

FFWPU Europe and the Middle East: No Reasons For Dissolution

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October 20, 2023



Press conference at the national headquarters of the Family Federation of Japan in Shibuya, Tokyo 16th October 2023

Judicial issues reveal dissolution case as highly problematic



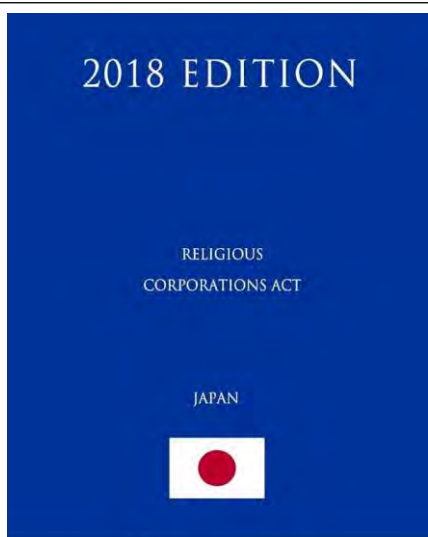
Nobuya Fukumoto at press conference 16th Oct. 2023

An explanation by Attorney Nobuya Fukumoto representing the [Family Federation](#) of Japan on judicial issues of the Japanese government's request to Tokyo District Court on 13th October to issue a dissolution order for the [Family Federation](#) of Japan. The explanation was given at a press conference at the national headquarters of the [Family Federation](#) in Shibuya, Tokyo. The press conference was attended by most major Japanese news outlets.

I would like to briefly explain the judicial issues involved in requesting a dissolution order. As you have been informed, a trial for the administrative fine is currently underway at the Tokyo District Court.

To date, we have submitted two statements of opinion. Those are published on the [religious organisation's website](#), so you can check the details there.

The legal issues in both the administrative fine trial and the dissolution order request case overlap.



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

The biggest point of contention is that on 19th October last year, Prime Minister Kishida changed the interpretation of the law overnight by stating that civil law torts may also be included in the category "in breach of laws and regulations stipulated by Article 81(1)(i)" of the Religious Corporations Act.

The question is whether it will be admissible in court.

Another issue is the interpretation of the requirements for an act to be considered an act of a religious corporation.

In fact, a notice of administrative fine has been issued by the Ministry of Education, Culture, Sports, Science and Technology to the court in this case. It contains the ministry's arguments regarding the legal issues that I have just mentioned. Based on them, I will provide the following commentary.

No reasons for dissolution

First, I will explain grounds for dissolution as provided in Article 81(1)(i) of the Religious Corporations Act. There, it states that reasons for dissolution are "acts that are clearly deemed to be contrary to the law and extremely detrimental to public welfare."

The phrase "in breach of laws and regulations" is the biggest problem with the government's new interpretation that I mentioned earlier.

Violation of laws and regulations is the very entry requirement of Article 81(1)(i), so if you cannot pass through this entry point, there is no way you can request a dissolution order. By laws and regulations, we mean actual laws, orders and other substantive regulations. This is undisputed.

No specification of laws violated

Next, I will comment on the term "in breach", "in breach of laws and regulations". A specific identification is required of which article of actual laws that has been violated. This is an indispensable requirement of article 81(1)(i) of the Religious Corporations Act.



However, the following is what the Ministry of Education has issued in the notification of the administrative fine:

All it says is that "the violations of laws and regulations referred to in Article 81(1)(i) of the Act include acts that violate civil law and order." It has not been specified which law or which article has been violated. They did not cite any articles.

There is no specification of any law that has been violated, so the basis for the "grounds for dissolution" of paragraph 1 is lacking. Therefore, it is not possible to request an order for dissolution or to exercise the right to ask questions. This is because unless there is a suspicion that there are grounds for dissolution, the right to pose questions cannot be exercised. That's clearly stated in the law.

In this situation where no specific laws or regulations are specified, it is impossible to request a dissolution order or exercise the right to question. In legal practice, this is not a violation of Article 709 of the Civil Code.

I believe that the Ministry was actually unable to identify the text of a law that has been violated. If you cannot identify the statute that has been violated, you cannot request a dissolution order or exercise the right to ask questions.

A request for a dissolution order is, so to speak, a request for the death penalty against a religious corporation. For example, when seeking the death penalty for a murderer, Article 199 of the Penal Code, which prohibits killing, must be clearly stated.

If a religious corporation is to be dissolved, it is a matter of course to clearly state which law and article the religious corporation has acted in breach of.



press conference at the national headquarters of the [Family Federation](#) of Japan in Shibuya, Tokyo 16th October 2023. Photo: Screenshot from the live transmission by [FFWPU](#) Japan

The Ministry only says, "The [Family Federation](#) has acted in breach of civil law and order.' It does not

say at all which article of which law it falls under. I have to say that they have nothing to mention at all.

Presumably, this is also the basis for the request for a dissolution order filed on the 13th October. I assume that this is the case.

So, I planned to point this out to you only after the request for a dissolution order had been filed. Therefore, I drew attention to this in our second statement of opinion, but I only sent it out after I had received the first news that the request for a dissolution order had been issued. Why? Because if I had said this first, they would have amended it.

No explanation for new interpretation

Incidentally, the government's new interpretation is that "if the organisational nature, malignancy and continuity are evident, and the requirements of the Religious Corporations Law are met, torts under civil law may also be included." But as far as we can see from the notification of the administrative fine, the Ministry has abandoned any theoretical explanation for this new interpretation.

In May this year, in a notification letter to the Minister of Education and Science, we severely criticised this interpretation of the law as logically bankrupt and for not constituting a legal interpretation at all. This is also posted on our homepage, so you may read it. It was in May of this year.

Despite this scathing criticism, the Agency has not refuted a single one of our points. It's not that they don't, they can't.

Acts committed by an organisation

Next, the subject of Article 81(1) of the Religious Corporations Act is a religious corporation. However, since a religious corporation does not have a physical body, it cannot be the subject of a crime or illegal act. The question then arises in what cases acts committed by individuals associated with a religious corporation can be considered acts of the corporation.



Sign at the entrance of the headquarters of the [Family Federation](#) of Japan in Shibuya, Tokyo

The Tokyo High Court, which heard the appeal in the Aum Shinrikyo dissolution order case, set out the following standard:

"The acts referred to in the first sentence of Article 81(1)(i) and (ii) of the Act are acts committed by the representative officers of a religious corporation, using property acquired and accumulated in the name of the corporation and the human and material organisation established on this basis, and can be considered acts of the said religious corporation in the light of socially accepted norms."

What is important here is that the

offender referred to is limited to a "representative officer".

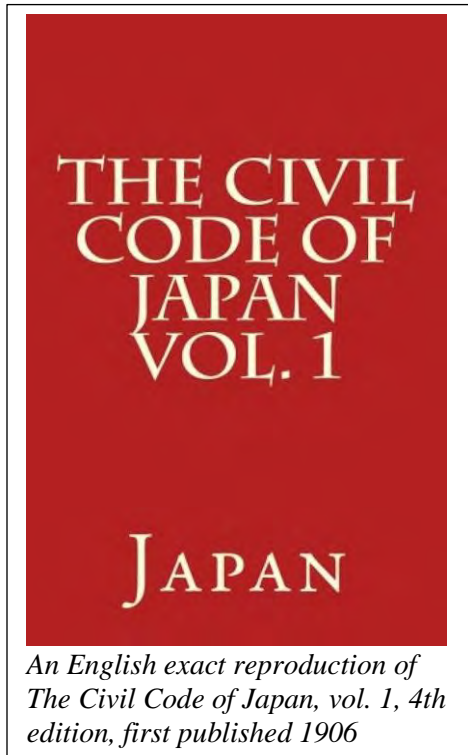
I think the intention is that the parties concerned, etc., probably include executive staff, but if it was done by an ordinary member or a low-ranking member, it would not fall under this requirement.

However, the Ministry of Education's allegation in the notice of the administrative fine case states the following regarding this point:

"An act that is deemed to have reasons to fall under the category of 'having committed an act' 'in respect of a religious corporation' is: an act that can be assessed as having been committed as the business or activity of the corporation in question, based on facts such as relationship between the direct offender and the religious corporation, the offender's position, the purpose of the act, the circumstances and manner of the act, the attribution of the effects of the act and its consequences, and other facts and circumstances, and in accordance with socially accepted norms.

The term 'act' is understood to mean an act that can be assessed as having been carried out as the business or activity of the legal entity in question, in accordance with socially accepted norms."

Liability of employers



This is simply a matter of slightly re-wording the criteria for liability of employers in Article 715 of the Civil Code. There, it is excluded from the requirement that the representative officer or another senior staff member is the offender. In other words, we are reducing the case against a religious corporation to the level of liability of employers under Article 715 of the Civil Code.

Under Article 715 of the Civil Code, there is almost no way for an employer to escape liability. That's the reality. In reality, liability of employers is accepted to the extent of almost no-fault liability.

Although such a lax standard has been adopted, there was actually a prelude to this. At the House of Councillors Budget Committee meeting on 19th October 2022, the Prime Minister himself announced that "the liability of employers under article 715 of the Civil Code" would also be covered by this lax standard. This is exactly what the Prime Minister has asserted in this notice of the administrative fine case.

This is completely different from the standard that has been adopted in past cases involving requests for dissolution orders,

the Aum Shinrikyo case, and the Myokakuji case. This is a view that lowers the level all at once, and is completely unacceptable.



From the header of ffwpu.jp, the official homepage of the [Family Federation](http://ffwpu.jp) of Japan.

In the second Statement of Opinion posted the other day on the [religious corporation's website](#), you can see how unfair this lax standard advocated by the Ministry of Education is, in contrast to the fact that liability of employers is a remunerative liability, or that the Religious Corporations Act specifies that it is very limited who can be offenders who can be grounds for dissolution. It is explained in detail. If you are interested, please take a look there.

Acts that deviate from the purpose of an organisation

Next, since last year, the Ministry of Education has only claimed the grounds for dissolution under Article 81(1)(i). However, in the case of requesting a dissolution order, they have added the grounds for dissolution in the first part of Article 81(1)(ii) of the same section.

According to the text of Article 81(1)(ii) of the Religious Corporations Law, the second reason for dissolution is that the religious corporation has "acted in a manner that significantly deviates from the purposes of the religious corporation as stipulated in Article 2."

"In this Law, 'a religious organisation' refers to an organisation listed below whose main purpose is to spread religious doctrine, hold ceremonial events, and educate and train believers." I omit the following part (i) and (ii).

What are the requirements for grounds for dissolution under the first part of item 2, and what is the purpose of a religious organisation as prescribed in Article 2?

Propagate religious doctrine

Hold ceremonial events

Educate and train believers.

The second of the grounds for dissolution will apply if a religious organisation engages in acts that significantly deviate from the purposes listed above.

Religious organisations considered public interest corporations



Symbol of the Ministry of Education, Culture, Sports, Science and Technology of Japan.

This is an excerpt from the Minister of Education's explanation regarding this second item at a recent press conference.

"Religious corporations are considered public interest corporations under the Civil Code. Public interest corporations are the opposite of profit-making corporations such as companies. This is because religious organisations are expected to contribute to society by providing spiritual stability or spiritual training to an unspecified number of people through their religious activities.

And this public interest aspect is the reason why they are given the title of corporation. Therefore, the activities of a religious corporation that harm the public interest can be said to constitute an act that significantly deviates from the purpose of a religious organisation as stipulated in Article 2, and as stipulated by the first sentence of Article 81(1)(ii) of the Law."

I'm sure you smart people must notice that the point of the argument has been shifted. The purposes of religious corporations listed in Article 2 are threefold: to spread religious doctrine, perform religious rites and educate and train believers. The issue is whether or not a religious corporation significantly deviates from those three objectives. The article has nothing to do with whether or not a religious corporation is a public interest corporation, as the Minister of Education, Culture, Sports, Science and Technology has just said.

Donations

The donations received from believers are used for the purposes of the Religious Corporations Law, which are (1) to spread the religious doctrine: overseas missionary assistance, and (2) to educate and train believers: educational expenses.

Therefore, I think it is clear that the purpose of a religious organisation is to solicit donations for this purpose, so if the State were to argue that this is a significant deviation from the purpose of a religious organisation, I believe they would have a very tall hurdle to overcome.

What I have just explained are the main issues of the main trial and the administrative fine trial. I have pointed out how problematic the government's claims so far are.

Naturally, there will be counterarguments from the government's side, and it will probably be a long battle from now on. Of course, it will be a closed trial, so I don't think it will be possible to give you a complete picture. But still we would like to disclose the claims and counterarguments which will be made throughout the process. Especially when it comes to legal issues like this, I think these are issues that should be discussed publicly, and not behind closed doors. It's because these are issues related to the Constitution and the rule of law.

That's all from me.



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Family Federation

The Family Federation for World Peace and Unification

The Family Federation for World Peace and Unification is a global federation of individuals and families who aim to create a world of peace and unity beyond national, cultural, religious and ideological barriers, a world where everyone may live together in peace and harmony.



Father and Mother Moon 1st August 1996.

In a nutshell

Name: Family Federation for World Peace and Unification

Founded: 1996

Founders: Rev. [Sun Myung Moon](#) (1920-2012) and Dr. [Hak Ja Han](#)

Teachings: [Unificationism](#), a long series of revelations received by [Sun Myung Moon](#). See: [Brief about the Teachings](#) of the Family Federation

Goal: The [Kingdom of Heaven](#) on Earth. A harmonious world family, where everyone may experience peace, security, freedom and love.

Strategy: Unite all good forces

Distribution: Largest in South Korea and Japan, but found in most nations.

Background: The Family Federation took over many of the functions of the [Unification Church](#) and its basic teachings.

Frequently asked questions: See: [Faq](#)

Three ideals

As the name indicates, the Family Federation is based on three ideals – family, world peace, and unification.

- **The family ideal.** Most religions focus on the individual and its spirituality. The Family Federation teaches a broader concept of spirituality, where your [relationships](#) to your loved ones are of decisive importance for your eternal life. As [God](#) is the source of love, [marriages](#) blessed by [God](#) and families full of [true love](#) are the very foundation for the [Kingdom of Heaven](#) that [God](#) longs for. It is a love kingdom, and the family is a [school of love](#).
- **World peace.** If there is love and peace in the home, there is hope that we may also create societies and nations with peace. The family is the fundamental social institution. If we can learn to love our fellow human beings on micro-level, in a family, we may also do so on macro-level, i.e. in the society around us and in the big world we live in. Well-functioning families are the very key to reducing crime, alcohol and drug abuse, the number of suicides and many other social problems.

- **Unification.** We talk about unification on all levels, from the individual to the global level. [God](#) is the source of unity, evil the source of division. Therefore, the goal of the Family Federation is to remove the barriers and create a world of unity, a social unity, such as that between husband and wife, between parents and children, different social groups, nations and religions, but also unity between the inner world and the outer, between mind and body, spirit and matter, religion and science.

The inauguration

The Family Federation for World Peace and Unification was first founded in the USA 31st July 1996 by [Sun Myung Moon](#) and his wife [Hak Ja Han](#), and in many European nations soon after that.

As co-founder, [Mother Moon](#) gave the inaugural address titled "View of the Principle of the Providential History of Salvation", reading a prepared text. [Father](#)

[Moon](#) spoke without a script at the closing banquet the following day, 1st August, at the Sheraton Washington Hotel. His speech was titled "In Search of the Origin of the Universe".



The Inaugural World Convention of the Family Federation 31st July 1996

Gerald Ford, U.S. President 1974-1977, spoke at the inauguration 31st July 1996. He said,



Gerald Ford 31st July 1996

"While the world's finest athletes test themselves in Atlanta, this gathering is sort of a spiritual Olympics. Like the Olympians, you have assembled from all over the world to further the cause of peace among nations.

But while those Olympians are dedicated to gold and glory, you in this room pursue other objectives. The glory you seek, comes from God, not gold.

If at times

I sound a bit like an Old Testament prophet, it's because there is nothing about which I feel more strongly, more deeply, than the survival and the strengthening of the family. No civilization that neglects the family, can be called civilized for long, and no political philosophy that takes the family for granted, will be taken seriously by anyone who values morality, compassion and peace."

The chronicle "40 Years in America" describes the event,



National Building Museum, Washington DC. [Public domain](#) image. Cropped



[Mother](#) and [Father Moon](#) 31st July 1996

"The movement's most spectacular world convention was held in Washington, D.C. from July 30-August 1, 1996, inaugurating the Family Federation for World Peace (FFWP).

This event included a cast of luminaries rivaling anything the movement had yet undertaken: two former Presidents of the United States, Gerald Ford and George Bush; former President and Nobel Peace Prize winner Oscar Arias of Costa Rica; former Prime Ministers Edward Heath of Great Britain and Brian Mulroney of Canada; thirty-six one-time heads of state or governments; university presidents including Boston University's John Silber; Christian television personality Robert Schuller; Christian Coalition Executive Director Ralph Reed; Coretta Scott King, the widow of Martin Luther King, Jr.; Maureen Reagan, the daughter of former U.S. President Ronald Reagan; well-known comedian Bill Cosby; and Christian singer-actor Pat Boone. In addition, the main proceedings were covered live by C-SPAN television network. (p.443) [...]

The establishment of the FFWP represented a new stage in the movement's development. Rev. Chung Hwan Kwak, who was appointed International President, maintained that the FFWP was more important than the Holy Spirit Association for the Unification of World Christianity (HSA-UWC) or [Unification Church](#). HSA-UWC, he noted, was "not [True Parents'](#) ultimate organization".

The rationale for this assertion was connected to the historic shift that underlay the emergence of the [Completed Testament Age](#). As noted previously, Rev. Kwak



[Completed testamentary.](#) As noted previously, Rev. Kwak explained,

'Religious organizations have always been centered upon the salvation of the individual, but we have now progressed to the salvation of the family. [...] Such an organization is not a church; it is the Family Federation for World Peace.'



[Sun Myung Moon](#) 1st August 1996



From the Inaugural Convention 31st July 1996.

Given this understanding, it wasn't surprising that the FFWP rather than the [Unification Church](#) was the main sponsor of the World Culture and Sports Festivals and International [Marriage Blessings](#) after 1996." (p.444) (From the section "Federations for World Peace and Unification", in "40 Years in America – 1959-1999 – An Intimate History of the Unification Movement", by Michael Inglis and Michael L. Mickler, published by HSA Publications Oct. 2000, 624 pages.)

The Family Federation was launched on the foundation of the [Unification Church](#), a spiritual movement [founded](#) in South Korea in 1954. The original intention was neither to establish a church nor a new religion.

The Family Federation took over many of the activities and tasks of the [Unification Church](#) and the same basic teachings, but has a pronounced goal of creating a world of peace and unity based on well-functioning families.

[More](#) about the Family Federation

Text: Knut Holdhus



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