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# COVENANTAL PLURALISM IN “HOMOGENOUS” JAPAN: FINDING A SPACE FOR RELIGIOUS PLURALISM

By Ernils Larsson 

Many observers coming across the concept of “covenantal pluralism” would assume that this ideal is already practiced in Japan. The constitution of 1947, promulgated at a time when Japan was occupied by the Allied powers, lays the foundation for a secular system in which religious freedoms are guaranteed to all citizens (Woodard 1972, 77–82). On instances when lawsuits concerning the principle of religious freedom reach the Supreme Court, they are usually resolved in favor of religious minorities, as has been the case in a number of cases related to Jehovah’s Witnesses’ freedom to deviate from societal norms (Takahata 2007; Gotō 2018, 54–64). There is also widespread support for the view of Japan as an inherently tolerant country, where people of various religious backgrounds coexist. When arguing his dissenting opinion in the landmark Ehime Tamagushiryō ruling on the principle of secularism in 1997, Supreme Court Chief Justice Miyoshi Tōru, who would later hold a prominent position in the nationalist movement to revise the constitution, described Japanese ideas about religion as follows:

In our country god shelves [*kamidana*] and Buddhist family altars [*butsudan*] can exist in the same households, [with people] worshipping at both. Moreover, there are also many households in which other kinds of Shinto and Buddhist talismans are displayed, and at times [children in these households] can also be seen studying at Christian schools. [...] This suggests that in our country, according to the religious consciousness of many people and in their

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**Abstract:** This article explores the concept of covenantal pluralism in a context of postwar Japan, with a focus on the legal framework separating the state from religion and guaranteeing the rights of religious minorities. The article argues that while there are relatively few instances of sectarian strife, the lack of agreement on how to interpret the category of religion, in particular in relation to Shrine Shinto, continues to lead to struggles between different camps. The article also questions the feasibility of covenantal pluralism as an ideal in a country where national identity is so closely linked to ideas of social homogeneity.

**Keywords:** secularism, religious freedom, Shinto, Japanese religion, Constitution of Japan, Shin Buddhism

everyday lives, different religions coexist, and this coexistence can be affirmed to be harmonious and without distress. As for society in our country, in general the sense of commitment to a specific religion is thin, and there exists a rather strong sense of tolerance with regards to other [religions]. (quoted in Larsson 2020, 340–341)

While the number of lawsuits surrounding religious freedom and secularism in Japan would seem to speak against Miyoshi’s image of Japanese society as “harmonious and without distress,” more important for the current discussion is that he depicts the state of religious pluralism in Japan as something positive, something that “should be evaluated as a good state of things” (quoted in Larsson 2020, 341). Religious pluralism and peaceful coexistence are ideals shared by many in Japan, a country where instances of sectarian strife and religiously inspired violence are remarkably rare. Much has been written about the gas attacks carried out by the new religion Aum Shinrikyō in the Tokyo subway in 1995, yet postwar Japan has seen few other examples of violence originating in religious communities. Roy Starrs has written on the topic of religion and violence in Japan in a fascinating essay comparing Aum Shinrikyō’s founder Asahara Shōko to renowned novelist Mishima Yukio, yet his essay also speaks to the relative rarity of such instances in contemporary Japanese society (Starrs 2011).

Having said that, there are clear challenges to the implementation of covenantal pluralism in Japan today. As W. Christopher Stewart, Chris Seiple, and Dennis R. Hoover suggest in their introduction to the philosophy behind the concept, covenantal pluralism “offers a holistic vision of citizenship that emphasizes both legal equality and neighborly solidarity.” This includes a constitutional order guaranteeing rights and responsibilities, as can be found in Japan’s postwar legal system, but also “a culture of engagement characterized by relationships of mutual respect and protection” (Stewart, Seiple, and Hoover 2020, 2). While in general a certain degree of mutual respect exists between members and affiliates of the older traditions that since 1945 have been registered as religious juridical

persons (*shūkyō-hōjin*), including Temple Buddhism, Shrine Shinto (*jinja-shintō*), and the established Christian churches, the same is not necessarily true with regards to “new religions” (*shinshūkyō*, c.f. Baffelli and Reader 2019, 11–33). As Horii Mitsutoshi has suggested, when the term religion is used in a context of new religions, it seems to carry “a very similar nuance to the pre-war concept of ‘pseudo-religions’ [...] and ‘evil cults’” (Horii 2018, 93).

In this article I will explore the concept of covenantal pluralism in relation to postwar Japanese society. I will argue that while a general framework is in place to guarantee the rights of minorities in Japan, a number of challenges still remain for the realization of covenantal pluralism. I will focus in particular on the difficulties caused by disagreement over how the concept of *religion* should be interpreted in Japan today, in particular with regards to Shinto. These difficulties also relate to questions of national identity, and present a challenge for those who deviate from supposed “normal” behavior in a country often described as “homogenous” (cf. Mihic 2020, 71–86). Although religious minorities enjoy great freedoms and instances of sectarian strife are few, the very concept of “pluralism” is by many considered incompatible with Japanese national identity.

## The Category of “Religion” in Modern Japan

Many of the controversies surrounding religion in contemporary Japanese society, and consequently many of the obstacles to implementing covenantal pluralism, relate to the lack of consent with regards to how the concept of religion should be understood. This disparity of ideas about what religion means often becomes evident in quantitative surveys on religiousness in Japan (c.f. Roemer 2009). For instance, according to the World Values Survey, which presents its findings in the widely referenced Inglehart-Welzel World Cultural Map, Japan is one of the most secular countries in the world, with little room for “traditional values” (World Values Survey 2020). A similar trend is reflected in the report on the global religious landscape published by Pew Research Center, which places Japan in an

exclusive group of six countries where “the religiously unaffiliated make up the majority of the population” (Pew 2012, 26).

When comparing the picture presented in these surveys to the results from quantitative surveys produced in Japan, however, it becomes clear that they do not show the whole picture. For instance, in a 2018 survey by Japan’s national broadcasting corporation, NHK, between 30 and 40 percent of the respondents professed belief in phenomena such as a world after death, heaven, or ancestor spirits, while about half of the respondents said that they would carry out practices which involve religious institutions, such as visiting shrines on the first day of the New Year or praying at the family grave during *obon* (NHK 2019). The picture of Japan as a country of religiously unaffiliated can also be compared to statistics on membership in religious organizations produced by the Japanese government. According to their latest numbers, based largely on reports made by the religious organizations themselves, the number of believers in Japan is more than 180 million, with Shinto and Buddhist organizations claiming more than 80 million believers each (eStat 2020). As has been the case throughout the postwar period, this number remains significantly higher than the total population of the country, which in 2020 was around 126 million.

I would argue that the discrepancy between the results presented in these different surveys is mainly caused by the general ambiguity of religion as a category in Japan. Other scholars have reached similar conclusions on this matter. For instance, in a classic work on why so many people in Japan claim to be “non-religious” (*mushūkyō*), Ama Toshimārō has suggested that this is essentially due to people feeling an aversion to “revealed religion” (*sōshō shūkyō*). In Ama’s interpretation, “when Japanese people today say without doubt that they are ‘non-religious,’ this is not caused by the spirit of modern science, but is a phenomenon caused by an extremely traditional ‘natural religion’” (Ama [1996] 2017, 67–68). While I would avoid Ama’s categorization of this as “natural religion,” I otherwise agree with his observation. When someone denies affiliation with “religion” in a

survey, this does not necessarily reflect a general lack of “religiousness,” but should be understood as a general reluctance to associate with organized forms of religion or with the very category of “religion” itself (cf. Horii 2018, 87–90).

“Religion” is not a concept with a particularly long history in Japan. When Japan opened up to the outside world after 250 years of self-imposed isolation in the 1850s, the Western powers immediately began to push for an end to the ban on Christianity and for the freedom to practice their religion (Josephson 2012, 71–93). Yet as Helen Hardacre has argued, “when Euro-American ideas about religion came to Japan, they entered a society that had no equivalent concept, no idea of a distinct sphere of life that can be called ‘religion’ nor did it have the idea of ‘generic religion’ of which there are local variants” (Hardacre 1988, 300–301). Religion as a category thus had to be invented and adapted to the specific Japanese context. Following two decades of debate on how to translate the term into Japanese, by 1874 *shūkyō*, a word previously used to denote Buddhist denominations, had become the most widely used term to translate Western “religion” (Ama [1996] 2017, 73–76).

While the necessity for a Japanese equivalent for Western religion resulted from the forced opening of the country in 1854, the boundaries of the concept were negotiated by Japanese policymakers and lawmakers. Yet since the need for religion arose in a context of Western demands for the specific freedom to practice Christianity, Western Christianity also came to serve as the “prototypical member” of the category (Josephson 2012, 71–78). By the time Japan’s first modern constitution came into effect in 1890, the term religion was widely understood as encompassing Christianity as well as Buddhism and sectarian Shinto (*kyōha-shintō*) (Maxey 2014, 179–182). Significantly, it did not include Shrine Shinto, which was instead understood as belonging to the public sphere of state ritual and national morals. As religious freedom was implemented under the Meiji constitution, it signaled a freedom to practice those heterodox teachings which were tolerated by the imperial state as “a paradoxically optional set of beliefs between state truths and banned

delusions,” as long as adherence to them did not encourage social dissent or interfere with the duties of the imperial subjects (Josephson 2012, 260). Of significance here is that since it was originally conceptualized in the Japanese language, religion has been understood as primarily relating to the private beliefs of individuals.

The invention of religion in Japan also created a secular realm, “shielded from religion, legally, discursively, and also practically, by way of the removal of religious objects and actors” (Teeuwen 2017, 57). Religion requires a secular or “non-religious” counterpart in order to signify a distinct sphere of social life, yet just as is the case with religion, the contents of this sphere must be negotiated as the boundaries of religion are drawn. When Japan was reinvented as a modern nation-state in the second half of the 19th century, the nation’s leaders looked to Shinto to find the nation’s ideological core (Hardacre 1991, 21–41). A significant consequence of this contemplation of national identity was the “restoration” of imperial rule in 1868, when the young Emperor Meiji was granted the role of sovereign over the empire, legitimized through his claims to divine lineage as a descendant of the sun goddess, Amaterasu Ōmikami. At the same time, Shinto shrines were separated from Buddhist temples through government decree, as Japanese lawmakers “drew on a wave of nostalgic nativism that idealized Japan’s age of antiquity as a divine era” in seeking to give the nation a fresh start (Breen and Teeuwen 2010, 8). The regime that arose from the restoration was based on the principle of “unity of rite and rule” (*saisei-itchi*), which linked the imperial institution to shrines, rites, and the gods (*kami*) of the land (Maxey 2014, 24; cf. Teeuwen 2017).

This was also the basis for prewar secularism. The rites and morals of the state were firmly situated in the discursive category of “the real” or “the secular,” whereas teachings (*kyō/oshie*) became part of religion (Josephson 2012, 251–262). Consequently, for the first 90 years of Japan’s modern history, Shrine Shinto did not belong to the category of religion, and Japan was conceived of as a secular state where religion and state were separated (Thomas 2019, 17–48).

There was no “state-religion” called “State Shinto” at this time, but there was a *kokutai* system which numerous foreign observers throughout the prewar period would consider “religious.” Of particular significance for the current discussion is the fact that the category of religion was negotiated in Meiji era Japan precisely at a time when Shrine Shinto was given its modern contours, and the outcome was that the latter did not end up as part of the former. These were the premises for religious life in Imperial Japan, and while it led to frictions between the state and religious communities on many occasions (Thomas 2019, 49–73), it also laid the foundation for a general understanding of Shinto as something *different* from religion. This understanding of Shinto is still prevalent in postwar Japan, and it remains at the center of many conflicts between religious communities to this day.

### Shrine Shinto as a Japanese Religion

The Allied occupation of Japan (1945–1952) sought to radically transform the country from an authoritarian, militarist empire into a liberal, pacifist democracy. Besides ensuring that postwar Japan would be governed by the people, for the people, the new constitution, which was essentially written by a group of American servicemen in February of 1946 (Woodard 1972, 76–82; Dower 2000, 360–394), also marked a clear shift in focus from regulating imperial subjects to establishing the civic rights of citizens (*kokumin*). Written more or less contemporaneously with the Universal Declaration of Human Rights (1948), the new constitution, which came into effect on May 3, 1947, guaranteed Japan’s citizens a number of fundamental rights. These included the freedom of thought and conscience, freedom of assembly, and freedom of press, yet of greatest importance for the current discussion is Article 20:

I. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. II. No person shall be compelled to take part in any religious act, celebration, rite or practice. III. The State

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

The first paragraph of Article 20 guarantees complete freedom of religious belief in Japan. While the words used to denote “religious freedom” (*shinkyō no jiyū*), inherited from the Meiji constitution, suggest an emphasis on *belief*, the principle is understood to also include the right to religious practice, religious assembly, and to disseminate religious teachings (Gotō 2018, 23–28). This freedom is complemented by the second paragraph, which prevents the state as well as religious actors from compelling citizens to participate in any form of religious activities. The principle of religious freedom as outlined in the constitution closely mirrors the corresponding article in the 1948 United Nations Declaration of Human Rights, and it corresponds to one of the three “conditions of possibility” enabling the realization of covenantal pluralism described by Stewart, Seiple, and Hoover, along with “religious literacy” and “continual cultivation of the character traits needed for robust, sustained engagement between people of different religions/worldviews” (Stewart, Seiple, and Hoover 2020, 11–12). It should be noted that while the ban on “religious education” has led to many public schools being careful in how they approach the topic of religion, the paragraph should not be interpreted as prohibiting teaching based on the academic study of religion, provided it does not favor a “specific religion” (c.f. Woodard 1972, 107–118; Gotō 2018, 98).

While the first two paragraphs are concerned with the rights of citizens, the third paragraph limits the ability of representatives of the state to officially favor any particular religion, by essentially raising a “wall of separation” between religion and the state (O’Brien and Ohkoshi 1996, 60–62). This is complemented by Article 89, which limits the ability of the state to fund religious institutions:

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.

This wall of separation was a direct consequence of the occupation authorities’ general mistrust of “State Shinto” (Thomas 2019, 141–165). An early goal of the occupation was the disestablishment of the ideological foundation of the prewar regime, including the *kokutai* system and the close ties between the state and the shrine world. This was done through the Directive on the Disestablishment of State Shinto, or the “Shinto Directive,” issued on December 15, 1945, and through which “Shrine Shinto” was formally established as a religion, fully separated from the state and divested of any special privileges that shrines had enjoyed under the Meiji constitutional system (Hardacre 1991, 134–139; Horii 2018, 59–63). The constitution’s strict separation of religion from the state should be read as a continuation of this policy, as the occupation authorities sought to ensure that Shinto would never again become part of the nation’s ideological foundation. By the time the new Religious Juridical Persons Law came into effect in April of 1951 (Woodard 1972, 93–102), Shrine Shinto had already been functioning as a *de facto* religion in Japan since January, 1946, when the National Association of Shinto Shrines (*Jinja Honchō*) was formed as an umbrella organization for thousands of shrines throughout Japan (Breen and Teeuwen 2010, 5–7).

The constitution and the Religious Juridical Persons Law create an even playing field where every religion is granted the same freedoms and privileges, while also ensuring that all religious organizations remain separated from the state. At the same time, the Shinto Directive ensured that Shrine Shinto was situated in this legal sphere, “recognized as a religion if its adherents so desire and [...] granted the same protection as any other religion” (Hardacre 1991, 136–137). The constitutional principle of secularism in the 1947 constitution has been interpreted as having four main aims: to prohibit the state from privileging specific religious organizations, to prevent religious organizations from exercising political authority, to prevent public organs from

partaking in religious activities, and to ensure that public funds are not used for the benefit of specific religious organizations (Gotō 2018, 97–98). Under the Religious Juridical Persons Law it is established that the term “religious organization,” as found in the constitution, should be interpreted as any organization registered as a religious juridical person (Larsson 2020, 155–156). Although the concept of religion is not defined in the law, the number of registered religious juridical persons in Japan — currently totaling 180,433 organizations, including 49,088 under the heading “various teachings” (*shokuyō*) (eStat 2020) — bears witness to the general liberty with which the status of religious juridical person has been granted (cf. Thomas 2019, 195–222).

All Shinto shrines in postwar Japan are registered as religious juridical persons, thus suggesting that from a legal perspective, Shrine Shinto functions as a religion equal to other religions. Yet at the same time, many within Jinja Honchō have remained adamant opponents of the notion that Shinto is just one of several religions present in Japan, instead considering it to be “a ‘public’ ritual system open to all members of the community irrespective of their ‘private’ beliefs” (Breen and Teeuwen 2010, 13). When describing this notion, upheld by prominent representatives of Shrine Shinto and echoed by numerous conservative and nationalist politicians and lawmakers, I have used the term “Shinto normativity,” which I define as:

the commonsensical assumption that the Japanese exist as a transhistorical *ethnos*, whose members since time immemorial commonly adhere to a set of traditional practices and beliefs centered around the worship of the *kami* of the land which in contemporary society are carried out within the framework of Shrine Shinto, and that while these practices and beliefs are in some ways similar to *religion*, they are still *essentially different* from other religions. (Larsson 2020, 57)

Shinto normativity is in many ways heir to the *kokutai* system of prewar Japan, and actors

who represent a Shinto normative position often show various degrees of nostalgia for the prewar past. While few today advocate fully reinstated ties between the state and Shrine Shinto, they will instead argue that the constitution needs to be revised in order to better accommodate Japanese “tradition” (*dentō*) and “culture” (*bunka*) (Larsson 2017, 244–248). As one speaker expressed it at a summer seminar organized by Jinja Honchō in 2008: “we have to question again whether the current principle of secularism is suitable in Japan, where a culture perseveres which has shrines at its center” (Jinja Shinpō 2008).

The question of whether all aspects of Shinto should be understood as religion or not has been the topic of a number of lawsuits in the postwar period (Larsson 2017; Van Winkle 2012). The first time that the principle of secularism was evaluated by the Supreme Court was in 1977, when a landmark ruling was handed down concluding that although the state has a clear responsibility to maintain a principled distance to religious actors, there exists a certain leeway with regards to activities that could be interpreted as “social ritual” or “secular events” (Larsson 2017, 231–233). The case in question concerned a groundbreaking ceremony (*jichinsai*), conducted by Shinto priests at the behest of the local government in the city of Tsu, and according to the justices behind the majority opinion this did not constitute “religious activity” under the constitution. While this is a position that enjoys broad support in Japan, including from scholars such as Ama Toshimaru, who views groundbreaking ceremonies as representative of practices originating in religion but that have become customary (Ama [1996] 2017, 20–25), it has also been criticized by a number of actors. The original lawsuit was filed by a member of the local government representing the Japan Communist Party in Tsu, Sekiguchi Sei’ichi, in what was essentially “one person’s fight” (Tanaka 2007, 91–96). While Sekiguchi filed the lawsuit based on his atheist convictions, plaintiffs representing various religious denominations have dominated later lawsuits on state-religion relations (Larsson 2020, 402–404). Regardless of whether the

plaintiffs represent positions of belief or non-belief, lawsuits on religion indicate the prevalence in contemporary Japan of disparate ideas about how the relationship between Shinto and the category of religion should be understood.

Whereas the 1977 lawsuit was resolved in favor of a “Shinto normative” understanding of Japanese religion, in 1997 the Supreme Court reached a somewhat different conclusion in its second landmark ruling on religion-state relations. The Ehime Tamagushiryō case concerned the public patronage of a local Nation Protecting Shrine (*gokoku-jinja*) and of Yasukuni Shrine by the local government in Ehime prefecture (Tanaka 2007, 188–208). The governor and his entourage were sued by a group of plaintiffs representing different religious denominations, headed by the Shin Buddhist priest Anzai Kenjō. Although the justices of the Supreme Court did not fully dismiss the idea that certain rites could be considered customary or secularized, they chose to emphasize the legal status of the institutions in their ruling. Rather than trying to determine whether the offerings funded by the local government were religious or not, they concluded that since the money was paid to Shinto shrines that were registered as religious juridical persons, the act of paying for them using public funds was a violation of the constitution (Larsson 2017, 236–238). Regardless of whether one considers shrine rites to be religious or not, public money cannot be expended to fund the activities of religious organizations.

In an article discussing interpretations of secularism in Japan’s courts of law, Frank Ravitch has described the outcome in these rulings in terms of “Shinto as culture” and “Shinto as religion” (Ravitch 2013). While I am not entirely convinced by Ravitch’s argument or by his conclusion that the Ehime ruling represents the beginning of a new distinct period in court interpretations of Articles 20 and 89, his way of categorizing the outcome of the two lawsuits points to a key divide that presents a major obstacle to the implementation of covenantal pluralism in Japan: there is no general agreement on how religion should be

understood, and consequently there is no agreement on who is being tolerant and who is being intolerant. If Shinto is a part of culture and tradition — or more significantly, national identity — then why should public officials not be able to carry out certain rites as part of their public role? After all, if the emperor can be both a “secular” monarch and fulfill a key role in contemporary Shrine Shinto (Breen and Teeuwen 2010, 196–198; Larsson 2017, 238–240), why cannot a prime minister pay his respects to the nation’s fallen at Yasukuni Shrine? Yet to religious minorities, these very rites are often seen as originating in a religious system promoted by the oppressive former regime and as reflecting a “theory of non-religious Shintō” (*shintō hishūkyō-ron*) which was not formally disowned until after Japan’s unconditional surrender in World War II (cf. Ama [1996] 2017, 82–93).

## The Persistent Otherness of Religious Minorities

Another significant issue related to the concept of religion which presents problems for the implementation of covenantal pluralism in Japan is how in vernacular parlance, the term is often associated with new religions (Horii 2018, 93–94). Mistrust of new religions has deep roots in modern Japan, going back to the Meiji era negotiations surrounding the question of which heterodox teachings should be included in the category of religion (McLaughlin 2012, 54–61). For the first half of the postwar period, much of this mistrust was directed at Sōka Gakkai, a successful Buddhist mass organization which in 1964 became one of the first religious organizations to found a political party, Kōmeitō (“Clean Government Party,” today New Komeito Party), although the two were formally declared to be separate institutions in 1970. Kōmeitō has acquired some political influence since its founding, in particular as a coalition partner for the Liberal Democratic Party (LDP), but the “very existence of Kōmeitō was, and is still considered by many, to be in violation of Article 20” (McLaughlin 2012, 59).

While mistrust of Sōka Gakkai and other similar organizations was widespread prior to

1995, the situation worsened after the new religion Aum Shinrikyō carried out a sarin gas attack in the Tokyo subway on March 20 of that year. Utilizing the public outrage following the attacks, the LDP took the lead in pushing through significant reforms to the Religious Juridical Persons Law, which were passed by the Diet in December of 1995 (Lobreglio 1997, 38–41; Klein 2012, 84–90). The revised law gave the state much clearer authority to review the internal activities of religious organizations, including with regards to their finances. While religious juridical persons would maintain significant tax benefits, they were now required to file mandatory statements of revenue and expenditures with the relevant authority, which after the reforms would mean the Minister of Education for all larger organizations (Lobreglio 1997, 41–44). Citing the strong public support for revising the law in the summer of 1995, Axel Klein has suggested that the push for revisions reflected an LDP strategy to “trade their religious partnerships for broad public support” (Klein 2012, 87).

Affiliation with a religious organization can be a source for mistrust in Japan, and new religions in particular remain useful “scapegoats” in domestic politics. Levi McLaughlin has argued that although the sense of “danger” associated with these groups may diminish over time as the Aum incident becomes a more distant memory, new religions are “unlikely to lose their abiding ‘otherness’” (McLaughlin 2012, 72). The general mistrust of organized religion is also reflected in national surveys such as the NHK survey quoted above, in which a clear majority of respondents opposed religious organizations influencing elections and roughly a quarter believed religious organizations to have too much power in society (NHK 2019).

Reading through lawsuits on religion-state relations in postwar Japan, it is easy to get the sense that there exists a conflict between the Shinto establishment and nationalists on the one side, and religious minorities and liberals on the

other. This is certainly a recurring trend if we look only at court proceedings, yet the social reality outside the courts is far more complex. Although a number of new religions suffer from a general public mistrust and remain useful as scapegoats for politicians seeking to push through certain reforms (Klein 2012; McLaughlin 2012), other new religions maintain mutually beneficial relationships with the LDP. A number of religious organizations have gathered in support for conservative and nationalist politics since the 1970s. This includes Jinja Honchō and other organizations with their origins in Shinto tradition, but various groups originating in Buddhism or representing more

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syncretistic belief systems, such as Nenpō Shinkyō and Reiyūkai, also support the political right (Tsukada 2015, 72–80).

I would argue that Japan is not so much divided between “Shintoists” and other religious groups, as it

is between adherents of different interpretations of religion as a concept, and this in turn is often linked to the question of how Japan is conceived of as a nation. While there are some patterns to how the lines are drawn between these positions, supporters of a Shinto normative idea of shrine rites as different from religion can be found in all camps. Two Christian prime ministers of the postwar era, Yoshida Shigeru and Ōhira Masayoshi, visited Yasukuni Shrine while in office to pray for the spirits of the fallen soldiers (Tanaka 2007, 113), and examples of Christian writers arguing in favor of official visits to the shrine are not hard to find (c.f. Doak 2007). The nonpartisan parliament group Diet Member’ Association for Worshipping at Yasukuni Shrine Together (*Minna de Yasukuni-jinja de sanpai suru kokkai giin no kai*) has included Christian parliamentarians amongst its members since its foundation in 1981 (Tanaka 2007, 144–145).

Different views on the role of Shinto in Japanese society can be found in most religious communities. While Shin Buddhism, like Christianity, has produced some of the staunchest opponents of public shrine patronage

in the postwar period (Larsson 2020, 262–306), many within the denomination also support shrine rites as expressions of Japanese “culture” and “tradition,” even when this support goes against the tenets of Shinran (c.f. Dessì 2010). Lawsuits on state-religion relations illustrate this divide, but they also reflect many of the complex questions that arise from legislating religion in a pluralistic society.

One such lawsuit was resolved by the Supreme Court in 1988, as a ruling was handed down on the SDF Enshrinement case. The case concerned a member of Japan’s Self Defense Forces (SDF) who had died in an accident in 1968. While the serviceman himself “did not believe in religion during his life,” as it is described in the proceedings (quoted in Larsson 2017, 235), his widow was a practicing Christian. The controversy at the center of the lawsuit arose when the local branch of the SDF Friendship Association (*taiyūkai*) in collaboration with shrine priests decided to enshrine the serviceman’s spirit at the local Nation Protecting Shrine. The serviceman’s widow was fiercely opposed to this initiative, based both on her own religious beliefs and with reference to the prewar system of compulsory enshrinement of fallen soldiers as “heroic spirits” (*eirei*), but the serviceman’s father, who had already held a Buddhist memorial service for his son, endorsed the enshrinement. The outcome of this case has often been used to suggest that religious freedom is threatened in Japan (e.g. Weeks 1995; O’Brien and Ohkoshi 1996), but I would argue that it instead reflects the difficulties involved in weighing the interests of individuals with irreconcilable theological differences in a court of law. While the justices of the Supreme Court acknowledged the historical complexities surrounding “State Shinto” as well as the Christian widow’s feelings, they concluded that all concerned parties had an equal right to religious freedom:

With regards to acts based on the beliefs of people whose beliefs are incompatible with one’s own beliefs, the guarantee of freedom of religion should be considered to demand a tolerance for that which does

not harm one’s own religious freedom by carrying with it the endowment of force or disadvantage. This is the same with regards to how we commemorate and console the spirit of a deceased spouse. This is because the freedom to consider someone the object of one’s faith, or to commemorate someone based on the religion one believes in and to conduct religious acts with the purpose of calming the soul, is guaranteed to everyone. (quoted in Larsson 2020, 345)

Essentially, while the serviceman’s widow had the constitutional freedom to mourn her husband in any way she wanted to, this right did not invalidate the rights of others to mourn him in other ways. Her father-in-law had the same right to carry out Buddhist rituals for his son, his former comrades in the SDF were free to arrange for his spirit to be enshrined at the local Nation Protecting Shrine, and the shrine priests had the freedom to carry out the rites. To enjoy freedom of religion, the justices argued, one must also practice a certain degree of tolerance towards those with different beliefs (Tanaka 2007, 181–183; Larsson 2017, 234–236). We see here an echo of Chief Justice Miyoshi Tōru’s assertion, quoted at the beginning of this text, that Japan is a country where “different religions coexist” in a syncretic religious landscape that is “harmonious and without distress” (quoted in Larsson 2020, 340–341). Significantly, this also echoes a key principle of covenantal pluralism: respect for the other. As argued by Stewart, Seiple, and Hoover, “respect simply means that everyone should respect the inherent dignity of every human, including the innate liberty of conscience of the other even if the conclusions drawn are different from one’s own” (Stewart, Seiple, and Hoover 2020, 12).

## Conclusion: Covenantal Pluralism in Homogenous Japan

In terms of religious identity and affiliation, postwar Japan is in many ways a thoroughly pluralistic society. The number of large religious organizations is substantial, with 212 Shinto organizations, 477 Buddhist organizations, 327

Christian organizations, and 119 organizations listed as “various teachings” working on a national level and thus registered under the Minister of Education (eStat 2020). These numbers speak to a great variety in religious belief amongst people in Japan, yet as mentioned at the outset of this text, sectarian strife remains rare. While there exists to this day a widespread mistrust of new religions in particular, “old” religions, including most Buddhist sects and several Christian denominations, are an integrated part of Japanese society.

The various lawsuits that have been filed on the principles of religious freedom and secularism in postwar Japan might be said to reflect a certain degree of conflict between religious communities and between religious minorities and majority society, yet in most instances the outcome reflects a serious attempt to accommodate religious pluralism (cf. Takahata 2007). One illustrative example of this is the Kendo Practice case, in which a public school refused to compromise with a group of students who did not wish to participate in *kendō* (Japanese fencing) practice during their physical education classes, because of their beliefs as Jehovah’s Witnesses (Takahata 2007, 742–745; Gotō 2018, 295–307). While the conflict shows the difficulties some members of religious minorities might encounter in their everyday lives, the fact that all three instances of the judiciary ruled in favor of the students suggests that religious freedom is consistently upheld as a constitutional principle.

The Kendo practice case also illustrates a major challenge for covenantal pluralism in Japan. The legal system put in place during the occupation and upheld by the Japanese judiciary for more than 70 years provides the tools to protect religious minorities, but due to how national identity in Japan has been envisioned, members of religious communities tend to retain a distinct otherness. Levi McLaughlin (2012) has described this otherness in relation specifically to new religions, but I would suggest that it is present, to varying degrees, with regards to all those whose religious practices and beliefs in some way deviate from assumed “common” cultural behavior. This can be observed when cases on

state-religion relations are argued in courts, as those who view certain Shinto rites as “religious” are frequently presented by their opponents as failing to understand normal Japanese behavior. For instance, when the Tsu District Court ruled against Sekiguchi Sei’ichi in the Tsu Groundbreaking Ceremony case in 1967, the judges claimed that a groundbreaking ceremony “is understood as simply carried out by our people as this sort of customary event” which “to nearly all the people who participated, [had] nothing to do with propagating and promoting the teachings of Shinto” (quoted in Larsson 2020, 183–184).

A similar reference to ideas held by common people was made by Chief Justice Miyoshi Tōru in his dissenting opinion in the 1997 ruling on the Ehime Tamagushiryō case, where he argued that “mourning those fallen soldiers who offered their lives in defense of the fatherland [...] as well as consoling their spirits, can be said to be an act which is not restricted to bereaved families or comrades in arms but is natural for all the people of the nation” (quoted in Larsson 2020, 313). The implication is that those who embrace a Shinto normative position speak for the Japanese people. It is hardly surprising, then, that Anzai Kenjō, chief plaintiff in the Ehime case, became the target of aggressive nationalist campaigns after filing the lawsuit, with his opponents referring to him as “non-Japanese” (*hikokumin*) and a “Quisling” (*baikokusha*) (Larsson 2020, 262–263).

Postwar national identity is intimately tied to the notion of Japan as a “homogenous” nation, “a myth so powerful that it informs the idiom of everyday discourse, media, journalism, and academic writings about Japan” (McVeigh 2006, 147). Much of the narrative of Japanese homogeneity centers on matters of race or ethnicity (cf. McVeigh 2006, 147–164), but it also includes many other aspects of Japanese social life, including the notion of Japan as a “middle-class society” (Chiavacci 2008). A similar claim to homogeneity is present in the arguments above, but it is somewhat contradictory in that it incorporates tolerance and a certain degree of pluralism in its vision for “normal” Japanese behavior. “Common people,” it is assumed, do not interfere with shrine rites that are performed as “social ritual.” To again return to the quote by

Miyoshi Tōru in the beginning of this text, “in our country, according to the religious consciousness of many people and in their everyday lives, different religions coexist.” Coexistence is woven into the very fabric of “our country” (*waga-kuni*), and tolerance becomes a part of what it means to be Japanese.

This way of connecting national identity to more abstract values goes back to trends identified in 19th century Japanese nationalism. Significantly, it was acknowledged that people in the regions occupied by Imperial Japan, including Hokkaido, Okinawa, and the Korean peninsula, could essentially be turned into Japanese people, since “national identity was a matter of following certain customs rather than an immutable matter of race” (Morris-Suzuki 1998, 22). Cultural nationalism has always been strong in Japan, perhaps stronger than ethnic or racial nationalism (cf. Morris-Suzuki 1998, 60–78; McVeigh 2006, 185–202), and for this reason adherence to normal *cultural* practices plays a significant part in the notion of Japanese homogeneity.

This, I would argue, presents the greatest challenge for the implementation of covenantal pluralism in Japan. If we accept the description of covenantal pluralism as “a paradigm of civic fairness and human solidarity, a covenant of global neighborliness that is intended to bend but not break under the pressure of diversity” (Stewart, Seiple, and Hoover 2020, 9), we immediately see the fundamental problem. With religious pluralism comes a diversity of ideas, and national identity in postwar Japan is in many ways poorly equipped to handle controversies that arise when people of alternative worldviews — religious or non-religious — question “normal” behavior. Chris Seiple has suggested that covenantal

pluralism requires a “faithful patriotism” to stand against “the monopoly of religious nationalism” (Seiple 2018), but it can be difficult to discern just where to draw these lines. While Yasukuni Shrine is often presented as representing religious nationalism by its critics, in the opinion of the multitude of people of widely disparate religious backgrounds who visit the shrine to mourn Japan’s fallen soldiers, the very act of visiting the shrine would be considered an example of faithful patriotism. A similar issue can be seen with regards to the emperor. Although the constitution presents him as a “symbol of the State and of the unity of the People,” the fact the imperial office is also intimately tied to Shinto myth and tradition has made him a contested symbol of the nation (Gotō 2018, 253–276). Is covenantal pluralism possible in Japan as long as the emperor retains his current position?

Despite assumptions about homogeneity, Japan is a diverse country with a plurality of religious traditions and secular ideologies. While the country is in many ways a hallmark for tolerance and coexistence, Japan still faces challenges with regards to the different ways of conceptualizing postwar national identity. Religion as a concept is at the center of many of these discussions, as its boundaries are constantly questioned by various actors. While religious nationalism is hardly the way forward for Japan, it is difficult to discern how a faithful patriotism could be developed that would be endorsed by conservatives and nationalists as well as by liberals and religious minorities. Still, despite the recurring conflicts over the boundaries of religion, the Japanese case can still be said to reflect a general will to “respect, protect, and engage the other” (Seiple 2018). ❖

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