

The Scope of Altruism

— patriarchy and the modern family
under Japanese law and norms—

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Purpose

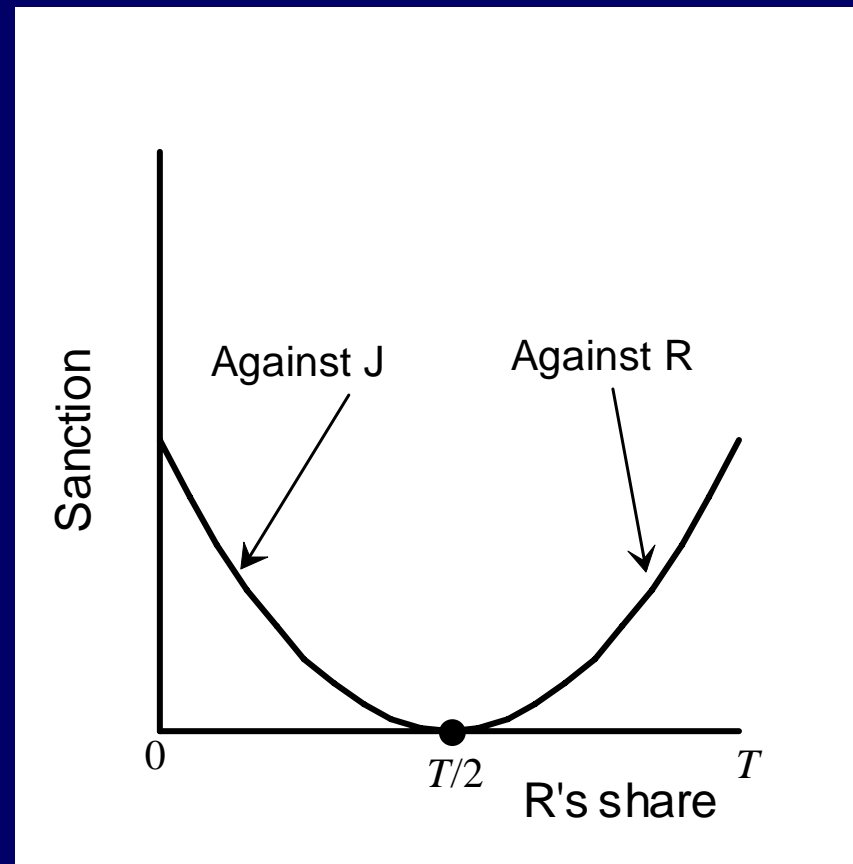
**Report on Japanese
financial settlement on divorce
as a remedy
to the modern family system**

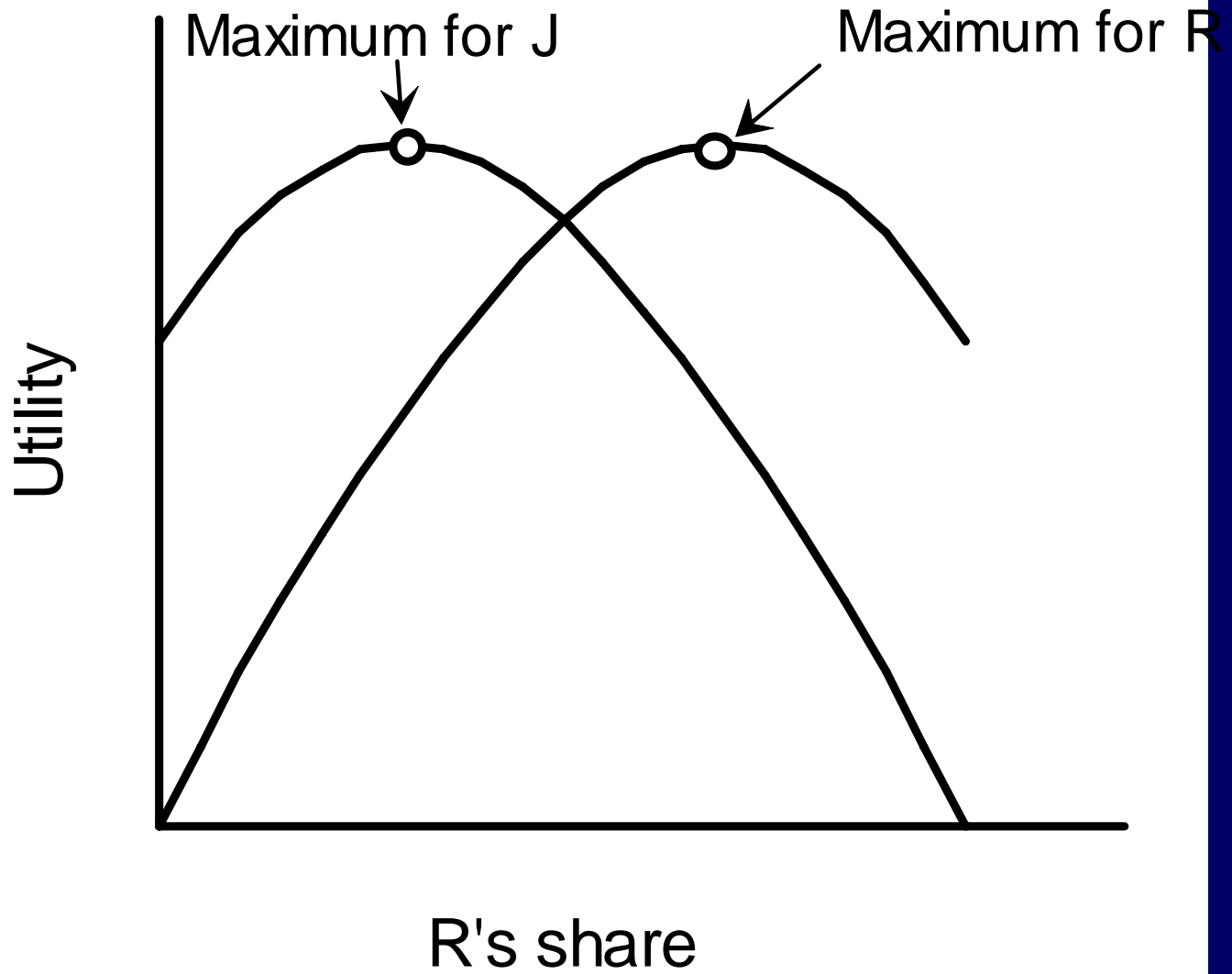
Modern Family

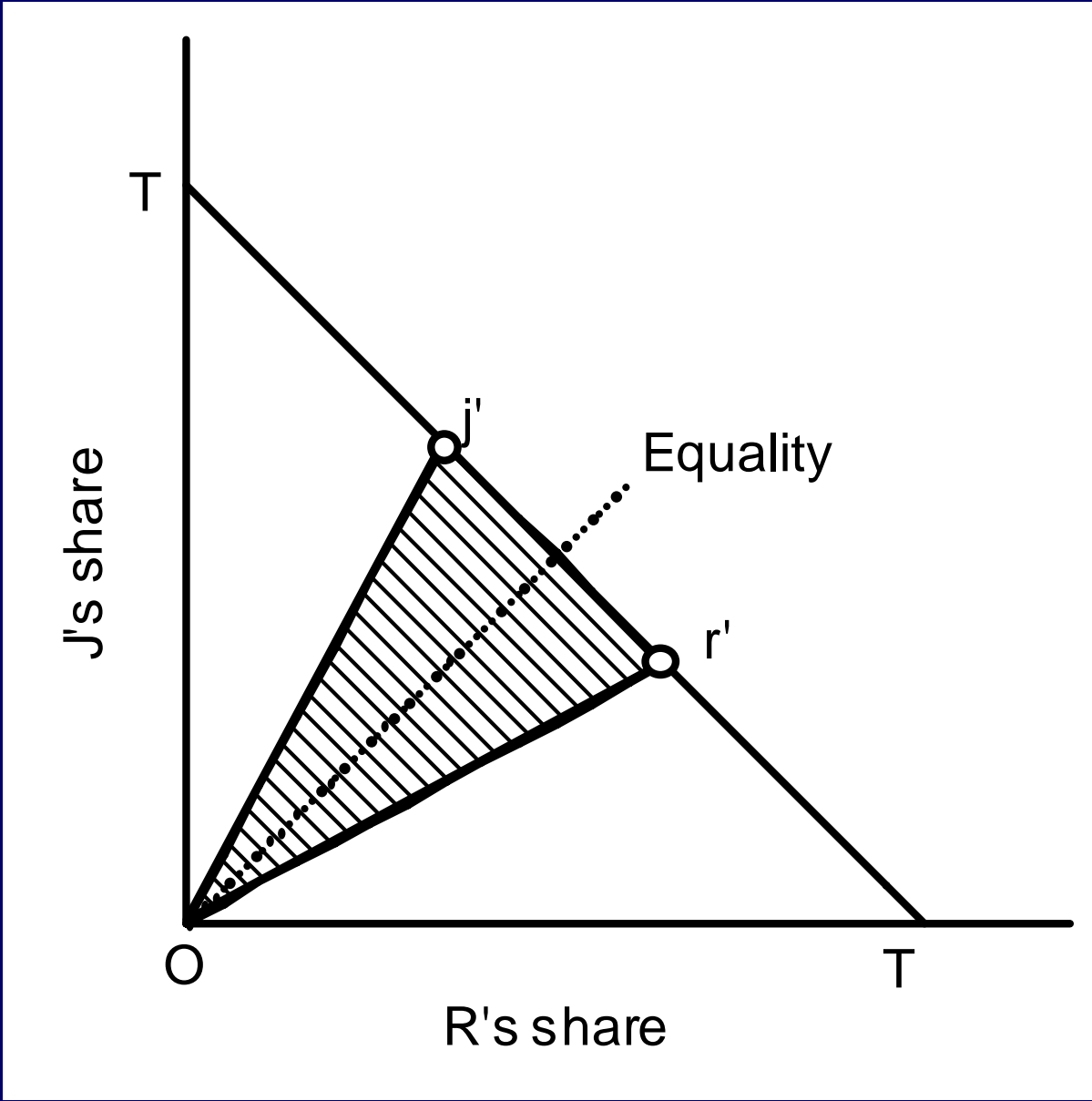
- Small size (nuclear family)
- Emotional relationship
- Sexual division of labor
- **Sharing of the living standard**

(Normative altruism)

Effect of normative altruism







When altruism breaks

**Poor provision against
the end of altruism**

- Source of inequality

Housework vs. Paid Work

	Housework	Paid work
Reward	Direct consumption	Money
Boundary	Household	Whole market
Warranty	Normative altruism	Contract

Risk of specialization in housework

- **Scale of economy:**
Does housework produce luxury?
- **Household composition:**
Who is at demand?
- **Life-stage:**
e.g., Childcare
- **Relation-specificity:**
Is special social-capital needed?

No return to risky investments

Because of normative altruism

Divorce as settlement

**The only measure to reduce
inequality in risks of
human capital investment
after breakdown of marital life**

History of Divorce Law

1898: Civil Code

consensual / judicial divorce

**no provision of
financial settlement**

The Current Divorce Law

1947: New Civil Code

§ 768: Division of property at divorce

No criterion is provided

e.g., “Contribution” for making properties

1996 draft for amendment

(not submitted to the Diet)

- Fifty-fifty division of marital property

Current Debates

What is “marital property”?

- Pension / retirement pay in future
- License / degree

Future pension

**1997 district court decision
including future pension in
calculation of payment**

**2001 district court decision
fifty-fifty division of expected
lifetime income by pension**

License and degree

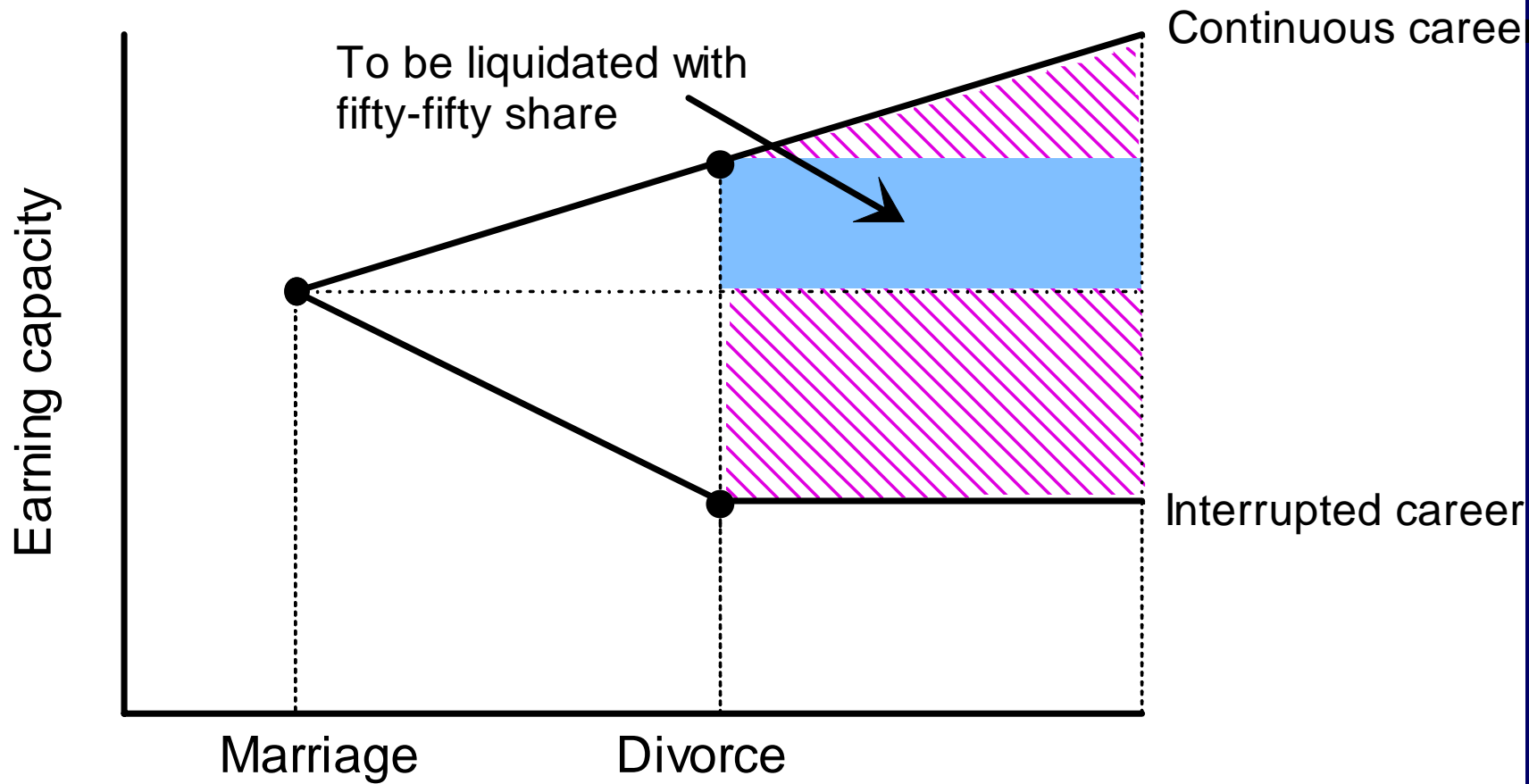
No judicial precedent.

Debates by scholars.

Suzuki's criteria (1992)

**(1) Fifty-fifty division of
gained earning capacity**

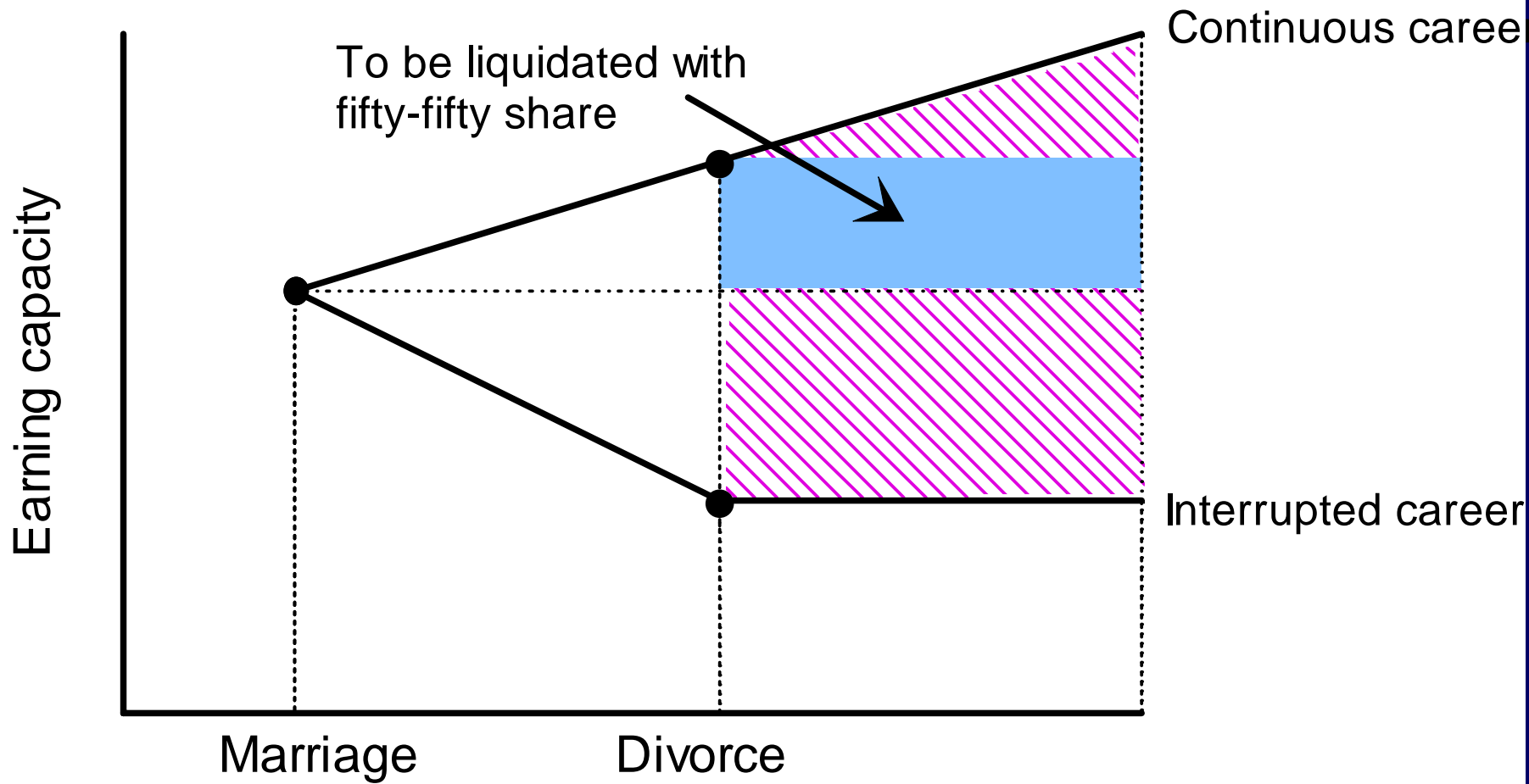
**(2) Payment for training to recover
lost earning capacity**

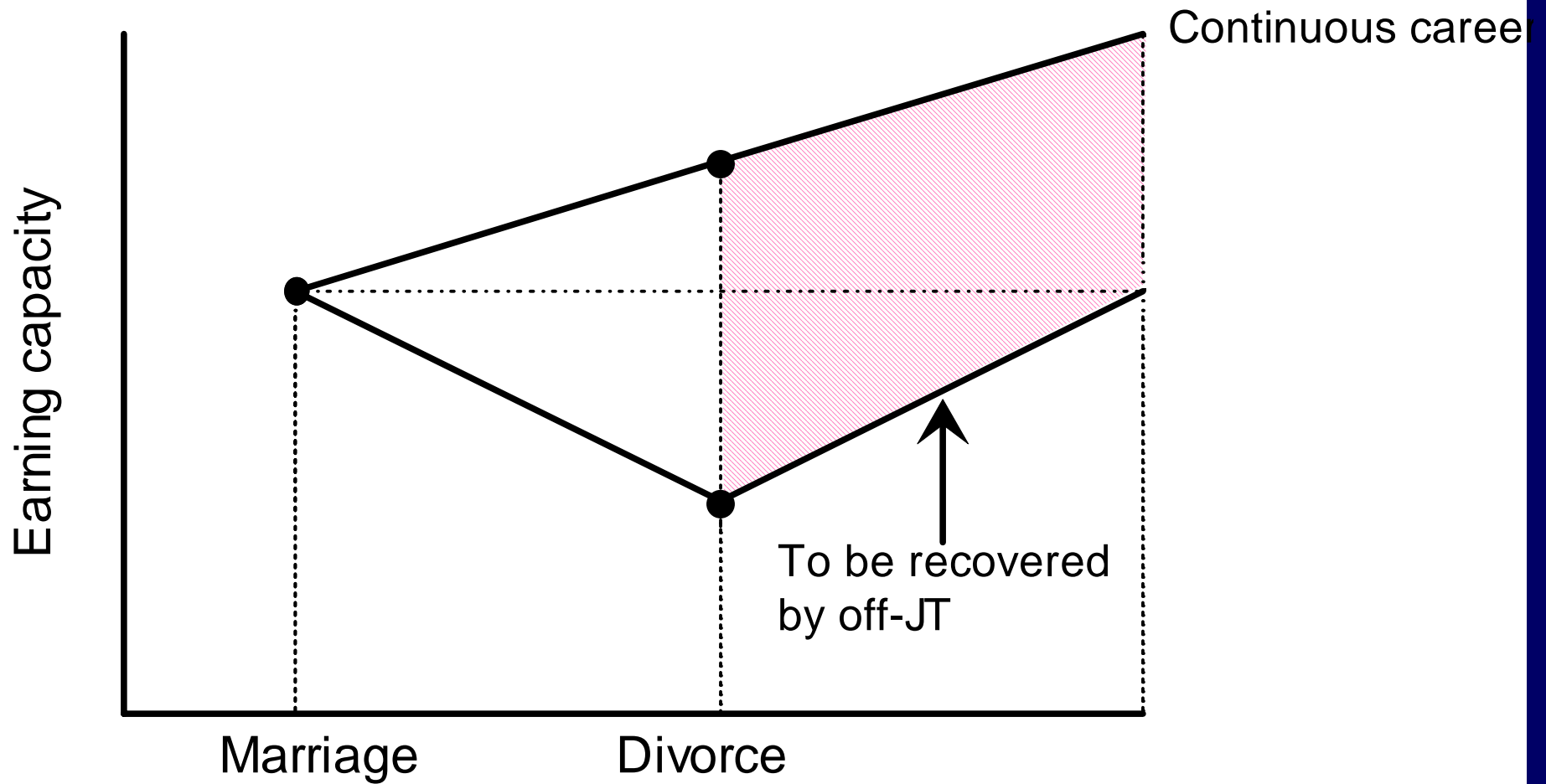


Remaining Problem

**Insufficient to incorporate
human capital**

- Baseline for comparison**
- Career effect**





Progress of Divorce Law

Equal division of property

**But equitable return
for risky investment?**