

# RELIGIOUS ISSUES IN JAPAN 2005

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Last year, from October 2004 to September 2005, various memorial services attracted much attention. They were held in many parts of Japan, for the sixtieth anniversary of Japan’s defeat in World War II, the tenth anniversary of the Great Hanshin-Awaji Earthquake, as well as the tenth anniversary of Aum Shinrikyo’s sarin gas attack on the Tokyo subway system.

At 5:46 on the morning of 17 January 2005, the time that the earthquake occurred ten years previous, a number of memorial services were held for the victims. At the departure ceremony for the “1.17 Hyogo Memorial Walk,” “memorial lights,” brought from eleven earthquake-stricken cities and six towns were brought together in the ceremonial hall in Kobe, then participants in the “Memorial Walk” took the light to the other sites for the memorial ceremony. Those who joined the “Memorial Walk” departed from four different locations and walked along the Yamate Kansen Road, designed as an escape and rescue route in emergencies, to HAT Kobe, the main site of the memorial service. The purpose of the walk was to have the participants relive the aftermath of the Great Earthquake, which paralyzed transportation in Kobe, and to convey to future generations the experiences of, and lessons from, the earthquake. Some

four thousand people joined the “Memorial Walk” and walked up to fifteen kilometers.

Victims of the Aum affair also took a memorial walk, but it was a very different affair. On 19 March 2005, one day before the tenth anniversary of the sarin attack, the “Memorial Walking Care,” sponsored by the Recovery Support Center, a non-profit organization that has offered medical support for the victims, was held. 110 victims and their families walked from Kodenmachi to Tsukiji. The average age of the participants was 61. They made floral tributes at the following subway stations: Kodenma-chō, Hachōbori, Tsukiji, Kasumigaseki, and Kamiya-chō.

Although numerous disasters, accidents, and problems arose at home and abroad, the memorial services related to these incidents attracted much attention last year. Especially the derailment at Amagasaki in Hyogo Prefecture on the JR Fukuchiyama line on 25 April was a terrible disaster that killed 107 passengers. The bereaved were emotionally hurt by JR’s lack of consideration; for example, the company initially set up a table for offering flowers in a place the bereaved were not allowed to enter; moreover, the company was going to hold a memorial ceremony at a gymnasium which had been used as a mortuary for the victims. There has also been no movement on the building of a monument to the victims, which JR has promised to erect.

While many memorial services have been celebrated in various regions of Japan, it is also worthy of note that some memorial monuments have been damaged and vandalized. On 26 July 2005, a security guard at the Hiroshima Heiwa Kinen Koen (Hiroshima Peace Memorial Park) found that the Cenotaph for Atomic Bomb Victims had been vandalized. On the next day a member of a political association in Hiroshima turned himself in to the Hiroshima Chuo Police Station and was arrested. While the cenotaph says “Rest in peace, for we will never repeat the mistake,” the man did not like the word “mistake” and attempted to chisel it off, police said. On 18 June, in Mugonkan, an art museum in Ueda, Nagano Prefecture, which exhibits paintings of students who were killed in World War II, a staff member of the museum found that the monument “Kioku no Paretto” (Palette of Memory) had been smeared with red paint. Police are still investigating the matter.

Moreover, during the course of the past year not only was attention focused on the past, as these various memorial services indicate, but a number of other new issues surfaced to become the center of attention. I will first touch briefly on some of the major issues taken up in last year’s report,<sup>1</sup> I will spend rather more time bringing us up to date on the issue of Prime Minister Koizumi Junichirō’s

1. See Tsujimura Shinobu, “The Marginalization of Religion in Japan Today,” *Bulletin of the Nanzan Institute for Religion & Culture* 29 (2005): 27–41.

visits to Yasukuni Shrine, and then turn to the new issue of constitutional revisions.

### **Kōmeitō, Sōka Gakkai, and the Elections for Both Houses of Parliament**

Voter turnout for the Forty-Fourth General Election, held on 11 September with the privatization of the post office the main point of contention, was 67.5% for single seat districts and 67.4% for the larger districts, more than seven points higher than the turnout for the previous election in 2003, and the highest turnout since the present system of single seat districts and larger districts was introduced. The LDP captured a total of 296 seats, well above the 269 seats they needed to form a stable government, and with their coalition partner, the Kōmeitō, they controlled more than two-thirds of the seats in the parliament, a huge victory. However, while the Kōmeitō received more votes in the larger districts than it ever had before, they dropped three seats from their pre-election total of 34, and there were voices within the party that expressed the fear that they would lose some of their influence within the coalition. There was clearly more cooperation between the two parties for the election. The fact that LDP candidates running with Kōmeitō approval enjoyed victory in almost 80% of the single seat districts where they were running, while those without Kōmeitō backing won in only 29 of 51 districts, for a victory rate of less than 60%, indicates just how important Kōmeitō cooperation was in the election. Exit polls indicated that 72.3% of Kōmeitō supporters backed the LDP candidates in the single seat districts, eleven points higher than in the 2003 elections. On the other hand, 7.3% of LDP supporters voted for the Kōmeitō candidates in the larger district elections, up from 5.9% in the previous elections.

### **A Death Sentence for Asahara**

A death sentence was passed on Asahara Shōkō (Matsumoto Chizuo), the founder of Aum Shinrikyō, now known as Aleph, on 27 February 2004. A psychological exam of the defendant was begun in September 2005, but the conflict between the defendant's lawyers and the higher court continued, with the lawyers refusing to file notice of intent to appeal the case. In the meantime, there was no end to trouble surrounding the religious group, such as the case of injury resulting in death caused by the break-off Keroyon Group mentioned in this report last year. The attempt by the group to sue for release from the surveillance proscribed by the Dangerous Religious Groups Law was rebuffed by the courts in October. With the surveillance scheduled to end in January 2006, a group of thirty-three municipalities throughout the country calling itself the Federation of Municipalities for Countermeasures Against Aum

Shinrikyō (President: Yamada Hiroshi, Suginami Ward President) formally asked the Public Safety Commission on 27 October to extend the surveillance of the group. On 23 January, the Public Safety Committee decided to extend the surveillance on the grounds that the group continues to hold beliefs that could justify murder, and leaders involved in the various crimes committed by the group continue in positions of leadership, specifically mentioning the following points: 1) the absolute influence of Matsumoto is increasing within the group; 2) there are indications that the members of the group are trying to justify the crimes committed by Aum; 3) ascetic practices and rituals to induce mind control are practiced within the group; and 4) there are indications that there is a movement to make Matsumoto a king, and to give Matsumoto's children the right to succession of his kingship.

### Releasing Information of a Religious Corporation in Tottori Prefecture

The problem of the decision by Tottori Prefecture to release information on a religious corporation under its jurisdiction has resulted in a court case brought by the religious group against the prefecture. On 19 May 2005, Nikko-ji, a Nichiren Shōshū temple in Tottori City asked the courts to reverse the decision to make public information provided to the prefecture by the temple, on the grounds that it was inappropriate to make it public, and also asked for an injunction against the prefecture, which was granted by the court on the 27<sup>th</sup>. There has not yet been a ruling on the reversal of the decision by the prefecture. On the other hand, the prefecture has tried to simplify the form used for the mandatory financial reports by religious corporations, but the Education and Science Ministry of the central government has blocked this effort. Although the prefecture has made some efforts at compromise, increasing the number of items that would not be made public, for example, the position of the governor, Katayama Yoshihiro, in favor of releasing the information and skeptical of the central government, has not changed.

### Court Cases Regarding Visits to Yasukuni Shrine

With the 60<sup>th</sup> anniversary of the end of the war in 2005, there was even more interest than usual in Yasukuni Shrine. The book, "The Yasukuni Problem," by Takahashi Tetsuya published in April sold out its complete run of 250,000 copies in only two months. In addition, many other books on the subject, such as "Yasukuni Shrine: What Will Happen to the Memorial to Fallen Soldiers?," by Akazawa Shirō, were published in the months around August. Not only the weekly variety magazines and opinion magazines, but also academic journals such as *Gendai Shisō* published special issues on the subject. On 15 August a

record 205,000 people visited the shrine (Yasukuni Shrine estimate). When you consider that the largest crowd in recent years was 125,000 recorded on 13 August 2001, when Prime Minister Koizumi made his first visit to the shrine after taking over the post of prime minister, we can get some idea of the level of interest in the shrine this year. Many people expected the prime minister to make a visit to the shrine in August this year, in consideration of the 60<sup>th</sup> anniversary of the end of the war and with the elections scheduled for 11 September, but these expectations proved to be off the mark.

The prime minister made his annual visit to the shrine this year on 17 October 2005, the beginning of the shrine's fall festival. Wearing a suit and arriving by official car, the prime minister bowed once before the ceremonial hall, made an offering, put his hands together in prayer, and bowed once again. He did not make an offering for flowers, nor did he pay for the traditional *tamagushi*. In the past when he has made visits to the shrine he has appeared in tuxedo or traditional Japanese dress, he would enter the ceremonial hall and bow before the altar, sign the visitors' book as "Koizumi Junichirō, Prime Minister," and make a donation for flowers from his own money. The fact that he has changed considerably the style of his visits is clearly not unrelated to the current court cases regarding his visits.

As is well known, the prime minister has made visits to the shrine every year since he became prime minister, on 13 Aug 2001, 21 Apr 2002, 14 Jan 2003, and 1 Jan 2004 for a total of four times, and the constitutionality of these visits has been questioned by court cases brought by various groups. The following list summarizes the results of these court cases over the course of 2004 and 2005.

Court	Date	Constitutionality	Character	Compensation
Osaka District	27 Feb 04	No decision	Public	Denied
Matsuyama District	16 Mar 04	No decision	No decision	Denied
Fukuoka District	7 Apr 04	Unconstitutional	Public	Denied
Osaka District	13 May 04	No decision	Private	Denied
Chiba District	25 Nov 04	No decision	Public	Denied
Tokyo High	29 Sept 05	No decision	Private	Denied
Osaka High	30 Sept 05	Unconstitutional	Public	Denied
Naha District	28 Jan 05	No decision	No decision	Denied
Tokyo District	26 Apr 05	No decision	No decision	Denied
Osaka High	26 July 05	No decision	No decision	Denied
Takamatsu High	5 Oct 05	No decision	No decision	Denied

What is worthy of note is the three decisions made by the high courts in September and October. The decision by the Tokyo High Court on 29 September notes that, “The visit does not leave the boundaries of a private act,” removing the grounds to the plaintiff’s claim of unconstitutionality, thus denying the plaintiff’s claim without actually addressing the constitutional issues. The following day, on the 30<sup>th</sup>, the Osaka High Court decided the visit was unconstitutional, the first time a high court had made such a ruling. Now it is not only the lower courts that are divided on the issue, but the higher courts as well. The third ruling by the Takamatsu High Court did not decide either the issue of the public or private nature of the visit, or the issue of constitutionality. Thus, while compensation was not granted to the plaintiffs in all of these cases, there is division in the courts regarding the other issues involved. Let us take a closer look at the Osaka High Court decision.

The decision of the Osaka High Court that the visit is unconstitutional is based on the precedent of the “Tsu Jichinsai Case.” In the Tsu Jichinsai Case, the issue of whether the use of public funds to pay for a *jichinsai* (ground-blessing) is against the principle of separation of state and religion was at issue. The Osaka High Court used the “standard of purpose and effect” proposed by the 1977 ruling by the Supreme Court, and determined that visit by the prime minister to Yasukuni Shrine was a public act, focusing on whether “this act by the state has religious meaning, and has the effect of supporting and promoting, or repressing and interfering in religion,” in order to come to a decision. In its ruling, the court decided regarding the purpose of the visit that, “One does not have to visit Yasukuni Shrine in order to pray for the war dead, and in its essence, with reverence paid before the altar, it is an act with very strong religious significance.” Furthermore, “since it is carried out despite strong censure both at home and abroad, the purpose of the visit is firm,” and therefore the prime minister’s visit “gives normal people the impression that the nation gives special support to Yasukuni Shrine, and that the shrine has a different, special status than that of any other religious group,” and is thus unconstitutional. However, the ruling does not recognize that this causes any disadvantage to the plaintiffs, and thus the demand for compensation is denied. Since this ruling by the Osaka High Court was not appealed by the plaintiffs, it became final on 17 October. Regarding the decision not to appeal, the plaintiffs issued a public statement to the effect that, “We respect the decision of the court that the visit is unconstitutional. Prime Minister Koizumi should take this ruling to heart, and refrain from such actions in the future.”

Although both the Fukuoka District Court and the Osaka High Court decided that the visits are unconstitutional, the decisions themselves were a defeat for the plaintiffs. Therefore, while the defendant may not agree with the decision that the visits are unconstitutional, the defendant has no grounds to

appeal the decision. This has led some academics and some in the media to describe these decisions as “twisted rulings.”

In regard to past appeals, there is the example of the “Iwate Yasukuni Case.” In this case, some citizens sued the Iwate Prefectural Assembly, saying that the request made by the assembly that the Prime Minister and other cabinet members make public visits to the shrine was unconstitutional, and that funds used in making the request should be returned. While the Sendai High Court rejected the claim for compensation, it did rule that public visits to the shrine are unconstitutional. This is similar to the ruling by the Osaka High Court. In the “Iwate Yasukuni Case” as well, since the prefectural assembly won the case there were no grounds to appeal the ruling, but at the direction of the LDP, the local party and prefectural assembly nonetheless took action to appeal the ruling. In 1991, the Supreme Court ruled that “there is no advantage to the appeal,” rejecting their efforts. Thus, while the prefecture and prefectural assembly tried to appeal all the way to the Supreme Court, the ruling became definitive in the same year.

In the Tokyo and Takamatsu cases, where there was no ruling on the constitutional issues, the plaintiffs are expected to appeal the rulings, and there is a possibility that the cases could go all the way to the Supreme Court. We will have to wait to see whether the Supreme Court will make some decision on the issue.

Incidents such as a man breaking into the Amida Hall of Nishi Hongan-ji and spreading kerosene in “protest to the fact that Nishi Hongan-ji is against visits by Prime Minister Koizumi to Yasukuni Shrine” indicate that in fact Yasukuni Shrine does enjoy special status, as the Osaka High Court pointed out. And there are also other issues that remain unnoticed. The issue of building a non-religious “National Memorial for the War Dead” is one of these. Although the “Association for a National War Memorial,” (Yamazaki Taku, former vice general secretary of the LDP, chairman) composed of parliamentarians from the LDP, Kōmeitō, and the Democratic Party of Japan called for the construction of such a memorial in Nov 2005, the prime minister ignored their advice and did not include any money to study the construction of a memorial in the 2006 budget. This means that no money will be provided for the project while Mr. Koizumi remains as prime minister. No doubt, the negative stance of the prime minister also reflects the position he gives Yasukuni Shrine.

Whether it is a decision by the Supreme Court or the construction of a nation memorial, debate regarding Yasukuni Shrine cannot be avoided. However, the issues are very complicated, including the way that the shrine acts as a kind of “emotional alchemy,” changing the grief of the families who have lost loved ones in war into a badge of honor, and it is clear that it will take some time before a solution can be found.

## Revising the Constitution

As the movement to revise the constitution speeds up, controversy has centered on Article 9, the renunciation of war and of the right to wage war.

In the religious world, in January the “Article 9 Association of Religious People of Osaka” was formed as a cooperative group to the “Article 9 Association” founded in June 2004, and on 15 April 2005 the “Article 9 Circle of Religious People” was formed. As the five people chosen to lead the “Article 9 Circle”—Muranaka Yūshō, former president of Taishō University; Yamamoto Toshimasa, General Secretary of the National Christian Council in Japan; Miyagi Tainen, Director of the Honzan Shugen Sect; Fujii Yasuo, Director of the Konkōkyō Heiwa Katsudo Center; and Matsuura Goro, auxiliary bishop of the Catholic Osaka Diocese—indicate, this is an ecumenical organization.

The founding of the “Article 9 Circle” is related to the adoption the same day of the final report by the Joint Constitutional Study Group of both houses of parliament. The contents of the final report were known beforehand, and they included the majority opinion that Article 9 should be changed to include “the recognition that minimum force can be used in the exercise of the right to self defense,” and “the nation should participate in collective security activities of the UN, not limited to non-military activities.” In addition, under the heading of “Future Discussion on the Constitution,” the report called for the permanent establishment of the Constitutional Study Group, giving it the authority to “study and draft” a law for a national referendum to revise Article 9. The “Article 9 Circle” expresses the position of religious people opposed to revising the constitution, and at the occasion of a symposium held on 5 November in Tokyo, about three hundred religious people participated in a march to “Let Article 9 Shine Forth.” Circles were also formed in Hiroshima and Nagasaki, the “Hongan-ji Association for Article 9” and the “Osaka Christian Association for Article 9” were formed, and the Hongan-ji Otani-ha and Honzan Shugen Sect adopted resolutions at their meetings in June opposing the revision of Article 9.

In the midst of this activity, the Constitutional Study Group (Rikihisa Ryūseki, Patriarch of Zenrinkyōo, chairman) of the Federation of New Religious Organizations of Japan, which had been meeting monthly to discuss constitutional revisions, announced the results of a survey of political parties regarding Article 9 and Article 20 (religious freedom, separation of state and religion) sent to the LDP, the Democratic Party of Japan, Kōmeitō, the Communist Party of Japan, and the Japan Socialist Party on 16 August, the day after the commemoration of the end of the war, as well as the day after parliament was dissolved.

The results of the survey revealed that the Communist Party and the Socialist Party were clearly opposed to the revision of Article 9. On the other hand, the



LDP explained that they “supported the spirit of Section 1 and at the same time will make efforts to work positively for peace in international society,” and that revisions should “include rules for the maintenance of self defense forces, with the prime minister as commander in chief and democratic civilian control.” While the Democratic Party of Japan said that “the spirit of the prologue and Article 9 should be maintained,” they add that “the right to self defense must be made clear.” The Kōmeitō said that, “while preserving Section 1 and Section 2, we will explore the arguments for ‘additions to the constitution’ regarding the existence of the Self Defense Forces and contributions to international peacekeeping.” Thus, it can be said that the LDP and the Democratic Party of Japan have taken the position that revisions must be made regarding the right to self defense, while the Kōmeitō’s position also allows for such revisions.

Regarding Section 3 of Article 20 (which states that the State and its offices are not allowed to be involved in religious education or any other religious activity), the LDP said that, “As long as it is within the boundaries of social rituals and conventional or cultural activities, the state and local governments should be allowed to participate in certain religious activities,” while all of the other parties state that the principle of separation of state and religion propounded in Section 3 must be strictly maintained. We can see here that the political parties must constantly be aware of the court cases regarding the *jichinsai* and visits to Yasukuni Shrine, and that these are serious problems.

While the Constitutional Study Group of the Federation of New Religious Organizations of Japan did not give its own opinion regarding the results of the survey, the fact that the results of such a survey were made public just before the elections for parliament indicates that they had the intention of furthering debate on the issue of constitutional revisions, especially regarding Articles 9 and 20. While we cannot say whether the study group was successful in fulfilling this purpose, it is certain that there is a great deal of interest in the religious world in Japan regarding revisions to Articles 9 and 20, including the Shinto Political Federation, which is in favor of constitutional revisions.

[translated by Robert Kisala]