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Sino–Vatican Negotiations: problems in sovereign right and national security

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ABSTRACT

This article, in the context of sovereignty, discusses problems put to China and the Vatican in their long course of negotiations (1987–) which aim at a reconciliation. China's past experience in negotiating with major powers (US and Great Britain) are reviewed while the Vatican's aim of negotiating a concordat is also explained. The societal factors from the current Chinese political landscape, including social unrest as well as the Taiwan factor, are reviewed to identify problems in the 'Sino–Vatican negotiations'.

The Sino–Vatican negotiations: background

Sino–Vatican diplomatic relations were established in 1942 under the Nationalist government and the relationship was broken in 1951. Since then, the nature of Sino–Vatican relations has been a disputed relationship stemming from the competing claims of state sovereignty, expressed in their teaching authorities between religious idealism and the atheist dialectic of Marxist–Leninism and Mao Zedong Thought. Negotiations were initiated in 1987 aimed at re-establishing Sino–Vatican diplomatic relations through a concordat. In the course of 27 years (1987–2014) no fruit has been reaped from the formal negotiations.

The Vatican's principal aim in negotiating the normalization of its diplomatic relations with China is to obtain warmer relations with the People's Republic of China (PRC) for the normal development of the Chinese Catholic Church. Beijing's aim, originally, was to further isolate Taiwan in the international community by demanding the severing of Taiwan–Vatican diplomatic relations, thus inflicting a heavy blow on this island state, aimed at drawing Taiwan to the negotiation table for unification. However, at the turn of the twenty-first century, Beijing's main aim in taking part in the negotiation has shifted to improving its international image, through establishing diplomatic relations with the Holy See. This is because Taiwan, under Ma Ying Jeow's leadership, has been drifting closer to the Mainland than at any time in the past without the involvement of the Vatican.

The purpose of this study is to examine the problems and issues arising in the negotiations from the international relations' perspective during the Hu–Xi era in the twenty-first century, and to identify if the source of the problem in the negotiation is the clash of sovereign rights. Increasing social unrest would provide an environment within Chinese society which, due to national security concerns, would attract the tightening of Beijing's political–ideological control, a position which does not favor Sino–Vatican

reconciliation. Also cross-Strait relations, or the Taiwan factor, are another element which China has to consider in its dealings with the Vatican.

Literature review

As early as 1989, Gerald Chan pioneered the study of Sino–Vatican relations from an international point of view to examine the nature of Sino–Vatican diplomatic relations.¹ In 1992, Beatrice Leung used the theme of conflicting authority to study the same question of Sino–Vatican relations in the Maoist era until the beginning of Deng Xiaoping’s modernization era.² Later she continued the study of the development of these thorny Sino–Vatican relations in the post-Cold War period to identify the difficulties in formulating a diplomatic relationship.³ In the context of the Sino–Vatican dispute, Richard Madsen discussed the two sectors of the Catholic Church in China (the government-sanctioned sector and the non-government-sanctioned sector) in Hebei province and the negative impacts of the non-government sector in the development of civil society.⁴ By consulting the archives of the Chinese Communist Party, Paul Mariani in 2011 reviewed the Shanghai Catholic resistance of the 1950s in the context of the Sino–Vatican dispute.⁵ While China’s economic life is in its spring time, Sino–Vatican relations are still in their cold winter. Beatrice Leung in 2005 explained why the Sino–Vatican negotiations have been conducted for more than 20 years, with the result that the rising hope of formulating a concordat was transformed into a sunset at the end of the twentieth century.⁶ Marcus J. J. Wang in 2008 discussed the role played by Hong Kong in the development of Sino–Vatican relations.⁷ Chen Fangzhong and Wu Jinde compiled a *Collection of Documents on the History of the 60 Years of Sino–Vatican Diplomatic Relations*.⁸ In 2003, Chen Fangzhong and Jiāng Guóxióng mobilized the Vatican radio station and Taiwan church documents to write a Sino–Vatican diplomatic history.⁹

The complexity of Sino–Vatican relations

The nature of the Vatican state: secular and divine

The Vatican city-state is a territory of 44 hectares (110 acres) on the Vatican Hill in Rome, under the sovereignty of the Holy See, created by the 1929 Lateran Treaty. The Vatican is an ecclesiastical or sacerdotal-monarchical state, governed by the Pope. It is the sovereign territory of the Holy See (Latin: Sancta Sede) which is the central governing body of the Catholic Church and a sovereign entity recognized by international law, consisting of the Pope and the Roman Curia¹⁰ (the central administration of the Catholic Church) in the Vatican City. The Pope is not only the sovereign ruler of the Vatican State, but also the supreme leader of the Catholic Church in the world.¹¹

¹Gerald Chan, ‘Sino–Vatican diplomatic relations: problems and prospects’, *China Quarterly* 120, (1989), pp. 814–836.

²Beatrice Leung, *Sino–Vatican Relations: Problems in Conflicting Authority 1976–86* (Cambridge: Cambridge University Press, 1992).

³Beatrice Leung, ‘The Sino–Vatican negotiations: old problems in a new context’, *The China Quarterly* 153, (1998), pp. 128–140.

⁴Richard Madsen, *China’s Catholics: Tragedy and Hope in an Emerging Civil Society* (California: University of California Press, 1998).

⁵Paul Mariani, *Church Militant: Bishop Kung and Catholic Resistance in Communist Shanghai* (Cambridge: Harvard University Press, 2011).

⁶Beatrice Leung, ‘Sino–Vatican relations in the century’s turn’, *Journal of Contemporary China* 14(43), (2005), pp. 353–370.

⁷Marcus J. J. Wang and Beatrice Leung, ‘The Hong Kong factor in the Sino–Vatican Relations’, in Weibke Koenig and Karl-Fritz Daiber, eds, *Religion und Politik in der Volksrepublik China* (Wurzburg: Ergon Verlag, 2008).

⁸Chen Fangzhong and Wu Jinde, ed., *A Collection of Documents on the History of the 60 Years of Sino–Vatican Diplomatic Relations* (Taipei: Institute of Catholic History, Fugen Catholic University, 2002).

⁹Chen Fangzhong and Jiang Guoxiong, *Zhōng fàn wàijiao guānxi shǐ* [A History of the Sino–Vatican Diplomatic Relations] (Taiwan: Commercial Press, 2003).

¹⁰Roman Curia is the administrative centre of the Vatican headed by the Pope.

¹¹See the Vatican City website, [http://en.wikipedia.org/wiki/Holy_See_\(The_Vatican\)](http://en.wikipedia.org/wiki/Holy_See_(The_Vatican)) (accessed 15 May 2014).

Clash of sovereignty: Sino–Vatican relations

Michael Yahuda explicitly identified the complexity of the Sino–Vatican relations as

the fundamental dilemmas of contemporary international society regarding the competing claims of state sovereignty and universal human rights. How can the contemporary claims of Communism and national culture be reconciled on the one side and, on the other, those of a universal religion with a centre in Rome that is at once holy and secular in the shape of the Vatican state.¹²

The Sino–Vatican dispute not only involves the ideological conflict between atheism and religion regarding human rights but also the administrative conflicts between two sovereign powers. The Vatican's claim to universal religious authority is challenged by the PRC's insistence on the national autonomy of the officially sponsored, government-monitored church, with its bishops appointed separately from the apostolic succession. Thus, conflicts between sovereign powers have been embedded in the whole process of interactions between the Vatican and PRC. This is the main difficulty for both parties in the negotiations.

The clash of authority has been a traditional theme of religion and state relations for the last four centuries in China. In modern times, ideologies in religious idealism, including Catholicism, have clashed with the dialectical materialism of Marxist–Leninism and Maoist Thought.¹³ The dialectic approach of the Chinese Communist Party (CCP) to a 'Religious Freedom policy' has different interpretations and implementations from that of the West. Control of religious organizations, including the Catholic Church, in China has been practiced from Mao Zedong to Xi Jinping, while the degree of control depends on the political climate.¹⁴ It is precisely religious freedom which is a major feature in human rights and one of the reasons causing the Sino–Vatican conflict.¹⁵

From the beginning of the PRC, the principle of sovereignty or sovereign right was closely upheld. The first PRC constitution entitled *gòngtóng gānglǐng* [the Common Programme] Articles 54 and 56, stipulated that its foreign relations would be based on mutual respect of sovereignty. It revealed that the PRC regarded sovereign power as the primarily important value in its international relations.

In 1981, after Bishop Deng Yiming was released from 22 years of solitary imprisonment and accepted the papal appointment as the Archbishop of Guangzhou, China reacted in anger because Beijing considered that the Vatican had violated China's sovereign right by interfering in the internal affairs of China by the unilateral appointment of one of its citizen to be a religious leader within its national boundary.¹⁶ Then on various occasions beginning in the 1980s, China laid down conditions for a Sino–Vatican rapprochement; these are: (1) the severing of Taiwan–Vatican diplomatic relations; and (2) non-interference in the internal affairs of China.

These two basic conditions are generated from the principle of sovereignty. On 'the severing of Taiwan–Vatican diplomatic relations' Beijing emphasized that the PRC is the legitimate government of China, not the Nationalist Government in Taiwan, especially after the PRC replaced the ROC in the United Nations. The second question on 'non-interference in the internal affairs of China' revealed that the PRC is not prepared to share its sovereign right with the Vatican in the appointing of religious leaders within China. In Document No. 3, 1989, the official document jointly issued by the CCP and the PRC government, the same two conditions were also laid down as prerequisites for Sino–Vatican reconciliation. However, in the document, in the section on 'non-interference in China's internal affairs',

¹²Michael Yahuda, 'Preface', in Leung, *Sino–Vatican Relations*.

¹³Leung, *Sino–Vatican Relations*.

¹⁴Beatrice Leung, 'China's religious freedom policy: an art of managing religious affairs', *China Quarterly* 184, (2005), pp. 894–913.

¹⁵For example, recently the Vatican representative in 2013 expressed the view that the Vatican wishes China to allow the Chinese Catholic Church to freely exercise as a religion.

¹⁶Liang Jie Feng, *Zhonggong yu Fendigong guanxi* [The Relations between the Vatican and the Communist China], 2nd edn (Taiwan: Fujen University Press, 1996), pp. 310–312 and p. 411. Dominic Tang, *How Inscrutable His Way! Memoirs*, 3rd edn (no publisher, 1994), pp. 63–148.

the phrase 'including religious affairs' was added.¹⁷ In 2006, the Head of the Religious Affairs Bureau, Yeh Xiaowen, revealed that the contact between the Vatican and China was ongoing but the two conditions concerning severing ties with Taiwan and non-interference in China's religious affairs would be the two prerequisites of the establishment of Sino-Vatican relations.¹⁸ In 2006, the Religious Affairs Bureau criticized the Vatican for imposing a punishment on the illicit consecration of three bishops: Ma Yinglin of Yunnan, Liu Xinhong of Anhui and Wang Renlei of Xuzhou. It claimed that the punishment was an action interfering in the sovereign rights of China.¹⁹ In March 2013, there was an exchange of congratulatory notes between the new CCP Secretary General Xi Jinping and the new Pope Francis. This gesture prompted people to speculate that the suspended Sino-Vatican negotiation might resume. However, China's official spokeswoman repeated that the same conditions for Sino-Vatican reconciliation were the severance of Taiwan-Vatican relations and non-interference in China's internal affairs, including religious affairs.²⁰ Thus, in the long course of interactions between Beijing and the Vatican, 'sovereignty' has been continuously the basic orientation in its foreign dealings, including those with the Vatican. However, in some important negotiations China has discreetly compromised in interpretations of sovereignty for the sake of national interest.

The Vatican's principal aim in negotiating the normalization of its diplomatic relations with China is to obtain a warmer relation with the PRC to facilitate the normal development of the Catholic Church in China. The Pope has a sovereign right in appointing his local representative (bishop) to lead the local church. However, for the sake of smooth Church-state relations, the sovereign power can be shared with the civil authority by establishing a concordat.²¹

In November 1987, Zhao Ziyang, the then Secretary General of the Chinese Communist Party (CCP), met Cardinal Sin of Manila in Beijing and they agreed to allow their aides-de-camp to thrash out more details initiating formal Sino-Vatican negotiations. The meeting gave new hope for the fostering of Sino-Vatican rapprochements. Today, with the new Pope Francis leading the Catholic Church, there is the expectation of some breakthrough in the deadlock that has arisen in Sino-Vatican negotiations.

Sino-Vatican negotiations: issues and progress

During the years of informal and formal talks between Beijing and the Vatican, issues which were brought up for negotiation can be summarized in the following categories: (1) the arrangement to share power between the Vatican and China in appointing Chinese bishops; (2) the method for unifying the official and non-official sectors of the Chinese Catholic Church; (3) the ways and means whereby the papal representative in Beijing relates to local bishops in the future; and (4) the ways to move the Papal Nunciature in Taipei to Beijing with minimal disturbance and embarrassment to Taiwan.

Before solutions edged with tolerance and accommodation could be created to resolve the thorny issues stemming from these four categories, two new requests sprang up from Beijing in August 1999 adding extra complexity to the yet unresolved problems. They were: (1) the transference of the ecclesial administrative power of a local bishop to the civil authority; and (2) Beijing should maintain the

¹⁷Party Central Office, Central Document No. 3, 'Guānyú zài xīn xíngshì xià jiāqiáng tiānzhǔjiào gōngzuò de bàogào' ['Report on strengthening the work of the Catholic Church under the new situation'], in Feng, *Zhonggong yu Fendigong guanxi*, pp. 541–550.

¹⁸Liǎng yuánzé juéding zhōng fān jiànjiāo' ['Two principles deciding the establishment of Sino-Vatican diplomatic relations'], *Apple Daily*, (4 April 2006), available at: <http://hk.apple.nextmedia.com/international/art/20060404/5798121> (accessed 12 April 2013).

¹⁹Zen Ze-kun: Ài guóhuì gǎo pòhuài tuōyán zhōng fān jiànjiāo' ['Zen Ze-kun: the Chinese Patriotic Association sabotages and delays in Vatican established diplomatic relations with China'], *Apple Daily*, (7 May 2006), available at: <http://hk.apple.nextmedia.com/news/art/20060507/5898211> (accessed 12 April 2013).

²⁰Zhōngguó zhùhè xīn jiàohuáng/jì qí língguó gǎishàn zhōng fān guānxì' ['China congratulates the new Pope and wishes he could flexibly improve Sino-Vatican relations'] *Tai Kung Po*, (15 March 2013), available at: <http://news.takungpao.com/paper/q/2013/0315/1491818.html> (accessed 16 March 2013).

²¹A concordat is an agreement in the form of a treaty between the Holy See of the Catholic Church and a sovereign state on religious matters. This often includes both recognition and privileges for the Catholic Church in a particular country; available at: <http://en.wikipedia.org/wiki/Concordat> (accessed 30 November 2010).

current practice of selecting bishops while the Vatican should continue to validate the government's appointments.

In 2006, the Vatican sent a secret delegation to Beijing, and gave Beijing a clear message that Sino-Vatican negotiations had to be conducted in an atmosphere of mutual trust. This meant that Sino-Vatican negotiations went into deadlock. In 2007, Pope Benedict XVI issued his *Letter of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China*.²² This document is an example of the papal exercise of sovereign power by giving directives and guidance to the Chinese Catholics under his leadership.

In 2010, the negotiations between the Vatican and Beijing were resumed and have continued rather 'smoothly'. In February and June 2010 two sessions of formal talks took place in Rome and Beijing, respectively. In July 2010 two Vatican special envoys quietly visited Beijing to discuss various issues. After that the Vatican and China halted the negotiations and developed hostile attitudes towards each other.

Administrative complexity of negotiations: religious affairs or state issues

In the international community, negotiations between two sovereign states are state to state negotiations, when issues related to the socio-political and economic interests of the two states are concerned. Problems which the Vatican brought to the negotiation table in the past were questions related to the governance of civil authorities on religious issues, such as church property, legal exemptions of taxation on religious institutes and church personnel, and the right of a state to influence the selection of bishops.

In short, the Vatican with its experience in dealing with anti-Catholic regimes such as the Mexican government in the nineteenth century, and the Cuban Communist government in the twentieth century, seeks nothing from the Beijing government but real religious freedom. That is, to allow the Church to function as a Church with its right to perform its duty to teach, to govern and to care for its believers.

The Vatican's negotiations with China confront extra technical complexities stemming from the political reality of China. The involvement of its citizens with any organization requires state approval. This is because China has adopted the political orientation of Bolshevik Communism in which organization has been one of those instruments, together with propaganda and the United Front, as means to combat opposition.²³ This means that political dimensions have been added to purely religious questions. Thus the state asserts its control of religious organizations and demands the right to approve and monitor all organizational activities of its citizens, so institutionalized religions become politically involved. Traditionally, in non-Communist states, religious questions related to the state system and governance do not need to be negotiated with the Vatican. For example, in the West, the National Bishops Conferences can negotiate with provincial or national governments on religious questions such as religious education, church property and so on as domestic issues, when the nation has no dispute with the Catholic Church.

In the Catholic Church most questions are religious in nature. In China, religious questions have socio-political implications. Moreover, the Chinese government/CCP and a religious organization (the Catholic Church) have different ideological backgrounds and approaches: for China, dialectical materialism plus Marxist-Leninist atheism and religious idealism for the Catholic Church. Thus both have their own interpretations of the same issue and different concepts for the same terms, e.g. religious freedom.²⁴

In Western countries, even questions which comprise state-religion relations can be dealt with domestically as technical problems. However, in China, such issues like Catholic education and the baptism of children of Catholic parents, discrimination against religious believers, including Catholics, such as being refused access to careers in the civil service, the Chinese Communist Party (CCP) or the

²²*Letter of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China*, available at: http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_jet_20070527_china_en.html (accessed 26 March 2013).

²³Philip Selznick, *The Organizational Weapon: A Study of Bolshevik Strategy and Tactics* (Illinois: Free Press, 1960).

²⁴Leung, 'China's religious freedom policy'.

People's Liberation Army (PLA), cannot be handled domestically. These issues have to be discussed with Beijing through a Vatican representative at the negotiation table with compromise and concession.

A good negotiation is a win–win solution, not a zero-sum game. A satisfactory negotiation should leave both sides feeling that they have not compromised too much, feeling threatened or unnecessarily pressurized. However, if a state is in breach of international law and agreements—United Nations (UN) conventions, for example—the negotiations are about enforcement of rights which the government has been denying. The 'compromise' may be in the agreement to allow the government some time to comply with the international obligations (this is very much the case in international trade negotiations and World Trade Organization [WTO] disputes).

China's experience in negotiations: sovereignty vs. national interest

Negotiations between Beijing and the Vatican are state to state negotiations and state to religion negotiations as well. The experience China gained from when it entered into political negotiations with major powers such as the USA and Great Britain, can be a source of inspiration for its negotiations with the Vatican.

Immediately following after the 1949 Revolution, the PRC regarded the United States as an aggressive enemy. However Mao Zedong was interested in playing the USA against the Soviet Union, which he regarded as a threatening 'hegemony' and 'revisionist' practice of 'social imperialism'.²⁵ China put aside the ideological differences between China and the United States and negotiated with the USA. The Sino–USA agreement——Shanghai Communiqué 1972——chartered a new path in Sino–USA relations as well as opening a new way to deal with the thorny question on Taiwan. The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain that there is but one China and that Taiwan is a part of China. The United States government has reaffirmed its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.²⁶

For China, the Shanghai Communiqué and the Sino–US rapprochement was a big step forward in making candid concessions by discreetly interpreting its sovereign right over Taiwan. More important was China's desire to join the global economy and to import modern technology from the West, which it would pay for with exports. Therefore concessions and exceptions were made, disregarding ideological differences and sovereign rights, e.g. the promise to the USA to refrain from using force to liberate Taiwan was against the wish of Mao. Mao suspended part of his sovereign rights over Taiwan (not to get it by force) but to treat China's own territory according to the will of the USA, a foreign power.

Beijing's negotiation with the British on the return of Hong Kong to Chinese rule is another example where China made very big concessions at the expense of its sovereign power. There were several points in the Sino–British negotiations in which China made exceptional concessions. First, the adoption of the 'one country two systems' approach means that Beijing in the Hong Kong Special Administrative Region accepted the colonial legacy which was condemned by Marxist–Leninism and Mao Zedong Thought. Secondly, the implementation of the Basic Law means that the Chinese legal system cannot be exercised in the Hong Kong Special Administrative Region (HKSAR). Subsequently Chinese sovereignty would be eroded in this newly acquired territory when a foreign legal system replaced its current socialist legal system. Thirdly, the Agreement allows for the practice of 'one country two systems' and 'Hong Kong people rule Hong Kong'. That means, in this context, that China's sovereignty is limited in Hong Kong, which is only promised a 'high degree of', not complete, autonomy.

'Hong Kong people rule Hong Kong' means that the central government cannot send officials to administer Hong Kong unless they become 'Hong Kong citizens'. In this issue, the biggest 'sovereignty sacrifice' made by China was the agreement that the Communist Party would not operate in Hong

²⁵ *Joint Communiqué of the United States of America and the People's Republic of China*, (28 February 1972), available at: http://afe.easia.columbia.edu/ps/china/shanghai_communique.pdf (accessed 30 November 2010).

²⁶ *Joint Communiqué of the United States of America and the People's Republic of China*, (28 February 1972), available at: [http://www.taiwandocuments.org/communique\)1.htm](http://www.taiwandocuments.org/communique)1.htm) (accessed 30 November 2010).

Kong as part of the system, unlike everywhere else in China where the CCP plays the leading role in every aspect of life. Even after Hong Kong returned to Chinese rule on 1 July 1997, the Chinese political system, including its sovereignty, did not completely cover the HKSAR. Beijing allowed a non-Beijing authority to govern HKSAR for the coming 50 years with the single aim of maintaining the stability and prosperity of this newly acquired territory.

The concordat: the Vatican sharing sovereign power with the state

A *concordat* is an agreement in the form of a treaty between the Holy See of the Catholic Church and a sovereign state on religious matters. This often includes both recognition and privileges for the Catholic Church in a particular country. Privileges might include exemptions from certain legal matters and processes, taxation issues, return of church property and the state's role in the selection of bishops and so on. Although for a time after the Second Vatican Council (1963–1965) the term 'concordat' was dropped, it reappeared with the Polish Concordat of 1993 and the Portuguese Concordat of 2004. A different model of relations between the Vatican and various states is still evolving in the wake of the Second Vatican Council's Declaration on Religious Liberty.²⁷ It means that the content of Vatican negotiations would be the return of church property, state acknowledgement of Catholic marriage, Catholic education, and the joint appointment of bishops in which the Vatican shared part of the papal sovereignty in exchange of warm Church–state relations for the smooth functioning of local churches.²⁸

Given the past experience of Beijing's negotiations with major powers, and the Vatican's concordats with European countries, in which concessions in sovereignty could be found, the authors have reasons to believe that there would be ample room for compromise and concession in Sino–Vatican negotiations if they wished.

State to state negotiations: the Vatican and China

The fourth category of the negotiation as mentioned above (ways to move the Papal Nunciature in Taipei to Beijing with minimal disturbance and embarrassment to Taiwan) would comprise the ways and means whereby the papal representative in Beijing would relate to local bishops in the future. In common practice, diplomats enjoy diplomatic immunity even when they leave the embassy grounds. Their right to travel varies from one country to another; diplomats may be restricted to one city or not be free to roam about the countryside.

When a Papal Nuncio is sent to a state which has diplomatic relations with the Vatican, the papal representatives are free to travel in the host country and are free to receive guests and visitors in the Nunciature. In Sino–Vatican negotiations, the papal representative's relationship with the local bishops reveals a problem which should be negotiated with tolerance and concession. According to Beijing's common practice, all Chinese citizens should go through the Foreign Affairs Department in any contact with foreign diplomats who are stationed in China. Therefore a Chinese bishop who wants to contact the Papal Nuncio in Beijing should be known to and be allowed by the Chinese Foreign Affairs Department. The Vatican disagreed with this practice from a religious point of view. A Catholic believer in any position of the Church hierarchy is free to meet the representative of the Holy Father. On this issue, when the Catholic Church and China are looking from different angles at the same activities of the Papal Nuncio, they have their own reasons to stand firm on their own grounds.

During different sessions in the recent Sino–Vatican negotiations in 2010, this problem was brought to the negotiation table for discussion. Beijing would only allow the Papal Nuncio to travel 30 kilometers around the Nunciature, while it insisted that meetings of Chinese Catholics, including bishops, priests or sisters, with the Papal Nuncio would have to go through the Foreign Affairs Department.²⁹

²⁷See <http://en.wikipedia.org/wiki/Concordat> (accessed 30 November 2010).

²⁸*Ibid.*

²⁹One of the authors was informed by one of the anonymous Vatican officials knowledgeable in the process of the negotiation.

Another point was that the moving of the Papal Nunciature from Taipei to Beijing with minimal disturbance and embarrassment to Taiwan should be on the priority list of negotiations in the discipline of international relations. As early as 2005, the Vatican was prepared for that move. Thus, between 21 and 26 November 2005, Cardinal Tauran, the former Vatican Minister of Foreign Affairs, was sent to Taiwan to convey the Vatican's message on Taiwan–Vatican relations to the Taiwan people during two public lectures under the theme of 'Vatican Diplomacy'.³⁰ He promised the Taiwanese people that they would not be abandoned by the Vatican. The nature of the Vatican–Taiwan relationship could be transformed from diplomatic relations to cultural and socio-religious relations.

Tauran explained the Vatican's position regarding the move of the Nunciature. He acknowledged that the Nunciature in Taipei was the same as when it was the 'Papal Nunciature' in Nanjing, some 50 years earlier. Due to political reasons it was moved to Taipei. After the normalization of Sino–Vatican diplomatic relationships the 'Apostolate Delegation to China' located in Taipei, would move back to Beijing.³¹ Under the policy of replacing diplomatic relations by cultural and academic relations, the Taiwan government was advised to consider the following suggestions.

1. To initiate exchange between the Vatican Museum and the Taiwan Palace Museum, the world's biggest museums in the East and the West. It would serve Taiwan's foreign policy aim of making Taiwan known in the international community.
2. To enhance academic exchanges between the Vatican and Taiwan by adding the Vatican to the list of nation-states which have academic exchanges with Taiwan through the National Science Council.
3. The Taiwan government could follow in the footsteps of Ireland: the Irish project of assisting China. This endeavor fits into Taiwan's policy towards the Vatican: to help the Vatican to promote religious freedom in China.
4. After the Papal Nunciature had moved from Taipei to Beijing the building would become the Taiwan–Vatican Cooperation Office. This office though would not have diplomatic power but be headed by a high ranking official of the Vatican such as an archbishop, to replace the current Charge d'Affaires as the Vatican representative in social and cultural affairs in Taipei.

There are also issues to be negotiated as China's domestic issues but with a foreign state—the Vatican. These are as given below.

1. The return of Catholic property: this is never an easy question in practice. Historically, property of religious organizations has been an immediate reason to trigger Church–state tension, because ownership of many ancient church properties (state ownership or religious ownership) was not clear from the beginning. In China, the conflicts between the local governments and religious organizations have been a thorny question related to financial interests of church property and its income from Taoist and Han Buddhist temples in famous scenic spots attracting international worshippers and tourists. Local government put its fingers on the income of these temples, and this has been a major cause of conflict of interest between religious and civil authority.³² The Catholic Church has properties in many cities and towns. The return of church property, which might infringe the financial interest of some civil departments, needs to be negotiated. Although it is not a serious issue, especially when the property has been lost for a long time, it is wise for the Chinese Catholics not to cling tightly to their property in exchange for a harmonious environment for evangelization by following the example of Catholics in Ireland who did not take back the cathedrals and churches seized by the Protestant state in 1921 as a gesture of good will.

³⁰The authors attended the two lectures by Cardinal Tauran in Taipei and Kaohsiung on 21 and 23 November 2005, respectively.

³¹This was announced by Cardinal Tauran during his lecture in Kaohsiung on 23 November 2005.

³²Liu Peng, *Zhongjiao Wenti Wenji* [Collections on Religious Questions] (Beijing: Pushi shehui kexue yanjiu suo [Centre for Study of World Social Science], nd [privately circulated]), pp. 9–17.

2. Baptism and Catholic education in China: the rights of Catholics for their new born babies to receive baptism and for their children to receive a Catholic education are desirable. However, the current Chinese law/regulations only allow young people of 18 and above to receive baptism and religious education. The Chinese constitution stipulates that religion cannot 'interfere with the educational system of the state'.³³ When Catholic parents have an essential moral duty to bring up children as Catholics, how can the Catholic Church assist its adherents in church education? What is the relationship between theological schools and the state education system? How can Catholics help the state to promote morality through moral education? These are topics which should be negotiated to facilitate Catholic activities in China.
3. Catholic marriage: the acceptance of Catholic marriage by the state as legal marriage should be negotiated. In Macau, after it returned to China in 1999 and became a Special Administrative Region, church marriage was still recognized as legal marriage. In China, can negotiators initiate this practice for the Chinese Catholics? This question of Catholic marriage should be discussed.
4. Religious activities outside a religious campus: currently religious activities cannot be practiced beyond religious institutes according to the rules of the State/Party on religious affairs. The question of government registration should be studied and agreed by these two parties, as this is against the universal practice of many countries.

State to religion negotiation: the Vatican and China

The Beijing government should bring its negotiations with the Chinese Catholic Church representative in religious matters to the Sino–Vatican negotiation table. These questions are discussed in this section.

1. The agreement to share power between the Vatican and China in appointing Chinese bishops has to be discussed in detail. In the joint appointment of Chinese bishops, Beijing suggested that the current practice of selecting episcopal candidates unilaterally should be maintained with the Vatican validating the government appointment.

On this issue, the appointment of bishops is a religious matter, but it has been raised to the state level and it is a real conflict of sovereign rights between the Vatican and China. Beijing, in August 1999, added extra complexity to the unresolved problems in the Sino–Vatican negotiation by suggesting that selection of bishops would be by the government, with the Vatican validating the government appointment. The Vatican refused, simply because by doing this, the sovereign power of the Pope would be undermined in the Chinese Catholic Church according to Articles 333, 377.1 and 377.5 of Canon Law.³⁴ This request generated a clash of sovereign powers between the Vatican and China on the unilateral appointment of Chinese bishops in 2006 and in the later period.

Since December 2007 there has been no unilateral ordination after the ordination of Bishop Gan Jinqiu 甘俊邱 of Guangzhou, Guangdong. Gan was consecrated by government appointment and secret approval from the Vatican. Starting from 2010, Beijing solicited the opinion of the Vatican Administration through some informal channels³⁵ on its ordination of six bishops.³⁶

Father Joseph Guo Jincai, 郭金财 was suddenly ordained illicitly as Bishop of Chengde 承德 on 21 November 2010 without papal approval, when Sino–Vatican negotiations were still ongoing. This

³³Article 36, The Constitution of People's Republic of China.

³⁴Canon Law 333, §1: 'By virtue of his office, the Roman Pontiff not only possesses power over the universal Church but also obtains the primacy of ordinary power over all particular churches and groups of them. Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care.' Canon Law 377.1: 'The Supreme Pontiff freely appoints bishops or confirms those legitimately elected.' Canon Law 377.5: 'In the future, no rights and privileges of election, nomination, presentation, or designation of bishops are granted to civil authorities.' See *Codex Iuris Canonici* (Typis Polyglottis Vaticanis, 1983).

³⁵This point was revealed by an anonymous person who is close to the Religious Affairs Bureau on 2 September 2010.

³⁶The six bishops are: Bishop Tu Guang 杜江 of Bameng, Inner Mongolia; Bishop Meng Qinglu 孟清禄 of Hohort, Inner Mongolia; Bishop Shen Pin 沈斌 of Haimen, Jiangsu; Bishop Cai Pingrui 蔡炳瑞 of Xiamen, Fujian; Bishop Yang Xiaoting 杨晓亭 of Yanan, Shaanxi; and Bishop Xujiwei 徐吉偉 of Taizhou, Jiangsu.

illicit consecration began a new phase of dispute in Sino–Vatican relations including halting the Sino–Vatican negotiations and the convening of the Eighth National Assembly of Catholic Representatives (the Assembly) which was condemned by the Vatican.³⁷

2. The demarcation of Catholic dioceses in China. The establishment of Catholic dioceses in China had taken place in the pre-1949 era with geographical reference to the Nanjing National Government. The changes in both public administration after 1949 and geographic demarcation of the PRC should lead to the review of obsolete diocesan demarcations in China not unilaterally but with the agreement or consent of Beijing's officials.
3. The method of unifying the official and non-official sectors of the Chinese Catholic Church belongs to the Church–state negotiation. The question of the unification of the official and non-official sectors of the Chinese Church has been ongoing in some dioceses according to the spirit of communion suggested in the papal letter of 2007. However, the result was not satisfactory because the ways and means of carrying out this project were without acceptable guidelines.³⁸
4. How can the Chinese Patriotic Association (CPA) which the Holy Father does not recognize as a Catholic organization, because by nature it is incompatible with the teaching of the Church, be dissolved?

In item 4, the dissolution of the CPA is a delicate project. To strip power from officials in the CPA is a complicated matter. Without compromise and concession the negotiation cannot arrive at any agreement.

Reconciliation and negotiation

From China's political behavior in its negotiations with the USA and Britain, one might notice that for national interests, the so-called 'sovereign right' can be discreetly compromised. In the negotiation of appointment of bishops, the real question rests on the clash of sovereign rights. Both China and the Vatican are unwilling to yield concession and compromise on this question.

For China the desire to establish Sino–Vatican relations was not the first priority in the management of the state in the Hu Jintao and Xi Jinping era. In times of increased social unrest, more conservative measures have to be adopted for the sake of national security. Social science scholars suggest that religious organizations, like any social organizations, could either offer a framework to stabilize society or to collect dissent to agitate social movement.³⁹ In Hong Kong, immediately after its transfer to Chinese rule in 1997, the local Catholic Church played a framing role for social movements.⁴⁰ In China, political leaders perceived that social movements are directly related to religious beliefs which can be a factor of division and multiplication of social movements.⁴¹

³⁷Holy Father Pope Benedict XVI, *Letter to Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic in China*, available at: http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html (accessed 24 December 2010).

³⁸In fact Cardinal Zen had given some guidelines, but the Chinese government did not accept the papal letter and the explanatory notes by Cardinal Zen.

³⁹D. A. Snow, R. D. Benford *et al.*, 'Frame alignment processes, micro-mobilization and movement participation', *American Sociological Review* 5(4), (1988), pp. 465–466.

⁴⁰Beatrice Leung, 'Hong Kong Catholic Church: a framing role in social movement', in Khun Eng Kuah Pearce and Giles Giuheux, eds, *Social Movements in China and Hong Kong: The Expansion of Protest Space* (Amsterdam: University of Amsterdam Press, 2009), pp. 245–258.

⁴¹David Palmer, 'Religiosity and social movement in China: division and multiplications', in Pearce and Giuheux, eds, *Social Movements in China and Hong Kong*, pp. 259–284.

Social unrest and security measures in China

However, for the two last decades, the ruling party, the CCP, has not embraced attitudes of concession and tolerance towards its non-conformists, including religious organizations, due to internal social unrest.

With growth rates of 10.3% in 2010, China has surpassed Japan as the world's second-biggest economy, and in 2009, with 9.2% growth rate, became the biggest exporting country ahead of Germany.⁴² With rapid economic growth, social unrest in China has been increasing at an alarming rate. A few incidents of public demonstrations, disruptive action or riots occurred in the 1980s, but 8,700 'mass incidents' were recorded in 1993, 87,000 in 2005, and between 180,000 and 230,000 in 2010.⁴³ Some even estimated that there are on average 500 large-scale protests every day.⁴⁴ In 2014, the violence of the Moslem separatists escalated to a mass attack with 33 deaths in Kunming train station, the tip of the iceberg in social unrest stemming from religious roots.⁴⁵ The social unrest is triggered by economic injustice such as land grabs by developers backed up by local government, as well as abuse of powers by local officials and brutal treatment towards separatists among national minorities. Inflation and social inequality with a huge gap between the rich and poor provides the powder keg ignited by land grabs and police brutality.

However, economic growth accompanied by any increase in social unrest has led the decision-makers in the CCP to tighten the control of political-ideological matters while relaxing economic practice. In 2012, China's domestic-security spending was budgeted at US\$111 billion exceeding military spending of US\$106 billion. It revealed how much the government was concerned about domestic security when financial resources were heaped on the prevention of social unrest.

Also China has been embedded with the belief that institutional religion is the framing element for social movements.⁴⁶ The CCP still emphasizes the 'good citizen' role of religious believers which means that religious believers must first comply with the demands of the Party and state before they obey the religious rules and follow the teachings of religious leaders.

In May 2014, the launch of the official document entitled 'A Report on Chinese National Security' ['Zhongguo quojia anguan yanjiu baogao'] (alias the Blue Paper) by the Chinese government, revealed that in China, the orthodox ideology is now facing a serious threat and it suggested having tighter control on religion.⁴⁷ Thus, along the state/Party line, the government openly screwed up its control on religion for the sake of national security. The implementation of this policy included the control of movements of religious personnel and function of religious schools (seminaries and theological institutes). For example, a CCP official was placed in the protestant theological seminary in Central China as the deputy rector. He ran the religious school as a party school undermining its religious orientation.⁴⁸ With a hostile religious environment in China, generated from the consideration of national security, it is not a good time to resume the halted Sino-Vatican negotiations in the near future.

⁴²BTI 2012, *China Country Report*, available at: <http://www.bti-project.de/fileadmin/Inhalte/reports/2012/pdf/BTI%202012%20China.pdf> (accessed 7 March 2014).

⁴³Christian Göbel and Lynette Ong, 'Social unrest in China', *ECRAN (Europe China Research and Advice Network)*, available at: <http://www.euecran.eu/publications-2011/social-unrest-in-china-1> (accessed 17 March 2013).

⁴⁴Austin Ramzy, 'China simmering discontent: the biggest challenge to social harmony', *World Time*, (7 June 2012), available at: <http://world.time.com/2012/06/07/chinas-simmering-discontent-the-biggest-challenge-to-social-harmony/#ixzz-2RY8pCCvt> (accessed 17 March 2013).

⁴⁵Jeremy Page, Yap Chun-Wei, Wang Fanfan and Yu Rose, 'China attack signals separatist escalation', *Wall Street Journal—Eastern Edition* 263(50), (3 March 2014), p. A6.

⁴⁶Leung, 'Hong Kong Catholic Church'.

⁴⁷Guanlanpisi zhendui zongjiao chijiang shacuo liangmin' ['Editorial: National Security Blue Paper will definitely overkill for religion'], *Tripod* 34(173), (2014), pp. 2–5.

⁴⁸This was reported by visitors to China after their summer trip of evangelization in China. (Interview on 20 September 2014, Taipei.)

Cardinal Joseph Zen Ze-Kiun⁴⁹ and the Vatican's bureaucracy

In the face of harsh criticism from China's Communist government, Cardinal Zen, the bishop of Hong Kong (2002–2009), is seen as an *arch enemy* of the government, for his defense of human rights, political freedom and religious liberty.⁵⁰

Cardinal Zen stepped on the toes of Beijing because on top of his political activities in Hong Kong, he stood against Beijing on several religious issues. First, he helped the underground Church on the Mainland. Secondly he opposed the unilateral consecration of bishops by the government.⁵¹

On the other hand, the Vatican has a special problem in dealing with China. A major challenge for the Vatican in dealing with China is on whom could it rely for expertise on the People's Republic of China and who could it listen to as the true voice of China's Catholics? Within the Vatican, there were many individuals with both personal experience and negotiating experience in the former Soviet Bloc and the policies and prejudices of communist states in dealing with religious believers and Catholics in particular. Some of this expertise was relevant to China, but real China expertise of the sort that the United States and the United Kingdom could use in their difficult negotiations over very sensitive issues did not exist in the Vatican's bureaucracy. For this reason, the role of Cardinal Zen is of considerable interest. He had some personal experience of the Catholic Church and its problems on the Mainland through his teaching assignments in state-recognized training institutions for Catholic clergy (i.e. seminaries) there. He also had personal contacts with government officials in his native city of Shanghai. However, he had no direct involvement with either the Chinese Communist Party or state agencies.

Cardinal Zen was appointed by Pope John Paul II to the Vatican's Committee on China Affairs. He is a 'Chinese voice' which the Pope decided to listen to. The major influence of Cardinal Zen can be seen in the papal letter of 2007.

In 2007, he persuaded Pope Benedict XVI to issue the *Letter of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China*.⁵² In 2008, Cardinal Zen amended the Chinese translation. In 2009, Zen issued *The Summary of the Letter* and annotation. Zen's intention was to allow readers to read an unmistakable interpretation of the papal message. This was a way of exercising the sovereign right of the Vatican by Zen—a Prince of the Church. Beijing frowned on this document because the letter reconfirmed that teaching authority rests on the Pope for Chinese Catholics in religious matters.

Zen assisted the underground sector of the Chinese Church. The Vatican had to compromise in 2004 by taking Zen out of the leadership of the Church in Hong Kong. However, the decision did not stop the repressive actions of China: suspending the Sino–Vatican negotiations and allowing the illicit ordination of Chinese bishops to continue because China's major concern was to preserve national stability not Sino–Vatican reconciliation.

Recent Sino–Vatican negotiations and blunders

Beside the illicit consecration of Guo Jincai as Bishop of Chengde on 21 November 2010, the Sino–Vatican dispute further deteriorated with the Eighth National Assembly of Catholic Representatives (The Assembly) in China held from 7 to 9 December 2010.⁵³ The Assembly's high-sounding goal was

⁴⁹Dorian Malovic, *Mgr Joseph Zen, un homme en colère: Entretiens avec le cardinal de Hong Kong* (Paris: Bayard 2007). This book is compiled from interviews with a French writer in which Zen explained why he plunged himself into defending human rights and advocated for social justice.

⁵⁰Beatrice Leung, 'Sino–Vatican relations and the intermediary roles of Hong Kong and Macau', in Roland Vogt, ed., *Europe and China: Strategic Partners or Rivals?* (Hong Kong: Hong Kong University Press, 2012), pp. 201–218.

⁵¹Joseph Zen, available at: http://en.wikipedia.org/wiki/Joseph_Zen (accessed 6 January 2014).

⁵²*Letter of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China*.

⁵³Zhōngguó zhàokāi dì bā jiè quánguó tiānzhǔjiào dàibiào dàhuì ['China summons the Eighth National Conference of Catholic Representatives'], *BBC Chinese Website*, (7 December 2010), available at: http://www.bbc.co.uk/zhongwen/trad/china/2010/12/101207_china_vatican.shtml (accessed 17 March 2014).

'to support patriotism and independent Church principles, resist outside forces and unite all clergy and Catholics to walk the path of socialist society'. For the past four years, the Assembly has had to be postponed because official bishops had refused to participate, following directives from the Holy See.

The Vice President of the Chinese Catholic Patriotic Association (CPA), Liu Bainian, chaired the Assembly's opening session. Bishop Fang Xinyao of Linyi (Shandong) delivered the opening address; illicit Bishop Ma Yinglin of Kunming (Yunnan) read a report on the Assembly; and illicit Bishop Zhan Silu of Mindong (Fujian) explained the revisions to the constitutions of the CPA and the Bishops' Conference. Ma Yinglin was elected BCCC president!⁵⁴ The Assembly in the three-day meeting to choose new leaders defied objections from the Vatican that the conclave has no formal standing with the true Catholic Church and further strained the Chinese government's fraught relationship with the Holy See. Bishop Johan Fang Xingyao 房興耀 of Linyi, 57, who is in communion with the Pope, was elected as the CPA chairperson.⁵⁵ The website of the government's religious affairs office reported that the conference was attended by 341 representatives, including 64 bishops, 162 priests, 24 nuns and 91 other church members.⁵⁶

Various sources reported that Chinese authorities had to use violence and pressure to coerce bishops and lay people to participate in the Assembly.⁵⁷ However, the Assembly was the hard core of the conflict of teaching authority embedded within the clash of sovereign rights between China and the Catholic Church. In fact, the clash of sovereign rights is the backbone of the Sino-Vatican dispute, becoming the main principle which permeates the whole process of Sino-Vatican negotiations.⁵⁸

A priest in the Mainland remarked that the Chinese Catholic Church seems to have gone back to the old days of Mao when the government exercised tight controls over its activities.⁵⁹

Jia Qinglin, a Standing Committee member of the Politbureau, the president of the Chinese Political Consultative Conference, delivered a speech to the Assembly. Jia's speech reiterated major obstacles on the road leading to Sino-Vatican reconciliation and demanded that the Chinese Communist Party should seize the sovereign right over the Chinese Catholic Church. Jia also requested the audience to firmly uphold the Party's religious policy and the policy of 'democratic administration of the church'.⁶⁰ In reality, the recent religious policy in China has been aiming at eliminating the influence of religion in the socialist regime.⁶¹

Since the establishment of the Three Self Principles (which means independently administering church affairs without communion with the Holy See) in 1957, the Chinese Catholic Church has been split into the government-backed/monitored sector and the clandestine sector. In the post-Maoist Era, the Three Self Principles have not been mentioned for quite some time, but the Principles now reappear in the picture of the Sino-Vatican dispute. The Three Self Principles reflect the fact that the gulf between Beijing and the Vatican has been widening at this time. The strengthening of the Chinese Catholic Patriotic Association (CPA) means strengthening its function of monitoring and controlling local Catholic institutes and personnel. It is incompatible with church doctrine according to the opinion of the Holy See.⁶² Another major theme in Jia's statement was the 'democratic administration of the

⁵⁴Keith B. Richburg, 'China defies Vatican on bishop conclave', *The Washington Post*, (8 December 2010), available at: <https://mail.google.com/mail/?shva=1#inbox/12cc6921af80a023> (accessed 6 January 2014).

⁵⁵'Unapproved bishop elected to top China job', *UCAN News*, (9 December 2010), available at: <http://www.ucanews.com/2010/12/09/illegal-prelate-leads-china-bishops-conference/> (accessed 9 December 2010).

⁵⁶Richburg, 'China defies Vatican on bishop conclave'.

⁵⁷*Ibid.*

⁵⁸Leung, *Sino-Vatican Relations*.

⁵⁹Zhen Yuan, 'Assembly elects new leadership, causing major harm to the Church', *Asia News*, available at: <https://mail.google.com/mail/?tab=om#inbox/12ccc17e34ebd28a> (accessed 24 December 2010).

⁶⁰Jia Qinglin, 'Dulizizhu ban jiaojui bu dongyao' ['Single handedly administer the church and never be shaken with this idea'], *Wenwei Po*, (10 December 2010), available at: <http://news.cntv.cn/program/xwlb/20101209/111201.shtml?column=C23875> (accessed 24 December 2010).

⁶¹Leung, 'China's religious freedom policy'.

⁶²Holy Father Pope Benedict XVI, *Letter to Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People Republic in China*, Section 7.

church'—which had been frowned upon by the Vatican because it undermines the authority of the local bishop, who according to Canon Law is the only responsible person for church affairs within his own diocese—is again 'incompatible with church doctrine'.⁶³

The Eighth National Assembly of Catholic Representatives, 7–9 December 2010, was a political game that the Chinese government hoped would challenge the sovereign rights of the Vatican. In fact, it was a tragedy without any winner, and Chinese Catholics were left to suffer the consequences of the quarrel. Almost immediately, on 17 December 2010, the Vatican issued a strongly worded statement, the 'Communiqué Concerning the Catholic Assembly',⁶⁴ in which the Holy Father, with deep sorrow, regretted to see the Assembly was called with 'a repressive attitude', and was 'a sign of fear and weakness'.⁶⁵ In this statement, the Vatican also reiterated very firmly that it would not recognize the Chinese Bishops' Conference and the Chinese Catholic Patriotic Association whose leaders were selected in the Assembly, and demanded that the local Church, under the leadership of the local bishop, should function independently without state interference.

Before ending its message, the Vatican found the Assembly created more difficulties 'on the path of reconciliation between Catholics of the "clandestine communities" and those of the "official communities"', thereby inflicting a deep wound not only upon the Church in China but also upon the universal Church. The Chinese government, in a short statement, denounced the message from the Vatican, and began a machinery of repression. Tightening control of the Church prevailed. Thirty-one persons involved in the Bridge Church Endeavour from Hong Kong and abroad were refused entry to China.⁶⁶ Control of the movement of priests and sisters was stricter than before.

The 2010 Assembly initiated further control over the Catholic Church and coincided with the tightening control of non-conformists by violating human rights. China did not care about international criticism of its brutal treatment of non-conformists and their families (e.g. Ai Weiwei and Liu Xiaobo). Naturally, after the 2010 Assembly Sino–Vatican negotiations saw a suspension.

Recently, Beijing, observing the role played by the Vatican in Taiwan, expressed that no formulation of Sino–Vatican diplomatic relations would be possible during Ma Ying Jeow's administration.⁶⁷ When the Sino–Vatican reconciliation is discussed, both parties are expected to make concessions. However, for the Vatican it seems that tolerance and concession have touched the bottom line.

The Vatican saw, in March 2013, a sudden change in its top leadership. The Argentinean Pope Francis, after the resignation of the aged Pope Benedict XVI, took the Chair of St. Peter. Pope Francis contacted China by exchanging congratulatory notes with the Secretary General of the CCP, Xi Jinping on his inauguration, and sending a friendly note to China when flying through China air space to Korea.⁶⁸ During his reign, he has suspended the China Committee of the Vatican which was the consultative agency of the Roman Curia, and was the wrestling ground of progressive and conservative members in China affairs. It might be the sign of a new approach to dealing with China issues.⁶⁹ People expected that it would be a new dawn for the dormant Sino–Vatican relations. However developments over the course of the next two years have proved to the contrary. The demolishing of crosses on the top of Christian churches in Zhejiang Province and protests by Catholic bishops in Hong Kong revealed that Church–state relations in China were very tense.⁷⁰ There was no meeting of Xi Jinping and Pope Francis in the USA when they visited in the same period of time. China's state media gave blanket coverage of President Xi Jinping's visit to the USA, but ignored the Pope. Xi featured at the top of news bulletins

⁶³*Ibid.*

⁶⁴'Communiqué Concerning the Chinese Catholic Assembly', (Vatican Information Service, 17 December 2010).

⁶⁵*Ibid.*

⁶⁶The author was given this information by colleagues who have been working for the Bridge Church Endeavour.

⁶⁷The issue will be discussed in a separate section in this essay.

⁶⁸Andrea Gagliarducci, 'Pope Francis pursues a thaw in relations with mainland China', *Catholic News Agency's Vatican Observer*, (6 September 2014), p. 1.

⁶⁹This information was revealed by a member of that China Church Committee to one of the authors on 25 September 2014.

⁷⁰'Cardinal Zen denounces demolition of crosses', *Catholic World News*, (18 August 2015), available at: <https://www.catholicculture.org/news/headlines/index.cfm?storyid=25861> (accessed 20 September 2015).

in China since he landed in Seattle on 22 September 2015, the same day the Pope touched down in Washington, DC.⁷¹ In September 2015, the Catholic Church faced fresh hurdles in China after the ruling Communist Party entrenched its control over all religions, issuing for the first time public rules for the party's department that manages relations with different faiths and other sectors of society.⁷² These events have shown that the Chinese political climate has not been conducive for Sino–Vatican reconciliation.

Taiwan: a neglected factor in Sino–Vatican negotiation

In the whole process of Sino–Vatican negotiations since 1987, Taiwan has been under threat, because from the beginning of the negotiations Beijing has expressed on various occasions that one of the conditions of the normalization of Sino–Vatican relations would be the severing of Vatican–Taiwan diplomatic relations. The downgrading of the papal representative in Taipei from Apostolic Internuncio to Charge d'Affaires in 1971 was a sign, heralding the Vatican's changing China policy, when its Ostpolitik was in full swing in Eastern Europe.⁷³

Taiwan–Vatican relations have been extremely important for Taipei because, since the ROC had been replaced by the PRC at the UN in 1971, the Vatican is the only European state with which it has diplomatic relations, among 26 small states within Africa and Central America. In other words, Taiwan's presence in Europe is mainly through its embassy in the Vatican, which is located in the city of Rome.

Also during the years of Ma Ying Jeow's administration (2008 to date), the government has not followed the policy of independence of President Chen Shui Bien, with a national demand for democratization as well as maintaining the status quo as the foundation for more stable cross–Strait relations.⁷⁴ During these years cross–Strait relations have been perceived by Beijing as never having been so harmonious since 1949.⁷⁵ Not only has the volume of Catholic exchanges between the Mainland and Taiwan increased dramatically, but also in 2001, Beijing allowed Chinese Catholic clergy and religious women for the first time to pursue further studies in the Catholic Fugen University, Taiwan. It is the beginning of interactions among three players, e.g. the Vatican, Beijing and Taiwan in the context of the United Front Policy in one project.⁷⁶ Beijing wishes to preserve the KMT's administration, whose cross–Strait relations it finds most acceptable (2008–2013). The resumption of the Sino–Vatican diplomatic relations would mean the disruption of the Taiwan–Vatican diplomacy which is unaffordable by Taiwan, and would give an extra reason for the replacement of Ma and his KMT by a candidate coming from the People's Progress Party in the coming 2016 presidential election. Moreover, the Sunflower Student Movement in April 2014 revealed the maturity of Taiwan's civil society and its negative attitude towards the Mainland.⁷⁷ In short, Taiwan is also an element which directly influences the prolonged Sino–Vatican negotiations.

⁷¹Chinese media black out Pope's US trip, *UCAN News*, (28 September 2015), available at: <http://www.ucanews.com/news/chinese-media-black-out-popes-us-trip/74338> (accessed 29 September 2015).

⁷²New rules harden Communist Party's control over religions, *UCAN News*, (25 September 2015), available at: <http://www.ucanews.com/news/in-china-new-rules-harden-communist-partys-control-over-religions/74324> (accessed 29 September 2015).

⁷³Archbishop Luó Guāng of Taipei has his memories on this issue titled 'Dui Zhongfeng Guanxi de Luli', see Chen and Wu, eds, *A Collection of Documents on the History of the 60 Years of Sino–Vatican Diplomatic Relations*, pp. 722–733. In the same book, on pp. 195–202, the name and ranking of directors in foreign service of both Taiwan and the Vatican are listed, and pp. 505–508 have a detailed record of the downgrading of the Vatican's Apostolic delegation.

⁷⁴Hu Weiming, 'Explaining change and stability in cross–Strait relations', *The Journal of Contemporary China* 21(78), 2012, pp. 933–953.

⁷⁵See opening speech of the Director of Chairman of CCPPCC Cai Qinlin in the Economic, Trade and Cultural Forum of the Cross–Strait held in Manchuria on 28 July 2012, available at: <http://www.cppcc.gov.cn/zxww/2012/07/30/ARTI1343607876267904.shtml> (accessed 29 August 2013).

⁷⁶The author interviewed the Archbishop of Taipei John Hung SVD in 2011 and got this information that Beijing would send 30 clergy and sisters to Taiwan to further their studies. One of the authors met the Mainland sisters and clergy studying at Fugen University in May 2013.

⁷⁷The *Business Weekly* (Taiwan) devoted a whole issue to the discussion of the Sunflower Student Movement. See 'Fú mào xiéyì wánquán jiě huò' [A total explanation of the Trade and Service Agreement], *Business Weekly* no. 1376, (31 March–6 April 2014).

Conclusions

Sino–Vatican diplomatic relations were established in 1942 under the Nationalist government, and the relationship was broken in 1951. They have gone through 28 years of formal and informal negotiations to resume their diplomatic relations. The aims and purpose of Beijing and the Vatican engaging in this negotiation are different. China could learn from its previous negotiations with major powers such as the USA and Great Britain how to make concession and compromise for its own political interest. In the process of different levels of negotiations, different issues have been suggested in the negotiations. Due to very basic problems of the clash of sovereign rights between the Vatican and Beijing, the Sino–Vatican negotiation has been experiencing a major difficulty over the appointment of bishops.

However, due to social unrest prevailing in China, and other political considerations for maintaining national security, the ruling Party, the CCP, in 2010 found itself not yet prepared for a rapprochement with the Catholic Church and tried to tighten its political–ideological control on non-conformists, including religious institutes. Thus, it took the initiative to suspend the Sino–Vatican negotiations, and began offensive measures against the Vatican by resuming the illicit consecration of bishops, and launching the meeting of the Assembly of Catholic Representatives. The re-opening of the prolonged Sino–Vatican negotiations depends on China’s political mood in the days to come. The destruction of crosses in Zhejiang, new rules to control religion and China’s media coverage of Pope Francis and Xi Jinping during their visits to the USA at the same period are good indicators of the warmth of the Sino–Vatican relationship. However, Taiwan has been a neglected element which can play an important role for Beijing when it considers the pros and cons of the realization of Sino–Vatican diplomatic relations and its own policy on the unification of Taiwan.

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