

FFWPU Europe and the Middle East: Japanese Court Applies Strange Criteria for FFWPU Dissolution

Knut Holdhus
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Japanese judges. Illustration: Microsoft Designer Image Creator.



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When "tort" doesn't mean tort - Tokyo District Court applies unique criteria and its own interpretive standards in ruling against Family Federation's donation practices

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[Series] Order to Dissolve the Family Federation: Examining the District Court's Decision (Part 4)

Vague Standards for Determining What Counts as a Tort

by the Religious Freedom Investigative Team of the editorial department of [Sekai](#)



New law on donations enacted in Japan intended to help dissolve or constrain the [Family Federation](#). Here, woman offering a donation at a Sunday worship service. Illustration: Microsoft Designer Image Creator

See [part 1: Dissolution Case: Inflated Damages, Forced Logic](#)

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In its written [decision](#), the Tokyo District Court (hereafter "the court") inferred, based on the claims of plaintiffs or complainants, that the solicitation of donations and related acts by the [Family Federation for World Peace and Unification](#) ([Family Federation](#), formerly the [Unification Church](#)) and its followers "constituted torts" in connection with judicial settlements or out-of-court agreements that had been reached and executed prior to the [religious organization's](#) 2009 Compliance Declaration [See editor's note 1 below]. How exactly did the court arrive at such an inference?

First, the court stated that its finding of "torts" was made "under the criteria of this case". [Editor's note:

The key nuance is that "tort" (不法行為) here is not being used in its strict legal sense (as in Civil Code Article 709, etc.), but in a broader or case-specific sense defined by the court's own criteria.]

In other words, the "tort" here does not mean a violation of established laws such as the Penal Code or Civil Code. Instead, it is based on the standards established by the District Court in order to determine whether an act constitutes a violation of laws and regulations under Article 81, Paragraph 1, Item 1 of the Religious Corporations Act [See editor's note 2 below], which sets forth the requirements for dissolution.

So, what are these standards? Various explanations have been given, but the explanation on page 65 of the [ruling](#) is particularly clear:

"If, as a result of circumstances that impede a donor's ability to make an appropriate decision regarding whether to donate, or circumstances that impair the ability of the donor or their spouse, etc., to maintain their livelihood, among other factors, it is found that the method of [solicitation](#) has deviated from the socially acceptable range, the act will be deemed unlawful under tort law."



New law hurried through parliament soon after his assassination: Here, Shinzo Abe in March 2022, few months before he was assassinated. Leftwing activists have seized on his cold-blooded murder as a political opportunity

This is something we've seen before. Amid the storm of criticism against the [religious organization](#) that erupted after the assassination of former Prime Minister Shinzo Abe (安倍晋三), the "Act on the Prevention of Improper Solicitation of Donations by Corporations, etc." [See editor's note 3 below] was advanced in an extraordinary Diet session in the autumn of 2022.

Article 3 of that law sets out three obligations for corporations when [soliciting donations](#), and the court's criteria essentially replicate them:

1. Ensure that donors are not coerced into a state where they cannot make free and appropriate decisions.
2. Ensure that donations do not make it difficult for donors, their spouses, or relatives to maintain their livelihood.
3. Clearly identify the soliciting organization and prevent misunderstandings about the use of donated assets.

Even here, the court omitted detailed discussion of item ③ - the so-called "concealed solicitation" - essentially keeping it hidden. A bigger issue, however, is that if the court were to explicitly apply this law, it would violate the principle of non-retroactivity [See editor's note 4 below]. Thus, instead of citing the law or its provisions directly, the court appears to have adopted the vague concept of "the criteria of this case", emphasizing whether solicitation deviated from "socially acceptable limits". Such vagueness expands the scope of the court's discretion while also shielding it from criticism - killing two birds with one stone.

Although the law was, in part, drafted with the [Family Federation](#) in mind [See editor's note 3 below], it was created with input from legal experts and therefore contains universal principles. Accordingly, it is possible to evaluate the 32 civil judgments that recognized tortious acts by the [religious organization](#) and its members as constituting torts even under "the criteria of this case".

However, applying "the criteria of this case" to donation solicitations by the [religious organization](#) or its followers in pre-compliance declaration [See editor's note 1 below] settlements or agreements is not possible. This is because such settlements or agreements did not confirm specific factual acts that could be judged as violations of law; they merely recorded one-sided allegations by plaintiffs or complainants in complaints or notices.

Civil lawsuits are less strict than criminal trials, but in damages suits the burden of proof lies with the plaintiff (the alleged victim) to establish the defendant's tort. If even one element of the tort cannot be proven, the claim is dismissed. If courts were to recognize torts solely on the basis of one-sided allegations in settlements or agreements, one might say there would be no need for courts at all.

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[Editor's note 1: The 2009 compliance declaration of the [Unification Church](#) of Japan (now the [Family Federation for World Peace and Unification](#)) was a formal commitment by the [organization](#) to reform its practices in response to longstanding public criticism and legal challenges.

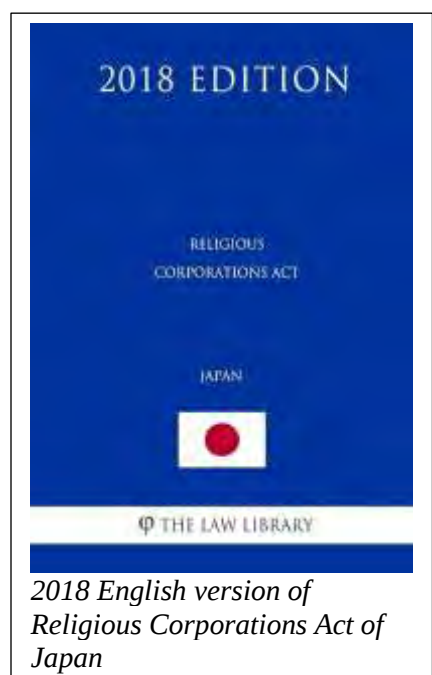
The [Unification Church](#) in Japan had faced numerous allegations related to recruitment tactics and donation solicitation, termed "spiritual sales" (靈感商法) by a hostile network of activist lawyers who had declared the [religious organization](#) an enemy. These issues led to multiple lawsuits orchestrated by the activist lawyers and significant media backlash. This prompted the [organization](#) to take measures to restore its reputation and demonstrate compliance with legal and ethical standards.

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This was in response to accusations from the same activist lawyers that followers "were being manipulated into giving away substantial amounts of money or property."

The [Unification Church](#) stated it would enhance internal oversight to ensure compliance with ethical and legal standards. Measures included better training for leaders and stricter guidelines for evangelization and solicitation of donations.

After this compliance declaration, there was a significant decrease in the number of lawsuits against the [Unification Church](#) - since 2015 called the [Family Federation](#). The [religious organization](#) has used this as evidence that it has improved its practices and should not be subject to [dissolution](#).]



[Editor's note 2: Article 81, Paragraph 1, Item 1 of the Religious Corporations Act (宗教法人法) says that a religious corporation may be dissolved by court order if it engages in "acts in violation of laws and regulations that are clearly detrimental to the public welfare" (法令に違反し、著しく公共の福祉を害すると明らかに認められる行為).

This provision is the main legal hook the Japanese government has used when asking courts to dissolve the [Family Federation](#) as a religious juridical person.

The quoted sentence explains that the court needed a way to decide whether the [Family Federation](#)'s fundraising/donation practices actually count as "violations of laws and regulations" under Article 81.

But here's the complication: Most of the [Unification Church](#)'s donation practices were never prosecuted criminally. Instead, victims won civil lawsuits where courts recognized tort liability (不法行為, illegal acts under the Civil Code). Civil torts are not

always straightforwardly treated as "violations of law" for the purposes of Article 81, which is meant to be a serious standard (dissolution is a drastic step).

So the Tokyo District Court set its own interpretive standards (基準) to decide what counts as a "law violation" in this context.

Critics argue that the court blurred the line by relying not directly on the Act on the Prevention of Improper Solicitation of Donations (2022 law) - since that can't apply retroactively - but instead by creating a vague "criteria" derived from it.

This allowed the court to treat past civil cases (where plaintiffs won damages) as proof of "violations of law", even though those cases were not criminal convictions.

Supporters of dissolution say this was necessary to protect victims and reflect the accumulated judicial record of harm.

Opponents (including some legal scholars and the [Family Federation](#) itself) say this stretched the meaning of "法令に違反" (violation of laws) beyond what the statute really permits, effectively bending the law to make dissolution possible.]

[Editor's note 3: There are several reasons to believe "Act on the Prevention of Improper Solicitation of Donations by Corporations, etc." was intended to help dissolve or constrain the [Family Federation](#). The

new law addresses precisely the domain - [donation solicitation](#) tactics - that critics have long accused the [Family Federation \(Unification Church\)](#) of abusing. Its passage just after Abe's assassination and during intense public scrutiny gives the appearance of legislative reaction to that pressure.

The law was passed quickly - in an "extraordinary Diet session" in autumn 2022. A fast-track process, in a charged political climate, invites suspicion that the law was intended in part to respond to a specific target. Supporters of the law might argue the urgency was to prevent further harm to victims.

At the time of drafting/proposal, voices in the nonprofit sector warned that the law could chill legitimate donations to ordinary NGOs and religious groups, since "malicious solicitation" could be broadly construed. For example, JNPOC (Japan Non-Profit Organization Center) expressed concern that though the law was said to target frauds (e.g. fortune-telling fraud), its formulation could endanger good-faith organizations.

That implies the drafters were aware of potential side effects and suggests the targeting of those practices (i.e. spiritually or religiously framed solicitations) was part of the design.

In the dissolution request and court proceedings, the government and courts appear to draw on the conceptual terrain of "improper solicitation" and "coercion" that overlapped with the new law's standards, even where the law might not directly apply retroactively. This suggests the law helps create a legal and rhetorical framework for arguing that certain solicitations are "beyond the socially acceptable limit." And as [Sekai Nippo](#) points out, courts are adopting "criteria of this case" akin to the law's obligations.



Patricia Duval - Member of the Paris Bar Association, specializing in international human rights law. Earned a degree in public law from Sorbonne University. Has defended the rights of religious and faith minorities both in France and internationally, including at the European Court of Human Rights (ECtHR), the Council of Europe (CE), the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU), and the United Nations. Author of numerous academic papers on religion and freedom of belief

Opponents of the dissolution (e.g. legal scholars critical of the move) have explicitly argued that the law is being used as a de facto instrument to dismantle the [Family Federation's](#) status without needing criminal convictions. For instance, Patricia Duval - in a legal commentary - notes that because the existing tort-based court judgments lacked clear statutory law violations under pre-existing law, the government pushed a new "unjust solicitation" statute to help justify dissolution claims.

Some critics argue that the law's vague elements, broad discretion, and retroactive interpretive use open the door to controlling or sanctioning religious organizations in a way that undermines religious freedom.

The law is certainly a powerful tool that can - and arguably does - facilitate pressure on certain religious groups.

Several legal scholars, observers, and defenders of the [Family Federation](#) or critics of the dissolution process have explicitly made claims along these lines. Some examples:

Patricia Duval (in a CESNUR / academic commentary) critiques that the government effectively passed a "new law" to supply a statutory basis for future dissolution requests, noting that pre-2022 tort judgments lacked a statutory "improper solicitation" violation.

The organization Freedom of Belief (FOB) and affiliated commentators have warned that the dissolution effort, aided by the new law and its interpretive use, risks undermining religious liberty and equating unpopular religious practices with criminality.

Critics of the court decision and defenders of the [Family Federation](#) have framed the dissolution order as a "turning point"

in Japan's treatment of religious organizations - arguing that the new law's broad and vague criteria are being used to penalize a religious group without criminal conviction.

In the nonprofit/NPO community, when the law was being debated, JNPOC (Japan NPO Center) expressed concern that the law - though presented as targeting fraud or "fortune-telling fraud" - could also chill legitimate donation appeals and religious giving. That concern aligns with the hypothesis that the law's scope might have been influenced by concern about religious solicitation practices.]

[Editor's note 4: Non-retroactivity: One important legal constraint is that "Act on the Prevention of Improper Solicitation of Donations by Corporations, etc." generally cannot be applied retroactively to past acts (especially criminalizing them) without violating legal principles. The above [Sekai Nippo](#) article itself raises this point: courts are reluctant to cite the law for past acts, instead adopting vaguer "criteria of

this case" doctrines. So the law is less suited to retroactively dissolve or punish past solicitations, which reduces its utility as a tool for dissolving long-standing institutions purely on historical conduct.]

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The decision of the Tokyo District Court (hereafter, "the court") in the Ministry of Education, Culture, Sports, Science and Technology's (MEXT) petition for a dissolution order against the [Family Federation for World Peace and Unification \(FFWPU\)](#), formerly the [Unification Church](#)

([Church](#)) focuses heavily on filling a major gap: the lack of examination into the "continuity" of unlawful acts after the [religious organization's](#) 2009 compliance declaration [[See editor's note below](#)]. First of all, the District Court either completely ignored facts (claims or evidence) inconvenient for the Ministry of Education (MEXT), which could later cause controversy, or replaced them with different arguments without providing any explanation.



The **Ministry of Education, Culture, Sports, Science and Technology** (MEXT) of Japan. Here, its symbol. Photo: [文部科学省 \(MEXT Japan\) / Wikimedia Commons](#). License: [CC Attr 4.0 Int](#)



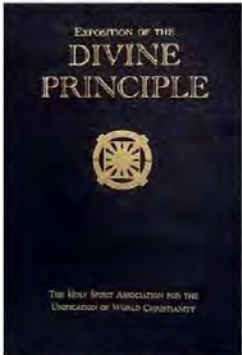
Imbalanced scale of justice and fabricated evidence in dissolution case behind closed doors. Photo: [991joseph / Wikimedia Commons](#). [Public domain](#) image

A representative example of the former is the written statements from former members newly added by MEXT. When the Ministry of Education (MEXT) filed for the dissolution order, it widely publicized the 261 written statements from former members as newly added evidence. However, in response, the [religious organization](#) claimed that these included multiple fabricated pieces of evidence, deliberately and systematically recording false information. Some former members testified that statements contained claims they themselves had never

made. In fact, during hearings held at the district court last December, suspicions of fabrication concerning two statements submitted by MEXT came to light. As a result, in its decision, the court had no choice but to disregard these statements without offering any reasons.

A representative example of the latter is MEXT's identification of three continuing unlawful acts ("violations of law") by [Family Federation](#) members, with "undisclosed solicitation" listed first. This referred to members allegedly "approaching individuals while concealing their religious affiliation and indoctrinating them with ideas such as original sin."

However, in its compliance declaration [[See editor's note below](#)], the [religious organization](#) had clearly instructed that when using the [Unification Principles](#) as teaching material in member-run video centers and similar facilities, "members must clearly state this from the very beginning of solicitation." Since violations could only be proven with concrete evidence, this should have been an indispensable factor in examining the continuity of unlawful acts.



The official English version of the [Unification Principles](#). Photo: [FFWPU](#)

The District Court's so-called "problematic circumstances of this case", which it uses as the criteria for determining whether unlawful acts by the [religious organization](#) and its members have been established, also consist of three items. Items two and three largely follow what the Ministry of Education (MEXT) identified as "fate talk" (exploiting personal misfortunes as spiritual leverage) and "forcing the payment of unreasonably large sums of money".

But the first item was changed to describe solicitations targeting individuals who, even before joining, "suffered from difficult personal circumstances such as complicated family environments, misfortunes, or diminished decision-making capacity due to old age." In this rephrasing, there was no mention of "undisclosed solicitation".

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Content-wise, this first item merely overlaps with the second (“fate talk”), and there seems no particular reason to classify it separately. If anything, one could infer that by reducing MEXT’s three alleged unlawful acts to just two, the conspicuous removal of “undisclosed solicitation” becomes less obvious. Yet, if there truly was no continuity in “undisclosed solicitation”, that fact should have been clearly stated.

On this basis, the court proceeded to divide its examination of alleged unlawful acts into two periods: before and after the compliance declaration [\[See editor’s note below\]](#), thereby addressing the very issue of continuity that MEXT had ignored.

In its review of the pre-declaration period, the court first addressed MEXT’s inclusion, without verification, of (1) plaintiffs who had reached settlements in lawsuits (94 cases, 419 people, total settlement payments approx. 5.6912 billion yen – ca. 38.6 million US dollars) and (2) individuals who reported out-of-court settlements (971 people, approx. 12.5268 billion yen – ca. 84.9 million US dollars). The decision stated: “As a reasonable inference, [...] it can be recognized that unlawful acts in donation solicitations by members occurred to a number of people roughly equal to the total of (1) and (2)” (Decision, p. 76).

According to the [religious organization](#), however, many of these cases involved settlements recommended by the courts themselves. If the courts later retroactively assert that “unlawful acts by members existed at that time,” it would undermine the credibility of Japan’s judiciary.

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Featured image above: Joint building of the Tokyo High Court, Tokyo District Court, and Tokyo Summary Court in Chiyoda Ward, Tokyo, Japan. Photo: 663highland / Wikimedia Commons. License: [CC ASA 3.0 Unp](#)

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