

VOLENTI NON FIT UNIURIA
(*The Willing Man Receives No Injury*)

It must appear to the world, today, that the Chief Executive of the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), Mr Donald Tsang Yam Kuen (), is completely befuddled.

His befuddlement has been the result of trying to balance his duty to God (he is a staunch, practising Catholic, one is told by his own admission), his duty to Beijing, from where his power to rule the HKSAR emanated, and his constructive duty to The Law of Nature, as John Hobbes, the British political philosopher would have put it during his lifetime in the 17th Century.

Mr Donald Tsang Yam Kuen, as history will record, stated in a radio programme in the HKSAR, recently:

'People go to the extreme and you have a cultural revolution ... When people take everything into their own hands, then, you cannot govern the place ... People, taking power into their own hands. Now, this is what it means by democracy if you take it to the full swing. In other democracies, even if you have elected person, then, you overturn the policy ... that's not necessarily conducive to efficient government... '.

The above statements are just a small part of that which the Chief Executive uttered to the Chinese residents of the 416 square miles that constitute the sovereign territory of the HKSAR.

But that which he uttered, in the Cantonese dialect, was a tome.

Mr Donald Tsang Yam Kuen talks of *'In other democracies'*, which seems to suggest that the HKSAR is, already, a democracy (!).

Far from it: For that is what many of the 7 million-odd residents of the territory are fighting to achieve.

That which Mr Donald Tsang Yam Kuen uttered indicates at least the following:

1. He is a puppet of Beijing, from where he received his mandate (not from Heaven, however);
2. He is almost completely ignorant of Constitutional Law;
3. He is ignorant (in the extreme) with regard to his mandate as the Chief Executive of the HKSAR; and,
4. He is ignorant as to those factors that brought about the Cultural Revolution in the PRC.

As many of the able politicians of the PRC have stated, on the record of late, Mr Donald Tsang Yam Kuen would do well to study the recent history of the PRC.

History records that the Cultural Revolution of the PRC lasted from the 1960s up to the 1970s.

In the history of the PRC, the Chinese political upheaval of 1966 was the largest mass movement, launched by the late Chairman of the country, Mr Mao Tse Tung (Mao Ze Dong), when he determined to initiate The Great People's Cultural Revolution.

The target of this upheaval was the elimination of old customs, old habits, old culture and old ways of thinking.

Also, the ageing Chairman wanted to recover his place as the ultimate leader of the country; the Cultural Revolution was somewhat of a perfect excuse to stir up the people.

In October 1966, the '*Little Red Book*', containing the thoughts of Chairman Mao Tse Tung, was widely promulgated, its content, being taught in schools and colleges throughout the PRC.

About 3 months later (January 1967), the '*call*' was taken up in urban areas of the country.

Various groups, previously having been marginalised, made a comeback and determined to take revenge on those given the nomenclature of the elitists.

Contract workers of the country, who had been denied State welfare benefits, which were readily available to Permanent State Employees, now demanded equal treatment.

By 1968, the chaos subsided without the Government of the PRC, having to take draconian measures in the manner of the Government of The Union of Soviet Socialist Republics under Joseph Stalin and his cronies.

It is a real pity that the Chief Executive of the HKSAR did not study the above facts before opening his mouth on radio, allowing Chinese listeners to understand the limitations of his intelligence.

(It is possible, of course, that Chief Executive Donald Tsang Yam Kuen did not appreciate that there is a difference between revolt – a mass insurrection; an uprising; a rebellion – and a cultural revolution – the overthrow or subordination of a type of thinking, considered anachronistic.)

What Is A Constitution ?

In the broadest sense, a constitution is a body of rules, governing the affairs of an organised group.

A parliament or, in the case of the HKSAR, a Legislative Council, may operate under the terms of a formal written document – in the HKSAR, it is The Basic Law of the HKSAR.

This does not mean that all of the rules, governing the affairs of the residents of the HKSAR, are to be found in The Basic Law, for there are many other rules, such as bylaws and customs.

Invariably, by definition, the '*rules*', spelled out in The Basic Law, are considered to be, just that, '*basic*', in the sense that, until they are modified, according to an appropriate procedure, all other rules must conform with them.

(And, of course, there is, always, the matter of the definition of certain words and terms, contained in The Basic Law, terms and words which may be redefined by Beijing, from time to time, and, then, reclassified, accordingly, with reference to the laws of the PRC, proper, laws which differentiate from those of the HKSAR.)

Thus, the Chief Executive of the HKSAR is obliged to make determinations that a proposal is out of order if it is seen to be contrary to a provision(s) of The Basic Law of the HKSAR.

Implicit in the concept of The Basic Law is that of a higher law that takes precedence, insofar as the Chief Executive is concerned.

For Chief Executive Donald Tsang Yam Kuen, that '*higher law*' must be the dictates, contained in encyclicals of The Bishop of Rome – His Holiness, The Pope, the head of the Roman Catholic Church.

It is here that this poor man faces that conundrum that makes him a coward.

On the one hand, he is bound by his mandate from Beijing to pacify and to follow the orders of his political (and intellectual) superiors and, on the other hand, he has taken an oath to Rome to be subservient to the dictates of The Pope, who speaks for his Church.

The Duty Of Office

Once installed as the head of the HKSAR Government, Mr Donald Tsang Yam Kuen, faced the difficulty of the matter of conscience.

He may not have known it, at the time of his acceptance of the exalted position as Chief Executive, but, as soon as his appointment was ratified in Beijing, he held a duty:

1. To the Government of the PRC, proper (the '*divine right of succession*' by virtue of The National People's Congress, being the ultimate determinant of his authority in the HKSAR);
2. To the legal residents of the HKSAR; and,
3. To his Church to which he held an unswerving duty of allegiance and obedience.

Subjects have a duty to God to obey their rulers, but rulers, themselves, correspondingly have duties to their subjects – the resident, legal population of the HKSAR, in this case.

Rulers, as the First Chief Executive of the HKSAR, Mr Tung Chee Hwa (), discovered, are not absolute and if their commands do not deserve obedience, then, resistance to the commands might well be justified.

This, Mr Tung Chee Hwa discovered to his dismay as he watched, one Sunday afternoon, more than half a million people of the HKSAR march through the streets of the territory, during his term of office, in a concerted effort to demonstrate, passively, their collective response to the dictates of the appointed leader of the territory.

It has long been held that, since people, more often than not, do not have the power to defend their rights, they agree to unite and to enter into a society in order to make '*one people*' – the body politic – under one supreme government.

To this supreme government is given an authority over the people; the supreme government establishes judges (on earth, not in Heaven) with authority to determine all of the controversies that cannot be decided between individuals, and to redress injuries.

But, at the same time, the authority, given by society to a supreme government, is not absolute, as are the dictates of The Pope.

As Mr Tung Chee Hwa discovered, in spite of having the key to the door of the seat of power in Beijing, when that lock was changed, his key no longer opened the door of his Heaven.

The supreme government of the Tung Chee Hwa Administration of the HKSAR, shockingly to this self-proclaimed, Confucian scholar, became, obliquely, answerable to the determination of the majority of the vocal residents of the territory, the majority of whom were not satisfied with their lot.

Beijing, concerned about the displays of discontent in the resident population of this once, peaceful, British Colony of Hongkong, in effect, sacked its appointee and relegated him to a lower position – in which he had some status, but no real power (thanks be the Lord!).

This was witnessed when, on March 12, 2005, in the HKSAR Legislative Council, Mr Tung Chee Hwa resigned as Chief Executive – with immediate effect.

He was nominated by Beijing to the position, henceforth, of Vice-Chairman of the Chinese People's Political Consultative Conference (CPPCC).

Mr Tung Chee Hwa, who, officially, resigned as the Chief Executive of the HKSAR, learned, much too late, that the views of the majority are, de facto, '*a Court of Final Appeal*' against the decisions of the ruling authority.

People, who live under an absolute authority, whether divinely established (the Roman Catholic Church) or established by political absolutists (Myanmar, Singapore, North Korea, The PRC, etc) are not, necessarily, living in a civil society because, effectively, they continue in what is commonly referred to as a State of

Nature whereby they may become violent to the rule of the law that they may have helped to establish if it is determined that it is correct and proper to retract the authority of the supreme power.

The idea that it is the will and determination of the majority – the ultimate basis of political authority – there follows that the possibility exists, always, of legitimate resistance to that same authority.

The majority perpetually retains the ultimate power over the installed supreme political power to save themselves from their legislators whenever it is discovered that the legislators have been wicked or foolish as to carry on designs against the majority's liberties and properties.

As the will of the majority is where power ultimately resides, so it must be that, ultimately, the people are the judges of their direct and indirect appointees or, in the case of the HKSAR, whether or not the legal residents of the territory will have the stomach to enjoy the agony or the ecstasy of Beijing's imposed authoritarianism, using, as the conduit, Beijing's appointee, The Chief Executive.

Sadly, thus far, the second Chief Executive of the HKSAR has shown himself to be:

1. A fool;
2. A political prostitute; and/or,
3. A misguided, former salesman, who graduated to become a civil servant of the former British raj and, then, sold his soul for the sake of being included on a single page of the history of 416 square miles of Chinese territory.

The utterances of Mr Donald Tsang Yam Kuen have become, clearly, an embarrassment to Beijing (or, at least, they should be considered as such) and the powers-that-be in the seat of power in the Middle Kingdom are having trouble in trying to determine a suitable political answer to the faux pas of this Catholic leader of a little more than 7 million, mostly Chinese people, all of whom worship the god of acquisitiveness, not the God whose funnel on this earth is said to be The Bishop of Rome.

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