

RELIGIOUS ISSUES IN JAPAN 2011

Society and “Religion”: Finale and Promise

TSUKADA Hotaka 塚田穂高
Assistant Lecturer, Kokugakuin University

The following report on “religion in the news” in Japan over the past year is a partial translation of a report written in Japanese for the 2012 edition of 『現代宗教』, the annual journal of the International Institute for the Study of Religions. As in previous years, the author has kindly consented to allow us to translate their report into English for publication in our Bulletin.

LAST YEAR’S earthquake and tsunami greatly affected the way society and religion are seen, as witnessed in memorials for the victims, “salvation” for the survivors, the “bonding” of the country, and the activities of religious groups and believers. In the face of this unprecedented disaster and the suffering it brought the country, expectations for religion were heightened. Ordinary discussions among the public as to whether religion is necessary and what benefit it brings seemed out of touch with reality. The line between “before” and “after” also affected the view of religion and set a challenge for the direction things will take from here on in.

Meantime, quite apart from the events surrounding 3/11, other events brought religion into the limelight. Among them another line was drawn that presented challenges of its own. This will be the subject of the following report and its consideration of trends during 2011, focusing on the conclusion of the Aum Shinrikyō trials and the problems they left behind for the mass media, and on the Supreme Court’s decision on obliging teachers to stand up for the singing of the national anthem at school events. The following is based on data from reliable sources, newspapers, journals, and other published material.

The conclusion of the Aum trials

“Further appeals are rejected.”

“Each of the crimes committed in the name of the protection of the

religious organization were planned and carried out in systematic defiance of national law and order, are in essence extremely antagonistic to society, and display a strong disrespect for human life.”

“There is no precedent to which one can compare the crimes [the murder of the lawyer Sakamoto Tsutsumi and his family, the Matsumoto and subway sarin gas attacks] and their aftermath in terms of the magnitude of their cruelty and inhumanity.”

“Even taking into account the fact that acts were carried out on the instructions of Matsumoto Chizuo, as well as the sincere verbal apology to the victims and their families and the written declaration to that effect, there is no choice left but to approve the death penalty.”

In less than two minutes on 18 November 2011, the case brought against Nakagawa Tomomasa, a former executive of Aum Shinrikyō, was brought to an end. On 8 December 2011 the death penalty was finalized. Three days later, the Supreme Court handed out virtually the same sentence to Endō Seiichi for his involvement in the two sarin attacks, a sarin attack on the lawyer Takimoto Tarō, another attack with vx gas, and other offenses.

Over sixteen years had passed since the sarin subway attack of 20 March 1995, the compulsory investigation of 22 March, and the initiation of the court case the following June. Beginning with Asahara Shōkō (Matsumoto Chizuo), a total of 189 persons were handed sentences: 13 death penalties, 5 life sentences, 80 shorter prison sentences, 87 suspended sentences, and 3 fines. One person was found innocent of the charges. With that the affair drew to a “close.” But even if the court case was finished, *for many people the Aum problem was not over*. So what is really clear, and what is not? What remains unfinished? For a hint, we may look at attitudes towards the court decision.

The Day of the Trial

When the doors of the Supreme Court opened on 21 November 2011 I missed out on the lottery to attend, but so did Araki Hiroshi, the public relations manager for Aleph, who was surrounded by reporters on his way out. He was visible at previous public trials, typically donning a face mask and earphones to avoid contact with the outside world. This day was different. It seemed as if he had come with the intention of talking. The press queried him on his feelings at the end of the trial, any message he might have to communicate, and the activities of the group thereafter.

I cannot find words to speak to the victims... We continue to ask ourselves how could something like this have happened... I mean,

the founder Asahara didn't have anything to say.... And there are still three persons with arrest warrants out for them.

Several in the media remarked to the effect that "since Asahara had almost nothing to say (and since the executive office Murai Hideo had been assassinated), we still don't know what really happened." It is as if they saw Asahara's silence as a way to impute all responsibility to him and then stopped thinking about the matter.

The photo-journalist Fujita Shōichi threw a question Araki's way:

Is this any different from the way he acted before the whole affair?...
Granted his elevated status, as "teacher," is that all there is to it for him?... Has his thinking remained fundamentally unchanged?

Araki stammered to relativize outside interpretations: "The court has its logic, you have yours, and we have ours."

At eleven o'clock a press conference was held at the Press Club in Kasumigaseki. On the dais were Nakamura Yūji, the chief strategic officer for the prosecution, Itō Yoshinori, representative of the lawyer for the plaintiffs in the Matsumoto sarin affair, Takahashi Shizue, liaison for the subway sarin affair, and Utsunomiya Kenji, representative of a support organization for victims of Aum crimes. Statements from the victims and their families were communicated during the press conference and demands were made for wanted members of the group to turn themselves in and for adequate compensation from the group that restructured itself in the aftermath of the affair. Takahashi, whose husband was an employee at Kasumigaseki Station and had died in the attack, voiced the strong view that "Since Matsumoto Chizuo is not telling the truth; there is no need to keep him alive."

Takahashi Shizue reported that Ōyama Tomoyuki, the father of Sakamoto's wife Satoko, had stated apologetically, "We regret that the failure to properly investigate our case escalated into the subway sarin attack." Takahashi noted that "It is not easy to express what it means for a family to be troubled by feelings of responsibility toward the families of other victims."

A joint press conference was held from 12:30 with lawyers for the prosecution, the Japan Society for Cult Prevention and Recovery, and the Association of Aum Families. Seated on the podium were Ono Takeshi, the head of the office of the prosecution, Nagaoka Hiroyuki, the president of the Association of Aum Families, and Nishida Kimiaki and Takimoto Tarō, members of its board. Things began with a *profound apology* from Nagaoka: "Our Association will continue until such time as all the adherents have returned." All three were in strong agreement that apart from Asahara, the twelve executives on trial should not receive the death penalty. (From some time the Association of Aum Families

had been seeking signatures on a petition to exempt them.) The string of events would not have taken place without the presence of Asahara, who manipulated the twelve like “robots.” Their role as living witnesses is a necessary contribution to clarify the facts of what happened.

One point was that these back-to-back press conferences showed directly opposite opinions among the “victims.” In contrast to the first, in which the two sarin attacks were seen as an act of indiscriminate terrorism towards innocent victims, the second looked at things from the viewpoint of the perpetrators who had been victims of Asahara. The Association of Aum Families had originally been known as the Association of Aum Victims, but changed its name after the criminal acts. The mother of Nakagawa, one of the defendants, had been a member of the association. They were “victims,” in the sense that family ties had been broken and their property confiscated. Nagaoka himself had suffered the vx gas attack. But the association they formed came to be identified with the assailants of the heinous crimes. At bottom, the judgment as to whether all the adherents, apart from Asahara, were victims or not is a particularly deep-rooted aspect of the wider question of religions and the “cult problem.”

Media Reports before and after the End of the Trial

All of this was widely reported on television and much space was devoted to it in the evening and morning editions of the newspapers. Coverage on the whole dealt with the formation of the group and the events leading up to its crimes, personal information on those given the death penalty, debates over the punishments handed down to the convicted, the restrictions imposed on the disbanded group, the list of those still wanted, the reactions of the victims, the failure of progress on compensation, and commentary by experts.

The shift of focus to a debate over whether executions should take place soon after the court decision had been made had to do with how the above-mentioned press conferences were reported as well as with the particular slant that the various newspapers gave to it. The *Yomiuri* was sensitive to the death penalty from early on and played up the remark of Takahashi Shizue that “there is no need to keep him alive.” The *Mainichi* reported it together with the statement from those among the prosecuting lawyers asking that the twelve executive members not be given the death penalty. The *Nikkei* reported their insistence that “capital punishment should be ruled out except in the case of Asahara,” but did not communicate the comment by Takahashi. The *Asahi* ran the headline “Three Groups Defending the Victims Ask to Stay Execution.” All of this appeared in the 21 November evening and 22 November morning editions.

One group of religious thinkers engaged in a discussion concerning the unusual event of thirteen persons facing the death penalty event, the variety of

opinion among the victims, the plurality of views in the media, and the complexities of the political and social aspects involved.

Furthermore, from the second hearing in the public trial of Nakagawa, lawyers introduced the written appraisal of the psychiatrist Sasaki Yūji, stressing that prior to entering the group and thereafter the accused was suffering from a dissociative disorder or “prayer psychosis,” an opinion that was passed over in silence in the decision of the Supreme Court.¹

It is worth comparing newspaper editorials on the court’s decision. Many editorials affirmed that “the true facts of the case have not become clear” and complained that the matter is too important to be forgotten. Still, only a few in the media ventured to suggest the next concrete steps to be taken. *Asahi* wrote:

there are self-imposed limits to how far a trial can pursue justice against individual adherents.... For example the parliament can consign to a research team the gathering and analysis of evidence from accounts of persons involved and from written records and share the results. Is this not called for?²

The *Shinano Mainichi* editorialized:

The judgment of the law has been passed, but... we cannot let it fade from memory or ease up on the struggle to clarify the true facts of the case.... The pursuit of responsibility, quite apart from the court’s focus on individual subjects, requires the maintenance of a certain independence from national agencies, a place to carry out, in a professional manner, analysis and investigation of the true facts of the case and their background.³

The *Yamanashi Nichinichi* wrote that “to avoid having the whole affair just fade away, materials related to the case need to be preserved in public facilities and thought given to putting them on display.”⁴

Before and after the trial, the newspapers were quick to publish “special collections” of articles. The *Sankei* ran a ten-part series entitled “The Aum Trial Comes to an End in the Sixteenth Year”; the *Nikkei* ran four articles on “The Scars of Aum”; the *Yomiuri*’s five-part series was entitled “The Final Decision of the Aum Trial: A Settling of Accounts in the Seventeenth Year.” The *Mainichi*

1. As far as I have been able to discern, only the *Mainichi Shinbun* (Tokyo ed.) took up this matter (2011/11/19). On Nakagawa, see the four-part series of articles by 藤田庄市 Fujita Shōichi, 「中川智正の軌跡」 [Tracking Nakagawa Tomomasa], 『仏教タイムス』 [The Buddhist Times], 2011/11/3, 12/8 and 2012/1/12, 2/16.

2. *Asahi Shinbun* (Tokyo ed.), 2011/11/22.

3. *Shinano Mainichi* (Nagano ed.), 2011/11/22.

4. *Yamanashi Nichinichi* (Kōfu ed.) 2011/11/23.

ran six articles as “The Conclusion of the Aum Public Hearings: Back then...”; the *Asahi* also published six articles in “Towards an End to the Aum Trial: 1995–2011.” The articles were sparse on details, but many of them took the matter seriously by seeking comments by key figures in the affair and well-informed observers. The end of the affair did not bring anything particularly new to light, so perhaps it was inevitable they would take the form they did. The number of persons the media went to for remarks about Aum was limited.

In addition, the *Sankei* and the *Asahi* published comments by Jōyū Fumihiko, the representative of Hikari no Wa, an offshoot of Aum organized by former members. The *Sankei* did not simply swallow his story but incorporated a critical stance about the movement and its statements into its text, insisting that “the fact is, the public has no sympathy for this.”⁵ The *Asahi* read as if they had accepted his account uncritically and published it.⁶

Such, in broad strokes, was the nature of newspaper coverage. The weeklies are another story. In the late 1980s they informed the public about Aum and after the events of 1995, as we might expect, they reported on a variety of details from a different perspective. During the time of the final judicial deliberations, several of them took up the situation with women in the Aum executive and dealt with the later restructuring of the group. Reports on the final court decision did not present any particularly interesting new material.

Finally, it is worth noting that reports from the religious world and their specialized journals and newspapers were, it must be said, sluggish across the board.

Aum after the Trials

And so with the conclusion of the trials there was a flurry of media reports and then soon after things calmed down. Still, problems remained. The activities of the restructured group were put under probation as a result of legislation aimed at controlling such groups.

During 2011 the Public Security Intelligence Agency compiled a report on the security situation entitled “Reflections and Prospects concerning the Situation at Home and Abroad,”⁷ which announced in detail the activities of the restructured group. The report indicated the presence of thirty-two centers across Japan with about 1,500 adherents, about 400 of whom had left their homes, and another 140 in Russia. It indicated that the mainstream group, Aleph, which was pushing for the restoration of Asahara, had gathered some 200 members at the end of October 2011, many of which were young people. Geographically they were strongest

5. *Sankei Shinbun* (Tokyo ed.) 2011/11/21.

6. *Asahi Shinbun* (Tokyo ed.), 2011/11/21.

7. Statement of 16 December. See <http://www.moj.go.jp/content/000084409.pdf>.

in Hokkaidō and the region around Kyoto. The Jōyū group, Hikari no Wa, was said to be carrying on proselytizing activities among those who had left Ashara and therefore was not subject to probation either at home or in its activities in Russia and the Ukraine.

Hikari no Wa responded in numerous media interviews with its chief spokesperson Jōyū, who stressed the group's rejection of Asahara's approach. They also requested the appointment of Kōno Yoshiyuki as one of the "external monitors" who were to be given entrance to the facilities to interview the executive members, examine the state of the group, and issue official recommendations and censures. Kōno's intention to interact with former members and press for their rehabilitation into society was a noble one, but his role cannot be said to have been that of a "bridge-builder" between Hikari no Wa and their surrounding communities. The Public Security Intelligence Agency feared that by exempting Hikari no Wa from probation, large numbers of Aleph would flock to the group.⁸

Meantime, the religious facilities carried on a running battle with certain municipalities and local communities. During 2010 Aleph purchased lands and buildings, and as their plans to construct the largest center in Japan were going ahead, the residents of Adachi Ward in Tokyo countered by collecting signatures for a petition presented to the Minister of Justice and the Secretary of the Public Security Intelligence Agency on 25 October, and organized a demonstration of about 200 people on 5 November. Residents of Setagaya Ward, where about a hundred adherents had been living since 2000, presented a petition signed by over 50,000 people to the Justice Minister on 26 October and organized two demonstrations during the year. In connection with the center in Adachi Ward, a large number of Aleph members moved out. At present some ten to twenty members of Hikari no Wa live there. They can be seen coming and going when seminars are in session, but if opposition among the residents has stopped, the group will advertise that "friction with the local residents has disappeared." Residents are no longer clamoring "Aum get out!" but they hope that the restructured groups will disband and move out on their own.

On 23 January 2012 a Public Safety Review Committee acknowledged the request for a fourth renewal of the probation that began in the year 2000 and a three-year extension was put in place. In so doing, they confirmed the ongoing investigation of those frequenting the facilities by the Public Security Intelligence Agency, which entails an obligatory quarterly report on the membership and its financial holdings.

8. *Nihon Keizai Shinbun* (Tokyo ed.), 2011/11/28.

And so the Aum problem continues. To be sure, the generation of those who do not know of Aum is growing, but there remains a need to understand the affair and communicate what is still going on.

On New Year's Eve, as 2011 was drawing to a close, a man showed up at the Tokyo Metropolitan Police Department. It was the wanted Aum fugitive Hirata Makoto. His arrest was given coverage in the New Year. The drama of his escape with a woman adherent (later captured and sentenced by the Tokyo Court to fourteen months of jail time, currently under appeal), the high tension they lived under, the final DVD they rented, and other episodes consumed the attention of television news shows and weekly magazines. Did they not resurrect for a brief hour the frenzy that followed the original criminal investigations of Aum? And yet, even now, it is not clear if anything new was added to what we know of those momentous events. Two other fugitives still remain at large.⁹

It was inevitable that the conclusion of the Aum trials would mean increased media coverage. The public followed the event, but nothing new came out of it and concrete plans on what to do next were few and far between. To return to the question we began with, "So what is really clear and what not?," the fact is matters are still up in the air and there is not much consensus. There is great importance in piecing together and examining the spasms the whole affair sent through society, the mass of media coverage, and the details of the court records. The challenge remains, and it includes the restructured groups that survived the fall of Aum.

In what may well have been the final interview with Nakagawa Tomomasa before his execution is carried out, he remarked, "For me, it is not yet over.... I don't want people like me around." This, in a word, is the task left to Japanese society and scholars of religion.

Standing up to the National Anthem

Supreme Court Decisions

Beginning in May 2011 the Supreme Court handed down a series of judgments confirming the constitutionality of ordering teachers to stand and sing *Kimi-gayo*, Japan's national anthem, when it is played at school events. A meeting of the Second Petty Bench of the Supreme Court held on 30 May and presided over by Sudō Masahiko took up the case of a teacher at Tokyo Municipal High School who did not follow the order to stand and sing the national anthem at the graduation ceremony and was subsequently rendered ineligible for reemployment after completing his terms of office. The court rejected an appeal which

9. [On 3 June 2012 Kikuchi Naoko was apprehended and the remaining fugitive was finally arrested on 15 June. —Trans.]

argued that the order infringed on freedom of thought and conscience guaranteed under Article 19 of the Constitution, and that compensation for damages was due to the plaintiff. This was the first in a series of decisions that will be described briefly in what follows.

The decision stated that in general and objective terms the singing of the anthem “is something that has the character of a customary ritual gesture,” contrary to the plaintiff’s claim that “it is bound inseparably to the denial of a view of history and the world.” Accordingly, the order “cannot be seen as a direct restriction on freedom of thought or conscience.” At most, since the act of standing and singing the anthem “contains an element of respect shown the national flag and the national anthem,” when it comes to “persons who find it hard to respond to an expression of respect... it is hard to deny that there is a sense in which an indirect restriction on freedom of thought and conscience” is involved in the request to participate.

However, on the matter of accepting restrictions in a situation where an individual’s view of history and the world “is in conflict with the norms of society at large, it must be said that such indirect restrictions as arise are permissible in cases where such restrictions are both necessary and reasonable.” In school entrance and commencement ceremonies, “it is necessary to aim for a smooth performance of the ceremony by preserving due order in educational events.” Further, given “the nature of the position of local public servants” who are “servants of the citizenry as a whole,” the order possesses “a sufficient degree of necessity and reasonableness to permit restrictions” and therefore “it does not infringe on the freedom of thought and conscience as stipulated in Article 19 of the Constitution.” This was the unanimous decision of the four judges, three of whom appended supplementary opinions to the ruling.

On 6 June the First Petty Bench of the Supreme Court, Shiraki Yū presiding, heard a similar case involving thirteen former teachers at Tokyo Metropolitan High School who had refused the order to stand and sing the anthem. The court rejected their appeal by a majority, largely following the previous ruling. There was one dissenting voice and one appended a supplementary opinion.

On 14 June the Third Petty Bench of the Supreme Court, Tahara Mutsuo presiding, rejected a similar appeal by three teachers of a municipal middle school who were reprimanded for not following the order, once again acting on the precedent set by the previous trials.

In this way the judgment of the Third Petty Court as well as those of all fourteen judges, except for three dissenting voices, lined up against the plaintiffs. The rulings in favor of the constitutionality of obliging teachers to stand and sing the *Kimigayo* represent another line drawn in the history of contemporary Japan.

A Plurality of Opinions

Despite the fact that twelve of the fourteen judges ruled on the constitutionality of the mandate, seven of them submitted supplementary opinions and two wrote dissenting opinions. The number of opinions appended is unusual, a clear indication of how upsetting and confusing the cases were.¹⁰

The opinions from the first trial of 30 May are as follows. Takeuchi Yukio wrote that “International common sense that dictates respect towards the flags and anthems of other countries begins with the need to show that respect to one’s own flag and anthem,” with the result that the refusal to stand and sing the anthem “goes counter to the duty of the teacher to set an example in guiding students to show respect and reverence to the flag and the anthem.”

Sudō Masahiko wrote that

The laws governing the national flag and anthem which stipulate the flag at the *Hinomaru* and the anthem as *Kimigayo* do not presuppose any particular view of history or any non-constitutional image of the nation.... Any display of strong beliefs on the occasion of graduation would be to introduce into an educational setting one-sided, personal values as absolute.... But the use of force and detrimental punishment should be as moderate as possible.... It is desirable that educational administrators act as far as possible in a spirit of tolerance and exercise prudent consideration.

Chiba Katsumi observed that “Settling the law on the constitutionality and validity of the mandated duty does not lead to the conclusion that the problem has been resolved once and for all. The most important thing is to enable an environment in which the national flag and anthem can become objects of reverence spontaneously and not by force.”

In the 6 June decision, Kanetsuki Seishi identified the question as “how far the enforcement of an activity constitutes ‘infringement,’ and not whether it is a minority issue or what kind of ideas and beliefs are being held.” His opinion stated that an important element to consider is the fact that the teaching staff “shoulder the duty to engage in educational activities, including school events, in accord with the law and mandates based on the law.”

From the other side, a dissenting opinion filed in the same case by Miyakawa Kōji described the problem as “profoundly related to the freedom of thought and conscience for a minority.... There are a sizeable number of those in our country” who do not view respect for the flag and the singing of the anthem as a matter of course. They view “the *Hinomaru* and *Kimigayo* as symbols of

10. *Asahi Shinbun* (Tokyo ed.), 2011/6/28.

militarism and of absolute imperialism, and thus consider them incompatible with pacifism and the sovereignty of the people.” The mandate “crosses the line of what is acceptable when it comes to one’s own view of history and the world,” and the refusal to stand is thus seen as “*expressing the core of their thought and conscience.*”

This brings us to three opinions submitted at the trial of 14 June and the single dissenting opinion. For Nasu Kōhei, once a school has decided to sing the anthem, “taking into consideration the thoroughgoing nature of the guidance they give to students, there is ample room for the teaching staff to decide whether to set an example by standing and singing or not.”

Okabe Kiyoko asked that “prudent gravity be exercised in applying detrimental punishment for failure to act in accord with the mandate.”

Ōtani Takehiko argued that consideration be given to the fact that “both the coercion of excessively detrimental punishment and deliberately demonstrative acts of refusal can deepen conflicts among the teaching staff, throwing the educational environment into confusion and having an adverse affect on the students.”

In his dissenting opinion, Tahara Mutsuo noted that “standing” and “singing” should be treated separately, the former being a “customary ritual gesture at ceremonies” while an obligation to the latter “constitutes an infringement touching on the *inner core* of ideas and beliefs.” It is a problem involving questions about the abuse of discretionary powers, and the ordering of punitive measures should be handled more prudently, and because this has not been adequately adjudicated on, the matter needs to be returned to the Supreme Court.

I abstain from a simple reading of these judgments but would only note a certain confusion in the supplementary opinions that seek to ground themselves in the framework of the professional duties of teachers on the one hand, and ask for prudence in meting out punishment on the other.

Ordinances in Osaka and Further Supreme Court Decisions

Running parallel with the three Supreme Court decisions, ordinances were established under the direction of the “Osaka Restoration Association” and its representative Hashimoto Tōru, currently governor of Osaka.

On 3 June 2011, the Osaka Prefectural Assembly passed “regulations concerning the raising of the flag in Osaka Prefectural facilities and the singing of the national anthem by teaching staff.” They were put into effect ten days later. The regulations deal with the duty to hoist the flag at prefectural facilities on official occasions and the obligation of teaching staff at public schools of the prefecture to stand and sing the national anthem at school events. The stated aim was “to cultivate among the public, and particularly the children to whom we entrusted the next stage in our history, an esteem for culture and traditions, to heighten

consciousness of love for this country and land of ours that they are raised in, to cultivate attitudes that contribute to the peace and development of an international society, and to devise stricter rules for those employed in public schools in the prefecture.” This was the first time for such regulations, and it was approved by the Restoration Association who were in the majority, despite opposition from groups in the Kōmeitō, the Liberal Democratic Party, the Democratic Party of Japan, and the Japanese Communist Party. (Similar regulations were passed on 28 February 2012 by the Osaka City Assembly.) At the time of commencement exercises in 2011 the number of those who refused to stand grew, resulting in the reprimand of thirty-two persons. Is this movement not a new sign of a change in relationship between government and education?

On 21 June the Supreme Court in its Third Petty Court handed down the fourth judgment favoring constitutionality of the mandate to stand at the signing of the national anthem. The same ruling was made in two cases on 4 July and another three on 14 July, bringing the total to nine cases crowded into a mere two and a half months. However, on 16 January 2012 an appeal was filed by a 171 plaintiffs from the city and prefecture against punishments meted out for not standing and singing the anthem. The legality of the reprimands against 168 persons was upheld, but the cut in salary for one person and the termination of employment for one other were overturned. Thus while judgments piled up in favor of the constitutionality of the mandate, the situation surrounding the prudence of the punishments is still fluid and further action may be anticipated in the future.

Is the Problem of the Anthem a Religious One?

Thus far we have traced the development of the problem with a focus on judicial decisions. Why associate it with religion?

For one thing, the question is connected broadly with the spiritual situation of Japanese society today. One can hear footsteps of prewar society and there are warnings of a move to reinstate totalitarianism.¹¹ For another, *Kimigayo* is not unrelated to religion. I do not mean to argue that it is wholly a religious problem, only that there are religious overtones in all of this.

To begin with, not a few religious persons, principally Christians, have been involved in these developments and taken a critical attitude towards them. In light of the court decisions and regulations mentioned in the foregoing, numerous groups have raised protests out of concern for major infringements on “freedom of thought and conscience” and “freedom of religion.”¹² What is more,

11. See 田中伸尚 Tanaka Nobumasa, 『ルポ 良心と義務——「日の丸・君が代」に抗う人びと——』 [A report on conscience and duty: People against the flag and the anthem] (Tokyo: Iwanami Shinsho, 2012).

12. *Kurisuchan Shinbun*, 2011/6/5, 6/12; *Kirisuto Shinbun*, 2011/6/11.

the problem cannot be separated completely from prewar relationships between the state and religion, namely, from the system of “State Shinto.” It is, we may say, a question of “cultural religion.” I am not speaking here of the responsibility of a particular religion and the like. In other words, no clear line can be drawn to prewar relationships between state and religion or education and religion (instruction in Japanese mythology, visits to Shinto shrines, worship of the emperor, the raising of the national flag, the singing of the anthem, and so forth). There is no avoiding these questions given the history of *Kimigayo* from prewar times, and yet a clear line *can* be drawn to the Japanese constitution and postwar system, particularly as they relate to thought (Article 19) and religion (Article 20). Although obligatory participation in religious ceremonies is forbidden—“No person shall be compelled to take part in any religious act, celebration, rite or practice” (20.2)—an exception is made for customary ceremonies.

Obviously Christians are sensitive to the infringement on “freedom of religion.” Despite the fact that the *judgment* of the court regarding an appeal brought by Christian teachers has ruled out any such infringement,¹³ it is difficult to disassociate the “inner core” of thought and conscience from religiosity. This is a question of how history is understood, and as such has to do with politics and education but also with religion. In any case, taking this into account can be said to complicate the debate.

[Translated by James W. Heisig]

13. Tokyo Supreme Court, 2011/1/28.