DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

THE NATIONAL ARCHIVES OF THE UNITED STATES

GHQ/SCAP Records(RG 331)
Description of contents

(1) Box no. 3473

(2) Folder title/number: (22) (end)
660

(3) Date: July 1946 - Sept. 1950

(4) Subject:

Classification	Type of record
721	S

(5) Item description and comment:

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 4 Farm Village Family Life by Otsuki, Masao - Magazine: Chijo (Monthly) - May 47 Issue. Translator: F. Tsuneishi. (WM)

660

Summary:

Our country prided itself of the family system, especially as manifested in farm life, but upon close examination, we find that only the framework remains; all its former virtues are gone. Farm life is dreary and unrefined and is not attractive to the younger generation for the conditions do not fulfill their demands. The women must do the same manual labor in the fields as the men and do not have time to do housework or care for the children. Such a dreary uninteresting life is partially responsible for the many atrocities committed by the Japanese soldiers in the last war. With the promulgation of the new Constitution, farm women must seize the opportunity to bring about a change in their living conditions. Fortunately, there is a surplus of male labor which gives the women more time to concentrate on the housework, thus making life on the farm more worthwhile. No matter how profitable farm management may be, the sensible man and woman will not stay on the farm unless conditions are improved. In revolutionizing farm life, a respect for family life and the emancipation of women from farm labor must be the first consideration.

660

ITEM 3 The Democratization of Home Life - Provincial Newspaper: Nipponkai Shimbun (Tottori) - 26 Apr 47. Translator: I. Hotta.

660

Summary:

According to legal revisions consequent to enforcement of the new Constitution, we must now shift our long established feudalistic way of living to a democratic one. The greatest characteristic of feudalistic JAPAN was the family system, of which JAPAN was proud and which is now disappearing. Facing the serious fact of defeat, we were awakened from the intoxication of feudalism for the first time and made up our minds to exclude imperialism and the family system, which prevent the democratization of our country. However, there are still some Japanese who think the feudalistic family system is respectable and who stand in the way of the democratization of home life. Feudalistic JAPAN was based on the family system, but the new democratic JAPAN must be founded on a difficult social concept which is really democratic. In the past, the eldest son used to inherit the family property and became the head of the family, and the house was managed under his dictatorial control. Under the new Constitution, however, a family must be a co-operative group. Such a change will transform the gloomy atmosphere of home life into a happy one. Family lineage and ancestry were too much emphasized in the past. The "house" existed not for the descendants or the new generation but for the ancestors or the parents. But the new family system must be worthy of its existence in creating a new generation able to cope with the problems of daily living. Henceforth, family life must be based on co-operation between husband and wife, kindly feelings, and good faith among the family members. The passage in the new Constitution which prescribes that every one has the right to live a wholesome cultural life, defines the new home life. Democratization of home life is also encompassed by Articles XIII and XIV, which decree the dignity of the individual and social equality.

660

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 2 The Right of Succession To A House (Letter to the Editor) - Yomiuri Shimbun - 23 Jul 46. Translator: I. Hotta.

Full Translation:

The denial of the headship of a house, and the right of succession to a hous , due to the equal rights for men and women was discussed at the Diet on the 28th of June. Now there is something I want to ask the Minister of Justice and the Diet members.

My husband, who was the eldest son and heir of his family, died in the Pacific War, and now I am living as a widow, devoting myself to our only daughter, who is now in the second year class of an elementary school. On hearing of my husband's death, my parents-in-law and the family members tried to transfer my husband's right of succession to the house to his younger brother. They have come to treat me and my daughter, the only family of their eldest son, very badly. They always tell us to leave the house, and we spend the days and nights weeping. They took all the property of my husband away from us. I 660 cannot even get any of those commodities which are due to be distributed to each of us. My parents-in-law say that I should ask my parents to give me all that I need for 15 or 20 years. Despite all the cruel treatment and insults of my environment, I live only by thinking of my husband, who met with an unhappy end, and the future of my daughter, who does not know her father. I only wish to be a good supporter of my daughter, and make her succeed to the house so as to meet with my dead husband's wishes.

Now that all the family of my parents-in-law are trying every means to deprive my daughter of the right of succession to the house, the problem of the denial of the right was made public in the newspapers. They were very glad to read it and are waiting for the day when it is approved in the Diet. If both the headship of a house and the right of succession to a house are denied, will every property be treated just as the possessor likes? If it is put into practice, we widows, who are fighting against the cold treatment of our environment every day and night only to find a hope in the future of our children, will lose the right to possess any of the property. I work and work all day long, badly treated by all of the family, but I cannot have anything that I cultivated. The family of my parents-in-law lack nothing, for they can obtain all that they need for what we produce. I, who have been living as a farmer and have no knowledge of any other occupation, cannot find any other means of living.

There is no help for the revision of the law, However, the families of the war dead, who went to the front leaving all their things behind them, are put in miserable circumstances. Can't we ask the authorities 660 for special consideration so that those children who are bereaved of their fathers because of the war can keep their right of succession to the house? I think there are tens of thousands of people throughout the country who are as unhappy as I. I pray that the Government will kindly realize the grant of an annuity to the families of the war dead.

(Letter from the wife of a war victim in TOCHIGI-Ken)

Sub-committee of government sponsored Council on Law and Judiciary prepared revision of Civil code designed to reorganize Japan's feudal family system, to be submitted to Council this week.

660

Plan adopted by committee despite stubborn opposition by some members who contended abolition of traditional system would jeopardize public welfare.

Committee recommends abolition of right of primogeniture and accords to children of both sexes equal rights of inheritance, except illegitimate children whose rights would be half those of legitimate offspring. Wife accordedlegal rights equal to her husband. It also provided family properties should be divided equally between husband and wife. Modification of marriage laws also proposed, all males over 18 and females over 16 being permitted to marry without parental consent. 20 AUG 1946

660

Daily Radio Conf

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

REVAMPED FAMILY SYSTEM SAID VITAL FOR NEW NIPPON

Democratic Revolution Impossible If Setup With All Its Feudalistic Evils Is Left Untouched

7/ 660

By TAKEYOSHI KAWASHIMA
Professor of Law at Tokyo Imperial University

I

Democratization of Japan is the biggest task before us today. For this purpose, all phases of our life and all institutions, economic, political and social, must be rigidly scrutinized and fundamentally reformed. The family system is no exception despite the fact that it has long been the bedrock of our life and an object of glorification by our people. But it is now obvious to all that a democratic revolution is impossible of realization if the family system is left alone.

In what relation does the family system stand to the principles of democracy? Many claim that the family sytem can and ought to be sustained under democracy by casting off its defects and preserving what is good in it. Is this enough? Can the family system coexist with democracy if we merely renovate it?

As a preeminent merit of the Japanese family system people often point to the atmosphere of harmony that prevails under it. They think that our family life will collapse if that harmony is lost. But the question may well be aasked how that harmony has been brought about and whether peace in our family life will be gone if the family system disappears and Japanese families turn democratic.

For the majority of the Japanese people it must be a painful task to make a critical examination of the family system which is inseparably bound up with our life from the cradle to the grave. Despite, or rather because of, its inseparable bearing on our life, it must be thoroughly examined.

Not Uniform Type

What is the family system? The question, apparently obvious enough, is not necessarily so. For one thing, what is called the family system in Japan is not uniform in type. Our observation should not be confined to the provisions of the Civil Code alone. The family system defined in the Civil Code is but one phase of the family system peculiar to the warrior class of old. The family system peculiar to the warrior class of old, in turn, is only one type of family system in Japan. Nor should it be overlooked that the predominant tenet of the family system in Japan is based largely on Confucianism and is peculiar to the feudalistic ruling classes. "The fine attributes of the family system" are almost invariably ascribed to Confucian ethics.

Of a different type is the family system of the plebian classes, especially of the farming populace. Those who took part in the drafting of the Civil Code were fully aware of this difference. From a legal viewpoint, they ignored the plebian type of family system as little better than "the mode of life of beasts, with the status of the family head not distinguished from that of the wife." This latter type of family system has up to now been confused with the former, and the two have been compendiously referred to as the Japanese family system, with the difference between them still to be clarified.

The family system in Japan definitely includes these two types which are interrelated and make the basis of our life. Both types must be subjected to scrutiny, but far greater attention should be directed to the second-mentioned type, in that it is inseparably bound up with the life of the masses. Up to now, the Confucian principles of the family system peculiar to the warrior class have been so predominant that little interest has been evinced in the plebian type of family system of it. This makes it extremely difficult for us to conduct a comprehensive survey of the family life of the masses. Suffice it to probe the question in the light of the facts known to us through our personal experience. It may be noted, in passing, that the two types of family system, though differing in their fundamentals, have one thing in common, namely, that both of them, when contrasted with modern principles (especially with the modern family principles), appear to be "premodern." It is this angle which concerns us.

Let us begin with a survey of the family system of Confucian coloring peculiar to the feudal warrior class. This type of family system rules chiefly among aristocrats, big landlords, big merchants and feudalistically minded descendants of the warrior class of old. In the families of these classes, human relations consist of patriarchial authority and submission to it. With them the family system is a solid order. To them families devoid of such an order look loose and disorderly. This solid order at once constitutes authority for the family head, the father and the husband in the order named. (The order of authority seems to differ somewhat according to localities and classes.) These members of the family have power over the other members, namely, the wife and children. This power is not a right. Neither is it a physical coercive power. It takes the form of absolute and supreme authority, which is obeyed "willingly." But make no mistake. Those obeying this authority do so not under coercion and with a revolting heart but with the consciousness that they are humble and powerless. The obedience is subservience.

Authority Is Absolute

Relations of subservience to authority were contrary to the principles of modern, democratic human relations. The characteristics of modern human relations are that any man acts on his own judgment and initiative and that mutual regard is had for the personality of individuals. There is nothing like that under the type of family system under discussion. It is true that the other members of a family obey "willingly" the authority of the family head, the father and the husband, but the obedience is subservience in actual fact. Authority here is absolute, so much so that to talk back to or argue with your father or husband is held to be a sacrilege to them. According to the teachings of Confucianism, the authority of the family head, the father and husband is sacred and inviolable and must be obeyed absolutely. "Onna Daigaku" (feudal precepts for women) contains this injunction: "To a woman, her husband is heaven. Under no circumstances must she disobey him lest she should incur heavenly punishment."

(To Be Continued)

All this goes to show that obedience here, though "willing," is far from spontaneous but is forced by a "moral" pressure exerted from without, a fact which is substantiated by two things. In the first place, what one gets for disobedience to patriarchial authority is not persuasive admonition likely to arouse penitance but punishment, such as flogging, reprimand or disinheritance. In the second place, the obedience here demanded is superficial and decorous. To comply with certain prescribed requirements of decorum is to fulfil one's obligation or, more exactly, to obey authority. Whether the obedience is spontaneous or otherwise is a question of secondary importance.

Hence the Confucian type of family system is amenable to enforcement by political authority and especially by the law, and no one thinks it strange. Filial piety or chastity is not spontaneous but is forced by the law. Morality is at once law. According to the modern principles of morality, relations between parents and children and between a couple must be based on the spontaneous will of the parties concerned, but the Japanese Civil Code, made at the hands of survivors of the warrior class of old, confers absolute authority on certain members of a family only and enables such authority to be enforced by law. Filial piety or chastity, far from being based on mutual respect for the personality of individuals, is tantamount to the one-sided obligation of an inferior to his superior. As an illustration, Confucian ethics recognize the "freedom" of parents to sell their daughter to a licensed brothel if the family is in distressing circumstances, and not only is this not denounced from a moral viewpoint, but the daughter so sacrificed is extolled in popular stories and ballads. In short, relations between parents and children or between a couple are nothing short of absolute patriarchial authority and absolute obedience to it. One party has rights without obligations and the other has obligations without rights. The idea of equal rights and obligations such as are recognized under modern law, of a son having a claim on his father or of a father having an obligation to his son is something unimaginable to a family of Confucian leanings.

NIPPON TIMES
AUG 21 1946
AUG 23 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

In this kind of family, there is no such thing as the independence of its subordinate members. The subordinate members should not think of themselves as worthy of independence. Their actions are always prescribed by some one else. They do not, and are incompetent to, act on their own judgment or initiative. They are ever proteges who subsist on the sufferance of those having patriarchial authority. Because they do not act independently, they carry no responsibility. But it must be noted that neither is the man in authority—the family head—responsible to his dependents. He is a ruler who has power but not responsibility, and he is infallible.

So much for the Confucian type of family system, we shall now proceed to an examination of the plebian type of family system. As I have said, only inadequate surveys have been conducted heretofore. This, combined with the fact that the type differs more or less according to localities and classes, renders it difficult to make a comprehensive survey. Suffice it to take up the more salient features common to the plebian type of family system.

Are Called Parasites

As far as my observation goes, the plebian type of family system differs from the Confucian pattern. To begin with, in a family of the Confucian type, the rest of the family are parasites, financially and otherwise, on the family head, who monopolizes authority. The rights of the father and husband which branch off from the authority of the family head are relatively weak. A plebian family is different. A typical example is a farmer's family. All its members, men and women, young and old, engage in productive work commensurate with their abilities. None except those incapacitated from work are parasites on the family head. Nor do family finances permit of parasitism. Hence the authority of the family head differs in form from that of the head of a family of the Confucian type. In place of absolute patriarchial authority and abject submission to it, an atmosphere of mutual help prevails in a plebian family. Here each members of the family, because he is gainfully engaged, has a status of his own, with the rights of the father, husband and wife recognized. Instead of man ruling man, as in the family of the Confucian type, relations of harmony and cooperation exist. One might conclude from this feature alone that a plebian family is modern, but it is not. Why?

In the first place, here, too, the family order constitutes authority, which is solidified by tradition. Although authority here is not despotism, it reigns supreme over the members of the family, who are barred from having a self-determined criterion for their actions. Authority here, however, is shared between the family head, elders, father, wife, et al., each having a traditionally established and definite status. It must be noted, howeved, that patriarchial authority here is "human" and soft. It is submerged in a "cordial" atmosphere. In place of punctiliousness and formalism that characterizes the Confucian type of family, an easy, familiar and cordial atmosphere prevails in a plebian household, and this atmosphere makes the family order. In contrast to the Confucian type of family wherein clear distinctions are drawn between father, son, wife, brother and sisters, the plebian household would seem a loose, disorderly unit little better than a pack of beasts.

This means that the plebian family system, unlike the family system of the Confucian pattern, is not amenable to enforcement by political authority or the law. Sentiment and feeling are the decisive factors here.

This does not mean, however, that the plebian type of family system stands on modern family principles. The easy, familiar and cordial atmosphere referred to above does not grow from mutual respect for the independence of individuals. It is a tradition, which is followed blindly. It is a traditional atmosphere preserved at great pains. The members of the family should not think of themselves as independent individuals. Self-assertion is tabooed as a danger to the peace of the family. Nor does any one dare assert himself. None need or should think or ask why he does this or that. Arguing is a taboo, too. Even the family head and parents should not think of themselves or act as independent individuals. Here individuals as such have no responsibility any more than they have independence of thought and action. There is no mutual regard for the personality of individuals. While it is true that there is no tyranny or despotism and that the family live in cordial harmony, the fact is that this harmony is unnatural and is made possible by the suppression of individuality.

Operate in Society

The principles of the family system, whether of the Confucian type or of the plebian pattern, operate not only within the family but in society also, thus making social relations unmodern and undemocratic. In society (outside the family) men are rank strangers to one another, if not enemies. There is no mutual regard for personality, no social morality. Morality, if any, exists only in the family. Men are distrustful of one another, keep one another at a respectable distance and are even hostile to one another. Only external coercive force prevents men from encroaching on one another's interests. There is no voluntary performance of obligations. Only when obligations are made concrete by the exchange of promissory notes, mortgages, etc. are they honored. Ownership is respected only when the owner physically retains ownership. Often clashes of interests occur between families. In short, society is a world devoid of order and authority. The family and society are different worlds altogether.

But even in society, ties of unity are formed among men. Rather, it is more correct to say that in a disorderly society, a man finds himself helpless and friendless and wants help. Under economic conditions in Japan which were not typically capitalistic, a man more often than not finds it imperative to seek outside help not once but continually. Men sharing this need for outside help group themselves together and form ties. But the men forming such ties can think of making no other than family-like ties, a fact which attests to the strong influence which the family system exerts on our people. Thus are made relations between a boss and his men and "brotherhood" ties between friends. Incidentally, drinking bouts prove highly instrumental in bringing about and sustaining such ties. A man abstaining from drinking is often forsaken by his companions. I shall enumerate the different ties commonly known today.

(To Be Concluded)

III

To begin with, there is the relationship between a landowner and his tenants, the farmer being referred to as "Oyakata" (parent) and the latter as "Kokata" (children). It is an exact replica of the relations between the family head and his members in feudal days. Then, in small cities and towns, traces no doubt still remain of the relationship between a houseowner and his tenants in the Tokugawa days, the former being called "Oh-ya" or "big house" and the latter "Tanako," literally "sons of the house." Also reminiscent of the parent-child relationship in feudal days is the relationship between a student-servant or maid-servant and his or her master. So also is the relationship between employer and employees in present-day household industries. Then there is the feudalistic relationship between the boss of a group of "Kyokaku," or chivalrous men of the street, and his followers. Similar relationship exists among day laborers. In modern business offices, government offices and among school faculty members, too, cliquish relations as between a boss and his men exist. Affiliations among party men are cliquish and akin to relations between a boss and his men. Hence political parties have been reduced to partisans. Lastly, the people are children and the government is the father. It is aptly said that, in Japan, men make "houses" and "houses" make the country.

All these ties or relationships because they are formed by men who come from families of either the Confucian or the plebian type, are analogous to the relations in their families. I shall enumerate the conspicuous aspects of these ties.

In the first place, these ties consist of authority and meek submission to it. A boss is supposed to combine authority with a "paternal" heart and his men obey him in a servile spirit. As a matter of fact, absolute obedience to the boss is the sole criterion of action for his men. They act with the boss not because they share the same convictions with him but because he bids them do so. It may be noted, in passing, that ties between a boss and his men or ties of fellowship are formed not because the members of a group share the same sentiment but because they come from the same birthplace, have the same hobby, and so forth.

Another aspect is that men never act individually on self-initiative. This lack of independence of action is nothing surprising, since men follow authority absolutely or conform unquestioningly to the atmosphere of the group to which they belong.

Self-Assertion a Taboo

The third aspect is that criticism or self-assertion is a taboo. That would be likely to disturb the peace of the group. One of the important rules of conduct for all—superiors and inferiors alike—is to refrain from self-assertion and to adjust them-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

selves to the atmosphere of the group they belong to. Indeed, this is the secret of securing the main chance. A good mixer is looked up to as a cultured person.

The fourth aspect is that men of any one coterie show a spirit of hostility to outsiders. This spirit is at the bottom of sectionalism which is so clearly manifest in all walks of society—in villages, in hamlets, business offices, government offices, and what not. There is no doubt that sectionalism is a glaring evil, but in our society where factional strifes are rampant, men can hardly hope to win the main chance unless they cast their lot in with some powerful clique and get "pull" from its boss. Sectionalism cannot be eliminated by merely theorizing on its evils. What is necessary is to remove the fundamental cause, namely, the cliquish ties existing among men.

To sum up, Japanese society is founded on families and family-like unions of men. The principles underlying them are opposite to the principles of democracy. The principles of the family system differ so radically from the principles of democracy that it is utterly impossible to democratize our society and family life by merely renovating the family system. Democratization, then, means a revolution to us. It is an easy-going view to think that the family system can be democratized by merely casting off its defects and preserving what is good in it.

All this will sound a rash argument to many of our people, but the family system does not necessarily mean harmony in the true sense of the word. Nor is it the only guarantee for harmony. The repudiation of the family system will not mean the destruction of peace in the family. Real unity, both in the family and in society, will be possible only when human relations are based on love.

How is it possible to do away with the unmodern principles of the family system? Revision of the Civil Code, particularly the abolition of the prerogatives of the family head, parental prerogatives and the prerogatives of the husband, is a requisite. But revision of the Constitution is not all that here is to be done. It will only serve the negative purpose of removing obstacles to democratizing family life. What is important is to turn a democratic family life into reality. For this purpose, the economic footholds of the feudalistic, Confucian type of family system must be removed, first of all. The method of agriculture must be thoroughly modernized. A fundamental reform of the land system and the introduction of modern methods of agriculture are a key to the solution of the problem.

But this is not all. The fact must not be lost sight of that the democratic revolution which Japan is going through has not developed because economic, social and political conditions in our country have become mature enough for it. It has been stimulated by a historic necessity in the outside world. Conditions requisite for a democratic revolution in our country have yet to mature, but circumstances are such that a democratic revolution in Japan cannot wait for the maturity of the requisite conditions. Yet a democratic revolution can be consummated only when conditions necessary for it have matured. This dilemma constitutes a difficult problem for us.

(End)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 2 The Reform of the Civil Law (Sub-Editorial) - Mainichi Shimbun - 20 Aug 46. Translator: M. Kawanabe.

Full Translation:

The family system manifests the antiquated character of JAPAN very well. Such feudalistic expressions as, "boss and benchmen", or "followers of a family" are still current in this country.

As the new Constitution emancipates the people from the yoke of the feudalistic state, so will the new Civil Law emancipate the individual from the family, causing a fundamental change in the social system of JAPAN. It goes without saying that the yoke of the family system has prevented free activities of the Japanese. Up until the present, to find a place in life was a duty of the family.

When the new Civil Law is put in force, we will, no longer have calculating parents living in ease and luxury at the expense of their sons and daughters, or lazy sons living with the help of their parents. There will be no need for preserving "family property." 660

According to this law, there will be neither succession to a house, nor marriage to an heiress. Equal rights are given to all the children in the inheritance of fortunes, with no discrimination of sex. Parents will be less obsessed about having a male offspring. In married life, the special privileges of the husband will be lessened.

The law, however, will present a new problem in the case of the farmer's family. If a farmer has many children, the portion of the fortune inherited by each child will be small; that is, the field will be divided into smaller acreage. When the new Farm Land Adjustment Law is enforced in the near future, more than 1,500,000 farmers will have holdings larger than one CHOBU (2.5 A). But when these holdings are divided among three or four children, there will be a great number of small farmers. Joint management may probably offer the key to the solution of this problem.

The problem of inheritance has great bearing on the population of the nation. It is said that the decrease in the population of FRANCE was due to the fact that people practiced birth control as a result of the revision in the inheritance law. Of course, if we stretch our thoughts that far, there will be no end to it.

ITEM 4 The World of Mother And Fairy Tales - (Letter to the Editor) - Yomiuri Shimbun - 19 Aug 46. Translator: M. Kawanabe.

Summary:

By the warm fireside of the home, grand-father would begin to tell a fairy tale surrounded by eager faces of the children, "Once upon a time, there was ..., etc." It was a quiet story amidst domestic happiness. The true form of fable is a fireside tale. There were, however, those who were so good at telling their tales that they were welcomed by all the village dwellers. This is the origin of the professional narrators. In former days, our ancestors enjoyed listening to lute players who wanded throughout the land, telling stories from "The Tale of the HEIKE Family".

660 We find the most developed narrator in the professional comic story tell and history teller groups. Apart from the question of encouraging these professionals, we should like to have leisure time to tell tales to our own children. In such tales, we feel a delicate affection aroused in the depth of our hearts, which more skill in narrating is apt to miss. It may be interesting, but this should not be the sole reason.

The very thought that their own father or mother is telling the tale make children joyful, thus adding to the happiness in the home. Try to tell a tale once a week to your children. This will increase the pleasure of your home. It will also advance the sentiments of your children. For this reason, we emphasize necessity of fables by the mother to her children.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4943 DATE: 29 Aug 46

SOCIAL SERIES: 1083

ITEM 1 The Future of the Japanese Family by HASEGAWA, Nyozikan, a novelist- Asahi Shimbun - 26 Aug 46. Translator: T. Kosaka, A. Sasniak.

From the ancient regard and esteem in which the head of the family was held, to the modern social and mutual aid relationship

The Japanese family system today still maintains many of its traditional characteristics which are a legacy from feudal times. In the process of destroying the feudal system forever in JAPAN, we must touch upon the family problem.

To most foreigners, the true characteristics of the Japanese family are not only unknown but misunderstood. Most foreigners labor under the impression that the Japanese family system is comparable to a court of law. Herein lies the misunderstanding. The family system is not an aggregation of laws. The family is a group which came into being long before actual laws. It was originally formed before feudal times and the formation of the State.

In the middle ages, at the time of the age of chivalry, the power of the family chief, confronted constantly with tribal strife, was at its height. Members of the family feared him, respected him and were content to sacrifice even their lives for the sake of the family. However, beginning with the declining years of the middle ages, owing to social and economic conditions, the family system began to undergo a gradual change. Today, because of the Industrial Revolution, among other things, we have evolved to a system of individualism which is inherent both in the West and in JAPAN. The family system as it appeared in the Middle Ages, has diappeared today. The family head no longer has the responsibility and the power to keep the family unified. Even though he is legally the dominating power, socially, this condition does not exist at all. The evolution of the family system is the direct result of our modern social upheaval.

The conservative element, which has been in power, has attempted to maintain the ancient family system by means of civial laws. However, in JAPAN as is other countries, the basis for family relationships is the blood tie. (Parents and children, brothers and sisters, uncles, aunts, cousins, etc.) Therefore, the family head depended mostly on blood relationship to control his family, rather than on the power given him under the Civil Law. If the family traits were not feudal, the family might well have been a source of social and mutual aid for its members. However, with the power and authority vested in one man, this old family was comparable to a modern reactionary state, in this case, not stressing nationalism or social superiority but the blood tie.

We should be thankful that this condition does not exist today. It is very doubtful if the country could revert to the old system once again. The family system has undergone a great change. Stressed

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1083 (Continued)

ITEM 1 (Continued)

are, now, social and mutual aid in contrast with the blood tie. We must have a family in which all are judged equally and as individuals, in which all things are done for the benefit and welfare of all.

People must not think lightly of morality and relationship of parents and children, [illegible] and sisters etc. In Japan as throughout the world, a family systems based upon love must be maintained. In order to do this, a new name should be substituted for family. Regardless of what it is eventually called, this beautiful organization, which in part stems from the feudal age, must continue with love, respect and a decent sense of morality as its guide.

Prior to the passage of democratic laws, we must, ourselves, see that we are worthy to receive them. The family system of old must be completely eliminated. A new and better one must be brought into existence. This does not only apply to the family but to marriage as well. We must realize our duty of supporting parents and children. Social Groups as well as factories, companies and government agencies must be made cognizant of these facts. We are entering a new era, a new mode of social life, and our ancient customs must be cast aside.

With reference to social righteousness and morality, the Japanese people cannot compare with the people of western nations. In this respect, they are definitely weak. By means of laws, if need be, the Japanese people should be made to realize the importance of these factors. However, if as a nation, they make a concerted effort, they can attain this goal by themselves.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 2 New Law for the Protection of Human Rights - Yomiuri Shimbun - 22 Aug 46.
Translator: Y. Akabane.

Full Translation:

The outline of the bill for the revision of the civil code and eight other proposals, relating to the Justice Ministry, have been scrupulously discussed at the joint conference of the Judicial Legislation Deliberation Council (SHIHO HOSEI SHINGI KAI) and the third section of the Legislation Investigation Council (HOSEI CHOSA KAI) of the Cabinet. In particular, the "outline of the law relating to the protection of the basic human rights" is noteworthy, as it is quite a new law.

In the British and American legal systems, there are laws protecting fundamental human rights, called "Law relating to the protection of human bodies." In JAPAN, Article 28 of the revised Constitution provides: "No person shall be deprived of his life or liberty, neither shall he be otherwise punished, unless the processes prescribed by laws are duely complied with."

660

Moreover, Article 32 reads: "No person shall be detained or imprisoned, unless he is at once informed of the reason and given the right to commit the matter to a counsel. Similarly, no person shall be imprisoned, without good reasons. If requested, the reason should be shown at once at the public court in the presence of the person in question and his counsel." As shown from the above, the protection of human rights through judicial processes are prescribed in Article 32 and that through administrative processes in Article 28 above referred to, but these are only general provisions.

In view of this, the new law is really epoch-making in the matter of protecting human rights, because the law makes it possible for any person or any others having connections with the case, when he is illegally or unreasonably restrained from his physical freedom, to appeal to the supreme court of justice.

The protection of basic human rights has been clarified by the Potsdam Declaration, and even from the point of view of establishing the fundamental principle for the democratic reconstruction of JAPAN, the outline of the law has a great historical significance.

ITEM 3 Feudalistic Family System to be Abolished - Asahi Shimbun - 22 Aug 46.
Translator: Y. Akabane.

Full Translation:

The civil code is a law having the closest relation with the daily life of the nation. The current revision has its origin in the dignity of individuals and the inherent equality of both sexes, which have been prescribed in the new draft Constitution, and aims at releasing individuals from the feudalistic system of social ranks which has been completely isolated from actual social life. The matters on relations and succession form the nucleus of the revision, as is shown below:

660

1. The family system, based on the headship of a house, is to be abolished and succeeded by the relationship of co-living.
2. As a result, systems relating to the house, such as the succession of a house and the adoption of sons-in-law, have been abolished.
3. The system, whereby, wives are made legally incompetent has been abolished and co-operation between husband and wife has been prescribed.
4. The discrimination between men and women regarding unfaithful acts as the cause of divorce has been abolished.

The above are the most conspicuous changes. Others are:
5. The legal marriageable age has been increased by one year for both sexes. With the marriage, both parties are to be considered as adults, and the consent of one party's parents is sufficient for marriage instead of both, as has hitherto been the case.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

Women Petition Diet To Abolish Concubinage

By UNITED PRESS

A petition demanding the abolition of concubinage, a custom long prevailing in Japan, has been presented to the House Petitions Committee by a group of women Diet members.

Representative Mrs. Fusa Tomita, 53, of Kyoto, one of the sponsors of the petition, said, according to her investigation, there are some 175,000 concubines "leading a shady life throughout Japan."

"Such a feudalistic system of women's slavery is a disgrace to Japan and must be eliminated," Mrs. Tomita said.

STARS & STRIPES
AUG 9 1946

As Others See Us

Adoption System

660

The importance of the family name in Japan is reflected in the widespread custom of adoption. Through adoption the maintenance of the ancestral tablets is assured, as well as the continuity of the family itself.

If a couple have no son, they solve the problem by adopting one, frequently a younger son of the family head's brother. If a couple have a daughter but no son, a son may be adopted to marry the daughter. Occasionally in the event of no children, but as a means of maintaining the family line, a daughter, often a niece, is adopted and then a son to marry her.

Still another form of adoption is one whereby a man with no sons may adopt as a son his own younger brother who is 15 or 20 years his junior. In business families, if the own son of the head of the firm does not take to commerce, a son may be adopted from among the more promising men in the firm.

The primary function of adoption is to insure heirs, but an associated function is to insure the prosperity and good name of the family; hence the prospective son in carefully chosen, frequently from among the children of one's relatives.

Attention is paid to his character, his health, and his general aptitude. Since adopted sons have all the rights and privileges of a real son, adoption by a prosperous business superior or uncle provides a means of rising in the social scale.

—John F. Embree in The Japanese Nation.

STARS & STRIPES
AUG 27 1946

Sweeping Civil Code Revision Due To Elevate Status Of Women, Change Traditional 'Family System'

Marriage, Divorce Laws Will Be Overhauled; Those Attaining Majority Can Wed Without Parental Consent; Alimony System Provided

660

An over-all revision of the Civil Code calling for the abolition of the so-called "family system" and setting both sexes on an equal footing was worked out by the Judicial Legislative Council's subcommittee on August 16 and will be given further study around August 21.

The proposed revision, which is mainly concerned with the existing Relatives' Law and Inheritance Law, is epoch-making in that it is intended to liberate women from all hitherto existing shackles of the feudalistic family system.

Unchastity By Husband Will Be Divorce Cause

According to the revision, various reforms will be made in marriage and divorce laws, and inheritances will be made chiefly on the basis of property.

While the present law binds a stepmother and stepchild by forced parenthood, hereafter such ties will be severed, including that between a legitimate wife and a child by her husband's concubine.

Those attaining majority would become able to marry without parental consent.

In Case Of Minors

In the case of minors, the consent of either one of the parents will be sufficient. The minimum age limit for marriage will be fixed at 18 for men and 16 for women.

The system of marrying into the bride's family will be abolished. Laws regarding illegitimate children will be revised.

Minors would be considered as having reached maturity upon marrying. Parental authority will be exercised only over minors.

A husband and wife will be enabled to draw up a property contract before marriage. Property and ordinary household affairs would be placed under their joint responsibility. A wife will be considered competent in the eyes of the law.

At Free Will Of Couple

Divorce will no longer require parental consent and can be effected at the free will of the couple. If a wife were divorced by fraud or intimidation, she will be able to take steps to annul it.

Unchastity of either sex would be considered grounds for divorce. Either party instituting divorce proceedings may sue for alimony.

Adoption of Minor

Adoption of a minor would require court sanction. The inheritance of property would be divided equally among children irrespective of sex. A concubine's child would receive half the ordinary share.

The system of a Family Council will be abolished and other changes will be carried out as a natural sequence to the proposed abolition of the so-called "family system."

MAINICHI AUG 29 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

880

EDITORIAL

Toward Democratic Family Institution

660

The drastic revision of our Civil Code drafted by the Judicial Legislative Council's subcommittee has been a pending question ever since the Civil Code came into being.

Now that Article 22 of the draft of the revised Constitution sets both sexes on an equal footing by stating that "Marriage shall be based only on the consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential equality of the sexes," abolition of the feudalistic "family system" is inevitable.

Though there are people who claim the "family" as the citadel for the defence against individualism, yet there are many cases in which the very "family" is most individualistic, if not egoistic, to society outside of the family, while the master of a house is extremely individualistic to the rest of his family members.

Instances are too numerous to mention in which the dignity and equality of individuals have been utterly disregarded by the abuse of the rights of a household master and perversion of the conception of a "family" pertaining to fundamental affairs of the family system such as, for example, the choice of spouse, rights of property, inheritance, domicile, marriage, and divorce.

Our society bears witness to many tragedies that have befallen young war widows simply because they were tied to their "families." Young girls who married husbands just before they were called to the colors are, despite the fact that they have bright prospects for marrying somebody else again after their husbands' death, obliged to live in the husbandless homes under the pressure of the "family" system.

To a great extent, this antiquated convention is observed not only as a legal question but rather because of a feudalistic ethical conception of the family system. In short, our fair sex has been kept helpless by the legal, conventional, and ethical rights of the husband, coupled with the absolute right of the household master. So long as wives are bound up by such bondage even after the husband's death, there can be no equality of the sexes regarding marriage, right of property, inheritance, domicile, etc.

According to the outline of the revised Civil Code, not only is the institution of the "family" abolished, but simultaneously the husband's absolute rights are denied. Instead, the dignity and equality of both sexes are recognized.

The "family" system is not a mere legal problem. It is a vital ethical and social question as well. Because, even if the Civil Code relating to the "family" were reformed democratically, that alone would not solve the question. The Civil Code only removes legally the hindrances that obstruct the establishment of a family system based on the principle of dignity and equality of both sexes.

Just as one can hardly say that the democratization of various institutions in our country is as yet the fruition of economic, social, and political conditions within, the general social notion in our country about the family system and family ethics is not yet divorced from feudalistic ideology.

Whatever may be the regulations of the Civil Code, there will come to fore virtuous and faithful wives as we see in our dramas. But unless the obstacles from outside are swept away, democratization of our family will encounter further difficulties.

In that sense, we gladly welcome the new revision of the Civil Code and at the same time feel the need of the progress of our society toward democratization for the realization of the family system as shown in the new code.

MAINICHI AUG 21 1946

Family System to Go Under New Civil Code

Unit of Council on Law and Judiciary Prepares Modernized Revisions

660

The general outline of an epochal revision of the Civil Code in conformity with the letter and spirit of the draft of the new constitution has been drawn up by a sub-committee of the Council on Law and Judiciary, a government agency, the Mainichi Shimbun reported.

Designed to remove all vestiges of feudalism from the Japanese life, the plan strikes deep at the root of the plan props of the age-old family system, the journal said. It was adopted by the sub-committee after a heated controversy in which a minority of the committee strongly objected to the reform.

Those sub-committee members who backed up the plan contended, according to the journal, that abolition of the family system was a natural corollary to Article XIII of the draft constitution banning discrimination in political, economic or social relations because of race, creed, sex, social status or family origin. They also pointed out that Article XXII provides for the equal rights of husband and wife as a basis of the marriage.

Other members of the sub-committee, however, asserted that abolition of the traditional system would seriously affect public welfare, for which the new rights and freedoms were supposed to be utilized under Article XI, the journal said. The opinion against the family system finally prevailed and the plan is expected to be submitted to the Council on Law and Judiciary sometime this week.

According to the journal, the Japanese family system as it stands today would lose most of its legal basis under the plan, which would revise the principal features of the present laws governing relations and succession.

All children of both sexes would have equal rights to inheritance except illegitimate children whose right would be half that of a legitimate child, the paper reported. The right of a wife to legacy would also be improved under the plan.

One of the main features of the reform plan is the removal of legal incompetence of the wife, who would be given the same legal capacity as the husband. The married couple would also be allowed to use the surname of either the husband or the wife as they choose.

The properties of a family would be divided between the husband and wife according to a contract under the plan, while those whose ownership is not certain would be made the common properties of the husband and wife.

The reform plan would also liberalize the marriage law on the basis of the draft constitution, the paper reported. All men over eighteen and women over sixteen would be permitted to marry without the consent of parents, while the consent of only one of the parents would be required for the marriage of a person under age.

The consent of parents would no longer be needed for a divorce, which under the plan could be made by agreement between the two parties.

NIPPON TIMES
AUG 23 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4882 DATE: 28 Aug 46

EDITORIAL SERIES: 1225

ITEM 1 Emancipation From Family System - Asahi Shimbun - 24 Aug 46. Translator: T. Samukawa.

Full Translation:

The Japanese family system, under the leadership of the family head, is unique in this world. As you know, such a family system has long been only nominal, because according to the system, the family registered in the family census does not coincide with the real family in a community of blood relatives. Therefore, although the system has been maintained in law, it has collapsed in reality.

The Provisional Legislative Inquiry Commission, established by the HARA Cabinet in 1919, declared that some provisions of the present Civil Code cannot be in accordance with our good morals and manners of the past, and set about revising the Civil Code, to maintain the family system which was collapsing. The commission announced the draft of the law of blood relations in 1925 and that of the law of succession in 1927. These two drafts were deliberated, but not adopted. Consequently, no revision has been made in the Civil Code since then.

660

In this connection, it is quite proper that the Civil Code be drastically revised in accordance with the revision of the Constitution. The fact that this epoch making revision of the Civil Code, pertaining to the family system and the succession of the family head has materialized is only right and proper. The new law of blood relations will be based on the real relationship between husband and wife and parents and children. This is proper, for the new Constitution is based on universalism and individualism, and clarifies the point that laws shall be enacted, from the standpoint of individual dignity and the essential equality of the sexes.

Those who have advocated the old Japanese family system from the standpoint of our, old good morals and manners, have now lost their arguments for its maintenance. Moreover, according to Article 24 of the new Constitution, which provides that no public law or ordinance, contrary to the provisions of the Constitution, shall have legal force or validity, the provisions of the existing Civil Code, concerning the family head and the members of a family, which are incompatible with Article 24 of the Constitution will be nullified. The time has come when the feudalistic relationship in a family, absolute patriarchial authority and absolute obedience to it, is to be abolished, and a new family life based on individual equality and the essential equality of the sexes established.

The second key point of the revised Civil Code is the new provisions concerning marriage, based on Article 24 of the reivsed Constitution. The defects of the existing Civil Code resulting from the inequality of sexes have long been discussed, and the Provisional Legislative Inquiry Commission tried to elevate the status of women, to some extent, as revealed in its draft of the revised Civil Code, but failed as mentioned above. However, this will be attained by the present

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

revision. The main points of thrcvisions concerning the status of women are as follows: (1) marriage shall be based only on the mutual consent of both sexes; (2) the wife will have legal rights; (3) the existing, common property system, of husbands and wives will be reformed; (4) the act of unchastity by a husband can be ground for divorce; (5) the livelihood of the divorced wife shall be guaranteed by the husband; (6) the right of parents shall be practiced by both father and mother; (7) the limitations of the rights of a mother shall be abolished; (8) the inheritance right of a wife shall be the same or at times be dominant to that of the children; and (9) as the family head system shall be abolished, woman shall be free to succeed her husband as the family head and the woman family head shall be free to re-marry. We can say that women will be completely emancipated from the old patriarchial family system by these provisions.

However, according to the revised Civil Code, the system of marriage registration will be maintained as in the past. Since the usual authority which has been vested in family heads to disapprove the marriages of family members will be abolished, the number of common law wives will decrease considerably. However, if we remember that even the, Draft of the Revised Civil Law of the Provisional Legislative Inquiry Commission intended to make a compromise between the systems of non-registered marriage and formally registered marriage, we ask why the Government did not adopt the system of non-registered marriage.

The third key point of the revised Civil Law is the abolishment of the succession of the family head of a family and the adoption of the system of equal inheritance of property. In this regard what shall we do with such properties as farm land or capital assets? If land properties of poor farmers are divided among his children, it would mean the creation of many more poor farmers. To prevent such evil effects in the new revision, it is advisable to dispose property according to the will of the benefactor, by which property will be divided while he is alive. However, a will is not enough for this purpose. In this connection, it is necessary to set up the maximum area of land holdings by such laws as the agrarian law. As the saying goes, disputes will increase as rights increase. Although the disputes concerning the succession of the family head will decrease, those concerning the inheritance of property will increase. In this connection, we should be careful not to have disputes among blood relatives.

660

The fourth key point of the revised Civil Code is the considerable expansion of the jurisdiction of the court. As the family head will be abolished, the court will have to take the responsibility, which hitherto has been fulfilled by the family head, such as, the supervision of the marriage of family members, guardianship, succession and inheritance. In this connection, the establishment of the court of family relations is urgent. It is advisable to appoint women judges as well as men in the court bench.

In short, the present revision is based on the provision of the new Constitution, providing that no law contrary to the provisions of the Constitution shall have legal force or validity, as the preamble of the Constitution clarifies. Therefore, we believe that the Civil Code should be revised fundamentally in connection with the property law as well as the laws of blood relations and inheritance, from the standpoint of establishing the basic principles of a new Civil Law for the future.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4732 DATE: 21 Aug 46

SOCIAL SERIES:
1034

ITEM 1 Changes In Relation and Inheritance Law - Mainichi Shimbun - 18 Aug 46.
Translator: T. Ogawa.

Full Translation:

The revision of the Civil Law chiefly concerns the existing Relation Law and the Inheritance Law. This revision is an epoch making attempt to break the feudalistic ties of the family system, and to elevate the women's position in the spirit of the new Constitution.

The important points of the revision are as follows:
1. The "house", juridically referred in the Civil Law, will be abolished, bringing a revolution to our family system. As a result, family lines and family names (for instance the KONOYE or the SANJO) will be abolished, and the inheritance will chiefly be conducted on a property-basis.
2. The relationship of mother and child has hitherto been forced upon stepchild and stepmother. No relation as mother and child, however, will be forced in the future between the legal wife and child by a concubine. This will eliminate a unnatural relation and the cause of many domestic troubles which have hitherto existed. 660
3. Even after a divorce, the wife still had a relation with the family into which she had married. Such a relation, however, will vanish hereafter. Consequently, marriage between the divorced daughter-in-law and the father-in-law, or between the father and the child brought by the second wife (sic), will be permitted legally.
4. Marriages were not allowed without the parents' consent, even when there was a good match. In the future, however, the adults can marry freely, while minors need the consent of at least one parent.
5. The marriageable age is fixed at 18 for men and 16 for women. The marriageable age has hitherto been decided in accordance with the record in the family register. In the future, however, there will be no difference between marriages that are registered in the family record
6. The wife has hitherto been called by her husband's family name as long as she was a member of her husband's household. In the future, she can be called either by her husband's family name or by her own, according to her own will.
7. Minors will become adults upon marriage. When one marries at the age of 18, he will be given the rights of a 20-year-old adult.
8. The wife has hitherto been regarded legally as incompetent, because she must obey her husband. In the future, she will enjoy the same legal rights as her husband.
9. A man and wife can sign a contract on property before they are married. No one, however, has signed such a contract, because it shows a lack of affection. The property will be the combined responsibility of man and wife, and the everyday domestic affairs will be carried out under the joint responsibility of the married couple.
10. A divorce has hitherto needed the parents' consent. In the future it can be obtained by the free will of man and wife. The wife can rescind the divorce in case she was divorced by fraud or oppression.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1034 (Continued)

ITEM 1 (Continued)

11. Permission of a court will be needed in case one wants to adopt a minor.
12. The inheritance of family property will be shared equally by the children, regardless of their sex. The child by a concubine, however, will get only half a share. Furthermore, the inherited property of the consort will be divided according to the consort's position. Accordingly, the wife's position is elevated.
13. The succession to a house is abolished. It is inevitable, due to the abolishment of the "house", and it is an epoch making change.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 3: The Way to a Democratic Family System (Editorial) - Mainichi Shimbun - 19 Aug 46. Translator: S. Yokoyama.

Full Translation:

The "family" provided for in the civil code, which has been an object of discussion since the time of the establishment of the present civil code, was abolished in the Draft Civil Code proposed by the committee within the Deliberative Committee on Legislation. According to Article XXII of the Draft Constitution, "the law should be enacted on the basis of the individual right and equality of the two sexes concerning the choice of spouse, right of property, succession, place of residence, divorce, marriage, and other family affairs." Therefore, the abolition is quite natural.

660

The "family" prescribed in the civil code is based on ancestor worship. In order to worship ancestors and to continue services to their memory, a community called the "family" was established, extinction of a family was forbidden, and the family head was provided with the exclusive possession of the family estate. He was in a position to overrule all other family relations, and he had many rights. The maintenance of the Japanese patriarchal state was dependent on placing the "family" at its center. The family system in the civil code was prescribed and its morality was maintained, based on the sense of family. As Professor KAWASHIMA, Takenobu, says, "It was the family system of the SAMURAI caste," or "the Confucianistic family morality of the feudalistic ruling classes," quite contrary to modern democracy, which is based on the right and equality of individuals.

The "family" was necessary only in the period where the family group inevitably formed an economic and social unit. At present, when the maintenance of the family group as a social organ has been brought to naught, the maintenance of the "family" in society is not only unnecessary but also inconvenient for family life. This is because of the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 3 (Continued)

strong right of headship and exclusive possession vested in the head. The fact is, that the "family" and the "head" have been distorting the family system which should be based on the natural human relations between husband and wife, and father and son. Some say that the "family" is a protective wall against individualism. However, it is often true that a family is very egoistic towards the rest of society, and the head of a family is most selfish when dealing with the other members of his family.

There are too many instances where individual rights and equality are disregarded through the abuse of the right of headship or wrong sense of family concerning family affairs of fundamental importance, such as choice of spouse, right of property, succession, place of residence, marriage, divorce, and so forth. This kind of family system has given birth to numerous family tragedies. Women, always treated as the weaker sex in the feudalistic way of life, have been the victims. The tragedy of young widows, who have lost their husbands in the cause of the recent war, suffering from family bondage is still very much in evidence. There are many instances in which a young girl, married a few days before her husband's departure for the front, is forced to remain and waste her life in her dead husband's family, though she might remarry if she could be divorced. This is not a question of civil code. It has its origin in the strong predominance of feudalistic family morality in the minds of people. Women, placed under the absolute right of their husband, head, and family, in law, custom, and morality, and tied firmly to the family even after the death of their husbands, are refused the "right of individuals and fundamental equality of the two sexes."

660

The draft civil code has abolished the "family". Accordingly, the rights of the head, as well as the absolute rights of the husband, have been abolished, and the individual right and equality of the two sexes has been approved (in regard to family affairs). As Professor AZUMA says, all legislation prescribing unjust control, by overlooking fundamental conjugal equality or disregarding the individual rights of a son in relation to his father, is not to be allowed existence. It is an obstacle to the development of natural, human relations between husband and wife, and father and son. The family system, maintained forcibly by the feudalistic civil code, with absolute rights given to the family and its head, is not human.

The question of family systems is not only legal, but also ethical and social. The progressive revision of civil codes does not solve the question by itself. The revised civil code only took away legally the obstacles to a family system based on the individual's rights and the fundamental equality of both sexes. The democratization of our systems is not spontaneously brought about by development in economic, social and political conditions. In particular, the popular conviction about the family system and morals is still feudalistic. However democratic the civil code may become, it will be of no use if people do not acquire a democratic idology. Of course democratization will become more difficult if external obstacles are not weeded out. We welcome the draft civil code. At the same time we feel keenly the necessity of social democratization for the sake of realizing a family system such as designated in the draft.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 5082 DATE: 6 Sep 46

EDITORIAL SERIES: 1249

ITEM 1 The Family System and the Construction of New Farming Community - Provincial Newspaper: Oita Godo Shimbun (Oita) - 30 Aug 46. Translator: I. Hotta.

Full Translation:

It is now necessary for us to think about reorganizing our family system. It has been regarded as one of the more desirable customs of JAPAN. However, the recent criticism of this system was very natural, since results of the defeat are still being strongly felt and the national structure and the position of sovereignty are undergoing radical changes. Our family system is based on the concept that the country is a single large family, and that morals, loyalty, and filial duty are one and the same thing.

The new Constitution refers to the family system in Article 24 only. It is not expressly provided for, but we read that the foundation of the family system should be based on the equality of both sexes and the undeniable rights of the individual. We also note the abolition of the headship of a house and the regulations defining the position of a wife, which were thought to be the most feudalistic of all the articles in the civil law. The legal status of the family system has been greatly restricted, though its existence has not been necessarily denied. The outmoded family system in JAPAN, needs to be reformed, from a broader point of view.

660

However, when we look upon the actual state of things in society, apart from the legal point of view, we realize that the family system is gradually losing its moral values. This became clear especially after the defeat. Changes in the family system were brought about by the defeat, the victims of war, and the repatriates from abroad. There are many second sons, succeeded by the eldest son, who went back to live at their parents' house, having been bombed out of their homes in the city. There are also married daughters coming back from abroad to stay with their parents, thus creating a large family, consisting of parents and children, husband and wife, and brothers and sisters. What morals can be seen here? We observe neither filial affection, love and respect among brothers and sisters, nor a pleasant and peaceful atmosphere in the family. There are many deplorable examples which tell us that family morals were lost simply because the whole family lived under the same roof after a long absence.

What does this mean? It means that the family system is nothing but an idea now. Absolutism placed the family system on an ethical basis, commended it as a beautiful custom, and sustained it with the force of might and propaganda. However, after the defeat, the family system lost its value as a commendable custom. Furthermore, it is an obstacle to the reconstruction of JAPAN. The above-mentioned example proves that this feudalistic family system will be most harmful in the development of demo-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

EDITORIAL SERIES: 1249 (Continued)

ITEM 1 (Continued)

cracy.

On the other hand, however, it must be admitted that the family system rendered a great service to Japanese society in the post-war confusion. The farming community, in which the family system is firmly established, gave relief to war sufferers and repatriates, it corresponds to a harbor for a ship wrecked on the ocean. Even though there were many contradictions and ultimate failure was imminent, it provided a resting place for the ship until repairs could be made and it could sail again. We think it is not an exaggeration to say that JAPAN was saved from greater social confusion after the war by this system. However, this does not justify our commending the family system and trying to retain it unchanged. Of course, such relief work should have been carried out by the authorities, who instead entrusted it to the family system and paid no attention to it. The question lies in the feudalistic attitudes of the people, who thought that such irresponsibility on the part of the Government was natural, rather than in a discussion on the merits of the family system, which only rescued the nation in time of serious difficulties.

Wherein lies the source of these feudalistic attitudes? Obviously, they came as a product of the feudalistic family system.

Thus, the family system is coming to an end, with the farming community at present as its only supporter. The farming communities are the last stronghold of the family system. That is why we say that the democratization of the farming community is the most difficult. The solution to the problem of JAPAN's democratization lies in the establishment of new farming communities, and the establishment of new farming communities depends on the reformation of the family system. In other words, we have to establish a non-feudalistic co-operative family based on the equality of both sexes, and the rights of the individual, incorporated along pure Japanese traditions.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 4960 DATE: 30 Aug 46

SOCIAL SERIES: 1087

ITEM 1 Father and Son in Rural Community - Provincial Newspaper Minami Nippon Shimbun (Kagoshima) - 12 Aug 46. Translator: J. Ide.

Full Translation:

Rural Sentiment

Our family system must now be changed. The juridical principle regulating the relationship between parent and child has been changed from the despotic rule of paternity to a co-operative life of parents and children, and, thus, the parents have gradually reformed and weakened to some extent. Yet these changes are merely the development of the ideas of social science, and, when we examine practically the ties between father and son, we fine that many feudalistic elements still exist. The conventional relationship of parent to child, apart from the juridical conception of today, is still maintained, and the oppressive hierarchy disregarding the son's personality remains unchanged.

440

It is beyond question that the transition of the civil law is closely connected with the daily life of families that are influenced by each other. According to my own experience and information, however, I cannot but receive the impression that the actual relations between father and son are far different from the juridical conception. Of course, there are many reasons for this difference, but one of the main reasons is that civil law is not necessary to the daily life of the people, unless some unusual cases occur.

Today, there are many arguments about fundamental human rights and women suffrage, but it is very regrettable that they discuss civil law from a progressive but abstract viewpoint without criticizing the prominent opinions of the past. Even now law has a tendency to become estranged from the daily life of the people, yet some people lay emphasis on the revision of civil law and thus they themselves develop the distinction between the law and people's livelihood. It goes without saying that law can never revolutionize the relations between father and son, to say nothing of our society. Without adequate economic and cultural measures the revision of the law cannot produce good results. I feel sorry for and, at the same time, have respect for those youths who are now fighting against the feudalistic elements of our society with all their might. However, I wonder whether progress will ever come, even after drastic reform of the general principles of the civil code are made.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1087 (Continued)

ITEM 1 (Continued)

Reform of Rural Community

These radical reforms will end in a fundamental revolution within the social organization (especially the revolution in the local economic system.)

It is also very regrettable that the villagers do not assume a positive attitude toward the Agrarian Reform Bill, which is to develop the independence of farmers according to the Landed Farmer Fostering Measure and, then, to induce these farmers to join the farm co-operatives, (kolhoz). Three measures can conceivably stamp out feudalism in rural communities by means of a new economic policy. The first is to revolutionize the landownership of today, the second step is to reform communities gradually, depending on the cultural influence of the cities, and the third move is to do nothing, as the progress of history will change communities again to their present condition, however, hard we may try to reform them. In case of deflation, the newly-emerged cultural element (it maybe regarded as the improvement of rural culture) and economic development will probably collapse under the present circumstances within the rural communities. Therefore, we must watch these three attitudes for the reform of the rural community with utmost interest.

660

The Ties of Father and Son in the Rural Community

The father's disregard for the son's liberty is closely connected with the theories of feudalistic paternalism based on the landownership. Moreover, it is well known among the people that these feudalistic elements have been maintained by the distorted character of the militaristic capitalism in JAPAN. In order to cope with the newly rising industrialists and merchants, villagers were obliged to unite into one body and, thus, paternalism gradually became established. The most important task for the father is to protect his family, thus paternalism has become strong enough to intervene with any activities of the son. Indeed, paternalism has gradually collapsed in accordance with the progress of history, but, so long as the father intervenes in the activities of his son, the controversy between father and son, awakened to the realities of life, will assume serious proportions.

This controversy is not temporal but is established in the course of history, and, as it expresses today's emotional anguish the controversy becomes still more profound and negative. This controversy is more tragic because the son will replace the father sooner or later. It is true, to a point, that Mr YAMAMOTO, Yuzo, in his novel "Wave", compared the father's position with, a see-saw game. In other words, it may be compared with a relay race, because the father hands his baton to his son, who will afterward become father and hand it to the next generation. The father of today has not the sportmanship to hand the baton lightly to the next generation. The father may not trust the ability of his son in the race, but this

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1087 (Continued)

ITEM 1 (Continued)

mistrust is natural to all human beings. The father, who is awakened to the realities of life, should hand his baton lightly to his son.

(OHARA, Masao, MIYANOSHIRO-Machi, SATSUMA-Gun.)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 5 Child Culture - Provincial Paper: Jomo Shimbun (Maebashi) - 1 Nov 46.
Translator: Y. Ebiike.

Summary:

The saying "The 20th Century is a children's century" has not been recognized in our country. The war introduced the idea that children are the miniatures of grown-ups, and they have been treated accordingly. This idea must now be corrected in the interest of juvenile culture. We want not only the school authorities but also the politicians, the Government officials, the merchants, and the masses to reconsider the culture of children. Little boys and girls under school age are included in the word "children".

It goes without saying that the school is not the sole organ responsible for the education of children. Especially after the surrender, the children have become exposed to the evil influences of society, whose results the school teachers and parents cannot amend merely by scolding. As long as children are also members of society, it is natural that they are influenced by conditions of society.

The task of protecting, aiding and developing children must not be left in the hands of the police and social institutions. All the members of society must first of all awaken to this duty. If a parent's concern for his child is extended to all the children in JAPAN, our society will become much brighter. This is the finest and best way of loving children. The grown-ups must make every effort not to misguide naive children.

Next, we want the Government authorities to realize that children will be responsible for the future of JAPAN, and that juvenile culture is equally as important as the national land plan or the industrial plan. Children's science museums, national libraries and playgrounds should be included in the national land plan for the benefit of boys and girls, who make up nearly one-third of the whole population.

We have a request to make to the toy dealers, publishers, booksellers, and school supply manufacturers. Are they conscious that their unscrupulous business practice of selling anything to make a profit has greatly harmed the postwar juvenile population? "Something is better than nothing" is not true in the case of children's culture. If businessmen love children from the bottom of their hearts, they must not exploit children, no matter how profitable the transactions might be. We also want authorities in charge of price control to give special consideration to goods for the use of children from the standpoint of juvenile culture. The laxity of these authorities is one of the causes of the present predominance of profiteers.

In addition, we strongly recommend educators to consider school education in view of the general cultural development of children, attaching importance not only to sports, but also to intellectual training and moral education.

The juvenile problem is important both at present and in the future. The basic part of this problem is the culture of children. We repeat that the responsibility of this task rests upon the shoulders of all grown-ups

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 10 Home Education and Family Tradition - Provincial Newspaper Kyoto Shimbun (Kyoto) - 2 Oct 46. Translator: S. Yokoyama.

Summary:

660

The recent cases of kidnapping of daughters of well-to-do families have shocked parents. It was a consequence of home education itself that these daughters who are supposed to be waited upon by many servants and given perfect home education were deceived by a honeyed tongue. There is an increasing tendency for young boys and girls to become infected with the evil ways of the world. If home education is perfect, this tendency can surely be checked.

Home education in JAPAN has been, in reality, training along the line of family traditions. Feudalism in JAPAN, which has been developing on firm bases for a long period, has feudalized our family life completely, and put individuals in the shackles of the family system. Feudalism means negation of individuality. Family tradition was developed to evade this feudalistic oppression. However, education along the line of family traditions did not foster individuality of individuals, although it developed the individuality of families.

When youngsters are awakened to their individuality, the deception and contradiction of the family tradition training is revealed naturally and through influences of the outer world.

It is quite evident that training according to family tradition will lose its power when individual freedom is permitted. Home education in a true sense must begin with appreciating and developing the children's individuality. Home must be a place where the personality of each member is cultivated as a member of society. There must be close relation between the parents and their children, and the parents should guide their children and bring them up to be more perfect members of society. That is the true home education.

In some cases, parents must assume dignity, but it must be a dignity emanating from a fine character. Parents have real dignity when they are relied upon by their children to such a degree as to be confided with their troubles. Home education starts at the point where the parents and their children associate freely with each other, overthrowing the false, feudalistic dignity of parents.

ITEM 9 Domestic Affairs Adjustment Iaw - Jiji Shimpo - 30 Nov 46. Translator: S. Sakata.

Full Translation:

669

The bill for the "domestic affairs adjustment law" has thus far been examined, as already reported, several times by the examination committee which was established in the Ministry of Justice for this purpose. On 28 November, the committee held its last secession and succeeded in deciding the draft bill after a five-hour discussion.

According to the finally decided draft, an article of the original plan stipulating that, if necessary, civilians of wide experience and knowledge may be appointed as the judges of the domestic relations courts has been cancelled. Therefore, judges of the local courts alone will be able to become judges of the projected courts. An original provision stipulating that arbitration may be carried out elsewhere than in the domestic relations courts has also been removed. However, mediation can be carried out at schools, public offices, police substations, homes, etc. In addition, SAKUMA, Koitsu, chairman of the committee, published his own desire, stating that from the viewpoint of the speciality of the domestic relation courts, mediation and arbitration should be carried out even at night, and that women judges should be trained rapidly.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

Feudalistic Family Rights of Husbands To Go as Thorough Reform in Law Set

660

The House Registration Law which is reminiscent of feudalistic patriarchism will be thoroughly reformed and streamlined on a democratic basis the Mainichi reported Sunday.

Under a draft new House Registration Law which was adopted by the Judicial Legislaion Investigation Council Saturday, the husband and wife and their children constitute the center of the family. The husband will not be the "master of the house," who, under the present system is often able to exercise feudalistic rights over other members of the family, the journal said.

The distinction between the peer, Shizoku (formerly of the samurai class) and commoner is totally abolished. All persons are required to register only their names, dates of birth, their parents' names and domiciles. Registration of marriages, adoptions into other families, acquisitions of Japanese citizenship, etc. are simplified. Persons of full age will be free to establish their own houses.

Regulations in the present House Registration Law governing such peculiarly Japanese customs as Inkyo (abdication of family headship) are abolished.

The Mainichi also reported that a "family affairs court" will be created by the Government in the near future to take care of law suits concerning divorce, inheritance, marriage and other family affairs which are expected to increase as a result of revisions of the Civil Code.

NIPPON TIMES SEP 10 1946

As Others See Us

'Plenty of Children' 660

Whatever else he lacks, the Japanese has a plentiful supply of children. Evidently the armed forces got a good deal of leave, and few soldiers on holiday failed in their family duty. Nonetheless, the American is continually surprised by the lack of companionship between the sexes. Even in the cities the woman walks about three paces behind, carrying all the bundles and the youngest baby.

In the country she does most of the work in the field, besides keeping up the house. A collateral duty is emptying the latrine regularly and spreading the feces in the little field where the beans and sweet potatoes grow, not far from the ancestral persimmon tree.—Blair A. Walliser in The National Geographic Magazine.

NIPPON TIMES SEP 15 1946

HINTS ON DEMOCRACY

By Grace S. Weaver

Family Life.

Family life has been the foundation of civilization from the beginning of time. Nations prosper or fall depending on their family life.

With the Japanese women finding themselves for the first time in history, faced with the equal responsibility of all aspects of family life, many women are wondering how to adjust from the old to the new. Man has been definitely head of his house. You the women of Japan are now asked to share equally man's responsibility as head of the family.

We, in a democracy feel that two people beginning life in marriage accept a partnership with man usually the breadwinner, woman the homemaker. Children coming into this family need equally the help and guidance of a mother and father. The ability of a man or woman to rear children, giving them a sense of security, a feeling of respect for the rights of each member in the family will lead to community respect for the rights of others.

You women in Japan may very well say, "but that is what we do." Think! can you share equally in the social and legal problems that occur daily in your immediate family? Or must you accept as right the opinion of one individual.

As I understand your system, the family into which you marry is headed by the eldest male member of the household. By marrying into the man's family you by that very act no longer have a place in your own family. As a wife you accept authority from the head of your husband's family which could as I see it leave you without any say in the raising or affairs of your children. To me your larger, more complex family structure is the most outstanding difference in family units in Japan versus those in a democracy.

Our family units are much smaller. When a person reaches the age of twenty one he is considered an adult. No longer is his family responsible for his care, nor does he at any time have to take on the responsibility of the care of his elders. However except in rare instances no son or daughter would disregard the bond between a parent or child. The same holds true between a brother and sister. No legal bond makes one person responsible over another. The bond of love and relationship however is very strong.

We do not recognize any difference in the rights of an elder son over any other children of a union. Neither do we recognize illegitumate children.

The social life in our family is another difference. In America men like to take their wives to all social affairs. An institution such as your Geisha would not be tolerated in our society.

You women of Japan in trying to add our democratic ways to your established customs must proceed carefully. The family is still the most important part of any political structure, for it is said that it is in the cradle that democracy is taught and learned.

JAN 26 1947 NIPPON TIMES

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

Democratization of the Family System

Debate was carried on between the Government and members of the House of Peers regarding the stipulations on marriage in Article XXIV of the new draft Constitution now before the Constitutional Amendments Committee of the House, the "house" or family system thus again becoming a parliamentary issue.

Dr. Eiichi Makino wanted to know whether the Government had no intention of providing a definite stipulation regarding the family system. Justice Minister Kimura replied that it was far from his thoughts to abolish the family system altogether but the idea was to transform a system built around the head of the "house" into one centering upon man and wife. The interpellator and Government spokesman were in agreement that the family system as such should be recognized but the feudalistic conception of the "house" must be outlived with the progress of civilization and stipulations regarding marriage must be founded upon precepts of "individual dignity and the essential equality of the sexes," which, in fact, has been the standpoint in the new draft Constitution.

In reply to the question why not provide stipulations regarding the family system itself in the new Constitution, the Government said that they would be found in the amended Civil Code.

At any rate, all these Diet discussions manifest that the feudalistic notions of the family are due to an overhauling befitting the new era.

The features of the traditional Japanese family system have been the rights of the head of the family, a patriarchial institution, the right of inheriting the "house" (meaning all civil rights as well as property conceived of as belonging to the house or family) and the practice of adopting children. This system revolving about the "house" developed out of the necessity in a feudal society for a feudal lord to hand down his ancestral fief, a samurai the lands granted to him by his lord, a farmer his farmland and a merchant the goodwill and assets of his business to the eldest son and heir. It was all-important in feudal society to maintain the "house lineage". In feudal Japan, therefore, the "house quality" was of paramount importance and this conception has persisted even after the Meiji Era in the form of the peerage system.

In this historical development of the conception of the family have evolved the ideas of "blood lineage", "house" and the like and the relationship of ancestors and descendants or of parent and child, to a degree unknown in modern Occidental society.

The nucleus of a family, however, is man and wife. A family is a system of communal life arising out of marriage between two persons. In the West, the marital relationship has been emphasized with other family relationships subordinated to it. In Japan, its feudalistic conception of the family has broken down more or less under the impact of modern industrialism but it has persisted in its Civil Code.

Now this system is about to be democratized by stipulations in the Constitution. The outlines of Civil Code amendments prepared by the Provisional Legislative Commission appointed to deliberate on various laws and regulations connected with the amended Constitution recommends the following in order to liberate the individual from the fetters of feudalistic personal status system:

(1) Abolition of the "house" system centering upon the head of the family in favor of a new family life based on realities of the modern world;

(2) Abolition, in consequence of the adoption system so far as the old conception of inheriting the "house" is concerned;

(3) Abolition of the disqualification system for wives and stipulation of a new cooperative relationship between man and wife, and

(4) Abolition of the sexual inequally before law in regard to unchastity as a ground for divorce.

These changes are based on Article XXIV of the new draft Constitution. They are of particular interest in that the emancipation of women and an epochal elevation of the status of women in the home are now to be assured by law.

The docility and chastity of Japanese womanhood have been proverbial. In spite of their faithful and uncomplaining efforts as housewives, they have too long suffered a degrading and thankless position in the home.

When suffrage was granted Japanese womanhood, there were among them those who cried: "Bread before ballot". Nevertheless, this new clause in Article XXIV of the draft Constitution must have been a greater boon than suffrage.

Japanese society is now translating from one based on the "house" to that in which the dignity of the individuals is given more thought. Modern individualism is at last coming into its own within the family system.

This must be expected to bring on not only the emancipation of women but also an evolutionary transformation in social morals.

The traditional conception of the "house", to be sure, did play a role in consolidating the unity of the people but it has proved harmful in confining morals to the narrow limits of the "house" and tended to impede the Japanese from contributing to society as conceived in terms of whole mankind.

In a new family system revolving about the individual, one must behave on his own responsibility and according to his own conscience. Individualism as opposed to egotism is the link that binds every man to his social environment.

For all its defects, the Japanese family system has nurtured many beautiful traits, such as filial piety. Even the blind adherence to the precept of filial piety, thus, can be rejuvenated by substitution of one based on the self-realization of the individual. Such a democratization of the family system will prove a major stimulus toward the democratization of politics and government.

NIPPON TIMES
SEP 21 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

READERS IN COUNCIL

Would Uproot Feudal Evils

To the Editor:

The very root of feudalism in Japan is still to be found prevalent in the provincial localities. This deep-rooted system constitutes the very source of many social and political evils in the country, and until this is removed from the social order we shall not be able to realize the practice of true democracy.

Responsibilities for many social defects and evils attributable to the old system of feudalism, however serious and grave, cannot be placed solely upon the shoulders of the central governmental or political machine, no matter how powerful it may appear, because provincial politicians are just as culpable, if not more so. For without support, and sometimes coercion of the local political machines, neither farmers nor even the central agencies would have been driven into that terrible war.

During the war local or provincial political bosses occupied or controlled, directly or indirectly, major positions in local government affairs from cities to hamlets, in economic fields from commerce to farmers' associations, and even in the educational activities from grade schools to training of youths through local organization of the "Yokusan-kai." In short, they have constituted the Japanized Nazi organization, and they operated it as they pleased.

Under such circumstances it may easily be discerned that in times of local election the bosses are the ones who controlled completely the local political machine, and dictated the terms. Whatever beliefs, customs, or education and training they may have professed, or whatever causes to which may they have attributed for actions they have pursued, it is certain that the goal they had in mind must have been something far remote from any lasting peace.

Feudalism is founded upon the family system, which can be secured on larger number of family members, and the subsequent increase in population at large creates new demand for more land, hence territorial expansiionists. So as long as this notion of large family prevails among the mass of feudalistic minded provincial population, we are not in position to see the dawn of real individual freedom and democracy.

Aspiration for new Japan and her brighter future rests therefore with the rising generations imbued with liberal thoughts and higher ideals.

It is never to be forgotten what the Tojo administration had done back in 1941, when a general election was held in Japan. The administration selected its own candidates and even subsidized them on one hand, and intervened and suppressed liberal or non-sponsered candidates to the extreme on the other. Thus the parliamentary body was constituted. Now the war being over, those subsidized deciples and followers of Tojo are purged from public offices and positions. The provincial political bosses, who supported Tojo at his height, are however, still at large, and are in a position to enjoy political domination and manipulation of governmental activities.

In comparison the urban population is better qualified for democratic ~~practices~~ than the rural. ~~From the~~ exteral appearance the rural population might seem just as competent as the urban populace, but insofar as they have not changed their ideas and mode of thinking, the majority of the old generation are just as conservative as they could be, and they shall never come to the point of comprehending the ideal and meaning of true Democracy.

TOSHIAKI NUNO
Member of Parliament

Tokyo

NIPPON TIMES
NOV 2 2 1946

HINTS ON DEMOCRACY

By Grace S. Weaver

The Family

A political structure is composed of units which in turn form larger units until the structure of the nation is formed. There are two factors which make this structure a particular distinctive type. The first is the organization and the second is the ideas which influence the political structures, by its actions and aims.

The general organization of any political structure is broadly similar to any other. The smallest unit is the individual. The second is the family in all political forms of any consequence today. In the simple political body the organization may stop there or only go one or two levels beyond. In the more complex bodies of larger nations there are several echelons beyond the family.

The second factor which forms the political body is the idea or philosophy of that body. These ideas or concepts permeate the entire political structure and must be generally accepted if that structure is to function.

The family plays an important part in the democratic political philosophy because it is in the family where democratic ideas are learned.

The training in the first few years of the individual's life forms the foundation and is the pattern for what that individual will do and think during the remainder of his time. This, like, other generalities, is not necessarily wholly true but it is generally so. True ideals in any other political philosophy could be just as readily learned in childhood and would be just as lasting.

However the thought and ideas of democracy are identical with those of the ideal home. Democracy is a mixture of romanticism, sentiment and consideration for others, factors which are found in any successful and happy family life. The secret of democracy is the greatest good for the greatest number with particular consideration for smaller groups which, because of circumstance, must have special treatment. Respect for authority which is administered with kindness and justice are present in the best home life and in a well functioning democracy. Respect for the perogatives of others is taught in the home and come to be part of the individual's nature. The home is where the individual learns to be part of a group. It is where he learns to like to be part of a group. Where, as his abilities develop, he comes to take more responsibility in his part of the group.

So the family, the second smallest unit in a political structure, is the most important part of that structure in democracy. It is the cradle where democracy is taught and learned. It is the basis for democracy. If the Japanese people are to learn and live democracy satisfactorily they must not allow their excellent family life to regress. They must foster and develop it to an even greater extent. Their democracy will never be any stronger than their family.

FEB 2 0 1947
NIPPON TIMES

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 3 The Problem of War Widows (Sub Editorial) - Asahi Shimbun - 24 Aug 46. Translator: T. Naruse.

Full Translation:

660

During the war, there was an expression, "the wife of YASUKUNI." This means the widows of persons killed in action, but in these words was concealed a feudalistic mysticism that they are fatally the wives of the spirits of the war dead. In JAPAN, a widow has been bound by custom never to remarry, as specified by the rules of the strict family system. In the case of war widow the watchful eyes of society seem to have been especially strict. Also, during the war, there was an opinion that the remarriage of "wives of YASUKUNI" should be encouraged. This opinion was advocated for the purpose of propagating the source of fighting strength, but this did not become a general public opinion, because it would demoralize soldiers at the front.

660

The Civil Code Amendment Bill drafted by the Government aims at releasing man from the yoke of the family system and restoring him to the position of a free human being. The bill is especially concerned with the position of women. Also, from the spirit of this bill, the "wife of YASUKUNI" should be freed from the oppression of outmoded customs. To feel deep attachment towards the deceased husband is a noble feeling of Japanese womanhood. The household members, relatives, and neighbors, however, should not interpret this from a feudalistic viewpoint. Today, we should abandon the feeling that a bride is the wife of the family.

In this connection, in EUROPE and AMERICA, a bride does not live under the same roof with the parents of her husband but lives with her mother. The relation between a bride and her mother-in-law has been a troublesome adjunct of the Japanese family system from ancient times, and the European and American custom seems to be more mature. Daily Radio - Cont

660

Judicial Legislative Investigation Council completed draft revision of House Registration Law implementing proposed reorganization of Japanese family system. Proposed bill establishes husband, wife, and children as center of family. Husband is denied traditional autocratic authority as "head of house."

Distinction between peer and commoner abolished. Persons required to register only names, birth dates, parents' names and domiciles. Children, coming of age, are free to establish own homes. Also proposed, to establishment of "family affairs court" to handle law suits relating to divorce, inheritance, marriage and other family matters. 10 SEP 1946

Daily Radio - Cont

ITEM 2 Rationalization of Family Life - (Sub-Editorial) - Yomiuri Shimbun - 31 Aug 46. Translator: B. Ishibashi.

660

Full Translation:

Mr YOUNG, the American Red Cross personnel superviser, stated in his advice to the Japanese women that the mechanization of family work would bring leisure hours to mothers and they can use this time for study. In Western countries, even a middle class family is furnished with an electric sweeper which sweeps up fleas and insects as well as dust in ten minutes. Kitchens are equipped with switches that immediatoly create two or three cooking places. Everything is speedy and sanitary.

It is to be sure we cannot follow these examples under the present circumstances. However, it should be realized that heretofore the Japanese women have been busily occupied with the drudgery of house keeping and deprived of a tasteful and wholesome entertainments, and a decent human life.

A beautiful and intelligent girl will become a worn-out hog within a few years after her marriage. With his wife becoming aged, the husband takes to the amours of different women. This has been the routine of our feudalistic family. Mechanization and rationalization of family can be effected only after we have become more intelligent.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

CIVIL CODE REFORM TO STRESS FREEDOM OF FAMILY MEMBERS

Antiquated 'House' System to Be Amended to Do Away With Deeply-Rooted Feudalistic Setup

By TAKAICHI NAKAMURA
Diet Member, Social Democrat Party

(Note: The writer, a lawyer by profession, is a member of the Diet, affiliated with the Social Democratic Party. On the Executive Commitee of his party, he is also known as one of the leaders of the Japan Farmers' Union. The Editor.)

Japan's family system is deeply rooted in the home and forms one of the cornerstones of feudalism. The Japanese nation of the past was established on a foundation which was centralized around the individual "house" system. To preserve this "house", various laws and regulations were written into the Civil Code. In a word, the Civil Code is a set of rules established to protect the "house". Thus, individual freedom was often restricted in order to safeguard the "house".

The necessity of protecting the "house" gave rise to various forms of injustice and at times even tragedy. The "house" carries with it property essential to its maintenance such as hereditary rights in farming districts and commercial rights and factories in cities. The family system has been more strongly and jealously guarded in the country than in the city and it may be said that city residents are, on the whole, an assemblage of second and third sons who were forced out by the strict family system prevailing in the country.

In the "house", there are many ancient conventions and usages as well as lineage—the residue of long-established custom—which cannot be reformed readily. In impartially examining all the evils of the family system, however, its good points cannot be overlooked. For instance, the spirit of mutually aiding one another even to the extent of not grudging any personal sacrifice for the sake of the family and the spirit of cooperation and help between relatives in times of illness or other misfortune as well as on ceremonial occasions are truly beautiful traits. When this spirit of close fellowship, carried to the extreme in these small groups, goes amiss, it often falls into the evils of individualism while its communal spirit is replaced by egoism.

For the development of democracy in Japan, it is necessary to fundamentally reform this antiquated sheli —the "house" system.

At the present time, the Government has appointed a deliberative committee on the judicial system composed of leading civilians of learning and experience together with members of the Imperial Diet which is drawing up a draft revision of the existing Civil Code. Efforts are being put forth to make this bill truly progessive and to add decisive reforms.

The salient points of this draft bill are explained below:

1. The existing Civil Code has regulations concerning the "house" in order to safeguard the family system. In each "house", which is like a nation in miniature, there is a family head who exercises powerful rights and privileges.

To take an example, the consent of the family head is required before members of the family may marry or establish new families. Again, he has the right of designating the residence of family members. If they do not obey his orders, he is freed from the duty and obligation of supporting them. That the property of the family, as a rule, belongs solely to the family head is recognized by law and only in exceptional cases is the property right of family members acknowledged.

Thus, when the view of the family head and members of the family differ, numerous difficult problems arise. In marriage, for instance, a man and a woman falling in love of their free will, if opposed by the family head may not marry and consequently, many tragedies have occurred. Cases of "lovers' suicide" where a couple despondent because they cannot marry choose death are not rare. Even now in conservative families, such foolishness as opposing a marriage because the social status of the other party's family is interior is common practice.

In the present revised bill, the regulations regarding the "house" and "family" will be eliminated and the family head will lose his rights and privileges. The subordinate relationship of family members which was carried to such extremes will be struck out and the members of the family will be able to act according to their free will.

2. Numerous renovations will be made in the law regarding marriage. At present, the consent of the parents is necessary before a couple may marry. In the draft bill, however, mutual agreement of the man and woman is the deciding factor; not the consent of the parents. Minors, on the other hand, require parental approval, but even here only the assent of one parent will suffice.

Under the existing law, the marriageable age for a man was set at full 17 years or over and for a woman at full 15 years or over. This standard has been raised under the revised bill to full 18 years or over for men and full 16 years or over for women. This will do away with the evils of a too early marriage. In actual practise, however, marriages in Japan have gradually become later and marriages at such youthful age as set by law have seldom occurred. On the whole, men have married at 25 or over and women at 20 or over.

The regulation considering a marriage legal only when registered with the "census officer" will be done away with and the validity of a marriage will depend solely on the consent of the couple concerned.

Numerous reforms of divorce laws are also being considered. For example, the present rule of requiring the endorsement of both parents for divorce between husband and wife, who are 25 years old or under, will be eliminated.

Under the present law, adultery on the part of the wife is considered grounds for divorce in a court trial but adultery ~~by the husband~~ does not constitute a ~~reason~~ for separation. This unjust practice, justified on the principle of the predominance of man over woman, will be revised in the draft bill and the new law will be established on the basis of equal rights for man and woman, thus making acts of infidelity by either party fair grounds for divorce.

At the same time, the revised Criminal Code will strike out the law declaring adultery a crime. Thus, the inequality attendant to the wife who commits adultery will be erased and women will have equal rights with men. Again, by deleting this law from the code, these unpleasant problems will be left entirely to the moral standards determined by the people themselves. This revision is most pertinent and progressive.

In Japan, the position of the divorced woman was most disadvantageous. In most cases, the wife was divorced out of the sheer caprice and selfishness of the husband and it was common practise for her to bear the matter silently and to endure its injustice. According to the revised bill, however, the right of one divorced party to demand of the other a share of the property sufficient to maintain a decent livelihood has been acknowledged. The court will thus have the power to consider and evaluate the resources and other circumstances and to make a proper dispensation of the property. The position of women has consequently become very favorable under the new law.

3. The system of determining the property of husband and wife has also been revised. The power of the wife to possess property from an individual standpoint was recognized under the old law; however, all property not clearly defined as belonging to either the husband or the wife was assumed to be the possession of the husband. The new law in the draft bill presumes that such property belongs equally to both husband and wife, thus further enlarging the rights of the wife. At the same time, the fundamental principle of the indivisibility of husband and wife has been established so that responsibility for legal acts arising with third parties concerning ordinary domestic matters will be shared jointly by the married couple.

4. The ability and potentiality of the wife has been not only recognized but greatly expanded. The general principle under Japanese law was that the wife has no ability or competence; her position was similar to that of a minor. All her legal acts required the consent of the husband so that any act on her part without the assent of her spouse could be declared null and void at any time.

Again, in the case of widows, they are given the power to administer the property of their children; however, in this instance, they must at all times consult and receive the approval of the family council. In most cases, the will of the widow is ignored and it is rather a man of influence in the family who manages all the affairs. This rose from the idea and treatment of women as having no ability or competence.

The draft bill, based on the general principle set forth by the new Constitution establishing the equality of men and women, recognizes that women have the same capabilities as men and all old laws not in accordance with this principle have

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

been deleted.

5. Concerning inheritance, the abolition of the "house" will do away with all problems concerning succession as the head of the family. Succession to a house rose from the necessity of maintaining the "house" and for this maintenance laws and regulations were established fixing the order and method of selecting the family head as well as for safeguarding hereditary property. All this will be made unnecessary by the abolition of the "house", which may be considered an epoch-making upheaval in Japan's family system.

Until now, when the family head died, the eldest son or in the event there were no sons, the eldest daughter succeeded him. The entire property was thus inhereted solely by the eldest son no matter how many brothers and sisters he had. The second and third sons possessed no right to claim anything while the wife, too, as a dependent of the family head, was allowed no power to make claims. The system worked out satisfactorily when there were successors in the order determined by law. In the case of a childless family, however, the lack of rights for the wife gave rise to ugly controversies in determining the succession to the house. In the past, such disputes were most frequent.

Although these laws and regulations are exceedingly unjust, they were considered in the past as being necessary and unavoidable in the maintenance of the "house" and could not be readily revised. Even if second and third sons should demand a division of property from the eldest son, they could take no legal action.

According to the present revised bill, the equal right of succession to the family property by all the children, the eldest, second and third sons as well as daughters, has been recognized. This recognition of equal rank among the children is extremely just. At the same time, the wife also gained equal rank and right to inheritance with the children. In addition, the portion of the property to be settled upon the wife has been set at one-third of the total, thus insuring the widow of her livelihood.

a long series of titles which ordinary people could hardly remember. Peoples of different classes were forced to use different titles for the Shogun.

The situation became no better with the Meiji Restoration, according to Dobashi, because the Meiji Government set up a new feudalistic bureaucracy under the Emperor. Ministers and generals under the Meiji Government had as long titles as feudal warlords, while the Imperial Court preserved traditional ranks. Under the system, the Diet was completely subordinate to the Emperor, whose power was abused by the Privy Council, Elder statesmen, and other advisers to the Throne as well as the generals and admirals.

To translate his ideas into practice, he is said to have formed a small group of government communications workers called the Nihonbashi-Kai, most of whose members worked in the Nihonbashi Post Office. Through this group Dobashi apparently established contact with some leftists, whose support reportedly had much to do with his meteoric rise to labor leadership. At any rate the professed aim of the Nihonbashi-kai was to replace old bosses of communications workers with new leadership.

In the Central Post Office Dobashi was first assigned to assorting mail to and from foreign countries, and later to personnel affairs and accounting. He was so poorly paid that his wife, whom he married at 28, had to do sewing to eke out a living. In December 1943, Dobashi was called to the colors as a private in a regiment detailed to northern Kyushu Island for home defense.

As soon as he entered the barracks, he knew Japan was doomed to defeat. The institution was maintained by sheer force of punishment and threatened punishment, while the soldiers entirely lacked the voluntary will to fight.

Dobashi was first elected to lead employes of the Central Post Office and, at a meeting of representatives of 10 chapters in the Kanto District held on January 26, was made the chairman of the central executive committee of the then still nascent government communications workers' union.

Dobashi immediately presented a five-point demand to the Board of Communications on behalf of 400,000 workers and staged a mass demonstration on February 4. By the time the May Day celebrations were held on a large scale on May 1, he was rated as one of the principal speech-makers among the Japanese labor leaders.

Meanwhile, the organization of the communications workers proceeded rapidly, due largely to Dobashi's energetic activities. At the inaugural national convention of the National Union of Government Communications Workers on May 31, he was elected its top leader with 518 out of 566 votes. The new organization also passed a resolution to affiliate itself with the National Congress of Industrial Organizations.

After that, however, it was not plain sailing.

Today his friends claim Dobashi has learned to lead a large organization by maintaining a balance among his followers. Dobashi himself contends that from his studies of history he has found out that the key to mass leadership is to grasp the mass mentality. If you sincerely work for the masses with entire devotion, says he, they are always willing to listen to you.

Dobashi now concentrates all his efforts on one end, to maintain the unity of his union. He admits he used to be a play boy in his twenties, but now leads an ascetic life. Asked what dishes he liked best, Dobashi bluntly declared? "Food? I can eat any food. Labor leaders should not worry about such petty trivialities."—Jiji Press.

NIPPON TIMES
NOV 2 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

099

FEUDALISTIC FAMILY SYSTEM SAID CHECKS DEMOCRATIZATION

Japanese Women Will Not be Saved From Their Lot Unless Impediment Eliminated

By HIDEKO MARUOKA

I

(NOTE: The author is a student of agrarian problems. She has recently returned from Peking. The following article has been translated from the magazine "Josei-sen," or Women's Front. THE EDITOR.)

It happened while I was living for a short time in a country town with my children after my return home from North China. One day, a member of the Occupation Force stationed in that town called on a family in my neighborhood. He was ushered into the principal room and met by the mistress. "Welcome to our abode, sir" the old woman greeted him with a deep bow. "Too bad we have been having a spell of rain," she said with another deep bow. "Our town owes a debt of gratitude to your troops, sir," she went on with another profound bow.

"You are over-polite, old lady," the American soldier interrupted his hostess with a smile. He then wondered audibly why the Japanese should bow repeatedly.

After a while, the guest invited the son of the family, with whom he had been talking, to a dance. After much hesitation, the young man mumbled his reply. "Well, some time later." The American soldier must have been puzzled. "I am asking you," he came back, "whether or not you can go now." The young man then replied, "I am unable to go today, but I can probably go tomorrow." "That's the kind of answer I wanted—a definite answer," the American soldier said. "Why do you people make indefinite answers like, "Well, some day I will,' or 'Sometime afterwards? That puts the other party at a loss what to do," he complained. "And nobody seems to think anything about it," he observed. "We are surprised." "Well, let's make it tomorrow, then," he said and left.

This incident provoked a general laughter in the family that day. It offered a topic among the neighbors. They were amused at it, but they thought it was all due to a difference in custom.

Impressed With Observation

I was impressed with the penetrating observation by the American soldier. Were he to live in a Japanese home for a single day, I thought to myself, he would be amazed at the persistence of feudalistic customs in our homes. Every observation of his, I thought, would be an eye-opener to us Japanese.

The feudalistic customs ruling in the Japanese families are too numerous to mention. I shall point out a few of them.

Where a couple lives with the parents of the husband, the wife is put in the humblest position in the whole family for years until the household budget, or "spoon" as it is called in farm villages, is delegated to her by her mother-in-law. Decorum demands that she should refrain from talking with her husband all day. Nor should she walk with him on the way to and back from the farm.

As for the children of the family, a distinct discrimination is made in favor of the heir. The sons and daughters are served different kinds of food. Meat and fish often go past the daughters.

A whole family must submit to the tyranny of the family-head, and the submission is extolled as a virtue. The male members of the family read the newspaper as soon as they get up in the morning. The women are not supposed to take up the newspaper until a little before the time for bed, even if they have time at other times of the day. Besides the newspapers, all they read in a lifetime is one or two magazines for women.

Wife's Suggestions Ignored

If the wife who works in the kitchen ever makes a suggestion for re-arranging things in the kitchen so that she can work more easily, nine out of ten the mother-in-law will dissest: "This place here has been the place for the 'miso' (bean-paste) tub ever since I was married into this family. The soy-sauce bottle has always belonged over there."

The old woman's word is final. The wife must continue to suffer the inconvenience.

Exclusivism characterizes country families. They close their doors tight to outsiders and show the cold shoulder to all except those who share the same blood, as witness the treatment meted out to the son's wife. Such families make up country villages and towns.

The war threw large numbers of city people into the country. For a time the country folks would commiserate with the newcomers but mixed residence would soon breed discord and friction. The country folks, being direct producers, rise early and do manual labor. The evacuees from the cities, being consumers pure and simple, are unavoidably thought a bunch of loafers. Embarrassed, the folks from the cities think of growing vegetables, if only in a small way, and go to the indigenous villagers for a loan of patches of land and implements, only to meet with a blunt rebuff on all sides. The result is that they are left without any means of getting vegetables even for everyday needs, because there are no grocers (and no fish-mongers, either) in rural villages. No village officials will speak for the evacuees from the cities. The few who feel for them choose to play safe by feining unconcern.

Farmer Folks Blinded

Most of the thefts of potatoes from the fields in our town in the summer of last year are imputed to the evacuees from the cities, who are now under close surveillance by the farmer folks. The "suspects," while admitting that some of them are not innocent of the charge, plead that circumstances leave them no alternative, pointing out that they have no means of getting vegetables by purchase and are precluded from growing them. "Who can blame them if, under these circumstances they have recourse to petty pilferage?" they argue. The "suspects" complain bitterly that the petty pilferage by a few of them is blinding the farmer folks to mass thefts of potatoes by people in neighboring towns.

The country folks are obsessed with the idea that people from other provinces must be watched, and this obsession makes them callous to the evacuees from the cities.

A foreigner is reported to have expressed genuine surprise at the presence of a legion of waifs in postwar Japan despite the much-vaunted family system in our country. "If the family system is actually at work," the foreigner is quoted as saying, "I cannot see why every one is callously indifferent to the numerous juvenile vagrants who have been driven into that plight through no fault of their own. Is it that people think nothing of the miserable children if they are not their own youngsters?"

This criticism by a foreigner testifies eloquently to the exclusivism and egoism which mark our family system. People who believe in religion do so in quest of well-being and happiness exclusively for themselves and their families. People of the intelligentia class have theories as to how the poor waifs can be saved, but with their characteristic aloofness, they will not trouble themselves to put their theories into practice.

Agrarian Communities Worst

The feudalistic family system in our agrarian communities, is perhaps the most serious impediment to the democratization of Japan. Not until this impediment is eliminated will the Japanese women be saved from their lot or a bright Japan emerge.

In the country town where I lived, lecture meetings on democracy are being held under the auspices of the local women's association. Authorities on the subject in Tokyo are invited from time to time to speak. "Democracy," "new Japan," "democratization," "equal rights for both sexes" and such like terms are on the lips of every woman in that town, I am told. This is all very well, but they have a hazy idea as to why and how Japan should be democratized. Still less do they know how to put the principle of democracy into practice. They need a great deal of further enlightenment.

(To Be Concluded)

II

A great many of our women folks are under the illusion that, just because franchise has been granted to female, Japan has qualified herself as a full-fledged democracy or that the task of democratization is progressing apace in the hands of the Diet women. They do not trouble themselves to watch that the women solons are making proper efforts. This complacency is all the more in evidence among rural women.

Example Cited

Let me cite an instance of this. A federation of women's associations was recently organized in a provincial town with the avowed objective of contributing toward making a democracy of Japan. I attended its inaugural meeting. Three aged women teachers at a local primary school introduced themselves as the president and vice-presidents. The trio, by the way, are everybody's friends. The meeting came to an end after the constitution drawn up by the presi-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ent and ~~vice-presidents~~ was read nd the office-holders hand-picked by he triumvirate were nominated. The genda was completed. The federation was formally inaugurated then and there. Not one of the members present, some 1,000 in number, asked a single question. There was a unanimous assent to everything that the triumvirate said or proposed. I was amazed.

I found out later that this was not a case of a few leaders taking matters in their own hands. The leaders of this federation had known next to nothing about assembly or public opinion. After the meeting was over, I pointed out to them that, while it was all right for them to draw up the constitution, it needed the approval of the assemblage. I informed them, too, that the election of the office-holders must be by voting which would reflect the total will of the members. They said they had been totally ignorant of all that and expressed regret.

This made me feel all the more keenly that a weighty responsibility devolves on the intellectual class for enlightening their fellow-countrymen. It has become a fashion to hold lecture meetings on democracy, but lectures should not be confined to a discourse on the history and definition of democracy. The important thing is to show people how to put democracy into practice in their everyday life. I am frankly disgusted with those lecturers who, meeting with a handful of young people in country villages, complacently declare that the future of democracy in Japan is bright because young people of enlightened thinking are found locally. They must realize that such young men and women as impress them belong to a rare minority and that the important task is to guide and enlighten the majority.

An Arduous Job

Democratization of Japan will be a time-consuming and arduous job, but it must be carried out, whatever the difficulties may be. It must be tackled with the utmost perseverance. The intelligentzia in the cities, instead of making lecture tours now and then and then forgetting the people they have addressed, should maintain constant touch with the localities they have visited on lecture trips and offer them all help they can.

While living in the country town, I learned many things. How deep-rooted feudalism is in our agrarian communities has been forcibly brought home to me.

I have come to Tokyo and begun life there as a destitute repatriate. Everything I see around me darkens my heart.

Conditions are much better than they were about this time last year, my neighbors tell me. For one thing, they emphasize, we can get imported canned foods and flour, thanks to the generosity of the American Occupation Forces. Every time I get rations of imported food, however, I feel depressed. Why? Because I cannot help fancying our Government people sighing with relief at having shifted a weighty burden to some one else. Honestly, I wonder if they are capable of formulating a satisfactory ood policy.

Rationing System Hit

One day, I went out to get a ration of cooking oil. Before the distribution station, there was a queue as long as those one used to see everywhere during the war. Oil was poured out from a drum about six feet high into a small bottle that each recipient held out. The operation took four or five adult males. I was disgusted with the bungling method of distribution. I wasted a good two hours standing in line to get four "go" (about 560 grams) of oil. Think of the waste of the time of several hundred people!

When I came home disgusted, I was more disgusted to find that my next-door neighbor had all the wheat in the house, the fruit of the assiduus toil of the young couple, and wo pumpkins had been stolen while he wife was out getting the oil ration and her little children were keeping house.

I wonder if a re-examination of the neighborhood association and the ration systems has ever been made since the end of the war. Are not those systems still maintained merely for the purpose of ferreting out cases of dishonesty?

Not only are these legacies of the wartime still maintained without question, but in some cases the neighborhood association system is carried to such an extent that the members are put on duty by turn. This makes it necessary for women with jobs to get away from work for a week or ten days on end or else to pay a sum of money—often as much as ¥20 or ¥30—by way of an apology. Such a practice must not be left unrectified.

Why is it that not one demand has yet been voiced for a thorough re-examination of the neighborhood association system and for a radical reform where reform is necessary?

Demands Change in 'Tonarigumi'

The change in conditions since the end of the war demands that the existing distribution system be scrutinized. If the "Tonarigumi" system is still being operated through the force of habit, it is time that serious attention was directed to the inconvenience it entails. While we must be prepared for hardships and privations consequent on the defeat, there is no reason why we should put up with a needless waste of energy. Newspapers and magazines abound in articles discussing thought and principles, but the time seems still far off when democracy will begin to work in the everyday life of the masses.

With the jobless swarming in our midst, I wonder if a delivery system cannot be devised by the distribution stations. The expense incurred would be negligible by the side of the inconvenience the present system entails. As matters now stand, housewives are overworked, physically, almost to the point of fatigue and will eventually lose the ability to think. And it is easy to imagine what will become of children brought up by mothers who cannot think.

I firmly believe that we Japanese must make self-criticism and self-examination in real earnest. I recall the words of Romain Rolland to the effect that a truly free man is he who constantly criticises himself and endeavors for self-improvement. We must have true freedom if we are to create a new Japan. While striving for a fundamental reform in politics, we must effect self-examination and self-improvement. That is our foremost task.

NIPPON TIMES
NOV 15 1946
NOV 16 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 21 The Rivised Civil Code and the Population Problem (Sub-Editorial) - Yomiuri Shimbun - 16 Sep 46. Translator: Nobunaga.

Full Translation:

Under the revised Civil Code, the existing family system is repudiated. It provides that the eldest son will be deprived of his rights of succession to the headship of the house and the property. Consequently, all children will be given equal shares of property. FRANCE has the same system, and it is one of the causes of its decrease in population. The reason for this is that if parents who have no property to pass on have children indiscriminately, perplexing problems will arise in the future. For this reason, they are obligated to practice birth control. In GREAT BRITAIN, a system of succession by the eldest son is in force. The second or third son emigrates to one of the colonies instead of drudging away in the narrow homeland. The more its population increases, the more its national power develops. In JAPAN, the old family system had the prerequisites for an increase in population. This increased population created the need for foreign lands and brought about wars. The new Civil Code may have a spiritual relationship with the revised Constitution, which repudiates war. The elimination of a cause of war may have been under consideration in the new Civil Code. The problem, however, is in the agricultural villages, where the family system is protected and the population increases. The new Civil Code may result in the development of a birth-control system such as in FRANCE.

ITEM 5 Right Affection (Letters to the Editor) - Asahi Shimbun - 24 Sep 46. Translator: Y. Ebiike.

Full Translation:

I want to say a word in connection with Mr SHIMODA's opinion, which appeared in this column 9 September, in opposition to Mr FUJIWARA, Sakihei's "The Training of Children." I agree with Mr SHIMODA in his disapproval of "the training with rods." I do not approve of corporal punishment, even when done by parents.

The issue here is propriety, the liberal education of the last century, which asserts that a child, when left alone to do as he likes will enter a group, live in it, be naturally educated by it and become a respectable citizen sought by a democratic society. Can there be such a wonderful "group society" of children really existing? Weren't the cold facts on the misfortune of the two juveniles reported in the ASAHI on the 9th, the very protest against such surrealistic and irresponsible thinking by adults?

The cause of the mistake is the attempt made to idealistically separate the society of children from that of the grown-up. The actual existing society of children is nothing but a part of the society of the adults, or, at least, is under the latter's influence. As an ideal, a liberal and let-alone policy is most desirable, yet as a matter of practical problem, the existing society has not provided any grounds for it. Therefore, parents are under "an obligation" to scold and correct the misdeeds of children as their "guardians." We know of no other age when "the society of children" degenerated more; therefore, we can only conclude that a shallow educational theory based upon liberalism and let-alone policy is nothing more than a more irresponsible educational doctrine. The core of the problem lies in the right kind of affection, bestowed by the parents which alone can decide when and how to scold.

Under the present situation, we must, first of all, reject the bad "formalism" which encourages the whip-over-the-mind sort of education and the erroneous affection which advocates extreme liberal education. These two kinds of education can hardly produce a respectable person wanted in a democratic society. In conclusion, we must realize that the society of the children can be improved only by the improvement of the society of the adults, and consequently, "the training of children" can prove successful only when "the training of parents" reaches the ideal stage. (KUNIMITSU, Kazutaka, a Student, KANAGAWA-Ken).

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660.

ITEM 3 The Plan For Reform Of The Family System (Sub-Editorial) Yomiuri Shimbun - 2 Sep 46. Translator: T. Nakano.

Full Translation:

Our daily life will undergo a great change under the revised Constitution. The reform of the family system is one of these changes. Under the draft of the revised Civil Code of the Council on Law and the Judiciary, a family based on the legal concept of headship will become extinct and a new system, based on European American individualism, will dominate our family life. In other words, the old family system, united by blood relationship, will be dissolved, and a family centered around the husband and wife will replace it. In the new family, the close relationship between parents and children, which has been regarded as a standard of morality, will become attenuated and married life based on contract on the basis of the equality of the sexes will be in force.

Education Minister TANAKA stated in the plenary session of the House of Peers that in the revision of the Civil Code, the relationship between parents and children is not overlooked. As a family system based on the ties of parent and child is in accord with the universal morality of human beings, it must be encouraged. As for the inheritance of family property, a part of it will be appropriated for the expenses of the family's regular ancestor functions.

However, will it be possible to maintain the old family society when democracy based on individualism is being popularized? As the present chaos in social life is caused by the spread of selfishness, which is far from individualism, a thoroughgoing social education must be among the major premises of family system reform.

660.

ITEM 2 The Revision Of The Inheritance Law (Letter to the Editor) - Asahi Shimbun - 5 Sep 46. Translator: W. Hayashi.

Full Translation:

Congratulations are in order for the satisfactory solution by the revisional draft of the Civil Code of many problems which were topics of discussions among the authorities. However, I am afraid that since the draft is too idealistic and is not in keeping with the present social conditions, many provisions will be obsolete. In particular, I request the authorities to conduct a more thorough deliberation on the principles of the coheir system, which will surely have great influence on future Japanese economy. There are strong possibilities that the advocated coheir system will hinder the functions of the agrarian management and the so-called "family enterprise."

The town of SHIRIN, located in the suburbs of TAIHOKU, is a good example. This town was once prosperous with agriculture and handicrafts. After the enforcement of the coheir system, the capacity for production was destroyed, and the town is now in a miserable condition. This is a conspicuous example.

When we review the role of the family in the history of economics, we can see a gradual decline of the economic position of the family in national life. However, not only in JAPAN but in many other countries agriculture is a definite family enterprise. Its importance has not been lessened, but rather, increased. Furthermore, the greater part of the retail business and the home industries generally called "crafts" are family enterprises.

A division of a family estate into small equal units by the coheir system will destroy its value as an economic enterprise. In order to avoid this danger, I think it is proper to devise some effective measure such as entrusting the family property to the eldest son or some other appropriate person, if necessary, and dividing the profits derived from the property equally among the coheirs under the supervision and co-operation of a court of family affairs. As practical examples from other nations, there are the family settlement system in BRITAIN, and the family property control system, such as the head of the family control, the CHANG FANG control, and the CHIH HOI control, which are now in force, in CHINA. These systems which are said to be successful, will be good references for us. (MIYAZAKI, Kojiro, ex-professor of TAIHOKU Imperial University, AKITA-Ken)

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

ITEM 4 Disappearance Of The Aged On the Increase - Tokyo Shimbun - 9 Sep 46.
Translator: M. Ohno.

Full Translation:

The revision of the civil law, effected by the constitutional amendments, will impinge seriously upon the family system which has been a tradition observed from ancient times in JAPAN. However, even before the revision of the law, present living circumstances have exerted a serious influence upon the family system. A fact showing a part of such a phenomena is that the number of aged persons who are disappearing from their homes is increasing lately. Of course, there are various different causes, according to the respective circumstances of the individuals. Some aged persons who have been considered as burdens of their families, and have been neglected and treated as a nuisance because of the food shortage and the difficulty of living, have left their homes. Some persons left their homes because of loneliness caused by the early death in air raids or in battle of their sons, who were going to be depended upon later. Some persons had been eagerly waiting for the day of their sons' demobilization, but their sons did not return for a long time, and impatience drove them out of their homes. These aged persons too may be classified as war victims.

The number of requests to the Crime Prevention Section (BOHANKA) of the Metropolitan Police Board to search for missing persons over 50 years of age who disappeared from their homes during August was 45, of which number 30 were persons over 60 years of age. What are these wanderers seeking, and where are they loitering?

Mrs. Yae, aged 77, mother of OTSUKA, Kiyokura, of 1-10, NISHIOCHIAI, YODOBASHI-Ku, is hunchbacked on account of senility and is crippled because of neuralgia of the left foot. At home there was constant trouble of some sort, and she was treated as a nuisance. Consequently one day in the latter part of July she left her home aimlessly, but since she had no place to stay she returned after several hours. However, around 1500 hours of 6 August she left home again and has not returned as yet.

Mr. SAWAI, Kotaro, aged 70, a wood cutter of 2775, UKITA-Machi, EDOGAWA-Ku, lost his wife and children in an air raid, and furthermore the deaths of his long awaited two sons who went to the front were announced officially. His purpose in living was gone, and he has been missing since 29 July.

Mr. ONODA, Kosaburo, aged 63, who had moved to the home of NAGANO, Chusaburo, of YANAGIJIMA, CHIGASAKI-Cho, KANAGAWA-Ken had frequent disputes with his relations. Around 1000 hours of 10 August unable to bear it any longer he left the home and called on Miss Tokiko, his daughter, of SHIUNSO Apartment of 694, HATSUDAI, YOYOGI, SHIBUYA-Ku. She was absent unfortunately, and he left the following note: "You have taken good care of me. I came here to bid farewell to you. Please let me keep the money you lent me permanently. I want you to say nothing until my whereabouts are known, but probably my whereabouts will not be found. I want you to send this letter to your mother."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 5053 DATE: 5 Sep 46

SOCIAL SERIES: 1111

ITEM 1 Misunderstanding Of "Family" (Letter to the Editor) - Asahi Shimbun - 31 Aug 46. Translator: B. Ishibashi.

Full Translation:

Revision of the civil law, which will follow the revision of the Constitution, is being widely discussed by the public. The main subject of debate is the family system. According to a news report the Special Legislation Survey Committee (TINJI HOSEI CHOSAKAI) decided to abolish the "family" in the civil law. Another news report revealed that decision was made by the committee to eliminate provisions relating to the head of a family and the family members and to stipulate co-operative life of relatives in accordance with actualities.

These news items have been talked about everywhere. However, I
660 have the impression that the general public is not too well informed in the interpretation of the abolition of the "family" in the civil law, or the elimination of provisions concerning the head of the family and family members. Elderly persons fear that the projected legislation will root up the five family system of JAPAN while young men and women will rejoice in the prospect of the evil shackles of the system being broken. However, in my opinion, both are mistaken. A "family" in civil law is a group kept on the census register. The determination is purely formal, regardless of whether the group is actually living co-operatively or not. The source of many evils is that substantial rights as parental authority or primogeniture are granted on the basis of such a formality. It is clear that the authorities are aiming at provisions more fully envisioning the actual life of the people and abolishing the existing inadequate ones.

To think that the abolition of the "family" in the civil law is destructive of our family system and that filial duty and other fine codes of conduct will become obsolete is too hasty a conclusion. Properly speaking, our excellent, or disgraceful, traditional family system has not been maintained because of the stipulations of civil law. It existed outside of, not within, the civil law. It might be said that it has been something more than civil law. With the appearance of the civil law, the virtues of loyalty and filial piety will disappear was the argument made by the public at the time of its enactment. However, loyalty and filial piety do not seem to have declined since then. Even if such were the case, there would have been true social causes other than the enactment of the civil law.

Human life is not altered merely with change of laws. It must be preceded by changes of economy and thought. Law does not create human life, but merely interprets it. The proposed revision of civil law should be considered as aiming to strike off the evil

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

shackles of our family system and to make way for the emergence of a new Japanese family life with full preparation for its interpretation.
(MIYAGI, NAKAGAWA, Zennosuke, a professor of the TOHOKU Imperial University)

ITEM 2 Monthly Survey Of Letters To The Editor (Letters to the Editor) - Mainichi Shimbun - 1 Sep 46. Translator: M. Kato.

Full Translation:

A survey of letters contributed during August indicates an earnestness to achieve a thoroughly democratized JAPAN. However there has been no improvement in the Japanese characteristic in that they lack the ability to express their opinions frankly. However, intentions to scandalize others were not apparent. This seems to be attributed to the progress of the bloodless revolution, followed by the constructive attitudes, and the casting off of the clamorous attitudes of the informers. The survey brought out the fact they are not accustomed to present their problems in a concrete form. For example, a third class Government official of SAITAMA-Ken who appealed to us concerning his unreasonable treatment and gave the cost of living, but failed to give us accurate figures in summing up the total. This letter was not, of course, printed in this column.

Letters relating to the Diet and political parties were not very brisk. However, we should not hastily arrive at a conclusion that the people are depressed, because there have been excellent views on these matters, although the letters were few. As to overall postwar readjustments, such as in economic and industry, the Japanese people seem to be conscious of the fact that politics, especially international politics must precede these readjustments.

Letters relating to the miseries of the repatriates numbered five per cent of the total. Their contents were concerned with their dwelling places or with anticipations as to their property or deposits and savings abroad. Their opinions were, generally speaking, constructive.

The letters of the rural people were in the plurality, showing 13.5 per cent of the total. The majority of these letters indicated a lack of faith in agricultural organizations, complaints as to their delivery system, and displeasure towards the urban districts, including their inhabitants.

Letters contributed by the urban laborers proved fewer than the farm workers, contrary to our expectations (2.6 per cent). Of these letters 45 letters were concerned with the State railways, including those discussing the current issue of the general strike.

Only 7.5 per cent of the letters were from women. Twenty-four per cent of these complained about rationing. In general, their troubles seem to be concerned with trivialities, indicating the backwardness of the feminine intellects. Indications of indulging in theoretical arguments were shown by students' letters. Earnest views of the younger generation, prone to romantic visions, are required.

Unexpectedly the general public were not interested in reports from the International Military Tribunal. The press gave much to this topic. The only exception to this was the report concerning the examination of Mr PU-YI, ex-Emperor of MANCHUKUO.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 5030 DATE: 4 Sep 46

POLITICAL SERIES: 1271

ITEM 1 The Draft Constitution and the Family System - Magazine: Jiju Hyoron (monthly) - Aug Issue. Translator: Asada, Y.

Summary:

1. Summary of the Government Plan.

The Draft Constitution published by the Government has been criticised on many points. We will have to go on criticising it, because the Government plan may pass the Diet intact, if we neglect to do anything about it. Here, I am going to criticise only a part of it; the family system and the position of women.

As you already know the Government plan ordains equality in the rights of man and wife and freedom of marriage. The following are the articles pertaining to their rights.

660

(1) All the people should have basic rights as human beings.

(2) All people are equal under the law, and no difference of treatment shall exist because of the difference of sex.

(3) Marriage can be contracted only by consent of both parties concerned.

The article which has the most important relation to the democratization of woman's position and the family system is the last one. This article includes many factors. We can analyze it as follows.

(A) Marriage can be contracted only with the consent of both parties concerned.

(B) Man and wife have equal rights.

(C) Married life is to be carried on by co-operation of husband and wife.

(D) Right of property, inheritance, and choice of residence, and divorce, should all be based upon the fundamental rights and equality of man and wife.

1. These provisions seem to include every imaginable assurance in family relationship. Yet in reality, two very important points are omitted They are the provisions concerning the relation between a couple after divorce (actually not a couple) and the other is the relation between parents and their children. I will discuss the two points in detail, later, but first, let me criticise the four articles presented by the Government.

2. Relation between man and woman on the occasion of marriage.

Contract of marriage on the consent of both parties concerned, is a

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

progressive provision, compared with the former laws, in which marriage was greatly influenced by the will of parents and elders. However, we are very doubtful as to its actual effect. I will take the provision concerning divorce in the present Civil Law as an example.

It decides that divorce can be contracted with the consent of both parties concerned. However, in reality, this freedom is restricted by many additional provisions. This fact shows us that freedom given legally is not really dependable; on the contrary, it is often used detrimentally by the powerful, and the weak are always sacrificed.

Therefore, if we want to assure the principle of contract of marriage on consent of both parties concerned, we should set up actual equality of man and woman At least, some measures to back up the law should be carried out. We long for the realization of such measures. We must watch their progress carefully. If we neglect criticism and surveillance, the reactionary Government will soon try to restrict free law, or institute another counter reactionary law.

The provision of contract of marriage on consent of both parties concerned is not enough even from the view-point of technique in establishing laws. Another provision concerning the right of annulment of compulsory marriage, should be added to protect the freedom of marriage on consent of both parties concerned. But, the Draft Constitution lacks this important provision

3. Provision concerning freedom of divorce.

In the Draft Constitution, individual right and the equality of sexes are asserted. But, the institution of such a provision without additional provisions which restrain irresponsible divorce, will be contradictory to fundamental right of an individual and fundamental equality of both sexes. However, the point I should like to insist upon now, is not restriction of divorce itself, but the necessity of instituting provisions concerning support of a woman (former wife) after divorce. That is to say, a husband should support his wife even after divorce as long as she is dependent (When she is re-married or takes some job the former husband should be freed from the obligation).

4. Equality of men and women in inheritance.

Succession of a house is the material foundation of the semi-feudalistic family system. Therefore, if we leave the present inheritance system as it is, this semi-feudalistic family system of Japan will never be abolished. Furthermore, abolition of the house succession system should go with a series of economic reforms, especially, readjustment of land in agricultural villages, because, equal succession between wife and children will bring about dissolution of land and property. Subsequently, abolition of the house succession system without fundamental solution of this problem will provoke great confusion. However, the Government has neither announced plans for the abolition of house succession system, nor showed any fundamental economic measures which should accompany reformation of the house succession system. In this point, we see that weakness of the basis of equality for men and women in succession, promised by the Government.

5. Relation between parents and children.

The Draft Constitution by the Government lacks concrete provisions concerning relation between parents and children. Persons in parental positions have wide parental authority over children. These authorized persons often possess wide power as the heads of families, under which children are obedient. Unless such wide parental authority on the part of the head of a house, is restricted, human rights of children and their freedom are not assured. Of course, at the same time, provisions concerning mutual obligation between parents and children should be

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

established. Parents should give up the old egoistic idea of bringing up their children for their own sake and recognize real human rights and freedom for children, educating them to fit them to become useful and good members of society. That is an obligation on the part of parents. On the other hand, grown-up persons, who are economically independent have the responsibility of supporting their parents, if they are in need of assistance. Moreover, parents should neither force their children to work nor expel them from home if they are unwilling to work. Addition of these provisions is of absolute necessity. If such provisions are included in Civil Law and not in the Constitution, the fundamental principle of abolition of both parental authority and headship of a family should at least be clearly defined in the Constitution.

6. Problems of the Imperial House Law.

The Draft Constitution by the Government is written on an assumption that the Imperial House Law would be maintained. This premise brings about at least two contradictions. One is that the premise permits the Imperial family to belong to a special class of families as well as the nation. The other is that the general will of the people is utterly ignored by the effort of the reactionaries to make the Throne hereditary, with the Tenno a symbol of the whole nation only with the consent of the highest will of the people. Accordingly, if the will of the people is against the Tenno, he would have to abdicate from his Throne. Therefore, the hereditary system of the Throne should never be insisted on. Why must we treat the Imperial family as a special class of family, beyond the reach of Civil Law which ordains Japanese family relations in general, if they are really members of the Japanese people? Here we see clearly the most reactionary element of the Government plan. The Government is still insisting on the continuance of the Imperial House Law. Therefore, we have to inquire into these contradictions persistently, or the Draft Constitution Amendment by the Government, which has various defects in respect to the family system may pass as it is, and we shall have to suffer from its many defects and contradictions.

We long for the institution of a Constitution, formed by the hands of the people, discussed by the people, and established by the people.

DISTRIBUTION : "X"

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 5024 DATE: 4 Sep 46

SOCIAL SERIES: 1101

ITEM 1 Women and the New Constitution (Editorial) - Provincial Newspaper: Shin Iwate Nippo (Morioka) - 26 Aug 46. Translator: S. Yokoyama.

Full Translation:

Judicial cases concerning "family" system, such as divorce, dissolution of adoption, cancellation of heir, recognition of child, and invalidity of recognition, which are brought to the MORIOKA local court amount to at least 20 every year. By 5 August, this year, 15 cases have already been instituted. If judged from this figure alone, there would seem to be few. However, since people do not like to bring family disputes to court these shown by the figure are only the most extreme cases. There are surprisingly many cases which are not made public. This is shown by the fact that there have been over 70 cases of mediation concerning family disputes in seven district courts in the prefecture. Many cases of abscondence of young girls have been recently reported. Upon investigation, it was proved that they were daughters of comparatively well-to-do families. There may have been many causes for their leaving home. However, one might say that reaction against the shackles of the "family" loomed always behind their action. This feeling is brought about by the fact that women's position within a family is unjustly low.

660

"The right of the individual" and "the fundamental equality of the right of both sexes" are defined in the New Constitution. The Civil Code is to be revised as the result of this and the deliberative committee on legislation has decided upon drafting a new civic code. Accordingly, all the feudalistic survivals in the family system are to be eliminated, and women's position is to become free according to the principle of the New Constitution. The "family", as defined in the Civil Code, is to be abolished, thereby bringing a big change to the family system of JAPAN. However, "family" does not always coincide with the "place of register", the "census register", or "family members". It has been an abstract, vague expression. Therefore, "household" has been used in practical matters. There have been contradictions among several rights within a family, such as rights of the headship, the rights of parents, and the rights of husband, and the maintenance of family system has become a difficult matter from this point, too. People who have insisted that the family system was the basis of public morals, could not go contrary to times, and have been overcome by those insisting on the abolition of "family". As a result, unreasonable difficulties which have been frequently observed, such as being firmly tied to a formless family name, or family lineage, or a girl heiress not being lawfully able to marry into another family, will be completely removed. Until recently, one was obliged to adopt a son falsely, establish him as the heir, and after the marriage was recorded, annul it immediately to evade the law. This futile procedure was taken only because the law was unreasonable. According to the new Constitution, the relation between stepchild and stepmother was changed. The child of the concubine is no longer regarded as being related to the legal wife. This will remove the unnatural feelings and causes of family dis-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

putes.

Wives have been without legal capacity, as they were treated as a possession of their husbands. After this, they will be endowed with the same legal right as their husbands. Divorce, to which agreement of parents was necessary, can be made by agreement of the couple concerned. In case divorce is forced by fraud or oppression on the side of the husband, the wife can cancel it. In cases where divorce was granted for such reasons as the wife's unsuitability for the family tradition, and when she was judged as being incompetent by the husband's family, such judgment was usually pronounced to the disadvantage of the wife, but this will be changed. One-sided demand for chastity was in disregard of women's position. Even if the new Constitution did not appear, there are many points which should have been revised in the old Civil Code, especially the points concerning women's position in regard to marriage. These essential reforms have been made in the new Constitution.

660

However, relations between wife and mother-in-law, between father and son, and between family members and the head of the family, will remain a difficult matter even in the future. To solve these disputes in line with the new Constitution will promote JAPAN's democratization remarkably. Women should realize that democratization of either marriage or home life will never be attained by revisions of the Constitution and the Civil Code, unless women are prepared for it. Women should have democratic self-recognition and bear in mind, "equality under the law, and no discrimination because of sex." They should give sufficient consideration to the essential meaning of "equality of the sexes". That is, they should know what to do as women. A happy home life is based only on the proper self-awakening of each individual member of the family.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 5083 DATE: 6 Sep 46

SOCIAL SERIES: 1121

ITEM 1 Dawn of a New Civil Law and Court of Family Affairs - by three leading Women - Newspaper "Jiji" (daily) - 1 Sep issue. Translator: T. Kosaka, K. Soeniak.

Full Translation:

At the recent conference of the judiciary commission, it was received that great emphasis will be placed upon the rights of women in the coming revision of the civil code. This is in order to more fully eliminate the feudalistic family system; women will now be elevated to a position equal to that enjoyed by men. This is one of the new provisions.

A month and a half has passed, and it has been noted that public opinion has been greatly aroused in connection with this and other new provisions of the forthcoming civil code. The proposed revisions of the civil code will be discussed again thoroughly by the judiciary committee, for three days, beginning the sixth of this month. It will then be forwarded to the Bureau of Legislation, where these revisions will be framed into articles. In November, it will be presented to the Diet. Finally, in March of next year, together with the new Constitution, it should go into effect.

We therefore feel that the different shades of opinion on these proposed revisions should be voiced, and that the members of the judiciary commission should be guided by the opinions expressed by the public. The following on the opinions of three leading women of JAPAN, Mrs KATO, Shizue, a member of the House of Representatives; Mrs TANABE, Shigeko, a housewife; Mrs WATANABE, Michiko, a woman lawyer. They all agree that the feudalistic family system must be eliminated. This Government should not, however, let matters rest by merely abolishing the old system.

Mrs TANABE states that in order to maintain order in a family which consists of a few members, the responsibility should be centered upon someone. Therefore, there should be laws dealing with the responsibility of supporting the members of a family. Mrs WATANABE and Mrs KATO believe that the above mentioned paragraph deals mainly with morality. They, therefore, believe that it will not be sufficient to merely establish family responsibility by law. They are mainly concerned with the aged and the inform. They believe that education, plus the installation of a social insurance system, can solve the problem.

Step-children and step-parents

According to the provisions of the revised civil code, the relationship between step-parents and step-children or between illegitimate children and their father's wives will be comparable to the relationship of parents-in-law and brides. Mrs WATANABE points out that although foster parents treat their adopted children as their own, legally this relationship is

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

not recognized at all. Mrs KATO cannot understand the Government's position in connection with this very important matter.

The problem of marrying an heiress

Nowadays men can still marry heiresses and can still assume their wives' family names. This stems from the ancient feudal family system. Mrs TANABE and Mrs WATANABE are quick to point out that this ancient custom has been abolished by law, except in the case of the heiress.

Properties of a married couple

Properties which belong to the the individual man or woman before marriage still belong to the man or woman alone after marriage. All three women agree that this condition must be altered. The fact remains that after marriage, a wife has hardly any means of income and depends solely upon the husband for support. Mrs KATO and Mrs TANABE believe that after marriage all property belonging to either of the two should become joint property. In a happy and prosperous home, there should be no question at all concerning property ownership. In case of divorce, disputes will undoubtedly arise in connection with the eventual disposition of the property. Since the law now provides an adequate settlement for the wife in case of divorce, the women feel that too much emphasis need not be placed on the disposition of the jointly owned property. Mrs WATANABE seems to think that the revised bill should clearly state and define all condition pertaining to joint ownership of property. She frankly admits that in this instance, she is mainly concerned with enhancing the woman's position in JAPAN.

Divorce application and rejection

Under Japanese law, a judge can reject divorce application, if he is certain that the grounds are inadequate Mrs TANABE seems to think that the husbands benefit by this arrangement. On the other hand, Mrs WATANABE is of the opinion that a judge would not unjustly deny a divorce. She believes that in this way, there is always a chance for reconciliation, and that therefore, the law is justifiable.

Inheritance of estates

According to Mrs WATANABE, there is the danger that, under the inheritance provisions of the proposed code, the property of the deceased may be too sparsely divided and distributed. We need have no fears for personal property but in desposing of real property, great difficulties are likely to arise. Exceptions will have to be made in many cases. Such things as durability, perishability and repreciation must be taken into consideration. Mrs WATABANE suggests that the eldest son be awaided the real property, but that the products of the land be destributed among all the relatives. Mrs TANABE raises the question of all property, both real and personal, being divided among all inheritors. Mrs TANABE and Mrs WATANABE both agree that the above cannot apply to all members of the family, examples being daughters who have married outside of the family and members of the family who have acquired property in other ways than through inheritance. Mrs KATO is of the opinion that the land should not be distributed according to the inheritance system. Comparing AMERICA with JAPAN she points out that in AMERICA, when children reach the age of maternity, the parents divide their holdings with the children and allow them to live independently. In this way, the children do not have to depend upon there parents for support indefinitely. Mrs KATO believes that this spirit of independence

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 should be developed in JAPAN. However, upon the distribution of an estate, the weak and poor should receive more than the others.

x x x x x

The following are the provisions of the revised Civil Code (as an example, we shall use the distribution of property valued at 150,000 yen):

I - Deceased leaves a wife and two children as inheritous. Under the law wives are allotted one third of all property, and children are allotted two-thirds of all the property. In this case, the wife is awaided 50,000 yen and the same goes to each child. If there are ten children, each would be awaided 10,000 yen. If there is one child, he would receive the entire 100,000 yen. (Illegitimate children are entitled to one-half the amount awaided to legitamite children.

II - In this case the inheritors are the wife and parents of the husband. The wife is entitled to one-half the amount while the parents are entitled to divide the other half. In this instance each would receive 15,000 yen.

660

III - The inheritors are the wife and brothers and sisters of the deceased. Under the law, the wife is to receive two-thirds of the property, while the brothers and sisters are to divide the remaining third among themselves. The wife would receive 100,000 yen and the brothers and sisters would divide the remaining 50,000.

All three women agree that, because of the various disputes and problems arising from these family inheritances, a Court for family affairs must be established. This Court should consist of civilians, plus a woman judge and woman counsel. No fee of any kind should be demanded. The Court's decision should be final and binding upon all concerned. The family affairs court bill will be presented to the next Diet as "The Family Affairs Adjustment Court Law".

Sometime this month, a committee, composed of eminent personages who are well acquainted with the facts, will convene and further discuss the problem. This court is expected to be independent of the Ministry of Justice and is expected to be very powerful.

Adultery

Under the present Japanese law, women alone and not men can be punished for committing adultery. No change at all in this situation has been made in the forthcoming revisions of the Civil Code. All there women are from in their belief that this is totally unjust. Mrs KATO and Mrs WATANABE believe that both husband and wife should be made equal before the law, and both should be punished for committing adultery. Mrs TANABE is of the opinion that punishment for adultery should be abolished in both cases.

x x x x

Laws governing punishment for adultery throughout the world

I - Husband and wife are punished equally under the State of CALIFORNIA, U.S.A., Criminal Code, 1919, the Swiss Criminal Code, 1937, the Chinese Criminal Code, 1935, and the German Criminal Code, 1871.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1121 (Continued)

ITEM 1 (Continued)

II - Husband and Wife are punished but not equally, under the French Civil Code, 1810, and the Italian Civil Code, 1931.

III - The wife is the only party that can be punished, under the present Japanese Criminal Code, Article 183.

IV - Neither party is punishable by law, under the English Law and the Soviet Russian Criminal Code 1922.

DISTRIBUTION "X"

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 10 Characteristics of the New Family. Tokyo Shimbun - 8 Oct 46.
Translator: Y. Akabane.

Full Translation:

660

The publication of the draft of the revised Civil Code has caused a great stir among the people because of its effects on the feudalistic home. Cases centering around the home, such as divorce, property, support, etc, have suddenly increased of late. The lack of understanding of the new law is responsible for such a trend. The Temporary Legislation Investigation Committee of the Cabinet is expected to submit its report to the Government, following the final decision to be reached at the third general meeting which will be held shortly. Professor AZUMA, Sakae, Dean of the Law College at the TOKYO Imperial University and member of the said committee, made the following explanation regarding the nature of the revised law:

The beautiful family system is an ideal of reason based on high moral purposes, which the existing Civil Code is only a legal measures. Even if this measure is abolished, the purpose continues to exist. The anxiety over the possible collapse of the family system because of the revision of the Civil Code is a fear entertained by just the section of the people having no legal knowledge. It is a mistake to think that the collapse of the moral family system will ensue from the expulsion of the feudalistic family system with the revision of the Civil Code. Whether the family system will be destroyed or not is a question depending entirety on the character of the Japanese people, and it is impossible for a law to prevent what is going to collapse, however hard it may try.

"Persons supporting the family system are of the illusion that all those bearing the same family name or are of the same lineage are living under one roof. In ordinary circumstances, although there are many instances of three families living together as one family, that is to say, the vertical relation of father, son, and grandson, few in the horizontal relation of three brothers are found living together. Even in the vertical case, the father has the ultimate right, so there is no room for doubt regarding the head of a house. In the case where there is a head of a family outside the father and son families, the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1198 (Continued)

ITEM 10 (Continued)

father cannot transfer his property to his son, if the family head opposes, nor can the families have their names entered in the family register without the consent of the head. Recognizing or not recognizing the relation between parents and son, and husband and wife also is a right of the head of a house. Assuming that the current ration distribution system is so revised as to have the foodstuffs delivered in the name of the family head, from the standpoint of the family system, those living in TOKYO would be confronted with the extremely awkward predicament of having to receive their rations from their family heads living in SHIKOKU or HOKKAIDO. Fortunately, however, the current distribution system is based on the household, and the family head is not considered when families of the parent and the son are living together.

"To cite another instance, if there is a divorced daughter, a question naturally arisesas to who should support her. Regarding this matter, even advocates of the family system will at once answer, "Her parent and brothers will support her", instead of saying "The family head". From the above example, it is clear that if the supremacy of the head is respected, the relation between the families of the parent and of the son will be weakened.

"The current revision aims at the recision of the laws and regulations, centering around the head of the family and which are full of contradictions. By the dissolution of the family head system, a widow may remarry without obtaining permission from the head of her former husband's family. However, the law does not require her to return to her maiden home, so she at liberty to remain at her deceased husband's home, which is highly preferable to that of forcing her to remain, Moreover, the revised law is worked out on the basis of cohabitation of husband and wife. At the time the law was being deliberated, some women committee members insisted on going one step further, by asking for the recognition of co-ownership of property by husband and wife, but their opinion was dismissed because of the necessity of a wife's letter of attorney in every operation of her husband's business, and because of the danger of the forgery of such a letter of attorney at the time of business failures.

"Regarding the question of legacy, people are apt to think that dividing into equal shares signifies the dividing of property in equal shares, but it is really a question based on monetary value, and by no means denotes the dividing up of farmlands, etc. The bill for the adjustment of farmlands stipulates. Farms shall not be divided even at the time of succession. Legacy shares may be taken care of by money or by bonds. If troubles should occur in this connection, the intervention of the court will take place in accordance with Article 31.

"In short, the newly revised Civil Code is based on the family life now actually in existence, by abolishing the time-old systems concerning the head of the family, the relatives, and the family name and which were originally designed for the maintenance of the family system centering around the head of the family, and which have already been deprived of their practical value. It was the result of necessity, and not the offspring of sudden coercion. This Civil Code may be said to be designed for the realization of a democratic family system worthy of praise by the world."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 A Round-table Conference on the"Family" - Magazine: Fujin No Tomo (Monthly) - Oct 46. Issue. Translator: F. Tsuneishi.

660

Summary:

Participants: AZUMA, Sakae, Professor at TOKYO Imperial University; AMANO, Teiyu, President of First Higher School; SAITO, Takeshi, Professor at TOKYO Imperial University; WAKAGAWA, Zennosuke, Professor at TOHOKU Imperial University; HASEGAWA, Nyozekan, Member of the House of Peers; HANI, Kichiichi and HANI, Motoko of the FUJIN NO TOMO magazine.

The conference began with HANI, Kichiichi's proposal to discuss the real meaning of a "family" as seen in connection with the legal abolishment of the "family" based on the revision of the civil law. AZUMA explained that by the term "family", the Government did not mean the actual collective life under one roof, but the large group formed by the family head and all his relatives under one family register at the permanent place of domicile. This large legal body, which was thought to be more important than the actual home, gave the family head excessive dominative power. Under this revision, this defect will be rectified by the husband and wife replacing the family head's authority and a different family register will be kept for each son who marries as well as one for each unmarried person who is of age and prefers to register of his or her own accord. He added that there seems to be much criticism leveled against the separate family register, on the grounds that eventually, it will leave the aged parents alone and uncared for. But this is only a legal proceeding, and does not necessarily mean that the parents cannot live with their children merely because they have a different family register. This can be substantiated by the fact that there is a tendency in this revision to place stress on the family name.

HANI, Kichiichi followed with a question as to whether or not the family name ceased to exist in the case of a family of daughters only. AZUMA cleared this point by stating that a son-in-law may marry into the girl's family and take her surname. Even though the system of succeeding to a house is being abolished, this custom will be continued, not for the sole purpose of preservating the family name, but for the

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1249 (Continued)

ITEM 1 (Continued)

benefit of the parents and the girl. This revision however, also gives the daughter of a family without sons, the privilege to marry out of the family if she so desires.

AZUMA answered HANI, Kichiichi's question as to actual conditions under the old legal family system, which is said to have caused so much misery to so many people, by giving an example of a widow under this system. A widow could not re-marry or go back to her former home without the consent of her father-in-law. If the people had been more independent by nature, this defect may have been revised long ago, but as it was, they had to suffer the consequences. If the widow chooses to stay and serve her in-laws, it may be regarded as a real virtue on her part, but when the in-laws tie her down by law to serve them through their own selfishness, what else can we call this besides false virtue? The supporters of the family system say that to have the power in the hands of the head of the family is a good traditional custom, but I believe it tends to give too much unjust power to one person. This system makes all those living under one roof the dependents of the family head, while the new law provides that only direct relatives are recognized as dependents.

NAKAGAWA, on the subject of civil law and custom, said that even though the revision of the civil code were enforced, he believed the way of living, thought, and morals of the people could not be changed immediately. To this, AZUMA commented that in the former law, duty to the feudalistic "house" was carried out even at the sacrifice of the individual, and this was thought to be most important. Such ideas resulted in the unfaithful wife being condemned but permitted men to have concubines in case he did not have a son as a successor to his house. SAITO said that hereafter, it was essential to elevate the moral standard of the people.

Next HASEGAWA explained how the family head came to possess so much authority. In the feudal days, when the conservation of a "house" was so important, much depended upon the ability of the family head. Since the family system could not be maintained through the power of virtue alone, the head of the family often resorted to military strength or, if he were a merchant, to financial power. Some families even had Confucian scholars as advisors to uphold the family moral code important in perserving the system. However, this system gradually began to weaken from the MEIJI era (1868 AD), and now it is even necessary for the Government to establish an old folk's home.

The question of the decorum of family life was brought up by AMANO, who commented, that the revision may tend to break down the virtue and the dignity of a family, especially those of the old families. He also, stated that the divided inheritance will lead to the dissolution of these old families. NAKAGAWA agreed to this statement and further added that this dignity was the result of pride in one's ancestors. However, AZUMA countered that this so-called dignity of the old families was built upon the sacrifice of the general population, and that today, such selfishness was not compatible with the general desire to elevate the dignity of the population as a whole. NAKAGAWA further added that in the olden days, the children of these old families often went to normal schools, for such an education, together with their superior social background qualified them to stand above others as leaders. AMANO explained that this was the reason all of the persons of high social positions in JAPAN today come from these old families. HANI, Kichiichi's conclusion to this problem was that rather than family connections, more will depend upon education in raising the dignity of the general populace in the future, and that home education is as important as school education.

On the subject of moral standards in family life, HANI Kichiichi said that a high moral standard is essential in maintaining the relationship between the parents and the children. HASEGAWA explained that in many homes parents lacking in this virtue, resort to the assistance of their ancestors in maintaining their position and dignity in the fami-

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1249 (Continued)

ITEM 1 (Continued)

Such faults, AZUMA said, is the result of the laws which tended to restrain the free will and the respect of the individual.

AMANO said that the women's position, as a matter of formality and in the eyes of the law, may have been low, but that in actuality they had wielded power. This, HAZEGAWA affirmed, saying that it was a feudalistic trait to not recognize the actual existence of the condition legally. AZUMA added that he did not necessarily believe the women's position was very low, but that it is true, many men believe that scolding his wife in front of people is proper etiquette.

AMANO stated that he believed too much selfishness on the part of families existed in JAPAN. For instance, all of the families feel that the best of everything must be obtained for their own family even though the others may have very little and as a consequence must suffer. He added that the revision of the bill is doing much toward remedying this mistaken notion. HASEGAWA said that some people seem to think that the revision is too radical, but that in due time, everyone will progress to the point where they will not consider it so.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1310 (Continued)

ITEM 4 Construction and Basis of The Family System, by Sukeyoshi, Michitaka - Magazine, Choryu - Monthly - Nov Issue. Translator: S. Inoue.

Summary:

(TN: The writer is a lecturer at the CHUO University)

660

The family system is based upon authority and submission to a patriarch who is accorded the position he holds not by man but by nature or God, and therefore his position is absolute. The patriarch's position is guaranteed, for no unrest is permitted within the family, and even if he should be murdered, he would be replaced by another patriarch. In this sense, the family system is opposed to the kindling of a revolutionary spirit. The despotic right of the patriarch gives, not only the patriarch himself, but also all of the family members a feeling of comfort as long as they confine themselves within their family circle, a sensation of peace arising from the fact that no struggle is seen within this circle. In this fact, the advocates of the system find a romantic quality. Therefore, the substance of the family system is, that it is a moral or legal system which nurtures the desire to maintain the natural order built up before one was born.

That the family system should not conform with the actual conditions existing in family life is only natural, for it is based on the legal or moral interpretation of a specific ideology. Even in the TOKUGAWA Era (1615-1867) when our family system reached its maximum development, the farmers, typical representatives of the system, did not lead a life conforming to the concept of the age-old family system so highly extolled in Chinese history. The most important factor in the family system is the idea that not only a married couple and their children, but also those who may or may not be blood relatives constitute a family. However, the appearance of the SAMURAI class and aristocracy under feudalism caused considerable revisions of this system as their social status became established. Application of patriarchal right became severer and more formal, especially among the SAMURAI, and the aristocracy, while the general populace admired their high social status and tried to mimic their ways, accentuating the hitherto hidden characteristics of the system.

Another reaction that feudalism had on the family system was the tightening of family discipline as the result of the intense struggle for existence. In other words, families of the feudal lord or SAMURAI either were attached to the group in power or were forced to choose death, but they could not engage in any productive pursuits. Those who were victors in a battle could look forward to a rosy future.

The Japanese family system, has two aspects - the tranquil atmosphere within the family circle on one hand and the formal patriarchal despotism accompanied by family discipline on the other; elements which from the standpoint of logic, contradict each other, but the retardation of the development of a bourgoise class made the people blind to the existence of such a contradiction.

The family system is more deeply rooted than feudalism, having existed long before the advent of the latter, and still survives due to the fact that its basis, the family slavery system, continues to exist, where the individual is a slave of his family. The fact that the basis of the family system is family slavery, may be verified through the meaning of the Latin word "familia", a word originally meaning a domestic slave or servant who was not an official member of the family. Under such a system, the relationship is established from the fact that a member is able to contribute to the family through his labor rather than the fact that he may be related by blood, and all are under the leadership of a family patriarch. Therefore, being a legitimate family member does not mean that one can enjoy special treatment. In this case, the family system, shows unintentional equality which

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1310 (Continued)

ITEM 4 (Continued)

might also be termed vague indiscrimination.

The revenue from the family labor is collected by the patriarch, and the members given food, shelter, and a small allowance. The family system means blind submission to the patriarchal authority and therefore tolerates neither criticism nor introspection. Thus, it contradicts the principle of democracy, but the mere destruction of the family system will not bring about a democracy, for if this act only deprives the people of the feeling of peace they knew under the family slavery system, these people are apt to become a leaderless mob whose political consciousness may materialize itself in the form of true fascism. The defeat has destroyed the family system. We hope that the deplorable state of affairs mentioned above will not follow.

ITEM 5 The True Meaning Of An Unpatriotic Person;By Ozaki, Yukio - (TN: Eminen statesman and Diet member) - magazine Jiyu Kokumin - (Monthly) - Dec 10 issue. Translator: T. Yamaguchi.

Summary:

The establishment of a new JAPAN is hardly possible as long as the Japanese people remain unchanged. The most important step in this direction is to teach the nation true national history which forms the keynote of national spirit for with this knowledge, people will be able to start a new life. JAPAN, before the restoration in 1868, was greatly influenced by Chinese culture and Buddhism. We did not even have words or letters to express material things before the advent of Chinese culture or Buddhism.

The Japanese race, most likely, came from the South for all of the ceremonies in the Imperial Court are quite similar to some of the ancient ceremonies still existing in the South Sea islands. For instance all ceremonies of the Imperial Household take place at 0300 hours in the morning, and the Emperor is required to bathe in cold water two or three times during the ceremony. In the tropical islands, all ceremony take place in the night and one must wash to purify himself. These customs of the South must have been introduced into the Imperial Court and handed down.

The outlook of Japanese people who do not ponder the irrationality of our national history as it is taught at present, is clearly imperfect and they do not realize that we have been defeated for the first time in our history. We must learn to think and feel as the other normal people of the world. The Japanese people are unimpressionable because of the fact that the Japanese minds are stuffed with KANJI (TN: Chinese characters.) As long as we read these KANJI and think in terms of them, we cannot think and feel as the other people of the world do. Inasmuch as the Japanese school children must memorize about 1500 KANJI before they finish their primary school course and newspaper cannot be printed without utilizing more than 2000 of them, memorizing these characters is certainly a difficult task for the people. Yet, it is difficult to find a good substitute at present to replace these Chinese characters. As a tentative plan, I advocate the use of the "KANA" (TN: phonetics) and Roman letters. Changing the mode of designating the chronological era is another method of making the people realize the present situation.

In the age of barbarism, patriotism was highly valued, but as civilization progressed its value declines. JAPAN, before the MEIJI era was divided into clans, and people were strongly attached to their own clans, but no idea of a unified nation existed among them. When the clans were abblished and prefectures established, JAPAN was unified at last. However, the hostile feeling of the people of on clan for the other was still preserved in the patriotic sentiment of our country.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

The Family System and Future Economy

While the problem of the unemployed remains a serious one with millions thrown out of work since the end of the war, a partial solution seems to have been found through their employment as small-scale entrepreneurs and farmers. But this situation gives rise to certain new problems which are almost as serious as the problem of unemployment itself.

There would be no great problem if all the unemployed could be absorbed by great industrial activity, through the establishment of huge factories. But to expect the immediate revival of the industries which have now collapsed after having been devoted until a short time ago to the furthering of aggressive war is manifestly impossible. For the time being, it thus remains for the nation's unemployed to seek their salvation in small household industries, businesses, and farms.

This tendency toward the establishment of many small enterprises is being accentuated by many new developments. The curtailment of large corporate enterprises through the loss of overseas possessions, through the liquidation of the Zaibatsu, and through reparations assessments is one such factor. Another is the land reform and the new law of inheritance which, by introducing the concept of equal inheritance among all the sons and daughters, will hasten the break-up of large family holdings into small independent units, thereby increasing the number of small entrepreneurs and farmers. The bulk of the Japanese population will undoubtedly come to be engaged in small-scale enterprises, and these will form the backbone of Japan's new economic system.

While on the surface the strengthening of the middle class of independent shopkeepers, farmers, and businessmen may seem not only satisfactory but positively desirable as well in assuring the democratization of Japan, such a view becomes open to question upon closer scrutiny. For it is an unfortunate fact that this class cannot make ends meet without the combined assistance of all members of their family.

Farming as well as small-scale industries and business at present entail disproportionate manual labor in relation to profits and thus the employment of family members arises from sheer necessity. As tenant farmers today depend upon all the members of the family for labor, so too will the new class of small owner-farmers created by the government's land reform program have to depend upon their kin to operate their farms. The situation is similar in the case of the small shopkeeper or the head of a household industry who can make a go of it only if his family works side-by-side with him.

Under such circumstances, the status of the family members will hardly be more than that of "house slaves" bound by economic fetters to the family. The undesirable feudalistic nature of the traditional family system need not be elaborated on here, and legal steps have already been taken to abolish this evil. But as long as Japan's national economy requires the retention of the "house slaves", the traditional family system will remain very much alive in fact if not legally.

Political democracy cannot grow in the restrictive atmosphere of the family system, and immediate and concrete steps must be taken to free Japan's small-scale industries, businesses and farms of the need to utilize the labor of the family member. One solution lies in the over-all mechanization of agriculture and the thorough organization of cooperative farming, as well as in a drastic reform of home industries and businesses to enable their operation on a larger and mechanized scale. In other words, labor-saving devices are necessary. Through these means the small entrepreneurs and farmers must be enabled to gain economic independence without utilizing "house slaves."

To this end, the government would do well to probe the possibilities of importing necessary machinery and equipment as well as of setting up home production of needed materials since the minimum requirements for truly abolishing the family system must be met in the interests of real democracy.

The myriad small cogs which make up Japanese economy are important, particularly when they are in a position either to speed or to thwart the attainment of a democraic Japan. As long as Japanese economy requires the existence of the family system to operate, so much longer will real democracy be impossible in Japan.

NIPPON TIMES DEC 29 1946

This Miss Nippon is one of the dancers at a Tokyo theatre.

Japanese Girl—Happy, Airy and Smiling

buy my own dresses and have a cup or two of tea once in a while with my own money. In the meantime, I may be able to find an ideal man and marry him."

This attitude of mind toward the matrimonial problem is widespread today among daughters of all classes. When we think of it in contrast with that of girls of former days, the change is nothing short of a revolution.

The equality between man and woman, which is stated in the Article XXII of the new constitution is not a new thing. It was voiced by a Japanese woman in 1886 when Naoko Inoue published her first article on the subject in defense of Japanese women's cause. She was followed by many courageous young women who played a conspicuous part in the interest of their sex. But the emancipation of woman in those days was a desperate task. It was something like a construction of a tunnel through a lock of centuries old tradition and conservatism. Thus little progress was made.

In those days, a love affair was still generally regarded as immoral and a mortal sin.

The changing condition of the Japanese social life more and more necessitates young men and women to find their mates themselves instead of depending upon their parents to arrange a marriage for them. The old method of marriage by family arrangement has become increasingly impractical as the people change their domiciles under various conditions and circumstances. Take, for instance, one of my neighbors. He had been working in the main office of a large business establishment in Tokyo, but he moved to Hokkaido with his family a few days ago. He had two daughters of marriageable age, but now that he has to live in a new community in which he has no friends or relatives the chances

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

JAPANESE girls have undergone a vast change during the past few months. They are much happier and more cheerful in their attitude today than they were in former days. Generally speaking, girls were reticent and demure and their features were more or less charged with an air of sadness. Today they are happy, airy and smiling. They laugh merrily and are eager to work.

This change in their attitude can not be attributed to any one particular cause.

The modern Japanese girls' attitude toward marriage and divorce is an illuminating feature of the present emancipation movement. It is safe to say that most girls with normal intelligence wish to marry according to their own choice instead of the conventional method of family arrangement. In this respect, girls have been growing increasingly assertive during the past few months.

When we speak of this change in the Japanese girls, we are apt to take it for granted, but when we stop and think of it in the light of history, we realize it is truly marvelous.

During the feudal age, the Japanese woman had to stay at home and live in such a manner as to be pleasing to all around her. That was her duty and she was brought up since her childhood in that way. She was trained to live up to the precept which sums up the moral ideals of Japanese woman as follows:

"It is better for women that they should not be educated, because their lot throughout life must be in perfect obedience, and the way to salvation is only through the path of the three obediences—obedience to a father when yet unmarried, to a husband when married, and to a son when widowed. What is the use of developing the mind of a woman or of training the power of her judgment, when her life is to be guided at every step by a man? Yet it is highly important that she should be morally trained, so that she be always gentle and chaste, never giving way to passion inconvenient to others, nor questioning the authority of her elders. For her no religion is necessary either, because her husband is her sole heaven, and in serving him and his lies her whole duty."

The training of young women according to this dictum has continued for centuries and today there is a hidebound conservatism among some class of people who still demand such obediences of young girls. The old people, particularly women, still expect such obediences of their sons' wives in more or less degree. This is one of the outstanding reasons for the large number of divorces at present.

With these stern old moral ideals in mind, let us hear what a typical modern girl, Rinko Oseko, 22, says about her future:

"While I am overflowing with vitality in the prime of youth, I want to be working. The thought of sitting at home and taking lessons on flower arrangement and tea ceremony is enough to kill me. If I did, I would look like an article on sale waiting for some one to come and make a bid on me for a prospective bride. Moreover, I don't want to be always financially dependent on my parents. I would like to

[illegible] are that he will find it extremely difficult to give them away in marriage by family arrangement. Such an instance is not at all rare now-a-days. It is for this reason that the parents will ultimately have to leave matrimonial unions to the discretion of their sons and daughters whether they like it or not.

Article XXII of the new constitution has it that "Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. Laws shall be enacted considering choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family from the standpoint of individual dignity and the essential quality of the sexes." Now that the idea of marriage by one's own choice has become more and more a matter of common sense, new laws to be enacted on the basis of this provision will be quite different from what we have now. The new order will certainly contribute very greatly to facilitating Japanese young men and women to marry or divorce according to their own judgment.

For all this, however, the custom of marriage by family arrangement will not disappear from the marriage market so readily as some believe. Most young men and girls, particularly the latter, have little idea of what marriage for love is. They picture a rosy prospect of marriage for love and think it is bliss eternal. To them, it is a sort of bouquet of flowers dropped from heaven for them to grace the amenity of their married life and they know little of the heavy responsibility it entails. A majority of girls are not aware that the marriage may possibly be an entrance to the grave for love, that it

(Continued on Page 5)

Japanese Girl—Happy, Air and Smiling

(Continued from Page 2)

may be the beginning of disillusionment.

For the time being, most young men and women still marry according to the time-honored tradition, whether they like it or not. They are, generally speaking, not yet far afield in so far as the matrimonial problem is concerned. They have no tradition of marriage for love and have to be very cautious when they have to travel in a new world where there is no beaten path. They have to consult and discuss with each other as they go on their journey to the marriage market.

Much has been said by foreign critics about the Japanese woman and her patience, gentleness and grace. Out of their enthusiastic admiration, some of them have said that the Japanese woman with all that traditional refinement is a thing of beauty. But it must be remembered that she paid dearly to acquire those moral qualities under the dictates of the three obediences. It must also be remembered that she never had the opportunity to develop the spirit of freedom, independence and self-reliance and that she is paying dearly for gaining those sterner spiritual qualities under the new social condition.

NIPPON TIMES
OCT 19 1946

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDC # 775 015

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

FAMILY SYSTEM SEEN SLATED TO UNDERGO RADICAL CHANGES

Forthcoming Revision of Civil Law Will Effect Democratization of Setup

By PROF. SAKAE WAGATSUMA
Tokyo Imperial University

I

There are few subjects so controversial as the family system. Some people acclaim it as forming the basis of the national morality of the Japanese people, while some others curse it as a damnable relic of the feudal days which unwarrantably and ruthlessly restricts personal liberty.

Those who sing the praises of the family system ascribe to it all that is beautiful in the Japanese family life, while those who condemn it are prone to charge everything disagreeable in the Japanese family life on it. The former count among its merits not only the scrupulous care taken by each member to uphold the good name of his family, the earnest endeavor made by all members to improve their family's position and wealth and the practice of honoring the memory of their ancestors but the fact of living together in harmony and in mutual love and aid of old and young couples and brothers and sisters. The latter, on the contrary, disparagingly refer, as victims of the family system, to young aspirants who are obliged to remain stuck to their family circles in obscurity for life and young girls who are mated by their parents to ones for whom they feel not the slightest love, simply for the sake of their house. They further mention as chargeable on this system parental tyranny and the wife's slavish subservience to her husband in family life.

It may be asked which of these antagonistic views depicts the Japanese family system more correctly? Again, which of these irreconcilable views will claim a larger share of attention in revising the civil law as a sequel to the promulgation of the new Constitution? These are points deserving of very careful study.

As to wether the Japanese family life is something beautiful or ugly, nobody will deny that it has both beautiful and ugly aspects. Those who extol the family system are apt to picture to themselves the Japanese family life in its ideal form, it is true, but then I think nobody will deny that it is a fine form of cooperative human life for the near relatives of parents and children and brothers and sisters to live together in mutual love and respect. Nobody can possibly accept as the ideal form of human life the sordid actuality of old parents being left to live a disconsolate life in an alms-house, uncared for by their children. Few Japanese will object either to the family custom of holding regular memorial services for ancestors, as this is an expression of the sentiment dear to the inmost hearts of many of our countrymen. The fact is undeniable that the Japanese family system is featured by these and other beautiful traits.

Decidedly Unfavorable

The question is whether family life of this form is being carried on through hearty cooperation on the part of all concerned, with no restraints put on the freedom of any of its members or without involving any disregard of personality. The verdict given by critics of the family system is decidedly unfavorable in this regard, and, indeed, there is no impugning the fact that some regrettable facts do exist to viriate the Japanese family system.

Where democracy prevails, there must essentially be a regard for each other's personality and each must cooperate with the other on an equal footing. There should be none who can disregard the personality of others and can exercise absolute control over them. To democratize the family life means to make all members of a family respect one another's personality, recognize the equality of footing for all and carry on the life of mutual love and aid under such conditions. A family life formed under the patriarch who can disregard the personality of all other family members with impunity or a family life in which the husband can domineer over the wife is far from ideal, no matter how commendable it may appear outwardly.

There are not a few foreigners who speak highly of tht strong sense of duty which Japanese children possess of supporting their parents, but there are at the same time very many foreigners who are amazed at the prevalence among the members of a relationship akin to that between master and servant in the Japanese family life. The wife calls her husband "shujin" (master) and the head of the house is called by all the members by the appellation of "danna-sama" (lord). Appellations may not always truthfully denote actual facts, yet it is possible to detect in these appellations the traditional idea of obsequiousness on the part of those who use them.

The new constitution ordains that the laws regulating the family life should be based on regard for each other's personality and on the equality of both sexes. In accordance with this spirit, the Japanese civil law is about to undergo a radical revision. The civil law in force abounds in provisions breathing of disregard of personality and inequality of sexes.

Firstly, in a revised civil law, the equality of status is going to be established between the husband and the wife. The system denying the wife's capacity for economic activity will be abolished. Abolished also will be the system under which the husband is enabled to dispose of the wife's property as he will. Inequality in the duty of chastity imposed on the husband and the wife will be eliminated too, so that the husband's act of unchastity will constitute a legal cause for divorce in future. The mother will be given the same status as the father, and parental rights will be exercised by them jointly. On the husband's death, the wife, together with children, will succeed to his property, while in case of a divorce, she will be entitled to claim a goodly portion of property.

Will Cease to Exist

Secondly, the personality of children will be respected. The parent will no longer be able to force his son of full age to marry a woman against his will. Nor can he debar his heiress from marrying into another family for the sake of his house. The head of the house who has hitherto exercised his authority over and restricted the liberty of the wife of his son will cease to exist.

Thirdly, inequality in treatment between children will disappear. The unfair practice of the eldest son monopolizing the family property or the irrationality of a son born of a mistress succeeding to the family property in precedence of a daughter born of the legitimate wife will be done away with, and the legacy—the debt as well—will be shared equally among the brothers and sisters. It need hardly be said, however, that ownership of the things necessary for the observance of memorial services for ancestors, such as genealogy, utensils needed for such services and the graveyard, will devolve on the eldest son only.

Lastly, these revisions will, in the ultimate, result in the abolition of "ie" (house) and "koshu" (head of the house). By "ie" (house) is meant the officially registered group of near relatives centering in "koshu" (head of the house). Under the laws in force, all Japanese citizens have their respective places of register (eprmanent domicile), where they are registered as members of their "ie" (houses). Births, marriages, divorces, creation of branch families, and all other changes in family relations are duly registered. A woman gets registered after marriage as a member of her husband's house. If divorced, her name is struck off this register, and she goes back into that of the house of her parents. An illegitimate child gets registered in the house to which its mother belongs. Only when it is recognized is it taken into the house of its father. One who sets up a branch family creates a house of his own. And the consent of the heads of the two houses concerned is absolutely necessary for effecting these changes in registration.

Such being the case, in default of the consent of the heads of the houses concerned, it is impossible for a marriage to be arranged, for a widow to re-enter the house of her parents or for an illegitimate child to be registered in the house of its father. Nor is it possible for a member of the house to set up a branch family without the consent of the head of the house, even if he is actually leading an independent livelihood. Under existing conditions, however, this "house" does not truthfully represent an individual family life. So many people are carrying on a livelihood apart from their respective "houses" that great inconvenience and confusion would immediately ensue, if, for instance, family rice rations were to be delivered to the heads of the "houses," instead of to the heads of the households in actual existence. This points to the irrelevance of "houses" to actual life. It is this "house," which no longer accords with actuality and which survives simply as a factor of legal restraint, that is going to be abolished. And the abolition of the "house" entails the abolition of "koshu" (head of the house) as a matter of course.

It is obvious that the forthcoming revision of the civil law is intended for the democratization of the Japanese family life, but does it also aim

JAN 6 1946 NEWS TIMES

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

FAMILY SYSTEM SEEN SLATED TO UNDERGO RADICAL CHANGES

Forthcoming Revision of Civil Law Will Effect Democratization of Setup

By PROF. SAKAE WAGATSUMA
Tokyo Imperial University

II

Usually, however, the term "family system" is interpreted as signifying the legal system under which house-headship is recognized, under which near relatives live together under the control of the authorized head of the house and under which the eldest son's right of succession to the headship of the house is established.

At the time the civil law was first promulgated in this country some 50 years ago, a heated controversy arose among the scholars as to whether the family system should be maintained or not. Those in favor of its maintenance condemned the draft civil code as one making light of the family system peculiar to this country. They went so far as to declare that it would prove ruinous to the public sense of loyalty and filial piety. On the other hand, those urging its abolition took the line that the family system was fit only for feudal days, declaring that such a relic of feudalism ill accorded with the ideal of the new age in which the freedom of individuals claimed every respect. The civil law in force represents a compromise between these views for and against the maintenance of the family system.

During the 50 years that have passed since then, the view gradually gained strength among the jurists in favor of the abolition of the family system as it is interpreted in the legal sense, and this tendency caused much alarm and anxiety among the educators. In 1917, the Temporary Educational Council was established within the Cabinet under the presidency of Tosuke Hirata, with many noted scholars among its members. This Council discussed the reform of the educational system, as the result of which it recommended the Government to the effect that if education was to be improved, various social systems must be reformed and that the most urgent of all reforms was to revise the laws in force in such a way as to put them into better harmony with the good manners and customs of the Japanese people. What was particularly important, it was further suggested, was that the spirit of regard for the family system should be more widely woven into the laws to be enacted.

Stimulated by this recommendation, the Government set up the Temporary Legislative Commission in 1919 and ordered this body to probe where the civil law did not accord with the good manners and customs of the Japanese people and draw up a revision plan accordingly. The Commission, which was composed of jurists of distinction, submitted to the Government, after ten years of careful study, the outline of the revision of the civil law of its own drafting. In this draft was discernible the wish of the Commission to preserve the family system.

The Moral Viewpoint

The "family system" as seen from the moral viewpoint of upholding good manners and customs, however, presents aspects different from the "family system" as interpreted in a strictly legal sense. Some rational restrictions were accordingly set on the rights of the head of the house and the position of the mother and the wife was considerably improved. In the matter of succession to the family property too, the children other than the eldest son as well as the widowed mother were promised a share. All this shows that the family system in the moral sense is something which cannot be established simply by strengthening the family system in the legal sense.

The forthcoming revision of the civil law will, no doubt, follow the same lines as mentioned above, though it will be carried out more thoroughly. If so, it may be said that the family system in the moral sense will find a stronger vindication through the elimination of the family system in the legal sense.

This observation of mine may provoke from those who are deadset against the family system a criticism that I am deliberately closing my eyes to the unseemly phases of the system, but I am sure that even these opponents of the family system do not desire to see discord and estrangement develop between husband and wife as a result of the establishment of equality between them. Nor do they surely wish to see the son, when regard is assured for his personality, turn his back on his aged father and dare to leave him to go on the parish. We certainly see progress in human life where control is supplanted by equality and subservience by independence, but there will surely be a further advance toward the ideal where there prevails hearty accord and cooperation between those who are equal and between those who recognize each other's personality.

Lastly, let us consider whether the revision of the civil law along the above-mentioned lines will tend to destroy what is beautiful in the Japanese family life or whether it will operate to remove what is ugly in it. That it will operate to remove what is ugly in it is certain, though removal will be only to the minimum extent. Seeing that the restrictions hitherto imposed on individuals by the system of "house" are to be removed, that the unwarranted authority of the head of the "house" is to be abolished and that the legally inferior position hitherto assigned to the mother and the wife is to be raised, the people sufficiently awakened may well rejoice in the disappearance of obnoxious legal impediments. But will the position of all children, mothers and wives be actually raised immediately through this revision? Unfortunately, this question cannot be answered in the affirmative.

Remains to Be Seen

Can all sons and daughters, for instance, be considered capable of making their own good choice of their partners in life? Are all mothers really equipped with the same degree of discernment and culture as all fathers so that they can administer domestic affairs, supervise and educate their children on the same footing as fathers? Do all wives possess the same amount of ability as their husbands to be worthy of their equality of position with the latter? The position of children and women—the latter especially—in the family life, to the servility of which the opponents of the family system particularly object, is, in reality, much more servile than it is legally laid down. This shows that the tradition exerts greater influence than the law. It remains to be seen how far a revised civil law can break the restraining power of tradition.

The revision of the civil law simply marks the initial step in the direction of the democratization of the family life. In order to realize its democratization through and through, there must be the awakening of all women, the introspection of all men and an earnest and constant striving of the community as a whole after the ideal.

To the other question of whether the forthcoming revision of the civil law will operate to destroy what is beautiful in the family life, my answer is decidedly in the negative. It is not because the father or a brother possesses the right of designating their domicile as the head of the house that many children and brothers and sisters live together in this country. Nor is it because the civil law enjoins on them the duty of supporting each other that near relatives are living a life of mutual aid. The family life as we see it in this country at present is what has come about spontaneously where it accords both with changes in the economic conditions of society and with the natural sentiment which parent and son and other near relatives entertain toward each other. The abolition of "house" simply means the abolition of registered groupings of near relatives which are, in most cases, rendered meaningless and not supported by fact. It is wrong to conclude that under the revised civil law the parents and their married son and his wife who are actually living together amicably will be broken up.

Salaried men will, in many cases, form a family life separate from that of their parents by force of circumstances, but in the case of many farmers, parents and their married sons will live together. It is even possible that two farming brothers will choose to live under the same roof, together with their wives and children, and cultivate their land together where they think division of farm land between them will only redound to their mutual disadvantage. The revised civil law will not forbid such a form of family life as illegal. It would be too hasty to conclude that under the revised civil law married sons are bound to live separately from their parents. If many people become obsessed by such a delusion and erroneously believe that in the event of the revision of the civil law, parents and young couples must perforce live separately, such an idea will prove destructive of the family system in the moral sense.

(The End)

NIPPON TIMES JAN 27 1947

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 9 Purge Of Family (Sub-Editorial) - Mainichi Shimbun - 8 Jan 47.
Translator: M. Yamamoto.

660

Full Translation:

A purge affects both system and personnel. The purge of a system brings about the purge of personnel, and the purge of personnel affects the purge of a system. The true significance of purges

cannot be realized unless this interrelation between system and personnel is understood. For example, by the new purge decree issued by the Government on 4 January, mates and relatives to the third degree of kinship among the purgees are to be barred from engaging in public service for 10 years. This should be called a drastic measure to break down the evil customs of the family system.

The punishment in the feudal age affected the defendant's relatives to the third degree of kinship, and seems to be similar to the purge decrees. However, these are quite contrary in substance; the punishment in the feudal age was inflicted on the relatives of defendants in order to maintain the family system. However, the present purge is to be put into effect in order to break down the family system. It is needless to say that all business, especially, public enterprises, are carried on not for the family but for the community.

However, in JAPAN where feudalism still controls some part of the people, public enterprises are monopolized by some families and controlled by their incompetent members. These feudal characteristics of the family will be removed by the revision of the civil law, and the purge decrees are also very effective in removing this feudality. The family will be purged forever within 10 years during which time the purgees' relatives to the third degree of kinship will be barred from engaging in public services.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 Let a Family Court Be Established - Provincial Newspaper Osaka Jiji Shimpo (Osaka) - 12 Nov 46. Translator: Y. Ebiike.

Full Translation:

660

To be consistent with the newly promulgated Constitution, the law of relatives and the law of succession are expected to be revised. The current laws of these subjects, being compiled on the basis of the old Constitution granted by Emperor MEIJI, are open to the charges of the feudalistic family system, and thus, anything but democratic. A kind of family law should be established to carry drastic revision on the provisos of the current law along democratic lines, such as the eradication of the evils due to the arbitrariness of the family head, the acknowledgement of love-marriage, problems of divorce and legitimate and illegitimate children. In order to settle all disputes within the family, Mr KATAYAMA, Tetsu, the secretary-general of the Social Democratic Party, advocates the establishment of a family court, which we also think to be an indispensable social institution due to the revision of the civil law.

Hitherto, divorce, the acknowledgement of a love-child the disputes among fathers and sons or brothers concerning the right of inheritance, all have been treated in an ordinary law court, with the consequent private scandals of a family bared to society. All disputes of this kind should be judged in a "family court", which should not adhere to forms like an ordinary court, and whose judges should kindly, hear complaints and give advices. We think that the staff ought to be composed of women, such as woman judges, woman advocates and woman secretaries. Like a family court in the UNITED STATES, all cases concerning the arbitration or reconciliation of married couples should be treated in the court, and if necessary, the court should collect consolation money on behalf of the forsaken wives or injured women, decide the guardian of children of divorced parents, or send someone to collect the expenses for bringing up children.

Although we do not think that the equal rights of men and women, secured by the New Constitution, will cause the immediate breakdown of the traditional family system, and incur the succession of divorces, yet, we expect more cases to be brought before the court by women, who, being emancipated from the yoke of men, will freely claim their rights on the acknowledgement of their love-children, the support, the expenses for bringing up children, or share of inheritance. Many of the girls, especially, imbued with liberalism, will become self-indulgent, and will perhaps run away from home, be abducted, or commit love-marriages. By doing so, these girls will cause troubles in their families, where feudalism and family constitution still exist, firmly rooted, even after the legal family system has come to an end. Consequently, cases brought before the court will increase in number. When thus regarded, we feel keenly the necessity of an institution like a family court. The Government should establish it at once.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITIM 7 Heart Warming Measures for Widows - Tokyo Shimbun - 24 Nov 46. Translator: Y. Asada.

Summary:

The general principles of the revised civil law, which will be presented to the next session of the Diet by the Justice Ministry, have already been made public. The revised contents, include dissolution of the old, feudalistic house of JAPAN, along with abolition of the system of succession to a house, the elevation of wives' positions, and marriage on consent of both parties concerned etc., are creating a great sensation in all quarters.

The total number of cases for mediation treatd at the department of non-judicial cases in the TOKYO district Court was 3,361 since January to September. These cases included applications for convoking a family council, or for recognition of trust etc.

The following are the results of cases handled by the court according to the principles of the revised civil law.

1. Family Council

When a home without a legal heir will decide a succession they must present an application for convoking a family council. Applications must consists of more than three members of the household. Such cases numbered 3,258. The court is recently permitting the calling of family councils with the principle of sympathetically considering the situation of the widow by persuading her relatives to endow her with one or two thirds of the property left, even when a brother of the dead husband succeeds to the house.

2. Exclusion of the widow:

These cases numbered 20. If a house with no legal heir selects a successor to the property, and the brothers or other relatives want to exclude the widow of the dead from the family councils on the pretext of lineage or 'house', they must present an application to the court for recognition of the exclusion of the widow. In such cases, the court thoroughly inquires into the reasons and persuades the relatives to assure the widow's situation in the future.

3. Abolition of a House

The number of these cases amounted to 298. Application for abolition of a house is brought about when the head of a house goes into another house, taking with him other members of the family. The majority of such cases are caused when daughters marry, taking their family with them. The court is willing to permit such applications, throwing away the old idea of 'house'.

4. Abdication of the Headship of a Family:

The majority of the 18 cases for applications for abdication of the headship are those arising from the marriage of the head of a house. The court is exhibiting magnanimous attitude towards such cases, respecting the free will of the both sexes.

5. Recognition of Trust:

Even after a husband is dead, his widow is allowed to have her name entered in the census register, if any proof of the fact that the dead husband approved of this procedure is produced. Thus, the court is extending a war in hand to the wife regarding her right to the remaining property.

The above-mentioned facts are the best proofs of the democratic attitudes of the court, aiming at elevation of wives' positions, casting aside the old idea of 'house' in JAPAN.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 5 Situation of Families Living Under One Roof - Shin Yukan - 27 Nov 46. Translator: Y. Asada.

660

Summary:

Establishment of houses for air-raid sufferers is making little progress, and the troubles of those living under the same roof with several other households are increasing day by day. The opening of big houses to the public is strongly desired as an emergency measure. The Welfare Ministry has made an investigation on the present conditions of 300 combined households in TOKYO and its neighborhood.

The opening of big houses to the public.

94 per cent of the large house owners are willing to open their houses to eight persons if the houses are bigger than seven rooms, 40-JO, while 97 per cent of the people who want lodging insist on the opening of houses bigger than five rooms, 30-JO, to at least five persons. The fundamental difficulty in combined households caused by the construction of the Japanese house which has imperfect room partitioning. More than 90 per cent of the house-owners and lodgers are demanding partitioning materials from the government.

Actual conditions of lodgers.

Classification of lodgers

air-raid sufferers	70 %
evacuees	8.7 %
repatriates	12.8 %
others	8.5 %

Vocation of house-owners and lodgers.	owner	lodger
salarymen	30 %	33 %
merchants & manufacturers	10 %	3 %
workmen	5 %	7 %
others	6 %	6 %

The number of households having inhabitants with the same vocation is conspicuously large and salarymen lodgers are numerous, compared with merchants and manufacturers who have money to spare.

Average capacity of a house.	owner	lodger
1 room -- 8.3 persons	5	3.3
6 " -- 8.3 "	4.9	3.4
10 " --11.4 "	6.2	5.2

As can be seen by the above, the smallest house is most crowded, while big houses have a surplus capacity.

Number of TATAMI (mat) per one person.	per one person
1 person -- 1 - 2 JO	31 %
" -- 4 JO	12 %
" -- 6 - 7 JO	1 %

On the other hand, there are owners living in houses with more than 20 rooms, of which they rent only around two rooms, 12 JO for 6 persons. Such examples are often seen among owners of houses with more than 10 rooms.

Room rent per 1 JO.

free	relatives	45 %
"	strangers	20 %

The highest rent is eight yen, per 1 JO.

The greatest complaints concerning combined households are the cooking inconveniences and its unpleasantness caused by food rations. The above two occupy 80 per cent of all the complaints.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM - 1 Fundamental Human Rights and the Family System - Tokyo Shimbun - 3 Nov 46. Translator: D. Yonegaki.

Summary:

The first step towards democracy is the achievement of individual independence, freedom, and respect. This should be considered and protected as fundamental human rights. These rights were mentioned in the MEIJI Constitution but they were incomolete and limited, and to this day, there still remains a certain amount of feudalism and true individual independence cannot be fully attained.

In this respect, the new constitution revises the defect of the old one and guarantees the respect for the fundamental human rights as stated in articles 11, 13, and 14. However, these new laws give rise to the problem of their embodiment with the traditional and unique family system. In JAPAN, a family branch is ruled by a head who is the almighty. He assumes the power over the entire household and has the right to rule even the private lives of his subjects; the freedom and character of each individual is entirely disregarded. The head of a house is absolute and he is honored even at the sacrifice of the members of the household. Both wife and mother are powerless which consequently is the cause for the low position of a women in JAPAN.

660

This family system has changed outwardly since the MEIJI era and the family on the census register and the real family are entirely different and the head of the family is practically powerless. In 1919, the government tried to restore the crumbling family system and established an emergency law council. Revisions were made on relations and the law of successions. However, since these revisions were made with the object of maintaining the old family system, it still stands as an obstacle in the present democratic principles. Since the new constitution stresses individual independence, it is highly impossible to maintain this feudalistic system. Only after feudalism is completely abolished and the new Constitution faithfully followed, can JAPAN become a truly democratic nation.

With consideration for these problems, the government decided upon the revision of the people's law regarding the family system. It has abolished all restrictions on the headship of the house and the members of the household. The system of the right of the succession to the house, as also been changed and the family fortune will be equally divided among the members of the household and a new family association will be established. There are strong oppositions to this revision of the people's law and opinions have been voiced for a perfunctory headship if not a real one. However, even as a formal existence it would be an obstacle in the democratization of the country. At any rate, this family system will be abolished only from the legal point of view and the true beauty, co-operation, and love of a family must always exist. The true aim is to maintain the natural human relations between husband and wife, and parent and child. Furthermore since the new Constitution stresses the essential equality of both sexes it will raise the position of the Japanese womenhood.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 Family Affairs Arbitration Court - Jiji Shimpo - 8 Nov 46. Translator: Y. Sakaue.

Summary:

The YOSHIDA Cabinet will sound opinions of authoritative sources among the people in preparation for the coming Diet sessions which will be held on 25 November, at the end of the year and at the beginning of next year. Concrete bills, stipulating the way of the national life, in conformity with the new Constitution, will be introduced in these sessions. The framing committee of the new "Family Affairs Arbitration Law" held its first meeting at the end of October and is slated to hold its third meeting today (8 November).

The Family Affairs Arbitration Law stipulates the institution of a Family Affairs Arbitration Court to take the place of the justice court in handling domestic troubles. The establishment of such an institution which has been the stressed demand of progressive women for years, to offset the shortcomings of the Personal Affairs Mediation Law, in effect since 1939, has finally won the support of public opinion with the election of the women Diet representatives this spring. The Personal Affairs Mediation Law will expire as soon as the Family Affairs Arbitration Law takes effect.

660

The following is the outline of the new draft.

(a) The arbitration system for family affairs will be established with the equality of both sexes as the motto, and with the maintenance of peace and amity in the home as its purpose. Arbitration of marital troubles, legacy strifes, etc., will be performed only when mediation has failed. Mediations and arbitrations will have the force and effect of court judgments. Privacy and secrecy will be observed, with the arbitrator, a counsellor, and two or three mediators, besides the contending parties, attending.

(b) Arbitration courts will be established in the capital cities of all prefectures, with branches in the larger towns and cities.

(c) The judge of each prefectural district court will assume the post of arbitrator, but a civilian with experience and knowledge may be appointed.

(d) The counsellor will make decisions in regard to balms and alimonies. Both the counsellor and the mediator will be men of good reputation, to be appointed yearly by the district court judge.

(e) Appeals for arbitration may be made by mail or in person. A travelling arbitrator system is also being contemplated.

(f) The arbitration office is authorized to investigate banks and security trust companies for financial data relative to the contending parties, and government and public offices for other necessary information.

(g) Higher appeals will be taken up by the district court, and the district court's decision will be final.

(h) Cases of domestic troubles filed at the district court will be passed on to the arbitration court, where arbitration will be exercised only after mediation has failed.

(i) Contending parties must submit to the decision arrived by mediation or arbitration.

(j) If an agreement is not reached by both parties after mediation, the arbitrator will make the arbitrary decisions after impartial weighing of both parties' circumstances.

(k) This draft is a tentative one, with many revisions expected to be made before final submittance.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 11 The Hard Life of the Housewife - Nippon Fujin Shimbun - 13 Feb 47.
Translator: H. Suzumura.

Full Translation:

During the last fifty years AMERICA has become the most livable country in the world. Every Japanese, who has experienced living there, agree on this point. Some people attribute this fact to the abundance of natural resources. This is true, but all countries just as well endowed are not comfortable to live in. In making society livable for its inhabitants, their own intelligence and endeavors are most important. We must remember that abundance of natural resources is secondary.

660

We Japanese now find ourselves in the midst of various hindrances to our efforts to make this country of ours a comfortable land to live in. Above all, we housewives are suffering from many drawbacks. Sex equality and emancipation of women, which are guaranteed by the new Constitution, are meaningless to us. VALENTINE's statement on his return from an inspection tour in JAPAN that Japanese women carry without the slightest complaint heavy burdens on their backs just like draft horses" is exactly to the point.

Are we Japanese housewives going to bear such a hard life forever without striving to free ourselves? We must remember that despair will never relieve us but that only hope and ambition will elevate our lives. If we expect the new Constitution to cut the chains which bind us, we are expecting too much. The new Constitution has just been promulgated and, as yet, has had no effect upon our daily lives. Only by own efforts can that be realized. We must resist with all our efforts those institutions and customs under which we have long been tormented.

Japanese women have hitherto refrained from offering any resistance and have been obedient to a fault. Let us shake off such feudalistic and bureaucratic shackles and take what we want and what we should take.

For instance, why can we not rid ourselves of the shortage of electric power supply and fuel? Why are our rice rations delayed so long, notwithstanding the good crop last fall? How will we improve the existing neighborhood association system, which seems to regard us as distributors?

As far as I am concerned, I think we had better cast out this bureaucratic system smacking of wartime days and put in its place a new autonomous organization of mutual relationship and assistance.

After solving these problems one by one, we should find ourselves in a comfortable country fit to live in, despite all the destitution. This is the time when the Japanese women should awaken and stand up for their rights as housewives and mothers.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 10 Abolition of the Family System - Sain Hochi - 16 Feb 47. Translator: I. Hotta.

Full Translation:

When our Civil Law is revised with the enactment of the new Constitution, the legal prop of the family system will be removed. According to the gist of the revision of the Civil Law worked out by the Inquiry Committee for Judicial Legislation, the headship of a house, first of all, is to be abolished, and the feudalistic system of succession to properties by the first son is to be broken down. By this revision, each son and daughter would have an equal share in the property of the house (with the exception of a farmer's property), and the wife, too, can obtain one third of the property of the house when her husband dies. Secondly, parental authority, which had absolute power in a family, is to be abolished and those children of age can marry without their parents' approval. As for adoption of an heir who is under age, one must get permission from the Court of Justice before it becomes legal. This will stop the evil custom of traffic in children. Thirdly, the absolute right of the husband, which regarded a wife incompetent and required chastity of women only, is to be thrown over board and a wife also will be able file a petition for divorce on the grounds of a husband's infidelity. In case of divorce, the husband is required to turn over due properties to his wife. Thus, the Civil Law which intended to maintain the old customs of the days of feudalism is drastically reformed and one of the obstacles to the democratization of Japanese family life will be removed.

It is questionable, however, whether the Japanese family life will be really democratized, simply because the legal obstacle is removed. In the early days of MEIJI, FUKUZAWA, Yukichi, advocated the emancipation of women and the democratization of family life. MORI, Yurei, too, expressed progressive opinions, blaming men for their high-handedness, and crying for the abolition of licensed prostitution. But the policy of the Meiji Government turned reactionary later and the authorities endeavored to keep up our family system as an established custom in our country. All the efforts of these progressive persons, therefore, came to naught. Thus, the system under which parents and husbands had absolute authority was respected as an essential element to enrich and strengthen our country, and the people lost their freedom of thought. It is doubtful whether the people can change their minds at once and recover their spiritual independence even though the law is improved.

660

On the other hand, our intellectual leaders are deeply concerned over the extremely free idea of love prevailing among the youth. Even if the restriction of law is abolished, there should be no change in high moral codes between parents and children or husband and wife, because one who breaks this relationship based on true love violates the good of the public and society.

At any rate, we are afraid that time-worn arguments exhorting the beauty of Japanese family relationship will be presented when the draft of the Civil Law revision is submitted before the Diet. To actually hear that a definite plan for the problem was worked out by the Cabinet after a fierce argument at the Inquiry Committee for Judicial Legislation. We watch, with deep interest, to see how it will be treated by the Diet. The abolition of our family system, on the other hand, would give rise to greater trouble in the unemployment situation. The government authorities, therefore, must adopt a prudent policy to instigate future unemployment problems.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 7 Protests from the Wives of International Marriages - Provincial Newspaper - Kochi Shimbun (Kochi) - 10 Feb 47. Translator: Y. Ebiike.

669

Summary:

Many women from the South Pacific who have married Japanese nationals, are breaking their marriages and are leaving this country disillusioned and with broken hearts. This fact and their protests present a problem which must be faced by society in a defeated JAPAN. Generally speaking, international marriages take place more frequently between Japanese males and women of foreign nations than between Japanese women and foreigners. We regret to say, that the majority of international marriages end tragically in this country, chiefly because of the Japanese family system rather than the alienation of affection between husbands and wives.

One of these unfortunate wives criticizes the surviving feudalistic Japanese family system. She says: "The Japanese family system is forced and dogmatic, is concerned primarily with what other people will say and does not have the human touch which is the most beautiful and noblest sentiment of all." These women want sympathy and sincerity from Japanese parents and reproach the unfaithfulness and irresponsibility of their Japanese husbands. They have asked their mates to be more courageous for their sake.

We do not intend to limit the problem to the wives born in South ASIA alone, for Japanese men had love affairs in MANCHURIA and Central CHINA, too. However, the fact that Japanese men sailed to the South Pacific without their wives, that their sense of racial superiority was backed by the illusion of victory, that there was excessive inflation of military notes, and that life in the tropic was too stimulating; are factors that drove Japanese men to seek their wives in these areas. The offspring of these irresponsible marriages are estimated to amount to a great number.

Then JAPAN's defeat terminated this type of marriage all of a sudden. Some Japanese asked for separation, giving money to their wives, or settled their affairs by mutual consent. There were also many irresponsible ones which left memory of insincerity and immorality of Japanese husbands in the minds of forsaken wives. One of these wives bares the irresponsibility of her Japanese husband. She said, "I believed my husband to be single before our marriage, but on arriving in JAPAN, I found he had a legally married Japanese wife, and his love towards me faded away as soon as we reached here."

The husband is to blame in this case, for he has committed a double betrayal; to his Japanese wife and to his southern born wife.

Mrs YAMAZAKI, Michiko, a Diet member, divorced her husband who had brought his Indonesian wife with him. At any rate, the problem of this kind of international marriage, the result of man's egoism and immorality, cannot be settled without sacrifice on the part of woman. On the other hand, if the Japanese family system is the cause of misfortune, husbands must fight against such feudalistic residue and protect their wives to the end. Since democracy has brought great changes to the Japanese family system, every one must live for his own happiness, not for their parents and man can take a wife not for the convenience of his household but for his and for her happiness.

Since a husband and wife are united in marriage by mutual affection and devotion, neither the gain nor loss of the reckless war, nor the difference of races and customs can sever their connection. We, the Japanese, must make efforts to atone for our wrong conducts in various areas of East ASIA and recover our lost prestige among them. On this occasion the responsible settlement of the problem of international marriage must be the first step in our efforts.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 13 Special Surveys Made of O[illegible]nion on Sex Equality and Abolition of Family System - Mainich[illegible] Shimbun - 26 Mar 47. Translator: Y. Sakaue. (M)

660

Summary:

The MAINICHI conducted three surveys which were parallel to the nation-wide poll of public opinion on the proposed abolition of the family system and the establishment of the equality of sexes. The surveys were carried out in two villages which are noted for their large family systems. The poll also included a group of judicial experts and the students of metropolitan universities and colleges.

The first survey on the abolition of the family system was conducted on the men and women, both young and old, in GIFU Ken, ONO Gun, SHIRAKAWA Mura and TOKUSHIMA Ken, MIMA Gun, HIGASHI-IYAMA Mura. The following results were given:

	SHIRAKAWA Mura	HIGASHI-IYAYAMA Mura
For	38.6 %	10.0 %
Against	40.4 %	90.0 %
Uncertain	21.0 %	/

Figures on SHIRAKAWA Mura by sex are as follow:

	Men	Women
For	14.3 %	52.9 %
Against	71.4 %	22.1 %
Uncertain	14.3 %	25.0 %

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1456 (Continued)

ITEM 13 (Continued)

Figures HIGASHI-IYAYAMA Mura are:

	Men	Women
For	7.5 %	14.3 %
Against	92.5 %	85.7 %

Most skepticism manifested by SHIRAKAWA Mura towards the family system is ascribed to the fact that a large number of answers from that village were from young women. The men apparently prefer to adhere to their privileges. HIGASHI-IYAYAMA Mura overwhelmingly supports the family system.

The responsibility of keeping up ancestral rites was the chief reason given for opposing abolition. Attachment to the patriarchal family system was further emphasized by the predominant disapproval of sex equality, especially among the women of HIGASHI-IYAYAMA Mura.

The second survey was directed at professors of law, judges, public procurators and lawyers in TOKYO. The results were as follows:

	Family system abolition	Sex Equality
For	80.0 %	89.5 %
Against	18.1 %	10.5 %
Uncertain	1.9 %	/

Both issues are favored from the legal standpoint. The removal of the absolute authority of the family head is the main point which influences the abolitionists, while those who oppose have stated the necessity of responsible family members in supporting parents and grand-parents. Those who opposed sex equality desired to preserve the traditional Japanese custom.

The third survey proved that students are eager for individual freedom. Figures on the abolition question are as follows:

	Men	Women
For	81.7 %	90.4 %
Against	16.8 %	4.4 %
Uncertain	1.5 %	5.2 %

The women who voted affirmatively were against the family system which restricts individual freedom. The relatively large number of "uncertain" answers testifies to the passiveness of Japanese women.

Results on the equality question were as follows:

	Men	Women
For	73.1 %	96.3 %
Against	26.9 %	3.7 %
Uncertain	/	/

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 2456 (Continued)

ITEM 13 (Continued)

The negative attitude of men is ascribed to their sense of responsibility for the support of their parents. Those who favored abolition stressed the removal of lineal pride, while the supporters of sex equality desired an equal social and legal status for women.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 15 Police Find Corruption of Public Morals - Mimpo - 25 May 47.
Translator: Y. Asada. (DD)

Summary:

1 - 660

The following is a summary of the statement made by NOBUZAWA, head of the public morals section, Peace Preservation Department (Metropolitan Police Bureau):

"The corruption of public morals since the war is surprisingly great. Most of the emancipated Japanese women don't seem to know how to make good use of the freedom given them. There are two fundamental reasons for the recent corruption of morals: one being the increasing difficulties of living, and the other being the change in standards of public morality. For example, of 1,277 street girls caught in the latter half of last year, 430 had taken up the business out of curiosity, while only 384 were in the business due to difficult living conditions.

"Owing to lack of sex knowledge among young Japanese men and women; young couples often fall into the mire before their parents realize it. It is deplorable but true that the number of street girls is increasing daily, as the profession is most inviting for weak-minded young women, and usually pays from 5,000 yen to 10,000 yen a month.

"The publication of immoral books and magazines should be controlled, by appealing to the publishers' consciences. They should establish their own censorship system. On the other hand, the majority of newly built hotels should also be kept under strict control as they are often utilized by fun-seeking young couples."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 8 The New Civil Code and Home Life - Provincial Paper: Oita Godo Shimbun (Oita) - 20 Jul 47. Translator: Y. Ebiike. (GBS)

660

Summary:

The bill for the revised Civil Code, the bill that is most closely related to the future life of the people, is to be deliberated at the Cabinet meeting and will be submitted to the National Diet before long. The revised Civil Code is, of course drafted in accordance with the basic idea of the new Constitution, namely respect for the individual and equality of both sexes. These two principles cause uneasiness to some of the public for fear that they might break down our family system or all the existing morals which have been regarded as the merits of our country.

Our family system is a combination of Confucian and feudalistic morals handed down from the middle ages, or in other words, it is a feudal system rationalized by Confucianism with a view to justifying and protecting the privileges of the privileged class. Hence, it is natural that loyalty and filial piety would be regarded as the highest morals, because in a feudalistic society human relations between the lords and vassals or parents and children, alone constitute morals.

However, the conspicuous feature of Japanese feudalism was that social morals and the spirit of the family system were in sweet harmony, maintaining order in society. Accordingly, morals between lord and vassal can be applied without alteration to that between parents and children or that between husbands and wives, or even that between employers and employees. In this way, when the saying. "A faithful retainer does not serve two masters" is applied to the relation between husband and wife, we get another proverb, "A good wife will remain faithful to the memory of her husband." Family relations being extended over to social relations, employers are called "OYAKATA" (TN: Literally means father) by their employees, and employees are called "KOBUN" (TN: Literally means children). The traditional family system has been forced upon the people in general by rulers to maintain their privileges. Now that the new Constitution and the new Civil Code reject this distorted system, the dignity of the individual and the equality of both sexes naturally come to be respected.

We must remember, however, that the denial of the old family system does not mean the denial of family affection among parents and children or brothers and sisters, or the degeneration of matrimonial morals. On the contrary, the new Civil Code will restore family affection to a purer and more ideal state. Democratic home life under the new Civil Code based upon respect for individuals and equality of both sexes will be truly realized only by awakened and independent men and women.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 Family Budgets Excludes Culture - Jimmin - 8 Aug 47. Translator: Y. Asada. (AH)

660

Summary:

Our life under the Katayama Cabinet is being threatened from day to day. Since the announcement of the New Price System in July, the standard wage was placed at 1,800 yen on an average, a drastic increase in railway fare was executed, while the necessities of life, staple food and vegetables, can scarcely be obtained.

Under such circumstances, our wages are all spent on foodstuffs at present, and not a penny is left for cultural purposes.

According to a recent investigation conducted by the Tokyo Statistics Section, the rate of expenditures for cultural purposes in contrast to the monthly living expenses has markedly decreased since April. How can a cultural state be established under such circumstances? An editor of this paper asked members of each cultural section of four parties for their personal opinions on measures to combat this situation.

Said MATSUMOTO (Socialist Party),

Plan Film Company

"Voluntary spiritual revolution is required, especially during needy times. Radio should be popularized in the homes and in schools. The establishment of a Japan Film Producing Company Limited for Juvenile Education is planned."

Said FUKUDA, (Democratic Party),
"Increase the circulation of newspapers by appropriate allotment of paper. As for movies, the admission fee should be decreased to ten yen, with a 50 percent tax."

Said ISHIDA, (People's Cooperative Party),
"Insist the tax on the admission fee should be less than three yen, cultivate popular art by establishing some commendation system for amateur performers."

Said NISHIZAWA, (Communist Party),
"It is time for all labor organizations to cooperate in maintaining their own cultural activities, independent of the middle class. This will be both fruitful and economic. Public halls and similar facilities for such a purpose will be needed."

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 2 The Selfish Love of Japanese Parents (by Tamaki, Hajime) - Magazine: Josei Kaizo (Monthly) - Jun, Jul 47. Translator: K. Shinoda. (AH)

Summary:

There is nothing more pathetic than the relationship between Japanese parents and their children. A mother animal, when her young have grown up, lets them go freely into the world, but Japanese parents attempt to detain their children under their own roof as long as possible, perhaps because they forever feel anxious about their children's future. Such a feeling in JAPAN is centered around the fact that theirs has been a precarious life--that sufferings in this world are increasing.

Besides this anxiety, they look to their eldest son to inherit their property, take care of his brothers and sisters, and support them in their old age. Although some people may maintain that parental love is pure and unselfish, unconsciously, the elements of selfishness enters in. This calls for serious reflection on the part of the parents. Heretofore the traditional filial son or daughter has been one who submits passively to the parents' selfish will and causes them no unrest.

Mere Children at Forty or Fifty

In the eyes of the parents, even children in their forties or fifties are still mere children and as long as they remain obedient, as they were during childhood, the parents are delighted. This mentality of the Japanese parents is the reason I refer to them as being unfortunate. They do not allow children independence and freedom. If their children should have a different type of personality from themselves, they should feel agreeably surprised, but the fact is that unless their sons and daughters are similar in nature to themselves, they cannot feel at ease nor love them. This is another reason I say that Japanese parents are unfortunate. Such being the case, upon reaching adolescence, many children feel oppressed by this inflexible, parental love.

I believe that true parental love should set a child free, and it is in this direction that reforms should be made. To enforce this new conception is, of course, not an easy task under the present circumstances. To be more practical, even if parents fully understand that it is not right to rely on their children, when they are too old and weak to work, they will automatically fall back on them despite the fact that it is difficult to barely support one's own household.

Thought Patterns Remain Unchanged

Although the Japanese family system has been improved under the new Constitution and new Civil Law, it is only the vessel that has been changed, and not the contents. True, we cannot change the content until the whole society has been reformed, but the situation does not permit us to linger until then. We must promptly start to improve obsolete customs concerning love between parents and children, between husband and wife, between brothers and sisters, though it will mean many heartaches and sacrifices.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

ITEM 1 The Home as a Cradle of Society (by Nakano, Yoshio) - Magazine: Fujin (Monthly) - 1 Sep 47. Translator: H. Hasegawa. (AH)

Summary:

The defects of the feudalistic and patriarchal family system will be remedied as a result of the revision of the civil code to be enforced in the near future.

It is a grave mistake to look upon the home or the family in the same light as the family system, for the home or family as the smallest unit of society and the basis of social life, will not change in any society. The home is the social cradle where our children, the hope of the future, are reared and sent into the world. Healthy and sound society cannot exist without healthy and sound homes.

Concerning the problems of the home and the children, first of all, we must not look upon children as something similar to the wealth or chattel of their parents.

Catching Up With the Times

In Western countries, parents treated their children as personal property two or three hundred years ago. For example, in a play entitled "ROMEO and JULIET", the parents chose the husband of JULIET without conferring with her. However, in these countries, both men and women fought for and won their personal freedom. We, the Japanese, must do the same thing.

Secondly, proper home training is necessary, for to respect the personality of a child does not mean to let him have his way. Since the MEIJI Era, Japanese children have not been trained to become good members of society. Many mothers scold their children for picking flowers growing at home but not for damaging the trees in a park. The urgent task is future JAPAN is to more assiduously train children to become better members of society.

Since the end of the war, both parents and teachers have lost confidence in educating children. In other words, the former education was based on a principle handed down by the authorities and not one set up by the parents and teachers.

Training Children for Responsibility

In the future, many people who misunderstand Western liberalism, and advocate erroneous conceptions concerning individual education, will reappear, but we must not be led astray.

In our country before the MEIJI Era, the education of the warrior and commercial classes of good lineage was feudalistic, but aimed to produce people who would become good members of society. Consequently, many Japanese of high character appeared who struck the Western Europeans, who visited JAPAN bevore and after the MEIJI Restoration, with administration.

While training children, it is necessary to treat them as adults who can assume responsibilities for their own actions, when they reach a certain age. In this way, a strong sense of responsibility as well as of self-respect will be instilled in them.

Thirdly, we must endeavor to bring up children to become good citizens, not to become great men or to being glory to the family name. I desire the wealthy and the intellectual classes to reflect upon their vanity. Annually, they rack their brains to enter their children into so-called "first-class schools", but this speaks of their psychology of treating children as tools in satisfying their own vanity. If the only wish of the parents is to have their children become good citizens, the selection of particular schools is extremely foolish. In addition, as I am acquainted with the actual conditions within these "first-class schools", it appears to me absurd to see parents strive so hard to enter their children into them.

Making a Future Nation of Adults

If the objects of all families should be centered solely around bringing up good citizens, in twenty years JAPAN will become a far better place than as it is now.

Finally, the improvement of the home is closely related to national politics and economy. The housewives must work together with those persons who are doing their atmost to produce a new society. This comprehends the political movement of women in the broad sense.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

ITEM 3 House Committee Hears Views on Abolition of Family Head System - Jiji - Translator: H. Nishihara. (DD)

Full Translation:

The Judicial Committee of the House of Representatives, on 21 Aug, entered the second day of its public hearings on proposed revisions of the Civil Code. Ten persons spoke in support of the proposed abolition of the hereditary family head system, while 10 others spoke in opposition.

Most supporters of abolition welcomed liberation from the restraints of the feudalistic family system and strongly maintained that family troubles, growing out of the feudalistic conception of "family" will be eradicated and harmonious homes will be brought about naturally after the abolition of the family system.

The opponents of abolition, however, maintained that the evils of the family system resulted from abuses of the rights of the family heads, and that the system should be maintained providing its defects are eliminated. They also asserted that "courtesy" in its Oriental sense, to which Confucius gave stress in his teachings, is necessary for the democratization of JAPAN, and that true equlity cannot be created unless respect for elders is preserved.

Some other supporters asserted that it was a great mistake to maintain that the abolition of family head succession meant the end of the good moral sense of the family system, and that the good points of the family system will be newly created by adhering to the new Civil Code. With regard to marriage, it was proposed that the marriageable age be extended to 20 for males and 18 for females. Another proposal was that marriage licenses should be procured before the wedding ceremony, as is the custom in the UNITED STATES. Troubles occurred about census registration due to the fact that the law placed no restriction on matrimony. It was irrational that no limitation was placed on wedding ceremonies while funerals without "burial licenses" were restricted.

Thus, various speakers, including a young farmer, who seemed to have considered this meeting a speech contest, expressed their views until the committee adjourned at 1600 hours. Of the 20 speakers, six were women, all of whom were in favor of the abolition of the family system while three speakers, representing rural areas, expressed their opposition to it, and they gave statistics indicating that the majority of farmers were against the abolition.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 12 Average Family Pinched through Boost in Official Prices - Shin Mochi - 5 Sep 47. Translator: H. Nishihara. (AH)

160

Full Translation:

Release of imported food through the good will of the Allied authorities and anticipation of a bumper crop for this fall have reduced the black-market prices of staple food, but staple food alone.

Prices of supplementary food and house rent, transportation and electric fees and bath-house fees have suddenly risen, and the Metropolitan citizens will have to be prepared for a more destitute position than ever.

The June Metropolitan Statistic's Office survey covered the families of 17 government officials, 28 teachers, 108 bank and company employees, 180 light manual laborers and 76 heavy manual laborers, making a total of 409 families, with an average of 1.4 members per family. Earned incomes average 3,406 yen 99 sen and other incomes 214 yen 82 sen and incomes in kind estimated at 431 yen 32 sen to add to the 176 yen 42 sen which is carried over from the preceeding month and 156 yen 38 sen drawn from the deposits and 273 yen 50 sen procured by selling clothes and other belongings and 212 yen 23 sen by borrowing, making a total of 6,458 yen 66 sen.

This total, however, includes nominal incomes of 3.057 yen 68 sen to add to the earned incomes. The earned incomes, too, include extra bonuses which are estimated at an average of 1.000 yen to 1.500 yen. Hence, to know the actual situation, the extra incomes should be deducted, the statistics office says.

Nearly 600 Yen Deficit

Expenses came to 1,107 yen 48 sen for staple food, 814 yen 68 sen for supplementary food, 187 yen 49 sen for condiments, 340 yen 23 sen for luxuries, 116 yen 55 sen for housing expenses, 122 yen 94 sen for lighting and fuels, 284 yen 99 sen for clothes, 235 yen for sanitation, 160 yen 81 sen for education and amusements, 51 yen 39 sen for transportation 4 yen 49 sen for communication and transportation, 70 yen 52 sen for entertainment expenses, 500 yen 88 sen for taxes and others, totaling 3,997 yen 68 sen. This is a deficit of 592 yen 55 sen, when compared with the earned incomes. During the two months following the survey, official prices recorded a 50 percent to 100 percent boost, and even more on some items. To parallel this, blackmarket prices are also constantly rising.

Now, the government-proposed design for a standard family (including 4.2 family members) in TOKYO on the basis of a 1,800 yen wage scale provides the average earned income of 2,920 yen. Comparing this with the estimated living cost of 5,996 yen 50 sen calculating the 50 percent increase in official prices, the deficit reaches 2,590 yen 53 sen.

Furthermore, at present the said 1,800 yen wage scale has virtually not yet come into effect. Generally speaking, the 1,200 yen scale and 1,600 yen scale now prevails. Hence, the public will have to face more poverty than ever.

ITEM 2 Tokushima Prefecture Stages Coming-of-Age Ceremonies for Young Men - Seinen - 27 Aug 47. Translator: H. Nishihara. (DD)

160

Full Translation:

In olden times, the custom of celebrating one's coming-of-age with a ceremony (GEMPUKUSHIKI) prevailed and after the Meiji Era, the examination for conscription marked the attainment of maturity. Now, with the elimination of the Army, young men have no time when they are made aware of their coming-of-age. With this in mind, the Tokushima Prefectural Government's Social Education Section (SHAKAI KYOIKUKA) is preparing a coming-of-age celebration after the old custom, so that young men will be made fully conscious of their social responsibilities as public individuals. The authorities of cities, towns, and villages have been instructed to stage a simultaneous coming-of-age celebration on 31 November at their respective public halls, after boarding the young men for several days in order to educate them on the new Constitution, economic movements, citizenship and art.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

ITEM 1 The Family System in the Agrarian Districts (By Fukutake, Tadashi; Assistant, Tokyo Univ) - Magazine: Daigaku (Quarterly) - Summer 47. Translator: M. Toyota. (DD)

Summary:

Every human being is a member of a family in which he was born and raised. But, a family does not remain unchanged regardless of time and space. Like every collective body of men, it undergoes a historical change; and in this respect, the history of man can be described as a process of gradual loss of functions by the collective, family groups. In the long run, the family becomes a union of the two sexes based on affective and a collective consumption group, based on that union, for the procreation and breeding of children.

In recent years, most of the functions performed formerly by the family have been taken over by the community and the State. One's life is now more open to the sphere outside the family, because capitalistic society has, in its originally cumulative process, liberated men, in an increasing number, from the field where they were a means of production, and reduced them almost to the status of commodities. Deprived thus of productive function, the family's restraint on the man diminished, and man's relationship has come to lose its family color. In other words, man was liberated from the family; but as he remained individual, incapable of attaining the status of a truly-social being, he is not yet thoroughly and completely liberated in JAPAN, especially in the rural districts.

The man in the agrarian districts has not yet been liberated even from the family, because these districts turned out to be a hard nut for capitalism to crock. Agricultural production still depends more or less on family labor, and the family has not lost the characteristic of a collective consumption groups as well as that of a collective production group. Man's life is carried on within the family more pronouncedly than in any other industry, and is inescapably placed under family restraint. So the family is at the base of the system in agricultural society. This social characteristic requires the man to be primarily a member of a family and secondarily an individual, and the principle of family applies not only to the family but also to the sphere beyond its limits.

In JAPAN, this family characteristic was accentuated under the feudal system and persisted despite the amazing progress of capitalism. The characteristic was ideologically utilized by the militaristic family State to the full extent. The main characteristic of our original family system consisted of absolute superiority of the relation between parents and children over that between man and wife, and of the patriarchal system based on the priority of the eldest son in the direct live of succession. Members of the family must obey the instructions and orders of their head but are not recognized as full-fledged members of society or the community, which is composed of families only or specifically their heads.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued) . . . . . .

Such being the characteristics, women are bound under a slave condition and, to be extreme, the relation between man and wife is simply regarded as a means to enable the continual existence of a family. Accordingly marriage does not mean a new independent family; it merely means an addition of a new member. It is rather a family affair than an affair of the two concerned. The bride is evaluated from the standpoint of a family in the terms of labor. If she is not worthwhile in this respect, therefore, she is divorced irrespective of affection between the two concerned. She is primarily a bride to the family and is, secondarily a wife to her husband. Only after many years of endurance she becomes housewife. Even then, her position is inferior to the family head.

The superiority of the eldest son means that the other children are ignored. The second and third sons are regarded as "uncles", useless in respect to the continual existence of the family. They are recognized in the family only for their laboring power. That was why it meant peerless honor and boundless happiness for them to die for the country. Their death was tantamount to filial piety. No wonder human nature is distorted in JAPAN.

The position of a collateral family is self-evident. It was customarily given a far less amount of property than that left with the head family. Even the creation of a new family in the farming districts used to be an exceptional case and an immense favor to the "uncle".

Power of Head Family Absolute

Such being the situation, it is not at all difficult to determine the nature of an agrarian society. To put it in extreme terms, the society is a collective group of head families held together for their maintenance and continued existence. The relation between the head family and the branch family is one between master and servant. The controlling power of the head family is absolute, the branch family must obey it unconditionally. It is taken for granted that the members of a branch family must only work, leaving everything else to the head family.

The branch family ramifies to establish a hierarchical collective group. As long as the inhabitants remain in a farming district, they are not only members of families but are also the men whose position is determined by the hierarchical order, and they believe it to be natural. Herein lies another characteristic of the family system.

At this point, it should be noted that as long as this characteristic remains pronounced, the branch family does not necessarily have to be related by blood to the head family. So an influential landowner has a group of branch families including those not related to it by blood. An agrarian village is thus controlled by a class of family head, landowners with another class of branch family tenants as their willing servants. The community, however, is not characterized by unilateral exploitation. It retains the relation of benevolent protection and submissive service. Certain conduct of a landowner may appear as an unbearable exploitation to a third person, but not necessarily so to the parties concerned. It is not altogether an exaggeration to state the more feudalistic a village, the cheaper the tenant fee and the more benevolent the landowners.

We are about to discard this family system, for to be democratic we must not be, in this sense, family men. We must respect our mutual personality and individuality. In order to accomplish this, we must analyze a farming village which has, to a certain extent, lost its family system character. Although capitalism took advantage of such characteristics, it could not but destroy or weaken them, especially in the plain villages which easily came under the influence of monetary economy.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 1 (Continued)

In the districts which capitalism can easily dominate, the old system which has been favorable to the landowners is now tottering, employment in other districts being accessible and more abundant for the surplus inhabitants to choose and take. Remunerative side business also being abundant, it become possible for a greater number of families to attain independence, enervating the patriarchical characteristic of the family and effect a transition from the hierarchical combination of a village to a combination based on equality.

The land reform and the modification of civil law are about to complete the dissolution of the family system, but to accelerate it, agriculture must be mechanized, for that will mean an increase of productive power and the absorption of the surplus labor in other basic industries. However, we should not look to capitalism to wipe out the family system, for it is as incapable of it now as it used to be. The only way is to socialize agriculture, no matter how hazardous such a task may appear.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1824 (Continued)

ITEM 16 The Family System Reform (by Wagatsuma, Sakae) - Magazine: Shakai Shicho (Monthly) - Oct 47. Translator: K. Sugasawa. (WM)

660

Summary:

Under the recent revision of the Civil Code, a basic reform will be seen in our family system. Hereafter, order in the family must be maintained, not by paternal authority, rights as a husband, or that invested in the head of a house, but through the co-operation of all family members as equals with mutual respect for the personality of the others.

When the revision bill was under deliberation, the protest that to deny the rights hitherto held by fathers, husbands and householders in family life which serve to maintain laudable family traditions runs to the extreme; and though tyrants were found, the opinion that the denial of these rights would disrupt our family life, and lead to moral degeneration, was strongly voiced. Such an opinion may be supported by most of the middle-aged people in our country, and it cannot be denied that their criticisms are, in part, within reason, for in the greater majority of the cases, the fathers, husbands or heads of houses are just though severe.

However, if we study this problem in detail, we can see that it is based on the idea that the family moral code is decided by the just leader of a family and that order, therefore, in a family cannot be maintained without a just person in charge as its nucleus. But the question is, "are those in authority always just?"

In an order maintained by authority, the person wielding authority must be morally strong. The absolute authority of the Emperor calls for moral perfection etc., down the line, with unconditional obedience from subordinates. Needless to say, this is not an ideal order for human society, for democracy demands that order be established through the harmony and co-operation of family members; they must mutually respect each other on an equal basis. The gist of democracy lies in establishing this type of co-operative living in every phase of our society.

Under the old system, the family members tend to cling to traditions and thus sap the vitality of the younger generation, while increasing their reliance on their leaders. In the sense that all family members have been compelled to comply with a code advantageous only to their leaders under the name of order and morality, the principle of family morals is undoubtedly far from ideal. Only when children and wives are voluntarily virtuous, can we say that they are morally correct and those who assert that family morals should be maintained by authority, do not understand the true meaning of this term.

After all, revision of the Civil Code aims at the realization of democracy in our family life. However, it is extremely doubtful at present if the Japanese can maintain order in a family where authority no longer exists, for they have long been accustomed to it. This doubt is the basis upon which the opposition to the revision stands. But if the Japanese people are incapable of accomplishing this task, it must be concluded that they are incapable of conducting a democracy. Unless democracy is realized in family life, the democratization of all other fields of our society will remain superficial, no matter how successful it may appear. This may well be the most difficult battle in realizing a democracy, for, in this case, the enemy is in our own minds.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 8 Family System in Japan (Sub-Editorial) - Asahi - 4 Dec 47.
Translator: T. Unayama. (UG)

660

Full Translation:

In the course of round-table discussions during the Japan-American Student Conference, the subject of the Japanese family system was taken up.

The Japanese delegates mentioned the defects of the family-system, while the American students praised its merits.

The latter stated that in JAPAN, young people who are incapable of supporting themselves can get married with their parents' support and that parents can depend on their sons' care in their old age, instead of relying on asylums for the aged or resorting to endowment insurances.

In AMERICA, young people are independent, and parents do not place much reliance on their children. It seems, therefore, that the Japanese family-system might have struck the American students as strange but at the same time possessing certain merits.

In EUROPE and AMERICA, parents and their married sons, to speak generally, do not live in the same house. There is also no need for the son's wife to worry about her in-laws. Taking care of the wife's mother is about as far as they will go.

Parents do not rely on their sons, for livelihood in their old age is guaranteed by well-equipped asylums, the advanced system of old-age annuities and other social protective facilities.

Old people's homes in the West are not so shabby as those in JAPAN. We are told that the asylum for the aged in STOCKHOLM is more magnificent than the royal palace.

We have also learned that during the monarchic age in our country, so long as the mother managed the household, the bride did not live with her husband's family, and her husband used to visit her in her house.

We learned of this in "GENJI MONOGATARI" (TN A famous novel written by MURASAKI SHIKIBU, court-lady in the monarchic age of JAPAN), and this custom is still retained in the fishing villages of IZU (TN The peninsular district in SHIZUOKA Ken).

It is said that the family system which is known today was established during the age of military ascendancy to gather the warrior's kinsmen in a group.

The Japanese people are apt to think of themselves as old men at the age of 50 or above. We must be kind to the aged, However, young people should not be imbued with the idea that their sons must support them.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 9 New Concept of the Family - Tokyo Times - 13 Jan 48. Translator: H. Furukawa. (UC)

460

Summary:

The new civil code, which went into effect on new year's day, is outstanding because of its role to further the democratization of Japanese civil life. In the long history of its existence, the civil law underwent many reforms in conformity with the changes in civil life, morality and thought, despite the retention of its conservative nature.

The enactment of the new civil code is considerably different from reforms in the civil laws. Its purpose is to reform the social system by means of law, while in the past, changes in social systems always preceded reforms by law.

Needless to say, post-war Japanese society has undergone a tremendous change through the eradication of feudalistic elements. The abolition of feudalistic systems, however, was not accompanied by the reform of the family system which constitutes the basis of Japanese civil life. The new civil law was adopted as one of the means of building a democratic JAPAN. In this, we see the new role of the law as one to create a new society instead of following natural developments.

The Japanese family system had much to blame for the development of the lack of respect for human rights in the democratic sense. Literature since the Meiji era clearly shows how youth and women were held in bondage by the family system.

The tragedies which originate from conflicts between the "house" and human sentiment offered an excellent subject to many novelists and fable writers. Of course we do not deny the merits of feudalistic morality and family sentiment.

Family love is the expression of humanity, which is an indispensable element in peaceful human society. In the new era, however, human love must develop on a wider scale, instead of one which is limited to the "house" or other small family groups. To this end, the emancipation of the individual becomes imperative.

In the new civil code, the family head and estate are abolished, and the order of succession to property is altered. These reforms are the means of emancipating the individual from the house. The child hereafter will maintain a separate household from his parents, when he marries.

In other words, the new family is a unit based on conjugal ties, instead of centering upon the family head. Husband and wife have equal rights, and the marriage is arranged only upon the mutual consent of both sexes.

It is inevitable that considerable confusions will be brought about by such drastic changes in the family system. To prevent confusions, the household court was established with power to settle family affairs by summary procedure. The household court, therefore, has great importance, and its operation will determine the value of the new civil code.

With the abolition of the "house", the authority of the parents will be to some extent diminished, and some conflicts will arise between family members.

Peaceful family relationships will be secured so long as the family is based on natural love and trust. We hope that the new mode of civil life will be built upon the basis of peaceful family relations.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 11 Crisis in Family Life and Home Education (by Tanaka, Kotaro) - Magazine: Jiyu Kokumin (Monthly) - Feb 48. Translator: F. Tsuneishi. (RI)

660

Summary:

In spite of the fact that social science, social philosophy, law, politics, and other humane sciences are developed to a certain extent in our country, not much consideration has been given to the family or to the intrinsic value of marriage.

Because of the pre-war conception of the state's omnipotence, it was only natural that consideration which should have been given to the family was neglected. With the termination of the war, the family system centering around the family head was abolished by the new Constitution. If any person believes that this signifies the abolishment of the relationship of husband and wife or parent and children, he is greatly mistaken.

Just because the relationship is not regulated by law does not mean its significance can be denied. The law does not abolish the ethical relationship of a family or the parents' obligation to rear their children as moral, upright individuals.

Diet Studies Adultery as a Crime

The problem of adultery as a crime and of simplifying the procedures for divorce was introduced at the last Diet session. Many people believe that because marriages are now based upon the mutual consent of both parties, divorces can be obtained unconditionally under the same procedure.

For instance, if the article stating, "Marriage shall be based only on the mutual consent of both parties ---" is taken word for word, we receive the impression that mere consent and no formality is necessary in a marriage. Such a stand will directly reflect upon the divorce system. The old Civil Law recognized the freedom of divorce based upon mutual consent, but the inconsistency in the Japanese Civil Law existed in that it attached great importance to the former family system and family life.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 11 (Continued)

By revision of the Civil Law, the old family system has been abolished, but the former significance of the family must still be retained. For this reason, the House of Councillors has added revisions to restrict the unconditional freedom of divorce procedure. Some people may feel that such a step infringes upon the dignity of the individual, but individual dignity exists only withing the sphere where it is in harmony with the moral duty of the people.

Our Constitution makes no mention of parent's educational rights, but under the Civil Law, parents hold the right and are held responsible for protecting and educating their children. This recognition of the parent's educational rights has various significances.

Firstly, it forms the basis for national education. Schools are secondary organs to supplement that which the parents are unable to teach their children. All schools, whether private or government, are substantially the same and logically equal. Thus the national monopoly of education is denied, and the importance of home education is based on this fact.

Parents entrust their children to teachers, and the relationship existing between teacher and student has been likened to that of parent and child. To believe that the teacher is selling knowledge to the students, or that the relationship of teacher and parent is on an employee-employer basis; is contrary to the essence of education.

Education Ruled by Family Spirit

Education is ruled by a family spirit. Easily obtainable divorces will not only break up the family, but will also fatally influence education.

Home education in its true sense does not exist in JAPAN today as it did formerly in the feudal days. The fact that Buddhist or Shinto educational organs do not exist, as do Christian institutions in foreign lands, is a great hindrance.

To recognize the significance of home or church education is inconsistent with the anarchic communistic way of thinking. I think that I can point out one of the great errors of communism here. Communism, through abolition of private ownership of property, has made family co-operation impossible, especially in regard to maintaining the parents' educational rights. National institutions in the SOVIET UNION, take the children away from the parents to educate them. Can the children develop soundly in spirit without the love of their parents?

In contrast to this is the Christian conception of marriage, where marriages are performed with the words taken from the Bible, "What therefore God hath joined together, let not man put asunder," They believe that the bonds of marriage should not be untied indiscriminately because of its influence on the children's life.

Since the relationship between marriage and family is the foundation of society, it is legally proper to believe that marriage cannot be broken merely because it is the mutual will of the husband and wife. This idea is also in accordance with the moral convictions of mankind.

The "family system" and the "family" are not identical. The family system, because of its feudalistic character, has been abolished, but this does not mean the breaking of the co-operative body, the family. Today, those who stress the importance of family are attacked as being "conservative," "reactionary," or "feudalistic" by the materialistic, liberalistic, communistic camp. At such a time, people with sense must protect the sacred rights of family life and home education.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 9 New Relationship Between Mother and Child (by Watanabe, Satoshi) - Magazine: Joseisen (Monthly) - Dec 47. Translator: S. Shiina. (RL)

660

Summary:

Lost Paradise

During and after the war, we have often been told that many of our soldiers died, crying"Long live the TENNO!" while in their hearts they cried "mother!". Americans engaged in psychological

To understand this, it is necessary to study the ideal of the mother created in the minds of our youths, especially the role played by her during infancy, in comparison with the customs of other countries.

In the past, the school and home training of our children was entirely different from that abroad. Our children were allowed to do as they pleased, but as they grew older stricter restraints were imposed on them, whereas in foreign countries, such restraints were gradually relaxed with age. When they entered either society or the army, they were amazed to discover for the first time that life is full of vexations.

During the war, it is said that a German officer was surprised to learn that Japanese officers beat their soldiers. He investigated the underlying reason and discovered that the only way to instill discipline into Japanese soldiers was by beating it into their heads, barbaric though the method may have been.

Because our youths keenly feel the fetters which bind them as they enter society, they long for that lost childhood paradise, which to them means release from duties and responsibilities. It is not discipline but self-indulgence; and the goddess reigning over this lost paradise is the mother.

There is no mother in the world who is so devoted to her children and waits on them like a slave, as the Japanese mother; she is the haven to which they turn when faced with stark reality.

When social restraints binding the Japanese are slackened, even a trifle, the Japanese turn to self-indulgence and debauchery because this was the custom which prevailed in their lost paradise. These are the fruits of the mother's devotional love a mentally and physically exhausted mother, and a child without the ability to accept responsibility and participate in social life. Can this be called "mother love?"

What is Love?

It is difficult to bring love into being between persons whose characters differ in many respects. The Japanese mother regards her child not as another person but as a part of herself. Such a trend can be observed in motherly acts toward her child. For example, she feeds chewed food to her child from her own mouth, and her child's will becomes her will without any mediation." Her devotion is not self sacrifice but is emphasized by the same psychology of egoistic acts.

In a word, the Japanese mother cannot distinguish between subject and object, or herself and her child. Her love is egoism. She must, first of all, regard the child as another person.

The Boy, Idol of His Mother

When the child becomes a boy, the mother's psychology is entirely changed. Because of women's low social standing, the mother regards her boy as a chance of realizing the dream of self-insistence. A Japanese woman's marriage is begun by violence and she concentrates that love, which has long been oppressed and spoiled by her marriage, on the boy she bore. This is the reason why we see such fierce strife in JAPAN between mothers and daughters-in-law. In short, the mother regards her boy as her impersonation, lover, master and idol.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 1953 (Continued)

ITEM 9 (Continued)

Her boy, if he is the eldest son, be ally becomes her master and idol. She cringes to him in the wish to provide for her old age because he later will become the master of the house. Her love for the eldest son therefore, plays the role of insuring an old age pension.

New Relationship Between Mother and Child

In order essentially to reform the shameful and regrettable relationship between mother and child, the entire society should be reformed, and joint efforts of the people are desired in many respects.

Although abolition of the feudal system, which in a word sums at the various uglinesses, stupidities, and wrongs in the Japanese society of today, is necessary for establishment of a modern society, our home tragedy cannot be solved by it.

Some writers say that everything will become beautiful and right when our society is turned into a socialistic one. However, our greatest unhappiness is related to the fact that we have not established individuality yet. If we skip over this stage and adopt the ideology of collectivism, our society cannot help fall into an Asiatic communist society practically equivalent to a mass of animals.

The relation between mother and child in such society will not be happier than the present one. In order to establish a new and happy moral code for this relationship, we must designate a correct principle of the heart, namely love in a true sense, and strengthen its controlling power simultaneously with social reform.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 13 Family System Difficult to Eliminate (By Kashiwa, Yuken) Magazine Mura (Monthly) - Jan 48. Translator: C. Ida (RL).

Summary:

The family system is indeed a tenacious stronghold for the retention of feud listic irrationality. Its early elimination for the democratization of JAPAN is now believed to be an absolute necessity.

The Constitution, civil laws, and other regulations have been revised along this line. Sceptic that I am, however, I still am not so bold as to praise the family system. In regard to its merits or demerits, even if they are to be ultimately denied, is there not the necessity to study the system more in detail?

No matter how much the law may be revised, the people cannot be expected immediately to adjust themselves to the revisions. Laws have the power to regulate the lives of the masses, but when the laws are apart from the people's lives, they become hopelessly weak. In view of the present Japanese social situation, I am probably not alone in hoping that the series of legislative reforms designed to eliminate the family system will not develop this fault. The conception of the family system is strong not only in JAPAN but in CHINA and the Far East as a whole, and forms the basis of social life. Most people are of the opinion that this is because Asiatic society is retarded when compared to European society. For this reason, it is believed that the hasty eradication of the family system and creation of an individualistic society which includes modern features is the way toward progress and development.

Such an idea may not of course be wrong, but is it possible thoroughly to uproot this system immediately? It is doubtful whether such a step will contribute to the development of Japanese economy.

The family system is being eliminated in the cities, and this trend will probably become stronger in the future. The problem lies in agrarian districts which contains more than 40 percent of our population, and where there exists the doubt of whether or not conditions concerning living and management will permit the family system to be abolished. With the extreme difficulty in obtaining necessary supplies, such operations as cooking and sewing must be socialized in order to subsist when families are split up into smaller units. This is difficult of realization in agrarian districts, however.

Concerning agricultural management, further decrease in the size of farms will make them more unstable. Joint management, as long as it must maintain the highly intensive farming practiced today, will result in decreased production. For this and other reasons, I believe that the Japanese family system cannot be easily destroyed in rural areas.

The development of industry in cities plays an important role in breaking down the family system, but Japanese industry unfortunately has been extremely restricted as a result of the defeat. Consequently, the importance of agriculture in Japanese economy will become increasingly great, and elimination of the family system will certainly not be easy.

I should like to say to those who hastily assume that any reform can be realized in one or two years that their enthusiasm is excellent, but that they should develop the ability to think more rationally and scientifically.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 13 Love Goes Astray, by (Sato Koichi) - Magazine: Shinjcen (Monthly) - Mar 48. Translator: N. Toyota. (RL).

Summary:

(The writer is an instructor at the First High School.)

The "house" in JAPAN is shaking; yes, down to its very foundation, which is why love has come to be regarded purely as love. Is it something for youth to rejoice over? The shaking signifies the attempt to purge whatever is feudalistic in all phases of our lives. Family life and family relations are severely condemned as binding the freedom of individuals; marriage itself has come to be looked upon with mistrustful eyes.

The wedding of lovers was considered an ideal up to very recent years, but the youth of today no longer thinks of this as their ideal. To love and to wed are two different things; love no longer implies marriage.

Love in an age when establishment of a household under the monogamous system was essential in social life was the path leading to marriage, whether or not one was conscious of it. Marriage might have been the graveyard of love, but human affection that united "you" and "me" in the form of love was believed to grow stronger and more beautiful in family life built on the system called marriage. Love which did not lead to marriage was considered as imcomparable with the love between husband and wife. A love tragedy invariably involved love which did not end in marriage.

Now the conception of love has drastically changed. Love no longer is considered as the flower and marriage its fruit nor marriage as the consummation of love. The system called marriage is now on the verge of collapse because of economic reasons on one hand, and the ideological assault condemning it as a system for the doomed class, on the other. Love seems to desire freedom and independence.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 13 (Continued)

Youths who think themselves free, liberated from old JAPAN, are about to enjoy love which has been freed from marriage. Is it something upon which to congratulate youths or does it constitute a factor in the youths' crisis?

What is the crisis of youth? The crisis arises when youth is ignored not only as youth but also as an existence, when the possibility of its existence is threatened; that is, when youth can no longer exist as youth. It goes without saying that a crisis arises in any age when existence is threatened by external force, and one has no confidence in mind to resist the external menace and pressure. When one is willingly led to believe in the irresistable and to think that it is more beautiful to die than to live, he faces a crisis. When the frailty of life is keenly felt as a result of the war in the age of confusion, and it is feared that the bud of youth will freeze to death, all critics are mercilessly denouncing the postwar youths as being in a lethargic state.

Youth was considered beautiful and valuable, and therefore was mighty. When we say that youth now faces a crisis, we mean that youth is considered neither beautiful nor valuable. Where there is life, there is death. Love and youth, however fresh and joyful, always face death; they are constantly on the verge of a crisis. The spectacle where love is playing with death over the body of a youth is not uncommon.

Why does love constitute a factor in the crisis of youthdom? NIETZSCHE demanded a change in the value of everything, and every thing has declined in value now, 50 years after his death. Currency has been devaluated, as well as beauty and love; all are on the downward slide. Love is devaluated since the idea that sexual desire as the motive power for human existence has come to be popularized, and since the tendency to ignore immoral love is accentuated. The decline in the value of love is threatening youth.

Although I prefer liberation to the suppression of human nature, I should think that when only one phase of human nature begins to claim totality and predominates over others as a dictator, we have fascism. Just as those who advocate economy for economy's sake, and politics for politic's sake, are fascists, so are the ones who are devoted to love for love's sake or sexual love for sexual love's sake. The trend of modern Japanese literature characterizes prominently the tendency to stress sex, which is only a phase of human nature, and appears to abet the animal nature in youths.

Whether or not youth welcomes the trend is the question. Inasmuch as revival or liberation of human nature is one of the important slogans in postwar PAPAN, the trend can hardly be repulsive to youths, for in every country, in any age, emancipation of human nature begins with sex emancipation. Emancipation, however, is meaningless unless a new morality is given to replace the old one from which the people are emancipated. Freedom of love must not be misunderstood as licentiousness.

Youth is not absolute; it is relative -- a period in the large framework of life. Just as love which does not result in the birth of a child is worthless in life as a whole because of its unproductivity, youth addicted to playful love is worthless. Love has deteriorated into a purely personal and physical affair because young men and women of today have little hope in establishing family life due to inflation.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 2013 (Continued)

ITEM 13 (Continued)

The only way for youth to overcome the crisis is to clarify the relationship between "you" and "me", endeavor to improve society as well as themselves, and realize the fact that love which produces children and married life to raise children are creative acts to promote human life.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 12 The Working Class and a Happy Family (by Kurihara, Yu) - Magazine: Jiyu Hyoron (Monthly) - Mar 48. Translator: M. Suzuki. (DD)

BD

Summary:

The majority of the Japanese people have been brought up to accept without question, their dark, arduous existence. At the beginning of the SHOWA Era, there was a succession of depressions which gave rise to unemployment. The farmers found their land seized and their daughters taken away to be sold as securities for unpaid loans. The laborers in the cities were forced to work for wages lower than those in INDIA. To even think of making their life easier was considered wrong.

The sons of farmers and laborers were put into uniform and sent to MANCHURIA, CHINA, and on the death march of the Pacific War. In the "Notes on Human Life" by MIKI, Kiyoshi, are the following words:" Is not this world as filled with unhappiness that to speak of happiness gives one a feeling of immorality?" Is this not proved by the fact that he himself died in prison?

It has been revealed that the lives of the Emperors who were considered a god in the past, and the Imperial family were never happy, for according to the words of the Prince MIKASA, the members of the family lived separately, the relationship between the Emperor and Empress having to outwardly be that of master and servant, and no personal freedom was granted them, not even the use of the telephone, or the writing of personal letters. The TENNO system forced the Imperial family to lead an unhappy and dark life, veritably the life of a prisoner.

The life of the ruling class and the class which monopolized the wealth cannot be considered happy, for their happiness was overshadowed by the peoples' sorrows, bitterness and curses likened to the sword of Damocles.

Our ancestors for ages were forced to bow unconditionally before authority. They did not even think for themselves, for thinking was left to the scholars and specialists in that line. To even think of becoming happy through ones own powers was considered wrong. Therefore, thought control was instituted and people could not appeal by voicing their sorrows.

The working people will become happy only when they cease to leave matters in other people's hands and co-operate to protect their own lives. We are the only ones who can save ourselves. There may be those among us who think that happiness is a state of mind and that there is the same happiness in a hut as in a palace. The privileged few are the ones who secretly rejoice to hear this viewpoint, for they want the continuation of the condition wherein those who work are suppressed and exploited.

Have you ever heard the following words from those who scorn the effort and struggle of the working class to better their material lot? "It is all right for the working man to strive to better his lot, but that does not necessarily mean he will be happy. It is the shallow materialist who believes that his worries will disappear when his life becomes easier. So-called human beings are more spiritual and noble."

The working class can best judge whether or not the conception that the spiritual, physical and material sides of life can be separated is right. That a spirit which considers materialistic civilization inferior to spiritual culture and curses the development of machinery, should be subjugated is only proper. The material side of life is an important factor in achieving happiness. Goodbye, to a life which delights in handling a tea cup in a room where the ceiling is so low that one bumps one's head. It is because we live a life that might well appear in Gulliver's Tales that we are forever obsequious and think that excessively polite greetings are important factors to happiness. This also applies to our food. If we continue to eat such food as pickled radish and pretend they are delicacies the Japanese people will deteriorate physically. If we continue to accept this comfortless life as a matter of course, we will not be able to hold up our heads before our children and grandchildren.

The happiness of the working class will be gained by co-operation and the enrichment of both material and spiritual sides of the life of the individual.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 14 Law and the Family in Oriental Society (by Kaino, Michitaka) - Magazine: Sekai Bunka (Monthly) - Mar 48. Translator: F. Tsuneishi. (RL)

660

Summary:

Legal aspects of Oriental society clearly reflect the family slavery system found in it. Laws of the western type even today are looked upon here as being heretical and abominable.

In the first place, Orientals have considered laws to be something detestable. The Oriental ideal is that the potentate rules through laws, the monarch through virtue, and the emperor, through divine natural powers. To Orientals, the imperial way is most perfect of the three.

A systematic and organized standard, by which private disputes could be settled, does not exist in Oriental society. Disputes rising between brothers over the inheritance of property were attributed to lack of virtue in the administrators.

The wise judge encouraged the brothers to effect a compromise, frequently resorting to force to realize this end rather than listening to their pleas and then deciding who was in the right.

Oriental Laws are Subordinate to Virtue

As long as Oriental laws remain subordinated to virtue, a court of justice independent of political influence cannot be realized in the East. The judges have always been politicians or administrative officials. Decisions are made before a public hearing is held. The court trials are merely the means of rationalizing the predetermined decision and presenting a show of justice. The courts' functions being such, not only were the courts unable to break away from politics, but it was thought unnecessary for them to be independent of politics. Thus, truth in the courts became subordinate to politics, and the tendency for decisions to be rendered according to political convenience came into evidence.

The defense chose to compromise by pleading for mercy or resorting to illegal procedures, rather than presenting contrary evidence and fighting a case. This has lead to the warping of the character of lawyers, which probably will lead toward a direction inconsistant with the brilliant tradition set by the men of law who represented the bourgeois revolution.

The courts have not nurtured upstanding personalities, and it is only natural that as long as the court trials were not carried out with rational and cool reasoning, law education in Oriental society did not develop into a consistent system guided by a scientific spirit. The fact that Occidental laws which had been introduced were not thoroughly digested may also be cited as another reason.

It is true that the conception of rights guaranteed by the constitution is exceedingly weak in Oriental society. In other words, the idea that rights are representative of righteousness is practically non-existent. For one reason or another, Orientals are apt to connect rights with merciless usury for there are no objectively by enacted laws or law courts which dispenses justice in enforcing such law. To them, the word "rights" is suggestive of some evil deed.

Orientals Can Live Without Laws

As we observe laws and the law consciousness of the people in Oriental society, we see that the Orientals are a type of pepple who can live without laws, for they have many qualities which are more in harmony with emotions in living through compromises, rather than related formal rights and duties.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

SOCIAL SERIES: 2056 (Continued)

ITEM 14 (Continued)

During the war, there were many instances in JAPAN where meaningless abstract theories, such as "self-sacrificing patriotism" were popular. It is true the leaders who advocated them were actually over-indulging in eating and drinking. The people, although outwardly greatly inpressed by the thoughts, were more interested in exercising their right of self-protection of the individual, and were reluctant to obey economic control laws.

Although times have changed and we are now in the age of Democracy, the new words are still only words, and actual conditions are as confused as in the days of war. When we are faced with the problem of why extremely abstract principles can exist concurrently with acts diametrically opposed to these principles, without being considered inconsistent, we cannot held feeling the substantial difference between the construction of Oriental and Occidental societies.

It was said with pride in the days of "self-sacrificing patriotism" that the Oriental society was one co-operative public body, while the Occidental society was one based on profits.

Everything in Japanese society was explained in terms of family. The Emperor was the father of the nation and the head of the family. All the laws, ordinances, orders, and rescripts, were evidences of his paternal will, and to obey them was akin to a child obeying his father. The greatest peculiarity here is that this form of rulership was not inaugurated by the will of the group dominated, but was a natural order which cannot be changed through the power of men. Therefore in such a society, no matter how much effort is made, a people's government by the people cannot be realized.

Hatred and Opposition Exist

Under such a relationship in governing, it could not be denied that opposition and hatred existed among the governed people. This can be eradicated only through the dissolution of the co-operative body itself. However, because the ruling structure was not reformed into a more rational one, despite repeated desertions, suicides, and riots, it could not bring about a social revolution.

Laws in this society were not to guard individual rights but rather to reprimand the people and to keep the nation from becoming disunited. They were only medicine to pacify the emotional conflicts of the people, and to compel them to reconcile themselves to all conditions.

In order that this form of legal concept may be overcome through modern legal reasoning, the Oriental family slavery system must be reformed. This means that each person must struggle with himself. Without such an awakening, the Orient will remain a land of eternal slavery.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 6 660 Law Providing for Punishment of Delinquent Parents Being Drafted - Dai Ichi - 24 Mar 48. Translator: M. Fujiyama. (JJY)

Summary:

During last year a total of 7,400 cases of juvenile delinquency were handled in the Tokyo Juvenile Court. It is an undeniable fact that juveniles' environment has much to do with their depravity. The Juvenile Court is planning to add to the Juvenile Protection Law a provision stipulating that delinquent families may be dealt with in the same manner as juvenile delinquents.

Various establishments and organizations for protecting juveniles from committing crimes, the operation of which has been strengthened by Father FLANAGAN's visit to JAPAN last spring and by the Child Welfare Law which was enacted in January, have aided in reducing the number of juvenile cases handled in the Tokyo Juvenile Court. Last year the total number of crimes was 3,000 cases less than that recorded the year before last. However, the nature of crimes committed became worse. Society, in its own struggle for a livelihood, has neglected to take up the problem of those juveniles who have been falling to the depths of crime because of lack of proper care and discipline in their homes.

About 700 juveniles are sent to the Tokyo Juvenile Court from the Public Prosecutors Offices each month. In addition to this number, an average of five or six juveniles daily are sent directly from their homes as hopeless cases for reformation. These juveniles have already been degraded into small-scale gangsters and officials concerned wonder why their parents neglected them until they became so depraved.

The Juvenile Court groups them into nine categories according to the nature of their crimes. The most pernicious offenders, group No. 8, are transferred to a house of correction. This group constituted three percent of the total criminals or 260 juveniles last year.

The fact that most of them are first offenders and a very few are repeaters proves that the most seriously degenerated could be reformed through the influence of proper guidance. Attention is also drawn to the fact that many families do not respond to the notification that their children are ready to be sent home after they have served in the house of correction or protection organization, and that their parents claim them when they become old enough to earn their own living.

Since many juvenile crimes originate from lack of love on the part of the parents, the authorities are drafting a provision to punish delinquent parents who neglect to bring up their children properly until they find it too late to reform them or until their children actually commit crimes.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 9 Family Happiness (Dazai, Osamu) - Magazine: Chuo Koron (Monthly) - Aug 48. Translator: M. Suzuki. (TK)

660

Extracts:

While listening to the radio one evening, I heard a strange program called "The Man on the Street," on presenting opinions of the people and a government official. The people who spoke appeared irritated and attacked the official while he in turn answered with childish, hackneyed expressions having little substance. He might as well have said nothing. The people became more and more angry and attacks came from all sides, but official only continued to make absurd remarks, emitting unpleasant laughs.

Listening to this, I also became angry. If I had been there and had been asked to give my opinion, I would have said: "I plan not to pay any taxes. I am living on borrowed money. I drink and smoke. There is a high tax on sake and tobacco, so my debts continue to increase. It is not within me to run around borrowing more money to pay taxes. I am weak; I have to incur debts to purchase food and medicine. My work is very difficult; at least, it is more so than yours.

"Assuming an air of importance, you speak of the Government and the country. Better that a Government or country which leads us to suicide should disappear. Nobody will feel regret about it. The one who finds himself in a spot is you, for you will lose your job and find your wife and children crying. My wife and children have been crying for a long time, not because I like to make them cry, but because I could not help it due to my work, and there you stand snickering. You must do something! Of all things! Do you expect us to hang ourselves?

"Stop your snickering and go some place! I am no leftist or rightist in the Socialist Party and neither am I a Communist! Do you think you can appear and make us comply by speaking at random? Just tell us the facts about your position!"

I did not like the snickering of this official. It was proof of his lack of confidence in his words; a proof of his chicanery and indifference. If this typifies the official, they are truly villains. As I listened to the radio, my hatred for this official reached a point where I felt like setting fire to his house.

Even after drinking a sedative, all my thoughts were concerned with this official and his snickering, which I now realized did not come from contempt for the masses but was a camouflage to protect himself and his stand. I pictured him as he must be, listening to the recording of his broadcast contentedly, satisfied with the results. He glances at his family, beaming with pride and satisfaction.

Family happiness. Family peace.

Life's highest glory. Bah!

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 13 Lack of Housing Endangers Family Life - Provincial Paper: Tokushima Shimbun (Tokushima) - 20 Aug 48. Translator: T. Horikawa. (TY)

Summary:

(Two murder cases involving blood relations occurred here on a single sultry day. A 25-year-old girl fatally stabbed her aunt and grandmother with whom she had lived since their homes were burnt in an air-raid. A sick senior high school boy beheaded his cold-hearted elder brother. Although the causes have yet to be examined, we may safely conjecture that the tragedies were of singularly simple nature both stemming from JAPAN's family system.

According to the neighbors and police authorities, the girl was gentle and obedient, while her murdered aunt was said to be honest and diligent. It must be noted that even "good" people begin to hate each other to the extent of murder if they live crowded together under the same roof.

As NATSUME, Soseki, celebrated novelist, once wrote: "There is no such thing as good men or bad men. Ordinary persons turn good or bad as occasions present themselves." We are alarmed because many people today are living under similar provoking circumstances.

We have experienced enough of the hatred and the tragedy arising from too many families dwelling in the same house. Air-raids, repatriation, demobilization, and evacuation have forced such conditions upon us. Yet people have praised our family system, without which thousands of repatriates and other war-victims might have been stranded on the streets, since the inhumane Japanese Government has been notoriously indifferent to the distress of war-sufferers.

However, JAPAN's family system soon revealed its efects. Above all Japanese houses are unfit to accommodate several families. In European style homes the privacy of family life is secured behind each door. In the Japanese house the family head is supreme and no other family members are allowed to enjoy an independent free life. Hence, if several families live together, some must necessarily live in humiliation. It is here that enmity which may eventually lead to homicide between otherwise good citizens is bred.

The two cases were, therefore, nothing but a spontaneous outbreak of unconscious repulsion against our family system. It so happened that the perpetrators were only a thoughtless boy and a girl. We must take this as food for thought in any reconsideration of our family system.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

ITEM 20 Average Tokyo Family Spent 11,282 Yen in September - Tokyo Shimbun - 28 Oct 48. Translator: F. Hagiwara. (WM)

660

Full Translation:

The Premier's Office Statistics Bureau yesterday announced the Tokyo To consumer price index for September. The September general index shows a 0.1 percent increase over that of the previous month and is 1.68 times that of the same month last year.

Other important data and coefficients are:

(1) Total expenditure per household of 4.76 persons was 11,282 yen, an increase of 368 yen over the previous month.

(2) The coefficient of food prices was 66.3, a 0.7 increase over the previous month.

ITEM 14 Survey Shows Average Family Income of 9,944 Yen in Sept - Dai Ichi - 9 Nov 48. Translator: H. Nakayama. (UG)

660

Full Translation:

The Premier's Office yesterday disclosed the September results of the family income survey which has been conducted since last July in parallel with the consumer's price survey.

This survey was based upon 2,050 families in 20 cities throughout the country. The average family consisted of 4.62 persons. According to this survey, the average family income per month amounted to 9,944 yen, which was broken down into 9,892 yen of cash income and 52 yen of income in kind; the cash income included 9,194 yen of real income and 698 yen from other sources such as withdrawal of deposits, sale of personal properties, borrowings, etc.

According to the classification of real family income by city, SHIMONOSEKI Shi ranked highest with 11,236 yen, OMURA Shi lowest with 7,028 yen, and TOKYO was in the middle bracket with 9,741 yen.

The consumer's price survey covers the expenditure side of household budgets, while the family income survey analyses the income side through close investigation of main-job income and side-job income of family heads and incomes of family members.

The latter survey will hereafter be published monthly.

ITEM 8 Tokyo Family in the Red by 7.5 Percent - Sekai Keizai - 10 Dec 48. Translator: R. Sato. (TK)

660

Full Translation:

According to a survey on family incomes in TOKYO published yesterday by the Premier's Office, covering the month of October, the total amount of monthly household income per family was 10,450 yen, including 10,405 yen in cash, and 45 yen in goods, an increase of 513 yen over the previous month. Net cash income, however, was only 9,627 yen, or 92.5 percent of the total, the remaining 778 yen, or 7.5 percent, constituting incomes from other sources such as withdrawals from savings and selling of household articles.

This net cash income consisted of 9,385 yen in wages and 242 yen in payment from other sources. The average monthly wage of family heads was 7,989 yen. Wives earned an average of 190 yen and sons and daughters, 1,206 yen.

Since household expenses can scarcely be covered with the combined earnings of the family plus additional income from properties, wage-earners must cover the monthly deficits by selling their household articles.

Classified by cities, the highest monthly income is 12,080 yen per family in SHIMONOSEKI, and the lowest is 7,281 yen in TOYAMA. The highest average income of family heads is 10,358 yen in YUBARI and the lowest is 5,921 yen in SENDAI.

DECLASSIFIED E.O. 11652 SEC. 3(E) AND 5(D) OR (E) NNDG # 775015

660

660 (6) Family expenditures in yen (total and food) in 28 cities including Tokyo, October 10,018 and 6,307; in Tokyo 11,753 and 7,588.

OUTGOING MESSAGES - SWS

16 DEC 1948

660