

FFWPU Europe and the Middle East: Japan cannot specify which law FFWPU is being punished for breaking

Knut Holdhus
March 21, 2024



Representing the [Family Federation](#) in Tokyo District Court 22nd February 2024: Attorney Nobuya Fukumoto

Too assured of victory? Japanese government ministry not specifying the laws they claim have been violated.

English version of statement by Attorney Nobuya Fukumoto, representing the [Family Federation](#) (FFWPU) of Japan, at the Tokyo District Court. The statement was made at a press conference after the first day of hearings 22nd February 2024. Published with permission.

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.

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.



Tomihiko Tanaka, here at press conference in Tokyo 7th Nov. 2023

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.



Masahito Moriyama, Minister of Education, Culture, Sports, Science and Technology

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:

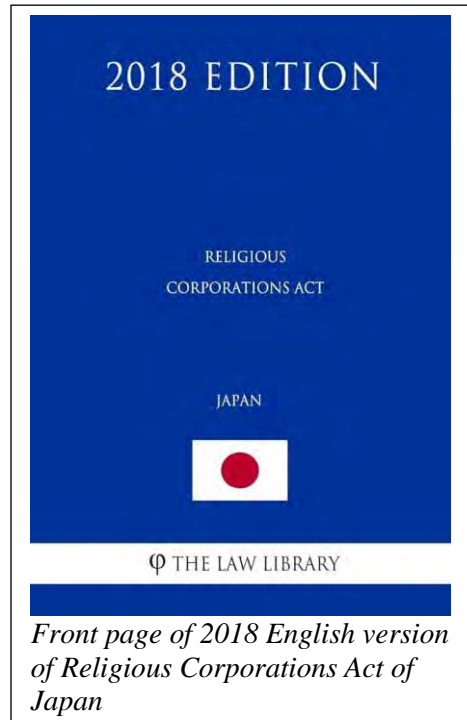
"Press Conference of the Minister of Education, Culture, Sports, Science, and Technology on 12th October 2023.

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



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.

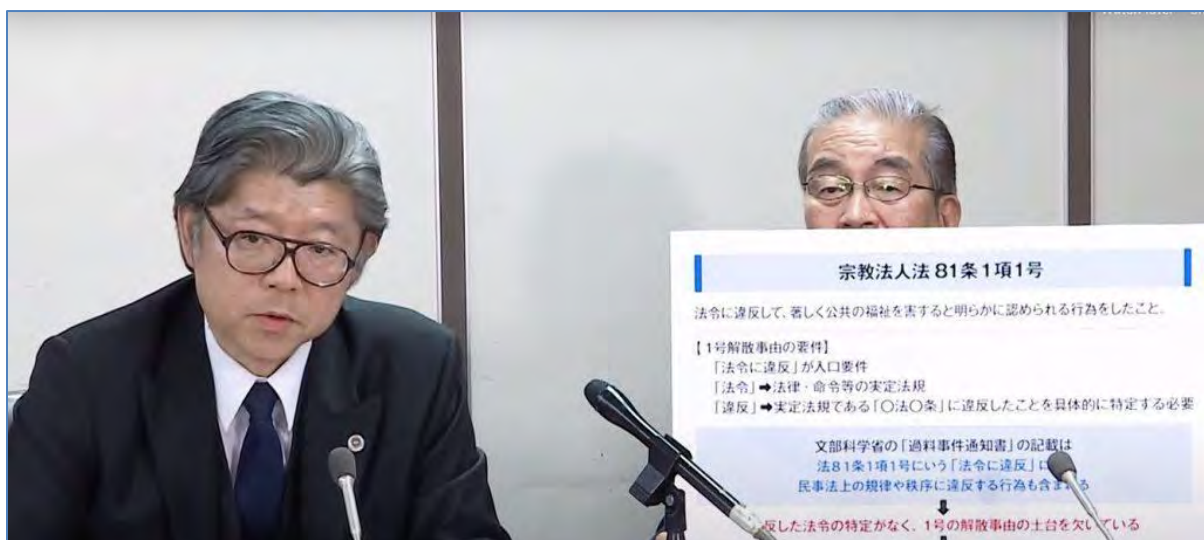
However, when the the Civil Information and Education Bureau (CIE) of the General Headquarters (GHQ - the Supreme Commander for the Allied Powers. Allied agency responsible for the post-war occupation administration of Japan.) - abbreviated as GHQ/CIE, reviewed this, they expressed

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

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.



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.



Hiroyuki Konishi in March 2020

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.

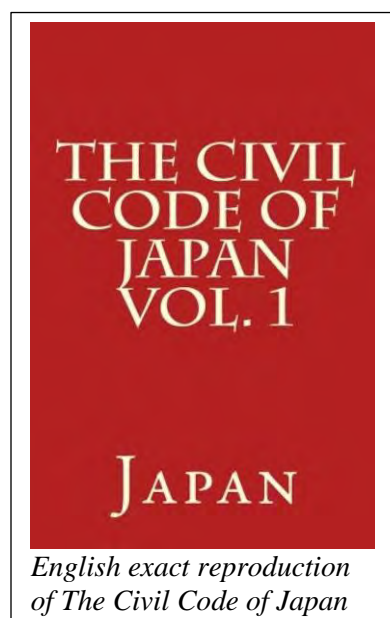
In response to this, what did the government answer? They basically dodged the question, stating that they refrained from answering your inquiry as it could potentially influence the ongoing court proceedings. Essentially, they dodged the question. I observed this, and if the government chose not to 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.

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?

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conservative American magazine *The American Spectator*, which normally covers news and politics, carried on 6th March 2024 an in-depth report titled "[Unlikely Persecutor: Japan Threatens to Shut Unification Church](#)". It was penned by Doug Bandow, American political author and Senior Fellow at the *Cato Institute*, a Washington DC libertarian think tank.

The article subtitled "Religious liberty is at stake", points out Japan appears to be "a vibrant, free environment for people of all faiths." It has 180,000 registered faith societies with religious corporation status that enjoy government tax benefits.

Still, as Bandow emphasizes, recent developments may well lead to serious infringements on that liberty for more than one religious body. The Kishida administration has requested *Tokyo District Court* to issue a dissolution order against the [Family Federation](#), formerly called the [Unification Church](#). The court hearings [began on 22nd February](#).

The American Spectator warns,

"In effect, Japan's



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

democratic government would be impeding an international [church](#) with thousands of adherents from operating in its territory. Doing so also would create a legal weapon for use against other churches, especially ones disdained for being unconventional or targeted for being controversial."

Bandow describes how the anti-religious activists behind much of the persecution in the USA used horrendous methods against what was then called the [Unification Church](#),

"[...] for a time, the [church](#) gained unwanted attention from anti-cult activists and organizations. Although critics complained of high-pressure conversion tactics, **the response – literally kidnapping new adherents, forcibly confining them, and browbeating them to give up their stated beliefs – was much worse**. The controversy eventually disappeared and is largely forgotten today."

Anti-religious activists orchestrating most of the persecution in Japan used those same methods, that became illegal in the USA and succeeded **spreading a false narrative to the media**. This in fact **helped Tetsuya Yamagami, the 41-year-old who assassinated former prime minister Shinzo Abe**, get his objectives realized. As Bandow writes,

"[...] but the murderer achieved his larger goal of injuring the [Unification Church](#). The ruling *Liberal Democratic Party* stuck with an unpopular prime minister and poor poll ratings, decided to scapegoat the organization. It launched an investigation and, last year, proposed closing the [church](#). Only two other churches have ever lost their religious status, one of which was the *Aum Shinrikyo* cult which staged a deadly Sarin attack on the Japanese metro in 1995. Today the case grinds on, with **Tokyo attempting to do what authoritarian states routinely do, punish religious organizations out of public or government favor.**"

The American author is convinced that Tokyo's plan to shut down the [church](#) is misguided for several reasons.

First, the legal system has previously proven effective in addressing similar issues. The problem of alleged pressured



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donations extends beyond Japan and the **Unification Church**, and specialized legal mechanisms have been developed in Japan to handle such cases. Assassin Yamagami's grievance goes back more than 20 years and revolves around his belief that his mother's contributions to the **church** impoverished the family. However, half of the money was returned in 2009, and it appears that the assassin failed to convince his mother of any mistreatment as she remains a member of the **church**. Furthermore, **church** practices have evolved over time, and until recently, fundraising tactics were not considered a political issue. Bandow points out that fundraising tactics,

“certainly were not seen as a problem that could not be resolved through normal legal means. It is bizarre to propose **the most serious penalty imaginable, organizational destruction, based on complaints that are decades old.**”

The second reason Bandow gives is what appears to be a **politically motivated prosecution**, with attacks coming

from two widely different camps – the *Japanese Communist Party* (JCP) and the *Liberal Democratic Party* (LDP). A journalist from the JCP's daily *Shimbun Akahata* (Red Flag) wrote in November 2022,



Logo of Shimbun Akahata

“From the Communist Party's point of view, this is the final war against the **Unification Church.**”

The LDP, in particular, faces scrutiny due to its historical ties with the **Unification Church**, and the public backlash against the LDP's influence-peddling has led to **blaming the church for its actions**. However, this campaign is not driven by a pursuit of justice but rather by political agendas.



Fumio Kishida 14th July 2022. Photo: 首相官邸 / Wikimedia Commons. License: [CC Attr 4.0 Int.](https://creativecommons.org/licenses/by/4.0/) Cropped

Doug Bandow also gives a third reason the Kishida administration's efforts to shut down the **Unification Church** is misguided: Even allegations of high-pressure fundraising do not warrant the **church's** closure, especially since **the church has not been accused of criminal conduct**. Prime Minister Fumio Kishida initially acknowledged that civil charges alone could not justify a shutdown before reversing his stance. Additionally, there is no substantial evidence suggesting that current or future complaints cannot be addressed

through existing legal procedures.

If closure were ever justified for abusive practices, it would have been in cases of child abuse by Catholic priests, which involved criminal acts and systematic cover-ups by church leaders. However, even in those egregious cases, defrocking Catholic organizations was not seriously considered.

The fourth reason Bandow points out is that setting a precedent of closing down a **church** could have **far-reaching consequences, potentially targeting other organizations based on dubious claims**. This could undermine legitimate organizations and impede alternative means of addressing grievances, posing more harm than good. Doug Bandow explains,

“Some observers have suggested that the next target could be Soka Gakkai, a Buddhist movement that also has been called a cult. Except Soka Gakkai created the Komeito political party, which is in coalition with the ruling LDP and is therefore unlikely to be dissolved. Any large organization is likely to engage in some dubious practices that could become an excuse for punitive action. To pile

civil claims upon one another, ignore alternative means of resolving legitimate complaints, and undermine otherwise legitimate organizations would threaten more harm than good."

Attempting to close the [Unification Church](#) is particularly ill-advised when dealing with **matters of religious faith, which warrant special protection from political interference**. While Japan is not a country that mandates state-supported religion, the attempt to close the [church](#) represents an **overreach of government authority for political gain**.

The demagogic nature of the LDP's campaign is evident in the public sympathy for Abe's alleged assassin and the backlash against the victim. Japan, as a democracy that upholds the rule of law, has a responsibility to address abuses within religious organizations without resorting to discriminatory or punitive measures. Closing down the [church](#) should not be used as a pretext for such actions.

Doug Bandow served as special assistant to President Ronald Reagan. He is also the author of "Beyond Good Intentions: A Biblical View of Politics" and "Foreign Follies: America's New Global Empire".

Featured image above: *Doug Bandow speaking at a conference on religious freedom in South Korea 12th November 2022. Photo: Screenshot from live transmission.*

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