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Politics and Religions in Hong Kong After 1997: Whether Tension or Equilibrium is Needed

LAP-YAN KUNG

The principle of 'one country, two systems' is the basic political relationship between the China mainland and the Hong Kong Special Administrative Region (hereafter: Hong Kong). The Basic Law (a 'little' constitution) guarantees Hong Kong a high degree of autonomy, but also emphasises the primacy of 'one country' ('country' here meaning 'state' rather than 'nation').¹ Whether 'two systems' is understood from the perspective of 'one country' or whether 'one country' is understood from the perspective of 'two systems' has become an ongoing and controversial issue in Hong Kong and even on the China mainland. Obviously, the former inclines one to put the interests of the Chinese government above those of Hong Kong, while the latter tends to put the interests of Hong Kong above those of the Chinese government. This basic dilemma is reflected in a recent event in Hong Kong: the implementation of the law on national security stated in the Basic Law (hereafter, Article 23). It seems extremely difficult to find equilibrium between 'one country' and 'two systems', not only because this is essentially a matter of mutual trust, but also because a certain amount of tension may be part of the very nature of 'one country, two systems'. In other words, once equilibrium is found, 'one country, two systems' may vanish. I consider that two recent 'religious' events in Hong Kong, namely the issue of Falun Gong (or Falun Dafa) and the outspoken role played by the Catholic Bishop Joseph Zen Zekun on the issue of Article 23, well articulate this dilemma. The concern of this paper is twofold. On the one hand, it is my purpose to use these two recent 'religious' events to reflect on the nature of the political dilemma in Hong Kong. I call this dilemma 'politicisation'. On the other hand, I also intend to reflect on the particular role that religions may be able to play in such a context, as the conscience of Hong Kong. After that, I am going to argue that political tension in Hong Kong generated by 'one country, two systems' should be 'welcomed' rather than avoided, because it paves the way for the emergence of civil society.

The Background

Before we consider Falun Gong and Bishop Zen, however, it will be useful to have an overall picture of the relationship between the government and religions in Hong Kong. I consider that there are four main factors shaping this relationship.

First, according to the Basic Law, religious freedom in Hong Kong after 1997 is protected. Article 141 states that

The Government of the Hong Kong Special Administrative Region shall not

restrict the freedom of religious belief, interfere in the internal affairs of religious organizations or restrict religious activities which do not contravene the laws of the Region.

Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected.

Religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services.

Religious organizations and believers in the Hong Kong Special Administrative Region may maintain and develop their relations with religious organizations and believers elsewhere.

To a large extent, religious freedom has been steadfastly upheld since 1997. For instance, foreign missionaries have no problem in coming to Hong Kong, religious lessons in Buddhist and Christian schools continue to be offered, and new churches can be founded. There is no great difference in religious freedom before and after 1997, as all mainline religious leaders unanimously confirmed in an interview in 2002. Ven. Sik Chiwai, superintendent of the Buddhist Po Lin Monastery, for example, gives as evidence of the government's respect for religious freedom the fact that the Buddhist community, which had been asking for a long time for a public holiday to celebrate the birth of Buddha, finally had its wish realised after the handover of Hong Kong in 1997, when a statutory holiday was introduced.² However, we should note that 'religious freedom' does not mean only that the religious freedom of the mainline religious communities is protected; it also entails respect for the religious freedom of marginalised religious communities. We shall see later how the case of Falun Gong challenges the government's understanding of religious freedom.

Second, the relationship between the government and the religious communities before 1997 continues to a large extent to shape their relationship since 1997. The religious communities in Hong Kong are by and large inclined to have a 'channelled partnership' (*bei yindao de huoban guenxi*) with the government or even to be submissive collaborators with it. A 'channelled partnership' means that the government does not consider religions as a threat to it. On the contrary, it finds that religious communities can be a resource for improving society, and religious communities are therefore invited to provide social services (including medical services) and to run schools (although the government is responsible for most of the administrative costs).³ The religious communities are happy to play this role. A relationship of this kind means that religious communities seldom criticise the government, because they are beneficiaries of the relationship (Kwok, 1996; Yu, 1996).

Third, since the mid-1980s, when the prospect of reunification with the mainland came up, and then after the Tiananmen incident in 1989, social awareness among the people of Hong Kong has been rising. Christians are no exception, even though the institutional churches in general are either indifferent to politics or remain silent. Christian social activist groups have emerged and have been working towards the implementation of full democracy and the actualisation of a high autonomy for the territory after 1997.⁴

Finally, the relationship between the government and religious communities in Hong Kong depends upon what is happening in mainland China. In the eyes of the Chinese government, the international links of the religious communities can easily be interpreted

as evidence of a kind of foreign imperialism, and this explains why the Chinese government always gives special treatment to religious communities. The Chinese government's handling of Falun Gong is of course a particularly important recent example of this kind of special treatment (Kung, 2001).

All the above factors are in turn influenced by the context of 'one country, two systems'. To what extent should the Hong Kong government follow the moves of the central government ('one country')? To what extent should it protect its own guaranteed autonomy ('two systems')? Meanwhile, how should the religious communities protect their own freedom? How should they contribute to the implementation of 'one country, two systems'?

The Challenge of Falun Gong

Falun Gong is a religious cult founded in northeast China in 1992 by Li Hongzhi. Basically it is a variety of *qi-gong* (a traditional breathing technique) developed by its founder on the basis of Buddhist and Taoist meditation (Schechter, 2000). The Chinese government and the world at large were taken by surprise when well over 10,000 protesters gathered outside the Zhongnanhai area in central Beijing, where the central party and high-ranking government officials work and reside with their families, on 25 April 1999. Demonstrators were protesting against the authorities' suppression of Falun Gong. They were reacting to the state's close investigation of a wide range of 'superstitious' organisations since July 1998. As early as 24 July 1996 the Bureau of News and Publications of the State Council had already banned five books written by Li. The government was extremely alarmed by the well-organised nature of the Falun Gong movement and the demographic profile of its followers.⁵ In order to combat the development of Falun Gong the government issued a notice on 19 July 1999 prohibiting all members of the Communist Party from joining Falun Gong-related organisations or practicing Falun Gong. On 22 July the Ministry of Civil Affairs and the Ministry of Public Security jointly announced an overall ban on all activities relating to Falun Gong and on associated material such as videotapes and leaflets. Finally, on 30 October the Standing Committee of the National People's Congress (hereafter: NPC) ordered a ban on all 'heretical organisations'. On a more practical level, the Ministry of Public Security also issued 'Regulations on Managing Mass Cultural and Sport Activities' on 24 November. Since then the Chinese government has enforced all possible mechanisms to curb Falun Gong and other cults. Ye Xiaowen, director of the State Administration for Religious Affairs, has admitted that 'Falun Gong was a political threat', and Jiang Zemin, former president of the People's Republic of China (he retired in March 2003), has even compared it to the Polish Solidarity movement and characterised it as a major threat to Chinese security (CNG, 2000).

My concern here is not to explain the emergence of Falun Gong or to investigate its challenge to the sovereignty of the Chinese government. Rather it is to examine how the issue of Falun Gong on the China mainland has become a challenge to the principle of 'one country, two systems' in Hong Kong.

Since the ban on Falun Gong on the China mainland, Hong Kong has become a strategic point for Falun Gong followers to continue their protest. In contrast to the situation in Macau (a former Portuguese colony and now a Special Administrative Region of China),⁶ the political scene in Hong Kong is diversified, and this is more favourable to Falun Gong. Hong Kong is, however, part of China, and therefore protests taking place in Hong Kong have a very important political symbolism. In other words, the Chinese government cannot ignore the protests of Falun Gong on its soil. There is no doubt that

Falun Gong takes legitimate advantage of Hong Kong's freedom to pursue its goals. Two large Falun Gong meetings were held in December 1999 and January 2000; each was attended by more than 1000 followers from all over the world. Falun Gong followers also regularly protest outside the Liaison Office of the Central Government of the People's Republic of China in Hong Kong (hereafter: Beijing Liaison Office). All these activities are embarrassing both for the central Chinese government and for the government of Hong Kong. More importantly, Falun Gong has become a test case for the principle of 'one country, two systems'. Since the Tiananmen incident in 1989 the Chinese government has become increasingly concerned by the possibility of Hong Kong turning into a revolutionary base. One clear illustration of this is that after the Tiananmen incident the Chinese government inserted a passage on subversion into the earlier draft version of Article 23 of the proposed Basic Law and added additional language on political organisations.⁷ The success of the Hong Kong government in controlling Falun Gong will be a significant indicator for the central government as to how far it can place trust in Hong Kong. However, because of the principle of 'one country, two systems', the ban on Falun Gong on the China mainland does not imply that Hong Kong has to follow. There is no law in Hong Kong to permit the suppression of a religious organisation on the grounds that it is an 'evil cult' or a 'false belief'. Furthermore, the Hong Kong government has found no evidence that Falun Gong has committed crimes in Hong Kong. But the Hong Kong government is under pressure from inside and outside. Newspapers which support the central government (such as *Ta Kung Pao*) and some politicians in Hong Kong are urging the Hong Kong government to ban Falun Gong from registering as an association. Politicians (such as Tsang Hinchi, Hong Kong member of the NPC) and newspapers (such as *The People's Daily*) in China are also expressing their concern about Falun Gong in Hong Kong; they consider that it is a political organisation from overseas which is intending to overthrow the Chinese government.⁸ To what extent does the Hong Kong government agree with them? Tung Cheehwa, the chief executive of Hong Kong, openly criticised Falun Gong in February 2001 for 'more or less bearing some characteristics of an evil cult', and in June condemned it as 'no doubt a cult and a well-organized political organization having abundant financial resources' (SCMP, 16 June 2001). Regina Ip, the secretary for security in Hong Kong, has complained that Falun Gong has the characteristics of a fanatical group and operates in a devious manner (SCMP, 2 March 2001). Although no concrete measures have been taken to combat Falun Gong, high-profile criticisms by the government and a ban on overseas Falun Gong followers entering Hong Kong are threatening enough and can be seen as a kind of political suppression. Bishop Zen responds that the fact that 'Tung Chee-wah has branded the Falun Gong as an evil cult is very alarming, not only for the Falun Gong, but for all of us.' He continues, 'If the Falun Gong is accused of causing disorder in Hong Kong society just because of peaceful protests, then such a label can easily be applied tomorrow to the Catholic Justice and Peace Commission, to the diocese and to many Christian bodies' (SCMP, 18 February 2001). Bishop Zen's response reflects the fact that the Hong Kong government has become more politicised than before in order to placate the central government.

On 19 February 2001 a subcommittee of the Legislative Council held a special meeting on the issue of defining an 'evil cult', and many leaders or representatives of religious communities were invited to attend. Although Falun Gong was not the target of discussion, it is clear that this meeting was about Falun Gong. Generally speaking, Protestants and Catholics emphasised the importance of religious liberty, while representatives of other religions emphasised the importance of social stability. However, the meeting did not come to a consensus on the definition of 'evil cult'. The Hong Kong

government has considered following the example of the French government in legislating against evil cults,⁹ but no legislation has in the end been passed.

The Politicisation of Hong Kong

Undoubtedly Falun Gong is a political issue on the Chinese mainland. Does that mean that Falun Gong has also to be treated politically in Hong Kong? Theoretically this is not necessary, because protests and demonstrations are legal in Hong Kong and take place frequently. More importantly, protests by Falun Gong are always peaceful. Nevertheless, the Hong Kong government considers that Falun Gong damages the principle of 'one country, two systems' (evidently placing the emphasis on 'one country'), and the government has therefore decided to adopt all possible means to threaten Falun Gong and restrict its activity. The reaction of the Hong Kong government is thus obviously political inasmuch as 'one country' has become the sole basis for all considerations. Politicisation has been defined as that 'now pervasive tendency to make all questions political questions, all issues political issues, all values political values, and all decisions political decisions' (Templeton, 1979, p. 14). It is a tendency to treat all social problems in a given society according to patterns and procedures found in the political world. In the case of Hong Kong the political world is the Hong Kong government and the principle of 'one country'. Politicisation also manifests itself as an increase in the power of the government over against all other forms of power in society, such as the power of individuals, private institutions and voluntary associations; and indeed the purpose of politicisation is the growth of the government and the extension of its authority, not only over individuals but also over all unofficial forms of social organisation. One undesirable outcome of politicisation is the changing of a system based on the *rule of law* into a system based on *rule by law*. Under the former type of system the law functions to protect the freedom of the people, whereas under the latter the design and/or introduction of law is determined by political purposes and for the sake of political purposes.

To what extent is politicisation taking place in Hong Kong? In one sense Hong Kong is not that politicised, inasmuch as the truth that an ultimately political process rules the lives of citizens does not unconsciously shape their behaviour. However, it is undeniable that the principle of 'one country, two systems' is making Hong Kong more politicised than it was before. The tendency of the Hong Kong government always to consider 'one country' more fundamental than 'two systems' may simply be a natural tendency: otherwise it would not have come to power. In fact, the chief executive of Hong Kong is chosen by the central government rather than elected by the people.¹⁰ This tendency may also be the result of a certain anxiety to be seen to be achieving 'political correctness', and an awareness that this is so has led some critics to accuse the Hong Kong government of being more leftist than the leftists (Lo, 2001, pp. 290–96). In dealing with Falun Gong, for example, the Hong Kong government could apply normal practice and procedure, but under the principle of 'one country' it evidently intends to do something more, such as considering introducing legislation against 'evil cults'. Falun Gong thus receives special 'politicised' treatment in Hong Kong.

At the same time, Falun Gong is subject to a different kind of politicisation. There are those who seek to emphasise the importance of the principle of 'two systems' by making use of the political nature of Falun Gong in order to halt and reverse the process of the politicisation of society. Those who defend Falun Gong may not necessarily be supporters of the movement, but consider it as a very important case for protecting the principle of 'two systems'. This kind of politicisation emphasises the importance of frequent ideological debate.

While Falun Gong is accused, then, of taking advantage of freedom in Hong Kong, the advocates of 'one country' and of 'two systems' alike also make use of Falun Gong to advance their political interests. Indeed, it seems that politicisation arising out of tension within the principle of 'one country, two systems' is unavoidable, because there is a lack of trust between the central government and the people of Hong Kong, and conspiracy theory is widespread. The issue of Falun Gong is one example which reveals the effects of this tension; another example, to which I shall turn shortly, is the debate on Article 23.

I do not think that equilibrium between 'one country' and 'two systems' can be easily reached; but this should not be interpreted as a tragedy. In fact, the disharmony brought about by the case of Falun Gong may be helpful in bringing the central government, the Hong Kong government and the people of Hong Kong to a better understanding and assessment of one another. Moreover, it seems to me that the case of Falun Gong is enhancing the development of a social movement in Hong Kong. A 'social movement' may be defined as a network of informal interactions between a plurality of individuals, groups and/or organisations engaged in political or cultural conflict on the basis of a shared collective identity (Diani, 2000, p. 165); the controversial status of Falun Gong successfully brings about such interaction. For instance, religious groups (mainly Catholics and Protestants), human rights groups, lawyers, some legislators and others are coming together to defend religious liberty. Although we may not be able to assess right now to what extent such a kind of social networking may promote social change either at the systemic or non-systemic level, it is clear that the issue of Falun Gong is helping to consolidate the development of a social movement. I shall come back to this point in due course.

The Implementation of Article 23 (National Security)

Article 23 of the Basic Law states

The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies.

The government issued a 'Proposal to Implement Article 23 of the Basic Law' on 24 September 2002, and after consulting with the public, on 13 February 2003 published a National Security (Legislative Provision) Bill for the scrutiny of the Legislative Council.¹¹ The government planned that the process of legislation would be completed by July 2003.

The implementation of Article 23 generated a great debate in Hong Kong, because the people of Hong Kong were not satisfied with its content or with the consultation procedure. The Social Cohesion Panel of the Government's Central Policy Unit openly pointed out that the implementation of Article 23 threatened to produce rifts in Hong Kong society and to alienate people from the government (SCMP, 21 December 2002). Professor Kuan Hsinchi, chairperson of the Social Cohesion Panel, urged the government to provide detailed answers to the public before the legislative process began, but this plea appeared to have fallen on deaf ears (SCMP, 21 December 2002 and 17 January 2003). The low degree of social cohesion in Hong Kong is not caused simply by the implementation of Article 23, however. The lack of democracy in Hong Kong has discouraged people from taking part in social and political affairs, and has led to a sense of detachment.¹² In these circumstances, why was the Hong Kong government still taking

the risk of implementing Article 23? It may have felt that it was right to do so; or it may have been requested to do so. Whatever the reason, the implementation of Article 23 has been challenging the core of the principle of 'one country, two systems', that is, whether the freedom of Hong Kong can be maintained. I shall now highlight some of the challenges generated by Article 23 before going on to discuss the role of Bishop Zen.

Although the people of Hong Kong are aware that Hong Kong follows the principle of 'one country, two systems', their lives have in fact seen no significant change since 1997. The proposal to implement Article 23, however, alerted people widely. They became aware that 'one country' was no longer a matter of words, but that it would soon be having a concrete effect on the lives of ordinary people in Hong Kong. On 15 December 2002 Hong Kong witnessed its largest public protest against the government since June 1989. It numbered about 60,000 people, from a wide spectrum of society. Although the government has repeatedly claimed that the 'Article 23 proposal satisfies the requirements of the International Covenant on Civil and Political Rights and will not affect Hong Kong residents' existing civil liberties and lifestyle',¹³ the process of consultation itself has not convinced the people that the government takes their interests seriously. Despite opposition from all sides, the government firmly refused to publish a 'white paper' before the submission of the 'blue paper' for legislation.¹⁴ In my view it was not the national security bill itself that was causing anger among the people, but the dictatorial absence of consultation. Given its current economic difficulties, what Hong Kong needs is social cohesion, but the Article 23 legislation was dividing the community. The government probably underestimated what the level of popular response would be. In a sign of frustration, an editorial in the *South China Morning Post* asked Tung Chewah to 'step down and sit back' (SCMP, 28 February 2003).

National security is a concept which is fairly new to the experience of the people of Hong Kong. The government endeavoured to explain that during the colonial period a certain concept of national security already existed in the ordinances of that time and that what the government was now proposing was simply to consolidate and amend these ordinances in order to respond to the new circumstances and to fulfil the requirements of Article 23; but still this did not ease the people's fears about the implementation of Article 23. The counter-argument was that the issue was not whether the introduction of national security was a novel move or not, but that what the government was in fact doing was to sharpen what had hitherto been a blunt instrument. The fear expressed by the people was not irrational, but rather revealed that they had no confidence in either the central or the Hong Kong government.

The national security bill proposed that the government be able to refuse or cancel the registration of a local body subordinated to an organisation on the China mainland which was prohibited on grounds of national security. Although the bill attempted to define the meaning of subordination precisely,¹⁵ this did not ease people's fears. The use of the very term 'national security' was particularly objectionable because the concept has frequently been used on the China mainland to criminalise the peaceful exercise of the rights of expression and to persecute those with legitimate demands in the realms of democracy and human rights. Audrey Eu, a barrister and a current member of the Legislative Council, has in fact raised the question as to whether the government was legislating to persecute democratic and religious groups (Eu, 2003). Thus, the fears of the Roman Catholic Church, Falun Gong and other political groups in Hong Kong seemed to be not without foundation. The concern here is not whether the country should be protected, but whether the difference between the China mainland and Hong Kong as far as the understanding of law is concerned is to be respected.

In contrast to the situation on the China mainland, freedom of speech and freedom of the press are part of the lifestyle of the people of Hong Kong. Under this bill, criticism of the central government might become an offence (sedition), because the bill did not take account of the intentions of the critic. The bill stated that those pointing out errors or defects in the government, constitution, laws or administration of justice in the People's Republic of China or Hong Kong with a view to the remedying of such errors or defects were not guilty of incitement; but the difficulty is that it is hard to judge the intentions of those doing so. The history of the China mainland in fact reveals that good intentions can be interpreted as bad intentions. The offence of sedition should therefore be defined more narrowly in such a bill by the introduction of an intent requirement, a requirement that the person accused actually intends that her or his words or actions should incite defiance or violence against the government, with the purpose of disturbing constitutional authority. Such a suggestion had been proposed, but the government did not show any sign of willingness to include it in its proposed national security bill.

I would like to point out that the concept 'one country, two systems' conceals some confusion. Does the word 'country' mean 'nation' or 'state'? If 'one country' means 'one nation', I do not see that there need be any conflict between 'one country' and 'two systems'. If, however, it means 'one state', then the conflict between 'one country' and 'two systems' is likely to be considerable. The position of the central government is obviously that 'country' means 'state'. Article 105 of the Criminal Law of China criminalises 'organizing, scheming or acting to subvert the political power of the state and overthrow the socialist system'. This is why the people of Hong Kong are not comfortable with the implementation of Article 23; the more so when secretary for security Regina Ip, for example, says that 'The Chinese Communist Party came to power by the will of heaven and the demands of the masses. It was a triumph of the righteous over the wicked.'¹⁶

Faced with what they saw as an unjust law and the 'ineffectiveness' of the Legislative Council,¹⁷ various human rights' groups and Bishop Zen called for a protest on 1 July 2003. Unexpectedly, more than a half million people turned out. At the beginning, the government ignored the demands of the protest and even commented that the people were being misled. However, when the Liberal Party, which had previously supported the legislation, suddenly withdrew its support on 7 July the government had no choice but to adjourn the legislation process.¹⁸ On 5 September the government finally withdrew the bill. This experience has awoken people to the fact that they can change government policy. The central government in Beijing has remained surprisingly calm. Apart from criticising Bishop Zen, it is showing an understanding attitude towards the people of Hong Kong, and has repeated that it is the task of the Hong Kong government to legislate on national security and that the central government has no say in the timetable. No doubt the half million demonstrators in Hong Kong in July gave the central government pause; but the change of leadership in Beijing has also played a significant role: the government of Hu Jintao seems to be more moderate and open than that of Jiang Zemin. Whether the central government will continue to give a freer hand to the people of Hong Kong is a question for political commentators to explore. I now want to turn to role played thus far by Bishop Zen in the political movement in Hong Kong.

The Conscience of Hong Kong

Bishop Zen was voted 'Person of the Year 2002' by *Pingguo Ri Pao* (Hong Kong's most popular Chinese language newspaper) and *South China Morning Post*. He is the symbolic voice of the people, and has been named 'the new conscience of Hong Kong' (FEER,

2003). According to Michael Davis, who teaches law and human rights at the Chinese University of Hong Kong, 'Bishop Zen has shown a willingness, that is rather rare for leaders of institutions in Hong Kong, to stand up for democracy and has demonstrated at every turn his commitment to human rights and democracy' (SCMP, 18 June 2003). No matter what one thinks about Bishop Zen, no one would deny that he has played an important role in the campaign over the controversial national security laws.

Zen Zekiun became bishop after the death of Cardinal John Baptist Wu in September 2002. Unlike his predecessor, Bishop Zen is outspoken, especially on the issues of democracy and human rights. He also matches his words with deeds. Before the issue of the implementation of Article 23, and before his installation, Bishop Zen had already taken a critical stand against some of the actions of the government. For instance, he wrote to Hong Kong's 300 Catholic schools asking them to take in children who were denied state schooling when their parents became entangled in legal battles for residency.¹⁹ The implementation of Article 23 brought him into a direct clash with the government. At a forum on 15 November 2002 hosted by 15 Christian groups and attended by Regina Ip, Bishop Zen commented that 'the government is sowing mistrust between Hong Kong and the central government. The government is guilty of secession; it has split the hearts of Chinese people and produced a climate of fear ... This should be treated as the eighth crime of Article 23' (Shuizai, 2003). On another occasion he said:

We are members of society, we care for the weak people in society ... sometimes there is suffering caused by institutionalized injustice. That is why we have to speak out whenever unjust structures are being made ... We are concerned because in China by their own admission they are slowly improving the rule of law. (Bishop, 2003)

Bishop Zen's outspokenness on democracy and social justice issues cannot be matched by other religious leaders.

Bishop Zen is an irritant to the Hong Kong government, but it has not taken any measures against him, and this is an assurance that there is freedom in Hong Kong. Nevertheless, Gao Siren, the director of the Beijing Liaison Office, commented that Bishop Zen should follow Cardinal Wu's example as 'a pragmatic and straightforward man'. In an obvious retort, Bishop Zen said that Mr Gao should likewise follow the 'low-profile' style of the office's former head, Jiang Enzhu (Hong Kong, 2002). On another occasion, Bishop Fu Tieshan, head of Beijing Catholic Diocese, was asked whether Bishop Zen was too outspoken. He said:

Clerics should have a patriotic spirit, they should have the spirit to protect national dignity. We hope our church in Hong Kong would love the country, love Hong Kong and love the church. It was necessary to enact the proposed anti-subversion laws, aimed at banning acts of treason, sedition and subversion, in order to protect national security. (SCMP, 8 March 2003)

Bishop Zen was swift to respond, saying that he was amazed that Bishop Fu had intervened in the internal affairs of the church of Hong Kong, where autonomy was guaranteed under the Basic Law.

Bishop Zen's courage in standing firm has won him wide popularity, which reflects the fact that people are increasingly disillusioned with political parties and elected politicians and are looking to other sectors for leadership (Lau, 2000). Especially on the issue of Article 23 the legal profession and the church have been playing a significant role. The legal profession has been providing expertise to enable the public to understand the national security bill, while the church has been providing a moral vision as the basis for

a demand for a more democratic and just social structure. Law Yukkai, Director of Human Rights Monitor (a human rights organisation based in Hong Kong), said that ‘the bishop’s support was significant as he spoke from a position of high moral authority and without any vested interest’ (SCMP, 18 June 2003). In fact, the wider Christian community is playing a very visible role in the discussion of Article 23.²⁰ Their involvement not only allows the engagement of religious arguments but also provides an opportunity for citizens to participate in the political process through their particular voluntary communities – including churches and religious institutions. All this confirms the fact that religions have a role to play in a democratic process.

Some argue, however, against the involvement of religions in the affairs of society because they are very concerned to maintain the private-public distinction and the autonomy of public life. Their concern is to avoid conflict among citizens caused by religious doctrines in political justification, and to prevent political power from imposing the religious views of any particular group upon the wider society. John Rawls, for instance, appeals to the ideal of ‘public reason’ to restrain the introduction of religious doctrines into public political culture. Rawls considers that ‘in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support’ (Rawls, 1997, p. 776). In a similar way, Robert Audi’s proposal to exercise constraint on the use of religious arguments in law and public policy advocacy, on the basis of the principles of adequate ‘secular rationale’ and ‘secular motivation’, also aims to avoid possible strife arising from plurality among religions (Audi and Wolterstorff, 1997). Their concern is obviously to protect the pluralistic nature of society; but this concern is not relevant to the situation in Hong Kong. Hong Kong is undergoing a process of politicisation, and in this context the articulation of a religious voice becomes a test case to find out how far the government can tolerate and accept an alternative view. In other words, the pluralistic nature of society on the China mainland and in Hong Kong can be assessed by whether religions are allowed to participate in society. In fact, Bishop Zen never imposes his Christian beliefs on the public, but rather addresses himself to the conscience of the people. He has argued that if a law is capable of serving human rights, it is a good law, because such a law will protect the people; but if a law is going to serve political aims, as Article 23 was apparently going to do, it will be a bad law, because it will not protect the people.

What has led to the fact that the Roman Catholic Church in Hong Kong is playing such a provocative role? One significant church organisation in this context has been the Catholic Justice and Peace Commission. This commission implements the social teachings of the Roman Catholic Church, and is involved in advocacy on a number of social issues. Its most recent notable area of involvement is in support of those who are fighting for the right of abode.²¹ Unlike the Roman Catholic Church, many of the Protestant churches are still wrestling with some basic concepts concerning the relationship between church and state; but the Catholic Church itself is already used to playing a provocative role in this context. Another significant factor is that the implementation of Article 23 might endanger the status of the Roman Catholic Church itself. Bishop Zen expresses the worry that if the unofficial Catholic Church on the China mainland were to be banned on grounds of national security, the Roman Catholic Church in Hong Kong might also be banned, because they are part of the same church. There seem to be some grounds for this fear. In September 2000, before the issue of Article 23 arose, Chinese government officials in Hong Kong relayed to the Hong Kong Diocese of the Roman Catholic Church a message from Beijing that the celebration of the canonisation of 120 Chinese and foreign saints should be held in a low-key manner. Bishop Zen criticised this intervention as a breach of religious freedom, although he admitted that the Vatican made a terrible mistake in

announcing the canonisation of a number of Chinese martyrs on 1 October 2000, China's national day. A third consideration is the fact that the political and social environment has changed greatly in Hong Kong since 1997. The government has failed to defend the rights of the people of Hong Kong (notably in the Falun Gong issue) and its treatment of the weaker members of society is perceived to be increasingly unjust (the government is strongly criticised for being too favourable to business interests). In this context the church has an important role to play in society. Christian groups and organisations are in fact more actively involved in dealing with social issues than they were before 1997. Finally, Bishop Zen's appointment can be seen as a change of strategy by the Vatican. The strategy of 'appeasement' adopted by Bishop Zen's predecessor, Cardinal Wu, proved not very successful in resolving the differences between China and the Vatican.²² The bishops in mainland China who remain loyal to the Vatican are still severely punished by the government if their allegiance is discovered. Bishop Zen has assessed himself as an 'outspoken' personality,²³ but it is likely that he is now receiving official encouragement to take a firm stand. He has recently been quoted as saying that 'the head of the Congregation for Evangelisation of Peoples in the Vatican was Cardinal Jozef Tomko from the Czech Republic. He knows the communists very well, so he was a tough guy. Tomko came to learn that I am a hardliner, so he trusts me. I understood my job is to be tough' (Financial, 2003).

Does Bishop Zen's outspokenness meet opposition? The answer is yes; and it comes both from inside and from outside the Catholic Church. A passage from an open letter from a Catholic to Bishop Zen published in *Wen Wei Po* (a pro-Chinese government newspaper) reads as follows:

For many years, the Vatican has constantly thought of ways of improving relations with the authorities in China. What the Vatican constantly has in mind are its almost 40 million devoutly believing followers. Today, Hong Kong has returned to China. The Hong Kong Catholic diocese occupies an advantageous position. It can use this position to improve relations with the mainland, and to assist the Vatican and the mainland in establishing even better communications, thereby making a great contribution to the almost 40 million fellow church members on the mainland. Have you considered this at all? Mr Zen! I don't dare to harbour extravagant wishes that this letter will make you change your original intentions. However, I will pray to God, and I believe God will hear my prayer, so that I one day can once again respectfully address you as 'Bishop Zen'. (Wen Wei Po, 2003)

On one occasion, Leung Fuwah, a member of the Legislative Council, claimed that Bishop Zen was suffering from Alzheimer's Disease and that he was a 'pathological saint'. (SCMP, 13 December 2002). On another occasion a commentary published in the English-language *China Daily* newspaper slammed Bishop Zen for dipping 'a finger in every pie' in recent political controversies, including the right-of-abode saga and the Article 23 controversy, and accused him of stirring up anti-government sentiments.

Manoeuvring between the government and different political groups, he has actually eclipsed all other trouble-making politicians.

All these facts have proven that a minority of the members of the Catholic Church's top echelon are wantonly imposing their political views on their members and, in their clerical capacities, encouraging them to participate in political activities.

Their actions are extremely irresponsible and they are turning the Catholic Church in Hong Kong into something like a political organisation like the Democratic Party and the April Fifth Action Group. They are eager to put up political shows, coming to the forefront of the political stage and confusing their role as clergymen with that of politicians. (*China Daily*, 2003)

Despite criticism, Bishop Zen has never expressed regret for what he is doing. He admits that the church's relationship with the government has deteriorated, but he considers that disagreement and clashes cannot be avoided. He insists that he will not cease speaking his mind in public. However, he also says that 'We have always been open to dialogue. I would accept starting talks anytime – and it doesn't matter if they have to end in shouting matches. But this is not up to us.' (SCMP, 22 September 2003) The outlook for the relationship between the Vatican and the Chinese government in the future is not optimistic, but Bishop Zen confirms that the church will not sacrifice the benefits it enjoys in Hong Kong in return its own safety.

Before closing this section, I should say a few words about the Chinese religions in Hong Kong. Buddhists and Daoists seldom take a critical stand against the government. In my view this is connected with the nature of Chinese religions. According to Yang, Chinese religions function as part of the traditional moral order in that society. In the context of the dominance of the Confucian ethical system in the traditional Chinese moral order, 'the chief moral role of religion lies not in its being a premise of ethical values, but in its assistance in the enforcement of the secular moral standards' (Yang, 1961, p. 286). Yang points out that the two major institutional religions in China, Buddhism and Daoism, have not developed, and are not developing, a comprehensive and systematic ethical system which would be effective in secular moral life. In other words, they do not 'occupy the status of a dominant, independent moral institution' (Yang, p. 278). Objectively, they supply a sanction for Confucian values, as a means of both encouragement and deterrence which strengthens the ethical-political order. Confucianism is not a dominant ideology in Hong Kong, but this does not change the fundamental nature of Chinese religions as being relatively uncritical of the political order in Hong Kong as elsewhere.

The Search for Equilibrium in Tension

Before 1997 there was no real problem of tension between religions and the colonial Hong Kong government because the government successfully absorbed the support of religions and created a partnership or contractual relationship with them. And of course at that time Hong Kong was not influenced by 'one country, two systems'; since 1997, this new situation has changed the relationship between religions and the government. The central government desires to exert political control over Hong Kong, including the religious field. It is afraid that Hong Kong could easily turn out to be a revolutionary base: in its view, for instance, the Alliance in Support of the Patriotic and Democratic Movement in China (*Xianggang shimin zhiyuan ai guo minzhu yundong liange gui*) (ASPDM) formed in Hong Kong after the Tiananmen incident may become a subversive organisation affecting political stability on the mainland.²⁴ The activities of Falun Gong in Hong Kong are similar in nature to those of the ASPDM. The tension in Hong Kong is not the result of the actions of the central government alone, however. The people of Hong Kong are also contributing to it. They are coming to the realisation that they have to protect the 'two systems' themselves instead of putting reliance on the Hong Kong government, because the latter is seen more as an agent of the central government than as a representative of

the people of Hong Kong. The debate over the implementation of Article 23 is an obvious illustration of this fact.

The discussions of Falun Gong and the role of Bishop Zen highlight one important social trend in Hong Kong: that is, the emergence of a wider social networking. The issue of Falun Gong in Hong Kong not only demonstrates the concern of its members about their freedom, it has also become a focus of attention for the public. The action taken by the Hong Kong government against Falun Gong is not successful in dissuading the public from supporting the religious liberty of Falun Gong; on the contrary, it is prompting the public to come together in solidarity with Falun Gong. This is a development that the government did not expect. Bishop Zen provides another, slightly different, example. He deliberately chooses to take the side of the people of Hong Kong, and has thus become a public symbol of the protection of human rights and 'two systems'. These two cases reveal that concern for religious liberty and a honest and outspoken religious leader can consolidate the people of Hong Kong from all parts of the social spectrum, and this promotes the expansion of social networking which is important for the formation of a civil society. Certainly, a civil society should not be characterised solely by its opposition to the government; but under 'one country, two systems', this feature becomes significant.

The exiled social activist Han Dongfang has stated that he never believed in 'one country, two systems', because of his personal experience with the Chinese government.²⁵ He considers that ultimately the 'one country' will take over the 'two systems', and therefore suggests that our concern should be to think about how to push China towards greater democracy, a situation which would benefit Hong Kong in return. Whether or not we agree with Han, it is surely laudable that the people of Hong Kong are in fact attempting to protect the 'two systems' element of 'one country, two systems'. This principle of toleration of difference is important not only for the sake of the people of Hong Kong, but also for China itself. Larry Diamond remarks that 'the potential diffusion effects emanating from democratization or rising democratic pressure in Hong Kong should not be underestimated' (Diamond, 1999, p. 266). He may be exaggerating the political impact of Hong Kong on China, but it is unbelievable that that concept of 'two systems' has no impact on the central government. At the very least, the Chinese government is always emphasising publicly the policy of full implementation of 'one country, two systems'.

Tension between the central government and Hong Kong is unavoidable, but it is not unhealthy, because it is of the nature of 'one country, two systems'. However, tension is not the last word in the relationship between the two, because it will bring no benefit to either side. What is needed is to search for equilibrium in tension, or, more precisely, to work for the emergence of equilibrium out of the process of tension. The importance of tension is as a reminder that there is a difference between the China mainland and Hong Kong. In this context 'equilibrium' will be based on an understanding that this difference relates to the 'two systems', but that 'one country' means 'one nation', and that the concept 'country' is not therefore to be identified with the concept 'state'. The important point is that the nation will continue to exist even if the government changes.

Notes

- ¹ The full text of the Basic Law can be found at www.info.gov.hk/basic_law/fulltext/index.htm (checked 12 September 2003).
- ² See Financial, 2002. It should be noted that Christmas (25–26 December) and Good Friday and Easter were public holidays in Hong Kong both before and after 1997.

- ³ For example, about 40 per cent of the schools, 60 per cent of the social service programmes and 20 per cent of the hospital beds in Hong Kong are managed by Christian churches.
- ⁴ Such groups include the Roman Catholic Justice and Peace Commission, the Federation of Catholic Students, the Hong Kong Christian Institute and the Christian Industrial Committee.
- ⁵ Followers of Falun Gong included, for example, Yu Changxin, a retired air force general sentenced to 17 years' imprisonment for his role as the key organiser of the 25 April 1999 demonstration, and Xu Changxin, former assistant director of the Hebei provincial personnel department, sentenced to four years' imprisonment for leaking internal documents about the decision to ban Falun Gong. See *Hong Kong Standard* (Hong Kong), 5 and 15 January 2000.
- ⁶ For instance, the implementation of the law on national security in Macau has not met any obvious opposition, because Macau has had stronger historical links with China than Hong Kong has.
- ⁷ There are two drafts of the Basic Law. The second draft of Article 23 (February 1989) reads as follows: 'The Hong Kong SAR shall enact laws on its own to prohibit any act of treason, secession, sedition or theft of state secrets.' After the Tiananmen incident it was revised to read: 'The Hong Kong SAR shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign organizations or bodies.'
- ⁸ To be fair to the central government, it has never openly requested the Hong Kong government to ban Falun Gong in Hong Kong. However, the official newspaper and officers of the Chinese government do openly request the Hong Kong government to do so.
- ⁹ The French government passed its anti-cult law on 20 May 2001. The full text can be found at www.cesnur.org/2001/fr_law_en.htm (checked 13 February 2003).
- ¹⁰ The Basic Law states that the chief executive shall be elected by a broadly representative Election Committee in accordance with this law and appointed by the Central People's Government. The Election Committee shall be composed of 800 members from the following sectors: 200 from the industrial, commercial and financial sectors; 200 from the professions; 200 from labour, social services, religious and other sectors; 200 from members of the Legislative Council, representatives of district-based organisations, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference. However, fewer than 100 members are elected by the people of Hong Kong.
- ¹¹ The full text of the bill can be found at www.info.gov.hk/sb (checked 20 February 2003).
- ¹² For instance, the Basic Law limits to 50 per cent the number of seats in the legislature that can be filled by direct elections. The number of seats may be reviewed by 2007.
- ¹³ This is a quotation from Regina Ip responding to a US State Department statement which noted 'serious concerns' in Hong Kong. See www.article23.org.hk/english/quotes/ip.htm (checked 12 March 2003).
- ¹⁴ A 'blue paper' is prepared for the process of legislation, but the public does not have any chance to discuss it. A 'white paper' is published for public consultation. The demand for a 'white paper' in connection with Article 23 arose because the Proposal to Implement Article 23 of the Basic Law did not state precisely what the law would contain.
- ¹⁵ A local organisation is subordinate to a mainland organisation if (i) the former solicits or accepts for its operation substantial financial contributions, substantial financial sponsorship or substantial financial support of any kind or loans of a substantial amount, directly or indirectly from the latter; (ii) the former is under the direction or control, directly or indirectly, of the latter; or (iii) the policies of the former or any of such policies are determined, directly or indirectly, by the latter.
- ¹⁶ See www.article23.org.hk/english/quotes/ip.htm (checked 12 March 2003). Regina Ip, secretary for security, is responsible for putting the bill through legislation and explaining it to the public.
- ¹⁷ According to the Basic Law, any amendment to the proposed bill ('blue paper') has to obtain a simple majority of two constituencies of the members of the Legislative Council, that is, the

functional and geographical. (The functional constituency represents professional bodies, while the geographical constituency consists of people returned by local elections.) This is a provision which makes it likely that no proposed amendment will in fact be made. See Appendix 2 of the Basic Law.

- ¹⁸ There is no governing party in Hong Kong. Hong Kong is under the rule of the chief executive. However, government policy has to be passed by the Legislative Council; the government controls the majority of the Legislative Council, and the Liberal Party is one of its supporters.
- ¹⁹ In June 1999, in order to stop a large influx of immigrants coming into Hong Kong, and rejecting the verdict of the Court of Appeal, the Hong Kong government asked the central government to reinterpret the Basic Law. As a result, those who previously had the right of abode in Hong Kong were refused it. However, some of them and their children were already in Hong Kong. They appealed to the Court again. During the time of waiting, the government refused to provide education to these children because their residency had not yet been confirmed.
- ²⁰ For instance, on 15 December 2002 some 2000–3000 Christians and on 1 July 2003 some 10,000 Christians had a time of prayer and meditation together before joining the protest against the government.
- ²¹ See Note 18; also Wong, 2001, pp. 9–14.
- ²² Cardinal Wu said that his church was committed to dialogue, reconciliation and the future development of Hong Kong. Admitting disagreements with the official church in China, he declared that the territory's Catholic Church had a 'historic mission' to resolve the differences and to achieve reunion with China's Catholics. See Wu, 1989, sec. III, pp. 2–4; sec. VII, pp. 10–11.
- ²³ 'From a young age, I have been outspoken. I think it is good,' he said in an interview. 'Maybe I need to pay attention to my character and need to tone down a bit, but it does not mean I have to stop talking to give people a good impression.' See SCMP, 4 March 2003.
- ²⁴ It holds a Tiananmen Incident memorial service every year, and requests democratisation in China.
- ²⁵ Han Dongfang was born in China, where he became a social activist. He was refused reentry to China in August 1993 after a visit overseas. He stayed in Hong Kong where the colonial government granted him residency. He founded the newspaper *Zhongguo laogong tongxin* (*News on Workers in China*) in Hong Kong.

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