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WAR DEPARTMENT
WAR DEPARTMENT SPECIAL STAFF
CIVIL AFFAIRS DIVISION
WASHINGTON 25, D. C.

DC/R files

14 October 1947

Mr. Frank Schuler
Chief, Japanese-Korean Branch
ADO, Department of State
1778 Pennsylvania Avenue, N. W.
Washington 25, D. C.

OIC OCCUPIED AREAS DIVISION
(ADD)

OCT 17 1947

DEPARTMENT OF STATE

894.405/10-1447

Dear Mr. Schuler:

Inclosed please find information requested by
your office concerning the clarification of ceremon-
ial bowing.

Sincerely yours,

EDGAR ERSKINE HUME
Colonel, GSC
Chief, Reorientation Branch

1 Incl
cy ltr fm Chief, CI&E,
SCAP, w/1 cy incl,
2 Oct 47

*memo to HQ na
from ADO - Schuler*

DSR - NE Unit	
Incl	<i>mf</i>
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NOV 21 1947
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OIC OCCUPIED AREAS DIVISION
(ADD)

NOV 19 1947

DEPARTMENT OF STATE

CSN

894.405/10-1447

APD 500
2 October 1947

AG 319.11 (2 Oct 47)CIE

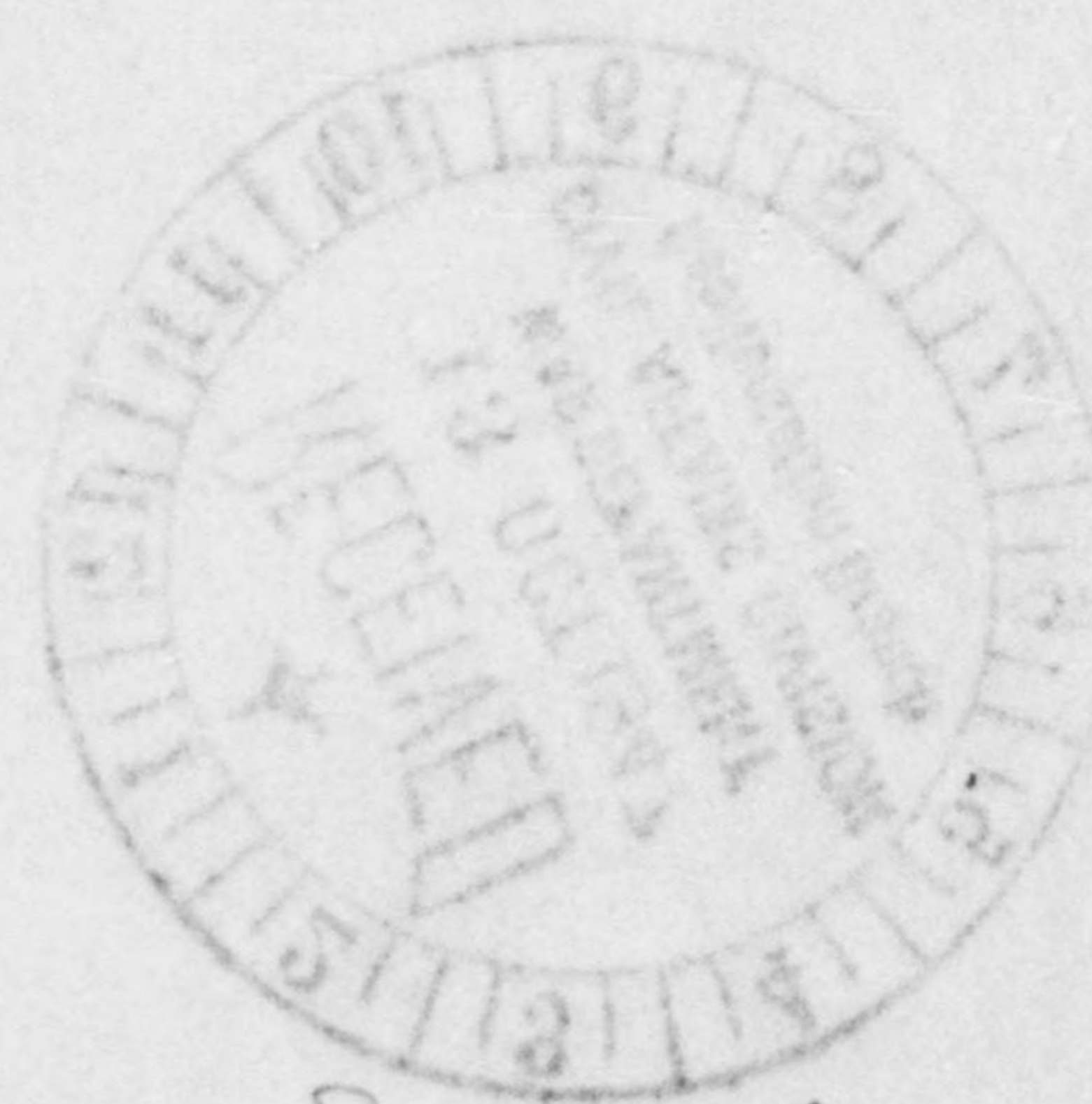
SUBJECT: Transmittal of Information Clarifying
Ceremonial Bowing

TO: Chief, Civil Affairs Division, Special Staff, United
States Army, Washington 25, D. C.
ATTENTION: Reorientation Branch

In compliance with request contained in radio message WCL 25790
from WAR (CSCAD RO), 30 September 1947, transmitted herewith are
copies in Japanese and English of the document desired.

1 Incl
2 copies of Hatsu Gaku
No. 239 with Japanese
translation

D. R. NUGENT
Lt. Col., USMC
Chief, C I & E Section



2. 1

Translation of Hatsu Gaku No. 239. 3 June 1947

From: Chief, School Education Section, Education Ministry

To: Principals of Public and Private Universities; Principals of Higher Technical Schools; Principals of Normal Schools; Prefectural Governors

Subject: School-conducted Bowing toward Imperial Palace

In ceremonies henceforth, school-sponsored or school-directed bowing to the Imperial Palace and school-sponsored or school-directed shouting of "Long live the Emperor" will cease.

Moreover, principals and teachers will not, in instructing students (of universities, high schools, and grade schools), insist on the outward show of belief in the divinity of the emperor or lead the students to this belief. Needless to say, this does not, however, prevent a spontaneous feeling of respect for the emperor on the part of the students and school children.

On fete days heretofore, when ceremonies were held, schools have tended to carry them out for form's sake and in a uniform manner; but hereafter, this will be revised in such a way as to conform to the condition of each school. For example, school entertainment, athletic activities, exhibitions, or lectures can be given to drive home the aim of the fete in a suitable manner, thus making joy general for the participants.

*False translation -
should read "Expression"
JCS.*



発学二三九号

昭和二十二年六月三日

文部省学校教育局長

官公私立大学高専校長
教員養成諸学校長 殿
都道府縣知事

学校における宮城遙拜等について

儀式に際して学校が主催し、指導して行われた宮城遙拜、天皇陛下万歳は今後やめることとする。

また学校の校長及び教員は学生、生徒及び児童の教育に際し、天皇神格化の表現を強制したり、又は指導したりしてはならない。このことはもとより学生生徒及び児童各人の天皇に対する自発的な尊敬の表現を妨げるものではない。

なお従来祝日において儀式を行うに際して、学校によつては、形式的画一的に行われていた向もあるが、今後はこれを改め、これを行う場合は学校の実情に即して例えば字藝会、運動会、展覧会又は講話、講演等を行い、適切に祝日の趣旨を徹底させ、参加者がひとしく喜びを共にするよう実施されたい。

又 諸君等 教育局長

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

DC/R files *NA*

TO : FE, Mr. Benfield
 FE, Mr. Borton
 FROM : NA, Mr. Allison
 ADO, Mr. Schuler

FE Mr. Hamilton

DATE: October 21, 1947

SUBJECT: School-conducted bowing toward Imperial Palace

DIVISION OF NORTHEAST ASIAN AFFAIRS

OCT 28 1947

DEPARTMENT OF STATE

Office of
 FAR EASTERN AFFAIRS
 OCT 22 1947
 DIRECTOR
 Department of
 OCCUPIED AREAS DIVISION
 (ADD)
 NOV 3 1947
 DEPARTMENT OF STATE

FW 894.405/10-1447

You may wish to note in passing the attached file with regard to a Japanese Education Ministry order on bowing in Japanese schools, which we requested from SCAP. The English translation appears to have been made purposely incorrect. What it boils down to is there will be as much "Kōtō" in the new Japan as there was in the old, and it's my guess that "Charlie" will one day again stand as the rallying point for a resurgence of Japanese nationalism and militarism. I am very weary, weary because it didn't have to be that way, but we cast the die when we let SCAP regulate the matter, and there would seem to be nothing we can do about it any more.

Would you be good enough to return the file to me when you have finished looking it over?

ADO: Mr. Schuler

Hyōgen, the word in question in reference to the mis-translation, is also used in the 3rd line of the second paragraph when it is translated as

Attachments:

1. From Colonel Hume, October 14, 1947.
2. From Lt. Col. Nugent, October 2, 1947.
3. Translation Hatsu Gaku, June 3, 1947.

ADO: FASchuler, Jr./jg

DCR - NE Unit

Anal *[initials]*
 Rev *[initials]*
 Det *[initials]*
 Dis *[initials]*

FILED NOV 19 1947 CSN

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894.405/7-848

DESP. 422 FROM TOKYO

FILE NO.

FAP

FILED

MAR 29 1948

OCD
III 16 1948United States Political Adviser
for JapanTokyo, July 8, 1948
DPR

No. 428

UNCLASSIFIEDRec'd
July 13ACTION
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AIRSUBJECT: Transmittal of Publication: The Japanese Family System

The Acting Political Adviser has the honor to forward five copies of a publication of the Japan Institute of Pacific Studies entitled The Japanese Family System as Seen from the Standpoint of Japanese Women. This study is the work of Mrs. HANI Setsuko, wife of HANI Goro, a member of the House of Councillors.

In this work Mrs. HANI reviews the feudal background of the Japanese family system and the historical position of women, touches upon the incomplete early reforms of the Meiji period, and concludes with the thought that unless the new Civil Code (her work is believed to have been completed before the new Civil Code came into effect on January 1, 1948) guarantees the economic independence of women, their position will not be elevated since they will remain economically dependent upon their parents.

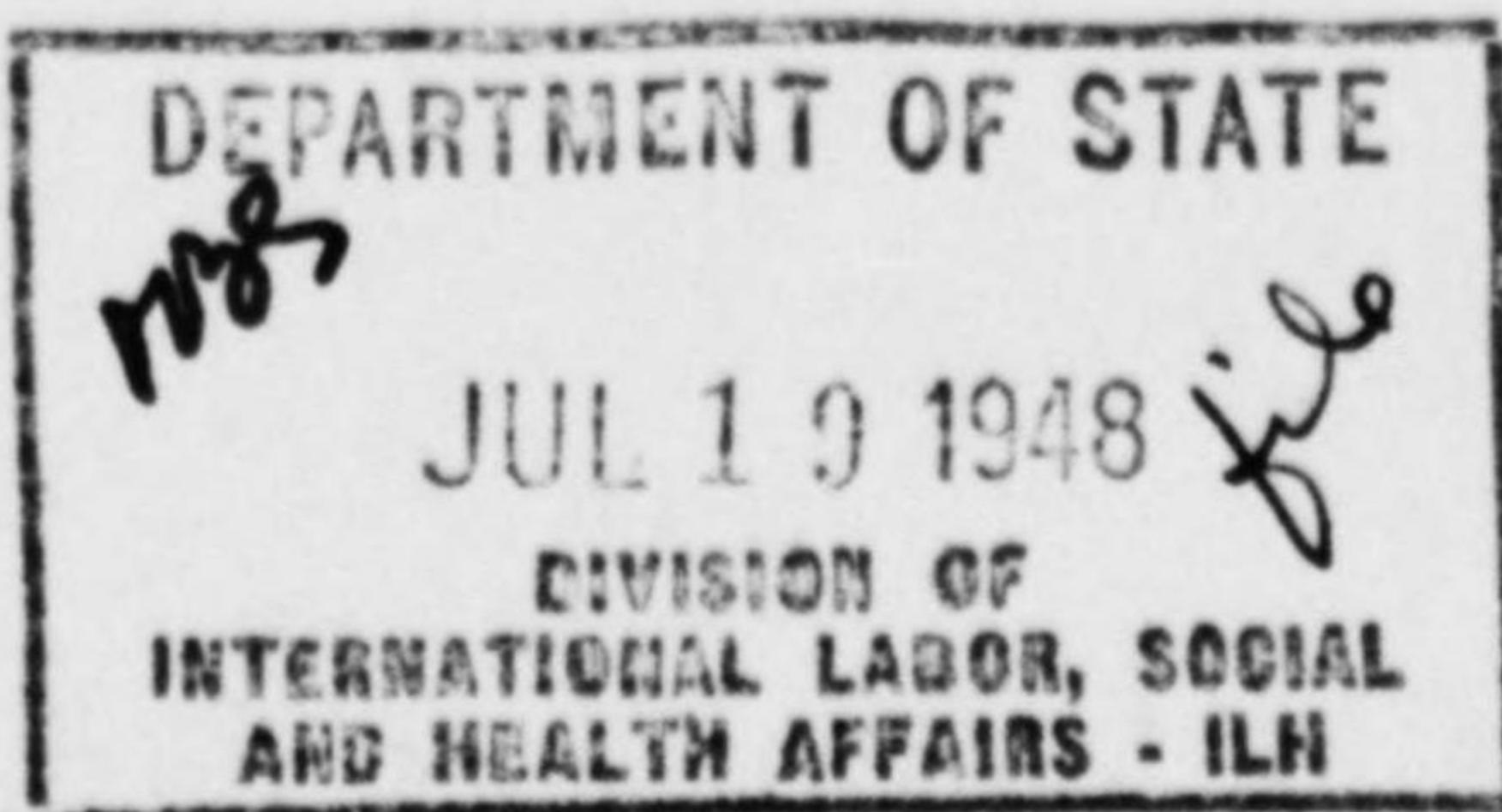
An interesting observation on the Japanese family system by a commentator on the old Civil Code, Dr. UME Kenjuro, quoted with approval by the author on page 7 of the enclosed booklet, is that it is conspicuous for its feudalistic character, having developed historically from the practical economic needs of a large number of people united together for warring purposes. However, the quotation continues, in mutual society characterized by free competition, no one can keep pace with its progress unless he possesses property of his own and maintains an independent status in society.

Enclosure:

Five copies of publication:
The Japanese Family System.

Original and ozalid to Department

894.405/7.848



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United States Political Adviser
for Japan

Social B.

Tokyo, July 8, 1948

No. 428

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JUL 29 1948

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Rec'd
July 13

SUBJECT: Transmittal of Publication: The Japanese Family System

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The Japanese Family System.

Original and ozalid to Department

PACIFIC STUDIES SERIES

*The Japanese Family System**As seen from the standpoint
of Japanese women*

By

SETSUKO HANI

THE JAPAN INSTITUTE OF PACIFIC STUDIES



THE INTERNATIONAL PUBLISHING CO., LTD.

The Japan Institute of Pacific Studies is an unofficial and non-political body organized in 1946 for facilitating the scientific study of the problems of the Pacific area. The Institute as such is precluded from expressing an opinion on any aspect of national or international affairs; opinions expressed in this study are, therefore, entirely individual.

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THE JAPANESE FAMILY SYSTEM

—As Seen From the Standpoint of Japanese Women—

By

SETSUKO HANI

This is an English version of Madame Hani's contributory article to 'A Symposium on Democratization of Japan' now under preparation by the Japan Institute of Pacific Studies. For all statements of fact and opinion, the author alone is responsible.

PACIFIC STUDIES SERIES

NIHON TAIHEIYO MONDAI CHOSAKAI

(The Japan Institute of Pacific Studies)

4, 7-CHOME, GINZA, TOKYO

DISTRIBUTED BY

THE INTERNATIONAL PUBLISHING CO. LTD.

1948

Introduction

In most cases, the study of the family system so far conducted in this country is of a nature of legal interpretations by college professors on some aspects of the family system and it has proved falling far short of getting at the realities of the family system as it prevails in this country. Naturally we have been dissatisfied with this kind of study. Therefore, when I took upon myself the task of making a report on the Japanese family system on behalf of the Nihon Taiheiyo Mondai Chosakai (The Japan Institute of Pacific Studies), I have sought for a new method for getting at the real facts about the family system of Japan through a series of discussions with my husband, Goro Hani, whom I respect as a historian and scholar, on this problem.

The first thing I did for this purpose was to study judicial records, in order to see how the family system was reflected in legal cases. Because I believed that through a dispute, judicial or otherwise, could the real character of problems pertaining to the family system reveal itself most distinctly. By studying judicial records with the assistance of Mr. Yoshio Makino, a progressive lawyer, Mr. Yoshisaburo Takano, a judge, and some other friends, I learned many things. In the first place, I learned that problems of the family system as they appeared in judicial cases were almost invariably problems of property. In a negative way, this led me to the conclusion that judicial records can not furnish materials for dealing with the problem of the family system of the Japanese people as a whole, as they are concerned almost exclusively with the family troubles of the people of the middle class and up. In a positive way, however, I found, firstly, that the problems pertaining to the family system are necessarily problems of property

instead of mere customs or sentiments; secondly, that the existing legal system in this country is mainly in the interests of the propertied classes; and, thirdly, that a way to the settlement of the problem of the family system faced by the people in general, is not found in the mere revision of laws, the enactment of a new Civil Code, the revision of the court system and other legal measures which are beyond the reach of the ordinary people, but must necessarily be sought in the solution of a basic social problem underlying it.

The next thing I did was to analyse actual facts about the family system in rural villages, in order to strike at its roots. As my collaborator, I asked my dependable friend Miss Ikuyo Yoshida, who is an editor of a certain local paper and has been actively engaged for many years in the farmers' movement, for assistance. She has made a pilgrimage to many courts in rural districts for copying the judicial records of divorces. But before long her attention was directed, to her great surprise, to the fact that not a mark of improvement or progress had been made in the divorce situation in rural villages since the early years of the present century so far as the judicial records were concerned. This may be connected in some way or other with the social conditions of Japan, which have experienced practically no progress during the period. But here too it was made clear that the direct cause of this situation could be sought in the fact that troubles of the family system brought before the court were confined to problems of family property. To delve more into this problem, Miss Yoshida then made a round of visits to nearby village offices to get information from the census officials. In this way, her painstaking efforts continued until she collected a considerable amount of materials. Unfortunately, however, as often happens in the present day Japan, she had one day her rucksack containing those valuable documents and papers stolen, forcing

her to restart the arduous task all over again. She gathered up as many information about the situation as possible among the letters sent to the "World Broadcasting Corporation."

For the eventual solution of most of the problems of the Japanese family system, I set my last hope on the shoulders of my friends both at home and abroad. I hope that women and children find themselves in a better position, and unions, most of the problems of the family system satisfactorily solved.

entiments; secondly, that the existing legal system is in the interests of the propertied classes; the settlement of the problem of the family in general, is not found in the mere revision of the new Civil Code, the revision of the court procedures which are beyond the reach of the law necessarily be sought in the solution of a long it.

As to analyse actual facts about the family in order to strike at its roots. As my cordial friend Miss Ikuyo Yoshida, who is a newspaper and has been actively engaged for social movement, for assistance. She has made a tour in rural districts for copying the judicial records. Before long her attention was directed, to her dismay, that not a mark of improvement or progress in the situation in rural villages since the early 1900s so far as the judicial records were concerned in some way or other with the social conditions. We have experienced practically no progress in the too it was made clear that the direct cause of the trouble was in the fact that troubles of the family in court were confined to problems of family law. In view of this problem, Miss Yoshida then made a tour of village offices to get information from the records. Her painstaking efforts continued until she had a large amount of materials. Unfortunately, however, in present day Japan, she had one day her valuable documents and papers stolen, forcing

her to restart the arduous task all over again. Lastly, I tried to pick up as much information about the family system as possible from among the letters sent to the "Women's Hour" Section of the Japan Broadcasting Corporation.

For the eventual solution of most of the problems concerning the Japanese family system, I set my last hope in the combination of many of my friends both at home and abroad. For I believe that when women and children find themselves organized in farmers' and workers' unions, most of the problems of the Japanese family system will be satisfactorily solved.

I

The stipulations of sex equality and respect for the individual contained in the New Constitution, which was promulgated for the rebirth of Japan as a peaceful and cultural State, has apparently impressed the Japanese people that this Constitution is a document of enlightenment rather than a mere law. One of its articles says; "All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status or family origin...." Another article stipulates: "Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual co-operation with the equal rights of husband and wife as a basis. With regard to choice of apouse, 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."

These articles contain a new code of morality which demands profound reflection on the part of the people. When Japan tried to institute democratic government following the Meiji Restoration, the idea of freedom and popular rights was popularized and a new morality based on the equal rights of both sexes was asserted in condemnation of all practices of feudalistic inequality of long standing. In 1872 the Education Ministry decided to send five young women to the United States for study in that country. At the same time, the Cabinet issued an order prohibiting slave trade, thereby authorizing licensed prostitutes

to quit slavery; abolished the restriction order to permit marriage between peers a widow to enjoy the right of inheritance in the absence of an heir. In this way, the women in this country had long been seemed to be at last cast off. The year of female suffrage. All this shows backward, as compared with other countries emancipation. Painstaking efforts exerting itself into a modern State, however conservative influences, which played in this country thus degenerated again. Equality of both sexes was denounced simply to America. Under the circumstances, to be a considerable number of people either as "an unexpected revolution" "a revolution forced upon by a third

The existing Civil Code of Japan which was fully exposed in the aftermath of the Meiji Restoration. The enactment of a Civil Code was first a progressive statesman, who insisted: "All countries differ from each other in their common need of possessing a Civil Code." Oki entrusted Dr. Gustave Emile Bonville was visiting this country at the time, drafting of the Civil Code. The task was brought to completion and the Civil Code of Japan.

I

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to quit slavery; abolished the restriction on inter-class marriage, in order to permit marriage between peers and commoners; and authorized a widow to enjoy the right of inheritance to a house in the case of the absence of an heir. In this way, the feudalistic yoke, under which women in this country had long been placed only because of their sex, seemed to be at last cast off. The year 1877 saw the first advocacy of female suffrage. All this shows that Japan was by no means backward, as compared with other countries, in the movement for female emancipation. Painstaking efforts exerted by this country for remoulding itself into a modern State, however, were nearly frustrated by conservative influences, which played a reactionary role. Conditions in this country thus degenerated again so badly that the idea of equality of both sexes was denounced simply as light and frivolous peculiar to America. Under the circumstances, it is no wonder that there should be a considerable number of people who take the New Constitution either as "an unexpected revolution" to the existing family system or "a revolution forced upon by a third party."

The existing Civil Code of Japan, the disgraceful character of which was fully exposed in the aftermath of the war, was one of the products during this reactionary period. It was in 1869 that the enactment of a Civil Code was first advocated by Shimpei Eto, a progressive statesman, who insisted: "Although Japan and Western countries differ from each other in manners and customs, they have a common need of possessing a Civil Code." In 1878 Justice Minister Oki entrusted Dr. Gustave Emile Boissonade, a French jurist, who was visiting this country at the time, and some other persons with the drafting of the Civil Code. The task continued until 1890, when the draft was brought to completion and then promulgated as the Civil Code of Japan.

But, with the enforcement of this code, commonly known as the Old Civil Code, on January 1, 1893 in sight, oppositions were raised against it demanding its postponement, chiefly on the ground that it did not conform to the conditions of this country and the customs of its people, notably in the point that it fatally lacked a proper apprehension of the family system of this country. For instance, Dr. Yasaka Hozumi opposed the right of a widow in the case of the absence of an heir to succession to a house for the following reasons: (Refer to "The Appearance of the Civil Code Leads to the Destruction of Loyalty and Filial Piety" *Hogaku Shimpo*, No. 5, 1891; "The Family System and the Fundamental Character of the Empire," *Hogaku Shimpo*, No. 130, 1892; "The Standards of the Civil Law," *Hogaku Shimpo*, No. 25, 1893; etc.): In the first place, a "house" as conceived in relation with the family system peculiar to Japan should essentially center in the head of a house, who is patriarchal in character. History shows some instances where there existed matriarchs. But so far as the historical facts of this country are concerned, it has always been the rule that a male is the head of a house and, as such, he personifies the spirits of the ancestors. In the case of the Old Civil Code, however, since a house composed through the union of man and wife constitutes the basis of social organization, and, moreover, since this same idea says all such institutions as vesting a widowed mother with parental authority, by completely disregarding paternal rights peculiar to a father, or recognizing the duty of supporting between the child and its mother or father, who has left the house, this new law is nefarious in the light of the family system of Japan."

Against this contention, Dr. Kenjiro Ume defended the attitude taken by the Old Civil Code, by emphatically pointing out the fact that the national or social organization of Japan was now in the

transition period from feudalistic society to a society centering around individualism. A new legal system was established to cope with the new conditions. It would be impossible for Japan to maintain its traditional social morals and the development of its legal system. In a lecture "On the Future of the Family System," Dr. Ume theoretically liquidated in a few words the system of this country, which has no historical basis. The Constitution, as "a survival of the feudalistic system," scholars go to the length of asserting that it is maintained intact, to say nothing of its historical basis. On the ground that it constitutes an essential part of the constitution of this country, this country has no knowledge about the history of Western law. The headship right recognized in the Roman Law was even after it became unfit for the age of passing of time; it failed to assimilate with the new conditions when it was later brought into contact with modern society. It is found to be stronger in a less civilized country. It applies to family estate. The headship system is especially conspicuous for its feudalistic character. It has developed from the practical need of an economic basis to a large number of purposes; fiefs were granted them to the lords. In modern society characterized by progress, it can keep pace with its progress unless it is reformed and maintains an independent status. It denounced the system whereby the headship of the entire family estate and an heir to the headship of his house, condemning the headship

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to a society centering around individuals, and asserting that, unless a
legal system was established to cope with this universal trend, it would
be impossible for Japan to maintain national order, and to enhance
social morals and the development of commerce and industry. In his
lecture "On the Future of the Family System" delivered in 1902,
Dr. Ume theoretically liquidated in a laudable manner the family sys-
tem of this country, which has now been cleared up by the New
Constitution, as "a survival of the feudal age." "Although some
scholars go to the length of asserting that the family system must be
maintained intact, to say nothing of its abolition, through all ages, on
the ground that it constitutes an element essential to the national
constitution of this country, this contention is based on their lack of
knowledge about the history of Western countries. The patriarchal
right recognized in the Roman Law long remained as an institution
even after it became unfit for the actual condition of society with the
passing of time; it failed to assimilate the German Law to its end
when it was later brought into contact with it. The patriarchal right
is found to be stronger in a less civilized society. The same rule ap-
plies to family estate. The headship of a house prevalent in this country
is especially conspicuous for its feudalistic character. Historically, it
has developed from the practical need of feudalism, for affording an
economic basis to a large number of people united together for warring
purposes; fiefs were granted them to sustain their respective families.
In modern society characterized by free competition, however, no one
can keep pace with its progress unless he possesses property of his own
and maintains an independent status in society." Thus, Dr. Ume
denounced the system whereby the eldest son exclusively succeeds to
the entire family estate and an heir presumptive is prohibited to leave
his house, condemning the headship of a house as excessive in power.

Against this, however, a group of bureaucratic scholars, clinging to feudalism, offered strong opposition on the ground that "since the Old Civil Code was drafted by a foreigner modelled after the French Civil Code which is based on democracy and natural rights of man, it is entirely in contravention with the spirit of the Constitution of Japan." They argued that "it would be a great honour for the peers to oppose it since they constitute the bulwark of the Throne." (*Hogaku Shimpo*, No. 130, 1892)

Later, during the period of some ten years following 1907, the problem of the family system was taken up for discussion by Dr. Tsukasa Okamura, who upheld the stand maintained by Dr. Ume. As his opponent, Dr. Otoshiro Ishizaka advocated, in his paper entitled "The Family System and Succession to a House by the Eldest Son," the maintenance of the system of succession to a house by the eldest son for preserving the agrarian families in this country. Pointing out that, under changing conditions of society and by the provisions of the Old Civil Code, the system of succession to a house by the eldest son, which formed the backbone of the family system of this country, had been brought on the brink of collapse, he insisted on taking some measures for rescuing it. It has now been fully disclosed that the real role played by the family system was nothing more than contributing to the distorted development of Japan's capitalism, which was far behind Western capitalism in progress.

(In regard to this problem, Prof. Sakae Wagatsuma published a paper, titled "Transition of Legal Discussions on the Family System" in *Horitsu Jiho*, October, November and December 1946.)

In complete ignorance of the majority of the people had long lived feudalistic Civil Code, into which incorporated, up until recently with seriousness of this problem by the nation. The feudalistic character of attributed to the over-emphasis placed a feature of Japan's family system is in itself a world, which essentially places the foremost value on the value of the family. In other words, its importance is attached to the continuity of tradition, where its successor is regarded as the whole family is placed under the paternal rights. It is no wonder that and development of its individual members should be regarded as of only secondary consideration considered a matter of any account for a family community, where even the other relations, it is essentially which is contrary to the idea of modern

In this connection, Mr. Yasuoka discussed this problem. ("The Idea of a Family" *Chuto Kyoiku*, Jan., 1946.) He

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II

In complete ignorance of these academic controversies, the majority of the people had long lived under the control of the semi-feudalistic Civil Code, into which the Old Civil Code was finally incorporated, up until recently when their eyes were opened to the seriousness of this problem by the promulgation of the New Constitution. The feudalistic character of the existing Civil Code is mainly attributed to the over-emphasis placed on the "house," which constitutes a feature of Japan's family system. A "house" in the family system is in itself a world, which essentially hinges on the moral idea that places the foremost value on the vertical relations between the members of the family. In other words, it is a world, where the primary importance is attached to the continuation of the lineage or the family tradition, where its successor is required to be a male, and where the whole family is placed under the control of the head of the house of paternal rights. It is no wonder that in such a "house" the freedom and development of its individual members, especially of the female sex, should be regarded as of only secondary importance, rarely being considered a matter of any account. Since the "house" thus stands for a family community, where vertical relations predominates over all the other relations, it is essentially exclusive and isolated in character, which is contrary to the idea of modern society.

In this connection, Mr. Yasumasa Oshima throws much light on this problem. ("The Idea of a Family State and Social Consciousness," *Chuto Kyoiku*, Jan., 1946.) He says: "The introduction into this

country of capitalism since the beginning of the Meiji era meant the formation of a bourgeois State in the modern sense, and, as such, it should have resulted in the complete dissolution of the idea of the family state as a life-unity which is in itself an objective, because the prerequisite to the actual structure of the bourgeois society consists in the consciousness of equality by free individuals. As pointed out by Ferdinand Tonnies, a family community (Gemeinschaft) based on the primitive nature of man and an association (Gesellschaft) organized by the selective will of individuals which functions by rational intelligence, are antipodal in quality. In reality, however, with the exception of such a country as the United States, which lacks a history of feudalism, it is undeniable that there exists no country which can supply a perfect model for either of these antipodal societies. Every country contains in itself these two different types of society in some form or other. But what is peculiar to Japan is the fact that, owing to the backwardness of its capitalism, such factors as individual democracy in the political sense, personal sense of responsibility, and the consciousness of mutual aid, which are closely bound up with the development of capitalism, have not been fully established among its people in time, leaving as a result its family communities to remain intact. But when the perpetuation of these communities, which are incompatible with the structure of a modern State, is attempted through transforming their inherently outmoded character into an absolute and immovable idea transcending the times, it should necessarily take on a political character. This political character is essentially antagonistic, and opposed to the political idea of the modern bourgeois society. Investigations into the substance of this political character, as well as the social phenomena it gives rise to, and the results attributed to it, would eloquently reveal the true character of this nation which until the surrender in 1945 had been guiding and educating the people so as to compel

their blind obedience.

It was, indeed, during this period of youthful days, that in spite of the fact that we were severed so remotely from the world we experienced by our countrymen the same consciousness and humanistic sentimentality of his deification. This contradictory combination of a modern capitalist family State. In such a State, it is a matter of a harmonious combination of independence based on their consciousness, capital democracy and free personal conscience with a semi-feudalistic character. It is, in the house, either economic or ethical, a medieval monopolistic organization of production by machinery, falls back to father to son, and justifies the attachment of handicraft with the attachment of family but find in each of these features a country to defeat in a modern total

"When education based on such a character to a modern society, it is certain to be extremely egoistic and solely bent on self-interest. The character primarily centers in self-interest from the character which develops the greatest happiness of the greatest number, natural love towards the family and country, and eventually into love

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It was, indeed, during this period, when most of us passed our youthful days, that in spite of the absolute authority of the Emperor, we were severed so remotely from the Emperor as had never been experienced by our countrymen before, on account of our human consciousness and humanistic sentiment intensified all the more because of his deification. This contradiction is nothing but a product of the combination of a modern capitalistic State and the time-old idea of a family State. In such a State, it is little wonder that, at the cost of a harmonious combination of independent and responsible individuals based on their consciousness, capitalism which is isolated from political democracy and free personal consciousness, should find itself taking on a semi-feudalistic character. It is, indeed, the idea or consciousness of the house, either economic or ethical, that has supported the pyramidal monopolistic organization of the Zaibatsu or the plutocracy of Japan, preserving industrial mysticism which, rejecting rational production by machinery, falls back on secret arts handed down from father to son, and justifies the apprenticeship system in regard to handicraft with the attachment of spiritual significance. We cannot but find in each of these features the root-cause which destines this country to defeat in a modern total war.

"When education based on such family State is enforced as pertinent to a modern society, it is certain to result in the creation of individuals extremely egoistic and solely bent upon profit-making. This egoistic character primarily centers in self-love, and it is essentially different from the character which develops into the altruistic utilitarianism—the greatest happiness of the greatest number. It may be insisted that natural love towards the family develops and expands into love of the country, and eventually into love for humanity. But this will not

necessarily be so. As pointed out by Bergson in his work "Source of Morality and Religion," love for the family or the country in a closed society is essentially of a different dimension from love for humanity; the morality of the unclosed world religion transcends all relative objects, because of the selective and exclusive nature of the former type of love which harbours a hatred for others. For this reason, the view that the love for the country starting from the family will eventually lead to love for humanity, cannot really go beyond an abstract consciousness, which has no power to translate the idea into practice.

We must also recognize in the defeat we have just experienced the truth of Bergson's theory that even between love for the family and that for the country, which come under the same category, there exists co-ordinative difference in dimension. In other words, owing to the difference existing between a family and a country, the two closed societies, in spite of their confusion arising from their origins, the former essentially has a tendency to keep up its closed aspect under the necessity of preserving the super-political, fixed order essential for its existence, while, on the other hand, the unification of component members of the latter cannot be perfectly attained unless through their individual co-operative wills that are free and voluntary. In a country where the truth about the war it is waging is concealed from the people, and their blind obedience is demanded, the people will vainly indulge themselves in egoistic conducts centering around their respective families, even becoming indifferent in the face of a threatened invasion by the enemy forces. Love is egoistic if left to function directly; love for the family is nothing but a physical extension of this egoistic love. Attachment to the family is proportionate to the strength of its closed nature. Maintenance of profit befitting petit merchants, capitalism affiliated with household industries, a joint-stock company which justifies low

wages, poor factory equipments and long failing results of the idea of a family State supported by it. Needless to say, no attempt at a family State of such character in this country now faces the task of reconstruction in the

Characterized by such feudalistic features, it is natural that there has grown in Japan a spirit of submission itself. Submission being considered the foremost virtue in this country have long been deprived of the name of obedience, gracefulness or respect for the law. Especially during the late war, submission was brought to the fore as "the non-argument" an attribute of the Japanese spirit. It was not only fair sex but also on the young people in various circumstances, resignation has offered a place of refuge and in resignation have they found their

As in the case of all the other countries, the "house" has supreme authority over marriage, the starting-point for women. In Japan, the family is composed of a couple and children representing the whole number; in the majority of cases, the people live together in the same house under the same roof. Marriage is not considered as a union of two individuals but is regarded as a newly admitted member of the family. Nakagawa illustrated the point as follows:

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supported by it. Needless to say, no attempt at preserving the idea of a
family State of such character in this country should be permitted, which
now faces the task of reconstruction in the aftermath of a defeated war."

Characterized by such feudalistic family community, it is only
natural that there has grown in Japan a concept of women peculiar to
itself. Submission being considered the foremost feminine virtue, women
in this country have long been deprived of the freedom of criticism in
the name of obedience, gracefulness or the womanly gentleness to hush
up a matter. Especially during the late war, this non-critical attitude
was brought to the fore as "the non-arguing mind" which constitutes
an attribute of the Japanese spirit. It was imposed not only on the
fair sex but also on the young people in general. Under the circum-
stances, resignation has offered a place of refuge to Japanese women,
and in resignation have they found their only life-philosophy.

As in the case of all the other phases of woman's life, a
"house" has supreme authority over marriage which practically means
the starting-point for women. In Japan, the number of families each
composed of a couple and children represents only 30 per cent, of the
whole number; in the majority of cases, several couples of married
people live together in the same house under its head. In most cases,
marriage is not considered as a union of man and woman, but a bride
is regarded as a newly admitted member of a "house." Prof. Zennosuke
Nakagawa illustrated the point as follows:

"A certain girl, whom I knew, was married some time ago to a
man belonging to a farmer family in a rural village. Before one week

had passed since their wedding ceremony took place, she was ordered by her family people to pay a visit to her parents' house, according to the custom pertaining to marriage. When the innocent bride, however, was visiting her parents and other dear ones, she unexpectedly found her trousseau, which she had brought with her to her new home, being sent back to her parents' house. Following it a messenger came to her parents' house from the bridegroom's house, informing that she had been divorced. The reason for her divorce was explained by the messenger: she "was not in harmony with the family tradition. This story was told to me nearly one month after the incident. To my question of how the bride's family had negotiated with the bridegroom's family on this matter, I was informed that, although they asked the go-between several times to negotiate with the other party, the matter was still standing unsettled. She was 23 or 24, and was still of marriageable age, and this was her first marriage. But finding that she was half resigning herself to fate, with her qualification for marriage mercilessly negated in only ten days or so after her marriage, I felt strange, rather than provoked. It was one of many incidents taking place among the uncultured farmers in North-eastern Japan. But it is preposterous to divorce a bride, simply for the reason that she was found unsatisfactory, so lightly like casting away a kitten. The same may be said of the bride, who is so easily divorced. It is, indeed, no exaggeration to say that there is not a bit of recognition given to the personality of the woman in this case."

A similar case has been obtained in the field study conducted in Oshikiri Village in the Shonai district of Yamagata prefecture. The report says in part: "As first consideration is given to the "house" in marriage, there are many instances of unreasonable or forced marriages in this village. Many men and women get married against their

intentions solely 'for the sake' not only a problem in the back but also in big cities, as well, worce their wives not intrinsically relative to their "houses."

In a "house" it is found that the head of the house, being the domiciles of the family members, the entry of a non-family member enabled to refuse the entry of a gister and further, to have the removed from it, in case the girl his family married, is not liked already reached maturity legally. man and a girl who experienced both were, eagerly desiring to be formed between themselves, with the sincere encouragement of the the head of the house, stubbornly riage for the reason that she was a Christian and, besides, an office against nature to wait for years they had already reached the age age, they were finally united as friends' recommendation. Even persuade the father to give his f in vain. Adamant in his attitude man, who was his eldest son, ar family register, justifying this d

wedding ceremony took place, she was ordered to pay a visit to her parents' house, according to marriage. When the innocent bride, her parents and other dear ones, she unexpectedly which she had brought with her to her new home, her parents' house. Following it a messenger came from the bridegroom's house, informing that she the reason for her divorce was explained by the in harmony with the family tradition. This nearly one month after the incident. To my the family had negotiated with the bridegroom's was informed that, although they asked the to negotiate with the other party, the matter ed. She was 23 or 24, and was still of mar- was her first marriage. But finding that she of fate, with her qualification for marriage ly ten days or so after her marriage, I felt oked. It was one of many incidents taking ed farmers in North-eastern Japan. But it is bride, simply for the reason that she was found like casting away a kitten. The same may no is so easily divorced. It is, indeed, no here is not a bit of recognition given to the in this case."

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intentions solely 'for the sake of their houses'". However, this is not only a problem in the backwood villages in North-eastern Japan, but also in big cities, as well, where even intellectual people often divorce their wives not intrinsically for personal reasons but for reasons relative to their "houses."

In a "house" it is found that its headship is so strongly protected that the head of the house, being vested with the right to designate the domiciles of the family members and also the right to consent to the entry of a non-family member's name in the family register, is enabled to refuse the entry of the bride's name on the family register and further, to have the names of the newly married couple removed from it, in case the girl, whom one of the male members of his family married, is not liked by him, even when both parties have already reached maturity legally. I myself know a case of a young man and a girl who experienced similar difficulties. Although they both were, eagerly desiring to be united on a sincere understanding formed between themselves, with the approval of the girl's parents and the sincere encouragement of their friends, the men's father, who was the head of the house, stubbornly refused to give his consent to their marriage for the reason that she was against the family tradition as she was a Christian and, besides, an office clerk. But, thinking that it would be against nature to wait for years to obtain the old man's consent, since they had already reached the age which legally authorizes free marriage, they were finally united as man and wife in the Church, at their friends' recommendation. Even after that, they made every effort to persuade the father to give his formal consent to the marriage but all in vain. Adamant in his attitude, the father finally disinherited the man, who was his eldest son, and had his name removed from the family register, justifying this drastic measure as "the only possible

means to take for the family member who acts against the family rules."

This father was by no means a bad person. He is simply a victim of the family system. Indignant at seeing his authority as the head of the house, of which he is unshakably convinced, disregarded, he has failed to appreciate the real character of the girl, who is to be his daughter-in-law. A certain old census officer in a village office near Morioka City, once told me: "It is impossible to get the actual number of cases of marriages and divorces in this district, because brides are married to 'houses' and, therefore, they are very often divorced, when they are not found satisfactory to the houses, before their names are even entered in the family registers. It is usual that their names are left unregistered for one or two years, and so, the village office is quite unaware of actual number of divorces of such nature which take place during that period."

The status of women is said to be the measure of the development of civilization of a society. In fact, it becomes clear that Japanese women are still under the yoke of feudalistic influences, if we consult the marriage and divorce laws in the existing Civil Code. So far as the position of women is concerned, marriage, which should mean their lifelong happiness, is necessarily considered on the basis of a "house" but never keyed by the personality of their husbands. Even if a "house" or "lineage" may be taken up for consideration, respect of the personality of wives is utterly disregarded. The Civil Code provides that a wife does not enjoy the freedom of conducts, be they personal, of property or concerning business, these requiring her husband's permission. The wife's conducts without her husband's permission may be cancelled by the latter. Let me cite an extreme case

in this connection. When a wife leaves on her own responsibility in her husband's absence, returning from the journey, will be she has paid back, even if it was the kindness of the lender, so long as it whereabouts was unknown during her absence more outrageous than the stipulation not even "accept or refuse a donation. This means that a wife must have her own volition. According to the Civil Code, twenty years of age is a competent age for marriage turns her into an incompetent. This may be interpreted only in the light that the incompetency of a wife as a result of her submission to her husband.

Adultery is taken up as the main problem of the wife. In justification of this unfairness, it is explained that, although adultery committed by a wife affects his lineage, that committed by a husband affects his family line. Earlier in the Meiji period, scholars like Dr. Shigejiro Ogawa, advocated equality between man and wife in marriage. In his opinion. When, in 1919, the Law Council was formed for reviewing the existing laws which may not conform to good modern conditions, Dr. Tatsukio Iwano, who was in charge of wives only with illicit intercourse. Sakatani said that, in view of the existing conditions which hinges on the family system

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in this connection. When a wife borrows money from some person
on her own responsibility in her husband's absence, the husband, on
returning from the journey, will be authorized to take back the money
she has paid back, even if it was loaned her as relief money by the
kindness of the lender, so long as it is not proved that the husband's
whereabouts was unknown during his absence. However, nothing is
more outrageous than the stipulation in the Civil Code that a wife can-
not even "accept or refuse a donation" without her husband's permis-
sion. This means that a wife must remain a puppet without her own
volition. According to the Civil Code, an unmarried woman of over
twenty years of age is a competent person just as a man is, although
marriage turns her into an incompetent person. This stipulation can
be interpreted only in the light that marriage produces as its effect
the incompetency of a wife as a means to impose upon her complete
submission to her husband.

Adultery is taken up as the cause of divorce only against a
wife. In justification of this unfair and partial treatment, it is ex-
plained that, although adultery committed by a husband does not directly
affect his lineage, that committed by his wife does generally stain the
family line. Earlier in the Meiji era there were some progressive
scholars like Dr. Shigejiro Ogawa, who bravely insisted on the legal
equality between man and wife in this regard against swaying public
opinion. When, in 1919, the Temporary Legislative Deliberative
Council was formed for reviewing the provisions of the Civil Code
which may not conform to good morals and wholesome manners tradi-
tional to this country, Dr. Tatsukichi Minobe censured the system to
charge wives only with illicit intercourse. Opposing him, Dr. Yeshiro
Sakatani said that, in view of the traditional practice in this country,
which hinges on the family system, to allow a husband to keep a

concubine very often with his wife's understanding, in order to maintain his lineage unbroken, it was problematical to denounce this custom as an act of conjugal infidelity. When in the same Deliberative Council an article in the Civil Code regarding the causes of divorce was taken up for discussion, the majority opinion was in favour of removing the passage saying: "When a wife has received an extremely unreasonable treatment from her consort's lineal ascendants," for the reason that it implied the parents-in-law's cruelty to her. Yet, they insisted on retaining the passage which says: "When his consort has given an extremely unreasonable treatment to his lineal ascendants" as one of the principal causes of divorce in favour of a husband. In this way, an act of cruelty committed by a wife to her husband's parents was sufficient cause for divorcing the wife, while the opposite case was removed from among the causes of divorce. The conclusion reached by the Deliberative Council proved only to reinforce the family system, failing to contribute anything to the improvement of the position of a married woman.

Later Prof. Takigawa of the Kyōto Imperial University asserted the equality of man and wife in regard to their responsibility for illicit intercourse, but pressure by the Government at authorities finally banished him from the University. In this country, still beset with feudal customs, as a marriage contract is concluded with only secondary importance given to the intentions of the young man and the girl, so is divorce, as they cannot divorce each other without their parents' consent, when they are under twenty five years of age. This is justified as the means to protect a young couple from resorting to a reckless divorce, but in reality they are divorced very often at the whim of the wife's parents-in-law, even against their intentions. In the worst case, a young wife finds her divorce registered without her

knowledge. It is generally conjugal separation has seldom consent based on the free will of "casting off of a wife"

his wife's understanding, in order to maintain it was problematical to denounce this custom of infidelity. When in the same Deliberative Civil Code regarding the causes of divorce, the majority opinion was in favour of giving: "When a wife has received an extremely cruel treatment from her consort's lineal ascendants," for the cause of divorce on account of the parents-in-law's cruelty to her. Yet, they passed a law which says: "When his consort has received a cruel treatment to his lineal ascendants" as a cause of divorce in favour of a husband. In this case, the fault was committed by a wife to her husband's parents, while the opposite case was in favour of divorcing the wife, while the opposite case was in favour of the husband. The conclusion reached by the Council proved only to reinforce the family system and to do nothing to the improvement of the position of the wife.

A professor of the Kyōto Imperial University asserted that the Government was finally forced to take action in regard to their responsibility for infidelity. In this country, still beset with feudalism, a marriage contract is concluded with only second-hand knowledge of the intentions of the young man and the girl, and they are not allowed to divorce each other without their parents' consent. This is just what is needed to protect a young couple from resorting to a divorce. In reality they are divorced very often at the instigation of the parents-in-law, even against their intentions. In some cases, a wife finds her divorce registered without her

knowledge. It is generally admitted by jurists in this country that conjugal separation has seldom been effected as a divorce by mutual consent based on the free will of both parties, but usually in the form of "casting off of a wife" for the convenience of the "house."

III

the head of a house exercises a very strong influence over the family members, sometimes side by side with the father, in the position of the head of a house. These members enjoy the so-called "chastising right" which is exercised over the family members of age. Moreover, the head of a house give permission to the family members under his control. This right undoubtedly has contributed to the customous practice in Japanese rural villages to sell their daughters as prostitutes or geisha girls. To make the situation worse, many girls have often left their folks to follow a man, a practice aggravated by the mistaken idea that to sacrifice one's self was a virtue of the female sex.

It is to find that, in accordance with advice given by the Labor Standards Law, recently prohibiting the prohibition of borrowing money in advance for the future of children. Nevertheless, when a man borrows money, he often sends his children into slavery through borrowing. This practice long formed a custom almost universal to all parts of the country which is closely bound up with the family system, and it is a serious question that, unless this feudalistic family system is abolished, the conscientious interpretation of the New Law will be the wholesome enforcement of the Civil Code, a very extremely difficult task to stamp out this evil practice of borrowing money in advance on

security of one's children's employment is after all attributed to the fact that hitherto the State offered no protection to individuals, and the people were placed under the absolute control of their respective houses, which are isolated from each other to form an independent world by itself. Indeed, it is a world, which is beyond the reach of rationalism or any social reformatory theories, being sanctified in the name of the family system.

Under the feudalistic family system, every person is destined to belong to some "house" or other, either as its head or member. The position of the head of a house is unique. He is given the right to exercise control over all the family members, just as he has the obligation to sustain the family members for society or the State: he enjoys the right of succession to a house, which entitles him to monopolize the estate, while for this a legal heir presumptive is prohibited from leaving his house; the head of a house cannot bring his house to extinction. In the case of the head of a house, he is allowed to dispose arbitrarily of the inherited estate without any restraint.

According to the report on the field study conducted in Oshikiri Village, Yamagata prefecture, already quoted, "the position of the head of a house is elevated as its wealth increases. It is common to landlords and tenants that the head of a house has a special seat called *Yokoza* at the dining-table. Until some time ago, the head of a house, possessing a farm of 4 or 5 *chobu* in area, used to eat alone in a separate seat exclusive to his use, being served with a better meal than that for other family members, consisting of more courses and employing a superior quality of dishes and plates. While the rest of the family members were eating together on the wooden floor, he alone would eat in a matted room, with somebody waiting on him. The position of a wo-

man, married into such a house, is necessarily very low, being commonly considered as a means to maintain the lineage. Even in the case of a man, when he has married an heiress, he is often treated so coldly after the birth of a child that he finds it unbearable to stay in that house. It is no wonder, therefore, that a married woman should find her position so negligible that she is regarded as "a means to give birth to a child."

It is under these circumstances, that a widow is often forced to marry her deceased husband's brother for the sake of the house, while her sincere desire to lead the remainder of her life in the cherished memory of her husband being overridden as improper and selfish. A married woman in Japan seldom shares her life with her husband. Willingly or unwillingly, she is forced to serve the house, into which she has married. Even when a woman has married a man out of mutual affection and dearly loves her children, the hardships and difficulties she has to experience as a wife and mother amidst all kinds of restrictions of the "house" are really unbearable.

In a book entitled "The Life of Women," Prof. Zennosuke Nakagawa introduces to the reader representative cases relative to the family system, which were collected by the legal information office run by the students of Tohoku Imperial University, where he is a professor, as part of their field researches. One of the cases which I want to quote here is of a girl called Kinuko, who married into a farmer's house of considerable wealth at the desire of his second son. In the third year of their married life, however, her husband suddenly died of pneumonia, leaving her with a little child to look after. As she was devoted to her husband, there was no reason at all that she should find any difficulties in remaining in her deceased husband's

house as the mother of the child. But her husband gradually led her into a difficult position in the name of her dead husband was she, as its mother, was to take charge of the household authority. But this gave no pleasant feeling as the eldest son and the head of the house would treat her as a nuisance. Unable to remain in the house, his daughter was receiving there, the father proposed to the head of the house to bring her to this the latter replied that he would not register his family register but would not let her go as it belonged to his house. When the father refused to take care of the child until it would be in the mother's care, her brother-in-law flatly refused, there would be no excuse for him to let her go. Her hereditary property transferred to another person, the position of poor Kinuko became worse. She was at the mercy of the right of control of the house, there was no other course for her but to live to the life of extreme humiliation in the house, the more so as she was determined to stay. Even if she might flee back to her parents, as a beloved child, it would be futile because in the family system the head of the house would not register her family register and bring back the right to designate the domiciles of her children.

Another case contained in this book is of a married woman amidst the complete control of a certain girl, who was the daughter

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gible that she is regarded as "a means to give

circumstances, that a widow is often forced to
husband's brother for the sake of the house, while
lead the remainder of her life in the cherished
and being overridden as improper and selfish. A
span seldom shares her life with her husband.
y, she is forced to serve the house, into which she
hen a woman has married a man out of mutual
ves her children, the hardships and difficulties
as a wife and mother amidst all kinds of restric-
are really unbearable.

"The Life of Women," Prof. Zennosuke Na-
the reader representative cases relative to the
were collected by the legal information office
Tohoku Imperial University, where he is a
their field researches. One of the cases which
of a girl called Kinuko, who married into a
derable wealth at the desire of his second son.
ir married life, however, her husband suddenly
ng her with a little child to look after. As
husband, there was no reason at all that she
ties in remaining in her deceased husband's

house as the mother of the child. But in reality the death of her
husband gradually led her into a difficult position. When the property
in the name of her dead husband was transferred to the little child,
she, as its mother, was to take charge of it as the person-in parental
authority. But this gave no pleasant feeling to her brother-in-law, who
as the eldest son and the head of the house he possessed, began to
treat her as a nuisance. Unable to remain indifferent to the treatment
his daughter was receiving there, the father of the widow at last pro-
posed to the head of the house to bring her back to his house. But
to this the latter replied that he would have her name removed from
his family register but would not let the little child go with her as it
belonged to his house. When the father entreated him to let his daughter
take care of the child until it would be old enough to go without its
mother's care, her brother-in-law flatly refused it on the pretext that
there would be no excuse for him to make to his forefathers to see
hereditary property transferred to another house with the child. The
position of poor Kinuko became worse. Since her freedom of conduct
was at the mercy of the right of consent enjoyed by the head of the
house, there was no other course for her to follow than to submit
to the life of extreme humiliation in the gloomy house, this being all
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a Government official. After spending a few days very amicably with the parents-in-law and other in-laws following the wedding ceremony held in the bridegroom's house in the country, the newly married couple went to Tokyo, where he was working, to make their home. Peaceful days passed on and a child was born to them. But when the child was about four years old, air raids in Tokyo finally compelled the family to evacuate to the husband's house in the country. However, with her husband staying in Tokyo to attend to his office duties, the young wife was to face alone all the troubles arising between her in-laws. The attitude of her father-in-law towards her was so extremely tyrannical that she was very often abused and sometimes even beaten by him when she was at fault. Her mother-in-law was a good-natured woman, but before the absolute headship of the feudalistic house she had no voice at all. Under the circumstances, his antagonism against her increased daily which she patiently bore. Then her husband was reassigned to a town near his native place and joined to live with his family people in the house. But this only served to add to the complexity of the house. An obedient son to his father, he could do nothing to help alleviate his wife's difficulties. One day when he was away from home on duty, the father-in-law was so enraged over a trifle quarrel with her that he insisted on her divorce. Her husband made every effort to soothe down his enraged father in defense of her wife, but all in vain. There was no other way left for the wife but to be divorced and wait for a future chance to be forgiven for her fault.

There was no denying that her husband should have defended her at all cost, if he was really sincere to her. But it would be more to the point to say that, having been long trained to obey the indisputable power of his father as the head of the house, he was submitting himself to inevitable resignation. Parting with her husband and leaving

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The author of the book comments: "Even if this narrative is a helpless position of a married woman, I think it claims value as a study of the conditions in the Japanese house."

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IV

Not very rarely is it found in rural villages that, along with the head of a house, the eldest son even still under age, is left to indulge in selfishness and arrogance due to his privileged consciousness, which comes from his right to inherit the headship of the house. In this connection, I want to quote a letter sent me from a rural girl, who is a primary school teacher, complaining of similar situation in her own house. The letter says in part: "I am one of the school teachers who had the honour of attending the lecture you gave the other day in Shinshu. Feeling that, since I met you and listened to your lecture, you have become a person closer to me, I venture to write you in the hope that you will kindly enlighten me on a question which is greatly troubling me. I am one of those persons who are eagerly looking forward to the time, when the revision of the Constitution, now under discussion in the Diet, will result in the abrogation of the provisions of the Civil Code pertaining to the feudalistic right of primogeniture. I myself support the draft proposed by the Social Democratic Party, which is 'to limit inheritance to property and vest wife and children with the equal right of inheritance, replacing the primogeniture.' I think the misery a home suffers from the existing system under the feudalistic Civil Code is really beyond description. By stating how badly my own home is suffering from the primogeniture and preponderance of the eldest son, I want to invite serious attention of the statesmen."

This girl has five sisters and one brother, who is the youngest of

them all but the heir to the house. Since the days when this boy was still very young, his grand-father, who is the head of the house, has lavished his love on him, professing that as a son is essential to the Japanese family system, it was natural that the house should depend on the grand-son. Under such circumstances, the brother was gradually brought up into a man outrageously out of control. The mother, who is a woman coming from another house and not primarily belonging to this house, had no voice at all in family matters, found herself quite helpless at the outrageous attitude of her son, who was acting under the shelter of the influence of his grand-father and the head of the house. In the meantime, he married a girl, which fact seemed to promise an improvement in this situation. But, contrary to expectations of his mother and sisters, a disagreement arising between the young wife and her mother-in-law proved only to worsen it. This family trouble drove the helpless mother and the sisters into an increasingly difficult position. Pressed by the shortage of food, some of the sisters who had been married to the houses in the near-by towns, would visit their parents' house for some vegetables or greens, the brother would treat them harshly, saying that as even a particle of dust in his house belonged to him, they could not get anything without his permission. Being placed in a dilemma between the grand-father and his son, her father was comforting himself with the thought that a bad elder son was a misfortune of the house, to which one must submit. "My house may be one of the rare cases. But I believe that there exists no small number of houses in rural villages, where one of their male members is lording over them like a tyrant under the feudalistic family system," closes this letter.

As a result of the practice that only the eldest son is given predominant position in succession to a house, almost all the property under

the management of the preceding head of the house is inherited by him, preferential to his younger brothers. What is mainly intended under this system is to prevent the property for inheritance from being scattered, on the basis of such contingents as the sex, the order of birth, etc. But no consideration is paid at all to the basic rights of individual members of the house. Especially in the case of a wife, she is entirely excluded from the list of inheritors to property. As mention was already made of it, marriage robs a woman of her right as its legal effect in regard to property. The most unreasonable case would be when a husband has been survived by his wife, leaving a child born by another woman, which he had legally recognized as his child by having its name entered in his family register without her knowledge. The death of her husband entitles this child to succeed to his property, while on the other hand, imposing on it the responsibility to take care of its father's legitimate wife. Thus, she finds herself in a position extremely unreasonable and hard. Since, however, a wife must fall back on some person or other for sustenance for lack of any property to possess or to inherit, whether or not she can inherit property left by her deceased husband really means a question of her subsistence.

Under the feudalistic family system, which essentially attaches the foremost importance to the heir of a house in order to avoid its discontinuation, it is forbidden that the head of a house and his heir enter into another house. When therefore, a young man and a girl desiring to marry happen to be an heir and an heiress, their marriage is confronted with extreme difficulties. Even though it may be legally possible to take proceedings for the disinheritance of one of the party in order to realize their intended marriage, such a procedure is resorted to by only a few people. In the majority of cases, the heir and the

heiress marry to make a home without having their marriage officially registered on account of the troublesome procedure and the necessary expenses. The child born to them is, at best, destined to be an illegitimate child and, in the worst case, is registered as the wife's natural child. Tragedy occurs when the husband dies leaving his wife and his child in this state, because under no protection by law, neither the wife nor the child can inherit even a bit of the property left by her husband or his father, despite the indisputable fact that they were forming the common family with the deceased person. To help realize the intended marriage of an heiress, lawyers might direct her what procedure she should take. The first thing to do is to adopt her newly-born cousin into her house as its heir. As a male precedes female in the order of inheritance of a house, she can now make an official report on her marriage, leaving her house. But once this report has been accepted, it is possible to have the child's name removed from her family register into that of her uncle's family.

In the actual life of the majority of the people, however, succession to their houses is a matter which hardly has any weight and the meaning of the law providing it is the last thing they can really understand. Practically, they live in indifference to what the law stipulates. Yet we see many an heiress who has fallen victim to the unreasonable provisions of the law. The fact that this contradiction existing between realities of the people's life and the provisions of the law has long been overlooked and failed to be given serious consideration, at the sacrifice of innumerable members of the female sex, is indeed a matter which demands our profound reflection. Many scholars consider this phenomenon as an effect of the Emperor system of Japan, rather than attributing it to a feudalistic idea.

On this problem, Prof. Zennosuke Nakagawa says in an article "On the Family System" he published (*Choryu*, 1946, March) as follows: "Justice to cope with the relations between sovereign and subject; affection proper for the relationship between father and sons' is the saying long repeated among our people, which is tantamount to saying 'the Imperial House is the main house of the entire people.' This may be said to have been the national conviction of our people. Indeed, it has been considered that since our forefathers were the relatives in blood of the descendant of the Sun Goddess who assisted the latter as his subordinate deities in the founding of this Empire, all our family lines can be eventually traced back into the direct lineage of the Imperial House. Granting, however, that this is the national conviction of our people, it is impossible to prove that the Imperial House is the main house of us all, if the investigation is conducted in the light of historical facts. From this standpoint, we arrive at the conclusion that such national cults as ancestor-worship or service to the memory of the ancestors contain a great deal of fictitious elements. This means that, in many instances, the ancestors as the objectives of those cults are not definitely known. Nevertheless, many of our people adhere to the idea, solely on the basis of traditional conviction, that these cults are peculiar to, and characteristic of, our people. Although they may hold the conviction that, even if their ancestors cannot definitely be identified, they are the same deities who far back in the age of gods participated in the great task of founding this Empire, this traditional conviction is, as already pointed out, historically ungrounded. Therefore, in the society of today and tomorrow, which hinges on rationalism and positivism, it is inevitable that it will be brought under re-examination. I find today no necessity of criticizing it or occupying ourselves with the remoulding of it into something different. Let it go as it is. But we should be fully aware of the

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Taking up, for example, the difficult situation under which the marriage of the only daughter of a house finds herself, he then comments on the problem as follows: "When drafting the Civil Code, the law-makers exercised their ingenuity in preventing the extinction of houses, by mainly taking into consideration houses of distinction or old origin. But in the majority of cases, there are in reality only a few people who can trace back their lineage beyond several generations, while most of them are indifferent to such matter as the extinction of their houses, even in their own generation. Yet, all of them share the same conviction that their ancestors, even if not very clearly traceable, are among the deities who assisted the Imperial ancestors in the dawn of history and that they eventually belong to the Imperial House, which forms their main house. This idea of the main house is rich in metaphorical elements, since their lineages are not only distinctly untraceable, but they are also connected, in some cases, with naturalized foreign people. Vague as it is in its character, this traditional conviction does supply very powerful motives for the solidarity of our people. But since this idea is a matter of traditional conviction held by the people, which cannot be positively proved, it would be impossible to apply it to all family matters without inviting the criticism that the family system thereby characterized brings a meaningless yoke upon the life of the people. Viewed in this light, it is clear that the family system of this country requires today a positive explanation founded on a more rational basis. The imposition on the people of such a fictitious conviction as 'the family state' will sooner or later prove incapable of maintaining the family system."

As this article suggests, what demands reflection in connection with the family system is the plain fact that the "law" in the feudalistic privileged society, which attaches importance to matters not so serious to the general people, has been imposed upon them as the "law" by which they should abide.

v

We have so far tried to clarify that the "house" under the feudalistic family system can no longer claim its existence among the people. In some exceptional cases, as in a certain district of Hida Province of Central Japan, a major, pluralistic family (which is composed of many families living together under one roof), may still be found existing as the form of family most typical of the feudalistic family community. Generally speaking, however, the "house" has now come to have no significance at all for the people (useful only in connection with the census register) which has nothing to do with the life of most people. Dealing with this problem, Prof. Nakagawa says:

"The greatest question in this connection is the loss of the economic functions of the house. Although the house was primarily a society or group formed for production, it is now being disintegrated with the increasing importance of the productive activities of individuals. It is true that some types of the house in the original sense are still to be seen in rural or fishing villages, but I believe it is no exaggeration to say that the family system has, for the most part, been destroyed, so far as its form is concerned."

Prof. Sakae Wagatsuma, too, says as follows: "According to my view, the 'family system' pictured by its advocates is singularly characterized by an ethical significance. However, the stipulations in the Civil Code concerning the family system are in fact its props in terms of law in modern society. An ethical norm can be an object

by itself, but the legal system to support it is confined in its nature to be a means of accomplishing this object. Even its *raison d'être* as a means, can be justified only when it is designed for the accomplishment of the ethical object. With the change of time, however, the legal system has come to be found not only useless as a means for the object, but also an impediment to some phases of social progress."

In the face of the fact that the "house" embracing all its members under its roof is rapidly decreasing in number and its head is losing his economic power, an unreasonably powerful right continues to be given the 'house' or its head, offering an impediment to the improvement of the status of individuals and aggravating the already miserable position of women and other powerless members. Herein lies the reason why the feudalistic family system is still exerting considerable influence over the people, even though its foundations, social and economic, have already collapsed. As long as this peculiar situation continues to exist, it would be impossible to say that the spiritual basis of militarism deeply rooted in this nation has been completely destroyed.

Around the democratic new Constitution, the attention of all serious people is now rapidly being directed to anything feudalistic for criticism or reflection. Japanese women are especially looking forward to the revision of the Civil Code with great expectations. Under the situation, general attention is increasingly focused on various problems concerning the family system, as may be gathered from the fact that nearly half of the correspondences sent by women to the Women's Hour Section of the Japan Broadcasting Corporation during the period from January to March, 1947, were related in some way or other with the family system. Of these correspondences, com-

house as the mother of the child. But in reality the death of her husband gradually led her into a difficult position. When the property in the name of her dead husband was transferred to the little child, she, as its mother, was to take charge of it as the person in parental authority. But this gave no pleasant feeling to her brother-in-law, who as the eldest son and the head of the house he possessed, began to treat her as a nuisance. Unable to remain indifferent to the treatment his daughter was receiving there, the father of the widow at last proposed to the head of the house to bring her back to his house. But to this the latter replied that he would have her name removed from his family register but would not let the little child go with her as it belonged to his house. When the father entreated him to let his daughter take care of the child until it would be old enough to go without its mother's care, her brother-in-law flatly refused it on the pretext that there would be no excuse for him to make to his forefathers to see hereditary property transferred to another house with the child. The position of poor Kinuko became worse. Since her freedom of conduct was at the mercy of the right of consent enjoyed by the head of the house, there was no other course for her to follow than to submit to the life of extreme humiliation in the gloomy house, this being all the more so as she was determined to live at any cost with her child. Even if she might flee back to her parents' house for shelter with her beloved child, it would be futile because under the feudalistic family system the head of the house would remove her name only from his family register and bring back the child to his house by force of his right to designate the domiciles of his family members.

Another case contained in this book fully depicts the position of a married woman amidst the complexity of a feudalistic "house." A certain girl, who was the daughter of a respectable merchant, married

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IV

Not very rarely is it found in rural villages that, along with the head of a house, the eldest son even still under age, is left to indulge in selfishness and arrogance due to his privileged consciousness, which comes from his right to inherit the headship of the house. In this connection, I want to quote a letter sent me from a rural girl, who is a primary school teacher, complaining of similar situation in her own house. The letter says in part: "I am one of the school teachers who had the honour of attending the lecture you gave the other day in Shinshu. Feeling that, since I met you and listened to your lecture, you have become a person closer to me, I venture to write you in the hope that you will kindly enlighten me on a question which is greatly troubling me. I am one of those persons who are eagerly looking forward to the time, when the revision of the Constitution, now under discussion in the Diet, will result in the abrogation of the provisions of the Civil Code pertaining to the feudalistic right of primogeniture. I myself support the draft proposed by the Social Democratic Party, which is 'to limit inheritance to property and vest wife and children with the equal right of inheritance, replacing the primogeniture.' I think the misery a home suffers from the existing system under the feudalistic Civil Code is really beyond description. By stating how badly my own home is suffering from the primogeniture and preponderance of the eldest son, I want to invite serious attention of the statesmen."

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In the actual life of the majority of the people, however, succession to their houses is a matter which hardly has any weight and the meaning of the law providing it is the last thing they can really understand. Practically, they live in indifference to what the law stipulates. Yet we see many an heiress who has fallen victim to the unreasonable provisions of the law. The fact that this contradiction existing between realities of the people's life and the provisions of the law has long been overlooked and failed to be given serious consideration, at the sacrifice of innumerable members of the female sex, is indeed a matter which demands our profound reflection. Many scholars consider this phenomenon as an effect of the Emperor system of Japan, rather than attributing it to a feudalistic idea.

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As this article suggests, what demands reflection in connection with the family system is the plain fact that the "law" in the feudalistic privileged society, which attaches importance to matters not so serious to the general people, has been imposed upon them as the "law" by which they should abide.

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We have so far tried to clarify that the "house" under the feudalistic family system can no longer claim its existence among the people. In some exceptional cases, as in a certain district of Hida Province of Central Japan, a major, pluralistic family (which is composed of many families living together under one roof), may still be found existing as the form of family most typical of the feudalistic family community. Generally speaking, however, the "house" has now come to have no significance at all for the people (useful only in connection with the census register) which has nothing to do with the life of most people. Dealing with this problem, Prof. Nakagawa says:

"The greatest question in this connection is the loss of the economic functions of the house. Although the house was primarily a society or group formed for production, it is now being disintegrated with the increasing importance of the productive activities of individuals. It is true that some types of the house in the original sense are still to be seen in rural or fishing villages, but I believe it is no exaggeration to say that the family system has, for the most part, been destroyed, so far as its form is concerned."

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by itself, but the legal system to support it is confined in its nature to be a means of accomplishing this object. Even its *raison d'être* as a means, can be justified only when it is designed for the accomplishment of the ethical object. With the change of time, however, the legal system has come to be found not only useless as a means for the object, but also an impediment to some phases of social progress."

In the face of the fact that the "house" embracing all its members under its roof is rapidly decreasing in number and its head is losing his economic power, an unreasonably powerful right continues to be given the 'house' or its head, offering an impediment to the improvement of the status of individuals and aggravating the already miserable position of women and other powerless members. Herein lies the reason why the feudalistic family system is still exerting considerable influence over the people, even though its foundations, social and economic, have already collapsed. As long as this peculiar situation continues to exist, it would be impossible to say that the spiritual basis of militarism deeply rooted in this nation has been completely destroyed.

Around the democratic new Constitution, the attention of all serious people is now rapidly being directed to anything feudalistic for criticism or reflection. Japanese women are especially looking forward to the revision of the Civil Code with great expectations. Under the situation, general attention is increasingly focused on various problems concerning the family system, as may be gathered from the fact that nearly half of the correspondences sent by women to the Women's Hour Section of the Japan Broadcasting Corporation during the period from January to March, 1947, were related in some way or other with the family system. Of these correspondences, com-

plaints of troubles experienced by widows and young wives, numbered the most, while problems between wives and their in-laws came next. Some of the letters expressed the desire that radio comments be made on the feudalistic status of wives for their emancipation. It is significant that whenever there was a radio comment on the family system, the commentator received letters of appreciation from the people who listened in.

On the other hand, however, there still prevail opinions and views that mislead the people who seek in earnest the right path. Strong points of the family system, merits of feudalistic morals, and what not,—these are the things repeatedly emphasized for the people in general. In the article "Feudalistic Character of the Family System" published in a certain magazine, Mr. Michio Aoyama touches upon this problem as follows:

"When discussions on the revision of the Constitution took place in the recent session of the Diet, Premier Yoshida, in reply to an Interpellation, boldly expressed his view on the family system by saying: 'Although Article 22 of the new Constitution aims at discarding all feudalistic elements from the family system, the system itself is a wholesome custom of this country.' But what does the family system so supported by the Premier really mean? Does it signify that in Japan there exists a family system transcending history, other than the feudalistic or patriarchal family system? Even if the family system meant by the Premier is to be taken as a system, under which national organization essentially centers in a house, or a system, which embraces not only a conjugal union, but also all members of the same line, from the remotest ancestors to the farthest future generations, such an idea should rightly be branded as feudalistic. All this goes to show that

Premier Yoshida's explanation is none other than a subtle camouflage of the real nature of the family system. If the family system is taken as a system to control family members in their conducts, in accordance with sociological theories, the Premier might be right when rejecting 'feudalistic elements' of 'the family system.' In view of the fact, however, that in actual society a family cannot exist without taking the form of a family system and that the family system in this sense can be found throughout the world, from such highly civilized countries as England, the United States, etc. down to primitive tribal communities, it would be an unscientific attitude which disregards facts. A confusion of ideas on the family system can be detected even in a few words expressed by the Premier. It is common in this country that the family system, even when implying a feudalistic or patriarchal one, is taken as a system which transcends history and claims universality. This naturally gives rise to contradictions and confusion of ideas about the family system as it actually is. The prevalence of such a misinterpretation of this system should be attributed mostly to a group of reactionary and conservative scholars, who have served the Government as its mouthpieces since the Meiji era.

"It is true that the family system of this country is singularly featured by the historical fact that it has long contained patriarchal elements. But the patriarchal family system is undoubtedly a stage which every other civilized people has already gone through. A family system controlled and organized by the patriarch is by no means a phenomenon peculiar to Japan. History shows that the Hebrews, the Romans, the Chinese, etc. once possessed a typical patriarchal family system of their own, and even after the collapse of these ancient patriarchal families their relics long remained in the families in Western Europe as lingering effects. In ancient Rome the word "Fami-

lla," the origin of "family" in modern times, was used to mean all things under the control of a patriarch, including his wife, children, slaves, land and other real estate. The ancient Hebrews considered women as property on the same level with cows, mules, etc. All this shows that even in Western countries the emancipation of women has never been accomplished with ease. It was only after the complete collapse of the feudal regime effected through the French Revolution and the Industrial Revolution, on one hand, and on the other, the rise of feminism brought about by the elevation of women's self-consciousness, which culminated in the remarkable advance they made in various fields of social and economic activities in the years following the First World War, that women in the West were able to acquire at high cost their present position in society.

This is, indeed, a fact that throws much light for the emancipation movement of Japanese women. It is natural that this movement in Japan should be much retarded as compared with the West, when the longer duration of its patriarchal family system is taken into account. Scholars apparently deny the existence of the patriarchal right in this country as found in the Ancient Rome. Yet, there is no denying that excessively powerful parental rights and the husband's rights have long forced women to submission, while their exercise was justified in the light of social justice. Those who read the "History of Slaves in Japan," will be shocked to find numerous historical instances showing how miserably Japanese women have been treated. There is no doubt that the Meiji Restoration was in itself an epoch-making revolution for overthrowing the feudal regime. But as it is frequently pointed out, this revolution was not very thoroughgoing in manner, falling, as a result, far short of liquidating the patriarchal and feudalistic elements of the family system. Later, when this family

system was crystallized into the Civil Code as the rules for its standardization, the position of women was not improved a bit substantially over that which they used to hold under the feudal regime, their personality remaining to receive no equal recognition by men.' On this greatest historical occasion the Japanese people should not repeat the same folly they committed at the time of the Meiji Restoration.

VI

In the face of numerous cases which betray the unreasonableness of the feudalistic family system in relation to the individual life of the people, the court has decided to rectify it through its decisions, thus paving the way for the revision of the laws. For instance, the article in the Civil Code stipulating the right of the head of a house for removing the name of his family member from the family register, (of which, mention was made in connection with the young widow with a child who was suffering under the unreasonable exercise of the headship of the house) was finally revised in 1941 so as to include the passage "without any proper reason" as condition for the exercise of that right. Again, in 1940, the "Law Concerning Census Reports by Mail or Delegation" was enacted to effect an easier procedure for the acknowledgement of a natural child (illegitimate) whose number was expected to increase during the wartime period. By this law, illegitimate wives were enabled to make marriage reports even after the death of their husbands, by going through the procedure of recognition by delegation. On the other hand, the Supreme Court has recognized through its decisions the obligation of a husband to be faithful to his wife corresponding to the latter's obligation of chastity to the former.

All that the court could do, however, for the rectification of the evils of the family system was necessarily negative in nature and can only minimize them under the existing Civil Code, which is essentially designed for the protection of the feudalistic "house." When, there-

fore, the present Civil Code is revised in accordance with the spirit of the New Constitution, it is expected that the new law will, besides its proper functions, enlighten the people in the democratization of their family life. But I believe that in this connection a step forward should be made in the direction toward the improvement of the position of women. What I mean is that, under the coming Civil Code, economic independence should be guaranteed for women, who are completely deprived of competency under the existing law. Although the New Constitution stipulates: "Marriage shall be based only on the mutual consent of both sexes," it will not sufficiently contribute to the elevation of the position of women, who have hitherto been economically incompetent, since willy-nilly they will remain to be economically dependent on their parents or "houses." This handicap to the female sex, especially in this period of transition, is a serious impediment to the path of democratization of the feudalistic family system of Japan. Aiming at the acquisition of wedding expenses for the prospective brides, trade unions are making good efforts for the settlement of this problem facing the Japanese young women. It is, indeed, through rendering economic guarantee for marriages that the democratization of the Japanese people can be attained in a wholesome manner.

In an article entitled "Women Leaving their Houses" published in a certain magazine, Mr. Masamichi Royama says: "With the imminent crumbling of the feudalistic family system, by which Japanese women have long been enthralled, they are now experiencing revolutionary changes, spiritual as well as material, of no small proportions. Even if the family system might have been a yoke under which they have been placed, it is undeniable that the feudalistic 'house' has embraced them under its arms of stability and protection. This is the fact which deserves full recognition. As eloquently shown by the

present revision effected in the Constitution and the Civil Code, the family system is closely bound up with State organization. It is up to the State, which has emancipated women from the feudalistic 'house,' to take care of them in the place of the head of the 'house.' This emancipation of women does not only bring a serious revolution to individual women, but it also imposes weighty responsibilities on the State. I wonder how the Government will deal with this duty newly imposed upon the State." I believe, however, that the democratic life newly introduced to the people will not be one which gives shelter and protection under the gloomy "house," but which promises fair and reasonable protection by society.

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