

## **The Family Registry System: One Way to Discriminate Against Women**

By Kyoung Young-shik

Korean society is always changing and the social system keeps pace with the change. If the social system doesn't keep step with the change of society, it makes some problems. In Korea, there was no problem with the family registry system — managing identifications of all the people across the country according to household — in the Koryŏ and Chosun dynasties because the system was suitable for the society at that time, but now many women are suffering because of the current system. In the past, the family registry system was generally gender-equal, but the current family registry system discriminates against women.

The family registry system in the past is different from the current family registry system in two ways — authority of the head of the family and the order of inheritance of the head.

Authority of the head is one difference between the system in the past and in present. In the Koryŏ and Chosun dynasties, the head of a family was just the representative of one household and didn't have authority to manage household affairs, but now the head has actual authority to take care of household duties. For example, in the past, the head of a family was a kind of symbol of the family. As the eldest adult, the head gave other family members advice when they wanted his advice. In the current system, however, the head of a family governs the family because the head has lots of legal powers, such as priority in child custody, authorization for issuance of a passport and surgical operations for family members.

The order of inheritance of the headship of a family is the other difference between two systems. A woman could be the head of a family in the past family registry system, but in the current family registry system, in effect, a woman cannot be the head of a family. In the past system, the rule on succession of the head of a family is not clearly recorded. However, we do know that, a woman will become the head, after the head of a family passed away, and we know that, when the deceased head's wife didn't exist, each son and daughter established a new household. We know this because there is no record that the son became the head of a family while his mother was alive after his father died. In the current system, the order is male-oriented. In the civil law of succession of the headship of a family (Article 984), after the head is gone, the order of inheritance of the head of a family is, first, a direct male descendant (his son, grandson, etc., all of whom are considered immediate family) regardless of marital status, then an unmarried female descendant, then the wife, then the mother, and then the daughter-in-law. Compared with the rule in the past, women have lost equality in inheritance of the headship.

Many females are suffering because of features of the current family registry system — a bias against women, authority of the head of a family and the male-oriented succession of the head. A problem caused by the current system's bias against women is that, according to the law, even if a divorced woman marries, her children retain their biological father's surname. When a divorced woman with children remarries, her new husband's last name is different from her children's. In Korean culture, a different last name between father and his children is really noticeable because there is a convention that father and his children should have the same family name. So, the children get hurt at school because other children tease them about their different surnames. Even if the children's family members get along with each other, the different last name always reminds them that they are not part of family. Authority of the head in the current family registry system, and the feature of the current system, causes another problem for women. The head of a family has first right to child custody. As an example, take an unmarried woman who gives birth to a child and brings up the child. She can register the

child under her record and bring up her child until the child's biological father shows up. If the father wants to bring up the child, he can get the right to bring up the child instead of the mother. The other feature in the current system — the male-oriented succession of the headship of a family causes yet another problem. According to the law, the order to be the head prefers men to women. When the head of a family passes away, his son will be the head even if the head's wife is alive. His wife, in place of the head, in effect, becomes responsible for children and family when she brings up the children and earns money for her family. However, no matter how much responsibility she takes, she can't be the head with her son no matter how young he is. These problems caused by the current family registry system — the different last name between the stepfather and the mother's children, lack of right to bring up children, and unreasonable succession of the head of a family — prevent women from living a happy life with her family.

Many people say that Korean women's status has been improving. However, the current family registry system is an exception to the improvement. The system harms women in Korea society because it is an anachronism today. However, there is good news for women. On May 27, 2003, legislators submitted a bill for a revision of the family registry system, which will make the system more equitable and lessen women's problems caused by the current system. This, in turn, will be a stepping-stone to the improvement of women's rights in Korea.