

FFWPU Europe and the Middle East: Law Expert - Japan's Legal Basis for Closure Family Fed is Shaky

Knut Holdhus
April 25, 2026



Patricia Duval - Member of the Paris Bar Association, specializing in international human rights law. She obtained a degree in public law from the Sorbonne University in France. She has defended the rights of religious minorities and believers both in France and internationally, including in international organizations such as the European Court of Human Rights (ECtHR), the Council of Europe (CoE), the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU), and the United Nations. She has also published numerous academic papers on religion and freedom of belief



[Bitter Winter](#), the world's leading online magazine on religious liberty and human rights

When law becomes a tool of control: Human rights law expert criticizes Japan's dangerous precedent undermining religious liberty

[Bitter Winter](#), the world's leading online magazine on religious liberty and human rights, published 22nd April 2026 an [article](#) by French Attorney Patricia Duval, expert in international human rights law. She examines a central legal question arising from the Tokyo High Court's decision to dissolve the [Family Federation for World Peace and Unification](#) in Japan - whether such a far-reaching restriction on religious freedom can genuinely be said to be "prescribed by law" under international human rights

standards.



Her [analysis](#) situates the case within the framework of Article 18.3 of the [International Covenant on Civil and Political Rights](#) (ICCPR), which permits limitations on freedom of religion only under strict conditions. Among these, the requirement that any restriction be "prescribed by law" is foundational, as it safeguards individuals against arbitrary or politically motivated interference.

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Duval begins by framing the dissolution order as a severe intrusion into the collective and individual rights of believers. Dissolving a religious legal entity does not merely regulate administrative structures; it

directly affects the ability of adherents to organize, worship, and express their beliefs in community. Because of this, such a measure must pass a high threshold of legal justification. It is not enough that a law exists in a formal sense - the law must also meet qualitative standards of clarity, accessibility, and predictability.



2018 English version of Religious Corporations Act of Japan



The [webpage](#) of the Human Rights Committee, a subpage on the site of the UN Human Rights Office of the High Commissioner

At first glance, the Japanese authorities appear to have acted within a statutory framework. The Religious Corporations Act allows courts to dissolve a religious organization if it engages in conduct that violates laws and regulations and substantially harms public welfare. This provision seems to provide a legal basis for state intervention. However, Duval argues that the mere existence of a legal provision is insufficient to satisfy international requirements. The decisive issue is whether the law is formulated with enough precision to allow individuals and organizations to foresee the consequences of their actions and adjust their behavior accordingly.

The Siracusa Principles (1984) are a set of international legal guidelines detailing how states can limit or restrict human rights during emergencies (e.g., pandemics, public security threats) without violating the International Covenant on Civil and Political Rights (ICCPR). They require that restrictions be lawful, necessary, proportionate, and non-discriminatory.

This requirement of foreseeability is well established in international human rights law. The [Siracusa Principles](#), which interpret limitation clauses under the [ICCPR](#), emphasize that any rule restricting fundamental rights must be clear and accessible. Laws must not be so vague or open-ended that they permit arbitrary enforcement. In Duval's view, the Japanese provision fails this test because it relies heavily on ambiguous concepts such as "public welfare" without offering a concrete definition.

The ambiguity of "public welfare" is a recurring concern. International oversight bodies have repeatedly urged Japan to clarify this notion, warning that vague terminology can be used to justify excessive restrictions on fundamental freedoms. Despite these recommendations spanning more than a decade, no meaningful legislative reform has been undertaken. As a result, the legal standard remains indeterminate, leaving both religious groups and courts without clear guidance on its scope and limits.

Duval strengthens her argument by drawing a comparison with prior international case law. In particular, she references a decision involving legislation on extremism in another jurisdiction, where the Human Rights Committee found that overly broad and undefined terms rendered the law incompatible with the [ICCPR](#). The absence of precise criteria meant that individuals could not reasonably predict what conduct would be deemed unlawful. By analogy, she contends that Japan's reliance

on an undefined concept of public welfare creates a similar problem.

A further complication arises from the interpretation of what constitutes a "violation of laws and regulations". Traditionally, this phrase would be understood to refer to breaches of clearly established statutory provisions. However, Japanese courts have expanded its meaning to include civil liability for torts. This shift significantly broadens the scope of conduct that can trigger dissolution, moving beyond explicit legal prohibitions to encompass more general notions of wrongdoing.

The inclusion of civil torts introduces an additional layer of uncertainty. Civil liability often depends on flexible standards such as reasonableness or social acceptability, which are inherently context-dependent and open to interpretation. In the cases cited by the High Court, the determination of wrongdoing frequently rested on whether certain fundraising practices were socially inappropriate. Such criteria are not only subjective but also variable over time and across social contexts.

Duval highlights that this reliance on "social appropriateness" undermines the predictability required by international law. If individuals cannot clearly determine in advance whether their conduct will be deemed acceptable, they are effectively deprived of the ability to regulate their behavior in accordance

with the law. This unpredictability is particularly problematic when the consequences include the dissolution of an entire religious organization.

The situation is further complicated by the temporal dimension of the evidence used to justify the dissolution. Many of the court decisions cited by the High Court concern events that occurred decades ago. Moreover, there is acknowledgment that no recent cases of similar misconduct have been established, particularly after internal reforms were implemented by the organization in question. Despite this, the court justified dissolution on the basis of a potential risk of future violations.

From a legal standpoint, basing such a severe measure on speculative future risks rather than demonstrable current conduct raises serious concerns. It suggests that the threshold for intervention has been lowered, allowing authorities to act on hypothetical scenarios rather than concrete evidence. This approach is difficult to reconcile with the principle that restrictions on fundamental rights must be necessary and grounded in clearly defined legal criteria.



Swayed by media campaign, severed all ties with Family Federation, and changed the law overnight by including civil cases: Fumio Kishida, prime minister of Japan 2021-2024. Here, at press conference August 14, 2024

Duval also points to the broader context in which the interpretation of the law shifted. The change in how authorities applied the dissolution provisions occurred [relatively abruptly](#), following a period of intense public and media scrutiny. This sudden reinterpretation, after years of a more limited understanding, further undermines the argument that the law was foreseeable. If even the authorities themselves did not apply the provision in this expanded manner until recently, it is unreasonable to expect that the affected religious community could have anticipated such a development.

The High Court attempted to address concerns about unpredictability by arguing that existing case law provided sufficient guidance. According to this reasoning, prior judicial decisions established criteria that could inform the organization's conduct. However, Duval challenges this assertion, noting that the underlying criteria in those cases were themselves vague and inconsistently applied. Rather than clarifying the law, the reliance

on such case law perpetuates uncertainty.

Taken together, these factors lead to a central conclusion: the legal framework used to justify the dissolution does not meet the standard of being "prescribed by law" as required under Article 18.3 of the [ICCPR](#). The combination of vague statutory language, expansive judicial interpretation, reliance on subjective criteria, and sudden shifts in application creates a legal environment that lacks the necessary clarity and predictability.

This conclusion has broader implications beyond the specific case. It underscores the importance of maintaining rigorous standards when restricting fundamental rights, particularly freedom of religion. Laws that are imprecise or inconsistently applied risk becoming tools of arbitrary governance, even if they are formally enacted. The requirement that restrictions be clearly defined is not a mere technicality; it is a safeguard against abuse and a cornerstone of the rule of law.

In rephrasing Duval's argument, the core issue is not whether the state has any authority to regulate religious organizations, but whether it has done so in a manner consistent with its international obligations. The answer she provides is negative. The dissolution order, in her analysis, rests on a legal foundation that is too uncertain and too elastic to justify such a profound interference with religious freedom.

Ultimately, the [article](#) invites readers to reflect on the balance between state power and individual rights. It emphasizes that even in cases where concerns about public welfare are invoked, those concerns must be addressed through laws that are precise, transparent, and applied in a predictable manner. Without these safeguards, the legitimacy of any restriction on fundamental freedoms is highly questionable.

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Hostile Interpretation Of Belief In Tokyo Court

April 24, 2026 • Knut Holdhus



When courts misread faith: The problem of a court's biased legal reasoning when its doctrinal interpretation is entirely based on sources hostile to the religious body being examined



A 26th March 2026 [Bitter Winter article](#) by Dr. Massimo Introvigne offers a sharply critical reading of the [Tokyo High Court's decision](#) to uphold the dissolution of the [Family](#)

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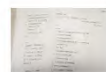
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Federation for World Peace and Unification. Reframing his argument through an even more pointed lens – one that emphasizes selective quotation and reliance on hostile or ideologically motivated sources – the

piece can be understood as an indictment not only of the court's conclusions but of its methodological foundations. At stake, in this telling, is not merely the fate of a controversial religious organization, but the epistemic standards by which courts interpret belief systems that fall outside mainstream acceptance.

See also: [Law Expert: Too Weak Legal Basis for Dissolution](#)

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From the outset, Introvigne portrays the High Court's reasoning as structurally compromised. Rather than constructing a balanced or academically grounded account of the movement founded by Sun Myung Moon (1920-2012) and Hak Ja Han, the court is said to have assembled a narrative that depends disproportionately on adversarial materials.



Casting religious doctrine in the most cynical possible light:

Central activist leftwing lawyers of National Network of Lawyers Against Spiritual Sales (NNLASS). From left: Masaki Kito, Hiroshi Yamaguchi, Yasuo Kawai. Photo: [Bitter Winter](#) / screenshot

Chief among these are the claims and publications of Japan's National Network of Lawyers Against Spiritual Sales – an advocacy group with a long-standing oppositional stance toward the Family Federation. By privileging such sources, while neglecting decades of scholarship by sociologists and historians of religion, the court's decision appears less like a neutral judicial assessment and more like a curated dossier built to substantiate a predetermined conclusion.

This methodological bias is most evident in the court's reconstruction of the Family Federation's theology. While it begins with a superficially accurate summary – describing the roles of Sun Myung Moon and his widow Hak Ja Han as “True Parents” and articulating the concept of “restoration” – it quickly pivots toward an interpretive framework that casts these doctrines in the most cynical possible light. The phrase “offering all things to God”, for example, is reframed not as a spiritual exhortation common to many religious traditions, but as an implicit mandate for financial exploitation. Select quotations emphasizing the importance of monetary contributions are isolated from their broader theological and pastoral contexts, then presented as evidence of systemic coercion.

Such interpretive moves are not merely reductive; they risk distorting the internal logic of the belief system itself. Religious language, by its nature, often employs metaphor, symbolism, and exhortation that cannot be meaningfully evaluated through a purely literal or materialist lens. By treating doctrinal statements as if they were operational directives, the court collapses the distinction between belief and practice, thereby rendering any theology that includes sacrificial giving inherently suspect.

The same pattern emerges in the court's treatment of the Family Federation's global worldview, particularly its characterization of Japan as the “Mother Nation” and Korea as the “Father Nation”. Within Unification theology, these designations are part of a broader symbolic cosmology that assigns spiritual roles to various countries. However, the court reduces this complex framework to a single functional claim: that Japanese members are ideologically conditioned to financially support a Korean-centered hierarchy. This interpretation, again, relies on selective emphasis – foregrounding elements that can be construed as exploitative while ignoring those that situate the doctrine within a

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while ignoring those that situate the doctrine within a transnational religious narrative.



*A Japanese woman offering a donation at a meeting.
Illustration: Microsoft Designer Image Creator, 10th February 2025.*

More troubling still is the court's engagement with the concept of "ancestral karma" and the associated practice of "ancestral liberation" rituals. Here, the decision appears to cross from sociological description into theological adjudication. By portraying these rituals primarily as revenue-generating mechanisms, the court implicitly dismisses the underlying beliefs about the afterlife and intergenerational spiritual influence. This is a significant move, as it places the judiciary in the position of evaluating not just the legality of actions, but the plausibility or legitimacy of metaphysical claims.

Introvigne's critique underscores the historical and comparative dimensions that the court neglects. Practices involving donations tied to rituals for the dead – whether in Catholicism, Buddhism, or other traditions – are widespread and deeply embedded in religious life. The Catholic doctrine of Purgatory, for instance, has long been associated with Masses offered for the dead, often accompanied by financial contributions. While abuses in this area did provoke the Protestant Reformation, the core practices themselves persist within mainstream Christianity. By singling out the [Family Federation's](#) comparable rituals as inherently suspect, the court risks applying a double standard that privileges familiar traditions while pathologizing newer or less socially accepted ones.

This selective scrutiny is compounded by the court's apparent willingness to incorporate unverified or contextually ambiguous statements into its narrative. References to alleged remarks by [Hak Ja Han](#) concerning historical grievances between Korea and Japan are introduced without rigorous examination, yet they serve to reinforce an implicit theme: that the [Family Federation's](#) leadership harbors antagonistic sentiments and leverages them to justify financial flows from Japan to Korea. Such inclusions, drawn from journalistic or secondary sources, further illustrate the reliance on materials that may be more polemical than probative.

The cumulative effect of these choices is a portrayal of the [Family Federation](#) that borders on caricature. It is depicted less as a multifaceted religious movement with global activities – including missionary work, educational initiatives, and charitable programs – and more as a centralized apparatus for extracting wealth from a specific national constituency. Positive or neutral aspects of its operations are acknowledged only briefly, if at all, and are overshadowed by an emphasis on political activities, particularly anti-communist efforts that have historically drawn criticism from certain ideological quarters.

Introvigne's reframing suggests that this imbalance is not incidental but structurally embedded in the evidentiary base the court chose to privilege. When hostile sources are treated as authoritative, and when presenting a differing scholarship is omitted, the resulting narrative will almost inevitably skew negative. This raises broader questions about how courts should approach the study of religion, especially in cases where the stakes include the dissolution of legally recognized entities.

At a doctrinal level, the decision also touches on the boundaries between legal oversight and religious freedom. By interpreting theological concepts as indicators of wrongdoing, the court risks establishing a precedent in which any belief system that encourages material sacrifice could be scrutinized for coercion. This is a potentially expansive standard, given that many religious traditions incorporate forms of tithing, offerings, or [donations](#) as integral components of spiritual practice.



Cast by lawyers in the most cynical possible light: Front cover page of one version of [Unification Principles in Japanese](#) – 原理講論

Dr. Introvigne writes,

"If courts start to treat religious doctrines with suspicion whenever they involve [donations](#), many mainstream traditions could become vulnerable. Catholic Masses for the dead, Buddhist memorial offerings, Shinto rites, and countless other rituals in world religions involve financial contributions. To single out one group's beliefs as illegitimate simply because they include significant donations opens a door that no constitutional democracy should ever open."

The concern, then, is not limited to one organization. If the logic applied in this case were generalized, it could extend to a wide array of religious communities, particularly those whose practices are less familiar or less socially entrenched. The distinction between legitimate regulation of harmful conduct and impermissible intrusion into belief becomes increasingly difficult to maintain when courts engage in interpretive analyses that depend on selective readings and adversarial framing.

In this light, the [Tokyo High Court's decision](#) can be seen as emblematic of a broader tension: the challenge of adjudicating disputes involving religion in a way that is both legally rigorous and epistemically fair. Introvigne's critique, especially when sharpened to emphasize the role of selective quotation and hostile sourcing, argues that this balance was not achieved. Instead, the court produced a narrative that, while internally coherent, rests on a foundation Introvigne describes as too narrow, too biased, and too dismissive of alternative perspectives to sustain the weight of its conclusions. Cast

Whether one agrees with this assessment or not, the issues it raises are consequential. They question the standards of evidence, the interpretation of religious language, and the limits of judicial authority in matters of belief. As such, the case is likely to resonate beyond its immediate context, informing ongoing debates about religious freedom, state power, and the complex interface between law and theology in contemporary societies.

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Featured image above: Dr. Massimo Introvigne, an Italian scholar specializing in the sociology of religion. He founded and serves as managing director of the Center for Studies on New Religions, an international network of academics focused on the study of new religious movements. He has authored around 70 books and over 100 scholarly articles in this field. Here, speaking in Geneva, Switzerland 16th June 2025. Screenshot from video by UPF.

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