

FFWPU Europe and the Middle East: Huge Bias - Japanese Judges Swayed by Media Not Law

Knut Holdhus
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Large report in Japanese magazine: Investigative journalist exposes how judges are swayed by media on a large scale in cases against the Family Federation

The Japanese magazine Monthly Hanada published in its December 2024 issue a critical examination of Japanese courts by award-winning Japanese author Masumi Fukuda (福田ますみ). She is known for her investigative journalism and exposes a judiciary swayed by external pressures, incapable of delivering impartial rulings based on evidence rather than societal biases.

She bases her analysis on a [civil case about claims for damages](#) against the [Family Federation](#) related to donations. The headline of the 10-page report (pp. 296-305) was "The Day Japan's Judiciary Died - The Full Truth Behind the Former [Unification Church Memorandum \(念書\) Trial](#)"

Judicial bias and media influence

Fukuda begins her article with two quotes from Attorney Yoshiro Ito (伊藤芳朗),

"In civil lawsuits, there seems to be a framework in courts that says, 'If it's a cult, it loses.'"

"Claims that would not normally be accepted in other cases are easily granted if the opposing party is a cult."



This striking assertion, highlighting the apparent judicial bias in cases involving the [Family Federation for World Peace and Unification](#) (formerly the [Unification Church](#)), comes from Yoshiro Ito, a former member of the National Network of Lawyers Against Spiritual Sales, commonly referred to as the Nationwide Lawyers' Network (Zenkoku benren).

Ito's perspective shifted after he learned of numerous incidents where members of the [Family Federation](#) were abducted, confined, and coerced into renouncing their faith by faith-breakers, family members, and Christian pastors. Outraged by the deep involvement of the Nationwide Lawyers' Network in such actions, Ito left the organization in 2005.

Subsequently, Ito took a stand as a plaintiff's attorney in a civil lawsuit involving Toru Goto (後藤徹), who endured over 12 years of abduction and confinement. Ito's testimony in court included the statements quoted above, shedding light on the systemic bias faced by the [Family Federation](#).

As evidenced by numerous lawsuits, the [federation](#) faced repeated legal defeats, particularly in cases involving demands for monetary refunds. Court documents reveal that plaintiffs frequently alleged they were coerced into financial contributions through fear-based tactics - notably invoking "ancestral karma" and "the horrors of hell". These claims were framed as "intimidation-induced false beliefs".

Significantly, the legal representation for these plaintiffs was almost always provided by attorneys affiliated with the Nationwide Lawyers' Network.

A lopsided burden of proof

Under normal circumstances, plaintiffs in such cases bear the burden of proof to substantiate their claims. However, these lawsuits were notable for the minimal evidence presented by plaintiffs. Despite this lack of substantiation, courts routinely ruled in their favor.



Toru Goto in 2008, barely able to move after being held in forcible detention by his own family in league with professional faith-breakers for more than 12 years

Ito's observations underscore this pattern:

"Claims that would not normally be accepted in other cases are easily granted if the opposing party is a cult."

Masumi Fukuda explains,

"To clarify, the [Family Federation](#) is not a cult. The term 'cult' lacks a clear definition and has historically been used to exclude 'unpopular religions'. It is a discriminatory term that is no longer used by religious scholars in Europe and America."

The fight for justice

Faced with these challenges, the [Family Federation](#) made concerted efforts to refute the allegations leveled against it. Accused members presented substantial evidence to counter the claims, though initial successes were rare.

Norishige Kondo (近藤 則重), Deputy Director of the federation's Legal Affairs Bureau, described the uphill battle:

"For example, on rare occasions, we feel that a presiding judge understands our arguments. This gives us hope for the outcome of the trial, but by the next hearing, that judge has been transferred - sometimes even outside of the usual spring transfer period. This

has happened multiple times."



Norishige Kondo, here speaking in Tokyo 10th Sep. 2023. Photo: Screenshot from live transmission by [Japanese Victims' Association against Religious Kidnapping and Forced Conversion](#)

Kondo also recounted an incident during a settlement discussion held in a court clerk's office:

"A witness overheard a presiding judge blurt out, 'If I let the [church](#) win, I don't know what the media will say about me.' This clearly shows how excessively the courts are concerned about media and public opinion. While our [church](#) has been unjustly demonized by the media and the public, the courts seem to be swayed by this false image, operating under a compulsion to avoid rulings that might invite backlash against them for favoring the [church](#)."

Despite these challenges, the [Family Federation](#)'s efforts were not entirely in vain. Kondo noted that prior to the assassination of former Prime Minister Shinzo Abe (安倍晋三) the situation began improving. On 20th July 2020, the federation's success rate in lawsuits had risen to nearly 30%. Courts had begun to seriously consider the evidence presented and engage with the [federation's](#) arguments.

A significant setback

However, the assassination of former Prime Minister Abe marked a significant setback. The [Family Federation](#) faced heightened backlash, exacerbated by a media-generated public outrage and intensified political scrutiny. The declaration by Prime Minister Fumio Kishida (岸田 文雄) to sever ties with the [organization](#) further compounded the situation, as did the government's reinterpretation of the Religious Corporations Act to justify dissolution.

This chain of events culminated in the Ministry of Education, Culture, Sports, Science, and Technology's request for a dissolution order against the [religious organization](#). These actions effectively nullified the progress the [Family Federation](#) had achieved in the judicial arena, resetting their efforts to square one.

Conclusion

The [memorandum trial](#) against the [federation](#) reveals the complex interplay of media influence, public sentiment, and judicial decision-making. While the [religious organization](#) has made strides in advocating for fair treatment in the courts, the assassination of former Prime Minister Abe reignited widespread hostility, further complicating their struggle for justice. The trial's legacy underscores the need for a judiciary free from external pressures, capable of delivering impartial rulings based on evidence rather than societal biases.

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Ruling Aids Lawyers Group Exploiting Donations

• July 14, 2024 • Knut Holdhus



Press release on Supreme Court ruling that echoes views of anti-religious lawyers group exploiting donations to religious organisations



From the header of ffwpu.jp, the official homepage of the Family Federation of Japan.

Official statement regarding the Supreme Court ruling dated 11th July 2024 in an appeal case

Press release 12th July 2024, by the Public Relations Department of the Family Federation for World Peace and Unification of Japan, translated from Japanese. See [Japanese original version](#).

Regarding the Supreme Court's ruling on the appeal yesterday, 11th July 2024, we are posting the views of the Family Federation of Japan.

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Yesterday, the Supreme Court handed down its ruling in a case about claims for damages related to donations. In the current three-tier judicial system, we take the Supreme Court's decision seriously. However, we also believe that there are problems with the content of the ruling in the following areas:

This ruling:

1. Invalidates the portion of the notarized memorandum (念書) from the notary office that indicates an agreement not to prosecute.
2. Requires the High Court, which is the second instance, to reconsider whether the donations made by the believer constitute "damage" due to an unlawful act, as the criteria used by the High Court were deemed unreasonable by the Supreme Court.

Regarding this Supreme Court ruling, we consider it unjust for the following reasons. Below, we present our organization's views on the two main points of contention.

1. The validity of the memorandum

Regarding the validity of the memorandum, the Supreme Court made the following judgment:

(Believer A), for about ten years, faithfully followed the teachings, made substantial donations exceeding 100 million yen, traveled to South Korea numerous times to participate in ancestor liberation ceremonies, and was under the psychological influence of the defendant, the [Family Federation](#). Thus, it can be argued that Believer A was in a situation where objectively assessing the pros and cons of the proposal from the [Family Federation](#) was difficult.

However, adhering to religious teachings and making donations, as well as participating in religious rituals, are acts based on faith. Labeling this as being "under the psychological influence of the [Family Federation](#)" denies the individual's genuine faith and implies a form of "mind control" by the religious organization. The



Faithful believer offering donation. Illustration by Microsoft Designer Image Creator 14th July 2024.

concept of "mind control" has been thoroughly debunked as unscientific by academic circles and courts in Western countries. Although the Supreme Court avoided explicitly stating this, adopting such a perspective is extremely unjust.

Additionally, as a reason for invalidating the memorandum, the Supreme Court stated:

The content of the non-prosecution agreement in this case stipulates that Believer A will not pursue any claims for damages based on unlawful acts, despite making substantial donations exceeding 100 million yen. This results in blocking the means to recover damages from the solicitation activities, and considering the amount of the donations, the degree of disadvantage to Believer A is significant.



Getting a memorandum at Japanese notary office. Illustration: Microsoft Designer Image Creator 14th July 2024.

However, at the time of creating the memorandum, Believer A had no awareness that making donations constituted a form of harm. What exactly do "damage" and "disadvantage" mean in this context? The case has been remanded to the High Court, and the determination of whether there were unlawful acts and

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to the retrial. Yet, the **Supreme Court**, without waiting for this, **invalidated the memorandum on the assumption that "damage" had occurred**. This is nothing short of "putting the cart before the horse".

Additionally, despite being bound by the factual findings of the lower courts (1st and 2nd instances), the Supreme Court's ruling contradicts these findings. The factual determination – **the fact that Believer A wrote the written agreement and its content reflected Believer A's intent** – was disregarded. Instead, the Supreme Court indicated that the creation and content of the written agreement were proposals from the [Family Federation](#) and that the non-prosecution agreement was concluded under the leadership of the [Family Federation's](#) believers. **This deviation from the factual findings constitutes a violation of civil procedure law.**

2. Unlawfulness of the donation solicitation activities

Secondly, regarding the original court's judgment that the donation solicitation activities in question were lawful, the Supreme Court ruled that only some of the circumstances to be considered were addressed and thus judged that the "trial was insufficient."

However, **the considerations highlighted by the Supreme Court include not only the circumstances of the donor at the time of making the donation but also events occurring years after the donation**. Determining the unlawfulness of accepting donations based on circumstances that the recipient was unaware of or could not have known presents significant issues.

Unlawful acts require subjective intent on the part of the actor, and assessing deviations from social acceptability regarding facts unknown to the actor **goes beyond the framework of tort law** [*Editor's note: Tort law is the branch of law that addresses the majority of civil lawsuits. Its purpose is to remedy wrongs committed against individuals and offer relief from others' wrongful actions, typically through monetary compensation. The primary goal of tort law is to fully compensate for proven harms.*]

Holding someone liable for consequences resulting from facts they were unaware of would be unjust.

Furthermore, despite the fact that the lower courts (1st and 2nd instances) did not establish specific details of the solicitation for donations (such as when, by whom, and how), the Supreme Court stated that "each donation was made in response to solicitation by believers of the [Family Federation](#)." This **assertion contradicts civil procedure law and is clearly unreasonable**.

In summary, this judgment appears to prioritize a predetermined conclusion over principles such as private autonomy and respect for factual findings made by the lower courts.

July 11, 2024

Legal Affairs Bureau, Headquarters of the [Family Federation for World Peace and Unification](#)

Featured image above: Five judges of the Japanese Supreme Court issuing a verdict. Illustration: Microsoft Designer Image Creator 14th July 2024.

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