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Problematic Conceptions and Critical Developments: The Construction and Relevance of 'Religion' and Religious Studies in Japan

ABSTRACT: In this article I examine the concept of religion (*shūkyō* in Japanese) with reference to the claims that as a term and category it did not exist in Japan prior to the country's 19th century encounter with Western powers, and to the notion that 'Religious Studies' in Japan was simply implanted wholesale from the West. By referring to recent work in this area, I argue that such claims are overstated. I further examine some of the implications of the development of a concept of religion in pre-war and post-war Japan, and discuss why in the post-war era new laws and constitutional safeguards relating to religion were inaugurated. By looking at controversial areas in which actions are viewed as religious or not, while in parallel looking at how post-war academia has interpreted 'religion' and how Japanese Religious Studies (*shūkyōgaku)* has developed, I argue that the concept and discipline are highly important in the present day, and that suggestions that the term and the academic discipline be abandoned could have serious implications for contemporary society and Japanese civil liberties.

KEYWORDS: Religious Studies; Japan; *shūkyō*; *shūkyōgaku*; the category of religion

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Introduction: The Problem of 'Religion' in Japan

One of the most critical debates in recent times in the academic field known as Religious Studies has centred on whether 'religion' is a sui generis and reified concept that stands as a self-determined entity in contradistinction to the secular realm. In this perception religion has been created in a particular (Protestant Western) environment and based in its premises, and then been exported to and imposed – often under the aegis of colonialism and Western expansions of power - onto other cultures. Often, too, it has been argued that 'religion' itself is a construct largely if not wholly of academics, a view expressed by Jonathan Z. Smith with his statement that 'Religion is solely the creation of the scholar's study'.[1] Subsequently others such as Russell McCutcheon (1997) and Timothy Fitzgerald (2000, 2003) have pursued these lines of argument and criticised other scholars for reifying and essentialising 'religion', and for creating a Protestant-oriented 'ideology' that underpins Religious Studies as an academic field. In Japan such views have been advanced also by Isomae Jun'ichi,[2] who has asserted that Japanese scholars from the late 19th century onwards simply swallowed in an undigested way Western conceptions of religion as if they were unchanging and universal. In Isomae's view Japanese scholars thus developed the study of religion as an academic field in a highly uncritical way that simply replicated pre-existing Protestant Western notions (Isomae 2003, 2012). Isomae has not simply questioned the underlying foundations of Religious Studies (*shūkyōgaku* in Japanese) in Japan but has argued for its 'death' and absorption into the arena of Cultural Studies (Isomae 2012).

Such arguments specifically raise questions in non-Western contexts: if such concepts as religion and the religious are simply Western colonial impositions, and/or constructs of scholars operating within a specific Western framework and then exported to other parts of the world as if they were universal (yet grounded thoroughly in a particular Western perspective), the extent to which such terms could be used beyond Western contexts becomes highly problematic. Such arguments also, effectively, deny agency to non-Western cultures and academic studies in terms of discussions and conceptions of 'religion'.

In these debates Japan has become an important arena of discussion, and the issues they raise and impinge upon are not, as I will outline below, simply problematic issues of terminology and definition that excite academics cloistered in universities but with no real impact in the wider world. Rather, definitions and the very existence of a notion of

[1] Smith (1982, xi).

[2] In this article all Japanese names are given in standard Japanese format, with family name first followed by given name.

religion are important in Japan's current social and political framework. This is not just because 'religion' is a category recognised in law and in Japan's constitution - even as what constitutes it is very imprecise and ill-defined constitutionally- but because challenges over whether acts of visiting, bowing and performing acts of veneration and prayer at certain institutions registered under Japan's 1952 Religious Corporations Law (Japanese: *Shūkyōhōjinhō*) can be classified as 'religious' have been the subject of numerous arguments and law suits. Behind such questions are serious questions about and implications for civil liberties and the nature of Japan's contemporary constitutional democracy. As such, debates over whether 'religion' exists and is a viable category in Japan, and what it might constitute, have a far-reaching significance that extend beyond disputes within and about an academic field of study.

This article addresses such issues in the light of recent academic studies that question some of the assumptions of those who posit the idea that the concept of 'religion' was unilaterally imposed from outside and in the context of post-war developments in Japanese Religious Studies. In so doing I am not so much interested in reconstructing arguments about the idea of religion as it emerged in Japan in the period after that country's 19th century encounter with Western forces, but in considering what these issues and subsequent developments in the field Japanese scholars term *shūkyōgaku* (Religious Studies) say to us about the field of study we are engaged in and its terminologies.

The Category of 'Religion': Western Imposition, Academic Invention?

The standard term found for 'religion' in English-Japanese dictionaries is *shūkyō* - a composite term combining the ideograms *shū* (sect) and *kyō* (teaching). Implicitly this term suggests something to do with doctrines and organisations, and in general parlance among ordinary Japanese it is often perceived as indicating adherence to one particular religious group and its doctrines, often to the exclusion of all else. It is in this context that many Japanese- who may participate in shrine festivals, acquire amulets from temples, engage in memorial rituals for their ancestors and perform pilgrimages, visiting Shinto shrines and Buddhist temples without considering there to be any form of contradiction in praying at institutions of two different traditions- often state that they are 'not religious' (*mushūkyō*). In effect, as various studies have noted, what such people are saying, via the term *mushūkyō*, is that they are not members of a particular sector doctrinal group, at least to the exclusion of any other practices. Commonly, too, many Japanese view practices such as shrine visiting at

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festive times, doing memorials for the ancestors and so on as 'custom' associated with being Japanese and with markers of identity.[3]

Shūkyō is thus an ambivalent term in common parlance. At the same time it has a formal grounding in public contexts. Articles in the country's 1946 constitution refer to *shūkyō* (and in the formal English version, to religion). The law inaugurated in 1952 under which religious organisations can register (whether as individual institutions such as a Buddhist temple or Shinto shrine, or as a formal movement, as with Buddhist sects and the like) is the *Shūkyōhōjinhō* or Religious Corporations Law. *Shūkyō*/religion thus exists as a legally recognised entity, while the constitution provides for freedom of religion and its laws afford legal dispensations towards 'religions'. Organisations have registered as legally recognised entities under the Religious Corporations Law, thereby recognising or declaring themselves to be 'religions' (*shūkyō*) and have self-identified as such through forming or affiliating themselves to organisations such as the *Nihon Shin Shūkyō Dantai Rengōkai* (Federation of New Religious Organizations of Japan).

Academically, as has been noted already, there is a self-declared institutional field of *Shūkyōgaku*, with universities having academic departments bearing that name, and academic organisations such as the Japanese Association for Religious Studies (in Japanese :*Nihon Shūkyō Gakkai*). From a personal perspective gleaned over many years of fieldwork in Japan in which I have interviewed senior officials and priests from the Buddhist and Shinto traditions to new religious movements alike, they have commonly referred to their organisations as *shūkyō* and found no problem with that.

Thus *shūkyō*/religion is both legally and institutionally operative even as it may be seen as confusing or nothing to do with them by ordinary Japanese who pray at shrines and yet say they are 'not religious'. A significant reason for this confusion resides in the term's associations, as I have noted earlier, with formalised, organised belief systems and ideas. This association certainly goes back to the ways in which the term 'religion' entered Japan in the 19th century. To this extent this would suggest that this affirms the argument of Isomae and of Fitzgerald, that *shūkyō*/religion is a Western category imported into Japan. However the situation is more complex than this, as recent studies by scholars such as Jason Josephson, writing in English, and Hoshino Seiji, in Japanese, have shown.

The terminology we are discussing emerged out of Japanese encounters with Western powers in the mid-19th century - encounters that led to Japan, until 1853 a closed country, being forced to open up to external, Western powers and trade. The encounter brought about the

[3] For a fuller discussion see Reader (1991) and Ama (1996).

final demise of Japan's ailing feudal system and spurred its development into a modern nation state complete with various of the trappings- a political structure and parliament, a constitution, modern legal and education systems along with emergent modern transportation, media and mass production systems- associated with such things. The negotiations between Japan and Western powers about trade, access, rights, duties and obligations led to what are often termed the 'unequal treaties' (Auslin 2006) because of their bias towards the powerful Western nations. Among the issues covered in such treaties were laws relating to religion, and to religious freedoms.

Those who argue that the concept of 'religion' was imposed on Japan wholesale see this process as part of this apparently unequal engagement. They also have asserted that 'religion' as a category and concept did not exist prior to these Western incursions, and that it was imposed on Japan in ways that fitted and suited Western colonial presuppositions and agendas, which Japanese scholars then simply absorbed. A key theme in such arguments is that the term *shūkyō*, initially one of several terms suggested as potential translations in documents and treaty negotiations to equate to the English 'religion', did not exist prior to these encounters and that it is a 19th century neologism invented after 1853. *Shūkyō* was thus created to equate to a Western concept- and hence was an unnatural, false category in Japan. There is certainly evidence that the English term 'religion' and what it meant caused confusion to the Japanese at the time. Jason Josephson (2012, 1), for instance, notes that when Commander Perry arrived in Japan in 1853 at the start of the first American mission to open up Japan (forcibly if need be) he bore letters in English outlining American demands of the Japanese. In them the word 'religion' was used twice and Japanese translators had no idea what it meant.

In the process that followed, Western powers sought recognition of the importance of 'religion' (which was certainly grounded in Protestant notions of piety and belief) and demanded that the Japanese accept freedom of religion, which the Western powers viewed as a crucial element for a modern nation. Their wishes were clearly grounded in part in the desire to allow Western Christian missionaries to enter and operate freely in Japan and potentially claim it for Christianity- a process that had occurred in many colonial ventures. In such terms, Japan in effect accepted the externally imposed notion and developed a word (*shūkyō*), that accorded with, and was in effect a neologism directly replicating Western notions of 'religion' as a self-contained entity centred on teachings, piety, belief and formalised structures.

Counter-Arguments and the Japanese 'Invention of Religion'

The problem with this interpretation is that it misrepresents the process that occurred as well as the Japanese background context. While it is generally accepted among scholars that prior to the Western encounter there was no specific intellectual conceptualisation in Japan of 'religion'[4] it is also the case that *shūkyō* itself was not a newly invented term in the 19th century but a term, albeit not widely used, existing mainly in Buddhist contexts in relation to sectarian traditions (Reader 2004a, Shields 2010, 134) and hence a term that had some resonance as a means of translating 'religion'. Scholars such as Shimazono Susumu (2004) have identified a terminological and conceptual genealogy that ties in to the notion of *shūkyō*/religion and associated particularly with the concept of 'teaching' as indicated by the second ideogram of *shūkyō*, in Japanese historical terms prior to and including the encounter with the West in the 19th century.[5] Moreover the idea of the 'secular' - which critics of 'religion' have often viewed as a concomitant construct linked to 'religion' - did exist in Japanese conceptual terms, as has been demonstrated in the work of Christoph Kleine (2013), who shows that there is a long tradition of the secular in Japanese history, dating back as far as the Heian (794-1185) period. Hans-Martin Kramer (2013) has further provided evidence and examples to indicate that conceptualisations of the secular long pre-date the Meiji period and Western incursions. Given that conceptualisations of the secular and some antecedent evidence for the terminology of *shūkyō* existed in Japan prior to the 1850s, it would be stretching the point to say that at the time of Japan's opening up to the West in the 1850s and beyond, it was wholly unaware of the underlying notions implied by religion and the secular.

While Josephson (2012) details Japanese confusions over Western terms and concepts in their early encounters, and outlines the disjunctions and problematic treaty discussions that occurred, he also shows that the terminology and legal structures surrounding religion that developed in the 19th century, were not simply Western impositions or a category invented by the Japanese academy. Rather, he provides a convincing argument that the Japanese themselves invented 'religion' (under the terminology of *shūkyō*) in a way that was framed specifically to accord with Japanese needs in response to Western diplomatic and political

[4] Michael Pye (1990, 2002) has argued that in the works of Tominaga Nakamoto (1715-46) one can see an emergent intellectual framework for the study of religion. However, later scholarship has questioned this, and Jason Josephson (2012, 6-7) has dismissed it as based in a misreading of Tominaga, by noting that Tominaga was not using the term *shūkyō* in the context asserted by Pye.

[5] See Reader (2004b) also for further discussion of this issue.

demands. The Japanese faced Western demands to allow Christians to practice in Japan and, under the guise of the Western notion of freedom of religion, for Western missionaries to be able to spread their faith. The Japanese, however, while seeking ways to accord with such wishes, were also loathe to allow Christians from gaining special privileges and perhaps becoming a force that could (as had happened elsewhere when non-Western cultures had encountered Western power) dominate Japan. As Josephson indicates, in a balancing act that accorded demands for freedom of religion and yet served to restrict such influences, the Japanese developed and embraced the notion of religion/*shūkyō* as a private entity protected from incursions by the public sphere but simultaneously located in and restricted to that private sphere. The legal statutes and treaty negotiations that produced this arrangement - and hence the people most closely involved in the Japanese 'invention of religion' - were diplomats and politicians working to serve Japanese political needs. As Josephson notes, 'religion' was developed as a 'nakedly political category'[6] (2012, 71) initiated and constructed in the political sphere to protect Japan from Christian dominance.

A crucial element in this process was the development of Shinto as a 'nonreligious' entity, or as Josephson calls it, a 'Shinto secular'[7] that was promoted as a feature of national identity and cohesion, centred around the Emperor. In this construct, the Emperor was elevated (drawing on Shinto myths of Imperial descent from the Japanese *kami* or gods) to a figure of divine-like status and promoted as the unifying spirit and essence of Japan to whom all subjects owed devotion, loyalty and obedience. Yet at the same time, this secular Shinto was promoted not as a *religion* under the ambit of the new settlement, but as an expression of Japanese identity and culture. It was therefore not 'religious' but cultural and secular - and hence need not be confined to the private sphere but could be promoted, advocated and supported by the state.

The intellectual arguments underlying this formation of Shinto as a secular entity rested also, as James Mark Shields (2010, 134) has noted, on the point that religion/*shūkyō* as it was formulated in Japan (clearly influenced by Protestant notions) was seen as the product of founders and centred around denominational structures (which in turn suggest belief and doctrinal structures and differences); it was also something private and voluntary. Shinto, having no founders and being identified as an expression of Japanese culture, and engaged in by all Japanese (in theory) could thus be set apart from religion/*shūkyō*; it was 'beyond religion', since it had no individual founder, and was instead associated with the national essence (Shields 2010, 134). Because it was thus projected as the basic expression of Japanese identity, overseen by the divine figure of an

[6] Josephson (2012, 71).
[7] Josephson (2012, 133).

Emperor who embodied the Japanese spirit, it was not voluntary; everyone should pay homage to it and participate in its rituals and in acts of reverence towards the Emperor. From the late 19th century onwards we get various examples of how those who fail to do so (including Christian converts who considered venerating the Emperor to contravene their faith) were prosecuted and punished.[8]

As Sarah Thal (2002) has wryly noted in the title of a study of this phenomenon Shinto was in effect developed by the Meiji (1868-1912) government regime and beyond as 'a religion that was not a religion'. It was removed from realm of religion and established as 'fundamental expression of Japanese identity'.[9] As Thal demonstrates, Shinto advocates and Japanese nationalists used the concept of religion as a political tool to confound the boundaries of religion and secularism, and by removing Shinto from the religious sphere were able to privilege it as the epitome of Japaneseness (Thal 2002, 112).

All of this suggests that, rather than being a direct Western imposition that emphasised a Protestant hegemonic ideology, religion/*shūkyō*' was instead product of Japanese diplomatic and political negotiations and manipulations that simultaneously set Shinto apart from religion and enabled the Japanese state to define what - or was not- religion/*shūkyō* and to thereby regulate and restrict its sphere of operations in Japan. Nor, as Hoshino Seiji (2012) has demonstrated recently, was it or the academic discipline of Religious Studies (*Shūkyōgaku*) that developed around the notion, simply (as Isomae has claimed) taken wholesale and without question from the West. Hoshino offers a detailed series of case studies of Japanese thinkers and scholars who adopted and adapted the concept over a period of time in ways that gradually detached it from any specific associations with Christianity and protestant-based moral and doctrinal themes. Certainly the activists Hoshino discusses developed a view of *shūkyō* that emphasised belief over praxis and drew inspiration from Protestant Christian ideas, but they moulded the concept in ways that best suited the Japanese situation. They accepted the notion that religion was a universal category but some of them- such the Buddhist reformer Nakanishi Ushirō - sought to identify characteristics within it that gave agency to traditions other than Christianity (Hoshino 2012, esp. 112-130). In such ways Christianity was turned, through the writings of Japanese advocates and intellectuals and via the formation of an academically-grounded concept of religion/*shūkyō*

[8] The most famous case is of the Christian Uchimura Kanzō, charged with lèse majesté for failing to bow appropriately before the Imperial Rescript on Education, an important text placed in each school from the late 19th century and that served as a symbol of the imperial presence.
[9] Thal (2002:112).

into just one religion among many, rather than as somehow the model for all religions. Japanese Religious Studies thus developed as an academic area that was not just based around an uncritical acceptance of Western notions and constructions.

The Implications of a Religion that was not a Religion

It is beyond the scope of this article to discuss the ramifications of these formulations, save to note that Shinto as an extension of the state machinery, supported and financed by the state, thus became elevated into a national entity that all should adhere and participate in. At the same time, religion(s) (*shūkyō*) were subject to state oversight. Freedom of religion was admitted, yet adherence to state-controlled rituals and ideologies, underpinned by Shinto myths that associated the Emperor with the Japanese gods and foundation legends and that demanded that all should obey the commands he (via his government) set out, became paramount. The result was an increasingly state-centred regime that wedded (nonreligious) Shinto to its aims while crushing those who posited alternatives. The many cases of people and organisations (including some newly-established religious organisations, such as Oomoto and Honmichi) that were prosecuted and repressed by the state for breaching requirements to revere the Emperor or that seemed to pose challenges to his authority, are indicative of how this state-Shinto complex served to tighten control and increase repression in the earlier part of the twentieth century. As is well-known, the militaristic and nationalistic regime backed by a state-supported Shinto that was located in the secular sphere and that nonetheless provided legitimation for the elevation of the state and Emperor to almost mystical levels that bore no opposition, became a force for colonialism, the repression of political and religious groups that opposed state policies. The association of the state and a Shinto that was deemed not to be a religion was intrinsic to the militarism that dominated Japan from the 1920s onwards. That, of course, led to Japan's ill-fated war activities, and subsequent defeat and occupation in 1945.[10]

[10] For reasons of space I have only briefly summarised a complex but well-known history. For further insights into these issues and especially Shinto's role in this, see Hardacre (1988) and Skya (2009).

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Post-war Japan, the Constitution, Freedom of Religion and Severing State-Shinto Bonds

Such were the associations of Shinto and the state that a primary determination of the US-led Occupation government that was established after Japan's surrender in 1945, was not just to establish a new constitution and promote a new form of democratic government in Japan (one that via constitutional clauses also neutered it militarily) but also to detach Shinto from the state and to promote freedom of religion, which the Americans believed had been suppressed through the activities of the militaristic state-Shinto complex. The new constitution affirmed, via Article 20, freedom of religion and protected religions from state control; Article 20 also stated stating that religious organizations should not exercise political authority. Article 89 decreed that there should be no state support or public money expended by the state for religion.

Shinto was especially affected by these changes. Shinto shrines lost the privileges and financial advantages they previously held while Shinto was removed from the public sphere and relocated within the category of religion (*shūkyō*). The subsequent Religious Corporations Law (*Shūkyōhōjinhō*) of 1952 further gave tax breaks and privileges to organisations that registered as religions (adhering to various conditions, including registering an appropriate person as legally responsible for the organisation and outlining its basic doctrines) under the law. In order to gain protections and privileges under this law (including tax breaks, which were important to shrines struggling after they lost the financial support previously provided by the state) shrines and Shinto organisations thus found it necessary to register themselves as *shūkyōhōjin*, or legally affiliated religious bodies.

At the same time, constitutional and legal structures, while identifying religion/*shūkyō* as a cogent entity, and its freedom and protection as a crucial element in the fabric of modern Japanese democracy, also left definitions of 'religion' vague and open to interpretation. As Urs Zachmann (2012, 215-217) has pointed out, while a prime aim of the constitution was to rectify the pre-war situation and bring about freedom of religion while separating the bonds of state and religion, there was little in it to say what 'religion' actually was. Article 20 is very short and bereft of any coherent definition on this point, while the 1952 Religious Corporations Law portrayed religion as primarily 'an internal affair of individuals'[11] it does not give any precise definition of what is meant by the term (Zachmann 2012, 217). The result has been that attempting to develop definitions- crucial for determining what falls within or beyond the remit of religion - has fallen particularly to the

[11] Shields 2010, 134.

judiciary, the courts, and legal scholars, because of various court cases and lawsuits that have arisen or been brought over attempts to reinstate state support for Shinto. In this context, too, I would suggest, the ways in which Japanese scholars in the post-war period have expanded their studies of religion/*shūkyō* to include serious examinations of new religions and what had previously been seen as 'folk' activities, such as acquiring talismans and amulets, or included in a non-religious rubric - such as participating in Shinto shrine festivals and rituals- have also had an impact.

The Situation of Shinto and the Yasukuni Problem

In this context, and especially relevant to this article, the most critical issue has been the situation of Shinto in general and of Yasukuni Shrine- established in 1869 and situated in central Tokyo - in particular. Throughout the post-war era various pressure groups, notably right-wing politicians and nationalists who resent Japan's demilitarization and what they see as the imposition of a constitution on Japan by its American occupiers, have tried to overturn this situation and to restore the position of Shinto in the public sphere. In this context Yasukuni Shrine has been the most critical flashpoint. It was initially built to commemorate the spirits of those who died fighting for their country in its struggle to move from a feudal to a modern national regime in the 1860s. The Japanese who died in subsequent military engagements, including World War Two, were subsequently enshrined there as well. Controversially these dead include a small number who were executed after 1945 as war criminals. Perceived by some as akin to a national war memorial (and hence not specifically a sectarian religious institution), various lobby groups, including Jinja Honchō (an organisation that represents the interests of the majority of Shinto shrines) and politicians predominantly of a right-wing nationalist bent, have sought to reinstate state support for Yasukuni. On various occasions bills have been introduced into the Japanese Diet to this end, although without success. On a number of occasions senior Japanese politicians, including Cabinet Ministers and on occasion Prime Ministers, have visited Yasukuni and taken part in worship activities there, often on or close to August 15, the anniversary of Japan's wartime surrender and thus a particularly poignant occasion for Japanese nationalists. Because such visitors are serving government officials, the question of whether they are attending the shrine in an official capacity and using state funds to do so (as would appear to be the case if a minister or Prime Minister uses an official car and security) and hence breaching the prohibition on state support for a religious institutions, arises.

Those who attend Yasukuni to honour the war dead claim that their actions are gestures of patriotism similar to those any person who loves

their country and respects the sacrifice of past generations, might do, and that they are customary, following a standard Japanese practice of commemorating the dead. As such, *Yasukuni sanpai* (veneration at Yasukuni) is not religious but cultural, an element of Japanese identity and cultural unity. Particularly when right-wing nationalist factions gain ground electorally in Japan (as has happened during a number of premierships, notably those of Naksone Yasuhiro in the 1980s, Koizumi Junichirō in the early 2000s and currently Abe Shinzō) there has been an increased tendency of senior politicians and premiers to visit Yasukuni- usually claiming they are doing so in a cultural sense but clearly also seeming to push against the borders of constitutional legality.

Such views and visits have been vehemently opposed by numerous pressure groups, ranging from religious organisations and political activists, particularly though not exclusively on the left, to concerned individuals. They have also caused upset among Japan's neighbours that suffered from Japan's wartime aggression and for whom Yasukuni is a symbol of that militarism. Opponents are aware that accepting prayers at Yasukuni as non-religious would help the campaigns of those who want to turn it again into a state-sponsored institution and would thereby facilitate moves to relocate Shinto back in the public, state-supported and 'secular' sphere. Yasukuni, in other words, is viewed by both sides as the thin end of the wedge in breaching the current constitutional separation of state and religion and restoring a situation that pertained prior to 1945.[12] Opponents and academics alike have voiced concerns that the Shinto shrine organisation Jinja Honchō, under whose aegis Yasukuni exists, in this context is 'acting as a political force promoting nationalism and reverence for Emperor'[13] while a significant pressure group on the Japanese right- the Shinto Seiji Renmei (Shinto Association of Spiritual Leadership), which not only supports state sponsorship of Yasukuni but seeks a restoration of what it calls Japan's spiritual values, includes many current cabinet ministers, including the current Prime Minister Abe, in its ranks (Mullins 2012, 72). As Mark Mullins (2012) has commented recently, right-wing nationalists have used their political power in recent times to push forward various nationalistic agendas. The Abe government's further aim of constitutional reform (including amending Japan's famous 'peace clause' Article 9) has intensified concern among liberals, those on the left and many traditional religious organisations, that the laws governing religion will also change to privilege Shinto as before the war and enhance the cause of militarism - with accompanying concerns about the impact that this will have on freedom of religion and civil liberties.

[12] For a detailed discussion of the Yasukuni issue, see the work of John Breen (2008, 2010, 2012).
[13] Mullins 2012, 71 quoting Shimazono (2007, 706).

Thus far numerous lawsuits have been brought to challenge the legality of visits to Yasukuni by government figures. Such lawsuits are not the only ones to be brought over the meanings of Articles 20 and 89, for a number of other cases have occurred, often centred on ritual ground-breaking ceremonies performed by Shinto priests; this is a common practice in Japan when starting a new building for this to be done but when state, regional or local governments have followed this practice they have often faced lawsuits claiming that the rituals are religious rather than customary.

It is in such contexts that, as I noted above, the courts and legal specialists have played a significant role in determining whether or not such rituals or visits such as *Yasukuni sanpai* by an acting Prime Minister, are constitutional or not. It is also fair to say that because of the multiplicity of cases- many heard in regional courts- there have been considerable numbers of interpretations of the law and hence of whether an action performed at a Shinto shrine, is 'religious' or 'customary' and hence prohibited or permitted. While one court might rule that a visit or a ground-breaking ceremony payment was legitimate because it was a matter of Japanese culture and custom, another might rule the opposite. Thus far, overall (and here I am generalising significantly) the tendency has been, especially in the case of Yasukuni, to be in favour of seeing acts of support by people or organisations in the public domain for shrines to be contrary to the constitution.[14] One particularly important ruling has been that of the Fukuoka District Court in 2004 , which stated that then-Prime Minister Koizumi's visit was clearly 'a public act' and that it was based 'a certain faith and had a 'religious purpose''.[15]

The above indicates that interpretations of what is or is not, to be incorporated within the framework of religon/*shūkyõ* has major implications for Japan in constitutional and legal terms- and given its past history when Shinto was located within the public sphere, for its civil liberties. The importance of the above Fukuoka verdict (still a landmark in the debates over visits to Yasukuni Shrine) and others that have found against such visits, is that it clearly locates seemingly customary acts within the remit and ground of religion/*shūkyō*.

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[14] While court rulings eventually decreed that the sponsorship of a ground-breaking ceremony in Tsu, Mie prefecture in 1977, was not illegal because the ritual was customary (Nelson 2012, 46-47), other courts have ruled that state or regional government contributions to shrines associated with the protection of the state (such as Yasukuni) were infringements of the law and hence unconstitutional (Nelson 2003, 446, fn 1).

[15] Zachmann (2012, 237).

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Japanese Sociology of Religion and the Expansion of the Field of Religious Studies/shūkyōgaku

It is here that I want to return to the issue of Religious Studies and scholars of religion, because this interpretation -following on from a number of others that have recognised that certain acts may be customary but nonetheless still be within the remit of religion- accords with contemporary post-war Japanese scholastic discussions of religion/*shūkyō*.

Especially in the post-war era, Japanese sociologists of religion have been interested in examining areas that, in pre-war terms, and in the context of Shinto as a secular entity and of customary rites as not religious, would have been seen as beyond the remit of their field. Statistical surveys used as a basis for comments about the state of religion in Japan and associated also with continuing academic debates about secularisation, for example, consistently pay attention not just to the numbers who say they are 'religious' or who are official members of religious organisations, but to a variety of other activities- such as taking part in the annual *o-Bon* festival for the spirits of the dead, in acquiring lucky charms and amulets at shrines and temples, and the like.[16] Ama Toshimaro, in his well-known 1996 book that attracted a wide audience in Japan, discussed the widely-cited observation that Japanese people tend to respond, when asked, that they are not religious or have no religion (mu*shūkyō*). In Ama's view this response contains a rather complex hinterland. While it signifies that they do not consider themselves to be members of a specific religion or holders of a particular set of doctrinal tenets (which Ama calls revealed or organised religion *sōshō shūkyō*) this does not preclude associations with folk practices and localised customs and related beliefs, which he labels 'natural religion' (*shizen shūkyō*) (Ama 1996). In other words, Ama is including under the label of religion customary acts such as taking part in rites for the spirits of the dead- acts that proponents of Yasukuni veneration who campaign for the shrine to be detached from the laws regulating religion and the state, would argue fall within the category of the customary rather than the religious and hence are not subject to the prohibitions embedded within the constitution.

In essence Ama's interpretation expresses, at a popular level, what Japanese scholars of religion in general have said in their studies in recent years. In commenting upon Japanese interpretations of *shūkyō* in the contemporary era George Tanabe and I, in 1998, noted that we were using the English term 'religion' in the Japanese context in the same way in which contemporary Japanese scholarship used and interpreted *shūkyō*: as an 'inclusive term that ahs elastic frontiers readily intermingled with cultural and social themes in which belief and doctrine can play a part but

[16] See, for example, Ishii (2007) as an example of this focus.

are not essential.'[17] As we noted, this rubric included festival participation, seeking worldly benefits, ritual participation and custom (Reader and Tanabe 1998, 5-6). In essence, Japanese scholars in recent times have moved beyond the narrow parameters of earlier periods, to incorporate a wide array of practices even when their proponents deny that they are 'religious'. If it happens at a place associated with religious traditions (for example by being registered under the Religious Corporations Law, as large numbers of Shinto shrines and Buddhist temples are), they have viewed them as 'religious' and as activities and praxis that are the rightful focus of scholars of *shūkyōgaku*.

This is as clear an indication as one could find that the field has moved on. As Mark Mullins has commented, even if *shūkyō* as a concept may have been imported from the West in the 19th century, subsequently its parameters have changed as 'it has been adopted and adapted by scholars.'[18] Just because 'religion' might have been developed as a concept in 19th century Japan due to its encounter with Western powers, this does not mean that it or the discipline that bears its name, necessarily have remained the same or that what may be included under its remit has remained static. Scholars such as Isomae, whose criticisms of contemporary Religious Studies are grounded in this perception of an invented, imposed terminology concept and academic field from an earlier age, thus appear to be transplanting their images of the past onto the present, without recognising that things have changed. As I have already noted, the idea that religion was a product of the academy and that the concept of religion was something imposed unilaterally on Japan by external powers, are themselves highly problematic. Even if the study of religion in Japan started from a 19th century Western-dominated Protestant discourse centred on belief and piety, this does not mean that it has remained so in the century or more that has ensued. As I have indicated here, its scope has changed and widened as Japanese scholars have developed their field; it has become more elastic and comprehensive, by moving beyond a narrow focus on doctrine and by breaking down barriers between doctrine, belief, adherence, ritual engagement and customary participation.

This is highly significant when one returns to the Yasukuni problem and related issues surrounding Shinto. Actions such as visiting Yasukuni Shrine and paying homage to and praying for the spirits of the war dead clearly fall under the remit of Japanese *shūkyōgaku*, given that area's interest in custom and practice as well as doctrine and belonging. I accept that I am generalising here to a degree, but I think it fair to say that this is the general position of the field, especially in sociological areas of it, in Japan at present.

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[17] Reader and Tanabe (1998, 5)
[18] Mullins (2012, 63).

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Thus Religious Studies in Japan clearly adds a voice to those that resist the implications of *Yasukuni sanpai* and its related connotations of enhanced nationalist agendas, the increased power of the state, and the potential restriction of liberties. Whether that voice is heeded to any degree by the courts and legal scholars is unclear, but the very fact that it exists certainly serves as defensive mechanism against nationalistic attempts to subvert the constitutional situation surrounding the clauses on religion. By contrast, denying the viability of the terms religion and *shūkyō* while arguing that they represent oppressive Western colonial impositions, fits rather neatly with nationalist agendas evident among those who advocate *Yasukuni sanpai* and who denounce the post-war constitution as having been forced upon the Japanese by the Americans clearly fits into this nationalist agenda and rhetoric rather well.

As such, it is not just that- at times vague and unclear as it may be- the terms *shūkyō* and religion remain viable and generally useful terms and categories around which to organise our discussions and understandings of certain areas of behaviour, thought, practice and belief in Japan. It also pertinent to note that they, and the field of study accord and notions that also resonate with the legal situation and that have historical roots and that are parts of the debates about Japan's modern developments and engagement with modernity. It is also that they are important for the maintenance of Japan's civil society and a safeguard against any hint of a return to the era when Shinto could be detached from 'religion', thereby enabling the state to pursue repressive policies that fired a sense of aggressive nationalism and militarism.

Concluding Comments

There have been numerous responses to the argument that religion as a term and the field of Religious Studies that has developed around it, should be abandoned. Thomas Tweed (2005), for example, recognises the problems associated with the term 'religion', from its multivalent meanings for different people to its apparent 'Christian' origins, uses in colonial contexts, and awkwardness of application in some cultural settings. As he notes, discussions over what a particular area of study or discipline are, are not a speciality of the study of religion but resonate throughout the disciplines that have developed in the academic world and that also have their terminological roots in Western/English terms.
In the case of religion he argues that it remains a critical part of the scholastic realm; what is required is for those who use it to define clearly what they are discussing, a task he regards as less problematic than jettisoning it. As he points out, abandoning the term creates a new set of problems and leaves a vacuum in terminological and conceptual terms;

indeed the attempts by critics of 'religion' to posit alternatives indicates that they, too, recognise that we need some signifiers through which to direct our discussions of phenomena. Tweed, indeed, comments that 'soteriology, ritual and politics are not much better'[19] although I think he is being rather kind here, since his subsequent critique indicates they are rather worse. I have also shown the problems with alternatives that have been posited for 'religion' in Japan, such as ritual (Reader 2004b).[20]

Tweed argues that it is important for scholars in a field to say what they mean when they use terms and to be involved in debates over the 'constitutive term' central to their field- in the case of scholars of religion, religion itself. His conclusion is that we are:

> stuck with the category 'religion' since it fixes the disciplinary horizon, and our use of it can be either more or less lucid, more or less self-conscious. So we are obliged to be as clear as possible about the kind of definition we are offering and the orienting tropes that inform it. [21]

This accords with my perspective. In my years of working in the field I have been well aware of how problematic terms such as 'religion' and the Japanese *shūkyō* can be, and for the need to have a clear recognition of how the term should be used. My fieldwork experiences are similar to the problems Ama (1996) raises, of people performing actions at shrines and temples and saying they are 'not religious', or making contrasts between personal faith (*shinkō*) and formal affiliations, for instance to a Buddhist sect, which they termed *shūkyō*.[22] Yet this does not mean that 'faith', 'religion' and custom can or should necessarily be partitioned into separate categories.[23]

If religion and its Japanese concomitant *shūkyō* cause problems and confusions it is in some part due to their cultural and historical associations - and yet they remain the most viable terms in Japan to cover the areas that relate to what we are examining. To dismiss the term or to argue that the field of the study of religion should simply be dispensed

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[19] Tweed (2005, 260)

[20] This was in response to Timothy Fitzgerald's suggestion for an alternative to 'religion' in the Japanese context. As I noted, ritual failed to cover many of the areas that the Japanese term *shūkyō* encompassed in its contemporary usage in Japan and was incapable of handling issues of belief. By *shūkyō* can incorporate a wider array of elements, including ritual practices and belief.

[21] Tweed 2005, 276

[22] See Reader (2000) for a discussion of people who refer to their practice as faith (*shinkō*) while regarding formal affiliations as *shūkyō* .

[23] For a further and interesting insight into and discussion of these issues, and of the viability of using terms religion and religious, even when people talk of being *mushūkyō* in Japan, see LeFebvre (2015).

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with and incorporated into Cultural Studies, as Isomae advocates, is thus problematic and short-sighted. It is not just that such a perspective fails to recognise that 'Cultural Studies' comes with its own problematic terminologies that might not be best suited to handling the phenomena but because of the wider political implications that underlie the contemporary position of religion as an issue in Japan.

As has been seen, it was through the encounters between Japan and the West in the mid-19th century that the term '*shūkyō*' was chosen as the most feasible term to equate to 'religion'. It did not directly serve as an exact replication of 'religion' as a belief and doctrine centred entity but as a Japanese invention or development that served Japanese purposes at the time and fitted in with cultural needs and sensitivities. Nor was 'religion' simply a Western imposition or the creation of academics who simply took a Western notion and replicated it in an unchanged and unchanging form in the Japanese academy. In the period since then Japanese academics have not just adopted but adapted the term as an organising principle in an academic field (*shūkyōgaku*, Religious Studies) that operates in a contemporary context in which religion/*shūkyō* is both a legally framed entity embedded in the constitution and also something controversial and politically charged. That controversy is in part because the term itself is vaguely articulated in constitutional terms, and laden with historical baggage linked to nationalism and the pre-war position of Shinto and of shrines such as Yasukuni that are heavily associated with militarism.

In such contexts academic voices can play a role especially in an era in which, as recent studies have shown (e.g. Mullins 2012), there has been a strong movement in Japanese government and political circles towards a more overt and aggressive nationalism that not only ruffles feathers internationally across East Asia, but that threatens civil liberties and worries liberals and officials of many religious movements. One area where such tendencies continue to be resisted and challenged is in debates over Yasukuni Shrine and it is here that the existence of a field of study that affirms the validity of religion as an entity and concept worthy of its own disciplinary area (*shūkyōgaku*) and that incorporates within it practices such as prayers for the dead and customary and annual shrine visits is so important. Reducing such things to 'Cultural Studies' would not just deny the viability of religion/*shūkyō* in Japan; it would affirm the claims of nationalists whose agendas include reinstating state support for Shinto, and for whom Shinto is portrayed not as religion but as a cultural manifestation of Japanese identity and an organising principle around which Japan should be built. The lessons of the pre-war era in Japan, when such thinking prevailed, inform us of the problems that would bring. They also reaffirm that the idea of religion/*shūkyō* as it has developed in

Japanese academic terms, and of Religious Studies, vague and elastic as they might be, remain important in Japan.

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