

Webinar co-sponsored with Richardson Law School Pacific-Asian Legal Studies Program

Marital Surname System in Japan - the Fufubessei Issue and the Disparate Impact of Civil Code Article 750 and Family Registry Law

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Fufubessei or "selective marital surname" has reemerged in media headlines. Japan appears to be the only country in the world that holds onto the unitary surname system, under which 96% of wives relinquish their birth surnames. At the grassroots level, liberal lawyers and feminist activists have been advocating for the introduction of a system that allows a married couple to choose whether they select one family name or retain their own surnames. Some activists took the matter to the UN Committee on the Elimination of Discrimination Against Women, which has been pressuring the Japanese government. This paper presents that the current Japanese law pertaining to a marital surname produces a disparate treatment of part of the population, despite the law facially providing individual freedom of choice and gender equality as stipulated in the Japanese constitution. This paper approaches this issue with both social and legal backgrounds.