

FFWPU Europe and the Middle East: New Japanese Laws say Religious Donors Are Legally Crazy

Knut Holdhus
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Japanese woman offering a donation at a meeting

Hostile network of leftwing lawyers calls for legal reforms where religious donors can be treated as "quasi-incompetent persons" in need of guardians appointed by court

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"Quasi-Incompetent Person" Status for Religious Donors?

Statement by the National Network of Lawyers Against Spiritual Sales (NNLASS) Calls for Legal Reforms to the Act on the Prevention of Unfair Solicitations of Donations

by the Religious Freedom Investigative Team

of the editorial department of [Sekai Nippo](#)



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The National Network of Lawyers Against Spiritual Sales (NNLASS) is calling for the introduction of a system similar to the former "quasi-incompetent person" system as part of a review of the "Act on the Prevention of Unfair Solicitations of Donations", scheduled to be reconsidered approximately two years after its enactment.

This law was created in response to criticism of the [Family Federation for World Peace and Unification](#) (formerly the [Unification Church](#)) following reports that Tetsuya Yamagami (山上徹也), the suspect in the assassination of former Prime Minister Shinzo Abe (安倍晋三), cited large donations made by his mother to the group as a motive for his crime. However, treating individuals who donate to religious organizations as "quasi-incompetent persons" raises concerns about the potential impact on all religions, not just the [Family Federation](#), and on freedom of religion.

On 21st September, the National Lawyers Network Against Spiritual Sales (Zenkoku Benren) issued a statement titled "Calling for Legal Reforms to Provide Relief for Victims of the Former [Unification Church](#)". In the section on the review of the "Act on the Prevention of Unfair Solicitations of Donations", the statement pointed out that supplementary provisions of the law, enacted on 10th December 2022, stipulate that "a review shall be conducted approximately two years after implementation, and necessary measures shall be taken based on the results."

The group is demanding that during this review, a system be established - akin to the former quasi-

incompetent person system - whereby family members of "believers who are forced to make donations without limits" can, under the supervision of a family court, cancel such donations and manage the believer's assets on their behalf.



Committed heinous crime: Tetsuya Yamagami, the man who killed Shinzo Abe, the former prime minister of Japan

The quasi-incompetent person system, along with the incompetent person system, was in place from pre-war times until the end of 1999, before being replaced by the current adult guardianship system. "Incompetent persons" refers to individuals in a state of "mental incapacity", where an individual cannot make decisions for him- or herself and is prohibited from managing or disposing of their property.

"Quasi-incompetent persons", on the other hand, applies to cases where, although not mentally incapacitated, an individual has impaired judgment due to mental disorders such as schizophrenia, alcohol or drug addiction. When declared quasi-incompetent by a family court, these individuals required a guardian (often a family member) to approve significant transactions. Actions taken without such approval could be invalidated. Additionally, penalties for criminal acts could be reduced.

Applying such a framework to religious donations risks equating the religious acts of believers with mental illness, which could foster discrimination.

消費者庁

Consumer Affairs Agency, Government of Japan

Logo of the Consumer Affairs Agency (CAA) of Japan, an administrative agency under the Ministry for Consumer Affairs and Food Safety. Under a law enacted on 10th December 2022, the Consumer Affairs Agency gained authority over matters related to donations between religious organizations and their followers.

The NNLASS also called for the following reforms in its statement:

- Revising the criteria and standards for administrative actions under the law.
- Revising the definition of prohibited acts.
- Extending the law's applicability to religious groups outside of legally registered religious corporations.

These demands are based on data released by the Consumer Affairs Agency regarding the number

of cases processed under the law. According to the NNLASS, since the law's implementation, none of the reported cases of unfair donation solicitations resulted in recommendations or orders being issued, as none met the legal criteria for such actions. They argue that the lack of applicable cases is a problem. However, the absence of such cases may suggest that most reports submitted are irrelevant or unrelated to the law.

Regarding information submitted to the Consumer Affairs Agency concerning the law, Commissioner Yutaka Arai (新井ゆたか) of the Consumer Affairs Agency stated at a press conference on 2nd November last year (as noted on the agency's website) that most reports were unrelated to donations. Instead, they involved interpersonal disputes, financial troubles, or opinions on government administration. Additionally, most of the information under investigation came from anonymous individuals or those who did not provide contact details. The commissioner emphasized, "Even on the information submission form, we ask people to always include their contact information."

The law specifies the following as prohibited acts:

Refusal to leave: Persistently requesting donations at a visited location without leaving.

Obstruction of departure: Requesting donations from visitors and preventing them from leaving.

Accompanying someone to locations that are difficult to leave, without disclosing donation solicitation intentions.

Disrupting communication: Using intimidating language or behavior to obstruct consultation contact.

Exploitation of romantic or emotional feelings: Informing individuals of relationship breakdowns to exert pressure.



The Central Joint Government Building No. 4, which houses the Consumer Affairs Agency, Chiyoda Ward, Tokyo

Use of spiritual insights: Employing claims of spiritual knowledge to solicit donations.

The law also establishes obligations to protect donors, requiring organizations to:

Ensure that donors are not placed in situations where their free will is suppressed or they cannot make appropriate decisions.

Prevent donors, their spouses, or relatives from being put in financial hardship.

Disclose the identity of the soliciting organization and ensure there is no risk of donors misunderstanding how their

contributions will be used.

Violations of these provisions may result in recommendations or orders for necessary measures. Additionally, fines for false reports and imprisonment for violations of orders are stipulated.

To facilitate the implementation of this law, the Consumer Affairs Agency set up a "Donation Solicitation Countermeasures Office" to accept reports. In the last fiscal year, 1,701 consultations were received. Of these, 124 were considered subject to investigation, with 85 processed and 39 still under investigation. However, there were no cases where warnings or orders were issued.

When inquiring with the headquarters of the [Family Federation](#) whether there have been any "warnings or

orders" this fiscal year, the response was that there had been "none".

Avoiding the term "mind control" - a need for vigilance over euphemistic phrasing

Prior to the incident [Editor's note: assassination on 8th July 2022] involving former Prime Minister Abe, the number of consumer consultations related to the "former [Unification Church](#)" received by the Consumer Affairs Agency was remarkably low and showed a declining trend. Out of all consumer consultations there were:

- In 2021, 27 cases out of 846,922;
- In 2020, 33 cases out of 942,536;
- In 2019, 57 cases out of 939,645;
- In 2018, 61 cases out of 996,807;
- In 2017, 57 cases out of 941,560;
- In 2016, 77 cases out of 890,734;
- In 2015, 88 cases out of 929,994.

While consultations increased in 2022, partly due to heightened awareness following the enactment of the law, no cases were found to violate the law.



International lawyer Tatsuki Nakayama (中山達樹) questioned the necessity of the legislation on his blog, stating,

"It's like 'a mountain of labour brought forth not even a single mouse.' If a law was created but never used, then it's only natural to question whether it was truly needed."

Indeed, the extraordinary Diet session in the autumn of 2022 was dominated by the issue of the former [Unification Church](#), culminating in the enactment of this law at the session's end. However, there was significant conflict between

the governing and the opposition parties - such as the Japanese Communist Party and the Constitutional Democratic Party - over the inclusion of the term "mind control" in the law. The concept of mind control is considered pseudoscience and is not recognized by the American Psychological Association (APA). Other religious organizations besides the [Family Federation](#) (formerly the [Unification Church](#)) strongly opposed the inclusion of the term. As a result, the idea of "mind control" was avoided in the law.

Nevertheless, with the scheduled review of the law two years after its implementation, the call by the National Lawyers Network Against Spiritual Sales (Zenkoku Benren) for the introduction of a system similar to the former "quasi-incompetent person" system is essentially a euphemism [Editor's note: a mild, indirect, or less harsh term or expression used to replace one that might be considered too blunt, unpleasant, or offensive.] for "mind control". This warrants caution. Such demands could lead to new human rights violations against individuals who practice their religion.

Additionally, there are concerns about the potential proliferation of lawsuits. These include lawsuits by lawyers, like those affiliated with the NNLASS, targeting religious organizations to cancel or demand refunds of donations, or self-represented lawsuits by former members who donated while part of the religion but later left. This is a problem that will involve not only religious organizations, but also

corporations and organizations of any kind that solicit donations.

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Dissolution Case: Wild Claims, Illegal Actions

• October 4, 2024 • Knut Holdhus



Kishida administration has built its case against religious minority on wild claims and illegal activities by leftwing activist lawyers hostile to the faith



The logo of *Bitter Winter*

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



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

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Patricia Duval shows that the Kishida administration has **no criminal cases with which to justify dissolving the Family Federation** (formerly the [Unification Church](#)). **They rely mainly on so-called tort cases** – alleged civil wrongs that may have caused harm.

In one such civil case cited by the government, three members who became **claimants were kidnapped and forcibly detained by their families and put through a faith-breaking process** by two Christian pastors. These pastors aimed to convince the claimants that true Christianity differed from the teachings of the [Unification Church](#) (Kobe District Court, decision of 10th April 2001, case #9). While the *Kobe District Court* initially dismissed the case, the *Osaka High Court* reversed the decision on 21st May 2003, awarding damages to the claimants.

In this case, as in most other such cases, the claimants had sought damages for “fraudulent and brainwashing evangelism” by the [Unification Church](#). Through the faith-breaking carried out by the pastors while the **claimants were held in captivity, they were coerced to renounce their faith and leave the church.**



Pastor and faith-breaker: Mamoru Takazawa (高澤守) of the Christian Truth Church of Kobe (キリスト教神戸真教会). Photo: Kazuhiro Yonemoto

One of the faith-breakers was pastor Mamoru Takazawa (高澤守). He was cross-examined during the hearings and **made several key admissions**. When asked if he was aware that the [Unification Church](#) had **criticized his activities as abduction and forcible detention**, he confirmed his awareness but justified his actions, claiming that, since the families were involved, it **should be considered a form of “protection” rather than illegal behavior** (Kobe District Court, Minutes of Court hearing, 26th March 1996, p. 81).

Pastor Takazawa also admitted to **using physical restraint as part of the faith-breaking process**, stating that he had been doing so for around ten years. He explained that this was **not an isolated action but part of a broader, unified practice among pastors conducting “rescue activities” throughout Japan** (Kobe District Court, Minutes of Court hearing, 21st May 1996, p. 25).

Furthermore, he **acknowledged that such practices were typically illegal** but defended his continued involvement by arguing that once someone firmly embraced the [teachings of the Unification Church](#), it was, in his opinion, impossible for them to leave naturally without external intervention (Kobe District Court, Minutes of Court hearing, 26th March 1996, pp. 81-82).

The purpose of the faith-breaking, as described in court, was to break the firm beliefs held by the followers of the [Unification Church](#). This **method became widespread and was endorsed by a network of lawyers who advised families to engage in what they called “protective” measures against members of the Unification Church. Central to their legal strategy was the claim of “undue influence” or “brainwashing evangelism”, which formed the foundation of the tort claims against the church.**

A major issue with this approach is that the **lawyers advising families and promoting faith-breaking participated in activities that appear to violate international human rights law.** Nevertheless, they have continued to

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. Photo: FOREF

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Faith-breaker Takashi Miyamura (宮村峻), responsible for hundreds of deprogrammings based on abduction and forcible detention. In this illustration he is together with so-called apostates, persons already brainwashed (deconverted) by him and colleagues, trying to break the faith of one more member of the

advocate for these practices, and over the years, they **have managed to secure several court rulings in Japan that supported their claims.** These rulings, in turn, were used to **bolster the Kishida administration's request for a court order to dissolve the Family Federation**, as the [Unification Church](#) now is called.

Japanese **courts have accepted the theory that alleges "undue influence"** from the [Unification Church](#). This has led to judgments ordering the return of donations made by former followers.

more member of the [Unification Church in Japan](#). In huge number of cases apostates were forced to sue the [Unification Church](#). Illustration: [Japanese Victims' Association against Religious Kidnapping and Forced Conversion](#)

This was the case even after the courts had heard testimonies from faith-breakers about the **claimants' strong commitment to the beliefs** of the [Unification Church](#) when making those donations. **Based on such claims of "undue influence", the courts have declared the activities of the Unification Church "illegal", and these rulings now form an essential part of the government's case** for dissolving the Family Federation.

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Text: Knut Holdhus

Featured image above: Abduction of young believer. Illustration: Microsoft Designer Image Creator, 10th August 2024.

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