**PRC’s Effort to Distinct *Xie Jiao* from *Cult* or *Destructive Cult* and its Possible Problem of Legitimacy**

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Abstract:

PRC has a systematic self-consistent set of policy and theory toward “*Xie Jiao*”(often mistranslated as “destructive cults”), which have caused disagreement in international academic world. A kind of academic interpretation of PRC’s own official expression would probably contribute to bridge the mutual understanding among disputations. This article try to do this on the basis of first hand PRC’s official materials and with reference to some international experts’ sharp critiques against them. Even though the concept of Chinese *Xie Jiao* has its own philosophical logic, it is in practice easily misunderstood and in international dialogue is often mistranslated as *Cult* or *destructive Cult*, which is possibly the main reason of disputations both in policy exertion and international communication. The huge Sino-western cultural difference is the general background of that misunderstanding and mistranslation.

Key Words: *Xie Jiao*(邪教)，Chinese List of *Xie Jiao*, Destructive Cults, Legitimacy, mistranslation

We have noticed that some important experts studying new religions in the international academic community have a strong research interest in the PRC’s definition, prevention and treatment policies of *Xie Jiao*(邪教), and offer sincere concern and sharp critique. [[1]](#footnote-1) A kind of academic interpretation of PRC’s own official expression would probably contribute to bridge the mutual understanding among disputations in certain extent. This article try to do this on the basis of first hand PRC’s official materials and with reference to some international experts ’critiques against them. [[2]](#footnote-2)The observation of the author is that: The concept of Chinese *Xie Jiao* is in practice misunderstood and in international dialogue mistranslated as *Cult* or *destructive Cult*, which is the main reason of disputations both in policy exertion and international communication. The cultural difference is the bigger background of that kind of misunderstanding and mistranslation.

**I. PRC’ intention to distinct *Xie Jiao* from *Religion* or *Cult*, and to distinct its members from the organization**

China’s main legal provision dealing with *Xie Jiao* issues is Article 300 of the Criminal Law.[[3]](#footnote-3) This article about *the crime of organizing and using Xie Jiao* (组织和利用邪教罪)is listed in the Section 1. *Crimes of Disrupting Public Order*（扰乱公共秩序罪）in Chapter VI, *the crime of Disrupting the Order of Social Administration*（妨害社会管理秩序罪）.

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-4)

China’s Supreme People ’s Court and Supreme People ’s Procuratorate issued “Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases involving Sabotaging the Enforcement of Laws by Organizing and Utilizing Cult Organizations” [法 释 [2017] No. 3]( 《关于办理组织、利用邪教组织破坏法律实施等刑事案件适用法律若干问题的解释》) on January 4, 2017.[[5]](#footnote-5)The first sentence is the definition of *Xie Jiao* organization:

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 some terms such as “set up”（建立）, “using”（利用）, “camouflage”(冒用), which are aiming to distinguish the organizer from the organized, the user and the used, the camouflage and the essence beneath camouflage. If a cult is used by someone to sabotage the implementation of law and administration or commit other crimes, then the person or group as subject who used this cult as instrument could be judged as has committed the crime of *Xie Jiao*. The cult as instrument be used is not necessary *Xie Jiao*. This kind of distinction is particularly important principle which is consistently adhered to when Chinese authority want to judge crimes of *Xie Jiao*. As 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-6)

*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 organ further defines that the government’s targets are mainly “organizations” and deal with “criminal activities” committed by the “organizations”. As long as the members in the organization are willing to draw a clear line with the organization, they can get rid of the crime and be exempted from punishment. This is quite different from the idea that most countries outside China do not fight against organizations but only fight against criminals in organizations who committed crime. The crimes listed in the document are mainly to undermine the implementation of national laws and administrative regulations, to gather people to make trouble, to disrupt social order, to use deceit to deceive people, kill people, humiliate them, and cause people to lose property. These crimes can be divided into two categories: one is against the state and society; the other is against the members of the organization. The subjects of these two types of crimes are organizations, not individuals, and individuals can be exempted from punishment after they have made merits. The quotation reflects the efforts of distinguishing subject (target, who do camouflage) from the object (religion or cult who are camouflaged). The camouflaged religion or cult is the object of protection instead of the object of punishment. While attacking the target who do camouflage, the religion or cult who is camouflaged should not be attacked, the actually attacked person is the one who commit camouflage. While attacking *Xie Jiao*, the religion or cult used by *Xie Jiao* should be carefully protected, and religion or cults should be encouraged to participate in the anti- *Xie Jiao* activities.

Therefore, the so called phenomena China's persecution of *Xie Jiao* believers actually does not exist from a legal point of view and in the view of its philosophy. If there is persecution against individuals in practice, it is not the result of the original intention of the law, and it needs to be corrected.[[7]](#footnote-7)

The above definition is the definition of the target of the attack, which shows the intention to distinguish the target of the attack from the organization used by it, the masses manipulated by it, and the *Qigong* religion used by it. The Chinese analogy is to distinguish the mouse from its hiding place, to separate rat feces from porridge contaminated by rat feces, to distinguish criminals from criminal tools, distinguish scammers from deceived people, and then strike them, so that, to fight is at the same time to protect.

**II. PRC’s Methodology to explicate the complicate relation between *Xie Jiao* and Religion and Cults**

In order to achieve this definition of the target of attack, a set of judgment standards and identification procedures for practical operation are required, which is the set of criterions of *Xie Jiao*. “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) [[8]](#footnote-8) formulated by Ministry of Public Security of the People's Republic of China on April 30, 2000, and issued by the General Office of the Ministry of Public Security on May 10, 2000, clarified the judgment criterion and identification procedures 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 criterions is matched with the aforementioned legal definition of *Xie Jiao* organizations. It can be seen that these criteria are not based on the teachings of cult organizations, but on the characteristics of the organization, the manner of organizational 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. The most important characteristic of behavior is "manipulation". The use of religion or *Qigong*, the deification of the leader, and the creating and spreading of malicious teaching are all served to the purpose of “manipulation". There are two main types of organizational crime, one is political, disturbing social order; the second is aimed at members and individuals, which is to accumulate wealth by unfair means and kill lives.

Therefore, PRC's concept "*Xie Jiao*"(邪教) is not identical to the concept “cult”, it is an organization hidden behind the cult and manipulate and use cult to achieve criminal purposes. These two concepts are located in two different levels. The former is mainly political label, the latter is religious label. It can be seen that the word "教"(Jiao) in Chinese term "邪教”(*Xie Jiao*) has two meanings, one is "doctrine" or “teaching”, the other is "religious organization". Therefore, the "evil" of *Xie Jiao* exists in both the evil of doctrine and the evil of organizational behavior, and it is mainly the evil of organizational behavior. Both doctrine and organization are the means of crime, and the identification is based on the crimes committed. [[9]](#footnote-9)

This notice stipulates also the subject who has the right to do judgment and the formal procedure to do judgment accordingly:

According to the different circumstances of the *Xie Jiao* organization's activity area, 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 very clear here that the work of identification is performed by public security departments at all levels, not by religious circles or religious management departments or scholars. Since the 18th National Congress of the Communist Party of China, governing the country comprehensively according to law has become a "four comprehensive" (“四个全面”)strategic layout. The prevention and treatment of *Xie Jiao* have also developed in the direction of rule of law. Identification of *Xie Jiao* began to explore judicial channels. Here after, *Xie Jiao* organizations are mainly identified by court instead of by public security department.

Since in identifying the *Xie Jiao* groups PRC emphasizes the activity of *organize*, *use*, and *camouflage* of various religious organizations, and since the objects be “used” or be “camouflaged” is changing, so the list of *Xie Jiao* is also changing. All those religious organizations abandoned by the users or no longer seriously harmful will be eliminated from the list, or be ranked backward in the list, and newly identified harmful organizations will be added to the list after they are identified. Therefore, the official list of *Xie Jiao* has been changed slightly in different periods, and the *Xie Jiao* lists appear in various media also differs from each other slightly. The Chinese Anti-*Xie Jiao* Association(中国反邪教协会， officially mistranslated as *China Anti-Cult Association*) website in March 2020 lists 23 kinds of *Xie Jiao*[[10]](#footnote-10). It is by far the most complete list. Some *Xie Jiao* organizations derived from old *Xie Jiao* organizations, such as Almighty God, are also listed separately in this list. Here is the official *Xie Jiao* list ranked according to the current influence and degree of harm as follows:

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 Schouters) ; 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 Heavenly Father "（天父的儿女）; 21，“Hua Zang Sect”（ 华藏宗门，Hua Zang Zōng Men）[[11]](#footnote-11); 22， "Galactic Federation" (**银河联邦，Yin He Lian Bang**)[[12]](#footnote-12); 23，“Sun and Moon Qigong”（日月气功， Ri Yue Qigong）[[13]](#footnote-13).

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. So, till the date of this article, namely June 2020, PRC has identified officially totally 23 kinds of *Xie Jiao* organizations. New organizations are expected to be added to the *Xie Jiao* list in the future through the judgment of court.

Recent years, the organization "Method of Mind"(心灵法门，Xin Ling Famen), which has a great influence, is considered to have the characteristic of "*Xie Jiao*". [[14]](#footnote-14) China's anti-cult organizations recently pay attention to the organization from Korea so called *Shincheonji*(新天地，established in South Korea by Lee Man-hee in 1984) and regard it as an organization with the characteristic of *Xie Jiao*. But there are no official documents which show it is identified officially by PRC as *Xie Jiao* and be officially banned by government.

Edward A. Irons in his article “The List: The Evolution of China’s List of Illegal and Evil Cults” mentioned two more organizations as *Xie Jiao* of PRC[[15]](#footnote-15). One is the organization “Pure Land Learning Association”( 净宗学会，*jingzong xuehui*）, founded by (净空,Jingkong, b. 1927）in Taiwan in 1984. The other is Zhong Gong (中功 ), which was established in the 1987 as a *qigong* group by Zhang Hongbbao (张宏堡, 1954–2006). Actually, none of these two organizations were officially identified by PRC authority as *Xie Jiao*. “Pure Land Learning Association” is regarded as heterodox of Buddhism(附佛外道, outside method in the name of Buddhism), and Zhong Gong is identified as harmful Qigong(有害气功). They both have not been labeled as *Xie Jiao*.

The general office of the State Council forwarded “The Opinions on Strengthening the Management of Fitness Qigong Activities(《关于加强健身气功活动管理有关问题的意见》)[[16]](#footnote-16) issued by the State General Administration of Sports, the Ministry of Civil Affairs and the Ministry of Public Security on August 29, 1999, demanding that illegal *Qigong* organizations should be banned. The General Administration of Sport of the People's Republic of China issued the “Interim Measures on the Management of Qigong for Physical Fitness”(《健身气功管理暂行办法》[[17]](#footnote-17)) on September 8, 2000, which requires strengthening the management of Qigong for physical fitness, supporting healthy and civilized Qigong which is beneficial for 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)[[18]](#footnote-18). Under the auspices of this Qigong Center and through long-term efforts, at the conclusion review meeting of "compiling and creating new Qigong exercise method research project"(编创健身气功新功法科研课题), four new Qigong exercises method, namely, Baduanjin(八段绵，eight silk like movement), Liuzijue(六字诀, six key words for exercise ), Wuqinxi(五禽戏, exercise learn from five animals)and Yijinjing(易筋经, sutra of transforming veins) is selected out and be promoted national wide. At present, the promotion effect of these four methods is very good, and they are very popular with the practitioners.

David Palmer(宗树人, a famous scholar who studies the phenomenon of *Qigong* in China) once mentioned [[19]](#footnote-19)that the emergence of *Qigong* after the founding of new China is to draw the health preserving technique out from the religious background, cut off its connection with religions, politics and society, and make it a purely technical fitness method. After the 1980s, Qigong developed in the direction of new religious fanaticism, and fitness technique was regarded as the primary stage of Qigong cultivation. From this perspective, the direction of governance of harmful *Qigong* in China is to cut off the relationship between Qigong and religion and politics issues again, return it to purely technical fitness, and make it standardized, modernized and secularized.

At present, PRC have identified 14 kinds of harmful Qigong, which are:

Chinese Health and Wisdom Method (中华养生益智功,中功,Zhong Gong), Xiang Gong（香功，Method of Perfume）, Bodhi Method(菩提功), Yuanji Method（元极功）, Hua Zang Method(华藏功, finally was identified as Xie Jiao as above part mentioned), Chinese Kunlun Female Fairy Method(中华昆仑女神功), Renyu Special Energy Method(人宇特能功, the method of human and universe), Sansan Jiu Cheng yuan Method(三三九乘元功, Three multiply three equals ninth level ultimate Method), Sun and Moon Qigong(日月气功), Wanfa Guiyi Method(万法归一功, every method be combined into one）, Compassionate Method(慈悲功), Shenchang Human science and Technology(沈昌人体科技), Yitong Health Method(一通健康法, method of go through), and Chinese Natural Special Ability Method(中国自然特异功). These 14 organizations have been banned and another 51 organizations have been treated differently.[[20]](#footnote-20)

**III. Philosophical background of PRC’s effort to distinct *Xie Jiao* from religions**

According to the above analysis, PRC try to distinguish *Xie Jiao* from Religions and Cults in theory and practice. On one hand, PRC try to separate *Xie Jiao* from Religions (and Cults) in order to protect Religions, and try to separate the members of *Xie Jiao* from *Xie Jiao* organizations in order to protect individuals. This attitude is resulted from PRC’s basic understanding of the nature of Religions and the understanding of freedom of religions. “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》（中发【1982】19号文件, often mentioned briefly as Document No. 19 in religious circle )[[21]](#footnote-21)issued by the Central Committee of the Communist Party of China in March 1982 is a deep influential document in the history of PRC’s religious policy which express officially its philosophical understanding about religious issues. It is the basis of PRC’s religious policy which continue to be effective since it was published. Here are the main point of its theoretical part:

1. PRC respect the fact, that religion is a historical phenomenon which cannot be eliminated by administrative orders or other coercive means; 2. The problem of religion is mainly the problem of being used by some forces for other purposes.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 of believing in religion, we should also emphasize the protection of people’s freedom of not believing in religion. The essence of the policy of freedom of religious belief is to make the issue of religious belief become the issue of citizens' free choice and private affairs.

These three points established a special kind of understanding of the freedom of religions, which is probably quite different from other countries.

1, Freedom of religions is basic principle of religious policy.

2, Freedom of religions means religions not “being used by others”(被利用). In order to protect the freedom of religions, the Government should crack down on the political forces behind religions that control and use religions.

3, Freedom of religions means individuals not being coerced to believe in or not believe in certain religions.

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

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). [[22]](#footnote-22)

The principle “*manage religious affairs in accordance with the law*” is 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. So, freedom is not self-realized situation, it comes from management. From this philosophical background, freedom has also dialectic meaning in practice. On one hand, government should give religions freedom. Government should not either crack down religions or support them with political power. On the other hand, religions should not be controlled or used by others, or let religion control individuals.

According to this theory, there are three main outstanding problems in the field of religion that would cause national security and social stability: religious extremism, the utilization of religion by foreign forces, and *Xie Jiao*. There are three categories of religious organizations in P.R. China: the first category is registered, open, legal, law-abiding and beneficial to the society; the second category is unregistered, secret, illegal, non-compliance with the law, but harmless to the society; the third category is unregistered, secret and illegal problematic religious organization that does not abide by the law and is harmful to society.[[23]](#footnote-23)The third category of problematic religious organizations can be further divided into three situations: the first one is that they go to the exclusive, weird and extremist path (including cults or sects) because of their secrecy, and will lead to the problem of extremism; the second one is that they are controlled and infiltrated by foreign forces because they do not comply with the principle of independence and self-run, and thus lead to the second kind of outstanding religious problem; the third one is that the one or two of these first two situations are utilized by certain malicious person in order to take advantage of them to achieve ulterior aims. The organization appears in the third kind of situation is *Xie Jiao*. In this strict sense, *Xie Jiao* is not religion, but the organization that makes use of the problematic religions, it is a kind of organization that “possess on”(附体) the third category of organizations. In this context of the classification of religious problems, the meaning of Chinese concept *Xie Jiao* is very clear. This impression of some scholars is not true: because the definition of *Xie Jiao* is vague, the CCP could label any religion it does not like as *Xie Jiao*. [[24]](#footnote-24)

PRC is very sensitive toward *Xie Jiao* because of its three kind of harms: (1) manipulating the believers in the direction from top to the bottom, damaging their physical and mental health and safety of life and property; (2) intervening in administrative, judicial, educational and other state functions in the direction from the bottom to the top, resisting state administration, destroying social order and trying to form a secret society beyond the jurisdiction of law, so called“ the land outside the law, the people outside the law, the religion outside the law "; (3) seizing power of the target religious organizations which is their objects of utilization, just like “a cuckoo takes over the nest of a magpie". So the legitimacy of PRC’s strict prevention and treatment of *Xie Jiao* base on the concept of religious freedom: (1) prevent and deal with *Xie Jiao* is to ensure that their members' beliefs are not under the spiritual control of *Xie Jiao*, to guarantee their freedom of belief, to liberate them from the control of *Xie Jiao*; (2) to prevent the influence of *Xie Jiao* on social stability and national security; (3) to protect legitimate religions.

**IV. Possible Problem of Legitimacy of PRC’s *Xie Jiao* Treatment and potential ways out**

Since *Xie Jiao* have the ability of hidden behind or possess on religion, the attack on *Xie Jiao* is practically very difficult. It would easily injure believers and normal religious organizations by mistake. If government attack it seriously but could not attack it precisely, that would cause human rights problems. In PRC’s history, it’s called mistake of Left Tendency(左倾). If the government does not crack down it and let it go, that will affect the stability of the regime and society and the suffering of its members. In PRC’s history, this is called the mistake of Right Tendency (右倾) . Both of these two ways of actions have directed to wrong targets, and they will become excuses of each other, and mutually strengthen the tendency of each other. That is the reason why Chinese religious policy is constantly changing between tight and loose. It should try to find balance between Left Tendency and Right Tendency, grasping and releasing, attacking and protecting. In policy exertion and international communication, PRC will meet some kind of crisis of legitimacy in dealing with this paradox.

1. In the PRC’s coping practice of *Xie Jiao*, “*Xie Jiao*” as the object of prevention and treatment, is actually not a kind of wrong "religion" or “harmful religion”. It is a kind of illegal organization that makes use of religion and puts on the religious coat, and an organization that controls religious organization behind its back. In this sense, the concept of *Xie Jiao* is not same as what the international academic community uses as "cult" or even "destructive cult". In fact, “cult” or “destructive cult” is only the object or shell used by *Xie Jiao*. [[25]](#footnote-25)“*Xie Jiao*” and “Cult” are two concepts in different levels in Chinese context. PRC would like to distinguish *Xie Jiao* not only from Religion(宗教), but also from Cult or destructive cult. Therefore, the Concept "*Xie Jiao*" in Chinese governance logic could not find its equivalent term in western language. It is different from *sect*, *cult* or *destructive cult* in English, but it has a complex relationship with them.[[26]](#footnote-26) If the term "*Xie Jiao*" is misunderstood as “cult” by policy and regulation executors, they would possibly treat the "cult" as *Xie Jiao* ant attack them, and injure the innocent by mistake. If the term "*Xie Jiao*" is mistranslated as “cult”, that would cause crisis of legitimacy in international world by attacking them. For example, the treatment of PRC against Falun Gong and Almighty God may cause indignation in international community: PRC is fighting against “cult” or “destructive cult”. To label Falun Gong or Almighty God as “cult” or “destructive cult” is to label them with the talisman of "should be protected or at least tolerated". My suggestion is that the Chinese term "*Xie Jiao*" should be directly transliterated into English, just like "*Kung Fu*" (功夫)and "*Qigong*"（气功） and “*Tou Fu*”（豆腐）, in order to emphasis the distinction between *Xie Jiao* and Religion and cult.

2. The judicial interpretation of the crime of *Xie Jiao* by PRC’s Supreme Court and Supreme Procuratorate uses the 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 labels. The combined use of these two sets of labels is quite complete and accurate in defining the meaning of "*Xie Jiao*" in Chinese context: the cult without political nature is not "*Xie Jiao*” in Chinese sense, and the secret political organization without religious nature is also not "*Xie Jiao*". However, this definition may make some scholars in the international community think that PRC is fighting against certain religions for political reasons, and PRC is politicizing religious issues; on the other hand, PRC are trying to locate "superstitious heresy" and thus its fight against political crime of *Xie Jiao* is transformed into some kind of religious activity. It seems that PRC is helping orthodox religions to fight against heresy, so that political issues are become religious issues. The latter misunderstanding may offer the evidence for the former misunderstanding, and vice versa, which is very difficult to explain. In terms of the implementation of policies and laws, from the perspective of political standards, most of the cults are only internal religious phenomena, which is not harmful enough to constitute the "*Xie Jiao*” crime in Chinese. Therefore, authority of PRC should be careful to apply the Article 300 of criminal laws to them. If the authorities use religious standards to evaluate religions groups, they may possibly regard many cults as “*Xie Jiao*”. The nuance difference among them requires high theoretical level of law enforcers. [[27]](#footnote-27)

3. In the judicial interpretation, special emphasis is placed on "organization and utilization", which helps to distinguish the organizers and users of *Xie Jiao* from the members of *Xie Jiao*, distinguish the organizations from individuals inside it. It is in line with the political purpose of the state to prevent and deal with the problems of *Xie Jiao*. In China, there is in original theoretical sense 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 raise from this principle: the purpose of the state's efforts to ban organizations and save individuals is different from that of the international community's efforts not to ban organizations but only to combat crimes committed by individuals in organizations, which is easy to be misunderstood; in judicial practice, there is a phenomenon that the leaders and backbones of *Xie Jiao* could escape sentence or received lighter sentence while the normal members received heavy sentence, because the activity of organization and utilization are intangible, difficult to set standards to identify and to convict, they are often let gone, and the behavior of the normal members is easy to be calculated and easy to be convicted and sentenced, this situation may leave outside world the impression of persecuting believers in policy exertion, which also needs to rely on the higher practical wisdom of the members of the law enforcement team. For example, in the article " 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", but he stressed that "ordinary members will also be arrested":

The study of the cases confirms that police and courts try to identify and punish leaders, but also go after ordinary members. [[28]](#footnote-28)

In view of the above mentioned difficulties, how to design effective standards and methods to achieve the legislative purpose of the Article 300 of criminal law, so as to leave the question of right or wrong of certain kind of faith to the academic community for debate, so that the judicial practice goes beyond the right or wrong of faith, so that the judge can only punish the *Xie Jiao* according to whether or not it endangers national security or political stability or the people’s body and mental health, is a subject need to be explored. What has been used by *Xie Jiao* is not only the organization itself and its members, but also some wonderful, positive and profound contents in religious culture, some factors and organizational forms that could contribute to enriching social culture, and could contribute to international cultural exchange. In this sense, how to avoid throwing out the child when pour out foot washing water, and how to keep the vessel safe while driving out the mice hidden in it, not simply throw them away, but to transform and legitimize them creatively, so that they can be purified or refined into beneficial forces in the wave of international cultural smelt, is also a subject that needs to be studied in depth that. [[29]](#footnote-29) As for the huge Sino-western cultural difference that facilitates the above mentioned misunderstanding and mistranslation, that would 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—February2018, p. 3. ISSN: 2532-2990 | www.cesnur.net | DOI: 10.26338/tjoc.2018.2.1.1 This issue of The Journal of CESNUR is devoted to the campaign against “cults” in China and to one new religious movement targeted by the Chinese authorities as a quintessential “cult”. 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-1)
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 already exist authoritative English version while offer retranslation and necessary explanation when there are mistranslation and misunderstanding. [↑](#footnote-ref-2)
3. Criminal Law of the People's Republic of China(2017 Amendment) [CLI Code] [CLI.1.256346(EN)](https://www.pkulaw.com/fbm) [↑](#footnote-ref-3)
4. This official English version is not totally identical to the Chinese version due to the difficulty of translation. “superstitious sect, secret society” in this version correspond to “会道门”（Hui Dao Men）in Chinese version. “会道门”(Hui Dao Men)is secret societies in the camouflage of religious organizations, which are named after “会”（Hui）, “道”（Tao） and “门”（Men）, which were common end names used by Chinese traditional religious groups to mean association, practice method and gate way to truth. “cult organization” in this version correspond to “邪教组织”(*Xie Jiao* Zuzhi) in Chinese Version. All Chinese relevant official documents mistranslate *Xie Jiao* as cult organization. Actually “*Xie Jiao*” could not be translated accurately into cult. We will discuss it later in this article. [↑](#footnote-ref-4)
5. Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Application of Law in the Handling of Criminal Cases involving Sabotaging the Enforcement of Laws by Organizing and Utilizing Cult Organizations, Interpretation No. 3 [2017] of the Supreme People's Court [CLI Code] [CLI.3.289471(EN)](https://www.pkulaw.com/fbm) [↑](#footnote-ref-5)
6. Notice of the Supreme People's Court on the implementation of the decision of the Standing Committee of the National People's Congress on banning cult organizations, preventing and punishing cult activities and the judicial interpretation of the supreme court and supreme procuratorate (FA Fa [1999] No. 29) 【法宝引证码citation code of Law Data】cli.3.26459. [↑](#footnote-ref-6)
7. From this point of view, Massimo introvigne's view, that "Article 300 of Chinese criminal laws are secret weapons of religious persecution" is only a subjective inference.

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-7)
8. http://www.china21.org/docs/CONFI-MPS-CHINESE.htm [↑](#footnote-ref-8)
9. There is agreement with Prof. Massimo Introvigne in this aspect. According to Massimo, the concept of "*Xie Jiao*" in Chinese corresponds to "criminal religion movements", which refers to religious groups that either (or both) consistently practice and justify common crimes such as terrorism, child abuse, rape, physical violence, homicide, and serious economic crimes. But he didn't notice that the activities of "worship" or "brainwashing" are means of criminal. 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. [↑](#footnote-ref-9)
10. China Anti-Cult Association: Keep fully alert to the severe public impair of various cults 《中国反邪教协会：要高度警惕危害公众的各种邪教》, http://www.chinafxj.cn/c/2020-03-03/526295.shtml [↑](#footnote-ref-10)
11. http://www.chinafxj.cn/xyfx/201711/06/t20171106\_5050.shtml [↑](#footnote-ref-11)
12. <https://news.163.com/18/1101/20/DVI7VUR60001875P.html>； http://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXSK4/index.html?docId=9bcfffabdee04f5b83b982bba712cdb7 [↑](#footnote-ref-12)
13. http://www.chinafxj.cn/c/2020-06-16/1161261.shtml [↑](#footnote-ref-13)
14. On the website of November 6, 2017, the China Anti-cult Association published the article “"The Method of Mind" is an illegal organization with the nature of Xie Jiao ”(《“心灵法门”是具有邪教性质的非法组织》)from the newspaper *New Beijing News*.http://www.chinafxj.cn/xyfx/201711/06/t20171106\_5050.shtml [↑](#footnote-ref-14)
15. 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, this list offered by Edward A. Irons in his article is in content same as the list offered by Chinese Anti-cult Association. [↑](#footnote-ref-15)
16. http://www.scio.gov.cn/xwfbh/xwbfbh/wqfbh/2011/1116/xgzc/Document/1048609/1048609.htm [↑](#footnote-ref-16)
17. http://www.chinafxj.cn/fzjs/zfgz/201709/12/t20170912\_1421.shtml [↑](#footnote-ref-17)
18. It was established on June 5, 2001. [↑](#footnote-ref-18)
19. 宗树人，人体在宗教和科学信念的交叉：养生传统在当代中国的现代化，《神州交流》，澳门利氏学社，2004.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-19)
20. Hua Zang Method(华藏功) and Sun and Moon Qigong(日月气功) continue 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, the Chinese Kunlun Female Fairy Method(中华昆仑女神功) even becomes a tool for "Falun Gong" to “return its soul by borrowing his corpse”(借尸还魂). Chinese Health and Wisdom Method (中功,Zhong Gong) and Bodhi Method(菩提功) are still working. [↑](#footnote-ref-20)
21. http://www.chinalawedu.com/falvfagui/fg22598/5441.shtml [↑](#footnote-ref-21)
22. 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-22)
23. 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-23)
24. “Such a vague definition perpetuated the possibility for the power to list as *xie jiao* any group the CCP does not like.” PierLuigi 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-24)
25. Some scholars have quite good realized the difference of Chinese concept of xie jiao and cult. For example, Adward 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 ofIllegal 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-25)
26. Massimo Introvigne suggests to use “criminal religious movements” to designate Chinese Xie Jiao. This is a valuable suggestion. He said：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 organization which often commits crimes, it is more accurate title for Xie Jiao than the title “destructive Cult”. But it is still not clear enough to point out the deeper sense of the organization behind the illegal religious organization. May be is should be translated as “illegal groups who use religious groups to commit crime”. [↑](#footnote-ref-26)
27. In an interview with local officers who engaged in the work of prevention and treatment of Xie Jiao, it is known that , to apply Article 300 of criminal law very carefully is consensus among them. 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 Almighty God cases and 717 others. Compared with the total number of criminal cases, compared with the total number of Almighty gods members and Falun Gong members, the proportion is very small, which confirms the interviewers' views.【Even if we take into account the problems of website construction and different places different attention to the online work of documents, and the online cases are mainly the cases after 2014, the number of Xie Jiao cases is still relatively small. The web started on June 28, 2013, and the requirement to upload is January 1, 2014. From this date on, Courts at all levels was required to successively publish the effective judgment documents on China judgment document network】. From the analysis of the legal document published on this network, we can see that the Xie Jiao cases are mainly concentrated in Falungong and Almighty God, and other Xie Jiao are rarely sentenced. The "shouters" claim to have more than 2 million believers in China, but the judicial document network sees hardly their cases. According to the data of document network, the number of local cases is related to the guiding thinking of local agencies. [↑](#footnote-ref-27)
28. 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-28)
29. The general office of the Central Committee of the CCP and the general office of the State Council issued the opinions on the implementation of the project of inheritance and development of Chinese excellent traditional culture《关于实施中华优秀传统文化传承发展工程的意见》, which requires "adhering to creative transformation and innovative development. Adhere to dialectical materialism and historical materialism, uphold the objective, scientific and polite attitude, take the essence and discard the dross, inheritance while get rid of the bad elements, innovatively transform, do not return to the past, do not simply deny, endow the New Era Connotation and modern expression form, and constantly supplement, expand and improve, so that the most basic cultural gene of the Chinese nation is compatible with modern culture and modern society. "http://www.gov.cn/zhengce/2017-01/25/content\_5163472.htm [↑](#footnote-ref-29)