

## **"CONVENTIONAL WISDOM" AND THE POLITICS OF SHINTO IN POSTWAR JAPAN**

### **Abstract**

In January 2010, the Supreme Court delivered a historic verdict of unconstitutionality in a case involving Sorachibuto, a Shinto shrine in Sunagawa city, Hokkaido. All of the national newspapers featured the case on their front pages. As the case makes abundantly clear, issues of politics and religion, politics and Shinto, are alive and well in 21st century Japan. In this essay, I seek to shed light on the fraught relationship between politics and Shinto from three perspectives. I first analyze the Sorachibuto case, and explain what is at stake, and why it has attracted the attention it has. I then contextualize it, addressing the key state-Shinto legal disputes in the post war period: from the 1970s through to the first decade of the 21st century. Here my main focus falls on the state, and its efforts to cultivate Shinto. In the final section, I shift that focus to the Shinto establishment, and explore its efforts to reestablish with a succession of post LDP administrations the sort of intimacy, which Shinto enjoyed with the state in the early 20th century.

**Key words:** Shinto, Supreme Court rulings, Sorachibuto, 'object and effective', Yasukuni, National Association of Shrines (NAS), Ise, State foundation day (kenkoku kinen no hi).

On January 10, 2010, all the Japanese broadsheets featured on their front pages two Shinto shrines, Sorachibuto jinja and Tomihira jinja. There is little possibility of anyone outside the remote Hokkaido town of Sunagawa ever having heard of them. In themselves, they are not at all remarkable. So why did they occupy the front pages and the society pages and, indeed, feature in the editorials of all the national newspapers? The reason is this. The previous day, the Supreme Court had issued rulings on two law suits involving the shrines. What was contested was Sunagawa city's relationship to them. The Supreme Court found that Sunagawa city breached Articles 20 and 89 of the Constitution in its dealings with Sorachibuto shrine, though not with regard to Tomihira. This was only the second time ever that the Supreme Court had delivered an unconstitutional verdict in a state-religion case. Below, I explore the finer points of the Sunagawa affair, but the keen interest exhibited by the media testifies that issues of state and Shinto are alive and well in Japan at the start of the second decade of the 21st century.

The post war Japanese state's relationship to Shinto (and to other religions) is framed

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<sup>1</sup> jb8@soas.ac.uk

in two well-known articles of the Constitution. Article 20 holds both that "freedom of religion is guaranteed to all", and that "no religious organization shall receive any privileges from the State, nor exercise any political authority." Further, it stipulates that "no person shall be compelled to take part in any religious acts, celebration, rite or practice [and that] the State and its organs shall refrain from religious education or any other religious activity." Then there is Article 89, which forbids the use of public moneys "for the use, benefit or maintenance of any religious institution or association".<sup>2</sup> These were, of course, the articles that Sunagawa city was deemed to have breached in the case of Sorachibuto; it had done so by making a free loan of municipal land to the shrine.

The purpose of this essay is to explore the nature of state-Shinto relations in post war Japan, and to suggest why they matter. I begin by fleshing out the detail of the Sorachibuto and Tomihira shrine cases, asking what exactly was unconstitutional in the one case and not in the other. In the second section, I offer a critical survey of the major state-religion disputes in the post war, and seek to clarify what was at stake here. It proves impossible to understand politics and Shinto in 21st century Japan through court cases alone, however. Essential too is an appreciation of the activities of the Shinto establishment, and especially its political wing, the Shinto Seiji Renmei. The official translation of this organisation eschews the word political (*seiji*) and opts for "The Shinto association of spiritual leadership" (SAS). In the final section, I seek to shed light on the aims and achievements of this little-studied organisation.

### **Sorachibuto, Tomihira and the Supreme Court**

The Sunagawa city authorities in Hokkaido had allowed two shrines privileged access to municipal land. This was the problem as the plaintiffs saw it, and it was a problem of Constitutional proportions. Sorachibuto shrine occupies municipal land, but Sunagawa city charges the shrine nothing for its use of the land. Tomihira shrine, by contrast, stands on land that was municipal, but is no longer since the city made a free gift of it to the Tomihira town committee. The plaintiffs (who are Christian) sued the city for breach of Articles 20 and 89. In January 2010, the Supreme Court found the city's actions to be constitutional in the case of Tomihira (because the gifted land was technically no longer municipal), but unconstitutional in the case of Sorachibuto.<sup>3</sup>

The Supreme Court found these shrines were unmistakably "Shinto", and they and their practises were, by definition, "religious". This may seem patently obvious, but the purpose here was to counter the arguments of those who insist Shinto and shrines belong not to the realm of religion, but to that of "custom" or "tradition".<sup>4</sup> As the presiding judge ruled, "shrine activities were carried out according to Shinto format",

2 The Constitution can be viewed on line at <http://www.solon.org/Constitutions/Japan/English/english-Constitution.html>

3 In what follows I use the Summary of the decision of the Supreme Court (*Saikōsai hanketsu riyū yōshi*), published in *Jinja Shinpō*, 1.2.22, p.6.

4 These two cases were deliberated by a panel of 14 judges. One of their number, Horigome Yukio, found the Constitution *not* to have been breached in the Sorachibuto case. His reasoning was precisely that Shinto was not like other religions. It was a traditional ethnic belief nurtured naturally; its it has its origins in Japan's unique culture". Therefore, it is not to be placed on the same footing as "exclusivistic religions with their founders and clear dogmas and scriptures". (*Jinja Shinpō*, 1.2.22, p.6.).

and one cannot regard them as “simply secular” with only “the most diluted religious content”. By allowing Sorachibuto shrine use of municipal land, and not requiring any form of payment for that use, Sunagawa city was according financial benefits to the shrine that breached Article 89. “Privileges” of the sort forbidden under Article 20 also accrued to Sorachibuto shrine. In the case of Tomihira shrine, the Supreme Court found that the city had made its gift of land to the shrine in good faith; it was motivated precisely by a concern to clear Constitutional concerns.

So what happens next? One obvious solution is the physical removal of Sorachibuto shrine, its buildings, its sacred symbols and its torii gate, from municipal land; and this would not be Sorachibuto's first uprooting. But the judge urged the city to consider other options, since “it is self-evident that [a destruction of the shrine] may constitute a substantial impediment to citizens’ exercise of their right to freedom of religion”. He suggested the city consider gifting the land to the shrine, selling it for a fee, or lending it at the going rate. The prospect of bulldozers moving in is, therefore, remote.

How was it that Sorachibuto ended up in this situation? The reasons are historical, and take us back to the Meiji period (1868-1912), and the Meiji state's development of Hokkaido. Sorachibuto shrine was founded in 1893; it was constructed for the local community as a focus of rites for bountiful harvests in what was then a rugged, and yet-to-be developed quarter of Japan's northernmost territory. In 1898, the local community applied to the Hokkaido office for the loan of an area of shrine land of just over 3,000 tsubo. The loan was approved, and new shrine buildings were erected on the land. The following year a primary school was built on an adjacent site but when, in 1948, the school was expanded, the shrine was dislocated to another site nearby. In the early post war period, with Sorachibuto shrine struggling to pay its annual dues, Sunagawa council acquired the shrine land, and then granted free use of it to the shrine. Subsequently, the town erected a new community hall on the land, and the shrine was displaced once more, this time to a corner of the new building. This was still, of course, land owned by the city council. Such, anyway, is how Sorachibuto found itself at the heart of a Constitutional controversy.

There are thousands of shrines across Japan in not dissimilar predicaments. In the Meiji revolution of 1868, all shrines (as well as Buddhist temples) had their often-extensive holdings confiscated by government. This settlement left religious institutions with their immediate precincts only. The state disposed of the confiscated land in various different ways, much of it being sold off for cultivation. Later in the Meiji period, however, parcels of land were sometimes “returned” to shrines by way of donations from local governments. After all, shrines in Meiji Japan had a public quality, and were defined in law as “sites for the performance of state rites”. The immediate post war period saw the separation of state and religion, and shrines (and temples, too) were required to surrender land they had been gifted in Meiji, or otherwise arrange to purchase or borrow it. In many cases, such arrangements were made; in many others, they were not. The result is that shrines from Aomori in the north of Japan, through Hiroshima and Tottori in the centre, to Oita in the south west, continue to enjoy privileged, and so probably unconstitutional, access to municipal land.<sup>5</sup>

The Supreme Court ruling is likely to have a significant impact, and this is one reason why the press have devoted such attention to it. What is to be the fate of the thousands

<sup>5</sup> *Mainichi shinbun* 10.1.10.

of shrines across Japan that stand on municipal land? There are other reasons besides. The Sorachibuto ruling is one of just a handful delivered by the Supreme Court and, as mentioned above, it is only the second un-constitutional verdict. Furthermore, the panel of 14 judges in this case reached its verdict by the application of a new standard, never before deployed in state-religion cases. This was what the judges referred to as "conventional wisdom" (*shakai tsūnen*). In the Summary of the decision of the Supreme Court (*Saikōsai hanketsu yōshi*), the Chief judge referred to conventional wisdom in the following manner: "[We must] consider the estimation of the common man and woman, and a range of other circumstances as they relate to the character of the religious institutions in question, the historical circumstances [leading to the city's loan of the land], and the different aspects of the "loan" arrangements. Only through reference to [such] conventional wisdom might we might arrive at a comprehensive judgment."<sup>6</sup>

The liberal *Mainichi* newspaper welcomed the application of this new, "common sense standard".<sup>7</sup> The conservative media, as represented by the *Sankei Shinbun*, was dismayed. It demanded a much less rigorous interpretation of Article 20 and reminded its readers of a series of legal outcomes since the 1970s, in which Article 20 was indeed applied with a great deal more flexibility than in the Sorachibuto case.<sup>8</sup> To these cases and their postwar context, we must now turn our attention.

### State, religion and the Japanese war dead

The single most important issue in post war state-religion relations has concerned Yasukuni, the Shinto shrine in Tokyo dedicated to Japan's war dead.<sup>9</sup> A small majority of post war Japanese premiers (14 out of 27) have gone to Yasukuni to pay their respects.<sup>10</sup> In doing, they have invited the charge that they breach Article 20, but do they? The jury, it seems, is out. Article 20 clearly guarantees the Prime Minister's right to venerate at Yasukuni as a private citizen, but it does not obviously allow him to patronise, and so privilege, Yasukuni (or any other religious institution) as Prime Minister. For, as such, he represents the state. So when, it may well be asked, is a Prime Minister not a Prime Minister, but a private citizen? Ever since the 1970s, the answer has come to hinge on such niceties as whether he arrives at Yasukuni in an official or private car; whether his shrine offerings come from his own pocket or the public purse, and how he signs himself in the shrine register. Before pursuing this Yasukuni question further, it should be pointed out that in the 1970s, the all-important Article 20 was tested in the courts, and it was found wanting. The case in question had nothing at all to do with Yasukuni, but its ramifications were profound.

In 1970s, a Communist member of Tsu City council in Mie prefecture filed a suit against the mayor. In the councillor's view, the mayor had contravened Articles 20

6 *Jinja Shinpō*, 1.2.22, p.6

7 *Mainichi shinbun* 10.1.10, p. 5.

8 *Sankei Shinbun* 21.1.10, p. 3.

9 For a fuller discussion of the issues outlined here, see Breen, "Voices of rage".

10 The complete list of Japanese Prime Ministers to have visited Yasukuni after the Occupation is as follows: Yoshida Shigeru, Kishi Nobusuke, Ikeda Hayato, Satō Eisaku, Tanaka Kakuei, Miki Takeo, Fukuda Takeo, Ōhira Masayoshi, Suzuki Zenkō, Nakasone Yasuhiro, Hashimoto Ryūtarō and Koizumi Jun'ichirō.

and 89 by paying a Shinto priest with public funds to perform a ground-breaking rite, essential to the construction of a municipal sports hall. The case was dismissed by the Supreme Court on appeal in a landmark ruling in 1977. This was the first Supreme Court ruling in the post war period dealing with state-religion issues.<sup>11</sup> The Supreme Court judge ruled that Article 20 did not forbid all state involvement with religion "only that beyond an appropriate level". "Appropriate" was to be determined by both the "object" and the "effect" of the state's actions. Thus was born the so-called "object and effect standard" (*mokuteki kōka kijun*). In this particular case, the judge ruled that ground-breaking was "entirely secular", and in accordance with "general social customs". In neither their object nor their effect, did the mayor's actions aid or promote Shinto.

The historical significance of this ruling was in establishing the principle that the Constitutional separation of state and religion is not, after all, absolute. It is legitimate, in other words, for state and religion to engage with one another within certain limits.<sup>12</sup> The ruling Liberal Democratic Party and Yasukuni apologists rejoiced at the possibilities. For, surely, they could argue that state patronage of Yasukuni was intended uniquely to honour Japan's war dead; it was not meant to disseminate Shinto; nor was its effect the promotion of Shinto. This object and effect standard duly informed the thinking of the LDP in the 1980s, as PM Nakasone Yasuhiro planned for his official visit to Yasukuni on August 15, 1985, the 40th anniversary of war's end. In 1983, Nakasone established a deliberative committee, presided over by Justice Minister Okuno Seisuke, to consider the legal consequences of such a visit. Okuno used the object and effect standard to conclude there were no longer any Constitutional impediments to such a visit. Nakasone, not yet fully persuaded, launched a second study group, the so-called Yasukuni Kon, which solicited expert opinion from a wider social spectrum. Yasukuni Kon submitted a report more cautious, but nonetheless reassuring. Reasonably confident that his actions would not breach Articles 20 or 89, Nakasone duly visited Yasukuni on August 15. That he never returned to the shrine was for reasons entirely diplomatic - not constitutional.<sup>13</sup>

In the 1990s, state-Shinto questions loomed large once more. They concerned Yasukuni, but not prime ministerial patronage.<sup>14</sup> In 1997, the Supreme Court gave its second ever verdict on a state-religion case. It involved the governor of Ehime prefecture, who had been making annual offerings out of public funds to Yasukuni, and to the Ehime prefectural *gokoku* shrine.<sup>15</sup> What was historically important about the Ehime case was that the judge ruled the governor's actions were not constitutional; they breached both Articles 20 and 89. He reached this conclusion by deploying the

11 For the National Association of Shrines' (NAS) behind-the-scenes role in this court case, see *Jinja Shinpō sha* ed., *Kenshō Jinja Honchō 60 nen*, pp. 171-2.

12 It was, of course, this standard that the conservative media and the Shinto establishment wanted the Supreme Court to apply in the Sorachibuto case discussed above.

13 For observations on the diplomatic dimension to Yasukuni, see Breen, "Voices of rage" and Rose, "Stalemate".

14 Between 1985 and 2001, Hashimoto Ryūtarō was the only prime minister to visit Yasukuni. He did so discreetly, and on his birthday in July, 1996. Fears of the wrath of the Chinese and Koreans kept other prime ministers at bay.

15 *Gokoku* or "state protecting" is the generic term for a category of shrine established in the Meiji period. They venerate the spirits of local men and women men who died fighting for Japan. Unlike Yasukuni, however, they enshrine the spirits of members of Japan's Self Defence forces. There is presently one *gokoku* shrine in each prefecture.

afore-mentioned object and effect standard: monetary offerings to Yasukuni and the prefectural gokoku shrine had a clear religious purpose, and their effect was precisely to "assist, aid and promote" the specific religion of Shinto. The governor was ordered to repay into the public purse the moneys he had expended. The outcome was that the object and effect standard of 1977 generated two seemingly irreconcilable positions: 1) it is Constitutional to pay out of public funds for Shinto ground-breaking rites, as in Tsu, but 2) it is unlawful to use public funds to pay for Yasukuni Shinto rites, as in Ehime. Where, then, did this leave the all-important question of the prime minister and his patronage of the shrine? The answer had to await the premiership of Koizumi Jun'ichirō (2001-6).

On August 13, 2001, the first year of his premiership, Koizumi worshipped at Yasukuni. He went in an official car, accompanied by his Chief Cabinet Secretary, and signed himself Prime Minister Koizumi; his shrine offerings, however, came out his own pocket. This visit triggered, as surely it was intended to, legal action. The suit that has attracted most media attention was that filed by a citizens' group in the Fukuoka District Court. They sought remuneration from the state for the "spiritual damage" inflicted upon them by Koizumi's act of veneration. In April 2004, Judge Kamekawa granted that the plaintiffs experienced "concern and apprehension", but found no evidence of "infringement of legal interests". Judges in the Matsuyama and Osaka District Courts had reached the very same conclusion in the previous year. What distinguished the Fukuoka suit, however, was that the judge made further comments on the case by way of obiter dictum.

In Japan, unlike Germany say, there are no constitutional courts, and so a plaintiff wishing to get a constitutional ruling in a civil case has to file a suit seeking compensation for infringement of his or her rights. The presiding judge may then choose to refer to constitutional issues, but usually he does not. Judge Kamekawa was thus an exception. The effect of Koizumi's visit to Yasukuni in 2001 was, indeed, he opined, to "aid, assist and promote Yasukuni shrine, a religious institution that disseminates Shinto". "One has to conclude [therefore] that the Prime Minister's Yasukuni visit corresponds to those religious acts prohibited by Article 20".<sup>16</sup> In 2005, the Osaka High Court judge issued another obiter dictum, which similarly deemed Koizumi's actions unconstitutional. Obiter dicta are the judge's "expression of opinion on matters of law, which is not of binding authority". They are thus not "rulings", which of course explains why Koizumi was able to return with impunity to Yasukuni in August 2006.

Koizumi's resolve was strengthened further by a ruling of the Supreme Court in June of 2006, the first ever on the precise issue of the state's Yasukuni patronage. The presiding judge asserted that visits to a Shinto shrine by an individual -- even a prime minister -- are not such as to infringe any other citizen's right to religious freedom, and do not warrant suits being filed for damages. This ruling has brought a degree of clarity to the situation, and may well discourage the filing of further suits for damages.<sup>17</sup> In truth, however, much remains unresolved. The object and effect standard has provided little clarity. Welcomed by Yasukuni apologists as the "all-clear" for state patronage, it nonetheless served to inform the unconstitutional verdict in

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16 His payment of offerings out of his own pocket absolved him of breaching Article 89.

17 Okumura, "Koizumi Yasukuni soshō to wa nan datta no ka", pp. 68-9 (What was the significance of the Koizumi Yasukuni lawsuit?).



the Ehime case and the damning obiter dicta of the Fukuoka and Osaka District Court judges. The obiter dicta themselves are controversial. Some insist they are vital, since in the absence of constitutional courts civil case plaintiffs cannot seek direct verdicts on constitutional issues, even though this is clearly their desire. Others argue that the Yasukuni obiter dicta are inappropriate, because the law does not allow the defendant to appeal against them. These un-binding observations have a habit of “sticking”.

Yasukuni has been at the heart of state-religion issues in the post war period, but there is a justifiable sense amongst some Japanese that the law is applied inconsistently. After all, the prime minister can attend Christian churches and Buddhist temples without a murmur of discontent. Why, it might be asked, is the state's patronage of Yasukuni alone the focus of such keen interest? This question is especially pertinent since prime ministers patronise with impunity the greatest Shinto shrine of them all. I refer to Ise, the shrine dedicated to Amaterasu ōmikami, Sun Goddess and mythical founder of the imperial line. Since the 1970s, it has been the custom for Japanese Prime Ministers of all hues to lead their cabinets to the Ise shrines at New Year. There, they venerate Amaterasu, and pray for Japan's flourishing. The Christian ōhira Masayoshi, the Socialist Murayama Tomiichi and Hatoyama Yukio of the Democratic Party (incumbent at the time of writing) have all participated in clearly “official” acts of Ise veneration. The media gives this annual event very little critical attention, and so far it has prompted no legal action.<sup>18</sup> Prime Minister Koizumi quite reasonably asked why he can not venerate at Yasukuni, when he is free to worship annually at the Shinto shrines of Ise?<sup>19</sup> Of course, it could equally well be asked why there is so little controversy over the state's patronage of Ise given the legal problems over Yasukuni? To these two questions, no answers are presently sought.

### **The Shinto Association of Spiritual Leadership (SAS)**

The Sorachibuto law suit explored above was, at least in part, the consequence of a specific set of historical circumstances. This the presiding judge was swift to acknowledge in his summing up. In the Yasukuni law suits and those involving Tsu city and Ehime prefecture, however, the state, in the form of the LDP and the municipal and prefectural authorities, were active players, seeking a new proximity with Shinto, its institutions and its rites. A fuller understanding of the dynamic relationship between state and Shinto in post war Japan demands, however, a familiarity with the Shinto establishment, and its hyperactive search for a closer proximity with the state. The Shinto establishment is the Jinja Honchō or National Association of Shrines (NAS), which came into existence in 1946. In 1969, it founded a political wing, the Shinto Association of Spiritual Leadership (SAS). An exploration of the activities and considerable achievements of the SAS is the purpose of this section.

The SAS shot to fame in 2,000 when Prime Minister Mori Yoshirō addressed the SAS

18 The Catholic Bishops of Japan constitute an isolated voice of concern at the annual Ise pilgrimage. They espied “an intention to revive state Shinto” in (Catholic) PM Asō Tarō's 2009 Ise pilgrimage. The full text of the Bishops' protest can be seen online at: <http://www.cbcj.catholic.jp/jpn/doc/cbcj/090109-2.htm> See also Breen, “The danger is ever present”.

19 See his interview on August 15, 2006 at <http://www.kantei.go.jp/jp/koizumispeech/2006/08/15/interview.html> This category of question has been asked before, of course. See for a striking example Nelson, “Social memory as ritual”, p. 457.

debating club in the Diet.<sup>20</sup> His subject was "Japan as sacred land". In his presentation, he insisted: "This land of Japan is the land of the gods (*kami no kuni*), with the imperial institution at its core. This is what we need all Japanese to take fully on board; this is the end towards which we [Diet members of this debating society] are striving."<sup>21</sup> For the liberal media, this was a prime ministerial assault on the constitutional principles of popular sovereignty and the separation of state and religion. Mori was relentlessly attacked; he back-peddled, apologised and was eventually forced to stand down. Today, some 142 of a total 700 Diet members are signed up to the SAS debating club.<sup>22</sup>

So what are the aims and objectives of the SAS, and what its achievements? The first item of their founding manifesto speaks of "[locating the spirit of Shinto at the foundation of Japanese governance (*Shintō seishin o kokusei no kiso ni*)". What they, and indeed the Shinto establishment, mean by "Shinto" here is the variety promoted by the modern Japanese state from the late 19th century through to the end of the Pacific war. It is entirely emperor-centred; the myth of the un-broken line of emperors founded by Amaterasu gives it its meaning; its most sacred site is Amaterasu's shrine in Ise (with Yasukuni coming a close second); and it promotes an ultra-conservative ethical agenda. In the four decades of its existence -- 2009 was its 40th anniversary -- the SAS has worked hard to locate this sort of Shinto spirit at the heart of governance. Its achievements can be treated under multiple headings. The first of these might be styled the "emperor's body".

The SAS' inaugural project concerned the imperial regalia, which define the very nature of the emperor's body. His sacred, transcendental quality is evident in his possession of, and physical proximity to, the sacred regalia of mirror, sword and jewel. However, the post-war Imperial household law (*kōshitsu tenpan*) effectively severed the link between emperor and regalia, and so between emperor and Amaterasu. No longer does the law refer to the emperor "inheriting the regalia from [Amaterasu and Jinmu] (*sosō no jingi*)"; references to the unbroken line of emperors (*bansei ikkei*) are also absent.<sup>23</sup> The SAS could not perhaps rewrite the Imperial household law, but it was determined to tackle its unfortunate effects.

Indeed, important progress was made here even before the SAS appeared on the scene in 1969. In 1960, Prime Minister Ikeda Hayato issued an historic statement in the Diet on the Ise mirror. "It is not the case [he asserted] that emperors bestowed the mirror as a [human] gift on the Ise shrines.... Rather, the sacred mirror enshrined in the imperial palace and the mirror in its true form, namely the Ise mirror, are an inheritance that is as old as the imperial line itself". As an NAS commentator put it, this was confirmation that the Ise mirror and the imperial line are indivisible; that the mirror is, indeed, the gift of Amaterasu, the Sun goddess, to the emperor.<sup>24</sup> The Ise mirror is thus not to be regarded as the private property of the Ise shrines; it is rather

20 The debating club is known in Japanese as *Shintō seiji renmei kokkai gi'in kondankai*.

21 *Asahi shinbun* 16.5.2000.

22 This number is, incidentally, less than half the membership prior to the LDP's decimation in the election of summer 2009.

23 Missing, too, was any reference to the *daijōsai*, the sacred rite of accession, in which emperor communes with the Sun Goddess, Amaterasu. On the modern *daijōsai*, see Breen and Teeuwen, *A new history of Shinto*, Chapter 5 *passim*.

24 *Jinja Shinpōsha hen, Keshō Jinja Honchō 60nen*, p. 88.



a sacred object, bestowed by Amaterasu, which defines the sacred nature of the imperial line. No subsequent Japanese cabinet has sought to retract or indeed query Ikeda's understanding.

Upon its launch in 1969, the SAS turned its attention to the other regalia, the sword and the jewel.<sup>25</sup> What animated them was that the emperor in his post war travels across Japan was leaving the sword and jewel behind in the Kenji no ma hall of the palace.<sup>26</sup> That he travelled without the regalia undermined his sacred nature, and that of his office. A Jinja Shinpō editorial put it this way in November 1974:

The sword and the jewel are, needless to say, like the mirror, inseparable from the imperial throne. The sacred quality of the unbroken line of emperors (*bansei ikkei*) is manifest precisely in the fact of His Majesty the Emperor acting always with the sword and jewel by his side...<sup>27</sup>

Indeed, the single purpose sustaining the SAS campaign was bearing witness to the sacred quality of the emperor's person, and of the office he occupies.<sup>28</sup> The Shinto press referred to the campaign throughout as one intended to "resurrect imperial sacredness (*tennō no shinseisei kaifuku no undō*)". The above editorial was written to celebrate the fact that the SAS-led campaign had finally born fruit. Three days later, on 7 November 1974, the emperor headed to Ise, and for the first time in 28 years, he travelled with the sword and jewel. The bullet train from Tokyo, and the Hikari express to Ise, were both equipped with an "altar" to accommodate the lacquer-boxed treasures. The editorial concluded with the hope that this revival of pre-war practice might "correct the distorted thoughts in the heads of many Japanese (especially the heads of government bureaucrats)". It is worth pointing out, though, that the euphoria that greeted this development in 1974 has yielded to dismay. A Jinja honchō retrospective in 2007 bewailed the fact that there has been little substantial change since 1974. The Ise pilgrimage of the last emperor was, in fact, the only occasion on which sword and jewel accompanied him. As for the present emperor, he has taken the sword and jewel with him only twice: on his post-enthronement pilgrimage to various sacred sites across Japan, and on a visit to Ise in 1994.<sup>29</sup>

The second, closely related arena in which SAS has been active is the determination of imperial time. Once again, the Shinto establishment had scored a major success here prior to the SAS launch in 1969. That success concerned the promulgation in 1966 of a law determining February 11 as State foundation day (*kenkoku kinen no hi*). This same date was celebrated from the 19th century under the name of Origin day (*kigen setsu*), until it was abolished in 1948. The name may have changed, but the event it commemorates is the same: namely, the ascension to the throne of the (entirely mythical) first emperor Jinmu in 660BC. The February date is computed from the Jinmu chapter in the *Nihon shoki* myths. The first post war celebration of Jinmu's enthronement was February 1967. Since that date, SAS has scored two significant successes in giving to the passage of time an imperial quality. The first concerned era

25 The original sword (*kusanagi no tsurugi*) is kept in the Atsuta shrine in Aichi prefecture. A copy – nonetheless sacred – of it is kept in the palace.

26 *Ken* means "sword" and *ji* means "jewel".

27 *Jinja Shinpō* 4.11.74.

28 *Jinja Shinpō* 13.1.1975, p.1.

29 *Jinja Shinpō* ed., *Kenshō jinja Honchō 60 nen*, p. 160.

names, and the second a national holiday to celebrate the reign of the last emperor.

In June 1979, the Japanese government passed a law stipulating that era names would henceforth be 1) determined by government, and 2) renewed only upon the accession to the throne of a new emperor.<sup>30</sup> The accession of the present emperor Akihito a decade later in 1989 was duly accompanied by the official promulgation of the era name of heisei or "immanent peace". The government hastened to reassure the public that the use of era names was not compulsory. Nonetheless, the 1979 law was designed to redefine Japanese time as "imperial", precisely as the Meiji government had done by introducing imperial era names in 1868. As a *Jinja Shinpō* editorial put it clumsily in 1979, "the precious spiritual cultural tradition of the Japanese race has been reconfirmed here in a clear fashion... The era name system is a symbol that Japan is an imperial nation."<sup>31</sup> The SAS had every reason to rejoice.

Another second, more recent SAS success concerns the establishment in 2007 of a new national holiday on April 29. This is Showa day (*Shōwa no hi*), "Showa" being the era name for the reign of the war-time emperor, Hirohito (r.1926-89). April 29 was Hirohito's birthday, and so a national holiday while he was alive. Immediately after his death in 1989, the holiday was retained, but restyled Green day (*midori no hi*). SAS pressure within the Diet eventually saw the passing of a law that restyled the day as *Shōwa no hi*.<sup>32</sup> This was to be a day when people might "look in awe at the sacred virtues of the Showa emperor", and was intended to encourage "reflection on the Showa period, from the most turbulent times through to [postwar] revival, and consideration of Japan's future".<sup>33</sup> Showa day joins several other national holidays during the year that celebrate the imperial institution. The others include the afore-mentioned State Foundation day in February. There is also Culture day (*bunka no hi*) marks the birthday of the great 19th century emperor, Meiji; Labour thanksgiving (*kinrō kansha no hi*), also in November, marks the emperor's annual performance of the *Niiname* rite, a celebration of Amaterasu's gift of rice to Japan. Finally, there is the present emperor's birthday in December. The deep imperial meanings of these holidays are concealed behind innocuous names like Culture day and Labour thanksgiving, but the SAS is determined to restore their original titles, and so make apparent to all their true meaning.<sup>34</sup>

The SAS has endeavoured, though with somewhat limited success, to ensure these temporal markers of Japan's imperial essence have a vital spatial manifestation. It seeks, that is, to transform these national holidays, especially State foundation day, into national celebrations. This is a third area of SAS activity. The SAS' prefectural branch organisations work to ensure celebrations of Jinmu's accession take place across Japan, but their efforts have been hampered by the cautious approach of successive LDP administrations. Without the presence of the Prime Minister at the main celebrations in Tokyo, there is little hope of generating national "effervescence". Here I confine

30 The postwar Imperial household law, unlike its 19<sup>th</sup> century predecessor, omitted reference to era names.

31 *Jinja Shinpō* 18.6.79, p. 2.

32 *Midori no hi* was subsequently moved to May 4.

33 *Jinja Shinpō*, 6.6.05, p.2

34 See on this, the following page of the SAS website: <http://www.sinseiren.org/dentoubunka/showa.html>

myself to some brief comments on the struggles of the Shinto establishment, led by the SAS, to involve the state in celebrations to mark State foundation day.

In 1976, PM Miki Takeo let it be known he was contemplating some role for the state in the Tokyo celebrations, which till now had been organised entirely by the Shinto establishment. SAS pressure was clearly telling.<sup>35</sup> There was no real progress, however, and the Shinto establishment was shocked to learn later in the same year of Miki's decision to sponsor events on Constitution day instead of the former: "State foundation day is the birth of Japan [they lamented]. It is a national holiday of infinitely greater import for Japan than the fleeting Constitution".<sup>36</sup> In 1978, however, PM Fukuda Takeo allowed the organisers of the Tokyo celebrations of State foundation day to use the legend "With the support of the Prime Minister's Office". The Ministry of Education next allowed its name to be used. In the early 1980s, celebrations took place in the National Theatre (kokuritsu gekijō), and were joined by growing numbers of cabinet ministers and foreign diplomats. Of the prime minister himself, however, there was still no sign.

It was PM Nakasone Yasuhiro who broke the mould, agreeing to attend in 1985, but on certain strict and, objectively speaking, unrealistic conditions. The events, he insisted, must have no "religious or political colouring"; there must be no reference to Emperor Jinmu, no bowing towards Jinmu's mausoleum in Nara prefecture, no singing of a song to celebrate the unbroken line of emperors, and no shouts of "banzai". Nakasone's presence was a victory for the SAS, but the event was so compromised as to be meaningless in the minds of many. Nakasone was not invited back. The 1980s saw a fragmentation: the Shinto establishment carried out its own event at the Meiji shrine with a street parade and brass bands; the government sponsored its own more sombre "national ceremony (kokumin shikiten)", which prime ministers – except the non-LDP Hosokawa and Murayama – attended until 2004. Koizumi Jun'ichiro's refusal to take part in that year marked the withdrawal of government support from State foundation day events. Today, the Meiji shrine events and the street parades take place as Shinto establishment events, but the government's unique involvement with the day is to sponsor an entirely separate "celebratory concert".<sup>37</sup>

It might finally be pointed out that the SAS has recently expanded its vision to tackle two issues that have no obvious connection to the state and its relationship to Shinto. However, they concern issues of "ethics", and ethical issues are, of course, at the heart of the Shinto. Both issues are inherent to the new liberal agenda of the Hatoyama administration. NAS has instructed SAS to direct its firepower first to Hatoyama's revision of the civil code that will allow women to use their maiden names after marriage. This, says NAS, is a bill guaranteed to "bring about the destruction of the family". The second issue concerns suffrage to foreigners with permanent residence in Japan. This, insists the NAS, "has implications for the sovereignty of Japan... and for public safety".<sup>38</sup> It remains to be seen what strategies SAS will deploy, and how successful it will be in blocking what it calls Hatoyama's "secret agenda".

35 *Jinja Shinpō* 16.2.76, p. 1.

36 *Jinja Shinpō* 26.4.76, p. 3.

37 *Jinja Shinpō* 7.2.2005, p. 1; 6.2.2006, p. 5.

38 *Jinja Shinpō* 21.12.09.

## **Conclusion**

It would be rash no doubt to seek a single explanation for the fraught nature of state-Shinto, state-religion, relations throughout the post war. The multi-layered causality of all historical phenomena needs to be properly recognised, after all. Nonetheless, what is abundantly clear is that there is a yearning on the part of the Shinto establishment for the type of polity that shaped imperial Japan in the 19th and early 20th centuries. This has been shared, albeit with considerably more caution, by successive LDP administrations. Article 20 and the revised Imperial household law have stood athwart these yearnings, interfering with their reproduction in the post war.

As we have seen, the Shinto establishment idealises a model of state and society in which the imperial institution, the Amaterasu myth, the Ise shrines, and the emperor himself as sacred presence are central. This is the essence of the Shinto spirit that must be located at the foundation of governance. It is true that NAS and SAS have frequently done battle with post war LDP administrations. They have, for example, castigated prime ministers who did not venture to Yasukuni, and those that did. Those who patronised the shrine invariably compromised over the timing of their visits, or the clothes they wore, or the abbreviated rites they performed. NAS and SAS have been relentless critics, too, of prime ministers who balked at celebrating the Jinmu myth. Still, there is detectable in successive LDP leaders a not dissimilar nostalgia for the imperial past.

One is struck by the intimate connections between the LDP and the SAS, for example. SAS debating club members are all LDP. Abe Shinzō, one time LDP PM, is the club's president at the time of writing. Former PM Mori Yoshirō was SAS president. Koizumi Jun'ichirō is also a member. Nostalgia for the imperial past is evident too in the draft revision of the Constitution, which the LDP published in 2005. Mori, Abe, Nakasone Yasuhiro, Miyazawa Ki'ichi, Kaifu Toshiki, and Hashimoto Ryūtarō are six erstwhile LDP premiers, who recently signed their names to it. The point here is that Article 20 of the draft specifically allows the state a much greater intimacy with religion. It does so by redefining religion as "social ritual and customary practises". If this were ever to become law, it would enable the state to enjoy the sort of relationship with Yasukuni it enjoyed before Japan's defeat in 1945. It is above all here in their attachment to Yasukuni shrine LDP nostalgia is apparent. As I have argued elsewhere, Yasukuni is above all an imperial shrine. Its war dead died for imperial Japan; its rituals are graced by the presence of imperial emissaries. Those rituals celebrate the imperial virtues the dead exhibited in their dying: patriotism and loyalty and self-sacrifice. No prime minister or cabinet member who worships at Yasukuni can be ignorant of the shrine's powerful imperial symbolism. The shrine and its ritual performances provide a clear and unbroken link to the pre-war period, affirming the glories of Japan's imperial past.

This nostalgia for the imperial past, shared by the Shinto establishment and the LDP, encounters Constitutional obstacles - by no means all of them insuperable - at every turn. It is this conflict between the nostalgia and the Constitution that goes a long way to explaining why state-religion, and specifically state-Shinto, issues assume such importance. On these issues is seen to hang the very fortunes of post war democratic Japan. This of course accounts for the media interest in the Sorachibuto

and Tomihira shrines cases discussed above. The liberal press rejoiced at the Supreme Court's unconstitutional verdict; the conservative press lamented. The verdict placed a significant new obstacle in the path of those wishing to reproduce in post war Japan the old intimacy between state and Shinto.

At the time of writing, it is impossible to foresee what the wider implications of the Sorachibuto verdict, or indeed its "conventional wisdom" standard will be. It is too early to say how state-Shinto issues will play out in the future, not least because the long-term future of Hatoyama's administration is by no means certain. Nonetheless, the massive defeat for the LDP in the elections of summer 2009, and the advent of the Hatoyama administration, certainly seem to mark the advent of a new phase. For one thing, PM Hatoyama has made clear his intention not to patronise Yasukuni, but to create a new site for the Japanese war dead. Of course, the Shinto establishment – the NAS and the SAS – sees this as an affront. One implication of this is that Hatoyama has a bitter, and quite possibly violent, fight on his hands.

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Sankei Shinbun "Conventional wisdom" and the politics of Shinto in postwar Japan



Џон Брин

## „КОНВЕНЦИОНАЛНА МУДРОСТ“ И ШИНТО-ПОЛИТИКА У ПОСЛЕРАТНОМ ЈАПАНУ

### Резиме

У јануару 2010, Врховни суд је изрекао историјску пресуду за неуставност у предмету који укључује Сорахибуто, шинтоистички храм у граду Сунагава на Хокаиду. Све јапанске новине посветиле су овом предмету простор на својим насловним странама. Као што се сасвим јасно види, питања политике и религије, политике и шинтоизма су веома жива у Јапану 21. века. У овом есеју настојим да расветлим оптерећени однос између политике и шинтоизма из три перспективе. Најпре анализирам случај Сорахибуто и објашњавам о чему је реч и зашто је он привукао толику пажњу. Затим га контекстуализујем наводећи кључне правне спорове државног шинтоизма у послератном периоду – од 1970-их до прве деценије 21. века. Овде се превасходно фокусирам на државу и њене напоре да култивирше шинтоизам. У последњем делу, тај фокус померам на шинто-естаблишмент и истражујем његове напоре да са наслеђем ЛДП-ове администрације обнови приност коју је шинтоизам имао са државом почетком 20. века.

**Кључне речи:** шинтоизам, решења Врховног суда, Сорахибуто, Јасукуни, Национална асоцијација светилишта (НАС), Дан оснивања државе (kenkoku kinen no hi).

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