

Does Conscience Have to be Free? A Multiple Crossroads of Religious, Political, and Diplomatic Arguments: 1868-1874.

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Sumario. 1. Introduction. 2. 1868: Unity of Rite and Rule: An Essential Fundamental of a State? 3. The Crisis of the Public Mind 4. Conscience and *ryōshin* 良心. Conclusion. Sources

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1. Introduction

This paper will focus on the Meiji government's challenge of building political legitimacy while institutionalizing religious freedom. Liberation of what they called "evil sects" was an issue which the Meiji government wanted to dodge. Western countries demanded lifting of the prohibition against Christianity but Japanese political leaders doubted their possible motivation to colonize Japan. The Meiji state reluctantly withdrew the prohibition against Christianity in 1873 while, at the same time, they had started the institutionalization of Shinto as the state religion. The Meiji government's leaders viewed that Christian faith and churches in Western countries were devised to prevent the populace's mind from dissolution. They wanted to establish a parallel religious institution for this function rather than introducing the principle of conscientious freedom to Japan on humanitarian grounds. On the other hand, not a few intellectuals of a new generation raised an argument that a civilized government should be responsible for protecting the individual right of religious freedom rather than establishing an orthodox state religion. I will examine how the idea of conscientious liberty was treated in such entangled contexts.

2. 1868: Unity of Rite and Rule: An Essential Fundamental of a State?

For a man's conscience and his judgement is the same thing; and as the judgement, so also the conscience may be erroneous (T. Hobbes, *Leviathan*, Chapter XXIX).

1868, when Spain and Japan relaunched the diplomatic relation after more than two hundred years of blank, was a year worthy of remark for the topic of "liberty of

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conscience”. Religion became an issue as a matter of legitimacy of the ruling power, cultural tradition of society, or an inalienable right of an individual. A wide range of controversies broke out by Japanese political leaders and intellectuals over the conceptual formation of “conscience”.

On the 13th of March 1868, the imperial declaration of *saisei icchi* (unity of rite and rule) and restoration of the *Jingikan* (the Department of Divinities) were issued. The imperial court held the ceremony for Charter Oath of Five Clauses in which the emperor swore an oath to the gods of heaven and earth. The government promulgated *seitaisho* (constitution) and declared the “restoration” of the ancient *ritsuryō* (a legal code system of Chinese origin). The declaration included the principle that the imperial state must be established on the foundation of the orthodox, meaning Shintō, religious rituals. However, this declaration was contradictory to the conventional rituals of the imperial household. The cremations of the imperial family members had been conducted at Sen'yūji, a *Shingon* Buddhist temple, of Kyoto since 1374 and as a matter of course the funeral services had been held with Buddhist rites. The first ever Shinto-style memorial service for the emperor was held at the Third Anniversary Memorial Service for deceased Emperor Kōmei on the 25th of January 1868². Also, despite the imperial declaration of the “restoration” of *Jingikan*, it did not play any substantial role. Since at the time of its original establishment (assumably the late seventh century), it had remained a mere facade. Therefore, “the unity of rite and rule” was actually a politically created orthodoxy. Eventually, because of the tepidity of the government and the deep-rooted enmity between priests and monks, *Jingikan* and its preachers failed to fulfil their role within a few years after the restoration.

The idea that a proper ritual was essential for state power, and the legitimate religious standard, had already been a pivot of conflict among the Tokugawa government, domain lords, temples and shrines. For example, Mito and Chōshū domains implemented so-called “abolition of indecent shrines” which actually meant expelling monks and Buddhist rituals from shrines and “purification” of Shintō worship³. In Satsuma domain, Jōdoshinshū (True Pure land Buddhism) was strictly prohibited. At the time of the civil war between the Tokugawa shogunate and allied forces of south western domains supporting the imperial court, people in Hokuriku region, where Jōdoshinshū or Ikkōshū was widely worshipped, feared the Satsuma army as *kirishitan* or *butteki* (enemy of Buddha).

After the downfall of the Tokugawa rule, once the Meiji government proclaimed the unity of Shintō rite and the legitimacy of the ruling power, *haibutsu kishaku* (destroying temples) movement swept the country. However, the government did not predict the movement becoming so uncontrollably violent. The vandalism of the movement was in most of the cases stemmed from the long-term resentment of Shintō priests against the prestigious status of monks. The government issued the prohibition of “venting personal grudge” which distorted the intention of the imperial order (April 10, 1868). Moreover, records in the variety of areas show that not a few villagers fought against the vandalism to their village temples.

In hindsight, the Meiji government did not place the highest priority to establishment of a state religion. They feared the Western intrusion with Christian missiona-

² Yasumaru Y. (1979): 65.

³ *Ibid.* 38-39.

ries in the lead but, on the other hand, they wanted to avoid the confrontation over this issue with the Western governments. At the same time, they feared disturbance of the public mind and did not want to induce confrontation with temples and shrines. The Meiji government decided to confiscate the landholdings of temples and shrines in 1871 mainly because of the financial problem but they implemented it very carefully. They left the sects that “possessed significant parishioner-based financial resources” such as Jōdoshinshū, Nichiren, and Sōtō relatively unscathed⁴.

The Meiji government took over the Tokugawa’s strict regulation policy over religious institutions. For example, at the incident of Urakami Christian’s case, the Meiji government had no other options than to punish the Christians who had exposed their faith and had been arrested by the Tokugawa officials. The governor of Nagasaki, Sawa Nobuyoshi who was appointed by the Meiji government in 1868, had to take over the case and decided to execute the leaders and exile the other Christians. The Meiji government was reluctant to punish the Christians severely because of the concern about highly predictable protests from the Western envoys. However, on the other hand, they had to consider the response from the fanatic *sonnōjōi* (revere the Emperor, expel the foreign barbarians) activists. The government at first attempted to admonish the Christians to recant but it did not succeed. Then they made an agonizing decision to banish the Urakami Christians in June 1868. The government requested the officials in the places of exile to treat the Urakami Christians humanely and bring them back to “good people”⁵. However, severe tortures to the Christians were practiced and reports on the maltreatment of them reached the Western envoys⁶.

In a record of intense dispute with the Western envoys, multi-bound situation and agony were evidently expressed in the words by Iwakura Tomomi and other high officials of the Meiji government.

[Iwakura.] Having seen so much of the greatness of Christian nations, we cannot suppose that this religion of those nations is bad. But as Japan is at present constituted the maintenance of one uniform faith is essential to good government and the sudden introduction of a foreign religion would give rise to the most serious trouble. It is purely from political reasons that we wish to interdict this introduction of Christianity into Japan⁷.

[Iwakura.] The Mikado’s position as the head of the national religion is the cornerstone of our present system of Government. The whole political fabric is based upon it. The Mikado was reinstated for the purpose of preserving this Constitution and on being placed in power he took an oath that he would maintain the religion of the State⁸.

[Terashima Munenori.] True they [the Roman Catholic priests] are assisted by Japanese neophytes who penetrate into the interior. Old Christian families may also exist, and so long as these demeaned themselves quietly, the Japanese gover-

⁴ Maxey, T. (2014): 114.

⁵ Naikaku Kanpokyoku, *Hōrei zensho*, leap April 17, leap month in the old lunar calendar (1868):126.

⁶ Burkman (1974).

⁷ British Foreign Office (1870) No. 6 Parkes to Clarendon. Jan 22: 80.

⁸ *Ibid.* p. 163.

ment [the Tokugawa shogunate] did not trouble themselves about their religious convictions⁹.

We can sense frankness in these words of Japanese officials in the British record in English. Leaders of the Meiji government such as Iwakura did not hide a bold opinion that they needed to fabricate the national religion as useful as Christianity of the Western countries. Terashima took it for granted that Christianity was not a matter of “conviction.”

3. The Crisis of the Public Mind

Over the years since the Restoration, the Meiji government’s policy on the religious institutions changed frequently and often contradictory. Nonetheless, one may find that 1871 was a distinct turning point. The landownership of temples and shrines were confiscated and transferred to the local administrative bodies (January 5). Shintō shrines were declared to be institutions for the state ritual (*kokka no saishi*) in an edict of May 14 but at the same time the edict ordered the Ise shrines and other lower ranked shrines to abolish the hereditary transfer of the priesthood. *Jingikan* was downgraded to *Jingishō* (The Ministry of Divinities under the Council of State) on August 8, which implied that the institution for the “divinities” was under the control of the secular government. Because the government was alarmed by any religious institutions becoming independent social forces, the matter of “divinities” was placed in a part of the public administration.

From a conservative camp’s point of view, Christian proselytizing was a tool for the delusive intrusion of the public mind by the Western powers. A faint hope of bulwark against the mind intrusion was to instill the sense of reason in the populace mind so as not to be deceived by preposterous story of Christianity. Sasaki Takayuki wrote in his diary (July, 1871):

The other day, in the grand meeting about the issue of religion in the Uin [the Right Chamber, a coordinating institution of ministries], each minister or vice-minister had different opinions. Among them, Gotō determinately claimed lifting the prohibition, Yamagata, vice secretary of the Ministry of Military Affairs had similar opinion but slightly moderate. I [Sasaki] speculate that it does not stand a chance to uphold the strict ban on Christianity for years. However, it should be impossible to lift the prohibition immediately because at the present state of Japan, as just a few years have passed since the *goisshin* [total renewal], a hundred of problems unsolved, especially we have no prospects for establishing laws and rules which can gain the trust of other countries until at least four or five years later. At this stage, we must put all the efforts into laws and rules, and also once the system of education is built up, people’s intellectual ability will be improved in years to come. Then in five- or six-years’ time, the lifting of the prohibition against Christianity will be possible. Prince Iwakura determinedly against the lifting as ever, and his opinion won at the end of the agonized debate. It seems, however,

⁹ *Ibid.* p. 91.

even Prince Iwakura did not prospect the prohibition would last for long [but he thought] it would take time until the populace's mind became moderate and developed intellectually. [Headnote] Etō Shinpei immovably advocated the ban on Christianity and he was fervent on this issue. He persisted that we should not lift the ban even the whole country got scorched. No one accepted his opinion¹⁰.

According to Sasaki, most of the ministers took the matter as a tactical issue. As long as the Western powers insisted on the liberalization of Christian mission, Japan had no option but to abandon the prohibition policy sooner or later. The remaining question that concerned the political leaders was why the high-ranked people from such powerful and developed, in military affair, economy, science and technology, countries stuck to the belief in incomprehensible ideas of God and Heaven.

Sasaki was chosen to accompany the Iwakura Embassy (the diplomatic mission to the United States and Europe, 1871-1873). He wrote in his diary during the mission that he found it so odd that the Western societies were very religious, however, at the same time, he was impressed by the cleverness and cunningness of the Western governments in utilizing religion as a tool to discipline and control the public mind.

On Sundays, President, Vice-President and other high officials never fail to go to temples [Sasaki meant Christian churches], listen the sermon attentively. Some scholars don't believe in religion but it is a tool to maintain [the morality of] a communal body of the populace, which is why those high officials listen to the sermon seriously. They appeared similar to [Japanese] women and children listening piously to the sermon of Shin pure land sect¹¹.

A similar impression was shared by other high officials. According to the recollection of Kume Kunitake, a secretary in charge of making the official record of the Iwakura Embassy:

When it comes to how Prince Iwakura, Kido and Ōkubo considered the matter [the religious issue], they had a derisive tone in mentioning why they [Westeners] were so fervent in religion. They gradually shifted to think that there should be some reason that even Parks [Consul General of Britain] had a faith in "that" [ア、 containing a hint of sneering tone]¹².

Kume referred to the devastating consequences of the harsh religious restriction of the Spanish monarch:

Under King Philip [Felipe II], Roman Catholicism was strictly observed, and all other faiths were regarded as enemies. ... This policy caused Spain to lose Moslems population and the seven provinces of the Netherlands.... Calamity followed calamity. Subsequently, the succession to the throne became a matter of contention, leading to an ever-greater decline in the country's fortunes.... The people were shackled by harsh religious prohibitions, and endless cruelties

¹⁰ Sasaki T. (1974): 173.

¹¹ *Ibid.* p. 293.

¹² Kume K. (1990): 322.

were inflicted on them. Monarchs were frequently overthrown, and there was constant warfare. The lower classes were not only ignorant and idle but also in thrall to the clergy. There seemed to be no prospect that the country's fortunes would ever revive¹³.

Bewildered in the gravity of religion in the Western countries, the Meiji political leaders began to recognize the concept of "tolerance" had a specific role in ruling the populace.

One of the earliest cases of mentioning "tolerance" was in a letter to Ōkuma Shigenobu from Guido Verbeck, a missionary from The Dutch Reformed Church, an educator and an advisor to the Meiji government. Verbeck raised a topic of "religious toleration" (June 11, 1869). He tried to impress Ōkuma with the idea of non-intervention by a state to an individual faith unless it violated the order and authority of the state. Ōkuma's response to Verbeck's proposition is unknown¹⁴.

Inoue Kowashi, an expert of legal affairs at the Ministry of Justice who was dispatched to France and Germany to conduct the research of legislation in European countries, wrote an opinion on the constraint of the foreign religion. He proposed a plausible policy on religion and referred to the option of "tolerance."

To establish a rule of restriction with the toleration on internal thought and prohibition on the external conduct is almost identical to what is called the law of "to-reransu" in European countries: tolerance of religious faiths. A feasible regulation would include:

- 1 Prohibition of printing the instructional books of foreign religion
- 2 Prohibition of an assembly for preaching
- 3 Prohibition of a funeral in the style of foreign religious ritual.

.....

[An inserted note] Leave and don't charge those who believe in a foreign religion as long as their faith is contained in internal thought and will not appear as an external conduct such as violating the public order and law¹⁵.

Critical remarks to the state control over religion came from Buddhist camps. The government advocated a concerted action between Buddhism and Shintoism to prevent the spread of Christianity and issued "the three standards of instruction" (piety and patriotism, [respect] heavenly principals and humanity, revere the emperor) to Buddhist monks and Shintō priests in 1872. Against this, Shimaji Mokurai, a politically active Nishi-honganji monk raised a strong opposition. Shimaji was dispatched to Europe, concurrently with the Iwakura Mission, sponsored by Nishi-Honganji, in order to research the situation of religion. While he stayed in Paris, Shimaji submitted his proposal to the government in which he maintained that the distinction between politics and religion should be indispensable for civilization:

The other day, I read a newspaper which commented: the recent civilization of Japan is remarkable. [However], what should we say when their government newly

¹³ Kume K. (1982): 128.

¹⁴ Altman, A. (1966): 62.

¹⁵ Inoue K. (1966): 10-11. "A draft of the statement on the restriction of foreign religion", estimated 1872.

mixed there and here [foreign things and domestic things], then invented one religious faith, in which the people are forced to believe. What an inversion they are making!

At that time, I humbly thought that this must be a false report. Now I have found that this [inventing a faith] should be true. It deserves to be derided by Europeans. A faith must be brought by God, not a human product. How could it be regulated by an official institution, rule and proclaimed... The foundation of the Western civilization is science, rooted in Greek and Rome, not in Christianity, as even an infant could tell. Missionaries cunningly claims that it [civilization] stems from religious teaching¹⁶.

Noteworthy is Shimaji's adoption of the idea that a state religion would harm the development of civilization instead of defending the independence of Buddhism from the intervention of the government.

On the other hand, a hard-liner of non-toleration policy emerged. Aoki Shūzo, who was studying in Berlin, wrote a letter to Kido Takayoshi (Aoki was from Chōshū region therefore he had strong connections with Chōshū politicians) on the news of lifting the prohibition of Christianity in Japan in 1873. He referred to an English newspaper *Japan Mail* which reported that the Japanese government started a negotiation about “*torerantsu*” (tolerance) with the Western “monks”. Aoki was deeply concerned and insisted that the news must be contorted by those Western missionaries who attempted “bluff business” to impress that their missionary was successful and winning a firm footing in Japan. Aoki insisted that Japan must not adopt the “*torerantsu*”¹⁷. While Aoki highly evaluated the role of Christianity in the development of European civilization, at the same time, he set against the idea of radical idea of total conversion of the whole nation to Christianity such as a suggestion by Itō Hirobumi in a conversation with Kido Takayoshi when they were traveling Europe¹⁸. Ironically, Aoki later married a daughter of a Prussian aristocrat.

4. Conscience and *ryōshin* 良心

The issue at stake was not just a threat of a Western religion that participated in a complex and competitive arena of religious faiths. The political importance of a religious faith in an individual mind became a controversial issue. Given that, how was the question of “conscience” treated?

In 1871, Nakamura Masanao published an article titled “Assimilating to a proposition by a Westerner”, in which he proposed that the Emperor should convert to Christianity. Nakamura stressed that the Western method of moral instruction was promoting the wealth and strength of their countries and it was the fundamental source of “good government and edification” of the populace. This article was translated and published in an English journal *Japan Weekly Mail*, May 18, 1872. Eventually, Nakamura was baptized in 1874 by John Cochlan, an Irish-Canadian Methodist minister.

¹⁶ Shimaji M. (1872): 239-43.

¹⁷ Aoki (1873): 44-5.

¹⁸ Sakane Y. (1970): 39-40.

Nakamura translated John Stuart Mill's *On Liberty* in 1872, which has to be placed in the same context. Nakamura's aim was less in defending the individual right against the conformism of society than in instilling an enterprising spirit and self-discipline in the people's mind. For instance, Mill denounced a "persecutor" who would not tolerate unreligious others because of "a belief that God not only abominates the act of the misbeliever"¹⁹. In contrast to Mill's denunciation of an intolerant "prosecutor", Nakamura's translation of this part claimed that toleration of others was the order of God.-This is not a simple error in translation but shows Nakamura's conviction that a man in good faith has to be tolerant and being "religious" should be a proof of a good character²⁰.

Also in 1872, Mori Arinori, the ambassador to the United States, published a book titled *Religious Freedom in Japan* in Washington D. C. as a private edition. He used the term "sacred liberty of conscience" and defended it as a source of "progress"²¹. Mori presented the idea, in common with Nakamura, that liberty of conscience was a matter of development of mind and progress of society. He maintained that the unconstrained and spontaneously active state of mind must be the kernel of conscience and the state's intervention to a religious faith would hamper the progress of the public mind. Highlighted was the education of underdeveloped populace rather than the inalienable right of an individual.

Nakamura and Mori's consideration on the liberalization of conscience stemmed from the educational and social utility in cultivating an eligible character for the civilized stage of progress. Conscience in an individual mind was not entitled to claim an intrinsic value.

Katō Hiroyuki, a vanguard of *Staatswissenschaft* (the science of the state), was a unique case of treating the question of conscience in the theory of law. His interest was not in defending the liberty of conscience per se, but in defending a specific role of the state in the sphere of public affairs.

Katō's translation of J. C. Bluntschli's *Allgemeines Statsrecht* (1868) included a part about what a state should do if "the public opinion" (*Die öffentliche Meinung*) or any religious institution exert pressure on an individual or a religious association²². Bluntschli claimed that the state was not entitled to intervene in an internal faith of an individual. However, at the same time, the relation between the state and a religious institution was "public" (öffentlich) therefore a religious institution should be considered as a legal subject under public law²³. Katō's translation was accurate and showed that he understood the point Bluntschli made.

In Kato's own book *Kokutaishinron* (1874), he argued that even a monarchical government should not assert a right of governing the "life of spirit and mind". Unfortunately, according to Kato, the populace believed that the monarchical power was entitled to rule the soul of an individual²⁴. Katō attempted to theorize the distinction between the "life of spirit and mind" and the sphere of the state affair (*Staatsleben* in German). Moreover, in this formulation, Katō distinguished "the state and individual relation" and "the state and social association (*Genossenschaft*) relation".

¹⁹ Mill, J.S. (1977): 289.

²⁰ Nakamura K. (1872): Sheet number 30.

²¹ Van Sant, J.E. (2004): 144.

²² Bluntschli, J.C. (1868): 277; Katō H. (1874a): Sheet number 20-22.

²³ Bluntschli, J.C. (1868): 278-9; Katō H. (1874a): Sheet number 24.

²⁴ Kato H. (1874b): Sheet number 14-15.

He presented the matter of liberty of conscience in the legal framework between the state and religious associations, instead of the state and the individual mind.

Conclusion

The issue of the liberty of conscience was highlighted in this period but was deformed in different modes of argument. Religious groups attempted to take advantage of the utility of this concept, or at least to minimize the possible damage by the political intervention to religion. Politicians and diplomats treated the liberty of conscience as a matter of political and diplomatic utility. Intellectuals attempted to fathom a secret of a strange combination of religious conviction and civilization. Moreover, those modes of argument often overlapped each other.

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