



A RESEARCH AGENDA ON RELIGIOUS FREEDOM IN CHINA

By Fenggang Yang

Religious freedom in China, a subject that has appeared frequently in international news, governmental documents, and reports of nongovernmental organizations (NGO), has been understudied by academic scholars both inside and outside China.¹ Inside China, and to some extent outside China as well, many scholars seem to be afraid that religious freedom is a politically oversensitive topic to the Chinese Communist authorities that is too risky to discuss in print. While scholars in China commonly fear for political censures and consequences for writing about religious affairs, scholars outside China are sometimes concerned about losing access to China if openly commenting on the impalpable situation of religious freedom. I believe that religious freedom in China can be a topic with good potential for fruitful studies if scholars are equipped with suitable theoretical and methodological tools. To move the field forward, some thought liberation is in order.

First of all, to follow the principle of *shi shi qiu shi* 实事求是, to seek truth in facts, as promoted by Deng Xiaoping since the late 1970s as a new Chinese Communist policy principle, scholarly research ought to find facts and to develop theoretical explanations of the facts. Fact finding and explaining does not have to become “political” in the narrow sense of antagonism or holding an ideological position. Rather it would be political in the best and broadest sense of

politics, which is of, relating to, or concerned with the public interest. Indeed, properly understood, the subject of religious freedom is unavoidable for conscientious citizens in the world today.

Moreover, religious freedom is arguably the first freedom in a constitutional democracy, that is, it comes first before the other freedoms and may serve as the basis or wellspring for other freedoms (see, e.g. Balmer, Groeger, and Mabry 2012). I have come to believe that until the Chinese elites gain a better understanding and appreciation of religious freedom, further democratization in China will be difficult, if possible at all. The deficiency of religious freedom undermines economic development and social order. On the other hand, if religious freedom advances before the other freedoms such as the press and organizing political parties, it may significantly contribute to a smoother, or less volatile, transition toward democracy.

Three Aspects of Religious Freedom: Conception, Regulation, and Civil Society

Some sociologists have attempted to develop theories of religious freedom and examine it

Fenggang Yang is Professor of Sociology and Director of the Center on Religion and Chinese Society at Purdue University. He is the author of *Religion in China: Survival and Revival under Communist Rule* (Oxford, 2012) and *Chinese Christians in America: Conversion, Assimilation, and Adhesive Identities* (Penn State, 1999) and is the co-editor of nine books or journal special issues. He is also Editor of the *Review of Religion and Chinese Society* (to be launched in 2014).

cross-nationally (Barker 2003; Richardson 2006; Grim and Finke 2011). In reviewing the situation in China and some other countries, I think issues pertinent to religious freedom may be distinguished into three major aspects on the social level: conception, regulation, and civil society. To attain and retain this freedom the three aspects have to be synchronized, which, in reality, is difficult to achieve and maintain in any society.

In the West, it is common that the idea of religious freedom may come first before it becomes the law that is enforced by the state and defended by civic organizations and individual citizens in civil society. The idea has to be accepted by the citizens, especially by the cultural and political elites, before the law can be put in place and implemented in practice.

In societies where the modernization process was triggered by external forces and challenges, the law in writing might be adopted from or imposed by the external or international bodies before the idea becoming accepted by the citizens. This is the case in China. Although the clause of “freedom of religious belief” has been included in the constitution since the establishment of the People’s Republic of China (PRC), this constitutional right has not been fully realized in practice. This is primarily due to, I propose, the lack of some common understanding of religious freedom, especially that among political and cultural elites, and the underdevelopment of a civil society that is consciously defending religious freedom.

This essay suggests that each of these three broad areas needs more empirical research and theoretical reflection: the changing religious regulations, the common understanding of religious freedom among Chinese elites and ordinary citizens, and the rising civil society that contributes to greater freedoms. In the existing literature, there have been a significant number of legal or policy analyses, perhaps because the written regulations are tangible for analysis. However, few studies have examined the conception of religious freedom among the people or the civil society pertaining to religious freedom.

Conflicting Conceptions of Religious Freedom and Atheisms

In China today, it is not that the political and cultural elites all fail to understand the meaning of religious freedom. In fact, some of the public statements in Chinese Communist Party-State documents are beautifully phrased. For example, Document Number 19 of 1982 of the Chinese Communist Party (CCP), entitled “The Basic Viewpoint and Policy on the Religious Question during Our Country’s Socialist Period,” which sets the foundation for the religious policy since then, includes this paragraph:

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.

This is a set of enlightened statements about the freedom of religious belief, including the freedom of conversion to or from a religion or a sect of a religion. This is very much in line with the common understanding in modern societies and with the international norms as reflected in the United Nations treaties, even though it lacks clarity about religious practice and organization (Evans 2002).

However, immediately following this enlightened paragraph, this CCP edict insists that the CCP members must be atheists and unremittingly propagate atheism. In other words, the CCP members are excluded from holding this constitutional right of PRC citizens and must be committed to atheism. This in itself is not necessarily a problem if the CCP were one of the voluntarily participated political parties, because citizens may or may not have to join this party. In reality, however, the CCP exclusively holds political power, and joining the party is

most often the prerequisite for public service positions and leadership opportunities in almost all social institutions and organizations throughout China. Anyone with an aspiration for public service or a leadership position has almost no choice but to try to join the CCP, and thus has to denounce religion and declare themselves an atheist.

In reality, this requirement for CCP members to uphold atheism is impossible to enforce. According to our analysis of the Chinese Spiritual Life Survey in 2007, it shows that about 84 percent of CCP members and 85 percent of the general public admitted holding some religious beliefs and/or participating in some religious practices (Yang 2010), which is startling to Chinese scholars and the media.²

In spite of the impossibility of enforcing atheism for the CCP's own members, this atheist ideology is mandated by the CCP to serve as the foundation of the Party-State's religious policy for *all* Chinese citizens. No matter how the authorities may justify it, such a foundation is bound to undermine the above-quoted paragraph of enlightened statements of religious freedom. The contradiction between the "freedom of religious belief" in CCP policy (and the Constitution) and its atheist ideology is a perpetual problem, confusing not only to ordinary citizens and CCP members, but also to Party-State officials in charge of managing religious affairs, who are often ambivalent, torn, and wavering between the contradictory principles.

Adding to the confusion is that there have been different versions of atheism, which have been referred to as militant atheism, enlightenment atheism, and mild atheism (Yang 2011a). The Chinese Marxist official ideology of atheism holds that the essence of religion is the spiritual opium of the people and its destiny is to wither away. Using the same set of vocabulary, however, different versions of atheism are distinguishable and have different policy implications.

Enlightenment atheism regards religion as an illusory or false consciousness, being both non-scientific and backward; thus, atheist propaganda is necessary to expunge the misleading religious ideas. In comparison, militant atheism treats religion as the dangerous opium and narcotic of the people, a wrong political ideology serving the interests of the exploiting classes and the anti-revolutionary elements; thus, the political forces are necessary to control and eliminate religion. (Yang 2011a, 46)

The different versions of atheism are important for religious freedom in China. Although enlightenment atheism is embodied in Document Number 19 of 1982, militant atheism, which was once dominant during the Cultural Revolution (1966–1976), has perpetuated through the CCP

DIFFERENT VERSIONS OF
ATHEISM ARE
DISTINGUISHABLE AND HAVE
DIFFERENT POLICY
IMPLICATIONS

machine of organizations, especially the CCP schools that provide periodic training to CCP members for promotion in leadership positions. More important, it seems that a large proportion of the Party-State officials in charge of religious affairs are retired officers from the military and their perception of religion is often crude and hostile. Given the widespread militant atheism among these officials in middle and lower ranks, it is not surprising to learn about cases of local officials suppressing religion yet to hear the Party-State officials in the center nonetheless claiming that those are not endorsed but in violation of the set policy. Both are true simultaneously, as both enlightenment atheism and militant atheism coexist in the policy-makers and administrators.

In other words, even though the CCP Center's Document Number 19 has granted significant freedom of religion based on a version of enlightenment atheism, such limited freedom has not been fully implemented in practice in part because the rank-and-file cadres in charge of religious affairs tend to hold a version of militant atheism. How widespread are militant and enlightenment atheisms among officials in charge

of religious affairs? In what ways do they matter to policy implementation? These questions can only be answered with empirical studies such as surveys, interviews, observations, and case studies with the officials.

In 2000, the CCP General Secretary Jiang Zemin made a speech to the cadres of the CCP United Front Department, expressing a bold new conception of religion. While insisting on atheistic rhetoric, he suggested that the demise of religion might not happen until after the presumed disappearance of social classes and the state in the far future. Based on this view, atheistic propaganda and anti-religion campaigns would not be necessary at the present. This is an interesting conception. However, most of the CCP theoreticians appear to have chosen to ignore it, except for Pan Yue, who published an essay in line with Jiang's speech, "Marxist View of Religion Must Advance with the Times" (2001). Marxist theoreticians quickly rose to criticize Pan and successfully muffled his view.

Then in 2007, a scholar of religious studies at the Central Nationalities University, Mou Zhongjian, published an essay "The Chinese Socialists Ought to be Mild Atheists." Mou advocates that mild atheists (*wenhe de wushenlunzhe* 温和的无神论者) do not believe in religion but hold a rational attitude toward religion. Instead of attacking religion directly, they should strive to eliminate the alienating natural and social forces that lead people to religion. Instead of engaging in antireligious campaigns, they ought to respect religious faith, hold notions of cultural pluralism in modern society, and protect human rights. Mou asserts that this should be the orthodox understanding of Marxism on religion. Unfortunately, Mou's idea of mild atheism has been frozen by the CCP propaganda system. Upon my probing with the editors of the newspaper and some scholars, I learned that no further public discussion about this concept was allowed.

Before the end of Jiang Zemin's term in 2002, some people had hoped for some breakthrough for greater religious freedom, such as allowing CCP members to be religious believers, just like the breakthrough of allowing business owners or capitalists to join the CCP.

The latter was formalized by the CCP Sixteenth Congress in late 2002, but the former has never happened. Given the dominance of militant atheism and enlightenment atheism among the CCP theoreticians and officials, the failure of the breakthrough in religious policy was probably inevitable.

Since 1999, along with waves of crackdowns on the "evil cults," there have been propaganda campaigns of atheism through schools, the Communist Youth League, the Young Pioneers for school students, and the mass media. As part of the anti-cult efforts, a new magazine, *Science and Atheism* (*kexue yu wushenlun* 科学与无神论) was launched in 2000, which has become the mouthpiece and bridgehead of militant atheists. They have also established a new division in the Academy of Marxism as part of the Chinese Academy of Social Sciences. Such campaigns may be effective to a significant extent.

My personal interactions and observations in various parts of China indicate that enlightenment atheism seems widespread among college students, graduates, and faculty, and militant atheism seems widespread among government officials. Systematic studies are needed to verify this tentative assessment. I believe the widespread militant atheism among the rank-and-file cadres of religious affairs has especially limited the implementation of the religious policy inscribed in CCP Document Number 19 of 1982. Merely changing the formal regulation may not be enough for real change. It also requires changing the minds of the agents in the control apparatus.

Differentiation of Religion, Superstition, and Evil Cults

Even though "freedom of religious belief" is inscribed in the Constitution and CCP documents, the Chinese authorities have granted legal status to only five religions, including Buddhism, Daoism, Islam, Catholicism, and Christianity (Protestantism). This limitation is legitimized by the conception of religion in a very narrow sense, in which they insist on categorical differences between religion and superstition (*mi xin* 迷信), and between religion and the "evil cult" (*xie jiao* 邪教). By stating that

superstition and “evil cults” are not religious, they thus assert that the freedom of religious belief does not apply to superstitious or cultic beliefs and practices.

The differentiation between religion and superstition may be traced back to the turn of the 20th century when Chinese elites began to strive to modernize China under the military pressures of Western and Japanese powers (Goossaert and Palmer 2012; Nedostup 2010). Carrying on this modernist legacy but aggravated by the atheist ideology, the CCP has made waves of political campaigns to eliminate superstitions. In the 1950s, all traditional folk religious groups that could not be classified as Buddhism or Daoism were banned as “reactionary sects and cults” (*fandong hui dao men* 反动会道门), traditional folk religious beliefs and practices that were diffused in daily life were regarded as “feudalistic superstitions” (*feng jian mi xin* 封建迷信), and people holding such beliefs and practices were subject to public admonishment. Even the five religions had to undergo cleansing of “feudalistic superstitions” and “antirevolutionary forces” from within.³

In 1966, the so-called Cultural Revolution began with the campaign to destroy and sweep away the “Four Olds”—Old Customs, Old Culture, Old Habits, and Old Ideas, which expanded to include all religions. Following Mao’s call, Red Guards ransacked traditional architectures, burnt scriptures and classic books, and shattered various antiquities. All religious buildings were torn apart or closed down. For 13 years between 1966 and 1979, there were no legally allowed religious gatherings for Chinese residents.

The ban of all religions was lifted in 1979 when the CCP under Deng Xiaoping began to focus on economic reforms. Some venues of the five religions were allowed to reopen for religious services. However, the differentiation between religion and superstition was rearticulated through official Party-State documents or statements (Renmin Ribao 1979; Ya 1981).⁴ In the 1990s, another label was adopted in the official Party-State discourse—“evil cult” (*xie jiao* 邪教). This label has been applied to traditional folk religious sects and cults, new religious

movements imported from other countries, and Christianity-inspired indigenous sects that emerged in China. In 1999, Falun Gong was designated an “evil cult” and it has remained the main target of anti-cult campaigns. Since then, other major *qigong* groups have fallen into this category as well (see Yang 2011a, 114–118). The imported new religious movements include the Unification Church, Children of God (The Family), the True Buddha Sect, etc. Some new religions such as Mormonism and Baha’i may not be officially designated as “evil cults,” but nonetheless are banned. The Christianity-inspired indigenous sects are a mixed bag that includes both Christian heresies such as the “Established King,” “Three-Grades of Servants,” and “Almighty God,” as well as sectarian groups that many overseas Christians would regard as orthodox although somewhat extreme in certain teachings and practices, such as “All Scope Church” and “South China Church.” The current list of officially banned Christianity-inspired “evil cults” includes at least 16 groups (see Yang 2011a, 103–105).

It seems that most people in China today, including both the elites and ordinary citizens, accept the two differentiations and find little problem in the government’s crackdowns on “evil cults” or “superstitions.” This is not merely acquiescing to the authoritarian rule, but internalization of the conception and discourse of the Party-State. Such an unquestioned conception contributes to maintaining the status quo of limited freedom of religion.

In China today, most people seem content that only five of all the religions in the world are legally allowed and restrictions are stricter on certain religions than on others. Even among those people who express discontent with the existing religious policy and who call for some modification, such as legally allowing this or that particular religion, most of these people nonetheless think that some restrictions are necessary and the restrictions do not need to be applied equally to all religions. Once again, minor adjustment of the formal regulation may not be enough for real change. It also requires changing minds of the religious players in the overall religious scene in China.

Religious Regulation: The Constitution and Administrative Ordinances

Formal regulations of religion have been analyzed extensively by China watchers in the West and some scholars of the law in China. However, few regulation studies have clearly articulated the mechanisms and relative weight of the three major forms of formal regulation in the PRC: party policies inscribed in the CCP documents or circulars, state laws passed by the People's Congress, and administrative ordinances enacted by central, provincial, or local governments or governmental agencies. The policy, the law, and the ordinance should be examined carefully because

their statuses are very different from those in democratic societies. The law is commonly regarded as the most important regulation in a democratic society under the rule of law. In the PRC, however, the CCP policies are above, underwrite, and override the law. "The Constitution of the PRC represents a formal articulation of Party policy" (Potter 2003, 324). While the formally passed laws are slow to be modified by the complex process of the People's Congress, the party policies may be adjusted quickly by a stroke of the CCP. The administrative ordinance is supposed to implement the law. In reality it has become in place of the law and in order to carry out the CCP policy.

Many regulation analyses have pointed out the limits of religious freedom in the Constitution of 1982. Article 36 states:

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.

It is important to note that Article 36 is about the "freedom of religious belief" instead of "religious freedom." Some Chinese political and cultural elites articulate that citizens may be free to believe in their heads whatever they want to believe, but practice and organization must be restricted for the purpose of maintaining social harmony (see Ye 1998, 2–3). In principle, putting certain

THE PROBLEM LIES WITH
WHAT IS CONSIDERED
"NORMAL RELIGIOUS
ACTIVITIES," WHICH ARE NOT
DEFINED IN THE
CONSTITUTION BUT LEFT TO
THE CADRES OF RELIGIOUS
AFFAIRS TO DECIDE

restrictions on religious practice and organization is in itself not necessarily a violation of international norms, as there is no responsible government in the modern world without putting in place *some* kind of regulation of religion (Beaman 2003; Beyer 2003; Gill 2003). The problem lies with what is considered "normal religious activities,"

which are not defined in the Constitution but left to the cadres of religious affairs to decide. While there are variations of interpretation in different localities, this is often used to impose strict restrictions on religious activities by rank-and-file cadres who tend to hold militant atheism.

Another problem with the constitutional article is that "the courts cannot rely on or refer to provisions of the Constitution in their adjudicative work" (O'Brien 2010, 376; see also Kellogg 2009). Because the Constitution cannot be used in court cases, violation of the constitutional right may not be litigated in the court. Consequently, disputes involving religious freedom have to be resolved by the Party-State administrative authorities, which further compromises the constitutional protection of the freedom of religious belief.

Since the 1980s, as some of the top leaders of the CCP have advocated for gradually increasing the rule of law instead of the rule of personal will

of the leaders, there have been voices from administrators and religious leaders calling for establishing a law of religious affairs (Yang 2006; Ying 2006; Liu 2008). However, the attempts have produced no result because of the failure to reach agreements on some basic principles and concepts, including the definition of religion (which religions ought to be legalized), the normal religious activities (which ones ought to be allowed), the role of the Constitution versus the CCP policies, the role of the National People's Congress versus the CCP organizations, the supervision of administration, the government-sponsored mass organizations, and the cyclical administration (O'Brien 2010). Instead of a formal law, the authorities have resorted to administrative ordinances. After many years of experimenting with "temporary ordinances" by provincial governments, the State Council decreed comprehensive "Regulations of Religious Affairs" that took effect in 2005.

Immediately following the enactment of the "Regulations of Religious Affairs" in 2005, Carlson (2005) published an analysis along with the full English translation in an appendix. Carlson offers a balanced analysis, pointing out that "the regulations are an improvement by providing more predictability and clarification as to how religious groups and the government interact through the application and approval processes" (758). On the other hand, he also points out significant shortcomings in the new regulations: continuing strong state control over religion through registration requirements for religious bodies and sites, supervision of religious personnel, doctrine, and practice, continued discrimination against certain religious groups, and harsh and arbitrary penalties.

In comparison, in his work Tong (2010) begins with acknowledging serious problems of China's religious policy, but then argues that the 2005 Regulations represent significant progress in a number of aspects: absence of a requirement for religious organizations to support socialism and the leadership of the CCP; absence of a prohibition on Christians worshipping at home; affirmation of the property rights of religious communities; increased institutional autonomy to religious communities; and circumscribed

power of the state to intervene in religious affairs. He argues that the progress has been possible because of the demise of orthodox Communist ideology and the systemic political and social reforms launched by the Party-State that intend to separate state from society, to protect human and civil rights, and to govern by law. This is a relatively optimistic assessment for structural progress toward greater religious freedom.

Examining the actual practices since 2005, however, Homer (2010, 55) sees no more than empty promises in the 2005 Regulations.

Unregistered congregations and their leaders continue to face beatings, jail, fines, destruction of property, and other often horrific abuses. Those who have been brave enough to venture into a government office to try to register their congregations have been rebuffed, and some have even been arrested for prior unregistered activities. Indeed, many lawyers representing house churches have themselves been jailed or disbarred for "anti-state activities."

That is, even though the 2005 regulations include some promising potentialities, they have not been implemented. Again, I would attribute this failure of implementation in part to the conception problems discussed above.

Religious Regulation: Measuring up against International Standards

In the regulation studies, one question is: has there been progress in Chinese religious regulation? Progress is evident if the current policy is compared with that during the Cultural Revolution (1966–1976) when there was an attempted eradication of religion from the entire society (Tong 2010). The restrictions are also somewhat understandable if they are compared with that during the imperial times of traditional China (Qu 2011). However, when measured against the international laws and norms, to which the PRC has committed, the existing regulation obviously falls short.

In an article published in 1994, Eric Kolodner reviews the international human rights system regarding religious freedom, examines

various provincial ordinances, and explains in some detail how the Chinese authority restricts

activities of religious adherents, places of worship, the construction of new religious sites, contacts with foreign organizations, religious training for students, and the distribution of religious literature. It also limits the number of religious leaders, prohibits “superstitious activities,” imposes penalties on violators, and creates government departments to administer religion laws. (Kolodner 1994, 490)

In a similar study but with updated regulations, Evans (2002) provides a detailed analysis of Chinese and international formal laws regarding religious freedom. It carefully and thoroughly measures the specifics in the Chinese Constitution and other formal laws against the United Nations treaties, including nuanced discussions of the negotiation processes and disagreements of the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. The author argues that even though the Chinese government’s restrictive actions against self-harm of cultic believers or mixing of ethnic politics in religion may not be totally unjustified, the measures against such acts are doubtlessly excessive. The article concludes (773–774),

While all four of China’s communist era constitutions have included protections for freedom of religion and belief, the reality is that religious freedom has not been respected either by past Chinese governments or by the one presently in power in Beijing. ... [I]n the area of state control of religion, it is clear that China is in breach of the international standards that protect religious freedom. China has claimed that it recognizes the value of religious freedom and that it adheres to its international obligations to treat all people equally regardless of religion or belief. Its own record, however, shows that the Chinese government still has a long way to go before its rhetoric matches the reality.

In 2003, Pitman B. Potter’s article provided a comprehensive analysis of regulations in various forms: the CCP policy statements, the Constitution and relevant laws, ordinances imposed by governmental agencies, and varied treatments to different religions (also see Cheng 2003). Potter argues that the deliberate distinction between religious belief and religious practice actually poses challenges for the regime’s efforts to maintain political control while preserving an image of tolerance aimed at building legitimacy. He concludes, “Regulation of religion reflects Party policies granting limited autonomy for accepted practices while attempting to repress activities that challenge political orthodoxy” (Potter 2003, 337).

Recently, some Chinese legal scholars have joined the effort to analyze formal regulations of religion. An excellent example is the article “Religious Freedom and Its Legal Restrictions in China” by Zhang and Zhu (2011), who are professors of law at Peking University and of political science and law at East China University, respectively. Published in an English academic journal, the authors offer detailed criticism of the 2005 “Regulation of Religious Affairs” and conclude (795),

Overall, the Regulation authorizes many restrictions on—and in some cases, even deprivations of—the freedom of religious belief and practice protected by Article 36 of the Constitution without providing for sufficient remedies to check against potential abuse of power by the administrators of religious affairs.

The article comprehensively analyzes problems of religion-related provisions in the Military Service Law, the Criminal Law regarding “evil cults,” the Law of Ethnic Autonomous Regions, the Law of the Protection of Consumer’s Rights, and the Prison Law. In addition, the authors examine a number of cases in which the Chinese government has violated the separation of church and state, including governmental interference in the construction of religious buildings, religious seminaries, or academies, appointment of religious personnel, and religious associations.

The review and analysis are very much like a systematic indictment of the Chinese Party-State for its violation of religious freedom.

In a focused analysis of the laws concerning “evil cults,” Guobin Zhu, who received higher education in China, Hong Kong, and France and is a faculty member at the City University of Hong Kong, concludes that there are serious problems in the current formal law (2010, 500):

First of all, the system of law currently in place intends to regulate, manage, and control religious beliefs and activities. Second, legal rules and measures dealing with irregular or unlawful activities are harsh and sometimes arbitrary. While the executive branch is granted discretionary power, there is no check on the exercise of this power, and no judicial control over administrative action. Third, the measures taken by the government have often been excessive and disproportionate. Most importantly, the actions taken against borderline cases or “unlawful” activities are generally very harsh, with no mercy or no sense of tolerance, to an extent that at the end, they violate the right to belief, as well as the rights of the person.

Two points are worth noting with regard to the last two articles by Chinese authors: First, under the current strict press censorship, these articles of critical analysis would be impossible to publish inside China. Second, such articles have been published in scholarly journals outside China and, as far as I know, the authors have not been penalized by the Chinese authorities or lost access to China for research trips. This indicates that, in the globalization era, there has been a significant level of freedom of scholarship and it has become possible for scholars inside and outside China to do serious research on religious freedom and publish articles outside China.

Civil Society and Religious Freedom

Relationships between civil society and religious freedom in China are complex, and vary considerably by region and ethnicity. On the one hand, “There is no doubt that today in China two

important ethnic minorities, the Tibetans and the Uygurs, experience severe limitations when they want to practice their traditional religion. . . . The intense fear of the Chinese Communist Party (CCP) of a possible link between religion and ethnic separatism has put many restraints on the constitutional guarantees of the right to freedom of religious belief” in Tibet and Xinjiang Autonomous Regions” (Wellens 2009, 434). On the other hand, for ethnic minorities in Yunnan Province, “the picture of religious freedom for minority nationalities becomes markedly more nuanced. It might be argued that in several instances minority nationalities have greater freedom in practicing religion than their Han Chinese neighbours” (435). Some ethnic religions, such as the Dongba among Naxi people, have been encouraged and supported by the local government for the purposes of tourism and economic development. Indeed, even “Buddhism and Islam have been able to ride the wave of government support of ethnic tourism” and the local government has sponsored the rebuilding of major monasteries and mosques (451). More important, the revivals of ethnic religions have strengthened their social cohesion and ethnic pride, and thus have protected these ethnic groups from Christian evangelism. “An unconditional liberalisation in this respect would certainly disadvantage indigenous religions when they have to compete in a globalized ‘marketplace of ideas’” (453). Wellens raises an important question about religious freedom. If preserving ethnic distinctiveness is valuable, or more valuable than individual freedom of religious choice, the government restriction on Christian and Islamic proselytism would be justifiable in China and other countries. This question needs careful examination and serious debate.

Regarding religion among the majority Han people, there have been many studies of various religions and of religious life in various parts of China, some of which have touched upon issues of religious freedom. For example, under the current religious regulation, how it is possible for a Catholic church in a Hakka village in Guangdong to endure the social and political hardships (Lozada 2002), for a Christian church to survive and revive in a remote village in Gansu

(Huang and Yang 2005), for a Buddhist temple in Hebei to establish on the ruins of an ancient Buddhist site that had been abandoned for decades and thrive to become a nationally and internationally influential center (Yang and Wei 2005), for a folk religious temple in northern Shaanxi to expand to become a multi-functional social center (Chau 2006), and for Christian entrepreneurs in the coastal city of Wenzhou to negotiate with the authorities and enlarge their social space for practicing religion (Cao 2011). Even though these studies do not focus on religious freedom per se, they offer rich descriptions and insightful analyses about the level of religious freedom practiced in the current social and political contexts.

The research on religion and civil society is directly relevant to issues of religious freedom because, conceptually, religious freedom is an integral part of civil society. Madsen (1998) pioneered this research in his examination of China's Catholics in the emerging civil society. Some recent studies show that there is evident change among house churches from avoiding discussing political issues to actively defending constitutional rights for Christians and others (Hong 2012).

Through analyzing the contents of an online publication, *Aiyan* 爱筵, Wielander (2009) shows that some of the house churches have engaged resistant politics by raising rights awareness and engaging efforts toward a liberal democracy. Many authors in *Aiyan* have argued "the freedom of religious belief is considered a God-given right which is guaranteed in the Chinese Constitution and which no lower administrative body has the right to limit" (175). Some "Christian lawyers" have taken on cases of Christians whose religious freedom rights have been violated. The Association of Human Rights Attorneys of Chinese Christians has been formed and the names and contact numbers of its members were published in *Aiyan*. They are all leading scholars in the field of constitutional law with the country's foremost research think tanks or universities. Inboden and Inboden (2009) also report in the *Far Eastern Economic Review* on the rise of Christian lawyers and their work for the rights of religious freedom.

Indeed, in the first decade of the 21st century, some new developments in religion have made civil society in China lively. For example, there has been a rapid increase of house-church large congregations in the urban areas and they have gone public (Yang 2011b). Meanwhile, Christian entrepreneurs, professors, lawyers, journalists, writers, and artists have increased, formed fellowship groups or associations, and spoken up in the public square on social and political issues. Many Christian books have been published (Kennedy 2012), as have many Christian magazines and journals online or in print. There are many materials or data becoming available for more empirical studies examining religious freedom and civil society developments.

Conclusion

I have proposed that three areas are especially important for the scholarly study of religious freedom in a society: conception, regulation, and civil society. So far most of the scholarly attention to religious freedom in China has been on the formal regulations and the CCP policies. The conception of religious freedom is another area that has been developed recently, which may be germane for further empirical studies through surveys, interviews, and content analysis. The least studied area is the actual practice and defense of religious freedom by religious communities and civic organizations in civil society, even though many empirical studies of religious communities have touched upon issues relevant to religious freedom.

Many topics are waiting to be studied. For example, the conceptions of religion and religious freedom among various categories of people, especially cultural and political elites, may be studied through surveys, interviews, and content analysis of speeches and publications. It should be interesting to examine religious freedom notions and practices by the officially sanctioned religious communities, Protestant house churches and underground Catholic churches, Tibetan Buddhists and Muslim ethnic minorities, and what have been called "evil cults" by the Chinese authorities. It would also be interesting to study the impacts on religious freedom in China by the

expatriate religious communities, international NGOs and charity organizations, the dialogs with or sanctions by foreign governments, international bodies, etc.

In sum, if scholars are seeking truth in facts analyzed with social scientific theories and methods, religious freedom in China can be a topic with great potential for fruitful research. ❖

1. I would like to acknowledge the assistance of Jiayin Hu, Min Gao, Zhe Liu, Ying Hei, Chao Wang, and Hongping Nie for collecting relevant literature. The essay has been benefited by suggestions from Jiexia Zhai Autry, Stephen Bailey, Dennis Hoover, and Zai Liang.
2. Many scholars at the conference in Beijing where we presented the findings expressed surprise and it took some courage for Chinese journalists to report it in a newspaper and a newsmagazine in China (Ning 2010; Zhu 2010). On the other hand, a scholar of religious studies commented that even the remaining 15 or 16 percent might not be genuinely atheists.
3. Cleansing “superstitions” in government-sanctioned religions has continued even today (Blanchard 2013).
4. Nevertheless, nowadays the so-called “superstitious” beliefs and practices have been widespread throughout China. It has been reported that even more than half of the middle-and-above-ranked officials would admit having participated in some form of “superstition” (Kexue Shibao 2007).

References

- Balmer, Randall, Lee Groeger, and Mark Mabry. 2012. *First Freedom: The fight for Religious Freedom*. American Fork, UT: Covenant Communications.
- Barker, Eileen. 2003. “And the Wisdom to Know the Difference? Freedom, Control and the Sociology of Religion.” *Sociology of Religion* 64 (3): 285–307.
- Beaman, Lori G. 2003. “The Myth of Pluralism, Diversity and Vigor: The Constitutional Privilege of Protestantism in the United States and Canada.” *Journal for the Scientific Study of Religion* 42 (3): 311–325.
- Beyer, Peter. 2003. “Constitutional Privilege and Constituting Pluralism: Religious Freedom in National, Global, and Legal Context.” *Journal for the Scientific Study of Religion* 42 (3): 333–340.
- Blanchard, Ben. 2013. “China’s 100 Million Religious Believers Must Banish Their ‘Superstitions’, says official.” *The Independent*, April 21.
- Cao, Nanlai. 2011. *Constructing China’s Jerusalem: Christians, Power, and Place in Contemporary Wenzhou*. Stanford, CA: Stanford University Press.
- Carlson, Eric R. 2005. “China’s New Regulations on Religion: A Small Step, Not a Great Leap, Forward.” *Brigham Young University Law Review* 2005 (3): 747–797.
- Chau, Adam Yuet. 2006. *Miraculous Response: Doing Popular Religion in Contemporary China*. Stanford, CA: Stanford University Press.
- Cheng, May M. C. 2003. “House Church Movements and Religious Freedom in China.” *China: An International Journal* 1 (1): 16–45.
- Evans, Carolyn M. 2002. “Chinese Law and the International Protection of Religious Freedom.” *Journal of Church and State* 44 (4): 749–774.
- Gill, Anthony J. 2003. “Lost in the Supermarket: Comments on Beaman, Religious Pluralism, and What It Means to Be Free.” *Journal for the Scientific Study of Religion* 42 (3): 327–332.
- Goossaert, Vincent, and David A. Palmer. 2012. *The Religious Question in Modern China*. Chicago, IL: University of Chicago Press.
- Grim, Brian J., and Roger Finke. 2011. *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century*. New York: Cambridge University Press.
- Homer, Lauren B. 2010. “Registration of Chinese Protestant House Churches Under China’s 2005 Regulation on Religious Affairs: Resolving the Implementation Impasse.” *Journal of Church and State* 52 (1): 50–73.
- Hong, Zhaohui. 2012. “Protecting and Striving for the Rights to Religious Freedom: Case Studies on the Protestant House Churches in China.” *Journal of Third World Studies* 29 (1): 249–261.
- Huang, Jianbo, and Fenggang Yang. 2005. “The Cross Faces the Loudspeakers: A Village Church Perseveres Under State Power.” In *State, Market, and Religions in Chinese Societies*, edited by Fenggang Yang and Josphe Tamney, 41–62. Leiden: Brill Academic.
- Inboden, Rana Siu, and William Inboden. 2009. “Faith and Law in China.” *Far Eastern Economic Review*, September 4.
- Kellogg, Thomas. 2009. “The Death of Constitutional Litigation in China?” *China Brief* 9 (7): 4–6.
- Kennedy, John W. 2012. “Disciplining the Dragon: Christian Publishing Finds Success in China.” *Christianity Today*, January 20.
- Kexue Shibao (Science Times). 2007. “yiban yishang xianchui gongwuyuan nan ju ‘mixin’” [“More than Half of Public Service Officials at the County or Above Levels Have Difficulties to Resist ‘Superstitions’”]. Accessed May 11, 2007. <http://www.sciencetimes.com.cn/htmlnews/2007511193241656179151.html>
- Koldner, Eric. 1994. “Religious Rights in China: A Comparison of International Human Rights Law and Chinese Domestic Legislation.” *Human Rights Quarterly* 16 (3): 455–490.
- Liu, Peng. 2008. “Zhongguo zongjiao fazhihuade lichen” [“The Course of Legalisation of China’s Religions”]. In *Blue Book on China’s Religions 2008*, edited by Jin Ze, 261–277. Beijing: Social Science Documents Publishing House.
- Lozada, Eriberto, Jr. 2002. *God Aboveground: Catholic Church, Postsocialist State, and Transnational Processes in a Chinese Village*. Stanford, CA: Stanford University Press.

- Madsen, Richard. 1998. *China's Catholics: Tragedy and Hope in an Emerging Civil Society*. Berkeley, CA: University of California Press.
- Nedostup, Rebecca. 2010. *Superstitious Regimes: Religion and the Politics of Chinese Modernity*. Cambridge, MA: Harvard University Asia Center.
- Ning, Er. 2010. "Magic Thrives when Religion is depreciated: Chinese Beliefs and the Reconstruction of Ethics and Morality." *Nanfeng Metropolis News* (Guangzhou), August 8.
- O'Brien, Roderick. 2010. "Two Chinese Commentators on the Slow Progress towards a Law on Religions." *China: An International Journal* 8 (2): 374–385.
- Potter, Pitman B. 2003. "Belief in Control: Regulation of Religion in China." *The China Quarterly* 174 (2): 317–37.
- Qu, Hong. 2011. "Religious Policy in the People's Republic of China: An Alternative Perspective." *Journal of Contemporary China* 20 (70): 433–448.
- Renmin ribao (People's Daily). 1979. "Zongjiao he fengjian mixin" ["Religion and Feudal Superstition"], March 15.
- Richardson, James T. 2006. "The Sociology of Religious Freedom: A Structural and Socio-Legal Analysis." *Sociology of Religion* 67 (3): 271–294.
- Tong, James W. 2010. "The New Religious Policy in China: Catching up with Systemic Reforms." *Asian Survey* 50 (5): 859–887.
- Wellens, Koen. 2009. "Negotiable Rights? China's Ethnic Minorities and the Right to Freedom of Religion." *International Journal on Minority and Group Rights* 16: 433–454.
- Wielander, Gerda. 2009. "Protestant and Online: The Case of *Aiyan*." *The China Quarterly* 197 (1): 165–182.
- Ya, Hanzhang. 1981. "Carry Out the Policy of Freedom of Religious Belief and Oppose Feudal Superstitious Activities." *Guangming ribao* (Guangming Daily), April 20.
- Yang, Fenggang. 2010. "Quantifying Religions in China." Paper presented at the seventh annual conference for the social scientific study of religion in China, Beijing, July 26–27.
- Yang, Fenggang. 2011a. *Religion in China: Survival and Revival under Communist Rule*. New York: Oxford University Press.
- Yang, Fenggang. 2011b. "Chinese House Church Goes to Public." *Sightings*, an online magazine published by Marty Martin Center for Advance Study of Religion at University of Chicago, May 12.
- Yang, Fenggang, and Dedong Wei. 2005. "The Bailin Buddhist Temple: Thriving Under Communism." In *State, Market, and Religions in Chinese Societies*, edited by Fenggang Yang and Joseph Tamney, 63–87. Leiden: Brill Academic.
- Yang, Junfeng. 2006. "Guowuyuan 'zongjiaoshi tiaoli' shuping [An Evaluation of the State Council 'Religious Affairs Regulations']." In *Blue Book on China's Legal System 2005*, edited by Li Lin et al. Beijing: Social Science Documents Publishing House.
- Ye, Xiaowen. 1998. "Zongjiao yu pufa – Zongjiao gongzuo pufa duben xu" ["Religion and the Propagation of Legal Knowledge"] (Preface). In *Zongjiao gongzuo pufa duben* [A Reader in the Promotion of Legal Knowledge in Religious Affairs Work], edited by Policy and Regulation Department of the State Council Religious Affairs Bureau, 1–15. Beijing: Religious Culture Press.
- Ying, Fuk-Tsang. 2006. "New Wine in Old Wineskins: An Appraisal of Religious Legislation in China and the Regulations on Religious Affairs of 2005." *Religion, State & Society* 34 (4): 347–373.
- Yue, Pan. 2001. "Marxist View of Religion Must Advance with the Times." *Newspaper of Shenzhen Special Zone*, December 16.
- Zhang, Qianfan and Yingping Zhu. 2011. "Religious Freedom and Its Legal Restrictions in China." *Brigham Young University Law Review* 2011 (3): 783–818.
- Zhongjian, Mou. 2007. "The Chinese Socialists Ought to be Mild Atheists." *China Ethnic News*, January 16, p. 6.
- Zhou, Hualei. 2010. "Chinese Believing Gods." *China News Weekly* (Beijing), August 30.
- Zhu, Guobin. 2010. "Prosecuting 'Evil Cults': A Critical Examination of Law Regarding Freedom of Religious Belief in Mainland China." *Human Rights Quarterly* 32 (3): 471–501.

<http://dx.doi.org/10.1080/15570274.2013.808042>