

The Buddhist Association of China and Constitutional Law in Buddhist Majority Nations

The International Channels of Influence

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14.1 INTRODUCTION

This chapter looks at the Buddhist Association of China (BAC), which claims authority over the largest Buddhist community in the world, as it has tried in recent years to assert itself as an influential actor on the global stage. The BAC has acted with the full support of the Chinese Communist Party (CCP), via one of its key instruments for influence in Chinese societies and abroad, the United Front Work Department (UFWD, herein United Front) (Brady 2019). The goal of this chapter is to understand how the emergence of the BAC affects constitutional law in countries where Buddhism plays an important role in the political and legal system.

I will introduce the BAC as the main institution representing Buddhists today in the People's Republic of China (PRC) and examine the relationship between the BAC and the CCP United Front. Next, I assess the BAC efforts to establish itself as one of the prime movers among Buddhist international organizations and interpret the significance of this increasing visibility. The chapter dovetails with a broader research agenda headed by Yoshiko Ashiwa and David Wank (2020), examining how the United Front operationalizes Buddhist activities outside China.

14.2 THE BUDDHIST ASSOCIATION OF CHINA

The BAC claims authority over the largest Buddhist community in the world. Estimating the precise size of the community is difficult, in part because, as in other East Asian societies, many people practice what Michael Carrithers calls “polytropy,” which means that they simultaneously practice more than one religion (2000). The BAC estimates – which err on the conservative side and are reproduced routinely by the official media – of the total number of Buddhists in China suggest that there are around 100 million adherents (ZFX 2017a). Recently conducted sociological surveys, however, point to widely divergent numbers, depending on

the methodology used by the investigators (Wenzel-Teuber 2017, 27). For example, the China Family Panel Studies (CFPS), a survey created in 2010 by the Institute of Social Science Survey (ISSS) in Beijing University, reported vastly different numbers in 2012 and 2014, depending on whether people were asked about their religious affiliation or their beliefs in deities. Wenzel-Teuber (2017, 27) also quotes from the 2012 survey by sociologists Lu Yunfeng and Zhang Chunni, undertaken for the CFPS, which showed that about 6.5 percent of respondents disclosed an affiliation to Buddhism; two years later, over 15.8 percent of respondents mentioned their belief in the Buddha and bodhisattvas. Whether one chooses the more conservative figure of 91 million or that of 212 million, however, more Buddhists live in China than in Thailand, the country with the second largest number of Buddhists, projected to number 67 million by 2020 (Pew-Templeton 2016).

This large Buddhist community, relative to other countries, represents only a minority of the Chinese population, and not a sizable proportion, even though there are more Buddhists than there are followers of other religions in China. In a country where 90 percent of the population in 2012 professed no religious affiliation, and 73 percent admitted in another survey two years later that they have no religious beliefs, the cultural influence of Buddhism in Chinese society – while significant in aesthetics, the practice of popular beliefs, and ethics – does not reach as deep as it does in societies where Buddhism represents the religion of the majority, let alone countries in which it is the state religion. There are significant differences, moreover, when one considers the specific forms of Buddhism practiced by different ethnic groups, known in China as national minorities (*xiaoshu minzu* 少数民族) (Borchert 2017). While a small minority of the Han population practices Buddhism of the Mahāyāna school, the influence of the Vajrayāna school is more prevalent among most of the Tibetan and Mongol minorities (Charleux 2017). The Theravāda school, which is also practiced among some of the minority populations in the Southern parts of the country, is not practiced to the same extent (Sasas 2020). Still, China is the only country in the world with significant numbers of adherents to all three major branches of Buddhism.

The leadership structure of the BAC reflects these realities, albeit in a way that does not reflect the relative proportion of the three Buddhist schools. Its official documents distinguish between Han (*hanzhuan* 漢傳), rather than Mahāyāna (*dacheng* 大乘); Tibetan (*zangzhuan* 藏傳), rather than Vajrayāna or esoteric (*mizong* 密宗); and Southern (*nanzhuan* 南傳) Buddhism, rather than Theravāda (*shangzuobu* 上座部) (ZFX 2017b). For 2017, the State Administration for Religious Affairs (SARA) provided the following numbers of registered sites for the three branches of Buddhism: 28,270 sites for the Han tradition; 3,862 for the Tibetan sites; and 1,705 for Southern sites (Wenzel-Teuber 2018, 34). In 2014, SARA counted 148,000 ordained Tibetan clergy, but only half that number among Han monastics, and only 2,000 clerics among Southern Buddhists (Wenzel-Teuber 2018, 35). Only in the first years of its existence did the BAC governance structure reflect this reality.

During the first congress between 1953 and 1957, only one among the four honorary chairs was Han; the others were the Dalai Lama, the tenth Panchen Lama, and the spiritual leader of the Mongol orders. Of the seven vice-directors who assisted the BAC director, only one was a Han, four represented the Tibetan school, and one the Southern school. The governance structure of the BAC has since changed significantly: today, the majority of the thirty-three vice-presidents represent Han Buddhism.

The state's rigid definition of what constitutes an acceptable religion makes the enumeration of religious believers even more difficult. If sociological surveys can count those who mention an affiliation to a religion or a belief in a deity, they often miss those whose beliefs belong to what the sociologist of religion Yang Fenggang (2006) called the "black market" of religions. By this, Yang means those religions opposed by the state, in contrast to the "red market" of religions recognized by the CCP. For obvious reasons, people who follow religions that the state opposes are not likely to admit they do so. The population is aware of the religions the CCP opposes as well as those it labels "evil cults" (*xiejiao* 邪教), but there is another category of tolerated practices in the liminal space between religion and culture, belief, and heritage. Yang Fenggang (2006) describes these as "gray market" practices, for which people may not fear sanction. People affiliated with Falun Gong know about this too well: their practice was legal before the state imposed a ban in the summer of 2000 (Palmer 2007).

The established sangha fears this kind of competition from the margins of the official Buddhist associations, and over the years it has expressed its opposition to new religious movements that use the name or the symbols of Buddhism, such as Falun Gong, or the Guanyin 观音 Method of Master Qinghai 青海 (Irons 2018). The BAC also fears sources of division within its own ranks, like the ethnic and linguistic cleavages mentioned above. A primary source of concern is the unrest in the Tibetan Autonomous Region and in the prefectures where ethnic Tibetans live (Powers 2016). Moreover, tensions exist even within the Han clergy. Anonymous sources allege that Jingkong (Chin Kung 净空), a well-known overseas monastic who claims to speak in the name of the Chinese tradition and has established a large following abroad and in China, has seen his writings condemned as "pornography" in 2019 (Wang 2020). Tensions within the BAC also broke out in the open with the downfall of its President Xuecheng 学诚 in 2018, following allegations of sexual misconduct (Johnson 2018).

The association has looked after the interests of the sangha and lay devotees since its founding in 1954, often against great odds. Most Buddhist monastics chose not to move outside China after 1949 and showed loyalty to the new regime (Xue 2009). That attitude did not serve them well, however: Buddhism went through what historian Hou Kunhong (2012) described as a stage of "calamity" for three decades. While full collectivization happened only in the late 1950s (Clarke 2017), the most zealous CCP cadres had earlier confiscated landed property of religious institutions

to meet the state objectives of modernization, as documented by Jan Kiely (2016) in the case of Suzhou. During the Cultural Revolution (1966–76), the BAC faced near extinction, as much property was destroyed and monastics had to return to lay life, while lay followers were forced to hide their beliefs (Welch 1969). The pressure on Buddhists was disproportionately felt among Tibetan and Mongol minorities: Buddhism represented a key element of their social organization, and they viewed religious persecution by Red Guards in ethnic terms as an attack by the Han majority against minority nationalities. These disruptions did not last long, but they left a legacy of suspicion toward the CCP and the Han that never dissipated among Tibetans and Mongols (Woesser 2020).

After 1978, with the policy of economic reform and opening which favored foreign investment and support from overseas Chinese communities, the BAC began to recover. From 1980 until 2002, Zhao Puchu, a lay Buddhist, served as its director. Known for his organization of relief for refugees during the war of resistance against Japan, Zhao was one of the key founders of the Chinese Association for the Promotion of Democracy (CAPD) in 1945, a group that brought together intellectuals and CCP members (Ji 2017). One of the key themes that Zhao sought to develop as BAC president was demonstrating that Buddhism was compatible with socialism, a process that Ji (2004) divided into three stages. First, in the early 1980s, the BAC promoted the idea of “combining Chan with agricultural work” (*nong chan bingzhong* 农禅并重), to ensure that monasteries would be self-reliant. Second, in the 1990s, as more monasteries reopened, traditional aspects of religious exchange revived, and lay followers made offerings in return for spiritual benefits, a practice known as “cultivating the good earth” (*zhong futian* 种福田) or “making merit” (*zuo gongde* 做功德). In the third stage, as many local governments sought to attract investment from abroad, the BAC emphasized the use of Buddhist cultural capital for tourism, under the slogan “culture builds the stage and the economy performs (*wenhua datai, jingji changxi* 文化搭台, 经济唱戏)” (Chang 2016).

The above account of the close relationship between the CCP and the BAC does not deny that the latter has some agency, as Yoshiko Ashiwa (2009) demonstrated in her case study of Xiamen Buddhists: clerics, she showed, use existing institutions to preserve their autonomy. Although the BAC is subordinated to the state apparatus according to the mechanism described below, it shares with the CCP some concerns about influence from its competitors. Even if the BAC has become a powerful institution that can serve the state by rallying its followers behind the CCP – the essence of United Front work – it can also protect the interests of the Buddhist sangha against forces that can undermine its authority from within. For these tasks, lay and monastic Buddhist milieu (*fojiaojie* 佛教界) relied on many institutions. Hence, Buddhist academies developed for the training of monastics also served the social reproduction of the monastic orders (Ji 2019, 171). The householder groves (*jushilin* 居士林), where devotees meet for their religious practice and socialization, played a key role in the life of lay Chinese Buddhists. Destroyed at the time of Mao,

these institutions have since been revived, according to Jessup (2016, 69). Other revived institutions include vegetarian restaurants, publishing houses, and merit societies (*gongdehui* 功德会) that provide relief to people in need. Simply because these groups can promote moral activism does not mean that lay Buddhists have built a social movement (Fisher 2017). These developments have all happened in the context of an unpredictable and potentially repressive legal system.

14.3 CONSTITUTIONAL LAW IN THE PRC: SERVING THE CCP UNITED FRONT WORK

There is no constitutional law in the PRC that compares to what one observes in the West or in the liberal democratic societies of East Asia: Japan, South Korea, and Taiwan (Dowdle 2018). The CCP concept of rule of law, inherited from the experience of the former Soviet Union, also draws on ancient Chinese ideas of Legalism (*fajia* 法家), as distinct from the moral tenets of Confucianism (*rujia* 儒家). The CCP draws on the Legalist idea that the state ruler is supreme over the judiciary; this old idea fits nicely with the superimposed practice from the Soviet Union that assigned to the Communist Party the role of vanguard institution above the law (Li 2015). Many aspects of social life, including religious beliefs and practices, are accordingly subjected to the paternalistic guidance of the Party. The basic political supremacy of the CCP has not changed in any fundamental way, even with legal reforms in recent decades. Mao had denounced constitutionalism as a bourgeois invention and deprived the Chinese judiciary of independence. Although the policy of economic reform and opening by Deng Xiaoping has led outsiders to believe that the CCP has relinquished totalitarian ambitions, it never gave up its authority in the realm of religious affairs. If anything, under Xi Jinping, the CCP regime is moving towards a new phase of control, as it seeks to nullify any restraining influence from constitutional law (Delisle 2017; Minzner 2015).

The weakness of constitutional law in China is rooted deep in its history, and the Buddhist tradition has only marginally influenced this development (Beydon 2015, 527ff.). Although the status of Buddhism, as a social force and as a religion, has changed over the course of centuries and imperial dynasties, the dominance of Confucianism and Legalism in the legal system endured until the end of the Qing Dynasty (1644–1911), when reformers promoted the introduction of Western norms of constitutionalism in their project to modernize China (Piquet 2005). These attempts failed during the Republican era (1911–49) as the country was divided politically between different warring factions and suffering from the Japanese invasion; no central government had the will or the capacity to reform the legal system. Moreover, neither the concept of the rule of law derived from the Germanic–Roman legal code nor Common Law judicial thought managed to leave a good impression among Chinese patriots. Introduced in the treaty ports during the Qing Dynasty, Western legal forms were associated with the unequal treaties that

protected the Western and Japanese privileges of extraterritoriality (Scully 2000). It was only near the end of the Civil War, in 1947, that the Nationalist Party (*Kuomintang* 國民黨, or KMT) promulgated a constitution for the Republic of China (ROC). This green shoot of constitutionalism vanished from China after 1949 when the CCP took control and would be suspended for thirty-eight years in Taiwan, where the KMT relocated the ROC government. In the absence of constitutional law, the unfettered power of the state can impose its will on society. In the PRC, however, the state itself serves as an instrument for the CCP, an organization that sees itself as the vanguard of society, guiding all social forces, including religions.

Although internal reforms have erased some of the most extreme language used at the time of Mao, its charter still asserts that the CCP stands above the legal system enforced by the government (Holbig 2018). China's system differs starkly from the legal regimes prevalent in Western societies and most other societies where the rule of law prevails: the state is not an impartial arbiter between different political factions, but an instrument in the service of the political line determined by the CCP. This conception of the law, implemented in the Soviet Union and other Leninist regimes (as well as by the fascist regimes in Italy and Nazi Germany), found acceptance in the CCP because it resonated with some of the characteristics of China's own legal system that had remained in place after the fall of the *ancien régime* in 1911: most importantly, the idea of a strong state led by a vanguard elite (Zheng 2015). The CCP United Front represents a key instrument in that renewed assertiveness, both domestically and on the international stage.

Once the CCP gained power in 1949, it formalized the United Front with the creation of the Chinese People Political Consultative Conference. That deliberative assembly included representatives of "people's organizations" from a wide variety of sectors: broad categories of the population such as youth, women, and returned overseas Chinese; economic groups such as chambers of commerce, trade unions, and a variety of other associations, federations, and foundations representing different corporations and guilds (Sagild and Ahlers 2019). Our focus is on the religious component of the broader United Front. Although they remained committed to the view that religion would wither under socialism, CCP leaders initially avoided precipitous actions against religious believers during campaigns against "sects" and foreign missionaries, lest they oppose the new regime. To that end the CCP United Front sought to nurture "patriotic" religious leaders who were supportive of socialist ideals, and relied on them to ensure that they would obtain compliance with government directives from their followers (Wickeri 2011). The Religious Affairs Bureau – which would later become SARA – and the BAC emerged in that context in 1954. That period of relative openness did not last long.

The failing attempt in 1954 at establishing constitutional law became increasingly apparent between 1956 and 1976. Meanwhile the United Front went into what Gerry Groot (2004) called its phase of "hibernation." Religious associations had by

then become targets of attacks by young “red guards,” and even after the peak years of the Cultural Revolution began to subside in 1969, the radical factions of the “Gang of Four” maintained their restrictions on religion. The period covered by these political vicissitudes may appear short, but the damage to a generation has proven enduring and long-lasting. The aging monastic leaders who had survived the political persecution found few successors, and it would take years before the BAC recovered lost ground. The political struggle initiated by Mao Zedong had led to the abolition of the 1954 Constitution and its replacement by the 1975 Constitution, which instituted the principle of the CCP as the paramount source of power. Although that document did not last more than three years, the 1978 Constitution, which brought back some of the elements of the more lenient 1954 Constitution, such as checks on executive power and guarantees for religious beliefs, maintained the principle that citizens must support CCP leadership and the socialist system.

After Deng took charge as paramount leader of the CCP, the new leadership revived the United Front and expanded the scope of its activities to include Taiwan, Hong Kong, and overseas Chinese communities. In 1982, the CCP enunciated “The basic viewpoint on the religious question during our country’s socialist period,” known as Document 19. This political statement spelled out the limits in which religious freedom can be exercised (Potter 2003). The SARA resumed its duties as monitoring agency for all religious activities and the BAC reestablished itself as a key component of the apparatus of state control for Buddhism, albeit in a subordinate position. Under Deng’s successor, Jiang Zemin, the priority of the government was to deepen the policy of reform and opening. The CCP United Front, however, focused more openly on Taiwan, and it encouraged religious exchanges, along with trade, business, and tourism, to serve the goal of “re-unification.” This approach included the pilgrimage to the goddess Matsu, but also the humanitarian work of Taiwanese Buddhist associations across the Taiwan Strait. The strategy also included an effort to support the rebuilding of Buddhist temples. These efforts paid off, as Buddhist leaders rallied behind the regime in denouncing Falun Gong in 1999 (Tong 2009). During the administration of Hu Jintao, the situation in Tibet became a major target of attention for the CCP United Front. Near the end of Hu’s tenure as CCP secretary-general in 2012, the United Front encouraged the development of charity by religious organizations to serve the public interest (*cishan gongyi shiye* 慈善公益事业), a policy which the BAC endorsed enthusiastically.

Under the instruction of the CCP Secretary-General Xi, the United Front again changed its approach vis-à-vis religion after 2014, when Xi expressed his wish to see Chinese religions becoming more “Chinese,” a goal that has left many people perplexed, since all the five recognized religions in China have been going through a process of acculturation for centuries (Cook 2017). A speech in 2016 clarified further the meaning of this “Sinicization” (*zhongguohua* 中国化): religion must serve the interests of the state and the value of the CCP (Vermander

2019). In 2018, the CCP passed new regulations that implemented these ideas, with the incorporation of SARA under the umbrella of the CCP United Front (Joske 2019). These policies reveal the wish of the party to monitor religious affairs more closely than ever before. Two aspects of this policy stand out. Firstly, the CCP reverted to a policy which was more hostile to religion in general, and seemed to target, in particular, Christians and Muslims. Secondly, the CCP redefined religions such as Buddhism and Daoism as “culture,” promoting them at the expense of the others.

The new reorganization of the CCP United Front deepens some of the trends observed under the administration of Hu. When Xi took power, SARA was divided into four bureaus, one for Buddhist and Daoist affairs; one for Christians; another for Muslims; and one for all the other types of religions inside or outside China about which the regime wanted to know. The incorporation of SARA’s four branches into the United Front suggests greater integration and coordination with its other key missions: communication with like-minded people in Hong Kong, Macau, and Taiwan (Third Bureau), and liaison with people among overseas Chinese (Ninth and Tenth Bureaus). Recent efforts by the CCP United Front to promote its interests on the international stage via the promotion of the BAC has added a layer of complexity to the issue of Buddhist institutions and constitutional law throughout contemporary societies. In the framework of its strategy of “soft power” to support the project of “One Belt One Road,” the CCP has promoted the transnational expansion of Chinese temples and sponsored the organization of international Buddhist meetings that serve to establish the presence of the BAC on the global stage (Raymond 2020). The next section looks at the achievements of the CCP in making Chinese Buddhism more visible.

14.4 FROM THE WORLD FELLOWSHIP OF BUDDHISTS TO THE WORLD BUDDHIST FORUM

The BAC stood little chance of being admitted into international Buddhist associations after its founding in 1954 and has faced difficulty for half a century. This exclusion rested on three rationales reinforcing each other: the context of the Cold War (1954–91); the influence of the BAROC (Buddhist Association of the Republic of China) in Buddhist international associations (Jones 1999); and the CCP’s continued insistence on rejecting the legitimacy of the Dalai Lama. During the Cold War, as recent evidence confirms, the US diplomacy service sought to enlist Southeast Asian Buddhists to support its policies against the PRC (Ford 2017). In contrast to the PRC’s admission to the United Nations (UN) in 1971, the BAC had to wait another three decades before achieving the same feat in the major international Buddhist associations. The difficulties experienced by the BAC within the PRC through the end of the 1970s, which undermined its credibility to represent Chinese Buddhism, may explain this delayed admission.

Another causal factor behind the late recognition of the BAC may lie with the nature of the two most important international Buddhist organizations: the World Fellowship of Buddhists (WFB 2021a) and the World Buddhist Sangha Council (WBSC 2021). Although both advertise their activities, there is little academic study in the English language about their activities (Schedneck 2016). The WFB included mostly representatives of the Theravāda tradition, practiced by a minuscule minority in the PRC. And while the WBSC leadership includes a greater proportion of the Mahāyāna clergy than the WFB, a disproportionate number of them were based in Taiwan. As the latter endured a regime of martial law from 1949 to 1987 which limited freedom of expression, the independence of the BAROC from the government in Taipei may seem theoretical. However, as Jones (1996) showed, the BAROC clergy had agency and could defend the interests of Buddhists in Taiwan. Moreover, it had its own reasons to support the authoritarian regime in Taiwan: it shared with the KMT a hostility to the CCP regime and did not fear religious persecution under the culturally conservative Chiang Kai-shek. These facts, in their view, only added credibility to the BAROC claim of representing Chinese Buddhism in Taiwan.

The WFB, founded in 1950 in Colombo, relocated its permanent headquarters to Bangkok in 1969. Although based in the Theravāda world, since 1986, countries where the Mahāyāna tradition prevails have hosted most of its conferences (WFB 2021b). The BAC tried unsuccessfully to gain admission and asked for the first WFB conferences to exclude the delegation from Taiwan (Abbott 1966). The exclusion of the BAC from the WFB until then mirrored the exclusion of the PRC from the UN until 1971. The BAROC gained legitimacy in representing Chinese Buddhism when the BAC stopped activities in China from 1966 to 1978, but that position appeared vulnerable and open to challenge with the reform and opening policy that followed. The WBSC, also established in 1966 in Colombo and relocated in Taipei in 1981, stood out as primarily an association of monastics and their organizations. It worked to harmonize the three traditions of Mahāyāna, Theravāda, and Vajrayāna, and includes representatives from all traditions; its leadership counts a larger proportion of Taiwanese than the WFB, and its third, fifth, and seventh conferences were held in Taipei.

The admission of the PRC to the UN and the extension of diplomatic recognition by the US in 1979 did not lead to an improvement in the BAC situation within the international Buddhist organizations. More research needs to be done to fully understand why national Buddhist associations waited so long before agreeing to extend an invitation to the BAC to join them in international Buddhist organizations. The process took years, if not decades, after most of their governments extended recognition to the PRC. The opposition of the BAROC alone – although understandable – does not suffice to explain this delay. Certainly, the BAROC played a disproportionate role in the WBSC, but not in the WFB. The BAC's staunch opposition to the spiritual authority of the Dalai Lama, who is much

respected by his peers, has certainly complicated relations between Buddhists from the PRC and their counterparts abroad, at least until 2008 (Repp 2008). However, that motive does not suffice.

When Deng Xiaoping sought to open China to foreign investors, the revival of Christian institutions such as the YMCA and the Amity Press mattered more to the CCP than supporting Buddhist institutions because of the connections of Christian institutions to their counterparts in North America (Carino 2016). Showing good will toward religions sent a message that China was now open to international cooperation. That approach toward religion also affected Buddhism, although it was limited mostly to Japan and South Korea. This changed with the sixteenth WFB conference held in 1988. That event was remarkable for two reasons. Convened in Los Angeles, this was the first such conference held outside of Asia. Under the sponsorship of the Hsi Lai (literally “Coming to the West”) Temple, it resulted from the initiative of Hsing Yun, a Chinese monastic who had established in Southern Taiwan a major monastic order, the Buddha Light Mountain (Foguangshan) (Chandler 2004). This mattered to the BAC because Hsing Yun has never hidden his wish to promote Chinese Buddhism on the international stage. Moreover, although he did not express sympathy for the CCP, he shared with the latter an opposition to Taiwanese demands for self-determination.

The eighteenth general conference, held in 1992, took place in Kaohsiung, in Taiwan, also under the cosponsorship of Foguangshan. In the same year, another event occurred that went unnoticed outside of Taiwan, but with significance to relations with China and the future of Buddhism in that country. The Tzu Chi Foundation, the largest philanthropical organization in Taiwan, received from the CCP the authorization to deliver relief to victims of flooding in eastern China that year, and to contribute to the rehabilitation of villages. This case of relative openness represented an example of CCP United Front work directed at the Taiwanese, promoting the idea of “reunification” with China (Laliberté 2003). Despite these cases of rapprochement between Chinese and Taiwanese Buddhists, the exclusion of the BAC from the WFB remained in place. As the WFB organized its events without it, the BAC sought to work around its exclusion from Buddhist international associations by creating its own international institution, the World Buddhist Forum (WBF), with an international conference held every three years (Ramachandran 2019).

In 2006, the Religious Culture Communication Association of China, a CCP United Front organization, worked with the Hong Kong Buddhist Association, and two prominent Buddhist leaders in Taiwan, Hsing Yun and Wei Chueh, to set up the first WBF in the province of Zhejiang, the first religious event of its kind since the establishment of the PRC (Zongwen 2006). The second WBF, held three years later in both China and Taiwan, promoted a CCP priority: the “re-unification” between China and Taiwan at a time when the political climate in Taipei seemed to

favor that possibility. However, the United Front work achieved mixed results, as Taiwanese Buddhists preferred to leverage their own networks to serve broader interests outside the PRC (Brown and Cheng 2012). Held in 2012, the third WBF showcased the eleventh Panchen Lama, promoting the CCP preference for the spiritual leadership of Tibetan Buddhism. Held in Hong Kong, that conference suffered from the same limitation as the previous ones: it was a China-centric event, with limited international participation that went unnoticed outside the Sinosphere (Xinhua 2012). Even as the United Front has shifted again to a new strategy directed at other genuinely international Buddhist associations, the global landscape of Buddhism has become more complicated: in addition to the WFB and WBSC, a new association has emerged in New Delhi, the International Buddhist Confederation (IBC 2021).

The IBC, which began in 2010, resulted from the initiative of an Indian monastic, Lama Lobsang. Convening for the first time in 2013, the IBC could not benefit from the Indian government's patronage, because of the Indian state's constitutional (if not actual) commitment to secularism. However, with the arrival into power of the Bharatiya Janata Party in 2014, its leader, Prime Minister Narendra Modi, adopted a strategy that mirrors the United Front's, promoting events such as the IBC meetings on Indian soil, as examples of Indian "soft power" projection in the international arena (Ranade 2017). For the CCP, the IBC represented the same problem as the WSBC: its governing structure included monastics from associations that were politically close to governments whose relations with China were difficult. Moreover, the participation of the Dalai Lama made the participation of any member of the BAC problematic. In the same year, however, the United Front efforts to ensure the BAC joins the WFB finally bore fruit: not only was the BAC admitted into the WFB, but the latter met for the first time in the PRC (Ma & Liang 2014).

When the fourth WBF convened again in Wuxi in 2015, it had lost one of its main *raison d'être* because the situation in Taiwan the year before had taken a turn less favorable to the CCP, following popular rejection of a cross-strait service trade agreement between Taiwan and China submitted by the KMT (Ho 2019). When the WBF convened for the fifth time in Putian, Fujian, three years later, it experienced a confirmation of these setbacks (Xinhua 2018). The Taiwanese general election held in 2016 had brought to power Tsai Ying-wen and delivered most of the seats in the legislature to the party led by her, the Democratic Progressive Party, whose policy opposes PRC rule over Taiwan. The WBF promoters have not issued any announcement about a sixth meeting in 2021; it is unclear if this is because the CCP has realized that the organization has lost its purpose, or because of the Covid-19 pandemic. Likewise, the other major venue through which the PRC could perform its "religious diplomacy," the WFB, did not meet in 2020, and had no plans to meet in 2021.

14.5 INTERPRETING THE SIGNIFICANCE FOR BUDDHISTS WORLDWIDE OF THE BAC “GOING OUT OF CHINA”

Why would the CCP choose to rely on Buddhism for its “soft power”? The CCP recognizes the growing relevance of religion in global affairs – not necessarily in China itself, but abroad. In the current nationalist turn of the Chinese government, Christianity – whether Protestant or Catholic – has no appeal for the regime: the evidence of its presence in China evokes the “century of humiliation.” Moreover, many Chinese political dissidents have over the years converted to Christianity and attracted the sympathy of foreign governments (Wright and Zimmerman-Liu 2015). Islam presents the regime with a thorny dilemma: on the one hand, the supply to China of energy from Muslim-majority countries may lead one to believe that the CCP would seek to cultivate the goodwill of Islamic countries by promoting an image of good relations with Islamic minorities within the country. On the other hand, the security concerns of the regime, whether they are real or manufactured (as a justification *ex post facto* for its policies targeting the Muslim minorities, mostly Uyghurs and Kazakhs) appear to trump the wish to cultivate good relations with Islamic regimes. Daoism is a less valuable asset than Buddhism for a different reason: apart from ethnic Chinese minorities living overseas, few people outside China practice that religion.

When the CCP acknowledges the international influence of Buddhism, it can harness the importance of that religion in neighboring countries, as seen above, as well as its popularity for many other people living outside Asia. These include not only those with Chinese heritage, but also others disenchanted with their own religious tradition who are seeking answers in their search for meaning (Scott 2016). Moreover, from the perspective of the CCP leaders who have a more nationalist orientation, the authorities can evoke important precedents in Chinese history, for example when Buddhism constituted a crucial element of governance during the two “foreign dynasties.” In those periods, the Mongol rulers of the Yuan Dynasty (1279–1368) and the Manchu rulers of the Qing Dynasty, who had maintained good relations with Buddhist clerics, incorporated into one realm the people of Central Asia alongside the Chinese. Although the patronage of Buddhist monastic hierarchies under the Yuan and the Qing favored Tibetan and Mongol Buddhists and not the Han Chinese hierarchies, the present regime nevertheless relies on these historical precedents to reinforce its legitimacy in international fora.

For three decades after 1949, the multi-denominational composition of the BAC leadership structure suggests that the CCP recognized the legacy bequeathed to the Republican regime by the imperial regime. Under Mao and his successor Deng, a sizable proportion of the leaders of the BAC were still representing the Tibetan tradition. Under the two more recent administrations of Jiang and Hu, however, the BAC has moved away from that, with the voices of Tibetan Buddhism within its

leadership structure increasingly drowned out by those of the Han tradition. To what extent this reflects the tense relations between the Han central government and the restive Tibetan minority in the Greater Tibetan area is not clear. There could also be another rationale: Mahāyāna Buddhist leaders have worked hard since 1995 to improve relations between China, Japan, and South Korea (Zhang 2012, 28; Yang and Cheng 2010).

In more recent years, many in the CCP would certainly welcome a “softening” of PRC diplomacy at a time when “warrior diplomacy” has put off many governments and people around the world (Martin 2021). However, a few obstacles stand in the way of this strategy of “soft power” through Buddhist diplomacy. In Western societies particularly, most people know little about the Chinese Buddhist tradition, but many are already familiar with the leaders of the Tibetan, Japanese, or even Theravāda traditions. Many in the West who already associate the Buddhist tradition with a message of peace and non-violence attribute those qualities to the Dalai Lama, and they have not failed to notice that the CCP has targeted him for decades. The strategy of the CCP on this matter has backfired. Unless the CCP ceases the rhetoric that demonizes the Tibetan leader in exile and unless the BAC demonstrates a sincere attempt to enter into dialogue with him, it will be difficult to convince outsiders in the West of its goodwill.

The United Front reliance on the BAC also faces some serious limitations in Asian countries, on several grounds. A major obstacle to overcome is the tarnishing of Buddhism by the violent actions of extremist leaders such as Ashin Wirathu in Burma and movements such as the Bodu Bala Sēnā in Sri Lanka (Keyes 2016; Reny 2020), that claim to defend their religion against its enemies. These movements have little to do with the CCP, but they matter to its United Front strategy with the BAC, as it targets societies where most of the population is Buddhist. These movements horrify democratic societies, and engagement with them may cancel out the effectiveness of any projection of soft power by the PRC via the BAC on the global stage. One way to preempt such an outcome would be to take a principled stand and publicly speak out against extremist violence. However, the BAC abides by the CCP principle of non-interference in other countries’ domestic affairs and has so far kept quiet.

Of course, the political leanings of Buddhists in Southeast Asia are diverse. Without denying there are hyper-nationalist movements, pro-democratic and non-violent groups have arisen in the region, which are associated informally in what scholars have defined as engaged Buddhism (Sivaraksa 2005; Queen and King 1996). New groups of Buddhist democratic activists, such as the All-Burma Monks’ Alliance founded by U Nat Zaw have also emerged (Lehr 2019). As targets of authoritarian regimes themselves, these Buddhists are not likely to support the BAC because of its close relationship with a regime that is an accomplice to their tormentors. Although the differences between the schools are not sources of conflict in the way sectarian differences can be between Christian denominations and the

Sunni and Shi'a branches of Islam, it is not clear how Buddhists in Theravāda countries view China, considering the minority and marginal status of Theravāda in China (Yang 2017).

The CCP United Front must also overcome formidable obstacles in societies where most Buddhists identify with the Mahāyāna tradition in East Asia. As religious minorities in Japan, South Korea, and Taiwan, Buddhists in these three countries are unlikely to sway most of the population to their side. Moreover, reflective of the political pluralism that prevails there, no government-licensed corporation holds a monopoly on the representation of Buddhists, which means that there is competition between Buddhist leaders and their followers (Watts 2004; Nathan 2017; Laliberté 2004). In other words, even if the BAC were successful in swaying a national Buddhist association's leadership to espouse the policies of the CCP, its rank-and-file members may not follow suit. For instance, although the monastic Hsing Yun, founder of the popular Taiwan-based Buddha Light International Association promotes the improvement of relations with China, aligning him with some high-ranking members of the KMT and allied political parties, many lay Buddhists in the same association do not agree with the views of their leaders on matters of politics.

If the CCP were to succeed in overcoming these obstacles and bringing into a United Front the BAC and other national Buddhist associations in countries with Buddhist majorities to influence their respective governments, the international community would face a serious conundrum. Such a convergence could reinforce trends already unfolding in most of Southeast Asia, where authoritarian governments either support the PRC as a fellow authoritarian regime or depend on its promise of developmental support (Soong 2018). As demonstrated by the deafening silence of many authoritarian governments in Muslim-majority countries over the genocide committed in the Xinjiang Uyghur Autonomous Region (Kelemen and Turcsányi 2020), we should not be surprised if the authoritarian governments of countries where most people identify as Buddhists support the PRC policy against the Dalai Lama. Buddhist actors who seek to shape, interpret, and reformulate constitutional law in their respective countries based on their spiritual tradition will have to keep in mind that the international organizations that represent them face the prospect of being influenced by a fellow Buddhist association, one that cannot come close to achieving that in its own country.

There is even a risk that Buddhists in Southeast Asia who want cooperation with their Chinese counterparts may have to fulfill some conditions. One telling example, taken from Buddhists in Canada, gives us a sense of what is in store. Even though Canada is a country where the rule of law prevails and Buddhists can express their views without fear of retribution, key actors in that milieu have shown remarkable deference to the CCP United Front perspective that "there is one China in the world" and that "Taiwan is part of China." Hence, the online directory of

the Canadian Buddhist associations, which numbers over 450 associations and groups them by national origins, ranks branches of Taiwanese associations in Canadian cities as Chinese, mirroring the practice that the PRC is imposing on governments, international organizations, private corporations, and even civil society organizations (Sumeru n.d.). If Canadian Buddhists fear upsetting the CCP United Front on a matter such as the sovereignty of Taiwan, there is little reason to believe that Buddhists in countries more dependent on China's largesse will be more assertive in the affirmation of their own views.

14.6 CONCLUSION

What are the implications of the above for constitutional law? Different Buddhist traditions have shaped and influenced the legal systems of the countries in which they have evolved but China stands out from its neighbors in that respect: although Buddhism represents a vital element of its religious tradition, philosophy, and culture writ large, it has left no important trace on its legal system, let alone its constitutional law. Constitutionalism – or more specifically the idea of an independent judiciary – has been declared one of the seven forbidden topics that Chinese academics should not address, following orders issued by the General Office of the CCP Central Committee to institutes of higher education in 2013 (the others are universal values, press freedom, civil society, civic rights, historical mistakes by the CCP, and elite cronyism). Since the establishment of the PRC, Buddhist elites have failed to leave a mark on the evolution of constitutionalism, leaving the field open to “rights protection lawyers” (*weiquan lushi* 维权律师) and other legal activists – many of whom, such as Gao Zhisheng 高智晟, are Christians (Xi 2013). The promotion by the CCP of Buddhism in a variety of international associations does not mean a new-found appreciation for religion, but a return to a purely instrumentalist strategy of using a United Front work to convince Buddhists in Southeast Asia that they share the same ideals as the CCP for harmonious coexistence, peace, and development. Human rights and self-determination are improper topics in that kind of “dialogue.” In democratic and open societies like Japan, South Korea, and Taiwan, the public can see through the ulterior motives behind the projection of “sharp power” by the Chinese state. On the other hand, the non-democratic regimes in Thailand, Burma, Sri Lanka, Cambodia, and Laos, prone to soliciting the acquiescence, if not the legitimation, provided by Buddhist monastic orders in their own countries, may welcome this source of support from a Buddhist association sponsored by a fellow authoritarian state. Buddhist actors who seek to shape, interpret, and reformulate constitutional law in their respective countries will have to come to terms with the reality of a fellow Buddhist association that may wield considerable influence abroad if its sponsors support it, but little capacity to push back at home if it wants to express dissent.

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