

The Revised Regulations on Religious Affairs are Unsettling

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The Chinese government announced through official channels on September 7, 2017 that the State Council had approved the newly revised Regulations on Religious Affairs (RRA) at the 176th regular meeting on June 14, 2017. The new version is to replace the current regulations promulgated on November 30, 2004.

Key comparisons with the 2004 version*

Compared with the 2004 version, there are big differences. Chapter II on “Religious Organizations” in the 2004 version extends into Chapter II “Religious Organizations” and Chapter III “Religious Schools” in the 2017 version.

And following Chapter V on “Religious Clergy” (listed as Chapter IV in the 2004 version) there is a new chapter of Chapter VI on “Religious Activities.” There are now altogether 9 chapters in the 2017 version. The number of articles increases from 48 in the 2004 version to 74 articles.

The 2017 version fits well with the China’s emphasis on “anti-terrorism” and “maintaining stability.” A new Article 3 reads, “The management of religious affairs upholds the principles of protecting what is lawful, prohibiting what is unlawful, suppressing extremism, resisting infiltration, and fighting crime.” (The original Article 3 becomes Article 4 in the 2017 version.) Clearly the new version is designed within the framework of the 2015 “National Security Law,” “Counter-Terrorism Law” and “Law on the Management of

* The regulations cited in the English version of this article are drawn mainly from two sources: the English translation by Peter Barry in *Tripod* Vol. 25, no.136 (2005): 5-18; and <https://www.chinalawtranslate.com/宗教事务条例-2017/?lang=en/>.

Foreign Non-Governmental Organisations' Activities within Mainland China." Article 6 which states "All levels of people's government shall strengthen work on religion, establish and complete mechanisms for work on religion, and ensure the strength of and the necessary conditions for the work" reflects the authority of the speech on Religious work by President Xi Jinping in April 2016.

Executive approaches that are worrying

First let me raise a few points of concern. Chapter III on "Religious Schools" and Chapter VI on "Religious Activities" are newly added chapters. Article 41 states:

Non-religious groups, non-religious academies, non-religious activity sites, or non-designated, temporary activity sites must not hold religious activities, must not accept religious donations. Non-religious groups, non-religious schools, and non-religious activity sites, must not carry out religious training and must not organize citizens to participate in overseas religious training, meetings, activities and so forth.

Obviously it is an instrument to limit the practice of underground religious groups. If the local government cannot provide suitable measures to ease the contradictions between open and underground groups, some hurtful conflicts will be unavoidable in the future.

In Chapter VII, Article 57A is a duplicate of Article 35 in the 2004 version. It states: Religious groups, religious schools or religious activities sites may, in accordance with the relevant national provisions, accept donations from organizations and individuals at home or abroad, which shall be used for the activities that are commensurate with the purpose of the religious group or the religious activities site. But Article 57B is newly added:

Religious groups, religious schools, and religious activity sites must not accept donations from foreign organizations or individuals that have conditions attached, and where the amount donated exceeds 100,000 RMB, it shall be reported

to the religious affairs department of the people's governments at the county level or above for review and approval.

Such a regulation will cause a lot of trouble for the religious community. It will also allow room for abuse and corruption by the authorities during the reviewing and approving process.

Some penalties are worrying

In the draft version for public consultation which was promulgated in September 2016, there were quite a number of penalties, such as Articles 64B, 69, 70A and 71. These were already criticized by a lot of overseas observers, including myself. For example, Article 64B reads:

Where large scale religious activities are organized without authorization, the religious affairs department together with the relevant departments are to order that the activities be stopped, and may give a concurrent fine of between 100,000 and 300,000 RMB; and where there are unlawful gains or illegal assets, confiscate them. Of these, where large scale religious activities are organized without authorization by religious groups or religious activity sites, the registration management organs may also order that the religious group or religious activity site withdraw and change the directly responsible management personnel.

Moreover Article 69 aims at controlling the religious activities site and it includes penalties against the religious group and non-religious groups differently:

Where a religious activities site is established without authorization, or where a religious activity site that has had its registration revoked or registration certificate cancelled continues to carry out religious activities, or where a religious school is established without authorization, the religious affairs department, together with the relevant departments are to shut it down and

confiscate the unlawful gains or illegal assets if any; where the unlawful gains or illegal assets cannot be determined, a fine of up to 50,000 RMB is imposed; the illegal houses or structures, if any, shall be disposed of by the planning and construction departments in accordance with the law; and where there is conduct in violation of public security management, a public security administrative sanction is be imposed in accordance with the law.

Where a non-religious group, non-religious school, non-religious activity site, or site not designated for temporary activities organizes or holds religious activities or accepts religious donations, the religious affairs department, together with the departments for public security, civil affairs, construction, education, culture, tourism, cultural artifacts, and so forth, will order it to discontinue the activities and will confiscate the unlawful gains and illegal assets, if any; and may give a fine of between one and three times the value of unlawful gains; where it is not possible to determine the unlawful gains, a fine of up to 50,000 RMB is given; and where a crime is constituted, criminal responsibility is pursued in accordance with the law.

Unlike the above articles, Article 70A targets the extraterritorial activities of the religious groups. It reads as follows:

Where, without authorization, religious citizens are organized to leave the mainland to participate in religious training, meetings, the hajj or other such activities, or religious education and training is carried out without authorization, the religious affairs department, together with the relevant departments, is to order it to discontinue the activities, may impose a concurrent fine of between 20,000 and 200,000 RMB, and is to confiscate the unlawful gains, if any; where a crime is constituted, criminal responsibility is pursued in accordance with the law.

Article 71 is the most puzzling. It supposedly targets unlawful religious activities, but actually covers anybody who has any connection with religious activities.

Where conditions are provided for unlawful religious activities, the religious affairs departments are to give a warning and confiscate the unlawful gains or illegal assets, if any; where the circumstances are serious, a fine of between 20,000 and 200,000 RMB is to be imposed....

I wish to draw attention to one more pitfall. The new Article 70B was not in the draft version. It states:

Where there is proselytization, organizing of religious activities, establishment of religious organizations, or establishment of religious activity sites in schools or educational institutions other than religious schools; the organ of review and approval or other relevant departments are to lay down corrections to be made within a certain time and give warnings; where there are unlawful gains, they are to be confiscated; where the circumstances are serious, enrollment will be stopped and education permits cancelled; and where a crime is constituted, criminal responsibility is pursued in accordance with the law.

Now Christmas celebrations or even the sharing of a religious classic can cause people to fall into the black hole of lawsuits. It is not only a vehement attack on religious groups in China, but also greatly discourages the contact of Chinese people with global culture.

Several important articles that are easily overlooked

After Article 20 (formerly listed as Article 14 in the 2004 version) which lists the conditions for the establishment of a venue of religious activities, a brand new Article 21 on “procedures for the establishment of a religious activity site” has been added. A subsequent article 33 states:

Reconstruction or construction of new buildings in religious activity sites shall be done after approval by the religious affairs department of a local people's government at the county level or above, and then handling formalities such as for planning and construction.

This may be construed as a juridical response to the spate of forced cross-demolitions that took place in Wenzhou, Zhejiang between 2014 and 2016, and that targetted Christians in particular. For the moment we cannot assess the significance of this article but we hope that under the strong disciplinary leadership of the central government, abuse by the local government will no longer be tolerated.

In Article 35, a new category of “temporary activity sites” has been introduced. This new development may open up more space for the activities of religious organizations in the future. Article 35 reads:

Where religious citizens need to regularly conduct collective religious activities, but don't possess the conditions for applying to set up religious activity sites, a representative of the religious citizens is to submit an application to the religious affairs department of the county-level people's government, and after the religious affairs department for the county-level people's government solicits the opinions of local religious groups and township-level people's governments, it may designate a temporary activity site for them.

Under the guidance of the religious affairs departments of county-level people's governments, township-level people's governments conduct oversight of activities at temporary activity locations. After they possess the conditions for setting up religious activity sites, reviews, approvals and registration formalities for establishing religious activity sites are to be completed.

Religious activities at temporary activity sites shall comply with the relevant provisions of these Regulations.

In particular, I draw attention to Article 36B which has been preserved in the new version (it was listed as Article 27B in the 2004 version). Article 36B reads:

The successors of the living Buddha of Tibetan Buddhism are determined under the guidance of the Buddhist Association, and in accordance with Buddhist ritual and historical tradition. Their names must be submitted for approval to the religious affairs departments or the people's governments at or above the level of cities divided into districts. The national religious organization of the Catholic Church shall report for the record the names of the bishops of the Catholic Church to the State Council's religious affairs department.

This article just mentions “the reporting of names” post-election, but does not determine how the bishops are to be chosen. The ambivalence allows room for negotiation to resolve the issue of bishops’ appointments. This also reflects the fact that since Xi Jinping came to power in March 2013, there has been no new case of illegitimate consecration in China.

Conclusion

The current political situation in China is very strange. It is like a person with severe mysophobia (fear of contamination). It does not allow the people to have personal development. Their thinking and behavior must follow the government's lead. In other words, 1.3 billion people are being forced into a single mold,

Attending Mass, printing religious books, spiritual formation, and other religious activities are for the Chinese government not only personal affairs but matters of the state.

The concept of "country first" has been promoted by the Communist Party since 1949, meaning a person should absolutely obey the country because the communist regime believes only when the country gets stronger, can its citizens espouse their own values.

In this mode of thinking, religious affairs would be more tightly controlled under the strong leadership of Xi Jinping.

In particular, as China becomes richer, the government can use much advanced technology equipment to monitor every move of the people. For example, the cross demolitions and even the destruction of some churches in Wenzhou and Zhejiang province subsided in 2016. The authorities then installed CCTV cameras to monitor churches and the faithful. Local Catholics will not dare to act rashly,

But, to be fair, the new version of the regulations may not necessarily target the so-called rapidly growing "underground" Christian communities. Indeed, the underground Christian communities have not been growing rapidly for the last few years, especially not on the Catholic side. The Catholic communities are even shrinking. But the State Administration of Religious Affairs (SARA) would still like to control the religions.

The new version will actually have a greater impact on the open community of the Catholic Church, such as increasing scrutiny over their relations with the Vatican. The open community of the Catholic Church has to report everything to the government. For the underground side, it makes no difference as they have already been branded as illegal.

The state council sent out a draft bill to revise the Regulations for Religious Affairs (RRA) on Sept. 7, 2016 to gather opinions. What surprised us is that the "new regulations" were almost a duplicate of the "draft". As far as I could tell, there are only two new points, Article 66 and Article 70B (regarding compensation), together with one point that has been deleted, i.e., the second half of article 55. Nothing else was changed. Even the so-called three new articles are nothing but a re-structuring of existing articles.

This raises a question. In light of this slight amendment, the new regulations should have been promulgated much earlier according to the original plan of the government. Even in January 2017 Wang Zuo'an, the head of SARA, announced that it was coming soon. Why was it postponed to June (when according to the government, the regulations were passed)? This shows there may have been important contentions. What are they? How would the current and future religious sectors in China deal with the differences. These are questions we should attend to in the future.