

A Study on the Logic Starting Point of the “One Country, Two Systems” Policy

ZHOU Ting*

The “One Country, Two Systems” policy, conceived by Deng Xiaoping 30 years ago, is a basic national policy of China stipulated by the constitution to address issues concerning Taiwan, Hong Kong and Macao. Its immediate legal embodiments – the *Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China* (hereinafter as “the Hong Kong Basic Law”) and the *Basic Law of the Macao Special Administrative Region of the People’s Republic of China* (hereinafter as “the Macao Basic Law”) have been implemented in the two regions respectively for up to 14 years but also have met opposing voices during the process.

In Hong Kong, some say they cannot relate to the system in the mainland which is undemocratic in nature and only the “One Country, Two Systems” policy makes sense; some think that the former part of the “One Country, Two Systems” policy is supposed to have an exclusive economic indication while the latter, political; some even regard “One Country” a newly-established one instead of existing one; still others hold that if there is no possibility of changing the mainland system, it might be all right for Hong Kong to “run away from home”. When refuting these misconceptions, the author found that a rigorous logic system seemed to be absent from the current intelligentsia. It is commonly known that the conception of “One Country, Two Systems” is intrinsically built on the basis of peace and is made to address issues pertaining to national reunification and stable development of Hong Kong and Macao after that. Its effect, to a great extent, depends on whether it strikes a responsive chord among people in Hong Kong and Macao. If the intelligentsia fails to make logical responses to disagreements, it may hit the masses in Hong Kong and Macao that the current policy of “One Country, Two Systems” is nothing more than a one-sided wish of the Central Government which appears to showcase the political power but actually not an optimal choice for China’s reunification involving the mainland, Hong Kong, Macao and Taiwan.

In view of the status quo of the theoretical spectrum, this article, proceeding from the logic starting point of the “One Country, Two Systems” policy, aims at cementing the logic foundation of the entire theoretical system.

I. Research status

As a matter of fact, quite a few researchers have found, over the years, that a complete logic

* Postgraduate of the Faculty of Law, University of Macao

system for the interpretation of the “One Country, Two Systems” principle has not been built and that we have not yet figured out the most elementary logic starting point of it. Obviously, this starting point refers to “One Country” because “Two Systems” are set up to maintain the stability of Hong Kong and Macao. Then why “two systems” is needed? It is because the original state of the two regions in question has been disturbed for the sake of “One Country”.

However, in how to comprehend the notion of “One Country” as the logic starting point, people in mainland cannot see eye to eye with their Hong Kong counterparts. As for the former, it is more than natural that the idea of “One Country” develops into “the concrete and actual People’s Republic of China (PRC)”, while for part of the latter, “One Country” means, at most, an apolitical country which enables them to anchor their nationalistic sentiment, complies with their ethics and brings them economic benefits. In the meantime, they feel quite reluctant to identify with the PRC. As is shown by an “opinion research scheme”¹ initiated by the University of Hong Kong which spanned 13 years, since Hong Kong returned to China, the percentage of people in Hong Kong who affirmatively consider themselves “as Chinese (citizens of the PRC)” has been hovering between only 17.5-38.6%. Actually, behind such a phenomenon lies their uncertainty over the validity of the PRC and over the “reincorporation of Hong Kong and Macao into China”.

Among the previously mentioned scholars who have detected such a divergence of views, professor Li Xiaoping, in his “Reason of Legitimacy of ‘a State’”, made attempt to review “One Country, Two Systems” from the perspective of its logic starting point. Nevertheless, he only explained what does “One Country” mean to the Chinese, namely, “China is where the roots, faith, and dreams of the Chinese lay”², but failed to provide theoretical ammunitions for the transition from “one China” to “the PRC”.

To prove that “One Country” refers to the PRC, the author holds that three questions need to be answered: (1) What is the validity of China’s reunification? (2) What is the validity of the PRC as the actual China? (3) What is the validity for not changing the essence of the country after its reincorporation of Hong Kong and Macao?

II. Validity of China’s reunification

Both in the east and the west, it is found in the early human civilization that only in a political entity can human beings have their humanity refined, achievements scored and values fulfilled. Ancestors of the Han nationality established, as early as 16th century B.C. or even earlier, a political entity known as Shang, which consisted of territory, population, political organs and the king.

When the Chinese nation came to the Eastern Zhou Dynasty about 1000 years later, realistic problems concerning the political community started to show, resulting in the “destruction and collapse of the ethical system in the slave society”. That being the case, some ancient sages began to ponder over a question: what kind of community was exactly needed? Among them, Confucius, the father of Confucianism, probed into the ethical underpinnings for the maintenance of solidarity in consanguineous families and figured out some of the basic principles regarding the management of a family including the “ancestor worship”³. He applied, for the first time in history, family-managing principles to politics and thereupon put forth the idea that only a unified country could bring benefits to the broad masses of populace.

The *Analects* clearly recorded that Confucius lavished praise on the assisting role played by

Guan Zhong in the domination of the entire state by Duke Huan of Qi which did good to the common people. Later, Confucianist Mencius carried forward the idea. Asked the question "what makes a stable country?" he replied, "Stability rests upon unification".

In 221 B.C., the first emperor of the Qin Dynasty had a unified China with centralized authority established. Decades later, during the reign of emperor Jing of the Han Dynasty, litterateur Gongyang Shou, for the first time in history, systematically expounded Confucius' ideas related to the "Great Unification" by way of annotating *Analects*. In 134 B.C., Emperor Wu of the Han Dynasty exercised the policy of "rejecting the other schools of thoughts and embracing only Confucianism". From then on, the Confucian philosophy of "Great Unification" has been delivered on by political states and became the mainstream of the Chinese culture.

In the following ages, achievements made by the Han people in the fields of economics, culture, ethics, science and technology, etc., far exceeded those made by other nations in surrounding areas. Blood ties could no longer hold back the centripetal force of the Chinese civilization for its neighbors. They eventually merged, on the basis of common culture and belief, into the Chinese nation and started to live within the same country known as China. Geographically, at that point of history, the territory of China had already covered today's mainland, Taiwan, Hong Kong and Macao.

During the past 2000-odd years, such shared culture and belief gave birth to a common understanding: we are all Chinese and there is only one independent, integrated and unified China in the world. Actually, the notion of a unified motherland has already been ingrained in the personality of the Chinese as part of their self-esteem and self-confidence. Strenuous efforts made by them to defend such an identity are demonstrated not only by their heroic deeds in fighting for national reunification and independence since 1840 but also, to some extent, by the remarks made by activists in Hong Kong today who "stand against everything about China". Just as Deng Xiaoping put it, "all the descendents of the Chinese nation look forward to the reunification of China. Separation goes against the national will."⁴

The existence of such a general will indicates the validity of the reunification of a country which is yet to be unified.

III. Validity of the PRC as the actual China

Now that the validity of China's reunification has been made clear, theoretical light needs to be shed on what is the valid way to bring about national reunification. However, a preliminary question must be addressed first, i.e. whether a valid and actual China exists? If not, the validity of reunifying the nation by means of "return" is out of the question.

In accordance with the state theory in traditional constitutional jurisprudence, a valid country must have the formal elements constituting a country, including the territory, sovereignty, people, government and required recognition by international laws. Besides, in essence, it is also supposed to possess a valid source of government authority and form of government. In the sense of formal elements, the government of the PRC is, currently, the only legal government representing China both in fact and in the context of international laws. This is undeniable. At present, all queries on the validity of the PRC as the actual China are related to the essence of the country. Therefore, as long as the political legitimacy of the PRC is substantiated, its validity as the actual China is

proven.

Running through relevant theories in the philosophy of politics, the author found that political legitimacy of a government is mainly judged from the follows three aspects. The first is the ethical standard invented by Plato, the great philosopher in ancient Greek, on the basis of human beings' aesthetic preference. Specifically, justice is undoubtedly the most fundamental ethical belief in the social domain. Therefore, this theory holds that only when a political system meets the yardsticks for justice does it have validity; the second is the "unanimous public approval", a standard born out of the Enlightenment in the modern west and based on human beings' natural rational preference. That is to say, as long as the government wins the unanimous approval of the public in the referendum, it gains political legitimacy; and the last one is the "trouble-shooting capability", a criterion in traditional Chinese culture which has been established on the basis of human beings' pragmatic rational preference. The ancient Chinese thought that so long as a government or system was capable of settling various problems and thus maintaining a well-governed and peaceful community, it was deemed good and valid.

Gauged against the above standards, the validity of the Central Government of the PRC seems to be rendered questionable by the very first two. But if we examine them thoroughly, it can be found that it is the standards themselves, instead of the Central Government, which is problematic. As regards the first one, discussion on it will inevitably drag in the question of "what a just national system is like?" But is there any conclusive answer for this? Obviously no. we can see that in Hong Kong, the Left and Right always argue with each other over this issue and moreover, opinions on the superiority or inferiority of a political system or form of government differ greatly from one another all across the world. Under such circumstances, if a conclusion must be given, we can only say that all national systems are both valid and invalid.

As for the second standard, it has already been proven, by history and facts, to be impracticable because human beings have free will. That means even if all members of a community, at a certain moment, recognized the validity of a government, it is also quite possible that some of them change their mind shortly afterwards or that the newborns dismiss the government. That being the case, the employment of this standard implies that every political entity will be constantly caught in a state featured by random switches between unification and separation.

Seeing the impracticability of the first two standards, the wise and sincere ancients of China, proceeding from the ultimate goal of establishing a country – "all the people live together for a more peaceful and better life" – recognized the value of the idea of "common people's aspiration represents the divine will" and "a just national system is bound to be built" as their belief and in the meantime, put forward the "trouble-shooting" standard to judge the validity of a government. I dare not say that this is the absolute truth. But at least, it is conducive to the social stability, economic development, improvement of people's livelihood and the fulfillment of the most basic social appeals of the human race. Given that it is the only feasible standard among the three, then as long as the Central Government of the PRC is proven to be in conformity with it, its political legitimacy is also verified.

It is widely known that the Chinese nation has been suffering from grave disasters and troubles for more than a century since the year 1840. During the period, heroes from all walks of life, for national reunification and independence, as well as the rejuvenation of the Chinese nation, plunged themselves into the patriotic campaigns to save the nation but failed to bring any complete success

until 1949. In that year, the Chinese people, led by the Communist Party of China (CPC), clinched a crowning victory in the New-Democratic Revolution and founded the PRC. The Chinese could stand tall in the world ever since. In the following 60 years or so, remarkable achievements which riveted the world attention have been scored one after another. The once dreamed-of prosperity has faintly taken shape in reality. These facts are enough to prove that the Central Government is completely up to the standard of "fairly governing the entire country".

To sum up, the PRC is valid as the only legal and actual China.

IV. Validity for not changing the essence of the country

4.1 "One Country, Two Systems" is not the mathematic equation of $1+1=2$

Having provided grounds for the fact that national reunification is the common aspiration of the Chinese and currently, there is an actual and valid China, we only need to prove that the "reunification", in the sense of the Questions of Hong Kong and Macao, means the return of the two to the actual China and that the essence of the country will not be changed. Then, undoubtedly, "One Country" in the policy of "One Country, Two Systems" refers specifically to the PRC. To substantiate the above two propositions, we only need to falsify two pseudo-propositions.

The first one states that the pattern of China's reunification under the "One Country, Two Systems" policy is actually similar to the equation of " $1+1=2$ ". Its essence is supposed to be "Two Systems". i.e. two political entities. While "One Country", when needed, only enables people to anchor their nationalistic sentiment and brings them economic benefits. Just as some people in Hong Kong put it, "'One Country', at most, should be stressed only from the economic perspective, while politically, 'two systems' is of greater importance."

Nevertheless, theoretically speaking, "reunification" with a pattern of " $1+1=2$ " can be valid only under two circumstances: the first is that two sovereign countries have formed an alliance or union, e.g. the United States of America under the *Articles of Confederation* established in 1778; the personal union formed between Luxemburg and the Netherlands in 1875; the Austro-Hungarian Empire founded in 1815 on the basis of a *Compromise between the Austrian Empire and the Kingdom of Hungary*, etc.. The other refers to the circumstance that a sovereign country incorporates a political entity which is under its sovereignty and has inherent right, resulting in a special "unification". For instance, legally Taiwan belongs to the territory of the PRC and the latter has sovereignty over the former. But governance of Taiwan authorities over the area is, instead of being warranted by the PRC, inherited from the government of the Republic of China. That being the case, the Taiwan authorities is also a political entity with inherent right. It is because of this historical fact that the *1992 Consensus*, concerning "two interpretations of 'one China'" and reached between the PRC and the Taiwan authorities, had its validity.

Now that the above theories have been expounded, let's shift our attention to the Questions of Hong Kong and Macao. First, from the perspective of international laws, Hong Kong and Macao have, throughout the ages, never been recognized as sovereign nations. Therefore, when analyzing related issues, the first circumstance does not need to be considered at all. Then as for the other, we have a question: do people in Hong Kong (Macao) have the "inherent right" over the region? In other words, is it possible that the Briton (Portuguese) obtained sovereignty over Hong Kong (Macao) by way of invasion and left it to people in Hong Kong (Macao), at the end of their rule, as

“inherent right”? Some consider this possible because according to international laws, the stipulation of “The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force” did not appear until the conclusion of *Pact of Paris* in 1928. Then, according to the principle of “ex post facto prohibition”, isn’t the occupation of Hong Kong and Macao by Britain and Portugal, respectively, legal?

The author holds that such a viewpoint is definitely wrong. Lying at the core of law is justice and this is, undoubtedly, also the case with international laws. Therefore, as is known to all, a simple yet eternal principle of justice exists in the world: no subject is entitled to any profit gained through criminal acts. Though many acts can be categorized as crimes, nobody would ever deny that seizing properties of others by violent means belongs to this category. Specifically, Britain and Portugal took hold of China’s territory through invasion. This is obviously unjust. So it is impossible that they had sovereignty over China’s territory and left it to Hong Kong (Macao) people.

To sum up, “One Country, Two Systems” implemented in Hong Kong and Macao is by no means the mathematic equation of $1+1=2$.

4.2 “One Country, Two Systems” is not the chemical equation of “ $1+1=1$ ”, either

Having falsified the first pseudo-proposition, next we need to deal with the second one, i.e. China’s reincorporation of Hong Kong and Macao, under the policy of “One Country, Two Systems”, should be regarded as a “reunification” featured by a pattern similar to the chemical equation of $1+1=1$. Such a view indicates that “One Country” stands for, instead of the actual PRC, a new China. Some people in Hong Kong hold that “this term refers to a country in need of reconstruction”.

It is regarded as a pseudo-proposition because theoretically, such a “reunification” with a pattern of “ $1+1=1$ ” can be valid only under two circumstances, too. (1) Two sovereign countries merge into one with unified sovereignty and (2) a sovereign country and a political entity under its sovereignty with “inherent right” form a new country with unified sovereignty.

Evidently, according to the above discussions, China’s sovereignty over Hong Kong (Macao) has never been interrupted from the Qing Dynasty all the way through to today’s PRC. Hong Kong (Macao) is never an independent political entity and its people have never possessed any “inherent right” over the region. Therefore, the “One Country, Two Systems” policy implemented in Hong Kong and Macao is anything but the chemical equation of $1+1=1$.

4.3 Hong Kong’s and Macao’s return to China is a philosophical formula of “ $W+P=W$ ”

According to the foregoing, “reunification” under the policy of “One Country, Two Systems” is undoubtedly the “return” of Hong Kong and Macao to their actual mother country – the PRC – in every respect. The author illustrates such a pattern of “return” with the formula of “ $W+P=W$ ”, in which “W” means “whole” and “P”, “part”. From the philosophical point of view, reunification refers to the return of the “part” to the “whole”. Though the latter is completed by the former, its nature is left unchanged. To put it another way, the return of Hong Kong and Macao made the PRC more integrate without changing its essence as a country. That is why “One Country”, in the “One Country, Two Systems” policy implemented in the two regions, is irrefutably the original and actual PRC.

V. Conclusion

Some are bound to say that it is just based on intuition that people see the validity of China's reunification in people's common aspiration for it bred by Chinese culture and traditions spanning thousands of years, arrive at the conclusion that the PRC, measured against the standard of human beings' pragmatic rational preference, has the validity as the actual China and assert that Hong Kong and Macao cannot but return to the actual China in accordance with their status in international laws. The author admits that the above theoretical grounds for validity are made out of instinct. However, no one in China could deny the fact that we have no choice other than following these principles. Because denial of or changes made to them means that the fulfillment of aspiration and national stability are illegal but fabrications are and that the entire world as well as the mores and ethics of human society may make no sense. This is definitely unacceptable. As a matter of fact, people follow these intuitions because they all believe life has a meaning and all those theories concerning the world in which they live are valuable.

Notes:

- ¹ Chong Chan Chan (2011). Remarks on the Solutions for the Problems found in the Implementation of the "One Country, Two Systems" Policy in the Hong Kong SAR. *Academic Journal of One Country Two Systems Academic Journal (Chinese Version)*. Volume 9. 84-91.
- ² Li Xiaoping (2002). Reason of Legitimacy of "a State". *Macao Administration Magazine*. Volume15, Number 57, Issue 3. 749-757.
- ³ Zhang Gang (2002). An Analysis of Origin of Confucianism from the Perspective of Ancestral Soul Consciousness. *Qilu Journal*. No. 6. 104.
- ⁴ Deng Xiaoping (1993). *The Selected Works of Deng Xiaoping (Volume 3)*. Beijing: People's Publishing House. 170.