

Church-State Relations and Their Impact on Christian Charity in China — Retrospect and Preview

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Church-State relations are a big and complicated subject and vary from one country to another. According to experts in the field of law from China and other countries, three or four patterns of Church-State relations prevail in the world today. These are (1) one Church or religion as the State Church or religion such as in Great Britain and the Scandinavian countries; (2) the State and religion are taken as one; (3) separation of Church or religions and State, also called a secular State; (4) the State guides or dominates or controls the religions – various scholars prefer different verbs to describe the situation;¹ this is mainly the Church-State pattern in China now and in Eastern European countries before the early 1990s, as well as in a small number of other countries.

My presentation will concentrate on the Church-State relations, the government institutions administering and supervising religions in China in the past and in the present and their impact on Christian charities today. My paper will include the following four parts:

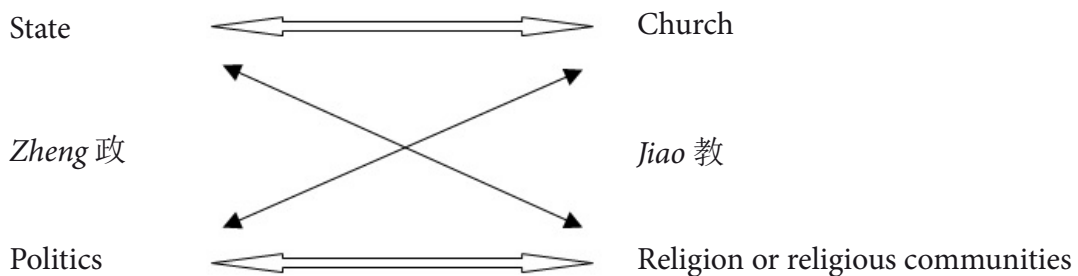
The following text is the contribution of Prof. Wang Meixiu (Institute of World Religions at the Chinese Academy of Social Sciences in Beijing) to the symposium “Faith-based social services in China today,” conducted by Caritas Germany and Jinde Charities in cooperation with the China-Zentrum, Freiburg/Germany, October 18–19, 2012. A German translation has been published under the title “Die Beziehungen zwischen Kirche und Staat und ihre Auswirkungen auf die Arbeit der religiösen Wohltätigkeitsorganisationen in China – Rückblick und Vorschau,” in: *China heute* 2013, No. 2, pp. 93-103. Additions by the editors are in square brackets. The editors are thankful to Fr. Dr. Zbigniew Wesolowski SVD (Monumenta Serica Institute) for his help with editing and editorial additions for Part B which deals with the historical development. Another contribution to the symposium in Freiburg by Deng Guosheng, “The Decline of Foreign Aid and the Dilemma of the Chinese Grassroots NGOs,” has been published in *Religions & Christianity in Today's China* III (2013) 1, pp. 24-31. John B. Zhang's contribution to the symposium, “Walking in Love and Service with China and the Chinese Church,” is also published in this issue of *RCTC*. [Ed.]

- 1 See Chen Fenglin 陈凤林, “Cong zheng-jiao guanxi de yanjin lishi kan wo guo zongjiao fazhan” 从政教关系的演进历史看我国宗教发展 (From Evolution of the Church-State Relations to Religious Development in China), in: *Hebei sheng shehuizhuyi xueyuan xuebao* 河北省社会主义学院学报 (Journal of Socialist College of Hebei Province) 2009, No. 2, pp. 12-14; Liu Peng 刘澎, “Jinri Zhongguo de zheng-jiao guanxi: wenti yu zouxiang” 今日中国的政教关系: 问题与走向 (The Church-State Relations in China Today: Problems and Tendencies), www.21ccom.net/articles/zgyj/ggzhc/article_2011062538010.html (accessed September 1, 2012); Mo Jihong 莫纪宏, “Lun wo guo zongjiao zuzhi de falü diwei” 论我国宗教组织的法律地位 (On the Legal Status of Religious Bodies in China), in: *Jinling falü pinglun* 金陵法律评论 (Jinling Law Review), Spring 2009, pp. 36-47; Ma Ling 马岭, “Xianfa zhong de zongjiao wenti” 宪法中的宗教问题 (The Issue of Religion in the Constitution), website Zhongguo shehui kexueyuan wangzhan 中国社会科学院网站, www.cssn.cn/news/153693.htm (accessed December 26, 2012); Jieruimi · Guning 杰瑞米·古宁 (T. Jeremy Gunn), “Zheng-jiao guanxi moshi” 政教关系模式 (Models of the Church-State Relations), www.pacilution.com/ShowArticle.asp?ArticleID=1480 (accessed October 8, 2012).

- A. First, I will briefly explain what the Chinese characters for Church-State relations mean in the Chinese language context and why confusion arises in this area because of a loose usage of these characters and a lack of mature study of political science, law, and religion.
- B. The second part will discuss the Church-State relations and government institutions to monitor religions from a historical perspective.
- C. The third part will concentrate on the same topic with reference to the present time, as well as on some positions and criticism of Chinese scholars today.
- D. The last part will briefly talk about how government policies influence Christian charities today.

Part A

Modern academic studies on religion and political science have been introduced to China as have many other disciplines. Today the most commonly used Chinese characters for the translation of “Church-State relations” are *zheng-jiao guanxi* 政教关系 instead of *guojia yu jiaohui de guanxi* 国家与教会的关系, which immediately becomes problematic, as the character *zheng* 政 placed together with other characters may compose various terms, like political party (*zhengdang* 政党), politics (*zhengzhi* 政治), or government (*zhengfu* 政府). As a result, *zheng-jiao guanxi* may also mean relations between politics and religion. The diagram shows what is meant by *zheng-jiao guanxi*. The term *guanxi* (关系), a very commonly used expression, means relation or relationship. So we may read the following four relations with regard to the Chinese term *zheng-jiao guanxi*:



When we talk about Church-State relations in English or other international languages, we know clearly what is meant. However, if one says in Chinese *zheng-jiao guanxi*, ambiguities come about at once. As a result, one may find varieties of meaning under the umbrella of *zheng-jiao guanxi*, such as relations between a political party and a religion or religious groups, between politics and religion, between political power and religion or religious groups, between the State and religion, etc., all of which are today discussed loosely in popular as well as academic articles, papers, and even books. E.g., Director Wang Zu’an of the State Administration of Religious Affairs (SARA, also known as Religious Affairs Bureau) authored two articles respectively titled “*Zheng-jiao guanxi* in China in Light of

the Functions of the SARA” and “On *zheng-jiao guanxi* in China Today.”² Prof. Liu Peng, who is known for advocacy of a law on religion [*zongjiao fa* 宗教法] published the article “*Zheng-jiao guanxi* in China Today: Problems and Tendencies.”³ Prof. Zhuo Xinping in his article “On ‘*zheng-jiao guanxi*’” also spoke about these relations.⁴ So it is better to translate the English term Church-State relations as *guojia yu jiaohui de guanxi* 国家与教会的关系 [literally: relations between State and Church] or *guojia yu zongjiao zuzhi de guanxi* 国家与宗教组织的关系 [literally: relations between State and religious organizations] to avoid ambiguities.

Part B

The history of Church-State relations in China is complicated as might be expected since it covers millennia. Generally speaking, the attitude and position of the State towards religious communities on the one hand was to control and utilize them and on the other hand to let them go their own way. This does not mean, as is claimed by some, that the State just dominated religious communities while the religious communities could only obey and follow, that is, in Chinese, *zheng zhu jiao cong* 政主教从 or *zheng jiao zhu cong* 政教主从.⁵ Certainly, the pattern of the State dominating or deciding and the religious obeying is preferred by the present authorities and quoted by Wang Zuo’an, Director of the SARA,⁶ and a National congressman, Prof. Dr. Zhuo Xinping, Director of the Institute of World Religions, Chinese Academy of Social Sciences.⁷

China was and is a country of multiple religions, both in form of institutionalized religion as well as of diffused religion, to use a term of the American sociologist of religion C.K. Yang in his book *Religion in Chinese Society*.⁸ In the Chinese context, institutionalized religions are Confucianism, Daoism, Buddhism, Islam, Christianity, while popular or folk religions are *diffused religions*. Or using terms of other scholars, the former are “big traditions” and the latter are “small traditions.” The very basic beliefs of the majority of the Chinese, the Han Chinese, were the belief in [Tian (Heaven) or] *tianming* (the Mandate

2 Wang Zuo’an 王作安, “Cong guojia zongjiaojuzhi zhineng kan zhongguo zheng-jiao guanxi” 从国家宗教局职能看中国政教关系 (*Zheng-jiao guanxi* in China in Light of the Functions of the SARA), in: *Zhongguo zongjiao* 中国宗教 (Chinese Religion) 2009, No. 11, pp. 5-7; Wang Zuo’an, “Guanyu dangdai Zhongguo zheng-jiao guanxi 关于当代中国政教关系” (On *Zheng-jiao guanxi* in China Today), in: *Xuexi shibao* 学习时报 (Study Times), November 23, 2009, p. 1.

3 Liu Peng, “Jinri Zhongguo de zheng-jiao guanxi: wenti yu zouxiang.”

4 Zhuo Xinping 卓新平, “Lun ‘zheng-jiao guanxi’ 论“政教关系” (On the Church and State relations), website Fojiao zaixian 佛教在线, www.fjnet.com/fjlw/200905/t20090518_121082.htm (accessed June 15, 2013).

5 Zhang Jian 张践, “Zhongguo chuantong shehui zheng-jiao guanxi de lishi tedian” 中国传统社会政教关系的历史特点 (Some Historical Features of the Church-State Relations in Chinese Traditional Society), in: *Zhongguo zongjiao* 中国宗教 2009, No. 3, pp. 32-35; Zhang even claimed that the religious communities must absolutely obey the power of the State in China’s history and under such a context religious communities only played a role of assistance and help.

6 Wang Zuo’an, “Guanyu dangdai Zhongguo zheng-jiao guanxi,” p. 1.

7 Zhuo Xinping, “Lun ‘zheng-jiao guanxi.’”

8 [Under *diffused religion* C.K. Yang understands “a religion having its theology, cultus, and personnel so intimately diffused into one or more secular social institutions that they become a part of the concept, rituals, and structure of the latter, thus having no significant independent existence,” in: C.K. Yang, *Religion in Chinese Society*, Berkeley – Los Angeles 1961, pp. 294ff.]

of Heaven)⁹ as well as worship or veneration of the ancestors. China was an agricultural country with a patriarchal clan system and a hierarchical society, so that the practice of religious worship was hierarchical as well. For instance, the emperors and their family members worshiped the Tian (Heaven) at the Temple of Heaven and local officials were allowed to perform such a practice at the Temple of the Town God (*chenghuang miao*), ordinary people were permitted to worship the village gods in small temples (*tudi miao*). Such traditional and popular beliefs were deeply rooted and wide-spread, parts of them are still influential and visible today though their meaning has changed more or less. This presentation, however, will mainly concentrate on the relations of institutionalized religions with the State rather than speaking about features of Chinese religions.

In imperial China [221 B.C.–1911] the Church-State relationship was a relation between the imperial power and the power of the religious leaders. According to retired Prof. Huang Xinchuan of the Chinese Academy of Social Sciences, from ancient times in China under the Dynasties of Xia, Shang, and Zhou to the last Dynasty of Qing, an absolute monarchy imposed the patriarchal clan system as institutionalized central power in fields of politics, ethical teachings, and religion. Prevalent beliefs of ancient times were used to prove that the power of the emperor and prosperity or transformation of the country came from the divine god.¹⁰ [Religious] Daoism, having undergone some changes, came to terms with the rulers after the Southern and Northern Dynasties (420–589). Buddhism also made efforts to adapt to the local context, because some monks believed that it would be difficult for Buddhism to exist without submitting to the monarch. As a result, beginning with the Southern and Northern Dynasties, the rulers started to support and encourage Buddhism by rewarding and promoting it for their own purpose on the one hand and to take strict precautions and control of it on the other hand. After Islam, Nestorian Christianity, Judaism, and Catholicism as well as other religions had come to the country, the State predominantly adopted policies of control through conciliation, protection, tolerance, and assistance, as well as policies of restriction as supplementary measures in

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- 9 [The God Tian (Heaven) with its mandate (*tianming*) stems from the Zhou-Dynasty (1046–221 B.C.). The Shang-Empire (1600–1046 B.C.) declined due to a rebellion of the Zhou tribes under King Wen. Various Chinese classical writings as well as bronze inscriptions describe how the Zhou kings tried to legitimize their rebellion against the Shang with the help of the concept of *tianming* (Mandate of Heaven) (see footnote 10). The Shang Kingdom despite polytheism believed in an ultimate being, a supreme God called Shangdi (most probably forefather or Lord from above) who was above all deities. To his pantheon belonged deities of nature and deified kingly ancestors.]
- 10 According to Prof. Huang, the concept of the emperor's power from a god [Shangdi/Tian] appears in China as early as during the Xia Dynasty. Its emperor Yu claimed that during his conquest of a tribe named Youhushi "the Tian used me to kill them," and he "punished them as it was pervasively done" (see "Yushi" from *Mozi*). This notion was systematically articulated during the Shang Dynasty and took on a new meaning. As official teaching and literature the book *Shangshu* mentioned *tianming* or order from Shangdi seventy-three times. And in the *Shijing* (Book of Songs) it says "From the Heaven came the great command to make Lord Wen king of the land." "Magnificent is the god on high, surveying mankind from the sky, the god inspected the world beneath to see people live in peace." The great Confucianist of the Han Dynasty Dong Zhongshu (199–104 B.C.) created a theology called correspondence between man and heaven to set Confucianism on a track of theology. Dong thought "the king acted by will of the heaven," the heaven used auspicious signs or disasters to guide the king [...]. See Huang Xinchuan 黄心川, "Lun Zhongguo lishi shang de zongjiao yu guojia de guanxi" 论中国历史上的宗教与国家的关系 (On the Relationship between Religion and the State in Chinese History), in: *Shijie zongjiao yanjiu* 世界宗教研究 (Studies in World Religions) 1998, No. 1, pp. 1-9, esp. pp. 2-3.

order to solidify its own power until the times of the Qing Dynasty. Therefore, the power of the State was stronger than that of the religion.¹¹

For example, [religious] Daoism originated among the peasants from the end of the Eastern Han Dynasty (25–220) and played a role in a large scale peasant uprising called the “Yellow Turban Uprising.” Their political ideal was to realize peace on earth which, however, never came true.¹² To look down upon the worldly power was also part of its early ideas.¹³ Since the Southern and Northern Dynasties the monks had been under pressure to readjust (their convictions) by placing a stronger emphasis on supporting the monarch and on practices aiming at longevity and immortality. Gehong, a well-known Daoist, stated that “the emperor is the Tian (Heaven) and father”; if one wished to have a longer life, one needed to understand loyalty and filial piety as a precondition, or else one would not live longer by relying alone on the practice of Daoist immortal skills.¹⁴ In return for their support, some emperors believed in Daoism, granting it their favor and various forms of assistance, and even invited the priests to perform religious rituals and services in imperial palaces.¹⁵

Buddhism came to China from India at the beginning of the first century or even earlier. It was strongly condemned by the Confucians because the monks left their parents to live in sacerdotal celibacy in temples, which was contrary to Confucian ethics and tradition, and did not kneel before the emperors. However, during the frequent changes and instabilities of small kingdoms, during the Southern and Northern Dynasties, some Southern emperors started to believe in Buddhism for spiritual protection and were in favor of Buddhism. An important Confucian scholar called Hengxuan attempted to have the monks kneel before the emperor but was strongly rejected by the monks. One of them, Huiyuan, argued that if the monks did more charitable work and became a Buddha, they could help the emperor put the world in good order, even without having to kneel before the ruler. Later on many emperors were in favor of Buddhism, claiming that they were told by the Buddha to rule the country and assist the building of temples, help translate and print Buddhist books, make Buddhist sculptures, and provide a living for the monks. Twenty-one emperors of the Tang Dynasty out of the twenty-two were followers of Buddhism. Emperor Wendi of the Song Dynasty, according to Prof. Huang Xinchuan, spent one third of the country’s savings to assist Buddhism.

11 Huang Xinchuan, “Lun Zhongguo lishi shang de zongjiao yu guojia de guanxi,” pp. 1-9.

12 *Ibid.*

13 Wang Shengduo 汪圣铎 – Liu Kunxin 刘坤新, “Cong daojiao nei daochang kan Song chao de zheng-jiao guanxi” 从道教内道场看宋朝的政教关系 (On the Church-State Relations of Song Dynasty Seen from Inner Daoist Rites), in: *Shixue jikan* 史学集刊 (Collected Papers of History Studies), July 2010, No. 4, pp. 65-71, esp. p. 70.

14 See Ge Hong 葛洪, *Lianggui* 良规 (Good Regulations), *Weizhi* 微旨 (Minor Ethos), quoted from Huang Xinchuan 黄心川, “Lun Zhongguo lishi shang de zongjiao yu guojia de guanxi,” p. 3.

15 Wang Shengduo – Liu Kunxin, “Cong daojiao nei daochang kan Song chao de zheng-jiao guanxi,” pp. 70-71. The article points out that the reasons for having Daoist ritual celebrations inside the imperial palaces were to pray for rain, sunny days, and good harvests, to pray for the rulers to recover from deadly illness, for the rulers to go to heaven after their death, to pray for their health and for the country to prosper, etc. There were no fixed places for the imperial ritual ceremony within the palace, but in some palace buildings such ceremonies were often held. Some buildings in the royal palaces were constructed particularly for Buddhism and Daoism. The Daoist ritual sites inside the imperial palaces were strongly directed towards serving the society, the State, and politics. Daoist monks felt proud about having chances to serve there.

Nevertheless, the State also made efforts to monitor and control Buddhism. As early as during the Southern and Northern Dynasties, the State began to establish a special section and name officials to be in charge in case restriction, banning, or suppression was needed. The Buddhists were severely suppressed several times in the course of history, twice during this period. But the most serious suppression of Buddhism took place during the reign of Emperor Wuzong (841–846) of the Tang Dynasty, when over 4,600 temples were demolished, more than 260,000 monks and nuns returned to secular life, 40,000 small temples were pulled down, and thousands of pieces of land were confiscated.¹⁶ This happened partly because Emperor Wuzong preferred Daoism to Buddhism, resulting in conflicts between them so that the Daoist priests convinced the emperor to ban Buddhism; another reason was that the emperor believed there were so many monks and temples that it took a large amount of labor and gold/money to build and support them, so that no other religion hurt the people as much as Buddhism did. It has to be noted that the monks' communities were tax free and free from military service, too.

The State institution to manage Buddhist affairs started from the Northern Wei period (386–534). It was called *zhaoxuan si* 昭玄寺 (Office for the Clarification of Buddhist Profundities)¹⁷ and was established in the central government, its official being a monk. In the Tang Dynasty, this section was called *cibu* 祠部 (Bureau of Sacrifices) and was located under the rites department in the *shangshu sheng* 尚书省 (Department of State Affairs). Its official was a layperson, but who had to be approved by the *cibu* before appointment, which meant the management of Buddhist affairs was part of the secular administration. (There was a special section called *honglu si* 鸿胪寺 [Court of State Ceremonial] to deal among others with the Nestorians.) In addition, to control the population of monks and priests, the Tang (618–907) and Song (960–1279) Dynasties continued with a pass distribution measure and set up a special registration procedure for Buddhist monks and Daoist priests.¹⁸ The State also applied land distribution measures to control their occupation of land and restrict economic activities of the temples and to restrain annexing of land by monk landlords and limit their expansion. Nevertheless, in the opinion of Prof. Huang Xinchuan, such economic interference was only partly successful.

In the Song Dynasty, as more Arabic merchants came for trade, the government in Guangzhou and other places set up the *fanfang* 蕃坊 (an office to deal with the foreigners) with a Muslim in charge. In the Yuan Dynasty (1279–1368), the Muslims were the second class among four classes of inhabitants, lower than the Mongols, but higher than the Han Chinese and those living in Southern China. The State established various offices to deal with the Muslims and set up a *chongfu si* 崇福司 (Commission for the Promotion of Religion), which was later changed to the *chongfu yuan* 崇福院 to deal with the Christians.

16 It's difficult to determine the exact general population of the Tang Dynasty. According to the website wikipedia.org (Weiji baike 维基百科), the population in the year 637 was 12,351,681; and during the reign of Emperor Xuanzong it was around 80 million, zh.wikipedia.org/wiki/%E4%B8%AD%E5%9B%BD%E4%BA%BA%E5%8F%A3%E5%8F%B2#.E7.9B.9B.E5.94.90 (accessed June 10, 2013).

17 [For the English translation of the office names in imperial China here and in the following see Charles O. Hucker, *A Dictionary of Official Titles in Imperial China*, Stanford, California 1985.]

18 Long Xianzhao 龙显昭, "Zhongguo gudai zongjiao guanli tizhi yuanliu chutan" 中国古代宗教管理体制源流初探 (Preliminary Study on Origin and Development of Ancient Chinese Administration of Religion), in: *Zhonghua wenhua luntan* 中华文化论坛 (Forum of Chinese Culture), 2000, No. 4, pp. 91-98.

The Ming (1368–1644) and Qing (1644–1911) Dynasties continued with these management and administration systems and established the *ciji si* 祠祭司 (Bureau of Sacrifices) within the Rites Ministry; they also extended the systems to the provincial and county levels for similar purposes. It has to be noted that some dynasties dealt with the religious communities with one common section and others with a different section for each religion.

Although the State established sections to monitor and manage the religious communities, it was also very interested in their function of helping to keep society in order and in their teaching of their followers to be good persons, which would ultimately benefit the country and the regime. So the authorities only cared about important and influential religious masters and leaders, not common monks and nuns or priests who either had or did not have a pass from the authorities. This is partly the reason why since the Tang Dynasty Buddhism developed some major denominations, such as Huayan, Pure Land, Tiantai, Chan; each grew well and had its own followers and bases which were called holy mountains. During the early years of Emperor Kangxi's reign around 1662, according to statistics of the Ministry of Rites, there were 6,073 officially built large temples and 6,409 small temples; and there were 8,458 unofficially built large temples and 58,682 small temples. There were 110,792 monks and 8,615 nuns. In 1736 (fourth year of Emperor Qianlong), the Rites Ministry distributed 340,000 official passes to the monks and nuns. And towards the end of the Qing Dynasty, their number grew to 800,000.¹⁹

One of the government measures to control and restrict religious growth was to limit the number of passes issued to the religious personnel. For example, in the early years of the Ming Dynasty, the emperor permitted distribution of the official passes only once in three years, and then only once in five years, later on even only once in ten years. Emperor Chengzu stipulated that in the capital cities of the provinces only forty official passes were to be given out, in each prefecture (*zhou*) only thirty were to be distributed, and in each county only twenty were allowed. According to this regulation, 36,000 official passes were possible, which was far from reality. So there were great numbers of monks, nuns, and priests without official passes. The official Codex of Great Qing published during Emperor Kangxi's reign mentions that Buddhism and Daoism were useful and not to be banned, but needed to be restricted, otherwise they might spread. In 1667, according to official statistics, there were 110,291 Buddhist monks, 21,286 Daoist priests, 8,615 Buddhist nuns, giving a total of 140,192. During the 60 years from Emperor Kangxi to Emperor Yunzheng (1676–1735), no official passes were given out in order to limit the number of Buddhist monks and Daoist priests, with the result that some became professional religious in popular religions such as LuoJiao or the religion of Eight Trigrams, and some later even became involved in uprisings like the Taiping Rebellion or Muslim rebellions.

During the Republic era (1911–1949), the Constitution prescribed that the citizens enjoyed the rights of freedom of religion, freedom of speech, of publication and of association. The great Confucian Kang Youwei attempted to introduce Confucianism as State

19 Jin Ze 金泽, "Qing dai zongjiao wenhua zhong de ru shi dao san jiao" 清代宗教文化中的儒释道三教 (Confucianism, Buddhism, and Daoism in the Religious Culture of the Qing Dynasty), www.fjnet.com/fjlw/200905/t20090519_121333_4.htm (accessed June 9, 2013).

religion but failed. He was strongly criticised by the Catholic ex-priest Ma Xiangbo. Certainly, the Republic years were a good time for Christians.

In conclusion, during most of the time before 1949, institutionalized religions in China were weaker than the State and tended to collaborate with it, and the State took advantage of them, assisted and controlled them at the same time. In such a context the religious communities grew and were transformed and even developed beyond what was expected. The religious professionals either practiced their faith without official passes or developed various denominations or even combined it with popular faith and practice. Some former Buddhist monks or Daoist priests became involved in popular and sectarian movements because of being unable to get the official permission to be professionals. Meanwhile, it is obvious that there are many other negative effects brought about by the Church-State relations in the past besides those mentioned above, such as politicizing, corruption, loss of esteem for the religious masters and leaders, loss of vitality and renewal of the communities, which can be felt even until today.

Part C

There has been both great continuity and discontinuity in the relations between Church and State in China since 1949. Although the Constitution of the People's Republic of China has been changed several times, freedom of religious belief has always been there, except for some minor changes of wording. But as some Chinese law experts have claimed, the Church-State relationship in China is a particular case unique in the world today.

It is clear that the Chinese Communist Party (CCP) claims to be and also is the leader of the country in terms of creation of the government, the National People's Congress, the National Political Consultative Conference, the military, and even the so-called democratic parties and non-governmental organizations. The Party and the governmental structure in charge of religious affairs, according to my personal and humble understanding which may not be correct, is the following: the United Front as a department of the CCP is responsible for policy-making and plays a leading role within this structure. The SARA as a section of the State Council has to carry out the policies and to speak on religious affairs to religious and non-religious audiences alike, both at home and abroad. Some other ministries also share responsibilities in this area, to keep society in order and prevent any social disorder. It is certain that the SARA, being most frequently mentioned in the media, is the major office to deal with the religious communities acknowledged by the government, namely the five big religious organizations Buddhism, Daoism, Islam, Protestant churches, and Catholic Church.

The Church-State relationship has changed from time to time as the CCP's understanding of religion shifted from religion as people's faith in the early 1950s to the concept of opium of the people from the late 1950s to the late 1970s, and then to religion as a social reality and a need of the people since the early 1980s. This is a development from an ideological counter-religious attitude to the pragmatism of guiding the religious adherents to adapt to the Socialist society, while freedom of religious belief has been at all times written

into the Constitution.²⁰ So the question is raised, what is meant by freedom of religious belief in Article 36 of the Constitution? Does this mean the Chinese are free to believe in a religion according to their own mind or that they may believe in a religion and practice it accordingly? After the study of the Constitution and various national and local regulations, the experts of civil law and constitutional law stated that there are no laws on religion and no articles on religion in the Constitution except Article 36. Other official documents on religion are either regulations by the State Council or by the governments or People's Representative Conferences of provinces, metropolitan cities, or autonomous regions or other local levels. One will not find wording such as separation of the Church from the State in these documents and regulations or in the Constitution. It is clear that there are many reasons for this, one among them is that it is so difficult to define the legal status of what a religion or a religious legal representative or a religious body or entity enjoys. Or to put it simply, the question is, what is the legal status of a religious body in China and could a law possibly define it. If it did, could one imagine how many religious organizations or bodies, in addition to the five officially recognized religious groups, would come up and apply for registration based on it?

That is partly the reason why the "Regulations on Religious Affairs" were passed by the State Council in late 2004 and took effect in March 2005. Wang Zuo'an, present director of the SARA, said in his review and reflection on legislation of religion:

It must be above all clear what relationship the Party and the government have with religious bodies and religious meeting places before legislation of religion may take place. That is to find a solution to the issue of the Church and State relations [...] Document 19 of the Central Committee of the CCP passed in 1982 did not clearly raise this issue [...] but brought forward some important principles regarding it. E.g., "the crux of the policy of freedom of religious belief is to make the question of religious belief a private matter, one of individual free choice for citizens. The political power in a Socialist state can in no way be used to promote any one religion, nor can it be used to forbid any one religion, as long as it is only a question of normal religious beliefs and practices. At the same time, religion will not be permitted to meddle in the administrative or juridical affairs of state, nor to intervene in the schools or public education."²¹

He continued quoting the document saying that

All places of worship are under the administrative control of the Bureau of Religious Affairs, but the religious organizations and professional religious themselves

20 Wang Zuo'an 王作安, "Wo guo zongjiao lifa de huigu yu sikao" 我国宗教立法的回顾与思考 (Review and Reflection on Legalization of Religion in China), in: *Shijie zongjiao yanjiu* 世界宗教研究 (Studies on World Religions) 2008, No. 3, pp. 1-11. In his article [on the development in the 1950s] he writes: "Unfortunately, due to serious changes within the political situation a further discussion of the question of adapting the relationship Church-State to Socialism was stopped. At the end of the 1950s wrong influences from the 'left' began to spread within the Party's way of thinking with regard to religious work. In order to 'foster the drop in religion,' 'religious free zones' were established on a trial basis. The Cultural Revolution resulted in extreme administrative decrees and even measures of violence in order to put an end to religion."

21 Wang Zuo'an, "Wo guo zongjiao lifa de huigu yu sikao," p. 1. English quotation in the text from Donald E. MacInnis, *Religion in China Today. Policy & Practice*, Maryknoll, New York: Orbis Books 1989, p. 15.

*are responsible for their management. [...] All patriotic religious organizations should follow the Party's and government's leadership. Party and government cadres in turn should become adept in supporting and helping religious organizations to solve their own problems. They should not monopolize or do things these organizations should do themselves.*²²

He concluded that these important principles have made clear that the separation of the Church from the State is a main feature regarding the Church-State relations in China. Beginning from 1991 after Document 6 was published, the SARA and local governments started to make regulations for religions. Some local governments and local People's Representative Conferences passed official regulations first and then the State Council passed two regulations in 1994. One of them is to regulate religious activities of foreigners in China; the other is on places of religious activity. According to Wang Zuo'an, these two documents were the first official regulations on religion [on a national level] since the P. R. China was established, marking a breakthrough in the area. Later in 2004, national "Regulations on Religious Affairs" were published, which can be regarded as the most important governmental legal document [on religion] so far.²³

Wang Zuo'an stated that the aim of the "Regulations on Religious Affairs" is to protect the freedom of religious belief of the citizens, defend the religious and social harmony, and regulate the administration of religious affairs. They describe the rights, responsibilities, and duties of the religious on the one hand and what the government departments are supposed to do on the other hand. He called them a milestone on the long road in the process of the legislation of religions by the State.²⁴ He added that in addition there were 55 regulations regarding religion passed by 30 provinces, autonomous regions, and municipalities such as Beijing, Shanghai, and Tianjin, concerning religious organizations, sites for religious activities, religious personnel, activities, publications, properties, and religious communication with foreigners.

The "Regulations on Religious Affairs" by the State Council have 6,000 characters, composed of seven chapters and 48 articles. They prescribe that the citizens enjoy freedom of religious belief (Art. 2). The State, in accordance with the law, protects normal religious activities and safeguards the lawful rights and interests of the religious bodies, sites for religious activities, and religious citizens (Art. 3). All religions shall adhere to the principle of independence and self-governance. Religious bodies, sites for religious activities, and religious affairs are not subject to any foreign domination. The religious bodies and personnel may develop external exchange but without any preconditions (Art. 4). The religious affairs department of the people's government at or above the county level shall, in accordance with the law, exercise administration of religious affairs that involve State or public interests, and the other departments of the people's government at or above the

22 Zhong Gong Zhongyang wenxian yanjiushi zonghe yanjiuzu 中共中央文献研究室综合研究组 (Document Study Section under the Chinese Communist Party Central Community) *et al.* (eds.), *Xin shiqi zongjiao gongzuo wenxian xuanbian* 新时期宗教工作文献选编 (Selected Documents for Religious Work During the Opening-up New Period), Beijing: Religious Culture Publishing House 1995, pp. 60 and 64-65. English quotation from Donald E. MacInnis, *op.cit.*, pp. 18 and 19.

23 Wang Zuo'an, "Wo guo zongjiao lifa de huigu yu sikao," pp. 1-11.

24 *Ibid.*

county level shall, in accordance with the law, be responsible for the administration of relevant affairs within the limits of their respective functions and duties (Art. 5). The establishment and alteration of religious bodies, the internal publication of religious readings, the establishment of institutes for religious education, the collective religious activities, the establishment of sites for religious activities, the leadership selection for religious places, the selling of religious articles, artworks, and publications in the sites for religious activities, the building of large-size outdoor religious statues outside the sites for religious activities are all to be regulated by the governments. Only religious personnel who are determined qualified as such by a religious body and reported for the record to the religious affairs department of the people's government at or above the county level may engage in professional religious activities.²⁵ In a word, after studying the "Regulations" and other basic policies, one may find that the main feature of the Church-State relationship is a government dominated style, since it regulates so many aspects of religious communities and organizations.²⁶

Prof. Liu Peng called it a typical government controlling pattern, since the administration of religious affairs is run by the government departments for religious affairs. At the same time the officially approved religious organizations are responsible for the control of the religious personnel, religious sites, and activities. Religious issues in society are dealt with mainly by government sections for religious affairs. And religious believers take part in religious activities guided by the officially approved religious organizations.²⁷ In this State controlling Church pattern, Liu Peng argued, the government and the religious organizations are not separated and not independent from each other. In his opinion, their relation is that the State administers and controls and the religious organizations are to be controlled. The government religious affairs sections not only guide through political directions but also supervise personnel arrangement, finances, and religious activities, clergy education, exchange with international groups, and the growth of the faithful within these organizations.²⁸ In this Church-State relationship pattern, the life of the religious organizations is interconnected with the work and interests of the religious affairs departments, good or bad. The religious organizations follow the government guidance, and in return they are given political and legal legitimacy, even financial support and other conveniences.

Some scholars also pointed out that the Constitution and other regulations contain wording of freedom of religious belief, without mentioning the freedom of religious practice. And religious freedom also means freedom to choose religions, but right now there are only five approved religious organizations to choose from, which is far from what freedom means. Therefore, there is a lot to be improved.

25 Quotations from the "Regulations on Religious Affairs" according to www.sara.gov.cn/zcfg/xzfg/507.htm.

26 Mo Jihong, "Lun wo guo zongjiao zuzhi de falü diwei," pp. 36-46.

27 Liu Peng, "Jinri Zhongguo de zheng-jiao guanxi: wenti yu zouxiang."

28 *Ibid.*

Part D

Religious charities have a long tradition in China. The Buddhists began with organized charities named House of Mercy as early as in the Northern Wei Dynasty, and in the Song Dynasty it became a nation-wide charity and the name changed to House of Joyfulness, running shelters for the elderly, the orphans, the sick, for the homeless, and doing disaster relief work. During the Ming and Qing Dynasties, the charity institutions of Buddhism, Daoism, and Christianity did great service in this area. After 1949, however, all religious charities were thought to be means of the ruling class to cheat the people. By the end of 1953, there were 419 charitable institutions and more than 1,600 welfare and relief groups, which were taken away and turned into institutions affiliated with the government departments. There were no non-governmental and faith-based charitable groups until the 1980s.²⁹

Since China's opening up to the outside world, the religious charities became alive again, first at the individual level and then institutionally, from individual help to systematic and permanent relief. Maybe it was Catholic female congregations who first started charities and social service when they gradually recovered or were newly set up in various dioceses, doing their traditional work of caring for the orphans and disabled. In the 1980s Buddhist, Catholic, and Protestant charitable institutions reappeared; among them the Amity Foundation set up in April 1985 under the influence of Bishop K.H. Ting is well known at home and abroad. Because there were no official policies or regulations from the Central government to support or discourage such religious social services, local religious affairs officials did not know how to respond to faith-based social services because they had no instructions and guidance to follow. However, the faith-based social service institutions and foundations gradually took shape and were welcome at the grass-root level. For example, the Beifang Jinde group led by Fr. John Baptist Zhang was established in May 1997, and the Shaanxi Catholic Social Service Center of Xi'an Diocese was founded in 2002. The former, under the umbrella of the Catholic Patriotic Association and the Catholic Church Affairs Committee of Hebei Province, was approved by the provincial government the following year and became the first Catholic NGO/NPO approved officially. In 2006, it was permitted to register with the Section of Civil Affairs of the province. In 1994, the Nanputuo Charity in Fujian Province registered with the provincial Section of Civil Affairs and became the first Buddhist charitable organization in Mainland China. By June 2006, according to Qi Xiaofei, Vice Director of the SARA, who spoke on November 20, 2008 at the conference "Disaster Crisis and Buddhist Charities," there were over sixty Buddhist charity organizations; among them over ten were on the provincial level, the others were on the county level. He believed that there were many more unregistered Buddhist institutions engaged in charity work.³⁰ The same could be said about other religions, in-

29 Cao Siyuan 曹思源, "Zongjiao cishan yu shehui baozhang zhidu gaige" 宗教慈善与社会保障制度改革 (Religious Charity and Institutional Reform of Social Security), www.fjnet.com/fj/w/201006/t20100628_159441.htm (accessed October 2, 2012).

30 Qi Xiaofei 齐晓飞, "Guanyu fojiao cishan huati de ji dian sikao - Qi Xiaofei fujuzhang 2008 nian 11 yue 20 ri zai 'zainan weiji yu fojiao cishan shiye' luntan kaimushi shang de shumian zhici" 关于佛教慈善话题的几点思考—齐晓飞副局长2008年11月20日在“灾难危机与佛教慈善事业”论坛开幕式上的书面致辞 (A few Thoughts

cluding the Catholic Church. Obviously, the lack of official policies and regulations from the Central government and the Party is the main barrier. As Mr. Cao Siyuan, President of Beijing Siyuan Center for the Study of Social Sciences, stated, it was difficult to understand why nothing was said about religious charities in mainland China in the official “Guiding Outline of Charity Development in China (2006–2010)” published by the Ministry of Civil Affairs in November 2005.³¹

I checked the website of the SARA on its reports on charities from when it started in August 2005 up to now and found something very interesting. On December 7, 2005 the website released its first news reports on charity from the Hubei provincial Ethnic and Religious Affairs Committee regarding local Buddhist monks’ donations and a visit led by local officials of the same section to a few high school students who were hurt during an earthquake a month before.³² And then, over two years later on February 3, 2008, it gave a second report on Chairman Jia Qinglin’s talk on the previous day to leaders of the five religious organizations at their annual meeting before the Spring Festival. In his speech, Chairman Jia of the People’s Political Consultative Committee called on them and religious communities to make contributions, among several other issues, to people hit by snow and frost in the Southwest provinces and help to win this battle.³³ And the same day, the Party branch of the SARA had an emergency meeting to make relief arrangements for the disaster areas and to encourage the religious believers to give donations to them.³⁴ Thus followed the first wave of donations and reports of religious relief work during the disaster.

The second wave of religious relief donations and reports took place when the big earthquake happened in Sichuan Province on May 12, 2008. The SARA also gave a call to the religious communities and made various arrangements. The religious believers at home and abroad made unprecedented contributions, heavily covered by the media. Of course, even if the SARA had not made the call, the religious communities would have done the same voluntarily.

Then on November 20–21, 2008, the Chinese Religious Culture Exchange Association of the SARA, the Chinese Buddhist Association, and the Buddhism and Religious Theory Study Institute sponsored a forum “Disaster Crisis and Buddhist Charities” in the Nanpu-

on Buddhist Charity – Opening Speech at the “Disaster Crisis and Buddhist Charities” Forum Held on November 20, 2008, by the Vice Director of the SARA Qi Xiaofei), website State Administration for Religious Affairs of P.R. China, www.sara.gov.cn/xwzx/xwj/2374.htm (accessed September 1, 2012).

31 Cao Siyuan, “Zongjiao cishan yu shehui baozhang zhidu gaige.”

32 Hubei minzongwei 湖北民宗委 (Ethnic and Religious Affairs Committee of Hubei Province), “Hubei Yangxin xian zongjiaojie renshi qingxi dizhen zaiqu shoushang xuesheng” 湖北阳新县宗教界人士情系地震灾区受伤学生 (Religious Professionals from Yangxin County, Hubei Province, Closely Connected with the Wounded Students in the Earthquake Area), December 7, 2005, www.sara.gov.cn/xwzx/xwj/3831.htm (accessed August 2, 2012).

33 “Jia Qinglin yu quanguoxing zongjiao tuanti fuzeren juxing yingchun zuotan” 贾庆林与全国性宗教团体负责人举行迎春座谈 (Jia Qinglin Had a Regular Pre-Spring Festival Talk with Those in Charge of the National Religious Bodies), February 3, 2008, www.sara.gov.cn/xwzx/xwj/4104.htm (accessed August 3, 2012).

34 Jiguan dangwei 机关党委 (Party Committee) “Guojia zongjiaojie dangzu zhaokai jinji huiyi bushu jiuzai juankuan gongzuo” 国家宗教局党组召开紧急会议部署救灾捐款工作 (The Communist Party Committee of the State Administration for Religious Affairs of the P.R. China Called an Urgent Meeting to Make Arrangement for Disaster Relief and Donation), April 2, 2008, www.sara.gov.cn/xwzx/xwj/4097.htm (accessed September 2, 2012).

tuo Temple, Xiamen, Fujian Province. The Vice Director of the SARA, Qi Xiaofei, gave an opening speech, highly praised the religious contributions and reflected on religious faith resources in promoting such relief. He pointed out that many foundations and charities had not registered yet, there were many problems in terms of system and standard. The charities in China were just beginning and could not be compared with overseas organizations in light of depth and width.³⁵ In early January 2009, when a national work meeting on religion was held in Beijing, Jia Qinglin also praised the contributions of the religious communities in 2008 and made positive remarks. But when he talked about religious work of the country in 2009, he mentioned four points but regrettably without further promotion and encouragement of religious charities and social relief.³⁶

The third wave of news coverage of religious charities took place from May 10, 2010 after the earthquake on April 14, 2010 in Yushu, Qinghai Province. On that day when some religious charities had been doing relief work there for a few days already, the SARA sent an open letter to the religious communities and praised their work and contribution there and called on them to beware of dividing the effectiveness and to work under the leadership of local governments.³⁷

The fourth wave of news coverage on the website of the SARA on religious charity and social work began from September 17, 2012 when a so-called Charity Week [of religions] originated with a call from the five recognized religious organizations. At the opening ceremony of the Charity Week, Wang Zu'an said that within the last five years, the religious communities across the country donated about 3 billion RMB.³⁸ After the Charity Week guided by the SARA opened, the five organizations of each province, autonomous region, and municipality countrywide started their own Charity Week led by local branches of the SARA.

A review of these news coverage, reports, and speeches gives the impression that the religious charity actions reported, besides those reported by religious communities, were partly started by themselves and partly were promoted, encouraged, and permitted by the governments. If the SARA had not given a call, they would have done it on a small scale and in an unnoticed way. Therefore, the SARA still played a dominant role anyway, like it or not.

As to the laws and regulations for charities and social service, before publication on February 27, 2012 of the "Views on Encouraging Religious Groups to Carry Out Charitable Activities and the Regulation of the Same" by five government ministries and the United Front of the CCP, there were no particular regulations for faith-based charities or social service. The "Regulations on Religious Affairs" published in 2004 have only Article 34 on this subject, saying

35 Qi Xiaofei, "Guanyu fojiao cishan huati de ji dian sikao."

36 "09 nian quanguo zongjiao gongzuo huiyi zhaokai, Jia Qinglin fabiao zhongyao jianghua" 09年全国宗教工作会议召开, 贾庆林发表重要讲话 (Jia Qinglin Gave an Important Talk at the National Meeting on Religious Work Held 2009), January 7, 2009, www.sara.gov.cn/xwzx/xwjj/2506.htm (accessed September 2, 2012).

37 "Zhi zongjiaojie de gongkai xin" 致宗教界的公开信 (An Open Letter to the Religious Believers), May 10, 2010, www.sara.gov.cn/ztzz/ysdzzzt/ysdzbwzg/282.htm (accessed September 2, 2010).

38 "Zongjiao cishan zhou' huodong qidong" "宗教慈善周" 活动启动 (Religious Charity Week Started), www.sara.gov.cn/xwzx/mtjj/16531.htm (accessed September 4, 2012).

A religious body or a site for religious activities may operate public undertakings according to law, and the proceeds and other lawful income therefrom shall be subject to financial and accounting management, and be used for the activities that are commensurate with the purpose of the religious body or the site for religious activities, or for public undertakings.

But even cadres from the SARA mentioned that this is not workable.³⁹ Other regulations demand from the NGO/NPOs two million RMB to register in order to prevent small faith-based organizations from registration. But as mentioned above, many faith-based organizations, registered or not, small or big, have been involved in charities and social service in the field, and have made contributions. It would appear good to make it less difficult for them to register so that the authorities can know better who they are and where they are and what they do in case anything unexpected happens. In such a context, after years of work and two special meetings sponsored by the SARA on investigation of faith-based charities, one in the North, the other in the South, the “Views on Encouraging Religious Groups to Carry Out Charitable Activities and the Regulation of the Same” came out. Certainly, this document may help many small charities to solve the registration problem that troubled them for many years. And it may also help them implement the systems of the State for the administration of financial and accounting affairs and taxation. They may also enjoy preferential treatment in terms of tax reduction or exemption in accordance with the relevant provisions of the State on taxation. Another purpose of the document is to guide the faith-based charities to emphasize their social service and public undertaking and give less emphasis to their religious orientation.⁴⁰

In conclusion, after the above-mentioned review, one may still find in the area of social service in connection with the Church-State relations, that the religious bodies are the main players, but the State is the decision-maker that is capable of opening the door wider and making the job less difficult. Anyway, the document is still a good sign and may even this far offer many opportunities. But, we will have to remember although the encouraging document has been published, it will take time for the local governments to implement it. So far it seems that the SARA's work is still a political movement style in the area as shown above. And then we'll have to ask ourselves, will this Charity Week be cooling down after a while? Will the local officials of the local SARA branches support the religious to do faith-based social service when the SARA of the central government does not constantly push them to do so? Let's wait and see.

39 “Guojia zongjiao shiwuju zhengfasi: wo guo zongjiaojie kaizhan gongyi cishan huodong de huigu yu zhanwang” 国家宗教事务局政法司: 我国宗教界开展公益慈善活动的回顾与展望 (Section for Policies and Regulations under State Administration for Religious Affairs of P.R.C.: Review and Prospect of Charity Activities by the Religious Believers in Our Country), in: *Zhongguo zongjiao* 中国宗教 (China Religion) 2011, No. 4, pp. 11-17.

40 Han Song 韩松, “Wo guo zongjiao beijing de gongyi cishan zuzhi moshi he weilai zouxiang” 我国宗教背景的公益慈善组织模式和未来走向 (Models of Faith-Based Charity Organizations and Their Tendencies in China), website Foyan wangzhan 佛缘网站, www.foyan.net/article-383032-1.html (accessed September 12, 2012).

Concluding Remarks

After review and reflection, we find that there's much continuity in the Church-State relations from the imperial past to the present. The religious bodies are weak, the State is still playing a dominating role in its so-called guiding and supervising religious bodies, including faith-based social services as well. The Constitution guarantees freedom of religious belief for all Chinese. But official policies on religion require that the five religious bodies and communities officially recognized must be independent from foreign powers. They may have free worship, but must be regulated in other aspects of religious life such as the registration of Christian congregations and religious personnel and sites, the appointment of the clergy, the setting up of schools, building churches, and publishing newspapers as well as printing books, etc. It is good that the door was opened even wider for faith-based social services in February 2012 and that a real Spring may hopefully come for them soon so that they can assist more people in urgent need that will benefit them and the Chinese society at large.