

Ear to Asia podcast

Title: Intimate connections and exit strategies in a changing Japan

Description: In Japan, the norms of human connection and physical intimacy are evolving, with arranged marriages on the wane, and defacto relationships and same-sex unions no longer rare. As the nature of unions changes, so is the practice of parting, with increases in late-life and women-initiated divorces. What's driving these societal changes in Japan? How are Japan's legislators responding? Gender studies specialist Assoc Prof Claire Maree and cultural anthropologist Assoc Prof Allison Alexy join presenter Ali Moore to discuss the transformation of the Japanese family unit. An Asia Institute podcast. Produced and edited by profactual.com. Music by audionautix.com.

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Voiceover:

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Ali Moore:

Hello, I'm Ali Moore. This is Ear to Asia.

Allison Alexy:

So it's not that the state knows when you get married, or the state knows when you get divorced. In Japan, you tell the state when you get divorced. So you can lie. People routinely turn in the divorce notification years after they actually separated and agreed to the divorce; they just never got around to it.

Claire Maree:

So there are people who decide that legal marriage is not for them, and many people have made alternative families where they have arrangements with different people for their own personal needs that could be around intimacy, could be around child care, it could be around providing food and shelter, those kinds of things.

Ali Moore:

In this episode, intimate connections and exit strategies in a changing Japan.

The concept of the family unit in contemporary Japan looks to be undergoing profound change. And with it, the time-honoured tradition of lifelong heterosexual marriage maybe losing its shine.

The norms of human connection and physical intimacy are also evolving, with arranged marriages on the wane, and an increase in alternative forms of pairings like de facto relationships, same sex unions, and even sexless marriages. As the nature of unions changes so too does the practise of parting with more late-life divorces, and more women prepared to initiate divorce proceedings. A reversal of traditional trends. So, what's driving these societal changes in Japan?

How has Japan's protracted economic stagnation coupled with persistent population decline affected family relationships? And how Japan's legislators and policymakers responding to a change in Japanese society? Joining me to examine intimacy, marriage and divorce in Japan, a gender studies specialist, Associate Professor Claire Maree from Asia Institute, and cultural anthropologist, Associate Professor Allison Alexy of the University of Michigan. Claire, welcome back to the programme. And welcome, Allison.

Claire Maree:

It's lovely to be here. Thank you for having us on.

Allison Alexy:

Thank you so much. It's an honour. I really love your podcast. I'm happy to be here with you today.

Ali Moore:

What a great way to start. Allison, you've written an entire book on intimate relationships in Japan and how and why they break down. It's called, *Intimate Disconnections*. And you begin the book with a story of being in an elevator with a man who's a complete stranger to you. And he starts telling you about his fears, that his wife will divorce him. Tell us about that encounter.

Allison Alexy:

Yeah, absolutely. It really happened. I was leaving an event in the centre of Tokyo one evening, and I got into an elevator with a man, an older man who looked like he was in his 60s. And it's a long elevator ride. I should say, I'm American and I'm white, and I'm very tall. And I have sort of reddish hair. And it's very normal and natural for people in Japan to ask me some version of like, "What are you doing here?" Which is, I take as a very friendly question.

And so, that's what he said. And I said, "It's really weird, but I studied divorce and family issues." And he laughed. And he said, "We're all scared. All the men I know are scared." And what he was referring to was the risk that older men's wives would suddenly leave them, would suddenly divorce them after a new law went into effect. So, at the moment that that interaction happened in the elevator, this pension law had been passed, but it hadn't yet gone into effect. So, it went into effect in April 2007. And I believe this was in 2005. And so, what he was talking about was a real kind of personal anxiety.

But immediately, he was contextualising it and broadening it, and saying that all the men he knew, which has to be a bit of a hyperbole, but everyone suddenly seemed scared of getting left. And so, I started the book with that moment because I think it was true, certainly not that everyone was really thinking about getting divorced, or all women were suddenly thinking about getting divorced, but that divorce was almost in the air, or the risk of divorce or the possibility of divorce was newly available.

And so, more people were taking divorce seriously, either as a wonderful option, something that they've wanted, perhaps, but never been able to really imagine, or the opposite, like what this man said in the elevator, that they're worried that their marriage might fall apart.

Ali Moore:

So, what was the pension law? What was the legislative change?

Allison Alexy:

Before the law went into effect, if a heterosexual couple got divorced, then the ex-wife had no access to the former husband's pension, national pension. After the law went into effect, that ex-wife has some access to her former husband's national pension. So, depending on what year the divorce would take place, she might have to apply for it. But what seems like a very minor change in the pension law, it had actually been passed a few years before and nobody really noticed it. But then, when I was doing research about divorce in 2005 and 2006, everybody was talking about it because it was coming down the line.

Ali Moore:

Allison, if we just stay with you for a minute. Has it translated into reality? How big is shift has there been in who does the divorcing in Japan? The role of gender.

Allison Alexy:

The short answer is, it doesn't seem like that particular law had a major effect, partially because the money is relatively small, right? It depends on what your ex-husband's national pension would have been. But it might be to the tune of hundreds of dollars a month, right? So, maybe more, but not enough to live on, basically. But the reason that I think that he was so willing to talk about his fear and a fear that he thought other men also felt was precisely because more women, especially, are taking divorce seriously now.

So, they might not go all the way through with actually getting a divorce or requesting a divorce. But divorce has really become something that is a viable option. And it has become something that women are much more likely to initiate, which is a very new pattern compared to what was happening even 30 years ago in the early 1990s.

Ali Moore:

And I want to come back to the drivers behind that in a minute. But Claire, if I can bring you in here, what's different about Japan when it comes to divorce and intimate relationships, about the way that the family's structured legally and socially?

Claire Maree:

Yeah. So, when we think about legal marriage in Japan, it's structured through two vectors. One is the Constitution and the other is koseki laws, which is the family registration laws, and then there's also the family laws, which are the three main things that structure the legal framework around legal marriage. And the constitutional changes happened after Japan's defeat in the war. And a key change that gets brought in there is a clause that stipulates that marriage is between two people. It actually refers to man and woman.

But it's a quite a vague term, and each of their own volition. So, what this does is change the whole framing around marriage, because previous to that, it was not necessarily the right of a woman to select her marriage partner, her legal marriage partner. So, marriage was something that was very much linked to the idea of the family. And the family is constructed through patriarchal notions. So, the other thing that comes into play there is the, what's called the koseki, which is the family registration system. There's lots of research on this.

But as Japan modernises, around the 19th century and then into the 20th century, the family registration becomes a key part of how to track citizens. And that's based on the idea of patriarch who is head of the household, and then children, and then below them, perhaps their grandchildren, all fitting onto one registration and being a part of that household headed by the male father figure. This also changes a little bit after the war. And the family registration system itself changes. You no longer have three generations on a family register.

It's one generation. So, people come out of their family registration and form a new one when they get legally married. And a part of the legal marriage is actually coming on to the same registry document as one person becoming the head of the household, and then having a wife and a husband, and then the children within that family, if there are any, are get registered as children. So, one of the key things there is that they must have the same last name.

Ali Moore:

And that same last name, that registry, Claire, does it mean in essence, that it's not about individuals when it comes to marriage, it is about families, it's all about families?

Claire Maree:

Yes. And it's a very strict definition of what the family is. So, the legal family is people who are registered on that same document. But even though this is really highly structured and very rigid, there are also places where people exit and enter from that document itself. And it is inclusive and exclusive. So, for example, if you marry someone who's not a Japanese national, they don't enter into that document. But there's an amendment that goes there.

There's a little note that you are legally married. So, legal marriage means registering this document as head of a household and a spouse at the local government office. That's what legal marriage is. So, like in Australia, legal marriage is, you have to actually say certain phrases in the presence of someone who is able to act as the celebrant or the priest, or whatever it is. That's the process, the performative process of what a marriage is.

Ali Moore:

And in Japan, that document, that system, the koseki, it's regularly challenged, isn't it, in more recent times? I think the most recent attempt to overturn the law actually failed in July of this year. How big the push is there for a change to that requirement that married couples share a surname?

Claire Maree:

I think there's a strong feeling amongst many people that they would like to be able to have a choice. So, the challenges that have gone are all the way up to the High Court around the requirement for people to have the same last name, have been about being able to select and make a decision. So, it's not trying to enforce that everybody has to do it, but that people are able to choose if they want to have the same surname or not.

And the thing that threatens apparently, according to more conservative thinkers, is that that threatens the very notion of the family, being tied together through this name. And that is very much a part of the idea of what Japan is as a nation state, the essence of Japan. So, when we think about this, it's not like a birth certificate, right? So, the birth certificate, for example, in the Australian system, is a form of registration. It does show the parents, and we do put it forward to do things legally for driver's licence, et cetera, et cetera.

The koseki, the family registry, also has those uses. But that definition of the family also dictates, for example, who gets to make choices about somebody if they fall gravely ill, who is able to enter into a joint loan, who is able to rent a property together as a family. So, those are the implications and where it starts to really unravel as a very strong unit of the society.

Ali Moore:

Allison, do you see not having the same surname, is there really that fear that it could weaken in the end the nation state?

Allison Alexy:

I'm not sure that I would say there is something like an official fear. But there certainly is, as Claire said, real conservative backlash against any attempt to get Japanese family law to reflect the reality of what Japanese families already are. Right? We know that there are same sex couples living together, sharing their lives, having children.

We know for instance that there are divorced couples who managed to maintain relationships with their children, even though there is no legal joint custody after divorce in Japan, right? So, we know that there is actually a great deal of diversity in families as people live them, as families as people choose them. There is a conservative movement to try to erase and ignore and minimise the diversity of Japanese families as they are currently lived.

Claire Maree:

I think that's a really great point, Allison. The diversity is there. That's another part of this story. There are many ways that people choose to structure their living arrangements who they identify as their family. But their reflection of that in perhaps legal systems, and some of the more life and death situations is not there, which is why it makes it such a serious issue for people who fall out of that system itself.

Ali Moore:

Well, Claire, I mean, the obvious one there is the same sex marriage, which Japan doesn't have same sex marriage as we know it, here in Australia. So, how do same sex couples get around the legal hurdles, and particularly the family registration system?

Claire Maree:

Yeah, marriage equality is something that's being very much put on the agenda in Japan, particularly in the last, maybe seven to eight years. So, there's currently a campaign for marriage equality, spearheaded by a group called, Marriage for All. On their website, they've got a great kind of overview of why it's important and what the differences are. And it's linked to things such as access to rights and partnership rights, when something happens in a relationship or when something happens in their life.

So, as I said before, if you're not legally understood to be of the same family, then your access to a person once they are institutionalised or placed under medical care can be quite restricted. So, one way you can get through that is to become a family through adoption. So, adult adoption is one way that that can be done. So, an older partner would adopt the younger partner, and they would then enter the koseki as the child in a child-parent relationship. Now, that has happened for quite a long time. And it's not just for same sex partners.

It's also something that people have used in order to carry on the family. Because that idea of carrying on family, it's very important of having someone to take on and keep going the family name, right? So, an adult adoption is not bizarre, weirdo, out there. But it is one way that same sex people who are legally registered as the same sex are able to if one is older, and they're both Japanese nationals to configure themselves as a legally recognised family unit.

Ali Moore:

What happens to that legally recognised family unit, if same sex couples break up?

Claire Maree:

If they break up within the family registry, then they would exit that and dissolve the adoption. So, adult adoption works a little bit different to special adoption, which is when you're adopting a younger child. And that is a legal situation where when you adopt a young child under that system, then the ties that they have with their birth parents are dissolved. That doesn't happen in adult adoptions.

Ali Moore:

Allison, a basic question I probably should have gone to earlier in this podcast, but how common is divorce in Japan? And how has that changed over recent years?

Allison Alexy:

Well, if we think about it statistically, at this moment, about one third of marriages will ultimately end in divorce. This is maybe higher than your listeners might expect, this is about the level of the divorce rate, say, in France as a comparison. It's certainly lower than the United States. The US has

the highest divorce rate in the world. Well, let me say too that that rate, it has been going up and down slightly in the last 20 years.

The highest divorce rate recorded in Japan was right around the Meiji Constitution in the 1880s. So, this is actually lower now than divorce was at the historical peak in that earlier moment of early modern Japan in the Meiji period. But beyond the statistics, what I find to be really interesting about changing divorce patterns in Japan is that, really in the last 20 years, divorces shifted from something that men requested and women worked to avoid to the opposite.

So, at the moment, of course, not everyone, but the common pattern now in the contemporary moment is for divorce to be more likely initiated by a woman, and either refused by a man or maybe gone along with. So, the gendered norms of who is soliciting or who is instigating divorce, and also the reasons that they're using has really shifted.

Ali Moore:

When you say more likely, are there actually more divorces instigated by women than by men? I mean, that's a complete reversal.

Allison Alexy:

Right. So, the short answer is that statistics are really fuzzy. To get divorced legally in Japan, what a couple needs to do is get a two-page form from a local government office or download it, fill out the form and submit it to the local government office. So, they don't have to appear in front of a judge. They don't have to actually even be both physically present to turn in the form, a third-party can turn in the form. They have to sign their names.

They have to use their name stamp, and then the divorce is recognised by the state. So, the reason I explain this is to say that it can be really difficult to figure out who initiated a divorce. So, if you look at, for instance, survey data, in general, at the moment, more women are initiating divorces. But part of what I found by doing ethnographic research was that, maybe surprising no one, it turns out to be a lot more complicated than that.

So, in previous research, legal scholars especially had used as a measure of initiation who turned in the form, right? So, you both don't have to be there, it can just be one spouse. So, a lot of scholars assumed the person who really wanted the divorce would be the one who turned in the form.

In a lot of ways, that makes a lot of sense, right? What I found ethnographically was actually, usually the opposite was the case. So, what I found was that, often women in my sample were looking for a divorce. So, they would explain it to their husband, they would talk it out, they would disagree about it, they would figure it out. And finally, somebody would go and get the form and fill it out. And then, the second spouse to fill it out could often take years. Right?

So, there could be a lot of disagreements in that time when one spouse is very ready to be divorced, and the other spouse is not yet ready. So, what I found was that in the cases like that, where one spouse had been delaying and delaying and delaying, that spouse, the one who had not wanted it, the one who had refused, was often the one who turned it in, finally. Because basically, he finally agreed. So, I'm not saying that's happening in every case, but it was interesting to push back against this very reasonable assumption that a lot of scholars had made before this.

Ali Moore:

It's intensely personal, isn't it? And I guess that's a question for you, Allison. How did you find the ability to research in this area and the willingness of people to tell you what they wanted and what they were planning?

Allison Alexy:

I will always be incredibly grateful and humbled by everyone who was willing to share any part of their life with me in the course of this project. It is a really complicated and personal topic. So, I was worried before I started the research whether or not anyone would ever want to talk to me about it. And what I found was that, at least some people, so surely not everyone, but many wonderful people were really willing to open up and talk with me.

And let me join their lives. So, some of the ways I did this research was by joining different focus groups or support groups. Sometimes, focus specifically on divorce, sometimes on broader topics, family issues, other kinds of psychological stuff. And people were really welcoming. I was always willing to listen. I was genuinely always willing to hear what they wanted to tell me. I learned so much from being corrected, by being sort of shifted, I was interested in one thing, and they're saying, "Oh, yeah, that's not interesting. Look over here at this thing instead.

You should be asking people questions about this." So, I was really humbled and surprised by how many people were willing to talk with me. The glib answer I have for this question is, I think we all probably either have ourselves gotten divorced, or know someone who's gotten divorced and really wants to talk about it, at least for some amount of time. And I was always happy to talk and always happy to listen. So, I became a sounding board for a lot of people. And I do my best to honestly and accurately represent what they shared with me in my book.

Ali Moore:

Claire, when we look at this trend, this change, more women seeing divorce as a viable option, what's driving that do you think? And are the drivers in Japan any different to many other countries?

Claire Maree:

I'm not sure whether the drivers are completely different. I mean, we're talking about interpersonal relationships and intimacy. And Allison's book gives a really good insight into how people navigate that. The system is different in Japan. And the legal situation, of course, shapes the way that people can or cannot navigate it in the choices they make.

The other thing is the change in gender and the workplace, and the ability of women to be able to participate in the workforce in different ways. But the flip side of that is that poverty, when we look at poverty, that the single parents, particularly single mothers in poverty are a very serious issue, and percentage-wise, quite high. So, do you stay in an abusive relationship? Or do you go? Do you stay in a situation that you find very difficult in your day to day life? Or do you go?

These are really difficult questions to answer. And without any support, those can be very difficult things to action on. So, I think the changes in thoughts about women working and women being independent have changed over the last perhaps 30 years. And perhaps, that gives part of an explanation as to why women now feel that they can embark on a life post-divorce.

Whereas previously, it was very stigmatised to have experienced divorce, and also to be a single parent. And to try and seek work outside in your 30s and 40s that wasn't part time work. And supplemented a husband salary was also something that was seen from the middle-class mainstream perspective as not desirable. So, I think that that has an influence as well. What do you reckon, Allison, about that?

Allison Alexy:

Yeah, I wanted to add that, to go back to that man in the elevator, if a stranger talks to you in an elevator, and you're an anthropologist, you give them your card, right? So, I ended up seeing and interviewing that man. And he's a wonderful person who was very genuinely concerned about the state of his marriage. And one of the things I learned from him and other men in his age group especially was that they felt like... I speak in a broad category here as a generalisation, they felt like they were being divorced for doing what a good husband should have done in the 1970s and '80s.

So, basically, what I argue in the book is that, what I call styles of intimacy had shifted. So, what it took to be a good husband say in the 1970s, so middle-class Japanese husband was idealised as a very hard worker, maybe he had a white-collar position, he was working hard for his family, he was showing his love by basically being away from the family, being relatively disconnected and busy with his job. And that job, gave him enough of a salary that he could support the entire family. And that was how he showed his love and showed his care.

I think if listeners remember, there's a wonderful Japanese film from I think 1995 called, *Shall We Dance*, where the hero is a very laudable salaryman, a man in this position who's trying really hard to support his family and struggling with it, but he's still trying and et cetera, et cetera. He is an idealised character.

And what I found when I was doing my research was, that was not so attractive to women anymore. So, that intimacy that comes with a husband who is rarely home, a husband who has to work really long hours, was not the intimacy they wanted, right? They wanted what we might think of as in scholarly terms is called companionate marriage. So, our companion at romance, when your spouse is your best friend. So, it's not a relationship out of duty or responsibility.

It's a relationship more like friendship. And I would imagine that many of the listeners have, or probably have, or aspire to have a relationship like that. It's a very normal and normative force right now for many of us, I would imagine. And so, what I was finding was that, there really was a shift in this preference for the style of intimacy. And that's what people were debating when they were thinking about getting divorced.

Ali Moore:

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I'm Ali Moore. And I'm joined by associate professors Claire Maree and Allison Alexy. We're talking about how intimacy, marriage and divorce are evolving in present day Japan. And Allison, you talked there about, I suppose, styles of intimacy. And I wonder, if more people are thinking of divorce as a viable option, are more or less people getting married in the first place? And to what extent do they forge their own path, forge their alternative ways of finding that intimacy?

Allison Alexy:

Yeah. So, on a statistical level, Japanese people as a population are waiting longer and longer to get married. So, the average age at first marriage is up above 30 years of age at this point. So, as one clear measure, there is definitely something happening, right? Some changes are happening. It's a little more complicated to try to figure out what kinds of intimacies people are seeking out.

Is it that they don't necessarily want to be married, but they want to have intimacy in other ways? I imagine some listeners will have seen there's a sensationalist English language, news coverage of not just sexless marriage, but sexless Japan every so often every year. So, there's some news story about how Japanese people's intimacy is so weird and strange and isolating. So, I imagine people have heard or read some version of that. So, that what-

Claire Maree:

And everyone who's working in Japan studies in Japanese studies does a groan, goes on social media and debunks all of the myths, right, Allison?

Allison Alexy:

Yes, it's absolutely true. My point is that there's a lot of attention both within Japan and beyond Japan to Japanese intimacies. And your question is a really good one. And it also exposes the kinds of answers that people in general are trying to pull out of intimacy. Individual people are trying to figure out, "Okay, what kind of relationship do I want?" For instance, "What kind of man do I want to be with?" or "What kind of woman do I want to be with?"

And then, also struggle to maybe find that kind of person in the world. At that level personally, people are thinking a lot about what kind of intimacy they want and how to get it. But then, at this meta level, there's a lot of interest in intimacy. And what does it mean? In Japan, of course, we can always link it with the falling birth rate, right? We can always say, "Well, this is the Japanese population shrinking because of broadly conceived intimacy issues."

But I think there's a lot of interests and there's lots of people puzzling it out on all these different levels.

Ali Moore:

I don't know, and Claire, you talked about groaning. And there is that so-called trend of sexless marriages that gets attention in the West. But it would seem to me that that's really something common in all societies because relationships change over time. It's not necessarily a Japanese thing. But Claire, can I ask you, what about things like de facto relationships, for example, conscious decisions not to get married?

Claire Maree:

Yeah. So, there are people obviously who decide that legal marriage is not for them. And there are different ways that people come to that decision. And I'm always talking about legal marriage because it's the institution, and it's the legalisation of that, that is an issue. And many people will consider themselves married, but they haven't put that document into the local government office and had the marriage legalised, and not on the same registry.

So, they consider themselves married, not legally married. And many people would also maybe refer to themselves as de facto partners. And many people have made alternative families where they have arrangements with different people for their own personal needs. That could be around intimacy. It could be around childcare. It could be around providing food and shelter, those kind of things.

Ali Moore:

How's that viewed in Japan? And I guess, what happens when there are bad times or there are difficult circumstances in terms of the rights of people in a de facto relationship?

Claire Maree:

So, the rights that are afforded once the partnership dissolves are quite different, depending on whether it's a legal marriage, it's recognised as the de facto marriage, or in the case of those who are legally registered as a same sex. I'm using that term because I don't want to negate the experience of non-binary people and/or transgender people as well. So, it's all about registration, what you're legally registered as. The things that you can and cannot get access to change the rights and responsibilities that you have.

So, the issues that come into play here are around medical issues, the rights to visit, to approve or disapprove of life prolonging treatments, organ donation, et cetera. So, those things in Japan, things that the legal family can do, and also that de facto common law, de facto relationships partners can do. But if you're not in either of those configurations, then that is not something that you are legally able to do. Property inheritance is mainly tied to legal families.

And there are some provisions in that for other relationships, but very limited. For example, visa and resident status is also tied to the idea of the legal family, taxation tied to the legal family, medical insurance, pensions very much tied to the legal family. And so, it's this list of things - rights and responsibilities that you can access or not access.

Ali Moore:

So, what about remarriage? If people do actually get divorced, do they tend to remarry, Allison?

Allison Alexy:

They do tend to remarry, but there's also an interesting detail about the structure of law around remarriage that support some of the points that Claire has been making, which is this. So legally, a man in Japan can get divorced and remarry immediately, same day, next day, no question. Legally speaking, women are forced to wait 100 days before they can remarry. A lot of people are really shocked by this. Actually, I should say, a lot of Japanese people I know are really shocked by this. This is one of those laws that you don't really realise until it hits you, you know what I mean? Until it becomes relevant to your life.

So, the logic, if we can explain that is that the family law system wants to know if that woman is pregnant before she remarries so that they can either count the child to her ex-husband as her ex-husband's child or as her new husband's child. And this supports exactly what is another demonstration of exactly what Claire was talking about, which is you can see the paternity written into law here, the legal structures that are absolutely shaping people's lives are so that the state can be sure of paternity of a child.

Lots of my students raise their hand and say, "Wait a second, what about DNA tests? There's a better way to figure out whose baby that is." And that's not the way the legal system is structured in Japan, right? DNA testing is not the solution to this puzzle. There's a legal structure in place, and women cannot remarry immediately. And in the course of my research, really only one person ever talked about this. And it was a woman who was desperately trying to get divorced, her husband was refusing. He kept saying, "I'll sign the papers."

And then, he wouldn't sign the papers. That's been going on and on and on. And she was livid. She didn't have a boyfriend. She didn't have anybody on the horizon. And she was like, "I need this divorce to happen, because then I have to wait 100 days, which is not fair. And then, I can maybe get remarried or something." And so, just the principle of it was quite rightly infuriating to her. But most people don't really think about it.

Ali Moore:

Taking into account that most people don't think about it, but we've talked about pressure for change to other areas, things like mandatory same surname, is there pressure for change to this at all?

Allison Alexy:

There actually was a change just recently in the last few years. So, it used to be a longer waiting period, and the Supreme Court of Japan reduced it. There was six months so it was reduced down basically to three months.

Ali Moore:

Why can't I just do a pregnancy test and move on?

Allison Alexy:

Dude, yeah, why can't they do a pregnancy test?

Ali Moore:

Exactly. Right?

Allison Alexy:

No. Why can't they just do a DNA test? Because the system is not actually designed to be a rational and accurate reflection of the world. The system is designed, the koseki system is designed to have internal logic that is maintained. What's so crazy is they actually don't care who is what I would call the biological father of a child, they care that they can trace it in a way that is logical within the structure of the system.

Claire Maree:

But I mean, the beauty of that is also the flip side. You can adopt someone into it and they become the legal child. It's like, that's how the family was kept going.

Ali Moore:

Yeah. So, it does have these extraordinary flexibilities built into a system that seems archaic.

Allison Alexy:

And people mess with it.

Claire Maree:

Yeah.

Allison Alexy:

I need to emphasise, people mess with this system. And Claire, you've heard me say this, but the punchline to all of this too to me is that, it's actually all about notification. So, it's not that the state knows when you get married, or the state knows when you get divorced, you tell the state when you get divorced, so you can lie. People routinely turn in the divorce notification years after they actually separated and agreed to the divorce. They just never got around to it.

So, the whole system, in my view is actually built on basically self-reporting, which only is good up to a certain point.

Ali Moore:

I guess we could just do another podcast on this. And Allison, I was going to say, isn't the biggest one, really, when it comes to rights and responsibilities, the fact that there is no joint custody in Japan?

Allison Alexy:

Yeah, so there's no joint custody of children after divorce. There is of course joint custody during marriage, right? So, both, let's say a father and a mother during marriage will have joint custody. But after they get divorced at the moment in Japan, there is still no possibility for joint custody, for shared custody. That's partially because well, one of the excuses that is given, I'm not saying it's necessarily a reason, is the structure of the koseki, which is the family registry system that Claire was alluding to and explaining earlier.

So, the child has to be registered only in one koseki, one household registry and can't be in two. So therefore, the so-called logic goes, and therefore we cannot have shared joint custody after divorce. But what I found was about a third of the families with whom I was doing research had figured out ways to keep contact between the child, say, and both parents.

Ali Moore:

So, why doesn't the law change to keep up with what's clearly happening in reality?

Allison Alexy:

Oh, goodness, that's a great question.

Claire Maree:

I was just giggling because we don't know why doesn't it? Why is one of the big questions, right? Why doesn't it shift and alter? And the only thing that I keep on coming back to is because the actual family registry, this system, the Constitution that ties the family to the nation state to the imperial family, who is on a separate registry.

So, the women of the imperial family who marry outside, because they marry outside of the imperial family, then become part of the commoners, right? So, this whole discourse, I mean, not everybody agrees with that. Not everybody thinks about it. But the way that it's structured, that's also one of the points that many people who say, "There's no way I'm going to get legally married is because I'm buying into, I'm entering into something that validates the imperial system." Right? This is also tied to nationality.

So, when Allison goes through all of the ways that people navigate this. They're dealing with these really complex systems that are tied not only to the family, but the family is the unit through which the koseki, the family registration is also how nationality is articulated as well. So, you cannot be on that register, unless you're a Japanese national. There's all of these very tricky things. There's points of entry and exit, and there's a way the people navigate it, and are creative, but the structures themselves have great ideological meaning.

Allison Alexy:

I think that a lot of people, and I don't just mean Japanese people, I mean, people anywhere, would struggle to identify exactly what makes a family. Here's the example that I want to give. I teach courses about kinship and family at the University of Michigan. And I often ask students, "Is it important to you to have everyone in a family to have the same last name?"

And I'd say probably the majority of students say, "Yes, it is." And many of them say, "I wouldn't feel related to my family, say, to my children if I didn't have the same last name as them." And I grew up with a mom who had a different last name. She was married to my father, and it was fine. It helps that we look functionally identical. So, it's not hard to tell. Right? I'm saying that to say maybe someone who was adopted would have a different experience.

But it almost makes me laugh to think, "Do people really think the reason you love your parents is because you have the same last name?" That's not why you love them, right? But the normative forces are really strong in Japan and in the United States. And it's really hard to figure out why you love your parents, or why you love your siblings or love them sometimes, right, however you feel.

And people are... I don't want to say grasping at straws, but they're definitely grasping at legal norms to explain something that I think is a lot more complicated.

Claire Maree:

That's a really, really important point. But how do we create the families that we know will nurture us? How do we create the connections and the intimacies that will carry us forward? How do we do that daily? And those are some of the more philosophical questions that often people who are thinking about the institution of marriage and questioning it trying to bring to the table.

But in the pandemic moment, when borders and the ability to travel and things are being restricted, these also impact on the way that people are going to make decisions and how they might access or not access institutions that are available to them.

Ali Moore:

And Claire, when you look at that conversation about, I guess what makes a relationship but also around divorce as well, how is marriage and divorce featured in Japanese media and in pop culture? And also, in particular, I'm curious as to how female instigated divorce is portrayed?

Claire Maree:

Oh, yeah. I was just looking, doing a little bit of research. And there was the Friday trendy drama, a broadcast from April to June in Japan was called, Rikokatsu, which is a great term, which is taking the word for divorce, rikon, and katsudou -- katsu -- and bringing it together and talking about people who are going through preparations and getting ready for divorce. Usually, this term is used for the period when people go through and get prepared for marriage.

So, konkatsu was a big term. The fact that we need to prepare ourselves, put ourselves on the market, market ourselves to find a suitable partner, and legally get married. And so, this TV drama broadcast on a Friday evening at ten o'clock is exploring that at the divorce spectrum. That to me shows what is trending. And it features more elderly couples going through divorce and attending to divorce.

But I mean, Kramer versus Kramer, those images that we had coming out of Hollywood portrayals of divorce I think resonate with what happens in the Japanese popular culture or media space in the 1980s and 1990s as well.

Ali Moore:

Is there much about how to get a divorce and how to avoid a divorce?

Claire Maree:

Yeah. So, I had a little bit of a look at what was trending or what books were available. And the manuals, how to prepare for divorce, how to make sure your pension is in order, manual for divorce for men and for women, and how to navigate it, how to talk to a legal person, those books, and also manga, which is graphic novels and things appeared through my search. So, that market is there. Yeah.

Ali Moore:

Allison, is there a clear sense from your research of what makes the perfect marriage?

Allison Alexy:

If I know, I would probably be richer than I am, right? What makes a perfect marriage is precisely what's under debate and discussion when people are talking about divorce. So certainly, there are some divorces where one spouse is trying to save themselves from a really violent situation, from abuse, from domestic violence, right? So, those kinds of divorces.

And then, there are other divorces where the marriage does not include violence or abuse, and the spouses are just unhappy, if we can call it that, maybe that's too simple a term, and trying to figure out what is a marriage that is maybe, let's say, just unhappy, but enough that they should leave it. So, one really concrete example I have is a woman who was married to, again, a man who would have been maybe the perfect husband in 1980. So, he was a bureaucrat, he was a government worker. They had two kids. She was a stay-at-home mom.

Like, all the boxes were checked, right? This is the perfect idealised middle-class lifestyle. And she just got really bored with it. And he never had an affair. She never had an affair. She just wasn't happy. And so, she said to him, "Look, I want a divorce." And he said, "But I never cheated on you, right? There's no violence. Why on earth would you want a divorce?" And for him, again, conforming to this older model for what makes a good marriage, the absence of domestic violence and the absence of extramarital affairs, was it?

And she said, "Basically, that's not enough for me." And I'm not trying to make fun of him at all. I think that it really is a very rational and reasonable expectation to have. But so, the answer to the question is, what makes a good marriage is what people are debating and discussing.

Ali Moore:

We could keep chatting about this for a very long time. It's an absolutely fascinating area. But I do need to wind it up. And I wanted to ask you both, that when you look at these trends around marriage and divorce, what are the implications for Japanese society into the future? Is it only about declining fertility rates, which are well known in Japan? Is it the... we touched on this earlier, far more significant for the nation state, Allison?

Allison Alexy:

So, the broader significance that I see is, perhaps because of the moment in which we're speaking, where I think we're all still really grappling with COVID as a global pandemic, and all sorts of structural inequalities and inequities that have been perhaps more exposed in this last year and a half, right? But I think that people are spending a lot of time and energy trying to figure out what kinds of relationships they want to have, what kinds of relationships are good to have, what kinds of relationships fundamentally caused damage.

So, not just, "Oh, that's a bad person." But that way of being in a relationship is a bad way of being in a relationship. And by that, I mean, the connection to COVID and a pandemic, for me is about interconnection, and what we need ourselves and what we need from other people. I certainly can say that I feel more dependent or more vulnerable to the choices that strangers are making right now than I've ever felt in my life.

That also completely betrays my White privilege and my middle-class identity, and my relative wealth in all sorts of ways. So, I'm not saying that it is a new thing. I'm saying, "I am increasingly aware of it." And so, I think that lots of people are trying to figure out how to be alone and how to be connected and how to potentially be together with other people.

Ali Moore:

Do you think, Allison, in that context though, can you see a future where Japan's society is more accepting, officially at least, have more flexible and more variable relationship types where there is a change to the family registration system to make it more accommodating?

Allison Alexy:

My first answer is, my God, I hope so. My second answer is, lots of people are working right now, as we speak, to make those changes, get reflected in the law. I can say that on the ground, actual Japanese families have a great deal more diversity by many different measures than is allowed by the koseki legal structures. So, if we can get the legal system to recognise what people have already been doing, then I think it would be a wonderful thing for a lot of us.

What's tricky is, it's the point that Claire was making earlier, which is that because families are so rhetorically and legally and socially tied to the nation state, to citizenship, et cetera, there can be a lot of backlash, not just to make changes but to actually acknowledge changes that people have already made.

Ali Moore:

Claire?

Claire Maree:

Yeah, I'm feeling a little bit wistful, I suppose. Because Allison's alluded to all of the diversity that is within families and relationships and intimacy in Japan, and also a lot of the work that has been done grassroots, activism work, reaching out, making changes work, education, caring, providing shelter for people who are escaping violent relationships, supporting women, non-binary trans people, to work through the legalities that restrict their movements.

So, I always have to frame it in the legalities because those are the structures that impact on individual decisions. But on the ground, there's a lot of diversity and there are a lot of people who are making good change. So, how do we enact that and make changes in a more broader legal way is, I think something that is constantly being reassessed. And there are small changes that happen over time. And some of them are related to, for example, recognition of same sex partnerships in local government contexts.

Other ways, protecting young children from any bullying that might happen if they don't have two parents. And those are the human aspects of negotiating those legalities. I'm always talking about negotiating them and the trickiness and the creative ways that people get through them. Hopefully, they will be reflected in laws as we go forward.

Ali Moore:

Thank you so much to both of you for your insights. And just before I let you go, if people want to hear more about the work that you do and more about your research, can we point them to a social media page? I think, Allison, you've got a web page people might want to look at?

Allison Alexy:

Yes, I do. Thanks for asking. So, my webpage is allisonalex.com. And so, that's A-L-L-I-S-O-N-A-L-E-X-Y.com. And I'm also on Twitter @AllisonAlexy. And I also just wanted to add if it's okay, that thanks to really generous funding from a programme called TOME here at the University of Michigan. My book about divorce in Japan is available through open access. So, if you go to the University of Chicago, press page and look for the book. You can download a free PDF or iPad version.

I'm very happy to interact over social media. I'm on Twitter. And we'd be happy to hear comments or questions from any of the listeners.

Ali Moore:

And the book of course is called, Intimate Disconnections.

Claire, where can people find more of your thoughts?

Claire Maree:

Yeah, I do tweet as ClaireMareeUoM and also as the president of the International Gender and Language Association. So yeah, you can find me there.

Ali Moore:

Well, thank you. You've both been incredibly generous. And it is a fascinating subject and one that I know that this podcast will revisit. Thank you so much for joining us.

Claire Maree:

Thank you so much.

Allison Alexy:

Absolutely. It was a complete pleasure. Thank you so much.

Ali Moore:

Our guests of being gender studies specialist Associate Professor Claire Maree from Asia Institute, and cultural anthropologist Associate Professor Allison Alexy from the University of Michigan. Ear to Asia is brought to you by Asia Institute of the University of Melbourne, Australia. You can find more information about this and all our other episodes at the Asia Institute website.

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