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A MAGAZINE ON RELIGIOUS LIBERTY AND HUMAN RIGHTS

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## Why the Unification Church Should Not Be Dissolved. 1. A General Outline

09/19/2023 TATSUKI NAKAYAMA

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We serialize a book where a prominent Japanese lawyer explains why he decided to represent the church, and tells Prime Minister Kishida that dissolving it would be a tragic mistake.

by Tatsuki Nakayama

Article 1 of 4.



*The founders of the Unification Church / Family Federation for World Peace and Unification, Reverend Sun Myung Moon (1920–2012) and his wife Dr. Hak Ja Han Moon. Source: Family Federation for World Peace and Unification.*

This book is about the Japanese government's efforts to dissolve the Family Federation for World Peace and Unification (formerly the Unification Church, hereinafter referred to as the "Family Federation"). The contents of this book are as follows.

### I. General remarks

The government's efforts do not satisfy the grounds for dissolution under Article 81, paragraph 1 of the Religious Corporations Act, as the Family Federation has no "organizationality, continuity, or maliciousness." Therefore, the government's request for a dissolution order is not justified.

### II. Strict dissolution requirements

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

1. "Extremely," "obvious," "necessary and unavoidable"

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

unavoidable.”

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

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

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

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

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

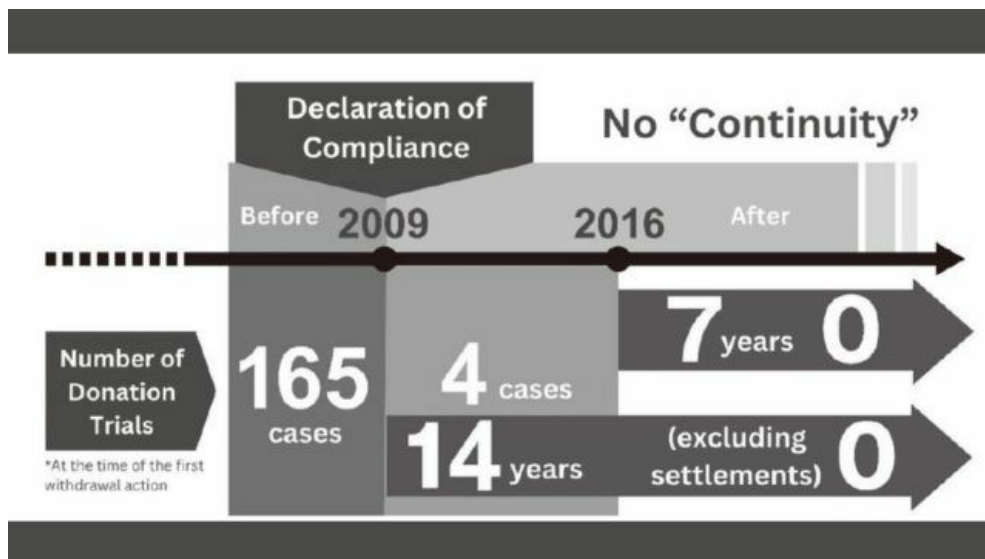
(1) No organizationality

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

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

(2) No continuity

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



Number of donation trials.

(3) No maliciousness

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

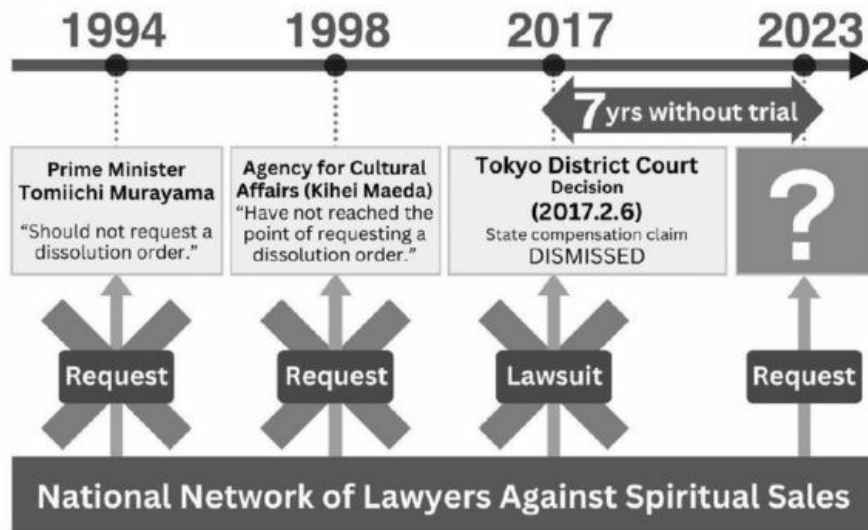
For example, Nenpo Shinkyō and Hōyū-no-kai were subject to the dissolution suit because the leader raped some believers or caused others to die, and especially the master of the Hōyū-no-kai was sentenced to prison in a criminal trial. However, the court did not grant an order to dissolve either corporation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

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

#### 4. Imbalance with past responses

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

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



*The history of the requests for a dissolution order.*

#### 5. Dissolution does not help victims

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

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

##### – Comparison of maliciousness with other religious corporations

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

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

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

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

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

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

## B1. Mass beatings and murder

In 1995, a former believer and prayer master beat believers in the name of a prayer act to exorcise evil spirits and killed seven people (Fukushima exorcism murder case; the relationship with the corporation is unclear because it involved a “former” believer).

4  
**Shinji Shumeikai**

5  
**Kigenkai**

In 2007, a large number of believers conspired to beat and kill a group of believers because of internal disputes.

**Kukai Esoteric**

**Buddhism**

6  
**Daikinryuin**

**Temple**

In 2012, nine believers attacked and killed a believer at a dispute over doctrine.

## B2. Numerous criminal cases

Since 1999, its believers have committed at least a dozen criminal offenses to date. Among others, in 2003, the head of the Kenshokai district department was sentenced to 15 years in prison for murder.

7  
**Kenshokai**

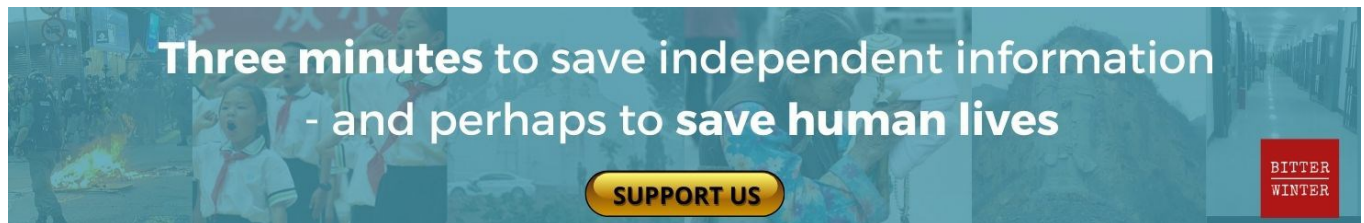
8  
**Hōnohana**

**Sampogyo**

In 2000, 13 people, including leader Fukunaga Hogen, were convicted of fraud.

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

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



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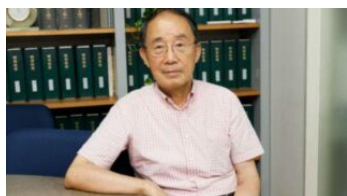


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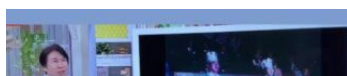
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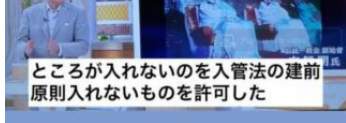


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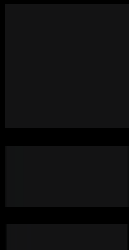
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