

Living in a Post-Aum World

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The Aum Shinrikyō Affair has given rise to developments that may greatly change the social environment in which religions operate in Japan. Aum itself has been legally disbanded and its assets seized under the provisions of the Religious Juridical Persons Law (*Shūkyō hōjinbō* 宗教法人法). Meanwhile the Public Security Investigation Agency has moved to use the Anti-Subversive Activities Law (*Hakai katsudō bōshihō* 破壊活動防止法) against the religion, the first time an attempt has been made to apply this legislature to any group. Under the banner of preventing another Aum tragedy, the Diet has approved revisions in the Religious Juridical Persons Law itself, and there have been calls to enact a “Fundamental Law of Religions” that would introduce more stringent restrictions on the activities of religious bodies. Unfortunately, the public debate on these initiatives has revealed political motivations behind some of them, guaranteeing that the issues of religion-state relations and the role of religion in contemporary Japanese society will remain on the front burner for some time to come.

To bring our readers up to date on these developments, we provide a brief summary of the legal activities mentioned above, followed by several representative reactions culled from the religious press. Let us begin with the actions taken against Aum itself.

The Suppression of Aum

Aum Shinrikyō was legally disbanded under Article 81 of the Religious Juridical Persons Law by the Tokyo District Court on 30 October 1995, a decision upheld by the Tokyo High Court on 19 December of the same year, and finally by the Supreme Court on 31 January 1996. Article 81 allows for the dissolution of a religious body for the “perpetration of acts which clearly can be recognized as having violated laws and ordinances and have done considerable harm to public welfare.” The order of dissolution included provisions for the seizure of Aum’s assets and the appointment of a liquidator to settle claims against Aum, primarily those by victims of the Tokyo subway

sarin attack and the other crimes with which Aum has been charged. Efforts by Aum to transfer property and other assets to affiliated corporations have also been blocked by the court.

These rather strict measures would seem quite sufficient to ensure society's protection from further crimes and guarantee legal redress for Aum's victims. However, the government of the former prime minister, Murayama Tomiichi, a Socialist in coalition with the conservative Liberal Democratic Party (LDP), decided to take the further measure of invoking the Anti-Subversive Activities Law. This law was passed in 1952, during the Korean War, as an anticommunist measure. The Socialist Party of Japan was especially vocal in their opposition to the law, warning that it granted the government potentially dangerous repressive powers reminiscent of those of the prewar regime. Murayama's acquiescence in moves to apply the act was seen in some quarters as yet another in a series of self-destructive moves by the Socialists in their attempt to retain power through the coalition.

Application of the act is primarily an administrative, rather than a judicial, move. It can be invoked only after demonstrating that the targeted organization has engaged in destructive activities of a political nature and that it poses a credible risk of continuing such activities in the future. The director general of the Public Security Investigation Agency—a civilian group attached to the National Police Agency that oversees such matters as airport security—first makes a formal request to apply the act. The request is reviewed by a government committee on security matters, then published, together with the rationale for invoking the act, in the government gazette. Representatives of the targeted organization are given the chance to state their position at public hearings. Finally, the Public Safety Commission, an entirely independent body, decides whether the act should be applied.

Three public hearings have been held to date, at which the Public Security Investigation Agency has presented its evidence and Aum Shinrikyō its defense. At the latest of the hearings Aum's leader, Asahara Shōkō, under arrest on charges in seventeen different crimes including murder and attempted murder, was allowed to appear as Aum's representative. His convoluted arguments that Aum poses no future danger to Japanese society were met, as might be expected, with much skepticism and scorn, and may indeed have sealed Aum's fate, at least in the court of public opinion. Indeed, one gets the impression that application of the act is widely supported in society at large—another indication, perhaps, of the tenuous position of religious institutions in contemporary Japan. Before reaching a final verdict, however, it is important to remember just how wide a range of activities will be banned under the Anti-Subversive Activities Law. Former Aum members will not be allowed to meet

or to publicize the group through the sale of their books and videos, and could be kept under surveillance indefinitely. Even public opposition to application of the Anti-Subversive Activities Law will be banned as an activity supportive of a subversive group.

Debate concerning the justification and advisability of these legal moves continues within the religious and scholarly communities. While these actions have obvious implications regarding the future role of religion in Japanese society, there are legal developments that might have an even more direct impact. It is to these developments—the revision of the Religious Juridical Persons Law and proposals for a Fundamental Law on Religion—that we now turn.

Religion and the Law

A bill to amend of the Religious Juridical Persons Law was approved by the Diet on 15 December 1995. The original law was enacted in 1951 to provide a means to legally certify religious groups. Although amendments have been made to the law over the years (a total of eleven times including the most recent revision), in the wake of the Aum Affair the argument was made that the law no longer reflects present-day social and religious realities. Overall, six articles of the law were amended and one completely new article added. Major revisions include:

1. Certification by the Ministry of Education of groups active in more than one prefecture. Previously groups could be certified locally, then engage in religious activities anywhere in the country. This amendment is aimed at increasing central surveillance of religious groups that are active nationwide, a function presumably beyond the powers of local government.
2. Opening of financial records. Members of the religion, or unspecified others with an interest in the group, have been given the right to inspect the financial records of the group.
3. Expansion of the Religious Juridical Persons Affairs Committee. The upper limit on the membership of the committee has been increased from fifteen to twenty, presumably to help oversee the increased number of groups to be registered with the Ministry of Education.
4. Increased powers to question religious organizations suspected of violating certain provisions of the law. This constitutes the major legislative addition. While the violations in question relate to matters previously proscribed, such as operating enterprises outside the scope of religion, not meeting requirements for certification or merger, and engaging in

activities that could lead to dissolution, the lack of precision in defining the government's new powers of interrogation is a source of some unease.

As we shall see in some of the reactions to the revision translated below, a further concern is the political nature of these developments. Although the amendments were presented as a means of preventing the future appearance of groups like Aum, in the final analysis they seemed aimed more at Sōka Gakkai. In elections for the Upper House in July 1995 the opposition Shinshintō 新進党 (formed the previous year through the merging of the Komeitō and several other parties) made significant gains, mainly at the expense of the Socialist Party. Although the Socialists' loss of identity, alluded to above, was certainly a major factor in this development, postelection political analysis focused on the role of Sōka Gakkai support for the Shinshintō. In this situation the revision of the Religious Juridical Persons Law created chances for political advantage, allowing the ruling party to further identify Sōka Gakkai with the Shinshintō by calling Ikeda Daisaku before the Diet committee considering the changes, and making it possible to restrict Sōka Gakkai's activities through the strengthened powers of governmental control provided for in the legislation. The former effort was blocked, but at the expense of forcing the Shinshintō to appear as the defender of Ikeda and Sōka Gakkai.

Finally, in early 1996 a proposal for a "Fundamental Law on Religion" was widely reported in the religious press. The outline is purported to be the creation of a working group within the LDP exploring the need for more far-reaching changes in the legal status of religious bodies. While no formal proposal has yet been made to the Diet, some of the restrictions suggested in the outline have already set off warning bells. For example, the proselytization of minors would be prohibited; religious donations by people receiving public support—presumably including social security—would be limited to one percent of the amount received; attempts to dissuade people from leaving religious groups, even by family members, could result in prosecution; and support for political candidates by religious groups would result in the loss of the latter's tax-exempt status.

Reactions to the Revision of the Religious Juridical Persons Law

We now provide translations of some representative reactions to the revision of the law governing religious bodies. The first is from a transcript of the Diet testimony provided by the General Secretary of the Jinja Honchō 神社本庁, the central organization of Shinto shrines. As indicated by this testimony, Shinto representatives were perhaps most sanguine about the revisions, although they did call for a more fundamental reconsideration of the law,

especially to fit what they perceive as their unique position in the Japanese religious world.

Following this are two short pieces that appeared in the *Katorikku Shinbun*, the official organ of the Catholic Church in Japan. The first is a joint statement by the Peace and Justice Commission of the Catholic Bishops' Conference and the National Council of Churches, the central organization for other Christian churches. While not opposed in principle to revision of the law, the statement is highly critical of the political motivation behind the current initiatives and raises questions concerning the status of constitutional guarantees relating to religion. The second piece is an editorial that appeared on the front page of the *Katorikku Shinbun* on 22 October 1995, nearly two months before final passage of the revisions. The editorial focuses on the not-very-well-hidden agenda of restricting Sōka Gakkai's activities, while also calling on that group to review its involvement in politics.

We conclude with a statement issued in the name of the Liaison Conference Concerning the Religious Juridical Persons Law, a group organized by five religious, political, and constitutional scholars and representing several major Buddhist, Christian, and new religious groups. The statement, perhaps the most comprehensive of those issued in reaction to the legal proceedings, questions the revisions in terms of both content and procedure.

SUMMARY OF THE SHINTO POSITION BY SECRETARY-GENERAL OKAMOTO KENJI

The position of the Shinto Shrine Headquarters (Jinja Honchō) in regard to the current Religious Juridical Persons Law is, in a nutshell, one of fundamental opposition. The reason for our opposition is that the law does not reflect an accurate understanding of the religious situation in Japan; it has been unacceptable to us from the time it was enacted back in 1951. The Shinto Shrine Headquarters has on several occasions expressed its opinion that the law should be completely rethought. One such occasion was in the late 1950s and early 1960s, when the Minister of Education inquired about possible revisions.

Among the conditions stipulated in the law for recognizing a group as a religious body is that it engage in the dissemination of its doctrine (*kyōgi* 教義). Shinto, however, has no doctrine, and thus possesses no text that expresses its teachings in words. Thus if the law were to be strictly applied it would be difficult for Shinto shrines to receive legal recognition as religious organizations. At the risk of exaggeration, we must point out that a situation could arise in which

shrines would be told, “If you wish to be recognized as a religious body you must change the content of your faith, because you do not meet the requirements.”

Another point to consider is that despite the long history of most Shinto shrines, the current law allows a shrine to be dissolved through the decision of a small number of “directors.” One can only conclude that the law was written without due consideration of the historical significance of Shinto shrines and of the role they have played as the spiritual centers of local communities.

Despite our fundamental opposition to the present Religious Juridical Persons Law, it is a fact that Shinto shrines are recognized as religious bodies under the law’s provisions. The 80,000 Shinto shrines of Japan have therefore done their best to keep the law and avoid violations. Our basic position remains unchanged, however, and this informs our stance with regard to the current revisions. Nevertheless, we recognize that in the forty years since the Religious Juridical Persons Law was first enacted there have been many changes in religious organizations, and in the social environment as well. With the appearance of Aum Shinrikyō—an evil criminal organization wearing the cloak of religion—we must conclude that even a partial revision of the law is welcome, provided it helps control antisocial groups and prevent evil and criminal acts.

If the revisions cause additional hardship to Shinto shrines despite their faithful obedience of the law for the past forty years, this would comprise, in effect, an accusation that they had brought the situation upon themselves. I would find such a notion unacceptable. While it is true that certain religious groups have caused dangerous social unrest, the 80,000 shrines under the supervision of the Shinto Shrine Headquarters have always acted responsibly. We cannot accept the suggestion that what we have been doing is wrong, and that our burden must be increased through revision of the law in order to prevent further problems in the future. We stress this point, and hope that it is taken into account in working out the revisions.

We Shinto priests do not regard the shrines as our personal property. The shrines have been passed down to us by our ancestors to be cared for responsibly and passed down in turn to our own descendants. They are entrusted to us also by the local parishioners (*ujiko* 氏子). Because of this relationship of trust we have always fulfilled our responsibility to keep financial matters open to those who worship at our shrines (or to the parishioners at least), since the

ancestors are not in a position to receive our reports. If the accusation, so common these days, that religious organizations are extremely secretive [in their financial affairs] can be justifiably applied to any shrine, then every effort should be made to clear up the matter.

We may say in conclusion that, although the revision of the Religious Juridical Persons Law is not all that we might have hoped for, we must advance one step at a time. At the same time we must reflect on the fact that the right to call for religious freedom demands a concomitant effort to regulate oneself. For these reasons the Shinto Shrine Headquarters has announced its support for the current revisions to the Religious Juridical Persons Law.

[From the *Shinja Shinpō* 神社新報, 11 December 1995, translated by Paul L. Swanson]

AN ANNOUNCEMENT OF OPPOSITION TO THE REVISIONS OF THE RELIGIOUS JURIDICAL PERSONS LAW

In the aftermath of the Aum Shinrikyō Affair there has been increased discussion of the possibilities for revising the Religious Juridical Persons Law, leading to the recent release of a list of proposed changes by the Agency for Cultural Affairs of the Ministry of Education. Having studied the contents of this list, we must, for the reasons listed below, declare our strong opposition to the suggested revisions and urge a strict adherence to the constitutionally guaranteed principles of freedom of religion and separation of religion and state.

1) There is a danger that the revisions could strengthen state control over religion and compromise the constitutionally guaranteed principles of freedom of religion and separation of religion and state.

2) The right of freedom of religion was gained at the cost of enormous sacrifice over a long period of human history. We strongly urge the government to respect this right to the highest degree possible. We urge the same with regard to the separation of religion and state, a principle inseparable from that of freedom of religion.

3) It is unjust in the extreme, and risks the gravest of consequences, to use the Aum Shinrikyō Affair as a justification for hasty revisions of the Religious Juridical Persons Law and to employ these revisions for political purposes. The Aum Shinrikyō Affair can be dealt with quite adequately under the provisions of the Penal Code

and Articles 81 and 86 of the present Religious Juridical Persons Law. We urge that these existing laws be fully applied in this case.

4) Although we can see no justification for revising the Religious Juridical Persons Law under present circumstances, we do not reject the possibility of such revisions in the future. If the necessity for revision should ever arise, however, we urge that proposals be made only in an environment of public composure and after due deliberation of the issues by all parties concerned.

There have been moves to apply the Anti-Subversive Activities Law to Aum Shinrikyō, but this raises wider questions of religious persecution. We strongly urge that this use of this law be abandoned.

[From the *Katorikku Shinbun*, 22 October 1995, translated by Thomas L. Kirchner]

THE FUTURE OF THE RELIGIOUS JURIDICAL PERSONS LAW: THE DANGER OF GOVERNMENT-MANAGED REVISION

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At the root of the present dispute over revision of the Religious Juridical Persons Law is the political clash between the LDP and Sōka Gakkai, exacerbated by the March 1995 Tokyo subway gas attack and the resulting proposal by certain members of the LDP to invoke the Anti-Subversive Activities Law against Aum Shinrikyō. In the July elections the Gakkai-dominated Shinshintō Party registered enormous gains in the Upper House of the Diet; the LDP, facing Lower House elections and already concerned about the Gakkai's vote-drawing power, took advantage of the heightened public mistrust of the new religious movements to steer the debate on the Religious Juridical Persons Law in a direction conducive to limiting the Gakkai's political activities. When the government committee on the Religious Juridical Persons Law began its deliberations in April it had no intention of revising the existing law, but from July onwards it rapidly altered its stance to one supportive of change. In the Cabinet reshuffle of August 1995 the LDP appointed Shimamura Yoshinobu, the leader of the anti-Gakkai camp, to the post of Minister of Education, indicating its determination to suppress all opposition to its plan for swift revision of the act.

This plan is aimed not so much at preventing criminal acts like the Aum Affair as it is at controlling the New Religions, particularly Sōka Gakkai. This is obvious from the fact that the proposed revisions, which grant increased powers of interrogation to the government and require greater financial disclosures from religious organizations, would be of far less use in controlling cult groups like Aum Shinrikyō than in regulating ordinary religious bodies.

The primary lesson to be learned from this is the necessity for caution when dealing with today's "government by committee," in which it is not uncommon for the authorities to present their own objectives as a reflection of the will of the people. The next thing to keep in mind is that the present Religious Juridical Persons Law was designed to provide religious organizations with a firm legal status, in reaction to the situation before and during WWII when the government utilized the prewar Religious Organizations Law and Peace Preservation Law to control and suppress religion and religious groups. There is thus no intent in the present law to repress religious organizations in any way. The proposed revisions would effect a qualitative change in the act, however, making it a means of religious regulation. This is a quite serious problem that involves the principles of freedom of religion and separation of church and state.

It is a fact that the new religious groups, including Sōka Gakkai, have involved themselves in politics in quite problematic ways, making enormous campaign contributions and backing certain parties and politicians. This is not, however, a matter to be addressed through government-managed revision of the Religious Juridical Persons Law, but through deliberation by the religious organizations and the public at large.

Any illegal activities on the part of cult organizations should be dealt with severely through police action under the provisions of the present system of criminal law. The Catholic Church appears, judging from church documents, to have been forced into a position of conditional approval regarding the proposed revisions. We must join with other religious groups in the same position as we are in firmly arguing our case in the forum of public opinion. In this regard we await the actions of the Liaison Conference Concerning the Religious Juridical Persons Law.

[From the *Katorikku Shinbun*, 22 October 1995, translated by Thomas L. Kirchner]

STATEMENT CONCERNING THE REVISION OF THE RELIGIOUS JURIDICAL PERSONS LAW

On 13 November the proposed revisions to the Religious Juridical Persons Law passed the Lower House of the Diet. We hereby express our grave reservations concerning the motivations for the revisions and the procedures followed in their adoption, as well as our concern that the content of the revisions not only reflects a misunderstanding of religion but endangers the constitutionally guaranteed principles of religious freedom and separation of religion and state.

1) Regarding the motivations for revising of the law, much talk has been devoted to the fact that a repeat of the Aum Shinrikyō Affair must be prevented, and that revision of the law is necessitated by changes in the social situation surrounding religious juridical persons and the actual state of these juridical persons.

However, the crimes committed by Aum Shinrikyō constitute a unique criminal case and are neither fundamentally a problem of the Religious Juridical Persons Law nor something that can be prevented by revision of that legislation. The affair has yet to be fully resolved, and the possible applications of the penal code and other related laws and ordinances have not been fully explored. What is the reason for the rush at this stage to revise the Religious Juridical Persons Law?

Furthermore, although it is maintained that the social situation surrounding religious juridical persons and the actual state of these bodies has changed in the forty years since the Religious Juridical Persons Law was first enacted, there has been no attempt to explicate what these changes might be. It is also a matter of grave concern that influential members of the government and the ruling parties have stated publicly that these revisions are aimed at controlling a certain religious body. It is a profanation of religion itself that religion and the Religious Juridical Persons Law would be used to further the strategy of a certain political party and become a vehicle of political conflict.

2) Nor can one dismiss concerns regarding the procedure adopted in enacting these revisions. Since the Commission on Religious Juridical Persons was established "not with the foreordained purpose of revising the law, but rather to provide the opportunity to gather information and discuss the status proper to religious juridical persons," why is it that there was no examination of the necessity for

such a revision, no fact-finding survey on religious juridical persons, no comparative studies of legal systems in other countries, but merely a rush to reform the law?

We find it impossible to assent to the decision to cut off debate and entrust the matter to the commission chair, who produced a report that fully conformed with the government's own proposal. This, despite the fact that seven of the fifteen members of the commission (fully half the membership, excluding the chair) continue to insist that a consensus on the matter was never reached.

Furthermore, because the proposed revisions constituted a matter of importance touching on the constitutional guarantees of religious freedom and the separation of religion and state, a special committee should have been established in the Lower House of the Diet to consider the matter. In fact, the government called no expert witnesses and held no public hearings, failed to present a coherent position on the important question of whether the government's right to investigate would take precedence over the right to privacy, neglected to answer the request for the minutes of the Commission on Religious Juridical Persons, and forced passage of the proposed revisions after only six days of debate. Given this procedure, is it possible to say that parliamentary debate was exhausted and problems concerning the proposed revisions were resolved?

3) Regarding the content of the revisions, questions remain as to whether the freedom of religion is in fact protected and the principle of separation of religion and state maintained.

Jurisdiction over religious juridical persons with facilities in more than one prefecture is to be transferred to the Ministry of Education. This provision, in conjunction with the obligation of financial disclosure and the right of the jurisdictional body to investigate the affairs of religious juridical persons, entails the establishment of a permanent structure for the supervision of religion by the state. This is in fundamental contradiction to the principle of religious freedom stipulated in the constitution, which is supposed to prevent a recurrence of the state oppression of religion experienced in the past.

Furthermore, although the government claims that "financial disclosure is limited to the objective and secular aspect and thus does not constitute an interference in religious activities," the use of assets and funds by religious bodies cannot be considered in isolation from their religious goals and activities.

The stated goal of furthering rationalization and transparency in

accounting is also questionable. Religious bodies are already subject to strict tax investigations under the present law, and groups involved in profit-making activities must file a report with the tax office. Although the revised law allows for exemptions from the obligation to file financial reports based on the size of the religious body, one questions the appropriateness of this type of size-based discrimination when applied to religion, which is, after all, primarily concerned with inner values.

In addition, the definition of those allowed to examine a religious group's financial records ("believers and others concerned") is ambiguous, raising the possibility that this legal right will do more to produce unnecessary confusion for religious groups than increase the transparency of their accounting.

4) Of course, religious groups must pay due heed to criticism and expressions of distrust regarding their activities and financial record keeping. We also believe that it is important to study relevant legal precedents and systems in other countries and encourage discussion here in Japan regarding such matters as the taxation of religious organizations and the involvement of religions in politics.

We call on people in various fields to help clarify the proper status and role of religion in contemporary society, thereby increasing the ability of religious organizations to govern and correct themselves so that they may better fulfill their responsibilities towards society, contribute to the creation of a rich spiritual culture, and earn the citizens' trust. We also propose that various religious bodies cooperate in a wider discussion on developing and implementing concrete measures for the realization of religion's mission in society.

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