

Married Names: a note on the floating signifier

夫婦別姓：

日本における結婚と姓名変更の政策について

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FUFU BESSEI, SURNAME, MARRIAGE, RIGHTS, JAPAN,
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夫婦別姓、人名、結婚、言語の権利、日本語、タイ、国家

要旨

結婚とは単に結婚する当人同士の個人的な問題ではなく、社会的な関連性をもつ儀式である。その儀式のなかで、未婚から既婚へのカテゴリーの変化が一番如実に現れるのが「名前」であろう。結婚によって姓名を変更するという行為は、社会によって我々の意識の中にある刷り込みが行われるという意味で心理的な問題であるといえる。結婚後新しい姓を持つということは、人間関係をもう一度最初から新たな形で規定し直す手段である。ある存在から別の存在へ変化するという考え方の原型となっているのは天地創造という神話であり、天地創造神話ではかならず「命名」という神聖なる行為が行われる。事実、命名するということは人間がまず最初に持っている知力なのである。これと同様に結婚も、この神聖なる命名という行

為がかかわっている。よって、この社会にすでに根付いている姓名変更の儀式を無視することは、社会的心理的に大きな溝をつくることになり、それは人類や神への挑戦であると考えられるだろう。法的に義務づけられているという理由以外に、人が姓名の変更にもしくはすすんでそれを受け入れる理由は大変複雑である。新たに結婚した者にとって姓を変えることは結婚相手への忠誠の印という意味を持つかも知れない（「夫と一緒になる」とか「姓を変えてやっと私も結婚したという実感が出た」などとよく表現される）。同様に、結婚後姓名を変えることを規定した現行の法体系を改正することに反対する者は、現在の民法は家族生活に欠かすことのできない心理的な調和や相互の責任感を与えるものであると主張する。姓を同じくするということは、新しい共同体を形成したことを示すシンボルである。この視点で見れば、夫婦別姓を主張することは、単に自分のことしか考えない個人主義の現れと映るであろう。姓を変えるということは、その結婚を真面目に考えていることに何よりの証明であり、新しく結婚した人にとっては大変エキゾチックな瞬間であるし、幸せな人間関係を外に向かって示す新たな装いのようなものであるし、またそれまで自分の姓が気に入らなかつたりそれによって嫌な思いをさせられてきた人にとっては、より良い姓に変更する思ってもみなかったチャンスになるのである。また姓名変更をとりたてて特別なことに思わない人もいるだろう。一方、それ以外の人にとっては、夫婦同姓にすることが自分の存在の根幹を失わせるものに思えるかも知れない。夫婦同姓は社会から名前を変えることを強制されることへの不快感を生み、ある職業に従事してすでにある名前で知られている人にとっては、姓を変えたことを周囲に説明して回らねばならず、変更後も顧客や読者が自分のことを覚えていてくれるかどうか心配せねばならなくなる。また自分のそれまでの人生を否定することになるかもしれない。女性の中には姓を変えることで夫の家族に取り込まれてしまうように感じる人もいるだろう。新しい姓への違和感という問題も生じてくる。夫婦同姓は人権問題にもなるだろう。強制的に世間に対して自分は既婚である、離婚した、再婚したということを公表させられることで、女性のプライバシー権が侵害されるからである。

日本では姓名変更に関する法律には柔軟性がある。確かに姓名変更に関する公的に国によって定められた手続きが存在するが、結婚に際し女性の方が必ず姓を変えなくてはならないとか男性の方が変えなくてはならないということを定めた法律はない。ただし、日本の法律では、戸籍に載せることができる姓は一つのみに定めることとしているのである。その結果男性か女性のどちらかが相手の姓を名乗ることを規定したのが、日本における夫婦同姓の法律である。この法律に対しては反対の声も大きい。夫婦別姓とは結婚後も自分の姓を保つ慣行のことである。本論では、この問題に関する文献の調査と、東京に住む働く女性や学生へのインタビューの結果をもとに、日本における婚姻後の名前に関する現状の様子とこの問題に対する様々な意見を概観する。戸籍制度をもつ日本、韓国、台湾の3つの国では、この戸籍というものが夫婦同姓のシステムを維持するのに大変大きな影響を与えている。韓国と台湾では戸籍制度は日本の植民地政策の名残りであるが、中央集権的な社会運営を維持するのに効果的であるため今でも保持されている。他の国々では個人の身分証明システム (personal identification) が一般的であるが、それに替わる家族証明システム (family identification) がこの戸籍制度である。現在夫婦別姓を取り入れている人達は、戸籍上は同姓だが、仕事や銀行や保険の名義など日常的には旧姓をつかっている場合があるが、政府・与党はこのやり方に反対している。この姓名の問題に関して日本の企業では様々な対応をしており、働いている女性たちも特に決まった方法に従っているわけではない。完全に相手の名前に変えてしまう人、旧姓を使う人、社内でも両方を使う人、社内社外で使い分ける人、両方をハイフンでつないだり旧姓を括弧に入れたり様々である。

本論ではこの問題を理解するためのいくつかの理論的枠組みを紹介する。自分の名前を維持したいという気持ちは、単に女性が結婚前に独身時代を振り返り寂しがっているというだけの心理的な問題では必ずしもない。本論では夫婦別姓の問題は産業社会の中で過去40年間にわたって起こってきたより大きな構造的変化と関連があると主張する。夫婦別姓はよく言われるような日本人の文化的特異性や、ましてや社会的存在としての女性の本質といったものにかかわる問題ではない。この問題を単に文化特

異論やフェミニズムの問題として片付けてしまうのは、結局男女の社会的立場のパワーバランスを変えることのみを焦点をあわせたよくある議論になってしまい、政治的社会的ヒエラルキーや中心と周辺といった問題に全く触れることがなくなってしまう。姓名変更とは国家に対し、国民への権力を委譲することと軌を一にする問題である。名前は単に個人をアイデンティファイするためのものではなく、国家や企業がコントロールする対象とするべきものだと考えているものである。結婚により名前を変更することまたは維持していくことは、イデオロギーを含む言語行為である。それはある慣行やシステムを維持したり正当化したり、または拒絶する意識を言語によって表現したものである。結婚と姓の問題の中心は性差別の問題のように見えるが、しかしその問題の核心は、名前の選択の分野でもこれまで様々に批判にさらされてきた「単一主義」の方向性を貫こうとする国家の抑圧ということである。近代国家では、植民地政策と言語統制、マイノリティの支配や同化政策を行う際、個人の名前の統制を行ってきた。植民地時代には韓国名を和名化するために戸籍が利用された。現代の社会においても家族の中で同様な文化的同一性をつくりだすため戸籍が使われている。個人の選択の問題である夫婦別姓とは自由論に関わる問題であり、人の一生に関する意思決定の権利を正当に一人一人の男女に委譲するための問題なのである。

Introduction

If 'dirt' is, in Mary Douglas's axiom, 'matter out of place' then the apparent social disturbance occasioned by the practice in Japan and elsewhere whereby a married person uses the pre-married name constitutes 'name out of place'. To some people, state legislators in particular, it is a disturbing tendency. The debate in Japan has continued over several years and is fairly well known (see Maher 1999 for overview). A study committee first set up by the Japanese govern-

ment in 1993 to deliberate and produce a range of possible proposals has done just that but there is no indication as to what conclusions will emerge.

The Question

In 1995, 97.5% of recently married women in Japan swapped their old name for a new one (<http://plaza8.mbn.or.jp/~eighsaqu/gairon-frame.htm>,1998). The actions of the remaining 2.5% are not described. In addition to the obvious automatization of name change many reasons are advanced for this, as a small annual survey of students seems to indicate.

Each year, between 1995-1999, I have routinely conducted a very simple ‘hands-up’ question on married name practice to women college students between the ages 18-24. The question is meant to provide students with an introductory entry-point by means of a straightforward, easy-to-understand example of how to think sociolinguistically; an instance of the relation between language and society. The question is usually followed by a brief (15 minutes) discussion on *fufu-bessei* to a class of students at International Christian University, Tokyo. The students are enrolled in a class of sociolinguistics and their ages range between 18-22. They are not classified according to any particular variable other than gender. The survey did not constitute a longitudinal or cross-sectional survey. The purpose was to elicit a range of ideas. The aim was to formulate a picture of prevailing ideology about marriage names among educated young people.

My question addresses women students: “If you were to marry for the first time, would you retain your maiden name or adopt your

husband's name?" I have found mixed attitudes to marriage change-names. The answers from 1990-1999 have been mostly in the range of 60% for adoption (new name) and 40% for retention (maiden name). Collated (written) comments from adopters in the 1999 class contained the following reasons. "It's the common sense thing to do, i.e. everybody does it" (55%); "out of a sense of belonging to my husband, i.e. it makes me feel I'm really married" (20%); "I don't like my name" (25%). Supporters of the status quo argue that the current civil law provides the psychological unity and mutual responsibility so essential to family life. In this view, the same surname is the symbol of a new togetherness. The *fufu bessei* 'separate-surname' campaign is merely a display of individualism for its own sake. Significantly, aesthetic reasons are prominent for name-change. Reasons are not, by definition, arguments but they can be itemized as follows: FOR and AGAINST.

Changing the Surname: FOR

A person may choose to adopt a new married name for *aesthetic* reasons. Put simply, 'He has a nicer name than mine'. Consider the following cultural phenomenon. From the late 1980s, there has been an Okinawan culture and music 'boom' with the emergence of entertainers (e.g. 'John Kabira', 'Amuro') and their real or stage names, many with an Okinawan flavour (see the Okinawan names 'Sotoma', 'Sonoma', 'Tabira'). When the future spouse carries a 'cool' name is name-change more than acceptable but desirable? The related problem of 'stigmatized names' involves even more than a matter of taste.

Married name-change may be a solution to the pain of *social stigma*. Name adoption may be a form of ‘stigma-management’. A stigmatized individual manages a problematic name by adoption of a new one. (See Goffman’s 1968 extensive study of the systematic methods by which stigma is managed). Marriage presents the ideal opportunity for change. Stigmatized names probably occur in all languages. In German, some examples include: ‘Grosskopf’ (big-head), ‘Dotterweich’ (soft egg-yolk), ‘Wurstmacher’ (sausage-maker). In English ‘Speed’, ‘Leaping-Salmon’, ‘Gay’, ‘Longbottom’ may be problematic. In Japanese, stigmatized family names include: “Mitarai” (toilet) and “Ejiri” (jiri=bum). These compare with the more attractive names cited above.

Linked to the above, the adoption of a married name may be attractive from the point of view of change itself. Some potential name-changers have reported a kind of ‘thrill’ that accompanies seeing or ‘imagining’ their new name which houses a new identity. Adoption is an *exotic* flirtation with the Other: a foray into the perceived heart of Otherness / maleness.

Marriage is a life event and its transition is signaled by the adoption of a new name. “Personally, I regard changing my name when I get married to be one of the major occurrences of my future life. Moreover, I actually look forward to envisioning my own name under the last name of the person I love. After I do get married, in my future plans, I will put a halt to my work and devote myself to my husband and future son or daughter.” (YF, Student, 21 yrs old, 1998)

The arguments against the trend for independent surnames and in support of the status quo are frequently linked to the notion that a shared last name signifies a more committed marriage. This hypothesis should be tested by investigating whether or not there is

a statistical link between maiden-name retention and divorce rates.

In conclusion, we can say that those persons who do not want *Fufu bessei* may do so for reasons other than the stereotypical ‘to be incorporated into the husband’s family’ or ‘to create a cohesive family’.

Changing the Surname: AGAINST

Why would a woman not want to change her name? What are the grounds for name-changers’ request for *fufu bessei*? In loyalty to the family whose patronymic sign she carries there is a glimpse of an Oedipal desire to retain ties; but this is surely not the last word. The formal call for the induction of *fufu bessei* emerged out of the practice of systematic “lying” by women lawyers and other company workers in the 1980s. Women would change their surname on the register (*koseki*) and on their marriage certificate (*kon’in todoke*) but continue to use their previous surnames at the workplace by agreement with their employer.

Name change involves the revision of a wide range of public documents and papers from driver’s license to passports and bank. *Fufu bessei* is an ethical move. The use of separate surnames is the high-water mark of marital equality. In some sense, it enhances society’s overall sense of equality towards marriage. The practice of *fufu bessei* may diminish the mind-set that gender relations necessarily have to be this way.

The name-changer feels a sense injustice that one spouse only (usually the wife) has to perform the obligatory change. The name-changer feels there is some diminution of personal integrity, that something is lost in the change, that they are becoming something that they are not. Adoption of the husband’s surname implies that

the wife has “entered” the husband’s family being forced to leave her family behind. The problem is concretized when both the husband and wife are the only child or have no siblings. The question of which surname takes priority can produce unnecessary friction. A wife may have built up a reputation. Her name is known and well-regarded. This reputation is jeopardized when there is an obligatory name change.

Names and Rights: Japan and Thailand

States all over the world impose more or less severe restrictions on the selection and composition of the use of names. Let us consider two examples. Until 1947 the Japanese legal system imposed some constraints on the given names of Japanese citizens. However, Article 50 of the Family Registration Law (*Kosekihoo*) imposed more restrictions on the type of kanji employed for children’s names (in fact any new name). In 1950, a decision of the Mayor of the City of Chigasaki not to register names of two children was contested in court by their father on the grounds that restrictions on name-giving violated basic human rights and in particular, Article 21 of the Constitution which guarantees freedom of expression. Article 50 of the Family Registration Law was hence unconstitutional. The registration was refused by the City Office on the grounds that the first of the two characters used for each of the two names was not a Character for General Use and was therefore outside the range of characters approved. The case was decided against the complainant. The Tokyo High Court admitted that restriction on the use of characters for given names constituted a restriction of freedom but noted, however, that freedom can be constrained because of public

welfare interests (*kookyoo no fukushi*, cf. Article 13 of the Constitution).

Let us consider another example from Thailand. In the year 2000, the Thai government will seek a review of a proposed (1999) amended version of the 1962 Names Act. The use of surnames was first required in Thailand by the name law of 1915. The new amendment would have ended the requirement that a woman take her husband's name. It would have given the couple freedom to use the name of either partner — divorcees would revert to their own. If death ended a marriage, the surviving partner could use either surname. If remarried, he or she would use the original surname or that of the new spouse. Children would be allowed to use the surname of either parent.

The attack on the new amendment was initiated by Thailand's Council of State, the government's legal arm, contending that the maiden name provision would affect a Thai tradition when King Rama the Sixth issued the surname law (1915). The substance of the objection to the new amendment is that "it is widely understood and accepted that men and women become one when they marry. Furthermore, the constitution does not hold that the woman's rights are violated by the requirement that she takes the name of her husband" (Traisophon 1999). It is also argued that identification will become harder and foreign husbands taking the family names of their Thai wives would violate Thai custom and the Names Act by which only Thais can use Thai names.

The reasoning for the new amendment is instructive. There are fundamentally three reasons advanced for changes in the law. A separate surname option would allow (1) women whose family has only daughters to maintain a surname, (2) women married to foreigners to retain their Thai name, (3) women with "prestigious" surnames, to continue to use them.

Conclusion

At least from the time of St Anselm of Canterbury to Russell and Wittgenstein a name has been defined in terms of the semiotic opposition *nominatio / significatio* or *appellare / significare*. A man is called by a name but is known as someone or something by it; a name is thus a note (*nota*), a token, a message: “Nota vero est quae rem, quamquam designat. Quo fit ut omne nomen not sit” (Boethius, In Top. Cic., 1111b).

The question of names involves the maintenance of a status quo and typically, though not always, the maintenance of control and privilege. This is seen in the Thai government’s fright over changes to its name laws. The Thai government rationale for changes can be summarized straightforwardly: the demands of capitalism (inheritance, property), elitism and social privilege (the prestigious few versus the masses), xenophobia-ethnocentrism (it is bad for Thai people to be adopting foreign names. Likewise, the government’s fright at what it proposes to do is based upon a dubious social ethic termed (possible damage to) “family unity”. It is dubious because, thus far, none of the actors in the Thai debate has even attempted to define “family unity”.

The ‘name’ is a signifier by which we read many different kinds of social activity. A name is a sign-value absorbed into a system of reproduction-replication which fulfills our social needs. Names form part of an endlessly replicating sign system. In the question of married names, freedom to choose this way or that way is by no means a determination of society’s laws. There is personal involvement, personal determination also. Name change is part of desire. Name retention can be as much as a solution to a life-style problem as name change. This author suggests that the problem of *fufu bessei*

(because it constitutes a problem for some) is not life-threatening and that a person's freedom to choose is the common-sense solution.

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