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Statistical trends and law regulations of Japanese marriage

If Socrates were alive today and living in Japan, he'd say,
“my advice to you is to get married. If you find a good wife,
you'll be happy; if not, you'll become a philosopher”.

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This article will endeavor to examine the process of Japanese marriage through the prism of its law regulations and various requirements, all of which are intrinsic to the formation of a marriage partnership. This will include a range of trends within the sphere of marriage and divorce, numerous examples of documents pertinent and relating to the institution of marriage, as well as several sociological and economic theories of future trends in marriage. The article is based on high quality multiple data sources taken from Japanese census reports, relevantly social statistics and nationally representative large-scale surveys such as the Statistical Handbook of Japan, the Japanese National Fertility Survey and Vital Statistics of Japan (2015), with scientific commentary from fellow researchers in the field.

Key words: law, family and marriage, Japan

About Japanese marriage

The institution of Japanese marriage has proven to be a very interesting areas of research, the scope of which is considerably diverse and wide-ranging. In terms of legal procedures, it is no different from that of most other countries, but the social and culture trends which comprise it, are fascinating and somewhat revelatory in a social context, most notably for scientists. In this article, I will present the law regulations of Japanese marriage, which will encompass past trends once inherent in Japanese marriage and divorce.

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Law regulations of Japanese marriage

To begin with, any future husband and wife must register at a municipal government office. It is here that the appropriate documentation for marriage application is officially filed, thereby beginning the process of civil marriage. It is important to note (japan.usembassy.gov 2015) – that religious ceremonies and other spiritual observances are held at churches or shrines elsewhere, and are not a valid element of the marriage act. Husbands and wives can organize special ceremonies for celebratory or religious purposes, but as previously illustrated, they are not part of the official requirements when conducting the marriage process (Seed 2012).

Article 24 of the Constitution of Japan (日本国憲法, *Nihon-koku-kenpō*), and articles from 731 to 737 of the Japanese Civil Code (民法 *Minpō*) and Family Register Act (戸籍法 *Kosekihō*) give more details of the requirements and restrictions produced by this institution. For example, some wards or prefectures may impose special restrictions on couples (seiyaku.com 2015). Article 24 of the *Japanese Constitution* stipulates that marriage shall be based only on the mutual consent of both sexes, and that it shall be maintained through mutual cooperation with the equal rights of both husband and wife as the existing foundation. Additionally, in regards to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes (Family Register Act 1947).

Following on from this, is the *Family Register Act*, which represents the next important step in the Japanese marriage process. Article 13 of the *Family Register Act* states that in addition to the registered domicile, all relevant matters according to the individual shall be entered into a family register. Article 74 states that people wishing to marry their prospective spouse should submit a notification to that effect, including the surname that both husband and wife will take, as well as other stipulations as specified by the Ordinance of the Ministry of Justice. Article 75 states that the provisions of Article 63 of the *Family Register Act* should apply *mutatis mutandis* in the case where a judicial decision of annulment of a marriage has become final and binding. When a public prosecutor files such an action, he or she shall request that an entry be made in the family register without delay.

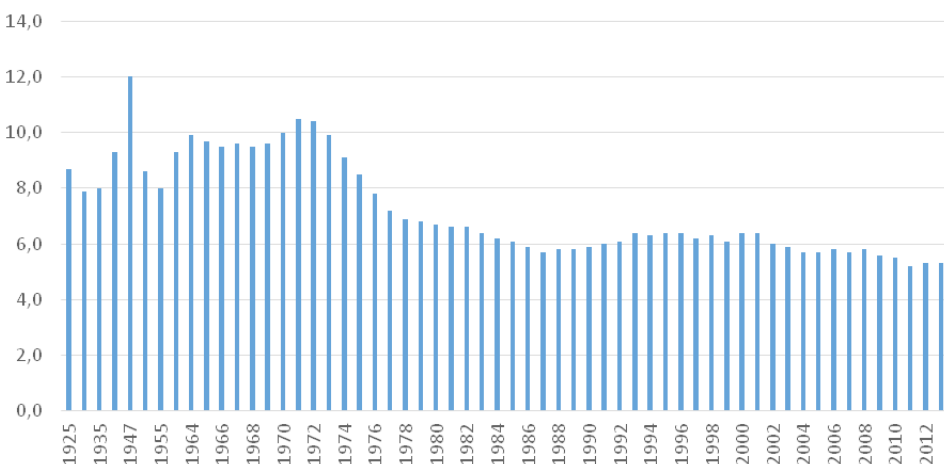
In articles 731–737 of the Japanese Civil Code (book IV, chapter II, section I), we can find many legal requirements for prospective spouses – for example, marriageable age, prohibition of bigamy, period of prohibition of remarriage, prohibition of marriage between close relatives (relative by blood), prohibition of marriage between lineal relatives by affinity, prohibition of marriage, parental consent for marriage of minors, marriage of adult ward, notification of marriage and acceptance of notification of marriage (Japanese Civil Code 1896).

Japan's Civil Code also clearly stipulates that same-sex couples are not legally allowed to marry in Japan, because only a person who is legally a man can marry a person who is legally a woman. Marriage in Japanese law is recognized as being a union between man and woman only (Article 24 of the Constitution of Japan 1946) (Legal Recognition of Same-Sex Relationships 2014).

Trends of Japanese marriage

The Japanese National Fertility Survey, the Marriage Process and Fertility of Japanese Married Couples (jap. *Shussho doko kihon chosa*) is a national survey which is conducted every five years to determine the current situations and backgrounds of married couples throughout the country (this information is not contained within any other publicly available statistics) (*The Fourteenth Japanese National Fertility Survey*, 2010). “The age of the first encounter is higher, the length of courtship has lengthened and the trend of later marriage further strengthened” – we can read in *Overview of the Results of the Thirteenth Japanese National Fertility Survey, Married Couples*. Interestingly, the authors of the report noted that the average age of couples meeting for the first time, had increased for both sexes, with a continuing increase in the proportion of resulting marriages (Kaneko *et al.* 2008).

These significant changes in marriage trends were duly noticed by Robert D. Retherford, Naohiro Ogawa and Rikiya Matsukura, in their book *Late Marriage and Less Marriage in Japan*, in which they detailed how Japan is now one of the main countries in which people marry much later on in their lives. Between 1975 and 2005, the age at which women first married increased from 24.7 to 28.0 years, while for men it rose from 27.0 to 29.8 (see Table 1 below) (Retherford, Ogawa, Matsukura 2001). What is more, in 2013 there was another increase, (see Table 1), from 30.9 for men, and 29.3 for women (www.stat.go.jp 2014; www.jref.com 2013). Primarily, the marriage rate has been increasing since the early 1970s (see Graph 1 below). In the article, *Marriage in Japan*, taken from the website <http://www.jref.com/>, it is stated that many “scholars have attributed this high marriage percentage to confucian ethics of fidelity, to household continuity or the obligation of every person to marry” (www.jref.com 2013).



Graph 1. Marriage rate (1925–2012)

Source: www.stat.go.jp (accessed: 21.12.2016).

Table 1. Mean age of first marriage in Japan

Year	Groom	Bride
1950	25.9	23.0
1955	26.6	23.8
1960	27.2	24.4
1965	27.2	24.5
1970	26.9	24.2
1975	27.0	24.7
1980	27.8	25.2
1985	28.2	25.5
1990	28.4	25.9
1995	28.5	26.3
2000	28.8	27.0
2005	29.8	28.0
2010	30.5	28.8
2011	30.7	29.0
2012	30.8	29.2
2013	30.9	29.3

Source: www.stat.go.jp (accessed: 21.12.2016).

This particular trend in which either fewer Japanese marriages are taking place, or happening later on in life, has noticeably been rising since the 1970s (Fukuda 2013). From 1965 to 1970, the marriage rate noticeably increased, but afterwards the rate subsequently declined, and as such became the general trend in Japanese marriage today. In 2011, there were 662,000 marriages, marking the first time that this figure fell below 700,000 couples. Two years later, 661,000 couples married, the rate dropping to 5.3.

Stephanie Nakajima wrote that some of the reasons for this tendency towards marrying later on in life was due to the following social changes:

- a) socially acceptable to stay unmarried,
- b) income and career become more important than traditional dating,
- c) woman are more ambitious and educated than ever before,
- d) fewer marriageable men on the market,
- e) woman and man houseroles,
- f) unrealistic expectation of both of sexes (Nakajima 2012).

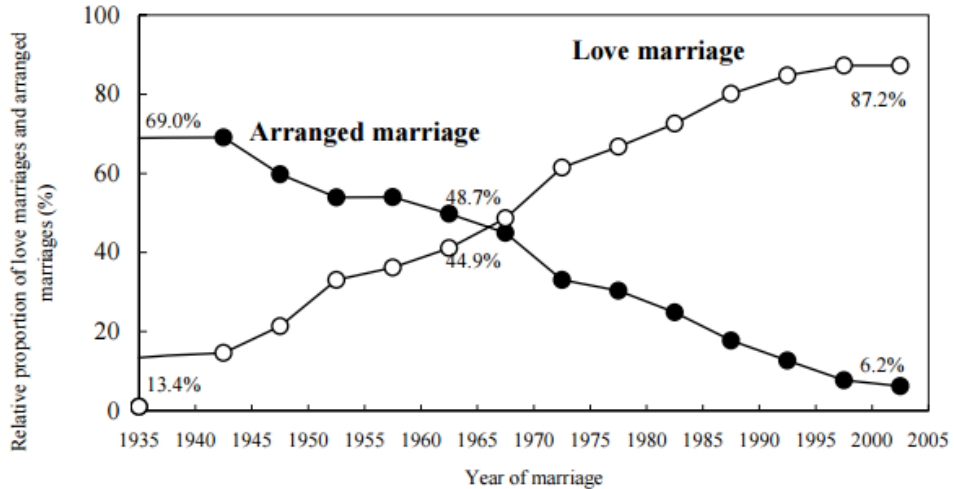
Another author wrote that the reasons are “bound up with rapid educational gains by women, massive increases in the proportion of women who work for pay outside the home, major changes in the structure and functioning of the marriage market, extraordinary increases in the prevalence of premarital sex, and far-reaching changes in values relating to marriage and family life” (Retherford, Ogawa, Matsukura 2001). Setsuya Fukuda in his article *The new socioeconomic marriage differentials in Japan* wrote that today much less is known about the new

relationship between women's economic standing and the likelihood of marriage in Japan, because:

- “whether these new evidences are truly a population trend as they are based on panel data analysis of rather selective cohorts”;
- “whether the emerging marriage pattern suggests an increasing trend of socioeconomic homogamy in Japan” (Fukuda 2014).

Arranged and love marriage

Love marriage has completely replaced arranged marriage during the last fifty postwar years. When analyzing the proportions of these two types of marriage based on the results from the Japanese National Fertility Surveys, we can see that after the war the proportion of arranged marriages consistently fell, and that ever since, this proportion, especially during 1965–1969, was replaced by love marriages (Kaneko *et al.* 2008). The dates below show that there has been a sizeable shift in the percentage between love and arranged marriages, with the latter accounting for nearly 70% of all marriages in Japan in the 1930s, whereas now more than 80% of marital unions in Japan are love marriages (see Graph 2) (Yamashita 2014; Hendry 1981; Kato 2013).



Graph 2. Changes proportions of love and arranged marriage from 1935 to 2005

Source: www.ipss.go.jp (accessed: 21.12.2016).

Summary and conclusions

As we can see, Japanese marriage is constantly evolving as a result of the changes taking place in Japanese society. We can also observe other transformations, such as lower marital fertility and greater participation of married women in the labor force, changes which are very similar to those which took place in other countries around the world, in particular in the industrialized societies of Europe and North America (eastwestcenter.org 2015). The reasons for these trends, can be found in the following:

1. tradition – marriage is one of the duties (www.everyculture.com 2015),
2. more freedom in choosing a partner has translated into people getting married at a later stage in life (www.jref.com 2013),
3. into the 1990s most marriages were facilitated by ‘go-betweens’ (Eberspacher 2014),
4. Japanese marriage usually ends a woman’s working career (Kawaguchi 2015),
5. once they have a child, women face strong social pressure to quit their jobs and assume very traditional roles, serving both the husband and the child (Eberspacher 2014),
6. this trend has been blamed on the fact that woman who rarely saw their husbands while they were working can’t deal with having them suddenly around the house all the time (factsanddetails.com 2015).
7. cultural misunderstandings in international marriages (Rogers 2014).

Japan is now a country with one of the lowest fertility rates in the world, while at the same time having one of the highest longevity rates. It is a remarkable period of change, especially in terms of what it means for marriage and family in Japan. These changes have begun to mix together the age old traditions of Japanese culture with those of Japanese modernity, which surely presages yet more seismic transformations ahead.

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