

# RELIGIOUS ISSUES IN JAPAN 2009

## Religion and Society in Contemporary Japan

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**I**N THIS REPORT I will take up various incidents and issues related to “religion” and “society,” from the issue of religion and politics, the problem of inactive religious legal bodies/organizations, to the controversy over the involvement of religious persons in the new trial-by-jury system.

### Politics and Religion: The 45<sup>th</sup> Lower House General Elections

First let us confirm the relevant passages from The Constitution of Japan:

Article 20, clause 1: “Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.”

Article 89: No public money or other property shall be expended or appropriated for the use, benefit, or maintenance of any religious institution or association, or for any charitable, educational, or benevolent enterprises not under the control of public authority.

Imagine if a religious corporation were to start up a political organization and announce without hesitation the unity of politics and religion. What if that political organization became a “political party” and began paying and receiving political contributions? Or if it began to call for constitutional reform, presented its own draft of a new constitution, and this issue was debated widely in society? What would we do?

*Problems Posed by “The Happiness Realization Party” (Kōfuku Jitsugentō)*

“The Happiness Realization Party has nothing to hide. It’s a genuine religious political party!”

There was no wavering from the start. A leader used these words during the “The Happiness Realization Party Founding Statement” firstly to believers in publically announcing the formation of the party on 10 May at the Hibiya Kōkai Hall, Tokyo.

In May, the religious corporation Kōfuku no Kagaku (“Happy Science” [official English title]; led by Ōkawa Ryūhō) formed the political organization The Happiness Realization Party, thus declaring its entry into the political arena. Although the party backed 337 candidates (including Ōkawa himself), a number that surpassed even those put up by the Liberal Democratic Party and the Democratic Party of Japan, all candidates failed in their election bids.

Taken at face value, there seems to be nothing left to discuss. None of the ten candidates was elected in the Tokyo Municipal elections of 12 July; none was elected in the Sendai mayoral elections of 26 July or in the Upper House by-elections in Kanagawa and Shizuoka on 25 October. This makes for a total of three-hundred-fifty (350) defeats and no victories. Despite this outcome, surely the formation of The Happiness Realization Party should be considered as the most significant “religious incident” of the year, if we consider not only its impact but also the problems and implications for the issue of “politics and religion” in general.

One major characteristic of The Happiness Realization Party is their claim to support the unity of politics and religion—the hope of realizing a society founded on religious principles and the notion that religion and politics should play complementary roles. In his 30 April sermon entitled “Declaration of The Happiness Realization Party,” which triggered this move into politics, Ōkawa made the following statements:

[the line from Article 20] ‘Freedom of religion is guaranteed to all’ is enough. [The clauses following clause 1] were formulated with State Shinto in mind.... The tasks of religion and politics are not separate but rather they overlap.... The two cannot be separated, they have a

complementary relationship. (*Declaration of The Happiness Realization Party*, 2009)

Furthermore, on 21 June, in the morning editions of the *Yomiuri* and *Sankei* newspapers the group published full-page advertisements of a “Draft of the New Constitution of Japan” (16 articles), part of which is excerpted below:

Preamble: We, the citizens of Japan, firmly believe in the minds and spirits of the gods and buddhas. We aim for the peace, development, and prosperity of Japan and the entire planet. In declaring that our essence as the children of the gods and buddhas is the foundation of human dignity, we hereby enact this New Constitution of Japan.

Article Two: Freedom of religion is guaranteed to all.

Article Fourteen: We revere the Emperor System and other cultural traditions.

In other words, as these clearly indicate, the party’s view of the unity of politics and religion and “a religious political party” is ideologically-driven and is a fundamental criticism of the current Constitution. In response, is it not valid to raise questions such as “is this unconstitutional,” or “does this not impinge on the separation of church and state?” I believe these concerns do arise.

Furthermore, in the case of The Happiness Realization Party, as its parent body is the religious corporation Happy Science, the concerns are not limited to problems of an organizational or financial nature. It is necessary to point out *the influences of this religious world view*. In concrete terms, it must be pointed out that the decisions over matters such as political policy are based on “spiritual messages” from high-level spirits.

Since the religion’s founding in 1986, one of its “characteristics” has been the various spiritual messages and directives Ōkawa claims to have received from various “high-level spirits” (for example, Nichiren, Jesus Christ, Amaterasu Ōmikami, Sakamoto Ryōma, Confucius, and so on). From 1994, these spiritual messages were concealed as “expedient means” (*hōben*). However, around the time of this foray into politics, the spiritual messages that followed came to the foreground. For example, according to an interview with President Obama’s guardian spirit, America’s aim to “do away with Japan and choose China” is endorsed, and a dialogue with Kim Jong-il’s guardian spirit reveals the true intention of an “invasion of Japan.” All the protective spirits of the heavenly world—including Kong Ming, Jesus Christ, and Moses—ostensibly have agreed to support The Happiness Realization Party. Also, while it is necessary to consider what all the policies and statements reflect, the messages from Sakamoto Ryōma’s spirit recommend that “Japan should make nuclear weapons” and

“Japan should make domestically-produced defensive weapons” (*Messages from Ryōma*, 2010).

Readers may wonder why the details of this fringe organization should be considered at all when at the elections it decisively came in last place in most constituencies. If we look at the results of the Lower House elections, tallying up all the proportional block votes, it received a total of 459,387 (0.65 percent) votes. In the single-seat constituencies, 288 candidates received 1,071,958 votes (1.58 percent). The Happiness Realization Party, it should be noted, is currently a “political organization” yet it does not meet the conditions of a “political party” under the Public Office Election Law, Political Party Subsidies Act, and the Political Funds Control Act (which states that a political party should have at least five members of parliament or have gained at least 2 percent of the vote nationally in a recent upper or lower house election of either proportional or single-seat constituencies). However, with 140,000 votes it became—in the public eye—a “political party,” gained some public recognition, and received political party subsidies (strictly speaking, according to the Political Party Subsidies Act, it should have national politicians in the party). This is something that should not be overlooked. It can be said that in the 2009 Lower House election, the media hardly touched on the issue of the problem of the separation of politics and religion. The party has already announced its intention to field fifty candidates (forty-seven in single-seat constituencies and three in proportional representation constituencies) in the Upper House elections scheduled for 11 July 2010. The question is whether people should suddenly start thinking about taking some action after this party has reached a certain size or not. In matters concerning politics and religion, we can say that this is a problem that religion demands of society.<sup>1</sup>

### *The New Komeito, Religious Circles, and Politics*

Since joining the government coalition with the Liberal Democratic Party (Jimintō) and the Liberal Party (Jiyūtō), this has been the most turbulent period for the New Komeito (Kōmeitō) since it became part of the ruling coalition ten years ago. In the Tokyo City elections of 12 July, which was seen as a preliminary skirmish to the general election, all twenty-three New Komeito candidates in twenty districts were elected (with a total of 743,427 votes), and it appeared that the party continued to have rock-solid support. In the Lower House elections, however, although twenty-one candidates were elected in the proportional rep-

1. Regarding the process of development of Happy Science from its establishment until the present day, including the 2009 elections and details of the results, see Tsukada Hotaka, 「変貌する「幸福の科学」の今昔—政治進出までの二三年間とその国家観」 (The then-and-now of the transforming Kōfuku no Kagaku: The twenty-three years up to its foray into politics and its view of nation-state), in *Sekai* (September 2009).

resentation constituencies with a total of 7,889,678 votes (at the previous election twenty-three were elected), in the single-seat constituencies, all eight candidates lost, including the party's leaders, chief representative Ōta Akihiro, its secretary general Kitagawa Kazuo, and Fuyushiba Tetsuzō, former minister of land, infrastructure, and transportation.

On 8 September, after Ōta accepted responsibility for the defeat at the Lower House elections, the party's policy chief Yamaguchi Natsuo assumed the position of chief representative. It is reported that New Komeito then distanced itself from the Liberal Democratic Party and moved closer to the Democratic Party of Japan (by reaching agreement on policy matters and holding a press conference with the party's Ozawa Ichirō, and so on). On the other hand, for a number of years the Democratic Party of Japan has viewed the relationship between New Komeito and the Soka Gakkai as problematic. On 3 December 2009, like-minded representatives of the Democratic Party of Japan began a "religion and democracy research group." Both these developments deserve further attention.

This Lower House election has drawn attention to the activities of the religious world. For example, many conservative members who stood for constitutional reform and were supported by the Shinto Political League and the Japan Conference lost their seats. According to *Shūkan Daiyamondo's* 12 September special issue, the forthcoming election will be a "religious battle" between Soka Gakkai (Liberal Democratic Party, New Komeito) and Risshō Kōseikai and other members of the Federation of New Religious Organizations of Japan (Democratic Party of Japan). As there is a difference between an electoral victory obtained through using an organizational administration that is set up to support elections, and one obtained through straightforward electoral support, this situation warrants close inspection. In any case, this will provide a chance to examine the social impact of the religious groups and expose their political aspects in particular.

In addition, the close relationship of The Holy Spirit Association for the Unification of World Christianity (Unification Church) and the Democratic Party of Japan came under scrutiny during the Lower House elections. In the past, it was said that the Unification Church had connections to the Liberal Democratic Party, but recently its proximity to the Democratic Party of Japan has become apparent, particularly with the Unification Church offering campaign workers and office administrators, and the subsequent arrests for election abuse that followed. In September, Osaka police searched ten offices of the Unification Church and the International Federation for Victory Over Communism, arresting its bureau chief (*Shūkan Shinchō*, 22 October 2009; *Shinbun Akahata*, 5 January 2010). There are concerns, however, that official investigations of the Unification Church's practice of *reikan shōhō* (coercing people to buy "spiritual

goods” at exorbitant prices) will be influenced by the Unification Church’s political connections.

Furthermore, just to briefly mention another news item, in February (2009) before the Lower House election, the Liberal Democratic Party’s politician Iwanaga Mineichi received a political contribution of 60 million yen from Shinji Shūmeikai without recording it on his income and expenditure report. He is the Director of that organization’s Shūmei Culture Foundation, and his elder brother was on its staff. Iwanaga announced his retirement from politics in September 2008 and his third son was due to inherit his position, but he withdrew his candidacy after the problem came to light.

### **Aum Shinrikyō and its Successors**

The year 2009 marked the twentieth year since the murder of lawyer Sakamoto Tsutsumi and his family in 1989, and the fifteenth year since the Matsumoto sarin incident in 1994 (2010 marks the fifteenth year since the subway sarin incident). While there are efforts to comprehend and come to terms with these incidents and sort out the memories to gain some distance from the events, we have not yet weathered the storms nor resolved the problems associated with them. Events of 2009 encapsulated these issues.

For leaders of the group, the series of court cases are coming to an end. The Supreme Court took the following actions:

- ⊙ On 20 April it rejected the appeal of Sugimoto Shigerō (who was charged with transporting those carrying bags of sarin in the sarin subway incident, murdering believers, and other crimes; he received an indefinite prison term at the first and second trials). It imposed an indefinite prison term.
- ⊙ On 17 July it rejected the appeal of Hayakawa Kiyohide (charged with seven crimes including the Sakamoto family murders; he received the death sentence at his first and second trials) and imposed the sentence of the death penalty on 31 July.
- ⊙ On 6 December it rejected the appeals of defendants Toyota Tōru and Hirose Ken’ichi and sentenced them to receive the death penalty on 1 December (both were charged with distributing sarin gas in the subway incident and were sentenced with the death penalty in their first and second trials).
- ⊙ On 10 December it rejected the appeal of defendant Inoue Yoshihiro (charges include the sarin subway incident, beating and killing followers, the confinement and death of the chief of the Meguro notary office; received the sentence of the death penalty at his second trial).

On 12 January 2010 he was sentenced to receive the death penalty. At his first trial he was judged to be a supporter after the fact, or a communications coordinator in the incidents.

- ⊙ Finally, on 19 January 2010 the Court rejected the appeal of Niimi Tomomitsu (charged with the sarin subway incident and the murder of the Sakamoto family, among other crimes; he was sentenced to receive the death penalty at the first and second trials). On 16 February he was sentenced to death.

Furthermore, over three years have passed since Matsumoto Chizuo (Asahara Shōkō) received the death sentence in September 2006. Since the Democratic Party of Japan assumed government in September 2009, carrying out the sentence has become complicated, meaning this question will receive further attention.

Next, we turn to the actions having to do with the organizations that followed from Aum. In January the Public Security Examination Commission decided to extend for the third time (for a period of three years) surveillance of Aleph and The Circle of Rainbow Light (*Hikari no Wa*) under the Organization Regulation Law. On 8 July Aleph launched a case in the Tokyo District Court seeking dissolution of the surveillance order arguing that it was unjust. It stressed that “the organization led by the death row inmate Matsumoto Chizuo no longer exists [and] it is a mistake to identify Aleph as the target of such surveillance.”

This year also saw the second revision of the Organization Regulation Law (enacted in 1999 and revised every five years), upon which the surveillance order is based. After receiving a number of applications from local municipalities that have branches and facilities of the group, on 15 December 2009 Justice Minister Chiba Keiko announced an extension of the policy saying that “the conditions concerning Aum are still dangerous.”

On 18 December, the Public Security Intelligence Agency announced its report “2009 Domestic and Foreign Conditions in Retrospect and Forecasts.” According to the report, domestically there are approximately five hundred live-in communal followers (about fifty of these belong to The Circle of Rainbow Light) and approximately one thousand followers living at home (with about one hundred and fifty of these belonging to The Circle of Rainbow Light). On the other hand, Aleph is attracting new adherents using SNS (Social Networking Services) and in 2009 drew in over one hundred people, mainly youths.

There were new developments for the victims of the Aum incidents. It has been three years since the organization’s application for bankruptcy was completed, and in December a meeting of creditors was convened at the Tokyo District Court (the bankruptcy administrator is lawyer Abe Saburō).



On 18 December 2008 the Law to Aid the Victims of the Crimes of Aum Shinrikyō was enacted and prefectural and city governments throughout the country began receiving applications for benefits. According to the National Police Agency's data on victims, the number of eligible applicants in all thirty-eight prefectures and cities could reach approximately six thousand six hundred. On 16 December 2009, the National Police Agency tabulated the situation concerning applications of those seeking benefits in the year since the Law was enacted. Of the applications, 5259 (approximately 80 percent) were completed, and 4624 (around 70 percent) received a total of 2,195,000,000 yen. The application period ends in December 2010.

Also, together with the aid provided for under the law, the "Organization to Support Victims of the Crimes of Aum Shinrikyō" (whose director is lawyer Utsunomiya Kenji) is taking charge of the remainder of debt recovery. On 6 July, The Circle of Rainbow Light agreed to pay in yearly installments compensation to the unpaid victims of a series of Aum-related incidents, deciding on a figure of 8,000,000 yen for 2009. It was decided that subsequent payments will depend on the financial situation of the group.

Apart from these issues, during the period a number of former leaders received more media exposure. Leading the field of magazines that came to be a boom on "special issues on religion," *Shūkan Daiyamondo's* 12 September issue published a full-page interview with The Circle of Rainbow Light's leader Jōyū Fumihiro titled "Escaping Asahara's Influence." In this he stated that "The Happiness Realization Party has the same atmosphere as Aum did." He went on to say:

Even if Asahara Shōkō is put to death, The Circle of Rainbow Light is not going to charge off and commit dangerous acts. But in terms of Aleph ... it's possible that some believers may commit suicide. In order to prevent that, I hope that appropriate action is taken toward Aleph's leaders.

Also published in September was *Gakken's* "Illustrated Religion and Incidents" volume, which ran an interview with former Aleph leader Noda Naruhito. Since being expelled from Aleph, Noda has been involved in support activities for the homeless and the unemployed. In addition, in March 2010, *Saizō* published "Revolution or War: Aum was the Alarm Bell of Global Capitalism," which compared global problems with the Aum situation.

On 31 July, a discussion entitled "Is this Situation with Religion and Politics Really OK?" was held at Shinjuku Loft Plus One. Participants included writers, former members of the Sōka Gakkai and the Komeito, a former leader of Happy Science, in addition to the vice-chief of The Circle of Rainbow Light Hirotsue Akitoshi (who was the legal affairs chief during the Aum/Aleph era).



He summed up the situation as follows: “At that time we acted as if Aum was the salvation from Armageddon” and “we moved from delusions of grandeur to delusions of victimhood, and then began building up weapons.”

In February 2010, the vice chief of The Circle of Rainbow Light’s publicity department Munakata Makiko published *Twenty Years from the Age of Twenty: Overcoming the Abyss of “Aum Adolescence”* (Sangokan).

Coming to terms with the Aum affair and considering the return into society of former believers is extremely important. If the proceeds from manuscript payments, book royalties, and appearance fees go towards compensation for the victims, this is one way of aiding them. However, it is impossible not to feel uneasy about this. One reason is the continued surveillance. Another is that on the one hand the media appropriates the statements of these “former leaders” and presents them as if they are intended to “lure in new members,” while on the other hand the organizations that appeared after Aum are using them to show their survival and reincarnation. It is these new developments that may require further attention.

## The Problem of Inactive (or Inoperative) Religious Organizations

An article begins:

It was the beginning of the year and the New Year’s festivities had still not worn off when I heard that there was a god with odd-colored hair in Marugame City, Shikoku. Uchū Shinri Gakkai had just become a religious organization that autumn, in 1983.

The founder of this religious group spoke eloquently to a reporter:

Human beings are living things that are controlled by their prejudices, convictions, and habits. The kinds of people that come here are affected, in a bad way, by these three aspects. When things are looking good, no one thinks of relying on religion. My role is to break that vicious circle, draw out that hidden potential, and to guide these people to change their way of living in a positive direction.

The passage above was part of a serialization in the *Asahi Shinbun* titled “Minor gods of the present-day” (Current Affairs Division, Asahi Newspaper Company, 1984) that contributed to creating society’s image of the so-called “new new religions.”

Only twenty-five years since that series was published came an unexpected report on the above-mentioned religious group, Uchū Shinri Gakkai, which was taken up in the series along with other religious groups such as Reiha no Hikari Kyōkai, Ōyamanezu no Mikoto Shinji Kyōkai, and Taiwa Kyōdan.

It was discovered on 9 June that Uchū Shinri Gakkai, which operates at least twenty-three “love hotels” in Nagano Prefecture and the Chūbu region, was identified by Kanto-Shinetsu Regional Taxation Bureau as having unreported income of around 1.4 billion yen. About forty percent of the revenue taken for a “brief rest stay” or an overnight stay was treated as tax exempt for charity. There is a statue of Kannon at the entrance of the Hotel Ox in Nagano City, and the rooms have a sign stating “Please donate to the underprivileged children of the world.” Of the ¥5500 charged for an overnight stay, according to the hotel, ¥2000 is given to charity.

The organization Uchū Shinri Gakkai was established in Kagawa Prefecture in September of 1983, but at present there is no trace of any of their religious activities. They appear to have been inactive since at least 1994, and a man from Nagano Prefecture became their representative (perhaps they were bought out), and then following that, in 2000 leadership passed to the current representative, a man who resides in Nagano Prefecture. The main operator of the hotels is the Chairman of Kinoko Manufacturing Sales Company in Chikuma City, Nagano Prefecture. The man representing the religious organization stated that he only lent the name, that he received remuneration of ¥50,000 a month, that he was not a believer of the religion, and had no idea that the organization was operating hotels.

It is surprising that many of the “minor gods” have become inactive religious organizations (and the newspaper in question, the *Asahi*, is not reporting on this). Two points are worthy of attention.

First, this state of affairs was discovered through an investigation by the National Tax Bureau, and the authorities with jurisdiction—the Religious Affairs Division of the Agency for Cultural Affairs and the General Affairs Department of Kagawa Prefecture—remained one step behind. Second, coupled with the first point, the fact that a religious organization was managing “love hotels” was not questioned. Rather, they were instructed to calculate the “charity” as part of the organization’s operating profits (to be taxed at 22%, rather than the usual 30%; in addition, 20% of the income was to be considered as “donations”).

If we delve a little further, the shadows of inactive religious organizations and other inoperative organizations can be seen here and there. I will highlight a few more cases here.

An incident occurred at the former Sugaya Clinic in Yokohama City in which money for medical examinations was dishonestly demanded. On 5 December 2008, Kanagawa Prefectural police seized the medical records of over ten thousand patients from the warehouse of the religious organization Uchū Kyōdan Nishiki Kyōkai. The organization’s acting representative, the chairman of the Tendōkai medical organization that was running the clinic, was arrested on suspicion of fraud. In order to protect assets connected to this fraud, in 2005 the

suspect procured an old Japanese *ryōtei* restaurant in Yokohama city through the introduction of a former member of the Lower House of the Diet.

In January, the former president of a real estate company was arrested by a special investigative division of the Tokyo District Public Prosecutor's Office due to land speculation and redevelopment in Shibuya Ward, Tokyo. A huge amount (roughly 1.752 billion yen) of corporate income was concealed for tax evasion purposes. Apparently the suspect was involved in the real estate dealings of the Shinto religious organization Daiwa Kyōkai (established in 1975 in Ōno City, Gifu Prefecture). The suspect acquired the inoperative organization, and became its representative in 1995. He completed the business transactions and claimed: "Daiwa Kyōkai was behind this. They are an ethical religious organization with money."

In April 2007 in Fukuoka Prefecture, there was a conspiracy between friends who created a fictitious record of proceedings connected to the selection of the head of the representatives of an inoperative temple in Chuo Ward, Fukuoka City, and registered this forged document at Fukuoka Legal Affairs Bureau. On top of that, in December of the same year the ownership of one part of a temple's land was transferred illegally to a "paper company," and from 2008 through 2009, five former members of the religious organization Yasaka Shrine (in Kitakyūshū City, Fukuoka Prefecture) were arrested and indicted. In April the head of the Seidōkai crime syndicate of Kyūshū was arrested as he was connected to the plot of land (the case was eventually dropped).

In September in Kanazawa City, it was reported that a religious man sold an ornament (as an "object of worship") containing his own DNA information in a microchip for one million yen. The sale was not reported, and the Kanazawa Regional Taxation Bureau found that he had hidden roughly one billion yen in earnings. As if that was not enough to surprise everyone, the same individual planned to purchase a religious organization from around spring of 2006, incorporating a name and making a bank account, and even though still in the negotiation stages at that time, money was transferred to the account, and he pretended that this was for charity and therefore tax-exempt. Finally, in April 2008 in Hakusan City, Ishikawa Prefecture, the same man bought the temple Kanshinji for ten million yen and assumed the position of representative. The temple had received its legal status from the Ōtani sect (of Shinshū) in February 1953, but it burnt down completely in 2002, then became inoperative, and in 2003 separated from the Ōtani sect.

On 1 October 2009, Hyogo Prefectural Police arrested three male representatives of the religious organization Hōonji at its headquarters in Matsuyama City, Ehime Prefecture. They were arrested on suspicion of extortion of Nishinomiya city workers, with suggestions of connections to right-wing groups because Nishinomiya City was opposed to the continuing construction of a charnel

house in an urbanization-restricted area of the city. One of the three men operated a shipping company from the same place, but the idea of holding memorial services for those who had been killed in war came up, and in May 2004, he took over this inactive religious organization from his relatives. It appears that the organization, a part of Shinto, was named Meiji Kyō Awashima Church, and it was included in the Tōji Shingon Shū organization in the *Religious Almanac*. At present, it has about eighty believers, but local residents claim that it does not appear to carry out any religious activities.

Of course, the background to each of these individual cases is different, but even so, it appears that something is going on with these inactive and/or inoperative religious organizations. It could be said that these inactive organizations serve as a breeding ground for religious “incidents” and illegal acts.

The central authority concerned with these matters, the Religious Division of the Agency for Cultural Affairs, is also taking the matter seriously. *The Manual on Policies for Inactive Religious Organizations* was published in 2007, then the *Collection of Cases on Policies for Inactive Religious Organizations* (2008, used by the government office that has jurisdiction), and in March, the *Collection of Cases on Policies for Inactive Religious Organizations* (for use in the inclusion of religious organizations). These publications are meant to appeal to large organizations to quickly detect and deal with inactive religious organizations. In the manual, of 183,000 religious organizations, roughly 3% (or just under 5,000) are inactive, and of these about 80% belong to large organizations. Their corporate status is being bought and sold, and the Religious Division of the Agency for Cultural Affairs is guarding against the avoidance of taxes through means such as abuse of the tax-exemption system and the borrowing of names for cemetery businesses. However, this “appeal” and the steady manner of dealing with the situation has reached its limit. The reality is that within local governments the lone person dealing with these organizations must deal with thousands of cases.

It is also necessary to look at past cases to understand the meaning of a “breeding ground for religious incidents.”

The religious group Hōjushū Hōjukai appeared in the book *Dictionary of New Religious Organizations and Personalities* (Inoue Nobutaka et al., ed., Kōbundō, 1996), which mentions that the group acquired legal status in 1953. As the founder, Hiraki Tōshihisa, was born in 1947, it would seem that he acquired this legal status when he was six years old. What really happened was that Hiraki began to be active in 1986 using the name Taidō for his group, and at first emphasized that “Taidō is for scholarship and has no connection to religion.” However, in October 1992 Hiraki obtained corporate status as the Kumamoto Higashi Church of Nakayama Shingo Shōshū, then changed the name “Taidō” to “Hōjukai,” and then became independent as Hōjushū. This original organization

had been approved in 1953 (Special Issue on Religious Problems, a supplement of *Consumer Law News*, 2003). Following this, lawsuits demanding damages occurred in several places in Kyūshū from 1996, and in 2004 the Supreme Court awarded total compensation of around 160 million yen. Around the same time, in March 1997, Taidō was disestablished, and integrated into a religious organization (in the end, however, this organization had to pay the compensation). It is still unclear what the internal necessities were for it to become a “religious organization.”

In the 1990s there was a rash of the fraudulent sale of exorcism services and a large amount of financial damage caused by the religious groups Hongakuji and Myōgakuji (Chief Abbot Nishikawa Gishun). Behind all of this was the problem of the buying, selling, and takeover of (inactive) religious organizations. In May 1987 the former (Hongakuji) obtained corporate status as a “branch temple” of the Daigo faction of Shingon Buddhism, but became independent in 1988. The latter (Myōgakuji) was included in the Yamashina faction of Shingon Buddhism in May 1992, but after he became the main representative of this group, the focus of their activity changed to become integrated with Hongakuji (they were ordered to break up in 2002).

Listed in the government’s official *Almanac of Religions* as a Buddhist organization, Kōun no Hikari Seiryūji is located in Sodegaura together with a cemetery. Details are unknown, but apparently a Mr. Ozawa Shigeo, a former Toyoda Shōji salesman, assumed office in 1994 (*Yomiuri Shinbun*, 13 September). Kōun no Hikari was officially a religious organization with its own facilities, so it was charged with violating the special business laws (*tokuteishō torihikihō ihan*) for their so-called “Takashima fortune-telling” activities. Another organization, the “Takashima Fortune-Telling Spiritual Headquarters” (Takashima Ekidan Reishinkan Sōhonbu), was not officially a religious organization, so they were charged with fraud for their practice of charging for prayers and memorial services. The difference here seems to depend on whether or not these were actually religious organizations, and whether or not they had facilities that were being used for religious practices and memorial services.

In short, there seems to be something going on here which cannot be reduced merely to the peculiarities of each individual case. In 2002 Fujita Shōichi had already written about the buying and selling of religious organizations, sounding alarm bells and concluding, “You never know when a cult’s eggs will hatch after it has successfully obtained an inactive organization” (*Shincho* 45, June 2002). The least we can say is that there are major problems in the current system for regulating religion and society.

## The Religious World and the New Trial-by-Jury System

A new trial-by-jury system was introduced in Japan beginning on 21 May 2009. Criminal cases such as murder and robbery involving violence will now be the object of trial-by-jury, including cases that may require handing down a death sentence. Specifically, a six-member jury will be added to the panel of judges. This means that people will be required to pass judgment on other people, including the possibility of making a life-or-death decision. This new system is an attempt to instill more openness through the involvement of ordinary citizens, but it also carries many implications of a religious or spiritual dimension.

As a rule people are not allowed to refuse such jury duty, unless there is some unavoidable or overriding reason. There is no specific reference to allow an exception for religious beliefs or reasons. The “Regulation stipulating overriding reasons for not participating as a juror in a criminal case as prescribed in ordinance 16-8” states that “if there is sufficient reason to recognize that [jury duty will] cause serious physical, mental, or economic damage to one’s self or a third person,” an exemption is possible, but there are no specific details defining what constitutes such “sufficient reason.”

On 20 April the Supreme Court announced a list of cases that could be considered for such exemptions, including farmers during the harvest season, tuna fishermen, professional mahjong players during a tournament, and “monks or priests during the busy *obon* or *ohigan* season or during a period of religious austerities.”

In the following I will take a look at the responses of various religious groups, sects, and organizations, to this new jury system and its requirements.

The Shinto world (including the Jinja Honchō headquarters) urges people to actively participate in this system as a duty for citizens based on the law of the land. However, in light of possible conflict with the “solemn undertaking of religious rites” (*saishi no genshu* 祭祀の厳修), priests are suggested to report their annual schedule of religious rites and duties to the court in advance. Shinto priests are also urged to “organize their thoughts on the basis of their faith in Shrine Shinto with regard to matters such as ‘crime and punishment,’ ‘cleansing and purification,’ ‘salvation,’ and ‘prayer’ while faced with the confrontation of victim and assailant in the courtroom, and reflect deeply on the meaning of ‘judging’ others” (18 May edition of *Jinja Shinpō*).

The sectarian council of the Shinshū Ōtani-ha passed a resolution on 9 June 2009 “requesting a review of the jury system due to opposition to the death penalty.” This resolution reflects the strong opposition to the death penalty within this religious group.

The Honganji-ha of the Jōdo Shinshū, on the other hand, announced that “we would like to examine the situation after the system has functioned for a



while” (24 June edition of *Sankei Shinbun*). It seems that there is no common understanding within the Buddhist world.

Neither are there many strong opinions or clear expressions one way or the other among the organizations of new religious movements. One exception is comments made by Ōkawa Ryūhō, the leader of Kōfuku no Kagaku, who expressed doubt that “court cases involving religion can be judged properly” and “there are cases when it cannot be said for certain that the majority is right” (*Declaration by the Happiness Realization Party*). The Federation of New Religious Organizations of Japan (Shinshūren) sponsored a seminar on 15 May 2009 focusing on a lecture by a lawyer on the topic of conscientious objection and the possibility of exemption from service based on religious reasons.

The Japan Muslim Association (with about 100,000 members; about 10% Japanese) announced that “we have no teachings that the jury system is a problem,” and that this law, as part of a non-Islamic country, should be followed (15 May 2009, *Tokyo Shinbun*).

“Judge not, that you be not judged” (Matt. 7:1). There are surely many ways to interpret this text, but it can also be said that it is the Christians who have to face the question of “judgment” most seriously.

Among all religious groups and organizations, it is the Catholic Church that has spoken most clearly and decisively on this issue. It sponsored study groups on the issue even before the system was put in place, and in February 2009 there were still differences in opinion as to whether participation as a juror conflicts with the Church Canon Law 285-3 that “Clerics are forbidden to assume public offices which entail a participation in the exercise of civil power,” or whether jury duty does not count as “public office.”

On 17 June, however, the Catholic Bishops’ Conference of Japan directed all priests and clergy (a total of about 7,600 people in Japan), as a rule, to submit a request for an exemption in response to a questionnaire or request for jury duty, and in the case of being appointed a juror, to refuse participation by paying the required “fine” (less than 100,000 yen), based on the Canon Law quoted above. A document titled “On the Jury System: For all Catholic Believers” was prepared for lay followers, which suggested that “in the case lay Catholic believers are chosen to serve on a jury ... each person should respond in accordance with their own conscience.” Both of these documents were released at a press conference held on the next day (18 June). Although the view of the Vatican has not been made public, it is believed that the Vatican agrees that there is a high possibility that this situation involves a conflict with Canon Law.

Further, on 11 September, the Bishops’ Conference submitted a proposal to the Supreme Court seeking understanding of the Church’s stand against allowing clerics to participate in jury duty. In addition to a copy of the above Law against participation by clerics in public office, they also pointed out the rule



that “Clerics are to avoid those things which, though not unbecoming, are nevertheless foreign to the clerical state” (Canon Law 285-2). Again, it was pointed out that clerics have a special “duty to keep secrets” based on their role as counselors, and that this role is incompatible with that of jury duty. It may be said that the particular characteristics of the Catholic tradition are clearly reflected in this tendency for centralized control and an emphasis on Canon Law.

European countries such as Italy and Germany have a citizen-participation court system, and clerics are automatically exempted from participation. In the United States, however, there is a jury system and few States provide exemptions for clerics, and the Bishops’ Conference in the US does not provide any specific instructions on the matter (article by Isomura Kentarō in the *Asahi Shinbun*, 16 July). There is no common perspective among Protestant Christians. The United Church of Christ in Japan (Nihon Kirisuto Kyōdan) takes the position that “it is up to each pastor to decide whether or not to participate” (*Nagasaki Shinbun*, 3 July).

The first trial for a sexual crime (and the third jury trial) under this new jury system began on 4 September at the Aomori District Court. At the press conference after the trial, only one of the six jurors agreed to have his name and picture appear in public. This person was a pastor of the Japan Assemblies of God Church in Aomori City. The mass media was eager to report on his appearance at the press conference. However, this was not because he was a Christian pastor, but because he was the only juror up until then who agreed to appear in public to discuss his experience (in fact, most of the newspapers did not even mention the name of his pastoral affiliation). The Assemblies of God has not announced an official position on this matter, but this provides an example of a religious person who, as a juror, confronts a “sinner” face to face. The pastor said that as the trial progressed, he prayed for the victim, the assailant, the judges and jurors, and for himself. He reflected on the trial, saying that “the responsibility of my work (as a pastor) is to be actively involved in society” (*Daily Tōhoku*, 20 September). Christian publications gave wide coverage to this story, quoting him as saying that “the Bible says ‘do not judge,’ and this is our basic stance. However, I believe that to use this to refuse to serve as a juror is like turning your back on society. As long as this system exists, the duty of a Christian is to think about how one should and can contribute” (*Kirisuto Shinbun*, 19 September).

I have briefly outlined the situation concerning this issue, but this system has just started, and there will surely be further developments. It is an issue, however, that demands a reconsideration of how religious people should respond to the secular systems of the state. Again, it will be interesting to see how this issue is reported in the mass media.

[translation by Benjamin Dorman, Paul Swanson, and David White]