New State Regulations on Recognition of Tibetan Reincarnates

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Overview

The Chinese government has announced new measures, stating that all reincarnated lamas (Tib. tulkus) must be approved by the government. The measures, which are deliberately targeted at one of the core belief systems of Tibetan Buddhism, reveal the Communist Party's agenda to undermine and supplant the Tibetan religious hierarchy and weaken the authority of legitimate Tibetan religious leaders including the Dalai Lama.

The new "State Order No. 5: Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism" was passed by the State Administration of Religious Affairs (SARA). The Chinese authorities use the term 'Living Buddhas' to describe reincarnate lamas or tulkus, individuals who Tibetan Buddhists believe have consciously decided to be reborn, often many times, for the benefit of all others.

- Introduced across entire PRC on 1 September 2007, similar legislation implemented in the TAR on 1 January 2007. Has retro-active effect.
- Represents the creation of the legal framework for Chinese central control over the identification and education of Tibet's religious leaders.
- Strikes at the central characteristic of Tibetan Buddhism the identification of reincarnated lamas.

Reincarnation within Tibetan Buddhism

The concept of reincarnation is alien to and often misunderstood by Western observers, but is critical to understanding the manner in which China will implement State Order No. 5 and the impact it will have on Tibetan Buddhism. Tibetans believe enlightened teachers, or tulkus, can choose to return to the human world. Tibetans believe tulkus to be the continuation of the same mind-consciousness across many 'lives', albeit in a new physical body – hence the common use of numbers to denote the rebirth of a reincarnate, e.g. the 14th Dalai Lama.

- Tibetans do not 'chose' or 'elect' reincarnate lamas reincarnates are 'identified' and 'recognised'(1). After the death of an important lama, a search party is formed to locate the re-born incarnation, followed by a complex identification process to ensure that the individual is indeed the reincarnation. Once located and recognized, the new incarnation is installed at a monastery for religious education.
- Outside of Tibet, the most well-known Tibetan reincarnates are the 14th Dalai Lama and the boy recognized in May 1995 by the Dalai Lama as the 11th Panchen Lama, Gendun Choekyi Nyima. Chinese Security personnel took Nyima, just six years old, from his home on 17 May 1995 and he has not been seen since.
- There are many more tulkus all across Tibet. A recent report by the US Congressional Executive Committee on China states:

"Incomplete information from official Chinese sources provides a reasonable basis to estimate that the total number of such [reincarnated] teachers in the Tibetan areas of China probably exceeds 1,000, and could reach or surpass 2,000."(2)

Why State Order No. 5?

Implementation of state religious policy has been particularly harsh in Tibet because of the close link between religion and Tibetan identity. Tibetan Buddhism continues to be an integral element of Tibetan identity and Tibetan nationalism, and is therefore often perceived by the Party as a potential threat to the authority of the state and 'unity' of the PRC.

Lamas are the spiritual, and often moral and intellectual leaders within Tibetan society, and command tremendous respect and allegiance. By creating a legal framework for the identification and education of tulkus, the CCP can:

- Ensure Beijing has direct control over the process of identifying and educating all significant lamas, including a potential 15th Dalai Lama. The 14th Dalai Lama has consistently stated that if the present situation regarding Tibet remains the same, he will be reincarnated outside Tibet away from the control of the Chinese authorities.
- Criminalise any role in the recognition of reincarnates by Tibetans living in exile. This includes the leaders of the four main Tibetan Buddhist schools(3), all of whom reside in exile.
- Ensure that all officially recognised tulkus are loyal to Beijing.
- Attempt to use the influence of tulkus to maintain control over Tibetan society and the religious establishment.

KEY ARTICLES OF STATE ORDER NO. 5		
ARTICLE		AIM
Art 1.	"protect the principles of the unification of the state, protecting the unity of the minorities"	 Threatens religious figures who are critical of Chinese rule in Tibet. Provides authorities with vague, ambiguous concepts of loyalty to the PRC which are open to hostile interpretation. Likely to involve a program similar to Patriotic Education programs already in Tibetan monasteries: Say Tibet has always been a part of China; Denounce the 14th Dalai Lama.
Art 1.	"shall not be interfered with or be under the dominion of any foreign organisation or individual"	 Criminalises any role of religious figures in exile, including the 14th Dalai Lama, in recognising new reincarnations. Criminalises any role in the location and recognition of a 15th Dalai Lama by exiled Tibetans.
Art 5.	"those with a particularly great impact shall be reported to the State Council for approval"	 Ensures all tulkus must be approved by local, provincial or central organs or be rendered invalid. Creates the legal justification for Beijing's direct intervention in the recognition process of Tibet's most significant religious figures, incl. a 15th Dalai Lama. Approval must come from the PRC's highest administrative level, i.e. the State Council led by Premier Wen Jiabao.
Art 7.	"no group or individual may without authorization carry out any activities related to searching for or recognizing reincarnating living Buddha"	 Renders all reincarnates located without official consent as invalid, regardless of religious tradition. Ensures that only search parties comprising government-approved monks can seek and recognise a new reincarnation. Criminalises any role by exiled Tibetans in the location and recognition of reincarnates.
Art 12.	"the management organization at the monastery where he is registered shall formulate a training plan, recommend a scripture teacher and submit the plan"	 Gives state organs control over the entire education of young reincarnates, including which topics and who they are taught by. Ensures control over monks – those who question Beijing's policies can be excluded from any teaching role.

Recommendations

Call on the PRC to implement the following:

- 1. End the official policy of State intervention in the identification and training of Tibetan reincarnate lamas.
- 2. Provide figures on implementation of the new regulations on the recognition of Tibetan reincarnates, both inside and outside of the TAR:
 - a. How many requests have been made seeking official approval of tulku status?
 - b. How many such requests, if any, have been rejected? If rejected, on what grounds?
 - c. What are the penalties for those engaged in identifying and educating tulkus without fulfilling the requirements of State Order No. 5?
 - d. Which 'Living Buddhas' are of especially great impact (Art. 5)?
- 3. End practices of 'Patriotic education', including forced denunciations of the Dalai Lama, targeted at Tibetan Buddhist institutions.
- 4. Allow Tibetan Buddhist monks and nuns to interact freely with their co-religionists abroad.
 - (1) This detail distinguishes Chinese government control over Tibetan reincarnations from, for example, Beijing's ordination of Catholic Bishops without Vatican approval. In the case of Catholic Bishops, the primary issue is which institution has the legitimate authority to select and appoint individuals within the Catholic religious hierarchy. However, Tibetans believe that a reincarnation simply 'is' they exist regardless of government selection or approval. Therefore, if a tulku is successfully located and recognised but approval is denied or a different individual is imposed by the Chinese government, as in the case of the 11th Panchen Lama, for Tibetans this represents the destruction of the religious lineage. The 'true' reincarnation will be lost and will not receive the religious education required to fulfil the purpose of his rebirth.
 - (2) CECC, New Legal Measures Assert Unprecedented Control Over Tibetan Buddhist Reincarnation, www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=98716
 - (3) Gelugpa School HH the 14th Dalai Lama Kagyu School – HH the 17th Karmapa Sakya School – HH Sakya Trizin Nyingma School – Dudjom Rinpoche

Appendix: State Religious Affairs Bureau Order No. Five

The new measures are published in Chinese at http://news.sohu.com/20070802/n251386214.shtml

These "Management measures for the reincarnation of living Buddhas in Tibetan Buddhism" were passed at the administrative affairs conference of the State Administration of Religious Affairs on July 13, 2007, and will be implemented on September 1, 2007.

Bureau Director, Ye Xiaowen July 18, 2007

Article 1: These measures have been formulated in accordance with the "Regulations on Religious Affairs" in order to guarantee citizens' freedom of religious belief, to respect Tibetan Buddhism's practice of inheriting living Buddha positions, and to regulate the management of living Buddha reincarnation affairs.

Article 2: Reincarnating living Buddhas should respect and protect the principles of the unification of the state, protecting the unity of the minorities, protecting religious concord and social harmony, and protecting the normal order of Tibetan Buddhism.

Reincarnating living Buddhas should respect the religious rituals and historically established systems of Tibetan Buddhism, but may not re-establish feudal privileges which have already been abolished.

Reincarnating living Buddhas shall not be interfered with or be under the dominion of any foreign organization or individual.

Article 3: Reincarnating living Buddhas should have the following conditions:

- (1) A majority of local religious believers and the monastery management organization must request the reincarnation;
- (2) The inheritance lineage should be real and have continued to the present day;
- (3) The monastery applying for the living Buddha reincarnation must be the monastery at which the living Buddha monk is registered, it must be registered as a Tibetan Buddhist place of religious activity, and it must have the ability to train and raise living Buddhas.

Article 4: Applicants to be reincarnating living Buddhas who have any of the following conditions may not be reincarnated:

- (1) Reincarnations which are not regulated by the religious doctrine of Tibetan Buddhism;
- (2) Those in city-level people's governments and above with delineated districts, which ordered no reincarnations to be permitted.

Article 5: Reincarnating living Buddhas should carry out application and approval procedures. The application and approval procedure is: the management organization at the monastery applying for the living Buddha reincarnation where the monk is registered, or the local Buddhist Association, should submit applications for reincarnations to the local religious affairs departments at the level of people's government above county-level; once the people's government above county-level has made suggestions, the people's government religious affairs department reports upwards, and examination and approval shall be made by the provincial or autonomous regional people's government religious affairs department. Living Buddha reincarnations who have a relatively large impact shall be reported to the provincial or autonomous regional people's government for approval; those with a great impact shall be reported to the State Administration for Religious Affairs for approval; those with a particularly great impact shall be reported to the State Council for approval.

Verification and authorization of the living Buddha application should solicit the opinions of the corresponding Buddhist Association.

Article 6: When there is debate over the size of a living Buddha's impact, the China Buddhist Association shall officiate, and report to the State Administration of Religious Affairs to be put on the record.

Article 7: Once an application for a living Buddha's reincarnation has received approval, depending on the size of the living Buddha's impact, the corresponding Buddhist Association shall establish a reincarnation guidance team; the management organization at the monastery where the living Buddha is registered, or the corresponding Buddhist Association, shall establish a search team to look for the reincarnate soul child, and search affairs shall be carried out under the leadership of the guidance team.

The reincarnate soul child shall be recognized by the provincial or autonomous regional Buddhist Association or the China Buddhist Association in accordance with religious rituals and historically established systems.

No group or individual may without authorization carry out any activities related to searching for or recognizing reincarnating living Buddha soul children.

Article 8: Living Buddhas which have historically been recognized by drawing lots from the golden urn shall have their reincarnating soul children recognized by drawing lots from the golden urn.

Requests not to use drawing lots from the golden urn shall be reported by the provincial or autonomous regional people's government religious affairs departments to the State Administration of Religious Affairs for approval; cases with a particularly large impact shall be reported to the State Council for approval.

Article 9: Once a reincarnating living Buddha soul child has been recognized, it shall be reported the provincial or autonomous regional people's government religious affairs department for approval; those with a great impact shall be reported to the State Administration for Religious Affairs for approval; those with a particularly great impact shall be reported to the State Council for approval.

Reincarnating living Buddhas who have been approved by the provincial or autonomous regional people's government religious affairs departments or by the autonomous regional people's government shall be reported to the State Administration of Religious Affairs to be put on record.

Article 10: When the reincarnating living Buddha is installed, a representative of the approving authority shall read out the documents of approval, and the corresponding Buddhist Association shall issue a living Buddha permit. Living Buddha permits shall uniformly be issued by the China Buddhist Association and reported to the State Administration of Religious Affairs to be put on record.

Article 11: Persons and units who are responsible for being in contravention of these measures and who without authority carry out living Buddha reincarnation affairs, shall be dealt administrative sanction by the people's government religious affairs departments in accordance with stipulations in the "Regulations on Religious Affairs"; when a crime has been constituted, criminal responsibility shall be pursued.

Article 12: When the reincarnating living Buddha has been installed the management organization at the monastery where he is registered shall formulate a training plan, recommend a scripture teacher, and submit the plan to the local Buddhist Association, which shall report upward to the provincial or autonomous regional people's government religious affairs department for approval.

Article 13: Provinces and autonomous regions which are involved in affairs of reincarnating living Buddhas may formulate and implement detailed measures in accordance these measures, and report them to the State Administration of Religious Affairs to be put on record.

Article 14: These measures shall be implemented from September 1, 2007.