

## THE CONSTITUTION AND RELIGION

Note: The Constitution Investigation Council, which is currently studying the manner in which the Constitution was drafted and adopted and is considering whether it should be revised, has devoted two sessions (December 2, 1959 and March 9, 1960) to the subject of religion. In this issue we are presenting the second installment of a slightly abridged and edited translation of the statements made before the Council by the officials and scholars who were asked to relate their experiences and express their opinions in regard to the above subject. Editor.

Meeting on March 9, 1960

(Continued)

*Kazumi Inuma<sup>a</sup>*

I held a post in the Ministry of Home Affairs where I was in charge of shrine affairs for ten years. However, ... the Shinto Directive was issued on December 15, 1945, and the Shrine Board (*Jingi'in*)<sup>b</sup> was abolished [on February 1, 1946]. ... Then, the next day all laws, imperial ordinances, ministerial ordinances, and cabinet (*Dajōkan*)<sup>c</sup> orders were abrogated and the shrine administrative system which had been established in the Meiji era came to an end. Thereafter shrines came under the Religious Corporations Ordinance<sup>1</sup>, and business

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a. 飯沼一省 b. 神祇院 c. 太政官

1. The text uses the term "Religious Juridical Persons Law" (*Shūkyō Hō-jin Hō* 宗教法人法) but this was not enacted until March 1, 1951. The Religious Organizations Law (*Shūkyō Dantai Hō* 宗教団体会法) was abolished December 27, 1945 and the Religious Corporations Ordinance (*Shūkyō Hōjin Rei*) was promulgated the next day. The speaker was apparently referring to this ordinance.

related to the shrines was transferred to the Ministry of Education. In the meantime shrines throughout the country held conferences and organized the Association of Shinto Shrines (Jinja Honchō)<sup>a</sup> [on February 2, 1946].

I should like to state my opinion regarding the discrimination against the shrine system and concerning the separation of the shrines from religion. There are views which consider that shrines are religion because they handle amulets, for example, but I think that the most important and essential thing about shrines is the rites. Shrine rites were regulated by imperial ordinances. Those of the Grand Shrine of Ise, for example, were regulated by the Grand Shrine Festival Ordinance (*Jingū Saishi Rei*)<sup>b</sup>; and those of government and national shrines by the Government and National Shrines Festivals Ordinance (*Kankoku Hei-sha Saishi Rei*)<sup>c</sup>. In accordance with these ordinances grand, middle, and minor festivals were observed. These constituted the true characteristics of shrines.

The most important and central element in the festival is the ritual prayer (*norito*)<sup>d</sup> which is offered by a priest or imperial messenger in presenting offerings to the kami. Ritual prayers included the following: "May the imperial reign be blessed with peace and calm, and the people of the whole country be prosperous." The wording may be different according to the festival, but it is only a prayer for divine protection for the peaceful existence of the country and the people. The prayers are not for personal peace of mind and enlightenment, and they do not include devotion to or belief in a transcendent Absolute such as religions generally do.

a. 神社本庁 b. 神宮祭祀令 c. 官国幣社祭祀令 d. 祝詞

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In other words, the festivals observed in the shrines constitute a unique system which cannot be separated from the national character (*kunigara*)<sup>a</sup>. From the Meiji era they were called "the fundamental festivals of the state."

Some people say that the Grand Shrine and other shrines are religion because they handle amulets (*ofuda*)<sup>b</sup>. However, they have never forced these on the people.

There are not a few persons who worship a large tree or a stone. There is even a proverb saying that "*iwashi no atama mo shinjin kara.*"<sup>c</sup> [Meaning, "Even the head of a sardine is adorable, if one has a heart of faith," that is, faith will move a mountain]. It is natural for old shrines to have many folk customs connected with them. Nevertheless, the essential character of shrines has never changed. It should not be forgotten that their true characteristics are to be found in the festivals which were decided by the state.

For this reason until termination of the war we were engaged in business related to shrines from the point of view that the shrines were fundamental festivals of the state and not religion. We do not understand why Shrine Shinto was considered to be an institution of ultra-nationalism. From the viewpoint of its history it is natural that it is different from religions in general. It is a fact that we offered prayers for victory during the wartime. No nation desires to be defeated and we also prayed for victory in the war in order to make the world peaceful as soon as possible. We could not agree at that time with the idea that shrines constituted the basis of militarism because of those prayers. Therefore, when the Direc-

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a. 国柄 b. 御札 c. 鯛の頭も信心から

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tive was received, we could not accept the view that the shrine system was religion. The Shrine Board never accepted this position and was unable to consider treating the shrines as religious juridical persons. However, the persons concerned took great pains to find a way of continuing the existence of the shrines and as a result established the Shrine Association, which devised remedial measures to solve shrine problems.

In conclusion, I am going to tell about the Grand Shrine of Ise. On the basis of the Directive of the Allied Forces, the Grand Shrine of Ise has been treated as a religious juridical person like other shrines. The festival of transferring the shrine, which was to have been observed in 1949, had to be postponed four or five years and was carried on by means of private support. The previous rebuilding and transfer was held in 1929 and was carried out by means of national funds. To finance this privately can be said to have been an extraordinary method which never before had occurred in Japanese history. Fortunately, the respect of the people remains unchanged. Visitors increase year by year. Last year, although the Ise Bay Typhoon caused much damage to the forest and trees in the precinct, the recovery has been proceeding steadily.

The most serious matter regarding the Grand Shrine today seems to me to be that the fundamental significance of the shrine has not been made clear. The first problem is whether the sacred treasure, the mirror, should be regarded as a treasure of the Emperor or as the property of the shrine, that is, a religious juridical person which has been separated from both the state and the Emperor.

Article 7 of the Imperial Household Finance Law (*Kōshitsu*

*Keizai Hō*)<sup>a</sup> reads: "The historic articles which are transmitted together with the throne shall be received by an imperial heir when he assumes the throne." According to this provision, it may be interpreted that the Emperor has received the sacred treasure. However, from the standpoint of the Religious Juridical Persons Law, the mirror is the possession of the Grand Shrine or of a religious juridical person which can be controlled at will by this private corporation and may be disposed of at its discretion. Such an interpretation seems possible, and it is a very regrettable condition in which the system exists today. Needless to say, we believe that this sacred treasure has been received by the Emperor and is not the property of a religious juridical person.

The second problem is why the state does not establish a suitable system to resolve this situation. Under the present system, the Grand Shrine is separated from both the Imperial Household and the state. We do not know how to explain this.

The third problem is whether the historic articles referred to in Article 7 of the Imperial Household Finance Law have a private or a public character. Some scholars are of the opinion that the supreme power of the Emperor to perform festivals has been abolished already by the new Constitution and that the historic articles referred to in the Imperial Household Finance Law are the Emperor's personal possessions.

This interpretation might have been inevitable under the Occupation, but today, when our country is independent, we do not think that we must adhere to it any longer. Under the

a. 皇室經濟法

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Constitution the Emperor has a public position as the symbol of the state and the unity of the people. On the basis of instructions received from his ancestors the Emperor receives these articles and he should respect and protect them. This being the case, the festivals are a public performance and the articles also have a public character. We wish such a relationship to be clearly established officially as soon as possible.

### *Masujirō Ogane<sup>a</sup>*

It was about June, 1945, or immediately before the termination of war that I became Vice Minister of the Imperial Household Ministry, and it was May, 1946, that I retired. Hence, I served for about nine months.

During that period things were very confused. My memory is very hazy because more than ten odd years have passed since then. Moreover, I was too busy to keep a diary at that time. Therefore, I am afraid that my statements may be very loose and ambiguous.

Fortunately, however, Mr. Ryōichi Takao<sup>b</sup>, the Superintendent of Imperial Household Finances, who was in the post of counsellor of the Imperial Household Ministry at that time, has collected the records. Reading these has stimulated my memory a little, so that I will tell what I can about the conditions at that time.

What the Imperial Household Ministry should have done at that time was to concentrate on a revision of the Imperial Household Festivals Ordinance (Kōshitsu Saishi Rei). A revision was made December 22nd., immediately after promulga-

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*a.* 大金益次郎 *b.* 高尾亮一 *c.* 皇室祭祀令

tion of the Shinto Directive. We had a great deal of questioning as to whether Shinto was a religion and whether the Emperor's festivals were a matter of the private faith of the Emperor himself. Anyway, the Shinto Directive was so severe that there seemed to be no use for us to argue about it. It was also feared that the national polity might be subjected to unexpected difficulties. Fortunately, freedom of personal faith was guaranteed and the Imperial Household Festivals Ordinance was revised on that basis.

The Imperial Household Festivals Ordinance provided for roughly three matters: the rites at the Three Palace Shrines (*Kyūchū Sanden* 宮), offerings to the Grand Shrine of Ise, and offerings to government and national shrines. The festivals at the Grand Shrine of Ise were especially provided for by the Grand Shrine Festivals Ordinance. In regard to the festivals for the government and national shrines, the provisions for the shrines concerned were applied.

It can safely be said that the substantial provisions concerned only the festivals at the Three Palace Shrines. In regard to these, it had been stipulated that, when the Emperor performed a grand festival or a minor festival, he did so as the head of civil and military branches of government and that all concerned had to attend. We thought that this provision was likely to be offensive to the Occupation. We could not deny the color of State Shinto in this provision, which we revised to the extent that the festivals were observed with the attendance of only the Imperial Household Ministry.

In regard to the Grand Shrine, the Imperial Household

a. 宮中三殿

Ministry once had the idea that the provisions regarding that shrine should be incorporated in the Imperial Household Ordinance, because it foresaw that the Grand Shrine Festivals Ordinance was destined to be abolished and that the festivals of the shrine would have to be observed by the Imperial Household. Therefore, a plan was devised to unite the Grand Shrine Office (*Jingū Shichō*)<sup>a</sup> in the Home Ministry with the Department of Rituals (*Shōten-bu*)<sup>b</sup> in the Imperial Household Ministry. But this was abandoned after a short time. The prospects were that it would be very difficult to realize in view of subsequent conditions. For special legislation, such as the Imperial Household Ordinance, which should have provided for the festivals of the Grand Shrine, could no longer continue to exist. Moreover, the freezing of the Imperial Household property, imposition of the property tax on the Imperial Household, and, lastly, transfer of all Imperial Household property to the state by a revision of the Constitution made it practically impossible for the Imperial Household Ministry to manage both the festivals of the Grand Shrine, and those of the Grand Shrine Office. From this point of view the plan was abandoned.

So far as the Grand Shrine was concerned, however, the former relation with the Imperial Household was not and should not have been changed at all. In this regard the Imperial Household Ministry made a special decision. As soon as the Imperial Household Festivals Ordinance was revised on January 20, 1946, attention was given to the law relative to the Grand Shrine. Consequently, it was decided that the re-

a. 神宮司庁 b. 掌典部



lation between the Grand Shrine and the Imperial Household was not to be changed at all and the Shrine was so informed.

As for the government and national shrines, as the Directive forbade offerings by the national treasury, the Imperial Household Ministry could not make them. As to the shrines which performed festivals sponsored by the Emperor or which had a special historic connection with the Imperial Household, it was decided within the Imperial Household Ministry that the Ministry was to offer a sum for cloth but not for food which had been made hitherto.

Concerning such matters as the offering of a sum for cloth, however, in view of the distress of the Imperial Household finances, we were obliged to decrease the sum or the frequency of the offering, and to devise various ways to save expenses. I think, nevertheless, that this policy is still being pursued.

In regard to whether or not the shrines are religion, we cannot but doubt whether the Emperor's worship at a festival of the court or visiting the Grand Shrine is a matter which concerns only his personal faith and, therefore, is observed by him privately. When we read his prayers at the Three Palace Shrines and the Grand Shrine, we do not find a single word that refers to [his] personal peace and enlightenment, his domestic happiness, or anything like that. He prays only for the security of the country or world peace. Can such be said to be a matter of personal faith or a private observance? I think that this is proper practice for the Emperor, who through the revision of the Constitution has become a symbol. I think that the very existence of such a practice gives real meaning to the fact that the Emperor is a symbol. Otherwise, it cannot

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but be said that this expression is merely an empty and meaningless sentence.

In regard to the Grand Shrine, I wish to say, because Mr. Iinuma did not touch upon it, that the periodic reconstruction of the shrine was to take place in 1949, but in view of the defeat and the subsequent exhaustion of all the people, the Emperor directly told Prime Minister Shidehara that the periodic reconstruction should be suspended due to the current situation of the country. This was December 15. This Imperial decision was announced by the Home Ministry on December 24th.

I think that this is one of the examples which shows, on the one hand, the feeling of anxiety with which he regarded the people's hardship and, on the other hand, that he felt apologetic to the shrine.

### *Ryōichi Takao*

Almost all state affairs concerning the Shinto Directive which were related to the court seem to have been mentioned by Mr. Ogane. I am going to report some additional details.

The problem of the palace festivals is two-fold. One aspect concerns the relation between the Grand Shrine and the palace festivals; the other, concerns only the festivals at the Three Palace Shrines. How should we think regarding the relation between the Grand Shrine and the palace festivals? In regard to this, I would like to state that driven by the conditions existing during the period from the termination of war to the Shinto Directive, the ideas of the persons concerned changed more or less.

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In October, 1945, the Liaison Office in charge of relations with the General Headquarters gathered the officials concerned to decide their attitude concerning religious problems, one of which was the relation between the Imperial Household and the Grand Shrine. According to their decision they would try to perpetuate the relationship between the Imperial Household and the Grand Shrine, and to maintain a part of the government shrines concerned with festivals for the imperial ancestors.

What was important was that the financial aid to the court ritualists and some of the shrines was to be covered by the Imperial Household account. The expense for the festivals was to be inserted in the Imperial Household account through an understanding with the National Diet. This was the outline of the view tentatively concluded at the beginning of October. The Imperial Household Ministry also studied this problem from the same standpoint.

Meanwhile, Dr. Anesaki's view was secured by the Education Ministry. Let me read a part of his view concerning this problem.\* Because the Grand Shrine and some government shrines are mainly concerned with festivals related to the Imperial Household, it is appropriate for the Imperial Household Ministry to control them, — the method, extent, and other matters thereof being entrusted to the selection and judgment of the Ministry. In this case, the people who wish to pay homage to them shall be free to do so as individuals as well as in groups.

The problem at the time was whether or not the organization of the Grand Shrine Office, which had been abolished,

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\* The report does not contain any quotation here. Ed.

could be included in the organization of the Imperial Household Ministry. And, if it were to be included in the Ministry, whether or not the Ministry had the capacity to include such a gigantic organization as the Grand Shrine Office? The study of this problem continued, the most difficult point being the periodic reconstruction of the shrine which was then in progress. If this plan was adopted, the cost of the construction would have to be covered by Imperial Household funds; but under the social conditions existing then there was no possibility of securing the agreement of the General Headquarters about this plan. Moreover, the Imperial Household property had already been frozen. Therefore, it was concluded by the end of October, 1945, that this plan was impossible.

If so, then how should the problem be handled? There was no other way to break the deadlock but to rely upon the interpretation that the Emperor's freedom of faith was guaranteed as a fundamental personal human right. I have the record of a conference at that time which contains very meaningful material. One of its decisions was that it would be appropriate to regard the worship of the Grand Shrine as religion from a popular and practical point of view, while at the same time regarding the performance of rites at the Three Palace Shrines as the Imperial Household's faith in the shrine religion (*jinja shūkyō*)<sup>a</sup>.

In regard to the Grand Shrine, the idea adopted in October (1945) was changing. The idea of General Headquarters became clarified and conditions on our side changed many times. Therefore it can be said that there was a rather re-

a. 神社宗教

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markable transition during this period. There may be many different opinions concerning whether or not it is proper to say that, when the Imperial Household performs rites at the Three Palace Shrines, it believes in the shrine religion, but at that time there was no other way to solve this problem.

The other problem was how to treat the offerings to the government and national shrines. As a rule, the offerings to government shrines were handled by the Imperial Household, and those to the national shrines by the state. However, in the case of the New Year's festival and the Thanksgiving festival, the offerings were made to both kinds of shrines by the Imperial Household, and the persons concerned at that time seemed to intend to continue these practices as the Emperor's personal faith. However, this became impossible because of the above-mentioned financial reasons. But offerings are still being made to the twelve shrines (including Ysukuni Shrine as a special case) at the time of festivals which used to be observed under the sponsorship of the Emperor. In addition to these, until today, although not every year, offerings have been continued to the four shrines of Kashima, Katori, Usa, and Kashii.

The problem of the Imperial Household Festivals Ordinance was relatively simple because, if the fundamental problem that it was the Emperor's personal faith was decided — though there was much doubt about it — it was rather easy to omit such provisions as those stating that the Emperor personally served the grand festivals as the head of the Imperial Family and the officials, and the provisions concerning the offerings to the government and national shrines, and those stating that an

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extraordinary festival was to be observed in the event of a State ceremony, and the removal or the reconstruction of the buildings of the Grand Shrine. Therefore, we were able to get General Headquarters' understanding and sanction to revise the ordinance on December 22, 1945.

— To be continued —