

BOOK REVIEW

Religious Affairs Regulations: A Handbook of Related Laws, Rules, and Policies

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Religious Affairs Regulations: A Handbook of Related Laws, Rules, and Policies (2010 revised edition), edited by State Administration of Religious Affairs Policy and Regulation Office, Beijing: Religious Culture Press, 2010.

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This handbook replaces an edition which was published in 2005, after the Religious Affairs Regulations of 2004 were enacted by the State Council. Those regulations remain the centre-piece of the revised edition, but there are additional regulations and other materials from the last few years collected into one volume. It is intended to meet the needs of local Religious Affairs Work departments, and 'friends from religious circles'.

The new materials are not restricted to those emanating from the State Administration of Religious Affairs. It includes the Civil Servants Law of 2005, Customs regulations of 2007 on the importation of religious publications, taxation regulations of 2008, and the latest revisions to the Law for Protection of the National Cultural Heritage.

From the State Administration on Religious Affairs itself are added such materials as a Notice on Control of Religious Publications from 2006, and the 2006 Notice on the Employment of Foreign Religious Experts.

Sadly, the handbook provides for the personnel of local Religious Affairs Work departments outdated policy instructions, based on flawed information. The 1997 White Paper on the Situation of Religious Belief in China is included as the policy foundation for these administrators. Surely the central organs of the State Administration on Religious Affairs are relying on more up-to-date information, but it is disappointing that this is still offered to those administering policy on the front lines.

The glaring omission in the handbook is the failure of the National People's Congress to enact a Law on Religions. In 2000, the Legislation Law sought to regularize the basis for the many regulations in China. A hierarchy of law was established: each topic must have a law passed by the National People's Congress, and then national, departmental, and local regulations are enacted in a hierarchy under that law. All regulations must conform to the law, although there is no provision for courts to strike down a regulation which conflicts with a national law. A decade has passed, and the State Administration of Religious Affairs has yet to put before the National People's Congress a draft law for enactment. No doubt it is a difficult task, but in a nation which claims to have basically established a complete system of law, this stands as an example of incompleteness. The reader might hope that the next revision, not so many years hence, will contain a well-drafted Law on Religions.

In this hierarchy of laws, local regulations must be in conformity with the national regulations. The handbook may be of assistance in bringing that needed conformity to the local scene. Also, the handbook cannot give the reader a picture of how regulations are really administered in practice, but at least the

reader can know that national and local practice ought to accord with the regulations. Laws and regulations should not be “sleeping beauties:” perfect in appearance, but without any effect.

Yet even the publication of this handbook, in its latest revision, is a sign for hope. It is not so many years ago that the Red Guards were rampaging through China, attacking religious believers and destroying religious sites in their pursuit of the “Four Olds”. And even before the Cultural Revolution, the Party had begun the destruction of the infant legal system at the time of the Anti-Rightist Campaign. Now there is rebuilding of religious life in China, and there is rebuilding of the legal system. While much remains to be done, the appearance of something as mundane as a handbook of regulations indicates that both religious life and the legal system are in a new era. We can all be grateful for these achievements.