CHRISTIANITY IN CHINA: MAINTAINING SOCIAL ORDER TRUMPS RELIGIOUS FREEDOM

Tina M Trunzo-Lute, St. Thomas University
CHRISTIANITY IN CHINA: MAINTAINING SOCIAL ORDER TRUMPS RELIGIOUS FREEDOM

*Tina Marie Trunzo-Lute*

Introduction ................................................................................. 2
I. What Constitutes Religious Freedom ........................................ 5
II. Christianity in China ............................................................... 9
III. How the Chinese Government Views Religion ......................13
   a. Religion – The “Cyclical Phenomenon” ..............................13
   b. There are no Violations of Religious Freedom .................14
   c. Religion Should Simply Adapt to Chinese Culture ..........17
IV. How the Chinese Government is Violating its Citizens Freedom of Religion ......................................................... 18
   a. The Chinese Constitution and the Over Regulation of Christianity ..................................................... 20
   b. Registration of Religious People and Places of Worship ................................................................. 22
   c. Persecutions ................................................................... 26
V. Predicting Future Trends ........................................................... 31
VI. Recommendation for Change .................................................. 32
   a. Allowing Members of the Communist Party to Identify with a Religion .............................................. 33
   b. Eliminate Regulation Requirements on Religious Organizations ...................................................... 35
   c. Widespread Practice of Rules ........................................... 38
Conclusion ..................................................................................40

Abstract

China is a powerful country with a population of 1.3 billion and the world’s second largest economy. While China excels in many areas, it lacks in providing religious freedom to its citizens. China has a few safeguards in place for religious believers, including the ratification of the ICESCR and provisions in its constitution. However, the inconsistent application of the

* J.D. Candidate, St. Thomas University School of Law, December 2012; Master of Laws (LLM) in Intercultural Human Rights Expected May 2013, St. Thomas University School of Law. The author wishes to express her gratitude to Professor of Law Carol Zeiner and Associate Professor of Law Roy Balleste for their help in preparing and reviewing this article, and a special thanks to her husband, Shannon Lute, for his constant encouragement and support.
safeguards and the government’s ultimate goals of furthering socialism and maintaining social order inhibit Christians in China from having the ability to freely and openly practice their religion without fear of persecution. This fear has thrust millions of Christians into illegal house churches. The time has come for China to relinquish some of its control on religion and allow its citizens to finally experience true religious freedom.

INTRODUCTION

The Peoples Republic of China (“China”) has a population of 1.3 billion. Of the 1.3 billion people in China, 100 million of those people are religious believers. It is estimated that there are 70 million Christians in China, more than anywhere else in the world. While Christianity in China is flourishing, those who practice their religion must endure persecution, harassment, losing their job, or being sent to prison. In China, citizens are required to register with a specific religion, attend a state approved religious facility and only purchase and read bibles and other religious material from a government approved printing company. Millions of Chinese Christians

---

4 Martin L. Wade, The Need for Heightened Administrative Notice of Country Conditions for Protestant Chinese Refugees in Asylum Proceedings, 20 WIDENER L.J. 319, 321 (2011) (“Bibles imported into the country are routinely confiscated, as are Bibles discovered during raids on house churches. Printing and giving away Bibles is considered an illegal business practice under Chinese criminal law.”); See Goal on pace for legal Bibles...in China! (July 11, 2012), http://www.mnnonline.org/article/17431 (explaining that bibles printed in China are only allowed to be printed at an approved printing press and are not given an ISBN. Without and ISBN, the bibles can only be sold in registered churches, not public bookstores, thereby limiting the people who can purchase a bible to those who are registered with the government).
choose to attend a house church,\(^5\) as opposed to attending a state run church. However, attending a house church is illegal in China and carries with it the stigma of being a criminal and the fear of being persecuted by being harassed, beaten, put in prison, and fired from one’s job. Even with these risks, millions of Christians’\(^6\) attend these illegal house churches in order to freely practice their religion.\(^7\)

“The Church is the Hope of the World.” These were the first words spoken by Pastor Brian Vasil\(^8\) during a Saturday night service at a large South Florida Church.\(^9\) His teaching for the weekend emphasized the importance of the Church.\(^10\) The teaching went on to explain how important it is to have a place for Christians to gather and worship.\(^11\) “God's purpose in all this was to use the church to display his wisdom in its

\(^5\)See generally Xiaodong Li v. Gonzales, 420 F. 3d 500, 505 (5th Cir. 2005) (explaining a house church, also known as an underground church, are churches in China that are not approved by the State, are illegal and are thereby not regulated by the Chinese government or protected under the constitution).

\(^6\)Christian is an umbrella term for followers of Jesus Christ. Christianity is divided into Protestantism and Catholicism. The main difference is those who follow Catholicism recognize the Pope whereas Protestants do not. There are many other differences, but they are not relevant for this paper. See for example Christian Definition, DICTIONARY.COM, http://dictionary.reference.com/browse/Christian (last visited Nov. 4, 2011) (defining a Christian as a follower of Jesus Christ).

\(^7\)Xiaodong Li, 420 F. 3d at 506 (stating that all non-registered churches are illegal); BROTHER YUN & PAUL HATTAWAY, THE HEAVENLY MAN: THE REMARKABLE TRUE STORY OF CHINESE CHRISTIAN BROTHER YUN 54-55 (2002) (explaining that registered church leaders are not able to freely teach the Bible because certain parts of the Bible are not allowed to be preached, such as the Second Coming of Jesus, divine healing, deliverance of demons, and the entire Book of Revelations).

\(^8\)Brian Vasil, Pastor, Teaching at Potential Church (Sept. 3, 2011).

\(^9\)Id.


\(^11\)Brian Vasil, Pastor, Teaching at Potential Church (Sept. 3, 2011).
rich variety to all the unseen rulers and authorities in the heavenly places.”¹²

This is the reason this paper was written. Religion is too important to be controlled and regulated in such a way that people who want to practice their religion have to do so according to the Chinese government and the Communist Party of China (“Communist Party”). The citizens of China, and everyone around the world, deserve to be allowed to freely practice their religion. Everyone is entitled to freedom of religion; it is a basic human right.¹³

This article will focus on the various ways that China is violating Chinese citizen’s freedom of religion, specifically Christianity,¹⁴ and the persecutions that they endure. The first part of this article will discuss the human right of freedom of religion and how the Chinese government is violating that freedom. The second part will describe Christianity in China, including the house church movement. The third part will explain the Chinese government’s view of religion, that it does not believe there are violations within its borders, and that religious people should adapt to what the Chinese government requires. The fourth part will discuss how China is

¹² Ephesians 3:10 (New Living Translation).
¹⁴ The more broad term of “Christian” will be used in this paper when referring to Protestants and Catholics. This paper will not differentiate between the two separate religions for the purposes of this paper. When the term “religion” is used, it is meant to refer to the recognized religions in China, which are Catholicism, Protestantism, Buddhism, Islam and Taoism. Any religion which China does not recognize or considers a folk religion, such as Falun Gong, is not referenced in this paper.
violating its citizen’s right to freely and openly practice their religion through excessive regulations and the onerous registration requirements in place. Part five will project future trends of the laws in China and how they will impact freedom of religion in the coming years. Finally, part six will discuss recommendations for change. This includes recommending the Chinese government become more educated on the different religions in its country, having no regulations on how Christians can practice their religion, and implementing its current laws throughout China, and not solely in more modern cities.

I. WHAT CONSTITUTES RELIGIOUS FREEDOM

There are several international documents that have been put in place to protect the religious rights of people throughout the world. One such document is the United Nations Charter ("Charter"), which came into force on 24 October 1945.\textsuperscript{15} Although a purpose of the Charter is to “promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,” the Charter merely protects individuals from discrimination on religious grounds and does not actually give substantive religious freedoms.\textsuperscript{16} This narrow


protection is a shortcoming of the Charter, as individuals who choose to practice a religion need to be free from more than discrimination in order to have true religious freedom. For this reason, the international community created the Universal Declaration of Human Rights ("Declaration"). Analogous to the Charter, discrimination is prohibited in the Declaration, under Article 2. The Declaration goes beyond merely protecting individuals from discrimination based on their religion. It expanded religious freedom, as evidenced by Article 18, which states "[e]everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." The Declaration is not a treaty and is thereby not legally binding. However, today, nation-
states are bound to the Declaration as a matter of customary international law. The Universal Declaration has been the inspiration for several legally binding international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), and the International Covenant on Civil and Political Rights ("ICCPR"). The ICCPR and the Universal Declaration are extremely similar when it comes to their substantive provisions regarding religion.

Freedom of religion is outlined in Article 18 of the Universal Declaration on Human Rights. The ideas contained in the Universal Declaration of Human Rights are legally portrayed in the ICESCR.

---

21Id.
25Kolodner, supra note 16, at 460 (explaining that Article 26 of the ICCPR mirrors Article 2 of the Declaration and Article 18 of the ICCPR echoes Article 18 of the Declaration. Further, the ICCPR and the Declaration allow a nation state to be exempt when it is necessary for the nation state to protect public safety, order, health, or morals).
27See International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), pmbl., U.N. Doc. A/6316 (Dec. 16, 1996), http://www2.ohchr.org/english/law/cescr.htm ("Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.").
signed the ICESCR on October 27, 1997, which it subsequently ratified\textsuperscript{28} on March 27, 2001. During the ratification process, countries can choose to make reservations to the treaty as long as the treaty does not prohibit reservations and as long as the reservation does not undermine the purpose of the treaty. One of the reservations created by the Chinese government states "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol."\textsuperscript{29} In effect, this exemption allows China to opt out of its responsibilities under the treaty if the covenant does not line up with what China’s government feels its purpose is. Article 51 of the Chinese constitution further proves that China does not actually plan to be bound by any treaty that offers freedom of religion to its people.\textsuperscript{30}

\begin{flushright}
\begin{itemize}
\item \textsuperscript{30} See generally Eric Kolodner, \textit{Religious Rights in China: A Comparison of International Human Rights Law and Chinese Domestic Legislation}, 12 UCLA Pac. Basin L.J. 408, 410 (1994) ("When governments ratify a treaty merely to bolster their public image and have no intention of enforcing its provisions, they undermine the international human rights regime.").
\end{itemize}
\end{flushright}
the collective, or upon the lawful freedoms and rights of other citizens.”

What this means is the Chinese government may pass laws and place restrictions on how religious organizations are allowed to practice, regardless of any international treaty. This defeats the object and purpose of the ICESCR. Under Article 18 of the 1969 Vienna Convention on the Law of Treaties, nation states that have signed or ratified a treaty must to refrain from acts that may defeat the object and purpose of the treaty pending its entry into force.

II. CHRISTIANITY IN CHINA

China was founded after the Communist Party defeated the nationalists after a twenty year civil war in 1949. Since that time, and still today, the Communist Party is the leading party in China. The current Head of State, President Hu Jintao, has been a committed member of the Communist Party since 1964. Between 1949 and 1958, the Communist party and the Chinese Government undertook the task of controlling and

---

31Chinese Const. art 51 (1982).
34Chinese Const. preamble (1982)(“Under the leadership of the Communist Party of China and the guidance of Marxism- Leninism and Mao Zedong thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road…”).
supervising all religious activities.36

The profusion of restrictions that the government placed on religion and the abundance of control that the government had over the church and religious activities led to a movement called the house church movement, where believers would meet for worship secretly in their homes.37 These secret meetings, however, were, and still are, illegal activities.38 These home meetings began because of the mass detainment and imprisonment of church leaders and pastors in 1966.39 With church leaders and pastors in prison, people turned to practicing their religion at night and in their homes to avoid the same persecution as their leaders. Chinese Christians actually believed they were in less danger for persecution if they practiced their religion in a house church, even though it was an illegal activity, rather than

37 Britsch, supra note 36, at 350 (explaining that these “secret meetings” were illegal and anyone found to be participating in these illegal activities were subject to severe prosecution, including beatings and torture).
38 Wade, Supra note 4, at 346 (explaining that house churches are banned and illegal under the National Regulations on Religious Affairs); U.S. Commission on International Religious Freedom Annual Report 2012, at 138 (March 2012) http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf (“The [National Regulations on Religious Affairs] requires all religious groups and venues to affiliate with one of seven government-approved associations and allows government control of every aspect of religious practice and related activities. Within the bounds of the Chinese legal system, the [National Regulations on Religious Affairs] does expand protections for registered religious groups to carry out some religious activities and charitable work. When registered, religious communities can apply for permission to possess property, provide social services, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. The [National Regulations on Religious Affairs] permits only —normal religious activity and contains vague national security provisions that can justify the suppression of unregistered religious activity[,]”).
39 Britsch, supra note 36, at 350.
Several significant events took place during the years that led up to the house church movement in 1966. One event was the formation of the Protestant Three-Self movement in 1954. Another event, and one of China's most significant events for religious people, was the Cultural Revolution, which spanned across a decade, from 1966 to 1976. The Cultural Revolution was a dark time in China for all Chinese citizens, including religious people. The Government attempted to eradicate anything that posed a threat to Communism, most notably religion. It was a time where all religious activities were suspended and the most outrageous and malicious crimes against religious leaders and worshipers took place. Because of China’s Cultural Revolution and the immense pressure from the international community, China has drastically altered the way people in China can identify with religion and practice the religion of their choice.

---

40 Brother Yun & Paul Hattaway, The Heavenly Man: The Remarkable True Story of Chinese Christian Brother Yun (2002) (explaining that the Three-Self movement stood for the “three guiding principles: Self-Propagating, Self-Supporting, and Self-Governing.” When the movement first began Christians were excited believing that the days of persecution may be over. However, it quickly became evident to Christians in China that the Movement was created by the government to “control Christians and to promote their own political agenda inside the churches”).

41 Id.

42 Kolodner, supra note 16, at 468.

43 Britsch, supra note 36, at 348 (explaining that the Cultural Revolution was started by the previous Head of State, Mao. During this time, churches were shut down and China experienced the most dramatic restrictions on the practice of religion).

Churches finally began to re-open in 1979, and within fifty years of the most suppressive time for Chinese Christians, the Chinese government has finally provided some constitutional protection for those who choose to practice a religion. Further, the Chinese government has allowed certain groups to register as a legal religion, rent or purchase property, hold meetings to practice their religion in groups, and purchase and sell bibles, books, media information, music, and teaching materials. China even allocated over 140 million yuan to restore religious facilities destroyed during the Cultural Revolution.

However, while citizens in China have more freedom than what they have ever had in China’s history, this does not mean Chinese citizens enjoy the human right of religious freedom. Inability or unwillingness to register still leaves millions of Christians in China to worship in house churches.

---

47 From a legal printing press in China.
48 Britsch, supra note 36, at 361.
49 This is the equivalent of $20 million American dollars.
50 Kolodner, supra note 16, at 468; citing Religion in China, Xinhua, August 1, 1990.
51 Kolodner, supra note 16, at 468.
52 Xiaodong Li, 420 F. 3d at 509 (explaining that the reason he did not register his church is because he did not want the government selling their propaganda in his church).
III. HOW THE CHINESE GOVERNMENT VIEWS RELIGION

A. Religion – The “Cyclical Phenomenon”

Religion in China is “tolerated but carefully controlled,”53 but only as a means to an end.54 One main reason why China tolerates religion is because of its belief that allowing religious freedom will “facilitate religion’s natural demise.”55 Xiaowen Ye, the Director of the Bureau of Religious Affairs, acknowledged the rapid increase in religion in China.56 However, Xiaowen Ye believes that this growth is only the result of government oppression.57 Simply put, religion in China is viewed as a cyclical phenomenon.58 Document 1959 describes religion as “a historical phenomenon” that “has its own cycle of emergence, development, and

53 Britsch, supra note 36, at 357 (stating that religious activities in China, according to document 19, are to be “tolerated but carefully controlled”).
55 Document 19, The Basic Viewpoint and Policy on the Religious Question During Our Country’s Socialist Period, Central Committee of the Communist Party, Mar. 31 1982 (internal unpublished document), reprinted in Britsch, supra note 36; Kolodner, supra note 32, at 467 (stating that document 19 was classified as restricted in China but was leaked shortly after its release).
56 Cox, Supra note 3, at 376.
57 Id.
58 Document 19, The Basic Viewpoint and Policy on the Religious Question During Out Country’s Socialist Period, Central Committee of the Communist Party, Mar. 31 1982 (internal unpublished document), reprinted in Britsch, supra note 36. (stating that China sees the growth of Christianity a significant danger since the very thing it called a phenomenon, Christianity, has grown “significantly more quickly, in percentage terms, than the population” and is not, as China would like to believe, withering away and disappearing “under the influence of the projected blossoming of the communist state”).
59 Supra note 54.
demise.” To the Communist Party and the Chinese government, all forms of religion are viewed as a superstition that is currently going through a natural “development” phase. Eventually, the “development” phase will end and religion will reach its “demise” phase, becoming eradicated. The Chinese government is convinced that religion will eventually disappear, and all the Chinese government needs to do is wait it out. With religion thought of in this way, the Chinese government will not implement long term change for its citizens to enjoy religious freedom. In fact, the Chinese government makes it very clear that religion is only a short term phenomenon, one that should be highly regulated.

B. There are no Violations of Religious Freedom in China

The Chinese Government claims that there is no violation of freedom of religion in China. Consistent with this claim, China released a statement called the “White Paper” in 1997. In the White Paper, the Chinese government portrays China as a place of peace and harmony for

---


61 Cymonie Rowe, Religious Freedom in the People’s Republic of China, 2 ILSA J. INT’L & COMP. L. 723, 732 (1995); This viewpoint is not consistent with China’s rich history with religion. Christianity has been in China since A.D. 635, when it was first introduced by missionaries. Britsch, supra note 36, at 348.


religious and non-religious believers.\textsuperscript{64} China even insists that Christian house services, where family and friends can gather for prayer and bible reading, are not required to be registered.\textsuperscript{65} Further, the Chinese government, through its constitution, states that it allows all citizens\textsuperscript{66} to choose a religion, believe in that religion, and be free from discrimination because of their decision to believe in a religion.\textsuperscript{67} This is the Chinese Government's way of proclaiming that it is not violating its citizen's right to freedom of religion. China paints a beautiful picture of equality and freedom to the international community through its constitution and other documents, such as document 19 and the white paper. But the picture is just an illusion.

The Chinese government's statement in the White Paper that house churches are not required to be registered has been challenged by virtually all human rights groups and the 70 million Christians that attend house churches located in China.\textsuperscript{68} In the past year alone, the Chinese Government “detained hundreds of unregistered Protestants” and “stepped

\textsuperscript{64}textit{Id.}
\textsuperscript{65}textit{Id} (stating that there is no registration requirement for, to quote from Chinese Christians, "house services," which are mainly attended by relatives and friends for religious activities such as praying and Bible reading").

\textsuperscript{66}Although it is important to note that while Chinese citizen are allowed to choose and practice a religion, members of the Communist party must remain atheist. Kolodner, supra note 16, at 419; Rowe, supra note 61, at 735.

\textsuperscript{67}Chinese Const. art 36 (1982) ("No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.").

\textsuperscript{68}Cox, supra note 3, at 378.
up efforts to shutter illegal meeting points and public worship activities.”

Further, section VI of the White Paper states: “the Constitution makes it clear that no one may make use of religion to engage in activities that disrupt public order, impair the health of other citizens or interfere with the state's educational system.”

China severely prosecutes those who disrupt the public order without defining what it means to actually “disrupt public order.”

While there is no specific definition in place, one logical conclusion is that China defines “disrupting public order” to mean the practice of any religious activity without being registered by the Chinese government. In doing this, the Chinese government has made it clear that any church not registered is considered illegal and, if discovered, its members will be prosecuted. It is not just religious members who are being persecuted, “[t]he Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.”

---


70 White Paper, supra note 63, available at http://www.china.org.cn/e-white/ (noting this same idea reflected in the ICESCR, where China states, in the exception, that China will not abide by the covenant when there is a disruption in the public order).

71 Mindy Kristin Longanecker, No Room for Dissent: China's Laws Against Disturbing Social Order Undermine Its Commitments to Free Speech and Hamper the Rule of Law, 18 Pac. Rim L. & Pol'y J. 373, 398 (2009)(“Like many laws in China, laws against “disturbing social order” are vague and leave citizens and officials alike without proper guidance as to the laws' limits. The very meaning of the term is elusive.”).

C. Religion Should Simply Adapt to Chinese Culture

The Chinese government urges that true freedom of religion in China can be obtained as long as those who practice a religion are willing to adapt to Chinese society. Since the Chinese government has decided to only recognize certain religions, and dictate how those religions can practice, the Chinese government is essentially requiring Chinese citizens to alter their religion from what the religion actually is to what the Chinese government wants the religion to be. At the same time, the Chinese government is maintaining that Chinese citizens are not required to change the religions “basic doctrines.” This simply is not true. One of Christianity’s basic doctrines is the belief that Jesus came to earth, died, and was brought back to life. Christians also believe that Jesus will return to


73 See Information Office of the State Council of the People’s Republic of China, White Paper – Freedom of Religious Belief in China, § I (1997), http://www.fmprc.gov.cn/ce/ceum/eng/zt/dqwt/t28618.htm (released in 1997) (“Religion should be adapted to the society in which it is prevalent. This is a universal law for the existence and development of religion. Now the Chinese people are building China into a modern socialist country with Chinese characteristics. The Chinese government advocates that religion should adapt to this reality.”) Emphasis added.

74 Xiaodong Li, 420 F. 3d at 509 (explaining that China only recognizes five religions: Catholicism, Protestantism, Buddhism, Islam and Taoism).


76 1 Thessalonians 4:14 (New Living Translation)(“For since we believe that Jesus died and was raised to life again, we also believe that when Jesus returns, God will bring back with him the believers who have died.”).
earth sometime in the future. However, the Chinese government does not allow registered churches to teach the second coming of Jesus, even though it is a significant part of Christianity. The Chinese government’s requirement that religious groups alter their religion to conform to what atheist leaders in China feel is appropriate is a blatant violation of Chinese citizen’s freedom of religion.

IV. HOW THE CHINESE GOVERNMENT IS VIOLATING ITS CITIZENS FREEDOM OF RELIGION

In countries like the United States, freedom of religion is the first freedom under constitutional order. China, however, is an atheist country that does not value religion the way the United States values religion. In fact, China does not value religion at all. The dissonance comes from the unfamiliarity of religion and the fear of people looking to one higher power, God, over another, the Chinese government. This is proven by the fact that China will not recognize the Pope as head of the Catholic Church and

77 Acts 1:11 (New International Version) (“Men of Galilee,” they said, “why do you stand here looking into the sky? This same Jesus, who has been taken from you into heaven, will come back in the same way you have seen him go into heaven.”).

78 BROTHER YUN & PAUL HATTAWAY, THE HEAVENLY MAN: THE REMARKABLE TRUE STORY OF CHINESE CHRISTIAN BROTHER YUN 54-55 (2002) (explaining that a number of chapters in the Bible are not allowed to be preached, such as the Second Coming of Jesus).

79 For example, the First Amendment of the U.S. CONST. ART. I places freedom of religion above all other freedoms.

80 Liu Junning, Freedom of Religion: The Primary Human Right, 6 CHINESE L. & RELIGION MONITOR 41, 42 (2010) (discussing what it takes to be considered a “first freedom” and stating the two conditions that should be met. First, it must be the freedom prior to all other freedoms. Secondly, it must be the freedom that makes all other freedoms possible).

81 Britsch, supra note 36, at 348-9 (“Given the Communist Party's tendency to fear or distrust foreign people, organizations, and nations, Christianity has been considered a threat to China…”).
has defined the ties that Chinese Catholics can have with the Vatican.82 China also refuses to recognize the Dalai Lama as head of Tibetan Buddhism.83 Furthermore, in China, churches are not allowed to advertise or publicly try to attract new believers.84 Christianity in China is tolerated so long as it is done inside a registered church and following the regulations set by the Chinese government.85

In March of 2012, the United States Commission on International Religious Freedom (hereinafter the “Commission”) prepared an Annual Report that covered April 1, 2011 through February 29, 2012.86 The Commission found that “[t]he Chinese government continues to violate severely its international obligations to protect the freedom of thought,

---

82 Cindy Wooden, Catholics in China need prayers, pope says at audience (May 18, 2011), http://www.catholicnews.com/data/stories/cns/1101961.htm (Pope Benedict welcomed prayers from all Catholics for those persecuted in China for their religion).


85 Matthew 28:19 (“Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit.”) Christians are instructed, in the Bible, to spread the gospel. The Bible explains that Christians are to share His word with the world. This presents a problem in China since the only way Christians are allowed to worship is inside a registered church. This, in itself, does not allow Christians to practice their religion freely.

conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of —normal religious activities— face severe restrictions, harassment, detention, imprisonment, and other abuses." The Commission recognizes severe human rights violations of religious freedom in China and stated that “[b]ecause of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2012 that China again be designated as a country of particular concern[.]”

A. The Chinese Constitution and the Over Regulation of Christianity

Article 36 of the Chinese constitution states “[c]itizens of the People's Republic of China enjoy freedom of religious belief.” This, on its face, seems to allow Chinese citizens freedom of religious belief. As liberating as this may appear, to all those practicing a religion in China, the right to religious freedom only exists in theory. This is because article 36 goes on to read, “[t]he state protects normal religious activities.” Normal
The current view of Christianity in China

Religious activities are those activities approved and regulated by the government.\textsuperscript{93} The constitution further states: "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."\textsuperscript{94}

Religion in China is regulated by the Chinese government to protect social order, as provided by its constitution. The regulation of all legally recognized religions has a dual purpose.\textsuperscript{95} First, by regulating a religion, China is able to exert control over said religion and those attending religious services.\textsuperscript{96} Second, China is outwardly expressing what it will not tolerate, the following of a higher power.\textsuperscript{97} In effect, these regulations "isolate resistance and privilege communities loyal to the party-state."\textsuperscript{98}

Article 36 of the Chinese Constitution grants religious freedom only for "normal religious activities."\textsuperscript{99} China believes that prosecution of citizens that attend illegal house churches is not a violation of religious freedom because they are prosecuting people who break their laws, regardless of

\textsuperscript{93} Georgiou, supra note 20, at 372 (2000) ("Numerous scholars--both Chinese and non-Chinese--have defined the word “normal” to mean “‘legal religious activities’ . . . whatever the state or its representatives allow"); Britsch, supra note 36, at 354 (1995) (explaining that normal religious activities are basically whatever the state or its representatives permit).

\textsuperscript{94} Chinese Const. art 36 (1982).

\textsuperscript{95} Potter, supra note 1, at 335.

\textsuperscript{96} Id.

\textsuperscript{97} Id.

\textsuperscript{98} Id (stating that the practice of identifying and enforcing norms of social conformity then attacking those who do not conform is consistent with China’s historical practices).

\textsuperscript{99} Chinese Const. art 36 (1982); Cox, supra note 3, at 383 (explaining that normal religious activities are activities that take place at a registered church, making the church and the “approved” activities legal).
their individual religion.\textsuperscript{100} Basically, Chinese citizens attending house churches are criminals in the eyes of the Chinese government and the Communist Party and they deserve to be treated as criminals.

B. Registration of Religious People and Places of Worship

In 2010, China had a population of 1.3 billion people.\textsuperscript{101} Officially, about ten percent of the Chinese population are religious believers.\textsuperscript{102} This equals more than 100 million Chinese people.\textsuperscript{103} Even with millions of Chinese citizens converting to one religion or another, the Chinese government, as a whole, remains atheist.\textsuperscript{104} In fact, the Communist Party Members, according to government documents, are actually required to identify as an atheist.\textsuperscript{105}

Thanks in part to pressure from the international community as well as religious believers in China that certain religions were allowed to use public buildings for gathering and worship, as long as the gathering place is

\textsuperscript{100} Cox, supra note 3, at 384.
\textsuperscript{101} China country profile, BBC News http://news.bbc.co.uk/go/pr/fr/-/hi/asia-pacific/country_profiles/1287798.stm (last updated Aug. 9, 2011) (China has the world’s largest internet using population and with it, the world’s most technologically-advanced web filtering system. Thousands of cyber-police monitor the internet use by the people in China. Any material deemed politically and socially sensitive is blocked. Facebook, twitter, and human rights sites are just some of the blocked material in China).
\textsuperscript{102} International Human Resources Guide § 17:26.
\textsuperscript{103} International Human Resources Guide § 17:26 (stating the real number is actually much higher).
\textsuperscript{104} Howard W. French, China Adds Restrictions in Effort to Shake the Faith of Independent Congregations, THE NEW YORK TIMES (August 18, 2006), http://www.nytimes.com/2006/08/18/world/asia/18china; See generally Landau, supra note 44; Britsch, supra note 36, at 350 (explaining that the Communist Party in China, as a whole, is atheist, as it does not believe there is a God).
\textsuperscript{105} Rowe, supra note 61, at 735.
registered and approved by the Chinese government.\textsuperscript{106}

China recognizes five “official” religions: Catholicism, Protestantism, Buddhism, Islam and Taoism.\textsuperscript{107} To be considered legal, religious groups must first register with the government’s Religious Affairs Bureau (“RAB”).\textsuperscript{108} The RAB is responsible for enfor\textsubscript{c}cing the policies created by the Party’s Central Committee.\textsuperscript{109} Once registered, the religious groups are supervised by their respective government sanctioned patriotic religious organizations, based on the group’s religious denomination.\textsuperscript{110} Becoming a state registered church is not an easy process.\textsuperscript{111} The registration process can take years before a church is legally recognized by the Chinese government because of the various requirements, such as requiring a certain number of members before the Chinese government will

\textsuperscript{106} French, \textit{supra} note 62.
\textsuperscript{107} Xiaodong Li, 420 F. 3d at 509.
\textsuperscript{108} Xiaodong Li, 420 F. 3d at 509; \textit{See generally}, Britsch, \textit{supra} note 36, at 351 (explaining that the Religious Affairs Bureau receives its power from the State Council. The Religious Affairs Bureau also reports to the State Council); Zhuo Xinping, \textit{Religion and Rule of Law in China Today}, 2009 BYU L. REV. 519, 521 (2009) (explaining that China began requiring “registration of all religious associations” in March of 1946).
\textsuperscript{109} Kolodner, \textit{supra} note 16, at 473 (explaining that the Central Committee is the highest committee within the communist party of China); Britsch, \textit{supra} note 36, at 351 (“Christians may also appeal to the RAB in cases where they believe their religious freedom has been violated”).
\textsuperscript{110} Xiaodong Li, 420 F. 3d at 509; \textit{See also} Kolodner, \textit{supra} note 16, at 473 (stating that these organizations are the Chinese Buddhist Association, the Chinese Islamic Association, the Chinese Daoist Association, the Three-Self Patriotic Movement for those churches that are Protestant, and the Chinese Catholic Patriotic Association).
\textsuperscript{111} Xiaodong Li, 420 F. 3d at 509 (becoming a registered religious group requires a group to: possess an approved meeting place; contain citizens who are religious believers and who regularly take part in religious activity; have an organized governing board; have a minimum number of followers; have a set of operating rules; and have a legal source of income).
recognize the organization that is requesting to become registered.\textsuperscript{112} Once registered, the Chinese government requires the registered church to “provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; or seek advance permission from the government for all major religious activities or theological positions.”\textsuperscript{113}

Requiring registration is a way for China to effectively control religious practices without facially denying the people of China of their religious freedom.\textsuperscript{114} At the very least, requiring the names and contact information allows for the continuance of persecution among the church members. The effect of requiring registration, in actuality, is a violation of freedom of religion.\textsuperscript{115}

The Chinese government and its local officials have begun to allow

\begin{footnotesize}
\textsuperscript{112}Id.
\textsuperscript{115}BROTHER YUN & PAUL HATTAWAY, \textit{THE HEAVENLY MAN: THE REMARKABLE TRUE STORY OF CHINESE CHRISTIAN BROTHER YUN} 70 (2002) (“The government and the Three-Self Patriotic Movement have fooled many Christians around the world by insisting there is freedom of religion in China[.] They boldly claim that Christians are no longer persecuted for their faith. There is ‘freedom’ of religion in China only if you’re willing to do, say, live and worship exactly as the government instructs you. Anyone who desires to live a godly life and obey all of Jesus’ teachings will soon find out how much freedom there really is.”).
\end{footnotesize}
some unregistered house churches, in urban areas, to meet openly. The Chinese government officials, in some areas, appear to be turning a blind eye to unregistered churches. However, this is not a consistent or widespread movement. There are many places in China where people are not allowed to come out into the open to worship without first registering with the government and there are many people still being persecuted all throughout China for practicing a religion outside of the restrictions of a registered church. Disregarding certain house churches that worship openly seems to be more of a political move for the Chinese government than a willingness to accept religion in China. The more the Chinese government resists accepting religion and openly upholds unfavorable policies the more the Chinese people and the international community will become unsettled. This practice of not always enforcing the law that churches must be registered creates unsettled tension for those Chinese believers who want to attend a house church. Do they take the risk that the


117 Li Zhou Chen, 331 F. App’x at 808.

118 U.S. Commission on International Religious Freedom Annual Report 2012, at 138 (March 2012) http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf (“Repression of unregistered religious activity varies by region, province, politics, and ethnicity. In some localities, officials arbitrarily implement national government policy and allow some unregistered groups, sometimes with thousands of members, to carry out worship activities openly. Such practices are, however, exceptions to the larger rule.”).

119 Li Zhou Chen, 331 F. App’x at 808.
government will leave them alone? Or do they risk losing their job or going to prison? After so many years of oppression it is understandable that many Chinese Christians would still prefer to attend a house church that has not come out in the open.\(^{120}\)

\[\text{C. Persecutions}\]

Despite what the Chinese government portrays to the international community, Chinese citizens are still being persecuted for their religious beliefs. Take, for example, Chun Rong Jiang (“Jiang”), who attended a church run by the Chinese government as a child but decided to hold religious services at his home because he disapproved of the way the government was using the church to control Christians.\(^{121}\) Based on the White Paper,\(^{122}\) Jiang’s decision to hold religious services in his home would be permitted, since Jiang and his friends and family were gathering for prayer and worship, activities which are “allowed,” according to Chinese officials.\(^{123}\) During one church service in February 2002, four

\[\text{\footnotesize\(^{120}\)Attending a house church can be very dangerous. It has been reported that criminal groups disguise themselves as underground churches but really hold secret meetings and committing fraud, rape, and even murder. China Daily 2010 WLNR 5614229. A Beijing Christian shares his story of conversion. March 17, 2010. (Simon Zhang is a 22-year old student in Beijing. He was top in his studies and interned at a fortune 500 company. Simon said he disliked the feeling of being judged at the state regulated churches when he didn’t give enough donations or when he would receive non-spiritual publications. He decided to worship with non-regulated churches but read about criminal groups being disguised as Christian house churches).}

\[\text{\footnotesize\(^{121}\)Jiang v. Gonzales, 485 F.3d 992, 994 (7th Cir. 2007).}

\[\text{\footnotesize\(^{122}\)White Paper. supra note 63.}

officers broke into Jiang’s home, searched his home without a warrant, confiscated all of his religious materials, handcuffed everyone at Jiang’s home, and brought everyone to the police station. Officers beat Jiang with batons and interrogated him about the underground church. The officers then allowed other prisoners to beat Jiang for seven days, until Jiang’s relatives were able to gather enough money for his release. The Chinese government allows this kind of persecution to take place in its country while declaring to the world that “[r]eligious disputes are unknown in China. Religious believers and non-believers respect each other, are united and have a harmonious relationship.”

Another example of persecution in China is the punishment that Chinese citizen Xiaodong Li received from the Chinese government in

registration requirement for house services).

124 Jiang, 485 F.3d at 994 (explaining that when Jiang requested the warrant to enter and search his home, he was slapped in the face by an officer).

125 Id.

126 Id (stating that after Jiang’s release he went to the hospital where he had to stay for two weeks. Jiang was prohibited from attending church, he was required to report to the police station weekly, and he lost his job. Jiang fled to the United States because of his fear of further prosecution).


128 Xiaodong Li, 420 F. 3d at 503-505 (5th Cir. 2005) (Xiaodong Li is a native of the People’s Republic of China. He came to the United States on November 4, 1995, because of his fear of prosecution from the Chinese government. Before he had to flee, Xiaodong Li was involved in a government approved church in China. He became a member of the church in November 1989, but the school he was attending threatened to expel him and turn him over to the police if he continued to be involved in a religion that did not support the Communist Party in China. He ended his participation and became involved in an underground church. Himself and six others would meet at Xiaodong Li’s house on Sundays. He said he did not register as a church because the Government would use it for its own propaganda purposes).
April 1995. The official crime Xiaodong Li was persecuted for was holding an illegal religious gathering and conducting an underground church. Chinese police entered the home of Xiodong Li and discovered he was holding a religious gathering. Police also found religious material in Xiodong Li’s possession. In the eyes of the Chinese government, Xiodong Li committed an illegal activity that was worthy of a penalty of oppression, arrest, interrogation, jail time, and torture. Xiaodong Li was taken to a police station, forced to kneel on the ground while police beat him with a police bar, police pulled his hair and kicked him in the leg and head until he finally plead guilty. Then, Mr. Li was detained for five days in abusive conditions. Mr. Li also lost his job because of this government activity and was forced to clean public toilets without pay. Mr. Li was scheduled for a hearing where his prison sentence was to be determined and he was told that if he did not show up to the hearing, his family will be interrogated and possibly charged with an offense and sent to prison.

With good reason, the Xiaodong Li case created uproar in the

\[129\] Id at 504.
\[130\] Id at 503.
\[131\] Id at 503.
\[132\] Id at 503.
\[133\] Id at 503.
\[134\] Id at 503.
The only thing that Xiaodong Li did was gather with a few friends to practice his religion. This act of worship, in China, is illegal and for that his illegal acts he faced prosecution by the Chinese government. His fear of going to prison and the possibility of being beaten caused him to flee to the United States for protection. Xiaodong Li’s request for asylum was initially refused because the court found he was not actually persecuted for his religious belief because he acted illegally by not registering his church. The United States viewed Xiaodong Li in the same way that the Chinese government did, as a criminal. In response to the outcome of the case, Michael Cromartie wrote a letter to the Attorney General, Alberto Gonzales, on behalf of the United States Commission on International Religious Freedom (“Commission”).

---

135 China/Asylum Issues: USCIRF deeply troubled by 5th Circuit decision in Li v. Gonzales (Oct. 3, 2005), http://www.uscirf.gov/news-room/press-releases/1540.html (The Immigration Judge granted Mr. Li withholding of removal, having found that Mr. Li would "more likely than not" face persecution for his religion were he to return to China. The INS trial attorney appealed, and the BIA (in a 2 to 1 decision) reversed the Immigration Judge, and ordered Mr. Li removed. The Fifth Circuit upheld the decision by the Board).

136 Xiaodong Li, 420 F. 3d at 500.

137 This is a huge problem in the United States. Chinese citizens who seek asylum in the United States are required to prove they are a Christian in order to then prove they were persecuted for their faith. One way the United States requires a Chinese Christian to prove his faith is to ask a series of questions about Christian history and the bible. However, those who are persecuted in China are those likely to attend house churches, and do not have access to bibles or other Christian materials. Further discussion regarding asylum in the United States is outside the scope of this paper.

138 Xiaodong Li, 420 F. 3d at 500.

139 Michael Cromartie is the Chair of the United States Commission on International Religious Freedom.

140 China/Asylum Issues: USCIRF deeply troubled by 5th Circuit decision in Li v.
to, what it calls, the “situation in China.” This letter was one of the major reasons why the decision by the court to send Xiaodong Li home was overturned.

Chun Rong Jiang and Xiaodong Li are just two examples of how Chinese citizens are being persecuted on the basis of their religion. There are numerous reports of the human rights violations of freedom of religion in China. Chinese Christians are not allowed freely practice their religion without fear of being persecuted and/or prosecuted by the government. China’s purpose for such a severe punishment for anyone holding a religious gathering without government approval is to maintain social order. Despite what the Chinese government attempts to portray, the fact is that Christians in China are not free to practice their religion, all to maintain China’s ambiguous social order.

Gonzales (Oct. 3, 2005), http://www.uscirf.gov/news-room/press-releases/1540.html (“The Commission - which recently returned from China - is concerned with the increasing trend by China and other authoritarian governments to criminalize religious activity on the sole basis that the activity is not approved or the relevant religious organization registered by the government.”).

141China/Asylum Issues: USCIRF deeply troubled by 5th Circuit decision in Li v. Gonzales (Oct. 3, 2005), http://www.uscirf.gov/news-room/press-releases/1540.html (The government has engaged in severe and systematic violations of freedom of religion or belief against members of virtually all religious communities, including Uighur Muslims, Tibetan Buddhists, underground Catholics, house church Protestants, and spiritual movements such as the Falun Gong).

142Xiaodong Li, 420 F. 3d at 1153 (The BIA vacated its decision and reinstated the immigration judge’s decision granting Li withholding of removal) See also DAVID A. MARTIN, ET AL. FORCED MIGRATION: LAW AND POLICY 250 (2007) (This was the first time the committee took a position on an asylum case. They did so because of they recognized a way to promote international religious freedom).

143Xiaodong Li, 420 F. 3d at 503.
V. Predicting Future Trends

The Chinese constitution is very clear on the government’s goals for China’s future. The preamble of the Chinese constitution reads “[t]he basic task of the nation in the years to come is to concentrate its effort on socialist modernization.” Modernizing China will require efforts on the part of China to work with the various religions in China. The main reason China will be forced to work with religious people is because there are about 100 million people that participate in religious activities, and that number is rapidly increasing. The Chinese government will likely continue to work with religious Chinese citizens so long as Socialism is furthered and with the mindset that religion will eventually disappear in China. In predicting future trends of religion in China, it is important to keep in mind that China is Socialist and seeks “step by step to turn China into a socialist country with a high level of culture and democracy.” Any activity that appears to undermine socialism will not be tolerated by the Chinese government, whether regarding religion or anything else in

---

144 Chinese Const. preamble (1982) (“Under the leadership of the Communist Party of China and the guidance of Marxism- Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road.”).
145 Chinese Const. preamble (1982).
146 Britsch, supra note 36, at 350.
147 Potter, supra note 1, at 322.
148 Britsch, supra note 36, at 350.
149 Chinese Const. preamble (1982).
China. What this means is that there will continue to be restrictions on what religions will be recognized by the Chinese government and what those religions can actually practice. The regulations on those religions will continue to be approved by the RAB, since it reports directly to the Chinese government. There is little chance that anytime in the near future the Chinese government will willingly change its policy to allow non-atheists to become members of the Communist Party. It is also unlikely that the Chinese government will cease regulating religious activities.

VI. RECOMMENDATION FOR CHANGE

Recent pressure from the international community has forced China to become more open to the idea of freedom of religion. China’s result has been the institution of state-regulated churches. The implementation of state-regulated places of worship is a start for China. The Chinese government recognizes that it cannot ignore the vast amount of Chinese citizens that are turning to Christianity. China’s solution is to allow Christianity on its terms and by its rules, hence the registration requirement and the rules for regulating religion in China. It is easy for the Chinese government to claim they support religious freedom while regulating every aspect of how the Chinese people are allowed to worship. Genuine religious freedom will only be accomplished when Chinese citizens are

\[150\] Chinese Const. preamble (1982) (ordering the Chinese people to “fight against those forces and elements, both at home and abroad, that are hostile to China’s socialist system and try to undermine it”).
allowed to freely choose what to believe, where, when, and with whom.\footnote{Junning, supra note 80, at 45 (“Belief is the product of reason and faith, not that of coercion and violence. In the same way, coercion and violence cannot stop belief.”.)}

Freedom of religion is one of the foundations of international human rights law.\footnote{Georgiou, supra note 20, at 359.} In order to insure that all Chinese citizens are allowed this right, there are three things that should be implemented immediately. First, the Chinese Government should be more educated on the many religions in China. Second, there should be no requirement for anyone to register with the government and there should be no unreasonable restrictions on religious organizations, including requiring a bible to be purchased only from a registered church. Third, there should be widespread enforcement of religious freedom, as opposed to religious freedom only in urban areas or places where tourists are more likely to visit.

A. Allowing Members of the Communist Party to Identify with a Religion

Throughout China’s history, the government’s number one priority is the welfare of society, not on the individual Chinese citizen.\footnote{Kolodner, supra note 16, at 466.} This is still the belief in China. The idea that the needs of society are greater than the needs on an individual coincides with a Marxist philosophy, one which China fully embraces.\footnote{See Eric Engle, Human Rights According to Marxism, 65 GUILD PRAC. 249, 252 (2008) (explaining Marxist regimes respects collective rights more than individual rights).} In fact, “[t]he ultimate, stated aim of Marxist
teaching is the complete eradication of all religion.”

As long as this mentality is instilled in the Chinese Government, there will never be true freedom of religion. A country that requires atheism as a prerequisite to becoming a member of the government will never be able to create fair laws for those citizens who believe there is a God and want to practice their religion accordingly.

The first solution is found in the preamble of the Universal Declaration of Human Rights:

“Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

The Universal Declaration of Human Rights is not a treaty and is thereby not binding law. The Declaration is, however, customary law.

\[155\] Brother Yun & Paul Hattaway, The Heavenly Man: The Remarkable True Story of Chinese Christian Brother Yun, at 53 (2002)("[T]he kingdom of God can never mix with Politics. The pure bride of Christ can never be controlled by an atheistic government or led by men who hate God.").

\[156\] Kolodner, supra note 16, at 466.


\[158\] Georgiou, supra note 20, at 360.

\[159\] Id.
As such, its contents should be what all nation-states strive to achieve. Unfortunately, this is not what China currently strives for. As stated several times throughout this paper, China strives to further Socialism, and cares little about its citizen’s individual human rights. If the Chinese government was educated on religion it may become more open to true freedom of religion.

One way the Chinese government can become educated is allowing members of the communist party to identify with a religion\textsuperscript{160} and attend church openly. There are currently 80 million members of the Communist Party.\textsuperscript{161} If the members of the Communist Party were able to choose a religion and practice that religion, they would be able to apply its principles in its decision making.

\textbf{B. Eliminate Regulation Requirements on Religious Organizations}

The Chinese government’s excessive control and overregulation creates a problem for those Chinese citizens who choose to practice a religion. One of those regulations is the registration requirement for anyone who desires to attend a legally recognized church.\textsuperscript{162} This requirement, as

\begin{footnotesize}
\begin{enumerate}
\item Britsch, supra note 36, at 361 (explaining that members of the Communist Party in China are required to be atheist).
\item Xiaodong Li, 420 F. 3d at 509 (explaining that all religious groups must first register with the Chinese government); Zhuo Xinning, Religion and Rule of Law in China Today, 2009 BYU L. REV. 519, 521 (2009) (explaining that China began requiring “registration of all religious associations” in March of 1946).
\end{enumerate}
\end{footnotesize}
discussed earlier in this paper, requires all religious groups that are registered to “provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; or seek advance permission from the government for all major religious activities or theological positions.”

All of these are a way for the Chinese government and the Communist party to allow some religious activities while keeping those religions under close control.

Another regulation is the Chinese law that requires all bibles and religious materials to be printed by an approved printing press in China and for those materials to only be sold at registered churches. This requirement is extremely dangerous for Christians in China because any person caught with an “illegal” bible can be arrested and prosecuted as a criminal. The Chinese government needs to move away from treating religious believers as criminals, and one way to effectively achieve this goal

164 Nelson, supra note 114 (stating that registration requirements are favored means to continue government control over religious practices, particularly in Communist and formerly Communist countries).
165 Martin L. Wade, The Need for Heightened Administrative Notice of Country Conditions for Protestant Chinese Refugees in Asylum Proceedings, 20 WIDENER L.J. 319, 321 (2011) (discussing a criminal law in China that prohibits printing and giving away Bibles); See Goal on pace for legal Bibles...in China! (July 11, 2012), http://www.mnnonline.org/article/17431 (explaining that bibles printed in China are only allowed to be printed at an approved printing press and are not given an ISBN. Without and ISBN, the bibles can only be sold in registered churches, not public bookstores, thereby limiting the people who can purchase a bible to those who are registered with the government).
is to remove the requirement that bibles can only be obtained through registered churches.

China is doing everything in its power to hold on to its strict regulations and create a united front\textsuperscript{166} of Socialism. However, while “there might be a united front between religion and socialism on a social level, there can be no such unity on an ideological level.”\textsuperscript{167} In reality, all the Chinese government is doing is creating unrest in those Chinese people who identify with a religion. The Protestant house church movement is one example of Chinese citizens gathering together to practice their religion outside the confines of the Chinese government.\textsuperscript{168} This is happening because “religious believers owe a higher loyalty to their own religious norms” than to the Chinese government and the desire to practice their religion freely.\textsuperscript{169}

Through the regulations, the government is forcing religious believers to adapt to the socialist society, regardless of what the particular religious belief requires.\textsuperscript{170} The Chinese government is attempting to mold

\begin{thebibliography}{10}
\bibitem{Britsch} Britsch, \textit{supra} note 36, at 351 (stating that the concept of the united front is that the Chinese government seeks to become allies with “a broad spectrum of the population at any one time” so that the Country is more secure and not able to be taken over by enemies).
\bibitem{Potter} Potter, \textit{supra} note 1, at 324 (explaining that members of house churches are at least double the population in registered Christian churches).
\bibitem{Potter2} Potter, \textit{supra} note 1, at 335 (stating that when compliance with the regulations that the Chinese government has implemented becomes impossible, religious believers will be driven further underground).
\bibitem{Potter3} Potter, \textit{supra} note 1, at 322.
\end{thebibliography}
all religions into what works for China, as opposed to recognizing the immense differences in the various religions and allowing religious people to identify with whatever religion they choose and practice that religion in ways that are appropriate for said religion.\textsuperscript{171}

A better approach would be for the Chinese government to eliminate the registration requirement and have limited\textsuperscript{172} restrictions for religious organizations. This requires the Chinese government to relinquish a lot of its control over religious organizations, something that the Chinese government is against doing at this present time. However, in allowing Chinese citizens to freely practice their religion, there will be less animosity towards the Chinese government from religious believers in China and the international community.

\textit{C. Widespread Practice of Rules}

The first two recommendations, allowing members of the Communist party to identify with a religion and the elimination of restrictions, will have no effect unless the implementations are widespread. The same is true for the current rules in place to enforce religious freedom

\textsuperscript{171}The Chinese government should be allowed to impose reasonable regulations on religious activities to avoid harm to others, such as murder. A person should not be allowed to kill in the name of their religion and expect to claim that they are exercising their “religious freedom.” Rather, regulations should be in place to protect the people, not the atheist communist party’s idea of Socialism.

\textsuperscript{172}I say limited as opposed to no restrictions because even in the United States there are restrictions on religion. Religion will still need to comply with other human rights. Whether or not certain religious activities interfere with other people’s human rights are outside the scope of this paper.
in China. The Chinese constitution directs:

The people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings in the country must take the Constitution as the basic norm of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.\textsuperscript{173}

However, the enacted laws to allow freedom of religion are not being enacted consistently throughout the country. Major cities may be experiencing more religious freedom. However, provinces in northern Hebei, Shaanxi, and Gansu are still encountering hostile repression.\textsuperscript{174} The degree of liberty varies from place to place and there is a major need for more uniformity in the enforcement of the constitution, international treaties, and Chinese laws.

Chinese Christians who practice in more developed areas have more religious freedom than those who live in more undeveloped regions. In fact, torture, arrests, imprisonment, and beatings of Christians are still practiced today.\textsuperscript{175} On January 31, 1994, Premier Li Peng signed Orders 144, “Regulations on the Management of the Religious Activities of Foreigners Within China's Borders,” and 145, “Management of Places for

\textsuperscript{173}Chinese Const. preamble (1982).
\textsuperscript{174}Rowe, supra note 61, at 737.
Religious Activities Ordinance.”\textsuperscript{176} These orders did not actually change any rules or regulations that were in place. Instead, the purpose of the orders was to clarify the policies in place and provide guidance for local officials.\textsuperscript{177} Although the motivation for these orders may have been to exert higher control over religious activities that were occurring in unregistered churches, China can use these very same orders to provide officials who are located in smaller regions the ability to enforce religious freedom by creating uniformity throughout China.

**Conclusion**

Freedom of religion in China has a long way to go before China can say it allows its citizens to practice their respective faiths without unreasonable state intrusion.\textsuperscript{178} The ratification of the ICESCR by China in 2001 appears to be more about appearance than actually allowing the Chinese people basic human rights.\textsuperscript{179} This is proved by the plethora of underground churches that have popped up in China after the Cultural Revolution.\textsuperscript{180} In fact, the number of Christians who attend house churches is at least double

\textsuperscript{176}Britsch, \textit{supra} note 36, at 359.

\textsuperscript{177}Id (explaining that China News and Church Report suggest that these orders “exert tighter control over unregistered religious activity”).

\textsuperscript{178}Junning, \textit{supra} note 80, at 42.

\textsuperscript{179}See \textit{Human Rights and the Rule of Law in China}: Hearing before the Congressional-Executive Commission on China, 111th Cong., 1st sess. 13 (2009) (statement of Gardner Bovingdon, Assistant Professor, Indiana University, Bloomington) (stating that “Beijing has long challenged the assertion that there are universal human rights”).

\textsuperscript{180}See \textit{Generally} Potter, \textit{supra} note 1, at 334.
the amount as those found in State registered Christian churches.\textsuperscript{181} People who feel they are free to worship their religion freely in Churches recognized by the government do not resort to attending church illegally.\textsuperscript{182} The only logical conclusion is that the Chinese people are being deprived a basic human right – freedom of religion.

\* \* \*

\textsuperscript{181}See Generally Id.
\textsuperscript{182}See Generally Id.