

## FFWPU Europe and the Middle East: Japan's Dangerous Precedent - Crushing Religion

Knut Holdhus  
October 22, 2023



*Nobuo Okamura, Director General of the Legal Affairs Department of the [Family Federation](#) of Japan at press conference 16th October 2023*

### **Dangerous precedent set as Japanese government follows in steps of faith-breakers**



*From the press conference at the national headquarters of the [Family Federation](#) of Japan in Shibuya, Tokyo 16th October 2023*

An explanation by Nobuo Okamura, Director General of the Legal Affairs Department of the [Family Federation](#) of Japan, as a comment on issues related to 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 16th Oct. 2023 at the national headquarters of the [Family Federation](#) in Shibuya, Tokyo. The press conference was attended by most major Japanese news outlets.

Thank you for coming to the [Family Federation](#) today and participating in this press conference. First of all, I, Nobuo Okamura, Director General of the Legal Affairs Department, would like to talk about our [corporation](#)'s views on the request for a dissolution order by the Agency for Cultural Affairs, especially

from a legal perspective.

I am sure that our President Tomihiro Tanaka will eventually have the opportunity to speak as well, but today I will talk on such matters together with [Attorney Fukumoto](#).



*Some of Fumio Kishida's cabinet on 13th September 2023. Kishida on the left and Taro Kono on the right. Kono, Minister for Digital Transformation and Minister for Consumer Affairs and Food Safety, is known to have lobbied Kishida to get the [Family Federation](#) investigated. In August 2022 Kono appointed Masaki Kito as expert advisor in a study group Kono established in the Consumer Affairs Agency for the issue of the [Family Federation](#). Kito is an activist radical leftwing lawyer who has been campaigning against the [Family Federation](#) / [Unification Church](#) for decades.*

On 13th October, the Japanese Government requested a court order to dissolve the [corporation](#). We, the [Family Federation](#) and all members of the [Church](#) nationwide, are very disappointed and deplore this.

We deeply regret that we have not been able to adequately convey a true picture of ourselves to the Japanese Government and to the Japanese society as a whole.

### **A dangerous precedent**

In response to this request for a dissolution order, [12 NGOs](#) from around the world, in particular NGOs that advocate the defense of religious freedom, have issued a [statement](#) where they strongly express their concern that this request for dissolution of a religious corporation may lead Japan out of the ranks of democracies and turn it into a totalitarian state like China or the Soviet Union.

We have in addition expressed our concern in the material distributed today that this could set a precedent for the government to be able to crush groups and religious organisations that it decides to go for.

Former Prime Minister Abe was assassinated last year, and as intended by the perpetrator, the [church](#) was ordered to be disbanded. From now on, our role is to present our arguments in court and hope that the court itself will serve as a guardian of democracy.

We, the [Family Federation](#) of Japan, since we were certified by the Tokyo Metropolitan Government 15th July 1964, have worked on evangelism, education of believers, worship and other ceremonial events as stipulated in the Religious Corporations Act and in our own statutes.

### **Reform since 2009**

During those years, we have received various forms of criticism, but especially since 2009, when we issued a Declaration of Compliance, we have made efforts to place particular emphasis on compliance in our religious activities.

As a result, we have only had four civil court cases since 2009. And the number of court cases within the last seven years or so is zero. That is the first point.

Secondly, refund claims have also decreased significantly, by 90% if you compare figures before and after 2009.





*Hiroshi Yamaguchi, activist leftwing lawyer and leading member of National Network of Lawyers Against Spiritual Sales*

Thirdly, the number of complaints to the Consumer Affairs Agency has also decreased significantly in recent years. In a Consumer Law News article in July last year, even our critic, lawyer Hiroshi Yamaguchi, said that the number of refund claims against the [Family Federation](#) has decreased in recent years.

**Four initiatives**

Since last year, we have also made this Declaration of Compliance even more thorough and created a Special Committee for Reform of the [Federation](#) and have started implementing four initiatives of reform.

Firstly, when accepting donations, we make sure that a donation will not make life difficult for the family, and that donations are not made by borrowing money.

Secondly, we provide thorough guidance to ensure that there is no solicitation of donations that deceive people about their ancestral connections.

In addition, we have also announced a policy to drastically reduce the amount of the budget for overseas missionary support and the amount of money sent overseas.



*A [Family Federation](#) branch in Kashiwa, Chiba, Japan 27th Nov. 2017*

Fourthly, we have been actively responding to complaints and claims for refunds from believers. Although not visible to the public, a large number of people in our churches across the country respond to requests for refunds. We strive to respond to such inquiries patiently and sincerely.

The following is a summary of the results of these efforts.

For example, in the case of collective bargaining, we have conducted fact-finding investigations into the nearly 3 billion refund claims made by 124 people, and we have responded to 99 claimants as a result of our fact-finding investigations. According to our investigations, about one third of the amount claimed has actually been paid out, and we are waiting for the reply from the National Network of Lawyers Against Spiritual Sales (Zenkoku Benren).

**Deplorable government action**

In this way, we have made efforts concerning reforms of the [Federation](#) and have also made compliance-related efforts in order to gain as much understanding as possible from society. But the outcome of the government's request for an order to dissolve the [religious corporation](#) is extremely deplorable and disappointing.

The older members are particularly disappointed by this outcome. However, also the second and third generation of members, the future leaders, have already been subjected to various persecution and attacks at their workplaces. There have been many reports of people being harassed or suffering damage based on hate in their daily life. We believe that the government's request for a dissolution order creates a serious situation not only for religious freedom, but also for human rights.

**Sudden shift**



*Prime Minister Fumio Kishida speaking in the Japanese Diet 23rd January 2023*

14th October last year, Prime Minister Kishida, in what is called the Cabinet Question Paper, responded in writing to a question posed by a member of parliament as follows,

"With regard to Article 81(1)(i) and (ii) of the Religious Corporations Act, which stipulates the grounds for a dissolution order for religious organisations, it is necessary to determine the appropriateness based on the interpretation of the decision of the Tokyo High Court on 19th February 1995, because it was determined that the former [Unification Church](#) was not affected by Article 81(1)(i) and (ii), based on the said interpretation. Until now, no request for a dissolution order against the [Unification Church](#) has been made by the competent head, the Minister of Education, Culture, Sports, Science and Technology."

On 14th October last year, the Cabinet clearly stated in its written reply that a dissolution order was not applicable to the [Family Federation](#), and that there is no legal basis for it.

The question is what influenced the Prime Minister to decide to suddenly change his answer on 19th October 2022. This was also referred to as a "sudden shift".

### **Persuaded by hostile lawyers**

On 11th October last year, National Network of Lawyers Against Spiritual Sales submitted a document called a public request. Based on that document, the network of lawyers persuaded the government that the Civil Code should also be included in the case, and that they should make a decision based on the systematic nature, malice and continuity of alleged civil offenses.

We have no choice but to believe that such a text was the trigger.

### **Biased Agency for Cultural Affairs**



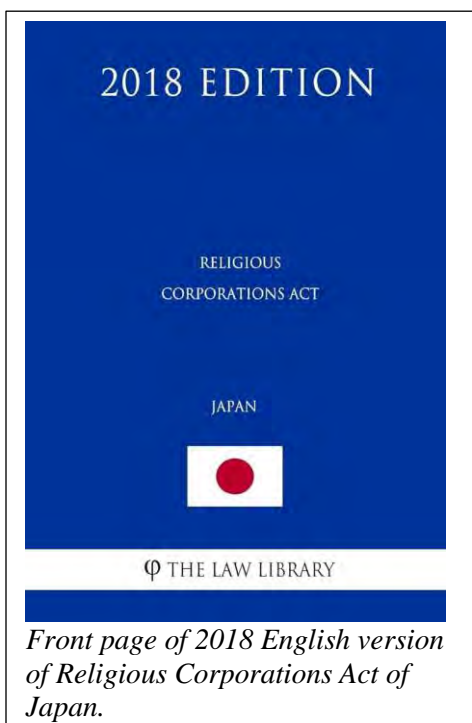
In addition, there are some details that lead us to believe that various decisions made by the Agency for Cultural Affairs are based on documents or witnesses from one of the parties.

For example, regarding the exercise of the right to ask questions, we received a notice of the right to ask questions on 1st October 2022. It states that the basis for the exercise of the right to ask questions is tort judgments in 22 civil cases.

That is true, but at the same time, in our response to this question, we also submitted 13 civil court decisions in which our [corporation](#) prevailed. There have also been court decisions in which it has been determined that believers have voluntarily given donations

based on their faith. Therefore, our corporation is not obliged to return the donations. There is no mention of this in the notice, and there is no affirmation that it has been adopted as evidence.

We have also disclosed in this report that plaintiffs in civil trials have given various statements in court that are contrary to facts. The Agency for Cultural Affairs has not used any of this as a basis for its decision.



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

As you may already know, Prime Minister Kishida was said to have spent an hour and a half with three former believers, listening to their stories. The Agency for Cultural Affairs reportedly also have heard complaints of damage from former believers and a former second generation believer.

However, in order for people to judge what kind of religious organization we are, it's necessary to listen to the stories of not only former believers, but also current second generation believers and other believers. However, the response [from the Agency for Cultural Affairs] was that they did not want to listen to or meet with us at all. We had to send the documents to them by post.

Furthermore, Article 81(1)(ii) of the Religious Corporations Act states that any act done for a purpose contrary to the purpose of a religious organisation is reason for dissolution. Aum Shinrikyo and another religious organisation have committed such acts as premeditated murder and fraud.

Kidnappings, confinement and verbal coercion used against

believers

However, in the case of the [Family Federation](#) of Japan, it was the act of offering donations, the donations of believers, that was considered to be a problem.

This is a religious act. I don't think you can say that it deviates from the purpose of religion.

From this point of view, we would have liked to have had the case judged more impartially or objectively.

Finally, the plaintiffs in the civil trials were originally persons who had been passionate about their [church](#) faith and had been involved in evangelism and fund-raising activities. In particular about 90% of the plaintiffs in the 22 cases had been abducted, confined, and forced to leave the church after being verbally pressed to do so.

**Kidnapping, confinement  
and forced conversion  
a modern-day  
'Holocaust'!**

*From one of the pages of the website of the [Japanese Victims' Association against Religious Kidnapping and Forced Conversion](#).*

These people were systematically coerced to leave the church completely for a certain period of time or to renounce their faith, even to the point of claiming the return of their donations to the [church](#). Organised acts of kidnapping, confinement and verbal coercion were carried out.

The people who organized this were opposing pastors and faith-breakers. There are also stories that even lawyers went to the sites of faith-breaking. Those who left the [church](#) were then brought to court to claim damages against the [church](#).

Originally, all of them had freely carried out activities in this church based on their faith, before leaving the group. Then they were forcibly detained in a locked room, and day in and day out they were told bad things about the church. They were not let out until they said they were quitting the church.

#### **Traumatized victims of faith-breakers**

The longest period of confinement someone had to suffer in this way, was 12 years and 5 months. He claimed for damages and was awarded more than 20 million yen.

[4,300 former believers](#) have been affected by this. And there are still some persons who suffer from mental trauma because of it. So this problem is not over yet. We have also mentioned this situation to the Agency for Cultural Affairs.

It is true that the plaintiffs tell a uniform or similar story in court, which is said to back up them following instructions given by a church manual. On the other hand, it could also mean that they were persuaded by the same tactics. I very much hope that you would take that into account.

Finally, as I said at the beginning, it is extremely unfortunate and deploring that this request for an order to return donations and for an order to dissolve the [corporation](#) have been made. We will continue to work in court based on facts and in the light of the law. With the cooperation of our lawyers, we will work to ensure that this [corporation](#) will continue to exist. We will also make every effort to gain the understanding of as many members of the public as possible. Thank you very much for coming here today.

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Even more about dangerous precedent: [12 Religious Freedom NGOs Denouncing Japan](#)

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## No Reasons For Dissolution

October 20, 2023 • Knut Holdhus

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### Judicial issues reveal dissolution case as highly problematic

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 13<sup>th</sup> October to issue a dissolution order for the **Family Federation** of Japan. The explanation was given at a press conference 16th Oct. 2023 at the national headquarters of the



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*Family Federation in Shibuya, Tokyo. The press conference was attended by most major Japanese news outlets.*

*Nobuya Fukumoto at press conference 16th Oct. 2023. Photo: Screenshot from live transmission by FFWPU*

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 19<sup>th</sup> 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



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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.

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 13<sup>th</sup> October. I assume that this is the case.



*From the 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](#).*

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, malice 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***

Masahito Moriyama,  
Minister of Education,  
Culture, Sports, Science  
and Technology (MEXT).  
Photo: [文部科学省ホームページ](#)  
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*Int. Cropped*



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.

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



Sign at the entrance of the headquarters of the Family Federation of Japan in Shibuya, Tokyo. Photo: FFWPU



An English exact reproduction of The Civil

employer to escape liability. That's the reality. In reality, liability of employers is accepted to the extent of almost no-fault liability.

*Code of Japan, vol. 1, 4th edition, first published 1906.*

Although such a lax standard has been adopted, there was actually a prelude to this. At the House of Councillors Budget Committee meeting on 19<sup>th</sup> 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.



世界平和統一家庭連合

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

1. Propagate religious doctrine
2. Hold ceremonial events
3. 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**



文部科学省

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

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.

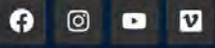
Naturally, there will be counterarguments from the government's side, and it will probably be a long battle from now on. Of course, it will be a closed trial, so I don't think it will be possible to give you a complete picture. But still we would like to disclose the claims and counterarguments which 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.

*Featured image above: From the 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](#).*

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