

Global and Unique Aspects of Japan's Religious Law: A Critical Analysis

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Abstract— Japan constitutionally claims to be a completely secular state. In this context, the state has been separated from religion by enacting a law in Article 20. Its sole purpose is to ensure religious freedom among the people so that no religion or religious community can dominate. This article analyzes the question of how global and unique Japan's religious law is. At the beginning of the article, Japanese religious law is mentioned very briefly. The next section discusses the global acceptability of Japanese law in comparison to other states in terms of Japan's geographical and demographic location, its consistency in meeting UN goals, and its applicability to a diverse cultural environment.

Index Terms— Freedom of Religion, Globalized Law, Political Authority etc.

1 INTRODUCTION

At present, 64 countries of the world have placed high or very high restrictions on.¹ Of the 195 countries, the proportion is about 33%. That means one-third of the whole world. But it is more in terms of population. Because most of these countries are some of the most populous countries in the world. When the image of freedom with religion is like that, then it is understandable how much suffering it can create for people. Issues such as various political clashes or conflicts between religions, evictions, genocides, etc. are now always part of the newspaper. The legal and non-bias intervention of the state is very important to get out of this situation. Because when the state is in a neutral position, the people will be forced to practice it. And that is the prerequisite for establishing religious harmony. Religion has traditionally and historically been associated with the state in Japan. The influence of Shinto religion came from the Japanese state, which reflected the beliefs of most people. Religion had a significant influence in Japan for many years, especially before World War II.

Japan has turned its attention to religious freedom from its historical teachings. And in this regard has created a borderline between religion and the state, attempting religious freedom through the complete separation of state functions and religious practices. One thing that is very common in this situation in the whole world, the populous countries are far behind in giving religious freedom Here we will see how globalized Japan' law is after being 11th² largest populous country in the world, and how much uniqueness it can contain at

the same time.

2 RELIGION AND LAW OF JAPAN

According to Japan's 1947 constitution, the country has fully embraced Freedom of Religion. In article 20 it reads "Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity"³

If we look at the important things here, we will get it first - freedom of religion is guaranteed to all. The state will create an opportunity for everyone to practice religion equally. The second thing is that for any human being, there will be no restrictions on the practice of any kind of religion. What is quite different then is that the state will not be associated with any religion. The state will completely separate itself from religion and religion-related events.

3 GLOBALIZATION OF RELIGIOUS LAW IN JAPAN

Japan took this position in 1947 with religion. According to it, if we want to understand how globalized this law is, then we can look into certain criteria. **First**, Globalization means a certain or fixed standard among all countries. Or it can be said that almost everyone has an aspiration to this law. If so, we can call it a globalized law. **Second**, the UN is a common platform for all the states in our world today. We can call the laws that the UN values or promotes globalized laws. **Third**, it is also important to know whether a particular law is appropriate for any environment or culture.

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¹ Pew Research Center, 2009, Global Restrictions on Religion (Executive summary), Pew Research Center, 20, June, 2021, Available at: <https://www.pewforum.org/2009/12/17/global-restrictions-on-religion/>

² Statistical Bureau of Japan, 2020, Statistical Handbook of Japan, 25, June, 2021, Available at: <https://www.stat.go.jp/english/data/handbook/>

³ Constitution of Japan, 1947, Prime Minister of Japan and His Cabinet, 25, June, 2021, Available at: https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html

If we look at the Religious Law of Japan here, we will find a very simple line. That is Freedom of Religion. This law has been adopted in writing in the constitutions of different countries. Over 120 national constitutions mention equality regardless of religion.⁴ Religious equality is now one of the demands of most people in the world. When the written laws of so many countries embrace the Freedom of Religion, it is easy to guess what the country or the people want. So, in this criterion, Japan's law can be claimed to be quite globalized.

In 1948, the United Nations published the Universal Declaration of Human Rights. Freedom of religion is seen as a human right there. Thus article 18 is very important here. And it indicates Freedom of religion as a fundamental one. Article 18 of the Civil and Political Covenant is widely regarded as one of the important ones. It reads:

1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.⁵ One thing is clear here, this law of Japan was later adopted and propagated by the world-recognized organization- United Nations. Not only that, while implementing one of the most important agendas in the world- Human Rights, this law can play a direct role. So of course, the religious law of Japan is a globalized law.

We live in a culturally diversified society. And religion covers a large part of the culture. It is possible to maintain peace in a society if there is constant harmony between every religious group. And it will be possible to bring this peace if it is possible to implement the Freedom of Religion in all societies. Because when everyone can enjoy freedom in the same way as everyone else, then everyone respects all the religions of the society as they expect from others. Whether it is the people of the majority religion of a society or the minority, everyone has the opportunity to survive in a beautiful way by maintaining their own culture. So, if we want to consider any law as globalized, we need to analyze its applicability in multiple cultural aspects. Under Japanese law, no one can be forced to practice any other religion in this country, as long as no one is barred from practicing any religion of their choice. In this case, obviously, all religions, whatever their form, are obliged to maintain respect for them. Again, he is able to live according to his own beliefs. That kind of law is applicable and important for all so-

⁴ Constituteproject, Constitute, 2021, Constituteproject, 25 June 2021, Available at: <https://www.constituteproject.org/constitutions?key=equalgr6&lang=en>

⁵ Derek H. Davis, 2013, The Evolution of Religious Liberty as a Universal Human Right, Wayback machine, 25 June 2021, Available at: https://web.archive.org/web/20080201105738/http://usinfo.state.gov/dd/eng_democracy_dialogues/religion/religion_essay.html

cities in the world. So even from this lens, we can say that Japan's religious law is globalized

4 UNIQUENESS

Japan's religious laws may seem quite common at first glance. But here and in some cases, we can find uniqueness. Explaining them below.

i) There are many laws in many state constitutions which, if one is established, the other cannot be fully enforced. For example, in India, it speaks of freedom of religion in writing.

But that country again made a law not to give citizenship to people of a certain religion.⁶ Again, Bhutan speaks of Freedom of Religion, but in some cases legally forbids people from preaching other religions than Buddhism.⁷ But in this case, Japan's law is quite different. When they speak of Freedom of Religion, they also point out that no other religious practice should ever be hindered. Again, it enacted strict laws so that no single religion can be privileged. In other words, Japan's law is capable of fully guaranteeing freedom of religion. It' religious law has no clash with any other law of its constitution.

Second, when we try to find uniqueness in something, we first compare it to something that has common ground with it. Here we will look at the geographical location of Japan and its population. Japan is a country on the Asian continent. And ranks eleventh among the world's most populous countries. But if we look at several other countries in the Asian continent, we will see that the status of Freedom of Religion in those countries is quite shaky. The issue can be clarified by analyzing several Asian countries here. First, Afghanistan is a country in Asia It is mentioned in the name of the country that it shall be an Islamic republic. In addition, no one can be president if he is not a Muslim.⁸ Bangladesh speaks of Freedom of Religion for all, but here the government initiates the training of the Imam of Islam, education material in the propagation of the religion, etc.⁹

Although Freedom is written in Bhutan, there is a ban on the practice of some religions other than Buddhism. China has banned many religions in that country. In addition, Israel, India, Pakistan are at the forefront of the list of countries practicing restricted religions in the world. Myanmar is particularly noteworthy here. The state speaks of freedom of religion, and the state actively encourages the cleansing of people of other

⁶ BBC news, 2019, Citizenship Amendment Bill: India's new 'anti-Muslim' law explained, BBC, 25 June 2021, Available at: <https://www.bbc.com/news/world-asia-india-50670393>

⁷ US Department of State, 2017 Report on International Religious Freedom: Bhutan, US Department of State, 02 June 2021, Available at: <https://www.state.gov/reports/2017-report-on-international-religious-freedom/bhutan/>

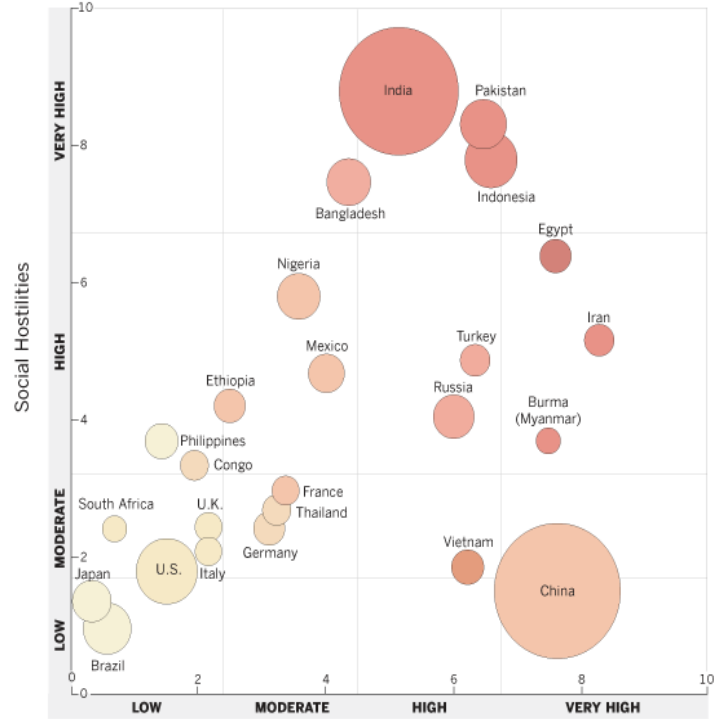
⁸ Wayback machine, 2004, The Constitution of the Islamic Republic of Afghanistan, 25 June 2021, Available at: <https://web.archive.org/web/20090305081410/http://president.gov.af/english/constitution.msp>

⁹ International Religious Freedom Report for 2015, 2015, US Department of State, 25 June 2021, Available at: <https://2009-2017.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

religions.¹⁰ In other words, Japan is one of the major countries in the Asian continent in terms of geographical location, which is ensuring freedom of religion.

If we think about the population here in general, we will see that there is less tendency to practice free religion among the most populous countries other than Japan. Even though Japan is the 11th most populous country in the world, according to the research of pew academy, Japan is on the list of the best in free religious practice. For example, Iran, Egypt, Indonesia, Pakistan, and India are the most populous countries that violate freedom of religion. In contrast, Japan, along with Italy, the UK, the US, or Brazil, is at the very top of the populous country list of those who practice free religion.¹¹

In addition, if we look at the practice of free religion all over the world, Japan's position is at the very beginning. Attached is a survey image of Pew Academy. There we see Japan in the lowest restricted area. About 70% of the world's people live in strictly restricted areas.¹² The remaining 30% are from Europe or America. Creating Japan's position there from the Asian continent is definitely a uniqueness.



Government Restrictions

Note: The Pew Forum categorized the levels of government restrictions and social hostilities involving religion by percentiles. Countries with scores in the top 5% on each index were categorized as "very high." The next highest 15% of scores were categorized as "high," and the following 20% were categorized as "moderate." The bottom 60% of scores were categorized as "low."

Circles are sized proportionally to each country's population (2009)

- 1 billion
- 500 million
- 100 million
- 50 million

Colors are based on each country's position on the chart.

MOORE HOSTILITIES ↑

→ MORE RESTRICTIONS

Pew Forum on Religion & Public Life • Global Restrictions on Religion, December 2009

One of the big areas of whether a law is unique is how much of an impact that law can have on society. We have the same laws on religion in Japan as we have in other countries. But not everyone can hold the law in all societies. It is seen that the state often cannot treat everyone equally for a certain law. Again, everyone cannot be vocal about their rights if they want to. But if we look at several incidents in Japan about religion, we can see that people there know these laws. And in any case, there is an option to file a legal case against anyone and get a logical response.

For example, in 1971, an assemblyman filed a lawsuit against the mayor for donating money to a groundbreaking ritual. Later, the verdict of the case was published after various debates on whether the ritual was a secular ritual or not. First, the district law dismisses the case after proven it as secular law.¹³

But the High Court later ruled that the mayor's grant was unlawful, saying it was illegal to grant any kind of religious ser-

¹⁰ US Department of State, 2017 Report on International Religious Freedom: Bhutan, US Department of State, 25 June 2021, Available at: <https://2009-2017.state.gov/j/drl/rls/irf/2011/eap/192615.htm>

¹¹ Pew Research Center, 2009, Global Restrictions on Religion (Executive summary), Pew Research Center, 20 June, 2021, Available at: <https://www.pewforum.org/2009/12/17/global-restrictions-on-religion/>

¹² Ibid

¹³ Tasuku Matsuo, 2012, "Religion and Law in Japan" (A Brief Sketch of Japanese History, Tradition, and Cases), Religion Symposium at Brigham Young University, 20 June, 2021, Available at: <https://classic.iclrs.org/content/events/26/507.pdf>

vice. Here a mayor has to be held accountable. And the state can give everyone a clear piece of advice to follow the law. If we study a number of such cases, we will see that they have confirmed the right of people to talk about their respective religions. So, Japan has been able to ensure that the fear factor of the law has been created and everyone can be treated equally here. So here, the religious law of Japan can make a uniqueness on basis of implications.

5 CONCLUSION

A country with a large population, geographically surrounded by religious restricted neighboring state, a country whose main target is "Peace". Their efforts to ensure maximum freedom of religion are to be applauded. The nation needs to continue its efforts to nurture a globalized demand for a long time. Because it can be an ideal model for other states. This expectation of ensuring one of the most human rights, religious freedom, will, of course, bring long-lasting peace to Japan.

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