

1-1-2014

Freedom of Religion in China Under the Current Legal Framework and Foreign Religious Bodies

Ping Xiong

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>

 Part of the [Comparative and Foreign Law Commons](#), and the [Religion Law Commons](#)

Recommended Citation

Ping Xiong, *Freedom of Religion in China Under the Current Legal Framework and Foreign Religious Bodies*, 2013 BYU L. Rev. 605 (2014).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol2013/iss3/9>

This Symposium Article is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

Freedom of Religion in China Under the Current Legal Framework and Foreign Religious Bodies

*Ping Xiong**

I. INTRODUCTION

China is a country with a long history of religious practice. The history of the five major religions being practiced now in China can be traced back for centuries.¹ Taoism, which originated in China, was established as a religion around 25–220 AD in the late Eastern Han Dynasty. Buddhism was introduced from India as early as the 1st century and gained continuing popularity in China. Christianity did not reach China until the 7th century AD and then disappeared for hundreds of years until it was re-introduced at the end of the Ming dynasty in the 16th century. Islam can be dated back to a mission in 651 AD. Some also consider that Confucianism should be seen as a kind of religion.²

In addition to these well-known main religions, some minority religions were also practiced in China over a period of more than 400 years. Some were religions introduced from outside of China, such as the Bahá'í Faith,³ Mormonism, Judaism,⁴ Manichaeism,⁵ Hinduism, and Zoroastrianism. There were also indigenous Chinese folk religions such as Heaven worship, while non-Han ethnic groups practiced such faiths as Moz, White Stone Religion,⁶ Dongbaism, and Bön.

* PhD, Senior Lecturer, Law School of the University of South Australia, email: Ping.Xiong@unisa.edu.au.

1. Eric Kolodner, *Religious Rights in China: A Comparison of International Human Rights Law and Chinese Domestic Legislation*, 16 HUM. RTS. Q. 455, 462–64 (1994).

2. See MICHAEL DILLON, RELIGIOUS MINORITIES AND CHINA 10 (2001), available at <http://storage.globalcitizen.net/data/topic/knowledge/uploads/20100613115020302.pdf>.

3. Graham Hassall, *Baha'i Country Notes: China*, BAHÁ'Í LIB. ONLINE (1997), http://bahai-library.com/hassall_notes_china (providing the four periods when the Bahá'í Faith was introduced into China).

4. Xu Xin, *Judaism in China*, in STUDIES IN WORLD RELIGIONS 2 (2000) (introducing the history of Judaism's introduction into China during the Tang Dynasty).

5. S.N.C. LIEU, MANICHAISM IN CENTRAL ASIA AND CHINA 231–39 (1998).

6. Ming Xu, *Qiang People's Worship of White-Stone Goddess*, J. SW. INST. FOR ETHNIC GROUPS (China) (1999) (discussing the Chinese Qiang people's belief).

This paper intends to introduce the legal framework that concerns freedom of religion and the conduct and activities of foreign religious bodies in China. It intends to help readers, especially foreigners, understand the characteristics of Chinese laws and rules relating to the administration of freedom of religion and to the activities of foreigners and foreign religious bodies. Based on the understanding of the relevant laws and rules, this paper intends to offer some advice to foreigners and foreign religious bodies on their conduct and activities in China. Part II introduces the present situation and the legal framework of Chinese law in relation to freedom of religion. Part III investigates the relevant laws and regulations and examines the characteristics of the current legal framework. Part IV offers some concluding thoughts and advice for foreign religious bodies' conduct and activities in China.

II. PRESENT SITUATION AND LEGAL FRAMEWORK

A. Present Situation

Upon the establishment of the People's Republic of China, the Communist Party of China, which controlled the government and was the authoritative source of acceptable policy positions on all matters, adopted the Marxist-Leninist view towards religion.⁷ According to Kolodner, a learned author on religion in China, the Marxist-Leninist perspective is to view religion as a product of history and it further claims that religion will disappear "only when socioeconomic and cultural conditions have improved to the extent that people no longer require this 'opiate.'"⁸ Kolodner argued that the dominance of state orthodoxy informed by the Marxist-Leninist position and the underlying influence of traditional Confucian perspectives, cultural practices, and attitudes, can together be seen as an obstacle to freedom of religion in China.⁹ It is also argued that China can be seen as a traditional society with a collectivist emphasis upon the responsibility of a person as a member of society rather than an emphasis upon the individual and the rights of the

7. Kolodner, *supra* note 1, at 465-66.

8. *Id.* at 466-67.

9. *Id.* at 463-64.

individual, and that this cultural perspective runs counter to the idea of an individual liberty to pursue religious freedom.¹⁰

However, when the PRC was formed, some established religions were tolerated in China in order to preserve some aspects of the social status quo. The Chinese government recognized the five traditional religions—namely, Buddhism, Taoism, Islam, Catholicism, and Protestantism—and established a system to control the institutions of the religions it had recognized.

The Chinese government affords protection to the five officially sanctioned religions through five separate organizations: the Buddhist Association of China, the Chinese Taoist Association, the Islamic Association of China, the Protestant Three-Self Patriotic Movement, and the Chinese Patriotic Catholic Association.¹¹ This protection is extended only to what is called “normal religious activity,” which is understood to be subject to state control via the State Administration for Religious Affairs.¹²

However, since China’s adoption of the open door policy in 1978, China has become a more open society, tolerating more civil differences and disputes and lessening compulsory collective orthodoxy.¹³ Even where orthodoxy is officially required there is some *de facto* tolerance of divergent practice. An example can be seen in the rise of the “house church” movement, where Chinese Christians who prefer to worship outside the state-controlled

10. *Id.* at 466.

11. For example, Article 30 of the Regulations on Religious Affairs provides the protection of the land use rights of the religious bodies to use the land for religious activities. Zongjiao Shiwu Tiaoli (宗教事务条例) [Regulations on Religious Affairs] (promulgated by the State Council, July 7, 2004, effective Mar. 1, 2005) (China), available at <http://www.china.com.cn/chinese/PI-c/732332.htm>.

12. The understanding of “normal religious activities” can refer to Article 12 of the Regulations on Religious Affairs, which provides that “Collective religious activities of religious citizens shall, in general, be held at registered sites for religious activities (i.e., Buddhist monasteries, Taoist temples, mosques, churches and other fixed premises for religious activities), organized by the sites for religious activities or religious bodies, and presided over by religious personnel or other persons who are qualified under the prescriptions of the religion concerned, and the process of such activities shall be in compliance with religious doctrines and canons.” *Id.* According to Potter, the freedom of religious belief is conditional and should be in compliance with not only the law and regulation, but also submissive to the policies and edicts of the party-state. See Pitman Potter, *Belief in Control: Regulation of Religion in China*, 174 CHINA Q. 317, 325 (2003).

13. Vicki Wayne & Ping Xiong, *The Relationship Between Mediation and Judicial Proceedings in China*, 6 ASIAN J. COMP. L. (2011), available at <http://www.degruyter.com/view/j/asjcl.2011.6.1/issue-files/asjcl.2011.6.issue-1.xml>.

religious movements have begun to meet in unregistered house churches which have mushroomed everywhere in China. This religious phenomenon is tolerated to a certain degree but not encouraged.¹⁴ At the same time a great diversity of new religious movements are developing across China. The majority of them are indigenous, and some are totally new, whilst others were already active before the communist revolution in 1949. These religions, however, are spreading quietly and have not been officially recognized in China.

Nowadays in China, according to official statistics, there are altogether more than one hundred million believers, and this number is considered to be growing rapidly.¹⁵ China also has more than 300 thousand clerical persons, more than three thousand religious bodies, and more than eighty-five thousand places for religious activities.¹⁶

B. Legal Framework

The regulation of religion in China involves various political organs and governmental agencies.¹⁷ The Chinese Communist Party (CCP) dictates the policy on regulation of religion and enforces the policy in part through laws and administrative regulations, while the Politburo acts as the hub responsible for making all the important CCP's policies.¹⁸ The Party's United Front Work Department formulates and enforces the detailed policy on religion subject to general directives of the CCP.¹⁹ The competent government authority is the State Council's Religious Affairs Bureau (SARA), which supervises the implementation of the various regulations and policies, and the Public Security departments serve to enforce regulations of religion.²⁰ While the different organs and agencies

14. Kolodner, *supra* note 1, at 467.

15. See White Paper, State Council, Zhongguo de Zongjiao Xinyang Ziyou Zhuangkuan (中国的宗教信仰自由状况) [The Disposition of Freedom of Religious Belief in China] (Oct. 16, 1997), <http://www.sara.gov.cn/zcfg/bps/2222.htm>.

16. *Id.*

17. For detailed discussion, see Darin Carlson, *Understanding Chinese-US Conflict over Freedom of Religion: The Wolf-Spector Freedom from Religious Persecution Acts of 1997 and 1998*, 1998 BYU L. REV. 563, 578-79.

18. *Id.*

19. *Id.*

20. *Id.*

each implement their policies to regulate religion, it reinforces their legitimacy to do so by following the current laws and regulations.

The legal framework in China for the protection of freedom of religion includes the laws promulgated by the People's Congress or the Standing Committee of the People's Congress, administrative regulations promulgated by the State Council, and the implementation rules of the various ministries.²¹

The most important law is the Constitution of the PRC (amended in 2004), which protects both freedom of religion of citizens,²² and the equal voting rights of the citizens who are of different religious beliefs.²³ Article 36 of the Constitution provides:

Citizens of the People's Republic of China enjoy freedom of religious belief.

No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

Religious bodies and religious affairs are not subject to any foreign domination.

Protection of freedom of religion can also be found in other laws, such as the Law of the PRC of China on Regional National Autonomy (amended in 2001);²⁴ the General Rules of Civil Law

21. China is also a signatory of the International Covenant on Civil and Political Rights (entry into force 23 March 1976), which signed it on 5 Oct. 1998. Therefore China is also under international obligation to respect, protect, and fulfil the freedom of religion.

22. XIANFA art. 36 (2004) (China).

23. Article 34 of the Constitution of PRC provides, "All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law." XIANFA art. 34 (2004) (China).

24. Article 11 of Law of the PRC of China on Regional National Autonomy (1984, and amended in 2001) provides the protection of freedom of religion of each ethnic group by the various organs of the Autonomous Regions, subject to qualifications against harm to social order, personal health, and state education. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhifa* (中华人民共和国民族区域自治法) [Law of the PRC on Regional National Autonomy]

(1986); the Law of Education; the Labor Law; the Compulsory Education Law; the Law on the Election of Deputies of National People's Congress; the Organic Law of the Rural Residents Committees of PRC; and the Law of Advertisement. These laws protect the property of religious bodies, the separation between religion and education, the equal education opportunities of the citizens with different religious backgrounds, the respect for the customs and religious beliefs of each ethnic group, the equal opportunity of citizens for employment, and the non-discrimination against any religion in advertisement.²⁵

There are two important rules and regulations that are especially relevant for foreign religious bodies, and they are the Regulations on Religious Affairs (2005, State Council of PRC) and the Rules for the Implementation of the Provisions on the Administration of Religious Activities of Aliens within the Territory of the People's Republic of China (2000, State Administration for Religious Affairs).

III. CHARACTERISTICS OF CHINA'S RELIGIOUS ADMINISTRATION

A. Freedom of Religion and the Religious Bodies

One of the main characteristics of the law of China relating to freedom of religion is its controlling nature. The government tries to administer almost every aspect of religious activities in order to maintain control over religious bodies, persons, and activities.²⁶

A fundamental first principle in the Chinese government's policy perspective on the concept and practice of freedom of religion is that it should not be used as a tool to disrupt public order in China.²⁷ The Chinese government is suspicious of the possibility of foreign domination of the religious activities of the Chinese population²⁸ because of China's past history of foreign bullying in the 19th century. Liu Peng pointed out that China's socialist ideology is

(promulgated by the National People's Congress, May 31, 1984, effective, Oct. 1, 1984), available at <http://www.china.org.cn/english/government/207138.htm>.

25. See Potter, *supra* note 12, at 326.

26. D.L. Overmyer, *Religion in China Today: Introduction*, 174 CHINA Q. 307, 308 (2003). In fact, the author pointed out that "for many hundred years, the Chinese state in all its forms has assumed that it has the right and obligations to control every aspect of life, including religious beliefs and practices."

27. XIANFA art. 36 (2004) (China).

28. *Id.*

founded on “opposition to imperialism, including cultural or religious imperialism.”²⁹ In the White Paper³⁰ of the Situation of Freedom of Religion in China issued by the State Council of PRC on 16 October 1997, the government articulated their concerns about the foreign connection of religions.³¹ It pointed out that the policy to establish religion independently is a historical choice of the Chinese religious believers during the struggle over anti-colonization and anti-imperialism. It also stated that the Roman Catholic Church and the Protestant Church were used as tools by western imperialists and colonists to invade China. It lists several examples, including opium smuggling by some foreign missionaries, foreign missionaries’ assisting and spying for the Eight-Nation Alliance during their invasion in 1900, foreign missionaries participating in plotting and drafting some unequal treaties between China and some western powers, and several cases involving foreign missionaries who evaded the administration of Chinese justice because of their extraterritorial jurisdictional privilege.³²

Secondly, in order to ensure that religious activity does not pose a threat to public order and stability, the Chinese government administers the establishment, alteration, and cancellation of registration of religious bodies.

According to the Regulation on Religious Affairs, a religious body is regarded as a kind of non-profit association and therefore is subject to the Regulations on Registration Administration of Associations.³³ Usually, the Ministry of Civil Affairs or the local authorities in charge of civil affairs handle this kind of registration. Despite the theoretical freedom to seek registration for a new

29. Lison Harris, *God and Caesar in China: Policy Implication of Church-State Tensions*, 35 HONG KONG L.J. 532, 533 (2005).

30. In China, as in the West, the term “White Paper” refers to an authoritative government report setting out a statement of policy preferences, explanations, and perspectives.

31. See Zhongguo de Zongjiao Xinyang Ziyou Zhuangkuang (中国的宗教信仰自由状况) [The Disposition of Freedom of Religious Belief in China], WHITE PAPER, STATE COUNCIL (Oct. 16, 1997), <http://www.sara.gov.cn/zcfg/bps/2222.htm>.

32. See *id.*

33. Article 6 of the Regulations on Religious Affairs provides: “The establishment, alteration, or cancellation of registration, of a religious body shall be registered in accordance with the provisions of the Regulations on Registration Administration of Associations.” Zongjiao Shiwu Tiaoli (宗教事务条例) [Regulations on Religious Affairs] (promulgated by the State Council, July 7, 2004, effective Mar. 1, 2005) (China), available at <http://www.china.com.cn/chinese/PI-c/732332.htm>.

religious institution, registration is in fact exceptionally difficult. Any such registration requires approval from the Religious Affairs Bureau at the state or local level,³⁴ but in practice the Department for Religious Affairs usually will not approve it, meaning that this kind of registration is highly unlikely if not impossible. The five recognized religious bodies³⁵ are exceptions because they all are members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC),³⁶ and according to Chinese law, any association, if it is a member of CPPCC, is able to have the requirement of registration waived.³⁷

One implication of this is that minority religious bodies will not have a chance to be registered as a religious body to practice their religions in China. It is true that according to the PRC Administrative Review Law (1999), an administrative decision, including a decision to refuse an application for registration of an institution, is subject to review by the relevant administrative organ,³⁸ and according to the PRC Administrative Procedure Law (1990), can also be challenged before a court.³⁹ Despite this possibility, so far there have been no such challenges.

34. See Article 3 of the Circular of the Implementation of the Measures for the Administration of the Registration of Religious Bodies (promulgated by the Ministry of Civil Affairs and the State Administration for Religious Affairs, May 6, 1991) (China).

35. The five recognized religious bodies are: the Buddhist Association of China, the Chinese Taoist Association, the Islamic Association of China, the Protestant Three-Self Patriotic Movement, and the Chinese Patriotic Catholic Association.

36. According to the Articles of Association of the CPPCC, the object and purpose of the CPPCC is to establish the broadest patriotic united front by uniting people. Article 2 of the Articles of Association of CPPCC provides that the function of the CPPCC is to have political consultation with the communist party on important issues before any big decision is made, to conduct democratic supervision in order to supervise or criticize the implementation of the Constitution, laws, and regulations, and to participate in and discuss political matters which are the most important political, economic, social, or cultural issues among the people.

37. See Article 3 of the Regulations on the Administration of the Registration of Associations (promulgated by the State Council of PRC, Oct. 25, 1998) (China).

38. Article 6 of the PRC Administrative Review Law provides: "Any citizen, legal person, or any other organization may, according to this Law, apply for administrative review under any of the circumstances as follows: (1) . . . (8) holding that the administrative organ have failed to issue a certificate, such as a permit, license, credit certificate, or credential, or examine and approve and register related items according to laws, for which it/he considers itself/themselves legally qualified." *Zhonghua Renmin Gongheguo Xingzheng Fuyi Fa* (中华人民共和国行政复议法) [PRC Administrative Review Law] (promulgated by the Nat'l People's Cong., Apr. 29, 1999, effective Oct. 1, 1999), (China), available at http://www.fdi.gov.cn/1800000121_39_2729_0_7.html.

39. Article 11 of the PRC Administrative Procedure Law provides: "The people's courts

Where it is intended to establish or operate an institution for religious education, an application should be made to the religious affairs department of the State Council by a national religious body or to the provincial department for the religious affairs if the religious body is only a provincial religious body.⁴⁰

Thirdly, the Chinese government administers the sites for religious activities. The building of any temple, church, or monastery or mosque is subject to the approval of the religious department of the government at the county level.⁴¹ The system of control applies to the preparations for establishing such a site and approval should be sought before any such activity can take place.⁴² The religious affairs department has the right to supervise and inspect the site to make sure that the activities conducted at the site are in compliance with the laws and regulations of PRC.⁴³

Fourthly, the Chinese government administers the personnel of religious bodies. According to the Regulation, any appointment of religious personnel or any vacating or leaving of the chief religious post shall be reported to the religious affairs department at, or above, county level.⁴⁴

In summary, through the administration of the incorporation of religious bodies, the establishment of religious sites for religious activities, and the appointment and retirement of religious personnel, the government maintains a network of control to make sure that the activities conducted by various religious bodies are lawful.

shall accept suits brought by citizens, legal persons or other organizations against any of the following specific administrative acts: (1) . . . (4) refusal by an administrative organ to issue a permit or license, which one considers oneself legally qualified to apply for, or its failure to respond to the application.” *Zhonghua Renmin Gongheguo Xingzheng Susong Fa* (中华人民共和国行政诉讼法) [PRC Administrative Procedure Law] (promulgated by the Nat’l People’s Cong., Apr. 4, 1989, effective Oct. 1, 1990) (China), available at <http://www.china.org.cn/english/government/207335.htm>.

40. *Zongjiao Shiwu Tiaoli* (宗教事务条例) [Regulations on Religious Affairs] (promulgated by the State Council, July 7, 2004, effective Mar. 1, 2005) (China), available at <http://www.china.com.cn/chinese/PI-c/732332.htm> (Article 8).

41. *Id.* (Article 13).

42. *Id.*

43. *Id.* (Article 19).

44. *Id.* (Articles 27 and 28).

B. Religion Administration and Activities of Foreigners

China's past history with foreign powers and the activities of foreigners in China during the 19th century, which was marked by oppressive and unjustifiable foreign exploitation and bullying, has deeply coloured the Chinese government's attitude towards the activities of foreigners and foreign institutions or organizations in modern China.⁴⁵ Upon the establishment of an independent sovereign PRC, the government started to administer the freedom of religion and the activities of many foreign religious bodies in China.

In 2000, the State Administration for Religious Affairs issued the Rules for the Implementation of the Provisions on the Administration of Religious Activities of Aliens within the Territory of the People's Republic of China to regulate foreigners religious activities in China. This administration includes the following aspects.

Under the rules pertaining to religious activities, foreign religious personnel may preach and expound their scripture at lawfully registered sites for religious activities, but only after being invited by Chinese religious bodies that are recognized at, or above, the level of province, autonomous region, or municipality under the direct administration of the Central government. Foreigners who are not recognized as enjoying status as religious personnel need an invitation and an approval at, or above, the level of province, autonomous region, or municipality under the direct administration of the Central government before they may preach and expound scripture at the registered sites.⁴⁶ This means, usually, that any foreign religious body that wishes to conduct religious activities in China should have an established relationship with a contacting Chinese religious body. These relationships are generally regarded by the authorities as being friendly contacts and a form of cultural and academic exchange. Moreover, according to SARA, any exchange or friendly contact activity between any religious body, other than those from the five officially recognized religions, and a Chinese government or a Chinese religious body, will be subject to approval by the SARA.⁴⁷ A Chinese contacting unit must make an application

45. *See supra* Part III.A.

46. *See supra* note 11.

47. This can be found at Item 367 of the Decision of the State Council on Establishing Administrative Approval System for Issues Necessary to be Reserved for Administrative

to the SARA. If the foreign religious body is lawful, does not have any bad record in its home country, and is assessed to be friendly to China, then SARA may grant permission.⁴⁸ While the conditions for permission are reasonable, the fact is that there is a level of close control of such activities that reflects a widespread suspicion by authorities.

Religious bodies often desire to produce and distribute religious material and publications. Foreign religious bodies are prohibited from bringing into China or importing their religious printed matter, audio-visual products, or other articles if the amount exceeds that which can be regarded as sufficient for reasonable personal use. If the contents of these religious publications are considered to be detrimental to Chinese national security and the public interests of Chinese society, they are strictly prohibited.⁴⁹ This means that foreign missionaries and other religious people cannot distribute pamphlets or brochures freely anywhere in China, and that any publication made by a foreign religious body will be subject to censorship.

Chinese going abroad to study or undertake training to qualify as religious personnel, or who are issuing invitations to foreigners to come to China to study at Chinese religious institutions, require approval from the national religious bodies, and the application and approval, if granted, will be recorded at the State Administration for Religious Affairs.⁵⁰ A foreigner teaching at a Chinese religious institution is subject to a specific measure issued by the SARA.⁵¹

Religions and religious ideas and teachings have often been spread by the activities of missionaries seeking new converts. However, the Chinese government has enacted controls and limits, especially on foreign missionaries, and the following activities may be prohibited:

- (1) appointing religious personnel among Chinese citizens; (2) developing religious followers among Chinese citizens; (3) preaching and expounding the scripture at the sites for religious

Approval (State Council of PRC, 2004).

48. *See* The Approval for the Exchange or Friendly Contact Activity Between Any Religious Body Other Than the Ones from the Five Officially Recognized Religions, and a Chinese Government or a Chinese Religious Body (SARA, 2007).

49. *See supra* note 11.

50. *Id.*

51. *See* Methods of Engaging Foreign Professionals by Religious Institution.

activities without permission; (4) preaching and expounding the scripture or conducting religious gathering activities at the places outside the lawfully registered sites for religious activities; (5) conducting religious activities in which Chinese citizens are admitted to participate at the temporary sites for religious activities, except that the Chinese religious personnel are invited to preside the religious activities; (6) producing or selling religious books and journals, religious audio-visual products, religious electronic goods or other religious articles; (7) distributing religious promotion materials; (8) other missionary activities.

In summary, although foreign religious activities may be permitted if regarded as cultural or academic exchange, provided they are assessed as posing no threat to Chinese public stability, the Chinese laws relating to administration of foreign religious activities provide a very close level of assessment and control.

IV. CONCLUDING THOUGHTS

The number of religious believers is rapidly rising in modern day China. It is highly likely, perhaps certain, that this upsurge in religious attachment and activity will create more and more challenges to the Chinese government in its desire and policy to closely administer all religious activities. As part of the big religious family of the whole world, foreign religious bodies will have more and more interaction with Chinese religious believers and religious bodies. Both the Chinese government and foreign religious bodies should consider and assess the practical situation and try to find a way to promote such interaction.

China is a vast country with the largest population in the world and it is also a country with a long history based upon a centralized system. This kind of centralized system determines the characteristics of many Chinese laws and the administrative nature of those laws. In order to maintain the level of control that is considered necessary to make sure the society is being run in good order, sometimes the law may appear to be somewhat repressive.

Given the legal framework and the characteristics of Chinese law in relation to freedom of religion and minority religion, if foreign religious bodies wish to promote close and lawful interaction with Chinese religious believers and religious bodies, they should first seek cooperation with the Chinese government.

The Chinese system vests great power in the central government. Therefore, foreign religious bodies, which seek to practice their religions in China, should try to approach the government at the top level, instead of at the local level, so that an approval from the top level can be sought before any religious activity is conducted. This kind of top-down approach may be more effective for foreign religious bodies seeking to conduct their activities in China.

Lastly, foreign religious bodies seeking to obtain an approval from the Department for Religious Affairs should try to find Chinese religious bodies to cooperate with in order to conduct religious activities or should arrange with some Chinese believers to register the religious body in China first before undertaking their religious activities in China. Although it may not be proper for a religious body, it is indeed like establishing a joint venture in China.

