

FFWPU Europe and the Middle East: Japan's Courts Use Debunked Concepts Against the Unification Church

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**BITTER
WINTER**

International human right expert points out how Japanese courts of law consistently use debunked concepts to deny justice for religious minority

Patricia Duval, French attorney specialised in international human rights law, sent on 22nd September 2024, a 29-page report titled "Japan: A Witch Hunt to Eradicate the [Unification Church](#)" to several UN offices. [Bitter Winter](#), the leading international magazine on religious freedom and human rights published 3 days later, on 25th September, an [executive summary](#) of the report. The day after, the magazine started publishing a 5-part series where Duval gives a more detailed description of the content.

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Patricia Duval, French attorney and expert on international human rights law. She has defended the rights of minorities of religion or belief in domestic and international fora, and before international institutions such as the European Court of Human Rights, the Council of Europe, the Organization for Security and Co-operation in Europe, the European Union, and the United Nations. She has also published numerous scholarly articles on freedom of religion or belief

Civil cases lost by religious minority as judges swallow debunked concepts exploited by activist lawyers

As Patricia Duval outlines in "[Terms from Consumer Law Used to Rob Faith](#)", Japanese courts have consistently accepted arguments put forth by National Network of Lawyers Against Spiritual Sales taken from consumer law. According to such rationalizing, they disregarded the sincere faith of [Family Federation](#) members who engaged in fundraising, instead assuming that the sole objective behind it was profit-making. Despite acknowledging the deep commitment of members of the [Family Federation](#) (until 2015 called the [Unification Church](#) in Japan), the courts characterized their beliefs as merely a "pretext for deceiving new followers".

Duval writes that the Ministry of Education, Culture, Sports, Science and Technology (MEXT), in its petition to dissolve the [Family Federation](#), asserts,

"From around 1980 to 2023, [Unification Church](#) believers caused significant damage to many people by making them donate or buy goods by restricting their free decision and preventing their normal judgment, which resulted in disrupting a peaceful life of many people including the family members of the guests [attendees of seminars or conferences]."

The primary basis for this accusation is that the [Unification Church](#) lost 32 civil cases and was ordered to pay damages. As a result, MEXT concludes that the [church](#) broke the law and engaged in actions that may plainly be "found to harm public welfare substantially," as per Article 81(i) of the Religious Corporations Act.

International human rights expert Patricia Duval points out that this interpretation faces several issues. First, this provision of the Religious Corporations Act contradicts United Nations recommendations, as it does not qualify as an acceptable restriction under Article 18.3 of



the International Covenant on Civil and Political Rights (ICCPR). Furthermore, MEXT's reliance on the 32 civil cases is according to Duval problematic due to several reasons:

Faith-breaking (deprogramming): In many rulings, the courts referred to the "victims" as having been "rescued" or "protected," which is essentially another way of describing faith-breaking (deprogramming). This suggests that individuals were coerced into renouncing their faith

and encouraged to file lawsuits against the [Unification Church](#). Since their original donations were made when they still held strong beliefs, the cases may have been constructed against the [church](#), with coercion being necessary for devoted members to abandon their convictions. It is notable that in the 32 civil cases, 121 plaintiffs had their faith coercively broken, according to court findings.



Mental Manipulation Theory: The courts relied on the debunked theory of mental manipulation to dismiss evidence presented by defense attorneys, who claimed that the former believers had willingly made their donations.

Old Cases: The incidents in question occurred 20 to 40 years ago, but the courts used the same theory to reject the defense's argument that the cases were time-barred under the statute of limitations for civil cases. The courts ruled that the "victims" were not aware they had been wronged until they encountered the network of activist hostile lawyers, as while being members they were allegedly under "undue influence" from the [Unification Church](#). This application of the law is discriminatory.

Arbitrary Standards: The courts presumed wrongdoing if they deemed the donations excessive

compared to what is "socially acceptable". This is an arbitrary and unclear standard used to declare the solicitation of donations unlawful.

Condemnation of Doctrine: The courts also condemned the use of religious teachings related to beliefs in the spirit world, karma, hell, and salvation to encourage donations, even though such teachings are fundamental to religion generally and the very right to found and keep religious institutions in existence.

The 32 civil cases cited by MEXT and the issue of illegality

The 32 civil cases referenced by Japan's Ministry of Education, Culture, Sports, Science and Technology (MEXT) in their argument for dissolving the [Family Federation](#) rely on a shared legal theory of illegality. According to Patricia Duval, this theory states:



"When believers of a particular religious organization engage in the sale of goods, which is essentially a solicitation of donations, as part of their religious activities, such actions are not considered illegal as long as the methods, manner, and amounts are reasonable by social standards. However, if these actions are carried out under the name of religious activities with the sole purpose of gaining profit, increasing the anxiety or confusion of those solicited, and making them to spend excessively large amounts of money relative to their social status and assets, thereby significantly exceeding the socially acceptable scope, such actions must be deemed illegal."

The concept of "social acceptability", an ambiguous and often discriminatory standard, is employed by the Japanese courts to limit the [Unification Church's](#) right to proselytize, turning its

missionary efforts into wrongful conduct. One notable example is the ruling of the Tokyo High Court on 13th May 2003, which MEXT cites among the 32 cases supporting its dissolution request. The court found that the plaintiffs were gradually introduced to the doctrines of the [Unification Church](#), particularly the [Divine Principle](#), through a series of seminars and workshops. These teachings slowly influenced their

thinking, and as part of practicing the faith, the plaintiffs became involved in specific missionary and economic activities.

When doubts arose among the plaintiffs regarding the recruitment process or their involvement in these activities, they were made to believe that abandoning their faith would result in the loss of salvation for both themselves and their families. This belief created a psychological barrier that made it difficult for them to leave the [Unification Church](#) (as stated in the Tokyo High Court decision, which upheld the ruling of the Niigata District Court on 20th October 2002).

The court concluded that the mere act of spreading the [Unification Church](#)'s faith was wrongful, as it allegedly infringed upon the free will of the individuals involved. The court's decision emphasized that while soliciting and proselytizing for religious purposes, as well as engaging believers in religious activities and asking for donations, are normally protected under freedom of religion, such acts become illegal if they deviate significantly from socially accepted norms. Even when believers outwardly appear to have joined the organization willingly and acted on their faith, such solicitation and missionary work may still be deemed wrongful if undue pressure or influence was involved.

This ruling was affirmed by the Supreme Court on 12th November 2004, thus setting a dangerous precedent.

Ultimately, under the influence of the hostile leftwing network of lawyers and the media, Japanese courts have embraced the theory of "mental manipulation" to condemn the members of the [Unification Church](#) for proselytizing, thus violating their right to freedom of religion or belief.

The courts hold such a strong presumption of guilt against members of the [religious organization](#) that, even when the defense provides evidence showing that donations were made voluntarily based on faith, this evidence is dismissed under the theory of "undue influence". As a result, the [Unification Church](#) and its members have been unable to present their case or achieve justice in the courts of law in Japan.

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Activist Lawyers, Media Frenzy, Swayable Kishida

• October 5, 2024 • Knut Holdhus

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Fumio Kishida and Taro Kono in June 2024. Photo: 首相官邸ホームページ/Wikimedia Commons. License: CC Attr 4.0 Int

Activist leftwing lawyers campaigning against religious minority created media frenzy that made swayable Kishida add the power of state to the campaign originating on the far left



The logo of Bitter Winter

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In the [second Bitter Winter article](#) titled "Abe's Assassination and Media Blitz", Patricia Duval writes how hostile activist lawyers used the assassination to attack the [Family Federation](#), formerly the [Unification Church](#). The [religious movement](#) has faced significant controversy in Japan over the years, with accusations of "spiritual sales" being prominent, particularly from the hostile leftwing lawyers group called *Network of Lawyers Against Spiritual Sales*.

However, the assassination of former Japanese Prime Minister Shinzo Abe (安倍晋三) on 8th July 8, 2022, reignited media scrutiny against the [church](#), since 2015 called the [Family Federation](#) in Japan. Abe had shown support for the *Universal Peace Federation* (UPF), an NGO in *General Consultative Status with the Economic and Social Council of the United Nations*. UPF has the same founders as the [Family Federation](#), formerly the [Unification Church](#). Abe participated in one of its events via video in 2021 and sent a message twice in 2022.



Tetsuya Yamagami, the man who killed Shinzo Abe, the former prime minister of Japan. Photo: Andrew2592009 / Wikimedia Commons. License: CC ASA 4.0 Int. Cropped

The assassin, Tetsuya Yamagami (山上徹也), claimed he targeted Abe because of his perceived support for the [Unification Church](#). Yamagami's mother is a member of the [church](#) and had made substantial donations more than 20 years ago. Yamagami has claimed that the donations led to her financial ruin. He cited this as his motivation for the assassination, even though half of the donations had been returned in 2009 when the family asked for it.

The **reasons for his outrageous reaction** 22 years after the mother's large donations and decision to target Abe were **never clearly explained**, and there was **little inquiry into possible influences behind his actions**, **even though Yamagami was known to have connections to movements hostile to the [Unification Church](#)** and new religious movements in general.

Following Yamagami's arrest, an **aggressive media campaign, spearheaded by the network of leftwing activist lawyers**, targeted the [Family Federation](#). At a press conference on 12th July 2022, the network's lawyers strongly denounced the religious minority, stating that both Yamagami and his mother were victims, while blaming the [Family Federation](#) entirely for their suffering. They **branded the minority faith as a "great evil" and "anti-social", fueling further public outrage**.

This **media narrative led to heightened hostility toward the [Family Federation](#)**, with far-right groups using loudspeaker vans to harass its headquarters in major cities, blasting out messages like "Get out of Japan!" Members faced **widespread persecution, including death threats, exclusion at school and work**, and accusations from other family members. In extreme cases, some women experienced **domestic violence** or were forced into divorce because of their faith.



Japanese sound truck of the kind used to drive slowly past [Family Federation](#) properties while blasting out hostile message. Photo: FFWPU

As media pressure mounted, based on such a narrative, the Japanese Government came under increasing scrutiny for its connections to the former [Unification Church](#). The **government, particularly under pressure from the leftwing lawyers' network, began exploring ways to sever these ties**. The **network's accusations and legal battles against the [church](#) in past years played a key role** in this push for

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dissolution. **Media coverage further pressured courts to issue unfavorable rulings against the religious minority.**



Front page of 2018 English version of Religious Corporations Act of Japan.

On 19th October 2022, Prime Minister **Kishida made changes to how the Religious Corporations Act (RCA) had traditionally been interpreted concerning dissolution of religious corporations.**

Article 81 of the RCA allows for the dissolution of a religious corporation if it engages in activities that clearly harm public welfare. **Kishida changed the law overnight so that wrongful acts (torts) under the Civil Code could also be included** and would constitute a “violation of laws and regulations”. This **new interpretation allowed a dissolution procedure to be started** against the **Family Federation**.

The Ministry of Education, Culture, Sports, Science, and Technology (MEXT), which regulates religious entities, took the lead in seeking the dissolution of the **Family Federation**. MEXT began gathering information from the religious minority, which



文部科学省

Symbol of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) of Japan. Photo: 文部科学省 (MEXT Japan) / Wikimedia Commons. License: CC Attr 4.0 Int

is the required first step under Japanese law for dissolving a religious organization. Between November 2022 and July 2023, MEXT issued seven **rounds of questions** to the **Family Federation**, covering various issues including organizational operations, legal matters, and the nature of donations. These inquiries extended to the **federation's** religious doctrines and whether they influenced followers to make donations.

Finally, on 13th October 2023, MEXT filed a lawsuit with the **Tokyo District Court**, seeking the dissolution of the **Family Federation based on 32 civil cases it had lost**.

Patricia Duval writes that the first court hearing “on the merits of the dissolution claim” is **scheduled for December 2024**. The stage is set for a **lengthy legal battle** over the future of the **Family Federation** in Japan.

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Featured image above: Fumio Kishida and Taro Kono in June 2024. Kono, Minister for Digital Transformation and Minister for Consumer Affairs and Food Safety, is known to have lobbied Kishida to get the **Family Federation** investigated. In August 2022 Kono appointed Masaki Kito as expert advisor in a **study group** Kono established in the Consumer Affairs Agency for the issue of the **Family Federation**. Kito is an activist radical leftwing lawyer who has been campaigning against the **Family Federation / Unification Church** for decades. Photo: 首相官邸ホームページ / Wikimedia Commons. License: CC Attr 4.0 Int

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