

The dissolution in Japan of the Church of Rev. Moon

(20 June 2025)

Supreme Court Ruling No. Reiwa 6 (Kyo) 31, dated 3 March 2025, judges on appeal the Tokyo High Court Ruling No. Reiwa 6 (Ra) 968, dated 27 August 2024, concerning the dissolution of the ‘Church of Rev. Moon’ in Japan.

In Japan today, relations between the State and the Churches have a post-World War II regulatory framework¹, consisting mainly of the declaration by which the Emperor renounced his claim to the divine origin of his person and authority (of 3 January 1946)², the Constitution (of 3 November 1946)³, and the Religious Corporations Act (RCA) of 3 April 1951⁴.

The Minister of Education, Culture, Sports, Science and Technology, the competent authority - on the basis of twenty-two previous civil judgments in which followers of the Church of the Rev. Moon were convicted because their solicitation of donations constituted an offence under Article 709⁵ of the Japanese Civil Code⁶ - suppressed the religious organization of the Church of the Rev. Moon under Article 81 of the Religious Organizations Law.

The new Constitution of Japan guarantees freedom of religion (Art. 19)⁷, imposes the separation of religion from the State (Art. 20 par. 1)⁸, prohibits State sponsorship of any religion (Art. 89)⁹,

¹ See https://www.mext.go.jp/b_menu/hakusho/html/others/detail/1318169.htm; see T. JOLYON BARAKA, *Faking liberties: religious freedom in American-occupied Japan*, Chicago - London, 2018, pp. 179 ff.; D.M. O'BRIEN - Y. OHKOSHI, *To Dream of Dreams: Religious Freedom and Constitutional Politics in Postwar Japan*, Honolulu, 1996, pp. 98 ff.; E. SEIZELET, *Politique et religion en Asie Orientale*, in *Rev. Et. Comp. Est-Ouest*, 2001, pp. 5 ff.

² See <https://www.ndl.go.jp/constitution/e/shiryu/03/056shoshi.html>, <https://www.ndl.go.jp/constitution/shiryu/03/056/056tx.html>, see K. TAKEUCHI, *Politics of National Identity in Modern Japan*, in M. TESORO, *Monarchy, Tradition, National Identity: Germany, Japan and Italy between the Nineteenth and Twentieth Centuries*, Milan, 2004, pp. 215 ff.; M. KOICHI, *The Emperor of Japan: A historical study in religious symbolism*, in *Japanese Journal of Religious Studies*, 1979, pp. 522 ff.; T. FUJITANI, *Splendid Monarchy: Power and Pageantry in modern Japan*, Berkeley - Los Angeles, 1996, pp. 39 ff.; E. SEIZELET, *La Maison impériale japonaise et le principe de séparation de l'État et de la religion*, in *Rev. Dr. rel.*, 2020, pp. 159 ff.

³ See https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html; see also D.M. HELLEGERS, *We, the Japanese People: World War II and the origins of the Japanese Constitution*, I, Stanford, 2001, pp. 281 ff.; N. TAKIZAWA, *Religion and State in Japan*, in *J. Church & St.*, 1988, pp. 89 ff.; E. SEIZELET, *Le principe de séparation de l'État et de la religion: aperçus sur le rôle du fait religieux dans les institutions et la vie politique japonaises*, in *Rev. Et. Comp. Est-Ouest*, 2001, pp. 111 ff.

⁴ See <https://www.japaneselawtranslation.go.jp/en/laws/view/3898/en>

⁵ “A person who has intentionally or negligently infringed the rights or legally protected interests of another person is liable to compensate for damage resulting in consequence”.

⁶ See <https://www.japaneselawtranslation.go.jp/en/laws/view/4848>

⁷ “Article 19. Freedom of thought and conscience shall not be violated”.

⁸ “Freedom of religion is guaranteed to all. No religious organisation shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

⁹ “No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.”

guarantees freedom of religion to all and states that no religious organisation shall receive any privileges from the State or exercise any political power¹⁰.

No religion is allowed to have a privileged position vis-à-vis the State. According to paragraph 2 of Article 20, moreover, no one shall be forced to take part in religious acts, celebrations, rituals or practices¹¹.

Finally, Article 20(3) stipulates that the State and its bodies shall refrain from religious education or any other religious activity at school¹².

Another regulation on the relationship between the State and religion can be found in the financial sphere: in fact, according to Article 89 of the Constitution, no public money or other property is to be spent or appropriated for the use or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprise not under the control of public authority. Therefore, the State, for example, is not authorized to make financial donations to shrines or other institutions owned by religious societies¹³.

In relation to these two main articles, Article 14 prohibits ‘discrimination in political, economic or social relations because of... religious faith’¹⁴ and Article 19¹⁵ prohibits any violation of freedom of thought or conscience¹⁶.

On the basis of these constitutional provisions, religious organizations are considered ‘public service organizations’ with legal personality under the 1951 Religious Societies Act.

Legal capacity offers significant tax advantages and provides religious groups with the ability to operate not only as non-profit entities, but also as profit-making enterprises (Art. 6)¹⁷.

¹⁰ M. d’ARIENZO, *Conscience, Values and Religious Identity*, in *Jurnalul Libertății de Conștiință – Journal for freedom of conscience*, 2022, pp. 441 ff.; J.I. ARRIETA, *Le articolazioni delle istituzioni della Chiesa e i rapporti con le istituzioni politiche*, in *IE*, 2008, ff. 13 ss.; E. SEIZELET, *La Maison impériale japonaise et le principe de séparation de l’État et de la religion*, in *Revue du droit des religions*, 2020, pp. 159 ff.; W.H.M. CREEMERS, *Shrine Shinto after World War II*, Leiden, 1968, pp. 87 ff.; O. FUMAGALLI CARULLI, *L’antica idea di separazione*, in AA.VV., *Individuo, gruppi, confessioni religiose nello Stato democratico*, Milano, 1973, pp. 975 ff.

¹¹ H. HARDACRE, *Religion and the Japanese Constitution*, in A.U. BALI - H. LERNER (eds.), *Constitution Writing, Religion and Democracy*, Cambridge, 2017, pp. 49 ff.; K. TAKEUCHI, *Politics of National Identity in Modern Japan*, in M. TESORO, *Monarchy, Tradition, National Identity: Germany, Japan and Italy between the Nineteenth and Twentieth Centuries*, Milan, 2004, pp. 215 ff.

¹² P. LO IACONO, *Neutralità della scuola pubblica e divieto di pregare: riflessioni sulla laicità e sul laicismo*, in *Dir. Fam. Pers.*, 2018, pp. 1442 ff.; M. FERRANTE, *Diritto, religione e cultura: verso una laicità inclusiva*, in *Dir. Eccl.*, 2016, pp. 425 ff.; N. MARCHEI, *La laicità “culturale” come principio supremo*, in A. CERETTI – L. GARLATI (a cura di), *Laicità e Stato di diritto*, Milano, 2007, pp. 333 ff.; E. TAKAHATA, *Religious education in Japan*, in *The Routledge International Handbook of Religious Education*, London, 2013, pp. 178 ff.

¹³ O. ISHIMURA, *Religionsfreiheit und Tradition in Japan. Zum Verständnis ostasiatischer Verfassungen*, in *JÖR*, 1996, pp. 597 ff.; A. FERRARI, *Laicità e religione civile: qualche osservazione su un “matrimonio dispari”*, in *qdpe*, 2003, pp. 139 ff.; C. LASPERANZA, *The Japanese pontifex: A study on state-religion separation and its criticalities*, in *Riv. Dir. Comp.*, 2014, pp. 254 ff.

¹⁴ ‘All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin [...]’

¹⁵ ‘Freedom of thought and conscience shall not be violated’.

¹⁶ See M. PARISI, *Pluralismo religioso e disegno costituzionale di politica ecclesiastica. Per una laica interpretazione ed applicazione dei fondamentali principi di libertà*, in *Anuario de derecho eclesiástico del Estado*, 2016, pp. 645 ff.

¹⁷ I. READER - G.J. TANABE JR., *Practically Religious: Worldly Benefits and the Common Religion of Japan*, Honolulu 3rd edition, 2018, pp. 54 ff.

In reaction to the heavy-handed state regulation of religion during the pre-war period, the post-war regulatory framework is based on the assumption that the State cannot and should not unduly interfere in religious affairs¹⁸.

In order to receive institutional recognition as a ‘religious organization’, a community must register with the local or national authorities according to the rules of the Religious Societies Act¹⁹.

This law has two objectives: *firstly*, to regulate the huge number of religious groups within the State, and *secondly*, to allow religious groups to acquire legal personality, so as to have the legal capacity to own, receive and use objects or places of worship, or any other property, and to participate in other tasks and commitments to achieve their objectives²⁰.

The registration of religious organizations, as defined in Article 2, depends on the formal conditions, since the competent authority in this regard (identified in Article 5) is only authorized to refuse registration if the applicant group is not a religious community, or if its statutes or the procedure of its foundation do not comply with regulations (ex Art. 12) or other regulatory provisions (ex Art. 14 par. 1)²¹.

There is, in other words, no control on the merits as to whether the organisation is actually religious in nature or not, so that, due to the advantages of registration, practically all religious groups register: as of 31 December 2023 (latest available data), there were almost 180,000²².

Section 81 of the Religious Organisations Act, however, provides that a court may order the dissolution of a religious society at the request of the competent authority, the interested parties or the public prosecutor, or even ex officio, if there are certain grounds²³.

In March 1995, the religious group known as Aum Shinrikyo carried out an attack with poison gas in the Tokyo underground, killing twelve people and injuring more than five thousand. A few months later, the Japanese parliament revised the law on religious societies, with a shift of control over religious organizations from local to central authorities, and greater government access to the registers of religious organizations²⁴.

¹⁸ H. HARDACRE, *Shinto and the State, 1868-1988*, Princeton, 1989, pp. 41 ff.; E. SEIZELET, *Japon: Etat et religion*, in *Géopolitique*, 2004, pp. 36 ff.

¹⁹ Y. ABE, *Religion and the State in Modern Japan*, in AA.VV., *Religion in Japan Today*, Tokyo, 1992, pp., 40 ff.

²⁰ “The purpose of this Act is to confer legal capacity on religious organizations in order to facilitate their owning of establishments for worship and other properties, maintaining and utilizing such properties, and operating business affairs and enterprises for the achievement of their purposes”.

²¹ E. TAKAHATA, *Religious Accommodation in Japan*, in *BYU L. Rev.*, 2007, pp. 729 ff.

²² See https://www.bunka.go.jp/english/policy/religious_institutions/index-blank.html; see H. HARDACRE, *Religion and Civil Society in Contemporary Japan*, in *Jap. Jour. of Relig. Studies*, 2004, pp. 389 ff.

²³ K. YOKOTA, *The Separation of Religion and State*, in P.R. LUNEY Jr. - K. TAKAHASHI (eds.), *Japanese Constitutional Law*, Tokyo, 1993, pp. 205 ff.

²⁴ S. SUSUMU, *The evolution of Aum Shinrikyo as a religious Movement*, in R.J. KISALA - M.R. MULLINS, *Religion and Social Crisis in Japan: Understanding Japanese Society Through the Aum Affair*, New York, 2001, pp. 19 ff.; C.W. HUGHES, *The reaction of*

The procedure for the dissolution of a religious society has also been subjected to a constitutionality review in relation to its possible conflict with Article 20, paragraph 1 of the Constitution. In fact, the Supreme Court, in its ruling of 30 January 1996, following the request for the dissolution of the Aum Shinrikyo, affirmed the full constitutionality of the provision in question: the dissolution of a religious organization does not violate the religious freedom of its members²⁵.

The law, in fact, as stated by the Supreme Court, aims to grant legal capacity to religious organizations so that they may own and manage places of worship and other property (Article 1, par. 1), and provides that such organizations may be granted legal personality (Article 4). The aforementioned regulation of religious organizations is therefore limited to the practical aspect of religious organizations and does not extend to their spiritual or religious aspects. The legislation is not intended to interfere with freedom of religion, the Supreme Court argues, and the dissolution order directed at religious organizations, provided for in Art. 81, is intended to compulsorily order the forced dissolution of religious organizations through judicial proceedings and the deprivation of legal personality in cases where an act contrary to the law has been committed and has substantially damaged the public welfare (Art. 81, par. 1), an act that has substantially exceeded the purpose of a religious organization (art. 81, par. 2), or when the organization has ceased to be a religious legal person or a legal organization (art. 81, par. 2-5), since in such cases it is inappropriate or superfluous to leave the religious organization with legal capacity²⁶.

Therefore, even if a religious organization is subject to a dissolution order, its faithful are not prevented from continuing to follow the religious organization itself, even if it now has no legal personality, nor from creating a new one, nor from performing religious acts, nor from acquiring new places of worship or sacred furnishings for the performance of such acts²⁷.

Although this is true in general theory, however, it must be said that on a practical level when a dissolution order comes into force a liquidation procedure follows (Articles 49 par. 2 and 51), so that, as a result, the assets of the religious organization, such as buildings for acts of worship and other sacred furnishings will be sold at auction (Art. 50), with the possibility of there being some interruption in the possibility of continuing the celebration of acts of worship, although this in itself remains possible, according to the Court²⁸.

the Police and Security Authorities to Aum Shinrikyo, *ibid.*, pp. 53 ff.; M.R. MULLINS, *The legal and political Fallout of the 'Aum Affair'*, *ibid.*, pp. 71 ff.; R. KISALA, *Religios responses to the 'Aum Affair'*, *ibid.*, pp. 107 ff.

²⁵ *Affaire 'Aum Shinrikyo vs Public Prosecutor & Tokyo'*, 1555 HANREI JIHO 3 (Superior Court, 30 January 1996), in https://www.courts.go.jp/app/hanrei_en/detail?id=252

²⁶ H. KOBAYASHI, *Religion in the Public Sphere: Challenges and Opportunities in Japan*, in *BYU L. Rev.*, 2005, pp. 683 ff.

²⁷ Z. WENLIANG, *Japan's Law on Religion and Management of Religion*, in *Chin. L. & Rel. Monitor*, 2012, pp. 48 ff.

²⁸ S. SHIMAZONO, *The commercialisation of the sacred: the structural evolution of religious communities in Japan*, in *Social Science Japan Journal*, 1998, pp. 181 ff.

Even in the face of the aforementioned Supreme Court ruling that expressly recognizes the constitutional legitimacy of the rule on the dissolution of religious organizations, however, part of the doctrine remains doubtful in this regard²⁹, believing that, in light of the importance of religious freedom, which is one of the spiritual freedoms guaranteed by the Constitution, one must very carefully consider whether the Constitution actually allows for the legal restriction of the religious acts of believers³⁰.

In this particular case, however, this 1996 Supreme Court ruling relates to the dissolution of a religious organization that had plotted to produce sarin, a poisonous gas, for the purpose of committing mass murder, and had produced it systematically and in an organized manner, mobilizing large numbers of worshippers, using its own facilities and financial resources: it is clear that it had acted against the law by committing an act substantially contrary to the public welfare, thus falling within the parameters of the law for its dissolution by authority³¹.

In the judgment of 3 March 2025, on the other hand, the dissolution measure was decreed as a result of a ‘simple’ administrative irregularity, which perfectly fulfils the first part of the requirement set forth in paragraph 1, i.e. “acts contrary to the law”, while the second part, i.e. acts “that are clearly considered significantly detrimental to the public welfare”, was considered to be present not so much for the individual case in question, based on the sum of the numerous judgments pronounced regarding the religious organization in recent years³².

The series of convictions now mentioned allowed the Supreme Court in the last judgment to configure the activity of Rev. Moon’s Church as the perpetuation of a continuing crime, which also according to the Italian doctrine³³ can be considered of particular gravity and social dangerousness, thus integrating the requirement of the second part of paragraph 1 of Article 81³⁴.

²⁹ Y. OKUDAIRA, *Current Controversies on the Control of Religious Organizations in Japan*, in *Colum. J. Asian L.*, 1996, pp. 127 ff.; R. KISALA, *Reactions to Aum: The Revisions of the Religious Corporations Law*, in *Japanese Religions*, 1997, pp. 60 ff.; M. MULLINS, *The political and legal Response to the Aum-related Violence in Japan*, in *Japan Christian Quarterly*, 1997, pp. 37 ff.

³⁰ S. MATSUI, *Japan: The Supreme Court and the Separation of Church and State*, in *Int. Journal of Constitutional Law*, 2004, pp. 534 ff.; K. YAMAGISHI, *Freedom of Religion, Religious Political Participation, and Separation of Religion and State: Legal Considerations from Japan*, in *BYU L. Rev.*, 2008, pp. 919 ff.; M. REPP, *Religion and Violence in Japan: the Case of Aum Shinrikyo*, in J.R. LEWIS (ed.), *Violence and New Religious Movements*, Oxford, 2011, pp. 147 ff.; ID, *Aum Shinrikyo and the Aum Incident: A Critical Introduction*, in J.R. LEWIS - J. A. PETERSEN, *Controversial new religions*, Oxford, 2014, pp. 210 ff.

³¹ T.L. MADDEN, *The Dissolution of Aum Shinri Kyo as a Religious Corporation*, in *Pac. Rim L. & Pol’y Journal*, 1997, pp. 327 ff.; S. KUMAR, *Civil Society and the State: A Case for Religious versus Secular Rights in Contemporary Japan*, in *Bull. Inst. Or. Phil.*, 1996, pp. 122 ff.

³² Tokyo District Court (26 March 2021, 6 February 2017, 13 January 2016, 27 November 2013), Sapporo District Court (24 March 2014 and 29 June 2001), Fukuoka District Court (11 March 2010), Tokyo High Court (26 December 2017), Hiroshima High Court (Okayama section, 14 September 2000).

³³ E.M. AMBROSETTI, *Problemi attuali in tema di reato continuato*, Padova, 1991; G. VARRASO, *Il reato continuato tra processo ed esecuzione penale*, Padova, 2003; M. ALESCI, *Il reato continuato alla prova del tempo, tra dimensione soggettiva e oggettiva. “Fine” e “mezzo” nel contesto del «medesimo disegno criminoso»*, in *Giust. Pen.*, 2024, II, pp. 93 ff.

³⁴ M. INTROVIGNE, *Dangerous for Many Religions: The New Japanese Guidelines on Religious Donations and “Religious Abuse of Children”*, in *Journ. CESNUR*, 2023, pp. 72 ff.

The inhabitants of the Japanese archipelago, in fact, do not seem to have any particular concerns about the religious situation in Japan today, even though they are by no means atheists or non-religious: one could even say that most of them seem to lead a fairly religious daily life³⁵, embedded in a normative context that has gone from having a State religion (Shintoism, with the Constitution of 11 February 1889, the “Meiji Constitution”), to a North American-style separatism, with the Constitution of 3 November 1946, introduced under the strong influence and pressure of the United States in particular.

Although the principle of separation between the State and religious communities has been clearly spelled out in the constitutional text, however, the events of recent years, from the ‘*Aum Shinrikyo*’ affaire and the various condemnations suffered by the ‘*Church of Rev. Moon*’, have made it necessary to strengthen and begin to concretely implement the procedure, already envisaged by the 1951 law, for the forced dissolution of a religious organization, demonstrating the fact that, as authoritative doctrine has stated: “It would be very simple to say that politics and religion proceed on different levels, that it is better to keep them separate. This is in fact not the case, because both deal with the life of man, immanently the one, transcendentally the other, that is, responding to two different needs”³⁶.

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³⁵ <https://www.nhk.or.jp/bunken/d/research/yoron/BUNA0000010690040003/>: according to the latest official statistical survey, from 2019, 36% of Japanese claim to follow a religion.

³⁶ M. TEDESCHI, *Politica, religione e diritto ecclesiastico*, in *Dir. fam. pers.*, 1996, p. 1524.