

## **Japanese adoption.**

**Alan Macfarlane**

The peculiarities of Japanese adoption were noted by a number of nineteenth century visitors and anthropologists. Von Siebold noticed that adoption was 'the uniform practice in Japan with the childless, whether sovereign or subject...'<sup>1</sup> Pompe wrote that 'The adoption of children is an easy matter in Japan. If someone who has many sons wants to secure their future careers, he will look around among his kinsmen to see whether there are people willing to adopt one of his sons, for which a certain sum of money may be paid. The child is then completely taken care of by the adoptive parents; he receives their name and will later succeed the adoptive father in his profession.'<sup>2</sup> Adoption, in fact, was mandatory; '...an aged and childless widow, last representative of her family is not permitted to remain without an heir. She must adopt a son if she can: if she cannot, because of poverty, or for other reasons, the local authorities will provide a son for her. - that is to say, a male heir to maintain the family worship.'<sup>3</sup> If one failed to do so, the estate would be forfeit. 'The childless man was obliged to adopt a son; and the 47th article of the Legacy ordained that the family estate of a person dying without male issue, and without having adopted a son, should be "forfeited without any regard to his relatives or connexions.'<sup>4</sup>

Once a person was adopted, he could not be replaced by a subsequent blood relative, however close. 'The Commissioners brought us the intelligence that, the Tycoon being childless, he had within the last few days adopted a son. This lad was to be his successor, and in the event of his subsequently having a son of his own, he would be compelled to give him away rather than dispossess the adopted one.'<sup>6</sup> This implies the closeness of the link formed by adoption, which is confirmed by other accounts. Longford described how there were five degrees of relationship. 'Relations in the First degree - Parents, adopted parents, husband, child, adopted child. Relations in the Second Degree - Grandparents, stepmother, uncles and aunts, brothers and sisters, husband's parents, wife, concubine, nephew, grandchild, daughter-in-law etc.'<sup>6</sup> Thus an adopted child was closer than a grandparent or sibling -

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<sup>1</sup>Siebold, Manners, 177

<sup>2</sup>Wittermans, Pompe (xerox), 49

<sup>3</sup>Hearn, Interpretation, 423

<sup>4</sup>Hearn, Interpretation, 381

<sup>5</sup>Elgin, Mission, 158/59

<sup>6</sup>Longford, Japan, 203

adoption created as strong a bond as the closest blood relative. This was shown by the length of mourning for relatives. As Chamberlain explained, 'Real parents...13 months (garments)...50 days (food). Adopted parents...13 months...50 days.'<sup>7</sup>

The closeness, in itself, would not be enormously significant if it were not for two other associated features. The first is the vast number and kinds of adoption. Chamberlain in the later nineteenth century draws attention to the frequency and complexity. 'So completely has adoption become part and parcel of the national life that Mr. Shigeno An-eki, the best Japanese authority on the subject, enumerates no less than ten different categories of adopted persons.'<sup>8</sup> He concluded that 'Galton's books could never have been written in Japan; for though genealogies are carefully kept, they mean nothing, at least from a scientific point of view - so universal is the practice of adoption, from the top of society to the bottom.'<sup>9</sup> And he suggests a couple of reasons for its universality. 'Thus, a man with too many children hands over one or more of them to some friend who has none. To adopt a person is also the simplest way to leave him money, it not being usual in Japan to nominate strangers as one's heirs.'<sup>10</sup>

The second feature is that those who were adopted were not necessarily or even primarily blood relatives. Chamberlain described the effects of this. 'It is strange, but true, that you may often go into a Japanese family and find half-a-dozen persons calling each other parent and child, brother and sister, uncle and nephew and yet being really either no blood-relations at all, or else relations in quite different degrees from those conventionally assumed.'<sup>11</sup> The subversion of the blood family which this caused, and the turning of the family into an artificial corporation is well summarized by Ratzell. 'The high importance assigned to family cohesion led to the wide spread of adoption, especially in Japan...this custom, which in course of time became extraordinary widespread, had a destructive effect of the family. This, on adoption becoming customary, sank to a corporation; and, with the admission of fresh strangers, the reputation of natural kindred grew to be an abuse.'<sup>12</sup> Rein noted in the later nineteenth century '...the further right of expelling members of the family and introducing strangers into it.' He continued that 'In this way the Japanese family lost much of its natural character, and assumed the aspect of a corporation.'<sup>13</sup> The same point was made more recently by Robert Smith. 'The frequent

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<sup>7</sup>Chamberlain, *Things*, 337

<sup>8</sup>Chamberlain, *Things*, 17

<sup>9</sup>Chamberlain, *Things*, 17

<sup>10</sup>Chamberlain, *Things*, 17

<sup>11</sup>Chamberlain, *Things*, 17

<sup>12</sup>Ratzell, *History*, iii, 497

adoption of successors shows clearly that the Japanese household is essentially an enterprise group, not a descent organization, and that passing over a son in favor of an adopted successor for the headship among merchants, craftsmen, and artists is a manifestation of a universalistic element in the definition of the role of the household head.<sup>14</sup>

The situation of non-blood adoption comes out when we compare Japan with China. 'Such non-agnatic adoptions, however, were considered by many Confucians an unfilial breach of the natural father-son relationship.'<sup>15</sup> Practice and theory diverged greatly. 'Despite lip-service to the Chinese notions of the importance of blood-relationships, and the consequent insistence that the adopted son should be a patrilineal kinsman, in actual fact blood ties have not been considered an essential for formal perpetuation of the family.'<sup>16</sup> Attempts were also made to keep adoption within social strata, but these were equally ineffective. 'The clans refused to submit to the edict of 1615, which limited adoption of male heirs to the same class, on pain of state confiscation of the property, and this edict was repealed in 1651. When an heir could be set aside on grounds of incompetence, it became in fact possible to exclude the natural heir and adopt any other male.'<sup>17</sup> As Nakane point out 'Not only may outsiders with not the remotest kinship tie be invited to be heirs and successors, but servants and clerks are usually incorporated as members of the household.'<sup>18</sup> The observation about servants is illustrated, for instance by Thomas Smith's study of Tokugawa agriculture where he concludes that 'Many of these servants were literally adopted, from impoverished parents, usually at the age of about ten.'<sup>19</sup>

Another custom was to adopt an in-marrying son-in-law. Thus 'a house-master without male issue might adopt a man betrothed to his daughter ('muko-yoshi'). Such an adopted son was invested with all the rights and responsibility of a natural heir. In case of divorce, however, these rights immediately reverted to the original household.'<sup>20</sup> Thus people tended not to adopt infants or little children, but

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<sup>13</sup>Rein, *Travels*, 422.

<sup>14</sup>Smith, *Japanese*, 89-90

<sup>15</sup>McMullen, *Rulers (xerox)*, 89

<sup>16</sup>Dore, *City*, 145

<sup>17</sup>Jacob, *Capitalism*, 159

<sup>18</sup>Nakane, *Japanese Society*, 5

<sup>19</sup>Smith, *Agrarian Origins*, 21

<sup>20</sup>Jacon, *Capitalism*, 154

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adults. More common than the adoption of children was the adoption of young adults, either a husband for a daughter in a family with no sons, or a young man who would himself become their heir.<sup>21</sup> Adoption became a mechanism for social mobility. 'Adoption into a 'samurai' family was also a commodity on the open market and the price fluctuated at different periods.<sup>22</sup> As Jacobs describes the situation, 'The increasingly impoverished warriors sought solvency by setting aside their own heirs and adopting the sons of rich merchants in their stead.'<sup>23</sup>

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<sup>21</sup>Hanley and Wolf (eds), *Family* (xerox), 219; also also Nakane, *Household* (xerox), 532

<sup>22</sup>Bellah, *Tokugawa*, 32

<sup>23</sup>Jacobs, *Capitalism*, 159