

## ***Commentary: New Religious Regulations***

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*Églises d'Asie*

*Translated from the French by Betty Ann Maheu, MM*

*The following commentary is taken from Églises d'Asie (EDA), No. 410, January 1, 2005, and used with permission.*

Last November 30, 2004, Prime Minister Wen Jiabao signed the State Council decree, No. 426, promulgating the *Regulations on Religious Affairs*. This document is composed of 48 articles divided into seven chapters. The official news media, (*Xinhua, the People's Daily* and *China Daily*) last December 18 and 19, 2004, made the regulations public. These regulations have been in the process of formulation for six years, and they replace the 1994 document *Management of Venues for Religious Activity*.<sup>1</sup> The Chinese authorities present these as the "first complete set" of regulations on religious affairs, promulgated by the Chinese Government. They will go into effect on March 1, 2005.

In the preamble to the document we read that the regulations aim to protect "freedom of religious belief," to maintain harmony among the different religions and society, and to regulate religious affairs throughout the country. The text does not define "religious belief," but it continues: "No organization or individual can force a citizen to believe or not to believe in religions. No organization or individual may discriminate against citizens because they adhere or do not adhere to any religious belief." Then there follows a whole series of measures concerning the protection of goods and of persons attached to "religious groups," the procedures to be followed in the construction of religious buildings, the organization of religious activities, as well as the appointment of religious personnel.

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<sup>1</sup> See *EDA, No. 172*.

According to the Xinhua Agency, these new regulations represent “a major advance in the protection of religious liberty for Chinese citizens” in a context of “rapid socio-economic development.” When questioned by various foreign media, specialists in religious issues in China gave a slightly different analysis.

According to Feng Jinyuan, researcher at the Academy of Social Sciences in Beijing, the absence of a definition of “religious belief” underlines the difficulty that Chinese authorities encounter when they must deal with matters of religion. He adds that the fact that the publication of these regulations was delayed several times since 2001 illustrates this difficulty. He reports, “The core of the controversies revolved around the definition of ‘religious affairs’ and also on the importance to be given to these regulations.” Professor Feng, one of the persons consulted by the authorities, along with other researchers and religion specialists in the finalization of these regulations, makes clear that the government wished to reserve for itself the tools needed for them to continue to control the administration of religious affairs—but not the religions themselves—while at the same time avoid stepping too obviously on the religious freedom of its citizens, a freedom guaranteed in the Constitution of the People’s Republic.

According to Anthony Lam Sui-ki of the Holy Spirit Study Centre, attached to the Diocese of Hong Kong, certain precautions in the new text could mean “a better style” in the way Beijing up to this point has related to religious organizations. Anthony Lam stressed that functionaries who abuse their powers towards religious groups could, from now on, be brought to court or be subject to disciplinary sanctions. “Previous regulations were limited to a collection of administrative measures enacted in view of managing religious organizations. From now on, the text mentions the abuse of power and its consequences. This constitutes an improvement,” he explains, but he immediately adds that we must not expect that the new text will make any major, immediate change in the way those in power implement the religious policy.

Last October<sup>2</sup> one of the officials of the Religious Affairs Bureau in Beijing reflected that “to limit the authority of the State

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<sup>2</sup> See *EDA*, No. 406.

