

## **The Assault on Religion in China and What To Do About It**

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Chairman Smith, Ranking Member Bass, and members of the sub-committee, thank you for holding this important hearing and inviting me to give my views on (1) the status of religious freedom in China, especially that of Catholics, (2) what Congress and American diplomacy can do that is not now being done, and (3) last week's Provisional Sino-Vatican agreement.

### **The Bottom Line**

The current assault on religion in China under President Xi Jinping is the most comprehensive attempt to manipulate and control religious communities since the Cultural Revolution. Xi's policy should be seen as a particularly troubling aspect of the global crisis in religious freedom, one in which over three-quarters of the world's people live in nations where religion is highly, or very highly, restricted. China is one of those nations.

Within China, Xi's policy intensifies a decades-long government strategy of undermining a major threat to the authority of the communist state – namely, that religion is a source of authority, and an object of fidelity, that is greater than the state. This characteristic of religion has always been anathema to totalitarian and authoritarian despots, and to majoritarian democracies. Most religions, by their nature, limit the power of the secular state, which is a major reason why the American Founders put religious freedom at the beginning of our Bill of Rights.

President Xi's intensification of China's anti-religion policy includes a renewed effort to alter the fundamental nature of certain religions. One is Islam as practiced by the Uighurs in Xinjiang Province, which the Chinese have recently targeted for almost genocide-like transformation or elimination. Another is Tibetan Buddhism, the object for decades of a brutal Chinese strategy of persecution. A third is Roman Catholicism, whose distinctive teachings on human rights and religious freedom pose a particular obstacle to the Chinese state, and to the impoverished Marxist-Leninist understanding of human nature and human dignity.

Xi's policy presents a major challenge to U.S. international religious freedom policy, which has to date had little impact in China. For twenty years that policy has played a bit part in the "grand strategy" of liberalization – the idea that China can be induced into the "rules-based" liberal international order under American leadership. To the extent such a strategy ever made sense, it now seems fatally flawed in the face of Xi's aggressive political and religious policies.

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Since Congress passed the International Religious Freedom Act twenty years ago, U.S. religious freedom policy in China has consisted largely of episodic human rights dialogues, annual reports on and rhetorical denunciations of Beijing's periodic, harsh crackdowns, and imposing mild and ineffective sanctions. None of this has had much impact on religious minorities, or Chinese government policy.

It is possible that stiffer sanctions would help, and arguments for them should be considered – especially sanctions targeted at individual Chinese officials. But on balance I believe sanctions are unlikely to change China's newly-energized anti-religion policy, or help besieged religious minorities. Unilateral sanctions have rarely been an effective diplomatic tool, and they are even less likely to be effective in China in the midst of our current dispute over tariffs.

Overall, U.S. religious freedom policy hasn't worked in China, and is unlikely to work in the face of Xi's systematic crackdown on religion. It is time to try a different approach. Congress and the State Department should work together to develop an all-of-government U.S. diplomatic strategy to persuade Beijing of an empirically verifiable proposition, namely, that China's minority religions, including its Catholics, are not inclined to challenge the government's political power, but that, given the opportunity, they would further China's domestic well-being.

If the Chinese government viewed religious communities as valued elements of society and simply left them alone, those communities would very likely make substantial contributions to addressing domestic problems that are of great concern to Xi and the Politburo: the fragility of China's economic growth and social harmony; its moral decline and increase in corruption; the threat of violent religious extremism, and a huge and growing need to care for China's poor, orphans, victims of natural disasters, the aged, and the dying.

A revised US strategy emphasizing these themes would not be entirely new. As director of the State Department's office of international religious freedom, I participated in talks with the Chinese in which we made some of these arguments. They have been re-made on occasion in recent years. But these arguments have been seen by the Chinese as mere assertions, talking points made episodically by one office of the State Department, and largely ignored by other American officials. Equally important, they have not been accompanied by systemic, objective, empirical evidence.<sup>1</sup>

To have a chance to succeed, a "Chinese interests" strategy must be an element of virtually all official U.S. interactions with China, at all levels, and it should be fact-based. It should be conveyed within a bilateral, permanent institution, such as a U.S.-China working group on religion, that would remove the ad-hoc nature of past efforts.

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<sup>1</sup> For a sampling of this evidence see: Brian J. Grimm, Greg Clark, and Robert Edward Snyder. (2014) "Is Religious Freedom Good for Business: A Conceptual and Economic Analysis," *Interdisciplinary Journal of Research on Religion*, Vol. 10. Monica Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century: Resurgent Religion and Global Politics* (New York: W.W. Norton & Company, 2011). Thomas Farr, *World of Faith and Freedom: Why International Religious Liberty is Vital to American National Security* (Oxford: Oxford University Press, 2008). Nilay Saiya. (2015) The religious freedom peace, *The International Journal of Human Rights*, 19:3, 369-382. Nilay Saiya and Anthony Scime. (2015) "Explaining Religious Terrorism: A Data-mined Analysis," *Conflict Management and Peace Science*, Vol. 32:5, 487-512.

Even if successful, such a revised U.S. policy would not produce religious freedom in China, But it would be a major step toward the kind of religious tolerance that would reduce human suffering more effectively than past and current U.S. policy, and improve U.S.-China relations. It would not be expensive, although it would require new training of diplomats and the kind of diplomatic energy and will that seems to be present under Secretary Pompeo and Ambassador at Large for International Religious Freedom Sam Brownback.

Finally, with respect to Vatican diplomacy, I am concerned that the recent Sino-Vatican Provisional Agreement will not improve the lot of Catholics in China, much less the status of religious freedom for non-Catholic religious communities. Rather, it runs the risk of harming religious freedom in China, as well as inadvertently encouraging China's policy of altering the fundamental nature of Catholic witness. In my humble opinion as a Catholic, and an advocate for religious freedom, the Vatican's charism is to support that witness, as Pope Saint John Paul II did in Communist Poland.

### **To Set the Stage: a Brief Historical Overview of Catholicism in China**

The earliest Christians in China appeared in the 7<sup>th</sup> century, but the church was not permanently established. A semi-permanent Catholic presence began in the 13<sup>th</sup> century with the arrival of the first of several Franciscan priests, the building of the first Roman Catholic church, and the installation of the first Catholic bishop.

After three centuries of Catholic growth and retrenchment, the Protestant Reformation in Europe led to the creation of the Society of Jesus -- the Jesuits. This new Catholic order evangelized worldwide, and reached China by the late 16<sup>th</sup> century. In 1601 Matteo Ricci installed a Jesuit mission, which established Catholicism in China, notwithstanding periodic, fierce resistance by Chinese emperors. In 1724 all Christianity was banned by the Qing dynasty, but by the dawn of the 19<sup>th</sup> century an estimated 200,000 Chinese Catholics remained. With the entry of the Western powers into China, their numbers increased, as did the numbers of Protestant missionaries and conversions to Christianity. During the 19<sup>th</sup> and 20<sup>th</sup> centuries Christianity became associated with Western imperialism, a perception that lasts to this day and, although the vast majority of Christian clergy and lay adherents are indigenous Chinese citizens, continues to fuel persecution.

Throughout these centuries, Catholics in China encountered versions of what we are seeing today from the Chinese communist government, that is, the assertion that Catholicism is incompatible with Chinese culture and must either be rooted out or adapted in ways that would change its fundamental nature.

The triumph of Mao and the Communist Revolution in 1949 led to an attempt, natural to totalitarian regimes, either to absorb all religion into communist ideology or to destroy it. The new Peoples' Republic expelled the papal representative and in 1951 broke relations with the Holy See. The next decade witnessed brutal treatment of Catholics, Protestants, and other religious groups.

But by the 1960s, China's policy of taming religion was, like its economic policy, clearly failing. In 1966, Mao proclaimed that Chinese communism, like Soviet communism, had become too

“revisionist,” and he initiated the Cultural Revolution. The new revolution would, in his words, “sweep away all the monsters and demons” that opposed his brand of communism. For the next ten years the Red Guards mounted a sustained and brutal attack on anyone or any group seen as a threat, and that included the Chinese Catholic Church.

While most of the official records of those devastating years were destroyed by Mao’s successors, we know from survivors the terrible contours of what happened to Catholics and other religious groups. Churches were desecrated, looted and turned into factories and storerooms. Priests and nuns were tortured, murdered (some were burned alive), and imprisoned in labor camps. Lay Christians were paraded in their towns and villages with cylindrical hats detailing their “crimes.” Millions of Chinese citizens died terrible deaths during the Cultural Revolution, including by starvation. Tens of millions were brutalized, their lives and families destroyed. The clergy and faithful of the Catholic Church were among them.

But the Cultural Revolution merely confirmed what Stalin and Hitler had already proven -- religion cannot be destroyed by totalitarianism. The powerful need for religion is in the DNA of men, women, and children. Grudgingly acknowledging this reality, Mao’s successors condemned the excesses of the Cultural Revolution and adopted a new strategy on religion – one that continues to this day.

The religion policies of Chinese leaders from Deng Xiaoping, who succeeded Mao in the 1970s, to President Xi Jinping today have been variations on a theme: religion is by its nature a threat to the Communist Party and the rule of the Politburo. While Mao proved that a policy of eliminating religion is unrealistic, his successors have constantly experimented in finding the “correct” way to control, co-opt, and absorb religion into the communist state.

### **Contemporary Chinese Religion Policy**

Ten years ago I wrote a book on U.S. international religious freedom policy that contained a chapter on China.<sup>2</sup> Re-reading that chapter confirmed for me that not much has changed. If you were to graph China’s religion policies since the 1970s, you would see ups and downs as new Chinese leaders adapted policies to achieve the objective of control.

Not all Chinese policy involves overt repression of religion. Since the Cultural Revolution China’s leaders have periodically supported religious groups perceived to be capable of consolidating Beijing’s absolute power. Former Chinese leaders Jiang Zemin and Hu Jintao, for example, praised Chinese (non-Tibetan) Buddhism, Confucianism, and Daoism as the “traditional cultures” of China. Xi Jinping has exhorted adherents of those religions to help reverse China’s moral decline.

Clearly those three groups pose a lesser threat to Communist rule than do the Uighur Muslims, Tibetan Buddhists, and Christians. For the moment at least, it is the latter three religious communities that are the objects of continuing repression, especially the Uighurs. The Muslims of Xinjiang province are being subjected to a massive anti-Uighur and anti-Muslim campaign that is staggering in its sweep and totalitarian sophistication, in effect a

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<sup>2</sup> Farr, *World of Faith and Freedom*, pp 273-307.

21<sup>st</sup> century version of the Cultural Revolution. Its goal is to destroy a minority religion associated with a particular ethnic group. But this time the policy is not being carried out by the open savagery of Red Guards. Rather, the agent is Stalinist-era informers, periodic crackdowns to warn the population, and “reeducation” of Muslims to change their belief. In recent years hundreds of “re-education” camps have been established, run by Chinese officials trained in “transformation” of inmates from adherents of Islam to devotees of Chinese communism. Hundreds of thousands of Uighur Muslims are incarcerated in these camps.

The lesson of China’s anti-Uighur campaign is this: when it discerns a threat to the absolute control of its citizens, as it does with Uighur or Tibetan separatism, Beijing remains capable of the kind of systematic, brutal repression of religious and ethnic minorities exhibited by the 20<sup>th</sup> century totalitarians, repression that today is routine practice across China’s eastern border in North Korea. We should not deceive ourselves about Beijing’s capacity for reverting to Mao’s policies on religion, nor the negative impact it would have on long-term American interests.

At present, however, Xi’s Uighur policy is merely the most visible and inhumane aspect of his implementation of China’s long-term strategy of manipulating and controlling religion. There are many elements of that strategy, but let me focus on three. First, Xi is tightening central government control over the national bureaucracy responsible for managing religion. Second, he is returning to and reemphasizing a traditional Communist theme: prevent Chinese youth from being exposed to religion in ways that Beijing cannot monitor. Third, he is refining oppressive policies designed to control the other religions perceived as a threat, namely the Tibetan Buddhists, Protestants, and Catholics.

*Making SARA More Accountable to the Politburo.* The bureaucracy that has carried out China’s religion policy since the 1950s is the State Administration for Religious Affairs, SARA, and its predecessor, the Religious Affairs Bureau. This huge state agency, staffed in the early years by former members of the Red Army, has long been charged with controlling religion at the local and provincial level. National SARA officials are also given the responsibility of meeting with foreign officials. I met with former SARA director Ye Xiaowen in China, and was present during some of his trips to the United States, where his job was to assure Americans that religious freedom was not in danger in China.

President Xi Jinping has decided to bring SARA nearer the Politburo by incorporating it into the United Front Work Department, a communist bureaucracy historically charged with controlling China’s ethnic minorities. This move is more than an adjustment of the wiring diagram. It is part of an overall tightening of government authority over civil society, especially its growing religious elements. In its latest Report on International Religious Freedom (for 2017), the State Department estimates that there are between 70 and 90 million Christians in China, about 12 million of them Catholics. The growth of Chinese Christianity, especially through conversions to Protestant denominations, is of great concern to the Chinese. Purdue sociologist and China expert Fenggang Yang predicts that within a generation China will be the largest Christian nation in the world. Other religions are growing as well. Moving SARA closer to the Politburo ensures increased monitoring and control over the perceived threat posed by religion’s growth in China.

*Fear of Religious Education.* Like other elements of Xi's intensified policy, religious education has long been under the microscope of the Chinese bureaucracy. One of SARA's responsibilities has been to minimize the perceived danger that religious education might lead to resistance among China's religious citizens. U.S. religious freedom diplomacy has made some attempt to address the resulting violations of parental rights. In 2002, Ambassador at Large for International Religious Freedom John Hanford reported to Congress an assurance by SARA Director Ye Xiaowen that parents were in fact free to teach religion to their children. There was a half-truth in Ye's assurance: parents could teach their children surreptitiously, but the consequences of being caught conveying, for example, core Catholic doctrine on issues such as religious freedom for all, the equal dignity of all persons created in the image and likeness of God, or the evil of abortion, were severe.

The threat posed by such teachings is one reason for Xi's crackdown on religious education in China, in particular his policy of the "Sinocization" of religious education. Under this policy, no child under 18 may attend religious services, or any kind of religious event. No one under 18 may receive religious education of any kind from anyone. Further, each Chinese religious community is responsible for ensuring its teachings – to the young and to everyone else -- are compatible with "the socialist society," and are supportive of the leadership of the Communist party.

For Chinese Catholics, the government-controlled body charged with carrying out such policies is the so-called Catholic Patriotic Association. Following Xi's instructions, it has drafted a detailed implementation document, which contains the following passage:

"The [Catholic] Church will regard promotion and education on core values of socialism as a basic requirement for adhering to the Sinicization of Catholicism. It will guide clerics and Catholics to foster and maintain correct views on history and the nation and strengthen community awareness."

Of course, the "core values of socialism" as practiced in China are exceedingly difficult to square with the core values of Catholicism. The Jesuit magazine *America* has noted correctly that Xi's religious education policy "strikes at the very heart and future of the Catholic and other Christian churches, as well as that of other religions. It is an issue of utmost concern for Catholics in China who see it as an attempt by the communist authorities ... to prevent young people from being educated or growing up in the faith."<sup>3</sup>

Precisely so. It is worth asking how the Vatican's diplomatic rapprochement with the Chinese government will avoid making this problem worse, in part by appearing to abandon those Chinese Catholics, including bishops and priests, who bravely speak out against religious persecution and on behalf of religious freedom and human dignity. I will return to this subject shortly.

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<sup>3</sup> Gerard O'Connell, "Pope Francis to Chinese Catholics: the Church is Praying for You in the Midst of Difficulties," *America Magazine*, May 23, 2018; accessed at <https://www.americamagazine.org/faith/2018/05/23/pope-francis-chinese-catholics-church-praying-you-midst-difficulties>

*Systematic Government Oppression.* Finally, let me catalogue briefly some of the outrages that have afflicted religious groups other than the Uighur Muslims as part of Xi's policy. We are seeing increased destruction of houses of worship, including the bulldozing of churches, mosques, and Tibetan Buddhist schools and temples. Chinese officials are increasing their monitoring of the internet, including, and especially, religious content. We are seeing close monitoring and control of contributions to religious groups, the outlawing of proselytism, and the unjust imprisonment of priests, pastors, monks, nuns, and lay religious people.

None of this is new, but it is now occurring as part of a broad and carefully planned national strategy with many moving parts. It is dangerous for the religious minorities of China, and dangerous for American interests.

### **How U.S. Diplomacy Has Addressed Chinese Religion Policy**

Let me turn to the question of how the United States has addressed China's religion policies in the past.

At the level of geopolitics and grand strategy, Xi's crackdowns on religion and other liberties in China has undermined, perhaps fatally, the hope that China can be induced into the "liberal international order" under American leadership. The evidence that trade and investment, accompanied by people-to-people exchanges, can make China more liberal is rapidly disappearing.

U.S. religious freedom policy in China has played a decidedly small part in the grand strategy of liberalizing China. Chinese communist religion policy has always constituted an assault on fundamental human rights. It has caused vast human suffering and consistent violations of the most basic of rights, including the rights of conscience, the right to be free of torture, unjust imprisonment, and other assaults on human dignity, and the right of religious freedom as laid out in international law, including Article 18 of the International Covenant on Civil and Political Rights (which China has signed but not ratified).

Many on this committee have spoken out consistently and publicly about China's violations of religious freedom, as have some senior U.S. diplomats. The recent report on China by the U.S. Commission on International Religious Freedom is pointed in its criticisms, as is the China chapter of the State Department's latest Report on International Religious Freedom. The unprecedented Ministerial to Advance International Religious Freedom, convened in July by Secretary Pompeo and run by Ambassador at Large Sam Brownback, produced a statement on China that is very strong.

Such statements and reports will always be important – they give hope to the victims of persecution, and keep a public spotlight on what the Chinese government is doing to its religious minorities even as it seeks to buttress its strategic and moral standing in the eyes of the world. But it is difficult to argue that U.S. policies over the past two decades have had a positive impact on China's religion policy, or the fate of its religious minorities. U.S. religious freedom policies have doubtless failed in part because virtually all efforts to liberalize China have failed. China's single-minded determination to recover its status as a world power have left little room for the freedom of its citizens or the development of civil society.

The United States must never abandon the call for China to accept its legal and moral obligations to the norms of human freedom and dignity. U.S. reports, denunciations, and dialogues have on occasion had the laudable result of freeing a religious prisoner, or removing a family from harm's way. These must continue. Every U.S. president has raised the issue of persecution with his Chinese counterpart, and every Secretary of State with China's foreign minister. These too must continue. Indeed, it must happen with greater frequency. But we cannot forget that raising the issue – even at the highest levels -- is not the same thing as solving the problem.

Under the International Religious Freedom Act, the U.S. has for twenty years imposed restrictions on the sale of crowd control equipment. That restriction has had absolutely no effect, and other broad sanctions are likely to fail. Sanctions on individual Chinese officials should be considered, but are unlikely to change China's anti-religion policy in any appreciable way.

All in all, China's renewed attempt to absorb its religious communities, or drive them from any role in public life, provides a rationale, and perhaps a new opportunity, for changes in U.S. religious freedom diplomacy. I will return to that subject shortly.

### **The Justice Department**

Unfortunately, the U.S. failure to address religious persecution in China with success is not limited to our foreign policy. The Justice Department has also taken positions that threaten to undermine the strong protections that Congress has provided for those suffering religious persecution abroad. In a recent case, *Ting Xue v. Sessions*, the United States Court of Appeals for the Tenth Circuit held, at the Department's urging, that a Chinese Christian lacked a "well-founded fear of persecution" within the meaning of the asylum laws even though his decision to attend an unregistered house church had led to his being arrested, beaten, jailed for three days and four nights, forced to pay a major fine, required to take reeducation classes, and warned not to attend illegal church meetings.

The immigration judge denied Ting Xue's asylum petition, saying his fears of future persecution "do[] not amount to more than a restriction on [his] liberty and *thus do[] not rise to the level of persecution* [emphasis added]." The Board of Immigration Appeals affirmed, as did the Tenth Circuit, holding that the "level of harassment" Xue experienced was not "persecution" under the asylum laws. Xue petitioned for certiorari in the U.S. Supreme Court, and thankfully the Solicitor General, perhaps recognizing the absurdity of this result, settled his case. Ting Xue and his family are now living peacefully and productively in the United States.

In the Tenth Circuit, however, *it remains the law that asylum applicants do not have a well-founded fear of religious persecution if they are "free" to practice their faith in secret*. This view essentially reduces freedom of religion to the private, interior freedom of belief and worship, not the freedom of religious exercise enshrined in our Constitution and laws. It also conflicts with the view of at least three other federal circuits. As the Seventh Circuit powerfully put it in one case: "Christians living in the Roman Empire before Constantine made Christianity the empire's official religion faced little risk of being thrown to the lions if they practiced their religion in secret. It certainly doesn't follow that Rome did not persecute Christians, or that a Christian who



failed to conceal his faith would be acting ‘unreasonably.’” *Muhur v. Ashcroft*, 355 F.3d 958, 960 (7th Cir. 2004).

A group of interested lawyers and scholars including myself have been encouraging Attorney General Sessions to use his statutory authority under the immigration law to address this problem, and to make clear that one may suffer persecution even if “free” to practice one’s faith alone and in private. That view is far more consistent with the protection that our nation has historically accorded to our “first freedom.”

I would submit that the impoverished view of religious freedom as mere “freedom to believe and worship” has taken hold among some in our foreign policy establishment as well, and plays some role in the highly-rhetorical and largely ineffective international religious freedom practices adopted by the State Department over the past two decades. It is difficult to mount an effective strategy to advance religious freedom in China, or anywhere else, if you believe it to be primarily a private right of belief and worship, with no legitimate role in public affairs.

### **A Revised U.S. International Religious Freedom Policy**

A revised and more effective U.S. religious freedom strategy would not abandon the quest for freedom in China. Nor would it jettison the need for reports, or the possibility of additional sanctions. But it would nest U.S. policy in a different logic, designed to counter the natural communist suspicion of all religion, while at the same time presenting evidence-based self-interest arguments that might appeal to the practical strain in Chinese communism. After the Cultural Revolution, Deng Xiaoping decided to unleash capitalism within China by declaring “to get rich is glorious.” The result has been decades of economic growth, but it is not enough. Huge levels of poverty remain, and a constant goal of Beijing is to sustain China’s economic growth.

A U.S. self-interest argument to China would contain the following propositions: the growth of religion and religious communities is natural and inevitable in all societies. This is why Mao’s policy failed, and why religious affiliation is growing in China. Efforts to kill or blunt its growth are impractical and self-defeating. Religious persecution will only retard economic development, increase social instability, and feed violent religious extremism. On the other hand, the accommodation of religious groups will benefit China’s economy and increase social harmony and stability.

As noted, elements of this argument have been used episodically by some U.S. officials. But the full argument should now be employed consistently by all U.S. officials, supported by empirical research, encouraged by U.S. funded programs, and institutionalized in a permanent U.S.-China bilateral working group on religion.

I believe that the diplomatic stars are aligned for a new strategy based on self-interest arguments. The current Ambassador at Large for International Religious Freedom, Sam Brownback, with the crucial support of the Secretary of State, Mike Pompeo, and of Vice President Mike Pence, appears to be willing and able to take on new ideas and programs. Ambassador Brownback has spoken publicly about the empirical evidence that religious freedom encourages economic

development, and that it helps undermine violent religious extremism.<sup>4</sup> His predecessor, Ambassador David Saperstein, laid the groundwork for a new approach like this.

In short, we have the evidence and, perhaps for the first time, the diplomatic will to undertake a new strategy that stands a chance of actually reducing religious persecution in China. With Congress' urging and help, the administration can and should develop an all-of-government strategy to convince Beijing of an empirically verifiable proposition, namely, that China's minority religions, including its Catholics, cannot challenge the government's political power, but can make substantial contributions to Chinese interests if the government would permit them. Chinese interests to be served include sustained economic growth, addressing China's moral decline and pervasive corruption; support for China's poor, orphans, victims of natural disaster, aged, and dying, and overall social harmony.

Here are the key sectors where the new policy could be developed, and a description of the bilateral institution where it could be implemented.

### *The Economy, Education, and Civil Society*

Economic activity is clearly a major engine of Chinese policies, both domestic and international. If Chinese authorities became interested in the growth of its religious communities as an economic asset and a driver of modernization, rather than a source of social and political instability, they would be far more open to arguments against persecution. For example, if they perceived unregulated Protestant house churches as factories for the social habits that yield economic productivity, they might reassess the role of the Three Self Movement as a means of controlling and repressing Protestant groups. The religion-economy connection could work to the advantage of other religious groups as well.

The logic of China's self-interest could also be applied in the realm of religious education, tapping into the Confucian view of education as the highest rung on the prestige ladder. If the Chinese became interested in religious education as a way to reinforce the attitudes and virtues that yield moral behavior, counter corruption, and encourage economically productive behavior, they might look very differently at their policies. A change in Chinese attitudes on education would implicate much more than youth. It would also raise questions about the treatment of "unofficial" or underground religious communities, the building of houses of worship, the training of clergy, and the involvement of religious people in government.

The huge and growing need in China for social services and moral renewal provides another opportunity for making the case that religion is good for China. The problems are enormous: infectious diseases from leprosy to AIDS, increasing numbers of elderly people without

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<sup>4</sup> For a sampling of the evidence, see Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, eds., *God's Century: Resurgent Religion and Global Politics* (New York: W.W. Norton & Company, 2011); Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press, 2010); Nilay Saiya, "The Religious Freedom Peace," *International Journal of Human Rights* 19:3, 369-382; Nilay Saiya and Anthony Scime, "Explaining Religious Terrorism: A Data-mined Analysis," *Conflict Management and Peace Science* 26 (2014): 487-512.

resources, continuing abject poverty for tens of millions of people, environmental degradation, massive migrations into cities and homelessness, the breakdown of the family, moral degeneracy, and more. China's "one-child" policy, brutally implemented for decades, has produced a looming demographic catastrophe, including a shortage of women because female babies were aborted far more often than males.

Religious communities around the world are uniquely positioned to deal with such problems, and to deliver the services that government cannot. China is no different.

### *The Law*

China's self-understanding is grounded in the rule of law, not in the democratic sense, in which law restricts the power of government and protects individual rights, but in the sense of defining and protecting the interests of the nation from the top down, i.e., by the actions of the government. Implicit in the Chinese view of law is an understanding of the state that is highly collectivist and paternalistic. As economic development continues to create a middle class and a civil society of voluntary associations, it is possible that this view of law may begin to shift. But for the foreseeable future, particularly given President Xi's new policies, religion will be managed in China through the laws that are intended to regulate, control and, if necessary, suppress.

Working within that framework, U.S. diplomacy should systematize what are now ad hoc and inconsistent efforts on the part of various organizations inside China to encourage legal reform. The U.S. should encourage these disparate programs, some of which are U.S.-funded but many of which are not, towards employing the law for the benefit of religious groups. For example, legal programs should target local and provincial officials who, in the course of crackdowns on religious groups, are guilty of corruption by abusing laws and regulations now on the books. U.S. grants should encourage NGOs to train and support cadres of Chinese defense attorneys who are experts in existing legal codes, and who can defend in Chinese courts religious groups suffering discrimination or abuse.

### *The Academy*

The Chinese have traditionally venerated learning. When controlled religious activities became permissible after the Cultural Revolution, one result was a powerful policy need to understand better that which must be controlled. Accordingly, as Chinese institutions of higher learning developed in recent decades a natural interest in the "scientific" study of religion emerged.

Partly as a result this officially atheist nation pays more attention to religion in its universities than most other countries of the world. Chinese scholars travel the world in order to gather materials for detailed analyses of various religious traditions as they are developing in particular countries and regions.

The United States should allocate more resources to stimulate greater discourse on religion with Chinese academics. This can take many forms, all of which now exist, but – as with most things involving U.S. policy on religion and religious freedom – are inconsistent. They can and should include university exchange programs of both faculty and students, cooperative empirical research on the relationship between religious freedom and political, social, economic, and intellectual development, curricula development initiatives, and discussion of the value of religious education for the common good.

### *A Permanent U.S.- China Institution*

Of supreme importance for any revised U.S. religious freedom policy is removing its ad hoc nature, institutionalizing the dialogue, and introducing empirical scholarship into the discussion. The U.S. and China should establish a permanent bilateral institution that has a chance of withstanding the ups and downs of U.S.-China relations. One vehicle to this goal would be similar to the one proposed by Ambassador at Large John Hanford in the summer of 2002: a standing bilateral working group on religion, chaired by high-level U.S. and Chinese officials. (As an aside, I note that Ambassador Hanford's proposal was met by the Chinese with interest, but was nixed in the State Department. Thus was a promising idea strangled in the crib by a diplomatic bureaucracy with a thin view of the value of religious freedom to American interests.)

The standing working group would be multilayered and interagency, drawing on government and private sectors. It would showcase the scholarship that has emerged in recent years demonstrating the negative effects of religious persecution on social harmony and economic development. More importantly, it would introduce into Chinese thinking – in a systematic, rather than episodic way – the growing empirical evidence that more religious freedom yields more economic growth, more social harmony, less violent religious extremism, better governance, and less corruption. This evidence has been produced by, among others, Georgetown University's Religious Freedom Project and the Religious Freedom Institute. The working group could make recommendations to both governments, and under its aegis could sponsor private and public programs to address religion as a matter of law and science.

### **Vatican Diplomacy and Chinese Catholicism**

Let me end with some thoughts on the recent "Provisional Agreement" between the Vatican and China on how Roman Catholic bishops are to be appointed. Press reports indicate that, according to the agreement, Chinese Catholic bishops will now be chosen in a lengthy procedure that begins with Chinese authorities presenting the names of candidate-bishops to dioceses. Diocesan priests and lay Catholics will then vote on the candidates. The winner's name will be sent to officials in Beijing who will provide it to the Vatican, where the candidate could apparently be rejected by the Pope. Should that happen, it appears that the process would begin again.

The stated goal of the Vatican is, as the Vatican spokesman put it, that the agreement will "allow the faithful to have bishops who are in communion with Rome but at the same time recognized by Chinese authorities."

The Vatican thus hopes that the agreement will facilitate reconciliation among China's Catholics, now divided between adherents of the "official" Catholic Church, managed by the government-controlled "Catholic Patriotic Association," and those "underground" Catholics loyal to the Holy Father and the Magisterium of the Church. While the agreement does not reestablish diplomatic relations between China and the Holy See, press reports suggest that follow-on talks might include this subject. Vatican insiders also suggest that the Pope intends the agreement to open up the Church and generate many Chinese converts to Catholicism.

I confess that I am skeptical, both as a Catholic, and as an advocate for the religious freedom of all religious communities in China. Earlier this year the Vatican quite properly expressed grave concerns about China's comprehensive anti-religion policy, and its apparent goal of altering Catholicism itself.

It is certainly true that all Catholics need bishops, and that divisions over who is and who is not a licit bishop are very harmful to the faithful and to the Church. But it is also true that the two-millennia old doctrines of Petrine supremacy and apostolic succession nest the authority for consecrating bishops in one man, the successor of Peter – the Pope. The Vatican has in the past made concessions on the procedure by which bishops are approved by the Pope in order to safeguard the existence of the Church. But this apparent concession to a communist government that is already forcing fundamental alterations of Catholic doctrine and witness seems, to me at least, untimely and risky.

One contemporary comparison troubles the mind. If the reports about how new Chinese Catholic bishops are to be chosen are correct, the process resembles the way parliamentary candidates are approved in Iran. There, no one can run for parliament unless he has been vetted by a panel of theologians for fidelity to the regime. Is it likely that the Chinese government would forward to the Vatican the name of a bishop faithful to the fundamental teachings of the Catholic Church? It seems far more likely that the bishop would be chosen at a minimum for his acquiescence to the regime, if not worse.

I fear that this agreement reflects a return to the Vatican's failed Cold War "realpolitik" diplomacy of the 1960s, before it was changed by Pope John Paul II. That diplomacy failed from a want of realism about the evil of communism. It harmed the Church in parts of Eastern Europe. The post-war Vatican was not then, and is not now, a secular power capable of changing the behavior of communist governments by dint of its political diplomacy.

On the other hand, the Vatican is arguably the only authority in the world constituted precisely to address the root causes of totalitarian evil, just as Pope John Paul II did in the 1980s in cooperation with President Ronald Reagan and Prime Minister Margaret Thatcher. The Holy See's role should be now, as it was then, to press for human rights and, especially, for religious freedom for all religious communities in China, especially the Uighur Muslims. It should demand for China's Catholics nothing less than "libertas ecclesiae," the freedom of the Church to witness to its adherents, to the public, and to the regime its teachings on human dignity and the common good (as those teachings are powerfully expressed in the Catholic document *Dignitatis Humanae*).

I sincerely hope that I am wrong. I hope there are parts of the agreement that will alleviate these concerns and others that have been expressed by faithful Catholics, in and out of China. But I do not believe the agreement as I have described it will help Catholics or the cause of religious freedom in China. The Chinese know what they are doing. The Vatican's charism, on the other hand, is not diplomacy, but witness to the truth about God and man.

### **Conclusion**

China is a huge player on the world stage, its fate of enormous significance for international affairs and vital American interests. Among the issues that have not typically been addressed by U.S. policy makers in that context is religious freedom. Far more than a humanitarian issue, the way China handles its internal religious matters is of sufficient importance that the United States should make religious liberty a central element of its relationship with the East Asian nation.

Thank you for inviting me and hearing my views.