

Something New or Nothing Special? A glimpse at the Political Climate and Church Affairs at the end of 2004

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*(This article is based on the two editorials in the Chinese Version of Tripod, issues 133 and 134. The translation of the new version of the Constitution is based on what appeared in **China Perspectives**.)*

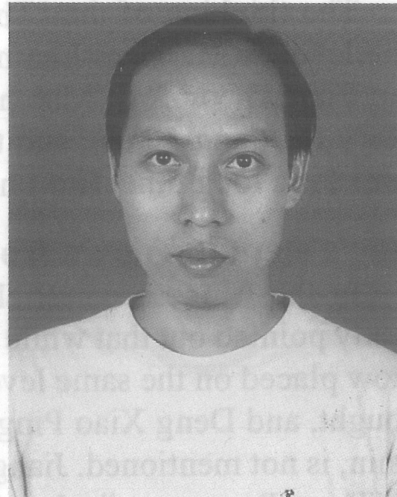
At the end of the year 2004, we observe several new developments in both the political and church situations in Mainland China.

Changes in the Constitution

In March 2004, the Second Plenary Session of the Tenth National People's Congress was held in Beijing. As most China observers predicted, the Central government tabled and passed several changes of wording in the Constitution.

The Chinese Government might be one of the busiest governments in the world when it comes to amending the Constitution. Usually a country will have a new Constitution only after a revolution. In China, however, there have already been five versions of the Constitution since 1949. These have been promulgated in 1949, 1954, 1975, 1978, and 1982. Even since the promulgation of the last Constitution in 1982, changes in terminology have been added every couple of years. The latest one was made during the above-mentioned plenary session of March 5 to March 14, 2004. This is the fourth such change since 1982, but it is still worth studying.

In the latest changes, there are many focuses. Now included in the Preamble (paragraph 7), is the term "the important thinking of the



Three Represents." The new sentence in this paragraph should read as follows:

The basic task of the nation is to concentrate its efforts on socialist modernization along the road of Chinese-style socialism. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiao Ping Theory and *the important thinking of the "Three Represents"*, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, continue reform and opening up, steadily improve socialist institutions, develop a socialist market economy, develop socialist democracy; improve the socialist legal system, work hard and with self-reliance, gradually realise the modernisation of industry, agriculture, national defence and science and technology, *promote the co-ordinated development of materialist, political and spiritual civilisation*, and turn China into a socialist country with a strong and prosperous culture and democracy. (The new changes are italicized.)

The thinking of the "Three Represents" is now placed on the same level as Marxism-Leninism, Mao Zedong Thought, and Deng Xiao Ping Theory. In March some observers thought that it was a victory for Jiang Zemin, and they predicted that he would remain in power for a long time. But I hesitated to share this conclusion.

Jiang's stepping down from the political stage

In the Chinese editorial in the June 2004 issue of *Tripod*, I already pointed out that while the thinking of the "Three Represents" is now placed on the same level as Marxism-Leninism, Mao Zedong Thought, and Deng Xiao Ping Theory, the name of the author, Jiang Zemin, is not mentioned. Jiang Zemin first expounded the concept of the "Three Represents" when he visited Guangdong on February 25, 2000. The National Peoples Congress decided not to mention his name in the Preamble. His thought is there, but not his name. This reflects the rapid change in the political climate of China during the past 12 months.

This can be compared to the last change, which took place in 1999, when "Deng Xiao Ping Theory" was added in the same article of the constitution. Deng, though dead, was more influential, so nobody dared to leave out his name. The constitutional change in

March is an indicator of the political mentality in Beijing. In September 2004 Jiang submitted his resignation as the Chairman of Central Military Commission, and passed this position to President Hu Jintao. Such a move proved that my earlier observation was correct.

Human Rights no longer a taboo

Another change, which has been mentioned by commentators many times, is "The state may in the public interest expropriate or take over land for its use in accordance with the law and provide compensation." Such a change just follows the universal trend and is itself nothing special.

A new article (#13) in the Constitution reads, *The state protects the right of citizens to private property and to inheritance*. Quite a number of commentators in Hong Kong took this as a signal to declare prudently the failure of Communism in China. My observation, however, is that when the Chinese government 20 years ago initiated the policy of a market economy, Communism was already on the way out. Whether it is declared as such in the Constitution or not, is of no consequence.

Nevertheless, we cannot deny that there is a great leap forward when the Chinese government puts the sentence, *The state respects and protects human rights*, into article 33. Although the Chinese government has repeatedly stressed in the past its respect for human rights, the term "human rights" was for a long time taboo in legal documents. Now this term appears for the first time in the Constitution. It may not mean any significant change at the moment, but it could be meaningful in the long run. It will have the positive effect of opening up further discussion on this topic.

In Articles 67, 80 and 89, the original wording of "enforcement of martial law" was changed to *declare a state of emergency*. The wording is different but the effect is the same. It is changed for the sake of globalization, bringing China into line with the rest of the world.

Some precautionary measures against dramatic changes

One point rather less discussed by commentators is that in Article 98 there is a slight but meaningful change. The original text of Article 98 was "The term of office of the people's congresses of

townships, nationality townships and towns is three years." The new article now reads

The term of office of local people's congresses at various levels is five years.

Usually a longer term of office will be more beneficial to the ruling party. The more frequent the elections, the greater the possibility of political unknowns emerging. The Chinese government's change in the term of office can be considered as a smart move to eliminate the possibility of the emergence of dissidents at various levels of the government.

Overall, this change just follows the existing practice in China. The principle remains, namely that a realistic change in society leads to a change in the Constitution. For example a parallel exists in Article 59. The term "special administrative regions" is added to the original article, making the new article read as follows

The National People's Congress is composed of deputies elected by the provinces, autonomous regions and municipalities directly under the Central Government, special administrative regions, and by the armed forces. All the minority nationalities are entitled to appropriate representation.

The reality, however, is that way before the wording of the Constitution was changed; there already existed a certain number of representatives from the two Special Administrative Regions. They worked normally as other representatives did and were never queried about the validity of their elections. This reflects the special spirit of a Constitution with Chinese characteristics.

Based on this kind of "behind the scenes" Chinese style Constitution, the changes made earlier this year come as no surprise to anybody. Since China still insists on one party rule, such minor changes and revisions only work to release social tension, and bring the country a little bit closer to the rest of the world. Such changes and revisions, however, are still far away from allowing the country to enjoy complete openness.

Democratic Movement within the Party itself

However, just before making the changes in the Constitution, the Chinese Communist Party passed two legal documents. They are

respectively, "The Chinese Communist Party's Regulations on internal monitoring (Provisional)" and "The Chinese Communist Party's Regulations on disciplinary penalties and punishments." Perhaps, these two sets of regulations will have more effect on the public and on society.

For the time being, asking the Communist Party to share its ruling authority with the public is a bit unrealistic. It is possible, however, for the Communist Party to implement a democratic system of governance within itself. If the sixty million strong Chinese Communist Party members can effect a democratic reform, and establish a system of checks and balances within itself, then such a movement would be beneficial not only to the Party itself, but to the country as a whole.

The National Catholic Representatives Congress

At the same time, the official side of the Catholic Church made some moves worth noting. Among them the most important was the sudden convocation of the 7th National Representatives Congress of the Catholic Church, held in Beijing from 7-9, July 2004.

During the Representatives Congress, new personnel were elected to replace retired or deceased members. Bishop Michael Fu Tieshan, the government-sanctioned bishop of Beijing was re-elected chairperson of the Chinese Catholic Patriotic Association (CCPA), while Bishop Liu Yuanren, government-sanctioned bishop of Nanjing, was re-elected chairperson of the Bishops' Conference of the Catholic Church in China (BCCCC).

The constitution of the CCPA was first introduced in 1980, and was formally made a constitution at the 1992 National Catholic Representatives Congress. It was revised in 1998. The constitution of BCCCC was first promulgated at the 1992 National Catholic Representatives Congress, and was also revised in 1998.

The National Representatives Congress, usually, but not necessarily, convenes every five years, and serves as the highest authority of both the CCPA and the BCCCC, in accordance with their respective constitutions.

The Representatives Congress was repeatedly postponed

Those deputed to convoke the latest congress ran into a number of difficulties. A Representatives Congress was due to be held in the

year 2003. This might be a reason why the working group for the three documents hurried to finish their final drafts in March of that year.

There were rumors that a congress would take place in September 2003. But they proved groundless. In November news about the congress emerged again. Again nothing happened. In March 2004, most people expected that the congress would take place right after Easter, but that did not happen. According to UCAN, a spokesperson for the CCPA said the congress, originally scheduled for early 2003, was postponed due to the outbreak of SARS. This is not completely factual. By the summer of 2003 SARS was over. The congress was simply postponed for other reasons.

Now suddenly, without much advanced notice, the meeting was convoked in Beijing from July 7 to July 9. Why so suddenly and why for such a short duration?

The Disappearance of the Three Documents

One thing deserving of our attention is that the so-called "three documents," which aroused such great interest both inside and outside of China in 2003, were simply ignored at this congress. The three documents, namely "A Management System for Catholic Dioceses in China", "The System for the Joint Conference of Chairpersons of the Chinese Catholic Patriotic Association and of the Bishops Conference of the Catholic Church in China" and "Work Regulations for the Catholic Patriotic Association", were proposed and eventually passed at a working meeting of bishops and Patriotic Association officials in March 2003. Presumably the three documents would have been tabled for final approval at the Representatives Congress. But they were not.

In principle, the "Work Regulations for the Catholic Patriotic Association" would serve as by-laws to the Statutes of the Patriotic Association. Since the Work Regulations failed to be tabled at the congress, the representatives transferred quite a number of articles from the Work Regulations to the Constitution of the CCPA. The other two documents were absolutely not mentioned at the congress. This should be considered as a good sign for the Catholic Church in China.

It seems that the three documents have now been temporarily put aside. This means that they cannot be formalized until the next

National Representatives Congress. In other words, during the coming five or six years, the three documents cannot be formally enforced. This gives the Church five or six more years to review matters again, and to come to a wise decision.

In general, overseas observers believe that the CCPA could not originally have proposed the "three documents" without first securing the central government's approval. Neither can they withdraw the "three documents" without the central government's blessing. Thus such a move may mean that the central government would like to take more prudent measures to deal with the affairs of non-government organizations.

