

2018-01-25 SOAS Alumni Lecture Theatre (London)

Contemporary Japan Speaker Series, King's College London

Gender Inequality and Family-Related Risks

From the Perspective of Law and Ideology

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Background

1980s- gender mainstreaming
in Japan

Question

Why does inequality in family system
perpetuate?

Perspective

Ideology = system of beliefs on

- **Fact** : How the society is
- **Value**: How the society should be
- **Norm**: What should we do

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§ 1. Findings from NFRJ

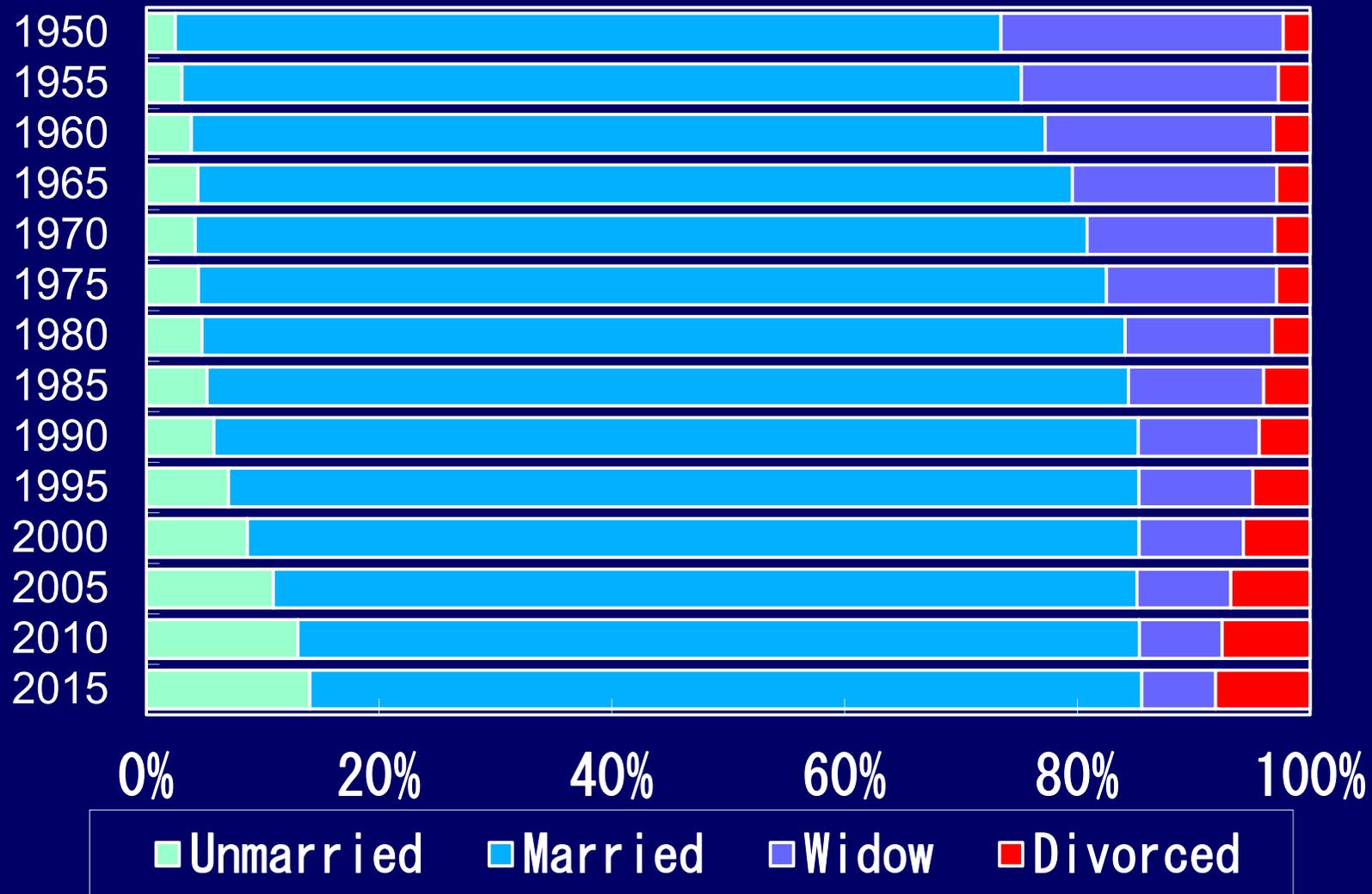
§ 2. Ideologies on family

§ 3. Prospects for change

§ 4. Conclusion

Trend in marital status in Japan

Population Census 1950-2015,
Women aged 30-74



§ 1.

**Findings from NFRJ
(National Family Research of Japan)**

National Family Research of Japan (NFRJ)



- ★ Detailed information on kinship and life events
- ★ National representative samples:
1998, 2003, 2008
(NFRJ98, NFRJ03, NFRJ08)
- ★ Huge number: **473, 494, 463** divorced

<http://nfrj.org>

Equivalent Income (EI)

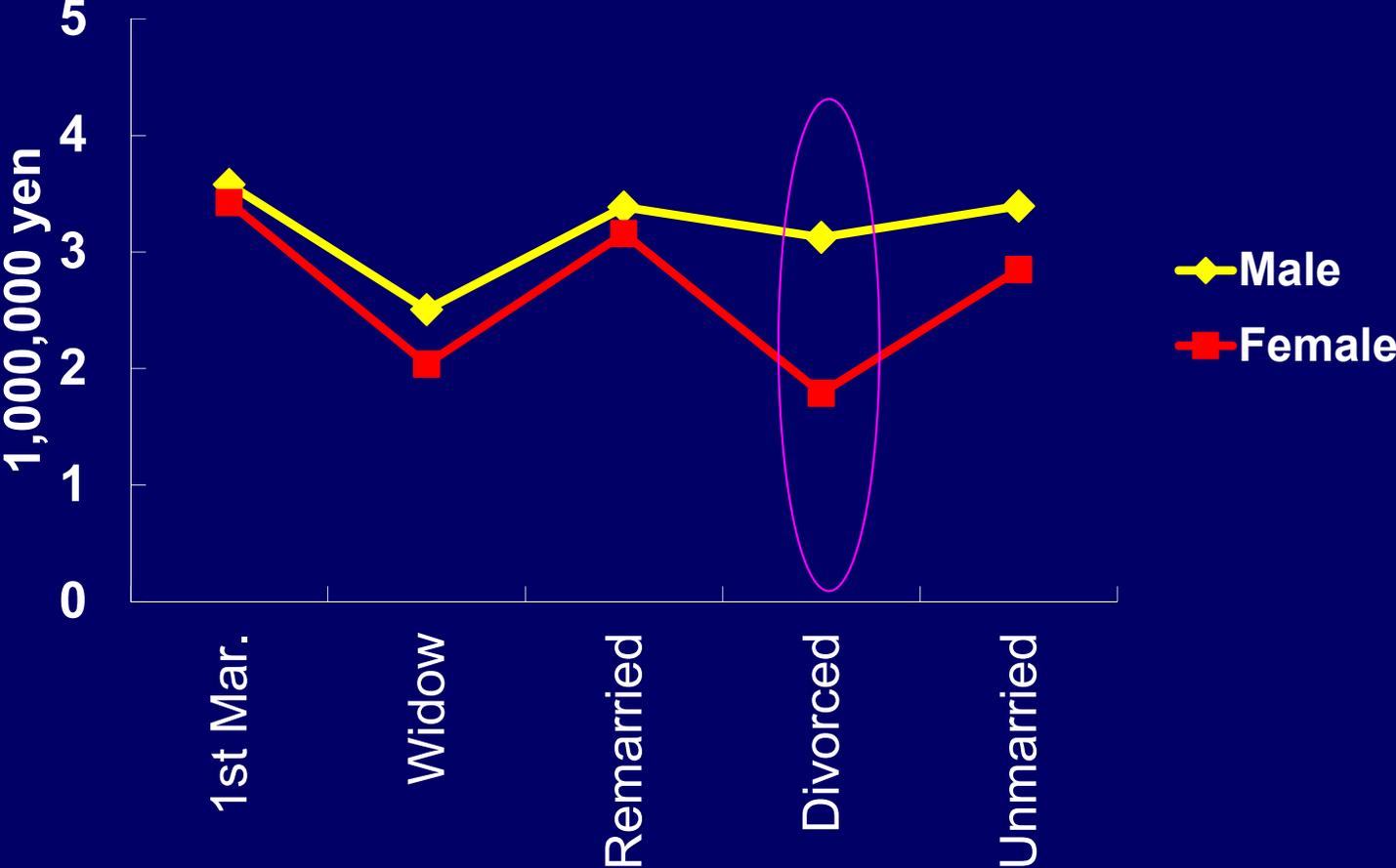
$$EI = \frac{\text{Annual household income}}{\sqrt{N \text{ of household member}}}$$

Tanaka S (2013) “Gender gap in equivalent household income after divorce”.
A Quantitative Picture of Contemporary Japanese Families. Tohoku University Press.
Pp. 321–350 ISBN: 978-4-86163-226-6

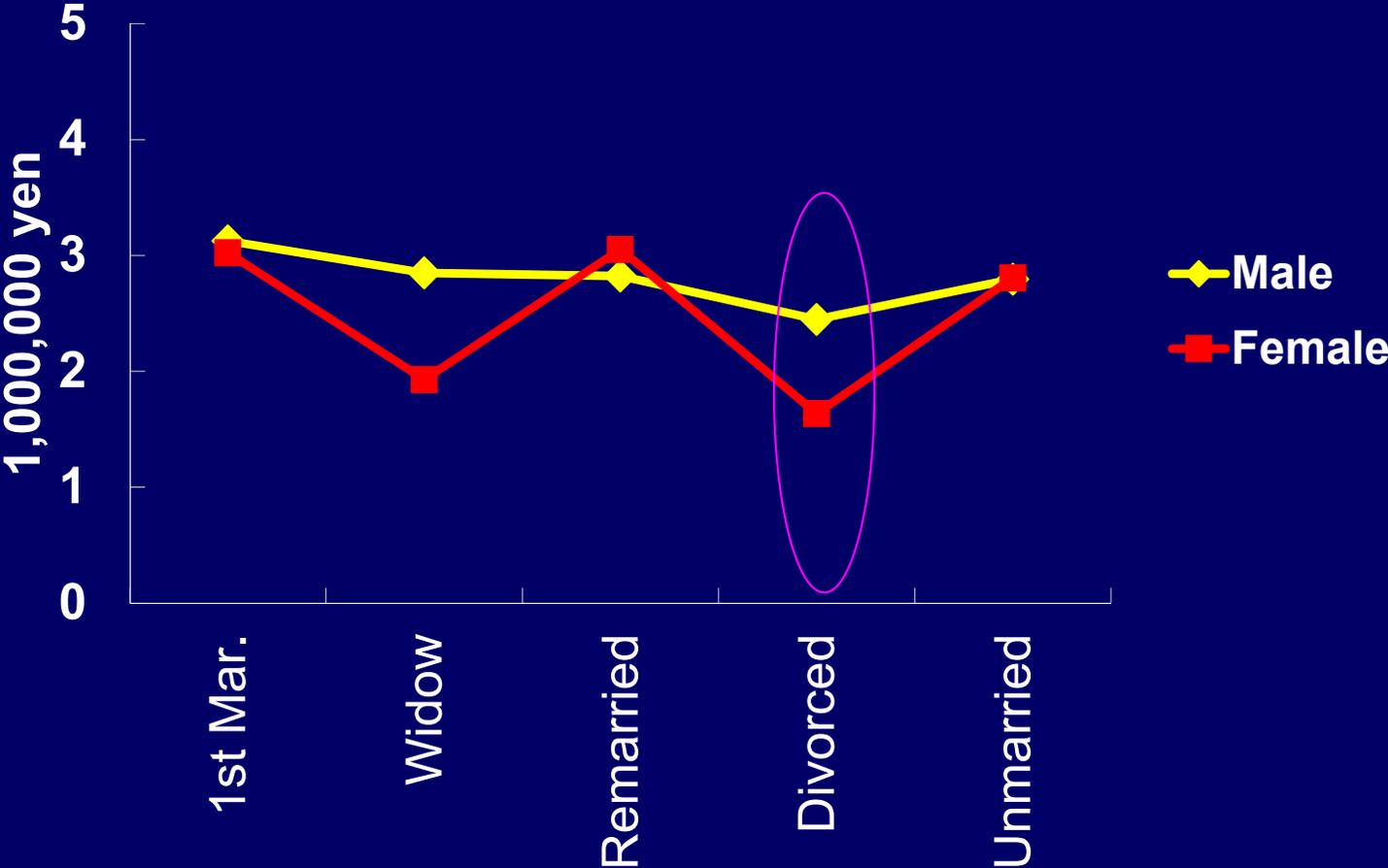
Gender gap in EI



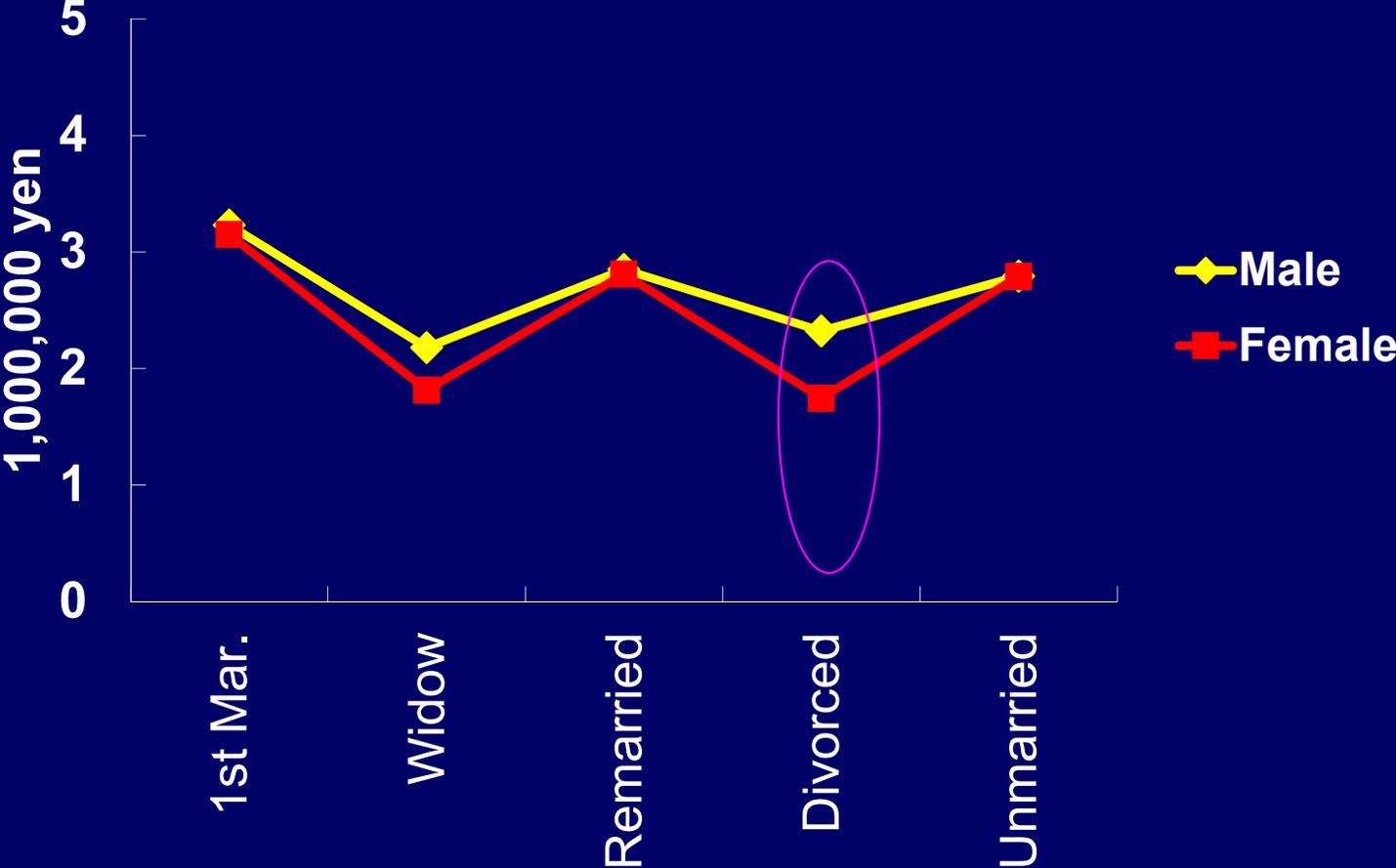
Marital history and EI: NFRJ98



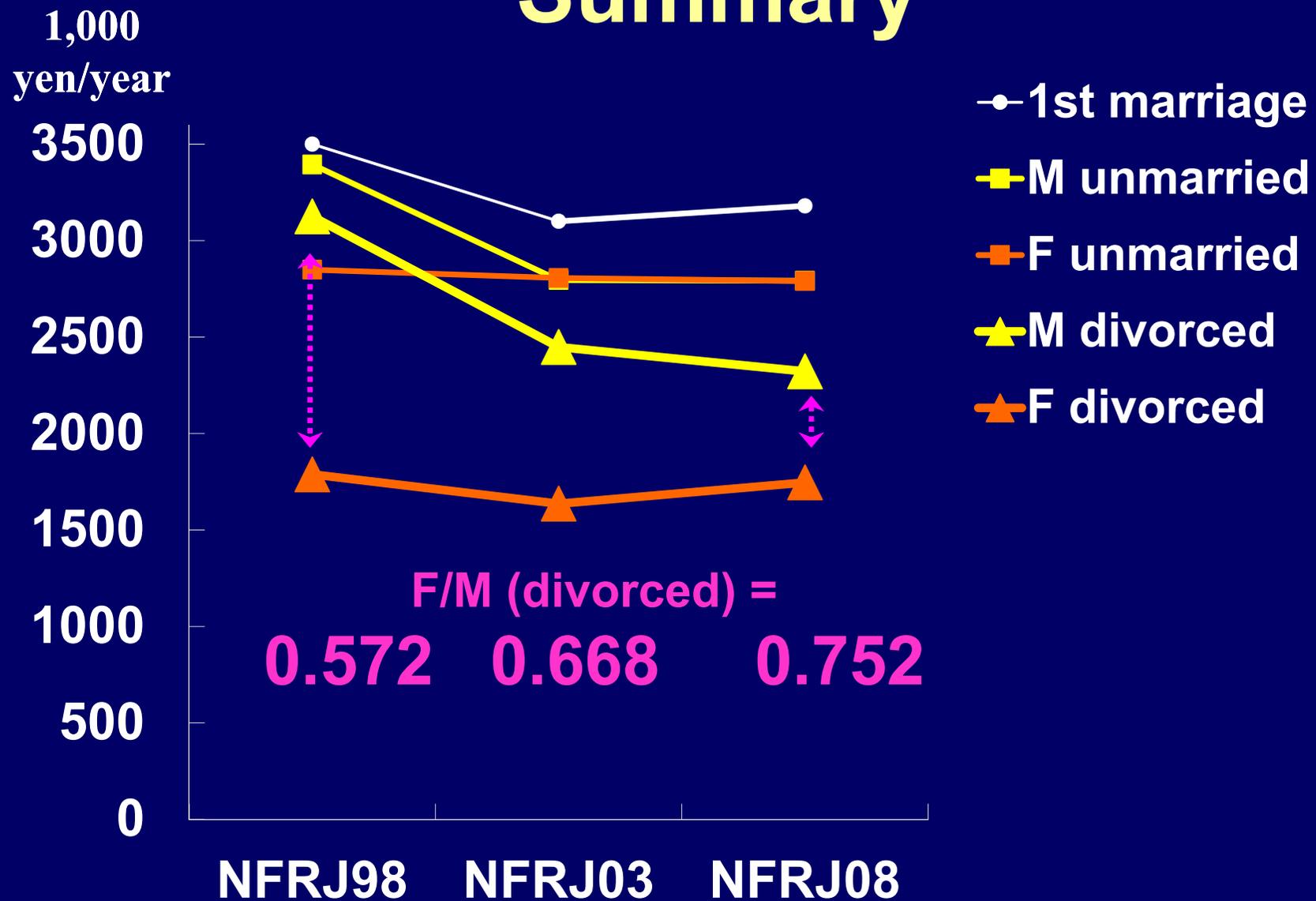
Marital history and EI: NFRJ03



Marital history and EI: NFRJ08



Summary



Marital History and Gender Gap

- **Unmarried / Married**
..... **No gap**

- **Divorced / Widowed**
..... **Great gap**

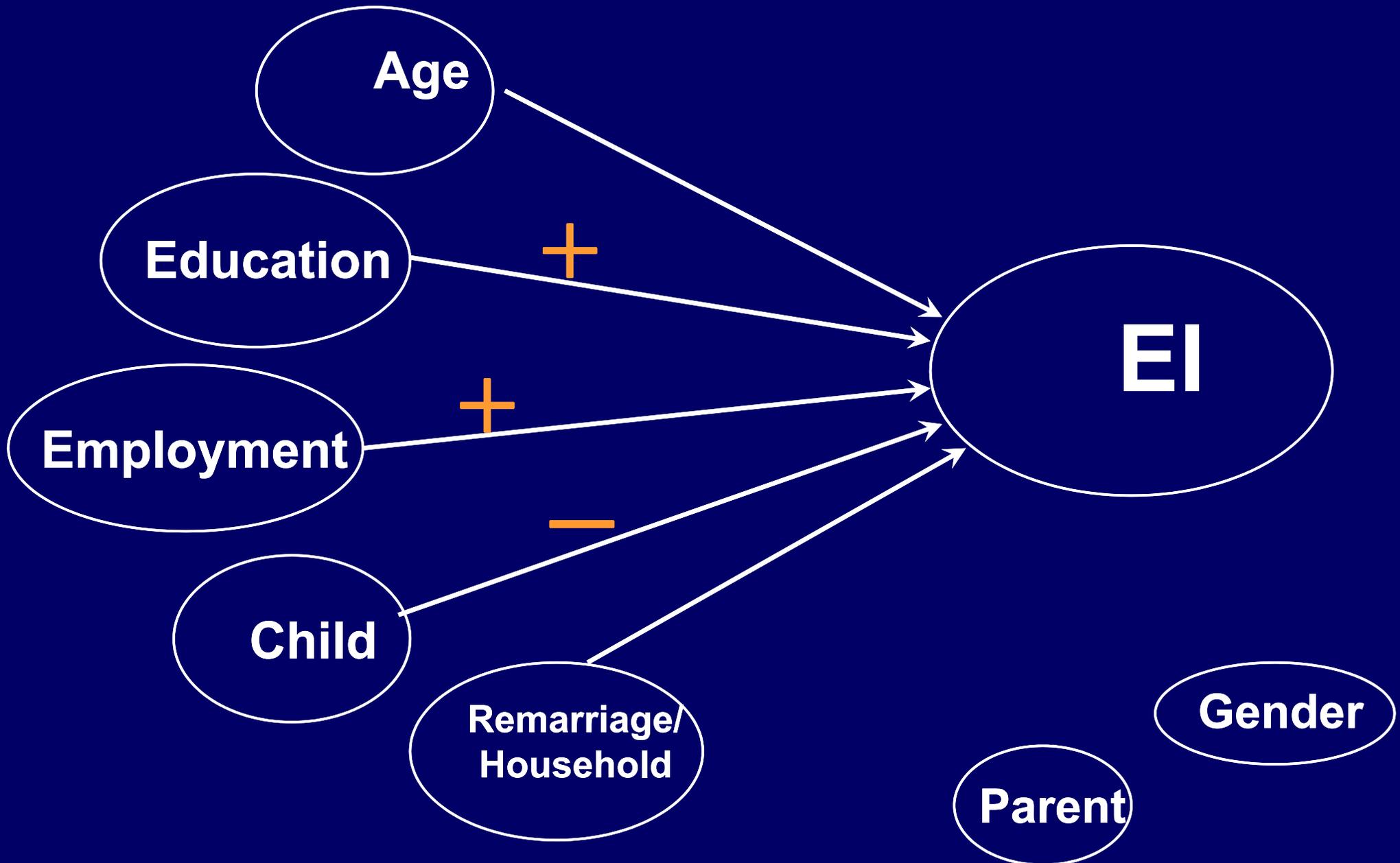
Regression

(those who experienced divorce)

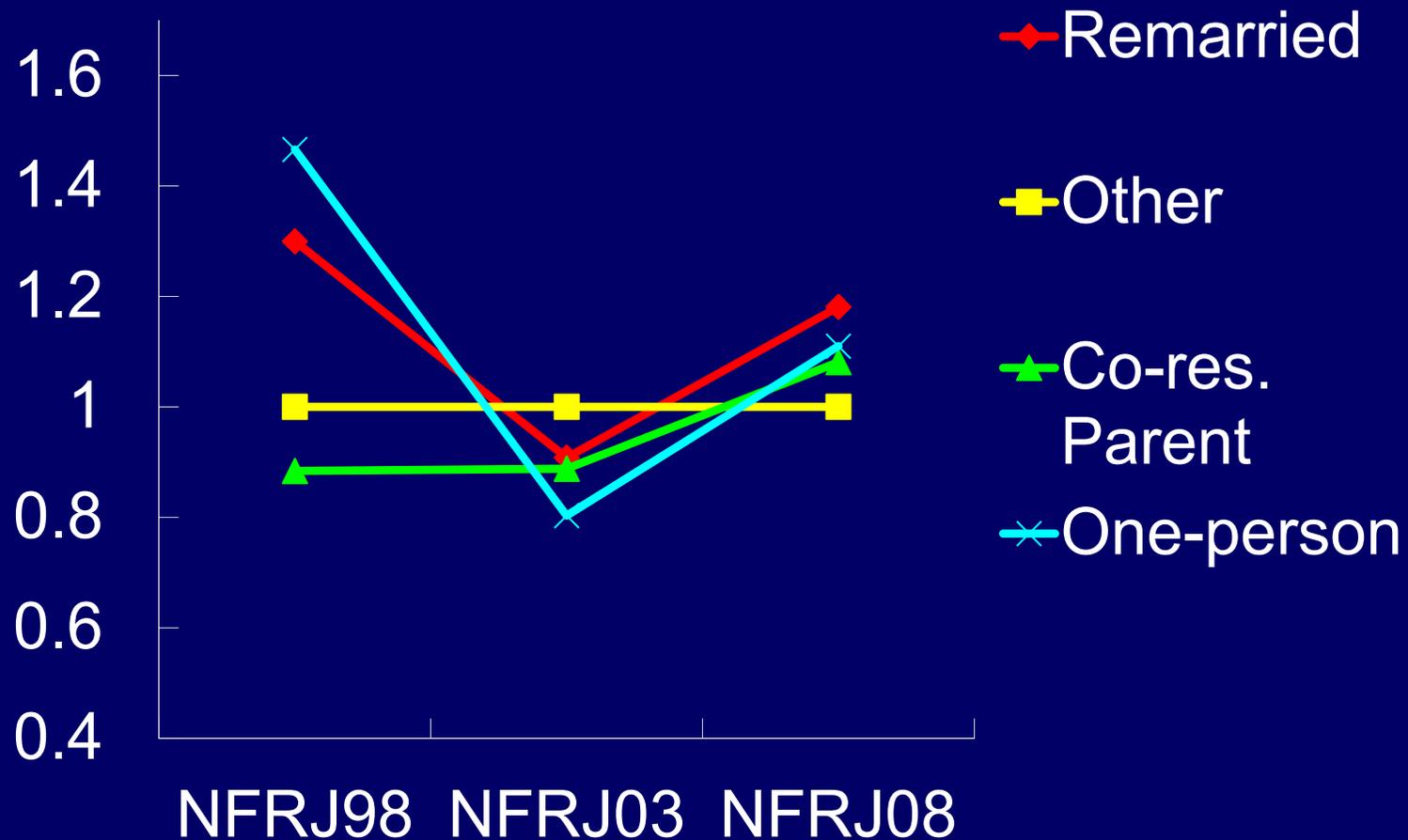
Independent variables :

- Age
- Education
- Spouse
- One-person household
- Co-residing parent
- Co-residing child under 13
- Continuous regular employment

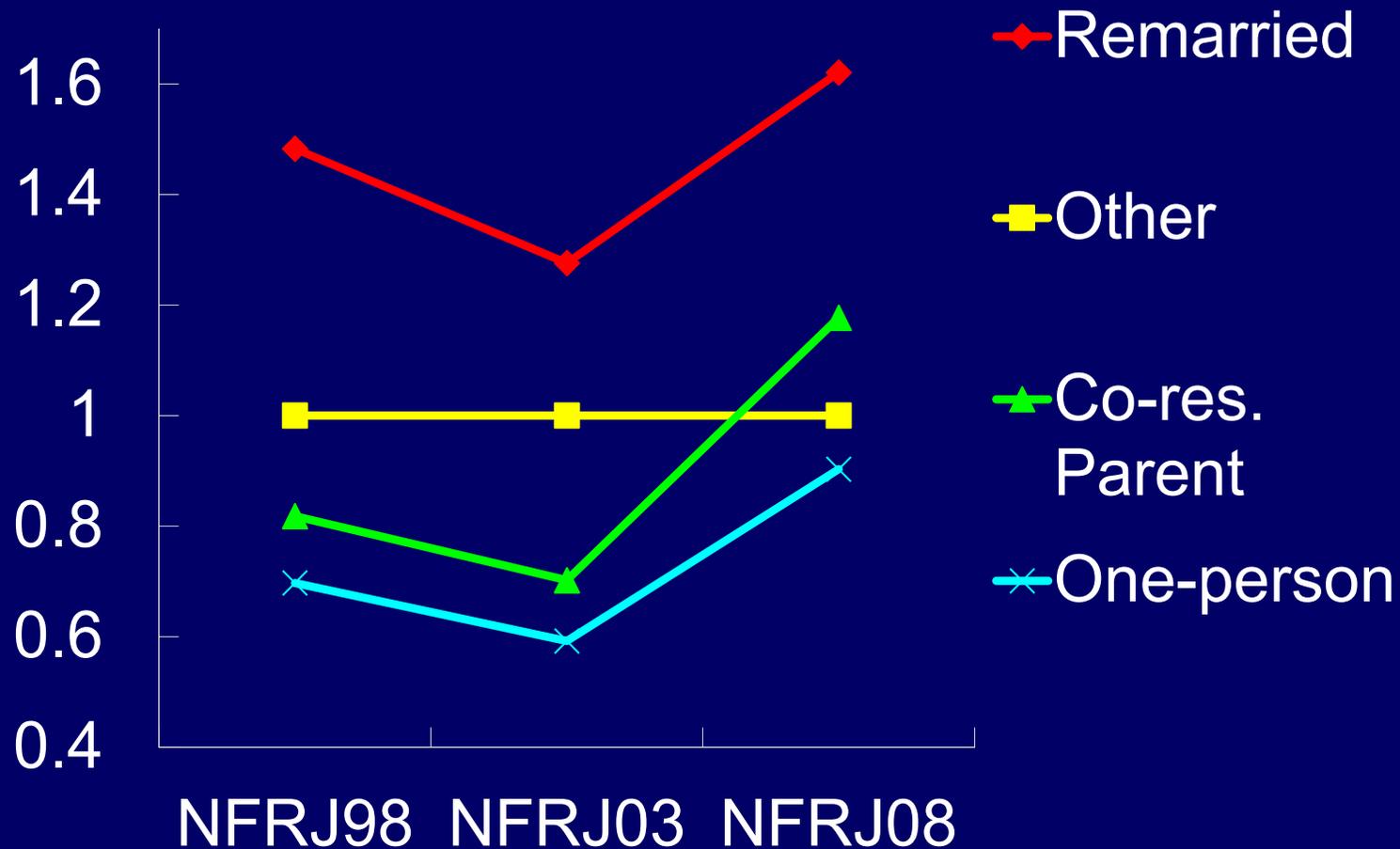
Result



Effect of remarriage (male)



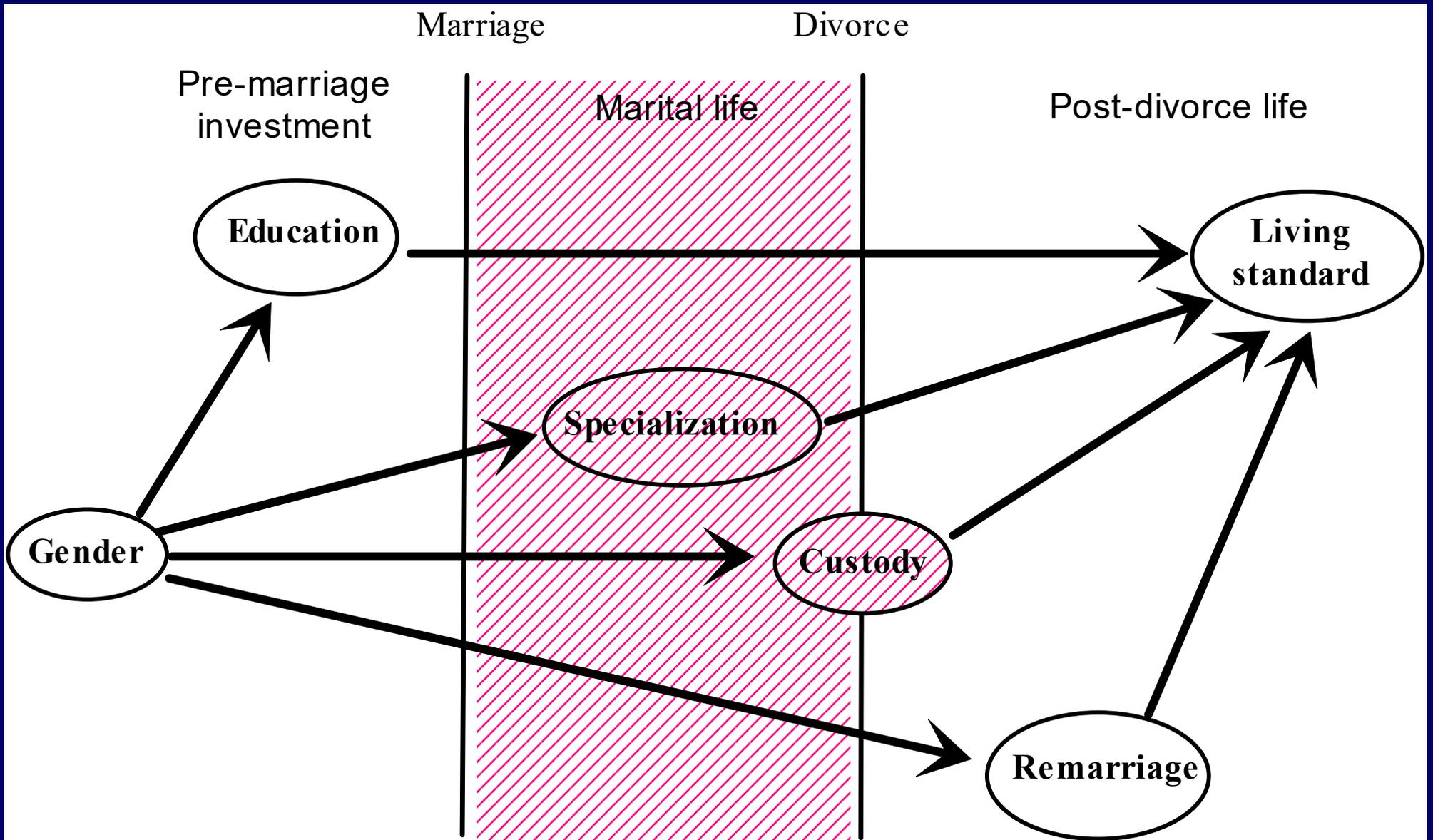
Effect of remarriage (female)



Findings

- ✓ Female EI is 10% lower than male
- ✓ Mainly caused by widowed/divorced
- ✓ **4 factors** of gender gap after divorce
 - Education
 - Interrupted career
 - Child
 - Remarriage

Factors of post-divorce gap



Gender equality and family

- **Fact : Gender gap after divorce caused by marital life**
- **Value: Gender equality**
- **Norm: Needed reform of family but...**

§ 2.

Ideologies on family

- Tradition vs. modern
- The divorce law
- What is the obstacles?

The finding is not new

**Single mother households' poverty
has been well known**

Social policy targeted at them

Nevertheless.....

Little attention on this issue

History & logic of norms

Society is divided into sub-systems.

**Each sub-system has own norms
and ideologies to justify them.**

They have been formed in history.

Ideologies on family in 20C Japan

Traditional: Stem family (*ie*) system
as a company

vs.

Modern: Nuclear family
as a unit of altruism

le: traditional family system

- **Stem families with family business**
- **Their network**
- **Local community**

**Unified system
after Meiji Restoration (1868)**

Civil Code (1898)

Autonomous stem family

Registered on *koseki* as a group

Inherited by the eldest son

Family-state ideology

Parent-child relationship
as the foundation of
loyalty to the state = emperor

Emergence of modern family

Urban middle class in early 20c

- Nuclear family based on **altruism**
- No family business

中川 善之助 (1928) “親族的扶養義務の本質 (1)”. 法学新報. 38(6)
(Nakagawa Zen'nosuke 1928)

1946 Civil Code

Individualization (not *ie* system)

Unwritten assumptions

- **Unit of nuclear family**
- **Essentialism on altruistic support:
husband – wife
parent – child**

Current ideology on family

Hybrid of the two ideologies
with wide spectrum

They have common norm of
autonomous/private family
→ no clue to intervene
marriage and divorce

Japanese divorce system

Traditional: Unilateral no-ground
(controlled by family/local community)



Meiji: Bilateral no-ground (by family)
+ Unilateral ground-based (by court)

Current state of divorce

- 90% Bilateral (by mutual consent,
no legal intervention)**
- 9% Bilateral (mediated by court)**
- 1% Unilateral (judgement by court)**

Overlooked problems

- **Individualization**
- **Power gap in negotiation**
- **Financial provision in few cases**

What is the obstacle

For traditionalist:

Autonomy of *ie*

For modernist:

Private family life based on altruism

→ Anyway they are
against legal intervention

Consequence

**No systematic criticism
of the family system**

**Little attention on
distributive justice in family**

§ 3.

Prospects for change

On marriage:

- **Feminist movement**
- **Family law debates**

On children:

- **Children's poverty**
- **Low fertility**

Gender-equal policy

1985: Ratification of CEDAW

1996: *Vision of gender equality*

**1999: Basic Law for Gender-Equal
Society**

**2000: *Basic plan for gender equality*
(Revision in every 5 years)**

Vision of gender equality (1996)

**1 – (1)without being restricted by
“gender”, a social and cultural
constraint.....**

**1 – (2) – c.Greater and deeper
awareness of gender-sensitive
perspective**

http://www.gender.go.jp/english_contents/about_danjo/lbp/basic/toshin-e/part1.html#P1

Backlash from the right

**Attack from right-wing
advocating**

- biological sex difference**
- traditional family value**

2nd *Basic plan for gender equality (2005)*

2 – 2.it is not desired to deny **traditional culture** using the term “gender free”

[translation is mine]

http://www.gender.go.jp/about_danjo/basic_plans/2nd/pdf/all.pdf

4th *Basic plan for gender equality (2015)*

2 – II – 6.gender equality based
on understandings of
biological differences between sexes

[translation is mine]

No chapter for family issues

Against liberal divorce

**Long history of legal debate on
how to regulate**

**Japanese liberal divorce system
to achieve equity**

Referring UK, US, France, Germany

Financial provision reform

本沢 巳代子 (1998) 離婚給付の研究. 一粒社 (Motozawa Miyoko 1998)

All of these should be settled on divorce:

- **Earning capacity due to specialization**
- **Burden to bring up legitimate child**
- **Disease caused/worsened by marital life**

→ **Slow implementation**

Practical problems

Currently:

90% Consensual divorce
(no legal intervention)

9% Court mediation

1% Court decision

→ **Should court intervene all divorces?**

Small presence

**Inactive research,
only handful researchers**

Little public attention

Children's poverty

High rate of children's poverty

- Unstable employment
- Increasing divorce
- Ineffective social policy

Support for children or family?

Ad-hoc treatment for poor children

**Focused on issues of
social security / education
rather than family**

Pro-natal policy

Decreasing birth number

Fear of population shrinking

→ Direct incentives for childbirth

§ 4.

Conclusion

Competing ideologies

Ideology = system of beliefs on

- **Fact : How the society is**
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After gender mainstreaming...

**We accepted the value of
gender equality.**

**We know the fact about
gender gap after divorce.**

**But we insist family should be
autonomous/private.**

**Traditional/modern norms prevent
discourse toward
public regulation of family.**

**No prospect for
public regulation framework,
but some changes might lead to it.**