

THE ENDURING AMBIGUITIES OF JAPAN'S POSTWAR SECULARISM

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ABSTRACT

Following decades of state control of religion, a secular constitution was introduced in Japan in 1947, presenting favourable prospects for safeguarding freedom of conscience and equality. However, the vague language used in Articles 20 and 89 of the constitution arguably complicated the task of creating a strong, liberal secular regime. This thesis, therefore, will describe how institutional flaws have compounded the secularism-related challenges linked to the revival of Shinto's public role in the postwar era, as well as the controversies surrounding the creation of a powerful Buddhism-based political party, the Komeito. In this regard, the Japanese case provides an opportunity to reflect on similar issues elsewhere in the world. Indeed, attempts at fostering citizens' civic cohesion are being challenged in nation-states worldwide; on one hand, by the absolutist goals of religio-political movements, and on the other, by state-led constructions of national and religious identities. The Japanese case can especially contribute to the debates concerning the introduction of secularism in non-Western societies – notably where the notions used to articulate secularism, such as the religion–state dichotomy, either are absent or lack deep cultural and historical roots. By focusing on the impact of key ambiguities found at the core of Japan's secular rules, the thesis will argue that institutional design choices, rather than cultural barriers, are responsible for some of the most important challenges confronting secularism in Japan today.

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CHAPTER 1: INTRODUCTION

Politics and religion have been intertwined for most of modern Japanese history, often to the detriment of individual rights (Gordon, 2003). One could point to the early days of the Meiji restoration of 1867 as being a first experience with secularism as religious freedom became for the first time a constitutional right. However, records show this innovation was in vain and was quickly overshadowed by the aggressive usurpation of religion and Shintoism in the course of the militarization that led to the Pacific War (Hardacre, 1989; Shimazono, 2009). It is therefore more accurate to say that secularism was introduced to Japan during the institutional reconfiguration that took place after Japan's defeat in World War II (Shimazono, 2009). This was almost the equivalent of an institutional UFO landing on Japan, as in 1946, the year Japan's postwar Constitution was promulgated, most Japanese could not have been aware of the meaning of this political doctrine. Records show that the Japanese Constitution was written in haste and that the secular clauses merely reflected the drafters' wish to prevent the return of state privilege accorded to the Shinto religion, which characterized the Meiji era (Inoue, 1991; Woodard, 1972). Nonetheless, the few hastily written clauses had the potential to provide the essential building blocks of a regime seeking to promote equality and freedom of conscience, through institutional means such as state neutrality and the separation of state and beliefs.¹

The nascent secular regime's foundation would rest on Articles 20 and 89 of the Constitution, which officially came into effect on May 3, 1947 (1947). On the one hand, these articles ban the state from participating in religious activities or from funding religious organizations and religious education; and on the other, the side of civil society, the Constitution forbids religious

¹ The definition of secularism will be discussed in depth in chapter 2.

organizations from exercising any ‘political authority’. On paper, the Constitution introduced what appears as a radically strict set of rules (Date, 2011). One commentator has portrayed it as a “wall of separation” amongst the highest in the world, even surpassing the one erected by the American Constitution (Davis, 1991, p. 213). When secularism was introduced to Japan, however, it was only an idea that was planted. Only time would tell how the secular clauses would mould the behaviour of political actors and religious groups, and whether previous patterns of interference between religion and the state would be broken for good. The aim of this thesis is to describe and explain how this story unfolded. The first puzzle to elucidate is how this institution—secularism—which was seemingly imposed from the top, could have been maintained for so long, although with a number of significant tensions. To answer this question, it will be necessary to provide a nuanced description of the secular regime that captures both its surface outlook and its internal contradictions.

On the surface, we will get the picture of a resolutely institutionalized secular institution. Indeed, none of the main political parties have suggested retracting the official secular orientation of the state, and the secular articles of the postwar Constitution have remained intact ever since they came into effect in 1947. On the side of civil society, there has been no significant movement calling for a revision of the secular clauses either. In short, we can say that the political doctrine has become part of the ‘cognitive script’ of Japanese society, and that a full-blown anti-secular backlash is unlikely. To emphasize how puzzling this situation is, we must remember that institutionalized secularism was imposed on Japan in the context of the military occupation following Japan’s humiliating defeat in World War II. Furthermore, this institution runs contrary to a long historical trend of political interventions in the religious realm. To complicate things

further, the realms that secularism seeks to differentiate, namely the religious, the political and the secular, have historically been conflated in Japan (Shimazono, 2009). Clearly, at the time of its introduction, the idea of secularism must have been obscure to most Japanese. Finally, much of the old guard promoting the instrumentalization of religion during the pre-war period retained positions of power in the postwar period, while the highest symbol of their worldview, the Imperial Household institution, was maintained. The odds of the latter remaining in place after the American occupiers left Japan would have appeared uncertain in that context. This puzzle will find its answers, firstly when we expose the factors that offered the possibility to offset the challenging features described above, and, secondly, once we go beneath the surface and expose the inner tensions of the secular regime. It will be necessary to make an important distinction between the *institutionalization* of this institution and its *substantiation*, i.e., the degree to which it has managed to protect the secular values of freedom of conscience and equality.

Undeniably, by looking closely at the key events and developments of the regime that have occurred over its more than six decades of existence, one sees significant tensions and contradictions. These have been nourished by a series of controversies involving a return of religion in the public sphere, as well as the perceived excessive influence of certain religious organizations on politics. Throughout the years, political parties and religious organizations alike have been accused of crossing the constitutional line of separation. Moreover, actors trying to adapt rules to their needs have interpreted the secular clauses of the Constitution in contradictory terms. By assessing the substance of secularism in postwar Japan, we will paint the picture of a regime that is hollow and lacks coherence. Perhaps paradoxically, however, the maintenance of secularism as an official political and constitutional orientation for Japanese society has persisted.

Thus, this initially obscure institution eventually became a norm – but not without fuelling debates and revealing contradictions along the way. Consequently, the real puzzle and challenge for this thesis is to explain this peculiar mix of resilience and tension that characterizes the Japanese secular regime.

Explaining secularism

At first glance, the literature on secularism in general, and much of that on Japanese religion and politics in particular, would have us place the tensions of Japanese secularism on the back of cultural and historical inhibitors. Secularism, we are told, is after all a Western concept; it is not guaranteed to be transposable and comprehensible in societies that cannot articulate the notions that are fundamental for its deployment. In Japan, as in the Asian context in general, we are told that secularism hides “a religious mask” (Madsen, 2011, p. 249), a problematic image that suggests the presence of an inherent, and seemingly insurmountable cultural barrier. One must recognize that neat distinctions between the religious, political and secular realms in modern Japanese history have not been as clear-cut as in some Western states (Shimazono, 2009). Similar conditions have been noted in other Asian cultures as well, notably in Taiwan and China (Laliberté, 2009, 2011, 2013). But without denying that certain cultural barriers to secularism were likely present in Japan, this thesis works with the assumption that no institution is beyond the reach of any culture, providing that the right conditions for its introduction are there. In the same way, while it is true that secularism can be portrayed as having been forced upon Japan by American occupying forces after World War II, and that its introduction has not followed a maturation process bound by indigenous factors (Mullins, 2012b), one can also point to the presence of counterbalancing forces. To begin with, the instrumentalization of Shinto for

political and military ends had been dealt a severe moral blow by the end of the Pacific War; and religious freedom and equality were certainly in demand after years of violations by the Shinto state. Furthermore, Japan's destruction and occupation provided a 'critical juncture'² favourable for institutional innovation. Furthermore, as a rebuttal of the arguments stressing the foreign origin of secularism and its imposition by a Western power, one can also point to Japan's deep history of borrowing foreign ideas and institutions and its capacity to quickly reinvent itself (Bellah, 2003).

As the arguments focusing on historical processes or cultural barriers seem too limited to explain the Japanese experience, the thesis will shift the focus to institutions. As it turns out, a significant portion of the tensions and key controversies affecting Japan's secular regime can be traced to ambiguities pertaining to the regime's institutional design, to micro decisions—with huge implications—taken more than 70 years ago. This observation is well-founded enough to state that, had it not been for those ambiguities, the regime's outlook could have taken a much different shape. Through process tracing, the thesis will thus highlight how decisions taken upstream affected the long-term solidity of the secular structure. The main research question of the thesis thus concerns how the institutional design of the secular regime affected the mixed patterns of tensions and resilience found in the Japanese secular regime, focusing in particular on the effects of key ambiguities inserted in the secular clauses of the Constitution.

² A term borrowed from the new-institutionalism literature that will be expanded upon in Chapter 2 (Capoccia and Kelemen, 2007).

1.1 The impact of institutional ambiguity

Secularism is by nature contentious as it taps into core beliefs about religion and politics, besides requiring a complex institutional arrangement (Maclure & Taylor, 2010). Our hypothesis in this regard is that secularism has far better chances of functioning if the rules are clear and devoid of conceptual confusion. This is particularly true where the religion/politics dichotomy is not very clear-cut to begin with. The thesis will thus attempt to demonstrate that the convoluted nature of Japanese secularism was not an inevitable outcome attributable to historical habits and cultural proclivities. On the contrary, it will argue that many conditions existed for the introduction of a strong, liberal secular regime, but that flawed institutional design decisions undermined the prospects. What follows is a description of the main ambiguities that will be scrutinized.

Religion (*shûkyô*, 宗教)

The first is the meaning of the term ‘religion’ (*shûkyô*, 宗教), a vague concept in the Japanese language, but which appears in the main secular clauses of the Constitution. Though it is readily associated with Christianity, and, to a lesser extent, to Buddhism, the term is not easily associated with Shinto, which, for some ordinary Japanese, and indeed for the state, is more akin to an “expression of patriotic devotion” than a private belief system (Bellah, 2003, p. 38). Its interpretation has greatly influenced the formation of the secular regime as it affects what type of religious activities political authorities think they can be involved in, the religious symbols thought to be appropriate to associate with the state, and also the understanding of what ‘religious freedom’ entails. With the power to define what can be considered to be a ‘religion,’ the Japanese state and its courts managed to frame Shinto as a ‘non-religion’—placed in a category alongside ‘culture’ and ‘tradition’—in a way that is reminiscent of Meiji-era

developments. This ambiguity has thus been instrumental for the gradual promotion of Shinto's public role in the postwar period, often to the detriment of minorities. For instance, the visits of politicians to Shinto shrines have been contentiously portrayed as non-religious acts to maintain Japanese traditions, and therefore beyond the scope of constitutional restrictions. The state's patronage of the Imperial Household and the elevated status of the Emperor in the Shinto religion have also significantly compounded this problem.

This case resonates with a familiar situation, as Calhoun, Juergensmeyer, and VanAntwerpen (2011) have noted, wherein official state neutrality towards religion gives the state the power to define religion. In practice, Calhoun et al. point out that this can facilitate the blending of religion with notions of citizenship, all the while attempting to portray this notion of citizenship as secular, and to the disadvantage of nondominant religions (p. 16). Japan is an ideal case for thinking about this paradox of secular neutrality and reflecting on the concrete ways by which drafters could try to circumvent the issues stemming from the use of ambiguous terms such as 'religion.' The 'religion' ambiguity as manifested in the Japanese context adds extra complexity to the problem of secularism. To illustrate this, in the French and American contexts, all parties are at least in agreement that Islam and Christianity are, essentially, religions even though certain manifestations or expressions of these religions may be deemed as patrimonial expressions of religious traditions or culture. In Japan, as we will see, there is a strong perception that Shinto is *entirely* an expression of historical heritage and culture, and that under no circumstance at all should it be included in the 'religion' category. This ambiguous aspect is perhaps less serious in certain Christian or Islamic contexts (providing they are less multicultural), but it creates a particular set of challenges that have also arisen elsewhere in East Asia, notably with

Confucianism or Taoism (Laliberté, 2011), or with Hinduism in India (Bhargava, 1998; Nandy, 1988; Sen, 2006). This aspect adds importance to the Japanese case in a comparative context.

The 'political authority' clause

The other key ambiguity concerns the section of the Japanese Constitution that regulates the political activities of religious organizations. In particular, the following passage of Article 20, stating that “no religious organization...shall exercise any political authority.” The problem here is that no consensus exists about what “exercise any political authority” entails. To some it means that religious groups should not be involved in political activities altogether; to others it means they cannot be part of governing parties; and to yet others it simply means that religious organizations do not have special prerogatives to monopolize the institutions of the state by undemocratic means. This ambiguity has significantly influenced debates over the legality of the links between the Komeito Party,³ Japan’s third largest political party, and the Buddhist organization that backs it, the Soka Gakkai. Accusations against the Komeito party have endured despite official government pronouncements that the links between the two organizations are constitutional.

This case also brings into focus the paradoxical situation into that religious parties evolving in secular regimes can present. In some cases, a religious party can respect the *letter* of the secular clauses of the constitution while appearing to be working against its *spirit*. This situation arose in Japan when Komeito was openly promoting the establishment of a national religion while committing to the legal and democratic framework of the Japanese Constitution. This type of

³ The short name ‘Komeito’ will be used in this thesis to designate the party established in 1964 as ‘Komeito’ and which renamed itself ‘New Komeito’ in 1998.

situation can cause a counter reaction, with rival groups proposing illiberal solutions to restrict the groups' constitutional right to engage in political activities in order to protect the very liberal system that these groups are accused of threatening. In Japan, Komeito's foes have asked for such restrictions without success. The optimal way to approach the activities of religious groups in secular democracies is a question that merits attention beyond Japan's borders. As Calhoun et al. (2011), express it, "the rise of politically active religion not only encroaches on the relationship between religion and secularism, thus challenging our thinking about the public role of religion...[it] complicates our idea of modern life" (p. 6).

Communicating secularism

The discussion will also examine the performativity of the expression 'secularism' in the Japanese context. To understand the development of the Japanese secular regime, we must not only look at ambiguities in the Constitution but also pay attention to the expression used in everyday language to refer to the concept of secularism. The most common expression used in Japan is *seikyôbunri* (政教分離), which can be translated as the 'separation between politics and religion.'⁴ This expression has the intrinsic proclivity to emphasize separation as the end goal of secularism, a condition that Taylor (2010) has described as a "fetishization of the favored institutional arrangements" (p. 28). The thesis will argue that the consecration of this expression is consequential because its ambiguous and misleading connotations have led to contradictory interpretations of what is permissible from the point of view of the state and of religious organizations. This is a factor that has affected the overall coherence of the secular regime. This

⁴ The various layers of ambiguity in this expression will be discussed in detail in Chapter 6.

taps into the larger issue of communicating secularism, which invites us to pay attention to the ways by which the goals of secularism are portrayed by state actors, be they legislators or courts.

Institutional ambiguity: useful or not?

With regards to the impact of institutional ambiguity and clarity, two opposing ideas need to be considered. One is that vague terms would provide a secular regime with the flexibility and adaptability needed to accommodate the largest number of people over a prolonged period. Bhargava (2010) for instance argues that Indian secularism contains contradictory features and that its secular constitutional clauses “are at best ambiguous”, but that this constitutes a virtue (p. 20). These features strengthen the institution and provide it with the ability to make “fresh interpretations, contextual judgments, and attempts at reconciliation and compromise” (p. 19).

Another view is that clear rules are basic conditions for a strong regime of rights to develop. This is one of the messages that one can retain from Eisenberg and Kymlicka’s (2011) analysis of institutions and identity politics. Arguably, because ambiguity opens the door to subjective interpretations and to the expression of vested interests, clear rules could actually bring about the very virtues that Bhargava associates with Indian secularism. Our hypothesis is that in Japan, ambiguity indeed seems to be part of the problem. The three ambiguities described above have played an important role in weakening the regime. This has not been properly acknowledged thus far, leaving us with only partial answers pertaining to cultural barriers and historical process.

1.2 Contribution

The literature on religion and politics in Japan generally focuses on specific controversies related to the secular regime, but without giving the overall picture or uncovering important links between different facets of the secular regime. The significance of any individual controversy on secularism, when it is addressed at all, has tended to be analyzed on the surface level. Indeed, as we will see in different chapters of the thesis, it is common to encounter statements to the effect that specific events constitute a challenge to the Constitution, without addressing exactly how the issues affect secular principles. Conversely, because the Constitution provides, on paper, what can be seen as a strict form of separation, other authors have tended to downplay the significance of the issues occurring at the interface of religion and politics in Japan. As we will argue, these diverging attitudes seem to be largely predicated on authors' points of view on the significance of state Shinto in the postwar period. It should also be added that the literature has tended to produce one-sided criticisms of specific religious and political movements involved in the secular controversies (Ehrhardt, Klein, McLaughlin & Reed (2014). Hence, the thesis seeks to contribute to the literature with an objective and in-depth portrait of Japan's postwar secular regime.

As Calhoun et al. (2011) mentioned, when secularism is written into a constitution, "it typically reflects events that are not in any way neutral: the ascendancy of a new political party, a revolution, or an interstate conflict...there is always a kind of political context" (p. 16). The thesis will seek to provide that context. The Japanese secular regime was introduced by a foreign power but also with the input of the ascending political forces that would lead Japan for most of the postwar period. This context is crucial to understanding the decisions and forces that have

shaped the regime. The case is also interesting because rapid shifts to secularism, such as the one Japan experienced, are rare, especially transitions that are maintained democratically and without widespread coercion, as has been the case in Asian socialist states.

Beyond the unique historical conjecture of this case, the friction points that have surfaced over the decades tap into debates that are relevant beyond Japan's borders. Bhargava (2010) put it simply by saying that several secular regimes around the world are either in crisis or under stress. Importantly, as Bhargava (2010) also points out, no one religious group is singled out, and states are challenged by movements belonging to a variety of different religions, be they Christianity, Islam, Sikhism, Hinduism, and Buddhism. Managing religious and moral diversity is clearly a challenge in most societies, irrespective of their religious makeup. This widely shared observation has given rise to a broad comparative research agenda seeking to identify the strengths and weaknesses of different secular models around the globe.

The Japanese case provides the opportunity to think about secularism in a non-western setting, where a blend of religions including Shintoism and Buddhism not found elsewhere poses distinct challenges to the secular state. Moreover, we tend to associate the difficulties of secular regimes with the challenges linked to immigration and ethnic heterogeneity. Japan has low immigration and is ethnically and culturally homogeneous in comparison with the cases attracting much more attention such as the United States, France, or India.⁵ Furthermore, the levels of religiosity are low and declining (Reader, 2012). Given this, we could expect the implementation of secularism to be relatively unproblematic in Japan.

⁵ This statement rings true in relative terms, but the depiction of Japan as a homogenous nation tends to be exaggerated (Chapman, 2008).

But the reality is that even though the secular regime has been maintained, it has done so while experiencing tensions and controversies. Japan may be, in comparison, fairly homogeneous, but it features a type of diversity that should not be understated and which causes strains to the secular regime: a deep diversity of beliefs on the meaning of religion and on its proper place in the public sphere. Most Japanese view themselves as non-religious, but that does not mean that there are no deep beliefs involved, and that minorities not sharing the views of the majority do not feel left out.

As institutions across the world are challenged by a diversity of beliefs, every case study brings to the table lessons that are valuable to others, even if the cultural makeup is always unique. Comparative analysis helps us appreciate the extent to which managing diversity poses similar challenges across different cultures, and to which some solutions may also be applicable in a variety of places in spite of local particularities. It is hoped that this thesis will give Japan its due place in this discussion by providing an opportunity to broaden the understanding of the universal as well as the particular challenges that states experience in their attempts to adopt secular policies. Ultimately, the output of this discussion should help us improve the understanding of the institutional prerequisites for a functional secular regime.

A final contribution is methodological. As we will have many occasions to see, the literature is replete with insinuations that there is something problematic with religion and politics in Japan. What this thesis will attempt to do is to understand what exactly all these issues mean for secularism. To answer this in a consistent fashion, one must use a fixed definition of secularism and provide a framework to evaluate how certain categories of actions affect secularism. This

will be inspired mainly by the writings of Charles Taylor and Jocelyn Maclure, as well as Jean Baubérot and Micheline Milot. Furthermore, this thesis makes a crucial distinction between the degree of *institutionalization* of secularism and the *substance* and *clarity* of the secular institution. In our framework, each of these elements allow us to look at secularism from a different angle, and to provide a rich and nuanced description. Together, these elements represent the three pillars that determine the degree of consolidations of the secular regime.

1.3 Method and scope

Focus on key actors and events

The effects of the institution of secularism are diffuse and far-reaching. The realm of secularism is not limited to the state and the law, or to institutional arrangements such as the separation of church and state. As Jakobsen and Pellegrini (2008) point out, secularism can be seen as a “set of material and linguistic practices” that reaches far and wide in society (p. 7). Though it will try to have a wide reach, the thesis will focus on the regime’s first concentric ring; namely, the Constitution and its influence on the main religious organizations and political parties. The main ones are the Liberal Democratic Party, the Komeito party, conservative organizations and lobbies such as the Jinja Honcho and the Shinto Seiji Renmei, as well as religious groups such as the Soka Gakkai and other religious minorities’ organizations. This focus will provide a broad picture of the regime. It will do so by analyzing the key debates over the interpretations of the secular clauses that have occurred throughout the decades.

Time frame

A secular regime represents a complex mix of values and institutional modes, which are subject to interpretations and which lead actors to adopt certain behaviours. These actors can in turn influence the meaning or perception of those values, feeding the dynamic process of institutional formation, which includes periods of tensions, contestations, and stability. Observing this process unfold from day one, and over a long period of time, can provide a broad picture of a secular regime. The empirical description will trace path-shaping events in the postwar period, beginning after World War II, at the critical juncture at which secularism was introduced to Japan. The 65-year-period is sufficient to distinguish important causal factors, to make observations on institutional formation and patterns of change, and thus provide us with enough material to reach general conclusions about the institutionalization of this new political doctrine. It can of course be argued that it is too vast a period to cover, especially given the complex and diffuse reach of an institution such as secularism; but this legitimate concern will be dealt with by breaking down the secular regime into simplified parts, while focusing on key issues and actors.

Material used

In terms of material, the research will use academic sources in different disciplines such as sociology, law, history and political science. Academic discussions will provide not only the basic factual information, but also primary citations of the relevant actors, and insight into the larger context of the events. Special attention will also be given to parliamentary debates discussing different aspects of secular policies. Attention will be given to the attitude given towards the institution of secularism, the definitions of secularism that emerge from these

discussions, as well as to interpretations of the secular clauses of the Japanese Constitution. I will also examine literature from key political parties and religious groups to see what opinions are voiced on the issues. Key documents include the newspapers of these political parties and organizations as well as their political manifestos and the proposals they have made for new constitutions.

Theoretical toolkit

The thesis will use theory as a toolkit, mainly taping into comparative secularism and new institutionalism, a combination especially well suited to shed light on this case. Having described the Japanese secular regime as having been institutionalized, but with mixed patterns of resilience and tension, while having a hollow core, we will ask whether theoretical ideas found in the pertinent literature help explain the Japanese case.

New institutionalism

The thesis acknowledges the strong power of public institutions to shape behaviour and adherence to norms (Lecours, 2005). As Olson (2007) put it, “institutions are carriers of a polity’s character, history and visions, and institutions have a potential for fashioning actors’ character, preferences, and commitments.” (p.7-8) With regards to our subject, the question is whether something in the institutional design of the Japanese secular regime partly explains its lack of coherence and substance. We will see that the core concerns of the new institutionalism literature relate directly to this research problem, namely, to understand institutional formation, continuation, and change (Lecours, 2005). Furthermore, secularism fulfills both the material definition of an institution—a legal and constitutional orientation—and the immaterial definition,

as a set of norms, values, and cognitive scripts.⁶ A wide angle will thus be used to capture the interactions between actors, ideas, and the institutions themselves. This will help us provide nuances to the picture by examining the patterns of continuity and change within the broad institutional sphere of secularism, thus contributing to portraying an institution that is neither monolithic nor static.

Comparative secularism

We can observe throughout the world a variety of systems organizing the boundaries between religion and politics. Each state has distinct approaches to facilitate the management of diversity, to promote or not freedom and equality, or to limit the influence of religion in the public sphere. The literature on comparative secularism seeks to describe these varieties, to explain their historical background and their tensions, and sometimes to discern best practices.

The empirical goal of the thesis is to provide a portrait of secularism in Japan's postwar period so that this case can integrate the broader discussion of comparative secularism. The comparative secularism literature will thus be consulted to build an analytical framework. A definition of an ideal type of secularism will be selected and provide a basis to assess whether Japan can be considered as a secular state. We will also build a framework to qualify the type of secularism found in Japan by examining the case from the three angles mentioned before: the institutionalization of secularism, the clarity and shared understanding of the rules, and the substance of secularism. Otherwise, factors said to hamper or facilitate the development of secularism in this literature will be highlighted. Many of these bring into question the universal applicability of the doctrine, notably in non-Western contexts.

⁶ This satisfies the wide range of definitions used in the field (Lecours, 2005, p. 6-7).

As an institution to manage diversity is not necessarily needed everywhere, one aspect to examine is whether secularism is relevant in Japan or not. It is in theory possible that this institution may be redundant, even creating problems where no problems would be found otherwise, as Bilgrami (2011) suggested. For that to be the case, one would need to provide evidence that social cohesion is optimal, that religion or deep beliefs are not a significant source of social tension, and that the protection of equality and freedom of conscience is essentially taken for granted, even without special institutional arrangements. Only under such conditions could we affirm that the institution of secularism is redundant. The thesis hypothesis is that it is not the case; the tangible results that this doctrine aims to produce—equality and freedom of conscience—cannot be taken for granted in Japan, and, from this perspective, formalizing their protection in the Constitution is not superfluous.

It is possible that secular crises occur in places where the existing cultural references or worldviews make it difficult to turn secularism into a functional institution. Such explanations often focus on the difficulties that secularism encounters when travelling from its Western birthplace to other parts of the world. As Calhoun et al. (2011) argue, secularism's implicit reliance on the word 'religion' makes the concept difficult to transpose in non-European languages (p. 8). As these authors underline, many critics of secularism in non-Western states argue that "the Westerns distinction between 'politics' and 'religion' should not be uncritically exported to other regions" (p. 5). This is a line of argument that is important to heed, especially as East Asian states, including Japan, are places where the realm of religion is not neatly distinguished from the realm of politics (Laliberté, 2009, 2011; Shimazono, 2009). At first

glance, the idea that cultural barriers explain why the regime encountered problems and developed the way it did in Japan is appealing, but in this thesis the culture-based hypothesis will be counterbalanced by one based on institutions.

Another possibility is that there might be a need for secularism, *and* a cultural vocabulary might be available to help assimilate the concept, but the improper historical conditions for its adoption can be blamed for its difficulties. It has been suggested that the odds of secularism are better if it results from a home-grown historical process (Mullins, 2012b). The new secular institution in Japan could be portrayed as a foreign ideology imposed by a foreign power in the context of a humiliating defeat, which is far from an ideal beginning. This top-down imposition by Western or westernized elites could have created an anti-secular backlash, or, in other words, reaction to what one author has labeled “imperialist secularism” (Demerath, as cited in Mullins, 2012b, p. 67).

If institutions are solid because they are “carriers of a polity’s character, history and visions” (Olson, 2007, pp. 7-8), it may seem puzzling that the Japanese secular institution was not rejected outright once the occupiers left, given the circumstances of its foundation. To better understand this, the thesis will enumerate a number of factors that have attenuated the importance of top-down secularization, and show that there has been an indigenous appropriation of this norm and a favourable historical conjecture as well. If it is found that historical and cultural arguments cannot provide complete explanations, more importance will have to be given to institutional factors.

1.4 Organization of the thesis

This section provides an overview of the organization of the thesis. **Chapter 2** will explain the role of theory in this thesis, and, with the help of a literature review, situate the Japanese case in the context of a broader theoretical discussion on politics and religion. The main bodies of literature consulted are those of comparative secularism and new institutionalism. The comparative secularism literature will first provide material to develop a definition framework for analyzing and assessing the development of a secular regime. It will also serve to identify theoretical ideas that can help explain the path that Japanese secularism has taken, as well as the theoretical discussions that the Japanese case can nourish. Attention will be mainly focused on discussions pertaining to secularism in non-Western settings, the universality of this concept and of the related religion/secular dichotomy. The new institutionalism literature will be drawn upon to isolate factors explaining institutional formation and patterns of continuity and change within the Japanese secular regime.

Chapter 3 will begin with a historical background of religion and politics in the Meiji era. In it we will be looking at the status of secularism in this period, especially at the state's relation the phenomenon referred to as 'State Shinto'. We will show the extent to which the notions of secularism were absent in Japanese society, notwithstanding the references to religious freedom in the Meiji Constitution. This historical introduction will help appreciate the drastic 1946 transition from a pre-secular to a secular regime. This is important, in order to engage with theoretical ideas related to institutional creation and critical junctures. It will continue with a description of the Allied Forces' religion and state policy, including the dismantling of State Shinto and the role given to the Emperor. It will focus on the conditions surrounding the writing

of the Japanese Constitution, and the extent to which Japanese actors collaborated with the Occupation Forces. Based on the definition of secularism given in the methods section, the chapter will look at the different sections of the Constitution to assess whether they provided the building blocks needed to construct a secular regime. This section will also comment on the uncertain odds for secularism to flourish in Japan at the postwar juncture.

Chapter 4 will then trace the formation of the secular regime in the postwar era, focusing on the constitutional restrictions on the religious activities of the state. In order to link back to the theoretical factors we have highlighted in the literature review, we will first concentrate on the impact of a central conceptual ambiguity found in this dimension of constitutional restrictions, namely, the term ‘religion’, whose interpretation is pivotal in the interpretation of restrictions in this dimension. We will examine this ambiguity can be portrayed as a design flaw, and focus on three forces or factors that have compounded this weakness, namely, the decision to give the imperial institution an important symbolic role; the power given to courts to decide what counts as a ‘religious act’, as well as the agenda of pro-Shinto conservatives. We will examine how political pronouncements and court decisions taken over the decades have left Shinto resting uncomfortably between the categories of ‘religion’ and ‘cultural tradition’ – to the expense of those opposing any ties between the state and Shinto. The analysis will examine controversies that have occurred in this dimension, always asking how precisely these affect secularism. Importantly, we will consider whether and how the war legacy affects the analysis, as secular issues and war memory issues tend to be conflated.

Chapter 5 will examine the constitutional restrictions on the political activities of religious groups. This chapter will trace how a controversy emerged from the moment the Buddhist organization Soka Gakkai decided to create a political party, the Komeito, which eventually became Japan's third-largest party. As the Constitution does not precisely dictate the restrictions on the political activities of religious groups, the chapter will trace how this vagueness fuelled six decades of debates and contributed to the secular rules' lack of clarity. This chapter will discuss the challenges that religio-political movements pose to secular democracies as well as a paradox of secularism: in some circumstances, a religious party can respect the *letter* of secularism while appearing to be against its *spirit*, by, for example, promoting the establishment of a national religion while committing to legal and democratic means to achieve this. This can cause a reaction, as it did in Japan, in which opponents of those groups have proposed illiberal solutions in order to protect the very liberal system that those groups are perceived to threaten; namely, to restrict the groups' constitutional right to engage in political activities.

Chapter 6 will draw from the conclusions of the previous three chapters and present a broad picture of Japan's secular regime. Based on the definitions and analytical grid provided to assess secularism, we will then examine whether the regime has fulfilled its main function, i.e., to safeguard religious freedom and moral equality.

Chapter 7 will continue with an explanation for this outlook, with references made to the theoretical framework, and then provide a final assessment of the impact of the ambiguities identified. It will discuss how an alternative institutional design could have led to other outcomes and improved the solidity of the regime. This will contribute to the broader aim of weighing the

impact of cultural or historical inhibitors against that of institutional factors. **Chapter 8** will present general conclusions about the case, and suggest avenues for further research.

CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This section will conduct a review of two theoretical bodies of literature, loosely defined as the comparative-secularism literature and the new-institutionalism literature. The comparative-secularism literature was selected to find definitions of crucial concepts such as what should be considered as a secular state, and to find material that will help us build a framework to make a qualitative assessment of the case study. Furthermore, the literature provides hypotheses that may help explain why Japanese secularism has come under stress. The new-institutionalism literature was chosen to support the examining the hypothesis that institutional design choices may also explain the general outcome and stresses of the regime. It also presents several mechanisms to help explain the patterns of continuity and change of the secular regime.

2.1 Research gaps in the literature on religion and politics in Japan

Before turning to the broader discussion of new institutionalism, we will mention a few key features regarding the literature on religion and politics in Japan. Although there are many general discussions on Japanese religion and politics in World War II, there is a scarcity of analyses conducted specifically from the angle of secularism. It follows that the dialogue between the Japanese case and the comparative-secularism literature is limited. One noteworthy exception from the French-language literature, which we will return to later, is the work of Kiyonobu Date (2015), who has attempted to situate Japan in the typology of secular states developed by Jean Baubérot and Micheline Milot (2011, 2015). We should also note that two edited volumes devoted to secularism in Asia have unfortunately overlooked Japan (Bubandt &

Beek, 2012; Heng & Ten, 2010). It is hoped that this thesis will thus bring Japan firmly into the comparative-secularism discussion.

The literature on religion and politics in Japan, even if not connected to the larger theoretical debates about secularism, provide vital empirical material needed for this thesis. What follows are some of that literature's main focuses and limitations. Much of the attention in the English or French-language literature is directed towards the Yasukuni controversy, and, to a lesser extent, to controversies related to the Imperial Household institution (Breen, 2011; Kobayashi, 2013; Okuyama, 2009; Takahashi, 2007). The Yasukuni controversy has garnered much of the attention, notably international, particularly because of the repercussions of the Yasukuni crisis on Japan's relations with other Asian countries. This is due to the connection of the shrine with the militarization of Japan and, more specifically, to the enshrinement of war criminals (Okuyama, 2009). The visits of several prime ministers throughout the years have sparked domestic debates and lawsuits concerning the constitutionality of the act, which will be detailed latter. The Yasukuni issue is often presented in isolation from other similarly problematic actions of politicians in the religious realm, such as official offerings, visits or ceremonies performed at other religious sites. Connected to the Yasukuni issue is the larger problem of the rapprochement between the state and the Shinto establishment (Hardacre, 1989; Mullins, 2012b; Okuyama, 2011; Seizelet, 2001a; Shimazono, 2005; Shiose, 2000). Although this has direct implications for secularism, these are not systematically discussed in most of these works, and readers are thus left to draw their own conclusions.

O'Brien and Ohkoshi (1996) stand as an exception as they provide a rich description of litigation in Japan involving Articles 20 and 89 of the Constitution, focusing on their implications for religious freedom. It provides very useful material, but does not answer the most salient questions about secularism in postwar Japan. This is principally because focusing on court cases ignores the elements having an impact on the secular regime but which are not revealed in court. This leaves out non-litigious but important challenges to secularism, notably those related to the significant influence of religio-political groups in the postwar period.

With respect to these religio-political groups, authors that discuss Soka Gakkai and Komeito do so from the angle of their historical development and organizational and political strength, as well as the incidents and controversies with which the groups have been involved (Baffelli, 2011; Kisala, 1994; Métraux, 1988, 1994; Oh, 1972). An important recent contribution to the literature on religion and politics focusing on Komeito and Soka Gakkai is a book by Ehrhardt et al. (2014). The authors note that research on Soka Gakkai and Komeito has been limited and often one-sided. Their book thus fills an important gap by providing a comprehensive and objective overview of Komeito party politics and Soka Gakkai and Komeito dynamics. Their book deals with several aspects of the Soka Gakkai and Komeito relationship, as well as the relationship of Soka Gakkai and Komeito with other parties, while providing a rich description of the larger context of Japanese politics. As in almost every book or article written on Komeito, the authors mention the issues that implicate Soka Gakkai and Komeito with regards to the constitutional separation of religion and politics. Unfortunately, they do not delve deeper into this subject. With that volume, Ehrhardt et al. (2014) thus confirm that there is a significant gap regarding the analysis of the Soka Gakkai–Komeito dynamic as it relates to secularism in Japan.

The analyses of other religious groups that have been directly engaged in political activities, such as Aum Shinri Kyo and Kofuku no Kagaku, have likewise focused on describing their organizational structure and the controversies they have created (Astley, 1995; Baffelli, 2007; Hardacre, 2007; Kisala, 1996; Kisala & Mullins, 2001; Reader 2000). Again, we must mention that these contributions do not systematically discuss the impact of these groups on state secularism.

As we will show using examples throughout this thesis, many authors suggest that the relation between religion and politics is problematic in Japan from the point of view of its secular Constitution. What is problematic is that many of these authors do not explain the concrete implications for secularism of the specific religio-political issues in they cover. To provide a few examples, Métraux (1994) underlines the often-heard criticism that “Komeito’s unofficial affiliation with the Gakkai is suspect and problematic for a nation that now espouses a formal separation between church and state” (p. 39). This statement does not provide the analysis or tools needed to understand the true implications of the Soka Gakkai–Komeito relationship for secularism. Another example, linked to an infamous episode, concerns the statement made by former Prime Minister Mori who declared in the year 2000 that “We [have to make efforts to] make the public realize Japan is a divine nation centering on the Emperor” (as cited in Starrs, 2011, p. 1). Analysts have presented this statement as challenge to Japan’s strict secular Constitution (Starrs, 2011, p. 2), but without explaining the deeper reasons why that statement should clash with the principles of secularism. This observation provides the motivation to push the analysis one step further by providing a framework to analyze how different types of issues

affect the secularity of Japan. Before turning to that, we will begin with an overview of the contribution of the institutionalism literature to this thesis.

2.2 Comparative secularism

As many secular regimes throughout the world are experiencing crises of varying magnitudes (Bhargava, 2010), researchers have been encouraged to explore from a comparative perspective the challenges facing secular states, notably in the face of religious diversity (Berman, Bhargava & Laliberté, 2013). The comparative-secularism literature thus has a broad focus, examining the interaction of secularism with a wide range of variables such as globalization (Casanova, 2006), international relations (Fox & Sandler, 2006; Hurd, 2008; Philpott, 2002); democracy and the role of religious groups therein (Bader, 2008; Baubérot & Milot 2011, Stepan, 2000); secularism and religious nationalism (Juergensmeyer, 1993; Keddie, 1998); free speech (Asad, 2011) not to mention the rich descriptions of the distinct patterns of state interactions with religious institutions in single countries or regions, including Asia (Bubandt & Beek, 2012; Heng & Ten, 2012; Laliberté, 2011; Seizelet, 2001b; Baubérot et al., 2015), which includes discussions on the distinct trajectories that different civilizations or states have taken towards modernization, and the role played by religion therein (Eisenstadt, 2000; Katzenstein, 2010; Künkler, Madeley & Shankar, 2017; Laliberté, 2017; Veer, 2014; Warner, VanAntwerpen & Calhoun (2010).

Defining secularism

Secularism⁷ is best understood as a *political doctrine* (Bilgrami, 2011) that is applied with the help of complex institutional arrangements. Beyond that, the definition eludes consensus. Therefore, any discussion about secularism should start with both a basic definition of it and the description of a method to assess the secularity of a state. The first issue to settle is the fixity of definitions. Jakobsen and Pellegrini, in a book aptly entitled *Secularisms* (2008), challenged the idea that secularism represents “a singular phenomenon with universal resonance” (p. 10). In the same line, Calhoun et al. (2011) have shown openness to the use of the concept in its plural form, as “multiple and competing ‘secularisms’” are encountered throughout the world (p. 22), an approach followed by Cady and Hurd (2010) in their book *Comparative Secularisms in a Global Age*. All those authors provide good reasons to use secularism in the plural, but it seems nonetheless essential for comparative secularism to debate what could constitute a *fixed* definition of the term. In this sense, this thesis reflects the point of view of Bilgrami (2011, 2012), who has insisted that the constitutive parts of secularism must be clearly defined and taken as *invariant* from place to place. This does not imply that secularism must be relevant in every context, or be absolutely identical in every way, but simply that, in Bilgrami’s words, “different contexts should not make us want to redefine the term,” as that would only add confusion to comparative analyses (2012, para. 2).

This thesis agrees with that approach. Therefore, instead of saying that whatever emerged in Japan is a ‘Japanese version of secularism’, the point is rather to evaluate, based on fixed criteria,

⁷ In English, Baubérot and Milot (2011) prefer the neologism ‘laicity’ to ‘secularism’ because they think the latter leads to semantic confusion with ‘secularization’, which, for its part, describes a sociocultural process rather than a political doctrine. The thesis prefers the widely used secularism, making it clear from the start that it indeed refers to the political doctrine rather than the sociocultural process.

whether Japan should qualify as a secular state. Once this has been established, we can qualify and nuance the description to identify unique features. This section will thus present a framework to define an ideal type of secularism that will be used to evaluate the case. It is a simple framework that presents the basic goals of secularism as well as its four constitutive parts. It is mainly based on a definition of secularism developed by Jocelyn Maclure and Charles Taylor (2011), which Taylor further elaborated in other works (2010, 2011), as well as Jean Baubérot and Micheline Milot (2011). Before describing this definition and framework, a note is required regarding the potentially ethnocentric application of this definition to a non-Western case. Concerns with the ethnocentric nature of comparative-secularism discussions have indeed been raised by a number of influential authors including Casanova, Bhargava and Stepan (as cited in Baubérot & Milot, 2011, p. 143) as well as Taylor himself (2010, p.23).⁸

Without saying that secularism represents a doctrine that should be applied universally everywhere, this thesis simply claims that the doctrine can find relevance in any place where freedom of conscience and citizens' equality is either lacking or in need of support by specific institutional arrangements. Furthermore, disclosing the constitutive parts of the concept of

⁸ Thomas (2014) provides interesting arguments to help us nuance the idea of ethnocentricity. As we have briefly mentioned, Meiji Japan was nominally embracing a core element of secularism, namely religious freedom. Thomas shows that the meaning of this concept was actively discussed in policy and intellectual circles in the Meiji period. Reflections regarding the meaning of religious freedom intensified with the arrival of the Allied Occupation Forces, and a two-way dialogue ensued on the matter. According to Thomas, the dialogue was intense and rich enough for him to conclude that “American and Japanese formations of the secular were co-constitutive” (p. 50), that is to say, that the Japanese participated in the construction of the idea of secularism that emerged in this period. This very idea of secularism eventually became core American policy as the promotion of religious freedom emerged as one of the stated aims of the Occupation. What is more, this objective gained salience in the larger American policy language – to the point where it had a deep impact on the construction of human rights language in the West, given America’s power and influence. Incidentally, Japanese thinkers would even have indirectly contributed to its development. In sum, it would be an oversimplification to label the secular framework used in this thesis as ‘Western’, and it would be unjustified to claim that it should not be used to study non-Western cases on that basis. To this picture we must add that secularism is a notion that can be said to be indigenous to several other non-Western states (Jakobsen & Pellegrini, 2008).

secularism makes it possible to observe secular arrangements throughout the world—even in places where the terms “secularism” or “laicity” are not used (Baubérot & Milot, 2011).⁹ Furthermore, using the secular framework set out in this thesis can potentially enrich the debates about the universality of secularism, as well as the presence of cultural barriers precluding its adoption in non-Western settings.

The goals of secularism and its constitutive parts

Secularism, in its liberal variant that will be referred to in this thesis, stems from a philosophical viewpoint that some categories of beliefs are problematic to associate with the state, and thus best kept apart from the state for the sake of social harmony (Maclure & Taylor, 2010). Baubérot and Milot (2011) provide a concise definition of secularism that corresponds to the ideal-type model we would like to operationalize in this thesis; namely, a political system aiming at the protection of freedom of conscience and citizen’s equality (p. 7).¹⁰ The larger purpose is to facilitate the formation of a political community around a number of shared fundamental values (such as human dignity, human rights, and popular sovereignty), while letting citizens choose their own value systems (Taylor & Maclure, 2010). As Maclure and Taylor put it, the essential thing is for citizens to be able to choose their own paths to meet at the centre (p. 24). This is because there is simply no viable alternative; no uncontroversial, overarching perspective is available to order and hierarchize the multitudes of beliefs found in society (p. 18). Hence, as Baubérot and Milot (2011) put it, secularism requires those in positions of political power to refrain from imposing a totalizing vision of truth, from defining what constitutes a proper belief

⁹ Date (2011, 2015) has examined the case of Japan by using Baubérot and Milot’s (2011) framework, to which we will return later.

¹⁰ In its original French language: “[un] mode d’organisation politique visant la protection de la liberté de conscience et l’égalité entre les citoyens” (p. 7).

system, from modulating the treatment of citizens based on beliefs, and from grounding civil law in religion (2011, p. 77-78)¹¹. This doctrine is diametrically opposed to state-engineered homogenization of beliefs. From the outset, we should specify that wider definitions of secularism would accommodate authoritarian modes of religious management, for instance those proposed by Baubérot and Milot (2011), as well as Stepan (2000). This thesis examines whether something corresponding to a liberal democratic ideal-type secularism has developed in Japan, therefore we focus on such a liberal variant, an issue that will be expanded on later.

The framework that will be used to define and measure secularism in this thesis specifies that secularism is composed of two core values and two supporting institutional modes. The first value is freedom of conscience (which includes the narrower formulation of ‘freedom of religion’, a point that will be discussed later), which entails that everyone should be free to live by the beliefs of their choice. The second is the moral equality of citizens, or simply ‘equality’. This implies that the state cannot nourish an organic link with or preference for a religion or belief system that could create hierarchies of citizens, and, in the most severe cases, lead to institutionalized discrimination. The idea is to avoid alienating those citizens that do not identify with the state’s creed (Maclure & Taylor, 2010). It should be emphasized that equality does not only concern equality and non-discrimination in a judicial sense.¹² Respecting equality requires the state to refrain from, to paraphrase Maclure and Taylor, created hierarchies of worldviews

¹¹ As Maclure and Taylor (2010) specify, the availability of an institutional template such as secularism, which is capable of anchoring basic political principles and respect for different religious, moral, and philosophical perspectives is a fairly recent political development.

¹² In her original definition of secularism, Micheline Milot seems to implicitly emphasize equality in a judicial sense: “un aménagement du politique où la liberté de conscience se trouve, conformément à la volonté d’*égale justice pour tous* [emphasis added], garantie par un état neutre à l’égard des différentes conceptions de la vie bonne qui coexistent dans la société (as cited in Baubérot & Milot, 2011, p. 80).

and conceptions of the good life (p. 21). It will be argued in this thesis that such hierarchies can be created without formally violating the principle of equal justice.

It should also be specified that a secular state requires both religious freedom and moral equality to be considered secular. Religious freedom on its own is not sufficient because a member of a religious minority could be free to practise his or her religion, but still be disadvantaged because of institutionalized favouritism. Likewise, equality is not sufficient, because all citizens could have their religious freedoms violated equally, which is also against the liberal spirit (Maclure & Taylor, 2010). By this definition, a state that enforces atheism upon all citizens would therefore *not* qualify as a secular state. To uphold the core values mentioned above, states rely on operative modes or institutional rules, which can take shape in constitutions, general laws and legal interpretations, or simply in the form of conventions. These are commonly referred to as the separation of religion and state and state neutrality towards all beliefs (Baubérot & Milot, 2011; Maclure & Taylor, 2010). It is worthy of note that these four constitutive parts are presented in identical terms, but in separate publications, by Taylor and Maclure (2010) on one hand, and Baubérot and Milot (2011) on the other. As these authors are influential scholars of secularism, this agreement on common terms perhaps suggests the beginning of a consensus on how to frame secularism.

To summarize, in its simplest form, the ideal type of a liberal form of secularism could therefore capture the following elements:

A political doctrine that promotes freedom of conscience and moral equality in order to facilitate social harmony. The core values of freedom and equality are upheld by the institutional modes of state neutrality and separation of state and religion or beliefs.¹³

Secularism and ‘twin toleration’

The ideal-type model presented above focuses on the state’s duty not to interfere with the moral equality and freedoms of individuals and groups belonging to civil society, including religious groups. As our model describes a liberal regime of rights, there are a number of additional rules dictating the proper relation between the state and religious organisations that are implicit to this model, but that merit being spelled out. Stepan’s (2000) concept of “twin toleration” between states and religious groups provides the additional elements that should be considered in the ideal-type model of secularism.

For Stepan, a “twin toleration” between states and religious groups implies that, on the one hand, religious groups must not interfere with the normal activities of the state. In his words, “democratic institutions must be free, within the bounds of the constitution and human rights, to generate policies” (p. 5). On the other hand, religious actors “should not have constitutionally privileged prerogatives that allow them to mandate public policy to democratically elected governments....” (p. 5). Otherwise, religious groups should enjoy the same rights as other groups to express their preferences in the democratic arena, namely:

[Individuals and religious communities]... must be able to advance their values publicly in civil society and to sponsor organizations and movements in political society, as long as their actions do not impinge negatively on the liberties of other citizens or violate democracy and the law. This

¹³ The importance of the nuance between ‘religion’ and ‘beliefs’ will be elaborated on later.

institutional approach to democracy necessarily implies that no group in civil society—including religious groups—can *a priori* be prohibited from forming a political party. Constraints on political parties may only be imposed after a party, by its actions, violates democratic principles. The judgment as to whether a party has violated democratic principles should be decided not by parties in the government but by the courts. (Stepan, 2000, p. 39-40)

These elements have important bearings on the reflection on ideal-type secularism in relation to the role that politico-religious groups play in secular democracies. This is especially relevant as the rights and duties of religious organisations constitute one of the important focal points of this thesis, through the case study of a religious group that has formed a political party (Soka Gakkai and Komeito), triggering a host of debates about the compatibility of such activities with secularism.

Assessing and classifying secular states

Having selected a definition of secularism, we must develop a framework enabling us to assess whether Japan can be considered a secular state and qualify the type of secular regime found there. This assessment taps into the broader discussions on typologies or classifications of secular states. A number of different approaches have been used to conduct such classifications. One common distinction separates the republican from more ‘liberal’ models. Broadly speaking, in the republican model, state separation and neutrality can take precedence over the actual goals of freedom and equality, thus pushing religion further out of the public space. At the other end of the political spectrum, more liberal secular states let the protection of freedom and equality guide their attitude towards the place of religion in the public space (Maclure & Taylor, 2010). Especially noteworthy are the historical reasons emphasized to explain why states develop either tendency.

Maclure and Taylor explain the historical background of republican states in the following ways. A republican approach may stem from a history of difficulties with religious authorities, which can encourage states to assertively show independence from these authorities. Another purpose can be to encourage individual emancipation, based on a negative perception, held at the state level, of religion as something irrational and opposed to reason. Republican variants may also place the promotion of civic integration and identity as one of the goals of secularism, encouraging states to erase differences stemming from religion from the public realm, because these are perceived to be impediments to social cohesion. Certain periods of French history, as Taylor and Maclure point out, would provide the classic example of the republican approach to secularism. In contrast, liberal secularism tends to accept differences more easily, be they religious or otherwise, as worthy of recognition and respect and as factors of social cohesion. Maclure and Taylor insist that these classifications are not simple, however, because states can be flexible in one area and strict in another. As an example, they point out that France is portrayed as a strict, republican state when considering its ban on religious symbols in public schools; and as more liberal and flexible when considering that the French state funds 85% of religious schools (pp. 40-47).

Another approach to classification focuses on ‘models’ based on states that provide distinct and archetypal approaches to secularism. Bhargava (2010) has for instance contrasted the models of the United States, France and India based on their capacity to prevent inter- and intra-religious domination. In the French model, we have a degree of separation of religion and state, but the state can nonetheless interfere in the religious realm as it sees fit. On the other hand, “religion is

divested of any power to intervene in matters of state” (p. 12). Bhargava claims that this model actively marginalizes religion and encourages social secularization. The French model offers the advantage of being able to address intra-religious domination, for instance to prevent abuses of religious authorities. But its downside is that it fosters inter-religious domination: because the state can choose to subordinate any religion that it chooses, it can hide “majoritarian, ethno-religious biases” (p.12).

The model of the United States, on the other hand, features a more complete separation, as the state cannot act even positively in the religious realm, for instance, by providing aid to religious organizations. But neither does it impose restrictions: it cannot “interfere in religious matters even when some of the values (such as equality) professed by the state are violated within the religious domain” (p. 13). The U.S. Congress, Bhargava adds, “simply has no power to legislate on any matter pertaining to religion” (p. 13). The U.S. model offers the advantage of being able to check inter-religious domination because it forbids the establishment of a dominant religion. On the minus side, its non-interventionism precludes it from dealing with intra-religious domination. Another model that, according to Bhargava, has a more balanced approach to keeping inter- and intra-religious domination in check is Indian secularism. It provides porous boundaries between the state and religion, or what he labels, a “principled distance” between the state and religion (p. 15). The state can intervene positively or impose restrictions on religions to promote freedom and equality, but “without the impulse to control or destroy them” (p. 15).

In his discussion, Bhargava assesses these different models on the basis of their capacity to safeguard the values of secularism. In the Indian model, the state acknowledges and accepts

religions' public role, also claiming its own right to intervene in the religious realm. In this sense, this is not strict separation or neutrality. However, according to Bhargava, this does not diminish secularism per se. Doing so is fine insofar as these types of state interventions promote "freedom, equality, or any other value integral to secularism" (p. 17). He claims that in this idealized model, all decisions must "flow from a commitment to the values" (p. 17). This is different from 'strict neutrality,' wherein "the state may help or hinder all religions to an equal degree and in the same manner, that if it intervenes in one religion, it must also do so in others" (p.17). Bhargava thus places the values of secularism at the center of the analysis of secular states, and treats the strictness of the institutional modes as secondary. This emphasis directly reflects Maclure and Taylor's (2010) reasoning on classifications of secular states.

Jean Baubérot and Micheline Milot (2011) for their part present a typology based on six variations of the four constitutive parts of secularism, the broad lines of which are presented below. **Separatist secularism** (*laïcité séparatiste*) occurs when movements seeking emancipation from hegemonic religious institutions introduce a radical rupture between the private and public spheres. As in the 'republican' variant described above, separation in this model can be an objective that takes precedence over the other constitutive parts. Secularized societies adopting a separatist stance tend to protect a number of the majority's religious expressions such as religious calendars and various patrimonial symbols, while refusing to extend those protections to the minority's religious expressions. In **civic faith secularism** (*laïcité de foi civique*), we find radical expectations on the part of the majority regarding the social values that should be shared by all. While the majority expects allegiance to their beliefs, religious or otherwise, it suspects minorities of wanting to impose their own creeds. When civic faith secularism applies to a

secularized society, ostentatious religious signs can be interpreted as threats to common civic adhesion. ***Collaborative secularism*** (*laïcité de collaboration*), is characterized by a high recognition of the freedom of religious expression of groups in the public sphere. The state thus acknowledges that the participation of religious institutions in certain domains is optimal for society, for instance in education or disaster relief, or in certain ethical debates. However, states nourishing such collaboration tend to favor historical religions, and may jeopardize the equal status of minority religions. ***Recognition secularism*** (*laïcité de reconnaissance*) perceives the protection of freedom and equality as undeniable rights, and fulfills them to a high degree. The priority given to moral autonomy and to pluralism can, however, engender continuous demands for recognition, and may create the anxiety that such demands will lead to communitarianism. The state has to arbitrate the various demands, which challenges the very neutrality that the state is supposed to protect.

Anti-clerical secularism (*laïcité anticléricale*) features a forceful opposition to religious rule, directed at the clerics identified as being responsible for maintaining religious hegemony. This dynamic often takes anti-religious overtones. This type is common in a number of states in which Catholicism has historically tended to dominate the public and private spheres; for instance in such Latin American states as Uruguay and Mexico, and communist states of the former Soviet Bloc that presented very hostile attitudes towards religion. In ***Authoritarian secularism*** (*laïcité autoritaire*), the hostility against religion is not specifically directed towards clerics; it is a more widespread attempt to limit the normative power of religion and to redirect allegiance towards higher values that will serve the state's nation-building aims. Such states will not hesitate to limit freedom of expression, and if necessary will discard neutrality in order to achieve their goals.

Examples of these are 1928 Iran, 1937 Turkey, and 19th century France (Baubérot and Milot, 2011, pp. 87-117).

It must be noted that the case of Japan was evoked briefly in Baubérot and Milot's (2011) presentation of the six types. The authors portray Japan as representing a typical case of secularism that stems from a conflict with religious institutions. In this variation, the authors explain that the starting point for this type of separation features an existing hegemonic church exercising maximum power, making radical rupture the only viable option to obtain political and judicial independence from religious interference. Once this rupture is achieved, the state creates a new national identity devoid of religious connections. In Japan, that transition occurred, according to the authors, with the establishment of Japan's Constitution in 1946, which contains a strict affirmation of secularism (Koizumi as cited in Baubérot & Milot, 2011, p. 83), with freedom of conscience and equality given place in this new legal framework (Baubérot & Milot, 2011, p. 83).¹⁴ Using their typology, the case of Japan was explored further in an edited volume published by Baubérot et al. (2015), which contains an entire chapter devoted to Japan (Date, 2015). We will return to it in more detail in Chapter 7, but it can be mentioned that postwar Japan is associated with a number of different types, namely, separatism, collaboration, civic faith, and recognition.

A reflection on typologies

We see that Baubérot and Milot (2011) provide a rich framework that can incorporate a host of different state-religion interactions. As mentioned, the Japanese example shows that a single

¹⁴ See also Dufourmont (2014) who has examined secularism in Japan from a historical development perspective using Baubérot's 'thresholds of secularism' (*seuils de laïcité*) framework, while focusing on the development of the Muslim community of Japan.

state can display affinities with several types, both simultaneously and over time. This can make this framework come across as a typology of *attitudes* towards secularism that states adopt depending on circumstances. It must be noted that the inclusion of anti-democratic states that violate freedom or equality is difficult to reconcile with Baubérot and Milot's own basic definition of secularism, which is supposed to refer to a type of organisation aiming at safeguarding those very values (Baubérot & Milot, p. 7). Furthermore, the concept of secularism must be stretched significantly to capture the features of both the extremely liberal *recognition secularism* model as well as the anti-democratic features of the *authoritarian secularism* model. Thus, the situation that prevailed in 1928 Iran and 1937 Turkey, with violent and oppressive imposition of so-called secular norms, are included in their typology of secularism (pp. 95-96). Stepan (2000) similarly uses a definition of secularism broad enough to include secular states that harbour "very unfriendly" attitudes towards religions (p. 59), even to the point of having no affinity whatsoever with democratic ideals. Arguably, applying a 'secular' label to such contrasting modes of state-religion relations complicates comparative analysis and the identification of common denominators. Hence the thesis uses a narrower 'liberal' definition of secularism, and measures Japan state-religion relations based on this particular model. The basic motivation to use a liberal ideal type also stems from the fact that the original intention of the United States in proposing these constitutional parameters was to introduce liberal-democratic institutions in Japan, however loosely defined, and that they introduced, quite fortuitously as we will see, what could constitute essential building blocks for a liberal secular regime.

The principal objective of this thesis is not to place Japan in an existing typology, but rather to provide the broad portrait of Japan's secularism that is missing from the literature. Nevertheless,

the typologies and classifications of secular regimes evoked above are most useful as they expose the location of tensions and recurring issues affecting secular regimes throughout the world, and which nourish the analysis found in this thesis. Furthermore, they provide ways of conceptualizing secularism that facilitate comparative analysis. For instance, Taylor, Maclure, Bhargava, as well as Baubérot and Milot, help unpack secularism into clearly defined constitutive parts, and emphasize the need to focus on the balance and emphasis put on them. As secularism is defined as an organisation aiming at promoting equality and freedom, this thesis, following the examples provided by Taylor, Maclure and Bhargava in particular, places the *fulfillment* of those goals at the center of analysis. This means that when examining a particular dilemma or issue facing a secular state, we are more concerned with finding out its impact on the values than, for instance, on whether they display modes of ‘collaboration’ and other attributes of the six types; or on whether they display ‘open’ or ‘assertive’ or ‘friendly’ or ‘unfriendly’ attitudes. The next section will present a framework to conduct such an inquiry. Other than focusing on the protection of secular values, the thesis will also consider two additional empirical dimensions: institutionalization and clarity. We will argue that these three facets provide the basic information needed to assess the *consolidation* of a secular regime.

The three pillars of a consolidated secular regime

1: Protection of secular values

We can deduce from the works cited above that the answers to the following questions will yield the information relevant to assessing the protection of values. (This feature will henceforth be referred to as *substantiation*):

- 1) Does the state have recourse to a 'minimalist political morality,' as opposed to a vision of the world that belongs to a particular creed or belief system?
- 2) Can its citizens join the political community while keeping their personal conception of morality?
- 3) Ultimately, do state practices and preferences towards religions or beliefs, or state interventions in the realm of beliefs, create different classes of citizen or lead to the violation of religious rights?

2: The institutionalization of secularism

We will also look at the regime from the perspective of *institutionalization*. By this we mean that a set of secular rules and orientations has been maintained and entrenched to a significant degree, with specific rules kept in place aiming at religious neutrality or separation of state and beliefs. The official institutionalization of secularism can be deemed more or less strong based on the degree to which rules and guidelines are explicit and salient. Therefore, having, on one hand, a constitution or secular charter clearly affirm the state's secular orientation and related institutional safeguards may increase the institutionalization. On the other hand, having these rules less explicitly outlined or derived from conventions or other laws or regulations can decrease the degree of institutionalization. Importantly, institutionalization also implies that, in general, the maintenance of state secularism is not facing significant contestation, and that its survival is not questioned. Institutionalization is thus strengthened if the institution is considered to be a 'taken-for-granted' feature of the state and part of the cognitive script of most state actors and civil society; or, to use Baubérot and Milot's (2011) expression, if it becomes culturally

interiorized (p. 85). The thesis proposes that an institution can be highly institutionalized while being deficient in terms of substance. Indeed, the consolidation of a secular regime will always fare better if it is strongly institutionalized, because this feature denotes an aspiration and brings up the salience of certain values in the cognitive script. Moreover, official rules and regulations providing strong institutionalization makes the erosion of secularism less likely, as significant downgrades would require more profound changes to the legal framework or new jurisprudence. It follows that strong institutionalization also means that improving the protection of secular values can happen more easily, without fundamental legal changes.

3: Clarity, coherence, and shared understanding of the rules

In our framework, institutionalization does not imply that the rules of the game are necessarily clear, accepted and understood similarly by all. An institution can be highly institutionalized in the sense described above and still undergo constant discussions about its correct interpretation.¹⁵ Regarding the last point, we differ from Olson (2007), who *equates* institutionalization with 'clarity' and an "increasing consensus concerning how behavioural rules are to be explained and justified, with a common vocabulary, expectations, and success criteria" (p. 11). We fully agree with Olson that consideration for the notion of 'clarity' of the rules is fundamental for institutional analysis; except that we think that presenting clarity as a third, distinct facet of consolidation can provide more nuances to the picture on secular regimes. Clarity can be assessed by examining the various meanings given to the different dimensions of the institution, as well as the volume and nature of the debates surrounding these. With regards to the

¹⁵ The province of Québec, where debates on secularism have been ongoing for years, provides a case in point. Its secularism is highly institutionalized in the sense that the protection of freedom and equality are entrenched in its Charter of Human Rights and Freedom, and the secular nature of the state is taken for granted by most political actors and the population, although there are nonetheless heated debates about the real meaning and the proper application of its principles.

contribution of clarity to general consolidation, it would be intuitive to assume that it should necessarily contribute to consolidation. Conversely, lack of clarity and sustained debates can be seen as destabilizing factors that diminish the normative power of the institution. If those may be generally valid propositions, the link between clarity and consolidation may not be linear in some cases. The absence of debates may not be less a sign of clarity than a sign of disorganized or atomised contestation movements. It is proposed that this link can only be assessed upon careful contextual analysis of the nature of the debates; for instance, the degree to which the debates are divisive or center on fundamental elements of secularism. Though the answer for Japan will only emerge once we have gone through the empirical material, the hypothesis is that lack of clarity and coherence diminishes the normative power of the institution and thus reduces the consolidation of Japan's secular regime.

Consolidated, unconsolidated and non-secular states

The different combinations of these drivers—institutionalization, clarity, and substantiation of secular values provide three angles from which to conduct a rich qualitative assessment of a secular regime. This tripartite assessment will help us distinguish broadly between consolidated, unconsolidated and non-secular states. Naturally, regimes scoring high for each aspect would be considered the most consolidated. Accordingly, a consolidated secular regime would:

1. Provide a high level of protection for equality and freedom.
2. Feature a generalized agreement and clarity on the meaning of the secular rules.
3. Have the rules institutionalized in charters, constitutions, legal codes, or strong conventions; and be considered a 'taken-for-granted' political orientation of the state.

Analogous in a way to Linz and Stepan's (1996) portrayal of democratic consolidation, a highly consolidated secular state would be one in which secularism is 'the only game in town,' and where a return to a religious establishment is almost unthinkable. Given the precedence of substantiation over all other factors, those scoring high in terms of freedom and equality and institutionalization would be placed higher on the scale of consolidated secular states. Examples of this would be the United States, Canada, and Scandinavian countries. Unconsolidated secular states would be those with weaker protection of freedom and equality but with a degree of institutionalization. Japan could tentatively be placed here, with Turkey, Indonesia and Taiwan lower on the scale. Another variation of unconsolidated secular states would include states having low institutionalization, but a reasonable level of protection of secular values. Malaysia, Indonesia could provide an example of this last group. Finally, non-secular states are those with poor to non-existent protection of freedom and equality or institutionalization. China, and, even lower on the scale, North Korea, Sudan and Saudi Arabia would be obvious examples.

Issues with the framework

What follows is a discussion of elements and issues that need to be kept in mind when conducting the empirical research. Some of them directly derive from the theoretical framework, while others concern more general discussion points in the literature that bring into focus potential explanatory variables for the development of secular regimes.

The derivative rather than inherent value of the institutional modes

Maclure and Taylor (2010) point to common conceptual mistakes that cloud the debates on secularism, both in academic discussions or in real political life. Going back to the constitutive parts described earlier, the authors emphasize that the value of the institutional principles is *derivative* rather than inherent. To paraphrase Maclure and Taylor, one of the problems affecting both theoretical and practical debates about secularism is that the guiding values and the institutional modes of secularism are not adequately distinguished. What can be especially problematic is when the means assume equal or even superior status to that of the final goals of secularism (pp. 33-34). Furthermore, public debates on secularism mostly focus on the institutional modes, to the detriment of the actual values that the institution should defend (p. 40). To give a simple example, the presence of religious symbols in state buildings can stir debates focusing on how this affects the separation of religion and state, thus clouding the real issue of the extent to which the principle of equality or freedom may really be affected.

In another article discussing this same matter, Taylor (2010) explained that secularism is often reduced to one institutional arrangement that is repeated like a mantra, such as “the separation of church and state” (p. 27). He describes the intellectual shortcut this leads to thusly: “If the whole matter is defined by one institutional formula, then one must just determine which arrangement of things best meets this formula, and there is no need to think further” (p. 27). This, Taylor continues, is a “fetishization of the favored institutional arrangement, whereas one should start from the goals and derive the concrete arrangements from these” (p. 28). Inevitably, he insists, the institutional arrangements of secularism will involve some kind of separation, but only to the extent that is needed to satisfy the goals (p. 28). This overemphasis on separation directly relates

to the *separatist secularism* model of Baubérot and Milot (2011), which they explain stems from a history of conflict with hegemonic religious institutions.

The thesis will contribute to this discussion by illustrating how this conceptual mistake has permeated public as well as academic debates in Japan, although the historical background differs from the model proposed by Baubérot and Milot. It will trace this misconception back to the expression first used to translate the institution of secularism in the Japanese language, and pay attention to the way the principle was defined and articulated over the years. We will see that the choice of expression used to refer to secularism in Japan represents exactly the type of conceptual slippage that Maclure and Taylor have described. We will propose that it represents a factor undermining the overall coherence of the institution. This discussion will show that the ambiguous nature of an institution may not only stem from sub-optimal linguistic choices in legal texts, but also from the expressions that are routinely used to communicate and simplify this complex philosophical and legal concept.

Taylor warns that the fixation on the ‘separation of religion and state’ formula is also tied to the problem of over-focusing on religion. Not only can this tendency stigmatize religion, it can also obscure other problematic phenomena in the picture. As he explains:

We think that secularism (or *laïcité*) has to do with the relation of the state and religion, whereas in fact it has to do with the (correct) response of the democratic state to diversity. [The goals of secularism] have in common [the fact] that they are concerned with protecting people in their belonging and/or practice of whatever outlook they choose or find themselves in; treating people equally whatever their option; and giving them all a hearing. There is no reason to single out religious (as against nonreligious), ‘secular’ (in another widely used sense), or atheist

viewpoints. Indeed, the point of state neutrality is precisely to avoid favoring or disfavoring not just religious positions, but any basic position, religious or nonreligious (2010, p. 25).

This means that ‘religious freedom’ and ‘separation of religion and state’ must minimally be converted to something that extends beyond the narrow concept of religion, and perhaps a formula such as ‘freedom of belief’ and ‘separation of beliefs and state’ is more appropriate. Several chapters of the thesis will devote attention to the way the Japanese secular regime targets religion specifically, and the resulting state categorization of belief systems.

Patrimonial or vestigial links: Where to draw the line?

Maclure and Taylor (2010) propose that the institutional means to safeguard secular values can be interpreted more or less strictly, according to the circumstances and the threats posed to secular values (p. 30). They specify, for instance, that the symbolic or vestigial recognition of an official religion can in some circumstances be acceptable. According to them, a proper application of secularism should not require eliminating all traces of religion from public institutions and all links between the past and the present. One must be able to make a distinction between the formal establishment of religion and forms of patrimonial expression that do not constrain the conscience of non-adherents and do not fulfil a regulatory purpose (pp. 64- 65). The authors cite as examples the United Kingdom and Scandinavian countries where there is a formal, historical link between the church and the state, but which they portray as unproblematic from the point of view of their ideal type. Likewise, Baubérot and Milot (2011) affirm that many examples in Europe show that state religions do not preclude secularism from existing, citing Denmark, Norway, and the United Kingdom as examples. In several of their ideal types, religious symbols can find their place in public institutions, and can be presented as patrimonial

and divorced from their original meaning, and therefore legitimated on that basis. Crucifixes in classrooms in Italy and references to God in constitutions such as Canada's are typical examples. Their non-normative status is not consensual, however, and preventing minorities from integrating their own symbols to public institutions can have a negative effect on equality and freedom of conscience (pp. 94-95).

In contrast to Maclure and Taylor and Baubérot and Milot, Bhargava (2010) claims that those links are by default problematic and that the arguments to the contrary that are based on the European experience are faulty. According to him, the flaws of European states in this respect have become more visible in a context of increasing diversity. In his words: "despite substantial secularization, the formal establishment of the dominant religion does little to bolster better intercommunity relations or reduce religious discrimination in several European states" (p. 9). He claims that in reality, European states are not impartial because their institutions have continued to fund and privilege the dominant Christian religion. We therefore note a tension with regards to the above-cited authors' understanding of vestigial links and secularism. Perhaps it is a question of degree and that some religious symbols in the public sphere do not fulfil a regulatory purpose and can be genuinely innocuous. But we must remain aware of those instances where seemingly inoffensive symbols confront the beliefs of non-adherents because they invoke divisive themes. Surely, we must admit that the frontier between benign symbolism and malign entanglement is difficult to measure, and constitutes a significant problem for the theory and practice of secularism.

Without assuming that this issue can be resolved with a blanket statement, it would seem useful to distinguish between three potential degrees of patrimonial links with the state and evaluate cases with this gradation in mind. The first degree could be qualified as innocuous symbols that cause prejudice to almost no one, including minorities. Streets named after Christian saints could be one example of that first level. At another level, we find more obvious symbols that can be credibly claimed to have a patrimonial significance, but which can be opposed by minorities, especially if their own symbols are not admitted. Crucifixes in public institutions could provide such examples. Then it is a matter of degree before symbolism is taken to the level of social norm, revealing the state's preference for a given identity marker. The line is difficult to draw, but it can be made easier by evaluating the *collective* effects of those symbols—and not just in isolation—and by taking into consideration their divisiveness, and, most importantly, their impacts on values. This is all the more interesting to examine in Japan, a country known to display many such symbols that are often presented as patrimonial. The assessment of the collective effect of those patrimonial elements is probably the most important consideration that will colour the picture of Japan's secularity.

Civil religion

Having provided a basis to define and assess secularism, we then turn to a first topic, which can be examined once we have drawn an empirical portrait of secularism in Japan, the topic is the relevance of the concept of *civil religion* in Japan. This important social science concept happens to have been discussed directly in the Japanese context. Robert Bellah first popularized this concept in an influential article published in 1967. Discussing the role of religion in American public life, Bellah (2005) explained:

[The] separation of church and state has not denied the political realm a religious dimension. Although matters of personal religious belief, worship, and association are considered to be strictly private affairs, there are, at the same time, certain common elements of religious orientation that the great majority of Americans share. These have played a crucial role in the development of American institutions and still provide a religious dimension for the whole fabric of American life, including the political sphere. This public religious dimension is expressed in a set of beliefs, symbols, and rituals that I am calling American civil religion. (p. 42)

Of particular interest to this thesis are the relation between civil religion and the secularity of the state. Bellah's proposition implies that American civil religion operates within a secular political framework. As he puts it, in America, "the principle of separation of church and state guarantees the freedom of religious belief and association, but at the same time clearly segregates the religious sphere, which is considered to be essentially private, from the political one" (p. 42). Importantly, according to Bellah, what makes the coexistence between civil religion and secularism possible is the tranquil relation between religion and politics in America. This thesis provides an opportunity to examine whether there is a civil religion in Japan that operates in a secular framework reflecting Bellah's original description.

In order to pursue this reflection, we will turn to a few authors that have discussed the concept of civil religion, or the related concepts of 'public' or 'political religion' in the Japanese context. Reader (1994), has noted the existence of a civil religion in Japan providing a sense of common belonging and national identity. He describes it as being composed of

a general core of commonly held assumptions, beliefs, practices, customs, attitudes and expectations that still (even in a society which is itself undergoing rapid change) continue to

provide a sense of unity and cultural belonging to the large majority of Japanese people, and to contribute to the construction and affirmation of Japanese identity, even in the absence, nowadays, of the former association between religion and state. (p. 7)

Reader claims that the vast majority of Japanese people connect with this core ensemble. How he situates Shinto within Japanese civil religion is particularly interesting. He explains that for most of Japanese history Japanese civil religion has hinged on one dominant religion such as Buddhism or Shinto. However, Reader claims that nowadays civil religion is no longer exclusively associated with any one religion in particular, and Shinto is but one among other elements. These include the practice of rituals linked to ancestor worship, the participation in religious festivals, as well as the special connection that most Japanese have to their birthplace. Shinto nonetheless occupies an important space within these elements.

It is important to highlight that several elements of Japanese civil religion are associated with religious rituals of ancestor worship and memorialization, which are also connected to important secular controversies, the Yasukuni shrine being the most notable one (Parson as cited in Okuyama, 2012, p. 63). Okuyama (2012) rightfully stresses that the issue of Yasukuni and similar controversies are thus critical elements, and they will be looked at in subsequent chapters to nourish the reflection on the secularity of Japan's civil religion, which we will do in particular in Chapter 4. For Reader, however, the space occupied by Shinto in Japanese civil religion does not prevent the ensemble from being qualified as *secular*, notably because of the weak personal religious commitment involved in Shinto practices. With regards to Reader's thesis, the aspect to examine is whether or not the constitutive elements of civil religion operate, as Bellah put it, within a larger secular framework of "separation of religion and state, and the lack of any one

dominant or privileged religion” (as cited in Reader 1994, p. 7). Reader claims that currently, “Japanese civil religion is separate from the realm of politics and the state” (1994, p. 28). How then to reconcile that with Bellah’s original the idea?

Regarding the last point, Robertson (2011) and Mullins’s (2012a) own writings on the topic add interesting points of views on the question. In Bellah’s (2005) original description, we understand that civil religion is neither strictly a state-led, top-down phenomenon; nor is it strictly a bottom-up societal manifestation. It is rather a cohesive, and somewhat spontaneous ensemble mixing all these currents. What Robertson (2011) describes, in contrast, is clearly a depiction of a top-down, state-directed dynamic, which features a single religion dominating the public space, namely, Shinto. Hence, he proposes the concept of 'political religion.'

Looking back at the Meiji period, Robertson points out that for Bellah himself, the instrumentalization of Shinto by the state, made it “... not a civil religion, precisely because it served the interests of a particular regime” (p. 20). What Robertson sees in Meiji Japan is therefore a “politicized civil religion” (p. 20). As for the postwar period, Robertson sees a toned-down version of Meiji political religion, with only intermittent effects on politics (p. 20). We will of course need to examine that assessment and evaluate to what extent such a political religion persists in postwar Japan.

In his own analysis, Mullins (2012a) has also focused on the role of Shinto in an article focusing on what he calls ‘public religion’ in Japan. Mullins describes in clear terms “an ongoing movement to restore the special status of Shinto and its role in the public sphere,” and this in

spite of declining religiosity (p. 61). Regarding the implications of the public religion for the secular regime, Mullins hints that the resurgence of Shinto puts secularism under stress, but a framework to systematically address that question is not provided. In his concluding remarks on the matter, Mullins has endorsed a statement made by Richard Madsen regarding secularism in Japan, which is said to exemplify the peculiar form of Asian secularisms. This passage from Madsen is worth quoting at length:

The secular form of Asian political institutions often *masks a religious spirit* [emphasis in original]. Japan, for example, has a secular constitution, but many of its government leaders have felt compelled to pray for the spirits of the war dead at the Yasukuni shrine, in the face of strong criticism from China, South Korea, and many other Asian countries, not to mention the United States. The pressure to visit the shrine comes from nationalistic constituencies within Japan, but it is, indeed, a pressure to worship at a Shinto shrine, presided over by a priest, which purports not just to memorialize the names of the dead but actually to contain their spirits. (Madsen, as cited in Mullins, 2012a, p. 63)

Building on Madsen's statement, Mullins adds the following:

In spite of many clear indicators of secularization in Japanese society today, particularly with reference to individual religiosity and religious organizations, there is ample evidence to suggest that we have a Japanese version of 'secular' society in the making today that does indeed, as Madsen suggested, "mask a religious spirit" (p. 80).

From the outset, we can ask whether this so-called religious mask indicates that secularism is a façade devoid of any substance, or whether it simply suggests the presence of a more benign form of a state–religion relation similar to those that are nourished in the United Kingdom or Scandinavian countries. Such statements and the questions they raise show how the interrelation between civil religion and secularism needs to be clarified. Mullins acknowledges this as well, suggesting that "given the reappearance of Shinto in the public sphere, we may need to examine

more carefully how religious values and rituals are reappearing in what we often regard as ‘secular’ terrain” (Mullins, 2012a, p. 80).

To summarize this brief discussion on civil religion, Bellah originally depicted civil religion as a secular condition. Reader then claimed that this secular condition was also reflected in Japan, though divorced from the state, while portraying Shinto as playing an important role in this secular civil religion. In turn, Robertson and Mullins brought into focus what they perceive as a ‘politicised civil religion’ or a ‘political religion’, which is by definition tied to the state, and in which Shinto also plays a crucial role. The hypothesis in this respect is that Reader, Mullins and Robertson all reveal part of the picture. The bottom-up, *secular civil religion* that Reader describes may coexist with the *non-secular political religion* that Robertson and Mullins described. Both are distinct but connected by their common element: Shinto and ancestor worship. Shinto may thus lay at the interface of Japanese civil and political religion. Importantly, by projecting the message that, as Mullins (2012a) puts it, Shinto is “essential for defining what it means to be Japanese” (p. 79), the state instrumentalizes Japanese civil religion, and tries to connect with the bottom-up current of civil religiosity. Through this connection, the state-led political religion tries to earn not only legitimacy but also make a claim to secularity.

Cultural and historical barriers

As the empirical picture of Japan will reveal a somewhat weak and unconsolidated secular regime, it may be tempting to argue that Japan is living proof that secularism cannot travel well and that cultural or historical barriers hampered its proper introduction. The remainder of this

chapter will thus highlight discussions in the literature focusing on factors said to influence the development of secularism and that relate to history and culture.

Historical process

To address the question of historical process, we should point out that much attention has been given to secular backlashes and to the rise of religious politics occurring in many parts of the world (Almond, Appleby & Sivan, 2003; Juergensmeyer, 1993; Keddie, 1998; Marty and Appleby 1994). We already alluded to this phenomenon as 'imperialist secularization,' a condition representing “a coercive and top-down removal of religion from public institutions by a foreign power” (Demerath, as cited in Mullins, 2012b, p. 67). Juergensmeyer (1993) has greatly contributed to this discussion with a chronicle of religious nationalist reactionary movements observed throughout the world. Mullins has referred to the concept of imperialist secularization, and to the work of Juergensmeyer in particular, in examining Japan through that same lens. He observed:

As we have seen, the privatization of Shintō occurred not as a result of modernization per se, but due to its forced removal from the public sphere as a result of the directives issued by the Supreme Commander of Allied Powers and implemented by the Japanese government. Under these circumstances, it is not surprising that the process of 'deprivatization' in the postwar period is closely connected to the Shintō-related neo-nationalistic response to the imposition of a 'foreign' social order on Japan. As soon as the Occupation ended, religious and political leaders quickly mobilized forces to restore Shintō to public life and institutions. (Mullins, 2012b, p. 71-72)

Given the conditions for the introduction of Japan's Constitution during the Occupation, Japan could well have experienced such an anti-secular backlash. But we will nonetheless see if we can

challenge the idea that the resurgence of State Shinto in the postwar represents a neonativist response to the imposition of a foreign social order. The hypothesis will be that the dominant conservative political establishment has been keen to project a liberal-democratic image, regardless of its Western origin, at the same time eroding secularism by incremental and sometimes subtle steps rather than through a full-fledged anti-secular revolution. While exploring the empirical material that will be presented in the subsequent chapters of this thesis, we will therefore have to examine whether there have been widespread calls or movements seeking to abandon secularism because of its Western roots.

Regional and cultural factors influencing secularism

Even if we agree that the framework and constitutive parts of secularism that we presented can be used to examine a non-Western case, it is necessary to remain open to the idea that cultural barriers can at least interfere with the introduction and development of this institution; we should remain open to the idea that some concepts inherent to the institution of secularism are too rigid or simply unsuited for certain social, religious, and political contexts (Baubérot & Milot, 2011, pp. 129-159).

With this idea in the background, as well as the picture of secular states under strain throughout the world, a call to “rethink secularism,” has emerged in the literature, a challenge taken up notably by Calhoun et al. (2011), as well as Beaman and Sullivan (2013), Cady and Hurd (2010), Mendieta and VanAntwerpen (2011a), and Berman et al. (2013). In an introduction on this subject, Mendieta and VanAntwerpen (2011b), have proposed that “many of our dominant stories about religion and public life are myths that bear little relation to either our political life

or our everyday experience,” arguing further that “today the very categories of the religious and the secular—and of secularism and religion—are being revisited, reworked, and rethought” (p. 1).

The challenges are naturally more acute in places where secular regimes are built on concepts that do not resonate with the cultural referents on the ground. At the regional level, some authors have tried to discern certain patterns and common challenges are especially relevant in Asian states (Bubandt & Beek, 2012; Heng & Ten 2010; Laliberté, 2009, 2011; Madsen, 2011). It is in the context of these reflections that Madsen, in the example given earlier, claimed that secular regimes in Asia often mask a “religious spirit,” suggesting that religious politics sometimes hide behind a secular facade (Madsen, 2011, p. 249).

In some cases, the problems affecting Asian secular regimes seem related to translation issues, which, at a deeper level, relate to the nonexistence of certain concepts believed to be crucial for the articulation of secularism (Calhoun et al., 2011; Laliberté, 2013; Sen, 2006). Here, the usually suspected categories include the religious, the secular, the state, and politics. In this light, Taylor’s (2010) warning evoked earlier about the over-emphasis on ‘religion,’ takes on a double meaning in cultural contexts where some forms of beliefs are unclassifiable in conventional dichotomies (p. 27).

Calhoun et al. (2011) pointed out that in the Christian West, questions pertaining to church-state relations have been salient for nearly two thousand years (p. 14). In contrast, some observers point out that this very dichotomy is, still today, difficult to discern in certain East Asian polities (Laliberté, 2011, 2013; Shimazono, 2005). Referring specifically to the Japanese context,

Shimazono (2005) claimed it was somewhat unreasonable to use this concept in non-Christian civilizations because the term is predicated upon a Western conception of religion representing a distinct realm that is independent from the political sphere (p. 75-76).

Beyond broad cultural traits attributed to the ‘West’, ‘non-West’, or ‘Asia’ in general, some authors have questioned whether certain religious traditions are particularly well-suited or incompatible with secularism (Asad, 2003; Elias, Jomier & Khatchadourian, 2014; Tamimi and Esposito, 2000); in the Japanese context this is especially relevant in relation to Shinto. One can question, for instance, whether the absence of a structured hierarchy in a religion such as Shinto makes it more difficult to operationalize the relation with the state, a feature noted in other Asian religions, in Taiwan or China for example (Laliberté, 2011, 2013). Meiji-era Japanese prime minister, Ito Hirobumi, characterized Shinto as a religion that “lacks the power to move the hearts of men” (as cited in Bellah, 2003, p. 35). One can question whether Shinto’s lack of strong and exclusive dogmas, should make it less susceptible of creating secular tensions. If strong dogmas, such as those contained in Christianity or Islam, represent the type of abrasive factors that secularism aims to keep at bay, then indeed Shinto may come across as irrelevant from the point of view of secularism. With these characterizations in mind, it is interesting to take note of Inoue’s (1991) comments on the cultural blindness of those overseeing the religion-and-state policy during the Occupation:

[The Americans] did not know or understand that the Japanese people had never been concerned about religious freedom in ways not familiar to the West, because their own conception of God was much different from their Christian conception, and because most Japanese did not adhere to an exclusive system of religious beliefs. Also, unlike the West, Japanese religions, and

particularly Shintoism, did not have an institutionalized Church to support, or come into conflict with the state. (Inoue, 1991, p. 105)

In the same context, we should reflect on Bellah's (2003) description of the Japanese official's reaction faced with the Occupation's intent to firmly separate religion and the state. What is remarkable in the following citation is not just the Japanese reaction, but also Bellah's comments: he seems to confirm that cultural barriers make the separation of Shinto from the state virtually impossible – or simply irrelevant:

Interpreters of this article [of the constitution] were quick to point out that it was not contradicted by state support for Shinto shrines because "Shinto is not a religion," but rather an expression of patriotic devotion. While this defense was in a sense specious—shrines did carry out functions such as weddings and funerals that would normally be called religious—in another sense *it was justified* [emphasis added]. The word "religion" in Japanese, *shukyo*, is a translation of the Western term dating only to the Meiji period. To this day the term "religion" smells of Christianity, or perhaps of Buddhism as well—that is, of religions based on personal and private "belief." Shinto, being an archaic religion, had little in the way of belief—often those worshipping at a shrine had no idea who the deity was, nor did it matter—but largely involved ritual practice as an expression of group belonging. Where religion is fused with people and state, the Western category does not work very well. Christianity and Buddhism are religions that are in principle *differentiated* from the state—they involve membership in specifically religious communities—even though not always *separated* from the state. *Shinto is in principle not capable even of differentiation* [emphasis added], for it has no basis of membership different from the social groups—nation, village, family—in which it is embedded. (2003, pp. 38-39)

As we could see, the questions concerning the transposition of secularism and its attending concepts in different cultural contexts are most relevant for Japan. Without dismissing the relevance of secularism in Japan, one can nonetheless question its application based on a strict understanding of the separation of religion and state. As Bhargava (2010) denounced, “the

dominant self-understanding of western secularism is that it is a *universal* doctrine requiring the strict separation (exclusion) of church/religion and state for the sake of individualistically conceived moral or ethical values” (p. 12). What he argues is that secularism may be relevant in non-Western settings but that it must be flexible and adapted to local conditions. Likewise, Shimazono (2005) specified that one must be cognizant of the historical background in order to *question* and *recast* the notion of secularism, which is different from saying that secularism is irrelevant. One of the challenges for this thesis is precisely to understand how institutional design can help recast the notion in a flexible way.

Shifting the attention to institutions

It is argued in this thesis that deploying the concept or the institution of ‘secularism’ in a given place does imply that historical processes similar to those experienced in the Christian West must have taken place. Furthermore, it presupposes that similarly clear distinctions between religious and non-religious realms need to be found. However, institutional formulas must be adapted to cultural and historical circumstances, but without transforming the *raison d’être* of secularism. This thesis is especially interested in understanding how institutions mediate between the conceptual rigidities associated with secularism, and especially, uncover how, and to what effect, these concepts be translated into secular institutions and constitutions. To do so, we must expose how politicians, state officials, judges and other state actors interpret and act upon to these. As our hypothesis presents institutional design choices as being important variables to explain the outcome of the regime, we will shift our attention to theories of institutions.

2.3 New institutionalism

This thesis works with the premise that the configuration and design of institutions can influence actors' behaviours and political culture, and that institutions should be a focal point of the political analysis (Lecours, 2005). A secular regime is a relevant object of study for the new institutionalism literature as it fulfills both the formal and informal definitions of institutions: respectively a legal and constitutional orientation, and the “formal and informal procedures, routines, norms and conventions embedded in the organizational structure of the polity...” (Hall & Taylor, 1996, p. 938). Furthermore, secularism corresponds to a set of non-material norms, “beliefs, values, and cognitive scripts” (Lecours, 2005, pp. 6-7), or “moral templates that provide the ‘frames of meaning’ guiding human action” (Hall & Taylor, 1996, p. 947). The 70-year period I propose to cover is well suited to examine the processes of institutional change. The new-institutionalism literature will be drawn upon to isolate factors explaining institutional development, consolidation, and patterns of continuity and change within the Japanese secular regime, with special attention given to the impact of ambiguity in institutional rules. Institutionalism will help us understand how such hastily drafted articles of the Constitution, which broke with past practices and whose meaning were far from self-explanatory, could gradually become part of the legitimate, taken-for-granted script they represent today.

As the tendency in the literature has been to overemphasise clear and constant periods of institutional continuity that are only rarely disrupted by shocks, authors are now calling for explanations for continuity *and* change within the same institutional system (Mahoney & Thelen 2010a; Streeck & Thelen, 2005a). This case study provides an opportunity to do just that, as it seeks to show the formation of Japan's secular regime in all its nuances, and not the creation of a

monolithic and static institution. To that end, we will break down the institution into smaller parts, as will be detailed in Chapter 4, while being attentive to counter currents and conflicting patterns of continuity and change within this institution.

Different branches of institutionalism

There are many branches of institutionalism, but all share the common belief that institutions shape the behaviour of related actors, and several authors attempt to understand just how institutions do this (Hall & Taylor, 1996; Lecours, 2005). There are two broad approaches to understanding this question: “the ‘calculus approach’ and the ‘cultural approach’” (Hall & Taylor, 1996, p. 939). The calculus approach’s focus is on the instrumental and strategic calculations of actors. It sees institutions as the site where collective dilemmas are resolved. The cultural approach does not see individuals only as calculators, but as acting according to their worldviews and interpretation and to routines and familiar patterns. Institutions affect these by “providing moral or cognitive templates for interpretation and action” (Hall & Taylor, 1996, p. 939). On the far end of the calculus side, we have the more positivist branch of rational choice institutionalism. At the other end, we have sociological institutionalism. Somewhere in the middle, we have historical institutionalism, in which both approaches are used, sometimes simultaneously (Hall & Taylor, 1996).

While some authors are intent on proving the superiority of their approach, there are those who now acknowledge that each perspective reveals something real about the effects of institutions on human behaviour (Hall & Taylor, 1996, p. 955). In this spirit, this thesis is not concerned with the debate as to which approach is superior. Although the concepts most directly serving this

analysis are drawn from the historical and sociological branches of institutionalism, the thesis uses a toolkit approach and picks the ideas that are most likely to help us understand the case being studied. As Hall and Taylor (1996, p. 955) would suggest, this approach is more appropriate for this thesis as it is driven more by an empirical problem than by the theoretical search for absolute statements about primary causes. This type of eclectic attitude has become a hallmark of the new-institutionalism approach, which has become more common in the past decades, even eroding the distinctions between branches (Hall, 2009). A theoretical toolkit approach appears as the most viable way to use new institutionalism, as this literature does not offer an all-encompassing theoretical assumption to work with. As Olson puts it, new-institutionalism is “a set of theoretical ideas, assumptions and hypotheses concerning the relations among institutional characteristics, political agency, performance, and institutional change, and the wider social context of politics” (Olson, 2007, p. 2).¹⁶ To be sure, the relation between institutions and behaviour is highly complex: “causal chains are indirect, long, and contingent” (Weaver & Rockman, as cited in March & Olsen, 2008, p. 8). Hence, this thesis has selected a restricted number of concept and mechanisms with the potential to help understand the case.

Critical junctures

To begin, we present some of the most important concepts of this literature, the concepts of critical junctures and path-dependent mechanisms. New-institutionalism scholars tend to view history as long periods of stability punctuated by rare and brief ‘critical junctures’ (Capoccia &

¹⁶ In spite of effort to find the “theoretical core” of institutionalism (Immergut, 1998), many have given up on the idea that institutionalism is a theory. Lowndes (2010), for instance, has proposed that institutionalism is an “organising perspective”, whose value lies in its capacity to bring researchers to investigate rich areas that might have otherwise missed (p. 78).

Kelemen, 2007; Mahoney, 2000). These junctures present the possibility of breaking with existing institutional pathways and setting out on a new course. Such periods are said to be critical because they provide a “moment of institutional genesis” (Mahoney, 2000, p. 513), setting the stage for decisions that lead to dramatic change, and which “close off alternative options and lead to the establishment of institutions that generate self-reinforcing path-dependent processes” (Capoccia & Kelemen, 2007, p. 341).

To be considered as such, ‘critical junctures’ should refer to a short period of time with high temporal leverage, that is, short in “relative to the duration of the path-dependent process it instigates” (Capoccia & Kelemen, 2007, p. 348). Capoccia and Kelemen also emphasize the heightened contingency of critical junctures, with choices made “in a situation of high uncertainty and unpredictability” (p. 355). The decisions taken at the juncture and the first steps on the new path are crucial, as choices made at the moment of institutional genesis can have a persistent influence afterwards (Peters 2000, p. 3). The analysis of critical junctures thus helps us appreciate how patterns visible today can be traced to “distant actor decisions of the past” (Mahoney as cited in Capoccia and Kelemen, 2007, p. 347). Critical junctures also bring the focus on the capacity of actors to influence institutions by making choices that have substantially expanded consequences. These actors can not only be state actors, legislators, bureaucrats, or judges, as Capoccia and Kelemen mention (2007, p. 354), but also any actors in a position to influence the institution under scrutiny. This would include actors from religious organizations in the study of secularism.

As Chapter 3 will show, the interwar period—during which the Occupation Forces drew up new rules for the management of religion and politics, and when, especially, writing the new Constitution occurred in a very short period of time—seems to fulfill the criteria for being considered a critical juncture. The moment when secularism was chosen among other alternatives is the contingent event that marks the beginning of the path-dependent process. But this hypothesis will only be valid if we manage to demonstrate that the decisions taken at this juncture really had lasting impacts. In order to analyse the impact of institutional ambiguities with the framework of critical junctures, we must, therefore, connect these ambiguities to subsequent developments and key events through a ‘process tracing’ analysis, i.e., “to provide a narrative explanation of a causal path that leads to a specific outcome” (Venesson, 2008, p. 235). Crucially, according to Capoccia and Kelemen (2007) and Mahoney (2000), the heightened contingency that characterizes critical junctures requires counterfactual analysis. We must therefore be capable of “reconstructing not only what the consequences of actual decisions were but also what plausible consequences might have resulted from other, viable choices” (Capoccia & Kelemen, 2007, p.355).¹⁷ Regarding these alternative choices, an appealing counterfactual analysis will rely uniquely on plausible and available options; or, in the best-case scenario, those that were actually considered (Mahoney, as cited in Capoccia & Kelemen, p. 356). As our hypothesis proposes that critical institutional design choices have guided the development of Japan’s secular regime in a certain direction, we must be able to argue convincingly that events could plausibly have taken a different turn had other available options been chosen. Doing so will further support our argument that cultural limitations are not the main explanatory variables.

¹⁷ A concise and convincing argument for the use of counterfactuals can be found in Tetlock, Lebow and Parker (2006, p. 18).

Self-reinforcing mechanisms

Having posited that a short period of time in the inter-war period represented a critical juncture for the introduction of secularism, we will pursue the inquiry by pointing at different types of self-reinforcing mechanisms, which have some potential for explaining events in our case study, and which bring to our attention factors encouraging institutions to continue in the same direction. As Mahoney (2000) explains, a self-reinforcing sequence can be explained with different mechanisms. *Legitimation*, for instance, implies that continuity occurs because actors see institutions as legitimate, either due to “active moral approval” or “passive acquiescence,” and chose to sustain them accordingly (p. 523). Once institutions are chosen, a process of positive feedback of increasing legitimization is set in motion; the institution becomes the standard for legitimacy and is reproduced and reinforced over time (Mahoney 2000, p. 523-524). Actors getting involved in the institution become socialized in it and accept its normative standards. This dynamic relates to what Olson label the “logic of appropriateness,” in which people “proceed according to the institutionalized practices of a collectivity and mutual understandings of what is true, reasonable, natural, right, and good” (Olson, 2007, p. 3). Pierson’s (2000) focus on “increasing returns” can be added to this explanation to illustrate how, as time goes by, the costs of changing course increase. This is because institutions are designed to be difficult to overturn (for example, with constitutional amendments), and because the complexity of the political arena encourages “positive feedback” and the muting of “disconfirming information” (p. 261). Furthermore, the short time-horizon of political actors makes them avoid complex policy intervention affecting the future if the costs are borne in the short-term (pp. 261-262).

At first glance, it appears the introduction of Japan's secular Constitution was followed by a period of institutional continuity nourished by self-reinforcing mechanisms. Chapters 4 and 5 will carefully examine whether such patterns are visible in the different dimensions of the regime. We will need to describe how the events unfolded after the secular clauses of the Constitution were written and first interpreted and acted upon, focusing on the extent to which actors responded followed similar patterns over time. For instance, we will observe in Chapter 5 how the government first reacted when it had to assess the constitutionality of the alliance between a political party and a religious organisation; and we will evaluate how this initial response might have set the course for developments in that dimensions thereafter.

If certain patterns of continuity seem visible in some dimensions of the regime, we will be careful to not over-emphasize that a period of institutional order followed the critical juncture. Indeed, as mentioned before, a criticism in the literature concerns its own incapacity to deal with endogenous and incremental institutional change and to overemphasize institutional order and change brought by "exogenous shocks" (Mahoney & Thelen, 2010b, p.5). As Orren and Skowronek (1994) have underlined, there is a tendency to portray the history of institutions as periods of order punctuated by shocks that re-arrange things into new ordered structures. As one author put it, "institutional change is episodic and dramatic rather than continuous and incremental" (Krasner as cited in Bell, 2011, p. 885). Researchers are thus encouraged to not take for granted that ordered periods will inevitably follow shocks, but rather to remain on the lookout for enduring asymmetries, dissonance, and "incongruities that political institutions routinely produce" (Orren & Skowronek, 1994, pp. 321-322). This approach seeks to break the

false connection made between important change and radical shocks on the one hand; and slow change with insignificant effects on the other (Streeck & Thelen, 2005b).

The call for new approaches not only concerns the speed of change but also the role of actors and ideas therein. On top of having exaggerated the self-reproductive nature of institutions, institutionalism would have attributed too little power to actors (Bell, 2011). According to Steinmo (2008), the most interesting research projects nowadays are those concerned with the ways by which “ideas, values and beliefs affect history and politics *and* who are specifically applying these insights to understanding institutional change more broadly” (p. 130). In this regard, some authors have attempted to fill the gaps via an ideational turn and a new movement of institutionalism labelled ‘constructivist’ or ‘discursive institutionalism’ (Béland & Cox, 2010; Schmidt, 2011). This is based on the simple premise that “ideational explanations are richer than other explanations of change” because, after all, change is the result of “new perceptions and ways of thinking...it often is a proactive effort by political actors to re-examine their surroundings, reconsider their propositions, and develop fresh new approaches” (Béland & Cox, 2010, p. 11).¹⁸ The solution to the problem of change proposed by many is to adopt a more dynamic framework in which institutions are seen as interacting with actors. I will try to locate my research in this middle ground, and heed Bell’s claim that it is possible to focus on ideas and discourses as well as the structures in which they are embedded (Bell, 2011, p. 884).

¹⁸ This new school, in turn, has been accused of “ideational essentialism,” of effectively “bringing the state back out” of the picture (Bell, 2011, p. 884). Bell points out that there is already a lot of work in historical institutionalism that pays attention to ideas and which treat institutions as social constructs (Parsons as cited in Bell, 2011, p. 884).

To do so, we must emphasize the range of possibilities that actors faced when confronted with secular restrictions. The goal is to understand the reasoning and the meanings that actors associate with their actions in their institutional contexts. The recrudescence of State Shinto in the postwar period, dealt with in Chapter 4, will provide an especially good opportunity to focus on processes of incremental but transformative change, as well as the role of actors in this process. At first glance, the restrictions on the state's interventions in the religious realm may seem to have followed a pattern of continuity for the first two decades, followed by a pattern of incremental changes initiated by a number of different actors in government, courts, and civil society organisations. At that point, a pattern of adjustment and change is set in motion. The next section will examine some mechanisms by which such incremental changes can be triggered.

Intercurrence

The Japanese regime might display what Orren & Skowronek call 'intercurrence', a situation in which different institutions are based in different historical contexts and values and end up "abrading against each other and, in the process, drive further change" (1994, p. 321). An example that comes to mind is the existence of the ancient and religiously charged institution of the Imperial Household alongside a modern, democratic and secular constitution. The friction caused by such institutions grounded in two different eras and realms of logic is an element that could have triggered an institutional realignment and generated the conditions for actors to act; by, in this case, attempting, successfully, to bring the new Constitution closer to the ancient imperial order so as to reduce dissonance. This idea resonates with Mahoney's understanding of change as resulting from "inconsistencies in the multiplicity of cognitive frameworks that are

predominant in society, providing a basis for actors to adopt new subjective evaluations and moral codes concerning appropriateness.” (2010, p 525).

Another aspect the literature addresses concerns the clarity and shared understanding of institutional rules, and the related impact of ambiguous language. As Streeck and Thelen (2005b) put it, applying a rule is always a “creative act” (p. 14). Intuitively, we can think that the more ambiguities there are in institutional rules, the more space there will be for creative acts leading to change. As Béland and Cox (2010) put it, “Ambiguity and incoherence in ideas opens space for politics as people seek to make policy decisions [that] reflect their preferred interpretation” (p. 9). This sets the stage for one of the central focuses of this thesis, the impact of institutional ambiguities. For instance, it will allow us to observe the process by which the participation of political actors in religious activities was facilitated by the ambiguity relating to ‘religion’. This might have opened an avenue for creative re-interpretations, wherein ‘carriers’ were able to be entrepreneurial enough to persuade others of the validity of their new interpretations, helped by their charisma, or by the power of their new ideas, or their good understanding of what kind of new idea could ‘fit’ with already established norms. Streeck & Thelen (2005b), in their attempts to provide clues to understand incremental change, present a similar a patterns of change they call ‘displacement’, which can “occur endogenously through the rediscovery or activation of previously suppressed or suspended possibilities” (p. 21), or a rediscovery of “supressed historical alternatives” (Moore, as cited in Streeck & Thelen, 2005b, p. 20). Changes are then seen as resulting from the “active cultivation of enterprising actors,” who set the stage for transformative changes (Streeck & Thelen, 2005b, p. 21).

Institutionalism, secularism and identity politics

A bibliographic search of new-institutionalism literature has revealed that attempts to explain the developments of a secular regime are scarce.¹⁹ However, a volume edited by Eisenberg and Kymlicka (2011), which examines the ways public institutions shape identities, stands out as it brings into focus aspects directly related to the development of secularism, with the provision of freedom and equality among their core concerns. This work explores the processes of construction, mobilization and politicization of various identity groups. By doing so, the authors seek to determine how identity production by public institutions can, in the best cases “counteract processes of essentialization, co-optation, fragmentation,” or, less optimally, lead to exclusion and institutional bias (p. 9). They argue that public institutions have the power to either exacerbate or avoid the risks of identity politics. Secularism can be seen as a framework developed to help minorities resist and quell the development of a hegemonic majoritarian identity. But providing power to public institutions to define what constitutes a legitimate practice, risks being counterproductive, leaving marginal groups even more isolated from the majority identity. With this in mind, the thesis will be attentive to the ways by which the development of secular institutions may have triggered processes of essentialization and exclusion. Eisenberg and Kymlicka identify four salient factors that affect the interplay of public institutions and identities; though all are relevant in one way or another, a few will be the object

¹⁹ One exception is Tatari and Shaykhutdinov (2010) who use historical institutionalism to understand secularism in post-Soviet states. I must also mention the contributions to the debates on religion and politics of Anthony Gill and others from the ‘religious economy’ school, as they explicitly use the rational choice approach of new institutionalism to explain the resurgence or the persistence of religious politics (Gill 2001). The dependent variable in that research agenda, however, is religious behaviour: the dynamics of religious supply and demand, the historical resilience of religion, and the patterns of secularization in the broader sociological sense. It is not, as my project is, aimed at understanding the institutionalization of a secular regime, and the interactive role of norms, ideas and institutions in this process. Furthermore, Thibault (forthcoming in 2017) has deployed a new-institutionalist ethnography to examine secularism and religious revival in Tajikistan.

of a close analysis. These are international influences, history, democratic engagement and institutional reflexivity.

Secularism was originally an Allied Occupation policy, thus international influences and the desire to abide by international liberal norms are obvious elements that will be considered. Furthermore, other international environment influences can be discerned. As we will argue, Japan's secular problem is linked in some ways to its war memory problem, and current tensions with neighboring countries weigh in on these issues. That history matters is obvious, but how exactly history can be used in the process of identity claims is certainly worth elaborating on. Eisenberg and Kymlicka show that "governments are often tied to the historical legacies of identity politics" (p. 20).

Some countries explored by the authors in Eisenberg and Kymlicka's volume are hobbled by their historical legacies, notably because they continue to use state tools such as censuses and constitutions that have been in place for long periods, and which can perpetuate entrenched identities. In the case of Japan, we will present the transition at the end of the war as a critical juncture involving an almost complete overhaul of institutions. But we will also focus on the elements of the prewar order that have been maintained, and see how these provide anchors to the past, and have encouraged the decoupage of identities corresponding to prewar practices. Scripts that history leaves behind may facilitate mobilization by projecting historical and "nostalgic understandings of what constitutes a given group's identity" (p. 5). Chapter 4 of this thesis will show how the so-called return to State Shinto can be examined from that angle.

Other factors relate to the governance of identity, the workings of democratic institutions and, particularly important for this thesis, the role of courts. As the authors argue, “the risks associated with identity politics are greatest where citizens are unable to effectively contest how the state governs their identity” (p. 23). As the terrain for these contestations is often the courts, it follows that the responsibility falls on judges, who will in turn be influenced by the type of democratic environment in which they operate and, of course, by their independence. Hence, in some cases, “legal processes can have the effect of privileging conservative definitions of groups and their practices and shielding such definitions from contestation...” (p. 23). Much of this depends on the extent to which decisions hinge on the “knowledge and discretion of judges, who are overwhelmingly members of the majority elite whose perspectives may reflect broader public stereotypes” (p. 24). Furthermore, the authors argue that few democracies provide “transparent and reasonably justified criteria” to orient their decisions (p. 26). As an example, the authors point to the French Code, which does not provide criteria for what counts as a ‘religion,’ meaning that administrators must base decisions on their own knowledge. Such subjectivities can result in a Catholic nun being able to wear her veil because it is deemed “traditional” while a Muslim woman cannot because hers is deemed “religious” (pp. 26-27). This speaks of a problem that knows no borders, which we will also have the opportunity to explore with the Japanese case.

This leads us to one of the book's most important ideas for this thesis. In some cases, improving institutional capacities to deal with identity claims requires “clear and fair-minded guidelines” from the start (p. 27). As they put it, “the success or failure of institutions to respond effectively to the risks and challenges of identity politics seems to depend on the *clarity* [emphasis added] and nature of institutional aims” (p. 27). The importance of clarity, and, conversely, the risks of

ambiguity, are emphasized here because it relates to one of the central assumptions of this thesis: the clearer that the aims of institutions are from the start, the less likely that entrenched conservative biases will be able to exploit ambiguities and perpetuate hegemonic and essentializing identities. Translated to secularism, the clearer that the broad goals of secularism are from the start, the less likely that that institution will be distorted when administrators or judges have to decide what constitutes an illegitimate religious action versus a legitimate secular action. Having clear foundational rules does not guarantee success, but it may provide a good start.

Conclusion of the literature review

The new-institutionalism review provides us with a number of theoretical ideas that may prove useful in understanding the patterns of continuity and change in the secular regime. For its part, the comparative-secularism literature provided a framework to define and evaluate the secularity of the Japanese state as well as a number of elements that may help explain certain features of the secular regime. Based on the literature review, it could seem intuitive, at first glance, to think that the difficulties of Japanese secularism are mostly due to the Japanese culture and its historical process. Japanese secularism may be seen as an alien institution imposed by a foreign power and complicit local elites. Moreover, the absence of a vocabulary and concepts essential to articulate secularism may be seen as impediments to the development of a consolidated secular state. While these factors merit attention, they should not sideline the role of institutions. The thesis advances the notion that the end of the Pacific War was a critical juncture that made the development of a liberal secular regime possible. The hypothesis is that crucial decisions regarding the institutional design of the regime have had an impact whose significance may not

have been properly considered. Specifically, it proposes that the inclusion of important ambiguities in the main building blocks of the regime has contributed to weakening the consolidation of the regime. As was said before, the more ambiguities there are in institutional rules, the more space there will be for “creative acts” (Béland & Cox 2010, p. 9). As we will see, it is quite possible that Japanese secularism would have a significantly different outlook today, if it were not for the space provided by those ambiguities.

CHAPTER 3: THE FOUNDATIONS OF JAPAN'S SECULAR REGIME

3.1 Historical Background: Religion and politics in modern Japan

The empirical description of Japan's secular regime will begin with a historical overview of religion and politics in the Meiji era, which is essential for understanding postwar developments. It will focus on the unique religious landscape of Japan, and on the categorisation of different secular and religious categories; as well as on the encounter with the West in the 19th century. It will reveal certain patterns of religio-political engineering that were evident, notably related to the construction of State Shinto and the prominent role given to the Emperor. It will also highlight the state's aggressive interventions in the religious realm and its attempts to homogenize belief to the detriment of freedom and equality. This background will allow us to appreciate not only how the introduction of secularism after the war represented a rupture, but also how certain narratives and practices survived the transition.

Religion and politics in modern Japan

Speaking generally about religion and politics in modern Japan, we can say that these two realms have been intertwined for most of modern Japanese history (Gordon, 2003). In the words of Fukase-Indergaard and Indergaard (2008), Japan has displayed a “historical lack of separation between state and religion (similar to Imperial China) with a strong emphasis on ritual” (p. 372). The religion-and-state dynamics have not followed a steady pattern as Japan features a complex mix of indigenous and foreign religious influences, with Buddhism, Taoism, Confucianism, and local traditions, such as Shinto, shaping the landscape; some of these benefited from state patronage, or fell victim to state coercion, at different periods of history (Gordon, 2003).

Some authors emphasize the syncretic and harmonious nature of this religious panorama. Davis (1991), for example, claims that emerging particularistic or fundamentalist attitudes tend to be quickly absorbed by the overwhelmingly syncretic and liberal Japanese society. Japan, Davis adds, features “malleability, relativity and negotiability of truth” that imposes a degree of civility on religious sects (p. 805). Toyoda and Tanaka (2002) likewise argued that the religious mosaic found in Japan does not reinforce political cleavages (p. 269). But some have argued that this cohesiveness has been exaggerated, emphasizing instead the conflict-prone history of interreligious relations, or reminding that certain religions such as Christianity were once banned altogether (Seizelet, 2001). Reader and Tanabe (1994), for instance, have outlined various types of religious conflicts throughout history, notably between new religious movements and established traditions; between intellectuals within traditions and between religions and government authorities.

Within this mix, Shinto is often portrayed as the unique indigenous religion of Japan, although it is also part of a larger pattern of religious syncretism involving other religions or philosophies derived from Buddhism, Taoism, and Confucianism (Reader, 1991; Breen and Teeuwen, 2000). In any case, Shinto clearly achieved prominence after the 1867 Meiji restoration, and was placed in a category of its own when the state transformed Shinto into a national cult to promote nationalism (Hardacre, 1989). The recognition of Shinto as a distinct category has endured until today as it is still distinguishable as an independent religion, characterized by a simple theology

centering on pantheist deity worship and a uniformity of practice throughout the country (Breen & Teeuwen, 2000).²⁰

Japan's encounter with the West and the repercussions for religion

This discussion on the Meiji era inevitably focuses on the significant impact that the encounter with the West has had on the religio-political landscape of Japan. As Hardacre (1989) put it, the period following the Meiji revolution saw a clash occurring between Western and Japanese understandings of religion, launching debates on the status of Shinto that have lasted to this day (p. 160). Prior to the mid-19th century, Japan was isolated and trade was limited to a few neighbouring countries. Many attempts by Western delegations to reach new trade agreements with Japan were turned down. In 1853, Commodore Perry arrived with gunboats and forced militarily inferior Japan to sign treaties that were deemed “unequal” (Gordon, 2003). These treaties included clauses of extraterritoriality similarly to what the Chinese neighbours had been forced to accept before them, albeit in a milder form. Japan suddenly acquired a semi-colonial status, and became subordinated economically and politically. This humiliation had a great impact on the psyche of Japan (Gordon, 2003). Confronted by the might of the American superpower, the Japanese sought, as Reader (2013) put it, to “construct a modern nation-state that could resist Western incursions, partly by conforming to Western conceptions of modern statehood” (p. 302).

²⁰ Even though official records show that ninety percent of the population belongs to Shinto, ordinary Japanese do not self-identify as ‘Shintoists’ (Breen & Teeuwen, 2000, p. 3). What is more, still according to official records, adding the number of Buddhists to the number of Shintoists exceeds the actual population of Japan (Reader, 1991, p. 8), which suggests that several people can identify with both religions simultaneously.

The openness of Meiji Japan to adopting Western institutions is important to highlight. It was thought that the adoption of Western legal and even moral systems was a prerequisite to be able to negotiate fair treaties with the West. Importantly, as Laliberté (2011) pointed out, “Japanese authorities during the early decade of the Meiji Restoration believed that each Western power derived its strength and national unity from a shared religious belief” (p. 222). A Prime Minister of the time, Ito Hirobumi, thought that “religion provided a firm foundation for civic responsibility in Western nations,” but he also worried that no Japanese religion would be capable of providing similar services to the state (Bellah, 2003, p. 35). In the very time period in which State Shinto was erected, the Japanese government initiated (in 1886) Westernization programs that promoted “Western lifestyles, food, arts, religion, literature,” and even “interracial marriage” with Westerners (Fukase-Indergaard & Indergaard, 2008, p. 363). Fukase-Indergaard and Indergaard indicate that a proposal was even made to have English replace Japanese as the national language (p. 363). As they explain, this was also seen by some as going too far and triggered a counter-movement to preserve “Japan’s quintessence” (p. 363). Nonetheless, this limited backlash does not seem to have prevented the blending of Japanese and Western institutions from becoming a lasting norm.

The United States’ Japan policy focused on trade, and also on the protection of basic rights, as the United States was concerned with the free movement of Christianity. The demand for religious freedom from the United States was in reaction to the discovery that Christians, considered followers of an evil cult, and formally banned over a three-hundred-year time period in Tokugawa Japan, had been brutally persecuted in Japan. This made the country uncivilized in the eyes of the West, and influenced the unequal nature of the treaties imposed on Japan

(Fukase-Indergaard & Indergaard, 2008, p. 355). The demand for religious freedom could also be seen as a thinly-veiled means to clear the way for Christian proselytization (Hardacre, 1989, pp. 114-115). In any case, this implied that Japan had to compose with a new type of public right—religious freedom, which forced the Japanese to rethink its social categories (Thomas, 2014). The demand for religious freedom and the Meiji government’s decision to integrate this concern in the Japanese Meiji Constitution represents, according to Hardacre (1989), a crucial shaping element in religion and politics in modern Japan.

Given the importance of the demand for religious freedom, translating this concept into the Japanese language became a pressing concern. A debate that has intrigued Japanese scholars of religion concerns whether a conception of religion similar to that found in the West existed in Japan prior to encounters with the West (Josephson, 2011). In one camp, a few authors see a “significant conceptual overlap between Japanese and Euro-American conceptions of ‘religion’” (Shimada as cited in Josephson, p. 592). In this vein, Ian Reader, considers that the notion of religion as a distinct category already existed and provided a solution to translating religion in Japanese (as cited in Josephson, 2011, p. 593). However, what seems to be the dominant view is that a similar category did *not* exist, and that finding a Japanese equivalent to religion became a salient issue once the Western treaties were drawn up and translated (Hardacre, 1989; Josephson, 2011; Shimazono, 2005). As Hardacre described it: “When ideas about religion originating in Europe and America came to Japan, they entered a society that had no equivalent concept or term, no idea of a distinct sphere of life that could be called religious, and no idea of a generic religion of which there might be local variants” (1989, p. 63).

According to Josephson (2011), not only was there no equivalent concept in Japanese, finding one proved very difficult and sparked a decades-long debate. Josephson's research reveals that even foreign-educated scholars wrestled with different options and understandings of the term, including "a type of education, something fundamentally unteachable, a set of practices, a description of foreign customs, a subtype of Shinto, a near synonym for Christianity, a basic human ethical impulse, or a form of politics (among other possibilities)" (p. 593). In the end, a "Buddhist technical term" was chosen: *Shûkyô*, which literally means, *teaching of a sect* (Hardacre, 1989, p. 63).

Equally interesting is to know the extent to which Japanese actors at this time were actively involved in the framing of the concept of the secular, the religious, and the public and private realms. To put it briefly, according to Josephson (2011), the lexical ordering that emerged was not uniquely the product of Western will; on the contrary, Japan's role was significant. The author portrays the encounter with the West as an opportunity for redefining religious and political boundaries and one that was instrumentalized for the benefit of the Japanese state. In his words, "...the invention of religion in Japan was a politically-charged boundary-drawing exercise that extensively reclassified the inherited materials of Buddhism, Confucianism, and Shinto" (p. 594). Thus, the concepts were reframed to satisfy both the West's demands for free movement of Christianity, as well as Japan's own desire to build a nation-state furnished with a religious narrative. Japanese actors provided a limited space for Christianity and Buddhism, and, importantly, proceeded to forge tight links between Shinto and the state. Josephson explains that the conceptual rearrangement led to the creation of three distinct categories: religion, the Shinto secular, and superstition.

‘Superstition’ was a category created to bring together practices which the state wanted to eradicate, or, minimally, to bring under close supervision. This included several folk practices (e.g., shamans and mediums), as well as new religious movements that had challenged the newly created Meiji government. The consolidation of political power was thus a clear motivation behind this attitude (Josephson, 2011, 2012). We must keep in mind, as Hardacre (1989) pointed out, that the beginning of the 20th century was a time of rapid social transformations, unrest, and fear that gave rise to a big surge in the influence of new religions (p. 126). Most of these groups were offshoots of Shinto sects rather than Buddhist ones, many of which were led by charismatic figures claiming to be “living gods” (Gordon, 2003, p. 159). The government feared these, and arrested many of the leaders throughout the Meiji era, often on the charges of *lèse-majesté* (p. 159). Hardacre (1989) specifies that the purges, were not limited to smaller cults, and at times more prominent Buddhist sects (Nichiren and True Pure Land school) as well as Christians (the Holiness Church of Japan) also fell victim to suppression (Hardacre, 1989, p. 127).

The ‘religion’ category was a response to the demand of the United States to see religious freedoms protected and to ensure the free movement of Christianity in Japan. A category was created to include all those religions that were given a protected status, which was formalized in the 1890 Meiji Constitution (Josephson, 2011). The relevant article of the Meiji Constitution stated that “Japanese subjects, within the limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, shall enjoy freedom of religious belief” (Fukase-Indergaard & Indergaard, 2008, p. 366). However, as Fukase-Indergaard and Indergaard point out, liberty was confined to individual conscience only, thus allowing the Meiji state to overlook

the activities of organized religions (p. 366). The right of religious freedom was granted “within limits not prejudicial to peace and not antagonistic to duties as citizens” (Gordon, 2003, p. 108). These conditions provided the state with the power to regulate organized religious groups (Fukase-Indergaard & Indergaard, 2008, p. 366). Other than Christianity, certain streams of Buddhism were also formally recognized in this category. Confucianism was, for its part, recognized as a scholastic subject (Josephson, 2011, p. 594). The status of Shinto in relation to the category of religion was the subject of a long debate. It led to a division whereby Shinto shrines dealing with aspects understood as more religious in nature (such as funerals), shrines that did not benefit from state funding, and those that were not connected with national rites, were relegated to this ‘religion’ category (Hardacre, 1989, p. 35). The remaining streams of Shinto were put into the category that Josephson (2012) labels as the Shinto secular. There was no clear consensus on this division, however, and Shinto inherited an ambiguous and nebulous status, which became a long-lasting characteristic of this tradition (Hardacre, 1989, p. 36).

The Shinto secular

Thus, Shinto was not included in the religion category and was not the object of the same restrictions and state controls. This provided the basis for the construction of a national ideology and the exclusion of unwanted ideas and practices (Josephson, 2011). Shinto thus provided the ingredient that was missing for the construction of a pan-Japanese national identity that would supercede existing forms of allegiances, including religious ones (Fukase-Indergaard and Indergaard, 2008). A scholar who proposed a draft for Meiji Constitution qualified Shinto’s emerging secular status as follows: “Worship and indigenous Shintô shrines are the symbolic expression of acknowledging civic obligations and human virtues, and shall not be understood as

a matter of religious belief” (as cited in Fukase-Indergaard, 2008, p. 365). The labeling of Shinto as a non-religion is commonly interpreted as a cynical stratagem (Josephson, 2012). It is commonly understood that this labeling was planned by Meiji ideologues to reconcile the apparent contradiction between the use of Shinto for nationalist purposes and the wish to introduce religious freedom in the 1890 Meiji Constitution. Fukase-Indergaard and Indergaard (2008), for instance, state that the portrayal of Shinto as a non-religion “stemmed not from Shinto's influence per se, but from the usefulness of a convention that allowed the state to claim adherence to the principle of separation of state and religion” (p. 366). However, Josephson (2012) has recently argued instead that the idea of the ‘Shinto secular’ was internalized and came to be genuinely perceived as such by the Japanese. Though this belief might have been internalized to a certain extent, Sarah Thal insists that “the rhetoric of Shinto as ‘not a religion’ was never entirely convincing” (as cited in Mullins, 2012a, p. 65).

It remains that a separate Shinto entity with a superior status was created to officiate at the state’s rituals, while being portrayed as “an ancient marker of ethnic identity” (Gordon, 2003, p. 109). As Fukase-Indergaard and Indergaard put it: “The essence of the State Shintô scheme was to position the Meiji state at the center of ritual life” (2008, p. 372). This undertaking has had a deep impact on social and political life in Japan as the Japanese polity was reinvented and transformed in a short period of time (Hardacre, 1989). This is remarkable because no links previously existed between Shinto and the state (Gordon, 2003, p. 108). Prior to 1868, Shinto practices consisted merely of visits to local Shrines to worship community deities. In effect, the transformation of Shinto and the standardization of its rites were so important, that scholars have labeled it an “invented tradition” and have made parallels to the processes, popularized by

Hobsbawn and Anderson (as cited in Fukase-Indergaard & Indergaard, 2008, p. 346), by which states invent traditions and communities for nationalist purposes.

As State Shinto was invented, Buddhism's status was diminished, notably by means of the 1868 Separation Edict, which ended the semi-official status of Buddhism, forbade Buddhist priests from holding simultaneous positions in Shinto shrines and temples, and shifted mandatory registration from Buddhist temples to Shinto Shrines (Gordon, 2003, p. 109). In the early Meiji years, the Shinto establishment even fomented violence against Buddhist priests and destroyed numerous temples. Some of the syncretic features of religion in Japan disappeared, replaced by strictly codified practices, and ordinary people became aware, for instance, that Shinto and Buddhism were not one and the same (Gordon, 2003, p. 109).

In its centralizing effort, the Meiji government for the first time created a national organization of Shinto shrines. It merged the 190,000 Shrines into 12,000 state-recognized units supervised by the state-run Shinto network (Gordon, p. 135). State use of religion was visible in mass education projects, notably the Imperial Rescript for Education. The Rescript relied heavily on Confucian notions of filial piety and loyalty, and put a great emphasis on patriotism, Emperor worship and on Japan's special position in the world (Gordon, 2003, pp. 103-104). During this time, an image of the Emperor was placed and worshipped in all schools across Japan, while pupils had to learn the Rescript by heart (Fukase-Indergaard & Indergaard, 2008, p. 367). Participation in Shinto rites became a formal obligation for school children and soldiers, and, importantly, portrayed as *nonreligious*, civic duties (Hardacre, 1989, p. 39, 128). In 1872, a "Teaching Subjects Campaign" was launched to habituate citizens to state Shinto rituals (Fukase-Indergaard & Indergaard, 2008,

p. 360). An army of ten thousand evangelists was invested with the mission of promulgating what was known as “The Three Great Teachings,” whose focuses were on patriotism and reverence for the Emperor (p. 360). A new national calendar and holidays connected to Imperial rites were also introduced around this time (p. 360). Gordon (2003) relates an interesting incident in which an English teacher refused to bow to the emperor’s image in a school, invoking the ‘freedom of conscience’ guaranteed by the Constitution. The verdict was that the practice of Emperor worship was simply the “highest secular obligation”, a ruling, as we will later see, that reverberates to this day (p. 111).

The Emperor and Yasukuni

It has been argued that Japan’s search for a national identity was really born in the late Tokugawa period, between 1800 and 1860, in reaction to foreign pressure (Gordon, 2003). The rapid transformations occurring in Japan after encounters with the West raised concerns about national identity and fears that modernization would destroy the Japanese soul. We mentioned earlier that politicians active in drawing up Japan’s unequal treaties, former Prime Minister Hirobumi in particular, feared that Japanese religions could not provide the basis for civic unity as Christianity did in the West (Bellah, 2003, p. 35). For that reason, the Emperor was given a heightened role in forging Japan’s new national unity, with a new meaning given to the connection between the Japanese state, Shinto and the Emperor. In reality, the majority of the Japanese were oblivious of the Emperor prior to the Meiji restoration. As for the link between the Emperor and Shinto, we should point out that the Imperial Household had nourished strong links with Buddhism for most of its history, and the influence of Shinto in Japan was limited. It was only after the Meiji revolution that links between the Emperor and Buddhism were cut, that

Shinto became the exclusive Imperial religion, and that the Emperor was placed at the center of a Shinto state system (Fukase-Indergaard & Indergaard, 2008, p. 356-357). In this context, the emperor was invested with the task of unifying Japan and was placed at the center of the newly imagined community of Japan (Gordon, 2003, Hardacre, 1989, Fukase-Indergaard & Indergaard, 2008). From then on the Emperor was to symbolize Japan's racial purity and embody the link between the rapid modernization and Westernization of Japan and Japan's spiritual and traditional past (Gordon, 2003, p. 110). Harries and Harries succinctly summarize the interface of state, Shinto, and the Emperor as follows:

The Japanese people's emotional attachment to the Emperor was institutionalized in a state-run cult in which religious beliefs were deliberately and confusingly intermingled with nationalist propaganda and military ambitions. The cult required the Japanese to accept that the Emperor, his land and his people formed an indivisible entity which by association with him was divine. Divinity implied both racial superiority and the right and duty to extend the Emperor's rule to the 'eight corners' of the world" (Harries & Harries, 1987, p. 75).

The new imperial Shinto myth portrayed the Emperor as a divine descendant from the sun-goddess Amaterasu. The Emperor first visited the shrine dedicated to Amaterasu—the Ise shrine—only in 1869, however (Fukase-Indergaard & Indergaard, 2008, p. 357).

It is interesting to note that relationships created then regarding the ties between the Emperor, Ise, and the Amaterasu myth persist to this day. For instance, the Association of Shinto Shrines (the Jinja Honcho), conflates myth and history, by suggesting the Emperor's involvement in a 2000-year-old tradition:

Ever since the enshrinement of Amaterasu-Omikami in Ise 2,000 years ago, the priesthood of [Ise] Jingu have conducted rituals and prayers for a peaceful world. These rituals and ceremonies are performed under the direction of Amaterasu-Omikami's direct descendant, the Tenno [emperor] himself. Thus, the rituals conducted at Jingu can be referred to as the Imperial rituals.²¹

Meiji political theology and war

The Emperor's sacred status manifested itself in the rituals that he performed at the nation's most sacred sites, and the wars fought in his name were presented as *holy wars* (Gordon, 2003; Hardacre, 1989; Shimazono, 2005). Given the importance of military power in Japan's nationalist aspirations, a new tradition was also invented to connect Shinto to Japan's war dead, and great importance was given to the Yasukuni Shrine, in this 'political theology'. In connecting to the cult of the dead, Meiji statemakers tapped into "Japan's deepest religious impulse... [and] helped religious nationalism penetrate the general population" (Fukase-Indergaard & Indergaard, 2008, p. 372). This Shrine, built in 1869 to honor the war dead, was initially called the Tokyo Shrine to Welcome the Souls and was renamed Yasukuni (literally *pacify the nation*) in 1879 (Gordon, 2003, p. 109). Originally, the Shrine included the 7700 soldiers who had died for the imperial side in the Tokugawa battles, but Yasukuni gained more importance as the list of war dead got longer, and as new wars acquired more importance in the Japanese psyche (Gordon, 2003, p. 109). Since the Shrine's foundation, the souls of one million persons said to have died for the Emperor, from the Meiji Restoration to World War II, have been enshrined and worshiped as gods, or *kamis* (Hardacre, 1989, p. 38). What must be emphasised is that Yasukuni, by the will of Meiji state makers, suddenly and effectively represented the divine nation, and was recognized as another "ancient marker of the ethnic identity of Japanese" (Gordon, 2003, p. 109). The controversial implications of Yasukuni for

²¹ <http://www.jinjahoncho.or.jp/konohanasakuya/hoderi/wp-content/themes/jinja/dl/soul-of-japan.pdf>

secularism in Japan cannot be understated, as the Shrine still stands in the same location and perpetuates its original role.

A few elements from this short historical overview will be highlighted in the following section as they are significant for postwar developments. The first is that despite nominal religious freedom, the values of secularism came under threat in this (postwar) period. This means that the introduction of liberal secular institutions in 1946 would mark an important rupture. The second is that this period saw significant redrawing of social categories, in some cases complicating the identification of categories that are fundamental for the operation of secular institutions. Furthermore, the redrawing of social categories took place in the context of a large-scale ‘invention of traditions,’ a reminder that cultural and historical traits that may seem immovable can, under the right conditions, actually be recast quickly and dramatically.

Secularism in the Meiji era

To answer the question regarding secularism in the Meiji era, we can return to the framework outlined in Chapter 2. We argued that state practices and preferences towards religion must not create a second class of citizens or lead to the violation of religious rights. Based on the preceding description of religion and politics in Meiji Japan, although the idea of religious freedom was introduced in this period, it seems clear that it did not bring about the actual secularization of the Japanese state, a point of view shared by Japanese scholar Shimazono (2005). As a whole, the outlook of the religions policy in Meiji Japan featured statist and oppressive tendencies. In this regard, Thomas’ (2014) description of the Yamagata cabinet, the first of the Meiji parliamentary system, established in 1889, is revealing: “[Religious freedom] operated in the interior realm of thought and belief, but in the exterior social and political realm

the government reserved the right to manage religions as it saw fit, meaning that it could interfere with public expressions of private faith as circumstances dictated” (p. 174). With regards to oppressive tendencies, Thompson highlights the brutal treatment of the religious groups that were labeled as ‘superstitions’: “Superstitions required eradication, leading to the torturous logic that such eradication would either not violate marginal groups’ religious freedom or that such groups were essentially not deserving of civil liberties” (p. 175). Meiji-era repression of religious minorities was significant and at times “violent” (Thomas, 2010, p.35) as Thomas concedes, and as other authors have highlighted before him (Gordon, 2003; Hardacre, 1989; Shimazono, 2005; Fukase-Indergaard & Indergaard, 2008). Essentially, while religious freedom in Meiji Japan improved conditions for a selected few at best, it legitimized repression of those belonging to designated legitimate religions deserving protection.

Overall, we can say without hesitation that Meiji Japan could not be considered a secular state, based on the standards of the ideal type of secularism presented. Religious freedom was extremely limited, and moral equality non-existent in the context of a de facto state religion imposed on citizens. This is made obvious by the role given to Shinto, the forceful manner by which deep beliefs were forced onto people, and the lack of moral equality between citizens in Meiji Japan. This does not mean that by the standards of those days and compared with the situation that followed, Article 28 of the Japanese Constitution did not bring any improvement whatsoever.²² What must be emphasized is simply that the introduction of liberal secular norms after the war would mark a sharp break with the past.

²² Thomas (2014) has stressed that religious freedom was not altogether absent from Meiji Japan and that the Occupation had exaggerated the religious oppression of Meiji Japan in order to justify and valorize their religious freedom policy. Thomas’ investigation of historical documents has led him to affirm that religious freedom was actually more substantial than previously thought.

The invention of traditions and social categories

What also stands out from the account of religion and politics in the Meiji era is the state's active involvement in the redrawing of social categories, largely in reaction to the encounters with the West and to the latter's demand for religious freedom. Although there is no consensus that a concept analogous to religion was found prior to the Western incursions in Japan, what seems clear is that the period following the encounter with the West saw a reshuffling of the categories that are crucial for the articulation of secularism. This involved the redefinition and reclassification of religion, Shinto, the secular, and the public sphere. Referring to this social engineering, Sarah Thal stresses "by removing Shinto from the realm of religion [...] advocates of Shinto confounded the boundaries of church and state, religion and secularism, to shape the very idea of Japaneseness itself" (as cited in Mullins 2012a, p. 79).

This account is also important as it reveals the enduring legacies of some of the practices and discourses that would survive the institutional revolution following the fall of Japan in 1945. The Emperor and Yasukuni, for instance, have undergone changes but have nonetheless survived the 1946 institutional transformation, and still carry deep and emotional connotations. Furthermore, as we will see in Chapter 4, contemporary actors continue to portray Shinto as secular, and many still associate the concept with the monotheist religions of the West. As we will also see in Chapter 4, this idea has also found its way into the government and into the state's courts. Ichiro Ozawa, a powerful politician of contemporary Japan, has argued that the general public would not oppose the participation of officials in certain Shinto ceremonies, and that "the Shinto rite of worshipping one's ancestors is very different from the idea of religion in the West" (as cited in

Hook & McCormack, 2001, p. 169). This point is crucial to keep in mind as it relates to the argument made in Chapter 2 about the need to rethink secularism in a way that will make it possible to encompass the categories that do not fit squarely with the category of ‘religion’.

This historical background has also revealed the creation of a national myth with the Emperor at its center, and a link to Shinto and to the Yasukuni shrine, which symbolized the divine nation and the sacrificial duty of its citizens. These events represent a highly daring example of “social engineering”, as Hardacre put it (as cited in Fukase-Indergaard & Indergaard, 2008, p. 361), or a process better known as the “invention of traditions” (Gordon, 2003; Hardacre, 1989; Fukase-Indergaard & Indergaard, 2008). As historian John Dower (2008) defined it, what occurred in Meiji Japan in this respect constituted “a thoroughly modern creation—a carefully and quite brilliantly executed exercise in forging a modern nationalistic consciousness” (para. 8). This display of invented traditions is worth noting because it testifies to the malleability of cultural and historical traits, which too often are portrayed as fixed. This will be good to keep in mind when reflecting on the possibilities for institutional innovation in the postwar period. The next chapter will describe how the institutional landscape of Japan would go through yet another profound transformation after the end of the war, paving the way for a new form of state–religion relation to emerge, including the possibility of secularism.

3.2 The transition towards secularism

This section will describe the circumstances of Japan’s defeat at the end of World War II, following with the events having the most implications for the introduction of secularism, namely, the Shinto Directive, the Emperor’s humanity declaration, and the drafting of the

postwar Constitution. This context will help us identify the challenges and opportunities that this period presented for the development of a liberal model of secularism in Japan.

Having suffered humiliation through the unequal treaties that were forced upon it, Japan built up the power needed to stand up to its international adversaries. As early as the turn of the 19th century, Japan had been emboldened by major military victories against China (1895) and Russia (1905), which revealed that Japan had succeeded in modernizing its military in a very short period. Embarking on the Pacific War (1941-1945), Japan took on a civilizing mission, aimed at giving Asia back to Asians and at creating a Japanese-led “New East Asia Order” (Gordon, 2003, p.208). It harbored the prospect of ruling the ‘eight corners of the world under one roof’, in conformity with the Shinto imperial myth, in which Japan was portrayed as a “nation of the gods” (Skya, 2013, p. 200). Japan’s early victories in the Pacific War suggested that the myth could become reality. The notion that Japan was waging a holy war conducted for the Emperor gained importance in this context (Skya, 2013).

Within a few years, Japan went from contemplating world domination to being reduced to ashes in a crushing and humiliating defeat at the hands of people it had portrayed as barbarians (Dower). Japan was materially devastated, having suffered intense fire-bombing campaigns targeting its largest cities, and two nuclear attacks, bringing the total number of Japanese victims to 2.5 million (Gordon, 2003, p. 223). It was also morally devastated and left with an appalling legacy stemming from the large-scale atrocities and massacres the Japanese army had committed on East-Asian populations and foreign army personnel (Gordon, 2003, pp. 222-223). Speaking to a stunned Japanese population for the first time via a radio broadcast, the defeated divine

Emperor summoned the country to “endure the unendurable, to bear the unbearable” (Gordon, 2003, p. 225). Importantly, the complete and unconditional surrender and the ensuing occupation provided conditions for a complete transformation of Japan’s institutions. As Dower, described it:

Because the defeat was so shattering, the surrender so unconditional, the disgrace of the militarists so complete, the misery the “holy war” had brought home so personal, starting over involved not merely reconstructing buildings but also rethinking what it meant to speak of a good life and good society. (Dower, 1999, p. 25)

Establishing a democratic and peace-loving country

Upon disembarking in Japan, the American-led Occupation Forces²³ were resolved to pursue an agenda centered on demilitarization and democratization (Gordon, 2003, p. 227), with the objective of creating a “peaceful and responsible government” (Woodard, 1972, p.14). Americans were then invested with the mission to “rewrite laws, restructure the economic and political system, and even to redefine culture and values” (Gordon, 2003, p. 227.). The demilitarization happened through disbandment of the army and numerous trials of army personnel, including the high-profile trials of the highest-ranking military leaders, referred to as the Class-A war criminals.

The Shinto Directive

The Occupation had wide-ranging repercussions on the relation between religion and politics in Japan. The Americans thought that the only way Japanese leaders could have rallied the

²³ Formally, the occupation was overseen by an international body known as the Allied Council for Japan. In practice, however, the Occupation was really led by the United States and the imposing figure of general Douglas MacArthur (Gordon, 2003, p. 227). This thesis refers to this as ‘the Occupation’ and to General Headquarters (GHQ) when referring to its center of power.

population around their militarist goals was by exploiting their superstitions and religiosity. The eradication of State Shinto thus constituted the Occupation's first major religions policy, because Shinto was thought to have played a particularly important role in Japan's militarization and the oppression of the Japanese people (Woodard, 1972 p. 9; Inoue, 1991, p. 3).²⁴ Reforming state-religion relations was considered as the basis for democratization (Woodard, 1972, p. 9). In the words of Woodard²⁵, Americans believed that the "State Shinto Cult...[was] built around the concept of a divine Emperor, a divine state, and a divine land, that the extremists had been able to indoctrinate the people ...and bring the country to the brink of total disaster" (p. 9). On December 15, 1945, the Americans announced the Directive for the Disestablishment of State Shinto, commonly known as the Shinto Directive. Its aim was described thus:

The purpose of this directive is to separate religion from the state to prevent misuse of religion for political ends, and to put all religions, faiths, and creeds upon exactly the same legal basis, entitled to precisely the same opportunities and protection. ("Directive for the Disestablishment of State Shinto," 1945)

Furthermore, it stated the goals of

- Freeing the "Japanese people from direct or indirect compulsion to believe or profess to believe in a religion or cult officially designated by the state;"
- freeing the Japanese people from forced financial contributions to particular sects;

²⁴ Thomas points to an American wartime propaganda movie, "Our Job in Japan" as an example (Thomas, 2014 p. 279). The movie depicts Japan as a "backward and superstitious" country in unequivocal terms. It depicts the "official state religion," Shinto "as the mouth piece for Japan's military game". <https://www.youtube.com/watch?v=EgnZRVe38yw>

²⁵ An American scholar of Japanese religions who worked for the US military during the Occupation, and who advised the government on religions policy. He has left a detailed account of the Occupation's religions policy.

- preventing a “recurrence of the perversion of Shinto theory and beliefs into militaristic and ultra-nationalistic propaganda designed to delude the Japanese people and lead them into wars of aggression.”

The Directive also contained a number of rules detailing how the intermingling between state and religion would cease:

- All dissemination and financial support of Shinto would cease at all levels of government; special status of certain Shrines, notably the Ise Shrine would be annulled;
- specific governmental organizations supporting Shinto, such as the Shrine Board of the Ministry of Home Affairs would be dismantled;
- all Shinto symbols from public and educational institutions would be removed.

Shinto as a private belief system was nonetheless allowed to survive and could be granted the same protected status as other religions (Thomas, 2014). The notion of religious freedom that was introduced in the Meiji era thus took on a new meaning. This right, as described by Thomas (2014), would no longer be “a privilege... that citizens had to secure from their states and fiercely protect ... [it] was now coming to be construed as a right that was inherent to each human individual and that transcended the ambit of national citizenship” (p. 339). More broadly, the principal aim of the GHQ’s religions policy was to have religious allegiance determined by free choice rather than by preset criteria such as place of birth or family lineage. Effectively, Thomas (2014) continues, this meant changing “the way that Japanese people understood their own religions” (p. 342).

While the GHQ sought to eliminate religious inspirations for ultra-nationalism, the Shinto Directive, on paper at least, had the potential to separate religion from politics, make the state neutral with regards to beliefs, and thus introduce the notions of religious freedom and equality.²⁶ The Shinto directive was in any case a temporary measure. The lasting foundations for secularism in postwar Japan would be grounded in the new Constitution. Before turning to that crucial document, we shall highlight one last important policy from the Occupation period having important implications for secularism on postwar Japan.

The Emperor's new role

After introducing the Shinto Directive, the crucial question facing the GHQ concerned the role of the Emperor in Japan's postwar order. In reality, Emperor Hirohito could well have been tried for war crimes just as the other Japanese political and military leaders. That was the wish of political leaders not only in the United States but also in most nations that had fallen victim to Japanese aggression. However, General MacArthur, the powerful Supreme Commander for the Allied Powers, thought the Emperor could be useful for occupation policies. MacArthur warned his superiors, including the US President, that Japanese social order would collapse and American objectives would fail should the Emperor be removed (Bix, 2000; Gordon, 2003). In the end, MacArthur's view prevailed, paving the way for what could be appropriately labeled "imperial democracy" (Najita & Narootonian as cited in Gordon, 2003, p. 232).

²⁶ Though the description thus far may suggest that the Americans were benevolent champions of liberalism, a nuance regarding the GHQ's motives is needed. The Americans obviously had various interests to attend to through the Japanese occupation. This occupation occurred at the end of a global war and the realignment of world powers, and Japan was geographically within reach of Russia's threatening sphere of influence. Making Japan a liberal and democratic state should be seen as part of this broader policy context.

In any case, this decision had to be reconciled, in the immediate, with the Emperor's status as 'highest priest' of Shinto, the very religion the United States had so vilified (Bix, 2000, p.2). The Meiji Constitution had depicted the Emperor as "sacred and inviolable," a descendent of a "sacred blood lineage" (pp. 7-8). As Bix explained, Emperor Hirohito "regularly performed complicated rituals that clearly implied his faith in his mystical descent from the gods, and the sacred nature of the Japanese state and homeland" (p. 16). In order to reconcile the objectives of the United States' policy regarding the Emperor and those of the Shinto Directive, the GHQ's solution was to attempt to humanize the Emperor. Two weeks after publishing the Shinto Directive, GHQ published the Rescript to Promote the National Destiny, commonly known as the Declaration of Humanity. Japanese constitutional scholar Inoue claims that with the Declaration, Shinto and the state became "effectively separated" (Inoue, 1991, p. 3). Bix (2000) however, downplays the significance of the Declaration in that respect. He describes it as a text written in "obscure, classical language," in which was "buried" a statement to the effect "that the Emperor's ties with the people is based on the 'false conception' of him as a 'living deity'" (pp. 560-561). What must be emphasized is that the declaration downplayed but did not repudiate the Emperor's descent from the sun-goddess Amaterasu. The Declaration even included a reference to the sun-goddess (p. 561). By doing so, the text effectively left "undenied the myth that was the basis of his renounced divinity in the first place" (p. 561). Significantly, as Bix specifies, the declaration also portrayed democracy as part of Meiji imperial heritage. Hirohito made this clear by declaring that the democratization of Japan was the fruit of his father's volition (p. 562). In his endorsement of the declaration, the words used by Japanese Prime Minister Shidehara only magnified the idea that the transition to a new democratic order resulted from "the imperial will"

(p. 564). Effectively, these gestures amounted to making the Meiji Emperor “...the founding father of the political system about to be born in 1946” (p. 562). The Emperor’s subtle cooptation of the democratic transition masked what Bellah described as “a singularly important element of symbolic continuity” (Bellah, 2003, p. 50). This is not to say that the transition between the two constitutional orders was seamless, or that the institutional transformation at this time was not profound; it merely emphasizes that the events of 1945 did not represent what could have been a “decisive break in Japanese political culture” (Bix, 2000. p. 563).

3.3 The birth of Japan’s postwar constitution

The Shinto Directive and Declaration of Humanity were preludes to the wider democratization reforms of the Occupation. The Americans believed that avoiding a repeat of history required Japan to acquire new values and political rights in order to uproot authoritarianism (Gordon, 2003, p. 228). McArthur thus signaled to Japanese leaders early on that he wanted a new democratic constitution, and initially put the Japanese in charge of that project (Koseki, 1997).²⁷ For that purpose, GHQ created the Constitutional Problems Investigation Committee (known as the Matsumoto Committee), which was staffed with Japanese officials and led by Matsumoto Joji, a Sate Minister in the Shidehara Cabinet.²⁸ The first draft it produced was leaked to a newspaper, however, and its reception both in the Japanese press and the GHQ was very negative. One of Japan’s main newspapers, the Mainichi, ran an editorial that summarized its reception: “most people will feel disappointed that it is so conservative and does nothing more than preserve the status quo” (as cited in Koseki, 1997, p. 61). To GHQ’s dismay, the draft

²⁷ For a detailed timeline of these events, see: <http://www.ndl.go.jp/constitution/e/etc/history.html>

²⁸ The Shidehara Cabinet was in place between October 1945 and May 1946.

essentially left untouched the ideology of the Japanese polity centered on the Emperor. The committee's draft included a clause for religious freedom, but it was overall, essentially a copy of the Meiji Constitution (Koseki, 1997, p. 61). In parallel to this, several drafts of a new constitution were submitted to the GHQ by scholars, leaders of main political parties, and other public figures. Most of these took for granted the fixity of the Emperor system (Koseki, 1997, p. 61). Even though McArthur insisted on keeping the Emperor, he has also insisted on a genuine democratic system led by commoners. By then, the GHQ realized the Japanese did not understand they were expected to follow an American-like democratic model and that the Meiji Constitution was obsolete (Inoue, 1991, p. 1). This convinced the GHQ to take matters in its own hands, and it had a draft put together in close to 10 days. The American draft evolved through a complicated process which involved Japanese officials. Exchanges, debates and translation work took eight months, before a final Japanese-language version of the constitution was presented to the Japanese citizens. The involvement of the Japanese, as we will see, was consequential as it led to changes that were not intended by the Americans.

Dialogical process in the drafting of the Constitution

The Japanese taking part in the process nevertheless left an indelible mark on the Constitution (Inoue, 1991; Koseki, 1997). They did so by securing further the continuity between the old and the new orders that the Emperors' maintenance permitted. We should first point out that the Japanese could influence the American policymaking process right from the beginning of the Occupation. The GHQ did not rule directly but through a shadow government that advanced its policies through a liaison office staffed with Japanese civil servants. These civil servants included a number of high-ranking Japanese officials as well as many bureaucrats that were

allowed to remain in the government after the war. In effect, this allowed the Japanese to “resist or reshape the occupation directives” (Gordon, 2003, p. 232). With regards to the Constitution, the maintenance of the Meiji mindset in the postwar period is partly attributable to the input of Japanese conservative actors throughout the drafting process itself, including in the translation and negotiations that preceded its adoption by the Japanese parliament (Inoue, 1991; Koseki, 1997).

According to Inoue (1991) and Koseki (1997) evidence shows that, through negotiations and the process of piecemeal translation of individual articles and passages, the Japanese side managed to incorporate new elements while watering down others. In some cases, agreement on the final version of the new Constitution’s articles was simply accidental, or the result of incomprehension on both sides: As Inoue explains, “in many instances, neither side really understood the ideas and concerns of the other. Ironically, these misunderstandings and the language of the Japanese text may have contributed to the ultimate success of the negotiations.” (Inoue, 1991, p. 3)

In other instances, Japanese attempts to modify the tone or content of the Constitution were more deliberate, even if subtle. Such alterations can be appreciated, for instance, by looking at the usage of verb tenses. Inoue (1991) suggests that, overall, the Japanese version ended with a weaker illocutionary force compared with the original English version. As a result, the sense of people’s authority to command the government was virtually eliminated from several key articles of the Constitution (Inoue, 1991, p. 103).²⁹ Importantly, according to Inoue, “this text continues

²⁹ To illustrate this with an example, the English version “No person shall be denied the right of access to courts” is translated in the Japanese using a specific verb form (*naranai*) that effectively translates into:

in a significant way the political tradition of Meiji Japan, in which the government took the authority and responsibility to govern the nation well” (p.103). Inoue concedes that the new Constitution obviously provided more space for citizen participation than there was in the Meiji era. Still, a more statist approach to human rights was allowed to come though.

The sections of the Constitution dealing with the Emperor and the location of sovereignty are also worth highlighting. As already mentioned, MacArthur wanted sovereignty vested in the people and not the Emperor. In the new Constitution, the Emperor became officially the “symbol of the nation,” and was stripped of his former titles of head of state and commander in chief. Though he was given no political power, he was allowed to perform “acts in matters of state...on the advice and approval of the cabinet” (Bix, 2000, p. 569). Although the intention was to vest sovereignty in people, the term ‘people’ from the original English version was translated as *kokumin*. In its conservative interpretation, *kokumin* is a term that excludes people of non-Japanese descent, which was obviously not what the liberal version of the American draft intended (Inoue, 1991, p. 220). Furthermore, by the same conservative interpretation, Inoue points out that the notion of *kokumin* includes, by default, the Emperor, meaning in effect that “sovereignty resided both in the Emperor and the people” (p. 220). Consequently, Inoue argues,

“No person is/will be denied the right of access to the court.” In effect, as Inoue (1991) puts it, “these articles simply assert that these procedural rights will not be denied. Presumably the government takes the responsibility for protecting them, or for not denying them” (p. 85). Expanding on this idea, Inoue explains that the constitution of the United States “conveys the people’s commitment to a representative government and their command to their government not to abridge their rights and liberties” (p. 102). The Meiji constitution, for its part, rather “reflected the Japanese government’s assertion, in the name of the Emperor, of both its authority and its responsibility to govern the nation for the welfare and benefit of the people” (1991, p. 102). As for the Japanese translation of the new constitution, Inoue asserts that “the people do not command the government not to infringe their rights and liberties. Instead, it affirms the responsibility of the Japanese *government* to establish a democratic government, and the people and the government together affirm the necessity to of protecting individual rights and liberties” [emphasis added] (p. 102).

“the Japanese managed to maintain the sense of tradition in the role of the Emperor as the spiritual center of the Japanese people under the new Constitution (p. 220). Testifying to this sentiment of joint sovereignty between the Emperor and the people, Bellah (2003), and Dower (1999) highlighted quite extraordinary statements made by Japanese leaders on the subject. Bellah stressed the following:

Even the Constitution of 1946 drafted by the Americans and clearly making the people sovereign, with the Emperor remaining only as a "symbol of the state and the unity of the people," was promulgated in such a way that it could be considered once again as a gift from Emperor to people. The Prime Minister at the time, Yoshida Shigeru, could say in the Diet debate that in the new constitution "there is no distinction between the Imperial House and the people. . . Sovereign and subject are one family. . . . The national polity [*kokutai*] will not be altered in the slightest degree by the new constitution. It is simply that the old spirit and thoughts of Japan are being expressed in different words in the new constitution. (Bellah, 2003, p. 51)

Dower (1999) highlighted the content of the final report of the House of Representatives Subcommittee on the new Constitution, which, in his view, “confirmed and sanctified these sentiments” (p. 389):

The first Chapter of the Revised Constitution expressly provides that the Emperor of one line unbroken through ages is assured of his position as a Monarch who on the basis of the sovereign will of the people unifies them coevally with Heaven and Earth, from eternity to eternity. Thus, it has been possible to confirm the solemn fact that the Emperor, while being in the midst of the people, stands outside the pale of actual politics and still maintains his authority as the center of the life of the people and as the source of their spiritual guidance. This accomplishment the absolute majority of the committee have received with the utmost joy and satisfaction. (p. 390)

In parallel to the new Constitution, a new Imperial House Law was also enacted in 1947, which “resembled the old even in name, and was drafted simply by deleting from the original those articles that could be construed as contradicting the 1947 Constitution, such as the system of Imperial era names³⁰ (Bix, 2000, p. 578). Through all of these moves, Japanese conservatives effectively secured a grandiose and sacred status for the Emperor.

As a most potent symbol of the Emperor’s role in the symbolic continuity between pre-war and postwar Japan, the Emperor was directly involved in the procedures to bring about the transition between pre-war and postwar political orders by setting into motion a mechanism of the Meiji Constitution to promulgate the new constitution without violating the former. On that occasion, Emperor Hirohito made the following written declaration:

I rejoice that the foundation for the construction of a new Japan has been laid according to the will of the Japanese people [*kokumin*], and hereby sanction and promulgate the amendments of the Imperial Japanese Constitution effected following the consultation with the Privy Council and the decision of the Imperial Diet made in accordance with Article 73 of the said Constitution.³¹

The Emperor’s seal was opposed to that declaration, with Prime Minister Yoshida counter signature.

Bix (2000) described the decision of maintaining the Emperor in the following terms: "MacArthur's truly extraordinary measures to save the Emperor from trial as a war criminal had a lasting and profoundly distorting impact on Japanese understanding of the lost war." (p. 545)

³⁰ A yearly calendar based on the enthronement of Emperors.

³¹ This text can be consulted on the Japanese Diet Library’s website:
<http://www.ndl.go.jp/constitution/e/etc/c01.html>

This thesis will examine whether the Emperor's maintenance as the religious symbol of a secular state, has had an equally profound and distorting impact on Japanese understanding of secularism. Whether the Emperor's presence would provide an impetus to revive State Shinto in the postwar era, would remain to be seen. The capacity to do so would hinge on the content of the secular clauses of the Constitution, or, more precisely, on their interpretation and normative force.

Articles 20 and 89: the building blocks of secularism

As mentioned before, Americans were convinced that de-establishing State Shinto and introducing religious freedom were necessary steps for the democratization of Japan (Inoue, 1991, p. 104). Direct Japanese input was not sought for the sections of the Constitution dealing with these matters as the GHQ thought that the Japanese had a poor understanding of human rights (Woodard, 1972, p. 10). But few precautions were taken to maximize the chances of properly transposing the rights that the Americans wanted to promote in the Constitution. To begin with, the time allotted to the secular articles was evidently minimal given that the whole drafting process took less than 10 days.

Complicating matters further, as Woodard (1972) pointed out, no one in the committee in charge of drafting these articles was knowledgeable about religion in Japan, and no particular philosophy guided the process. The sole—loosely defined—goals were to free government and the education system from Shinto, and the committee “had not the slightest idea as to how government and religious leaders would react to such a drastic proposal....They intended to purge Shinto from the state and they hewed to the line of complete separation without much regard for what would happen as a result of such a policy” (p. 78). In the words of one of the drafters: “We

simply wanted to separate religion from the state. That was all there was to it. We were not concerned about any theories regarding church-state relations.” (Quoted in Woodward, 1972, p. 79). Nonetheless, the new constitution managed to follow in the tracks of the Shinto Directive, and showed a potential to further liberalize the links between religion and politics. These are the secular articles of the Constitution of Japan that the committee put together, by looking at examples found in other states’ constitutions:

第 20 条

— 1

(a) 信教の自由は、何人に対してもこれを保障する。

Freedom of religion is guaranteed to all.

(b) いかなる宗教団体も、国から特権を受け、

No religious organization shall receive any privileges from the state,

又は政治上の権力を行使してはならない。

(c) nor exercise any political authority.

— 2

何人も、宗教上の行為、祝典、儀式又は行事に参加することを強制されない。

No person shall be compelled to take part in any religious act, celebration, rite or practice.

— 3

国及びその機関は、宗教教育その他いかなる宗教的活動もしてはならない。

The state and its organs shall refrain from religious education or any other religious activity.

第 89 条

公金その他の公の財産は、宗教上の組織若しくは団体の使用、便益若しくは維持のため、又は公の支配に属しない慈善、教育若しくは博愛の事業に対し、これを支出し、又はその利用に供してはならない。

No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.³²

Unlike in the Shinto Directive, where a strong emphasis was obviously put on Shinto, here the American drafters introduced broader notions of equality and religious freedom in the Constitution. At first glance, Articles 20 and 89 include all four constitutive parts identified in Chapter 2 as the essential building blocks of a liberal secular regime. However, on paper, the restrictions appear strict: they have been said to represent a high wall of separation, or even a radical version of separation between religion and state (Davis, 1991; Date, 2011). The fate of these articles would depend on the contesting interpretations that were to emerge in the next decades as they came up against political realities.

3.4 Early debates about the secular clauses

Chapters 4 and 5 will focus on some of the major debates that have shaped the secular regime in the postwar era. We will, for the time being, look at the very first round of public debates on the

³² The full English version can be consulted here:

http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

The full Japanese version can be consulted here:

<http://law.e-gov.go.jp/htmldata/S21/S21KE000.html>

final draft of the Constitution that was recorded in the Japanese parliament (Diet).³³ These debates are especially important as they provide the very first official governmental orientations on secularism in the postwar period. In short, their impact was potentially durable, and they expose the ambiguities that were to have lasting effects.

After discussions and exchanges between the GHQ and Japanese officials, a draft of the constitution was presented to the 90th session of Imperial Diet in June 1946 (Uleman, 2006, p. 21). Significant debates about Article 20 occurred in July and September 1946, at the House of Representatives special committee hearing, and at the House of Peers special committee hearing. On these occasions, the Minister of Education, the Minister of Justice, as well as the State Minister answered questions from Diet representatives.

As Inoue (1991) explains, the discussions focused on religious freedom and separation of religion and state. Religious freedom, a concept that was also found in the Meiji Constitution, was discussed mainly to evaluate its potential impact on social order. Essentially, the government was asked what could be done if a person or group took advantage of religious freedom in order to cause social disorder. The government's reply simply specified that any person threatening peace and order would be controlled (Inoue, 1991, p. 133). Otherwise, the discussions focused mostly on how the new constitution might affect the future status of shrines, and also provided sparse but revealing explanations on the governments' understanding of separation of religion and state (p. 133).

³³ The records were consulted in Inoue (1991, p. 100-147).

In the course of the exchanges, the government mentioned that the separation clauses were intended to break with past practices of preferential treatment given to religion. In the words of State Minister Kanamori, this was to ensure that the government would, from that point on, “take no positive action toward religions in the future ...[and] not actively or passively influence [any religion] (as cited in Inoue, 1991, pp. 138-139). Minister of Education Tanaka offered an additional explanation regarding the meaning of article 20. He said it was to make sure “that a particular religion should not be protected by the government, or in other words, that the government should treat all religions fairly, in other words, the spirit that denies a national religion” (as cited in Inoue, 1991, p. 141). These statements can be seen as promoting more or less the same goals of secularism as described in Chapter 2, that is, to preserve the moral equality of citizens, and ensure that beliefs do not inform notions of citizenship. Note however, that the statements focus on religion, and that nothing is ever said regarding non-believers, atheists, agnostics and the like. Interestingly, Minister Tanaka also specified that separating religion and politics was justified “because it is one of the fundamental political principles of modern civilized states, and, in Japan, considering our past experiences, we see a need for it” (as cited in Inoue, 1991, p. 141).

One aspect of the discussions that stands out is the revelation that, already at this point, the inclusion of the ambiguous term ‘religion’ in the Constitution was deeply problematic. In the course of these debates, the government had several opportunities to clarify the meaning of the term. For example, one Diet member (Yuki Yasuji), voiced the concern that Article 20 would be difficult to operationalize given that no definition of religion was provided in the article. State Minister Tokujiro Kanamori began a vague answer to this question by stating that he “cannot

define what constitutes a religious belief”, but nonetheless suggested it had to do with “an emotional relationship with the will of a suprahuman being,” and that this relationship was what needed to “be placed outside the state...” (as cited in Inoue, 1991, p. 134). We thus have a suggestion that the concept of religion referred to in the Constitution may *exclude* Shinto, given that Shinto is devoid of any such a relation to a suprahuman being (such as the omnipotent God of the Abrahamic religions). Pressed again to clarify the term, the minister eventually confirmed the religious status of Shinto, albeit in a roundabout manner:

[It] is virtually impossible for the state to determine, from an administrative point of view, whether a given religion is a proper religion...Thus this constitution does not address itself to whether or not shrines are religious institutions...The issue of whether or not the shrine system is a religion has long been controversial among practitioners. Generally, it can be regarded as a religious system. (as cited in Inoue, 1991, p. 137)

In another intervention, the Minister of Education, Tanaka Kotaro, stated that shrines “are now being treated as a religious corporation...” but that it was up to individual shrines to apply for that status (Tanaka, as cited in Inoue, 1991, p. 139). He later added:

To leave the theological problem of whether shrines are really religious institutions to specialists, from the view point of ceremonies and other matters at shrines and the feelings of a large number of worshipers about shrines, shrines have a considerable amount of religious character. And it is undeniable that shrines have had specially close ties with the state. (as cited in Inoue, 1991, p. 141)

We thus understand from these statements that both government spokesmen think that shrines are religious, but they implicitly liberate the government from the responsibility of this assessment and transfer it to ‘specialists.’ As an ominous sign of future problems, a Diet member

(Shinichiro Matsumura) presciently warned the government of the danger of leaving this term undefined:

What I fear is the possibility of [the government] reinterpreting the definition of religion, and forcing shrines on the people, claiming once again that shrines are not religious institutions... I am afraid, from now on, we will have no choice but to depend on the court to decide what is a religion... I believe it is not good to take such an ambiguous stand as the one that the ministry of Education has taken so far. (as cited in Inoue, 1991, p. 143-144).

The concept was not further clarified during these debates, and Matsumura accused the government of evading the question (Inoue, 1991, pp.143-144). Obviously, this ambiguity would affect the notion of ‘religious freedom’, as well as any passage of the Constitution that makes explicit reference to ‘religion’.

With respect to the restrictions on religious education, Inoue (1991) highlights that the Japanese side had difficulties in grasping this restriction or the difference between religious education and education *about* religion, or whether it would be forbidden to cultivate religious sentiments (p. 148). The conclusion of the debates on religious education was that the teaching of religious sentiments was acceptable, and indeed necessary “to cultivating character traits such as spirituality, compassion, ethical values, and a sense of responsibility for rebuilding one’s family, community, and the nation” (Inoue, 1991, p. 148). To make this point, Minister Tanaka clearly attributed what he perceived as a decline in morals to a “lack of respect towards gods” adding he was “convinced that the best and most powerful remedy for this moral decay is religion” (as cited in Inoue, 1991, p. 150). This position was defended in the debates on the basis that democratic nations such as the United States are clearly built on religious foundations. What was

emphasized was that no one religion was to be given a preferential treatment in the curriculum, and that “the state has to respect all religions equally, however, and should not emphasize one religion” (as cited in Inoue, 1991, p. 150). In sum, the Minister of Education unequivocally encouraged the cultivation of religious sentiments (Inoue, 1991).

The 3rd clause of Article 20 that reads: “no religious organization shall receive any privileges from the state nor exercise any political authority” was discussed only briefly, but the meaning of the ‘political authority’ clause was not specifically discussed. Minister Kanamori stated in this respect that “the clause beginning with “religious organizations” has been added because there have been tendencies for such institutions to function as religious organizations [reflecting] the state’s position. Those clauses clarify such activities are not desirable” (as cited in Inoue, 1991, p. 142). Based on these discussions, we can see that the government spokesman refers to these ‘organizations’ by using the example of *Shinto* organizations; and that the implicit purpose of this clause was to prevent such organizations from assuming the role of state religion. When Diet representative Matsumura mentioned the historical precedent of religious organizations taking the role of state religion, Minister Kanamori explained that the clause had “the dual function of clarifying that the existing organizations have functioned in such a way, and that they should not work in such a way in the future” (as cited in Inoue, 1991, p. 142). It was therefore not entirely clear what additional meaning the restriction on the exercise of ‘political authority’ provided that was not already covered by the other Article 20 restrictions, a point we will return to in Chapter 5.

A great opportunity lost

Overall, we can conclude from these first public debates that some of the comments made by the government seemed to broadly orient the secular articles towards the goals of secularism, notably towards religious freedom and moral equality. However, the discussions revealed a major caveat related to the ambiguous status of ‘religion’ and, by extent, to the status of Shinto. For Inoue (1991), the debates showed that the secular clauses were “not an idea of the Japanese government,” that they would not necessarily promote the rights that the Americans intended to promote, and that the Japanese government had little understanding of the subject (p. 144). More importantly, for Inoue, this showed “that the Japanese had difficulty appreciating the significance of the American idea of religious freedom, separation of state and religion, and non-interference by the state in religious education” (p. 131). Inoue explains why the Japanese and the American understanding of separation between religion and state were so different:

[The Japanese] concept of God was much different from the Christian conception, and...most Japanese did not adhere to an exclusive system of religious belief. Also, unlike the West, Japanese religions, and particularly Shintoism, did not have an institutionalized church to support, or come into conflict with the state. Consequently, the issue of religion and state in Japanese society was much different than in the United States. (p. 104).

According to Inoue, notions of freedom of religion and the separation of religion and state challenged Japanese values. As she put it, “the Japanese...paid little attention to the principles of freedom of conscience and separation of church and state, because nothing in their history gave them reason to appreciate the significance of these ideas” (Inoue, 1991, p. 3). With regards to these comments, it is easy to agree with the idea that adapting the American vision of separation into Japanese institutions was bound to confront cultural adaptation challenges. But we should

stop short of suggesting that those cultural barriers may be insurmountable. The debates clearly revealed the ambiguities that needed to be clarified. For instance, the discussions showed how the meaning of the ‘political authority’ clause was far from self-evident and perhaps redundant given the restrictions covered in the other clauses of Article 20. Regarding the meaning of ‘religion,’ we can see in the exchange between a Diet member and the Minister of Education, that the manipulation of religious categories during the Meiji era was acknowledged directly, just as it was made clear that concepts needed to be defined more clearly in order to avoid future problems. In the exchange, the Diet representative mentions that shrines were labeled as non-religious during the Meiji era so that worship could be forced onto people without violating the constitutional right to religious freedom. The government representative's answer was “you are absolutely correct” (as cited in Inoue, 1991, p. 141).

These discussions suggest that the Japanese had a very good comprehension of the issues at stake: On one side, the Diet member fully appreciates the significance of secularism, and the importance of clarifying its basic categories; while on the other side, the government seems more unwilling than unable to provide more clarity. A red flag was thus raised, and these discussions leave the impression of a huge opportunity lost to clarify the larger significance of secularism and the specific meaning of its constitutive parts. Addressing and fixing these ambiguities then and there could have strengthened the foundations of the regime. The impact of not doing so, however, would only be known once secular controversies began to surface over the course of the following decades.

3.5 The mixed odds for the development of secularism

Having provided a historical background for the foundation of Japan's secular regime, we can take a step back and make a general statement about the odds for secularism as the Constitution came into force on May 3, 1947. Based on the information provided thus far, the odds seemed mixed to positive for the development of a functional secular regime, but elements pertaining to the institutional design of the institution, as well as other general conditions, also represented the potential to undermine its development. Beginning with the broader socio-political context, it is hard to exaggerate how the period following Japan's crushing defeat in World War II lent itself well to a comprehensive institutional makeover. Eisenstadt (1996) remarked that this period "witnessed the most far-reaching changes in modern Japanese society and polity, creating the conditions for an almost total transformation of the Japanese political system in a democratic direction" (pp. 95-96). Wanting to turn the page on an abysmal episode, the Japanese demonstrated their support for the democratic, human rights-advocating regime that was proposed to them. It even seemed possible at this time to imagine a new order without a sacred Emperor at its center. As Bix (2000) explained, after Japan's defeat "the mystique of the monarchy had been deflated. Many people no longer held the Emperor in exaltation" (p. 569). Other proof of this favourable context is found in the negative welcome given to the first Japanese draft of the constitution, which was seen as favouring the status quo. In contrast, the final, more liberal version received what was described as "an enthusiastic popular response," even triggering a "fever of democratization" that engulfed Japan (Gordon, 2003, pp. 229-230). This augured well for the rights and values of secularism that were part and parcel of the new democratic package.

Another point worth highlighting is that the Constitution was first presented to the Japanese people as the Japanese government's own creation (Inoue, 1991, p. 1). The real process behind it became known to the public only in 1951, though it only received attention as late as 1954 in the context of discussions over the Japan-United States Security Treaty³⁴ (Koseki, 1997, pp. 1-2). Important for us to highlight is that by this time, the people of Japan had become attached to it; the Constitution "had become fixed in people's minds," and the circumstances of its birth and its foreign input of little concern (Koseki, 1997, p. 5). We have also underscored how borrowing ideas from foreign institutions has been a common practice in Japan for centuries. The following statement from the Democratic Party of Japan (DPJ), one of the country's mainstream political parties, even shows pride in this practice, as its platform's opening statement reads: "Since ancient times, Japan has taken elements from both Eastern and Western culture to create a nation of great prosperity with unique traditions and culture we are justly proud of" (2013, para. 1). These are favorable points as this context and attitude suggest there was not much chance of seeing a nativist anti-secular backlash based on a reaction to the Constitution's foreign roots.

To continue, certain pre-war precedents for democratization and human rights must be highlighted. If we agree that traditions can be invented, this should be easier to do so if the inventing builds on historical precedents. In this sense, it should be noted that Japan had already experienced a political movement promoting liberal democratic ideals such as freedom and human rights. Indeed, as early as 1873, a popular movement, the Freedom and People's Movement, pushed for democratization and the creation of a popular assembly (Gordon, 2003). In the following years, two progressive political parties were founded with the agenda of

³⁴ The basic military agreement between the United States and Japan that has been in force since 1951. See: <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>

advancing democratic reforms. Between 1905 and 1932, Japan entered a period known as Taisho Democracy, named after the Emperor that rose to the Throne after the death of the Meiji Emperor in 1912. Reforms undertaken in this period, in the words of Gordon (2003), led to “a dramatic change in the direction of democracy” (p. 161). By 1925, politicians elected by (male) suffrage were assigned to cabinet posts. This was a period defined by “loyalty to a monarch, pursuit of empire, and political participation” (Gordon, 2003, p. 161). To be sure, this experience was short-lived, as the shocks triggered by military tensions and economic depression in the early 1930s steered Japan away from democracy, towards authoritarianism, and down the road of militarization (Gordon, 2003, p. 180). But even if short-lived, these precedents make narratives available for future progressives seeking to re-ignite the democratic spirit of the past. As the following comment so aptly puts it:

Democracy by ‘imposition’ cannot thrive if it doesn’t derive from past historical experience and if it’s imposed by sheer force. Japan’s democratic experiences from the Meiji Restoration and the Taisho democracy as well as the consensual and negotiated ‘imposition’ by the SCAP proves this. The past experience of reforming the feudal system, of enabling elections, and of having democracy as one of the Restoration’s goals, among others, were the seeds that the Americans reaped in the aftermath of WWII; “this almost wholesale adoption of a ‘foreign’ model owed much of its success, however, to Japan’s own democratic tradition” (Banno, 2001:i). (Lara Otaola as cited in Ota, 2013)

Lastly, and most importantly, it should be underlined that Articles 20 and 89 of the Constitution included institutional parameters having the *potential* to eventually safeguard freedom and equality. Conversely, a number of factors show that real challenges stood in the way of secularism in postwar Japan.

As different authors have pointed out, the distinctions between the secular, religious or political spheres of life had not been as neatly drawn as they had been in the West (Bellah, 2003; Hardacre, 1989; Shimazono, 2005; Inoue, 1991). Bellah (2003), for instance, depicted Japan as a “single religio-political community,” with no church/state distinction (p. 359). Furthermore, given the aggressive repression of various religious denominations and the strict enforcement of Shinto codes during the Meiji period, we can take for granted that the adoption of secularism in 1946 introduced norms and concepts that stood largely outside the cognitive reality of a majority of the population.

The second point to underscore is the strong presence and influence of conservatives who were in a position to influence the content of the new democratic institutions being built. As Koseki (1997) noted, constitutions are usually written by visionaries of a revolution (p. 27). In Japan, however, the Constitution was written by the Occupation Forces with the collaboration of the old conservative guard. As was demonstrated, the participation of Japanese conservatives in the drafting of the Constitution, as well as their interpretation of the role of the Emperor, ensured a degree of “continuity between prewar and postwar Japan” (Koseki, 1997, p. 4). As Bix indicated, “most Japanese *politicians* [emphasis in original], with the notable exception of the Communists and a few iconoclasts, however, still held the monarchy in reverential awe” (p. 570). In the end, Bix adds, “the ruling political elites...did not believe in many of [the Constitution’s] ideals...including the notion of the demilitarized state and the separation of politics and religion” (p. 578). The conservative forces certainly did not get all they wanted, but the maintenance of the Emperor provided hope that conservative values would survive.

Bearing Emperor Hirohito's seal, the Constitution came in effect on May 3, 1947. The preceding analysis suggests that from then on, all possibilities were open; secularism could take root or die out. The thesis suggests that simple institutional design choices taken in the drafting process had the power to tilt the balance in dramatically different directions. Certainly, this would depend on the nature of the debates and controversies that would surface in the postwar period, on the interpretations of Articles 20 and 89, as well as on the actual role assumed by the Emperor. With the background dynamic interplay of culture, ideas, and agency in mind, the next chapters will describe the developments of the secular regime by focusing on the impact of three ambiguities. The first is the use of the word 'religion' in the Constitution, and the three factors or forces exacerbating the effects of this ambiguity; namely, the Emperor, pro-Shinto conservatives, and Japanese courts. The second is the 'political authority' clause that dictates the restrictions on the political activities of religious organizations. The last one is the expression used to refer to secularism, *seikyôbunri* (lit. separation between politics and religion).

3.6 Prologue to the development of the secular regime in the postwar era

As mentioned before, the GHQ ruled indirectly through the Japanese government. The GHQ had taken care, however, to bar politicians who were active during the pre-war period from access to power. In this context, Yohida Shigeru, a former bureaucrat, first filled the position of Prime Minister. The ban was subsequently lifted, and several higher-profile conservatives from the Meiji state returned to the political scene and formed various alliances and political parties (Christensen, 2015, para. 4). Some of these had their roots going back as far as 1881, such as the Liberal Party (Jiyuto) and the Constitutional Reform Party (Rikken Kaishinto) in 1882. Both of these had advocated democratic reform in the prewar period until they disbanded in conjuncture

with the rise of militarism, while some of their members went on to work for the Imperial government (Christensen, 2015, para. 1). The first decade of the postwar period was one of political fluidity and movements between various political parties, which lasted until a union of conservative forces led to the creation of the LDP in 1955 (Gordon, 2003, pp. 268-269). Importantly, the LDP included in its ranks several conservatives that were active during the Meiji imperial era. As said before, many conservative bureaucrats were already present in the proxy Japanese government; the arrival of higher-ranking politicians that were active in the Meiji-era in new positions of leadership in the postwar political structure can only have strengthened conservative forces.

In spite—or perhaps because—of this conservative pedigree, the LDP clearly displayed its pro-democratic and liberal predispositions, as the very name it chose makes clear (the *Liberal Democratic Party*). The preamble of the party's constitution mentions that “the Liberal Democratic Party...is a liberal political party that advocates basic human rights, strives to make positive contributions to world peace and the prosperity of mankind and, together with the Japanese people, looks to the future by committing to ongoing reform” (LDP, *Platform*. para. 1). In addition, the party emphasizes its “respect for individual rights and dignity is the most basic premise of social order” and its participation in the establishment of the postwar Constitution and other democratic structures of Japan (Liberal Democratic Party of Japan, n.d., para. 10). It thus not only promoted its democratic credentials, but also minimized the idea that the Constitution had been unilaterally imposed under foreign influence. This positioning seemed to be a good omen for the establishment of a democratic regime of rights. But it also had to be reconciled with the LDP's conservative face. On the one hand, the LDP was pressured to substantiate its liberal

democratic outlook; and, on the other, it was pressured to satisfy the pro-Shinto conservative establishment.

The two dimensions of the secular regime

This second part of the thesis will trace the formation of the secular regime in the postwar period. To structure this analysis, Japan's secular regime is ascribed two dimensions, a division based on the two broad sets of rights and restrictions that the regime imposes. A specific ambiguity operating in each dimension will also be highlighted. The first dimension will encompass the rights and restrictions relating to the state's involvement in the religious realm (henceforth, *dimension 1*), as set out in Article 20 of the Constitution of Japan (1947), clauses 1(a), 1(b), 2, and 3; as well as in Article 89. The ambiguity affecting this dimension is the 'religion' ambiguity. The second dimension will cover the rights and restrictions related to 'religious organizations' involvement in the political realm (henceforth, *dimension 2*), as found in Article 20, clause 1(c). The ambiguity in this case is the 'political authority' clause.

CHAPTER 4: DIMENSION 1: STATE SHINTO AND THE ‘RELIGION’ AMBIGUITY

The thesis proposed from the onset that Japan’s secular regime had a hollow core, a premise that is to a large extent attributable to developments in *dimension 1*. This chapter’s analysis will be conducted around key issues and controversies that shaped developments in this dimension. The most well-known matters involve politicians’ visits to the Yasukuni Shrine, the controversial site where the souls of those who died for the nation are honoured, including high-profile war criminals. Besides this, the focus will be on a number of prominent court cases, as well as key legislative steps taken that have brought back symbols of Meiji state Shinto and contributed to the revival of State Shinto in the postwar period. The chapter will show how many of these developments can be connected directly to the ‘religion’ ambiguity, and present a set of factors and forces that have contributed to, or exploited this ambiguity: (1) the decision to give the imperial institution an important symbolic role in spite of its religiosity; (2) the role of a loose coalition of pro-Shinto conservatives; and (3) the power given to courts to interpret what constitutes a ‘religious’ as opposed to a ‘secular’ act.

This analysis will allow us to gain an appreciation of the intimate connection between Japan’s secular problem and Japan’s war-memory problem. This connection adds a layer of complexity that has often been overlooked when examining secular tensions in this dimension. Furthermore, although many authors have written about the controversies covered in this chapter, what is invariably missing is an understanding of how the institution of secularism is concretely affected by them.

Restrictions in *dimension 1*

On paper, Articles 20 and 89 of the Constitution were intended to restrict state interventions in the religious realm by forbidding the state from privileging any religion, from funding religious activities, from providing religious education, and from infringing on religious freedoms. As was mentioned in the previous chapter, while the Shinto Directive was unambiguously set on eliminating the state's association with Shinto, in the postwar Constitution, the term 'Shinto' is left out and replaced with 'religion,' a concept whose interpretation is pivotal for the interpretation of secularism. Still today, as Mullins put it, "there is no consensus in either scholarly, legal or popular discourse on the meaning and use of the concept of 'religion' in Japan (Mullins, 2012a, p. 63). This creates a major issue that taps into the complex genealogy of this term that stretches back to the Meiji: a wholesale redrawing of social boundaries between the secular, the state, and various religious categories so profound that it amounted to reshaping "the very idea of Japaneseness itself" (Thal, as cited in Mullins, 2012a, p. 79).

Despite the seemingly high wall of separation that was erected in 1946, what we have today is a situation that is reminiscent in many ways of religion and politics in the Meiji era. Several authors see in this a form of revival of *State Shinto* (Field, 1993; Hardacre, 1989; Mullins 2012a; Shimazono, 2005; Takahashi, 2006). This thesis agrees with the use of this label, though it recognizes that it is extremely charged and should be nuanced. Based on the information presented on the Meiji period in Chapter 3, it would be extreme to suggest that post-1945 State-Shinto replicates the situation of Meiji Japan. What we have today is a much softer version, one which by no means involves the same degree of coercion and violation of rights. Nonetheless, as will be detailed below, political pronouncements and court decisions taken over the decades

have elevated the status of Shinto within the state, high above other belief systems, and in spite of the secular Constitution. In that context, State Shinto seems to be an appropriate label.

4.1 The maintenance of the Imperial institution

The survival of the emperor, essentially untouched, after the greatest defeat in Japanese history, provided a singularly important element of symbolic continuity through a period of enormous change.

--Bellah, 2003, p. 50

A May 1945 cover of Time Magazine featured the portrait of Hirohito, clad in military uniform, with the sun goddess Amaterasu wielding a sword in the celestial background. The caption read: “*Emperor Hirohito: How long can an anachronism last?*”³⁵ In the context of the Pacific War's conclusion, and from the American perspective, keeping the Emperor was a decision that would have appeared to defy common sense. The Shinto cult was, at the time, depicted as nothing short of evil in the United States (Harries & Harries, 1987, pp. 73-76).³⁶ Ironically, the Imperial Institution survived only because of the United States’ own volition. As we explained in Chapter 3, this unlikely turn of event occurred because General McArthur saw Hirohito as instrumental for the United States’ occupation policy. From the point of view of postwar secularism, the GHQ decision to keep the Emperor is arguably one that had the most consequences. By keeping the Emperor in place, the Americans in effect allowed the Meiji spiritual order to slip through the cracks of postwar institutional reform. Furthermore, this decision emboldened postwar

³⁵ Retrieved from <http://content.time.com/time/covers/0,16641,19450521,00.html>

³⁶ The American wartime propaganda movie, *Our Job in Japan* testifies well to this sentiment. <https://www.youtube.com/watch?v=EgnZRVe38yw> (as cited in Thomas, 2014, p. 380)

conservatives in their quest to revive pre-war patterns of State Shinto. But how could an ostensibly Shinto Imperial Household evolve in a secular framework?

Bix claims that one consequence of preserving the Shinto court would be felt directly in one aspect in particular. He claimed that “Hirohito’s continuation on the throne after independence clearly inhibited popular exercise of the Constitution’s guarantee of freedom of thought and religion” (Bix, 2000, p. 649). But how exactly could the maintenance of the Emperor affect the Japanese population's freedom of religion? This Chapter will set out to answer this question, while arguing that the Imperial Institution had more impact on *equality* than on freedom of belief.

An Emperor not to be forgotten

Arguably, the maintenance of the Emperor would have been less significant had his role and visibility been greatly diminished, or if his association with Shinto had been more discrete. As we will see, U.S. policy prevented that from happening. To the contrary, the first moves of the Occupation Forces greatly contributed to raising the stature of the Emperor as a symbol of the nation.

In the period immediately following Japan’s defeat, millions of Japanese were displaced and homeless, while food-rationing systems were breaking down and black markets flourished. A genuine sense of despair and confusion gripped the nation (Bix, 2000, p. 619). In this context, GHQ officials thought that only Hirohito could provide “the emotional motive power” needed to stabilize the country and boost morale (Bix, 2000, p. 621). To that end, as Bix (2000) explained, the GHQ called on the Emperor to tour the country in visits that came to be known as “blessed

visitations” (p. 620). Hirohito thus paid numerous visits to hospitals, factories and farming districts to convince citizens of the necessity of sacrifice. While doing so, the closely-monitored Japanese press constantly reported on the visits and magnified their significance. By 1947, the Emperor’s tours had grown in significance, as Bix’s description shows:

The imperial trains and motorcades grew larger; each trip was more elaborate, more costly and more popular. Conservative Diet members and local politicians, judging that their standing with the public would benefit from close association with the Emperor, rushed to get aboard the imperial tour wagon...The banned sun flag flew from rooftops and was waved by thousands of cheering welcomers. A disinterested observer would have had the impression that the whole nation was celebrating its Emperor, who now appeared to be a victor after all. (Bix, 2000, pp. 625-626)

As a result, according to Bix (2000), “rather than democratizing the monarchy,” the tours increased “the power and influence of the imperial traditions,” and even promoted “old idolatry” (p. 631). Bix continues: “Most often the touring Emperor was warmly received as an embodiment of the spirit of love, a person of benevolence, and a celebrity. A minority, however, still believed him to be a sacred presence, a living deity” (p. 638). Habituated to this public role, Hirohito would continue to participate in high-key public events even after the Occupation ended: the Tokyo Olympics in 1964, the Meiji Centennial celebrations in 1968, and the Osaka World Expo in 1970, to name a few key events from the early postwar period (Bix, 2000, p. 671). U.S. policy thus ensured that the imperial system would not fall into oblivion.

On the political front, the new Constitution no longer granted Hirohito the role of Head of State, but he nonetheless kept the status of “symbol of the nation.” The Constitution also allowed the Emperor to perform “acts in matters of state,” though only “on the advice and approval of the

cabinet” (Bix, 2000, p. 569). In spite of having his role greatly circumscribed by the Constitution, Emperor Hirohito played a role behind the scenes, which clearly violated the Constitution and went beyond his official ceremonial role. This was tolerated by the GHQ only because General MacArthur was convinced that he was necessary to bring stability and ensure that communism would not take hold in Japan (pp. 627-628).

The religiosity of the imperial institution in the postwar period

No measures were taken to significantly downplay the religiosity of the imperial institution either. To be sure, thoroughly secularizing the Imperial Household would surely have presented a challenge. Although the Americans made some efforts in this respect, the measures taken were not as consequential as anticipated. As pointed out earlier, the January 1, 1946 Declaration of Humanity did not repudiate the central foundational myth of the Emperor's descent from the sun-goddess Amaterasu. Consequently, the organic links between Shinto and the imperial institution remained intact. The Emperor, as several scholars have depicted him, remained the highest priest of the Shinto religion (Bellah, 2003, p. 359; Bix, 2000, p. 2; Weeks, 1995, p. 691) and without doubt, Shintoism's most charismatic figure. After the war, the Emperor retained his sacred regalia, which the myth says were handed down to him from the original goddess. With these instruments in hand, he has continued, as before, to perform Shinto's most sacred rites at Japan's holiest sites (Bock, 1990). In reality, preventing the Emperor from conducting those activities could have conflicted the Emperor's own religious freedom. But in the context where banning the Emperor's religious rituals was not an option, the Occupation Forces and the Japanese state could have chosen to downplay, to the extent possible, his religious role, as well as his Shinto connection. On the contrary, Hirohito was allowed to continue touring religious sites

unrestrained during the Occupation. The Emperor performed his first Occupation-era visit to the Ise Shrine, the most important shrine of the imperial Shinto cult, as early as November 1945. In Bix's (2000) words, "the hidden purpose of the trip was to affirm, in the new context of defeat, the viability of imperial history, based on religion and myth" (p. 554).

Reassured in his position, the Emperor began to honor the war dead, visiting the Yasukuni shrine as early as 1952, in spite of the site's important war-associated religious symbolism (Bix, 2000, p. 653). Importantly, on Aug 15, 1958, Hirohito joined the Jinja Honcho, the association of Shinto Shrines of Japan, and other conservative groups to perform a ceremony at the Yasukuni shrine to enshrine "the heroic spirits of all those who died for the country in the War of Greater East Asia" (p. 658). Hirohito thus perpetuated a tension as he remained "stiffly bound in Shinto and the old value structure, and supportive of the unreformed imperial system" (p. 660).

Throughout the postwar years, Hirohito retained his status of symbol of the nation, in spite of several attempts by different prime ministers to elevate his status to that of Head of State. In the mid-50s, for instance, Japanese Prime Minister Shigeru Yoshida from the Liberal Party advocated for making the Emperor the Head of State, and even for granting him the power to declare national emergencies (Bix, 2000, p. 654). Bix (2000) popularized the idea that Hirohito had played a crucial political and decisional role right until the capitulation of Japan. Throughout the postwar, Bix claims that Hirohito "longed to resume meaningful political activity," and that, in fact, he played a more active role than the Constitution allowed (p. 655). For instance, Bix explains the Emperor was briefed on a regular basis on diplomatic and military affairs (pp. 654-670). Throughout his postwar reign, Hirohito was shielded from criticism, thanks to a general

social taboo. The LDP contributed to this by condemning criticism directed at the Emperor, and through its control of education and its “heavy-handed attempt to resuscitate patriotic enthusiasm,” which was in great part directed towards the Emperor (Bix, 2000, p. 659). After violent retributive acts committed by rightists against media outlets that dared criticize the Emperor, the mass media engaged in censorship (p. 666, 684). However, the mass media, including the state-owned national broadcaster, NHK, gave an enormous amount of attention to Hirohito’s approaching death. The whole nation plunged into a state of “vigil,” and an atmosphere of “self-restraint,” encouraged by both the media and the government (pp. 684-685).

The tensions created by the Imperial institution with regard to secularism, became more visible than ever during the period following the death of Hirohito in 1989 and the enthronement of his successor, Akihito. It must first be specified that the Shinto rituals of the Imperial Household are funded through a special fund of the Imperial Household Agency, called the Imperial Inner Court Budget, and presented as the Emperor’s “private” funds. This fund, however, consists of taxpayer money just as any other fund of the Household agency (O’Brien & Ohkoshi, 1996, p. 204). The government also owns the Emperor’s Palace, including its many Shrines. The use of large amounts of money for Shinto rituals, as well as the high-profile nature of those events, invited much scrutiny from the population and groups of civil society (O’Brien & Ohkoshi, 1996, pp. 204-207). Sensing controversy, the government chose to divide the ceremonies into what it labelled religious and secular components, but both were nonetheless paid for by the government, a sum equivalent to 80 million dollars (p. 204).

The month-long period of rituals and celebrations surrounding Akihito's enthronement ceremony attracted even more criticism and cost even more (97 million dollars) (O'Brien & Ohkoshi, 1996, p. 205). Among the enthronement ceremonies, the *Daijosai*, or food offering ceremony, carries special religious significance. It is said to enact "the rebirth of the Emperor as a heavenly king, a living god," although there is great secrecy about the exact details of the ceremony, which few can access (p.206). The elaborate rituals, performed in traditional buildings in the Imperial Complex, culminate in the middle of the night, when, after a rite of communion, the Emperor is reborn "either through symbolically entering Amaterasu's womb or through intercourse with his divine ancestress" (p. 206-207). Asked to bring precision regarding the religious content of that ceremony, a government official replied that "the government is not in a position to state whether or not the Emperor assumes a divine nature" (as cited in O'Brien & Ohkoshi, 1996, p. 206.) The ceremonies were followed by a series of protests by Christian and Buddhist and liberal groups, and led to a series of lawsuits in relation to the perceived violation of the Constitution, lawsuits that will be discussed later. In the face of such criticism, the government ordered a report to assess its involvement in the ceremonies, in light of constitutional restrictions. The government report, as O'Brien and Ohkoshi (1996) explains, defended the ceremony by characterizing it in "primarily secular terms" (p. 207) and by specifying that the ceremony was part of a "long imperial tradition" (as cited in O'Brien & Ohkoshi, 1996, p. 207). Thus we see that the throne has a highly obvious religious dimension, which is strongly connected to Shinto that is put on public display. The state is thus officially secular but it clearly grants a special status to an institution that is unmistakably religious.

4.2 The Shinto establishment

The visibility given to the Emperor would thus serve as a permanent reminder of the past as well as provide the temptation to reinstate his former stature. Throughout the years, the attempts to raise the status of the Emperor, and, by association, Shinto, came through constitutional revision campaigns, and through the re-introduction of symbols associated with the throne. Success in this matter is attributable to a powerful coalition of pro-Shinto conservatives.

This “Shinto conservative establishment,” as the expression is used in this thesis, does not only refer the formal administrative body of Shinto Shrines, the Jinja Honcho, as Breen (2010) refers to it. It uses the expression to refer to a number of organizations, or conservative factions within these, that have been commonly associated with the postwar rise of State Shinto (Field, 1993; Mullins, 2012b; Takahashi, 2006). Most important among these is the party that has held power for most of the postwar era, the Liberal Democratic Party (LDP). Then there is the Japanese Self Defense Force (JSDF), which adopts a conservative and what critics would call revisionist view of Japan’s role in World War II. The JSDF is closely associated to the Japan Association of War Bereaved Families (JAWBF), which represents the relatives of deceased military personnel, and which shares the JSDF's views of the War. Next we have the Jinja Honcho, the association representing around 80 percent of Japan’s Shinto shrines, and its political arm, the Shinto Seiji Renmei. The Jinja Honcho holds the view that Shinto should have special considerations under the law because it claims a special heritage and a unique position in Japan.³⁷ In recent years, it has devoted considerable energy to restore the sentiment that Japan is a sacred land, and has worked hard to place the Ise Shrine, which is closely associated with the Emperor, at the heart of

³⁷ The Jinja Honcho notably made these comments during the debate over the revision to the Religious Corporation Law (to be discussed in Chapter 5), basically arguing that Shinto institutions should be exempted (Kisala, 1996).

Japanese consciousness (Breen, 2010). Lastly, we have the Shinto Association of Spiritual Leadership (Shinseiren). This organization was established in 1969, and “aims to counter the materialistic nature of modern Japan with a return to traditional Japanese values, focusing on reverence for the Emperor and for the spirits of those who have died for the nation” (Larsson, 2014, para. 4). The Shinseiren works closely with the LDP, and includes in its ranks a large number of Diet members (nearly 300 as of 2014) as well as a majority of LDP cabinet members (Larsson, 2014, para. 4).³⁸

Though these entities pursue different agendas, they all share an aversion towards the restrictions imposed on the Emperor and State Shinto rituals, and seek to correct what they consider as mistakes made during the Occupation years. As Mullins (2012a) describes, their agenda includes promoting the Emperor’s role; nationalizing the Yasukuni Shrine, notably to re-establish a “national rite” to honour Japan’s war dead; pushing for the reinsertion of moral and patriotic education; reintroducing Shinto symbols such as national holidays; and, finally, revising the Constitution so that it reflects what it considers the values of Japan (p. 73). For examples of achievements of the Shinto lobby, we can point to the restoration of imperial symbols that had been banned after the Occupation. For instance, holidays linked to State Shinto have been reintroduced, such as the February 11 National Founding Day (in 1967), which marks the ascension to the throne of Japan’s first mythical Emperor, Jinmu, who is also the “Spirit of War” (O’Brien & Ohkoshi, 1996, p. 165). In 1979, lawmakers reintroduced the dating system based on Emperor’s reigns, which is used in all official documents in Japan since then (Matsudo, 2001, p.

³⁸ See Mullins 2012a for a more exhaustive list and references about this so-called Shinto Establishment.

169).³⁹ From the mid-1950s, the Ministry of Education began its attempts to reinstate the traditional national anthem, which glorifies the Emperor,⁴⁰ as the official hymn of the nation, along with the Japanese flag, both of which had been banned in 1945 (Bix, 2000, p. 668). The LDP finally succeeded in doing this in 1999. The LDP also reinstated Imperial awards given to distinguished citizens, a practice that had been abandoned during occupation, and which confirms, in Bix's words, the "societal hierarchy atop which was Hirohito on the imperial throne (Bix, 2000, p. 668).

To continue, we bring into focus what may be the most significant, and indeed controversial, gestures taken to promote Shinto's public role: the series of bills presented to the Diet, starting in 1967, to nationalize the Yasukuni shrine, backed by the symbolic visits to the Shrine throughout the years by Japanese Prime Ministers and lawmakers. In the first bill proposed by the LDP, which was supported by the Association of Shinto Shrines and the Japan association of War Bereaved Families, we could read that Yasukuni "should not be interpreted as having a religious connotation" (O'Brien & Ohkoshi, 1996, p 164). The intent being behind the bill was notably to make Yasukuni a non-religious organization that could more easily benefit from state patronage (p 164). Here is revealed the prominent strategy taken by the state to reconcile its religious and secular facets; namely, to *reinterpret* the meaning of religion, a process that was made easier by the inherent ambiguity attached to the term. In 1969, in another example of this strategy, the Transport Minister and future Prime Minister Nakasone pronounced a speech entitled *The*

³⁹ Thus 2017, is referred to as *Heisei* 29, to mark the number of years since the current Emperor was crowned.

⁴⁰ The hymn's translation is: *May the reign of the Emperor continue for a thousand, nay, eight thousand generations and for the eternity that it takes for small pebbles to grow into a great rock and become covered with moss.* For the original Japanese version, see: <http://www.japan.go.jp/japan/flagandanthem/>

Yasukuni Shrine as the Japanese Spiritual Home. This excerpt shows the attempt to grant a special status to Shinto through an administrative procedure:

We should resurrect the symbol of Yasukuni Shrine as the Japanese spiritual ground where we can pay our respects to those who died for the sake of the country. This should be done through the commemoration and enshrinement of their spirits. By placing the Shrine under a special legal body, it would thus come under the umbrella of the state. (As cited in Bix, 2000, p. 165)

Sensing that the nationalization could create constitutional problems in the face of opposition, notably from the Union of New Religions, an advocacy group, the government sought the advice of the Cabinet Legislation Bureau (CLB) regarding potential constitutional issues (Hardacre, 1989, p. 145-147). When in doubt with regards to the constitutionality of new proposed legislation, the government consults the CLB, an independent advisory organ of the state, whose task is to “provide opinions to the Prime Minister and the Cabinet on legal issues,” and “to examine drafts of all bills, regulations, Cabinet orders, and treaties for consistency with the Constitution and legal precedents” (Samuels, 2004).⁴¹

The CLB’s conclusions presented the LDP with a conundrum; as Hardacre explains (1989), in order for state support of Yasukuni to be constitutional, the Shrine would have to cease all Shinto educational and proselytization activities, in addition to eliminating all religious elements present in rituals and in the physical environment of the Shrine, including the ubiquitous Shinto gate found at the entrance of shrines. In Hardacre’s words, these wide-ranging conditions would

⁴¹ This is also an agency, whose role is not very well known to the public, and which, according to one scholar, is as powerful as it is secretive (Samuels, 2004). This reflects a typical feature of Japanese politics, which are mostly determined by back-room negotiations (for a brief overview of this aspect, see Fisker-Nielsen, 2012, pp. 10-12).

simply “dismantle the shrine’s symbolic presentation and render it useless to the state” (p. 146). Recognizing this, the LDP chose to discard the CLB’s advice and carried on its nationalization campaign. As Hardacre (1989) specifies, several defeats did not stop the government’s efforts to nationalize the shrine (p. 147).

One objective of the bill to nationalize Yasukuni was specifically to legitimize public officials’ worshipping at the shrine (Hardacre, 1989, p. 147). It should be noted that several LDP politicians as well as Prime Ministers have visited the Shrine on a regular basis throughout the postwar period, and an association of Diet members still organizes yearly visits to the Shrine, notably to mark the end of the war on August 15th (Larsson, 2014). Furthermore, several politicians have tried to defend visits to the Shrine by claiming they were carried out in private (Hardacre, 1989, p. 147). In spite of the aforementioned setback with the CLB, the LDP required the CLB to assess the constitutionality of public worship at Yasukuni. The CLB’s verdict was again unequivocal: such activities would be in clear violation of Article 20. What’s more, it specified that conducting these visits with the use of private funds and private cars would not make such activities constitutional (Hardacre, 1989, p. 147).

These rulings of the CLB are significant in many respects. Firstly, because they signal that the term ‘religion’ used in Articles 20 and 89 of the Constitution covers Shinto shrines, including Yasukuni. The verdicts thus undermine the claim that the worship by officials at shrines are legitimate because they merely express respect for traditions. These rulings alone could have provided the government with legal backing to settle the ambiguous meaning of ‘religion’ and Shinto. However, they did not alter the government’s efforts to elevate the status of Shinto, and

highlighted the government's intention to keep the ambiguities of the secular Constitution alive. This sends a confusing signal regarding the meaning of the secular articles and the secular norm in general. Furthermore, it shows the LDP is willing to ignore the opinion of the state organ best positioned to offer non-partisan advice on this issue. These tergiversations reveal something important about the LDP's strategy; namely, that it pursues its pro-Shinto agenda from within the secular framework, by attempting to reinterpret or bend its rules, rather than simply calling for an abandonment of secularism altogether. That constitutes a hallmark of postwar pro-Shinto activism.

The LDP's efforts to officialize its connection with Shinto can be seen as the continuation of an old project, which, in spite of a few setbacks, has progressed in incremental steps through the decades. Importantly, one can argue that, taken together, these actions merge Shinto with the notion of Japanese identity. As Mullins has convincingly argued:

When considered in isolation, some of the developments...may appear unrelated to religion—and they probably are without religious significance for many individuals whose lives are subsequently shaped by the new policies...but when taken all together and seen in relation to the political agenda and goals of the Association of Shintō Shrines and Shinseiren, they are clearly a part of a civil religious vision for Japanese society. (2012a, p. 76)⁴²

Mullin's emphasis on the need to evaluate the cumulative effect of actions is crucial and will be emulated in this thesis. This method is especially important when it comes to analyzing the impact of events that are often presented as mere patrimonial expressions. What the "civil

⁴² Mullins (2012a) mentions that Takayama had noted a similar pattern to "revitalize Japan's prewar civil religion" in 1998 (as cited in Mullins 2012a, p. 75).

religious vision for Japanese society” that Mullins refers to means for secularism is also an important point that will be addressed in depth later.

4.3 The courts’ role

We have already mentioned the government’s strategy of reinterpreting Shinto in secular terms while being committed to secularism. This section will highlight the important role of courts in the process of “secularizing religion” (O’Brien & Ohkoshi, 1996, p. 84).

In the postwar period, there have been many lawsuits to protest perceived violations of the secular clauses of the Constitution. Most of these cases have concerned Shinto-related activities, and many of these have involved government officials being sued for allocating public funds for Shinto ceremonies. Although a number of lower court verdicts have tended to be more restrictive regarding the state’s interactions with Shinto, most have been overturned once they reached Japan’s Supreme Court. Crucially, analyses of major Supreme Court cases have portrayed judges as legitimizing agents of State Shinto practices (O’Brien & Ohkoshi, 1996; Matsui, 2004). Supreme Court decisions have hinged on the ‘religion’ ambiguity and have nourished it even further.

The case involving the City of Tsu is among the first significant cases to have reached the Supreme Court. In this litigation, in 1965 a town-council legislator sued the city’s mayor, after the town sponsored a Shinto ground-breaking ceremony performed for the construction a gymnasium. The case was first brought before the Tsu District Court, on the grounds that the use of public funds violated Articles 20 and 89, and the city legislator had been forced to attend the

ceremony, which he alleged violated his religious freedom. The plaintiff sought retribution for an alleged violation of religious freedom, as well as violation of the ban on state support of religion. In this case, the judge dismissed both claims, arguing that while the ceremony was religious, it did not amount to propagating Shinto. Furthermore, the judge highlighted that the ceremony “had a secular purpose and was merely a folkway” (O’Brien & Ohkoshi, 1996, p. 84).

The case then moved to the Nagoya High Court. This time the court agreed that the ceremonies constituted a form of state support for religion, but dismissed the claim of violation of personal freedom, arguing that the plaintiff was free to refuse to attend. Interestingly, the High Court emphasized the idea that such rituals had become secularized (O’Brien & Ohkoshi, 1996, p. 85). Interestingly, the High Court provided comments on the differences between the Japanese and Western experiences with religion and politics, and claimed that cultural barriers blocked the comprehension of secular principles in Japan, and emphasized the court’s responsibility to evaluate how these principles should be applied. The court thus provided an analysis that would normally require a high level of expertise on the comparative history of religion and politics in the West and Japan. O’Brien and Ohkoshi (1996) summarized the High Court’s opinion as follows:

Since the war, people had become indifferent to religion. They lacked a clear distinction between the sacred and the secular. Unlike Western countries in which there had been centuries-old struggles between the state and churches, there was little consciousness in Japan about the importance of separating the state from religion...given the combination of religious pluralism and indifference in Japan, religious freedom could not be guaranteed without maintaining a thoroughgoing separation of the two. (p. 86)

The Court also showed that it understood that the secular clauses of the Constitution were there to safeguard the two values of secularism that were presented in the ideal type: freedom of religion is very directly named as it appears in the Constitution. Moral equality is not directly named, but the spirit is there, as the judges suggest that state association with religion can alienate citizens and threaten social cohesion, and should be banned accordingly, as the following transcription of the ruling shows:

Freedom of religion cannot be completely guaranteed without separation of religion and the state. Separation of religion and the state is the actual method for realizing freedom of religion more concretely, and the principle of the constitutional guarantee for freedom of religion. The principle of separation of religion and the state aims at being protected against a crisis of destroying the state and of corrupting religion, caused by combining the state with religion. If the state combines with a particular religion, people believing in other religions would hate, disbelieve, and dislike the state. That invites the crisis of destroying the basis for the state. Besides, the state's political and financial support for a particular religion will cause the loss of the people's respect for, and bring about corruption of, that religion. (As cited in O'Brien & Ohkoshi, 1996, p. 87)

This case was then brought before the Supreme Court, which reached a verdict in 1977. This particular ruling is important as it has provided the criterion used from then on to evaluate the constitutionality of the state's religious activities (O'Brien & Ohkoshi, 1996, pp. 87-88). The "purpose and effect"⁴³ standard deems that actions are constitutional if they do not have the purpose and effect of supporting or promoting a particular religion. In the Tsu Case, according to this yardstick, the official's involvement and financial support was judged to be constitutional, because "the ceremony aimed neither at propagating Shintoism nor at interfering with other religions" (O'Brien & Ohkoshi, 1996, p. 87). Significantly, the court used the argument of

⁴³ The court based itself on the 1971 US Supreme Court's so-called 'Lemon test' to construct this argument (O'Brien & Ohkoshi, 1996, pp. 88-89).

‘social consensus’ to inform its opinion, stating that “in considering whether or not a particular act constitutes ‘religious activity’...we must judge objectively in accordance with the social consensus” (as cited in Noble, 2006, p. 151). Also noteworthy, the Supreme Court ruled that religion and state separation could not be enforced at all times, as some governmental engagement with religion is inevitable O’Brien & Ohkoshi, 1996, p. 88. In arguing so, the ruling again stressed Japan’s unique cultural landscape and history, in comparison with Abrahamic cultures, emphasizing the need to enforce separation and neutrality:

In Japan, unlike Christian or Islamic countries, various kinds of religion had evolved and existed pluralistically, overlapping, and coexisted. In such a situation, it was not enough to only guarantee freedom of religion unconditionally...It was necessary to prescribe a separation of religion and the state...[and that separation] should be interpreted to aim for complete separation and to ensure secularity or religious neutrality of the state. (As cited in O’Brien & Ohkoshi, p. 88)

Thus, the Supreme Court depicted the ceremony as having a “secular purpose in conformity with traditional folkways” (O’Brien & Ohkoshi, 1996, p. 87). The Court further explained that “Shrine Shinto itself is primarily concerned with ritual and ceremony, and not engaged in outward activities like preaching and missionary propagation” (as cited in O’Brien & Ohkoshi, 1996, p. 91). O’Brien and Ohkoshi (1996) adds that the courts emphasized that, “unlike Christians and followers of Islam, Shinto priests and believers do not try to make converts” (p. 91). Clearly, the court had adopted a comparative approach to defining religion, and to place Shinto outside of it.

It was in the 1997 Ehime *Tamagushi* case that the Supreme Court, for the very first time, found the state guilty of violating the Constitution's secular articles. In this case, citizens of Ehime sued

the prefectural governor for visiting and for spending public funds for religious offerings at the Yasukuni Shrine and at another local Shinto shrine. The majority of the Supreme Court judges found that the actions had a “religious purpose” and that these “had the effect of supporting and promoting Shinto because they gave the public the impression that Shinto was special” (Matsui, 2004, p. 539). As Matsui (2004) explains, however, “the Supreme Court...did not explicitly or implicitly overturn the Tsu ground-breaking case, but distinguished it from the case at hand. Commentators remained puzzled over whether the Ehime *Tamagushi* case and the Tsu ground-breaking case were consistent with each other” (Matsui, 2004, p. 540).

With regards to the ceremonies surrounding the enthronement of the Emperor evoked earlier, several lawsuits were brought against prefectural governments for their use of public money to make donations to the ceremony. One of these involved an alleged infringement of religious freedom because, as a tax payer, the plaintiff was forced to pay for the ceremony. The case was dismissed because the plaintiff had not been forced to take part in the ceremony (O’Brien & Ohkoshi, 1996, p. 208). Otherwise, the lawsuits addressed the state's support of religion, which provided new opportunities for the Supreme Court to explain its view of religious versus secular practices. The issue reached the Supreme Court in 2002. On this occasion, a governor was sued, and exonerated, for using tax money to finance offerings to the ceremony (Kohn vs. Hiramatsu Case). This time the judges gave a more elaborate explanation of how the separation of religion and state should be understood in Japan. They explained that:

The separation of church and state does not prohibit the state from having any relationship with religion, although it requires the state to be religiously neutral. It rather prohibits a state relationship with religion when it goes beyond the limits deemed to be proper against the *social and cultural background* of our country in light of the primary purpose of securing religious

freedom, after taking the purpose and effect of that relationship with religion into consideration. (As cited in Matsui, 2004, p. 541).

The Court added that it could not only consider the external factors of the case, but that it also had to consider:

The place where the activity took place, its religious evaluation by the general public, the intent, and the degree of religious consciousness by those engaged in the activities, the effect and influence of that activity on the general public, and other facts to permit an objective decision in accordance with the common sense of society. (As cited in Matsui2004, p. 541)

Most revealingly, the Court ruled that the intent of the attendance was to show “social courtesy towards the Emperor without special support or interference towards any religion” (Matsui, 2004, p. 542). According to Hardacre (1989), the decisions above have collectively “emboldened the government and the Shinto lobby to proceed further in its patronage of the Yasukuni Shrine,” itself the focus of a number of lawsuits, to which we will now turn (p. 149). As already mentioned, patronage of the Yasukuni shrine began in the 1950s with several prime ministers worshiping at the Shrine. The controversy heightened, however, with Prime Minister Nakasone’s 1985 visit because, by this time, 14 Class-A war criminals had been enshrined in its grounds (Hardacre, 1989). More recently, Prime Minister Koizumi visited six times between 2001 and 2006 (leading to several lawsuits). The currently-sitting prime minister, Shinzo Abe, visited in 2013, but since then has refrained to do so, though he has continued sending ritual offerings and donations to the shrine on a regular basis. Court verdicts in the lawsuits related to Yasukuni have consistently portrayed Yasukuni visits as a matter of “traditional custom,” “social courtesy,” and “social protocol” (O’Brien, 1996, p. 171, 173, 175). As was pointed out earlier, several

government officials have stressed that the visits are private and that the offerings are not paid with public funds, including the current Prime Minister, Shinzo Abe (“Japan's Abe makes offering at shrine,” 2016).

Although this was not a comprehensive overview of secularism-related litigation, a few points stand out from this review. The rulings reveal that the way courts portray the general goals of secularism as well as the means to bring these about corresponds to the ideal type presented in this thesis. Religious freedom, putting citizens on equal footing, separation of religion and state, and state neutrality are all named quite explicitly. We have also seen that the courts have given legitimacy to the institution of secularism by stressing its importance for Japan.

Furthermore, we note that judges acknowledge the differing Japanese and Western experiences with regards to religion and politics, and that cultural barriers make it difficult for the Japanese to distinguish religious and secular categories. In this respect, courts claim their role is to mediate these historical differences and cultural barriers. Finally, and most importantly, courts can ultimately decide whether a practice is religious or secular. Courts have been inclined to “label an intrinsically religious activity as ‘culture’ because it is a common practice,” which opens the door to government endorsement of the majority’s religious activities to the detriment of minorities (Weeks, 1995, p. 720). We can also appreciate that the ‘religion’ ambiguity has provided much room for the judges to promote a certain vision of Japanese identity. As a Japanese legal expert concluded, in general, courts have “taken a generous attitude toward governmental involvement with Shinto” (Matsui, 2004, p 534). Critics of those decisions have

questioned the independence of the courts, which some label as a “LDP creature” supporting the party’s longstanding efforts to re-introduce elements of state-Shinto (Davis, 1991, p. 795).

4.4 The 2012 LDP draft constitution proposal

The elements covered thus far explain why several observers claim that a postwar revival of State Shinto is taking place. These elements should also be seen as incremental steps that paved the way for the constitutional changes that the LDP proposed in 2012. The LDP draft constitution has attracted much attention because it modifies Article 9, which limits Japan’s capacity to have a full-fledged military. That would bring an end to the pacifism that characterized Japan’s postwar Constitution (Repeta, 2013, “Changes to Article Nine”). What has gained less attention is how other proposed changes could complete the transformation of the postwar secular regime. The 2012 draft leads Ota (2013) to claim that “the draft lists every instance of basic rights as something that is entitled by the state—as opposed to something that human beings inherently possess” (slide no. 9). It follows that the rights of Articles 20 and 89 are similarly subjected to state prerogatives, and would likewise be weakened. In one important respect, the proposition reflects a statist approach to human rights that was already manifest in the approach to religious freedom displayed in the prewar era. Furthermore, recalling the subtle changes that were made by the Japanese involved in the drafting of the current Constitution, we noted that a statist quality was also introduced to the Constitution, whereby the government was portrayed as being the purveyor of human rights. The proposal we see today is a further step in that direction.

Among the concrete changes affecting the secular regime are the decisions to make the Emperor the Head of State. In the draft's preface, we find an unequivocal endorsement of the Imperial system: “Japan is a nation with a long history and unique culture, with a *tennō*⁴⁴ [Emperor] who is a symbol of the unity of the people” (as cited in Repeta, 2013, p. 13). Clearly, as Matsudo argued years ago, “the Emperor-system continues to exert influence on both the political system and the daily lives of the people of Japan” (Matsudo, 2001, p. 168). The draft also entrenches the official status of the flag and the national hymn. Most significantly, as Repeta (2013) has pointed out, the changes to the wording of the Constitution would make permissible religious activities that “do not exceed the boundaries of social rituals or customary acts,” which Repeta interprets as “opening the door to direct government participation in Shinto rituals” (p. 12).

Given the LDP’s objectives with regards to the Shinto Imperial system, and given the already profound and highly controversial changes that the draft proposes, notably to Article 9, which has enormous implications for international relations, the LDP could well have taken the opportunity to suggest more radical changes to Articles 20 and 89. It could easily have proposed to erase constitutional restrictions on religion and Shinto altogether, but it did not. The LDP preferred to carry on with its soft approach, by exploiting the weaknesses of the secular regime. This way, it can conserve the benefits of showcasing its liberal democratic institutions, including its commitment to secularism, while pursuing the benefits it seeks with the revival of State Shinto. Although this proposal does not officially eliminate secularism, it nonetheless represents a bold attempt to eliminate the concern about lawsuits that has lingered in the background of State Shinto revivalism.

⁴⁴ The literal translation of *tennō*, the honorific term used to refer to the Emperor, is “heavenly one”.

By stating explicitly that the state would now decide what counts as secular and what does not, the LDP would completely appropriate the process of interpreting the most ambiguous aspect of the Japanese Constitution; in this way, the ambiguity would effectively disappear. Having gotten the population used to the subtle processes supporting the quasi-establishment of Shinto throughout the years, the government merely had to take one more step to reach this end point. But even without being implemented, the proposal already accomplishes something significant: it provides a strong normative statement that thrusts Shinto deeper into the fabric of the Japanese state and identity.

Given all that we have described thus far in this dimension of the secular regime, it is not surprising that several authors have underlined how charged the interface of religion and politics is in Japan: Madsen (2011) thus portrayed Japanese secular institutions as masking a “religious spirit” (p. 249); more dramatically, Starrs (2001) stated that a “religio-political ideology continues to survive like hot lava ‘below the surface’ of Japanese political life” (Starrs, 2001, p. 3). These statements suggest that the mix of religion and politics in Japan is as intense as it is problematic. As argued in Chapter 2, this evaluation must be nuanced and not merely look at things from the perspective of the *institutional* separation of religion and state. It needs to reflect on the actual impact of this state–religion connection on secular values. This assessment will be carried out in Chapter 6.

CHAPTER 5: SOKA GAKKAI, KOMEITO AND THE ‘POLITICAL AUTHORITY’ CLAUSE

As shown in the previous chapter, the rebirth of State Shinto in the postwar period, as well as the numerous controversies associated with it, have been responsible for a large share of postwar secular tensions. Those are the issues that are best known outside Japan given the notoriety of the Yasukuni shrine controversy and its ramifications for international relations. What is less known outside Japan, however, is that one of the most important sources of religious influence on politics in Japan, and of secular tensions, has not been the Shinto religion, but rather the new religious movements (referred to here as NRMs). It would thus be impossible to provide a complete portrait of secularism in Japan without discussing the event in the dimension related to the rights and restrictions of religious groups. We can state from the outset that developments in this dimension have greatly contributed to the lack of clarity of Japan’s secular regime, and to diminishing its normative force. This chapter will therefore examine issues linked to the political activities of religious groups and their support for political parties, focusing on the links between the Komeito party and the Soka Gakkai Buddhist organization. This case provides the opportunity to discuss the particular challenges and paradoxes that religio-political movements can bring to secular democracies.

The ‘political authority’ clause

The association of political and religious organizations have been contested over the years on the grounds that such alliances violate Article 20 of the Constitution of Japan (1947), or more precisely, what we refer to as the ‘political authority’ clause. This chapter will examine the

causes and impacts of this accusation on the developments in this dimension of the secular regime.

Article 20 states that “No religious organization shall receive any privileges from the state, nor exercise any political authority.” The first part of the sentence that specifies that no religious organization shall receive any privileges from the state concerns the issues that we examined in the previous chapter. The problems this chapter deals with are related to the second part of that sentence. Essentially, the issue is that the Constitution does not specify what the restrictions on the ‘exercise’ of ‘political authority’ refer to.

As mentioned in Chapter 3, when the content of the Constitution was first debated in the Japanese Imperial Diet prior to its enactment, it was suggested that Article 20, was there to make sure that religious organizations would never again assume the function of state religion, referring implicitly to the historical example of State Shinto before the war. The ‘political authority’ clause was not discussed *per se*, and it was not clear what it added. During talks in the Lower House Constitutional Reform Committee that took place in 1946, the government made a first direct reference to the ‘political authority’ clause and clarified that it was not meant to ban a person belonging to a religious institution or a religious party from engaging in political activities (Kirigaya, 2000, p. 111). It took many years for this issue to resurface in the Diet and to attract the public's attention. The trigger was the rapid rise of the controversial religious group, Soka Gakkai (lit. the ‘value creation society’), which became politically active in the mid-1950s and whose successes led to the formation of a full-fledged political party in 1964 called the Komeito (lit. the ‘clean government party’) (Ehrhardt et al., 2014). By 1969, the number of

elected officials from Komeito's ranks had increased enough to make it Japan's third largest party and a clear political threat to the establishment. In the face of this spectacular ascension, critics began questioning the legitimacy and constitutionality of the political activities of Soka Gakkai and Komeito. This chapter will show that 70 years after the introduction of the Constitution, and nearly 50 years after Soka Gakkai launched Komeito, we can still hear politicians, academics, journalists, and members of the public raising the same questions. Opponents using the Constitution to attack Komeito's legitimacy are either genuinely unaware of the official interpretation of the Constitution, disagree with the official interpretation and promote alternative interpretations, or simply exploit the constitutional ambiguity for political or other motives. Over time, the sustained accusations have amplified the ambiguous nature of Article 20, and affected the consolidation of Japan's secular regime.

5.1 The political force of new religious movements

A brief explanation about new religious movements (NRMs) and politics is required to situate this case in its larger context. The political influence of NRMs in postwar Japan has been significant (Ehrhardt et al., 2014). Although precise numbers are difficult to come about, perhaps as many as one quarter of the Japanese population have links with one or another NRM (Reader, 2015, p. 9). The relationship between political parties and religious organizations can range from symbiotic to hostile. Indeed, as Métraux (1994) points out, NRMs attract the attention of political parties who seek the support of this significant demographic, notably because NRM followers are known to vote in greater numbers than other segments of the population (p. 50). As Klein (2012) put it, politicians have befriended religious organizations in order to reap the benefits of their "votes, money, and staff" (p. 79). In return, religious organizations have promoted policies

that appeal to adherents (Métraux, 1994, p. 50). Ehrhardt et al. (2014) have identified ten “religious political parties” that have contested elections since 1947 (p. 27), and that besides Komeito, only one other, Itoen, in 1947, has ever obtained a seat in the Diet.

Positive relations can easily sour, however, and politicians can easily exploit widespread negative sentiments directed towards new religious organizations. The media have greatly contributed to the formation of negative public opinion about religious movements, with the diffusion of largely negative coverage (Murou as cited in Fisker-Nielsen, 2012, p. 8). NRMs' positive contribution to Japanese society has been largely ignored: as Fisker-Nielsen (2012) put it, “despite an active participation in both civic and political life by many such organizations, the common perception remains that all new religions are somewhat undemocratic anomalies in the modern nation-state” (p. 9). As we will see, Soka Gakkai's religious doctrine as well as its aggressive proselytization activities and various scandals, especially in the 1960's, have earned them a widely negative reputation (Ehrhardt et al., 2014; Kisala, 1994; McLaughlin, 2009; Métraux, 1994; Okuyama, 2009). More recently, the negative perception of NRMs in general and of their participation in politics in particular, has worsened significantly because of Aum Shinrikyo. This Buddhism-inspired sect founded by Shoko Asahara, launched the Shinrito Party and had five candidates contest the 1995 Lower House elections. Aum Shinrikyo, however, is more remembered for having carried out the 1995 lethal gas attacks in a Tokyo subway. Aum has therefore been the object of much attention and scholarly work (Hardacre, 2007; Kisala, 1996; Kisala & Mullins, 2001; Klein, 2012; Mullins, 2012b; Reader, 2000). Another lesser known NRM emerged at the same time as Aum, Happy Science, whose leader, Ryuho Okawa, created the electorally unsuccessful Happiness Realization Party (HRP) in 2009 (Astley, 1995;

Baffelli, 2007).⁴⁵ Since its creation, the Happiness Realization Party has had poor electoral results, nonetheless attracting negative press. Although HRP and Aum merit scholars' attention, this thesis focuses on the debates over the constitutional legitimacy of Soka Gakkai and Komeito's activities because of the magnitude of their political influence, and the tremendous amount of debates they have incited. Nevertheless, we must keep in mind that, in spite of their lack of electoral success, HRP, and Aum Shinrito in particular, have had a profound impact on Japanese politics. Indeed, these have intensified the debate on the proper relation between religious groups and politics in Japan, and have boosted the negative perception that many Japanese already had about the mix between religion and politics (Klein, 2012; Kisala & Mullins, 2001; Hardacre, 2007).⁴⁶ As we will see in the next sections, Soka Gakkai and Komeito are at the origin of much of these negative sentiments.

The birth of Soka Gakkai and Komeito

Soka Gakkai was created in the 1930s, initially as an organization focusing on the promotion of education. It took on a religious vocation after its founder, Makiguchi Tsunesaburi, and his main disciple, Toda Josei, converted to Nichiren Shôshu, a large branch of Japanese Buddhism. Towards the end of World War II, the Japanese government imprisoned both leaders and many of their followers, for the crime of *lèse-majesté*, as they refused to abide by the rules of State

⁴⁵ HRP has been represented in the Diet by Oe Yasuhiro in 2010, but his seat was not obtained by contesting elections as a HRP candidate, but by switching from the LDP party (Ehrhardt et al., 2014, p. 30). It has otherwise never won a seat.

⁴⁶ As an example, after the 2009 launch of the Happiness Realization Party, an opinion piece in the *Asahi Shinbun*, one of Japan's largest newspapers, stressed that most people oppose a fusion of religion and politics. To back this claim, the author cited an opinion poll of university students showing that 80% of them had a negative view of religious groups supporting religion. He explained this attitude as in part due to Aum's destructive legacy, noting that the failure of its political aspirations was the factor that set the group on a path of destruction (Isomura, 2009).

Shinto and to recognize the spiritual authority of the Emperor. The leader, Tsunesaburi died in custody in 1944 from malnutrition and mistreatment. Toda succeeded him, and gradually transformed the Soka Gakkai into a massive religious movement (Baffelli, 2011; Fisker-Neilsen, 2012; McLaughlin, 2014). In the period of great deprivation that followed World War II, Soka Gakkai offered simple teachings and practices and the promise of tangible rewards, which were more appealing its adherents than what other established religions offered (Métraux, 1994). As Daniel Métraux put it, Soka Gakkai has been able, like no other group, to fill the religious, cultural, and ideological vacuum of postwar Japan (Métraux, 1994, p. 3). Within a few decades, Soka Gakkai had grown into Japan's largest "active religion,"⁴⁷ and even the "largest independent Japanese organization of any kind" (McLaughlin, 2009, p. 8). In due time, Soka Gakkai channelled its broad appeal into politics, which has been both rewarding and trying.

Soka Gakkai fielded its first candidates in local elections in 1955, and then moved up to prefectural assemblies and to the national legislature (Aruga, 2000, pp. 107-110). By 1962, Soka Gakkai candidates had formed the third biggest group of the Upper House. Encouraged by these results and by the manifest efficiency of "Japan's only viable grassroots electioneering network," Soka Gakkai launched the Komeito party in 1964 (McLaughlin, 2009, p. 17). A mere 5 years later, it attracted 10.9% of votes in an election for the Lower House and captured 47 seats (Baffelli, 2011, p. 749). Although the spectacular growth of the early days has since plateaued, the Komeito has remained ever since one of Japan's major political forces as its third largest party. Importantly, it has been part of the ruling coalitions briefly in 1993, between 1999 and 2009, and again from 2012 (still valid as of July 2017). As we will see, Soka Gakkai and

⁴⁷ McLaughlin (2009) qualifies this statement, saying that "while other large-scale Japanese religious organizations may have huge numbers of registered members, few are exclusive sects with adherents whose personal identities are rooted in group membership" (McLaughlin, 2009, p. 8, f.n. 2).

Komeito's controversial views and practices, and the electoral threat it posed to the political establishment, have made both groups the target of sustained and virulent attacks.

Divisive symbols

In a general sense, Soka Gakkai has been perceived as an exclusivist and dogmatic creed (Aruga, 2000, pp. 104-107). The group has attracted much criticism due to the “aggressive proselytizing” techniques that have become a hallmark of the group (McLaughlin, 2009, p. 71). Inherited from Nichiren, this technique is referred to by the name of *Shakubuku*, literally meaning to ‘break and subdue’. This approach requires followers to be assertive in trying to convince potential recruits to leave behind their previous inferior beliefs in order to join Soka Gakkai, which is presented as the only promise of liberation (McLaughlin, 2014, p. 57). Furthermore, Soka Gakkai and Komeito have been caught breaking the law on occasion in episodes that have caught the public's attention. McLaughlin (2009) explains that Soka Gakkai members have applied techniques normally used in their proselytization activities to electoral campaigning. In 1956 and 1957, several Gakkai followers were indicted for violation of the election law. The charges included house-to-house solicitation and vote buying. Newspapers picked up on these stories and alerted the public to the dangers posed by this new sect (McLaughlin, 2009, pp. 89-90). Writing in 1969, when the group was attracting attention for these reasons, Paul Ingram (1969), described that epithets such as “militaristic, fascistic, and ultranationalist” were commonly used to describe the groups' practices (p. 155). Another damaging episode occurred in 1970, known as the Fujiwara affair. In this case, members of Soka Gakkai, Komeito, and the LDP conspired to block the publication of a book critical of Soka Gakkai (Métraux, 2000, p. 56). The plan failed and the

conspiracy became known to the public. This contributed to making Soka Gakkai one of the most criticized new religious movements in Japan (Baffelli, 2011, p. 746,).

After the Komeito joined a ruling coalition for the first time in 1993, a magazine, *Gendai*, interviewed other religious group leaders to see how they felt, “in light of the principle of separation and state,” about Komeito’s relation with Soka Gakkai, and the former’s inclusion in the government (Kisala & Mullins, 2001, p. 10). In these interviews, we find that spokespeople of rival NRMs, *Reiyukai* and *Jodoshu*, did not hesitate to use epithets such as “nazi” and “fascist” to describe their activities (Kisala & Mullins, 2001, p. 11). Upon interviewing several religious leaders, the journalist running the story concluded, quite direly, that “a religious war was inevitable” (as cited in Kisala & Mullins, 2001, p. 14). This serves to illustrate the harsh criticism that has been directed at Soka Gakkai and Komeito through the decades, criticism that has come not just from rival groups, but also from the general public and the political class (Seizelet, 2001a, p. 127). We must turn to the group’s religious doctrine to understand why criticism has been so virulent, and why the criticism also has constitutional implications.

The fusion of politics and religion

The origins of Soka Gakkai’s political aspirations can be traced to Nichiren’s nationalism and its core belief that national conversion to the sect’s teachings is the only path to national salvation (Baffelli, 2011, p. 753). When it founded the Komeito party, Soka Gakkai openly stated its intention of promoting a form of “Buddhist democracy,” via a platform of “social welfare, humanistic socialism, and pacifism” (McLaughlin as cited in Ehrhardt et al., 2014, p. 3). Ehrhardt and al. (2014) explain that far from it being perceived as a progressive force, in the eyes

of many, the Komeito platform embodied a “dangerous, *constitution-violating* [emphasis added] fusion of religion and politics” (Ehrhardt et al., 2014, p.3). We must keep in mind that the memory of State Shinto was still present when Soka Gakkai began to gain visibility; the legacy of State Shinto thus created anxiety in people fearing that Nichiren Buddhism could become the new national religion (Ingram, 1969, p. 156).

Of concern was that Soka Gakkai’s myths would become concrete political goals. According to that perception, Soka Gakkai was using Komeito to convert the population to Nichiren Buddhism and promote the “fusion of politics and religion,” a central theory of Soka Gakkai thought known as *obutsumyogo*, in order to create a Buddhist democracy (Oh, 1972, p. 59). This project would culminate with the establishment of an “ordination platform for the teaching of Buddhism,” known as the *kaidan* at the foot of Mount Fuji, with the Emperor’s benediction (Aruga, 2000, p. 111). Josei Toda, Soka Gakkai’s second leader, is said to have given *obutsumyogo* and the erection of the *kaidan* as the motivations for Gakkai’s entrance into politics (Aruga, 2000, p. 111; McLaughlin, 2014, p. 58; Oh, 1972, p. 61). Upon launching Komeito, Oh (1972) explained that Daisuke Ikeda, Toda’s successor, reiterated that creating *obutsumyogo* was “the only way to save the world from annihilation” (p. 67) and that the Soka Gakkai and Komeito were “one and inseparable” in this quest (p. 71). Soka Gakkai and Komeito’s plans may appear extraordinarily ambitious given what we know about the Imperial Shinto domination of the past century and a half. Given the rapid ascension of the group and their assertive style, deploying these concepts was bound to be problematic for non-followers of Soka Gakkai.

In sum, their imposing goals upset pro-Shinto conservatives and anti-Shinto liberals, rival religious groups, and pretty much everybody else, except for the followers themselves. It was in this context that the perception developed that Soka Gakkai represented “the foremost religious threat to Japan’s secular postwar polity” (McLaughlin, 2014, p. 58). But were these goals merely slogans to energize followers or concrete policy plans? It seems difficult to know exactly to what extent, back in those days, all those concerned believed that Soka Gakkai and Komeito were genuinely motivated and able to make Nichiren Buddhism Japan’s state religion. Fisker-Nielsen (2012) acknowledges that themes such as *obutsumyogo* and the *kaidan* were divisive. However, she considers that a proper reading of the group’s pre-war opposition to the imposition of a state religion, as well as its postwar emphasis on religious freedom and human rights, signal that these concepts should not be interpreted textually. Paradoxically, another of Soka Gakkai’s publicly declared motives for entering politics, was “to guarantee freedom of belief and the separation of state and religion” (Fisker-Nielsen, 2012, p. 58). Soka Gakkai thus seems to have deployed contradictory concepts. In any case, Fisker-Nielsen recognizes that the calls to make Nichiren Buddhism a state religion did not play out in Soka Gakkai’s favour, and the group’s perceived threat “elicited an aggressive response from politicians and the media,” stirring up fear that national conversion was not a metaphor but part of its political platform (Fisker-Nielsen, 2012, p. 58). McLaughlin (2009), specifies that “as Soka Gakkai gathered hundreds of thousands of new adherents, celebrating the conversion of the population by building an ordination platform emerged as a seemingly *realistic objective*” [emphasis added] (p. 58). McLaughlin makes a strong case to show that in the context of the time, fear was a natural response to Soka Gakkai’s activities and alleged ambitions. McLaughlin’s (2009) rendition of the climate of the time is worth quoting at length:

[Soka Gakkai's controversial actions] fed into a growing popular perception that Soka Gakkai was at odds with the norms of postwar democratic Japanese society, that the group sought to impose theocratic rule rather than embrace the guarantees of a strict division of religion and government called for in the 1947 Constitution. With the mobilization of a militarized youth wing, a strident and charismatic leader, aggressive campaigns aimed at rival religions, a rising presence in media and publishing, forays into electoral politics, and constant pressure from Gakkai members on people in local areas to convert, it is difficult to imagine anything other than an overwhelmingly negative public reaction to Soka Gakkai in the midst of the Great March of Shakubuku [bend and subdue]. (pp. 77-78)

In sum, it is safe to say that national conversion was probably not a concrete goal of a critical mass of Soka Gakkai's leadership and followers, and that it did, in any case not have the ability or power of attraction to achieve that goal. But there was nevertheless a genuine perception of danger within the population, which the media and politicians amplified. As criticism against Soka Gakkai mounted in the 1970s, Ikeda toned down the group's religious rhetoric and attempted to convince the population that Soka Gakkai was not at odds with the secular and democratic fabric of Japanese society. The fusion of politics and religion, as Ikeda put it, did not entail the establishment of a state religion, but simply the "correct" relation between religion and politics in an ideal form (as cited in Oh, 1972, p. 60). Ikeda, as Oh reported, repeatedly asserted that he was against the idea of a Soka Gakkai theocracy; he portrayed the Kaidan as a mere symbol that ought to be inclusive and reflect popular will (Oh, 1972, pp. 61-64). After the 1970 Fujiwara incident mentioned earlier, Ikeda institutionally separated Soka Gakkai and Komeito and assigned to each a distinctive religious and political vocation (Kisala, 1994, p. 9). The Komeito then dropped all Buddhist terminology and began to use a more universal language and put forward broadly appealing goals, such as the promotion of welfare, culture, and education

(Métraux, 2000, p. 150; Aruga, 2000, p. 112; McLaughlin, 2009, p. 98). Nevertheless, the suspicions stuck, and Soka Gakkai remained associated with images of aggressive proselytization, while its religio-political goals were not forgotten (Seizelet, 2001a, p. 126).

Given this background of divisiveness, and keeping in mind that the principle of “separation of religion and politics,” as secularism is commonly referred to in Japan, it is no surprise that brandishing the ‘anti-constitutional’ card would be used to undermine the legitimacy of Soka Gakkai and Komeito’s political activities. McLaughlin specifies that Soka Gakkai’s political activities were not only seen to violate Article 20’s ban on the exercise of political authority, but the plans to build the *kaidan* also contradicted the spirit of Article 89’s restrictions on the public funding of religious activities (as cited in Ehrhardt et al., 2014, p. 61).

5.2 The politics of ‘separation’

The title of this section refers to the action of accusing or pressuring Soka Gakkai and Komeito by directly or indirectly accusing them of contravening the vaguely defined constitutional separation of politics and religion. As already mentioned, critics have been questioning Komeito’s legitimacy ever since it made significant electoral gains in the mid-1960s. In more recent history, a campaign using the ‘separation’ card against Komeito intensified in the mid-1990s. In this period, the Komeito joined a coalition that pushed the powerful LDP from power for the very first time since its creation in 1955 (Aruga, 2000, pp. 120-122). The LDP then mounted an offensive against Komeito that included claims that its backing by a religious group was unconstitutional (Klein, 2012, p. 82). This offensive escalated in the wake of the 1995 Aum Shinrikyo terrorist attacks (Seizelet, 2001a). As Seizelet describes it, the LDP then managed to

channel the Aum-generated negativity towards NRMs against Komeito and Soka Gakkai. For instance, leaders of the LDP would not hesitate to compare Soka Gakkai and Aum, saying they were only differentiated by their methods (Seizelet, 2001a, p. 112). This dynamic was made very clear in the proposed reforms of the Religious Corporations Law (RCL), which offered a thinly-veiled opportunity for the LDP to attack Komeito (Kisala & Mullins, 2001).

Briefly, the RCL was written in 1951 and defines the benefits that the state bestows upon religious groups. A basic assumption of this law is that religious corporations contribute to the public good and should be able to conduct economic activities in order “to support their religious work and public welfare activities” (Mullins, 2001, p. 72). Concretely, the RCL determines the legal status and benefits of religious organizations. Because of this law, religious organizations can be tax exempt, and can run businesses, with favorable tax incentives, to support their activities (Mullins, 2001). There are an impressive 184 000 registered religious corporations in Japan. This includes every single temple and shrine, church, and so on.⁴⁸ This law has also drawn criticism, notably because religious organizations can operate virtually any kind of business, even businesses completely unrelated to religious activities, and receive preferential tax treatment for these. Some argue the law’s tax scheme is unjustified and unfair to competitors (Mullins, 2001, pp. 83-84).⁴⁹ Some also oppose the notion that a religious organization should benefit from tax breaks for commercial activities on the basis that religion is a public good. It becomes even more problematic if the profits made from commercial activities by entities benefiting from tax privileges are used for political purposes. Mullins (2001) explains this

⁴⁸ According to official government figures:

http://www.mext.go.jp/b_menu/hakusho/html/hpae199401/hpae199401_2_189.html

In contrast, only 100 of the NGOs in Japan enjoy tax free status because of an “abstruse accreditation scheme.” See Economist: <http://www.economist.com/node/16843681>

⁴⁹ Mullins, in Kisala and Mullins (2001, pp 83-84).

problem by referring to Soka Gakkai, which can conduct business enjoying a lower tax rate while putting those profits into political activities, which means “ the government is in effect subsidizing their political interests or parties” (Mullins, 2001, p. 86). And there are several other problems. The ministry in charge of this law acknowledges that many non-religious groups have attempted to take advantage of the law, including criminal organizations. All of this results in increasing public suspicion of NRMs in general, including Soka Gakkai (Kisala, 2001). This is important to note because any kind of grievances held against the group can be channeled into accusations of violating the secular constitution, which offer a more direct, simple and compelling type of criticism in comparison to that against complicated tax schemes. However, despite all the controversies surrounding this law, few politicians have risked criticizing it. The 1995 Aum Shinrikyo terrorist attack, however, provided the LDP with the opportunity to instrumentalize RCL reforms to put pressure on Komeito (Mullins, 2001, p. 77).

Because the RCL was thought to be inadequate to prevent Aum-like tragedies, the LDP proposed using the existing Anti-Subversive Activities Law to monitor more closely the activities of religious groups. As Mullins explains (2001), the Anti-Subversive Law would have allowed the government to ban virtually any kind of religious activity of suspected groups. It was deemed too harsh, as it clashed too forcefully with the constitutional rights of religious groups (Mullins, 2001, p. 75). Eventually, the LDP managed to bring modifications to the RCL by centralizing the supervision of religious organizations, and increasing the authorities’ power to question suspect religious organizations (Kisala, 1996, p. 9). Mullins (2001) remarked that the general reaction from religious organizations to these reforms was that they signaled a shift from “a policy

concerned with protection of religious freedom to one concerned with the supervision of religion” (p. 79).

Actions taken by the LDP to put pressure on Komeito have tended to be influenced directly by electoral results. For instance, in 1996 the LDP proposed a Fundamental Law on Religion, which included a provision that would make religious organizations supporting political parties loses their tax benefits (Kisala, 1996). This coincided with serious gains made by the Komeito in the 1995 Upper House elections (Kisala, 1996, p. 10). Even though the official intention was to prevent future terrorist attacks such as those perpetrated by Aum, the LDP’s attempt to increase control of religious organizations has been widely interpreted as a scheme to bring back into people’s consciousness the link between the Soka Gakkai and Komeito and to weaken them (Kisala, 1996; Klein, 2012; McLaughlin, 2014; Mullins, 2001). Ironically, as Mullins (2001) pointed out, “those laying the charges were often those who advocated the nationalization of Yasukuni” (p. 77). The LDP’s instrumentalization of ambiguities pertaining to secularism thus becomes clear.

This dynamic was maintained in the years that followed. As Reed (2003) explains, during the 1996 and 2000 elections, religion and attitudes towards Komeito became one of the major electoral issues; not part of official platforms, but rather as an underlying “whispering campaign” (p. 196). Most surprisingly in this context, Komeito moved in this period from being the LDP’s arch-rival to a coalition partner, as electoral politics dictated that it was in the parties’ mutual interest. This was surprising, given the energy the LDP had spent to undermine Soka Gakkai and Komeito, as described above. It was also surprising from Soka Gakkai’s point of view. As

Fisker-Neilson (2012) explained, the group had previously nourished anti-establishment sentiments towards the LDP, whose senior politicians were portrayed as remnants of the pre-war fascist regime, which, as we know, had imprisoned Soka Gakkai founders and numerous followers at the time (pp. 54-55.).

Nevertheless, and in spite of this alliance, critics within the LDP's ranks did not stop attacking Komeito and Soka Gakkai. LDP legislators formed a reflection group called the Society for Protecting the Separation of Religion and Politics, which had ties with another group called the April Society, consisting of pro-LDP Buddhist groups opposed to Soka Gakkai and Komeito. Klein labelled the later group "the main LDP vehicle to campaign against the alliance of religion and politics" (2012, p. 82). These organisations became mouthpieces to voice criticism of Soka Gakkai and Komeito. (Klein, 2012; Métraux, 2000, p.152; Reed, 2003, p. 52).

After Komeito joined the LDP, the opposition DPJ exploited the 'separation card' as well to attack the LDP-Komeito coalition (Reed, 2003, p. 56). More recently, even though the LDP and the Komeito party remained coalition partners, an LDP politician has made a public declaration calling into question the constitutionality of Komeito and Gakkai's relation, suggesting that the government could reconsider its previous position in that regard (Huffington Post, 2014). This follows a dispute between the LDP and Komeito over the former's proposed constitutional changes to Article 9, which the latter opposes. We can see that the 'separation' issue is highly politicized and arises from time to time according to electoral calculations and the prerogatives of political factions and coalitions. Let us illustrate the 'whispering campaign' evoked earlier with an example that at once illustrates the politicization of this secular issue and also the efforts

to link Komeito to Aum Shinrikyo. For some time, former prime minister Naoto Kan's website (2000) displayed a section entitled "Article 20" that included the following: "Is it alright if a religious group sets up a political party and sends its members to the cabinet to exercise executive power? Just as in the Aum case, the founder himself contested elections as party leader and we considered the religious group and the party to be one. What about the Komeito case? It is debatable" (Kan, 2000). Judging by Kan's statement, the restrictions on religious groups' political activities are not much clearer to politicians today than they were in 1946.

This chapter has so far shown that Soka Gakkai and Komeito have created a general sense of apprehension that politicians can exploit. Furthermore, these groups have generated much criticism based on allegations of constitutional violations. In reality, Aruga (2000) points out that Soka Gakkai has never transposed its religious goals to the political arena in any concrete way: Soka Gakkai and Komeito were never found to have ever formally pushed for, let alone implemented, any policy that directly contravened Articles 20 or 89 of the Constitution (Aruga, 2000, p. 112). To be sure, Soka Gakkai and Komeito were never challenged in courts.

Nonetheless, Komeito still today has to defend its record as a constitution-abiding organization. Its website specifies that "Komeito has never sought nor introduced any initiative that would in any way favour the Soka Gakkai or its members since its founding, abiding by both the spirit and letter of Article 20" (Komeito Party of Japan, n.d.a, para. 20) They also remind the public that they have never been challenged in courts. The party is also clear on the motivations behind the attacks waged against them: "The issue of church-state separation has only stirred interest whenever a rival party or critic, particularly during an election year, feels some measure of

political currency can be earned by alleging that the relationship between New Komeito and the Soka Gakkai is somehow unconstitutional—about which some members of the media invariably provide coverage” (Komeito Party of Japan, n.d.a., Para.21). Indeed, since its creation, Komeito’s constitutional legitimacy has been questioned on a regular basis, in political circles, in the media, and in academia as well. Let us illustrate this with examples from academic papers from the 60s and 70s, as well as from more recent ones:

- In 1969, Ingram wrote: “What worries the Japanese is the Komeito's connection with a specifically religious organization, for this seems to be a direct violation of Article 20 of the current Constitution, which guarantees the freedom of religion and the total separation of religious and political bodies” (Ingram, 1969, p. 156).
- Writing in the *Journal of Church and State* in 1972, Oh stated that Soka Gakkai’s large following “might indicate that a sizable portion of the Japanese today does not believe in this separation despite Article 20 of their Constitution that ‘divorced’ the state from the church” (1972, p. 59).
- In a 1994 article on Soka Gakkai, Métraux stated: “Komeito’s unofficial affiliation with the Gakkai is suspect and problematic for a nation that now espouses a formal separation between church and state” (Métraux, 1994, p. 39).
- Commenting on Soka Gakkai’s conflation of political campaigning with proselytization, Ehrhardt concluded that their practices “raise constitutional questions” which opponents seize (2008, p. 140). Ehrhardt then cites a constitutional scholar who suggests that Soka Gakkai’s rhetoric about establishing Buddhist law makes its

political influence [constitutionally] problematic (O'Brien as cited in Ehrhardt, 2008, p. 143).

- In a 2011 paper on Soka Gakkai and politics, Baffelli made this concluding statement: “The question of the proper relation between religion and the state in Japan and the related issue of the very legitimacy of the Komeito is still provoking debate in Japan today” (Baffelli, 2011, p. 754).
- An expert on the Soka Gakkai, McLaughlin, likewise mentions that “the very existence of Komeito was, and is still considered by many, to be in violation of Article 20, which forbids religious organizations from exercising political authority” (McLaughlin, 2014, p. 59).
- Finally, in the conclusion to his paper on the Komeito, Okuyama makes the following prediction: “the relation between Soka Gakkai and Komeito will continue to be challenged on the principle of the separation between religion and politics” (Okuyama, 2012, p. 93).

This list could be expanded significantly, as virtually every academic paper about either Soka Gakkai or Komeito addresses the constitutional issue. What is remarkable is that, save for some rare exceptions, very few seize the occasion to explain concretely how Soka Gakkai and Komeito's activities could contravene Article 20, or discuss this issue from the larger perspective of comparative politics or political philosophy.⁵⁰ Moreover, few authors mention one of the most important facts related to this issue: that in light of the government's own official interpretation,

⁵⁰ Two exceptions are papers by Seizelet (2001) and Zachmann (2012) who wrote surveys of religion and politics in postwar Japan and devote some attention to this specific issue.

the type of activities and alliances that Soka Gakkai and Komeito have engaged with *do not* contravene any constitutional provision. Nonetheless, the cumulative and surely inadvertent effect of the coverage of these issues gives the impression that there must be something anti-constitutional in Soka Gakkai and Komeito's activities. With this portrait in the background, what follows is a deeper look at the actual ramifications of the Constitution with regards to Soka Gakkai and Komeito's activities, focusing on the highly ambiguous and problematic 'political authority' clause. This will further explain why this issue is so intractable.

5.3 Komeito and the 'political authority' clause

Critics seeking to substantially challenge Komeito have done so by referring to the 'political authority' clause. As it appears in the final Japanese version, the expression *seijijo no kenryouku* (政治上の権力) can, at first glance, be accepted as a valid translation of the expression 'political authority' found in the final English version of the Constitution presented by the Americans. However, the expression can also have a variety of meanings in Japanese, depending on the context, including 'political *power*' and 'political *influence*.'

What needs to be clarified is the exact meaning of political authority. For instance, can electoral activities or other types of political activities be considered as 'exercising political authority'? Can occupying a seat and presenting bills in the Diet represent the exercise of 'political authority'? What if political candidates backed by a religious organization form a majority, join the cabinet or the Prime Minister's office? There are scholars who have argued in the past that just as the state should be religiously neutral, religious organizations should be politically neutral, and that such is the meaning behind the 'political authority' clause. This interpretation essentially

equates this clause with a ban on political activities for religious organizations (Kirigaya, 2000, p. 107). Kirigaya counters this argument, however, by recalling that Article 20, as the government understands it, demands the religious neutrality of the state but not the political neutrality of religious organizations. He states that the mainstream legal-academic interpretation of the ‘political authority’ clause is that religious organizations cannot control the governmental powers monopolized by the state and local public bodies, such as judicial, legislative, and taxation powers. The political activities of religious organizations are protected by other sections of the Constitution, which guarantee freedom of assembly and free speech, not to mention freedom of conscience. Shutting a group out of politics on the basis that it is composed of religious believers would, according to this view, contradict the basic democratic principles of the Constitution (Kirigaya, 2000, pp. 107-110).

The very first instance of this clause being the object of a public debate was while the draft constitution was still being discussed. The discussion did not focus, however, only on the meaning of the ‘political authority’ clause, but rather on the whole line that says: “No religious organization should receive any privilege from the state, nor exercise any political authority.” As mentioned before, the clause was then interpreted to mean that no religious organization could assume the role of state religion, as had happened in the past, in reference to State Shinto. This specific meaning of the political authority clause surfaced in 1946 during discussions in the Lower House Constitutional Reform Committee. Socialist Party member Kenji Matsuzawa questioned if the constitution allowed a person connected to a temple or shrine to join a political party and exercise political rights, and whether it allowed the equivalent of a Western Christian party to take part of the political process. The short, official answer was that this was not the type

of action forbidden by the Constitution (Kirigaya, 2000, p. 111). In spite of this early clarification on the part of the government, Klein and Reed (2014) pointed out that by the time Komeito was created, “a standard interpretation of the separation of religion and politics,” was that Komeito’s creation constituted a violation of that principle (p. 39). The issue resurfaced in the Diet in 1970, in the context of Soka Gakkai having become controversial and Komeito’s influence rising. The question this time addressed more specifically the scenario where a party backed by a religious organization would become the ruling party. The government response clarified that whether the party supported by the religious organization was limited to a faction in the parliament or whether it became the ruling party did not change anything; either scenario was allowed (Kirigaya, 2000). This question resurfaced again in the Diet in 1994, and on that occasion the government simply upheld the 1970 decision. Commenting on this interpretation, Kirigaya (2000) underlined that banning a political party on the grounds that it was backed by a religious organization would amount to a discriminative political disadvantage imposed on religious groups (p. 112).

We should also note that the official government response to these queries were given after consultation with the Cabinet Legislation Bureau (CLB), the independent agency mentioned in Chapter 4, whose task is to provide legal advice to the Prime Minister and the Cabinet. Unlike the CLB’s opinion regarding the state’s worship at Yasukuni, the government seems to have endorsed the CLB’s opinion in this dimension. An interesting development occurred in 2008, however, when the DPJ representative (and former Prime Minister) Naoto Kan submitted a question to the Diet. Evoking his website’s statement on Article 20 mentioned earlier (Kan, 2000), he gave the example of Shoko Asahara, Aum Shinrikyo’s infamous leader, and asked,

hypothetically, if it would constitute a violation of Article 20 if Asahara were to exercise significant ‘political authority’ and used it to propagate Aum’s teachings, while referring to the expression ‘political authority’ as it is found in the Constitution (権力). To this question, the Cabinet Legislation Bureau Chief, Miyazagi Reichi, answered that, certainly, if the religious organization were to ‘exercise governmental power’ (統治の権力) it *would* violate the Constitution. Crucially, the CLB used an expression that differed from the ‘political authority’ used in the question. Strictly speaking, therefore, it appeared as though the CLB was answering a different question.

Following that episode, Komeito submitted a written comment to the CLB, protesting that the CLB’s answer suggested that past governmental interpretations of the ‘political authority’ clause had been changed, and asked for a withdrawal. In a very rare move, the CLB withdrew the section of the answer that suggested that the government’s interpretation had changed. In reaction to this development, Naoto Kan stressed that it was Komeito that had pressed for the demand, and the compliance showed that Soka Gakkai’s influence extended even to cabinet decisions (Democratic Party of Japan, 2008). In spite of this confusing last episode, the government’s interpretation has repeatedly confirmed Komeito’s constitutional status with regards to the ‘political authority’ clause.

Komeito's own view

As Kisala (1994) noted, Komeito has repeatedly accused of hypocrisy those who maintain that labour unions, corporations, and other organizations can be active in election campaigns while religious organizations cannot. For Komeito, this represents a discriminatory attitude towards religion (Kisala, 1994, p. 15). The government's official interpretation of Article 20 completely exonerates the group of any wrongdoing and provides Komeito with material to counter attacks. Komeito has produced a document entitled "On Politics and Religion" that gives their point of view on the issue (Komeito. *On Politics and Religion*). In it, Komeito acknowledges that Soka Gakkai has always endorsed Komeito, but stresses that this is legitimate from a constitutional point of view—just as it is legitimate for any civil society group to endorse and support any political party. In the same document, Komeito makes the case for their legitimacy, notably by quoting official government opinion on the matter.

Having done so, Komeito shifts the attention to actions taken by the group in 1970 that were meant to clarify Komeito's constitutional status, but which, this thesis argues, actually made things worse and contributed further to Komeito's ambiguous status. The related statement reads: "Nevertheless, the party and Soka Gakkai provided further clarity to the nature of their relationship in 1970. To ensure that the two were completely autonomous from each other, individuals in one organization could no longer hold leadership appointments in the other" (Komeito party of Japan, n.d.a, Para. 12). This refers to the institutional split that former Soka Gakkai leader, Daisuke Ikeda, orchestrated in 1970.

In reality, Ikeda was aware that Komeito did not violate the Constitution according to official government interpretation (Ingram, 1969, p. 167). Nevertheless, the 1970 institutional split was meant to respond “to popular criticism centering around Article 20 of the Constitution” (Ingram, 1969, p. 160, fn. 11). The split, as mentioned before, was further motivated by the desire to calm critics in the wake of the Fujiwara scandal mentioned earlier, which attracted much negative coverage. Upon announcing the split, Ikeda directed Komeito to secularize its language, to stop promoting the erection of the national ordination platform (the *Kaidan*); and most crucially, made a “pledge to uphold the 1947 constitution” (McLaughlin, 2014, p. 77). However sound the motivation was, the move backfired and created further confusion regarding Komeito’s constitutional status.

Essentially, Soka Gakkai and Komeito were being accused of violating the Constitution, and the split was interpreted as a move to get back in line with the law of the land. Strengthening that impression, the expression that the media and Komeito itself used to refer to that event was “the declaration of separation of religion and politics” (Aruga, 2000, p. 126; McLaughlin, 2009, p. 98). Importantly, the expression ‘separation of religion and politics’ is the very same one generally used to refer to the secular principles enclosed in Article 20 (Klein, 2012, p. 78).⁵¹ Given this, the ‘declaration of separation of religion and politics’ really sounded like a move to conform to secular principles. By extension this had the appearance of an acknowledgement that there was indeed something constitutionally problematic with the pre-1970 situation. Even academic interpretations of the ‘separation declaration’ have amplified this sentiment. For

⁵¹ Klein (2012) specifies that, “in public and political discourse, [the provisions of Articles 20 and 89] are broadly represented by the term *seikyō bunri* 政教分離, the separation of state and religion” (p. 78). Although I agree that term *seikyō bunri* is the term generally used to refer to the broad principles enclosed in Articles 20 and 89, what this thesis refers to as ‘secularism’, I would suggest that the term *seikyō bunri* better translates as, the separation of religion and *politics*, and carries a special connotation because of that. These aspects will be discussed in Chapter 7.

example, Okumura (1996) describes that “after its religious orientation was criticized by journalists and questioned in the Diet around 1970, Komeito declared that “*it would follow the constitutional principle of the separation between religion and state, officially separating Soka Gakkai and Komeito*” (emphasis added, Okumura, 1996, p. 84). Ikeda’s move would have succeeded, and there would be no issue with the 1970 separation declaration, if the split had genuinely marked the end of Soka Gakkai and Komeito’s secular controversies, but that is not how things turned out. To make this argument, we can first consider how Komeito itself qualifies its links with Soka Gakkai *since* 1970:

The party would also administer its own affairs—from policymaking and personnel moves to political activities—without Soka Gakkai oversight.... Today, New Komeito briefs the Soka Gakkai on the latest policy issues and political developments on a periodic, but irregular, basis. Yet the meetings, which are open to the media, are strictly for informational purposes and do not influence party policy or activities. (Komeito Party of Japan, n.d.a, para. 12)

The problem for Komeito is that, regardless of that statement, and in spite of the 1970 institutional separation, the general perception is that Soka Gakkai has continued to run Komeito from behind; it forever represents in people’s minds Soka Gakkai’s “alter-ego” (McLaughlin, 2014, p. 62). Already in 1972, Oh proposed that “Though the Soka Gakkai and the Komeito are separate legal entities...they are one in spirit and one in reality” (1972, p. 71). This is how Seizelet (2001a) has described the group’s links, some thirty years later:

In reality, the umbilical cord was never cut. Essentially, Soka Gakkai maintains its psychological and affective influence on Komeito, even while Komeito’s leaders don’t openly claim their membership in the sect. Soka Gakkai finances Komeito and its leaders, its candidates mostly come from Soka Gakkai’s ranks and they can count on the loyalty of the sect’s members. Briefings are regularly held with Komeito MPs at Soka Gakkai’s

headquarters. Ikeda, now honorary President of the sect, for his part, still yields an occult power over the sect. (p. 127)⁵²

In the recent authoritative book on Komeito and Soka Gakkai, McLaughlin (2014) confirmed what can be characterized as common knowledge in Japan: “Today, when a Komeito political campaign begins [...] Soka Gakkai members near and far volunteer countless hours to contact hundreds of friends, relatives, coworkers, and distant acquaintances to get out the vote [...] in clear, political activism in part of Soka Gakkai religious practice” (p. 78). Finally, McLaughlin adds:

Because Gakkai members continued to treat electioneering for Kōmeitō as a component of their faith after the official division of the religion and the party, Kōmeitō retained its reputation as the vanguard of Soka Gakkai’s attempt to turn Japan into an autocracy under Ikeda Daisaku. (p. 60)

In sum, the situation since 1970 comes out as a badly concealed version of the *unconstitutional*, pre-1970 situation. We thus have the vagueness of the ‘political authority’ clause and the 1970 misnamed ‘separation declaration’ magnifying the confusion with regards to secular principles in this dimension. The government’s role in this imbroglio should also be brought into relief. The official interpretation was made known to the public through a very limited number of public discussions over a very long period of time. The arguments are fairly technical, and do not elaborate on the secular philosophy guiding the state’s secular policy. The government’s responses after the initial 1946 intervention are essentially reaffirmations of past decisions, with a few added details. Okumura has criticized the government for not actually having gone in depth in its attempts to explain the clauses (Okumura, 1996, p. 60). The official government

⁵² Specifically on Ikeda's real role, Métraux (2000) doubts that Ikeda is still actively involved in Komeito affairs (p. 132).

interpretation of ‘political authority’ has nonetheless been fairly consistent, with the exception of the 2008 Cabinet Legislation Bureau ‘incident’ involving former prime minister Naoto Kan, which has created a significant amount of confusion. Furthermore, the Cabinet Legislation Bureau, on whose opinion the governmental interpretations have rested, is fairly unknown to the general public (Samuels, 2004). The 2008 incident with Naoto Kan highlighted the opaque decision process used to settle these difficult questions. Most importantly, politicians, even in government, are responsible for having nourished and instrumentalized the ambiguity and complicated the understanding of the meaning and intent of the secular institution.

Religio-political organisations and secular democracy

Now that we have exposed the myriad reasons contributing to the secular controversies in this dimension, we can take a closer look at the government’s official interpretation of the ‘political authority’ clause and of what should be the restrictions on religio-political organisations. Without delving into the more polemical literature from authors offering dissenting views, some scholars have offered principled disagreements with the government’s interpretation of the ‘political authority clause.’ These are important to acknowledge and keep in mind in order to reflect on the larger problem posed by religio-political groups in secular democracies. As an example, Okumura (1996) decries that, until now, the debates have focused more on the limits of government interventions in the religious realm and not enough on the restrictions on religious organizations in the political realm. He argues that in light of the past experience of one large religious organization openly aiming at establishing a religious state, and another one waging terrorist attacks, there should occur a re-assessment of the relation between religion and politics (we understand that the author refers to Soka Gakkai and Aum) (Okumura, 1996, p.54). He

criticizes the government's understanding of 'political authority', which, in Okumura's view, the government interprets as "governmental power" (統治権力), that is, those powers monopolized by the state (taxation, judiciary, legislative). Given that it is unthinkable today that a religious organization could exercise such kind of governmental power, and because granting even a portion of those powers to a religious organization would amount to giving it special privileges, which is already clearly forbidden by the Constitution, the author argues that the current interpretation of the 'political authority' clause has no contemporary significance (Okumura, 1996, pp. 56-57).

He also asks if the government's official interpretation of the 'political authority' clause is what the American drafters had in mind when they wrote those articles. To discern what was the American's 'original intent,' Okumura analysed the language of different American legal texts that used the expressions "political authority" or "governmental power" and compared those with the language used in the Japanese Constitution (p. 58). By doing so, Okumura has concluded that the mainstream interpretation of 'political authority' in Japan, as described above, does not correspond to what the Americans had in mind. By this he suggests that the 'political authority' clause is in fact more restrictive than the current interpretation. He admits that interpreting the clause as a complete ban on all political activities would go too far. But he stops short of providing solutions and simply calls for an interpretation that would be more suitable for current times (pp. 63-65).

5.4 On the ‘original intent’ of American drafters.

It will be interesting, in Chapter 7, to reflect on the role of religio-political organizations in secular democracies, using the case of Soka Gakkai and Komeito, and in light of the liberal ideal-type of secularism that this thesis refers to. In the meantime, we can discuss a common method used by political actors, as well as scholars, to evaluate and legitimize the Japanese government’s interpretation of the ‘political authority’ clause. This method is based on an analysis of the meaning or intent of the text from the perspective of those originally writing the Constitution.⁵³ This is the method that Okumura (1996) used to challenge the Japanese government’s interpretations of the ‘political authority’ clause, as his citations in the previous page show. Most importantly, Komeito used this same approach to support its own interpretation, as well as the government’s. Instead of analysing American legal texts to speculate on the American intention, as Okumura (1996) did, Komeito’s method consists of examining the language used in the conversations of the Committees involved in the Article 20 drafting process, as well as the changes to the text that were made during the drafting process. As we will see, using that approach, Komeito thus argues that the government and its own interpretation of the ‘political authority’ clause precisely reflect the original intent of the drafters. Significantly, other scholars have used the same approach to reach the same conclusions that Komeito and the government came to (Zachmann, 2012; Woodard, 1972; O’Brien & Ohkoshi, 1996). It is worth reflecting on these discussions of the ‘original intent’ behind the ‘political authority’ clause, not just to examine the validity of its conclusions, but also to examine the merits of using this approach. In these respects, this section first challenges Komeito and the

⁵³ Although this method seems to resemble variants of the ‘originalism’ school of thought in the context of constitutional theory in the United States, such as the ‘original intent theory’ or ‘original meaning theory’, the thesis does not imply that what is referred to as ‘original intent’ in the Japanese context is necessarily analogous to the ‘original intent theory’ in the U.S.

above-mentioned authors' conclusions, based on an alternative reading of historical records. Secondly, instead of proposing an alternative meaning, the thesis argues that this 'original intention method' used by scholars and others, does not provide a viable approach to solve one of the most important controversies of postwar Japan. Worse still, it may constitute yet another factor adding to the confusion.

Komeito's documentation mentions the following regarding the drafting of Article 20:

The original postwar draft of a Japanese bill of rights was extensively discussed. One provision that would bar religious organizations from engaging in political activity was omitted after intense debate. The constitutional drafting team of the Supreme Commander for the Allied Powers' Government Section clearly cites the problems associated with the proposed provision and why it was deleted from the original draft. Those against the provision's inclusion believed that it contravened basic democratic principles, essentially sanctioning state interference in religious affairs once again. Thus, in its final form, Article 20 was never intended to prohibit a citizen or religious organization from participating in the political process. This interpretation has been the government's official position for decades and repeatedly upheld by constitutional experts. (Komeito. *On Politics and Religion*.)

The thesis challenges that conclusion by using the same material that Komeito and other legal scholars used to make this assessment. This clarification is even more important considering that the interpretation of this clause is likely to remain the subject of debates, notably because the LDP's 2012 constitutional proposals include the *deletion* of this particular clause, an issue we will return to later.⁵⁴

⁵⁴ The proposed draft is available here: <http://rijs.fas.harvard.edu/crrp/papers/pdf/LDP-Draft-Constitution-2012.pdf>

Editing the draft constitution

There remain very few traces of and historical documents on the discussions and drafting process pertaining to the Articles 20 and 89 (Woodard, 1972; Inoue, 1991). However, even if not much is known about the drafting process of Articles 20 and 89, we do know that an earlier draft of Article 20 contained elements that were eliminated from the final version and replaced with the current ‘political authority’ clause. The section that was changed and which is crucial to the arguments is the following (underlined):

Early version:

“No religious organization shall receive special privileges from the state, or its national or local authorities, nor may ecclesiastical functionaries abuse their spiritual authority for political purposes” (“Drafts of the Revised Constitution,” 1946)

Current version:

“No religious organization shall receive any privileges from the state, nor exercise any political authority” (“Constitution of Japan,” 1947)

Prior to that change, members of two committees responsible for drafting the constitution, the Civil Rights Committee and the Steering Committee, held a meeting to discuss this section of the draft. According to the minutes of that meeting (see Annex),⁵⁵ one member of the Steering Committee, Colonel Kades, argued that banning “ecclesiasts” from political activity of any kind constituted a violation of basic freedoms. The minutes mention this about his position: “Colonel Kades objected that the denial of political activity to ecclesiastics involved the denial to them of

⁵⁵ The full minutes can be accessed in their original format here: http://www.ndl.go.jp/constitution/e/shiryo/03/002_22/002_22_019l.html; and are transcribed in full here in Inoue, 1996, p. 127.

freedom of speech and press as well. A special prohibition of this kind has no place in a Constitution which should be a Bill of Rights, rather than a Bill of Restrictions.”

That this opinion was expressed along with the removal of the sentence restricting the actions of ecclesiasts has prompted William Woodward (1972), to state that “it was removed by the Steering Committee which regarded it as a violation of human rights” (pp. 78-79). This conclusion was used by others to support the claim that Article 20’s political authority clause was *not* meant to prevent political activities on the part of religious organizations (O’Brien & Ohkoshi, 1996, pp. 55-56; Oishi, 1996, pp. 243-244; Zachmann, 2012, pp. 243-244).⁵⁶ As mentioned before, this is also the interpretation that Komeito used to fend off accusations of constitutional violations.

The above conclusion would be well-founded if the Committee had simply removed the sentence, but it did not; it replaced the sentence with another one imposing restrictions on religious organizations’ exercise of ‘political authority.’ The removal of the previous sentence cannot be understood in isolation from its replacement. If the Committee was adamant about preventing the kind of violation of human rights that Col. Kades was concerned about, why would it not have simply withdrawn the problematic section and ended the sentence there, for it to then read “*Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the state*”? Instead, it added the phrase “...nor exercise any political authority,” *without*

⁵⁶ For example, Zachmann (2012) states that the current government interpretation, which holds that Article 20’s ‘political authority’ clause does not restrict the political activities of religious organizations, “is also borne out by the historical drafting process of Article 20,” because “the drafting committee... expressly did *not* want to curtail the freedom of political activity of the clergy with this prohibition” (from Oishi, as cited in Zachmann, 2012, p. 229).

leaving clues as to what that addition was supposed to mean. William Woodward does not comment on this addition in his study. There does not seem to be any original material shedding light on it other than the minutes, which in themselves do not provide clear evidence of its meaning.

If the purpose of this clause was to forbid the government from granting ‘political authority’—understood as it is officially interpreted today as ‘those powers vested in the state (judicial, legislative, taxation)’—to religious organizations, why did the Committee think that this restriction was not already covered by the previous section of Article 20, which already specifies that “*No religious organization shall receive any privileges from the state*”? Clearly, granting judicial, legislative, or taxation powers to a religious organization would be considered as a special privilege. The redundancy regarding the ‘political authority’ clause in this respect has already been highlighted (Okumura, 1996, pp. 56-57). If drafters simply wanted to emphasize the point, why not simply have added precision with something along the lines of: “*No religious organization shall receive any privileges from the state – including judicial, legislative, or taxation powers*”, or any other formula that would have easily made the point clearer?

To analyze the ‘original intent’ argument, it is necessary to read the complete minutes of that discussion. After Kades’ intervention, another member, Lt. Colonel Roest, is reported to have said in reply to Kades’ objection: “this Article was designed to prevent the abuse of spiritual authority to political ends. Japan has been a priest-ridden country for generations, and political tyranny has been reinforced by the threat of spiritual punishment. It must be clear to the Japanese that no political authority is attached to any ecclesiastical organization.” Following this, another

participant, Commander Hussey, is reported to have “agreed that people are persuaded to political action by the authority of the church, but pointed out that this is a matter of individual conscience, unlikely to be corrected by constitutional provision or statutory law.”

As the discussion continued, Commander Hussey argued against the inclusion of another proposed text in the Constitution on the grounds that it could be used to suppress new religious sects. The blocked passage read: “no religious body will be recognized as such if, under the disguise of religion, it should stir up and practice antagonism to others or should weaken instead of strengthen public order and morality.” He then ended with the following comments: “On the one hand the Drafting Committee forbids ecclesiastical penetration into politics but in the other, it condones state interference with religion.” In the end, what constitutes ‘political authority,’ and what can we firmly conclude from this exchange? A few points need to be stressed.

The minutes report no concluding remarks specifically on the opposing arguments of Kades and Roest regarding the restrictions on the political activities of religious organisations. Both express their opinion but we do not know how they settled the argument. We may also note that Kades’ attempt to eliminate ‘restrictions’ from the draft to avoid making the constitution a “Bill of Restriction” did not prevail, as the ‘political authority’ clause clearly represents a restriction. Therefore, we cannot assert that Kades was able to completely impose his vision. Furthermore, the expression ‘political authority,’ as Roest uses it in the discussion quoted above, is not consistent with the current interpretation of ‘political authority’ found in the legal-academic community and in the current government’s official interpretation. In its context, and with reference to the language used in the debates, Roest’s use of the expression ‘political authority’

could rather be interpreted as having the following meaning: ‘the influence that ecclesiasts gain through political activities’, or ‘the political persuasion that one can gain from religious authority’. In its original context, ‘political influence’ or ‘political persuasion’ is vastly different from the current official interpretation of ‘political authority.’ In sum, the three protagonists each present their arguments, but the conversation ends without a conclusion. The minutes’ closing words are not much help either: “The article was shortened and amended by the Steering Committee to read as a straightforward guarantee of freedom of religion and the separation of church and state.”

The replacement of the original phrase with “nor can they exercise any political authority” could be seen as a compromise between Kades and Roest’s positions; and its authors could have been conscious of its ambiguous nature as being not quite a blunt denial of fundamental rights but rather a softer restriction whose exact scope was left open for interpretation. Seen from this perspective, we can challenge Komeito’s and others’ interpretation by affirming that ‘political authority,’ as it is officially interpreted, today *may* or *may not* correspond to the original intended meaning. We simply do not have the material needed to settle the question. Evoking this possibility, however, is not meant to *delegitimize* the current interpretation of Article 20; but it calls into question the strategy of building interpretive legitimacy based on an analysis of the drafters’ original intent, and argues that it does little to diminish the ambiguity in this dimension. We can also suggest a way to reframe this interpretation process. To this effect, we might recall certain features of the drafting process. As we already underscored, Woodward (1972) explained that none of the drafters were “professionally informed on religion in Japan and none had any clear ideas as to how the principles enunciated would affect religious organizations” (p. 78). As

one drafter put it: “we simply wanted to separate religion from the state. That was all there was to it” (Rizzo, as cited in, Woodward, 1972, pp. 78-79).

We can give another example to illustrate the level of precision that the Americans were aiming at. Records show that, during the drafting process, the Japanese side asked for revisions and clarifications. Even if the American side acknowledged the value of some of those demands, as Woodward (1972) reported, “no effort was ever made to have the articles in question changed because it was believed that the principle of separation should be firmly established and that the issues raised were *matters of interpretation for the Japanese courts to decide*” (emphasis added, Woodward, 1972, p. 82). This also reflects how Inoue (1991) thinks the drafting process was designed. As he put it, “the articles make better sense if they are interpreted as assertions of rights by the Americans on behalf of the Japanese. From that point of view, these articles tell the Japanese people what rights they have, or should assert, and leave it to the Japanese to determine how they are to be applied in particular contexts” (Inoue, 1991, p. 78). From this point of view, seeking out the original intended meaning of Article 20’s ‘political authority’ clause seems beside the point.

Thus, the government could acknowledge the broad secular orientation of the Constitution, and deliberate on their best application according to Japan’s social context. In what exact setting those deliberations could occur, considering the risks of having these issues politicized and instrumentalized, is another matter. Considering the risks of politicization of these issues, what is debateable is whether it is desirable to leave the task of interpreting the Constitution to the courts, or to the government. We will return to these questions in Chapter 7 and 8.

Conclusion

Having surveyed the list of controversies affecting events in this dimension of the secular regime, it becomes clear why Soka Gakkai and Komeito's constitutional status remains ambiguous. We have seen that a host of factors come into play: the lack of clarity in the language of Article 20; the sheer size and power of the groups; the threat they posed to the religious and political establishments; the scandals they caused; the exclusivist nature of their religious goals and doctrines; the confusion surrounding the institutional split; not to mention the unconvincing and inconclusive debates around the original intent of the 'political authority' clause. A final significant element that we will expand upon in the following chapter is the expression routinely used to refer to secularism, which is misleading and at odds with the government's interpretation of the 'political authority' clause. Chapter 8, will return to the case of Soka Gakkai and Komeito to discuss how events in this dimension have influenced the clarity, substance and consolidation of Japan's secular regime. This chapter also provides interesting material to reflect on the role of religio-political groups in secular democracies.

CHAPTER 6: THE GLOBAL OUTLOOK OF JAPANESE SECULARISM

This section will bring together the observations of previous chapters regarding the developments of secularism in the postwar period. It will first explain whether the Japanese secular regime has been institutionalized and whether its constitutive parts together form a clear and coherent whole. The chapter will then assess the extent to which the values of secularism, moral equality and freedom of conscience have been upheld. These different facets will provide a global appreciation of the consolidation of Japan's secular regime 70 years after its inception. In sum, we will argue that secularism has been institutionalized as a normative doctrine, but that the regime lacks clarity and coherence, and is hollow in terms of upholding moral equality and freedom of conscience. This leaves us with the picture of an unconsolidated secular regime.

6.1 The institutionalization of the secular regime

Beginning with institutionalization, we mentioned in Chapter 2 that a secular regime could be considered institutionalized if:

- Secularism has been maintained as an official orientation of the state, with rules in place to ensure religious neutrality and separation of state and religion;
- The institution is not significantly contested and its survival is not immediately threatened. It is largely taken for granted, and constitutes part of the cognitive script of most citizens and politicians.

We specified in Chapter 2 that institutionalization does not imply that the interpretation of the institution is not debated or that a high degree of clarity prevails regarding the rules. Furthermore, institutionalization does not imply maximum functionality in terms of protecting secular values. However, isolating institutionalization in the sense described above provides important empirical information; a high level of institutionalization is a signal of stability and contributes to the overall consolidation of the regime by providing a protection against deterioration of the regime, while opening a path for further consolidation.

Surveying the developments of secularism in both realms in Chapters 4 and 5 leads to the conclusion that, in spite of numerous debates and tensions, the Japanese secular regime, though it falls short of being ‘highly institutionalized,’ has nonetheless reached a substantial level of institutionalization. Indeed, the obscure concept that was secularism at the time of its inception is now an integral part of the cognitive script of the Japanese polity. Since its introduction, the maintenance of the doctrine itself has not been seriously challenged. No significant religious nationalist movement calling for explicitly abandoning the principle has emerged in the period since its inception. Likewise, no major political party has run on an openly anti-secularist platform; not even the largest religiously-oriented political party, Komeito, nor the party traditionally affiliated with the Shinto establishment, the LDP. Since they came into force in 1947, the secular articles (20 and 89) of the Constitution have not been changed. Although the LDP does propose certain modifications to these in its proposed constitutional revision, which have the potential of eroding the protection of secular values, the party does so subtly, without positioning itself against the principle of secularism per se. The meanings of the articles and their proper application have been amply debated in the past decades, but each time from the

perspective that the institution of secularism must be preserved. In discussing its ends and means, the courts, in their various judgments, have contributed significantly to the idea that secularism is a valid and justified political principle for Japan.

On the other hand, as we will see in the next section, each of these debates has sent confusing signals about the actual practical meaning of the secular rules. Consequently, while we agree with Ian Reader that “Japan is a secular society in that there is a formal constitutional separation between state and religion” (Reader, 2012, p. 6), we have to add that this statement only describes the surface. When the issue is looked at more closely, more complex picture reveals itself with regards to the common understanding of the rules of the regime.

6.2 The clarity and cohesion of the secular regime

The conclusion that the regime lacks both clarity and coherence is unequivocal. We will support this statement by highlighting the different features that we have covered in the preceding chapters. In sum, it is argued that the fundamental rules in each dimension are misunderstood and that the government’s attitude is contradictory.

Chapters 3 and 4 showed that the major domestic political force that emerged in postwar Japan, the LDP, chose to highlight its democratic credentials and accepted to work with the new secular order. Among the first significant events that tested the new secular order was the rise of the Komeito political party, which posed a direct electoral threat to the LDP, and which was backed by a religious organization, Soka Gakkai. As Soka Gakkai became known for its assertive proselytizing activities, it became easy to present its association with Komeito as being a menace

for secularism. In this context, it was opportunistic for the LDP to delegitimize its rival by insinuating that religious organizations are not allowed to participate in active politics. Furthermore, as described in Chapter 4, it could do so by referring to the vaguely defined principle of ‘separation of religion and politics’, as the set of rules in Articles 20 and 89 are commonly referred to. These accusations have been echoed repeatedly in the media and by various civil society groups, including rival religious groups. Additionally, as shown in Chapter 5, Komeito’s own attempts to defend the constitutionality of their actions have been ineffective, and even confused things further. Here we think specifically about the institutional split that Ikeda orchestrated in 1970, the ‘separation of religion and politics declaration’, as well as the strategy of legitimizing their position by their interpretation of the ‘original intent’ of the Constitution’s drafters. The net result is that there is still no clear understanding about the actual constitutional limitations on the activities of religious organizations.

While this dynamic between the LDP, Soka Gakkai, and Komeito was unfolding, the LDP gradually elevated the status of Shinto to the level of quasi-official state religion. In spite of the efforts to portray Shinto as a secular tradition, the LDP has nonetheless had to tread carefully, sending confusing signals about the state’s ties with Shinto and the Yasukuni shrine in particular. As we have shown, the Supreme Court has generally helped the LDP in this respect, but it has also been inconsistent in its judgments. Furthermore, the discrepancy between higher and lower court judgments has made the state’s association with Shinto a complex and uncertain legal issue. As a result, the fear of legal backlash has caused LDP to be prudent at times regarding its associations with Shinto institutions, while displaying a rather assertive attitude about it on other occasions.

Thus, on the one hand, Japanese citizens have witnessed entire cabinets and Prime Ministers visiting Shinto Shrines, with officials insisting that their visits were made in a non-official capacity and financed with private funds, and even avoiding standard Shinto rituals so as to downplay the religious aspects of their visits.⁵⁷ To give a recent example, asked by a reporter to explain why Prime Minister Abe attended a ceremony at the Ise sanctuary in 2013, the Cabinet Secretary of the LDP replied: “I do not believe the attendance violates the nation's rules on the prohibition of government involvement in religious activities, or so-called separation of religion and state, and I understand that he attended the ceremony as a private citizen” (Press conference by the Chief Cabinet Secretary). By this logic, if making the visits in a private capacity is what clears the Prime Minister of constitutional violation, it should follow that visits in an official capacity must be violations. Prime Minister Abe made another visit to the same shrine in 2016 on the sidelines of the G7 summit held in that city, and participated in a ritual devoted to the sun goddess Amaterasu, the mythical ancestor of the Emperor. The grounds of that Shrine provided the site for the official opening ceremony of the G7 summit. He chose this site, in his words, to showcase the “beautiful nature, rich culture and traditions of Japan” (as cited in Yoshida, 2016). In that case, it would be difficult to portray his presence at that ceremony as private.⁵⁸

⁵⁷ For example, Hardacre (1989) mentions that Prime Minister Nakasone, when visiting Yasukuni in 1985, offered flowers rather than the customary *sasaki* (a sacred tree in the Shinto religion) branches, and bowed fewer times than the orthodox Shinto ritual demands (p. 161).

⁵⁸ Minority groups protested that choice of venue and decried the violation of the secular constitution, notably Baptist organisations: <http://www.bapren.jp/uploads/photos/679.pdf>

Hence on some occasions, cabinet ministers and Prime Ministers have been entirely unapologetic about their right to honor Japan's war dead, and claimed that those visits do not violate Articles 20 and 89, emphasizing that they merely show respect for Japan's traditions and customs (Prime Minister Koizumi's six visits to the shrine serve as a good example of this contradictory attitude (Takahashi, 2006, 2007)). Hence, we receive the message that state Shinto practices are constitutional and akin to respecting traditions on one side; and, on the other, we observe there is a fear of and caution regarding legal challenges stemming from potential violations of these same constitutional principles. The net result is that there is no clear understanding in this dimension as to what constitutes a proscribed incursion of the state in the religious realm.

Not only is there a fundamental incomprehension about ground rules within in each dimension, the ruling party displays a contradictory attitude towards both constitutional dimensions: while it decries the religio-political association of Komeito and Soka Gakkai, it concomitantly promotes State Shinto. Furthermore, as we have shown, every insinuation that the Soka Gakkai–Komeito alliance is unconstitutional contradicts the Cabinet Legislation Bureau's (CLB) position, as well as the government's official interpretations regarding the constitutionality of that alliance. Indeed, on each occasion the government was asked to *officially* assess the constitutionality of such alliances, it stated that the political activities of Soka Gakkai and Komeito were legitimate and constitutional. But that has not prevented such accusations from repeatedly being leveled against Komeito ever since the Constitution has been adopted. In the other dimension, the LDP has sought the CLB's opinion on the constitutionality of state patronage of the

Shinto and visits to shrines by state officials. The CLB said in the clearest language that actions such as visits to the Yasukuni Shrine are contrary to the Constitution, yet the LDP discarded that opinion and never officially endorsed it. In these circumstances, the CLB's role and legitimacy raises questions and the government's approach to solving secular issues becomes extremely convoluted.

This description shows that Japan's secular regime lacks clarity and displays a number of significant tensions and contradictions. This lack of clarity is especially significant as it concerns not details but the fundamental restrictions at the basis of Japan's secular regime. This leads to the conclusion that this lack of clarity diminishes the normative power of the institution and weakens the consolidation of the regime. The assessment continues in the next section by looking at the central pillar supporting the consolidation of the regime: the protection of secular values.

6.3 The substance of Japanese secularism

Referring to the framework developed in Chapter 2, the main criterion used for the assessment of the secular regime is its capacity to safeguard religious freedom and moral equality. We will thus base our claim on the answer to the following three questions:

- 1) Does the state have recourse to a "minimalist political moral," as opposed to a vision of the world based on a particular creed or belief?
- 2) Can its citizens join the political community while keeping their personal conception of morality?

3) Do state practices, preferences or interventions with regards to religions or beliefs create different classes of citizens or lead to the violation of religious rights or freedom of conscience?

Briefly put, there have been enough instances of serious violations of religious conscience and moral equality to argue that the regime suffers from serious deficiencies. We will breakdown this statement by looking separately at freedom of conscience and moral equality.

Freedom of conscience

There have been different types of violations of citizens' freedom of conscience over the years, some more passive and some more coercive. To start with the former, Chapter 4 mentioned that citizens had presented lawsuits because state funds had been used for religious activities. This was said to force taxpayers to indirectly finance activities that conflicted with their conscience, and this was therefore presented as a violation of the Constitution's guarantee of religious freedom. That same argument could be made for the state's financial support of the Imperial Household, given its religious nature. Strictly speaking, tax revenues are indeed used to finance religious activities. The actual financial contribution of every individual however, is minuscule. For that reason, and because it involves no substantial coercion, this type of abuse should be considered as a very indirect and passive form of religious freedom violation that cannot be said to affect the substance of the regime in a significant way. This is not to say that this form of state support is unimportant; only that its impact on the secular regime should rather be

analyzed from the angle of its effect on *equality*, as will be done later. One last element to consider regarding passive religious freedom violation is that *threatening* to violate the freedom of conscience of groups or individuals, even if not followed by action, can be considered as intimidation, and as a passive form of violation detrimental to the climate of inclusion that a secular regime is supposed to generate. From that angle, decades of insinuation and threats against members of Soka Gakkai and Komeito to deny their right to pursue their political aspirations are important. To be sure, the government never acted upon its threats, but this is significant enough to have a toll on the psychological well-being of adherents. As in the previous example, this type of threat can also be analysed from the point of view of equality.

With regards to instances of more coercive state interference with the conscience of citizens, certain rituals at the Yasukuni shrine as well as those performed on behalf of the SDF at the Nation-Protection Shrines constitute unequivocal violations of freedom of conscience. As we explained in Chapter 4, those shrines perform apotheosis rituals, aiming at integrating the war dead into the national polity. For those who do not adhere to these religious nationalist tenets, these state-backed rituals constitute a significant violation of a citizen's freedom of conscience. This is especially so because citizens do not have the power to stop those rituals. The Nakaya lawsuit mentioned in Chapter 4 revealed this type of violation, and highlighted the state's complicity in those actions. It is noteworthy that the state has in the past provided, free of charge, the Yasukuni and the Nation-Protection Shrines with thousands of documents containing the personal information needed to add people to the shrine's 'registers of deities', while refusing to

offer the same service to other religious groups (Hardacre, 1989, p. 148). It is also known that the Ministry of Health (in charge of war veterans and their bereaved families) has maintained close ties with Yasukuni Shrine leaders, notably to pressure the Shrine to enshrine the 14 Class-A criminals (Breen, 2008, pp. 6-11). The Yasukuni shrine, by far the most controversial site for the performance of apotheosis, has been the theatre of several disputes over this matter. The shrine's rebuttal, as Hardacre (1989) reported it, testifies to the overarching influence of Shinto on the state:

The shrine's position remains unchanged since the prewar era: those who have died in military service have become "glorious war dead" (*eirei*) and have been absorbed into the national polity (*kokutai*), and their survivors have no further authority over the posthumous care of these souls. The war dead no longer "belong" to their families as an ancestral spirit does. Because of its ties to the state, Yasukuni Shrine is uniquely authorized to perform a liturgy for them, and survivors simply have no rightful say in the matter. (p. 148)

In the face of this, we are compelled to agree with Hardacre (1989) when she asserts that the state's ties to the Yasukuni shrine—through the bills presented to nationalize it, visits by prime ministers and cabinet members, or covert patronage and administrative support—make the state complicit in those violations (p. 147). It is also powerfully symbolic that the Ministry of Education in 2008 reversed the ban on school visits to Yasukuni, which had been forbidden since Occupation Forces introduced that ban in 1949 (Mullins, 2012b, p. 120). The seriousness of this can only be appreciated if one considers the connection between these rituals and the emotional suffering and resentment that lingers with respect to the Pacific War, an aspect that will be covered when we address these same issues from the angle of equality.

On another front, by obliging students and teachers to stand and sing to the glory of the Emperor, the state's actions in the realm of education also constitute a significant breach of citizen's freedom of conscience. In 1999, the Japanese parliament approved the national anthem and the flag as official emblems. The Ministry of Education followed by asking schools to honor these in official events, guidelines that were resisted by many in the educational system. Many objectors were reprimanded or fired, and several related lawsuits followed. The Supreme Court decided in 2011 that a school principal was entitled to force staff to stand up and sing a song dedicated to the Emperor. As Mullins has described, the government has become more assertive in this respect in the last decades (Mullins, 2012b, p. 114).

Taken together, those elements have us conclude that the capacity of Japan's secular regime to protect freedom of conscience has been deficient. That is not to say that severe and coercive violations of religious freedom have been widespread. One should also note that research for this thesis has not revealed any episode involving physical repression or extra-judicial punishment. Nonetheless, these violations are serious enough to weaken the substance of secularism as well as the consolidation of the secular regime.

Assessing the impact of State Shinto on moral equality

One cannot be aware of the problematic aspects of state interventions in the religious realm if one examines events exclusively from the angle of religious freedom. An equally important, but often-neglected aspect, concerns issues that affect moral equality. In the

previous section, it was mentioned that the use of taxpayer money for donations at a Shinto shrine did not significantly affect religious freedom. On the other hand, looking at this same issue from the angle of equality reveals a different story, especially if the analysis connects all similar cases together to form a large picture, as Mullins (2012a) encouraged us to do. Infringements on moral equality, however, can be more difficult to discern than those on religious freedom. Violations of this type do not coerce citizens or groups to perform actions against their conscience, but relate to the creation of hierarchies or classes of citizen based on beliefs, which can be subtler. As Taylor (2010) explained, a secular state upholding moral equality would leave behind more profound reasons or justifications supporting any particular policy or larger political principles such as “human rights, equality, the rule of law, democracy” (p. 25). But when specific creeds gain a prominent place at the center of state rituals, it can be hard to distinguish the benign ceremonial activities from the genuinely divisive ones.

We have highlighted in Chapter 4 several elements contributing to the revival of State Shinto: We have pointed to state complicity in apotheosis rituals performed at Yasukuni, or at shrines in connection with the SDF forces. The state’s directives with respect to education and the enforced respect for the Emperor are other factors contributing to the dissemination of Shinto’s privileged status throughout the country. Finally, the Imperial Institution, including the associated state symbolism (era names, national holidays, etc.), stands out as a permanent reminder of Shinto’s privileged status. Together, these factors make clear that the state sanctions an overarching Japanese identity that is inseparable from Shinto. Politicians, government officials and judges have given force to this

narrative over the years. This process has culminated with the LDP's constitutional proposal, which solidifies Shinto's status. The fusion of Shinto with Japanese identity has been highlighted before (Field, 1993; Hardacre, 1989; Mullins, 2012a; Repeta, 2013; Takahashi, 2006), but how do we relate these to the assessment of secularism? There are different ways of answering this question, which explains why we find divergent opinions in the literature on the significance of postwar State Shinto.

If we were to simply look at State Shinto-related events through the prism of 'separation', we would simply claim that Japanese separation of state and beliefs is highly deficient, without much need for further explanation. However, the method that we proposed is focused on the functionality of the secular regime, not so much to evaluate its degree of separation, but rather to evaluate the extent to which the values at the core of the regime are protected. Therefore, we need to evaluate how the steps taken to elevate the status of Shinto, from the small-town mayor's participation in a ground-breaking ceremony to the high-profile prime ministerial visits to the Yasukuni Shrine, *collectively* affect, not 'separation' but moral equality. Do these acts conflict with citizens' freedom of conscience? Do they effectively make Shinto an integral part of Japanese citizenship, thus disadvantaging those who reject that creed?

While asking these questions, we must remain open to the possibility that these gestures may represent a benign variant of state-religion association, i.e., the type of vestigial and symbolic links that should not significantly affect social cohesion or freedom of conscience. On one hand, as Taylor and Maclure (2011) argued, an organic link between

religion and state would make non-believers second-class citizens. On the other, as have Baubérot and Milot (2011) also argued, the symbolic recognition of an official religion does not automatically imply the disavowal of secular values. To further this reflection, we should provide more concrete examples from states having official links with religious institutions, and which do not seem to be experiencing great secular tensions, specifically because of those links. In Sweden, for instance, an official link between the state and the Swedish Church has long existed. Until 1996, all Swedes automatically became members of the Swedish Church, and, until 2001, the state was responsible for collecting taxes for financing its activities. Nowadays, citizens can choose to opt out of the system, but the state's resources and tax system are still used, on behalf of the Church, for collecting the church tax from those citizens (i.e. Church members) willing to pay. To give another example, each time a new government is formed, Swedish members of parliament attend a 'parliamentary service' (*Riksdagsgudstjänst*), which is an official state-funded ceremony conducted at the central Swedish Church. In spite of this, Sweden is still perceived as a secular state. If some citizens feel they are second-class citizens, it is unlikely that this sentiment has to do with the state's formal links with the Church.

Similarly, the United Kingdom features a Queen that assumes the high-profile public role of 'Defender of the Faith and Supreme Governor of the Church of England.' Furthermore, 'Lords Spiritual,' represented by the Archbishop and regular Bishops, sit openly in the House of Lords.⁵⁹ This is not to say that there exists no opposition to state-church links in Sweden or in the United Kingdom from groups such as atheist associations. Rather, it

⁵⁹See:

<http://www.royal.gov.uk/MonarchUK/QueenandChurch/QueenandtheChurchofEngland.aspx>

means, following Taylor and Maclure (2010) and Baubérot and Milot's (2011) logic, that, by and large, these links, in and of themselves, do not make Sweden and the United Kingdom religious states.

In contrast to Taylor, Maclure, Baubérot and Milot, Bhargava claims that even a weak version of a state religion is "part of the problem, not the solution," and that "states with established religions perpetuate intra- and inter-religious domination" (Bhargava, 2010, p 11). Bhargava's position is very strict, but clear-cut, while that of Taylor, Maclure, Baubérot and Milot is more flexible, but not easy to pin down. By using Bhargava's yardstick, Japan's secularism would certainly be frowned upon. But what if we measure Japan's secular regime against the more lenient yardstick that Taylor and Maclure propose? As far as secularism is concerned, are the Emperor, Shinto, and Shinto Shrines provide perfectly analogous to the Queen of England, Christianity, and the official state-church connections in the examples above?

Scholars such as Kobayashi (2005) would argue that the mix of Shinto with the State is unproblematic in Japan. As he puts it, the fact that Western Europe and America were able to protect religious freedom even though their legal systems are "Christian-influenced" reveals that "it is both possible and permissible for Japan to build its constitutional system on the basis of Shinto and Buddhist culture, in spite of any historical burdens associated with those religions, and still be able to maintain religious freedom and protect religious minorities" (p. 710).

Similarly, influenced by the textual high wall of Japan's Constitution, Baubérot (2010) asserted:

Despite extensive media coverage of official visits to the Shinto Yasukuni shrine, and the symbolic role of the emperor, Japan remains a country with rather strict secularism... The state's religious activities, the financing of confessional schools, and all religious education in public schools are prohibited (Constitution, art. 20). The freedom of conscience and religion is guaranteed. (p. 100)

In support of that view, we could point out that Japan is surely not a theocracy, its laws are not derived from scriptures, and its politicians do not routinely quote religious texts to justify policies. Furthermore, it was already mentioned that violations of religious freedom involving physical repression is virtually unheard of. Furthermore, the idea that Japan would be a good candidate for a secular model similar to those offered by the United Kingdom or Sweden is compelling if we consider Japanese people's generally relaxed attitude towards religion, which Davis (1991) highlighted. Shinto, in particular, puts little stress on absolute truths and involves external rituals rather than deep inner commitment (Reader, 1991; Shimazono, 2009). What then leads Starrs (2011) to perceive a "religio-political flow of hot lava below the surface" (p. 3), in sharp contrast with Kobayashi's and Baubérot's previously cited statements?

It has been noted that several undercurrents of social conflicts converge in secular problems in Japan; notably conflicts over militarism, human rights and the Emperor and the Yasukuni shrine (O'Brien & Ohkoshi, 1996, viii). We would like to push that idea further by exploring more closely the link between Japan's war memory and secularism.

What seems to make the crucial difference and prevent Japan from being like Sweden or the United Kingdom is indeed Japan's war legacy. To put it simply, Japan has a secular problem because it has a war memory problem. By examining the elements found at the interface of the state, religion, and war memory, one notices that the war-related issues spill over to the domain of secularism, and magnify secular issues that would otherwise be less problematic, if problematic at all. The Yasukuni issue provides the best example of this. Japanese officials and Prime Ministers have argued that, just as U.S. presidents are allowed to honour fallen soldiers at Arlington National Cemetery without creating much of a stir, Japanese officials should be free to visit Yasukuni for the same purposes. This is how Prime Minister Nakasone argued the case in 1985:

In America they have the Arlington Cemetery. If you go to the Soviet Union and other foreign countries they have Tombs of the Unknown Warriors. They have places where the people can express their thanks to those who have fallen in battle. This is perfectly natural. Otherwise, who is going to give their life for the country? (As cited in Takahashi, 2006, p. 158)

To take another example, a Shinto ground-breaking ceremony, such as the one performed in the Tsu case, is a common Shinto ritual originally intended to chase away evil spirits. Given the religious landscape of Japan, and that such rituals do not much relate to personal faith, one might at first glance think that a city official's participation in this type of ceremony should be non-problematic. But the connection between State Shinto rituals and the war legacy make these seemingly innocuous rituals clash with deep-seated beliefs. To appreciate this connection, one merely needs to note that the symbols that have been reactivated in the postwar period are symbols that had been instrumental in the militarization of Japan.

What further testifies to the link between war memory and secular tensions is the context behind many lawsuits invoking violation of the secular clauses. The Tsu case, for instance was initiated by a war veteran opposed to Japan's military spending (O'Brien, 1996, p. 85). Similarly, as Noble (2006) explained, many of the other cases have been initiated by minorities, often Christian, opposed to militarism. Noble makes clear that although the Christian community chose to focus its protests on secular violations, its battle has much to do with issues pertaining to war memory. He demonstrates that the Christian community, through a confrontational approach, has sought to overcome its sense of guilt for having failed to disassociate itself from Meiji militarism and for not apologizing earlier for this error. This contrition has expressed itself through the avenue most likely to have an effect, i.e., lawsuits or protests over infringement of Articles 20 and 89 (pp. 148-152). For instance, Christians protested and petitioned the government over the restoration of the February 11 National Founding Day⁶⁰ (with a counter proposal to name the day "Defence Of Religious Freedom Day"). The community mobilized support during the Tsu and Nakaya lawsuits mentioned earlier; it rallied to perform "sit-ins, hunger strikes and rallies" and prepared a 3.7 million-strong petition—bringing together not only Christians but also other Buddhist and new religious movements—to protest the LDP's bills to make Yasukuni a non-religious site (Noble 2006, p. 152). These groups also mobilized to oppose the state Shinto rituals deployed to mark the passing of Emperor Hirohito and the coronation of his successor in 1989 (p. 147).

⁶⁰ Which, as mentioned before, is associated with the Shinto imperial myth.

We can add to the list above the protests over the national anthem controversy, or the enshrinement of deceased souls in Shinto shrines carried out without the consent of the families (Field, 1993; Takahashi, 2006). For those concerned, these controversies involve intolerable violations of freedom of conscience, invoking Japanese aggressions in the name of a divine Emperor. State Shinto not only confronts Christians, but also several groups of minorities from Korean or Chinese ethnic origins, or ordinary citizens and residents of Japan. Even though a majority of people may be unconcerned with these developments, as Mullins (2012a) reminds us, “many secularists and religious minorities remain unconvinced that the restorationist vision of Shintō-related groups and movements is either ‘non-religious’ or ‘essential’ for their own identity as Japanese” (p. 79). The most abrasive element of State Shinto is that it provides a set of symbolic justifications for the sacrifice, death and destruction on a gigantic scale in the imperial wars. In this sense, Takahashi’s (2006) analysis of the statements made by the Prime Minister in visiting Yasukuni is clear. According to him, the message that comes through Japanese Prime Minister’s statements is that “‘dying for one’s country’ is a ‘precious’ act and an act worthy of national honour” (p. 157). He continues:

In this way, the essence of Yasukuni Shrine...continues to adhere to its founding principles. As a result, the views and feelings of the bereaved families are fundamentally ignored, and the bereaved families who feel insulted and pained by the enshrinement of their relatives continue to have their feelings hurt. Worship by political leaders...is causing increasing pain and insult not only to the bereaved relatives, but also to people who hope to develop friendly relations with Asia by reflecting on Japan’s past wars, and those who, for intellectual reasons or for reasons of conscience and belief, do not want to have the Yasukuni Doctrine forced upon them. (Takahashi, 2006, pp. 180-181)

Being forced to sing for the glory of the Emperor, or to accept the enshrinement of a loved one on the grounds of a shrine that glorifies Shinto militarization, is beyond doubt what makes the state's involvement with Shinto more than a benign, vestigial practice. Supreme Court decisions seemingly do not take these aspects into account when they argue that these rites are simply a matter of etiquette or expressions of traditions. The strict separation that appears textually in the Constitution, thus veils a more complicated reality that is missing from Kobayashi's (2005) and Baubérot's (2015) citations presented earlier. Indeed, this analysis of the link between State Shinto and moral equality offers a rebuttal to the idea that, as Shiose (2000) puts it, the postwar Japanese Constitution's "draconian separation of state and religion, and the total non-interference in religious affairs" (p. 325) [effectively]... ended the "privileged position of State Shintoism....and the presence of religion in the public domain" (p. 322). This chapter thus concludes that the incursion of Shinto in the public domain has effectively undermined the values that the secular regime was meant to protect.

Unconsolidated secularism

Having completed the empirical analysis from the angles of institutionalization, clarity and substance, we can give a verdict on the overall consolidation of Japan's secular regime: The Japanese model is one characterized by high walls of separation (between religion and state), and an almost universal acceptance of the doctrine of secularism, but it features convoluted rules and a hollow core in terms of protecting the values of secularism. We are thus compelled to qualify Japan's secular regime as *unconsolidated*. It should be underlined that the thesis does not go as far as saying that Japan should not

even be considered as a secular state at all. The Japanese state has adopted a liberal stance and has shown a degree of restraint in many respects. For instance, although Soka Gakkai and Komeito have been under pressure, they have not experienced direct repression, and have otherwise benefited from the liberal regime of rights that the secular constitutional guarantees. The restraints on the part of the Japanese state undoubtedly result from the normative force of secularism. The strong institutionalization of the doctrine represents an aspiration and increases the salience of certain values in the cognitive script of the Japanese polity. Furthermore, the doctrine's strong institutionalization has favoured incremental change rather than drastic transformations. Still, incremental changes do add up, and the LDP's constitutional reform plans could mark a turning point in the future.

Obviously, this picture of secularism is not static. Changes affecting the strength of any of the three pillars of secularism can alter the equilibrium and the overall consolidation of the regime. For instance, a new secular charter or a special commission could clarify the rules of the regime, new religious movements and new political parties can appear, the media environment can evolve, not to mention the crucial factors of changing demographics and immigration patterns. These are a few of the many factors forming the dynamic ecosystem of secularism.

6.4 Reflection on civil religion in Japan

The assessment on secularity makes it possible to answer the questions that were raised in Chapter 2 regarding the relevance of the concept of civil religion in the Japanese context.

Bellah, who coined the term in 1967 when discussing the American context, specified that American civil religion should be understood as a *secular* phenomenon. From the outset, we can affirm that, understood as a secular phenomenon, that concept cannot be transposed to the Japanese context, bearing in mind the verdict just presented regarding the secularity of the Japanese state. But there is nonetheless something to take from Reader (1994) and Mullins' (2012a) discussion of the concept of civil religion, because they each expose the forces at play in Japan's secular regime from different but complementary angles.

In Bellah's (2005) description, civil religion emerges from a blend of elements derived from the state and from civil society. That is not the exactly the case in Japan. What Reader (1994) calls civil religion is rather a *bottom-up* set of cultural referents, which includes Shinto, and which can be labelled as secular. On the other hand, what Mullins (2012a) calls civil religion is in fact a *top-bottom* political religion, which is entirely based on Shinto, and clearly not secular. Both parts interact, but they are distinct—and they do not form a seamless secular ensemble.

To expand on this, Reader (1994) described with precision a collection of shared symbols and cultural practices, which include certain Shinto-related rituals, performed at shrines or festivals. Even though Shinto rituals assume a predominant role in this ensemble, Reader argued that it had an overly secular nature; a statement we agree with because negligible levels of individual faith and religiosity are actually involved in these,

especially participation in the popular Shinto festivals.⁶¹ Importantly, Reader dissociated what he calls civil religion from other State Shinto symbols such as Yasukuni and the Emperor, as this statement shows:

Certainly the uses of symbols such as the Emperor and Yasukuni could contribute to the kind of emotional sense of shared belongings and heritage that is a vital underpinning to civil religion. Yet, as the uses made of such images of cultural heritage as the *furusato* [one's hometown] and of Japanese tradition show, there is ample opportunity to affirm this shared sense of emotion without recourse to such controversial and hence potentially divisive symbols as the Emperor (at least in religious contexts) or Yasukuni shrine. (1994, p. 12).

Reader's depiction of civil religion is therefore narrow because it does not take into account the state dimension, including its instrumentalization of Shinto. It is thus slightly at odds with Bellah's original formulation.

Mullins (2012a), for his part, does the opposite and focuses exclusively on the state. Based on his analysis of State Shinto, Mullins calls civil religion (or *public* religion) what is in fact a top-to-bottom *political religion* (as Robertson (2011) has also referred to it), i.e., a religion instrumentalized by the state for political purposes. Mullins' own treatment of the concept of civil religion is therefore also narrow as he does not consider bottom-up elements. But even though Mullins' and Reader's uses of the concept of civil religion differ slightly from its original meaning, both have accurately depicted part of the larger picture. What's interesting for us is to consider how both the bottom-up and top-to-bottom aspects they refer to relate to each other.

⁶¹ Shimazono (2009) has also emphasized the weak religiosity involved in such rituals.

To do so, we focus on the common element of both dimensions, Shinto. Simply put, Shinto is the common element linking Reader's civil religion and Mullin's political religion, and this common element serves as a conduit for political Shinto's mobilization and legitimacy. This common element gives State Shinto a chance to claim, by association, that it is a natural part of the secular ensemble that constitutes Japanese civil religion. To paraphrase Shimazono (2009), State Shinto manages to have citizens participate in the state's ritual universe without necessarily involving their religious faith (p. 77), by simply connecting to their broader cultural referents. This interface is precisely what Breen and Teeuwen (2000) also seem to be referring to when they argue that even though an evident commonality exists between the Shinto rites of the Imperial Institution and those practiced by commoners, there is a slippage "between a self-consciously 'Shinto' establishment and the national, not to say nationalistic agenda professed by the majority of its members on the one hand, and local shrines and the practices and beliefs of ordinary Japanese who worship there, on the other (pp. 2-3).

Thus, a state official's participation in a Shinto ground-breaking ceremony is presented as legitimate because the majority of Japanese would view this as a secular folk practice. We should emphasize that not only does this connection provide the state with a conduit for mobilization; it provides State Shinto with a claim to *secularity* by connecting to the everyday secular practices of ordinary citizens. This connection operates each time Supreme Court judges and politicians evoke Japanese culture and heritage to justify state incursions in the Shinto realm. The force of State Shinto therefore lies in this capacity to

connect to bottom–up secular practices, and through this connection, to make state Shinto coterminous with the Japanese identity and secular culture.

6.5 Japanese secularism: from separation to recognition?

The empirical portrait also provides the occasion to comment on the classification of Japan in Baubérot and Milot's typology of secular regimes (2011). We've already mentioned that, as the authors themselves concede, none of the six types of secularism are expected to match the reality of a state perfectly. In this sense, Baubérot and Milot's framework is perhaps better understood as a typology of attitudes towards secularism. With reference to Japan, the authors specified that the 1946 Constitution presented a feature of 'separatist secularism', while Date (2015) extended the analysis to describe how different features of postwar secularism in Japan matched as many of four types of Baubérot and Milot's typology: separatism, collaboration, civic faith, and recognition.

Although providing a definitive answer as to which of these types comes closest to describing the Japanese case is not the objective, we can nonetheless provide a few thoughts on this matter. From the perspective of this thesis' empirical description, it is difficult to associate the general features of the Japanese postwar regime with any of the six types, with the possible exception of 'civic secularism.' It is also difficult to recognize a general shift from separation to recognition, as Date (2015) suggests is occurring to some extent, even though the rights of religious minorities, he argues, could benefit from more legislative protection.

The way one evaluates the effects of the patrimonial or vestigial links between religion and the state is probably the main factor that will determine where one would place Japan in this typology. But prior to addressing that question, a first reflection on Baubérot and Milot's (2011) typology and Japan concerns the historical context of the 1946 separation. Baubérot and Milot's portray the separation between state and religion—which they point out, occurred in 1946 in Japan—as typical of their *separatist secularism* model, wherein separation results *from a conflict between political powers and religious institutions* (p. 83). In their typology, this model features a mobilization of political forces, which seek a radical rupture from religious powers in order to obtain political and judicial independence. From then on, the process continues with the creation of a new secular national identity (pp. 90-95). The authors pointed to the establishment of Japan's Constitution in 1946, and its “strict affirmation of secularism” (Koizumi, as cited in Baubérot & Milot, 2011, p. 83) as the starting point of this process.

In light of this thesis' empirical observations, this *separatist secularism* narrative does not correspond precisely to the transition from Meiji State Shinto to postwar secularism. The period prior to 1946 cannot be depicted as one in which a religious entity imposed its hegemony on the state. Rather, what we had was a hegemonic state that instrumentalized a complicit religious structure (the pre-war Shinto establishment), and together with it, projected their power on the rest of civil society. What followed after 1946, was not a state breaking free from a religious institution but rather the disestablishment of a religious state by a foreign power. The state thus unwillingly distanced itself from the Shinto institution, though not completely. The distancing is considered incomplete,

because during the period that could be characterized as the strongest period of *separatist secularism*, the period of the U.S. Occupation (1945-1952), the Emperor, the main religious symbol of the former religious and hegemonic order, was left in place. Subsequent to this starting point of the new era, the former public role of Shinto is reintegrated in small steps—while being presented as a secular. This incomplete historical rupture points to a defining and paradoxical feature of Japanese ‘separatism’: it masks a strong connection to one religion – to the point that ‘separation’ almost becomes a misnomer.

The empirical observations of this thesis also suggest that a transition from *separatist secularism* to *recognition secularism*, which Date (2015) referred to, is not a clear trend. As Baubérot and Milot (2011) described it, *recognition secularism* is an attitude that places the greatest emphasis on the protection of secular values, and giving it precedence over the promotion of a national identity (pp. 110-113). The placement of Japan in this typology thus seems to hinge on the significance one attributes to postwar State Shinto and its attendant patrimonial or vestigial expressions. This thesis argues that the collection of Shinto symbols displayed in postwar Japan form a strong, normative symbolic *ensemble* that carries deeply emotional and divisive connotations. This is why the *separatist* and *recognition secularism* labels are not the most appropriate to describe Japan. In this sense, the Japanese model seems much closer to the *civic secularism* type, which represents states that promote a strong majority identity, associated either with a religion or a secular philosophy. This label was also associated with Japan (Date, 2015).

However, there is an important feature of the Japanese variation of civic secularism that is not highlighted in Baubérot and Milot's original description: Japan features a quasi-state religion that is altogether legitimized by being presented as *secular*. This constitutes a very distinctive and consequential way to modulate the constitutive parts of secularism. It allows the state to instrumentalize religion at a high level, while remaining, de facto, in a liberal secular framework. In Baubérot and Milot's original description, religion may be instrumentalized and form a majoritarian and hegemonic identity, but it is not altogether portrayed as secular. This peculiar feature and variation might be important enough to deserve its own category in the typology, as Japan is probably not a complete outlier in this respect.⁶²

⁶² The BJP's portrayal of Hinduism as India's secular identity would provide another potential case to place in this category.

CHAPTER 7: THEORETICAL DISCUSSION

We will now return to certain theoretical ideas from the literature review that can help understand the mixture of institutionalization, lack of clarity and substance, as well as the patterns of resilience and change that the empirical portrait revealed. We will first turn to new institutionalism to see what mechanisms presented in this literature are congruent with the institutional dynamics displayed in Japan's secular regime. We will then follow with debates in the comparative-secularism literature to examine the explanatory power of cultural and historical factors. We will then argue that the regime's lack of consolidation cannot be attributed to insurmountable historical or cultural barriers only; but rather that the regime was undermined by institutional design choices featuring critical ambiguities in the Constitution's key articles. The chapter will propose ways to circumvent the institutional design problems that the case displays, with solutions that are specific to Japan, and others that have potential relevance for similar cases where ambiguities with regards to the separation of religion and politics also prevail. The chapter will also discuss the role of religious groups in secular democracies.

7.1 New institutionalism

Critical junctures

The concept of critical junctures was presented in the literature review as central to new institutionalism. It refers to a period in which actors make choices that have far-reaching impacts on institutions, setting into motion self-reinforcing mechanisms that may be

difficult to alter in the future. Using this concept in this thesis thus implies important assumptions with respect to the development of the secular regime. In essence, it says that the empirical picture painted in the previous chapter can, to a great extent, be connected to micro-decisions taken in 1946. In this context, it is important to demonstrate that the case meets the criteria to be considered critical. Furthermore, if one can demonstrate that a period represents a critical juncture, the theory requires us to argue convincingly that other plausible decisions could have led to different outcomes. As explained in Chapter 2, Capoccia and Kelemen (2007) mentioned that, to be considered a critical juncture, the period must present high contingency and high temporal leverage. In other words, the period must be one of great uncertainty and unpredictability, and its duration short in relation to that of the path-dependent process that follows. On that basis, the period when the foundations of the secular regime were laid easily meets the criteria. The drafting of the secular articles represents the pivotal event within this juncture, with many of the key decisions orienting the development of Japan's secular regime taking place in an extremely condensed time frame. The drafters, as we pointed out, had a mere ten days to produce the constitution, and evidently much less time to draft the actual secular articles. To emphasize how things could have gone in different directions, we should point out that, in terms of guidance, General McArthur had only given three extremely broad orientations: the constitution would have to provide a place for the Emperor, renounce war; and end feudalism.⁶³ This is how the drafter responsible for the Constitution's Article 1 (about the Emperor) described the conditions: "We were basically military people...there were some lawyers in the groups, but not a single

⁶³ As described by one of the drafters of the Constitution, Richard A. Poole (as cited in Uleman, 2006, p. 15).

constitutional expert. It was an amateur production that slapped the Constitution together in just one week” (as cited in Uleman, 2006, p. 19). The decision to name the Emperor ‘symbol of the nation’ also testifies to the volatility of the situation. As one of the drafters described it: “The Emperor was useful to the Occupation Forces...so we decided to keep the Imperial System, but I do not really remember whose idea it was to make him a symbol. At one of the conferences, somebody suggested, ‘why don’t we just call him a symbol?’ and everyone else seconded the idea” (as cited in Uleman, 2006, p. 19).

In that context, the outcome was unpredictable and plausible choices were multiple. As described in Chapter 3, certain problems and ambiguities were already noted at the time of drafting and in the following discussions with Japanese officials, notably with regards to the meaning of ‘religion’ and to the ‘political authority’ clause. Drafters briefly discussed alternative scenarios, and delivered drafts promptly, with, by and large, the problems and ambiguities left intact. As the thesis tries to demonstrate, the broad orientations as well as some micro-decisions taken by these people have had an enduring impact on different facets of Japan’s secular regime. The concept of critical juncture thus sits well with our concern with institutional design decisions, and it helps frame our argument that the outlook of the secular regime can be traced to decisions taken at the design table some 70 years ago. It is remarkable, considering the conditions in which the Constitution was written, that those hasty decisions could nonetheless provide the basic building blocks for the development of a liberal secular regime, although one not without design flaws that would only be revealed with time.

Using the concept of critical juncture also bring into focus the attendant concepts of self-reinforcing mechanisms and path-dependence, as these are normally set into motion after a critical juncture has opened up a new institutional path. A number of mechanisms presented in the literature review indeed help us contextualize the large patterns of continuity and change, at both the macro level of institutionalization and the level of inner dynamics in both dimensions of the regime. We will now turn to these mechanisms, after which we will sharpen our focus on the micro-decisions that have introduced key ambiguities to the regime. Once we have established a link between different empirical features of the regime and specific institutional design ambiguities, we will complete our argument by explaining how plausible alternatives could have led to different results, as a thorough analysis of critical junctures requires.

Self-reinforcing mechanisms

Having emerged from the critical juncture with a secular constitution, the first steps taken were favourable for a process of institutionalization to unfold. As Chapter 3 showed, the reception of secularism was generally non-adversarial and conducive to a smooth integration of the institution in the cognitive script of the population. Drawing from Mahoney's (2000) conceptualization of institutional mechanisms, we can say that after the introductory period, a number of self-reinforcing mechanisms were set in motion. The entrenchment of secularism followed different processes of legitimation, thanks to a mix of active moral approval and passive acquiescence on the part of key actors in political parties and religious groups. This is not to say that there were no tensions and disputes concerning the proper application of secular principles, as testify the numerous debates in

both dimensions of the regime. The point is that each of these numerous debates served to reaffirm the legitimacy of secularism. In other words, whenever actors debated the proper way to manage the interface between religion and politics, it was always done from the basic standpoint that such management was needed and the doctrine was legitimate.

By way of examples, when politicians such as Prime Ministers Koizumi and Abe defended their visits to Shinto shrines, they adopted a defensive posture and certainly provided arguments that all could not share; however, the maintenance of the principle of secularism itself was always taken for granted. In the same way, court decisions throughout the years have portrayed secularism as a legitimate and even necessary institution. Likewise, when Soka Gakkai and Komeito were accused of violating the secular constitution, they did not respond that secularism was wrong; they simply retorted that the accusations were based on misinterpretations of the principle. This process of positive feedback was then reinforced with time. Eventually, with a build-up of public endorsement from all sides, the secular norm gained strength. Hence the resilience of the institution can be traced to implicit or tacit statements of acquiescence that have created a notional constraint from which it became harder to escape. This echoes what March and Olson have labeled the logic of appropriateness, whereby actors “proceed according to the institutionalized practices of a collectivity and mutual understandings of what is true, reasonable, natural, right, and good” (Olson, 2007, p. 3). This also resonates with the ‘socialization’ mechanism described by Pierson (2010), in which ideas “spread incrementally with repeated interactions” (p. 94).

We can continue by further examining how other self-reinforcing mechanisms unfolded in each dimension, beginning with *dimension 2*. In the 1960s, when the government was first confronted with the question regarding the legitimacy of Soka Gakkai and Komeito in relation to the political authority clause, government officials always evaluated the problem explicitly through the prism of secularism; that is, by asking what the doctrine demanded in that particular situation. As the record showed, the government concluded on the first occasion that the activities of Soka Gakkai and Komeito were not anti-constitutional. This issue resurfaced a number of times over the years, notably after Komeito made strong electoral gains. When asked to again comment on the constitutionality of Soka Gakkai and Komeito, the government gave the same interpretations, aligning their opinion with the precedents set by previous actors, each time providing more legitimacy to previous judgments; and each time raising the political costs of steering in an opposite direction in the future. Here, the explanation offered by Pierson (2000) for ‘increasing returns’ resonates. As explained in Chapter 2, this expression serves to illustrate how the complexity of the political arena and the short-term horizon of political actors encourage “positive feedback” and the muting of “disconfirming information” (pp. 261-262). Institutions are thus designed to be difficult to overturn and the costs for changing course increases with time.

With regards to *dimension 1*, we note that the direct incursions of the state into the religious realm were more limited in the first decades of the regime, but gained pace after that. As we showed, conservatives within the LDP and their allies were, from the start, uneasy with some interpretations of secularism, even though the party remained

committed to the principle itself. In the 1970s, as Hardacre (1989) explained, Japan achieved the status of economic power, fulfilling its first major goal of the postwar, while being “stung by international criticism of the Japanese as ‘rapacious economic animals’” (p. 134).⁶⁴ In this context, Hardacre explains, soul-searching intensified, and provided an incentive for conservatives to revive symbols of the past. The strategy of reinterpreting key terms of the secular regime, such as what constitutes a ‘religious act,’ was then set in motion. The rather quiet first years in *dimension 1* were thus disrupted by ‘ideational entrepreneurs,’ to use Parson’s expression, who found a weak point that could be exploited (Pierson, 2010, p. 95). This indeed shows that the ideas defining institutions and behaviour “are in flux, often at odds, and malleable” (Béland & Cox, 2010, p. 10). Among the different options available for Shinto conservatives, the legal avenue of formal constitutional amendments would have been prohibitively costly. It was much easier to opt for the strategy of script-alteration and to reinterpret the meaning of religion. Concretely, this has paved the way for the increased participation of political actors in religious activities and for the reinstatement of symbols of Shintoism in the state apparatus.

The dynamic just described brings to mind Streeck and Thelen (2005b), who, in their attempts to provide clues to understanding incremental institutional change, described a mechanism of adjustment they call ‘displacement,’ which features “the rediscovery or activation of previously suppressed or suspended possibilities” (p. 21). As they pointed out, displacement requires enterprising actors “willing to pay the price for their path-

⁶⁴ See also Fujimoto (2010) for an analysis of the factors leading to changes in the political thought in Japan in the 1970s.

changing moves” (Streeck & Thelen, 2005b, p. 21). The first daring visits of Japanese officials and Prime Ministers to the controversial Yasukuni Shrine, can be seen through the lens of such a suppressed historical alternative. Within this dynamic, the ‘religion’ ambiguity provided crucial leeway for these creative acts of re-interpretation, a point that will be analysed further later. Aspects in *dimension 1* thus show that a path-dependent sequence does not imply linear movement, nor does it preclude incremental change in inner dimensions of the institutions. Globally, what we observe is thus a broad path-dependent pattern that reinforces and perpetuates the institutionalization of secularism. At the inner-level, in *dimension 2*, we note a similarly consistent trend with regard to the formal restrictions on the political activities of religious groups; while in *dimension 1*, we see a steady trend with regard to the restrictions on the religious activities of the state, with a pattern of incremental changes starting mid-way through the period.

The Imperial House and ‘intercurrence’

The presence of the Emperor may have contributed to the incremental changes visible in *dimension 1* through the mechanism of ‘intercurrence.’ As Chapter 4 showed, right at the beginning of the Occupation, McArthur sent the Emperor on highly mediatized tours that were followed with quasi-religious fervour. We highlighted how his position and visibility provided a symbolic bridge between the old and the new order, as Bix (2000) and Bellah (2003) had argued. Confronted with the paradox of having a Shinto Emperor as the symbolic head of a secular state, the state chose to uphold secularism nonetheless, and eventually painted Shinto in secular terms, which opened the door for the revival of symbolic links between the state and Shinto. The secular tensions caused by the Imperial

Institution remained nonetheless, peaking at critical moments such as when ceremonies were held to mark the passing of Hirohito and the coronation of his successor.

We are tempted to portray the Imperial Institution—positioned in the midst of the new postwar institutions—as a gravitational force attracting surrounding institutions towards State Shinto practices of the past. This force has encouraged postwar state actors to notably pass laws to reinstate the Imperial calendar, to have a national hymn to the Emperor’s glory, and to have the national day celebrate the first Emperor’s mythical descent from heaven. Having an indigenous and ancient Imperial Institution with strong religious connotations coexist with a young, secular constitution thus resonates deeply with the phenomenon of intercurrency. As described in Chapter 2, this represents a situation in which different institutions are based in different historical contexts and values, and end up “abrading against each other and, in the process, drive further change” (Orren, 1994, p. 321). Herbert Bix (2000) also highlighted the tensions present in Japan’s constitutional order in a way that is reminiscent of this type of dynamic. He notably underlined that the imperial system of hereditary succession provided Japan with an unwritten constitution “in addition and prior to the Constitution of Japan” (p. 579), commenting that:

The new Constitution also generated problems that were to beset Japan for the remainder of the twentieth century. One such problem was the great divide between the concept of state held by Japan’s political rulers in 1946-47, and the modern, secular, demilitarized, civil state concept enshrined in the new constitution, in conformity with the wishes and aspirations of most Japanese. (Bix, 2000, p. 578)

7.2 The historical and cultural barriers to secularism

It was suggested in Chapter 1 that Japan might have experienced a form of ‘imperialist secularization,’ a situation susceptible of triggering an anti-secular backlash, a premise we will need to nuance. Mullins (2012b) has suggested that it was consequential that the privatization of Shinto after the war did not come as a result of an indigenous modernization process but was rather a result of a process imposed by foreign powers. He saw in this situation an example of ‘imperialist secularization,’ a term defining a “coercive and top–down removal of religion from the public sphere by a foreign power” (Demerath, as cited in Mullins, 2012b, p. 103). According to Mullins, imperialist secularization explains “the Shintō-related neo-nationalistic response to the imposition of a ‘foreign’ social order on Japan” (Mullins 2012a, p. 72). Similarly, in her analysis of the discourses of Japanese conservatives, Morris-Suzuki (2013) stressed that the foreign and imposed nature of Japanese institutions had strong effect on its Japanese conservative detractors. For instance, she highlighted that Prime Minister Shinzo Abe aimed to ““escape from the postwar regime’...[and] reverse the political reforms introduced to Japan during the allied occupation” (p. 4). In Abe’s mind, Morris Suzuki specifies, these reforms would “undermine Japan’s traditions, which are centred on the figure of the Emperor” (p. 5). This reading of the situation lends support to the thesis of ‘imperialist secularization.’ On the surface, the comparison that Mullins made with Juergensmeyer’s (1993, 2008) chronicle of religious nationalisms seems apropos (Mullins, 2012b, p. 100). In reference to Juergensmeyer’s work, Mullins stated that “in the Japanese context, we can similarly observe that mobilization of people in a variety of Shintō-related

movements in postwar Japan was precipitated by the intervention and administrative colonization by the Allied Occupation” (p. 72).

This ‘imperialist secularization’ narrative may seem puzzling given the previous section's assessment of the institutionalization of secularism. We will therefore attempt to bring some nuance to this picture. Without denying that the Japanese Shinto establishment bears certain resemblances to religious nationalist movements found elsewhere, the Japanese variety is perhaps better described as a tranquil and often subtle version of the reactionary movements witnessed in Asia and beyond. Two main reasons explain this. Firstly, a genuine domestic movement supporting democratic reforms emerged following Japan’s defeat, as shown in Chapter 4. Secondly, facing the forces of democratization, the anti-secular conservative elements that were present, chose to advance their agenda incrementally, *from within* the secular-democratic system, and without attempting to foment a revolution.

To expand on these ideas, as exposed in Chapter 3, the Occupation Forces imposed a *sine qua non* condition for democratisation following Japan’s defeat, and the population generally embraced this idea. Secularism was seen as part and parcel of the new democratic package and was, by extension, generally accepted as well. An authoritarian government had led Japan into a catastrophic war, and the conditions were right for starting anew at that critical juncture with a new set of institutions. What is more, as we have already mentioned, adopting foreign institutions was not something that was frowned upon; the Meiji era provided many precedents in this regard, in that Western

models for educational, governmental, and military institutions were borrowed. Japan had thus already demonstrated its eagerness and capacity to borrow ideas and models from foreign institutions, and we cannot say that this tendency has been reversed after the Occupation.

Another important factor relates to the outlook of the rising political forces of postwar Japan. Even though democracy was at first imposed onto Japan, the dominant domestic political forces emerging in the postwar period chose to display a very clear liberal-democratic bias right from the start. This of course includes the party that ruled Japan for most of the postwar period, the LDP, a party that clearly claims ownership of Japan's democratic institutions. Speaking of the juncture after the war, the LDP stressed that:

Liberal democratic cabinets were still able to rebuild a devastated country, alleviate acute food shortages, quell destabilizing labor strikes and social unrest, establish a constitution, implement reforms for agricultural land and education....When these accomplishments are added to those involving the enactment under the new Constitution...it is clear that these governments can be credited for creating the basic structure of democracy seen in Japan to the present day. (Liberal Democratic Party of Japan, n.d.)

This is not to say that all politicians in place during the transition were genuine secular democrats; on the contrary, many were reluctant to turn the page on the Shinto imperial system. However, the democratic groundswell and the expectations were too strong: not just from the population and from the more liberal wing of the LDP, but also from the occupiers whose presence in Japan lasted long enough to provide extra guardrails for

Japan's democratization.⁶⁵ With all those forces providing momentum, it would have been impractical to launch a movement to roll back democracy. Secularism, being part of the human rights package of democratic Japan, would thus be safe as well. Even the Emperor himself publicly endorsed the principle of secularism, significantly diminishing chances for an open anti-secular rebellion in his name (Imperial Household Agency, 1990). In such a context, instrumentalizing the foreign nature of the secular constitution was not a viable option for those advocating anti-secular stances.

Thus, the conservative movement does not present itself as having a problem with 'western secularism' per se; rather, it rejects what it perceives as unreasonably strict interpretations of it, and denounces double standards. Shinzo Abe and the group of conservatives behind him want the constraints imposed on Japan to be consistent with what they perceive as international standards, as Prime Minister Nakasone's analogy—evoked in Chapter 6—between Yasukuni and the Arlington Cemetery points to. The 'imperialist secularization' narrative thus misrepresents the issue because in Japan because the foreignness of the institution is not a major factor explaining the tensions of the regime.⁶⁶ The narrative of a nativist reaction to a Western model of nationhood also magnifies the idea that secularism is incompatible with Japanese culture. The real challenge is understanding the mixed patterns of resilience and tensions that the regime

⁶⁵ Even after the Americans left, the United States maintained strong political, economic and military ties and a certain normative 'emprise' on Japan. The Treaty of Mutual Cooperation and Security between the United States and Japan is probably the strongest element in this dynamic. is probably the strongest element in this dynamic.

⁶⁶ Although Mullins (2012b) may have overemphasized the importance of the foreignness of secularism as an independent variable in the resurgence of state Shinto, his narrative provides, among other things, rich information on factors that provided momentum for the State Shinto movement, notably the Aum terrorist incident.

has displayed. We notably need to explain how favourable factors for democratization, and the ensuing institutionalization of secularism, nonetheless created a regime characterized by a lack of clarity and substance.

Cultural barriers

“Today, the Postwar Constitution purports to separate church and state, religion and government, but the distinction between the two areas, like other concepts introduced from an alien culture, is far from clear.

-Felicia Bock, 1990, p. 38

If a nativist reaction to imperialist secularism cannot be isolated as a major factor shaping Japan's secular regime, one could suggest that, in spite of a number of favourable conditions, cultural barriers impeded the integration of the secular principle. As was discussed in Chapter 2, many authors have noted the challenge of transposing secularism into new cultural contexts. Seeking to provide an Asian example of that problem, Madsen (2011) spoke of the Japanese variant as secularism hiding a religious mask (p. 249). Another author suggested that the separation of church and state, despite the postwar secular constitution, simply “does not exist in the Japanese cultural mind” (Métraux, 1994, p. 47). In the same vein, Hardacre (1989) explained that the reassertion of prewar patterns of state Shinto, reveals “both the tenacity of the theme of unity of religion and the state, and the inability of such secular ideals as democracy, capitalism, and rationalism to generate a symbolic order strong enough in its appeal to compete with those more deeply rooted in Japanese history and religious tradition” (p. 134).

These statements are highly significant as they suggest that cultural limitations reinforced by intractable historical patterns have inhibited correct expressions of secularism in Japan. The thesis would like to revisit that narrative, however, by questioning why it should be difficult for the Japanese to absorb and integrate concepts that are perfectly comprehensible to other cultures. The other side to this question is whether institutional design, that is, the way secular principles are written and communicated, may be a relevant factor to consider in the equation.

To be fair, it can be tempting to think that secularism would be impractical in a country where the distinction between the religious and political realms has been historically difficult to assimilate. As mentioned before, the fusion of politics and religion is built right into the very *kanji* character (*matsurigoto*) that is used to refer to politics in the Japanese language. This symbolizes the deeply transcendent nature of religion in Japan. As Shimazono (2009) argued, the political and the religious have not been neatly distinguished from each other during the process of modernization in several non-Western civilizations. In East Asia, for instance, the state has often acted as a sacred center. Shimazono gives the example of the Sung era in China, Yi in Korea, and of Japan from the Edo period, when public servants were considered as agents of imperial sovereignty and missionaries of the sacred Confucian order (2009, p. 75). This type of political order thus includes a *transcendental dimension*, but it is not a *religious dimension* if we understand ‘religion’ to be the sphere independent from the political sphere as in the Christian West. In this context, Shimazono (2009), says it is not even reasonable to use the term ‘secularism,’ (or “laïcité”) in places like Japan, because it is a

notion emerging directly from the Christian historical experience (p. 75). The Japanese case could, therefore, emphatically demonstrate how the secular–religious dichotomy at the root of secularism is problematic and, indeed, does not always travel well to some places, as Calhoun et al. (2011) suggested might be the case. We can understand why several authors are seeking to find a way to think about secularism and to overcome conceptual rigidities, including the inadequate metaphor of a ‘wall-of-separation’ that states have deployed (Bubandt & Beek, 2012; Cady & Hurd, 2010; Calhoun et al., 2011; Maclure & Taylor, 2011; Taylor, 2010).

These observations are all important, but one should not exaggerate the fixity of such historical traits. Without trivializing cultural differences or the challenging reality of profound institutional changes, this thesis wants to stress that the historical absence of the religious–secular dichotomy does not necessarily have to make the principle of secularism irrelevant or impossible to integrate into a given culture. At the same time, if the implementation of this institution does not require a pre-existing historical or cultural background, *its design* does need to take this background into consideration. The challenge then becomes to identify the aspects of secularism that can get lost in translation, and to find functional alternatives. The key point is to understand secularism as a system for managing the relation between the state and certain problematic dimensions, some of which do not fall under the narrow definition of ‘religion.’ As societies diversify and/or liberal rights become in demand, the purpose of secularism is to disentangle and differentiate divisive elements from the state in order to foster social cohesion. Therefore, the framing of those divisive elements must extend beyond the strict

notion of religion, and make it possible to include, for instance, elements such as ‘transcendental’ dimensions that Shimazono (2009) evoked. Potential solutions to that effect will be proposed after returning to the crucial issue of ambiguity.

The impact of ambiguity

This section will present the evidence to validate one of the main hypotheses of the thesis, that ambiguities inserted in the institutional design of Japan’s secular regime have had a pivotal role in its development. To do that, we will point to those specific ambiguities that have been exposed in the previous chapters; recall how they have affected events and allowed actors to steer the regime towards the direction it has taken; and, finally, propose an alternative design that could have circumvented those ambiguities and thus led to different outcomes. This will serve the dual purpose of highlighting the importance of institutional choices and showing that historical and cultural barriers cannot be singled out as being unique and intractable causes of Japan’s secular challenges.

Why focus on ambiguity?

As Streeck and Thelen (2005) put it, interpreting and applying a rule is a “creative act” (p. 14). Arguably, the presence of ambiguities provides more space for such creative acts, in contrast to rules that are couched in very precise language, or entrenched in strong conventions. But whether institutional ambiguity is efficient or not is up for debate. Speaking of the Indian context, Bhargava (2010) argued that key articles in India’s secular constitution were indeed “deeply conflictual and at best ambiguous,” but he also said that one should not misrepresent this “virtue as a vice” (p. 20); he added that these

features may provide the institution with the ability to make “fresh interpretations, contextual judgments, and attempts at reconciliation and compromise” (p. 19). Our case study leads us to argue precisely the opposite: in terms of promoting the values of secularism, the ambiguous nature of the key secular articles of Japan’s Constitution have clearly brought more vice than virtue. Chapters 4 and 5 have already demonstrated the lasting impacts of ambiguous design choices. We will now summarize and provide concluding thoughts on these.

In relation to the framework of critical junctures, these ambiguities are the result of micro-decisions taken in the midst of a critical juncture, and their legacy has been enduring. We already mentioned that in the high-contingency and volatile context in which these design decisions were taken, other options could have been favoured, and the final design and ambiguities were in some instances the result of close decisions. For instance, we have seen that different versions of the political authority clause were considered. Furthermore, the ambiguity of the term ‘religion’ was clearly denounced during discussions of the draft constitution, and the designation of Shinto as a target of secular restrictions, as was the case in the Shinto Directive, could easily have been replicated in the postwar constitution (Bix, 2000). Regarding the Emperor, the then-U.S. Under-Secretary of State, Dean Archeson, as well as an anti-Japan and pro-China faction of State Department wanted the Emperor tried for war crimes. The President of the United States himself, and indeed, most US allies did not see a role for the Emperor in Japan’s postwar era either. MacArthur’s belief that the Emperor would be useful for the Occupation Forces prevailed in the end (Uleman, 2006, p. 16). With all the pressure

coming from high-ranking officials and the U.S. president himself, the decision to keep the Emperor cannot be seen as anything other than a close decision of historic proportions.

As proposed in the Methods section, in order to argue convincingly that the particular outcome is due to certain institutional choices, and that these outcomes were not inevitable, we must be able to present other options that were available or plausible, and explain how these could have led to other results. As Capoccia and Kelemen (2007), put it, we must be capable of “reconstructing not only what the consequences of actual decisions were but also what plausible consequences might have resulted from other, viable choices” (p. 355). We will therefore first propose plausible, Japan-specific alternatives. We will address the ambiguities more broadly with the intention of contributing to the wider discussions in the literature.

7.3 Ambiguity 1 - the ‘political authority’ clause

Beginning with the second dimension, we demonstrated in Chapter 5 that the ‘political authority’ clause has been instrumentalized and exploited for political reasons by Soka Gakkai and Komeito’s rivals throughout the years. The chapter concluded that there is still no clear understanding as to what this phrase means 70 years after its introduction, and confusion persists with regards to the legitimate role of religious organizations in the political arena. Hence the claim that the political authority clause represents a significant ambiguity that has produced sustained confusion and tensions in this dimension, and thereby diminished the normative force of the regime.

Alternative design for the political authority clause

In the case of the political authority clause, the alternative solution to avoiding this outcome would have been deceptively simple: remove the phrase altogether, the main reason being that it is essentially redundant. Its official interpretation has always been that religious organizations do not have special prerogatives to exercise direct power or a monopoly over state institutions. It was never interpreted as an actual restriction on the political activities of religious groups. The political authority clause thus provides, in ambiguous terms, directives that are covered in direct language elsewhere in the Constitution. Indeed, the Constitution already makes clear that religious groups cannot take over the institutions of the state, as the articles dealing with democratic process and elections already cover. Likewise, the Constitution already makes clear that religious groups are allowed to engage in political activities, as the articles covering freedom of assembly and free speech already address. Given its redundancy and its manifest propensity to create misconceptions, removing it could have avoided the confusion that has ensued. But one could argue that the political authority clause had the advantage of encouraging restraint on the part of Soka Gakkai and Komeito, inciting the groups to tone down their religious message. To that argument this thesis counters that there must be better ways of addressing this legitimate concern. Here we turn to the part of the argument that has relevance beyond Japan's borders.

Even if religious organizations are entitled to be politically active in a regime based on rights, we must recognize that religiously inspired political movements can pose a challenge to secular democracies, even without directly violating the laws or constitutions.

When we provided our definition of the ideal-type of secularism, we pointed out that Maclure and Taylor's (2011) model did not expand on the interactions between religious organizations and the state. However, because their model applies to a regime of rights, we could take for granted that those two spheres must not interfere with each other in a way that breaks the law or violates democratic principles. Because the rights and responsibilities of religious groups and their interactions with the state were an important focal point of this thesis, we thought it good to refer to Stepan's (2000) concept of 'twin-toleration' which adds precisions regarding the ideal distance between the state and religious groups in a democracy.

Stepan argued that the state should not interfere with the capacity of religious groups to promote their values publicly, including through political organizations, so long as it is done within the limits of the law. On the other hand, religious organizations have no special prerogatives to interfere with the capacity of democratic institutions to generate policies, but again must always act within the limits of law and rights (2000, p. 57). This 'twin toleration' represents the type of rights that one would expect to encounter in the ideal type of secularism that we presented. Incidentally, this twin toleration corresponds to the Japanese Government's and the Cabinet Legislation Bureau's official interpretation of the rights of religious groups and political parties. What should be stressed, however, is that a type of action falls into a grey zone of secularism, which neither Stepan's model or Maclure and Taylor's model capture directly.

As Laliberté (2012) noted, “religions typically embody holistic worldviews that seek to define the political trajectory of nations” (p. 233). Problems begin when these worldviews integrate political platforms and clash head on with the spirit of secularism. This is the situation encountered in Japan in the period when Soka Gakkai and Komeito became more assertive about their religious goals, specifically when they promoted national conversion to a form of Buddhist socialism. In effect, the promotion of those ideas did not violate the rule of law or secular articles of the Constitution per se. Moreover, the groups always affirmed their commitment to Japan’s laws and to its Constitution, claiming that national conversion would be achieved through non-coercive persuasion. Soka Gakkai and Komeito were never challenged in court or found guilty of secular violations. Nonetheless, we think that once a political party includes such particularistic religious themes in its platform, it effectively enters the realm of divisive politics. We must realize that when Soka Gakkai and Komeito’s reached their peak mobilization powers, when new adherents were joining Soka Gakkai and Komeito by the thousands, achieving their objectives came to be seen by non-adherents as a distinct and threatening possibility (McLaughlin, 2014, p. 58).

This summarizes the paradox: a religious party can respect the *letter* of secularism while acting against its *spirit*. It can do so, for example, by promoting hegemonic religious goals while committing to legal and democratic means to achieve these goals. Incidentally, such a contrived posturing can incite opponents of these religio-political groups to contemplate *illiberal* solutions to protect the very liberal system that religio-

political groups are suspected of threatening—for instance, by seeking to restrict the groups’ constitutional right to free speech and association.

Clearly, in accordance with the principle of twin toleration, a democracy must allow religious groups to be active in the political field. How then to prevent the promotion of anti-secular ideas that threaten social cohesion, without infringing on other democratic principles such as the right of political assembly and free speech? This problematic clearly concerns many secular democracies throughout the world, which have experienced related tensions. We can think of the BJP and its Hindu nationalist platform as an outstanding example of a religio-political group that has crossed the same line as Soka Gakkai and Komeito. Though it has been allowed to pursue its political goals in the democratic arena, the group has had an immensely divisive impact. In a contrasting example, the High Court in Bangladesh, another officially secular democracy, has decided to outlaw a religio-political party, Jamaat-e-Islami, on the basis that it was contrary to the state’s secular constitution (Associated Press, 2013).

Recognizing the potential divisiveness that religion can have in democracies—and also its constructive role—Habermas described the issue in these terms:

Religious practices and perspectives...continue to be key sources of the values that nourish an ethics of multicultural citizenship, commanding both solidarity and equal respect. Yet, in order for the “vital semantics potentials from religious traditions” to be made available for wider political culture (and, in particular, within democratic institutions), they must be translated into a secular idiom and a “universally accessible language,” a task that falls not only to the religious citizens but to all citizens – both

religious and secular – engaged in the public use of reason. (As cited in Mendieta & vanAntwerpen, 2011b, pp. 4-5)

To communicate policy goals in a secular idiom and universally accessible language is precisely what Taylor (2010) was referring to when he said political actors had to leave deeper reason behind. This is what SGK failed to do in one critical period, but also what it managed to do in a later period when it translated all its policy goals into the secular language of welfare, justice, and other universal democratic ideals. Facing this issue, the institutionalist bias of this thesis makes it question whether institutional design can be part of the solution. In agreement with Stepan's (2000) view of twin toleration, and in conformity with the requirements of the ideal-type of secularism presented in this thesis, religious groups should be free to be politically active. Conversely, monitoring and policing religious content in political platforms is both impractical and contrary to democratic ideals, and illiberal methods cannot be used to enforce liberal principles. In this respect, the risks of crossing a line evoked above cannot be completely avoided. On the other hand, we can argue that political culture can *inspire* restraint, with groups and political parties encouraged to use universally accessible language and non-divisive themes. Institutions can be part of the solution because the content of the preambles to secular charters or constitutions can play a positive role. These documents have the power to raise awareness about the broad goals of secularism and can cover aspects that cannot be targeted by actual constitutional restrictions: If a constitution cannot restrict a group from preaching national conversion, its preamble can explain why everybody wins from generalized restraint in this respect. If the *raison d'être* of secularism were properly outlined in foundational texts, it would plausibly increase the chance that principled

politicians, state officials and judges would refer to it, and help elevate those ideas to the level of cognitive script. There are many examples throughout the world of political parties that were formed around a common identification to a specific creed, but which excluded explicit religious referents because the norms of the political environment in which they operate imposed that.⁶⁷

7.4 Ambiguity 2 - Religion

We now turn to another major ambiguity in the design of Japan's secular regime, namely, the use of the concept of religion in the constitution. As we mentioned in Chapter 3, the understanding of the concept of religion has been complicated by the history of its introduction to Japan via foreign encounters. The inclusion of religious freedom in the Meiji Constitution at a time when the state was clearly projecting itself as a Shinto state was bound to generate further confusion as to the exact meaning of that term. After World War II, when the Occupation Forces decided to put some distance between religion and politics, Shinto was singled out as a category that it was necessary to manage. However, as we know, the secular articles of the Constitution that took over the Shinto Directive simply used the problematic and undefined term of 'religion,' without providing any guidance.

Thus, we find articles in the Constitution specifying that religious freedom is guaranteed to all, and that the state cannot fund or engage in religious activities, while the very concept that is central for the comprehension of these rules is left undefined. Because of

⁶⁷ Germany's Christian Democrats could provide an example for this.

this, the secular regime is built on shifting terrain. Chapter 5 showed the concrete consequences of this flaw. We saw that the ambiguities regarding the meaning of religion, and, by extension, the status of Shinto and the Emperor, made it possible for conservative actors to elevate the status of Shinto within the state, which it projected as a secular tradition. Conservatives could thus get the best of both worlds, satisfying both liberal and conservative policy pressures. But this matters most because the possibilities that the religion ambiguity created have had real impacts on the substantiation of the secular regime. Indeed, our analysis showed that the state's incursions into the Shinto realm have been divisive and implicated deep beliefs and emotions, impacting both religious freedom and moral equality. Thus, though a tracing process, we could highlight the link between micro-decisions taken in 1946 and the substance of the regime today.

Leaving it to the state to define religion

The risks associated with the use of the term religion are linked to the capacity of political entrepreneurs to instrumentalize its ambiguity, especially when the responsibility for defining religion falls to state institutions or politicians. Direct references to religion in laws make the definition of religion subordinate to the state, as was described by Sullivan (2005). Sullivan was referring to the United States context, but that limitation obviously applies at least as much to other states like Japan where the concept of religion is perhaps even less clear. Making a more universal statement, Calhoun et al. (2011) warned of state proclivities to coopt religion, conflate it with tradition, and then portray the religious politics that emerge as secular, to the detriment of minorities. This is precisely what happened in Japan.

Addressing this very issue, Eisenberg and Kymlicka (2011) focused on the processes by which public institutions shape identities, and more specifically, the important role that courts can play in the process. As the authors put it, courts have the power to “reinforce static boundaries of group membership or stereotypes about group practices” with identity-shaping actions that tend to privilege conservative views of communities (p. 23). This too is precisely what we encountered in Japan, where courts have promoted a conservative view of the Japanese identity. Politicians, in concert with court decisions, thus boosted Shinto’s privileged status by painting it as the natural essence of Japan. Therefore, public institutions in Japan exacerbated rather than mitigated the essentialization of the dominant Japanese identity. The ambiguities of the Japanese Constitution have to a large extent facilitated that process. Ironically, that was precisely the intention of the drafters of the Constitution. As reported by Woodard (1972), “it was believed that the principle of separation should be firmly established and that the issues raised were matters of interpretation for the Japanese courts to decide” (p. 82).

This invites reference to Beaman (2012) who pointed out that, while scholars discuss the different manifestations of important facets of secularism such as the application of religious freedom, “equally crucial is suspicion about the ways in which religion is constructed by majorities as ‘culture,’ thus displacing discussions about religion and religious freedom altogether” (para. 9). In other words, before we can discuss how states apply religious freedom, we need to address the process by which religion is defined in the first place. That seems to be the overarching problem preceding many secular issues.

How to rethink secularism and the concept that seems appears so fundamental to articulating this doctrine? We will first look into this issue from the point of view of Japan before taking a wider perspective.

Alternative design for ‘religion’

How could it have been possible for Japan to avoid the problem related to religion ambiguity outlined above? If we go back to the context when the secular articles were written, we remember that the Occupation Forces were aware of the instrumentalization of Shinto and of the cult of the Emperor for nationalism and militarisation. Consequently, their first policy regarding religion was to dismantle State Shinto with the Shinto Directive. To ensure that the state-Shinto connection would not be revived, the Occupation Forces could have specified in the Constitution as well that the state’s restrictions in the religious realm extend to all religions and rituals – including those performed at Shinto Shrines. For obvious historical reasons, that could have been as defensible as it was to target Shinto as in the Shinto Directive. Be that as it may, that still would have clashed with another Occupation policy: to keep the Imperial institution. Indeed, even if Shinto had been a target of secular restrictions, keeping the state’s links with the Shinto imperial institution would have left a major institutional contradiction intact.

Alternative design for the Emperor

As Chapters 3 and 4 showed, the secular paradox that the emperor represents in postwar Japan is a direct consequence of the United States' occupation policy. The Emperor came close to be tried for war crimes, but General McArthur managed to convince his superiors that keeping the Emperor was essential to maintain social order. In the end, as Bellah (2003) put it, "the Imperial Court, conservative political leaders, and the Occupation colluded to change as little as possible with respect to the status of the Emperor" (p. 51). As Bix (2000) and Bellah (2003) both argued, contrary to popular beliefs, the so-called Humanity Declaration did little to mitigate the Emperor's secular paradox as the Amaterasu myth was left untouched. Some scholarship suggests that something in Japanese culture would make it difficult to imagine Japan without the Imperial Household. Robert Bellah's (2003) reflection about the capacity for change in Japanese society is especially interesting in this context. He was quoted before for arguing that Japan is especially gifted for institutional innovation and for borrowing foreign concepts. But not everything changes so easily. As Bellah (2003) put it "foreign culture is endlessly assimilable as long as it doesn't affect the Japanese pattern itself" (p. 192). Thus, we have the Japanese "paradox of continuity and change," with continuity "in the realm of values and the structure of group life," and change "mainly in cultural content and large-scale institutional and organizational forms" (p. 191).

The issue for secularism is that the Emperor sits atop the system of group consciousness and hierarchy. Maruyama Masao likewise stressed the central role of the Emperor. As he put it: "the entire national order of Japan is constructed like a chain, with the Emperor as

the absolute source of value” (Maruyama as cited in Fujimoto, 2010, p. 26). From that perspective, it may seem difficult to imagine a polity without the Emperor; and, because of his intricate ties with Shinto, it may seem impossible to imagine a society without a prominent role for Shinto as well. Hence, this suggests that secularism could clear the way as an imported foreign institution, while its inherent threat to Japan’s fundamental social structure would not. It can be tempting to portray this as the inescapable tension of Japan’s postwar secular regime.

But we should consider the options that were available. Other than dissolving the institution, the Occupation Forces could have let it exist while completely severing its ties to the state. It would have been conceivable, had the Japanese and the Americans chosen to do so, to construct a postwar political community without a formal link between the state and the Shinto imperial system. We should remember, as Dower (1999) emphasized, that the prominence of the Emperor system is relatively new. Prior to the Meiji restoration, few ordinary Japanese thought about the Emperor at all: the Meiji Imperial mystique was “a thoroughly modern creation—a carefully and quite brilliantly executed exercise in forging a modern nationalistic consciousness” (Dower, 2008, para. 8). Importantly, as Mullins (2012a) insisted, this social engineering could only occur through “a major effort of re-socialization,” notably through media and education (p. 66).

This is a reminder that history’s influence on the present is dependent on a process of socialization, and that socialization processes can be altered. The defeat and occupation of Japan in World War II represented a critical juncture with immense opportunities for

institutional transformation. It is plausible that a new national consciousness bereft of State Shinto or of an official role for the Emperor could have taken shape at this juncture. After all, a similar attempt at profound re-socialization was actually carried out with great success by the Occupation's propaganda machine when it promoted democratic institutions. There is no reason to believe that it would not have been possible to extend that reform to Shinto and the Imperial Institution.⁶⁸ But McArthur's policies made the Emperor a permanent reminder that the old order survived. No doubt that cutting the state's ties to the Imperial institution, and wording the secular articles to make sure to cover Shinto, were plausible scenarios that would have drastically altered the course of postwar secular politics.

The religion problem from a broader perspective

The problem of religion and secularism will now be addressed from a broader perspective than the Japan and Shinto-specific dimension, but while keeping Japan's example in the background. This thesis demonstrated that leaving it to the state to define religion poses risks for minorities. This type of problem knows no national boundary, as Sullivan (2005) demonstrated by exploring problems associated with defining religious freedom in litigations in the United States. As she put it, "in order to enforce laws guaranteeing religious freedom you must first have religion" (2005, p.1), however, it is simply impossible to find a definition that satisfies all. In the case of Japan, as Shimazono (2005) remarked, most people with a background in religious studies accept that Shinto is a religion (p. 1085). But, as we know, that has not prevented political entrepreneurs from

⁶⁸ Garon's thesis in "Molding Japanese Minds: The State in Everyday Life" (1997) would support this conclusion.

painting Shinto as non-religion. From a wider perspective, the institutional design solution requires us to outline the constitutive elements of secularism differently.

Addressing the problem of religion from the *religious freedom* perspective, Sullivan (2005) claims that specifically targeting religion is unnecessary, given the inherent definition difficulties, and also because the rights of religious freedom are already covered by other constitutional principles. That is an appealing argument. But that does not resolve the larger problem that secularism has with defining religion. Indeed, secularism targets more than religious freedom, and aims at more than formal equality before the law and non-discrimination. It also has applications in the symbolic realm, where violations can occur without involving formal discrimination, and without preventing citizens' equal access to the justice system. This is the non-coercive, subtler, but no less important aspect that falls into the category that Maclure and Taylor (2011) have referred to as *moral equality*. This implies that citizens should not feel morally ostracized because they do not adhere to the State's connection to a symbolic world that involves deep and divisive themes.

Somehow, the design of the secular regime has to include that aspect, which could in theory be covered by institutional modes of separation. But what exactly are we to separate from the state if not religion? As Taylor put it, secularism is *not* about the relation of the state and religion, "it has to do with the (correct) response of the democratic state to diversity....there is no reason to single out religion" (2011, p. 36-37). Taylor says we should not single out religion, but he does not say to leave the space it

occupies blank. His proposal cannot be understood in the same way as Sullivan's. Something has to be written down, but what? There is no perfect way to solve that conundrum. A potential first step would be to have the preamble of the Constitution or other types of foundational documents explain the broad goals of this institution, for instance, mentioning that its purpose is to unify people around certain values such as democracy, the rule of law, gender equality; and to leave behind divisive references. The crucial point is to englobe the problematic elements that can fall through the cracks if the secular regime exclusively targets only 'religion.' It must be ensured that the formulation could cover, for instance, elements that can be portrayed as 'tradition' and 'culture.' With this in mind, we suggest that the foundational text could specify that:

To the extent required for safeguarding moral equality and freedom of conscience the state (including its representatives) shall not, through its policies or actions promote, support or institute any formal or informal *system of symbols, rituals, writings, teachings or other forms of expressions that relate to (1) the ultimate meaning and purpose of life and death; and (2) the interactions between the living, material and visible world on one hand, and the spiritual, the supra-human, and the invisible world on the other.*

In parallel, the specific mode of separation of the secular constitution or charter, would need to reflect that definition well enough to cover all elements that are problematic in being associated with the state. The part of that formula in italics could essentially replace 'religion' where it is currently found in secular articles. The formula would cover established religions, as well as folk religions, new religions, cults, and spiritual movements. The description above would have clearly captured Shinto and ancestor worship as well as any ritual related to honouring the war dead, including at Yasukuni.

The intention is certainly not to propose a universally applicable formula, or to advocate for the adoption of this formula or the specific ideal-type associated with it. The modest aim of this section is to stimulate an exploration of potential solutions to the religion problem. In this respect, Japan's secular regime provides a good case to reflect on this important comparative discussion.

7.5 Ambiguity 3- the 'separation of religion and politics'

As discussed in Chapter 2, institutions not only have material foundations, they also feature important immaterial aspects such as norms and cognitive scripts. Our emphasis on the importance of ambiguities and institutional design consequently considers these aspects in both the material and immaterial dimensions. We have argued that 'hard' design elements such as wording in a constitution can provide the institution with coherence and strength if they avoid sending ambiguous signals. But if constitutions and the like provide the basic DNA of an institution, immaterial elements such as discourses can breathe life into the institution and form the cognitive script around it. How institutions are named, justified and explained has the power to strengthen a flawed design, just as it can weaken an optimal design. This aspect is crucial to highlight as Japan presents a situation where a sub-optimal 'hard' design was weakened further by factors pertaining to 'soft' design. The first element to consider is the basic expression used to refer to the institutional principle of secularism in Japan: *seikyôbunri*, or the separation of religion and politics.

Secularism is a complex doctrine that has philosophical, legal and political dimensions, themselves comprising equally complex constitutive parts. It enjoys no consensual definition, not even within one region or culture, let alone one that works across multiple regional settings. The difficulties in defining secularism do not only challenge theoreticians, but also governments seeking to build strong secular institutions. This challenge is compounded by the flow of media comments, and even academic debates, that attribute sometimes-contradictory meanings to the institution. Indeed, this thesis has provided several examples of affirmations that secularism, or the separation of religion and state, are under stress in Japan, although few of these explain what exactly these terms refer to. The unpacking of secularism into four distinct constitutive parts that Baubérot and Milot (2011) and Maclure and Taylor (2010) posit is very much appreciated in this context as it provides common referents for discussions.

A crucial component of communicating secularism concerns the very expressions used to refer to the concept as a whole. This thesis proposes that in some contexts, the ambiguous nature of this institution may not only be traced to ambiguities in written legal texts, but also to the expressions that are routinely used to refer to this complex institution. Conversely, it follows that a clear and precise expression, or, at least, an expression that is not misleading, would provide a better basis for debates. An appropriate expression can contribute to the institution's clarity and coherence, and may ultimately even improve its substance.

Scholars have already underlined several problems with secularism and related concepts. Some have pointed at their Western bias or their inapplicability in certain cultural contexts. The impossibility of translating the dichotomy between the secular, religious, and political realms in non-Western contexts is often given in examples (Calhoun et al., 2011). Moreover, as Maclure and Taylor (2011) warned, secular concepts are sometimes conflated, which can lead to the institutional arrangements, such as separation or neutrality, assuming more importance than the values of equality and freedom themselves. Empirical observations in a variety of cultural settings can really enrich this line of inquiry. We must show how such conceptual meandering manifests itself on the ground, and to what effect. Maclure and Taylor (2010) and Baubérot and Milot (2011) have given considerable attention to the tendency or proclivity to emphasize ‘separation’ as an end goal of secularism, but mostly in the context of Western states such as France or Canada. Looking at this aspect from the Japanese point of view should add to the debates, notably in relation to the condition Taylor (2010) refers to as ‘separation fetishism,’ which is closely related to the *separatist secularism* model presented in Baubérot and Milot’s (2011) typology. Regarding the later, Baubérot and Milot’s (2011) stated that the *separatist secularism* model results from a specific historical process of conflict. With the example of Japan, we will show that linguistic factors and translation choices may also contribute to shaping such tendencies.

The expression used to refer to secularism in Japan: *seikyôbunri* (政教分離)

The first step of this inquiry consists of identifying the expression generally used to refer to secularism in postwar Japan. This can be done by looking at parliamentary debates and

at the academic and political party literature. Date (2011) has pointed out that the equivalent of the French term ‘*laïcité*’ is not generally used in the common Japanese language. However, he points out that the constitutive parts of secularism can be found in the Constitution (a premise this thesis agrees with). Date interprets this as a sign that the Japanese constitutional reality is disconnected from the population’s mentality (p. 111). Although it is easy to agree that the French word ‘*laïcité*’ is not usually *directly* transposed in Japanese,⁶⁹ likewise for the English ‘secularism’, one must recognize that a single expression, *seikyôbunri* (政教分離), is overwhelmingly used in discussions pertaining to the political organization of religion and state relations in general. This signals that a concept analogous to secularism does exist in Japanese. It was used as early as in the very first parliamentary debates on secularism prior to the enactment of the Japanese Constitution, and it has been used by the government ever since.^{70 71} The expression is problematic for many reasons, and it taps directly into the discussion relating to the entanglement of the means and goals of secularism. The use of this expression also has different implications in both dimensions of the secular regime.

⁶⁹ i.e., in *katakana*, the phonetic alphabet used for borrowed foreign words in the Japanese language.

⁷⁰ Klein (2012), has come to the same conclusion. He specifies that, “in public and political discourse, [the provisions of Articles 20 and 89] are broadly represented by the term *seikyô bunri* 政教分離, the separation of state and religion” (p. 78). Although I agree with Klein, it will be argued later that the expression *seikyôbunri* better translates as the separation of religion and *politics*, and carries a special connotation because of that. An alternative expression that can be used to refer to secularism, but which has seldom been used, is *seizokushugi* (世俗主義). To give an indication of the frequency of the term’s use, a search using the Japanese Diet’s search engine shows that *seikyôbunri* has figured in 448 parliamentary discussions since 1945, whereas *seizokushugi* has figured in only seven.

See: http://kokkai.ndl.go.jp/cgi-bin/KENSAKU/swk_logout.cgi?SESSION=22424

⁷¹ As an example, here is an official statement by the government that describes the objectives of secularism, using the expression *seikyôbunri* to refer to the doctrine: *The principle of [seikyôbunri] in the Constitution means the government and its agencies shall not intervene or have an involvement in religion to ensure the liberty of religion under the exercise of sovereign right.* (As cited in Komeito, n.d.b)

Before looking at these implications, we will first proceed to deconstructing the many layers of ambiguity enclosed in this expression.

The first notable feature of this expression when one compares it to the English ‘secularism’ or the French ‘*laïcité*’ is their differing levels of abstraction. Whether English or French, the expressions are highly abstract. Someone encountering the word for the first time, in either language, and unfamiliar with the doctrine or its history and philosophy, will simply not be able to understand its meaning. Nothing in the etymology of the expressions will provide hints as to what the expression refers to today. Even a person that understands the Latin or Greek roots of the words (*saecularis*, *laicus*, *laikos*) will be unable to make the connection with the contemporary political doctrine.

In contrast, the Japanese expression is composed of four *kanji*, the Chinese characters used in the written Japanese language. Each of these kanji would be familiar to any educated Japanese. Unlike phonetic written language such as English or French, kanji are ideograms, and express ideas. The breakdown of the four characters is highly important in this context. Each of these evokes a familiar idea to the reader, who can then put them into relation and guess what the combination refers to. A Japanese reader encountering the expression for the first time will not necessarily be able to know exactly what the doctrine refers to, but he or she will automatically be given clues and suggestions about its meaning. In contrast, the French and English ‘secularism’ and ‘*laïcité*’ are neutral in terms of suggested meaning and preconceptions. The reason why this matters is that, in the Japanese case, those suggestions are misleading. Literally, the expression *seikyôbunri*

can suggest ‘the separation between *religion* and *politics*’ or, too, ‘the separation between *religion* and *government*.’

This expression raises two issues. Firstly, taken as a whole, the expression refers directly to the institutional mode of separation of religion and politics (or government), which, in and of itself, opens the door to an overemphasis on the means at the expense of the goals, specifically, an over-emphasis on *separation*. The second issue concerns the two significant ambiguous ideas expressed in two of those ideograms, and which have important implications for the comprehension of the doctrine, which we will address first.

Of the expression’s four ideograms: 政教分離, the third and fourth characters (分離) are straightforward, and simply mean ‘separation’. The problem concerns the other two characters. The first, (教), refers to the concept of ‘religion’ (宗教), which presents a highly ambiguous and malleable concept, as we have already amply demonstrated, notably by showing that many do not recognize that Shinto is covered by it. The second problem concerns the second character (政), which ought to tell us what ‘religion’ should be separated from. As it turns out, it does not do that precisely. Taken alone, this character, pronounced *matsurigoto*, refers to the ancient term for ‘politics’. However, because it is rarely used on its own, one will have to associate it with a compound word made of a combination with other kanji. Of the most likely possibilities, one is ‘government’ (政府), or, more likely, again the concept of ‘politics’ (政治).⁷²

⁷² We can even go one level deeper and note that the two radicals forming the ideogram *matsurigoto* (政) stand for “regulation/ordering” and “ritual”. Which reveals that politics was

Consequently, whereas in English we mostly talk about the separation of religion (or church in some contexts) and *state*, in Japanese, the use of the character (政) rather projects the idea of a separation between religion and *politics* or *government*. Of course, ‘politics,’ ‘government’ and ‘state’ are entirely different concepts. Although the association with ‘government’ is perhaps less frequent, we can nonetheless point out that it would be misleading, as secularism does not only target the ‘government’, but all the organs and institutions of the state, which includes anything from public schools and hospitals to police forces. The more common understanding of *seikyôbunri* as the separation between religion and *politics* is charged in a very different way: separating religion from *politics* evokes a much vaguer and possibly much wider restriction given how vast the realm of ‘politics’ can be understood. What does a constitutional guarantee of separation of religion and *politics* mean? Before addressing how this may affect discourses, we will look at the other issue attached to the expression.

Conflating ends and means

Not only does the expression cast the net so wide as to cover the whole realm of ‘politics,’ it has a built-in proclivity to overemphasize what should be an institutional mode and not an intrinsic value. The expression used to refer to the broad doctrine of secularism is the very same expression used to refer to the *institutional mode* of ‘separation,’ that is, the separation of religion and politics. Maclure and Taylor (2010) warned of problems if the institutional modes assume more importance than the guiding values of freedom and

about governing religious ritual in ancient times. This gives credence to the idea that, historically, politics and religion have been intermingled concepts in Japan (and China, by extension).

equality (p. 30, 34). An over-emphasis on separation, what Taylor refers to as ‘fetishization’, constitutes one common manifestation of this problem. Having the ‘separation of religion and politics’ as the key expression for Japan’s secular regime naturally puts Japan at risk of developing a fetishization of this type. The performativity of an expression is difficult to measure with precision; but looking at the developments in both dimensions through this lens reveals interesting observations. Without exaggerating the effect of this expression, it is safe to say that it has exacerbated contradictions and confusion regarding the objectives of secularism. We will therefore explain in more detail how this has played out in both dimensions, taking the following two issues into consideration; namely the projection of separation as the *end-goal* of secularism, and the restriction of the principle being extended to ‘*politics*’.

We have noted in Chapter 4 how the governing LDP has used what we called the ‘separation card’ as a rhetorical weapon against one of its main political competitors, the Komeito. A so-called constitutional principle of ‘separation of religion and politics’ clearly provides a suitable tool to challenge the activities of a political party that derives its powers from an association with a religious organization. As we showed in Chapter 5, the perceived contradiction between Soka Gakkai and Komeito’s alliance and the principle of Article 20, has been regularly brought up throughout the years. It has been denounced or highlighted, not only by the LDP, but also by other parties, religious organizations, the media, as well as academic commenters, to the point that this contradiction appears self-evident. However, the reality is that there is not a contradiction between the government’s interpretation of secularism and Soka Gakkai and Komeito’s

association. The point being made is that the expression's meaning is charged in such a way that it contributes to that distortion.

To appreciate this, we can conduct the theoretical exercise of evaluating the legitimacy of a religio-political alliance, such as Komeito and Soka-Gakkai's, through the prism of the same doctrine, but with a different emphasis on: (a) the 'separation of religion and *politics*'; (b) the 'separation of religion and *state*'; and (c) the values of equality and religious freedom. Presented as a guiding principle, each of these formulations takes on a different connotation. The first formulation conditions people to believe that the separation of religion and politics is a constitutional requirement, and an end in itself. It lends itself to the strictest interpretation of the legitimacy of religious parties getting involved in politics. It projects the image that religious groups should not be involved in politics altogether. In the case of Komeito–Soka Gakkai links specifically, presenting separation as a constitutional principle lends itself more easily to assumptions of constitutional violation. Formulation (b), in comparison, appears relatively less restrictive. With regards to formulation (c), making the same evaluation of such activities, but with the emphasis on their actual impact on religious freedom and equality, would undoubtedly invite more nuanced and profound reflections.

As Chapter 5 showed, the constitutionality of the Komeito-Gakkai alliance has been called into question on several occasions on the grounds that it simply violated the 'separation of religion and politics' principle. The expression then provides an argument stopper, as Taylor (2010) characterized the consequence of fetishization. Paradoxically,

Komeito and Soka Gakkai have contributed to heightening the significance of this expression by using it themselves to describe the institutional split that it carried out in the 1970s, which was interpreted as a move to conform with the constitutional principle bearing the same name. Komeito referred to the event as the ‘declaration of separation of religion and politics’, or the ‘*seikyôbunri* declaration.’

This affects the coherence of the secular regime in a significant way: It nourishes suspicion regarding Soka Gakkai and Komeito, whereas the government’s interpretation of Article 20’s ‘political authority clause’ makes it clear that religious organizations are allowed to engage in political activities, including, electoral activities, forming political parties, and even having cabinet posts or forming the government. The expression used to refer to the constitutional principle is thus at odds with government policy. We should point out a last effect stemming from the separation expression. As seen in chapter 4, the LDP has worked hard to elevate the status of Shinto while committing officially to the principle they also refer to as ‘the separation of religion and politics.’ At the same time, the LDP has given prominence to that expression by instrumentalizing it to attack Komeito. We can think of the LDP legislators’ backing for the *Society for the separation of religion and politics*, as clearly intending to pressure Komeito, a gregarious example that we covered in Chapter 4. In this context, the LDP’s brandishing of the separation principle appears to be particularly awkward and confusing. This has only strengthened the incentive to place Shinto in a category other than religion, in order to lessen the blatant contradiction between its pro-State Shinto and anti-Komeito stances.

Alternative design for ‘separation of religion and politics’

This ‘soft’ design issue is the result of unsuitable translation rather than cultural limitation. One of the closest analogous Japanese expressions to secularism is probably *sezokushugi*, which, as was mentioned before, is occasionally used to refer to secularism. Literally, its four ideograms refers to something loosely translated as the ‘doctrine of the worldliness.’ It is therefore comparable in its level of abstraction to the French and English expressions ‘secularism’ and ‘laïcité’. It could well have gained common usage today had it not been for the first debates on secularism after the introduction of the doctrine in 1946, which used *seikyôbunri* instead.

When discussing and communicating secularism, referring as much as possible to the values of freedom of conscience and equality that are at stake would seem like the best scenario. When there is a need to refer to the broad principle, however, having an abstract expression bereft of connotations seems better than having one with misleading connotations. In this sense, the English ‘secularism’ or French ‘laïcité’ seem to offer a potential alternative. Baubérot and Milot (2011) have in fact argued for a more universal adoption of the neologism *laicity*, which could also, in theory, be used in Japan, just as ‘secularism.’ On the down side, as the authors themselves recognize, ‘laicity’ is still closely linked to the French experience. Furthermore, neologisms for both laicity and secularism would need to be converted in the Japanese language by using the phonetic katakana alphabet used for foreign words. That would thus emphasize the foreign nature of this institution, which would not be useful. Given this, an expression taken from the Japanese language appears better suited. If not an abstract term, then an expression that illustrates the actual broad goals of secularism, such as the ‘doctrine of civic cohesion’ or

‘the doctrine of social harmony’ could be viable alternatives, although this matter should be left for Japanese linguists. As for the expression that must actually refer to a form of institutional separation, referring to a separations from the *state* would seem more appropriate than to *politics*.

To conclude this segment, regardless of the expression used to refer to secularism, we should stress that the strength of the regime would still be dependent on the government’s efforts to refer to the doctrine in a principled and consistent manner. The case study has provided an example of the inherent risks of the politicization and instrumentalization of secular debates and controversies. A significant challenge for every secular state is to find the proper settings and forums to discuss these issues. As the Committee created in Japan to discuss reforms of the Religion Corporation Law demonstrated, institutional entities that should, in principle, be neutral can quickly become partisan, and exacerbate the very divisions that secularism is supposed to lessen. Even neutral and principled discussion forums can magnify and aggravate secular tensions and increase stigmatization.⁷³ This problem is inherent to an institution whose very goal is to manage emotional and divisive issues.

Conclusion

The new-institutionalism literature has fulfilled two broad purposes in this thesis. Crucially, it helped us look beyond history and culture for explanations pertaining to institutional design, more specifically by focusing our attention on the impact of certain

⁷³ The 2007 Québec *Commission de consultation sur les pratiques d’accommodement reliées aux différences culturelles* may provide such an example. See Maclure and Taylor (2010).

ambiguities. It also proposed mechanisms that helped to understand the broad dynamics of change and resilience within the regime. The comparative-secularism literature, for its part, helped situate the case of Japan in a broader context of challenges affecting secular states, in addition to providing the material used to develop a typological framework for defining and assessing a secular regime.

This chapter has compiled the elements of institutional design that have played a significant part in shaping the tensions, confusions, and lack of substance of the regime. The ‘hard’ design factors included the political authority clause, the use of the term ‘religion,’ as well as the role given to the Emperor. The ‘soft’ design factors centered on the expression used to refer to the principle of *seikyôbunri*. For each of these, we have identified plausible alternatives: withdrawing the political authority clause, avoiding the exclusive focus on religion, singling out Shinto, and using another expression to refer to secularism. We also found that a foundational text clearly describing the ends and means of secularism was part of the solution in almost every aspect. This thesis will have succeeded if these elements have convinced the reader that the hollow and convoluted outlook of Japanese secularism was not preordained by cultural or historical conditions; but rather that institutional design choices have played a significant role in shaping that outlook.

Chapter 8: CONCLUSION

Although sudden shifts to secularism, such as what Japan experienced in 1946, are rare historical occurrences, the Japanese case has lessons not only for states where such transitions are foreseeable, but also for those facing similar secular tensions. The Japanese case can especially contribute to the debates about the challenge of introducing secularism in non-Western societies – notably where the notions used to articulate secularism, such as the religion–state dichotomy, are either absent or lack deep cultural and historical roots. It also contributes to a reflection on the challenge posed by religio-political organizations in secular democracies, especially where groups integrate their particularistic worldviews in their political platforms.

We have seen that the introduction of secularism in 1946 represented a complete institutional transformation for Japan, given the state's thorough co-option of religion in the pre-war period. The critical juncture at the end of the war indeed presented several conditions favorable for the development of a new set of democratic rights. Nonetheless, what we observed in the postwar period is that, while the state has maintained its endorsement of the secular doctrine, its rules and applications have lacked clarity and coherence. More importantly, evaluated on the basis of the ideal-type used in this thesis, we concluded that it has fallen short of fully protecting freedom of conscience and moral equality, the core values of secularism. In other words, secularism has become the only game in town, but the rules of the game are neither fair nor completely clear.

Although it is tempting to blame the strains in Japan's secular regime exclusively on historical and cultural barriers, the thesis highlighted that, although the differentiation of the religious, secular, and public realms might not have been reflected in the traditional Japanese worldview, that cultural feature was not certain to make secularism dysfunctional. To the contrary, this thesis has demonstrated that crucial factors pertaining to institutional design played a significant role. Indeed, we linked the stresses of the regime to simple institutional design choices that were taken in drawing up the Constitution some 70 years ago. One important lesson to take from the Japanese case is that it is important to recognize and compose with such cultural and historical barriers when developing secular institutions. What follows is a run-through of the process that led to these conclusions.

Approaching the Japanese case

Throughout the world, attempts at fostering civic unity are being undermined, on one hand by the absolutist goals of religio-political movements, and on the other, by states' construction of identities that are projected onto citizens. In many cases, these challenges lead to conflicts that can take decades to heal. Asia has been no exception. In this general context, the Japanese case was approached with the expectation of finding, perhaps not an oasis of liberal secularism, but at least a state that had overcome or avoided some of the more acute challenges confronting some of its Asian neighbours. For one thing, Japan is often said, to display relatively low levels of religiosity, and its different religions are often deemed to compose a syncretic and harmonious whole. Furthermore, factors commonly accused of compounding the difficulties of secular regimes, such as high

immigration and ethnic heterogeneity, are not as visible in Japan. To complete this picture, Japan is often referred to as having “high walls of separation” entrenched in its democratic Constitution. All these factors thus suggested ripe conditions for the presence of strong secular institutions.

Appearances, however, concealed a more complicated picture. Some of the literature suggested that Japan was indeed experiencing two broad sets of challenges: the state’s privileged treatment of Shinto, and tensions created by a powerful religio-political movement composed of the Soka Gakkai Buddhist organisation and the Komeito party. The review also revealed that a number of authors seemingly downplayed the importance of religion in contemporary Japanese politics, as if the strict textual separation of the Constitution was neatly reflected in everyday politics. What appears to be the major factor explaining the divergence of opinion is the significance that authors attribute to State Shinto symbolism; some authors see mere expressions of vestigial links, others a more problematic set of norms projected by the state. The specialized literature on religion and politics in Japan has covered these issues in great detail, but it shares with the broader comparative-secularism literature the following three shortcomings.

Firstly, the focus in the literature has tended to be on specific controversies in either dimension of the regime without attempting to provide a large picture or to examine the links between different facets of the regime. Secondly, when the literature suggests that something is wrong with secularism in Japan, few concrete explanations are given for how individual controversies affect secularism. Many authors underline, for instance, that

Soka Gakkai and Komeito or state patronage of the Yasukuni Shrine pose challenges to the secular constitution, but few explain how and why. The absence of working definitions of secularism in the literature surveyed is also symptomatic of a generally unstructured approach to the study of Japanese secularism.

Thirdly, when referring to the multiple challenges affecting Japanese secularism, it is often suggested, more or less explicitly, that historical or cultural factors are to blame; namely, the West's imposition of religious freedom in the Meiji era, the perversion of this same notion in the Meiji Constitution, the process of 'imperialist secularization' that introduced secularism in 1946, and, crucially, the absence of an independent realm of religion in the traditional Japanese worldview. Calhoun et al. (2011) emphasized that it is difficult in some cultures to "differentiate religions from culture, ethnicity, national identity, or a variety of other concepts constructed in secular terms" (p. 18). Transposed to Asian countries such as Japan, the problem of differentiation is said to result in political institutions masking a "religious spirit" (Madsen, 2011, p. 249). The picture emerging from the literature thus suggests that the tensions of Japanese secularism were somehow conditioned by cultural limitations and historical factors. Though these cultural factors are important to consider, insufficient consideration has been given to institutions. The problem of differentiation between the religion, secular, and state realms obviously complicates the deployment of secularism. But that is only true to the extent that the institution of secularism is not adapted to that reality.

The institutional angle taken in this thesis reflects a bias towards the idea that traditions are malleable; the reasons making secularism relevant and functional are not predicated upon cultural DNA, and institutions have the power to increase or diminish the possibilities for secularism. The thesis also highlights that many concepts can get lost in translation when institutional models are transposed from one culture to another, as Laliberté (2013) noted had been the case in other East Asian states. This thesis approached the problem of cultural barriers from the basic premise that, under the right conditions and with time, any state has the *possibility* to integrate secularism into its political culture, regardless of the doctrine's historical or cultural origins. I hope to have convinced readers that the critical juncture at the end of the war presented a genuine opportunity for such institutional innovation in Japan.

In spite of the occasional over-emphasis on cultural factors, the literature provided comprehensive details about different facets of the regime and essential material for the construction of this thesis. More importantly, it revealed a feature worth investigating. The idealized portrait of Japanese secularism was inaccurate: a homogenous and non-religious society with high walls of separation did not guarantee complete social harmony. Clearly, a diversity of opinions on the proper place of religion in politics has complicated secular politics in Japan. With this in the background, the first objective of the thesis was to provide a comprehensive empirical description of secularism in postwar Japan. The period covered by the thesis being extensive, we chose to concentrate on the political parties and religious organizations most involved in the bulk of secular issues. To facilitate the analysis, we conceptually divided the secular regime according to the two

main sets of restrictions encompassed in Articles 20 and 89 of the Constitution: those relating to the political activities of religious organizations, and those on the religious activities of the state. This approach was bound to be restrictive, and this analysis would have benefited from an even broader look at issues and opinions of civil society groups and the Japanese media. A continuation of this thesis could thus expand the analysis to a wider set of actors, including immigrants, who are relatively few but nonetheless affected by Japan's secular policies.⁷⁴ In spite of its restricted scope, the thesis can provide a valuable portrait of the main dynamics at play in both dimensions of the regime, with attention given to the interactions between the two.

8.1 The three pillars of a consolidated secular regime

The empirical objective required not only exposing the sources of tensions, but also showing concretely how these different issues impacted the institution of secularism. Ultimately, the goal was to ask whether Japan should be considered a secular state, and, if so, to specify what kind by referring to an ideal-type. The starting point to construct this method was thus to present a working definition of an ideal-type of secularism, which was based primarily on Maclure and Taylor (2010) and Baubérot and Milot's (2011) work. While several authors discuss secularism without thoroughly defining the concept, these four authors have provided a clear definition by breaking down secularism into four constitutive parts, thus greatly facilitating comparative analysis. Based on it, the thesis presents the following definition:

⁷⁴ See Date (2015) and Dufourmont (2014) on the subject of secularism and the Muslim community in Japan.

Secularism is a doctrine that promotes freedom of conscience and moral equality with a view to facilitating social harmony, while not denying the existence of many potentially incompatible beliefs found in society, and rejecting the forced homogenization of beliefs and all forms of inter- and intra-religious domination. The core values of freedom and equality are maintained by institutional modes of state neutrality and separation of beliefs and state.

Emulating Maclure and Taylor (2010) and Bhargava (2010) in particular, the framework to evaluate Japan's secular regime centered on the state's capacity to protect the secular values of equality and freedom. This method was chosen over other ones that focus, for instance, on the assertiveness of the state. To this aspect, we added two empirical dimensions: clarity and institutionalization. Clarity referred to the extent to which there is a shared understanding of the rules, and institutionalization referred to the normative entrenchment of doctrine in the cognitive script of the population, as well as the presence of formal legal safeguards. The analysis of institutionalization, clarity and the protection of values provided not only a picture of the current situation, but also an indication of the extent of the regime's consolidation.

Having developed a framework to assess secularism empirically, the second objective was to put together a theoretical toolkit to help us explain the empirical outlook. The comparative-secularism literature provided a number of theoretical ideas and observations that have enriched this analysis, notably about the role of culture and history, as already mentioned, as well as reflections on the concept of civil religion and on typologies of secular states. For its part, the new-institutionalism literature brought to our

attention the context in which decisions were taken, examined through the lens of *critical junctures*, thus awaking us to the possibility that decisions taken at the end of World War II may have conditioned the developments afterwards. It also suggested several mechanisms to explain the patterns of resilience and change of the regime. More broadly, this literature provided the initial inspiration to take the direction of institutional analysis. Together, the two bodies of literature allowed us to put into perspective the importance of institutional design, ambiguity, and cultural and historical barriers to secularism. This helped generate one of the central hypotheses of the thesis, namely that the main tensions of the regime could be traced back to the drafters' decisions taken while drawing up the Japanese Constitution: their use of the term 'religion' as well as the 'political authority' clause. Another hypothesis brought into focus the immaterial side of institutions. We proposed that elements relating to the 'soft-design' of the regime, namely the expressions used to refer to secularism, as well as the way the principle is explained and communicated has the power to influence institutional developments.

Our empirical analysis led us to the conclusion that nearly seven decades after its introduction, and in spite of numerous challenges, secularism has become a legitimate political doctrine in Japan. But we also saw that significant confusion remains as to the understanding of the basic rules and restrictions in both dimensions. The legitimacy of the political activities of religious groups is still questioned, as is the state's incursions in the religious realm. We also remarked that the very expression used to refer to secularism was particularly ill-suited, and had contributed to the confusion: The expression translated as 'the separation of religion and politics' suggests an overly restrictive

understanding of secularism, which is also at odds with some of the state's actions and official statements. As the analysis of critical junctures demanded, we have also identified alternative institutional design solutions that were available and considered by its designers, and argued that opting for them could have led to drastically different outcomes.

Regarding the substance of secularism, we noted important instances of violations of freedom of conscience. We also concluded that a chasm separated those who endorse or tolerate State Shinto practices and those who do not. Having a Shinto Emperor as symbolic Head of State was a major factor contributing to the regime's convoluted logic. We also noted that state officials and judges had been given the difficult responsibility to define what constitutes a proscribed religious act rather than an act of social courtesy. This revealed that court judgments, taken over the years, both legitimized secularism as a doctrine and contributed to constructing a conservative and majoritarian vision of Japanese identity, which, in the end, appears inseparable from Shinto. The actions taken in parallel to this, by Japanese conservatives or the Shinto establishment, only reinforced this dynamic.

8.2 The quest for non-divisive symbols

As the Japanese case exemplified, the challenges that confront secular states often seem to revolve around a quest for non-divisive symbols. As Bouchard (2015) argued, in order to develop and function, all societies must rest on common symbols, stemming from language values, beliefs, identities or traditions. Even in those societies most respectful of

rights and the rule of law, dominant majorities tend to project, what Bouchard refers to as an order of precedence towards founding cultures. Bouchard pronounced these words while commenting about North America, where “founding cultures” refers to the people of European descent, who have ascendancy over people that have come in later waves of migration, or the aboriginal cultures that were already there. Transposed to Japan, the same rapport exists between the ‘mainstream majority’ of Japanese, and the indigenous Ainu people, people from Okinawa, other minorities such as ethnic Koreans and Chinese, not to forget the group of international immigrants. To be cohesive and fulfill their function, Bouchard specifies, the symbols that society needs must stop short of creating a hierarchy between the majority and minorities. For this, he argues we need clear criteria to avoid excesses. The challenge therefore, for the state as well as for religio-political movements aspiring to govern or to influence government, is to refrain from crossing the line that separates benign symbolism from divisive politics. For researchers, this involves empirical, methodological and theoretical challenges. I would like to end with reflections on these.

To begin with the empirical and methodological dimension, the first issue is to identify the divisive symbols that have an impact on secularism. Taylor (2011) specified that states could maintain vestigial links with religious symbols without creating problems from the point of view of secularism, citing the United Kingdom and Scandinavian countries as examples. At first glance, Japan could well be depicted in the same way. But the line is indeed difficult to trace. The best way to conduct this analysis seems to be to follow the example of Taylor and Maclure (2010), and Bhargava (2010), and examine

events and symbols while asking what their concrete effect on freedom and equality could be. Crucially, as Mullins (2012a) did in his own analysis of public religion in Japan, events and symbols must be examined as a collective ensemble. This implies that only an in-depth contextual analysis can provide those answers. What differentiates Japan from the United Kingdom may be subtle, and linked to aspects that may, on the surface, appear to have nothing to do with secularism. In the case of Japan, what made elements of State Shinto problematic and divisive was mainly their connection to war memory issues. Without these, it is quite possible that State Shinto and its connection to the Emperor could be compared to the ties between the church, the state, and the monarchy in the United Kingdom or other Scandinavian countries.

Turning to the theoretical part of the reflection, the challenge for aspiring liberal secular states is thus to identify divisive symbols that are *optional* in the daily practice of politics, and better left aside. Although deploying divisive or religious symbols can be tempting for a number of reasons, avoiding them does not necessarily diminish the capacity of the state and its institutions, politicians, and jurists to fulfill their duties. One can justify any policy, from the adoption of a minor law to the decision to go to war, without invoking deeper reasons or using religiously charged language. The proof is that secular politics are being practiced everyday all over the world, with countless laws, policies and state activities carried out without any reference to comprehensive visions of fundamental truths.

If states should refrain from using disruptive symbols, the same should be asked of religio-political groups. The Japanese case study showed what happens when a religio-political group manages to abide by the letter of the secular constitution while violating its spirit, and this, to the detriment of social harmony. This type of challenge is not limited to Japan. For instance, the challenge that Soka Gakkai and Komeito presented in Japan was presented in India by the BJP and its supporting religious organizations. There are numerous examples throughout the world, not only of problematic cases, but also of political parties that identify with one specific religion, but which have secularized their political message. To quote Bhargava (2010) on the responsibility of religious groups:

As long as religion is publicly significant, a democratic state simply has to take it into account. Indeed, institutions of religion may influence individuals as long as they do so through the same process, by access to the same resources, as anyone and without undue advantage or unduly exploiting the fears and vulnerabilities that frequently accompany people in their experience of the religious. (p. 105)

The question is, how can states and religio-political movements be encouraged to leave out divisive symbols? The challenge with encouraging such restraint is that the state or religious groups can deploy divisive symbols without contravening any law or even formal constitutional and secular restrictions. Indeed, an important category of secular violations does not involve coercion, or discrimination, or the use of public funds, or denial of equal access to justice. These violations involve purely symbolic gestures that can signal preferences for one belief system, and which can have strong normative connotations. Somehow secular rules must address this type of action, and encourage the state and religious groups to restrain from using divisive themes. But if formal legal or

constitutional restrictions cannot cover this, what will? There is no miraculous way of bringing this about, but institutions can be part of the solution. The ideal is to have restraint, with regards to the use of divisive themes, become part of the political culture, to the same extent that democracy, the rule of law, or sexual equality can be.

If a formal secular restriction cannot instil such a spirit, then having the ideals and goals of secularism clearly outlined in foundational texts—such as secular charters or constitution preambles—can only be a good start. Afterwards, hopefully, principled actors from the state and civil society will refer to and defend those principles, and, with time, entrench them in a society's cognitive script. It would be worth exploring how public policies have either helped or hindered the quest for non-divisive symbols in comparative studies, and see what encourages states and religio-political group to shed their divisive and particularistic themes and adopt inclusive secularized language. We saw that in the case of Japan, that was the path chosen by the Komeito party, but through a process that was far from smooth. The Japanese state, for its part, seems to be going in the opposite direction. It is worth investigating further the institutional factors that can intervene in such processes.

Whether through formal or informal rules, somehow the principles of secularism must be communicated. In this respect, the thesis has forcefully demonstrated that referring to the category 'religion' creates significant challenges. The term is simply too vague; as Sullivan put it, "constitutionally speaking, religion is whatever an individual says it is" (as cited in Rice, 2005. para. 9), while states have a tendency to paint religion in secular

terms. In that context, it seems that there is a consensus to the effect that singling out religion in secular rules is not optimal. As Eisenberg and Kymlicka (2011) have noted, letting state officials define religion and determine what is a legitimate secular practice, can lead to a secular regime being tailored to the needs of the dominant class. This is precisely what we encountered in Japan.

Discussing religious freedom specifically, Sullivan (2005) suggested that because it is nearly impossible to define religion in a way that satisfies everyone, it would be better to simply exclude specific provisions targeting religious freedom, as other constitutional provisions can cover religious freedom issues. Unfortunately, this does not apply to secularism as a whole. Specific secularism guidelines are needed, as the state needs orientations to implement the institutional modes of neutrality, which are bound to be required. Furthermore, in order to foster the type of culture of restraint with regards to divisive symbols, one must be able to give a name to the issues at stake. Hence, we need to express state neutrality in respect of something, but not religion, and it is not entirely clear what should replace it.

In this context, it appears as though one must aim at reaching beyond the ‘religion’ category to identify more broadly the set of elements that must be left out. The net must be cast wide enough to encompass elements that can easily be portrayed as ‘tradition’ or ‘culture’, as well as belief systems such as atheism, and even the somewhat elusive and transcendent elements said to be predominant in East Asia cultures. The thesis proposed

formulas to stimulate debates in that respect, but this reflection would need to be extended in a comparative setting.

Eisenberg and Kymlicka already highlighted that public institutions have the power to exacerbate secular tensions by promoting majoritarian views of identities. However, these authors also suggested that the same institutions had the power to counter processes of essentialization, and encourage more inclusive practices of identity politics. The question is how to encourage public institutions to do the latter. An issue that needs more exploration concerns the proper venues for discussing secularism in general, be it from the point of view of legal reform, drafting foundational texts, or addressing specific sources of tensions. It is not clear what public structures and institutional settings are best suited to foster principled and neutral debates pertaining to secular issues. The nature of these discussions is inherently emotional and divisive, and easy to instrumentalize, as this thesis amply demonstrated. Examining how different secular states manage this particular challenge could be another promising line of research.

The thesis worked with the premise that no fundamental difference separated the Japanese people from others with respect to the relevance and function of a secular regime. That proved valid, as now Japan clearly faces challenges similar to those experienced by several secular states throughout the world. The Japanese traditional worldview may be unique, and cultural barriers may exist, but they must not be treated as fixed. Furthermore, the capacity of institutions to adapt to diverse cultural realities must not be underestimated. One of the most stimulating discussions in comparative politics

addresses the potential contribution of secularism to social cohesion. It is hoped that this thesis strengthens the idea that rethinking secularism implies rethinking institutions, and that the case of Japan can contribute to that reflection.

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APPENDIX

(Full transcription of Committee's minutes)⁷⁵:

7. As originally written Article XIII not only guaranteed freedom of religion but expressly forbids all ecclesiastics from political authority of any kind. The Steering Committee questioned both the wisdom and the practicality of the latter provision. Colonel Kades objected that the denial of political activity to ecclesiastics involved the denial to them of freedom of speech and press as well. A special prohibition of this kind has no place in a Constitution which should be a Bill of Rights, rather than a Bill of Restrictions.

Colonel Roest stated that this Article was designed to prevent the abuse of spiritual authority to political ends. Japan has been a priest-ridden country for generations, and political tyranny has been reinforced by the threat of spiritual punishment. It must be clear to the Japanese that no political authority is attached to any ecclesiastical organization. Commander Hussey agreed that people are persuaded to political action by the authority of the church, but pointed out that this is a matter of individual conscience, unlikely to be corrected by constitutional provision or statutory law. The further provision that "no religious body will be recognized as such if under the disguise of religion, it should stir up and practice antagonism to other or should weaken instead of strengthen public order and morality" could be used to justify the suppression of any religious sect because it might disturb the established public order. On the one hand the

⁷⁵ The full minutes can be accessed in their original format here:

http://www.ndl.go.jp/constitution/e/shiryō/03/002_22/002_22_0191.html ("Ellerman Notes on Minutes of Government Section," 1946). Those related to the political authority clause have been transcribed in Inoue (1991, p. 127).

Drafting Committee forbids ecclesiastical penetration into politics but in the other, it condones state interference with religion.

The article was shortened and amended by the Steering Committee to read as a straight forward guarantee of freedom of religion and the separation of church and state.