

Chapter 20

Monday 18 November 2019

Open-Shut (*Bai He* 裨閣) Strategies: 习近平; 止暴制乱 恢复秩序是香港当前最紧迫的任务 [Xi Jinping; Stopping the storm and restoring order is Hong Kong's most urgent task at present]

The Open-Shut (*Bai He* 裨閣) strategy represents the ultimate Daoist law of transformation and different methods of persuasion (*Shui* 說). . . Open means opening with speech (*Yan* 言). It is *yang*. Shut means closing in silence. It is *yin*. . . It is said that death and destruction, worry and anxiety, poverty and disadvantage, suffering and humiliation, abandonment and damage, loss, disappointment, harm, torment and punishment are yin, which is called ending.¹

There has been much coverage of the latest round of activity by students and government responses around the current situation in Hong Kong.² Many governments, including that of the United States, will likely react in their own ways to the final resolution of the Hong Kong situation,³ including legislative efforts.⁴ The Chinese central authorities, as well, have not been remiss in developing their own position and ensuring that it is widely known.⁵ In the process, something that started as the expression of a frustration directed toward the local government about specific legislative approaches,

¹ Guiguzi (鬼谷子), *Guiguzi: China's First Treatise on Rhetoric; A Critical Translation and Commentary* (Hui Wu (trans.); Carbondale: Southern Illinois University Press, 2016 (before 220 A.D.)); Book I.1.4 - I.1.5, pp. 41. Guiguzi also serves as a useful framing of strategic and rhetorical choices in other important respects considered in the essays, *supra*, at Chapter 3 (Mend-Break (Di Xi 抵巇)), Chapter 8 (Assessing (Quan 權)), and Chapter 12 (Resist-Reconcile (忤合 Wuhe)). Also *infra* at Chapter 30 (Fundamental Principles (Fu Yan 符言)).

² Some consideration in essay Chapter 19, *supra*.

³ Ian Marlow and Daniel Flatley, "What Hong Kong Losing Its U.S. 'Special Status' Means," *Bloomberg* (2 October 2019); available [<https://www.bloomberg.com/news/articles/2019-10-02/what-u-s-congress-is-and-isn-t-doing-about-hong-kong-quicktake>]; Scott W. Harold, "U.S: Policy Options for Hong Kong," *The Rand Blog* (2 December 2019); available [<https://www.rand.org/blog/2019/12/us-policy-options-for-hong-kong.html>].

⁴ Hong Kong Human Rights and Democracy Act of 2019 H.R.3289/S1838; Pub.L. 116-76; 113 Stat. 1161; 22 U.S.C. §§5725-5726 (2019) — 116th Congress (2019-2020). Among other things the Act The Department of State shall certify annually to Congress as to whether Hong Kong warrants its unique treatment under various treaties, agreements, and U.S. law. The analysis shall evaluate whether Hong Kong is upholding the rule of law and protecting rights enumerated in various documents, including (1) the Sino-British Joint Declaration regarding Hong Kong's return to China, and (2) the Universal Declaration of Human Rights.

⁵ See, e.g., essays Chapters 3-5, 7-9, *supra*.

but also fueled by long simmering frustrations, has now boiled over into a long and sustained campaign that has solidified an oppositional position among Hong Kong protesters. That solidification has crystalized around a reinvigorated internationalist reading of the Two Systems principle that sees in Hong Kong a political and societal culture distinct enough from that of the rest of the People's Republic of China to require a permanent state of autonomy, one grounded in and supported by international principles and institutions.

This increasing disjunction between those holding tightly to the One Country principle (and inherent within it the notion of the Sinification of Hong Kong political culture), and those holding an increasingly coherent view of the Two Systems principle (and inherent within it the internationalization of a principle of Hog Kong autonomy detached from the Sino-British Joint Declaration and its 2047 end date). The positions are incompatible and have been tearing the unitary One Country-Two Systems principle into two, with each increasingly separated from the other.

Even as the One Country-Two Systems principle is being torn in two, there appears to be a dynamic stalemate on the ground. Each side has been moving its pieces on the chessboard that is Hong Kong without any sense of any decisive movement toward victory for either side. The recent legalization of that contest, in the form of the fight against the invocation of the Emergency Powers Act to impose a "no-mask" rule provides a case in point.⁶ The idea there is to invoke the authority of the state against its own leaders to develop an authoritative application of the unique culture of Hong Kong against efforts to more tightly embed it within the political cultures overseen directly by the central authorities.

Yet even as protesters and their allies are working with sympathizers in the global community, and are seeking to invoke and solidify the distinctive legal culture of Hong Kong, the core leadership of the People's Republic of China is also seeking to present their perspective to a global audience. These objects are easy enough to grasp: the first is to make the case for the evolving Chinese interpretation of the One Country Two Systems principle with "One Country" at the center. The second is to try to develop wedges in internal public sentiment (and reduce international community support) for the position of the protesters and their interpretation of the One Country Two Systems principle with "Two Systems" in the center.

To that end the Chinese core of leadership was presented with a near perfect opportunity to present its views to a potentially friendly

⁶ Considered briefly in essay Chapter 19, *supra*.

audience when President Xi Jinping attended the eleventh meeting of the BRICS leaders in Brasilia⁷ It was reported by the Chinese Foreign Ministry that at the BRICS Summit President Xi Jinping "made clear the Chinese government's solemn position on the current situation in Hong Kong."⁸ The summary text of those remarks were made available in the original Chinese,⁹ as well as in English.¹⁰ Both are brief

⁷ Leticia Casado and Manuela Andreoni, "BRICS Turn 10: BRICS group pledges increased integration through New Development Bank loans at Brasilia Summit as doubts about sustainability linger," *Diálogo Chino* (15 November 2019); available [<https://dialogochino.net/en/infrastructure/31731-brics-turns-ten/>] ("Leaders from Brazil, Russia, China, India, and South Africa met for the 11th BRICS summit in Brasilia this week to discuss the future of the bloc and identified loans supporting sustainable development from the New Development Bank (NDB) as a key element in strengthening integration").

⁸ "Xi Jinping: The Most Urgent Task for Hong Kong at Present Is to End Violence and Chaos and Restore Order," Ministry of Foreign Affairs of the People's Republic of China (18 November 2019); available [https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1716590.shtml].

⁹ 习近平：止暴制乱 恢复秩序是香港当前最紧迫的任务 [Xi Jinping: Stopping the storm and restoring order is Hong Kong's most urgent task at present], Xinhuanet (14 November 2019); available [http://www.xinhuanet.com/politics/2019-11/14/c_1125233663.htm].

习近平：止暴制乱 恢复秩序是香港当前最紧迫的任务

新华社巴西利亚 11 月 14 日电 当地时间 11 月 14 日，国家主席习近平在巴西利亚出席金砖国家领导人第十一次会晤时，就当前香港局势表明中国政府严正立场。

习近平指出，香港持续发生的激进暴力犯罪行为，严重践踏法治和社会秩序，严重破坏香港繁荣稳定，严重挑战“一国两制”原则底线。止暴制乱、恢复秩序是香港当前最紧迫的任务。我们将继续坚定支持行政长官带领香港特别行政区政府依法施政，坚定支持香港警方严正执法，坚定支持香港司法机关依法惩治暴力犯罪分子。中国政府维护国家主权、安全、发展利益的决心坚定不移，贯彻“一国两制”方针的决心坚定不移，反对任何外部势力干涉香港事务的决心坚定不移。

¹⁰ "Xi Jinping: The Most Urgent Task for Hong Kong at Present Is to End Violence and Chaos and Restore Order," supra.

Xi Jinping: The Most Urgent Task for Hong Kong at Present Is to End Violence and Chaos and Restore Order

2019/11/18

On November 14, 2019 local time, President Xi Jinping made clear the Chinese government's solemn position on the current situation in Hong Kong when attending the 11th BRICS Summit in Brasilia, Brazil.

Xi Jinping noted, the continuous radical, violent and criminal activities in Hong Kong have severely trampled on the rule of law and social order, severely undermined Hong Kong's stability and prosperity, and challenged the bottom line of "one country, two systems" policy. The most urgent task for Hong Kong at present is to end violence and chaos and restore order. We will continue to firmly support Chief Executive in governing Hong Kong Special Administrative Region in accordance with law, and support the Hong Kong police in strictly enforcing law, and support the Hong Kong judicial organs in bringing violent criminals to justice according to law. The Chinese government is determined to safeguard national sovereignty, security and development interests,

but dense with meaning and all the more important for the effort to directly project out the emerging Chinese position to key allies and friendly governments.

However, the difficulty with the official English translation is the way that it flattens out some of the language as it appears in the original Chinese--and thus, to some extent, also flattens the meaning and message meant to be conveyed in the original to Chinese speaking populations. A slightly different version follows for which it may be useful to consider in more detail. The original is indented in *italics*; commentary then follows

Xi Jinping: Stopping the storm and restoring order is Hong Kong's most urgent task at present.

The language Xi Jinping uses references back to the statements delivered by the Hong Kong and Macao Affairs Office (HKMAO) during the course of a press conference on 6 August.¹¹ In both cases the words used were the same-- 止暴制乱 (Zhǐ bào zhì luàn). The term is usually translated as "stop the violence and chaos" but the allusion to the storm is washed out of that more literal translation.

Stop the storm suggests the character of the absence of control that can tear a society apart. But it also reflects the notion that storms, as destructive as they can be, are temporary things. Once the storm passes then things return to normal and people pick up where they left off. More pointedly, the idea here is that the strong itself may cause damage but will not affect the trajectory of forward movement under the leadership of the vanguard party exercised through the actions of the central and local authorities. The storm itself--the protesters, then are also an uncontrolled element, once that causes damage but that cause no lasting harm--a typhoon perhaps but nothing more hurling its energy against something that might be damaged but which cannot be overcome.

Xinhua News Agency, Brasilia, November 14th Local time on November 14, when President Xi Jinping attended the eleventh meeting of the BRICS leaders in Brasilia, the current situation in Hong Kong shows the Chinese government's solemn position.

The remarks were meant to be projected outward to friendly states, and also reported for domestic consumption in the Mainland (as well as read among Hong Kong elements and their sympathizers abroad). Because it was given by President Xi, it was assumed there would be global coverage--and certainly the security and foreign ministry

implement the "one country, two systems" policy, and opposes any foreign interference in Hong Kong affairs.

¹¹ The subject of the essay Chapter 7, *supra*.

apparatus of other states would be listening carefully. Here again, the notion of a solemn position is meant to contrast the temporary power of the storm with the solidity and authority of the wall against which it will spend its strength.

Xi Jinping pointed out that the persistent violent criminal acts in Hong Kong have seriously trampled on the rule of law and social order, seriously undermined Hong Kong's prosperity and stability, and seriously challenged the bottom line of the "one country, two systems" principle. Stopping the storm and restoring order is Hong Kong's most urgent task at present.

This is the heart of the remarks and lays out in compact form, the position of the central authorities as it has been developing over the course of the last six months. Its rhetorical purpose is one of drum beat. Every word is another blow to the drum which produces the rhythm of the steady march from storm to triumph, a march that leads away from the protestors and their struggle to a greater incorporation of Hong Kong within China.

The key words, each a drum beat: (1) persistent violent criminal acts; (2) seriously trampled the rule of law; (3) seriously trampled social order (4) seriously undermined Hong Kong prosperity; (5) seriously undermined Hong Kong stability; and (6) seriously challenged the "One Country-Two Systems" principle. Taken together, this persistence of serious challenge will itself cause the end of One Country Two Systems as the social order will seek to protect itself. That is the "storm", the violence and chaos that must be stopped. Notice the unity of the six key phrases here that are meant to paint a picture of authority and legitimacy--of deliberation and probity, on the side of the authorities--and of chaos and destruction on the side of the protestors.

The *basso ostinato*:¹² (a) persistent (b) *violent* (3) **criminal** (4) **acts**. Four beats pounded constantly. Boom, boom, **boom, boom**. Persistence suggests intentionality; violence suggests harm to the innocent; criminal suggests that the persistent violence stands outside the law, that is that the persistence of the violence is not meant to further socially positive normative or political (lawful) objectives; and acts suggest a concrete manifestation that can be measured and that reveals the extent of violent criminality. The statement then carries with it its own set of judgments and presumptions which the audience is meant to embrace as presuppositions. To embrace this notion, this narrative of persistence, of violence, of criminality, and of action, is to strip the protesters of

¹² In music--for this is what Xi's remarks are meant to be, music--a persistent motif or pattern repeated over and over

legitimacy, and of connection with the polity. It clears the field for the state and its apparatus as the only thing that stands between the destroyer and the stability and prosperity of the people.

Over this ostinato a melody that plays as a four part-fugue¹³ built on variations tied to a core concept: seriously, *seriously*, ***seriously***. One starts with the subject--*trample human rights*. Its answer repeats the subject in a different voice--*trampled the social order*. The countersubjects are developed--*undermine prosperity and undermine stability*. These are then developed freely over the ostinato (persistent, violent, criminal, acts). Together one hears (for the statement is best appreciated heard, like music) a complex interweaving of the ostinato--serious persistent violent criminal acts--under equally intertwining melodic themes: trampled human rights and social order; undermined prosperity and stability.

And eventually this fugue over basso ostinato (for it is a hybrid form of music making) comes to its conclusion: the end of the One Country-Two Systems principle. That is the ending of the music should the storm persist. The storm is itself that basso ostinato--serious persistent, violent, criminal, acts. And the melodies lead to the end of Hong Kong.

Interestingly, the Chinese leadership core miss the dissonance in that fugue and its basso ostinato. And it is simply this: the fugue need not necessarily threaten One Country Two Systems. Indeed, the melody might as easily have ended with a call to strengthen One Country Two Systems; to threaten its end is to suggest the power of persistent, violent, criminal, acts, of the success of a trampling of rule of law and the social order, and of the undermining of prosperity and stability. To insist that such a four part fugue threatens One Country Two Systems is to suggest the power of the protesters. And in the long run that might well be the wrong tune to sing.

We will continue to firmly support the Chief Executive to lead the Government of the Hong Kong Special Administrative Region in accordance with the law, firmly support the Hong Kong Police in law enforcement, and firmly support the Hong Kong Judiciary in punishing violent criminals.

And indeed, that tune gone wrong is then emphasized. If the One Country Two Systems principles is threatened, it is in the response of a large hegemon to the annoyance of flies. That could evidence weakness more than strength, And that is the great risk of the central

¹³ Again in music, the essence of imitative counterpart in which each of in this case four themes are presented, developed against each other and counter expositions, before concluding.

authority's line supporting local officials--already well proven to have not handled their responsibilities well--nor of the police, who have proven at times (and for international consumption, more of a burden than a vindication. The Vanguard party had a choice--it could appear as the great intervenor bringing peace and a change of leadership in exchange for stability and the end of violence. It might have even negotiated the punishment of leaders. It might have better considered the value of Mend-Break (*Di Xi 抵巇*)¹⁴ strategies--breaking the local authorities to mend Hong Kong. But the central authorities were already using the strategies of Mend-Break (*Di Xi 抵巇*) to advantage in August 2019, but with a different trajectory. The basso ostinato of Xi's remarks--criminality and violence must be punished in accordance with law--serve as the break; mending comes for the local authorities which serve as the instrument of breaking the protester movement and the foreign sympathizers who empower them.

The determination of the Chinese government to safeguard national sovereignty, security, and development interests is unshakable. The determination to implement the "one country, two systems" principle is unwavering, and the determination to oppose any outside forces' interference in Hong Kong affairs is unwavering.

Here the strategies of Mend-Break (*Di Xi 抵巇*) make an opening to further an overarching strategy of Open-Shut (*Bai He 裨閣*).¹⁵

So Xi speaks to the small and limiting which must make way again for the virtuous--the local authorities. Xi starts from the small and dangerous and ends with the positive and lofty. He starts with the danger of protest and ends with the authority of the state. He starts with the drumbeats of disorder and ends with a call to the lofty ideals of sovereignty, security and development. These ideals he proffers to a community of states already deeply committed to sovereignty, security and development especially against internal and external threat. And against these ideals are the constant drum beats of disorder, of persistent violent criminal acts. This is Open-Shut (*Bai He 裨閣*).

Note the Chinese two thrust narrative strategy of Open-Shut (*Bai He 裨閣*) in this case. First is the use key words and phrases that invoke the normative foundations of Hong Kong's global sympathizers to control the interpretation and implications of action in Hong Kong. Second is the elaboration of the foreigner intervention

¹⁴ Guiguzi (鬼谷子), *Guiguzi: China's First Treatise on Rhetoric; A Critical Translation and Commentary*, supra, Book I.1.1. 4.1, pp. 53-54.

¹⁵ Ibid., Book I.1.3, pp. 40 ("those who invite a shut strategy invite sincere response from others).

rhetoric that has been evolving since June 2019. None of this is new but might be usefully read in light of changing conditions on the ground. "All speeches (Yan 言) that employ yang are "beginning." This sort of speech (Yan 言) talks about positive things and is used to launch business. All speeches (Yan 言) that employ yin are "ending." This sort of speech (Yan 言) talks about negative things and is said to get a plan canceled."¹⁶ This is precisely what Xi offers to the BRICS leaders in Brasilia. For the protesters, there is only the small--the way of the criminal, the storm that damages but does not destroy, that threatens but which must be resisted. But to his friends in the community of BRICS states he offers a solidarity grounded in the lofty values of sovereignty, security and development around which he wraps a Chinese One Country-Two Systems principle.



¹⁶ Ibid., Book I.1.5.