

Highlights

Rule of law best help to freedom of faith

By Ku Ma (China Daily)
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In his interview with China Daily, Liu Peng, says the country is at a favorable time to develop an institutional guarantee for the legality and equality of all religions, so that they, as President Hu Jintao recently expected, can make a greater contribution to the general social harmony.

In this-worldly world, he is an expert - a private entrepreneur guiding his company moving nimbly from one business to another.

In other-worldly world, he is also an expert - a researcher in religious studies, and in practically all major religions in China (and in the world).

And in between the two worlds, he is an expert, too - in using his business income to finance the research in his 10 year-old small non-profit Pushi Institute for Social Science, or "institute of universality."

In his interview with China Daily, Liu Peng, says the country is at a favorable time to develop an institutional guarantee for the legality and equality of all religions, so that they, as President Hu Jintao recently expected, can make a greater contribution to the general social harmony.

The 58 year-old scholar is also a researcher of religions in the United States in the institute of American studies under the Chinese Academy of Social Sciences. Prior to that, in the 1980s, he worked in the Communist Party of China Central Committee's united-front work department, where he helped the drafting of many policy papers, and became familiar with the ins and outs of China's administrative system on religious affairs.

Now it is time that the system be developed in such a way as to let more religious affairs be governed by law, instead of through administrative means, as the practice up to now, and in order to do so, all religious groups be provided with equal and standard access for legal registration.

Things are confusing now, he says, when administrative officials, unaided by adequate laws, have to deal with both legally registered religious groups and an increasing number of religious groups that are flourishing in the extra-legal territory.

"Just as the late leader Deng Xiaoping said, we need to seek truth from facts," says Liu, "We have to admit that this kind of administrative system leaves huge room for improvement."

In fact, Liu recalls, the Chinese system was a copy from the erstwhile Soviet Union in the 1950s. Although Vladimir Lenin, founder of the Soviet Union, said a socialist government should never have any links with or provide financial aid to a religious body, the ironic reality was that administrative officials in China set guidelines for finance, activities and training for various religious groups, and even made their management part of the overall national development plan. Many, if not all, religious groups and facilities received government grants.

At the same time, simply for the sake of officials' convenience, many churches and temples were shut down. "Just one out of every 10 churches was kept open, especially because the newly-founded People's Republic was under threats from hostile foreign forces," Liu says. "Then believers were encouraged to join government-guided patriotic sects."

Now, however, China's social and economic conditions have changed greatly since the beginning of its reform and opening up 30 years ago. A vibrant private sector is growing rapidly along with the State-owned sector, as a pluralistic economy has become a common reality. That has naturally led to new features in people's mindset - just as Karl Marx famously argued, "the economic base would determine a society's superstructure," he says.

Back in the 1960s, Zhou Enlai, then premier, estimated that there were just about 100 million religious believers in China. But the number must have increased manyfold today, Liu points out, even though China has yet to produce a religious census.

Since 2007, Liu has been diverting what he called "substantial money" from his company to carry out a survey on religious groups across 16 provinces in China. He says he is still studying the findings and refuses to be specific about the results, only saying that just "house churches" - praying facilities that don't register or report to the State Administration for Religious Affairs - have at least 50 million followers nationwide.

Some Chinese researchers have attributed the rapid growth of "house churches" to the "evil" designs of some Western forces. But Liu rejects such a scenario.

All religions, from Buddhism to Christianity to Islam, have different sects, he argues. So in no case is it easy to try to persuade members of one sect to join another, nor does it make much sense in a peace time. That is, for him, the primary explanation for the existence of so many "house churches" alongside the "three-self churches," meaning the churches that have registered with the government since the early days of the People's Republic to operate under the principles of "self-support, self-governance and self-propagation."

Another reason why "house churches" have grown is that the small number of churches, especially in the expansive rural areas, cannot meet the demand of the believers. In many places, people have to walk for miles to pray, hence their "house churches", Liu says.

The "house churches" are just one example of the new issues arising from society's changes in the last three decades, including the loose financial management in some temples, the mushrooming of unregistered belief groups, and the involvement of some groups in illegal activities.

This is why an over-arching legal system is needed, Liu says, for all religious bodies to compete freely - in a way similar to the market economy - with the government intervening only when a law-breaking attempt occurs.

According to the Constitution of the People's Republic of China, citizens "enjoy freedom of religious belief (and) the State protects normal religious activities."

Liu has discussed the term "normal" with many law experts, and all agree that the term should not be interpreted in such a way to allow the government to decide what religious activities are allowed like a religious court. "Religious practices differ from one another extensively," says Liu. "There are no specific criteria for the government to pass the judgement."

Instead, "normal" should mean "legal," he argues, as the only possible thing that the government can do is to distinguish between legal and illegal religious activities. And at an appropriate time, he suggests, the word should be duly replaced.

But more importantly, Liu argues further, the country still does not have a comprehensive law on religion.

In 2004, the State Council, the country's Cabinet, passed the Regulations on Religious Affairs, which was a step toward establishing the rule of law. But without a basic law, which can only be enacted by the National People's Congress, the dozen or so existing sets of administrative regulations still cannot work in a cohesive way. Such a basic law is particularly important for clarifying the relationship between the religious bodies on one side and the government on the other - along with the kind of public service that religious bodies can expect.

Liu even proposes that before there can be a comprehensive legislation on religion, China can initiate some experimental projects of the reform that he is calling for in five or six selected areas in the country.

Although no response is heard from the government to his research, Liu says he is optimistic. Overall, this government has become more open-minded than before. "At least no one asks me to shut up. They must know I'm just trying to help the government identify and solve its problems."

On Dec 18, 2007, Hu Jintao, general-secretary of the Central Committee of the Communist Party of China, said in a speech at the politburo study session: "We must strive to closely unite religious figures and believers around the Party and government and struggle together with them to build an all-around moderately prosperous society while quickening the pace towards the modernization of socialism."

On Oct 15 2007, Hu Jintao said in a report at 17th Party Congress: "Promoting harmony in relations between political parties, between ethnic groups, between religions, between social strata, and between our compatriots at home and overseas plays an irreplaceable role in enhancing unity and pooling strengths. We will fully implement the Party's basic principle for its work related to religious affairs and bring into play the positive role of religious personages and believers in promoting economic and social development."

On March 5, 2009, Premier Wen Jiabao delivered the government report, saying: "We will fully implement the Party's basic principles on work related to religions and enable religious figures and people with religious belief to play a positive role in promoting economic and social development."

On March 3, 2007, at the opening of the 10th National Committee of the Chinese People's Political Consultative Conference (CPPCC), Jia Qinglin, chairman of the National Committee of the CPPCC, said: "We will give full play to the positive role of religion in promoting social harmony."

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