Belief in Control: Regulation of Religion in China*

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ABSTRACT This article examines the regulation of religion in China, in the context of changing social expectations and resulting dilemmas of regime legitimacy. The post-Mao government has permitted limited freedom of religious belief, subject to legal and regulatory restrictions on religious behaviour. However, this distinction between belief and behaviour poses challenges for the regime's efforts to maintain political control while preserving an image of tolerance aimed at building legitimacy. By examining the regulation of religion in the context of patterns of compliance and resistance in religious conduct, the article attempts to explain how efforts to control religion raise challenges for regime legitimacy.

The relationship between religion and state power in China has long been contested. Dynastic relations with religious organizations and doctrine included attempts to capture legitimacy through sponsorship of ritual, while folk religions continued to thrive in local society despite ongoing attempts at official control.[1] In addition, religion was a significant source of resistance to imperial rule, often in the form of secret societies attempting to remain aloof from official control,[2] as well as through peasant uprisings inspired by religious devotion.[3] During the Maoist period, programmes of socialist transformation challenged the social bases for traditional Chinese folk religions, while policies of political monopoly attacked those limited examples of organized religion that could be identified and targeted.[4]

In post-Mao China, the regime adopted a somewhat more tolerant perspective on religion.[5] As a component of a new approach to building

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1. See generally Stephen Feuchtwang, "School-temple and city god," in Arthur P. Wolf (ed.), *Studies in Chinese Society* (Stanford: Stanford University Press, 1978), pp. 103–130; C.K. Yang, *Religion in Chinese Society* (Berkeley: University of California Press, 1961).

2. See e.g. David Ownby, *Brotherhoods and Secret Societies in mid-Qing China: The Formation of a Tradition* (Stanford: Stanford University Press, 1996).

3. See generally, Elizabeth J. Perry, *Challenging the Mandate of Heaven: Social Protest and State Power in China* (Armonk NY: M.E. Sharpe, 2001) and *Rebels and Revolutionaries in North China, 1845–1945* (Stanford: Stanford University Press, 1980); Susan Naquin, *Millenarian Rebellion in China: The Eight Trigrams Uprising of 1813* (New Haven: Yale University Press, 1976).

4. See generally, Rennselaer W. Lee III, "General aspects of Chinese communist religious policy, with Soviet comparisons," *The China Quarterly*, No. 19 (1964), pp. 161–173.

5. See generally Liu Peng, "Church and state relations in China: characteristics and trends," *Journal of Contemporary China*, Vol. 5, No. 11 (1996), pp. 69–79; Donald E. MacInnis, *Religion in China Today: Policy and Practice* (Maryknoll NY: Orbis, 1989); Chang

regime legitimacy,[6] the government accepted a trade-off of broader social and economic autonomy in exchange for continued political loyalty. Thus, beginning in the 1980s, a "zone of indifference"[7] into which the government chose not to intervene was cautiously expanded in areas of social and economic relations. While the government's concession of socio-economic autonomy was not enforceable through formal institutions or processes, it remained an important source of popular support that could not easily be repudiated except in response to perceived political disloyalty by the citizenry.

This tension between autonomy and loyalty is particularly evident in the area of religion. While China's expanding participation in the world economy has seen increased international criticism on human rights grounds of policies aimed at controlling religious practices,[8] the importance of the regulation of religion rests primarily on domestic factors of authority and legitimacy. Religion represents a fault line of sorts in the regime's effort to build legitimacy through social policy. As a rich array of religious belief systems re-emerges,[9] the regime faces continued challenges of maintaining sufficient authority to ensure political control while still presenting a broad image of tolerance. This article examines the regulation of religion in China in the context of these dimensions of legitimacy and political authority.

Regulation of Religion: Maintaining the Balance Between Autonomy and Loyalty

As with many features of social regulation in China, the regulation of religion proceeds essentially from the policy dictates of the Chinese Communist Party (CCP), which are then expressed and enforced in part through law and administrative regulation. Dissemination and enforcement of Party policies on religion is the responsibility of an intersecting network of Party and governmental organizations.[10] Prior to his retirement following the 16th National CCP Congress, Politburo Standing Committee member Li Ruihuan had particular responsibility for religious affairs, while Politburo member in charge of propaganda Ding Guangen

footnote continued

Chi-p'eng, "The CCP's policy toward religion," *Issues & Studies*, Vol. 19, No. 5 (September 1983), pp. 55–70.

6. See generally Pitman B. Potter, "Riding the tiger – legitimacy and legal culture in post-Mao China," *The China Quarterly*, No. 138 (1994), pp. 325–358.

7. Tang Tsou, *The Cultural Revolution and Post-Mao Reforms: A Historical Perspective* (Chicago: University of Chicago Press, 1986), p. 18.

8. See e.g. Human Rights Watch/Asia, *China: State Control of Religion* (1997), Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), US State Department Bureau of Democracy, Human Rights and Labor, "China country report on human rights practices, 2000" (23 February 2001).

9. See generally, Chan Kim-Kwong and Alan Hunter, "Religion and society in mainland China in the 1990s," *Issues & Studies*, Vol. 30, No. 8 (August 1994), pp. 52–68; Julia Ching, "Is there religious freedom in China?" *America*, Vol. 162, No. 22 (9 June 1990), pp. 566–570.

10. See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), ch. 3; MacInnis, *Religion in China Today*, pp. 1–5.

also played an important role.[11] The Party's United Front Work Department is charged with detailed policy formulation and enforcement, subject to general Party policy directives.[12] The State Council's Religious Affairs Bureau has responsibility for regulatory initiatives and supervision aimed at implementing Party policy.[13] Public Security departments have taken broad responsibility to enforce regulations controlling religious activities, and have participated actively in suppression campaigns.

Party policy. Party policy on religion over the past 20 years has reflected a marked departure from the repressive policies of the Maoist period. The Third Plenum of the 11th CCP Central Committee in 1978 supported conclusions about the decline of class struggle.[14] This led in turn to gradual acceptance of broader diversity of social and economic practices, including a relaxation of Party policy on religion. The official summary of CCP policy on religion issued in 1982 as "Document 19" stated the basic policy as one of respect for and protection of the freedom of religious belief, pending such future time when religion itself will disappear.[15] While recognizing that religious belief was a private matter, and acknowledging that coercion to prevent religious belief would be counterproductive,[16] Party policy nevertheless privileged the freedom not

11. See "Li Ruihuan meets religious leaders," Beijing Xinhua Domestic Service 31 January 2000, in FBIS *Daily Report – China* (FBIS-CHI-2000–0201) 1 February 2000. In the official Xinhua report on the National Work Conference on Religion, 10–12 December 2001, Li Ruihuan was listed just after Li Peng and Zhu Rongji and ahead of Hu Jintao among the leaders attending. See "Quanguo zongjiao gongzuo huiyi zai jing juxing" ("National work conference on religion convenes in Beijing") *Renmin wang* (*People's Net*) (electronic service) (12 December 2001). Ding Guangen was listed first among the chairs of the Work Conference.

12. UFWD Director Wang Zhaoguo's public statements on united front work regarding religion have echoed the central tenets of Party policy on issues of Party and state guidance of religion and the need for religions to adapt to the needs of socialism. See e.g. "Wang Zhaoguo on PRC united front work," Beijing Xinhua Domestic Service, 8 January 2000, in FBIS-CHI-2000–0110, 11 January 2000.

13. See e.g. Ye Xiaowen, "China's current religious question: once again an inquiry into the five characteristics of religion" (22 March 1996), Appendix X in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 116–144.

14. See "Zhongguo gongchandang di shiyi jie zhongyang weiyuanhui di san ci quanti huiyi gongbao" ("Communiqué of the Third Plenum of the Eleventh CCP Central Committee"), *Hongqi* (*Red Flag*), No. 1 (1979), pp. 14–21.

15. See "Guanyu woguo shehuizhuyi shiqi zongjiao wenti de jiben guandian he jiben zhengce" ("Basic viewpoints and policies on religious issues during our country's socialist period") (31 March 1982), in Xu Yucheng, *Zongjiao zhengce falü zhishi dawen* (*Responses to Questions about Knowledge of Law and Policy on Religion*) (Beijing: Chinese Academy of Social Sciences Press, 1997), pp. 287–305, at p. 292. An English translation appears as "Document 19," Appendix 2 in Mickey Spiegel, "Freedom of religion in China" (Washington, London and Brussels: Human Rights Watch/Asia, 1992), pp. 33–45. For discussion of circumstances surrounding the issue of Document 19, see Luo Guangwu, *Xin Zhongguo zongjiao gongzuo da shi yaojian* (*Outline of Major Events in Religious Work in the New China*) (Beijing: Chinese culture (*huawen*) press, 2001), pp. 298–304.

16. Herein perhaps lay a recognition of the limits of CCP policies that under Mao attempted to repress local religious practices and traditions. See generally, Edward Friedman, Paul G. Pickowicz and Mark Selden, *Chinese Village, Socialist State* (New Haven: Yale University Press, 1991), esp. pp. 234–35, 268–270. Also see Stephan Feuchtwang, "Religion as resistance," in Elizabeth J. Perry and Mark Selden (eds.), *Chinese Society: Change Conflict and Resistance* (London: Routledge, 2000), pp. 161–177.

to believe in religion. It also recognized only five religions, Buddhism, Daoism, Islam, Catholicism and Protestantism, in an effort to exclude folk religions, superstition and cults from the bounds of protection.[17] The Party was also committed to unremitting propaganda to support atheism, and to using its control over the educational system to marginalize religious belief.[18] Document 19 prohibited grants of "feudal privileges" to religious organizations and otherwise limited their capacity to recruit, proselytize and raise funds. Education of clergy and administration of religious organizations and buildings aimed to ensure that religious leaders remained loyal to principles of Party leadership, socialism, and national and ethnic unity. Document 19 also prohibited Party members from believing in or participating in religion.[19]

While the early 1980s signalled an important phase of liberalization in comparison to previous periods, the Party remained concerned primarily with enforcing social control, under the rubric of the dictatorship of the proletariat and the central role of Party leadership in the process of socialist modernization.[20] Significant social unrest in Tibet and Xinjiang in 1988–89,[21] coupled with the nation-wide crisis created by the 1989 democracy movement, posed particular challenges. In 1991, the CCP Central Committee/State Council's "Document No. 6" expressed the regime's policy response that attempted to co-opt religious adherents while also repressing challenges to Party power.[22] Document No. 6 emphasized increased regulatory control over all religious activities: "Implementing administration of religious affairs is aimed at bringing religious activities within the bounds of law, regulation, and policy, but not to interfere with normal religious activities or the internal affairs of religious organizations."[23] While the reference to non-interference seemed benign, the qualification that this extended only to "normal" activities suggested an overarching purpose to confine religion to the limits of law and policy.

Document No. 6 grew out of the State Council's National Work Conference on Religion on 5–9 December 1990, at which there was relatively frank discussion on the number of religious adherents in China and a recognition of the need for limited tolerance.[24] Following Li Peng's

17. *Ibid.* Also MacInnis, *Religion in China Today*, pp. 385–410. For parallels to religious policies under the Qing, see Ownby, *Brotherhoods and Secret Societies*; Naquin, *Millenarian Rebellion in China*.

18. See generally, MacInnis, *Religion in China Today*, pp. 411–19.

19. "Basic view points and policies," pp. 299–301.

20. See Preamble to the 1982 Constitution of the PRC (Beijing: Law Publishers, 1986).

21. On Tibet, see Melvyn Goldstein, "Tibet, China and the United States: reflections on the Tibet question," *Atlantic Council Occasional Paper* (April 1995), pp. 38–48. On Xinjiang, see Felix K. Chang, "China's Central Asian power and problems," *Orbis*, Vol. 41, No. 3 (Summer 1997), pp. 401–426.

22. "Guanyu jinyibu zuohao zongjiao gongzuo ruogan wenti de tongzhi" extracted in Luo Guangwu, pp. 434–37. English text appears as "Document 6: CCP Central Committee/State Council, circular on some problems concerning further improving work on religion" (5 February 1991), Appendix 1 in Spiegel, "Freedom of Religion in China," pp. 27–32.

23. See *Ibid.* pp. 435–36. Also see Chan Kim-Kwong and Alan Hunter, "New light on religious policy in the PRC," *Issues & Studies*, Vol. 31, No. 2 (February 1995), pp. 21–36

24. For discussion of the work conference, see Luo Guangwu, pp. 428–432.

exhortation to ensure strict enforcement of Party policy and state law on control of religion, Jiang Zemin took a more relaxed tack, calling for a united front approach that included tolerant management of religious organizations, policies on religion that were suited to broader programmes of reform and opening up, and a recognition that religion "affects the masses of a billion people" (*shejidao qian baiwan qunzhong*) and that resolution of issues of religion would have significance for national stability, ethnic unity and the promotion of socialist culture. In anticipation of the issuance of Document No. 6, Jiang called the five leaders of national religious organizations to Zhongnanhai for a briefing, emphasizing the balance between limited tolerance of religious activities that conformed to Party policy, and repression of heterodoxy.[25]

Document No. 6 claimed to protect freedom of religious belief, while requiring believers to comply with imperatives of Party leadership, social stability and social interests. The document reiterated provisions of the 1982 Document No. 19, on the right not to believe in religion. Document No. 6 directed public security organs to take forceful measures to curb those who use religious activities to "engage in disruptive activities," "stir up trouble, endanger public safety, and weaken the unification of the country and national unity," or "collude with hostile forces outside the country to endanger China's security." Apart from their utility in justifying restrictions on religious activities in Tibet and Xinjiang and prohibitions against Christian practitioners from Taiwan,[26] these provisions also limited proselytization, recruitment, fund-raising and other activities in support of organized religion.[27]

Despite efforts at official control, a religious revival in China gathered significant momentum through the 1990s.[28] The Party's policy response recognized five basic characteristics of religion that had been identified and formalized by the CCP's United Front Work Department in the late 1950s and then reiterated in 1989.[29] These stressed the long-term character of religion and its mass base, national and international aspects, and complexity. The long-term character of religion militated in favour of patient persistence in Party policies of co-optation and control. The mass character served as a cautionary note that the Party could not easily

25. *Ibid.* pp. 432–34.

26. With increased (albeit indirect) travel between Taiwan and the mainland in the 1980s, the links between Taiwan relations and religious affairs became a matter of particular concern. See Religious Affairs Bureau and Taiwan Affairs Office, "Institutional secret, national edict on religion" (*guo zhongfa*), No. 128 (13 November 1989), in Chan and Hunter, "New light on religious policy in the PRC," pp. 21–36 at pp. 30–31.

27. Spiegel, "Freedom of religion in China," pp. 8–13.

28. See generally, Jaime Florcruz *et al.*, "Inside China's search for its soul," *Time*, Vol. 15, No. 14 (4 October 1999), pp. 68–72; Adam Brookes and Susan V. Lawrence, "Gods and demons," *Far Eastern Economic Review*, 13 May 1999, pp. 38–40; Arthur Waldron, "Religious revivals in Communist China," *Orbis*, Vol. 42, No. 2 (Spring 1998), pp. 323–332; Donald MacInnis, "From suppression to repression: religion in China today," *Current History*, Vol. 95 (September 1996), pp. 284–89; Matt Forney, "God's country," *Far Eastern Economic Review*, 6 June 1996, pp. 46–48.

29. Ye Xiaowen "China's current religious question: once again an inquiry into the five characteristics of religion" (22 March 1996), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 116–144 at pp. 117–18.

ignore or control the some 100 million people believed to participate in religion. The links between religion and national and international questions called for attention to the interplay between ethnicity in such areas as Tibet and Xinjiang and the imported religions of Buddhism and Islam. The complexity of religion was seen to require careful analysis of the processes of popular belief as a prerequisite for effective policy.

In the face of these conditions, Party authorities on religion focused on strengthening administration of religious affairs according to law, and on actively guiding religions to enable them to adapt to socialist society.[30] While the educational function of Party policy represented a method of indirect control over clergy and believers,[31] administration according to law imposed criminal and administrative sanctions for religious activities used to "oppose the Party and the socialist system, undermine the unification of the country, social stability and national unity, or infringe on the legitimate interests of the state...."[32] Party policy was less tolerant of local sects seeking broader autonomy from the Party and the government,[33] while also urging vigilance against infiltration of China by hostile foreign elements under the guise of religion. The United States was portrayed as particularly interested in using religion to subvert China.[34]

The State Council's 1997 "White Paper on Freedom of Religious Belief in China" reiterated the point that "religion should be adapted to the society where it is prevalent" and the religions must "conduct their activities within the sphere prescribed by law and adapt to social and cultural progress."[35] Pursuant to these principles, the government remained committed to punishing those religions and religious believers who "are a serious danger to the normal life and productive activities of the people" or who "severely endanger the society and the public interest."[36] The coercive themes were reiterated at the United Front Work Department's national work conference in late December 1999 by Director Wang Zhaoguo: "We must comprehensively and correctly implement the Party's religious policy, strengthen administration of religious affairs according to law, and actively guide religions to adapt to socialist society."[37]

This theme was reinforced in RAB Director Ye Xiaowen's October

30. See Luo Shuze, "Some hot issues in our work on religion" (June 1996) in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 65–70

31. *Ibid.* pp. 68–70.

32. *Ibid.* p. 68. Also see Mickey Spiegel, "Control 'according to law': restrictions in religion," *China Rights Forum*, Spring 1998, pp. 22–27.

33. Luo Shuze, "Some hot issues in our work on religion," at pp. 66–67

34. *Ibid.* p. 65. This continues to be a focus of official policy statements on religion. See "US report on religious freedom seen as 'power politics'," Beijing Xinhua English Service, 11 December 1999, in FBIS-CHI-1999-1210, 13 December 1999; "PRC refutes charges on religious affairs," Beijing Xinhua English Service, 8 December 1999, in FBIS-CHI-1999-1208, 9 December 1999.

35. "Freedom of religious belief in China" (hereafter "1997 White Paper") in *White Papers of the Chinese Government, 1996–1999* (Beijing: Foreign Languages Press, 2000), pp. 227–257 at pp. 246–47.

36. *Ibid.* p. 247.

37. "Wang Zhaoguo on PRC united front work," Beijing Xinhua Domestic Service, 8 January 2000, in FBIS-CHI-2000-0110, 11 January 2000.

2000 essay on theory and policy.[38] Ye called for cadres to adhere to the "three sentences" (*san ju hua*) of Jiang Zemin extolling the need to enforce Party policies on religion, strengthen management of religion according to law, and actively lead the adaptation of religion and socialism.[39] Ye also reiterated four principles articulated during Jiang Zemin's July 1998 inspection tour of Xinjiang, namely the freedom to believe or not believe in religion, non-interference in religious activities, separation of politics from religion, and the interdependence between rights and obligations associated with religious activities. Ye cautioned cadres on the need for tolerance of approved religious activities in accordance with law, although he also urged punishment of violations. For Ye, the key to managing popular religious activity seemed to lie in educating the younger generations in historical materialism and atheism, rather than in coercion and repression of practitioners.

Despite the violent repression campaign against the *falun gong* in 2000–2001, Party policy continued to sound a theme of cautious accommodation with religion in general, under the theme of adaptation between religion and socialism. In his speech to the December 2001 National Work Conference on Religious Affairs, Jiang Zemin called once again for adaptation between religion and socialism.[40] The conference was intended originally to summarize the results of the campaign against the *falun gong* and to provide instructions for further action. However, by the time the meeting was held, policy consensus on repression of the *falun gong* had apparently progressed to the point where there was little left to discuss. As a result, the conference was used as an opportunity to summarize official policies. Jiang's speech instructed officials to adhere to policies on religious freedom, refrain from using administrative force to eliminate religion and accept that religion would be an integral part of Chinese society for a long time. These conciliatory elements were echoed in an influential article by Deputy Director of the State Council Office for Economic Restructuring Pan Yue, who is also an important official in the CCP's youth wing.[41] Pan suggested that the Party drop its long-standing prohibition of religious figures joining the Party and recognize that religion "has psychological, cultural and moral functions, as well as numerous uses, such as services and public welfare." Pan called for the Party to "abandon the policy of consistently suppressing and controlling religion and adopt [a policy] of unity and guidance and take advantage of the unifying power and appeal of religion to serve the CCP regime."

However, the December 2001 work conference also expressed the

38. Ye Xiaowen, "Dui zongjiao lilun he zhengce yaodian de fensi he guilei" ("Analysing and classifying the main points of religious theory and policy"), in Luo Guangwu, pp. 1–8.

39. These had been articulated in Ye's 14 March 1996 *Renmin ribao* editorial, which in turn harkened back to Jiang Zemin's 7 November 1993 speech to a national united front work conference. See Luo Guangwu, pp. 528–29, 465–68.

40. "Jiang Zemin, Zhu Rongji address religious work conference, other leaders take part," Beijing Xinhua Domestic Service, 12 December 2001 in FBIS-CHI-2001-1212, 19 December 2001.

41. "Report says CCP plans to allow religious figures to join Party," Hong Kong Sing Tao Jih Pao (internet version), in FBIS-CHI-2001-1224, 26 December 2001.

more conventional aspects of policies on control of religion. Jiang Zemin called for the Party and state to guide religion to conform to the needs of socialism, and to prevent religious adherents from interfering with the socialist system, the interests of the state and the requirements of social progress. Religious adherents were admonished to love the motherland, support the socialist system and the leadership of the Party, and obey the laws and policies of the state. The basic principles articulated in Document 19 of 1991 remain key to ensuring that religious activities would not thwart the goals of Party leadership and socialism. Zhu Rongji's remarks to the December 2001 meeting focused on the need for effective administration of the regulatory system for religion, particularly in rural and minority areas.[42] The theme of control was reiterated in *Tibet Daily*'s 13 December commentary on a Central Committee outline concerning implementing citizens' moral construction, which focused on "strengthening unity with the broad masses of people who do not believe in religion," supporting "normal and orderly religious activities" and strengthening Party leadership.[43] In addition, Politburo Politics and Law Chair Luo Gan's speech on tasks for 2002, given just prior to the work conference, stressed the need for suppression of disruptive religious activity.[44] Thus, despite recent suggestions about liberalization, the discourse of control remains strong.

Provision of Chinese law. The State Council's 1997 White Paper reiterated the distinction between religious belief which the state purports to protect, and "illegal and criminal activities being carried out under the banner of religion."[45] The distinction is made according to CCP policies, as expressed in the provisions of the Constitution and specific laws and regulations.

The Constitution of the PRC represents a formal articulation of Party policy. As Peng Zhen, then Vice-Chair of the Committee to Revise the Constitution, pointed out in 1980, "the Party leads the people in enacting the law and leads the people in observing the law" (*dang lingdao renmin zhiding falü, ye lingdao renmin zunshou falü*).[46] This edict remains a bulwark of the Party's approach to law making.[47] During the post-Mao

42. "Jiang Zemin, Zhu Rongji address religious work conference."

43. See "Xizang ribao commentator views implementation 'outline' on ethics building, Tibet's religious policy," *Xizang ribao (Tibet Daily)*, 13 December 2001, in FBIS Doc. ID CPP20011217000175, 17 December 2001.

44. See "China's Luo Gan outlines tasks of political legal work in 2002," Beijing Xinhua Domestic Service, 4 December 2001, in FBIS-CHI-2001-1204, 7 December 2001.

45. "1997 White Paper," p. 247.

46. See e.g. Peng Zhen, "Guanyu difang ren-da changweihui de gongzuo" ("On the work of local people's congress standing committees") (18 April 1980). In *Peng Zhen wenxuan (Collected Works of Peng Zhen)* (Beijing: People's Press, 1991), pp. 383–391 at p. 389.

47. See e.g. Wu Fumin, "Zou yifa zhiguo lu" ("Walking the road of ruling the country by law"), in *Fazhi ribao (Legal System Daily)*, 19 April 2000, pp. 1–2; Zhang Zhiming, *Cong minzhu xin lu dao yifa zhiguo (From the New Road of Democracy to Ruling the Country According to Law)* (Nanchang: Jiangxi Higher Education Press, 2000); Tian Jiyun (ed.), *Zhongguo gaige kaifang yu minzhu fazhi jianshe (China's Reform and Opening Up and Construction of Democracy and the Legal System)* (Beijing: China Democracy and Legal System Press, 2000), p. 412.

period, policies of limited tolerance for religion were reflected in the provisions of Article 36 of the 1982 Constitution:[48]

Citizens of the People's Republic of China enjoy freedom of religious belief.

No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion: nor may they discriminate against citizens who believe in, or do not believe in any religion.

The state protects normal religious activities. No one 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.

Religious bodies and religious affairs are not subject to any foreign domination.

In explaining the meaning of Constitutional provisions on religious freedom, Peng Zhen noted that from a political perspective the common elements of patriotism and adherence to socialism bind those who believe in religion and those who do not.[49] This underscored the imperative of submission to party-state control as a condition for enjoyment of religious freedom. Protection of freedom of religion was qualified as well by provisions of the PRC Constitution Article 33 conditioning the exercise of citizens' rights on their performance of duties: "Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law."[50] As explained by Peng Zhen, these duties included upholding the Four Basic Principles,[51] which impose a duty to uphold the socialist road, the dictatorship of the proletariat, leadership of the Party, and Marxism, Leninism, Mao Zedong Thought.[52] Thus, the freedom granted religious belief remained conditional not only on compliance with law and regulation, but more fundamentally on submission to the policies and edicts of the party-state.

The Constitution provides authority for specific legislation on the matter of religion. As yet, there is no comprehensive law on religion, although the principle of freedom of religious belief is articulated with qualifications in a number of specific laws.[53] Thus, the Law on Autonomy in Nationality Regions (1984, 2001) allows in Article 11 for freedom of religious belief, subject to qualifications against harm to social order, personal health and state education. The General Principles of Civil Law (1986) provides in Article 75 for protection of personal property includ-

48. PRC Constitution (1982) (Beijing: Publishing House of Law, 1986). The provisions of Article 36 were retained in the constitutional amendments of 1988, 1993 and 1999.

49. Peng Zhen, "Guanyu Zhonghua renmin gongheguo xianfa xiugai cao'an de shuoming" ("Explanation of the draft revisions to the Constitution of the PRC"), in Peng Zhen, *Lun xin shiqi de shehui minzhu yu fazhi jianshe* (*On Building Socialist Democracy and Legal System During the New Period*) (Beijing: Central Archives Press, 1989), pp. 100–115 at p. 109.

50. PRC Constitution (1982). This provision was retained in the 1988, 1993 and 1999 amendments.

51. Peng Zhen, "Guanyu Zhonghua renmin gongheguo xianfa xiugai cao'an de shuoming" ("Explanation of the draft revisions to the Constitution of the PRC"), in *Renmin ribao* (*People's Daily*), 6 December 1982.

52. Deng Xiaoping, "Jianchi si xiang jiben yuanze" ("Uphold the four basic principles"), in *Deng Xiaoping wenxuan: yijiuqiwu – yijiu ba'er* (*Collected Works of Deng Xiaoping: 1975–1982*) (Beijing: People's Press, 1983), pp. 144–170 at pp. 150–51.

53. "1997 White Paper," pp. 230, 232.

ing cultural items and in Article 77 for protection of property of religious organizations. The Law on Elections to National and Local People's Congresses (1986) provides in Article 3 for the right to stand for election regardless of religious belief, as does the Organization Law on the Village Committees (1987) in Article 9. The Education Law (1995) Article 9 prohibits discrimination in educational opportunity based on religion, although Article 8 provides that religion may not interfere with the state educational system. The Labour Law (1995) Article 12 prohibits discrimination in employment based on religion. The revised Criminal Law of the PRC (1997) provides in Article 251 for punishment of state personnel who unlawfully deprive citizens of their freedom of religious belief. As with the Constitutional provisions, these laws confine the scope of protection to the matter of religious belief, as qualified by requirements that religious practices not conflict with the state's political authority.

Authorized by the Constitution and informed by CCP policies, China's regulatory provisions on religion include measures of general application as well as edicts that apply to specific conduct or beliefs. Regulatory restrictions extend to places of worship, which must be formally registered and undergo annual inspections, and may not be used for activities that "harm national unity, the solidarity of ethnic groups, social stability or the physical health of citizens, or obstruct the educational system.[54] Religious education academies must implement CCP policy and submit to Party leadership, and their curricula, programmes and personnel are subject to approval by the Religious Affairs Bureau.[55] The officially approved curricula incorporate state policy into religious instruction.[56] Activities such as recruiting believers among primary and secondary school students, propagating religious ideology in school, establishing illegal (that is, not properly approved and registered) religious schools and enrolling young people, and travelling abroad to attend seminary are considered in violation of the provision that religion may not obstruct state education.[57]

54. "Guowuyuan guanyu zongjiao huodong changsuo guanli tiaoli" ("State Council regulations regarding the management of places of religious activities") (31 January 1994), in Xu Yucheng, *Respect to Questions*, pp. 308–310. English text of these measures, along with "Registration procedures for venues for religious activities" (1 May 1994); "Method for annual inspection of places of religious activity" (29 July 1996), appear in Human Rights Watch Asia, *China: State Control of Religion* (1997), pp. 106–108, 109–111, 112–14, respectively.

55. See e.g. Religious Affairs Bureau of the State Council, "Comments on enhancing the world of religious academies" (15 January 1988), in Chan and Hunter, "New light on religious policy in the PRC," at pp. 29–30.

56. See for example, "Excerpts from questions and answers on the patriotic education program in monasteries" (25 May 1997), in Human Rights Watch Asia, *China: State Control of Religion* (1997), pp. 100–103, where monastery students are required to master government policy attacking the Dalai Lama.

57. "Notice on the prevention of some places using religious activities to hinder school education" (26 November 1991), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 68–70. For further controls over students sent abroad for religious education, see Religious Affairs Bureau of the State Council, "Comments on the Protestant Church sending of students overseas" (21 May 1990), in Chan and Hunter, "New light on religious policy in the PRC," pp. 31–32.

Religious activities by foreigners are also subject to control. This derives in part from the conflicted history of China's relations with foreign missionaries, who are portrayed as instruments of imperialism. In addition, the government strives for control over religion by insulating religious practitioners and activities from their overseas counterparts.[58] Evangelical Christians from the United States and Korea have been cited as examples of foreign religious interests interfering with China's independence and autonomy in managing religious affairs, and building up anti-motherland, anti-government forces.[59] Religious broadcasts, internet information, and literature and materials brought into China from abroad are subject to special inspection and confiscation.[60] Foreigners are generally prohibited from proselytizing, recruiting candidates to go abroad for instruction, and bringing to China religious materials that endanger the public interest.[61]

The Religious Affairs Bureaus of China's provinces and major cities are empowered to issue local regulations on the control of religion.[62] These generally echo the tenets of central edicts.[63] The Regulations of the Shanghai Religious Affairs Bureau (1996), for example, mirror provisions of national regulations on the authority of the government to maintain lawful supervision over religious affairs, including registration and supervision of religious organizations, religious personnel, places of worship, and religious activities, education and property.[64]

Particular regulatory provisions are also aimed at specific religions. Mindful of the overlap between religious belief and ethnic tension, the

58. See generally, "Fourteen points from Christians in the People's Republic of China to Christians abroad" in MacInnis, *Religion in China Today*, pp. 61–70.

59. "Vigilance against infiltration by religious forces from abroad" (15 March 1991), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 52–54. Also see Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 33–36.

60. See Religious Affairs Department of the State Council and the Ministry of Public Security, "Notification on stopping and dealing with those who use Christianity to conduct illegal activities" (18 October 1988); Religious Affairs Office, "Comments on handling religious publications that enter our borders" (16 June 1990), in Chan and Hunter, "New light on religious policy in the PRC," pp. 30 and 32, respectively. On internet controls, see "Computer information network and internet security, protection and management regulations" (30 December 1997) (author's copy).

61. "Guowuyuan guanyu Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding" ("State Council regulations on the management of religious activities of foreigners in the PRC") (31 January 1994), in Xu Yucheng, *Responses to Questions*, pp. 306–307. English text appears in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 104–105.

62. See generally, Richard Madsen and James Tong (eds.), "Local religious policy in China, 1980–1997," in *Chinese Law and Government*, Vol. 33, No. 3 May/June 2000, containing regulations from Guangdong, Fujian, Zhejiang, Shanghai, Shandong, Hebei, Henan, Qinghai, Xinjiang and Yunnan. Also see, "Regulations from the Shanghai Religious Affairs Bureau" (30 November 1995), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 90–99; "Provisional regulations for the registration and management of places of religious activity in Fujian province," in Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), pp. 50–54

63. Richard Madsen, "Editor's introduction," in Richard Madsen and James Tong (eds.), "Local religious policy in China, 1980–1997," in *Chinese Law and Government*, Vol. 33, No. 3 May/June 2000), pp. 5–11.

64. "Regulations from the Shanghai Religious Affairs Bureau" (30 November 1995), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 90–99.

government regulates religious activities of minority nationalities in Tibet and Xinjiang closely to ensure repression of nationalist separatism.[65] Echoing Constitutional provisions and Party policy, the Law on Autonomy in Nationality Regions (1984) provides in Article 11 that "normal" religious activities are protected, but prohibits use of religion to "disrupt social order, the health of citizens, or interfere with the educational system of the state." In Tibet, regulation of religion aims at control of a religious revival in Buddhism and at political questions surrounding the authority of the Dalai Lama.[66] Reacting to an outbreak of anti-Chinese unrest in 1988–89, the government imposed martial law and stepped up efforts at securing political control.[67] Following the Dalai Lama's demurral to China's offer of negotiations, government regulation of religion in Tibet since 1994 has focused on a political agenda of attacking elements associated with the Dalai Lama.[68] Among the many measures taken in this campaign are control over education curricula to subordinate religion, refusal of negotiations with the Dalai Lama and the ban against display or possession of his photograph, the re-education and in some cases dismissal of monks over their loyalty to the Dalai Lama,[69] and the subversion of the Dalai Lama's selection of a new Panchen Lama.[70] Expulsion of nuns and the demolition of Buddhist institutes and monasteries reflect on ongoing commitment to ensuring control over religious education and instruction in Tibetan Buddhism.[71] The government's commitment to controlling those who challenge it was evident as well in efforts to persuade India to return the Karmapa Lama, whose flight from Lhasa shocked Beijing in early 2000.[72]

65. See T. Shakya, *The Dragon in the Land of Snows: A History of Modern Tibet Since 1947* (New York: Columbia University Press, 1999); International Rehabilitation Council for Torture Victims (ed.), *Torture in Tibet 1949–1999* (Copenhagen: IRCT, 1999); P. Wing, L. and J. Sims, "Human rights in Tibet: an emerging foreign policy issue," *Harvard Human Rights Journal*, Vol. 5 (1992), pp. 193–203. Also see Melvyn Goldstein and Matthew T. Kapstein (eds.), *Buddhism in Contemporary Tibet* (Berkeley: University of California Press, 1998). Cf. A. Rosett, "Legal structures for special treatment of minorities in the People's Republic of China," *Notre Dame Law Review*, Vol. 66, No. 5 (1991), pp. 1503–28.

66. See generally Goldstein and Kapstein, *Buddhism in Contemporary Tibet*; MacInnis, *Religion in China Today*, pp. 184–203.

67. See generally, Solomon M. Karmel, "Ethnic tension and the struggle for order: China's policies in Tibet," *Pacific Affairs*, Vol. 68, No. 4 (Winter 1995–96), pp. 485–508. Also see Amnesty International, *People's Republic of China: Repression in Tibet, 1987–1992* (1992).

68. See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 43–50.

69. For an example, see "Education for ethnic minorities: diversity neglected in stress on manufactured unity," *China Rights Forum*, Summer 2001, pp. 12–15; "Excerpts from questions and answers on the patriotic education program in monasteries" (25 May 1997), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 100–103.

70. Also see Hollis Liao, "The case of the two Panchen Lamas – a religious or political issue?" *Issues & Studies*, Vol. 31, No. 12 (December 1995), pp. 115–17; Jonathan Mirsky, "A Lamas' who's who," in *New York Review of Books*, 27 April 2000, p. 15.

71. Tibet Information Network, "Serthar teacher now in Chengdu: new information on expulsions of nuns at Buddhist institute" (8 November 2001); "China-Tibetan monk," Associated Press Wire Service (27 September 1991).

72. "PRC spokesman on asylum in India for Karmapa Lama," Agence France Presse HK, 11 January 2000, in FBIS-CHI-2000–0111, 12 January 2000.

Regulation of Islam in Xinjiang also appears to reflect conclusions about convergence between religion and nationalism.[73] Heavy emphasis is placed on prohibitions against using religion to oppose CCP leadership and the socialist system, or to engage in activities that split the motherland or destroy unity among nationalities.[74] Religious activities are not permitted to interfere with state administration, religious activities and personnel must remain within the localities where they are registered, and religious teaching and the distribution of religious materials is closely controlled. Education and training of religious personnel is permitted only by approved patriotic religious groups, while people in charge of scripture classes must support the leadership of the Party and the socialist system, and safeguard unity of all nationalities and unification of the motherland. Human rights reporting on Xinjiang provides many examples of harassment and repression of Islamic teachers, mosques, schools and practitioners who might contribute to secessionist sentiment.[75] Recently, Beijing has used the US-led war against terrorism to justify repression of Islamic activities in Xinjiang, through a concerted campaign of arrests and executions of alleged separatists.[76]

The Chinese regulatory framework gives special attention to Christianity. This is in part because of an historiography that links Christian missionary work with imperialism, and to fears of international subversion through religion.[77] The growth in popularity of Christianity during the post-Mao period has driven new efforts at control.[78] Catholic churches are primarily under the authority of the Chinese Catholic Patriotic Association and the Chinese Conference of Catholic Bishops, while Protestants are subject to the "Three Self" patriotic movement and the

73. See MacInnis, *Religion in China Today*, pp. 248–254. Also see Dru Gladney, *Muslim Chinese: Ethnic Nationalism in the People's Republic* (Cambridge MA: Harvard Council on East Asian Studies, 1991); He Yanji, "Adapting Islam to socialism in Xinjiang," in Luo Zhufeng (ed.), *Religion Under Socialism in China* (trans. MacInnis and Zheng) (Armonk NY: M.E. Sharpe, 1991), pp. 224–231.

74. "Provisional regulations on the administration of religious activities in the Xinjiang Uighur Autonomous Region" (1990), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 64–65.

75. See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 39–42; Amnesty International, *People's Republic of China: Secret Violence, Human Rights Violations in Xinjiang* (1992).

76. See Information Office of PRC State Council, "East Turkistan terrorist forces cannot get away with impunity," Beijing Xinhua English Service, 21 January 2002, in FBIS-CHI-2002-01-21, 21 January 2002. Also see Willy Wo-Lap Lam, "Terrorism fight used to target China secessionists," CNN e-mail newsletter (23 October 2001); "China claims 'big victory' over separatists in Xinjiang," Agence France Presse (25 October 2001); Craig S. Smith, "China, in harsh crackdown, executes Muslim separatists," *New York Times*, 16 December 2001.

77. See e.g. Luo Shuze, "Some hot issues in our work on religion," pp. 65–66.

78. See e.g. discussion of the "Notice on preventing and clearing up the use of Christianity to carry out crimes and illegal activities" (Guanyu zhizhi liyong jidujiao jinxing weifa weifa huodong de tongzhi) issued October 1988 by Religious Affairs Bureau and Public Security Bureau, in Luo Guangwu, pp. 391–393. Also see Simon Elegant, "The great divide," *Far Eastern Economic Review*, 6 June 1996, p. 53; Betty L. Wong, "A paper tiger? An examination of the International Religious Freedom Act's impact on Christianity in China," *Hastings International and Comparative Law Review*, Vol. 24 (2001), p. 539.

China Christian Council.[79] With its longer history of missionary activity in China and more formalized hierarchy of clergy professing exclusive loyalty to the Vatican, the Catholic Church has posed particular problems for the CCP regime.[80] The government has devoted particular efforts to control over Catholic clergy and their activities. Those associated with the underground church who refuse to renounce the authority of the Vatican have regularly been singled out for criminal prosecution and repression.[81] Regulations issued in 1989 called for stepping up control over the Catholic Church, primarily through increased education and indoctrination of state-approved clergy, strengthening the organizational authority of the Catholic Patriotic Association, repression of "Catholic Underground Forces," and strengthening Party leadership.[82] Tensions with the Catholic Church have been compounded by the Vatican's diplomatic recognition of Taiwan, although normalization of relations with the mainland remains a possibility, driven by a combination of liberalization and political realism.[83]

The Protestant Church has reportedly received less attention, partly because of its autonomy from the Vatican.[84] However, the relative fluidity of Protestant organizational structures, particularly the role of lay clergy, has made it harder for the government to control, leading for calls to repress Protestant evangelical activities under the guise of controlling illegal "sects" (*xiejiao*).[85] The charter for the "Three Self" movement underscores its submission to Party leadership, support for the authority of the state and the socialist motherland, and obedience to the Consti-

79. See generally, MacInnis, *Religion in China Today*, pp. 263–67, 313–18; Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 13–16. On the "Three-Self" movement during the Maoist period, see Wallace C. Merwin and Francis P. Jones, *Documents of the Three-Self Movement* (New York: National Council of the Churches of Christ in the USA, 1963).

80. See generally, Richard Madsen, *China's Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley: University of California Press, 1998). Also see Freidman *et al.*, *Chinese Village, Socialist State*, p. 234.

81. See e.g. "What we learned from the trial of the case of the Zhu Hongsheng counterrevolutionary clique," in Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), pp. 41–47.

82. CCP United Front Work Department and State Council Religious Affairs Bureau, "Circular on stepping up control over the Catholic Church to meet the new situation" (24 February 1988), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 46–51.

83. See Melinda Liu and Katharine Hesse, "A blessing for China," *Newsweek*, 11 June 2001, pp. 27–31.

84. Hon S. Chan, "Christianity in post-Mao mainland China," *Issues & Studies*, Vol. 29, No. 3 (September 1993), pp. 106–132, at p. 124.

85. See John Pomfret, "China church chief said to protest in prison," *International Herald Tribune*, 7–8 December 2002, p. 2; Li Shixiong and Xiqiu (Bob) Fu, "Religion and national security in China: secret documents from China's security sector" (New York: Committee on Investigation of Persecution of Religious Freedom in China, 2002); Amnesty International, "Urgent action update: death penalty/fear of imminent execution/torture and ill-treatment," 5 February 2002, and "Urgent action update: death penalty/fear of imminent execution," 4 January 2002. For earlier documentation, see "A report on the development of Christian sects in China," Human Rights Watch/Asia, *Freedom of Religion in China* (1992), p. 76.

ation, laws, regulations and policies of the state.[86] The charter for the China Christian Council is less effusive in its support for Party leadership, but still expresses compliance with the party-state through a commitment to manage its churches according to China's constitutions, laws, regulations and policies.[87]

The attack on illegal sects also extends to the now-famous *falun gong* movement, which is not considered a religion and thus is not covered by the policies of limited tolerance articulated in Document 19 of 1982. Initially the government appeared to focus on the movement's challenge to state orthodoxy as the main grounds for suppression.[88] Shocked by the group's organized peaceful protest in front of Zhongnanhai in April 1999, the regime was alarmed further by the prospect of widespread *falun gong* membership among officials and Party members.[89] Although the government claimed in July that sufficient legal grounds already existed for banning *falun gong*,[90] in October 1999 special additional measures were enacted by the NPC Standing Committee outlawing heretical sects and activities.[91] The measures attacked activities that "under the guise of religion, *qigong* or other name disrupt social order or harm the people's lives, financial security and economic development." While examples of murder, rape and swindling were listed as among the criminal activities at which the measure was aimed, particular emphasis was given to harming enforcement of laws and regulations, causing public disturbance, and disrupting public order. Thus, the target was in essence non-compliance with established norms of political loyalty, as official interpretations focused particularly on sectarian activity that "destroyed normal social order and stability."[92] Reflecting the government's concern with the apparent international reach of *falun gong*, the law provided particularly heavy penalties for cases involving contacts among *falun gong* followers

86. "Constitution of the National Committee of the Three Self Patriotic Movement of the Protestant Churces of China" (2 January 1997), in Pik-wan Wong, Wing-ning Pang and James Tong (eds.), "The Three-Self churches and 'freedom' of religion in China, 1980–1997," *Chinese Law and Government*, Vol. 33, No. 6 (November/December 2000), pp. 37–39.

87. "Constitution of the China Christian Council" (1 January 1997), in *ibid.* pp. 39–42. For discussion of the link between compliance with the Chinese constitution and submission to Party leadership, see nn. 71,72 and accompanying text.

88. Elizabeth J. Perry, "Challenging the mandate of heaven: popular protest in modern China," in *Critical Asian Studies*, Vol. 33, No. 2 (2001), pp. 163–180.

89. See Ming Xia and Shiping Hua (guest eds.), "The battle between the Chinese government and the falun gong," *Chinese Law and Government*, Vol. 32, No. 5 (September/October 1999), especially documents 1–4 and 13, focusing on forbidding *falun gong* membership by Party members, non-Party members subject to the United Front Work Department, and state functionaries, and Communist Youth League members.

90. Document 11: "Laws exist for the banning of falun gong," in *ibid.* pp. 43–45.

91. "Quanguo renmin daibiao dahui changwu weiyuanhui guanyu qudi xiejiao zuzhi, fangfan he chengzhi xiejiao huodong de jueding" ("Decision of the NPC Standing Committee on outlawing heretical organizations and guarding against and punishing heretical activities") (30 October 1999), in State Council Legal System Office (ed.), *Zhonghua renmin gongheguo fagui huibian – 1999 no. 4* (*Compilation of New Laws and Regulations of the PRC – 1999* (4)) (Beijing: Law Publishers, 1999), p. 148. Also see "NPC Standing Committee issues anti-cult law" and "More on China issues anti-cult law," Beijing Xinhua English Service, 30 October 1999, in FBIS-CHI-1999-1030, 20 November 1999.

92. "China passes law to 'smash' falungong, other cults," Agence France Presse HK, 30 October 1999, in FBIS-CHI-1999-1030, 20 November 1999.

in different provinces or abroad. The measures were used as well to attack other groups who allegedly threaten Communist Party rule.[93]

While the new measures were enforced vigorously in concert with an intense propaganda campaign,[94] the leadership remained concerned over its inability to eradicate the group.[95] More recently, the government has linked *falun gong* with Tibetan and Xinjiang separatists as threats to Communist Party leadership and the stability of China.[96] In addition, the campaign against *falun gong* has become internationalized because of the US residence of its leader Li Hongzhi, and is thus intertwined with the US and international concerns over China's human rights record.[97] Arrests of foreign citizen practitioners of *falun gong* has further complicated the international relations aspect of the issue,[98] and stern warnings from Beijing that *falun gong* activities would not be permitted in Hong Kong raised delicate questions about Hong Kong's autonomy.[99] Official fears that socio-economic impacts of China's accession to the WTO may bolster *falun gong*'s popularity reflect further the government's appreciation of the international dimensions of the movement.[100]

Ensuring Political Loyalty: Compliance and the Challenge of Legitimacy

The regulation of religion in China depends on compliance, not only to support enforcement but also as a basis for building political legitimacy. As changing socio-economic conditions limit the state's capacity to use force or political favouritism, compliance will depend increasingly on voluntary acceptance of regime norms legitimated through popular acceptance of the trade-off of autonomy for loyalty. Yet, to the extent that its enforcement of policies on control of religion appears to contradict the accepted balance between autonomy and loyalty, the regime may undermine its own legitimacy more broadly.

93. See Human Rights Watch, *HRW World Report 2000: China*, February 2000; Human Rights Watch, "China uses 'rule of law' to justify falun gong crackdown," 9 November 1999.

94. See e.g. instalments in "Shenru che pi 'Falun Gong' xiejiao benzhi" ("Basics of deepening the exposure and criticism of '*falun gong*' heresy"), *Fazhi ribao* (*Legal System Daily*), 3–7 February 2001.

95. "Experts say PRC's leadership 'increasingly alarmed' by falun gong's strength," Agence France Presse HK, 22 January 2001, in FBIS-CHI-2001–0122, 23 January 2001.

96. Human Rights Watch, "Dangerous meditation: China's campaign against falungong" (2002). Also see "Wei Jianxing, Luo Gan Address Conference on Public Security, Judicial Work," Beijing Xinhua Domestic Service, 2 December 2000, in FBIS-CHI-2000–1202, 13 December 2000.

97. See generally, Sarah Lubman, "A Chinese battle on US soil: persecuted group's campaign catches politicians in the middle," *San Jose Mercury News*, 23 December 2001, p. 1A.

98. John Pomfret, "China holds 40 foreign falun gong protesters: use of Westerners marks new tactic," *Washington Post*, 15 February 2002, p. A26.

99. See generally, " 'Roundup': falungong urged to abide by Hong Kong law," *Hong Kong China News Service* (Hong Kong Zhongguo tongxun she), 11 December 1999, in FBIS-CHI-1999–1211, 11 December 2001, and "Editorial views PRC comments against falungong activities in Hong Kong," *Hong Kong Mail*, 31 January 2001, in FBIS-CHI-2001–0131, 31 January 2001.

100. See "China's Luo Gan outlines tasks of political legal work in 2002," Beijing Xinhua Domestic Service, 4 December 2001, in FBIS-CHI-2001–1204, 7 December 2001.

Changing conditions of compliance. Accelerated efforts to build a market economy in China during the late 1990s have challenged the regime's ability to maintain a balance between socio-economic autonomy and political loyalty. While Party affiliation remains important, the day-to-day livelihood of members of society has come to depend less on political patronage and more on job skills, entrepreneurialism and material accumulation.[101] Although it has meted out harsh repression against public dissent, the Chinese state seems to mirror the classic "strong society/weak state" paradigm,[102] as it appears unable to prevent increased public cynicism and quiet resistance.[103] This dilemma extends to its efforts to control ever-expanding religious activity, which not only reveals the resilience of religious belief but also suggests limits to the state's capacity to control religious behaviour.

Made possible by the regime's grant of broader social autonomy, the increase in religious activity in China reveals patterns of compliance and resistance regarding norms of political loyalty. Patterns of compliance are evident in participation in religions that are formally registered with the Religious Affairs Bureau, such as strong public attendance at patriotic Christian churches,[104] Buddhist and Daoist temples,[105] and mosques.[106] Similarly, participation in family-centred folk religion expresses norms of compliance to the extent that open conflict with political authority is avoided. These models of compliance-based religious activities appear as a public norm for religious behaviour in China that is tolerated by the regime.

Patterns of resistance in religious behaviour are also evident, however. The audacity of *falun gong* practitioners in public displays of resistance has gained significant attention within China and internationally.[107] In Tibet, government crackdowns have politicized religious activities that are viewed locally as matters of national identity.[108] By its efforts to control or even suppress religious activities in Tibet, the government has set in motion forces of resistance that bring together the interrelated but

101. Merle Goldman and Roderick MacFarquhar, "Dynamic economy, declining party-state," in Goldman and MacFarquhar (eds.), *The Paradox of China's Post-Mao Reforms* (Cambridge, MA: Harvard University Press, 1999) pp. 3–29.

102. Joel Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988).

103. Elizabeth J. Perry and Mark Selden, "Introduction: reform and resistance in contemporary China," in Perry and Selden (eds.), *Chinese Society: Change, Conflict and Resistance* (London: Routledge, 2000), pp. 1–19.

104. "Chinese Christians flock to official, underground churches," Agence France Presse (HK), 25 December 2000, in FBIS-CHI-2000–1225, 27 December 2000.

105. "PRC refutes charges on religious affairs," Beijing Xinhua English Service, 8 December 1999, in FBIS-CHI-1999–1208, 8 December 1999. Also see *China Daily*, 18 December 2002, p. 1.

106. *China Daily*, 12 December 2002, p. 1.

107. For discussion, see Richard Madsen, "Understanding falun gong," *Current History*, September 2000, pp. 243–47; Elizabeth J. Perry, "Challenging the mandate of heaven: popular protest in modern China," *Critical Asian Studies*, Vol. 33, No. 2 (2001), pp. 163–180.

108. See generally, Elliot Sperling, "Statement before US Senate Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs" (13 June 2000), Human Rights Watch.

quite distinct dynamics of national identity and nationalism. Resistance has included open demonstrations against Chinese, combined with underground efforts to promote independent education in Tibetan Buddhism and loyalty to the Dalai Lama, all of which present serious challenges to the Chinese government. In Xinjiang, Islam presents a fundamental challenge, due to the combination of religious resistance to political authority and ethnic resistance to Han-dominated imperialism.[109] While separatists have been emboldened by the Soviet defeat in Afghanistan and though Islamic revivalism is certainly in evidence,[110] most unrest in Xinjiang appears to be the result of Uyghur ethnic hostility to Chinese policies of Han migration and subordination of local language and culture, rather than the product of Islam per se.[111] And though tensions reportedly exist in Xinjiang between Sunni and Shi'ite (particularly Wahhabist) Muslims, these have not yet diminished resistance to Han dominance.

Unofficial Christian churches also reflect a dynamic of resistance. While Christianity offers perhaps a more salient example of foreign influence, it has become increasingly sinicized through the inclusion of features of folk religion and traditional cultural forms, thus making its expression of resistance all the more threatening to the regime.[112] The underground Catholic Church has been portrayed as particularly threatening to CCP policies of political control, although the Protestant house church movement is potentially a greater threat. The house churches are described by local and foreign observers as both larger and more deeply entrenched in Chinese society than the patriotic Christian churches associated with norms of compliance.[113] Moreover, the informal and decentralized processes for naming Church leaders defies the government's formalistic approach to control through registration and bureaucratic supervision. Periodic efforts to raid house church services and to imprison house church leaders have received little public attention, but are seen by many as an unwarranted intrusion in social affairs. Yet the house church movement continues to swell, such that the numbers of adherents is viewed as at least double the population in the patriotic registered Christian churches.

109. See generally, Dru Gladney, "Internal colonialism and China's Uyghur Muslim minority," *Regional Issues* (Leiden University Newsletter, 25 November 1988).

110. See Raphael Israeli, "A new wave of Muslim revivalism in mainland China," *Issues & Studies*, Vol. 33, No. 3 (March 1997), pp. 21–41.

111. See generally, Nicolas Becquelin, "Xinjiang in the nineties," *The China Journal*, No. 44 (July 2000), pp. 65–91, Felix Chang, "China's Central Asian power and problems: fresh perspectives on East Asia's future," *Orbis*, Vol. 41, No. 3 (Summer 1997), pp. 401–426; Sean L. Yom, "Uighur Muslims in Xinjiang," *Self Determination Conflict Profile* (2001); Colin Mackerras, "The minorities: achievements and problems in the economy, national integration and foreign relations," *China Review* 1998, pp. 281–311

112. Stephan Feuchtwang, "Religion as resistance," in Perry and Selden, *Chinese Society: Change, Conflict and Resistance*, pp. 161–177 at p. 167.

113. See e.g. "China shuts down, blows up churches, temples in religious crackdown," Agence France Presse HK, 12 December 2000, in FBIS-CHI-2000-1212, 14 December 2000; "Chinese Christians flock to official, underground churches," Agence France Presse HK, 25 December 2000, in FBIS-CHI-2000-1225, 27 December 2000.

The challenges to legitimacy. Changing conditions of compliance with government controls on religion pose problems for the regime's effort to build legitimacy for its regulatory efforts and for its political position generally. In light of the increasing numbers of religious believers in China, building legitimacy for government policies on religion will require compliance from believers themselves. Thus, the regime differentiates between religious practitioners engaged in compliance and resistance, through legal and regulatory provisions distinguishing "normal" from heretical religious practices. The regime's underlying imperative of stifling heterodoxy is evident in the fact that its targets tend to be sects within the recognized religions whose activities challenge Party and state authority.[114] At the December 2001 national work conference on religion, for example, senior leaders distinguished between "normal" religious activities and heretical conduct associated with sects.[115]

These efforts are consistent with the regime's historical practices of identifying and enforcing norms of social conformity by denigrating and attacking nonconformists. Regulation of religion in China is used not only to control religious practices but also to express the boundaries of tolerance and repression so as to isolate resistance and privilege communities loyal to the party-state. Thus, the government promises tolerance for the compliant and repression for the resistant.

Yet the effectiveness of these policies depends on a normative consensus around both the content of policy and law and the processes of enforcement.[116] As suggested by Lyman Miller in the context of the scientific community, when members of Chinese society owe their loyalty to norms more powerful than those articulated by the Chinese government, regime legitimacy becomes a critical problem.[117] Just as scientists, owe a higher loyalty to the norms of science, so too do religious believers owe a higher loyalty to their own religious norms that may force a choice between loyalty to the regime and faithfulness to belief. To the extent that policies on regulation of religion require a degree of subservience that is inconsistent with religious conviction, compliance will be elusive. And if enforcement of these policies can be achieved only through repression, the distinction between compliance and resistance may fade as religious believers find compliance unworkable and are driven even further underground.

A more fundamental dimension of legitimation concerns members of society at large, who view the religious question as emblematic of other elements of social policy where the grant of socio-economic autonomy is a key condition for continued political subservience. The regime's hand-

114. See e.g., Luo Shuze, "Some hot issues in our work on religion"; "Regulations from the Shanghai Religious Affairs Bureau," Articles 3–5.

115. "Jiang Zemin, Zhu Rongji address religious work conference."

116. See generally, Felix Scharpf, "Interdependence and democratic legitimation," in Susan J. Pharr and Robert D. Putnam (eds.), *Disaffected Democracies: What's Troubling the Trilateral Countries* (Princeton: Princeton University Press, 2000).

117. Lyman Miller, *Science and Dissent in Post-Mao China* (Seattle: University of Washington Press, 1996).

ling of religion serves notice to the general populace about the contours of the trade-off of autonomy and loyalty, and thus has implications for regime legitimacy more broadly. In this process the regime faces challenges of history, socio-economic change and bureaucracy. The challenge of history limits perceptions of and responses to current conditions, particularly concerning the relationship between religion and social stability.[118] The historical record suggests that dynastic weakness and instability tended to arise not from tolerance of pluralism and diversity, but rather from the government's inability to respond to socio-economic change. In the late Qing, for example, the court failed to respond effectively to the emergence of the private sector as a locus of power, and was thereby unable to protect its own political authority.[119] National unity during earlier dynasties was supported by transportation and logistics networks, currency policies, and market systems, rather than suppression of intellectual dissent.[120] Nevertheless, the historical myth that diversity in social relations and religious belief undermines the strength of the regime continues to inform Communist Party policy.

The link between religion and legitimacy is also evident in regime responses to socio-economic change, particularly economic dislocation brought on by the market reforms and the impact of globalization.[121] While the many informal networks and social safety nets already available in China will help cushion the shock, religion provides an important source of comfort for the dispossessed. This both reflects and contributes to the declining power of traditional ideological bases for regime legitimacy. As regime goals change from social well-being to market facilitation, regime legitimacy will depend increasingly on the delivery of public goods and services.[122] With economic reform, however, the Chinese state has become a vehicle for socio-economic inequality – facilitating economic opportunity for a few privileged individuals and groups, while deploying the mechanisms of repression to keep the rest of society in check.[123] In the face of its inability to protect public welfare, official repression of those outlets in religion to which increasing numbers of

118. W.J.F. Jenner, *The Tyranny of History: The Roots of China's Crisis* (London: Penguin, 1992), pp. 193–201.

119. See Susan Mann Jones and Philip A. Kuhn, "Dynastic decline and the roots of rebellion," in John K. Fairbank (ed.), *The Cambridge History of China: Volume 10 – Late Ch'ing 1800–1911 Part I* (Cambridge: Cambridge University Press, 1978), pp. 107–162.

120. See generally, Mark Elvin, *The Pattern of the Chinese Past: A Social and Economic Interpretation* (Stanford: Stanford University Press, 1973).

121. See e.g. Dorothy Solinger, "The cost of China's entry into WTO," *Asian Wall Street Journal*, 4 January 2002.

122. See generally, Nikolas Rose, "Governing liberty," in Richard V. Ericson and Nico Stehr (eds.), *Governing Modern Societies* (Toronto: University of Toronto Press, 2000), pp. 141–175.

123. See generally, Michael A. Santoro, *Profits and Principles: Global Capitalism and Human Rights in China* (Ithaca: Cornell University Press, 2000; Michael Dutton, *Streetlife China* (Cambridge: Cambridge University Press, 1998). The remarkable effort by Peking University's China Centre for Economic Research to support research and policy making in this area reflects recognition of the depth of the problem of economic inequality and the as-yet insufficient resources for resolving it.

people resort will be likely to contribute to the regime's legitimacy deficit.

Finally, the bureaucratic culture of the Chinese regulatory regime also poses problems for legitimacy. In the context of gradual social liberalization, which the regime has fostered, bureaucratic control of religion is seen by many as intruding on intensely personal matters.[124] The potential for popular alienation is compounded as the policy and regulatory frameworks by which the party-state defines and implements the parameters for accepted religious conduct remain relatively impervious to public scrutiny. The resilience of bureaucratic behaviour generally continues to entrench the habitual practices of state control mechanisms associated with Party policy on religion, undermining further their effectiveness in responding to changing social and spiritual needs. These needs include both religion as solace for socio-economic dislocation, and generalized expectations about social autonomy. So far, we search in vain for a parallel in China to what is described as the "European exception" where the church and state were driven by the challenge of heresy to transcend their institutional and ideological limitations and respond effectively to changing socio-economic conditions.[125] In the wake of bureaucratic stagnation in China, response to change remains problematic and legitimacy continues to decline.

Conclusion

The Chinese government's policies and practices on religion offer a useful example of the dilemmas of regulation of social relations generally. Through its policies supporting graduate liberalization of socio-economic relations, the party-state has created rising expectations about popular autonomy. While the regime faces the imperative of repressing aspects of socio-economic change that threaten its political authority, it must still present a general image of tolerance for increased autonomy among the populace at large. Maintaining this balance is particularly critical in the area of religion, which is both a highly personal and internalized system of norms for belief and behaviour, and a response to regime failures to provide well-being for its citizens. Regulation of religion reflects Party policies granting limited autonomy for accepted practices while attempting to repress activities that challenge political orthodoxy. Legitimacy remains a key ingredient, not only as a basis for effective government regulation of religion but also as a product of such regulation to the extent that it can acquire popular support for official preferences on the balance between autonomy and loyalty. The regime's ability to sustain legitimacy both for and through its regulation of religion remains uncertain however, as the utility and effectiveness of control remain contested.

124. Richard Madsen, *China's Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley: University of California Press, 1998), p. 108

125. See Mihaly Vajda, "East-Central European perspectives," in John Keane (ed.), *Civil Society and the State* (London: Verso Press, 1988), pp. 333–360 at p. 346.