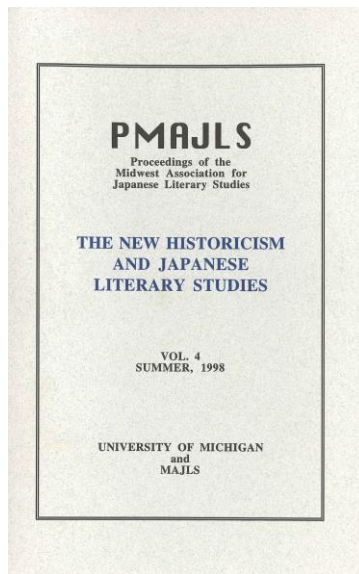


“A Wife’s Discourse: Dazai’s *Viyon no tsuma* and the Revision of Civil Law”

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**A Wife's Discourse: Dazai's *Viyon no tsuma*  
and the Revision of Civil Law**

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*Viyon no tsuma* (*The Wife of Villon*) was published in March of 1947 during the chaotic aftermath of the war. It is a first person narrative of a woman who depicts her life with her decadent husband Ōtani.

When the narrator/protagonist, who is only referred to as Watashi, describes Ōtani, the reader immediately equates Ōtani with a French poet François Villon (1431-?) in the title since they are both decadent poets, thieves, drunkards, and awful husbands. Then, the reader notices another equation: Watashi = the wife. Her language seems to reinforce this equation: she refers to Ōtani as her *otto* ("husband"), defining herself as his "wife." She also lives with him and their four-year old son under the same roof; she financially depends on Ōtani and runs the household, and she stays faithful to Ōtani sexually. In short, she presents herself as Ōtani's wife linguistically, socially, economically, and sexually.

However, there is one point in the narrative where Watashi clearly states that she is not legally married to Ōtani; rather, she describes their relationship as *naien*, customarily translated as "unregistered marriage." *Naien* was not an unusual form of relationship either in prewar or postwar Japan, so Watashi's relationship with Ōtani does not make this novel unique.<sup>1</sup> The

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<sup>1</sup> Takeda Masaomi provides some statistics in his book *Naien no genjōto kadai* (Tokyo: Hōritsu bunkasha, 1991). According to his research, 16% of all married couples were unregistered in 1920. In 1940, 15.7% were still *naien*. There is no nationwide research conducted in the postwar era, but Ōta Takeo's study, published in *Kazoku hōno rekishi to tenbō* (Tokyo: Hitotsubusha, 1986),

point of focus is the discrepancy between the relationship described in the text and the term in the title, and this discrepancy is made apparent only in the realm of law.<sup>2</sup>

During the years between 1945 and 47, the Japanese legal system went through a dramatic transformation. The revision began with the constitution and then to commercial law, criminal law, and finally to civil law. The revision that is directly related to my presentation is the Civil Law, *minpō*, which started in July 1946. The revision committee announced the first draft to the public the following month, and this was further revised under the advisory of the Occupation forces. In June 1947, the last draft was completed and it passed the Diet. It was effected in January 1948.<sup>3</sup>

The revision radically changed the familial system that was stipulated by the Meiji Civil Code. It signified complete severance from the prewar system. This forced the Japanese to question the definitions of the most mundane relationships. They needed to redefine each term--family, marriage, wife-husband, parent-child, brother-sister. People knew that the old definitions of these terms no longer functioned, but new definitions were yet

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shows that 4.5 % of the married couples in Kyoto were yet to be registered in 1952.

<sup>2</sup> Most of the critical studies on *Viyon no tsuma* take for granted that the relationship between Watashi and Ōtani is a "marriage." See, for example, Okuno Takeo "Kaisetsu" in *Dazai Osamu teihon zenshū*, vol. 9 (Tokyo: Chikuma shobō, 1956), Andō Hiroshi, "'Viyon no tsuma' shiron" *Kokubungaku kaishaku to kanshō* (Tokyo: Gakutōsha), June 1988, and Hatasa Shōko, "'Viyon no tsuma' ron" *Kokubungaku kaishaku to kanshō*, September 1994.

<sup>3</sup> For further discussion of the revision of the Civil Law, see Maki Hidemasa ed., *Nihon hōsei shi* (Tokyo: Seirin shoin shinsha, 1975) and Ichikawa Fusae ed., *Nihon fujin mondai shūsei: Kazoku seido*, vol. 5 (Tokyo: Domesu shuppan, 1976).

to be established. It is in the midst of this chaotic transformation that *Viyon no tsuma* was written, and this chaos is clearly inscribed in the text.

The revision is typically narrativized as the “democratic” reform of the feudal *ie* system that was stipulated in the Meiji Civil Code of 1898. The usual narrativization of the revision goes like this: under the Meiji Civil Code, the preservation of the family unit called the *ie* was prioritized over individual freedom; the new civil law, however, abolished this system and stipulated marriage to be based on the mutual consent of both sexes. In short, it “democratized” the family system. However, this narrativization inevitably involves a value judgment: a “democratized” system is always the “better” and “improved” system. Though there have been many discussions that questioned whether or not the postwar system is “democratized” enough, they have not problematized the narrativization of the reform itself.<sup>4</sup> In my presentation today, I would like to argue that this text makes us inquire into our own narrativization of Japanese history after the war. In this sense, it is a very political text. I will show that the relationship described in the text is not defined either by the Meiji Civil Code or the new Civil Law. The text, in other words, problematizes both systems by positing such a relationship. I will also show that this relationship reveals the ideology that governs the narrativization of the revision itself.

Under the Meiji Civil Code, the status of *naïen* was an invisible but important component of the *ie* system. The *ie* was a legal family unit and its primary purpose was to preserve itself as a unit, thereby protecting its property. In order to do so, the

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<sup>4</sup> An example of such discussion can be found in Nishimura Nobuo, *Sengo nihon kazoku hōno minshuka* (Tokyo: Hōritsu bunkasha, 1978). See also Kaneshiro Kiyoko, *Hōjoseigaku no susume--josei kara no hōritsu e no toikake* (Tokyo: Yūhikaku, 1983).

family unit had to have a male offspring who could be the head of household--generally referred to as *koshu*.<sup>5</sup> A family unit usually needed to have a few sons in the family in case it lost the eldest. For that reason, the family unit permitted the child born between a family member and a woman outside of the family to belong to the unit. This legal procedure was referred to as *ninchi* or "official recognition." The issue of such a relationship was called *shoshi* and he would be a legal member of the main family unit.<sup>6</sup> Once he gained a legal status within the main family, he and his mother would receive financial support from the main family unit.

As a result, the primary objective of a woman in *naien* when she had a male child was to gain "official recognition" from the main family unit, thereby becoming a sub-unit of the main family. Though the Meiji Civil Code itself does not define the criteria for this "recognition," numerous court cases show that, in order to be considered *naien*, the couple must live "virtually as husband and wife," (*jijitsu jō fūfu dōzen*).<sup>7</sup> This "living virtually

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<sup>5</sup> Articles 732 to 764 of the Meiji Civil Code define the rights of *koshu* (*koshuken*) and his property (*katoku*). For example, article 750 stipulates: "The consent of the head of the house is required when a member of a house (desires) to be a party to marriage or adoption." Articles 964 to 991 stipulate how *koshuken* and *katoku* are inherited. For example, article 970 defines the order of succession as follows: "As among persons of different degrees of relationship, the nearest takes precedence; as among persons of the same degree of relationship, males take precedence; as among males or females of the same degree of relationship, legitimate children take precedence." The Meiji Civil Code is available in translation. W. J. Sebald tr., *The Civil Code of Japan* (Kobe: J. L. Thompson & Co. LIMITED, 1934).

<sup>6</sup> Article 827 of the Meiji Civil Code defines *shoshi* as a "natural child who has been acknowledged by its father." When a child is not officially "recognized" as *shoshi*, the child is called *shiseishi*.

<sup>7</sup> The summaries of these prewar court cases are included in Nakagawa Zennosuke ed., *Taikei minpōjiten* (Tokyo: Seirin shoin shinsha, 1966).

as husband and wife" is in fact a legal term used in court cases in which a woman of *naien* sought legal protection. In order to receive financial support from the main family, therefore, the woman in *naien* must constantly present herself as a "wife," and her lifestyle must be recognized by others as that of "marriage." In other words, her *naien* unit needs to be socially recognizable as "marriage."<sup>8</sup>

With this knowledge of *naien* status, let us now examine *Viyon no tsuma*. At the beginning of the story, Watashi describes Ōtani's crime. One night, she learns from a pub owner Tsubakiya that Ōtani had stolen money from the pub. She makes up her mind to pay off the money all by herself by working in Tsubakiya's pub as a waitress. It is reasonable to say that, at the beginning, Watashi is facing a tremendous crisis--she is close to losing the family unit she has been keeping for four years. Up to this point, she has lived with Ōtani; they had a son together; she has managed the family finances solely from his income; she has been faithful to him no matter how unfaithful he has been. If Ōtani is actually convicted of his crime, however, it will make it extremely difficult for her to maintain her unit as a family. To prevent this from happening, Watashi decides to take care of the matter herself. She tells Tsubakiya that she will somehow make 5000 yen and pay off her husband's debt if Tsubakiya would wait for another day. Here she acts and speaks like Ōtani's wife--she shares his financial trouble with him. At this point in the narrative, I would say that her action is governed by the mode of conduct of a *naien* woman--that of "living virtually as husband and wife."

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<sup>8</sup> On the legal definitions of prewar and postwar *naien*, see ItōMasami ed., *Kokumin hōritsu hyakka daijiten* (Tokyo: Gyōsei, 1985) and Ōta Takeo, *Naien no kenkyū*(Tokyo: Yūhikaku, 1965).

However, her crisis persists precisely because of her decision--now, she has to make 5000 yen in one day. After Tsubakiya leaves, she agonizes over how she can procure money but cannot think of anything. She has been striving desperately to maintain her status as *naien*, but this status has in fact been working against her all the while. Up until this day, she has been financially dependent on Ōtani, maintaining a single economic unit with him and presenting herself as his "wife." Yet, precisely because she has been living virtually as a wife, she has no job or connection through which she can make money. She must find other ways to maintain the unit and the status she has created for herself.

She visits Tsubakiya's pub without really knowing what to do. She tells Tsubakiya that her acquaintance will bring the money by the end of the day and that she will help the pub until then. However, while she is working there, she happens to find a way to make instant cash. She discovers that her body can actually be a capital, something she can convert into money. The text describes the process through which she produces a different status for herself.

私は、店へは行って来た三人連れの職人ふうのお客に向かって笑いかけ、それから小声で、「おばさん、すみません。エプロンを貸して下さいな。」

「や、美人を雇いやがった。こいつあ、凄い。」と客のひとりが言いました。

「誘惑しないで下さいよ。」とご亭主は、まんざら冗談でもないような口調で言い、「お金のかかっているからですから。」

」

I smiled at the three customers who looked like artisans coming into the pub and whispered to Tsubakiya's wife:

"Excuse me, would you lend me an apron?"

One of the customers then said, "Gee, you hired a beauty. She's good!"

"Don't seduce her," the owner replied. "She's an asset."<sup>9</sup>

The customer's praise signifies potential value attached to Watashi's appearance as a sexual object and commodity. The owner's response, "She's an asset," can literally be translated as "her body produces money." This shows the duality of Watashi's position in the pub. On the one hand, Watashi's body is that of a gorgeous waitress who can attract sexual interest of male customers which will bring a profit to the pub. In order to keep the highest value as a waitress, she should not be seduced: her sexual services should be available to all male customers. On the other hand, Watashi's body is still that of Ōtani's wife whose connection will bring money to the pub. The owner needs to protect Watashi's body that belongs to Ōtani from the sexual curiosity of his customers. She is, at one and the same time, a "wife" and a "waitress."

Let me clarify this duality in relation to *naien*. We can see that she begins to deviate from the position she used to have. Sexually, her body no longer belongs solely to Ōtani. Of course, she is not selling sex *per se*, so she can still retain a single sexual unit with Ōtani. However, compared to her previous position, it is now slightly displaced. She also deviates from the economic position as a "wife" because she can produce cash independently from Ōtani. This scene shows that Watashi begins to deviate from the usual mode of conduct as a woman in *naien* whose primary concern is to keep the unit as it is. Of course, I am not saying that she has completely abandoned the effort to "live virtually as a wife." What I would like to stress here is that we can situate the point of deviation in this scene--we see Watashi beginning to produce a status different from that of a woman in

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<sup>9</sup> Dazai Osamu, *Dazai Osamu zenshū*, Vol. 8 (Tokyo: Chikuma shobō, 1989), 425.



*naien.*

In fact, she never returns to her previous economic position. After this scene, Ōtani actually comes back with the money. At this point, Watashi does not need to sell her sexual services any more. She can stop working and stay home again. But surprisingly, she doesn't do that. She decides to continue her job as a waitress. Does she get rid of this horrible husband Ōtani and start a new life on her own now that she acquires the means to support herself? She doesn't do that either. Instead of abandoning him, she makes a deal with Tsubakiya--she will pay off Ōtani's other debts, which he made by drinking on credit. She thus chooses not to sever her tie with Ōtani.

Toward the end of the text, an incident that further displaces her position as a wife occurs--she lets one of the customers stay overnight in her house and she is raped as a result. I don't have time to go into the specifics of the incident but for the conclusion of this paper, I would like to point out its significance: because of this rape, the possibility of retaining the sexual unit with Ōtani is threatened. We don't know whether Ōtani actually finds out about this incident since the text does not provide that information. However, if Ōtani learns that she had sexual intercourse with another man, their sexual unit is likely to be destroyed. If he doesn't find out about the rape, she may still be able to retain her sexual position as a wife. Her sexual position as a wife hangs in the balance at this point in the narrative.

The text shows that this rape has much to do with her job as a waitress: if she would have presented herself only as Ōtani's wife, she may have been able to avoid the situation altogether. The best way to protect herself against the aggressive sexual advances in the future is to quit her job and return to her house as a wife and to her previous sexual position. Once again, she doesn't make that choice. Instead, she declares to Ōtani that she

will move out of their house and board in the second floor of the pub where Ōtani often visits.

This act of forsaking her house is an ultimatum--the final notice that Watashi will no longer abide by the regulations of *naien*. The house ("ie") was a symbol of a socially recognizable unit in the Meiji Civil Code. By abandoning this, she indicates that she no longer seeks to create a socially recognizable unit and no longer aspires to gain institutional protection from the main family unit. And by moving into the pub, she shows that she still desires to maintain her relationship with Ōtani. Therefore, the abandonment of the house marks a new phase of their relationship. Watashi and Ōtani will no longer live together under the same roof; they will be independent from each other financially. The text also suggests that they may even have sexual relationships with other people. The second floor of the pub becomes a space for the relationship whose regulations and rules are yet to be established.

It is not a coincidence that this starting point of the new relationship is dated January 1947, a few months before the new revised Civil Law was announced. As readers of 1990s we know what Watashi does not know in 1947. The revised law abolished the *ie* system, and in turn, stipulated legal marriage to be the sole basis for the family system. Legal marriage presumes that a couple live together, create a single economic unit, and have sexual intercourse only with one another. It is in fact the exact opposite of Watashi's relationship with Ōtani.

It is tragic for Watashi that legal marriage under the new law is valorized as a more "democratic" and hence a "better" form of relationship, and thus privileged as the only legitimate unit. As a result, the new law inevitably labels all other types of relationship as illegitimate. Under this "democratic" family system, a relationship like that of Watashi and Ōtani will be

rendered illegitimate, deprived of all institutional protection.

Within the paradigm of *Viyon no tsuma*, the new “democratized” system is yet another oppressive system—just like the old Meiji Civil Code. By providing a paradigm within which both “feudal” and “democratized” can only be equalized with “oppressive,” the text questions the value judgments attached to the term “feudal” and “democratized.” The former implies worse, old, backward, and restrictive while the latter better, freer, more egalitarian, more improved, and more advanced. To avoid unnecessary confusion, I would like to make it clear that I do not intend to criticize “democracy” as a political principle. What I intend to problematize is a certain type of narrativization of postwar history in which the term “democratic” is uncritically valorized. By showing the arbitrariness of the terms “feudal” and “democratic,” the text highlights the ideology inherent in that specific narrativization.

At the end of my presentation, I would like to return to the title of this text. After examining the Ōtani-Watashi relationship, we begin to see this title as a very provocative one. The text describes a relationship that defies the relationship defined by the new “democratic” system and the title designates Watashi as “wife.” We may be baffled by this title and raise a question: Would you call Watashi a “wife”? This very question, the very fact that we are forced to respond to this title, makes us aware of the paradigm within which we are. We somehow share the meaning of wife that is defined by the democratic system, which is precisely why we cannot immediately call Watashi “a wife.” We as readers are ourselves products of a certain narrativization, of a certain paradigm. The text shows that history is not only inscribed in the text entitled *Viyon no tsuma* but also in the readers, in us.

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