In the thirty years since the reform and opening policy was launched, China’s extraordinary achievements have stunned the world. However, the progress of reform in different domains is has not been balanced. For a variety of reasons, the progress of reform in the religious field has lagged behind. Many long-standing problems have not been properly dealt with and, amid the social transition and deepening globalization, many new problems have emerged. All across China, more and more people are following various religions, and the influence of religion is increasing. However, it is an indisputable fact that the government has a seriously imbalanced input-output ratio in its regulation of religion and various problems in the religious sphere have become increasingly severe. Over a period of time, complex contradictions and problems within and outside of the religious circle have evolved into challenges that the Chinese Communist Party and government must face directly; they can no longer be circumvented. In recent years, the state has continuously increased the inputs into the regulations over religious affairs. However, the existing regulatory regime over religious affairs remains inefficient and rigid and unable to cope with the problems in the religious sphere. This has not changed. In areas inhabited by ethnic groups, religious issues are often intertwined with ethnic, political, social, economic and cultural issues. These make issues that are already complex even more complicated.

China remains in the initial stage of socialism. At the same time, religion still exists in society and enjoys widespread support among the masses. In the foreseeable future, religion will continue to have an impact on society. Therefore, in order to preserve and enhance the nation’s prosperity and development and harmony and stability in society, we must do the following: treat religion as an important social issue that involves the interests of millions of people, consider religion at the strategic level; face the problems that exist in the religious domain; and establish a set of fundamental resolutions that are new and operable and based on research.

**Part I: The Issue of Church-State Relations is at the Core of the Religious Issues in China**

Religion maintains relationships with other with other domains in society. These include relationships within the religious sphere, with the secular, with society and with the state. These are all part of the entire social structure. The most important of these relationships is that which exists between the state and religious organizations. This is what is known as church-state relations. Church-state relations are extremely important, because how the church and state relate to one another affects and determines all the other relationships within the religious domain. Church-state relations are related to not only how religion exists and what role it plays, but also to social stability and development. They also include the interests of all religious believers and non-believers. As the regulator of public interests, the state must consider the relationship between religion and the state when it considers the long-term strategy of social stability and development. If the relationship between religion and the state is managed well and is harmonious, religion can function as a positive force and foster social and economic development and social harmony. If not, religion may become disruptive. In the final analysis, the religious problems in China today, whether they are simple or complex, are all related to the issue of church-state relations. Therefore, if we are to resolve the religious issues in China, we must focus on the key issue of church-state relations.

There are four major paradigms for understanding the nature of church-state relations: Caesaropapism (unification of the state and the church), laïcité (separation of the church from the state), state religion (religion above secular political power) and control over religion by the state (secular political power above religion).

Different countries have different histories, cultures, and social and political systems; as a result, they have adopted different paradigms of church-state relations. In China, the government has established a department of religious affairs to regulate religious affairs and at the same time it regulates the personnel from the religious circle, religious venues and religious activities through state-sanctioned religious organizations. The department of religious affairs
uses administrative means to resolve religious issues in society. Religious followers carry out activities under the guidance of state-sanctioned religious organizations. This system was established in the 1950s, following the Soviet model of regulations over religious affairs. Its purpose is to guarantee the state’s control over religion. It is a classic example of the control over religion by the state.

In this model of church-state relations, the state and religious organizations are not independent and separate from each other. Instead, their relationships is one of ‘regulator’ and ‘regulated.’ The government department that regulates religious affairs supervises and guides not only the political direction of religious groups, but all aspects of religious organizations. This includes personnel assignments, finance, religious activities, clergy education, international exchange, and the development of religious believers. The survival and development of religious organizations are also included into the overall state plan. All aspects of a religion, including its success or failure, prosperity or decline, and supply and demand, are closely associated with the work and interests of governments and government departments of all levels. Religious organizations follow the government, and the government guarantees the political status and survival of the religious organizations. Their relationship is similar to the relationship between a state-owned enterprise and the government department that regulates the economy. This was how things were done in the past. This kind of regulatory system has characteristics of the centrally planned economy.

Since the beginning of the opening and reform policy thirty years ago, China has successfully transitioned from a centrally planned economy to a market economy, the economic foundation and social structure of Chinese society have experienced tremendous substantive changes and the model of the centrally planned economy in which politics and enterprises were not separated from each other and the state relied on administrative means to regulate the economy no longer exists. However, in the religious domain, the administrative system that regulates religious affairs still follows the model of “the state controls religion,” which was established in the 1950s. In this regulatory system, which is based on administrative control over religion (the state is not separate from the church), the state actually supports some religions or sects and suppresses others. This has had the result of politicizing and marginalizing religion. Is this kind of regulatory model for religious affairs consistent with the basic principles of the Marxist view on religion? Vladimir Lenin states unequivocally, “Religion must be of no concern to the state, and religious societies must have no connection with governmental authority,” and “No subsidies should be granted to the established church nor state allowances made to ecclesiastical and religious societies. These should become absolutely free associations of like-minded citizens, associations independent of the state.” It is clear then, that the paradigm of church-state relations in which the state controls the church, has no theoretical foundation in Marxism. Is the existing regulatory system for religious affairs able to adapt to the complex circumstances in the religious sphere today, manage the relationships between the Chinese Communist Party and government and religious believers, and effectively resolve the problems in the religious sphere? The results show that the existing system for religious affairs cannot adapt to the needs of today’s social development and the real effects and effectiveness are disappointing.

Let us take Protestant Christianity as an example. Since 2009, there have been more than ten fairly large-scaled church-state conflicts or mass events involving Protestant churches. These include Jingdengtai Church in Linfen, Changchunli Church in Jilin, Early Rain Church in Chengdu, Wanbang Church in Shanghai, Liangren Church in Guangzhou, and Shouwang Church in Beijing. Some of these incidents crossed the so-called policy “red line” defined for decades by the regulatory system for religious affairs. For instance, since April 2011, the Shouwang Church in Beijing has had clashes with the police when it tries to assemble outdoors. Now twelve weeks have passed and these clashes continue every Sunday. This situation is a clear indication of the ineffectiveness of the current regulatory system for religious affairs.

Why have these problems occurred? The reasons are as follows. First of all, the excessively strong political utilitarian goals and bureaucratic administrative model of the government department has damaged the basis of mutual trust
that is required for there to be mutual respect and cooperation between the state and religion. Second, the rigid regulatory system for religious affairs whose goal is control, cannot adapt to the needs brought about by the advancement of the times and social changes. As a result, they cannot satisfy the religious and spiritual demands of the religious masses. Third, the construction of the rule of law in the religious sphere seriously lags behind, and the government department blindly believes in and relies on high-handed measures. Ultimately the regulations have backfired, and the regulatory system for religious affairs has lost the support from the religious masses and has become the source of the contradictions.

For a long time, the government department that regulates religious affairs has manipulated and controlled the personnel, finance and spiritual affairs of religious organizations. As a result, religious organizations of all levels have increasingly become political, bureaucratic and have become de facto extensions of government departments. This, in turn, has reduced the religious (spiritual) nature of the religious organizations. The discontent and dissatisfaction of the religious masses ultimately exacerbates the centrifugal and secessionist tendencies within the religious circle and stimulates the growth of religion outside of the regulatory system. Over the past 60 years, no matter what the motivations of the government have been, relying on administrative means to regulate religion has resulted in the growth and spread of religion. All religions have prospered, with Protestant Christianity seeing the most rapid growth, followed by Buddhism, then various folk religions and beliefs. The system has also aggravated the splits within the religious community. Protestant house churches, which are not recognized by the state, have gradually transformed from being ‘underground’ to being ‘open,’ and have moved from the rural areas into the urban areas. As a result, they have become a force that can rival the Three-Self Church in terms of quantity and quality. In the areas populated by minority ethnic groups, religious issues have become intertwined with complex ethnic issues. Finally, it has fostered a trend towards commercialism and chaos in the internal management of some community-level religious venues. This can be seen in the chaos and corruption of many Buddhist temples. Meanwhile, in order to maintain the existing regulatory system for religious affairs, the state must continuously invest a vast amount of resources and it is unable to extricate itself from the long-term struggle against the so-called “illegal religious forces.” But in the end, they have not been able to force the religious forces out of the system, and the only entity that benefits is the government department of religious affairs. More seriously, such prolonged “struggle” is not supported by the masses, either within or outside of the religious circle and in public opinion. In the religious sphere, the state concurrently serves as referee, coach and athlete. The government has overstepped its role, abusing its administrative powers, and excessively straining its credibility. As a result it has lost its ability to be a neutral party in managing the public interest as it relates to religious affairs. Instead, it has become the dominant power in affecting the development of religion in China. When we compare the power of the state and religion, on the surface it appears that religion is weak, and playing defense in its attempts to cope with government regulations. However, because there are so many religious believers, it can shift from a defensive position to an offensive position at any time. Since the state controls vast amounts of resources, on the surface it appears to be powerful. However, its position is really one of passive reaction. The game is still in progress, but the costs to the government continue to increase. We should in particular point out that the “church” side of the equation that represents “religious organizations” actually has two completely independent entities. One entity encompasses the “patriotic religious organizations” recognized and controlled by the state, and the other encompasses religious organizations not recognized by the state. In other words, it is a system of “two sides and three parties.” We can call it “church-state relations with Chinese characteristics.” Because of this feature, the Chinese government must adopt two different sets of policies for religious organizations. It uses all kinds of resources and measures to restrict and crackdown on the religious organizations not recognized by the state. However, all of its efforts over the past few decades have backfired. Unofficial religious forces have prospered and made great improvements in terms of both quantity and quality. In contrast, the state-sanctioned “patriotic religious organizations” have become increasingly weak and marginalized. They have positioned themselves as having the task of fulfilling the ruling Party’s political goals. In other words, these organizations are religious-political organizations rather than strictly religious organizations. In the competitive religious market where attracting new members is the standard of evaluation, these official
religious-political organizations cannot compete with the unofficial ones, which are focused on providing religious services and spiritual products to believers. However, because the “patriotic religious organizations” are supported by the government, they will not collapse, no matter how internally chaotic and weak they are. The consequence of the state’s long-term support of these “patriotic religious organizations” has been their increasing politicization, bureaucratization, and secularization. Rather than being invigorated, they have become increasingly rigid. As supplements under the control of the government department of religious affairs, the “patriotic religious organizations” have become seriously detached from the masses and have lost their spirituality and unifying power. In order to sustain these “patriotic religious organizations,” the state has been forced to invest more and more money to support them. They have to cultivate these “patriotic religious forces,” sometimes by offering more and higher positions to these organizations in the People’s Congress and Chinese People’s Political Consultative Conference of all levels. These include the positions of Vice Chairman of the National People’s Congress, Vice Chairman of the Chinese People’s Political Consultative Conference, and membership in the People’s Congress and the Chinese People’s Political Consultative Conference of districts and counties. The state has to support these “political religious organizations” because of its political needs. However, the more the state supports these organizations, the more alienated and weak they become. The more money the state gives them, the more dysfunctional they become. Consequently now “operating church well” and “cultivating patriotic religious forces” has strangely become the task of the government department of religious affairs. Furthermore, the “patriotic religious organizations” that rely on the government have become a burden, and since they are unable to function among the religious masses, cannot be abandoned by the government. In the meantime, unofficial religious forces have taken advantage of the lack of “holy capital,” a key weakness of the “patriotic religious organizations,” to develop despite the state’s continuous attempts at crackdowns.

It is obvious, then that the existing Chinese model of church-state relations (non-separation of church and state; administrative control) is unsustainable. The state has supremacy over religion. At the same time, there are actually no laws that can be relied on to deal with religion. In the final analysis, various contradictions and problems in the religious sphere are related to the model of church-state relations. The existing model is not conducive to the establishment of positive interactions and cooperation between religion and the state, and cannot adapt to the changing needs of society. Today, with globalization and the spread of information, the contradiction between the old regulatory system for religious affairs and the religious and spiritual demands of the masses and social changes has become one of the roots problems in the religious sphere. The problems in the religious domain cannot be resolved unless the old model of church-state relations is reformed.

What kind of church-state relations should China adopt? Before building a new model of church-state relations that are consistent with the national conditions, the two sides must hold joint discussions, gain recognition from all sectors of society, and achieve consensus. We cannot consider the interests of only a small group of persons (religious or secular organizations). The new model of church-state relations must include the following: religious freedom must be protected; and the church must be separate from the state. Unless a new model is built on these two principles and the rule of law for religion is improved, it will be impossible to deal with problems in the religious sphere and to bring into play the positive role of religion in society. In most countries the constitution stipulates religious freedom and treats the principle of the separation of church and state as the basic principle or system for achieving religious freedom. International organizations such as the United Nations also regard the achievement of religious freedom and the principle of the separation church and state as the common obligation and pursuit of the international community. The international society commonly recognizes and promotes the two principles of church state relations: the right of citizens to choose their beliefs without intervention or interference from the state; and the neutrality of the state. These two principles prevent the religious from becoming political and the political from becoming religious. These aims have historically been present in social development, and form the legal, political, and moral basis upon which constitutional theories and systems are built. They should also be the goals of the Chinese Communist Party and should form the basis for government policy making on religious affairs.
The goal should be to implement a policy of religious freedom that unites the religious masses. In order to achieve these goals, we must do the following: 1) treat religious belief as a private affair and choice of individual citizens; 2) allow religious organizations to once again be religious; 3) cease government political support and funding of religious organizations and groups; 4) treat religious believers and non-believers equally before the law; 5) manage religious affairs according to the rule of law rather than by administrative regulations. Fulfilling these requirements will lead to harmonious church-state relations, will allow for the implementation of the Communist Party’s policy of religious freedom, and will allow us to resolve the conflicts and contradictions that have resulted in the current unreasonable regulatory environment.

Part II: Establishing the Rule of Law Is the Fundamental Means for Resolving the Religious Problems in China

A new relationship between the church and the state will require corresponding reforms to the regulatory system. For a long time, the government has regulated religious affairs by use of administrative means rather than by the rule of laws. This is indicative of an incorrect positioning of religion. This model has numerous deficiencies and practice has shown that it is ineffective in resolving problems in the religious sphere. In fact, to a certain extent, it has exacerbated the problems. Most countries rely on the rule of law to manage church-state relations and resolve the problems in the religious sphere through legal means. Their successful experience indicates that the most effective way to manage these issues is through the rule of law. Without the construction of the rule of law in the religious sphere, the new type of church-state relations cannot have institutional guarantees and problems in the religious domain cannot be fundamentally resolved.

Article 5 of the Chinese constitution stipulates, “The People’s Republic of China governs the country according to law and makes it a socialist country ruled by law.” All fields and professions in China make great efforts to promote the rule of law and implement “state governance according to law” and “regulation according to law.” The religious sphere should not be an exception. To govern the country according to law, however, we first need to have a law. Since the beginning of the reform and opening policy, numerous laws and regulations related to religion have been promulgated, and a vast legal system has been formed. The legal system includes eight grades at five levels: the constitution, national laws, administrative laws and administrative rules, local laws and government regulations, and regulations and rules of ethnic autonomous regions. However, to date the National People’s Congress has not passed an authoritative basic law for the state to deal with church-state relations and religious issues. So we can see that problems remain in the system for resolving religious issues through legal means, and thus the system still needs to be improved. These are the fundamental problems that still need to be resolved:

(1) Constitution’s application and constitutional review

The constitution is the fundamental law of China and is the basis of all laws. Article 36 in the Chinese Constitution specifically discusses religious issues and is the supreme legal basis and standard for dealing with religious issues. However, the constitution contains abstract norms and cannot be applied directly. In judicial practice, it cannot be applied directly in courts, cannot be used in trials, is not judicialized, and cannot serve as the direct basis for a trial. On the other hand, in practice it is often violated and the violations of Article 36 are hard to deal with. Violation of the constitution is a serious illegal activity. It is not realistic to purely rely on constitutional principles to resolve specific issues related to religion.

(2) The principle of reservation for legal stipulation and the absence of a basic law on religion

Religious belief falls within the scope of the basic rights of citizens and therefore, belongs to the “items for which national laws must be enacted by the National People’s Congress and its Standing Committee.” We cannot regulate religious affairs and resolve problems in the religious sphere according to the law, unless we establish principled constitutional provisions specifically through a basic law on religion enacted by the national legislature.
People’s Congress and its Standing Committee) and thus make abstract constitutional norms operable in practice. Provisions enacted by other organs, especially by the executive branch, do not work.

In 2004, the State Council promulgated the “Regulations on Religious Affairs,” which is the highest level of legislation on religion in China. However, the legislation runs directly counter to the principle of reservation for legal stipulation, which states that laws that restrict the personal rights of citizens must be enacted by the National People Congress or its Standing Committee, stipulated in the Legislation Law, because no executive organ has the right to directly restrict or reduce the constitutional rights of citizens. In others words, no organ can restrict the rights of citizens without a stipulation by the law. Between Article 36 in the Chinese Constitution and the “Regulations on Religious Affairs,” there must be a national law enacted by the National People’s Congress to meet the “procedural reasonableness” of the rule of law. In the religious sphere specifically, state governance in accordance with the law must be based on a Law on Religion passed by the supreme power organ of the nation. Otherwise, the legal system governing religious affairs is flawed, even if there are numerous administrative regulations and local rules. To date, the national legislature has not enacted a basic law covering religious affairs. Instead, there are countless normative legal documents that are not basic law. This situation runs counter to the basic requirement of the principle of reservation for legal stipulation.

(3) Relevant laws are flawed

While there is no specific law on religion in China, there are more than ten laws involving religion, all of which were enacted at different times and under different socio-political conditions. Because these they only touch lightly on certain aspects of religious issues; they lack overall consideration. The existing laws do not clearly stipulate many important principles in the religious sphere, such as the separation of the church from the state, the qualification and status of religious organizations as legal persons, the relationship between the government department of religious affairs and religious organizations, and the channels for religion to enter the public domain on an equal footing. The current reality is that we cannot rely on these laws to resolve problems in the religious sphere, nor can we realistically revise all of the laws that involve religion. The only way we can resolve the problems is by enacting a uniform law on religion so that the constitution’s protection of religious freedom and religious citizens can be reflected in law. After a law on religion is enacted, according to the principle that later law is prior to earlier law and new law is prior to older law, if the previous laws and the law on religion have different provisions, the law on religion is to be applied. This is the way to resolve improper stipulations in the existing laws.

(4) Lower-class shall not replace upper-class law

In the absence of a basic law of religion, the documents that actually function in dealing with religious issues are mainly the administrative regulations and rules and local regulations and rules promulgated by the executive branch. The most important of these is the “Regulations on Religious Affairs,” promulgated by the State Council. According to the Legislation Law, once authorized, the executive branch can enact administrative regulations according to the Chinese Constitution and national laws, but national laws must be enacted for the issues that involve the rights of citizens and these are not to be substituted by administrative regulations. According to the Chinese Constitution, religious freedom falls within the scope of the fundamental rights of citizens. In terms of the legal system, applying lower-level law to issues that involve the fundamental rights of citizens (that should be stipulated by upper-level law) runs counter to the Legislation Law. The fundamental rights of citizens can be stipulated only by national laws rather than by administrative regulations. The “Regulations on Religious Affairs” should be reliant on a law. The executive branch can enact administrative regulations or implementation rules as supplements according to national laws. However, they cannot replace national laws. Any regulations regarding these rights can only be considered legitimate if they have gone through the process of democratic review by the legislative branch.

(5) Laws enacted by the executive branch lack authority
The executive branch is not the legislative branch. Enacting administrative regulations and rules (in the absence of national laws) leads to the abnormal situation of the executive branch enacting rules for its own work and then serving as the organ which enforces those rules. The existing administrative regulations promulgated by the State Council and administrative rules promulgated by the departments of the State Council that focus specifically on religion have been enacted under the stewardship of the national-level government department that regulates religious affairs. The national-level government department that regulates religious affairs is the department that specifically implements the regulations over religious affairs. If it drafts, interprets, and implements regulations for religion and penalizes violations, then implicitly, and without the authorization from the legislative organ, it has obtained extra administrative power that is not subject to supervision. As a result, these regulations are suspected of serving and protecting only the interests of the government department. This causes the regulations to lose their legitimacy and authority. The experience of the “Regulations on Religious Affairs” after promulgation is a clear case of legislation by government department without the authorization from the legislative branch. As a result it lacks recognition from society.

(6) Local laws and rules have limitations

One objective of legislation is to achieve maximum fairness and justice. China lacks a basic law on religion. In its place provinces, municipalities and autonomous regions have enacted local laws and regulations to regulate religious affairs in their respective jurisdictions. Because there is no national law on religion to provide uniform standards for the regulations on religious affairs, local regulations on religion across China vary in terms of the leniency or strictness used for dealing with specific religious issues. However, except for folk religions, the major religions in China are not local religions and the universality and consistency of religions in China far exceed the local characteristics of religions formed by the jurisdictions with province and municipality as the basic unit. As a result, religious problems of a similar nature are dealt with differently in different regions. This violates the principle that a law must be applied fairly and universally. The issues listed above demonstrate the difficulties that a law for religion in China faces. The most significant problem is the absence of such a law. If this problem is not first addressed, then it will be impossible to construct a legal system governing religion. Therefore, a Law on Religion of the People’s Republic of China must be enacted by the National People’s Congress as the legal basis for the state to deal with church-state relations and local governments of all levels to regulate religious affairs in accordance with the law.

During the legislative process, we should implement the principles of open, scientific and democratic legislation, openly solicit suggestions from across China for a Law of Religion, and solicit opinions from the masses from all walks of life. These should be submitted to the National People’s Congress for consideration. Without a basic law on religion, the government cannot regulate religious affairs in accordance with the law, transform the traditional regulatory model of dealing with religious affairs, strengthen its legal supervision over religious affairs, nor improve its ability to deal with religious affairs. For citizens and religious organizations, harmony in relationships between religions and in the relationship between religion and society cannot be achieved unless religious freedom is practically implemented.

Once a legal system for religion is established, the state should gradually open the religious market and allow citizens to associate freely to register religious organizations in accordance with law. The government should no longer serve as the referee, coach and athlete in the religious domain, and religious problems should be regulated and managed by the law. The state should allow and encourage religious organizations to enter the religious market under the conditions permitted by the law. The market mechanism has been implemented successfully in China and western countries. The problem is not with the markets, but whether there is solid rule of law that undergirds market competition. In the economic sphere, the mechanism of market competition has been successfully introduced into China and the key factor behind the success is the existence of a corresponding legal system. We can apply the same to the religious sphere. Basing the religious regulatory system in the rule of law will promote harmonious relations
between religions. The experiences of countries in dealing with religious issues have shown that a mature free market and solid legal system for religion is the most fundamental means to maintain social stability, ethnic unity and the country’s long-term prosperity.

After the religious market is opened up, the state should gradually abolish all kinds of financial assistance to existing religious organizations. It should not interfere with the internal affairs of religious organizations, nor should it offer financial support of any kind. The success or failure of a religion or religious organizations should not be dependent upon state financing, nor should the state finance any religious organizations. If a religious organization is unable to support itself, it should cease operation. A religious organization should not be a state-owned enterprise; it should not be a financial burden on the state. If it cannot sustain itself, we should allow it to follow the natural tendency and exit the religious market.

In a new type of church-state relations and open religious market, the relationship between the state and religious organizations, between religious organizations, and between religious organizations and other social groups and individuals would be of a legal nature rather than political. The state would treat all religions and sects (including the five major religions and other religions, folk religions and folk beliefs) equally within the legal framework and believers and non-believers would have the same political rights. The law would protect the religious freedom of religious believers and the rights of religious organizations, and illegal activities would be penalized according to the law. The government would serve as the protector and coordinator of various public interests and the interests of religious and non-religious groups.

In terms of social services, the state would provide legal channels for religious organizations to enter the field of public service and would set up corresponding laws to encourage religious organizations to take part in all kinds of public interest activities and enterprises. They would enjoy the same rights as other social organizations in taking part in social services. Such a practice would be an important means for the state to “bring religion’s positive role in fostering social harmony into full play” and an important measure to unite the religious masses and exhibit a new type of church-state relations.

Part III: Establish a “Special Religious Zone” as the First Step in the Reform of the Regulatory System for Religious Affairs

Resolving the numerous problems that have accumulated in the religious sphere involves dealing with many important issues. These include: establishing a new type of church-state relations; reforming the regulatory system for religious affairs; and improving the legislation for religion. Accomplishing these is a colossal and systematic project that involves various interests and interest groups. Moreover, China is a large country with a large population, and therefore, local conditions across China differ tremendously. The difficulties in carrying out such reforms, then, are formidable. We must be cautious. However, if we continue to put things off because of the difficulties and complexities, then more problems will emerge, and we will pay an even higher price. In other words, we have to reform, but the reforms cannot be completed in one fell swoop. At the operational level, we need to adopt a scientific attitude, form a plan, and then proceed cautiously in small steps. We can learn from the experience of establishing Special Economic Zones in coastal China during the early years of the reform and opening policy. Before a law of religion is promulgated, the state should set up a pilot project of establishing “Special Religious Zones” as a first step in reforming the regulatory system for religious affairs. These so-called “Special Religious Zones” would be where the pilot projects for reform are tested. We should choose five or six representative regions or cities for this pilot project. They should be regions that represent different types of social and economic development and where the major religions are well represented. These would include the economically advanced regions along the coast, middle and western China, and regions that are inhabited by ethnic groups along the frontier. In terms of specific measures, the reforms in these areas should mainly include the following:

(1) Implement a pilot project for the registration of religious organizations
The goal of this pilot project would be bringing all religious organizations in the region within the scope of the government’s public administration and thereby eliminating the reasons for underground religious organizations and activities to exist. Registration would not be limited to those groups belonging to the five major religions that have been recognized by the state. Any organization that claims to be religious would be registered. The content of the registration would include all kinds of relevant information, such as the organization’s personnel, religious affairs, finance, and administration.

2) Implement the pilot project of putting religious affairs under the administration in respective professional fields

In these regions, we would strengthen the government’s ability to deal with religious affairs and relevant issues, abolish the specialized government department that regulates religious affairs, and transfer the existing cadres who regulate religious affairs to the departments of public security, civil affairs, foreign affairs, education, sanitation, urban construction, land, tourism, cultural relics, culture, publication, food supervision, justice, etc. The religious issues that involve all aspects of social life would be put under the specific administration in respective professional fields and dealt with by relevant government departments in accordance with relevant laws. The government would not intervene in the internal affairs of the religious organizations and religious organizations would manage their personnel, finance and religious affairs on their own. Based on their categories, activities of religious organizations outside of religious venues would be regulated by the government in the Special Religious Zones in accordance with relevant laws. Abstract issues regarding religious freedom that do not fall under the administration of any specific government department would be dealt with in accordance with national laws and the Law on Religion of the Special Religious Zones (Tentative Draft) enacted by the Special Religious Zones.

3) Introduce a Law of Religion in the Special Religious Zones

We should set up a Drafting Group for a Law on Religion of the Special Religious Zones. This group would draft and revise a Law on Religion of the Special Religious Zones (Tentative Draft) that would form the basis for the regulations over religious affairs in the Special Religious Zones. At the same time, a law on religion would be introduced and submitted to the National People’s Congress for future consideration. The Drafting Group for a Law on Religion would consist of government personnel, representatives from the legislative and judicial branches and religious organizations in the Special Religious Zones, legal experts, representatives from the academic community, representatives from celebrities in the society, representatives of entrepreneurs, and representatives of residents in neighborhoods.

4) Establish religious associations.

In the Special Religious Zones, at three levels, namely, city, county and village, all religions would establish their respective religious federations as professional associations. These would include all sects within the religions. For example, within Protestant Christianity, it would include the Three-Self Church, the house church, meeting points, the True Jesus Church, and the Seventh Day Adventist Church. They would be non-profit coordinating organs that serve religious groups. Their task would be to coordinate various issues within the religion, between groups within the religion, between groups within the religion and other groups and between groups within the religion and the government in the region. The leaders of the religious federations would be elected by representatives of various organizations that take part in the federation. The tenure of office would be for a specific time, the staff would be appointed from appropriate professionals from the society, and the budget would be shared by all religious organizations that take part in the federation.

5) Establish a mechanism for dialogue between the government and religion.

At the three levels (city, county and village) we would set up a “Joint Conference for Religious Issues, that would consist of representatives from the local confederations of all religions and government representatives based on the principle of equality to carry out communications, exchange, and dialogue on relevant religious issues. The
representatives from the religious side would be selected by the religious organizations on their own. If some religions (such as Protestant Christianity) cannot reach agreement internally, both sides would send their respective representatives to serve jointly. This joint conference would be the platform for the government and religion to conduct dialogue, exchange, negotiations and communications. It would establish a religious liaison office under its supervision. The office would be a liaison and coordinating business unit, providing technical and professional service to foster the communications and exchanges between religious organizations and the government. It would not have any power or managerial authority.

(6) Establish an entry mechanism to encourage religious organizations to enter public service in the society.

We should encourage religious organizations to use their own resources and advantages to carry out social services and develop charitable enterprises. Religious organizations would be able to establish all kinds of public interest and charitable service organs under their own names (registered with the government department of civil affairs). The service organ established by religious organizations would enjoy tax exemption and the charitable and public interest organs established by religious organizations would be able to receive charitable donations from China and abroad. Religious charitable organs would enjoy the same rights as non-religious charitable organs in carrying out public interest activities in the society.

The reform of the regulatory system of religious affairs and the transformation of the regulations on religious affairs from relying on the administrative control by the executive branch to relying on the rule of law is a reform will not be easy. However, if we do not initiate them, we will not be able to resolve the problems in the religious domain. Reform is the trend, and the separation of the church from the state is the necessary. It is just a matter of timing for us to set up Special Religious Zones and reform the existing regulatory system for religious affairs. However, we should not passively wait for the right timing. Instead we must prepare actively, create conditions and explore boldly. Thirty years after the reform and opening policy was launched, the ideals of reform and the rule of law have been deeply rooted in Chinese people's hearts. State governance and the regulation of religious affairs in accordance with law objectively require us to reform the regulatory system for religious affairs. The establishment of the Special Religious Zones is the first step in our bold experimentation conducted with the spirit of reform and is a circuitous adjustment process that needs the participation from the masses. No matter what the results of the pilot project of Special Religious Zones are, they would have great significance for exploring and implementing the Chinese Communist Party's policy of religious freedom and properly dealing with the religious problems in China.

(Transcribed from the Speech by Liu Peng at the Centre for Sino-Christian Studies at Hong Kong Baptist University on June 20, 2011)

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