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CHINA: Despite new Regulations, religious policy still under strain

By Hans Petersen, Forum 18 News Service <<http://www.forum18.org>>

One year on from the March 2005 Religious Affairs Regulations their effects are difficult to judge, and repressive actions continue against many communities. China's religious policies are under increasing strain. Even the definition of "religion" - especially a "legal religion" - is debated among officials, and a comprehensive religion law (as opposed to the Regulations) is awaited. The government seems to favour a law focusing on control of religion, but many religious leaders would prefer a law focusing on protecting religious believers' rights. Underlying the debate - and the increasing strain on government policy - is the fact that religious faith and practice of all kinds is rapidly growing in China, making the ideological foundation of religious control increasingly unreal. The key question facing the government is, will it seek to create a better environment for religious practice or will it resist genuine reform? Resisting reform may - sadly and unnecessarily - be the most likely direction of current policy.

One year after China promulgated new Religious Affairs Regulations, it is difficult to quantify their practical effect on the implementation of the Chinese Communist Party's (CCP) religious policies at the grassroots. One thing is clear, though - the government's increasingly hard-line policy on religion is itself coming under increasing strain.

The new Regulations - in forty-eight detailed articles - were promulgated by the State Council in November 2004 and took effect on 1 March 2005 (see F18News 18 January 2005 <http://www.forum18.org/Archive.php?article_id=491>).

On the surface it might appear that, as China remains a one-Party State controlled by the CCP at every level, religious affairs are simply a matter of the Party/State's fiat. However, the fact that the new Regulations took six years to draft shows that matters are not quite that simple. China still awaits the promulgation of a comprehensive religious law (as opposed to mere regulations). The government appears to favour a law which focuses on administrative control of religion, whereas many religious leaders themselves would prefer a law which focuses on the protection of the democratic rights of religious believers. Both Christians and Buddhists in China have debated this important issue. However, religion remains a highly sensitive topic for the government, which is unlikely to relax its tight control of religious affairs.

On every side, religious faith and practice is burgeoning in China. Buddhism and Islam are intertwined with the nationalist aspirations for greater autonomy (or even complete independence) of the Tibetan, Mongol and Uygur peoples. Buddhism, Daoism and folk-religion are on the rise among the majority Han Chinese population. The majority of Catholics are loyal to the Pope and there is a vigorous network of underground bishops and priests. Explosive growth continues among unregistered Protestant house-churches. As former President Jiang Zemin admitted, "Religion is no small affair".

Even the definition of what is a "religion" - and particularly a "legal religion" - is under debate, not just among religious communities and academics but among officials too. Since the early 1950s the CCP's religious policies have tolerated only five major religions - Buddhism, Daoism, Islam, Protestantism and Catholicism (without official ties to the Vatican). Only these five religions are allowed legal existence with their own "patriotic" religious associations, religious buildings and seminaries and tightly-controlled religious publishing outlets. The 2005 Regulations appear to assume the continuation of this artificial and arbitrary definition of legalised religions.

In practice, tensions have emerged which make the whole ideological foundation of control of religious affairs increasingly out of touch with reality. For instance, the Russian Orthodox Church still has a small foothold in both the far north-east (Harbin in Heilongjiang) and the far north-west (Xinjiang) of China (and possibly elsewhere). In Harbin it has had one active church operating with the full approval of the local authorities for many years. Yet on the national level, Orthodoxy is still not on the approved list of legally-recognised religions and so remains technically proscribed.

Other Christian denominations are in a similar position to the Orthodox. Seventh-day Adventists are allowed to meet separately on officially-registered Protestant church premises but are not allowed a legal identity as a separate denomination. Nor are any other Protestant denominations which were all formally abolished in 1958 when the Three Self Patriotic Movement forcibly "unified" all the Protestant churches under CCP pressure. There are clear advantages for government control in having a united Protestant church. But should Chinese Christians be denied the right to re-establish their former churches (such as Anglicans, Methodists and Presbyterians) if they so wish? Adherents of the Baha'i faith, of Mormonism, and of Jehovah's Witnesses exist in China in small

numbers but are not allowed any legal existence. Hindus, Sikhs and members of other faiths visit China and live there to conduct business, but they, too, are denied any legal expression of their faith.

More seriously, at least in terms of the numbers of people involved, is the government's seeming inability to define clear boundaries between licit "religion" (zongjiao) and illicit "feudal superstition" (fengjian mixian). In its first major policy statement on the management of religious affairs since the Cultural Revolution, the CCP stated in 1982: "We should make a clear distinction between normal religious activities and feudal superstitious activities. We should not allow those reactionary superstitious sects and secret societies and sorcerers and sorceresses that we have banned to resume their activities. We should ban and severely punish all those who carry out superstitious activities to lure the people and defraud them of their money and property."

Over the last twenty years, "folk religion" (however defined) has made a major comeback. Forum 18 News Service has observed many people on the streets reading palms and engaging in other clearly "feudal superstitions". In most cases these seem to be tolerated. Further, the boundaries between what is "religious" and what is magical and superstitious even within the officially-tolerated religions of Buddhism and Daoism (particularly the latter) are far from clear.

At the provincial level, religious affairs regulations issued in recent years (and which still seem to be in force) appear to reflect this confusion, at least on paper. In some provinces, "feudal superstition" is still clearly condemned. For instance, Article 31 of the Hainan Regulations (published in Hainan Daily, 22 October 1997) state bluntly: "Nobody can use religion to undertake feudal superstitious activities or to cheat people of their money". More recently, Article 24 of the Jiangsu Regulations (published in Wujiang Daily, 15 July 2002) go even further in spelling out what is proscribed: "It is forbidden to carry out the Bagua (Eight Diagrams), fortune-telling, physiognomy, glyptomancy, fengshui (geomancy), exorcism, healing and other feudal superstitious activities at [registered] religious sites."

Even here, however, the Regulation is far from clear: what is the status of all these activities OUTSIDE registered "religious sites" (which clearly refers only to the temples and churches of the recognised five major religions)? Are these activities banned everywhere else in the province? Or, conversely, is this a subtle admission of the authorities that they have lost the battle against "superstition" and can only hope to control it to some extent on "patriotic" religious premises?

The religious regulations of several other provinces - such as Zhejiang and Liaoning - make no mention of the need to crack down on "feudal superstition" at all. Beijing went further - in 2002 it dropped an article from its original draft religious regulations condemning "fortune-telling, palm-reading and exorcisms and healings". When the new law was publicised the fact that these activities were now legal was actually highlighted with the heading: "Beijing Promulgates Its Religious Law: Fortune-telling and Exorcism are Legal at Religious Sites".

In view of this confusion, is it coincidental that in the new March 2005 Religious Regulations there is a deafening silence on this important and controversial issue? (The only brief reference which might be taken to refer to it is the stereotypical and catch-all Article 3 which states: "No organisation or individual may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.") Otherwise, no mention is made of "feudal superstition" at all.

Article 3 also states: "The State in accordance with the law protects normal (zhengchang) religious activities." The problem for religious believers in China is that the CCP fiercely upholds its arbitrary prerogative to define what is "normal" and what is "abnormal". One obvious implication of the government's failure to distinguish between "religion" and "feudal superstitions" is that religious worshippers will always be concerned that they could be seen as practising feudal superstitions if the categories are not clearly delineated. Yet should it be the government's right to make such distinctions in the first place?

The government's arbitrary prerogative also affects children's rights to participate in religious activity. In most other countries, the rights of children to attend religious meetings freely are upheld as natural - as international law requires. In China, however, for many years the CCP has strongly discouraged under-18-year-olds from becoming religious believers. The March 2005 Regulations make no mention of this ban, and this is regarded by some as a step forward. The reality seems to be that whatever paper regulations may state or not state, the CCP keeps a jealous hold on children and youth.

This was dramatically highlighted by reports from the largely Muslim area of Xinjiang in north-western China earlier this year. Radio Free Asia quoted Muslim religious leaders as declaring that children under 18 are now being forbidden entry into mosques across the region (as are CCP members). A devout Muslim school teacher has been dismissed after 20 years service just for being a Muslim. Recent visitors report complaints from local people in scores of other cases of religious discrimination, including arbitrary arrests and severe restrictions on religious activities.

For Chinese Christians, the vexed question of registration of religious meetings has been a perennial problem. The new Regulations state categorically that all religious meetings have to be registered and obtain permission from the local religious affairs bureau. Article 43 states: "Where a site for religious activities is established without approval or a site originally for religious activities continues to carry them out after its registration has been cancelled, or an institute for religious education is established without approval, the religious affairs department shall ban such a site or institute and confiscate its illegal gains."

In reality, there are more Christians across China worshipping in "illegal" churches (whether Protestant house-churches or "underground" Catholic churches loyal to the Vatican) than there are attending the "patriotic" churches. Chinese Christians are law-abiding but many refuse to countenance State interference in the churches' internal spiritual affairs. At the end of 2005, senior house-church leaders in Shanghai and Beijing confirmed to Forum 18 that they had not heard of any house-churches registering under the new March 2005 Regulations.

In 2004-5 a few younger Beijing house-church leaders (mostly young professionals) had been considering whether to attempt registration directly with the government, while avoiding control by the Three Self Patriotic Movement, which they found theologically abhorrent. However, such hopes were brutally stifled when in December 2005 and January 2006 police raided Beijing house-churches largely attended by university-educated young professionals. Just after Christmas 2005 Pastor Jin Tianming, who pastors at least nine house-churches in the university Haidian district, was held overnight at a police-station for questioning. China Aid reported that dozens of other leaders in his church were also interrogated.

Then, on 8 January 2006 and again on 15 January four police agents rushed into the apartment building where members of the Beijing Ark House Church were holding their normal Sunday worship meeting and told the congregation that they were an "illegal religious meeting-place" because it was not registered. Many of the members are prominent lawyers and writers.

More sinister was the alleged murder attempt on Gao Zhisheng, a prominent Christian lawyer who has taken up cases of brutality against both the proscribed Falun Gong practitioners and house-church Christians in Xinjiang. On the afternoon of 18 January a car with a deliberately covered number plate suddenly accelerated and tried to run down Gao, who only escaped death by throwing himself into an alley. He has subsequently launched a hunger strike for "the restoration of human rights in China".

The authorities could not have given a more brutal rebuff to the conciliatory stance of the Beijing Christian intellectuals. It appears to be a clear signal to the house-churches that registration directly with the authorities, while maintaining continuing independence from the Three Self Patriotic Movement, is not an option.

The new Regulations have a whole chapter (no. 5) containing eight articles dealing with "religious property". Article 30 states: "No organisation or individual may encroach upon, loot, privately divide up, damage, destroy, or illegally seal up, impound, freeze, confiscate or dispose of the legal property of a religious body."

This seems to guarantee watertight protection for the property of the five legal religions. But events over the last year, particularly with regard to seizures of Catholic property, show that paper regulations count for little in reality.

The most horrifying incident came last November in the central city of Xi'an, when armed thugs attacked Catholic nuns peaceably demonstrating for the return of property legally theirs. Several nuns were badly injured and had to be hospitalised, with one losing her sight in one eye. The brutal assault drew widespread international condemnation and outraged the Chinese Catholic community who tried to share the news before the authorities clamped down on websites based in China.

Demonstrations also took place for similar reasons in Tianjin while, as UCANews reported in October 2005, in Hanzhong the (patriotic state-approved) bishop had earlier issued an urgent appeal accusing the city's Civil Affairs Bureau of denying the church's legal right to its own property. In all these cases, it seems the Catholic Church had fallen foul of greedy developers allied with corrupt officials seeking to get their hands on valuable church property.

In conclusion, the year that has passed since the promulgation of the new Regulations has seen no hint of liberalisation of religious policy - rather the reverse. Religious policy is still implemented by fiat by the CCP in an arbitrary fashion according to its own political requirements rather than by the rule of law. The situation is increasingly serious both internally and internationally. Inside China, religious believers of all hues are much more vocal in demanding their rights. To them, the CCP's religious policies appear repressive and moribund. Overseas, China's image has received severe blows. In the run-up to the 2008 Beijing Olympics, international attention on religious freedom violations and human rights more widely is likely to increase.

The government of Hu Jintao has taken a step backwards even compared to that of Jiang Zemin, himself no liberal. The top-heavy structure for controlling religious affairs seems to be creaking at the seams. Greater freedom for China's hard-pressed religious believers seems to be only a matter of time as economic and social forces converge to loosen the CCP's control. Will the government bow to the inevitable and seek to create a better environment for religious practice or will it resist genuine reform to the last? The events of the last year show that the latter outcome is - sadly and unnecessarily - more likely.

For analyses of other aspects of religious freedom in China, see <<http://www.forum18.org/Analyses.php?region=3>>

For an analysis of religious freedom in Xinjiang, see <<http://www.forum18.org/Analyses.php?region=72>>

A printer-friendly map of China is available from <<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=china>>

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[f18news @ editor.forum18.org](mailto:f18news@editor.forum18.org)

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY