

PRC Religious Policy: Serving the Gods of the CCP

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Beijing's update of national-level religious regulations is part and parcel of a larger governance effort. This effort is designed to construct a latticework of legislation for managing citizens' activities and minimizing international influences. If these regulations are implemented uniformly—which is always a big if in the PRC—in some cases they will offer greater certainty about what is allowed under the law. In others, they will restrict activities that previously had not been clearly regulated. Beijing's negotiations with the Vatican over bishop ordinations reflect the same desires: to cement the party's role in defining the permissible in Chinese religious life, to check foreign influence, and to continue to regularize social-management efforts.

A Long-Awaited Work Conference Finally Held

In April 2016, General Secretary Xi Jinping chaired a National Religious Work Conference (全国宗教工作会议), possibly the first time a general secretary attended such a meeting since Jiang Zemin did so in 2001.¹ The conference was rumored to have been postponed several times due to Xi's purported dissatisfaction with the general direction of religious policy. Whatever the reason for the delay, coverage of the conference in authoritative party media—and follow-on articles from Wang Zuo'an, head of the State Administration for Religious Affairs (SARA)—made clear that a key goal of the conference was to reassert the CCP's "guiding" role in religious affairs.² The conference followed a series of speeches and high-level visits touching on the issues of religion in 2015, including several by Chinese People's Political Consultative Conference head Yu Zhengsheng.³

Xi's speech at the conference was not a great departure from the CCP's religious policy as it has been enacted in the last few decades, but it did highlight several themes that have become more prominent in recent years under Xi.⁴ This included the need to "sinicize" (中国化) religion, making it suit Chinese society and serve the best interests of the country, while urging religious believers to throw themselves into the great rejuvenation of the Chinese nation. It also emphasized managing religion under the rule of law.

The speech also restated several core tenets of the CCP's religious management since reform and opening. Wang's articles explain that the concept of "guiding" (导) religion, a key theme of Xi's speech, is explicitly meant to walk the line between loosening up (放) and tightening up (收), neither allowing religion to go unchecked and vulnerable to the nefarious machinations of "external forces" nor attempting to snuff out religion

* This article reflects the personal views of the author and not necessarily the view of the Department of State or the U.S. government.

completely. The speech affirmed the party's duty to continue regulating religious activity with an eye to larger national and social interests (read: not allowing individuals' religious rights to impinge upon party authority) and maintaining a firm separation between church and state (read: not allowing party members to ascribe to any religion).

Essentially, just as it is trying to do with social service-oriented nonprofits, the CCP hopes to harness aspects of religious belief that "help social harmony, modernization, [and a] healthy civilization"⁵ while criminalizing aspects it finds threatening or unhelpful. The CCP knows it cannot eradicate religion entirely—this notion was one of the major tenets of Document 19, which was issued in 1982 and still forms the basis of the party's religious policy. This means the party must find ways to regulate religious practice without causing regime-threatening discontent, and it must now do so in an increasingly complex domestic and foreign environment. In his speech, Xi named several challenges that this "new situation" (新形势) presents the party with regard to its religious management: external forces' infiltration into China; the spread of extremist thought; and, aiding and abetting the previous two, the ubiquity of the Internet.

New Regulations for the "New Situation"

These overarching concerns are also apparent in the new language and provisions included in the 2016 draft update to SARA's Religious Affairs Regulations. The updated regulations, posted for public comment in September, maintain many of the same provisions of the 2005 version. A number of the draft provisions, however, reflect the CCP's concern over the "new situation" specifically. Particularly troubling for the CCP is the widespread use of the Internet and the concomitant weakening of government control over information flows. Though one would expect that a 2016 update to a decade-old regulatory document would include more mentions of the Internet (the terms for *Internet* [互联网] and *website* [网点] appear seven times in the 2016 draft regulations versus one mention of *website* in the older version), it is very likely that the increase also reflects the governments' heightened concern over the Internet's ability to spread unsanctioned religious material. Other changes are clearly designed to create regulatory structures for areas that previously were, in Beijing's view, underregulated. This is particularly evident in the new section addressing religious schools, which describes application, approval, verification, and reporting processes for religious training institutions. These schooling-related regulations are likely meant at least in part to further foreclose any possibility of external influence (such as the pope or the Dalai Lama) over the next generation of the faithful.

Comparing the 2005 Religious Work Regulations⁶ with the latest draft of the updated regulations,⁷ many of the additions and alterations fit into a few overarching themes, some of which are covered below.

"Rule of law" and More Specific Rules

Reflecting the CCP's overall concern with establishing a "rule of law" (法治) that gives citizens the sense their government is fair and legitimate, the new regulations contain much of the same terminology that is increasingly prevalent in government writing and

propaganda. Simply comparing the frequency of certain terms in the old versus new regulations is revealing: *legal* (合法) appears 13 times in the new regulations and nine times in the old; *illegal* (非法) appears 14 times in the new regulations and twice in the old; and *according to the law* (依法) appears 37 times in the new regulations and 22 times in the old. This legalistic push also means that the regulations offer greater specificity and clarity on the range of permissible and impermissible religious behavior. Among the other clarifications they offer, the new regulations define the functions and roles of religious groups; offer greater detail about asset management, venue construction, and religious schooling; and outline specific monetary fines in case of violations.

In some cases, the emphasis on rules applies not only to religious elements in society but to government organs as well. For example, a new feature of the updated regulations is the provision that relevant authorities must provide a reason in writing when they refuse an application to establish a religious school or hold a religious activity.

Role of Public Security

The new draft regulations state explicitly what went unstated in the older version: that public security organs, as represented by the Ministry of Public Security (MPS) are responsible for dealing with illegal religious activity, while SARA maintains responsibility for managing legal religious activity. The new regulations also incorporate the notion that religious management units should consult with public security when dealing with certain unapproved religious activities or events. The term *public security* (公安) is used 10 times in the new regulations but was never used in the old regulations.

Fear of the Foreign

Religious groups' connections with the outside world have always been a particular concern of the CCP, hence the formation of "patriotic" religious associations in China designed to preempt domestic believers' close connections with foreign religious groups. This notion is amped up slightly in the new regulations, starting with Article 3, which, among its other guiding principles, says that religious management work in China must "resist infiltration." National security (国家安全) is cited three times in the new regulations versus one time in the old; "the principles of independence, autonomy, and self-management" (独立自主自办原则), a set phrase which seems quite redundant in English, is used five times in the new regulations versus three times in the old; and the term *foreign forces* (境外势力 or 外国势力) appears two times in the new regulations, versus none in the old.

Importance of Subnational Government

The new regulations emphasize local organs' role in implementing religious policy, stating that "all levels of the people's government should strengthen their leadership over religious work, establish robust religious work mechanisms, and ensure the strength of and necessary conditions for religious work" (各级人民政府应当加强对宗教工作的领导, 建立健全宗教工作机制, 保障宗教工作力量和必要的工作条件). The regulations also name village and residential committees as responsible for assisting the government in religious work. Xi Jinping's speech at the April Religious Affairs Work Conference also stressed the role

of subnational government in religious management and stated that party theory and policy related to religious issues should be incorporated into cadres' training plans. This focus on subnational government likely reflects Beijing's more general desire to enforce local-level compliance with central directives and promote uniform implementation of national rules and regulations.

Of course, Beijing's idealized version of religious management, as outlined in these documents, is unlikely to play out perfectly in real life. The fact that government organs are supposed to provide written explanations when they refuse certain applications, for example, does not mean that they will necessarily do so, or that the rationale provided will itself accord with the letter or spirit of Chinese laws and regulations. Nonetheless, the intentions of the Chinese leadership are noteworthy in and of themselves. We will have to wait and see how these intentions are translated into reality—both in the final version of the regulations, and in their implementation at the lower levels.

Though most religion-specific regulations are addressed in separate regulatory documents, some language in the new draft Religious Affairs Regulations does appear to be aimed at particular religions. The increased mentions of *terror* (恐怖), *extreme/extremist* (极端), and *ethnicity* (民族)—usually in a context of stemming terrorist activity or criminalizing ethnic separatism—are almost certainly in reference to China's ethnic Uyghur Muslims. There are also a number of provisions discussing the need for construction of religious venues to accord with larger city-planning goals and outlining the procedure for erecting “outdoor religious statues,” likely referring to the many Christian churches and crosses in Zhejiang Province that have been torn down in recent years.

Greater Clarity, For Better and For Worse

As noted above, much of what comes out of the April work conference and the new draft legislation are extensions of the religious policies Beijing has favored for the past few decades. As much as it might like to do so, the CCP is aware that forcibly attempting to eradicate religion is counterproductive. This has led to the current strategy, which still holds that religion will die out eventually, but in the meantime must be appropriately regulated to keep it from metastasizing into a direct threat to the regime. This strategy has produced a series of detailed regulatory documents over the last decade, including measures on managing, registering, and approving religious “activity sites,” religious personnel such as living Tibetan Buddhas and Catholic bishops, and religious charity activities.⁸ It should come as no surprise, then, that updates to the overarching Religious Affairs Regulations offer a more detailed, legalistic framework for general religious management.

These growing efforts to more precisely regulate religious behavior fit neatly into a larger pattern of formalizing and professionalizing the policymaking and implementation process. Transforming itself from a “revolutionary” to a “governing” party, the CCP has erected a latticework of legislation and regulation addressing ever-more-complex governance challenges.⁹ Beyond the draft religious regulations, Beijing's prescriptions for state-society relations and the bounds of acceptable social behavior are implicitly part

of a raft of recent laws, including the National Security Law, the Counterterrorism Law, the Charity Law, and the Foreign NGO Law.

This legal framework, even if it enshrines human rights restrictions unpopular among Western observers, is not all negative for average Chinese citizens. Though it does serve to cement CCP control over religious activities, it also offers greater predictability and certainty for those wishing to avoid conflict with the government. The regulations' increased specificity means that there is a clearer framework for religious groups who want to operate within the letter of the law. (Observers have suggested that this legal clarity may also be a benefit of the new Charity Law, enacted in 2015.)

Of course, there will also be those who lose out under a more rigorous management system. All manner of religious activities in China have taken place in a nebulous, legally undefined gray zone, and the imposition of definitions necessarily means that some people and organizations will find themselves on the wrong side of the line. And it may not always be the usual suspects—the poor, the rural, the less-well-connected—who are most affected. The church demolitions in Zhejiang Province over the last few years may well be a harbinger of how Beijing hopes to enforce compliance among communities whose wealth or connections had insulated them from the rules as they existed elsewhere. Thus far, Beijing does not appear to be using the Zhejiang demolitions as a pilot project for a nationwide campaign against Christianity more generally. Instead, the demolitions likely represent an early effort by the Xi administration to make clear that religion is subservient to the CCP and that no believers are exempt from the CCP's restrictions.

The work conference and the draft regulations affirm the notion that the party must draw clear boundaries around its citizens' religious behavior and that these boundaries must be enforced at all levels. They also suggest, however, that relatively predictable, uniform management of religion is also important if the party wants to avoid needlessly antagonizing believers. The CCP recognizes that religion can be a positive force in society, as long as it serves to underpin the party's goals, and by extension, the party's rule itself. Naturally, the party is the one that decides what constitutes such support. "The theory of religion under socialism with Chinese characteristics" (中国特色社会主义宗教理论) is a part of the CCP's larger vision for reasserting its exclusive right to define the permissible in social behavior. Compared to 40 or 50 years ago, a wide variety of behaviors and personal freedoms are indeed permissible. But the CCP wants to ensure that it is still the ultimate arbiter of the permissible.

The Pope: The Ultimate Foreign Menace?

Beijing's efforts toward more precisely defining and managing religion also extend to reestablishing relations with the Vatican, with which it is reportedly in talks to broker a deal on the ordination of bishops in China. It may seem counterintuitive that an administration so obsessed with minimizing foreign influences on its population would be open to negotiating an agreement on bishop ordination with the pope. But such negotiations reflect the CCP's desire to have it both ways: it would like to work through a regularized ordination process that promotes grassroots buy-in to the legitimacy of the

state-affiliated Catholic church while at the same time ensuring that the party doesn't cede control over key personnel decisions to a foreign entity. Overtures by Pope Francis himself, who took up his position in March 2013, seem to have played a critical role in creating space for such talks to occur.

Sino-Vatican relations have been particularly strained since 2010, when the state-affiliated Chinese Patriotic Catholic Association (CPCA) installed bishop Guo Jincui in Chengde, Hebei, without papal approval, and forced other priests and church officials to attend the ceremony.¹⁰ In response, the Holy See stated that the installation of an “illegitimate” bishop and the forced attendance of others had “unilaterally damaged the dialogue and the climate of trust that had been established in [the Vatican’s] relations with the Government of the People’s Republic of China.”¹¹ As recently as December 2016—even as talks over the matter were reportedly ongoing—the ordination of two new Vatican-approved bishops was attended by another “illegitimate” bishop, creating “unease for the two involved and turmoil among Chinese Catholics,” according to the Holy See.¹²

The pope apparently hoped to conclude some sort of agreement with Beijing on bishop ordination as part of the Jubilee Year of Mercy that ended on November 20.¹³ While it does not appear that this informal deadline was met, talks are apparently still ongoing. On the table is the status of eight bishops who have been installed by China but not ordained by the Vatican (three of whom are excommunicated from the church). Should this initial resolution be met, the two sides could also seek to establish a more formal system to select and ordain bishops that is palatable to both Beijing and the Holy See. Similar to an informal system already in place in Vietnam, this mechanism would allow the CPCA to provide a list of acceptable candidates and the Vatican to select a bishop from this list. There is also the matter of more than two dozen Vatican-approved bishops who are not recognized by the CPCA, some of whom are believed to be in prison.¹⁴

It is easy to see why Pope Francis would want such an agreement. Many dioceses in China currently lack a bishop, or have a bishop who is already past retirement age. There is also the long-held desire to reconcile the above- and underground churches, a splintered church that Pope Benedict XVI described as not “normal” in his 2007 letter to Chinese Catholics.¹⁵ As for lower-level church officials and the lay faithful, many of them may support such an agreement if it paves the way for the pope to visit China.¹⁶ Yet the potential agreement is not without controversy. Bishop Emeritus of Hong Kong Cardinal Joseph Zen has publicly and forcefully campaigned against the deal, saying that it makes the church “totally subservient to an atheist government.”¹⁷ Others claim it is a betrayal to those underground Catholics in China who have suffered through extreme repression in the past.

But what is the calculus for Beijing, as it becomes ever more suspicious of foreign influences? The potential for damage is obvious: striking an agreement on bishop ordination is a tacit admission that a foreign entity plays an important role in religious life in China, perhaps allowing for closer ties between Chinese Catholics and the Holy See. Yu Zhengsheng’s speech at the December 2016 assembly of Chinese Catholic

Representatives once again reiterated this concern, emphasizing the importance of patriotism, “independence, autonomy, and self-management,” and the assimilation of Catholicism into Chinese society.¹⁸

Yet the upside is not insignificant: Beijing could minimize conflict with many underground Catholics if they felt they had the pope’s blessing to unite with the state-affiliated church. This would not only bring more believers under Chinese religious authorities’ more direct supervision, but would also give Beijing—as now in concord with the pope—the cover to marginalize or crack down more harshly on those Catholics who chose to remain underground. The potential agreement, as currently described in the press, would allow for state-affiliated authorities to create the initial list of ordination candidates, ensuring that no matter who is chosen, he would be politically acceptable to Beijing. Thus, the practical benefits of such a deal could well outweigh the ideological dissonance it would create. The CCP may feel it has the leverage to ensure that any deal is on its terms; at the December Chinese Catholic representatives’ assembly, SARA head Wang Zuo’an said that China is willing to have a dialogue with the Vatican, but hopes the Vatican would “take an even more flexible and pragmatic attitude and take practical steps to bring about advantageous conditions for an improvement in relations.”¹⁹ As ever, the ultimate deciding factor will be whether the CCP judges the agreement as hurting or as enhancing its ability to control religion in China.

Notes

¹ Though multiple National Religious Work Conferences have been held in recent years—including at least one attended by a Politburo Standing Committee member (Jia Qinglin in 2010)—the Conferences appear to usually be chaired by the head of the State Administration of Religious Affairs.

² Wang Zuo’an 王作安, “王作安: 宗教工作关键在‘导’” (Wang Zuo’an: “The key to religious affairs is in ‘guiding’”), *Study Times*, August 17, 2016, reprinted at <http://www.sara.gov.cn/ztzz/xxgchyjs/xxgc/376556.htm>; and “王作安: 做好新形势下宗教工作的行动指南” (Wang Zuo’an: An operational guide to doing good religious work under the new situation), *People’s Daily*, August 17, 2016, reprinted at <http://www.sara.gov.cn/ztzz/xxgchyjs/xxgc/376557.htm>.

³ See “巩固发展最广泛的爱国统一战线 为实现中国梦提供广泛力量支持” (Strengthen the development of the most wide-reaching patriotic united front; provide wide-reaching strength and support to realize the Chinese dream), *People’s Daily*, May 21, 2015, http://paper.people.com.cn/rmrb/html/2015-05/21/nw.D110000renmrb_20150521_2-01.htm; “俞正声与全国性宗教团体负责人迎春座谈” (Yu Zhengsheng and heads of national-level religious groups greet spring with an informal discussion), Xinhua, February 15, 2015, http://news.xinhuanet.com/politics/2015-02/15/c_1114383707.htm; “俞正声在河北调研时强调 精心做好宗教工作 服务经济社会发展” (While investigating in Hebei, Yu Zhengsheng emphasizes doing meticulous, good religious work and developing services, the economy, and society), Xinhua, January 31, 2015, http://news.xinhuanet.com/politics/2015-01/31/c_1114203842.htm; and Gu Ruizhen 顾瑞珍, “俞正声在四川阿坝调研: 加快藏区发展根本目的是改善群众生活” (Yu Zhengsheng

investigating Aba in Sichuan: Speed up development in Tibet, the fundamental goal of which is to improve the masses' lives), Xinhua, March 30, 2015, reprinted at http://www.tibet.cn/news/szxw/201503/t20150330_2539598.htm.

⁴ “习近平：全面提高新形势下宗教工作水平” (Xi Jinping: Comprehensively raise the level of religious work under the new situation), Xinhua, April 23, 2016, http://news.xinhuanet.com/politics/2016-04/23/c_1118716540.htm.

⁵ Ibid.

⁶ “宗教事务条例” (Religious Affairs Regulations), enacted March 1, 2005, available at <http://www.sara.gov.cn/zcfg/xzfg/531.htm>.

⁷ “宗教事务条例修订草案 (送审稿)” (Religious Affairs Regulations Draft Revisions [Deliberation Draft]), September 8, 2016, available at <http://chinalawtranslate.com/religious-regulations/>.

⁸ See, for example, 2007's “宗教活动场所主要教职任职备案办法” (Method for registering religious activity sites' principal teaching personnel), 2007's “宗教活动场所设立审批和登记办法” (Method for establishing examination, approval, and registration of religious activity sites), 2007's “宗教教职人员备案办法” (Method for registering religious teaching personnel), 2007's “藏传佛教活佛转世管理办法” (Method for managing the reincarnation of Tibetan Buddhist living Buddhas), 2012's “中国天主教主教备案办法 (试行)” (Method for registering Chinese Catholic bishops [trial]), 2012's “中国天主教主教团关于选圣主教的规定” (The Bishops Conference of the Catholic Church in China's rules regarding selecting bishops), 2012's “关于鼓励和规范宗教界从事公益慈善活动的意见” (Opinion on encouraging and regulating religious circles' participation in public welfare charitable activities), or 2012's “藏传佛教寺庙经师资格评定和聘任办法” (Method for evaluating the qualifications of and appointing of monks in Tibetan Buddhist monasteries).

⁹ For an in-depth treatment of this process over the last several decades, see Timothy R. Heath, *China's New Governing Party Paradigm: Political Renewal and the Pursuit of National Rejuvenation* (New York: Routledge, 2016).

¹⁰ “China ordains bishop despite Vatican objection,” BBC, November 20, 2010, <http://www.bbc.com/news/world-asia-pacific-11802821>.

¹¹ “Communiqué of the Holy See Press Office: Eighth Assembly of Chinese Catholic Representatives (Beijing, 7–9 December 2010),” Holy See Press Office, December 17, 2010, <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2010/12/17/0789/01815.html>.

¹² “Vatican upset China ordination marred by illegitimate bishop,” *Washington Post*, December 20, 2016, https://www.washingtonpost.com/national/religion/vatican-upset-china-ordination-marred-by-illegitimate-bishop/2016/12/20/96368e5e-c6d8-11e6-acda-59924caa2450_story.html.

¹³ Stephanie Kirchgaessner, “Pope Francis targets deal with China in year of mercy,” *Guardian*, October 21, 2016, <https://www.theguardian.com/world/2016/oct/21/pope-francis-targets-deal-with-china-in-year-of-mercy-vatican-bishops>.

¹⁴ Chris Buckley, “Talks to Heal Catholic Rift in China Gain Momentum Under Francis,” *New York Times*, November 26, 2016, <http://www.nytimes.com/2016/11/26/world/asia/catholics-china-francis.html>; also Anthony E. Clark, “Making sense of the China-Vatican agreement on the selection of

bishops,” *Catholic World Report*, November 3, 2016, http://www.catholicworldreport.com/Blog/5180/making_sense_of_the_chinavatican_agreement_on_the_selection_of_bishops.aspx.

¹⁵ Pope Benedict XVI, “Letter of the Holy Father Pope Benedict XVI to the bishops, priests, consecrated persons and lay faithful of the Catholic Church in the People’s Republic of China,” Holy See website, https://w2.vatican.va/content/benedict-xvi/en/letters/2007/documents/hf_ben-xvi_let_20070527_china.html.

¹⁶ Anthony E. Clark, “Making sense of the China-Vatican agreement on the selection of bishops.”

¹⁷ David Feith, “The Vatican’s Illusions About Chinese Communism,” *Wall Street Journal*, November 10, 2016, <http://www.wsj.com/articles/the-vaticans-illusions-about-chinese-communism-1478215875>.

¹⁸ “俞正声会见中国天主教第九次全国代表会议代表” (Yu Zhengsheng meets with representatives of the Ninth National Assembly of Chinese Catholics), Xinhua, December 29, 2016, http://news.xinhuanet.com/politics/2016-12/29/c_1120216199.htm.

¹⁹ “国家宗教局：中国愿在相关原则基础上与梵蒂冈进行建设性对话” (SARA: China willing to hold constructive dialogue with the Vatican on the basis of relevant principles), Xinhua, December 27, 2016, http://news.xinhuanet.com/world/2016-12/27/c_1120199734.htm.