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China's Socioeconomic Changes and the Implications for the Religion-State Dynamic in China

*Kim-Kwong Chan**

I. INTRODUCTION

During the past two years, most of the world's media attention has focused on the September 11th terrorist incident and the resulting antiterror campaign, including the war against the Taliban regime in Afghanistan and the subsequent war against Saddam Hussein in Iraq.¹ However, most of China's media attention has centered on different events: China's accession to the World Trade Organization (WTO), China's soccer team entering the World Cup competition, Beijing's successful bid to host the 2008 Summer Olympic Games,² and the recent changes in China's political leadership.³ These events, which differ from the concerns of the Western world, signify China's coming-of-age in the twenty-first century and China's emergence in the world's political and economic order. China has again reasserted itself as an important player in the international community.

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1. See generally Patty Reinert, *Year In Review 2001*, HOUSTON CHRON., Dec. 30, 2001, at A1; *Year in Review*, BOSTON HERALD, Dec. 29, 2002, at 006; Tom Zeller, *The Year in Review*, N.Y. TIMES, Dec. 28, 2003, § 4, at 2.

2. See, e.g., *China Launches Global Search for Olympic Venue Construction Experts*, CHINA NEWS DIG., Feb. 10, 2004, 2004 WL 65926458.

3. The SARS crisis in 2003, of course, dominated the international media regardless of national boundaries.

Among these events, the Olympic Games and the World Cup are a source of immense national pride.⁴ China's new leadership has only recently taken office but has already built a promising record by its handling of the SARS crisis.⁵ However, China's accession to the WTO, completed in December 2001, bears important sociopolitical significance and may change China permanently.⁶ There are numerous studies examining the impact of WTO accession on China, almost all of which focus on economic and administrative issues.⁷ One area not yet addressed by commentators is how accession will affect the religious dynamic and church-state relations in China. Part II of this Article examines the general social changes resulting from China's WTO accession, while Part III discusses the implications for religious development in particular. Part IV provides an analysis of the government's responses to these changes, and Part V explores possible future ramifications on religious experience. Finally, Part VI offers a brief conclusion.

II. THE WTO AND GENERAL SOCIAL CHANGES

With regard to many aspects of life in China, accession to the WTO will bring a period of change unlike any other China has witnessed in its rich history. That is not to say that accession will be China's first experiment with Western culture, foreign religion, or even market capitalism. This Part will briefly recount some of

4. See, e.g., *World Cup Exciting Opportunity for China*, PEOPLE'S DAILY (May 31, 2002), http://english.peopledaily.com.cn/200205/31/eng20020531_96874.shtml.

5. See Loh Hui Yin, *PM Goh Praises China's Handling of Sars Crisis*, BUS. TIMES SING., July 26, 2003, available at 2003 WL 66189458 ("The way China was able to bring the Sars epidemic under control showed that the new leadership could deal with challenges 'firmly and decisively', said Prime Minister Goh Chok Tong yesterday. . . ."); see also Anne Hyland, *Asia Still Awaits SARS All-Clear*, AUSTL. FIN. REV., May 8, 2003, at 12 ("To the extent that the government's response reflects a new adaptability, transparency and globality, the long-run case for China may well be strengthened as a result." (statement of Stephen Roach, Morgan Stanley chief economist)); *China Steps Up the Fight*, ECONOMIST, May 12, 2003, LEXIS, News & Business (detailing China's fight against SARS).

6. See, e.g., CHINA'S ACCESSION TO THE WORLD TRADE ORGANIZATION: NATIONAL AND INTERNATIONAL PERSPECTIVES (Heike Holbig & Robert Ash eds., 2002) [hereinafter CHINA'S ACCESSION TO THE WTO]; CONTEMPORARY CHINA: THE DYNAMICS OF CHANGE AT THE START OF THE NEW MILLENNIUM (P.W. Preston & Jürgen Haacke eds., 2003) [hereinafter CONTEMPORARY CHINA].

7. For example, the Chinese Academy of Social Science published one of the most comprehensive studies on the socioeconomic impact of accession to the WTO on China. See CHEN CUNJIA ET AL., REPORT ON THE ISSUES RAISED FROM CHINA'S WTO ACCESSION (2002). In this more than 500-page report, the authors made no mention of religious issues.

China's earliest encounters with market economics and Western culture generally. In addition, this Part will explore some of the general socioeconomic consequences of China's membership in the WTO.

A. A Brief History of China's Experience with Market Capitalism

From the late eighteenth century until the early nineteenth century, China enjoyed a considerable trade surplus with the Western world, exporting more goods to Europe than it imported from Western nations.⁸ At the time, China was not eager to open its markets to overseas commodities. Western merchants, however, were anxious to open China's markets as an outlet for an oversupply of goods produced in factories built during the Industrial Revolution.⁹ It was not until China began to import opium, which enjoyed immediate popularity, that the balance of trade shifted from a trade surplus to a trade deficit.¹⁰ As the payments required to purchase opium increased, the negative trade balance literally bankrupted the Chinese government¹¹ and led to a trade dispute that resulted in the infamous Opium War and the subsequent opening of China's markets to the West.¹² Afterwards, China suffered economically as government policies designed to protect China's commercial interests proved ineffective and local manufacturers were forced to compete with lower-priced imported goods.¹³

Contemporary Chinese leaders and intellectuals often attribute modern China's economic woes to Western invasion and capitalist

8. See FOSTER STOCKWELL, *WESTERNERS IN CHINA: A HISTORY OF EXPLORATION AND TRADE, ANCIENT TIMES THROUGH THE PRESENT* 74–75 (2003) (“At this time China exported tea [and other goods]. In return, they imported little As Emperor Qinglong put it, ‘The Celestial Empire possesses all things in prolific abundance and lacks no product within its borders. There is therefore no need to import the manufactures of outside barbarians’”); see also IMMANUEL C.Y. HSÜ, *THE RISE OF MODERN CHINA* 150 (5th ed. 1995).

9. KIM-KWONG CHAN & TETSUNAO YAMAMORI, *HOLISTIC ENTREPRENEURS IN CHINA: A HANDBOOK ON THE WORLD TRADE ORGANIZATION AND NEW OPPORTUNITIES FOR CHRISTIANS* 6 (2002) (“Suddenly, China was flooded by all kinds of goods churned out during the Industrial Revolution.”).

10. See STOCKWELL, *supra* note 8, at 74–75.

11. The Chinese government was technically the Qing Dynasty. *Id.*

12. See STOCKWELL, *supra* note 8, at 76–82.

13. P.W. Preston & Xing Aifen, *State-Owned Enterprises: A Review of the Development Dynamics, Contemporary Problems and the Shape of the Future*, in *CONTEMPORARY CHINA*, *supra* note 6, at 73.

exploitation, symbolized—or demonized—by the Opium War.¹⁴ Capitalism and market economies were regarded as evil; thus, to avoid the stigma of national humiliation, China adopted socialism in hopes of regaining its economic sovereignty and national dignity.¹⁵ Thereafter, China vowed that it would never again be subject to foreign political and economic powers that attend capitalistic economies.¹⁶

However, two decades ago, Deng Xiaoping's Reform and Open Policy literally transformed the face of China from the largest state-owned collective corporation to potentially the biggest free market in the world.¹⁷ During this time, capitalism was not discouraged but rather embraced at all levels. Now, even entrepreneurs are invited to join the once-proletarian Communist Party of China (CPC) as part of the ruling elite. Western capitalists are welcomed with open arms to invest in China in projects ranging from banking to railways.¹⁸

Unlike the Opium War, when China was forced to open its markets to international commerce, China is now eager to join the global economic order via the WTO and is opening its once jealously guarded domestic markets to any foreign investors.¹⁹ China surely

14. Rosalie Chen, *China Perceives America: Perspectives of International Relations Experts*, 12 J. CONTEMP. CHINA 285, 286 (2003) ("The Chinese simply do not trust American motives given their perception of American hegemony. They fear American manipulation of China in international strategic terms, exploitation in economic terms, and subversion in political and ideological terms."); *see also* HSÜ, *supra* note 8, at 168–83.

15. Wei Pan, *Toward a Consultative Rule of Law Regime in China*, 12 J. CONTEMP. CHINA 3, 28–29 (2003) ("The legitimacy [of the communist regime] came from the fact that [it] made the country 'stand up' to the powerful nations, and helped the nation as a whole to regain self-respect."); *see also* HSÜ, *supra* note 8, at 652–57.

16. STOCKWELL, *supra* note 8, at 173 ("Mao Zedong, the leader of the Communist revolution had announced . . . 'China must be independent . . . China's affairs must be decided and run by the Chinese themselves, and no further interference, not even the slightest, will be tolerated from any imperialist country.'"); *see also* HSÜ, *supra* note 8, at 652–57.

17. Winberg Chai, *The Ideological Paradigm Shifts of China's World Views: From Marxism-Leninism-Maoism to the Pragmatism-Multilateralism of the Deng-Jiang-Hu Era*, 30 ASIAN AFF.: AM. REV., Fall 2003, at 163, 167–68 ("Deng's goal in 1978 was to open China to the outside world and transform it into a prosperous, modern, and powerful country by the end of the twentieth century."); *see also* CALLUM HENDERSON, CHINA ON THE BRINK: THE MYTHS AND REALITIES OF THE WORLD'S LARGEST MARKET 231–50 (1999).

18. Jeffrey E. Garten, *It's Time to Let China into the Clubhouse*, BUS. WK., Feb. 2, 2004, at 24 ("[China] has attracted more direct foreign investment than any country except the U.S."); *see also* Ministry of Commerce of the People's Republic of China, *at* <http://english.mofcom.gov.cn/> (last visited Mar. 25, 2004).

19. Li Tiejing, *The WTO and China*, 30 FAR E. AFF., No. 3, 2002, at 87, 90 ("[B]oth the world community and China realized that China needs the WTO and the WTO needs

has traveled a long and twisted path from the Opium War to its accession to the WTO.

Accession to the WTO requires China to grant foreign merchants mutual market access through minimum trade barriers.²⁰ Thus, economic sectors in China will compete with their foreign counterparts on fair and open ground in the global market, each relying mainly on its own economic strength. Further, state-owned enterprises (SOEs) will privatize into independent corporations driven by the rule of the market rather than political decisions.²¹ The government will no longer own and run businesses as a market player but will instead act as a referee to supervise other players in the market.²²

B. The General Impact of China's Accession to the WTO

On one level, accession to the WTO merely accelerates China's economic transformation by providing a defined timetable to lift trade barriers.²³ However, these changes constitute a socioeconomic revolution that affects China no less dramatically than the

China. According to preliminary data, during the next five years, China's demand for foreign commodities will reach \$1.5 trillion, which will give foreign enterprises the opportunity to invest more than \$300 billion.”).

20. Debra Vogler, *WTO Entry Sweetens Foreign Investment in China*, SOLID ST. TECH., Feb. 2003, at S7, available at <http://sst.pennnet.com/home.cfm> (“The significance of China's entry into the WTO is that it takes China out of U.S. domestic politics and—with the resulting open markets, removal of non-tariff barriers, and lowering of tariffs—foreign direct investment (FDI) will be encouraged.”).

21. Liu Junning, *The New Trinity: The Political Consequences of WTO, PNTR, and the Internet in China*, 21 CATO J. 151, 157 (2001) (“The Chinese government cannot take sides by giving special favors to state-owned enterprises (SOEs). It will be obligated to treat all the enterprises—regardless of whether they are state-owned, private, or foreign—equally. Such treatment will speed up the disintegration of state ownership in China . . .”).

22. See Russell Smyth & Zhai Qingguo, *Economic Restructuring in China's Large and Medium-Sized State-Owned Enterprises: Evidence from Liaoning*, 12 J. CONTEMP. CHINA 173 (2003).

23. By the end of 2006, China will have completely merged into the global economic order. The WTO Web site, <http://www.wto.org> (last visited Apr. 2, 2004), provides a great deal of useful information. For the official position of the Chinese government on accession to the WTO, see China WTO Updates, at <http://www.china.org.cn/english/21693.htm> (last visited Mar. 25, 2004). For a more balanced view on China's WTO accession, see SUPACHAI PANITCHPAKDI & MARK L. CLIFFORD, *CHINA AND THE WTO: CHANGING CHINA, CHANGING WORLD TRADE* (2002).

socioeconomic changes that took place when China adopted socialism in 1949.²⁴

This section will discuss the social implications of accession to the WTO as well as the specific effects that lower trade barriers will have on China's various geographic regions and sectors of industry.

1. Changes in social classification and economic diversity

The changes in market structure brought about by accession to the WTO will have significant social implications in China. For example, SOE workers will no longer enjoy lifetime-guaranteed jobs as before, and companies will be forced to go bankrupt if they do not perform well enough.²⁵ However, workers will be able to choose their professions and to move to places where opportunities exist.

Such choices will inevitably transform the social classification and lifestyle of the Chinese people.²⁶ Recently, China's population has gradually moved away from the simple categories of worker, peasant, and soldier—all cadres with relatively similar salaries. Last year, there were more than ten different social classifications ranging from self-made billionaire entrepreneur to SOE staffers earning \$200 per month to a CEO of a joint-venture corporation in Shanghai with a monthly salary of \$12,000 or more to a peasant in rural Gansu making less than \$10 a month.²⁷ With such a diverse range of incomes and multiple types of social classifications, China has become an economically diverse society providing virtually unlimited

24. Teying, *supra* note 19, at 87 (“[A] country with a five-millennium history and a population of 1,300,000,000 people is actively and for the first time opening up to the outside world . . . , and continuing the process of industrialization and modernization under the conditions of division of labor, cooperation, and competition on a global scale.”); *see also* HOONG YIK LUEN, *NEW CHINA RISING: A SOCIAL ECONOMIC ASSESSMENT OF WTO ENTRY* 1–10 (2001).

25. Preston & Xing, *supra* note 13, at 80–86.

26. HIROSHI SATO, *THE GROWTH OF MARKET RELATIONS IN POST-REFORM RURAL CHINA: A MICRO-ANALYSIS OF PEASANTS, MIGRANTS AND PEASANT ENTREPRENEURS* 110–111 (2003).

27. In 2001, the Chinese Academy of Social Science commissioned a study to analyze the changing social structure in China and to reclassify Chinese people into ten different categories to reflect the current socioeconomic trend. The complete report was published in February 2002 and is available in Chinese at <http://www.china.org.cn/chinese/PI-c/105530.htm> (last visited Mar. 25, 2004). A subsequent report for 2003 is also available at <http://www.china.org.cn/chinese/zhuanti/250522.htm> (last visited Mar. 25, 2004).

options in lifestyles.²⁸ People have a greater degree of freedom in travel, housing, finding jobs, and choosing consumer goods.

2. Central and western regions: changes in the agriculture sector

In addition to social change, accession to the WTO will reshape many sectors of the Chinese economy. One of the areas likely to be devastated by lower trade barriers is the agricultural sector. Today, about seventy percent of China's population are peasant farmers, and the price of grain in China is about twenty-five to thirty percent higher than the price on the world market.²⁹ Currently, the government's high purchasing price as well as high tariffs and low import quotas protect Chinese peasants from cheaper grain imports.³⁰

However, under the mandate of the WTO, imported grain will be allowed to compete in China's domestic market with a relatively low tariff.³¹ This is good news for the Chinese food processing industry as well as consumers in general but bad news for the peasants. The regions hardest hit by lower tariffs are the central and western regions of China, where most of the population are farmers, and most of the farms are low-yield plots.³² Many farms will go bankrupt, and a large portion of the farming population will migrate to urban areas to seek jobs. It is estimated that as many as one hundred million bankrupt farmers, in addition to the one hundred million surplus farm laborers currently dislocated, will flood the labor

28. See Dorothy J. Solinger, *Chinese Urban Jobs and the WTO*, 49 CHINA J. 61, 77-78 (2003).

29. This is the author's estimate. For the current price, see the Web site of the State Grain Administration at <http://www.chinagrains.gov.cn/lm/engindex.asp> (last visited Mar. 25, 2004). See also *No Rural Idyll*, ECONOMIST, June 15, 2002, at 10 ("[T]he price of [China's] grain is 15-20% higher than in world markets.").

30. Susan D. Blum, *Rural China and the WTO*, 11 J. CONTEMP. CHINA 459, 466 (2002); Flemming Christiansen, *Will WTO Accession Threaten China's Social Stability?*, in CHINA'S ACCESSION TO THE WTO, *supra* note 6, 188-89.

31. *China Playing Greater Role in Global Grain Market*, ASIA PULSE, Mar. 5, 2003, LEXIS, News & Business ("Meanwhile, following its entry into the World Trade Organization (WTO), China has lowered tariffs for grain imports, increased its grain imports quota and lifted various non-tariff barriers, which has made it a large market for major world grain producers.").

32. See Joseph Fewsmith, *The Political and Social Implications of China's Accession to the WTO*, 167 CHINA Q. 573, 578 (2001).

market.³³ Ultimately, these internal migrants will go to places where they can make a living, and the resulting population migration will reshape the demographic profile of China.³⁴

3. Northeastern region: impact on heavy industry

Before privatization, China's heavy industry sector, comprised mostly of SOEs, employed almost 100 million workers.³⁵ In general, these SOEs were inefficient, overstaffed, and survived primarily on political-based handouts from the government. However, from 1997 to 2002, SOEs eliminated more than fifty million jobs, and more job cuts are on the horizon as China is determined to shake up these SOEs through competition with the world market.³⁶ Therefore, the number of unemployed workers will continue to rise, and there is little hope that these displaced workers will find jobs in the private sector. The private sector has traditionally recruited more skillful and younger workers, including fresh graduates who are easier to train. Yet these fresh graduates are also having a hard time entering the labor force.³⁷ The heavy industries are concentrated in China's Rust Belt—the northeastern region of China, as well as some central and western regions.³⁸ Consequently the economic outlook for these regions is less than optimistic.

4. Coastal region: effects on light industry

Deng Xiaoping's Reform and Open Policy was first applied in China's coastal region twenty years ago. Since then, this policy has

33. See PETER NOLAN, CHINA AND THE GLOBAL ECONOMY: NATIONAL CHAMPIONS, INDUSTRIAL POLICY AND THE BIG BUSINESS REVOLUTION 218 (2001); Fewsmith, *supra* note 32, at 578.

34. See Christiansen, *supra* note 30, at 189; Joseph Fewsmith, *The Political Implications of the WTO Agreement on Agriculture*, in CHINA'S AGRICULTURE IN THE INTERNATIONAL TRADING SYSTEM 125, 125–33 (Org. for Econ. Co-operation & Dev. ed., 2001); Michael Webber et al., *Making Markets*, in CHINA'S TRANSITION TO A GLOBAL ECONOMY 61, 84–88 (Michael Webber et al. eds., 2002).

35. Mark L. Clifford et al., *Can China Reform Its Economy?*, BUS. WK., Sept. 29, 1997, at 116 (“[T]here also are thousands of hopelessly unprofitable industrial dinosaurs . . . on whom 100 million workers depend for survival . . .”).

36. See Matthew Forney, *Workers' Wasteland*, TIME INT'L, June 17, 2002, at 40, 40–47.

37. Several years ago, enrollment in China's tertiary education system doubled; hence, more graduates are now fighting for jobs in the market. See Linda Yeung, *China Near Top of Private-Finance Table*, S. CHINA MORNING POST, Feb. 22, 2003, at 2, 2003 WL 14050670.

38. NOLAN, *supra* note 33, at 219; Fewsmith, *supra* note 32, at 579–80.

provided wealth and commercial experience to the region. In addition, the region's manufacturing and export facilities are already well established. Thus, the coastal region has enjoyed a head start as China has begun opening to foreign investment.³⁹

As a result, wealth and opportunity are more concentrated in the coastal region, in such places as the Pearl and the Yangtze River deltas. As discussed above, the economic push and pull of the labor market will likely continue to draw talented people and resources into these coastal areas.⁴⁰ Accession to the WTO will further enhance the prosperity of this region because its primary industries, including finance, high-tech, and service, stand to benefit from accession to the WTO.

Foreign investors in general favor this region for its well-established business infrastructure and advanced logistical support.⁴¹ China received \$60 billion of foreign direct investment (FDI) in the year 2002, the largest amount received by any country, including the United States.⁴² Most of this investment was concentrated in the coastal region. As a result, millions of new jobs will be created, and business people all over the world will converge at the new international business hub of Shanghai. Soon, the coastal region will likely be the wealthiest part of China and perhaps one of the most prosperous regions in the Pacific Rim.

III. IMPLICATION ON RELIGIOUS DYNAMICS

In addition to bringing a wave of socioeconomic change to China, accession to the WTO also promises to inspire a religious revival in Chinese society. This section discusses three primary causes of this impending spiritual revolution. First, as China is beset by the social and economic upheaval accompanying accession to the WTO, many people will likely turn to religion as a source of stability and guidance in solving life's persistent questions. Second, as lower trade barriers increase China's international profile and interface with

39. See Khorshed Chowdhury et al., *Regional Income Inequality in China*, in CONTEMPORARY DEVELOPMENTS AND ISSUES IN CHINA'S ECONOMIC TRANSITION 238, 238-61 (Charles Harvie ed., 2000).

40. Christiansen, *supra* note 30, at 189.

41. See, e.g., Ashwini Deshpande, *Tale of Two Cities: Regional Inequality in China on the Eve of Its Entry into WTO*, 38 CHINA REP. 523 (2002).

42. For FDI trends in China, see Jai S. Mah & Kyung-sun Yoo, *The Relationship Between FDI Regulations in China and the WTO*, 36 CHINA REP. 191, 191-92 (2000).

foreign nations, China will become an importer of not only consumer goods but also cultural and religious influences. Finally, as the labor market restructures and hundreds of millions of dislocated workers migrate within and without China, an internal cross-pollination of ideas, including traditional religious thought, will occur between regions once isolated by geography and politics. This section describes these causes in detail and explores the challenges that have arisen as China and its global neighbors attempt to adjust to the new religious realities in China.

A. Religion as a Source of Stability

All of the changes discussed above—economic polarization, regional differences, dynamic flow of population, new classification of social categories, and increased opportunities—will radically reshape post-accession China into a society full of paradoxes. It will be a society that opts for an open market but remains under autocratic rule, a land where the extremely rich and the extremely poor coexist, a job market filled with both opportunity and devastation, a ruling Communist Party (CPC) with capitalist members trying to protect the proletariat, and a market policy advocating survival of the fittest in a socialist society attempting to fairly distribute resources to all people. WTO accession has generated an atmosphere of euphoria, optimism, and opportunity for some, and uncertainty, instability, ambiguity, and insecurity for others. It seems that when paradigms shift, as they have in the radical socioeconomic transformation China is now experiencing, people often look to religion as a source of stability.⁴³ Although the Communist Party's teaching is the official ideology, it is far from widely accepted.⁴⁴ Religion has become an attractive option for people facing change to seek new meaning in life.⁴⁵ This trend is

43. Christiansen, *supra* note 30, at 186; *see also* RELIGION UNDER SOCIALISM IN CHINA 101–12 (Luo Zhufeng ed., Donald E. MacInnis & Zheng Xi'an trans., 1991).

44. *See* Clay Chandler & Phillip P. Pan, *China's Leaders Uneasy About WTO Entry*, WASH. POST, Nov. 13, 2001, at A27 (“That strategy has proved an enormous success: The economy flourished, lifting hundreds of millions out of poverty and winning popular support for the Communist Party long after China's people stopped believing in communist ideology.”).

45. Bryan Edelman & James T. Richardson, *Falun Gong and the Law: Development of Legal Social Control in China*, 6 NOVA RELIGIO 312, 327 (2003); Scott Lowe, *Chinese and International Contexts for the Rise of Falun Gong*, 6 NOVA RELIGIO 263, 266–67 (2003); Richard Madsen, *Understanding Falun Gong*, 99 CURRENT HIST. 243, 247 (2000).

already evident in economically depressed areas such as Henan, an area with a large farming population that lags far behind the nation's economic progress.⁴⁶ It is also evident in areas experiencing an economic boom such as Wenzhou, which claims the highest number of merchants per capita in China.⁴⁷ It is in these areas that religion is experiencing the fastest growth. The growth of religion includes the officially sanctioned faiths, such as Christianity and Buddhism, as well as those unsanctioned religious sects like Falungong (banned in China and labeled evil cults by officials)⁴⁸ and the so-called cults such as Eastern Lightning.⁴⁹ In short, there has been a growth of religion as China heads towards accession to the WTO.

B. Influence from Foreign Nations

Accession to the WTO will also usher in a new wave of foreign influences as multinational corporations (MNCs) compete for market share in the newly available Chinese domestic market. Average Chinese citizens will also likely pay more attention to the international scene, be it economic, political, or cultural. This will allow Chinese people more contact with foreign values, including religions such as Christianity, Hinduism, and Islam.⁵⁰ With more

46. See *Members of Chinese Underground Church to Be Handed 'Heavy' Sentences*, AGENCE FR. PRESSE, Sept. 9, 1999, LEXIS, News & Business ("The Information Centre has recorded 233 Christianity-related arrests in the province of Henan, a hotbed of the faith's growth with an estimated five million followers, since October.")

47. Wenzhou is a coastal city in the Zhejiang Province with its own dialect, which is incomprehensible to others. Wenzhou's people are famous for their independent spirit and entrepreneurship. It was the first region to take advantage of the Reform and Open Policy permitting the establishment of private enterprise. Wenzhou merchants are not only all over China, but are also scattered in most of the emerging markets in the world. In the year 2000, ninety-eight percent of Wenzhou's GDP came from private enterprise, the highest percentage among all municipalities in China. See David Murphy, *Charge of the Lighter Brigade*, FAR E. ECON. REV., Aug. 23, 2001, <http://usinfo.state.gov/regional/ea/iprcn/feerfeature.htm>.

48. *Police Hold Falun Gong Protesters*, MORNING STAR, Feb. 15, 2002, at 3 ("China banned Falun Gong as an 'evil cult' in 1999."); see also CRIMINAL LAW, art. 300 (1997) (P.R.C.).

49. Eastern Lightning is one of many pseudo-Christian sects to have developed in China. Chinese authorities regard these groups as evil cults; the Chinese government's list and descriptions of these groups are available at <http://www.china21.org> (last visited Mar. 25, 2004), or visit Eastern Lightning's own site at <http://www.godword.org> (last visited Mar. 25, 2004). Christian circles generally regard these sects as heresies and cults. See www.chinaforjesus.com (last visited Mar. 25, 2004).

50. See Dru C. Gladney, *Islam in China: Accommodation or Separatism?*, 174 CHINA Q. 451, 463 (2003).

access to Western civilization via commercial activities, there may well be more contact with Christianity and other religions by average Chinese citizens who hitherto may have had only limited exposure to these ideas. Furthermore, many mission-minded religious organizations may use accession to the WTO as a window of opportunity to launch campaigns into China, whether it be to support existing Chinese religious organizations or to launch out into frontier areas. These efforts may lead to an increase in the overall influence of religion in China.

Religion is no longer a taboo subject or an outdated ideology, as formerly asserted by the CPC; Chinese people can now discuss religion as part of the heritage of the world's civilizations. More foreigners will likely come to work in China as the accession to the WTO increases the tempo of foreign involvement.⁵¹ These expatriates will not only cluster in the major trading cities such as Shanghai and Beijing, but will also spread around smaller cities in China's interior, bringing with them their lifestyles, values, and religious faiths.⁵² While there are already well-established expatriate religious communities in major cities, from Jewish synagogues to Mormon chapels, there will be an expansion of new expatriate religious communities sprouting up across China in places where foreigners reside.⁵³

As more commercial transactions take place between China and other countries, cultural and religious influences will inevitably follow.⁵⁴ Some religions not on the list of officially sanctioned religions in China (Catholicism, Protestantism, Buddhism, Daoism, and Islam) may find their way into China through these interactions. For example, some Chinese citizens may have accepted the Mormon

51. *UPI Hears . . .*, UNITED PRESS INT'L, Jan. 7, 2004, LEXIS, News & Business ("[T]he Ministry of Public Security has drawn up plans for a long-term residence permit 'green card' system for foreigners in an attempt to attract more senior experts and funds from abroad . . . According to 2001 statistics, more than 60,000 registered foreigners live and work in China."). There are an increasing number of services available for expatriates in China. *See, e.g.*, <http://www.chinastrategic.com> (last visited Mar. 25, 2004).

52. This is the author's observation of the situation in more than fifteen provinces from 2001 to 2003.

53. This is the author's observation, derived from communications with leaders of expatriate religious communities in more than ten cities from 2000 to 2003.

54. *See, e.g.*, Tony Lambert, *The Present Religious Policy of the Chinese Communist Party*, 29 RELIGION, ST. & SOC'Y 121, 127 (2001).

faith while doing business in the United States.⁵⁵ When they return to China, they may introduce their new religion to friends and neighbors. Some Chinese may embrace Greek Orthodoxy, Hinduism, or Ba'hai, for example, while they are stationed overseas for commercial or academic activities.

These religions, although not currently recognized by the Chinese authorities, are generally accepted by the international community as legitimate faiths. Therefore, it will be increasingly difficult for the Chinese authorities to continue to reject these groups. The presence of these new religions will likely challenge the tolerance of government officials and may eventually lead to a confrontation on the current religious policy, an issue that the Chinese government must face vis-à-vis accession to the WTO. For example, there are currently more than 700 Russian Orthodox expatriates residing in the Shenzhen and Guangzhou areas, and the Russian Orthodox patriarch has already assigned a priest to care for the religious needs of these people.⁵⁶ China will soon face demands from these and other foreigners to have more international chaplaincy services provided for their Chinese adherents. Because many of these religious groups have no counterparts in China, unless some accommodations are made, officially sanctioned groups may find it difficult to provide spiritual services for these foreign groups—a situation unforeseeable just a few years ago. This situation is further complicated as more foreigners and local Chinese citizens intermarry. The current policy separating religious services for foreigners and nationals may face challenges dealing with the new reality of families of mixed nationalities affiliating with foreign religious groups that may or may not be one of the five recognized religions in China.⁵⁷ Can foreigners attend an expatriate religious service with Chinese national family members who would be barred from these services under the current policy? Can foreign clerics minister to their own

55. See, e.g., Amy Choate, *Asian Students Find a Home Away from Home*, *BYU DAILY UNIVERSE*, May 21, 2003, <http://newsnet.byu.edu/story.cfm/44327>; Lois Hassell, *BYU Creates Chinese First Ward*, *BYU DAILY UNIVERSE*, Mar. 27, 2000, available at <http://newsnet.byu.edu/story.cfm/8662>.

56. This information was gathered from personal communications with Priest Dionisy Pozdnyaev in Hong Kong during March and November of 2003.

57. To view the Amity Foundation's site on the current religious regulations in China, see <http://www.amityfoundation.org/ANS/Religious%20Laws.htm> (last visited Mar. 25, 2004).

people and their Chinese spouses and dependents in China?⁵⁸ These scenarios are stretching the limits of the existing regulations, which are far from adequate to address these issues.⁵⁹

*C. Revival of China's Indigenous Faiths and Interaction
with Other World Religions*

With accession to the WTO and the rise of regionalism, China will become more socially and economically diverse.⁶⁰ One of the hallmarks of Chinese regionalism is a culture consisting of legends and local deities.⁶¹ Recently in China, there has been a marked resurgence of local folk religion. For example, the birthday of *Mazu*, the local deity in Fujian and Taiwan, has become a local festival and may become the new focus of these communities.⁶² Such a focus would help to shape a new local identity and may avert the identity crisis that so often appears after the loss of traditional nationwide social classifications.⁶³

The wealth generated from commercial activities, especially in coastal provinces, will fuel these religious developments and strengthen each community's identity. This has already been seen in a rapid increase of temples built to honor traditional local deities in coastal regions where wealth has concentrated.⁶⁴ Even in poverty-stricken places, such as the Northern Yellow-Earth Plains in Shaanxi, the increased popularity of local temples and deities seems to suggest that local peasant farmers have more confidence in petitioning local deities for help than the local government, even in times of drought or other crises. The general loss of confidence in secular authority has prompted these peasant farmers to seek assistance from the

58. Signed by Premier Li Peng in 1994, Decree 144, article 3, requires clergy to obtain approval before conducting religious services. See Regulations Governing the Religious Activities of Foreign Nationals Within China (1994), available at <http://www.amityfoundation.org/ANS/Religious%20Laws/reg1.htm>.

59. For a relatively comprehensive set of regulations, see QUANGUO ZONGJIAO XINGZHENG FAGUI GUIZHANG HUIBIAN [COMPILATION OF NATIONAL ADMINISTRATIVE RULES AND REGULATIONS ON RELIGION] (2000).

60. See, e.g., Deshpande, *supra* note 41.

61. See generally JOSEPH A. ADLER, CHINESE RELIGIOUS TRADITIONS 113–21 (2002).

62. *Id.* at 103–04.

63. See DONALD E. MACINNIS, RELIGION IN CHINA TODAY: POLICY AND PRACTICE 192 (1989); FOSTER STOCKWELL, RELIGION IN CHINA TODAY 262–64 (1993).

64. See, e.g., Kenneth Dean, *Local Communal Religion in Contemporary South-east China*, 167 CHINA Q. 338 (2003).

transcendent world, which is becoming more and more a part of the daily reality in modern China.⁶⁵

In addition to providing communities with a renewed sense of identity, the revival of China's folk religions is likely to have a significant impact on religious observance in greater China and perhaps in other areas of the world. For example, within China, the government has been rather ambivalent towards traditional Chinese folk religions.⁶⁶ While folk religion does not have the same status as either Buddhism or Daoism,⁶⁷ the government does not eliminate it by force and generally tolerates it.⁶⁸ But there are signs that the government is trying to regulate the spontaneous activities of folk religion by experimental administrative measures.⁶⁹

In addition, as accession to the WTO affects population migration patterns, it will also affect the dissimilation of and the interaction between religions and religious ideas in the interior of China. Just as the staggering number of internal migrants and transients, currently at least ten percent of the population, or 130 million people,⁷⁰ will bring new socioreligious dynamics to China,

65. *Id.* at 342.

66. Compare Regulations on Religious Affairs of the Province of Guangdong, art. 24 (2000), <http://www.zyztzb.org.cn/zyztzbwz/flfg/zj5ab.htm> (last visited Mar. 25, 2004), translated in *Five Provincial Level Official Regulations on Religious Affairs*, 36 CHINESE L. & GOV'T, 49, 60–68 (2003) [hereinafter *Five Provincial Regulations*] (prohibiting “other superstitious activities, which do not fall into the category of religion”), with Regulations on Religious Affairs of the City of Beijing (2002), <http://www.beijing.org.cn/3925/2002-8-7/182@363304.htm> (last visited Mar. 25, 2004), translated in *Five Provincial Regulations*, *supra*, at 49–54 (containing no such prohibition).

67. See ADLER, *supra* note 61, at 113–21; STEPHAN FEUCHTWANG, *POPULAR RELIGION IN CHINA: THE IMPERIAL METAPHOR* vi (2001).

68. See HUMAN RIGHTS WATCH/ASIA, *CHINA: STATE CONTROL OF RELIGION* 36–38 (1997). Also, the Regulations on Religious Affairs of the City of Beijing, *supra* note 66, contains no such prohibition on superstitious activities.

69. See Nanning Municipality, *Concerning the Temporary Measures to Regulate Folk Religious Activities*, 34 FUJIAN RELIGION 47 (2003).

70. This figure represents the aggregate dislocation caused by WTO accession. See *Transient Children More Likely to Drop Out of School: Survey*, XINHUA GEN. NEWS SERV., Nov. 5, 2003, LEXIS, News & Business (“According to the fifth national census in 2000, children under 18 account for 19.37 percent of the country's 100 million transient population.”). There is no precise statistic for migrant laborers, but the government estimates that there were at least 130 million surplus farming laborers at the end of the 1980s and there were at least eighty million migrant laborers in the mid-1990s. It is reasonable to suggest that this figure has been on the rise as more surplus farming laborers have been flooding to cities during the past five years creating a major social concern. For the government's recent studies on this issue, see <http://www.china.org.cn/chinese/zhuanti/mingong/351589.htm> (last visited Mar. 25, 2004).

this increased mobility will also allow China's indigenous faiths to become interspersed with others around the world.⁷¹ First, these internal migrants are generally highly susceptible to religion.⁷² For example, many uprooted peasant farmers, working in coastal factories and longing for communal support, may, during this transient period, find the faith, hope, and care necessary to sustain them in local Christian churches.⁷³ Many of these workers who embrace new forms of faith while living elsewhere may bring their faiths home to villages that had no such religious traditions.⁷⁴ The transmission of religion may thus occur in unpredictable ways, for there is no clear pattern to how a peasant worker may travel.⁷⁵ Second, increasing market opportunities in remote places will prompt both Chinese and foreign business people to travel to obscure and hard-to-reach places, bringing with them new commodities and religious thought hitherto unknown to China's most isolated communities. Many of these merchants, especially those from Wenzhou, are religious believers who may spread their faith along with their merchandise. For example, Wenzhou merchants established perhaps the only government-sanctioned Christian gathering point in Lhasa, Tibet.⁷⁶ Thus, there will likely soon be small clusters of religious believers in places where no one would have thought they could exist, and these new religious assemblies may live in harmony or in tension with the already existing religious groups.⁷⁷

WTO accession also impacts Chinese religious believers beyond the borders of China. One of the opportunities provided by accession to the WTO is for Chinese merchants to capture a share of the global market. Chinese merchants have already made inroads to

71. Carlos A. Magariños & Francisco C. Sercovich, *China's Accession to the WTO: An Overview of Domestic and External Implications*, in *CHINA IN THE WTO: THE BIRTH OF A NEW CATCHING-UP STRATEGY* 1, 3 (Carlos A. Magariños et al. eds., 2002).

72. Daniel H. Bays, *Chinese Protestant Christianity Today*, 171 *CHINA Q.* 488, 501 (2003).

73. CHAN & YAMAMORI, *supra* note 9, at 35.

74. *Id.*

75. Webber et al., *supra* note 34, at 84-88.

76. CHAN & YAMAMORI, *supra* note 9, at 34.

77. See BUREAU OF DEMOCRACY, HUMAN RIGHTS, & LABOR, U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2003: CHINA, <http://www.state.gov/g/drl/rls/irf/2003/23826.htm> (last visited Mar. 25, 2004) [hereinafter U.S. DEP'T OF STATE REPORT].

newly emerging markets in Central Asia, Eastern Europe, Southeast Asia, and the Middle East, especially in such commodities as electric household appliances, clothing, and motorcycles.⁷⁸ Many of these merchants are religious believers, and they may also spread their faith along various trading routes. For example, Chinese Christian merchants have already established their own churches or fellowships in most major European cities and in places like Ulan Baator, Mongolia; Bucharest, Romania; Budapest, Hungary; and Khabarovsk, Russia.⁷⁹ Similarly, Chinese immigrants, legal or otherwise, may bring their own local deities along to the new places they settle. In the future, it may be possible for Chinese nationals to practice *Mazu* worship in places like Brooklyn. And for the present, immigrants who revive traditional folk practices are contributing to their local Chinese communities as religious groups may often be among the few associations organized to provide social support and services for their kinsmen.⁸⁰

The exchange of religious ideas between China and the rest of the world is not without its challenges. If accession to the WTO opens doors for Chinese religious believers to have access to other parts of the world, the missiological and ecclesiological significance cannot be underestimated, especially as the Chinese are politically accepted by virtually every nation, even by those missiologically hard-to-access nations such as North Korea, Cuba, and Iraq.⁸¹ Further, there will be new dynamics to be resolved between migrant religious groups and local religious groups, particularly if the groups formed by migrants have a stronger affiliation with their coreligionists at home than with those living next door in the host country. One can imagine the irony of a Chinese protestant group in Wittenberg, Germany that knows nothing about Luther, has nothing to do with the local Lutheran Synod, and, in fact, is an offshoot from

78. CHAN & YAMAMORI, *supra* note 9, at 41.

79. *Id.*

80. This author has encountered numerous forms of folk religious practices as well as a workshop of regional deities by Chinese immigrants who brought these practices from their home towns or villages to North America.

81. CHAN & YAMAMORI, *supra* note 9, at 41 (focusing on the missiological dimension of Chinese Christian business people).

a nonregistered church in Henan and uses hymns printed in Nanjing.⁸²

The resolution of these issues remains uncertain. However, it is certain that, whether as a result of increased intercourse between China and its trading partners or to fulfill a need for constancy in an ever-changing world, religious sentiment is increasing in China, and this increase can be traced to its accession to the WTO.

IV. THE CHINESE GOVERNMENT'S RESPONSE TO THE RELIGIOUS IMPLICATIONS OF WTO ACCESSION

WTO accession ushers in a whole new range of social challenges for the Chinese government to tackle—from labor unrest caused by unemployment to the tensions caused by economic polarization. The Chinese government faces unprecedented challenges trying to lead China back into the international community as a significant power while simultaneously maintaining the CPC's absolute control within China. In the past few years, the Chinese government has conducted a series of studies on post-WTO accession assessments and has formulated policies on the aforementioned political objectives.⁸³

During the past few years, religion was ignored as a minor social issue. But in December 2001, President Jiang Zemin called a Religious Work Conference attended by the full Politburo, the top leaders from all branches of the government, the CPC, and the military.⁸⁴ This conference signified an adjustment in religious policy designed to deal with the religious growth predicted to accompany post-accession social adjustment in China.⁸⁵ At the time, there were debates within the party as to what the religious policy should be when China entered the WTO.⁸⁶ Should the Chinese government let go of its control over religion just as it had done with economic

82. Would such a church infringe upon the sovereignty of the local German church, as strongly suggested by the Chinese authorities?

83. See the government's WTO sectoral assessment report at <http://www.china.org.cn/chinese/zhuanti/pinggu/414383.htm> (last visited Mar. 25, 2004).

84. The full report of this Conference and President Jiang's speech were published in *Renmin Ribao* [*People's Daily*] on December 13, 2002. Subsequent articles commenting on the speech were published in the party's internal bulletin, *Tongxin* [*Communication*], Jan. 2003, 1–20.

85. See *Renmin Ribao* [*People's Daily*], Dec. 13, 2002; *Tongxin* [*Communication*], Jan. 2003, 1–20.

86. This information was gathered by the author from personal communications with a confidential source.

matters when China merged into the global economic world order? Or should the government suppress the growth of religion because, according to party orthodoxy, all religions amount to unscientific worldviews that hinder the progress of the society and ought to be eradicated?

Eventually, this conference adopted a policy built around four basic themes: (1) recognition of religion, (2) containment of religious activity, (3) guidance of religious development, and (4) suppression of nonsanctioned religions, or “evil cults.”⁸⁷ Each of these themes will be discussed in greater detail below. But before doing so, it is important to understand the context in which these themes were adopted.

Just prior to the Religious Work Conference, President Zemin put forward a new theory called the “Three Represents” theory as the CPC’s guiding principle.⁸⁸ The “Three Represents” theory suggested that the CPC represents (1) the best interests of the Chinese people, (2) the most advanced productive forces, and (3) the most advanced culture in China.⁸⁹ In short, Zemin’s theory portrayed the CPC as the only governing party for the goodness of China. In 2002, the Sixteenth Party Congress formally adopted the “Three Represents” theory as the party’s doctrine, thus requiring the whole nation to integrate the doctrine as a guiding principle.⁹⁰

Then, in the spring of 2003, the State Administration for Religious Affairs (SARA) generated a series of study materials incorporating the “Three Represents” theory into the new religious policy drafted by the Religious Work Conference.⁹¹ This section

87. See generally *Meeting Outlines China’s Policy on Religion for the New Century*, XINHUA GEN. NEWS SERV., Dec. 13, 2001 [hereinafter *Policy on Religion*]; Pitman B. Potter, *Belief in Control: Regulation of Religion in China*, 174 CHINA Q. 317, 323–24 (2003).

88. *Constitution of the Communist Party of China*, in DOCUMENTS OF THE 16TH NATIONAL CONGRESS OF THE COMMUNIST PARTY OF CHINA 76 (2002).

89. For details, see <http://www.china.org.cn/english/zhuanti/3represents/68735.htm> (last visited Mar. 25, 2004).

90. Simon Pollock, *Jiang Dropped from Communist Party’s Central Committee*, JAPAN ECON. NEWSWIRE, Nov. 14, 2002, LEXIS, News & Business (“The 16th Congress decided to include Jiang’s ‘Three Represents’ theory in the party constitution, a move observers interpret as helping to ease Jiang out by allowing him to leave behind an ideological legacy to guide the party’s future development.”).

91. One of the most important articles drafted by SARA is Ye Xiaowen, *Dui shehuizhuyi zongjiao wenti de chongxin renshi shenke sikao* [A Deep Reflection and a New Understanding of Religious Issues in Socialist Society], 1587 LILUN DONGTAI [THEORETICAL DYNAMICS] 1 (2003). This journal is a classified publication issued by the party’s academy for internal

paraphrases the new religious policy using Chinese Communist rhetoric. First, because religion maintains longevity, the CPC should actively guide religions to adapt to China's socialist society. Second, since the critical issue for religion is its mass nature (i.e., more than 200 million believers of various faiths in China),⁹² the CPC should vigorously implement the party's policy on religious belief. Third, since religion is complex and unique, the CPC should emphasize the legislative character of religious policy and stress the independent nature of religion in China.⁹³ As for nonsanctioned religions, it is understood that they will be suppressed by legal and administrative means. These themes are elaborated upon in the following sections.

A. Government Recognition of Religion and Mutual Adaptation

First, the Chinese government openly acknowledged that religion has existed and will continue to exist as part of human civilization.⁹⁴ This acknowledgement was an admission that (1) communism may not hold the absolute truth as previously asserted by the party, and (2) religion is a cultural force that cannot be eliminated by administrative measures.

The government's policy did not address the thorny and embarrassing issue of the nature of religion because such a discussion would challenge the party's fundamental interpretation of religion—that is, if religion is a distorted worldview that might be expected to disappear with social progress, as the party has insisted in the past, the existence of religion in a developed society is a phenomenon that refutes communism's teachings on religion. To avoid dealing with this inconsistency, the party took a pragmatic stance on religion, similar to the party's position on economic matters, which is to adopt the market economy while baptizing it as “socialism with Chinese characteristics.”⁹⁵ Likewise, it is pragmatic for the government to tolerate religion and to make the best use of it.⁹⁶

circulation among the senior cadres. The subsequent study materials from SARA are all written within the parameters established by this article.

92. See U.S. DEP'T OF STATE REPORT, *supra* note 77.

93. See Lambert, *supra* note 54, at 124.

94. See *generally* Policy on Religion, *supra* note 87.

95. See Chai, *supra* note 17, at 168. (“The essence of Deng Xiaoping Theory is called . . . ‘building socialism with Chinese characteristics.’”); see also HSÜ, *supra* note 8, at 841–66.

96. Ye, *supra* note 91, at 3–4.

Thus, the government does not encourage the development of religion, but neither does it suppress religion by force.⁹⁷

Instead, the party actively promotes the “truth”—scientific materialism and atheism—to the masses.⁹⁸ On this point, the new policy stressed that there is a categorical difference between party members and religious believers.⁹⁹ Therefore, it emphasizes that no religious believer can be a party member or vice versa.¹⁰⁰ While the party can take in capitalists as party members, no religious believer can join the party because of ideological incompatibility.¹⁰¹

The government has repeatedly emphasized the message that “religion must have mutual adaptation with socialist society.”¹⁰² Literally, this euphemism means that religion must adapt to the Chinese socialist society in which it exists, and Chinese socialist society must also adjust to the presence of religion. In reality, however, the government defines what adaptation is required and by what religion, to the point that religions sometimes have to change or modify their teachings and practices in order to suit the political objectives of the CPC.¹⁰³ In other words, the party provides guidance to religious groups, and these groups are obligated to comply with that leadership.¹⁰⁴ For example, one of the general guidelines given to religious groups in China is that they help the country’s economic development by introducing foreign investors to

97. *See id.*; Potter, *supra* note 87, at 323.

98. Ye, *supra* note 91, at 3–4.

99. *See id.*

100. Org. Dep’t of the Cent. Comm. of the Chinese Communist Party, *Circular Concerning the Appropriate Resolution of the Issue of Communist Party Members Believing in Religions* (Jan. 28, 1991), translated in CHINESE L. & GOV’T, Mar.–Apr. 2000, at 46; *see also* Ye Xiaowen, *China’s Religions: Retrospect and Prospect*, CHINA NEWS & REP., Oct. 7, 2002, at 1, 8–9.

101. Jonathan Mirsky, *Carey Homily Challenges China’s View on Religion*, TIMES (London), Sept. 19, 1994, LEXIS, News & Business (“The policy of freedom of religious belief is not applicable to party members A Communist Party member cannot be a religious believer.” (quoting the Communist Party’s Document 19 of 1982)).

102. “*Jiji yindao zongjiao yu shehuizhuyi xiang shiyong.*” Ye, *supra* note 91, at 6.

103. *See* HUMAN RIGHTS WATCH/ASIA, *supra* note 68, at 8.

104. In compliance with the government’s supervision over religious matters, some religious groups in China began to change their constitutions to reflect this political reality. For example, the China Christian Council (CCC) amended its constitution in May 2002 to note that the “CCC accepts lawful administration by the Religious Affairs Bureau under the State Council” The Constitution of the China Christian Council may be located online at http://www.amityfoundation.org/ANS/Articles/ans2002.10/2002_10_7.htm (last visited Mar. 25, 2004).

China and by contributing to charitable projects and poverty alleviation efforts.¹⁰⁵

There are also specific guidelines for different religions. For example, the government's political guidance to the Protestant church in anticipation of China's accession to the WTO was presented in SARA Director-General Ye Xiaowen's opening address at the Chinese Protestant Representative's Conference, held in Beijing in May 2002.¹⁰⁶ There, he stressed that the Chinese Protestant church must confront the many hostile religious groups that may try to capitalize on WTO accession to gain a foothold in China.¹⁰⁷ Mr. Ye stressed that the Chinese church must step up its anti-infiltration efforts to block this foreign invasion at the same time it cultivates positive relationships with friendly foreign religious bodies to promote the policies and achievements of China.¹⁰⁸

This policy of political guidance reflects the government's stance that religion is simply one of many instruments it may use for political advantage. According to the CPC, the government needs to tightly control religion so that religion can become a positive social force that contributes to the stability of the regime and society in light of the many social changes caused by accession to the WTO.¹⁰⁹ Chinese authorities also recognize that accession to the WTO may trigger a new wave of foreign religious influence.¹¹⁰ In response, the government is making every effort to resist such influence—a stark contrast to the government's policies regarding the economy and commerce, where every effort is being made to embrace foreign elements in order to ensure a smooth integration into the global market.¹¹¹

105. Lambert, *supra* note 54, at 127.

106. Ye Xiaowen, *Opening Speech at the Seventh Chinese Protestant Representative Conference* (May 22, 2002), 4 RELIGION IN CHINA 11, 11–13 (2002).

107. *Id.*

108. See Mickey Spiegel, *Editor's Introduction*, CHINESE L. & GOV'T, Mar.–Apr. 2000, at 4, 9–10.

109. Xiqu (Bob) Fu, *Guest Editor's Introduction*, CHINESE L. & GOV'T, Mar.–Apr. 2003, at 3, 4.

110. See Ye, *supra* note 106.

111. The new president of the CCC, Rev. Cao Shengjie, has issued a strong statement on the "foreign infiltration" issue in a CCC/TSPM working report concerning the future direction of the CCC in its relations with foreign religious groups. See *Working Report of the Executive Committee of TSMP/CCC*, TIENFENG, July 2002, at 4–10. Similar remarks were also heard at the national meeting of all the provincial church leaders responsible for foreign affairs held at Shanghai in August 2002. This meeting emphasized the anti-infiltration issue, whereby

B. Containment of Religious Activity

Second, because China's religious believers number in the hundreds of millions, the Party has adopted a policy of containment, limiting religious activities to a defined area of operation.¹¹² Theoretically, this is a policy affecting the freedom of religious belief, not the freedom of religion. Under this policy, religion is tolerated so long as it poses no threat to the ruling regime and no challenge to established social institutions, such as education and marriage.¹¹³ Ultimately, the party's containment policy is meant to keep religion out of the sociopolitical domain.¹¹⁴

C. Emphasis on Legislation and Independence for Religious Groups

Third, the CPC has recognized that religion is far more complex than previously asserted by party teachings. Religion is no longer viewed simply as a distorted worldview held by the ignorant.¹¹⁵

Consequently, party officials now believe that administrative issues regarding religion should be dealt with as objectively as possible.¹¹⁶ And the enactment of legislation regarding religion has provided the Religious Affairs Bureau (RAB) some objective criteria to be used in handling religious issues.¹¹⁷

Furthermore, the CPC has recognized the complex interaction that exists between religious bodies in China and their overseas counterparts. In response to the increasing foreign contacts stemming from China's accession to the WTO, the CPC has begun emphasizing both the independence of Chinese religious bodies and

churches were admonished to be wary of foreign Christian groups that would use the open climate of WTO accession to gain footholds in China.

112. See, e.g., *Five Provincial Regulations*, *supra* note 66, at 60–68.

113. See XIANFA [Constitution] art. 36 (1982) (P.R.C.), *translated in* CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA 33–35 (1983).

114. See HUMAN RIGHTS WATCH/ASIA, *supra* note 68, at 9–10.

115. Ye, *supra* note 91, at 4–6.

116. Han Fan, *Chong yifa xingzheng kanduo zongjiao shiwu de guanli* [Administration of Religious Affairs in Accordance to Legislation], in CHINA RELIGION, Dec. 2003, at 32–33.

117. See generally Potter, *supra* note 87, at 325–26 (“The Constitution provides authority for specific legislation on the matter of religion China's regulatory provisions on religion include measures of general application as well as edicts that apply to specific conduct or beliefs.”). See also Han, *supra* note 116.

the need for enhanced anti-infiltration action against foreign missionary groups.¹¹⁸

These two themes, legislation and independence, have been implemented and realized as follows. Currently, the government is drafting nationwide and local religious regulations.¹¹⁹ It is also currently understood that the government assumes the authority to define by legislation what is a normal religion and what is not.¹²⁰ In practice, only those religions defined by the government as normal can be allowed to exist legally in China and enjoy the freedoms permitted by state policies and regulations. Those groups that do not fall within the government's definition of a normal religion, such as Falungong, are considered evil cults to be prosecuted by law.¹²¹

Therefore, the government uses legislative means to confine religious groups and their activities to a manageable level.¹²² For example, there are laws and regulations that limit the involvement of religion in the public domain. Religion, therefore, is kept separate from education, marriage, civil affairs, social morality, and all other areas of public domain that are under the party's monopoly.¹²³

In addition to legislation, all religious groups are governed by various organizations falling under the supervision of the RAB.¹²⁴ Thus, the government is expanding and upgrading the RAB in order to meet the increasing demands placed on government resources as religious activity grows in China. Therefore, the government is

118. Potter, *supra* note 87, at 325–32.

119. The government intended to draft a “Law on Religion” in the late 1980s, but the legislation never materialized. See Chan Shun-hing & Lam Sui-ki, *The Transformation and Development of Church-State Relations in Contemporary China: A Case Study of the Catholic Church*, 3 CHING FENG: J. CHRISTIANITY & CHINESE RELIGION & CULTURE 93, 121 (2002).

120. Article 36 of the Constitution asserts: “The state protects normal religious activities.” XIANFA [Constitution] art. 36 (1982) (P.R.C.), *translated in* CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA 33–35 (1983). But nowhere in the documents is “normal” defined or officially interpreted.

121. *Legislative Resolution on Banning Heretic Cults*, CHINA DAILY, <http://www.amityfoundation.org/ANS/Religious%20Laws/reg4.htm> (last visited Mar. 25, 2004); see also MICKEY SPIEGEL, *DANGEROUS MEDIATION: CHINA'S CAMPAIGN AGAINST FALUNGONG* (Human Rights Watch ed., 2002).

122. Potter, *supra* note 87, at 322.

123. CONTEMPORARY CHINA EDITORIAL BOARD, *DANGDAI ZHONGGUO ZONGJIAO GONGZUO* [RELIGIOUS WORK IN CONTEMPORARY CHINA] (1999). Appendix 2 contains relevant sections of the major documents affecting religion: the constitution, criminal law, education law, the Basic Laws for Hong Kong and Macau, Decrees 144 & 145, etc.

124. See Potter, *supra* note 87, at 327.

always aware of what is going on among the various religious groups.¹²⁵ Any group that resists the government's supervision is, legally speaking, considered to be an outlaw guilty of crimes against the state.¹²⁶ The government will feel secure only if religious activity is closely supervised and monitored.

D. Suppression of Nonsanctioned Religions

Fourth, government officials have been alarmed at the emergence of various new religious groups in China.¹²⁷ Some of these groups have been introduced by foreigners, such as Ba'hai, while most are indigenous groups such as Falungong and Eastern Lightning. These groups do not fall into the government's narrowly defined category of "normal" religions. Therefore, they are considered illegal and are targeted for suppression as cults under article 300 of the Criminal Law.¹²⁸

Despite their illegality, these cults seem to attract ever increasing numbers of followers, drawn mostly from the huge pool of unemployed workers or poor, dissatisfied peasants who are given

125. Stephen J. Yates, *China Promoting Freedom and Protecting American Security*, in ISSUES '98: THE CANDIDATE'S BRIEFING BOOK 405, 413 (1998) (Stuart M. Butler & Kim Holmes eds., 1998), <http://www.heritage.org/research/features/ISSUES/98/chap15.html> (last visited Mar. 25, 2004) ("[T]hrough a registration process, the government monitors membership in religious organizations, meetings, religious training, clergy selection, publication of religious materials, and funding for religious activities. This control [is] exercised by the Religious Affairs Bureau . . .").

126. P.R.C. State Council, *Regulations Governing Venues for Religious Activities* (Decree No. 145) (Jan. 31, 1994), <http://www.amityfoundation.org/ANS/Religious%20Laws/reg2.htm> (last visited Mar. 25, 2004). This decree requires state approval for the establishment of venues of religious activity. Registration requires having a suitable building, regular meetings and attendance, proper organization, professional leadership, governing rules, regular income, and payment of a registration fee. Many local regulations and memos have interpreted Decree 145 to mean all sites not approved by the government are treated as illegal.

127. *China's State-Sanctioned Religious Groups Blast US Claims of Violations*, AGENCE FR. PRESSE, May 23, 2003, LEXIS, News & Business ("In recent years, [China] has cracked down on a wide range of religious groups, including about a dozen mainly evangelical groups, after it became alarmed by their popularity, including the Falungong, which the government outlawed as a 'cult' in 1999."); see also Ma Yuhong, *Zai kuoda kaifang de xingshixia jianchi dili zizhu ziban de yuanze* [Uphold the Principle of Independent Self-Management Under the Situation of Expanded Openness], 1587 LILUN DONGTAI [THEORETICAL DYNAMICS] 24, 24–28 (2003).

128. Article 300 punishes the use of superstitious sects, secret societies, or evil cult organizations to "undermine the implementation of the laws and administrative rules and regulations of the State . . ." CRIMINAL LAW, art. 300 (1997) (P.R.C.).

hope by their teachings.¹²⁹ Further, these suppressed religions may echo the antigovernmental sentiments harbored by disenfranchised citizens who believe that the government gave them a raw deal, especially through accession to the WTO.

To the extent that such groups amplify latent antigovernment sentiment, these new religious groups may become a destabilizing force that undermines the government's authority and potentially even the legitimacy of the regime through eschatological religious teachings.¹³⁰ Fully aware of such danger, the government spares no expense to suppress these groups, justifying its action on the basis of political and national security rather than on the basis of religion.¹³¹ Technically speaking, the Chinese government views the suppression of officially unrecognized religious activities, not as an issue of religious liberty but as an issue of national security or criminal law enforcement.¹³² The government has already established a special task force within the Public Security Bureau to target these "evil cults."¹³³ It is expected that there will be more government campaigns to suppress these religious groups as an increasing number of Chinese discontented by the negative economic impact of accession to the WTO join these groups.¹³⁴

V. THE FUTURE OF THE RELIGION-STATE DYNAMIC IN CHINA

Historically, the Chinese civil government has consistently exercised authority in security matters without regard for religious concerns, demonstrating the superiority of state authority over religion.¹³⁵ The Chinese civil authority has traditionally taken a nonreligious stance with regard to state ideology, be it Confucianism

129. Lambert, *supra* note 54, at 127; *see also* Bays, *supra* note 72, at 502.

130. Potter, *supra* note 87, at 336-37.

131. *See* Nat'l Pub. Sec. Bureau, *Notification on Certain Questions Regarding the Identification and Elimination of Evil Cults* (Apr. 30, 2000), <http://www.china21.org> (last visited Mar. 25, 2004).

132. *See, e.g.*, CRIMINAL LAW, art. 300 (1997) (P.R.C.).

133. *See* Luo Bing, *The Secret Plot to Suppress Falun Gong: The Inside Story*, CHINESE L. & GOV'T, Nov.-Dec. 1991, at 91; Fu, *supra* note 109, at 5, 11.

134. *See* <http://www.china21.org> (last visited Mar. 25, 2004) for a report on the increasing number of arrests related to unregistered religious groups.

135. *See* 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* 38-44 (Alan Hunter & Don Rimmington eds., 1992).

or communism.¹³⁶ Furthermore, China has always been a pluralistic country with no single religion dominating others.¹³⁷ Therefore, individual religious groups have always occupied a minority position within the society.¹³⁸

The civil authority once regarded its control over religion as a sacred mandate that it had to maintain in order to be a responsible government and to keep a harmonious society.¹³⁹ As a result, the government did not tolerate any group, including religious ones, that challenged its political authority. Nor did the government allow disharmony to exist among religious groups, for such disharmony could destabilize society at large.¹⁴⁰ So long as a religious group supported the current regime and remained within its state-defined role, the civil authority would tolerate its existence.¹⁴¹

This model of church-state relations has been in practice for almost two thousand years in China, with perhaps a few brief exceptions.¹⁴² And, unlike Western history, in which religion has consistently been one of the major factors contributing to war, there have been very few religiously motivated wars in Chinese history.¹⁴³

There is little evidence to suggest that the present regime will forsake its policy of state control over religion in favor of other models, nor is there any evidence to suggest that China will be the scene of major interreligious conflicts in the days to come. Yet, as this Article has demonstrated, China's accession to the WTO will forever change many aspects of Chinese society. This section discusses the government's likely response to the burgeoning religious movement in China. In particular, this Article argues for (1)

136. R. Lanier Britsch, *The Current Legal Status of Christianity in China*, 1995 BYU L. REV. 347, 348 (1995).

137. Ye, *supra* note 100, at 2.

138. See RELIGION UNDER SOCIALISM IN CHINA, *supra* note 43, at 31–32; Potter, *supra* note 87, at 317.

139. See RELIGION UNDER SOCIALISM IN CHINA, *supra* note 43, at 147 (“[T]he . . . ultimate goal for dealing with religious questions is to unite all religious believers and nonbelievers, and to focus their will and strength on the common goal of building a strong socialist nation. [Thus,] . . . our religious work has gradually turned onto the road of promoting social stability and unity”); see also Chan, *supra* note 135, at 38–44.

140. See Fu, *supra* note 109, at 4–7.

141. *Id.*

142. See Britsch, *supra* note 136, at 348; Ye, *supra* note 100, at 2.

143. The Taiping Rebellion is a contemporary example that devastated half of the country in the late nineteenth century. See JONATHAN D. SPENCE, *GOD'S CHINESE SON: THE TAIPING HEAVENLY KINGDOM OF HONG XIUQUAN* (1996).

greater influence of religious organizations over social policy, (2) increased interaction between religion and nongovernmental organizations or so-called “third sector” groups, and (3) a gradual restructuring of the institutions regulating religion and a steady loosening of state control over religious observance in China.

A. The Influence of Religion over Social Policy

China’s accession to the WTO will trigger a greater flow of overseas capital, resources, personnel, and ideas into China.¹⁴⁴ Many Chinese may encounter different state-religion relationships as they are exposed to societies in other countries.¹⁴⁵ Religious adherents in China may soon become aware that there are many potential forms of church-state relationships and that religious groups can perform roles other than the traditional subservient model currently practiced in China.¹⁴⁶

Thus, as a result of China’s accession to the WTO, religious groups in China may seek an influence in society comparable to their counterparts in other countries, even in spite of attempts by Chinese authorities to curb religious activity and to confine institutions within a specified framework.¹⁴⁷ However, the influence of religious values can extend beyond what government legislation and regulation can control, particularly with regard to the social values and moral imperatives that must always remain outside the reach of statutory law. Consequently, as China is exposed to other parts of the world, religious groups in China may begin to search for a new model of church-state relations, and the influence of religion in China will likely begin to move beyond the traditional institutional framework. Thus, a new church-state orientation could be more tolerant of various religious expressions and more accepting of religious involvements in the sociopolitical arena.

With an ever-changing post-accession society, China will face drastic social upheaval as the general population experiences paradigm shifts in virtually all spheres of life, from housing to travel

144. Lambert, *supra* note 54, at 127.

145. As increasing numbers of Chinese are traveling or residing overseas, they are inevitably exposed to different religion-state contexts.

146. For example, religious groups in many countries, such as India or the United States, can have more social involvement, such as running educational institutions, than their counterparts in China.

147. Lambert, *supra* note 54, at 127.

and from employment to marriage.¹⁴⁸ There will be segments of the population that will gain economically from such changes while other segments will lose. Disenfranchised unemployed workers, internal migrant laborers, bankrupt farmers, and poor pensioners will need to find some means to release their frustration and dissatisfaction as well as seek some relief from their desperate situations.¹⁴⁹ Religion is a readily available means to endow such people with love, care, patience, and hope to confront daily hardships with grace and dignity.¹⁵⁰ Religion may also be used to channel individual dissatisfaction and anger into a powerful political force by those who would either transform society by violent means, or use extreme eschatological teachings to escape from reality.¹⁵¹

Thus, religion in China can turn into a two-edged sword: a social shock absorber or a destabilizing agent. If new religious groups can succeed where the state has failed in satisfying the political aspirations of the Chinese people, it is possible that some of these groups may turn from docile communities into a radical revolutionary movement.¹⁵² Thus, as an ever-increasing number of Chinese embrace religion, this double-edged sword becomes sharper and sharper, and it may become a challenge for the Chinese government to effectively handle this powerful two-edged sword.

*B. The Interaction of Religious Organizations with
Other Third Sector Groups*

Other than religious groups, there are many nongovernmental and civil organizations emerging in China, including charitable groups, consumer rights groups, environmental groups, advocacy groups, and independent think tanks.¹⁵³ These organizations have

148. The government has passed many new pieces of legislation to reflect the changing social institutions in China, one of which is the new marriage law. See Kim-Kwong Chan, *A New Marriage Law in China*, 4 CHINASOURCE 1, 4-7 (2002).

149. Christiansen, *supra* note 30, at 186.

150. See the case studies in chapters 5 and 8 of TETSUNAO YAMAMORI & KIM-KWONG CHAN, *WITNESSES TO POWER: STORIES OF GOD'S QUIET WORK IN A CHANGING CHINA* (2000).

151. See Potter, *supra* note 87, at 332-37.

152. See *id.*

153. See, e.g., Eric W. Orts, *Environmental Law with Chinese Characteristics*, 11 WM. & MARY BILL RTS. J. 545, 562-65 (2003); Dinah PoKempner, *Human Rights & Non-governmental Organizations: Asia's Activists and the Future of Human Rights*, 66 FORDHAM L. REV. 677 (1997).

already gained a social foothold by establishing institutions for their nonreligious activities. Given the opportunity for religion to play a more participatory role in Chinese society, religious groups will have more influence among the population at large, especially with regard to social services and economic development.¹⁵⁴ In doing so, religious groups and religiously based charitable organizations will soon join this emerging class of social groups referred to as the “third sector.”¹⁵⁵

The effect these new groups will have on the Chinese sociopolitical system is somewhat uncertain.¹⁵⁶ However, religious groups within the sector will likely become more popular as they increase their involvement in society. Furthermore, some religious groups—including the Protestants and the Catholics—are well organized and have networks of authority extending beyond the regional level to places most current third sector groups cannot reach.¹⁵⁷ With national networks and international connections, religious groups could be an important element within the third sector to advocate important causes both nationally and internationally.¹⁵⁸ A new alliance may be established, for example, to promote environmental issues between environmental groups, religious groups, and commercial developers. Through such alliances, the third sector has the potential to play a decisive role in China’s sociopolitical arena. And religious groups are poised to take a leading role in forming and directing the social agenda of these alliances.¹⁵⁹

154. Through social services and economic development projects, religious groups can have a chance to contact people they were hitherto unable to reach due to restrictions on religious activities.

155. Carol Hamrin, *Advancing Religious Freedom: Prospects and Prescriptions*, in *GOD AND CAESAR IN CHINA: CHURCH-STATE TENSION IN CHINESE POLITICS AND U.S.-CHINA RELATIONS* (J. Kindroff & C. Hamrin eds., forthcoming 2004) (using the phrase “third sector” to denote civil groups in China that are neither under the government’s control nor part of the private commercial sector).

156. See Potter, *supra* note 87, at 332–37.

157. See Bays, *supra* note 72; Richard Madsen, *Catholic Revival During the Reform Era*, 174 *CHINA Q.* 468 (2003).

158. See Bays, *supra* note 72; Madsen, *supra* note 157, at 474.

159. See Bays, *supra* note 72, at 501–02 (“China has finally joined the World Trade Organization. . . . This might constitute an opportunity for further expansion of Protestantism in China. . . . The size, resources and virtually nation-wide presence of the Protestant movement makes it one of the most important of non-governmental entities in China today.”). This is yet to be seen in China. However, such social phenomena are common in developing

C. Relaxation of Government Control over Religion

The government is moving in the right direction as it anticipates the emergence of various religious issues in post-accession China. On one hand, Chinese authorities want to tackle religion by pursuing the traditional policy of containment and control. On the other hand, Chinese society is changing so radically and rapidly that there is little hope of containing religion and its influences by force or legislative means.¹⁶⁰ The more the government tries to control religion, the more likely it is that religion will turn into a destabilizing force by going underground and drawing discontented social elements to turn against the regime. The more Chinese authorities try to limit international relations in the religious arena, the more various religious and missionary groups will attempt to gain access to China by infiltration. However, if the government allows more freedom and demonstrates more tolerance towards various religions not currently recognized in China, religious groups may become a stabilizing factor that will help to absorb many social shocks caused by accession to the WTO and other economic forces. The more Chinese authorities encourage international religious contact and relationships, the more Chinese religious groups will be stimulated to develop their own unique national identities. Greater ecumenical dialogue between nations will in turn require less reliance on foreign religious groups and diminish the need for infiltration.¹⁶¹ In addition, the advancement of various religions into a truly diverse expression of faith and conviction can facilitate China's effort to achieve a more pluralistic and democratic society. By cultivating a society with sound moral foundations, China will fulfill a necessary criterion for a developed and civilized society.¹⁶²

It will take a lot of courage for Chinese authorities to restructure the system under which religion is administered in China, some aspects of which date back to the Soviet era. For some Chinese authorities, surrendering state control over religion is akin to opening a Pandora's box of issues hitherto unencountered in China's

countries as faith-based nongovernmental organizations are often at the forefront of social programs, similar to the prominent role of Caritas or World Vision in leading developing projects in many countries. See Madsen, *supra* note 157, at 474.

160. Potter, *supra* note 87, at 332–33.

161. See Ye, *supra* note 91, at 7.

162. See Potter, *supra* note 87, at 336.

history. However, the time is ripe for change since China's very concept of religion is based on an outdated European model of religion inherited from Judeo-Christian religious institutions. But as a result of China's accession to the WTO, this and countless other aspects of Chinese society are likely to change.

VI. CONCLUSION

As China's economy assimilates into the international economic order via the WTO, Chinese society, too, will merge with the international community in its culture, trends, lifestyles, knowledge, and religious traditions. As a consequence of accession, religion in China may take on a more international role as religious groups seek closer ties with their international counterparts.¹⁶³ It is inevitable that tensions will emerge between the newly christened religious groups as the government tries to keep abreast of widespread social transformation. The Chinese government should realize the importance of religious liberty in establishing a stable social environment. It should adopt a new policy towards religion by loosening its internal and international control over religion. Such a move would signal China's coming-of-age, religiously as well as economically, as it joins the global community as a major player in the international economic scene.

163. See Spiegel, *supra* note 108, at 9-10.