Divorce in Contemporary Japan

Allison Alexy
Prospectus for Dissertation Research
Department of Anthropology
Yale University
Submitted on February 24, 2004
Research rationale and objectives

Modern Japanese families are the locus for much popular and academic discourse about the state of Japanese society. Changes are often described as problems (e.g.: the aging population, later marriage, the falling birth rate, "parasite singles," and changing attitudes towards sexuality), and they are played against an idealization of nuclear families that include a salaried-father, housewife-mother, and two student children (Kelly, 1990; Ochiai, 1997; White, 2002; Yamada, 1999). This family idiom has also been used to prescribe non-domestic relationships. The Japanese state has promoted various nationalisms by stipulating that all Japanese people can relate as family members (White, 2002), and corporations have legitimized authority and demanded loyalty by extending filial piety to their workplace (Kondo, 1990; Rohlen 1974).

Yet, in recent decades, both lived families and the non-domestic relationships that "family" is used to describe have changed significantly. This dissertation centers on experiences of divorce in Japan within these shifting meanings and practices of family. Considering how individuals, couples, and families experience divorce offers a distinctive perspective on how individuals and families are constituted as the idiom of family and its referents change.

The Japanese legal system shapes divorce practices although the courts are rarely involved. Legal divorce in Japan includes four types: mutual, mediated, court-ordered and jural (cited in Bryant 1992). Over 90% of divorces are legally labeled "mutual," because both partners have agreed to divorce, signed a relatively simple form, and settled property, alimony or child custody issues on their own (Ministry of Health, Labour and Welfare, 2001). Although this is a legal action, family court is not explicitly involved and negotiations of this agreement happen in private and domestic contexts. Such legal definitions of mutuality obscure the conflict, sense of failure, and pain that characterize many divorces, but allow a space for anthropological investigation.

In the early postwar period, because divorce created legal and social stigmas, it was frequently linked in the media with domestic violence and husbands’ extramarital affairs (Iwao, 1993; Lebra, 1984). More recently, divorce has been typologized by other
pop culture buzzwords, including ‘Narita divorce’, middle-aged divorce, and selfish youthful divorce. Based on preliminary research, I suspect that divorce experiences are shaped by the presence and age of children, making divorce pre-, mid-, and post-children very different social experiences. In other words, social patterns of divorce are as critical as and vary from standardizing legal prescriptions and popular media stereotypes. These patterns and the lived experiences behind them are at the center of my research.

Although divorce in Japan has not been the focus of much anthropological work, this project is informed by a range of social science works, including the structures of kinship (cf. Goody, 1973; Schneider, 1980; Scheffler, 1976) and complicated post-divorce kinship (cf. Cherlin, 1992; Goode, 1993; Simpson, 1998; Stacey, 1990; Goldscheider and Waite, 1991); the ‘emotion work’ done to maintain relationships (Hochschild, 1983); transnational and trans-generational differences in ideals of romance and marriage (Hirsch, 2003; Newman 1986; Yanagisako 1985); and how legal and media structures shape and are shaped by lived experiences (Bryant 1992; Comaroff and Roberts, 1981; Kelly 1993).

Research Questions

In light of the academic and popular discourse on divorce in Japan, I am interested in the following clusters of research questions about divorce practices:

(1) How do people describe failed marriages? To what do they attribute the break-up? What makes divorces acceptable and intelligible, both to the couples and other family members or friends?

(2) How do the Japanese legal system and the categories it creates shape divorce experiences? How do divorcing people negotiate the details of divorce that the court does not typically address (e.g.: dividing property, alimony, child support, visitation)?

---

1 Named for Tokyo’s international airport, this refers to women who dump their husbands on the return from a lavish honeymoon. Although the term is now passé, the selfishness it indexes continues in other descriptions of youthful divorce (Ono, 1994).

2 Describing women who wait until their children are grown to divorce husbands they’ve never liked (Imamura, 1996:3).

3 These divorcees are typically described as ‘selfish,’ a word strongly associated with “parasite singles.” This phrase, coined by a sociologist, describes young adults who refuse to get married and continue to live with their parents, using their income for frivolous consumption (Yamada, 1999).
(3) How have changing ideals of romance and marriage affected divorce? What do people expect from a marriage? How do ideals and expectations change in different socio-economic classes and generations?

(4) How do the presence and ages of children affect divorce experiences? Are children described as a reason to maintain a marriage or initiate a divorce? How is child custody negotiated and sustained?

(5) How do macro economic trends shape family life generally and divorce specifically? How does work outside the home influence people’s decisions to divorce?

(6) How are gender and class differences relevant in divorce experiences? How do gender and class identities impact decisions to divorce and post-divorce practices?

Methods

To investigate experiences of divorce in Japan, I will locate myself among four groups: divorce professionals (including include lawyers, court mediators, judges, private detectives, and workers at free legal clinics), support groups, families, and divorcees, and within the family court system and local community centers. I will interview (and re-interview) divorce professionals and will participate in support groups that allow me access. To get an ethnographic perspective on family life in Japan, I will interact with families (divorced and not divorced), married couples and divorced individuals. In addition to these sustained interactions, I will conduct interviews to garner individuals’ retrospective perceptions of their relationships and divorces. Fieldwork for this dissertation will be conducted for twelve to fourteen months in Japan.

---

4 who are often hired to investigate spouses
Bibliography