

FFWPU Europe and the Middle East: Disputed Japanese Verdict Creates National Anti-Religious Precedent

Knut Holdhus
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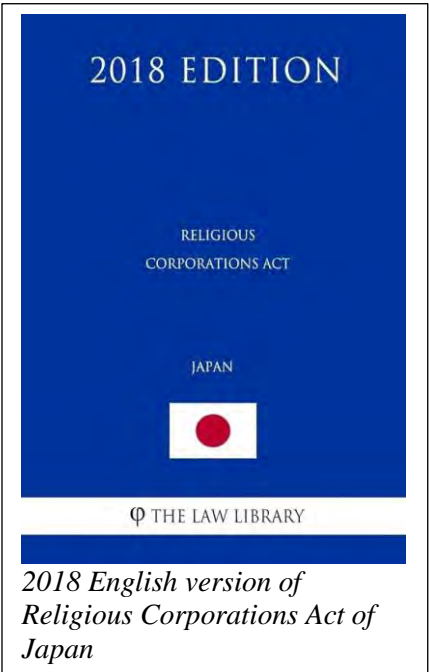
Attorney Tatsuki Nakayama in December 2023

BITTER WINTER Distinguished attorney spells out how disputed verdict in Japan's Supreme Court paves the way for dissolution of religious organizations

[Bitter Winter](#), the leading online magazine for human rights and religious freedom, published 10th March 2025, a commentary titled "[The Supreme Court and the Unification Church in Japan: Warrant for a 'Religiocide'? Part 1](#)". The article was penned by Tatsuki Nakayama (中山達樹), author and distinguished Japanese attorney and business ethics expert. He is an outspoken critic of the Japanese government's campaign against the large religious minority the [Family Federation for World Peace and Unification](#), formerly known as the [Unification Church](#) and still widely referred to as such.



Fined for not replying to impossible questions: Tomihiko Tanaka, here during an interview Nov. 15, 2024



According to the attorney, on 3rd March 2025, Japan's Supreme Court [delivered a final ruling](#) upholding a non-penal fine imposed on President Tomihiko Tanaka (田中富広) of the [Family Federation](#). The fine was issued due to allegations that President Tanaka had not fully responded to government inquiries.

Nakayama points out that a key aspect of this ruling was the Supreme Court's affirmation that civil wrongdoings committed by the [Family Federation](#) could constitute a "violation of laws and regulations" as specified in Article 81 of the Religious Corporations Act (RCA), which outlines the conditions under which a religious organization can be dissolved.

This interpretation holds significant implications for the ongoing case filed by the Japanese government with the Tokyo District Court, seeking the dissolution of the [Family Federation](#). Until now, Japanese legal precedent had excluded civil wrongdoings from qualifying as grounds for dissolving religious organizations. Furthermore, this decision appears to be unprecedented among democratic nations, as no other democracy has permitted such an

extensive legal basis for dissolving religious groups.

Tatsuki Nakayama reports that the [Supreme Court's decision](#) aligns with a broader national movement led by the "anti-cult" organization National Network of Lawyers Against Spiritual Sales, as well as certain journalists, including Eito Suzuki (鈴木エイト). This campaign gained momentum following the assassination of former Prime Minister Shinzo Abe (安倍 晋三, 1954 - 2022) by an individual who claimed he wanted to punish Abe for his perceived ties to the [Family Federation](#).



Nakayama suggests that a close examination of the [Supreme Court ruling](#) suggests it paves the way for the dissolution of the [Family Federation](#). Several concerning signs emerge from the decision.

Article 81 of the Religious Corporations Act (RCA) permits the dissolution of a religious corporation if it engages in actions that: (a) clearly cause substantial harm to public welfare; or (b) violate laws and regulations.

According to Nakayama, the Supreme Court, in its ruling, addressed only the interpretation of "laws and regulations" (criterion b) and did not evaluate whether the [Family Federation's](#)

actions harmed public welfare (criterion a). The assessment of this aspect remains pending in the Tokyo District Court, where Presiding Judge Kenya Suzuki (鈴木 健也) oversees the case.

Tatsuki Nakayama claims that [this ruling](#) signals a significant erosion of respect for religious freedom in Japan. From a legal and technical perspective, dissolving a religious organization does not directly prohibit believers from practicing their faith, as they can continue their religious activities privately, even in the absence of an official religious entity. However, the dissolution process results in the loss of all organizational assets, which has profound practical implications for religious adherents.

Past judicial precedents in Japan have, as Nakayama emphasizes, carefully considered these implications. For instance, in 1996, the Supreme Court ruled to dissolve Aum Shinrikyo, the religious group responsible for killing 29 people in a series of attacks.

Despite the severity of Aum Shinrikyo's crimes, the court at the time acknowledged the impact that dissolution could have on the religious freedom of its followers. The ruling explicitly recognized that without access to religious facilities and assets, believers might encounter difficulties in practicing their faith. It emphasized the need to carefully weigh the constitutionally guaranteed right to religious freedom against the necessity of imposing such a restriction.



Demonstration for religious freedom in Japan, December 8, 2024

Similarly, on 26th March 2024, the Tokyo District Court ruled in a non-penal fine case against the [Family Federation](#). In doing so, the court closely followed the reasoning of the 1996 Aum Shinrikyo case. The District Court stated that given the constitutional importance of religious freedom, any decision to dissolve a religious organization should be made with caution, considering whether such an extreme measure is truly necessary and unavoidable.

The [Bitter Winter](#) article mentions that prior cases thus have demonstrated a conscientious approach to

protecting religious freedom. However, the [Supreme Court's ruling](#) on 3rd March 2025, departed from this tradition. The court stated that "a dissolution order shall have the effect of forfeiting the juridical personality of a religious corporation and shall not have any legal effect that prohibits or restricts the religious acts of a believer." This position is alarming, as it disregards the very real consequences that dissolution has on the ability of religious followers to continue their practices in an organized and meaningful way.



Japanese judges deviating from establish principle in order to dissolve religious minority organization

Historically, Japan's legal system has upheld strong protections for religious freedom, particularly in cases concerning the dissolution of religious entities. The [March 2025 ruling](#), however, deviates from this established principle. The Court did not address the religious freedom implications for believers, which raises concerns about the judiciary's willingness to permit the dissolution of the [Family Federation](#) under Presiding Judge Kenya Suzuki at the Tokyo District Court.

Attorney Nakayama stresses that the implications of [this decision](#) extend beyond the immediate case against the [Family Federation](#). By setting a precedent that civil wrongs may be used as grounds for dissolving religious organizations, the Supreme Court has significantly broadened the legal scope for government intervention in religious affairs. This shift may embolden future legal actions

against other religious groups, potentially threatening the fundamental right to religious freedom in Japan.

The ruling also raises concerns about the potential for political and social pressures to influence judicial decisions. Given the intense scrutiny the [Family Federation](#) has faced since Abe's assassination, the decision appears to reflect not only legal reasoning but also broader societal and political considerations. The influence of "anti-cult" activists and media campaigns suggests that the court's ruling may have been shaped by public sentiment rather than a purely legal analysis.

In conclusion, Nakayama writes that the 3rd March 2025, [Supreme Court ruling](#) marks a pivotal moment in Japan's legal approach to religious organizations. By affirming that civil wrongdoings can justify dissolution under the Religious Corporations Act (RCA), the decision sets a new and potentially far-reaching precedent. While the court did not directly address the question of public harm, it effectively opened the door for the Tokyo District Court to [proceed with dissolving](#) the [Family Federation](#).

[This ruling](#) represents a stark departure from previous jurisprudence, which had placed a strong emphasis on protecting religious freedom. It also raises broader concerns about the future of religious liberty in Japan, as well as the degree to which judicial decisions may be influenced by political and social pressures. Moving forward, it remains to be seen how this decision will shape the landscape of religious rights and government intervention in Japan.

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The Supreme Court and the Unification Church in Japan: Warrant for a "Religiocide"? Part 1

03/10/2025 TATSUKI NAKAYAMA

A+ | A-

A Supreme Court decision may open the way to the dissolution of the religious organization by overturning decades of case law.

by Tatsuki Nakayama



The Supreme Court of Japan. Credits.

On March 3, 2025, the Supreme Court of Japan issued a final decision confirming a non-penal fine against President Tanaka of the Family Federation for World Peace and Unification (formerly known as the Unification Church and still often referred to with that name) for an alleged failure to fully answer questions from the government.

Within the context of this decision, the Supreme Court answered positively the question, long debated in the suit, whether torts committed by the Unification Church under the Civil Code can be a "violation of laws and regulations" referred to in the grounds for dissolving a religious corporation mentioned by Article 81 of the Religious Corporations Act ("RCA"). Obviously, this statement is relevant to the case seeking the dissolution of the Family Federation filed by the government with the Tokyo District Court and currently awaiting a decision.

Historically speaking, this is a major change in the case law of Japan, which has excluded civil torts from the grounds for dissolution. Also, internationally speaking, as far as I am aware, there are no other democracies that opened such a broad gate for the dissolution of religious organizations.

This Supreme Court decision was made in alignment with the national campaign led by the anti-cult group [National Network of Lawyers Against Spiritual Sales](#) and journalists such as [Eight Suzuki](#) to blame the Family Federation after the assassination of the former Prime Minister Abe. The latter was assassinated by a man who claimed he wanted to punish him for being close to the Family Federation.



Attorney Masaki Kito, a prominent member of the National Network of Lawyers Against Spiritual Sales (left), and journalist Eight Suzuki (right). From X.

Thoroughly examined, this Supreme Court decision seems to have opened the "broad way" for the dissolution of the Family Federation. I note three ominous signs.

Under Article 81 of the RCA, a religious corporation can be dissolved if it commits an act:

- a) which is clearly found to substantially harm public welfare;
- b) in violation of laws and regulations.

The Supreme Court decided only on the interpretation of "laws and regulations" (item [b] above) and did not examine nor decide on whether the acts of the Family Federation were found to harm public welfare. The examination of item (a) is part of the dissolution lawsuit pending at the Tokyo District Court (Presiding Judge: Kenya Suzuki).

This Supreme Court decision showed a great deterioration of respect for religious freedom. Legally and technically, the dissolution of a religious corporation affects the religious freedom of individual believers indirectly, as they will be able to continue practicing their faith privately even after the religious organization is dissolved, whether there is a physical church or not.

However, as the dissolution deprives the affected religious organization of any and all assets, it has a great factual impact on the religious freedom of individual believers. In fact, two precedents paid mindful attention to this aspect. However, the Supreme Court decision of March 3, 2025 did not.

Aum Shinrikyo, which killed 29 people, was held to be dissolved in 1996 by the Supreme Court. The Supreme Court at that time nevertheless paid reasonable and considerate attention to the religious freedom of its believers. It pointed out that, after the dissolution of Aum Shinrikyo, dissolution could cause obstacles to the believers' position as they would experience difficulties in continuing religious acts by using the church property.

After all, the Court held "it is necessary to consider the importance of religious freedom as one of the spiritual freedoms guaranteed by the Constitution and to carefully examine whether the Constitution permits such restriction (i.e., dissolution)."



Self-Defense Forces personnel decontaminating a Tokyo subway car contaminated with sarin gas after Aum Shinrikyo's terrorist attack of March 20, 1995. Credits.

On March 26, 2024, Tokyo District Court, the first instance of the non-penal fine suit against the Family Federation, almost literally followed the decision in the 1996 Aum Shinrikyo case.

The District Court held that "in view of the importance of religious freedom guaranteed by the Constitution, the applicability of the grounds for a dissolution order.. should be carefully and strictly judged from the perspective of whether it is necessary and unavoidable for the subject religious corporation to be dissolved."

So, two precedents took the religious freedom of believers well into account. However, the Supreme Court decision on March 3, 2025 did not.

It stated that, "A dissolution order shall have the effect of forfeiting the juridical personality of a religious corporation and shall not have any legal effect that prohibits or restricts the religious acts of a believer."





Family Federation members protesting for religious liberty in Mie, July 2024.

This is disappointing and scary. The Japanese case law has paid distinct respect to the importance of religious freedom guaranteed by the Constitution in the context of dissolution of religious corporations. However, the Supreme Court in March did not pay any attention to the religious freedom of believers. We can even detect the Supreme Court's intention to allow the Tokyo District Court under Presiding Judge Kenya Suzuki to dissolve the Family Federation.

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Tatsuki Nakayama

Tatsuki Nakayama graduated from the Faculty of Law at the University of Tokyo in 1998. He was admitted as a lawyer in 2005 and graduated from the National University of Singapore Law School in 2010. After working as an international lawyer at a Singapore law firm, he opened Nakayama & Partners in 2015. After studying as a certified fraud examiner in 2016, at Lee Kuan Yew School of Public Policy, and Singularity University, he became a business ethics expert in 2022. He has held executive positions and other important positions in the Inter-Pacific Bar Association, which includes 1,500 lawyers worldwide. His major works are "Global Governance and Compliance" and "Integrity" (both published by Chuokeizaisha), and his recent books include "English Negotiation Techniques" (Heisei Publishing).

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驚くべきことに、彼らは安倍氏暗殺後に導入された「カルト」に対する厳しい措置では不十分だと主張している。

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