1 The *koseki*

*David Chapman and Karl Jakob Krogness*

## Introduction

Our aims in compiling this manuscript are twofold. Firstly, we provide an extensive and critical overview of the Family Registration System (*koseki seido*) in Japan for an English-speaking audience. Secondly, we bring both historical and contemporary contexts relating to family registration together, to examine Japanese citizenship, nationality and identity from an original perspective. To date, no book has incorporated historical as well as contemporary dimensions to survey the topic for a wider English readership as has been done here. This book is about furthering our knowledge of state functions and indeed the nation-state itself, through engaging critically with important issues relating to the *koseki* while at the same time providing a platform for further investigation.

Globalization, contemporary lifestyles and the legacies of history have placed significant pressures on most nation-states. Japan is no exception to these influences. Indeed, it would seem that Japan is under particular strain because of significant demographic change, disputes over territorial borders with neighboring nations, an unstable political leadership and growing nationalism and conservatism from within. These pressures and shifts, both external and internal, affect the Japanese state in complex and unexpected ways. Critically examining an extremely powerful instrument of the state like the *koseki* from a number of diverse viewpoints creates an excellent opportunity to gain further insight and understanding into such social and political change.

Indeed, the study of the procedures and mechanisms for identifying and documenting people provides an important window into understanding statecraft. As Torpey (1999: 6) states, the procedures and mechanisms for identifying persons are essential to understanding the development of modern states. The *koseki* is socially entrenched with a long history of population governance, social control and the maintenance of social order. At the same time that it provides identity it also imposes identity on everyone registered. Moreover, the state receives validity and legitimacy from the registration of its inhabitants. In other words, the codification of the population through the formalized legal identification of nationals/citizens is crucial for the state to be acknowledged, as are the ways in which people are excluded, overlooked and remain unidentified.
There has been a growing recognition of the importance of “identification” in studying fundamental processes in the multiple operations of the state (for example see Caplan and Torpey 2001; Noriel 2001; Chen et al. 2012; Lyon 2007; Lips et al. 2009; Rupert 2011; About, Brown and Lonergan 2013 to name a few). This study adds to this growing literature.

The thirteen chapters in this volume have been contributed by researchers in Japan, Australia, the United States, Korea and Europe to add a rich depth of knowledge and theoretical perspectives through a variety of disciplinary areas including history, gender studies, sociology, law and anthropology. Each contributor provides insights that bring us closer to a comprehensive grasp of the role, effects and historical background of what is fundamentally a crucial and influential instrument of the Japanese state.

**State and family**

The underlying role of the *koseki* is to identify, categorize and define the population of Japan. It is fundamentally a civil registration system that records and documents individual civil status by household unit and is the definitive state mechanism for determining an individual’s legal identity as Japanese (*nihonjin*). However, unlike a birth certificate, which is used in many countries\(^1\) as a form of individual identification, the *koseki* situates the individual within a family and within familial relationships. The *koseki* applies a principle based on the “*ko***.” The “*ko***” thus represents the fundamental unit of society. As Mori (this volume) writes, the “*ko***” is the administrative household unit that the *koseki* system organizes the registered within. This unit changes over time (for example through the ancient, Edo, prewar and postwar periods) Furthermore, it is dynamic and changes as the circumstances of family members registered on it change. Births, deaths, marriages, divorces are all recorded (see Figures 1.1 and 1.2). The *koseki* also records the permanent register (*honseki*) and the resident registry (*jiũminhyō*) records any change of address. (See also a sample in Ninomiya, Chapter 10 in this volume.)

The continuous monitoring of such events creates an intrinsic, state-monitored and comprehensive system of surveillance unlike most other nations. In other words, the *koseki* provides exceptionally detailed information in making the population comprehensible and legible to the Japanese state. James Scott (1998: 2) highlights “legibility as a central problem in statecraft” particularly for arranging “the population in ways that simplified the classic state functions of taxation, conscription, and prevention of rebellion.” As Scott (1998: 2) elaborates,

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It is in this “narrowing of vision,” “simplification” and “sharp focus” where the hazards and problems of the koseki system endure. By its very design, the koseki system creates a process that reduces social complexity and diversity into digestible, comprehensible and definable information. Such reductionism leads to the essentialization and homogenization of the population for the very purpose of careful measurement and control of the kind Scott mentions above.
However, the detailed and dynamic information provided by the *koseki* entails a far more wide-ranging impact than would normally be associated with forms of identification such as the birth certificate. The family structure as a frame of reference is dictated by the state through the *koseki* in a top-down fashion. As Mackie (Chapter 12 in this volume) clearly articulates, the state defines the family in terms of a “heterosexual couple of Japanese nationality who produce children by biological reproduction of children genetically related to two

![Figure 1.2 Koseki](translation)

<table>
<thead>
<tr>
<th>Legal Domicile</th>
<th>Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of household</td>
<td>Name</td>
</tr>
</tbody>
</table>

### Matters for Family Registration

<table>
<thead>
<tr>
<th>Revision of family registration</th>
<th>[Reason for revision]</th>
</tr>
</thead>
</table>

### Registrant 1

<table>
<thead>
<tr>
<th>[Name]</th>
<th>[Date of birth]</th>
<th>[Marital classification]</th>
<th>[Father]</th>
<th>[Date of birth]</th>
<th>[Reports date]</th>
<th>[Presenter of birth]</th>
<th>[Relationship to parents]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Date of birth</td>
<td>Husband</td>
<td>Name</td>
<td>Date of birth</td>
<td>Father (or the person in the family register)</td>
<td>First son</td>
<td></td>
</tr>
</tbody>
</table>

### Identity matters

#### Birth

<table>
<thead>
<tr>
<th>[Date of birth]</th>
<th>[Birth place]</th>
<th>[Name of city]</th>
<th>[Date birth was reported]</th>
<th>[Reported date]</th>
<th>[Presenter of birth]</th>
<th>Father (or the person in the family register)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Date of birth]</td>
<td>[Name]</td>
<td>[Date of birth]</td>
<td>Marital classification</td>
<td>[Father]</td>
<td>Name</td>
<td>[Date of birth]</td>
</tr>
</tbody>
</table>

### Marriage

<table>
<thead>
<tr>
<th>[Date of marriage]</th>
<th>[Spouse’s name]</th>
<th>[Address]</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Date of marriage]</td>
<td>Name</td>
<td>Address</td>
<td>Name</td>
</tr>
</tbody>
</table>

On this family registration are recorded in writing all matters of verification

<table>
<thead>
<tr>
<th>Date</th>
<th>Mayor</th>
<th>Name</th>
</tr>
</thead>
</table>
parents.” However, this narrow framework within which all Japanese are positioned does not reflect the everyday lived practices of family interactions and relationships in contemporary Japanese society. This results in disparity that disrupts many lives and can lead to enduring forms of marginalization and exclusion.

Further, the *Koseki Law* (*koseki hō*) is intertwined with other laws, in particular, the Civil Code (*minpō*) and the Nationality Law (*kokuseki hō*). This complicated intertwining makes for an extremely potent legal amalgamation. This formidable influence over the lives of Japanese nationals is well understood by activists within Japanese society who have continuously campaigned for change. At the same time, however, powerful elites in the Japanese government are very aware of the *koseki*’s effect and authority and are resistant to change that they consider may compromise family and, by extrapolation, the nation.

There are numerous ongoing campaigns for reform to legislation connected with the *koseki* by activists. One such example transpired in March 2013. A public gathering titled Comply with Article 24 of the Constitution: Pact to Abolish Discrimination Against Women organized by mNet-Information—Network for Amending the Civil Code and the Japan Federation of Bar Associations Nihon (*Bengoshi Rengōkai*) was held at the Assembly Hall of the House of Councilors (*sangiin giin kaikan*) in Nagatachō Tokyo to discuss Clause 24 of the Japanese Constitution in relation to problems incurred by family law as it presently stands. Clause 24 was included in the postwar Constitution mostly through the efforts of multilingual translator Beate Sirota Gordon and stipulates the equality of the sexes. The two main issues raised at the gathering were the right to different family names for married couples (*fūfubessei*) and the problems of family registration of children born out of wedlock (see White, Chapter 14 in this volume). Politicians in favor of the changes necessary to the Civil Code and Family Law spoke frankly at the rally. In particular, they pointed to the recalcitrant position of conservative politicians that equated such legislative changes to the “collapse” (*hōkai*) of Japanese society, as a fundamental obstruction to reform. This reveals an underlying belief among the very top of Japan’s governing elite that a “stable,” “definable” and “morally sound” family is vital for the nation’s stability and social order. It also demonstrates a desire by such conservatives to maintain control and a paternalistic influence through maintaining the status quo of the *koseki* to define the family within the present limited frame. What fundamentally underpins this limited framework is the “stable,” “definable” and “morally-sound” family that the *koseki* system defines within its rigid family matrix. In the prewar period this was centered on the household head but today is centered on the contested same conjugal surname principle. The general sentiment at the rally was one of hope but this was countered by an acceptance that necessary reform would not transpire any time soon.

In most nations legal reform of family law has been slow to catch up with the reality of social and cultural change and advances in technology. In contemporary Japan, Mackie (Chapter 12 in this volume) underscores changes such as
international marriage and new assisted reproductive technologies that have brought new challenges and an ever-increasing gap between the legal covenants of the koseki system and the everyday practices of family relationships. Mackie critically investigates the complexity of situations outside of the expected pattern such as children born outside of wedlock (who are still categorized indirectly in the koseki but directly in the birth notification as “illegitimate”), children born after divorce or death, adopted individuals, children of international marriages, children whose parents are unknown, and children who are born through assisted reproductive technologies. Through case studies she concludes that the assumptions held through the modern koseki system no longer correspond to the diversity of present family contexts in Japan.

In Chapter 14, White also takes a close look at the right of unmarried couples to have their child listed without indication of legitimacy and the right to have separate last names for married couples (fufubessei). One of the barriers to these particular problems is the fact that the koseki system only recognizes legal marriage when a couple forms a family that shares a common family name. In her study, White traces the struggle of Tanaka Sumiko and Fukukita Noboru through decades-long activism and argues that the entanglement of social norms, legal contradictions, and the continued domination of a particular heteronormative family structure are embedded in the koseki document itself.

Tensions between competing discourses of the heteronormative family and sexual citizenship are the focus of Maree’s study (Chapter 11 in this volume). She highlights how, in the Japanese context despite the necessity of the debate on same-sex partnerships and ultimately engaging with the system of household registry, the koseki is noticeable in its absence within the debate on same-sex partnerships. Despite demands for access to marriage and for individual rights irrespective of marital status being fundamental to global mobility and sexual citizenship in contemporary Japan, these are often silenced aspects.

Following on from this, Ninomiya (Chapter 10 in this volume) provides an in-depth look at the various problems encountered with the koseki by individuals with Gender Identity Disorder (GID). He problematizes the koseki system’s registration by the unit of the “family” as opposed to the individual through the example of the legal gender change of GID individuals, which highlights the general phenomenon of “koseki feelings” that arises from shared registration and the koseki’s fundamental infringements on the right to privacy. Indeed, in other writings Ninomiya has advocated for change from a family-based system of registration and identification to an individual system (Ninomiya 2006: 24).

**A long history**

In 2012, the oldest example of the Japanese koseki was unearthed at the Kokubumatsumoto site in Dazaifu Fukuoka Prefecture (Yomiuri Shimbun, June 13, 2012). The records are wooden strips 32 centimeters long and 8.2 centimeters
wide and are dated from the seventh century, Japan’s Asuka period (592–710). This is around the time the koseki was introduced into Japan from China following the Taika Reforms of 646. On the wooden strips are the names of sixteen people with details of gender, health, profession and status. The koseki was essential to the new ritsuryō state that Japan had become. It defined, documented and identified the governed and was an indispensible method of centrally organizing and administrating the people in order to allocate labor and land, introduce conscription and collect taxes. However, the basic social unit recorded on the koseki of this period was quite different to the family unit recorded much later on the ninbetsuchō during the Warring States Period (sengoku jidai approx 1467–1568) or the shūmon aratamecho (Sectarian Inspection Registries) during the Tokugawa period (1603–1868). During the Tokugawa period, Japan consisted mostly of independent but loosely maintained feudal domains with little centralization. The koseki defined the population through social status (mibunsei) and firmly anchored people to locality with movement between domains or status levels virtually impossible. Different again, was the koseki that represented the prewar “ie” and postwar “nuclear” family of today. As Mori (Chapter 4 in this volume) argues, the structure and what constituted the fundamental unit was dictated and defined by the needs of the controlling polity during each of these historical periods. This arrangement greatly facilitated state power through the various stakeholders responsible for ensuring the correct conduct of those registered.

The impact of family registers historically has been multilayered creating complex legacies that diversely impact contemporary Japan. Members of former outcastes have been particularly affected by historical events. Understanding the history of outcaste registries is crucial to fully grasping this contemporary context. Tsukada (Chapter 2 in this volume) provides insight into the processes of documentation and population control and the institutional character of population registers in Osaka during the seventeenth century by focusing on the Hinin (outcaste) population and the connection with Fallen Christians (korobi kirishitan). Based on primary source documents from the period he provides unprecedented detailed insight into Hinin fraternities and their workings.

Amos (Chapter 3 in this volume) complements this by examining the local social effects of changes in registration on outcaste communities in the early Meiji period. Amos neatly contextualizes the historical background on how registration practices worked in the early modern population and continues by discussing the establishment of the 1871 Household Registration Law (koseki hō) and how it hastened the dismantling of the Edo outcaste order to create legislation which disempowered outcastes in irreversible ways. Moreover, Amos concludes that the early Meiji elites, through the Household Registration Law and Emancipation Edict, were motivated to eradicate early modern political cultures developed by people on the margins of Japanese society. Amos argues that these political solicitations ended the diverse and autonomous political systems of regional governance.
Mori (Chapter 4 in this volume) provides a comprehensive account of the trajectory and background of population registries from ancient times to the late Meiji period. He argues that the state’s desire to comprehensively grasp the population through ensuring registration marks the modernization of the koseki. Moreover, Mori underscores that the koseki had a central role in regulating the “ie” stipulated in the family sections of the Civil Code. This facilitated direct intervention into the family. Mori also informs us that, as an annexed law to the Civil Code, the koseki law had a great influence on “ie” and the standardized “ie” model, once introduced, did away with the regionally diverse family patterns.

The introduction of modern legal codes and practices incurred debate in the late 1800s about the need for a system of family registration (Kokusekiho Shingiroku 1898, No. 288: 25–26). In particular, it was argued that the koseki would no longer be necessary with the introduction of the Nationality Law (kokuseki hō) (implemented in 1899) (see Chapman, Chapter 6 in this volume). However, a unique approach to population governance was developed in which the local Family Registration System was retained as the new legal codes were introduced, creating a two-tiered approach to identification and documentation (Chapman, Chapter 6; Kamoto, Chapter 5; Krogness, Chapter 9 in this volume). The conflation between Japanese nationality and family registration that this caused is still felt in Japanese society today. Marriages between Japanese nationals and foreign spouses eventuate in family registration that excludes the foreign spouse and anyone else in the family without Japanese nationality. This has led to various bureaucratic and administrative problems relating to identification and documentation which were partially resolved with the introduction of changes to the new registration system in 2012 (see Chapman 2012). However, it still remains that only Japanese nationals can be registered on the koseki meaning that, until legislation is changed, “multinational” families will always be incompletely documented on family registers.

The historical background for this situation is provided in Chapter 5. Kamoto discusses the historical and sociological significance of international marriage and intermarriage in Japan in relation to the koseki system. She uses the metaphor of layered nationalities conceived as interdependent boxes (hako) to argue that spatial hierarchies developed during Japan’s emergence as a modern nation differentiated between Japan’s inward (domestic) and outward (international) representation of Japanese status (nationality). Kamoto connects these observations with the colonial context, where marriage and adoption into Japanese naichi families (and their naichi koseki) facilitated movement from gaichi to naichi nationality. Kamoto also discusses the contemporary context in which marriages between Japanese nationals and foreigners result in the foreign spouse being excluded from the koseki.

In Chapter 9, Krogness explores in what ways and to what degree the koseki system influences the Japanese jus sanguinis-based nationality. Proposing an alternative principle that he calls jus koseki and identifies as a type of jus domicilis, Krogness examines the koseki’s role in relation to Japan’s
nationality-related legislation from 1871 until today and finds that Japanese nationality in practice rests on inclusion as a registered member of a particular ko unit. The state effectively delegates the official registration of citizens to the parents, fundamentally making the ko unit the gateway to Japanese citizenship. Krogness’ chapter includes a discussion of some recent cases of unregistered children. These cases highlight how this koseki-based registration of citizens cannot adequately secure children’s right to citizenship due to failures at the level of the household but most fundamentally the level of the state and its koseki system. As the koseki system is clearly deeply influential at the level of the state, the family and the individual, Krogness proposes that the principle of jus koseki should be developed further, beyond the question of nationality.

From the Meiji period (1868–1912) through to the early postwar period koseki registration not only impacted enormously on Japanese society but also the neighboring societies of Taiwan, the Korean peninsula and some parts of China. Chapman (Chapter 6 in this volume) suggests that the process of modernization and imperial expansion can be usefully discussed in terms of an order-making process in which the koseki played a major role. He argues that the order-building capacity of the family registration system resulted in, not only a form of social order and control, but simultaneously the creation of disorder and numerous communities of “strangers” and “undecidables” within the nation and empire. As Chapman explains, the Japanese empire utilized the bureaucratic and administrative power of the koseki in securing sovereign control over colonial territories and their peoples. The ambitions of empire meant that the power of the koseki reached across borders and oceans into neighboring states, affecting millions in Northeast Asia.

The koseki’s influence and presence has thus been both historic and geographic, traversing both time and space to impact on individuals, communities and whole nations across the region. Kim (Chapter 7 in this volume) discusses the historical emergence of the Chōsen koseki and the social and legal interactions that surrounded the registration process during Japan’s colonization of the Korean peninsula. He reveals that for hundreds of thousands, if not millions, of Koreans who left Korea after liberation from Japanese rule in 1945, the inaccurate registration or non-registration on colonial registers has meant they have been excluded from gaining special residency visas for overseas Koreans. He argues that this adds a significant dimension to the koseki registration problem and provides important insights into both the broader dynamics of the Japanese empire as well as its rhetorical claims to incorporate all of its imperial subjects under impartial rule.

Tong and Asano (Chapter 8 in this volume) also provide us with deep insight into the central role the koseki has played in the attempts to return to Japan and regain Japanese citizenship by Japanese war orphans (Chūgoku zanryū koji), who were separated from their Japanese relatives in Manchuria during the final stages of the Second World War and remained behind in Northeastern China. The effects of this historical incident are ongoing, dramatically influencing the lives of individuals across both nations. The authors tease out the political,
legal and social dimensions and the complex role at the level of the state, family and individual of the koseki in creating barriers to reuniting with their families and regaining citizenship.

Since the implementation of the Nationality Law (kokuseki hō) in 1899, the Family Registration System has determined Japanese nationality (kokuseki). In principle, someone with at least one parent who is a Japanese national acquires Japanese nationality once the birth is registered. However, until koseki registration occurs a passport cannot be issued. A passport can only be issued if one is registered on the koseki. Again, diverse circumstances of background, family and social status means that some individuals in Japanese society are unregistered and therefore stateless. Registration is required for formal existence and lack of a koseki prevents the individual from accessing many state and local services normally available to residents in Japan. Chen (Chapter 13 in this volume) provides valuable commentary on the problems encountered by residents in Japan who are not registered on the koseki and are therefore complexly situated as stateless as well as unregistered. Drawing on actual cases and historical background, Chen provides insight into the lives of people in this situation and reveals how they negotiate the many social pitfalls they encounter. There are significant numbers of individuals and families in this situation in Japan creating a serious social problem requiring state attention. The documentation of registration and legal national belonging are not mere pieces of paper but actually verify people’s existence, rights, identity and the very validation of people’s lives. Chen argues that society needs to protect the rights of the stateless against systems that are inadequate in dealing with reality and calls for a rethink on how nation-states treat the stateless and unregistered.

Koseki research

Despite this obvious authority and influence of the koseki in Japanese society, it is still under-examined, under-theorized and has received only minor attention in English academic studies and limited address in Japanese scholarly contexts. The koseki is mainly addressed by legal scholars and people negatively affected by the koseki system. Given the deep embeddedness of the koseki system in Japanese society, it is not surprising that we as koseki researchers are often met with puzzlement when we mention our research topic. We can surmise that since the vast majority of the Japanese population are registered in unproblematic koseki registers — that is to say, registers that reflect the conjugal family — sociologists, anthropologists and historians would also most likely have a blind spot in terms of the koseki as a relevant research problem.

This book is important because it links Japan’s past and present through the lens of a key instrument of population governance and social control to offer a deeper understanding of Japanese society. Further, reflecting the widespread structural influence of the koseki in Japanese society and beyond, the book not only examines key sociological dimensions, it also lays bare the
shared underlying dynamics of central and often well-known phenomena that are widely disparate and therefore often studied separately. The contributors, experts in their fields, provide insight into the interaction between government regulations and inter alia sexuality, gender, ethnicity and legal status in Japan.

Even in Japan, *koseki* studies are not particularly prominent despite the fact that Japanese *koseki* researchers already, half a century ago, showed that the *koseki* system is crucial to understanding the historical trajectory of citizenship, nationality, identity, state-society relations in Japan and not least the family, especially in relation to the emergence and the materialization of the prewar ‘*ie.*” Most prior research on this topic has been published in Japanese, for example the seminal research of Ishii Ryōsuke and especially that of the members of the “*Ie* seido kenkyūkai conducted from the mid-1950s onwards under the leadership of Fukushima Masao (see Fukushima 1959, 1967; Ishii 1981; Toshitani 1996; Toshitani 2005). This research focused on the structural and historical features of the *koseki*. Another member of this research group, the legal sociologist Yamanushi Masayuki (1958, 1962), focused on this system’s societal and cognitive aspects. In addition there emerged literature criticizing particular discriminatory aspects of the *koseki* system. These authors, who are often lawyers, feminists and/or activists, focus on how the *koseki* system infringes on the rights of Burakumin, women and children (Fukushima 2001; Miyamoto et al. 2011; Sakakibara 1992; Ōta et al. 1994). Other research on the history of the *koseki* has centered on brief historical periods or a particular issue (see for example, Cornell and Hayami 1986: 311–28; Hirata 1973: 59–96; Ishii 1981; Matsumoto 1977: 80–89; Okuyama 2006: 350–67; Chapman 2011a; Endō 2009, 2010a, 2010b).

Some more recent studies in both English and Japanese have investigated facets of the *koseki* in relation to marginalized communities such as the Ainu (Howell 2005; Emori 1997), Burakumin (Neary 1997; Amos 2011; McCormack 2012), the “Westerners” (so-called Ōbeikei) of the Ogasawara Islands (Chapman 2009, 2011b; Ishihara 2007) and the colonies of Taiwan, Korea and Manchuria (Endō 2010a, 2010b; Ryang 1997; Chapman 2008; Kashiwazaki 2000; Krogness 2004). Others have addressed marginalization in contemporary Japan resulting from the patriarchal and heteronormative nature of the *koseki* (Krogness 2011, 2013; Mackie 2009; Ninomiya 2006; Lunsing 2001; Maree 2004; Bryant 1990, 1998). There are English-language studies on the hegemonic family model that the *koseki* system represents (Krogness 2008, 2011, 2013), but more work is clearly needed on the relationship between the *koseki* and the family, be that the prewar “*ie*” or the postwar two generational family. Previous interpretative research has improved our knowledge in relation to legal aspects of the Family Registration Law and the Nationality Law and their interrelatedness (Schieber and Mayali 2009). However, these studies deal with limited aspects of the *koseki* system. This project goes further in providing insight by firstly focusing on the processes of identification and documentation as state practices of population management and social control and secondly by taking a historical perspective tracing the development of this legislation.
Terminology and concepts

Translation of historically dependent terminology and concepts from one language to another can be a tricky task. This has been especially true in compiling this volume. In this section we provide some commentary on the main concepts, language and historical context. Mori (Chapter 4 in this volume) has covered much of the vocabulary associated with the koseki during the Tokugawa period. Here we mostly look at that which is used from the beginning of the Meiji period (1868–1912) until the introduction of the Nationality Law (Kokuseki hō) in 1899.

In the original jinshin koseki (1871) a number of terms were used to describe the population of Japan. For example, jinmin, kokumin and shinmin were all used in this original document. All of these mean virtually the same thing in this context, that is, “the people.” Kokumin, as explained below, changed later to mean “a national of Japan” and shinmin in many contexts is more appropriately described as “subject.” The majority of the legal terms used in association with the koseki have emerged in the Meiji period and by way of Japan’s modernization. In the 1870s and 1880s Japan sought advice from foreign, mostly European, legal experts with regard to the introduction of modern legal codes. Hermann Roesler (1834–94) came to Japan in 1878 and was very influential in the development of the Meiji Constitution and its emphasis on the right of the emperor over the people. French scholar Gustave Emile Boissonade Fontarabie (1825–1910) who came to Japan in 1873 had strong influence over the design of the Civil Code. However, after some resistance by Japanese conservatives aspects of German law were adopted to address fears that loyalty to family heads and the emperor may be compromised.

The Japanese legal codes therefore were based on translation of drafts written in German and French. For example, the term kokuseki first appeared in drafts relating to the Civil Code (minpō) in the 1880s. In most cases the term is translated as “nationality” in English, however, the original term was Staatsangehörigkeit (citizenship or nationality) appearing in Roesler’s draft of the Constitution. According to Ninomiya (1983: 218), the German term was originally translated as kokumin taru shikaku (the right to be a national) rather than just “citizenship” or “nationality.” As the Japanese empire expanded to include Taiwanese, Koreans and inhabitants of Manchuria the terms kokumin and shinmin were used to describe those registered on colonial registries as well. In the volume we have tried to provide as much context in translation to provide as much accuracy as possible for each particular historical period.

Book structure and future research

The book is divided into three sections. The first section, Early History, has two chapters that deal with the various Household Registration Systems during the Edo period in regard to outcaste groups and the transition at the
beginning of the Meiji period. The next section, Nation and Empire, consists of six chapters that cover the formation of Japan as a nation and its expansion as an empire. This chapter also includes the early history of the overall koseki system. Section three, The Present, draws attention to the complexities of the koseki in contemporary Japan by focusing on specific problem areas.

Despite the extensive coverage that this book provides it is not comprehensive; there is still much research needed on the koseki system. There are still gaps in knowledge both historical and contemporary. For example, the history of Okinawa in relation to Japanese family registration is a facet which is not addressed in this volume. There are a number of aspects of Okinawan family registration that are crucial to presenting a fuller picture of the koseki story. Unlike Taiwan, Korea and Manchuria where the koseki system was abolished after the end of the Second World War, Okinawa retained family registration. However, under Article 2 of the Nimitz Proclamation of 1945 the jurisdiction of Nansei Shoto by Japanese authorities was suspended. On July 26, 1945 Japan signed the Potsdam Declaration agreeing to the terms of surrender. Japanese sovereignty was then limited to Honshu, Hokkaido, Kyushu, Shikoku and minor islands as determined by the signatory nations. The following year on January 29, 1946, SCAPIN 677 with the subject heading “Governmental and Administrative Separation of Certain Outlying Areas from Japan” was issued. This directive stipulated that the area located south of the 30 degree north latitude (revised on December 5, 1951 to include three islands of Kagoshima Prefecture) was no longer under Japanese jurisdiction.

During the final stages of the Pacific War koseki records on Okinawa were reportedly destroyed. The reconstruction of these records was a difficult process, complicated by the fact that many Okinawans living overseas during the war had to prove their Japanese status upon their return without these records (Okuyama 2006: 350). Okinawa was under US administration and this necessitated the administration of koseki records to be conducted in Fukuoka on the mainland after they were reintroduced in 1948. Moreover, under US occupation the Civil Code (minpō) and the Koseki Law (koseki hō) were revised and implemented on the mainland of Japan in 1947, but in Okinawa the prewar versions remained in place from 1948 for 9 years until 1957 (see Okuyama 2006: 349). Under the United States Administration of the Ryūkyū Islands (USCAR) the legal status of Okinawans was decidedly ambiguous. Okinawans were recognized neither as Japanese nor as American nationals but defined as “Ryūkyūan people” through registration on the Ryūkyūan koseki providing they resided in the Ryūkyū Islands. Non-resident Ryūkyūans were only allowed to visit the islands on official or compassionate grounds and required a Japanese passport or ID certificate issued by the Japanese government. Those residing in the Ryūkyū Islands during the prewar period but not registered on the koseki were required to register as non-residents of the Ryūkyūs. Ryūkyūan residents were required to carry ID certificates issued by the US authorities when going abroad or to the mainland of Japan (see Hook and Siddle 2003: 81; see also Yamagami 2012). Once the Ryūkyū Islands were returned to Japan in 1972
these requirements were lifted. Similar to the Ryūkyū Islands, the Ogasawara Islands is another location that is only briefly covered in this volume (see Chapman, Chapter 6). The history of the koseki in relation to the Ogasawara Islands is not only interesting but also very important. There are numerous examples of legal, social and political differences between the mainland koseki and that implemented on the Ogasawara Islands (for more on this see Chapman 2011b).

The reader may also be wondering what role the koseki played in the colonized territories of Micronesia (Nanyō). The koseki was not introduced into Micronesia. Peattie (1988: 111–12) informs us that, “Micronesians were accorded the lowest place of all [the empire’s] subjugated people” and seen as “different in status from imperial subjects.” Indeed, Micronesians could not acquire imperial subject status unless through naturalization or marriage. Even so, by 1934 only three Micronesian women married to Japanese men had naturalized.

Although not comprehensive, we hope this book fills important gaps in our knowledge as well as providing a springboard from which to launch more research into this hitherto neglected aspect of Japanese history and contemporary society.

Notes
1 Family registration exists in various forms in other countries in the Northeast Asia region. As mentioned, China has a longer history of family registration (hukou) than Japan. Family registration was abolished in North Korea (hojok) soon after the end of the Korean War. In South Korea the family registry (hojok) was abolished in 2005 and replaced in 2008 by an individual register. Taiwan (hukou), Vietnam (hô kháu) and Thailand (tabien baan) also have their own family registers and each system is different with idiosyncratic structures, purposes and effects tailored to local conditions and affected by historical circumstances.
2 Professor Ninomiya Shūhei (Chapter 10 in this volume) was a keynote speaker at this event and provided important insight and information into the context and effects of this legislation.
3 Article 750 of the Civil Code (Minpo) stipulates that a married couple must use either the family name of the husband or the wife. The Civil Code and the Family Law in numerous clauses and articles stipulate the acknowledgement (ninchi) of the birth of a child by the father in order for legal registration on the koseki (see White and Mackie, Chapter 12 in this volume).
4 Strictly speaking the koseki document only indicates legitimacy indirectly (e.g. by the child’s parent column lacking a name in the father column, or by the mother being listed by her full name in the mother column). The birth notification requires that the child is designated “chakushutsushi” (i.e. legitimate) or “chakushutsu de nai ko” (i.e. illegitimate/non-legitimate)
5 The Ministry of Internal Affairs and Communications (Sōmushō) definition of ‘multinational family’ is a family which contains a member with a foreign nationality and at least one member who is a Japanese national.
6 For follow-up research on the cognitive aspects of the koseki refer to Krogness (2013).
7 Okuyama (2006: 3) expresses some reservation as to whether this is actually the case. Copies were likely to have been housed elsewhere but this is difficult to determine.
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