

FFWPU Europe and the Middle East: Political Expediency Overrides Law In Japan When It Comes To Religious Freedom

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From the Chiba Prefectural Convention of the "Symposium to Protect Freedom of Religion and Human Rights", held in Chiba City 20th March 2024. On the right is Attorney Tatsuki Nakayama, beside him Rev. Haruhisa Nakagawa

Lawyer points out how dissolution order sought at Tokyo District Court is not possible legally, only by politics influencing the court



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Religious freedom symposium: The religious world needs to point out the widespread presence of faith-breaking and cleanse itself of the wounds caused by Aum Shinrikyo

by the editorial department of the [Sekai Nippo](#)

The request for a court order to dissolve the [Family Federation for World Peace and Unification](#) (formerly known as the Unification Church) is unjust and represents a crisis in the religious world. On 20th March, the Chiba Prefectural Convention of the "Symposium to Protect Freedom of Religion and Human Rights" was held in Chiba City, sponsored by the Chiba Citizens Association. About 300 people participated.



Rev. Haruhisa Nakagawa at the convention in Chiba 20th March 2024

One of the speakers, Rev. Haruhisa Nakagawa (中川晴久), Pastor of Christian Church of the Lord's Sheep (主の羊クリスチャン教会), addressed how easy it is to apply the label of "cult" in Japan, stating, "The memory and trauma of the Aum Shinrikyo incident are being exploited. The religious community must heal that wound."

Pastor Nakagawa pointed out that the so-called "faith-breakers" who have been involved in abduction and confinement of members of the [Family Federation](#) in order to forcibly de-convert them, have also threatened mothers of the [Family Federation](#) believers, saying, "If you leave your children [grown-up sons and daughters] to themselves, they will become perpetrators like Aum [Aum Shinrikyo]." In addition, he emphasized, "In order to heal the wounds of the Aum incident, 'comprehensive reflection' is necessary, but we must not leave it to those who have been spreading nonsense and exploiting it for

the faith-breaking business."



Attorney Tatsuki Nakayama pointing out politics and public opinion may decide outcome of trial



Senator Satoshi Hamada at the convention in Chiba 20th March 2024

Regarding the trial for the dissolution order request held behind closed doors at the Tokyo District Court, Tatsuki Nakayama, an international lawyer, said that although it is legally impossible to dissolve the [religious organisation](#), "the trial does not move by the law alone, but is influenced by politics and public opinion." Furthermore, he appealed to the audience, saying, "Your support is needed. Those who can take risks should step forward, and those who cannot, should support those who can."

In addition, Senator Satoshi Hamada, who spoke on behalf of the guests of honour, said,

"There are still many things I don't know about the [Family Federation](#). I didn't know much about the abduction and confinement, and I thought that the dissolution order request was just about the loss of tax benefits for the [religious corporation](#). I would like to tell the Diet about this."

In a meeting of the General Affairs Committee of the House of Councillors on 12th March, Senator Hamada [questioned](#) the Ministry of Education, Culture, Sports, Science and Technology about the harm caused to members of the [Family Federation](#) by the forcible faith-breaking.

Meetings on the theme of religious freedom by members of the [Family Federation](#) have been held all over the country over the past year, but it's the first time that a current member of the national parliament (Diet) has participated.

"What Is Not Possible Legally, Is Politically" - text:
The religion and politics reporting team of the editorial

department of the [Sekai Nippo](#).

More about not possible legally: [Ministry Not Specifying Which Law Is Broken](#)

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Next, I, Nobuya Fukumoto, will speak on behalf of the [religious organization](#) as its representative. Today, from 2:00 to 3:00, the first hearing was conducted. As for the content, first was the formal submission of evidence.



Tomihiro Tanaka, here at press conference in Tokyo 7th Nov. 2023. Photo: Screenshot from live transmission by the [Family Federation of Japan](#).

Then, Tomohiro Tanaka, the representative of the [religious organisation](#), read out a [statement](#). You have a paper in front of you (we have handed out the paper), but as mentioned earlier, please refrain from posting photos of it. It's fine to write down a summary of its contents.

During the hearing, while opinions could be expressed regarding the government's inquiry, there were no official statements from the government's side regarding the hearing. Additionally, although the prosecutors could have attended, they were absent.

And then, regarding that statement, within it, I have presented, in the "[Memorandum of the first hearing of the request for dissolution of the religious corporation](#)", which I have just handed out, those are my own records. I offer them purely as a reference for your own articles. I hope this is acceptable.

Within it, I submitted displays for the defendant, numbers 7 to 33 in court today. As for what this is, I have provided evidence, but this is all in written form.

This is a paper by a researcher that discusses the process by which the *Religious Corporations Law* was enacted in 1952, the public interest of religious organizations, and the past of religious oppression by the former *Ministry of Justice*. The reason for submitting this paper is that it was previously used as a visual aid when the request for the dissolution order was filed.

The panel was taken from the press conference of the *Minister of Education, Culture, Sports, Science and Technology* and contains nearly identical content to what was written in that request. So, what do I mean?

Allow me to read from the panel:

"Press Conference of the *Minister of Education, Culture, Sports, Science, and Technology* on 12th October 2023.

Religious corporations are legally recognized as public interest corporations.

Public interest corporations are **distinct from profit-oriented corporations such as companies**. The reason religious corporations are considered public interest entities is that **religious groups are expected to contribute to society by providing mental stability or spiritual training to the general public through religious activities** [...].

In light of this, the [Unification Church](#) is deemed detrimental to the public interest because it significantly deviates from the purpose of a religious organization. Therefore, according to *Article 81, Paragraph 1, Item 2 of the Religious Corporation Act*, there are grounds for dissolution."

What I found puzzling here is related to the reason behind granting religious corporation status to religious organizations. The claim that religious corporation status is conferred based

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Masahito Moriyama, Minister of Education, Culture, Sports, Science and Technology. Photo: [文部科学省 / Wikimedia Commons](#). License: [CC Attr 4.0 Int](#). Cropped

on the public nature of religious groups has been bothering me.



Front page of 2018 English version of Religious Corporations Act of Japan.

The reason for my concern is that **Article 1 of the Religious Corporation Act does not explicitly state such a provision.** It seems that the **purpose is solely to grant legal personality to religious organizations and facilitate their religious activities.** Therefore, I researched the process of enacting the *Religious Corporation Act*.

What I found through this investigation, which I presented today, were displays numbered 27 through 33 of Document A. According to these documents, indeed, the former *Ministry of Education, Culture, Sports, Science, and Technology* (MEXT) had expected and aimed to enhance the public interest nature of religion or religious organizations when drafting the current *Religious Corporations Act*, enacted in 2014. The draft was written with the intention of expecting and promoting the public and beneficial nature of religion or religious organizations.

However, when the the *Civil Information and Education Bureau* (CIE) of the *General Headquarters* (GHQ – the Supreme Commander for the Allied Powers. Allied agency responsible for the post-war occupation administration of Japan.) – abbreviated as GHQ/CIE, reviewed this, they expressed disapproval. They stated,

“This is unacceptable. The **social status of religious organizations should not be determined by the government.** Furthermore, it is questionable whether all religions inherently contribute to the public welfare. **Considering the principle of separation of religion and state, the sole purpose of this law should be to grant legal capacity to religious organizations.**”

Consequently, this led to the formulation of *Article 1, Paragraph 1*. The claim made by the petitioner (the country) that “religious corporations are granted legal personality based on the public nature of religious activities” turned out to be a malicious falsehood, distorting the truth behind the establishment process of the *Religious Corporation Act*. Today, in court, I **pointed out this lie** and asserted that **such a claim based on falsehood cannot be accepted as grounds for dissolution** under Item 2 of the preceding paragraph.

Another significant issue arose concerning the grounds for dissolution under Item 1.

This (panel) was also used during my press conference in October. Let me clarify it once again.



Representing the *Family Federation* in Tokyo District Court 22nd February 2024: Nobuya Fukumoto (left) and Nobuo Okamura. Photo: Screenshot from video recording by *FFWPU*.

The grounds for dissolution under Item 1 state: “Engaging in acts that clearly violate laws and significantly harm the public welfare.” Let’s break down this requirement. The initial condition is “violating laws”. Regarding this, there is no dispute that the term “laws” refers to established legal regulations, including statutory laws.

The *Tokyo High Court's* verdict in the *Aum Shinrikyo* case also clearly states that statutory regulations refer to laws such as the *Penal Code*. In other words, **to claim that someone has violated a law, we must specify which law, which article, or which section they have violated.**



Symbol of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) of Japan. Photo: 文部科学省 (MEXT Japan) / Wikimedia Commons. License: [CC Attr 4.0 Int](#)

文部科学省

However, the *Ministry of Education, Culture, Sports, Science and Technology*, here (on the panel) it says, "Penalty Case Notification Writ". And at

that time, I had not yet seen the documents for the request for a dissolution order, but they reused (recycled) the part about the penalty case notification here.

It only states that "under *Article 81, Paragraph 1, Item 1*, legal violations include acts that violate civil discipline and order." It **does not state which specific law and article are being violated**. This was exactly the same for the request for dissolution order. In fact, this part of the legal claim was almost entirely copied and pasted from the penalty case document, so the content was the same. Therefore, I submitted a request for clarification on this matter on 24th January of this year.

In fact, before that, there was a document from the petitioner's side rebutting our first argument in the "Argument Document 1". Despite our claim that they had not specified the laws, they did not specify them here either. Actually, there is a backstory to this, involving the report submitted as display A23, which is related to an incident last November involving **Senator Konishi, who managed to change legal interpretations overnight.**

Back in November of last year, he, Senator Konishi, had already questioned the Cabinet about whether specific laws should be identified, including articles 709 and 715 of the Civil Code, in response to my previous press conference. I was present at this conference. He submitted a letter of inquiry to the Cabinet, **urging them to clarify which specific articles were included in the aforementioned provision.**



Hiroyuki Konishi in March 2020. Photo: 石垣のりこ / Wikimedia Commons. License: [CC Attr 3.0 Unp. Cropped](#)

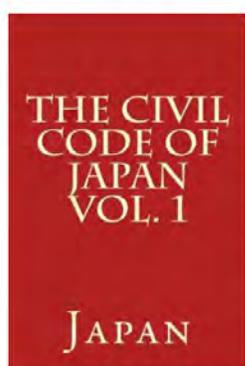
In response to this, what did the government answer? They basically **dodged the question**, stating that they refrained from answering your inquiry as it could potentially influence the ongoing court proceedings. Essentially, they dodged the question.

I observed this, and if the government chose not to answer because the case was ongoing, then as a party involved in the trial, I, in the midst of the trial, sought in my request for clarification of which specific articles were being referred to. The government responded to this request on 9th February 2024.

The response from the government was consistent with what they asserted in the dissolution order request and the argument document. **They claimed that there was no need to provide an answer.** However, despite reviewing their documents multiple times, I couldn't find any specific law and article that they alleged had been violated. So, I asked them. But they didn't respond.

Today, during the hearing, I raised this issue again with the government. I expressed my uncertainty about their claim.

...
stating that even after examining their argument documents,
I still **couldn't determine which law and article they were
asserting had been violated.**



An English exact reproduction of The Civil Code of Japan, vol. 1, 4th edition, first published 1906.

It seems to me that their overall argument is centered around a violation of Civil Code Article 709. I sought clarification by obtaining permission from the court to ask this question. **In response, the prosecutor representing the government simply reiterated what was written in their claim document and did not specify any laws.**

As a result, when the court reexamined the matter, they stated that illegal acts constitute violations of laws. Well, this has been their stance for a long time; it's nothing new. So, they continued to refrain from specifying the relevant law and article until the end. I don't expect them to specify in the future either.

Therefore, I argued to the court that since they failed to specify the legal basis, their argument regarding the lack of legal elements in Item 1 was inappropriate, and the focus of the proceedings should be narrowed down to Item 2 of the preceding paragraph.

Regarding the court's role, they will proceed with legal judgments and applications. As for the evidence plan, I've provided some explanations from my end, but I'll skip that part for now. Is there anything else you'd like to ask?

Featured image above: Representing the [Family Federation in Tokyo District Court 22nd February 2024](#): Attorney Nobuya Fukumoto. Photo: Screenshot from video recording by [FFWPU](#).

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