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Managing Religion in Contemporary China: the Case of Islam

Focusing on the example of Islam, this article examines the legal development and practical implementation of religious policy in the People's Republic of China (PRC) since 1978, with emphasis on the last decade. The author first identifies the main principles guiding contemporary PRC management of religion and scrutinizes some of the key legal concepts, e.g., "normal religious activities". She then critically assesses the 2005 Regulations on Religious Affairs, before highlighting how the loose legal formulations allow identical or similar religious beliefs and activities to be treated differently in practice. This is achieved by comparing state attitudes to issues of training religious professionals, religious participation of minors, religious expression of state employees and students, and freedom of religious press in the cases of the Hui and Uyghur ethnic minorities. The author concludes that despite China's supposed attempt to introduce the rule of law into the management of religion, the distinction between legal and illegal religious activities remains circumscribed by the question of political loyalty.

Keywords: China, Islam, religious policy and regulation, Hui, Uyghur

Upravljanje verskih zadev v sodobni Kitajski: primer islama

Pričujoči članek na primeru islama ter s poudarkom na zadnjem desetletju obravnava pravni razvoj in praktično implementacijo verske politike v Ljudski republiki Kitajski (LRK) od leta 1978 dalje. Avtorica najprej opredeli glavna načela, ki vodijo sodobno kitajsko upravljanje verskih vprašanj, ter preuči nekatere ključne pravne koncepte (npr. "normalne verske aktivnosti"), potem pa kritično oceni še Pravilnik o verskih zadevah iz leta 2005. Avtorica primerja odnos države do problematik usposabljanja verskega osebja, verske participacije mladoletnih oseb, veroizpovedi državnih uslužbencev, dijakov in študentov ter svobode verskega tiska v primerih huijevske in ujgurske etnične manjšine. S to primerjavo pokaže, da ohlapne pravne formulacije v praksi omogočajo različno obravnavo identičnih ali podobnih verskih prepričanj in dejavnosti. Avtorica sklene, da je ločnica med zakonitimi in nezakonitimi verskimi dejavnostmi v LRK še vedno začrtana okrog vprašanj politične lojalnosti, kljub domnevnim poskusom uvedbe vladavine prava v upravljanje verskih zadev.

Ključne besede: Kitajska, islam, verska zakonodaja, Huiji, Ujguri

1. Introduction 115

Like most other things, the Chinese religious landscape has changed profoundly since the start of the reform period in 1978. Painted negatively during various political campaigns from the late 1950s on, and banned during the Cultural Revolution, religion has re-emerged as increasingly significant social force. The population census of the People's Republic of China (PRC) does not enquire about religious affiliation and no nationally representative surveys have been carried out on the topics of religion and religiosity. Thus, there is no precise information about the number of religious believers in the country. Official estimates in the white paper Freedom of Religious Belief in China (1997) speak of some 100 million believers. Nevertheless, according to one fairly reliable study conducted between 2005 and 2007, 31.4 per cent of those aged 16 and above, or about 300 million people, in China are religious (Wu 2007). Three Horizon Research Consultancy Group surveys conducted in the same time period found that only 14–18 per cent of adult population proclaimed religious affiliation, the largest number of whom profess themselves as Buddhist (Grim 2008). However, the study has an urban bias and is thus only representative for a half of China's adult population. A differently structured 2005 Pew poll found that "approximately three-in-five Chinese express belief in the possible existence of one or more supernatural phenomena, religious figures or supernatural beings that are often associated with Confucianism and popular forms of Chinese folk religion" (Grim 2008).1

The fastest growing religion in China is Christianity. While the data provided to Pew by the Chinese Embassy in the United States in 2006 claim 21 million registered Christians (making a 50 per cent increase from the 1997 white paper), other estimates speak of an additional 50–70 million unregistered Protestants participating in underground house churches and 7 million unregistered Catholics (Grim 2008). Muslims, who are the focus of this article, number around 20 million people. Official figures are achieved by adding up the population of the 10 minority ethnic groups that traditionally believe in Islam, and no serious estimates suggest more than 25 million people.

These numbers may seem surprising, given the party-state's poor reputation for its treatment of religious believers and practitioners. The harshest scrutiny of China's religious policy comes from various human rights groups, foreign governments and academics. The most common points of criticism include oppressive attitudes to the Tibetan and Uyghur minorities (where religious

issues are inextricably tied up with ethno-political ones), state interventions in internal church doctrine and organization, restrictions on religious participation of minors, restraints on religious publishing and media, and the demand that religious organizations and personnel actively promote state and party economic and political policies. Many Chinese researchers of religion, too, are highly critical of the current policy and I have heard various scholars lament on several occasions that despite the tremendous political, economic and social shifts China has undergone in the past three decades, only its ethnic and religious policies (minzu he zongjiao zhengce) still remain the same as in the 1950s. The long-awaited 2005 national administrative Regulations on Religious Affairs (RRA) were expected to remedy this grave situation. While most commentators consider them to be "old wine in new skins" (Ying 2006, 347), others find cause for optimism in subtle linguistic differences in the text of RRA, such as the omission of the word management from the title of the administrative regulation, or the placement of stipulations that protect religious freedom before those that restrict it (Tong 2010a, 2010b).

This article examines old patterns and new trends in the contemporary state attitude towards religion, by focusing on the state management of one particular religion: Islam. By comparing the implementation of religious policies in the cases of the Hui and Uyghur - two different ethnic groups which both traditionally profess belief in Islam – it attempts to demonstrate that despite the endeavours towards increased transparency, the state management of religion still remains motivated by crude political goals of support for state policies and loyalty to the ruling régime. In what follows I first discuss the basic principles guiding Chinese religious policy since the beginning of reform and opening up. I pay particular attention to the role assigned to religion in building a harmonious society – the main ideological project of the current leadership. I then briefly assess to what extent these principles are reflected in the RRA. Finally, I analyse the authorities' unequal treatment of Muslims who engage in identical religious activities, to argue that the legality and illegality of such activities are not defined by law, but by the perceived threat particular groups pose to the social and political stability of the country.

2. Guiding Principles of Contemporary Religious Policy

In 1982, a document entitled The Basic Viewpoint and Policy on the Religious Question during Our Country's Socialist Period (reproduced in English in

MacInnis 1989, 9–26) was made public and remains the key policy basis to this day. Generally known as the Document 19, it was first discussed by the Central Committee of the Communist Party of China (CPC) in 1978 and then circulated as an internal party document. In it the leadership concluded that disappearance of religion was a slow process and that the excesses of Cultural Revolution only turned people against the party. Readopting the religious policies of the 1950s. the document re-established the distinction between five proper religions (zhengjiao) - Buddhism, Daoism, Islam, Catholicism and Protestantism - on the one hand, and the superstitious beliefs (mixin) on the other. Soon thereafter, national patriotic religious associations, which were set up in 1957 to work as intermediaries between the party-state and respective religious communities, resumed their work. Document 19 clearly reflects the main concern of the partystate in relation to religion, namely, its fears of religion's mobilizing power and its challenge to the party-state's authority; but at the same time the document also recognizes religion's potential usefulness for society and for international contacts.

2.1. Five Characteristics of Religion

The Document 19 returns to the five characteristics (wu xing) of religion that were first suggested in the 1950s by Zhou Enlai and the theoretician of religion Li Weihan. According to them religion is a complex, mass-based, long-lasting phenomenon, which has implications both for ethnic relations within China and for China's international relations (MacInnis 1989, 9–26). As Ye Xiaowen, the former head of the State Administration for Religious Affairs (SARA) of 12 years, explains: long-term nature is the basis of religion, mass nature its key and complex nature its uniqueness (Ye 2007, 132–158). These characteristics mark a break with traditional Marxist thinking as they acknowledge the long-term presence of religion within socialism, its renewing and reinventing potential and recognize that it can neither be eradicated nor developed through political force (Ye 2007, 133). Ye (2007, 174–177) goes on to argue that work on religious affairs must therefore facilitate the mutual adaptation of religion and socialism and regard the masses of believers as a positive force in society.

The other two characteristics – ethnic nature and international nature – could in his view be subsumed under mass nature and complex nature respectively (Ye 2007, 158–159). They, however, are of particular importance in considering the position of Islam in China. Since almost all Muslims belong to one of the ten religious ethnic minorities, i.e. "ethnic minorities in which nearly all the people believe in one particular religion" (MacInnis 1989, 22), in regions of high Muslim concentration Islam enjoys special protection against Christian proselytizing.

Such measures are taken by local authorities in order to avoid creating tensions and consequently threatening the national unity (Fällman 2010, 959).² This alignment of ethnicity and religion also means that religious practices can be defended as the customs (*fengsu xiguan*) of particular minorities. On the other hand, Frederik Fällman (2010, 955) is right to observe that contrary to the constitutionally guaranteed rights, "[w]ith ethnic definition you are, as a religious believer in China, not free to change your faith. / ... / Paradoxically, only the non-religious Han can easily choose to become Buddhist, Daoist or Christian."

Islam's international character, on the other hand, as in the case of Christianity and Buddhism, is considered to pose a threat to China's stability, because it can make Muslims vulnerable to foreign infiltration and manipulation (MacInnis 1989, 23-24). Nevertheless, especially in China proper, Islam is generally viewed with less suspicion than Christianity, despite the fact that the global discourse of the war on terrorism is now commonly used by authorities to rationalize the violent handling of conflicts in Xinjiang (Millward 2010, 348). This is due to the anti-Western-imperialist sentiments China shares with many Muslim-majority countries and the lack of political influence of Islam in China in more recent historical periods (cf. MacInnis 1989, 23–24).

2.2. Normal Religious Activities

Freedom of religious belief in China, and protection from discrimination based on it, are guaranteed by Article 36 of the current Constitution as is also, somewhat unusually, the freedom not to believe in religion.³ The state protection, however, is not extended to all religious practices (Constitution of the People's Republic of China 1982):

The state protects normal religious activities (*zhengchang zongjiao huodong*). No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

The formulations are repeated in the RRA as well as in sections of other laws and regulations that touch upon religious rights, for example Criminal Law (*Zhonghua renmin gongheguo xingfa*). Thus, questions arise as to what are normal religious activities, what constitutes the disruption of public order and whether the freedom of religious belief also includes the right to freely practice religion. As the case study of Islam will demonstrate below, this arbitrary character of the legal terms allows those with power to interpret them to define them according to the particular needs of each situation. Legal religious activities are circularly

defined – as those that are not illegal – but this does not imply that they may not be considered as such at some point in future.

119

Moreover, in recent years a discursive variation has been introduced, running from the permitted normal religious activities of proper religions through less dangerous forms of superstition to the abnormal religious activities and evil cults/heretic sects (xiejiao) (the latter also becoming a legal term). On the positive side, this was accompanied by the reversal of many of the state's negative positions on local temple cults, ancestor worship, geomancy and numerous other practices usually subsumed under the term popular religion (minjian xinyang). At the same time notions of orthodoxy and heresy can also be used to interfere with the inner affairs of the officially recognized religions. The demarcation line between the two, then, is "not based on heresy in relation to the doctrines and practices of particular established religions, but on general notions of moral and social order" (Palmer 2008, 131). In this respect the party-state actually follows its imperial and republican predecessors (cf. Yang 1961), the difference today being only that it can also rely on the universalist academic discourse of social science, which, too, speaks of religions, sects and cults. However, while Western scholars perceive xiejiao as a form of religion, most Chinese academics support the CPC imposed reading, according to which religion and xiejiao are diametrically opposed. Hence, suppression of cults is not seen as an infringement on religious rights (Palmer 2008, 131–132).

To sum up, religious policy in China in the past three decades has been guided by pragmatism. Document 19 recognized that religion is an important social force that will remain present for a long time, even as China continues to develop its socialist society. In previous decades, religion – and even more so superstition – were perceived as an obstacle to modernization. As a shift from this binary opposition towards the triangle of religion-superstition-cult suggests, the state is now mostly interested in religion's implications for political and social stability.

2.3. Harmonious Society and Adaptation of Religion to Socialism

Religion, then, is no longer alien in 21st century China, but the party-state is still very much concerned about the relations between religion, society and political stability (Ying 2006, 350–351). The main political slogan and goal of the current leadership is building a harmonious society (*hexie shehui*) and religious organisations have both a great potential and a responsibility to contribute to this process. In Fällman's words (2010, 951–952), "the CPC sees religion as a

strategic resource and requests, or rather demands, that 'patriotic' religious groups and people go all out to support economic development social progress and to promote harmony." President Hu Jintao himself mentioned religion in his report at the 17th CPC congress in 2007, saying that "we will fully implement the Party's basic guidelines for religious work [i.e. work on religious affairs] and bring into play the positive role of religious personages and believing masses in promoting economic and social development" (Hu 2007). This sentence was – together with the notion of scientific development – then included first into the amended CPC constitution and now also is mentioned in the new five-year plan (the 12th) under the heading of "Promoting the construction of socialist political civilization – development of socialist democratic governance" (Zhonghua renmin gongheguo jingji he shehui fazhan di shier ge wunian guihua gangyao 2011).

The religion that authorities speak of, however, is religion adapted to the socialist society. This notion was put forward in 1993 by then president Jiang Zemin. He clarified that adaptation requires of religious believers "to be patriotic politically, support socialism and support the leadership of the Communist Party, and at the same time to change religious systems and teachings which are not adaptable to socialism, and to serve socialism using certain positive factors in religious doctrine, rule and ethics" (Jiang 1993, cited in Ying 2006, 360). Put differently, religious teachings must be adapted to socialism, their doctrine must be revised, if necessary, and this has to be done by the religious organizations themselves. Among the most salient endeavours in this vein are the national campaigns of (Christian) theological construction (shenxue jianshe) and (Islamic) interpretation of scriptures (*jiejing*), both of which are led by national patriotic religious associations. The former was initiated in 1998 by Bishop Ding Guangxun of the China Christian Council. Its main focus is on establishing correct views on theology and of the Bible. It includes de-emphasizing the differences between religious believers and non-believers, as well as watering down unsuitable Christian beliefs. In principle all exclusivist teachings, including the core Protestant concept of justification by faith, are considered problematic (Fällman 2010, 962-963; Kung 2010, 19). The project of reinterpreting the Islamic scriptures began in earnest in 2001 and it is directed by the Steering Committee of Islamic Affairs of the China Islamic Association.

2.3.1 Harmonizing Islam – Interpretation of Scriptures

The ongoing critical engagement with and exegesis of the Quran, the Hadith and other sources of Islamic doctrine in light of contemporary social challenges has

been taking place since the earliest periods of Islam. In principle, then, the project of (re)interpretation is nothing out of the ordinary. It can, as its advocates claim, be "positively understood as a responsible attempt at doing contextual theology. / ... / On the other hand, [however,] it can be seen as theological dressing for a process that is essentially political in nature" (Kung 2010, 19).

In an interview to mark its decennial, Imam Chen Guangyuan (cited in Ye 2011, 5), the head of the China Islamic Association, explains what motivated the project:

First of all, some imams and *manlas* [students in mosque education] have a relatively low level of cultural knowledge. Their understanding and commentaries on scriptures, their comprehension and analysis of religious doctrine are neither deep nor thorough enough. For these reasons, in recent years they have not been able to connect in their sermons to the social reality of our country. They are either still using the old methods of several centuries ago, recounting ancient stories that are far removed from real life, or they indiscriminately assume things coming from Arab Islamic countries to be reflections of the actual roots. As a result, they are not able to explain the positive meaning and role of religion in contemporary social life, nor can they properly explain how to solve the real problems and challenges Islam is facing in our country.

As most Chinese Muslims have only a basic knowledge of Islam and are not able to pursue deeper understandings on their own, sermons are the most important vehicle for the dissemination of religious doctrines and religiously sanctioned commentaries of general affairs. According to Chen (ibid.), it is therefore "easy to mislead the broad Muslim masses" and he specifically highlights claims of orthodoxy and holy war. Indeed, the main output of the project are compilations of 46 new sermons, which have been published in Chinese and Uyghur and 800,000 volumes of which have been distributed to mosques free of charge. In the interview, Chen (ibid.) further states that the interpretation was guided by the principles of loving one's country and loving one's religion (*aiguo aijiao*), unity, adherence to the middle way, auspiciousness of two worlds (this world and the other world), respect for tradition and drawing on positive concepts from Islamic schools of thought internationally.

The references to the political slogans of loving one's country and loving one's religion and ethnic unity already echo the political overtones of the campaign, but the speech by a top Politburo member best reveals that the true purpose of the interpretations rests in legitimizing party policies, as well as in reducing social and political contradictions and conflicts. Said Jia Qinglin (cited in Wu & Hu 2011), the fourth highest person in the Politburo (and the one responsible for religious topics) and the president of the Standing Committe of People's Political

121

Consultative Conference at the decennial celebration this April:

Under the close attention and loving care of the central authorities and **with the correct guidance and strong support** of the relevant ministries and departments, the work of 'interpretation of scriptures' has achieved fruitful results. It has effectively promoted and developed that positive thinking in Islamic doctrine which is **suitable for socialist society** and refuted the 'three evil forces' [terrorism, separatism, radicalism] that are distorting Islamic teachings into fallacies (emphasis added by author).

Moreover, supporting religious circles to "mine and develop the harmonious concepts in religious doctrine, religious culture and religious ethics, to advocate and practice the concept of religious harmony, in order to contribute to the promotion of social harmony" is also stated as one of the main tasks of the State Administration for Religious Affairs in 2011 (SARA 2011). Sermons, then, reflect so-called correct and authoritative view of Islamic doctrine which is in line with party-state goals. Furthermore, the Measures on Confirming the Qualifications of Islamic Religious Personnel (Yisilanjiao jiaozhi renyuan zige rending fa 2006) stipulate a close familiarity with their content as one of the requirements for obtaining credentials. The project confirms two significant shifts in understanding the management of religious affairs. First, the focus of control is directed from religious instruction to the content of religious discourse. Second, control is delegated to religious communities themselves, more precisely, to the national patriotic religious associations. It is difficult to assess the success of these projects. Even though many Chinese Muslims agree at least with some of the ideas and interpretations which the New Sermons are hoped to push forward, the project itself is discredited because of its strong political connotations. As Jonathan Lipman observed at a roundtable before the U.S. Congressional Committee on China, the process itself, in any case, slowly leads to the formation of two versions of Islam: the official state one and the ordinary one (CECC 2004).

3. Regulations on Religious Affairs

As stated in the introduction, the Regulations on Religious Affairs, adopted in 2004 and effective as of 1 March 2005, are the first comprehensive set of national-level administrative regulations on religious affairs in China.⁶ Although many had hoped that the final document would be proclaimed as national law (falü), thereby giving the right to interpret it to the National People's Congress, it eventually became an administrative regulation, promulgated and interpreted by the State Council (i.e., government).

Previously, religious affairs were administered through two types of legal documents. First, there were several national-level regulations and measures dealing with individual issues, such as the administration of religious venues. Second, provincial-level regulations were in place, but they differed greatly in the rights and duties prescribed for religious organizations, venues and personnel. As a recent comparison of the RRA stipulations with the old provincial statutes demonstrates, the latter tended to be more restrictive and interventionist, explicitly demanding that religious organizations be patriotic and support socialism or even requiring religious personnel to accept the leadership of CPC (Tong 2010a, 385-390). In this sense RRA presents a welcome move towards transparent and non-arbitrary norms and provides integration with other national laws and regulations. It further includes provisions for administrative appeals, judicial contest and sanctions against officials. While it circumscribes the power of government agencies in managing religion (especially on the local level), reduces the number of types of approval required of religious organizations and venues, and sets clear deadlines for approval procedures, it still requires the mandatory registration of all religious organizations and religious venues, the annual re-certification of the latter (although in a much simplified way)⁷ and state approval of religious publications.

Although the RRA does not mention the five normal religions, the requirements listed for setting up religious organizations (Chapter 2) and religious venues (Chapter 3) make these almost impossible for other religions (cf. Ying 2006, 360–362). The actual management of religious affairs even more demonstrates this to be the case. For example, recently the Shouwang house church in Beijing, a registered social organization but not a religious body, re-applied for approval to hold religious activities in its newly acquired property, but had its request turned down, because it had not done so through the national patriotic association of the Three-Self Patriotic Movement Committee of the Protestant Churches in China (TSPM). Joining the TSPM is thus clearly a prerequisite of registration, and one that implies subjecting an independent church to outside control in terms of clergy. All in all, this can be considered an indication that government does not consider religious personnel as entirely the internal affair of religious organizations.8 Although Article 4 of the RRA stipulates "that religions shall adhere to the principle of independence and self-governance" this only refers to interference from abroad.

Finally, the RRA also addresses several other issues. It reserves the right to establish religious colleges only for national patriotic religious associations (Article 9) and permits the organization of Hajj only to the China Islamic Association (Article 11). In terms of religious publications (Article 7), it

absolves religious organizations from seeking government approval for internally disseminated materials, as long as they do not contain anything that jeopardises intra- or inter-religious harmony and relations between believers and non-believers, promotes religious extremism or evil cults and violates the principle of religious self-governance. On the other hand, religious publications for public distribution must undergo a regular censorship procedure. Finally, the RRA recognizes the rights of religious organizations to property (Chapter 5) and requires their consent in demolishing buildings and sites of religious venues.

4. Implementation in the Case of Islam

The Hui and the Uyghur are the two largest of the ten officially recognized minority ethnic groups in China that traditionally follow Islam. They have a very different ethnic, cultural and historical background. Approximately 7.2 million Uyghur live almost entirely in China's largest, western-most administrative unit – Xinjiang Uyghur Autonomous Region (XUAR). They are Turkic speakers, with close historical and contemporary connections to Central Asia. Many of them harbour negative feelings towards the Chinese government and its policies and see themselves as holding no influence at all on the way the XUAR is governed. For these reasons, nationalist feelings remain strong even among those Uyghur who would never participate in independence movement groups, some of which advocate their cause with violence. On the other hand, the Hui, who are the descendants of Arab, Persian and Central Asian traders, soldiers and craftsman who settled in China from the 7th to 14th centuries and intermarried with local inhabitants, uniformly perceive themselves as a part of China. They number over 9.8 million and are spread all over the country's vast territory, but the largest communities are found in the Northwest provinces of China proper – Ningxia, Gansu, Qinghai. They speak various dialects of Chinese or, in few cases, the languages of other ethnic groups they live intermixed with. For most part they are culturally closer to the Han, although they have, to various degrees, maintained their Islamic traditions. Thus, no matter how strict in their religious observance, the Hui oppose any sort of separatism (based on Islam or not) that would lead to the dissolution of China. Although the Hui and Uyghur share a belief in Islam, religion presents a fairly weak identification point for the two groups (e.g. CEEC 2004), which was also confirmed in my doctoral research on a university campus with large Hui and Uyghur student bodies. Hui, particularly those in Northwest China, where communities are more concentrated and religious, often view Uyghur as bad Muslims, since many of them drink alcohol and smoke. Conversely, Uyghur view Hui as too sinicized, almost Han.

Being managed by the same sets of religious regulations and measures, the religious activities of both ethnic groups should in theory be treated in the same way. Nevertheless, since the state began to legitimize its religious control by claiming the tight link between religiosity and separatist tendencies in the 1990s, the Uyghur have continuously faced bans and strict control of their religious activities. 10 In contrast, the Hui remain freer in their religious expression. The differences, however, vary not only according to ethnic group, but also by locality. While proscriptions are strictly upheld in the more religious Southern Xinjiang, the same activities may be silently tolerated in the less religious Eastern part of the region (cf. Rotar 2006).11 Despite the slogans of governing religion based on law, then, the management of Islam is guided by other criteria. I will support this argument by addressing the most conspicuous cases of different, even contradicting implementation of religious regulations among the Uyghur and the Hui. The most sensitive issues concern the training of religious personnel, the religious participation of minors, the religious expression of state employees and students, and the religious media. 12

4.1. The Patriotic Training of Religious Professionals

Religious professionals – imams and scholars – are in the centre of attention of authorities because of the great influence they exert over believers. In turn, they themselves seek to influence if not dictate what knowledge is departed to religious students and common believers. Although formulations of ideological support for party were excluded from the RRA, the first requirement of Measures on Confirming the Qualifications of Islamic Religious Personnel is for them to "love the homeland, uphold the socialist system and party leadership, obey the state laws, and protect national unity, ethnic solidarity and social stability". The "religious devotion, respect for religious doctrine, upright moral conduct, evidently high mastery of Islamic ethics, deep love for Islamic profession, enthusiasm for serving Muslims" come only second (Yisilanjiao jiaozhi renyuan zige rending fa 2006). Reports from Xinjiang in the mid-2000s mention obligatory participation of imams in weekly meetings at local Religious Affairs Bureaus to discuss the texts of their Friday sermons and their patriotic religious training on Islamic terrorism. While the topics of sermons were prescribed, the exact wording was left to individual improvisation (Rotar 2004, 2006). Although the issue of sermons arises in other parts of China, too, meetings where cadres advise what to preach are usually conducted only at the times of particular events (local, national, global) or at certain stages of various political campaigns, and not on such an intensive regular basis. The above mentioned Compilations of New Sermons are part of same efforts and may indicate either the rising concern about Muslims all over the country and/or a somewhat softer approach to the patriotic education of imams.

Furthermore, since 2001 special re-education and training sessions of clerics have been held in Xinjiang. Religious professionals attend meetings where they listen to speeches by Party and government officials and where they are tested, orally and in writing, on regulations pertaining to religious activities. The purpose of the training is to fight the three evil forces – international terrorism, ethnic separatism and religious extremism – which are perceived as the greatest threat to the stability of Xinjiang and China, and to form "politically reliable, intellectually accomplished and morally able" patriotic clerics (Wu 2009). Reminiscent of Cultural Revolution-era self-criticisms, these sessions also include exchanges of experience, where participants are asked to present detailed accounts of difficulties and incidents of illegal religious activities they have encountered during their work (such as holding illegal religious classes, using illegal books, inviting clerics from another locality without prior approval or failing to warn authorities of the illegal religious activities of others).

Designed as loyalty tests, these confessions place imams in a double bind: if they are not precise enough, they are seen as insincere about opposing separatism; if they admit mistakes, they are considered guilty of violating regulations. The imam's attitude is evaluated and recorded in his personal file, which is kept by a local religious affairs bureau (HRW 2006b, 51). The first two cycles of the training programme included 43,700 participants (possibly including repeat participants), while the current cycle (2009-2012) is to provide training for another 29,000 religious figures (Wu 2009). In a speech in which XUAR chairman Nur Bekri announced plans for the third cycle, he said it would be directed at Muslim religious personnel (Baikeli 2008). In some places, imams and locally influential Muslims are also required to take part in similar several-day re-education trainings immediately after their return from the pilgrimage to Mecca.

Another recent development in the management of Islam in Xinjiang concerns female religious figures known as *büwi* in Uyghur. The term refers to women who wash corpses and perform rites at the homes of the deceased, but it may also broadly encompass women with certain level of religious knowledge who are able to provide religious instruction. Following the recommendations of the 10th XUAR People's Political Consultative Conference, local governments have been educating *büwi* about central religious policy and regional regulations as a means to curb women's participation in illegal religious activities, such as underground proselytizing (CECC 2009c). In one township in Kashgar district participants

also signed a pledge according to which they would refrain from "wearing veils or long dresses, teaching religious texts to students, and forcing other individuals to participate in religious activities" (ibid.).

121

4.2. The Religious Participation of Minors

Neither RRA nor the Law on the Protection of Minors (Zhonghua renmin gongheguo weichengnianren baohufa 1991) mentions the religious freedom of minors or the right of parents to ensure religious and moral education of their children. XUAR's 1993's Implementing Measures for the Law on the Protection of Minors (Xinjiang Weiwuerzu zizhigu shishi "Weichengnianren baohufa" banfa 1993), however, prohibited parents or guardians from permitting minors to be engaged in religious activities, which amounted to a total ban on children's religious activities (CECC 2009a). This restriction was applied evenly throughout the XUAR. In Southern Xinjiang, especially in Kashgar and Hoten, notices were put up in mosques forbidding children from entering them and in Hoten mosques were even guarded by police during Friday prayers to ensure the prohibition was upheld (Petersen & Rotar 2006; Rotar 2006). Since the 23 types of religious activities banned by the XUAR government also include private religious classes (UFD 2008), instruction at home is a highly contentious issue. In 2005, police raided the home of an Uyghur woman Aminam Momixi, who was at that time teaching the Quran to 37 students between the ages 7 and 20. She was charged with the illegal possession of religious materials and subversive historical information. Her students were also detained, some of them only released upon paying staggering fines of 7,000 to 10,000 RMB (HRW 2006a).

In 2009 a new XUAR Regulation on the Protection of Minors (Xinjiang Weiwuerzu zizhiqu weichengnianren baohu tiaoli) came into effect. While a draft reportedly retained the restriction on parents permitting the religious participation of their children, the final version only kept the stipulations that "no organization or individual may lure or force minors to participate in religious activities" and that they "may not use religion to carry out activities to obstruct compulsory education" (CECC 2009a). So far, it is not reported what effect, if any, the looser formulations actually have on the freedom of religious participation of minors. In any case, formulations are still broad enough to allow also for more restrictive interpretations. In Northwest China where Hui communities are large and tight-knit, there are few restrictions on the participation of minors. Elementary religious courses for children are held in the evenings or during school vacations in mosques and in private homes. Moreover, private Muslim kindergartens where children learn about the tenets of Islam and proper behaviour are becoming increasingly popular.

A separate but related issue concerns the setting up of and student enrolment in private semi-religious schools. Since the late 1990s a number of so called Sino-Arab schools opened up throughout Western and Central China. These privately established secondary schools combine modern Arabic language instruction, religious curriculum and a small selection of general or vocational courses. Although not necessarily affiliated with mosques, they are often built in their vicinity. According to Methods on Establishing Religious Schools and Colleges (Zongjiao yuanxiao sheli banfa 2007) they accept students who finished their 9 years of compulsory education, normally at the age of 16. In practice, some of the students are younger. No such schools operate in Xinjiang. Some Uyghur and Hui from the XUAR therefore send their teenage children to religious schools in China proper; yet, especially Uyghur students are often forced to return, when local authorities are pressured by those at a higher level. During my fieldwork I heard of an instance when local authorities in Linxia, one of the most important Islamic centres in China, suddenly gathered all Uyghur students in mosques and private schools and sent them home, but the Hui from the XUAR were allowed to stay. Furthermore, I knew of a case where an Uyghur female graduate from a university in China proper was not able to get a job as a math teacher in this same city despite the need for such teachers. She wanted to stay in a place where she could freely express and practice her religion, but was turned down because the school principal thought there would likely be complications due to her ethnicity. This brings us to another sensitive issue.

4.3. The Religious Practice of Students and State Employees

State employees in Xinjiang, such as officials and teachers, are pressured not to publicly express their religious beliefs, observe religious holidays or participate in mosque activities and the students are forbidden to do so on the grounds that it interferes with the regular teaching process (UFD 2008). Cadres, Party members, teachers and students are not allowed to pray in their place of work or study, nor may they participate in Friday prayers in mosques. Even individual prayer in the privacy of one's home or dormitory can be considered problematic. The methods applied for achieving this goal include scheduling compulsory meetings at prayer times, the supervision of students during vacations, and campaigns to reduce religious consciousness (CECC 2009b).

On the other hand, during my fieldwork in Lanzhou I observed teachers, students and cadres not only participating in religious activities, but also organizing weekly group study sessions on the university grounds. Furthermore, while modern colourful head veils are a common sight in the university campuses of Northwest

China, a student in Xinjiang would be expelled and a teacher would risk losing her job should she don a headscarf. Many Uyghur university students who covered their hair while studying in China proper often lamented the fact that they would not be able to act as observant Muslims once they returned to the XUAR if they were to work in a state institution or company. This is also in stark contrast with state practice in certain highly symbolic situations. For example, as the China Islamic Association head confirmed in an interview, during annual sittings of the "two congresses" (National People's Congress and Chinese People's Political Consultative Conference) Muslim representatives are provided with praying schedules, washing bottles, prayer room and prayer mats (Guo 2011).

Similarly, students and state employees in Xinjiang are under the threat of being dealt with severely should they observe the fast. During Ramadan they are forced to eat in schools or at work. Often the opening hours of cafeterias are temporarily adjusted in such a way that they close before breaking the fast in the evening (Rotar 2006). Visits to students' homes and the enforced signing of so-called stability responsibility forms by which schools, teachers and parents commit to maintaining safety and stability during Ramadan have also been reported (CECC 2010). Sometimes the ban on fasting also includes families of Party members (CECC 2010). "Forcing others to fast or use the fast as an excuse to interfere in their normal production, business operation and social activities" is in fact one of the 23 religious activities listed by XUAR government as illegal (UFD 2008). Reports from 2009 and 2010 show that some local governments order restaurants and other business to stay open during the holiday, thus upholding their duty to engage in business (CECC 2010). With such measures, the authorities systematically violate the religious rights of large groups of people.

4.4. The Religious Media

Another issue of pressing concern for both the state and Muslims is that of the religious press. In China, every publication is subject to censorship approval before it is assigned a book or periodical number and can thus be published officially. The importation of religious literature is also under tight control. The RRA exempts religious organizations from the censorship procedure, when publications are intended for internal distribution (see the above section on RRA). The Linxia Hui Autonomous Prefecture in Gansu is one of the centres of the Islamic press in China, and books printed there include legal as well as illegal ones. Many of them are pirated translations of foreign works on the Quran, the Hadith, the life of Muhammad, or contemporary Islamic debates on piety, society, politics and economics. Moreover, throughout the Northwest popular

local magazines are published. They cannot be bought in bookstores; they are either delivered by mail or obtained through personal networks. Often they disappear or are forbidden after a couple of issues. Articles cover various religious topics and report on the lives of Muslims at home and abroad. They are written and edited by volunteers and financed through donations. Although they tend to be published illegally (i.e., they are not submitted to the censorship process), the local authorities mostly tolerate them, at least for a short while, since they are distributed privately.

Again, in XUAR the access to religious publications is extremely limited since they can only be sold in specially designated places. Furthermore, only a set number of approved publishers may publish materials on Islam and only authorized provincial-level religious organizations may apply to publish religious materials (CECC 2006). Not only the distribution but also the possession of illegal religious literature is strictly punished and it is one of the most common accusations in arrests of Uyghur activists. Reports confirm that in 2010 and 2011 Xinjiang authorities continued the campaign to "Sweep Away Pornography and Strike Down Illegal Publications", but with a special emphasis on religious and political items and so-called reactionary materials that authorities deem are from organizations connected to the above-mentioned three evil forces (CECC 2011). They confiscate whole shipments, books and audio-visual materials on sale in shops and markets as well as those in private possession (ibid.). According to a report from 2007, the number of confiscated so-called illegal religious propaganda materials in the region in 2006 exceeded 11,500 copies (CECC 2008).

5. Conclusion

Looking at some of the most pressing issues for Muslims in China today, this article sought to demonstrate how different the government attitudes can be towards the Hui in China proper, the Hui in the XUAR, the Uyghur who are studying or working in China proper and the Uyghur in the XUAR, each according to their perceived threat to the political authority of the CPC. Those communities that are seen as cooperating or posing less of a challenge are treated more tolerantly, while those that are seen as resisting are oppressed. Even though the activities in question may be exactly the same (for example, a student wearing a headscarf), they can be labelled legal in one situation and illegal in another one. What allows the state to adopt such contradictory attitudes is the lack of unambiguous definitions of key legal terms, such as what constitutes

normal religious activities (*zhengchang zongjiao huodong*). In the absence of an independent judicial body or other organ that could make decisions in cases of different, even competing interpretations of these loose terms, the regulations offer the government a broad scope for manipulation instead of limiting the scope of its action. The comparison of the Hui and the Uyghur, who are subject to the same legislation, but not the same treatment, documents how the state instrumentalizes laws for political repression. This can also largely explain why breaking the law is found more often among certain groups or in certain parts of

On a more positive note, the CPC's fears of the mobilizing power of religion and the challenge it could present for its ideological monopoly are more and more often weighed against the positive influence of religious individuals and organizations on the social and economic development of the country. Religious contributions to creating a "harmonious society" are exemplified and encouraged in the provision of social services such as education, health care, care of the elderly, especially after the state has (partially) withdrawn from these fields. Moreover, religious philanthropic organizations are particularly lauded for their projects of poverty and disaster relief. These changes, however, should not be considered as a challenge to the secular nature of the Chinese state. The leadership still promotes atheism and science as the only true paths to modernization and both the definition of what is religion and what are appropriate public religious activities remains exclusively under the state's purview. Despite some recent improvements, religious policies and practices of the PRC thus remain shaped around the question of political loyalty, perceived, as Potter (2003, 26) points out, not only in terms of support for the state policies, but also as a contribution to the creation of the CPC's broader political legitimacy.

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131

132 Notes

- 1 The reason for such discrepancies in numbers lies not only in methodologies of particular surveys, but also in a very specific Chinese understandings of religion (zongjiao) and belief (xinyang), the discussion of which is well beyond the scope of this article.
- 2 One such regulation in the Xinjiang Uyghur Autonomous Region (XUAR) is issued neither by the XUAR government nor by its Religious Affairs Bureau, but rather by the XUAR United Front Department, a party organ (Fällman 2010, 959).
- ³ Freedom of religious belief has been included in all constitutions since the establishment of the People's Republic of China in 1949 (i.e., the constitutions of 1954, 1975, 1978 and the current one of 1982 with the most recent amendments in 2004).
- ⁴ Compare this to revisions of the Hadith conducted by the Department of Religious Affairs in Turkey (Pigott 2008) or plans to start programmes of Islamic theology in German universities (Stosch 2010).
- ⁵ Meaning that one should not only perform good deeds for other-worldly rewards, but one is first required to do the best one can in this world.
- ⁶ For a more detailed overview of religious policy during the entire reform period see, for example, Potter 2003.
- ⁷ The 1996 Methods for the Annual Inspection of Religious Venues (Zongjiao huodong changsuo niandu jiancha banfa), which were abolished by the RRA, required religious venues to undergo an evaluation by the local religious affairs bureaus in the first quarter of every year. They had to complete a standard seven-category evaluation form and request a signed endorsement from basic local government agencies. A long list of loosely defined violations was designed to give maximum discretionary authority to local religious affair bureaus to terminate the legal status of a religious venue (Tong 2010a, 386). Article 36 of the RRA now only requires of religious venues to submit and make public an annual financial report on its income and expenditure as well as on the acceptance and use of donations.
- ⁸ This is not to mention the determination of the reincarnation of Tibetan Buddhas and the ordination of Catholic bishops, for which the RRA stipulates additional requirements (Article 27).
- ⁹ The variation in assertion of Hui identity in different parts of China has been described in Gladney (1991).
- ¹⁰ The resistence toward the state grew considerably since the policies towards Uyghur changed from discrimination to segregation and cultural assimilation in the 1990s. Some of it took a violent form. They include protests in Baren (close to Kashghar) in 1990, Ghulja/Yili in 1997, a bus bombing in Ürumchi that same year and recent protest in July 2009.
- ¹¹ Interestingly, for the Hui the situation seems to be the opposite. It is my impression that local authorities in places of high Hui concentration, which also tend to be more religious, allow more latitude for sensitive activities (such as the proselytizing of foreign nationals).
- ¹² For Xinjiang, most information is taken from compilations of case studies published online by watch groups and commission reports. References to the Hui in China proper are based on first-hand observations and second-hand reports collected during my 14-month doctoral fieldwork in Gansu and Qinghai provinces (2005-2007) and a recent 9-month post-doctoral research stay in China.

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135

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*13*7