

**REGULATION OF
RELATIONS BETWEEN THE STATE AND
RELIGIOUS CONFESSIONS
IN THE PRC AND THE RK:
AN ATTEMPT AT COMPARATIVE ANALYSIS**

DOI: <https://doi.org/10.37178/ca-c.20.2.07>

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ABSTRACT

This article sums up the results obtained by a group of scientists who analyzed different models of the relations between the state and religious confessions using the Republic of Kazakhstan and the People's Republic of China as examples to conceptualize this sphere of state governance that initially seems to be of a practical scope.

Our analysis relies on the following characteristics of a comprehensive approach: a wide range of sources—from legal acts and political declarations to the authors' personal observations; the means and methods (analysis and synthesis) of a general scientific nature and discussion of individual cases to refer to specific research problems.

KEYWORDS: *state policies, state-confessional relations, religious associations, national security, global challenges and threats.*

Introduction

Religion is an important part of individual and collective identity; today the dialog between religions and the related problems have been pushed to the fore by the need of all states to preserve their security and stability.

The steadily mounting terrorist and extremist threats have fanned an interest in a wide range of religious issues.

The authors are absolutely convinced that in a multinational state the society will never gravitate towards religious principles. Such states are doomed to remain secular and to promote corresponding values. This should not be taken to mean that there is no place for religion: in these states faith and religious practices are a prerogative of an individual rather than society as a whole.

In view of this, we set out to analyze the models of state-confessional regulations in the Republic of Kazakhstan and the People's Republic of China, where the society remains secular. Both countries, however, have accumulated sufficient experience of cooperation in the religious sphere, thus it is crucial to analyze the efficiency of the existing models and to identify their strong and weak sides in the conditions of an active terrorist threat caused by the rising influence of political Islam. Time has come to formulate efficient recommendations of fine-tuning the constructive dialog between the community of the faithful and the secular-minded part of society.

Meanwhile, both states are involved in mutually advantageous economic cooperation, they preach similar ideals, have similar institutions, address similar problems and face similar threats. This can be expected from close geographical neighbors and political partners. Even more important is the sustainable consensus in both countries on the secular nature of state as a value on its own right. Both can hardly be defined as monotheist states, which means that their laws and practices are adjusted accordingly. Both states stand opposed to religious extremism and terrorism that had challenged the world order on 9/11.

In this article we tried not only to answer the questions formulated above, but also to assess the possibilities of sharing relevant experience. In order to achieve both aims, we addressed the following tasks:

- (1) To formulate the concept of state-confessional relations;
- (2) To determine the basic models of this type of social interactions;
- (3) To compare the religious politics of Kazakhstan and China in the face of contemporary threats and challenges.

In the course of our studies we relied on comparative and situational analysis, case-study, and other relevant methods.

In our studies we relied on legal acts and political declarations, as well as media publications on the subjects of inquiry.

1. The Concept of State-Confessional Relations

More or less generally, the state-confessional relations can be defined as ties and relations between state institutions and religious groups and associations.

Freedom of worship is an important indicator of adequacy of any democratic state and is one of the main functions of the contemporary social states, which are expected to efficiently oversee social

processes. The state cooperates with religious organizations to build up the spiritual unity of its people and a sustained and dynamically developing society. Balanced and pragmatic confessional policy consolidates sovereignty and independence, which are indispensable or even critically important in the globalized world—one where identity is pushed aside for the sake of unification, spiritual unification in the first place. An efficient policy in the religious sphere helps promote national interests in the spiritual and religious sphere.¹

The term “state-confessional relations” is a relatively new term actively used in the post-Soviet space, where the states’ religious policy still requires comprehension and analysis. On the one hand, we can say that the set of state institutions and departments and their powers is clear-cut. On the other, religious associations and groups are highly diverse in the number of members, organizational forms and the nature and degree of their influence on social and cultural life. This means that they do not form a homogenous whole and that antagonism among them should not be discounted.

The term is related to all legal and political acts and to all actions of state institutions and departments and their relations with religious groups.

Based on this definition, we can identify the objects of state-confessional relations:

- The rights and freedoms of citizens in the spiritual-religious sphere;
- Religious organizations and their relations.

Stability within religions and between religions is an indicator of the efficiency of the system of state-confessional relations, only viable in the states that are aware of the hierarchy of priorities of their social, political and spiritual development.

This narrows down the highly popular term “confession” used by religious studies to the term “religious association,” which has found its place in legal discourse. This, in turn, allows us to talk about legal or illegal activities of the entities of the relations, on the one hand, and the possibility of balancing the rights of all the highly diverse religious groups, on the other.

This means that in this context the term “state-confessional relations” refers to the state-policy in relation to religion and/or religious policy and that, therefore, this term can be used as an analogue of “state policies in relation to religion” used by our Chinese colleagues.

The two countries share a certain specific feature of their state-confessional relations—the principle of a secular state confirmed by their Constitutions.² In both states, secularism is understood as the separation of church from the state and of school from the church. In both cases, the state has clearly declared that it would not interfere in the affairs of religious associations and demands that all confessions should not interfere in its affairs, the political life in particular.³

This is based on a wide and sustainable consensus that a multinational state cannot and should not be religious. This principle alone can guarantee the freedom of conscience and freedom of worship for a country’s citizens. In other words, the secular nature of the state is an efficient institution required by society.

This logically leads to another aspect of the state-confessional relations in China and Kazakhstan: in both countries the secular nature of the state guarantees constitutional order and the fundamental rights and freedoms of their citizens. This means that the relations between the state and reli-

¹ See: L.V. Chupriy, “Religioznaia sostavliaiushchaia politiki natsionalnoy bezopasnosti Ukrainskogo gosudarstva v gumanitarnoy sfere,” *Studia Humanitatis. International Scientific Research Journal*. ISSN 2308-8079—No. 2, 2013 available at [<https://st-hum.ru/en/node/87>], 10 January, 2020.

² See: Constitution of the Republic of Kazakhstan, Art 1, available at [https://www.akorda.kz/ru/official_documents/constitution], 28 December, 2019; Constitution of the People’s Republic of China (2018), Art 36 [<https://npcobserver.files.wordpress.com/2018/12/PRC-Constitution-2018.pdf>], 28 December, 2019.

³ See: Zh.R. Manukian, T.L. Guruleva, M.V. Skripkar, “Religioznaia politika Kitaia,” *Mezhdunarodny zhurnal prikladnykh i fundamentalnykh issledovaniy*, No. 8, 2013 (Part 3), p. 175.

gion are related to the state or, in a wider sense, national security. In this case, the state-confessional relations, or state policy in the sphere of religion means the realization and/or practical implementation of the institutions accepted by society.

2. The Models of State-Confessional Relations in China and Kazakhstan

In the last 2,000 years China has been home to many religions—Buddhism, Islam, Catholicism and Protestantism—and practically no religious conflicts. Different religions inherited and continued the traditions of Sinicization, adaptation to local realities, social requirements and the best traditions of serving society, of harmony and inclusiveness; they have consciously protected China's state and social interests. The religious circles in China maintain friendly relations with religious organizations of over 80 countries, they actively responded to the Belt and Road initiative and are promoting the ideas of closer relations with different peoples and mutual penetration of cultures.

The Buddhist communities organized four Buddhist forums, and the Taoists—one international forum as platforms for discussion between Chinese and foreign Buddhist and Taoists.

In 2012 and 2014, the Islamic Association of China organized cultural events in Turkey and Malaysia. In 2013, the Chinese and American Christian Churches held the Second Forum of Chinese and American Christian Leaders in Shanghai; in 2017, a seminar Officials of the Chinese Churches in the United States was held. In 2016, the Islamic Association of China, the Chinese Christian Society, the Catholic Patriotic Association of China and the Chinese Catholic Episcopate College, acting together with the German Protestant Union, organized (in Germany) a Religious Dialogue between China and Germany—Peace and Joint Use.

As a contemporary state in the process of active integration in the international relations system China pursues a carefully weighted policy in the sphere of the state-confessional relations.

According to official figures, by 31 April, 2018 there were about 200 million believers in China, 380,000 religious ministers and 144,000 religious facilities.

There are Buddhists (the biggest religious community of China), Taoists, Catholics and Protestants among the Chinese. Islam is popular among the Uyghurs, Hui, Uzbeks, Tajiks, Kyrgyz, Tatars, Sala, Baoan and Dōngxiāng.

There are about 5,500 religious organizations in China, seven of them of a national scale:

- The Buddhist Association of China
- The Tao Association of China
- The Islamic Association of China
- The Catholic Patriotic Association of China
- The Chinese Catholic Bishop College
- The Chinese Christian Society
- The national committee of Three-Self Patriotic Movement of Protestant Church in China.

In China all religions are equal by law. Art 36 of the Chinese Constitution says: "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization, or individual may compel citizens to believe in, or not to believe in, any religion... 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.”

The status of a religious community is regulated by the Provisions for Religious Affairs of 1 March, 2005, which defines the legal status of religious communities, places of religious ceremonies, the rules of opening spiritual educational establishments, publication of religious literature, administration of religious communities’ property, external religious activities, etc.

The document was amended in September 2017 to fit the current requirements. It confirmed freedom of worship and the rules according to which the government administers religious affairs and ensures state security and social harmony.

In 2017, the State Administration for Religious Affairs of China and 11 other departments elaborated and published a document *Certain Considerations Related to Continued Resolution of the Problem of Commercialization of Buddhism and Taoism*. It banned trade activities with religion-related objects, extortion of money under religious pretexts and all other similar actions that violated the normal order of religious activities.

The corresponding departments tightened their control of religious activities in the Internet; they consistently remove illegal information related to religion and protect the legal rights and interests of the religious circles.

Confronted by the challenges of religious extremism that threaten the very foundations of human civilization, religious circles have clearly demonstrated their rejection of extremism, their determination to oppose any terrorist and national-separatist activities camouflaged as religious activities and consistently encourage proper faith and deeds.

According to Roman Podoprigora, state and religious organizations coexist in a great number of models; those who study and classify them rely on an equally numerous research methods.⁴ There are at least three related factors:

- (1) the cultural and historical background or the traversed path by a country;
- (2) the socio-cultural dynamics, that is, the changes in society and the state that transform the attitude to religion of an individual and society as a whole; in the post-Soviet countries, for example, much has been said and is still being said about the spiritual vacuum left by the collapsed Soviet ideology;
- (3) functioning of the state and its institutions.

This means that, on the whole, the following three components are responsible for the situation in Kazakhstan:

- (1) a fairly extensive (at least three centuries) experience of coexistence of different religions, first and foremost, Orthodox Christianity and Sunni Islam, within the borders of one state;
- (2) Soviet modernization, which suppressed social, religious and ethnic segregation; raised the standards of living, yet restricted the development of religious associations in every way;
- (3) continued intensive construction of a contemporary national post-Soviet secular state.

Political organization of the Chinese society is China’s most apparent feature:

—China is a socialist state that is building socialism with Chinese characteristics. Members of the Communist Power, the vanguard of Chinese society must be atheists: this is the only limitation in the religious sphere confirmed by law;

⁴ See: R.A. Podoprigora, *Gosudarstvo i religioznye organizatsii (administrativno-pravovye voprosy)*, Arkaim, Almaty, 2002, pp. 80-111.

- The country has no experience of a dominant and obligatory religion encouraged in all its forms. In China the state traditionally has priority over religion;
- Chinese leaders have demonstrated impressive social and cultural successes without a harsh confrontation with religion (unlike in the Soviet Union), which explains the relatively consistent dynamics of religiosity.

These three factors allowed us to analyze the relations between the state and religion on the basis of certain factors. For example, an impartial approach to religious associations is not merely a declared, but consistent policy realized in China and Kazakhstan that equates the rights of large religious communities with millions of followers and tiny religious organizations in their contacts with the state.

The states and religious confessions carefully avoid all interference in each other's internal affairs, which is another typical feature. The laws of both China and Kazakhstan ban the transfer of state functions and powers to religious associations, including registration of acts of a civil status, courts, protection of law and order, etc. The state, in turn, guarantees by laws freedom of religious associations in the questions of faith, administrative structure and other aspects of internal activity.

In China and Kazakhstan alike, the state insists on its priority when it comes to the relations with religious associations and the demand placed on them to obey laws. It guarantees rights and freedoms and decides whether a religious organization has the right to pursue certain types of activities or not, and to what extent.

Registration of religious associations (which means that any of them is recognized as a religious community) is one of the main regulatory instruments in the sphere of state-confessional relations. Not all religious groups meet the requirements of the law. The large religious associations, similar to the Spiritual Administration of the Muslims of Kazakhstan and the Russian Orthodox Church responded sensitively to the lowering of the required numerical strength between 1991 and 2011. The Law on Religious Activities and Religious Associations adopted in 2011 ended the discussion that went on persistently for many years. Today even the smallest confessions can defend their rights and insist on them in front of the state.

In both countries the separation of powers described above is complemented by cooperation in the spheres of mutual interest. The Forum of Leaders of the World and Traditional Religions held regularly in Kazakhstan is not merely the source of its pride, it is a useful platform of public diplomacy and communication between Kazakhstan's religious confessions and foreign organizations. It consolidates the mutual understanding both inside and outside the country.⁵

The state extends seemingly routine yet, in fact, extremely important assistance: the Muslims of both countries would have been unable to organize the hajj without the state's diplomatic, consultative, transportation and medical assistance and safety measures. According to Chinese diplomats, over 11,000 Chinese Muslims performed the hajj in 2019.⁶

Both states are doing much more than organizing pilgrimages; in China the meaning of the Koran was translated into Chinese and the languages of national minorities, with over one million copies published.

⁵ See: *Declaration of the 6th Congress of Leaders of the World and Traditional Religions*, 11 October, 2018, available in Russian at [<https://www.religions-congress.org/content/view/467/82/lang.ru/>], 17 December, 2019.

⁶ اعلا اذله نين يصرلا اجاج حل ادع حضوي ماعلا ين يصرلا لصنقلا صاخ حيرصت [<https://osas-est.com/%D8%AA%D8%B5%D8%B1%D9%8A%D8%AD-%D8%AE%D8%A7%D8%B5%D8%A7%D9%84%D9%82%D9%86%D8%B5%D9%84-%D8%A7%D9%84%D8%B5%D9%8A%D9%86%D9%8A-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D9%8A%D9%88%D8%B6%D8%AD-%D8%B9%D8%AF%D8%AF/>], 09.01.2020 // اجاج حل .. اجاج لفسانم قيدات بناج ىل [<https://arabic.people.com.cn/n3/2019/0806/c31660-9603785.html>], 9 January, 2020.

The two models of the state-religious relations are very similar in many respects (despite certain objective differences); they are also close to a number of models that took shape over the course of centuries in other countries, in different cultural-historical contexts and within different ideological and political systems. On the whole, all of them are geared at harmonious coexistence between the state and religious confessions.

Freedom of worship is one of the basic rights of man; religiosity is one of oldest characteristics of human society. Today, the global world has acquired different approaches to religion conditioned by historical, cultural and civilizational development dynamics. The models of the state-confessional relations are highly diverse.⁷

Some states do not specify the status of religions in their Constitutions; some countries stipulate their religious approaches in legislation. The Constitution of the FRG speaks of the responsibility of the German nation to God, the Constitution of Ireland begins with “In the Name of the Most Holy Trinity.” There are state churches in England, Finland, Denmark, Norway, Scotland, Greece, etc. In these countries churches are part of the state machine, and their statuses differ from the statuses of other religious communities that belong to the non-state sector.⁸

In many countries, including those where religious organizations are separated from the state, clerics are present in civilian institutions such as schools, hospitals, armed forces and penitentiary systems. In some states the president, deputies and members of government swear an oath on holy books.

The unfolding liberalization has invigorated the contacts between state and religious figures, heads of state visit places of worship, while religious organizations are more frequently mentioned in legal documents. On the other hand, religion remains mainly a private business.

3. Religious Policy in Kazakhstan and China in the Face of Contemporary Challenges and Threats

In the wake of 9/11, religion and politics have acquired new meanings: it became abundantly clear that terrorism was no longer persecuting individuals, organizations or even states, it challenged the entire world order. Today, nearly 20 years later we can observe that mankind is generally managing to cope. China and Kazakhstan are moving in the same direction: their models of state-confessional relations had confirmed their adequacy and efficiency.

The state and religious associations share common approaches to terrorism and are aware of the need to oppose it. It is only natural that in Kazakhstan and in China religious confessions do not limit themselves to general statements on the need to protect social values and institutions; they spare no effort in supporting the state.

From 2001 onwards, the states have been confirming in word and in deed that they do not equate religion and religious terrorism. Religious confessions, in turn, have been doing a lot to explain and popularize their interpretations and practices. Sometimes that was perceived as attempts by certain

⁷ See: Iu.V. Pechin, “K voprosu o modeli gosudarstvenno-konfessionalnykh otnosheniy v sovremennoy Rossii,” in: *Teoreticheskie i prakticheskie aspekty razvitiya upravlencheskoy mysli v sovremennom mire*: Collection of scientific works of lecturers and post-graduate students, State Agrarian University of Novosibirsk, Novosibirsk, 2015, pp. 101-105.

⁸ See: O.N. Petiukova, “Modeli gosudarstvenno-konfessionalnykh otnosheniy: zarubezhny opyt pravovogo regulirovaniya,” *Finansy: teoria i praktika*, 2010, pp. 57-61; R. Podoprigora, *Gosudarstvo, pravo i religia: zarubezhny opyt i kazakhstanskii realii?* available at [https://online.zakon.kz/Document/?doc_id=1034230#pos=3;-153], 15 January, 2020.

confessions to interfere in state affairs. In the course of time, however, it became clear that prominent religious figures and institutions play an important role in promoting national ideas and national institutions. In this respect, the slogan exhibited on the mosque entrances across China “Love the Party, Love Your Motherland” looks adequate. This laconic and capacious slogan has become the symbol of Chinese mosques and an attribute of sermons and other types of religious activity of the Muslim clerics in China.

In Kazakhstan, religious leaders opted for a different approach, which is justified by the relatively low level of religious awareness. In particular, they have reformed the confessional educational institutions, expanded their network and raised the level of educational programs to those of corresponding secular educational structures. The same was done to the religious courses that target those who want to join one of the confessions and need more profound religious knowledge. Religious organizations have demonstrated increased activity in the media.

It would be a great exaggeration to say that the joint efforts were unfolding seamlessly. Since the very first day of the international counterterrorist campaign, it was visualized as war and peace, black and white in a world where there was an obvious enemy and an army led by one commander. This explains why in some cases the relations between the state and religious confessions were fairly tense. In Kazakhstan this took the form of the failed attempt to introduce certain limits to hairdos and clothing.

In the states that considered themselves benchmarks of secularism, these attempts were reflected in legislation; in China and Kazakhstan they remained at the level of administrative acts. The wise and cold-blooded approach prevailed in both countries.

This means that in both countries the relations between the state and confessions are passing the durability test with flying colors.

Global challenges and threats are not limited to terrorism and religious extremism, yet our recently acquired experience confirms the functioning models of state-religious relations are beneficial and serve the state, religious confessions and society as a whole.

Kazakhstan is an interesting example of how specific historical and cultural circumstances, and features of social development helped create a unique model of religious interaction.

In its civilizational choice, the Republic of Kazakhstan is adhering to eternal values shared by all mankind—dialog and harmony of interests, peaceful creative coexistence, wellbeing and flourishing.⁹

Conclusion

No matter how unique, the state-confessional relations in Kazakhstan and China share common features that suggest exchange of experience. Much has already been done in this respect.

The very similar models of state-confessional relations in these countries may be explained by the relatively similar courses of social and cultural development and historical closeness of sorts. In both countries the high level of tolerance stems from centuries of coexistence of different peoples and religions. In Kazakhstan, coexistence of Islam and Christianity is one of its traditional elements; in China, Taoists, Buddhists, Muslims and others have been peacefully living within the same borders.

In the twentieth century, the very similar course of political development and an uncompromising struggle waged by the authorities against all manifestations of religiosity to impose atheism can be assessed as another factor that brought together the state-confessional interaction in these countries.

⁹ See: B. Aryn, “Svoboda veroispovedania: tsivilizatsionny vybor Kazakhstana,” *Vestnik diplomatii*, available at [<https://mfa.gov.kz/ru/content-view/berik-aryn-svoboda-veroispovedania-civilizacionnyj-vybor-kazakhstana>], 22 December, 2019.

At the end of the 20th century, Kazakhstan, as an independent post-Soviet state, moved away from atheism to build its own model of the relations between the state and local confessions.

As its political system was developing, China became more loyal towards its religious citizens and atheism remained mandatory only for the members of the Communist Party.

Today, both states are coping with similar problems created by the increasingly apparent threats of extremism and terrorism, the duty of any state to preserve the balance between human rights (including the right to worship) and the interests of the state that should control public sentiments and implement adequate social engineering.

There can be no discussion of global threats and challenges without a discussion of megatrends. We can claim that religion, while remaining a personal choice in full accordance with the freedom of worship, is developing into a very much needed social institute. Religious associations can realize this potential within the current model.
