional reforms. More precisely, the paper will show how the political reforms have resulted in the centralisation of party organisations, the weakening of factions, and the erosion of clientelistic relationships between factions and voters.

Introduction

Political parties and the party system in Japan changed after the enactment of four Political Reform Laws in 1994¹⁾. The Laws entailed the revision of an electoral system, as well as the regulation of political funds and the introduction of public subsidies to political parties. Among the four Laws, the Act on Partial Revision of the Public Offices Election Act introduced a change to the electoral system for the House of Representatives (Lower House) from the traditional multi-member district system to the mixed system that combines the single-member district system and proportional representation (Sasaki 1999a; Kobayashi 2008). The Act on Partial Revision of the Political Funds Control Act strengthened the regulations of political funds and established limits on corporate/institutional donations and individual donations; it also included the rules on fund-management organizations (Sasaki et al. 1999b). The Political Party Subsidies Act institutionalized the distribution of subsidies to the political parties meeting

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1) In this paper, I limit the discussion to the “institutional reform” in Japanese political reform. There are many factors in terms of party system change. As space is limited, I concentrate on the aspects of “institutional reform.”

certain requirements, which total approximately JPY30 billion (\$300 million) a year. As various institutional reforms were implemented, the party system was more or less influenced by those reforms (Sasaki 1999a).

It was more than 25 years ago when those new institutions were introduced under the name of the “political reforms²⁾.” At that time, these “institutional reforms were intended to deal with problems of over-powerful factions, clientelistic relationships between factions and voters and corruption.

Did the institutional reforms ultimately produce the intended consequences and solve these problems? This paper assesses these questions and argues that to a significant extent the reforms have had the intended effects.

From the Multi-Member District System to the Mixed System

In 1994, when the Act on Partial Revision of the Public Offices Election Act was enacted, the electoral system of the House of Representatives changed from the multi-member district system, which was the current at that time, to the system that combines the single-member district system and proportional representation. It was March, 1994, when the law was enacted, but no election was conducted for a while after the enactment. The first election under the new electoral system was the 41st General Election of the House of Representatives on 20 October, 1996 (Asano 2006; Miyake 2001; Taniguchi 2004). Including this election, eight general elections have been conducted under the single-member district system³⁾, with the passage of time, the new electoral system seems to be more established and the influence brought by the party system has been more apparent⁴⁾. Each party behaves, and the party system itself is shaped by this institution. As a result, the centralization of political parties has developed, the organizations of parties have changed, and the influence even reached the party system formulated by the competition among parties. This process can be understood in a more concrete way by looking at the relation between the electoral system and the party system.

In post-World War II Japan, the multi-member district system was adopted for the electoral system of the House of Representatives until the reforms

2) In this paper, I do not refer to a change of government in 2009. We are here concerned with the key aspects of the political reform.

3) 8 elections were as follows: 20 October 1996, 25 June 2000, 9 November 2003, 11 September 2005, 30 August 2009, 16 December 2012, 14 December 2014 and 22 October 2017.

4) It is necessary to keep in mind that it is merely a starting point of discussion. There are different views about this point. Some scholar emphasizes an institutional effect of electoral system upon a party system, on the other hand, one denies the impact of electoral system.

in 1994. The post-war politics in Japan is sometimes described as the “1955 System”; this multi-member district system can be considered as the electoral system of the 1955 System (Flanagan and Richardson 1977; Ishikawa 2004). Although there is much discussion as to how the 1955 System is interpreted, this paper understands it from the perspective that the Japan Socialist Party and the Liberal Democratic Party (LDP) were established in 1955, which created the cornerstone of the competition among political parties in later years. The polarity between the two main parties was clear under the multi-member district system.

A feature of the multi-member district system in Japan was the single non-transferable vote (SNTV). Under SNTV, an elector could vote for only one candidate regardless of the number of seats in the district. The number of seats in each district varied from 3 to 5 in most parts of the country. At the time of the 40th General Election of the House of Representatives on 18 July, 1993, which was the last general election under the multi-member district system, there were 130 districts nationwide, returning 511 members. No district stretched over more than one prefecture.

Since Japan has a parliamentary system, a party that tries to form a government has to secure an absolute majority of seats in the House of Representatives (lower house). Under the multi-member district system, it was not sufficient to have one candidate for each of 130 electoral districts; a party intent on securing a parliamentary majority had to nominate more than one candidate in the same electoral district. As the House of Representatives had 511 seats, an absolute majority was 256 seats; thus, if a party only ran 1 candidate per district it could not win more than 130 seats even if all the candidates were successfully elected (a highly improbable outcome, of course). As a result, multiple candidates were nominated by each of the main political parties, which meant that each candidate fought against candidates from their own party as well as from other parties in order to be elected. Thus, under the multi-member district system, “fellow fighting” in the same party could not be avoided (Curtis 1988; 2009).

Furthermore, SNTV helped foster a system of highly factionalized politics based on clientelistic relations with voters, rather than on pure policy or ideological competition. In most classical or standard models of party competition, it is assumed that there will only be one candidate per party in each electoral district. Under such circumstances, candidates differentiate themselves chiefly through the party label that they carry. The differences between political parties are reflected in their names (Sartori 1976), and an election is an opportunity for political parties trying to form a government

to put different labels and compete with each other in order to support as many candidates as possible to be elected (Schumpeter 1942). The clearest criterion for voters to distinguish each option is the difference of labels, since it indicates the difference of contents. The electoral competition between parties makes it possible for voters to distinguish such difference, and the difference of labels that represents the difference of options and contents becomes the minimum precondition for competition among political parties. In such mechanism, it was not assumed, and never even imagined, that multiple candidates from the same party would compete against each other. However, in Japan, this was the normal situation under SNTV and one of the principal characteristics of the 1955 System.

From 1955, the LDP, which was continuously in government, nominated multiple candidates for each electoral district (Ramseyer and Rosenbluth 1993). Therefore, their candidates were not able to avoid competing against each other. They were from the same party, adopted the Party's manifesto, and had the same political agenda in order to appeal to voters. As a result, instead of appealing to voters with political agendas and asking for selection based on voter's rational judgment, candidates began to differentiate themselves by making clientelistic appeals to groups of voters. That is, they rolled out service campaigns to voters in order to express the difference from other same-party candidates. For instance, they provided services such as thoughtful gifts for ceremonial functions, assistance for school selection and job search, or even cover-ups for parking and speeding violations. These services were not limited to the politicians/candidates of the LDP; many candidates from other parties who wanted to be selected under the multi-member district system were also involved in such service campaigns. Therefore, the elections under the multi-member district system were neither policy-oriented nor party-oriented, but candidate-oriented on the basis of clientelistic exchanges with voters – votes for favours.

Moreover, this situation encouraged the development of decentralised power and factionalism within Japanese parties. Since politicians/candidates were not able to compete in elections for their own political parties, "support group (kouenkai)" organizations for each candidate were developed (Shiratori 1988). When there are developed party organizations, electoral campaigns are run by political parties and party headquarters support their own candidates. However, if such organizations are not developed, politicians/candidates have to protect themselves. Each politician/candidate organizes his/her own support group, conducts political activities through the group and competes in elections on the basis of such groups. Politicians/candidates try to maintain their support groups in order to be elected

continuously. Those groups are organizations for helping candidates to be elected, and indispensable for politicians to remain in their seats through elections. Since the elections under the multi-member district system were not party-oriented but candidate-oriented, such support groups were widely accepted as a legitimate form of political organization. These support groups were formed based on territorial bonds and kinship, and became indispensable for Japanese elections.

As a result, there were two main consequences. The first was that this form of political exchange required money to facilitate the 'service campaigns' (Iwai 1990; Alexander and Shiratori 1994). The second was the emergence of political factions within the LDP that derived from the intra-party competition under the multi-member district system. The former leads to the logic that politics needs money and therefore political corruption becomes endemic. This called for the necessity of political reforms. Regarding the latter, since multiple candidates from the same party could be elected in one electoral district under the multi-member district system, the political factions were physically and psychologically in charge of a candidate from the start of his candidacy process to his activities as a politician after being elected. Faction leaders aimed to win the office of the Prime Minister, and thereby expand the influence of their faction. The members of each faction acted for the faction and established boss-henchman relationship with their faction leaders. In the LDP, personnel matters were handled by each faction, thus a politician had to obtain recommendation from his/her faction to build a career and become a cabinet member (Sato and Matsuzaki 1986). In the process of a candidate being elected and growing into a politician, the faction, rather than the political party, played the critical role. Therefore, for an individual politician, the influence of his/her faction was larger than that of a party's executive office.

From the late 1980s to the early 1990s, a series of political and financial scandals occurred, starting with the case of Recruit. This encouraged many people to consider that it was necessary to reform the political situation which was so dependent on patronage and financial exchange. The debate regarding reforms varied widely, including the LDP's long-term rule of the government, lack of government change, adverse effect of factions and issues in the multi-member district system. The discussion expanded from issues in politics and money to those in various institutional reforms including electoral systems. Specifically, it was proposed to change the electoral system of the House of Representatives from the multi-member district system to a form of Mixed-Member Representation that would combine the single-member districts and proportional representation. The adoption

of the single-member district system had been attempted in the past by the LDP leaders, such as Ichiro Hatoyama and Kakuei Tanaka, but had failed (Ishikawa 2004). By 1994, however, a sense that change must happen was overwhelming, and thus the enactment of the four Political Reform Laws in 1994 became a turning point.

Electoral System and Party System

The discussion of the political reforms started around 1989, and on 26 April, 1990, the 8th Electoral System Council submitted the Report on “Reforms of Electoral System and Political Fund System” to Toshiki Kaifu, Prime Minister at the time. This Report influenced the political reform discussion that followed. Focusing on the sections that mention the electoral system, the Report states as follows:

- The elections of the House of Representatives should be contested over debates on political parties’ agendas in order to form the government and realize political agendas;
- Under the current multi-member district system, as long as a party aims to secure many seats and become the ruling party, multiple candidates from the same party would have to run for the same electoral district. For those candidates, elections are not the competitions among political parties and over political agendas, but rather disputes among individuals;
- (The individual-oriented elections) became dependent on personal connections between candidates and voters, and funds that were required to run for an election expands;
- Power structure among political parties has become fixed over years, no regime change has happened, thus politics lacks intensity and becomes prone to political corruption.

It also says that the electoral system reforms would need to make “policy- and party-oriented elections; the higher possibility of regime change and smooth practice of the change; a stable government in order to enable responsible politics; the government to be directly elected by the public will reflected in the result of elections; and various public will to be appropriately reflected on national politics through elections.”

The single-member district system has “the characteristics that the people’s will regarding the selection of the government is manifested in a clear form; there is a high possibility of government change, and the government is stabilized, while it is difficult to reflect minor opinions in elections.” The proportional representation system has “the characteristics that various public will is entirely reflected in the elections and minor forces have

Table 1 Features of Two Electoral Systems

	<i>Pre-reform</i>	<i>After reform</i>
Electoral system	Multi-member district system	Mixed system (Single-member district system and proportional representation)
Number of districts	130 (Multi-member district)	300 (Single-member district) and 200 (proportional representation)
Number of seats	511	500
One person's vote	One	One for Single-member district and another one for proportional representation
Date of the first election	25 April 1947	20 October 1996

a possibility of winning seats, while a party system becomes fragmented and it is more likely to have a coalition government, which leads to an unstable government.” The Report concludes that the system that combines the single-member district system and proportional representation would be appropriate. Until the mixed system was actually adopted, the discussion described in the Report appeared in the media and academia with pros and cons.

In the new single-member district electoral system of the House of Representatives that was introduced in 1994, 300 out of 500 seats are chosen from single-member electoral districts, while the remaining 200 seats are filled by 11 blocks of proportional representation.⁵⁾ At each election, a voter has two votes, one for a candidate in the single-member district and the other for a political party in the proportional representation block (Kobayashi 1997b, 2008).

The single-member district system in Japan adopts a “dual candidacy

5) The initial composition of this system was 300 seats from the single-member districts and 200 seats from the proportional representation blocks. In 2000, however, the Act on Partial Revision of the Public Offices Election Act was enacted, and 20 seats for members selected from the proportional representation blocks were removed, which resulted in total seats reduced from 500 seats to 480 seats. The composition is 300 seats from the single-member districts and 180 seats from the proportional representation blocks. Present total seats are 465 (289 seats from the single-member districts and 176 seats from the proportional representation).

system,” in which the same candidate can run for both a single-member district and a proportional representation block. This means that a candidate, even if not elected in a single-member district, can be elected in a proportional representation block in descending order of the narrow margin rate, which is the ratio of the votes to the elected candidate’s count (the highest number of votes). In the new electoral system, a candidate can still succeed in being elected as part of the proportional representation block, even if s/he has lost in a single-member district. However, a candidate who fails to achieve at least one tenth of the total valid votes in a single-member district cannot be elected in a proportional representation block.

This new hybrid electoral system has the characteristics of both single-member and proportional electoral systems. The single-member district system is a majority system in which a candidate receiving the highest number of votes will be elected; here, the “winner-takes-all” logic is clearly reflected. Since there is only one candidate to be elected even when multiple candidates are competing, all the votes except those cast for the elected candidate will be “wasted votes.” This has been considered a disadvantage of the single-member district system, and thus it is often explained that the public will not best reflected in this system. On the other hand, in the proportional representation system, a list of candidates for each party is presented in each block, and voters cast their votes for political parties. The candidates of each party are elected through the D’Hondt Method, according to the count that their parties had obtained. The proportional representation system is better reflects the public will as it allows small political parties to win seats; however, it is also undeniable that there it tends to fragment the party system. The mixed system of Japan has all those characteristics.

However, in the debate about institutional reforms, the image of the party politics after the introduction of new institution was rarely discussed (Iwasaki 1999). A rosy future where the institutional reforms would bring policy- and party-oriented elections, multiple parties capable of ruling the government and government regime was the sole topic of discussion. At present, after the political reforms, there is an optimistic perspective that each party competes in elections with its manifesto under the mixed system and policy- and party-oriented elections are put into practice. There is also a feeling that the two-party system of the LDP and the Democratic Party of Japan was born under the single-member district system, and that the possibility of regime change is underway. On 29 July, 2007, the 21st Regular Election of the House of Councillors (Upper House) resulted in a surge of support for the Democratic Party and the decimation of the LDP, which

lead to a Japanese form of divided government. In the House of Representatives, the majority was maintained by the ruling coalition consisting of the LDP and the New Komeito, while in the House of Councillors, the majority was held by the opposition force around the Democratic Party of Japan. Due to this, the Diet sessions often became gridlocked; as a result, premiers Shinzo Abe, Yasuo Fukuda and Taro Aso all struggled to hold the government together for long.

Impacts of the New Electoral System

Under the mixed system, each party nominates one candidate for a single-member district, while presenting a list of candidates for a proportional representation block. Since there is only one candidate to be elected in a single-member district, the competition among candidates from the same party, as seen in the multi-member district system, no longer exists (Park 2000). Political parties have begun to cooperate in elections, and the number of candidates for the single-member districts has decreased. For example, the ruling parties of the LDP and the New Komeito cooperate in elections by one party supporting a candidate of the other in one district and vice versa in another district. Alternatively, they sometimes adopt the strategy of supporting candidates of the LDP in the single-member districts, while supporting the New Komeito in the proportional representation blocks. Similar acts of electoral cooperation have been forged by their opponents in order to counteract the LDP and the New Komeito. As a consequence, a candidate from the ruling side has a one-on-one battle with one from the opposition side in many single-member contests. Of course, there are occasions when candidates from outside the two major alliances run for office, but the bipolar tendency of the system clearly exists in reality. This is true not only for the House of Representatives elections but also for the House of Councillors elections, and even for prefectural elections such as for the Tokyo Metropolitan Assembly.

What is the consequence of this for the fragmentation of the party system? Maurice Duverger famously pointed out that the single-member district system encourages a two-party system, while the proportional representation system promotes a multi-party system (Duverger 1951). Numerous arguments have been developed as to whether it is true (Bogdanor and Butler 1983; Gallagher and Mitchell 2005; Grofman and Lijphart 1986; Norris 1997; Riker 1982). The mixed system in Japan puts two electoral systems together, so it is interesting to apply Duverger's argument to the case of Japan. In the single-member districts, the dominant pattern does indeed appear to be a two-party dualism between the LDP and the Demo-

cratic Party of Japan. Even if one of the three parties, the New Komeito, the Japanese Communist Party or the Social Democratic Party is considered the third force, it is not a threatening presence to the two large parties in the single-member districts. In this sense, it can be said that the single-member district system has generated the two-party system of the LDP and the Democratic Party of Japan.

On the other hand, regarding the proportional representation system, a causal relationship as simple as Duverger's has not been effected. The Japanese party system was a predominant party system ruled by the LDP at the time of the multi-member district system (Sartori 1976; Pempel 1990). However, in terms of the number of parties and the distribution of left and right forces, it was a multi-party system. Although the LDP was literally the predominant party, there had always been multiple parties other than the LDP. Therefore, the Japanese party system already had the features of a multi-party system when the mixed system was introduced. Indeed, it should be said that proportional representation was incorporated into the new system precisely so that multiple parties could survive. This suggests that it was not the proportional representation system that brought the multi-party system, but rather the multi-party system that led to the introduction of the proportional representation system. The proportional representation system works for the New Komeito, the Social Democratic Party, the Japanese Communist Party and others to obtain seats. In the case of Japan, although the relation between electoral systems and party systems described by Duverger is not completely absent, it shows that causality does not necessarily flow simply from electoral system to party system.

In the mixed system, a two-party system has been formed in the single-member districts, while a multi-party system has persisted in the proportional representation blocks. Looking at the whole picture of the party system, it is the fact that a predominant party system exists, but also the characteristics of a two-party system and a multi-party system are found. This implies that, when an electoral system is a mixed form, each system can create a different type of party system. Even if the mixed electoral system of a single-member district system and a proportional representation system creates both a two-party system and a multi-party system, it is possible that a national-level party system becomes different from both of them. In fact, the mixed systems are often seen in electoral systems in the world.

Electoral volatility is a well-known indicator that helps us capture the extent of change in a party system (Pedersen 1979), showed a high value in the

general election of 1996 (Figure 1). However, the score has been declining ever since, and it is now at the level of the pre-reform era, which suggests that the party system is consolidating again after the initial ‘shock’ of the new system, although there was a notable upward spike in 2012. Similarly, party system fragmentation dropped in the decade and a half following the reforms, only to jump somewhat in 2012. The effective number of parties was larger in the last general election than in the general election in July 1993 held under the multi-member district system (Laakso and Taagepera 1979; Taagepera and Shugart 1989). Since the members who had left the LDP formed the New Party Sakigake and the Shinsei Party before the election, the effective number of parties based on the election results became large (Figure 2). The number has been gradually declining since then, and reached the level before the mixed system was introduced. The effective number of parties shows generally the same tendency both with the share of votes and the share of seats. In addition, LSq indicators indicate year-to-year changes, in which the score has been increasing (Figure 3). LSq indicators explain the gap between the share of votes and the share of seats, indicating the non-proportional degree of elections (Gallagher and Mitchell 2005). As elections are held under the mixed system, the LSq indicator is increasing; this means that the electoral system lacks proportionality, and thus it can be considered that the degree of the public will being reflected is decreasing.

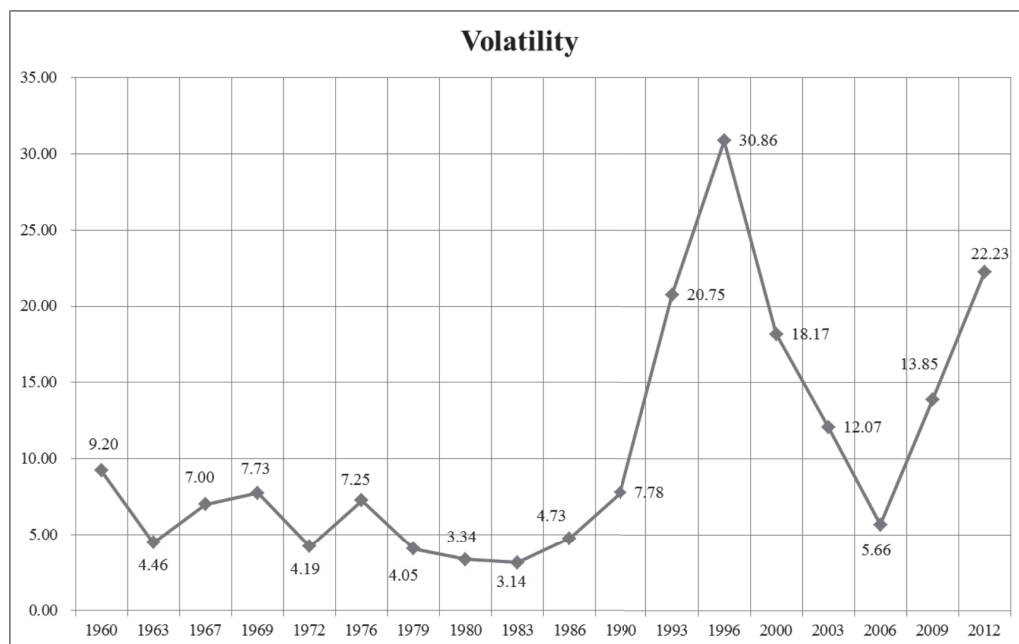


Figure 1 Electoral Volatility in Japan

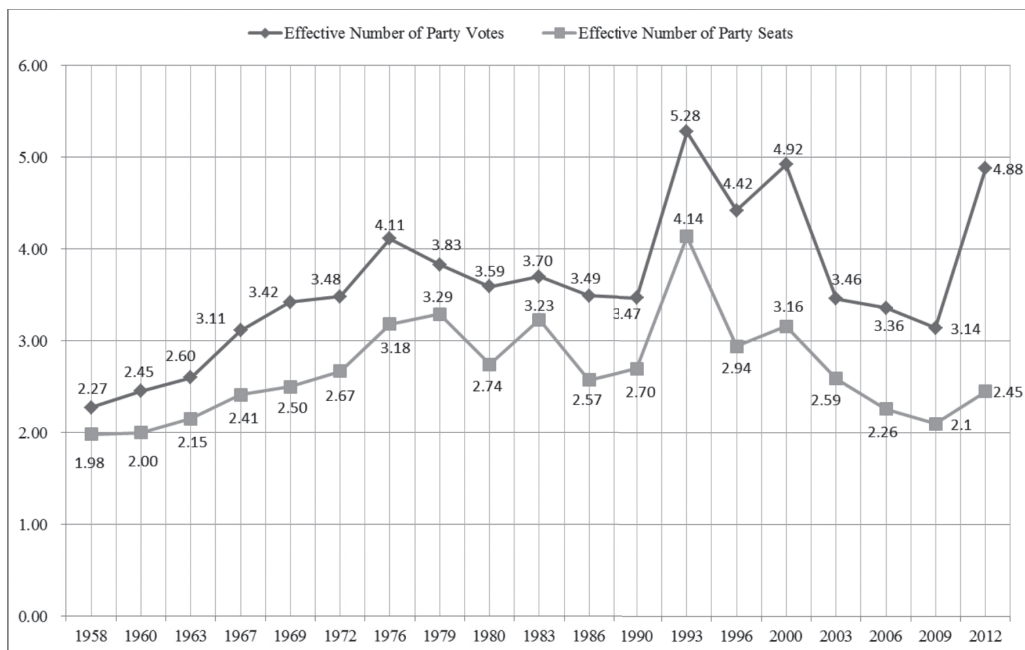


Figure 2 Effective Number of Parties in Japan

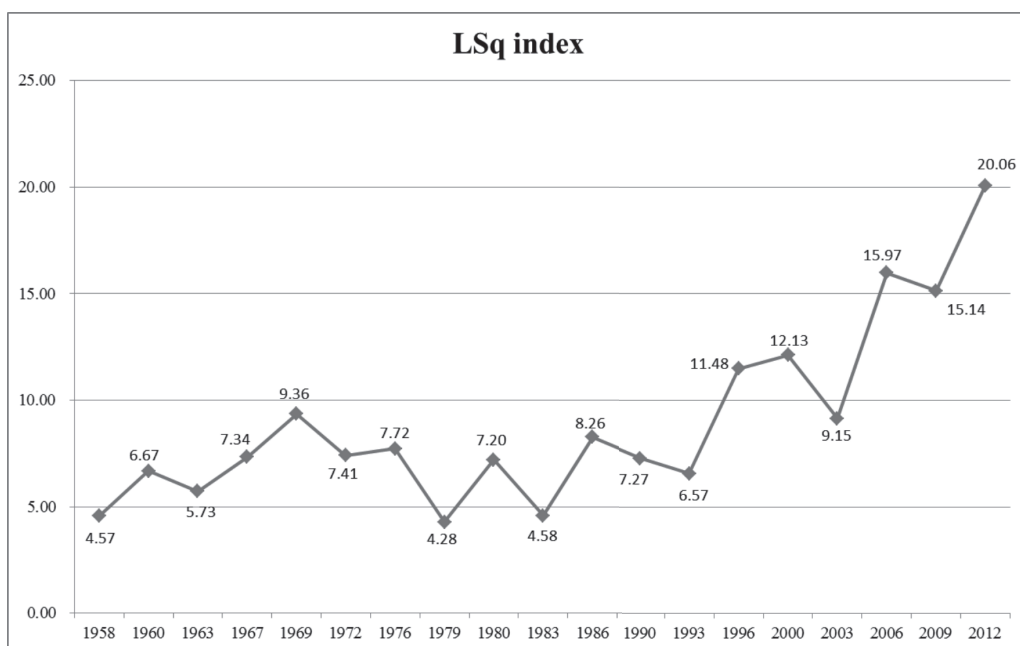


Figure 3 LSq Index in Japan

The mixed system has changed the role of party organizations in both the single-member districts and the proportional representation blocks. What the political factions had been providing for candidates in the multi-mem-

ber district system is now the task of party executive offices. In a single-member district, only one candidate can be nominated by a party and run for an election. Whether a candidate can get nominated by his/her party becomes a crucial issue. In the multi-member district system, a candidate's loyalty to faction leaders was the key criterion; in the mixed system, it is his/her loyalty to the party executive office that is the criterion for success. Since the party executive office makes nomination, a candidate has a risk of not being nominated if s/he is blacklisted by the executive. Similarly, in the proportional representation blocks, it is a significant issue for a candidate whether s/he will be included in a party's list of candidates, and if included, which rank s/he will be placed. In the mixed system, both the LDP and the Democratic Party of Japan offer public recruitment when nominating candidates. This public offer starts with screening of applications and interviews; it sometimes involves preliminary campaigns, narrows down candidates, and the final candidate wins a party's nomination. Even if a candidate is recommended by a party local branch in each prefecture, s/he will not be appointed if the party headquarters do not approve it. Since all the decisions are made by party executive offices, candidates in the single-member districts and the proportional representation blocks have to read the faces of the executives. In other words, the mixed system has strengthened the power of party executive offices and resulted in the centralization of political parties. This is a significant change from the era when political factions were at the height of prosperity.

The most significant example of this change was the incident regarding the nomination of candidates in the 44th Election of the House of Representatives held on 11 September, 2005. Then Prime Minister Junichiro Koizumi dissolved the House of Representatives and made the privatization of postal service a salient issue, which he considered the most important political agenda for his own regime. Candidates in the general election were officially notified on 30 August, and the voting was held on 11 September. The privatization of postal service was the agenda that the Koizumi had been pursuing for years, and he made it as a pledge at the start of Koizumi Cabinet in April 2001. On 5 July, 2005, during the 162th Ordinary Diet Session, the House of Representatives passed the bill related to the privatization of postal service, which was then voted down by the House of Councillors on 8 August. On the same day, Koizumi dissolved the House of Representatives. In the general election he did not nominate the LDP's members who voted against the postal privatization bill, and chose oppositional candidates as "assassins (shikaku)" in the electoral districts of the rebels. By nature, it is not appropriate for a member to belong to a political

party with agendas that s/he opposes, and also for a party to have such a member. It is inconsistent and unhealthy for a political party to have opposing opinions regarding political agendas coexisting within the party and its members. In the single-member district system, candidates from each party run for elections to support the party's agendas; if a candidate presents political agendas different from his/her party, it is neither policy-oriented nor party-oriented. The party executives of the Koizumi government sent "assassins" to the rebels and defeated them, which brought historical victory to the LDP in this general election.

The election of the House of Representatives in 2005 tends to attract attention only to the historical victory and the political methods of Koizumi called "Koizumi Theatre." However, the election is characterized by the fact that the transformation of political party organizations became significant. Even though the leadership of Koizumi cannot be ignored, the mixed system gives party executives authority that is different from any previous era, and enables them to hold the power of life or death of their members. The political factions had such power over their own members in the multi-member district system, while party executives play the role that the factions used to play in the mixed system. The general election in 2005 was the fourth election under the mixed system, and it became apparent that each party acted in accordance with the characteristics of the electoral system based on the experience from the previous three elections.

In the present day Japan, it can be said that the organizations and functions of political parties described in the textbooks of political science are finally materializing: Political parties are centralized by the mixed system; they nominate officially appointed candidates in elections in accordance with the policies of party executive offices; and candidates run for elections by presenting political agendas. These aspects are written in the explanation of political parties in textbooks. In the multi-member district system, political parties' actual condition was different from the explanation of textbooks: Candidates competed with each other within the same party; political factions held more influence than party executive offices; and the scale of services to support groups was considered more important than agendas. The judgment on whether political parties were reborn in exemplary forms or it is problematic to consider them textbook examples cannot be made instantly.

Did the centralization of political parties in the mixed system change the understanding of Japan's party politics? Did eliminating competition among candidates from the same party in the single-member district sys-

tem make service campaigns and expensive politics disappear? Did the role of support groups that assisted politicians/candidates become weaker? Did the role of political factions decline? What kind of positions do those support groups and political factions have now? How did the centralization of political parties change the relation between party headquarters and local branches? Can party executives maintain strong authorities? Is it possible for political parties to survive as organizations? What are the functions of the present-day parties?

However, it would be simplistic to think that all of these changes flow merely from the reform of the electoral system. For one thing, there has been a second major piece of legislative reform that has also impacted on parties – regarding party funding.

Changes in Political Parties and Party System

Changes in political parties are related not only to the introduction of the mixed system but also to the Political Party Subsidies Act (Alexander and Shiratori 1994). The public subsidy system for political parties was implemented at the same time of the electoral system reforms. Through this system, political parties receive party subsidies; they can now survive as organizations without collecting funds by themselves. The subsidies received by party headquarters are divided among local branches. This further clarifies the organizational relations between headquarters and branches. The Political Party Subsidies Act defines that the national government funds political parties with political party subsidies, and gives detailed explanations to the requirements for political parties and the calculation of subsidies. In this Act, a political party is defined as “a political organization to which five or more members of the House of Representatives or the House of Councillors belong” or “a political organization whose total number of votes is more than 2% of total valid votes in the latest national election.” A political party annually submits its request for the political party subsidy to the Minister of Internal Affairs and Communications as of 1 January. The total of subsidies is obtained by multiplying JPY250 (\$2.5) by the population, which totals approximately JPY30 billion (\$30 million) each year. The subsidies are given according to the number of members of the Diet and the number of votes. Therefore, the larger a party is, the more it receives a subsidy, while a small party can receive an amount according to its influence.

The total amount of the political party subsidies in 2012 was JPY31,381,621,000: The Democratic Party of Japan received JPY16,504,302,000; the LDP JPY10,154,000,000; the New Komeito

JPY2,279,166,000; the Social Democratic Party JPY763,697,000⁶⁾. The Japanese Communist Party did not receive any subsidy. The ratio of the subsidy to the revenue of each party -was for example, approximately 60% for the LDP and 80% for the Democratic Party-, which shows that each party highly depends on the political party subsidies. The institution has been established since its introduction in 1995, and currently each party depends on the subsidies.

The origin of a political party is a voluntary political group in a civil society. Through receiving public subsidies, its historical feature as a private faction has been lost, and it has been considered that it became a part of a statutory body in the sense that it operates with public funds. The Cartel Party Model by Richard Katz and Peter Mair emphasised this point and explained the transformation of party organizations (Katz and Mair 1995; Mair 1997). The characteristics of political parties suggested by this Model are as follows: Political parties, that are rivals on the surface, plot together or cooperate with each other in order to survive; just as corporations build a cartel, political parties make a cartel as well, which enables them to sustain their organizations by receiving subsidies from the national government while they compete with each other for voter's support on a superficial level. This means that political parties can survive even without expanding support or collecting donations. Since political parties depend on subsidies for most of their annual revenues, it is quite natural that political parties are now considered as a part of a statutory body⁷⁾.

In the same way as the mixed system changed party organizations, the political party subsidies altered party organizations. The political party subsidies have allowed political parties to sustain themselves, while they made politicians involved in the survival of party organizations. Since the 1990s, there have been the comings and goings of various parties. Especially after 1995, there have been moves to dissolve or leave parties to form a new one or two every year before the end of December. This is not unrelated to the fact that a party has to be registered as of 1 January in order to be eligible for any subsidy. As the existence of political parties is ensured as main ac-

6) *Asahi Shinbun*, 30 November 2013. The Ministry of Internal Affairs and Communications announced the political party subsidies in 2012. See <http://www.soumu.go.jp/main_content/000191926.pdf>. The total amount of the party subsidies in 2018 was JPY 31,773,682: the LDP JPY 17,489,896; the New Komeito JPY 2,948,431; Democratic Party for the People JPY 5,573,496; the Constitutional Democratic Party of Japan JPY 2,764,303; the Social Democratic Party JPY379,947 and so on. See <http://www.soumu.go.jp/main_content/000645335.pdf>.

7) See Katz and Mair (1995) and Mair (1997).

tors in politics, the role of political parties in parliamentary democracy is growing bigger than ever before. In fact, political parties give an impression that they are getting stronger in terms of organizations and functions.

A party system is interactive based on the competition among political parties, and a party system has to change if each competitive party changes (Sartori 1976; Mair 1997). Would a predominant party system move to a two-party system or to a moderate multi-party system? Or would a predominant party system be maintained at a superficial level while a party system whose characteristics are different would be created? As 25 years have passed since the system has been established after the institutional reforms, effects of the institution have gradually penetrated. The political parties and the party system in Japan are indeed in a transitional period.

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Marriage in Japan

Traditional and Current Forms of Japanese Marriage

*Tadamasa Kobayashi**

1. Preface

Marriage law follows folk practices. As Masayuki Takanashi writes, “Folk practices determine the reality of marriage. Laws cannot change these practices; they can only reflect them” (Masayuki Takanashi, 1969. Minpo no Hanasi. [*Tales of Civil Law*], p. 168. NHK Shuppan Kyokai). This theory is currently well-established; in fact Japanese family law specifically states that marriage law “must match the sense of ethics and morality that characterizes a nation and should never run counter to social mores” (Kikunosuke Makino, 1929. Nihon Shinzoku Horon. [*Theory on Japanese Family Law*], pp. 7-8. Gan Sho Do). It is also specified that family law “is based on natural human relations, such as those between a married couple and between parent and child. Such natural human relations are influenced by a country’s climate, manners, and customs, as well as by the human characteristics of its inhabitants. Human relations thus develop uniquely in each country (Kikushiro Nagata, 1960. Shin Minpo Yogi 4. Shinzokuho. [*Family Law, Major Significance of New Civil Law, and Vol. 4*], p. 10. Teikoku Hanre Hoki Shuppan Sha). Another writer has gone so far as to say that “Family law is powerless relative to traditional folk practices. Legislation aiming at maintaining social mores is much less effective in practice than, for example, traditional talismans believed to expel evil and sickness” (Zennosuke Nakagawa, 1933. Minpo 3. [*Civil Law, Vol. 3*], pp. 6-7. Iwanami Shoten).

With these views in mind, this paper focuses on traditional family law, particularly on marriage law and related issues, from the perspective of socio-jurisprudence rather than based on a strict legal interpretation. I would then like to consider the types of Japanese laws that regulate marriage law.

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2. Constraints on Marriage

(1) Distance

Japanese men and women today would appear to enjoy more marital options and opportunities than in the past; throughout Japanese history, matrimony was traditionally limited to men and women living in close proximity. Kiyoko Segawa writes, “it was common to marry someone living in the same hamlet (*buraku*) or within one *ri* (four kilometers) in the Itoigawa River basin in Nishikubiki-gun (county) in Niigata Prefecture; this time-honored custom was referred to as ‘*ichi-ri sagari*’ (literally, “one *ri* downward”). The author goes on to say that “men in the village of Nobushina-mura in Sarashina-gun in Nagano Prefecture, who made a living spinning hard and bast fiber, married women engaged in the same trade in the villages of Yasaka-mura, Tomo-mura, and Tsuwa-mura. On the other hand, they did not marry women in the nearby village of Hihara-mura because the women there did not know how to spin hard and bast fiber, even though they could make paper and grow silkworms” (Kiyoko Segawa, 1991. Kon’in Oboegaki, Tsūkon Ken 3, Kazoku Kon’in Bunken Senshū 16, [*Distance and Marriage, Notes on Wedlock, Vol. 3, Selected Works on Family and Marriage, Vol. 16*], pp. 29-30. Kuresu Shuppan).

Kiyoko Segawa has conducted meticulous folklore-based research on the premarital residential locations of men and women in the village of Ongata-mura, Minamitama-gun, in the Kanto district. The village consisted of 25 hamlets (*juraku*) (divided among four sections, or *oaza* under the old system) that had developed in the valley along the river, extending east and west for three *ri* (12 kilometers) and north and south for one and a half *ri* (6 kilometers). Segawa chose three hamlets (*buraku*) near the mountain and three hamlets at the mouth of the valley (*Notes on Wedlock*, p. 31). The village previously known as Ongata-mura was located in today’s Kami-ongata-machi and Shimo-ongata-machi districts in Hachioji City in metropolitan Tokyo.

Segawa conducted a difficult investigation of the premarital residential locations of couples who subsequently married. Records and data from these past eras are scarce. For this research, Segawa collected data from the *Family Registers of Jinshin*, which was established in 1871. The Registers represent Japan’s first modern family records, and were established based on a Cabinet Ordinance issued on April 4, 1871 (4th year of the Imperial Meiji Era; 1868-1912; this time frame is referred to simply with the prefix “Meiji” hereafter). The data were compiled from family registers available in 1872 (Meiji 5). The Registers contain information on fewer than 200 marriages (182, to be precise), all of which took place 10 to 40 years before

the ordinance was issued – that is, between Bunsei 7 in the Edo Period (1600-1868; the era of the Tokugawa Shogunate) and Meiji 5. For this reason, the Registers provide us with very little information on general marital trends in Japan at that time. Nevertheless, they do shed light on marriage patterns in typical Japanese agricultural villages. With regard to marriages that took place between the end of the Edo period and 1872, the data reveal that 97 percent of marriage partners were born and raised within three and a half *ri* (14 kilometers) of each other. Specifically, in the village of Ongatamura, Minamitama-gun (Kanto district), only three percent of those who married chose partners who lived more than 14 kilometers away. In addition, no marriages took place between partners who lived more than five *ri* (20 kilometers) apart before marriage.

Later, at the end of Meiji Era, during the period from 1899 (Meiji 32) to 1913 (2nd year of the Taisho Era, which extended from 1912-1926), we find that in the same village 85 percent of married partners came from locations within three and a half *ri* (14 kilometers) of each other. Naturally, the remaining 15 percent of partners were separated by greater distances prior to marriage.

A similar study of marriage patterns from 1924 (Taisho 13) to 1933 (8th year of the Showa Era, from 1926-1989) indicates that 80 percent of married couples came from locations within three and a half *ri* (14 kilometers) of each other. Thus the remaining 20 percent came from areas outside this radius (Notes on Wedlock, pp. 33 and 39).

Later statistics are not available, but judging from the study mentioned above we can assume that marriage patterns in Japan followed the same general trend until some time after the end of World War II.

In this way, traditional marriage took place between men and women living in the same neighborhood, a single community (typically a village or hamlet), or from nearby communities. Segawa describes villages in those days as follows:

Villagers were self-sufficient in terms of essential supplies of clothing, food, and housing. Residents relied on families, relatives, and fellow villagers to plant and harvest rice. Thus, spheres of livelihood were limited and small. While throughout the ages villagers could not escape the control of the upper classes, they were to some extent able to form autonomous societies. These villagers were confined to their regions due to a lack of developed transportation. Birds and other animals damaged crops, and villagers were unequipped with scientific knowledge that would help them cope with

natural disasters and unseasonable weather. People could only cooperate -- with families, relatives, and fellow villagers -- or turn to a tutelary or village god (*ujigami*). While the influence of the civilization and culture pouring out of the cities into every corner of the country cannot be ignored, we know that from 80 to 90 years before until the first year of the Meiji era, 80 percent of Japanese people lived in villages. This proportion must have been at least as high 400 to 500 years ago. Villagers continued to live where their ancestors had lived, in typical Japanese farming, fishing, or mountain villages (Notes on Wedlock, pp. 28-29).

Marriage trends today differ from those of earlier eras. Although little data is available to substantiate the claim that that most married couples found each other within geographically limited areas, it is clear that marriage partners in Japan today come from increasingly diverse locations. It may in fact be argued that it is relatively easy to find a spouse in today's Japan.

(2) Courtship Advertisements

Noboru Karashima, a researcher on Indian culture, wrote a paper in collaboration with his wife entitled '1973, Indo no Shimbun ni miru Kyūkon Kōkoku -kunō suru Baramon' ['Courtship Advertisements in Indian Newspapers -Agonizing *Brahmana*'] (Noboru and Takako Karashima, 1973. Kikan Zinrui Gaku. [*Quarterly Anthropology*, Vol. 4, No. 1], Syakaishiso Sha). It is both rare and interesting to see the word "courtship" appear in the title of a research paper.

Apparently such courtship advertisements are very common in India, where marriage is subject to numerous restrictions. Each Sunday edition of the *Hindu*, an English daily newspaper, carries more than 100 such advertisements. The Karashimas collected and analyzed approximately 200 courtship advertisements (excluding duplicates), and drew a number of interesting conclusions.

Intrigued by Karashima's study, I wondered whether anyone had ever placed such an advertisement in Japan, and if so, when. It turns out this

had been the case.¹⁾ I found that the oldest courtship advertisement had appeared in the *Ishikawa Shimbun*, a daily newspaper, on May 10, 1881. The person placing the announcement was the father of a woman of marriageable age. The language used is rather old-fashioned. The advertisement read as follows:

To the editor:

May 10, 1881 (Meiji 14)

I have a daughter 16 years of age. She is adept at woman's work, including sewing. She enjoys a good reputation in the neighborhood. She has been practicing the *shamisen* (a three-stringed Japanese musical instrument) for nearly five years, and plays it well enough at celebrations of happy occasions. Her physical appearance is above average. She has large bright eyes, a nice-looking nose, gentle lips, fair skin, and an exceptionally good voice. However, we have been unable to find a spouse for her and she is still unmarried at 16. My wife and I earnestly wish that she marry as early as possible, as her unmarried status is a worry to us. I would appreciate it greatly if you would publish a courtship advertisement on behalf of our daughter.

Tarozaemon Nakamura, Kanazawa-ku

(1934. *Shimbun Syūse Meiji Hennenshi*. 4. [*Collection of Newspaper Articles of the Meiji Period*, Vol. 4], p. 394. Meiji Hennenshi Hanp Kai)

The portion of the letter depicting the daughter's physical appearance is well-written and resembles the lyrics to a song entitled *My Doll*.

The above is regarded as the first courtship advertisement in Japan (Kendo Ishii, 1969. *Meiji Jibutsu Kigen*, Meiji Bunka Zenshū, Betukan. [*The Origins of Everyday Things in the Meiji Era*, Collection on Meiji Culture, Separate Volume], p. 108. Nippon Hyoron Sha). Another interesting example comes from the *Jiji* of January 10, 1887 (Meiji 20), originally printed in the *Ueno Shimpō Zappo* of January 6, 1887. It reads, "One of our colleagues has recently placed the following courtship advertisement. Our hope is that

1) In addition to the three courtship advertisements listed in the body of my paper, Katsusaburo Nakao, a typographic printer living in Daikannonnai, Tsu in Ise, placed a courtship advertisement for himself in *Ise Shimbun* (*Ise Newspaper*) and *Mie Nippo* (*Mie Daily Newspaper*) dated January 27, 1883, which reads, "As I have recently been divorced and feel greatly inconvenienced, I would like to remarry, to a woman between 17 and 25 years old, regardless of her wealth. Awaiting applications from those willing to consider marriage." This advertisement touched the heart of Yamon Higuchi of nearby Otobe Village, who decided to offer his daughter Mikiko, 19 years and seven months old, in marriage to the man who placed the announcement. Nakao had Kyutaro Morita, a colleague, arrange the match. The happy ceremony was held on February 1 (*The Origins of Everyday Things in the Meiji Era*, Collection of Meiji Culture, Separate Volume, p. 108).

he will be able to find an admirable, courageous, and spirited woman as soon as possible.” This sentence is followed by the requirements for the bride-to-be, which reads, “He wishes to marry a woman who satisfies the following requirements:

1. Protestant
2. Ordinarily educated and able to understand English
3. Tall, healthy, active, and attractive
4. Capable of riding, or willing to learn after marriage
5. Family status and wealth not important
6. Unmarried and between 15 and 25 years of age.”

The man making the marriage proposal introduces himself as follows:

1. Have some debts and no assets. Have a definite plan to resolve these debts.
2. Treated as a *Sonin* 5th rank with the Emperor’s approval; earns an upper-class income.
3. Capable of independent living even after resignation from my present position. Will allow my wife to divorce me in the event that I am unable to make a living after resignation.
4. Well-grounded in Japanese, Chinese, and English, and capable of translating English into Japanese.
5. Robust, active, but with no taste for drinking or smoking.
6. Honors the equality of the sexes and rejects the traditional Oriental treatment of women.
7. Married once but divorced, with only child committed to foster parents.

Twenty-nine years and three months of age.

(*Collection of Newspaper Articles in the Meiji Period*, Vol. 6, p. 392)

Based on the above, it appears that the suitor was a Christian.

In another advertisement the search for a marriage partner is limited to Christians; the text reads as follows:

To the editor:

March 24, 1887 (Meiji 20)

I hate to trouble you, but I would like to request your assistance. I have a daughter aged 16 years and two months. Even though she was educated at home, she received a sufficient general education and can speak English. As she has reached the marriageable age and my wife and I feel that it is time for her to marry, we would appreciate your publishing this advertisement, perhaps in the column of miscellaneous items. My daughter owns an estate of 800 *tsubo*, for which she receives land rent of five *sen* per *tsubo*. She also owns a government bond worth 1,200 yen. However, we live in

a rented house. The marriage partner we seek will be between 20 and 27 years old, with a monthly salary of 50 yen or more (whether as a government official or otherwise). It does not matter if he has no assets and he need not be handsome. He should be approximately 160 cm, or five feet four inches (five *shaku* and three *sun*) or taller. He must be a Christian and a non-smoker, but he may drink.

(1887. *Tokyo Nichi Nichi Shimbun* [*Tokyo Daily Newspaper*], *Collection of Newspaper Articles in the Meiji Period*, Vol. 6, p. 440)

In this context, we can conclude that the reform of the Japanese marital system was probably initiated by Christians. This took the form of contract marriages, in which a written contract was exchanged. The first contract marriage was made between Tetsunosuke Tomita, then a consul stationed in the United States (later the president of the Bank of Japan) and Onui Sugita.²⁾ Information on this contract marriage comes from the *Shimbun Zasshi* (*News Magazine*), No. 344, issued in December 1874 (Meiji 7). The second contract marriage was concluded between Arinori Mori, who later became the Minister of Education, and Otsune Hirose, on February 6, 1875 (Meiji 8) shortly after the first.³⁾ A buffet-style wedding reception was held following this second contract marriage, with Yukichi Fukuzawa and Toshimichi Okubo, then mayor of Tokyo City, as guarantor and witness, respectively, according to the *Yomiuri Shimbun* issue dated February 9, 1875. These cases are exceptional, as drawing up a contract before marriage is practically unheard-of even today. Both Tetsunosuke Tomita and Arinori Mori had spent time in the West. Accordingly, we know that Christians and others deeply influenced by Western cultures initiated the restructuring of

2) The 'Marriage Contract' reads as follows: "(1) to agree to a contract of marriage and to start a new life united with one's spouse is divine providence. Those doing so shall enjoy happiness in submission to the divine will; (2) in this one flesh, the wife shall regard the husband as heaven, and the husband shall regard the wife as earth; and (3) the couple shall love, respect, and support each other. Based on the foregoing, Tetsunosuke Tomita and Onui Sugita agree to this contract of marriage today and hereby sign their names and take marital vows. On xxx (day), xxx (month) in 1874 (Meiji 7) ('*Shimbun Zasshi* (News Magazine), No. 344, December 1874 edition,' *The Origins of Everyday Things in the Meiji Era*, Collection on Meiji Culture, Separate Volume, pp. 106-107).

3) [Article 1] Henceforth, Arinori Mori shall regard Otsune Hirose as his wife, and Otsune Hirose shall regard Arinori Mori as her husband. [Article 2] As long as both are alive and have not severed this agreement, the couple shall love each other devotedly and remain faithful to each other. [Article 3] In regard to the couple's communal property and personal belongings or articles to be shared by both, the lending, borrowing, sale, and purchase thereof shall be subject to mutual consent. The couple hereby agrees as set forth above, and in the event one party violates this contract, the other may file a formal complaint with the government to bring the violating party to justice. February 6, 1875 (from the *Yomiuri Shimbun* dated February 9, 1875 (Meiji 9), *The Origins of Everyday Things in the Meiji Era*, Collection on Meiji Culture, Separate Volume, pp. 107-108).

the Japanese marital system. Courtship advertisements may be seen as one aspect of these efforts. However, the two examples noted above notwithstanding, such advertisements were quite rare.

As noted previously, somewhere near 100 courtship advertisements appear in every Sunday paper in India. An example may read “Seeking *Vadama* woman (one sect of a caste) under 25 years of age as a spouse. Prepared to consider accepting a woman from the *Vadama* sect. Looking forward to your reply. Please indicate your astrological sign” (Karashima, ‘Courtship Advertisements in Indian Newspapers,’ p. 35). Today in Japan it would be impossible to find this sort of advertisement. In India, however, courtship advertisements appear to be an acceptable last resort for men seeking spouses. In general, those placing the ads are from the upper class, earn high incomes, and generally consist of educated intellectuals. Such well-established men face great difficulty in finding spouses in India (‘Courtship Advertisements in Indian Newspapers,’ pp. 40-41). In Karashima’s study, *Brahmanas* account for nearly 70 percent of the advertisers (132 out of approximately 200 advertisers) (‘Courtship Advertisements in Indian Newspapers,’ p. 38).

A strict caste system is in place in India. The *Brahmanas* are the highest class, followed by the *Kshatriyas*, the traditional caste or royalty, followed by the *Vaisya* and the *Sudras*. Even today, it is difficult in practice to marry someone from outside one’s own caste (this despite the fact that the caste system was officially repudiated in the Indian Constitution in 1950).

(3) Endogamy and Exogamy

Under the Marriage Law, the Indian example mentioned above is referred to as would be considered endogamy, in which marriage is restricted to members of the same caste. Endogamy practices vary worldwide, but the Indian example of endogamy is typical in that it is based on status or class.⁴⁾

In Japan, for example, marrying someone from a different class was prohibited in the Nara Period (710-794). “Everyone in the lower class (*senmin* class) is required to marry within the same subcategory – *Ryoko*, *Kanko*, *Ka-*

4) “Endogamy is a system in which choice of spouse is limited to specific groups. The most notable example is endogamy based on status or class. For example, aristocrats were prohibited from marrying commoners in early Roman times. Teutones did not allow marriages between freemen and serfs. Endogamy is often practiced within the same tribe, ethnic group, or nationals, as well as within the same class. Prohibiting interfaith marriages can be regarded as religious endogamy” (Zennosuke Nakagawa, 1942. *Nihon Shinzokuho* – Showa 17 nen. [*Japanese Family Law of 1942 (Showa 17)*], pp. 172-173 Nippon Hyoron Sha).

jin, *Kodohi*, and *Shidohi*” (‘Yoro Decree, Ko Decree, Provision on Requirement of Marriage within the Same Class,’ 1974. Shintei Zōho Kokusitaikei. [Newly Revised and Enlarged Edition of the Collection of National History, Explanatory Notes on Decrees, No. 2], p. 333. Yosikawa Kobunkan) (The lower class was subdivided into the five subclasses mentioned above.) According to the Yoro Decree, society consisted of three classes: nobility, commoners (referred to as *ryomin*, “good people”), and the lower class (the *senmin*, or “humble people”). The lower class was comprised of five subclasses, as noted above.) Subsequently marriage was constrained by class.

In the Edo period (1600-1868), there were a number of so-called “unliberated hamlets.” People from these “unliberated hamlets” were discriminated against as outcasts. There were two major components to this discrimination: one, residents were not allowed to eat food cooked on the same fire as food for those from outside the hamlets; and two, a system of endogamy was applied, under which residents were not allowed to marry people from outside the hamlets. These constraints were eliminated through Cabinet Ordinance No. 448 on August 28, 1871 (Meiji 4), which read, “(pejorative) appellations such as *eta* and *hinin* (referring to the outcasts of society) are abolished, and their status and occupation shall henceforth be equal to those of commoners.” Thus residents were “liberated” from their restrictive legal status. Moreover, Cabinet Ordinance No. 437 on August 23, 1871, stated that “everyone, from commoner to nobleman, shall be permitted to marry a partner from a different class.” Thus discrimination legally came to an end (Shigejyuro Sotooka ed., 1967. Meiji Zenki Kazokuho Shiryo, 1, 1. [Data and Documents on Family Law in the Early Meiji Period, Vol. 1, No. 1], Waseda Daigaku, pp. 114-115). However, discriminatory treatment was not eliminated completely from society following this legislation. It was not until popular movements arose in favor of the elimination of social discrimination (such as the *Suiheisha* movement) that the Japanese came to view their society as relatively free of such discrimination.

Meanwhile, the Japanese Imperial family continued to employ endogamous practices. Members made it a rule only to marry among the nobility; commoners were excluded as potential marriage partners. This tradition was broken when the Emperor selected the now-Empress Michiko as his bride, a surprise to the Japanese people. Princess Masako would have qualified as a “commoner.” It may be said that with this gesture, endogamy was eliminated in Japan.

In contrast, the practice of exogamy has been seen elsewhere, such as

China and Korea.⁵⁾ Exogamy prohibits people from marrying within certain groups.

According to Masayuki Takanashi, most groups subject to exogamy are “kin groups or groups considered as such.” This researcher goes on to say that “in the Chinese example, these groups were defined strictly by family name. If a couple having the same family name succeeded in getting married, the marriage could be deemed null and void, and the couple could even be subject to punishment” (Masayuki Takanashi, 1976. *Horitsu Zatugaku no Tanosimi*. [*Joy of Legal Trivia*], p. 336 Jiyu Kokumin Sha). Exogamy was repudiated under the present Marriage Law of the People’s Republic of China (adopted on September 10, 1980). Nevertheless, the former Marriage Law stipulated that “the prohibition of marriage shall conform to custom” (former Marriage Law of the People’s Republic of China, Article 5, No. 1). In this manner, exogamy is said to have been a rigid rule for nearly all of China’s history (Katsumi Otsuka, 1958. *Chugoku Kazoku Horon*. [*Theory of Chinese Family Law*], p. 73 Ocha no mizu Shobo).

Under the Civil Law of Korea, “a man and a woman having the same family name and the same ancestors are not allowed to marry” (former Civil Law of Korea, Article 809, First Clause). Thus, a couple with the same family name and from the same region cannot marry. Any such marriage that does take place within the same kin group may be canceled by “the parties concerned, their lineal ascendants, or their collateral relatives by blood within the eighth remove” (Article 817 of the former Civil Law of Korea). Once canceled, the marriage shall be deemed null and void going forward (Article 824 of the former Civil Law of Korea). In short, people are not permitted to marry within such groups. (On the other hand, this restriction is not stipulated in the present Marriage Law of Democratic People’s Republic of Korea.)

This type of exogamy can hardly be said to exist in Japan. Exogamy would appear particularly absurd in light of the Japanese legal provision allowing marriage between cousins (Article 734 of the Civil Law).

5) “Exogamy is a system in which choice of spouse within certain groups is prohibited. A clan is an exogamous group, and a clan member has to look for a spouse in other clans. Prohibition against marrying someone with the same family name, a practice seen in China since ancient times, is the normal expression of exogamy. In Korea, society still holds a strong and deep-rooted aversion to marrying someone with the same family name and ancestors from the same region. In the Indian caste system, endogamy and exogamy intertwine; on the one hand, the principle of exogamous mating was practiced through the prohibition against marrying someone with the same family name, but at the same time, Brahmanas were strictly forbidden to marry outside of their own caste” (*Japanese Family Law of 1942*, p. 173).

On the other hand, marriage in India is based on combined concepts of endogamy and exogamy.⁶⁾ As noted earlier, people from each caste, such as the *Brahmanas*, *Kshatriyas*, *Vaisyas*, and *Sudras*, are permitted to marry within their own caste, and no one may marry outside of his or her caste. The *Manu* Law of ancient India stipulated that those who violated the law of endogamy, particularly people from the upper three castes who married *Sudras*, were to be severely discriminated against. (These stipulations are found in Articles 15 to 19 of Chapter 3 of the *Manu* Law, translated by Shigeeko Tanabe, 1953. *Manu Hōten*. [*Manu Law*], Iwanami Bunko, pp. 76-77.)

Further, Articles 148 to 157 of Chapter 9 of the *Manu* Law (pp. 283-284) specify matters relating to the unfavorable treatment of children born to couples who had violated the law of endogamy. It would therefore seem logical that people within the same caste ought to be permitted to marry without restriction -- a *Brahmana* should be free to marry any other *Brahmana*, for example. We have found, however, that this is not necessarily the case.

The caste system was formed in ancient India. Over time, the castes became divided into liberal and conservative sects, and subdivided into further sects. These sects have become further subdivided; nearly 2,000 subsects are said to exist today. For example, the *Brahmanas* are divided into three sects and each of which is divided further into seven or eight subsects ('Courtship Advertisements in Indian Newspapers,' p. 49, Table 2).

Another factor complicating marriage in India is the diversity of spoken languages. Indian society differs in this respect from Japanese society, in which a single language is used virtually without exception throughout the country. By contrast, more than 200 different languages are said to be spoken in the different regions of India ('Courtship Advertisements in Indian Newspapers,' p. 49, Table 2). Marriage between a man and a woman speaking different languages may sound romantic, just as international marriages

6) "The origins of endogamy and exogamy have been hotly debated since ancient times. There is no accepted notion even today. That said, it is an indisputable fact that endogamy is practiced only in societies that are geographically isolated, featuring close economic partnerships or politically exclusive privileges. Thus endogamy can be spontaneous or factitious. The origins of exogamy are even more ambiguous than those of endogamy. Edward Alexander Westermarck explains the origins of exogamy through psychology, arguing that those living in close proximity will not be sexual attracted to each other. On the other hand, Freud asserts that exogamy derives from a primal system of incestuous lust. The origins of exogamy cannot be explained by taboos in totemism, partly because the reason such taboos came into being remains undetermined, and partly because so-called pure totemism exists outside of the exogamous norm, as Frazer described in detail" (*Japanese Family Law of 1942*, pp. 173-174).

are often considered romantic. In practice, however, such couples suffer nay from inconvenience and difficulty in communication on a daily basis.

Given the complexities created by subsect and language constraints, Indian men and women seek to marry those within the same subsect. The Karashimas found that 71 out of 132 *Brahmanas*, or approximately 54 percent, sought spouses belonging to the same subsect ('Courtship Advertisements in Indian Newspapers,' p. 50). Further, those placing ads were looking for partners that not only belonged to the correct sect and subsect, but that also spoke the same language. These restrictions greatly add to the difficulty of finding a suitable partner.

As a point of note, among *Brahmana* placing such ads, only four percent would accept any other *Brahmana* as a partner. Another ten percent each would accept any partner belonging to the same sect or subsect. ('Courtship Advertisements in Indian Newspapers,' p. 50). Consequently, marriage can be said to depend on the issue of sect and subsect membership.

Further constraining marriage in India is the *gotra* system, under which families are classified based on ancestral group. There are some 20 different *gotras* ('Courtship Advertisements in Indian Newspapers,' p. 52). Men and women belonging to the same *gotra* are prohibited from marrying. This form of exogamy is referred to as *sapinda* in India. Generally speaking, people descending from the same *gotra* within five paternal generations and three maternal generations are subject to *sapinda*. ('Courtship Advertisements in Indian Newspapers,' p. 53). The Indian word *sagotora* means "those with the same family name," and *sapinda* refers to those *sagotora* specifically designated as relatives (1932. Hozumi Nobushige Ibunshū. [Collection of Nobushige Hozumi's Posthumous Works], p. 576. Iwanami Shoten).

(4) Astrology

In India, marriage is also restricted by astrological considerations. A couple cannot marry if their signs are deemed incompatible ('Courtship Advertisements in Indian Newspapers,' pp. 53-54).

In Japan, women born in the year of the *hinoeuma* face difficulties in finding husbands. As both *hinoe* and *uma* are considered to be dominant, superstition holds that women born in this particular year are so strong-willed that there is a chance they may murder their husbands. (According to the *Kojien*, the superstition spread through the dramatization of the story of a woman named Ohichi, a greengrocer sentenced to death.) For this reason, much fewer babies are born in this year than at other times, presumably due

to abortion. Under the traditional Japanese calendar, based on the ten-year celestial cycle and the Chinese zodiac (*jyukkan jyunishi*), the year of the hinoeuma comes every 60 years. Concern about giving birth in the hinoeuma year was so strong that annual population trends show a dip in accordance with this 60-year cycle.⁷⁾

In India, there is a similar superstition that women born under a certain sign will murder their mothers-in-law. Even though there are many who do not hold this superstition, it remains difficult for such women to find husbands. The only circumstances under which these women can marry is when the mother of the potential spouse is already dead, thus eliminating the possibility of a pre-ordained murder. As you can imagine, this requirement complicates the task of finding a husband.

Some unfortunate women born under a certain sign are believed to be destined to do harm to their husbands. Such women are nevertheless able to find husbands; after all, men may also be born under a sign presumed to predispose them to harm their wives. If such a couple marries, the possibility of spousal abuse is seen as counterbalanced and thus neutralized ('Courtship Advertisements in Indian Newspapers,' pp. 53-54). Individuals born under such a sign may place a marriage advertisement that reads "Seeking a partner born under a sign indicating a tendency to harm one's spouse." As these examples suggest, the task of finding a suitable marriage partner is by no means easy. Thus, a variety of methods are often applied to locate the elusive potential spouse.

We should note that many of those advertising for spouses are graduates of universities and graduate schools. The suitor mentioned above earns a

7) The year of *hinoeuma* falls on 1906 (Meiji 39) and 1966 (Showa 41). Statistics show a sharp decrease in number of births in these years (Population Survey Report for 1999, Vol. 1, pp. 74-75, published by the Ministry of Health, Labor and Welfare). See the table below.

Year (Imperial Era)	Number of Births	Year (Imperial Era)	Number of Births
1902(Meiji 35)	1,510,835	1962(Showa 37)	1,618,616
1903(Meiji 36)	1,489,816	1963(Showa 38)	1,659,521
1904(Meiji 37)	1,440,371	1964(Showa 39)	1,716,761
1905(Meiji 38)	1,452,770	1965(Showa 40)	1,823,697
1906(Meiji 39)	1,394,295	1966(Showa 41)	1,360,974
1907(Meiji 40)	1,614,472	1967(Showa 42)	1,935,647
1908(Meiji 41)	1,662,815	1968(Showa 43)	1,871,839
1909(Meiji 42)	1,693,850	1969(Showa 44)	1,889,815
1910(Meiji 43)	1,712,857	1970(Showa 45)	1,934,239

monthly salary of 600 rupees ('1973, Courtship Advertisements in Indian Newspapers,' p. 41). Despite his high income and high educational background, he nevertheless faces difficulty in marriage due to the constraints of caste, sapinda, and astrology.

When a traditional, dedicated search for a marriage partner has failed, people will turn to the last resort: courtship advertisements. More than a hundred such advertisements may be found in any Sunday newspaper in India. Unmarried subscribers to the newspapers will open to the appropriate section and scan the announcements as if they were reading conventional classifieds. In contrast to this unfortunate situation in India, it is clear that those determined to marry in Japan can usually find partners with relative ease.

3. Styles of Marriage

(1) Marriageable Age and the Significance of Appearance

Next we will examine the concept of coming of age in previous eras and the significance of appearance in this context. Marriageable age is often a controversial issue. Until recently in India, the marriageable age for females was on average seven or eight years old. Although surprising to outsiders, in the past most females seem to have been married by the age of 12 or 13, generally before they were physically mature ('Courtship Advertisements in Indian Newspapers,' p. 45). However, as the above courtship advertisements suggest, the acceptable age for marriage in India recently appears to have risen to 18 to 22 for females and 25 to 30 for males ('Courtship Advertisements in Indian Newspapers,' p. 44).

Turning to marriageable age in ancient Japan, a decree in the Nara Period read, "Girls shall be deemed marriageable at the age of 13" ('Yoro Decree, Ko Decree,' *Newly Revised and Enlarged Edition of Collection of National History*, Explanatory Notes on Decrees, No. 2, p. 300). During the Heian and Kamakura Periods, the coming-of-age ceremony for girls referred to as *moginorei* was held between the ages of 12 and 14, according to the *Kojien*. One of the lines of *Ryōjin Hisho* reads, "Women between 14 and 16 years of age are at their best; those of 23 or 24 years of age, especially those who have reached the age of 34 or 35, are fallen autumn leaves" ('Ryōjin Hisho', 1993. Shin Nihon Koten Bungaku Taikei. [New Collection of Japanese Classical Literature], No. 56, p. 111. Iwanami Shoten). Thus women as young as 24 and 25 were viewed in terms of aging autumn leaves. One old proverb actually states that "A woman of 20 is a bit old" (Kichihei Nakano, 1974. Rigen Dai Jiten. [Unabridged Dictionary of Proverbs], p. 1078. Kokusho Kankō Kai). The draft of the former Civil Law of the Meiji Era

stipulates that “girls under 14 years of age are not permitted to marry” (Article 40, Compendium of Civil Affairs). The Civil Law of 1898 (Meiji 31) sets the marriageable age for girls at 15 (Article 765). According to the current Civil Law, “girls under 16 years of age are not permitted to marry” (Article 731). Before these restrictions, it was common to marry early, from 14 to 16 years of age.

Male maturity used to be viewed as attained between 15 and 17, but the precise age varied over time. A decrees in the Nara period read that “men generally marry at the age of 15.” (“Yoro Decree, Ko Decree,” *Newly Revised and Enlarged Edition of Collection of National History*, Explanatory Notes on Decrees, No. 2, p. 300). In the Heian Period, Hikaru Genji (discussed below) celebrated reaching adulthood at 12 years of age. In the Edo Period, childhood was considered to continue until 15 or 17 years of age. Thus, a boy was not treated as full-fledged adult before the age of 15. According to *Collection of National Customs*, a well-known collection of Edo-era customs, compiled between 1877 and 1886 (second decade of the Meiji Era), “childhood ends at 15 years of age” (Childhood Age, Chapter 9, Article 1). The collection of Edo-era customs also notes that “men reaching the age of 20 can do without guardians” in Atago-gun (county) and Katsuno-gun in Yamashiro-no-kuni (province). The collection also cites examples from Soekami-gun in Yamato-no-kuni and Otori-gun in Izumi-no-kuni, where “childhood continues until 15 years of age” as well as those from Nishinari-gun in Settsu-no-kuni, where “childhood continues until 14 years of age and 11 months.” The collection also cites examples from Shita-gun and Mashito-gun in Suruga-no-kuni, which reads, “After boys celebrate the attainment of adulthood at 15 years of age and change to their coming-of-age names, they are assigned to reasonable village services. Nevertheless, they are still placed under guardianship and shall not manage household wealth before reaching the age of 20.” The collection also cites examples from the warrior class in Sennan-gun in Izumi-no-kuni and Shunan-gun in Kawachi-no-kuni stating that childhood continues until 17 years of age. As described above, the collection lists many examples from various regions in Japan (1970. Zenkoku Minji Kanrei Ruishu. [*Collection of National Customs*], Complete Works on the Meiji Culture, Vol. 13, pp. 272-275. Nippon Hyoron Sha). Furthermore, the draft of the former Civil Law of 1890 (Meiji 23) sets the marriageable age for men at 17 years (Article 30, Compendium of Civil Affairs), as did Article 765 of the former Civil Law of 1898 (Meiji 31). Under the current Civil Law (Article 731), men may legally be married at 18. Until recently, therefore, the marriageable age for men has histori-

cally been between 15 and 17 years of age.”⁸⁾

Moreover, it was easy to judge at a glance whether a person was marriageable or not in early Japan – a task that is impossible today. Both men and women of marriageable age displayed their readiness to marry through changes in physical appearance.

First, boys under 15 years of age had bangs and what was recognized as a childlike hairstyle; such boys were not treated as full-fledged adults. Boys attained manhood at 15, at which time their bangs were cut and the front part of their heads were shaved to form the *sakayaki* or *sakaiki* style (“Shaved in circular form, this hairstyle reduced the volume of hair standing on end when samurai warriors wore *kabuto* helmets. Even long after feudal times, this hairstyle remained.” Taro Tsukamoto ed., 1973. *Fūzoku Jiten*. [*Dictionary of Manners*], p. 39. Tōkyodo Shuppan) Many examples are seen in *Questions and Answers on Manners in Different Regions of Japan* in the Edo Period:

“Boys between 15 and 17 years of age have their bangs cut, and the front part of their heads shaved, and their names are changed” (Mineyama-ryo in Tango-no-kuni).

“In the coming-of-age ceremony (*genpuku*), boys have their bangs cut and the front part of their heads shaved. It is not a momentous event” (Yoshida-ryo in Mikawa-no-kuni).

“In a mountain village near Mino in Kamo-gun in Nishi-mikawa, *genpuku* is held when a boy reaches the age of exactly 15 years and 11 months and 15 days. In the ceremony, the parents of a boy who has reached this age ask a close friend or an elder relative to act as *eboshi-oya* (literally, “crowning parent;” an *eboshi* is a crown). An *eboshi-oya* is somewhat like a godparent and performs *genpuku*. The *eboshi-oya* cuts the boy’s bangs and shaves the front part of the head, and then officially changes the boy’s childhood

8) Average ages of those entering their first marriages are available from 1908 (Meiji 41). In 1908 these average ages were 26.8 years old for men and 22.9 years old for women. These figures remained unchanged for a time but increased in 1942 (Showa 17) due to the war (29.8 years old for men and 25.3 years old for women). In 1947 (Showa 22), after the war, average ages fell to 26.1 years old for men and 22.9 years old for women and remained unchanged for several years. However, figures again began to increase from 1952 (Showa 27) and reached 28.0 years old for men and 25.3 years old for women in 1982 (Showa 57). The trend toward marrying later has continued and in 1999 (Heisei 11) the average ages of those marrying for the first time reached 28.7 years old for men and 26.8 years old for women. The great majority of people in Japan marry after they turn 20, and only few marry in their teens (Population Survey Report, Vol. 1, the Ministry of Health, Labor and Welfare, pp. 420-421).

name to what the *eboshi-oya* deems a suitable adult name” (Yoshida-ryo in Mikawa-no-kuni).

“Commoners regard simply cutting the bangs and shaving part of the head as *genpuku*. They will ask a close relative or friend to act as *eboshi-oya*, in whose home the boy will have bangs cut and front part of the head shaved; at this time the childhood name will be superseded by the adult name” (Fukuyama-ryo in Bingo-no-kuni).

In the village of Honjyo-mura, Fukatsu-gun in Bingo-no-kuni, “*Genpuku* entails the assumption of formal coming-of-age clothes (including a kimono with the family crest). People of lower status, however, do not have a crown (*eboshi*) made; they simply celebrate *genpuku* by cutting the bangs” (1969. Nihon Shomin Seikatu Shiryo Shusei. [*Sourcebook on the Life of Commoners in Japan*], Vol. 9, pp. 615, 672, 726, and 738. Sanitsu Shobo).

Even in the late Edo or the early Meiji Period, it was said that “Boys under 15 years of age are called children. Boys attain manhood at the age of 15, and thereafter they are not allowed to behave like children. Their bangs are cut at the age of 17 in the *genpuku* ceremony, and thereafter the young men will, among other responsibilities, perform public service” (Ishida-gun, Iki-no-kuni, in Nishikaido).

(*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, p. 275).

As shown in these examples, bangs were cut and a portion of the head was shaved when a boy reached the age of *genpuku*. Thus anyone could see whether or not a given boy had attained adulthood. This custom could thus be viewed as one means of indicating a readiness to marry among men.

The other means for a young man to indicate his readiness to marry involved the switch from the childhood name to the adult name, or *genpuku* name. For example, in the *Gikeiki*, a biography of Yoshitsune Minamoto, we learn that the hero was called Ushiwakamaru (Shanao) in childhood, and was then given the name Yoshitsune when he came of age. He had run away from Kurama Mountain, together with Kichiji Kaneuri, seeking assistance from the Fujiwara clan in Oshu, part of the Tohoku district. In the story of *Gikeiki*, Ushiwakamaru encounters a long-nosed goblin named Tengu, who instructs the boy in the swordsmanship of *Rikuto Sanryaku*, the secret military tactics of ancient China.

Ushiwakamaru fled, his hair loose, eventually arriving at Kagaminoyado. Here he sought to change his hairstyle and name and don the crown

that would signal his passage to maturity. In the *genpuku* ceremony, boys wore special crowns for the first time and would wear these crowns thereafter. According to the *Kojien*, beginning in the 16th century commoners began to crown young men in the *genpuku* ceremony instead of shaving the front part of the head. Hence, *genpuku* also came to be known as the first crowning (*uikouburi* or *uikagaburi*). It was customary among the Genji clan, those having the family name of Minamoto, to wear crowns angled to the left, while it was customary with the Heike clan, those having the family name of Taira, to wear crowns angled to the right.

Ushiwakamaru, all alone, had no parents to assign him a coming-of-age name. He wondered what name he should give himself. Although most married couples have one or two children today, it was common in those days to have larger families; Ushiwakamaru was the eighth son. He first considered taking the name Hachiro, which means “eighth son.” However, his uncle Chinzei-hachiro Minamoto Tametomo was an extremely powerful warlord in Kyushu—legend had it that he had sunk an enemy ship with a single arrow. His uncle’s reputation was so formidable that Ushiwakamaru eschewed the name Hachiro in favor of the adult name Minamoto Kuro Yoshitsune (Kuro means ninth son). This is one example from literature of the selection of an adult name.

Other examples of the naming ceremony are given in the Edo-era *Questions and Answers on Manners in Different Regions of Japan*, some of which were noted earlier: “trusted like a parent, a godparent gives a boy a coming-of-age name, and then accepts a cup of sake” (Hosan-ryo in Tango-no-kuni) (*Sourcebook on the Life of Commoners in Japan*, Vol. 9, pp. 615, 672, and 725). *The Collection of National Customs* gives more examples:

“When a boy reaches the age of 15, the *genpuku* ceremony is performed, in which the childhood name is changed to the family name” (Shita-gun in Suruga-no-kuni).

“An heir inherits the family name when he reaches the age of 17 or 18” (Kahoku-gun in Kaga-no-kuni) (*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, pp. 272-273).

Folk practices involving name-changing ceremonies remained until recently. “In Minami-kawachi in Osaka, those born in the same year used to change names in the same way. For example, those born in a given year might adopt the common practice of adding a prefix to the childhood name: if your childhood name was Taro, you were to add another name before Taro; you would thus become “So-and-so Taro.” According to a similar

folk practice on Mishima Island in Yamaguchi Prefecture, when reaching the age of 15 in the *genpuku* ceremony, boys inherited their family names and sometimes took the name of ancestors generations before; the structure would be, for example, Number-*daime* Name-*zaemon* (“*daime*” designates the ordinal for the given generation: 2nd, 3rd, or more). This renaming was referred to as “*honnin ni naru*,” that is, “becoming oneself” (Kunio Yanagita ed., 1951. *Minzokugaku Jiten*. [*Dictionary of Folklore*], p. 311. Tōkyodo Shuppan).

As stated above, boys of the time were supposed to change their childhood names after *genpuku*; it was extremely rare not to do so (Masayuki Takanashi, *Naming Tales*, p. 74). People of that time in Japan attached great significance to names. Name and substance were thought to agree, as in the saying, “*Na wa Jitsu no Hin*” (*Shoyoyu* by Soshi, from the *Kojien*), which can be translated as “honor follows virtue.” Virtue is viewed as essential, and honor is seen as an accessory to this essence; honor is thus assigned to a person of virtue. The custom of changing one’s name upon attaining adulthood was based on the philosophy that when one’s essence has changed, the transformation is to be reflected and recognized in an appropriate change in name.⁹⁾

When a boy becomes a man, he is allowed to take a wife. According to the *Genji Monogatari*, *the Tale of Genji*, a long novel depicting court life (written by Murasaki Shikibu in the middle of the Heian era and translated into English by Arthur Waley), Hikaru Genji, the book’s central figure, celebrated his *genpuku* at 12 years of age. On this date, he was taken to the residence of a high-ranking courtier. While at the residence, Hikaru slept with Aoinoue, another central figure in the tale. Later, Aoinoue became Hikaru’s lawful wife. At 16 years of age, Hikaru Genji lay with Aoinoue and they performed a symbolic act as husband and wife (1955. *Genji Monogatari*. Shin Nihon Koten Bungaku Taikei [*The Tale of Genji*, New Collection of Japanese Classical literature], No. 19, pp. 24-36. Iwanami Shoten). Boys became qualified for marriage through the *genpuku* ceremony and would often marry at the same time (*Naming Tales*, p. 77 ff.).

Many related definitions of childhood can be found in examples from *the Collection of National Customs*:

9) “The name is the substance itself and the root of the substance. ‘Names and natures often agree’ (*Yuishiki-ron*, or *Theory of Yuishiki*). ‘Honor follows virtue’ (*Shoyoyu* by Soshi). These are a few of the historical expressions representing the relationship between name and substance.” (*Naming Tales*, p. 217)

“Childhood is assumed to designate the period before marriage, and it is customary for children to remain under guardianship” (Sano-gun in Totoumi-no-kuni).

“As childhood is assumed to end only at marriage, men can manage their properties only after marriage” (Gunma-gun in Kozuke-no-kuni).

(*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, pp. 272-275).

These views and practices continued even in the early Showa Period (which extended from 1926 to 1989). “In regions in which the coming-of-age ceremony is referred to as *fundoshi-iwai* or a similar designation, men generally wear special loin coverings (*fundoshi wo shimeru*) from the coming-of-age day onward. This signifies that the boy has become a man physiologically as well and symbolizes qualification for marriage... In Okinawa, for example, boys at the age of 13 were made to visit brothels on the night of *genpuku*. In the village of Kugajima-mura in Nagasaki Prefecture, from the day boys became members of so-called Young Men’s Teams they were allowed to visit girls’ boarding houses. This practice was referred to as ‘touching skin’ (*hada-awase*). “After the coming-of-age ceremony, men were also allowed to participate in the festivals of various deities and other religious rites. Furthermore, they began to collaborate in work and share profits with other villagers; at this stage the young men were considered to have come of age. Most importantly, these young men were now eligible for marriage” (*Dictionary of Folklore*, p. 321).

On the other hand, how did a woman of the time indicate her marital status? It was far more important for a woman to display her marital status than for men to do so, due to the dire consequences that could result from an unmarried man’s infatuation with a married woman. Thus a woman’s marital status was made to be easily recognizable, to prevent such situations.

First, mature women dyed their teeth black. Until around 1954 (second decade of the Showa Era) I frequently saw old women whose teeth had been dyed black. This practice was known as *ohaguro* (literally, “teeth dyed black”). In the late Edo Period, married women – or, at one time, women who had given birth to a baby – dyed their teeth black (*Dictionary of Folklore*, pp. 114, 115, and 313). Originally, however, blackened teeth were the mark of mature women eligible for marriage. A popular saying of the time recommended “dyed teeth at 12 or 13 years old.” Examples are found in *Questions and Answers on Manners in Different Regions of Japan*:

“Girls celebrate having their teeth dyed black for the first time at 13 years

old” (Shirakawa-ryo in Mutsu-no-kuni).

“A girl has her teeth dyed black for the first time at 13 years of age, a procedure performed by a guardian entrusted to do so by the girl’s parents” (Mineyama-ryo in Tango-no-kuni).

“A celebration of ‘dyeing teeth’ is held for girls at the age of 13, but their teeth are not dyed. Only members of the middle class or higher dye their teeth” (Mito-ryo in Hitachi-no-kuni).

(*Sourcebook on the Life of Commoners in Japan*, Vol. 9, pp. 488, 538, and 672)

There is also mention of the dyeing of girls’ teeth at 17 years of age:

“For example, in the village of Tokuyama-mura in Gifu Prefecture, parents would buy the daughter a kimono on the day her teeth were to be dyed black. She was then taken to relatives’ houses accompanied by older cousins or siblings. On Yakushima Island, elderly village women would make the brushes that would dye the teeth for girls who had reached 16 years of age. On the day of the Buddhist service held in the temple; specifically, on October 17 of the following year, the 17-year-old girls would gather and dye each others’ teeth, followed by attendance at the Buddhist service and a reading at the temple. Both of the teeth-dyeing procedures were seen as coming-of-age ceremonies, and after these practices the young women could be courted for marriage. (*Dictionary of Folklore*, p. 114).

Thus, dyed teeth served both as a mark of coming of age and as a sign of readiness for marriage.

As a second sign of marital status, married women shaved their eyebrows. While this became the mark of married women in the late Edo Period (Taro Nakayama ed., 1928. *Nihon Fūzoku Jiten*. [*Book of Japanese Folk Practices*], p. 614. Yusankaku), originally this was not the case. Earlier, this practice simply signaled maturity. Women would then pencil in false eyebrows, as they considered it unattractive to remain otherwise. Some women of today continue this practice. Pictures from the Nara Era (710 to 794) show women with beautifully drawn half-moon eyebrows. All women of the day removed their eyebrows and drew in replacements, symbolizing a readiness to marry. Other examples may be found in *Questions and Answers on Manners in Different Regions of Japan*: “Dyeing teeth represents only half of the *genpuku* ceremony. *Genpuku* is complete when the eyebrows are removed after the teeth are dyed” (Nagaoka-ryo in Echigo-no-kuni and Monthly Decree of Hokuetsu). (*Sourcebook on the Life of Com-*

moners in Japan, Vol. 9, pp. 555 and 591). Similar practices are found even in the Meiji Era (1868-1912) : “Women shave their eyebrows and dye their teeth, in what is referred to as *genpuku*. On the other hand, ‘half *genpuku*’ means that a woman either removes her eyebrows without dyeing the teeth or dyes the teeth without shaving the eyebrows” (1896. *Fūzoku Gahō: Nihon Konrei Shiki. [Illustrated Magazine on Manners: Japanese Wedding Ceremony]*, Vol. 2, p. 32. Tōyōdo). Shaving the eyebrows was thus the mark of a mature woman ready to marry.

Third, to reinforce the distinction between girls and adult females as well as that between married and unmarried women, different hairstyles were worn. A girl would wear a longer hairstyle, similar to that favored by young boys in modern Japan, while an adult woman would tie her hair in a topknot. The most famous such hairstyle was the *shimada-mage* (*Dictionary of Folklore*, p. 21). This is said to have been a fashionable hairstyle in Shimada-jyuku in Tokaido, and people of the time referred to the *shimada-mage* as the “courtship topknot” (1936. *Daijiten*, Vol. 11, p. 520. Heibon Sha).

The *shimada-mage* was a hairstyle for an unmarried adult female. It should be noted that a woman’s hairstyle changed from the *shimada-mage* to the *maru-mage*, a more conservative style, after marriage. Wearing the *maru-mage* showed that a woman was married and thus unavailable.¹⁰⁾

Fourth, styles of clothes changed after marriage. While an unmarried adult female wore a long-sleeved kimono (*furisode*), a married woman wore kimono with sleeves of normal length (*tomesode*) (*Daijiten*, p. 3517). Examples of this practice are cited in *Questions and Answers on Manners in Different Regions of Japan*:

“Making a *tomesode* by tailoring longer sleeves is the mark of the married state. An adult male in the warrior class shaves the front part of his head and begins to wear the *tomesode* at the time of marriage. An adult female in the warrior class wears *tomesode* after marriage. On the other hand, among the peasant, craftsman, and merchant classes, situated below the

10) “Married woman’s *Maru-mage* (hair tied with cord) is called *masaraka* on Takamijima Island in Kagawa Prefecture. *Masaraka* is called *karayama* in many areas, but is referred to as *hokake* in Iki and *karawa* in one location in the Tohoku district.” “*Inbonnjiri* or *nage-shimada* is the hairstyle of married women in Izu-Oshima. *Karako-shimada*, the hairstyle of married women in Tohoku, was not popular among commoners but was admired and practiced among the higher classes until 1868 (the first year of Meiji).” These quotes indicate that the hairstyles of married women were different from those of unmarried women. (*Dictionary of Folklore*, p. 121)

warrior class, such formalities are simplified; women of these classes often wear the *tomesode* after giving birth” (Nagaoka-ryo in Echigo-no-kuni).

“One year after marriage, most women tailor their long sleeves (*furisode*) to make *tomesode*; they also shave their eyebrows. If they become pregnant soon after marriage, they hurry to perform these tasks” (Nagaoka-ryo in Echigo-no-kuni).

(*Sourcebook on the Life of Commoners in Japan*, Vol. 9, pp. 555 and 726).

The examples shown above describe the custom of making *tomesode* one year after marriage or after childbirth. In any case, at the time of *genpuku*, unmarried women wore *furisode* to show that they were marriageable. After marriage, they wore *tomesode*.

With such noticeable changes in appearances – to teeth, eyebrows, hair-style, and kimono – a woman’s marital status was unmistakable. Thus, unmarried women sent clear signals of availability through these outward cues.

(In the Shinto coming-of-age ceremony, or *seijin-shiki*, red and white face powder accompanies the dyeing of teeth and drawn eyebrows. Originally, however, this makeup was meant to convey possession by supernatural spirits. People of ancient Japan often treated such makeup as a mask. See *Dictionary of Folklore*, p. 182).

(2) Marital Agreement

Next let us consider the question of marital agreements and engagement. In short, was there freedom of choice in these matters? In the Edo Period (1603 to 1868), paternal approval played a dominant role in family matters. Some examples are listed in the *Collection of National Customs*:

“Parental consent is required for agreement on a contract of marriage. If a couple is without parents, the approval of the oldest family member is necessary” (Omino-gun in Bizen-no-kuni).

“The approval of the parents of both the man and the woman is required to conclude a contract of marriage. Approval of uncles and aunts is not required. Elders and officials in the town have no say in the matter” (Mitsuma-gun in Chikugo-no-kuni).

(*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, pp. 179-202).

Paternal rights were unusually strong in the Tohoku district. As the *Col-*

lection of National Customs notes, in Miyagi Prefecture, “In the event that the parents of both the man and the woman consent to a given marriage, it is generally considered that the man and the woman are obliged to follow their parents, like it or not” (Tota-gun in Rikuzen-no-kuni) (*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, p. 199). Even if a couple was not in love, marriage was required if the parents had arranged it. While today people marry only after becoming acquainted with each other, this was not the case in earlier times.

There are three reasons why such marriages worked well. First, as noted earlier, most people married partners living within 3.5 ri (about 14 km) from where they lived (See 2-(1) Distance). Therefore, a man generally knew a given woman by sight. He knew her family members and even their family history. Indeed, this tendency remained even into the Meiji era, when people were moving to new places more often than before; the distance between future couples’ homes was still limited, as described above.

Second, marriageable age at that time was young (See 3-(1) Marriageable Age and the Significance of Appearance). Young girls were obedient and sufficiently adaptable to marriages arranged by their parents.

Third, marriage was viewed differently in those days. People today hope to love, marry, and spend their lives with the ideal partner. Back then, however, the purpose of marriage was seen as the establishment of a household and the birth of boys who would then be responsible for the rites of ancestor worship (Fustel de Coulanges, 1961. Kodai Toshi. [*Ancient Cities*], translated by Teinosuke Tanabe, p. 89. Hakusui Sha; Nobushige Hozumi, 1917. Sosen Saishi to Nihon Horitsu. [*Ancestor Worship and the Laws of Japan*], p. 133. Yūhikaku; many others have also written on this topic).

Examples from history are numerous: a Spartan king divorced the wife he loved most because she could not give birth to a legitimate son, a situation that posed a danger to the kingdom (*Lycurgus 14; Ancient Cities*, p. 90). Love was no impediment to divorce. The purpose of marriage was to give birth to an heir. Of course, this view has changed significantly over the centuries.

In modern Japan, men and women are expected to respect each other, and the most important element of marriage is seen as love. Thus it does not matter whether or not the couple wishes to have a baby. Nor does the couple function to take care of the parents, and no organized matchmaking on the part of the latter has normally led to the union. As long as society continues to support the notion that people ought to marry freely, it is only natural that

couples be permitted to divorce when they are no longer in love.

Japanese views of marriage have varied throughout the ages; not all of the more ancient views are clear. The *Kojiki* (*Records of Ancient Matters*), Japan's oldest book of history (first published in 712), makes reference to Susanoono Mikoto's killing of Yamatano Orochi (an eight-headed dragon). In the story, Susanoono Mikoto sees chopsticks flowing down a stream in Izumo-no-kuni and ventures upstream, concluding that he will find people living there. He comes across an old couple, Ashinazuchi and Tenazuchi, who are crying with their daughter Kushinada-hime between them. He asks them why they are crying, and they respond that Yamatano Orochi has eaten their daughters one by one and that the daughter they hold is the last one left. Susanoono Mikoto falls in love with the charming girl at first sight, and asks the old couple for permission to marry her. The old couple politely asks who he is, trying to determine whether he would be a good match for their daughter. Susanoono Mikoto replies that he is a brother of Amaterasu Omikami, the Sun Goddess of Japan, and that he had been exiled from the heavenly kingdom of Takamagahara following various battles and the transgression of killing guard dogs. The old couple humbly replied, "In that case, we are happy to offer our daughter to you" (1958. Kojiki, Shukuji, [Kojiki, *Congratulatory Address in the Records of Ancient Matters*], Collection of Japanese Classical Literature, No. 1, pp. 85-87. Iwanami Shoten). This story suggests that arranged marriages were common in ancient times.

Many similar stories of arranged marriages may be found in classical Japanese literature. Ninigino Mikoto, for example, is said to have descended upon Japan to become the Emperor. He personally asked Konohanano Sakuyahime, the daughter of Oyamanotsumino Mikoto, to marry him. She replied that it was something that her father had to determine, and that she was unable to reply to his proposal herself (*Congratulatory Address in the Records of Ancient Matters*, Collection of Japanese Classical Literature, No. 1, pp. 131-133).

That said, contrary to the dominance of paternal rights, some evidence indicates that the will of the individual may have been reflected in a few ways. For example, the first poem of Volume One of the *Manyo shu*, *Anthology of Ten Thousand Leaves* (a collection of 20 volumes compiled in the Nara Period) is said to have been composed by Emperor Yuryaku (1957. Manyo shu, 1. [Manyo shu Vol. 1], Collection of Japanese Classical Literature, No. 4, p. 9. Iwanami Shoten). In the poem, Emperor Yuryaku says, "I want to speak to you, the young lady cropping vegetables over there! Where is your home? What is your name? I am a respectable and powerful man. I

govern Japan. So you can tell me where your home is and what your name is.”

This poem has recently been interpreted as a courtship poem. It has been said that asking a woman her name implied a marriage proposal (Masayuki Takanashi, 1976. *Nihon Kon'inho Shiron*. [*Essay on the History of Japanese Marriage Law*], pp. 1-4. Yuhikaku.; Kaoru Nakata, 1970. Hoseishi Ronshu. [*Collection of Essays on the History of Legal Structures*], Vol. 1, pp. 1-5. Iwanami Shoten.; Ryosuke Ishii, 1960. *Nihon Hoseishi Gaisetsu* [*Overview of History of the Japanese Legal Structure*], p. 52. Sobun Sha).

Many similar examples are seen in the *Manyo shu*, including a poem that may be translated, “Who on earth are you? You are only a passer-by. How can I let you know my name to marry you?” (*Manyo shu* Vol. 3, Collection of Japanese Classical Literature, No. 6, p. 307). In ancient Japan, only an individual's parents and relatives could call him or her by name. Names were kept secret from outsiders (See below in 3-(3), Marriage Proposals and Respectful Concealment of Names).

This example suggests that the maiden's wishes were respected to a significant extent (*Essay on the History of Japanese Marriage Law*, pp. 1ff.).

(3) Marriage Proposals and Respectful Concealment of Names

Many lyrics of the *Manyo shu* deal with names (*Essay on the History of Japanese Marriage Law*, p. 1ff.). Back then, revealing one's name to an outsider conveyed a willingness to obey. Similarly, calling an outsider by name was equivalent to subjecting the outsider to one's control (*Naming Tales*, p. 195ff.). This way of thinking is still seen today. For example, parents are certain to be displeased if a child refers to them by their first names. Similarly, older persons may refer to younger individuals by name, while the latter may not refer to their elders in the same way. This is cited as the reason subordinates or younger people in Japan present their business cards first to superiors or to their elders (*Naming Tales*, pp. 200-202).

In the same manner, many visit the Imperial Palace on New Year's Day to celebrate and to render homage to the Imperial Family. Visitors either leave their business cards or enter their names in a registry. What does this imply? Offering a list of names is a gesture of allegiance to the Imperial Family, in the same way that an individual's presentation of his or her name implies a vow of allegiance (*Collection of Essays on the History of Legal Structures*, Vol. 2, p. 935ff.; *Naming Tales*, pp. 195-200).

This gesture of allegiance is mentioned in war tales such as the *Tale of*

the Heike. When the Taira clan took up arms in the story, reinforcements rushed to the scene of conflict from various parts of the country; the first thing these reinforcements did was to present a list of names and a *chakuto*, a notice of assistance. A passage in one such document reads, “I, Morikuni, am honored to file this *chakuto* with Lord Komatsu” (1959. Heike Monogatari. [*Tale of the Heike*] Vol. 1, Collection of Japanese Classical Literature, Vol. 32, p. 177. Iwanami Shoten). To present a *chakuto* meant that one had become a vassal of the recipient.

Likewise, revealing one’s name to someone signified unreserved trust. In courtship, a suitor would ask for the name of the object of his desire; whether or not the she would reveal her name was an important indicator of the suitor’s prospects. When a man and a woman disclosed their names to each other, it meant that they were prepared to marry (*Naming Tales*, pp. 191-193). This interpretation is based in part on the traditional custom of refraining from calling others by name. This practice is referred to as the “respectful concealment” of one’s name (Nobushige Hozumi, 1926. Jitumei Keihigaku Kenkyu. [*Study of the Custom of Respectful Concealment of Names*], pp. 199-219. Tōkō Shoin).

In fact, due to this custom, the given names of certain Japanese emperors, including Emperor Jinmu, are not known – only the official name of Kamyamato Iwarehiko is made public (*Nihon Shoki*, or *Chronicles of Japan*). Exceptions are found in the names Wakatarashi-hiko and Tarashinaka-hiko, which are said to be the given names of Emperor Seimu and Emperor Chuai, respectively (*Study of the Custom of Respectful Concealment of Names*, p. 81).¹¹⁾ We do not know the given names of any other emperor, through Emperor Meiji (1868 to 1911) (*Study of the Custom of Respectful Concealment of Names*, pp. 142 and 156). In the *Kojiki* (*Records of Ancient Matters*), honorific prefixes such as owa or wa were added to emperors’ names, but no given names are indicated for emperors, as no one addressed the emperors by these names.

Instead of given names, *nanori* (*natsuge*) or *azana* were used. While *nanori* were used in addition to given names after childhood by sons of court nobles and samurai families in Japan, *azana* were used originally in China

11) After reviewing in detail documentation on the *gyomei*, or “sacred names” of 60 rulers from Emperor Jinmu to Empress Suiko in ancient Japan, Nobushige Hozumi concludes that the “sacred names of emperors were mostly honorific titles, among which 17 appear to be based on the names of places, with no indication of real name; 22 seem to be given names with honorific titles attached; one remains unknown, while the meanings of three names are not clear” (*Study of the Custom of Respectful Concealment of Names*, pp. 43-91).

by adult men in addition to given names after childhood. Given names were used only when dominance and subordination were involved, as with a vassal or wife (*Naming Tales*, p. 205).

This is why today we avoid calling others directly by name. When writing letters we add the suffix *sama*, which means “in the direction of,” to the addressee’s family name, instead of writing the addressee’s given name (1974. Iwanami Kogo Jiten. [*Iwanami’s Dictionary of Archaic Words*], p. 572. Iwanami Shoten). When addressing people of high status, we add suffixes such as *heika*, *kakka*, *geika*, or *kohika*, which mean “under the staircase of,” “under the roof of,” “beside the priest,” and “beside the scholar (or soldier),” respectively. In addition, when writing letters the suffixes *kika* and *jishi* are used. These signify “at the desk of” and “to the secretary serving,” respectively. It was considered impolite to address correspondence directly to the intended recipient (*Naming Tales*, pp. 158-165). Under these circumstances, it is unsurprising that emperors’ given names remain unknown, and that the above-cited *wakizuke* (terms of respect in correspondence) such as *kika* and *jishi* came into wide use.

When a man proposed marriage by asking a woman her name, as in the *Man’yōshū* described above, the disclosure of her name was considered acceptance of the marriage proposal. This practice suggests that to a certain degree it was up to the individual to choose his or her spouse in ancient Japan.

(4) Marriage Procedures

We will now examine the ways in which the procedures, forms, and styles of marriage have changed over the centuries. As noted earlier, marriages in Japan traditionally took place between parties living within 3.5 *ri* (about 14 km) from each other (See 2-(1) Distance). This pattern appears closely linked to marriage customs peculiar to Japan.

In Aomori Prefecture, past examples may be found of brides entering into marriage with existing children, in cases involving neither remarriage nor marriage with children by previous marriage. Until 50 or 60 years ago, marriages of this type took place frequently elsewhere in Japan, including Izu and Okinawa (Toshio Matsuoka, 1969. *Kon’in to Shussan*. [*Customs of Marriage, Childbirth*], Yoshikawa Kōbun Kan. 1965. *Sanik no Girei to Shuzoku*. [*Child-rearing, and Rites of Passage*], Yoshikawa Kōbun Kan.; Taro Wakamori, 1970. *Tsugaru no Minzoku*. [*Folk Customs of Tsugaru*], 1965. *Shima no Minzoku*. [*Folk Customs of Shima*], Yoshikawa Kōbun Kan.; Shinji Miyagi, 1954. *Kodai no Okinawa*. [*Ancient Okinawa*], Shinsei

Tosho.; Masaru Sakurada, ed. 1932. *Wakashū Yoriai Konrei no Gi*. [The Wedding Ceremony in the Community Meetings of Young Men], *Folklore*, No. 4-9, Minzoku Gakkai. in addition to many other writings). These children were in fact fathered by the husband-to-be (Yasuo Hashiura, 1942. *Minkan Densho to Kazokuho*. [*Folklore and Family Law*], p. 58. Nippon Hyoron Sha). In other words, it seems that many unmarried couples lived together for a long period before marriage. Regardless of the reason, it was common for brides to be accompanied by children when marrying.

The parents of the husband, neighbors, and the bride all participated in the wedding ceremony, and exchanged ceremonial nuptial cups. What was the husband doing? He was either absent or was in charge of heating bottles of sake in the kitchen (*Folklore and Family Law*, p. 57; Toshio Matsuoka, 1973. *Ketsukon Seiritsu no Girei*, [*Ritual Procedures in Marriage*], *Lectures on the Family* Vol. 3, p. 264. Kōbundo).¹²⁾

Today, a Japanese wedding brings together a bridegroom in formal Japanese kimono (haori, or half-coat) and *hakama* (formal divided skirt worn by male) and a bride in *furisode* (long-sleeved kimono) or a western-style wedding dress. With guests in attendance, the couple participates in a solemn ceremony in which the Noh chant of Takasago is sung; they then proceed to the wedding hall. This style of wedding ceremony, in which the wedding is held neither at groom's house nor the bride's house but instead at a wedding hall, has become popular only relatively recently.

On May 2, 1875 (Meiji 8), a Shinto marriage ceremony was performed at the Kasuga Shrine to unite Heizaburo Yamada, from the village of Sekimura, Mugi-gun in Mino-no-kuni (presently Seki City in Gifu Prefecture), and Ren Watanabe, from Imaizumi-mura, Atsumi-gun in Mino-no-kuni. This is the first recorded case of a Shinto-style wedding. The first such wedding to take place at the Great Shrine in Hibiya, Tokyo was held in 1897 (Meiji 30) (*The Origins of Everyday Things in the Meiji Era*, Collection on Meiji Culture, Separate Volume, p. 109). In other words, the Shinto-style wedding is no more than a century old.

Prior to this point, marriages were quite different. We have already examined the oldest form of marriage, in which the bride often joined her new family accompanied by a number of children. The husband did not partici-

12) "Marrying into the husband's family signifies not a wedding ceremony but rather a union between the parents and relatives of the bride and those of the groom. The wedding ceremony between the bride and the groom has been concluded long before." Marriage is in fact the adoption of the husband by the wife's family (*Folklore and Family Law*, p. 57).

pate in the marriage ceremony. While at first glance this may seem strange, this custom begins to make more sense in light of a number of historical observations.

This oldest form of marriage is referred to as matrilocal marriage. The following examples of matrilocal marriage are found in the *Man'yōshū*. Poem 431 of the text reads: "A husband is said to have built a house for his wife in Mama, where he would visit her; today no trace of her grave remains, hidden perhaps by the dense branches or long roots of the pine trees." In Poem 488 the narrator says "As I was longing for your visit, an autumn wind blew into my house and rustled the bamboo blinds." In Poem 525, a wife wishes that "he would come to my house astride his black horse, stepping over the rocks in the Saho River, every night of the year." In poem 542 we read that "your messenger used to come to my house all of the time, but no longer. You seem to hesitate to see me." Poem 744 reads, "when darkness sets in, I will open the door and wait for the man who is coming to my house to have our dreams." Poem 1802 reads, "this is the grave of Unai-otome, visited and courted by a man from Shinoda" [*Man'yōshū Vol. 1 and Vol. 2, Collection of Japanese Classical Literature, Poem 431 (Vol. 1, p. 207), Poem 488 (Vol. 1, p. 245), Poem 525 (Vol. 1, p. 255), Poem 542 (Vol. 1, p. 259), Poem 744 (Vol. 1, p. 309), Poem 1802 (Vol. 2, p. 415)*]. (See Masayuki Takanashi, *Essay on the History of Japanese Marriage Law*, p. 18. Takanashi cites many examples from the *Man'yōshū* illustrating matrilocal marriage)].

In matrilocal marriage, "the couple in question exchange marriage vows. With the approval of the young men's group to which the groom belongs and the agreement of his family and relatives, he then asks permission of the woman's parents; if this is granted, he will visit the bride's house thereafter" (*Folklore and Family Law*, p. 55). In practice, this meant that a man would visit his bride-to-be at her house, probably knocking as a visitor would. She would open the door to welcome him and they would likely sleep together; at this stage they were viewed as husband and wife, even before the official ceremony. This sort of concubinage would last for some time.

This practice is referred to as *yobai*, which has come to designate a man's visit to a woman's house at night for a sexual liaison. However, *yobai* originally came from the word *yobafu*, which meant "calling on each other." In an archaic dialect, marriage itself was referred to as *yobafu*, interpreted by Norinaga Motoori as 'the process of calling upon a woman and being welcomed' (*Norinaga Motoori, Kojiki Den*, Vol. 11). This interpretation aside, the word *yobafu* seems to have been derived more from an invitation by a

man or a woman to meet, made with marriage in mind (*Collection of Essays on the History of Legal Structures*, Vol. 1, p.4). Literally, *Yobafu* (refers to the act of calling aloud). A man might call out for his partner in this way by imitating an animal noise (a mouse's squeaking, for example) or with a secret knock on the woman's door.

In due course, a baby was usually born to the couple. Over time, the husband would become independent – when his mother died, for example. The man would then require a female helping hand, and his wife would be enlisted to take over the management of the household.¹³⁾ It was only at this time that a woman would officially marry into the family of her husband. Strictly speaking, this was not a matrimonial ceremony in that the marriage was already deemed to have begun. The actual marriage had taken place at the *yobai* stage; that is, when the husband had paid his first nocturnal visit to the house of his wife's parents. When a man visited a woman under *yobai* arrangements, matrilocal marriage began, in non-domestic circumstances. Such arrangements were possible due to the short distances (no more than 3.5 ri, or about 14 km) between the residences of the husband and wife (See 2-(1) Distance).

Customs related to matrilocal marriage continued in some places until quite recently. The bride did not initially marry into the groom's family. In the morning, the groom went to the bride's home and brought her to his

13) "For the groom's mother, the bride was primarily the wife of her son. The bride would marry into the husband's family if a woman was needed to manage the household, as when the husband's mother died and the family lacked a woman to replace her, or when the husband's father died and the husband took over as head of the family, in which case the husband's mother "retired" as the housewife. Even when the parents were alive and well, they would sometimes retire due to old age; it was also often the case that a female helping hand was required when one or both of the parents fell ill. In such cases, no wedding ceremony was held, as it was not uncommon for a bride to stay at her husband's house occasionally to offer help, and then to gradually – almost unnoticeably -- become a resident member of the household. This is referred to as "de facto marriage." Even today throughout Japan it is customary for the husband's parents to retire several years after their sons marry, and for them to then hand over all household matters to the son and his wife. Some parents may only be in their forties when this occurs; these relatively young retirees are occasionally referred to as *sankyo* or *kankyo*. In these cases the mother-in-law may feel too young to retire. Yet since ancient times the marriage of the son has entailed the handing over of household duties to the new wife. Hence, marriage has got to take place earlier than the ancient times.

These circumstances determine the age of retirement for the husband's mother. On the other hand, in Tono Area in Iwate Prefecture, a daughter-in-law who has not been given the duties of housewife 10 to 15 years after marriage is regarded as timid and incompetent. She will invariably complain that her mother-in-law has yet to hand over the reins this far into the marriage. This situation is often due to the fact that the new wife has married into the husband's family earlier than her mother-in-law had married into her spouse's family" (*Folklore and Family Law*, pp. 56-57).

home, where a marriage ceremony was held. This sequence of events was referred to as “*asa-mukoiri no yu-yomeiri*,” which literally means “morning visit to the home of the bride, evening marriage into the family of the groom.”¹⁴⁾ (Documents containing similar references have been found in the Mikawa, Nagato, Miyagi, and Ashikaga Areas in Kozuke) (*Dictionary of Folklore*, p. 4; *Unabridged Dictionary of Proverbs*, p. 1057; *Folklore and Family Law*, p. 55; Masayuki Takanashi, 1967. *Ho no Meigen to Kotowasa Shu*. [*Collection of Legal Maxims and Proverbs*], p. 110. Asahi Shobo)

Thus the institution of marriage evolved in ancient times from a long period of *mukoiri-kon* (in which the groom would marry into the bride’s family) to the practice of *yobai*, followed by the custom of *yomeiri-kon* (direct marriage of the bride into the groom’s family).’’

The practice of direct *yomeiri-kon* marriage was first seen in cases in which the groom was a man of influence or of noble birth. Such a person could find suitable partners only in distant locations, as the local villages contained only subjects (*Dictionary of Folklore*, p. 333). In such cases, *yobai* was impossible: the groom could not visit the bride at her home frequently due to the long distances involved. Thus the wife would move directly into the husband’s home. This type of marriage would thus begin immediately with *yomeiri-kon*.

14) “In the Arita region in Wakayama Prefecture, when the groom comes to the bride’s house and formal greetings are concluded, he exchanges cups of sake with the bride’s parents. This practice, referred to as *shimokeshi*, is said to be a vestige of the traditional nighttime visit of the groom to the bride’s house. At this time when he leaves, he does not take the bride home with him; instead the bride will go to the groom’s house in a marriage procession at a later time. In the Kure region in Hiroshima Prefecture, *mukoiri*, or the groom’s marriage into the bride’s family, is conducted earlier than *yomeiri*, the bride’s marriage into the groom’s family, although both ceremonies take place on the same day. The groom goes to the bride’s house with the matchmakers, drinks a small amount of sake, and leaves soon after removing the *hakama* (formal divided skirt worn by males), and his *geta* (wooden sandals). He then goes home barefoot, without the *geta* (if the groom stays for too long, he is teased and told that he has grown roots). The bride then folds the groom’s *hakama* and brings it, together with the *geta*, to the groom’s house.

I have been told that the groom comes to the bride’s house the next morning without even washing his face. This is supposedly a holdover from the wedding ceremony traditionally held first at the bride’s house. On Oshima Island in Yamaguchi Prefecture, although *yomeiri* used to take place six months after *mukoiri*, the interval between the two has gradually been shortened. The groom is accompanied by his parents and relatives, and they all stay at a local inn to prepare for their trip to the bride’s house. The groom is made to sit down facing the *tokonoma* (a decorative alcove) in the bride’s house, and he then exchanges sake with the bride’s parents. The bride leaves the room and occupies herself with tasks in the kitchen. In this example, the groom and the bride’s parents identify themselves and become parents and son in *mukoiri*. In regions closer to the sea, these customs seem to have changed more slowly than in interior areas” (*Folklore and Family Law*, pp. 70-71).

Physical distance was responsible for the historical move toward *yomeiri-kon* (*Dictionary of Folklore*, p. 73). As the lineage and social status of the warrior class became increasingly established in medieval times, *yomeiri-kon* became more common. *Yomeiri-kon* was so entrenched by the Edo Era that it has often been misinterpreted as the only form of marriage at the time.

Today, the bride and groom meet – in a hotel chapel, for example – for the wedding ceremony, then move into an apartment immediately after the wedding. This is neither *mukoiri* (marrying into the bride's family) nor *yomeiri* (marrying into the groom's family). Instead, this practice is referred to as *dosei-kon* (cohabitational marriage), an arrangement that is now common in Japan. Clearly the concept of marriage has changed significantly over the ages.

(5) Polygamy and Monogamy

L.H. Morgan regards monogamy as “the last one in a series of forms of family” (L.H. Morgan, 1982. *Kodai Shakai*. [*Ancient Society*], Vol. 2, translated into Japanese by Michio Aoyama, p. 154. Iwanami Shoten). Monogamy is now considered the best form of marriage, but this was not the case in ancient times.

The oldest book known to describe Japanese events is the *Gishi Wajinden*, which recounts events that occurred approximately 1,700 years ago. The *Gishi Wajinden* is a part of a Chinese text referred to as the *Gisho Toiden*, which describes the customs, manners, and political affairs of Japanese in the third century. According to the *Gishi Wajinden*, “inhabitants of Japan were known to live to 80, 90, or even 100 years of age. All *taijin* (men of noble birth) kept four to five *fu* (wives), while *geko* kept two to three *fu*” (1951. *Gishi Wajinden*, edited and translated by Kiyoshi Wada and Michihiro Ishihara, Iwanami Paperback Library, p. 46. Iwanami Shoten).

Although it is true that Japan now leads the world in terms of the longevity of its population, the cited historical figures are difficult to believe, particularly given current statistics (78.07 years of age for men and 84.93 years of age for women; 2001 nen Kan'i Seimei Hyō [*Simple Life Table for 2001*], Ministry of Health, Labor, and Welfare from *Nihon Keizai Shimbun* dated August 1, 2002).

In the citation referring to number of wives, the *ko* in *geko* means “house;” it would appear that a distinction was made at the time between the *kyōko* (literally, those of the “upper house”) and the *geko* (those of the “lower house”). Today the terms *kyōko* and *geko* refer to hearty drinkers and “light-

weight” drinkers, respectively. In those days, however, *kyoko* (jyogo) was used to designate those rich enough to drink in volume while *geko* referred to those who were too poor to drink. The term *geko* was thus used to describe men of low birth.

The *Gishi Wajinden* describes the status of a *geko*: “When a *geko* happens to meet a *taijin* or a *kyoko* on the road, he pauses and steps back into the roadside grass. When greeting or speaking to a *kyoko* or *taijin* he must prostrate himself to show respect, kneeling with his hands on the ground. The *kyoko* or *taijin* then answers with a curt grunt” (*Gishi Wajinden*, Iwanami Paperback Library, p. 48). As described in the *Gishi Wajinden*, *geko* kept two to three wives. Thus even poor men were permitted to keep two to three wives. Those above the *geko* also kept two to three wives. These were not mistresses but instead were lawful wives – designated as the first wife, the second wife, and the third wife. Clearly, polygamy was established in Japan in those days to some degree. However, we do not know whether the practice of polygamy was widespread throughout the country.

The family registers for the Nara Period held in the Shosoin Repository clearly show that men kept two to three wives, so the description in the *Gishi Wajinden* may be correct (Taro Nakayama, 1956. *Nihon Kon'in Shi*. [*History of Marriage in Japan*], pp. 598-600. Nichibun Sha). In terms of the legal system, the Article on the Five Degrees of Kinship in the Decree on Ceremony (part of the Yoro Decree) in the Nara Period stipulates that “the five degrees of kinship include the following: Father, Mother, Husband and Child are in the first degree. Grandparents, Birth Mother, Father's Brothers and Sisters, Siblings, Husband's Parents, Wife, Mistress, Niece, Grandchild and Daughter-in-Law are in the second degree...” (*Newly Revised and Enlarged Edition of Collection of National History*, Explanatory Notes on Decrees No.3, p. 731). “Mistress” here refers to a second wife, as opposed to a “lawful” wife; from the husband's point of view both his wife and mistress are in the second degree, which meets the definition of polygamy.

Furthermore, the *Onna Daigaku*, the central book of manners for women in the Edo Period, stipulates (in “Seven Cases in which a Woman Ought to Leave”) that “the wife who has no children of her own is not obliged to leave, if a mistress has given birth to a child” (1971. *Onna Daigaku*, Collection of Japanese Thoughts, No. 34, p. 202. Iwanami Shoten). These words are preceded by the statement that “a woman with no children of her own ought to leave, as the purpose of marriage is to give birth to a boy who is to succeed as the head of the family.” Mistresses were thus clearly tolerated.

In Japan, this form of polygamy remained unchanged for well over a

thousand years, through the Meiji Era, when the government stipulated the “Five Degrees of Kinship Under the New Legal Platform” as follows: “The second degree of kinship includes the Grandparents, Birth Mother, Stepmother, Father’s Siblings, Siblings, Husband’s Parents, Wife, Mistress, Niece, Grandchild, and Daughter-in-Law...” (Keizo Kondo ed., 1876. *Kocho Ritsurei Isan. [Compilation of Vocabulary of Imperial Law]*, Vol. 1). This Meiji-era system of dividing kinship into five degrees of kinship was much the same as the practice under the Yoro Decree in the Nara Period, more than 1,000 years ago; both the mistress and the wife were regarded as a husband’s relatives in the second degree.

It was at this time that the abolishment of the practice of having a mistress grew into a major public issue. On November 21, 1872, Shimpei Eto, the justice minister, and Kotei Fukuoka, the vice minister, submitted a proposal “regarding our request to discourage the taking of mistresses and thereby to establish monogamy.” However, the Cabinet rejected the proposal as an inappropriate for proclamation (*The Origins of Everyday Things in the Meiji Era*, Collection on Meiji Culture, Separate Volume, p. 131). The predominant view was that concubines were necessary, in that a wife’s failure to give birth to a boy would doom a family line to extinction – widely seen as a deplorable situation. In these cases, it was deemed critical to take a mistress capable of giving birth to a boy.¹⁵⁾

No one seemed capable of arguing with this logic; even the progressive and trend-setting *Meiroke Zasshi* magazine (launched in 1874) agreed. In the end, monogamy became legislated through the simply deletion of the word ‘mistress’ from the relevant article in the criminal code (enforced on January 1, 1882).

Around this time, the marital systems of polygamy and monogamy entered a period of transition. Research has suggested that Tibetans practiced a form of patrilineal polyandry, in which two or more men were seen as taking the same woman as a wife (Chie Nakane, 1947. *Mikai no Kao*. Bunmei

15) In some areas, however, commoners were not allowed to take concubines: “children born out of wedlock to commoners cannot become lawful heirs. Due to the law prohibiting commoners from taking concubines, the children of these concubines were recorded in some cases as the second or the third son of the legal wives in the family register (Kozuke-no-kuni in Gunma-gun).”

“Most commoners do not take concubines. Even if some commoners have children out of wedlock, they handle such children with secrecy and never allow such children to inherit the family property. Instead, most commoners with no lawful children will adopt heirs (Echizen-no-kuni in Ashiba Gun)” (*Collection of National Customs*, Complete Works on the Meiji Culture, Vol. 13, p. 264).

no Kao. [*Primitive Face and Civilized Face*], Kadokawa paperback library, p. 87. Kadokawa Shoten).¹⁶⁾ On the other hand, Nairian polyandry is said to have been based on a matrilineal system, in which the woman was viewed as taking two or more husbands (*Japanese Family Law of 1942*, p. 167).

Monogamy was introduced into Japan from the West through Christianity. Although this might suggest that Christianity led to improved status for women, its emphasis on the male image of Christ and on the ideal of the virtuous woman had the opposite result. Some scholars thus argue that Christianity in fact led to lower status for women following the medieval era (see, for example, Bertrand Russell, 1970. Ketsukon Ron. [*Theory of Marriage*], translated by Sadao Ando, Iwanami paperback library p. 63. Iwanami Shoten).

In any case, it is difficult to imagine that the current system of monogamy will remain unchanged forever.

4. Function and Role of the Family in Marriage

As described above, it would be incorrect to maintain that the existing marital system is universal or in any way timeless.

Members of today's Japanese households enjoy increased amounts of leisure time; formerly, on the other hand, numerous critical functions were performed in the home. Farming households not only cultivated rice but also grew vegetables and cotton, weaving at looms and fabricating their own kimonos. These tasks are no longer performed in the average household; for example, people have their kimonos tailor-made or buy them ready-to-wear. Few housewives today make their own kimonos. Similarly, women used to wash their kimonos using the araihari (washing and stretching) method, but these garments are now simply sent to the laundry.

In the case of family-operated enterprises, wives traditionally helped with the business. Today, as more husbands work for large companies, wives (with the exception of working women) have more time to spare, remaining at home while their husbands are at work. And while housewives used to prepare miso (fermented soybean paste) for soup, today they simply buy the miso or even instant miso soup. Instant noodles can be prepared

16) The following report suggests a form of polyandry practiced in Japan: "in the villages near Yonezawa City, it is customary for elder brothers to take wives and for their younger brothers to take their elder brothers' wives as their own when the elder brothers are away from home for long periods... This is relatively unheard of, and it is also unclear when this practice was most common. This is a topic for later review." (*Dictionary of Folklore*, p. 153).

simply by adding boiling water. Canned foods need only to be opened.

Ancestor worship and care of the household altar also used to fall under the category of household duties. These duties included cleaning the altar, hanging symbolic strips of paper, and placing offerings on the altar. These religious functions are no longer performed in homes as faithfully as before.

In the United States, the pioneers of the West armed themselves with pistols and rifles for protection, as sheriffs were easily bribed and could not be trusted. Even women and children learned to use rifles and handguns; the household was thus responsible for its own security.

Children used to be educated at home. Today, however, preschool in Japan begins at age three or four. Elementary school and junior high school students often attend private tutoring sessions after school, and senior high school students are sent to preparatory schools to prepare for university entrance examinations. Students then move on to their respective universities. Education in the household is thus a thing of the past.

Even supporting elderly parents is no longer considered to be the responsibility of adult children. Instead this is considered the responsibility of society as a whole. Apart from the stipulation that a husband and wife must support each other and their dependent children (up to the age of 20) under Articles 752 and 818 of the Civil Law, no strict legislation applies to familial support; the consensus is that adult children are to assist their elderly parents only insofar as they are financial able to do (Article 877 and thereafter) .

Family functions thus used to include production, ancestor worship, security, education, and financial support of the elderly and the dependent children. The modern family has abandoned these roles for three main reasons: first, general societal conditions have changed; second, the current Civil Law fails to support the traditional family system; and third, there is a growing trend toward the establishment of the nuclear family.

What then is the role of the family in today's Japan?¹⁷⁾ If the family has any function at all, it may be said to be recreational in nature – the relief

17) For example, Matsubara cites the following as the purposes of marriage: 1) to foster love between the two individuals; 2) to provide respite from societal obligations; 3) to build and improve the character of each partner; 4) to produce and raise offspring; 5) to preserve the well-established custom of marriage; and 6) to continue the family line (Jiro Matsubara, 1964. *Gendai no Kagaku. [Modern Family]*, Nikkei Shinsho, Paperback Pocket Edition, p. 217. Nihon Keizai Shimbun Sha).

of fatigue and stress when husband, wife, and children return home from work or school.

Even if most of the traditional functions have disappeared from the family, one final and foremost function must remain in place: procreation. Even the strongest society will eventually end without an adequate birthrate. On the other hand, society has seen the emergence of methods of artificial insemination, external fertilization, and surrogate births, and sperm and ova can now be refrigerated for long periods. Given these developments, the concepts of “parent” and “child” have become the subjects of debate and increasing legal scrutiny (Tadamasa Kobayashi, 1979. Taigai Juseizi to Jinko Juseizi. [In *Vitro Baby*], Current Legal Problems, p. 61ff. Hogakushoin; 1983. Shinzokuho. [*Family Law*], Examples of Civil Law, pp. 309-311. Jiyū Kokumin Sha).

As discussed above, members of today’s households enjoy considerable amounts of leisure time. Our task now is to determine how to make the best use of this leisure time and in the process to ensure that married life is as meaningful as possible. In doing so we must consider the ways in which marriage and marital law have evolved from ancient times through the medieval era to the modern day. At the same time we must each ask ourselves, on an individual basis, what we believe ought to be at the heart of a modern marriage.

Special Contribution

The Humanitarian Approach to Nuclear Disarmament

*Hubert Heiss**

Slide 1 Hiroshima Memorial Peace Memorial Kenotaph



Cenotaph for the atomic bomb victims, Hiroshima

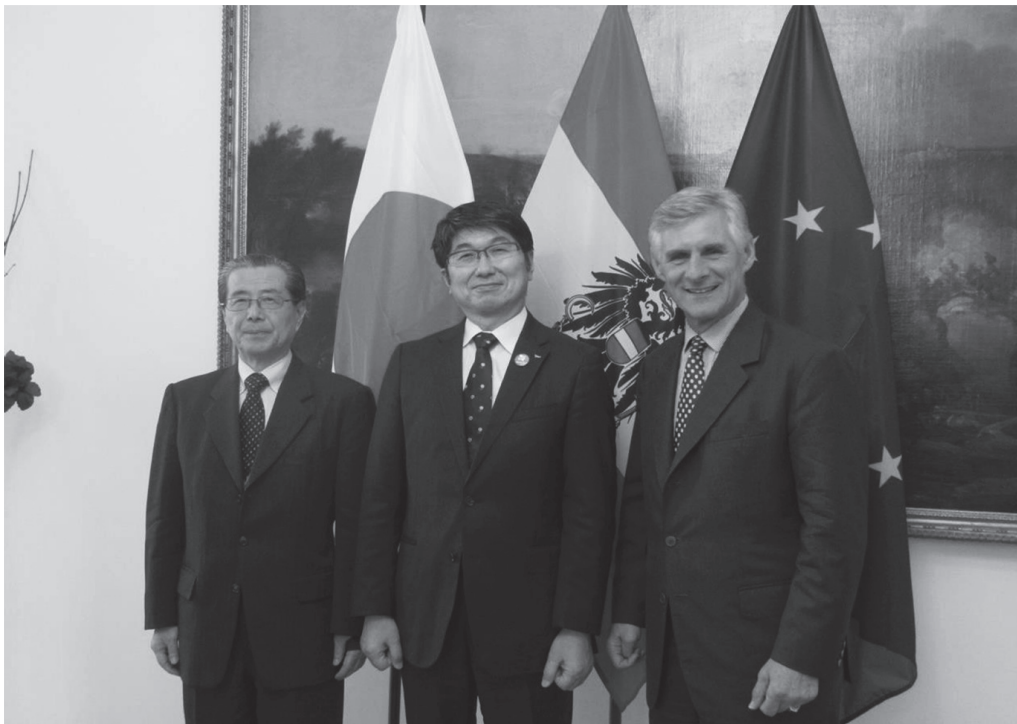
I am grateful for this opportunity to share with you some thoughts on nuclear disarmament in general, and about Austria's role in this important domain of international politics, as well as specifically on the new Treaty on the Prohibition of Nuclear Weapons.

Last August, among representatives from many other states, I participated on behalf of my country Austria in the commemorative events in Japan dedicated to the victims of the atomic bombings of Hiroshima and Nagasaki. Let me here express my sincerest respect for the victims of the

* Ambassador of the Republic of Austria

atom bombing. Their testimony has been extremely important to keep the memory of the terrible tragedy alive, inspiring the international efforts to achieve a world free from nuclear weapons. Everybody who makes him- or herself familiar with the record of that humanitarian catastrophe comes to the deeply felt conviction that never again humans must suffer what has been suffered by the people of these two Japanese cities.

Slide 2 Mr. Michael Linhart, Secretary General of the Austrian Ministry of Foreign Affairs with Mr. Yasuyoshi Komizo, Secretary General of Mayors for Peace, and Mr. Tomihisa Taue, Mayor of Nagasaki



Meeting of Secretary General Linhart with Yasuyoshi Komizo, Secretary General of „Mayors for Peace“ (left) and Mayor Taue of Nagasaki (centre), Vienna, May 4, 2017

This picture shows the Secretary General of Mayors for Peace, Mr. Yasuyoshi Komizo, and the Mayor of Nagasaki Mr. Tomihisa Taue at a meeting with the Secretary General of the Austrian Foreign Ministry, Ambassador Michael Linhart on May 4, 2017. The photograph illustrates that Austria and Japan have been working together closely on nuclear non-proliferation and disarmament. We look forward of course to continuing this cooperation for the sake of international peace and security in the future.

Unfortunately, more than seventy years after the atomic bombings of Hiroshima and Nagasaki, nuclear weapons still exist, and with them the risk to be used again.

The crisis around the nuclear and ballistic missile programme of the Democratic People's Republic of Korea has recently reminded the world that the danger of a nuclear confrontation is not a concern of yesterday. It is still with us today.

Austria has been consistent in condemning the Democratic People's Republic of Korea's nuclear and ballistic missile tests. These actions represent a serious threat to international peace and security, which is a cause for concern for everybody on this planet. Therefore we are very supportive of the current diplomatic activities being undertaken to find a peaceful and lasting solution to this issue. We call on the Democratic People's Republic of Korea to follow up the recent announcements regarding denuclearization with concrete, irreversible and internationally verified steps towards a complete dismantlement of their nuclear weapons, and a return to full compliance with applicable international law.

Slide 3 Alexander van der Bellen, Federal President of Austria



Federal President of Austria Alexander Van der Bellen receives ICAN Director Beatrice Fihn (background center) and ICAN Austria Director Nadja Schmidt (background left), Vienna, February 1, 2018

This picture shows the Federal President of Austria, Alexander van der Bellen, speaking at a meeting with representatives of the International Campaign to Abolish Nuclear Weapons on February 1, 2018.

As is stated in the current Work Programme of the Austrian Federal Government, the government is committed to continue in a consistent way its initiatives in the area of disarmament, arms control and non-proliferation of nuclear weapons, and its advocacy of a nuclear weapons free world.

This attitude has been long standing. Austria renounced the possession of nuclear weapons already in the State Treaty of 1955 restoring its sovereignty after the second World War, and then again by acceding to the Nuclear Non-Proliferation Treaty as a Non-Nuclear Weapon State in 1970. Austria has been an active member of the International Atomic Energy Agency (IAEA) and has ratified the Comprehensive Test Ban Treaty (CTBT). As the host state of both the IAEA and the Preparatory Commission of the Comprehensive Test Ban Treaty Organization, we do our best to support these international organizations in the conduct of their work. Besides, Austria is a member of a number of other international initiatives promoting nuclear disarmament and non-proliferation. Most recently, Austria has been among the most active supporters of the new Treaty on the Prohibition of Nuclear Weapons, to which I will return in a few minutes. According to the latest edition of the Hiroshima Report, of 36 states surveyed in 2017, Austria has come out top (ex aequo with New Zealand) when it comes to active promotion of nuclear disarmament.

Austria views nuclear disarmament primarily from the humanitarian point of view. The destructiveness of nuclear weapons is much greater than that of any other weapon. Indeed, it is out of proportion with any conceivable political or military objective. Remember that when we talk about thermonuclear (hydrogen) bombs, there is virtually no physical limit to the amount of explosive energy which can be created. Any use of nuclear weapons would have catastrophic humanitarian consequences. The destructiveness of the bombs used against Hiroshima and Nagasaki was small in relation to that of the nuclear warheads which are available today. As the world had to witness in 1945, the immediate impact of a nuclear explosion is overwhelming. In addition, secondary effects like the dispersion of radioactive particles lead to significant long term damage far beyond the zone of immediate destruction. This explains why a nuclear war involving a series of nuclear explosions threatens the survival of humankind as a whole. Nuclear war is the number one existential threat humanity is facing today.

This point illustrates the important fact that the humanitarian approach

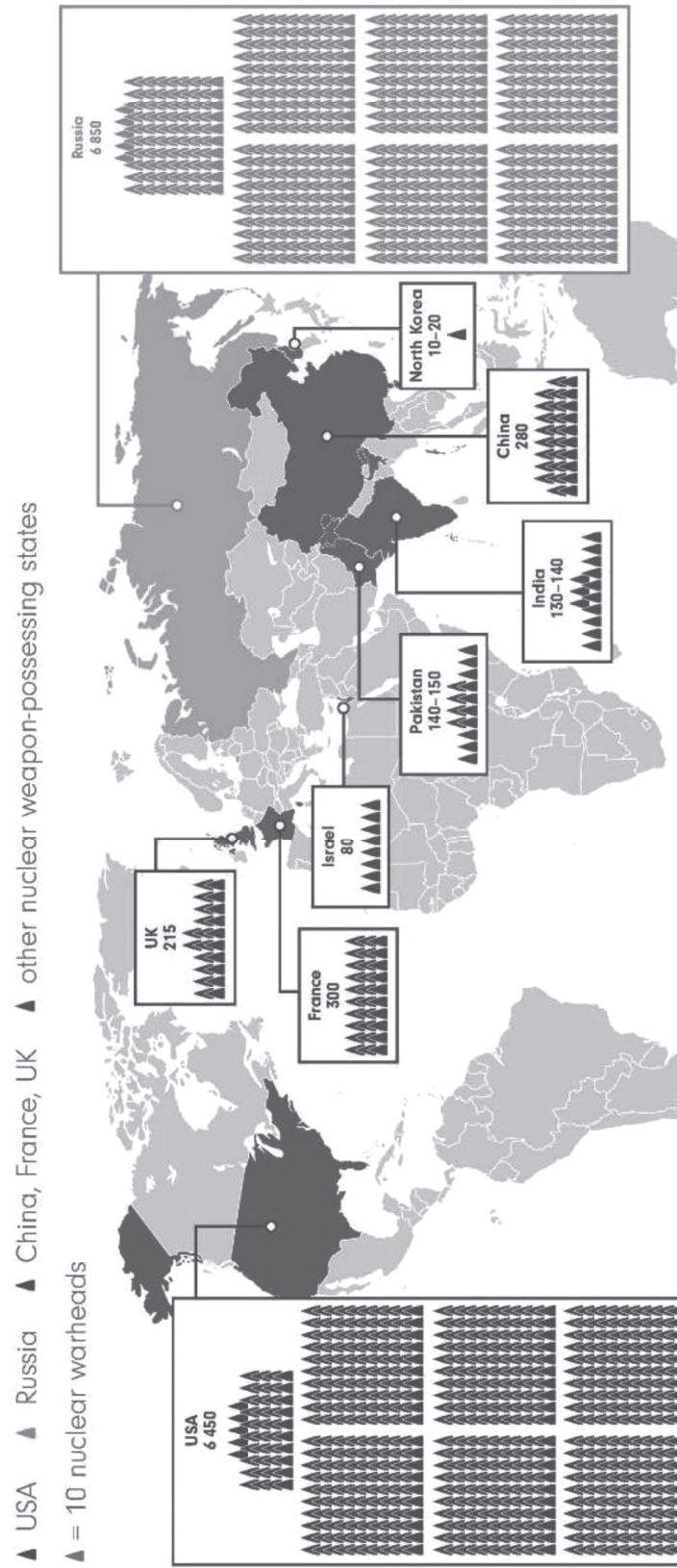
to nuclear disarmament is fundamentally about security. The security of a state is ultimately the security of its people. These two dimensions: human and state security, cannot be seen in isolation from each other. Should a state decide to use nuclear weapons against another state, some of the grave consequences will inevitably fall back on its own population, through nuclear retaliation, through wide area secondary effects like radioactive contamination, or in other ways. From this point of view, nuclear weapons are not a security asset, but rather a security liability. Notwithstanding the fact that some states continue to rely on nuclear weapons for their security: The world and we all would be much safer without them.

Slide 4 global stocks of nuclear weapons 2018

As long as nuclear weapons exist, the risk of nuclear war remains. This risk is represented by currently approximately 14.500 nuclear weapons globally, held by nine states. The picture shows which states hold how many nuclear weapons at the beginning of 2018. The Bulletin of American Scientists recently assessed that today, the danger of a nuclear confrontation is higher than it has been for decades.

As the case of the Democratic People's Republic of Korea shows, in order to contain the risk of a use of nuclear weapons one urgent necessity is that we all must work much harder to prevent further states from acquiring nuclear weapons in the future. It is clear that risk increases with the number of actors. This is why non-proliferation is a top priority on the international agenda.

While the Democratic People's Republic of Korea still has to deliver substantive steps towards denuclearization, there is another recent case where important progress on the ground has already been achieved. I am referring to the Joint Comprehensive Plan of Action (JCPOA) concluded with Iran in Vienna in 2015. The JCPOA is designed to make sure that the Iranian nuclear programme serves exclusively peaceful purposes. The agreement provides, in our view, a solution for a specific proliferation concern, as well as a model for dealing with other such situations. With regard to the regrettable decision of one of the partners to the JCPOA to withdraw, Austria fully supports the efforts of the remaining partners to continue its implementation. In particular, we call on Iran to continue to honour its commitments under the deal, as the country has been doing so far, according to the authoritative judgment of the IAEA. Upholding the JCPOA is crucial for preventing the spread of nuclear weapons in that region of the world, which is already now plagued by tension and conflict more than many other parts



Global stocks of nuclear weapons at the beginning of 2018, source: SIPRI

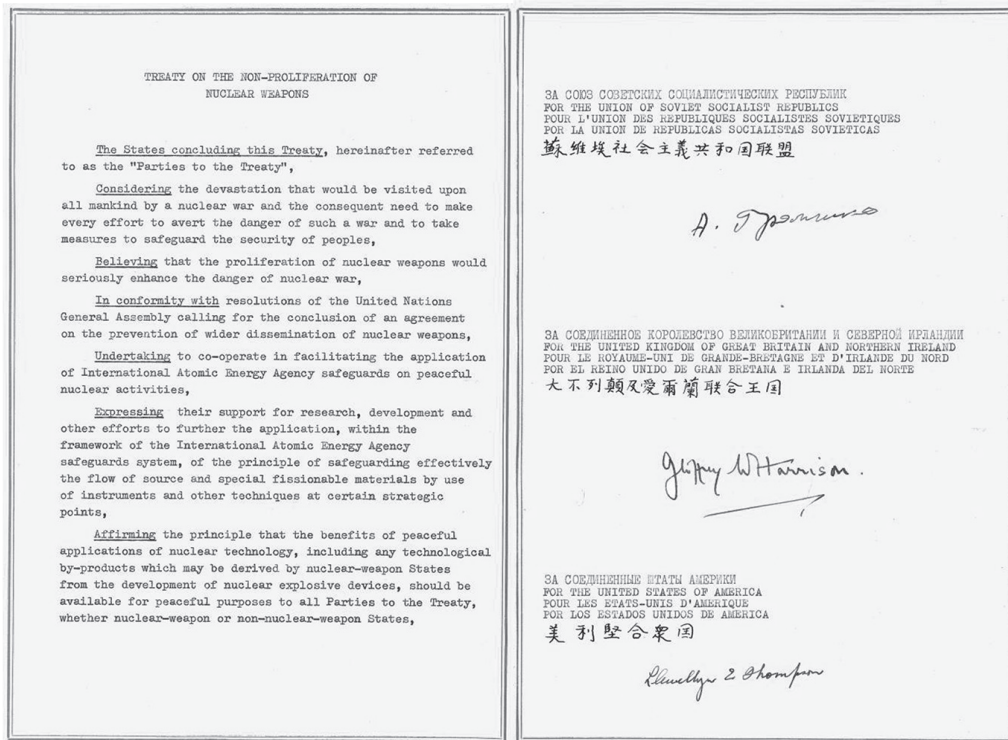
of the world.

All states currently possessing nuclear weapons certainly want to avoid using them. The awareness is high that any use would inevitably have grave consequences not only for the target, but also for the author of an attack. But this does unfortunately not exclude that nuclear weapons may be used nevertheless. A fatal miscalculation or an accident can never be ruled out. Let me illustrate. About a year ago, in Russia a man called Stanislav Petrov passed away. One night back in 1983, Petrov happened to be the duty officer at a military surveillance station in the vicinity of Moscow, when the radar suddenly reported that the US had launched a nuclear attack against the USSR. According to his instructions, Petrov should have immediately reported to his superiors, who would then most likely have ordered retaliation. Luckily, Petrov decided that the alarm was false, and did nothing. As it turned out later, the radar had indeed mistaken sunlight reflected by clouds as US missiles. Had Petrov acted according to the rules, we all would probably not be here today. There were other similar incidents in the past where nuclear war almost broke out although nobody wanted it. Who can guarantee that there will not be similar incidents in the future? Missiles travel very fast. When decision makers receive the first warning of an attack, reaction time is desperately short, so the risk to commit a fatal mistake is high.

Another risk is the possibility that non-state actors might acquire nuclear weapons, or access to them for instance by hacking into the electronic command and control systems. Today, despite significant non-proliferation achievements, both the nuclear material and the technical knowledge to build a bomb have become widely available. Unlike states, terrorists are likely to be unimpressed by possible retaliation, and therefore less restrained to actually use these weapons, should they get their hands on them.

So the overall conclusion remains: A considerable risk is inherent in the very existence of nuclear weapons. The only way to remove it is complete nuclear disarmament.

Slide 5 Non Proliferation Treaty



Nuclear Non-Proliferation Treaty, first page and page with the signatures of Foreign Minister Gromyko (USSR) and Ambassadors Harrison (UK) and Thompson (US)

This is of course not a new thought. The need for the elimination of nuclear weapons has long been acknowledged. In a way, these weapons were understood to pose an existential problem even before they were developed. In his novel "The world set free" published in 1914, Herbert G. Wells predicted the atomic age with remarkable political insight. The novel culminates in a catastrophic nuclear war. In the aftermath, world leaders agree that complete nuclear disarmament is the only way to ensure the survival of mankind. The question today is whether we will be wiser than the heroes of that novel and get rid of nuclear weapons before having to go through World War III.

This picture shows the first page of the Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-Proliferation Treaty, NPT) adopted in 1968, as well as the page with the signatures of Soviet Foreign Minister Gromyko, and Ambassadors Harrison of the UK and Thompson of the United States. Importantly, the treaty which is currently adhered to by almost all states, among them five of the nine states possessing nuclear weap-

ons (US, Russia, United Kingdom, France, China), establishes the objective of a nuclear weapon free world in international law, and contains an obligation for nuclear disarmament in its article VI.

The Nuclear Non-Proliferation Treaty is often described as a bargain. One group of states, the majority of the so-called Non-Nuclear Weapon States, renounces nuclear weapons. The other group, the minority of the so-called Nuclear Weapon States, commits to disarmament of their national arsenals. While this notion of a bargain is true in a sense, it may suggest a false dichotomy. Austria, for instance, as a Non-Nuclear Weapon State has never felt that she has sacrificed anything valuable for herself by renouncing nuclear weapons. On the contrary, it is in our own national security interest not to possess them, even in a situation where a number of other states do. Total elimination as the goal is not contested; differences of view persist about how to get there. The issue is to preserve stability during the difficult transition period from the status quo to global zero, and to adapt the international security system to the circumstance that nuclear weapons no longer exist.

The Nuclear Non-Proliferation Treaty reflects the important consideration that disarmament and non-proliferation of nuclear weapons are inseparable from each other. In order for states possessing nuclear weapons to disarm it is important that they can be confident that proliferation to additional states does not take place. On the other hand, states currently not possessing nuclear weapons will feel less tempted to acquire them, if the Nuclear Weapon States finally stop justifying their possession with security considerations, and instead start engaging in serious disarmament measures.

This is not to say that in the fifty years since the adoption of the Nuclear Non-Proliferation Treaty, some important progress on nuclear disarmament has not been achieved.

Indeed, since the culmination of the Cold War, the global stocks of nuclear weapons have been reduced from around 70.000 to approximately 14.500, or by roughly 80 percent. These days, two important US-Russian bilateral agreements are particularly often mentioned. One is the so-called new Strategic Arms Reduction Treaty (START) which led to a further reduction of the strategic delivery systems of both sides. The other is the Intermediate Range Nuclear Forces (INF) Treaty which had led to the elimination of a whole class of nuclear weapons. We hope very much that the important progress achieved by these and other past disarmament agreements can be maintained and expanded. However there is currently reason for doubt on

this count. It is unclear whether the two contracting parties will prolong the new START treaty after its expiry in 2021, or agree on a successor agreement. There have been issues regarding compliance with the INF Treaty, and recently the announcement of one party to withdraw from the treaty. And beyond the US and Russia, there are of course other Nuclear Weapon States which keep building up their arsenals.

So past disarmament achievements notwithstanding, large numbers of nuclear weapons still exist today. They continue to be central to the strategic planning of all states possessing them. While overall stocks are significantly smaller than they were at the peak of the Cold War, there are still more than enough nuclear weapons available to wipe out humanity several times over.

Also, we currently observe a slowdown of numerical reductions, along with expensive modernisation programmes being pursued by the Nuclear Weapon States. This trend is worrying as the qualitative build-up of nuclear capacities further exacerbates mistrust between the nuclear powers and puts an additional burden on their relations with each other. Nuclear modernisation is also of concern as an indication that at least in the view of the Nuclear Armed States, these weapons are here to stay. The current trend towards smaller, more usable nuclear weapons undermines the nuclear taboo not to use nuclear weapons in war, which has held since 1945.

This development is driven by the idea that nuclear war can be somehow contained and “won”. This is certainly a highly risky assumption, and in our view even a dangerous illusion.

In contrast to these developments, both the grave risks attached to nuclear weapons, and the aspirations and legal obligations enshrined in the Nuclear Non-Proliferation Treaty call for much more determined efforts for nuclear disarmament, than are presently being undertaken.

Slide 6 Treaty on the Prohibition of Nuclear Weapons result of vote

This is the firm view of Austria but also of a large majority of the world's states. 122 states have voted in favour of the adoption of the new Treaty on the Prohibition of Nuclear Weapons. (TPNW). The picture is a screenshot from the vote which was conducted in conclusion of the negotiations in New York on July 7, 2017.

The substantive core of the new treaty is a comprehensive prohibition of nuclear weapons. Indeed the Treaty on the Prohibition of Nuclear Weap-

Voting Ended		7/7/2017		10:47:53 AM	
Item 9, A/CONF.229/2017/L.3/Rev.1					
Draft treaty on the prohibition of nuclear weapons					
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IN FAVOUR: 122		AGAINST: 1		ABSTENTION: 1	

Treaty on the Prohibition of Nuclear Weapons
 result of the vote on the negotiated text, New York, July 7, 2017

ons has closed a legal gap by placing them in the same category as other weapons of mass destruction, which have been outlawed for the same fundamental reason. Like chemical and biological weapons, nuclear weapons constitute an unacceptable means of warfare. Importantly, the International Court of Justice found already in 1996 that any use of nuclear weapons would generally violate International Humanitarian Law, providing a solid legal point of departure for the Treaty on the Prohibition of Nuclear Weapons. In particular, rules of International Humanitarian Law such as the necessity to spare civilians and civilian objects from the impact of an armed attack, to observe a proportionality between such impact and the military objective being pursued, or to avoid excessive or superfluous suffering, would certainly be violated by any nuclear weapon use, due to the exorbitant destructiveness of these weapons.

Slide 7 Foreign Minister Kurz signs the Treaty on the Prohibition of Nuclear Weapons



Foreign Minister Sebastian Kurz signs the TPNW, New York, September 20, 2017

This picture shows Austria's then foreign minister and current head of government Sebastian Kurz signing the Treaty on the Prohibition of Nuclear Weapons in New York on September 20, 2017. The new treaty will enter

into force once 50 states have ratified it. Austria has ratified the Treaty on the Prohibition of Nuclear Weapons on May 8 this year. Currently we have 69 signatures and 19 ratifications. In view of the fact that the new treaty has been open for signature only for little more than a year now, this is a remarkable pace. As a matter of fact, signatures and ratifications of the Treaty on the Prohibition of Nuclear Weapons are accumulating faster, than has been the case for other multilateral disarmament treaties.

The broad overall support for the new treaty sends a powerful message where the majority of the world's states stand on the question of nuclear disarmament. This message is essential to create momentum for further nuclear disarmament in a situation where the Nuclear Weapon States unfortunately seem to be moving in the opposite direction.

Slide 8 Nobel Peace Prize awarded to ICAN



Award of the Nobel Peace Prize to the International Campaign to Abolish Nuclear Weapons (ICAN), Oslo, December 10, 2017,
from left to right: Berit Reiss-Andersen, Chair of the Nobel Peace Prize Committee; Setsuko Thurlow, Hibakusha and Peace Activist; Beatrice Fihn, Director of ICAN International

The significance of the Treaty on the Prohibition of Nuclear Weapons has also been acknowledged by the decision of the Norwegian Nobel Peace Prize Committee to award the prize in 2017 to the International Campaign to Abolish Nuclear Weapons (ICAN), the civil society movement which had been a crucial partner in bringing the treaty into existence. The picture shows Setsuko Thurlow, a victim of the atom bombing and peace activist,

with Beatrice Fihn, director of ICAN international, and with the chair of the Nobel Peace Prize Committee Berit Reiss-Andersen on the occasion of the presentation of the award in Oslo on December 10, 2017.

With regard to the new treaty, some countries have voiced reservations. Japan is among them. I am not here to lecture other countries, but I would like to use this opportunity to comment briefly on some of the reasons why some states might still be sceptical about the Treaty on the Prohibition of Nuclear Weapons today.

First of all, the Treaty on the Prohibition of Nuclear Weapons is clear in its rejection of nuclear deterrence. This is not surprising because in a world free from nuclear weapons, which is the overarching objective of the treaty, there can be logically no place for nuclear deterrence. So we may say that a state's attitude towards nuclear deterrence determines to a large degree how this state stands towards the Treaty on the Prohibition of Nuclear Weapons. Let me therefore insert at this juncture a few comments on deterrence.

Slide 9 Pope Francis



Pope Francis (centre) with attendants of the conference „Prospects for a World free from Nuclear Weapons and for Integral Disarmament”, Vatican, November 10 and 11, 2017

This picture shows Pope Francis together with attendants of the “Conference on the Prospects of a World Free from Nuclear Weapons and on Inte-

gral Development”, which was held in the Vatican on November 10 and 11, 2017. On the occasion of the meeting, the Pope assessed nuclear deterrence from the point of view of the Catholic Church. His words may be taken as a reflection of a near universal human sentiment that there is something fundamentally flawed about nuclear deterrence. He said: “International relations cannot be held captive to military force, mutual intimidation, and the parading of stockpiles of arms. Weapons of mass destruction, particularly nuclear weapons, create nothing but a false sense of security. They cannot constitute the basis for peaceful coexistence between members of the human family, which must rather be inspired by an ethics of solidarity”.

The sentiment expressed can be substantiated with a number of more specific arguments. One argument looks critically at the view that the absence of military conflict between the US and the USSR during the Cold War is a beneficial result of, and justification for, nuclear deterrence. The objection here is that it seems difficult to think of a positive reason either adversary may have had to attack the other in the first place. Apart of course from the desire to eliminate the nuclear threat represented by the rival. So during the Cold War, nuclear weapons could be seen to have been, in a circular fashion, not only the solution, but also the problem which they were supposed to solve. That is what US president Ronald Reagan meant when he once wondered: “If the only reason for nuclear weapons is to prevent other nuclear weapons from being used, would it not be better if there were no nuclear weapons at all?” The case illustrates the difficulty to prove that nuclear deterrence has actually worked in the sense that it has prevented war. The answer to this open question depends on how one interprets the historical record which is ambiguous on that count.

On the debit side of the balance sheet, there are characteristics and effects of nuclear deterrence which are clearly negative. First of all, there is no conceivable moral justification for killing hundreds of thousands, or even millions of people with a single push of a button. If warfare is to be subject to any ethical standards at all, then not to use nuclear weapons certainly tops the list.

Politicians often feel uneasy about moral arguments. But below the ethical level, additional problems with nuclear deterrence exist. The strategy breeds intense mistrust and hostility between the nuclear armed states. It is thus the major obstacle for the development of friendly and cooperative relations among themselves. Also, nuclear deterrence is inherently unstable, despite of it being often referred to as “strategic stability”. Instead of accepting to be under the threat of nuclear annihilation, which a relationship

of durable nuclear deterrence would require, states understandably attempt to remove this sword of Damocles hovering over them. For instance by developing missile defence, which in turn prompts the adversary to develop even more powerful missiles to be able to overcome that defence. The result is a vicious circle known as arms race.

Then there is the economic cost of nuclear deterrence. Article 26 of the UN charter recognizes the need to ensure the maintenance of international peace and security with the least diversion of the world's economic and human resources to arms. Holding nuclear arsenals is very expensive. Phasing out nuclear deterrence would free up vast resources for achieving the sustainable development goals agreed at the UN level to which we are all committed. Given that the root of conflict is often a lack of socioeconomic development, spending money on such development would yield a better return on investment also in terms of international peace and security, than investing it in nuclear weapons.

My final remark on the issue of deterrence is that there is of course always the risk that the strategy fails. The downsides of the strategy which I mentioned would not be important if nuclear deterrence provided an absolute guarantee against nuclear war. But it does not. On the contrary. I mentioned the case of Stanislav Petrov earlier. Paradoxically, in that case exactly the application of the logic of deterrence would have resulted in nuclear war. It was by denying this logic, not by accepting it, that Petrov prevented the catastrophe.

To sum up, Austria believes that the risk inherent in nuclear deterrence is unacceptable in view of the catastrophic humanitarian consequences any use of nuclear weapons would bring. The availability of alternatives is demonstrated by the fact that the large majority of the world's states do not possess nuclear weapons, and apparently do not miss them. Of course, for those states which so far have been relying on nuclear deterrence, to reject nuclear weapons requires a major shift in their security thinking. So while such a change is of course possible in the future, we remain realistic that it will take time to emerge.

Returning now to the discussion about the Treaty on the Prohibition of Nuclear Weapons, this latter argument takes care, to a degree, of the view that the Treaty on the Prohibition of Nuclear Weapons is irrelevant because no state possessing nuclear weapons has indicated so far an intention to accede to it. I agree with the expectation that for this reason, in the short term the Treaty on the Prohibition of Nuclear Weapons will not as such eliminate nuclear weapons. But the current lively international debate about the

Treaty on the Prohibition of Nuclear Weapons is proof that the new treaty is not irrelevant at all. Rather it is already doing something very important: it is changing significantly how the world thinks and talks about nuclear weapons. If and when a Nuclear Weapon State will come to the conclusion in the future that it does not need nuclear weapons for its security any more, the Treaty on the Prohibition of Nuclear Weapons will be in place to provide a multilaterally agreed pathway how to disarm.

It is important to point out that the Treaty on the Prohibition of Nuclear Weapons is fully in line with the existing international nuclear disarmament and non-proliferation architecture with the Nuclear Non-Proliferation Treaty at its core. Indeed, the negotiators of the Treaty on the Prohibition of Nuclear Weapons were very careful to make sure that the new treaty would complement and strengthen the Nuclear Non-Proliferation Treaty, much in the same way as the Comprehensive Test Ban Treaty does.

There is also the view that time is not ripe for a legal prohibition of nuclear weapons. That a prohibition should come towards the end and not at the beginning of a comprehensive nuclear disarmament process. Experience has shown, however, that successful disarmament processes have regularly started with prohibitions. Cases in point are the biological and chemical weapons conventions, as well as the conventions against antipersonnel mines and cluster munitions. In all these cases, prohibition treaties were brought into force first, and then the disarmament process was conducted. There is no *a priori* reason why this successful approach should not be applicable to nuclear weapons as well. Inversely, there is no historical example of any category of weapons being eliminated without the stimulus of a legal prohibition being in place to start with.

Where do we go from here? The Treaty on the Prohibition of Nuclear Weapons is on its way to entry into force, establishing itself as an important component of the international nuclear disarmament and non-proliferation architecture.

The Treaty on the Prohibition of Nuclear Weapons is not the end and not the ultimate solution to the complicated problem of nuclear disarmament. It does not require a State Party unrealistically to disarm completely immediately. Rather, we see the Treaty on the Prohibition of Nuclear Weapons as a first and necessary step of a process of achieving and maintaining a world free from nuclear weapons, which will have to be accompanied and followed by many other steps. In this way, the Treaty on the Prohibition of Nuclear Weapons is fully in line with the philosophy underlying the so-called step by step approach for nuclear disarmament enshrined in the final

documents of the Nuclear Non-Proliferation Treaty Review Conferences of 2000 and 2010. But the lack of progress in implementing the Nuclear Non-Proliferation Treaty obligations and commitments regarding disarmament has discredited the so-called step by step approach as traditionally understood. By putting the legal prohibition upfront, the Treaty on the Prohibition of Nuclear Weapons represents a chance to reset the whole process and make it work.

Another track on which Austria will remain strongly engaged is the review process of the Nuclear Non-Proliferation Treaty. Over the last fifty years, the Nuclear Non-Proliferation Treaty has made essential contributions to international peace and security. Nevertheless, the treaty is under strong pressure today. One of the reasons for this is of course the lack of implementation of Article VI containing an obligation for nuclear disarmament. We wish to contribute to making sure that the Nuclear Non-Proliferation Treaty will continue to be the firm core of the international nuclear disarmament and non-proliferation regime in the future.

Slide 10 United Nations Secretary General Guterres in Nagasaki



United Nations Secretary General Antonio Guterres visits the Atomic Bomb Museum in Nagasaki, August 8, 2018

My last picture shows United Nations Secretary General Antonio Guterres during his recent visit to Nagasaki. In his disarmament agenda

“Securing Our Common Future” released earlier this year, the United Nations Secretary General has reaffirmed that “the total elimination of nuclear weapons remains the highest disarmament priority of the United Nations”, and that he “remains fully committed” to this objective and “calls on Member States to revitalize their pursuit of this goal without delay.”

More than seventy years have passed since the catastrophe of Hiroshima and Nagasaki. Nuclear weapons still exist. But they have not become an accepted means of warfare, and they have spread only to a handful of countries. The Treaty on the Prohibition of Nuclear Weapons is the latest proof that the overwhelming majority of states reject nuclear weapons and are not prepared to go along with the status quo. The fact that after 1945 nuclear weapons have not been used is due to the fact that these weapons are cruel and inhumane in the extreme, but also to the recognition that their use would not serve any conceivable political or military purpose. Unfortunately, however, the course of human history has not always been guided by reason and good sense. So the fundamental irrationality of nuclear weapons does not necessarily mean that they will never be used again. On the contrary, the rules of probability suggest that the longer these weapons continue to exist, the greater becomes the risk that they someday will. This is why it is urgent today to draw the conclusions of the atomic age, and to join forces to get finally rid of nuclear weapons once and for all. We owe this to the victims of Hiroshima and Nagasaki, as well as to our children and grandchildren. Austria will continue to contribute to the best of her abilities to this important cause.

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