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Analysis of Current Trends in China



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LEGALITIES AND RULE OF LAW IN CHINA

In this issue of our China Resource Journal, we offer to you the opening section of Chapter 3 of Mike Falkenstine's book, *The Chinese Puzzle*. Mike, who is our President and Founder, has a deep heart to help the Western Church most effectively engage in China and be most effective in China. We thought that this section of Chapter 3 in particular would be a good section to reprint in this Journal, since it gives Westerners really good, hands-on information when it comes to understanding the differences between Chinese and Westerners, especially ways that we interact and react differently.

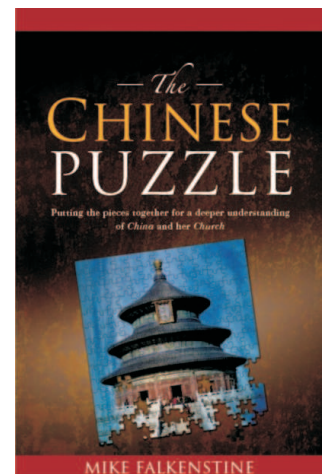
The onslaught of foreign companies who have set up operations in China is staggering. Since China's reopening to the West, over three decades ago, over 600,000 foreign companies have been lured to invest in China, and many of them set up offices and operations in China. I can guarantee one thing about every one of those 600,000 companies: each one had to register with the appropriate State agency that oversaw their area of industry, and each one had to pay the appropriate taxes and file the appropriate annual reports with State agencies. They also had to learn and abide by the Chinese laws dealing with their industry. By following these steps, the Government allows them to legally stay in China and continue their operations. They know this process is a reality for doing business in a foreign country.

Given this reality, I have always found it odd that only the foreign Christian community thinks it is acceptable to work outside of the laws of China. Over the last thirty years, thousands of Westerners have taken the Gospel to China. Most of these foreigners have taken a clandestine approach to ministry, due to their perceptions of their inability to openly work and live in China. By working full-time in a non-Christian job, which gives them legitimacy to legally live in China, they conduct Christian ministry during their free time. Normally, their sending agencies instruct them to be very careful about their speech, because Chinese governmental authorities listen to their phone conversations or to conversations they have with others in public. They must watch what they say to whom, because they don't know when they will be 'found out.' In my opinion, the fear of danger and the concept of safety have caused people to take the will of God back into their own hands. I'd like to unpack this topic more fully, but I will save the unpacking for Chapter 5, as we look at constructive engagement for Westerners in modern-day China.

In the discussion of changing Western perceptions, I believe this is an important missing piece of the puzzle: when a Westerner comes to China, he has his 'Western goggles' on. He views life and discerns situations differently. The culture and environment in which each of us grew up helps us to see life from a certain perspective.

The Western concept of law implies that there is a direct relationship between the laws and how they are implemented. For example, when a person exceeds the speed limit and a policeman tracks his speed on a radar gun, a definite penalty is set by the law for that infraction. If the person is traveling twenty miles over the limit, the penalty is X; it's always going to be X - no questions asked.

In China, where relationships take precedence above everything else, people are the rule of law, not words on paper. In any given situation, the person with authority has the right to implement the law or policy of his own choosing; he can even implement a law that conflicts with the written law. Most of the Chinese assume that this liberty is a right belonging to the person in authority. The application of laws is fluid in nature. In some cases, the Chinese know that the application is more relaxed, and in other cases, the application is more restrictive. A Westerner who has arrived in China deduces one of two things:



Continued on page 2

1. Comply with Chinese laws or policies with Western rigidity; or
2. Disregard all Chinese laws, assuming they are all equally arbitrary, and assume that any individual has the right to exploit them for personal benefit.

The problem here is that the Westerner doesn't have the context within which to discern which laws are flexible and in which situations. Why do they lack the context? It's simple: they are not Chinese! The Chinese people, of course, have grown up in this environment, and they completely understand this interpretation of the law. They find it interesting that we Westerners would think of these things differently.

Given this context, it seems to me that the onus is on the Westerner to figure out this situation, upon arriving in China. The foreign workers must assume their positions properly within the confines of the written law. We are the guests and newcomers, and it is therefore our responsibility to understand and abide by the laws. Due to our lack of experience, we do not yet know the degree of flexibility in the application of these laws. This is further complicated since that the application will change from one Government department to another. As we begin our ministry, we must wisely act within the solid line of the letter of the law. Once we begin to understand the language and culture, we can begin to push out a little and test the application of the laws.

As you try to understand this concept, remember the quote from the Chinese pastor at the beginning of the chapter:

“If there are fifteen Government regulations out there, you foreigners should follow all of them, since you are guests in this country. However, we Chinese might choose twelve of them that we follow carefully, but three of them we'll challenge, and try to get our Government to reconsider. If you foreigners challenge the Government, you force us to choose between loyalty to our Government or to a foreign group. Because of the history of foreign Christians in China, it is better if you stay here long term, building relationships, supporting and encouraging us as friends, as we, the Chinese, lead the way for change in China.”

If the outsiders are the ones challenging and disobeying the laws, it puts our new Chinese friends in a tough situation. For example, I think of the case of the 'tract bombers': foreigners who come into a Chinese city, map it out, and over the course of four or five days, and under the cover of darkness, they literally bomb the city with tracts. They put tracts in bicycle baskets, on apartment doors, around shopping malls, anywhere and everywhere they think people will see them and read them.

Traditionally, there have been two problems with the 'tract bombers.' First, although their bombing may provide some excitement and a thrilling sense of danger, it has proven to be very ineffective. Since Christianity is not a 'native' religion, and because few Chinese have had even the most simple teaching on the Bible, a 'Four Laws' type presentation in a tract makes very little sense to them. Secondly, when local officials wake up the next morning, looking for someone to blame for this outright violation of Chinese law, they usually blame the local Chinese pastors, sure that they must be the culprits in this endeavor. To the Government official, it is only logical to blame the local Chinese Christian. So, while the foreigners have a compelling story to tell of their adventures in China to their constituents back at their home church, they've actually done more harm than good for the cause of Christ in China. In my mind, a more prudent method of evangelism would be to ask the local Chinese Christians how they may want to partner together to reach the lost in China's cities.

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The Chinese Puzzle is just one of the many tools we have to help you understand China and her Church. For the rest of the book or to use our additional tools, please visit our website at www.ChinaResourceCenter.org.

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Reflecting the credibility and relevance of Christ, we exist to impact China through life-changing Chinese partnerships and to foster constructive Western engagement in China.

For more information about CRC, ways you can partner with us, or to inquire about our speaking schedule, please contact us at 303-332-8884 or Mike@ChinaResourceCenter.org

