

Japan's Marital System Reform: The *Fūfubessei* Movement for Individual Rights

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Abstract

This article spotlights a push for human rights amongst Japanese women and men supporting a marital law revision that will allow spouses to maintain their individual surnames. While proponents of the reform comprise a variety of genders, ages, marital status, value systems, and reasons for supporting the reform, they have all experienced, witnessed or contemplated inequity in society – experiences that have shaped their perspectives on the importance of the individual self and life choices, that have prompted their dissatisfaction with marriage laws, social practices, and norms. The *fūfubessei* movement, which has been considered as a gender-equality movement, should be viewed from the perspective that individuals have the right to make their own decisions about their lives, including their choice of surname.

Keywords: Japan, civil campaigns, marriage system, surname, human rights

unwillingly, the current system, under which one of the spouses is required to change his/her surname. However, some people find the system unacceptable because it requires one of the spouses to relinquish their natal surname. They have been building a grassroots movement and some have even sued the Japanese government, demanding individual rights, freedom and equality in deciding their surname(s) upon marriage. Specifically, these people demand a marital law revision to allow *fūfubessei*, which will allow spouses to retain their individual surnames if they so wish. As shown in this article, despite the name, *fūfubessei*, which refers to spouses having separate surnames, not all *fūfubessei* supporters desire a surname different from that of their spouse. Not all are emotionally attached to their natal surnames. Nor do all of them place importance on surnames as part of their self-identity. Rather, *fūfubessei* supporters argue that self-made decisions about surnames is an important human right that should be protected. The movement calling for optional *fūfubessei* is known as the *fūfubessei* movement.

Introduction

Japanese Civil Code and family registration laws require spouses to use the same surname (see Shin, 2008 for the history of surname policies in Japan). Marriage is not recognized as a legal union until there is a shared family name and a new family registration record created under it. The majority of the Japanese population seems to accept, willingly or



Figure 1. The Supreme Court of Japan. Source [here](#).

In 2015, the Japanese Supreme Court upheld the constitutionality of a Japanese marital law mandating that a married couple use the same surname. Plaintiffs had sued the government, claiming that the marital law in question, Civil Code Article 750, was a violation of the Japanese Constitution (Osaki, 2015). The Constitution of Japan guarantees the right to life, liberty, and the pursuit of happiness (Article 13), equality of the people (Article 14), and equal rights between a husband and a wife (Article 24). The plaintiffs claimed that Civil Code Article 750 should be revised because it infringes upon these points in the Japanese Constitution. The lawsuit also questioned the Japanese government's failure to respond after repeated recommendations, specifically from the United Nations Committee on the Elimination of Discrimination against Women, to revise the law (Otani, 2016).

Earlier in 2015, the Japanese press began reporting on the impending verdict and the prospect of Article 750 being declared unconstitutional. The topic became the subject of considerable public debate. When the Supreme Court finally announced its verdict, the plaintiffs and their supporters expressed deep disappointment, while conservative

nationalists rejoiced over the ruling. According to the chief judge, the key reason for deeming Article 750 constitutional was that sharing a surname amongst family members is already widely accepted by the Japanese public, and is therefore a reasonable expectation. The judge's logic also reflects conservative nationalists' emphasis on preserving a traditional family system and prioritizing social conformity.

The lawsuit's focal point was whether a law requiring married couples to have the same surname upholds individual rights, freedom, and equality, which are protected under the Constitution. The stumbling block seems to be that these concepts – individual rights, freedom and equality – have fluid definitions. These notions were originally stipulated in the Japanese Constitution by the Allied Occupation, when most Japanese people were unfamiliar with such concepts (Inoue, 1991). The purpose and intention of these mandated foreign principles are debated even today. While proponents of legal reform believe that the current marital system violates individual rights, opponents of reform, who are predominantly conservative nationalists, interpret the term “rights” as equivalent to selfish demands, and believe that granting rights to individuals would destroy what they consider traditional “Japaneseness,” as found in culture, lineage, social order, and ethics.

Opposition to the *fūfubessei* movement is not limited to conservative nationalists. For decades, the movement has struggled to gain public support. Unlike their strong opponents, who are united under conservative-nationalist ideology, *fūfubessei* proponents are people with disparate opinions and values, and their appeals for revising the marital system are based on differing, sometimes contradictory, claims. Some see a surname as the individual's prerogative, while others see it as a symbol of a household. Some advocate for the dismantling of the lingering traditional Japanese family system, while others insist on the continuation

of family lineage. Some want to keep their surname because a surname is part of self-identity, while some want to adopt the wife's surname because a surname is just a code. This inconsistency contributes to the *fūfubessei* movement being misunderstood by the general public, among them many who have no particular interest in the matter.

On the other hand, the *fūfubessei* movement has been supported by liberal lawyers and feminist activists who see patriarchy as the root of the matter. As described below, proposals for marital system revision are rooted in the desire to redress gender inequality. Worldwide, matters of marital surname have been treated as an issue that affects women (See Arichi, 1999; Lockwood, Burton & Boersma, 2011; MacEacheron, 2016; Noack & Wik, 2008; Shin, 2004; 2008; Tanaka, 2012). Therefore, Japanese *fūfubessei* is often treated as a gender issue.

Through extensive primary and secondary research examining the *fūfubessei* movement from historical, ideological, and social perspectives, this article presents evidence that the movement's goals are a critical human rights issue for people disadvantaged by existing legislation, policies and social custom – people who, through their life experiences, have come to realize the importance of the individual self.

First, the article presents background information on legal reform after World War II and current social conditions. The second section describes the Japanese marriage system and its impact on people. This section is followed by a brief history of the *fūfubessei* movement, and the ideological conflicts between the conservative government and its political pressure group. The article then covers primary research that highlights the voices of those demanding reform in the current Japanese marriage system. These claimants' perspectives have been missing in

previous studies.

Interviewees were asked not only for their opinions on the system, but also for their life stories, i.e., their perceptions, feelings and thoughts about their upbringing and current lives. Through interviewees' life stories, the article argues that marital surnaming and restrictions are a matter of human rights. While those interviewed are a mix of different genders, ages, marital status and values, they have experienced, witnessed or become concerned about abuse, discrimination, bullying, harassment or other offenses, which has led them to recognize the importance of the individual self. The results highlight that the issue of marital surnaming needs to be addressed from the perspective of individual rights, specifically those pertaining to one's rights to make one's own life decisions autonomously, without external pressure or coercion.

Rights to Life, Liberty, and Equality in Japan

The Japanese Constitution, drafted under the authority of the Allied Occupation, includes many articles establishing democratic safeguards and political freedoms (Inoue, 1991). It guarantees the right to life, liberty, the pursuit of happiness, and equality between men and women. The specific article pertaining to marriage and equality is Article 24. It reads:

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

equality of the sexes (The Constitution of Japan).

One of the Occupation's major goals was the eradication of the strict Japanese household system, called the *ie*-system (White, 2017). The term *ie* carries a wide range of connotations, in addition to its literal meaning of "a house" or "a household." It does not just refer to the nuclear family (father, mother, children), but also to the clan, the lineage, hierarchy, and social norms. Under the previous civil code – the Meiji Civil Code – *ie* referred to a patriarchal, multi-generational system, where the head of household had absolute authority over all family members (Article 747); all family members were required to take the same surname (Article 746); hierarchy followed a strict succession order of male over female, old over young, and legitimate over illegitimate (Article 970); a female family member would be married out at the discretion of her father (Article 750); and once married, she became a person of legal incapacity (i.e., legally incompetent to make her own decisions about her property) (Article 14-18) and was required to change her surname to that of her husband's household, wherein she became a new family member (Article 788). (Kagayama, 2004).



Figure 2. The Diet building. Source [here](#).

Under the new Constitution, the discriminatory

patriarchal articles in the Meiji Civil Code were eliminated. However, the tradition, social customs, family practices and teachings of the *ie*-system did not vanish. Although slowly disappearing in urban regions, the customs and attitudes of the *ie*-system are still alive in the practices and mindsets of many middle-aged to elderly people. To them, *ie* – which constitutes socio-economic realities such as family estate, family name, family business, family tree, family ancestry – needs to be protected and maintained. Under its conventions, the eldest son should marry a suitable wife from a similar family class, and they should live in his house together with his parents, produce a male heir, look after his elderly parents, and look after the family grave (see Kinoshita, 1995 for a review of *ie*-concepts).

The social preference of male over female, old over young, and legitimate over illegitimate remain strong today, particularly in regional areas. Members of *fūfubessei* associations said that fathers and the first legitimate sons often receive special treatment in the family, which ranges from a father receiving extra slices of *sashimi* at the dinner table, or a father being the first to bathe at the end of the day, or a son being encouraged to pursue higher education, etc (Interviews with *fūfubessei* association members in Toyama prefecture).

Some researchers (e.g., Tanaka, 2012; White, 2017) claim that a core *ie*-concept survives in the form of *koseki*, the Japanese family registration system. Although the former family registration system (enacted in 1871 and effected in 1872), which identified multiple generations under a household head, was modified in 1947 to include only parents and their children, the current system continues to codify familial relationships, such as birth legitimacy and succession order, from the position of the *koseki* head – the person who is listed first on a *koseki*. (Chapman & Krogness, 2014; Ishii, 1981). In most cases, the *koseki* head is the husband and the father. Other

researchers (e.g., Shin, 2008) suggest that a united family (*ie*) name, which serves as the family's official title, contributed to preserving *ie* customs and attitudes. Even today, the family surname is used to represent the person/people directly involved at formal gatherings such as weddings or funerals.

Although Civil Code Article 750 no longer requires that a wife adopt her husband's family name, in practice, it still mandates "one family, one surname." It stipulates that a "husband and wife shall adopt the surname of the husband or wife in accordance with that which is decided at the time of marriage" (Japanese Law Translation). This means that, when a couple officially registers their marriage, either the husband or the wife must give up his or her surname and adopt their spouse's surname. As a result, a new *koseki* is created under the selected surname. If a couple does not select one shared surname, either the husband's or the wife's, their union cannot be registered as a marriage, subsequently excluding them from legal protections and tax benefits under the Japanese marital system, which covers issues like inheritance between spouses, mutual child custody, and spousal tax deduction.

The Japanese Marital System

The practice of a wife adopting her husband's family name upon marriage, with their children also bearing the father's surname, is not unique to Japan. Research suggests that, despite legal reforms to provide more flexibility in surname choice, this custom remains dominant across many countries, due to the historical legacy of coverture, under which a woman's legal rights and obligations were subsumed under those of her husband's upon marriage; the social and economic power differences between husbands and wives, resulting in women having fewer choices and less resources; and gender stereotypes, such as women being gentle and caring, and not aggressive (Hoffnung, 2006;

Jones et al 2017; Kopelman et al. 2009; Lockwood, Burton & Boersma 2011; Valetas 2001). Yet Japanese women who marry are under additional pressure to relinquish their surnames. Despite the gender-equal Civil Code Article 750, the single surname requirement for the *koseki* registration, together with the lingering social norms of *ie*, resulted in women adopting their husband's surnames in 96 percent of marriages, reinforcing patrilineal legacy and social expectations (Ministry of Health, Labor and Welfare, 2016; Toyoda & Chapman, 2017).



Figure 3. Traditional Japanese wedding. Source [here](#).

In Japan, surname, marriage, *koseki*, and *ie* are inseparable. A marriage certificate is not issued upon the submission of a notification of marriage. Instead, a *koseki* document is generated under the name of the person whose surname was chosen as permanent *koseki* head. Therefore, if, following the *ie* custom, the wife opts to use her husband's surname as their family name, his name on the *koseki* will become her sole identifying name. She is then subjected to a number of disadvantages (Arichi, 1999, Shin, 2008) – only her first name, and not her full name, is added to the husband's *koseki*, while her husband's name appears in full. In other words, she is addressed by her husband's surname, "Mr. xxx's wife" or simply as "Mrs." Among the extended family, her role may be

regarded as *yome*, a daughter-in-law who assumes the duties of bearing offspring, caring for her husband, her children and her parents-in-law, and maintaining the household grave. Only her change in marital status becomes publicly known due to her surname change, and her children are all required to take her husband's surname. Even when a woman continues to use her natal surname socially or professionally (which is known as *tsūsho shiyō*, a legal married couple with one spouse using an alias), she will encounter administrative hurdles, as the name in the *koseki* is required in official documents such as driver's licence, health card, bank account, and passport, etc. On many occasions, negotiating the use of one's natal surname can be extremely frustrating (Shin, 2008). Administrative procedures are also complicated if a woman with children divorces. The woman faces three issues: her surname (ex-husband's name or pre-marital name), children's surnames (ex-husband's name or her pre-marital name), and children's registration (remaining in ex-husband's *koseki* or moving to her *koseki* by changing their surnames to hers). The procedures are further complicated should she remarry and change her surname to her new husband's. Unlike the woman, the divorced father does not have to face these issues (White, 2017). For the above-mentioned reasons, the current marriage system has been criticised by liberal lawyers and feminist activists for sustaining gender inequality (e.g., Arichi, 1999; Shin, 2004, 2008; Tanaka, 2012), as well as for infringing on personal rights (e.g., writers' pen names are part of their identity) (Idota, 2004; Ninomiya, 2007) and provoking emotional conflict (Arichi, 1999; Kikuchi, 2009).

Under this marital system, men can also be disadvantaged. Civil Code Article 750 does not preclude men from changing surnames, and currently, men adopt their wives' surname in four percent of marriages (Ministry of Health, Labor and Welfare, 2016). A man might change

his surname in order to continue the *ie* name (i.e., surname), and often the business, of a family with no male heir. This custom is known as *muko-iri* (entering as a son-in-law). *Muko* requires numerous administrative procedures, much like the case of a woman changing her surname to her husband's. In addition to temporal, financial and emotional investment in the administrative surname changes, *muko* could be regarded as socially inferior, even if he has simply selected his wife's surname upon marriage. This is because *muko* is often confused with *mukoyōshi* (a son-in-law who is adopted by the wife's family), who leaves his natal family on the *koseki* and becomes a new member of his wife's family. *Mukoyōshi* not only adopts his wife's family name, but also accepts the obligation to support his wife's parents in every aspect – a duty undertaken in exchange for the right of inheritance. The *mukoyōshi* custom was developed during the feudal era, and enshrined in the Meiji era, in order to preserve the *ie* lineage (Maeda, 2010). My interview data suggest that, although the system of *mukoyōshi* has been eliminated from the Civil Code, the adoption of a son-in-law is still practised in regional Japan. In matrilineal marriages, the wife, as the (eldest) daughter of the household head, often holds social and economic power, even as her husband inherits the role of household head (Maeda, 2010). For this reason, men who adopt their wives' surnames are seen as “weak men” in Japan's patriarchal society, and often face or perceive implicit prejudices.

Nowadays, however, *muko-iri* and *mukoyōshi* are not the main cause for men's surname change. A swiftly spreading cause is the increase of remarriages: upon remarrying a woman with children, the husband may change his surname, so that his new wife's children will not need to change theirs (likewise, his children, if any, will not need to change their surnames even if he does). According to the summary of marriage statistics published by the Ministry of Health, Labor and Welfare

(2016), in 2015, husbands adopting their wives' surname accounted for 9.0 percent of remarrying couples, while 6.6 percent were couples where the wife was remarrying, but the husband was marrying for the first the time. These numbers are much higher than those for cases where both spouses were marrying for the first time (2.9 percent). The statistics also show that the rate of male surname change was relatively high (5.0 percent) among husbands remarrying wives who were, in turn, entering their first marriage. These higher rates may be due to the husband's *koseki* record showing children from a previous marriage (if the children have retained their fathers' surname, their details stay in his *koseki* even if they do not live with him), and the new wife may not wish to be in that *koseki*. For various reasons, some men prefer to change their surname to that of their wives. However, communications with male interviewees suggest that, even today, men changing their surnames upon marriage are labelled *mukoyōshi* and saddled with the associated social stigma. Thus, in Japan, for some people, the simple act of choosing the spouse's surname can be the catalyst for a number of problems, since the surname is not independent of marriage, *koseki* and *ie*.

Civil Movement, Counter Movement, and Government

Emergence and decline of fūfubessei movement

The *fūfubessei* movement, a grassroots movement calling for legal reform to allow both husband and wife to keep their own surnames, has its origins in the women's liberation movement in Japan, which, in turn, was part of the global feminist movement that began in the US. During the second wave feminist movement of 1960s and 1970s America, marital name change, considered a symbol of female oppression, became one of the key issues (Finch, 2008). Women rallied, campaigned and

eventually won the right to keep their maiden names after marriage. In Japan, the women's liberation movement, part of the feminist movement, began to expand in the 1970s (Yamaguchi, 2014). Thanks to feminist campaigning, a number of gender-equal ordinances were adopted and gender equality education was implemented by municipal promotion centres. By the 1980s, a grassroots movement for marriage reform began to gain momentum.

One of the earliest grassroots associations, *Fūfubessei Sentakusei o Susumeru Kai* (Association Promoting Separate Surname Option), was formed in 1984. It was followed by many similar associations not only in metropolises, but also in regional cities. Membership consisted mainly of female advocates, but there were occasional male advocates as well (*Fūfubessei Sentakusei o Susumeru Kai*; Shin, 2004; Yamanoue, 1994). Many of these groups held regular meetings or seminars, published newsletters, shared information and acted in solidarity with other associations. Some groups were also active in providing support for plaintiffs in related lawsuits and in lobbying for marital system reform (Shin, 2004). Some activists took the matter to the UN Committee on the Elimination of Discrimination Against Women in order to pressure the Japanese government. In response to the internal and external pressure, the government formed a research committee to seek solutions, but these efforts were blocked by conservative nationalists (Shin, 2008).

According to *Fūfubessei* association members, their groups were initially led by middle class, professional, feminist and/or liberal-minded women. They had a distaste for the vestiges of the *ie*-system, and by extension, for conservative parties such as the Liberal Democratic Party. The feminist discourse argued that the single surname requirement reinforces the patriarchal *ie*-concepts, situating the wife in the domestic sphere and in a

subordinate status to her working husband. This argument struck a chord with women who had been oppressed by *ie* customs and attitudes. Further arguments, including the stance that women should not be bound to the *ie* by marriage (a stance that might be seen as extremely liberal by some people), empowered victims of the *ie*-concepts (Personal communications with *fūfubessei* association members).

Early *fūfubessei* publications were written from a range of moderate to rather radical feminist and liberal perspectives, which might not have been shared by the majority of the population. For example, during the 1990s, feminist lawyer Fukushima Mizuho made remarks that were taken as advocating free love, raising children outside of wedlock, and loosening family ties (e.g., Fukushima, 1992; Sakakibara, Yoshioka and Fukushima, 1993). Consequently, Fukushima was heavily criticised by conservative nationalists for her opinions and her personal lifestyle (e.g., Yagi & Miyazaki, 1996; Takaichi, 2002).

Between the late 1990s and the early 2000s, feminists were the targets of an extensive and intensive wave of attacks from conservative nationalists (Mizohata, 2016; Yamaguchi, 2014), and *fūfubessei* campaigners were also subject to equally severe criticism. The most vocal conservative nationalist group is Nippon Kaigi (The Japan Conference), a hugely influential, nationwide political lobbying organization, with headquarters in each prefecture and strong support in the ruling Liberal Democratic Party (Aoki, 2016; Fujiu, 2017; Mizohata, 2016; Sugano, 2016). Nippon Kaigi members and their supporters voiced strong opposition by holding large-scale gatherings, introducing petitions, and submitting opinion papers to the central government through local councils (Aoki, 2016).

While the critics were predominantly men,

some women, often members of Nippon Kaigi, feared that women's reproductive roles, such as childbearing and rearing, might be endangered, and also joined in on the criticism (Osawa, 2015; Toyoda & Chapman, 2019). For them, Japanese culture entailed gender-specific roles for men and women in child rearing (Toyoda & Chapman, 2019). During the period of feminist bashing, headlines, such as "radical feminists are plotting to destroy traditional Japanese culture," appeared in newsletters and magazines published by conservative organizations, as well as in conservative media (Yamaguchi, 2014). These headlines were then referenced repeatedly on the Internet (Sugano, 2016). As a result of the conservative nationalists' large-scale campaigns and the spread of opposing voices on the Internet, *fūfubessei* proponents were labelled "radical feminists."

The intense backlash against feminist ideals and organizations eventually subsided around 2006 (Yamaguchi, 2014). In 2009, the conservative Liberal Democratic Party lost the general election for the first time since the party's formation. The Democratic Party coalition government then came to power, and Chiba Keiko and Fukushima Mizuho, both strong supporters of the *fūfubessei* movement, became ministers. In 2010, the Ministry of Justice once again submitted draft revisions to the Civil Code. However, the spate of *fūfubessei* promotion was short-lived. In the 2012 general election, the Democratic Party was defeated by the Liberal Democratic Party, and Abe Shinzo, one of the leading opponents of the *fūfubessei* movement, became prime minister once again. These developments were followed by the 2015 Japanese Supreme Court ruling, which upheld the constitutionality of the marital law mandating that a married couple use the same surname.

Due to subsequent decreases in membership, specifically of younger members, many of the early *fūfubessei* associations scaled back their

activities or completely ceased operations. Based on interviews of several *fūfubessei* association members, the suspected reasons are: first, young people do not need to turn to associations for resources because information on *fūfubessei* is widely available on the Internet. Secondly, young people do not need emotional support from association members, as, under weakened community networks, their opinions and decisions are less subject to scrutiny from others around them. Thirdly, young people tend to take mass social action only when confronted with circumstances that affect them directly. Fourthly, young people do not wish to be associated with, or identified as, “feminists,” the label conservative nationalists use to refer to *fūfubessei* proponents.

After the backlash against feminists in the late 1990s and the early 2000s, many young women refused identification as feminists, and used *joshiryoku* (feminine appearance and behavior) to achieve their individual goals (Kikuchi, 2019). This younger generation in Japan may overlap with women of the post-feminism period, who avoided defining themselves as feminists, while also acknowledging some aspects of feminism (Aronson, 2003). Another possible reason for not associating themselves with feminists may be the negative image of feminists. The conservative nationalists’ anti-feminism campaign may have instilled the younger generation with a negative image of feminists. Although there are diverse schools of feminism, conservative nationalists reduce all feminists to women who seek to abolish patriarchy by demanding rights without taking any responsibility, and label them as radical feminists (Toyoda and Chapman, 2019). Interviews with current and former *fūfubessei* association members have revealed that some marital system reform proponents distance themselves from members with feminist ideologies, while some even accuse feminist-minded members who criticize the conservative government for its slow progress in marital system reform.

The general Japanese population likely holds rather skewed images about feminism and feminists. For instance, until 2017, *Kōjien*, widely regarded as the most authoritative dictionary of Japanese, defined “feminism” as: 1) ideologies and social movements that advocate women’s social, political, legal and sexual self-decision rights, and criticise and attempt to change male-dominant culture and society; 2) ideologies of women’s liberation and extension of women’s rights. In the same dictionary, a “feminist” was defined as: 1) people who advocate for women’s liberation; 2) people who advocate for the extension of women’s rights; 3) men who dote on women. Although these definitions were slightly modified in the new 2018 edition, the emphasis on women’s rights, rather than gender equality, is still prominent. These definitions could be interpreted as echoing conservative nationalists’ claims of “feminists are women who demand rights regardless of consequences to other people.”

Ideological split in the fūfubessei movement

Although *fūfubessei* members attribute the drop in association membership to a generational shift, there is also an ideological split in the movement, which is inevitable given the diversity of life experiences. Interviews with six former *fūfubessei* members show that not all of them wish to liberate themselves from tradition. These women were often the eldest daughters of families with no sons who therefore felt responsible for continuing the *ie*. They felt they were in a difficult position because their values were not understood by the majority of *fūfubessei* movement members. One of the women interviewed was initially denied membership to a *fūfubessei* association in the early 1990s, due to her support for the continued practice of *ie*-names. Eventually, she was invited into the association, but she ultimately left after sensing veiled accusations

from other members.

The six women all point out that feminist ideology within the *fūfubessei* movement is the stumbling block for conservative lawmakers. They believe that the majority of *fūfubessei* association members holds the feminist ideology that everyone needs to be liberated from *ie* customs and attitudes. For these women, the goal is family name succession by daughters, not the eradication of *ie*-concepts. In 2016, a like-minded woman founded a group called Jikka no Namae o Keishō Shitai Shimai no Kai (Association of Sisters for Continuing Family Names). This association unites the voices of women wishing to continue their natal surnames, and appeals to parliament members in the Liberal Democratic Party, the leading conservative party.

A new generation of fūfubessei advocacy and tactics

In recent years, using Social Network Systems (SNS), groups have formed spontaneously and taken sporadic action. As a case in point, Sentakuteki Fūfubessei - Zenkoku Chinjō Akushon (Separate Surname Option - Nationwide Lobbying) grew from a single Twitter posting by a woman unaffiliated with a group. She tweeted her unfortunate experiences of unwillingly changing her surname twice. The number of members in her group reached 160 within 2 years. As they take a “do what you can, when you can” approach, different people take different actions in different places. Unlike previous protest groups that appealed to opposition parties, this group mainly (but not exclusively) lobbies local assembly and parliament members in the Liberal Democratic Party, and holds study sessions with them to raise awareness. The group also avoids framing women against men by spotlighting the difficult experiences not only of women, but also of couples who cannot marry legally due to surname restrictions (i.e.,

marriage is not legalised until one of the spouses’ surnames is chosen), as well as of men who have changed their surnames. The group also hosts joint meetings with groups that promote marriage equality, which further distinguishes this group from previous *fūfubessei* associations.

The emergence and growth of men’s involvement in the issue is notable. For example, four *fūfubessei* lawsuits, which began in 2018, involve men as defendants. Male supporters of Sentakuteki Fūfubessei - Zenkoku Chinjō Akushon make up over 30 percent. There has also been a marked increase in online self-publications, regarding both *tsūsho shiyō* (a legal married couple with one spouse using an alias) and *jijitsukon* (a de facto relationship), not only from women, but also from men. Several lawyers now offer free information about *fūfubessei*. Postings by both genders have made the public aware of the diverse issues surrounding the forced selection of one surname for a married couple. The growing presence of voices from average citizens, together with the increase in male advocates’ contributions, have clearly taught the wider community that *fūfubessei* is not just an issue for a small party of “radical feminists,” but rather, an issue that can impact anyone.

Institutionalized marriage system to preserve Japaneseness

It has been 40 years since the birth of the *fūfubessei* movement. However, the conservative government, supported by influential conservative nationalists, remain reluctant to make any changes. Along with the ‘one family, one surname’ stipulation in Civil Code Article 750, they regard the *koseki* system as the foundation protecting Japanese lineage and family unity, and thus all good “Japaneseness” (Endō, 2013; Nippon Kaigi). The emphasis is placed on the continuation of family name, estate and culture. When a family

unites under a common surname, family ties are strengthened (Nippon Kaigi). For these reasons, the marital system provides the basis of social order and ensures monogamy – a couple sharing the same surname is thus the means of publicising their marriage and fidelity, while children with a different surname from the father might be the product of extramarital affairs.

Laws, taxation systems and official policies encouraging the formation and maintenance of the traditional family dynamic are constructed to promote traditional family norms. The government continues to provide services and support for legal marriage, children living with their biological parents, and child rearing under traditional values – all aspects of an idealized family structure. Politically, state influence on family values is strongly supported by conservative nationalist groups, the most outspoken of which is the above-mentioned Nippon Kaigi.

Life Stories of the Men and Women in the Fūfubessei Movement

While the majority of the population seem to accept, willingly or unwillingly, the current marriage system, why do some people demand individual rights, freedom and equality? Interview participants were recruited using the snowball sampling method. I obtained, from an acquaintance, a list of 11 *fūfubessei* associations across the nation, and approached them to see whether their members would be willing to share their opinions on *fūfubessei*. Although the majority of the associations were no longer active, the organizers of three active (or semi-active) associations provided connections to their acquaintances as potential interviewees. Therefore, some of the interview volunteers were association members or ex-members, but others were not affiliated with *fūfubessei* associations at the time of interview. In total, 41 people agreed to one-time 90-

minute interviews. Due to budget restrictions, face-to-face interviews were conducted only in Tokyo, Toyama and Hiroshima, where the three active associations are based. For volunteers who resided in other regions, interviews were conducted using Zoom. In the interview, after obtaining background information (including gender, age, places of domicile, marital status, and opinions about the current marital system), the interviewees were asked to talk freely about 1) the familial and societal environment in which they grew up, 2) the current familial and societal environment they are in, and 3) their reasons for supporting the change.

Transcribed data from the 41 interviews were assigned codes for key points, and concepts judged as similar were grouped into themes. Through this process of analysis, as I will show later, I identified seven patterns. Prior to the presentation of these patterns, and the detailed life stories of five people with direct quotes, I illustrate general descriptive results. Of the 41 interviewees, 12 people are current members of one of the three associations, 13 have attended the associations as members in the past, 16 have never participated in activities organised by any *fūfubessei* association. However, the participants' interview accounts suggested that there are only minimal differences between them in terms of their commitment to the promotion of *fūfubessei*. Some ex-members and non-members are promoting *fūfubessei* in their own ways, such as writing blogs on *fūfubessei*, teaching about *fūfubessei* at universities and supporting *fūfubessei* lawsuits. Others contribute to its promotion by signing *fūfubessei* petitions and talking to people in the community. Some subtle tendencies were observed: the active members talk about gender inequality more than the other two groups of people; some ex-members value the continuity of *ie* names (natal surnames); some ex-members and non-members are anti-feminists; and non-members are more likely to perceive *fūfubessei* as a social problem. However, there was no defining

difference between the groups.

For places of domicile, 18 reported that they grew up in a relatively conservative region (e.g., Fukushima, Kanazawa, Niigata, Nara and Toyama), while 23 said that they grew up either in a metropolitan region (e.g., Chiba, Hiroshima, Kanagawa, Osaka and Tokyo) or in multiple regions. Those from conservative regions tended to be victims of the lingering *ie* customs and attitudes, while those from urban regions tended to be feminist/liberal-minded people. However, there was no clear distinction. There were 28 female and 13 male (including one bi-gender) participants. With the exception of one male, females generally expressed more anger and/or sorrow. The ages of interviewees ranged from 20s to 80s, with the majority in their 50s. Given this issue directly relates to marriage, my initial expectation was that people in their 20s-40s would be the majority age demographic. Contrary to that expectation, many volunteers were in their 50s. As the analysis of interview subjects' accounts progressed, it became clear that the issue of *fūfubessei* tends to raise concern among people only after some period of life experience and reflection.

The interviewees' marital status and surname choices varied as follows. The interview data suggest that strong proponents of *fūfubessei* include people who have not been engaged or married, despite *fūfubessei* being closely associated with marriage.

- Legally married under their own surname (4 males);
- Legally married under the spouse's surname (3 females);
- Legally married under spouse's surname but using their natal surname as an alias for work (7 females and 2 males);
- Legally married under her surname while the spouse uses his surname as an alias (1 female);
- In de facto relationships and both using

their natal surnames (8 females and 4 males);

- In a de facto relationship and using the spouse's surname as an alias (1 female);
- Separated and single (2 females);
- Bereaved and single (2 females); and
- Have never married (4 females and 3 males).

The participants' values/opinions also varied (the numbers are cumulative totals as some participants expressed more than one value/opinion).

- A shared family name, which is a vestige of the *ie*-system, puts the wife, who adopts the husband's family name, at the bottom of the hierarchy, hence the selection of a single shared family name should not be enforced (5 females and 2 males in their 40-80s);
- Not only a son, but also a daughter should be able to continue the family name without being criticized (6 females in their 20-80s);
- The prevalence of the wife's adoption of the husband's surname exemplifies gender inequality and should be eliminated (16 females and 2 males in their 20-70s);
- The marital surname law treats some people unfairly, which is evident to those who have themselves been treated unfairly (9 females and 9 males in their 20-70s); and
- Regardless of gender, everyone should be able to change their surname upon marriage as decided by their own will, without parental or social interference (5 males in their 30-60s).

Through the analysis, the following seven patterns were identified (the numbers are cumulative totals).

Values/opinions	Childhood experience	Adulthood experience	Place of domicile	Gender	Age range
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1	A shared family name, which is a vestige of the ie-system, puts the wife, who adopts the husband's family name, at the bottom of the hierarchy, hence the selection of a single shared family name should not be enforced	Attached to the natal surname because: Grew up in a daughter-only family Or grew up as a son Or born in a family with historical background	Unfair treatment from husband and/or his family (or witnessed) Or been labeled mukoyōshi	Rural/Conservative	3 females 2 males	40s (1) 50s (1) 60s (2) 70s (1) 80s (2)
2	Not only a son, but also a daughter should be able to continue the family name without being criticized	Happy childhood Grew up in a daughter-only family	Unfair treatment from husband and/or his family Or criticism from society	Rural/Conservative Urban or mixed/Liberal	6 females	20s (1) 40s (2) 60s (1) 80s (2)
3	The prevalence of the wife's adoption of the husband's surname exemplifies gender inequality and should be eliminated	Happy childhood Or unfair treatment as a girl	Unfair treatment from husband and/or his family	Rural/Conservative Urban or mixed/Liberal	7 females	40s (1) 50s (3) 60s (2) 70s (1)
4	The prevalence of the wife's adoption of the husband's surname exemplifies gender inequality and should be eliminated	Unfair treatment as a girl (or witnessed a mistreated mother)	Sharing the same ideology with spouse Or single/divorcee studied feminism	Urban or mixed/Liberal	9 females 2 males	20s (1) 30s (2) 40s (2) 50s (4) 60s (1) 70s (1)
5	The marital surname law treats some people unfairly, which is evident to those who have themselves been treated unfairly	Unfair treatment from a family member or non-family member (such as DV)	Had time to think about childhood experience	Rural/Conservative Urban or mixed/Liberal	3 females 2 males	3 30s 50s (1) 60s (1)
6	The marital surname law treats some people unfairly, which is evident to those who have themselves been treated unfairly	Happy childhood (in some cases, raised by a feminist-minded mother)	Have experienced or seen/heard unfair treatments and had time to think about	Rural/Conservative Urban or mixed/Liberal	6 females 7 males	20s (1) 30s (1) 40s (3) 50s (4) 60s (3) 70s (1)
7	Regardless of gender, everyone should be able to change their surname upon marriage as decided by their own will, without parental or social interference	Grew up as a son	Have a wife who wants to keep her natal surname Experienced familial and social criticism And/or had time to think about the marriage system	Urban or mixed/Liberal	5 males	30s (2) 40s (1) 50s (1) 60s (1)

The above findings suggest that there is a variety of genders, ages, marital status, and value systems among those sufficiently interested in these issues to agree to an interview. Despite their differences, analysis of the data reveals that interviewees exhibit one thing in common, that is, they all have anger and/or sorrow. As many as 80 percent of the interviewees (33 out of the 41) attributed their support for *fūfubessei* to having experienced and/or witnessed abuse, discrimination, bullying, harassment or other offenses in the past, while the rest (8 people) are currently going through negative experiences. Out of these 33 respondents, for 13 people, the perpetrators included both family and non-family members; for 11 people, family members; and for 9 people, non-family members. Interviewees cited examples of mistreatment from family members, such as being treated like a pet by a grandfather, being forced to live the life that a mother had always

desired, being subjected to a father's routine violence, being a victim of domestic abuse by a husband, being coerced by parents into marrying a stranger, abuse by in-laws, a sister's suicide due to extremely harsh treatment by her mother-in-law, an aunt having a child out of wedlock and then being subjected to verbal abuse. Others cited the reason for their strong support of *fūfubessei* as: having suffered controlling behaviour from former lovers, being confined in a police cell, being bullied by people in their village due to their parents' divorce, being forced to abort an unwanted pregnancy. Through personally experienced or witnessed sufferings at the hands of families and the community, respondents said they came to realize the critical importance of respect for an individual's free will.

In the following sections, I present five example cases, in order to show how people realized the importance of the individual self and life choices, as well as how they came to understand the Japanese marital system as a threat to autonomous decision-making in life, including surnaming. These five cases are Sawada-san who represents pattern one, Ashiya-san of patterns two and three, Ozawa-san of pattern four, Koyama-san of pattern five, and Hori-san of patterns six and seven. Each of them has experienced struggle in their lives.

The first case is a victim of the *ie*-system. Although the *ie*-system has been officially abolished and many discriminatory laws have been amended or eliminated, with discrimination against daughters-in-law declining, the interview data suggest that the general customs and attitudes of *ie* remain strong, particularly in rural regions. Some female interviewees, mostly women over 60 and younger women in conservative regions, described their experiences of being treated like a housemaid by in-laws, and in the worst case, being denied the freedom to decide her own surname.

As a case in point, Sawada-san, who is in her 40s, grew up as the eldest of three sisters in a conservative region. Due to the absence of a male heir in her family, she felt that she was expected to fulfil the *ie* obligations of her family, specifically by retaining the family name, inheriting the family business and estate, and caring for her parents. With this in mind, she asked her prospective husband to adopt her surname, to which he initially agreed. However, when their wedding was imminent, the bridegroom's family expressed opposition to this agreement, claiming that the wife should be the one to change her surname.

Submitting to pressure from the bridegroom's family and the wider community, she changed her surname. As soon as she adopted her husband's surname, however, she found herself at the bottom of her husband's family hierarchy. Sawada-san stated, "As a woman adopts her husband's surname, the husband's family believes 'she is now ours.'" She continued, "I changed my surname thinking that I would create a new family under his surname, but I was wrong. It was too late when I realised that – when I had adopted their family name, I became their possession." Her only comfort was that she was not living with her parents-in-law. Her husband, the eldest son in his family, was incessantly pressured to serve his parents, which detrimentally affected the couple's life. As a result of several years of unrelenting stress caused by family and work, her husband committed suicide. After his death, Sawada-san reverted to her natal surname and cut connections with her former in-laws. "This infuriated them," she reported. "The in-laws told me that I had no right to leave the *ie* without their consent." They told her that she was a widow of their *ie*, and that whether she stayed or left would be decided not by her, but at an *ie* conference. She had no one to defend her. The parents-in-law came to her house and took her husband's belongings, claiming their son's items belonged to them. Sawada-san, who was widowed a few years

ago, claimed, "I may meet someone special again, but one thing I know for sure is that I will never ever change my surname for someone else!"

Women like Sawada-san, who are bound by *ie* customs and attitudes, along with some men who have witnessed their mother or sister being abused by in-laws, strongly oppose the enforcement of one surname for a married couple. For them, as soon as a woman adopts her husband's surname, it gives the signal that she is subject to the *ie*, regardless of it being obsolete in the legal system.

One of the interviewees, Ashiya-san, is a married woman in her 40s, who comes from an urban area and values inheriting *ie*. Like Sawada-san, Ashiya-san is the eldest of a daughter-only family, and did not wish to lose her natal surname. Daughters who have no male siblings often grow up sensing their parents' or grandparents' sorrow over the prospect of the *ie* lineage being broken upon their marriage. Today, for many women who grow up in urban areas, *ie* represents family love and carries no implication of discriminatory treatment. As in the previous example, Ashiya-san asked her prospective husband to adopt her surname. He agreed, but his parents strongly opposed the request. To her surprise, Ashiya-san's mother and relatives also opposed the idea of her husband taking her surname because it would be against the social norm.

When Ashiya-san was telling her story, she raised her voice and said, "I was devastated. It's my surname. Why can't I keep my surname? I even considered breaking off our engagement, but in the end, I surrendered to social pressure and assumed my husband's surname." She was wracked with the guilt of not fulfilling her father's unspoken wish to continue his *ie*. She continued, "I feel so sad that there is nobody to continue the family name. My sister is married, and she also

changed her surname. Every time I visit my parents, I feel sorry for abandoning my beloved *ie*. The feeling that I don't want to discontinue my *ie*'s name grows stronger year by year." When she had a child, she asked her parents to adopt the child, so that the child could succeed her family's name. However, her mother opposed the idea because she did not want to favour her eldest daughter's child over her other daughters' children. Ashiya-san believed that she could pass her surname on to one of her children if legislation is passed allowing married couples to retain separate surnames. She remarked, "I've been asked numerous times why I want to preserve the *ie*. It's not the *ie* system that I want to keep. I just don't want to see the name of my beloved family disappear. When a guy says that he wants to continue using his *ie* name, people say nothing. When a girl wants to continue her *ie* name, she gets nothing but criticism. It's so unfair!"

A number of similar cases have been reported on the Jikka no Namae o Keishō Shitai Shimai no Kai (Association of Sisters for Continuing Family Names) site. The interviews also revealed that women in their 20s and 30s, from families with only female offspring, often experience termination of marriage engagements during negotiations between the two families due to disagreements over the surname. These women who want to keep their own *ie* names/surnames face social criticism from both sides – from conservatives for insisting on keeping their natal surnames after marriage, and from liberals for placing value on the *ie*. They lament the injustice in a woman's wish to continue her family name being harshly criticised, while men wishing the same is accepted as a social norm. The majority of these women eventually acquiesce to social pressure and adopt their husbands' surnames, and many regret having done so. Some men, whose wife or fiancée wishes to maintain their natal surname also strongly support marital system reform.

Some of the female interviewees in the 30-50 age demographic expressed a defiant attitude against the current marital system. Most of these women are from urban regions, or have lived in multiple regions. They refuse to accept the fact that their unions must be officiated by the nation. Conservative nationalist pundits might label them as radical feminists. However, as interviews progressed, it became clear that these women were raised in an environment where they felt that their parents favoured their brother(s) more.

Ozawa-san, who is in her 50s and from a relatively urban region, is one of the women who chose not to legitimize her marriage through the state. She and her partner decided not to register their union, so as to retain their respective surnames. This resulted in their child not being legitimated, for which Ozawa-san faces criticism. Ozawa-san declared, "I refuse to get married if that involves creating a *koseki* with one of us as the head. I don't want to be the head of the family, and I don't want him to be either. We want to be in an equal, not hierarchical, relationship."

Ozawa-san was taught the concept of gender equality in school. However, at home, only she, and not her brother, was required to help her mother with domestic work. She remarked, "Mom would only ask me, never my brother, to help her with domestic work. I asked Mom why do only I have to help? To that, Mom said, 'Because you are a girl, and he is a boy!' At that time, I didn't have the vocabulary to understand what was happening. Much later, I learnt that it is called gender discrimination." When Ozawa-san was approaching the age where she was considering university, her parents encouraged her to continue her education, but they instructed her to apply only to public universities, even as they supported her brother's studies at a private university. In Japan, many of the top universities are public. Most university applicants, however, also apply to private universities (i.e., take the entrance

exams and pay the exam fees) in order to maximize their chances of being admitted into a university. Ozawa-san said, "My parents didn't hesitate to tell me, 'We can't afford to send you to a private university because we have to purchase your household goods as a dowry when you get married.'"

Many female interviewees who experienced gender inequality during childhood told me that they became determined to become financially independent, so as to allow for personal freedom and equal decision-making powers shared with their future partners. These women, along with some men who have witnessed someone close to them becoming targets of gender discrimination, are critical of gender inequality, and generally also critical of discriminatory social customs, including mandatory marital surname selection.

The interviews indicated that not all participants have always strongly supported marital system reform. For example, ever since she was young, Koyama-san has been aware of society's discriminatory practices, but she did not criticise the marital system until much later. She is originally from an urban region, and is currently in her 30s. She grew up in a household where unprovoked abuse from her father was the norm. She was beaten and kicked, and was subjected to continual harassment. She reported, "I was a victim of my father's domestic violence and neglect throughout my childhood. Every day, without any warning, he would hit and kick me after finding some fault. When my mother broke down from exhaustion, he would blame me. He said I was the cause of our dysfunctional family." She described her father as a misogynist: "His only dignity was being male. I could feel his contempt for women and girls in his words and actions."

Despite Koyama-san remaining single, averse to the very concept of marrying, she perceives social pressure to marry and have children,

which generates ambivalence about not wanting to marry. When she first learned of women who wished to marry without giving up their surname, she initially thought them "selfish." She hesitantly remarked, "I believed women should be pleased by the notion of marriage. I guess I was envious of their happiness. I thought requesting to keep their surnames was excessively demanding." Years later, however, she realized the social pressure on women, but not on men, was unjust. She said, "It is truly unreasonable that a woman is criticised as selfish for wanting to keep her surname, while society is so accepting of a man who wants to keep his surname. Regardless of the gender, you should be able to make decisions about your own surname."

The women and men who have experienced abuse, discrimination, bullying, harassment or other offenses during childhood or early adulthood, together with those who have witnessed someone close to them becoming the targets of such mistreatment(s), see the current marital system as problematic because it marginalizes socially weaker people. Due to their past experiences of not being respected as an individual, they can empathize with the victims of the marital system.

Some male interviewees also spoke about difficulties in their positions. The *ie* customs and attitudes grant a son authority, while concurrently tasking him with responsibility to care for his family, his parents, his ancestors (household grave maintenance) and to represent his family in community gatherings. Interview analysis showed that men over 60, along with some young men in conservative regions, still feel that they are under significant social and familial pressure to observe traditional customs, including "succeeding" the surnames that represent their *ie*, which have spanned generations. A number of these men expressed their desire to be free of the burden of becoming the family head, which the current marital system implicitly requires. In urban

areas, however, young men seem to be more flexible in their attitudes towards changing surnames.

Hori-san, in his 30s, decided to change his surname to his wife's because she strongly wished to keep her natal surname. He said, "I thought men needed to change surnames only when they were married into the wives' *ie*, which wasn't my case. So, it was a bit of shock – I didn't even know that we had the choice of my wife's surname, because women around me were all taking their husbands' surnames." Nevertheless, he offered to relinquish his surname because the issue of family name was not particularly important for him. In fact, Hori-san considers a surname as a code, with no defining impact on self-identity. When he went to tell his parents about his decision, however, he was surprised by their fierce opposition. His parents, he discovered, had never imagined that their son would choose to change his surname. He remarked, "My parents, my mother in particular, strongly opposed the idea of changing my surname. Mom is an advocate of gender equality, yet she can't accept her own son giving up his surname for his wife." This young man was torn between his prospective wife, who he loves dearly, and his parents, for whom he cares greatly. He reported, "I said to my parents, I decided to change my surname as we have to choose one because of the marriage law and I would like to respect her feelings about her surname. But they just couldn't accept it. So, we live together, but we haven't registered our union because of their strong opposition. We are grown adults, but we can't do what we've decided to do." He argued that, regardless of gender, the freedom to choose one's surname should be respected.

Men who adopt, or have decided to adopt, their wives' surname upon marriage are often subjected to familial criticism, as in the case of Hori-san. In some cases, the families are humiliated by their male relative being

mistaken for *mukoyōshi* (a son-in-law who is adopted by the wife's family), which some consider indicative of family weakness (Yamanoue, 1994; Miyamoto, Ninomiya and Shin, 2011). Several interviewees, both men and women, are aware of these situations, and blame the lingering *ie* attitudes, point out men's lack of freedom, and advocate for individual rights and freedom for all people.

Case Story Analysis

This study presented five case stories with distinct reasons for supporting marriage system reform that will allow marrying couples to choose different surnames. The reasons were: 1) a shared family name, which is a vestige of the *ie*-system, puts the wife, who adopts the husband's family name, at the bottom of hierarchy, hence the selection of a single shared family name should not be enforced; 2) not only a son, but also a daughter should be able to continue the family name without being criticized; 3) the prevalence of the wife's adoption of the husband's surname exemplifies gender inequality and should be eliminated; 4) the marital surname law treats some people unfairly, which is evident to those who have themselves been treated unfairly; and 5) regardless of gender, everyone should be able to change their surname upon marriage, as decided by their own will, without parental or social interference.

Overall, the cases affirm that the *ie* system's attitudes and social norms remain strong in Japan. The interviewees' diverse experiences all stem from the intersection of patriarchy, gender stereotyping, and gender discrimination, though most of the interviewees were not aware of this cause-effect relationship. The first case confirmed that the *ie* belief that a daughter-in-law should serve the husband's family is still firmly in place. The second case revealed that some women from daughter-only families think that *ie* should be

continued. The third case showed that some girls face gender inequality at home, due to the belief that a son, as the one who succeeds the head of the *ie*, deserves special treatment. The fourth case showed that some children become the targets of men clinging to the social belief that a man should be the head of the family, while the fifth case disclosed how the belief that sons are meant to continue *ie* names/surnames is strong, such that even women who support gender equality cannot accept a son relinquishing their surname.

The interview data, however, shows different perspectives. For instance, few of the interviewees pointed at the patriarchal society as the cause of *fūfubessei* issues. The voices of *fūfubessei* proponents may have been drowned out by feminist calls for the eradication of *ie* customs and attitudes. Although a few interviewees acknowledged that the problems with the marital system often stem from *ie* customs and attitudes, not everyone thinks that the *ie* should be eradicated. The concept of *ie* has changed over time, and for some people, particularly the younger generation in urban areas, it no longer carries negative connotations. Within their own interpretation of *ie*, some interviewees found that valuing *ie* customs helps them treasure their family bonds. Furthermore, support for marital system reform is not always driven by familial or social pressure on women to change their surnames. While some supporters demand the right to retain their natal surnames, others seek the right to change their surnames. There are also people who argue that reform is necessary because the current system deprives some people of their freedom.

These findings pose the question of whether the *fūfubessei* issues can be addressed from a feminist perspective alone. Studies of marital surname in Western countries suggest that feminist views are associated with the rejection of traditional surnaming practices (Hoffnung, 2006; Jones et al 2017; Lockwood, Burton &

Boersma 2011; Noack & Wiik, 2008; Stoiko & Strough, 2017; Valetas 2001). The current study revealed that, in Japan, some *fūfubessei* proponents distance themselves from “feminists.” Some interviewees see feminists as radical feminists who believe that a society where men dominate and oppress women must be changed. By extension, they think marital system reform has not been realized because the *fūfubessei* movement is led by such feminists who criticize the conservative government. One reason for such views is the fact that some women face/have faced overt and veiled accusations from feminists, specifically for valuing *ie*. Another reason may be the general negative image of “feminists” created by conservative nationalists’ anti-feminism campaigns. The primary and secondary investigation into the current *fūfubessei* movement suggests that in general, younger *fūfubessei* proponents do not see the problems of the “one family, one surname” requirement as a gender issue, although it is possible that they deliberately obscure the link between *fūfubessei* and gender, in order to allay conservative nationalists’ fears.

The analysis of interview data suggested that at its core, the *fūfubessei* movement seeks the individual’s right to make their own decisions in their own lives, including surnaming. Despite the varied reasons for supporting marital system reform, interviewees shared the common characteristic of having experienced, witnessed or been confronted with circumstances that led them to contemplate why some people have less freedom to choose in society. This development made them realize the importance of autonomous decision-making, unimpeded by pressure or coercion from outside influences. Many of these people see the “one family, one surname” system, which is reinforced by legislation, policies and social norms, as a discriminatory custom which disadvantages certain groups of people.

Fūfubessei Movement for Individual Rights

This article identified a desire, specifically amongst Japanese women and men supporting a marital law revision to allow spouses to maintain their individual surnames, for the right to autonomous decision-making as individuals. While proponents of the reform comprise a variety of genders, ages, marital status, value systems, and reasons for supporting the reform, they have all experienced, witnessed or contemplated mistreatments in society, which shaped their perspective on the importance of the individual self and life choices. The *fūfubessei* issues, which have often been regarded as women's issues, need to be addressed from the perspective of the individual's right to autonomous decision-making, particularly with regards to own's own name, without pressure or coercion from outside influences. This argument does not negate the fact that the *fūfubessei* issues are very much tied up with gender, but rather, emphasises the perspective of human rights, which encapsulates the *fūfubessei* proponents' issues more accurately.

The proposed *fūfubessei* system – a system allowing for the retention of natal surnames in marriage – embodies an ideal of making major life decisions as an independent human being. Attempting to address this as a human rights issue, however, may be difficult, due to vastly different interpretations of the term *kojin*, the Japanese word for individual(s). For *fūfubessei* proponents, *kojin* means a respected, independent person. In contrast, for conservative nationalists, it is a selfish person who wishes to disconnect from other people. In order to trace the origins of these divergent interpretations of the term, we need to look at two watershed moments in modern Japan.

The first occurred during the Allied Occupation's drafting of the Japanese Constitution, particularly Article 24, which stipulates the dignity of individuals in family

life. The draft version of this Article read as follows:

The family is the basis of human society and its traditions for good or evil permeate the nation. Marriage shall rest upon the indisputable legal and social equality of both sexes, founded upon mutual consent instead of parental coercion, and maintained through cooperation instead of male domination. Laws contrary to these principles shall be abolished, and replaced by others viewing choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes (GHQ Draft).

This version indicates that, since the family is a crucial unit in society, it should not be subjected to coercion or domination, but instead treated with cooperation, dignity, and equality. The final version of the article was simplified. The phrases “instead of parental coercion” and “instead of male domination” were omitted, which blurred the emphasis on individual dignity.

For the oppressed, however, the reason for such emphasis would be obvious. This article was included in order to free women and children from parental and spousal control (Sasanuma, 2018), to allow for their treatment as respected *kojin* or individuals. It was drafted by a young female GHQ member, Beate S. Gordon, who, over a decade of living in Japan, had witnessed Japanese women being oppressed by their fathers and husbands. Having experienced gender inequality herself also informed her perspective on marginalised people (Kiyosue, 2018). Unsurprisingly, Article 24 was perceived as a precious gift by the socially vulnerable (Tsunoda, 2018).

On the other hand, those who had enjoyed

privilege under the *ie*-system (e.g., household heads, household head successors, and other socially privileged people) probably never truly understood the pivotal wording of this article. The phrase “individual dignity” was translated into Japanese as *kojin no songen* (Yamazaki, 2009). However, in Japanese, the word *kojin* (individual) could be interpreted as “a separate entity as opposed to a nation or a community,” while *songen* could be understood as “solemn dignity that should not be challenged.” Consequently, some people fear that this Article can empower people who prioritize self over family (Yamazaki, 2009). According to their interpretation, this Article protects people who act selfishly, without considering ramifications for the family, community or nation, and simultaneously defends those people from being challenged (Kiyosue, 2017).

Indeed, from the beginning, Article 24 faced strong opposition from conservative nationalists for purportedly endangering the tradition of familism (Inoue, 1991). Conservative nationalists feared that enabling *kojin* (individuals) excessive *songen* (solemn dignity) would lead to the loss of the Japanese *kokutai*, the national essence. Inoue observes that the Japanese government at the time approached the draft by interpreting the term *kojin* as each *person* having an essential quality, specifically in accordance with his or her social position. Under this interpretation, a businessman and a housewife can be respected for their respective roles, rather than each *human* life having essential values independent of social hierarchy, as the Article 24 draft had intended. Even today, some conservative nationalists consider Article 24 as the source of social problems because it prioritizes excessive rights and freedom for individuals at the risk of social cohesion (Kiyosue, 2017; Nakasatomi, et al., 2018; Nogawa, 2018; Tsunoda, 2018).

The second instance was during the 1980s and 1990s. Encouraged by the second-wave feminist movement in 1970s and 1980s

America, feminists in Japan argued that inequalities caused by the gendered division of labour were inextricably linked to the male-dominated social structure (Ehara, 2013). As society expected women to be the primary caregivers in the family, they faced mandatory retirement upon marriage or childbirth, without any certainty of re-employment, or else having to resort to low-wage, part-time employment thereafter (Buckley, 1994). Feminists therefore advocated for alleviating the burden of domestic work traditionally assigned to women. Another important point for the movement was women’s right to control their own bodies, which covered issues like reproduction, sexual activities and sexuality (Ehara, 2009). Before this point in time, the marked emphasis on women’s reproductive roles meant that the effects on their bodies (e.g., burden on women’s bodies caused by frequent pregnancies, unwanted pregnancies, and child-rearing) went unquestioned. Feminists argued that women should have full control of their own bodies (Ehara, 2009), and during the 1980-1990s, Japanese women’s attitudes towards traditional gender roles in the family gradually began to change (Yamanoue, 1994; Fūfubessei Sentakusei o Susumeru Kai, 1995).

Conservative nationalists linked women’s change of attitude to the rise of *kojin shugi*, individualism, which was, to them, the downfall of familism (e.g., Hayashi, 1999). As women became aware of and started taking control of their own lives, instead of blindly submitting themselves to socially expected roles, advocates of familism began claiming that feminists had lured women into becoming selfish *kojin*. At one extreme, they referred to feminists as individualists who sought to create a society where *kojin* was completely detached, or independent, from the family (e.g., Yagi, 2002). Such advocates carried out large-scale campaigns, claiming that the feminists’ objective was to break the family down into *kojin* and eradicate the nation’s proud tradition

of familism (Toyoda & Chapman, 2019; Yamaguchi, 2014). Accordingly, they pressured the government to protect the Japanese family structure (Aoki, 2016; Fujiu, 2017; Sugano, 2016).

In Japan, women's rights on the grounds of gender equality were promoted predominantly by elites with feminist ideologies, and practices to ensure women's rights were passed top-down to the general public, who might not yet have grasped the notion of rights. Given the prevailing, rather skewed image of feminists, it could be said that the introduction and implementation of women's rights was too rapid and too radical for the general public at the time. Merry (2006) writes about the vernacularization of human rights, suggesting that the introduction and implementation of human rights should be tailored to suit the country's local, cultural and historical contexts, so as to alleviate conflicts between global and national ideals of human rights, while challenging existing local customs. Therefore, advocacy for *fūfubessei*, specifically from the perspective of individual rights, merits some caution, and should avoid terms likely to be misunderstood, such as *kojin* (individuals) and *kojin no kenri* (rights of individuals). If such terms are used, they should be precisely defined, as there are various interpretations.

Epilogue

Even after 40 years, the *fūfubessei* issues are not well understood by the general public. The movement has struggled to gain public support, arguably because only those who have experienced, witnessed or contemplated inequity in society can fully grasp the flaws in the current marital system. The situation is shifting, however, partly due to the advocates, and partly due to the Internet, through which the personal plights and emotional pleas of many *fūfubessei* proponents have become more widely accessible. In 2018, there were multiple

lawsuits related to *fūfubessei* issues, with men as defendants, and these lawsuits attracted considerable media attention. While the conservative government, backed by conservative nationalists, maintains the position that it is still premature to consider revising the marital system, voices of suffering women and men may have contributed to a segment of the Japanese public realizing that *fūfubessei* is a critical issue for people disadvantaged by existing legislation, policies and social custom. Similarly, a part of the general Japanese public has, through life experiences, realized the importance of the individual.

Reflecting these developments, opinion polls conducted by the Cabinet Office in 2017 show that supporters of marital system reform outnumbered those who opposed it. The results of the opinion polls have revealed that the majority of the Japanese population value "one family, one surname" for the continuation of family names and/or for family unity, and they themselves do not wish to choose separate surnames between spouses. Nevertheless, they accept that there are people who wish to retain their natal surnames for their own reasons. Such views may be taken as a sign that the public is now aware of *fūfubessei* as a human rights issue. Accordingly, recent *fūfubessei* advocacy appeals to lawmakers and the public by including men and women of various ages, of various backgrounds, so as to emphasize that this issue can affect anyone.

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