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Family Issues on Marriage, Divorce, and Older Adults in Japan

With Special Attention to Regional Variations



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Chapter 6

Late-Life Divorce in Japan Revisited: Effects of the Old-Age Pension Division Scheme

6.1 Introduction

An earlier study on late-life divorce in Japan (Kumagai 2006b) found that late-life divorces had increased dramatically, although the increment in late-life divorce cases was due primarily to the baby boomer population born between 1947 and 1949. It was thought that late-life divorces would increase after 2007 when the new old-age pension division plan for divorcing couples would be in effect. But has it? It may be a fallacy. This is the starting point of this chapter.

It has become a popular notion in Japan today that a growing number of couples divorce later in their lives. In fact, the total divorce cases in Japan in 1975 were 119,135. Of those, at the time of divorce, those with duration of more than 20 years were 6,810 (5.7 % of the total) cases. A little less than three decades later in 2002, these statistics had hit their peaks, i.e., increased to 289,836 and 45,536 (15.7 % of the total) cases, 2.4 times and 6.9 times their counterparts in 1975. Furthermore, the latest statistics in this regard in 2013 reveal them as 231,384 and 38,034 (16.4 % of the total), respectively (IPSSR 2014, Table 6.13; MHLW 2014b, Table 10) (see Figs. 6.1 and 6.2). More detailed discussion on “duration of marriage prior to divorce” will follow later in this chapter (Sect. 6.3).

Consequently, the Japanese public has come to assume that the rate for late-life divorces has experienced a dramatic increase recently. It should be remembered that a conspicuous increase in the *number* of late-life divorces is one situation and a rise in the *rate* for late-life divorce would be quite another. This is the central issue to be addressed in the present study.

A classic theory of the study of divorce argues that the analysis of family dissolution of any kind must always keep in view the extent to which the pressures and structures of the society help to create the problems which family units (or at times, some agency in society) must solve (Goode 1966:483). In addition, various researches suggest that children are a binding force and an incentive for some parents to remain together (Anzo 2003; Kato 2005; Waite et al. 1985; White and

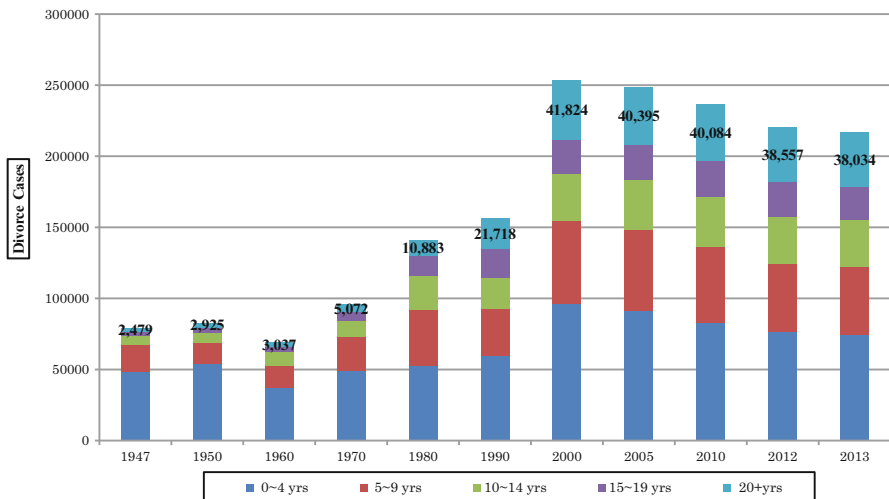


Fig. 6.1 Changes in divorce cases by the duration of marriage 1947–2013 (Source: IPSSR 2014, Table 6.13, and MHLW 2014b, Table 10. The figure is compiled and constructed by the author)

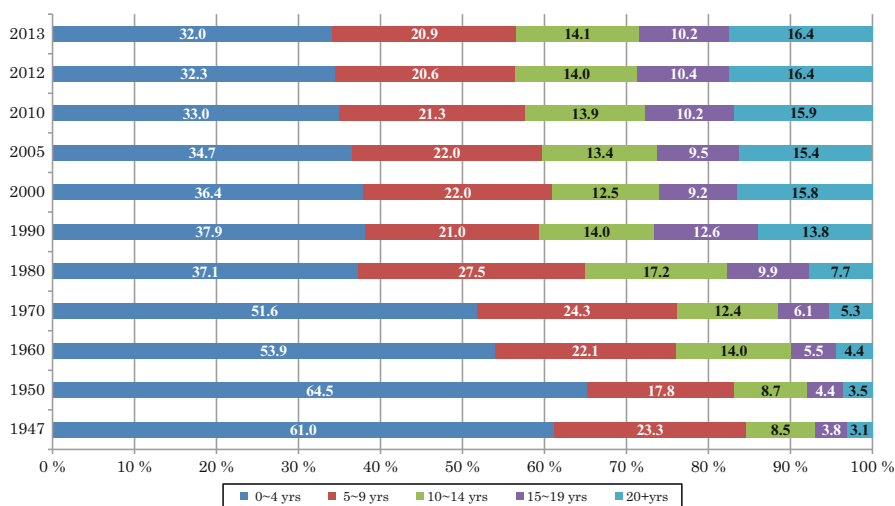


Fig. 6.2 Changes in the proportion (%) of divorces by the duration of marriage: 1947–2013 (Source: IPSSR 2014, Table 6.13, and MHLW 2014b, Table 10. The figure is compiled and constructed by the author)

Booth 1985). In fact, there is a Japanese saying “*ko wa kasugai*” (children are a bond between their parents). It implies that parents keep their marital relationship intact even after the loss of affection for the sake of their children. When the children leave home, however, parents face a transition; those who are unable to manage the new marital dynamics in the empty nest may face late-life divorce (Glenn 1990).

From the standpoint of children, some study reveals that children are better off if their antagonistic parents get divorced rather than observing them to quarrel and/or fight constantly. Being exposed to unhappy parental relationship gives children negative impacts on their psychological well-being more so than parental divorce itself (Noguchi 2009).

A recent study by Open University in England, however, suggests contrasting survey results that couples without children have happier marriages (The Guardian 2014).¹ Couples with divorce history have learned from previous relationships and are able to make their next one a more enriching experience without having children. The study could take divorce as a positive step toward reconstructing a happier relationship with the new partner.

In order to clarify the issues related to late-life divorce in Japan, five central issues are examined in this chapter:

1. Increases in late-life divorces.
2. Changing patterns of marriage and divorce and the year 2007 issue.
3. The significance of baby boomers.
4. Longer marriages mean less likely divorces.
5. Different reasons for late-life divorces.

6.2 Recent Changes in Divorce in Japan

As we discussed in Chap. 5 of this book, in her earlier study, the author elaborated a century of divorce history in Japan from 1883 to 1983, dividing the entire period into six subperiods (Kumagai 1983). She then updated her research by incorporating two additional subperiods (1984–1990 and 1991–2005) (Kumagai 2006b, 2008) and further extends to the year 2013 statistics (IPSS 2014; MHLW 2014b) (see Fig. 6.3).

The crude divorce rate (CDR) has been increasing continuously for well over half a century in most Western industrialized nations. The observed rate of 1.84 divorces per one thousand population in Japan in 2013 (MHLW 2014b) is much lower than in such nations as the United States (4.19 in 2000, and 3.6 in 2011) (US Census Bureau 2013; US CDC 2013) and Russia (4.7 in 2011; UN 2013). The CDR in Japan today is much lower than many European nations (ranging from 3.0 to 4.0) and even some of the Asian nations such as South Korea (2.28 in 2012) (MHLW 2014a, b).² The direction in which the CDR has been moving is certainly an issue worth examining (see Fig. 6.3).

¹The survey was led by Jacqui Gabb, an Open University senior lecturer in social policy, and was funded by the Economic and Social Research Council. Researchers surveyed more than 5,000 participants of all ages, sexual orientations, and statuses.

²Crude divorce rates (CDRs) in other industrialized nations were as follows: the United States, 4.7 in 1990, 4.2 in 2000, 3.4 in 2009 (US Census Bureau 2013), and 3.6 in 2011 (US CDC 2013); Russia, 4.7 (in 2011, UN 2013, Table 24); Denmark, 2.8; Finland, 2.4; Germany, 2.2; Hungary, 2.2;

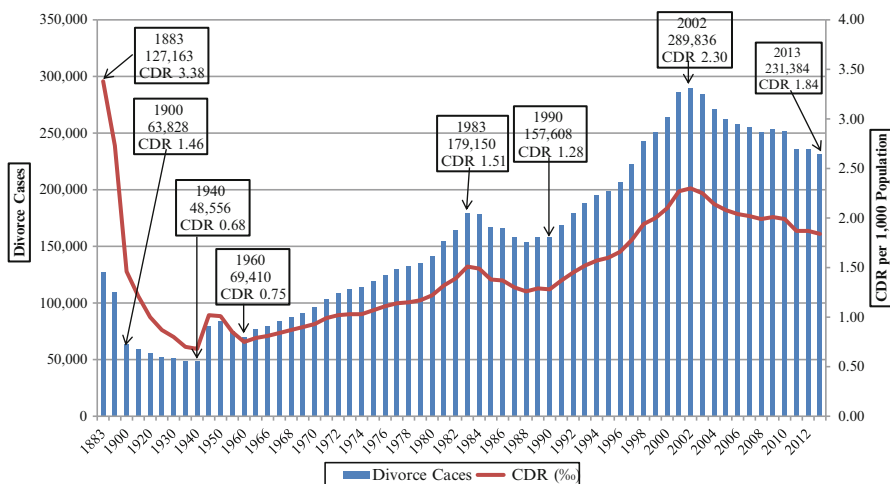


Fig. 6.3 Changes in divorce cases and crude divorce rates (CDR %) in Japan: 1883–2013 (Source: IPSSR 2014, Table 6.2, and MHLW 2014b Tables 1(2.2) and 2(2.2). The figure is compiled and constructed by the author)

6.3 Duration of Marriage Prior to Divorce

Attitudes toward marriage are changing. Not only do more people postpone marriage into their later years, but also significant changes have emerged in the motivation to marry (Kumagai 1986a, b). Similarly, the pattern by which Japanese people pursue divorce has also changed (Kumagai 1984). That is, divorces motivated by considerations of family lineage and family harmony occur comparatively soon after the marriage, while those based on personal happiness may occur at any time. Kawashima and Steiner postulated that a trend toward the lengthening of the

Austria, 2.0; Belgium, 2.5; Sweden, 2.5 (CDRs for European nations are those of 2012 by Eurostat 2014); Korea, 2.28; Singapore, 1.81 (both in 2012, MHLW 2014a, b: 52). All of the CDRs used throughout the present study are derived by dividing the total number of divorce cases by one thousand population in the given year ($CDR = \text{divorce cases} / 1,000 \text{ population}$). These rates are based on the population as a whole, rather than the population of newly married or existing married couples. Because of the nature of the statistical data and the need for comparability, it has been common to present CDR based on per one thousand population. However, divorce rates are more accurate if they are based on the existing marriages at any given point in time. Therefore, a modified divorce rate (MDR) has been suggested, in which the divorce rate equals the divorce cases divided by the number of existing marriages ($MDR = \text{divorce cases} / \text{existing marriages} \times 100$). Thus, age-standardized divorce rates for the married population in any given year for males and females are adjusted by eliminating the differences of age structures in order to compare them. The author derived the Pearson correlation coefficient between these two divorce rates, and it is significantly high ($r = .732, p < .001$); therefore, the CDR rather than the MDR has been adopted throughout the current study.

period of marriage prior to divorce would seem to indicate that the proportion of divorces obtained for traditional reasons is declining (Kawashima and Steiner 1960:219–221).

At the beginning of this chapter, we discussed briefly on the changing situation of the duration of marriage prior to divorce in Japan today. Figures 6.2 and 6.3 show the number of divorce cases for the average number of years elapsed prior to divorce and the proportions of divorces by the duration of marriage in the postwar period, respectively (1947–2013). Shortly after WWII, most divorces occurred during the first 5 years of marriage. That has changed significantly. Six out of ten (61.0 %) divorces occurred within the first 5 years of marriage in 1947, whereas the proportion declined to one third of the total (32.0 %) in 2013. It is also worth noting that the proportion of divorces occurring within the first twelve months of marriage, a period when decisions on childbirth may be a factor, has been declining considerably, from 14.1 % in 1947 to 6.2 % in 2013 (IPSSR 2014: Table 6.13; MHLW 2014b, Table 10).

Yet it is amazing to note that the proportion of divorces occurring after more than 20 years of marriage has been on the increase continuously, from 3.1 % in 1947 to 16.4 % in 2013. Divorce late in the marriage is more than five times more frequent today than six decades ago. One reason might be that parents stay together until the children have grown and the psychological damage of divorce could be minimized. Furthermore, many divorces occur today when husbands have retired from their work and have started to stay home all the time. It may come as a shock to wives, unaccustomed to having their husbands around home constantly. When people realize that there is little affection in their marriage, they are more than willing to end it.

Divorces among middle-age or senior couples in Japan—those occurring after more than 20 years of marriage, in particular—are often referred to as *jukunen rikon* [late-life divorce], *nure ochiba rikon* [divorce due to husbands being wet leaves that stick around even after sweeping], or *taishoku-kin rikon* [retirement pension divorce] (Kumagai 1996:131; Kumagai et al. 2010; Motoyama 2000:128).

The number of late-life divorces occurring after more than 20 years of marriage began to be conspicuous by the mid-1990s; the percentage of late-life divorces compared to total divorce cases has been increasing continuously ever since: 2,479 cases in 1947 (3.1 % of the total), 21,718 cases in 1990 (13.8 %), 41,824 cases in 2000 (15.8 %), and, the peak, 45,536 cases in 2002 (see Figs. 6.1 and 6.2). Since then, however, even after the enactment of the old-age pension division program for divorcing couples, such divorce cases have been on the decline (38,034 cases, and 16.4 % of the total 231,384 divorce cases in 2013).

This trend of increasing duration of marriage in Japan prior to divorce is notably at odds with the well-accepted notion that there is a decline in the divorce rate relating to greater length of marriage in most countries, while the overall rate of divorce continues to increase (Goode 1963; Kawashima and Steiner 1960). Nevertheless, the notion that the old-age pension plan would increase late-life divorces does not seem to be supported in Japan. It needs to be examined closely.

6.4 Late-Life Divorce and the Year 2007 Issue

It has been recognized that both the number of divorce cases and the divorce rate have been on the decline since their peak in 2002 (2002: 289,836 cases, CDR 2.30; 2013: 235,034 cases, CDR 1.84 (see Fig. 6.3). These declines may possibly be attributable to two major factors: (1) signs of an upturn in the Japanese economy and (2) the so-called year 2007 revision of the old-age pension division program.

Recently there have been some signs of improvement in Japan's economy, which may have tended to relieve some of the pressure on married couples, especially those in late-life marriages. However, it is uncertain how long the declining trend in the divorce rate will last, especially among those who have been married for many years. It is often the case that financial pressures are difficult to cope with for many an elderly couple, even if their marriage is intact. Therefore, it is quite foreseeable that divorced women in their senior years may face insurmountable difficulties, not only financially but also in leading their daily lives.

The year 2007 issue refers to two interrelated matters. The baby boomer generation (born between 1947 and 1949, approximately eight million in total) began reaching 60 years of age in 2007, retirement age for many major corporations in Japan. Therefore, a great many husbands who devoted their entire life to their company began to retire in 2007. Upon retirement, many of these ex-businessmen spend most of their time at home. Not only do that many of them find it difficult to manage their free time after retirement, but their wives feel uneasy dealing with husbands who hang around at home all day long. It is natural, therefore, for wives to start feeling animosity toward their retired husbands and consider divorce. As a consequence, it was widely predicted that an upturn trend in the number of divorces would emerge in Japan after 2007. In actuality, however, it did not happen. On the contrary, the divorce rate has been on the decline ever since its peak in 2002.

Another reason that may have contributed to the declining trend in the divorce rate over the short term was a misunderstanding over the "Old-Age Pension Division Reform Bill." This change in Japan's old-age pension reform scheme passed the Diet on June 5, 2004, and came into effect on April 1, 2007. It provides that housewives may have a share of her husband's pension. The new law entitles both husband and wife to a share of the other's pension at the time of divorce, whereas the old law gave no entitlement to the wife for her husband's pension. However, the new scheme must be understood cautiously. It does *not* mean that the wife who attains divorce is automatically entitled to receive one-half of the pension that her divorcing husband receives.

The new pension plan gives the full-time housewife an entitlement to a *maximum* of one-half of the old-age pension that her divorced husband receives *only for the period of her marriage to him*. Moreover, both spouses concerned must agree upon the proportions of the old-age pension, and the family court makes the final decision. The husband is solely entitled to receive any portion of his old-age pension earned prior to the marriage. Furthermore, effective April 1, 2008, an additional provision went into effect—pension premiums paid after April 2008 are subject to an automatic

50/50 pension division between the divorcing spouses (Jukunen Sedai no Ikikata Kenkyu-han 2006:58–59; Kumagai et al. 2010: 107–113).

If both husband and wife work and pay social security pension premiums, then a different pension division scheme is applied. That is, both of their pensions are added together, and the proportion must be mutually agreed upon between the spouses, with the family court issuing the final decision. In other words, should the wife receive a higher pension than her husband, it may happen that the husband would get some of her pension (Jukunen Sedai no Ikikata Kenkyu-han 2006:59).

This change in the old-age pension plan enabled a full-time housewife wishing a divorce to negotiate a maximum of one-half the social security pension to be paid to her husband, who has been employed by an organization. Thus, hoping to receive this social security pension upon the retirement of their husbands, Japanese wives might have postponed divorce for a short while. Therefore, it was said that it would be very likely that the upward divorce trend would return after April 2007, as some wives looked to receive the old-age pension division at the time of their divorce. As stated already, however, it did not happen.

The actual effects of the old-age pension division are quite ambiguous indeed. Many wives who considered initiating divorce after April 1, 2007, might have hoped to receive half their husband's pension; however, they were likely to find themselves disappointed. The only legal certainty is the 50/50 old-age pension division for pension premiums paid after April 2008. The proportion of the pension that the full-time housewife will receive is not automatically half the amount, but rather it is so only if the ex-husband agrees and the family court concurs with the couple's proposed apportionment.

If that is the case, the amount of a pension that a full-time housewife receives might be too little for her to establish an independent life on her own. The realization of this fact likely discouraged housewives from pursuing divorce. Hence, the divorce rate after 2007 did not really change.

6.5 Baby Boomers and the Duration of Marriage at the Time of Divorce

Since the mid-1990s, there has been a substantial increase in the number of late-life divorces. The question is, does this really reflect a true change in the institution of divorce? In other words, the numerical increment in late-life divorces is different from the suggestion that divorce in Japan has been shifting to those who have gone through many years of marriage together. It is easy to be misled by what could be termed the fallacy of late-life divorce in Japan (Kumagai 2006b, 2008).

Figures 6.1 and 6.2 discussed earlier confirmed that the majority of divorces in Japan today occur in relatively early stages of marriage. Although late-life divorces appear to have increased dramatically in recent years, they in fact consist of only a small fraction. In other words, an increase in the number of late-life divorces is one situation and is not the same as an increment in the proportion of such divorces.

In her earlier study on the same issue (Kumagai 2006b), the author of this book confirmed this point for both Japanese divorce cases in general and for divorce by legal procedure as well. That is, there seems to be no significant differences between the two data sets, i.e., the one of the divorce cases in general and the other of divorce by court procedure. Therefore, we can discuss the issue based on the divorce cases in general.³

6.6 Higher Divorce Rate Among Younger Couples Over Veteran Couples

Let us discuss the fourth point of investigation stipulated at the onset of the current chapter. That is, as the duration of marriage increases, Japanese married couples are less inclined to pursue divorce.

In examining changes in the divorce rates of husbands and wives separately by their birth cohort, the earlier study found that assumptions concerning late-life divorces did not truly reflect the reality (Kumagai 2006b). That is, divorce rates for Japanese husbands and wives beyond their 50s remain the lowest among all the birth cohorts examined. Most of the couples that pursue divorce do so up to the age of 30 or so across the various birth cohorts. In other words, couples who have been married for a long period of time do not get divorced easily. These veteran couples have faced difficulties countless times in the course of their marriage. Therefore, they have acquired wisdom through their life experiences and have developed strategies to cope with marital crises.

When we look at the issue from the other side of the coin, the same statement could also apply. That is, changes in the divorce rate by age group over time also prove that the majority of divorces in Japan continue to take place during the early stages of marriage (see Fig. 6.4a, b). Notably, the rate for late-life divorces today is still the lowest among all age groups (see Fig. 6.5a, b). The divorce rate for husbands who pursue divorce in their 30s today is more than nine times as high as for those in their 60s and over; for wives in the 25–34 age group, it is close to five times as high as those in their 50s and as much as 24 times greater than those in their 60s and over (see Fig. 6.5).

³In examining divorces by legal procedure with respect to the age of husband and wife, the above points have been confirmed. Total divorce cases by court procedure in 2004 were 67,688 (25 %) vs. total divorce cases in 2004, which were 270,815 (100 %) (for husbands $r=.911^{***}$, $p<.001$; for wives $r=.919^{***}$, $p<.001$). Both husbands and wives pursue divorce most frequently during the 30–34 age bracket (husbands, 19 %; wives, 21 %), followed by the 35–39 age bracket (both husbands and wives: 18 %). The majority of husbands and wives pursue divorce before they reach 40 (husbands, 52 %; wives, 60 %), and only a very small proportion do so after 60 years of age (husbands, 8 %; wives, 6 %). Furthermore, examinations of the proportions for divorces by 5-year age brackets reveal that they hit a peak at 30–34 and thereafter decline continuously for both husbands and wives.

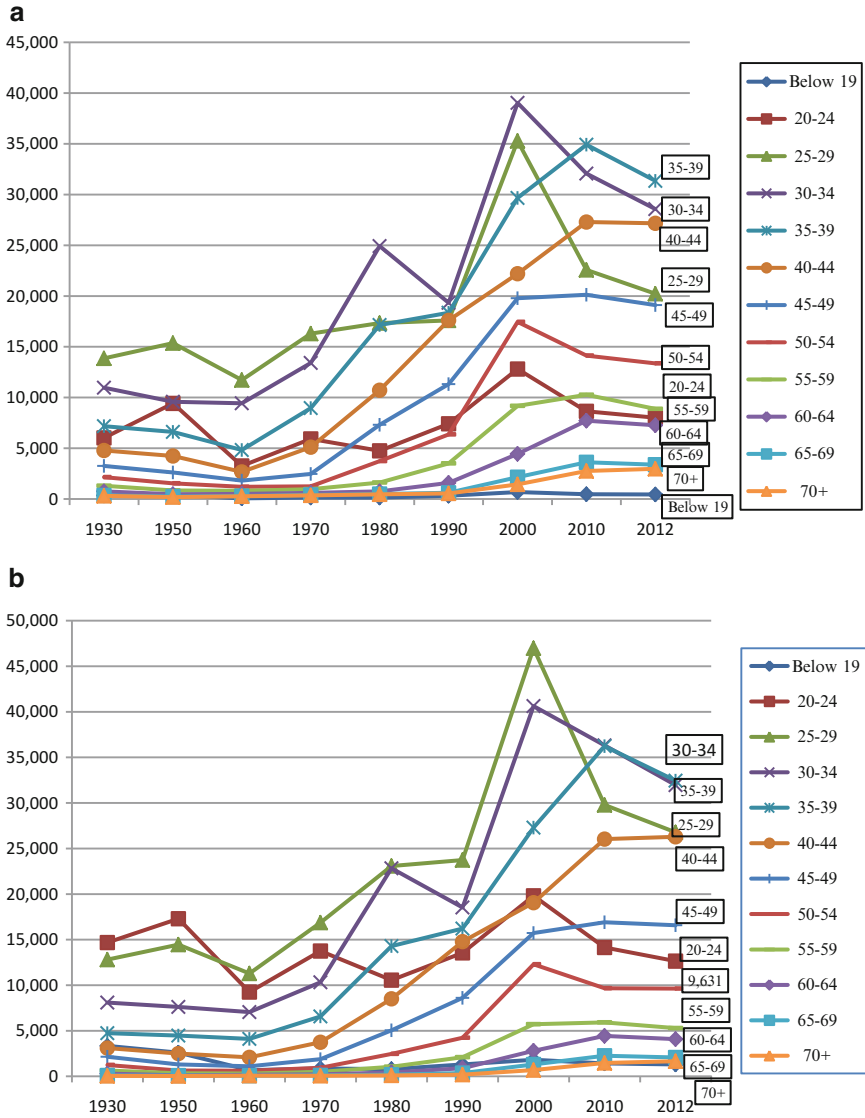


Fig. 6.4 Changes in divorce cases for husbands/wives by age group: 1930–2012. (a) For husbands. (b) For wives (Source: IPSSR 2014, Table 6.7. The figure is compiled and constructed by the author)

Moreover, breaking age group of 60 and over into 60–64, 65–69, and 70 and over, we observe clearly that the higher the age group, the lower the divorce rate over time for both husbands and wives (IPSSR 2014, Table 6.8, see Fig. 6.5a, b). Some may argue that the prolonged life expectancy of Japanese men and women might have been a contributing factor for increased numbers of late-life divorces among Japanese couples. In fact, life expectancy at birth of Japanese men (79.94 in

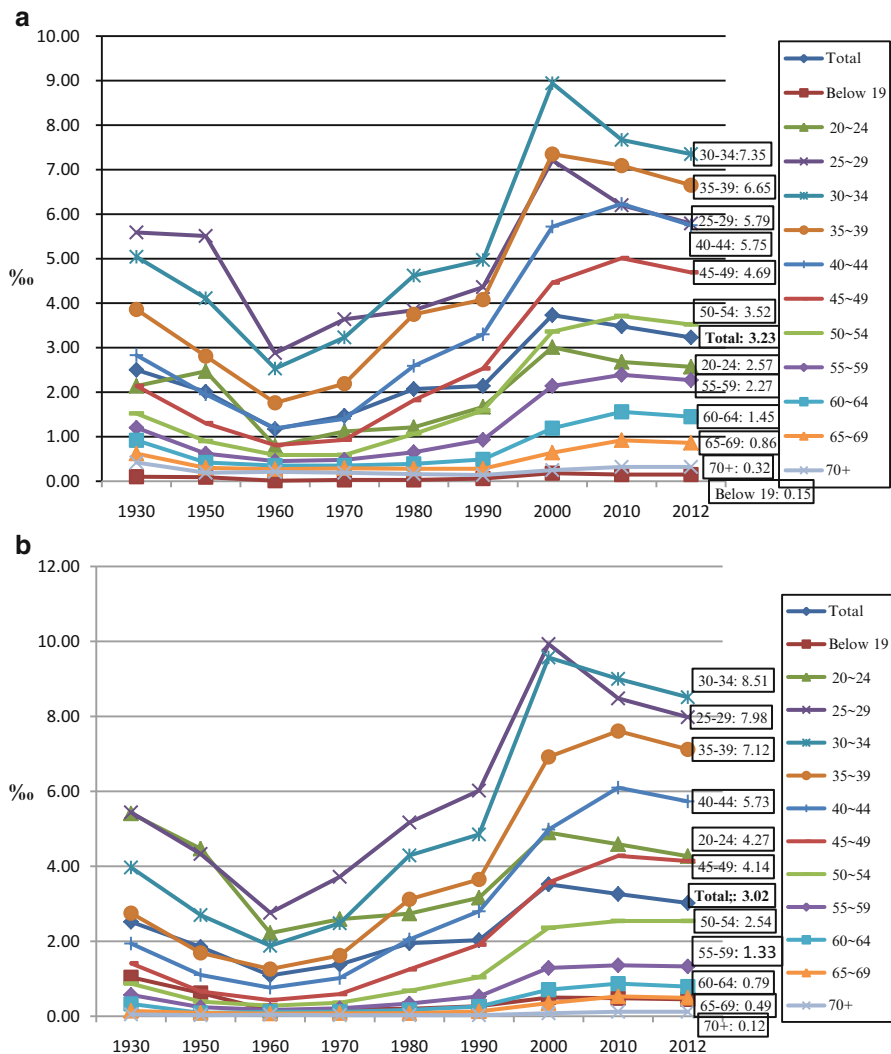


Fig. 6.5 Changes in divorce rates (%) for husbands/wives by age group: 1930–2012. (a) For husbands. (b) For wives (Source: IPSSR 2014, Table 6.8. The figure is compiled and constructed by the author)

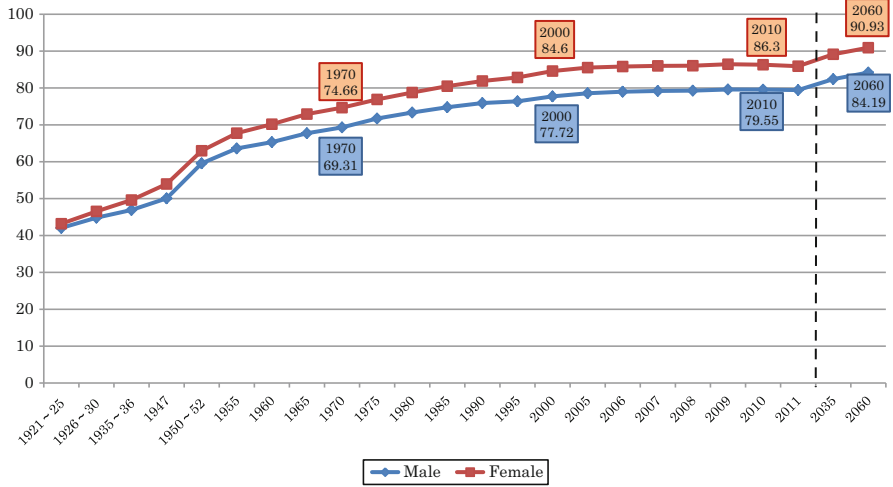


Fig. 6.6 Changes in life expectancy at birth of Japanese male and female: 1921–2060 (Source: IPSSR 2014, Table 5.12. The figure is compiled and constructed by the author)

2012) and women (86.41 in 2012) today is the world’s highest (IPSSR 2014, Tables 5.12 and 5.16, see Fig. 6.6). The author of this book, however, is skeptical to this contention. It is because the prolonged life expectancy of Japanese people is one thing and increased numbers of late-life divorces is another. As it has been pointed out, rates for late-life divorce among couples in the higher age groups have been quite low. Late-life divorces defined as divorces by couples married longer than 20 years occur most frequently among those in their 40s and 50s.

These findings confirm that the majority of divorces today still occur within marriages of shorter duration. Although divorces by couples in their 50s today have become conspicuous, their divorce rate still remains low.

We can say that the conspicuous increase in late-life divorce cases is mostly due to the baby boomer population born between 1947 and 1949. They have now launched into the life stage wherein they have come through 20 years or more of marital life. Even if many more late-life divorces are taking place today than before, the sizable population of this age cohort keeps their divorce rate quite low.

6.7 Reasons for Late-Life Divorce

Earlier in the discussion, we stated that there is no significant difference between the total divorces incurred and those taking place by legal procedure on the overall divorce rate. Divorces occurring after being married for more than 20 years, however, seem to take place more frequently via legal procedure than is true for divorces in general (22 % vs. 16 %) (Kumagai 2006b: 128). The reason for this would be the

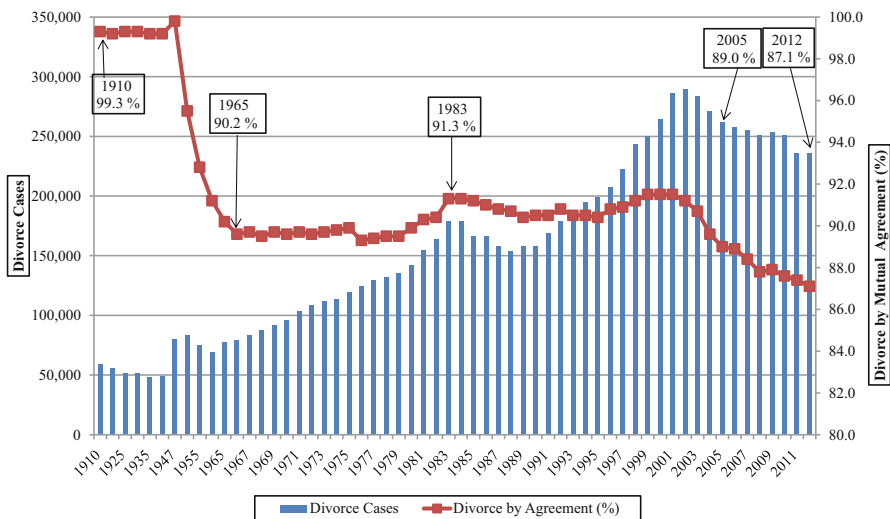


Fig. 6.7 Changes in cases and proportions (%) of divorce by mutual agreement and divorce cases: 1910–2012 (Source: IPSSR 2014, Table 6.2. The figure is compiled and constructed by the author)

costs entailed in the judicial procedure, which might be difficult to bear for many who might wish to pursue divorce, especially full-time housewives. Thus, let us consider the two types of divorce in Japan, namely, divorce by agreement and divorce by judicial procedure.

6.7.1 *Divorce by Mutual Agreement or by Judicial Procedure*⁴

There were two types of divorce in Japan under both the old Civil Code of 1898 and the new Civil Code of 1947 (Kumagai 1996, 2008). Divorce by mutual agreement was obtained by notifying the official in charge of family registers. As discussed briefly in Chap. 5 of this book, the divorce by mutual agreement has always been prevalent in Japan (see Fig. 6.7, and the figure is duplicated). Nevertheless, given the social changes in Japan, it was assumed that divorce by judicial procedure would grow. Kawashima and Steiner state their reasoning as follows (1960: 225–226):

In a social system in which, using Talcott Parsons' terms, the pattern-variable cluster of collectivity orientation, particularism, ascription, and diffuseness is dominant, morality is the typical social control, while in a social system in which the opposite pattern-variable cluster predominates, law becomes the typical social control. In a country such as Japan, in

⁴This section is mostly cited from Chap. 3 of the book by the present author (Kumagai 2008), with the statistics updated.

which Confucianism played an important ideological role, articulating the role expectations of collectivity orientation, particularism, ascription and diffuseness, the utilization of law and courts was traditionally frowned upon as antithetical to the traditional order. It is the custom of Japanese to incline to avoid a lawsuit as far as possible in matters relating to family relations. The utilization of laws and courts is an important aspect of the transition from one type of social system to the other.

It was assumed that the weakening of tradition in family matters would result in an increase in the proportion of divorces by the courts. In addition, more and more wives were expected to take the initiative in pursuing divorce.⁵

In the case of late-life divorces by judiciary procedure, wives in Japan file the majority of cases (Secretariat of the Supreme Court of Japan 2013). It is interesting to note, though, that an opposite trend has occurred in the United States. That is, under a “fault” system, it is usually the wife who brings suit. Under a “no-fault” system, however, this changes drastically, i.e., there is a dramatic increase in the number of men who file (Friedman and Percival 1976; Gunter and Johnson 1978).

In Japan, the proportion of divorces by mutual agreement has decreased continuously, from 99.3 % in 1910, and 95.5 % in 1950, to 87.1 % in 2012 (see Fig. 6.7). Conversely, the proportion of litigated divorces is on the rise; divorces by arbitration increased from 3.9 % in 1950 to 10.0 % in 2012, and divorces through the courts, including both judgments of domestic relations and court decisions, rose from 0.5 % in 1950 to 1.2 % in 2012 (IPSSR 2014: Table 6.2). The traditional values concerning marriage and the family in Japan are weakening.

Statistics on the proportion of spouses who took the initiative in pursuing divorce by agreement are reported in the Annual Legal Statistics—Family Courts Edition, which is compiled by the Japanese government. These statistics have been available on the Internet beginning with the year 2000 (Secretariat of the Supreme Court of Japan 2013).⁶ Wives reported they initiated 64.6 % of the divorce cases in 1978, although husbands reported they initiated 54.4 %. According to the government statistics, the proportion of divorces pursued by wives increased to 72.4 % in 2011 (Secretariat of the Supreme Court of Japan 2013).⁷

In short, an increasing frequency of divorces initiated by wives indicates the enhanced autonomy of women in marriage (Otani 2008). It is expected that this trend will continue in the future.

⁵ Divorce by arbitration differs from conciliation as practiced in Western societies. The former facilitates the divorce through the assistance of arbiters. Conciliation, on the other hand, assists in averting divorces.

⁶ “Shihou Toukei Nenpou: Heisei 24-nendo Ban” [Annual Reports of Japanese Legal Statistics: 2012]. <http://www.courts.go.jp/search/jtsp0010List1> (accessed April 30, 2014).

⁷ Table 14 of the Annual Reports of Japanese Legal Statistics—Family Courts Edition: 2012. Accessed April 30, 2014. (<http://www.courts.go.jp/sihotokei/nenpo/pdf/B24DKAJ14~16.pdf>).

6.7.2 *Reasons for Divorce*⁸

It is difficult to correctly identify the reasons behind the decision to divorce, because the stated reasons and the realities do not necessarily coincide. The Family Courts Edition of the Annual Legal Statistics reports the reasons for divorce alleged by either husbands or wives. The people who intend to pursue divorce are permitted to state a maximum of three major reasons for their decision to divorce.

It seems, however, that the most frequently cited reasons for divorce have changed recently. Through the end of the 1970s, the most commonly cited reasons were adultery, financial problems, and incompatibility in personality. Today, on the contrary, financial problems are not among the most serious reasons for divorce cited by either wives or husbands. Instead, on the part of divorced wives, the most frequently cited reason is incompatibility in personality, followed by violence and abuse by husbands, and adultery. On the part of divorced husbands, incompatibility in personality is most frequently cited, followed by adultery, and not being able to get along well with relatives. Very few people cited financial problems, and it is certainly not one of the major reasons for divorce today, at least for divorced husbands (Secretariat of the Supreme Court of Japan 2013: 36–37, Table 18).

The fact that financial problems have declined as a reason for divorce, and the citation of cruelty by divorcing wives has increased, indicates that the marriage relationship in Japan has moved from an institutional to a personal orientation. That is, Japanese people have been placing more and more emphasis on personal happiness within their marriage. Naturally, incompatibility in personality is detrimental to the maintenance of marital harmony. In an industrialized society, marriage has come to be viewed as a matter between individuals. With the decline in the traditional *ie* [feudal family] system, the conjugal tie has become crucial. Therefore, it is expected that divorces caused by incompatibility in personality will further increase in the future.

6.7.3 *Motives for Late-Life Divorce*

From the legal point of view, Otani (2008) analyzed late-life divorce initiated by wives. The study suggests to conclude that the major reason for it would be their dissatisfaction with the traditional sex role identification. Wives who pursued sex roles primarily in domestic arena for over two decades have come to realize their total lack of autonomy. In husband-wife relationship, wives have been placed under the control of husbands and have neither been treated as partners on the equal footing nor individuals. In other words, the marital relationship between husbands and wives of late-life divorces reflects the realization of women to seek for the

⁸This section is mostly cited from Chap. 3 of the book by the present author (Kumagai 2008), with the statistics updated.

autonomy from the ruler and the subordinate situation. It reflects the enhanced autonomy of women in marriage (Otani 2008). Desire for autonomy of these unsatisfied wives, however, could not always be materialized.

Today, wives resenting their retired husbands who linger around home all day long initiate the great majority of late-life divorces in Japan (Otani 2008; Secretariat of the Supreme Court of Japan 2013). Thus, such phrases as *sodaigomi* [large useless trash] or *nure ochiba* [wet leaves that stick around even after sweeping] were coined to signify retired husbands. Late-life divorces started to become conspicuous by mid-1990, and Kumagai (1996, 2011); Kumagai et al. (2010) elaborated the sentiments expressed by wives who pursued late-life divorce a couple of decade ago:

Enjoying life after retirement as a couple is not yet a lifestyle fully appreciated by the Japanese people in general. Most Japanese men who have devoted their lives to working outside the home find it difficult to manage free time after their retirement. And by the time their husbands retire from work, most Japanese women have established independent lifestyles that do not include their husbands. The unaccustomed full-time presence of husbands at home often has a negative impact on family life. Thus, Japanese wives often refer to their unwelcome retired husbands as *sodaigomi* [large useless trash] or *nure ochiba* [wet leaves that stick around even after sweeping]. Marital stress, difficult to cope with under the best of circumstances, becomes even more so for the elderly, particularly if their health and economic conditions are deteriorating (Kumagai 1996:131).

What was said about late-life divorces a decade ago still appears to be true today. Devoted businessmen, once they retire, are confronted with difficulties in coping with their wives at home every day. They have never had time to develop special interests or hobbies, nor do they have any specific place to go; hence, they tend to stay home all day long. Many of them have nothing to do but watch TV programs. When this is the case, the wife must prepare meals for them three times a day, and is totally deprived of the freedom she had grown accustomed to in her life. When the wife has an appointment for a social gathering, her retired husband may become so inquisitive that he insists on coming along. This is the reason that the husband upon his retirement is called *nure ochiba*.

When Japanese people are asked about late-life divorce, more than a quarter respond that it is a topic of strong interest (Asahi Shimbun 2006). That is, of 2,711 total respondents (males, 1,343; females, 1,368), 24 % of males (322) and 31 % of females (424) answered that they are interested in the problem of late-life divorce. The reasons for their interest in late-life divorce are somewhat self-centered, such as (1) "Late-life divorces have come to be conspicuous," (2) "The wife is dissatisfied with the husband," (3) "Financial strain has come to an end," (4) "Children have grown-up," and (5) "(I) Know people who have pursued late-life divorces" ("Jukunen rikon" 2006).

Questions arise, however, whether or not these complaints expressed by wives or their dissatisfaction with their retired husbands could become valid reasons for late-life divorce. In the case of divorce by mutual agreement, there is no need to state the reason for divorce, whereas, in the case of divorce by judiciary procedure, the party who initiates it is required to state the reasons for the divorce. These reasons must

be “serious enough so that marriage could no longer be sustained” (Common Law: Article 770, Section 1–5) (Tajima 2004; Yamanouchi 2004). Complaints of wives could be the reflection of their self-centered attitudes, and efforts should be made before their marital discord becomes irreconcilable. Under these circumstances, late-life divorces are not likely to be granted (Ninomiya and Sakakibara 2005:60–61).

If a couple has been living separately for some time and there exists no actual husband-wife relationship, then the marriage can be considered as revocable and the wife can pursue divorce (Ninomiya and Sakakibara 2005:75–77). However, a divorced wife has no guarantee whatsoever to receive alimony from her ex-husband (Tajima 2004:60). That is, attaining the status of divorce is one thing, and the granting of alimony is another.

No marriage can be perfect, nor is it feasible that husband and wife will agree upon all matters. It is natural to have differences of opinion in any human relationship, and the same is true for the marital relationship. What is needed for both husband and wife in their marital relationship is a sense of balance, in that each of them should be psychologically independent of each other. If and only if that is achieved, will husband and wife respect each other, exchange lively dialogue, enjoy each other’s company, and still appreciate time for each to pursue their independent interests.

Conclusion

Late-life divorces in Japan, those with longer than 20 years of marriage at the time of divorce, have become more conspicuous since the mid-1990s. However, that does not mean the rate of that type of divorce has increased. We must question the validity of the contention that late-life divorces have become more common recently. They may be more conspicuous, but it may be a fallacy that divorces in Japan occur today more frequently among middle-aged and elderly married couples. This was the starting point for the current chapter.

It is true that late-life divorces (in which couples have been married for more than 20 years) have become more numerous since the mid-1990s, but the increase is due primarily to the baby boomer generation born between 1947 and 1949, some members of which are now pursuing late-life divorces. Although the numbers of this age group have risen, the rate of divorce is still low, among those who are 50 years old.

It was expected that late-life divorces would continue to increase after the year 2007 when the old-age pension division plan was enacted. This new program enabled full-time housewives to demand a maximum of one-half the old-age retirement pension that their husband receives. With expected gains in some portion of the old-age pension, wives would be more likely to seek a

(continued)

divorce, it was thought. But it has not seemed to change much. It is not clear, but the new pension division scheme does not seem to have had any significant impact. Neither the overall divorce rate nor those for veteran couples seem to show any significant increase since 2007. However, the old-age pension division must be studied carefully, and it should be noted that it is not, in fact, as attractive as it may appear on the surface.

Another point: the longer a marriage lasts, the more likely it is to last even longer. Couples married a long time are less likely to pursue divorce. This is perhaps due to the strategies that they have developed throughout their marriage. There certainly exist ups and downs in marital life, and veteran couples have developed effective ways to cope with these difficulties.

Finally, the reasons for late-life divorces seem to differ from those expressed for divorces in general. That is, many wives in late-life divorces possess negative attitudes toward their husbands after retirement. The wife may feel that her accustomed lifestyle, long established without the presence of her husband, is impaired so significantly that she feels a need to divorce. Many of these wives, however, possess very little knowledge about or resources for their own financial welfare following their divorce. What is waiting after late-life divorce is not an easy path to follow.

These findings confirm that the majority of divorces in Japan today occur in relatively early stages of marriage. Although it seems late-life divorces have increased dramatically in recent years, in reality they consist of only a small proportion. This is what could be termed the fallacy of late-life divorce in Japan. Therefore, we can say that the conspicuous increment in late-life divorce cases is mainly due to the baby boomer population born between 1947 and 1949. They have now launched into the life stage where they have come through 20 years or more of marital life. Even if many more late-life divorces are taking place today than ever before, the sizable population of the baby boomer age group keeps their divorce rate quite low.

The results of these analyses, therefore, have clarified the factors facilitating late-life divorces in Japan. At the same time, however, they have shown the fallacy of there being a proportional increase in this phenomenon. Now is the time for Japanese couples married for many years to reconsider and to reconstruct their marital relationships for the better.

We found that late-life divorces in Japan, i.e., by couples married longer than 20 years, have increased dramatically over the past 30 years. We also noted, however, that hikes in late-life divorce cases are due primarily to the “baby boomers” born between 1947 and 1949. Furthermore, no significant increase in late-life divorce cases and/or rates has been detected since 2007, the year when the Old-Age Pension Division Scheme was enacted. One reason for it would be the fear of women about managing their lives and finances after divorce, especially in their older ages. Thus, it would be most appropriate to discuss the topic on Japanese elderly living alone in the next chapter.

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