Book Reviews


Aimed at the general Japanese public, *Koseki to Jinken* is a compact and pedagogical introduction to the Japanese household register (*koseki*) both as an administrative system and as a source of discrimination. It is written by Ninomiya Shûhei, one of Japan’s leading and most prolific *koseki* scholars and Professor of Law at Ritsumeikan University where he specialises in family law.

In the original 1995 edition Ninomiya examined the problems arising from the *koseki* system’s adherence to the principles of family unit registration and public access. In general, the former principle undermines the ideals of individual freedom and equality, and abuse of the latter principle makes *koseki* a source of discrimination. This updated and somewhat expanded edition reflects developments that have occurred in the decade that followed. First, certain procedural and terminological revisions to the system have attenuated some of these problems without eradicating them completely. Second, the 2005 enforcement of the Protection of Personal Information Law (*Kajin jöhô hogo-hô*) necessitated a tightening of the public access principle. Finally, Ninomiya notes that *koseki*, as it stands, is incompatible with the vision outlined in the 1999 Basic Law for a Gender-Equal Society (*Danjô kyôdô sankaku shakai kihon-hô*). His hope with this book is to raise the awareness of the reader and inspire him or her to demand the necessary reforms (pp. 1–2).

This edition maintains the original’s four-chapter structure and we find most revisions in the latter two chapters. Chapter 1 (pp. 6–29) focuses on the current *koseki*’s characteristics as a civil registration system. Ninomiya first presents its administrative function, which is to register as well as authenticate civil status (e.g. birth, death, name, marital status, family relations, adoptive status). He then proceeds to detail the structure and content of the *koseki* document within which the Japanese reader finds him- or herself registered as part of a particular family group. Along with this explication of the administrative nuts and bolts by which the Japanese family is structured and localised, and each
member identified, Ninomiya exemplifies how koseki directly and indirectly undermines the principles of ‘respect for the individual’ and ‘equality of the sexes’ as espoused by the post-war Constitution and Civil Code. He identifies koseki’s five main characteristics and problem areas: (1) the exclusion of foreigners; (2) the traceability of individual status changes; (3) the unlimited traceability of individual family relations; (4) the traceability of individual residential changes; (5) the family as unit of registration, where the unit comprises a married couple and their children bearing the same family name; (6) public accessibility to koseki records. The chapter concludes by briefly outlining similarities and differences between the Japanese koseki and six Western civil registers (the United States of America, Germany, Switzerland, France, Holland and Sweden).

Outlining the five major koseki formats (appearing 1872, 1886, 1898, 1915 and 1947), Chapter 2 (pp. 30–44) traces the development and the functions of the modern koseki system from 1871 until today. The current 1947 format is a result of the post-war democratisation reforms which abolished the ie system. Here Ninomiya discusses how various lingering aspects of the koseki system perpetuate an ie consciousness among the registrants.

Chapter 3 (pp. 45–73) examines how serious barriers to achieve individual freedoms and equality arise from the principle of registering by family unit. A case is made for the introduction of a new system based on individual registration along the lines of those found in Western countries. This chapter contains a new section on South Korea’s 2005 decision to abolish their similar family-based registration system (called hojuje, or ‘household head system’) and an outline of their new individual registration, enforced 1 January 2008. This is followed by a section detailing how Ninomiya envisions a possible Japanese system of individual registration.

Chapter 4 (pp. 74–105) focuses on koseki as a system of authentication and on the management of the personal information recorded within koseki. Examining the history of the public access principle from its enforcement in 1898 until today, Ninomiya shows that abuse of these public records is a threat to all registrants, not just Burakumin (descendants of former outcast groups) who famously have striven to limit access to koseki records. Their efforts produced a string of changes, culminating in a 1976 law revision which significantly curtailed access. Still, access remained virtually unlimited to government bodies and an array of professions, such as lawyers, scriveners and accountants. This chapter is considerably revised and expanded as it discusses how the 1 April 2005 enforcement of the Protection of Personal Information Act on the one hand, and the almost concurrent disclosure that professionals nation-