**The Potential Illegitimacy of the PRC’s Effort to Distinguish *Xie Jiao* from “Cult” or “Destructive Cult”**

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**Abstract**

The PRC has a systematic, self-consistent theory and set of policies focused on *xie jiao* (邪教), a term that is often mistranslated as “destructive cults,” thereby causing disagreement throughout the international academic world. A more appropriate and accurate translation/interpretation agreeable to all within the PRC and beyond would contribute to bridging the confusion that often leads to misunderstanding. Our article addresses this problem by analyzing official Chinese documents and the critiques of certain international experts. Although the concept of *xie jiao* has its own philosophical logic, that it is often misunderstood in international communications leads to much dispute over interpretation and policy. Sino-western cultural differences explain much of this misunderstanding.

**Key Words**: *xie jiao* (邪教), Chinese List of *xie jiao*, destructive cults, legitimacy, mistranslation

Among the international academic community of experts who study recently created religions, many have a strong interest in the PRC’s definition of and hostility toward *xie jiao* (邪教); a surprising number offer sharp critiques of what they learn.[[1]](#footnote-3) Because we believe that a proper interpretation of the PRC’s position would help international scholars to better understand and thus respond more effectively to Chinese scholars and officials, we have produced this essay on the basis of governmental documents and analysis of the critiques of foreigners. Our reading of the available materials leads to our conclusion that the concept of *xie jiao* is misunderstood abroad largely owing to the term’s translation as “cult” or “destructive Cult.” In turn, mistranslation is caused largely by the deep differences between Chinese and Western cultures.[[2]](#footnote-5)

China’s main legal provision dealing with *xie jiao* is Article 300 of the Criminal Law.[[3]](#footnote-6) Focused on the crime of organizing and practicing *xie jiao* 组织和利用邪教罪, this article is part of Section 1: Crimes of Disrupting Public Order扰乱公共秩序罪, within Chapter VI: The Crime of Disrupting the Order of Social Administration 妨害社会管理秩序罪. The English text of Article 300 is as follows:

Article 300. Whoever *organizes or utilizes* any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, criminal detention, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

Whoever organizes or utilizes any *superstitious sect, secret society*, or *cult organization* or uses superstition to cheat any other person, which leads to the person’s serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of penalties for plural crimes.[[4]](#footnote-7)

On January 4, 2017, China’s Supreme People’s Court and Supreme People’s Procuratorate issued a joint decree entitled “Interpretation of Several Issues Concerning the Application of Law to the Handling of Criminal Cases Involving Sabotaging the Enforcement of Laws by Creating and Employing Cult Organizations.”[[5]](#footnote-9) The first sentence provides a definition for *xie jiao* organizations:

Article 1. Illegal organizations that are set up by using religions, Qigong, or other things as a camouflage, deify their leading members and confuse and deceive people, recruit and control their members, and endanger the society by fabricating and spreading superstitious heresies shall be determined as “cult organizations” as prescribed in Article 300 of the Criminal Law. 冒用宗教、气功或者以其他名义建立，神化、鼓吹首要分子，利用制造、散布迷信邪说等手段蛊惑、蒙骗他人，发展、控制成员，危害社会的非法组织，应当认定为刑法第三百条规定的 “邪教组织”.

In this definition and interpretation of the crime of *xie jiao*, we can notice such terms as “set up 建立,”“using 利用,”and “camouflage 冒用,” each of which is meant to distinguish several pairs of nouns that have opposite meanings: organizer from the organized, user from the used, and camouflage from the essence that the former covers up. If a cult is used by someone to sabotage the implementation of law and administration, or if someone uses it to commit other crimes, then such persons or groups who use the cult as an instrument can justifiably be accused of committing the crime of *xie jiao*.

The cult as instrument-to-be-used, however, is not necessarily *xie jiao*. Such a distinction is particularly important and is consistently adhered to when Chinese authorities want to judge crimes of *xie jiao*. This is stated in the “Decision of the Standing Committee of the National People’s Congress on Prohibiting *Xie Jiao* Organizations, Preventing and Punishing *Xie Jiao* Activities” (《全国人大常委会关于取缔邪教组织、防范和惩治邪教活动的决定》), adopted by the Twelfth Meeting of the Standing Committee of the Ninth National People’s Congress on October 30, 1999:[[6]](#footnote-10)

*Xie jiao* organizations use religion, *Qigong*, or other names to disturb social order by various means, endanger the safety of people’s lives and property, and economic development.… In dealing with *xie jiao* organizations in accordance with the law, it is necessary to distinguish between those who do not know the truth and participate in *xie jiao* activities from organizers and criminals who use *xie jiao* organizations to carry out illegal activities and deliberately undermine social stability. The deceived masses will not be held accountable. Organizers, planners, commanders and key members who constitute crimes shall be held accountable for criminal responsibility in accordance with the law; those who confess their crime or have meritorious service may be liable, reduced or exempted from punishment according to law.…Prohibiting *xie jiao* organizations and punishing *xie jiao* activities in accordance with law is conducive to protecting normal religious activities and citizens’ freedom of religious belief.

This document, issued by the highest authority, further defines that the government’s targets are mainly “organizations” and deal with “criminal activities” committed by the “organizations.” As long as the organization’s members are willing to draw a clear line within the organization, they can rid it of crime and be exempted from punishment. This is quite different from the idea in most countries outside China who do not fight against organizations but only against those in organizations who commit crimes. The crimes listed in the document are viewed as undermining the implementation of national laws and administrative regulations; such crimes intend to gather people and cause trouble, to disrupt social order, deceive others, kill or humiliate them, and cause them to lose property.

Such crimes can be divided into two categories: those against the state and society, and those against the members of the organization. The subjects of these two types of crimes, however, are organizations and not individuals. Moreover, individuals can be exempted from punishment after they have made amends. The text above also reflects the need to distinguish subject (target or one who engages in camouflage) from object (religion or cult that is camouflaged). That which is camouflaged—religion or cult—is the object of protection instead of the object of punishment. While attacking the target who creates the camouflage, the religion or cult that is camouflaged should not be attacked. Therefore, while attacking *xie jiao*, the religion or cult used by *xie jiao* should be carefully protected, and religions or cults should be encouraged to participate in anti- *xie jiao* activities.

As a result, China’s so-called persecution of *xie jiao* believers actually does not exist from a legal or philosophical point of view. If there is persecution against individuals in practice, it does not reflect the law’s intent and should be addressed.[[7]](#footnote-11) The aim is rather to distinguish the target of the legal attack from the organization used by the target, the masses preyed on by it, and the Qigong religion manipulated by it. To Chinese thinking, analogies for this might include differentiating a mouse from its hiding place, rat feces from porridge contaminated by rat feces, criminals from criminal tools, and scammers from deceived people; if you strike at the former, you protect the latter.

**II. PRC’s understanding of the complex relations between *xie jiao* and religion and cults**

In order to properly define the target of these laws, a set of judgement standards and identification procedures are required as a set of criteria for *xie jiao*. Toward that end, on April 30, 2000, the Ministry of Public Security of the PRC formulated a decree entitled “Notice of the Ministry of Public Security on Several Issues of Identifying and Prohibiting *Xie Jiao* Organizations” (公安部关于认定和取缔邪教组织若干问题的通知)( 公通字[2000]39号) that was subsequently issued by the Ministry’s General Office on May 10 of that year. Its purpose was to clarify exactly what was needed to ensure the proper understanding of *xie jiao*:

Anyone with the following characteristics shall be recognized as a cult organization:

Using religion, qigong and other names to set up illegal organizations;

Deified primary members;

Create and spread superstition and malicious teachings;

Use the method of manufacturing and disseminating superstition and malicious teachings to confuse and deceive others to develop and control members;

Organize activities that disrupt social order and endanger the safety of citizens’ lives and property.

This set of criteria align with the aforementioned legal definition of *xie jiao* organizations. We can see that they are not based on the teachings of cult, but on the characteristics of the organization, the manner of its behavior, and its organized crime. The most important feature of such an organization is that it is secret, illegal, unregistered, or hidden behind a legal organization. Its most important behavioral characteristic is “manipulation,” which is well served by the use of religion or *Qigong*, the deification of the leader, and the creation and spread of malicious teachings. In all, there are two main types of organizational crime: one is political and intent on disturbing the social order; the second is aimed at organization members and other individuals, so as to accumulate wealth by unfair means, including violence.

Therefore, the PRC’s concept of *xie jiao* is not identical to the concept of a cult. It is an organization hidden behind a cult that manipulates and uses a cult to achieve criminal purposes. These two concepts—organization and cult—differ in that the former is primarily political, while the latter is religious. In Chinese, the word “教” (*jiao*) in “邪教”(*xie jiao*) has two meanings: one is “doctrine” or “teaching,” while the other is “religious organization.” Thus the “evil” attributed to *xie jiao* refers to both the doctrine itself and the organizational behavior, although it emphasizes the latter. Together, the claim is that the doctrine and the organization behavior perpetrate crime, justifying their categorization as *xie jiao*.

The notice mentioned above also stipulates who has the right to render judgment about *xie jiao*:

According to the different circumstances of the *xie jiao* organization’s area of activity, they are respectively identified by deferent levels of police agency of different provinces, autonomous regions, and municipalities directly under the Central Government. A *xie jiao* organization operating in a province, autonomous region, or municipality directly under the Central Government shall be certified by the Public Security Department of the province, autonomous region, or municipality after approval by the Ministry of Public Security; a cult organization operating across provinces, autonomous regions, or municipalities shall be identified by the Ministry of Public Security.

It is clear from this that it is public security departments at all levels, and not religious circles, religious management departments, or scholars, who are given the authority to render judgments about *xie jiao*. Since the 18th National Congress of the Communist Party of China met in 2014, the country’s government has been defined according to the “Four-Pronged Comprehensive Strategy (四个全面战略布局)” put forward by General Secretary Xi Jiping. It is logical, then, that the prevention and treatment of *xie jiao* would have developed in the direction of rule of law as well. Identification of *xie jiao* began to explore judicial channels. Hereafter, *xie jiao* organizations have been – primarily identified by courts instead of by public security departments.

Because the PRC emphasizes the activities of *organize*, *use*, and *camouflage* when investigating various religious organizations to identify *xie jiao* groups, and because the objects being *used* or being *camouflaged* are always changing, the authorities have learned to treat the list of *xie jiao* as ever dynamic. As a result, all religious organizations that have been abandoned by users or are no longer seriously harmful are dropped from or placed at the back of the list, and newly identified harmful organizations are added to the list. As a result of this practice, the official list of *xie jiao* has changed over time, andlists that appear in various media may differ from each other as well, if only slightly. The website of the Chinese Anti-*Xie Jiao* Association (中国反邪教协会) (officially mistranslated as *China Anti-Cult Association*), listed 23 kinds of *xie jiao* as of March 2020. This is by far the most complete list. Some *xie jiao* organizations derived from older ones, for example, the Church of the Almighty God, are also listed as separate organizations. Below is the official *xie jiao* list ranked according to current influence and degree of harm they pose:

1. “Falun Gong” 法轮功

2. “Almighty God” 全能神 (differentiated from the Shouters)

3. “Shouters” 呼喊派

4. “Disciples Assembly” 门徒会

5. “Unification Church” 统一教

6. “Guanyin Method” 观音法门

7. “**The Blood, The Water, The Spirit**” 血水圣灵

8. “Full Scope Church” 全范围教会

9. “Three Grades of Servants” 三班仆人派

10. “True Buddha School” 灵仙真佛宗

11. “Mainland China Administrative Deacon Station” 中华大陆行政执事站, (differentiated from the Shouters)

12. “Spiritual Spirit Church” 灵灵教

13. “Southern China Church” 华南教会 (differentiated from the Full Scope Church)

14. “The Anointed King” 被立王 (differentiated from the Shouters)

15. “The Lord God Church” 主神教 (differentiated from the Anointed King)

16. “World Gospel Evangelical Church of Elijah” 世界以利亚福音宣教会;

17. “Yuandun Method” 圆顿法门 (differentiated from the Guan Yin Method)

18. “New Testament Church” 新约教会

19. “Damien Evangelical Church” 达米宣教会;

20. “Children of the Heavenly Father” 天父的儿女

21. “Hua Zang Sect” 华藏宗门, or “Hua Zang Zōng Men”[[8]](#footnote-15)

22. “Galactic Federation” 银河联邦,or “Yin He Lian Bang”[[9]](#footnote-16)

23. “Sun and Moon Qigong” 日月气功, or “Ri Yue Qigong”[[10]](#footnote-17)

From the first to twenty were identified by Central Office and the General Office of the State Council and the Ministry of Public Security. The last three were identified by local courts.

In recent years, the organization “Method of Mind” (心灵法门, *Xin Ling Famen*), which is quite influential, is considered to have characteristics of *xie jiao*. Similarly, China’s anti-cult organizations recently began to pay attention to an organization from South Korea called *Shincheonji* 新天地, established by Lee Man-Hee in 1984; it too is regarded as possessing characteristics of *xie jiao*. However, neither of these has been officially identified as *xie jiao* by the PRC and neither has been banned by the government.

In his article, “The List: The Evolution of China’s List of Illegal and Evil Cults,” Edward A. Irons mentioned two more organizations as *xie* jiao:[[11]](#footnote-22). One is called “Pure Land Learning Association” 净宗学会 *jjingzong xuehui*, founded by 净空, Jingkong (b. 1927）in Taiwan in 1984. The other is Zhong Gong (中功), which was established in 1987 as a *qigong* group by Zhang Hongbbao (张宏堡, 1954–2006). Actually, neither of these organizations were officially identified by PRC authority as *xie jiao*. “Pure Land Learning Association” is regarded as a heterodox version of Buddhism (附佛外道, outside the mainstream of Buddhism), and Zhong Gong is identified as harmful Qigong (有害气功). Neither has been labeled as *xie jiao*.

On August 29, 1999, the general office of the State Council publicized “The Opinions on Strengthening the Management of Fitness in Qigong Activities” (《关于加强健身气功活动管理有关问题的意见》) issued by the State General Administration of Sports, the Ministry of Civil Affairs, and the Ministry of Public Security. This document demanded that illegal *Qigong* organizations should be banned. The General Administration of Sport issued a document entitled “Interim Measures on the Management of Qigong for Physical Fitness”(健身气功管理暂行办法》[[12]](#footnote-24) on September 8, 2000. It requires strengthening the management of Qigong for physical fitness, supporting healthy and civilized Qigong for the benefit of physical and mental health, while limiting, banning, and cracking down on harmful Qigong, so as to achieve the purpose of “strengthening the healthy one by eliminating evil one” (扶正祛邪). Under the auspices of the Fitness Qigong Management Center of the State Sports Administration(国家体育总局健身气功管理中心) (established in 2001), and through long-term efforts, at the conclusion of a meeting aimed at “compiling and creating a new Qigong exercise-method research project” (编创健身气功新功法科研课题), four new Qigong exercises methods—namely, Baduanjin (八段绵，eight silk-like movement), Liuzijue (六字诀, six key words for exercise), Wuqinxi (五禽戏, exercises inspired by five animals), and Yijinjing (易筋经, sutra of transforming veins)—were selected and then promoted nationwide. At present, opinion is that these four methods are quite good and seem very popular with their practitioners.

David Palmer (宗树人), a well-known scholar who studies the phenomenon of *Qigong* in China, stated that the emergence of *Qigong* after the founding of new China was meant to draw the health-preserving technique out from its religious background, cut off its connection to religions, politics and society, and make it a purely a technical fitness method.[[13]](#footnote-27) After the 1980s, however, *Qigong* developed in the direction of new religious fanaticism, and the fitness technique began to be regarded as the primary area for cultivating *Qigong*. From this perspective, the task of controlling harmful *Qigong* in China was viewed once again as requiring that *Qigong* be cut off from religion and politics, be returned to purely technical fitness, and made standardized, modernized, and secularized.

At present, the PRC has identified 14 kinds of harmful Qigong:

1. Chinese Health and Wisdom Method (中华养生益智功,中功, Zhong Gong)

2. Xiang Gong（香功，Method of Perfume）

3. Bodhi Method (菩提功)

4. Yuanji Method（元极功）

5. Hua Zang Method (华藏功, eventually identified as *xie jiao* as mentioned above)

6. Chinese Kunlun Female Fairy Method (中华昆仑女神功)

7. Renyu Special Energy Method (人宇特能功, the method of human and universe)

8. Sansan Jiu Cheng yuan Method (三三九乘元功)

9. Sun and Moon Qigong (日月气功)

10. Wanfa Guiyi Method (万法归一功)

11. Compassionate Method (慈悲功)

12. Shenchang Human science and Technology (沈昌人体科技)

13. Yitong Health Method (一通健康法)

14. Chinese Natural Special Ability Method (中国自然特异功).

These 14 organizations have been banned and another 51 organizations have been left alone.[[14]](#footnote-28)

**III. Philosophical background of PRC’s effort to distinguish *xie jiao* from religions**

Thus, the PRC has attempted to distinguish *xie jiao* from religions and cults in theory and in practice. On the one hand, it seeks to separate *xie jiao* from religions and cults in order to protect religions, and has tried to separate the members of *xie jiao* from those of its organizations in order to protect individuals.

In an effort to appreciate the history of the PRC’s religious policy, we need to consider a document issued by the Central Committee of the Communist Party of China in March 1982, “Basic Views and Policies on Religious Issues in the Socialist Period of China (关于我国社会主义时期宗教问题的基本观点和基本政策). Often identified as Document No. 19, it expresses the party’s official philosophical understanding of religious issues, and it serves as the basis for the PRC’s religious policies that continue to be effective since its publication.

The main points of the documents theoretical portion are as follows: (1) PRC respects the fact that religion is a historical phenomenon that cannot be eliminated by administrative orders or other coercive means; (2) The problem of religion is mainly the problem of it being used by certain forces for other purposes; and (3) To respect and protect the freedom of religious belief is the party’s basic policy on religious issues. While emphasizing the protection of people’s freedom to believe in religion, it should also be emphasized that the government protected people’s freedom to not believe in religion. The essence of the policy of freedom of religious belief is to make the issue of religious belief a private issue of citizens’ free choice.

These three points established a unique stance on the freedom of religion. Firstly, because freedom of religions is a basic principle of the PRC’s religious policy; second, freedom of religions means that religions cannot “be used by others” (被利用). In order to protect the freedom of religion, the Government should therefore crack down on political forces manipulating religions to control and use them; third, freedom of religions means individuals may not be coerced to believe in or not believe in certain religions.

In order to fulfill the freedom of religion, the basic principle of the religious policy is as follows:

Fully implement the party’s policy of freedom of religious belief, manage religious affairs in accordance with the law, adhere to the principle of independence and self-reliance, and actively guide religions to adapt to socialist society (全面贯彻党的宗教信仰自由政策，依法管理宗教事务，坚持独立自主自办的原则，积极引导宗教与社会主义社会相适应). [[15]](#footnote-30)

The principle “*manage religious affairs in accordance with the law*” is understood to protect the freedom of individuals from religious groups. The principle of “*independence and self-reliance*” is to protect freedom of religions from being controlled by outside forces. Thus, freedom is not a self-realized situation, but derives from management. On the backdrop of this philosophical understanding, freedom has also dialectic meaning in practice: On one hand, government should give religions freedom, neither impinging upon religions nor supporting them with political power. On the other hand, religions should not be controlled or used by others, and religion should not be allowed to control individuals, thus necessitating some government oversight.

Accordingly, there are three main issues with regards to religion that might affect national security and social stability: religious extremism, the utilization of religion by foreign forces, and *xie jiao*. An important point to consider is that there are three categories of religious organizations in the PRC: (a) those that are registered, legal, law-abiding, and beneficial to society; (b) those that are unregistered, secret, illegal, and non-compliant with the law, but are harmless to the society; and (c) those that are unregistered, secret, non-compliant with the law, and that are harmful to society.[[16]](#footnote-31) The third category of problematic religious organizations can be further divided into three situations: such religions may travel an extremist path (including cults or sects) because of their secrecy, they may be controlled and infiltrated by foreign forces, and/or they may be utilized by certain malicious person in order to take advantage of them to achieve ulterior aims. This last situation leads to organizations being categorized as *xie jiao*. In this strict sense, *xie jiao* is not religion, but the organization that makes use of the religions in a problematic manner. In this context, the meaning of the Chinese concept of *xie jiao* is quite clear. However, this is misconstrued by some scholars when they argue that because the definition of *xie jiao* is vague, the CCP can label any religion it does not like as *xie jiao.* [[17]](#footnote-32)

The PRC’s sensitivity towards and desire to regulate *xie jiao* stems from three potential harmful outcomes: (1) manipulating believers from the top-down and in so doing, damaging their physical and mental health and their safety and property; (2) intervening in administrative, judicial, educational and other state functions in the direction from the bottom-up, resisting state administration, destroying social order, and trying to form a secret society beyond the jurisdiction of law—so called “land outside the law, the people outside the law, the religion outside the law;” (3) control of organizations for manipulation. Thus, the PRC views its strict prevention and treatment of *xie jiao* as serving the concept of religious freedom, in order to (a) ensure that their members’ beliefs are not being spiritually manipulated, to guarantee their freedom of belief, and to liberate them from the control of *xie jiao*;(b) to prevent the influence of *xie jiao* on social stability and national security; and (c) to protect legitimate religions.

**IV. Possible problem of legitimacy of PRC’s treatment of *xie jiao* and potential solutions**

Since *xie jiao* have the ability to hide behind or possess a religion, the attack on *xie jiao* is very difficult in practice. It could easily injure believers and normal religious organizations by mistake, and if a government attack it not sufficiently precise, it could cause human rights violations. In the PRC’s history, this is called “a mistake of Left Tendency” (左倾), as opposed to “the mistake of Right Tendency” (右倾), which would result from insufficient regulation of such organizations. Both of these actions are directed to wrong targets, they become excuses for each other, and mutually strengthen the tendency of each other. That is the reason why Chinese religious policy often shifts its orientation from tighter to looser restriction, when it should seek a balance between Left and Right Tendencies, grasping and releasing, attacking and protecting. This paradox sometimes leads to crises of legitimacy from the PRC in policy exertion and international communication.

1. In the PRC’s practice of identifying *xie jiao*, the latter is the object of prevention and treatment rather than being considered a “wrong” religion or “harmful” religion. It refers to an illegal organization that makes manipulative use of religion. In this sense, the concept of *xie jiao* is not the same as what the international academic community calls a cult or even a destructive cult. In fact, “cult,” or “destructive cult” is only the object or shell used by *xie jiao*.[[18]](#footnote-33) In the Chinese context, “*xie jiao*” and “cult” are two entirely different concepts. The PRC would like to distinguish *xie jiao* not only from religion (宗教), but also from cult or destructive cult, and thus have not been able to find an equivalent term in a Western language. It is different from *sect*, *cult* or *destructive cult* in English, even though it has a complex relationship with them.[[19]](#footnote-34) If the term *xie jiao* is misunderstood as “cult” by policy and regulation executors, they would possibly treat the “cult” as *Xie Jiao* and attack it, thereby injuring the innocent by mistake. If the term “*Xie Jiao*” is mistranslated as “cult,” that would cause crises of legitimacy and result in international criticism. For example, the treatment of PRC against Falun Gong and the Church of the Almighty God may cause indignation in the international community. To label Falun Gong or Almighty God a “cult” or “destructive cult” is to label them with the talisman of “they should be protected or at least tolerated.” I therefore propose that, rather than attempting a translation of the Chinese term *xie jiao*, it should be directly transliterated into English, just like *Kung Fu* (功夫), *Qigong*（气功), and *Tou Fu* (豆腐), in order to emphasize the distinction between *xie jiao* and religion and cult.

2. The judicial interpretation of the crime of *xie jiao* by the PRC’s Supreme Court and Supreme Procuratorate uses terms like “superstitious heresies,” “deceive and confuse” “control” and “illegal organization” as the key words to define *xie jiao*, among which “superstitious heresies” and “deceive and confuse” are religious labels, and “control” and “illegal organization” are political. This is intentional, since the combined use of these two sets of labels offers a complete and accurate way to define *xie jiao* in the Chinese context: the cult without a political nature is not *xie jiao* in the Chinese sense, and the secret political organization without a religious nature is also not *xie jiao*. However, the appearance of both of these elements in the definition may lead some scholars in the international community to think that the PRC is fighting against certain religions for political reasons, thereby politicizing religious issues. On the other hand, a potential critique might be that the PRC is trying to locate “superstitious heresy,” thus helping orthodox religions fight against heresy; this interpretation construes the fight against the political crime of *xie jiao* assome kind of religiously-motivated activity.

In terms of the implementation of policies and laws, from the perspective of political standards, most cults are only internal religious phenomena, which is not harmful enough to constitute the crime of *xie jiao*. Therefore, the PRC should be careful in applying Article 300 of the criminal law to them. If the authorities use religious standards to evaluate religious groups, they may come to regard many religions as *xie jiao.* The nuanced differences between them requires greater theoretical contemplation by law enforcers.[[20]](#footnote-35)

3. In the PRC’s judicial interpretation, special emphasis is placed on “organization and utilization,” which helps to distinguish the organizers and users of *xie jiao* from their members, and to distinguish the organizations from the individuals within them. Indeed, in China, in the theoretical sense, there is no persecution of individuals of *xie jiao*; there is only the rescue of the victims of *xie jiao*. However, in practice, there are two possible misunderstandings arising from this principle: Firstly, that the purpose of the state’s efforts to ban organizations and save individuals differs from that of the international community’s efforts not to ban organizations but rather to combat crimes committed by individuals within organizations. Second, in judicial practice, there is a phenomenon in which *xie jiao* organizations’ leaders and their close colleagues may escape sentencing or receive lighter sentences while “normal” members receive heavy sentences. This results from the intangible nature of organization and utilization, for which it is difficult to set standards, identify, and convict. Thus charges against leaders are often dropped, while the behavior of normal members is easily calculated, convicted, and sentenced. Outsiders are sometimes left with the impression that persecuting believers is integral to implementing *xie jiao* policy, and that law enforcement must act more carefully. For example, in the essay “Article 300: CCP's Secret Weapon of Religious Persecution,” Massimo Introvigne acknowledged that Chinese police and courts are trying their best to identify and punish leaders; however, he stresses that “the study of the cases confirms that police and courts try to identify and punish leaders, but also go after ordinary members.”[[21]](#footnote-36)

In view of the above mentioned difficulties, further inquiry is required as to the design of effective standards and methods that can be used to achieve the legislative purpose of Article 300. Such measures would avoid value judgement regarding certain kinds of faith, and the judicial practice would only punish the *xie jiao* according to whether or not it endangers national security, political stability, or people’s physical and mental health.

*Xie jiao* involve not only organizations themselves and their members, but also some wonderful, positive, and profound contributions to religious culture as well as some factors and organizational forms that could contribute to enriching social culture and international cultural exchange. In this sense, it worth deepening the inquiry to avoid “throwing out the baby with the bathwater,” i.e. retaining the positive contributions of such organizations while ridding them of their nefarious elements. This may involve transforming and legitimizing them so they can serve as beneficial forces in the wave of international cultural melding. As for the huge Sino-Western cultural difference that facilitates the mistranslation and subsequent misunderstanding at the core of this article, this should be a topic for further research.

1. Pierluigi Zoccatelli, “The Church of Almighty God. Anti-Cult Campaigns in China and the Case of The Church of Almighty God: An Introduction,” *The Journal of CESNUR*，Volume 2, Issue 1 (January-February, 2018), p. 3. [www.cesnur.net | DOI: 10.26338/tjoc.2018.2.1.1] This issue of the journal is devoted to the campaign against “cults” in China and to a particular new religious movement targeted by the Chinese authorities as a quintessential “cult.” See also Massimo Introvigne, “Article 300: CCP's Secret Weapon of Religious Persecution.” [https://bitterwinter.org/article-300-ccps-secret-weapon-of-religious-persecution/?fbclid=IwAR1A3gScRqA8mEuO\_oYkMOy6omoQh83aIpIiiDC5c.] [↑](#footnote-ref-3)
2. All materials about PRC theory and practice in this paper are based on the direct quotation, paraphrase, and summary of Chinese official documents or mainstream media reports. The authors will use the existing authoritative English version while providing alternative translation and necessary explanation when there are mistranslations and consequent misunderstanding. [↑](#footnote-ref-5)
3. Criminal Law of the People’s Republic of China (2017 Amendment) [CLI Code [CLI.1.256346(EN)](https://www.pkulaw.com/fbm" \t "_blank)]. [↑](#footnote-ref-6)
4. Owing to mistranslation, this official English version is not totally identical to the Chinese version. Here the phrases “superstitious sect” and “secret society” correspond to 会道门 *Hui Dao Men*. The latter more correctly references secret societies in the camouflage of religious organizations. The terms 会 *Hui*, 道 *Dao*, and 门 *Men* were common terms used by Chinese traditional religious groups to mean association, practice, method, and gateway to truth. More accurately, the phrase “cult organization” corresponds to 邪教组织 *xie jiao* *zuzhi* in Chinese. More to the point, all relevant official Chinese documents mistranslate *xie jiao* as cult organization. Later in this article, we will discuss the matter further. [↑](#footnote-ref-7)
5. Interpretation No. 3 [2017] of the Supreme People's Court [CLI Code] [CLI.3.289471(EN)](https://www.pkulaw.com/fbm" \t "_blank). [↑](#footnote-ref-9)
6. [↑](#footnote-ref-10)
7. [↑](#footnote-ref-11)
8. http://www.chinafxj.cn/xyfx/201711/06/t20171106\_5050.shtml [↑](#footnote-ref-15)
9. <https://news.163.com/18/1101/20/DVI7VUR60001875P.html;> http://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXSK4/index.html?docId=9bcfffabdee04f5b83b982bba712cdb7 [↑](#footnote-ref-16)
10. http://www.chinafxj.cn/c/2020-06-16/1161261.shtml [↑](#footnote-ref-17)
11. Edward A. Irons, The List: The Evolution of China’s List of Illegal and Evil Cults, The Journal of CESNUR, Volume 2, Issue 1, January—February 2018, page 44. DOI: 10.26338/tjoc.2018.2.1.3 Except these two organizations, “Pure Land Learning Association” and Zhong Gong, the list offered by Edward A. Irons in his article is the same as the list offered by the Chinese Anti-Cult Association. [↑](#footnote-ref-22)
12. [↑](#footnote-ref-24)
13. http://www.chinafxj.cn/fzjs/zfgz/201709/12/t20170912\_1421.shtml David Palmer, The Body at the Junction of Religion and Scientism: Modernization of Meditative Traditions in Contemporary China, Chinese Cross Currents, Macau Ricci Institute, Vol. 1 No. 1, 2004. PP. 54-86. [↑](#footnote-ref-27)
14. Hua Zang Method(华藏功) and Sun and Moon Qigong(日月气功) continued running secretly hereafter and was identified as *xie jiao* recently as mentioned in the above *xie jiao* list. Yuanji Method元极功）is strengthening itself through business. It is said that the Chinese Kunlun Female Fairy Method (中华昆仑女神功) is used as a tool for Falun Gong for its own purposes. Chinese Health and Wisdom Method (中功, Zhong Gong) and Bodhi Method (菩提功) are still active. [↑](#footnote-ref-28)
15. Constantly Create a New Realm of Marxist Religious Theory: the Achievements of the Party's Theoretical and Policy on Religious Work Since 2001, People’s Daily, 21 April, 2016 (同 言 宗 文，不断开创马克思主义宗教理论的新境界：二〇〇一年以来党的宗教工作理论政策成就), 《 人民日报 》（ 2016年04月21日), http://politics.people.com.cn/n1/2016/0421/c1001-28292204.html [↑](#footnote-ref-30)
16. Fenggang Yang formulated a triple-market model to describe this situation. Fenggang Yang, The Read, Black, and Gray Markets of Religion in China, *The Sociological Quarterly* **47** (2006) 93. [↑](#footnote-ref-31)
17. “Such a vague definition perpetuated the possibility for the power to list as *xie jiao* any group the CCP does not like.” Pier Luigi Zoccatelli，Anti-Cult Campaigns in China and the Case of The Church of Almighty God: An Introduction，The Journal of CESNUR, Volume 2, Issue 1, January—February 2018, pages 4. [↑](#footnote-ref-32)
18. Some scholars have realized the difference between *xie jiao* and cults. For example, Edward A. Irons said: “A distinction should be made between such government offices, which may use the term ‘anti-cult’ in their English translations, and overseas civil society groups dedicated to fighting ‘cults.’ The Chinese institutions in fact are anti-xie jiao.” Edward A. Irons，The List: The Evolution of China’s List of Illegal and Evil Cults，The Journal of CESNUR, Volume 2, Issue 1, January—February2018, pages 33—57. | DOI: 10.26338/tjoc.2018.2.1.3 [↑](#footnote-ref-33)
19. Massimo Introvigne suggests using “criminal religious movements” to designate Chinese *xie jiao*, stating: “I tried to introduce a new category, ‘criminal religious movements’ including groups that either (or both) consistently practice and justify common crimes such as terrorism, child abuse, rape, physical violence, homicide, and serious economic crimes, as opposite to the vague or imaginary crimes of ‘being a cult’ or ‘brainwashing members.’” Massimo Introvigne, Xie Jiao as “Criminal Religious Movements”: A New Look at Cult Controversies in China and Around the World, The Journal of CESNUR, Volume 2, Issue 1, January—February 2018, pages 13—32，DOI: 10.26338/tjoc.2018.2.1.2. This definition defined *xie jiao* as illegal religious organizations which often commit crimes, and is more accurate title than “destructive Cult.” But it is still not clear enough to point out the deeper sense of the organization behind the illegal religious organization. An alternative may be “illegal groups who use religious groups to commit crime.” [↑](#footnote-ref-34)
20. In an interview with local officers engaged in the work of preventing and addressing *xie jiao* there is consensus that Article 300 of criminal law must be applied very carefully (OK as edited?). According to the statistics released by the judgment document network (裁判文书网), from 2007 to February 2020, the number of criminal cases of *xie jiao* in China was 5194, including 153 cases of *xie jiao* tried by the intermediate people’s court or entered the second instance, and 5120 cases tried by the basic courts. There are 3410 Falun Gong cases, 1067 Church of the Almighty God cases, and 717 others. Compared with the total number of criminal cases, and compared with the total number of Church of the Almighty God members and Falun Gong members, the proportion is very small, supporting the idea that the Article is applied with caution. [↑](#footnote-ref-35)
21. [↑](#footnote-ref-36)