

EDITORIAL

THE ARTICLE ON RELIGION IN THE DRAFT OF THE NEW CONSTITUTION

The Draft of the Revised Constitution of the People's Republic of China was published in Renmin Ribao on 28th April, 1982. Besides the introductory preamble, the draft consists of 140 articles. The next day "An Explanation on the The Draft of the Revised Constitution of the People's Republic of China", written by Peng Zhen, the Vice Chairman of the National Constitution Revision Committee, appeared in Renmin Ribao. It can be regarded as an official explanation of the draft.

Compared with the Constitution of the People's Republic of China of 1954, 1975 and 1978, this draft indicates progress when it emphasizes that the state is above the Party. The scope of the fundamental rights and duties of citizens has been enlarged. Freedom of religious belief as a fundamental right and duty of citizens is pointed out clearly.

Article 35 of the Draft on "religious belief" reads as follows:

Citizens of the People's Republic of China enjoy freedom of religious belief.

No organs of state, public organizations or individuals shall compel citizens to believe in religion or disbelieve in religion, nor shall they discriminate against citizens who believe, or do not believe in religion.

The state protects legitimate religious activities. No one may use religion to carry out counter-revolutionary activities or activities that disrupt public order, harm the health of citizens or obstruct the educational system of the state. No religious affairs may be dominated by any foreign country.

Peng Zhen in his "Explanation" comments on the above article by saying:

Chinese citizens enjoy freedom of religious belief. This has been the consistent policy of Marxism - Leninism and Mao Zedong Thought in treating matters of religious belief. This draft has revived and developed what was written about this topic in the Constitution

of 1954, stating it more clearly and concretely. In political matters, all citizens in China, whether they believe in religion or do not believe in religion, have their common points in patriotism and the support of socialism. Some people believe in this or that kind of religion. This is an objective social and ideological problem. We cannot, nor should we, solve such a problem by applying harsh measures... At the same time religion in China should be self-propagated, self-governed and self-supported by Chinese believers. It is for this reason that the draft states that "no religious affairs may be dominated by any foreign country."

After reading Article 35 of the draft and its explanation, some thoughts come to us. These are as follows:-

1. Concerning religious affairs, this draft presents a more balanced view than the Constitutions of 1975 and 1978. It does not emphasize propagating atheism, therefore the clause on "freedom to propagate atheism" is deleted. This is welcome progress. (cf. Article 8, Constitution 1978)

2. Broadly speaking, the second part of Article 35 is fully covered by article 27 of the same Constitution. It seems that there is no need to single out: "No one may use religion to carry out counter-revolutionary activities..."

3. Viewed from a positive angle, Article 35 and the Explanation of Peng Zhen clearly indicate that from now on the Government will not use harsh methods to treat believers or discriminate against them. Normal religious activities will receive protection. But from a negative point of view, one could not draw a clear line from the draft or the Explanation to demarcate what are "normal" religious activities, which "normal" religious activities are entitled to receive state protection and which are not.

4. As far as the question of "no religious affairs may be dominated by any foreign country" is concerned, Peng Zhen has noted that religion in China should be self-propagating, self-governing and self-supporting by the believers in China. But it is not clear whether this article also includes the question of unity between the local Church in China and the universal Church.

We hope that the suggestions submitted for improvement of this draft will be received favourably and considered seriously. Lastly we want to express our heartfelt wish that the new constitution will bring China peace and progress.