4 The ideal, the deficient, and the illogical family

An initial typology of administrative household units

Karl Jakob Kroghness

The boundaries of the Japanese family are widening, but no matter how the citizens of Japan might organize themselves socially, they are also organized within administrative household units. The administrative household registration system, or koseki seido, configures administrative household units that often differ from the actual social family. It is not unusual for a state’s registration scheme for delineating administrative households to create units that differ from the registrants’ actual living arrangements and subjective sense of family. Still, the case of the Japanese system is intriguing because the Japanese registrants tend to attribute subjective meaning to the administrative “family” that is outlined on their family registry. The officially registered administrative household of which they are members and the group they consider to be their day-to-day family both exist as parallel, meaningful manifestations of family and each of these representations contribute significantly to the individual construction of legal and social identity. Penetrating into and controlling the life of every Japanese in a fundamental way (Sugimoto, 2010: 156), the koseki system creates a strong “koseki consciousness” that pre-consciously guides the registrants’ life choices and thereby how they structure their family, administratively as well as socially.

This chapter explores this subjective relationship to the administrative household by detailing the formation of, and the meanings attached to the three main types of administrative households, or “ko” units, that are compiled as adult children leave their parental koseki. This initial exploration will focus on the point where Japanese women and men first establish their own koseki. The modern Japanese koseki system is an extremely complex phenomenon that has not yet been addressed rigorously by research outside of Japan. Within the scope of this article I can only provide a brief introduction to the history, functions and structure of the koseki system, and merely suggest how this system structurally provokes a subjective response among its registrants.

The modern koseki system

Comprehensive and nationwide administrative household-based registration of the population of Japan was first introduced from China with the Taika
Reforms (645–650 CE). This ancient koseki system soon fell into disuse, but in the Edo period (1600–1868) household registration was revived. At that time various types of household-based registration systems emerged, each gaining regional characteristics as well as influencing each other. Collectively these various Edo-era registers are referred to as Religious Affiliation Census Records (shamon ninbetsu-cho). In 1871, soon after the 1868 Meiji Restoration, a comprehensive and nationwide koseki system was enacted for the second time. Imperial Edict No. 170 proclaimed that a nationwide compilation of registers was to be carried out within a few months, beginning 1 February 1872. This first modern koseki legislation was essentially an incomplete sketch of a new system for recording the Japanese population by household unit in the localities where they lived, and it would in the process create a register of the new Japanese nation (kokumin). The new system clearly evolved from the existing Edo-era registration regimes but it also differed by comprehensively registering the people as one.

From the day of its enactment, this system underwent changes and by 1886 it largely found its current form. Koseki registration was for the Meiji state an exceedingly important tool for establishing and maintaining a new social order. Koseki structured the population uniformly within discrete administrative household units and categorized each member as either a household head or a house member under the household head's control. Koseki was fine-tuned over the almost three decades it took the Meiji state to formulate the Meiji Civil Code. This Civil Code was promulgated in 1898 along with a newly revised 1898 Koseki Law. These two legal instruments had now become—and remain today—closely interrelated in terms of family law. Where the Civil Code provided substantive family law (Book IV “Family” and Book V “Inheritance” in the present Code), stipulating the legal basis for family relations and these relations' attendant rights and duties, the Koseki Law was the procedural law stipulating the procedures necessary to establish and change family relations.

The Meiji Civil Code was mainly patterned after the French and German civil codes. The Code Napoléon incorporated both the substantive and procedural aspects of family law, with the procedural section constituting, essentially, an individual civil status register. In order to become a modern nation state on a par with European states, Japan needed both a civil code and an individual civil status register. However, the Japanese law-makers decided to place the procedural legal sections within the 1898 Koseki Law. For this reason individual civil status data are gathered today by household unit.

Before 1898, then, the Koseki Law was akin to a civil status register. Given the rudimentary 1871 edict, local koseki administrators applied inventiveness to properly register households and from these inventions emerged a finely structured framework for registering the modern Japanese family (Fukushima, 1959). The Koseki Law came to outline an administrative model of the family and this, in turn, provided the blueprint for the structure of the institutional family, or "ie" system introduced by the 1898 Civil Code: The institutional "ie" is thus based on the koseki system that took form before 1898 and its ko unit was projected into the Civil Code as "ie" (Toshitani, 1987: 148; Toshitani, 1979: 99).

It is well known that the institutional ie was abolished with the post World War Two legal reform of the Civil Code in 1947. At this juncture also the Koseki Law was thoroughly reformed, turning the ko unit into a two-generational household. These changes notwithstanding, the basic structure of the ko unit has remained stable from Meiji until today. This means that the ko unit with its continual adaptations underpinned ie from 1898 to 1947, just as it now underpins the current two-generational family. The ko unit is, for this reason, a significant analytical tool for examining the modern family, both in its pre- and its post-war guises. The following are the characteristics of the ko unit that have remained stable since Meiji.

First there is the structure of the ko unit. It is indexed by location and by the first registrant (see section A in Figure 4.1 which shows the post-war koseki document). In the registers compiled in 1872, the location was the physical dwelling of the family, but this location was conceptualized into honseki-chi (original registry location, institutionalized in 1898), which simply denotes the administrative location of the koseki document itself. The second index is the full name of the first registrant, who under the pre-war system was termed "household head" (koshu) and today "first registrant" (hitotsha). Individuals within a ko other than the first registrant are termed house members (kazoku). (As a ko unit requires a first registrant, a ko unit compiled for one person has no house members.) Second, there is the notification system by which data on the ko unit enters the register. Notifications are submitted by the ko unit itself so ko unit members can via notifications control the data that enters their register and thus shape their particular ko unit. Finally there is the principle of public access. In order for the koseki system to function as an individual civil status register that not only records but also can provide documentation, copies of koseki registers and koseki notifications have since 1898 been generally accessible to the public. This access has, however, gradually been tightened, especially since the 1970s.

These three general principles for organizing, collecting and using individual civil status data are all stipulated within the Koseki Law. These are, importantly, also three of the five fundamental principles that underpinned the legal basis for the pre-war ie (Wada, 1996). The remaining two principles—the authority of the household head and the right of primogeniture—were stipulated in the 1898 Civil Code, and it is their post-war abolition which is generally said to represent the demise of the ie system. But a closer look at the koseki system reveals that the legal basis for materializing central aspects of the pre-war ie unit remains in place today.

Throughout the modern period, then, the koseki system has provided the citizens of Japan with structure, agency and visibility—that is to say, a sense of identification with their administrative household unit, a sense that this unit can be shaped and a sense that it is potentially subject to judgment by others. As Wagatsuma Sakae (1897–1973), the legal scholar who was in charge of the post-war legal revisions of the Koseki Law, noted two decades later: 'When individuals are entered onto the same sheet of paper they tend to think that they form a particular group. They consider their koseki's first registrant to be the group leader. They do not, unfortunately, merely see koseki as an expedient legal device' (Wagatsuma, 1969: 58).
register or change of registered location (honseki). Section B2 lists data relevant to its individual registrants, such as dates of birth and death, marriage and divorce. The first registrant is in this example followed by his wife and son. If the first registrant is not married, the second registrant can be a child. The right part of section B2 (the lower part in the Japanese layout) indicates the personal name of each ko unit registrant and on either side of this the date of birth, the parental relations and birth order. Registrants who are deleted from the register are crossed out with two thin red lines that render the crossed-out data legible. In this example the first son Masao was deleted as a result of the submission of a marriage notification. Individual civil status data on each registrant is entered in the items column above the individual in question. Other reasons for deletion can be, for example, divorce, adoption, disappearance or death. The data in the items column also include the indexes of koseki that the individual has arrived from or has departed for. We see here the honseki index of Masao’s new conjugal koseki and we are informed that he is that register’s first registrant. With these two indexes Masao’s parents, for example, can obtain whole or partial copies (koseki tōhon or koseki shōhon) of their son’s conjugal koseki. Such koseki copies are used to document one’s birth, for example. A full copy would reveal the data on the whole ko unit, but also a partial copy would include more than the birth data. It would include the ko unit’s index section (A) and the part of section B2 that pertains to the individual in question.

Figure 4.1 A parental koseki after a son’s notification of marriage.
Note: F: Father; M: Mother; B: Date of birth.

The current koseki document

We will now look more closely at the elements of the koseki document. Returning to Figure 4.1, the koseki document can be divided into two parts: index and data. Where section A contains the document’s two aforementioned indexes, sections B1 and B2 respectively contain data on the register as such and on each of the registrants. Data in section B1 are, for example, date of the establishment of the

<table>
<thead>
<tr>
<th>Register</th>
<th>Father</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>father's notification of birth 24 same month</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to Nakai Mitsuko</td>
<td>3 May 1939</td>
<td></td>
</tr>
</tbody>
</table>

Categories of “new koseki”

New koseki documents are continually drawn up (e.g. upon marriage) and existing koseki are deleted (e.g. when the last registrant dies or a new honseki index is chosen). The newly drawn-up koseki are here called “new koseki.” Referring to Table 4.1, we see that 1,184,923 such new koseki were drawn up in Fiscal Year (FY) 2005 (Hōmushō, 2006: 392). New koseki can be further divided into three categories; here provisionally named “initial new koseki,” “first post-parental new koseki” and “subsequent new koseki.” Our focus will be the second category but for the sake of clarity I will briefly describe all three categories. “Initial new koseki” are registers that are established for the purpose of registering individuals within the koseki system for the first time. This category is somewhat rare because most Japanese enter their parents’ already existing register as a result of the notification of birth. Examples of initial new koseki are registers
Table 4.1  Estimate of number of 'new first post-parental koseki' by notification type for FY2005.

<table>
<thead>
<tr>
<th>New koseki</th>
<th>1,184,923</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>New first post-parental koseki by notification type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marriage notifications</td>
<td>605,302</td>
<td>51.1%</td>
</tr>
<tr>
<td>Birth notifications</td>
<td>16,931</td>
<td>1.4%</td>
</tr>
<tr>
<td>Bunseki notifications</td>
<td>18,878</td>
<td>1.6%</td>
</tr>
<tr>
<td>New first post-parental koseki in total</td>
<td>641,111</td>
<td>54.1%</td>
</tr>
</tbody>
</table>


compiled for newly naturalized citizens or for Japanese citizens who for some reason have not been properly registered or whose registration is unknown (e.g. foundlings).

The second category, 'first post-parental new koseki' (hereafter 'post-parental koseki'), refers to koseki compiled for individuals when they leave their parental koseki for the first time. The post-parental koseki are of four types and they can arise from one of four kinds of notifications: marriage, birth, adoption and registry separation (bunseki). The vast majority leaves their parental koseki as a result of marriage notifications. It is a general koseki principle that a couple, upon submission of a marriage notification, becomes first registrant and spouse in their own registry. The couple must specify on their marriage notification form the first registrant, and if the one chosen is marrying for the first time (i.e., is still residing in his/her parental koseki), the resulting conjugal koseki would belong to our post-parental koseki category. In FY 2005 there was a total of 739,978 marriage notifications and of these about 605,302 notifications produced new koseki (Koseirodoshō, 2007; Hōmushō, 2006: 391).4 Marriage thus accounts for about 51.1 per cent of all new registers.

The post-war koseki's administrative ko unit is limited to two generations – the conjugal couple and their children bearing the same surname (ujō). Therefore new koseki are also established for unmarried children (i.e., persons who are still registered within their parents koseki) who become parents via birth or adoption. Adoptive post-parental koseki will not be treated here, however.5 The law stipulates that a notification of birth for an extra-marital child is to be submitted by the birth mother. If she is an unmarried mother, who is still within her parental koseki, the birth notification triggers the compilation of a new koseki for her and her first-born child. A very rough and somewhat involved calculation based on Ministry of Health, Labour, and Welfare statistics on births and birth by legitimacy for 2004 and Ministry of Justice statistics on birth notifications for FY 2005 suggests that in FY 2005 there were about 16,931 birth notifications for first-born non-legitimate children (Koseirodoshō, 2006; Hōmushō, 2006: 391). This means that birth notification-derived post-parental koseki would account for about 1.4 per cent of all new koseki.6 Legal adults may separate from their parental koseki by using the bunseki procedure. This 'separation of registry' produces a koseki that lists just one registrant – the legal adult in question who has now become first registrant. As the purpose of the bunseki procedure is to produce post-parental koseki, the number of post-parental koseki that derive from bunseki equals the number of bunseki notifications. In FY 2005 there were 18,878 such notifications or 1.6 per cent of all new koseki (Hōmushō, 2006: 391). The marriage, birth- and bunseki-derived post-parental koseki constitute in total 641,111, or 54.1 per cent of all new koseki. Seen in relation to each other, marriage constitutes 605,302 or 94.4 per cent of all post-parental koseki, childbirth constitutes 16,931, or 2.6 per cent and bunseki constitutes 18,878, or 2.9 per cent.7 The latter two types of post-parental koseki are clearly marginal, compared to the marriage-derived koseki.

The third category, 'other new koseki,' simply refers to the various koseki that are compiled for individuals subsequent to their post-parental koseki. These mainly arise from changes in a koseki's surname or honseki index. Such changes usually relate to divorce and adoption, as well as the quite prevalent notification of registry transfer (tenseki), which is submitted in order to change one's honseki. We have seen that post-parental koseki accounted for about 54.1 per cent of all new koseki in 2005 and that initial new koseki are quite rare, so almost all remaining new koseki are 'other new koseki.'

The 'post-parental koseki' that arise from marriage, birth and bunseki notifications each represent distinct ko unit types which can respectively be glossed conjugal, unmarried mother and individual ko units. With these paradigms I attempt to straddle both their respective legal bases and the manner in which they would probably be interpreted by the Japanese layperson. If the koseki system's administrative model comprising the conjugal couple and their children carrying the same surname represents a family ideal, then the unmarried mother koseki would be the deficient expression of this family pattern. That ideal rests on a notification of marriage followed by a notification of childbirth; and the unmarried mother only fulfills one requirement. This normative family order is present in the everyday terms that describe the individuals who belong to these two types of ko units. Kekkon stands for marriage and can refer to both informal and legal marriage. Mikon indicates unmarried men and women, including unmarried mothers (e.g. mikon no haha). Mikon literally means, 'not yet married,' reflecting an expectation of marriage. The unmarried mother is expected to marry one day, and if she, too, subscribes to this normative thinking, she may consider her ko unit deficient. An unmarried mother may, of course, be perfectly content with her new ko unit and her new sense of independence; she may even have consciously chosen to become an unmarried mother. But even so, she must contend with others who consider her ko unit deficient and express their wish that she eventually attains a conjugal ko unit. This intertwined relationship between childbirth and marriage is central to the opposed yet related nature of
the conjugal and the unmarried mother ko unit and fundamentally they arise depending on what notifications are presented when.

The bunseki-derived ko unit is outside the prevailing family logic. Not an incidental result of marriage or childbirth, it represents pure choice. Bunseki is an option most Japanese have never heard of. Some choose to deselect the parental koseki out of simple convenience but for others it is a way to deselect the normative family structure; an attempt to subvert the discrimination against women, men and children that they perceive to be inherent in the prevailing family ideals that only offer conjugal respect or unmarried disrespect. Bunseki is a radical alternative with great promise for a few people, but to most others, it is a puzzling, illogical ko unit.

The post-parental koseki: procedures and contents

New koseki compiled due to a marriage notification

Legal marriage takes effect when the koseki official accepts a couple’s marriage notification form. Those who are registered in their parental koseki are upon acceptance of the marriage notification deleted from their existing koseki (Figures 4.1 and 4.2) and subsequently enter into the new conjugal koseki (Figure 4.3). The reason for these koseki changes is detailed in Masao and Mitsuko’s items columns, both in their former parental and their new conjugal register. These entries include the indexes of the involved registers. The first registrant index of their new conjugal koseki is inherent in the remark that the couple chose to use Masao’s surname.

Masao and Misako’s parents’ columns in their new conjugal koseki list their fathers by full name and their mothers by personal name. The listing of just the mothers’ personal name reveals that their parents were legally married when they were born and that the fathers are first registrants. Had one of the mothers been first registrant, she would be listed by full name and the father by personal name only. The legitimacy of Masao and Mitsuko is also revealed in the relationship to parents columns which details birth order (e.g. ‘1. son’). Had they been non-legitimate, they would have been listed as just ‘male’ (otoko) or ‘female’ (onna). This categorization has since been deemed an invasion of privacy and was abolished in 2004 (Ninomiya, 2006: 16–17). Today non-legitimate children are also categorized by birth order. Still, non-legitimacy remains visible: indirectly within the koseki because if parents are not married but the father acknowledges the child, then both parents are listed by full name and if he does not acknowledge the child, then the father column is empty. The birth notification form makes it explicit because the notifier must indicate here if the child is legitimate (chakushutsu sh) or non-legitimate (chakushutsu de nai ko). Finally, we note in this example that the koseki chosen for the new conjugal koseki is identical to that of Masao’s parental koseki.

Turning to the birth items in the parental koseki of Masao (Figure 4.1), we note that these are transferred as is from the parental koseki into the new conjugal koseki.

Figure 4.2 A parental koseki after a daughter’s notification of marriage.

These items, as well as the items in the name section, follow the registrant from koseki to koseki. Masao and Mitsuko’s birth items further indicate that their birth was reported ‘with father’s notification.’ Although the mother is allowed to submit the birth notification, married couples tend to delegate this duty to the father. This habit may be a remnant from the pre-war koseki system under which the household head was in charge of notifications. It may, however, also continue
For the father it is legal, based either on the legal marital relation with the mother or a notification of acknowledgement (nimchi). This means that regardless of who the biological father is, the legal father of the child of a married woman is her husband, and the child of an unmarried woman will not have a legal father unless he acknowledges it as his own. The biological father can thus choose to establish a legal parent-child relation, but only the marriage notification can access the phrase ‘with father’s notification.’ ‘With mother’s notification’ is therefore not such an unequivocal sign of legitimacy.

In a variety of ways, then, these three examples consistently signal legal conjugal relations, legitimacy at birth and as well as index ‘histories’ that follow a ‘male line.’ The illustrations are adapted from a manual (Maeda, 1983) for koseki officials published in 1983 by a company that is related to the Ministry of Justice, which is in charge of the koseki system. This manual arguably reflects the common sense view of the conjugal koseki, rather than the koseki Law, which nowhere stipulates that the indexes have to reflect the male spouse (e.g. his surname and his former honseki). If a female first registrant would confuse the reader of this manual, then the most usual choices may certainly provide the clearest examples. But in that case, these official illustrations reveal how koseki consciousness permeates the thinking of those koseki registrars whose profession is koseki registration, as well as the editors of this manual. On a more structural level it could also be argued that the placement of the female parent column after the male parent indicates a systemic subordination of the female which in turn feeds the consciousness that the male ought to be the first registrant (see for example the ‘secondary’ listing of single female parent in Yoko’s parents column in Figure 4.4). We will now turn to the example where an unmarried woman submits a birth notification and in the process becomes a first registrant.

New koseki compiled due to a birth notification submitted by an unmarried mother

The unmarried mother koseki (Figure 4.4) shows that the mother Imagawa Tamayo notified the birth of her daughter Yoko 11 days after delivery. The koseki items column in Tamayo’s new post-parental koseki denotes the date of the registrar’s compilation. The items columns of the mother and the daughter both note that the reason for their entry into this koseki was the notification of childbirth. In her former parental koseki, Tamayo is crossed out and here, too, her items column shows the reason for her deletion: birth notification (Figure 4.5). That childbirth is the provenance of Tamayo’s register is clearly indicated, and indirectly this also indicates unmarried motherhood. The unmarried motherhood and lack of legal father is further revealed in the daughter’s parents column. First, the father column is conspicuously empty and second, the mother is listed with her full name. In Yoko’s relationship to parents column it only says ‘female’ – no birth order is mentioned. As mentioned above, Yoko would, if born after 2004, appear as ‘1. Daughter,’ but even so her non-legitimate status is still indicated by an
empty father column. And again, these items are carried over to the subsequent koseki she may enter later (e.g. after marriage, adoption, bunseki or her own unmarried motherhood). Tamayo’s unmarried motherhood would, of course, also be revealed in any future full copies of her parental koseki that the parents or their children one day may order for documentation purposes.

New koseki compiled due to a notification of registry separation

To facilitate independence, the current post-war koseki law provides the bunseki procedure (Kōzuma and Tashiro, 2001: 531). Separation of registry is available to anyone aged 20 or older and who is not registered as first registrant or spouse. Bunseki does not require parental permission, it has no legal bearing on one’s legal status, and the procedure is simple. Once this notification is accepted a
new *koseki* (Figure 4.6) is drawn up and the notifier is deleted from the parental *koseki* (Figure 4.7). The new *bunseki*-derived *koseki* is indexed under the notifier’s existing surname and a *honseki* of his or her own choice. Once children have separated from their parental register they cannot return to it. In Figure 4.7 we can see in Mitsu’s items column in her parental *koseki* that she was deleted due to *bunseki* and the attendant compilation of a new register.

The parental *koseki* is indexed with a *honseki* under the jurisdiction of Tokyo’s Chūō Ward and the full name of her father. The *bunseki* notification was delivered at that Chūō Ward *koseki* affairs office and it is noted in Mitsu’s new *koseki* that this *bunseki* registration was forwarded to Kyoto’s Kamigyō Ward under whose jurisdiction Mitsu’s chosen *honseki* index is. The new *koseki* was then compiled on 11 April 1982; the date the notification was received at Kamigyō

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*Figure 4.6* A new *koseki* resulting from a notification of *bunseki* (registry separation).
Source: Adapted from Maeda (1983: 564).

*Figure 4.7* A parental *koseki* after a daughter’s notification of *bunseki*.
Ward’s *koseki* section (Figure 4.6). Her full name provides her *koseki* with its second index – she is now first registrant in her own *ko* unit.

**The post-parental *koseki* – motives and perceptions**

The simplified examples above illustrate the register and how administrative household units are formed over time by constellations of data relating to the individual members. Such data are very much the result of individual choices and real *koseki* registers will necessarily present more or less refracted and contrived instantiations of the actual social family and its particular history. This is first, of course, because of the necessarily simplifying administrative grid within which the *koseki* system details human life and relations. But second, it is also because the registrants often seek to exert some control of what is recorded, sometimes tweaking reality. The latter statement does not seem warranted given the repeated assertions by many informants that they rarely *give* *koseki* a thought and that they know very little about the system and what is written within *koseki*. Their concrete knowledge of how their subjective choices might affect the make-up of their own administrative registration is very limited. There is, however, a general awareness that the conjugal *koseki* is closely related to childbirth and legitimacy, and this commonsense knowledge charts a very narrow safe course in terms of family life choices; a course where a conjugal *koseki* is secured before a childbirth. Options that may lie away from the well-lit and safe conjugal road must appear treacherous and very few explore them intentionally. Indeed, among the many young Japanese who consciously steer clear of unmarried motherhood, the majority are not aware that unmarried mothers will have their own registers, and most young people have no idea the *bunseki* option exists. The combined result of their clear knowledge of the close relation between – and the proper order of – legal marriage and childbirth on the one hand, and their nebulous perception of the *koseki* system on the other hand, is that most Japanese remain within the parental *ko* unit until they can achieve the conjugal *ko* unit. Those who do not marry thus tend to remain ‘with their parents.’

We will now look more closely at the varying motives and perceptions that lead individuals more or less consciously to gravitate towards (or avoid) these three post-parental *koseki*. These motives and perceptions relate to family, childbirth and independence; three fundamental desires that most Japanese find it difficult to reconcile in a *ko* unit. Through these three *ko* unit types, this discussion will explore and present various manifestations of *koseki* consciousness, be they weak or strong, positive or negative.

Fukushima Mizuho is a lawyer, activist and leader of the Japanese Social Democratic Party and was minister of consumer affairs, declining birth rate and gender equality in the Hatoyama Cabinet. She was chief editor of a booklet called *From Household Register to Individual Register!* (Fukushima, 1995) that aimed at explaining to young people the largely unknown *bunseki* procedure. Making the case for choosing an individual register rather than a conjugal register, the booklet essentially sought to disentangle the question of family, childbirth, and independence. Fukushima notes in the introduction that there is among the Japanese a ‘staggering mind-control’ that compels quite a large segment of the Japanese population to believe that *koseki* can be nullified, for example by marrying a person who was born out of wedlock. She relates the story of a woman who grew up seeing her father just once a week. The woman only understood later that she had been born out of wedlock because her father was actually married to someone else. As a university student, she told her boyfriend everything. He wanted to marry her regardless, but his mother objected: ‘It would sully our *koseki* if we were to let our son marry a girl whose father is unknown,’ a statement specifically referring to the fact that the woman’s father had not legally acknowledged his daughter and her registry did thus not list a father. In the end the boyfriend dropped her. Fukushima’s second story concerns a man who was born outside of marriage and raised by what he only later found out were adoptive parents. His (adoptive) father died early so his (adoptive) mother worked and raised him alone. She later remarried in order to secure him a good upbringing, and it was not until he began job-hunting that he saw his *koseki* and realized his mother was not his ‘real mother.’ This *koseki* ruined his employment chances. Still, about *koseki* he says: ‘No need to beat around the bush, *koseki* just a scrap of paper’ (Fukushima, 1995: 4–5). These two views on *koseki* exemplify *koseki* consciousness and its heterogeneity. The character of these two individuals’ consciousness is difficult to specify on this basis only, but although the mother’s consciousness clearly appears to be strong, is her view of the system wholly positive? Are there aspects of *koseki* that she dislikes? And can the man’s feelings towards *koseki* be completely equanimous after a spate of *koseki*-based job denials?

This seemingly entrenched consensus that illegitimate individuals will have trouble in relation to marriage and work likely contributes to the general desire to marry soon after a pregnancy is determined. In the following we will look more closely at how marriage, pregnancy and the state of one’s *koseki* are entangled and see how some think *bunseki* can undo this Gordian knot.

**The conjugal *koseki***

To begin uncovering how Japanese people think about *koseki*, in 2007, I conducted interviews around Japan with people over 70 years old. One informant was Ikeda Yoshiko, an open and thoughtful 72-year-old woman from Chiba. After a successful arrangement (omiai), she got married at 24, whereupon she stopped working to become a homemaker and the mother of two children. It was while looking for work, and later in relation to marriage that she realized that *koseki* was important. At those times, she said, *koseki* had been necessary to document her ‘roots’ (*ratsu*) to show that she had a ‘solid’ (*shikkari*) background. A bit later, when I asked her if she felt her *koseki* was important to her, she responded:

IY: It is important isn’t it? Yes, it has been a support (*sasaeninatteiru*), I think.
KJK: In what way?
IY: Well, having a proper (chantoshita) koseki.

KJK: How does it become a proper koseki?

IY: Well, by having no stains (oten).

Ikeda Yoshiko was unable to specify what might constitute stains, but we can consider the meaning of the phrase chantoshita by which she described her particular koseki. Chantoshita has a range of interrelated meanings such as dressing ‘decently,’ sitting ‘properly,’ behaving ‘suitably,’ aiming ‘clearly,’ being in perfect ‘order’ – and being a ‘legitimate wife’ (chantoshita isuma). This phrase is akin to shikkari (proper, solid, thorough), the word she used to describe the sort of personal background a koseki can express. We can induce that in her view koseki can be less decent or solid and thus, presumably, less able to support their registrants. As most people in Japan are registered within a conjugal koseki, its propriety lies, perhaps, in being unremarkable. A good koseki will not put an uncomfortable spotlight on its registrants. Remarkable koseki are those that are somehow ‘marked’ by unusual data (e.g. a female first registrant, divorce items, a sister deleted from the parental registry due to child birth) or even by lacking data (e.g. no name in the father column, or a birth date marked ‘unknown’). Unclear and unusual, they can potentially weigh down its current and future ko unit members. Most young Japanese today do get married, and many do so when there is a baby on the way. Few would say that it is a concern for koseki that compels them to marry. Still, a currently very popular term for marriage is nyaseki, which is a professional koseki term denoting entry of an individual into an existing koseki. It is an evocative metaphor that can even have a triumphant note reverberating, perhaps, with the need to achieve legal marriage (see Alexy, this volume). Also Japanese scholars of family law and koseki are intrigued by this metaphor and note that research needs to uncover what it signifies. Does nyaseki, for example, evoke the male-dominated pre-war ie or merely describe both spouses’ entry into the same new conjugal register (Toshitani et al., 2005: 197–198)?

A quote from a newspaper article on unmarried couples implies that these pre-birth compilations of conjugal ko units (or so-called shotgun weddings) can be motivated by a desire to elicit support. The article relates that Naoyo (23) and her boyfriend Ryo (25) set up a home together in Tokyo without getting married. Unlike Ryo, Naoyo was not very concerned with marriage, but then three months later when they discovered that she was pregnant, she changed her mind. She now wanted to get married because ‘I wanted us three, as a family, to be cared for kindly by those around us,’ and thus their conjugal ko unit was in place three months before the birth (Yomiuri Online, 2007).\(^{16}\) Any happy family depends on social acceptance, and Naoyo’s statement implies a belief that such acceptance would be precluded if they did not get properly married. Once properly married she can, with the support of the conjugal ko unit, elicit the general acceptance of her surroundings.

A 25-year-old single female respondent from Okinawa Prefecture explicitly stated the equation she saw between one’s future life and one’s future koseki. A university graduate working within health care, she felt that koseki is ‘something you write in after having thought things over with utmost responsibility. It should not be done in a moment of passion or according to convenience; you should do it properly while imagining a future for yourself.’\(^{17}\) Other parts of her responses conform to the general tendency found in other responses: even though her actual knowledge of the koseki system and the koseki document is limited, her concern for how her koseki will be configured is high.

It appears difficult to overstate the social importance of, and the social pressure to acquire, a conjugal household unit. The young Naoyo may not think specifically of koseki and ‘stains’ as does the much older Ikeda Yoshiko. Still, Naoyo’s family- and childbirth-related norms and values have most likely emerged to some extent from the older generations’ knowledge and beliefs regarding the effect a given koseki can have on the future life of one’s family. These norms may therefore today appear unrelated to koseki, internalized as they are as common sense behavior that lack a discernable provenance. The lingering preference for proper marriage is, of course, not only fueled by a fear of unmarried motherhood. There is also a general social prejudice that will ascribe responsibility and adulthood only to those who have legally married. The housewife role itself represents that responsibility, and for men, additionally, being a husband is crucial for having a viable career (Dasgupta, 2004: 243–244; Kanematsu et al., 1989: 124–125; Lunsing 2001: 74–75).

The unmarried mother koseki

Are unmarried motherhood and irresponsibility then related? The two certainly were in the Sugamo incident from 1988. The media coverage was extensive and the following year Fukushima Mizuho issued, with two other lawyers, an analysis of the incident. Then, in 2004 arrived Kore-eda Horikazu’s widely praised fictionalized film adaptation of this tragedy: Nobody Knows.\(^{18}\)

In 1988 it was discovered that four children had lived alone hidden in their apartment for half a year, left behind by their 40-year-old mother. They were between 2 and 14 years old and they were discovered after the two-year-old daughter died. In the apartment the police found in a closet yet another child’s body, a male infant who had died 4 years earlier. All of the children had different fathers, and none of them were koseki registered. The father of her eldest child had, some time before this child’s birth, told the mother that he had submitted a marriage notification. When she later gave birth to their son, she therefore believed she was married. After this birth he likewise told her he had submitted a birth notification. The father eventually left her and his son and it was not until the son came of school age that she discovered that neither marriage nor birth had been registered. Instead of registering the son herself, she moved away, worked, and over time had more children with other men. She allowed the eldest son to leave their home, but not the other children, and none of them went to school (Kanematsu et al., 1989: v–vi).

Fukushima Mizuho states that she fully understands why this mother neglected to make the birth notifications and hid her children. Fukushima became pregnant
while in a common-law marriage. Both she and her partner (also a lawyer) were against legal marriage and deselected the conjugal *ko* unit despite the coming childbirth. She knew that as a pregnant unmarried woman she would expose herself to the usual common-sense bombardment by others, receiving warnings such as ‘unless you get married before the birth you will be scorned, be portrayed as strange, as victimized by men, and maybe have to live in poverty.’ Some individuals, she knew, even felt entitled to terrorize unmarried mothers and their children because they are perceived as threats to proper family life (Kanematsu et al., 1989: 109). Fukushima’s opposition to legal marriage was nonetheless unshakable and while she did not experience the expected hostility, she still wavered a bit with the birth notification. Objectively she knew that the notification with its check-mark in the ‘non-legitimate’ box was nothing but a scrap of paper, but the road to the *koseki* office was still hard: She imagined how the *koseki* officials would look scornful, and worried if she perhaps would, after all, handicap her child with this notification (Kanematsu et al., 1989: 105–106).

According to Fukushima, the Sugamo incident emerged from the consensus that unmarried motherhood is highly stigmatized and problematic: ‘If you marry and have a legitimate child you can walk proudly under the sun in Japanese society, but women who do [have children while legally married] are treated severely as shadowy creatures [hikagemono]’ (Kanematsu et al., 1989: 100–101). The expression *hikagemono* is a portmanteau signifying reified existences such as social outcasts, ex-convicts, fugitives, kept women and illegitimate children. If *chontoshita* defines the conjugal *ko* unit and reflects a legal marital relationship, then *hikagemono* can define the *ko* unit of the unmarried mother and her non-legitimate child: indecent, improper, unsuitable, ambiguous and disorderly. Do young women think that way today? Perhaps not, but the parents of 23-year-old Naoyo are probably not that much younger than Fukushima and the Sugamo mother so we must assume that Naoyo in various settings and ways has absorbed a sense, at least, of the dangers lurking for unmarried mothers. Her establishment of a conjugal *ko* unit can therefore be seen as a prudent inoculation against a potentially virulent society.

Women who want a child but not necessarily a marriage must have sufficient resources (be they social, cultural or symbolic) to withstand the surrounding common-sense onslaught. Indeed, the few women among the few unmarried mothers in Japan who actively have chosen to uncouple legal marriage and motherhood appear to be mainly resourceful career women who value their individual freedom (See Hertog, this volume). Less resourceful women, who cannot abide the thought of unmarried motherhood, will most likely choose abortion, and more rarely adoption, placement or outright abandonment. Non-registration and concealment, as in the Sugamo incident, is but yet another solution, a way to avoid becoming a shadowy creature.

It is telling, I think, that the film director Kore-eda Hirokazu chose to tell the Sugamo story quietly, almost tenderly, and without providing the administrative facts. A few casual exchanges between the mother and the two eldest children about school and marriage must amply signal to a Japanese audience that behind their shadowy existences lurk deficient or lacking registrations:

Kyoko: I want to go to school.
Mom: School? You wouldn’t have any fun at school. Besides, when you don’t have a Daddy, they bully you at school. You don’t need to go to school.

Shortly after, the mother indicates to her eldest child, Akira, that the motive behind her imminent desertion is to attempt to achieve legal marriage:

Mom: Your mother is in love with someone now.
Akira: Again?
Mom: Not again. This guy’s really sweet and serious. I think he’s really looking out for me. So, if he promises to really … to really marry me, then we can all live in a big house and you can all go to school and Kyoko can play the piano. So just hang in a little longer. I think this time probably…

Kore-eda’s storytelling – the casual way he imparts that the schooling, a real home and piano lessons all depend on the mother getting married, and how he depicts these children’s isolation as a simple fact – seems to signal how ingrained, even unquestioned these prejudices against unmarried motherhood are. The children’s isolation in the shadows seems necessary, even logical. Their concealment allows their mother to be out under the sun where she can, perhaps, achieve a proper conjugal *ko* unit so her children may one day enter the world around them.

The individual *koseki*

*Bunkei* is related to the pre-war *bunke* notification whereby house members were placed in a branch house (*bunke*) by their household head, remaining under his control and his main house (*honke*). The household head in effect established a separate *koseki*, typically to provide a separate household for his sons or brothers, but it could also be provided for an unmarried female house member and her child (or even just the child) so as to place potentially sullying data in a separate register. The pre-war *bunke* procedure had profound legal significance for the individuals involved, especially in relation to inheritance, but the legal effect of the present *bunke* procedure is limited to the *koseki* compilation procedure as such (Yamanushi, 1962: 73; Wagatsuma, 1958: 346–347). There is a wide range of reasons why unmarried house members may choose an independent register. It can be for the convenience of having a more nearby *honke*. It can be to reduce parental involvement in one’s life, if not cut off all parental relations outright. It can be deployed to prevent damaging data from entering the parental *koseki*. *Bunkei* can for some serve religious or ideological convictions, and for others it can even represent a way to change the prevailing social order.

A website for legal advice was, on two separate occasions, asked how one might sever relations to abusive parents. In both cases *bunkei* was the suggested
solution. A man in his early twenties asked if he could somehow sever the legal parent-child relations. Noting that legal relations cannot be severed, the site advised him to consider bunseki ‘if you like being in the same koseki as your parents’ (Hōteki, 2001). Likewise, a woman in her late twenties, who had already disowned her parents but was about to get married, asked how to prevent her coming conjugal register from being mentioned in her parental koseki. Again bunseki was suggested. If bunseki were done prior to submitting the marriage notification, the marriage item would enter her new bunseki-derived register, not her parental register. But the advisor noted that this procedure just makes it slightly more difficult for her parents to get to know her husband’s name because as her direct lineal ascendants they can simply request a copy of her subsequent registers and notifications, and these will reveal her conjugal koseki’s indexes (Kekkongo, 2002).

In a similar vein, a 24-year-old pregnant woman, who wanted to have her child even though the father of the child had left her, chose bunseki to avoid the birth notification from entering her parental koseki. Knowing well her father’s concern for propriety and worried that he might disown her, she pre-emptively did bunseki prior to the birth notification. In this way she prevented the local community from finding out about her unmarried motherhood (Nagatomo, 1999: 124–126).

Bunseki is also used by some Christian families who see themselves as God’s children and not as the children of the Emperor. To them koseki – specifically legal marriage, it seems – represents the pre-war emperor system (tennōseki), which conceived of the emperor as head of the national ‘main house’ and his subjects as constituting a nation of ‘branch houses.’ Still, it is difficult for such Christian couples to avoid legal marriage if they also share the general aversion to non-legitimacy. One Christian informant in his thirties from Kyoto explained the procedure that he and his common-law wife went through to secure their children’s legitimacy. When they were expecting their first child, the woman established her own register via a bunseki notification. Then before they submitted the birth notification at the koseki office, they first submitted a marriage notification, whereupon the informant entered his partner’s koseki. Now legally married, the couple could check the ‘legitimate child’ box in the birth notification. Upon acceptance of this birth notification, the child was then entered into mother’s bunseki-derived koseki, which at this point properly listed the parents in a conjugal relation. The couple then immediately filled out a divorce notification whereupon the male, being the spousal house member, was deleted and returned to his previous koseki. Later, the couple again married and divorced two more times when they had to submit birth notifications for their subsequent two children. In the register of the mother and the children, the father is thus listed and deleted three times, and he has changed his surname six times, each time he entered one of the two registers he has commuted between. One interesting aspect here is if this couple sees their ‘everyday’ separate non-conjugal ko units as less problematic (or not problematic at all) in terms of tennōseki. If so, this may in a backhanded way reflect the general consensus that the only proper ‘koseki family’ is that of conjugal ko unit.

There are, finally, some who choose bunseki for ideologically or idealistic reasons. One example is Shō, a Japanese university professor in his early forties. When told about my koseki research, he immediately related his own koseki experiences. His family is divided into two bunseki-derived koseki with himself in one and his partner Yumi and their daughter Rika in another. He was registered in his divorced mother’s koseki when he met Yumi. A feminist wanting independence from her father, Yumi had at that time already done bunseki. Hearing about this procedure, Shō thought it was ‘cool’ and after consulting with his mother he did it too. When the couple later were expecting their child, their decision not to legally marry angered Yumi’s father. Clearly afraid about the future of his granddaughter, he disowned Yumi, but even so, he showed up again a few days after the birth of his granddaughter. Not long after, while watching a television drama together, Yumi’s father said to Shō, ‘Why, there is really no reason to get married, is there?’ This transformation is remarkable, because where Shō and Yumi’s decisions were probably heavily influenced by their educational background and political convictions, the grandfather was surprisingly quick to reassess what might be called his knee-jerk – or perhaps ‘natural’ and ‘non-arbitrary’ (Lunsing, 2001: 3,5) – fear of illegitimacy. Still, most young Japanese may find it hard imagine, if not believe, that their parents and others could turn out to be so as flexible and will therefore most likely bend their own choices so as to not cause others and themselves discomfort.

Shō has a few times visited bunseki with his students and found that they were generally unaware of this option. Typical initial reactions were shock and uneasiness, as well as accusatory questions such as ‘Why do you want to destroy your family (kazoku)’ and ‘Have you ever given a thought to what your mother would feel to hear about the bunseki?’ Shō reports that other typical student reactions to the bunseki option were ‘Why should I [do it]?’ or ‘What for?’ They could often not see any benefit in this koseki maneuver. A few did show interest, asking questions afterwards, but as Shō sensed there might be some koseki-related troubles on their mind (such as for example divorce, the Buraku issue, see footnote 6), or the family’s nationality he did not make further inquiries. The reactions outside of the university, however, have been similar, and Shō notes that this is based, probably ‘on a widespread acceptance of koseki as the core of the symbolic order which often indeed controls the reality. So my move to have [an] individualized symbol – bunseki – seems to disturb many people’s socio-political convictions.’

According to the mass-market magazine AERA one 22-year-old female university student also saw the larger possibilities in such a move after reading a book about bunseki: ‘I think it would be good if everyone in society were single units [shingūru tan’i] and I think things might change a bit if more and more did bunseki’ (Takahashi, 2001). What resonated may well have been words like these from Fukushima Mizohe’s 1995 book on bunseki:

I want a social system based on the individual. Wouldn’t this society undergo great changes at its foundations if we could live our own life without having
one particular person be ‘the head of the family’? [...] What kind of family, what kind of society do we have if the individual is not empowered in a real sense?

(Fukushima, 1995: 8)

Conclusion

To answer Fukushima – to find out what kind of family the Japanese have – we must understand the *koseki* system that registers the citizens of Japan from birth to death. The present examination of their deployment of just three types of *koseki* notifications and the administrative household types they produce has demonstrated that *koseki* is more than an objective record of individual civil status data. A wide range of family-related life choices, as well as many norms and values guiding such choices appear to be directly and indirectly influenced by subjective conceptions of what the *koseki* document, certain *koseki* categories, and various configurations of *koseki* data can represent. These individual and subjective choices, in turn, can affect others positively or negatively, not least because of the communal nature of the *koseki* document. Offering its registrants over thirty notification types that address a wide range of civil status matters, events and changes, the *koseki* system most likely cuts through their lives a swathe that is even wider than the one described here.

Notes

1. I am indebted to Jane Bachnik for valuable comments, among these for reminding me of Sugimoto’s incisive discussion and for suggesting the applicability of Pierre Bourdieu’s notion of the pre-conscious.
2. It is without quotation marks throughout the rest of the chapter refers to the legal or institutional pre-war ‘ie’ that existed under Japanese law from the 1898 Civil Code until 1945.
3. The term ‘ko’ derives from *koseki*, which comprises two characters: ko, a counter for houses or households, and seki, meaning register.
4. The outline in this section of the origins and emergence of the modern household registration system is largely based on Fukushima (1959), Shinmi (1959) and Ninomiya (2006).
5. Members of the newly abolished status classes, which had been registered by separate systems, now shared one national register. These former classes were, however, reflected in the data field ‘family class’ (*fukushō*), for example, peer *(kazoku)*, samurai *(sishoku)* and commoner *(heimin)*.
6. These incremental restrictions on *koseki* access were mainly instated to mitigate the prevalent discrimination of the Japanese Burakumin population. This group, historically associated with tanning and leather work, have been discriminated against based on descent, and *koseki* documents often helped extend the discrimination.
7. The *koseki* document is drawn up and bound in this form into *koseki* books kept at the municipal offices. Registration is today largely electronic and there is an alternate electronic *koseki* format available. This format is also based on the data in the *koseki* books. *Koseki* copies can be obtained in both formats and their data exhibit differences. In the electronic copy, for example, the data is given in non-positional form and deleted individuals (e.g. deceased children) are not delineated.
8. The assessment of the number of post-parental *koseki* that derive from marriage and birth given here is based on the cited statistics from the Ministry of Health, Labor and Welfare (MHLW) and from the Ministry of Justice (MOJ). The number is imprecise mainly because the MOJ statistics refer to the fiscal year (1 April until 31 March the following year) whereas the MHLW statistics, which are also based on MOJ’s statistics on marriage and birth notifications, refer to calendar year (1 January until 31 December).
9. MHLW statistics furthermore exclude *koseki* notifications submitted outside of Japan (pers. comm MHLW 2 February 2009). To assess the number of marriages that produce new *koseki*, it is also necessary to factor in the rate of male or female first registrant choice. According to Ninomiya Shōhei’s own calculations, 56.27 per cent of all couples choose a male first registrant in FY2005. Professor Ninomiya notes, however, that this rate is slightly lower when marriages involve women who remarry.
10. The main reason for not covering that subject here is that Japan’s legal adoption system requires a separate in-depth treatment. Second, adoption by never-married individuals is most likely exceedingly rare, but these cases are nonetheless very interesting and therefore also merit a separate analysis.
11. This calculation again involves the aforementioned MOJ and MHLW statistics. A further complicating matter is that I have only found MHLW statistics on non-legitimate births for 2004.
12. The percentages do not add up to 100 due to rounding off.
13. *Koseki* has historically always listed the first registrant by the full name and the spouse by personal name only. Ninomiya Shōhei notes that this administrative custom has become the format Japanese couples generally use when writing their names on envelopes and New Year cards; a daily praxis signaling that the female spouse is subsumed under the male spouse (Ninomiya, 2006: 12–13).
14. During 2009 I conducted a nationwide qualitative investigation exploring ‘koseki’ consciousness and general *koseki*-related knowledge among about 250 Japanese women and men. Two early findings are that very few think about *koseki* per se, and that the concrete *koseki*-related knowledge generally is limited to the events surrounding the marriage notification. The results of this survey will be presented at a later date.
15. Interview conducted in Chiba, 4 June 2007.
17. This response is from a questionnaire on *koseki* consciousness that I received in August 2009.
20. The following is from e-mail exchanges with Shō, 28–30 January 2009.

References


5 “I did not know how to tell my parents, so I thought I would have to have an abortion”

Experiences of unmarried mothers in Japan

Ekaterina Hertog

The initial reaction of Junko, a 42-year-old college graduate in a full-time job, to her pregnancy was unambiguous:

at first I was happy I was pregnant. Very, very [happy]. It maybe sounds strange, but it was because I have never been pregnant before, I was so happy to be expecting a baby ... Only the father of the child already had a family, so marriage was [not possible]. I myself have had a divorce, so I felt married life is somewhat difficult [for me], but I had a strong desire to have a child. I was already 33 when I got pregnant. Gradually [I felt] I was getting old, so at first I honestly thought even if I cannot get married I will have this child.

As Junko had a full-time job, which she knew she would be able to keep after bearing a child, little seemed to stand in the way of her passionate desire to become a mother.

Yet when she started thinking about her parents, her determination crumbled.

I could not convey my feelings to my parents. I got really distressed about it and just could not figure a way to tell them. Although inside myself I was sure what I wanted to do, I felt that without my parents’ support I could not raise the child. Quitting my job was not an option. I would continue working, yet I could not imagine renting a flat somewhere and raising a child alone. [To be able to have a child] I first of all needed my parents’ support. Yet I could not bring myself to tell them about this pregnancy and this really worried me. [I felt] like I couldn’t raise a child. I got really insecure and considered an abortion.

Junko’s story illustrates several important aspects of the reality of being a lone unmarried mother in contemporary Japan. Limited welfare provision means that the majority of Japanese single mothers have to work to support themselves and their children. Like Junko, many women need their parents’ support to be able to combine work and childcare. Ensuring such support, however, is rarely easy and, as in Junko’s case, it is rarely expected.
Home and Family in Japan
Continuity and transformation

Edited by
Richard Ronald and Allison Alexy