

# THE MARGINALIZATION OF RELIGION IN JAPAN TODAY

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**T**his past year the marginalization of religion has been the focus of much attention. By “marginalization of religion” I mean that religion has been relegated to a fringe interest while also being regarded with vigilance. As many others have pointed out, society’s perspective on religion is currently polarized: on one side there are people with no interest in it; and on the other, those who are vaguely or at times clearly suspicious of it.

For those in the former group, the issues concerning Prime Minister Koizumi Jun’ichirō’s visit to Yasukuni Shrine and the establishment of a monument to pray for peace are completely constitutional or political issues. For them, it is completely natural that the Liberal Democratic Party and voters would accept Kōmeitō’s organizational power, the strength of which was displayed in the recent elections for both houses of the Diet. For those in the latter group, their suspicion of religion was vividly exhibited in the news related to Aum. After the Aum incident in 1995, a clear mistrust of religion became conspicuous. Then, again, in February 2004 one could not help but sense society’s deep rooted unease about “religion” when the former representative of Aum, Asahara Shōkō, was sentenced to death and all the major newspapers that widely reported the verdict excluded from their pages religious leaders and scholars of religion. It would not be an exaggeration to say that society might be coming to accept

a formula in which not religions, religious people, or scholars of religion, but rather the judicial system and government make judgments about problems related to religion as well as provide resolutions for them.

Below I would like to briefly summarize developments related to some of the news items taken up in last year's issue of *Gendai Shūkyō* before dealing with topics for this year's issue.

## The Movement to Revise the Fundamental Law of Education

### *Can Patriotism be taught?*

Within religious organizations there has been some movement in response to calls to revise the Fundamental Law of Education (*kyōiku kihonhō*), but there is no sign of a consensus on the issue, perhaps because revisions have not yet become concrete. Most Christians are against revising the law, but only the National Council of Churches (NCC) and a few other organizations have clearly voiced opposition to it.

One religious organization worth examining is the Japan Buddhist Federation (JBF). The JBF showed a positive stance towards revision in January 2004, shortly after welcoming its new chairman, Satomi Tatsuhito. It decided that article 9 of the Fundamental Law of Education should include the “fostering of religious sentiment” and submitted a written request to the central education council. The next month at a Tendai sectarian assembly, the head Tendai administrator indicated in a speech that the Tendaishū supported JBF's position on the revision of the Fundamental Law of Education, thus suggesting that the promotion of the revision would proceed smoothly.

However, within the Shinshū Ōtaniha, an important JBF member organization, there were clear differences of opinion. Members of the sect's assembly and half of the chairs and vice chairs of the 30 districts (*kyoku*), signed a petition opposing revisions. A written request to reevaluate the JBF's policy was also sent to Chairman Satomi by the Association of Kyoto Buddhists and Honzan Shugenshū. The chief abbot of Myōshinjiha also indicated that he had personal doubts about JBF's policy. The response to the revisions among Buddhists was thus complex.

Among Shintoists almost all have been enthusiastic about the revisions. In May of 2004 the chairman of the Jinja Honchō, Kudō Izu, stated at a meeting of trustees that “in anticipation of revisions to the Fundamental Law of Education we will take earnest measures.” One such measure has been the promotion of a petition movement approving the revisions by the Shintō Seiji Renmei (Shinto Association of Spiritual Leadership), a group with close ties to Jinja Honchō. A concrete plan, however, has yet to become clear.

## Iraq War and Activities of Religious Leaders

Since Japanese Self-Defense Forces were deployed to Iraq in January 2004 and Japanese hostages were taken in April of that year, there have been vigorous debates and much activity in religious organizations regarding the war in Iraq. Around the time of the deployment, numerous religious organizations developed extensive protest campaigns. Overall, most Buddhists and Christians have opposed the war. The nonsectarian organization called “The network of religious leaders for peace” led a petition campaign opposing the deployment. A federation made up of Honganjiha, Risshō Kōseikai, and the NCC also rose up against it, while the Ōtaniha sent a letter of protest to the prime minister.

Memorial services have been held for those who died in the Iraq war. In August 2004, for example, a Buddhist memorial service mourning all those who died in the war was held at Tōdaiji in Nara and was attended by 90 guests from five countries, including those from the American consulate. These activities are expected to continue.

## New National Site of Mourning

In November 2003 a new president of Honganjiha was inaugurated. Following the policy of the previous president, he had his name included among the members of the Atarashii Kokuritsu Tsuitō Shisetsu o Tsukurukai (Association to Create a New National Site of Mourning). Currently within the Honganjiha there is debate over whether the four principles upon which the previous president joined are being honored. Those four principles for the national mourning site are as follows:

1. it be an antiwar place for peace at which all who died in previous wars are mourned;
2. it be limited to those who died in war up to the conclusion of the World War II and that it not become a place to mourn those who die in any new war;
3. it be based on the principles of separation of religion and state and freedom of religion, and not be particular to any one religion; and
4. it be grounded in the ideas and creeds of many religions and that memorial services be conducted accordingly.

On 18 September 2004, the Honganjiha president attended a memorial service at the Chidorigafuchi National War Cemetery Garden, but failed to comment on the need for a new national site of mourning. So far the only religious organization that has achieved a consensus on building such a site has been Sōka Gakkai.

## The Commotion over the “White-Clad Group”

The Panawave Research Center, also known as the “White-Clad Group,” was virtually the only topic of discussion during late April and early May of 2003. It is still operating discreetly under the surveillance of the police, local governments and residents, but there is much that remains unclear about the actual situation. Many arrests have been made pertaining to the death of an associate professor at one of the group’s facilities in August 2003 as well as over forged documents related to vehicles owned by the group. There has also been a split in the group and it is now stagnant. Reporting on the group has subsided and religious leaders have shown no interest in the situation.

## Lawsuits on Yasukuni Shrine Visits: Four Verdicts

On New Year’s Day 2004, the prime minister, Koizumi Jun’ichi, visited Yasukuni Shrine and worshipped there for the fourth time since taking office. He has visited the shrine once a year on average, with previous visits occurring on 13 August 2001, 21 April 2002, and 14 January 2003. At a press conference after his New Year’s Day visit, the prime minister said that the visit would be his only one to the shrine in 2004.

Between the time that last year’s report was written and October 2004, there were four verdicts on the prime minister’s visits to Yasukuni. Below I would like to give a chronological overview of these, focusing on three types of verdicts: 1) verdicts regarding demands by plaintiffs for compensation and to stop further visits; 2) verdicts over whether the visits were public or private; and (3) verdicts on the constitutionality of the prime minister’s actions based on the principle of the separation of religion and state.

The first verdict was given by the Osaka District Court on 27 February 2004 with regards to the prime minister’s visit to Yasukuni in August 2001. The plaintiff was a group of more than 600 people called the “Asia Lawsuit Group” that consisted of religious people and relatives of the war dead, including Koreans living in both Korea and Japan. The defendants being sued were the national government, the prime minister, and Yasukuni Shrine. The presiding judge, Muraoka Hiroshi, dismissed the demand to stop further visits and to pay compensation of ten thousand yen to each member of the plaintiff group on the grounds that “harm was not done to either freedom of religion or conscience.”

The judge then acknowledged that Prime Minister Koizumi’s visit was “public,” citing that the prime minister made a public promise during that year’s general election to visit the shrine and after being inaugurated stated that he intended to visit Yasukuni as the prime minister. Furthermore, after taking into consideration that the visit was made with the cabinet secretary using an

official vehicle and the tag on the flowers offered had “Prime Minister Koizumi Jun’ichirō” written on it, the judge stated that “despite the consideration not to use public funds to pay for the flowers offered, it is proper to acknowledge that the visit was made in the capacity of prime minister.” The judge, however, dismissed the claim that the visit was unconstitutional and made no ruling on the constitution’s principle of separation of religion and state. The plaintiff group praised the verdict that the visit was public but is appealing with a demand for a clearer decision on the issue.

The second verdict was given on 16 March at Matsuyama District Court. The plaintiff was a Shikoku lawsuit group consisting of two religious juridical persons and about a 100 individuals, including religious leaders from Shikoku and relatives of war dead. The lawsuit was brought against Koizumi Jun’ichirō (the individual and prime minister), the national government, and Yasukuni. The plaintiffs demanded confirmation that the visit was unconstitutional, 10,000 yen compensation to each individual plaintiff, a prohibition of visits to the shrine by the prime minister, and that Yasukuni stop receiving the prime minister for visits.

The presiding judge, Itakura Mitsunobu, in his verdict stated, firstly, that the “plaintiffs’ complaint is not applicable to the law” since it does not extend to the exercise of public power and dismissed the group’s demands for compensation, to stop visits to the shrine, and to stop Yasukuni from accepting the prime minister during visits. Secondly, he avoided making comment on whether the shrine visit was public or private, stating that a visit “is no more than a simple fact that is not grounded in law and is not applicable to the exercise of public power in a way that creates a relationship of rights and obligations between the prime minister and citizenry.” Thirdly, he did not make a ruling on the principle of the separation of religion and state on the grounds that “confirming unconstitutionality has no benefit for the plaintiffs.” The plaintiffs are now appealing to the Takamatsu High Court.

The verdict that received the most attention is the third one, given on 7 April by the Fukuoka District Court. The plaintiffs—who consisted of about 200 people, including residents of Kyushu and Yamaguchi as well as families of the war dead, religious people, and Koreans in Japan and Korea—demanded 100,000 yen compensation from Prime Minister Koizumi and the national government for the 2001 visit. The judge, Kamegawa Kiyonaga, in his verdict first rejected the demand for compensation. He indicated that the visit did not constitute an illegal act and stated that “Although the plaintiffs are angry over the visit, it cannot be said that harm was done to their legal interests.” Second, he acknowledged that the visit was public in nature, conducted in an official manner. Finally, in a dictum to the main part of the written verdict giving victory to the defendants, the judge stated that “if one objectively judges in accordance with normative social

understandings and considers the intentions and the purpose of the performer and the influence it has on the typical person, the act is tantamount to religious activity prohibited by Article 20, Section 3 of the Constitution, and is counter to that article and section.” With that statement Prime Minister Koizumi’s visit was for the first time judged unconstitutional in a series of lawsuits regarding his Yasukuni visits.

Then, on 15 May, the Osaka District Court ruled on a lawsuit against Prime Minister Koizumi, the national government, and Yasukuni, which was brought by about 200 people, including Taiwanese and Japanese relatives of the war dead. The plaintiff group demanded 100,000 yen for each plaintiff for psychological suffering caused by the prime minister’s visits to Yasukuni between 2001 and 2003. The presiding judge, Yoshikawa Shin’ichi, completely dismissed the plaintiff group’s petition. With regards to a prime minister visiting Shinto shrines and temples, the judge said “unlike other ordinary civil servants, everything cannot be done in the private sphere.” Then he pointed out that the state’s involvement in the use of an official car and the accompaniment of the secretary to the prime minister was “for security and a state of emergency.” He further stated that the writing of “Prime Minister” in the registry and the indication of that social position on the offering of flowers were acts “conducted in the private sphere that clarified his social status and indicated the existence of social influence.” Thus the judge ruled that the prime minister’s visit was in the private sphere, stating in conclusion that “it can not be said that the visit to Yasukuni was an official action of the prime minister as an organ of the state.” The verdict did not touch upon the constitutionality of the visit. The defeated plaintiff group is appealing.

All four verdicts ended in defeat for the plaintiffs. However, with regards to the Fukuoka District Court’s ruling acknowledging the unconstitutionality of the prime minister’s visit to Yasukuni, the plaintiff accepted it as an actual win and thus decided not to appeal. The plaintiffs’ cases were dismissed and the prime minister and government, who in form won the cases, can not appeal even if they are dissatisfied with the reasons for the verdicts. Thus, on 22 April the verdict declaring the visits unconstitutional was settled.

The Fukuoka decision had great repercussions both inside and outside religious organizations. The four major newspapers put it on the front page of their evening editions, as did many regional newspapers. Several general magazines such as *Sekai* (Sept. 2004) and *Seiron* (Sept. 2004) also had featured articles on Yasukuni. In response to the verdict, the Jōdo Shinshū branches Honganjiha and Ōtaniha commented that it was “deeply significant” and “proper.” In contrast, on the day of the verdict Shintoists rallied vigorously against it, criticizing it as a “twisted verdict” similar to the verdict in 2002 handed down by Judge Kamegawa in a lawsuit over the payment for a Shinto ceremony by Tosu City, Saga Prefecture. They also pointed out that while the court judged the visit as

unconstitutional it also dismissed the petition for reparations and emphasized that “unconstitutionality” was not put in the main part of the written verdict statement and was merely a dictum. With regards to other court decisions as well there has been an increasing amount of harsh criticism over the inclusion of Yasukuni as a defendant and the solidifying form of the lawsuits.

Organizations such as the Eirei ni Kotaerukai (Association for Answering to the Spirits of Dead Soldiers) are progressing in their preparations to submit a petition to the Diet’s Impeachment Committee for Judges demanding the dismissal of Judge Kamegawa and others for “the verdict (of the Fukuoka District Court) that was unconstitutional because it deprived the defendant, Prime Minister Koizumi, of the ‘right of access to the courts’ stated in Article 32 of the Constitution” and for “endangering the neutrality and independence of the judicial system by writing politically aimed verdicts that constitute conduct deviant from the duty of judges and which exceeds their authority.”

### **Asahara Sentenced to Death**

On 31 October 2003, the eight-year trial ended for the former leader of Aum Shinrikyō, Asahara Shōkō (Matsumoto Chizuo). He was charged with 13 counts of murder or attempted murder, including the gas attack on the Tokyo subway in March 1995, and at the conclusion of the trial it was widely expected that he would be sentenced to death.

Before the verdict was handed down, there were several Aum-related developments. On 8 February the Aum Shinrikyō Kazoku no Kai (Association of Aum Families) that was created by relatives of Aum members to support people leaving Aum, opened its general meeting to the media for the first time. At the meeting the association, while voicing concern for the victims and their families, requested that Aum devotees and others involved, with the exception of Asahara, be spared the death penalty. Meanwhile, the Public Security Investigation Agency reported on Aum in its “Retrospect and Prospect on Domestic and International Affairs, 2004 edition,” which was compiled in December 2003, that “The top leader Jōyu Fumihiko has separated from the leadership and the new leadership is emphasizing allegiance to the defendant Matsumoto. There is concern that there will be illegal activity among the devotees related to Asahara’s verdict.” Before the verdict on 16 February, eleven Aum facilities around the country were raided by police. It was the first time for more than ten facilities to be raided at the same time and was clearly intended to contain the group.

On the afternoon of 27 February, as scheduled, the presiding judge, Ogawa Shōji, read out the reasons given for the verdict before releasing the written text. The following six reasons were cited for the sentence: (1) the purpose of the crimes, which was to gain power and recognition; (2) the extent and influence

of the damage caused by the defendant who “for his own personal gain made twisted and tenuous religious interpretations that he used as justifications for his crimes”; (3) the cruelty of the crimes; (4) the gravity of the grief and depth of shock the crimes caused the families of the victims; (5) the lack of expression of remorse; and (6) the position of the defendant. The judge then stated that although the ultimate punishment should only be given after the most serious deliberation, considering all the circumstances, the death penalty was the only appropriate punishment for the defendant.

After the verdict, newspaper headlines read “Anger and Despair at Religious Founder’s Silence,” “Death Sentence was Deserved,” “Outrage over Trial’s Excessive Length,” and “No Progress in Aid for Victims.” Articles in the newspapers, often accompanied by illustrations, emphasized Matsumoto’s abnormality in court, saying he “grinned widely,” “yawned,” “made strange noises and movements,” and “muttered nonsense.” In contrast to the reaction of the overwhelming majority of the population—that “Matsumoto was a monster who deserved the death sentence”—religious organizations in general had negative reactions. The Buddhist newspaper *Chūgai Nippō* twice had special issues on Matsumoto’s death sentence. Among religious organizations, only Konkōkyō expressed its views in these special issues; others who expressed their opinions were mostly academics or religious leaders affiliated with traditional religious organizations. Although many general newspapers and magazines sought the opinions of religious leaders and academics in 1995 when the Tokyo gas attack occurred, in stark contrast to this, when Matsumoto’s verdict was handed down only the opinions of those related to the judicial system were published. Among the articles in *Chūgai Nippō* some clearly viewed the incident as a manifestation of a “Japanese social problem.” Many other articles were introspective, referring frequently to the responsibility of those living in the current era, and some by religious leaders were self-examining. Many were also of the opinion that the analysis of Matsumoto and of the Aum organization was superficial. It is also worth noting that there were debates both for and against executing Matsumoto.

After the verdict, Aum (now called Aleph) again apologized to the victims and their families. But of the compensation money that the court required the group to pay, only 30% has been distributed and about 2.5 billion yen remains to be paid. The lawyers for the victims of the sarin gas attacks in Matsumoto and on the Tokyo subway have called upon the government to enact special legislation to counter the damage caused by these incidents.

Other important developments regarding Aum are as follows:

- October 2003: Nakagawa Tomomasa was sentenced to death for involvement in the murder of the Sakamoto family and in the gas attacks in

Matsumoto and the Tokyo subway. The following month he filed an appeal in the Tokyo High Court.

- December 2003: Hayashi Yasuo, who played a leading role in the Tokyo subway gas attack, had his appeal dismissed by the Tokyo High Court. On the day he lost the appeal he filed a second appeal.
- January 2004: Tsuchiya Masami, who was on trial for seven counts of murder, was given the death sentence. On 3 February he filed an appeal.
- May 2004: The Tokyo High Court, after an appeal by Inoue Yoshihiro who was convicted on ten counts of murder, changed the lower courts sentence of life in prison to death. It was the first time for a life sentence to be changed to death after an appeal by a defendant. Inoue became the thirteenth person sentenced to death for the Aum-related murders.
- May 2004: Asahara's third daughter passed the entrance exam for three universities but all three refused her admission. After taking her case to the Tokyo District Court, she was allowed to enroll at Bunkyo University.
- July 2004: Six Aum members were arrested for selling pharmaceuticals without a license.
- July 2004: Three Aum members were arrested for involvement in the March 1995 shooting of the National Police Agency's commissioner general Kunimatsu Takaji. In September the charges were dropped for lack of evidence.
- October 2004: Six people from Keroyon Group, an Aum splinter group, were arrested for murdering a former member in September 2003 and for moving the body from the scene of the murder.

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

### *Lower House (Shūgiin) Elections*

The general election of November 9, 2003, marked a leap forward for the Democratic Party of Japan (DPJ). It also marked a deeper level of cooperation between the Liberal Democratic Party and Kōmeitō and the establishment of their coalition government. The DPJ, the major opposition party, won 177 of 480 seats in the Lower House, increasing its number by 40 seats. The successful campaign ran by the DPJ led to speculation in the media that a two-party system might develop. The drastic decline in votes for the other opposition parties probably indicates that supporters of these smaller parties decided to vote for the DPJ to contest the LDP's majority.

In the election, which pitted the DPJ against the LDP, the power of the Sōka Gakkai organization that supports the Kōmeitō was clearly evident and showed

the Kōmeitō receiving support from the LDP's base. Pre-election surveys showed that in some places 45% of the votes for Kōmeitō candidates came from LDP supporters, a jump of close to 20 points from the 2000 election. As a result, the Kōmeitō won 34 seats, which in addition to the 237 seats of the LDP and 4 seats of the Hoshushintō, gave the coalition government a clear majority of 269 seats.

Although Kōmeitō candidates received a high percentage of votes from LDP supporters, LDP candidates received a low percentage of votes from Kōmeitō supporters. LDP candidates in 16 districts of Tokyo, who had supported the revision of the Religious Juridical Persons Law (*shūkyō hōjinhō*) that the Sōka Gakkai opposed and who in early elections were critical of Sōka Gakkai, went to the Kōmeitō leadership to ask for endorsements. This request to the Kōmeitō can be seen as a significant change in direction for these candidates since they were once affiliated with an association formed in 1994 called the Shigatsukai (April Association), which before it disbanded in 2001 consisted of religious organizations (e.g., Risshō Kōseikai and Reiyūkai), Diet members, and intellectuals who were critical of Sōka Gakkai and Kōmeitō. Although these candidates did not receive the endorsement they requested, Kōmeitō decided not to put forward its own candidates to oppose them or endorse any particular candidate in the 16 districts. On election day about 20% of Kōmeitō's supporters are believed to have voted for the LDP candidates who won close elections.

Other religious organizations besides Sōka Gakkai were also active in the 2003 general election. Risshō Kōseikai endorsed 87 DPJ candidates, up from 35 in the previous election, and 56 LDP candidates. Of the candidates it endorsed, 116 won, including 70 DPJ and 44 LDP candidates. As a rule, it did not endorse any candidate that Kōmeitō endorsed. Similarly, Busshō-Gonenkai decided not to endorse a former Diet member who asked for an endorsement after it found out that this candidate also requested an endorsement from Sōka Gakkai.

With or without the support of the Kōmeitō, many groups clearly supported the LDP. Reiyūkai's political organization "Inner Trip Ideologue Research Center" wrote in its 1 November 2003 newsletter "Support the LDP in the Proportional Representation Elections." The Mokichi Okada Association (MOA) did not endorse any opposition party candidates and continued its policy of supporting LDP candidates. The Shintō Renmeikai endorsed two LDP candidates, one of whom won. The Japan Buddhist Federation endorsed 89 LDP candidates (73 of whom won), 26 DPJ candidates (24 of whom won) and four independent candidates (2 of whom won).

### *Upper House (Sangiin) Elections*

On 11 July 2004, elections were held for the Upper House. The LDP wanted to build on its Lower House election victory to defeat the DPJ in the Upper House, but the situation before the election did not bode well for the LDP. House mem-

bers were found to be negligent in paying mandatory premiums for the national pension system and bills to reform the pension system had caused anger and anxiety amongst voters that was directed toward the ruling LDP. Before the election, the approval rating for the cabinet was only 46 percent. Despite this situation, the LDP was aiming to win 51 of the 100 Upper House seats, and to achieve this it turned to the Kōmeitō for support. Compared with the Lower House elections, however, the LDP in some regions received even less help from Kōmeitō supporters.

In Mie Prefecture the LDP candidate who ran with Kōmeitō's backing promised to revise the Fundamental Law of Education and respect religion. Members of the Kōmeitō youth division and older supporters, however, apparently opposed this candidate and the DPJ candidate won by a margin of a hundred thousand votes. Similarly, in Nagasaki the LDP incumbent lost a reelection bid after the LDP and Kōmeitō failed to mobilize the LDP's base.

In Okayama the LDP also lost. The LDP candidate in Okayama had gone to Sōka Gakkai's headquarters with a former head of the Ministry of Economy and Industry who had previously been critical of Sōka Gakkai to ask for the group's support. He also gave Kōmeitō a list of 30,000 names from an LDP association of supporters. On election day, however, few Kōmeitō supporters voted for the LDP candidate and the DPJ candidate won by a wide margin. In the end, the LDP only won 49 seats, falling short of its goal. In a post-election analysis, the LDP concluded that the election results were a consequence of its candidates taking for granted support from Kōmeitō. In contrast to the LDP, the Kōmeitō had met its goal to increase its number of seats to 11 and emphasized the progress it made in the election.

Two interesting points emerge when comparing the Lower and Upper House elections. First is that while Kōmeitō votes helped the LDP in the Lower House elections, this was not necessarily the case in the Upper House elections. The other is that the coalition between the LDP and Kōmeitō is starting to influence the groups that have supported the LDP. For example, in Tokyo some religious organizations have distanced themselves from the LDP. There are groups such as the Reiyūkai's Inner Trip Ideologue Research Center that have continued to show support for the LDP, but other groups such as Risshō Kōseikai, which has been critical of Sōka Gakkai, gave little support to the LDP in the elections. Of the 34 Risshō Kōseikai churches in Tokyo, 31 decided to support the DPJ and of the eight churches in Ibaraki, seven decided to support the DPJ. In Kōchi, the Risshō Kōseikai refused to offer any support to an LDP candidate after it learned that the candidate had asked both the Kōmeitō and itself for help. The Busshō-Gonenkai endorsed the LDP candidate for the proportional representation election but did not endorse the LDP in the single-seat constituency districts. In the future it is likely that many religious organizations will avoid the Kōmeitō and

move away from the LDP, but it is not likely that this will cause a change in the LDP-Kōmeitō coalition or the reliance of the LDP on Kōmeitō.

### ***Tottori Prefecture Releases Information on Religious Juridical Persons***

In December 2003 it was learned that in the preceding month Tottori Prefecture in response to a request from a resident of Tottori City released documents in accordance with its freedom of information ordinance that were submitted by two local religious juridical persons for the year 2002. Included in these documents was information related to the finances of the religious juridical persons (e.g., the inventory of property, the account statements of income and expenditure) as well as part of their staff registries.

As a result of the 1995 revision of the Religious Juridical Persons Law (RJP Law), each religious juridical person (RJP) is asked to submit to the proper government office documents that include certificates, regulations, the names of staff, inventories of property, income and expenditure statements, and balance sheets accompanied by documents on the buildings on the property of the religion, documents on related facilities controlled by staff, as well as documents pertaining to any office work or businesses that the religion may be conducting. In 1998 the Cultural Affairs Agency (Bunkachō) requested that the documents be kept private to avoid damaging religious freedom. Tottori Prefecture's release of information was an independent decision based on its own freedom of information ordinance. The problem became the focus of much attention when on 3 February 2004, the prefecture again released documents of another RJP in response to a request.

Tottori Prefecture's release of information has been viewed as a problem from three major perspectives. The first is a political perspective that sees it as calling into question the relationship between local and central authority, in which each side has its own interpretation of the laws and regulations regarding the release of information. Another perspective sees it as a process in which the relationship between RJPs and a local government is deteriorating. Finally, there is the perspective that sees it as a manifestation of the problem with the revised RJP Law and not just as an incident in which the religions that submitted the documents did so with the understanding that they would not be made public even after the establishment of the information disclosure law in 1999.

From the first perspective the problem is seen to have progressed as follows. On 19 February 2004, the Cultural Affairs Agency sent a notification to each prefectural governor. The notification stated the policy that "respect of the customs and unique nature of religion in RJPs should not be neglected and special attention should be given to avoid hindering the freedom of religion." It stated that when the release of a RJP's documents is requested on the basis of a freedom of information ordinance or something else, consideration should be given to the

fact that the documents' information is internal to the RJP and that the RJP Law limits those who have rights to the documents to people who have a legitimate reason for seeing them and to believers and other involved individuals whose purposes are not illegitimate. The notification further points out that the release of information could potentially hurt the religious freedom of RJP or related individuals and accordingly urges caution, stating that the information "as a rule should be treated as private." In response, the governor of Tottori Prefecture, Katayama Yoshihiro, sent a letter of inquiry on March 3 to the deputy governor regarding the appropriateness of the Cultural Affairs Agency's intervention. He then made clear his view that the notification was invalid and wrote a response to the Cultural Affairs Agency stating that it was within the prefecture's own authority to make such decisions. Since these incidents occurred, there has remained a large gap in the interpretation of the regulations between the Cultural Affairs Agency and the prefecture.

Seen from the second perspective, things are even more concrete and the extent of confusion is deep. When the Sōtōshū office in Tottori learned of the release of information, it decided to postpone the submission of its financial documents stipulated by the RJP Law. Meetings have been set up in which Tottori Prefecture and the RJP within the prefecture can exchange ideas. At these meetings, the first of which was held in May and the second in September, representatives from the religious organizations of Sōtōshū, Jōdoshū, Kōyasan Shingonshū, Tendaishū, Nichirenshū, Tenrikyō, and Nihon Kirisuto Kyōdan talked with the director and section managers of the department of general affairs and the manager of the civil affairs office.

The gap is large between the prefecture's position, which is that as legal juridical persons (*hōjin*) RJP must not be treated differently, and the position of the RJP that are requesting confidentiality, which is that the special nature of religion merits unique treatment. The statements of the prefecture's representatives suggest that the prefecture did not expect such a problem. The RJP's insistent claim that they are special indicates their concern about the current situation in which there is no requirement to write the reason for information when requesting it and their anxiety over the lack of regulations for punishing those who abuse released information.

Before the meeting in May, according to documents provided by the prefecture, the prefecture on 13 occasions made information public on a total of 18 RJP. On 11 of these 13 occasions financial statements were released on 15 RJP. Among the items made public were registries that included the names, addresses, assignment qualifications, and copies of personal seals (*in'ei*) for not only the chief representative but also other staff members. Also released were itemized inventories of assets that included statements from financial institutions and the value of items owned, such as Buddhist statues. Although there

is considerable potential for this information to be misused, the prefecture has taken a wait-and-see stance about the possible consequences of the current situation while the RJPs have been unable to offer a remedy. All the RJPs can do is to hope that no unexpected situations arise and that if they do, that there will be an immediate response.

Finally, the third perspective on the problem can be seen in light of the activities of allied religious organizations. As a result of the developments in Tottori Prefecture and because of expectations that the practice of requesting and releasing information could spread to other prefectures, there has been much concern about the present situation among religious organizations. Among those who quickly understood the release of information to be a serious problem were the Nihon Shūkyō Renmei (Japanese Association of Religious Organizations or JARO) and the Japan Buddhist Federation. JARO four times sent letters of inquiry to Tottori Prefecture asking it about its understanding of legislative policy, about its understanding of the agreement among the Cultural Affairs Agency, Management and Coordination Agency (Sōmuchō), and religious organizations that RJPs should be treated differently, and about its understanding of the practice by the prefectural government of judging “religious values and beliefs” as criteria for judging whether or not to make information public. It has yet to receive a response.

JARO had discussions with the Management and Coordination Agency and the Cultural Affairs Agency during deliberations about the public information law that was established four years after the 1995 revision of the RJP Law. The discussions focused on whether the “the rights of the relevant groups and individuals” that regulate the public information law include “freedom of religion.” In the end, a document was exchanged between the Management and Coordination Agency and the Cultural Affairs Agency indicating that “freedom of religion” was understood to be among the above mentioned “rights.” The then minister of the Management and Coordination Agency made this understanding clear when answering questions at the Diet. This understanding or “promise” was of little worth, however, because of the revision of the RJP Law that occurred in reaction to the Aum incidence, a revision that virtually all religious organizations think was done in haste.

At a symposium held on July 26 in Tottori Prefecture titled “Freedom of Religion and the Separation of Religion and State—Concerning the Revision of the Religious Juridical Persons Law and the System of Information Disclosure” there was an exchange of views with scholars of religion and local religious leaders on one side and Governor Katayama and other prefectural officials on the other. Although there were both points of agreement and disagreement, both sided regarded the problem as one relating to the revision of the RJP Law.

By July 2004, Tottori Prefecture had released information about 19 RJPs on a total of 14 different occasions and at the present time is giving no indication that it is going to cease releasing such information. The RJPs, who cite previous decisions to plead their case and are only able to argue the problem of releasing information as a privacy issue, are currently in a very disadvantageous position.

*[translated by Clark Chilson]*