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# **The Risk of Religious Freedom: Asking the Meaning of Terrorism by Aum Shinrikyo**

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**Abstract:** Global society in the 21st century cannot help facing terrorism by religious extremists and damage by “cults” that conduct illegal recruitment and fundraising. In Japan Aum scattered sarin gas in the subways in 1995 and killed twelve and injured more than 5,500 citizens. It took ten years for Asahara, the founder of Aum, to receive a death sentence in Tokyo District Court and his disciples who committed homicides received the same penalties as well as life sentences. However, by just judging them Japanese society can not avoid danger of terrorism by “cults”. At least, Aum changed its name to Aleph but as it kept its dogma and its organization, it maintains approximately 1,500 followers. According to “religious freedom” which was guaranteed in the Constitution, Japan tolerates the people who have various beliefs and religious corporations that are called “cults”.

In this article, in chapter 1 similarities and differences between the terrorism by Islamic extremists in recent years and the Aum case will be considered. Chapter 2 describes the religious characteristics of Aum from the relation between the founder and the disciples and in chapter 3, an overview of the Aum trial will be explained. Chapters 4 and 5 review a discussion argued in court, over whether disciples were mind-controlled by the founder of this cult. Then, in chapter 6, characteristics of a risk society will be scrutinized, and it will be concluded that it is inevitable that “the cult problem” occurs and various measures against it are taken. “Religious freedom” increases risk of the religious problems. Risk management and regulation obstruct liberty and democratic society. In this dilemma, we have no choice but to cope carefully with the problems of modern society.

## **1 Was the sarin incident terrorism?**

On July 7<sup>th</sup>, 2005, simultaneous terrorist explosion occurred in 3 underground lines and a London city bus, injuring 700 and killing 54 persons. Young East African refugees who have UK nationality were arrested as the suspects. They stated that they had been shown a video of a woman and a child killed by the US and UK army in Iraq so that the rage was born in their mind. (Asahi News, July 30 and 31, 2005) In the previous year, on March 11<sup>th</sup>, 2004, simultaneous terrorist bombing occurred in four trains in Madrid, having 1500 seriously or slightly injured and approximately 200 dead persons. Young Moroccan Mujahadeen group members were arrested as suspects (Asahi News, March 23, 2004). The United Kingdom, the Spanish government, and the American government in both cases supposed that Al-Qaeda provided information and funds to the principal offenders.

These terrorist incidents were different from the war orphan and widow's desperate terrorism of suicide bombing that occurred in Iraqi, Palestine, and Chechnya. The young perform a partial duty just as ordered by mastermind terrorists, based on the Manichean world view of jihad. They put bombs with detonator on train and ran away to return to their daily lives. They claimed that they did not intend to kill anyone, yet, just to expand fear. (Asahi News, July 31, 2005) It lacks reality.

The present terrorism occurs in places where the actual war and the misery of suppression do not happen immediately. An extravagant tragedy is caused by the young men who were seized with such abstract thinking and emotional fury. If the principal offender was given maximum sympathy, their purity and unfortunate status were skillfully used to be another sacrifice of the terrorism, as well.

As for the Muslim population of Europe, approximately 20,000,000 people have been accepted both by the ex-colonial states such as the United Kingdom, France, and Holland as emigrants and international refugees and by industrial countries such as Germany as laborers (Turks). They called for their families and the next generation grew up from there. In Europe emigrants could not become settlers as in the initial stage of the US and could not assimilate into the historic culture of Europe so that they formulated their ethnic communities in the suburbs. In the countries emphasizing multiculturalism, typically in England, emigrants' ethnic diversity is approved, however, admitting their civil rights just guarantees their opportunity rather than success in recipient countries. On the one hand there are successful families who climbed the social ladder through generations, on the other there are many settlers in a bottom layer and the same ethnic community. Therefore, Islamic radical organizations approach the younger generation who have not promoted education and occupation, but instilling them with resentment over social inequality and the way of combating capitalist society, and in almost every way the destruction of the host society. As numerous incidents of torching cars happened in the Paris suburbs and several areas in France in November, the banishing depression of second generation of emigrants was tough, but there was just one homicide, so it could be better than indiscriminate terrorism. Of course, I cannot be optimistic like Emmanuel Todd who stands up for French assimilationism as superior to multiculturalism in England. (Asahi News, Dec 2, 2005)

Japan also experienced indiscriminate terrorism 10 years ago. Seven were killed and four seriously injured by sarin gas on the night of June 6<sup>th</sup>, 1994, in Matsumoto City, and 12 were killed and 5500 were injured either slightly or seriously on four subway lines of Tokyo on March 20<sup>th</sup>, 1995. Religious Corporation, Aum Supreme Truth Cult (hereafter Aum) attempted both incidents at the command of Shoko Asahara, the founder. After that, they put a hydrogen-cyanide generator on the Shinjuku subway station by the time they were arrested by the police and they sent the Tokyo Governor a package bomb. This series of attacks was intended to obstruct the investigation of police that suspected Aum to be responsible for the Matsumoto sarin incident.

Delusive convictions and fear of their founder have been clarified in the trial of Aum. There was an apocalyptic prediction of Armageddon, in which Aum suffered from gas attacks and the end of the world was near. And their Vajrayana doctrine taught that killing an opponent of Aum would be a merit in another life, because it prevents an opponent from committing the evil of criticizing Aum, the world savor. Disciples believed and conducted sarin gas terrorism as well

as homicides against Aum opponents. Their hesitation to take lives in front of them was reversed with the strong conviction to the founder. They confessed they felt fear of being killed if they did not commit those attacks. Their religious belief outstripped and destroyed the actual world, which resulted in the sudden death of innocent lives, grieving families, and death sentences to twelve criminals responsible for religious terrorism in Tokyo District Court.

They prepared arms which were sufficient to disrupt the Japanese government and killed and injured thousands of citizens by sarin and poison gas. This fact could be considered in relation to crime against states. Incidentally, can we call those disciples terrorists? Reading their record and sentences, it is irresistible for me to regard them as not being a prisoner of conscience. Rather, they tried to believe in an ideal world and to prove their efforts to receive approval of the founder. There was no political purpose by which Aum could be called religious terrorists. How would the world become after Armageddon? Where would the followers reincarnate? There is no concrete story. Of course, extracting Aum's vision from their religious millennial theory was possible, as was done by researchers of religion. Well, who did believe it as it was? Although even some disciples who scattered sarin gas were skeptical of Aum's future, they could not abandon their loyalty to the founder.

A new religion who did not acknowledge what they had done had easily committed indiscriminate mass murder. Since then the remaining executives of Aum have been leading nearly 1500 followers without sincere regret or apology toward the victims whose relatives wanted the dissolution of Aum as well as defection of members. Moreover, there are not a small number of followers who converted and joined into Aum after the crimes were exposed. They seem to be unaware of the seriousness that senior disciples who believed in the founder so much that faced capital punishment. Still, Japanese government has approved Aum to continue, while even Aum's rearmament was under surveillance to prevent rearmament. Is this situation the true serious meaning of the terrorism Japan has experienced?

This paper focuses on the risk of religion, which has been masqueraded under the good name of religious freedom and therefore not realized by social scientists as well as the general public. Among the Aum criminals who received death sentences, there are no disciples with a criminal record. Rather, they were pure-minded and naïve, idealistic and inexperienced, and good people who did not commit wrongs by themselves. How and why were their common sense and sense of ethics broken? Could we say they were mind-controlled by the founder, Shoko Asahara and as a result they lost their sense of humanity?

## **2 Conversion Processes of Aum Disciples**

Since 1995, the number of Aum disciples who have been arrested has reached approximately 500, and among them 187 members were prosecuted and 189 found guilty (Takimoto, 2005: 4). There are 16 disciples (12 of whom received a death penalty) who were involved in the Sakamoto lawyer family killing case, Matsumoto and the sarin gas attack on the Tokyo subway system and so on, and 12 received death and 4 life sentences. Let us take a look at their conversion processes.

When they committed crimes, they were young. Except for two middle aged disciples, they joined into Aum soon after graduating from their universities and quitting their initial jobs.

Their school careers varied from four high school graduates, to four university, five Master courses, and two early leavers from Doctoral courses in graduate school. Promising young researchers were involved in the arm manufacturing for their final world wide war under Hideo Murai who was called a mad scientist and mysteriously killed before the criminal investigation. Three doctors provided medical care in the Aum hospital and conducted special services such as administration of anesthetics and surgery. Graduates from human and social sciences conducted an espionage campaign and miscellaneous work such as fundraising and recruitment of new members.

Examining their conversion processes, we may say that some disciples had religious seeker-ship. First, the type of seeking spiritual world and self awareness is appropriate to the cases of disciples, Yokoyama, Inoue, Hayakawa, Kitamura, Sotozaki, Toyota, and Niimi, who were originally interested in Yoga and journey to spirituality and liberation (nirvana), so then they read occultist journals such as “Mu (lost civilizations)” and “Twilight Zone,” in which Asahara in the air was published. They also read books written by Asahara and directly attended on Aum seminars. Another type of seekership is salvation of human beings and the world, which is appropriate to the case of disciples, Okazaki and Ikuo Hayashi. Okazaki had anguish about human relations and Ikuo Hayashi realized the limitations of medical treatment as a cardiac surgeon, and then they became aware of Buddhist salvation. Second, because Sugimoto and Nakagawa entered Aum to solve psychosomatic and psychiatric disorder. Sugimoto suffered from abnormal cardiac rhythm and for Nakagawa heteroptics. The third type is the case of Hashimoto and Tominaga who were solicited by their friends in their universities.

Asahara understood such disciples’ demands and gave suggestions which were appropriate to them. While most disciples were raised in well-off families, Asahara was born in poverty and sent to a boarding school for the blind, and then experienced success and failure of his business before he initiated a Yoga practicing group. Asahara impressed and overwhelmed disciples who had not met such a vital person.

### **3 Ascetic and violent Training of Aum**

Exit counselors who have supported Aum defectors point out that they are fixated on mystical experiences in Aum training, by which they were indoctrinated in the worship of Asahara as an enlightened man and the fear of spiritual and physical retaliation against opponents and apostates. (Hiraoka, 2005: 47) There were many disciples who were impressed by Kundalini Yoga, originally from Tantric Buddhism and facilitated by Asahara’s Shaktipat. However, soon this yoga training was replaced by ascetic ones such as throwing down the whole body on the ground thousands times, and confinement in a sleeping module for long hours. Believers had to listen to Asahara’s mantra and concentrated on just Asahara as a guru, and through whose practices they entered into altered states of consciousness.

Psychiatrists stated that believers’ suggestibility was strengthened so that the image and teaching of Asahara were easily imprinted on their mind and hypnotically controlled their behavior. Therefore, former members of Aum need considerable time to escape from Asahara, even if realizing the discrepancy between teaching and practice of Aum, because believers’

devotion to Asahara exceeded the ideal and emotional affection.

After that, when absorbing a large number of followers in their prime, Aum changed from practicing Kundalini Yoga to providing special initiation in which novices took LSD for mystical experiences and meditated on Asahara's image in isolated cells. Then, the daily trainings life changed to the "work" in which believers were involved in fundraising and recruitment of new members, and for selected members special operations such as arms manufacturing and killing of opponents. (Reader, 2002: 193–199)

The persistence to attain mystical experiences of Aum believers is peculiar to Aum, so followers of Asahara adhere to their apprenticeship rather than ethical concerns. (NCC, 2004) Asahara did not care whether neurosecretory material was generated through acetic practice or through drugs, and rank-and-file believers did not have sufficient religious knowledge that they could not relativize their experiences.

When a novice practices training, it might be a problem whether they were sufficiently informed concerning the content of practice and they decided by themselves. Disciples in early times practiced yoga of their own will, however, after 1994 disciples who participated in "the Initiation of Jesus Christ" and "the Initiation of Enlightenment in Boardo" were not informed and moreover could not refuse to join in an isolated commune. The former was the initiation to take LSD, and then, novices were forced to take a hot bath as much as 47 degrees Celsius, by which some of them died. The latter was forcing them watch videos containing scenes of dead bodies in a confinement room to imprint their brains with the fear of death, and later that initiation was used by the same name by an Aum doctor, Ikuo Hayashi, who injected an anesthetic to believers who were suspected to be betrayers and forced them to confess. In 1989, Taguchi who complained about Aum and tried to defect was confined in a cargo container for two months and eventually killed. Their self-claimed training was violence just to force believers to be obedient to Aum through terror.

Another peculiarity of Aum is the extreme worship of Asahara. (Lifton, 1999–2000) In early times, Aum provided a special drink containing Asahara's blood and a special headgear by which a pattern of Asahara's brain wave was electrically stimulated to the believers' head. This appliance was given to devotees donating approximately 1 million yen. Making a clone person by copying the guru's data through Asahara's DNA as well as brain wave was just a pseudoscience and pseudo information science, yet, disciples who majored in natural sciences in privileged universities were convinced. How did this come about?

If even a condition was well prepared, were humans subordinate to authority? Stanley Milgram verified this in social psychological experiments, in which examinees easily entrusted their judgment and responsibility to authority figures despite what happened. (Milgram, 1974–1975) Or if human were driven by ideological and religious fever, could they kill opponents like insects? In historical war crimes mass murder of civilians and deliberate ethnic cleansing were repeated by ordinary citizens who were gentle in daily life. (Arendt, 1969–1994) Was it natural for Aum believers to obey Asahara? In the following chapter, I will consider how the motives and the situations were realized in court.

#### 4 Trials of Aum Criminals and the Theory of Mind Control

As for the trials of previously mentioned disciples, there was little conflict on fact relevance of their executing arms manufacturing, sarin plant construction, and attempted murder of some believers and the general public. Even if they were not regarded as a direct perpetrator in connection with the authorization of the chain of command in each case, there was a dispute between the prosecutors and the defense, concerning whether they were co conspirator or abettors, and whether they had murderous intent. However, unlike the defense team of the Asahara trial, no attorneys pleaded that there were not a conspiracy, nor crimes. Indeed, the role of their defense was just seeking correct fact finding and proper penalty, because the disciples, partially or fully, confessed the fact of crimes which was supported by material evidence.

The proper penalty means a decision that will be accepted by the general public, sufficiently taking account of the situation of crimes and their responsibility. I will discuss here not the judgments whether they deserve the death penalty or life imprisonment, but their responsibility, which was concretely demonstrated as “impossible to expect legal acts” and “diminished responsibility for their acts” because “they were mind controlled by Asahara.” The trials in which attorneys developed this discussion are the cases of Okazaki, Yokoyama, Inoue, Hirose, Toyota and Sugimoto (the same trial), and Tominaga. In other trials, attorneys did not always defend criminal disciples from this point, except for Hashimoto’s case, in which he was regarded as “executing a crime with a special psychological condition.” The trial status of the defendants is as in the table. Hereinafter, I will introduce each case. (Note 1)

[Okazaki, Kazuaki]

Okazaki left Aum with a large sum of money from Aum, after participating in the murders of a believer who tried to defect and Sakamoto lawyer family, who rescued the victims of Aum’s fraudulent sales. The Tokyo District Court admitted his responsibility. Supposing that he was under religious influence by Asahara, it is not possible to say that he was in a condition of diminished-responsibility for his acts. In addition to that, a judge stated that ‘even if he executed those crimes based on his religious beliefs, the penalty should not be slightly reduced.’ (Tokyo District Court, 1995 Gou Wa No.332, 379; Hanrei Times, 1999: no.1008: 107-116) The Tokyo High Court dismissed the defendant’s appeal (Tokyo High Court, 1998 U No.2041; Hanrei Times, 2002: no.1081: 155-161), and his appellant to the Supreme Court was also rejected on April 7<sup>th</sup>, 2005, then his death penalty was fixed.

[Yokoyama, Masato]

Yokoyama was charged in the Aum’s automatic rifle manufacturing and the murder conspiracy of 12 people on the Tokyo subway system by scattering sarin gas. He received a death sentence by the Tokyo District Court (Tokyo District Court, 1995 Gou Wa No.146, 235) and in the Tokyo High Court his appeal was dismissed.

The judge denied the defendant’s claim of being mind-controlled situation, because his careful preparation of the attack and the settlement of the destruction of evidence were considered to be behavior suited to accomplishing an end. Yokoyama’s statement that he “felt doubt and

Trials of Aum members to receive capital punishment 2005						
Roles	Name (Age in 1995)	Tokyo Distric Court	Tokyo High Court	Supreme Court	contents of cases (num. of death)	careers
Supreme Pope	Asahara (40)	2004/2/27 death			13incidents (27)	blind school, drugstore, Yoga group
Minister of Medicine	Hayashi, Ikuo (48)	1998/5/26 life inprison- ment fixed			kidnapping, sarin (13)	university, doctor
	Okazaki (29)	1998/10/23 death	2001/12/13 dismissal	2005/4/7 dismissal	killling (4)	high school, various jobs
Vice Minister of Science and Technology	Yokoyama (31)	1999/9/30 death	2003/5/19 dismissal		sarin (12)	university, engineer
Vice Minister of Home Affairs	Kitamura (27)	1999/11/12 life	2002/1/29 dismissal	2004/10/14 dismissal	sarin (12) driver	high school drop out
Vice Minister of Home Affairs	Sotozaki (31)	2000/2/17 life	2001/12/26 dismissal	2004/2/9 dismissal	sarin (12) driver	high school, various jobs
Minister of Counterespionage	Inoue (25)	2000/6/6 life	2004/5/28 death		killling, kidnapping, sarin (15)	high school, directly involved
Vice Minister of Science and Technology	Hayashi, Yasuo (37)	2000/6/29 death	2003/12/5 dismissal		sarin (12)	university, travel, various jobs
Vice Minister of Science and Technology	Hirose (30)	2000/7/17 death	2004/7/28 dismissal		sarin (12)	Master of Science (Physics)
Vice Minister of Science and Technology	Toyota (27)	2000/7/17 death	2004/7/28 dismissal		sarin (12)	Doctral Course of Science, drop out
Vice Minister of Home Affairs	Sugimoto (37)	2000/7/17 life	2004/7/28 dismissal		sarin (12) driver	university, various jobs
Vice Minister of Home Affairs	Hashimoto (28)	2000/7/25 death	2003/9/18 dismissal		killling, sarin (10)	university drop out
Minister of Construction	Hayakawa (45)	2000/7/28 death	2004/5/14 dismissal		killling (4)	university, engineer
Vice Minister of Home Affairs	Nakamura (27)	2001/5/30 life	2003/9/25 dismissal		killling (7)	
Minister of Home Affairs	Niimi (31)	2002/6/26 death			killling, sarin (26)	university
Minister of Welfare	Endo (34)	2002/10/11 death			sarin (19)	Doctoral Course of Medi- cine, drop out
Administrator of Aum	Nakagawa (33)	2003/10/29 death			killling, sarin (25)	university, doctor
Minister of Welfare (Second)	Tsutchiya (30)	2004/1/30 death			killling, sarin (20)	Master Course of Physics, drop out

indescribable bitterness” when scattering sarin gas should be understood the evidence that he had his own will and consideration. (Hanrei Times, 2000: 138-158)

[Inoue, Yoshihiro]

Inoue was prosecuted in the cases of 1) the sarin gas attack on the Tokyo subway system as a coordinator; 2) torture and killing of a follower; 3) one murder and two attempted murders of Aum opponent citizens by VX gas; 4) the kidnapping and fatal confinement of follower’s kin; 5) setting up a trap of hydrogen-cyanide at the Shinjuku Station in Tokyo; 6) and the attempted murder by sending a booby trap to the Tokyo Metropolitan Government. (Tokyo District Court, 1995 Gou Wa No.142, 198, 221, 279, 367, 404, 442; 1996 Gou Wa No.30) The judgment of the Tokyo District Court was a life sentence to the death penalty from prosecutor’s demand. The judge stated that ‘they felt hesitation to choose capital punishment,’ considering that he converted to be a Aum believer in his high school days so that he could not healthily develop his personality.

However, the Tokyo High Court admitted the prosecutor’s appeal and annulled the original decision and pronounced a death penalty, stating “at least the defendant had the criminal liability which was equal to the execution duty.” The judge regarded the role of Inoue not as being limited to logistic support, but as overall coordinating the sarin gas attack on the Tokyo subway system. (Tokyo High Court, 2001 U No.470) With respect to the influence of mind control, the judgment was that ‘the defendant was not in the condition that he could not judge the right and wrong, nor irresponsible for his acts.’ (Hanrei Times, 2005: no.1170: 303-319)

[Hirose, Kenichi; Toyota Toru; Sugimoto, Shigeo]

Hirose was prosecuted in the cases of 1) the sarin gas attack on the Tokyo subway system as a perpetrator; 2) Aum’s automatic rifle manufacturing. Toyota was prosecuted in the cases of 1) the sarin gas attack on the Tokyo subway system as a perpetrator; 2) Aum’s automatic rifle manufacturing; 3) setting up a trap of hydrogen-cyanide at the Shinjuku Station in Tokyo; 4) and the attempted murder by sending a booby trap to the Tokyo Metropolitan Government. And Sugimoto was prosecuted in the cases of 1) the sarin gas attack on the Tokyo subway system as a driver; and 2) torture and killing of a follower. (Tokyo District Court, 1995 Gou Wa No.143, 144, 145, 199, 234, 236, 356, 405; 1996 Gou Wa No.74)

As a witness of three disciples’ defense counsel, Shingo Takahashi of Faculty of Medicine, Toho University, presented the opinion that they suffered from “Dissociative Disorders” or “excessive disorder in ego-consciousness” at the time of committing crimes and therefore they were not responsible to a considerable extent. He argued that 1) disciples had cultic alternating personality in which recognition of committing illegality dissociates from the character to execute the command of the founder automatically; 2) they showed symptoms of “induced psychosis” (delusion and abnormal behavior of Asahara were transferred to disciples’ minds) and “dissociative disorder” (another character emerged under excessive stress); 3) sense of “being watched” (schizophrenic symptom by which disciples feel being kept under surveillance by Asahara, then the boundary between Asahara’s character and disciples’ become diminished); and 4) “increase of suggestibility” through mystical experience.

However, the judges thought that the Takahashi opinion was contradictory, considering from the speech and action of the defendants at the time of crimes. Their counterargument was presented as follows: 1) the defendants were “shocked by the orders they were given, and showed resistance and hesitation,” so they were not perpetrators automatically committing crimes; 2) the explanation of causal relation how a conflict occurs between original character and dissociative character is unclear; 3) it is impossible to say that their crime was committed by their obsession and mental disorder, because the defendants’ statements showed that they had executed the commands of Asahara to seek salvation while knowing that Asahara’s instructions were illegal; 4) it is impossible to say that they were susceptible to suggestion of Asahara because of the fact that the defendants hesitated to execute and after that they felt remorse. Therefore, negating that “the ability to distinguish right or wrong and act according to their judgments at the time of crimes declined remarkably,” the judges rejected the theory of mind control based on the opinion of Dr. Takahashi. (Hanrei Times, 2002: 1091: 181–214) Their appeal was also dismissed.

[Tominaga, Masahiro]

Tominaga was prosecuted in the cases of 1) assault on Mr. Takimoto, a lawyer who severely criticized Aum, by sarin gas; 2) setting up a trap of hydrogen-cyanide at Shinjuku Station in Tokyo; 3) and the attempted murder by sending a booby trap to the Tokyo Metropolitan Government. (Tokyo District Court, 1995 Gou Wa No.357, 403; 1996 Gou Wa No.71) The defendant’s claim of the decline of his responsibility by the influence of mind control was rejected, supposing that he had the ability to make decisions by all means at the time of each crime. (Hanrei Jiho, 1999, No.1695: 140–162)

[The other defendants]

In Aum trials, all disciples were not defended by the mind control theory. In case of Niimi Tomomitsu, who expressed devotion to Asahara and consistently defended Aum orthodoxy in his trial, the issue was the defendant’s claim that only the alleged mastermind Asahara deserved the death penalty, because the crimes of Aum were equivalent to crimes against the state. However, the series of crimes were judged not as an armed revolution but as individual crime. He was involved in the murder of 26 peoples in total, however, ‘he has been unrepentant to the present, unchanging his self-righteous attitude, ridiculing the victims, and damaging the feelings of grief-stricken families, so it is impossible for him to go straight.’ He received the death penalty. (Hanrei Jiho, 2002, 1795: 45–96) Endo Seiichi and Tsuchiya Masami, who were engaged in the sarin plant, have been ambiguous about the consequences of the sarin incidents, because they were not principal offenders. They also received a death sentences.

To Hayashi Yasuo, who defected from Aum and expressed his sincere regret, the judge lamented that “to chose a respectable teacher is most valuable, in that sense the defendant was terribly unfortunate.” He received a death sentence. As for the case of Nakagawa Tomomasa, Shoichi Fujita, a photo journalist who wrote about Aum, pointed out that Nakagawa had a typical psychosomatic disorder of shamanistic priests in Japan, and this character was used by Asahara who suggested that this disease was of sins committed in his past existence and had to be cured by purification of Aum religious practices. (Fujita, 2004) Of course, it included commit-

ting several illegal activities for a doctor as well as people in general. He also received a death sentence, after the judges rejected his request to receive a psychiatric examination.

## 5 The mind-control theory and legal responsibility

The mind-control theory claims that there is a social psychological manipulation that forces people to comply with the options desired by malicious and intentional others, and this method was used by Asahara to control disciples. Nishida, who investigated some of defendants psychologically, stated that even if it is commonplace to use psychological restrictions and social influence bit by bit, 'when once those psychological obligations were given systematically to each person, they had a strong influence.' (Nishida, 2005: 35-43)

The opinion of Takahashi, the psychiatrist, also pointed the Aum disciples' special mental condition by which they were engaged in various Aum activities, because they were administered drugs and confined to small cells to be indoctrinated into the worship of the founder. The viewpoints of Nishida and Takahashi described their psychologically restricted condition in general by referring to social psychology and psychiatry. However, the judgments only mentioned what kind of decision the defendant made in each crime, and about external restrictions that limited varieties of choices by the defendants. Admitting that they had special mental condition, the judges acknowledged that although the disciples had possibilities to choose legal activities, they ventured to choose illegal actions of their own free will that sought religious values as well as promotion and self-protection in Aum.

According to the defendants' testimony, they found religious values to follow the guru rather than decide by themselves, and oddly enough, some of them said they were selfless. Theorists of mind control will find the evidence of the defendant's mind controlled influence there, however, the prosecutors and judges regarded their weighing the advantage of Aum's incredible doctrine rather than human life as their decision-making. And taking responsibility for their acts will be consequential, because they submitted themselves of their own will.

Ultimately, it is difficult to determine objectively by their testimonies and acts to what extent the defendants were psychologically manipulated, or to what degree they had room for self-judgment. Retrospective verbal evidence might include the will to proceed with their trial favorably. Moreover, the criteria of diminished-responsibility are not prescribed in article 39 of criminal law, so it is judged by referring to psychiatric examination in each case. Most cases fall under organic mental disorder rather than the inability to communicate and personality disorder corresponding with criminogenic character. Expanding the concept of mental disorder into social maladjustment and deviance in general cannot reach a consensus with the general public. Therefore, as the minimum required standard of diminished-responsibility, legal professionals argue over whether defendants committed crimes with knowledge of their illegality or whether they were committed intentionally. For this reason, even if psychological restrictions were found in defendants' life as a whole, this fact was not described as mind control and built into legal theory by judges.

## 6 The mind-control theory and moral responsibility

The Family of Aum Followers (Nagaoka Hiroyuki, the president, and its members are parents of former and present members of Aum) had complained about Aum to the police as well as public administrations until the police investigation of Aum in 1995, and have continued to criticize Aum to the present. While they claim that Aum has stolen their sons and daughters, they are simultaneously in a position to accept responsibility for their children who could not do it in jail. They say that their children were and/or are in the same situation of defendants who received a death sentence. If they were given the same command from Asahara, they must do. Still, Aum, changed its name to Aleph, and keeps its authoritarian structure by which present disciples seem to be unaware of the risk of committing wrongs and being punished.

The mind control theory tried to clarify the possibility that anyone can be involved in organized crimes under authoritarian charisma and system and point out the risk that they give priority to organizational principle rather than individual ethics and conscience. The defense questioned whether anyone who took such risk should accept full responsibility of organized Aum crimes. Of course, as some judge stated, the defendants joined and followed Aum by their will, accordingly they ought to take the consequences. However, until Aum began to confront Japanese society, its organizational development was permissible. Moreover, after former members and their families pointed out the deviant way of religious practice as well as fundraising, the mass media such as Tokyo Broadcasting System, Inc. could not take a next step for broadcasting Aum problems. Still, the Japanese police as well as security police system could not investigate Aum criminals such as the Sakamoto family incident, despite the request of Takimoto and Nagaoka, who were assaulted by Aum with sarin and VX gas, and gave relevant information and ask investigation of Aum repeatedly. Accordingly, they lost the opportunity to investigate Aum, and could not defend its sarin attack that had to be prevented.

Incidentally, the right to call police to account for its omission is not of Aum disciples, but of citizens' victims. As a matter of fact, they were defended by attorneys who claimed diminished responsibility by mind control, and they severely criticized Asahara who did not take any responsibility for his commands. However, they did not defiantly declare that the deceiver was worse than the deceived. They repented their foolishness for being deceived by Asahara, and ran out of word for apology to the victims. Just their attitude to receive the death penalty with gravity was shown in their trials.

## 7 Concluding remarks: the "Cult Problem" in a Risk Society

Ulrich Beck argued in his book, *Risikogesellschaft* (1986) that post modern society cannot help being confronted with the risk of life and living, e.g. environmental problems, the radiation contamination and so on. Resurgence of fundamentalism and cults is one of those problems, to which Beck did not refer. Recent politics has a role to recognize the risk of "cults" and their terrorism and conduct risk management appropriately, though, it might be basically impossible. There are two reasons for that.

First, we cannot remove the fundamental cause of this risk. An unending stream of conflicts

around the world are caused by the angry radicals and dissatisfied classes with the inequality of the distribution of wealth and risk. They use radical religious ideas and means to deliver social justice and equity, yet, have faced “the war against terrorism.” But suppressing such terrorist movements has successively brought about other sympathetic insurgences whose members believe in “Jihad.” There are radicals who refer to themselves as Al-Qaeda and sympathized youngsters who are able to become principal offenders anywhere.

Second, the risk management of “cult problems” is contradictory to political systems ruled by law today. Whether the doctrines and way of life of cults and radicals are peculiar, arrest by police and administration’ control of them is impossible. It must be contradictory to freedom of thought and association in democracy. Rather, not to accept minorities in terms of belief could be more problematic in a society in which multiculturalism is legitimized.

In short, modern society can not stop the occurrence of “cults” and “religious radicalism,” and we cannot expect measures to prevent from their recruitment of new members who will be involved in new crimes and terrorism. In our society only individuals committing crimes and groups owing corporate responsibility must be sanctioned and kept under surveillance. This legalistic measure is necessary to secure freedom of thought, yet it forces individuals to take risks of facing their skillful recruitment, and terrorist attacks, as well. If the state strengthened the regulation of socially-deviant activities to evade those risks, it would become as authoritarian as cults and radicalist groups which have single “truth” and “justice.” Therefore, there is no measure to mitigate the risks in freedom of thought and the risks in control of deviance at the same instance.

Now, what can we do? To put it simply, we should not try to find a single answer for social problems. Quite ordinary criteria is that individual and associational freedom should be treated respectfully, in so far as they would not infringe the right of others. Under such a principle, various “truths” and “justice” could be discussed. This idea is based on publicness, and it applies restrictions to the interpretation of multiculturalism. The actions of destroying society and invading others’ freedom could be prohibited to protect the publicness of our society. Contemporary religions should have prudence to exist with secular society and for any reason people must not die for religious “truth” and “justice.” This might be the only lesson we have learned from the Aum incidents. (Note 2)

## Note

1 Concerning the trial record of Aum criminals, except for the verdicts in Hanrei Times and Hanrei Jiho, I referred to the books as follows:

Aonuma, Yoichiro, 2004, *Omu Saiban Boshouki, Shincho Sha, (Records of laughable Aum trials)*

Egawa, Shoko, 1996, 97, *Omu Shinrikyo Saiban Bouchoki (1, 2), Bungei Shunju, (Records of court proceedings of Aum criminals)*

Hurihata, Kenichi, 1998–2004, *Omu Hotei*, vol.1–13, Asahi Shinbun Sha, (*Aum Trials*)

Mainichi Shinbun Sha Shakaibu hen, 1997–2004, *Omu Kyoso Houtei Zenkiroku*, Mainichi Shinbun Sha, (*Aum founder: records of Aum trials*)

Sasa, Ryuzo, 2004, *Doukoku*, Koudan Sha, (*Rament*)

2 Author published a book in January 2006, *Caruto wo Toinaosu: Shinkyo no Jiyu toiu Risuku*, Tyuoukouron

Shinsha, (*Reconsidering "Cults": The Risk of Religious Freedom*)

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- Hiraoka, 2005
- Fujita, Shuichi, 2004, 'Kare wa Naze Kyoaku Hanzai wo Jikko shitanoka?' *Sekai*, 2004: 4 (Why did he commit a heinous crime?)
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- Takimoto, Taro, 2005, 'Omu Saiban Junen wo Hurikaeru,' *The Japan Society for Cult Prevention and Recovery vol.9* (The review of Aum trials for ten years.)