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Hidden Corners: Religious Beliefs in Chinese Prisons

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Abstract: The exploration of religious beliefs within the confines of Chinese prisons presents a nuanced inquiry into the intersection of faith, correctional policies, and human rights. This study delves into the underexplored domain of how religious practices and beliefs are navigated within the Chinese penal system. Despite constitutional assurances for religious freedom, practical applications within prison walls reveal a nuanced tapestry of control, accommodation, and, at times, suppression. This paper aims to shed light on these complexities through interviews with prison officers, offering a rare glimpse into the ‘hidden corners’ of religious observance in Chinese prisons. It critically examines the balance between state control, the rehabilitation agenda, and the individual’s right to spiritual belief and practice, proposing a more inclusive approach to fostering religious diversity and freedom within the correctional environment.

Keywords: religious beliefs; Chinese prisons; correctional policy; human rights; rehabilitation



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1. Introduction

Religion within the prison environment is a well-established domain of inquiry within sociological and anthropological academic circles. The work of Beckford and Gilliat (1998) marked a significant contribution to this field by exploring how institutions manage the challenges posed by increasing religious diversity among prison populations. This line of inquiry is particularly pertinent in the current socio-political landscape, where there is a discernible trend towards adopting security-focused policies in public institutions, a phenomenon Ragazzi (2016) terms “policed multiculturalism”. Such an approach underscores the importance of managing cultural and religious plurality in a manner that is both balanced and forward-looking, especially within the context of correctional facilities. Further exploring the complex role of religion in prisons, numerous studies have elucidated its implications for both inmate rehabilitation and the overall institutional framework. For instance, Utari et al. (2024), Ajmal and Arshad (2024), and Arfa (2024) have all contributed valuable perspectives on this matter. Their research collectively emphasizes the necessity for religious programs that are both culturally and contextually tailored to the correctional environment.

The protection of cultural rights for religious prisoners in China, particularly those from minority groups, is a crucial aspect of human rights protection and serves as a tangible measure of the extent and intensity of minority rights protections (Goossaert and Palmer 2011). In modern China, where there is a demand for uniform legal systems, understanding how the cultural rights of minority prisoners undergoing judicial sanctions are protected during their custody and rehabilitation is a question of significant interest. The content and characteristics of the mechanisms in place to safeguard these cultural rights warrant thorough investigation to ensure that the cultural identities and practices of minority inmates are respected and preserved within the prison system. This exploration not only sheds light on the current state of cultural rights protection for minority prisoners in China, but also contributes to the broader discourse on human rights and minority rights within the context of incarceration and judicial reform.

Although the literature on the religious rights of prisoners in China is limited, it is often intertwined with broader discussions on human rights, criminal justice, and international humanitarian law. Most scholarly resources tend to offer historical and comparative perspectives rather than delve into detailed analyses of the current conditions of religious rights for incarcerated individuals in China. Wu (2003) asserts that prisoners are permitted to maintain their religious beliefs during incarceration. However, due to some non-academic factors such as politics and ideology, the issue of religious beliefs in the English world about current Chinese prisons is more of an imaginative existence from just several annual reports, for instance, Religious Freedom Report (CAN) and Report on International Religious Freedom (USA), which may not fully capture the on-the-ground realities. In contrast, contemporary discussions on religious freedom in China present a complex and nuanced picture. For instance, Guo and Zhang (2015) argue that the contemporary religious policy of the Chinese Communist Party (CCP) is widely misunderstood. Adding empirical depth, Shi and Lou (2010) conducted a longitudinal survey, which found that over half of the respondents believed that religious freedom in China had improved over time. This suggests that, while international reports often highlight restrictions and issues, domestic perspectives and experiences can provide a more balanced view of the evolution of religious rights in China.

However, in the context of Chinese academic research, the topic of religion in prisons is notably underexplored, particularly concerning contemporary practices. Some scholars emphasize the importance of nurturing a religious spirit within inmates, which involves cultivating qualities such as repentance, tolerance, and compassion deemed essential for effective rehabilitation. (Wang and Gao 2015) Meanwhile, others discuss the theoretical basis and historical practices of religious transformation in correctional facilities, suggesting that adapting methods from Western countries could benefit China's approach (Zhong 2014; Xiao 2016). However, despite these discussions, there remains a significant gap in comprehensive research on the actual conditions of religious practice within Chinese prisons, indicating a need for deeper investigation into how religion is integrated into the correctional system and its impact on inmate reform. The literature points to a need for more focused research on the protection and implementation of religious rights for prisoners in China, particularly within the unique socio-political and legal context of the country. If the content of news reports were the so-called facts or evidence, then there would be no need for social science research to exist. Further studies could explore the current practices, challenges, and potential pathways for ensuring that the religious freedoms of incarcerated individuals are respected and upheld in line with international human rights standards.

This paper, through interviews with prison officers, sheds light on the current state of religious issues within Chinese prisons, thereby filling a gap in this area of study. It is important to note that China's prison system lacks detailed regulations on religion (a point that will be elaborated on later in the text), resulting in significant regional disparities. The content of the interviews can only provide a glimpse into this "hidden corner" and does not offer a comprehensive overview. However, the issues that are revealed are sufficient for this article to analyze and discuss the situation.

2. China's Legal Framework Concerning Religious Beliefs in Prisons

China's legal framework concerning religious beliefs in prisons is embedded within its broader regulations on religious freedom and human rights, in conjunction with specific laws and regulations governing the prison system. The Chinese Constitution guarantees freedom of religious belief in principle, but this right is subject to a variety of restrictions, especially when it comes to organized activities and practices, which are tightly controlled by the state.

2.1. Standard Minimum Rules for the Treatment of Prisoners

The Standard Minimum Rules for the Treatment of Prisoners (SMR), though merely recommendations by the United Nations to its member states and lacking legal binding

force, possess considerable significance and act as an essential benchmark for the development and reform of human rights protections for prisoners globally. The right to freedom of religious belief, recognized as a cornerstone of human rights, has continually attracted international scrutiny. Key international instruments, such as the Universal Declaration of Human Rights, the United Nations Charter, and the International Covenant on Civil and Political Rights, explicitly address the freedom of religious belief, underscoring its universal importance (United Nations 1945, 1948, 1966).

The safeguarding of prisoners' freedom of religious belief is pivotal in reforming their spirit and soul. The SMR outlines specific provisions concerning this freedom for prisoners: should a facility house a sufficient number of prisoners of the same religion, it is required to appoint or approve a qualified representative of that religion. Where the number of prisoners justifies and conditions allow, this representative ought to be full-time. The designated qualified representative is to be permitted to conduct religious ceremonies regularly and afford private visits to prisoners of the same faith at opportune moments (Liebling 2011). Prisoners' requests for visits from any qualified religious representative ought not to be refused; however, should a prisoner object to visits from any religious representative, such reluctance must be honored. Within practicable boundaries, prisoners are to be permitted participation in religious ceremonies within the institution and possession of books on their faith's religion, morals, and doctrines to fulfill their religious requirements (Coyle and Fair 2018).

Despite the constitutional guarantees and legal provisions, the extent to which religious beliefs can be practiced in Chinese prisons might be constrained when compared to international standards such as the SMR. This situation underscores the broader tension between the state's control over religious affairs and the protection of individual religious rights amidst China's unique socio-political context. Hence, the implementation of SMR provisions related to religious freedoms in Chinese prisons embodies an intersection of international human rights norms, national legal frameworks, and the practical realities of China's governance and religious approach.

2.2. China's Legal Framework Concerning Religious Beliefs

China, characterized by its multi-ethnic and multi-religious identity, encompasses a diverse array of religions such as Buddhism, Taoism, Islam, Catholicism, and Christianity (Yi 2012). While not exhaustive, available statistics indicate that China is home to over 100 million religious adherents, with the number of believers demonstrating a consistent upward trajectory. However, the ruling Communist Party of China, which is founded on materialism and upholds atheism in its ideology, explicitly forbids its members from subscribing to religious beliefs. This ideological stance manifests as a restrained and conservative approach to religion at the national legal level, frequently positioning China defensively in international human rights dialogues concerning religion. Within its borders, religious policy emerges as a delicate issue intertwined with ethnic unity, necessitating meticulous consideration.

In modern democratic states, religion, stemming from the spiritual needs of human ultimate concerns, has become an indispensable element, and the freedom of religious belief is recognized as an important human right by the international community. Since the establishment of the People's Republic of China, the state has paid great attention to religious policy, cautiously exploring and formulating religious laws. Over time, the freedom of religious belief in China has evolved from simple imitation to a widely established right, shifting from policy-based to law-based regulation. This process has also integrally blended traditional culture with the spirit of modern rule of law (Baiguang 2013).

Article 36 of the Constitution of the People's Republic of China explicitly states that Chinese citizens possess the freedom of religious belief. It is prohibited for any state organ, social organization, or individual to coerce citizens into believing or disbelieving in a religion, as well as to discriminate against citizens based on their religious beliefs or lack thereof. This constitutional provision mirrors China's pledge to uphold religious freedoms

within the ambit of its national legislation and policies, albeit subject to the limitations dictated by its governance and ideological tenets.

The Regulation on Religious Affairs, serving as the principal legal framework for religious activities in the country, delineates the state's role in overseeing religious affairs and certifying that religious practices align with public order, health and safety norms, and national interests. However, this regulation predominantly focuses on religious activities in broader society and offers limited guidance regarding the unique context of prisons.

2.3. China's Legal Framework Concerning Religious Beliefs in Prisons

The Chinese Constitution ensures citizens the right to freedom of religious belief, which is also applicable to prisoners. The white paper on "The Situation of Reforming Offenders in China" clearly articulates that prisoners are entitled to maintain their religious beliefs during incarceration, forming a significant legal foundation for the rights of prisoners to religious belief in China. Given the distinct challenges of safeguarding the religious rights of prisoners, numerous laws and regulations have been established to cater to the religious beliefs of incarcerated individuals. In particular, the criminal policies regarding the management of crimes by ethnic minorities feature specific, adaptable regulations designed to protect the rights of minority prisoners, often including suitable accommodations that respect their ethnic cultural customs.

However, the extent of religious freedom rights afforded to prisoners diverges from those of the general populace. This right predominantly manifests in the ability to preserve existing religious beliefs, with other facets, such as adopting new religious beliefs or engaging in religious activities, typically being prohibited in practice. Additionally, challenges arise from the rudimentary level of legislation concerning prisoners' religious beliefs in China, characterized by incomplete legal regulations and limited operability. Apart from the abstract constitutional provisions on citizens' freedom of religious belief, specialized religious laws are scarce, and the existing ones typically fall into lower-tier categories, such as administrative regulations or directives, including the "Regulations on the Management of Religious Activities Sites," among others, and departmental rules issued by the State Administration for Religious Affairs. Fundamental religious legislation remains to be developed.

With respect to the legislation concerning prisoners' religious beliefs, the challenges are notably more pronounced. The "Prison Law," serving as the foundational norm for prison administration, does not explicitly address the freedom of religious belief for prisoners. Article 52 ambiguously states that the special living habits of ethnic minority prisoners ought to be accommodated, merely mentioning the accommodation of their living habits without addressing additional special rights. Furthermore, the law lacks specific and actionable provisions detailing how and to what extent these special living habits should be accommodated. In practice, the treatment of ethnic minority prisoners in such facilities is determined by individual interpretations and the actual conditions of the prison, owing to a lack of clear implementation guidelines.

Key legal texts broadly pertaining to prisoners' rights to religious belief encompass the "White Paper on Human Rights in China" (1991), the "White Paper on the Situation of Reforming Offenders in China" (1992), a 1991 reply from the Ministry of Justice to the Tibetan Re-education Through Labor Bureau, and the "White Paper on New Progress in Judicial Protection of Human Rights in China" (2016). However, these texts are not normative legal instruments ratified by legislative entities, rendering their efficacy ambiguous. As a result, the rights of prisoners to religious belief have not garnered the necessary legislative focus.

3. A Practical Observation of Religious Belief in Chinese Prisons

The situation of religious prisoners in China represents a complex intersection of religious freedom, legal rights, and state control. A practical observation of religious belief in Chinese prisons can express the "hidden corner".

3.1. Methods

This study employs a qualitative research approach through structured interviews to explore the role of religious beliefs in Chinese prisons. The focus on prison officers as primary interviewees was dictated by access limitations commonly encountered in sensitive research environments such as prisons, especially within regions of China with heightened security concerns.

3.1.1. Sample Selection and Diversity

Interviews were conducted with officers from five different provinces: Beijing, Hunan, Guangdong, Shandong, and Ningxia, chosen for their geographic and demographic diversity to provide a representative snapshot of practices across China. These provinces were selected to reflect both the majority Han Chinese areas and regions with significant populations of religious and ethnic minorities.

Two aspects should be explained.

The first is why we chose prison officers. The focus on prison officers as primary interviewees was dictated by access limitations commonly encountered in sensitive research environments such as prisons, especially within regions of China with heightened security concerns. The choice to interview prison officers was strategic, driven by the objective of understanding the administrative and enforcement perspectives regarding the implementation of religious practices within prisons. These officials are directly involved in day-to-day management and can provide insights into the operational challenges and policy interpretations that impact religious activities in correctional settings. Of course, we acknowledge that interviews with religious activists, volunteers, ministers, or even inmates and ex-inmates could provide a more comprehensive display of the full panorama of religious beliefs in Chinese prisons. However, in reality, there are nearly no volunteers or ministers working directly within the Chinese prison system. Additionally, protections for the privacy of prisoners and former inmates pose significant challenges to conducting such interviews. These are constraints that future research will need to navigate and address.

The second is why we chose the five provinces. Due to the international controversies surrounding Xinjiang and Tibet, initial attempts were made to contact prison officers in these regions. However, we were informed that they were prohibited from participating in any interviews related to the study. Consequently, the study focuses on five other provinces: Guangdong, Shandong, Beijing, Hunan, and the Ningxia Hui Autonomous Region. The selection of these provinces was strategic. Ningxia, for example, is a minority-dominated region, home primarily to the Hui ethnic group, making it a valuable case study for understanding the intersection of ethnic identity and religious practice within the penal system (Feng 2016). The other provinces—Beijing in North China, Shandong in East China, Hunan in Central China, and Guangdong in South China—were chosen to provide a geographically diverse cross-section of China's complex socio-cultural landscape. This geographical spread ensures a representative analysis of the practices and policies affecting religious beliefs in prisons across major regions of the country, excluding the highly sensitive areas of Xinjiang and Tibet. By examining these provinces, the research aims to capture a broad spectrum of how religious and ethnic minorities' rights are treated within the correctional system. Insights from Ningxia, in particular, may shed light on comparable approaches in other autonomous regions (Wu 2014), enriching our understanding of the broader landscape of religious freedom and prisoner rights in China.

3.1.2. Interview Design

The primary objective of the interview component of this study was to gather in-depth insights into the religious practices and policies within Chinese prisons, and how these affect the inmates' rights and daily lives. The interviews aimed to explore several critical aspects of religious observance, assessing both the official policies and their practical implementation. A standardized list of questions was developed to ensure consistency across interviews while allowing for in-depth exploration of specific regional practices. These

questions were designed to address key areas of interest identified through preliminary research, including:

- (a) Religious Demographics: Are there inmates who actively practice a religion? If so, what religions are most commonly practiced within the prison?
- (b) Reasons for Incarceration: Are any inmates incarcerated due to activities related to their religious beliefs?
- (c) Operational Considerations: How does the prison administration consider inmates' religious beliefs in its daily operations?
- (d) Support for Religious Practice: What provisions are made by the prison to accommodate the religious practices of inmates?
- (e) Permissible Religious Activities: What is the scope of religious activities allowed within the prison? Are there any restrictions or special accommodations?
- (f) Perspectives on Policy: How do officers perceive current policies regarding religious practices within the prison setting?

These questions were formulated to provide comprehensive insights into the management of religious beliefs in prisons, shedding light on both the policy framework and the lived experiences of the inmates. To enhance transparency and credibility, excerpts from the interviews are included directly in the text, using pseudonyms to protect the identities of the participants. These quotes serve to ground the study's conclusions in real-world observations and provide the reader with a direct insight into the perspectives of those within the prison system.

G—Officer from Guangdong (广东);

S—Officer from Shandong (山东);

B—Officer from Beijing (北京);

H—Officer from Hunan (湖南);

N—Officer from Ningxi (宁夏).

3.2. Practical Observation

The emerging recognition by the Chinese government of religious beliefs among prisoners in practice marks a noteworthy development. However, a discernible trend prioritizes ethnic identity over religious affiliation, focusing predominantly on fulfilling material needs while potentially neglecting spiritual requirements. This approach may mirror the government's overarching strategy, which accentuates ethnic cohesion and societal stability, potentially sidelining individual religious expression. Moreover, the preference for addressing material rather than spiritual needs could resonate with the state's ideological inclination towards materialism and secularism, rooted in the philosophical underpinnings of the ruling party. This scenario suggests a complex interplay between policy, ideology, and the multifaceted nature of identity within the context of incarceration, underscoring the need for a nuanced understanding of religious freedom and rights in China's prisons.

3.2.1. Basic Situation

In Chinese prisons, there are indeed inmates who actively practice various religions, reflecting the country's diverse religious landscape. However, the practice of religion within these facilities does not typically correlate with the specific crimes for which individuals are incarcerated. Within China's criminal law framework, crimes related to religious activities are primarily categorized into two types: one involves organizing or using cult organizations to undermine law enforcement, and the other pertains to illegally depriving citizens of their freedom of religious belief. Despite these classifications, prison officers interviewed indicated that there are currently no inmates incarcerated specifically for these charges. The religious demographics within the prisons mainly include followers of mainstream religions, and their incarceration is generally due to charges unrelated to their faith practices.

N: "In Ningxia, as an autonomous region with a substantial Hui population, it's natural that we have inmates who are followers of Islam. However, the charges against these

inmates typically include common offenses such as intentional injury, theft, or dangerous driving, which have no direct connection to their religious beliefs”.

B: “The situation in Beijing is quite complex. Different prisons might have inmates with varying religious beliefs. In our facility, there is no particular religion that predominates. We have followers of Buddhism, Taoism, Christianity, and Islam, each represented to some extent. However, in prisons specifically housing foreign inmates, there might be a higher number of Christians. As for the relationship between the inmates’ religious beliefs and their crimes, there is no direct correlation. In the past, particularly last century when Falun Gong was more prevalent, there were more incarcerations related to cult activities, but such cases have virtually disappeared now. At least in the last decade, I do not recall any inmate who was sentenced due to their religious beliefs”.

G: “In terms of religious beliefs, I haven’t really focused on that aspect specifically. We likely have Muslim inmates since our cafeteria seems to offer Halal meals, but beyond that, I’m not very familiar with other situations, and it hasn’t been brought up much. There doesn’t seem to be anything special; it’s probably similar to other regions. In Guangdong, rather than religious beliefs, it’s more about superstitions. For instance, I know some inmates insist on wearing red underwear during their zodiac year. As long as it doesn’t affect others, we generally don’t interfere”.

In our study, we also inquired with prison officers about the legal system governing Chinese prisons and the regulations concerning the management of religious practices within these institutions. The results indicated that China’s religious laws are more like general directives, mandating the protection of religious beliefs and respect for ethnic customs. However, there are no specific legal statutes that provide detailed guidance on how these directives should be implemented. Instead, some of the more detailed content is outlined in white papers. This highlights a gap between the overarching legal framework and the practical application, which often relies on administrative documents rather than formal legislation.

S: “In our daily operations, we primarily follow regulations such as the “Prison Law” 《监狱法》 and the “Regulations on the Assessment, Rewards, and Punishments of Prisoners” 《罪犯考核奖罚规定》. We have not received specific training or instruction related to religious matters, such as detailed studies of the “Religious Affairs Law”. For instance, I have not personally reviewed the “Religious Affairs Law” 《宗教法》 in detail”.

N: “As part of an autonomous region for ethnic minorities, we pay special attention to the customs and traditions of ethnic areas. Therefore, our regular training does include some content related to religion, particularly regarding activities that are prohibited within the prison, such as proselytizing. Being Hui myself, I am quite familiar with the customs of my ethnicity; during training, my Han Chinese colleagues are informed about basic ethnic customs to ensure respect for the religious beliefs of prisoners”.

3.2.2. General Material Needs

In the interviews conducted for question C, all respondents confirmed that the prison system respects the religious beliefs of inmates. However, it became evident during the interviews that such accommodations are predominantly expressed through material support, particularly through the provision of tailored food options that comply with religious dietary laws. For example, the prisons make special arrangements to meet the dietary needs of Hui prisoners, ensuring that meals adhere to Islamic guidelines. These accommodations extend to significant religious festivals, where special dishes are added to the menu to honor these occasions, demonstrating a deep respect for the inmates’ religious practices. Additionally, efforts to preserve the cultural rights of minority ethnic prisoners include attention to language preferences and dietary customs, contributing to the overall improvement of their living standards and well-being. Such measures are thorough, with protections in place that, according to [Beckford et al. \(2016\)](#), often provide treatment for Muslims that is on par with or exceeds that found in other countries.

N: "As previously mentioned, our prison houses a significant number of Hui inmates, and we take special care to respect their religious beliefs. A prime example of this is our provision of Halal meals, which are prepared by specially trained Halal chefs. During major religious festivals, we also consider their dietary needs more closely. For instance, during their fasting periods, such as Ramadan, when they abstain from eating during daylight hours, we adjust the cafeteria's operating hours to accommodate their schedule. This ensures that we respect their religious practices while also meeting their nutritional needs".

S: "Respecting the religious beliefs and customs of minority ethnic inmates is indeed a crucial aspect of our work. As part of the intake and education process for new inmates, we conduct detailed surveys to understand each minority inmate's religious beliefs and cultural practices. This ensures that we are well-informed and can tailor our approaches effectively. In daily life management, we accommodate the diverse cultural customs of different ethnic groups by providing food, clothing, and festival activities that align with their cultural characteristics. For example, for inmates who follow Islam, we have established a dedicated Halal cafeteria to ensure that their dietary needs are met in accordance with their religious requirements. Additionally, we regularly organize various ethnic festival activities, allowing inmates to experience the warmth of home and the joy of holidays even while in prison. This holistic approach helps us to foster an environment of respect and inclusion within the correctional facility".

G: "As a prison officer in Guangdong, I oversee our efforts to respect the religious practices of minority ethnic inmates, especially our Hui prisoners who follow Islamic dietary laws. We house these inmates together and provide them with a specialized kitchen where all meals are prepared according to Halal standards, using ingredients like chicken, duck, beef, eggs, and vegetable oil. The kitchen is managed by a designated Hui prisoner trained in Halal food preparation. During important Islamic festivals, we enhance their meals with special dishes to honor their cultural and religious traditions. This practice ensures that we adhere to their dietary restrictions while helping them maintain a connection to their cultural identity".

B: "I've witnessed firsthand the changes following the publication of the white paper on "New Progress in the Judicial Protection of Human Rights in China". After its release, we received directives to better accommodate the unique living habits of minority ethnic prisoners. This included setting up separate kitchens to cater to specific dietary restrictions, which has been particularly important for ethnic minorities like the Hui and Uyghur, known for their distinct dietary preferences. Currently, this practice is well-established across the prison system, ensuring that these cultural needs are met, although it's primarily focused on ethnic rather than strictly religious requirements".

Admittedly, this conclusion is challenging given the substantial body of the literature indicating that Muslims, particularly under various Western discourses, face oppression in Xinjiang (BBC 2022; Smith Finley 2021; Szadziwski 2020). This contradiction highlights the complexity of assessing religious freedom and human rights within a country marked by such disparate narratives. After all, 23 Muslim-majority countries supported China at the United Nations Human Rights Council (UN/HRC) in 2019 (UN 2019). It is crucial to distinguish between the reported systemic issues at the national level and the specific practices within the controlled environment of prisons as depicted through our interviews. This differentiation does not negate the broader concerns but suggests that in the microcosm of prisons, efforts may be made to comply with certain standards of religious accommodation. Further, it is essential to contextualize these findings within the broader socio-political framework of China. While prisons may strive to meet certain standards internally, these efforts do not necessarily reflect the overall policy or treatment of religious groups across the country.

The treatment of Muslim prisoners as described might be seen as an attempt to maintain a façade of compliance with international human rights standards, especially when considering China's global image. Thus, while our interview findings indicate a level of respect for religious practices within prison walls, they should not be taken as indicative

of the general state of religious freedom for Muslims in China. Therefore, while our study reports certain positive aspects based on the accounts from within the prisons, it remains critical to view these insights against the backdrop of wider reports and research that suggest systemic issues. This nuanced approach helps in understanding the multifaceted nature of religious rights and freedoms within China, balancing localized practices against a broader context of concern as discussed in international discourse and documented in multiple human rights reports.

3.2.3. Special Religious Needs

However, it is noticeable that during the interviews about question C, the prison officers scarcely mentioned anything related to religious activities. It was not until we delved into subsequent questions D and E that we began to understand the current state of what is termed special religious needs in China. In contrast to general material needs, the protection of cultural rights connected to religious practices for minority ethnic groups is approached with a degree of caution. There are evident shortcomings in how these rights are conceptualized and advanced, particularly from the perspectives of civilizational identity and cultural integration. The contemporary protection of cultural rights for minority ethnic prisoners is predominantly enacted within a policy-based and administrative framework, emphasizing security order maintenance and risk management for special groups. The institutional logic continues to focus on rights protection within a stability-oriented approach, tending towards passive conflict mitigation and resolution. Proactively promoting the equal rights of minority ethnic groups and realizing societal freedom demands greater intellectual engagement and effort from both legal and theoretical perspectives.

H: "I've observed that we generally accommodate the simpler, everyday requests of prisoners within reasonable limits. However, the prison strictly enforces policies against large-scale religious gatherings or any form of proselytizing on the premises. It's crucial to maintain order and ensure that activities do not disrupt the prison's routine operations. In our region, there is no differentiation in how religious practices are managed between prisoners of Han ethnicity and those from minority ethnic groups. We strive to treat all prisoners equally under the law while ensuring safety and order within our facility".

N: "In Ningxia, where we have a significant population of minority ethnic prisoners, particularly Muslims, we recognize the importance of cultural and religious observances. I am part of the team that helps organize special events during major ethnic festivals like Eid al-Fitr and Eid al-Adha. These activities are not just about celebration but also about respecting and preserving the ethnic identities of our inmates. We arrange for culturally themed entertainment, which is well-received and helps the prisoners feel connected to their traditions even while incarcerated".

S: "Our approach towards managing religious activities in prison is somewhat conservative. We do not typically organize entertainment activities with ethnic characteristics, even during major festivals. This policy stems from a focus on maintaining a standard routine and avoiding the complications that might arise from large-scale ethnic or religious gatherings. Our primary goal is to ensure that all prisoners, regardless of their ethnic or religious background, receive fair treatment without any special provisions that could disrupt the equitable environment we aim to maintain".

G: "In managing the prison, we pay close attention to religious activities. For smaller, non-disruptive religious practices such as prayer, meditation, or fasting, we generally do not intervene. However, larger religious gatherings and the proselytization of religion within the prison are not permitted. This approach helps us maintain order and security while respecting individual religious practices to a reasonable extent".

The incidence of conducting religious activities or studies within prisons is notably infrequent. The limited instances that do occur are typically aimed at objectives like social stability. For instance, since 2013, Xinjiang prisons have robustly implemented "deradicalization" initiatives in accordance with a cohesive strategy, revolutionizing the pedagogical management approaches for prisoners convicted of violent and terrorist offenses.

This approach entailed recruiting religious scholars to facilitate intimate dialogues with selected prisoners, imparting knowledge on genuine religious tenets, aiding in the identification of extremist religious ideology perils, and motivating their reform. This initiative bolsters the autonomous region's "de-radicalization" endeavors, enabling prisoners to relay their experiences to the public, unveil the true essence of extremist religious ideologies, and attain noteworthy outcomes. Meng Jianzhu, the former Secretary of the Central Political and Legal Affairs Commission, articulated, "There is a pressing need to meticulously collate and disseminate the efficacious methodologies of indoctrinating and rehabilitating prisoners with veritable religious doctrines, to enhance the instructional governance of prisoners charged with violent and terrorist acts, and to perpetually refine the relevance and efficacy of these educational and transformative initiatives" ([People's Public Security Newspaper 2015](#)).

During the interviews, inquiries were made to five prison officers regarding their experiences with engaging religious personnel for the education and reform of prisoners. Judicial officers from Beijing, Guangdong, Shandong, and Hunan reported the absence of such precedents within their respective jurisdictions.

N: "In Ningxia, our approach to addressing the religious and cultural needs of prisoners is quite structured and educational. We have invited the director of the Ethnic and Religious Affairs Committee's policy and regulation department to give a comprehensive lecture on ethnic and religious policy knowledge to the inmates. Although the speaker is not a religious figure themselves, the aim is to provide prisoners with a thorough understanding of the policies that affect their religious practices and rights. This is part of our effort to ensure that inmates are well-informed about their rights and the legal framework governing religious practices within the prison system. Additionally, I am aware that other regions, like Anhui, have taken a different approach by allowing Taoist religious personnel to enter prisons for discussions on relevant religious topics. This illustrates the diverse methods being employed across different jurisdictions to cater to the spiritual and educational needs of inmates, emphasizing the adaptability of our national system to the unique cultural contexts of each region".

Subsequent to reviewing pertinent documents, it was discovered that religious figures from Anqing City had conducted thematic lectures for more than 60 prisoners within a prison. Taoist priest Li Yimu elucidated Taoism's foundational principles, the doctrine of "bearing" in Taoism, and the philosophy of harmony and practical wisdom in Taoism. He synthesized these teachings with numerous narratives on bearing, compellingly conveying to prisoners the ways to enhance their life quality, forsake malevolence for benevolence, venerate the Dao and esteem virtue, proactively pursue fitting beliefs, and cultivate their spiritual sanctuary. Buddhist monk Shi Xinguang offered individualized psychological guidance to a prisoner who had recurrently displayed misconduct and committed errors within the prison. He amalgamated Buddhist tenets and ethical codes into daily existence, leveraging personal anecdotes to clarify the Buddhist notion of karma and counsel the prisoner to confront the present, revert to a 'normal mind', undergo peaceful reformation, and dispel assorted adverse psychological conditions like anxiety and distress during incarceration. The prisoner was profoundly inspired and manifested an eagerness to earnestly reform, commit to further benevolent actions, and reintegrate into society at the earliest opportunity ([Anqing City Residents 2015](#)).

4. Discussion

The institutionalization and formal legalization of cultural rights safeguards for minority ethnic prisoners, coupled with the enactment of their dynamic cultural adaptation functions and impacts within the penitentiary system and the reformation of protective measures and values concerning minority ethnic cultural rights through the lens of national legal logic, stand as critical issues warranting immediate attention in the advancement of minority ethnic cultural rights in China. Addressing these areas is essential for ensuring the comprehensive protection and respect of cultural rights for minority ethnic

prisoners, aligning with broader legal and social norms while promoting an inclusive and equitable correctional environment.

4.1. Reasons

The phenomenon, wherein the Chinese government satisfies the material requisites of religious prisoners while somewhat disregarding their spiritual necessities, can be ascribed to various foundational factors. While the absence of specific legislation is evident, the crux of this matter resides in the governance and vigilance exercised over religious practices. This approach reflects a broader strategy of prioritizing social harmony and stability, potentially at the expense of individual freedoms, and underscores the complex interplay between state control and religious expression within the context of China's correctional system.

4.1.1. Intentionally Diminishing Religious Awareness

Within China's unique political landscape, the interplay between religious beliefs and prisoner rehabilitation is nuanced and complex. Rooted in the atheistic principles of the ruling Communist Party, societal attitudes toward religion range from indifference to cautious oversight. This spectrum reflects the deep influence of secular ideologies on government policies, which often prioritize social harmony, ethnic unity, and national security, occasionally at the expense of individual religious freedoms (Madsen 2020).

This policy orientation is evident in the correctional system's legal and operational strategies, where there is a subtle but significant restriction of prisoners' religious expressions in an effort to maintain order and stability. The focus within Chinese prisons on "re-education" and "transformation" often leads to a subtle curtailment of religious practices. This management approach, shaped by longstanding secular ideologies, often results in prison administrators having a basic lack of understanding of religious practices. Although the constitution formally guarantees religious freedom, the reality within prisons often mirrors a controlled environment where religious activities are somewhat restricted (Huang 2020). This restrictive setting not only challenges compliance with legal norms among inmates but also risks heightening religious sensitivities, potentially leading to discord in what is intended to be a controlled environment.

The policies surrounding religious activities in prisons reflect a strategic reduction in religious awareness. These policies limit the scope of religious expression, critically assess its impact on individual prisoners, and ensure compliance with international standards. The legislative approach to religious freedom, while outwardly supportive, in practice often restricts expressions of faith, highlighting a disconnect between proclaimed policies and their actual implementation. Moreover, the restrictions on religious activities raise fundamental questions about the nature of religious freedom and the state's role in regulating such freedoms within the context of incarceration. The state's cautious approach to organized religion, viewed through the lens of maintaining public order and national security, can lead to policies that, while aiming to prevent extremism, inadvertently curtail the free practice of religion for many individuals who find solace and rehabilitation through their faith.

This complex scenario necessitates a deeper examination of how religious freedom is managed within Chinese prisons. It invites scrutiny of the balance between state security measures and the protection of individual rights. The tension between these elements illustrates the broader societal challenge of integrating diverse religious practices in a predominantly secular governance framework. Understanding and navigating the relationship between state policies and religious practices in prisons is crucial for ensuring that the rehabilitative goals of the penal system are met without infringing on the fundamental human rights of inmates. This balance is particularly challenging to achieve in a system where ideological control often overshadows individual freedoms.

4.1.2. Simplistic Religious Legislative System

In reviewing China's legal framework concerning religious beliefs in prisons, it becomes evident that these provisions lack practical guidance and operational clarity. This situation contributes to a diminishing awareness of religious rights and results in legislative provisions for the freedom of religious belief among prisoners being perceived as overly simplistic and, in many cases, merely nominal.

For example, the "White Paper on Human Rights in China" (《中国人权状况白皮书》, 1991) asserts that prisoners, akin to ordinary citizens, are entitled to the freedom of religious belief, permitting those with religious beliefs to maintain their original faith while also accommodating the living habits of minority ethnic prisoners. And the "Conditions for Reforming Prisoners in China" (《中国改造罪犯的状况》, 1992), issued by the State Council declares that prisoners possess the right to religious belief, with the Chinese government permitting those with religious beliefs to maintain their original faith throughout their incarceration. However, the 1991 response from the Ministry of Justice specifically delineated the manner in which prisoners could exercise their right to religious belief, articulating, "In principle, prisoners and re-education through labor personnel who are religious are permitted to maintain their original religious beliefs. Prisons and re-education through labor institutions are mandated not to coerce prisoners and re-education through labor personnel to change their religious beliefs. However, religious belief and religious activities constitute distinct entities. Given that prisons are considered mechanisms of authority and places for the punishment and reform of prisoners, religious activities are prohibited in prisons or re-education through labor institutions. The establishment of temples, hanging of Buddha statues, or any activities related to preaching or propagating religious doctrines are strictly forbidden in prisons or re-education through labor institutions. Concerning religious prisoners and re-education through labor personnel reading religious books, adherence to the principle that this should not impede the education and reform process is required. They might be encouraged to minimize or abstain from such reading, yet prohibiting or confiscating religious books is discouraged".

The directive from the Ministry of Justice has established a significant restriction on the religious freedom of prisoners, effectively making it nominal. Although prisoners are allowed to harbor religious beliefs internally and read religious texts, the practice of religious activities is categorically prohibited. This leads to a stark contradiction: while there is a superficial allowance for maintaining faith, the ban on religious activities essentially empties the notion of religious freedom of its substance. The maxim, "Without (religious) rites, it cannot be considered a religion", clearly illustrates that without the capacity to practice religion, the idea of religious freedom is essentially hollow (Goody 1961). This restrictive policy not only opposes the fundamental nature of religion, which inherently requires both belief and practice, but also hampers the functional role of religion within the prison setting. The directive sparks a profound philosophical debate: to what extent is freedom of belief preserved when freedoms of speech and religious activity are suppressed (Malik 2011)? According to the Western philosophical discourse on religious freedom and freedom of speech, religious expression is crucial to religious belief. Therefore, limiting religious speech directly undermines the very liberty to hold beliefs. Immanuel Kant insightfully noted, "Yet how much and how correctly would we think if we did not think as it were in community with others to whom we communicate our thoughts, and who communicate theirs with us! Thus one can very well say that this external power which wrenches away people's freedom publicly to communicate their thoughts also takes from them the freedom to think" (Westphal 2016). This tension between the freedom to believe and the freedom to express those beliefs necessitates a deeper examination of how such limitations impact the essential rights of prisoners.

Moreover, in the 2016 "White Paper on New Progress in the Field of Human Rights in Judicial Protection in China" (《中国司法领域人权保障的新进展》, 2016), it is stipulated only that "special living habits of minority ethnic prisoners should be accommodated, and for those with special dietary taboos, separate minority ethnic stoves should be es-

tablished". This document does not even broach the subject of specific religious issues. Therefore, this fails to address the underlying spiritual needs.

4.2. Advice

It is only through a fundamental shift in the perception of religion, followed by the amendment and enhancement of pertinent laws, that the religious rights of prisoners can be effectively actualized. This approach underscores the necessity of both conceptual and legislative transformations to ensure the practical realization of these rights, aligning the legal framework with a more nuanced and inclusive understanding of religious diversity and freedom within the correctional context.

4.2.1. Understand the Reformatory Role of Religion on Prisoners

Religion possesses a distinctive capacity in the education and rehabilitation of prisoners that cannot be entirely mirrored by legal and moral instruction (O'Connor 2013; Sundt et al. 2013; Mbuba 2023). The tenets and principles of religion, frequently promoting tolerance, kindness, mutual support, and altruism, can foster inner tranquility among adherents. For example, Buddhism's "Five Precepts and Ten Virtues" (Tanaka 1982), Christianity's "Ten Commandments" (Harrelson 1980) and the ethic of "Love your neighbor as yourself" (Neudecker 1992), along with Islam's directives of "All Muslims are brothers", "Honor your parents", and "Esteem for relatives, friends, and neighbors" (Peter 2018) can substantially mitigate the development of criminal intentions. For adherents, religious teachings hold greater significance than secular laws, steering their conduct from the depths of their conscience, leaving no leeway for opportunistic reasoning (Haviv et al. 2020; Khan 2020). Conversely, violating the religious beliefs of prisoners can elicit strong opposition, underscoring the importance of accommodating religious expression within the correctional framework to harness its potential for positive influence on prisoner rehabilitation (Murphy 2012; Clear and Sumter 2013).

While the pedagogical utility of religion possesses inherent constraints, its purview extends beyond the confines of conventional education. A progressive government ought to foster, rather than suppress, this ethical educative influence. Furthermore, employing religion as a means to educate prisoners aligns with the objectives of socialist development in China. Although Marx is renowned for his critique of religion as "the opium of the people", he concurrently championed a dialectical and evolutionary viewpoint on all phenomena, religion included (McKinnon 2005). As democratic governance solidifies within specified parameters, the function of religion evolves, adapting to contemporary life in novel ways. In contemporary society, religion can enhance individuals' moral frameworks and contribute to the establishment of principles of social justice and rule of law, aligning with the goals of building a harmonious socialist society. This view highlights the transformative and enriching potential of religious education within the broader framework of societal development and prisoner rehabilitation. This perspective resonates with recent discourses on "ethnic harmony" in China, particularly the narrative from the 20th People's Congress, which promotes a "community consciousness of the Chinese people" (中华民族共同体). This notion suggests a collective identity among diverse ethnicities within China as "Zhonghua", a term that blurs the distinctions between ethnic and national identities (Zheng 2019). Such a policy framework reflects an effort to integrate various ethnic and religious groups into a unified national fabric, reinforcing the potential of religious education to foster societal cohesion and support China's strategic objectives in addressing domestic ethnic and religious challenges. This alignment of religious education with national development strategies underscores its potential as a critical tool in the progressive transformation and integration of society.

Indeed, while religion may exert adverse effects on societal progress, it possesses the potential to be steered towards aligning with the requirements of societal advancement. Subsequent to the 14th National Congress of the Communist Party of China, Jiang Zemin initially introduced the policy of "facilitating the adaptation of religions to socialism" dur-

ing the National United Front Work Conference, a doctrine that has been consistently reiterated thereafter (Li 2000). Leveraging the constructive elements of religion for prisoner reform can enhance not only the human rights conditions of prisoners and the caliber of their rehabilitation but also empower the Chinese government to proactively address domestic ethnic and religious challenges, in addition to countering international critiques on human rights and religious disputes. This strategy can amplify China's influence in global discourse and concurrently realize manifold advantages, thus underscoring the multifaceted benefits of aligning religious practices with the principles of socialist development.

4.2.2. The Construction of Treatment for Prisoners' Religious Beliefs

In Western nations, prisoners' religious rights are codified as fundamental human rights within constitutions, foundational legislations, and global human rights treaties (Ahdar and Leigh 2013). Especially in the 1970s and 1980s, amid the widespread adoption of rehabilitative education ideologies, churches were constructed in conjunction with the establishment of penal institutions (Gusfield 1989; Vitiello 1990). Presently, Western nations possess a sophisticated system and extensive measures to safeguard prisoners' religious freedoms, encompassing rights such as engaging in collective religious practices, participating in the rituals of other faith groups, receiving clergy visitations, corresponding with spiritual leaders, observing religious dietary norms, donning religious insignias, and encouraging the adoption of one's faith by others (Beckford et al. 2016; Boyle and Sheen 2013; Trigg 2012).

To aptly acknowledge religion's role in social regulation and devise a framework for overseeing prisoners' religious convictions in China, the emphasis should be on the tangible outcomes of whether such measures fulfill social justice criteria and contribute to the eradication and mitigation of criminal inclinations and mindsets among inmates, as opposed to being unduly influenced by subjective notions or prejudices. Considering the distinctive political, economic, and cultural system attributes of our current phase, the approach to managing prisoners' religious beliefs in China cannot be wholly replicated from Western models, indicating the necessity for a system that accommodates China's unique context while recognizing the potential benefits of religious expression in the realm of prisoner rehabilitation.

1. Enhance the legal framework concerning prisoners' religious freedoms and raise the legislative standard. Grounded on constitutional guarantees of religious freedoms, delineate explicit rights and frameworks for prisoners' religious convictions within the 'Prison Law' and additional statutes, striving for alignment with the SMRs stipulations.
2. Institute a system for religious education, periodically engaging patriotic religious leaders to enlighten inmates with religious inclinations or knowledge, integrating constructive aspects of religious teachings with Marxist perspectives on worldview, life, and religion. This approach not only fulfills the spiritual needs of inmates but also aids in their acknowledgment of criminal behavior's detrimental effects and in reshaping their skewed perspectives on life and values, thereby contributing to a more comprehensive and effective rehabilitation process.
3. Religious customs must be honored, permitting inmates to engage in religious practices within defined boundaries. For instance, inmates may correspond with or meet religious figures and employ spiritual leaders to oversee minor religious ceremonies or events. The attire, dietary habits, and everyday routines of inmates should align with their religious traditions. Correctional facilities with superior amenities and a higher number of adherents ought to create designated areas such as chapels or prayer rooms, and religious observances should be facilitated in accordance with inmates' faiths during holy days. Correctional institution libraries should also stock a specified quantity of religious texts for inmate perusal.
4. Correctional administration staff must shift their viewpoints and honor inmates' religious practices. Grasping fundamental religious traditions and overall religious

knowledge is crucial. Given their regular interactions with inmates, the remarks and conduct of prison guards may inadvertently disrespect inmates' religious convictions, resulting in unforeseen repercussions. Hence, as the governing body, it is imperative to revere inmates' religious convictions and comprehend associated religious knowledge to leverage religion's influence more effectively in rehabilitation, fostering a more inclusive and supportive correctional environment.

5. Conclusions and Limitations

This study sheds light on the nuanced issue of religious beliefs among prisoners in China, a topic that remains underexplored due to the complex socio-political landscape of the country. Despite the constitutional guarantee of religious freedom, the actual practice within the Chinese correctional system appears to be limited, particularly in terms of organized religious activities and practices. This discrepancy highlights the tension between the state's control over religious affairs and the protection of individual religious rights. The interviews conducted with prison officers from various provinces provide valuable insights into the current state of religious practices within Chinese prisons, revealing a focus on fulfilling material needs while potentially neglecting spiritual requirements. This approach might reflect the government's broader strategy of emphasizing ethnic unity and social stability, possibly at the expense of individual religious expression. The study emphasizes the need for a more inclusive and comprehensive understanding of religious diversity and freedom within the correctional context, aligning with international human rights standards.

This study faces several limitations that warrant consideration. Firstly, the difficulty in securing interviews with prison officers from sensitive regions like Xinjiang and Tibet underscores the challenges associated with conducting research on this topic within China. The information gathered from interviews with prison officers from other provinces, while insightful, provides only a partial view of the broader landscape of religious freedom and rights for prisoners in China's diverse autonomous territories. Additionally, the study's reliance on interviews as the primary data source may introduce subjectivity and limit the generalizability of the findings. Future research could benefit from a more extensive and diverse data collection approach, including surveys, official documents, and observations, to construct a more comprehensive understanding of the protection and implementation of religious rights for prisoners in China.

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