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Massimo Introvigne

The Great Cult Scare in Argentina and the Buenos Aires Yoga School

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ABSTRACT: After a spectacular police raid against its headquarters and some fifty private residences of members on August 12, 2022, the Buenos Aires Yoga School (BAYS) became the stereotypical “cult” in Argentina and was accused of hiding an international prostitution ring, despite the fact that in 2000 a case based on the same accusations was concluded with all the defendants declared not guilty. Based on a study of the massive documents prepared by the prosecution and the defense, and interviews with members and “victims” of the BAYS, the paper traces the history, doctrine, and controversies of the school, within the political and social context of the Argentinian discussions about “cults,” “brainwashing,” and prostitution.

KEYWORDS: Buenos Aires Yoga School, Escuela de Yoga de Buenos Aires, BAYS, EYBA, Human Trafficking and “Cults,” Anti-Cult Movement in Argentina, Anti-Cult Law Proposals in Argentina, Brainwashing.

Raiding an Old Ladies’ Cafe

The date was August 12, 2022. It was a quiet evening in Villa Crespo, a middle-class neighborhood in Buenos Aires traditionally associated with Jews and the Jewish history of the city, although it is today multicultural. In a coffee shop located on the ground floor of a building in an avenue named after the State of Israel, some fifty people were listening to a class about philosophy. Most of them were in their final years of middle age, the youngest in their forties and the oldest in their eighties. A military amputee was drinking his coffee, as did some ladies. A woman living upstairs in the same building was wondering where her cat had gone—she had left the door of the apartment open so that the pet might freely come and go.

All of a sudden, a thunderous noise was heard. Fully armed SWAT team police broke the door and entered the coffee shop. The retired military man recognized the weapons for what they were: loaded, with safety removed, and ready to shot. In a few seconds, all hell broke loose. The police went up to all the apartments and started breaking all the doors, pursued in vain by their owners who offered the keys to the officers so that they could enter without destroying the entryways. Once inside, the police searched everywhere, gutting furniture and throwing all the content of the cabinets on the floors. When the agents left, almost all owners complained that money and jewels had been stolen.

Thanks to the cat, the door that the pet owner had left open was spared. She rushed to her apartment, and was confined by the agents on the balcony. They destroyed everything and—she reported to me—drank her expensive bottles of wine, until she dramatically jumped into the apartment and smashed one of them on the floor, telling the officers to stop. The agents were looking for her personal journal. Not finding it in the apartment, they asked her to go and fetch it for them wherever it might be. She refused, unless they could show a judge's warrant for the journal. She told me the story of one agent threatening her with a gun, to which she replied: "Kill me if you want, I will not give you the journal." She didn't.

Meanwhile, in the State of Israel Avenue, dozens of agents and reporters were taking pictures of people taken out of the building, whom the media interpreted either as criminals or "victims" rescued from them. Similar scenes took place around Buenos Aires during all the night, in another fifty private apartments of members of what was believed to be the same criminal organization. In one of those apartments, a man was badly beaten by the police for no reason (it came out later they had mistaken him for somebody else). All in all, twenty persons were arrested and warrants for arrest were issued against another eight, four of whom were abroad. Three were detained at Buenos Aires airport before boarding a plane to the United States.

A distinguished lady living in a luxury apartment, a few blocks from the coffee shops where she was listening to the lesson, understood what was going on, and told the agents that she had a very expensive armored door. Her offer to open it with her keys to avoid its destruction was turned down. She showed me the picture of the wall destroyed by the agents to enter an apartment whose keys had been offered to them.

At the last floor of the State of the Israel Avenue building, the agents broke yet another door, of the apartment of a well-known female musician, hoping to find the evidence they were looking for. They had been told there was a “museum of sex” there. All they found was a small painting depicting three naked persons united in an embrace, erotic, yes, but not part of pornography under its most technical definition, since no genitalia were showed, only one female breast. They noted an abundance of the color red in the decoration of the apartment, and put in their notes it was reminiscent of a brothel.

The painting was duly put on display for the media, together with some old and ruined commercial pornographic VHS videos found elsewhere in the building. The inhabitants claimed they were part of the inventory of a nearby shop that had been flooded with water. They had purchased the whole inventory to help the owner, who was their friend, and had forgotten the videos, most of them not pornographic, stored somewhere in the building—and who would watch in 2022 pornographic VHS of the 1980s anyway.

It was now March 2023, and I was writing this article in the very same “museum of sex” apartment, under the smiling gaze of the famous trio of lovers: the painting had been given back to the owner. All those detained had also been liberated by a Court of Appeal after almost three months spent in jail, in conditions they described as horrible. Most of them went back to their apartments in the State of Israel Avenue, and elsewhere, but the one once nicknamed the “museum of sex” was temporarily vacant, and I was allowed to use it as a base for interviewing those involved in the story, taking notes, and studying documents. By the way, I was told that the humorous name “museum of sex” came from the fact that the musician who owned the apartment once had there a showcase with her collection of sex toys of various epochs and shapes. But it had since long been removed when the police came.

What was it all about? And why was I sitting in the famous or infamous apartment, looking at the flags of the balconies in front still celebrating the Argentinian victory in the December World Cup of soccer, and listening to stories of how fully armed police came to interrupt a lesson on philosophy, break doors, and terrorize peaceful mate-drinking old ladies?

For the Argentinian and international media, this was the case of “la secta del horror,” a “cult” that had brainwashed its followers and operated an international prostitution ring for some thirty years. For the students of the group, called

Buenos Aires Yoga School (BAYS, Escuela de Yoga de Buenos Aires), this was one of the most unbelievable case of false accusations in the whole Argentinian legal history.

As a scholar of new religious movements, I have often investigated controversial groups accused of serious crimes, often connected with sexuality. I have always stated, before even starting discussing individual cases, that I do not condone sexual abuse, and do not believe that its perpetrators may hide under religious liberty as an excuse. As most scholars of new religious movements, I do not believe that all of them are inoffensive and are only concerned about bringing peace and love to the world. I have created the category of “criminal religious movements” (Introvigne 2018), which other scholars have adopted, designating religious groups that systematically commit and justify common crimes. They may exist within both mainline religions—such as terrorist groups using or abusing the name of Islam, and networks of (as opposite to individual) pedophile Catholic priests—and new religious movements.

“Criminal religious movements” commit common crimes: terrorism, murder, rape, sexual abuse of children, and also gross financial violations. These are different from what I consider the imaginary crimes of “being a cult” and “brainwashing their victims.” In 2018, American scholar W. Michael Ashcraft published what became the standard academic manual about the history of the study of new religious movements. Ashcraft described the development of that academic subfield, which had largely coalesced since the 1980s around the ideas that “cult” was not a valid category but a label used to slander unpopular minorities, “brainwashing” was a pseudo-scientific theory weaponized for the same purpose, and accounts by “apostate” ex-members—i.e., the minority among former members (Bromley 1998) who had turned into militant opponents of the religions they had left (Introvigne 2022a)—should be handled with care, and cannot serve as the main source of information about their former movements (Ashcraft 2018).

Ashcraft noted that an overwhelming majority of scholars of new religious movements agreed with these ideas, while a tiny minority seceded from the mainline, supported the militant anti-cult movements and the “apostates,” and created a separated field of “cultic studies,” which maintained that “cults” were different from legitimate religious and used “brainwashing.” “Cultic studies,” Ashcraft wrote, were never accepted as “mainstream scholarship.” They

continued as “a project shared by a small cadre of committed scholars” but not endorsed by “the larger academic community, nationally and internationally” (Ashcraft 2018, 9). “Cultic studies” scholars live in their own bubble, and only rarely appear in mainline conferences about new religious movements or are published in the corresponding journals.

In the United States since the *Fishman* decision of 1990 (United States District Court for the Northern District of California 1990), even earlier in Italy with a Constitutional Court decision of 1981 (Corte Costituzionale 1981), and in several other countries, courts of law sided with mainline scholarship, and stated that “brainwashing” as used by “cults” is not an accepted scientific category, and that definitions of “cults” and theories of “brainwashing” cannot be used in court cases. “Brainwashing” and the idea that “cults” are different from religions, although marginalized in the academia, survived in popular culture, the media, and some countries where, for peculiar local reasons, stereotyping some groups as “cults” and combating them serve powerful political interests, as it happened in Russia and China, and in France (with some influence on Spain), which in 2001 introduced a law making a version of brainwashing called “abus de faiblesse” (abuse of vulnerability) through the use of psychological techniques a crime (Palmer 2011). In 2022, I published with Cambridge University Press a synthesis of the reasons why an overwhelming majority of scholars of religions have concluded that “brainwashing” does not exist (Richardson 1991, 1992, 1993, 1996, 2014, 2015), and is only a pseudo-scientific tool used to discriminate against certain minority groups (Introvigne 2022b).

Argentina is a country where the French-Spanish model of accusing “cults” of using “brainwashing” has been exported since the past century by a small but vocal anti-cult movement. In 2011, thanks to its efforts, the Province of Córdoba passed a provincial law for the assistance to the victims of “cults.” The word used was “secta,” but just as the French “secte” it should be translated into English as “cult,” not as “sect,” which has a different and more benign meaning. The law of Córdoba identified as a “secta” a group using “psychological manipulation,” “coercive persuasion,” and “destruction of personality,” all common synonyms of “brainwashing” in the anti-cult ideological discourse. There were attempts to move from the provincial law in Córdoba to a national law. Alerted by Argentinian academic colleagues and lawyers, I visited the country in 2015, spoke at an event in the national Senate and at a press conference, was interviewed by several

media, and offered my small contribution to defeating attempts at passing a national anti-cult law.

Interestingly, already in the 2010 decade, the case of the BAYS was often mentioned as evidence that dangerous “cults” existed in Argentina as well. An apostate ex-member of the BAYS called Pablo Gastón Salum was the most vocal proponent of a national anti-cult law, and the BAYS had been investigated and prosecuted in 1993, although all the defendants had been declared not guilty in 2000.

Here I was in 2023, invited to Argentina to attend a panel in an international human rights event co-organized by the government and UNESCO (Introvigne 2023), and taking the opportunity to study the BAYS case. The impression of *déjà vu* was inescapable. The self-same Pablo Salum, his voice now amplified by social media and YouTube, was still promoting an anti-cult law. He mentioned the BAYS, of course, but also promoted a quite extensive notion of “cults” the proposed new law should take care of. He was calling Falun Gong, with words that looked like he had borrowed them from the Chinese Communist Party propaganda, “one of the most dangerous Chinese coercive organizations” (Salum 2023e). The Jehovah’s Witnesses were labeled a “coercive organization terrorist cult” (Salum 2023d); the Wicca a “cult and coercive organization” (Salum 2023c); the Latter-day Saints (popularly known as the Mormons) another “coercive organization cult” (Salum 2023b) whose leaders also “hide pedophiles” (Salum 2023a). Salum’s catalogue of “cults” has no ends, and includes Freemasonry (Salum 2022), the Seventh-day Adventists (LeyAntiSectas 2023), and even the Catholic Discalced Carmelite nuns (LeyAntiSectas 2022).

To a dispassionate reader of his ramblings, it should be immediately apparent that Salum is not operating with a full deck. However, he is taken seriously by Argentinian media, police, and even some judges. The reason is that he is the one who started in 2021 the second case against the BAYS, after the Yoga School had won in 2000 the first one started in 1993.

One way of combating the proposals to introduce an anti-cult law in Argentina is to show that “cults” and “brainwashing” are discredited categories. I have written extensively on the subject. Some friends suggested to me that I stop at that and leave the BAYS alone, because it is “a very special case.” But these “very special cases” are precisely those in which I have specialized for forty years, the more so when accusations of wild sexual practices are involved. Thus, I could not

resist investigating the BAYS. Nor asking the question whether it was possible that Salum, who was so obviously wrong about so many other groups, might be right about BAYS only.

An Accountant-Philosopher and His Friends

Spending 18 days in jail in a cell with another nine prisoners, sleeping on a mattress on the floor, had clearly taken a toll on the health of Juan Percowicz, who will turn 85 in June. The man described by the media as the inventor of new brainwashing techniques and the mastermind of a cult hiding an international prostitution ring looked, when I met him in March 2023, exactly like the person he was supposed to be according to his identity documents: an old business consultant, who lives in a comfortable but not luxurious apartment in a good neighborhood of Buenos Aires, assisted by a female caretaker (who is not young either).

Percowicz was born in Buenos Aires on June 29, 1938, from Polish-Ukrainian Jewish parents. By his own account, he was a mediocre student, since from his early years he was as interested in philosophers and the great figures of world literature as his friends were in Argentinian football players, which somewhat distracted him from the regular school curriculum. He was good with numbers, though, and eventually graduated from the School of Economics of the University of Buenos Aires as a certified public accountant with a degree in business administration (Percowicz 1992, 12).

He never made it to the Olympus of the high-profile accounting firms, but he had a prosperous business, which allowed him free time to keep studying philosophy and opened to him the doors of the GEBA, the Gymnastic and Fencing Club of Buenos Aires, regarded by many as the finest club in the city. There, a police doctor called Dante Norberto Parandelli (1933–2010) was offering yoga classes. A look at the books written by him (Parandelli 1989, 1991) helps dispelling a misunderstanding about the word “yoga.” When they raided the BAYS, the police were surprised that they did not find yoga mats at a place called a school of yoga. But in fact in its millennia-old history in India, yoga has always been a philosophy before being a system of physical exercises. Parandelli taught both, although some of his books deal with the philosophical part only, and it was yoga as a philosophy (Raja Yoga) that mostly interested Percowicz.

From 1971, Percowicz took classes with Parandelli at GEBA, and private lessons as well. Later, when the first criminal case against the BAYS started, Parandelli tried to downplay his relationship with Percowicz (Juzgado de Instrucción Criminal n° 46 2000, 67). While stating that Parandelli only helped him in the first part of his philosophical itinerary, Percowicz remains grateful to him. In one of the few books he published, *Los cinco magos de la Notre-Dame* (The Five Magicians of Notre Dame), co-authored with Susana Franca and César Pallotta in 1991, Percowicz included Dante Parandelli (Etnad, or Dante spelled backwards) and the mysterious man Parandelli himself mentioned as his own master, Durante (Etnarud), among the five magicians who meet every hundred years above Paris' cathedral to work on behalf of humanity. The aphorism that decorates the back cover, "One can become the owner of a suffering soul, but never of a laughing soul," means that only a suffering soul can be enslaved, while a happy, laughing soul will never be enslaved (Percowicz, Franca, and Pallotta 1991).

To become the man known to his pupils as the founder and leader of BAYS, Percowicz did not rely on groups and schools. He spent more than ten years avidly reading Western and Eastern philosophers and esoteric masters, from Plato (ca. 428–348 BCE) to Walt Whitman (1819–1892), and from Jiddu Krishnamurti (1895–1986) and Paramahansa Yogananda (1893–1952) to Baruch Spinoza (1632–1677). His list of preferred authors, that he would later recommend to his students, included Hindu masters such as Vivekananda (1863–1902) and Western esoteric luminaries such as Helena Blavatsky (1831–1891), Charles Webster Leadbeater (1854–1934), Mabel Collins (1851–1927) and Paul Brunton (1898–1981), but also Friedrich Nietzsche (1844–1900), Johann Wolfgang von Goethe (1749–1832) and Hermann Hesse (1877–1962). While the catalog looks eclectic, talking with both Percowicz and his students the importance of one particular tradition emerges, the teachings of George Ivanovich Gurdjieff (1866?–1949) as presented by his independent disciple Pyotr Demianovich Ouspensky (1878–1947). This does not mean that Ouspensky's book *In Search of the Miraculous: Fragments of an Unknown Teaching* (Ouspensky 1949), with which all BAYS students are familiar, is a textbook or a manual for them. They just take from it some basic ideas, of which they find confirmations in other texts and traditions.

In 1983, three ladies called in the school the “Three Bs”—Bibí Lefèvre de Giglioli, Beba Fernández de Morales (1932–2016), and Beatriz Vigil de Sosa Molina (1936–2005)—asked Percowicz to teach Raja Yoga to them (Percowicz 1992, 12). This was the origin of what later became the BAYS. It was always a group of friends, which never exceeded 300 members, with a larger circle of perhaps 1,000 who occasionally attended events and lectures. The lectures attracted, among others, distinguished members of the artistic and musical community, including soprano Verónica Iácono (Verónica Loiacono), the late violin player, composer, and director Rubén González (1939–2018), who had an important career in the United States, Mariano Krawczyk (Mariano Krauz), regarded as one of the best oboists in the world, and composer Susana Mendelievich. They expressed the ideas of the school in musical compositions that caught the attention, among others, of Spanish opera singer Plácido Domingo, who became their friend of many years (although, after the 2022 raid, he also tried to distance himself from the group). Artists of a different field also joined: Carlos Barragán went on to win the 1997 World Championships of Stage Magic in Dresden, Germany, with a team entirely composed of BAYS members (FISM 2023).

My interviewees commented that the school also attracted a large number of members from two minorities, Jews and homosexuals. Some lamented that in the first and second criminal cases some police officers insulted them with anti-Semitic and homophobic comments. They all maintain that anti-Semitism was a component of the opposition, and in the early days the fact that the school welcomed homosexuals also raised eyebrows.

Meanwhile, the BAYS was looking for a permanent home. In 1990, a group of students teamed up with Percowicz and hired architects from the same school to build a ten-story building on State of Israel Avenue in Villa Crespo. Percowicz would own a coffee shop where courses would be held, on the ground floor, and the other members of the group would own the flats on the other floors. In order to speed up the construction, and to allow the rest of the group to finance their share of the work in instalments, Juan Percowicz paid his full share in advance in exchange for the coffee shop being inaugurated earlier. The inauguration took place in 1992. The construction of the building was halted in 1994 due to the first criminal proceedings, and restarted in 1995. Soon after, the owners of the brand-new building had their own roof over their heads.

In 1993, the BAYS had also tried to create a legal structure overseeing its activity, the Fundación Escuela de Yoga de Buenos Aires, but it was put into receivership in 1994 at the time of the first case, and liquidated in 2023. The school per se continued to function without a legal organization. Members of the BAYS created businesses that were not part of the school but applied some of its ideas to different fields and employed mostly fellow students. B.A. Group offered coaching through both courses and private lessons and had among its clients some large Buenos Aires institutions and businesses—including, ironically, the news group INFOBAE, which would later publish some of the most vitriolic attacks against the BAYS. Aznarez Propiedades was a real estate agency—and some students also worked at Salum Propiedades, whose owner was the brother of anti-cultist Pablo Salum, German Javier Salum, who had left the BAYS but unlike his brother had remained a friend.

CMI Abasto was called within BAYS a “clinic” but was more exactly a center with offices of several doctors and psychologists, not all of them members of the school. There, one of the services offered were the “sleep cures” (*curas de sueño*) where stressed patients were induced to sleep for longer hours than usual for relaxation purposes. There was also a law firm led by a female student, Susana Barneix, who is an attorney, and several companies in the United States, where the school had a few members. In the court cases an informal “bank” was also mentioned, which in fact was a common fund where those who lived in the State of Israel Avenue building and others may contribute to common expenses and borrow money when needed. As it happens with many other Argentinians, BAYS students did not trust banks, and kept significant quantities of money, including US dollars regarded as safer than local currency, at home.

I interviewed those responsible for these businesses and BAYS students who worked there. They told me that most clients were not members of BAYS, and never received a proposal to join the school. Before 2022, Aznarez sold dozens of properties, only four of them to students of the school. B.A. had no clients at all that were part of BAYS. CMI Abasto had BAYS patients, including Juan Percowicz, but many were not part of the school and had not even heard about it. They all denied that the businesses were used to attract new members of the school. In fact, in 1999 the BAYS had decided no longer to accept new members, although those who were once students and were no longer attending the lessons were always welcome to return. While the first court case had an influence on this

decision, it was also taken because the number of senior students who could serve as mentors to the new members was limited, and did not allow for further expansion. Exceptions were made for a small number (less than ten) of children of the existing students. At the time of the 2022 raid, members were probably 168, with a median age of 58—the list I consulted has been reconstructed without the help of the original records, which had been seized and not returned to the BAYS.

At the center of the life of the school were the classes given twice a week in the coffee shop, personally by Juan Percowicz in the early years and mostly by senior students more recently. Although classes were not offered after the 2022 raid, the coffee shop keeps what looks like a stage with musical instruments, and shows and performances were offered before the lectures. In addition to the classes, there were ceremonies and rituals organized by a group of women, humorously called the “Ghostbusters” after the 1984 American comedy movie. While the judge in the court case suspected these were rituals of “black magic” or “sexual orgies,” I interviewed some of the Ghostbusters themselves, who insisted that they consisted in lighting candles and ritually cleansing apartments with vinegar and the medicinal herb known as rue (*ruta graveolens*), which is often used in ritual magic. Students did not necessarily believe in magic, the Ghostbusters explained, but did find it had a positive psychological effect on those participating in the rituals.

An Eclectic Teaching

What did the students learn in the classes? The BAYS does not regard itself as a religious movement, and students keep their own religion if they have one. I interviewed one who told me that she regularly goes to Catholic Mass, and another spent a good part of her life as an executive in different leading Argentinian Jewish organizations. Rather than “religion” or “spirituality,” they prefer to use the word “philosophy.” However, they insist that we are all and naturally philosophers, whether we use this word or not. We can, however, repress and deny our philosophical attitude, i.e., the natural tendency to ask questions about the meaning of life, but this generates stress, frustration, and violence at the individual and social level. It is even the root cause of the alarming spread of drug addictions, and of wars. Some of my interviewees were doctors and

clinical psychologists and insisted that the study of philosophy may help solving serious problems of addiction, besides improving the general well-being.

Just as it happened with Gurdjieff, the focus was much more on this life than on the next. Percowicz told me he personally inclines towards the doctrine of reincarnation and finds the idea of karma reasonable, but nobody is obliged to be religious or to believe in any religious doctrine in the school, although there are groups studying—but from a “philosophical” more than from a dogmatic or theological point of view—the sacred scriptures of different religions.

The problem with Gurdjieff is that he was never easy to understand. Despite biographies, conferences, special issues of academic journals, and courses devoted to him in several universities, Gurdjieff’s thought remains elusive to the non-initiated (Needleman and Baker 1996). In the court cases against BAYS, the lack of familiarity by prosecutors with Gurdjieff’s idiosyncratic language and teaching style explains why the school’s jargon was often misunderstood. Gurdjieff was a harsh spiritual master, who believed that most humans were in a sleeping state without knowing it and needed a shock therapy, including verbal abuse and demanding physical exercises, to wake up.

Percowicz told me that these were methods perhaps appropriate for a different historical time. He never adopted them but from Gurdjieff, as presented by Ouspensky, he took two fundamental ideas. The first is that one of the most difficult human enterprises is to observe ourselves. The first stages of Gurdjieff’s “Work” propose observation, verification, and acceptance of the truth of the human condition through study, participation in group work, and mindfulness exercises (“self-remembrance”). Theoretically, each of us should be able to perform this self-observing routine individually. In practice, however, since the risk of self-delusion is always present, a group work with others is indispensable for evolution. By working in group, self-observation can be more objective; and an experienced master may make the path to evolution considerably shorter.

Gurdjieff also taught that many contradictory, competing “I”s or selves coexist in each person. This conflict makes thinking and acting in a unified form ultimately impossible. A contradictory set of thoughts, emotional reactions, and repetitive mechanisms of self-protection determines a state of confusion and unhappiness. An awareness of this state is the first step in the direction of awakening. As Australian scholar Carole Cusack has demonstrated, Gurdjieff (who disliked putting his ideas in writing) did teach a model of evolution where

humans were divided into types, although the number of them varied over time and each of his main disciples adopted a slightly different scheme (Cusack 2020).

Percowicz used a seven-type model, and within each degree introduced the distinction between aspirant, formal, and informal. While in the first three levels humans are dominated by one feature only—physical, emotional, or intellectual—some balance is achieved at level 4, which allows to move to the higher levels of evolution 5 (the genius), 6 (the saint), and 7 (the master or the angel). Theories of types are, of course, not exclusive to Gurdjieff. Students found similar ideas in Hermann Hesse's novel *Steppenwolf* (Hesse 1927), which became an important reference for the school. One senior student observed that the ten stages mentioned by Nichiren Buddhism as presented by the Japanese Buddhist movement Soka Gakkai convey the same principles, although Percowicz told me he had never read Nichiren (1222–1282) or Soka Gakkai literature. He might have found similar ideas in Tibetan Buddhism, Sufism, and several other traditions.

Some Gurdjieffian harshness remains in sentences that may give the impression that those at the lower levels, dominated by the “low ‘I’s” (*voes bajos*) are hardly human. But in fact the school is there to accompany them in their evolution, and achieving the highest levels is presented as difficult but not impossible. According to the list I examined, twenty students had achieved the seventh level, nine of whom were “7 formal,” including Percowicz. He presents himself as one “who knows what he knows and knows what he does not know,” which in itself is no mean achievement. Some early students took it to mean that, by knowing both what he knows and what he does not know, Percowicz in fact knows everything. He took this interpretation as a joke, clarifying that “knows what he does not know” means that he is aware of what he has yet to learn. At any rate, all students I interviewed were very grateful to him, and claimed to have benefited from his suggestions and insights even in fields he is not directly familiar with.

In fact, Percowicz teaches a method more than contents. Ouspensky offers a point of view from which a great number of authors and texts can be mobilized at the service of spiritual evolution, often through short aphorisms that are then commented in all their philosophical implications. The texts and authors the school studies the most changed and rotated over time. Benjamin Franklin (1706–1790), Thomas Jefferson (1743–1826), William Shakespeare (1564–

1616) were all discussed at one time, and I encountered several references to Argentinian poet Pedro Bonifacio Palacios, “Almafuerte” (1854–1917). Fyodor Dostoyevski (1821–1881) had a special importance, and the image of a poker game where the cards corresponded to aphorism-like sentences of the Russian writer inspired a book published in 1993 (Percowicz, Franca, and Pallotta 1993) and an opera the school’s musicians wrote and represented in 1995 (Loiacono, González, Krauz, and Mendelievich 2007). During the COVID lockdown, which was very strict in Argentina, students deemed it fit to meditate on *Les Misérables* by Victor Hugo (1802–1885: Hugo 1862). The BAYS also created subgroups exploring a great variety of subjects. One was astrology, approached psychologically according to the school of Oskar Adler (1875–1955).

Yet, the school discovered that, while philosophy made it easier to become better human beings and even overcome alcohol or drug addictions, problems remained. These problems were connected to the fact that we constantly need to communicate with others, who may be very different from us, and we do not really know them. Communication was always a major theme of BAYS, and was originally approached through the notion of “the way of the geisha” (geishado), which came from a poem by Percowicz’ old yoga master, Dante Parandelli. Scholars of Japanese culture know that a geisha is not a prostitute (Gallagher 2003). Although she may sometimes enter into sexual relationships with her clients, she mostly entertains them with her artistic, musical, and conversational skills and a superior art of courtesy. “Geishado” meant in the BAYS acquiring a style of refined courtesy, and was applied to both women and men. When the school was accused of favoring prostitution, “geishado” as synonym of an aristocratic courtesy typical of Japanese culture was increasingly replaced by “samurai courtesy,” which Hollywood had popularized in the meantime.

Since 2010, however, the main reference for communication became Dale Carnegie’s (1888–1955) 1936 book *How to Win Friends and Influence People*, one of the greatest bestsellers of all times. Carnegie’s book created a whole generation, in fact more than one, of American businesspersons and politicians who believed that we can change others by changing our own attitude to them. Carnegie is generally considered as a quintessential torch-bearer of American values of moralistic benevolence. It is not the lesser paradox of the BAYS case that its ubiquitous presence in the school was interpreted as yet another way of teaching the sinister arts of brainwashing and manipulation.

Carnegie would have in fact agreed with Percowicz' very simple ethic, which is based on the principles of not harming themselves and not harming others. I was told by some of the earliest students that, at a time where life was difficult for homosexuals in Argentina, they were surprised when, having disclosed their sexual orientations, they were told that BAYS regarded them as irrelevant. BAYS also welcomed artists and musicians whose way of living was somewhat unconventional. If a student wanted to display in her apartment a collection of sex toys—the famous “museum of sex” I mentioned before—, or others wanted to photograph themselves in the nude, nobody would prevent them from doing so.

The police believed they had found a smoking gun proving illegal activities and abuse when they encountered in the apartment of a middle-aged student (not located in the State of Israel Avenue building) an old picture of several naked men and women making love in the same room, and identified two of them as BAYS members (Juzgado Criminal y Correccional Federal n° 4 2022, 364). The photograph was several decades old, and whether it was related to the school and what it proved exactly was unclear.

In fact, what is more surprising is how infrequent references to sexuality were in the BAYS lessons. The police diligently listened to several thousand hours of courses, and came out with a meager handful of references to the sexual sphere, one noting that sexual tales many would regard today as objectionable abound in the Old Testament (Juzgado Criminal y Correccional Federal n° 4 2022, 367: Biblical scholars would agree), and another (from 1989) arguing that all sorts of experiences may lead to increase one's knowledge of others, including—under certain conditions—prostitution (Juzgado Criminal y Correccional Federal n° 4 2022, 186). This sentence mentioned in the 2022 indictment struck students as strange. They found (and shared with me) the relevant class, and discovered that what followed, and had not been quoted by the judge, was that of course any unwanted erotic experience is negative. The lesson says, literally,

But there is something with eroticism that is very important for you to bear in mind: you should never do it if the desire and the need is not in your blood, because then it is a sin, it is poisoned when it is not a desired event.

And further on the lesson adds,

The unwanted erotic event is a suffering, it is assimilated to rape, so I think it is a horrifying moment that a human being goes through. It is immoral, even within marriage

it is immoral and so much so that, in American jurisprudence, if one of the two spouses does not want it, it is punishable as rape.

Sexuality was never a main theme, and in fact was hardly mentioned, in the BAYS lessons. It was left to the private sphere, governed by the principle that if we do not harm ourselves or others there is no such a thing as “sin” and we should not feel guilty.

“The Most Dangerous Cult of Them All”

In the early 1990s, the BAYS looked like a small but prosperous organization. When on June 5, 1992, Percowicz presented the school’s philosophy in a lecture at the Sheraton Buenos Aires Hotel & Towers, the event had been declared of “national interest” and had received the official congratulations of the Ministry of Culture and Education, the City of Buenos Aires, and several other institutions (Percowicz 1992). The school’s musicians were gaining national and international recognition. Carlos Barragán and his all-BAYS team were on their way to be acknowledged as the world champions of stage magic. Others had gained awards in the artistic, business, and medical fields.

Unbeknownst to BAYS members, however, the wind of the anti-cult campaigns had started blowing over Argentina as well. The setback anti-cultists had suffered in 1990 in California, when in the *Fishman* case the theories of brainwashing had been declared as pseudo-scientific and excluded from American court cases, had persuaded them that they should now multiply their efforts in countries other than the United States. They found a favorable ground in France and in Spain. Eventually, their ideology traveled to Argentina as well.

As it often happens in cases against “cults,” the one that hit BAYS in 1994 started with a family conflict. On December 23, 1993, the stepfather of one female BAYS student claimed that she had left his home because she had been brainwashed by the school. While the stepdaughter argued that the real reason was that she was being abused by the stepfather, the man recruited other parents who claimed their daughters had been brainwashed too. Some told extraordinary tales of women compelled to have lesbian relations or work as prostitutes, and of boys sexually initiated by older women, including their own mothers. One of those who told these stories was the father of Pablo Gastón Salum, whom we met before and who is today the leading Argentinian anti-cultist. Pablo’s mother,

brother, and sister remained in the school. His father said Pablo had left because he was “horrificed” (Juzgado de Instrucción Criminal n° 46 2000, 51).

Pablo himself testified in the case and denied his father’s story. He said he had quarreled with his mother and had lost interest in the school, whose lessons he had attended since age ten, but that he had not seen anything improper there (Juzgado de Instrucción Criminal n° 46 2000, 102–3). Later, however, after further family quarrels—in one of which his brother reported he had been threatened by him with a knife—Pablo testified again, and said he had rendered a false deposition following instructions by Percowicz. He backed up his father’s story by saying that young boys in the BAYS were sexually initiated by older women, including his own mother, and added lurid details about orgies and prostitution. He claimed that the BAYS was the most dangerous “cult” operating in Argentina (Juzgado de Instrucción Criminal n° 46 2000, 111–17). Pablo’s career as an anti-BAYS “professional apostate” had started. Meanwhile, Percowicz and another thirty BAYS leaders and students had found themselves under criminal investigation.

Judge Julio César Corvalán de la Colina had to put some order in what looked like a hopeless mess of contradictory statements. It took him several years, as the case had started in 1993 and his decision was dated May 11, 2000, which was confirmed by the Court of Appeal on 28 December 2001 and by the Court of Cassation on 10 September and 28 November 2001. His was an Argentinian judgement of twenty-two years ago. Perhaps he devoted an unnecessary number of inconclusive pages to discuss whether the BAYS was a “cult” (secta), before correctly noting that operating a “cult” was not a crime under Argentinian law. He showed he did believe in brainwashing theories, based on a book with this very title, *El lavado de cerebro* (Brainwashing) by Spanish social psychologist Álvaro Rodríguez Carballeira, a text that read today looks like a not particularly memorable digest of the pre-1990 brainwashing ideology (Rodríguez Carballeira 1992).

This makes it even more remarkable that Judge Corvalán de la Colina came to the conclusion that, although he believed brainwashing existed, the BAYS had not practiced it. He declared all the defendants innocent. The most serious crime they had been accused of was corruption of minors. Corvalán noted that the two alleged victims denied absolutely that they had been corrupted or abused, a scenario that would repeat itself in 2022. The judge regarded them as more

believable than the anti-BAYS witnesses. He also found that the two declarations of Pablo Salum contradicting each other made him a doubtful witness, and noted that his and his father's stories were highly conditioned by a situation of family conflict.

Psychological expert reports had confirmed that, although perhaps in some cases easily influenceable, the alleged victims, who denied having been victimized, were all mentally competent. The judge was also impressed by the fact that, after some seven years of a judicial ordeal and considerable media slandering, they had remained in the school. He wrote that theirs was a "project of life their parents probably did not approve of," but it had been freely chosen, and that choice was protected by the Argentinian Constitution (Juzgado de Instrucción Criminal n° 46 2000, 198).

Confronted with obvious defeat, Pablo Salum and the anti-cult camp claimed that the decision had been the result of unusual pressures on the judge by prominent Argentinian citizens who were friends of the school (and perhaps, it was suggested, had been among the beneficiaries of the female students' sexual favors) and American "cult apologists" always ready to defend "cults" with the help of their government. It is true that H. Newton Malony (1931–2020), a distinguished American psychologist who had been instrumental in causing the fall of brainwashing theories in the United States, had taken an interest in the case and traveled to Argentina. However, those who claimed that Corvalán's decision had been dictated by external influences simply had not read it.

The last thing judges who render a decision because they have been unduly influenced by others is to mention such influence. Yet, this is precisely what Corvalán did. He wrote that dozens of personalities, both Argentinian and international, who were not involved in the case, contacted him, described BAYS as a honorable and unfairly slandered organization, and asked to be heard. "In my more than long judicial career, I was never submitted to such a pressure," Corvalán wrote (Juzgado de Instrucción Criminal n° 46 2000, 218). He could have derived from this that BAYS was in fact an esteemed organization, and that scholars such as Malony were concerned that brainwashing theories might be used once again as a tool for discrimination. On the contrary, Corvalán wrote that it had been mightily disturbed by these interventions—but had not let his irritation change his conclusion that the defendants were innocent.

After the judicial victory of 2000, and in fact even before, the BAYS decided to keep a low profile. In 1999, as mentioned earlier, it had decided not to admit new members. The construction of the State of Israel Avenue building and the organization of the life there continued, as did the classes in the coffee shop. One activity that was developed with success was the application of BAYS philosophy to business and the formation of corporate executives, which allowed the company B.A. to acquire prestigious clients. On the other hand, the story of how the BAYS had been attacked and had emerged victorious from the long 1993 court case was not publicly told. One student who had two cousins among the “desaparecidos” of the military regime told me that perhaps the memories of these years, haunting a generation so much marked by fear, had made them reluctant to criticize the police. However, the fact that the first criminal case and its outcome were not well-known outside of the two subcultures of the BAYS members and the anti-cultists will make more difficult for BAYS to react when the second raid happened in 2022.

The Ghost of Prostitution

When the second raid hit the BAYS on August 12, 2022, lawyers were immediately contacted. Susana Barneix, a student holding a level 7 formal, was herself a lawyer, but she was also among those arrested. The attorneys immediately advised their BAYS clients that their best defense was double jeopardy. They were being accused of crimes for which they had been already investigated and acquitted in 2000. Pablo Salum himself implied in some of his public statements that what had changed since 2000 was not the facts, but the laws. However, criminal laws cannot be retroactive.

What are the “new laws”? What the prosecutor tried to apply against the BAYS was the Argentinian law 26.842 of 2012 against human trafficking. Why and how this law was passed has been reconstructed in a critical book by the academic and assistant prosecutor Marisa S. Tarantino, published in 2021 (Tarantino 2021). Tarantino describes both the international and domestic pressures on Argentina for a tougher law on human trafficking. Law 26.842 went beyond the international conventions that regard as victims of human trafficking, even if they deny their condition of victims, those who are exploited for prostitution or forced labor through violence, threats, or deception. In the Argentinian law of 2012

these are not features of the crime, although if present they are considered as aggravating circumstances. This means that there may be human trafficking even in absence of violence, threats, or deception.

Tarantino explains that there were two reasons for introducing this Argentinian peculiarity. The first was the influence of the movement for the abolition of prostitution. Although prostitution per se, if freely exercised by the prostitute, is not illegal in Argentina, the 2012 law implies that there is no such a person as a free prostitute, and all are at least suspect of being trafficked. The second reason is the lobbying activity of a special prosecutorial office called PROTEX (Procuraduría para el Combate de la Trata y Explotación de Personas, Office of the Procurator for Combating the Trafficking and Exploitation of Persons), whose powers and resources were greatly expanded.

What did all this have to do with “cults” and the BAYS? According to Tarantino, the tool used to criminalize prostitution in general (without explicitly saying it) is “vulnerability as a tool of control” (Tarantino 2021, 200). This creates a “paradigm of victimization” that denies to certain subjects their “political agency” (Tarantino 2001, 206). In other words, a prostitute is by definition “vulnerable” and “a victim.” If she says that she has freely decided to be a prostitute, this only proves that the “victimization” has been especially effective, and what remains to be done is for the PROTEX to ascertain who the victimizer is.

I am not a specialist on the issue of prostitution, but what interests me in Tarantino’s analysis is the similarity between the abuse of vulnerability that supposedly occurs by definition in the case of prostitutes and the “abus de faiblesse” (which translates precisely as “abuse of vulnerability”) that is the typical crime of which “cults” are accused of in France. It looks like just another incarnation of brainwashing.

I recognized the names of PROTEX luminaries quoted by Tarantino in her book as defending a wider-ranging paradigm of vulnerability. They were the same persons who organized the raid against the BAYS. The PROTEX has a vested interest in expanding even further its field of operation. It seems it is trying to do so by claiming that, just as those who work as prostitutes, those who join “cults” are all “victimized” by “abusing their vulnerability,” even when they deny it—just another attempt to resuscitate the dead horse of brainwashing theories.

There is evidence of a cooperation between Pablo Salum and PROTEX going beyond the BAYS case, but the latter should have looked to the anti-trafficking agency as their opportunity for creating a perfect storm. Not only are the “victims” of BAYS described as “brainwashed” by a “cult,” which for PROTEX is a situation of “abuse of vulnerability” similar to trafficking prostitutes. In the case of BAYS, it is alleged that the brainwashed victims actually became prostitutes, i.e., they were at the same time “brainwashed,” “prostitutes,” and “cultists.”

The indictment by judge Ariel Oscar Lijo of September 8, 2022, is a document of 572 pages (Juzgado Criminal y Correccional Federal n° 4 2022). I read it several times, and in a nutshell it tells this story. The BAYS is a “cult” according to the definition of Spanish anti-cultists, which attracts its members and keeps them in the school through the use of brainwashing. While ostensibly its aim is to teach philosophy, its real purpose is to enrich Percowicz and other leaders through the practice of prostitution. Female members are submitted to a continuous brainwashing, some of them almost since birth because their parents were already members of the school, through a climate where sex and pornography are continuously celebrated. They are deprived of their free will and personality through sophisticated techniques of mind control. They are then trafficked and sent to meet male clients. Most of the money of their prostitution business goes to BAYS. The different companies operated by BAYS members such as the coaching company and the real estate agencies are fronts whose aim is to fraudulently justify the presence of profits that come in fact from prostitution, so that the businesses are in fact money-laundering organizations. The so-called clinic is also used for money-laundering, but the “sleep cures” there are also used to further brainwash the women who work as prostitutes, and punish those who try to rebel or escape (why Juan Percowicz and other leaders also went through these cures is not explained). BAYS has also a secondary criminal activity of smuggling medicines to the United States, as proved by the fact that the three students arrested at Buenos Aires airport had a significant quantity of prescription medicines in their luggage. Except a comparatively small number of student-prostitutes, who are victims, all members of the school who have performed any activity there (transporting people, paying wages, caring for someone who is ill, advising on how to make a payment—all real examples) are perpetrators and part of a criminal conspiracy, which justifies their arrest.

Obviously, this vast conspiracy needs to be proved. The indictment mentions one complainant, who is not named but is obviously Pablo Salum, and four witnesses, who seem to be persons who cleaned the apartments in State of Israel Avenue, and others where students lived, and the so-called “clinic.” One was identified by students as a cleaning lady who had been caught stealing and fired, and had vowed to “go to Pablo Salum” as vengeance. The witnesses do not say much, except that they heard rumors and saw women “dressed like prostitutes.” One witness said she saw students dressed in “red and blue,” which would be the colors typical of “old prostitutes.”

Pablo Salum claimed that for years he did not know where to find his BAYS family members. Germán Salum, in an interview for *elDiarioAR*, in which he relates his experiences with his brother Pablo, denies his accusations. In it, Germán assures that his business was always listed on the Internet and that Pablo always knew where to find his family, but simply never wanted to approach them. According to him, Pablo only seeks publicity to gain money and notoriety, even if it means destroying his family’s life (De Masi 2022).

Pablo Salum’s anger against his family colors all his statements. He once stated:

How nice it would have been if my family had been killed. That they were killed in an accident, that they died in a natural or tragic way, provided that they died (Corona de Espinas 2023).

Based on Pablo Salum’s claims, the PROTEX believed that sexual encounters were videotaped and the tapes kept in the house of the stage magician Barragán for possible future uses as blackmail material. However, thousands of videos seized in Barragán’s apartment were patiently viewed and indexed by the agents. They only included BAYS courses. As I mentioned, guided by Pablo Salum’s demonstrably false statement that teachings about sexuality were the center of BAYS courses, the agents went into a fishing party examining all the lectures, and found very little in terms of discussions about sex. They only relied on the old and ruined commercial pornographic VHS they found and on photographs with sexual encounters and nudity (including the one I have discussed above) to claim that the rituals of the “Ghostbusters” were sexual in nature, something all students deny.

What the judge was left with was the interpretation of tapped telephone conversations and the journals of some female members. The expectation that

wild sexual references would be found led the detectives to several mistakes (some were later corrected). The last name of Carnegie, who was at any rate denounced as an author teaching techniques of brainwashing, was sometimes mistakenly transcribed as “carne,” “flesh,” and references to books were misinterpreted as indicating “carnal” encounters. In a conversation about Placido Domingo, the suggestion that he should be invited to “coaching” was transcribed as “colchón,” “mattress,” again indicating a sexual proposal (Juzgado Criminal y Correccional Federal n° 4 2022, 64).

Other conversations are admittedly ambiguous. Percowicz calls a student (and a friend of many years) a “great bitch” (*gran puta*), to which she answers, “Thanks to you I am a great bitch” (*Gracias a vos soy gran puta*: Juzgado Criminal y Correccional Federal n° 4 2022, 59). “Putá” is often used in Spanish-speaking feminism to mean bold and independent woman (an ironic allusion to nicknames that have been used historically to disqualify notable women such as Joan of Arc, 1412–1431, and Queen Elizabeth I, 1533–1603). And the use of words such as “clients,” “services,” and even “fiancés” do not indicate that the relationships referred to were forms of prostitution.

In a webinar about “cults” and human trafficking, where PROTEX officers speak, we hear in reference to the BAYS “indoctrination”:

I don’t know if it reaches to read. If not, later when we send it. This was part of how they trained the people who had to give these trainings. “– If you can send it to me it would be good. Send it to me by WhatsApp.” – Yes, yes. We will send it to you on Tuesday. This is part of a training of everything that was explained to them that they had to do. Well, you see the dates, right? There are all the dates (Red Nacional Alto al Tráfico y la Trata 2022).

In the image (headed by the boxed word “Machine”) it is clear that these are references for the operation of a sewing machine:

Between 9 and 6 register of thread tension... Zigzag width selector... stitch length 1-2-3-4-R... Bring round elastic lace closure... Drawings: 16-17-18 foot split in the middle... Drawings: 12-8-foot with plastic AN=4 L=2 => invisible hem... Straight seam foot with 2 sides for boards and elastic... 5 and 6: foot with turn over for hem... (Red Nacional Alto al Tráfico y la Trata 2022).

The supposed allusions to “dates” are references to machine functions.

People who write a diary often dump there not only their daydreams but what their wildest fantasies and darkest thoughts tell them, as a way of getting to know

them. Some of these entries are absurd even to the naked eye, and the judge has found no way to explain them. I cite as an example this transcript:

Fatigued, I will reach U\$ 350,000 and achieve the goal. Then they ... and they stopped billing. Now they are invoicing more and they got their act together because they were rushed from Buenos Aires... The hand is very hard and this month we have to reach \$410,000 (Cámara Criminal y Correccional Federal, Sala 2 2022, 11).

Note that the person does not say what she is talking about, nor does she ever mention the BAYS. But what is most striking is that, if this statement were true, the author would be earning an income comparable to that of the best paid jobs in the world.

Sometimes, buried somewhere among the 572 pages, there are arguments that deny the very claims of the judge. A spectacular case concerns a prominent Argentinian businessman, who is not named but is clearly Carlos Pedro Blaquier (1927–2023). The industrialist regularly visited a student of the school called J., whom he had already met before she joined the BAYS. The judge indicates J. among the victims of trafficking and believes that her relationship with Blaquier was one of a prostitute with a rich client. However, among the documents seized about Blaquier the judge mentions one where the industrialist asks that he and J. should be “buried together” (Juzgado Criminal y Correccional Federal n° 4 2022, 402). What man would ask to be buried with a prostitute? The burial request alone confirms what J. told me: that she had for ten years a loving relationship with Blaquier, who was factually although not legally separated from his wife, and that they considered themselves a couple—one united by such a romantic love that they even planned to share one day the same grave.

After the indictment, in October 2022, nine women indicated as victims or “possible victims” were called to testify through a “Cámara Gesell,” where they answered questions prepared by the prosecutor but asked to them by psychologists. They all stated that they were not prostitutes, had never traded sex for money, had not been trafficked, and were normal, professional women, with a life, work, and friends outside of BAYS, so that the accusations that they were brainwashed were ridiculous. I interviewed seven of them, who told me as much. They certainly did not look like prostitutes, moved freely around Buenos Aires, and if they had lost their jobs it was because of the raid and the investigation. As I mentioned earlier, the youngest of them was 35.

The judge had anticipated that the victims would deny that they were victims, and here is where the brainwashing issue and how law 26.842 is interpreted by PROTEX emerge as the keys of the matter. If a trafficked prostitute denies that she is a prostitute, the PROTEX argues, this is further evidence she is trafficked and somebody is abusing her vulnerability (*abus de faiblesse*, again). In many cases of trafficking, it is in fact true that trafficked prostitutes refuse to testify because they are terrorized by organized crime. The BAYS case, however, seems to be totally different. These are not terrorized migrants or marginalized women but cultivated professionals who have (or had before the raid) regular jobs and a very normal social life. Only a true believer in the ideology of “brainwashing” and “cults” would assume that as “cultists” they had been brainwashed and might even have become prostitutes without knowing it.

Note that, if there are no prostitutes, there is no case. Money laundering supposedly was aimed at hiding prostitution money, and the criminal conspiracy’s rationale was to organize and manage the prostitution ring. On the other hand, in the hypothesis that the PROTEX could prove that one or more BAYS students traded sex for money, it should still demonstrate that they did it based on a coercion by BAYS leaders (although in this case they would say that coercion was psychological, through brainwashing).

The alleged “victims” or “possible victims” I met or interviewed show no signs of having been exploited. They are, in descending order of age:

- a 66-year-old social psychologist and professional singer;
- a 62-year-old visual arts teacher and painter;
- a 57-year-old actress, member of the 1997 world champion stage magic team;
- a 57-year-old elementary school teacher and philosophical business coach;
- a 50-year-old woman who was already considered a “victim” and was subjected to an expert opinion in the previous case, which proved that she was neither a victim nor exploited;
- a 45-year-old management graduate;
- a 43-year-old real estate agent;
- a 41-year-old digital marketing professional;
- a 35-year-old real estate agent, macromedia designer, and web designer.

There are three other “victims” who have been living abroad for about a decade: a 52-year-old registered nurse; a 46-year-old woman who has had the same partner for more than 20 years; and a 44-year-old lawyer. To consider this group of women as a gang of prostitutes exploited by the BAYS would be laughable if it were not painful and insulting to them.

The BAYS prisoners were submitted to a very harsh jail regime. Ten shared the same cell. Those of them who were homosexuals reported to me that they were insulted and intimidated by dangerous gang men who occupied a nearby cell. They survived thanks to their artists and musicians, who started working at an opera, “The Power of God.”

Because of the power of God, or of human justice, on November 4, 2022, the Court of Appeal freed all defendants from jail. They went home, although they suffer from post-traumatic stress and can hardly sleep at night. Even students who were not arrested are still traumatized by the terror of the raid. Their businesses have either been closed by the authorities or cannot function because of the negative media publicity. They are almost all jobless.

Two of the three judges of the Appeal Court still believed there was evidence justifying going on with the case against 17 defendants (four testified later, and their cases should still be examined), although they chastised Judge Lijo for not having allowed the defense to present its evidence. They dismissed one of the accusations, smuggling medicines to the United States, since claims of personal use were reasonable and they had been normally dispatched with the baggage in sight of any control. The third judge, Eduardo Guillermo Farah, wrote in partial dissent that it was a very good idea to send the prisoners home but the court should also have considered whether the case should not have been simply dismissed.

I am aware that scholars of religion are not equipped, nor requested, to decide criminal cases. In this case, as in others, there are issues of fact only courts can resolve. On the other hand, this case is different from several others I studied, where some ex-members claimed to have been sexually abused while the great majority of members and ex-members insisted there had been no abuses. Here, not even one of the alleged victims claims she had been abused, a fact Judge Farah invites us not to ignore. He also mentions the technical argument that most of the facts had already been judged in the first BAYS case more than twenty years ago.

Judge Farah agrees with most scholars in my field when he suggests that courts stop using “cults” (sectas) and replace the term with “new religious movements” (Cámara Criminal y Correccional Federal, Sala 2 2022, 58) and when he expresses the fear (Cámara Criminal y Correccional Federal, Sala 2 2022, 59), quoting approvingly Spanish criminologist Josep Tamarit Sumalla, that “some may use a crusade against the cults as a path towards the criminalization of minorities” (Tamarit Sumalla 2004, 270).

In general, Judge Farah (although I do not necessarily agree with all of his comments) expresses what is also my conclusion, after having interviewed several BAYS leaders and students and having read thousands of pages of both accusations and defenses. It is not impossible, said Farah, that in the future evidence of some illegal activity committed by the BAYS leaders and students will emerge. So far, he wrote, this evidence simply does not exist (Cámara Criminal y Correccional Federal, Sala 2 2022, 63).

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Protests Signed with Real Names: The Discrimination Against Second Generation Believers of the Unification Church/Family Federation in Japan

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ABSTRACT: Sociologist and award-winning journalist Masumi Fukuda continues her investigation of the controversies about the Unification Church, now called the Family Federation for World Peace and Unification, which erupted in Japan after the assassination of Shinzo Abe in 2022. The former Prime Minister was shot by a man who claimed he wanted to punish him for his cooperation with the Unification Church, which the assassin accused of having ruined her mother. She was a Unification Church member who, her son claimed, went bankrupt in 2002 because of her excessive donations to the movement (see Introvigne 2022). Rather than blaming the assassin, Japanese politicians and media launched a campaign against the Unification Church/Family Federation. Having first investigated the use of “apostate” second-generation ex-members in this campaign (Fukuda 2023a), Fukuda published in the April 2023 issue of the magazine *Monthly Hanada* this new article (Fukuda 2023b). She examines how the second-generation Family Federation believers who, unlike the “apostates,” remained in the church as loyal members are slandered and discriminated by Japanese media, politicians, and bureaucrats.

KEYWORDS: Unification Church, Family Federation for World Peace and Unification, Unification Church in Japan, Assassination of Shinzo Abe, National Network of Lawyers Against Spiritual Sales, Anti-Cult Movement in Japan.

A Clear Case of Discrimination by the Government

On December 9, 2022, an online petition with 204,588 signatures was submitted to the Japanese Agency for Cultural Affairs, asking that it should promptly order the former Unification Church [“former” because it is now called the Family Federation for World Peace and Unification] to dissolve.

On that day, angry second-generation ex-members of the former Unification Church, including Sayuri Ogawa (a pseudonym) [see Fukuda 2023a] and Keiko

Kaburaki (another pseudonym), freelance journalist Eight Suzuki (a pen name), and a group supporting the disgruntled ex-members visited the Agency for Cultural Affairs. On behalf of them, Ogawa handed the petition with the signatures and a letter addressed to Hiroaki Ishizaki, the Director of the Religious Affairs Division of the Agency for Cultural Affairs, which is part of the Minister of Education, Culture, Sports, Science, and Technology.

The meeting was widely broadcast on TV news that evening. As Ishizaki solemnly received the petition from Ogawa, probably in a room of the Agency for Cultural Affairs, in the presence of several media, dozens of camera shutters sounded and flashlights flashed all at once. It was a great ceremony. According to Eight Suzuki, Director Ishizaki promised everyone, “I would make sure to gather enough evidence to avoid that the request [for legally dissolving the former Unification Church] will be overturned in court.”

Twelve days later, on December 21, another petition concerning the former Unification Church was submitted to the Agency for Cultural Affairs. In this case, signatures had not been collected online, but the petition had been hand-signed by 23,486 current believers of the Family Federation for World Peace and Unification. However, this petition was sent by postal mail rather than being hand-delivered. Why?

The Family Federation wanted to hand it directly to the person in charge at the Agency for Cultural Affairs. A representative of the legal division of the Family Federation, who has a good relationship with the Agency, asked them to arrange a visit. At first, they were told that the Agency would prepare a meeting room quietly, because the Family Federation delegation would cause a fuss if they would enter the Agency for Cultural Affairs through the main entrance.

Later, however, when the Family Federation’s representative called again his contact at the Agency for Cultural Affairs, the attitude of the bureaucrat hardened. He said that, “Journalists are always around the Prime Minister’s official residence [which is located near the Agency]. To avoid trouble, please send the petition to us by mail.” The Family Federation’s spokesperson insisted, “We want to submit it in person,” but the Agency officer would not allow this.

The Family Federation’s representative was upset and ashamed, but he would not insist further because he had been instructed by the senior leadership of his

religious movement that, “We do not want to get into trouble with the Agency for Cultural Affairs.”

This was a clear case of discrimination. Moreover, it was discrimination by the government.

Online petitions have recently become quite popular. Traditionally, petitions were hand-signed by each individual petitioner. In the case of online petitions, the same person can sign more than once by creating multiple email accounts. It is also possible to sign anonymously or use pseudonyms. It is thus clear that online petitions are less reliable than traditional hand-signed petitions. In an online petition, petitioners are not requested to disclose personal data, nor can these be verified.

The petitions from the Family Federation are different. They include a standard part and one each individual petitioner compiled differently, although the style differs slightly from one local church to the other. At the top of the A4-size form, the names of the recipients are pre-printed: “Mr. Fumio Kishida, Prime Minister of Japan, and Ms. Keiko Nagaoka, Minister of Education, Culture, Sports, Science, and Technology.” The first sentence is also pre-printed: “Our faith is the basis of our lives, and the Family Federation is the heart of our faith. We hope that a fair decision will be made and that our [religious] corporation will not be dissolved...” In the remaining parts of the petitions, believers described with their personal words their thoughts and feelings, adding the date and each petitioner’s name and address.

“After this way of proceeding was disclosed on the Internet, explained Susumu Sato, a spokesperson for the Family Federation, some commented that the Family Federation had coached its members to repeat all the same stories. In fact, apart from the first standard sentence, the believers were free to write what they wanted and candidly express their personal feelings.

What happened was that, around last summer, the media coverage of the Family Federation became more and more biased, and the second-generation believers started to criticize our church for not answering. We received an increasing number of letters from believers concerned that our church may disappear if the situation would continue, and asking us to react and prevent the possible dissolution of our religious corporation.”

“Some twenty to thirty believers, Sato continued, wrote letters to the Ministry of Education, Culture, Sports, Science, and Technology (MEXT) and the government on their own, but most of them did not know where or to whom to address this correspondence. So, we prepared a template and told them that if they completed the petition and sent it to the head office, we would deliver it to the government, once we had collected a certain number of messages. Then, we received a great number of petitions. We indicated December 15 as the deadline, and by then we had received 23,486 petitions. It was not an expression of anger or protest, but a sincere plea not to have what for them is most precious taken away from them. More believers wanted to sign, but gave up after much hesitation, because they were afraid their children would be bullied at school if their families’ association with the Family Federation would be disclosed.”

The former Unification Church had chosen three representatives of the petitioners in advance. These three were to hand over the petitions in person and read out excerpts from them evidencing their main content. The three representatives, Yuri Saito (26), Kiaki Kojima (27), and Yoko Ueda (pseudonym, 26), were all second-generation female believers. They had obtained permission from their parents and relatives, were willing to show their real names and faces, and were ready for their difficult mission (only Ueda used a pseudonym, but was willing to show her face).

Kojima said, “I was so happy when they asked me to take on this case, and the three of us were discussing how we would like to read out excerpts from the petitions, which contained the earnest feelings of more than 20,000 believers. Having watched [apostate ex-member] Sayuri Ogawa’s performance on YouTube, we knew we would not get as much attention as she did. Still, we were hoping for a little media coverage, so it was a huge shock when the meeting did not happen.”

“I read all the petitions that they had written one by one, Kojima added, and I was almost in tears. These were the truly earnest voices and a glimpse of these believers’ lives. I was prepared to represent the thoughts and feelings they had been unable to express because they were overwhelmed by the opposition—to express emotions that had been piling up over the years. So when I heard that the meeting would be cancelled, I felt a terrible sense of rejection, and wondered why it was called off.”

Ueda was also disappointed.

The government clearly did whatever it could to downplay the petition favorable to the Unification Church/Family Federation, while promoting the one against it. Once again, I would like to say that this was a case of discrimination. Of course, Family Federation members were outraged by this incident. Even some non-members and politically conservative netizens commented that “This is a discrimination” on Twitter.

The Lame Excuses of the Agency for Cultural Affairs

I, the author of this article, called the Agency for Cultural Affairs both to protest and to conduct an interview. I spoke to Hiroaki Ishizaki, the head of the Division of Religious Affairs and the person who had cheerfully received the anti-Family-Federation online petition from the hands of Ogawa.

“This is unfair, I said. Why did you accept their online petition but not the Family Federation’s petition hand-signed with real names? According to the media, you answered that you did it ‘because otherwise the reporters would make a fuss.’ Is that true?”

Director Ishizaki answered that, “I got the feeling that the Family Federation did not really want a face-to-face meeting.” “This is not true, I replied. I was told they wanted to bring the petition in person.” “No, this was not the case,” he insisted stubbornly.

When I asked him, “An online petition should carry less weight than a hand-signed one, isn’t it?” he answered, “No, for me they are the same.” He then asked unpleasantly, “Why are you calling me? The Unification Church should contact me directly.” He must have known that the Family Federation had decided to keep a low profile in its dealings with the MEXT, which is the very body that will take a decision on the dissolution request. I believe he was aware of this when he answered me.

Yet, this was the same Director Ishizaki who cheered and encouraged those who brought to him the petition full of pseudonyms, and told them, “I would make sure to gather enough evidence to avoid that the request [for legally dissolving the former Unification Church] will be overturned in court.”

I was left with the impression that, while knowing that their position is unreasonable, the MEXT officers have already decided that, no matter what the

results of their investigation will be, they will go on and seek the dissolution of the Family Federation.

The Despair of Second-Generation Believers

Let us listen to the earnest feelings of three second-generation believers who are active members of the Family Federation.

Yuri Saito has a regular job outside of the Federation. “Belonging to this church, she said, has been my reason for living and my joy, so before the assassination of former Prime Minister Abe, I used to tell my friends in my workplace that I was a believer.”

The Unification Church has been criticized since before Saito was born. However, it seems that her friends did not have a bad image of the church. “Whenever my friends were worried about their life or needed for help, she told me, I suggested they should learn about the Unification Principle, because it might change their life. Some freely accepted to come to the church. The people I met through the volunteer work I did with my church friends also seemed to have a good impression of us, and I think we were able to build trustworthy relationships with them. But after the Abe assassination it became difficult for me to tell others that I am a Family Federation believer.”

Saito is a “blessed” second-generation child, meaning she is born of parents who participated in a collective wedding. “I went through a wild time during my school years, she reported, and I kept away from the Family Federation for a long period of time. But I came back, because I thought this was the place where I belonged. Now this place may disappear. It would mean losing my home and my family. This is why, when the idea of the petition came up, I wrote my text and signed it, hoping to show what the Family Federation is really all about, despite all the bad things that are said in Japanese society. I did not think of any disadvantage that might come to me from signing the petition. Rather, I was willing to do whatever I could do.”

This is what Saito wrote in her petition: “I was born and raised as a blessed second-generation believer of the Family Federation, formerly known as the Unification Church. To be honest, there was a period in my life when I kept away from it and I too wished it would disappear. But then I told myself that I did not

want to come to conclusions about the church based only on my own superficial feelings, without studying the issue more deeply. I did not want to rely on what my parents told me either. So, I started studying the doctrine and history of the church on my own, because I wanted to understand things more clearly. And I came back. That is why the idea of a dissolution of this organization is now so distressing to me. I think it may be true that in the past some in the church might have caused social unrest and trouble. It might have happened before I was born. Even so, I want to take responsibility for the future as a young believer. Maybe I will not do great things. However, the Family Federation is my family and the place that made me strong, protected me, loved me in the time of need, even when I distrusted those around me and wanted to die. I respectfully ask you not to dissolve the organization.”

Saito’s generation has never been involved in the so-called “spiritual sales” the fraudulent business practices some members of the Unification Church have been accused of. Nor have they been involved in any missionary work where the true identity of the church was concealed, another frequent accusation against the movement. Nor have they ever been forced by their church to reach a quota for the donations.

They are not responsible for incidents of the past. However, because of the tremendous slander by the anti-Unification Church camp and the media, they are now concerned about things that might have happened before they were born, and even feel guilty about them. It is too much.

Kiaki Kojima is another blessed child, a second-generation believer whose parents were married in a collective wedding. Her mother is Japanese and her father is Korean. She currently works as an employee for a Family Federation church. She also expressed her thoughts in her petition: “I am a second-generation churchgoer. I am deeply distressed by what I read and watch in the media day after day. My parents met and married in a ‘blessed marriage’ of the Unification Church. Without the church, I would not have been born. Whenever the church’s dignity is denied, I feel as if my parents’ way of life and my existence are also denied... I respect my parents, who speak out for Japan and for the world. Since I was a child, I looked forward to going to church on Sundays. The church members always treated me well, like family. Don’t take this comfort of the heart away from us. I was really shocked to hear from the leader of Japan, Prime Minister Kishida, that ‘the former Unification Church is an anti-social

organization.’ Please, please do not think that the information spread now by the media tells the real story of the church. I hope you will listen to both sides and come to a fair judgment.”

“Why Do You Listen to Angry Ex-Members Only?”

Yoko Ueda grew up with parents who were blessed only after Yoko’s birth. She currently works for a church-affiliated company. This is the statement Ueda prepared, hoping she would be able to read it as a representative of the believers.

“I am a second-generation believer, born and raised by parents who are faithful members of the Family Federation for World Peace and Unification (the former Unification Church). For as long as I can remember, going to church has been a part of my life. I have been observing the church for about twenty years until today. We all know that the church has flaws and problems. In fact, I think we second-generation members know better than others what needs to be fixed in our church. Of course, the church has changed a lot in the last twenty years. The change is still ongoing. I have watched my parents strive to improve their mutual love and characters through the teachings of the church. I truly respect them, and believe they have a great personality like no one else. I truly believe that it is because of the Unification Church and the Family Federation that today I have a family filled with happiness.”

“What is being said and reported in Japanese society today, Ueda’s text went on to say, does not represent the church as it really is. Why are some trying to dissolve a church which brings so much joy to our hearts while eliciting public sympathy for the assassin who took the life of former Prime Minister Abe? Why do you only listen to some lawyers and ex-members whose ideology conflicts with ours, but not to the voices of those who remain in the church? Are we church members second-class citizens? Are we a group of evil people comparable to the indiscriminate murderers of Aum Shinrikyo? Are we not even allowed to exist? Some churches were forced to move out of their premises, and some stores that we used to do business with stopped selling goods to us. And that is not all. Some of us have been rejected by higher education institutions, had their job offers cancelled by the companies that made them, were forced to resign from their jobs, and even were divorced or attempted suicide. Since we are religious people, many believers grit their teeth and bear the situation, no matter how unreasonable the

treatment they receive is. However, when I think of the church that has taken care of me since I was a child, and of many lovely church members, my feeling is that I cannot remain silent and do nothing about it. For this reason, I am submitting a petition signed by 23,000 believers today.”

“The Media Do Not Represent the Church as It Really Is”

As Ueda claimed in her petition, the extremely biased media coverage of the former Unification Church has deeply hurt the Family Federation members, both first-generation and second-generation.

“We hear from believers of our parents’ generation that watching TV really makes them feel distressed, depressed, hyperventilating, and mentally tortured, Ueda said. Also, some first-generation believers feel sorry for the second-generation members, for letting all this happen to them.”

“At first, Kojima told me, when I watched news that were so different from the reality of the Family Federation, I thought that they misunderstood us, that I had to clear up the misunderstanding quickly, and I wondered how I could tell the truth. So I have been on YouTube, and have been sending out information earnestly. But gradually, I began to realize that it was not just a misunderstanding in good faith. They had a clear idea of what message they wanted to convey, and were only looking for witnesses who would confirm that idea. What we, second-generation members favorable to the Church, would say would not matter.”

Actually, disgruntled ex-members, both first- and second-generation, are everywhere in the media. They all use pseudonyms and are extremely critical of the church. The media present a stereotypical image of the ex-members, and manage to keep the current members invisible from the public opinion.

“But the media, Kojima said, are aware of the criticism that current active believers are nowhere to be seen in their reports, so they are actually looking for some of them to be interviewed. It seems that the believers who are on Twitter are being contacted one after another.”

However, the media try to pick and choose believers fitting their agenda. They can be a little bit positive about the church. But their words and actions should express some doubts, and they should absolutely mention something negative too. Otherwise, the media would quickly cut them off, or would edit their

comments. This is how they operate. Some current believers may be happy to break free of their invisibility and become visible for one moment only, even if the media would quote only one remark out of context. But this is not the reality of them.

Kojima reported that “a friend who fights valiantly on Twitter told me that even if they contact current active members, when they realize that they have a firm faith and are not wavering, they just say, ‘Okay,’ and hang up.”

Victims of Hate Speech

As a result of the news reports, believers are subjected to unjustified discriminatory labels such as “anti-social” or “cultists” every day. This is hate speech. Paradoxically, it is the anti-Unification-Church camp and the members of the National Network of Lawyers Against Spiritual Sales, including attorney Masaki Kito, who calls himself a “human rights lawyer,” who consistently violate human rights by spreading hate speech.

Ueda explained it in detail. “Those who had some direct contact with the Family Federation believers and have been exposed to our doctrines would never use these derogatory labels, she said. The image of the Family Federation members circulating in our society is that believers are brainwashed robots, but in reality, they are kind-hearted and humane persons. I would ask you to consider that these labels are causing unspeakable pain to second-generation believers, who are in the midst of their sensitive adolescence, and are fundamentally denied to be who they are. Current media reports are a mixture of exaggerations, lies, and speculation. Please stop hurting the members of the Family Federation. I want people to know what the church really is.”

Saito also sadly stated, “I just went overseas to do fundraising, missionary work, and volunteer for God and my fellow human beings. I have been proud of my activities, but now I feel like I have been told all I did was evil. If there have been past faults of the church, I feel sorry for them, but it is sad and distressing that the media are only telling the most negative part of the story.”

Kojima also expressed her disappointment and frustration. “We did not kill anyone, and we do not fit the definition of ‘anti-social’ at all. So I am shocked to be called anti-social. If I were not a second-generation Family Federation member

myself, after reading the media I might also have accused them and concluded I did not want to get involved with the church. However, what is being reported in the media is far from the truth, and this is very sad. I don't know what I can do now to make people understand, I am really at a loss for words."

Once, reporters followed Kojima when she went to church. Whenever she went outside of the church, reporters with cameras would follow her, asking questions such as, "Were you told how to vote in the elections?," "What do you think of large donations?," and keep following her around.

"I was very eager to tell them the truth about the church, she said. However, I knew that even if I answered these questions, my answers would be cut out of the interview if I would not tell them what they wanted to hear. I wanted to talk with them and at the same time I felt I should not. This dilemma was painful."

Serious discrimination is also taking place. As I mentioned earlier, Kojima is currently an employee of a Family Federation church. Her friend, who is also an employee, lost her room because her rental contract for the apartment was not renewed. The landlord stated that she was an employee of the Family Federation, and they could not rent to a member of the former Unification Church, so the contract was terminated. After that, she visited several real estate agencies, but could not find even a room to rent. She was desperate and asked her acquaintances, "Do you know of any place where I can stay?" Soon thereafter, she was able to find an apartment she could share with somebody else, until finally she found her own place to rent.

There are also cases of students who graduated from a former-Unification Church-affiliated university in South Korea who have had their job offers cancelled by Japanese companies, one after the other.

Targeting Volunteers

The Family Federation and its affiliated organizations have long been enthusiastic about volunteer activities.

Kojima is from Hokkaido. When the Great East Japan Earthquake hit, she stayed overnight in the disaster area, and worked day after day to clear away the debris. Although the work was hard, it was very meaningful to her because she was able to put into practice the church's teaching of "living for the sake of

others,” and was able to build relationships with other people. In fact, the dedication of the Family Federation and its affiliated organizations was greatly appreciated by the local victims.

However, these activities are now discriminated against simply because the Family Federation is involved. In the African country of Mozambique, a woman from a Unification Church affiliate organization, while being continuously attacked by local bandits and suffering from malaria, managed to build a school attended by hundreds of local children.

She was highly appreciated by the Mozambican government. Her achievements over the years were also recognized in Japan, and she received the Foreign Minister’s Commendation in 2019. However, the commendation was quickly revoked when a parliament member from the Japanese Communist Party (JCP) denounced her as “problematic.”

Similarly in Japan, local governments have revoked commendations for the volunteer activities of Unification-Church-affiliated organizations. Prefectures and municipalities have returned small donations from the Family Federation and affiliated organizations, and have revoked the prefectural and municipal volunteer registrations.

The former Unification Church has become a “stain” on Japanese society. If an order to dissolve the church is issued, its believers may be stoned and expelled from our society.

“The media are irresponsible in insisting that it would not be a big deal to dissolve the Family Federation, Kojima told me. ‘Just’ the religious corporation will not exist and the churches will ‘just’ pay taxes. But once the government recognizes that a religious organization deserves to be dissolved, it will actually cease to exist. The damage would be tremendous.”

And, if the dissolution is not so important, it is difficult to explain why the National Network of Lawyers Against Spiritual Sales has persistently called for the dissolution of the former Unification Church for thirty-six years since it was established.

“Damage” as Defined by the National Network of Lawyers Against Spiritual Sales: Myth and Reality

The former Unification Church is a new religion, and it is from South Korea. This in itself has become a controversial issue. The believers suffer when they are heartlessly called “anti-Japanese” and “traitors.” The women are particularly hurt by these insults. “We are really frustrated when people call us ‘anti-Japanese,’ Ueda said. We have been educated to love our country, so we really have a passion for Japan, and we are proud to be genuine patriots.”

I have come into contact myself with many believers of the Family Federation. I feel they look very much similar to the average Japanese conservatives. And I wonder who is really anti-Japanese. For instance, the Japan Federation of Bar Associations and the National Network of Lawyers Against Spiritual Sales are adamantly opposed to the Anti-Espionage Law.

The United Church of Christ in Japan has been actively involved in the abduction and confinement of members of the former Unification Church to “deconvert” them from their faith, and also systematically sides with South Korea on hotly debated issues such as the indemnification Japan is requested to pay for having recruited “comfort women” and conscripted workers during World War II. Some may argue they are the real anti-Japanese organizations.

We know, the anti-Unification-Church camp loudly proclaims that “the damage caused by the former Unification Church is serious and continues to this day.” But they have not proved this to be true.

Is Japan Really a Country Governed by Law?

With regard to “spiritual sales,” after the declaration of compliance with the law the Unification Church issued in 2009, the sales of goods (seals, statues of the Buddha, and others) whose price was regarded as extravagant by Family Federation believers has stopped. As for marble vases and two-stories miniature pagodas, the import and commercial companies accused of “spiritual sales” had already stopped importing and selling these items in 1987, when the National Network of Lawyers Against Spiritual Sales was founded. Nevertheless, the Network claims that there are still “damages” caused by the Unification

Church/Family Federation after 2009, but what they mean when they say that “there are damages” is that “they receive requests for consultation.”

The statistics of “damages” (in fact, “requests for consultation”) supplied by the Network show that there were nine requests for consultation for seals, five for pots, and one for Buddha statues in 2020. There was only one request for consultation for seals and one for pots in 2021. The amount of the so-called “damages” was 22,786,500 yen (\$166,154) in 2020 and only 910,000 yen (\$6,636) in 2021.

Since the amount of “damages” caused by the spiritual sales, even considering all claims in the requests for consultation they received as well-founded, has been drastically decreasing in recent years, the Network has decided to add to its calculation even the “damages” (meaning, again, the claims about which they receive requests for consultation) for monetary donations. They call the latter “spiritual sales that do not involve the exchange of goods,” thereby inflating their figures of the “damages” allegedly caused by the “spiritual sales.”

However, in recent years the lawsuits to recover the alleged damages caused by those donations have almost disappeared. Tatsuki Nakayama, a newly appointed lawyer representing the Family Federation’s world headquarters, analyzed 169 civil lawsuits filed against the church. He found that 165 cases concerned donations made, or started, before the declaration of compliance. Only four cases were for donations made after the declaration of compliance. Furthermore, there have been no lawsuits over new donations the church has received from believers after March 2016.

How can the government file a request for dissolution based on these figures? If the MEXT rushes forward with the dissolution request following the inputs of Prime Minister Kishida, even without having found evidence of any definite illegal act by the Family Federation, then Japan will no longer be a country governed by the law. Japan will be stigmatized internationally as a country where religion is persecuted.

The Family Federation’s second-generation believers active in the church just want to do something useful for their country and society. Japan should not answer by humiliating, discriminating and persecuting these young women and men.

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Documents

“Do Not Dissolve the Former Unification Church”: A Letter to Keiko Nagaoka, Minister of Education, Culture, Sports, Science, and Technology

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ABSTRACT: The Japanese Ministry of Education, Culture, Sports, Science, and Technology exercised the right to ask questions to the Family Federation for World Peace and Unification (formerly called the Unification Church), which under Japanese law is the preliminary step to seek the dissolution of the religious organization. Award-winning journalist Masumi Fukuda, who knew very little about the Unification Church before the assassination of former Prime Minister Shinzo Abe (1954–2022), decided to investigate, discovered that the reality of the church was different from the slanderous accounts disseminated by the media, and published several articles in the magazine *Monthly Hanada*. On March 17, 2023, Fukuda wrote to the Minister of Education, Culture, Sports, Science, and Technology summarizing her findings and asking her not to dissolve the Family Federation.

KEYWORDS: Family Federation for World Peace and Unification, Unification Church, Assassination of Shinzo Abe, Spiritual Sales, Sayuri Ogawa, National Network of Lawyers Against Spiritual Sales, Anti-Cult Movement in Japan.

I have written articles on issues concerning the Family Federation for World Peace and Unification (called in this text “the former Unification Church” because this was its previous name, and a name under which it is still known) in the December 2022, January 2023, March 2023, and April 2023 issues of the magazine *Monthly Hanada*. The first three articles were enclosed as attachments to the reports and other materials submitted by the former Unification Church in its response to the second and third exercises of the right to ask questions by your Ministry.

In this report, I would like to present my opinion on how misinformation has influenced both the public and the government, and confused the issue of the claims that the former Unification Church should be dissolved. I will include parts of what I have written in my articles in the text that follows.

My Work

After graduating from the Department of Sociology at Rikkyo University, I worked for a trade magazine company and a publishing company, and am currently a freelance nonfiction writer. I have published six books:

1. *“But I Do Not Wish to Be Executed”: The Brother of a Victim Calls for the Abolition of the Death Penalty* (1998, Gendai Shokan).
2. *Stalin: Portrait of His Family* (2002, Bungeishunju).
3. *Fabrication: The True Story of the Fukuoka “Monster Teacher” Case* (2007, Shinchosha, later Shincho-Bunko).
4. *Assassination State Russia: Pursuing Journalists Who Had Been Purged* (2010, Shinchosha, later Shincho-Bunko).
5. *Monster Mother: The Battle of the Teachers Who Were Involved in the “Bullying Suicide Case” at the Maruko Technical High School in Nagano* (2016, Shinchosha, then Shincho-Bunko).
6. *Political Correctness: Beyond “Respect for Diversity” and “Word Hunting”* (2021, Hojoshu).

The book *Fabrication: The True Story of the Fukuoka “Monster Teacher” Case* investigates the truth behind the case of a teacher who was suspended after a complaint from a student’s parents, and was deemed to be the “worst bullying teacher in history” by the media. My book revealed his innocence. It won the Shincho Documentary Award in 2007, became a bestseller with a total of 180,000 copies sold in both the hardback and paperback versions, and was also adapted into a comic.

Monster Mother: The Battle of the Teachers Who Were Involved in the “Bullying Suicide Case” at the Maruko Technical High School in Nagano won the

Editors' Choice of Magazine Journalism Award for best work while serialized in the monthly magazine.

My Motivation for Writing on the Issue of the Former Unification Church

As you can see from my previous works, I have never chosen religion as a theme for writing. I had grown up in a family with no religion or religious beliefs, so I had no interest in them. And I was vaguely hostile to new religious movements, a position I shared with most Japanese.

Only once, about 27 years ago, I reported on Soka Gakkai. It was a paperback titled *My Neighbor Soka Gakkai*, published by Takarajimasha, with different authors for each chapter, and I was in charge of one chapter. I do not recall the exact name of the text, as I no longer have a copy of it in my library, but it had as a title something like, "Why Are Soka Gakkai Members so Tolerant of Illness and Misfortune?"

The editor introduced me to the job, and the editorial staff assigned me whom to interview. At that time, I met a number of Soka Gakkai members, and one thing that still impresses me today is that they were very resilient to hardship. I interviewed a woman whose husband had died of a fatal illness only a few years after their marriage, despite her devoted care, and a young man who had suffered from a malignant tumor that kept recurring. Despite their misfortunes, however, they never lost hope and remained cheerful and positive about life. I, as a non-believer, found their cheerfulness surprising.

I realized at that time that, "Those in the secular world often say that those who cling to faith are weak-minded people, and that it is because they are weak-minded that they fall into religion. But people who have faith as the foundation of their hearts and the guiding principle of their lives can in fact be strong." I then thought a little bit more about the significance and value of religion.

I had little interest in or knowledge of the former Unification Church until the assassination of former Prime Minister Shinzo Abe on July 8, 2022, which triggered a resurgence of the campaigns against it. However, I was aware that the former Unification Church had been ostracized by the media because of accusations of "spiritual sales" and its mass weddings and, as many in my generation, I had a vaguely negative image of the church due to that.

However, as the media’s one-sided bashing of the former Unification Church became more and more intense, I began to think that this was indeed going too far. I was disturbed by the fact that the church was given little opportunity to explain itself, and even that saying something from a neutral point of view was considered taboo.

At a press conference held by the National Network of Lawyers Against Spiritual Sales on July 12, 2022, in response to the assassination, one after another the lawyers vehemently condemned the former Unification Church. They went on to say, “As far as the former Unification Church is concerned, Tetsuya Yamagami (Abe’s assassin) and his mother are 100% the victims, and the cult is 100% the perpetrator.” They described the former Unification Church as a “great evil.”

I was also surprised by the comments of Attorney Masaki Kito, who appeared every day on TV talk shows. He said, “The former Unification Church even makes its followers engage in prostitution to raise funds,” “The idea that it is legitimate to steal money is widespread among the former Unification Church followers,” “Parents ask gangs to get their children out of the church. However, the gangs give the money from the parents to the church,” and so on. All of these statements were frankly unbelievable. Furthermore, when Kito said, “Aum Shinrikyo and the Unification Church are the only religious groups in Japan that can be called cults,” I felt that it was unreasonable to equate Aum Shinrikyo, which has killed and injured many ex-followers and ordinary citizens, with the former Unification Church, which has not harmed one single person.

There is another reason why I was uncomfortable with the tendency to assume that the former Unification Church is synonymous of evil. As mentioned above, I published a book in 2021 called *Political Correctness: Beyond “Respect for Diversity” and “Word Hunting.”* To write this book, around the spring of 2021, I interviewed a member of the editorial board of *Sekai Nippo*, who is an expert on the issue of political correctness in the United States.

I knew that *Sekai Nippo* is a daily newspaper affiliated with the former Unification Church, and as I mentioned earlier, I had a negative impression of that church. Accordingly, I was not totally sure it was safe to conduct the interview. Nevertheless, conservative celebrities often appear in this newspaper, and many of them also speak at lectures sponsored by it. I also knew that the

quality of the articles themselves was high, and that they had published a number of scoops. Therefore, I thought, “Well, it should be okay,” and contacted them for an interview.

When I actually met the journalist, I found myself in front of an elegant, soft-spoken, knowledgeable reporter, who answered my questions accurately and was very cooperative, which made a very good impression on me.

A little more than a year later, I was reminded of that incident, and wondered whether the former Unification Church, to which such a kind person belonged, was really such an evil organization.

The Truth About the National Network of Lawyers Against Spiritual Sales and Its Real Aims

After reflecting about the controversies, I decided to first investigate whether the National Network of Lawyers Against Spiritual Sales is really an organization that is purely concerned with consumer issues, and to trace back the reasons for its establishment. The July 12 press conference by the Network, as well as the statements by Attorney Masaki Kito, showed that they hold an unusual hatred toward the former Unification Church. I felt there was something beyond mere consumer issues.

What has happened since then is described in the January 2023 issue of *Monthly Hanada*. To put it simply, the Network, established in 1987, has never had as its ultimate purpose to help victims of the so-called “spiritual sales,” a word used by the opponents of the Unification Church to designate the sales by some church members of items such as seals, statues, vases, miniature pagodas and others at prices significantly higher than their intrinsic value. The Network was created to prevent the enactment of the Anti-Espionage Law, which was being promoted at the time by the International Federation for Victory over Communism (IFVOC), an affiliate of the former Unification Church. At the time, Attorney Hiroshi Yamaguchi, a key member of the Network, stated at its inauguration that “Money made from spiritual sales is being used to fund the Unification Church and the IFVOC’s efforts to enact the Anti-Espionage Law.”

In other words, the lawyers in the Network believed that money made from what they called “spiritual sales” was being diverted to fund the enactment of the

Anti-Espionage Law. Their purpose was to stop the “spiritual sales” to cut off the flow of money. At a symposium held at the Iwanami Seminar Hall in August 1986, Attorney Takeshi Ono of the Yokohama Bar Association, said that, “Originally, there was only one victim [of the ‘spiritual sales’], but we launched a legal defense team and got the media to cover the case, which led to the discovery of other victims.” Usually, when the number of victims of a certain practice increases, a relief organization is set up. In this case, the contrary happened: they first set up an organization and then started to look for people who would declare themselves victims.

Incidentally, the former Unification Church has never practiced any “spiritual sales,” either now or in the past. It is also not true that money made from “spiritual sales” has been used to fund the activities of the IFVOC. At that time, it was a company owned by Unification Church believers as their private and individual business that had been responsible for the sales the lawyers regarded as objectionable.

Almost all of the lawyers in the Network were affiliated with the former Socialist Party and the Communist Party, who strongly opposed the enactment of the Anti-Espionage Law, were connected with extremist groups and North Korea, and were ideologically leftists and self-styled atheists. In contrast, the former Unification Church is an anti-communist and conservative organization that opposes atheism. It is clear that this was an ideological battle between the two camps. Attorney Hiroshi Yamaguchi also clearly stated, “We want to make a big public announcement [about ‘spiritual sales’] because it will be good for containing right-wing activities, especially for preventing the passing of the Anti-Espionage Law.”

The media’s extensive coverage certainly helped “discovering the victims” of “spiritual sales.” However, Masataka Ito, then chief editor of the *Asahi Shimbun*, who was one of the first journalists to jump on the bandwagon of the “spiritual sales” campaign, revealed his true feelings at a meeting with his colleagues on October 23, 1987. “The newspapers and TV say they are victims, but 90% of the buyers of these goods we talked to said they were happy. Perhaps even 99% of the buyers, (...) but why do you report only about the 1% who are unhappy with the purchases? I have received many protests. They do have a point. In fact, less than 5% of the population claim to be victims of ‘spiritual sales.’ We took a kind of

poll, and the majority of those who bought jars [one of the items sold in the ‘spiritual sales’] said they are happy with their purchase.”

From these words, coming from people opposed to the Unification Church, I became convinced that the “spiritual sales” campaign was, in the first place, a setup with a specific political agenda.

The Truth About the Abduction and Confinement of More than 4,300 Believers

I was further surprised to learn that among those who claimed to have been “victims” of the “spiritual sales” were deprogrammed former believers who had been abducted and confined by their relatives and forced to leave their faith.

I had heard that former members of the Unification Church were abducted and confined by those who opposed the church, but I was shocked to learn the full picture through the investigation I decided to perform. Until now, more than 4,300 believers have been abducted by physical violence or deception, locked up for long periods of time in apartments or other places, and not released until they abandoned their faith. I interviewed Toru Goto, who was abducted and confined for twelve years and five months but did not give in to attempts to persuade him to leave the Unification Church. It was a horrible ordeal that I could not believe had happened in contemporary Japan. I was even more surprised to hear from Goto that this crime of abduction and confinement has been systematically perpetrated by the anti-Unification-Church camp as a routine deprogramming business.

The deprogrammers and Christian pastors approached parents and persuaded them to organize the abduction and confinement of their adult daughters and sons, telling them that “Your child has joined an evil religion and must be protected and forced to leave it.” Several believers, after long periods of confinement and deprogramming, accepted to leave the church, and were then told they should now sue the religion they used to believe in.

In the 17th century persecution of Christians in Japan, to save their life it was not enough for them to tell the authorities they had abandoned Christianity. They were asked to trample a painting of Jesus underfoot to prove they were no longer Christians. Similarly, now it was not enough for deprogrammed believers to state they were no longer members of the Unification Church. They should prove they had really left the church by claiming they had been “victims of spiritual sales,”

and filing lawsuits demanding that the church return the money they had paid for the items they had purchased, such as marble vases, two-stories pagodas, seals, and other items.

The Network was thus deeply involved in this abduction and confinement business because they were the attorneys in the subsequent lawsuits filed by former believers against the church. There were lawyers who became rich through these cases, as did deprogrammers and Christian pastors involved in the abductions, who received substantial amounts of money from the relatives of the believers they deprogrammed. When the lawyers were consulted by the believers’ parents, they first introduced them to the deprogrammers. If and when deprogramming was successful, the lawyers took over from the deprogrammers as “handlers” of the former believers, made them plaintiffs, and filed lawsuits. The anti-Unification-Church group, including Attorney Kito and journalists Yoshio Arita and Eight Suzuki, still defends deprogramming to this very day, and claims it was performed to “protect” the former members of the Unification Church.

I wrote about the details of the abduction and confinement process in the December 2022 issue of *Monthly Hanada*, but when I asked Attorney Kito for an interview about deprogramming, he was completely unwilling to respond. The Network has often called the former Unification Church an “anti-social organization” and a “cult,” but I believe that these labels may be more appropriately used for an organization deeply involved in deprogramming and in illegal practices of abduction and confinement.

The Truth About Sayuri Ogawa

Initially, I did not pay much attention to Sayuri Ogawa (a pseudonym), a second-generation ex-member of the former Unification Church when she first began to appear on TV and other media. When a sensational incident such as the Abe assassination occurs, it is normal that some who believe they have a story to tell would try to attract media attention. The question is, however, whether their testimony is true or not.

Soon, the credibility of her claims began to be questioned, especially on the Internet. Indeed, her explanations about the cause of her mental illness, the reason she left the Unification Church, and the story of her financial troubles with

her mother changed from time to time, and her claims were not consistent at all. Then, new stories were suddenly added, such as that she had been sexually harassed by a male group leader during a Unification Church training session, or that while she was at a church event in Cheongpyeong, Korea, her mother had stolen money she had saved and hidden.

The Family Federation is very strict about romantic relationships, and prohibits sexual relationships before marriage. Therefore, it is difficult to imagine a man sexually harassing a woman during a training session, which is a religious event of the church. In my experience of covering similar incidents in other contexts, it is also true that among those who claim to have been sexually harassed, abused by their supervisors, stalked, had their children severely bullied, or suffered from post-traumatic stress disorder, while some were real victims, others made claims that were not true or greatly exaggerated their stories.

If Ogawa had limited herself to present her statements on YouTube or satellite TV, hers might have remained just a minor incident. However, she later testified at hearings by the ruling and opposition parties, attended a press conference at the Foreign Correspondents' Club of Japan, and was finally invited by the Diet as a witness. She began her speech by raising her voice in front of many Diet members. "(My parents) confiscated my wages, two million yen for five years of a part-time job, which I started when I was in high school. I have never received it back. Despite this situation, my parents repeatedly gave large amounts of donations to the church without asking me and my siblings. The teaching that leads to such donations is forced on children from an early age..."

Many agree that Ogawa was behind both Prime Minister Kishida's decision to exercise the right to ask questions to the Family Federation, a preliminary move towards seeking its dissolution, which he had previously been reluctant to do, and the unusually rapid enactment of the new law for the victims' relief. Needless to say, however, making statements in public involves a significant responsibility. If by any chance a false accusation determined the government to act, it would be a very serious matter.

Around the end of November 2022, I asked a spokesperson for the former Unification Church whether Ogawa's claims were true. He replied, "Her parents are heartbroken. They deny most of Ogawa's claims." Hearing this, I hesitated for a while, and then told the church representative that I would like to interview

Ogawa’s parents. On December 24, I traveled to Mie Prefecture, where her parents live, to conduct a lengthy interview.

My impression is that both mother and father are loving, ordinary parents who think of their daughter first and foremost. The only thing that distinguishes them from ordinary parents is their faith in the Family Federation. Indeed, since Ogawa was a little girl, they took her to Sunday church services and held a salute ceremony at 5 a.m. once every eight days at their home. But that salute ceremony takes about fifteen minutes. Ogawa claims that she fainted several times during the ceremony and that she dislocated her shoulder when she was made to get down on her knees, but her parents said that this was not true at all. Kneeling on the ground is not specific to this ceremony, but rather a Korean way of bowing to elders (called “respectful worship” in the church). They also told me that she fell asleep in the middle of the ceremony, which they thought was what she described as “fainting.”

Ogawa’s parents also flatly denied her claim that her family had been poor since she was a child, and that this was due to her parents’ large donations to the church. They said that because her father had studied in the U.S. for a long time and his job as a head minister of the Unification Church after returning to Japan paid very little, he could not even afford to tithe, i.e., to pay one tenth of its income to the church, let alone making larger donations.

In the first place, Ogawa was not directly told by her parents that they had made large donations. However, she assumed that her parents had done it because they had in their home items such as marble jars, a two-stories pagoda, and a Maitreya statue. It is true that these items are expensive and in the Unification Church are often given to believers who have made significant donations. However, the jars and the pagoda were from a deceased believer, and her father, who was the local church’s head minister, had been asked by the bereaved family to take them. The Maitreya statue was purchased at a low price by a co-religionist friend of her father, who then gave it to him for free.

Ogawa herself stated at a hearing held by the Constitutional Democratic Party last August that, “If (my father’s) salary had been better, we might have had a better life. And I had actually heard from my mother that his salary was low.” Therefore, she must have been aware that they were poor because her father’s income was low.

That all of her siblings were bullied because of the family's poverty was also denied by Ogawa's sister, who was present during the interview. Her two older brothers, who were not present when I met their parents, also clearly denied Ogawa's claims.

Ogawa's claim that her mother stole her part-time job wages has changed several times and is completely inconsistent. For example, regarding the period of time during which her mother took her wage, she said "from the age of 18 to 20 (October 2013–October 2015)" in an email to her father in January 2021; "during high school to after graduation (July 2011–March 2018)" at the Constitutional Democratic Party hearing in August 2022; "for two years after graduating from high school (March 2014–March 2016)" in a conversation on the messaging application LINE with her father also in August 2022; and "from July 2011 to around March 2015" in her written statement to Noriko Ishigaki, a member of the Constitutional Democratic Party, in the case of the Family Federation's request for a preliminary injunction. Ishigaki had posted a video of her party's hearing with Ogawa on her YouTube channel. In response, the Family Federation filed an application with the Tokyo District Court for a provisional injunction ordering the removal of the video, claiming that its content was not based on any fact and constituted defamation of the church.

The reasons why her mother allegedly took her wages also changed from "to pay for the tuition of (Ogawa's) two older brothers," to "because we did not have enough money for living expenses" (although Ogawa said the money was used for donations), to "it is a provisional borrowing and I [the mother] will definitely return the money when you will need it." She also claimed that she reluctantly gave the money to her mother, or alternatively that her mother came to her part-time job premise every month on payday and did not leave until she gave the wage to her.

Indeed, her mother honestly admitted that when Ogawa was a high school student, she had borrowed 160,000 yen from her daughter and did not immediately return it because she was struggling to pay the school fees for her eldest and second sons. However, in May 2018, when Ogawa ran away from home after leaving a letter behind, 220,000 yen were withdrawn from her father's JA bank account via ATM. Ogawa's family keeps all the family members' bank passbooks and bank cards together in a drawer at home, and the PIN numbers are also the same for all family members. Since no one in the family had withdrawn

any money that day, “I thought my daughter must have taken it. But we didn’t say anything because of the 160,000 yen,” her mother stated.

In addition, since Ogawa had repeatedly asked her father to send money after that, he did it several times in response to his daughter’s requests, and the total amount came to about 100,000 yen.

Furthermore, Ogawa’s brothers also remitted several amounts of money to her because it was true that she had helped them with their school tuition fees. The bank passbooks documenting the withdrawals (supposedly by Ogawa) and remittances by family members were submitted by her parents as evidence in the preliminary injunction case. In other words, even though her mother paid back the 160,000 yen she had borrowed a long time ago, Ogawa was still claiming, “They took my money for a long time. I want my two million yen back.” The mother completely denies Ogawa’s claims.

Her mother had no idea why her daughter was calling her a thief, and seemed quite shocked. However, out of concern for her mentally unstable daughter, she did not rebuke her with strong words. Instead, her parents patiently tried to communicate with their daughter through LINE, and asked her to send them photos of her bank passbook or other documents as evidence that her mother had taken her money. However, for several times Ogawa either did not reply or deflected the conversation. Therefore, her parents’ efforts to elicit their daughter’s correct memories have not been successful.

However, the written statement Ogawa submitted to the court in the preliminary injunction case reveals her obvious lies. She had stated at the hearing of the Constitutional Democratic Party that, “When I was hospitalized in a psychiatric ward, my mother withdrew all the money from my savings account, which I had hidden and saved, without my permission.” However, the savings account, which she had “hidden and saved” did not actually exist, and the fact that her mother withdrew money from the account without her permission could not be proved. In her written statement, she replaced this version with a completely different story, that her mother borrowed money from her and never returned it.

She also stated at the hearing of the Constitutional Democratic Party that her parents had confiscated all the wages of the part-time job she had started after she graduated from high school, and had used the money for donations to the Unification Church. However, her bank passbook was submitted to the court as

evidence. It turned out that her wages from May 2018, when she started receiving her salary by bank transfer instead of hand-delivery, were still in her bank account. This led her to tell yet another completely different story. In the written statement, she claimed that around March 2015, her mother came to the nursing home where she was working on a payday and took almost the entire amount, so she asked the head of the facility to change the way of paying her, from hand-delivery to bank transfer. In fact, since May 2015, her wages for the part-time job were paid by bank transfer. However, both her mother and the head of the nursing home deny Ogawa's claims.

In other words, the nursing home switched to bank transfer not because of a request by Ogawa, but because of business reasons of their own, and they did it for all their employees. Her mother recorded her conversation with the head of the nursing home and submitted it as evidence in court.

In addition, a written statement filed in the temporary injunction case also revealed that Ogawa had no evidence of her parents' alleged large donations to the Unification Church, on which she had strongly insisted from the beginning of her public appearances. In her written statement, she presented it as a mere speculation, writing that, "The church has a quota for large donations, and it is impossible that my parents, who are devoted followers of the Unification Church, had not made such donations," and "It is my belief that the jars and a pagoda at home were given to my parents as a result of their large donations."

Ogawa has appeared in an NHK (Nippon Hōsō Kyōkai, Japan Broadcasting Corporation) documentary program this year and has published a book, *Sayuri Ogawa: The Second Generation of a Religion* (Shogakukan). Neither in the documentary nor in the book are the alleged large donations mentioned. We may assume that she began to downplay this claim after her parents persuasively denied it. With this, however, the whole idea that she is a victim of the former Unification Church would remain without evidence, and she would have no credibility when calling for the dissolution of the church.

For this reason, Ogawa has decided to focus on a different claim, sexual harassment by a church male group leader. If even this claim would be abandoned, there would be no reason to take her seriously in the media or even to discuss her at all. Unfortunately, however, her story of this incident also has no credibility.

Ogawa reported on social media that she told her mother about the sexual harassment when she came home after the training session, but her mother claims that she had never heard that story. Ogawa also showed an email the male group leader sent to a church staff, but there was no mention of Ogawa claiming she had been sexually abused.

She also sent an e-mail to another staff, saying “I felt the male group leader’s eyes on me,” but again, nothing was mentioned about sexual harassment. At the time, no one who was involved with her in the training case heard anything about sexual harassment. Perhaps the story was made up after she started talking to the media.

Ogawa has always claimed that she was victimized by the former Unification Church and by her parents, who were church members. Nobody considers the fact, however, that this male group leader is being victimized by being falsely accused by Ogawa. He is not named but can be easily identified by the church members who attended the training session in Chiba at the same time as Ogawa. I consider this to be a serious assault on this man’s honor.

Ogawa also stated that her parents gave up two of their daughters for adoption based on the Japanese adoption system, which is true and was also perfectly legal, commenting, “It is almost like human trafficking.” We believe that this is also defamation against her parents. As I mentioned earlier, I wonder whether she has ever considered how much her heartless words and actions, including calling her mother a thief, hurt her parents’ feelings, the honor of her adopted siblings, and by extension, the honor of the Family Federation.

I recently spoke with three female second-generation believers of Ogawa’s generation. They never told me anything negative about Ogawa. They are not speaking ill of her because they know that she shares with them the struggles and problems of the second-generation believers, as well as the bond of being brothers and sisters who once shared the same faith. As second-generation believers grow up, the three said, they experience the gap between the values of their faith and those prevailing in the secular world. For example, they realize, and may have problems in accepting it, that the Family Federation’s teachings and values about dating and sexuality ask them to behave differently from their friends who are not members of the church.

Ogawa may have experienced such struggles, but she actually fell in love with a non-member of the church and was not prevented by their parents to date and eventually marry him, was able to fully engage in her favorite musical activities with the support of her parents, and easily left the church when she decided to do so. The anti-Unification-Church activists claim that it is not easy to leave the former Unification Church, but Ogawa's own experience tells a different story. You just leave the church. No one will run after you. Ogawa's parents did not force her to remain in the church. These facts too make it very difficult to accept the claim that Ogawa is a victim of the former Unification Church.

If you do not like the organization, you may just stay away from the Family Federation. One wonders why it was necessary for Ogawa to make public statements such as, "The Unification Church is a cult that calls itself a religion and is an antisocial organization that drives its members' families to collapse. We hope that the anti-cult law enacted in France will also be adopted in Japan;" and "Please dissolve this organization." In fact, these statements by Ogawa were just copied and pasted from the claims of the National Network of Lawyers Against Spiritual Sales, and are the proof that she followed their guidance and is under their influence.

After I finished interviewing Ogawa's parents, I was eager to talk to her as well, so I requested an interview through her father and wrote to her e-mail address. However, I received a response from her representative, Attorney Takashi Yamaguchi from the Network. He insisted "We refuse your interview," and even refused to be interviewed himself on her behalf.

I got the impression from Attorney Yamaguchi's reply that the facts are unimportant to the Network. They are willing to say anything, even lies, to destroy the Family Federation. They probably think everything is justified to achieve this aim. That is why they do not care if Ogawa's statements are true or highly dubious or false, and they continue to use her as a convenient tool for their purposes.

Incidentally, this tendency is becoming prominent in several media. The term "post-truth" (which in fact means a non-truth) refers to a situation in which falsehoods that appeal to personal emotions have a stronger influence than objective facts in influencing the public opinion. The "Sayuri Ogawa phenomenon" is a typical case of "post-truth."

A few years ago, the terms “fake news” and “fact-checking” started being currently used. It was necessary to “fact-check” the “fake news” that was rampant in the media. Today, however, any attempt to fact-check Sayuri Ogawa’s words and actions is countered by accusations of “slander against a victim,” “invasion of privacy,” and so on. However, if the media disregard facts, they deny their function and in a way “commit suicide” as media. If the public opinion accepts such media, the society as a whole becomes corrupt. All claim to be interested in social justice, but they will get the contrary of it.

The Lies of the National Network of Lawyers Against Spiritual Sales

There are countless examples of malicious speculation, distortion, and false statements made by Attorney Kito and other lawyers in the National Network of Lawyers Against Spiritual Sales. Here is one typical example. On September 16, 2022, the Network’s Tokyo meeting was held in Ichigaya, where Attorney Hiroshi Watanabe delivered the keynote speech. At that time, he distributed copies of a chart to the participants, which, he said, was an internal document of the Unification Church.

Under the title “Feedback on the implementation of emergency measures for those at high risk,” the chart stated, “We will provide feedback on the implementation of ‘emergency measures’ for believers found to be at high risk from a risk assessment perspective,” and included a color-printed chart. The chart listed the numbers of certain persons in each of the 12 districts of Japan, classified as AA or AAA, and the total number of them, which was 911.

Although it was not easy to understand what these numbers meant, Attorney Hiroshi Watanabe proudly explained, “This material is probably from the Unification Church and from 2012. (...) The Unification Church calls donors who donated more than 100 million yen, such as the mother of the suspect assassin of Abe, Yamagami, ‘highly dangerous persons,’ and says there are totally 911 such persons throughout Japan. AAA probably are those who donated more than 1 billion yen. They are dangerous if they are not paid attention to, the Unification Church said. They had to take measures.”

“Those 911 donors, Watanabe continued, were recruited by believers who concealed their true identity, were lured by hiding the fact that the recruiters

represented a religious organization and the Unification Church, and had all their property taken away from them under circumstances where they were threatened and deceived, and their families were destroyed. If these people sued the Unification Church, the church would be in serious trouble, and it had to take preventive measures. I think this material shows the antisocial nature of the Unification Church.”

I would like to compliment Attorney Watanabe for his ingenuous explanation, but in fact, this document was not a list of large donors. It was a list of believers who were at high risk of being abducted and confined by deprogrammers. Rather than being rich donors, most of these believers were young church members who had no financial resources. AAA referred to believers who were at extremely high risk of being abducted and deprogrammed, and did not refer to donors who donated more than one billion yen. We do not know whether Attorney Watanabe explained the chart in that way based on a complete misunderstanding, or whether he knew the facts and made up the story. At any rate, we can conclude that this is an incident that shows the “antisocial nature” of the Network and the maliciousness of its use of any material it deems fit for creating propaganda aimed at discrediting the former Unification Church.

Incidentally, the number of abduction and deprogramming cases had started decreasing considerably around 2012, but the danger was still there, to the extent that they needed to have such a chart and consider preventive measures. I hope that the Network, which was deeply involved in the abduction and deprogramming of believers, would understand the true meaning of this chart, and take it seriously.

Court Cases Against the Former Unification Church

In my article “Crimes Committed by ‘Deprogrammers’ That Are Not Reported by Newspapers and TV (Report on Unification Church, 1),” which appeared in the December 2022 issue of the *Monthly Hanada*, I quoted a statement by Attorney Yoshihiro Ito, a member of the National Network of Lawyers Against Spiritual Sales. He said, “The courts tend to accept easily claims that would never be accepted in other cases if they are directed against cults,” and “In civil lawsuits, there is a kind of unwritten rule that if a cult is involved, it will lose the case.” These statements were quoted in a written document submitted to the

court by Kazuhiro Yonemoto, a reporter, in a lawsuit filed by Toru Goto, a member of the Family Federation, who was abducted, confined, and submitted to deprogramming attempts for twelve years and five months.

In fact, when we look at the court decisions on cases in which the Family Federation has been sued over the issue of donations, there are several cases in which we must admit that there is indeed some truth in the words of Attorney Ito.

(1) Tokyo District Court Judgment, August 21, 2002

In the case of the Tokyo District Court judgment dated August 21, 2002, the issue was whether a donation of one million yen by Plaintiff “T” to the Family Federation was or not an illegal act. In a six-page written statement submitted to the court, Plaintiff “T” claimed that Family Federation believer “I” had told him that his uncle had served in the Japanese police in Korea during Japan’s occupation. “T” stated he was threatened by being told a false story that “Your uncle did horrible things to Korean people. The T family has committed tremendous crimes,” and was thus pressured to donate money.

However, other evidence revealed that Plaintiff “T” did not know that his uncle had served in the police in Korea until after he had donated one million yen. In other words, the six-page written statement was a complete fiction, and mentioned facts that were not known to the donor at the time of the donation. Thus, the claim by Plaintiff “T,” which was based on this false written statement, had no credibility at all.

The Tokyo District Court, however, surprisingly confirmed that believer “I” had threatened plaintiff “T” by telling him that “The T family has committed tremendous crimes” and that he was “a sinner,” and had pressured him to donate money. The court found that there was no evidence of what the “tremendous crimes” “I” mentioned to “T” were: perhaps “I” had not mentioned crimes committed in Korea, but other wrongdoings. Thus, the court found against the Family Federation.

I can only say that the court exhibited a clear prejudice and hostility against the Family Federation, and ruled in favor of Plaintiff “T” even after the credibility of his evidence had collapsed. On the other hand, the testimony of the Family Federation’s witnesses who flatly denied that “T” had been told that he should pay for his family’s crimes was completely ignored.

It can be said that this was a clearly unjust decision that corresponds to Attorney Ito's "unwritten rule that if a cult is involved, it will lose the case."

(2) Tokyo High Court Judgement, December 26, 2017

The Tokyo High Court judgment dated December 26, 2017, affirmed that, "Soliciting and causing the Plaintiff to make a donation and spend other money was illegal" in a case where 1.5 million yen (p. 25 of the decision) had been donated to the Family Federation. The Plaintiff was moved to donate after listening to an emotional sermon where a Unification Church head minister wept profusely, and the minister himself and others offered donations (p. 42). However, that a church minister weeps when preaching and offering donation does not seem extraordinary in the normal course of religious ceremonies. It is unclear why this should be constructed as an illegal way of soliciting donations.

In this case, one reason that led the court to decide against the Family Federation was the fact that at the time of the Plaintiff's first contact with the Family Federation, which religious organization was offering courses had not been clearly specified. However, by the end of the course and when the Plaintiff joined the Family Federation and made a donation, clearly what the religious organization was had been clarified. At the time of the donation, the Plaintiff knew that the money will go to the Family Federation. Irrespective of what may have happened at the time of the first contact with the church, which was not the subject matter of the judgement, there seemed to be no reason to conclude that the minister's emotional sermon was a form of illegal solicitation of donations.

Incidentally, the Plaintiff had left the church as a result of having being kidnapped, confined in an apartment, and deprogrammed. This was a typical case. Several of those who were deprogrammed were subsequently "instructed" to sue the church. We may suspect that, much more than the donation, it was filing a lawsuit that was an act the Plaintiff undertook as a result of an "illegal solicitation."

(3) Tokyo District Court Judgment, December 3, 2020

In the case of the Tokyo District Court judgment dated December 3, 2020, a female believer of the Family Federation had learned from some co-religionists

that they had participated in a ceremony called the Heaven and Earth Blessing, where a widow can have her marriage with her deceased husband blessed. She decided to participate in this ceremony herself. Then, after a dream where she saw her deceased eldest son, she decided to make a significant donation, as she believed in the truth of the church and its doctrines. She then left the church and asked that her donation be returned.

The Plaintiff told the story as I have presented it above in her complaint. The Tokyo District Court, however, found there a case of illegal solicitation of donations, stating that the Plaintiff had donated while being in a situation of constant fear and anxiety induced by the Family Federation believers.

In this case, the Plaintiff knew that the doctrines she was learning were these of the Family Federation. Yet, the solicitation of donations was still deemed illegal, which looks like an indictment of the religion itself. In this sense, the judgment was clearly unfair.

Additionally, in this case the Plaintiff had sought a refund of a portion of her donation while she was still a member of the Family Federation. She had reached a settlement with one of the believers, who refunded her partially, after which she had agreed that she had no other claims.. The validity of the agreement, which the woman had signed freely, was also challenged at trial. The court accepted the Plaintiff's claim that the settlement she has signed was against public order and morals and thus invalid, and declared her entitled to a full refund.

I would like to say that such decision is just a case of religious discrimination. In the case involving the Family Federation, the court stubbornly refused to recognize the validity of a settlement that would have been recognized as valid as a matter of course in any other civil case.

(4) The Abuse of Presumptions

Presumptions should be used with great caution in legal cases. However, presumptions are particularly prominent in judgments where the Family Federation is the defendant. The presumption method is used to infer that, “If the amount of the donations was large, then we can presume that an illegal solicitation of donations was at work.” This method has been frequently used since the Fukuoka District Court judgment in 1994, when the Family Federation lost its first donation lawsuit.

However, the large amount of the donations may simply be an indication of the depth of a believer's faith. Presuming that if a donation is large it has by definition been obtained fraudulently corresponds to a primitive logic and to a lack of understanding about how religion works. On the contrary, whether or not there was an illegal act of solicitation is something that should be determined by examining all the circumstances. To presume that the solicitation was illegal based on the amount of money simply imposes a materialistic and quantitative standard to a field such as religion where it should not be applied.

Judging based on presumptions also leads to inconsistencies. The court may find that two similar donations by the same donor to the same church were made one out of free will and the other as a result of an illicit solicitation, just because of their different amounts. In general, all persons have their own consistency and uniformity of behavior. It is strange and unnatural to presume that the process leading the same person to donate twice to the same organization was radically different in the first case and in the second case just because of a difference in the amounts.

At the end of the day, judges are merely speculating. Using presumptions to conclude that all large donations were solicited illegally is just a form of guesswork, ignores the unique circumstances of each case, and is extremely detrimental to the fairness of the trial.

There is one extreme example of the abuses caused by the method of presumptions. In the case decided by the Tokyo District Court with a judgement dated January 13, 2008, the Family Federation had been sued by a man whose ex-wife was a believer. The man claimed that the ex-wife had made donations from his bank account without his permission during their marriage.

Although the ex-wife denied that she had donated any money to the Family Federation, the court judged that all the unaccounted money from her ex-husband's bank passbook had been donated to the Family Federation. The court also stated that the Family Federation knew that the donations were from the husband's property and had been made by the ex-wife without his authorization.

In this case, the judge failed to identify the person in the Family Federation who had received the donations, yet held the Federation responsible. This was a wild decision, putting the judge in the position of an omniscient God and denying the Family Federation a fair trial.

In 2021, the Family Federation won two cases in the Tokyo District Court. In both cases, the Plaintiffs were represented by leading lawyers from the Network. However, the Plaintiffs’ claims and evidence were so egregiously false that the court had no choice but to declare a total defeat for the Plaintiffs.

In the Tokyo District Court judgment of March 1, 2021, the court even pointed out the possibility that the evidence submitted by the Plaintiff was fabricated. In the case of the Tokyo District Court judgment dated May 14, 2021, there was a significant discrepancy between what the Plaintiff said and the documents the same Plaintiff had submitted.

However, despite extreme cases like this, in general the courts continue to apply “the unwritten rule that if a cult is involved, it will lose the case,” and the conclusion of the cases can be easily predicted at their beginning. To reach these conclusions, courts would accept the statements of the Plaintiffs even when they are hardly believable, would ignore witnesses from the Family Federation who contradict the Plaintiff’s statements, and would abuse the methods of presumptions to create “facts” that would lead to the defeat of the Family Federation in the case.

It is clear that no matter how many such unreasonable decisions are accumulated, they cannot be used as grounds for the dissolution of the Family Federation.

The Family Federation Members

Since I began my investigation of the former Unification Church, now the Family Federation for World Peace and Unification, I have come into contact with and discussed with a wide variety of members, including church staff, ordinary believers, second-generation believers, and members who had been abducted and confined for the purpose of deprogramming. They are all gentle, kind, and thoughtful people. In a word, they are good people. And, in keeping with the doctrine of “love both your benefactors and enemies,” they are very tolerant of those who slander and attack them. To be honest, I think they are even too nice.

Why, then, do people have a bad image of the former Unification Church? It is probably because the anti-Unification-Church lobby has conducted an intense negative campaign against the church for many years, and as a result, a social

stigma is now strongly rooted in Japanese society, as is a broader prejudice against new religions.

Final Statement

Through my articles in *Monthly Hanada* since last year, I have revealed many facts that had remained hidden and had been not generally reported, such as the true identity of the National Network of Lawyers Against Spiritual Sales and of Sayuri Ogawa. Through my investigation, what was most surprising, however, was that even the courts have been extremely influenced by the media to the point of issuing decisions I regard as unjust. Some media poke fun at the Kishida government as one unduly influenced by TV talk shows, but unfortunately the judges themselves appeared to be influenced by the media. I would like to write about this issue in a future article.

Increasingly, I meet politically conservative reporters and activists who have understood the political agenda behind the campaigns against the former Unification Church.

I sincerely hope that your Ministry will come to a fair and neutral judgment on the issue, based on true facts, without being unnecessarily influenced by left-wing political parties, left-wing lawyers, and left-leaning biased media.

Documents

Deprogramming and the Unification Church in Japan: The Toru Goto Decision (2014)

ABSTRACT: After deprogramming, i.e., the practice of kidnapping adult members of new religious movements and keeping them prisoners in secluded locations while trying to “deconvert” them from their beliefs, had been declared illegal in Europe and the United States, it continued in Japan with the tolerance of local authorities and courts of law (it still continues in South Korea). In Japan, where it targeted in particular the Unification Church (later called the Family Federation for World Peace and Unification), the Toru Goto 2014 High Court decision (confirmed by the Supreme Court in 2015) played a decisive role in putting an end to the practice. The full text of the decision, which concerns the extraordinary case of a Unification Church believer detained by his family and the deprogrammers for more than twelve years, is published here for the first time in an English translation.

KEYWORDS: Unification Church, Family Federation for World Peace and Unification, Deprogramming, Deprogramming in Japan, Toru Goto, Anti-Cult Movement in Japan.

13 November 2014, Statement of Judgement, original copy received on the same date, Clerk 2014 (N) NO. 1143 Appeal Court for Damage Claim Case.

(Original Court / Tokyo District Court House 2011 (W) No. 2796). Final oral proceedings: 21st August 2014.

Judgement

Appellant / Appellee: Toru Goto (hereinafter called “the Appellant”). Attorney for the Appellant: Nobuya Fukumoto.

Appellants / Appellees: Takashi Goto (Toru Goto's brother) (hereinafter called "Appellee Takashi Goto"), Yoko Goto (Takashi Goto's wife) (hereinafter called "Appellee Yoko Goto"), Masako Aoyagi (Toru Goto's sister) (hereinafter called "Appellee Aoyagi").

Attorneys for the above three: Takashi Yamaguchi, Morio Ogiue.

Appellant / Appellee: Takashi Miyamura (hereinafter called "Appellee Miyamura").

Attorneys: Hiroshi Yamaguchi, Sou Kimura.

Appellee: Yasutomo Matsunaga (hereinafter called "Appellee Matsunaga").

Attorneys: Shuji Nakamura, Reiko Higashi.

Main Text

1. Based on the appeal filed by the Appellant, the original judgement is amended as follows:

(1) Appellee Takashi Goto, Appellee Yoko Goto, Appellee Aoyagi, Appellee Miyamura, and Appellee Matsunaga shall jointly and severally pay the Appellant 4,400,000 yen and the money accruing therefrom at an annual interest rate of 5 % during a period starting from 10 February 2008 until the payment is completed.

(2) Appellee Takashi Goto, Appellee Yoko Goto, Appellee Aoyagi, and Appellee Miyamura shall jointly and severally pay the Appellant additional 6,600,000 yen and the money accruing therefrom at an annual interest rate of 5% during a period starting from 10 February 2008 until the payment is completed.

(3) Appellee Takashi Goto, Appellee Yoko Goto, and Appellee Aoyagi shall jointly and severally pay the Appellant additional 11,000,000 yen and the money accruing therefrom at an annual interest rate of 5% during a period starting from 10 February 2008 until the payment is completed.

(4) All other claims of the Appellant against the Appellee Corporation, as well as all other claims against Appellee Takashi Goto, Appellee Yoko Goto, Appellee

Aoyagi, Appellee Miyamura, and Appellee Matsunaga shall be dismissed.

2. The appeals filed by Appellee Takashi Goto, Appellee Yoko Goto, Appellee Aoyagi, and Appellee Miyamura shall be all dismissed.

3. In terms of the litigation expenses, the portion incurred between the Appellant and Appellee Takashi Goto, Appellee Yoko Goto and Appellee Aoyagi in the first and second trials shall be divided into two portions, one of which shall be borne by the Appellant and the other portion shall be borne by Appellee Takashi Goto, Appellee Yoko Goto and Appellee Aoyagi. The portion arising between the Appellant and Appellee Miyamura shall be divided into four parts, one of which shall be borne by Appellee Miyamura, and the other shall be borne by the Appellant. The portion arising between the Appellant and Appellee Matsunaga shall be divided into ten portions, one of which shall be borne by Appellee Matsunaga and the rest shall be borne by the Appellant. The portion arising between the Appellant and Appellee Corporation shall be borne by the Appellant.

4. This judgment may be provisionally enforced in Part 1 (1) to (3) only.

Facts and Reasons

Part 1: Judgements Requested by the Parties

1. Appellant

(Hereinafter Appellee Takashi Goto, Appellee Yoko Goto, Appellee Masako Aoyagi are referred to as “Appellee Takashi Goto et al.”; and Appellee Takashi Goto et al., Appellee Miyamura, Appellee Matsunaga and Appellee Corporation are collectively referred to as “the Appellees”):

(1) The original judgements shall be amended as follows.

(2) The Appellees shall jointly and severally pay the Appellant a sum of 201,610,000 yen and money accruing therefrom at an annual interest rate of 5 % during a period starting from 10 February 2008 up to a date when the payment

will be completed.

(3) Same contents as the Clause 2 of the Main Text.

(4) The litigation fees for the first and the second trials shall be borne by the Appellees.

(5) Declaration of provisional enforcement.

2. Appellee Takashi Goto et al.:

(1) All of the portions of the original judgment where the Appellee Takashi Goto et al. lost the case shall be revoked.

(2) All of the Appellant's claims regarding the aforementioned portions shall be dismissed.

(3) All the appeals in this case shall be dismissed.

(4) Litigation fees for the first and the second trials shall be borne by the Appellant.

3. Appellee Miyamura:

(1) The portion of the judgment in which the Appellee Miyamura had lost shall be revoked.

(2) The Appellant's claims regarding the aforementioned portions shall be dismissed.

(3) Appeal of the Appellant in this case shall be dismissed.

(4) Litigation fee for the first and the second trials shall be borne by the Appellant.

4. Appellee Matsunaga and Appellee Corporation: All the appeals in this case shall be dismissed.

Part 2: Summary of Facts

1. In this case, the Appellant (DOB 2 Nov 1963), who is a follower of the Holy

Spirit Association for the Unification of World Christianity [Unification Church], claims to have been abducted by Appellee Takashi Goto (brother), Appellee Yoko Goto (sister-in-law), Appellee Aoyagi (sister), and Appellee Matsunaga, who is a pastor of the Niitsu Evangelical Christian Church (hereinafter referred to as “Niitsu Church”) under the Appellee Corporation’s umbrella, as well as Appellee Miyamura, a professional deprogrammer who specializes in deprogramming Unification Church members, in collusion between themselves; and claims to have been confined to the Palace Mansion Tamon in Niigata, and the Ogikubo Flower Home from 11 September 1995 to 10 February 2008, to be forced to abandon his faith: and that he suffered injuries such as general muscle weakness and disuse muscle atrophy. He requests the Appellees to jointly and severally pay a sum of 201,618,527 yen as well as interests at the rate of 5% per year from the 10th of the month until the payment is completed, as prescribed by the Civil Code, based on the Right to Claim Damages Due to Tort under Articles 709 and 715, paragraph 1, of the Civil Code.

The original judgement ruled that: (1) Appellees Takashi Goto et al. had unfairly restrained the Appellant mentally and physically since September 1995 to 10 February 2008, and ordered the Appellees Takashi Goto et al. to pay 339,110 yen as medical fees, 4,000,000 yen for damages and 500,000 yen for legal counsel fees, totaling 4,839,110 yen, to the Appellant; (2) Appellee Miyamura had tried to force the Appellant to leave the Unification Church from January to September 1998, and the court ordered him to pay 967,822 yen which is 20% of the above damage for compensation jointly and severally with Appellees Takashi Goto et al.; and (3) the court did not find legal liability of Appellee Matsunaga and Appellee Corporation.

In response to this, the Appellant, Appellee Takashi Goto et al., and Appellee Miyamura filed their respective appeals dissatisfied with the portions of the case they had lost.

2. Other than amending the original judgment as follows, the underlying facts, issues, and claims of the parties are as described in Sections 2 and 3 of Part 2 under “Facts and Reasons” of the original judgment, and are therefore quoted.

(Amendments of the Original Judgement)

- (1) Original judgement, page 3, 25th line: Change “plaintiff” to “the Appellant (DOB 2nd of November 1963).”
- (2) Original judgement, page 5, from the 13th line to the end of the 14th line: Change “Defendant Takashi Goto” to “Appellee Takashi Goto et al.”
- (3) Original judgement, page 5, 17th line: Change “Room 803” to “Room 607.”
- (4) Original judgement, page 15, 1st line: Change “the authority” to “Tokyo District Court.”
- (5) Original judgement, page 27, 9th line: Add the following: “(4) The issue concerning Statute of Limitations Defense

i. Appellee Takashi Goto et al.

Even if Appellee Takashi Goto et al. had liability for the unlawful acts, Appellee Takashi Goto et al. had told the Appellant to leave the Ogikubo Flower Home and that he was free to do anything after the Appellant had finished his third hunger strike in 2006; the Appellant could have freely left the Ogikubo Flower Home at that time but did not do so at his free will, so the unlawful acts committed by Appellee Takashi Goto et al. should be deemed to have ended then.

The Appellant could have left the Ogikubo Flower Home at least at the end of December 2006, so the statute of limitations for damage claims should be counted from the time period. By the time the suit was filed on the 31st of January 2011, three years had already gone by. Appellee Takashi Goto et al. claim the statute of limitations.

ii. Appellant

Although Appellee Takashi Goto et al. once made a statement to the Appellant, after he had finished the third hunger strike, to the effect that he could leave, they did not necessarily stop the surveillance nor unlock the room.

Moreover, the Appellant was malnourished at the time, had no money in his possession, had been confined for many years, and had no other place to live. Appellee Takashi Goto et al. never provided the Appellant any funds necessary to move to another place. Based on this, it cannot be ruled that Appellee Takashi

Goto et al. had released the Appellant around 2006.”

Part 3. Judgement of the Court

1-The court rules that the Appellant’s claims against Appellee Takashi Goto et al. have its merits with the limit of 22,000,000 yen and related delay damages; the claims against Appellee Miyamura are founded within the limit of 11,000,000 yen and the delay damages; the claims against Appellee Matsunaga are founded within the limit of 4,400,000 yen and delay damages; and that the claims against Appellee Corporation are unfounded. The reasons are described in the following items.

2-The facts found in the evidences and the entire pleadings, are same as stated in Part 3-1 of “The Facts & Reasons” of the original judgement, other than the following amendments:

(Amendments of the original judgement)

[OMITTED]

3-Objecting to this, the Appellant as well as Appellee Takashi Goto et al. and Appellee Miyamura claimed that the facts held in Section 2 (quotations of the original judgment after amendment) concerning the movements and behaviors of the parties and other persons, the situation at Palace Mansion Tamon, Ogikubo Place, and Ogikubo Flower Home, etc. in the original judgement (hereinafter referred to as “the stated facts”) were incorrect, and each submitted additional evidences to this court.

However, the main point of contention in this case is that during the period of about 12 years and 5 months, from 11 September 1995 to 10 February 2008, except for the occasions of moving from his parents’ house to Palace Mansion Tamon, from Palace Mansion Tamon to Ogikubo Place, and from Ogikubo Place to Ogikubo Flower Home, the Appellant did not go out of these places at all, did not contact the outside world using telephone or other means of communication, and regardless of whether or not it should be evaluated as confinement under the Criminal Law, the main issue is whether the freedom of movement was forcibly

restricted against the will of the Appellant, as the Appellant claims, or whether the stay was based on the Appellant's voluntary will, as the Appellees claim; and there is no claim from the Appellees for the acts being based on justifiable causes for unlawful acts, such as that there was a clear and present danger to the Appellant of committing an illegal act such as a criminal act, and that it was necessary to avoid it; despite that, the Appellees compelled the Appellant to stay in the upper room against the Appellant's will. Moreover, both the Appellant and Appellee Takashi Goto et al. were already in the midst of a battle over the deprogramming of the Unification Church members even before the deprogramming trying to persuade the Appellant to withdraw from the Unification Church started on 11 September 1995, which is the subject of this case. The Appellee Takashi Goto himself had a history of leaving the Unification Church due to deprogramming organized by his deceased father and others, and the Appellant had also experienced a first attempt to deprogram him before this case. Both parties were well aware of the various policies and measures that could be taken to compel devotees to withdraw from the Church, and they continued to deal with each other through various tactics. It is not appropriate to discuss the true meaning and propriety of individual facts by taking up each by its own; however, both parties have already submitted claims and evidences to sufficient extent concerning the past circumstances, and there is no need to expand the scope of claims and evidences. In any case, we will examine below both parties' claims regarding whether or not the act was confinement, taking the above into account.

Although Appellee Miyamura claimed that it is essential to recognize the facts concerning the actual state of activities of the Unification Church in more detail in determining whether or not the tort liability exists, as Article 20, Paragraph 1 of the Constitution of Japan stipulates that freedom of religion is guaranteed to all persons whatever the tenets of a religion, as long as it does not directly infringe the rights and freedoms of other people or other organizations externally, nor cause harm, freedom from interference from others is guaranteed to any religion. If the activities of an organization illegally infringe on the rights of other people or other organizations or cause harm, the court may make certain legal judgments about external activities, in accordance with the provisions of laws and regulations regulating such unlawful acts. Even then, it is not the intention of the Constitution of Japan to judge the propriety of the content of the doctrines itself of the religious organization. Therefore, if the activities of the Unification Church violate other laws and regulations of Japan and are unacceptable, the propriety of

such acts should be determined separately in civil and criminal court proceedings, and should be considered separately from the issue of freedom of religion. In this case, the issue is whether it was unlawful to urge the Appellant to leave the Unification Church and have the Appellant, who is a believer, confined in a certain facility for that purpose. Since we are not seeking liability concerning the propriety of the activities of the Unification Church against the victims who claim that they have suffered damages due to the illegal activities of the Unification Church, it should suffice to review the facts concerning the propriety of the activities of the Unification Church to the extent necessary to consider the appropriateness of the above-mentioned deprogramming issue. Moreover, Appellee Miyamura premised that the act of Appellee Takashi Goto et al. was physical restraint against the Appellant's will, and that it was confinement, and is not claiming that there were specific justifiable causes for illegality. Therefore, there is no need to add facts concerning the actual state of the activities of the Unification Church in addition to the facts identified above.

4-Whether or not torts were committed against the Appellant by Appellee Takashi Goto et al.

4.1-Concerning the transportation to Palace Mansion Tamon on 11 September 1995:

4.1.1-According to the stated facts, regardless of whether Appellees Takashi Goto et al. abducted or "arrested" the Appellant, the Appellant was only told by Appellees Takashi Goto et al. that they would move from the late father's home for the purpose of discussions, without the specific destination. While non-family members waited, the Appellant was instructed to get in a station wagon, which could hold more passengers than a sedan. When the Appellant got into the station wagon, he was forced to sit in the center of the back seat sandwiched between others. During the drive to Niigata, the car did not stop on the way to take a break, and the Appellant was told to use a portable toilet in the station wagon for urination and defecation, with multiple passengers onboard, and had no choice but to do so. Therefore, at least on the way to Niigata, it is reasonable to assume that the Appellant was placed in a situation where it was impossible or extremely difficult for him to get out of the station wagon, and that his freedom of movement was restricted. Even if, on the way to Niigata, the Appellant did not show strong

resistance when the car temporarily stopped for refueling, unlike when the Appellee Takashi Goto himself once did when he was put in a station wagon as part of the effort to deprogram him, it is reasonable to consider that this was part of the tactics that had been cultivated through the battles between the deprogrammers and the Unification Church members over their deprogramming activities, and it is natural to consider that the reason the Appellant did not show strong resistance when he was put in the station wagon, was rather due to the Appellant waiting for an opportunity to escape. Therefore, it cannot be deemed that the Appellant was willing to cooperate with the deprogramming orchestrated by the Appellee Takashi Goto et al. of his own free will, simply because the Appellant did not show strong resistance.

4.1.2-Moreover, as mentioned above, Appellee Takashi Goto et al. prepared a portable toilet in the station wagon in light of the fact that there were cases where Unification Church followers ran away after stating that they want to go to bathroom, during previous deprogramming cases. It is therefore presumed that a portable toilet was prepared in advance to prevent the Appellant from getting off the vehicle, as it was considered necessary to restrict the free movement of such individuals to a certain extent for the purpose of the deprogramming. In this case, after the Appellant got into the station wagon driving toward Niigata, and after he requested that the vehicle stop for a bathroom break, Appellee Takashi Goto et al. instead requested the Appellant to use the portable toilet prepared in the car. It is reasonable to rule that Appellee Takashi Goto et al. had begun to unlawfully restrict the Appellant's freedom of movement at this point, since the restrictions on the Appellant's freedom of movement, as originally planned, have become apparent then.

4.2-Concerning the stay at Palace Mansion Tamon from 11 September 1995 to 22 June 1997:

4.2.1-According to the stated findings, the Appellant prepared a notice of withdrawal addressed to the Unification Church around December 1995, shortly after he had moved to Palace Mansion Tamon. Around the same time, the Appellant also wrote a note about the circumstances that led to his decision to leave the group. If we looked only at these facts, it would be possible to conclude that the Appellant indicated his intention to withdraw from the Unification

Church in response to the persuasion of Appellee Takashi Goto et al. and Appellee Matsunaga, and it would be possible to infer that the Appellant's stay at Palace Mansion Tamon was based on the Appellant's free will. However, when the Appellant first moved to Palace Mansion Tamon, Appellee Takashi Goto et al., as well as the Appellant's parents and uncle also stayed at the same apartment. Not only was the Appellant placed in a room from which he could not exit through the front door without passing through the room where his family members stayed, it would also have been difficult for the Appellant to easily jump out of the window to escape. It is further recognized that it was impossible for the Appellant to contact outsiders. Therefore, it is clear that the Appellant's family and Appellees Takashi Goto et al. acted as supervisors to restrict the Appellant's freedom to go out and communicate with the outside world. Therefore, it can be inferred that the Appellant's freedom of movement was restricted.

4.2.2-Moreover, in this case, Appellee Takashi Goto et al. and Appellee Matsunaga did not release the Appellant even though the Appellant had signed various documents stating that the Appellant would withdraw from the Unification Church. As a result, it is presumed that the Appellant's stay at Palace Mansion Tamon until that point in time was not based on the Appellant's voluntary will and he was sequestered by Appellees Takashi Goto et al. and Appellee Miyamura. This is because the Appellee Takashi Goto et al. and Appellee Miyamura were well aware that, in the past series of offensive and defensive battles over deprogramming, there were cases where the members escaped and returned to the Unification Church facilities as soon as they were released after falsely pretending they had decided to leave the church in response to the deprogramming. It is believed that the Appellees did not release the Appellant, even after the above documents were signed, precisely because the Appellees had the suspicion that he signed the above documents to have an opportunity to escape, as the results of observing the Appellant at Palace Mansion Tamon. If that is the case, it is easy to presume that it would be even more so before the Appellant showed his intention to withdraw from the Unification Church, that the Appellees would have considered it necessary to sequester him even if it meant restricting the freedom of action of the Appellant.

4.2.3-In addition, even if there would be some room to believe that the reason why the Appellant did not go out of the Palace Mansion Tamon nor contact the outside world was because the Appellant simply did not want to do so, and not because Appellee Takashi Goto et al. forced the Appellant not to, if the Appellant planned to stay at the Palace Mansion Tamon for a long time and voluntarily, he would have had to submit a notification of an address change in his resident card, pay taxes and public dues, such as national pension and national health insurance, and vote in national or local elections. There should have been various opportunities to go out of the place to take necessary measures for social or civic life, such as exercising rights or renewing a driver's license. It would have also been necessary to pick up personal belongings that he had used in his life up to that point. Appellee Takashi Goto and the Appellant's deceased father visited the Unification Church facilities in order to pick up the Appellant's belongings, and did not have the Appellant accompany them, where in the normal circumstances it would have been more effective for the Appellant to accompany the Appellees in order to sort the necessary items. This also suggests that Appellee Takashi Goto et al. were concerned that if the Appellant had accompanied the Appellees, the Appellant would have returned to the Unification Church after arriving at its facility. This is because the Appellant had previously experienced a deprogramming attempt around 1987, and around late November of the same year, the Appellant returned from Ogikubo Eiko Church to the Unification Church home, telling others that he was going to the bathroom. Therefore, Appellee Takashi Goto et al. were fully aware that if the Appellant was not constantly monitored, there was a possibility that the Appellee would flee to return to the Unification Church.

Appellee Takashi Goto et al. claim that the Appellant refused and did not go out even when the Appellant had been advised to go out for health care. However, there is a clear contradiction between the claim that Appellee Takashi Goto et al. told the Appellant he was free to go out, and the fact that they were afraid that the Appellant would return to the Unification Church facilities if the Appellant was not constantly monitored as described above, and therefore, it is difficult to accept such a claim. As a side note, if the Appellant had stayed voluntarily and freely, he would have voluntarily returned to Palace Mansion Tamon even if he went out for a walk for a change of pace or shopping. As such, there should have been no reason to restrict the Appellant's movement. However, as per the written statement prepared by the Appellant (Exhibit A9), Appellee Takashi Goto et al.

did not allow the Appellant to go out of the residence. Therefore, it is reasonable to rule that Appellee Takashi Goto et al. restricted the Appellant's freedom and confined him in the Palace Mansion Tamon.

4.2.4-Therefore, although it is acknowledged that the Appellant's stay at the Palace Mansion Tamon was in accordance with the will of the Appellant's deceased father, and that it was commenced based on the parental and brotherly love among the family, the Appellant was an adult male born on 2 November 1963, who was already 31 years old on 11 September 1995, and who did not need others' care or assistance in his daily life. It is a matter of course that even his parents or brother must fully respect the Appellant as an individual with a separate and independent personality. Forcing the Appellant to withdraw from the Unification Church simply because the content of the Appellant's beliefs differs from that of his parents and siblings exceeds the socially permissible scope of voluntary persuasion by his parents and siblings, and is unlawful, and from an objective point of view, it is unavoidable to rule that such acts amount to confinement.

4.3-Concerning the transportation to Ogikubo Place on 22 June 1997:

According to the stated findings, on 22 June 1997, when the Appellant left the Palace Mansion Tamon for his deceased father's house, he was never told that he was going to move to Ogikubo Place. The Appellant was put in a station wagon with multiple people including non-family members (with three adult men), and did not have personal items such as a driver's license, wallet, or cash. It is assumed that the situation was the same when the Appellant headed for Ogikubo Place after seeing the body of his deceased father at the late father's place. Thus, it is deemed that the Appellant's freedom of movement was restricted at Palace Mansion Tamon in Niigata, and shortly after he returned to his parents' home for a short time after the death of his father, the Appellant was taken to Ogikubo Place, his next residence, at the direction of Appellee Takashi Goto et al., without being asked for the Appellant's consent, and without his consent as a matter of course. Accordingly, it is reasonable to rule that the Appellant's freedom of movement was continuously restricted by Appellee Takashi Goto et al. without the Appellant's consent and that the illegality continued even at this point.

4.4-Concerning the stay at Ogikubo Place from 22 June 1997 to December 1997:

4.4.1-According to the stated findings, the structure of Ogikubo Place was such that to reach the exit from the room where the Appellant lived, it was necessary to pass through the room used by Appellees Takashi Goto et al. as well as the Appellant's mother. A family member was always staying in the room, and not only was each action by the Appellant checked, but it appears to have been difficult for the Appellant to easily jump out of the window and escape. The Appellant was unable to use the telephone and other methods to contact the outside world, same as when he was staying at Palace Mansion Tamon. Moreover, the Appellant's wallet and cash were left behind at Palace Mansion Tamon, and there is no sufficient evidence that these personal belongings were handed over to the Appellant. Further, the Appellant did not go out for the funeral of his deceased father, and Appellee Yoko Goto and Appellee Aoyagi also did not attend the funeral and stayed at Ogikubo Place. Considering the above matters on the structure of the room as well as living conditions, it can be ruled that the Appellant's movement was unlawfully restricted, since his movement was constantly monitored by his family, and it was virtually impossible or extremely difficult for him to go out or leave the Ogikubo Place.

4.4.2-Although Appellee Takashi Goto et al. claim that the above measures were unavoidable to prevent the Unification Church officials from knowing the whereabouts of the Appellant who had moved from Niigata to Tokyo and trying to recapture the Appellant, the Appellant was already a 33- year-old adult male on 22 June 1997, and his physical condition and ability to make decisions did not require the care or assistance of others, and therefore even if an official of the Unification Church requested a meeting with the Appellant and, as a result, the Appellant chose to return to the Unification Church, such a decision of the Appellant should have been fully respected, and it would be unjust even for brothers and relatives to interfere with it. Moreover, if the Appellant had voluntarily wished to continue his stay at Ogikubo Place and had decided not to return to the Unification Church, it should have been unnecessary to restrict the Appellant's outings and prevent him from attending the funeral of his deceased father. Even if the Unification Church officials had tried to take the Appellant to the Unification Church facilities by some kind of coercive means, it would not

have been difficult to deal with such occurrences, by asking for assistance from the people in the neighborhood who frequently visited Ogikubo Place to urge the Appellant to leave the Unification Church, or by reporting to the police if necessary. Nevertheless, the fact that Appellee Takashi Goto et al. continued to monitor the Appellant as above indicates that they were concerned that the Appellant would run away if they did not monitor him, which suggests that the Appellant's stay at Ogikubo Place was not based on the Appellant's free will, and that Appellee Takashi Goto et al. were fully aware of this.

4.4.3-Therefore, it is natural to consider that the main purpose of the Appellant's stay at Ogikubo Place was to restrict the Appellant's freedom of movement, and it is reasonable to rule that the unlawful restrictions of the Appellant's freedom of movement continued at this location also.

4.5-Concerning the transportation to Ogikubo Flower Home around December 1997:

According to the stated findings, when the Appellant left Ogikubo Place to go to Ogikubo Flower Home around December 1997, there were multiple individuals present including three acquaintances of Appellee Takashi Goto, in addition to the Appellant's family. It is also held that the Appellant did not have a wallet, cash, and so on, in the same manner as when he moved to Ogikubo Place. Therefore, it is reasonable to rule that such unlawful restriction of the Appellant's freedom of movement continued in this trip also.

4.6-Concerning the stay at Ogikubo Flower Home from around December 1997 to 10 February 2008:

4.6.1-Furthermore, when the Appellant moved to Ogikubo Flower Home around December 1997, the living conditions remained the same as at Palace Mansion Tamon and Ogikubo Place. Even at this Ogikubo Flower Home, the Appellant's family always stayed outside the Appellant's room, and the room arrangements were such that in order for the Appellant to access the exit, it was necessary to pass through the room used by Appellee Takashi Goto and his mother. It appears it was difficult for the Appellant to easily jump off and escape from the Ogikubo Flower Home. Under these circumstances, the Appellant again did not go out at

all nor did he contact the outside world. Moreover, during this time, after the Appellant confessed that he had just pretended to abandon his faith, the Appellant was held down while trying to leave the Ogikubo Flower Home. It is believed that he was expressing his dissatisfaction with the current state of de facto confinement, by going into a hunger strike respectively in 2004, 2005, and 2006. Taking these facts into consideration, it is deemed that the Appellant was prevented from freely going out or leaving the Ogikubo Flower Home by Appellee Takashi Goto et al., and was constrained in his freedom of movement. This is in contrast to the circumstances where Appellant's mother who lived at the Ogikubo Flower Home went to hospitals for internal medicine, orthopedics, ophthalmology, and where Appellee Aoyagi also regularly went to hospitals and sports clubs (Exhibit A.i.1). Under these circumstances, even if there were occasions for a third party to enter the Ogikubo Flower Home for facility inspections or other reasons, and even if the Appellant did not then ask the third party for assistance, nor attempt to leave the Ogikubo Flower Home by means of direct physical force against Appellee Aoyagi and his mother, who have a physical disparity compared to the Appellant, this was because the Appellant was well aware that he would be blocked if he simply tried to escape, based on the Appellant's previous experience and the fact that there were people in their neighborhood who were involved in the deprogramming activity, and that on the contrary it would result in the opposite effect where he would be more strictly monitored. Therefore, it is ruled that this was not due to the Appellant's voluntary will to stay at the Ogikubo Flower Home.

4.6.2-Concerning the hunger strike mentioned above, Appellee Takashi Goto et al. have claimed that the Appellant would usually write a memo if the Appellant wanted anything, such as a notebook, a ballpoint pen, a lead of a mechanical pencil, a red pencil, a blue pencil, etc., which he would hand to his mother, and the requested item would then be given to the Appellant by Appellee Aoyagi, but that around April 2005, the Appellant's request for Korean texts was rejected by his mother, Appellee Yoko Goto, and Appellee Aoyagi, and thus the Appellant started his second hunger strike in anger. Further, they stated that around April 2006 the Appellant asked his mother several times for a notebook, but was refused by Appellee Masako Aoyagi, and that this was the reason for his hunger strike for the third time. The written statement (Exhibit B.i.47) prepared by Appellee Aoyagi generally acknowledges these facts. In the first place, such books

and notebooks are not expensive items nor special items, but generally can be easily obtained at a reasonable price. If the Appellant had freedom of movement, it would have been easy to go out and visit a nearby stationery store, bookstore, and purchase them. The above shows that the Appellant was placed in a situation where he had no choice but to ask his mother and other family members to obtain books and notebooks, and that this was also refused. This proves that the Appellee's freedom of movement was constrained significantly by Appellee Takashi Goto et al. at the Ogikubo Flower Home.

4.6.3-According to the Appellant's statement, after the aforementioned third hunger strike, Appellee Aoyagi prepared and provided to the Appellant liquid food for about seventy days, and thereafter she continued to serve meals that did not have the calories required by an ordinary adult male of similar height. There is no evidence to support the claim that Appellee Aoyagi had sufficient knowledge of nutrition, nor that the meals provided to the Appellant were suitable for his physical condition, based on professional medical or nutritional knowledge. Moreover, Appellee Takashi Goto et al. have never had the Appellant, who was continued or had just finished his hunger strike, undergo a medical examination by a doctor. Even though the Appellant had been effectively confined even prior to that, the Appellees had never worried about the Appellant's physical condition and never had him undergo a medical examination by a doctor. Due to such series of actions by the Appellees, it was found that when the Appellant was released from the Ogikubo Flower Home on 10 February 2008, the Appellant, who was 182 cm tall and weighed about 70 kg previously, had his weight reduced down to about 50 kg at most, and he was diagnosed with general muscle weakness and muscular atrophy. These circumstances indicate that Appellee Takashi Goto et al. did not take full consideration of the Appellant's physical condition in restricting the freedom of movement of the Appellant, which resulted in damage to the Appellant's health. Therefore, it is reasonable to rule that, in the midst of continued unlawful restrictions on the Appellant's freedom of movement and prolonged confinement, the care and consideration of the Appellant's physical condition were not sufficient, and that these acts were highly unlawful, and connected with the stay at the Ogikubo Flower Home.

4.6.4-Appellee Takashi Goto et al. claimed that they had repeatedly told the Appellant to leave the Ogikubo Flower Home since around 1998, however the Appellant simply refused to leave. Indeed, the Appellant acknowledges that Appellee Takashi Goto et al. made such remarks to the Appellant at least after the third hunger strike in April 2006, and that when the Appellant finally left the Ogikubo Flower Home on 10 February 2008, Appellee Takashi Goto and his mother asked the Appellant to leave, and that when the Appellant was not going to leave Appellee Takashi Goto et al. pushed the Appellant out of the Ogikubo Flower Home. However, it was found that the Appellant was not given any personal belongings at that time, and that the Appellant was forced to leave the Ogikubo Flower Home without any money in his possession and without any outdoor clothing. In the first place, the Appellant had not gone out at all for a long period of about twelve years and five months, and had been confined in a small room, since the time the Appellant's freedom of movement was restricted on 11 September 1995, and his ability to adapt to social life had been markedly diminished. Nevertheless, Appellee Takashi Goto et al. simply kicked the Appellant out without giving the Appellant any money and without arranging a new residence for him. Therefore, even if Appellee Takashi Goto et al. had requested the Appellant to leave the Ogikubo Flower Home several times previously, it can be inferred that he was simply asked to leave without any money and without taking any measures to secure food, clothing, and shelter for the time being, similar to the above. Such demands would have only caused trouble for the Appellant, who had been restricted in his freedom for a long period of time, had been cut off from means of livelihood, and had no immediate place to go, and it is understandable that the Appellant was unable to leave the Ogikubo Flower Home.

Ultimately, the actions of Appellee Takashi Goto et al., who did not give him any money, did not offer a place where to live, and simply told him to leave, are not found to have been made in a sincere attempt to restore the Appellant's freedom of action. It is believed that this was done with the idea that if he was in trouble, he would come back. Therefore, even if the Appellant did not comply to the request immediately, it would not be inconsistent at all with the fact that the Appellant's freedom of movement continued to be unlawfully restricted.

In addition, Appellee Takashi Goto et al. claimed that the Appellant, as evidenced in the documents submitted by the Appellant (Exhibit A 9, 57-3, etc.), had

engaged in daily indoor exercise and therefore possessed sufficient physical strength when he was asked to leave on 10 February 2009. In general, it is difficult to find that healthy physical strength can be maintained by indoor exercise only for a long period of time, especially over ten years. Additionally, as per the stated findings, the Appellant was diagnosed with general muscle weakness after leaving the Home and was hospitalized and treated at Isshin Hospital from the 11th of the same month to the 31st of March of the same year. Therefore, the above claims cannot be sustained.

4.7-Considering the stated findings and what has been described so far, Appellee Takashi Goto et al. acted originally based on the strong desire of the deceased father stemming from the parental and brotherly affection, to have the Appellant renounce his faith in the Unification Church and withdraw from the group. Socially, such motives are not totally incomprehensible. Even so, the Appellant was already a 31-year-old adult male at the date of 11 September 1995, when he was abducted to Niigata by Appellee Takashi Goto et al., and no particular problem was found in terms of his mental capacity or physical condition, except for the fact that the Appellant was a member of the Unification Church, which Appellee Takashi Goto et al. made into an issue. Therefore, it must be ruled that the acts against the Appellant by Appellee Takashi Goto et al. that have been described so far were unlawful, since they amounted to the use of tangible force to pressure the Appellant to renounce his faith, and since they were not performed with the Appellant's consent.

Moreover, the confinement of the Appellant by Appellee Takashi Goto et al. was premeditated and continued for a long period of approximately 12 years and 5 months until 10 February 2008, and it is clear that the Appellant suffered serious damage.

In objection to this, Appellee Takashi Goto et al. claimed that the reason why the Appellant's family members (Appellee Takashi Goto et al.) lived with the Appellant was to secure sufficient places and opportunities to discuss with the Appellant, and that this was done in order to give the Appellant, who was under brainwashing, a time to think calmly, and not for the purpose of deprogramming per se. However, the Appellees deliberately took away the Appellant from Tokyo to Palace Mansion Tamon in Niigata City, severely restricting his freedom of movement, and although he returned to Tokyo after his father's death, they took

away personal effects for an abnormally long period of time, and continuously restricted the Appellant's freedom of movement, through the activities of Appellee Miyamura or his associates who have repeatedly and continuously been involved in deprogramming members of the Unification Church, and at places such as Ogikubo Flower Home, which is a facility effectively used for that purpose. There should have been no need to significantly restrict the Appellant's freedom of movement for such a long period of time if it was only for the purpose of making the Appellant think calmly. It is clear that the series of actions by Appellee Takashi Goto et al., found in this case, was done systematically for the purpose of forcing the Appellant to change his view of the Unification Church, admit the error of his faith and the nefarious motivations of the church, and withdraw from the Unification Church. It was found that the Appellant, too, fully understood the above circumstance, and that was why the two sides were in a state of mutual rivalry, which made the situation go on for this long.

In addition, Appellee Takashi Goto et al. claimed that the Appellant stayed at Palace Mansion Tamon, Ogikubo Place, and Ogikubo Flower Home during the above periods because the Appellant followed the doctrine of the Unification Church, which induced him as a "family messiah" to try to convert his family members to his faith, and they submitted additional documentary evidence to support the claim (Exhibit B.i. 48, 49). In this case, Appellee Takashi Goto himself was a former member of the Unification Church, who withdrew from the Unification Church after having been deprogrammed by his late father and Appellee Miyamura. The Appellant, fully aware of this fact, simply tried not to be deprogrammed and "deconverted" from his faith by Appellee Takashi Goto et al. It is clear that it was factually impossible that the Appellant, who had been deprived of everything by Appellee Takashi Goto et al., was in a position to convert Appellee Takashi Goto et al. Moreover, even if the Appellant had such purpose, there was no reason for the Appellant to carry out this purpose without going out for a period of more than ten years and without contacting the outside world at all. Therefore, the above claims of the Appellee Takashi Goto et al. cannot be sustained.

4.8-As mentioned above, it is ruled that the unlawful acts against the Appellant by Appellee Takashi Goto et al. continued until 10 February 2008, and therefore

there is no ground for the Appellees' defense of the statute of limitations on the premise that the tort had ended by the end of December 2006.

5-Concerning whether or not Appellee Matsunaga and Appellee Miyamura committed unlawful acts against the Appellant:

According to the stated facts, Appellee Matsunaga and Appellee Miyamura participated in the preparatory meeting and the inaugural meeting of the National Liaison Council Against the Unification Church in 1987. Appellee Matsunaga took notes there on how to deprogram the followers, such as: "Do not let them go out without the permission of the deprogrammer. They will definitely run away;" or "Shut out their connection with the outside world" (Exhibit A98-3). It can be inferred that Appellee Miyamura would have also heard the same talk. As for Appellee Matsunaga, he created a video around October of the same year for deprogramming purposes, although it is unclear whether the video was actually shown to the Appellant's family who visited him for consultation. In that video, he stated that when deprogramming followers of certain religions it was necessary to cut off the telephone line, to be aware that they might escape by pretending to take a bath or escape through the toilet window, and to pay attention to windows since it was easy to miss them as an escape exit, even if one had locked the front door (Exhibit 101-1 to 3). Concerning Appellee Miyamura, regardless of his position in the Mizukukikai [an anti-Unification-Church organization including former members and parents of members], it can be presumed that he had come across similar stories many times or multiple times while he was involved in the Mizukukikai.

According to the stated findings, the deceased father forced Appellee Takashi Goto to withdraw from the Unification Church around 1987 with the help of Appellee Miyamura and others related to anti-cult organizations. Appellee Miyamura employed Appellee Takashi Goto at [the public relation agency] TAP that he runs, while Appellee Takashi Goto and his parents were part of the Mizukukikai until around the summer of 1995, and then regularly attended Niitsu Church thereafter. After the consultation with Appellee Matsunaga and Appellee Miyamura, preparations were made to deprogram the Appellant and compel him to leave the Unification Church. The Appellant was taken to the Palace Mansion Tamon, where the Appellant's freedom was restricted, and the deprogramming effort began. Appellee Matsunaga went all the way to Palace Mansion Tamon in Niigata and had interviews with the Appellant two or three

times a week from around October of the same year. In addition, not only did Appellee Miyamura participate in providing the place where the Appellant could be detained for a long time, by introducing Ogikubo Flower Home to Appellee Takashi Goto, but Appellee Miyamura urged the Appellant to withdraw from the Unification Church, by pointing out errors in the Unification Church's doctrines during 73 interviews in total with the Appellant at the Ogikubo Flower Home, between around January 1998 and around September 1998.

Accordingly, concerning the unlawful restrictions of the Appellant's freedom movement by Appellee Takashi Goto et al. from 11 September 1995 to 10 February 2008, even if Appellee Matsunaga and Appellee Miyamura did not take the lead in the planning nor direct and supervise it, Appellee Matsunaga, as a Christian pastor, not only played a role in giving moral support to the deprogramming activity by preaching that the teachings of the Unification Church were wrong and that leaving the Unification Church was mandatory from a religious point of view, but at various meetings stated, or heard, that it was necessary to sufficiently watch out for the target believers who tend to run away, as a precaution during the deprogramming. In a sense, this is the same as stating that it was necessary to compel the target believers to leave the church, even if it meant temporarily suppressing their free will and restricting their freedom of movement. Therefore, it can be said that Appellee Matsunaga has instigated restrictions on the freedom of movement of Unification Church members. And even if Appellee Matsunaga tried to avoid being directly involved in the unlawful act, in this case, while being aware that a situation could arise where the Appellant's freedom of movement would be restricted, Appellee Matsunaga did not stop the aforementioned acts when Appellee Takashi Goto et al. took the Appellant out of Tokyo and detained him at the Palace Mansion Tamon in Niigata City for conversion. Moreover, Appellee Matsunaga vigorously tried to deprogram the Appellant on many occasions, after the Appellant was taken from Tokyo to Niigata City and his freedom of movement was effectively restricted at the Palace Mansion Tamon. If so, it is considered that Appellee Matsunaga, with the full understanding that the Appellant's freedom had been restricted, acquiesced to the aforementioned acts of Appellee Takashi Goto et al., encouraged them, and aided Appellee Takashi Goto et al. in restricting the Appellant's freedom and organizing the deprogramming activities.

As for Appellee Miyamura, he was actively involved in the Appellee Takashi

Goto's deprogramming, gave him a job, and actively supported him in all aspects of his day-to-day activities. Also, Appellee Miyamura either provided or was involved in providing the Ogikubo Flower Home where the Appellant was detained, by introducing or having someone else introduce the home. Appellee Takashi Goto et al., would not have been able to forcefully detain the Appellant at the Ogikubo Flower Home for such a long period of time and continue the conversion activities, without the various support of Appellee Miyamura.

Appellee Miyamura himself was of course fully aware of the situation of the Appellant who was effectively confined at the Ogikubo Flower Home, and interviewed the Appellant on a very large number of occasions, to deprogram him and persuade him to leave the Unification Church. Therefore, it is ruled that Appellee Miyamura aided the detention of the Appellant by the Appellee Takashi Goto et al.

In that case, both Appellee Matsunaga and Appellee Miyamura should bear joint and several tort liability, at least partially, for the restrictions on the Appellant's freedom by Appellee Takashi Goto et al.

Although Appellee Matsunaga and Appellee Miyamura claimed that they wanted to avoid being involved in illegal physical restraints of believers, such as those they had come across in the meeting of the National Liaison Council Against the Unification Church and the Mizukukikai, if that was the case, both parties, who were aware of and involved in many cases, could have held interviews in a different place, such as at Niitsu Church or other places in the case of Appellee Matsunaga, or Shinjuku West Church or other places in the case of Appellee Miyamura, where it could have been verified that the deprogramming was based on the Appellant's free will. Nevertheless, as stated above, both Appellee Matsunaga and Appellee Miyamura repeatedly visited the place where the Appellant was effectively confined and they were involved in deprogramming the Appellant.

Further, Appellee Matsunaga and Appellee Miyamura claimed that the interviews with the Appellant was conducted with the Appellant's consent, and that the Appellant's freedom of movement was not unlawfully restricted. However, the Appellant had experienced the deprogramming effort to get him to withdraw from the Unification Church in the past. Also, as a member of the Unification Church, the Appellant was familiar with the specifics of the deprogramming activities of Appellee Matsunaga and Appellee Miyamura and how to deal with them. It is therefore sufficiently understandable that the Appellant accepted the interviews

with Appellee Matsunaga and Appellee Miyamura only because he knew that a refusal to meet with the Appellees would worsen the restraints by Appellee Takashi Goto et al., and that it would become more difficult for him to escape. In fact, as the Appellant stated in his interrogation in the original trial, it was approximately one year and nine months after since he was effectively confined when he was moved from the Palace Mansion Tamon in Niigata to the room in Ogikubo. Therefore, it was not unnatural for the Appellant to feel that he had no choice but to accept the interviews under the circumstances at that time due to the fact that such a long-term detention continued. Therefore, the above claim cannot be sustained.

Additionally, Appellee Matsunaga and Appellee Miyamura claimed that the sessions with both of them were not for the purpose of forcing the Appellant to renounce the religion, but that they merely urged him to think calmly for himself. Nevertheless, the Appellant had been previously been the subject of a deprogramming attempt, but eventually ran away and did not respond to the efforts of the deprogrammers. It can be inferred that both Appellee Matsunaga and Appellee Miyamura, knowing this fact, fully anticipated that the Appellant would not easily be deprogrammed even this time. Therefore, their claim that they did not force the Appellant to give up his faith in the Unification Church cannot be sustained as such. They are of course free to think that the faith in the Unification Church is wrong and that leaving the Church would have been a positive development for the life of the Appellant. However, the acts that restricted the Appellant's freedom in order to deprogram the Appellant and compel him to leave the group, as stated above, infringed on the Appellant's personal freedom and dignity, and must be deemed unlawful. Moreover, as happened in this case, even when the Appellant expressed his intention to withdraw from the Unification Church, the Appellant continued to be detained until it could be confirmed that it was based on his true intentions and was for real. Ultimately, it must be said that not only the actions of Appellees Takashi Goto et al., but also, in aiding them, the actions of Appellee Matsunaga and Appellee Miyamura, were aimed at forcing the Appellant to renounce his faith in the Unification Church.

As described above, both Appellee Matsunaga and Appellee Miyamura have taken actions that should necessarily be considered as abetting and aiding the series of actions of Appellee Takashi Goto et al. to force the Appellant to withdraw from

the Unification Church, and they should be held responsible for joint and several torts along with Appellee Takashi Goto et al. On the other hand, in this case, it is clear that it was the strong desire of the deceased father to have the Appellant withdraw from the Unification Church even by restricting the Appellant's freedom of movement. It was the Appellant's family members, including his parents and Appellee Takashi Goto et al., who had the strongest motives and interests in these actions against the Appellant. It was mainly the family members, including the Appellant's parents and Appellee Takashi Goto et al., who actually carried out such acts and continued to detain the Appellant for a long period of 12 years and 5 months. It is clear that Appellee Matsunaga and Appellee Miyamura and others could not have done such a thing on their own.

Therefore, even though Appellee Matsunaga and Appellee Miyamura should be made jointly and severally responsible for tort liability with Appellee Takashi Goto et al., it is reasonable to differentiate the scope and degree of the liability, as specified below.

6-Concerning whether or not Appellee Corporation committed torts against the Appellant:

Concerning the fact that Appellee Corporation was found not responsible for the employer's responsibility for the torts of Appellee Matsunaga, it is as stated in the original judgment from page 64, line 15, "evidence," to page 64, line 26, "should be said," so this is cited here.

7-Concerning the amount of compensation:

Concerning the torts committed by Appellee Takashi Goto et al.

7.1-Lost profits

Firstly, regarding the Appellant's lost profits, according to the stated findings, the Appellant had led a life exclusively engaged in missionary and educational activities in the congregational organization, after returning to the premises of the Unification Church in 1987. It is understood that he was living a similar life in 1995. There is no evidence to clarify how much the Appellant had earned during

this time, and the probability that the Appellant would have received an income equivalent to the wage census has not been proven. (In this case, it does not appear that the Appellant was personally paying for living expenses while his freedom of movement was restricted. There may be an issue to appropriately consider the burden of living expenses during this period.) Furthermore, the unlawful restriction of the Appellant's freedom of movement by Appellee Takashi Goto et al. lasted for a long period of time from 11 September 1995 to 10 February 2008.

Accordingly, since it is difficult to specifically calculate the lost profits during this period, it is appropriate to calculate the total damages incurred by the Appellant as consolation money.

7.2-Medical Expenses

Next, the damage equivalent to medical expenses is 339,110 yen which can be found at the beginning of page 63, 6th line of the original judgment (except in the same line, "as mentioned above" should be changed to "according to the stated findings") to the end of the 13th line on the same page, so this is cited here.

7.3-Consolation money

The Appellant was unable to go out at all for about 12 years and 5 months and was unable to communicate with the outside world, and thus deprived of the opportunity to lead a normal social and civic life as an individual for a long period of time. During this time, he was asked to renounce his faith in the Unification Church and it is presumed that he must have suffered mental anguish. On 10 February 2008, the Appellant left the Ogikubo Flower Home with just the clothes he was wearing and without any money, and he was forced to undergo hospital treatment until 31 March 2008 due to general muscle weakness. Although it is undeniable that these acts were originally initiated by Appellee Takashi Goto et al. based on familial care and affection, as stated above, it is beyond the socially permissible limitation and is unlawful to continue to have detained the Appellant for a long period of time against his will, who is an adult male with normal decision-making capacity, even if done by parents or siblings. Moreover, in this case, the Appellant had previously went through a

deprogramming attempt aimed at compelling him to withdraw from the Unification Church, and this was the second attempt, even though the Appellant had made it clear that he would not respond to such pressure. At the time the deprogramming began, it should have been expected that the Appellant would not easily accept the deprogrammers' efforts, and that led to the decision to move the Appellant from Tokyo to Niigata City. From the very beginning of the trip to Niigata, it must have been clear that it was against the Appellant's will. Therefore, the acts must be deemed illegal.

Although in the findings in this case there is no evidence to prove that the Appellant was directly physically restrained by binding the Appellant's hands and feet or chaining them for example, all of the personal effects of the Appellant had been taken away, making it extremely difficult for the Appellant to go out freely, and the restriction of the Appellant continued for a long period of time, placing the Appellant in a state where he might have even lost the will to resist as a result. The period during which the Appellant was effectively deprived of freedom of movement, including the period of hospitalization, was approximately 151 months from 11 September 1995 to 31 March 2008.

Had the Appellant been hospitalized because of a traffic accident for the same duration, the amount of compensation for hospitalization during that period would be approximately 11,560,000 yen.

On the other hand, reviewing the compensation amount under the Criminal Compensation Law, a system for compensating for damages to those who have been deprived of their liberty as criminal defendants, the amount of compensation shall be paid at a rate of between 1,000 yen and 12,500 yen in consideration of "the type and duration of detention, property loss suffered by the person, loss of benefits that were supposed to be obtained, mental distress and physical injury, and the intentional negligence of the police, prosecutors and judicial authorities, and the presence or absence and all other circumstances" (Article 4 of the same law) Applying this mechanically to 4,536 days, from 11 September 1995 to 10 February 2008, the amount would be between 4,536,000 yen and 56,700,000 yen. While the law applies to all cases of unlawful detention or confinement, there is a difference between cases where there were material restrictions to physical movement and others where these restrictions were not present, and the fact that the restriction originated from family affection should be considered, leading us to apply a daily rate of 4,000 yen, so that the total amount would be 18,144,000

yen.

Therefore, in addition to the aforementioned circumstances of the stated findings, this court finds it difficult to specifically calculate the Appellant's lost profits. On the one hand, the Appellant's mother and Appellee Takashi Goto et al. gave certain consideration to the Appellant's social security by, for example, paying the Appellant's national pension insurance premiums in advance (Exhibit B-42 to 44). In consideration of all the circumstances that appeared in this case, it is reasonable to rule 20 million yen as the Appellant's compensation, including the amount of damage equivalent to the medical expenses in (ii) above.

7.4-Attorney's fee:

In light of the process of the lawsuit and the content of the case, it is reasonable to rule that the amount of attorney's fees, which has a considerable causal relationship with the torts committed by Appellee Takashi Goto et al., is 2,000,000 yen, which makes the total payable amount 22 million yen.

7.5-Concerning the torts committed by Appellee Matsunaga and Appellee Miyamura:

Comprehensively considering the circumstances described in 5 above and all other circumstances that appeared in this case, it is reasonable to rule that both are jointly and severally liable for compensation with Appellee Takashi Goto et al., with the amount of 4.4 million yen for Appellee Matsunaga, which is one-fifth of the above-mentioned 22 million yen, and 11 million yen for Appellee Miyamura, which is half of the above 22 million yen.

Conclusion:

Accordingly, the court concludes the judgment in accordance with the main text, with the original judgment amended based on the Appellant's appeal, where differing from the above, and with each appeal of Appellant Takashi Goto et al. and Appellee Miyamura's dismissed.

Tokyo High Court House 14th Civil Division

Presiding Judge Noriaki Sudo

Judge Hiroyasu Kohama

Judge Norio Shimamura

This is the original of the judgment.

13 November 2014

Tokyo High Court, 14th Civil Division

Court Clerk: Miki Machida

Research Notes

Deceptive Evangelism Is Not Always Illegal: The Korean Supreme Court Decision in the “Youth Group Case”

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ABSTRACT: On August 11, 2022, one day before issuing another decision declaring the Korean new religious movement Shincheonji not guilty of the widely publicized charge that it had violated health regulations on COVID-19, the Supreme Court of Korea ruled in the case *H.E. et al. v Seosan Church of Shincheonji et al.*, nicknamed by Korean media the “Youth Group Case.” The case was about “deceptive evangelism,” i.e., Shincheonji’s practice of approaching potential converts and inviting them to Gospel lessons without revealing its name. Lower courts had decided that this practice (which in the meantime Shincheonji had abandoned, switching to “open evangelism”) is illegal under Korean law. The Supreme Court disagreed, stating that “deceptive evangelism” is not illegal per se but should be examined on a case-by-case basis. In all the Shincheonji cases it examined in its decision, the Supreme Court found that “deceptive evangelism” had been in fact not illegal.

KEYWORDS: Shincheonji, Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony, Brainwashing, Deception and New Religious Movements, Deceptive Evangelism, New Religious Movements in South Korea.

Shincheonji, whose full name is Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony, is a Christian new religious movement based in South Korea (Introvigne 2019, 2020a), whose name is known to many internationally because it was accused in 2020 of spreading COVID-19 in its home country by violating health regulations (Introvigne 2020b, 2020c, 2021; Burke 2020).

Although few non-Korean media reported it, first degree and appeal judges, and finally the Supreme Court of Korea on August 12, 2022, found that Shincheonji and its leader, Chairman Lee Man Hee, had not violated any COVID-related regulations, and in fact had “actively cooperated” with health authorities (see Introvigne 2022a).

Shincheonji has well-organized opponents, as it has been particularly successful in converting members of the politically powerful conservative Korean Protestant churches. They know they can no longer use the COVID argument, the more so because the same conservative churches were often accused of violating themselves the anti-epidemic regulations (Fautré 2020). However, campaigns against Shincheonji continue, both in Korea and in other countries, including the United Kingdom.

They focus on the accusation of “deceptive” evangelism, which opponents define as

having the potential convert study the doctrine of Shincheonji under the guise of cultural experience programs or Bible studies [without disclosing the name Shincheonji], and having Shincheonji members who are hiding their identities stay by the subjects’ side while they are receiving the education, and until they are fully indoctrinated (Supreme Court of Korea 2022).

Interestingly, before COVID, Shincheonji members, when interviewed by scholars (Introvigne 2021), admitted that a certain amount of dissimulation was at work in their proselytizing activities. They claimed that this was needed because of the massive anti-cult campaigns targeting Shincheonji and the hostile attitude of most Korean media.

There was also, Shincheonji members claimed, a Biblical justification for this behavior. Apostle Paul in *1 Thessalonians* 5:2 prophesied that, at his second coming, Jesus will come “as a thief in the night.” Shincheonji interpreted Paul’s passage to the effect that the “harvesting” in the last days (i.e. in our time) will be exceedingly difficult due to organized opposition, and some dissimulation will be justified.

On the other hand, already before COVID Shincheonji members were conscious that “covered evangelism” perpetuated a vicious circle. It was mentioned by opponents as evidence that Shincheonji is a devious, deceptive “cult,” generating more hostile media coverage and, in the eyes of the devotees,

the need for an even more cautious approach. For these reasons, the movement is now moving to “open evangelism,” using the name Shincheonji from the very first contact with potential converts.

That this is the case is recognized also by Shincheonji’s opponents. Australia and New Zealand are countries where the movement is present and has also encountered a strong opposition. Peter Lineham, a scholar from New Zealand who is critical of “cults” and Shincheonji, acknowledged in an interview of July 7, 2022, that,

This was a group that had previously operated under cover names, and now the advertisements are very boldly Shincheonji. It was very clear who that was and no disguise whatsoever... This is a distinct change of strategy to openly proclaim who they are (Tan 2022).

The issue may thus soon become moot, but will probably remain for years a pillar of anti-Shincheonji propaganda. Again, non-Korean media did not cover at all another decision of the Supreme Court of Korea dated August 11, 2022, i.e., one day before the one exonerating Chairman Lee from the COVID-related charges, which declared that “covered” evangelism as practiced by Shincheonji cannot generally be regarded as illegal (Supreme Court of Korea 2022). Yet, the decision is very important, both for Shincheonji and for controversies about groups labeled as “cults” in general. The Supreme Court closed with its ruling the case *H.E. et al. v Seosan Church of Shincheonji et al.*, nicknamed by Korean media the “Youth Group Case.”

I published in 2020 a comment about the lower court’s decision of January 14, 2020, that was the subject matter of recourses to the Supreme Court both by Shincheonji and its opponents (Introvigne 2020d). The case concerned the so-called “youth group,” i.e., three former members of Shincheonji I would call for the sake of privacy X, Y, and Z. They all claimed they had been recruited through the deceptive tactic of “covered evangelism.”

They argued that membership in Shincheonji caused to them significant material and moral damages, as they spent time for the movement without pay, and experienced painful conflicts with their families. They sued both the Central Shincheonji Church and the Matthias Tribe of Shincheonji (which is divided into “tribes” for organizational purposes) seeking damages.

The lower court rejected all claims by X and Y, and asked them to pay the corresponding legal expenses. The court regarded X's claims as "groundless," considering that, when he joined Shincheonji, his daughter was already a member and a full-time worker for the church. That he could have been deceived, and had not recognized that the movement he was evangelized into was Shincheonji, was therefore not believable. Y's claims were also dismissed as "difficult to believe," particularly with respect to damages suffered, as the court found that he did not devote to Shincheonji an amount of time preventing him from pursuing other interests and careers.

On the other hand, the court accepted some of the claims by Z, the ex-member who had remained in Shincheonji for the longer period, more than six years, four of them spent working for the movement full-time, although it awarded as damages to be paid by the central Shincheonji Church and the Matthias Tribe only 5 million Won (\$4,173), a small fraction of what he had asked.

As I mentioned in my 2020 comment, while the damages awarded were little more than symbolic, the court's indictment of "covered evangelism" was problematic both from a factual and a legal point of view. Factually, the lower court failed to consider that deception cannot be maintained for long. Pretty soon, the potential convert is exposed to the peculiar doctrines of Shincheonji, including that its founder, Chairman Lee Man Hee, is the "promised pastor" appointed by God to lead humanity into the Millennium. Even the dumbest recruits will understand which group they are dealing with.

One is not baptized into Shincheonji, and members proudly proclaim that theirs is the only religion one joins by graduating after an exam. The exam, which many fail and is by no means a mere formality, comes after a demanding course, and includes 300 questions candidates should answer in writing. They include all the most typical and peculiar doctrines of Shincheonji. This means that it is impossible to become a member of Shincheonji without understanding what the movement is all about.

The lower court's decision seemed to accept old-fashioned model of brainwashing, dismissed since the past century by courts in other countries as not being part of accepted science, and being based on a somewhat naïve model of religious conversion (see Introvigne 2022b).

The Supreme Court first addressed a technical matter, and decided that the Matthias Tribe consistently operated as a branch and under the control of the central Shincheonji Church. As a result, the lower court erred in assessing damages against the Matthias Tribe as well, since only the central Shincheonji Church had passive capacity as a party in the case.

Coming to the substance of the matter, the Supreme Court confirmed the lower court's judgement against X and Y, and in favor of Shincheonji. On the other hand, it reversed the lower court's finding that had been in favor of Z. The Supreme Court found in favor of Shincheonji also in the case of Z.

The Supreme Court agreed on the lower court's reconstruction of the facts. Z had been approached by two Shincheonji members who started discussing religious matters with him, and had started "receiving Gospel classes" together with other students who concealed from him the fact that they were members of Shincheonji. Because of these circumstances, the lower court accepted Z's claim that he had been "deprived of his free will" and manipulated into joining Shincheonji.

The Supreme Court disagreed. It started from the general premise that freedom of religion includes the freedom to organize a religious organization's missionary activities as it deems fit.

Freedom of religion, the judges wrote in their unanimous decision, includes the freedom of mission to promote one's religion and gather new believers, and the freedom of mission includes freedom to criticize other religions or to encourage conversion of believers of other religions (Supreme Court of Korea 2022).

It is true, the Supreme Court said, that this freedom is not unlimited. If an act by a missionary

goes to the extent that it causes the other parties to lose their freedom to choose their religion, it can constitute an illegal act (Supreme Court of Korea 2022).

However, these limits to the freedom of proselytization should be judged conservatively, to make sure that religious liberty is not unduly restricted.

In case of "covered" evangelism where the name of the group to which the missionaries belong is not disclosed, whether the converts lost their freedom of religion making the missionary strategy illegal is a question, the Supreme Court said, that can only be

determined individually and specifically, by considering the age of the other party, educational background, social experience including prior religious life, the relationship between the missionary and the other party, the circumstances in which the other party chose the religion, and the changes in attitude or life before and after the other person chose the religion (Supreme Court of Korea 2022).

In the case of Z, an examination of all circumstances led the Supreme Court to conclude that, while what the Shincheonji missionaries did “can be viewed as an act deserving social and ethical condemnation,” it cannot be declared to be illegal nor to have caused damages to the convert. The Supreme Court observed that, as it might have been expected, pretty soon, although not instantaneously, after having been invited to Gospel classes without been told the name of the religious movement that organized them, Z clearly understood that it was Shincheonji.

However, he “did not stop studying the doctrine of Shincheonji” at that stage, and there is no evidence that he was forced to continue his study. On the contrary, the Supreme Court said, he

received additional central education programs for 6 months and then joined the Shincheonji Church of Jesus [...], and engaged in religious activities as a member for about 1 year and 6 months (Supreme Court of Korea 2022).

There is no evidence that he

suffered unexpected financial disadvantages or serious issues in his daily life due to the Shincheonji Church of Jesus before and after joining the church. Considering the plaintiff’s age, occupation, social life, prior religion, religious activities, and the process by which he gained a thorough understanding of the doctrines of the Shincheonji Church of Jesus as well as the circumstances that led to his joining, we can conclude, the Supreme Court judges states, that, even if some deceptive acts were involved in the early stages of the missionary process of defendants [...], plaintiff [Z] did not lose the right to choose freely a religion he believed in (Supreme Court of Korea 2022).

In conclusion, the Supreme decided that “covered evangelization” as practiced by Shincheonji in the cases examined may perhaps be regarded as “deserving social or ethical condemnation,” but lacks the “coercive element” that would make it illegal.

It is an important decision, not only for South Korea, as it closes one window through which discredited theories of “brainwashing” may re-enter the legal debate and be used to discriminate against religious minorities.

Wisely, while hailing the decision as a victory for religious liberty, in a press release Shincheonji commented that “regardless of this ruling, Shincheonji

Church of Jesus will listen more closely to the concerns of our society, and we will do our best to become a church that all members of society can trust” (Shincheonji Church of Jesus the Temple of the Tabernacle of the Testimony 2022). There is in fact no reason to change the current move from “covered” to “open” evangelism, whose benefits for Shincheonji may clearly outweigh costs.

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