

What's in a Name?

By Ekusa Ato

Traditional Japanese society has been characterized by its patriarchal system, giving absolute authority to the family and the father. And in a way the present civil code continues the practice by stipulating that a husband and wife should choose a common surname at marriage. In most cases, they opt for the husband's family name. In recent years, however, the number of young women wanting to retain their maiden name has increased in the wake of the tremendous advance in the social status of women and the diversification of lifestyles.

Women have launched a passionate debate on the issue, and an increasing number of companies now permit their female employees to continue using their maiden name. The result has been a social change that would have been unthinkable before World War II: According to a survey by the Ministry of Health and Welfare, the ratio of women going by their husband's surname after marriage, far from being the expected 100%, is actually only 98.5%.

Therefore, when the Tokyo District Court completely rejected a lawsuit filed by Sekiguchi Reiko, a professor at the national University of Library and Information Science in Tsukuba, who claimed that the refusal of her employer to let her use her maiden name in work-related matters constituted an infringement of her rights, the ruling sparked quite an uproar. Newspapers, which reported the story under prominent headlines, agreed in general that the court's decision went against the current of the times.

"I am very disappointed," stated Sekiguchi after the decision. "This only goes to prove the comments by my foreign friends that Japan is a society that violates the human rights of the individual and suppresses women. The roots of a person's existence lie not in what is written in the family register but in that individual's actual activities. Personal matters should be decided by yourself, not by the state or law."

The court upheld the opinion that the present single-surname system was better than a system of different surnames. "It cannot be denied that a common name for a married couple heightens the married couple's feeling of unity," said the judge. "A common name makes it easier for a couple to indicate to third parties the fact that they are married." Reflecting the fact that the number of women wanting to keep their maiden name has increased, however, newspapers criticized the decision as "lacking awareness of present trends" and "behind the times."

According to a survey of companies conducted in 1991 by an association promoting different surnames for married couples, the practice of keeping maiden names has gradually spread in the corporate world, with 26.8% of firms permitting the custom. To take account of the new social trend toward respect for the individual, the private Sanno University has introduced a so-called working-name system, under which it allows aliases and maiden names to be used for business cards, the staff register, various documents, and activities both within and

outside the college.

Recruit Co. introduced a similar system in July 1989, allowing other names to be used for any matter concerning the firm. Now 40% of Recruit's married female employees keep their maiden name. Perhaps the most pioneering is Marui department store which continues to use a woman's maiden name unless she submits notification of a change. Of Marui's 500 married female employees, 70% use their maiden name.

But it might be too premature to give the nod to a system of different surnames for spouses. After all, the problem brings into question the very essence of the individual's lifestyle and the family's role. But still an increasing number of educated women in Japan believe that it is quite natural for married couples to have different surnames.

The Legislative Council, an advisory body to the minister of justice, has been discussing reform of the civil code for years. Gathering opinions on the subject of surnames from representatives from various walks of life, the council found that a growing number of people supported a system of different surnames. Even the Ministry of Justice's report on the survey, which might have been expected to come out on the conservative side of the debate, voiced these liberal views. Some representatives even went further, suggesting that the ministry should go beyond the civil code and carry out a thorough reform of the family register system.

The civil code of the Meiji period (1868-1912) gave the right to decide on a surname to the household, and the present civil code grants the right to the married couple. Now women want the right to be given to the individual. The latest court ruling shows that a large gap exists between the consciousness of today's young women and the judges who seek to uphold the law.



Photo: Kyodo News Service

Recently, women have voiced opposition to changing their maiden names. Professor Sekiguchi sued for the right to continue to use her surname at her place of work.

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