

For Better or For Worse? An analysis of marriage and divorce changes in Japan

By Bryan Nicol

Under the supervision of Professor Leslie Winston

“For Better or For Worse?” analyzes the changes in Japanese marriage and divorce culture in the 100 years surrounding the turn of the 20th Century. In a relatively short period of time, Japanese society underwent a fascinating transformation from having the world’s highest recorded divorce rate in 1885, to one of the lowest in the world only sixty years later. First, I will analyze the pre-Industrial and Industrial era culture in order to illustrate fully the social implications of marriage and divorce and how they have changed over time. I follow this with an analysis of the theories that attempt to explain divorce rate changes across these specific time periods, both of which lasted for roughly 50 years since 1860 and saw distinct changes in divorce rate trends. Finally, comparisons will be made between the periods with analysis regarding the changes in women’s well-being with respect to the marriage institution to show that the implementation of a marriage and divorce system based on cultural values foreign to the Japanese society inevitably led to a decrease in Japanese women’s socio-economic well-being.

The Meiji Period (1868-1912) of Japan, up until the passage of the Meiji Civil Code in 1898, was characterized by a unique feature. It was at this point in time that Japan had the world’s highest divorce rate. Harald Fuess, in his book *Divorce in Japan*, offers statistical data that claims that the divorce rate of Japan was not only the highest in the world during the 1800s, but that the only country to see an equivalent divorce trend was the United States almost a century later (2004). Yet the reason for the drastic difference is simply because the Japanese society as a whole differed from its western counterparts on various cultural aspects. A community based on the ideals of the *ie*, a trial marriage system, and a complete lack of codification of the marriage institution all facilitated divorce during the Meiji Period, which inevitably left Japanese brides with a greater sense of socio-economic well-being than the western form of the institution did.

In order to understand how the institution impacted brides during the Meiji Era, it is important to analyze the marriage and divorce practices at the time. Many of the marriage and divorce decisions during the 1800s were made through the *ie*, defined as the societal, communal, and familial based relationships that even today is regarded with great importance throughout

Japan. The *ie* is a small, lineage based community comprised of family members, where typically multiple generations will live within the same dwelling with one another (Long 1990). Both Susan Orpett Long, in her book *Family Change and the Life Course in Japan*, and Joy Hendry, in *Marriage in Changing Japan*, agree that marriage was, during this time, a cultural institution driven to perpetuate the *ie* (Hendry 1981; Long 1990). For pre-industrial Japan, this was achieved by means of the arranged marriage rather than a love marriage primarily because a love marriage implies an individual affair—rather than a community based decision—whereas with an arranged marriage the entire family was typically involved (Hendry 1981). Furthermore, the marriage was not simply the union of two individuals, but rather was considered to be the marriage between two entire families (Long 1990). In the Meiji Period and in previous eras, this inevitably gave rise to a trial marriage system, wherein spouses were tested with one another for a certain amount of time to ensure that a well suited match was made.

The trial marriage system seems to be Japan's equivalent to the dating system in America and Europe. Western style courtship has only recently begun developing as a social norm in Japan (Ritsuko 1990), so it can be said that dating as a catalyst for marriage was completely nonexistent in pre-industrial Japan. Trial marriages, however, may almost be analogous. According to Fuess, during the end of the 1800s, nearly 50 percent of all marriages ended in divorce, while half of all divorces were realized within the first two years marriage (Fuess 2004). This seems to imply that the trial marriages themselves were, in a sense, a form of dating, coupled with cohabitation with a spouse and his or her family. Interestingly, since there was a definitive lack of marriage codification in the government, trial marriages, as well as their subsequent divorces, became an easy and common affair.

The absence of a legalized form of marriage in the Japanese culture during the 1800s undoubtedly had a drastic impact on the relative ease of divorce in comparison to America or Europe. Fuess argues that cultural signals that a couple had consummated its married were more dominant than actual legal registration of the union itself, and, in fact, registration of marriages was not even required by the government until shortly before the beginning of the 20th century (Cornell 1990; Fuess 2004). Rather, a young Japanese woman with blackened teeth or a certain hair style could indicate that a marriage had recently taken place, while in other instances it was the birth of the first child that indicated the commencement of a marriage (Cornell 1990; Fuess 2004). There was some record of marriage ceremonies taking place, but Fuess states that on a whole, scholars at the time regarded these ceremonies as small affairs, devoid of much religious, social, or legal meaning (Fuess 2004).

Divorce proceedings seemed to be an equally simple matter in pre-industrial Japan as well. Joy Hendry, for example, refers to the ease with which a husband could divorce his wife with the *mikudarihan*, or “three-and-a-half lines,” which was a simple letter that the husband delivered to his wife or filed with city magistrates (Hendry 1981). Fuess concurs with Hendry, stating that not only was the *mikudarihan* the only required notice to complete a divorce, but on a social scale it was seen as mainly the husband’s prerogative (Fuess 2004). Fuess also adds that in Japan’s entire history, state institutions were involved in only a very minute portion of total divorces (Fuess 2004). With very little government interaction taking place within the institution of marriage during the end of the 20th century, marriage and divorce from a legal standpoint could occur with relative ease.

These three factors—the lack of a legal codification of marriage, the importance of the *ie*, and the trial marriage system—helped develop a society in which divorce was both typical and

frequent during the 1800s. Yet it was not a system that was free from heavy criticism by both scholars of the time and today. Various European scholars at the time claimed that Japan's high divorce rate was highly indicative of the inequality between the sexes and a lack of concern for the overall institution of marriage itself, while some even claimed that the high divorce rate was such a problem that it prevented Japan from becoming a "modern society" (Fuess 2004;141). Hendry claims, for example, that the ease with which a husband could obtain a divorce from his wife reflects her lowly social status as she had very limited options when initiating divorce (Hendry 1981). While Fuess agrees that there was indeed sexual inequality in terms of obtaining a divorce, he points out that women were not as entirely helpless as Hendry may indicate. Fuess sites evidence indicating that a woman's parents could coerce a husband into providing a *mikudarihan*, or in extreme cases she had the option of using a divorce temple as a mediator to settle disputes (Fuess 2004).

Fuess also quotes the scholar J. E. de Becker who states that "the Japanese wife was not regarded so seriously as at present by the husband, and she could be divorced and turned out of the house ... when she was unfortunate enough to incur the displeasure of her lord and his relatives," seeming to imply that it was not entirely uncommon for a wife to be divorced on a whim (Fuess 2004;124). On the other hand, Laurel Cornell in her essay "Peasant Women and Divorce in Pre-industrial Japan," argues that a wife was actually an invaluable aspect to the *ie* as a whole and that marriages that involved the co-habitation with a husband's parents were not negatively affected by the presence of the in-laws. In fact, she argues that the survival of a marriage was more likely if the wife was not the only adult female in the household, concluding that "a woman was not invariably divorced at the behest of her husband or husband's family for reasons beyond her own control" (Cornell 1990:725).

While both de Becker and Hendry strongly argue that the high divorce rate is clearly indicative of women's powerlessness in Japan's pre-industrial society, both seem to ignore that Japan in the 1800s was a society culturally constructed in such a way that divorce was not an uncommon practice. As previously stated, 25% of all marriages was expected to end within the first two years of marriage (Fuess 2004), and it is entirely plausible that with the trial marriage system in place it was more likely a mismatch of spouses that led to a divorce rather than the malevolence of the husband or his parents. This, however, should not be considered a universal truth. Inevitably there will be individual cases in which a spouse of either sex desires to procure a divorce and is unable to do so. Yet the Japanese woman during the Meiji period seemed to be at a clear disadvantage over her male cohort, which clearly indicates a difference in social status between the sexes. Ironically, however, as foreign scholars attempted to alleviate this inequality – as illustrated later on in this essay – women's social well-being in terms of the marriage institution would eventually decline as their right to divorce became more prominent.

During the Meiji Period, the frequency of divorce created a social stigma towards divorcées much different from that of modern Japan. According to Fuess, the divorcée was left with two options: remarriage or returning to her natal home. Fuess states that there was no legal prohibition against immediate remarriage for either sex (Fuess 2004). In fact, recent divorcées were expected to remarry quickly after divorce, and according to Cornell most did. She states that a third of divorced women in one particular case study had remarried within the first year of being divorced, implying that even after divorce women were in no way removed from the marriage market (Cornell 1990). Although the Japanese woman's options after divorce were limited, the ability to return to her family or to remarry implies that some level of her economic

well-being remained stable, as either her family or her new husband would presumably provide for her needs.

Thus, the argument that the high rate of divorce among Japanese couples during this time period reflected a lack of regard for the institution itself may not be entirely true. Rather, the trial-marriage system helped to ensure that an agreeable match could be made between families and allowed for a simple dissolution of mismatched marriages. This facilitated a generally positive well-being for Japanese women specifically in terms of this institution, since simple divorce and rapid remarriage held no social stigma nor presented economic danger. The high rate of divorce should not, then, be so simply associated with a relatively low state of well-being for Japanese women in the pre-Industrial era as many critics are willing to argue. Surely the unequal access to initiating divorce represents differences in the social status of women versus men, yet in spite of this there does not seem to be any substantial or valid argument that can attest to the fact that women's socio-economical well-being in terms of marriage and divorce was not, in fact, equal to that of men's. Women who were divorced were not subject to any social stigma, were not placed in economic danger as they had the opportunity to return to their natal home or to remarry immediately after divorce, and were not removed from the marriage market since most divorces took place within the first few years of marriage.

Yet the heavy criticism from foreign scholars on the various aspects of marriage and divorce in Japan did not go unheeded, and beginning in 1898 with the passage of the Meiji Civil Code, the Japanese began to enter into a cultural transformation that would span the next fifty years. Yet this was based on arguments from foreign scholars regarding the status of women and the marriage institution in Japan that may not have even been accurate. Traditionally the Japanese society based its marriage and divorce values on a Confucianism doctrine, while many

of the foreign scholars were attempting to analyze and critique the Japanese system of marriage and divorce from a Judeo-Christian point of view. Despite the social inequality between men and women in their ability to procure a divorce, Japanese women of the 19th Century maintained a theoretically positive socio-economic well-being, and thus any changes in the system in place had the potential to change this. Regardless, by the end of the 20th century a variety of factors were influencing Japan in such a way that an extraordinary transformation would be seen almost immediately.

The Meiji Civil Code actually expanded the right to divorce to the wife in addition to the husband. Various scholars claimed that the passage of the code brought modernity and security to the Japanese family and rejoiced in the immediate decline in recorded divorce rates by nearly 50% (Fuess 2004). De Becker argued that the decline represented society's rejection of divorce which was caused, he believed, by the equality of men and women in their ability to obtain a divorce (Fuess 2004). Fuess, on the other hand, argues that there are actually two periods of declination worthy of review. First is the extreme decline that took place from 1898 to 1899 immediately following the passage of the Code, followed by a second and more gradual decline from 1900 to 1940, both of which are represented by Figure I from Fuess's *Divorce in Japan* found at the end of this essay.

The first decline, Fuess argues, is due in part to four different possibilities: from changes in marriage and divorce practices, the adoption of a new registration for families, statistical errors, or a combination of all three (Fuess 2004). One of the major problems with the statistics collected at the time is that they no longer recognized common-law marriages as full marriages and thus their data disappeared from the official records (Fuess 2004). The new registration

required by families would have much the same effect, as the number of marriages recognized by legal standards clearly would differ from those recognized purely by social standards.

The first possibility listed above is perhaps more likely to explain the general downward trend in divorce rates that took place over the following fifty years. The scholars in Meiji Japan who had heavily critiqued the society for its high divorce rates had also been calling for a reformation of the marriage ceremony, saying that the ease with which one could marry and divorce detracted from the significance of the institution itself (Fuess 2004). A complete renovation in the marriage ceremony began to take place. Scholars, and even the government, now wanted the ceremony to reflect religious principles and the resulting ceremony became a grandiose affair that would incorporate heavy influences from its Christian counterparts (Fuess 2004). Fuess quotes various scholars who comment on the elaborateness of the affair, saying that previously one could marry for a mere five yen, while after the transformation marriages saw nearly unbelievable cost increases (Fuess 2004).

Interestingly, many argue that it was the increase in the overall cost of the marriage ceremony, rather than the religious principles within the ceremony itself, that would eventually lead to a decrease in the overall rate of divorce. Especially in rural society, Fuess contends, the economic cost of the marriage ceremony had a direct impact on how willing the spouses were to divorce within the first few years of marriage, reflected in the increased average length of time in marriages before divorce (Fuess 2004).

This has some interesting implications. Since the marriage culture in Japan was one that heavily relied on arranged marriage, the western style of dating was still considered to be absent from Japanese society at this time. Even if the arranged marriage could be considered a

mismatch, and this was realized fairly early on in the marriage, spouses were still less willing to divorce because of the sheer cost of the celebration.

Furthermore, the larger scale of the marriage ceremony implies that there was no longer any ambiguity regarding whether a couple was considered married—the immediate community would know when a marriage occurred. With the addition of the Japanese media’s critical and negative response to their country’s high rate of divorce, a couple saw a drastic increase in social opportunity costs of seeking a divorce due to an increase in social stigma against divorce practices (Fuess 2004). Terry Trucco writes that the general response to a divorced woman became increasingly stigmatized in pre-war periods. “The adulteress was dead to society, but the divorced woman was considered even worse ... She had failed as a wife, the one role a Japanese woman is expected to fulfill” (Trucco 1982). This is a stark contrast from the near nonexistent stigma present during the Meiji Era. Whereas previously Japanese women could enter into and leave unions several times with no social consequences, brides of the early 20th Century could be removed completely from the marriage market after one single divorce not only harming their social well-being, but their future economic prospects as well.

This places an interesting spin on the debate between women’s well being and their social status in the Japanese society in terms of divorce. Given the above discussion it seems clear that even though men and women had the equal opportunity to divorce, and thus had also achieved equal social status in terms of their ability to dissolve the institution itself, the socio-economic well-being of a divorcing couple would be considerably less in comparison to those who divorced before the passage of the Meiji Civil Code. The fact that women’s social status had risen from her equal ability in obtaining a divorce became completely immaterial in the face of the increase in the economic and social pressures of marriage.

There is, however, a second theory that seeks to examine the declination in the divorce rate immediately following the turn of the century. Takeyoshi Kawashima and Kurt Steiner in their article “Modernization and Divorce Rate Trends in Japan,” attribute the increase in industrialization to the decrease in divorce rates by the comparison of the affects of industrialization in western societies. Their argument is as follows: In Judeo-Christian based western societies and in Japan as well, industrialization leads to an increase in the importance of the individual. In western societies, in which marriage is characterized by the sanctity of the relationship between two spouses, industrialization will inevitably lead to an increase in the amount of divorce due to an increase on the importance of the individual. On the other hand, Japanese society is a heavily community and lineage based society. In this case, Japanese individuals will also experience a rise in self-importance, but instead this rise will manifest itself in weakened ties to the *ie* system and an increase in the conjugal ties between spouses, inevitably leading to a decrease in the divorce rate. Furthermore, Kawashima and Steiner claim that while it cannot be denied that the local economy will have some sort of impact on divorce in a given area, they contend that there is no direct correlation between the two, especially in the later stages of industrialization (Kawashima and Steiner 1960).

When compared to Fuess’s, Kawashima and Steiner’s arguments seem to be opposite sides of the same coin. Kawashima and Steiner argue that the lengthening of marriage before divorce reflects the strengthening of the individual in contention with the *ie* system caused by the change in the national economy by means of industrialization seen in the early 1900s. Fuess, on the other hand, contends that it was the economics on an individual level that immediately caused the lengthening of marriage before divorce, while social influences on the aggregate level led to a change in the marriage ceremony itself. Both arguments together would imply that both

social and economic pressure on both the individual and societal level led to a complete change in the way the institutions of marriage and divorce functioned in Japan.

At the same time, however, an important question must be raised in light of both of these arguments: In the early 1900s in Japan, were couples divorcing less frequently because they were generally in happier marriages, or was divorce less likely because of the increase in economic and social opportunity costs? If the actual cause can be attributed to an increase in the general happiness of unions, then both women's social status and general well-being would seem to have increased since the passage of the Meiji Civil Code. On the other hand, if the latter alternative is the case, then assuming that the general happiness in marriages remained equal both before and after the passage of the Code, a woman's social status would have increased with her ability in legally procuring a divorce while her socio-economic well-being would have diminished due to the increase in economic and social opportunity costs associated with the dissolution of a marriage.

In either case, women who desired to procure a divorce during Japan's Industrial era inevitably saw an increase in the social and economical opportunity costs for doing so, which further restricted opportunities for the dissolution of mismatched marriages. Thus, while foreign scholars were focusing so heavily on their fight to create "equality" for Japanese women in terms of the law, they did not consider that the ramifications of the implementation of a foreign value system of marriage and divorce into Japan's highly active divorce culture. Women who found themselves in unhappy marriages were now faced with two options: to suffer through the relationship or, as Trucco writes, to be worse than "dead to society." Thus, the Meiji Code, the foreign scholars, and the government had failed Japanese women completely, creating a zero-sum game for those who, before 1898, could have divorced and entered into a new relationship

with ease, maintaining a greater level of social and economic security than after the drastic societal transformations that took place at the turn of the century.

Fig I. (Fuess 2004, fig. I)

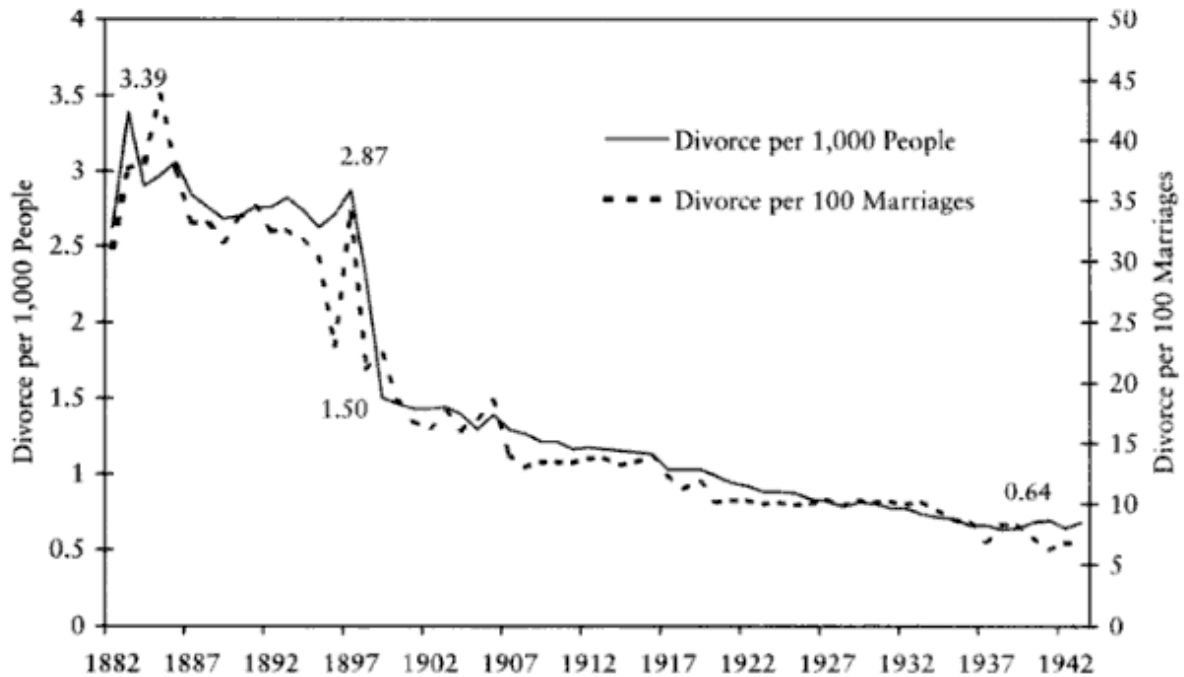


FIG. 1. Divorce Rates in Japan, 1882-1943. (Source: Yuzawa Yasuhiko, "Rikonritsu no suii to sono haikai," in *Kōza kazoku*, vol. 4, *Kon'in no kaishō*, ed. Aoyama Michio et al. [Kōbundō, 1974], 332-33.)

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