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The Current Legal Status of Christianity in China

*R. Lanier Britsch**

I. INTRODUCTION

The purpose of this paper is to explore the current relationship of Christianity and the state in the People's Republic of China. The emphasis will be on policy and legal matters; both are equally important. The history of religion in Communist China reveals a developmental, almost experimental, stance regarding the place of religion in Chinese society and politics. Policies, directives, hints and suggestions have been preferred over the rigidity of laws and ordinances.

A number of excellent scholarly works have touched on or handled this topic in some depth.¹ Some background information is necessary, but the intent here is to emphasize recent changes and developments in religious policy and law.

* Professor of History and Director of the David M. Kennedy Center for International Studies at Brigham Young University; Ph.D., Claremont Graduate School, 1968. ©Copyright R. Lanier Britsch 1994.

1. ASIA WATCH, *FREEDOM OF RELIGION IN CHINA* (1992); KIM-KWONG CHAN, *TOWARDS A CONTEXTUAL ECCLESIOLOGY: THE CATHOLIC CHURCH IN THE PEOPLE'S REPUBLIC OF CHINA (1979-1983): ITS LIFE AND THEOLOGICAL IMPLICATIONS* (1987); *THE CHINA MISSION HANDBOOK: A PORTRAIT OF CHINA AND ITS CHURCH* (Jonathan Chao ed., 1989) [hereinafter *CHINA MISSION HANDBOOK*]; ALAN HUNTER & KIM-KWONG CHAN, *PROTESTANTISM IN CONTEMPORARY CHINA* (1993); L. LADANY, *THE CATHOLIC CHURCH IN CHINA* (1987); JAMES T. MYERS, *ENEMIES WITHOUT GUNS: THE CATHOLIC CHURCH IN THE PEOPLE'S REPUBLIC OF CHINA* (1991); *RELIGION UNDER SOCIALISM IN CHINA* (Luo Zhufeng ed., Donald E. MacInnis & Zheng Xi'an trans., 1991); PHILIP L. WICKERI, *SEEKING THE COMMON GROUND: PROTESTANT CHRISTIANITY, THE THREE-SELF MOVEMENT, AND CHINA'S UNITED FRONT* (1988); Donald MacInnis, *The North American Churches and China 1949-1981*, 5 INT'L BULL. OF MISSIONARY RES., April 1981, at 50-54 [hereinafter MacInnis, *North American Churches*].

The most accessible English language sources for the study of religious policy and law are ASIA WATCH, *FREEDOM OF RELIGION IN CHINA* (noted above); DONALD MACINNIS, *RELIGION IN CHINA TODAY: POLICY AND PRACTICE* (1989) [hereinafter MACINNIS, *RELIGION IN CHINA TODAY*] (its only shortcoming being its publication date in 1989); and most recently the publications of CHINA NEWS AND CHURCH REPORT (Chinese Church Research Center, Hong Kong) [hereinafter CNCR].

II. HISTORICAL BACKGROUND

The Chinese Communist Party has exerted considerable control over all aspects of religion in China since the early 1950s. It is common for outsiders to view this state of affairs as representing a significant change from earlier times, the implication being that some form of modern, Western-style religious freedom existed prior to 1949. It is well to remember that China has a long tradition of state control of religions and religious activity. Kim-Kwong Chan suggests that "it is possible to view the religious policy of the current government in the light of the Chinese historical experience and the control of religious affairs exercised by Chinese authorities since the Tang Dynasty."² Or as Jim Stewart asserts, "In imperial China, the state assumed a right of sovereignty over all aspects of its subjects' lives. There was no separation of religion and state as understood in the West, neither in theory nor in practice, and the Chinese people have never questioned the sovereignty of the state."³ C.K. Yang emphasized the state's efforts to "prevent and suppress the development of heterodox religious movements."⁴ Likewise, the Chinese Communist Party (CCP) has attempted to restrict religious activities among individuals and groups which have refused to submit to or cooperate with state-sponsored or state-controlled religions. The implications of these authoritarian tendencies are obvious but should not be carried too far. In truth, the Communist state has broken with the past in many respects, some of which will be noted in this paper.

Since ancient times, but particularly since the Tang Dynasty (A.D. 618-906), China has played host to many religions. Christianity was first introduced by Nestorian missionaries in A.D. 635, but in spite of its long, though inconstant, presence in China, it has generally been considered foreign. For various reasons Buddhism, also a foreign religion, has been naturalized. Given the Communist Party's tendency

2. Kim-Kwong Chan, *A Chinese Perspective on the Interpretation of the Chinese Government's Religious Policy*, in *ALL UNDER HEAVEN: CHINESE TRADITION AND CHRISTIAN LIFE IN THE PEOPLE'S REPUBLIC OF CHINA* 38 (Alan Hunter and Don Rimmington eds., 1992). For socio-historical background see C.K. YANG, *RELIGION IN CHINESE SOCIETY: A STUDY OF CONTEMPORARY SOCIAL FUNCTIONS OF RELIGION AND SOME OF THEIR HISTORICAL FACTORS* (1961), particularly chapters 5 and 8.

3. CHINA MISSION HANDBOOK, *supra* note 1, at 34.

4. YANG, *supra* note 2, at 180 n.192.

to fear or distrust foreign people, organizations, and nations, Christianity has been considered a threat to China and an ally of imperialism since the early days of the Party's existence. The irony in our time is that Christianity in China has become a religion of the Chinese people, yet it is treated by the CCP and the government as though it were still dominated by foreigners and foreign powers. With the exception of foreign Christians who are illegally attempting to plant one form or another of Christianity in China, Christianity is a local, naturalized Chinese religion. Buddhist and Daoist organizations have also been suspect and thus carefully controlled, but in slightly different ways. Muslims are treated as a religious group and as a cultural minority.

Even before Liberation in 1949, Chinese Roman Catholics were treated harshly by the CCP.⁵ Suspicion and distrust of the Vatican has never abated. Such attitudes date back to the Rites Controversy of the eighteenth century. And Protestants hardly fared better. But the Christian church grew steadily through the wars of the 1930s and 1940s, and as Jonathan Chao reports:

In 1949, on the eve of the establishment of the People's Republic of China, the country had 840,000 communicant Protestant believers in 20,000 churches. They were served by 5,600 missionaries, 8,500 Chinese evangelists, 3,500 Bible women, and about 2,100 ordained Chinese pastors. The Catholics had 3,274,000 baptized believers, served by 3,090 foreign priests and almost as many, 2,698, Chinese priests.⁶

Between October 1949 and 1958, all religions were brought under the control and supervision of the Party and the government. The Protestant Three-Self (self-supporting, self-governing, and self-propagating) Patriotic Movement (TSPM) had its beginnings in 1950 and was formally organized in 1954. The Chinese Catholic Patriotic Association (CPA) was formed in 1957. By the following year the TSPM had established its dominance over most Protestant churches. Active membership steadily diminished, and the over 200 churches in Shanghai dwindled to only eight, while the sixty-six churches in Beijing shrank to four by 1958. The period that followed, until 1966, was a time of religious repression. Many church leaders were

5. See MYERS, *supra* note 1.

6. CHINA MISSION HANDBOOK, *supra* note 1, at 23.

detained, imprisoned or otherwise restrained from serving their churches and people. "Without pastors," writes Chao, "believers began to meet secretly in their homes to comfort each other and to uphold each other in the faith. That was the beginning of the house church movement."⁷

What followed during the Great Proletarian Cultural Revolution from 1966 to 1976 hardly needs comment from another writer. Between 1966 and 1969, religious activities were suspended. Only after that time did a few brave souls dare to begin meeting secretly for prayers and remembrance of God. Many Christian China-watchers still remember their surprise and joy when news of the existence of Christian house churches surfaced following President Richard M. Nixon's visit to the PRC in 1972. But Mao Zedong and the Cultural Revolution did not die until 1976, and even then the "Gang of Four" had to be ousted before a policy of religious toleration could replace the years of suffering. Events since 1978 will be woven into the following pages.

III. THE COMMUNIST VIEW OF RELIGION

Briefly stated, the attitude of the CCP regarding religion is mixed, even contradictory, but it has been quite consistent over the years. The party is unwaveringly atheist and materialist, but has been conciliatory and pragmatic in working with religions. While expecting the withering away of religion at some future time, the CCP has resolved to work with religions and to include those who are religious in China's efforts to modernize and build the new Socialist China. Significantly, this must be done under the aegis and control of the CCP and the government.

The national constitution guarantees freedom of religious belief to all citizens of China. But perhaps more important is the fact that Mao Zedong supported this principle. In 1945 he said: "All religions are permitted . . . in accordance with the principle for freedom of religious belief. All believers . . . enjoy the protection of the people's government so long as they are abiding by its laws. Everyone is free to believe or not to believe; neither compulsion nor discrimination is permitted."⁸ And

7. *Id.* at 25.

8. Mao Zedong, *On Coalition Government*, in 3 *SELECTED WORKS* 257 (1972), quoted in MacInnis, *North American Churches*, *supra* note 1, at 50. Luo Zhufeng quotes almost the same passages to establish Mao's position regarding freedom of

Deng Xiaoping's position has been basically the same: "I couldn't care less about people's religious belief as long as they observe the law and work hard."⁹ Chinese people are free to believe as they wish, but in practice religion must not interfere with other purposes and objectives of the Party.

"The theoretical basis for CCP co-operation with, or tolerance of, religious groups is the concept of the 'united front,' the underlying intention of which is to ally with a broad spectrum of the population at any one time in order to isolate the most dangerous enemy," writes Hunter.¹⁰ The concept of the United Front was borrowed from Lenin and in China dates back at least to the 1930s, but was not used during the Cultural Revolution. It was revived again in the early 1980s as the United Front Work Department (UFWD), a very powerful lobby and public relations arm of the CCP.

Better known and more visible to foreigners is the Religious Affairs Bureau (RAB). The RAB receives its power from and reports to the State Council. "It is a smaller and less influential organization [than the UFWD], having branches at the provincial level, in the major cities and in some areas of high religious activity," states Hunter.¹¹ According to Philip Wickeri,

The purpose of the RAB is to represent the government in the implementation of religious policy. Because their functions overlap, it is important to understand the relationship of the RAB to the UFWD. Party members in all Chinese organizations are organized into party committees. In the case of the RAB, the party committee is under the discipline of the UFWD. The director of the RAB is in this sense accountable to the director of the UFWD, whose area of responsibility is much broader. This means that the RAB at whatever level is subordinate to the UFWD to which it relates.¹²

religious belief. RELIGION UNDER SOCIALISM IN CHINA, *supra* note 1, at 136. In 1940, Mao made another statement which captures well the CCP attitude: "Communists may form an anti-imperialist and anti-feudal united front for political action with certain idealists and even with religious followers, but we can never approve of their idealism or religious doctrines." DONALD MACINNIS, RELIGIOUS POLICY AND PRACTICE IN COMMUNIST CHINA 12 (1972).

9. MacInnis, *North American Churches*, *supra* note 1, at 50, (citing JOSEPH SPAE, CHURCH AND CHINA: TOWARDS RECONCILIATION? 257 (1980)).

10. HUNTER & CHAN, *supra* note 1, at 48-49.

11. *Id.* at 54.

12. WICKERI, *supra* note 1, at 70.

Because Wickeri's introduction to the RAB is so useful, he is quoted here at length:

The work of the RAB is more specific and concrete than that of the UFWD. It is involved with religious groups on a day-to-day basis, acting as the intermediary between Muslims, Buddhists and Christians, and various government or collective bodies. . . . [T]he RAB has assisted the TSM [Three-Self Patriotic Movement] in the early 1980s by making representations on its behalf for the return of properties confiscated during the Cultural Revolution era and the reopening of church buildings.

Christians may also appeal to the RAB in cases where they believe their religious freedom has been violated. . . .

The RAB has also been involved in isolating those responsible or suspected to be responsible for "antagonistic contradictions. . . ." But . . . until very recently [RAB cadres have] tended to confuse the nature of contradictions among religious people, mistake friends for enemies and rely on an excess of force. . . .

One difficulty is that some RAB cadres have little or no understanding of religion and its practice, and therefore tend to view all religious believers with suspicion. . . . Until *all* RAB cadres at whatever level can be educated to understand the importance of the rule of law for socialist society, there will continue to be problems in the implementation of religious policy.¹³

A. *Legal and Policy Documents*

Although volumes of documents, opinions, circulars, directives and talks relating to religious practice in the PRC are available (many of them important), five items are of special importance here: Article 36 of the Constitution; Document 19; Document 6; and Orders 144 and 145.

1. *The Constitution of 1982*

Since 1949, constitutions of the People's Republic of China have been somewhat ephemeral documents. The constitution under which China is now governed was accepted on December 4, 1982. It is the fourth since 1954. The first constitution was based on the 1936 constitution of the Soviet Union. Later Chi-

13. *Id.* at 70-71.

nese constitutions have reflected the opinions and persuasions of the individuals in power. The second and third constitutions reflected the radical thinking of the Cultural Revolution.

The first paragraph on religion in the present constitution is identical to the entire article on religion in the 1954 document. The present constitution reflects the pragmatic reforms of the Deng Xiaoping era. It was adopted by the Fifth National People's Congress after widespread discussions which reportedly included over seven million speakers at millions of meetings throughout the country. The 1982 Constitution affirms the four fundamentals of Chinese socialism (people's dictatorship; Marxism-Leninism and Mao Zedong Thought; the socialist road; and the leadership of the Chinese Communist Party), but downplays the importance of Mao. Of importance here is Article 36, which deals with the question of religion:

ARTICLE 36

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.¹⁴

Some scholars have translated the last phrase as "the control of foreign countries."¹⁵ The implication is clearly that religion in China is entirely a Chinese matter and that foreign nations and organizations have no right to play a controlling role in Chinese affairs. Clauses three and four are qualifying clauses.

Considerable discussion has focused on the word *normal*, most observers concluding that the intended meaning is "*legal*

14. XIANFA [Constitution] art. 36 (1982) (China), *translated in* THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA 23 (1st ed. 1983) [hereinafter CONSTITUTION OF CHINA] (emphasis added). China's current constitution was adopted and promulgated for implementation on December 4, 1982, by the Fifth National People's Congress at its Fifth Session.

15. MACINNIS, RELIGION IN CHINA TODAY, *supra* note 1, at 35.

religious activities."¹⁶ In other words, normal means whatever the state or its representatives allow.¹⁷

Article 36 is closely related to Article 35, which asserts that citizens "enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration,"¹⁸ rights conducive to freedom of religious expression. However, these rights are limited by Articles 51 and 54. Article 51 stipulates that citizens' "freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens."¹⁹ And Article 54 stresses that citizens have the duty "to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland."²⁰ To quote James C.F. Wang:

This means that stern and repressive measures may be taken by the state to suppress any dissident engaging in "counter-revolutionary" activities. A dissident cannot take his or her case to a Chinese court to challenge the constitutionality of the suppressive measures imposed by the party through the state apparatus. Thus, formal constitutional arrangements are merely instruments of the Chinese Communist party. The locus of decision making resides in the party, not the government, in China.²¹

16. David H. Adeney asserts that "[n]ormal religious activities' is also a phrase whose interpretation may mean that only those activities undertaken by the TSPM will be viewed with favor." DAVID H. ADENEY, *CHINA: THE CHURCH'S LONG MARCH* 137 (1985). Luo Zhufeng makes it clear that only those religions that are nationally sanctioned may "arrange for normal religious activities." *RELIGION UNDER SOCIALISM IN CHINA*, *supra* note 1, at 139. Alan Hunter and Kim-Kwong Chan write: "In the jargon used most frequently, permitted activities are called 'normal' and those of which the Party disapproves may be called 'illegal.'" HUNTER & CHAN, *supra* note 1, at 50.

17. Philip Wickeri provides some good insights regarding the 1982 Constitution in comparison with its three predecessors. He also deals with several interpretive issues such as the legal age for conversion, compulsive conversion, religious instruction of children, interpretive insight on the part of cadres, etc. See WICKERI, *supra* note 1, at 101-06.

18. XIANFA [Constitution] art. 35 (1982), *translated in* CONSTITUTION OF CHINA, *supra* note 14.

19. *Id.* art. 51.

20. *Id.* art. 54.

21. James C.F. Wang, *China's Political Framework*, in ROLF H.W. THEEN & FRANK L. WILSON, *COMPARATIVE POLITICS: AN INTRODUCTION TO SEVEN COUNTRIES* 496, 498 (2d ed. 1992).

Unfortunately, Party leaders (and often public security officers) make the determination regarding what is "counter-revolutionary" activity. Civil liberties, human rights, and freedom of religious activity may all be curtailed by a declaration from Deng Xiaoping or another high-ranking leader, or for that matter, by individuals who are much lower in the political apparatus.

The editors of *Human Rights in China* believe the rights allowed in the 1982 Constitution have been curtailed by passage of the State Security Law on February 22, 1993, by the National People's Congress Standing Committee.²² This law is aimed at curtailing what it calls "actions harmful to state security."²³ Its powers have precedence over "freedom of religious belief," if such freedom stands in the way of state security.²⁴

22. HRIC, *Human Rights Conditions in China 1993*, CHINA RIGHTS FORUM, Spring 1994, at 20. Regarding the vast powers of the State Security Law, the editors write:

From a human rights point of view, a number of aspects of this new law are troubling.

First, the concept of "actions harmful to state security" is left virtually undefined, and thus can be interpreted as the authorities decide. Besides this ambiguity, a catch-all provision, "... and other harmful activities," is attached. As a result, explanation of the law is left up to the state organs applying it.

Second, the scope of the law allows for wide application: both domestic and foreign individuals and organizations are subject to its sanctions; and actions executed both inside and outside the country come within its remit.

Third, the law confers vast powers on those carrying out its enforcement, the organs of state and public security. These powers include arrest, detention and search; commandeering public and private transportation and property; and the employment of special investigatory tools which directly affect the freedom and safety of citizens, the security of property and freedoms of correspondence, speech and so on. Although the law employs language such as "by law" and "in accordance with legal procedure," no clear explanation of either of these formulations and the limits they might entail are given in the text.

Fourth, the criminal penalties available under the law are severe, since it is linked to the criminal law and the Supplementary Regulations on the Leaking of State Secrets. "Actions harmful to state security" can be punished with the death penalty. This means, effectively, that the possible application of the death penalty has been further expanded.

Id.

23. *Id.*

24. *Id.*

Rule by man remains the norm,²⁵ and religious repression against many believers continues unabated.

2. Document 19

In the People's Republic of China, Document 19, titled "The Basic Viewpoint and Policy on the Religious Question During Our Country's Socialist Period,"²⁶ is the authoritative statement on religious policy. Other later directives are significant, but Document 19 carries great power in guiding religious policy, implementation, and activity. It was issued by the Central Committee of the Chinese Communist Party on March 31, 1982, as a *neibu* document, or a document for official consumption only. It was soon leaked out through a number of sources, however, and has been commented on frequently. The first open publication of the document appeared as an editorial in *Red Flag*, the ideological organ of the CCP, on June 16, 1982. The *Red Flag* editorial matches the content of Document 19 in most respects.²⁷ As Hunter suggests, Document 19 "serves as a useful starting point for understanding the legal position of religions in China today."²⁸

Various writers have seen different strengths and weaknesses in the document. Wickeri, for example, calls it

the most important statement on religious policy since the founding of the People's Republic, and a significant expression of the united front approach to religion. . . . [T]he approach of "Document 19" is realist, flexible and understanding of the needs and aspirations of religious believers.²⁹

Jonathan Chao, by contrast, reduces its contents to the "three designates" policy:

(1) Christians may worship only in churches designated by the TSPM; (2) only designated pastors are allowed to preach; and (3) they can do so only within their own designated dis-

25. Lucian W. Pye, *China: Erratic State, Frustrated Society*, 69 FOREIGN AFFAIRS, Fall 1990, at 56, 70-71.

26. For the complete text see appendix 1.

27. Angelo S. Lazzarotto analyzed the *Red Flag* editorial in an article titled *The Chinese Communist Party and Religion*, 11 MISSIOLOGY: AN INTERNATIONAL REVIEW, July 1983, at 267. The full text of the editorial follows under the title: *The Religious Policy of the People's Republic of China—Our Party's Basic Policy on Religious Questions During the Period of Socialism*, *id.* at 291.

28. HUNTER & CHAN, *supra* note 1, at 49.

29. WICKERI, *supra* note 1, at 88.

tricts. Under this new policy house church leaders were forbidden to do itinerant preaching, and churches not approved by the TSPM were told to close down.³⁰

Both positions, Wickeri's and Chao's, have merit. The document is long and quite inclusive. It allows more than was permitted during the Cultural Revolution, but it restricts unchecked and unrestrained expansion, particularly among non-TSPM and non-CPA units. Foreign missionary activity is also enjoined. Perhaps the most important feature of the document is that religions, religious belief, and religious activity are to be tolerated but carefully controlled. Religious activities that go beyond "normal" are to be suppressed.

CCP paranoia regarding "hostile religious forces from abroad" is evident in a number of places. Document 19 singles out "reactionary religious groups abroad, especially the imperialistic ones such as the Vatican and Protestant foreign-mission societies, who strive to use all possible occasions to carry on their efforts at infiltration 'to return to the China mainland.'"³¹

To summarize, Document 19 emphasizes the Party's support of the (constitutional) policy of freedom of religious belief. It makes clear that Party members may not believe in religion. Also, it explains the necessity of Party and RAB workers laboring with religions and the religious for the building of the Socialist state. Properties are to be provided for religious uses, and religious professionals are to be trained in both religious and political matters and supported financially. The eight patriotic religious organizations³² are the only legally authorized religious units and are to follow the Party's and government's leadership. The concept of the United Front is woven throughout the document.

30. CHINA MISSION HANDBOOK, *supra* note 1, at 28.

31. MACINNIS, RELIGION IN CHINA TODAY, *supra* note 1, at 23-24.

32. The Chinese Buddhist Association, the Chinese Daoist Association, the Chinese Islamic Association, the Chinese Catholic Patriotic Association, the Chinese Catholic Religious Affairs Committee, the Chinese Catholic Bishops' Conference, the Chinese Protestant "Three-Self" Patriotic Movement, and the China Christian Council comprise the eight official religious organizations.

3. *Document 6*

Titled "Some Problems Concerning Further Improving Work on Religion,"³³ Document 6 is a circular issued by the Central Committee of the Chinese Communist Party and the State Council, dated February 5, 1991. Its intended audience included a broad range of Party officials and functionaries. According to Hunter, Document 6 "is a formulation in policy terms of the concerns which were expressed at the December [1990] work meeting [a national conference convened by the State Council] on religion, and again focuses on the need for vigilance against 'hostile foreign forces' and illegal activities under the cloak of religion."³⁴ "The essential difference" between Document 19 and Document 6 "is the emphasis on control—'penalizing according to law and strengthening the management'—of religious groups. . . . The underlying theme of the document is anti-infiltration, anti-subversion and anti-peaceful evolution."³⁵ Clearly, the trend in Document 6 is toward increased controls, "especially in the question of unregistered religious activities." Strong warnings have been issued against contact with foreigners. The Public Security Bureau has been specifically invited to join in the fight against illegal religious activities.

Considering the lack of evidence that foreign churches are actively plotting the disruption of the government, one must conclude that the growth of Christianity is seen as a significant danger. Perhaps there is some embarrassment that religions have grown significantly more quickly, in percentage terms, than the population, a phenomenon that contradicts the theory that religion will ultimately wither away and disappear under the influence of the projected blossoming of the communist state.

33. For the complete text see appendix 2.

34. HUNTER & CHAN, *supra* note 1, at 100.

35. *Id.* (citing CNCR NO. 1872, November 1, 1991). An appropriate example of such concerns may be found in Document 6 and reads: "But we must realize that hostile forces beyond our borders have all along been using religion as an important means to carry out their strategy of bringing about 'peaceful evolution' in our country. They have continuously engaged in infiltration and disruptive activities against us." ASIA WATCH, *supra* note 1, app. at 30.

4. Orders 144 and 145

On January 31, 1994, Premier Li Peng signed Orders 144 and 145 of the State Council of the People's Republic of China, respectively titled "Regulations on the Management of the Religious Activities of Foreigners Within China's Borders" and "Management of Places for Religious Activities Ordinance."³⁶ These orders differed from earlier documents in that they were promulgated as law³⁷ for all of China, whereas Documents 19 and 6 are policy statements.

Newspaper headlines in America and Hong Kong generally heralded these new laws with concern if not alarm. Headlines in the *Deseret News* in Salt Lake City, for example, read: "Chinese forbid foreigners to set up religious schools."³⁸ The first paragraph of the Associated Press article that followed said: "China announced new rules on religion Saturday that forbid foreigners from converting Chinese and setting up schools or other religious organizations."³⁹ To China watchers and scholars this was not news. In fact, little is changed by the new regulations. Most articles in the new laws reflect policies that already exist at the provincial level in many parts of China. The new laws can probably best be seen as a clarification of those policies. China News and Church Report suggests that these laws afford "greater protection for those activities within the scope of the law," while also giving "local officials the clearer guidance and concrete legal measures they need to exert tighter control over unregistered religious activity."⁴⁰

On February 11, 1994, only a few days after implementation of the new laws in China, a group of seven foreign churchmen, led by the Reverend Dennis Balcombe, was detained by the Public Security Bureau in Fangcheng County of Henan Province. This case received considerable international media

36. For the complete text see appendices 3 and 4.

37. According to CNCR NO. 2287, Feb. 25, 1994,

The decrees are not part of the nation's permanent legal code, which must always be passed by the National People's Congress (NPC), but are the highest-level temporary measures that can be issued in the absence of such a code. It seems probable that if they are deemed a success, they will later be incorporated into a formal religious law to be passed through the NPC.

38. *Chinese Forbid Foreigners to Set Up Religious Schools*, DESERET NEWS, Feb. 6, 1994, at A9.

39. *Id.*

40. CNCR NO. 2287, Feb. 25, 1994 (following up on ordinances 144 and 145).

attention and created discomfort among some who had hoped for more hospitable times for outside religionists and missionaries. As the dust of that episode has settled, however, it appears that this was a test case which included as the antagonist one who had previously provoked Chinese officials by his brazen acts. "It was a warning," said Zhang Weida, who heads the policy section of the Religious Affairs Bureau office that drafted the new regulations.⁴¹ According to Zhang, a major purpose of the new laws is to give "guidelines for thousands of foreigners who have flooded into China during the recent era of economic reform."⁴²

IV. SUMMARY

So what is the current legal status of Christianity in China? Before presenting a summary group of statements in an attempt to answer this question, again, it is well to remember that the key documents briefly discussed here are only a small part of the circulars, directives, and local interpretations of religious policy that are in use in the PRC today. Ordinances 144 and 145 are an early legal step in the process of bringing more uniformity to a diverse situation. But even these laws carry a qualifier clause asserting that "[t]hese regulations are subject to the interpretation of the Bureau of Religious Affairs under the State Council."⁴³ In this regard, Luo Zhufeng adds:

All freedoms are relative, limited by objective circumstances, and can be implemented only within certain parameters. Freedom and discipline, rights and duties, all are categories with dialectical relationships. "All citizens enjoy the rights set forth in the constitution and the law, but they also must fulfill the obligations set forth in the constitution and the law" (Constitution of the PRC, Article 23). Freedom of religious belief, like other democratic rights, has clear-cut contents and definite limits. Religious believers, like other people among the masses, must fulfill the duties of citizens while enjoying freedom of religious belief.⁴⁴

41. Rone Tempest, *Battling Over Bibles in China*, L.A. TIMES, April 30, 1994, at A1, A18.

42. *Id.*

43. Ordinance 144, art. 12.

44. RELIGION UNDER SOCIALISM IN CHINA, *supra* note 1, at 140-41.

So even the law is relative and has a built-in element of human interpretation in its implementation.

In the March-April 1994 issue of the *China Prayer Letter*, the headline reads: "China's New Religious Regulations: The Leopard Hasn't Changed Its Spots." Dr. Chao, the editor, is correct. With the exception of the disastrous years of the Cultural Revolution, the CCP has been quite consistent in its policies and laws regarding religion.

Thus, an analysis of the legal relationship between Christianity and the People's Republic of China reveals the following constants:

Regarding philosophy and policy—

1. Marxism-Leninism and Mao Zedong Thought are the official theoretical and philosophical bases for attitudes, policies, and laws related to religion in the PRC.

2. According to Communist beliefs, religion and religious activities are expected in time to wither away.

3. Force and/or coercion are not to be used to hurry up the natural process of religion's decline and ultimate demise. However, this policy is clearly not well understood by many Public Security officers and lower level officials.

4. Religious organizations and religious people are to be induced to participate in the United Front to create a strong Socialist state and economy.

5. Religion is a political matter and should be organized and controlled by the Chinese Communist Party and the state. Members of the Party are not to believe in religion. According to policy, they must be atheists.

Regarding Rights—

6. Religious groups and individuals are allowed to follow the Constitutional right of freedom of religious belief.

7. Within the law, official religions (the TSPM, CPA, CBA, etc.) may hold property; conduct meetings (worship services, prayer meetings, festivals, etc.); sell books, media information, teaching materials, music, and worship articles; train clergy in seminaries, and so forth.⁴⁵

8. The state and its organs, such as the RAB, are to protect normal (legal) religious activities and religious believers.

45. See "Document 19," especially sections V-VIII, *infra* at appendix 1; RELIGION UNDER SOCIALISM IN CHINA, *supra* note 1, at 138-40.

9. Foreign religionists may, under certain circumstances, be invited to "lecture on scripture and give sermons at religious places in China."⁴⁶

The Reality of Religious Life in China—

10. State security takes priority over freedom of religious belief. Thus Party leaders or Public Security personnel may take actions against religious individuals or groups if deemed necessary for the public good.⁴⁷

11. Religious influences from outside China are rejected, vigorously and with force if necessary. Foreign countries and organizations may not control Chinese religions or Chinese religious believers.

12. Foreign missionaries are not allowed.⁴⁸

13. China is ruled by men more than by law. Almost everything could be changed—for good or for ill—by the utterance of a few words from the right powerful person.

In conclusion, four final points should be mentioned. First, many Chinese Christians are being arrested without charges, detained, abused, removed from chapels and meeting places, and otherwise being intimidated by Public Security officers or other local officials in an effort to discourage Christian activity and growth.⁴⁹ Although it is not a central purpose of this paper to discuss human rights violations, it is clear from the accumulated record that in many instances neither policies nor laws which purport to implement or defend the right of religious belief among the Chinese people have been respected or upheld by the agencies that are supposed to provide protection.

46. Ordinance 144, art. 3.

47. See *supra* text accompanying note 19; see also RELIGION UNDER SOCIALISM IN CHINA, *supra* note 1, at 140-42.

48. Ordinance 144, article 8, reads:

Foreigners within China's borders who conduct religious activities must observe Chinese laws and regulations; they are not allowed to establish religious organizations, set up religious offices, open places for religious activities or run religious institutes, nor may they develop followers, appoint religious personnel or conduct missionary activities among Chinese citizens.

49. Documentation of abuses abounds. See, e.g., ASIA WATCH, FREEDOM OF RELIGION IN CHINA, *supra* note 1; ASIA WATCH, CONTINUING RELIGIOUS REPRESSION IN CHINA (1993); ASIA WATCH, 4 RELIGIOUS REPRESSION IN CHINA PERSISTS (1992); ASIA WATCH, 5 CHINA 1993: ONE MORE YEAR OF POLITICAL REPRESSION (1993). CNCR, The China Prayer Letter, Bridge, and other China letters also document abuses against Chinese Christians.

Second, many Chinese Christians have chosen to follow their consciences by refusing to affiliate with the official religious organizations. These people, generally members of house churches, have moved bravely on, recognizing that they are risking their futures while in a sense borrowing days, weeks, and months in the desire to live as free men and women. Ironically, Chinese Christians (and members of other religions) have some freedom to practice their religion simply because of inadequate governmental controls.

Third, hundreds of foreign English teachers are working at institutions in China with the intention of performing Christian missionary work.⁵⁰ Their work is carefully observed by government officials, particularly by *waiban* (foreign affairs officers) at various universities, colleges, and other educational institutions. It is probable that Ordinance 144 is partially a result of religious activities among this group of individuals.

Finally, there is a disparity between the legal rights of Chinese Christians and their actual freedom to practice their religion as they would choose. According to what is written in policy and legal documents, Chinese Christians have the right to believe as they choose and to practice their faith as they desire. However, although the Chinese government has frequently denied reports of oppression and abuse of Christians there is ample evidence of government acts of persecution toward Christian individuals and groups.

50. Personal knowledge of the author. In my travels in China and through the recollections of friends who have taught English in China I have concluded that this assertion is responsible.

APPENDIX 1⁵¹

DOCUMENT 19

The Basic Viewpoint and Policy on the Religious Question
during Our Country's Socialist Period

(March 1982)

I. Religion as a Historical Phenomenon

Religion is a historical phenomenon pertaining to a definite period in the development of human society. It has its own cycle of emergence, development, and demise. Religious faith and religious sentiment, along with religious ceremonies and organizations consonant with this faith and sentiment, are all products of the history of society. The earliest emergence of the religious mentality reflected the low level of production and the sense of awe toward natural phenomena of primitive peoples. With the evolution of class society, the most profound social roots of the existence and development of religion lay in the following factors: the helplessness of the people in the face of the blind forces alienating and controlling them in this kind of society; the fear and despair of the workers in the face of the enormous misery generated by the oppressive social system; and in the need of the oppressor classes to use religion as an opiate and as an important and vital means in its control of the masses. In Socialist society, the class root or the existence of religion was virtually lost following the elimination of the oppressive system and its oppressor class. However, because the people's consciousness lags behind social realities, old thinking and habits cannot be thoroughly wiped out in a short period. A long process of struggle is required to achieve great increases in production strength, great abundance in material wealth, and a high level of Socialist democracy, along with high levels of development in education, culture, science, and technology. Since we cannot free ourselves from various hardships brought on by serious natural and man-made disasters within a short period of time; since class struggle continues to exist within certain limits; and given the complex international environment, the long-term influence of religion among a part of the people in a Socialist society cannot be avoided. Religion will

51. This translation is taken from MACINNIS, *supra* note 2, at 8-26.

eventually disappear from human history. But it will disappear naturally only through the long-term development of Socialism and Communism, when all objective requirements are met. All Party members must have a sober-minded recognition of the protracted nature of the religious question under Socialist conditions. Those who think that with the establishment of the Socialist system and with a certain degree of economic and cultural progress, religion will die out within a short period, are not being realistic. Those who expect to rely on administrative decrees or other coercive measures to wipe out religious thinking and practices with one blow are even further from the basic viewpoint Marxism takes toward the religious question. They are entirely wrong and will do no small harm.

II. The Religions of China

There are many religions in China. Buddhism has a history of nearly 2,000 years in China, Daoism one of over 1,700 years, and Islam over 1,300 years, while Roman Catholicism and Protestantism achieved most of their development following the Opium Wars. As for the numbers of religious adherents, at Liberation there were about 8,000,000 Muslims, while today there are about 10,000,000 (the chief reason for this is growth in population among the ten Islamic minorities). At Liberation there were 2,700,000 Catholics; today there are over 3,000,000. Protestants numbered 700,000 in 1949 and are now at 3,000,000. Buddhism (including Lamaism) numbers almost the entire populations of the ethnic minorities of Tibet, Mongolia, and Liao Ning among its adherents. Among the Han race, Buddhism and Daoism still exercise considerable influence at present. Naturally, out of the total population of our country, and especially among the Han race, which accounts for the largest number of people, there are a considerable number who believe in spirits, but the number of those who actually adhere to a religion is not great. If we compare the number of religious believers at the time of Liberation with the present number overall, we will see that overall there has been somewhat of an increase in absolute numbers, but when compared with the growth of the population there has been a decline.

But in our appraisal of the religious question, we must reckon fully with its definite complex nature. To sum up, we may say that in old China, during the long feudal period and the more than one hundred years of semicolonial, semifeudal society, all religions were manipulated and controlled by the

ruling classes, with extremely negative results. Within China, the Buddhist, Daoist, and Islamic leaderships were mainly controlled by the feudal landowners, feudal lords, and reactionary warlords, as well as the bureaucratic capitalist class. The later foreign colonialist and imperialist forces mainly controlled the Roman Catholic and Protestant churches.

After Liberation there was a thorough transformation of the socioeconomic system and a major reform of the religious system, and so the status of religion in China has already undergone a fundamental change. The contradictions of the religious question now belong primarily to the category of contradictions among the people. The religious question, however, will continue to exist over a long period within certain limits, will continue to have a definite mass nature, to be entangled in many areas with the ethnic question, and to be affected by some class-struggle and complex international factors. This question, therefore, continues to be one of great significance which we cannot ignore. The question is this: can we handle this religious question properly as we work toward national stability and ethnic unity, as we develop our international relations while resisting the infiltration of hostile forces from abroad, and as we go on constructing a Socialist civilization with both material and spiritual values? This, then, demands that the Party committees on each level must adopt toward the religious question an attitude in accord with what Lenin said, "Be especially alert," "Be very strict," "Think things through thoroughly." To overestimate the seriousness or complexity of the question and so to panic, or to ignore the existence and complexity of the actual question and so let matters drift, would be equally wrong.

III. The Party's Handling of the Religious Question since Liberation

Since the founding of the People's Republic of China, there have been many twists and turns in the Party's work with regard to the religious question. In general, although there were some major errors, after the founding of New China, and for the seventeen years up to the "cultural revolution," the Party's religious work achieved great results under the direction of the correct guiding principles and policies of the Party Central Committee. We did away with imperialist forces within the churches and promoted the correct policy of independent, self-governed, and autonomous churches, as well as the "Three-

Self Movement" (self-propagation, self-administration and self-support). The Catholic and Protestant churches ceased to be tools of the imperialist aggressors and became independent and autonomous religious enterprises of Chinese believers. We abolished the special privileges and oppressive exploitative system of feudal religion, attached and exposed those reactionaries and bad elements who hid behind the cloak of religion, and made Buddhists, Daoists, and Muslims break away from the control and manipulation of the reactionary classes. We proclaimed and carried out a policy of freedom of religious belief, enabling the broad masses of religious believers not only to achieve a complete political and economic emancipation alongside each ethnic minority but also enabling them to begin to enjoy the right of freedom of religious belief. We carried out a policy of winning over, uniting with, and educating religious personages, and thus united the broad masses of the patriotic religious personages. We also assisted and supported religious people to seek international friendship and this has had good, positive effects.

Since 1937, however, leftist errors gradually grew up in our religious work and progressed even further in the mid-sixties. During the "cultural revolution" especially, the antirevolutionary Lin Biao-Jiang Qing clique had ulterior motives in making use of these leftist errors, and wantonly trampled upon the scientific theory of Marxism-Leninism and Mao Zedong Thought concerning the religious question. They totally repudiated the Party's correct policy toward religion in effect since the founding of the People's Republic. They basically did away with the work the Party had done on the religious question. They forcibly forbade normal religious activities by the mass of religious believers, as "targets for dictatorship," and fabricated a host of wrongs and injustices which they pinned upon these religious personages. They even misinterpreted some customs and practices of the ethnic minorities as religious superstition, which they then forcibly prohibited. In some places, they even repressed the mass of religious believers, and destroyed ethnic unity. They used violent measures against religion which forced religious movements underground, with the result that they made some headway because of the disorganized state of affairs. A minority of antirevolutionaries and bad elements made use of this situation and, under cover of religious activities, boldly carried out illegal criminal activities, as well as destructive antirevolutionary movements.

After the smashing of Jiang Qing's antirevolutionary clique, and especially since the third Plenary Session of the 11th Party Central Committee, the correct guiding principle and policy toward the religious question of our Party was restored step by step. In implementing and carrying out our religious policy, we have opened both Buddhist and Daoist temples, as well as churches and religious sites. We have restored the activities of the patriotic religious associations. We have won over, unified, and educated religious personages. We have strengthened the unity between believers and nonbelievers in each ethnic group. We have righted wrongs and have launched a movement for friendly relations internationally among religious believers as well as resisting infiltration and like doings from hostile religious forces from abroad. In all this, we have undertaken a large number of tasks and have obtained remarkable results.

In this new historical period, the Party's and government's basic task in its religious work will be to firmly implement and carry out its policy of freedom of religious belief; to consolidate and expand the patriotic political alliance in each ethnic religious group; to strengthen education in patriotism and Socialism among them, and to bring into play positive elements among them in order to build a modern and powerful Socialist state and complete the great task of unifying the country; and to oppose the hegemonism and strive together to protect and preserve world peace.

In order to implement and carry out the Party's religious policy correctly and comprehensively, the main task now at hand is to oppose "leftist" erroneous tendencies. At the same time, we must be on our guard to forestall and overcome the erroneous tendency to just let things slide along. All party members, Party committees on all levels, especially those responsible for religious work, must conscientiously sum up and assimilate the historical experience, positive and negative, of the Party in religious work since the founding of the People's Republic. They must make further progress in their understanding and mastery of the objective law governing the emergence, development, and demise of religion. They should overcome every obstacle and difficulty and resolutely keep the religious policy of the Party on the scientific course laid out for it by Marxism-Leninism and Mao Zedong Thought.

IV. The Party's Present Policy toward Religion

The basic policy the Party has adopted toward the religious question is that of respect for and protection of the freedom of religious belief. This is a long-term policy, one which must be continually carried out until that future time when religion will itself disappear. What do we mean by freedom of religious belief? We mean that every citizen has the freedom to believe in religion and also the freedom not to believe in religion. S/he has also the freedom to believe in this religion or that religion. Within a particular religion, s/he has the freedom to believe in this sect or that sect. A person who was previously a nonbeliever has the freedom to become a religious believer, and one who has been a religious believer has the freedom to become a nonbeliever. We Communists are atheists and must unremittingly propagate atheism. Yet at the same time we must understand that it will be fruitless and extremely harmful to use simple coercion in dealing with the people's ideological and spiritual questions—and this includes religious questions. We must further understand that at the present historical stage the difference that exists between the mass of believers and nonbelievers in matters of ideology and belief is relatively secondary. If we then one-sidedly emphasize this difference, even to the point of giving it primary importance—for example, by discriminating against and attacking the mass of religious believers, while neglecting and denying that the basic political and economic welfare of the mass of both religious believers and nonbelievers is the same—then we forget that the Party's basic task is to unite all the people (and this includes the broad mass of believers and nonbelievers alike) in order that all may strive to construct a modern, powerful Socialist state. To behave otherwise would only exacerbate the estrangement between the mass of believers and nonbelievers as well as incite and aggravate religious fanaticism, resulting in serious consequences for our Socialist enterprise. Our Party, therefore, bases its policy of freedom of religious belief on the theory formulated by Marxism-Leninism, and it is the only correct policy genuinely consonant with the people's welfare.

Naturally, in the process of implementing and carrying out this policy which emphasizes and guarantees the people's freedom to believe in religion, we must, at the same time, emphasize and guarantee the people's freedom not to believe in religion. These are two indispensable aspects of the same question.

Any action which forces a nonbeliever to believe in religion is an infringement of freedom of religious belief, just as is any action which forces a believer not to believe. Both are grave errors and not to be tolerated. The guarantee of freedom of religious belief, far from being a hindrance, is a means of strengthening the Party's efforts to disseminate scientific education as well as to strengthen its propaganda against superstition. Furthermore, it should be emphasized that the crux of the policy of freedom of religious belief is to make the question of religious belief a private matter, one of individual free choice for citizens.

The political power in a socialist state can in no way be used to promote any one religion, nor can it be used to forbid any one religion, as long as it is only a question of normal religious beliefs and practices. At the same time, religion will not be permitted to meddle in the administrative or juridical affairs of state, nor to intervene in the schools or public education. It will be absolutely forbidden to force anyone, particularly people under eighteen years of age, to become a member of a church, to become a Buddhist monk or nun, or to go to temples or monasteries to study Buddhist scripture. Religion will not be permitted to recover in any way those special feudal privileges which have been abolished or to return to an exploitative and oppressive religious system. Nor will religion be permitted to make use in any way of religious pretexts to oppose the party's leadership or the socialist system, or to destroy national or ethnic unity.

To sum up, the basic starting point and firm foundation for our handling of the religious question and for the implementation of our policy and freedom of religious belief lies in our desire to unite the mass of believers and nonbelievers and enable them to center all their will and strength on the common goal of building a modernized, powerful socialist state. Any action or speech that deviates in the least from this basic line is completely erroneous, and must be firmly resisted and opposed by both Party and people.

V. *The Party's Work with Religious Professionals*

To win over, unite and educate persons in religious circles is primarily the task of religious professionals. It is also the essence of the Party's religious work and most important condition and prerequisite for the implementation of the Party's

religious policy. Throughout the country at present, there are about 59,000 professional religious, with affiliation as follows:

Buddhist monks and nuns, including lamas about 27,000

Daoist priests and nuns over 2,600

Muslims about 20,000

Catholics about 3,400

Protestants about 5,900

Due to many years of natural attrition, the present number of professional religious has greatly decreased when compared to the number at Liberation. Their class origin, experience, beliefs, and political ideology are quite diverse, but, in brief, we can say that by far the great majority of them are patriotic, law-abiding, and support the socialist system. Only a very small minority oppose the constitution and Socialism to the extent of colluding with foreign antirevolutionaries and other bad elements. Many of these professional religious not only maintain intimate spiritual ties with the mass of religious believers, but have an important influence over the spiritual life of the masses which should not be ignored. Moreover, as they carry out their more formal religious duties, they also perform work which serves the people in many ways and which benefits society. For example, they safeguard Buddhist and Daoist temples and churches and protect historical religious relics, engage in agriculture and afforestation, and carry on the academic study of religion, and so on. Therefore, we must definitely give sufficient attention to all persons in religious circles, but primarily professional religious, uniting them, caring for them, and helping them to make progress. We must unrelentingly yet patiently forward their education in patriotism, upholding the law, supporting socialism, and upholding national and ethnic unity. In the case of Catholics and Protestants, we must strengthen their education in independence and self-government of their churches.

We must make appropriate arrangements for the livelihood of these professional religious and conscientiously carry out the pertinent policies. This is especially true regarding the well-known public figures and intellectuals among them, for whom we should speedily implement our policy to supply them with appropriate remuneration. We must pay very close attention to and reexamine those injustices perpetrated against persons in religious circles and among the mass of religious believers which have not yet been redressed. These must be redressed in accordance with the facts, especially those more serious ones

which may have grave consequences. These must be firmly grasped and speedily resolved.

We must foster a large number of fervent patriots in every religion who accept the leadership of the Party and government, firmly support the Socialist path, and safeguard national and ethnic unity. They should be learned in religious matters and capable of keeping close links with the representatives of the religious masses. Furthermore, we must organize religious persons according to their differing situations and capabilities, respectively, to take part in productive labor, serving society, and in the scholarly study of religion. They should also take part in patriotic political movements and friendly international exchanges. All this is done in order to mobilize the positive elements among religious circles to serve the Socialist modernization enterprise.

With regard to those older religious professionals whose term of imprisonment has been completed or whose term at labor reform has ended, as well as those who have not yet been approved to engage in professional religious activities by the religious organizations, each case must be dealt with on its own merits, according to the principle of differentiation. Those who prove to be politically reliable, patriotic, and law-abiding, and who are well-versed in religious matters, can, upon examination and approval by the patriotic religious organizations, be allowed to perform religious duties. As for the rest, they should be provided with alternative means to earn a living.

Marxism is incompatible with any theistic world view. But in terms of political action, Marxists and patriotic believers can, indeed must, form a united front in the common effort for Socialist modernization. This united front should become an important constitutive element of the broad patriotic front led by the Party during the Socialist period.

VI. Restoration and Administration of Churches, Temples and Other Religious Buildings

To make equitable arrangements for places of worship is a means of implementing the Party's religious policy, and is also an important material condition for the normalization of religious activity. At the time of Liberation, there were about 100,000 places of worship, while at the present time there are about 30,000. This figure includes Buddhist and Daoist temples, churches, and meeting places of simple construction as well as places of worship built by religious believers them-

selves. The present problem is that we must adopt effective measures, based on each situation, to make equitable arrangements for places of worship. We must systematically and methodically restore a number of temples and churches in large and mid-size cities, at famous historical sites, and in areas in which there is a concentration of religious believers, especially ethnic minority areas. Famous temples and churches of cultural and historical value which enjoy national and international prestige must be progressively restored as far as is possible, according to conditions in each place. But in those places where believers are few and have little influence or where churches and temples have already been demolished, we must work out measures which suit the conditions and do things simply and thriftily according to the principle of what will benefit production and the people's livelihood. After consultation with the mass of religious believers and important persons in religious circles, and with the voluntary support of the believers, we should set aside rather simply constructed places of worship. In the process of restoring places of worship, we must not use the financial resources of either country or collective, outside of government appropriations. And we must particularly guard against the indiscriminate building and repairing of temples in rural villages.

We should also direct the voluntary contributions of the mass of religious believers for construction work, so as to build as little as possible. Much less should we go in for large-scale construction lest we consume large sums of money, materials, and manpower and thus obstruct the building up of material and Socialist civilization. Of course we should not demolish existing structures, but fully consult with believers and important persons in religious circles concerning them in order to reach a satisfactory solution based on the actual situation.

All normal religious activities held in places so designated, as well as those which, according to religious custom, take place in believers' homes—Buddha worship, scripture chanting, incense burning, prayer, Bible study, preaching, Mass, baptism, initiation as a monk or nun, fasting, celebration of religious festivals, extreme unction, funerals, etc.—are all to be conducted by religious organizations and religious believers themselves, under protection of law and without interference from any quarter. With approval of the responsible government department, temples and churches can sell a limited quantity of religious reading matter, religious articles, and works of

religious art. As for Protestants gathering in homes for worship services, in principle this should not be allowed, yet this prohibition should not be too rigidly enforced. Rather, persons in the patriotic religious organizations should make special efforts to persuade the mass of religious believers to make more appropriate arrangements.

All places of worship are under the administrative control of the Bureau of Religious Affairs, but the religious organizations and professional religious themselves are responsible for their management. Religious organizations should arrange the scope, frequency, and time of religious services, avoiding interference with the social order and the times set aside for production and labor. No one should go to places of worship to carry on atheist propaganda, nor to incite arguments among the believing masses over the existence of God. In like manner, no religious organization or believer should propagate or preach religion outside places designated for religious services, nor propagate theism, nor hand out religious tracts or other religious reading matter which has not been approved for publication by the responsible government department. In order to ensure further normalization of religious activities, the government should hereafter, in accordance with due process of law, consult fully with representatives from religious circles in order to draw up feasible religious legislation that can be carried out in practice.

Major temples and churches famous for their scenic beauty are not only places of worship, but are also cultural facilities of important historical value. Responsible religious organizations and professional religious should be charged with making painstaking efforts to safeguard them by seeing that these monuments receive good care, that the buildings are kept in good repair, and the environment fully protected so that the buildings are kept in good repair, and the environment fully protected so that the surroundings are clean, peaceful, and quiet, suitable for tourism. Under the direction of the responsible government department and religious organizations, the income derived from alms and donations received by these temples and churches can be used mainly for maintenance. A part of this income can even be used as an incentive and reward for professional religious in charge of such places who have been outstanding in this regard.

VII. *The Patriotic Religious Organizations*

To give full play to the function of the patriotic religious organizations is to implement the Party's religious policy and is an important organizational guarantee for the normalization of religious activities. There are a total of eight national patriotic religious organizations, namely: the Chinese Buddhist Association, the Chinese Daoist Association, the Chinese Islamic Association, the Chinese Catholic Patriotic Association, the Chinese Catholic Religious Affairs Committee, the Chinese Catholic Bishops' Conference, the Chinese Protestant "Three-Self" patriotic Movement, and the China Christian Council. Besides these, there are a number of social groups and local organizations having a religious character. The basic task of these patriotic religious organizations is to assist the Party and the government to implement the policy of freedom of religious belief, to help the broad mass of religious believers and persons in religious circles to continually raise their patriotic and socialist consciousness, to represent the lawful rights and interest of religious circles, to organize normal religious activities, and to manage religious affairs well. All patriotic religious organizations should follow the Party's and government's leadership. Party and government cadres in turn should become adept in supporting and helping religious organizations to solve their own problems. They should not monopolize or do things these organizations should do themselves. Only in this way can we fully develop the positive characteristics of these organizations and allow them to play their proper role and enable them, within constitutional and lawful limits, to voluntarily perform useful work. Thus they can truly become religious groups with a positive influence, and can act as bridges for the Party's and government's work of winning over, uniting with, and educating persons in religious circles.

Furthermore, in order to enable each religion to meet expenses under a program of self-support and self-management, we must conscientiously carry out the policy stipulations governing income from house and property rentals. As for the contributions and donations made by believers, there will be no need to interfere as long as they are freely offered and small in quantity. But professional religious should be convinced that private possession of religious income from temples and churches is not allowed and that any action that forces contributions to be made is forbidden.

VIII. *Educating a New Generation of Clergy*

The training and education of the younger generation of patriotic religious personnel in a planned way will have decisive significance for the future image of our country's religious organizations. We should not only continue to win over, unite with, and educate the present generation of persons in religious circles, but we should also help each religious organization set up seminaries to train well new religious personnel. The task of these seminaries is to create a contingent of young religious personnel who, in terms of politics, fervently love their homeland and support the Party's leadership and the Socialist system and who possess sufficient religious knowledge. These seminaries should hold entrance examinations and admit upright, patriotic young people who wish to devote themselves seriously to this religious profession and who have reached a certain level of cultural development. They should not forcibly enroll persons unwilling to undertake this profession or lacking in the necessary cultural educational foundation. Those young professional religious personnel who prove unfitted for this profession should be transferred elsewhere.

All these young professional religious should continually heighten their patriotic and Socialist consciousness and make efforts to improve their cultural level and their religious knowledge. They should loyally implement the Party's religious policy. They should show respect to all those upright, patriotic professional religious of the older generation, and conscientiously study and imitate their good qualities. These older and upright patriotic religious professionals should, in turn, cherish these younger patriotic professional religious. In this way the younger ones will become integrated into the patriotic progressive elements of the religious world, and, under the leadership of the Party, will become the mainstay ensuring that religious organizations follow the correct direction in their activities.

IX. *Communist Party Members and Religion; Relations with Religious Ethnic Minorities*

The fact that our Party proclaims and implements a policy of freedom of religious belief does not, of course, mean that Communist Party members can freely believe in religion. The policy of freedom of religious belief is directed toward the citizens of our country; it is not applicable to Party members. Unlike the average citizen, the Party member belongs to a

Marxist political party, and there can be no doubt at all that s/he must be an atheist and not a theist. Our Party has clearly stated on many previous occasions: A Communist Party member cannot be a religious believer; s/he cannot take part in religious activities. Any member who persists in going against this proscription should be told to leave the Party. This proscription is altogether correct, and, as far as the Party as a whole is concerned, its implementation should be insisted on in the future. The present question concerns the implementation of this proscription among those ethnic minorities whose people are basically all religious believers. Here, implementation must follow the actual circumstances, and so make use of proper measures, not oversimplifying matters.

We must realize that although a considerable number of Communist Party members among these ethnic minorities loyally implement the Party line, do positive work for the Party, and obey its discipline, they cannot completely shake off all religious influence. Party organizations should in no way simply cast these Party members aside, but should patiently and meticulously carry out ideological work while taking measures to develop more fully their positive political activism, helping them gradually to acquire a dialectical and historical materialist worldview and to gradually shake off the fetters of a religious ideology. Obviously, as we go about expanding our membership, we must take great care not to be rushed into recruiting devout religious believers or those with strong religious sentiments. As for that very small number of party members who have shown extreme perversity by not only believing in religion but also joining with those who fan religious fanaticism, even to the point of using this fanaticism to oppose the four basic principles, attack the Party line and its aim and policy, and destroy national integrity and ethnic unity, persons such as these have already completely departed from the standpoint fundamental to Party members. If after having undergone education and criticism, they continue to persist in their erroneous position or feign compliance, then we must resolutely remove them from the Party. If they have committed any criminal acts, then these must be investigated to fix responsibility before the law.

Even though those Party members who live at the grass-roots level among these ethnic minorities where the majority believe in religion have already freed themselves from religious belief, yet if they were to refuse to take part in any of those

traditional marriage or funeral ceremonies or mass festivals which have some religious significance, then they would find themselves cut off and isolated from the masses. Therefore, in applying those precepts which forbid Party members who live among these ethnic minorities from joining in religious activities, we must act according to concrete circumstances, according to the principle of differentiation in order to allow Party members to continue to maintain close links with the masses. Although many of the traditional marriage and funeral ceremonies and mass festivals among these ethnic minorities have a religious tradition and significance, they have already essentially become merely a part of ethnic custom and tradition. So long as our comrades, especially those living at the grass-roots level, mark clearly the line between ideology and religious belief, then they can show appropriate respect to and compliance with these ethnic customs and traditions in their daily lives. Of course, this does not mean that those customs and traditions which prove harmful to production or the physical and mental health of the masses should not be appropriately reformed in accordance with the desire of the majority of the people. But to lump these ethnic customs and traditions together with religious activities is not right and will be harmful to ethnic unity and to the correct handling of the religious question.

All Party members must come to the profound realization that our country is a Socialist state made up of many ethnic minorities. Each minority and each religion is differently situated with regard to this question of the relationship between religion and the ethnic minorities. There are some ethnic minorities in which nearly all the people believe in one particular religion, Islam or Lamaism, for example. Among these peoples, the question of religion and ethnicity is frequently intertwined. But within the Han race, there is basically no relationship between ethnic background and Buddhism, Daoism, Catholicism, or Protestantism. Therefore, we must become adept in distinguishing very concretely the particular situation of each ethnic group and of each religion, and in sizing up the differences and relationships between ethnicity and religion, that we may proceed correctly in our handling of them. We must certainly be vigilant and oppose any use of religious fanaticism to divide our people and any words or actions which damage the unity among our ethnic groups. If our Party cannot with clear mind and firm step master this particular question in the present

great struggle as we strive to lead such a great nation of so many ethnic groups as ours forward to become a modern Socialist state, then we shall not be able with any success to unite our peoples to advance together toward this goal.

X. Criminal and Counter-Revolutionary Activities under the Cover of Religion

The resolute protection of all normal religious activity suggests, at the same time, a determined crackdown on all criminal and antirevolutionary activities which hide behind the facade of religion, which includes all superstitious practices which fall outside the scope of religion and are injurious to the national welfare as well as to the life and property of the people. All antirevolutionary or other criminal elements who hide behind the facade of religion will be severely punished according to the law. Former professional religious, released upon completion of their term of imprisonment, who return to criminal activities will be punished again in accordance with the law. All banned reactionary secret societies, sorcerers, and witches, without exception, are forbidden to resume their activities. All those who spread fallacies to deceive and who cheat people of their money will, without exception, be severely punished according to the law. Party cadres who profit by these illegal activities will be dealt with all the more severely. Finally, all who make their living by phrenology, fortune telling, and geomancy should be educated, admonished, and helped to earn their living through their own labor and not to engage again in these superstitious practices which only deceive people. Should they not obey, then they should be dealt with according to the law.

In dealing according to the law with all antirevolutionary and other criminal elements who lurk within religious ranks, Party committees on each level and pertinent government departments must pay very close attention to cultivating public opinion. They should make use of irrefutable facts to fully expose the way in which these bad elements use religion to further their destructive activities. Furthermore, they should take care to clearly delineate the line dividing normal religious activities from criminal ones, pointing out that cracking down on criminal activities is in no way to attack, but is rather to protect, normal religious activities. Only then can we successfully win over, unite with, and educate the broad mass of religious

believers and bring about the normalization of religious activities.

XI. The International Relations of China's Religions

Buddhism, Islam, Catholicism, and Protestantism, which occupy a very important place among our national religions, are at the same time ranked among the major world religions, and all exercise extensive influence in their societies. Catholicism and Protestantism are widespread in Europe, North America, and Latin America, and other places. Buddhism is strong in Japan and Southeast Asia, while Islam holds sway in several dozen countries in Asia and Africa. Some of these religions are esteemed as state religions in a number of countries. At the present time, contacts with international religious groups are increasing, along with the expansion of our country's other international contacts, a situation which has important significance for extending our country's political influence. But at the same time there are reactionary religious groups abroad, especially the imperialistic ones such as the Vatican and Protestant Foreign-mission societies, who strive to use all possible occasions to carry on their efforts at infiltration "to return to the China mainland." Our policy is to actively develop friendly international religious contacts, but also to firmly resist infiltration by hostile foreign religious forces.

According to this policy of the Party, religious persons within our country can, and even should, engage in mutual visits and friendly contacts with religious persons abroad as well as develop academic and cultural exchanges in the religious field. But in all these various contacts, they must firmly adhere to the principle of an independent, self-governing church, and resolutely resist the designs of all reactionary religious forces from abroad who desire to once again gain control over religion in our country. They must determinedly refuse any meddling or interfering in Chinese religious affairs by foreign churches or religious personages, nor must they permit any foreign religious organization (and this includes all groups and their attendant organizations) to use any means to enter our country for missionary work or to secretly introduce and distribute religious literature on a large scale.

All religious organizations and individuals must be educated not to make use of any means whatsoever to solicit funds from foreign church organizations, and religious persons and groups in our country as well as other groups and individuals

must refuse any subsidy or funds offered by foreign church organizations for religious purposes. As for donations or offerings given in accordance with religious custom by foreign believers, overseas Chinese, or compatriots from Hongkong and Macao to temples and churches within our territory, these may be accepted. But if it is a question of large contributions or offerings, permission must be sought from the provincial, urban, or autonomous-area governments or from the central government department responsible for these matters before any religious body can accept them on its own, even though it can be established that the donor acts purely out of religious fervor with no strings attached.

We must be vigilant and pay close attention to hostile religious forces from abroad who set up underground churches and other illegal organizations. We must act resolutely to attack those organizations that carry out destructive espionage under the guise of religion. Of course, in doing so, we must not act rashly, but rather investigate thoroughly, have irrefutable evidence at hand, choose the right moment, and execute the case in accordance with lawful procedures.

The new task we now face is that of developing friendly relationships with foreign religious groups while maintaining our policy of independence. The correct guiding principles and policies of the central government and the Party provide the essential basis for doing this type of work well. We should handle the domestic religious question realistically and effectively, strengthen our study of the history of world religion and its present situation, and make efforts to train talented people able to engage in international religious activities. Facts have proven over and over again that if we handle the domestic situation well, then all hostile religious forces from abroad will have little or no opportunity to exploit the situation to their own advantage. Then the international contacts undertaken by religious groups will make smoother and sounder progress and the positive function they should have will be given full play.

XII. The Role of the Party and State Organs in Handling the Religious Question

The basic guarantee for the successful handling of the religious question is the strengthening of the Party's leadership. The Party's religious work is an important constituent of the Party's united front and of its work among the masses since it touches upon various aspects of social life. This de-

mands that Party committees on each level must vigorously direct and organize all relevant departments, which include the United Front Department, the Bureau of Religious Affairs, the Bureau of National Minorities, the Department for Politics and Law, the Departments of Propaganda, Culture, Education, Science and Technology, and Health, as well as the Labor Unions, the Youth League, the Women's Federation, and all other mass organizations, in order to unify ideology, knowledge, and policy. The Departments must each take responsibility for their own work, but act in close coordination and take a realistic grasp of this important task in order to conscientiously and unremittingly carry it through to a successful conclusion.

We must strengthen the government organs responsible for religious affairs, to enable all cadres who give themselves to this particular work to study the Marxist theory of religion in a systematic way, to thoroughly understand the Party's fundamental viewpoint and policy on the religious question, to maintain close relationships with the mass of religious believers, and to consult on equal terms with persons in religious circles in order to cooperate and work together.

An important constituent of the Party's theoretical work on religion is the use of the Marxist viewpoint and method to carry out scientific research on the religious question. An important task for the Party on the propaganda front is the use of Marxist philosophy to criticize idealism (which includes theism), and to educate the masses, especially the broad mass of young people, in a dialectical and historical materialist and scientific worldview. To do this, we must strengthen our propaganda in scientific and cultural knowledge as these relate to an understanding of natural phenomena, the evolution of society, and of human life, with its old age sickness, death, and ill and good fortune. An indispensable aspect of the Party's theoretical foundation is the establishment of theoretical research teams armed with Marxist ideology for the study of religious theory which would strive to set up organizations for religious research and make use of related university disciplines. Of course, when we publish articles in newspapers and magazines on the religious question, we should adopt a prudent attitude so as not to violate the present policy nor to offend the religious sensibilities of the mass of believers. Those in academic circles should respect the religious mentality of those in religious circles, whereas those in religious circles should also respect

the research and propaganda activities carried on by academia in its Marxist interpretation of religion.

The central authorities of Party and State emphasize once again that all Party members must clearly understand that the Party's religious policy is not just a temporary expedient, but a decisive strategy based on the scientific theoretical foundation of Marxism-Leninism and Mao Zedong Thought, which takes as its goal the national unification of the people for the common task of building a powerful, modernized Socialist state. Under Socialism, the only correct fundamental way to solve the religious question lies precisely in safeguarding the freedom of religious belief. Only after the gradual development of the Socialist, economic, cultural, scientific, and technological enterprise and of a socialist civilization with its own material and spiritual values, will the type of society and level of awareness that gave rise to the existence of religion gradually disappear. Such a great enterprise naturally cannot be accomplished within a short period of time, nor even within one, two or three generations. Only after a long period of history, after many generations have passed, and after the combined struggle of the broad masses of both believers and nonbelievers will this come about. At that time, the Chinese people, on Chinese soil, will have thoroughly rid themselves of all impoverishment, ignorance, and spiritual emptiness, and will have become a highly developed civilization of material and spiritual values, able to take its place in the front ranks of mankind in the glorious world. At that time, the vast majority of our citizens will be able to deal with the world and our fellowmen from a conscious scientific viewpoint, and no longer have any need for recourse to an illusory world of gods to seek spiritual solace. This is precisely what Marx and Engels have predicted—that there will be an age when people will have freed themselves from all alienating forces controlling the world and will have come to the stage when they will consciously plan and control the whole of social life. This is also what Comrade Mao Zedong meant when he said that the people, relying on themselves alone, will create a new age both for themselves and for the world. Only when we enter this new age will all that shows a religious face in the present world finally disappear. Therefore, each of us Party members from generation to generation, must put forth all our best efforts in the struggle to bring about this brilliant future.

APPENDIX 2⁵²

DOCUMENT 6

Issued by the Central Committee of the Communist Party and
the State Council on Some Problems Concerning Further Im-
proving Work on Religion

(February 5, 1991)

TO: Party committees and people's governments of the various provinces, autonomous regions and municipalities directly under the Central People's Government, Party Committees of the various greater military areas, the various departments, ministries and commissions of the Party Central Committee and the State Council, the various general headquarters of the military commission, Party Committees of the various armed services and the various arms of the services, and the various people's organizations.

The Party's policy toward religion has been implemented step by step and our work on religion has achieved remarkable success since the Third Plenum of the Party's Eleventh Central Committee, as a result of the concerted efforts of the Party committees and governments at the various levels. We have opened and made arrangements for sites for religious activities, restored or established patriotic religious organizations, citizens' rights to freedom of religious belief, their normal religious activities and the legitimate rights and interests of religious organizations have been protected by the law and policy, criminal activities that violated the law perpetrated in the name of religion have been dealt with according to law, and religious activities in most areas have been normal. The patriotic sentiments and socialist consciousness of religious figures have been enhanced. They support the leadership of the Chinese Communist Party and the socialist system. They have energetically helped the Party and government implement their policy towards religion, and done much useful work in upholding social stability and national unity in promoting the unification of the motherland and in conducting friendly international intercourse. The patriotic United Front of the religious circles of the various nationalities led by the Party has become further

52. This translation is taken from ASIA WATCH, FREEDOM OF RELIGION IN CHINA, *supra* note 1, at 30-35.

consolidated and strengthened. Religious believers of the various nationalities have actively participated in the construction of socialist material and spiritual civilization. Practice has demonstrated the correctness of the Party and government policy towards religion, and the overall situation in our work on religion is good.

But we must realize that hostile forces beyond our borders have all along been using religion as an important means to carry out their strategy of bringing about peaceful evolution in our country. They have continuously engaged in infiltration and disruptive activities against us. The national splittists have also used religion to stir up trouble, attack Party leadership and the socialist system, undermine the unification of the motherland and national unity. In certain places, a few hostile elements run rampant. They establish illegal organizations and try to wrest leadership of the monasteries, Taoist temples and churches from us. Some of them illegally opened bible colleges, convents and theological seminaries, trying to compete with us for the hearts and minds of young people. Some monasteries restored their feudal religious privileges, oppression and exploitation that had been abolished. At the grassroots level in some places, some people used religion to interfere with government administration, the judicial process and education in schools.

At the same time, we must also realize that there are quite a few problems in the implementation of the policy of freedom of religious belief. Certain local authorities violate the citizens's right to freedom of religious belief, the legitimate rights and interest of the monasteries, Taoist temples and churches, interfere with normal religious activities of religious groups and procrastinate in restoring religious real estate, monasteries, Taoist temples and churches to their rightful owners. Social conflicts touched off by religious problems or the improper handling of religious issues broke out from time to time. Party committees and governments at all levels must soberly realize the complexity and seriousness of these problems and attach great importance to work on religion.

The correct handling of the question of religion constitutes an important task in China's socialist construction, an important substance in the building of socialism with Chinese characteristics. It is of great significance and allows no negligence that we perform our work on religion successfully, so as to maintain social stability, promote national unity, the unification of the motherland and the building of the four

modernizations. "The Basic Viewpoint and Basic Policy of the Central Committee of the Chinese Communist Party Concerning the Religious Question in the Period of Socialism in China" (Document No. 19 issued by the Party Central Committee in 1982) is an important document that provides the guideline for work on religion. It must continue to be carried out conscientiously. Continuity and stability of the policy towards religion must be maintained. In the days to come, the basic task of the Party and government work on religion is conscientiously to implement the Party's policy toward religion, safeguard citizens' right to the freedom of religious belief, step up the education of the religious believers and figures in patriotism and socialism, bring their initiative into play, support them in their useful work, consolidate and develop our patriotic United Front with the religious circles, regulate religious affairs according to law, curb and crack down on illegal criminal activities perpetrated in the name of religion, resolutely curb the infiltration of hostile religious forces beyond our borders, and work for the safeguarding of stability, the promotion of unity, the unification of the motherland and bring prosperity to China. We now issue a circular on some problems concerning further improving our work on religion as follows:

I. Implement the policy of freedom of religious belief accurately and in an all-around manner.

Respect and protect the freedom of religious belief—this is a basic long-term policy of the Party and state concerning the question of religion. Freedom of religious belief is a right laid down in the Constitution for citizens. Citizens are free to believe or not to believe in religion. No state organ, social, organization or individual is allowed to force a citizen to believe or not to believe in religion. Citizens must not be discriminated against on the ground that they are religious believers or non-believers. Religious activities must be conducted within the framework of law and policy. The state protects normal religious activities. Citizens, in exercising their rights to the freedom of religious belief, must at the same time fulfill their obligations. No one is allowed to use religion to oppose the leadership of the Party and the socialist system, to harm the unification of the country, social stability and national unity, to encroach on the interest of society and collectives, or the legitimate rights of other citizens. No one is allowed to use religion to interfere with government administration, the judicial, pro-

cess, school education or public social education, to obstruct the practice of compulsory education, to restore the abolished system of feudal religious privileges, oppression and exploitation. Believers and non-believers, believers in different religions and sects should respect and unite with each other. In places where the majority of people are non-believers, attention should be paid to respecting and protecting the rights of the believers who are in a minority. In places where the majority are believers, attention should be paid to respecting and protecting the rights of the non-believers who are in the minority, so that believers and non-believers could unite and work together in the cause of the building of socialist modernization.

In implementing the policy of freedom of religious belief, it is necessary firmly to correct the actions that violate the citizen's right to freedom of religious belief and the legitimate rights and interests of the religious circles. In places where there are not enough sites for religious activities, such sites should be provided for normal religious activities. The religious real estate problem left over from history should be handled prudently, so as to unite with the masses of religious believers and promote state and social stability.

II. Regulating religious affairs according to the law.

Regulating religious affairs according to law means that the government administers and oversees the enforcement of the laws, regulations and policies concerning religion. The government protects the legitimate rights and interests of religious bodies, monasteries, Taoist temples and churches according to law; it protects the clergy and lay believers in their normal religious activities; it prevents and curbs the lawless elements who use religion and religious activities to stir up trouble, violate the law and commit crimes; it curbs the hostile forces beyond our borders who use religion for infiltration purposes. The objective of regulating religious affairs is to channel religious activities into the framework of laws, regulations and policy, and not to interfere in the normal religious activities or the internal affairs of religious bodies.

All sites of religious activities must be registered according to law (the specific procedures will be laid down separately). Those registered sites of religious activities are protected by law. They are administered according to the democratic principle by the patriotic religious organizations and the clergy under the administrative leadership of the government department in

charge of religious affairs. The opening of new sites for religious activities must be approved by people's governments above the county level. Preaching and missionary work by self-styled preachers and other illegal missionary work must be firmly curbed. Those bible colleges, convents and theological seminaries that had been opened illegally must be banned.

China's religious bodies and religious affairs must adhere to the principle of independence and run their churches themselves free from control by outside forces. International religious exchanges should be conducted actively and correctly on the basis of equality and friendship. Attempts by hostile forces beyond our borders to control China's religion must be resolutely resisted. No religious organizations or individuals from outside the country are allowed to interfere in China's religious affairs, establish offices in China, build monasteries, Taoist temples or churches, or engage in missionary work. Religious publications, audio and video tapes and other propaganda materials from abroad must be strictly controlled according to rules laid down by the government departments concerned. Those materials that incite people against the four basic principles or the government, or contain other reactionary contents should be confiscated according to law. No one is allowed to accept religious subsidies or missionary funds from foreigners whose aim is infiltration. Chinese religious organizations, monasteries, Taoist temples and churches must first obtain approval from people's governments at the provincial level or the Bureau of Religious Affairs of the State Council before they can accept significant donations from foreign religious organizations or religious believers. Similar approval is required of Chinese religious organizations, monasteries, Taoist temples or churches if they are to invite foreign religious organizations or personages to visit China or accept the latter's invitation for a visit abroad. Activities that are especially important and involve foreigners must be reported to the State Council for approval. Non-religious organizations must report to the Religious Affairs department when they invite or receive [foreign] organizations with a religious background or very influential religious personages who come for a visit and tour in China. When they engage in exchanges and cooperation with foreigners that involve religious organizations outside the country or their affiliated institutions or individuals, the cooperation agreements signed by the economic and trade, scientific and technological, cultural, educational, health, sports or tourist departments

must not contain stipulations about missionary work, the establishment of religious institutions, or the building of monasteries, Taoist temples or churches, or any other religious matter.

Legislation of laws governing religion should be speeded up. The Religious Affair Bureau of the State Council should, in real earnest, draft the administrative regulations governing religious affairs. The provinces, autonomous regions and municipalities directly under the central government may also lay down local administrative rules governing religious affairs in accordance with the relevant laws and regulations of the country and in the light of actual local conditions.

People's political power at the grassroots level should strengthen their leadership over work on religion, conscientiously carry out the Party and government policy towards religion, help the clergy and lay believers manage their places of religious activities successfully and engage in religion activities according to law.

III. Let the patriotic religious organizations play their role to the full.

The patriotic religious organizations serve as a bridge by which the Party and government unite with and educate religious personages. Letting these organizations play their role to the full is an important organizational guarantee for the successful implementation of the Party's policy towards religion and the normalization of religious activities. In certain places the patriotic religious organizations have not received sufficient encouragement to play their full role, and this failure of the local authorities must be corrected. These authorities should support and help the patriotic religious organizations strengthen their own building, carry on their activities independently according to their own characteristics and rules, and bring their initiative into full play. They should be encouraged and supported to run their production, service, and public welfare undertakings successfully in order to become self-supporting. Help should be given in providing them with office space and operational expenses, and in tackling the difficulties in the livelihood of the clergy in certain areas so as to provide the necessary conditions for them to go ahead with their work. All patriotic religious organizations must accept the leadership of the Party and the government, abide by the law of the land, carry forward the tradition of self-education and constantly

educate their religious staff in patriotism, socialism, the policy on current development, laws and regulations of the country, and steadily enhance their consciousness in defending the interests of the state and the nation and upholding the principle of independence and managing their religious undertakings themselves.

The overwhelming majority of the Chinese religious personages are patriotic and law abiding. They have over a long period of time cooperated with the Party and the government and constitute an important force in maintaining state and social stability, keeping in touch with the lay believer and successfully running their religious affairs. Party and government leading organs at all levels must always listen to the opinions and suggestions offered by the patriotic religious organizations and personages, and fully consult them on important matters concerning religion. They must support and assist the patriotic religious organizations in successfully running the theological seminaries to foster in a planned and organized way a corps of religious staff who love the motherland, accept Party leadership, are resolute in taking the socialist road, uphold the unification of the motherland and national unity, versed in religious learning and capable of keeping in touch with the masses of lay believers. At the present moment, training should be stepped up for those who are in charge of the monasteries, Taoist temples, churches and other places of worship.

IV. Resolutely curb those who use religion to engage in criminal activities.

At the same time as we protect the right of citizens to freedom of religious belief and their normal religious activities, we must firmly crack down according to law on how those counterrevolutionary elements and other criminal offenders who use religion to engage in disruptive activities. Public security departments at all levels must take forceful measures and resolutely curb those who use religion to stir up trouble, undermine public safety and weaken the unification of the country and national unity. Those who violate the Criminal Code must be dealt with according to law. Those chief culprits who collude with hostile forces outside the country to endanger China's security must be severely punished. Illegal religious organizations must be firmly outlawed. Those places of worship that engage in illegal activities should be criticized, educated, and asked to amend their ways within a stated time if the case is

not so serious. Repeat offenders and serious cases should be dealt with according to law.

In our work, we must strictly distinguish between the two different types of contradictions and handle them correctly, have a correct grasp of policy, unite with and rely on the patriotic force of the religious circles, divide and disintegrate the hostile forces, win over those under their influence and control, and isolate the few principal culprits.

The law enforcement departments of the country must make judicial explanations according to law when punishing those who use religion to engage in criminal activities. The public security and procuratorial departments and the courts should coordinate their efforts in curbing criminal activities according to law.

V. Strengthen the organ of work on religion and step up the building of a corps of cadres working on religious matters.

In order to improve our work on religion further, it is necessary to strengthen the government organs for work on religion. The governments of provinces (autonomous regions and municipalities directly under the central government), municipalities (regions and prefectures) and those counties (districts) that carry a heavy load of work on religion should establish organs to handle work on religion as part of the government setup. The other counties (districts) should keep their organs for work on religion provided these are already in place. Those counties without such organs may share offices with the relevant departments, staffed by person(s) specially assigned to handle work on religion full time. Those townships facing the task of handling religious affairs should have someone in charge of such work, on a full-time basis if the task is a serious one.

Special importance should be attached to the training of cadres who would handle religious affairs, and their competence must be constantly improved. Those who handle religious affairs must fully realize the significance and responsibility of their job, make a serious study of Marxist philosophy, religious theories, the Party's principles and policies, be versed in the relevant laws and knowledge in work on religion, good at uniting with religious personages and lay believers, so as to turn oneself into a cadre that handles religious affairs with good political qualities, a fine work style and highly knowledgeable in religious matters. Party committees and governments at all

levels should show solicitude for cadres handling religious matters, politically and in their work and livelihood.

VI. Strengthen Party leadership in work on religion.

Party leadership in work on religion is primarily political leadership. The Party is in charge of political orientation and the major principles and policies. Party committees and governments at all levels must place work on religion on their agenda, study and analyze the situation in work on religion at regular intervals, seriously check on the implementation of the policy towards religion, promptly solve any problem, mobilize the entire Party, government at all levels and all social forces and have them attach importance to and show solicitude for successful work on religion, so as to make religion fit into the socialist society.

Responsible comrades of the Party and government at all levels and the United Front departments of the Party committees should work successfully with the representative religious figures, improve their contacts with these figures, explain the Party's principles and policies to them and inform them of relevant matters, listen to their opinions with an open mind, and help them solve problems in their work

Party committees and governments at all levels must strengthen their political and ideological work, instruct the propaganda departments to educate the broad masses in patriotism, socialism and national unity, educate the masses, youngsters in particular, in dialectical materialism and historical materialism (including atheism) and foster the youngsters to become a generation of new people with high ideals and moral standards and who are well educated and disciplined. Instructions and assistance should be given the trade unions, the Communist Youth League and women's federations and have them launch healthy and useful activities, show solicitude for and give assistance to employees, young people and women in solving difficulties in their work and livelihood, inculcate them with a correct view of birth, old age, sickness and death as well as good or ill luck, disasters and good fortune, so that they can acquire a scientific world view and outlook on life. The publication of works that touch on religion must neither run counter to the Party and government policy toward religion, nor hurt the religious feelings of the believers, nor distort history by the use of religion to undermine the unification of the country and national unity.

Communist Party members are allowed neither to believe in religion, nor participate in religious activities. Those Party members who take part in religious activities should be subjected to patient education so that they can acquire a correct world outlook and draw a line of demarcation between atheism and theism and strengthen their faith in communism. Those who refuse to amend their ways should be persuaded to leave the Party. Those who take part in inciting religious fanaticism and lend support to the indiscriminate building of monasteries, Taoist temples or churches should be sternly criticized and educated. Those who refuse to repent should be expelled from the Party. In those minority areas where virtually everyone is a religious believer, Communist Party members working at the grassroots level may take part in certain traditional mass activities with a tinge of religion in accordance with the relevant guidelines laid down by the Central Committee of the Party.

Upon receipt of this circular, Party committees and governments throughout the country should conscientiously sum up their experiences in handling religious matters in recent years, draw the necessary lessons on the basis of an overall review of the implementation of the policy towards religion, draw up specific measures in the light of local realities, and conscientiously carry them out. The Party committees and governments of provinces, autonomous regions and municipalities directly under the central government should send written reports of their review and summation to the Central Committee of the Party and the State Council.

*The Central Committee of the Chinese Communist Party
The State Council*

February 5, 1991

APPENDIX 3⁵³

ORDER OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA

No. 144

Regulations on the Management of the Religious Activities of
Foreigners Within China's Borders

The Regulations on the Management of the Religious Activities of Foreigners Within China's Borders is now issued and comes into force on the day of issue.

(signed by) Premier Li Peng, January 31, 1994.

ARTICLE 1: To safeguard foreigners' freedom of religious belief within the borders of the People's Republic of China, and to maintain and protect society's public interests, these regulations have been formulated in accordance with the constitution.

ARTICLE 2: The People's Republic of China respects the freedom of religious belief of foreigners who stay within China's borders, and protects foreigners who have friendly contacts, as well as cultural and academic exchanges with their religious counterparts in China as regards religion.

ARTICLE 3: Foreigners may attend religious activities within China's borders at places for religious activities, such as monasteries, temples, mosques and churches. When invited by religious bodies at or above provincial, autonomous regional, or municipal level, foreigners may lecture on scripture and give sermons at religious places in China.

ARTICLE 4: Foreigners may carry out religious activities to be attended by foreigners at places sanctioned by religious affairs bodies of the People's Government at or above county level.

ARTICLE 5: Foreigners who stay within China's borders may invite religious personnel in China to conduct religious ceremonies for them such as baptisms, marriages, funerals, and Taoist and Buddhist rites.

53. This translation is taken from CNCR No. 2287, Feb. 25, 1994.

ARTICLE 6: Foreigners who enter China may carry religious publications, religious audio-visual material and other religious articles for their own use; when the amount of religious publications, religious audio-visual material and other religious articles brought across the border is greater than for personal use, this matter must be dealt with according to the relevant customs regulations of China.

Religious publications and religious audio-visual products whose contents endanger Chinese society's public interests are banned from entering China.

ARTICLE 7: Foreigners within China's borders who recruit candidates to go abroad to be trained as religious personnel, or who study or teach at religious institutes in China must be dealt with according to the relevant regulations of China.

ARTICLE 8: Foreigners within China's borders who conduct religious activities must observe Chinese laws and regulations; they are not allowed to establish religious organizations, set up religious offices, open places for religious activities or run religious institutes, nor may they develop followers, appoint religious personnel or conduct missionary activities among Chinese citizens.

ARTICLE 9: If foreigners engage in religious activities that violate these regulations, religious affairs bodies and other relevant departments of the People's Government at or above county level should dissuade or stop them. For foreigners whose behavior violates immigration rules or the administration of public security, punishment will be meted out by public security bodies according to the law. If a crime is committed, responsibility for the crime will be investigated and judged by judiciary bodies according to the law.

ARTICLE 10: These regulations apply to foreign organizations whose religious activities take place within the borders of the People's Republic of China.

ARTICLE 11: Reference should be made to these regulations regarding religious activities conducted within China's borders by Chinese citizens who reside outside China, as well as by Taiwan, Hong Kong and Macau residents.

ARTICLE 12: These regulations are subject to the interpretation of the Bureau of Religious affairs under the State Council.

ARTICLE 13: These regulations should be implemented from the day they are issued.

APPENDIX 4⁵⁴

ORDER OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF
CHINA
NO. 145

Management of Places for Religious Activities Ordinance Order of the State Council of the People's Republic of China

The Management of Places for Religious Activities Ordinance is now issued and comes into force on the day of issue.

(signed by) Premier Li Peng, January 31, 1994.

ARTICLE 1: To protect normal religious activities, maintain and safeguard the legal rights of places for religious activities, and facilitate the administration of places for religious activities, these regulations have been formulated in accordance with the constitution.

ARTICLE 2: Places for religious activities referred to in these regulations are places where religious activities are held—monasteries, temples, mosques, churches and other fixed locations.

To establish a place for religious activities, it is necessary to go through a registration process. The method of registration is determined by the Bureau of Religious Affairs under the State Council.

ARTICLE 3: Each place for religious activities is run independently by its own management body. Its legal rights and normal religious activities are protected by law. No organization or individuals are allowed to violate and interfere with them.

54. This translation is taken from CNCR No. 2287, Feb. 25, 1994.

ARTICLE 4: Places for religious activities must establish their own administrative system. Laws and regulations must be observed when religious activities are conducted at such places. No one may use these places to engage in activities that harm national unity, the solidarity of ethnic groups, social stability or the physical health of citizens, or obstruct the state educational system.

Places for religious activities are not subject to control by organizations and individuals outside the borders of China.

ARTICLE 5: Anyone who often stays at places for religious activities as well as people who do not belong to such places but temporarily stay in them must observe state regulations regarding household registration.

ARTICLE 6: Places for religious activities may accept alms, offerings and *niyah* (donation from Muslims) voluntarily contributed by their faithful.

In accepting donations from organizations and individuals outside China's borders, places for religious activities must act in accordance with relevant state regulations.

ARTICLE 7: Management bodies of places for religious activities may, in accordance with relevant state regulations, sell religious articles, religious artwork, and religious books and periodicals at their respective places.

ARTICLE 8: The property and income of a place for religious activities are to be administered and used by its own management body. No other units and individuals are allowed to seize or transfer them gratuitously.

ARTICLE 9: If a place for religious activities closes down or is integrated with others, this fact should be reported to the original registry. The property is to be dealt with according to state regulations.

ARTICLE 10: In order for a place for religious activities to manage and use lands, hills and forests, houses, etc., a certificate must be obtained by its own management body or an affiliated religious group in accordance with relevant state regulations.

If the state requisitions lands, hills and forests, houses, etc., that are managed and used by the places for religious

activities, this matter should be handled in accordance with the *Law for the Administration of the Land of the People's Republic of China* and other relevant state regulations.

ARTICLE 11: If a unit or individual is to rebuild a house or construct a new building, set up a commercial enterprise or service network, hold activities such as a display or exhibition, or make a movie or television program within the area managed by the places for religious activities, approval first must be obtained from the management body of that place and from religious affairs bodies of the People's Government at or above county level, before going to the appropriate department to fulfill procedural requirements.

ARTICLE 12: Places for religious activities listed as protected cultural relics or located within famous scenic areas should manage and protect the cultural relics and environment, and accept the guidance and supervision of relevant departments, according to relevant laws and regulations.

ARTICLE 13: Implementation of these regulations is subject to the guidance and supervision of the religious affairs bodies of the People's Government at or above the county level.

ARTICLE 14: If places for religious activities violate stipulations of these regulations, the religious affairs bodies of the People's Government at or above the county level may, depending on the seriousness of the case, give a warning, stop the activities, or cancel the registration as punishment; but especially serious situations would be passed on to the People's Government at the same level to issue a ban (to the places) in accordance with the law.

ARTICLE 15: Those who break this ordinance and whose behavior is sufficient to violate the management of public security will be punished by public security bodies in accordance with the *Regulations on Punishment and Administration of Public Security of the People's Republic of China*. If a crime is committed, responsibility for the crime will be investigated and judged by judiciary bodies according to law.

ARTICLE 16: If the people concerned disagree with administrative decisions on handling a case, they can, based on laws and

regulation, apply for administrative re-examination or else initiate an administrative appeal.

ARTICLE 17: If there is a violation of the stipulations of these regulations and infringement on the legal rights of the places for religious places, the religious affairs bodies of the People's Government at or above the county level can seek an order from the People's Government at the same level to stop the infringing activities; economic losses that may be incurred should be compensated according to law.

ARTICLE 18: The People's Government at provincial, autonomous regional and municipal level may, based on these regulations and in connection with the actual local situation, formulate ways to implement these regulations.

ARTICLE 19: These regulations are subject to interpretation by the Bureau of Religious Affairs under the State Council.

ARTICLE 20: These regulations should be implemented from the day they are issued.