

# *Making Religion, Making the State*

*The Politics of Religion in Modern China*

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EDITED BY YOSHIKO ASHIWA  
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## Contents

*Acknowledgments*      *vii*

1. Making Religion, Making the State in Modern China:  
An Introductory Essay  
*Yoshiko Ashiwa and David L. Wank*      1
2. The Politics of Religion: Late-Imperial Origins of the  
Regulatory State  
*Timothy Brook*      22
3. Positioning Religion in Modernity: State and Buddhism in China  
*Yoshiko Ashiwa*      43
4. The Catholic Pilgrimage to Sheshan  
*Richard Madsen and Lizhu Fan*      74
5. Pathways to the Pulpit: Leadership Training in “Patriotic” and  
Unregistered Chinese Protestant Churches  
*Carsten T. Vala*      96
6. Institutionalizing Modern “Religion” in China’s Buddhism:  
Political Phases of a Local Revival  
*David L. Wank*      126
7. Islam in China: State Policing and Identity Politics  
*Dru C. Gladney*      151
8. Further Partings of the Way: The Chinese State and Daoist Ritual  
Traditions in Contemporary China  
*Kenneth Dean*      179

9. Expanding the Space of Popular Religion: Local Temple Activism and the Politics of Legitimation in Contemporary Rural China  
*Adam Yuet Chau* 211
10. The Creation and Reemergence of Qigong in China  
*Utiraruto Otehode* 241
- Character List* 267
- Contributors* 278
- Index* 281

*The Politics of Religion:  
Late-Imperial Origins of the Regulatory State*

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TIMOTHY BROOK

THE SOCIALIST STATE'S relationship with established religions is no longer as simple as we assumed it to be in its early interventionist phase. Religious policies that the state adopted in the years between 1949 and 1979 gave the impression that the state understood its historical role to be to restrict, dismantle, and finally eradicate religious belief systems and the organizations that sustained communities of believers. After 1979, the teleology that assumed that the people would give up their opiate once the social relations of production had been revolutionized was abandoned. The subsequent relationship between religion and the state has become so complex, so nonlinear, and so implicated with other political goals that the story told before 1979 is no longer the one we tell now. The old posture of prohibition has been replaced by a new posture that accepts the presence of religion in society so long as it remains subject to the supervision of the state: the posture of regulation, in other words. It is only if we view things from the perspective of the three decades before 1979 that the posture appears new. In fact, as this chapter will show, the Chinese state has a long tradition of regulating organized religion. The regulatory state has in fact been the norm throughout the late-imperial and Republican periods. Even so, as this chapter again will show, the prohibitionist state that emerged in the 1950s was not an aberration borrowed from the atheist strain in nineteenth-century European socialism that so appealed to Marx and Engels. It drew just as surely on late-imperial traditions as did the accommodationist posture that has reasserted itself over the past quarter-

century. This is not to say that nothing changes in China; rather, it is to say that change usually takes its contours from the shapes of the past.

The intellectual challenge of understanding how the position of religion in the Chinese polity has changed up to and through the socialist period is usually handled by appealing to a logic of modernization. This logic understands that state policies and official/elite attitudes toward religion develop in response to the adjustments that people make through their religious organizations to the stresses and opportunities that arise as capital reshapes economic relations, complexifies political interests, and projects these interests into multiple social fields. As these changes happen, “enlightenment” discourses of many political hues emerge to reform religions according to modernist imperatives or even challenge the bases on which they exist. This is certainly part of the story that can be told about the history of religion in twentieth-century China. But alongside this logic has to be placed a second, the logic of historical precedent. It hardly requires profound historical research to point out, for example, that the Chinese state’s response to Falungong has been continuous with the responses of the late-imperial state to dissenting Buddhist sects.<sup>1</sup> How the contemporary state conceives of its role in relation to religious groups is heavily shaped by precedents for regulatory intervention undertaken by earlier Chinese states. Of course, the history of the state–religion relationship prior to 1911 cannot account for everything that has happened since then, but it can help us to recognize the key in which state policies are being played now, and perhaps even to anticipate chord changes yet to come.

The late-imperial state did not maintain a static posture with regard to religion, for all the continuity that I shall demonstrate. Among the range of responses that can be reconstructed from Ming and Qing sources, three main postures can be observed: patronage, prohibition, and regulation. Patronage is the state–religion relationship that Buddhists upheld as their ideal. The patron state is one that chooses to identify its moral pedigree or legitimacy by aligning itself with one or more religions, and that extends financial and symbolic support to religious institutions and personnel in exchange for religious ratification of its regime. Prohibition stands at the opposite extreme. The prohibitionist state strives to ban religious institutions and religious practice as inimical to good social, political, and moral order. It regards religion as a hotbed of refusal and dissent that threatens its right to rule. Between these two positions of patronage and prohibition lies the posture of regulation. The regulatory state neither promotes religion nor seeks to abolish it, but acts to supervise, control, or limit the scale and form of religious practices in relation to its own goals for the maintenance of public order and the supervision of associational life.

All three postures can be traced in the first half-century of Ming rule. The founding emperor, Hongwu (r. 1368–98), inaugurated his reign as an emperor who adopted the pose of Buddhist patron. After a dozen years in power, however, he shifted to a regulatory posture that was so stringent as to amount almost to prohibition (Brook 1997: 161–69). As soon as his son took power as the Yongle emperor (r. 1403–22), however, the state’s relationship to Buddhism shifted from prohibition into a more moderate, though still firm, regulatory mode. Later Ming emperors often listed to the side of patronage, but their patronal gestures drew more from their capacity and resources as head of the imperial household than as head of state. None would veer off in the direction of outright prohibition, as the founding emperor had done; yet none dared return fully to the official pose of patron with which the founder had started his reign. Regulation thus became entrenched as the dominant (though not invariable) posture of the Ming state, and of all subsequent Chinese states, toward religion. This entrenchment was not new. The Chinese state had for the previous millennium assumed that religion was appropriately within its purview, that the work of good government included keeping religious institutions under supervision and even limitation, and that it had a legitimate right to regulate religion in the public interest as well as its own. But it was only in the Ming that the institutional effects of all three postures were made manifest within one dynasty.

That said, the maintenance of the state’s policies toward religion did not begin and end with decisions the emperor made. The regulatory regime that the Ming state built was not sustained purely as a one-way project coming down from the capital. It took shape and developed the full extent of its social articulation through interaction with local elites. The gentry—self-appointed guardians of the Confucian order at the local level—were not empowered to regulate religion on the state’s behalf, but they often took an active interest in the sometimes threatening vitality of religious activities going on around them. The few individuals among them who served as local officials elsewhere had even greater opportunities to align their religious preferences with the authority of the state, of which they were legitimate proxies. While the first part of this chapter addresses the formation of central state policies toward religion, the bulk of it is devoted to examining the tensions and arguments in local society about what religious activity signified and what the state’s agencies and representatives should do about it.

### *The Regulatory State*

We can begin to trace the outlines of the Ming regulatory state by examining the laws touching on religion in the Ming Code. The code was the

core legal document of the dynasty, providing the framework for judicial decisions at all levels of government. Its statutes were published, read, and regularly referred to by judges and accused alike. The laws affecting the categories of action and institution that would today be considered religion appear in the first, fourth, eleventh, and eighteenth chapters of the code. The first chapter, on the laws governing state officials, includes a provision that Buddhist monks and Daoist priests serving as officials not only be liable for punishment if found breaking the law, but be forced to revert to lay status (*Da Ming lü* 1999: 8; Jiang 2005: 28). This law shows that the state accepted that members of the ordained clergy could serve the state, as well as that clerics invested with state office were not immune from the jurisdiction of the laws governing all other officials. Any appointment was conditional on there being monks in good standing. Furthermore, those appointed as officials at the county level were “not within officialdom” (*wei ru liu*): they held their posts at the pleasure of the local government and could not claim eligibility for promotion or transfer to service at any higher level of government. Nonetheless, licensed religious professionals were within the reach of the state and fully subject to its authority.

The fourth chapter of the code deals with household registration and taxable property. Buddhism comes up in this place in the state’s legal framework because a monastery was a fiscal tax-paying household like any other, and clerical status entailed defined fiscal exemptions from corvée labor (*Da Ming lü* 1999: 46–47; Jiang 2005: 71). The regulations here, which originated with the Hongwu emperor, expressly ban the founding of religious institutions, other than when the emperor himself personally permitted it, and forbid individuals from entering into monastic life without obtaining a state license. The state claimed a prerogative to limit the scale of religious institutions and exert exclusive control over access to religious life. At least formally, religious communities lay fully within the state’s regulatory grasp.

The eleventh chapter of the Ming Code, on sacrificial rites, includes two articles relevant to the state’s relationship to religion. One forbids individuals from sacrificing to heaven, the other from forming private devotional societies and conducting collective sacrifices before secret images. The first article is particularly anxious about what men and women might get up to under the pretense of going together to temples to burn incense. It also indicts monks who hold *jiao* masses or other devotional services aimed at addressing heaven or calling down destruction (that, at least, is the state’s hostile interpretation of appeals to alternative spiritual authority). The second article specifically names Maitreyanism, White Lotus, Manichaeism, and the White Cloud sect as examples of the sort of lay devotional associations the law prohibits. The penalty for “pretending to practice virtuous deeds but actually inciting and misleading people”



is strangulation (*Da Ming lü* 1999: 89; Jiang 2005: 112). The regulatory Ming state was thus concerned to control not just institutions but the ritual practices that religious professionals might perform outside their walls, especially in social spaces that were out of sight of state representatives. Linked to the concern about mass delusion is a provision in the eighteenth chapter of the code, dealing with treason, which forbids the writing or distributing of seditious writings that “confuse people” (*Da Ming lü* 1999: 135; Jiang 2005: 155). This law, which could be invoked to prosecute anyone who circulated popular religious tracts such as “precious scrolls,” complements the preceding article in the eleventh chapter by providing the state with legislation confirming its control over texts as well as social activities organizing according to religious affiliations.

The presence of religious regulation in the Ming Code falls short of making a general statement outlining the dynastic state’s overall orientation toward the entities and activities we identify as religious. One can, however, find something of the sort, very briefly stated, in the supplementary compendium of imperial legislation, the *Da Ming huidian* or *Statutory Precedents of the Ming Dynasty*. It is in the *Huidian* rather than the code that we find important imperial edicts on institutional religion. The closest we get to a general statement on the relationship between the state and religion appears in this short anonymous introduction to the second section of the 104th chapter in the 1587 edition:

Buddhism and Daoism have been popular among the people since the Han and Tang dynasties, and [would be] difficult to do away with completely. All one can do is to be strict about [maintaining] the restrictions and agreements and not let the two spread further. The relevant regulations are all there, detailed and thorough in the extreme. (*Da Ming huidian* 1588: 104.2a–b)

The author of this text appears to work from the proposition that the ideal relationship of the Ming state to religion should be not regulation, but prohibition. He also recognizes the impossibility of imposing prohibition in practice, as he goes on to celebrate the regulatory state as an adequate second-best imposing the conditions under which Buddhism might be allowed to exist. He also regrets that Buddhism is popular, suspecting that, left unregulated, it would become even more widely practiced among the people.

Should we take this statement at face value and accept that the Ming state’s ideal was prohibition? Given the long record of accommodation to religious institutions after 1398, if this was an ideal, it was not one that anyone ever realistically expected the state to put into practice. Who then was the author of this passage speaking for? My hypothesis, which the readings from local gazetteers that are about to become this chapter’s primary sources substantiate, is that he represents a faction within

the Confucian establishment that feared for its authority and privilege as the class deserving to rule the ideal Confucian state. The Hongwu emperor's early prohibitionist stance was one that this faction approved of; anything less made them nervous that a competing moral authority, as Buddhism was under the Yuan dynasty, might erode their right to monopolize power. Where this faction's voice can be mostly strongly heard is not in central government documents, though Confucian activists occasionally made their voices heard at court by damning Buddhism as a tax dodge or an opportunity to defraud the ignorant and calling on the court to shut down monasteries and return monks and nuns to lay life. Rather, it is in the local political arena, where Buddhism's institutional presence as an alternative social collectivity was most keenly felt. The *Huidian* editor who wrote the introductory passage quoted above was not accurately describing the place of Buddhism within the constitution of the Chinese state, however much he may have wished it were like that. He nonetheless felt authorized to do so by his commitment to social analysis that polarizes the state and the people. From this perspective, the people are Buddhist as the state cannot be. Buddhism is something in which the people might "seek refuge," in Buddhist parlance, but not the state. Since the state's project is to control the people, so it must control Buddhism.

Missing from the *Huidian* editor's analysis is any mention of the gentry, the local Confucian-trained families who saw themselves as standing for the Confucian moral order and by proxy for the Confucian state. When we move our gaze down to the county-level society, the gentry do not show themselves to be always in perfect accord with the state's desires with regard to Buddhism, however, though many share the *Huidian* editor's desire for a more prohibitionist stance. There was good reason for this, for their everyday experience of religion and political power in often strife-ridden local contexts showed them that Buddhism was integrally involved in the ordering of public life in ways that were indifferent to state regulations. As we will see shortly, ordinary people accepted Buddhist monasteries as legitimate institutions within and around which other legitimate forms of social action took place. When prohibitionism tugged on gentry hearts, it did so for reasons having everything to do with their own power. The *Huidian* editor's complaint signals that popular religion was a troubling element in local society among those who sought to assert the class dominance of the gentry. Religious institutions and festivals too often, in their eyes, became occasions for conflict between local leaders and proxies of the state. As self-appointed guardians of a Confucian moral order that was also politically advantageous to themselves, the gentry were often caught between a permissiveness that allowed Buddhist and Daoist institutions to exist and even on occasion flourish under their patronage,

and a longing for a greater degree of regulation, even prohibition, that would allow society to revert to entirely Confucian norms and resecure their own authority as its leaders. To the extent that the gentry looked to the state for their legitimacy as a local ruling class, they had to regard Buddhism as a potential challenge to their authority. The Ming-Qing state took a position vis-à-vis religion that was more often regulatory than patronal or prohibitionist, yet it largely relied on the agreement and initiative of local elites to see that Buddhist and Daoist institutions and personnel were prevented from doing what the state most feared: posing a threat to its own hegemony.

### *Gazetteers as Sites for Representing Buddhism*

The most extensive evidence of Confucian uncertainty about the appropriate place of religion in society can be found in local gazetteers. Gazetteers were major publications that every county hoped to produce roughly every sixty years. Produced under the supervision of the county magistrate, they were compiled by local scholars to record local topographical and administrative data and celebrate the practical and literary achievements of county residents. Gazetteer compilers usually strove to highlight the best of local society, projecting an image of local conformity to Confucian standards, though many compilers—whom I would identify as conservative Confucians—were willing to point out lapses in local society that needed to be addressed to bring local life into full conformity with state designs. For these conservative Confucians, the presence of Buddhist and Daoist practices and institutions was one such lapse, one such failure to conform to state norms. How the compiler of a gazetteer dealt, or declined to deal, with the Buddhist institutions in his locality; how much information about religious practices he included, and of what sort; into what categories he sorted or concealed this information; what comments he might or should append by way of introduction or conclusion to expose or cover up the extent of popular religion: these were the sorts of intricate editorial issues over which compilers had to struggle, both with themselves and with their colleagues. Those decisions could imply much about the character and role of local Confucian order—and were read by contemporaries this way.<sup>2</sup>

To phrase what was at stake in a simple fashion: did information about the flourishing condition of the institutions and practices of the Two Masters (*er shi*, as the Buddha and Laozi were commonly known) in local society belong in a book that could be construed as, if not a Confucian publication, then at least a publication that acknowledged the ideals of Confucian social order? How a gazetteer compiler answered that question

could imply an answer to another, more loaded question: were the institutions and practices of the Two Masters “within the Way”—that is, if Confucius stood for the true Way, could Buddhists and Daoists be squeezed under his moral umbrella, or should they be left out? As we shall see, some editors thought one way, some the other. Some argued that the spirit of imperial state regulations should be prohibitionist; others, accommodationist. Some argued that the ideals of Chinese historiography going back to Confucius required vigilant selectivity; others, that the ideals going back instead to Sima Qian, the celebrated court historian of the Han dynasty and preeminent authority on all matters concerning official history, demanded inclusiveness.<sup>3</sup> Some were sure that religion degraded state authority and the public interest; others, that it advanced and secured it.

This difference of opinion excited a restless flow of political and social commentary in local gazetteers of the late-imperial period, from which I shall siphon off what I consider a few telling examples of how the regulatory state operated in practice down at the county level. The worrying of puzzled Confucian authors on these points should not, however, inspire us to find the right solution to their bewilderment; their concerns are not ours. But it can serve as an invitation to take their lack of resolution as evidence of a fundamental tension in the constitution of the late-imperial Chinese state. I shall limit my survey to the gazetteers of the metropolitan region in which Beijing lay, known in turn as North Zhili in the Ming, Zhili in the Qing, and Hebei province thereafter. The views expressed in Hebei gazetteers are not necessarily representative of China as a whole, but nor do they represent a peculiarly northern view. Still, those who lived or worked in proximity to the capital tended to share a conservatism on cultural matters, compounded by the sense that they, as tiny elites in less prosperous counties, had to work harder to bring their locales into line with the strictest interpretation of state programs and rules. Hebei magistrates were anxious to keep their administrations within whatever expectations they presumed prevailed in the capital; and compilers of Hebei gazetteers were concerned to confine their county’s appearances to the models mandated by Beijing.

Every Hebei compiler was conscious of the late Hongwu restrictions, especially the ban on the founding of new monasteries in 1391. This edict created two categories of monasteries: those permitted to exist by virtue of already existing, and those not. A compiler hostile to Buddhism could take Hongwu’s antipathy toward Buddhism as an indication of best practice and exclude all monasteries from his gazetteer, though in fact that was to go further than the emperor himself. The more moderate conservative position was to record only those monasteries enjoying a legal right to exist, and leave the rest out. They might continue to exist, but

were not worthy of entering the official record of local life. An editorial decision in this vein was often accompanied by a negative editorial comment to the effect that post-1391 monasteries could only be sites devoted to “licentious sacrifices” (*Yongping fu zhi* 1501: *fanli.2b*). The extreme position—that all references to religion should be totally excluded from the gazetteer—nonetheless found periodic favor, notably in the early decades of the Qing dynasty. As one compiler declared tendentiously in 1676, since “our kingly government has continued the [Hongwu] prohibition on the setting up of Buddhist monasteries and Daoist temples,” all monasteries should be treated as illegal institutions and left out of the gazetteer (*Guangping xian zhi* 1676: 1.28a).<sup>4</sup> More often, Confucian conservatives took a less extreme position, acknowledging the legitimacy of the state’s restrictions on monasteries but wanting still to hold them to the severest letter of the law. This is what a compiler in 1749 does when he declares that, although privately founded monasteries exist within his county, they should not be recorded as they fall within “the present dynasty’s meritorious ban on monastic founding” (*Nanhe xian zhi* 1749: 3.7a). A more lenient editorial stance during the early-Qing period was to include any monastery founded before the Qing and not worry overly about whether the founding had taken place before or after 1391, which was sometimes impossible to determine in any case (*Qingyuan xian zhi* 1873: 18.*siguan.1a*). The exceptions, of course, were those “illegal” monasteries to which a Ming or Qing emperor had shown imperial favor by visiting or presenting a gift.

### *State Regulation as Insufficient Confucian Prophylaxis*

From the editorial comments that compilers inserted into their gazetteers, it is clear that the Hebei gentry liked to complain about the power and influence of religious communities and institutions in their local societies. Their complaint is of a piece with the northern gentry’s reputation as a dourly Confucian lot who were unsympathetic to the cultural and political enthusiasms of their southern counterparts. The southern taste for abbatial friendships and monastic patronage so strong among the gentry in the Yangzi River valley was not something most of them shared, except during the heady days of the late Ming (Brook 1993: 94–96). A distrust of such cultural indiscretion dovetailed with their grumpy attitude toward the richly non-Confucian world humming around them, a world in which popular religious practices went on out of their sight and made them anxiously dream of restoring a staunchly Confucian dominion of rites and deference. That dominion may never have existed, but appealing to it was a way of putting themselves between the people and the state,

and giving themselves the illusion of having a more secure place in the order of things.

The anti-religious, and more specifically anti-Buddhist, comments to be found in Hebei gazetteers are generally phrased in the language of Confucian self-discipline and moral prophylaxis. That self-discipline committed the conservative gentry to act as the defenders of orthodoxy, which most wanted to see enforced as broadly as possible. Buddhism could not be left to the masses, who might mobilize it to promote their interests. It was the first zone that lay in the path of the vigilant Confucian trekking his way into the cultural wilds of popular religious life. Among other things, that vigilance meant reminding other Confucians, whether they be local gentry or local officials, of what distinguished them from the common people. "We Confucians," the compiler of the Jinzhou gazetteer of 1690 states, "do not talk about the Two Teachings and are strict about heterodox ways." He cannot declare Buddhism and Daoism to be heterodox, since he knows they are tolerated by the state and permitted within the code, but he can warn that they might become hotbeds from which heterodox thinking arises (*Jinzhou zhi* 1690: 10.siguan.4a). In general, compilers appeal more to Confucian values than dynastic regulations to justify restricting their records of the Buddhist presence in their counties, although the unfinished promise of the Chinese state to conduct itself as the exclusive patron of the Confucians never lurks far from the foreground of the Confucian mind.

This is the position that magistrate Zhang Xun takes in the earliest surviving Ming gazetteer in Hebei, the 1373 gazetteer of Zhuozhou subprefecture south of Beijing, when he observes, "Confucians do not talk about things related to Buddha or Laozi. Using their propaganda about sin and fortune to transform ignorant customs is like using a torch to brighten the sunlight" (*Zhuozhou zhi* 1373: 9.2b). In 1373, this pitting of Confucians against Buddhists and Daoists had a particular edge, for during the recently overthrown Yuan dynasty, Mongol emperors had treated all three alike as technicians of the invisible realm and equally worthy of support. Confucians did not like to think of themselves within the same category as Buddhist monks, but that is how the Mongol occupiers regarded them, no better and perhaps only a little worse than monks. Zhang's objection may have had a doctrinal logic, but it more likely stemmed from his sense of the local market for state patronage among religious professionals. At this early point in his reign, the Hongwu emperor was still Buddhism's patron. Buddhists and Confucians both may have assumed that each would have to compete for opportunities to participate in local manifestations of the state's presence. That could not have pleased Zhang.

The Ming state was on Zhang's side. It elected to redifferentiate the

cultic streams in Chinese society and mark off Confucians for official state patronage and, after 1380, Buddhists and Daoists for state supervision. It rehabilitated Confucianism as the conduit of state orthodoxy, extended formal recognition to cults connected to Confucians or exemplars whose moral virtue complemented Confucianism, and made these central to its official regulations governing sacrifices, the “sacrificial corpus” (*sidian*) or “ritual corpus” (*lidian*). This corpus did not include any Buddhist rituals. Accordingly, the compiler of the Wuqiang county gazetteer of 1694, who begins by announcing that “we Confucians spurn the Two Teachings,” concedes that Buddhist and Daoist rituals were in wide use but observes that these were not the rituals conducive to propagating the “moral teachings” that Confucianism, through state sponsorship, brought to the world (*Wuqiang xian xinzhì* 1694: 2.24b). Many compilers make direct reference to Buddhism’s absence from the state’s corpus of officially sanctioned sacrifices, usually to justify their unwillingness to “indiscriminately mix them” with officially sanctioned state-cult institutions (*Shahe xian zhì* 1757: 20.10b; see also *Gaocheng xian zhì* 1698: 2.10a; *Luanzhou zhì* 1810: 9.1a). Some exploit the prohibitionist implication of this absence to justify cutting down the scale of reporting of local monasteries (*Xinhe xian zhì* 1679: 2.21a), a few to cut them out of the published record altogether (*Lingshou xian zhì* 1685: 2.6b).

Confucian competition thus combined with state restrictions to cast a shadow over the legitimacy of Buddhist monasteries, at least in the eyes of the gazetteer compilers. It did so in the face of considerable popular support for popular religion, as the compiler of a 1679 county gazetteer admits when he professes to be at a loss to account for the greater popularity of Buddhism over Confucianism:

Buddhist and Daoist monasteries, chapels, and cloisters properly have no relationship to the official sacrificial corpus. Yet rural bumpkins and ignorant folk all go around to the monasteries to pray on their knees, and to the chapels and cloisters to burn incense and beg for good fortune. Why is this? Is it perhaps because the Teaching of the Sage isn’t as easy to comprehend as Buddhism and Daoism? Or is it because the ancestral tablets aren’t brightly colored as are their clay statues? (*Xinhe xian zhì* 1679: 2.21a)

The author chooses to wrestle with the fact that Confucianism had neither a reassuring message or “curb appeal” for non-elites, nor reflected the conditions of the lives of most people that left them vulnerable to disease, want, and unattended old age—and at a much higher rate than himself and his gentry friends. This allows him to parse their Buddhism as a lapse of intelligence, discrimination, and good taste, just as twentieth-century modernizers across the political spectrum would also be prone to do in their turn.

A linked argument against Buddhist institutions and rituals was that they were not just gaudy but wasteful. Some compilers found it an easy matter to jump from brightly colored statues to expensively decorated ones, then declare the project of monastic patronage to be an unjustifiable drain on local resources. To offer an example from 1604: “Today the realm has reached an extreme of poverty. If we wish to economize, nothing is better than cutting out extraneous expenses; among such expenses, nothing is more wasteful than constructing palatial buildings; and among palatial buildings, nothing is more wasteful than monasteries.” The compiler goes on to concede that doctrinally Confucian arguments against Buddhism, though sound, get him nowhere with popular opinion. What people should do is not what they do, he complains:

How can we use clear and readily understood principles to criticize them [Buddhism and Daoism]? The delusions of this generation cannot be dispelled. The first delusion is not respecting parents at home but respecting spirits and Buddhas outside the home. The second is not trembling before state regulations but secretly fearing to go against the Buddhist dharma. The third is not mending what is right in front of your eyes but instead trying to mend what is off in the next life. The fourth is fighting over wealth with kinsmen while giving riches to priests and monks. Why don't even one or two ignorant men and women see this and return to orthodoxy? (*Huairou xian zhi* 1604: 1.42b–43a)<sup>5</sup>

The writer despairs about whether the state's message of order and frugality will ever get through to the people. He wants the state to be tougher, since the free operation of religious collectivities was endowing them with a local priority over state institutions as the context within which public authority could be asserted, and therefore as the prime force delineating the terms within which people organized their lives. The regulatory state, he feared, was not in touch with this social reality. His only way to undermine this authority was by pointing out the costs involved—which made no dent in the devotion of those who willingly gave.

Conservative Confucians constantly returned to the argument that it was necessary that they or the local magistrate (occasionally one and the same person) should step in to impose prohibitory measures, often in the context of bemoaning the tide of heterodoxy they felt rising from below. Yet there were distinct limits to what they could actually carry out. “Suppressing heterodoxy and lifting up orthodoxy is the great prophylactic task of government,” one prohibitionist compiler-magistrate insisted. He was able to boast that “therefore no Buddhist or Daoist monasteries have I deigned to list” (*Lingshou xian zhi* 1685: *fanli*.1b), but he had little other room for action. At the end of the section in the second *juan* of his gazetteer, the section on temples where one would expect to find the standard list of monasteries, he observes that in the hills and upland



valleys of his county, “the shrines of the Two Teachings are found in profusion, awe-inspiring and magnificent, where rituals are conducted daily without pause.” What distressed him was that people were visiting these shrines and carrying out their rituals to the neglect of temples mandated in the official ritual corpus. He regarded this situation as a “great imbalance” and called on the gentry to “promote the one and dispense with the other” (*Lingshou xianzhi* 1685: *fanli*.2.6b).<sup>6</sup> Prohibition should prevail, thought those at the extreme conservative wing of the local gentry, but it could only prevail on paper, not in reality.

Most within the conservative wing of Confucian compilers adopted a more accommodative stance. They were aware that cutting out a significant sector of local society from the published record might be morally correct but was “excessively narrow,” as another editor puts it. He complains in good state-Confucian fashion that monasteries should not be allowed to exist “in the villages and along the roads” where they can siphon off people’s wealth and lead them into heterodox ways, but he does not allow his disapproval to convince him that Confucian prophylaxis justifies removing references from the gazetteer or even eradicating the religious sites in the mountains to which people go, often simply for the pleasure of sight-seeing (*Fuping xian zhi* 1874: 2.35a). Religion might well be suspect, but regulation was all that could reasonably be hoped for. Compilers of an anti-Buddhist bent might fantasize about a final solution for the power of Buddhist institutions in local society, which would obviate the need to record them (*Yongning xian zhi* 1602: 47b), but until their statutory legitimacy was revoked, it was not within the gentry’s prerogative to cut them out. What the Hongwu emperor had allowed, however grudgingly, no scholar could forbid. As one resigned Ming compiler put it, reading about Buddhist institutions in the local gazetteer allowed one to “witness the doings of the Great Sage,” that is, the Hongwu emperor. “Therefore I have listed them in the pages of this book to show what existed in the past and is of no harm to the people” (*Fengrun xian zhi* 1570: 12.4b).

A few compilers were willing to go even further, allowing that Confucian mores were not always easy to propagate, and that popular religion, with its zeal to promote the good and punish the evil, might well complement Confucianism. As one compiler phrased his reasoning for including monasteries in his gazetteer, “If people in fact constantly worried about life and death and about fortune and misfortune, then few would go against their superiors or make trouble. Thus the Way of the gods can firm up the proper Teachings” of Confucius (*Shulu xian zhi* 1671: 2.20a). The visible “remnants” of Buddhism, according to another, should not be ignored, for their survival “simply encourages the ignorant folk who believe in them to be good, not because [the state] really reveres them”

(*Xincheng xian zhi* 1617: 12.1b). Another went further, arguing not only that Buddhism and Daoism are not in contradiction with the Confucian order, but that they are essential to its maintenance:

In the age of Yao and Shun, one had only to open sluices gates and let the water flow off. Today, if it weren't for thick dikes and towering seawalls, there would be no way to protect ourselves from the devastations of flood. Given the ways of this world, how are the ignorant lower classes any different from this? The Two Masters are truly the dikes that hold back the flood. (*Anping xian zhi* 1687: 3.3a)

Rather than raising a flood of heterodoxy from below, as many gentry feared, Buddhism and Daoism could in fact serve to quell the greater tide of licentiousness and insubordination that always seemed to lurk beneath the order over which they presided.

### *Buddhism in the Chinese Constitution*

The disinclination among the magistrates and gentry of Hebei to provide full reports on the Buddhist institutions and practices in their counties could be taken as a sign of a widespread antipathy among the elite to religious institutions and practices. Seen in terms of the gazetteer genre, however, this may not be a complete explanation of what was going on. The purpose of making a gazetteer was not to produce a documentary that transcribed the complex reality of local society, after all; it was to render that reality into a textual form that conformed to the principles by which the state governed the realm. I would therefore like to suggest that disagreement over how to report monasteries reflects more than religious tastes, and points instead to what I see as a debate within the elite over the late-imperial constitution. As a field supporting norms and institutions that could compete with, or at least be indifferent to, state hegemony as Confucians imagined it, Buddhism posed a latent challenge to that hegemony, especially in periods when that hegemony appeared to be under siege.

There was no question of declaring Buddhism or Daoism illegal, in the sense of something that the code criminalized. Throughout most of the imperial period and beyond, the Chinese state recognized Buddhist and Daoist temples as legitimate religious institutions. Whether Buddhism protected the Confucian order or threatened it was not a question that this recognition could be taken to satisfactorily resolve. Within that irresolution laid the possibility of ongoing debate among state elites about whether the state was doing enough, or too much, to restrict the field within which organized religions might operate. Put starkly, these two tendencies represent the range of responses that state elites could imagine, and continue

to imagine, as the appropriate place of religion in the Chinese constitution: on one side, as corroding the norms and institutions that should govern public life; on the other, as at least indifferent to them, perhaps even contributing to them.

Underneath this splay of choices laid a starker social reality. The late-imperial gentry were keenly aware of the power that Buddhism enjoyed in local society. The compiler of the 1732 gazetteer of Wan county understood Buddhism was anything but inconsequential to the production of local order. He enumerates one dismaying sign after another that Buddhist institutions were in full flower in his county: Buddhist temples ubiquitous and beyond counting; the “gold and azure sparkle” of Buddhist statuary dazzling onlookers; fund-raisers able to collect vast sums to support these institutions. Most conspicuously, he is horrified by the uncontrollable and vibrantly human activity that Buddhist institutions house:

How do people dare illicitly build structures that are not on the list of canonical shrines? Still, lay people of this generation set up temples and make statues by the side of the high roads or at the edge of markets without justification, [places that] appear reverent and yet are rife with cacophony and confusion, without even a wall around the outside, while the stench [of incense] billows. How potent are their arts! (*Wanxian zhi* 1732: 2.27a–b)

This is not a religion on the margin or in decline. The Buddhism under the compiler’s scrutiny was richly integrated into the networks of social participation and communication that extended from market to market along Wan county’s main roads. It is not surprising to discover an anxious compiler a decade later explaining that he had to exclude from publication the numerous Buddhist sites that could be found scattered “in the rural wastes and the village markets” (*Wanquan xian zhi* 1742: 2.44a), as these were the very places that the people who animated the network ties in local society crossed and thronged. The world of movement and activity beyond the capacity of the state to police in which this popular Buddhism was implicated was separate from the one the elite self-consciously inhabited, but it was not the irredeemable chaos that the compiler liked to imagine. Despite the impression of “cacophony and confusion” that Buddhist institutions gave to this gazetteer compiler, these institutions actively sustained an order that was visible and reasonable to those who participated in it.

Anxiety over the vital presence of Buddhism in local society exposed the fissures of class, privilege, and interest in the power relations animating political life from the locality to the center. These relations and fissures were not uniformly corrosive of elite or state power, however. Indeed, they might be better thought of as supporting the success with which the

Chinese sociopolity has reproduced itself as something like an equilibrium: regulatory legal systems working from above, community networks brokering local interests from below. Between these two, the gentry were uncertainly poised, eager to consolidate their position vis-à-vis the state, even sometimes exploiting monasteries to do so, yet always ready to back toward state systems and use them as bulwarks of enlightened discipline against the chaos that seemed poised to erode their local ground of privilege every time commoners gathered for their religious activities. For most everyone else, though, monasteries were part of the making and strengthening of the social networks through which they made their decisions about what to do, whom to associate with, and where to invest in public and private goods. By giving people a place in the cosmic order that was also a place in the order of public authority and social exchange by which they lived, Buddhism could be regarded as grounding local social life in a reproducible equilibrium, but it could also be seen as posing a radical alternative to secular power. Whether religion was treated as orthodox—something that the state and Confucianism could tolerate—or heterodox—something that could not be tolerated—depended on how people understood the composition and purpose of public life. By the same token, whether the state chose to act against religion had far more to do with local class tensions and competition for authority than with any characteristic or capacity that we might want to designate as “religious.”

### *The Republican Continuation*

The ongoing adjustment that local elites were constantly having to make between what existed in local society and what they believed should exist did not end with the close of the imperial era. The context and direction of change shifted as other factors and ideologies intervened to challenge existing social and political arrangements, but the regulatory posture—as well as the ever lurking threat of prohibition—continued unbroken. This continuity we can track by turning, again, to the gazetteers that local scholars continued to produce during the Republican period (1911–49). The genre underwent its own transformation as it adjusted to new political and cultural realities, abandoning its pretense of being an official administrative record and shifting to becoming more a compendium of statistical data and social surveys. Even so, the same ambivalence about religion, the same urge to bring it within secure categories from which its natural urge to err may be brought under control, can be detected.

Republican compilers rarely write about religion in quite the same language that their late-imperial predecessors used, yet their earnest adherence to modernity readily tempted them into continuing much the same

postures of scrutiny and disapproval. The morally dismissive epithet of “the Two Masters” that we found in Ming and Qing gazetteers was allowed to fade from the record, but what replaced it—the Japanese neologism invented to translate the European term “religion” (*shūkyō*, which was read as *zongjiao* in Chinese)—could be made to do much the same classifying work and carry some of the same intellectual baggage. The modern-sounding “superstition” might now substitute for the old charge of “heterodoxy,” for instance, and yet the same anxieties about the people’s resistance—albeit to modernity and enlightenment rather than to deference and Confucian ritual—poke through the descriptive entries.

One effect of the arrival of the category of “religion” was to place the religious collectivities already present in local society in a continuum within new institutions that included Christian congregations. This alignment between native and non-native religions had contradictory effects. On the one hand, categorizing Buddhism and Daoism alongside Catholicism and Protestantism (with Islam placed ambiguously between them) endowed the former with a legitimacy different from any conceived for them in the past. As one compiler commented who introduced a *zongjiao* chapter into his county gazetteer early in the 1930s, he neither supports nor understands Buddhism, but he allows that it has a place in his record (*Daming xian zhi* 1934: 25.7a–b). For another compiler at this time, their new status as *zongjiao* set them up to play the role of culturally marking a “Chinese” religious tradition that was distinct from but parallel to Islam, Protestantism, and Catholicism, which became the other three of China’s new “five religions” (*Nanpi xian zhi* 1932: 13.37b–38a). On the other hand, the association set Chinese religions up as targets of the modernist critique of religion as superstition, and as culprits in the doping of the Chinese people. By being moved into a neutral sociological category and placed under a different style of intellectual surveillance, Buddhism and Daoism could still be regarded with suspicion—no longer hotbeds of “heterodoxy” and “lavishness,” perhaps, but reservoirs of modern vices that the new enlightenment could label “superstition” and “corruption.” The condescension with which Confucian compilers regarded institutional religion migrated with little modification into the new discourses of sociology and state management.

The coming of *zongjiao* and its attendant concept of superstition had another curious effect, and that was to lower the tension between Confucianism on the one hand and Buddhism and Daoism on the other. The reframing of Confucianism within this new conceptual environment is a complex story with roots that go back to the Jesuit encounter with China in the seventeenth century, but it had an immediate impact on gazetteer compilers, who had not only Buddhism and Daoism but also the

state-cults of Confucianism to make sense of. In his insightful 1938 handbook on the tasks involved in producing a local gazetteer, Li Jinxi reflects on the difficulty of submerging the older categories of “rites” and “temples” into the new category of “religion.” While accepting that a new category is in play, he still has to ask, “Are there not shrines and rites that are outside of *zongjiao*? The [imperial] ritual corpus concerned with honoring virtue and repaying goodness, attested by grand buildings and abundant steles, is most certainly not mere superstition, but is Confucian. Therefore, these are also combined into the same section [*zongjiao*].”<sup>77</sup> In other words, the new language of *zongjiao* not only claimed Buddhism and Daoism, but the ritual and ideological tradition that upheld the authority of the state somewhat in opposition to them. All were now religions. Confucianism could no longer motivate criticism of Buddhism or Daoism, because it had been collapsed into the same category of things bearing the same characteristics. Effectively, recategorizing Confucianism as a religion stripped it of its capacity for moral critique.

Even though the new categories rearranged old values, the new terminology recycled old rhetoric. Reading late-imperial compilers complain about financial waste (“how is it that their teachings can still convince the ignorant laity that donation is good and parsimony is bad?”), vent their frustration over popular support (“people’s minds are easily deluded”), harbor suspicions about the anarchic congregating of the lower classes and the chaos they produce (“bringing people together in unbroken succession”), and express the urge to set themselves apart (“What can I say? I pray only at the shrines to living officials”), one can hear the very same anxieties and prejudices of modernizing Republican elites who regarded Buddhism as a hopeless superstition unworthy of their attention (*Guangping xian zhi* 1676: 1.28a; *Nanhe xian zhi* 1749: 3.6b; *Jinzhou zhi* 1690: 10.*siguan*.4a; *Wanxian zhi* 1732: 2.27b; *Xinhe xian zhi* 1679: 2.20a). The language of disapprobation changed, but not its intent, which was to marginalize Buddhism as a source of public authority that might interfere with the next reincarnation of elite dominance.

What rescued this critique of Buddhism from becoming itself marginal in the new social order was the introduction of a framework of state supervision that was different from what the Ming or Qing state had imposed, and to which the elites of the new era allied themselves. No longer was the founding of new monasteries prohibited, yet tax laws were introduced that would do more than prohibitions to weaken Buddhist institutions. A new educational system hostile to religious training came in and undercut the old relationship between ritual and the state, and local officials no longer voiced the opinion that Buddhism be allowed to inculcate in the people a passive acceptance of their lot. Buddhism was written

into Republican constitutions in the form of freedom of religion, but as a “right” of individuals, not as a component integral to the new order.<sup>8</sup> The constitutions of the 1950s forward brought the Confucian condemnation of Buddhism to completion by compromising the newly endowed “right” to believe in Buddhism with the equal “right” to propagate atheism, though of course without any backward glance at Confucianism.<sup>9</sup>

### *Conclusion*

The People’s Republic of China quickly assumed the role of the regulatory state in its policies toward religion, veering at times to the prohibitionist extreme. Indeed, no Chinese state since the end of the fourteenth century has asserted such powerful oversight from the center over religious personnel and institutions. Much of the 1950s legislation replicated the regulations that the Hongwu emperor introduced in the 1380s and 1390s, the main difference with that era being the socialist state’s capacity to impose its regulatory purposes.<sup>10</sup> When that state moved toward religious prohibition during the Cultural Revolution, it seemed as though the Confucian prophylaxis, unwittingly taken on board and rephrased by Republican modernizers as resistance to superstition, and rephrased as “feudal superstition” within Communist ideology, was about to find final completion under socialism.

The congruence between Communist and Confucian hostilities to religion and their capacity to influence state policy is not haphazard coincidence, of course. Late-imperial history has mattered enormously to the options that Chinese states have considered, and the choices they have made, in fashioning their regulatory frameworks. Without that history, neither the Republican nor the Communist state would have acted as it did, nor continue to act as it does. What I cannot decide, and I leave this puzzle for the reader to ponder, is whether the power of the regulatory state since the fourteenth century belongs to the state itself, or whether it should be ascribed to local elites (say, activists among the Confucian gentry in the Ming and Qing, and members of the Chinese Communist Party in the People’s Republic of China) who, in aligning themselves to state power, found the hostility to religion at the core of both Confucian and Communist ideologies a convenient weapon in their briefly successful struggles to dominate local society. Whether that power belongs to the state at the center or to its service elites in the locality, the history of Chinese religion after the 1970s, like the history of religion in China after the 1390s, suggests that communities and individuals will continue to create networks of religious activity beyond the framework of state regulation, regardless of the laws of the state or the activism of prohibitionist

state elites, and that religion, indifferent to the logic of the state, will continue to have a dynamic presence in local society.<sup>11</sup>

## Notes

1. The classic account of the late-imperial state's anxieties over the political potential of private sectarian organizing is Overmyer (1976). The continuities with the contemporary state's analysis of Falungong and its sanctions against it are striking.

2. I explore the intricacies of these editorial decisions in Hebei gazetteers in "Buddhism in the Chinese Constitution," in Brook (2005).

3. Arguing that "the section on Buddhist and Daoist monasteries is intrinsic to the gazetteer genre," one Wanli-era compiler names Sima Qian to bolster his argument for inclusiveness as a fundamental principle of historical writing; *Nanchang fu zhi* 1588: *fanli*. 2a.

4. The Qing repetition of Hongwu's ban on private founding is in *Da Qing hui-dian shili* 1886/1899: 501.2b, 3b-4a, 7b-8a, 14b.

5. For another comment on the wasteful extravagance of monastic construction, see *Nanpi xian zhi* 1680: 3.14a.

6. The latter passage is repeated verbatim in the 1874 edition.

7. Li Jinxi, *Fangzhi jinyi* (Contemporary proposals for local gazetteers), reprinted in Zhu (1983: 105).

8. On the written constitutions of the twentieth century, see Nathan (1986). Nathan gives freedom of religion only passing attention, reflecting the relative unimportance of this "right" in Chinese political thought.

9. Espousing atheism was not a borrowed convention. The compiler of *Qingxian zhi* (1673) denied the existence of Buddha by citing Fan Shen's treatise of the fifth century, "Wofu lun" (That there is no Buddha), as part of his argument against supporting Buddhist institutions, though he included them in his gazetteer nonetheless (2.2a).

10. I have speculated elsewhere that the other influence on the state regulation of religion in the 1950s is the regulatory framework that the Japanese imposed in the occupied areas of East China during the war; see Brook (1996).

11. On the capacity of local religion to evade state logic, see Dean (1997, this volume).

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