

## *Xie Jiao* as “Criminal Religious Movements”: A New Look at Cult Controversies in China and Around the World

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**ABSTRACT:** Chinese Criminal Code punishes those active in a *xie jiao* with imprisonment from three to seven years. *Xie jiao* is translated in the English versions of Chinese official documents as “evil cults,” but the translation is inaccurate. As “heterodox teachings,” *xie jiao* have been banned in China since the Ming era, and the Communist regime inherited the practice of publishing lists of *xie jiao* from imperial and republican China. Historically, teachings were often declared “heterodox” for political rather than purely theological reasons, and today the definitions of *xie jiao* in Chinese documents and case law are vague at best. The paper argues that taking inspiration on Western categories such as “heresy” and “cult” would not help the Chinese in defining *xie jiao* in more precise terms, since these Western terms were also historically fluid and easily used as tools for discriminating unpopular groups. In recent years, the Chinese authorities did invite to their anti-*xie-jiao* events, in addition or as an alternative to militant anti-cultists, Western scholars of new religious movements, including the author of this paper. I tried to introduce a new category, “criminal religious movements,” including groups that either (or both) consistently practice and justify common crimes such as terrorism, child abuse, rape, physical violence, homicide, and serious economic crimes, as opposite to the vague or imaginary crimes of “being a cult” or “brainwashing members.” The paper argues that there would be definite advantages in replacing categories such as *xie jiao*, “destructive cults,” and “extremist religions” (the latter now fashionable in Russia) with “criminal religious movements,” a notion that would refer to ascertained crimes perpetrated by each movement rather than to notions so vague that they become dangerous for religious liberty.

**KEYWORDS:** *Xie Jiao*, Cults, Brainwashing, New Religious Movements, Anti-cult Movements, Cults in China, Criminal Religious Movements.

### *Introduction*

In 2017, a group of American and European scholars of new religious movements, including Eileen Barker, James T. Richardson, J. Gordon Melton,

Holly Folk, and the undersigned, met twice, in Zhengzhou and Hong Kong respectively, with leaders of the Chinese Anti-*xie-jiao* Association, which is directly connected with the Chinese Communist Party (CCP), Chinese police officers, scholars, and pastors of the pro-governmental Three Self [Protestant] Churches. We had been invited by the Chinese Anti-*xie-jiao* Association to discuss the notion of *xie jiao* and its application to a new religious movement that is the source of concern for the Beijing regime, The Church of Almighty God.

I will not discuss The Church of Almighty God (on which see Dunn 2015; Introvigne 2017c) here, although I should note that, by examining documents published by Chinese official sources, both I and Holly Folk came to the conclusion that the main accusations against them were false (Introvigne 2017a; Folk 2017). Rather, I will focus on the notion of *xie jiao* and how this quintessentially Chinese category may help rethink some old controversial questions about “cults.” Both Chinese laws, CCP resolutions, and decisions by the People’s Supreme Court mention the need to combat the *xie jiao*, but definitions are either lacking or unclear (Chen 2017). The most recent attempt to date resulted in Rule 1 of the *Interpretations on the Issues Concerning the Application of Laws in Criminal Cases Relating to Organizing and Utilizing Evil Organizations to Destroy Law Enforcement*, issued on January 25, 2017, by the People’s Supreme Court and the Office of the People’s Supreme Attorney, interpreting Article 300 of the Criminal Code, which mentions *xie jiao*. These were defined as “illegal organizations, which, through fraudulent use of religion, *qi gong*, or any other name, by deifying and promoting their ringleaders, or by fabricating and spreading superstitious fallacies and other means to confuse and deceive others (...), control group members and harm society” (The Supreme People’s Procuratorate of the People’s Republic of China 2017; see Chen 2017, 7–8). Each term should be in turn defined: which use of religion is “fraudulent”? Which religious doctrines are “superstitious fallacies”?—and so on.

The Chinese Anti-*Xie-jiao* Association co-operated at first with American and European anti-cult organizations and individuals, and this co-operation in fact has not ended (Chen 2017; Xu 2017). However, thanks to the pioneer efforts towards a dialogue by J. Gordon Melton, at least some of its leaders gradually came to realize that the notion of “cult” they had tried to borrow from American and European anti-cultists was widely criticized by the Western academia, and

adopting it as a definition of *xie jiao* would not defuse the international criticism of what many see as the Chinese repression of religious liberty.

This, and the fact that scholars who do not share the anti-cult approach were invited to China, does not mean that Chinese authorities are ready to introduce a new definition of *xie jiao*, and a new translation replacing “evil cults,” which translates *xie jiao* in some official English translation of Chinese documents, only that they are open to discussion. In fact, the debate is century-old. The term *xie jiao* was introduced in China to designate “unorthodox teachings” in the Ming era, centuries before controversies about “cults” erupted in the West (ter Haar 1992; Goossaert and Palmer 2011, 27–29). According to Goossaert and Palmer, the Emperor “decided on the basis of his own judgement” (Goossaert and Palmer 2011, 27) which religions and movements should be banned as *xie jiao*. The judgement was often political: Christianity as a whole was added to the list of the banned religions in 1725 and severely persecuted, until in 1842 “British guns forced a radical policy change” (Goossaert and Palmer 2011, 31). On the other hand, “it would be very misleading to reduce the whole of the imperial state’s policies to security concerns, as quite often decisions on recognizing or banning certain cults, specialists, or rituals hinged on purely moral-theological reasons” (Goossaert and Palmer 2011, 33). Palmer has also demonstrated how *xie jiao* acquired different meanings through the imperial, nationalist, and Communist periods, in connection with different political circumstances (Palmer 2012).

This long history is reflected in different approaches to the *xie jiao* question within the CCP itself. Pastors of the Three Self Church, the government-approved united Protestant Church, who are often members of the CCP, are supported by a venerable tradition when they insist that *xie jiao* should be defined as heretical groups that deny the basic truths of traditional religions. Marxism notwithstanding, they believe they can persuade the CCP that the only antidote to bad religion is good religion. This notion presupposes that it is possible to define “bad religion.” Since Christian or post-Christian groups such as The Church of Almighty God are now prominent in the Chinese *xie jiao* discourse, the proposed standard is the Protestant interpretation of the Bible. “Unbiblical” groups are *xie jiao*. Pastors are less competent when it comes to criticize non-Christian groups such as Falun Gong, but they may claim, analogically, that they represent heretical distortions of the Three Teachings (Buddhism, Confucianism, and Taoism).

However, being classified as a *xie jiao* does not mean only that a movement is criticized in the Sunday sermons of the state-approved churches. Being active in a *xie jiao* is actually a crime punished with severe jail penalties (Chen 2017, 7–8). It is somewhat paradoxical that an officially irreligious state may seriously consider deciding which religious groups should be repressed based on criteria such as the nature of Jesus Christ and the traditional doctrine of the Trinity. Yet, there are those in the CCP who believe that, while religion would eventually disappear in a distant future, for the time being the best way of eradicating *xie jiao* is to promote pro-governmental Christianity in the shape of the Three Self Church, and rely on the propaganda of their pastors (see Palmer 2012).

A second approach, which is represented by several Chinese academics who specialize in the study and criticism of *xie jiao*, maintains that “cults” are a universal problem, not a Chinese one only. Some academics were busy promoting translations of standard American and European anti-cult works, and even invited deprogrammers to China (Chen 2017; Wu 2017). They eventually realized, however, that this approach had the disadvantage to create extremely long lists of *xie jiao*, while the CCP and the police would prefer to concentrate their resources on the few they regard as dangerous for China’s social stability. Hence, the further translation of *xie jiao* as “destructive cults,” a term also used by Western anti-cultists, or (more commonly) as “evil cults,” with the implication that not all “cults” are really “destructive” or “evil.”

Some Chinese academics imported from Western anti-cultism the notion of brainwashing as the distinctive character of “destructive cults.” This was another paradox, since the very word “brainwashing” was originally coined by the American intelligence during the Cold War to support anti-Chinese propaganda. Brainwashing was something the evil Chinese Communists did (Anthony 1996). Chinese courts, including the People’s Supreme Court, stayed away from brainwashing controversies and, as mentioned earlier, described *xie jiao* as groups spreading “superstition,” which is defined as something opposed to both science and socialism, and different from genuine religion. In fact, *xie jiao* are also defined as “pseudo-religious” movements (Chen 2017).

Only recently, and in connection with the dialogue in which we participated, we heard some CCP representatives—particularly from the police side—consider favorably a behavioristic definition of *xie jiao* as religious groups committing crimes punished by laws of general application, i.e. not crimes such

as “spreading heterodox (or superstitious) beliefs” or “brainwashing,” but rape, homicide, child abuse, and other forms of violence. What these “general” crimes identifying a *xie jiao* are, however, remained a matter of serious disagreement with the Western scholars invited to China. For instance, Chinese law has a very extensive notion of “conspiring to overthrow the government,” which sometimes seems to include any public criticism of the regime or the CCP.

I believe that one mistake Western scholars of new religious movements willing to engage in a dialogue with Chinese anti-*xie-jiao* activists should not commit is to adopt an Orientalist approach, and regard the secular repression of *xie jiao* as a unique Chinese phenomenon, from which the West was happily immune. In fact, what Chinese call *xie jiao* have been constantly repressed in the West too, only under different names (see e.g. Wright 1995; Wright and Richardson 2011; Wright and Palmer 2016). Rather than lecturing the Chinese about an imaginary superiority of the Western history of religious liberty, scholars of new religious movements might actually *learn* from the Chinese debate on *xie jiao*, and perhaps see their own old controversies on “cults” from a new perspective.

### *The West’s Own Xie Jiao: From Heresy to Subversion*

Imperial China repressed religious organizations regarded as heterodox by the prevailing official interpretation of the Three Teachings, i.e. Confucianism, Taoism, and Buddhism, which varied in time. The imperial power was also the guardian of religious orthodoxy, and spreading heterodox teachings was regarded as a direct threat to the state. It is within this context that the very expression *xie jiao* emerged (ter Haar 1992).

The same situation prevailed in pre-modern Europe. It was taken for granted that Church and state should co-operate to repress heresy, and to persecute it in the harshest possible way. Even such a rational man, and moderate theologian, as Thomas Aquinas (1225–1274) argued that, if the state executes those who spread false money, it should also execute the heretics, who spread false doctrines that are even more dangerous (Aquinas 2000, *Summa theologiae*, Secunda secundae, quaestio 11, art. 3). After the Reformation, Protestant states, starting

with Geneva under John Calvin (1509–1564), changed the definition of heresy but continued to execute heretics (Bainton 1953).

The French Revolution eliminated the last vestiges of the Inquisition and triumphantly proclaimed that the time of religious liberty had come, if at the expenses of killing several thousand priests during the Great Terror (Shusterman 2014). However, when the dust of the Revolution settled, it became clear that states were still punishing heterodoxy, although based on different grounds. Here, we should start examining a linguistic problem, because what really happened in the following centuries may be easily lost in translation. The literal translation of the English “cult” in French is “culte” (and parallel words in Spanish, Italian, Portuguese, and German). Conversely, the literal translation of the French “secte” is “sect.” However, during the course of the 19<sup>th</sup> and the 20<sup>th</sup> centuries, these translations became increasingly misleading. In fact, the words for indicating a “bad” religious group gradually differentiated. They became “cult” in English, and “secte” in French, with its equivalents in the other Latin languages, and in German. Conversely, “culte” doesn’t have a negative meaning in French, and the Italian “culto” mostly designates the majority Catholic Church in legal language, while “sect” in English carries much less negative baggage than “cult.” Accordingly, within the context of the discourse about new religious movements and related controversies, “cult” should be translated into French as “secte,” not as “culte,” and the same in the other Latin languages, and in German. Conversely, the French “secte” and its equivalents should be translated into English as “cult.” The “anti-sectes” movement in French-speaking countries is what is called “anti-cult” movement in English.

In the early 19<sup>th</sup> century, we find the words “cult” and “secte” used in official documents to warn against the evil activities of Freemasonry. Catholic authors and authorities used these labels to indicate that Freemasons promoted ideas the Church cannot accept. However, some very secular official and police documents, including in countries whose authorities were officially hostile to the Catholic Church, called Freemasonry a “cult” (*secte*) because they suspected it not of anti-Catholicism but of conspiring against the governments (Martin 2000). Here, a new meaning of “cult” was introduced, and the notion of heresy went through a process of secularization. “Cults” were religious, spiritual, or esoteric organizations regarded as subversive and suspected of conspiring against the state.

Once defined, this notion of “cult” (or, since the process took place mostly in Latin countries, *secte*) was extended to groups very different from Freemasonry, which today would be called new religious movements. And it would be unfortunately untrue to argue that at least modern states did not kill the heretics. In Italy, in 1878, the military police raided the communal settlement of the Giurisdavidic Religion on Mount Amiata, Tuscany, killing its founder Davide Lazzaretti (also spelled Lazzaretti, 1834–1878) and three of his followers, and leaving another 150 wounded (Tedeschi 1989). In 1896–1897, the government of Brazil launched a military campaign against the communal settlement of rural prophet Antonio Conselheiro (1830–1897) in Canudos, Bahia, killing him and some twenty thousand followers (Levine 1995). The tragedy is the subject matter of Nobel Prize laureate Mario Vargas Llosa’s 1984 novel *The War of the End of the World* (Vargas Llosa 1984).

Both the Mount Amiata and Canudos movements did not recognize the authority of the local Catholic bishops and were declared “heretic” by the Catholic Church. But both in Brazil and Italy the governments at that time were anti-clerical and even put some Catholic bishops in jail. They did not care about heresy, but violently eradicated these “cults” regarding them as subversive, in the sense that they did not recognize the authority of the governments and independently controlled portions of territory.

A new criminological definition of “cult” was born, based not on creeds but on deeds. This approach started with the father himself of criminology, Italian physician Cesare Lombroso (1835–1909), ironically himself an advocate of Spiritualism (Lombroso 1909), which in some countries was regarded as a “cult.” He obtained and dissected Lazzaretti’s body looking for “anomalies.” Cults, he suggested, are religious groups conspiring against the public order and following a mentally disturbed leader (Lombroso 1890, 95–99). Obviously, this approach did not particularly focus on the cult’s “heresies” or doctrines.

Although Lombroso was very much respected during his lifetime and beyond, in recent years a movement in Italy called for removing statues of the great criminologist from public squares and changing the names of streets and museums named after him (Milicia 2014a). Lombroso was accused of having offered his caution to the bloody repression of Catholic revolts in Southern Italy against the newly established and anticlerical Italian state, by arguing that Catholic peasants in the South, not unlike “cultists” such as the followers of

Lizzeretti, were backward ignoramuses manipulated by mentally disturbed leaders (Milicia 2014b). Worse still, although this happened after his death, just how dangerous Lombroso's theories were, became apparent when they were used by both Fascists in Italy and Nazis in Germany to justify the persecution of religious minorities (Pettracci 2014).

In fact, the totalitarian regimes went one step beyond Lombroso. While for Lombroso "cults" were groups conspiring against the governments, Nazism and Fascism killed a good number of Jehovah's Witnesses and Pentecostals who, strictly speaking, had no political interests. However, in order to be labeled as a "cult," it was now enough *not to support* the government publicly and exhibit a lifestyle different from the regime's normative model. In the infamous Fascist administrative order of 1935, the Pentecostal "cult" was even accused of "compromising the psychical and physical racial integrity of the Italians," by speaking in tongues and unduly exciting their nervous systems (Rochat 1990, 246).

### *From the World War to the Cult Wars*

The fall of the Nazi and Fascist regimes did not mean that criminology abandoned its own use of the word "cult," which dated back to Lombroso and continued to indicate a religious group that committed serious crimes, by now not necessarily including conspiring to overthrow the government

However, in the meantime, theologians and sociologists had started using the category of "cult" with meanings different from criminologists. Christian theologians started realizing that the word "heresy" evoked the Inquisition and the burning at stake of dissidents. Some of them preferred to use what was once in their literature a synonymous of "heresy," "cult," which in the meantime had entered common language. However, they used the word with a meaning different from criminologists. For them, creeds were more important than deeds, and a group who denied the Trinity or the divinity of Jesus Christ was a "cult" even if its members were otherwise good citizens (Martin 1965).

With sociologists, translation problems became even more complicated because a tradition evolved from Max Weber (1864–1920) and Ernst Troeltsch (1865–1923), although the second was not a sociologist but a church historian

using sociological tools (Weber 1904–1905, 1906; Troeltsch 1912). The tradition went through various stages of development in the United States (a key passage being Niebuhr 1929), used both “cult” and “sect,” and distinguished between them. Without returning to this often-told story, what is important here is that, while they started their careers as contemporaries of Lombroso, who was well-known in German-speaking countries, both Weber and Troeltsch completely ignored his criminological categories. For them, and their successors, “sects” and “cults” were not heterodox, let alone criminal, religious groups, but religions in an early stage of their development, regarded as marginal by, and critic of, society at large, and not, or not yet, fully organized (Richardson 1978, 1979, 1993; Dillon and Richardson 1999).

The overlapping activities of criminologists and sociologists created a confusion, not completely resolved to this day. “Cult,” based on the criminological tradition, and the parallel efforts of Christian critics of “cults” as heresies, became generally understood as a word charged with strong negative connotations, while sociologists used it in a value-free meaning. Deciding what group was really a “cult” became difficult. For instance, millions of Pentecostals, known as Oneness Pentecostals, disagree with the traditional Christian doctrine of the Trinity. Are they part of “cults”? Christian opponents of the “cults” would (and did) answer in the affirmative, as the classic Trinitarian doctrine is one of their key tests to assess whether a group is within Biblical orthodoxy or otherwise. Criminologists would disagree, since Oneness Pentecostals are generally peaceful and law-abiding citizens. Sociologists would distinguish between newly born, small groups of Oneness Pentecostals and well-established denominations that, while keeping the Oneness doctrine, have millions of members and decades of stable organizational history.

This situation went from bad to worse with the “cult wars” of the 1970s and 1980s, when a societal reaction developed against the success in the West of new religious movements, either imported from Asia or domestic. Parents and the media did not understand why youths might be willing to sacrifice their careers in order to spend their lives in exotic religious organizations, and the modern anti-cult movement was born. Its story has been told in several valuable studies (including Shupe and Bromley 1980; Bromley and Shupe 1981; Shupe and Bromley 1994), and a short summary would suffice for the purposes of this article.

A handful of psychologists imported from Cold War American propaganda against Communism (and, as mentioned earlier, against China) the notion of “brainwashing,” arguing that these youths did not join the groups voluntarily but were manipulated through mysterious mind control techniques. “Cults” were defined as groups using “brainwashing,” yet another evolution of the criminological definition—but one making reference, rather than to actual crimes such as violence or sexual abuse, to a hypothetical crime (brainwashing) whose very existence was disputed.

In fact, sociologists and other scholars reacted against the “brainwashing” theories, claiming that they were pseudo-scientific tools used to deny religious liberty to unpopular groups labeled as “cults.” The argument, they claimed, was circular. We know that certain groups are “cults” because they use “brainwashing,” and we know that they use “brainwashing” because, rather than persuading young people to embrace “reasonable” spiritual teachings, they spread bizarre forms of belief, i.e. they are “cults” (Kilbourne and Richardson 1984; Kilbourne and Richardson 1986; Richardson 1996).

A good deal of name-calling went on between the vast majority of the academic specialists of new religious movements and anti-cultists during the so called “Cult Wars” (Introvigne 2014; Gallagher 2016). Several studies, starting from the seminal *The Making of a Moonie* by Eileen Barker, demonstrated that “cults” accused of using the so called “brainwashing” techniques obtained a very low percentage of conversions, proving that these techniques, if they existed at all, were not very successful (Barker 1984).

In 1990, in the case *U.S. v. Fishman*, a federal court in California concluded that “brainwashing” was not a scientific concept and that testimony about “cults” based on the brainwashing theory was not admissible in American courts of law (U.S. District Court for the Northern District of California 1990). *Fishman* was the beginning of the end for the American anti-cult movement’s social relevance (Richardson 2014, 2015). The notion of “brainwashing” was still defended by a tiny minority of scholar and inspired some laws, in France and elsewhere, but they soon proved difficult to enforce (Anthony and Introvigne 2006).

Another consequence of the cult wars was that the majority of academic scholars decided not to use the word “cult,” because of its heavy judgmental and criminological implications, replacing it with “new religious movements.” The

new label evolved from Japanese and Korean concepts of “new religions,” common in Asia since the 1930s and later applied to Western movements by Jacob Needleman (Needleman 1970), but was defined and widely adopted thanks to the efforts of Eileen Barker.

In the meantime, public opinion and the media were confronted with a fourth possible test to decide questions such as whether the Oneness Pentecostals belong to “cults”: do they use brainwashing? In fact, the anti-cult movement and the deprogrammers did target some Oneness Pentecostal denominations, leaving others alone, thus reinforcing the scholars’ impression that almost any group could be accused of brainwashing and, consequently, labeled a “cult” (Shupe and Darnell 2006).

### *Introducing a “New” Category: Criminal Religious Movements*

Anti-cultists accused scholars of new religious movements of being “cult apologists,” for which all “cults” were inoffensive. This was never the case, as these scholars always acknowledged that some religious movements, both outside and inside mainline religious traditions, created real “social problems,” and advocated and committed very real crimes such as terrorism, homicide, rape, and child abuse, not to be confused with the imaginary crime of brainwashing (Barker 2011, 201–03).

In 1993, the FBI siege of the headquarters of the Branch Davidians in Waco, Texas, ended up in the death of 80 members of the group, including 22 children (Wright 1995; Wessinger 2017). The FBI’s Critical Incidents Response Group started studying what went wrong in Waco, seeking the cooperation of academic scholars of new religious movements. I myself co-organized and chaired a seminar for FBI agents in 1998 in Fredericksburg, Virginia (Barkun 2002, 103), where Eileen Barker, J. Gordon Melton, James T. Richardson, Catherine Wessinger, Susan Palmer and Jane Williams-Hogan also spoke. At the seminar, it was immediately clear to the FBI that scholars would not use the word “cult,” yet the agents wanted to know which, among thousands of religious groups, were most inclined to commit serious crimes and should be kept under surveillance. Scholars proposed various tentative criteria, and the conversation between the agency and some of them continued for several years, although how much

scholars really influenced FBI practice is a matter of dispute (see Johnson and Weitzman 2017).

In 2001–2002, several leading scholars of new religious movements from Europe and United States (including the undersigned) joined in a project called “Cults, Religion and Violence,” led by David Bromley and J. Gordon Melton, which included seminars and sessions at conferences and culminated in 2002 in the publication of a book with the same title by Cambridge University Press (Bromley and Melton 2002). The project did take into account the earlier dialogue between some scholars and the FBI, but was not limited to the issues discussed there.

While the project “Cults, Religion and Violence” was developing, 9/11 occurred, with two important effects: it made somewhat obvious that “bad” groups existed within traditional religions as well, a notion reinforced by the scandals of Catholic pedophile priests, which also extended to other mainline religions (Shupe 1995, 1998, 2007; Shupe, Stacey and Darnell 2000), and created a new urgency in governments all over the world to define the features of “extremist” religious groups, sometimes called, once again, “cults.” Most scholars continued to oppose the use of “cult,” as an expression compromised by its association with the discredited theory of brainwashing, yet recognized that law enforcement agencies did need criteria for identifying the really dangerous groups (Richardson 1978, 1993).

In the first decades of the 20<sup>th</sup> century, while China developed its new anti-*xie-jiao* policy, the Russian Parliament and courts elaborated their own definitions of “extremist groups,” originally introduced in 2002, in the aftermath of 9/11, to limit the activities of radical fundamentalist Islam in Russia. Later, however, most new religious movements were labeled as “extremist groups.” In 2017, the Jehovah’s Witnesses were “liquidated” and banned in Russia as an “extremist group,” and legal proceedings were started to “liquidate” the Church of Scientology and several other movements. Definitions of “extremist groups” in Russia ran into the same problems China experienced with *xie jiao*, but Russian courts introduced some criteria of their own (Falikov 2017). A crucial one in the case of the Jehovah’s Witnesses was “exclusivism,” as Russian judges explained that should be regarded as “extremist” any group that argues that its is the only true religion and way of salvation and that all other religions are false (Introvigne 2017b). Obviously, we find similar affirmations in the holy books and statements

of most religions, and religion in general is not where we can expect to find pluralistic and relativistic ideas of truth. The exclusivity test, once again, refers to belief rather than behavior, and can easily lead to the conclusion that most religions are “extremist groups.”

I would propose to introduce a “new” category, “criminal religious movements” (CRM). It is not entirely new, as it uses selectively elements from the criminological tradition and even from the long history of *xie jiao* in China. It avoids the word “cult” and tries to disentangle the category from both the folk psychology of brainwashing and the politics of “extremism,” and theology. For example, one of the problems in the dialogue with the Chinese is that the 2017 interpretation of article 300 of their Criminal Code by the People’s Supreme Court defined as *xie jiao* any group whose living leader is regarded by the devotee as God, as it is the case with The Church of Almighty God. In fact, within groups of Christian origins, this is also the case, among others, of the Korean World Mission Society Church of God and the American King of Salem group, but they do not have a significant presence in China. Several groups within the Hindu or Buddhist traditions also consider their leaders as “living gods” but, unless this is constructed as a license for the leaders to rape or abuse the followers, it is unclear why the mere belief in the leader’s divinity should be regarded as criminal.

I would propose a definition of a criminal religious movement as *a religious movement that either, or both, advocates or consistently engages as a group in major violent or criminal activities, including terrorism, homicide, physical violence against members, dissidents, or opponents, rape, sexual abuse of minors, or major economic crimes.*

There are five key elements of this definition. First, the definition refers to *religious* movements. There are many criminal movements and organizations that are not religious, but this is not the problem we are discussing here. I would favor a broader definition of religion, including spiritual and esoteric groups. The definition does not purport to solve all the problems associated with defining “religion,” but at the same time stays away from attempts to label certain groups as “pseudo-religious,” which are either based on the naïve notion that all religions are benign, or lead to very difficult questions about what is a “genuine” religion (Platvoet and Molendijk 1999). For the functional purpose of the definition, a religious group is a group characterized by religious beliefs and practices, without investigating their orthodoxy, quality, or “strangeness.”

Second, the definition refers to crimes committed, advocated, or justified by a group *as a group*. It is not enough that some members of the movement commit crimes. That some Catholic priests are pedophiles does not make the Catholic Church a CRM, as the institution's doctrines do not condone pedophilia (although some bishops did), and the overwhelming majority of Catholics and priests abhor it. The definition implies that the movement as a group, in its corporate capacity, either, or both, advocates in its doctrines or consistently and systematically commit crimes, although it also recognizes that in some cases one single "critical incident," for example a terrorist attack, may be enough to identify the group as a CRM.

Third, the definition implies that crimes should be *major* ones, such as terrorism, rape, homicide, child abuse, physical violence, and even serious and consistent economic crimes, such as international money laundering. Many religious groups are accused in some countries of tax elusion or evasion, and minor administrative wrongdoings. This alone should not lead to the conclusion that the group is a CRM.

Fourth, the definition also insists on well-defined crimes, punished by existing laws of general application and not by new laws created for the specific purpose of acting against the so called "cults." As such, it focuses for example on physical violence rather than on elusive notions of psychological violence, on beating or murdering opponents in this life rather than on threatening them with the flames of Hell in the next, and so on.

It should also be obvious, but perhaps it needs to be stated when dealing with legal systems very different from the Western ones, that the crimes should be ascertained by courts of law through fair trials, where the defendants should have the opportunity to be assisted by independent lawyers and exert their rights of defense. And that the common laws religious movements are accused of violating should be consistent with UN and other international declarations of human rights. This would not be the case, for example, for a law defining any criticism against the government or a ruling party as a criminal offense. After all, several religions have a "prophetic" tradition of exposing the governments' wrongdoings, and the boundary between prophecy and conspiring to overthrow the government was never as clear-cut as it may seem.

The fifth comment emphasizes that definitions never solve all problems, and grey areas would always remain. CRM are groups that *either* (or both) commit *or*

advocate violence. Advocating or inciting violence is already a form of violence. During the year 2011, I served as the Representative for combating racism, xenophobia, and intolerance and discrimination against Christians and members of other religions of the OSCE (Organization for Security and Co-operation in Europe). The U.S. and Canada are also participating states and are represented by their respective ambassadors at the OSCE, where the reference to “Christians and members of other religions” in my title simply indicated that Jews and Muslims were outside of my mandate, as the organization also had two different Representatives for combating respectively anti-Semitism and islamophobia. Part of my mandate was working with the department of OSCE interacting with participating states for combating hate speech. OSCE defines hate speech as a form of violence, and I agree that certain forms of hate speech implicitly or explicitly incite or advocate violence. Consequently, I would argue that a religious movement consistently and systematically using hate speech may be eventually recognized as a CRM.

However, during my mandate at the OSCE, I became very much aware of how difficult it is to define hate speech, and how American and European traditions are different in this respect, with Europe being generally more restrictive. I also came to the persuasion that the peculiarities of religious language and controversy should be recognized. There is a century-old tradition in many religions of threatening sinners with the flames of Hell, and neither the Bible nor the *Quran* are models of politically correct language. Efforts by religions to interact between themselves, and with society at large, with more civility should be encouraged and applauded, but it took centuries for some older religions to start seeing these efforts as meaningful, and we cannot expect new religions to mature in a few years or decades. *Some* forms of hate speech obviously generate violence, but the analysis in this field should be conducted with care and restraint—and some uncertainty will remain.

Definitions are not “true” or “false,” they are just tools used to achieve certain results. Scholars can dispute the appropriateness of the category “criminal religious movements,” although they would perhaps recognize that it avoids the intractable problems associated with the word “cult.” If this conversation should continue, Chinese discussions about defining *xie jiao* would have valuably contributed to a better understanding of how and when religious movements become criminal organizations, and state intervention starts being justified.

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