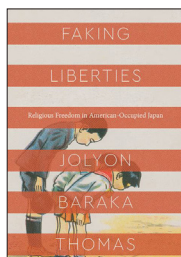


## REVIEW



Jolyon Baraka Thomas, *Faking Liberties: Religious Freedom in American-Occupied Japan*

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FREEDOM AND democracy are not all they are cracked up to be. This and the issue of state-sponsored deception are at the heart of Jolyon Baraka Thomas's *Faking Liberties: Religious Freedom in American-Occupied Japan*, a book certain to receive an enthusiastic reception, not only because it addresses a topic of such renown but also because it says what so many people have come to feel in recent decades: *America is not the land of the free*. In *Faking Liberties*, Thomas claims to have found yet another example where American "freedom" does not live up to the hype, and this in the most unlikely of places—the introduction of religious freedom to Japan during the Allied Occupation following World War II. *Faking Liberties* is a direct attack on the "official story" that has traditionally described a repressive Japanese regime that in defeat subsequently attained increased religious liberty through American efforts. Thomas argues that, long before the arrival of the Allied Forces, Japan had cultivated its own culture of religious freedom and that this historical truth was obscured by the U.S. invention of "State Shinto" and the enshrinement of American "theology" in the form of human rights—most notably, "religious freedom." The idea that Japan was a vibrant non-Western secularist state with its own robust sense of religious freedom prior to Western intervention is certain to resonate with both liberals in the West and conservatives in Japan.

Written in an erudite prose that is one part academic technician and one part justice warrior, *Faking Liberties* puts the United States on trial as a bellicose military power with its own self-serving "religious" agenda while empathizing with a secularist Japan that possessed its own vigorous legal and social debates over religious freedom—indeed, its *own* democratic religious freedom. This is no easy feat, given that—as Thomas recognizes—wartime Japan was known for coercive and repressive religious policies backed by the violent mechanisms (legal and illegal) designed to preserve and protect the ambiguously religious rites, practices, and beliefs of the

imperial system. But what if repressive acts of violence in the name of empirically unverified beliefs could be redefined so as to serve as the defining characteristic of democratic rule? Thomas argues that this is precisely how to understand religious freedom. In order to do this, Thomas purposes a “constructivist” model of secular-ity that sets aside the character of particular empirically unverifiable claims (this is too essentialist) and that is uninterested in the emancipatory or repressive consequences of actions or policies derived from such claims (this is too functionalist). *Faking Liberties* argues that all secular states retain a monopoly over the capacity to discriminate between “religion” and “not-religion” and over the means to “maintain public order” and therefore acts of violent repression or coercion “should not be understood as violations of religious freedom ... but rather as one outcome of the combination of the state’s capacity to discriminate between ‘religion’ and ‘not-religion’ and its monopoly on maintaining public order” (46). *Faking Liberties*, in short, introduces a concept of “religious freedom” perfectly harmonized with the rhetoric and power of the Japanese state—if the state is within its right to act, then there can be no conceivable violation of religious freedom, no matter the consequences or rationale for the decision.

The first step in demonstrating the existence of the vibrant democratic religious freedom of pre-Occupation Japan begins with the establishment of the “Meiji constitutional regime”—“the legal and political system that was established with the implementation of the Constitution of the Empire of Japan in 1890 and disestablished at the onset of the Allied Occupation” (25). It is a widely recognized and little disputed historical fact that the Meiji constitution contained a provision for religious freedom. Thomas discusses this period as one of intense debate where an entire cast of historical figures reinvented religious freedom “over and over and over again.” However, despite paying lip service to the “fraught” and “anxious” character of Japanese secularity and its “multiple religious freedoms,” Thomas argues that Japanese religious freedom was “finalized” in 1884, “formalized” in the 1889 drafting of the Meiji Constitution, and remained a largely unaltered framework until 1945 (24). *Faking Liberties* ultimately formulates a *unified* Meiji constitutional regime that projects the normativity of Japanese religious freedom from the late nineteenth-century into the mid-twentieth. Paradoxically, Thomas’s portrayal of religious freedom contains little of the *anxiety* such entanglements should engender; rather, it is a portrait of *stability*—a neologism that jettisons familiar historical terminology (for example, Taisho democracy, Showa militarization, and so on) that better articulates the massive changes of the period in order to embrace a monolithic (normative) “religious freedom” in the form of state prerogatives that employ the legal terminology “freedom of religion” and “public order.”

Thomas seems to be aware of the fact that discussing democratic freedom of religion as an aspect of unilateral acts of state law enforcement—especially when those laws are designed to protect the unquestionable divinity of the sovereign—might give more than one reader pause. In response, *Faking Liberties* suggests that debates

regarding religious freedom were “democratic processes of free speech, protest, and parliamentary procedure” carried out under a Buddhist “majoritarian” rule that was entirely comfortable with the secular character of the Shinto-derived aspects of the Japanese state. Not only is it unclear how the debates of a handful of Buddhist and political elites constitute a “majority,” it is also impossible to discern the difference between discussing and debating religious freedom on the one hand, and religious freedom itself on the other. Thomas, himself, largely equates the two. Furthermore, Thomas’s assertion that Buddhists had little interest in or concern for state formulations of Shinto as it was “beneath their notice” (51) is simply historically inaccurate—as any cursory assessment of the relevant literature will reveal. Buddhists were eager to limit the political influence of Shinto and polemics clearly figured into their strategies. The boisterousness of a handful of Buddhist elites serves as flimsy evidence for Thomas’s claims of “majoritarian rule” and the manufactured silence of those same elites does little to prove a lack of interest in Shinto-state relationships on the behalf of Buddhists and still less to prove—as Thomas claims—Shinto had no national function during this time.

Thomas makes “the potentially counterintuitive claim that the draconian legislation and law enforcement of the early Shōwa era was largely democratic insofar as it was characterized by free speech, parliamentary procedure, surveys of popular opinion, and respect for the rule of law” (107). Perhaps more than any other portion of the book, this chapter embodies Thomas’s tendency to speak power to truth by legitimatizing the propaganda of state officials and political elites. Elite political and sectarian figures such as Chikazumi Jōkan 近角常観 (1870–1941) and Andō Masazumi 安藤正純 (1876–1955) are depicted as representative of the ongoing democracy of the Meiji constitutional regime, and the day-to-day suppression, enforced acts of worship, and persecution of civilians based on their religious beliefs are characterized as the workings of a normative secularist system imbued with democratic religious freedom. The textualism that characterizes Thomas’s approach renders context and intent largely invisible and serves to affirm and amplify elite voices.

Here, among other things, Thomas works to rescue the “oft-vilified” Religious Organizations Law of 1939 as just one example of continued religious freedom (123). Thomas insists that this law gave religious groups the “opportunity” to register with the Ministry of Education, receive legal recognition, and reap the benefits. The Minister of Education, Araki Sadao 荒木貞夫 (1877–1966), even “stressed that the drafters had taken pains to not infringe on the fundamental constitutional right to religious freedom in the slightest” (123). Thomas takes Araki, who was involved in the successful assassination of one prime minister and a failed attempt at another (just another legal democratic procedure?), at his word. And this despite the fact that while under his tenure the Ministry of Education came to edit, censor, and essentially coauthor the doctrine of religious groups to ensure their compatibility with state enforced beliefs in the divinity of the emperor and worship at Shinto

shrines. This even resulted in the Ministry of Education rewriting the First Commandment of the Catholic Church for that express purpose.

Thomas mentions only one individual who “dismissed” religious freedom, Makiguchi Tsunesaburō 牧口常三郎 (1871–1944) of Sōka Gakkai 創価学会 renown. Makiguchi died in prison and, in failing to put his arguments in the language of his oppressors, Thomas declares him a “champion of Buddhist exclusivism with no need for such legal niceties” (128). Targeted for urging others to engage in acts that might draw the inviolable divinity of the Japanese emperor into question, Makiguchi does not invoke the language of religious freedom (that is, Japan’s normative secular constitution)—for which Thomas brands him a religious zealot who received the punishment he deserved for endangering “lawful peace and order.” Thomas claims to be drawing off the work of Tisa WENGER (2017), but where is the discussion of Tisa Wenger’s “religious freedom talk” so frequently mentioned when it is needed most? For Wenger, systems of power determine who can appeal to religious freedom and for what purposes, but for both Thomas and the elites the Meiji constitutional regime power begets “freedom” and “freedom” belongs exclusively to those in power who possess a monopoly on its articulation and enforcement.

Thomas’s study of the “normative religious freedom” of the Meiji constitutional regime is systematically compared to only one other government—namely, the military government of the Allied Occupation. Part two of *Faking Liberties* paints the two governments as similar in a number of ways—both governments communicated with transsectarian religious groups, both had educational programs, and both had made empirically unverifiable claims. Thomas’s claims of functional similarity hardly provide the kind of specificity necessary to determine the actual level of similarity, but they do beg the question—what does it mean for Japanese “democracy” if it is functionally comparable to an undemocratic foreign military government? It is, however, not Thomas’s intention to reveal the undemocratic character of the Meiji constitutional regime but rather to follow up on his “initial instinct” to expose “a nefarious plot to smuggle Christianity into Japan through the language of religious freedom” (180). In his extensive archival work, however, Thomas fails to find evidence of such a plan on behalf of the Allied Forces. In fact, Occupation officials worked to ensure a place at the table for the Japanese and their interests and fought off attempts by advocates who sought to promote Christian privilege—even when those advocates were their superiors. Even so, Thomas remained vigilant and ultimately succeeds in his attempt to uncover a different nefarious undertaking—one where the United States conspired to dismantle a normative, free secularist state and unjustly indoctrinate the Japanese population with American “theology” in the form of “a desire for religious freedom”—in the absence of Christian missionary efforts, Thomas settles for a plot to import “Protestant-style” religious freedom at the expense of “Shintō-style secularity” (193).

Thomas claims that in order to achieve their goals of “conversion,” the United States needed to lie—that is, they needed people to believe that the Japanese were

not already free. In order to liberate an already religiously free Japan, Thomas argues that Occupation officials constructed the category of “State Shintō” during the first few months of the Occupation to serve as a foil for the religious freedom the occupiers were instructed to establish (144). This argument has one major flaw. Occupation officials did not invent the term “State Shinto.” The term had been in use for nearly two decades as part of imperfect but not entirely insincere attempts to explain the relationship between Shinto and the state by observers, scholars, and religionists in both Japan and the West alongside other terms such as “National Shinto” and various forms of “Mikadoism” that also attempted to articulate the same phenomenon. Here one will be disappointed to see that Thomas does not take “State Shinto talk” as seriously as he does “religious freedom talk.” Instead, with an irony that at times borders on hypocrisy, readers are warned to endeavor to ensure that their own theoretical paradigms do not contribute to the rationalization of violence. If “State Shinto” is too lethal a term, what should we call it when the state obliges citizens to formally and publicly demonstrate a commitment to the divinity of the Japanese emperor who rules as a living kami, or rot in jail to avoid potentially contributing to acts of unjust violence against such legally sanctioned arrangements? Thomas has already provided his answer in chapter 4—calling it “religious freedom.”

It is not until chapter 7 that Thomas offers a comparison of the freedom of religion as it was delineated in the Meiji constitution and as it is outlined in the new constitution. Other than the continued claim that Japan had possessed religious freedom all along, Thomas details what is a fairly standard understanding of the expansion of religious rights in Japan—there is a more thorough division of religion and state, greater acceptance of minority groups, a separation of religion and education, and an expansion of freedom to include the freedom from coercion. Many of these are common features of religious freedom with a somewhat longer history of practice in Europe and North America. France adopted such a position in the 1905 law on the Separation of the Churches and the State, as did Germany in the 1919 Weimar constitution at the exact same time Japanese “secularity” began to appear less and less normative in its attitude toward religion (and, as a consequence, politics). *Faking Liberties*, however, includes no such comparison to these or other countries.

Instead, Thomas argues that the Occupation marks the historical moment where religious freedom transformed from “a wartime propaganda catchphrase ... into reality” (222). Here, Thomas means not only the moment freedom of religion became a human right but the very moment where the idea of human rights first appeared. The grandiose character of this claim is not verified with any historical account of human rights, and the work it does in *Faking Liberties* is much more immediate—it is designed to preserve Thomas’s claim that the Meiji constitutional period is one of religious freedom. Thomas uses the unsubstantiated claim that “religion-as-human-right” is fundamentally different to the lesser (but equal?) freedom

of the Meiji constitutional period, which was merely a civil right. The implication here is that pre-Occupation religious freedom was normative in that, given the historical and cultural horizons, freedom of religion could only be articulated as a civil right—that is, a byproduct of the state monopoly over coercion and the right to determine what is and is not religion. In contrast, religion-as-human-right articulates a “transition when rights of privileges that were previously understood as civil liberties or customary rights acquired a new stature antecedent to citizenship (becoming innate) and transcending the regulatory purview of the state (becoming universal)” (197). In defining the difference between conceptions of religious freedom in the Meiji period and those of the new constitution, Thomas inadvertently undoes his own argument for Japan’s normativity. Freedom of religion first came to Japan as a tool for international diplomacy and was utilized to guarantee certain civil liberties that states could not otherwise be trusted to provide. As such, from the point of its very introduction, freedom of religion precedes and transcends citizenship and state-controlled “civil liberties.” Although he does not employ this definition of secularity himself for the majority of the book, Thomas states that “the Japanese case perfectly exemplifies” Hussein Ali AGRAMA’s (2012) point that “what best characterizes secularism is not a separation between religion and politics, and not simply state regulation of religion, but an ongoing, deepening entanglement in the *question* of religion and politics, for the purpose of identifying and securing fundamental liberal rights and freedoms” (27, in the book under review). But if, as Thomas asserts, the Meiji constitutional regime marks an era where “religious freedom” was defined by the state monopoly to determine what is or is not religion that was thoroughly protected through the use of coercive force that *precluded certain questions which could not be asked*, is this still normative secularity and democratic religious freedom? By suddenly claiming that the religious freedom under the Meiji constitutional regime guaranteed fewer protections and was largely state orientated, hasn’t Thomas simply affirmed the traditional account of the modern history of religious freedom in Japan? One gets the feeling that we have largely received old wine in new ideological skins.

*Faking Liberties* bombards the reader with a remarkable number of resources and an extended cast of political, religious, and scholarly elites in an effort to “debunk”—and even reverse—the official “triumphalist” story of the Allied Occupation of Japan and the pre-Occupation realities of religious freedom. America is painted as an imperialist aggressor spreading its own “religion” through discourse of “religious freedom,” wiping out Japan’s “indigenous” secularity through “conversion” to American “human rights” and upsetting Japan’s traditional, normative state-religion relationships. Thomas has created an enthralling read that will undoubtedly continue to press Americans to continue to question the actions we carry out in the name of religious freedom and to reconsider such acts from our past. It is also just as likely to prove useful for those looking to promote nationalist agendas and circumscribe religious freedom in Japan and elsewhere. Modern concepts of religious

freedom are and always have been a product of international oversight as much as domestic debate. As such, nationalist agendas are likely to endanger religious liberties both domestically and internationally by silencing academic discourse, dismissing international appeals to principle, and targeting minorities. Written in an elegant prose that tends toward the poetic, *Faking Liberties* will no doubt appeal to a wide audience but many of its conclusions concerning religious freedom are more ideologically driven than they are factually correct. The book's epilogue is a stirring personal account devoted to *Songs of Freedom* but much of the content of *Faking Liberties* reads more like an ode to power.

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