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Reclaiming Negative Space: Towards an Anthropology of Secularism in Japan

A Thesis submitted in partial satisfaction of the
requirements for the degree Master of Arts
in East Asian Languages and Cultural Studies

by

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ABSTRACT

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Cade Douglas Bourne

In 2003, anthropologist and theorist Talal Asad published *Formations of the Secular: Christianity, Islam, Modernity*. This influential work presents a genealogy of “the secular,” the dialectic nature of that genealogy *vis a vis* that of the set of knowledges, sensibilities, policies, and affects that constitute the modern, and a response to the eminent philosopher, Charles Taylor’s “Modes of Secularism” (1998). Asad focuses the project by asking, “What is the connection between the secular as an epistemic category and secularism as a political doctrine? Can they be objects of anthropological inquiry? What might an Anthropology of secularism look like?”¹

This thesis attempts, in a preliminary fashion, to address the questions put forth by Asad within the context of the social, political, and religious landscape of contemporary Japan. Having noted a reductive tendency among certain scholars of Japanese religion and culture² to apprehend the secular through simple negation of the religious, my purpose is to begin to problematize the construction of “secular” as a valid and encompassing category through a

¹ Asad, *Formations of the Secular*. Kindle Loc. 48

² An exchange in the Electronic Journal of Contemporary Japanese Studies between Timothy Fitzgerald and Ian Reader exemplifies this point. (<http://www.japanesestudies.org.uk/discussionpapers/Fitzgerald3.html>)

detailed investigation of the conditions and consequences that pertain to secularism as a political doctrine in contemporary Japan. This thesis will show that Japan's project of secularization is mediated by a complicated politics of memory relating to categories of conflict and national identity. Through a close historiographic analysis of primary and secondary source material related to court cases, legislation, and the political and social issues surrounding Yasukuni Shrine, I propose to articulate "the secular" as a dimension of modernity that acts not in opposition to, but in dialogue with, "the religious." Put simply, the project seeks to develop a framework of central concepts and conditions from which Asad's exploration of the potential for an "Anthropology of secularism" might be extended to Japan.

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I. From an Anthropology of Secularism

Early in *Formations of the Secular: Christianity, Islam, Modernity*, Talal Asad proceeds into his inquiry on the form and content of the secular as a distinctive feature of modernity by establishing a categorical distinction between the political doctrine of *secularism* and *the secular* as an epistemic category. For the purposes of the present discussion, the secular is best apprehended as a nexus of discourses, knowledge, and models of self-fashioning that are centrally located in modernity and act within institutions, groups, publics, counter-publics, and individuals to produce sensibilities and dispositions that are unique to the modern within which these factors converge. The secular is not the barren space devoid of religion, or, as Michael Warner explains:

People often tend to think of secularity simply as the absence of religion, not something in itself. Or they think of it mainly as a strong separation between church and state – creating again a zone of absence. These two conceptions of secularity are central to the standard sociological story of secularization and the standard public usage of the word ‘secular’.³

As opposed to representing a negative space, where the only distinguishing characteristic is the displacement of the religious, the secular represents a space wherein movements and ideas, generated in Japan and elsewhere, and whose origins trace back much farther than modernity emerge as epistemic tools to fashion the modern actor into a subject that is capable of repositioning the distinctions between public and private in relation to

³ Warner, *Varieties of Secularism in a Secular Age*, p.8

themselves. Alternatively, we might understand the secular as one technology by which the modern emerges as an arrangement of the public sphere that allows for (among other things) the designation of “the religious” as a category and an object that can be shifted into the realm of private reason.

An Anthropology of Secularism

Asad crafts his principal line of inquiry by asking, “What is the connection between the secular as an epistemic category and secularism as a political doctrine? Can they be objects of anthropological inquiry? What might an Anthropology of secularism look like?”⁴ When Asad mobilizes the concept of an “Anthropology of the secular,” he takes a broader view of the scope of anthropological inquiry. He writes: “In my view anthropology is more than a method, and it should not be equated—as it has popularly become—with the direction given to inquiry by the pseudoscientific notion of ‘fieldwork.’”⁵ With this in mind, he articulates the distinctive labor of modern anthropology as being a “comparison of embedded concepts (representations) between societies differently located in time or space. The important thing in this comparative analysis is not their origin (Western or non-Western), but the forms of life that articulate them, the powers they release or disable.”⁶ This position is among the factors contributing to my reliance upon Asad’s work. Further, in *Genealogies of Religion* (1993) Asad develops the idea that “religion” as it has come to be understood in the west, evolved in a specific regional and temporal context and posits the universal application of the term as problematic. These works underpin the assumptions that

⁴ Asad. *Formations of the Secular*. Kindle Loc. 48.

⁵ Ibid. Kindle Loc. 323-324.

⁶ Ibid.

inform this thesis. Asad encourages anthropologists to reflect first upon the extant and potential discursive spaces wherein secularism emerges as an object of anthropological inquiry. It is my contention that reflection in the fashion suggested by Asad is a necessary and hitherto incomplete step in the construction of an anthropology of secularism in Japan. Further, Asad's work urges us to understand the secular as a confluence of political, legal, and religious discourse that results in particular affects, sensibilities, and models of/for self-formation that shape social life in the modern liberal state. Asad's work highlights the discursive conditions for, and outcomes of, the development of the secular within and between particular cultural contexts. In the case of Asad's work, he focuses broadly on the United States, Europe, and the Middle East. This thesis is an attempt to construct the preliminary framework that might extend that same analytical exploration to Japan.

Each cultural context contends with a set of conditions both shared and unique that contribute to the formation of a secular. However, Japan is a particularly interesting case. While the conceptual and legal framework for a modern liberal state was being developed during the Meiji period (1868-1912), the trajectory of that development took a sharp turn with Japan's surrender to the Allied Forces at the conclusion of the Asia Pacific War in 1945. It was at this point that policies and practices in development leading up to the war were subsumed into those mandated by the Allied Forces as a condition of surrender and through the period of occupation. As a distinctive feature of the modern liberal state, secularism in Japan has likewise experienced a unique developmental trajectory. The experience of defeat and occupation in Japan and the degree to which religion was complicit in this experience creates a tension between contending narratives of memory that I will argue has had a significant impact on the project of secularism in Japan. In discussing the

conditions for the formation of a secular, Asad draws on the writings of Charles Taylor and John Rawls to discuss the concept of overlapping consensus in relation to the establishment of an independent political ethic. The development of these concepts is substantially mediated by memory. It is for that reason that Asad's work takes on specific relevance to an exploration of the discursive spaces in Japan wherein secularism can be identified as an object of anthropological inquiry in a context where conflicting narratives have such a tangible presence in social life.

Overlapping Consensus and an Independent Political Ethic

In *Formations of the Secular*, Asad makes substantial reference to the writings of Charles Taylor in the service of constructing a unique Foucauldian genealogy of the secular. In following Taylor, Asad believes that one of the principal endeavors of secularism in relation to the development of the modern liberal state is the establishment of a political ethic that transcends categories such as race, religion, and class and adherence to differing ideological modalities. In essence, the task is to evoke a system of value and governance that transcends the divisive nature of the often pluralistic religious landscape of modern nation states. Asad writes: "What is distinctive about 'secularism' is that it presupposes new concepts of 'religion,' 'ethics,' and 'politics' and new imperatives associated with them."⁷ In this way, secularism is necessarily a component of this independent ethic. For both Asad and Taylor, these imperatives form the backbone of the political strategy of the modern liberal state, and for that reason, secularism becomes an integral part of the development of such states. However, Asad and Taylor part ways at the notion that secularism acts within

⁷ Asad, *Formations of the Secular*, Kindle Loc. 58

the institutional structures of those states in similar and predictable ways. Highlighting the diversity of categories of secularism, Asad writes that “it is closely connected with the rise of a system of capitalist nation-states—mutually suspicious and grossly unequal in power and prosperity, each possessing a collective personality that is differently mediated and therefore differently guaranteed and threatened.”⁸ A distinctive feature of Asad’s formulation is his emphasis on the idea that the establishment of an independent political ethic should not justify a reductive model that fails to account for the historical, political, and cultural specificity within the modern states in which this ethic becomes necessary. Further, it allows Asad’s ideas a flexibility that aids in the process of articulating the development of secularism within the pluralistic religious landscape of Japan.

For Taylor, the most direct route to this independent political ethic is through the establishment of the Rawlsian concept of *overlapping consensus*.⁹ An overlapping consensus occurs when members of a society can subscribe to something like an independent political ethic despite adherence to often contrasting normative doctrines. These doctrines include areas such as political ideology, morality, and religion. This manifests as a condition by which social actors can adhere to a principle or set of principles while maintaining a multiplicity of often conflicting beliefs. For Rawls (and by extension, Asad and Taylor), a primary feature of the idea of overlapping consensus is the relationship between “foreground political principles” and “background understandings.” Whereas “foreground political principals” represent a shared political conception of justice, the “background understandings” represent the structures of moral judgment within and

⁸ Ibid. Kindle Loc. 149

⁹ “Overlapping Consensus” is a term popularized by political philosopher, John Rawls in *A Theory of Justice* (1971) and *Political Liberalism* (1993)

between groups of discrepant doctrinal orientation that emerge as grounds for the public negotiation of the political judgment in question. In the Rawlsian conceptualization of the idea, this relationship need not be particularly intimate, a point that Taylor takes issue with. Asad, on the other hand, takes issue with the idea as it relies heavily on the supposedly direct-access nature of the liberal democratic system. Asad suggests that due to the increase in influence of interest groups and the labyrinthine nature of bureaucracy, the distance between citizens and their appointed representatives has become substantial. However, Asad finds utility in the idea of overlapping consensus as more of an object of political strategy and the means by which core political values are enforced through violence and its regulation. Overlapping consensus is useful as an analytical tool by which to examine the influence of secularism in certain public domains. It is of particular utility when thinking through the influence of secularism on the political, social, and religious landscape of Japan as I attempt later on.

The conditions for the establishment of an independent political ethic and an overlapping consensus in Japan and the extent to which that process is mediated by memory form the body of this thesis. I invoke these concepts in particular as both Asad and Taylor find utility in their use, and they mark the conceptual entry point for understanding the set of conditions by which a “secular” might be understood in Japan. It is possible that some of philosophical and political baggage that this term entails might hinder understanding the religious topography of Japan. However, my position is that the term is heuristically productive, provided that certain localized considerations are integrated.

The Politics of Memory

What does memory demand in relation to the construction of the national imaginary? How do the politics of remembrance as well as the affects and subjectivities that it mediates, come to figure prominently in the project of establishing an overlapping consensus? More poignantly, what is the relation between memory and the project of secularism in modern Japan? I argue that these considerations should be foremost in any endeavor that may be called an “anthropology of secularism” in Japan. Further, these conditions, which account for the distinctive nature of Japan’s religious, social, and political history, underscore the contention that Japan’s project of secularism contends with unique circumstances. I propose that it is not useful to reduce the project to the status of being a byproduct of a generalizing formulation of the modern, a measured removal of the religious from the public sphere, or the vacuum left by religion’s absence.

In an anthropological endeavor that must navigate issues related to memory in Japan, the anthropologist ought to begin with the understanding that in the largest global conflict to date, Japan suffered a devastating defeat followed by humiliating occupation. In Akiko Hashimoto’s incisive work, *The Long Defeat: Cultural Trauma, Memory, and Identity in Japan*, she begins by detailing her experience as a child growing up in Tokyo in the 1960’s. She writes:

As children we did not know how the Asia-Pacific War came about, or what exactly to make of it, but we understood that it was the single most destructive ordeal that the adults had experienced. Something dreadful had happened. Early images and

perceptions like these would ultimately color our understanding of the war as a national trauma.¹⁰

Issues arising from the historical narratives and ways of remembering the conditions and consequences of the Asia Pacific War continue to haunt many aspects Japanese social life. Hashimoto points out that the tensions surrounding issues of accountability and stigmatization result in divisive narratives, rhetoric, and subjectivities. Further, this tension remains due to a continued experience of defeat. The experience of defeat by the Japanese people did not end with surrender, occupation, or the death of the Shōwa Emperor Hirohito. The experience continues today as there yet remain a number of unresolved issues stemming from the defeat on national and international levels. In seeking evidence of the enduring experience of defeat, one need look no further than the charged debates regarding the status of “comfort women,” the continued controversy surrounding official visits to Yasukuni Shrine, territorial disputes involving China and Russia (among others), attempts towards historical revisionism in textbooks, and the ongoing movement to remilitarize.

How do these considerations affect discussions of overlapping consensus, an independent political ethic, and the project of secularism? Asad maintains that “The modern nation as an imagined community is always mediated through constructed images.”¹¹ With regard to an establishment of an overlapping consensus or an independent political ethic, no set of images have been more dynamic and controversial than those mediated by means of the shifting historical modalities of Shinto. Throughout the Meiji Period and through the end

¹⁰ Hashimoto, *The Long Defeat*, Kindle Loc. 119

¹¹ Asad, *Formations of the Secular*, Kindle Loc. 109

of the Asia Pacific War, Shinto (or rather, a form thereof) was shaped through deliberate intervention by the government to be synonymous with a sense of extreme Japanese nationalism. This exploited and encouraged the idea that Japan's native spirituality was deeply imbricated into the fabric of cultural practice so as to be indistinguishable from it. In short, Shinto, and by extension the Imperial System was inseparable from the construction of what it meant to be Japanese in terms of official nationalist rhetoric. Taking this rhetoric at face value, with Japan's surrender in 1945, the Allied Forces immediately went about the task of the cessation of all State support for Shinto and the mandate that the Emperor renounce the divinity ascribed to him by that tradition. As a consequence, an anthropology of the secular should examine the possibility that the structure of identity within Japan suffered a crippling blow as part of the experience of defeat. Conversely, an anthropology of the secular in Japan would need to investigate the extent to which religion broadly and Shinto specifically was not complicit in mobilizing nationalist rhetoric, and instead, viewed the appropriation of ritual with apprehension as a coercive force that undermined forms of Shinto that were not in line with the state. Both scenarios represent seeds of competing narratives of memory that have evolved into the polemic forms that exist today.

As a prominent symbol of the ongoing experience of defeat, the ambiguity around legal and social classifications for Shinto is emblematic of the plurality of divisive historical narratives that vie to renegotiate Japan's national identity. On the other hand, Shinto as a network of localized spiritual traditions in Japan remains responsible for the creation and enactment of rituals such as *jichinsai* (pacification of soil gods) or *hatsumōde* (the first visit to a shrine in the new year) that blur the distinction between public space and private reason. The relationship between Shinto as a political object and controversial image *vis a vis* Shinto

as a spiritual and cultural system of ritual practice is at the heart of the amorphous status of the tradition in Japanese society.

This leads to a discussion of the establishment of an independent political ethic in contemporary Japan. Directly following Japan's surrender in 1945, the Allied Forces immediately addressed what they perceived as the primary ideological pillar of Japanese nationalism in the form of *kokka shintō*, or as the Allied Forces came to call it, State Shinto. Evidenced in the language of the *Memorandum on State Shinto to the Chief of Staff*, *The Shinto Directive*, and the Constitution of Japan, the goal of the Allied Forces was to dismantle State Shinto as a component of Japanese political ideology. I will devote significant discussion to these items in the sections to come.

While this project was ultimately successful, I will argue that it relied on the implementation of a project of secularism that was informed by Protestant Christian sensibilities that were unique to the experience of the religious in Europe and the United States as well as upon emergent models that drew distinct lines between religious and political authority. As such, it failed to implement a framework by which the complicated cultural status of Shinto as a spiritual and cultural system of ritual practice was given voice. Further, it failed to give credence to the debates surrounding the classification of Shinto that had defined the legal parameters of secularism prior to and during the war. Shinto, as I intend to show, is not so easily demarcated as "religion." It transcends the boundaries of the religious and the public in particular ways. As a condition of its defeat, Japan was not given the opportunity to create a public space wherein an overlapping consensus could be negotiated. Hence, the independent political ethic in the form of the 1946 Constitution that it was forced to adopt was not consistent with the nature of Japan's political, social, and

religious landscape. It was not the result of a process that even gestured towards an overlapping consensus by virtue of Japan's status as defeated. To add further complication, Japan's status incurred and continues to incur additional scrutiny on an international level, particularly the United States and Japan's neighboring East Asian nations.

On the establishment of an overlapping consensus, Taylor and Asad differ. Whereas the former maintains that such a consensus is generated through *persuasion and negotiation*, the latter contends that the consensus is the result of political strategies that mediate violence and the memory of violence. However, I submit that both of these formulations rely not only on the establishment of a liberal democratic state, but of a state wherein the members have had a stake in its formation and the elected government has the autonomy to fashion an independent political ethic that is consistent with the needs and sensibilities of those governed. Japan's position as defeated precluded the latter. This is not to pose the question as to where Japan may have ended up had historical events proceeding along a different trajectory. Nor is the intention to claim that the 1946 Constitution was so utterly foreign in its form and content so as to be undecipherable in the context of Japan. Rather, in the specific case of the distinctions between religious and public, the framework was inadequate for the reasons specified above.

Regarding the impact of the ongoing experience of defeat, Hashimoto writes:

Memories of difficult experiences like war and defeat endure for many reasons: the nation's trajectory may change profoundly, as it did when Japan surrendered sovereignty in 1945; collective life must be regenerated from a catastrophic national fall; and losers face the predicament of living with a

discredited, tainted past. In this process, the vanquished mobilize new and revised narratives to explain grievous national failures, mourn the dead, redirect blame, and recover from the burdens of stigma and guilt. The task of making a coherent story for the vanquished is at the same time a project of repairing the moral backbone of a broken society. This precarious project lies at the heart of Japan's culture of defeat, a painful probe into the meaning of being Japanese.¹²

This memory of war and defeat is ongoing in Japan. It is a condition of social life. As such, it is an experience that mediates the distinctions between public and private, legal and forbidden, consensus and controversy, and religious and secular. While this does not make the project of secularism unique to Japan, it highlights the distinctive historical and social factors that open novel forms of anthropological inquiry. Again, the attempt is not to sound the clarion call to arms against the imperialist imposition of "secular" as a useful term. Rather, by problematizing and localizing the dimensions of the project of secularism in Japan, the intention is to provide a set of conceptual tools from which an Anthropology of Secularism in Japan can develop as a fruitful enterprise.

While I am primarily concerned with the reconfiguration of secular discourse following Japan's surrender in the Asia Pacific War, the project of secularism in Japan begins much earlier. Antecedents for a secular thought have existed throughout Japan's history. The forms of knowledge and discourse that emerged in the Late Tokugawa and Meiji periods brought what Trent Maxey has called "The Greatest Problem", namely that of

¹² Ibid. Kindle Loc. 22

religion, to the fore.¹³ Much of this problem revolved around the classification of Japan's native Shinto tradition. It is for that reason that my discussion of the historical foundation of secular thought in the Meiji necessarily includes a discussion of Shinto, as it is my position that the project of negotiating Shinto as a category was, in crucial ways, the project of negotiating the foundations of a secular in Japan. With this in mind, in the following two sections, I will briefly outline some key terms and offer a discussion of the ways in which the “problem of religion” was addressed in Japan prior to 1945.

The Grammar of the Secular in Japan

For the purposes of the present discussion, it is necessary to elaborate on a few terms that are central to discussion of the religious and the secular in Japan. These terms include: *shūkyō* 宗教, *mushūkyō* 無宗教, and *seikyōbunri* 政教分離. There is some debate over the first appearance of *shūkyō* 宗教 as a translation of, and equivalent to the English term “religion”. In *The Invention of Religion in Japan* (2015), Jason Ananda Josephson offers a nuanced historiographical account of the concept's development in Japan as part of an emergent political and diplomatic lexicon necessitated by the Japanese government's engagement with the threat of foreign colonial interests. *Shūkyō* was mobilized as a term to denote “religion” in the context of Japan's exchanges with western, predominantly Christian interests. Trent Maxey describes this moment as a tension between the Meiji government's desire to navigate the Western presumption that civilization was synonymous with Christendom and the perceived threat of Christian conversion implied by that presumption.¹⁴

¹³ Maxey, *The Greatest Problem*, p. 1-5

¹⁴ *Ibid* 7-11

By placing Buddhism and Christianity into the same classification of *shūkyō*, the idea was not only to offer a subtle resistance to the spread of Christianity in Japan, but also a diplomatic effort to establish Japanese religious ideology as having equivalent stature as the religious ideologies of western imperial powers.¹⁵ In the case of Shinto, whether it should be considered “religion” (*shūkyō*) or not was a matter of intense debate, and indeed that debate is central to our discussion to come and we will return to it due course.

The next term, *mushūkyō* 無宗教 can be understood as “non-religious” or “non-affiliated,” as a sort of negative category in opposition to *shūkyō*. It is important to note that *mushūkyō* should not be understood as a correlate or stand-in for “secular”; rather, Ama Toshimaro suggests that it reflects the pluralistic religious landscape of Japan and the tendency among Japanese to engage in rituals that span a number of traditions.¹⁶ However, Ama pays less attention to the fact that “non-religious” and “non-affiliated” are, themselves, ambiguous terms. Further, it assumes that some positionality on a spectrum of what is categorized as “belief” (another ambiguous term) is required for one to be considered “religious”. This too, speaks to the difficulty in apprehending the religiosity (or lack thereof) of Japan.

The final term *seikyō bunri* 政教分離 utilizes the kanji for politics or government in conjunction with one for religion followed by two that denote separation. So the term literally signifies “separation between religion and the state”. The following discussion of the development of secular thought in the Late Tokugawa and Meiji periods will not only

¹⁵ *Ibid*

¹⁶ Ama, *Why Are the Japanese Non-Religious?*, p. 24

utilize these concepts, but will offer a brief history of their development as such and their integration into the political and diplomatic grammar of Japan.

The Development of Secular Thought in the Meiji

In understanding secularism as an ongoing project in Japan, it is necessary to discuss the trajectory of debates regarding the theory, process, and grammar by which that project has been enacted. Further, it is important to emphasize that the project of secularism existed as a distinct discursive realm in Japan throughout the Meiji Period. While the focus of this thesis is primarily the post war period in Japan, the following is a brief exposition of the historical moments and figures that contributed to the project of secularism in Japan prior to the Allied Occupation. This project came to be broadly restructured through the imposition of secular discourse and rhetoric from the United States. However, as this section will show, the project was well established prior to the war.

In *The 'Greatest Problem': Religion and State Formation in Meiji Japan*¹⁷, Maxey discusses grammar in a different way than I have above. He introduces the concept of the “grammar of religion” as something that the emerging modern Japanese state was forced to develop in response to internal and external pressures. Regarding the “grammar of religion,” he writes:

I refer to the conceptual and administrative rules that came to govern the articulation of state policies concerning religion. From the regulation of religious sects, clerics, and practices to the identification of civic duties and the determination of educational

¹⁷ Maxey, *The “Greatest Problem”*, p. 2

content, the state could play a decisive role in constructing the rules that governed not only the practice of religion, but its discursive boundaries as well.¹⁸

When Maxey refers to “regulation of religious sects,” “identification of educational content,” and “rules that governed not only the practice of religion, but its discursive boundaries as well,” one could argue that the grammar being constructed is also that of secularism.

In *Shinto and the State (1868-1988)*, Helen Hardacre observes:

In pre-Meiji Japan there existed no concept of religion as a general phenomenon, of which there would be variants like Christianity, Buddhism, and Shinto. People spoke of having faith (*shinkō*) in particular *kami* and Buddhas, but no word existed to designate a separate sphere of life that could be called ‘religious,’ as opposed to the rest of one’s existence.¹⁹

So with that in mind, it seems that productive place to begin is with the mid to late Tokugawa period. Between 1640 and 1853, the Tokugawa Shogunate enacted a series of edicts that came under the general policy of *sakoku* (literally “locking in the country”) which effectively expelled all foreigners (and the Christianity that they had brought with them) from Japanese soil save for limited trade relations with the Dutch, Chinese, and Koreans. During this period, the Dutch traders were forced to reside on the artificial island of Dejima in the bay of Nagasaki. The proximity of the Dutch facilitated an influx of western ideas

¹⁸ Ibid.

¹⁹ Hardacre, *Shinto and the State*, p. 18

specifically those related to science and technology. While initially such exchange was tightly controlled, this period of *rangaku* (Dutch Learning) is described by Grant Goodman as “a facet of Japanese intellectual history and as one of the variety of trends of thought which emerged among the Japanese educated elite during the Tokugawa Period.”²⁰ During this period, western books were translated into Japanese, technological and scientific advancements were shared, and Japan was given access to an arrangement of the social and political sphere that kept apart something called “religion” as a distinct category. The Dutch at Dejima served as the valve of western ideas to Japan, and coupled with the influence of *kokugaku* (National Learning)²¹ and Neo-Confucian ideas, the period offers a historical foundation upon which an anthropology of secularism in Japan might stand. This is not to say that prior to this period, gestures towards secularization had not been made, rather that this period saw the confluence of factors that formalized and accelerated these gestures. This is also not to claim that the Dutch were solely responsible for facilitating the conditions by which a secular could take shape. As we will see, there were social, political, and intellectual changes taking place already within Japan during this period.

In the late Tokugawa Period, scholars and writers such as Motoori Norinaga (1730-1801) and Hirata Atsutane (1776-1843) delved into Japan’s literary and mythological past to champion *kogaku* (ancient learning) and later, *kokugaku*, in an attempt to craft and valorize an image of Japan’s pure past and superior position in the world. An important part of this image involved the study of the Classical Japanese works *Kojiki* and *Nihonshoki*, the

²⁰ Goodman, *Japan and the Dutch*, p. 1

²¹ In John Breen’s review article “Nativism Restored” (2000), he offers a nuanced argument as to the problems associated with equating *kokugaku* (National Learning) and nativism as a tautology. While the scope of his argument is beyond that of mine, I have refrained from conflating them in this paper because of it.

elevation of Shinto as the native tradition, and the centrality of the Imperial line. *Kokugaku* in Japan provided an ideological framework for “mikadoism”, or emperor worship, the construction of what would come to be known as *Kokka Shintō* or State Shintō, and the overall nationalistic/imperialistic sentiments during the Meiji Era. Hardacre writes:

Shinto’s ties with the state before 1868 were obscure and limited for the most part to the rites of the imperial or shogunal courts, always coordinated with, and usually subordinated to, Buddhist ritual. After 1868, Buddhism lost its former state patronage, and Shinto was elevated and patronized by the state. This patronage did not come about immediately or without misgivings and negotiations in government and among Shinto priests. Nevertheless, by the early decades of the twentieth century, Shinto was providing the rites of the empire and claiming (falsely) always to have done so, from time immemorial.²²

Kokugaku was instrumental to this shift as well as the process of systematization and regulation of religious traditions by the Meiji government and their project of secularizing a variant of Shinto as a nationalistic ideology. This was only made possible by the fact that a significant aspect of the nativist project, particularly in the case of Mootori and Hirata schools was to imbue Shinto rituals with a new civic religiosity and authority derived from ancient sources.

Another contributing force to the debate was Neo-Confucian thought. In the introduction to *Principle and Practicality: Essays in Neo-Confucianism and Practical*

²² Hardacre, *Shinto and the State*, p. 4

Learning (1979), W.M. Theodore de Bary makes several pertinent claims about the Neo-Confucian movement in Japan. First, although the Neo-Confucian movement was established during an eleventh century revival of Confucianism in China, and the texts were available to the Japanese, the Neo-Confucian movement in Japan did not really “come into its own” until the 17th century. Of particular relevance is the fact that the Zen Buddhist priests that largely controlled the circulation of Neo-Confucian texts in medieval Japan presented the texts as specifically non-religious. Second, during the Tokugawa period, Neo-Confucian thought vied with the then prominent forms of Japanese Buddhism and eventually became a source for Tokugawa political and ethical ideology. Third, and perhaps most pertinent is Bary’s assertion that Neo-Confucianism during the period had “secular” and “humanistic” understandings built into the fabric of its rhetoric. This claim seems to operate on the construction of Neo-Confucian thought in the Late Tokugawa and Early Meiji periods as a single monolithic framework. On the contrary, interpretations and criticisms of Neo-Confucian thought have occupied a spectrum of metaphysical content from the syncretic *suika shintō* of Yamazaki Anzai or *shingaku* (Heart Learning) of Ishida Baigan to the expressly non-religious *jitsugaku* (Practical Learning) movement and the criticisms of Fukuzawa Yukichi. In *Practical Pursuits: Religion, Politics, and Personal Cultivation in Nineteenth Century Japan* (2004), Janine Sawada examines the attempts by Neo-Confucian scholars in the Late Tokugawa and Early Meiji periods to assert the primacy of practical learning. Practical Learning incorporated Neo-Confucian and western Enlightenment ideas of rationality and cultivation through the use of reason and firm “this worldly” orientation. As part of this process Shinto became necessarily enmeshed in debates as to classification of traditions as *shukyō* due to its particular network of syncretic relationships.

While there are clear differences between Neo-Confucian and Western Enlightenment thought, there are some salient similarities that might connect the epistemic components of Western and Japanese constructions of the secular. It further bears note that Enlightenment thinkers such as Voltaire and Christian Wolff studied the Confucian texts retrieved by Jesuit missionaries in their trips to China.²³ Asad's formulation relies heavily on the influence of neo-liberalism, and the primacy of reason. Further, both he and Taylor position Enlightenment thought as being instrumental to the development of secularism in the west. Neo-Confucianism's attention to the power of human agency and the tradition's dialectical relationship with Enlightenment thought clearly contributes some of the same epistemic tools.

In the social, political, and intellectual environment of *rangaku*, *kokugaku*, and *jitsugaku*, American Commodore Perry arrived in Japan with his "black ships" in 1853. This signaled the end of Japan's isolation. However, it is clear that Japan was neither fully isolated, nor fully resistant to ideas from abroad. Further, the momentum of these movements carried through into the Meiji period in critical ways that affected the debates regarding Shinto's status as a religion and the Japanese State's relationship with it.

In 1868 with the installation of the new Meiji government, Japan was in a position where it was deemed necessary to rapidly modernize and negotiate the influx of new ideas against the backdrop of fears of subjugation by Western political and ideological regimes. Thus, amidst sweeping changes to the fabric of the Japanese social and political imaginary, and in an effort to solidify the emerging Japanese position on the global stage, Japan articulated its own terms in relation to those coming in from the outside. With these changes,

²³ Lee, *China and Europe*, p. 99

the attitude towards Shinto was already shifting dramatically. After a violent episode in which Shinto and Buddhism were forcibly split under the policy of *shinbutsu bunri*, debates as to Shinto's role with relation to the State came to the fore.

Murakami Shigeyoshi articulates a novel approach that situated "State" Shinto into four historical periods of development. The "Formative Period" (1868-1889) represented a period that according to Murakami involved three traits: (1) The treatment of shrines as national institutions separate from religion. (2) The consolidation of imperial rituals. (3) The reorganization of all shrines around the main Shrine of Ise. Next, the "Period of Completion of the Doctrine" (1889-1905) is a period during which State Shinto's transition into a "national ritual system under the Imperial Constitution." Then, the "Period of the Completion of the System" (early 1900's through 1930's) saw the consolidation of shrines as "ideological bases" of nationalist rhetoric and the tightening of economic and authoritative control by the government on a newly minted and "secular" form of Shinto. The "Period of fascist state religion" (1931-1945) entailed the escalation of tension with Shinto institutions that expressed resentment towards governmental control, the consolidation of control over them, and the employ of the "*Kokutai* discourse" as doctrine in *kokkashintō* that allowed for the support of foreign military activities in preparation for the war-effort.

Beginning with the Formative period, one of the first things that the Meiji government did in 1868 was to establish the *Jingikan* or the Office of Kami Worship, which, in just over a year from its establishment already outranked the *Daijōkan* or the Great Council of State. In 1871, the *Jingikan* was abolished and its duties transferred to the lower ranking *Jingishō* or Ministry of Shinto Religion. At the same time the *Daijōkan* declared all

Shinto Shrines to be state institutions and instituted a ranking system based on size, location, and estimated importance with the Grand Shrine of Ise at the top. The Ministry of Shinto Religion had a was abolished after only one year and replaced with the *Kyōbushō* or Ministry of Religion. All Shinto shrines had been brought under State control, but the status of Shinto was still unclear. Specifically, it had not yet been defined as “non-religious”.

In 1872, the government established an institution for public schooling known as the *Daikyō-in* or Great Teaching Academy a learning (or in reality propaganda) institution formed with the blessing of the Ministry of Religion whose 3 precepts were:

- (1) Veneration of the *Kami* and Love of Country.
- (2) Observance of the Way of Heaven (philosophy and religion) and of the Way of Humanity (morality and ethics).
- (3) Obedience to the Emperor²⁴

Shimaji Mokurai (1838-1911), a Buddhist priest from *Nishi Honganji* was among the scholars and clergy appointed to tasks abroad as part of a Meiji government policy to send scholars to Europe and the United States in an effort to acquire knowledge of western cultures and institutions. Thus, while living in France in 1872, he was tasked with the specific purpose of coming to some understanding of the relationship between religion and the state whereupon he discovered the concept of the separation of church and state and the Western conceptualization of freedom of religion. Upon receiving word of the Meiji government’s intention to establish the *Daikyō-in*, Shimaji immediately sent the government a proposal entitled “the Critique of the Three Principals”, which is largely viewed as being Japan’s first appeal towards religious freedom.²⁵ Upon his return to Japan later that year, he

²⁴ Breen, *Shinto in History*, p. 221

²⁵ Ama, *Why Are the Japanese Non-Religious?*, p.18

removed his *Nishi Honganji Shinshū* sect from its imposed obligation to the *Daikyō-in* as the institution had become largely pro-Shinto. While Shimaji was among the most influential Buddhist authors of the time, there were several Buddhist interests that had a significant role in shaping policy. These interests came to represent a fairly unified position that Shinto as it was then understood should not be categorized as *shūkyō*. With the dissolution of the *Daikyō-in* in 1875, Shimaji and his sect began a full-scale propaganda and political campaign on the side of treating Shinto as specifically non-religious given its proximity to the Meiji Government. This move was not entirely prompted by a sense of moral outrage over the proximity between religion and the state. It strengthened the *Shinshū* sect's connection to the government by downplaying the overall importance of Shinto. Further, it was a backlash against early attempts made by the Meiji government to establish Shinto as a national religion. The outcome was the State's separation of Sect and Shrine Shinto and the enactment of the process whereby the latter was stripped of any real duties beyond the performance of state prescribed ritual as indicated by the Home Ministry's communication #7 in 1882.²⁶

One of the most significant events of this time was the promulgation of the Meiji Constitution in 1889, according to which the Japanese became subjects under the absolute authority of the emperor. Of specific importance to our current discussion is article 28, which reads, "Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief." While one should note that this was actually a large step forward for the cause of religious freedom in Japan, the article also stipulates that, so long as nothing more important to state function

²⁶ Starrs, *Politics and religion in modern Japan*, p. 1-27

comes up, citizens are free to believe what they want. Further, according to Ordinance 12, religious instruction was banished in both public and private schools.²⁷ In this way, individual religious beliefs were subordinated to the state's prerogatives and priorities. Joseph Kitagawa writes:

The intention of the Meiji government was clearly twofold. On the one hand, it attempted to satisfy the popular demand for religious freedom by offering a nominal guarantee for it in the Constitution, especially since freedom of religious belief proved to be an important item in treaty revisions with foreign powers. On the other hand, the government continued to allow special privileges to Shinto by creating an artificial concept 'State Shinto', and calling it a cult of national morality and patriotism applicable to all religions²⁸

The urgency of the inclusion of this article in the constitution was necessitated by the desire of the Meiji government to assert their regime as socially and politically equivalent to western powers. Further, it was a move on the part of the Meiji government to address the backlash caused by the earlier attempts to establish Shinto as a national religion.

It is important to note at this time that the "science of religion" (the antecedent to what we call "religious studies" today) also known as comparative religions at the time was in its infancy as a discipline. The text that is widely regarded as definitive in this emergent field was Friedrich Max Müller's *Introduction to the Science of Religion* that was published

²⁷ Kitagawa, *Religion in Japanese History*, p. 212-213

²⁸ Ibid

in 1873. Due to a number of factors not the least of which being Japan's project of acquiring foreign knowledge, and the somewhat unstable situation between Japanese traditions at the time, the Science of Religion moved as a discipline into Japan fairly early. As early as 1887, Inoue Tetsujirō was already lecturing on the comparative history of religions.

Philosopher, poet, theologian, and historian, Inoue Tetsujirō (1885-1944) was not only among the first known Japanese scholars to lecture on comparative religion, but was also among the first group of scholars sent abroad. Inoue spent his time in Germany where he was able to further develop the concepts that informed his teaching. Upon his return in 1890, he became one of the central figures in the spread of German philosophy and schools of thought enough to rival the more popular French and English imports at the time. Additionally, he was a founding intellectual behind the National Morality movement, which was instrumental in promoting emperor worship or "mikadoism" as it came to be known. At its core, the national morality movement seemed to have been a continuation of nativist thought that centralized the role of the emperor while extolling the virtues of a uniquely Japanese moral sensibility that became outwardly antagonistic towards external forces such as Christianity.²⁹ Emblematic of this line of thought was his *Teishitsu to shūkyō no kankei*, or the "Relationship between the Imperial Line and Religion". This work, published shortly following the issuance of the Imperial Rescript on Education in 1890 advocated a strong loyalty and devotion to the Imperial line on moral grounds. Essentially, he argued that allegiance to the Emperor was a culturally deeply instilled and uniquely Japanese moral imperative, and as such the obvious duty of any imperial subject. With equal vehemence, he opposed the spread of Christianity on the basis that it threatened national stability by placing

²⁹ Breen, *Shinto in History*, 335-336.

an allegiance to the faith before that of the State. This position came to be shared by the state, and as Maxey indicates, was one of the factors that made the political project of organizing and subjugating religious traditions during the Meiji such an urgent endeavor.³⁰ With regard to his position on Shinto specifically, he showed hesitation towards an idea that was gaining momentum in Japan, and had certainly been expressed by Western scholars; that the State's version of Shinto was, in fact, a religion. While he recognized the religious aspects of Shinto, he felt that it would not be compatible with the Imperial Way, which was at the basis of his National Morality unless the moral eclipsed the religious.

Another important figure in the debate surrounding the identity of Shinto was Katō Genchi (1873-1965). Katō was a contemporary of Inoue and like Inoue was highly influenced by German philosophy, but did not limit himself to it. After receiving his PhD in the philosophy of religion from the Imperial University of Tokyo (where Inoue was a faculty member), Katō filled a few short-lived lecturer positions before finding a permanent position at the Kokugakuin University in Tokyo. Additionally, Katō was the executive director and head of the research institute affiliated with the Meiji Japan Society. This organization was a tight knit group of scholars that brought him into contact with a variety of Western scholars of Japan such as R. Ponsby Fane, and D.C. Holtom. In addition to his wide variety of works that included a commentary on the *Nihon shoki* and a collaborative translation of the *Kogo shūi*, his interaction with foreign scholars prompted him to publish in English. As such, in 1926, Katō published *A Study of Shinto: The Religion of the Japanese Nation*. This book was hugely influential because it was specifically addressed to western readers. Katō hoped to address the western insistence that Shinto in all of its myriad forms was classified as a

³⁰ Maxey, *The Greatest Problem*, p. 12-14

“religion”. So while Inoue did not define the State’s version of Shinto as a religion, Katō harbored no such reservations. While there was perhaps an opportunity for Katō to clarify certain finer points about the complexity of Shinto’s relationship to the State, Katō’s book reads ostensibly like a work produced by a Western scholar. Katō walks the reader through various phases of Shinto’s development in terms that are entirely Western. For example, he begins with Shinto as a nature religion and continues with poly-demonistic phases, animism, totemism, polytheism, and monotheism. Each chapter includes a meticulous comparative analysis often drawing upon Greek or Abrahamic traditions for similarities. That said, a unique subtlety evolves in the later chapters where Katō begins to discuss Shinto in terms of being an “Ethico-Intellectualistic tradition”, which starts to afford more and more primacy to morality.³¹ This we find to be a bit closer to Inoue’s position. The penultimate chapter discusses “Some deeper reflections upon the Divine Protection of the Nation, a problem unsolved from the *old* standpoint of Shinto, the national religion of Japan.” Other later chapters include “Shinto is the Japanese National Religion of Natural Growth” and “Inner Purity Emphasized, and Sincerity or Uprightness as the Fundamental Ethical Principle Becomes Pre-Eminent in Shinto”. Further, from the very preface, Katō employs language such as, “Shinto is by no means to be classed with the religions of the past. It is alive - nay, it is vitally active in the *ethico-religious* consciousness and *national life* of the patriotic Japanese of today.”³²

Katō’s text exposed readers not only to the idea that Shinto was a religion from the point of view of a Japanese author and one who specialized in the comparative study of

³¹ Katō, Genchi. *A Study of Shinto: The Religion of the Japanese Nation*. (Tokyo: Meiji Japan Society. 1926)

³² *Ibid.* 220

religion, but he subtly wove in the idea that Shinto, as an ethico-intellectual tradition bound in morality and sown into the very fabric of the Japanese nation, could incorporate an ideology such as was perpetuated by the State's version of it. However, it appears that this subtly was lost on many of his foreign contemporaries who praised the work for validating the same conclusions that they had long championed. This added additional pressure from the outside to categorize Shinto wholesale as a religion and ultimately contributed to the Allied Forces response to what it then called (and coined the term) State Shinto in the first days of occupation.

This brief history of the debate around the category of *shūkyō* and its relationship to the category of Shinto is by no means intended to be exhaustive or definitive. Rather, it is intended to highlight some of the intersections of Shinto, secular thought, and the state in the Late Tokugawa and Meiji periods. The attention to policy regarding the secular and the religious during these periods are the first steps in understanding the development of secularism in modern Japan. However, as we will see in the next chapter, the problem of the secular and Shinto outlined above shifts significantly with Japan's defeat in the Asia-Pacific War.

II. THE PROBLEM OF “THE SECULAR” IN MODERN JAPAN

A central preoccupation of western academics engaged in the study of Japanese religious traditions is the articulation of “religion” or “the religious” as an object of formal inquiry within the Japanese socio-political landscape. An impressive volume of scholarly work that focuses on the study of Japanese religious traditions is replete with meditations on the form, content, and philosophical antecedents of the developmental trajectory of “religion”.³³ However, as noted previously, there are those among these interventions that are marked by the conspicuous absence of likewise impassioned debates regarding the form, content, and philosophical antecedents of the “secular” as an object of formal inquiry. Asad rightly notes:

Any discipline that seeks to understand ‘religion’ must also try to understand its other. Anthropology in particular—the discipline that has sought to understand the strangeness of the non-European world—also needs to grasp more fully what is implied in its being at once modern and secular.³⁴

In the past two decades, insightful work such as that of Taylor, Asad, Charles Hirschkind, José Casanova, Partha Chatterjee and an array of theorists and theologians have been devoted to a comprehensive investigation of the contours of the myriad categories of “the secular,” and the political manifestation thereof in the form of “secularism.” Yet, it

³³ A selection of which would necessarily include: Davis (1992); Josephson (2012); Yamaori (2012); Hardacre (1984, 1989, 2002, 2011), Breen (2009); Ama (2004); Reader (1991, 2003, 2004, 2013); Shimazono (2004, 2014); and Timothy Fitzgerald (2003).

³⁴ Asad, *Formations of The Secular*, Kindle. Loc. 125

seems that similar interventions in the context of the Japanese religious sphere have yet to be fully realized. This is not to say that inquiries regarding the nature of the secular and its role within Japanese social and political life are completely absent. The present situation within which a lack of discourse regarding the secular in Japan is evident, I will argue, is largely due to: (1) A fundamental misunderstanding of the form and content of the secular and its relationship with the religious in Japan and (2) An ambiguity as to the classification of religious organizations (specifically those classified as Shinto) as such. These two factors are introduced in this section and the following.

Based on a 2012 opinion poll conducted by WIN-Gallup International, the organization was able to compile a Global Index of Religion and Atheism³⁵. In the published findings among Japanese respondents, 16% identified as a “Religious Person,” 31% identified as “Not A Religious Person,” 31% identified as “A Convinced Atheist,” and the remaining 23% identified as “Don’t know/No Response.” This poll is consistent with similar polls in Japan that tend to show a high level of membership with religious organizations curiously coupled with a low instance of what one might classify as “belief.” In light of these findings, one might be led to the conclusion that an understanding of “the secular” is not only necessary, but also germane to the lived experience of “religion” in Japan. In 2003, anthropologist Timothy Fitzgerald published “‘Religion’ and ‘the Secular’ in Japan: Problems in History, Social Anthropology, and the Study of Religion.” In this article, Fitzgerald attempts to “problematize religion insofar as it has entered the Japanese vocabulary, either as ‘religion’ or as ‘*shūkyō*’, but not to assume without question that it is a neutral and valid analytical category, and more importantly not to talk as though ‘it’ is

³⁵ The complete findings are available at:
<http://www.wingia.com/web/files/news/14/file/14.pdf>

somehow ‘there’.”³⁶ The article proceeds through an exacting analysis of “*shūkyō*” which is the most prominent stand-in for the western term “religion,” but as Maxey stresses, is one term among many. In this analysis, Fitzgerald makes constant reference to “the secular,” but in no way does he offer any insight as to what “the secular” actually entails beyond “that which is not religion” and its “tacit distinction” from “the religious.”³⁷ In positing the secular as a sort of negative space, Fitzgerald engages in what has become a common practice of *defining by negation*. Not only is this problematic in light of the tenuous status of “religion” as a formal bounded entity, but it also makes Fitzgerald guilty of conceptualizing “the secular” in a manner that he cautions against conceptualizing “religion.” José Casanova identifies the problem in that, “it is not so much that they question the secularization of society, but simply that they take it for granted as an unremarkable fact.”³⁸ Asad also writes, “The secular, I argue, is neither continuous with the religious that supposedly preceded it (that is, it is not the latest phase of a sacred origin) nor a simple break from it (that is, it is not the opposite, an essence that excludes the sacred). I take the secular to be a concept that brings together certain behaviors, knowledges, and sensibilities in modern life.”³⁹ The pervading trend of referencing “the secular” by negation of “religion” and the insistence on the binary nature of a “religious-secular dichotomy” is at the very heart of what I perceive as a fundamental misunderstanding of the nature of the secular and its role in Japanese social life. Rather, I intend to convey the notion that the categories of the “religious” and “secular” are best apprehended not as mechanically determinate of each other, but as dialectically

³⁶ Fitzgerald, “Religion and The Secular in Japan”, p. 4

³⁷ Ibid. 4

³⁸ Casanova, “Secularization Revisited”, p. 16

³⁹ Asad, *Formations of the Secular*, Kindle Loc. 394

constituted and complementary in form. Further, it is from this foundation, that I propose that an anthropology of secularism in Japan might unfold.

The Problem of Shinto

In *Nihonjin wa naze mushukyō nano ka* (日本人はなぜ無宗教なのか Why Are The Japanese Non-Religious), Ama Toshimaru delves into the epistemological dimensions of the relationship between religion and the Japanese people.⁴⁰ His primary contention is that the Japanese largely identify as *mushukyō*, which can be translated as “non-religious” or “unaffiliated”. This *mushukyō* sensibility is not to be confused with atheism, since many Japanese often do not identify with a specific religious identity. This includes taking an explicitly atheistic position. Large numbers of Japanese visit Shinto Shrines on New Years Day for *hatsumode*, take part in *higun* (visits to family graves on the equinoxes), *obon* (a mid-summer festival honoring the dead), other festivals that have historically had a religious significance, and have *butsudan* family altars in their homes. Ama argues that this *mushukyō* sensibility pervades as the result many factors that were discussed in the previous chapter, namely: The historically syncretic relationship between Buddhism and Shinto in Japan, the influence of rationalistic Confucian thought, and the removal of religion from the public sphere beginning in the Meiji period.⁴¹

In addition to his discussion of *mushukyō* as a shared sensibility among many Japanese, Ama makes a distinction between *revealed* and *natural* religion. This distinction is made based on the presence or absence of a centralized text, set of texts, or doctrines. As

⁴⁰ Ama Toshimaru阿満利磨 *Why Are The Japanese Non-Religious* 日本人はなぜ無宗教なのか: Tokyo 東京部 Chikuma Shobō筑摩書房, 2013.

⁴¹ Ibid. 11-47

such, traditions such as Christianity and most forms of Buddhism fall under the category of *revealed* religion. It is also the classification of religion that is most commonly associated with the term *shukyō*, the term that became the Japanese correlate for “religion” in the late nineteenth century. In contrast, Ama’s formulation of *natural* religion is more localized. Ama writes: “it is hard to define natural religion or ascertain precisely when it emerged, who preached about it, or how it was adopted into the lives of the people.”⁴² Ama suggests that the practices of honoring ancestors and local *kami*, falls under the auspices of *natural* religion. That said, Ama writes as follows:

In my opinion, Shinto is derived from natural religion, but is not a natural religion itself. Shinto developed as a belief system in the Court in which the Emperor was apotheosized, and it appeared as early as the ninth century. Shinto’s belief in *kami* is preserved through natural religion and reconstructed in Chinese philosophy, among other influences. Although the founder of Shinto is unknown, the religion has been formalized since the ninth century. Shinto can be classified somewhere between revealed and natural religion.⁴³

The problematic nature of this categorization is emblematic of the broader confusion regarding the status of Shinto as a religion. Ama attempts to isolate Shinto ritual and practice as distinct from the institutional structure of Shinto. Further, this differentiation is based on a framework wherein Shinto is discussed in terms of being representative of one or

⁴² Ibid. 3

⁴³ Ibid. 6

another type of religion. Ama suggests that observances such as annual visits to Shinto shrines on New Year's Day, festivals honoring the deceased, or ceremonies conducted during the groundbreaking for construction projects have become so imbricated into the fabric of Japanese culture, that they warrant a distinction. Essentially, as these practices fall under the classification of *natural* religion, they needn't be subject to the same privatization that certain other forms of Shinto practice would be. In this, natural religion represents a cluster of ritual practices that are more commonly understood as customs. "The majority of Japanese", Ama writes, "do not regard rituals as part of religious activities, but rather see them as customs."⁴⁴ Hence, in addition to the reasons given above, the Japanese people maintain a *mushukyō* status as a result of the commonly held belief that many important Shinto practices are cultural customs and thereby public matters.

While Ama's account is peppered with generalizations, the sense is that Shinto represents something of a gray area in terms of that which is socially regarded as public *vis a vis* that which is regarded as private. Ama's broad and reductive manner of addressing the categorization of Shinto is, I submit, more instructive to view as a commentary through its lack of commitment than through its rigor as an academic endeavor. The broad and passive rhetoric that Ama posits exemplifies the need for the type of anthropological inquiry that this thesis calls for. As I mention previously, the secular exists as *an arrangement of the public sphere that allows for (among other things) the designation of "the religious" as a category and an object that can be shifted into the realm of private reason*. One of the most basic requirements for this shift is that there be a clear designation of a given object or set of

⁴⁴ Ibid. 5

objects as “religion.” In the Japanese religious landscape, Shinto is unique in that it encompasses certain modes of belief, ritual, and practice that, as we will see, have been consistently defined as public custom or civil obligation only from the promulgation of the Meiji Constitution in 1889. As the network of localized practices that fall under the term Shinto has become, in modernity deeply woven into the fabric of Japanese culture in a number of ways, its status as a religion becomes problematic. In the context of Japanese society and legislation, the inability to apprehend Shinto as “religion” and thereby “private” highlights the complexity of the project of grasping the nature of the secular in Japan. Additionally, the distinction between public and private and the technologies and forms of knowledge by which matters are differentiated are at the center of religious controversy. In Japan, this is not necessarily due to competing religious ideologies as might be found in Sri Lanka, India, or Israel. Rather, the controversies involve the mobilization of “public” and “private” as sites of negotiating the politics of memory which, in turn, mediates the possibility of an overlapping consensus.

Formations of an Independent Political Ethic

In the preceding chapter, I introduced (or rather, borrowed) the idea that the secular, as understood in the scholarship of Talal Asad, Charles Taylor, and others, requires the establishment of a political ethic that is independent from what John Rawls classifies as competing normative doctrines. This understanding is specific to modern democratic countries wherein policy is articulated and enforced by appointed representatives through legislative and judicial mediation. In the following, I will introduce the conditions associated with the secular in Japan and the contemporary concerns regarding Shinto through the

analysis of key documents and legislation that exhibit and inform the State's position with regard to religious organizations following Japan's surrender in the Asia-Pacific War. These items serve as a testament to the attempts made by Japan to establish the independent political ethic in question. Further, they serve as tools that are vital to any investigation of secularism in Japan (including ideas of secularism imposed by external forces). I mark a divide with the immediate post-war period for two important reasons. First, the present Japanese Constitution, drafted in 1946, was modeled after the Constitution of the United States.⁴⁵ As such, the Japanese Constitution formalized Japan's status as a modern democratic state. Second, having relied heavily on the form and content of the Constitution of the United States, the Japanese Constitution includes Articles 20 and 89 that deal with religious freedom and the relationship between the State and religious organizations.

With the promulgation of Japan's 1946 Constitution, new standards for the enforcement of the separation between religious and public interests came to the fore together with the mandate to diligently enforce this separation in accordance with foreign interests. These articles represent the ostensible boundary between religion and the State as well as the presence of the political doctrine of secularism. This boundary, structured to be inviolable, takes shape as something of a porous membrane through which competing ideological positions and subjectivities engage in a dialectic that manifests an unstable balance between formulae for national memory and identity. It is important to note that nowhere in the Constitution is there offered an articulation of the form and content of what "religion" entails. Such determinations fell to the discretion of the courts. For the purposes

⁴⁵ A full English version of which can be found at http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

of this discussion, it is important to note the phrasing of these articles, as I will make reference to it as I examine the specific legislation and court cases. The articles are as follows:

Article 20: Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity.

Article 89: 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.

With regard to these articles, traditions such as Buddhism or Christianity have existed in a realm of relative clarity in terms of legal categorization and precedence. This legal categorization was a holdover from the attempts made by the Meiji government to classify Buddhism and Christianity as *shūkyō* in the interest of isolating Shinto as distinct. This is not to imply that these traditions have not experienced legal battles, only that the native Shinto tradition has had a much more contested relationship with Japan's public and political spheres in the post-war era. This relationship has proved highly problematic as the result of being imbricated with politics of memory wherein competing models of remembering and national identity are centrally located in disputes involving the constitutionality of cases involving Shinto. Further, secularism as a political doctrine relies on the creation of a framework wherein the religious can be identified as such and addressed

in accordance with public interest. In the case of Shinto, such a framework simply does not exist. Consequently, the judiciary in Japan has exhibited significant inconsistency in positioning itself in relation to it. With the often polemic and highly public nature of such disputes, the story of secularism in post-war Japan is very much the story of the State's relationship with Shinto.

In the following discussion of the *Memorandum on State Shinto to the Chief of Staff* (1945), *The Shinto Directive* (1945), and *The Religious Corporations Act* (1951), I aim to construct a basic genealogy of the relationship between Shinto and the Japanese State, thereby complicating the idea that Japan has firmly established an independent political ethic in the legislative and judicial realms.

The “Memorandum on State Shinto” and the “Shinto Directive”

While State Shinto as a nationalizing ideological force had a profound affect upon Japan's military ambitions and the Allied Forces response to them during the Asia Pacific War, the legacy of the elevation and ultimate downfall of *kokka* or State Shinto remains palpable to this day. The problem of how to address State Shinto following Japan's surrender became a primary concern for the Supreme Commander of the Allied Powers (SCAP).⁴⁶ Having identified the galvanizing influence of *kokka shintō* with regard to the imperial ambitions of Japan and its populace, SCAP issued the *Directive for the Disestablishment of Shinto* or “Shinto Directive” on December 15, 1945 as the first of a series of regulations whose principal aim was the deconstruction of the ultra-nationalism

⁴⁶ Usage of SCAP here also refers to the General Headquarters (GHQ) or offices and positions as well as the position of General Douglas MacArthur.

that had hurled Japan into global conflict.⁴⁷ However, *The Shinto Directive*, and indeed, the greater portion of the conceptual framework for dealing with State Shinto that was mobilized by the SCAP during their post-war occupation of Japan was developed based on the analysis presented in a more obscure document: the *Memorandum on State Shinto to the Chief of Staff* (hereafter referred to simply as the *Memorandum*). The *Memorandum* was authored on December 3, 1945 by Ken Dyke, Brigadier General and head of the Information and Education Section of Army Forces, Pacific (AFPAC).⁴⁸ It also included significant contribution from DC Holtom and George Sansom, who were both well-known Western scholars of Japanese religion and history.⁴⁹ The *Memorandum* discloses those aspects of State Shinto that were of the greatest concern from the perspective of the SCAP. Further, it served as the primary source for SCAP in terms of organizing strategies and the requisite background necessary to formulate a program to address State Shinto as an ideological threat. In contrast to the relatively simple phrasing employed both in the *Shinto Directive* and the relevant articles in the post-war Constitution, the *Memorandum* articulates a depth and complexity of knowledge and tactics offered in the interest of the deinstitutionalization

⁴⁷ An original English version of which can be found in *Contemporary Religions in Japan* Vol. 1, No. 2 (Jun., 1960), pp. 85-89

⁴⁸ This information can be found in: Woodard, William P *The Allied Occupation Of Japan 1945-1952 and Japanese Religions* (Leiden; J. Brill. 1972) 22-26

A full version of the *Memorandum* appears in *Contemporary Religions In Japan* 7: 321-46, 1966.

⁴⁹ DC Holtom is the author of *Modern Japan and Shinto Nationalism* (Chicago: Chicago University Press, 1943) and the curiously named *The National Faith of Japan: A Study of Modern Shinto* (London/New York: Routledge, 1938).

George Sansom is noted scholar of Pre-Modern Japan whose works included a three volume *History of Japan up to 1867* (1958, 1961, 1963).

of State Shinto. I will examine some of those issues and concerns briefly here in an effort to illustrate the Allied position with regard to Shinto, as it was this position that directly influenced post-war policy and the development of secularism in Japan. Further, the *Memorandum* displays the same inconsistency in categorizing Shinto as a religious tradition that is found in the items of legislation and court decisions that I address later in this chapter.

Broadly speaking, the *Memorandum* is organized into three sections: an “Introduction,” “Facts Bearing on the Problem,” and “Actions Recommended.” The text in the section “Facts Bearing on the Problem” accounts for the majority of the document and includes sub-sections such as: “Nature of Shinto,” “Evolution of State Shinto,” “State Shinto Doctrine,” “Distinction Between State Shinto and Sect (Kyōha 教派) Shinto,” and a section for Conclusions. In examining the language of the *Memorandum*, it becomes clear that the SCAP understood that State Shinto did not represent all of Shinto. Rather, the Japanese Government had mobilized a specific interpretation of Shrine (Jinja 神社) Shinto to de-sacralize it in an attempt to actualize a nationalistic fervor that could provide the ideological framework for Japan’s imperialistic and militaristic goals. However, the SCAP’s understanding of the complexity and diversity of Shinto practice and history ends with this distinction. This discrepancy is vital to understanding the SCAP position with regard to policy dealing with religion in Japan because it shows that the Allies were only partially aware of the multifaceted and sectarian nature of Shinto exemplified in the language employed in the Shinto Directive and the absolutist positionality mandated by Japan’s post-war Constitution. However, while the analysis in the *Memorandum* is more extensive than one might assume on the basis of the Shinto Directive alone, it does make several subtle claims that speak to the ambiguity with which the SCAP regarded Shinto.

In the section on the “Nature of Shinto,” a subsection entitled “Shinto variously interpreted,” the text discusses the lack of a “clear-cut or precisely stated theology, dogma, or philosophy.” This statement is important as it illustrates a fundamental discontinuity between the complexity of Shinto history and practice and the reductive model of “religion” influenced by normative western Judeo-Christian models that was employed by the SCAP in order to determine the fate of an entire tradition. Following Asad and Taylor, Jason Ananda Josephson articulates the secular as “a special discourse of Christianity (particularly Protestantism)”; he adds: “Western Christianity and the Enlightenment produced a set of binary oppositions between the religious and secular; church and state, which it then attempted to impose globally.”⁵⁰ This is to say that the model for the religious, and by extension, the secular that was imposed by the SCAP was largely based on a Protestant Christian model. While the language of the entire document substantiates this assessment, it is not to say that Protestantism was responsible for secularism in the West; rather, that the model employed by the SCAP was a reductionist model for religion based on these ideals. In this model, the centrality of doctrine is among the defining characteristics. As such, one can already see inherent difficulties in attempting to apply this model wholesale to the network of localized lineages of ritual represented by the term: Shinto. This inconsistency, however, did not deter the Allied Forces from doing precisely that.

In the section on “Conclusions” in the *Memorandum*, the first article states, “State Shinto is composed of both secular and religious elements, the latter predominating to such a great extent that there is *no doubt* that State Shinto is a religion.” (Emphasis mine). At no

⁵⁰ Josephson, *The Invention of Religion*, p. 135-137

point in the *Memorandum* does the author(s) offer a definition of religion. Rather, it is taken for granted that all parties within the Allied chain of command for whom the fruits of this investigative enterprise might apply, subscribe to the same schema regarding the conditions for a religion to be known as such. Further, the phrasing of the article betrays a lack of consideration on the part of the Allies towards the potential for alternative conceptual frameworks and paradigms of ritual and belief that might significantly deviate from what they implicitly associated with the Protestant Christian version thereof. In addition to those stated above, the *Memorandum* operates on the assumptions that “religion” is a category distinct from culture, reliant upon the presence of a central doctrine or set of doctrines, and the reductive assessment that the division between Shrine and Sect Shinto was sufficient to encapsulate its diversity. Furthermore, it bears consideration that the intent of the SCAP during this period was to understand Shinto only in an effort to silence its influence in the public sphere. The importance of this moment cannot be overstated. It was not the first time that Shinto or a version thereof had been labeled as “religion”. George Sansom and DC Holtom, whom I mentioned previously as contributors to this document, both offered such a categorization in their works; and as we have seen, Katō Genchi also explicitly posited Shinto as the “Religion of the Japanese Nation.” However, in all of these cases, the renderings were much more nuanced and comprehensive than the *Memorandum*. The unwavering categorization of Shinto as “religion” in the *Memorandum* informed the framing of Shinto as such in the pursuant *Shinto Directive* as well as articles 20 and 89 of the Post-War Constitution.

The imposition of this categorization of Shinto, based on a reductive model of “religion,” failed to account for the possibility (and reality) that the Japanese institutional

topography appears very different than that of the West in regard to landmarks of metaphysical significance. In that (1) The SCAP did not understand the complexity of Shinto as a tradition, and yet (2) applied to it a status as religious (3) based on a Protestant Christian model of “religion” (and by extension the secular), illustrates the set of knowledges operative during the formation of and transition to Japan’s current status as a modern democratic state.

In contrast to the relatively succinct tone of the *Memorandum*, the phrasing of the *Shinto Directive* and the constitutional articles could be read as a blunt force attack against all of Shinto, or indeed, all religious activity in proximity to the state. However, the explicit goals of the *Memorandum* offer a much more calculated and surgical strategy for the specific removal of “State” Shinto teachings from the public sphere. According to the *Memorandum*, its goal was not an attack on Shinto as an ethical or ritual system, but rather, the formulation of a strategy for dismantling the coercive nature of the relationship between Shinto and the State. The “Conclusions” section of the *Memorandum* states:

Shinto cannot be abolished as a religion: that possibility is precluded both by the doctrine of religious freedom and by the nature of religion itself.

Actually, there is no need to attempt to abolish Shinto as a religion or to attempt to separate Shinto from the Emperor, which is to say practically the same thing. The danger of Shinto lies (a) in its sponsorship, support, and propagation by the State (b) in the uses to which Japanese governments and Shinto nationalists have put its more or less vague mythology of divine origin of land, emperor, and people, and (c) in the rigid compulsion enforced upon

all Japanese to observe its rituals and outwardly to accept its promises as actual fact.”⁵¹

The *Shinto Directive* was the outcome of the research and recommendations articulated in the *Memorandum*. Again, in the case of the *Shinto Directive*, it is important to note that for various purposes including the removal of State Shinto from the public sphere, Shinto was categorized as a religion by the Allied Command. In this relatively brief series of mandates to the Japanese government, the General Headquarters (GHQ) of the Supreme Commander for the Allied Powers emphasized four specific intentions for the directive, namely,

(1) free the Japanese people from direct or indirect compulsion to believe or profess to believe in a religion or cult officially designated by the state, and

(2) lift from the Japanese people the burden of compulsory financial support of an ideology which has contributed to their war, guile, defeat, suffering, privation, and present deplorable condition, and

(3) prevent a recurrence of the perversion of Shinto theory and beliefs into a militaristic and ultra-nationalistic propaganda designed to delude the Japanese people and lead them into wars of aggression, and

(4) assist the Japanese people in a rededication of their national life to building a new Japan based upon the ideals of perpetual peace and democracy.

⁵¹ *Memorandum on State Shinto to the Chief of Staff* (Section 4, Article 2)

Again, in the case of the *Shinto Directive*, it is important to note the reductive model by which the SCAP categorized Shinto as a religion. In his book, *Kokka Shintō to nihonjin* 国家神道と日本人 (State Shinto and the lives of Japanese People)⁵², Shimazono Susumu discusses the far reaching effects that the *Shinto Directive* had on the legislative and public view of Shinto in the post war era. Regarding the four intentions referred to above, he writes, “The Shinto Directive was based on the American view of religion. The intent of these sentences is not necessarily easy to understand for the Japanese people. This is because it strongly reflects a very American religious outlook, and because they (the American authors) tried to understand State Shinto in the mold of American religion.”⁵³ With specific regard to Shinto (as opposed to other Japanese religious traditions) Shimazono’s statement supports the idea that the reductive mold within which the SCAP imagined Shinto fitting was perhaps inconsistent with the model in which Japan had understood it for centuries. Even in the Meiji period, when the status of Shinto was contested, the attempts made by the Meiji government were in the service of understanding the role of Shinto in society, whereas the intention of the SCAP was to minimize that role.

In accordance with these intentions, the mandates in the *Shinto Directive* articulated mechanisms by which State Shinto and the centrality and deification of the Imperial line were forcefully removed from the public sphere or abolished outright. The mandates in question included the cessation of public funding for any Shinto organizations; the unequivocal removal of all “ultra-nationalistic and militaristic” content from Shinto

⁵² Shimazono Susumu 島薙進 “*Kokka shintō to nihonjin*” 国家神道と日本人 (Kokka Shinto and the lives of Japanese People) Tokyo: Iwanami Shoten 岩波新書 (2015): 74-83.

⁵³ Ibid.

doctrines, practices, rites, and ceremonies; the prohibition of the dissemination of Shinto doctrine in public education; and the complete separation of church and state (*seikyōbunri*). While these mandates had immediate effects from the inception of the Allied occupation of Japan, they also had an enduring presence as they formed the foundation for Articles 20 and 89 of Japan's Constitution and have remained in effect and, in some cases, hotly contested since. Further the inconsistency of the status of Shinto carries over into the *Religious Corporations Act*, as this piece of legislation became the State's metric for determining the status of, and rights afforded to, religious organizations.

The Religious Corporations Act

Following the *Religious Organizations Law* (1939) and the *Religious Corporations Ordinance* (1945), the *Religious Corporations Act* (hereafter *RCA*) was enacted in April of 1951 as a means of articulating the boundaries between the State and religious organizations guaranteed in Articles 20 and 89 of the Japanese Constitution. Containing 89 Articles, the *RCA* provided the framework wherein "religious organizations" could own and manage property, and operate "business affairs and enterprises for the achievement of their purposes."⁵⁴ A definition of "religious organization" is offered in Article 2:

"Religious organization" as used in this Act means any of the organizations listed below whose primary purposes consist in the dissemination of religious teachings, the conduct of ceremonies and functions, and the education and nurture of believers:

⁵⁴ Religious Corporations Act. Chapter 1. Article 1.

(i) a shrine (jinja), temple (ji-in), church (kyokai), monastery or convent (shudoin) having an establishment(s) for worship, or any other similar organization;
or

(ii) a denomination (kyoha, shuha or kyodan), church (kyokai), order (shudokai), or diocese or district (shikyo-ku) which comprises any of the organizations listed in the preceding item, or any other similar organization.

The *RCA* draws heavily from the American model for establishing ecclesiastical organizations as non-profit civil corporations subject to common law.⁵⁵ While in the United States, the laws governing the formation of non-profit religious corporations differ from state to state, they generally maintain that a religious corporation is explicitly not-for-profit. Conversely, the *RCA* allows that a “religious corporation may, insofar as it is not contrary to its purpose, conduct an enterprise other than a public welfare enterprise.”⁵⁶ This differs from the American model in that Japanese religious corporations may engage in profit-making ventures as long as the profits from said ventures are applied directly to the growth, maintenance, or public welfare endeavors of the organization in question. Furthermore, the *RCA* takes a much more explicit stance on the position of governmental oversight of the “secular” affairs of religious organizations. The Religious Corporations Council, established within the Ministry of Education, Culture, Sports, Science, and Technology oversees the administration of religious corporations with a strict mandate that it shall “not in any form, undertake mediation concerning or interfere in religious matters, such as faith, discipline,

⁵⁵ <http://www.ccel.org/s/schaff/encyc/encyc09/htm/iv.vii.cxli.htm>

⁵⁶ Religious Corporations Act. Chapter 2. Article 6.

and customs, etc., of the religious organization”.⁵⁷ While the *RCA* requires that religious organizations maintain reports detailing finances, assets, and membership, these reports are only made available to representatives of the Religious Corporation Council in a very narrow set of circumstances that involve the violation of an Article in the *RCA*.⁵⁸ Otherwise, religious corporations are expected to act with a degree of autonomy that speaks to the hesitancy on the part of the Japanese government to risk any breaches of Articles 20 and 89 of the Constitution. It should be further noted that the autonomy once given religious corporations in Japan exceeded that afforded to religious corporations in the United States. This lack of oversight was one of the enabling factors that led to the sarin gas attacks in the Tokyo subway system that was perpetrated by the Aum Shinrikyō (オウム真理教) religious organization in 1995.

According to the Statistics Bureau of Japan, as of 2015, there were 180, 710 registered religious corporations in Japan. Of those, 84,868 (47%) were registered Shinto organizations.⁵⁹ As the discussion in the following chapter of court cases address the status of Shinto as a religion, it is important to note that most (not all) establishments and organizations related to the practice of Shinto are registered as religious corporations, and thereby recognized as such by the State in all civil matters. In short, relative to the exercise of giving form and definition to that which may or may not be considered a religion, registration as a religious corporation officially categorizes an organization as such in the

⁵⁷ Religious Corporations Act. Chapter 8. Article 71.

⁵⁸ Religious Corporations Act. Chapter 3. Article 25.

⁵⁹ <http://www.stat.go.jp/english/data/nenkan/back64/1431-23.htm>. It is interesting to note that these statistics that pertain to religion appear under the heading “Culture”.

eyes of the courts, and by extension, the State. Although, this categorization has not been without controversy.

To summarize the discussion thus far, the goal of this chapter has been to articulate the gestures that Japan has made towards the establishment of an independent political ethic in the postwar era. What can this tell us about secularism in Japan? One aspect that bears repetition is that although Japan had a clear trajectory of the development of ideas that could constitute a secular, the particular project of secularism that pervades Japanese legal discourse was mandated without reference to the developments in ideas regarding the construction of the religious and the secular up to and during the Meiji period. This is not to say that elsewhere a perfected independent ethic has been established and implemented without controversy. Indeed, one might argue that the implementation of an idealized American category of secularism has had more success in Japan than it has in the complicated religious and political landscape of the United States. However, the weight of the task of articulating the components of an anthropology of the secular in Japan demands that we integrate the idea that as of Japan's surrender at the end of the Asia-Pacific War: within the legislative and judicial sphere within which secularism operates, categories of the religious and by extension the secular were imposed by hostile external forces with their own intrinsic motivations and influenced by Protestant Christian sensibilities. This is not to say that Japan was headed in a direction where the influence of secularism would not have developed. Indeed, as I have attempted to illustrate in the previous section, strides towards secularization were already instigated in the Meiji. Rather, that the postwar Constitution *ensured* that it did, and in very specific ways. The disjunction actualized by the imposition of foreign categories is evident in the legislative, judicial, and social ambiguity around

Japan's native Shinto tradition. This problem of Shinto addressed through the lens of prominent court cases and analysis of the controversy surrounding Yasukuni Shrine are addressed in the following chapter.

III. TOWARDS AN OVERLAPPING CONSENSUS

In “The Idea of Overlapping Consensus,” John Rawls considers the variations of conceptions of justice in a modern democratic state.⁶⁰ Rawls discusses the idea of overlapping consensus wherein varied conceptual modalities, having been formed by degrees of fidelity to normative doctrines such as religion or political ideology, achieve a sort of public equilibrium. The establishment and maintenance of an overlapping consensus is subject to certain conditions. First, the idea is predicated on the notion that members of a given national imaginary are granted, as a condition of membership, rights that pertain to “equal liberty and conscience.”⁶¹ This means that members must have the ability to engage in public debate and the power to affect policy and legislation. Second, the forms of debate that are encouraged within the public domain are those that are expressly governed by reason and appeal to a “political conception of justice.” By this, we can understand Rawls to mean that discussions must necessarily focus on worldly concerns related to policy and possess a distinctly empirical and rational character. Third, Rawls understands that by virtue of a pluralistic body politic, myriad conceptual modalities or “background justifications” exist that prompt a member’s adherence to a particular political position. The goal is not to completely resolve these differences. Instead, Rawls suggests that rational public debate in a direct-access society will allow its members to reach a consensus on issues of policy and legislation despite potentially significant variance in the background justifications of those members. The reward for success in this enterprise is the establishment of an independent political ethic; failure results in controversy and dissent.

⁶⁰ Rawls, “The Idea Of An Overlapping Consensus”, p. 1-25

⁶¹ Ibid. 15.

In Rawls' formulation, the condition of rational public debate requires a secular modern democratic state. By categorizing religious authority as a source of background justification, it relegates the religious into the realm of private reason. It is perhaps for this reason that the idea is so appealing to Taylor and Asad. However, one must inquire as to what exactly the process is by which rational public debate actualizes as an independent political ethic. Taylor takes up this question by asserting that citizenship ought to be the primary principle of identity. Regarding this, Asad writes, "When Taylor says that the modern state has to make citizenship the primary principle of identity, he refers to the way it must transcend the different identities built on class, gender, and religion, replacing conflicting perspectives by unifying experience. In an important sense, this transcendent mediation is secularism."⁶² This is not to claim that citizenship is secularism, rather, this highlights the idea that citizenship should transcend all other categories, and in so doing, allow for the potential of an overlapping consensus. As to the actual mechanics of the debate, Taylor believes the outcome to be dependent on a process of *persuasion and negotiation*. However, Asad disagrees on this point, and refutes the utility of this categorization as invoked by Rawls and Taylor. At the risk of seeming reductive, one might suggest that the formulation of an overlapping consensus introduced by Rawls and elaborated by Taylor presents a bottom-up strategy that relies heavily on the direct access nature of the modern democratic state. Asad, on the other hand, highlights the factors that create a distance between citizens and their elected representatives such to the point where the idea of a direct access system becomes highly questionable. The reality of the modern democratic state is that political elites and special interest groups hold a monopoly on the

⁶² Asad, *Formations of the Secular*, Kindle Loc. 115

ability to influence public policy. As Asad writes, “The ordinary citizen does not participate in the process of formulating policy options as these elites do—his or her participation in periodic elections does not even guarantee that the policies voted for will be adhered to.”⁶³

Ultimately,

the assumption that liberal democracy ushers in a direct-access society seems to me questionable. The forms of mediation characteristic of modern society certainly differ from medieval Christian—and Islamic—ones, but this is not a simple matter of the absence of ‘religion’ in the public life of the modern nation-state. For even in modern secular countries the place of religion varies.⁶⁴

As a consequence, Asad’s view of overlapping consensus is that it is a project of the political elites as a means of mediating violence: “The distinctive feature of modern liberal governance, I would submit, is neither compulsion (force) nor negotiation (consent) but the statecraft that uses ‘self-discipline’ and ‘participation,’ ‘law,’ and ‘economy’ as elements of political strategy.”⁶⁵ This position has a particular relevance in Japan. As I have mentioned previously, the politics of memory is mediated by competing narratives of war and defeat. In Post-War Japan, the formulation and implementation of the concepts of “self-discipline and participation, law, and economy” have been mediated by these narratives.

I submit that the proceedings of the judiciary operate as the forum within which an overlapping consensus is represented in a society that is not, as Asad suggests, direct access.

⁶³ Ibid loc. 109.

⁶⁴ Ibid loc. 124.

⁶⁵ Ibid loc. 89.

Matters before the judicial system in Japan encounter a system that was fashioned more in the likeness of American institutions than they had been during the institutional reconfigurations of the Meiji Period.⁶⁶ Accordingly, I will discuss two significant Japanese Supreme Court cases: *The Tsu City Groundbreaking Case* (1977) and the *Ehime Prefecture Case* (1997). Furthermore, I will examine the controversy surrounding Yasukuni Shrine, a prominent Shinto Shrine in Tokyo. The purpose of this exercise is twofold. First, I aim to present these considerations (as those in previous chapters) as necessary to the formation of an Anthropology of the secular in Japan. Second, through an examination of these items, I will argue that, in the case of the secular in Japan, the project of an overlapping consensus takes on a unique valence as the result of politics of memory.

The Tsu City Groundbreaking Case

The 1977 ruling that came to be known as the *Tsu City Groundbreaking Ceremony Case* involved the first Japanese Supreme Court decision regarding the freedom of religion as articulated in the 1946 Japanese Constitution.⁶⁷ In 1965, Tsu City (Mie Prefecture) enacted plans for a groundbreaking ceremony for a city gymnasium that involved a Shinto ritual known as *jichinsai* (地鎮祭). A fairly common practice with the construction of new buildings, the *jichinsai* serves the function of pacifying *kami* (神Spirits/Gods) of the earth and praying for the successful completion and longevity of the construction project. The suit was brought by Sekiguchi Seiichi, a city councilor who attended the event against the then mayor of Tsu City. Sekiguchi claimed that the city's sponsorship of the ritual in the form of

⁶⁶ Maxey, *The Greatest Problem*, p. 97

⁶⁷ Herzog, *Japan's Pseudo-Democracy*, p. 124-127.

the ¥7,663 (¥4000 to Shinto Priests and ¥3663 in offerings) paid by the city violated Article 89 of the Constitution and should be reimbursed along with ¥50,000 in personal damages as the result of having been subjected to a religious rite in a public setting.

Appearing first in the Tsu District Court, the ruling was that the *jichinsai* was to be considered a “folkway” or custom both in purpose and common usage, thereby not religion in relation to Articles 20 and 89.⁶⁸ This decision was reversed by the Nagoya High Court, which concluded that it was impossible to establish whether, and to what degree, the *jinchinsai* might be understood as religious. In *To Dream of Dreams: Religious Freedom and Constitutional Politics in Postwar Japan*, David O’Brien examines the impact of the Nagoya High Court Decision in detail. He writes:

Turning to Tsu city’s argument that it had not violated the Constitution because the ceremony was a traditional folkway, the Nagoya High Court advanced a very sophisticated analysis of Shinto and the state. First, observed the court, folkways are norms or fixed customs passed down over at least three generations. Moreover, although they might once have had religious significance, they have over time become accepted as secular practices.⁶⁹

As no clear categorization could be made, the court ruled that the sponsorship of the ritual did, indeed, constitute a breach of Articles 20 and 89. However, they refused

⁶⁸ Ravitch, “The Shinto Cases”, p. 7

⁶⁹ O’Brien, *To Dream of Dreams*, p. 87-88

Sekiguchi's claim to personal damages.⁷⁰ The Nagoya High Court statement was intended to instruct as much as explain:

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.⁷¹

The ruling of the Supreme Court in this case remains highly contentious as it set a standard by which the absolutist language of Articles 20 and 89 was interpreted as a limited separation between religious and public interests out of necessity. According to O'Brien, the test for the *Tsu City Groundbreaking Ceremony Case* was constructed with criteria based on the 1971 United States Supreme Court case: *Lemon v. Kurtzman*.⁷² This is an important dimension to the proceedings. While O'Brien claims that the use of this US Supreme Court "purpose and effect" test had to do with the Japanese Supreme Court's need to lend

⁷⁰ Herzog, *Japan's Pseudo-Democracy*, p. 125

⁷¹ O'Brien, *To Dream of Dreams*, p. 87

⁷² *Ibid.* 88.

legitimacy to a precedent case, I suggest that it was also related to a lack of what Maxey referred to as the “Grammar of Religion” (and by extension a “grammar of the secular” as I argue in Chapter 1).⁷³ This grammar was the bedrock of Japanese judicial and political ordering of the religious and the secular. Moreover, while maintaining that the State position with regard to religious affairs must be neutral in accordance with Articles 20 and 89, Japan’s Supreme Court determined that such neutrality did not necessarily include a complete disengagement from religious matters. The court’s decision is expressed as follows:

A complete separation of state and religion is near to impossible and would result in irrational situations. The separation, therefore, is of itself within certain limits, and depending on the social and cultural conditions of each country, these limits become problematic. Hence, although the principal of separation of state and religion demands that the state be neutral in matters of religion, it does not mean that the state can have no relations whatever with religion. Depending on the purpose and effect of the action establishing a relation with religion, in case this relation exceeds the limits deemed appropriate in light of the above conditions, it must be considered unallowable.⁷⁴

The *Tsu City Case* was groundbreaking on a number of registers. First, it is important to note the phrasing of “limits deemed appropriate” within the court’s summary of

⁷³ Ibid. 89.

⁷⁴ Herzog, *Japan’s Pseudo-Democracy*, p. 125-126

the judgment. This is due to the fact that the standard as to what is appropriate vs. what is not was established with this case and used as a metric for all subsequent cases in relation to the separation of religious and public interest. Additionally, with this decision, the Supreme Court set a precedent of not only a test used in related cases over the next twenty years, but also a limited separation between the State and religion based on the idea that such a rigid separation would be impossible as issues that involve education, welfare, culture, and so forth would necessarily encounter border disputes with religion. This limited separation is made clear in the following from the second item on the Summary of Judgment:

‘Religious activity’ under Article 20, Paragraph 3 of the Constitution does not mean all conduct of the State and its organs that is related to religion, but conduct whose purpose has a religious significance and whose effect is to subsidize, promote, or, conversely, suppress or interfere with religion.⁷⁵

O’Brien writes, “In the majority’s view (ten judges to five), the Constitution mandated a separation of religion and the state. But the Constitution did not require the kind of rigid or complete separation proposed by the Nagoya High Court.”⁷⁶ The decision by the Supreme Court to interpret its position as the arbiter of that which is “Religious activity” and that which is not, clearly represents a power dynamic with regard to the relationship between religious organizations and the courts that betrays the ostensibly neutral position articulated in the decision. It is important here to note that the priests that were tasked with performing

⁷⁵ From the Japanese Supreme Court website at:
http://www.courts.go.jp/app/hanrei_en/detail?id=51

⁷⁶ O’Brien, *To Dream of Dreams*, p. 87.

the *jichinsai* were members of the Oichi Shrine, which was a registered religious corporation.⁷⁷ As such, in addition to the ruling having a precarious relationship with the language of Articles 20 and 89, it further seems to be in direct violation of the *RCA* Article 71 which states that the Religious Corporations Council and the judiciary bodies must “not in any form, undertake mediation concerning or interfere in religious matters, such as faith, discipline, and customs, etc., of the religious organization”.⁷⁸ The arbitration of the religious content of the *jichinsai* as performed by a religious organization (Oichi Shrine) as well as the payment that they received for services rendered, violates these standards.

Returning to the politics of memory and the idea of overlapping consensus, there are several factors beyond its status and longevity as precedent that make this case vital to the construction of an anthropology of secularism in Japan. First, it is important to note that Sekiguchi, in addition to being a member of the city council, was also a survivor of the war (having been born in 1915), and a member of the Communist Party of Japan that opposed attempts by the ruling Liberal Democratic Party (LDP) to augment official support for war memorials.⁷⁹ Sekiguchi’s claim was less to do with a sense of moral outrage, and more the manifestation of political principle that was mediated by a clash between the narratives of the Communist Party and that of the Liberal Democratic Party. In “Shifting Paradigms of Religion and State” (1999), John Nelson notes the relationship between the LDP and ultra-nationalist right wing groups, whose rhetoric supports efforts to honor war dead and revise a “defeatist” narrative regarding the war.

⁷⁷ Ibid.

⁷⁸ Religious Corporations Act. Chapter 8. Article 71.

⁷⁹ O’Brien, *To Dream of Dreams*, p. 86

Second, it is important to note the language of the statement issued by the Nagoya High Court in consideration of memory. The statement makes authoritative claims as to the necessity of the complete separation between religion and the state. This is specifically evident in the final sentence that states: “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.” This is a clear reference to the prior relationship between religion and the state in the form of State Shinto. As much as the statement by the Nagoya High Court was an appeal towards future processes, it was also a warning to avoid the repetition of the past. This statement is highly influenced by the memory of war and the relationship between Shinto and the state.

Third, it is important to note that the discrepancy between the interpretation of Articles 20 and 89 rendered by the Nagoya High Court and the Supreme Court. This speaks to the absence of an overlapping consensus regarding the legal classification of Shinto. As mentioned previously, the precedent set by the *Tsu City Groundbreaking Case* remained intact for the next 20 years until the *Ehime Prefecture Case*.

The Ehime Prefecture Case

In 1981, Yasukuni Shrine in Tokyo requested that prefectures purchase ritual materials (*tamagushi*) through Yasukuni and/or any of the network of local “Nation Protecting” (*Gokoku*) shrines for use in Shinto ceremonies honoring the war dead.⁸⁰ Yasukuni Shrine in Tokyo is perhaps the most contested site concerning the constitutionality of State interaction with religious organizations in modern Japanese history. While Yasukuni’s involvement

⁸⁰ White, “Reexamining Separation”, p. 45

raises the profile of the case, and adds a complex social dimension to the process of deliberation, it is a topic that I will return to in much greater depth in the following section. While concluding twenty years later, the Supreme Court decision in the *Ehime Prefecture Case* (1997) stands in stark contrast to the precedent established in the *Tsu City Groundbreaking Case*. Further, it represents the first Supreme Court decision in the fifty years since the promulgation of the Japanese Constitution wherein the court ruled that a violation of the separation between religion and the state had occurred. To date, it is one of only two cases wherein such a judgment has been rendered.⁸¹

In response to the request from Yasukuni Shrine, the Ehime Prefectural government allotted ¥160,000 in public funds for the donations required to receive the ritual materials between 1981 and 1986. This was in direct disregard for a directive issued in 1982 by the Ministry of Home Affairs that urged the prefectures against continuing to donate to Yasukuni Shrine, as there was a potential violation of Articles 20 and 89.⁸² In 1986, the Chief Priest of the Senneji Buddhist Temple, Anzai Kenji, and 24 residents of Ehime Prefecture filed suit with the Matsuyama District Court on the grounds that governor Shiraishi Haruki and six other officials had violated Articles 20 and 89 through the donations on behalf of the prefecture to the *Gokoku* and Yasukuni Shrines. Shiraishi maintained that the purpose of the donations was purely a matter of social etiquette and that the amount of the donations was within the “*limits deemed appropriate*” as set forth in the *Tsu City Groundbreaking Ceremony Case*. Moreover, Shiraishi claimed that the donations were meant to honor the war dead, and as such had no specific religious content. Despite

⁸¹ Van Winkle, “Separation of Religion and State in Japan”, p. 372-373

⁸² Ibid.

Shiraishi's objections, the Matsuyama District court found that Shiraishi was in violation of Article 20 and that the donations represented "a special bond" between the prefectural government and the shrines in question.⁸³ As such, the District Judge ordered Shiraishi to repay the total amount of the donations from the five-year period. Shiraishi appealed the decision with the Takamatsu High Court.

In May of 1992, the Takamatsu High Court overturned the decision of the Matsuyama District Court. Judge Kazuo Takagi ruled in the spirit of Shiraishi's original objections that the donations were meant to honor the war dead. The donations were offered in such small denominations over a five-year period that the amount could not be considered as financial support for the shrines in question. However, as Peter Herzog points out in his book, *Japan's Pseudo Democracy*, "Donations to Shinto shrines do not cease to be contributions to religious organizations because they are meant to honor the war dead and the quantitative plus or minus does not change their character."⁸⁴

Ten years after the filing of the original suit, the Supreme Court announced that it would hear arguments in the *Ehime Prefecture Case*. In April of 1997, the Supreme Court reversed the decision of the Takamatsu High Court and in favor of the original decision rendered by the Matsuyama District Court. Again, while the Supreme Court in this case ruled that a violation of Article twenty had occurred, the legal test employed in this case was the same as had been used in the *Tsu City Groundbreaking Ceremony Case* (outlined in the previous section) nearly two decades prior. Hence it is important to note, that from the position of the judiciary, the metric by which the courts determine if a breach of Articles 20

⁸³ O'Brien, *To Dream of Dreams*, p. 122

⁸⁴ Herzog, *Japan's Pseudo Democracy*, p. 118

and 89 had occurred had not changed in twenty years. That said, the Supreme Court augmented the test and rendered a decision that set a new legal precedent. Through this shift in the legal test used by the court, the “limited separation” between religious organizations and the State articulated in the *Tsu Case* was renegotiated. The court established this new precedent in a number of ways. First, they argued that Yasukuni Shrine is a religious organization as a matter of public knowledge and that the ritual items in question were related to deeply religious ceremonies; this, unlike *jichinsai*, which has an arguably less religious purpose, constitutes a clear religious intent. Second, the Court noted that Ehime Prefecture had not donated funds to any other religious organizations with whom similar rituals for honoring the war dead exist. Third, the Court acknowledged the “various harmful effects” could be possible in an entanglement between the State and religious organizations as evinced in the prewar period. The Court’s position is expressed in the following statement:

Considering the above circumstances in totality, it must be recognized that the prefecture's giving of the donations for tamagushi cannot escape having as a purpose some religious meaning and the effect of assisting, promoting, and advancing a particular religion. For this reason, the connection between the prefecture and Yasukuni Shrine exceeds the appropriate limit as illuminated by our country's social and cultural conditions.

It is appropriate to understand the donations as religious activities prohibited by Article 20(3) of the Constitution. Thus understanding the expenditures as religious activities prohibited by section 3, they are illegal. Also, considering the

above analysis, the donations are public expenditures prohibited by Article 89 of the Constitution and are illegal.⁸⁵

The *Ehime Prefecture Case* is also of significant import to the project of an anthropology of secularism in Japan. The *Tsu City Groundbreaking Ceremony Case* represents a period wherein the “rules that governed not only the practice of religion, but its discursive boundaries as well,” as Maxey writes with regards to the project of the Meiji government, were still being negotiated. The precedent set by the *Tsu Case* called for a limited separation between religion and the state in Japan, and endured for twenty years. The *Ehime Prefecture Case* overturned this idea and moved towards a strict application of Articles 20 and 89, and as a consequence a rigid separation between religion and the state. In addition to these changes, there are aspects of this case that are mediated by memory. It should be noted that the defendant in the *Ehime Prefecture Case*, Shiraishi Haruki, was a member of the of the Japan Association of War Bereaved Families (JAWBF).⁸⁶ This right-wing organization has been the leading force in the funding, maintenance, defense, and promotion of Yasukuni Shrine and its network of related *gokoku* shrines. Furthermore, the dispute that was the foundation for the case was the offering of financial support to shrines whose primary purpose was the enshrinement of war dead. These factors and those associated with the *Tsu Case* present an alternate interpretation of these cases wherein the contests in only involved with questions of religiosity on the surface. Below the surface, the courts became forums wherein competing historical narratives vied to assert themselves as

⁸⁵ From the Japanese Supreme Court website at: http://www.courts.go.jp/app/hanrei_en/detail?id=312. Accessed 4/2016

⁸⁶ Herzog, *Japan's Pseudo Democracy*, p. 118

an overlapping consensus. In these cases specifically, the polemic and pervasive natures of these narratives are being implicitly negotiated through the explicit negotiation of disputes regarding religious freedom. In this way, the project of secularism in Japan operates overtly on the positioning of public and private reason as well as operating subtly on the validation of competing modes of memory.

Yasukuni Shrine

In an idyllic setting amidst hundreds of cherry blossom trees that seem to repel the urban clamour from the surrounding city of Tokyo, stands Yasukuni Shrine. Constructed between 1869 and 1871, Yasukuni Shrine is a short distance from the Imperial Palace and its grounds are home to the Yūshūkan War Museum, which it manages and operates. In an introduction to an article entitled “The Dead and The Living in the Land of Peace,” John Breen writes: “Of all the sites dedicated to the war dead in the democratic nations, none has courted such controversy as Japan’s Yasukuni Shrine.”⁸⁷ This controversy derives from the fact that Yasukuni Shrine exists as the primary site for the enshrinement of the souls of those killed in the military service of Japan from 1868 onward. These conflicts include all military activities involving Japan from the Boshin War to the present day. While those enshrined are mainly Japanese, they also include a number of Korean, Chinese, and other foreign civilian workers and conscripts who are considered to have died in the service of the Japanese Empire. Additionally, among the roughly 2.5 million souls of wartime dead enshrined at Yasukuni are included 14 Class A war criminals that include Tōjō Hideki, the Japanese Prime Minister during much of the Asia-Pacific War. More than any other site in Japan,

⁸⁷ Breen, John, “The dead and the living in the land of peace”, p. 76.

Yasukuni is a nexus for competing nationalistic ideologies, frameworks for “public” and “private,” and historical narratives involving Japan’s Imperial past.

The complicated history of Yasukuni Shrine involves a struggle for religious and political identity, as well as instability of mutual mediation between them. Breen writes, “Yasukuni was the creation of the modern state, the shrine and its priests were funded by the state, and its rituals for the dead were designed to meet the modern state’s political needs: to cultivate patriotism through the apotheosis for self-sacrifice.”⁸⁸ Like the discussion of the court cases in the last section, the controversies surrounding Yasukuni Shrine stem from the duality of its identity. While there are certainly religious elements, Yasukuni has always been an instrument of the State and a tangible mechanism by which the government mediated the memory of violence. In addition to the enshrinement of military war-dead at Yasukuni, the shrine became the leading institution associated with State Shinto and the worship of the Imperial Line in the years leading up to the end of the Asia Pacific War. At this time, it was the policy of the Japanese government that State Shinto not be considered as a religion, but rather a system of ritual directed towards the Emperor whose obligations were civic in nature. The primary focus of State Shinto consisted of rituals intended to elevate and inspire loyalty to the Emperor. With Yasukuni as its center, many of the important ritual functions involving the worship of the emperor took place at Yasukuni during this time. Regarding the present connection between Yasukuni and the Imperial Line, Breen writes, “The imperial connection is very much alive in Yasukuni, and it is this which ensures the sense of continuity with the past. Indeed, Yasukuni rites today perform substantially the

⁸⁸ Ibid. 82-83.

same ideological function as they did prior to 1945.”⁸⁹ During wartime, death in the service to the empire and consequent enshrinement at Yasukuni Shrine was propagated as among the highest honors that one might achieve. This epistemic shift occurred not only within those serving in the military, but was part of a process of what David C. Earhart has called “kamekazification” that mediated the growth of nationalistic fervor that galvanized Japan’s wartime ambitions.⁹⁰ Presently, while not a member of the Association of Shinto Shrines (*Jinja Honchō* 神社本庁), Yasukuni Shrine is registered as a religious organization under the Religious Corporations Act. Hence, from the legal perspective, Yasukuni Shrine is a religious entity. The Shrine staff is very forthcoming regarding its adherence to Shinto principals and observances. According to the Yasukuni website, rituals are performed daily in addition to a long list of annual festivals and observances.⁹¹ Yasukuni Shrine embodies a complicated history of identity and memory that frames the set of recent controversies beginning in 1975.

In 1983, Prime Minister Nakasone Yasuhiro formed an advisory committee to consider the legal ramifications of an official visit to Yasukuni Shrine that Nakasone had planned for August 1985. This date was significant as it marked the fortieth anniversary of the end of the Asia Pacific War.⁹² This precaution on the part of the Prime Minister was in anticipation of the public backlash that such a visit would receive. Being that Yasukuni Shrine is registered as a religious corporation and is broadly recognized in a variety of forms

⁸⁹ Ibid. 83.

⁹⁰ Earhart, "Kamikazefication and Japan's Wartime Ideology", p. 572.

⁹¹ "Deities | About Yasukuni Shrine | Yasukuni Shrine." Deities | About Yasukuni Shrine | Yasukuni Shrine. Accessed January 12, 2017. <http://www.yasukuni.or.jp/english/about/deities.html>.

⁹² Breen, “Conventional Wisdom”, p. 71-73

as a religious center, an official visit and/or the purchase of ritual offerings by any member of the government could be unconstitutional under Articles 20 and 89. Visits to Yasukuni by Prime Ministers in particular have involved a heightened domestic and international scrutiny. Former Prime Minister Koizumi Jun'ichirō visited Yasukuni annually during his time in office between 2001 and 2006. Like many other Japanese government officials, Koizumi visited Yasukuni as a private citizen; in this way, he was able to avoid a direct violation of constitutional law. This, however, did not prevent a very public response to his visits. This response is emblematic of the polarized public opinion regarding the “Yasukuni Problem” (*Yasukuni mondaī* 靖国問題).

The contours of the polemic discourse surrounding Yasukuni Shrine (commonly known as the “Yasukuni Problem”) are fairly involved. In “The Yasukuni Controversy” (2007), author Ryu Yongwook discusses the problem at some length. First and foremost, Yasukuni is a site wherein those who died in service to Japan are enshrined, and according to Ryu, “this is how most Japanese regard Yasukuni Shrine; it is a place for commemorating those who have fallen in service to the country.”⁹³ Nationalist groups such as the Japan War Bereaved Families Association (*Nippon izokukai* 日本遺族会) support official visits by government officials to Yasukuni because they consider it an obligatory duty to honor those who have died in the country’s service. The JWBFA maintains strong ties both with Yasukuni Shrine and with Japan’s majority Liberal Democratic Party (LDP). This adds an increased pressure for official visits to Yasukuni. The rhetoric behind this position focuses on expunging what they understand as defeatist logic from public discourse. Nationalist groups in Japan fall to the right on the political spectrum and advocate change in the form of

⁹³ Ryu, “The Yasukuni Controversy”, p. 709-10

re-militarization and historical revisionism in the service of bolstering the waning sense of patriotism among the youth.⁹⁴

Every year on the anniversary of the end of the Asia Pacific War, right wing nationalist groups flock to Yasukuni to take part in paramilitary demonstrations around the shrine grounds. These demonstrations often clash with anti-war and anti-imperialist left-wing activists who also demonstrate during this time. The left-wing position often mirrors that of international concerns in wanting Japan to accept the weight of its accountability to its militaristic and colonial past. As mentioned previously, Yasukuni stands as a monument to Japan's imperial past and a direct embodiment of State Shinto and Japan's wartime ideology. Hence, official visits to Yasukuni are seen as glorifying Japan's violent history and valorizing the war criminals responsible. In addition to leftist groups such as the Anti-Emperor Activities Network maintaining this position domestically, Japan's relationship with its neighbors (particularly China and Korea) is heavily influenced by the Japanese government position with regard to Yasukuni. As Ryu writes, "The Yasukuni issue is a window through which foreign countries, especially Korea and China, view Japan's self-understanding of its history of aggression. Thus, Yasukuni has become a political barometer by which to judge Japan's 'moral behavior'."⁹⁵

While this is a broad overview of the ideological dimensions of the Yasukuni problem, it is sufficient to highlight the politics of memory involved in the controversy. This politics of memory, active in many of the disputes involving the constitutionality of the actions of the State with regard to religion maintains religion as a constitutive element, but

⁹⁴ Ibid 714-16

⁹⁵ Ibid 710-11

by no means makes religious concerns prime among them. The controversy surrounding Yasukuni Shrine mobilizes the constitutional articles related to the freedom of religion as their front lines, however, religion plays a much smaller role in the actual ideological conflict that the Yasukuni Problem represents. Rather, contested historical memory, national identity, and political ideology are at the core of the issue. Hence, what is ostensibly a dispute involving religion, actually has a much broader context. In a discussion of the secular in a fashion that is not simply by negation, concerns such as this must be considered.

IV. TOWARDS AN ANTHROPOLOGY OF SECULARISM

In service to the goal of establishing a set of tools and considerations as well as the preliminary gestures towards defining a conceptual framework from which an anthropology of secularism might take shape in the context of Japan, I will conclude by means of addressing the organization of this thesis. The first chapter introduced the framework for an anthropology of secularism as articulated by Talal Asad with considerable reference to the writings of Charles Taylor. Additionally, this chapter offered an exploration of some of the essential developments and figures from the Late Tokugawa period and through the Meiji period that substantially influenced the development of the project of secularism in Japan prior to the Asia Pacific War. This is of particular relevance to an anthropology of secularism as it highlights the reality that the project of secularism in Japan did not simply emerge with Japan's surrender in 1945. Rather, secularism has been a dominant feature in Japanese social and political discourse prior to its reconfiguration in the 1946 Constitution of Japan. As such an anthropology of secularism in Japan would necessarily need to account for the developments in the project of secularism for the entirety of its trajectory. The historical exposition offered here is by no means intended as definitive. Rather, it is intended as a starting point from which a much more rigorous historical analysis might proceed.

In the second chapter, the discussion centered around the concept of an "independent political ethic" and articulating the level of complexity involved in identifying the issues that are particular to Japan and intertwine the project of secularism with competing narratives of memory. As the result of my reading of Asad, Taylor, and Rawls, I have proposed that an independent political ethic is never a complete process or a final goal where one might arrive and declare finality. Rather it is process that is best exemplified in the laws and

guidelines to which a body politic by virtue of their citizenship, is obligated to abide. As such, in the case of the project of secularism, the laws that govern the distinctions between public and private, religious and non-religious, and sacred and profane are perhaps the best place to begin an examination of the status of the process of an independent political ethic. Asad and Taylor maintain that a project of secularism becomes truly actualized with the ongoing establishment of an independent political ethic. This establishment is made possible through the process of negotiating an overlapping consensus and is the topic of the third chapter.

The mobilization of the Tsu City Groundbreaking Case, the Ehime Prefecture Case, and an exploration of the controversy around Yasukuni Shrine was enacted for a number of reasons. First, with regard to the two court cases, despite having a similar dispute, they were selected as they represented two very different outcomes. Accordingly, they represent opposite ends of the judicial spectrum within which an anthropology of secularism would need to account for a number of similar court cases. Second, if the status of an independent political ethic is to be found in the laws and guidelines of a nation, the forum by which the independent political ethic is mediated is to be found in the courts. Finally, with these cases and the controversy surrounding Yasukuni Shrine, the motivation for formalizing the dispute could be argued as also having a connection to competing narratives of memory as much as conflict over the religious content of public affairs. This was in service to highlighting the relationship between the project of secularism and memory in Japan that would need to be an area of exploration in the event of a formal anthropological investigation.

In summary, the foregoing has not been an endeavor that is intended as a definitive guide to myriad areas of knowledge and experience required to construct an anthropology of secularism in Japan. Rather, the intent is more of an invitation so that we might begin to think about the potential for the mobilization of existing frameworks regarding secularism and the areas within Japanese history and society where we might begin to apply them. The project of secularism in Japan is a vibrant and dynamic feature of social life in Japan and a nexus of political and historical contingencies. As I hope this thesis has shown, to address the topic from an anthropological perspective with anything less than a rigorous examination of its history and development is to do it a grave disservice.

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