

Chapter 2

Saturday 15 June 2019

The Clash of Empires? Playing With Fire in the Shadow of the Umbrella Movement

There is a great sense of expectation on the streets now. What had started out as a mass outpouring of protest against the extradition law,¹ now appears to have taken on a life of its own. People see in this movement forward a trajectory similar to that of the Umbrella Movement of five years earlier. They do not believe the central authorities in Beijing will act decisively against them—they dare the Central authorities to respond. For the protesters, the Umbrella Movement set the template for mass engagement and protests within One Country Two Systems; they may assume some of compromise and relatedly weak reprisals as an end game. Officials may believe that reprisals will energize the international community to threaten Chinese interests in ways that they could not ignore. Hong Kong may be Chinese, I am told, but it is an international city as well.² It is the ultimate special political zone, suspended between a vigorous international community and a rising Chinese state power.

Among the people themselves one senses the cultivation and now explosion of a powerful and powerfully pure sense of being wronged by officials who are exceeding their authority and abusing their discretion. At least as manifested on the streets, those who participate in these manifestations of the will of masses believe,

¹ The Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (2019 年逃犯及刑事事宜相互法律協助法例 (修訂) 條例草案)); available [<https://www.hklii.hk/eng/hk/legis/ord/503/index.html>] Chinese version available [<https://www.hklii.hk/chi/hk/legis/ord/503/>]. It had been introduced 29 March 2019 and had its first reading 3 April 2019. Its most controversial provisions would allow criminal suspects to be sent to Mainland China for trial and the great fear was that the amendments would provide Mainland authorities with a power to reach into Hong Kong to punish its critics. The view from the Mainland was very different, increasingly frustrated by the ability, for example, of Mainland Chinese, to use Hong Kong as a place to escape investigation and punishment for corruption. The idea that Chinese authorities could not reach into every inch of the national territory to advance its core objectives was becoming increasingly intolerable. Between 2014 and 2017 there was increasingly little middle ground on which to fashion face saving compromises. This became clearer in retrospect. See David Lague, James Pomfret and Greg Torode Fil, "Special Report: How murder, kidnappings and miscalculation set off Hong Kong's revolt," *Reuters* (20 Dec. 2019); available [<https://www.reuters.com/investigates/special-report/hongkong-protests-extradition-narrative/>]. In the end, though, it was not the Extradition Bill but the New National Security Law that would set the stage for realizing the greatest fears of those seeking to maintain Hong Kong's status quo.

² See, Roda Mushkat, *One Country, Two International Legal Personalities: The Case of Hong Kong* (Hong Kong University Press, 1997).

perhaps naively that a showing of sincerity of the sort projected worldwide on the 9th might cause the central authorities to reconsider and to forebear, at least for a little while longer. For the central authorities, the protests present an ideological conundrum. On the one hand they might treat it as the opening expression of action under the mass line the response to which can then be guided by the vanguard under the principle of from the people to the people. In this sense the protests present a golden opportunity to demonstrate the way that Leninist ideology is flexible enough to be practiced even under conditions of autonomy. This evolves from Mao Zedong's notion of the "mass line" as "The Marxist theory of knowledge."³ However, there is a fear, already present, that the alternative path may prove more alluring to central authorities--one that views the protests not merely as a threat to local authorities but as an infection that may challenge the authority of the vanguard itself.

My optimism about the potential presented here, even for the central authorities, is necessarily dampened with a strong dose of worry. Chinese authorities do not respond positively to perceived threats; and sometimes the authorities tend to err on the side of treating expressions as a threat and not an opportunity, even when what appears as a threat might be managed through the application of the vanguards' leadership and working style. More importantly, the Chinese central authorities had shown a remarkable ability to exercise patience. They had shown a talent for retribution from the flanks. And they had been clearly signaling a substantial movement toward a reinvigoration of Leninism that points to the inevitability of change in the relationship between the central authorities in Beijing and those of the Hong Kong SAR.

More than that, the central authorities have been showing increasing frustration that is tied to an inability to reach into Hong Kong to more comprehensively implement core political objectives both within the Mainland and in the Special Administrative Areas--especially Hong Kong. All of this has been brewing, and is well known

³ Mao Zedong, "Some Questions Concerning Methods of Leadership" (1 June 1943), Marxists.com website; available [https://www.marxists.org/reference/archive/mao/selected-works/volume-3/mswv3_13.htm], ¶4.

In all the practical work of our Party, all correct leadership is necessarily "from the masses, to the masses". This means: take the ideas of the masses (scattered and unsystematic ideas) and concentrate them (through study turn them into concentrated and systematic ideas), then go to the masses and propagate and explain these ideas until the masses embrace them as their own, hold fast to them and translate them into action, and test the correctness of these ideas in such action. Then once again concentrate ideas from the masses and once again go to the masses so that the ideas are persevered in and carried through. And so on, over and over again in an endless spiral, with the ideas becoming more correct, more vital and richer each time. Such is the Marxist theory of knowledge.

to be brewing, in the shadow of the Umbrella Movement of 2014.⁴ It is unlikely that the central authorities have forgotten or perhaps even forgiven, what they might have viewed as failures and challenges which have largely gone unmet. While to the West the Umbrella Movement might by some appear to be destined for the back pages of the history of the periphery, it might well remain on the central authorities' list of unfinished business.

All of this appears lost to or dismissed by the so-called foreign friends of those who were marching. I fear that the academics, politicians, civil society elements and governments, many comfortably based abroad, and all so very adept at manufacturing words, sentiments, and the simulacra of support from a safe distance, will eventually sacrifice what they have advanced as their internationalist positions respecting the SAR if only to ensure their own interests. Those thoughts augment my pessimism. I have every confidence that foreigners will continue to be brilliant at lending ideological support, but will not (perhaps cannot--a view held by some elements of the central authorities) really lend any support which imposed substantial costs or risks on them. That suggests that all it will take for the eventual suppression of these protests is a well targeted and calculated augmentation in the costs to foreign defenders of Hong Kong's protestors.

My greatest fear is grounded in false hope. My worry is that the idealism which appears to be so much a part of these manifestations that started on and have since intensified since 9 June 2019 have no anchor in the pragmatic realities of the Hong Kong's situation in the world. Indeed, these events at this time might well be the moment that the central authorities in Beijing might finish the clean-up they started after the end of the active phase of the Umbrella Movement. But why stop there; the protests also might provide the central authorities with the necessary excuse to transform the One Country - Two Systems principle. It is possible that even the most well intentioned and patriotic demonstrators are misreading the aspirations (and the ability) of the international community, starting with the United Kingdom, to protect them. I suspect that the West, despite its bleating about international law, would do little to protect contemporary civil and political life in Hong Kong in the face of force.

At the same time, the realities of the end game for Hong Kong are quite clear. The SAR is integral part of the People's Republic; the SAR is necessarily a political unit is subordinate to the central

⁴ And, of course, the Umbrella Movement was merely a more pronounced eruption of mass passion that had manifested itself before 2014 as well. See Tim Nicholas Rühlig, "Expressing my attitude and doing something impossible to make it happen ..." - Listening to the Voices of Hong Kong's Umbrella Movement Protesters," *Contemporary Chinese Political Economy and Strategic Relations: An International Journal* 3(2):747-818 (2017).

authorities. This is a reality that can only be postponed to 2047 by the international community. Nonetheless, the protests are fueled, it seems, by an underlying belief that even within the constraints of formal territorial sovereignty they might still achieve a measure of self-determination that extends even beyond 2047⁵ and one that does not rely on the legalities of the Sino-UK Joint Declaration.⁶

In any case, it is not clear at this point that the international community has offered more, or even that it has started working through the implications of taking Hong Kong's situation out of the constraining framework of the Sino-British Joint Declaration of 1984⁷ ration and basing protection of its autonomy, at least with respect to the development of its political culture, on an international law basis of some other sort. That would require the development of notions of shared sovereignty likely repugnant to the Chinese and other states as well. At the other extreme, independence was and is out of the question especially given the state of world politics in the summer of 2019. Political demonstrations are a risky way of inducing the central authorities to exercise a discretion in favor of continued political autonomy for the SAR of the sort it had enjoyed for twenty years or so. This holds true even though and perhaps because liberal democratic states tend to be quite fond of this technique especially when it manifests itself in other countries whose governmental systems are incompatible with the ideologies of their own.

My fears grow with the growing intensity of the protests. What started out as a huge demonstration of Hong Kong popular will on 9 June has begun to become more violent, and the stakes appear to be growing higher even as the respective positions of the parties appear to harden. The use of rubber bullets on protestors, the closing of government offices on the 12th do not augur well for the future. And the decision today by Ms. Lam to indefinitely delay the Extradition Law has satisfied no one.⁸ It seems that the parties are coming very

⁵ Ibid., (my interview quotations reveal their relevance and demonstrate that we better understand them as part of a broader agenda for self-determination which plays out in four dimensions: democratic self-determination and the reform of the Chief Executive elections; social and economic self-determination; self-determination in terms of Hong Kong's unique identity; and institutional and political self-determination aiming at a far-reaching autonomy of the city if not independence.. Ibid., 751).

⁶ Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong (19 December 1984); available [<https://www.cmab.gov.hk/en/issues/jd2.htm>] (hereafter the Sino-UK Joint Declaration).

⁷ Sino-UK Joint Declaration, *supra*.

⁸ "Hong Kong extradition law: government may pause passage of fugitive bill" *South China Morning Post* (14 June 2019); available [<https://www.scmp.com/yp/discover/news/hong-kong/article/3055366/hong-kong-extradition-law-government-may-pause-passage>] ("SCMP has learned that the Hong Kong government will hit the pause button on passing the controversial

close to a point of no return. That is what I fear most. Once that point is reached, once the central authorities decide that Hong Kong is irretrievably out of control, they are likely to step in. I have no illusions about the value of foreign friendships at that point; even more diminished are any illusions about the willingness of foreign states to intervene. The foreign friends of the protestors might at that point reflect on the value of intervention and pull back. One wonders the extent to which the central authorities are already banking on that eventuality. It is certainly a gamble, but is it one on which state policy responses can be built?

In the end the best they can hope for is the preservation of an ambiguous autonomy grounded in international agreements that stipulate that the area is part of Chinese territory. Pragmatically, at this point, it seems likely that, in any case, China officially will have a fully free hand within that territory by the end of the term of the Sino-British Joint Declaration of 1984.⁹ And yet, there may be value in even limited intervention--not necessarily for the direct benefit of the Hong Kong protestors and their objectives, but in the competition among great states for the authority to drive the narrative and determine the value (good or bad) of state conduct. China might well achieve its objectives but at a perhaps substantial cost to its international ambitions.

My Western friends think this line of reasoning is implausible. My American friends are convinced that the United States, if not the U.K., will act vigorously in defense of Hong Kong and its liberties. But Americans have become better at talking about these things than of following through. Their elites are bitterly divided. And they are making a blood sport of their own politics. China is too powerful within the institutional structures of the United Nations system for there to be effective countermeasures taken in international organizations. But China can lose face—and face is important as it is embarking on an ambitious project to build from out of its well managed global production chains what appears to be a new form of hierarchical, hub and spoke model post global empire. It can set back Chinese efforts to internationalize the yuan. It might cost China valuable time and effort in the campaign to have a more influential place in international organizations. These are calculations, of course, all being made behind closed doors, and among people whose own agendas, loyalties, weaknesses and strengths remain obscure.

There may then be a sense of the inevitable, a tragic inevitable from the perspective of the people in the streets, to these protests, whether that inevitable occurs now or manages to be avoided until

extradition bill as early as Saturday afternoon, after Beijing officials in charge of the city's affairs held meetings in Shenzhen to map a viable way out of the impasse.")

⁹ Sino-UK Joint Declaration, *supra*.

2047 when it can no longer be put off. The Chinese central authorities *will* have their way; one just does not know when. The unknown is the price the central authorities might be willing to pay, as measured by the damage done to their internal and their external political and economic objectives, .

Let us consider that briefly in an ideological context. More specifically, I want to consider the possible shape of China's eventual end game and the timing of its responses in light to a very useful essay written by one of China's most prominent intellectuals. Jiang Shigong (强世功). Ironically, the essay was published on the eve of the June protests and I read a crude English translation on my flight to Hong Kong on the eve of the start of the protests—it is entitled "The Inner Logic of Super Large Political Entities: "Empire" and World Order" [超大型政治实体的内在逻辑: "帝国"与世界秩序].¹⁰ I read this in light of Jiang's earlier and more famous book, *China's Hong Kong: a political and cultural perspective*,¹¹ from which important elements of the idea of empire emerged.¹² These works align with my own thinking from twenty years before,¹³ though Jiang's is deeply embedded in the ideologies of Marxist-Leninism and mine in the core logic of the post-1945 international order.

My sense is that if Jiang reflects the evolving thinking about China's place in the world, then the actions in Hong Kong will prove intolerable—and quickly. At some point, it seems likely, that China will react, and when it does, it is also likely that the experiment in One Country, Two Systems will be reshaped substantially. But in any case, the imperatives of a more clearly emerging imperial re-ordering, one that both Jiang and I see, though from different perspectives,¹⁴ suggests that a rising post-global imperial power cannot tolerate internal weakness at its core. That intolerance is magnified in systems grounded in highly centralized administrative ideologies, like Chinese New Era Marxist-Leninism. The level of tolerance shrinks even more then internationalism is re-cast as the expression of empire whose order is fundamentally incompatible with that of China¹⁵ and the need

¹⁰ 强世功: 超大型政治实体的内在逻辑: "帝国" 与世界秩序 [Jiang Shigong, "the internal logic of super-large political entities: "empire" and world order"] (4 June 2019); available [<http://www.aisixiang.com/data/115799.html>].

¹¹ Jiang Shigong, *China's Hong Kong: A Political and Cultural Perspective* (Singapore: Springer, 2017).

¹² Ibid., 43-56.

¹³ Larry Catá Backer, "Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order," *Berkeley La Raza Law Journal* 17(1):141 (2006).

¹⁴ For the work undertaken as part of the Coalition for Peace & Ethics Working Group on Empire, see the essays available at the Law at the End of the Day website; available [<https://lcbackerblog.blogspot.com/search/label/CPE%20EmpireSeries>].

¹⁵ Jiang Shigong, *China's Hong Kong: a political and cultural perspective* (Singapore: Springer, 217), pp. 85-92 ("Hong Kong, the frontline of the clash between Chinese and

to maintain both sovereignty and sovereign order.¹⁶ If the "core of the political system was to adjust policies to local conditions while preserving the centralized system in defense of the sovereignty of the empire,"¹⁷ then local conditions that threatened the sovereignty of the empire would have to be suppressed—sooner or later. And that is the potential tragedy of Hong Kong. More importantly, it did not matter as the forms of 19th century Empire would inevitably give way to 21st century Marxist-Leninist Empire (perhaps with their Western analogue in the US and Europe).¹⁸ It bears stating that it is hardly tolerable within liberal democratic empire, like that of the United States, except that the tolerances and responses will more closely conform to the logic of that political-economic model.

Jiang, correctly I believe, starts by suggesting that the current narrative of sovereignty can effectively be understood as a mirage. "An important problem facing current political thought is the huge gap between the 'expression' of the theory of sovereign states in the mainstream discourse and the 'practice' of imperial politics in general.¹⁹ It is a necessary mirage, of course, one at the heart of the post-1945 settlement that was institutionalized after the 1940s in the UN system and that ushered in the structures of globalization a generation later. Sovereignty and the premise of the formal equality of nations was constructed for two purposes. The first was to develop an ideology through which to transition from traditional territorially based empire to new structures of dependence could be undertaken with little dislocation.²⁰ The second was to ensure substantial flexibility in the new forms of dominance and dependence that made room for additional changes.²¹

Jiang proposes to change the analytical lens, and in so doing to better reformulate the concept of "empire" for the modern age.

Western civilizations" (Ibid. p. 85) "might become a base for Western to subvert China and incite civil unrest" (ibid., p. 90).

¹⁶ Ibid., p. 90 (with reference to the historical origins of One Country Two Systems in the early efforts to solidify sovereignty over Tibet).

¹⁷ Ibid., p. 94.

¹⁸ "However, watching the television footage of Thatcher's stumbling on the last step out of the Great Hall of the People after meeting Deng Xiao Ping, the superstitious Hong Kongers seemed to realize that Britain had lost to China on the issue of Hong Kong." Ibid., p. 117.

¹⁹ In the original: "当前政治思想面临的一个重要问题就是主流话语中关于主权国家理论的'表达'与普遍的帝国政治'实践'之间的巨大鸿沟。" 强世功: 超大型政治实体的内在逻辑: "帝国"与世界秩序 [Jiang Shigong, "the internal logic of super-large political entities: 'empire' and world order"] (4 June 2019).

²⁰ Larry Catá Backer, "God(s) Over Constitutions: International and Religious Transnational Constitutionalism in the 21st Century," *Mississippi College Law Review* 27:11-65 (2007).

²¹ Larry Catá Backer, "Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order," *Berkeley La Raza Law Journal* 17(1):141 (2006), pp. 145-153.

Different from the concept of 'empire' in traditional ideological discourse, the 'empire' mentioned [in his articulation of the concept] is a descriptive social science concept used to describe a super-large political entity that exists in history [as well as] a philosophical and political effort in pursuit of universalism, that is, constantly universalizing its own form into a wider space and time.²²

Empire, then, is a term that can be stripped of its most recent historical context—as useful as that has been in the negotiation between subaltern regions and their fading imperial masters while situating themselves within new systems of dominance and dependence. Jiang reduces the concept to a descriptor of the realities of power hierarchies that are manifested in different ways in different historical periods and that use a variety of tools as centering elements depending on the historical epoch. He describes the current epoch of empire as one of the “development and evolution of the ‘Empire of the World’ [from out of which] can we transcend the ideology of the sovereign state, understand the role of China today in the historical evolution of world empires, and contribute to China’s future development.”²³

Jiang spends much the essay in a useful analysis of the realities of sovereignty within the framework of the imperial structures he sees. His discussion is worth deep study, especially the notion of sovereignty, and its degrees, as mere expression of degrees of autonomy within imperial orders.²⁴ Much of it reflects a quite specifically manifested focus by Chinese elites on the Americans, their imperial ordering, and their inability to assert enough political will to

²² 强世功：超大型政治实体的内在逻辑：“帝国”与世界秩序 [Jiang Shigong, “the internal logic of super-large political entities: “empire” and world order”] (4 June 2019) (“不同于传统意识形态话语中的“帝国”概念，本文所说的“帝国”乃是一种描述性的社会科学概念，用来描述一种普遍存在于历史中的超大型政治实体，它既是一种包含内在复杂多样性的稳定秩序，也是一种追求普遍主义 (universalism) 的哲学思想和政治努力，即不断将自身形态普遍化到更广阔的时空之中。”)。

²³ In the original: “当前，人类历史正处在“世界帝国” (the Empire of the World) 发展和演变的重要历史时刻。唯有从帝国的视角出发，理解帝国在历史演变中形成的不同形态，我们才能超越主权国家这一意识形态，理解今天中国在世界帝国的历史演进中所扮演的角色，并为中国未来的发展指明方向。” 强世功：超大型政治实体的内在逻辑：“帝国”与世界秩序 [Jiang Shigong, “the internal logic of super-large political entities: “empire” and world order”] (4 June 2019).

²⁴ Ibid., Where he noted: “It can be said that the sovereign state order is a special imperial form; without thinking about imperial competition and the construction of a new imperial order, we cannot even understand the concept of a sovereign state. Therefore, we must reorganize history from the perspective of empire and rethink the construction of sovereign states from the perspective of the construction of imperial order.” [而且，主权国家的政治活动往往是以帝国秩序为担保的，可以说主权国家秩序乃是一种特殊的帝国形态；离开了对帝国竞争与建构新型帝国秩序的思考，我们甚至连主权国家这个概念都无法理解。因此，我们必须从帝国的视角来重新梳理历史，从帝国秩序建构的角度来重新思考主权国家的建构。]。

keep it either their system or their imperial ordering intact. That sense of inability, that judgment about the weakening of strength of political character, then, in the minds of elements of the Chinese elite, reveals a fundamental ideological weakness that begs for a substitution by a system whose ideological convictions are stronger.

This is a set of political views and judgments that has been a generation or more in the making. The discussion of the formation of regional civilization empires (区域性文明帝国的形成) is also useful as a perspective that is not embedded within millennia old western narratives but instead in equally ancient narratives from a different core power center. The discussion of the differences between and competition among oceanic and continental empires (大陆帝国与海洋帝国的全球竞争) also adds an important dimension, especially in the suggestion of the techniques of each and their quite distinct approaches to the apparatus of dominion as they (inevitably?) compete. The development nicely situates theory within a Marxist-Leninist context of progression through and the constraints of the realities of emerging, dominating, and fading historical eras—*sic transit gloria mundi*.

I agree with Jiang's views about the centering of empire, especially after 1945. But I am less sure than Jiang about the existence of a stable and singular 'Empire of the World.'²⁵ My sense was that empire had never coalesced around a unipolar imperial power—that narrative was merely the expression of the propaganda (and quite useful in its time) of those seeking the development of multipolarity in empire making. Instead what Jiang sees as a single 'Empire of the World' I tend to understand as the idealized end object of empire in the current historical era, but that there are at least three quite distinct roads that are being travelled by the large power-hub states to get there.

²⁵ Ibid., ("冷战结束后，美国抛开联合国乃至国际条约的单边主义，恰恰表明美国主导的“世界帝国”建构已经完成；今天无论是中国还是俄罗斯，都处在美国主导的“世界帝国”体系中。” [After the end of the Cold War, the United States put aside the unilateralism of the United Nations and even international treaties, which just showed that the United States-led "world empire" construction has been completed; today, both China and Russia are in the US-led "world empire" system. (J) Jiang's view that China and the Russian Federation are currently within the US-led 'world empire' system, may be overstating the case. First it overstates and may not completely well characterize the way that the old globalization model was constructed and operated (though it does reflect the hopes for certain members of the American ruling elites during the Clinton Administration in the euphoria of the fall of the Soviet Union). This is indeed alluded to with the reference to the "end of history" narrative popular among elites before the start of the 21st century. Second, it understates the extent of Chinese imperial autonomy more clearly visible since the start of the leadership of Xi Jinping—an autonomy the object of which had never been hidden by Chinese vanguard elements, just ignored by their counterparts in the West.

Perhaps less well understood is the way in which major views of globalization all tend to posit the end conceptions of globalization. More interesting still is that even the great anti-globalization perspectives do little to defend the traditional state system. Whatever the form of opposition, each essentially posits a global system in which the state plays a subordinate role.²⁶

I posited three major approaches to empire in the current era. Only the first is considered by Jiang—the so-called Washington consensus of markets driven multilateral internationally institutionalized economic and political relations grounded in liberal democratic values. But there are two others—including theories of Empire that Jiang himself had earlier noted in the building of Chinese Marxist Leninist imperial structures.²⁷ The first is a state centered globalization, one in which the great imperial powers form the hubs of great systems of dependence fashioned together through the bounds of the organization of production and systems of mutual security. The second is a developing state centered system of globalization that produces a set of hollowed out states the wealth of which is owned by and operated through others, leaving to the state itself nothing more than to serve as the jailer for its labor resources.²⁸ Thus, China is no passive piece within another's new era empire, but a hub-power state seizing the moment of this stage of its historical development to (re)assert its own imperial dominion, but compatible with the characteristics of the times.

Jiang has made clear that the process of political control—be it Marxist-Leninist vanguard politics or the mass politics of liberal democracies—are all aspects of the extension and protection of imperial dependence around the metropolitan hub of empire.²⁹ In this case the Marxist Leninist Empire of China and the liberal democratic empire of the United States.³⁰ The former building its

²⁶ Larry Catá Backer, "Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order," *Berkeley La Raza Law Journal* 17(1):141 (2006), p. 142.

²⁷ Jiang Shigong, *China's Hong Kong : a political and cultural perspective* (Singapore: Springer, 217).

²⁸ Larry Catá Backer, "Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order," *Berkeley La Raza Law Journal* 17(1):141 (2006), p. 154-162

²⁹ "The pushing of the democratic system around the world [and in Hong Kong] by Britain and America was often in the hope of using the ballot box to establish democracies for elites and even oligarchs who were actually dependent on British and American strength." Jiang Shigong, *China's Hong Kong : a political and cultural perspective*, supra, p. 165.

³⁰ See Larry Catá Backer, "Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order," *Berkeley La Raza Law Journal* 17(1):141 (2006) ("State Power Convergence and the Crisis of the State" Ibid., pp. 154-158). I noted that "globalization will usher in a new world order of caricatured states in which adherence to the forms of the traditional state system will

empire around the Belt and Road Initiative, the latter having built its empire within the universalist retentions of economic globalization.³¹ The empire might tolerate the small demonstration; it might tolerate a boisterous press, to a point anyway. It might also tolerate criticism, but it is unlikely to tolerate anything that is interpreted to signal a pulling away from the authority of the central authority to set and enforce the grounds rules through which Hong Kong's special relationship is managed and operated.

Jiang's perspective, then, is important for understanding what may well come from the insubordination of a territory, not at the periphery of China's emerging imperial structures, but at its very center. It speaks to a larger perspective of a powerful actor whose views tend to be sidelined.³² At the same time, Hong Kong becomes extremely sensitive precisely because it serves as a constant reminder of the humiliations of the forms of empire that were effectively swept away with the end of the Second World War. The Chinese imperial apparatus remains unfinished as long as either the intrusion of a faded empire (the UK) remains pointed like a dagger aimed at the heart of China. That, however, has an end date—2047—if the Chinese are willing to be patient. But events since 2012 have suggested a substantially growing impatience.

More importantly, the determination that the UK's empire, of little account, has been inherited, transformed and is now operated through the US and its globalization empire apparatus raises the stakes. One need not worry so much about the meowing of a decrepit empire. But one might worry more where a more vigorous power has come into possession of something (Hong Kong) that could cause one injury. That worry becomes evident in Jiang's treatment of the transformation of his notion of a singular 'World Empire' from the British to the Americans.³³ From that perspective, and thinking in

serve as a cover for a global system operated by a corrupted aristocracy. . . of super states and associated non-state actors. Ibid., p. 156.

³¹ Lee Jaehyon, "China Is Recreating the American 'Hub-and-Spoke' System in Asia," *The Diplomat* (11 September 2015); available [https://thediplomat.com/2015/09/china-is-recreating-the-american-hub-and-spoke-system-in-asia/] ("Chinese Chairman Xi has described this hub-and-spoke as system that the U.S. serves as the hub while Asian nations with military ties to it form the spokes. . . As China's Marching Westward policy starts to gain momentum, Asia's political, security, and economic systems are being reshuffled and a Chinese-style hub-and-spoke system is emerging. ").

³² Jiang Shigong, *China's Hong Kong : A Political and Cultural Perspective* (Singapore: Springer, 2017) "The mainstream approach about Hong Kong or China is either from the western viewpoint or Hong Kong's own perspective on Hong Kong, or Hong Kong's perspective on China. Seldom do we see a narrative that is from China's perspective on Hong Kong." Ibid., p. 211).

³³ 强世功: 超大型政治实体的内在逻辑: "帝国" 与世界秩序 [Jiang Shigong, "the internal logic of super-large political entities: "empire" and world order"] (4 June 2019) ("World Empire" First Edition: From Britain to America ["世界帝国" 第一版: 从英国到美国]).

terms of traditional Chinese imperial characteristics, "A new imperialism model in which the United States inherited the "imperialism" developed in the late British Empire, but replaced the pound sterling with the U.S. dollar, while Japan and Western Europe are similar to the "autonomous territories" of the British Empire for the United States."³⁴ And underlying this is the notion that if the 'World Empire' is to be preserved, it must be undertaken by China, or the world runs the risk of a takeover by yet a very different empire, that which Jiang describes as one constructed by Islamic fundamentalists.³⁵

And if Jiang's views reflect those of the Chinese leadership core (领导核心)—and there is no reason that they are inconsistent with Chinese "New Era" ideology or the Basic Line of the Chinese Communist Party—then any sign of instability within the heartland of an imperial model requires immediate attention to protect the integrity of the system. In this case, it might also provide that imperial system with the excuse necessary to (re) absorb the territory without regard to the political niceties of the Sino-British Arrangement. In the process two things will likely emerge: The first is the recognition of the final passage of the old imperial regimes of the 19th century and any shred of a fig leaf of UK authority or influence (other than as a subaltern power within either the EU or American imperial structures, whatever the outcomes of Brexit). The second is the clearer unveiling of the forms of the New Era Chinese imperial apparatus.

None of this, of course, is of significant interest to the millions in Hong Kong. While the leadership core of the Central authorities may have the Americans squarely in their sights, and empire on their plate, Hong Kong sees yellow. It sees the Umbrella Movement. It adheres to a way of thinking about their place in the world, and within the constellation that is China in ways that they might have thought benign but which may well have the opposite effect. The central authorities likely see yellow as well; they see the Umbrella Movement, but they are likely to draw quite different conclusions. They might see in the Umbrella Movement the fruit of the subversive seed planted by the retreating British to foment a situation that might lead to a viable movement of independence for Hong Kong.³⁶ But this may not suggest independence in the classical sense—rather might

³⁴ Ibid., ("一种是美国继承了大英帝国晚期发展起来的“帝国主义”的新帝国模式，只不过用美元取代了英镑，而日本、西欧对于美国而言就类似于大英帝国的“自治领地” ”)

³⁵ Ibid. ("因此，未来的世界只能在此基础上进一步向前并加以重构，而无法彻底将此加以颠覆，除非整个世界退回到伊斯兰原教旨主义者所建构的世界帝国。" ["Therefore, the future world can only move forward and reconstruct on this basis, and cannot completely subvert this unless the entire world retreats to the world empire constructed by Islamic fundamentalists."])

³⁶ Tim Nicholas Rühlig, "Expressing my attitude and doing something impossible to make it happen," *supra*, pp. 762-778 (aiming at self-determination).

potentially open a different door, one to independence as a means of detaching Hong Kong from the Chinese and attaching it to the American imperial order,³⁷ something that the Chinese central authorities will not let happen. The shadow of the Umbrella Movement is local in Hong Kong, but it touches a quite sensitive imperial nerve in Beijing. And that might be a problem that will cause both sides to (mis)calculate.

To some extent, the grievances and fears expressed by people in Hong Kong are local. They have always tended to be local even when they implicate core issues of politics and international affairs. For a long time, theirs was a closed and insular world. But Shenzhen sits at their order. And Guangzhou is just down the road. And the Pearl River is an important element of China's maritime Belt and Road System. And there, again, the clash of empire peaks out. Hong Kong may be seeking are local solutions, yet also solutions buttressed by what I suspect will be the false hope of the crumbled UK empire or the transforming American one (mired as it is in civil war among its elites around the body of Mr. Trump). The greater the provocation, I fear, the more likely both the abandonment and the willingness to unveil Chinese power. The forms that these expressions of power will take remain to be seen—outright military intervention is unlikely. A police action may be more appealing, especially if it can be undertaken by people wearing the Hong Kong forces uniforms. More likely, it will be expressed by some form of use of the mechanics of law against those who have advanced the rule of law project worldwide more likely.

Nonetheless, the thrust of Jiang's analysis should be very much on the minds of those who are either engaged in this great debate within Hong Kong, or those outside of Hong Kong who see in these events an opportunity. In a context in which the Chinese leadership core may style itself as in the running to replace the Americans at the center of the global empire (in the way that the Americans displaced the British after 1945) or of displacing it with

³⁷ Here again, Jiang is quite explicit. See Jiang Shigong, *China's Hong Kong : a political and cultural perspective* (Singapore: Springer, 217) He notes with respect to the actions of the last U-K. administrator of the Crown Colony: "Patten's political reform plans aimed to strengthen the independence of Hong Kong by creating a political force to confront that of the central government." Ibid., p. 169. And with respect to democratization itself he explains that "democratization of Hong Kong as also the core issue in the state-building. At present, Hong Kong is like a " British colony without the British actual rule," because the scars on the soul of the Chinese people (including Hong Kong people) caused by Patten 's political reform package rendered political identification in the country s nation-building very sensitive and fragile. . . . If the democratization of Hong Kong comes in conflict with the authority of the Basic Law and the sovereign authority of the central government, the central government is bound to use its sovereign authority to curb radical democratic development in Hong Kong." Ibid., p. 200). That is precisely the way that first the Umbrella Movement, and now potentially this current round of protests against the extradition law may be viewed. See also *ibid.*, p. 122.

their own,³⁸ Hong Kong becomes a great symbol of those struggles and that transition. What to Hong Kong people may seem like an intensely felt but localized set of grievances, may in the eyes of those who manage the great imperial centers, be far ore. And the consequences will be borne by Hong Kong.

The greater pity, then, is that in the deliberate blindness caused by a horror of the recognition or discussion of the imperial form, makes a sounder approach to the issues that constitute the "situation" in Hong Kong. Hong Kong is about empire, and it is about the imperial machinations of the great hub states. That is not how this will be played by their elites, of course. Nor will be it aired this way by a servile and complicit press all too willing to advance what they are served by those engaged in these great transformative contests. Yet to ignore the realities that Hong Kong appears to be a convenient, if potentially tragic, piece of a series of long-term projects, may cause the sort of miscalculations that will produce the worst of all results for Hong Kong itself.

For China, the parameters within which that cost can be calculated is fairly straightforward. It must value the of action against Hong Kong, against the effects that this domestication of Hong Kong may have on its ability to extend authority within its peripheries. Here "One Country Two Systems" takes on quite a different aspect--one core and many systems revolving around but connected to and serving the core. For the core, international law must be rejected as a threat to sovereign integrity (unless of course it is merely the internationalization of domestic law or norms). For the peripheries, international law must be embraced as the means through which networks of dependencies may be authenticated and domestic power projected outward. To the extent this thinking, this new post global imperialism, guides the Chinese central authorities (and perhaps those of other rising new imperial centers), then Hong Kong itself becomes a critical test of the model at the periphery of the core or as the core of a well-managed periphery.



³⁸ 强世功：超大型政治实体的内在逻辑：“帝国”与世界秩序 [Jiang Shigong, "the internal logic of super-large political entities: "empire" and world order"] (4 June 2019) ["目前，美国在维持世界帝国上面临着巨大的压力，尤其是来自俄罗斯的抵抗和中国的竞争。但我们必须认识到，这种竞争是在世界帝国体系内展开的竞争，是“世界帝国”形成之后争夺帝国经济和政治主导权的斗争，实际上也可以理解为争夺世界帝国首都中心的斗争。"] ["At present, the United States is facing tremendous pressure to maintain its world empire, especially resistance from Russia and competition from China. But we must realize that this kind of competition is a competition within the world empire system. It is a struggle for the economic and political dominance of the empire after the formation of the "world empire""]].