

**APPENDIXES
AND
BIBLIOGRAPHY**

APPENDIX A1

RELIGIOUS FREEDOM IN THE DRAFT CONSTITUTIONS, 1873-1881

Date	Author/Title	Association/ Affiliation	Translation of Article on Religion	Source of the Text
Feb 1873	Aoki Shūzo: <i>Dainihon seiki</i>	Diplomat/Kido Kōin	XII: Christianity and other heathen religions shall be prohibited. XIII: Buddhism shall be established as the state religion of Japan.	Inada (1960), 214; cf. Osataka (1938), 327 & Beckman (1957), 101.
May 1874	Aoki Shūzo: <i>Teigo dainihonkoku seiten</i>	ditto	XVIII: Japanese citizens shall enjoy freedom of religious belief in accordance with their choice. Japanese citizens shall not be discriminated against in their civil rights because of differences in religious affiliation.	Inada (1960), 214.
Oct 1876	Yanagisawa Sakimitsu, Fukuba Bisei, etc.: <i>Kokken an</i> (1st)	Genroin/Verbeck, Du Bousquet.	XIV: Japanese citizens shall have the freedom to observe the religion they believe. However, worship which is harmful to the society and to the government shall be prohibited.	Inada (1960), 295.
Jul 1878	ditto (2nd)	ditto	ditto	Inada (1960), 311; Osataka (1939),

				472; Beckmann (1957), 122.
Mar 1879	Shimada Saburō, etc.: <i>Shigi kenpō iken</i>	Ōmeisha intellectuals interested in British and American political philosophy	Japanese people shall have freedom of faith regardless of the content of their religion.	Yoshino, III (1929), 415.
Jan 1880	Sakurai Shizuka: <i>Dainihon kokkai hō sō- an</i>	Popular rights pro- moter from Chiba pre- fecture	Not provided	Cf. Inada (1960), 362.
Jan 1880	Yamagiwa Shichiji: <i>Dainihonkoku kokkai kengen</i>	Popular rights pro- moter from Yama- nashi prefecture	Not provided	Cf. Osatake (1939), 546–547.
Feb 1880	Ōshio Misao etc.: <i>Dainihon teikoku kenpō tairyaku mikomi</i>	Chikuzen kyōai kai/ political association from Northern Kyushu area	LII: Citizens shall enjoy freedom of belief in any religion. Religious organ- izations such as shrines, temples, and associations shall enjoy the right to prac- tice religious rites publicly. The prac- tice of religion, however, shall not be exempted from the enforcement of law in case it violates the customs and laws of the nation.	Oka (1933), 81; Hayashi (1938), 98.
Jul 1880	Yanagisawa, etc.: <i>Kokken an</i> (3rd)	Genrōin	XIII: Japanese citizens shall have the freedom of practicing the religion they	Inada (1960), 311.

Date	Author/Title	Association/ Affiliation	Translation of Article on Religion	Source of the Text
			believe. However, worship which is harmful to the government and to the customs shall be prohibited.	
Sep 1880	Motoda Eifu: <i>Kokken taikō</i>	Lecturer to the Emperor/Confucian scholar	The doctrines of humanity and justice, respectfulness and wisdom, loyalty and filial piety, and sincerity shall be established as the religion of the state. Officials, subjects, laws and governments shall not run counter to the doctrines of the state.	Inada (1960). 439.
Nov 1880	Sawabe Seishū: <i>Dainihonkoku kenpō</i>	Rikken seitō/popular rights movement in Kyoto prefecture	XXVII: Citizens shall have the right to freely affiliate themselves with the religious sect(s) of their choice. Funerals and festivals, however, shall be supervised by the state.	Harada (1963), 72.
Apr 1881	Fukuchi Gen'ichirō: <i>Kokken iken</i>	Secretary to the Iwa- kura mission and edi- [tor of a government- affiliated newspaper/ Inoue Kowashi	Japanese citizens shall enjoy the freedom to worship in the religion in which they believe. All religions shall enjoy the equal protection of the state. Religious freedom is the most important among all the freedoms. In so far as a religion does not violate laws or corrupt the good customs of society, the govern-	Yoshino, III, (1929), 385.

ment shall not interfere with religion and shall give full freedom to any religion, including Shinto, Buddhism, and alien religions. Granting special privilege to a religion and depriving others of equal rights shall not be conducted because the freedom of man would then be injured even if such practices were politically expedient. Some European nations establish state religion(s), and grant privileges to it(them), because the religious situation forced the state to admit the historical particularities of the religions. Our nation has been fortunate not to have the establishment of a state religion. The constitution shall provide for equal protection of all the religions and shall not establish any state religion, no matter how strongly some religionists might demand establishment of a state religion.

Apr 1881	Yano Fumio, etc.: <i>Shigi kenpō an</i>	Kōjunsha/Fukuzawa Yukichi & Ōkuma Shigenobu	LXIX: Japanese citizens shall enjoy the freedom of practicing the religion they believe, unless such practice obstructs the peace of the nation.	Yoshino, III (1929), 412.
Jul 1881	Minoura Katsuto etc: <i>Kokken shikō</i>	Hyōgo kokkenhō kōshu kai/Kōjunsha	Ch. VI, Art. II: Japanese citizens shall enjoy the freedom of practicing	Hayashi (1938), 74.

Date	Author/Title	Association/ Affiliation	Translation of Article on Religion	Source of the Text
		and Fukuzawa	the religion they believe, unless the practice obstructs the peace and order of the nation.	
Sep 1881	Nagata Kazuji: <i>Shisō kenpō</i>	Sanyō shinpō/Kōjunsha and Fukuzawa	Not provided	Cf. Hayashi (1938).
Aug 1881	Ueki Emori: <i>Nihon-koku kokken an</i>	Risshisha/Jiyūtō and Itagaki Taisuke	L: Japanese people shall enjoy complete freedom of belief in any religion.	Hayashi (1937), 104; Inada (1960), 408; Yoshino (1929), 442.
Sep 1881	Yamada Akiyoshi: (no title)	Bureaucrat from Chōshu/Kido Kōin	Ch. II, Art. IX: Religions shall enjoy freedom, provided that the right of opening temples and churches shall be amenable to laws and orders specifically stipulated, and that citizens shall not be exempted from their duties as subjects because of religion.	Osatake (1930), 199.
Oct 1881	Kikuchi Toratarō, etc.: <i>Dainihonteikoku kenpō sōan</i>	Citizens against popular rights movements.	Not provided	Cf. Ienaga (1967), 48–49.
Nov 1881	Doi Kōka etc.:	Tokai gyōshō shinpō/	XCIV: Japanese citizens shall enjoy	Hayashi (1937).

	<i>Kakkoku taishō shikō kokken an</i>	Kōjunsha and Jiyūtō	the freedom of practicing the religion they believe, unless the practice should obstruct the peace of the nation.	<i>Kōhō</i> , 67.
Dec 1881	Nishi Amane: <i>Kenpō sōan</i>	Bureaucrat-educator with experience of study in Netherlands sent by the Shogunate/Yamagata Aritomo	Japanese citizens shall enjoy freedom of religion, provided that persons shall obtain the “toleration” (<i>sic</i>) of the competent authorities before introducing foreign religion(s), that the opening of a new sect, the establishment of a new temple or a church, the practice of a new ritual and the propaganda of a new doctrine shall not be permitted unless approved by the government authorities. National shrines shall be regarded as symbols of appreciation of Japanese nationality and of national morality, and not as one of the religions. However, the practice of worship at shrines shall depend on the voluntary will of the citizens.	<i>Nishi</i> , II (1955), 206-207; Inada (1960), 558.

APPENDIX A2

RELIGIOUS FREEDOM IN THE MAKING OF THE MEIJI CONSTITUTION, 1882-1889

Date	Author/Title	Remarks	Translation of Article on Religion	Source of the Text
Apr 1882	Inoue Kowashi: <i>Kenpō shian</i>	Voluntarily drafted and handed to Itō Hirobumi in Europe	XVI: Citizens shall possess freedom on all matters concerning religion and education. The government, however, shall retain the right to supervise both public and private schools.	Inada I (1960) II (1961).
Feb 1887	Inoue Kowashi: Not titled	Principles on con- stitutional govern- ment summarized in 11 articles submitted to Itō at his request when drafting the constitution	Not provided	Cf. II, 43-44.
Mar 1887	Inoue Kowashi: <i>Shokō</i>	Brief draft of 39 articles, written at the request of Itō	Not provided	Cf. I, 44-48.
Apr 1887	Hermann Roesler: <i>Nihonkoku kenpō sōan</i>	Written at the re- quest of Itō & Inoue, handed in by Inoue, used much by Itō,	LVI: Freedom of religious belief shall be guaranteed. Persons who violate public order and public peace or fail to fulfill their duties as subjects to the	Inada, II, 111- 112; Yoshino, IV.

		secretly circulated among the public	state, however, shall not hereby be protected.	
Apr 1887	Inoue Kowashi: <i>Otsu an</i>	Based on the discussions with Roesler and Mosse, Itō's basis in his drafting of the <i>Natsushima an</i>	XI: Japanese citizens shall enjoy the following rights: ...9. Freedom of religious belief not prejudicial to peace and order and not antagonistic to their duties as subjects. Reference: Freedom of religious belief shall be inviolable. Difference in religious affiliation shall not affect the public and private rights of citizens. The duties of subjects, however, shall not be set aside because of religious belief.	Inada, II, 71-73.
May 1887	Inoue Kowashi: <i>Kō an</i>	Provided the basis of Itō's draft together with the <i>Otsu an</i>	VII: Japanese citizens shall enjoy the following rights. ...9. Freedom of religious belief not prejudicial to peace and order and not antagonistic to the duties of subjects.	Inada, II, 71-72.
Aug 1887	Itō Hirobumi: <i>Natsushima an</i>	Itō's judgment on the <i>Kō an</i> , <i>Otsu an</i> , and <i>Nihonkoku kenpō sōan</i> . Itō Miyoji and Kaneko Kentarō assisted Itō	LX: Japanese citizens shall, within limits not prejudicial to peace and order and not antagonistic to their duties as subjects, enjoy freedom of religious belief.	Inada, II, 202.
Oct 1887	Itō, Itō, Inoue,	Amended draft of	XXXII: ditto	Inada, II, 273.

Date	Author/Title	Remarks	Translation of Article on Religion	Source of the Text
	Kaneko: <i>Jūgatsu an</i>	<i>Natsushima an</i> on the basis of discussion among the four		
Feb 1888	Itō, Itō, Inoue, Kaneko: <i>Nigatsu sōan</i>	Amended draft of <i>Jūgatsu an</i> on the basis of discussion among the four	XXVIII: ditto	Inada, II, 335.
Apr 1888	Itō Hirobumi: <i>Teikoku kenpō sōan</i>	Submitted to the Em- peror on April 27, 1888	ditto	Inada, II, 561.
Feb 1889	Emperor: <i>Dainihon teikoku kenpō</i>	Promulgated	ditto	

APPENDIX B

GOVERNMENT AGENCIES IN CHARGE OF RELIGIONS

Date	Jurisdiction				
	Shrine Shinto	Sect Shinto	Buddhism	Christianity	Other Religions
Jan 1868	Jingi Jimuka 神祇事務科 Division of Shinto				
Feb 1868	Jingi Jimukyoku 神祇事務局 Department of Shinto				
Apr 1868	Jingikan 神祇官 Grand Council of Shinto				
Aug 1870		Minbushō Shajika 民部省社寺掛 Ministry of Civil Affairs, Office of Shrines and Temples			
Nov 1870		Minbushō Jūinryō 民部省寺院寮 Ministry of Civil Affairs, Bureau of Temples			
Sep 1871	Jingishō 神祇省	Ōkurashō Kosekiryō Shajika 大藏省戸籍寮社寺課			

Jurisdiction Date		Shrine Shinto	Sect Shinto	Buddhism	Christianity	Other Religions
		Department of Shinto	Ministry of Finance, Bureau of Census Registration, Section of Shrines and Temples			
Sep 1872		Kyōbushō 教部省				
Jan 1877		Ministry of Religious Education Naimushō Shajikyoku 内務省社事局				
		Ministry of Home Affairs, Dept. of Shrines and Temples				
Apr 1900		Naimushō Jinjakyoku 内務省神社局	Naimushō Shūkyōkyoku 内務省宗教局			
		Ministry of Home Affairs, Dept. of Shrines	Ministry of Home Affairs, Dept. of Religions			
Jun 1913			Monbushō Shūkyōkyoku 文部省宗教局 Ministry of Education, Dept. of Religions			
Nov 1940		Naimushō Jingiin 内務省神祇院	Monbushō Kyōkakyoku Shūkyōka	文部省教化局宗教課		
Nov 1942		Ministry of Home Affairs, Board of Shinto	Ministry of Education, Dept. of Educational Mobilization, Section of Religions			
Nov 1943			Monbushō Kyōgakukyoku Shūkyōka	文部省教学局宗教課		
			Ministry of Education, Dept. of Ideological Education, Section of Religions			

Oct 1945

Monbushō Shakai-Kyōikukyoku Shūkyōka 文部省社会教育局宗教課
Ministry of Education, Dept. of Social Education, Section of Religions

Feb 1946

APPENDIX C

MISCELLANEOUS ORDINANCES RELATING TO THE CONTROL OF RELIGIONS

Cabinet Instruction No. 19, August 11, 1884

From this day, the government-sponsored system whereby instructors (*kyōdōshoku*) in Shinto as a way of life were assigned to Sect Shinto and Buddhist organization shall be abolished, and the authority of appointment and dismissal of the chief priest of temple, or promotion of teachers shall be committed to the hand of the Chief Abbot of each sect under the following conditions:

Article 1: No Sect shall make unreasonable claims for division or amalgamation, nor dispute with each other.

Article 2: Each sect of Sect Shinto and Buddhism shall have a Chief Abbot. However, several sects of Sect Shinto can have a common Chief Abbot among them and several sects of Buddhism can have a common Chief Abbot among them, according to the situation.

Article 3: Each Sect of Sect Shinto and Buddhism should regulate the appointment of the Chief Abbot, and obtain the approval of the Minister for Home Affairs.

Article 4: The Chief Abbot should regulate the following affairs in accordance with the principles and teachings of each sect, and obtain the approval of the Minister for Home Affairs.

(A) Affairs to be regulated by the Chief Abbots of Sect Shinto.

1. The regulations of the Shinto Sect.
2. The positions and titles of instructors.
3. The orders and promotion of instructors.

(B) Affairs to be regulated by the Chief Abbots of Buddhism.

1. The regulations of the Buddhist sect.
2. The rules of temples.
3. The positions and titles of priest and instructors.
4. The appointment and dismissal or promotion of priests and instructors of temples.

Article 5: The Chief Abbots of the Buddhist sects can inherit the traditional title of the head of each sect, by examining it in accordance with the regulations of each sect, and obtaining the approval of the cabinet.

This cabinet instruction was abolished on April 8, 1939.

Appendixes and Bibliography

Excerpts from the Civil Code of 1898

- Article 33: A juridical person can come into existence only by virtue of the provisions of this law or of some other law.
- Article 34: Associations or foundations for purposes of religion, worship, charity, science or art or other purposes of public utility, not having as their object the making of profits, can become juridical persons by the permission of the competent authorities.
- Article 37: The creators of an association (Henceforth in this chapter the words "association" and "foundation" denote associations and foundations which are juridical persons.) must draw up articles of association containing the following particulars:
1. Its object;
 2. Its name;
 3. The location of its office;
 4. Provisions relating to its capital;
 5. Provisions as to the appointment or dismissal of its managers;
 6. Provisions as to the acquisition or loss of membership in it.
- Article 39: A creator of a foundation must in the act of endowment provide for the matters specified in Article 37, Nos. 1-5.
- Article 43: A juridical person has rights and duties accordant to law and regulations within the scope of its object as defined in the articles of the association or the act of endowment.

Ludwig Loenholt, tr.
The Civil Code of Japan
(Bremen, Tokyo, Yokohama,
Shanghai, Hongkong & Singapore,
1898), pp. 9-12.

Ministry for Home Affairs Ordinance No. 41, 1899

- Article 1: He who intends to occupy himself with the propagation of a religion shall report to that effect to the governor of his permanent residence, or in the lack of a permanent residence to the governor of his present residence, with his vita and a document including the following matters:
1. The name of the religion.
 2. The method of propagation.
- One who is engaged in the propagation of a religion at the time of the issuance of this ordinance shall submit a report on the matters prescribed above within two months after the promulgation of this ordinance.

- Article 2: One who intends to establish a temple, a meeting hall, a preaching point or a lecture hall for the purpose of being used by a religion shall obtain the approval of the governor of that district. The application for approval shall include the following items:
1. The reason the establishment is needed.
 2. The date by which the establishment shall be completed.
 3. The name, the location, the estate and the buildings, with a map thereof.
 4. The name of the religious organization.
 5. The method of administration and maintenance.
 6. The qualifications and method of appointment of the resident teacher of religion, if any.

The governor's approval given in accordance with the provision of Article 2 shall become ineffective in case the establishment of the temple, the meeting house, the preaching point or the lecture hall is not completed by the date reported. The founder, or the administrator of temples, meeting houses, preaching points or lecture halls for religious use in existence prior to the issuance of the present ordinance shall report the items specified above to the local governor within two months after the issuance of the present ordinance. The submission of the report shall be regarded as the approval in these cases.

- Article 3: The founder or the administrator shall submit the vitae of the administrator and the teachers of religion to the competent local governor. The founder or the administrator shall do the same in the case of changes or increase in the number of administrators and the teachers of religion.

- Article 4: The teachers of religion shall report to the competent local governor any changes in the matters reported under the provision of Article 1 within two weeks after such change. The founder or the administrator of the religion shall ask for and obtain the approval from the competent local governor when the religion plans to change the matters relating to the items specified in Article 2. The liquidation or moving of a temple, a meeting house, a preaching point, or a lecture hall shall be preceded by a notification to the competent local governor of the former address at least two weeks prior to the liquidation or move.

- Article 5: The regulations concerning the teachers of Shinto and the establishment and abolition and move of Buddhist and Shintoist temples, churches, etc., remain the same as heretofore.

- Article 6: The present ordinance shall become effective from August 4, 1899.

Ministry for Home Affairs Ordinance No. 39, 1900

The associations or foundations that aim at the propagation of religions and the

Appendixes and Bibliography

practice of religious rites shall acquire juridical personality in accordance with the present ordinance. Specifications are regulated below:

Article 1: An association or a foundation that aims at the propagation of religion or the performance of religious rituals and that wills to become a juridical person shall submit a document with the following information together with the articles of the association or the contributions of the foundation.

1. The name of the religious organization and the sect or denomination with which it is affiliated.
2. The method of performing the rites and the propagation.
3. The qualifications of the teachers of religion and the method of their appointment.
4. The relation between the juridical person and its members.
5. The number of members and officers.
6. The name, the location, and the official establishment date of the temple, church, hall, preaching point, or lecture hall.

Article 2: The religious juridical person shall immediately report any changes that it plans in the matters relating to items 1 or 4 of the above article.

Article 3: The religious juridical person shall obtain permission before it changes any matters relating to item 1, part 2 and 3. If it fails to obtain permission before these changes, the Ministry may repeal the juridical personality of the religion.

Article 4: A religious juridical person affiliated with a Shinto sect or a Buddhist denomination shall obtain the counter-signature of the chief abbot of the sect or denomination on the document submitted in accordance with the regulations of the present ordinance.

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The editorial staff of this journal wishes to apologize to Dr. R. J. Zwi Werblowsky, Professor of Comparative Religion at the Hebrew University of Jerusalem, for inadvertently publishing two articles (Vol. X, Nos. 1-2, pp. 138-141 and Nos. 3-4, pp. 286-303) without first having received his consent or offered him an opportunity to recast his material. This appears to have been due to the confused state of affairs in the office attendant on the death of the previous editor. At any rate we offer our sincere apologies both for this lapse and for any embarrassment it may have caused Professor Werblowsky.