

Varieties of Religious Freedom in Japanese Buddhist Responses to the 1899 Religions Bill

Jolyon Baraka THOMAS*
University of Pennsylvania

Abstract

Historians have often described early-twentieth-century Japanese Buddhists as ignorant of the importance of religious freedom, myopically focused on their parochial agendas, and sycophantically aligned with the state. Such depictions assume that the attitudes of a minority of elite Buddhist clerics represent majority Buddhist opinion; they also problematically treat religious freedom as a universal principle rather than a historically contingent concept subject to the conflicting claims of competing interest groups. This article highlights the contingency of religious freedom law and the diversity of its interpretation by introducing three discrete attitudes that surfaced in Buddhist responses to a controversial Bill advanced by the Japanese government in December 1899. Tracing differences between statist, corporatist, and latitudinarian interpretations of religious freedom, it shows that religious freedom is never unitary or uniform in any time or place.

Keywords: Japan, Buddhism, religious freedom, legislation, activism

1. THE YAMAGATA RELIGIONS BILL AND DIVERSE BUDDHIST RESPONSES

On the morning of 14 December 1899, debate raged on the floor of Japan's House of Peers. Under discussion was a controversial Religions Bill (*Shūkyō hōan*) that had been advanced on 9 December by the Cabinet of Prime Minister Yamagata Aritomo (1838–1922).¹ After the parliamentary secretary read all 53 clauses of the Bill aloud, the prime minister himself opened the debate by explaining the Cabinet's position. Arguing that the government had recognized religious freedom in Article 28 of the 1889 Constitution and indicating that the executive branch was committed to upholding that clause, Yamagata claimed that the Bill was simply designed to clarify the special provisions necessary when considering the freedom of religious groups as opposed to the other types of juridical persons outlined in the Civil

* Assistant Professor of East Asian Languages and Civilizations at the University of Pennsylvania. This article is based on a chapter of my book manuscript with the working title *Japan, the Allied Occupation, and the Problem of Religious Freedom*. I thank Hoshino Seiji, Iwata Fumiaki, Ōmi Toshihiro, Ōsawa Kōji, Ōtani Eiichi, and Yoshinaga Shin'ichi for their help in securing primary sources cited in this article. Cameron Penwell kindly shared an informative unpublished paper on the Sugamo Prison Chaplain Incident. Thanks to Tom Ginsburg and Ben Schonthal for including me in this special issue. Correspondence to Jolyon Baraka Thomas, 847 Williams Hall, 255 S. 36th Street, Philadelphia, PA 19104, USA. E-mail address: jolyon@sas.upenn.edu.

1. All names follow Japanese order, surname first.

Code of 1898.² While Yamagata did not identify what specifically differentiated religions from other groups, he argued that contemporaneous debates about the role of religion vis-à-vis the state could be resolved through the passage of a Bill that monitored the external aspects of religion (legal incorporation and the staging of public events, for example).³ The Bill would thereby ensure peace and order, fulfilling one of the government's prime responsibilities.⁴

Responses to the Bill in the House of Peers were contentious, and the debate that followed Yamagata's opening speech took over two hours. Some of the legislators expressed perplexity about the necessity of the Bill, and many law-makers expressed trepidation about the confusion that would inevitably arise over particular stipulations. Irritation mounted as debate dragged well beyond the usual lunch break at noon, and the discussion was finally tabled with the establishment of an investigative committee of 15 members who would review the Bill.⁵

When the Bill was brought up again in the late morning of 27 February 1900, a vigorous conversation ensued that would take up nearly the entire day.⁶ Members returned from an hour-long lunch break with renewed vigour and the Bill was debated from quarter past one until nearly five p.m. The house stenographer dutifully recorded shouted interjections and moments when the packed chamber erupted in furore over some comment or another. When finally put to a vote in the late afternoon, the measure failed by a relatively slim margin: 121 votes against to 100 in favour.⁷ This failure of an important government-sponsored Bill reflects the role of religious groups in political life in Meiji Japan, and provides an insight into activist Buddhist politics of the latter part of that era (1868–1912).

The fractious drama that unfolded on the legislative stage at the turn of the twentieth century was a microcosm of a larger debate playing out in contemporary Japanese society about how the legal concept of religious freedom—only recently guaranteed in the Meiji Constitution of 1889—would be interpreted and applied. In the late 1890s, Buddhists were up in arms about the threat of “mixed residence” (*naichi zakkyo*)—a policy that was the result of treaty revisions that had been long sought by the Japanese government. In the new system, foreign Christians would no longer be confined to port enclaves, but would be free to mingle with locals and proselytize at will. Buddhist clerics who remembered the anti-Buddhist pogroms of the early Meiji era feared that the enactment of mixed-residence policy would impugn their traditional prestige and erode whatever popular support they had left. They organized accordingly, publishing pamphlets and exerting pressure on policy-makers through petitions and open letters.⁸

While Buddhists could do very little to address the essentially diplomatic problem of mixed residence, in the case of the proposed Religions Bill, they had a little more leverage.

2. The text of Art. 28 of the Constitution of the Empire of Japan read “Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief.”

3. The recent events to which Yamagata referred included the furore over the inauguration of “mixed residence” and the Sugamo Prison Chaplain Incident, both discussed briefly below.

4. KGSR 9, p. 92.

5. In addition to the legislative record (KGSR 9), see MS 4395 (16 December 1899), pp. 4–7.

6. Other accounts of the deliberations can be found in Abe (1970c) and Maxey (2014), pp. 209–9.

7. KGSR 17, p. 607.

8. On the persecution of Buddhists, see Ketelaar (1990). On mixed residence, see Maxey, *supra* note 6, pp. 183–234. Contemporaneous Buddhist publications about mixed residence include Tan (1897); Inoue (1897); Nakamura (1897); Katō (1899); Gyōsei Gakkai (1899).

Precisely at the moment when the Yamagata Bill came under scrutiny in late 1899, Buddhists already had political organizations in place that could challenge any legislation that ran counter to Buddhist interests. These lobbying groups existed in part because the repressive state policies of earlier decades—designed to minimize the potentially divisive qualities of Buddhism in favour of constructing a shared national identity centred on imperial authority—had trained Buddhists to overcome sectarian differences in pursuit of shared political goals.⁹ Buddhists were able to use the same political networks and special-interest publications they had recently developed in response to the mixed-residence issue to spread information about what such a Bill might mean for Buddhists and how they could turn the outcome in their favour. Their trans-sectarian organizations lobbied legislators, organized petitions, and showed up *en masse* at the House of Peers to express their disapproval.¹⁰

That is not to say that Buddhist activism was uniform. Although these Buddhist lobbies often presumed to speak for all Buddhists, in actuality, their trans-sectarian rhetoric masked significant differences in how they understood the social and political role of Buddhism. For example, the Greater Japan Buddhist Youth Association (*Dai Nippon Bukkyō Seinen Kai*, founded in 1894), one of the more vocal critics of the Bill, represented a flourishing Buddhist youth culture primarily active in the capital of Tokyo.¹¹ Many of these young priests had been born after the Meiji Restoration of 1868 and had no direct memory of the violent persecution of Buddhists that had accompanied the regime change. Their physical distance from sectarian headquarters in Kyoto also lent them a sense of distance—in some cases estrangement—from traditional ecclesial authority. In contrast to their older counterparts, these younger Tokyo-based Buddhist clerics benefitted from a type of modern education that balanced clerical training in ritual and doctrine with fluency in Western political and philosophical concepts. They also came of age at a time when Christians were exerting much greater social influence in Japan, and some of these young Buddhists eagerly adopted Christian ideals of social work and abstemiousness even as they rejected Christianity as an unsuitable fit with the Japanese national character.¹²

Additionally, the growing trend of “lay centrality” contributed to a diversification of authoritative Buddhist voices.¹³ Journalists, politicians, disaffected and laicized priests, doctors, and educators used burgeoning print media and Buddhist oratory (*enzetsu*) to disseminate ideas about Buddhism in relationship to politics, morality, and education. With the rise of academic traditions such as positivist historiography and philology, traditional interpretations of Buddhist doctrines were disengaged from their sectarian moorings and clerics were no longer understood as absolute authorities on matters of Buddhist history.¹⁴ Non-ordained intellectuals also began to write authoritatively about Buddhism, presaging the rapid increase in scholarship by lay Buddhists who derived their authority from academic credentials rather than clerical status.¹⁵

9. Ikeda (1976); Ketelaar, *ibid.*; Hoshino (2012).

10. MS 4395 (16 December 1899), p. 10. For an overview of Buddhist lobbying efforts and the ways they were perceived in the mainstream media, see Maxey, *supra* note 6, pp. 209–34.

11. On this Buddhist youth culture, see Ōtani (2012).

12. See Hoshino (2009 and *supra* note 9) on the representative figure of Nakanishi Ushirō (1859–1930).

13. On the concept of lay centrality, see Hardacre (1989b).

14. On these changes, see Stone (1990), Ōtani, *supra* note 11, Hoshino, *supra* note 9, and Yoshinaga (2012a).

15. Thomas (2014a).

Against this backdrop, it was unlikely that all Buddhists would have shared the same political views regarding controversial legislation like the Yamagata Bill. While extant primary sources such as Buddhist journals, speech transcripts, and parliamentary proceedings can only provide a narrow window into the diversity of contemporaneous Buddhist opinion, the materials that are available make it clear that Buddhist approaches to religious legislation and Buddhist conceptions of religious freedom were far from uniform.

Operating under the assumption that an enervated Buddhist clergy succumbed to ascendant “State Shintō” at around the turn of the twentieth century, prior scholarship has treated Buddhists of the day as politically naïve, ignorant of the importance of religious freedom, or constrained by the recently constructed “grammar of religion” that restricted Buddhism to the private, apolitical arena.¹⁶ I argue, however, that many Buddhists were keenly aware of the importance of religious freedom and were obviously politically astute. While they were subject to the top-down religion-making claims of the newly secular state and occasionally hamstrung by their own apologetic rhetoric, the creativity that Buddhists brought to their interpretations of religious freedom suggests that they were not as hemmed in by the category “religion” as others have claimed.¹⁷ Furthermore, the furore over the Yamagata Bill reveals that Buddhists of the time did not see themselves as subordinate to “State Shintō.” They clearly did not perceive Shintō as Japan’s national religion, and in many cases treated Shintō as beneath their notice. Instead, they focused on the apologetic project of clarifying Buddhism’s place in Japanese law and society.

The problem for Buddhists at the time of the Yamagata proposal was not only that they faced legislation that included potentially onerous restrictions for religious groups. It was also that they could not agree on what exactly religious freedom was or who deserved it. Their divergent interpretations of this flexible legal concept allowed them to both call for expanded civil liberties and decry the intrusion of foreign religions into Japan. The capacious quality of religious freedom allowed Buddhists to make majoritarian claims when it was convenient, but they could also adopt the role of the persecuted minority when necessary. In many cases, they did so simultaneously.

The historical case of Buddhist responses to the Yamagata Religions Bill therefore has broader theoretical import. It shows that competing interest groups inject their parochial objectives into the term “religious freedom,” shifting their operative definitions of religion, rights, and liberties to suit their interests. To speak of interest groups in this way is not necessarily to speak in terms of religions, denominations, or sects. It is not simply the case that Buddhist, Christian, and Shintō constituencies differed in their responses to the Yamagata proposal, nor is it only the case that Buddhist sectarian differences led to different approaches to the Yamagata proposal, although that is partially true.¹⁸ While the interest groups described below all spoke about Buddhism, in actuality, their perceptions of what counted as genuine Buddhism, who was authorized to speak for Buddhists, and how

16. The historically inaccurate narrative of Buddhist ignorance of the importance of religious freedom functioned during the Allied Occupation of Japan (1945–52) to rationalize occupation reforms in the field of religion. It has periodically resurfaced in scholarship since. See Abe (1968, 1969a, 1969b, 1970a, 1970b, 1970c) and Hardacre (1989a) for two examples. See Maxey, *supra* note 6, for the claim that Buddhists were constrained by the new “grammar of religion.”

17. On “religion-making,” see Dressler & Mandair (2011).

18. Maxey, *supra* note 6, p. 227.

Buddhism would benefit state, society, and the individual varied considerably. Furthermore, their pragmatic collaboration on the shared political project of defeating unpalatable legislation obscured fundamental points of disagreement about the scope of legal concepts such as freedom, rights, liberties, and privileges.

2. STATIST, CORPORATIST, AND LATITUDINARIAN APPROACHES TO RELIGIOUS FREEDOM

Comparison of Buddhist trans-sectarian publications from the turn of the twentieth century suggests that at least three discrete understandings of religious freedom emerged in the debates surrounding the Yamagata Religions Bill. Statist visions of religious freedom treated it as circumstantial state-granted privilege, recognizing the prerogative of the state to determine when expressions of religious faith infringed upon the government's duty to maintain peace and order. Corporatist interpretations treated religious freedom as a customary right based on historical precedent, regarding strictly egalitarian policies as threats to the esteemed positions of traditional religions. Finally, latitudinarian approaches regarded religious freedom as a civil liberty that granted freedom of conscience to individuals and freedom from state intervention to groups. By showing that religious freedom was many things to many people, these categories correct for the tendency to treat religious freedom as an ahistorical, universal principle that Buddhists misunderstood and that the Japanese state incorrectly applied.¹⁹

This tripartite typology of attitudes regarding religious freedom is admittedly schematic and somewhat reductive. To be clear, all three types bore some degree of overlap in any given publication or elocution. Each was subject to change according to context and circumstance. The constitutional provision of religious freedom may have been somewhat statist because it reserved the right for the state to maintain "peace and order" and enjoined Japanese citizens to not let religious commitments infringe upon their "duties as subjects," but it was also open to interpretation as stakeholders encouraged the state to clarify operative definitions of "religion," "rights," "liberties," and the relationship between "subjecthood" and "citizenship."²⁰ For example, the December 1899 attempt to pass a Bill that would more strictly regulate religions was an indication that the interpretation of religious freedom enshrined in the Constitution was too broad for members of the Yamagata Cabinet. Conversely, the failure of the Bill in February 1900 revealed that powerful legislative factions preferred more liberal interpretations of the constitutional clause, while still others favoured alternative conservative approaches that would preserve their own vision of the status quo. Some of these interest groups preferred to articulate their positions about religious freedom in terms of perceived threats to traditional religious authority. Others decried state interference in religious affairs. Each was ready to use religious freedom as shield when thinking about its own interests while wielding it as a weapon to smash perceived opponents.

19. This simplistic narrative about Japan's perverse relationship with religious freedom first emerged in the Allied Occupation of Japan (1945–52) and has dominated post-occupation scholarship. See Thomas (2014b).

20. Jason Josephson has indicated that this religious freedom clause was actually relatively liberal in comparison with most contemporary European constitutions, some of which singled out certain religions as "state religions" (Catholicism, in Spain) or identified certain religious groups (Jews, in the case of Norway's Constitution) as having fewer rights. See Josephson (2012), pp. 224–36.

3. RELIGIOUS FREEDOM AS A CIRCUMSTANTIAL PRIVILEGE: THE YAMAGATA RELIGIONS BILL

Article 28 of the Meiji Constitution instantiated a particular interpretation of religious freedom that gave a greater degree of latitude to the prerogatives of the state than it did to individuals or to groups. This statist interpretation of religious freedom reserved the right of the state to place the “duties of subjects” and “peace and order” above their government-granted ability to profess a particular faith and behave accordingly in public. In this view, religious freedom was an indulgence provisionally granted to subject-citizens by the state but also subject to circumstantial revocation. For example, the journalistic persecution of marginal religions such as Renmonkyō that occurred in the last decade of the nineteenth century tended to presume the guilt and illegitimacy of these religions; contemporary calls for their eradication appealed to the state’s duty to maintain peace and order.²¹ Similarly, Inoue Tetsujirō’s famous indictment of Christianity as being incompatible with public school education—a response to the infamous Uchimura Kanzō *lèse-majesté* incident—drew new lines between public duty and private faith while redistricting “morality” as falling under the jurisdiction of the state.²²

In the draft Religions Bill dated 9 December 1899, the Yamagata Cabinet offered a revised interpretation of the scope of the constitutional religious freedom clause. The Bill was couched in bureaucratic language that explicitly limited religions’ freedom of assembly and left the determination of what counted as a religion up to the fairly narrow definition provided by the state. As such, it reflected the position of Prime Minister Yamagata himself, who generally distrusted democratic processes and preferred authoritarian approaches that concentrated as much power as possible in the state, and in the person of the emperor specifically.²³

The Bill was largely written in negative language that restricted rights and liberties—a fact reflected in the majority of the 15 clauses comprising the first chapter, “Overview [*sōsoku*].” For example, the first clause read “those corporations and associations that publicly promulgate religion and perform religious ceremonies but do not conform with this law may not become juridical persons.”²⁴ After defining the entities that would count as “churches” and “temples” (Clauses 2 and 3), the Bill stipulated that any corporation or association that attempted to incorporate other associations already recognized as churches or temples could not in turn be recognized as such (Clause 4, effectively cutting off religions’ ability to amalgamate and potentially hampering attempts at trans-sectarian collaboration). Those that already belonged to an existing group could not split off to become groups of their own (Clause 5, forestalling schism).²⁵ Religious groups that wished to organize a public assembly for religious purposes were required to receive permission from the appropriate government office at least 24 hours in advance. While periodic or regular observances did not require

21. Sawada (2004), pp. 236–58; Dorman (2012), pp. 24–44.

22. Uchimura Kanzō (1861–1930) was a Christian schoolteacher who made political waves by refusing to bow before the imperial portrait (*goshin’ei*) at a school ceremony in 1891. The incident prompted a flurry of debate about the relationships between religious freedom and public duty that was encapsulated in the title of Inoue Tetsujirō’s 1893 book, *The Clash of Education and Religion* (*Kyōiku to shūkyō no shōtotsu*). See Sueki (2004), pp. 62–85; Hoshino, *supra* note 9, pp. 152–68; Isomae (2014), pp. 68–97.

23. Abe (1970c), pp. 31–7.

24. KGSR 9, p. 89.

25. *Ibid.*, pp. 89–90.

such permission, the government reserved the right to change the terms without notice (Clause 8). Any activity deemed a threat to peace and order, destructive of morals and customs, or in opposition to the duties of subjects was subject to revocation or revision by the government (Clause 9). While religious buildings and lands were treated as exempt from taxation (Clause 12), the government reserved the right to define which buildings and lands were eligible (Clause 13). All religions were required to comply with bureaucratic directives and investigations (Clause 14). If religions were found to be in breach of the law or if it was deemed to be in the public interest, their recognition as religions and all associated perquisites could be revoked by the responsible government office.²⁶

The remaining five chapters of the Bill laid out specifics regarding churches and temples (Chapter Two), sects and denominations (*kyōha oyobi shūha*, Chapter Three), priests (*kyōshi*, Chapter Four), and penalties and regulations (*bassoku*, Chapter Five). An appendix indicated the government's intention that the law should replace prior government directives regarding Buddhism, Shintō, and religion (Clause 47), and that all religious organizations should have conformed to the law within a year of its enactment (i.e. by no later than July 1901).²⁷

Curiously, this appendix did not make any explicit reference to the constitutional religious freedom clause when it referred to "prior government directives regarding Buddhism, Shintō, and religion." This striking absence suggests two possible intentions on the government's part. On the one hand, the executive branch may have intended that the Bill supplement or nuance the ambiguously worded religious freedom clause, which left a great deal of latitude in interpretation. If this was the intention, then the draft Bill was hardly a step in the right direction. One of the main criticisms of the Bill on the floor of the House of Peers was that it was vague, likely to invite confusion, and easily prone to misinterpretation.²⁸ On the other hand, the Cabinet may have intended to supplant the constitutional religious freedom clause with a new law that amounted to a *de facto*, if not *de jure*, constitutional revision. Whatever the case, for the Yamagata Cabinet, religious freedom was simply a privilege that was provisionally granted to citizens, meaning that it could be revoked at the government's whim.

While this attitude was primarily evident among policy-makers, some Buddhists apparently accepted it as natural. For example, in a short letter to the editor of the Buddhist journal *Meikyō shinshi*, the lay Buddhist studies scholar and legal expert Katō Totsudō (1870–1949) argued for the statist vision of religious freedom advocated by the Yamagata Cabinet, suggesting that the Bill needed tweaking but was a step in the right direction.²⁹ Other Buddhist clerics were inclined to support the Bill in return for promises of preferential governmental treatment.³⁰

4. CORPORATISM AND CUSTOMARY PRIVILEGES: "OFFICIALLY RECOGNIZED RELIGION"

In contrast to the statist interpretation of religious freedom advanced by the Yamagata Cabinet and embraced by Buddhist authorities who were eager to curry favour with the government, some influential interest groups interpreted religious freedom as a customary right. In this case,

26. *Ibid.*, p. 90.

27. *Ibid.*, pp. 90–2.

28. See e.g. KGSR 17, p. 575.

29. See MS 4395 (16 December 1899), p. 3. See Thomas, *supra* note 15, for more information on Katō Totsudō.

30. Maxey, *supra* note 6, p. 227.

religious freedom was not a principle of egalitarian or neutral treatment, but precisely the opposite: it would preserve the perquisites traditionally granted to occupational groups such as clergy (tax exemption, for example) or to specific religions such as Buddhism.³¹ Customary rights devolved on clerics as a status or occupational group and on sects and temples as institutions, giving priority to groups rather than to individuals. Buddhist clerics seem to have interpreted religious freedom as a customary right when considering the issue in the context of maintaining, securing, or regaining previously held Buddhist privileges; they tended to view religious freedom as an existential threat when considering the legal structures that supported the growing influence of Christianity or the rise of emergent religions. For example, an 1897 editorial in the opening issue of the trans-sectarian Buddhist newspaper *Kyōgaku hōchi* (*Religious Studies News*) lamented the rise of marginal religions such as Renmonkyō and Tenrikyō and sarcastically wondered whether the rapid growth of the Japanese Christian population would lead to the ridiculous adoption of foreign names like “John” and “James.”³²

Against this background, one of the positions advocated by some Buddhists confronting the Yamagata Bill was that the Japanese state should institute a programme officially recognizing a particular religion as having a special relationship with the Japanese people. As the onset of mixed residence approached in mid-1899, the concept of *kōninkyō*—officially recognized religion—received more attention.³³ Just as the Japanese Constitution’s provision of religious freedom echoed the language of contemporaneous European constitutions, the Japanese advocates of the *kōninkyō* concept drew inspiration from their observations of the countries of Western Europe.³⁴ Proponents argued that a *kōninkyō* system acknowledged the importance of precedent while also distinguishing trustworthy religions such as Buddhism from untrustworthy foreign religions like Christianity.

4.1 *The Meikyō Shinshi Editorial of 16 December 1899*

On 16 December 1899, *Meikyō shinshi* published an editorial by Jōdo Shinshū priest and chief editor Andō Tetsuchō (better known as Masazumi, 1876–1955) entitled “Our ‘Officially Recognized Religion,’” arguing that the constitutions of all lawful nations of the world included some provision regarding religious systems. However, although Japan had entered the ranks of such “lawful nations” 30 years prior with the 1868 Meiji Restoration, it had not yet established a transparent religious system. As debates raged about whether such a system would be for the sake of religion or for the sake of the state, many confused “state religion” (*kokkyō*) with “officially recognized religion” (*kōninkyō*), and some confused a latitudinarian (*jiyū hōnin shugi*) policy with a *kōninkyō* policy, thinking that such a policy would treat all religions in the country equally. Lamenting this state of affairs, Andō felt compelled to clarify the outlines of a religious system and to advocate the adoption of a *kōninkyō* arrangement.

31. By “customary right,” I mean a perquisite traditionally granted to an individual or group based on precedent or a long-standing claim (i.e. claim to property or position). See Howell (2005) on status and occupational groups in nineteenth-century Japan.

32. KH 1, p. 2.

33. Below I will use *kōninkyō* rather than the cumbersome phrase “officially recognized religion.”

34. For example, Ashihara Ringen (d.u.) published a tract in 1899 that outlined the *kōninkyō* systems in various countries such as England, the Austrian Empire, France, the countries of the German Empire, Italy, Belgium, and the US. The pamphlet was printed at least twice. Ashihara (1899).

In the history of religion-state relations, Andō continued, three types of relationship were apparent: state religion, officially recognized religion, and latitudinarianism. Contemporary examples of countries featuring state religions were limited to England and Russia, but both systems were merely reactions to medieval papal attempts to create a theocratic state (*kyōkoku*). As such, they limited religious freedom by wedding religion to the state, ultimately becoming bigoted and ignorant (*ganmei korō*). Here Andō portrayed state religions as outmoded—an important point to which I will return below.

The system of national religion had emerged as an opposition to theocracy, Andō claimed, but in turn a libertarian latitudinarian system (*jiyū hōnin shugi seido*) had emerged in reaction to the national religion paradigm. Andō argued that this latitudinarian approach might be called a “system” out of convenience but it was really not at all systematic because the state effectively ignored religion. The only example of this type would be the US, Andō said—a country founded upon Puritans’ flight from the oppressive rule of Henry VIII. In the US, each person did his own thing, and now the result was readily apparent: the state could neither oversee the various doctrines nor could it manage clerics, and consequently new religions could spring up like sprouts after the rain. Thus the quality of American clerics was declining, superficial religions emerged and spread their poison throughout the country, and ultimately, even though barbarous and immoral groups like the Mormons violated the law and flouted conventional ethics, there was no legal means to abolish them or prevent their spread. Such a “system” was clearly dangerous to the nation.

However, Andō argued, it was possible to avoid both extremes of adopting a national religion, on the one hand, or adopting libertarian latitudinarianism, on the other. An officially recognized religion system would strike the sweet spot between these extremes by adjusting regulations to match the relative strength and influence of each of the religions in the country. This could be seen in the German example of designating religions as “Alpha” and “Beta” types, with the Alpha variety given status as public juridical persons and oversight over their own affairs, and those of the Beta variety given status as private juridical persons. Those that lacked formal organization or were of minimal influence were treated as Gamma religions and were managed through regular ordinances regarding public gatherings and meetings. Such a system was based on the principle of religious freedom, embodied the aim of separation of religion and the state, and furthermore did not separate state from religion absolutely, but to just the right degree, thereby solving the great problems shared by state and religion in an orderly system.

So (Andō rhetorically mused), what religion would make a good candidate for such a system in Japan? Such an officially recognized religion must first not oppose the organization of the state or the body politic (*kokutai*). Religious rituals should not undermine state rituals and religious organizations should not oppose governmental administration. As basic prerequisites for such status, the religion in question must boast more than one million adherents in the country, have more than 100 years of history there, and must exhibit a deep connection with citizens’ customs, habits, and morals. Religions that failed to pass muster according to these criteria should not be granted officially recognized religion status. On investigation, Andō argued, the only groups that met the above criteria were the various sects of Buddhism.

Recognizing that some might argue that this subjected religions to differential treatment or that it might render the constitutional provision of religious freedom empty, Andō argued

that such protestations were the height of ignorance. After all, religious freedom guarantees the individual's *thoughts* to be free from restraint and, under a *kōninkyō* system, each person remained free to profess any religion of his choosing without the state being able to intervene in his thoughts. Individuals' thoughts existed in the interior, intangible realm where the authority of the state could not reach. However, in cases where such individual beliefs were made manifest as a religious organization, they became a matter of external form and substance, and the state could not (and should not) just let them be.

Andō's logic on this point perfectly matched that of the Yamagata Cabinet, even if he wrote in opposition to the proposed legislation. As external manifestations of private thought, religious organizations fell under the purview of government administration. For the government to take a *laissez-faire* approach to religious *organizations* and their *public activities* would make it indolent regarding its duties. Here, Andō argued, one must acknowledge that a system of officially recognized religion was based on the aim of religious freedom, and through it the state merely attempted to correct the currently faulty apparatus for overseeing religion. Just at the time that the Yamagata Cabinet was attempting to rush through a system for administering religion, Andō concluded, the government—along with all those who consider themselves true patriots—should take the possibilities presented by a *kōninkyō* system into account.³⁵

Several features of Andō's account deserve explication here. First, proponents of the *kōninkyō* idea saw themselves as advocating a relatively moderate stance (evidenced in Andō's placement of a *kōninkyō* system between the extremes of national religion and libertarian latitudinarianism, with the category of a medieval papacy serving as an unthinkable theocratic fourth option). Second, by setting up the systems of state religion and latitudinarianism as minority positions taken by a tiny number of countries, Andō implied that the *kōninkyō* arrangement was the global norm. Finally, it was no accident that Andō's criteria for *kōninkyō* status left room for Buddhism alone to fill the role of *kōninkyō*, nor was it an accident that he explicitly mentioned only the traditional Buddhist sects of long standing, foreclosing the possibility that newly arisen Buddhist groups might fit the *kōninkyō* Bill.

Strikingly, Andō made no explicit mention of Shintō. This was no doubt partly a function of the fact that he was writing for a Buddhist audience. But it was also partially due to what seems to have been a point of tacit agreement among Buddhists at the time: the recently reinvented Shintō religion was not even worthy of mention in the context of discussions of state religion or officially recognized religion. This historical fact undermines the postwar narrative that Shintō had already achieved the status of Japan's national religion by this time. If Shintō had been the national religion, then presumably proponents of making Buddhism Japan's sole *kōninkyō* would have articulated their arguments by first delegitimizing Shintō or by acknowledging that systems of national religion and officially recognized religions could coexist. While Buddhists were divided about whether establishing Buddhism as Japan's only officially recognized religion was proper or desirable, in general, they do not seem to have seriously considered the idea that Shintō could serve as Japan's national religion.

35. Adapted from MS 4395 (16 December 1899), pp. 1–3.

4.2 *The Greater Japan Buddhist Alliance Association*

Andō Masazumi and his journal, *Meikyō shinshi*, were by no means the only voices that actively resisted the Yamagata Religions Bill and called for the establishment of Buddhism as Japan's officially recognized religion. The *Dai Nippon Bukkyōto Dōmei Kai* (hereafter, the Greater Japan Buddhist Alliance Association) was founded by Jōdo Shinshū cleric Chikazumi Jōkan (1870–1941).³⁶ Originally from Shiga Prefecture, Chikazumi demonstrated his intellect from an early age and attracted the attention of the Shinshū leadership. On Kiyozawa Manshi's (1863–1903) recommendation, he travelled to Tokyo as a representative student of the Otani-ha branch of the sect. There, he studied at the First Higher School and joined in founding the Greater Japan Buddhist Youth Association (*Dai Nippon Bukkyō Seinen Kai*) in 1894, where he served as Secretary. Chikazumi studied under Inoue Tetsujirō (1856–1944) at Tokyo Imperial University, graduating with a bachelor's degree in Western Philosophy in July 1898. In September of the same year, he began to participate in resistance to the Sugamo Prison Chaplain Incident, in which Buddhists decried the summary dismissal of four Buddhist chaplains at the prison and their replacement with a Christian priest at the behest of the warden, a Christian.³⁷ This experience apparently prompted Chikazumi's founding of the lay-oriented Buddhist Citizens' Alliance Association (*Bukkyō Kokumin Dōmei Kai*) on 29 October 1898.³⁸

As was common for many trans-sectarian organizations at the time, the primary activity of the new *Dai Nippon Bukkyōto Dōmei Kai* involved dissemination of ideas and confirmation of group identity through print media.³⁹ The group published a bimonthly periodical, *Seikyō jihō* (*Politics and Religion Times*), from 1 January 1899 until 8 December 1903. *Seikyō jihō* changed formats a few times over the course of its five years of publication, but each issue included a prominent display of the group's founding principles and an anonymous editorial regarding some aspect of religion-state relations. Other sections included essays, a society column, and assorted miscellanea.⁴⁰ Publication occurred regularly on the first and fifteenth of the month, although it became somewhat erratic in the period of upheaval following the 1899 debate of the Yamagata Religions Bill in the House of Peers.

Taking the general gist of the journal's editorials into account, here I will focus on two issues that were published between the initial debate of the Yamagata Religions Bill (14 December 1899) and its eventual defeat (27 February 1900). The first is the issue published on 29 December 1899, when the association made its first comprehensive response to the specifics of the Yamagata proposal. The first editorial, bearing the title "Our Opinion of Absolute Opposition to the Religions Bill," argued that two indispensable items should be included in any creation of a (legal) religions system. First, the journal argued, any religions Bill should thoroughly examine the contemporary religious status quo of the citizenry and to

36. I have relied on the pioneering scholarship of Iwata Fumiaki and his research circle in constructing this overview of Chikazumi's life, particularly Chikazumi (2009), Ōmi (2009), and Ōsawa (2009). More recent publications include Iwata (2014) and Ōmi (2014).

37. Ōsawa, *ibid.*, p. 17. The warden cited religious freedom as a rationale for his decision, which prompted Buddhists to argue that religious freedom claims needed to take into account the fact that the majority of the prisoners at Sugamo were Buddhists. See Tōgō (1899).

38. The leadership of the movement is attributed in some contemporary sources to Chikazumi, and in others to Shinshū cleric Ishikawa Shuntai (1842–1931).

39. Ōtani, *supra* note 11, pp. 42–70.

40. Ōsawa, *supra* note 37, pp. 15–16.

the utmost create a Bill that matched that situation without creating something that might impede the development of the nation. Nothing should be done that would force any change upon that status quo, and there should be no rash attempt to force multiple religions to fit into one uncompromising mould. Second, by all means, the religious and political stipulations of the Bill should be thoroughly separated and, in those situations in which it would be unavoidable to address both simultaneously, priority should be given to religions' abilities to engage in self-administration while the limits of state oversight of religions should be made abundantly clear. Any legal document that lacked such transparency failed to pass muster as a religions Bill.⁴¹

A second editorial tackled the problem of religious freedom more directly. Under the title "Misinterpretations of Religious Freedom [*Shinkyō jiyū no gokai*]," the anonymous author (almost certainly Chikazumi) skilfully wielded citations from documents such as the treaty between Japan and France, and the laws regarding religion in France, Prussia, Austria, and Bavaria. Opening the editorial with the claim that Yamagata was taking advantage of Japanese citizens' ignorance of religious freedom to push forward legislation that would ultimately serve the narrow interests of the Cabinet, the author lamented the state of affairs in which the prime minister merely served as an intermediary who introduced interpretations of religious freedom that clearly originated from foreign powers.

In fact, the author claimed, the provision of religious freedom found in the Meiji Constitution merely guaranteed freedom of conscience (the freedom to believe in any religion) in contrast to the old Tokugawa-period system of restricting foreign religions like Christianity through severe punitive sanctions. To ignore a particular country's history and to ignore the relative strength of various religions in favour of adopting an egalitarian stance would be the height of self-interest.

By this, the author probably meant to indicate that egalitarian legislation would suit the whims of bureaucrats rather than the needs of religious leaders and their parishioners. Instead of such a state-centric system, the author continued, freedom of conscience (freedom of belief) should be strictly separated from the administration of religions. For example, France's religions law guaranteed freedom of assembly, exemption from military conscription, corporate status for religious edifices, and financial support for clerics, but only for Catholics, Protestants, Lutherans, Reformers, and—in Algeria (Arujinia in the original)—Muslims. As long as they did not act in opposition to the national interest, other groups could perform religious rites in private or seek special permission to perform such rites in public. The government reserved the right to dissolve any such groups, while they in turn had no right to assemble without government permission. In particular, such groups were forbidden from collaborating with foreign religions, and they could not achieve juridical person status. Although Jews in France had tried unsuccessfully for some time to become acknowledged by the state as an official religion, the author approvingly noted that, even with the stringent stipulation that they must make France their motherland, they still had not yet achieved such status. In this way, new religions would fail to achieve official recognition even if they had been in the country for a century or two.

The author's point here was probably not to indicate that Japan should adopt a version of French law outright, but rather to show how drastically the severity of the law in regard to

41. SJ 24 (29 December 1899), p. 2.

marginal religions contrasted with Japan's own relatively permissive law. In France, Japanese religions would be classified as being marginal and subject to intense statutory oversight, but under the proposed Japanese law, French Catholicism could come into Japan and receive the same treatment as Buddhism—a move the author sarcastically rejected. The same types of distinctions seen in the French law, he showed, could also be seen in contemporary Prussian, Austrian, and Bavarian laws. He concluded:

Look, religious freedom does not undermine the administrative distinctions between religious organizations [i.e. religious freedom does not overlook evident differences between religions in favour of egalitarian treatment]! Ah, why would our country alone welcome foreign religions and regard traditional religions, which rightly preserve the spiritual unity of the citizenry, so coolly? In the next issue [of *Seikyō jihō*] we will observe actual examples from the various countries, take up the traditional prerogatives accorded to Buddhism, and explain the truth of this. Here we proclaim that religious freedom does not at all clash with prejudice in the treatment of foreign and domestic religions, and we thereby dispel the misconceptions of the world.⁴²

For the next three months, the publication of *Seikyō jihō* became rather erratic as Chikazumi and the other members of the Dai Nippon Bukkyōto Dōmei Kai worked tirelessly to lobby the government. Articles in the small number of issues published during this time reiterated the themes of the 29 December 1899 editorials. In January, Chikazumi published, under his own name, a tract called *Shūkyō hō ronsan* (A Critical Treatise on the Religions Bill). This was closely followed by an anonymous pamphlet entitled *Shūkyō hōan hantai iken* (An Opinion [Regarding] Opposition to the Religions Bill).⁴³

The *Opinion* emerged just before the failure of the Bill in the House of Peers on 17 February.⁴⁴ Whereas the first editorials published in response to the Yamagata Religions Bill restricted themselves to making general points about the necessity of acknowledging custom and precedent and the government's mistaken interpretation of religious freedom, the *Opinion* went into great detail about the specific failures of the proposed Bill. The basic contention of the *Opinion* was that, while the importance of regulating the momentous relationship between state and religion was unquestionable, a suitable Bill could only be established with sufficient research. The author went on to claim that, if one were to examine the situation of the countries in the West, one would find that the various countries established their religions bills not through willy-nilly latitudinarian policies, but rather through policies that took into account the relative strength and weakness of various sects and assemblies, according more privileges to the stronger and fewer to the weaker of these. In contrast to this very reasonable system, according to the author of the *Opinion*, the research informing the Bill advanced by the Yamagata Cabinet was slipshod and careless, widely recognized as unrealistic and unfeasible, and evidently intended to destroy traditional systems and ancient bonds. While, superficially, the Bill appeared indebted to an American-style policy of non-interference, upon closer examination, it was apparent that in regard to the Buddhist sects it adopted a Russian-style supervision of the national religion. Here, the author of the *Opinion* clearly suggested that a national religion system would open Buddhism

42. "Shinkyō no jiyū no gokai," SJ 24 (29 December 1899), pp. 5–6.

43. Dai Nippon Bukkyōto Dōmei Kai (1900). The opinion also appeared in abbreviated form in the 13 February 1900 issue of the journal, which advertised both pamphlets.

44. *Ibid.*

up to state intervention, which (as I will show shortly) was precisely the critique that advocates of latitudinarianism would say about the *kōninkyō* option.

Moreover, the author continued, while the Yamagata Bill appeared to take the form of a response to domestic religious leaders' requests for more oversight, in actuality, it was an attempt to acquiesce to foreign religions' demands for corporate rights. In so doing, the framers of the Bill had replaced "religions" or "sects" as the basic legal units with "churches" and "temples." This brought no small amount of confusion and ran the risk of treating marginal groups with the same deference as that which should be accorded to groups of considerable historical longevity and clout. The author of the *Opinion* summarized his introduction thus:

In this way the government calls this by the name of religious freedom, names it universal impartiality (*isshi dōjin*). However, the government thereby dissolves the true authority of the sects and teaching assemblies, and without reflecting on the character of their respective influence places them in one mold, stealing the positions of traditional religions and making them equivalent to new religions, placing the sanctions that should be placed on new religions on traditional religions, putting the cart before the horse. What sort of universal impartiality is this?

In sum, the very first step in the great policy of the government's religions Bill has been made in error. All 53 clauses created in accordance with this policy are a sort of idealized law spilling from the brains of the drafters, and due to this the inevitable result is that the government will readily grant corporate rights to foreign religions and conduct limitless oversight of domestic Buddhism. If the Bill is passed in this form, the domestic Buddhist groups will have their authority destroyed and their organizations dissolved, and accordingly we must proclaim that this is a great persecution of Buddhist groups. For this reason we, the Buddhists of Greater Japan, make our claim clear and proclaim our complete opposition [to this Bill].⁴⁵

Although the logic of this remarkable document was not always coherent, it encapsulated a major distinction that can be made between the statist approach to religious freedom put forward in the Yamagata Religions Bill and the corporatist approach to religious freedom favoured by some Buddhists. The author suggested that a religions Bill that treated all religions equally would ignore the important issue of precedent and the degree of familiarity that the citizenry had with each religion. While the pamphlet stressed the importance of separating religion from politics, the language of religious freedom was not used positively. Instead, the author claimed that rights should be granted based on precedent and tradition rather than on universal principles that easily obfuscated historical and cultural particulars. Hence his disparaging references to "universal impartiality" and his dismissal of "new religions."

The success of the efforts of Chikazumi and the Greater Japan Buddhist Alliance Association is difficult to measure at great historical distance. The failure of the Yamagata Bill was of course a victory, but, as Chikazumi himself would later recall, it marked a respite in governmental attempts to further regulate religions rather than a defeat of such attempts once and for all.⁴⁶ Although the stance of his organization was also somewhat different from the stances held by the leaders of the various Buddhist sects, they shared an interest in securing the best possible position for Buddhism vis-à-vis the state. Whether they advocated making Buddhism the state religion or making it the "officially recognized religion," both Chikazumi's readership and the clerical leadership were ultimately interested in collaborating with government bureaucrats rather than resisting them outright. This was probably because

45. *Ibid.*, pp. 5–6.

46. Chikazumi (1929).

they felt that they could ensure the best treatment from positions within or near the state apparatus rather than from an ambiguous, “free” position outside it.

Chikazumi’s activism suggests that some Buddhists saw a *kōninkyō* system as a perfect middle ground between statism and latitudinarianism. These attitudes did not constitute a fundamental ignorance of the importance of religious freedom. Rather, they represented a tactical interpretation of religious freedom designed to secure an advantageous position for Buddhism and Buddhists through the legal framework of customary rights.⁴⁷

5. RELIGIOUS FREEDOM AS CIVIL LIBERTY: THE *BUKKYŌ SEITO DŌSHIKAI*

At roughly the same time as Chikazumi was vigorously lobbying the government and publishing regarding the proposed religions Bill, another alternative Buddhist movement was emerging in Tokyo in response to the proposed legislation. However, unlike the Greater Japan Buddhist Alliance Association, this new group took issue equally with the Buddhist establishment and with the state. Whereas the Greater Japan Buddhist Alliance Association adopted a conservative stance that sought to preserve Buddhist prestige through a *kōninkyō* arrangement, the Bukkyō Seito Dōshikai (Fraternity of Puritan Buddhists) sought to secure Buddhist liberty and freedom of conscience by guaranteeing Buddhist freedom from governmental oversight and overreach.⁴⁸ It was in the pages of the magazines *Bukkyō* (*Buddhism*, which published Fraternity tracts for about a year between February 1899 and March 1900) and *Shin Bukkyō* (*New Buddhism*, established by Fraternity members in July 1900 and published monthly until August 1915) where religious freedom as a civil liberty was most clearly articulated. While the Fraternity members rarely spoke of “civil liberties” per se, they were highly suspicious of state intervention into religious affairs and more likely than many of their Buddhist contemporaries to advocate egalitarian treatment of all religions. At the same time, their suspicion of “superstitions” allowed them to designate certain groups as “not-religion” and therefore not deserving of freedom.

The Fraternity of Puritan Buddhists was a group of disaffected young priests and lay intellectuals that coalesced in Tokyo in the midst of the furore over the Yamagata Religions Bill. In a retrospective published in 1910, Sakaino Kōyō (1871–1933) recalled that the original impetus for the movement derived from an 1894 meeting of Furukawa Rōsen (1871–99), Sugimura Jūō (1872–1945, also known as Sojinkan), and others who formed the Tokyo-based *Keikai* (Warp and Woof Society), although some founding members’ association with one another can be traced to an even earlier progressive Buddhist group based in Kyoto known as the Hanseikai (Temperance Society, founded 1886).⁴⁹ The *Keikai* journal, *Bukkyō* (*Buddhism*, published in 1889–1902), had taken a notoriously caustic stance vis-à-vis the clerical establishment and unstintingly pushed for institutional reform.

When *Keikai* leader Furukawa Rōsen returned to Kyoto to convalesce while battling tuberculosis (he died on 15 November 1899), a political fissure regarding some of the more

47. Like Andō, Chikazumi and his colleagues clearly did not regard Shintō as Japan’s national religion. Chikazumi regularly described Buddhism, not Shintō, as having the closest relationship with the Japanese people.

48. The founders of the Bukkyō Seito Dōshikai were explicitly indebted to Puritan ideals; the neologism “Seito” was their attempt to translate the word “Puritan” (now translated into Japanese as *seikyōto*). See Sakaino (1910), pp. 42–3.

49. *Ibid.*, pp. 1–2. Also see Thelle (1987), p. 207; Davis (1992), p. 167; Moriya (2005), p. 286.

strident anti-clerical contributions to *Bukkyō* emerged.⁵⁰ Keiikai members split into two factions regarding the *kōninkyō* issue: Chikazumi Jōkan and Kashiwara Buntarō (d.u.) advocated the elevation of Buddhism—and only Buddhism—to *kōninkyō* status, while several others advocated either elevating both Buddhism and Christianity to such status or abandoning the idea of “officially recognized religion” altogether.⁵¹

With these significant differences of opinion as impetus, the Keiikai unanimously agreed to disband at a meeting held on 5 February 1899.⁵² One week later, those who had represented the anti-*kōninkyō* camp—Andō Hiromu (1876–?), Sakaino Kōyō, Takashima Beihō (1875–1949), and Tanaka Jiroku (1869–?)—gathered in Takashima’s Tokyo residence and created the *Bukkyō Seito Dōshikai* (Fraternity of Puritan Buddhists), composing a five-article platform:

1. We believe in the original principles of Buddhism.
2. We anticipate the fundamental reform of society through the arousal of faith.
3. We insist on free inquiry into Buddhism.
4. We abolish all superstitious beliefs.
5. We do not acknowledge the necessity of preserving prior religious systems.⁵³

To this list, in response to the push to make Buddhism an officially recognized religion (which founding members read as a dangerous invitation for the state to meddle in private religious matters), the members of the Fraternity added a sixth point about rejecting state interference in religious affairs. This additional principle, “We abolish all governmental protection and oversight of religions,” was added to the platform by March 1899, when the existence of the group was first publicized in an anonymous *Bukkyō* editorial.⁵⁴

Although the members had hoped to turn the journal *Bukkyō* into the official organ for the Fraternity, negotiations with editor Kaji Hōjun (1864–1920) broke down and the members were forced to establish their own journal.⁵⁵ In the time between the initial formation of the group in early 1899 and the publication of the first issue of *Shin Bukkyō* (*New Buddhism*) in July 1900, the furore over the Yamagata Religions Bill galvanized the membership and provided a *raison d’être* for this group of “progressive Buddhists” (*shinshin Bukkyōto*) who espoused stances that were consistently critical of both the Buddhist clerical establishment and the state.⁵⁶ Although they had experienced some conflict with the management of *Bukkyō*, a 24 January 1900 *Bukkyō* editorial recounting significant developments in 1899 spoke briefly but approvingly of the nascent organization. The group was able to capitalize

50. Thelle, *ibid.*, p. 213.

51. Yoshinaga (2012b), p. 33.

52. *Ibid.*, p. 34.

53. Watanabe Kaikyoku (1872–1933) and Sugimura Jūō (1872–1945) joined the original four as founding members sometime in 1899.

54. Takashima Beihō, “Shin Bukkyō jindai shi,” SBRS 2, pp. 1056–7. See Anonymous, “Bukkyō Seito Dōshikai no sōshiki naru,” B 148 (15 March 1899), pp. 101–3. The version of this editorial I cite—from the supplementary primary source material provided in Yoshinaga, *supra* note 14—bears a handwritten date of 15 October 1899, but cross-referencing it with other sources seems to suggest that the March date is the accurate one (this is corroborated, for example, by Takashima’s 1903 essay “Shin Bukkyō no okotta wake,” *Shin Bukkyō no shiori*, p. 7).

55. Sakaino, *supra* note 48, p. 42.

56. Takashima, *supra* note 54, pp. 1056–67. The phrase “progressive Buddhists” is Sakaino Kōyō’s. See *ibid.*, p. 1.

on the indignation that greeted the Yamagata Bill by appealing to young intellectuals who favoured more latitudinarian stances than those evidenced by the older clerical establishment or the *kōninkyō* faction.

Takashima Beihō later recalled that prospective members were banging down the door in their eagerness to join the group following a promulgation of its formation in *Bukkyō* on 15 March 1899, but the founding members made a policy to apply stringent standards to membership, rejecting first-time applicants as a matter of course.⁵⁷ Fraternity members' reformist attitudes, their anti-sacerdotalism, and their support of latitudinarian state policies vis-à-vis religion were hardly commonplace at the inception of the group. Members initially treated the group as a secret society to protect themselves from potential fall-out associated with these unpopular positions.⁵⁸ While this caution derived at least as much from youthful exuberance as from any serious threat to members' physical wellbeing or social standing, their reformist stance had serious repercussions for those who came from clerical backgrounds. This may have been the reason for the early members' adoption of code names (e.g. "Mr 68") and secret passwords.⁵⁹

5.1 Early Editorials in *Bukkyō*

Immediately following the 15 March 1899 *Bukkyō* editorial announcing the establishment of the Fraternity was a second editorial entitled "*Kōninkyō ni kan suru i ken*" ("A Different View of Officially Recognized Religion"). The article began by saying that, in the face of the threat of mixed residence, a number of people had begun to advocate the treatment of Buddhism as Japan's officially recognized religion (*kōninkyō*). However, the author wrote, in response to this, the editors felt compelled to express the feeling that Buddhism should not be officially recognized—rather, that it be the subject of a latitudinarian policy. After all, the author continued, what does "officially recognized" mean anyway? Citing the fact that legal scholars exhibited great differences of opinion about the respective purviews of civil and private law, the author dismissed a *Seikyō jihō* definition of officially recognized religion as being both legally and conceptually untenable. Moreover, to seek state acknowledgement of religions was ultimately to invite statutory oversight, thereby placing religion in a subordinate position to the state.

Moving on to criticize recent editorials in *Meikyō shinshi* that had been calling for the acknowledgement of Buddhism as Japan's officially recognized religion, the author indicated that such editorials had emphasized that such status would not actually benefit Buddhism but would be of great benefit to the state. With evident incredulity, the author wondered what might motivate any Buddhist to act in such a manner. While such an initiative coming from the state would be understandable, would it not be strange to have Buddhists themselves calling for such oversight? Moreover, given that Buddhism effectively enjoyed state recognition already while Christianity (as a foreign religion) did not, was it not odd that Buddhists claimed to be languishing while Christianity was flourishing?

57. The founders initially rejected the applications of the prominent Buddhist ecumenist Murakami Senshō (1851–1929) and the Christian advocate of comparative religion Kishimoto Nobuta (1866–1928). See Takashima, *supra* note 54, p. 1060.

58. *Ibid.*, pp. 1056–67. An anonymous *Bukkyō* article announcing the group's existence promised to not disclose members' identities. B 148 (15 March 1899), p. 103.

59. *Ibid.*, pp. 1063–4.

Ultimately, the editorial opined, neither Buddhism nor Christianity should be treated as an officially recognized religion. If both were treated as *kōninkyō*, then Christianity would be given undue preferential treatment because of the government's evident desire to appease foreign powers. As such, there could be no way to treat the two religions equally other than to adopt a stance of liberal latitudinarianism. Although some might complain that this would put Buddhism at a disadvantage right as mixed-residence policies were going into effect, the writer scoffed that any Buddhism incapable of competing with Christianity on a level playing field was no Buddhism at all.⁶⁰

The sarcastic, biting tone of this editorial and its willingness to call out contemporaneous publications and groups such as *Seikyō jihō* and *Meikyō shinshi* was characteristic of the caustic rhetoric that characterized *Bukkyō* more generally. As the editorial announcing the formation of the Fraternity had suggested, "old Buddhism" was superstitious, hypocritical, false, and an impediment to human progress.⁶¹ Combating this religion of fogies and fakes, the new Fraternity would not be one of those quasi-political movements seeking personal benefit (almost certainly a thinly veiled reference to the *Bukkyō Kokumin Dōmei Kai* founded by Chikazumi Jōkan a few months prior), but a purely religious movement based on faith.⁶²

This last claim is rather suspect, for the Fraternity almost immediately turned its attention to forming its own political organization, the *Jiyū Shugi Bukkyōto Dōmei Kai* (Liberalist Buddhist Alliance Association). The lobby aimed not so much to reject the Yamagata Religions Bill as to counter the claims of the *kōninkyō* faction. This political project was exemplified in a 24 January 1900 *Bukkyō* opinion piece attributed to the association called "An Opinion in Response to the Religions Bill." It began:

We lament the fact that inveterate Old Buddhists and pigheaded priests do their utmost to preserve their temples through political power and try to conserve the outward forms of their sects and factions out of fears that other religions might infringe on their territory. We have completely opposed the officially recognized religion philosophy and have rejected governmental protection and interference for quite some time. Now, as the Religions Bill has been submitted, we liberal and progressive Buddhists announce a few of the points we see in the outlines of that Bill, and we intend to call for transparent, public criticism of it.⁶³

In its first point following this somewhat bombastic introduction, the article precisely reproduced the language of the sixth point in the Fraternity platform: "We reject all sorts of political protection and interference regarding religion." Arguing that religions that existed within national boundaries were necessarily subject to national laws, the anonymous author suggested that the government should adopt a passive, rather than active, approach to managing religions as long as they did not infringe upon morals or public order. The article then went on to say that the association approved of the fact that the Yamagata Bill ostensibly treated Buddhism and Christianity equally, but hastily added that the Bill failed to actually treat the two evenly because of significant differences in terminology regarding definitions of priests, churches, temples, and the like. Going on to outline specific clauses that should be cut or modified and points that required further clarification, the document made clear that

60. Adapted from Anonymous, *supra* note 54, pp. 103–9.

61. Nakanishi Ushirō had already drawn such distinctions in 1889. See Ōtani, *supra* note 11, pp. 45–7.

62. Anonymous, *supra* note 54, pp. 101–2.

63. Jiyūshugi Bukkyōto Dōmei Kai, "Shūkyō hōan ni tai suru iken," B 158 (24 January 1900), p. 34.

it was less opposed to the spirit of the law than it was to the advocacy of a *kōninkyō* system that greeted its submission in the House of Peers. That is, the Liberalist Buddhist Alliance Association was not opposed to the statist thrust of the Yamagata Bill nearly as much as it was opposed to the conservative attitudes behind calls for official state recognition of Buddhism. Again, these Buddhist activists were not concerned with being placed in a subordinate position vis-à-vis “State Shintō.” They were concerned that the *wrong Buddhists* would speak on behalf of the religion, thereby inviting excessive governmental oversight.

The *kōninkyō* conflict became something of a moot point when the Bill died in the House of Peers in February 1900. Sakaino Kōyō and his colleagues Takashima Beihō and Sugimura Jūō would extol the efforts of the Fraternity in resisting clerical obduracy in their periodic retrospectives in *Shin Bukkyō* and other religious magazines, but the extent to which the efforts of the Liberalist Buddhist Alliance Association were actually successful in countering the “official religion faction” is unclear. After the Fraternity established its own journal in 1900 and after it changed its name in 1903 to the *Shin Bukkyōto Dōshikai* (Fraternity of New Buddhists), members would repeatedly claim that they had been on the right side of history. In the numerous historical retrospectives that featured in the pages of *Shin Bukkyō*, it became obligatory to make some reference to the *kōninkyō* faction as representing the “old Buddhism” against which these “New Buddhists” had been struggling.

While its treatment of religious freedom as a civil liberty has made the Fraternity an attractive candidate for postwar scholars’ quests for evidence of a pre-war liberal tradition that challenged state power, members were less liberal than a superficial reading of their rhetoric would suggest.⁶⁴ They denied the legitimacy of groups and practices that they deemed “superstitious,” and their resistance to state intervention in religious affairs was not based on an unambiguous commitment to liberal principles. Furthermore, there was a marked move to more conservative stances among these bearers of Buddhist youth culture as they entered middle age. As I have shown elsewhere, by the Taishō era (1912–26), these supposedly “progressive” Buddhists were advancing a relatively conservative political philosophy that envisioned Buddhism at the centre of Japanese moral and political life.⁶⁵ In effect, they ultimately moved much closer to the *kōninkyō* camp than their rhetoric at the turn of the twentieth century would have suggested.

6. CONCLUSIONS

The single shared feature of all of the primary sources discussed above is that they exhibited an intense preoccupation with the problem of religious freedom. As such, they firmly put to rest the previously common assumptions that the Meiji Constitution only paid lip service to the ideal of religious freedom, that Japanese religious leaders were ignorant of the importance of religious freedom, or that the implementation of “real” religious freedom had to await the arrival of the American-led army of occupation in August 1945.⁶⁶ These sources

64. Akamatsu, “Kaisetsu: Shin Bukkyō undō ni tsuite,” SBRS 1, pp. 1121–9; Ikeda (1976), pp. 264–305; Thelle, *supra* note 49, pp. 194–213. More nuanced recent treatments include Yoshinaga, *supra* note 14, and Ōtani, *supra* note 11. On the political tendencies of Buddhist studies scholars more generally, see Hayashi (2009).

65. Thomas, *supra* note 15.

66. See Thomas, *supra* note 19, for an overview of these issues.

therefore upend the common narrative that a comprehensive “State Shintō” system dominated Japanese religious and political life from 1868 to 1945.⁶⁷ That narrative was constructed during the Allied Occupation (1945–52) to legitimize the American project of transmitting religious freedom to Japan, but the sources described above show that Japan actually had religious freedom all along. What is more, the Japanese debates about religious freedom at the turn of the twentieth century took place through the inherently democratic processes of free speech and parliamentary procedure.

To be clear, the important legal-historical question at stake in this article is not *whether* Japan exhibited religious freedom at the turn of the twentieth century (it did) or *if* Buddhists actually understood the concept (they did, and in multifarious ways). Rather, the concern is with *how* various interest groups tactically defined “religion” and “freedom.” The intense contestation within Buddhism shows a set of actors deeply concerned with their place in Japan’s evolving political order, trying to position the religion vis-à-vis state law and regulation.

Focusing on competing interpretations of religious freedom in Buddhist responses to the Yamagata Religions Bill leads to an inescapable conclusion that is not limited to the historical case discussed here: religious freedom is never just one thing. “It” is not simply granted in constitutional law; nor is “it” expanded or contracted through legislation. “It” is neither protected nor infringed upon by law enforcement. Rather, religious *freedoms* are always-already plural. In any given moment, the operative definitions of religion and freedom favoured by policy-makers, politicians, priests, and police will reflect their preconceived notions about what needs to be freed and what needs to be protected. Controversies over legislation like the one described above inevitably reflect these divergent interpretations.

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67. See, for one example, Hardacre, *supra* note 16.

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