

Countering China's Brutal Assault on Christians and Other Religious Minorities
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Mr. Chairman and members of the Commission, thank you for holding this important hearing and for inviting me to testify.

The current assault on China's religious minorities under President Xi Jinping – especially on Christians, Muslims, and Tibetan Buddhists -- is the most comprehensive attempt to manipulate and control religion 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.

America's religious freedom diplomacy is flourishing under Ambassador Sam Brownback. He has been fierce in his condemnation of China's turn toward darkness in matters of religious freedom and human rights. That criticism is important and should continue. Indeed, it should increase and be joined by all members of the international community. But on issues of religion, China has not shown itself to be moved by international censure alone. Accordingly, I want to propose a diplomatic supplement to international condemnations -- in the form of practical, evidence-based, self-interest arguments – that might actually improve religious freedom on the ground in China.

The Terrifying Scope of Persecution

Three Chinese religious communities are suffering increased, systematic, and fierce persecution by the Xi regime. They are Uighur Muslims, Tibetan Buddhists, and Christians, both Protestant and Catholic. 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. It is the crown jewel of Xi's 21st century reprise of Mao's Cultural Revolution.

In this case the goal is to destroy a minority religion associated with a particular ethnic group by the use of Stalinist-style informers, 21st century Orwellian DNA and facial recognition techniques, periodic, brutal crackdowns to warn the population, and “re-education” of Muslims to change their belief system. 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. I know that Chairman Smith and others on this Commission have heard the wrenching testimony of Uighurs who have managed to escape.

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 systematic, brutal repression of religious and ethnic minorities exhibited by the 20th century

totalitarians (and still operative in North Korea). We should not deceive ourselves about Beijing's capacity for reverting to Mao's scorched earth policies on religion.

At present, 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 three stand out.

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. While serving as the first director of the State Department's office of international religious freedom 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 absorb SARA into the Communist Party 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. 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 2018), 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 Beijing. 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 Christianity'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 danger, intensely felt by the Communist party, 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 perceived threat posed by such teachings is one reason for Xi's crackdown on religious education in China and his policy of the "Sinocization." 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 supportive of the leadership of the Communist party.

For Chinese Catholics, the government-controlled body charged with carrying out these 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. Gerard O’Connell 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.”

Systematic Government Oppression. Increased persecution under Xi’s policy has afflicted religious groups other than the Uighur Muslims. 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. Perhaps most insidious is the huge Chinese investment in facial recognition technology and coercive DNA collection, which will be applied to track anyone, religious or not, seen as a challenge to communist control. It is clear that the fear of religion in particular – a fear native to communism and other totalitarian systems -- is now producing under Xi a broad and carefully planned national anti-religion strategy with many moving parts.

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 traditional argument that trade and investment, accompanied by people-to-people exchanges, can make China more liberal, always difficult to make, now seems utterly naive.

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. It has consistently violated 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 congressmen 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 2018 by Secretary Pompeo and run by Ambassador at Large Sam Brownback, produced a statement on China that is very strong. America's leading diplomats will have an opportunity to issue yet another critical declaration on religious freedom in China at a second Ministerial to be held next month (July 2019).

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. 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. Most recent U.S. presidents have raised the issue of persecution with his Chinese counterpart, and most Secretaries of State with China's foreign ministers. 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 addressing the problem in substantive ways.

A Revealing Internal U.S. Judicial Failure and a Plea to the Attorney General

Unfortunately, the U.S. failure to address religious persecution effectively in China 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 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 held, as did the Tenth Circuit, that the "level of harassment" Xue experienced was not "persecution" under the asylum laws. Xue petitioned for certiorari in the United States 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 guaranteed in the constitution’s first amendment. 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 have encouraged the Attorney General 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 diplomacy 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

Practical Steps for US Diplomacy: Employ Evidence-Based Self-Interest Arguments

A revised and more effective U.S. religious freedom strategy would not abandon the quest for freedom in China. Nor would it jettison international condemnation, tough and accurate reports, or the possibility of 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. Should it succeed, U.S. policy would not only improve the status of persecuted minorities in China. It would also enhance the positive role that religion can play in blunting the totalitarian impulses so evident in the rule of Xi Jinping.

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.

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 that studies the positive economic and social effects of religious communities.

I believe that the diplomatic stars are aligned for a new strategy based on self-interest arguments of this sort. The current Ambassador at Large for International Religious Freedom, Sam Brownback, has spoken publicly about the empirical evidence that religious freedom encourages economic development, and that it helps undermine violent religious extremism.¹ His predecessor, Ambassador David Saperstein, laid the groundwork for this approach.

This new strategy of pragmatic argument stands a chance of actually reducing religious persecution in China. Sustained economic growth is a major priority for Chinese policies, both domestic and international. If Chinese authorities become interested in the country's religious communities as an economic asset and a driver of modernization, rather than a source of social and political instability, they will be far more open to arguments against persecution. For example, if they perceive 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-economic growth connection can work to the advantage of other religious groups as well.

The 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 resources, continuing abject poverty for tens of millions, 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 are uniquely positioned to deal with such problems, and to deliver the services that government cannot.

With Congress' urging and help, the administration can and should develop an all-government strategy to convince Beijing of an empirically verifiable proposition: China's minority religions, including its Catholics, can make substantial contributions to Chinese interests if the government will permit their freedom to grow and develop. A religious China can be a place with more sustained economic growth. Religion can address China's moral decline and pervasive

¹ 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); Nilay Saiya, *Weapon of Peace: How Religious Liberty Combats Terrorism* (New York: Cambridge University Press, 2018); Nilay Saiya, *Weapon of Peace: How Religious Liberty Combats Terrorism* (New York: Cambridge University Press, 2018); 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); Thomas Farr, *World of Faith and Freedom: Why International Religious Liberty is Vital to American National Security* (New York: Oxford University Press, 2008).

corruption. It can provide support for China's poor, orphans, victims of natural disaster, the aged, and the dying. Religion, in short, will contribute to overall social harmony.

There are other avenues of influence that could be utilized. 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 and the rights of religious communities, but in the sense of defining and protecting the interests of the nation from the top down. Implicit in the Chinese view of law is an understanding of the state that is 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 suppress.

Working within that framework, U.S. diplomacy should coordinate 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.

Certain positive developments need to be encouraged as a way to promote religious freedom. The Chinese have traditionally venerated learning. When controlled religious activities became permissible after the Cultural Revolution, one result was a powerful drive to understand better that which must be controlled. Accordingly, Chinese institutions of higher learning developed a natural interest in the "scientific" study of religion.

Ironically, officially atheist China now 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.

The United States should allocate more resources to stimulate greater academic interchange with Chinese academics on the topic of religion. This can take many forms, many of which now exist, but – as with most things involving U.S. policy on religion and religious freedom – are inconsistent and therefore have little sustained impact. They can and should include university exchange programs of 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.

An improved U.S. religious freedom policy must move beyond its ad hoc past. The U.S. and China should establish a permanent bilateral institution committed to discussion and study of religion and its social effects that has a chance of withstanding the ups and downs of U.S.-China relations. Ambassador at Large John Hanford in the summer of 2002 proposed forming a standing bilateral working group on religion, chaired by high-level U.S. and Chinese officials. Ambassador Hanford's proposal was met by the Chinese with interest, but was nixed in the State Department, strangled in the crib by a diplomatic bureaucracy with a thin view of the value of religious freedom to American interests. The idea is a good one worth implementing, and the thin view needs to change.

The standing working group should be multilayered and interagency, drawing on government and private sectors. It can showcase and draw upon the scholarship that has emerged in recent years demonstrating the negative effects of religious persecution on social harmony and economic development. More importantly, it will 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. The working group could make recommendations to both governments, and under its aegis should sponsor private and public programs to address religion as a matter of law and science.

China has emerged as a significant player on the world stage, the only one capable of rivaling the power and influence of the United States. Its fate will be of enormous significance for American interests, not just in economic matters, but for the success of our religious freedom diplomacy. The way China handles its internal religious matters is of far more importance than our foreign policy establishment recognizes. The United States should make religious liberty a central element of its relationship with the East Asian nation.

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