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DRAFT

16 September 1949

SUBJECT: COMMENTS ON PROPOSED REVISION OF SCAPIN 448, POSITION OF RELIGION IN PUBLIC SCHOOLS.

1. Issue - Whether the new attitude of SCAP toward matters pertaining to religion in the public schools:

a. is only an elucidation of prior policy set forth in SCAPIN 448, and therefore, may be transmitted to the Japanese Government informally;

b. or is a change in basic policy and consequently, must be embodied in a new SCAPIN amending 448?

2. SCAPIN 448:- This memorandum is entitled "Abolition of Governmental Sponsorship --- and Dessimination of State Shinto" but in the body of the text the term Shinto is used without qualification. In most instances, it is clear that statements about Shinto refer only to State Shinto; but not in Paragraph 1, h. (1) the prohibition upon content of school books states that "all Shinto Doctrine will be deleted" from present editions and that "no.... book...in the future...will contain any Shinto Doctrine", and in Paragraph 1, h. (2) "no visits to Shinto Shrines...will be conducted or sponsored by any educational institution supported...by public funds". Due to the positive language a patent ambiguity exists as to whether the word Shinto used alone in these cases shall as in other sections of the SCAPIN refer solely to State Shinto, or shall cover Shinto in any form.

3. Revised SCAPIN - The revised SCAPIN and draft letter to 8th Army prepared by CI&E states that SCRPIN 448 shall not be interpreted as preventing the objective treatment of Shinto in the schools, student extra curricular activities of a religious nature, and shall not affect private schools. Further, it provides for revokation of para. 1, h. (2) provided that visits to shrines shall be voluntary on the part of the students participating.

4. Conclusion

a. Upon the internal evidence of intention in the wording of the SCAPIN a reasonable construction would confine the entire SCAPIN to State Shinto and its dessimination, as is clearly set forth in the title. From this point of view the present action of C/S in favoring a course in agreement with para. 1 a. above is entirely justified.

b. However, since the problem is not one coming up for the first time but involves a portion of a directive which has been interpreted in one way upon innumberable occasions by SCAP officials, military government officers, Japanese Government officials, Japanese school teachers, missionaries, and various laymen, it would appear prudent in the interest of clarity and in order to insure wide dessimination of the new interpretation that the SCAPIN in its amended be issued. ^ This is recommended only if other more basic policy such as the extent of SCAP control over the Japanese Government will not be contravened.

These are practical rather than the legalistic grounds of Par 1b. above.

NC 26

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

15 September 1949

MEMORANDUM FOR MR. HAUGE

SUBJECT: Status of Revision of SCAP Policy on Position of Religions in Japanese Public Schools

1. Dr. Seamans, CI&E, telephoned that their proposed revision of SCAPIN 448 and draft letter to 8th Army, both concurred in by GS and LS, have been returned by C/S with substantially the following comment: Revision of the SCAPIN is unnecessary to convey to the Japanese Government the new interpretations proposed for religion in public schools. Recommend that this be accomplished informally.

2. CI&E will therefore proceed to hold a conference with the Ministry of Education and advise regarding the new interpretation. No press conference will be held. A copy of the letter to 8th Army will be supplied to Civil Affairs in draft form for their information.

3. Dr. Seamans suggested that present decision may have resulted from a desire to avoid giving the Japanese Government the impression that Occupation policy has changed and all controls are being abandoned.

NICKOLAS COTTRELL
Chief, Local Government Branch

See Contin file drupt 16 Sept

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

7 September 1949

MEMORANDUM FOR MR. HAUGE

SUBJECT: Proposed Amendment of SCAPIN 448

1. Attached are proposed Memorandum for the Japanese Government, subject: "Relation of Religion to Public Education", and command letter to 8th Army.

2. As a result of many inquiries on the application of SCAPIN 448, Civil Information and Education Section believed that official interpretation was necessary to clarify the confused status in public schools of organized religions in general, and Shinto in particular. General policy on separation of church and state and the prohibition in the SCAPIN on the dissemination in any form of National Shinto were believed by many Japanese officials to forbid inclusion in school programs of factual material bearing on religions, visits by students to temples or shrines having artistic or historic associations, teaching of lay subjects by religious leaders, and other activities where coincidental religious significance was subordinate to the educational aspects.

3. Civil Information and Education Section, originally considering that a clarifying statement by SCAP that such activities were permissible, would amount only to an elucidation of SCAPIN 448, prepared a command letter to 8th Army containing detailed instructions for interpretation. Legal Section and Government Section, however, objected on the ground that such action was in effect an alteration of original policy and should be effected by an ammended SCAPIN.

4. Subsequently, Civil Information and Education Section prepared an ammended SCAPIN which contained the bulk of the detailed material from the prior draft letter to 8th Army and a reiteration of some of the principles of the original SCAPIN. Legal Section advised that it had no legal objection; but Government Section, objecting to the form, proposed that the SCAPIN contain only general principles couched in a tone consonant with the present policy of relaxation of administrative controls over the Japanese Government while detailed application to specific situations be relegated to the letter to 8th Army.

5. In the attached draft, Civil Information and Education Section has complied with Government Section's suggestions as to format and added a new paragraph 11 (in pencil) in the command letter to meet Legal Section's opinion that the issuance of a directive on the position of religion in the schools might not necessarily preclude later review of the problems involved by the Japanese courts in light of the Japanese Constitution and laws.

6. As Civil Information and Education Section is anxious in view of previous delays to get ahead with some program for relaxing SCAPIN 448, they are prepared to make further minor changes or deletions in order to obtain Government Section's concurrence. Dr. Seamans, who has handled the problem thus far, has postponed his departure from the Theater until about the end of September in order to conduct a series of interpretive conferences with the Japanese school officials, book publishers, and religious leaders upon the effects of the new policy.

7. The proposed SCAPIN and command letter represent a desirable step toward creating an objective attitude in the public schools toward Shinto in general without opening the door to a revival of National Shinto. The new policy will also somewhat ease the position of Christian church groups in carrying on their work with Japanese students, which is for the most part not strictly religious in nature. It is, therefore, recommended that Government Section approve the present drafts.

NICKOLAS MOTTRELL
Chief, Local Government Branch

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 000.3 (29 Aug 49)CIE
SCAPIN

MEMORANDUM FOR: The Japanese Government

SUBJECT : Relation of Religion to Public Education

1. Reference is made to Memorandum for the Japanese Government file AG 000.3 (15 Dec 45)CIE, SCAPIN 448, 15 December 1949, subject: Abolition of Governmental Sponsorship, Support, Perpetuation, Control and Dissemination of State Shinto (Kokka Shinto, Jinja Shinto).

2. The prohibitions imposed by reference memorandum upon the dissemination of Shinto doctrine shall not be interpreted as precluding:

a. Objective and non-discriminatory treatment of facts relating to the founders, practices and institutions of the various religions, including Shinto, so that religion as part of man's cultural development may be understood.

b. Voluntary student extra-curricular activities which are concerned with the religious interests and practices of the individuals involved as private citizens, with the use of school facilities usually accorded other student activities.

3. Paragraph 1, h, (2) of reference memorandum is hereby revoked subject to provision that school sponsored visits to shrines, temples and churches may not be made for the purpose of participating in religious ceremonies and that the visits will be entirely voluntary.

4. The provisions of this memorandum do not apply to private schools, which are free to determine their own policy and practice regarding religious

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AG 000.3 (29 Aug 49)CIE
SCAPIN

education and voluntary religious activities, save for the requirements that none may teach militaristic or ultranationalistic doctrine under the guise of religion.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 000.3 (29 Aug 49)CIE

SUBJECT: Relation of Religion to Public Education

TO : Commanding General
Eighth Army
APO 343

1. References:

a. Memorandum for the Japanese Government, file AG 000.3 (15 Dec 45)CIE, SCAPIN 448, 15 December 1945, subject: Abolition of Governmental Sponsorship, Support, Perpetuation, Control, and Dissemination of State Shinto (Kokka Shinto, Jinja Shinto).

b. Memorandum for the Japanese Government, file AG 000.3 ( )CIE, SCAPIN_____, subject: Relation of Religion to Public Education.

2. Reference memorandum b, "Relation of Religion to Public Education", is intended to supplement reference memorandum a, by relaxing and interpreting those parts which have been unduly restrictive of a well-rounded education.

3. The fundamental purpose of reference memorandum a remains unchanged; imperial household (or Emperor-centric) Shinto with its latent dangers of ultranationalism is prohibited; separation of state and religion continues inviolate as a basic principle. public school indoctrination in

D R A F T

AG 000.3 (29 Aug 49)CIE

4. The original purpose of paragraphs 1, h (1) and 1, h (2) of reference memorandum a has been extended by interpretation to a general prohibition of any reference in teaching materials to Shinto and to a general prohibition of school-sponsored visits to Shinto shrines for any purpose as well as a general prescription of visits by student groups to Buddhist temples and Christian and Shinto churches. Though expedient during the initial stages of the Occupation, this strict construction subsequently has caused needless irritation among the Japanese by preventing inclusion of factual information regarding religious groups, including Shinto, in teaching materials and by preventing public school students from visiting many historical sites, national treasures and formerly frequented picnic grounds. As broadly interpreted, these prescriptions have outlived their usefulness.

5. Paragraph 2, a, of reference memorandum b makes possible inclusion of facts regarding the various religions, including Shinto. Objective treatment of such data would provide an understanding of religion as an expression of man's historic and contemporary experience and thus contributes to a well-rounded education. Paragraph 2, a, of reference memorandum a "puts all religions, faiths and creeds upon exactly the same basis, entitled to the same opportunities and protection." Prescription of any consideration of facts regarding Shinto would be contrary to the intent of this provision. Furthermore, paragraph 2, a, of reference memorandum b provides a basis upon which Japanese educators and textbook writers may select and use data regarding religious groups, a basis which

is greatly needed as the new curriculum materials are developed.

6. Paragraph 2, b, of reference memorandum b makes possible the encouragement of the religious growth of students and faculty on a voluntary basis and as private citizens without the public school espousing a particular religious sect. Such encouragement is in accord with the Occupation objective of developing democratic experience and encouraging the religious life among Japanese. It is, furthermore, in accord with the best experience in other democratic nations.

7. Paragraph 4 of reference memorandum b makes possible school-sponsored student visits of a voluntary nature, and not conducted for religious purposes, to shrines, temples and churches.

8. It is recognized that surveillance by Civil Affairs over compliance by the Japanese and enforcement by the Japanese Government of the restrictions imposed is hardly possible. It is desired, however, that the general effects of the new policy be observed and that reports of teaching materials used and of visits made indicating evidence of intent to indoctrinate students in Shinto or any other particular religion be investigated and remedial action be taken where needed.

9. In order to assist Civil Affairs in dealing with questions which may be raised regarding the intent of reference memorandum b, the following statement of application is forwarded for the guidance of Civil Affairs, Japanese educators, textbook writers and religious leaders often are not accustomed to the policy of objective and non-discriminatory treatment of religion which underlies the statement of application. In

interpreting the statement of application care should be exercised that it is not construed as an order. In accordance with present Occupation policy and in the last analysis the Japanese must assume responsibility for production and use of teaching materials consonant with the democratic ideal and in keeping with the provisions of the Japanese Constitution, the Fundamental Law of Education and the Local Autonomy Law.

10. The specific applications which follow are based upon questions raised in various parts of the Japanese nation by Civil Affairs, missionaries and Japanese.

a. Selection and treatment of textbook and curriculum materials:

(1) Facts relating to the founders, practices and institutions of the various religions may be included when necessary to accomplish the aims of a course.

(2) Literary and language textbooks and readers may include reference to religious topics and extracts from religious writings provided the basis of selection is literary or linguistic merit.

(3) In social studies, reference may be made, where relevant, to historical and institutional aspects of religious organizations, e.g., physical plant, welfare and education activities, factual data concerning events, etc. Religious events of historical significance may be dealt with in the study of history.

(4) The meaning of religious freedom should be taught in

the social studies. At the appropriate level the materials used should stress that:

(a) In accordance with the provisions of the constitution and laws of Japan, religion is free from control, financial support, interference and surveillance by government; religious activity and membership in religious groups are of a purely voluntary nature; and any government propaganda regarding religion is strictly prohibited.

(5) In the teaching of music, art and architecture, works inspired by religion may be drawn upon. Pertinent information regarding the artists and composers and incidents or influences connected with such works may be given. Study of the influence of religion upon artistic expression is permissible and desirable.

(6) Public school curriculum materials on the elementary and secondary levels may not express approval or disapproval of religious doctrines, practices or experiences. Existence of a conflict between science and religion should not be assumed. This provision does not preclude attribution of natural phenomena to natural causes.

(7) Objective study (comparative or specialized) of the

doctrine, history, philosophy and psychology of different religions may be offered as elective courses on the upper secondary and university levels.

(8) Libraries may include books and periodicals on religions for purposes of reference and study.

b. Voluntary religious activities:

(1) Students and teachers are free to participate as private citizens in the religious observances or other activities of churches, shrines or temples outside of school hours.

(2) At the secondary and university levels, the following policies are acceptable with respect to voluntary student religious activities which occur outside normal school hours.

(a) Students may form voluntary religious associations or clubs under such regulations as prevail for non-religious organizations. Prohibition of a particular voluntary student non-religious organization which violates regulations is not necessarily to be construed as a prohibition of voluntary religious associations or clubs which conform to regulations.

(b) Leaders of religious organizations may work with students for the purpose of initiating and guiding such associations or clubs providing the

authority of the school is not utilized either directly or indirectly to influence students to join or participate in such organizations.

(c) Privileges of using the school bulletin boards, student publications, etc., for the announcement of meetings or activities of religious organizations should be the same as those extended to non-religious organizations.

(d) Local school authorites shall have the power to decide whether or not lecture halls, classrooms or other facilities shall be used outside school hours for the activities of student religious organizations mentioned in 10c (2) (a)-(c) above.

(e) Student religious organizations may invite faculty members to participate unofficially in their activities, either as members or as advisors.

(f) The privileges listed above must be equally available to any religious organization without discrimination or favor. It is not necessary, however, to await application from other organizations before granting the requests of those who are first in seeking such privileges. It should be made known that such privileges would be provided to all groups if so desired.

authority of the school is not utilized either directly or indirectly to influence students to join or participate in such organizations.

(c) Privileges of using the school bulletin boards, student publications, etc., for the announcement of meetings or activities of religious organizations should be the same as those extended to non-religious organizations.

(d) Local school authorites shall have the power to decide whether or not lecture halls, classrooms or other facilities shall be used outside school hours for the activities of student religious organizations mentioned in 4 (2) (a)-(c) above.

(e) Student religious organizations may invite faculty members to participate unofficially in their activities, either as members or as advisors.

(f) The privileges listed above must be equally available to any religious organization without discrimination or favor. It is not necessary, however, to await application from other organizations before granting the requests of those who are first in seeking such privileges. It should be made known that such privileges would be provided to all groups if so desired.

AG 000.3 (29 Aug 49)CIE

c. Status of religious leaders:

(1) Religious leaders may be invited to speak at schools on subjects outside of the field of religion. They may not interpret doctrines or religious ceremonies. They shall be informed that the invitation is extended with the understanding that these regulations will be strictly respected.

(2) Priests, clergymen and other members of religious orders, who are ~~employed as~~ qualified teachers by boards of education shall not appear in classrooms in religious garb. They may not give instruction in sectarian religion, nor shall they use their positions as teachers to advance any particular faith, nor attempt to win converts or encourage visitation or attendance at any shrine, temple or church for purpose of worship or participation in any rituals or ceremonies. They shall be subject to all regulations governing the conduct and duties of teachers.

d. In keeping with the principles of religious freedom expressly stated in the Japanese Constitution no teacher or other leader of school-sponsored group visits to shrines or other religious institutions should issue a command for bowing or for participation in any religious ritual or ceremony.

AG 000.3 (29 Aug 49)GIE

11. Many questions have been raised regarding the use of public school buildings out of school hours by non-school community religious groups. Since local school authorities are now responsible for the administration of local school buildings, all such questions should be referred to the school authorities for decision. [Ultimately the question of whether or not publicly controlled buildings may be used for religious purposes may have to be referred to the courts of Japan.] (omit) (omit)

12. The substance of Par. 10 will be communicated to the Ministry of Education.

FOR THE SUPREME COMMANDER:

11. Ultimately many of the questions referred to above, such as use of school buildings or employment of priests, clergymen, or other members of religious orders, may be tested in the Japanese courts as to their legality under the Japanese Constitution and laws.

Seemans 26-56 0 0

June '49

(See Cent file 23 Aug re draft memo)

000.3

Religion in Relation to the
Public Schools in Japan

Legal Section CI&E 21 July 1949

2
(Cont'd) 4. From the legal point of view, it is suggested that such policy matters as are contained in the proposed letter be incorporated as part of the SCAP directive.

5. Legal Section does not express any opinion on the question of policy concerning the proposed actions.

5 Incls
n/e

- A.C.C. - - - - - - - - - - - - - - -

W.K. Bunce 26-5686

000.3 Religion in Relation to the Public Schools in Japan

CIE CS 23 June 1949

1 1. Forwarded herewith for approval is staff study (Tab 2), subject as above, leading to recommendations for a Memorandum to the Japanese Government (Tab 3) and a letter to Commanding General, Eighth Army (Tab 4).

2. Brief of Staff Study is attached as Tab 1.

3. The substance of the above documents has been discussed widely with personnel of General Headquarters, Eighth Army Headquarters, Military Government Teams, and with the Ministry of Education and other interested Japanese Government officials and private educational and religious leaders. SCAPIN treatment is believed necessary by Legal Section if proposed policy is to be carried out.

5 Incls
Tab 1. Brief of Staff Study
Tab 2. Staff Study
Tab 3. Drft memo to Japanese Govt
Tab 4. Drft ltr CG, Eighth Army
Tab 5. SCAPIN 448

From: Legal Section To: CI&E Date: 21 July 1949

2 1. There is no legal objection to the issuance of the proposed SCAP directive.

2. With respect to the proposed letter to the CG, Eighth Army, Legal Section is of the opinion that the policy statement as contained in paragraph 7 is legally questionable since it appears to be contrary to SCAPIN 448 and to Article 89 of the Japanese Constitution.

3. a. SCAPIN 448 forbids all financial and other support of and affiliation with Shinto as well as the dissemination of Shinto doctrine "in any form and by any means" in public schools. Paragraph 7 of the proposed letter would permit Shinto doctrines to be disseminated in the form of history and culture.

b. Article 89 of the Japanese Constitution prohibits the appropriation of public money or property for the use of any religious organization. Paragraph 7 of the proposed letter appears to sanction the use of Japanese public schools for religious purposes and permits members of religious orders, who are otherwise qualified, to be employed as teachers.

c. In this connection, reference is made to Legal Section's checknote to CI&E, dated 21 February 1949, on this subject.

CIE Suspense Copy WKB/nb

BRIEF OF STAFF STUDY:

1. As a necessary means of disestablishing State Shinto, which under Government sponsorship and manipulation had contributed so largely to the ultranationalistic tendencies of the Japanese nation, as well as to separate religion from the State and to establish religious freedom, the Supreme Commander for the Allied Powers issued the Shinto Directive (SCAPIN 448, Tab 5) on 15 December 1945.

2. The directive provided detailed instructions for the complete elimination of Shinto propaganda from the public schools. It stated, however, that Shinto, purged of militaristic and ultranationalistic elements and deprived of Government support, might exist as a religion of the people on the same basis as other religions.

3. The Japanese constitution guarantees religious freedom. It delimits the relationship between religion and government in provisions stating that "no religious organization shall receive any privileges from the State...." and that "the State and its organs shall refrain from religious education or any other religious activity."

4. Lack of any precise guide for the application of the restrictions on Government sponsorship of religion contained in the constitution and the Shinto Directive to such practical problems as the permissibility of treating the historical and cultural aspects of religion, student religious clubs, use of school property for religious purposes, school-sponsored visits to religious institutions for study of architecture, art, etc., has been confusing to Japanese officials and military government personnel alike and has resulted in unnecessary and sometimes irritating interpretations which have hampered the development of a well-rounded school program. Military Government, Japanese officials and private citizens have requested clarification.

5. Action by the legislative and executive branches of the Japanese government indicates that the constitutional restriction on religious education are being interpreted as applying only to promotion of the interests of a particular religion.

6. It is believed essential that the fundamental principles of SCAPIN 448 be retained intact but that all unnecessary restrictions imposed under it, either directly or by implication, should be removed. It is proposed to clarify the situation by another memorandum to the Japanese Government (a new SCAPIN) and a letter to Eighth Army.

7. The proposed memorandum and letter are in line with Occupation policy of returning to Japanese authorities as much responsibility as basic objectives permit.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

MEMORANDUM FOR THE CHIEF OF STAFF:

SUBJECT: Religion in Relation to the Public Schools of Japan

I. THE PROBLEM PRESENTED:

To formulate a policy statement clarifying the extent to which matters concerning religions and religious institutions may be dealt with by the public schools of Japan.

II. FACTS BEARING ON THE PROBLEM:

1. As a result of the leading role assigned State Shinto in conditioning the Japanese people for authoritarian government and wars of aggression, the Shinto Directive (SCAPIN 448)(Tab 5) was issued on 15 December 1945 to eliminate governmental sponsorship, support, perpetuation, control, and dissemination of State Shinto in Japan. It endeavored to separate religion and State by providing for the disestablishment of Shinto and it forbade the dissemination of Shinto doctrines in any form and by any means in any educational institution supported wholly or in part by public funds. Shinto, purged of ultranationalistic elements, is permitted, however, as a religion of individuals, on the same basis as other religions. A lesser known purpose of the Directive was to carry out the Occupation mandate to establish religious freedom by putting all religions, faiths, and creeds upon exactly the same basis, entitled to precisely the same opportunities and protection (SCAPIN 448, paragraph 2a) (Tab 5).

2. Elaborating upon the general prohibition eliminating Shinto from the public schools, the Shinto Directive called for the censorship of all teachers' manuals and textbooks then in use and for the deletion of all Shinto doctrine, prohibited the publication in the future of teachers' manuals and textbooks containing Shinto doctrine, prohibited teaching of Shinto doctrine, prohibited school-sponsored visits to Shinto shrines, called for the immediate removal of all godshelves (kamidana) and other physical symbols of Shinto, and prohibited discrimination against any teacher or student because of failure to profess and believe in or participate in any practice, rite, ceremony, or observance of Shrine Shinto or of any other religion.

3. In addition, the Shinto Directive ordered the abolition of

all public educational institutions having as their primary fumation either the investigation and dissemination of Shinto or the training of a Shinto priesthood and directed the diversion of their properties to other uses. Under this provision, the Shinto University (Jingu Kogakukan) connected with the Ise Grand Shrine was dissolved. Private educational institutions for the investigation and dissemination of Shinto and for the training of a Shinto priesthood are specifically permitted by the Directive, provided they receive no support from public funds. The legal status of Shinto schools is exactly the same as that of schools of other religions.

4. Prior to the Occupation, education in religions other than State Shinto was prohibited by government order to all accredited schools. While the Education Ministry's order of 1899 forbidding religious instruction in all schools, public and private, was rescinded shortly after the Occupation began, the new constitution is definite and specific in its prohibition of religious instruction in the public schools.

a. Article 20 provides that "the State and its organs shall refrain from religious education or any religious activity," and that "no religious organization shall receive any privileges from the State."

b. Article 89 of the new constitution also prohibits state aid in the form of public money or other property expended or appropriated for the use, benefit, or maintenance of any religious institution or association.

5. The Local Autonomy Law, enacted by the Diet on 16 April 1947 as Law No. 67, contains the following provision in Article 212: "Any of the property or establishments of an ordinary local public body shall not be appropriated for the use, benefit, or maintenance of any religious institution or association or for any charitable, educational, or benevolent enterprise not under the control of public authority."

6. The Fundamental Law of Education, passed by the Japanese Diet, 31 March 1947, contains in Article IX the following pertinent provision: "The attitude of religious tolerance and the position of religion in social life shall be valued in education. The schools established by the state and local public corporations shall refrain from religious education or other activities for a specified religion."

7. There is no legal restriction of any kind upon the teaching of religion in private schools, save for the ban on ultranationalism. Nevertheless, there is some need for making this clear to the Japanese, who have difficulty in making proper distinctions between schools supported from public funds and those privately supported.

8. It is clear that the Shinto Directive and the Japanese Constitution prohibit the propagation of sectarian religion by public schools. But there is very real need for solving the question of whether the public schools are also estopped from dealing with the historical and contemporary

impact of religion upon man's political, economic, social, and cultural development, as distinct from indoctrination in religion. No systematized interpretation of the Shinto Directive as it applies to religion and the public schools has yet been made. The result is that Japanese Government officials, teachers, textbook writers, religious leaders, and Military Government personnel are confused and uncertain as to how to deal with historical facts associated with religion and with the inter-relationship of contemporary religious, cultural, and social life. A natural tendency is to make interpretation unnecessarily restrictive and thus to deprive students of contact with materials essential to the implementation of a well-rounded curriculum.

9. Military Government personnel, from the Chief, Eighth Army Military Government down to Civil Education officers of Corps, Regions and Prefectural Military Government Teams, have requested more precise interpretation of the sections of the Shinto Directive bearing on problems of religious education, school visitation to shrines and temples, use of school rooms by religious groups, and other related problems. Similar requests have come from all levels of Japanese Government officials and from religious leaders and private citizens. Being uncertain of what is permitted, the tendency is for principals and teachers to avoid mentioning religion altogether. The overwhelming opinion is that present practices are too restrictive.

10. It was the original proposal of the Civil Information and Education Section that a statement of clarification be issued as an interpretation of SCAPIN 448 in the form of a letter to Commanding General, Eighth Army. Legal and Government Sections did not concur in this procedure, however, since they believed that certain provisions were contrary to specific prohibitions levied by SCAPIN 448. Objection was not to the substance of the proposed policy per se, but to what appeared to them to be an amendment of a directive by interpretation.

Revised in Ed Sec Staff Study Meeting 7 typed.

11. It appears that the only way the problem can be solved is to issue the necessary statement of policy as a memorandum to the Japanese Government, a procedure to which Civil Information and Education Section does not object providing it remains clear that basic policy laid down in SCAPIN 448 remains unchanged. It is believed that the attached proposed memorandum is satisfactory in this respect. From the standpoint of the Japanese Constitution, Legal Section perceived no objection.

III. CONCLUSIONS:

12. The following basic conclusions, which are believed to be in keeping with provisions of the Japanese Constitution, the Fundamental Law of Education, and with the spirit of the Shinto Directive, derive from a close analysis of the problem and the facts presented:

a. Public schools may not be used to propagate sectarian religion.

b. Religious art, architecture and music, and data regarding

religion and religious institutions may be included as curriculum materials to be considered objectively and on a non-discriminatory basis, but may not be included or used for purposes of indoctrination in religion.

c. A distinction may be made between the status of students and teachers as citizens with freedom to participate in religious activities out of school hours and their status while in attendance or on duty during school hours. This is a distinction to which many Japanese are not accustomed and to which much attention should be given.

d. A distinction may be made between the religious leader as an ecclesiastical functionary who is forbidden to utilize the public schools as a forum for propagating particular religious concepts and as a citizen or teacher who may, within limitations, be invited to speak or teach in the public schools on nonreligious subjects.

e. Trips to shrines and temples may be permitted under conditions which make possibility of religious indoctrination unlikely. There is widespread conviction that prohibition of all public school-sponsored trips to shrines and temples of architectural distinction or which contain important art objects will impoverish the artistic education of Japanese youth.

f. Public school properties may be used for religious purposes under certain conditions when schools are not in session providing a reasonable fee is paid for such use.

13. Issuance of a policy statement clarifying the extent to which matters concerning religions and religious institutions may be dealt with by the public schools is necessary at this time in order to dispel the confusion regarding interpretation of SCAPIN 448 which is retarding the development of an integrated public school program. It is desirable that this statement should reaffirm and point up the basic principles of the Shinto Directive (SCAPIN 448), while allowing that degree of freedom essential to a reasonable school program.

Revised ne copy now being typed to conform with new format.

14. Issuance of the proposed memorandum to Japanese Government will answer many questions posed by Eighth Army and Military Government officials, the Ministry of Education, religious leaders, public officials, private citizens, and Japanese educators, and will help to clarify the entire problem of the proper relationship between public schools and religious institutions under the terms of the Shinto Directive. The best interest of the Occupation as well as those of the Japanese people will be served because issuance of the policy statement will clear up uncertainty which is retarding progress in the educational field and will further the program of spiritual and intellectual reorientation which is such a necessary measure in the long range plan of building a democratic Japan.

IV RECOMMENDATIONS:

15. It is recommended that: (a) draft memorandum to Japanese Government (SCAPIN_____) be approved; (b) that the draft letter to Commanding General, Eighth Army, be approved.

CONCURRENCES:

Legal Section_____.

Government Section_____.

D. R. HUGHEY
Lt. Col., USMC
Chief, Civil Information and Education Section

REPRODUCED AT THE NARA PURSUANT TO (a)(3) AND (b)(3) OF E.O. 13526

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 000.3 (26 May 49)GIE
SCAPIN

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Relation of Religion to Public Education

1. Reference is made to Memorandum for the Japanese Government, file AG 000.3 (15 Dec 45)GIE, SCAPIN 448, 15 December 1945, subject: Abolition of Governmental Sponsorship, Support, Perpetuation, Control and Dissemination of State Shinto (Kokka Shinto, Jinja Shinto).

2. The purpose of instant memorandum is to clarify the application of reference memorandum to the problem of the proper relationships between religion and public education and thus to permit public schools to bring their students into contact with all facts necessary to the formation of an intelligent, well-rounded and integrated view of their total cultural surroundings without subjecting them to indoctrination in the tenets of a particular religion, which is specifically forbidden.

a. In no case is this memorandum to be construed as a reversal of the spirit of reference memorandum, which was intended to "separate religion from the state, to prevent misuse of religion for political ends, and to put all religions, faiths, and creeds upon exactly the same basis," subject to explicit requirement that none may disseminate militaristic or ultranationalistic ideology.

b. In no case may it be interpreted to admit dissemination of doctrine calculated to inculcate or promote excessive veneration of the emperor, the imperial family, or the war dead, the political elements of the former State Shinto at which reference memorandum was primarily directed. Specifically forbidden is any subject matter stating or implying that the emperor is of divine descent; for example, from any of the so-called "heavenly deities" (amatsukami) of the "Age of the Gods" (shindai) mentioned in such literature as the Kojiki and Nihon Shoki.

3. The provisions of this memorandum do not apply to private schools, which are free to determine their own policy and practice regarding re-

ligious education, save for the requirements that none may teach militaristic or ultranationalistic doctrine under the guise of religion and none may propagandize or disseminate concepts specifically forbidden under paragraph 2 (b) above.

4. The following statement of policy regarding the relationships between the public schools and religions in Japan is subject to the limitations of paragraph 2 of this Memorandum:

a. Selection and treatment of textbook and curriculum materials:

(1) Facts relating to the founders, practices, and institutions of the various religions may be included when necessary to accomplish the aims of a course.

(2) Literature and language textbooks and readers may include reference to religious topics and extracts from religious writings provided the basis of selection is literary or linguistic merit.

(3) In social studies, reference may be made, where relevant, to historical and institutional aspects of religious organizations, e.g., physical plant, welfare and educational activities, factual data concerning events, etc. Religious events of historical significance may be dealt with in the study of history.

(4) The meaning of religious freedom should be taught in the social studies. At the appropriate level the materials used should stress that:

(a) In accordance with the provisions of the constitution and laws of Japan, religion is free from control, financial support, interference and surveillance by government; religious activity and membership in religious groups are of a purely voluntary nature; and any government propaganda regarding religion is strictly prohibited.

(5) In the teaching of music, art and architecture, works inspired by religion may be drawn upon. Pertinent information regarding the artists and composers and incidents or influences connected with such works may be given. Study of the influence of religion upon artistic expression is permissible and desirable.

(6) Public school curriculum materials on the elementary and secondary levels may not express approval or disapproval of religious doctrines, practices or experiences. Existence of a conflict between science and religion should not be assumed. This provision does not preclude attribution of natural phenomena to natural causes.

(7) Objective study (comparative or specialized) of the doctrine, history, philosophy and psychology of different religions may be offered as elective courses on the upper secondary and university level.

(8) Libraries may include books and periodicals on religions for purposes of reference and study.

(9) In order to make possible inspection and study of cultural treasures in possession of shrines and temples by school students accompanied by their teachers, that part of paragraph 1, h, (2) of reference memorandum which prohibits visits to Shinto shrines is hereby revoked, subject to the following requirements:

(a) School-sponsored visits may not be made to shrines or other religious institutions for the purpose of worship, nor may student groups visiting shrines or other religious institutions on school-sponsored trips be permitted to participate in any rituals or ceremonies.

(b) Visits to such institutions may not be required of any student.

(c) School-sponsored visits may not be made under any circumstances to military shrines (Yasukuni Jinja, Gokoku Jinja, or those shrines formerly so designated).

(d) No command for bowing or for any religious observance may be issued by a teacher or other leader of school-sponsored group visits to shrines or other religious institutions.

FOR THE SUPREME COMMANDER:

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 000.3 (26 May 49)CIE

SUBJECT: Relation of Religion to Public Education

TO: Commanding General
Eighth Army
APO 343

1. References:

a. Memorandum for the Japanese Government, file AG 000.3 (15 Dec 45)CIE, SCAPIN 448, 15 December 1945, subject: Abolition of Governmental Sponsorship, Support, Perpetuation, Control, and Dissemination of State Shinto (Kokka Shinto, Jinja Shinto).

b. Memorandum for the Japanese Government, file AG 000.3 (_____)CIE, SCAPIN_____, subject: Relation of Religion to Public Education.

2. Reference Memorandum b, "Relation of Religion to Public Education," is intended to supplement reference memorandum a, by clarifying the relationship which may exist between religion (s) and the public schools and by pointing up more precisely the political elements in the former State Shinto at which reference memorandum a was primarily directed, that is, control of religious organizations by government agencies and promotion of excessive veneration of the emperor, the imperial family and the war dead.

3. At the present stage of the Occupation, more effective results can be obtained by concentrating on the area of imperial household (or Emperor-centric) Shinto with its latent dangers of ultra-nationalism than by dissipating energy and blunting purpose through equal emphasis upon some of the practices of Shinto folkways which are largely innocuous from the point of view of militarism and ultra-nationalism.

4. In general, Reference Memorandum a. remains unchanged; separation of state and religion continues inviolate as a basic principle. A

number of hazy, borderland problems have been clarified, however, and what is permissible in respect to the treatment of religion in the public schools should now be more easily distinguishable from what is not permissible.

5. Most significant in terms of popular interest is the revocation of that part of paragraph 1 h (2) of Reference Memorandum a. which prohibits school-sponsored visits to Shinto shrines, subject to reservations intended to preserve its original purpose, that is, elimination of the pre-Occupation practice of teacher-conducted compulsory shrine visitation (Jinja Sampai) involving group obeisance before Shinto altars. The original purpose of subject paragraph has been extended by interpretation to a general prohibition of school-sponsored visits to Shinto shrines for any purpose as well as a general proscription of visits by student groups to Buddhist temples and Christian and Shinto churches. Such extension of the original purpose has been based on a very strict interpretation of paragraph 2 a, of Reference Memorandum a. which stated that the purpose of the entire directive was "to put all religions, faiths and creeds upon exactly the same basis, entitled to precisely the same opportunities and protection." Though perhaps expedient during the initial stages of the Occupation, this strict construction subsequently has caused needless irritation amongst the Japanese by preventing teacher-conducted groups of public school students from visiting many historical sites, national treasures and formerly frequented picnic grounds. As broadly interpreted, the interdiction against public school-sponsored visits of students to shrines, temples and churches has outlived its usefulness.

6. Paragraph 4. a. (9) of Reference Memorandum b. makes possible school-sponsored student visits of a voluntary nature, and not conducted for religious purposes, to shrines, temples and churches. It is recognized that thorough surveillance by Military Government over compliance by the Japanese and enforcement by the Japanese Government of the restrictions imposed is hardly possible. It is desired, however, that the general effects of the new policy be observed and that reports of visits indicating evidence of intent to indoctrinate students in Shinto or any other particular religion be investigated and remedial action be taken where needed.

7. The following statement of policy on additional problems regarding the relation of religion to public education will give guidance on matters not covered explicitly in the present directive to the Japanese Government.

a. Voluntary religious activities.

(1) Students and teachers are free to participate as private citizens in the religious observances or other activities of churches, shrines, or temples outside of school hours.

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(2) Pupils may attend religious observances or rites on written request of their parents when such attendance involves absence from school activities during school hours.

(3) At the secondary and university levels, the following policies are acceptable with respect to voluntary student religious activities which occur outside normal school hours.

(a) Students may form voluntary religious associations or clubs under such regulations as prevail for non-religious organizations. Prohibition of a particular voluntary student nonreligious organization which violates regulations is not to be construed as a prohibition of voluntary religious associations or clubs which conform to regulations.

(b) Leaders of religious organizations may work with students for the purpose of initiating and guiding such associations or clubs providing the authority of the school is not utilized either directly or indirectly to influence students to join or participate in such organizations.

(c) Privileges of using the school bulletin boards, student publications, etc, for the announcement of meetings or activities of religious organizations should be the same as those extended to nonreligious organizations.

(d) Local school authorities shall have the power to decide whether or not lecture halls, classrooms or other facilities shall be used outside school hours for the activities of student religious organizations mentioned in 7a (3) (a)-(c) above.

(e) Student religious organizations may invite faculty members to participate unofficially in their activities, either as members or as advisers.

(f) The privileges listed above must be equally available to any religious organization without discrimination or favor. It is not necessary, however, to await application from other organizations before granting the requests of those who are first in seeking such privileges. It should be made known that such privileges would be provided to all groups if so desired.

(4) School buildings or grounds may be used on a non-discriminatory basis outside of normal school hours and at such times as would not interfere with the school program by religious organizations or groups not connected with the school. When such privileges are granted by local school authorities, fees should be charged commensurate with costs involved in making facilities available. On conclusion of the activity, all religious symbols must be removed and the building restored to the condition in which it was found.

b. Status of religious leaders.

(1) Religious leaders may be invited to speak at schools on subjects outside of the field of religion. They may not interpret doctrines or religious ceremonies. They shall be informed that the invitation is extended with the understanding that these regulations will be strictly respected.

(2) Priests, clergymen and other members of religious orders who are employed as qualified teachers by boards of education shall not appear in classrooms in religious garb. They may not give instruction in sectarian religion, nor shall they use their positions as teachers to advance any particular faith, nor attempt to win converts or encourage visitation or attendance at any shrine, temple or church for purpose of worship or participation in any rituals or ceremonies. They shall be subject to all regulations governing the conduct and duties of teachers.

8. The statement of policy under 6 above does not apply to private schools which are free to determine their own policy and practice regarding voluntary religious activities, save for the requirements that none may teach militaristic or ultranationalistic doctrine under the guise of religion and none may propagandize or disseminate concepts which would inculcate or promote excessive veneration of the emperor, the imperial family or the war dead.

9. The Japanese Ministry of Education will be informed of policy stated in paragraph 7 of instant letter.

BY COMMAND OF GENERAL MacARTHUR: