

Documents

“Dear Prime Minister Kishida”: Why the Unification Church Should Not Be Dissolved

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ABSTRACT: A leading Japanese lawyer explains why, notwithstanding the media slander, he decided to represent the Family Federation for World Peace and Unification (formerly Unification Church) against the government’s threat to dissolve it. He then discusses the grounds for dissolving a religious corporation under Japan’s Religious Corporation Act. He concludes that the Family Federation does not meet this act’s criteria for dissolution and asks the question whether the request for dissolution is not based on political expediency rather than on solid legal grounds.

KEYWORDS: Family Federation for World Peace and Unification, Unification Church, Dissolution of the Unification Church in Japan, Assassination of Shinzo Abe, Japan’s Religious Corporations Act.

General Outline

This text is about the Japanese government’s efforts to dissolve the Family Federation for World Peace and Unification (formerly the Unification Church, hereinafter referred to as the “Family Federation”). The contents of the text are as follows.

I. General remarks

The government’s efforts do not satisfy the grounds for dissolution under Article 81, paragraph 1 of the Religious Corporations Act, as the Family

Federation has no “organizationality, continuity, or maliciousness.” Therefore, the government’s request for a dissolution order is not justified.

II. Strict dissolution requirements

The Religious Corporations Act was enacted based on reflection about the persecution of religion before World War II and the importance of freedom of religion (Article 20 of the Constitution). It sets the grounds for government dissolution of religious corporations and requires that dissolution of a religious corporation be handled with more rigor than dissolutions of other corporations.

1. “Extremely,” “obvious,” “necessary and unavoidable”

Article 81(1)(1) of the Religious Corporations Act sets out the strictest requirements for dissolution that no other legal entity has, using the phrase “obviously” to be “extremely” contrary to the public welfare. In the Aum Shinrikyo case, the Supreme Court also issued a dissolution order based on extremely cautious grounds that it was “necessary and unavoidable.”

2. “Laws and regulations” do not include the Civil Code

The grounds for dissolution under the Companies Act and the General Incorporated Association/Foundation Act are “acts that violate criminal laws and regulations.” As such, the Companies Act limits dissolutions to violations of “criminal laws.”

In contrast, the dissolution of a religious corporation should be more strictly interpreted than that of normal corporations. It is unfair to create wider grounds for the dissolution of a religious corporation by including tortious acts besides criminal offenses.

Therefore, the “laws and regulations” of Article 81, paragraph 1, item 1 of the Religious Corporations Act shall not include the Civil Code. This is a confirmed judicial precedent (Aum Shinrikyo High Court decision, December 19, Heisei 7). The government cannot interpret the dissolution requirements more broadly for the Family Federation than it did for Aum Shinrikyo, which killed about 30 people. Decisions contrary to judicial precedent deprive the public of predictability and violate religious freedom.

3. The three requirements for dissolution—organizationality, continuity, and maliciousness—are not met

(1) No organizationality

The actions of individual members do not lead to the dissolution of the corporation. They can lead to dissolution only if the corporation commits an organized misconduct. The criterion for judging “organizationality” is that “representative officers, etc. (i.e., executives) exploit the actions of the believers, etc.” (Aum Shinrikyo High Court decision).

However, none of the leaders of the Family Federation has taken advantage of (or profited from) the actions of the laity. None of the past judicial precedents (civil and criminal) regarding the Family Federation recognize organized misconduct in this corporation.

(2) No continuity

Since the Family Federation issued a Declaration of Compliance regarding donation practices in 2009, there has been little conflict. With the exception of three cases that ended in settlement and one judgment (judgment amount of 5.2 million yen and partial settlement amount of 1.4 million yen), no other court cases have been filed in the past 14 years regarding donations. In the last seven years since March 2016, not a single court case has been filed.

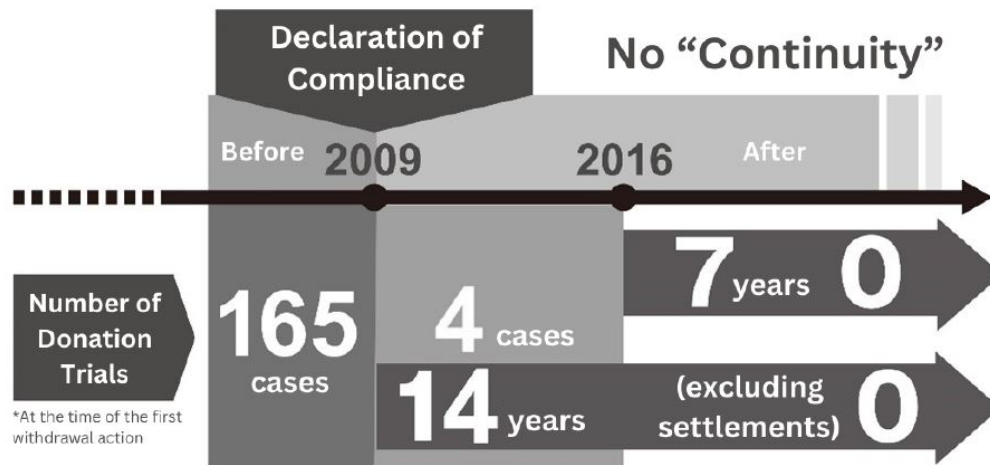


Chart 1. Number of donation trials.

(3) No maliciousness

Many other, more unscrupulous religious corporations have survived without receiving a dissolution order (see comparison table below). Thus, it would be grossly disproportionate for the Family Federation to receive an order to dissolve itself.

For example, Nenpo Shinkyo and Hōyū-no-kai were subject to the dissolution suit because the leaders raped some believers or caused others to die, and especially the master of the Hōyū-no-kai was sentenced to prison in a criminal trial. However, the court did not grant an order to dissolve either corporation and both corporations continue to exist as religious corporations today.

In addition, the other five religious corporations that committed many crimes, such as mass assault and murder and were more malicious (Kenshokai, Hōnohana Sampogyo, etc.), did not receive government requests to answer questions (e.g., cooperate with an investigation), let alone a formal request to dissolve themselves.

4. Imbalance with past responses

For nearly 30 years, the government and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) chose not to request a dissolution order for the Family Federation (1994, 1998, 2017). This is despite the Family Federation facing more lawsuits in the 1990s than now.

The Family Federation has significantly improved its activities since it issued the Declaration of Compliance in 2009, and it has not had a single civil trial in the past seven years. Given this improvement, it is not possible today to request a dissolution order for the Family Federation.

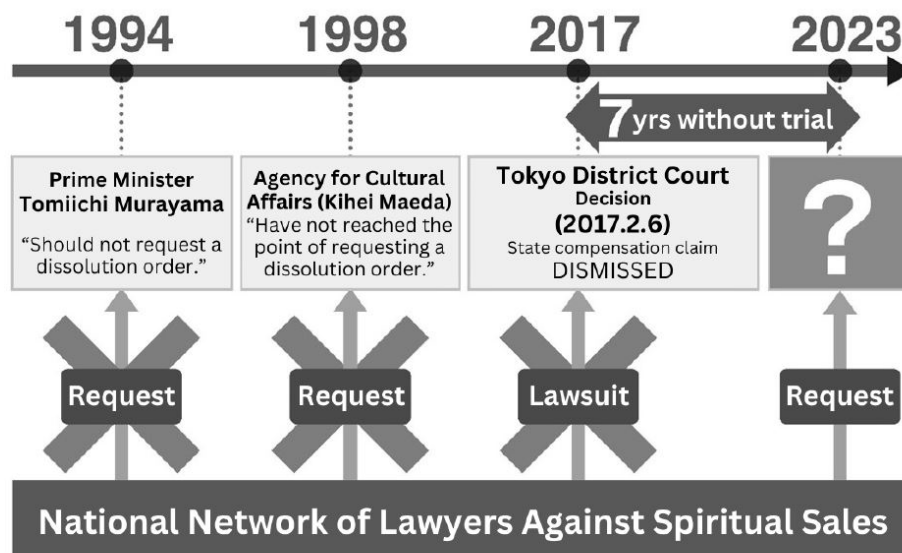


Chart 2. The history of the requests for a dissolution order.

5. Dissolution does not help victims

When a dissolution order is issued, the legal personality as a religious organization ceases to exist—which makes it more difficult to respond to or help victims. The December 2022 Act on the Prevention of Unfair Solicitation of Donations could end in smoke or unintended consequences. In the Aum Shinrikyo case, Masaki Kito of the National Network of Lawyers Against Spiritual Sales strongly opposed the order to dissolve Aum Shinrikyo.

In fact, the dissolution order is not intended to help victims. The Tokyo District Court’s ruling on February 6, 2017, stated that “relief” for “individual stakeholders” is not the purpose of a dissolution order, but that “remedy for damages is entrusted to the general tort code, etc.”

- Comparison of maliciousness with other religious corporations

Compared with eight other religious corporations, the Family Federation is not “malicious” enough for the government to request an order for its dissolution.

A. Religious corporations that have gone to court for crimes and possible dissolution

The following three religious corporations went to court for crimes, such as sexual assault, group beatings, fraud, and murder. They were also considered for dissolution orders; however, no dissolution order was issued and all three of these groups continue to exist as a religious corporation.

1	Nenpo Shinkyō	Around 1961, the leader committed obscene acts and rape of many female believers, deceived believers to solicit donations, and forced sick believers to perform penance and die.
2	World Salvation Church	In 1968, executives gave psychic therapy to a believer and killed him. In 1976, two board members were arrested on suspicion of bribery.
3	Hōyū-nō-kai	In 1990, the leader and seven followers beat and drowned their followers on the beach in Kyoto Prefecture in the name of “confession.”

B. Religious corporations that have not been tried for a dissolution order request

The following five religious corporations went to court for crimes, such as group assaults, beatings, and murders. However, in these cases, the government did not exercise the right to question the corporations, nor did it order a request for a dissolution. The five corporations were allowed to continue to exist as a religious corporation (although the group known as Hōnohana Sampogyo dissolved due to bankruptcy).

B1. Mass beatings and murder

4	Shinji Shumeikai	In 1995, a former believer and prayer master beat believers in the name of a prayer act to exorcise evil spirits and killed seven people (Fukushima exorcism murder case; the relationship with the corporation is unclear because it involved a “former” believer).
5	Kigenkai	In 2007, a large number of believers conspired to beat and kill a group of co-religionists because of internal disputes.
6	Kukai Esoteric Buddhism Daikinryuin Temple	In 2012, nine believers attacked and killed a co-religionist at a dispute over doctrine.

B2. Numerous criminal cases

7	Kenshokai	Since 1999, its believers have committed at least a dozen criminal offenses to date. Among others, in 2003, the head of the Kenshokai district department was sentenced to 15 years in prison for murder.
8	Hōnohana Sampogyo	In 2000, 13 people, including leader Fukunaga Hogen, were convicted of fraud.

Based on these contents, it is clear that there is little chance that the Family Federation will be dissolved. Once the trial of the dissolution order begins, it is obvious that the government will eventually lose.

I would like you, Prime Minister Fumio Kishida, to take an impartial standpoint and make a calm and rational judgment on the various recent trends surrounding the Family Federation.

Background of Appointment

I am a lawyer who is a third-party participant in the reform of the Family Federation for World Peace and Unification (formerly the Unification Church, hereinafter referred to as the “Family Federation”). First, I will explain why I am taking on this matter as if “picking up chestnuts in the fire.”

I am not a believer in the Family Federation, and I had no connection with the Family Federation until the summer of last year (2022). That is when a lawyer friend of mine in Japan approached me and asked, “I cannot find anyone to take this case. Would you be willing to take this case for the Family Federation?”

I accepted the offer, but since it is an organization with a bad reputation, I was hesitant to take it on. If it was a clear antisocial organization, such as a criminal operation, I would not defend it. However, I did not recognize that the Family Federation was a clear antisocial organization. In July last year, then-LDP Chairman of General Affairs Tatsuo Fukuda said that he “doesn’t know what’s wrong” with having a relationship with the Family Federation, and I felt the same way.

Even defendants charged with heinous crimes have the right to a fair trial, and any entity has the right to justice. A lawyer is in a profession that proudly undertakes “dirty work” for the sake of legal justice in which anyone is brought to justice through due process. I was willing to take on the work that someone had to do, so I was prepared to take on criticism and give advice on behalf of the World Headquarters of the Family Federation from a third-party standpoint.

By the way, my specialties are overseas legal affairs, compliance, and integrity. When I work with my client companies, I tell them, “Have the courage to speak out against injustice.” That being said, if I don’t have the courage to take up this case, I will be a hypocrite who deserves to perish as a human being. So, I work with the spirit of “Even though thousands of people go against me, as long as I am true to my heart, I should continue my path.”

Religious Hate

It has been less than a year since I got involved with this case, but no matter who I meet in the Family Federation, I have never seen a so-called bad person.

Consequently, it does not make sense that it continues to be called an antisocial organization in the media.

The public continues to use derogatory terms such as “cult” to criticize the Family Federation. However, such religious hate speech (religious hate) is strictly prohibited, as “Any advocacy of ... religious hatred that constitutes incitement to discrimination, hostility ... shall be prohibited” under Article 20(2) of the International Covenant on Human Rights, which has been ratified by Japan.

I feel righteous indignation at the media, which incite religious hatred, and the government’s stance, which seems to have been influenced by it, from the perspective of religious freedom and legal justice. In particular, as a legal professional, I cannot help but feel a strong sense of discomfort that the pros and cons of a dissolution order—which should be a pure legal interpretation of the Religious Corporations Act—is treated like a political matter. In a country under rule of law, the pros and cons of a dissolution order should be determined in accordance with the law.

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has exercised its right to question the Family Federation seven times and seems to be looking for an opportunity to request a dissolution order. However, from a legal point of view, it cannot meet the requirements of a dissolution order at all. Here’s why.

Purpose of the Religious Corporations Act

The Religious Corporations Act, enacted in 1951, was intended to strictly protect religious freedom due to remorse for pre-war religious persecution. Therefore, the Ministry of Education, Culture, Sports, Science and Technology (MEXT), which has jurisdiction over religious corporations, should show more restraint in the exercise of its authority with them, compared to other, secular corporations.

Section 81 of this Act, which provides for a dissolution order, also stipulates that a dissolution order is issued only when the activities of a group are “clearly” recognized as being “extremely” contrary to the public welfare. This is a stricter dissolution requirement than that of other legal entities, such as joint-stock

companies. In this way, compared to other corporations, it is supposed to be difficult to issue a dissolution order to a religious corporation in the first place.

Therefore, in 72 years that have passed since the enactment of the Religious Corporations Act, there have been only two religious corporations that have been ordered to dissolve, including Aum Shinrikyo. Even in the Supreme Court ruling on the dissolution of Aum Shinrikyo, it was carefully held that the dissolution was “necessary and unavoidable.”

There were only about 1,000 followers of Aum Shinrikyo. On the other hand, there are about 600,000 believers of the Family Federation nationwide. I would like you to carefully examine again whether it is really “necessary and unavoidable” to deprive these believers of their religious freedom and order the dissolution of their religious corporation.

Is It Worse than Aum Shinrikyo?

At the Budget Committee of the House of Representatives in October 2022, Prime Minister Kishida changed his interpretation overnight regarding the “violation of laws and regulations” as the requirement of the dissolution order.

On the 18th of the same month, he stated that the “law” is limited to “criminal law, etc.” and that “illegal acts of the Civil Code do not fall (into this category),” following the interpretation of the Tokyo High Court in Heisei 7 regarding Aum Shinrikyo in 1995.

However, on the following day, October 19, Prime Minister Kishida changed his view and stated, “If the organizationality, maliciousness, and continuity of the misconducts are revealed, then the tortious acts under the Civil Code may fall into this category.”

It is said to be the first time since the end of World War II that a Prime Minister changed the interpretation of a statute in one day.

Aum Shinrikyo killed 29 people and caused about 6,500 victims, and 192 believers, including its leader, were prosecuted, thirteen of whom were sentenced to death. It is quite different from the Family Federation.

As for the Family Federation, there were only a few criminal cases more than ten years ago in which companies run by believers were accused of violating the

Act on Specified Commercial Transactions. No one was killed, and in its nearly sixty-year history, religious activities of believers have never been criminalized as fraud, intimidation, or confinement. Although the alleged “spiritual sales” have been condemned, there has never been a case in which a believer’s actions have been rescinded due to fraud or intimidation, not only in criminal cases but also in civil cases.

In this way, if we compare Aum Shinrikyo and the Family Federation, it should be impossible to interpret the requirement for dissolution more broadly for the Family Federation than for Aum Shinrikyo. In the case of Aum Shinrikyo, dissolution was attributed to “only criminal cases.” Nevertheless, in the case of the Family Federation, how in the world can we interpret “including civil cases”?

Any decision contrary to judicial precedent would infringe on the freedom of religion stipulated in the Constitution. Given the separation of powers and the constitutional independence of the courts, Prime Minister Kishida cannot have the authority to change the interpretation of precedents.

“Laws” Do Not Include the Civil Code

I will add a little legal explanation to the point that “laws” do not include the Civil Code. Certainly, since “laws” refers to “law” and “order,” the Civil Code can also be included in “law” from the point of view of a literal interpretation alone.

However, the Religious Corporations Act was enacted to protect constitutional religious freedom in the first place. Therefore, Articles 1 and 85 of the Religious Corporations Act stipulate that the provisions should be interpreted in a way that protects freedom of religion.

In particular, the dissolution of a religious corporation is a serious act that extinguishes legal personality. Even if the corporation is dissolved, individual believers can continue their religious activities for the time being, but due to dissolution, all rights—such as ownership of worship facilities and real estate that the Family Federation has acquired so far—will be lost.

In addition, now that criticism of the Family Federation is already strong, believers are exposed to discrimination, such as not being able to get a job, being bullied, and not being able to get married. Once the trial of the dissolution order

begins, the believers will be subjected to even more severe social condemnation. This condemnation will last at least ten years. So, the initiation of the trial of the dissolution order means “social death” for believers.

For this reason, the “violation of laws and regulations” as the prerequisite of the dissolution order should be a strict and rigorous requirement to be directed at strong social condemnation, which deserves the sanction of extinction of legal personality. With that in mind, the Civil Code is not included here.

Let’s consider a concrete example. Article 199 of the Penal Code states, “A person who kills another person is punished by the death penalty...” Therefore, we can understand in advance that we should not kill people because the act or consequences of “killing people” are clear. In this way, the “laws” as a requirement for the dissolution of a religious corporation must also be able to predict what is wrong. Otherwise, the constitutional religious freedom is violated as “surprise.” This is the due process requirement guaranteed by the Constitution.

However, if the Civil Code is included in the “laws,” it will be a “surprise.” This is because even if you look at the articles of the Civil Code, you will not know “what is wrong.”

For example, Article 709 of the Civil Code, which defines torts, states “intentionally or negligently infringes the rights or legally protected interests of others.” Reading this, you will not know what is forbidden. A case is contested in civil court and takes several years to settle. In other words, it may take a few years to determine whether an act is tortious or illegal. Thus, criminal and civil law are completely different in that prohibited acts can be predicted or not.

The government and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) seem to interpret that the requirement of three elements of “organizationality, continuity, and maliciousness” can lead to a violation of “laws and regulations.” However, vague “organizationality, continuity, and maliciousness” alone does not tell us what kind of actions are condemned. Thus, from the viewpoint of due process and clarity, it cannot be interpreted that “laws” include the Civil Code.

In fact, the dissolution requirements of the Companies Act and the General Incorporated Association Law enacted after 2005 limit them to “acts that violate

penal laws and regulations.” The Religious Corporations Act is an old law that was enacted 72 years ago, so it is written vaguely just as “laws.”

As mentioned above, the Family Federation, which has not violated the Penal Code, has not committed any “violation of laws” justifying the requirement of the dissolution, so a dissolution order cannot be issued.

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has exercised the right to question the acts of the Family Federation on the grounds that there is suspicion of “organizationality, continuity, and maliciousness.” However, there is no organizationality, maliciousness, or continuity, as follows.

No Organizationality

In the first place, the Religious Corporations Act specifies that the dissolution reason cannot be a violation by the “individual” believer, but a violation by a “religious corporation.” Individual crime and dissolution of a corporation are separate, and even if an individual believer commits a crime, the religious corporation cannot be automatically dissolved.

In what cases can a religious corporation itself be deemed to have violated laws? The answer is, when it commits a crime as an organization. As to this “organizationality,” the Tokyo High Court, at the dissolution of Aum Shinrikyo, defined it as “an act committed by the representative officer of a religious corporation using the property acquired and accumulated in the name of the corporation and the human and material organizations built on the basis thereof.” This is what “organizationality” is all about. In short, a religious corporation can only be condemned if “the executive is in a relationship that takes advantage of the faithful.”

However, in cases involving members of the Family Federation, there is no such organizationality. There is no fact that the executives took advantage of believers to commit evil deeds. Even in the current hostile media coverage, there is no report at all that “Chairperson Tanaka of the Family Federation took advantage of the believers to commit bad deeds.”

In this way, if we analyze the judicial precedents of Aum Shinrikyo, we can immediately see that there is no “organizationality” in the Family Federation.

Further analysis shows that, in the past, the only time a Family Federation believer was brought to a criminal trial was the 2009 Shinsei case, but the Family Federation was not responsible as an organization. In this Shinsei case, the Family Federation was searched and seized, but none of the Family Federation employees were prosecuted because there was no evidence of collusion between the Family Federation and the Shinsei company.

This is probably because not only the courts but also the investigating authorities could not find organized misconduct in the Family Federation. Even in these cases, there is no evidence of executives taking advantage of the faithful.

In addition, it appears that the Ministry of Education, Culture, Sports, Science and Technology (MEXT) seems to want to recognize “organizationality, continuity, and maliciousness” from the civil trials in which the Family Federation lost. However, even in the two court cases that recognized the donation-related tortious acts of the Family Federation itself, there was no finding of Family Federation “executives taking advantage of the acts of the faithful.”

Further, it seems the Ministry of Education, Culture, Sports, Science and Technology (MEXT) is trying to recognize “organizationality” by citing 22 cases in which the Family Federation lost on employers’ liability. However, upon careful legal investigation, we found that the Family Federation won about half of those cases. An analysis of each claim in each case (each donation act, about 1,000 items) shows that the Family Federation won 50% of the cases, and won 48% in terms of the total amount.

In this way, in about half of the trials, no tort was found by the Family Federation, and the Family Federation actually won. In 22 court cases, the Family Federation won or lost by half and half—half of which the court does not even recognize tort. Given this, it is not fair to take only half of the losses and accuse them of being “organized.”

“Spiritual Sales”

In the past, the psychic manipulative sales or so-called “spiritual sales” were regarded as a problem within the Family Federation. This is a case in which the sales method of a company run by a believer who sold seals was disputed.

Certainly, it seems that there have been times when believers were so religious and pious that they engaged in activities that were a bit outside the common sense of the general society. However, the organizational responsibility of the Family Federation is not recognized by judicial precedent.

In particular, after the Family Federation issued a Declaration of Compliance in 2009, based on past reflections, it has been working to carry out activities that are close to the common sense of society by alerting against and refraining from emphasizing ancestral ties, psychic abilities, and excessive donations.

Therefore, as far as I have seen, compliance seems to be so pervasive in the Family Federation that it makes us wonder, “Is there any better and more sound religious organization than the Family Federation?” In fact, only four lawsuits have been filed for refund of donations since 2009, and not a single case has been filed in the last seven years.

The Act on the Prevention of Unfair Solicitation of Donations, which prevents unfair donation solicitations, was enacted in December last year, but I honestly doubt how effective this law will be for the purposes of saving the alleged “victims” when no lawsuit has been filed for donations in the past seven years.

High Donations

Even in a case of receiving a large donation from a member of the Family Federation, it cannot be determined that the Family Federation has done something systematically unlawful.

Certainly, there were times when the atmosphere was such that each church and believers competed with each other over the amount of donations. However, the Family Federation does not impose sanctions or disadvantages on believers who fail to achieve their goals. Therefore, it cannot be said that the Family Federation has set a “quota” for the target amount of donations, and it cannot be confirmed that the Family Federation used coercion to force a large amount of donations. In particular, after the 2009 Declaration of Compliance, the Family Federation has built a personnel evaluation system that prohibits forcing large donations, and it has tightened the confirmation procedure when receiving large donations. With these in mind, I don’t think the Family Federation will have problems with large donations in the future.

At the end of July this year, the National Network of Lawyers Against Spiritual Sales filed for civil mediation regarding cases where the alleged victims are seeking the return of their donations. I think the reason why they chose mediation over litigation was because they didn't have enough evidence to uphold the lawsuit.

There is still a general concern that excessive donations could destroy families. However, it is still unclear to what extent the Family Federation is responsible for the family situation of Tetsuya Yamagami, who killed former Prime Minister Abe. It must be calmly discussed pending the outcome of Yamagami's criminal trial.

Problems of the Second-Generation Believers

The treatment of "second-generation religious believers" became a hot topic. As to the Family Federation, it seems to have given insufficient consideration to each family while bearing the word "Family" in its name. Therefore, it is now focusing on reforming this family issue.

Although Article 18(4) of the International Covenant on Human Rights allows parents to educate their children based on their religious beliefs, I believe that the biggest challenge for the Family Federation is how to reconcile the piety of the devout first-generation believers with their children, or second-generation followers.

Going a little deeper into this issue, it seems that the Family Federation has a stronger centripetal force and magnetism toward the religious doctrine than other religions, perhaps because the "Divine Principle" takes on an academic color.

From my point of view, the depth of their faith can be described as "a very rich source," especially before the 2009 Declaration of Compliance. However, even though they had such deep faith in their teaching, since the 2009 Declaration of Compliance, they were able to build a system to prevent excessive donations, so I do not think that the sincerity or depth of their faith has caused friction with society. Rather, it is an organization that is making tearful efforts to harmonize with society. It is unfortunate that this situation has not been reported.

In any case, I think it is important to increase opportunities for dialogue in order to reconcile the seriousness of faith of first-generation believers with the values of second-generation believers.

Family Federation donations come from the Christian tradition of donating one-tenth of one's income. There is a famous passage in the Bible: “It is easier for a camel to pass through the eye of a needle than for a rich person to enter the kingdom of God” (Mark 10:25). The reason why donations are easier to understand in Europe and the United States is based on this biblical teaching. In Japan, where Christianity is not very widespread, it seems difficult to understand this biblical offering.

No Continuity

It cannot be said that the Family Federation is “continuously” doing bad things. Since the 2009 Declaration of Compliance, the number of civil trials in which the Family Federation is the defendant has decreased sharply. In particular, it should be noted that not a single civil court has received a complaint about donations in the last seven years.

Compared to before and after the 2009 Declaration of Compliance, the number of donation trials has plummeted to about one-fortieth of that. In terms of the lost amount of employee liability, 99.7% is for actions before the Declaration of Compliance. After the 2009 Declaration of Compliance, the number of lost cases plummeted to about 1/300 or 0.33%.

In this way, no one should try to turn the brunt of “continuously doing malicious things” onto the Family Federation. It established a new donation system after the 2009 Declaration of Compliance, drastically reduced the number of donation trials to 1/40 and the number of lost cases to about 1/300, and has not been tried in civil or criminal cases in the past ten years or so.

Abduction and Confinement of Family Federation Believers

There is a reason why there are fewer trials against the Family Federation. For nearly 30 years, anti-family coalition forces have asked people known in English as “deprogrammers” to kidnap and imprison believers, force them to leave, and persuade them to sue the Family Federation as a defendant if they leave.

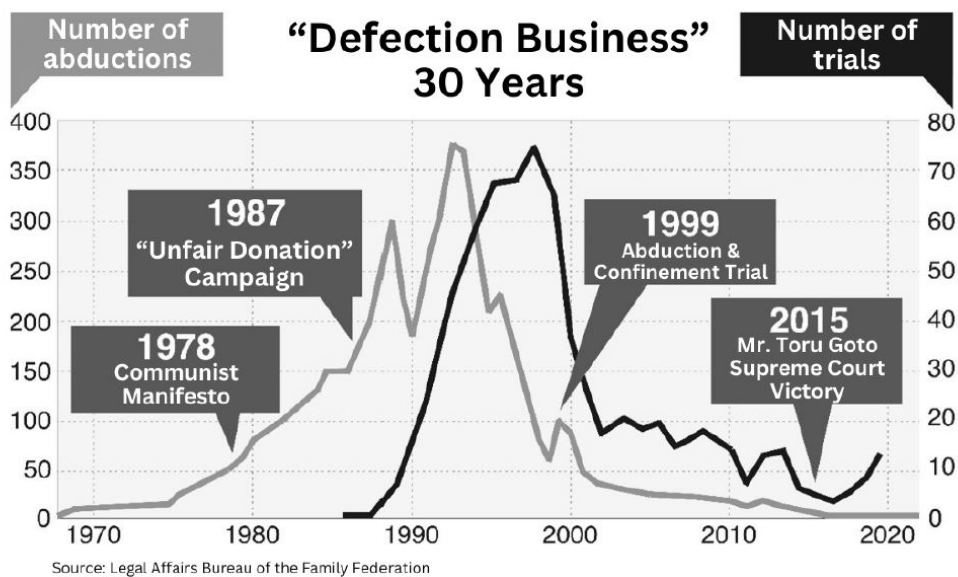


Chart 3. Thirty years of deprogramming Family Federation members in Japan.

This is called the “defection business” and it seems that the number of abduction and confinement victims exceeds 4,300. The composition of the “Abduction and Confinement → Trial” is shown in the graph above.

For example, Toru Goto, a believer, was imprisoned for 12 and a half years, and in 2015 he won a lawsuit at the Supreme Court and won compensation of 22 million yen. In this way, since the Family Federation won the case against the abductors and the abduction and confinement were eliminated, there was no longer a “stepping stone” to bring lawsuits against the Family Federation.

The relationship between this abduction and confinement and the National Network of Lawyers Against Spiritual Sales, which is said to have been involved in it, is described in detail in “Our Unpleasant Neighbors” (Information Center Press) written by journalist Kazuhiro Yonemoto, to whom Tetsuya Yamagami sent a letter the day before the murder of former Prime Minister Abe.

In the media, the narrative—or “Composition A”—that is reported is only that “the Family Federation is the perpetrator and is causing the damage of large donations.”

However, behind the scenes, there is also a “Composition B” narrative that says, “The Family Federation has suffered from the abduction and confinement involving the National Network of Lawyers Against Spiritual Sales.” I would like Prime Minister Kishida and the Minister of Education, Culture, Sports, Science and Technology to look at both these compositions with an open mind.

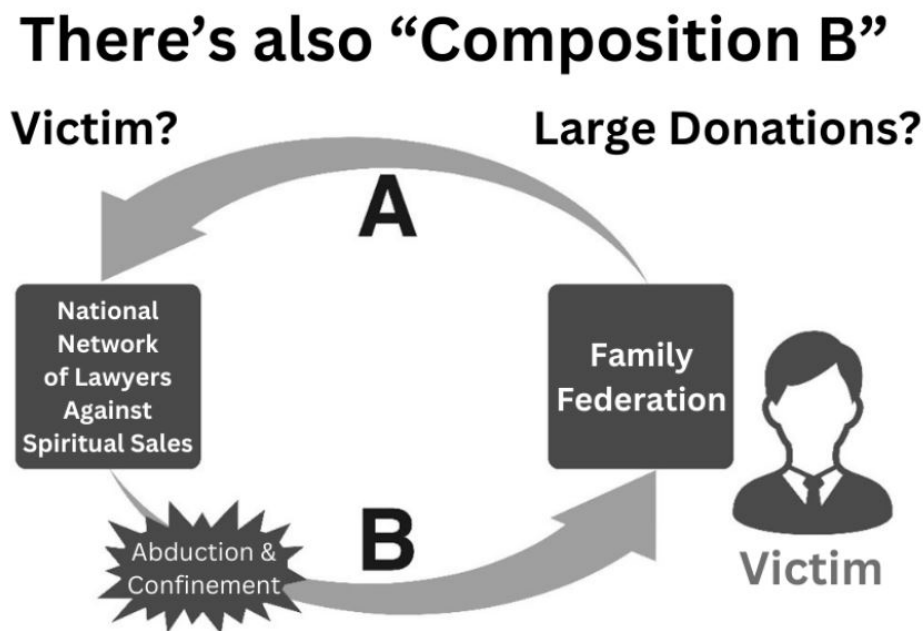


Chart 4. The real victim-perpetrator circle.

No Maliciousness

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) says that the Family Federation is “malicious” because it lost a total of 1.4 billion yen in 22 civil court cases in which the Family Federation lost on the grounds of employer liability.

However, according to my analysis, the Family Federation won about half of the cases, 48% and won about 1.1 billion yen. For half of the donations, the court did not recognize the Family Federation’s tort liability (employer’s liability). In this way, it is not fair to take only the Family Federation’s lost cases as a way to claim that it is malicious.

It has also been criticized that the doctrine and solicitation of the Family Federation is “mind control” or “brainwashing.” However, the definition of mind

control is vague to begin with and overseas research has persuasively shown that it does not have the effect of changing humans. In Japan trials, which have been contested for more than 20 years, there has never been a single case in which responsibility for mind control has been found head-on.

Comparison of Maliciousness with Other Religions

Compared to other religions, I do not think the Family Federation is “malicious” enough to order its dissolution.

In the cases of Aum Shinrikyo and Myokakuji Temple, where dissolution orders were issued, leaders were sentenced for murder and fraud. These cases cannot be compared to the Family Federation, where no executives have been taken to court or convicted of criminal or fraudulent acts.

In addition, there are six religious corporations, whose believers and former believers have committed group assaults and murders, that have not been disbanded and are still in existence today. These are Nenpō Shinkyō, World Salvation Buddhism, Hōyū-no-kai, Kigenkai, Kukai Esoteric Buddhism Daikinryūin, and Shinji Shumeikai.

In particular, the first three religious corporations, such as Nenpo Shinkyo, were brought to court with dissolution orders on the grounds of mass lynching and murder, but the court ultimately refused to approve their dissolution. I don’t believe the Family Federation should be dissolved given that other religious groups that killed their followers are not dissolved.

In addition, the government has not exercised its right to question or requested a dissolution order against Hōnohana Sampogyo, in which the leader and others were subjected to organized fraud civil cases, and the Kenshokai, which has caused 12 criminal cases since 1999 and its district director was sentenced to 15 years in prison for murder in 2003.

Compared to these religious groups, you can see that there is little chance that the Family Federation will be dissolved. Once the trial for the dissolution order begins, it will be clear that the government will eventually lose. If the Kishida administration were to start a trial for dissolution order, I think it would leave a stain on the nation’s history as a government that “lost in a case where it is destined to lose, started a trial for religious persecution, and wasted tax money.”

Past Failure to File a Dissolution Order Request

In fact, for about thirty years, the government has repeatedly received requests from the National Network of Lawyers Against Spiritual Sales to investigate and dissolve the Family Federation, but it has not exercised its right to question and has not requested a dissolution order.

Specifically, then-Prime Minister Tomiichi Murayama in 1994 and the Agency for Cultural Affairs in 1998 clearly determined that it was not possible to request a dissolution order of the Family Federation after analyzing court precedents.

In 2012, the National Network of Lawyers Against Spiritual Sales filed a lawsuit claiming national compensation from the Family Federation. The lawyers argued that the Ministry of Education, Culture, Sports, Science and Technology (MEXT) had failed to exercise its legal rights to question the Family Federation and request a dissolution order.

However, the Tokyo District Court rejected the request of the National Network of Lawyers Against Spiritual Sales in February 2017, stating that it was within the discretion of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) to not ask questions or request a dissolution order.

Six and a half years have passed since then, and no court case has been filed against the Family Federation regarding donations. In other words, you can understand that there is no way that the Family Federation, which has improved its organization after the 2009 Declaration of Compliance, can now be ordered to dissolve.

Dissolution Order Does Not Help Alleged Victims

The Tokyo District Court’s February 2017 ruling stated that “relief” for “individual stakeholders” was not the purpose of a dissolution order, but that “relief for damages is entrusted to the general tort code, etc.”

As such, in the first place, the dissolution order is not intended to help individual victims. In other words, the court held that the relief of individuals, such as the Yamagami family and Sayuri Ogawa (pseudonym), should be discussed in tort and should be considered separately from the question of whether or not to lose the legal personality of a religious corporation.

In addition, when a corporation is dissolved, it becomes difficult to compensate for damages, so in order to save the victims, it is better to continue the corporation rather than dissolve it. The Diet passed the Act on Prevention of Unfair Donations in December last year. However, to request a dissolution order while enacting a new law looks like an act of shooting oneself in the foot.

In fact, Masaki Kito of the National Network of Lawyers Against Spiritual Sales once stated that it was better not to dissolve Aum Shinrikyo. Why should Aum Shinrikyo not be dissolved, but the Family Federation should be dissolved?

According to data from the Consumer Affairs Agency in 2021, only 1.9% of the damage consultations it invited for “spiritual sales” problems were related to the Family Federation. The remaining 98.1% involved “spiritual sales” for other organizations.

However, the National Network of Lawyers Against Spiritual Sales does not pay attention to the 98% of organizations on its website; it only attacks the Family Federation. I feel that the National Network of Lawyers Against Spiritual Sales—despite its name—only works for the anti-Family Federation cause with a partisan character and political purpose.

Name Change to Family Federation

The change of name from the Unification Church to the Family Federation in 2015 has been criticized as a ploy to influence politicians by using a new name. This case does not deserve criticism from a legal point of view. Deciding the name of a religious corporation is part of religious freedom and can essentially be changed immediately by notification to competent authorities.

This is evident from international comparisons. In 1997, then-President of the Family Federation, which emphasizes the family, Reverend Sun Myung Moon instructed the entire world membership to change its name to the Family Federation for World Peace and Unification. As a result, the name change to Family Federation was completed in 97 countries around the world a few years later.

However, in Japan, the notification to the Ministry of Education, Culture, Sports, Science and Technology (MEXT) was not accepted; it was finally changed

after 12 years of delay, compared with other countries. Internationally, only the Family Federation in Japan was subjected to discriminatory measures.

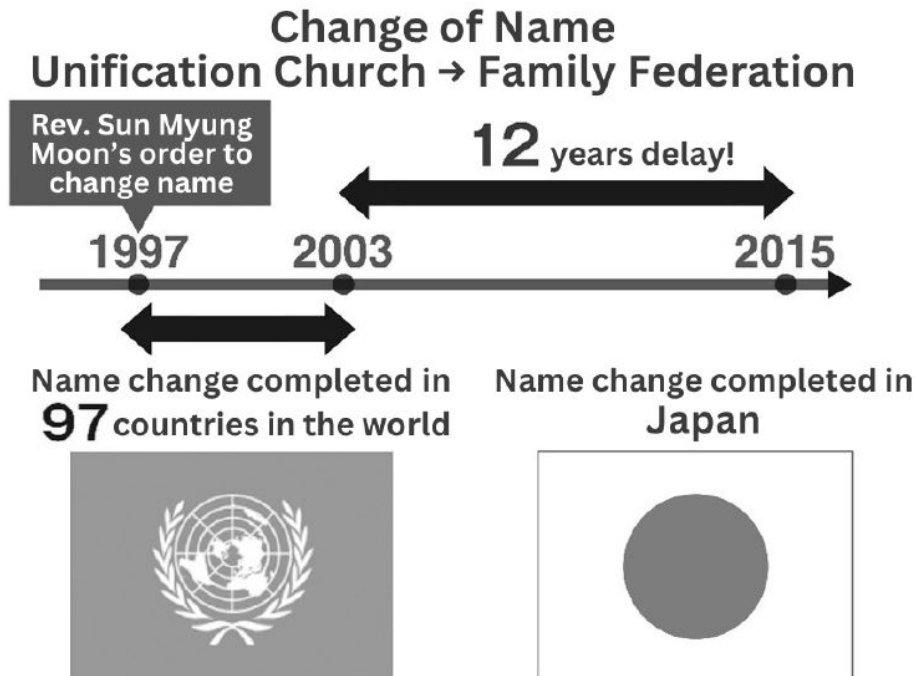


Chart 5. Change of name from Unification Church to Family Federation throughout the world.

Prime Minister Kishida's dangerous interpretation of the law

Prime Minister Kishida stated in the Diet in November 2022 that the Family Federation's effort to create a memorandum (agreement) stating that believers would not file a claim for damages against the Family Federation or that the creation of a videotape of these scenes itself is enough to prove the illegality of Family Federation's solicitation and recruitment methods. Moreover, this view was followed by the Consumer Affairs Agency in its explanation of the Unfair Donation Solicitation Prevention Act.

However, as a lawyer, I can say that it is a matter of course and a daily occurrence to prepare agreements, make recordings, and videos in order to confirm the intentions of the parties and prevent future disputes. If taking a video is presumed to be illegal, the visualization of criminal investigation interrogation will also be close to illegality.

The memorandum that Prime Minister Kishida claimed to be the ground to prove Family Federation's illegality was held to be legally valid in civil trials last year and the year before. Since Prime Minister Kishida has made these statements that ignore these precedents, I believe that there are no people around him who calmly analyze judicial precedents and give him proper advice.

As a Japanese Citizen

In this way, I feel a bit embarrassed, not only as a lawyer but also as a Japanese citizen, because Prime Minister Kishida has changed the interpretation of laws and regulations overnight and made statements that ignore judicial precedents.

As I have mentioned so far, it is clear from the comparison with past cases that it is not possible to order the dissolution of the Family Federation. Nevertheless, the current situation—in which the right of questioning is exercised seven times to “torture the members of the Family Federation without killing them,” so to speak—is a major religious persecution that violates the freedom of religion under the Constitution. In fact, it has drawn strong international criticism from American and European religious liberty watchdogs and human rights activists.

Japan, as a world-class democracy, must be a nation that values freedom of religion. I would like Prime Minister Kishida not to listen only to the arguments of one party, but to make a calm and rational judgment based on judicial precedents and the matters pointed out in this document.