

Article

Stratagems as a Means of Achieving Justice and Spreading Truth

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Abstract: This contribution is based on the Chinese concept called Moulüe. A unique feature of Moulüe, without parallel in Western praxis-oriented schools of thinking, is its Yin-Yang dimension. The two hemispheres of the Yin-Yang symbol, a white one and a black one, are inseparably interconnected. According to the Moulüe concept, the white hemisphere is the place of transparent, conventional, legal ways to solve problems, whereas the black hemisphere harbors hidden agendas, and unconventional, cunning methods to solve problems, with the 36 stratagems as a central component. A person with Moulüe competence who is confronted with a problem can switch from options for action in one hemisphere to options for action in the other according to the circumstances. This contribution shows how the realization of justice, and the spreading of truth, can be achieved based on Moulüe skill which enables the application of the 36 stratagems.

Keywords: Chinese tradition; Yin-Yang; 36 stratagems; Moulüe concept (supraplanning); truth; justice; Ronald Dworkin

It is actually the task of a legal system to ensure justice. However, sometimes the legal system does not fulfil this task, either because it is incomplete or because it is repressive. Nevertheless, it is impossible to establish justice, not on the basis of statutory law, but with the help of stratagems. In this sense, stratagems are external to the law. Truth, too, cannot always be conveyed straightforwardly, and sometimes requires the support of stratagems.

Before addressing the question of how stratagems can promote justice and truth, I explain the word “stratagem”. I then introduce the world’s most comprehensive compendium of stratagems that originated in China, the “36 Stratagems”, and explain their place within the comprehensive concept of “Moulüe”. Then, I present four examples of how justice can be achieved based on stratagems. Before concluding, I show how a German journalist was able to determine and disseminate truth thanks to application of the stratagems and how one can immunise oneself against untruth thanks to stratagem knowledge.

1. Explanation of the Word “Stratagem”

I use “stratagem” in the meaning of the German word “List (Duden 1981, p. 2517). On the meaning of the word “stratagem” in English (von Senger 1991, p. 1)”. And what is a “stratagem”? In answering this question, I always refer to the most important dictionary of the German language: “List, die: [. . .] means by which one seeks (deceiving others) to achieve something that could not be achieved by normal means [i.e., by legal means]: a diabolical cunning [. . .] (Duden 1983, p. 791)”. Put simply, “cunning” is a clever, unorthodox, and extraordinary problem-solving measure about which one exclaims in amazement: “I would never have thought of such a thing”.

“Cunning” can be illustrated with the help of a diagram (Figure 1):



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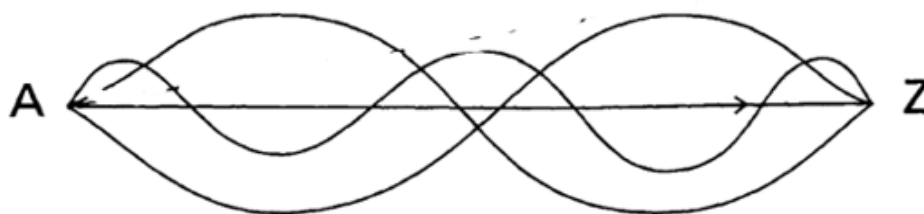


Figure 1. List scheme (The straight line from starting point A to destination Z symbolises the non-artificial, direct, transparent path to a problem solution. The legal path to justice is on this line. The curved lines illustrate cunning ways to the problem solution that is not possible in a straight line. Thus, “the idea of freedom expresses itself again and again in the cunning of reason, which develops freedom [. . .] in society and history in defiance of all obstacles.” (von Senger 2006)).

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The curved lines illustrate cunning ways to the resolution of the problem that are not possible in a straight line (for more details see von Senger 2006, p. 5f.). Thus “the idea of freedom expresses itself again and again in the cunning of reason, which develops freedom [. . .] in society and history in defiance of all obstacles (Senn 2017, p. 111 with a reference to Hegel; see further: von Senger 2021, p. 335: 24.14 Hegels List der Vernunft; Sloterdijk 2008, p. 87ff.)”.

I consider the Duden’s interpretation of the word “cunning” as a bridge to the Chinese understanding of cunning: “Chu qi zhi sheng 出奇制胜” (Sun Zi 2021, p. 24f.) This means: “To produce something extraordinary [and thus achieve] victory”.

Cunning is a “means” that tends to be judged negatively in Europe. Cunning is assigned as one of the two “wrong kinds of cleverness”, “craftiness” in a neo-Scholastic textbook of ethics that I had to use at the Einsiedeln Abbey School.¹ Cunning is a vice and consists of someone wanting to achieve a goal by dishonest means. “Cunning proceeds more from falsehood and misrepresentation” (Kälin 1954, p. 144f). John Locke (1632–1704), a thinker who prepared the theoretical foundation of liberalism (Senn 2017, p. 118) writes about cunning: “cunning, which, being the ape of wisdom, is the most distant from it that can be and as an ape for the likeness it has to a man, wanting what really should make him so, is by so much the uglier; cunning is only the want of understanding, which because it cannot compass its ends by direct ways, would do it by a trick and circumvention” (Locke 1909, § 140).

The first example of the use of the word cunning in the German dictionary Duden is “devilish cunning”. From these references, one can see that, from the common European viewpoint, “cunning” is a disreputable device. In the eyes of many, it does not appear to be intrinsically moral and ethical. In this regard, it is often said that the end does not justify the means. In order to establish justice or to spread the truth, one should not resort to cunning.

Cunning is seen differently in China (von Senger 1996, pp. 27–102). In the Chinese language, there are many terms for cunning. However, only one Chinese character means “wisdom”, “prudence”. The two are not so precisely distinguished in the Chinese language. It is the character 智 (pinyin pronunciation: zhi, see von Senger 1983, p. 59). This character also means “stratagem” or “cunning” (Edition Institut Ricci 2001, p. 259f.).

Thus, in a Chinese character dictionary (Figure 2), in which the most important character meanings are also given in English, the character for “wisdom”, zhi 智, is explained as follows:

¹ This collegiate school is run by the Benedictine monastery of Einsiedeln, which is over a thousand years old. Einsiedeln is located in the canton of Schwyz in Switzerland cf. on the history of the monastery: <https://www.kloster-einsiedeln.ch/geschichte/> (accessed on 16 November 2022).

智 (zhì) ① 本义：智慧；聪明
 白 [wisdom]。如：才智 (才能与
 智慧)；智勇双全；大智若愚 ② 智
 士。有智慧的人 [sage]。如：智者
 (聪明的人)；智多星 (计谋多的人)
 ③ 计谋；策略 [stratagem]。如：智
 巧 (计谋与巧诈) ④ 姓

Figure 2. 智 (zhì) 1 本义：智慧；聪明 [wisdom]。如：才智 (才能与智慧)；智勇双全；大智若愚 2 智士。有智慧的人 [say]。如：智者 (聪明的人)；智多星 (计谋多的人) 3. 计谋；策略 [stratagem]。如：智巧 (计谋与巧诈)。 [translation] 智 (zhì) 1. Original meaning: wisdom, prudence [English: wisdom]. Such as [for example]: Caizhi 才智 (enablement and wisdom): both wise and courageous; making great wisdom [appear] like folly 2. Wiser. A person possessing wisdom [English: sage]. As [for example]: A sage (a wise person); cunning person (a person possessing many stratagems). 3. Jimou 计谋 [cunning]; celüe 策略 [stratagem]. For example: cunning and craftiness (Xin Bian Xin Hua Zi Dian 1994, p. 636).

Cunning is therefore seen in a fundamentally positive light because, from a Chinese perspective, the fact that one devises a ruse is evidence of cleverness. Cunning is compared to a kitchen knife (Yu 1993, p. 4). The kitchen knife itself is not subject to ethical evaluation. It is neither good nor bad. Only the use of the kitchen knife can be evaluated. If, according to a common Chinese opinion, it is used to prepare vegetables, the use of the kitchen knife is ethically and morally unobjectionable. However, if it is used for murder, the use of the kitchen knife is reprehensible. The same is true of cunning from the often-widespread Chinese point of view. Cunning, in itself, is ethically and morally neutral. An ethical-moral evaluation only begins when the cunning is used. In this respect, a distinction is made between four types of cunning:

1. Constructive use of cunning with a view to a morally-ethically good purpose;
2. Destructive use of cunning for a morally and ethically evil purpose;
3. The joking use of cunning with regard to a purpose serving mere amusement;
4. The hybrid use of cunning: here one does not know whether the destructive or the constructive predominates, whether one should laugh or cry (von Senger 2006, p. 35ff.)

The examples given in this paper of the use of stratagems to achieve justice (Sections 4.1–4.4) and to disseminate truth (Section 5.1) belong to the category of constructive stratagem use. Destructive uses of stratagems are discussed in Section 5.2. Hybrid uses of stratagems are discussed in Section 5.3.

2. The 36 Stratagems and Their Origin

About 500 years ago, a booklet entitled “Sanshiliu Ji Miben Bingfa 三十六计秘本兵法 (36 Stratagems. The Secret Book of the Art of War)” was written in China. It comprises 38 parts, a preface, an epilogue and 36 chapters. Each chapter consists of a chapter number (1–36), a stratagem formula consisting of four, sometimes only three, characters, a theoretical discussion of the stratagem in question, and a reproduction of examples of the application of the stratagem in question in Chinese history. Translating only the chapter numbers and the stratagem formulas results in a list of 36 stratagems (see Appendix A). There is no comparable book in the world devoted exclusively to stratagem techniques (von Senger 2017a, p. 27ff.). In the West, there are two ancient books on stratagems. The authors are Frontinus (born AD 35—died c. 103, see: Frontinus [1] n.d.; Frontinus [2] n.d.) and Polyaeus (flourished 2nd century AD, see Polyaeus [1] n.d.; Polyaeus [2] n.d.).

However, these books contain only casuistic collections of cunning military actions. These actions are ordered according to the circumstances in which they happened or the names of the actors, not according to different cunning techniques such as the 36 stratagems.

On 5 January 2018, the oldest English-language newspaper in the People's Republic of China (PRCh), China Daily, showed about 30 books that Xi Jinping finds important; among them was the book “三十六计 秘本兵法 (Sanshiliu Ji Miben Bingfa) The 36 Stratagems. The Secret Book of the Art of War”.² This shows the importance of that book.

No Western science helps us to acquire cunning competence, for cunning is not a subject of Western scholarship, except in criminal law and the law of war. The 36 stratagems, compiled in China, represent an “everyday philosophy” that extracts behavioural patterns from the reality of life that have been qualified as cunning in China over the course of thousands of years, and they are formulated in a way which makes them consciously and intellectually tangible.

Ronald Dworkin distinguishes different genres and types of interpretation: conceptual, explanatory, collaborative, historical, sociological, psychodynamic, literary, artistic feminist, and Marxist interpretation (Dworkin 2011, pp. 134, ff., 141 ff.). From a Chinese perspective, one can add a type of interpretation which is unknown in the West: the stratagemic interpretation. This method focuses on how to assign a precise stratagem to an action (von Senger 2016, p. 123ff.). The following is an example of a stratagemic interpretation:

In the drama *Report on a Lonely Woman's Chamber* (see Figure 3) by Shi Hui from the Yuan Dynasty (1271–1368), the war cloak of the persecuted son of a high dignitary who has just been killed by imperial order lies next to a well shaft. The two captors initially think that the son had thrown himself into the well and thus taken his life. Then, one of the captors says: “We’ve been taken in by a stratagem.” — “Which stratagem?” — “The stratagem «The cicada casts off of its skin of gleaming gold». He tricked us into looking for his body here. In the meantime, he’s long gone” (Sheng 2006).



Figure 3. A dialogue in the Drama *Report on a Lonely Woman's Chamber*: [1] “Which stratagem?”; [2] “The cicada casts off of its skin of gleaming gold”.

The statement “We have been taken in by a stratagem” could also appear in a Western text. However, the question “Which stratagem?” and the answer which refers to a precise stratagem (that is stratagem number 21) are unlikely to be found in any Western text since the dawn of Western civilization.

² Xi's bookshelves: From military history to culture, http://www.chinadaily.com.cn/a/201801/05/WS5a4eb6c6a31008cf16da5296_4.html (accessed on 16 November 2022).

Thus, the Chinese knowledge of cunning teaches us how to deal with the resource of cunning in a well-informed manner and conveys the intellectual armamentarium that enables us:

- (1) To use against someone a stratagem, in a rational way and with deliberation, consciously and not just intuitively from the gut (competence in applying stratagems);
- (2) To react in a considered manner as a person targeted by somebody's suspected stratagem application looming on the horizon (competence in defending against stratagems);
- (3) To perceive, as an uninvolved observer, the stratagem application of somebody (competence in identifying stratagems). My analysis of the stratagems in Sections 4.1–4.4 and 5.1–5.3 is based on the third competence.

3. The 36 Stratagems and the Concept of Shaping Reality “Moulüe”

On 2 July 2013, a full-page advertisement appeared in the *Renmin Ribao* (People's Newspaper), the mouthpiece of the Central Committee of the Communist Party of China, about a “collection of 30 traditional Chinese classical works”. It was offered in a limited edition of 500 copies at a price of 36,000 yuan each. Among the 30 classical Chinese works, the treatise “The 36 Stratagems” was included alongside Confucius' Discourses and Lao Zi's *Daodejing*. The promotional text dedicated to this book reads:

“This book generalises the stratagem [knowledge] of the military experts of Chinese antiquity. It is a famous work of military moulüe and the epitome of the military expertise and ingenuity of the successive epochs [of Chinese history]. Not only for appropriate measures in the military field and in political struggle, but also for the whole of social life, for economy and diplomacy, and for interpersonal intercourse, it can be applied in the highest degree” (*Zhong Guo Jing Dian Chuan Shi Zang Shu 30 Bu* 2013, p. 12)

Two things are evident from this text. First, that the 36 stratagems are considered as useful at all levels. Secondly, that the 36 stratagems are not an isolated arsenal of methods for achieving goals, but are placed within the Chinese concept of reality shaping, called “Moulüe”.

This concept is based on the ancient Chinese Yin-Yang symbol (Figure 4).



Figure 4. The Yin-Yang Symbol.

This symbol does not reflect a purely binary black and white world view. Gray is also included. In reality, many things are not in glaring light and deep black darkness. Quite a lot, also with respect to justice and truth, happens in a gray area. Now, in the Yin-Yang symbol, there is a white circle in the black field and a black circle in the white field. This symbolizes eternal change: “Everything participates in a universal ebb and flow, returning to their opposites, and back again” (Wang 2012, p 223). Brightness develops out of the black hemisphere and darkness out of the light hemisphere. During the transition from light to dark and vice versa, the transition stage of twilight is passed through, in which “balanced shades of gray” appear (von Senger 2017b, p. 75 f.).

The light hemisphere stands for transparency, straightforwardness, and lawfulness. The dark hemisphere symbolises cunning in particular. Both are combined in one and the same figure. The Chinese are used to thinking in opposites, i.e., not considering one without the other. The dialectic in the sense of the unity of opposites would be destroyed if one of the two hemispheres were extended over the whole field in favour of the other and,

for example, if the whole figure were only white. Imagine interpersonal relationships in which the participants would constantly say to each other, completely truthfully, exactly what they are thinking and feeling at the moment. This is not possible from the point of view of the Yin-Yang concept. “Moulüe” can therefore be defined as the doctrine of using uncunning and cunning strategies and tactics to achieve a goal (von Senger 2018), even if this goal is simply a successful human coexistence.

A characteristic of “Moulüe” is the always-simultaneously possible conscious consideration not only of unconventional, unusual, or especially cunning, but also of the conventional, common, “normal”, and legal problem-solving options. Thanks to the conscious consideration of the resource of “cunning” and simultaneous competence with regard to non-cunning approaches, “Moulüe” opens up a much wider scope of perception, action, reaction, and negotiation for the Chinese than is available to Westerners.

4. Justice and Stratagems

What exactly is justice? One would not be wrong to answer this question as follows: according to contemporary understanding, justice is achieved when a problem is solved in a way that conforms to human rights. What does “in accordance with human rights” mean? To answer this question, I would like to refer to the Universal Declaration of Human Rights (UDHR) “enacted by the United Nations General Assembly”³ on 10 December 1948, in honour of which International Human Rights Day is celebrated every year on 10 December.⁴ In the 30 articles of this Declaration, solutions to various interpersonal problems are outlined in conformity with human rights. In accordance with the third paragraph of the preamble of the International Covenant on Political and Civil Rights⁵ and the International Covenant on Economic, Social and Cultural Rights,⁶ both covenants from 16 December 1961, I consider all human rights proclaimed by the UN to be of equal rank. However, we also have comparable approaches in Ronald Dworkin (Dworkin 2011, chap. 5 & 16). In the following, I illustrate with four examples how stratagems can be used to establish justice in the form of the realisation of a human right in the absence of legal remedies.

4.1. *Girl in Boy’s Robe* (Sheng 2006, p. 408f.)

Zhu Yingtai is famous in China. She is the subject of an apparently factual tradition dating back to the Eastern Jin Dynasty (317–420). Zhu Yingtai lived in an environment that essentially continued until the beginning of the 20th century and is described as follows by P. Karl Maria Bosslet in his book *Chinesischer Frauenspiegel* (Chinese Women’s Mirror), published in Oldenburg in 1927: “Until recently it was common practice in China not to give women and girls any education of their own and even less to send them to school. Science for girls seems more than superfluous to a father. If they can work proficiently, they serve their purpose”. Zhu Yingtai defied these barriers, put on boys’ clothes, and attended a boys’ school for three years.

The expedient used by Zhu Yingtai, namely her transformation into a boy, can be attributed to stratagem No. 21, the cicada casts off of its skin of gleaming gold. By entering school, Zhu Yingtai realised her human right to equal access to education (UEMR Article 26 in conjunction with Articles 1 and 2). This shows a point of contact between stratagems and human rights conceived in terms of natural law in the West.

³ United Nations: Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed on 16 November 2022).

⁴ United Nations Human Rights Day 10 December, <https://www.un.org/en/observances/human-rights-day> (accessed on 16 November 2022).

⁵ International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed on 16 November 2022).

⁶ International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed on 16 November 2022).

4.2. *Cicada, Mantis and Siskin* (Sheng 2006, p. 523)

The king of Wu intended to wage war against the great state of Chu. He had it announced to his entourage with the words: "Whoever dares to raise ideas will be put to death". There was a certain Shao Ruzi among the officials of the palace who would have liked to make remonstrances but dared not. So he pocketed bullets, grabbed a crossbow and roamed around the back garden of the palace. The dew soaked his clothes, for he stayed out all night until morning. He did this for three days. Then the king said to Wu: "Come here! Why have you drenched your dress so miserably?" Shao Ruzi replied, "There was a tree in the garden. On it sat a cicada. The cicada was sitting high up, singing plaintively, drinking the dew, not knowing that the mantis was just behind it. The mantis bent its body, ducked and wanted to catch the cicada. She did not know that the siskin was next to her. The siskin stretched its neck and wished to peck at the mantis. But in doing so, it had no idea that my crossbow and bullets were waiting below it. These three all wished to gain their advantage without considering the disaster looming behind them". The king of Wu said, "Good". Thereupon he stopped the preparations for war.

This story is taken from the writing Springs and Autumns of the States of Wu and Yue by Xu Tianyou (mid-13th century AD). From the point of view of the Universal Declaration of Human Rights (Art. 19), the official Shao cunningly realised the right to freedom of expression, cunning in the sense that he did not state his opinion outright, but by way of a parable, although still in such a way that the ruler understood the message. Shao Ruzi criticised the careless behaviour of animals, but the ruler understood that the criticism was directed at him, and he followed the advice given to him in clauses. Shao Ruzi's action can be attributed to stratagem No. 26 "Cursing the acacia, while pointing to the mulberry tree". The story warning against headlessness lives on in the saying "The praying mantis catches the cicada, but the siskin is already lurking behind it".

4.3. *Avoiding Marriage through Feigned Mental Derangement* (Sheng 2006, 538f.)

At a 24-day festival held in Beijing to celebrate the 200th anniversary of the Beijing Opera in early 1991, the opera Yuzhoufeng (The Heavenly Sword) was also performed. The Heavenly Sword is stolen from its owner and taken to an emperor's living quarters. Afterwards, the owner of the sword is accused of wanting to assassinate the emperor. However, it is not this, but another stratagem described in the opera that is in the foreground here. In the English-language literature, the opera is not called The Heavenly Sword, but Beauty Defies Tyranny.

The plot takes place around the year 206 BC. The emperor, an evil character, wants to take the daughter of a minister as his wife, with her father's consent but against the girl's will. In her desperation, the daughter mimes a madwoman.

In the seventh scene of the opera, the girl feigns mental derangement towards her father. She throws herself to the ground and cries out:

"I want to go to heaven, I want to go to heaven!"

The father replies:

"Heaven is too high, you can't go up there".

She continues to cry out:

"I want to go to the earth, I want to go to the earth!"

"The earth is too thick, and there is no gate!" says the father.

She cries, "You are my . . .".

"Father" the father interrupts her . . .

"Son", she cries out.

"Stupid stuff", the father is indignant.

In the eighth scene, the girl sings and considers her next move. Her imperial bridegroom wants to see her. Continuing to behave insanely, she reproaches him for all his reprehensible actions. Filled with horror, he turns away from her, resolving not to marry her.

The opera scenes show how, in the absence of a legal system that protected the individual, Chinese women and men instead used stratagems to realise supra-temporal and supra-cultural human rights, in this case the right to freedom of marriage (Universal Declaration of Human Rights, Art. 16 No. 2), even if only as much-applauded stage characters.

4.4. *Prevention of the Death Penalty by a Boy*

Cao Chong (196–208) was the son of Cao Cao (155–220), and was, in his last period of life, one of the three rulers at the time of the Three Kingdoms (220–280). Cao Chong was very clever and had a big heart. One day he was playing in a backyard of the palace where he met the keeper of an armoury. He looked miserable. Cao Chong asked him what had happened. The guard replied that Cao Cao was very fond of a saddle in the armoury, but rats had destroyed it. He was on his way to Cao Cao to tell him that he was responsible for the damage. He hoped that if he confessed his negligence, Cao Cao would punish him more leniently, but he feared that Cao Cao, under the influence of his choleric temper, would immediately execute the death penalty on him. Cao Chong knew this guard. He knew that he was an honest and dutiful man. Therefore, he felt sorry for him and said, “Wait three days, only go to my father after I find a solution for you”. Cao Chong returned to his room. With a knife, he cut a few holes in the coat he was wearing. He then put on a sad and despairing expression. His father heard that his son had stopped eating and drinking. What was wrong with him? Worried, he asked his son why he was so full of worries. Cao Chong replied, “Rats have eaten several holes in my clothes”. Cao Cao was relieved and said, “That’s a small thing”. The son replied, “I was told that when rats destroy clothes, it is a bad omen for the wearer of the clothes”. Cao Cao said with a laugh, “That is absurd. It often happens that rats destroy clothes. There is no need to make a story out of it!”

The son left his father and after a few moments the guard reported to Cao Cao. He reported to Cao Cao that he was responsible for the destruction of his saddle by rats. Cao Cao said, “Even my son’s clothes in his bedroom were victims of rats. All the more can such a mishap happen in a depot”. And without further words, Cao Cao dismissed the guard.

Chen Shou (233–297), who relates this anecdote in one of the 24 dynastic histories, characterises Cao Chong as “as wise-witted as adults” (Chen 1973, p. 580). No wonder that the account of Cao Chong’s saving deed in the modern book *Stories of Prodigies in Ancient Times* is titled “Cao Chong zhi jiu kuli”, which means “By means of a stratagem, Cao Chong saves a guard” (Huo 1993, p. 30). On the one hand, this anecdote shows that the death penalty in ancient China was sometimes imposed arbitrarily, which even children disapproved of. In particular, however, this anecdote shows how a good man was saved from the death penalty, not by legal means (there was no due process of law in ancient China), but with the help of a stratagem (Universal Declaration of Human Rights Article 3; Everyone has the right to life). By pretending to his father that there was a rat infestation, Cao Chong broke the potential outrage of the father over the guard’s failure to prevent the destruction of the saddle by rats. This course of action can be assigned to stratagem No. 19, “Removing the firewood from under the cauldron”.

5. Truth and Stratagems

I assume here that truth is a fact that only needs to be discovered, or that its concealment, glossing over, or suppression can only be done away with. In this sense, truth is the correspondence between fact and knowledge or imagination (Dworkin 2011, p. 7ff.).

5.1. *Deceiving to Get at the Truth*

Under this title, the *Neue Zürcher Zeitung* published a report on the German journalist Günter Wallraff (Ribi 2022, p. 29). In the spirit of investigative journalism, he gained undercover access to areas that were not accessible to open research and thus brought to light abuses in industrial companies, homeless shelters, in the German armed forces, in PKK training camps, and in a large bakery.

As “Hans Esser”, he managed to become employed by the “Bild-Zeitung”, the newspaper in Europe with the most readers,⁷ and showed how unscrupulous reporters bend facts into explosive stories. As “Ali”, a Turk, he worked for two years in a Thyssen steelworks and made the public aware of what it means to do the dirty work as a contract worker under inhuman conditions in 18-hour shifts, which only people who have no other choice do. Further, as the “Somali” Kwami Ogonno, he delivered a panorama of middle-class racism among allotment gardeners, dog sportsmen, and football fans. The books documenting his research, “Der Aufmacher” (1977) and “Ganz unten” (1985), and the film “Schwarz auf Weiss” (2009), became bestsellers. Günter Wallraff showed German society things it would rather not see, “And that is undoubtedly a merit” (Ribi 2022, p. 29).

From a stratagemological point of view, Wallraff applied metamorphosis stratagem No. 21 “The cicada casts off its skin of gleaming gold”. In addition, Wallraff’s actions, in which he deceived numerous superiors, can be qualified as the application of insubordination stratagem No. 1 “Crossing the sea while deceiving the heaven/the emperor”. The imposition of false identities, as well, appears to be an application of stratagem No. 7 “Creating something out of nothing”. For example, Wallraff was not Ali, but he managed to “create” an identity that did not exist. By using a whole package of stratagems, Wallraff made use of stratagem No. 35 “Stratagem-linking”.

5.2. Resilience against Untruthfulness

Günter Wallraff’s investigation of truth for the purpose of spreading truth was due to his competence in applying stratagems. Dealing with cunningly-spread untruths requires competence in defending against stratagems.⁸ It is about seeing through and thwarting the destructive use of two stratagems in particular. Based on stratagem No. 7 “Create something out of nothing”, unfounded rumours and false reports, most recently called fake news, are fabricated and spread. On the other hand, cunning persons apply stratagem No. 20 to any sensationally unclear situation in order to “catch fish in murky waters deprived of their clear sight”. The “fishers in the mud” impress the public by pretending to have clear knowledge of the facts and thus secure the public’s support in the pursuit of certain goals.

If one knows the facts, one can easily see through both stratagems. However, if the facts are unclear, it is helpful to know that one should expect people to use stratagem No. 7 or No. 20. Knowledge of the two stratagems encourages one to classify any reality that has not been checked by oneself as “murky”, to bear the ambiguity of the facts and not to believe lightly in an account of a dubious fact that purports to bring the truth to light.

5.3. Caution with Truths in the Paths of Routine Thinking (von Senger 1991, p. 284 ff.)

The Chinese have a saying, *Qi yi qi fang*,⁹ which means «to deceive someone by means of his own attitude or cast of mind». This can be seen as a highly refined application of

⁷ Boulevard-Blatt ist Meistgelesene Zeitung Europa, 13.01.2003 <https://www.handelsblatt.com/archiv/boulevard-blatt-ist-meistgelesene-zeitung-europas-bild-auflage-faellt-unter-vier-millionen-marke/2219480.html> (accessed on 16 November 2022).

⁸ On the Competence in defending against stratagems see the Covenant Mass of 8. 7. 2022, https://youtu.be/VjlnDSf_NjU, https://www.youtube.com/watch?v=VjlnDSf_NjU (accessed on 16 November 2022); see also Successful Appeal to the Pope regarding Matthew 10.16, <http://www.36strategeme.ch/pdf/papst.pdf> (accessed on 16 November 2022) and An example of transplantive sinology <http://www.36strategeme.ch/pdf/transplantive-sinologie.pdf> (accessed on 16 November 2022).

⁹ This turn of phrase goes back to the book of Master Meng (372–289 BC), the second most important representative of the Confucian school of thought, Meng Zi https://baike.baidu.com/item/%E5%AD%9F%E5%AD%90/126?fromModule=lemma-qiyi_sense-lemma&fromtitle=%E5%AD%9F%E8%BD%B2&fromid=1294849; *Qi yi qi fang*, <https://baike.baidu.com/item/%E6%AC%BA%E4%BB%A5%E5%85%B6%E6%96%B9/8816530> (accessed on 16 November 2022). English translation of the original quotation: “A superior man may be compelled by what seems to be as it should be, but he cannot be seduced into that which is contrary to right principle”, see: The Chinese Classics in Five volumes with a translation, critical and exegetical notes, prolegomena, and copious index by James Legge, Vol. II: Th. II. The Works of Mencius Oxford at the Clarendon Press 1895, Wan Chang Part 1, p. 318: Meng Zi, [https://starling.rinet.ru/Texts/Students/Legge,%20James/The%20Works%20of%20Mencius%20\(1960\).pdf](https://starling.rinet.ru/Texts/Students/Legge,%20James/The%20Works%20of%20Mencius%20(1960).pdf) Guoxue Wang.: *juan jiu*, Wan Zhang, <http://www.guoxue.com/book/mengzi/0009.htm> (accessed on 16 November 2022); Mong Dsi. The Teaching Talks of Master Meng K’ö. Translated by Richard Wilhelm, Diederichs Gelbe Reihe, Diederichs Verlag, Cologne 1982, p. 138.

stratagem No. 16 “If one wishes to catch something, one has first to let it go”. One lets the addressee of the message bask in his or her own preconceived ideas, prejudices, convictions, or wishful thinking, rather than saying anything to disturb or contradict him or her, even when the truth in a particular instance may run contrary to those notions. In this way, one lets the addressee of the message “go”, so that he/she remains a prisoner of his/her own routine logic.

One may even be in the uncomfortable situation of having to lie in order to appear truthful, to “bend” the truth in such a way that the person one is dealing with will be able to fit it into his own fixed conception of reality. This is exemplified in the following short story. The author Bai Xiaoyi (born 1960) won the first prize out of 30,000 entries in a 1985 all-China contest for short stories written by young people.¹⁰

The host poured tea in the cups and placed them on a small table in front of his guests. Then he covered the cups each with a lid making a sweet, tinkling sound. Seeing that something was missing, the host placed the thermos jug on the floor and hurried into the next room. The two visitors, a father, and his ten-year old daughter, heard the sound of pantry doors opening and things being moved around.

The daughter stood at the window looking at some flowers. The father’s finger was approaching the delicate handle of his teacup, when suddenly there was a terrible bursting sound, like an explosion.

The thermos jug on the floor had fallen over. The girl was taken aback and turned around abruptly. Everything seemed normal and yet strange. Neither she nor her father had touched the jug. There could be no doubt of that. When the host had put it on the floor it had wobbled but had not fallen over immediately.

The sound of the crash brought the host running to his guests. In his hand he held a box of sugar cubes. He looked at the streaming puddle on the floor and murmured “It doesn’t matter, it doesn’t matter!”

The father seemed inclined to say something. But he held his tongue at first. “I’m terribly sorry”, he said. “I touched it accidentally”. “It doesn’t matter”, repeated their host calmly.

On the way home, the girl asked the father, “Did you kick the thermos jug?”

“I was nearest to it”, said the father.

“But you didn’t touch it! I saw your reflection in the window, just at that moment.

You weren’t moving at all”.

The father laughed: “Well, tell me then what else could I have done?”

“The thermos bottle fell by itself”, insisted the girl, “because the floor was uneven.

I saw it wobble when Uncle Li put it down, and it fell down after shaking. Dad, why did you say it was you.”.

“Uncle Li did not see what happened”.

“You could have explained it to him”.

“No, my child”, was the father’s reply, “it was better to say that I had accidentally kicked it. That was much more believable. Sometimes, you just don’t know how something happens. And the more truthfully you tell about it, the less truthful it seems and the less you are believed”. The girl was silent for a while. At last she asked, “Was that the only way?”

“The only way”.

¹⁰ Bai Xiaoyi Zhongguo xiandai zuojia (Bai Xiaoyi, Chinese modern writer, without dates, https://baike.baidu.com/item/%E7%99%BD%E5%B0%8F%E6%98%93/5823558?fromModule=search-result_lemma (accessed on 16 November 2022); Bai Xiaoyi «Keting li de baozha » yuanwen ji shangxi (The Original Text and Appreciation of Bai Xiaoyi’s «The Explosion in the Living Room»), 18.10.2020, <http://www.vrrw.net/wx/15332.html> (accessed on 16 November 2022); Zhongguo Zuojia Wang (Chinese Writers Network): Yong xiaoshuo jiang hao Zhongguo gushi, gaige kaifang 40 zhou nian zui ju yingxiangli xiao xiaoshuo pingxuan jiexiao (Using short novels to tell Chinese stories well, the selection of the most influential short novels for the 40th anniversary of reform and opening has been announced), 29 June 2018, http://m.cfbond.com/zclb/detail/20181029/100200000020251540766535991060324_1.html (accessed on 16 November 2022).

What corresponds to one's own way of thinking is usually believed without hesitation. The host assumes without further ado that the guest knocked over the thermos bottle. Therefore, without asking the guest what had happened, he immediately said "it can't matter". Had the guest, instead of "letting the host go", i.e., leaving him in his preconceived opinion, told the truth, he would have run the risk that the host would not have believed him and would have considered him a liar. In order to continue to be regarded as an honourable man and to secure the goodwill of the host, the guest saw no other way than to leave the host to his ignorance, which is why he told the untruth.

In the short story, the stratagem of withholding the truth from the other person is harmless. It is about the self-protection of the stratagem user, not about inducing the stratagem victim to commit some possibly damaging act.

However, there may also be people who use stratagem No. 16 in the sense described here with reference to important events. They conceal the truth from other people against their better judgement and leave them to their own delusion, or even promote it, because this may serve destructive goals.

In any case, it is advisable, in view of today's flood of news, to be mindful not only of stratagems No. 7 and 20, but also of stratagem No. 16. Like the French philosopher Pierre Bayle (1680–1729), a pioneer of the Enlightenment, one should accept "practically nothing as certain".¹¹ This applies not only to rumours and unambiguous statements about extraordinary events, but also plausible opinions, news, and messages that correspond to everyday logic and routine thinking should always be met with a modicum of scepticism, and only facts that one has checked oneself or that trusted persons can testify to beyond any doubt should be considered "true".

6. Conclusions

It is comforting to see that a legal code with gaps in it does not necessarily impede the path to justice in conformity with human rights in an insurmountable way, and that, in principle, remedies external to legal code are available for the realisation of justice, such as for the realisation of individual human rights. These are not implemented with legal remedies based on positive statutory law, but by means of stratagems external to statutory law in the sense of an unwritten natural law, which has also been felt by the Chinese since the distant past and can therefore be classified as universal, and which is derived from the inherent dignity of the human being.

Another piece of good news is that knowledge of stratagems, when open access to the truth is barricaded, nevertheless enables the investigation and dissemination of true facts, and that knowledge of stratagems can help to immunise against untruths.

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Appendix A

The 36 Stratagems

According to the treatise *Sanshiliu Ji: Miben Bingfa* (36 Stratagems: The Secret Book of the Art of War) from circa AD 1500.

1. Crossing the sea while deceiving the heaven/Deceiving the emperor [by inviting him to a house by the sea that is really a disguised ship]
and [thus causing him to] cross the sea
2. Besieging [the undefended capital of the country of] Wei to rescue Zhao [the country that has been attacked by the Wei forces]

¹¹ Statement about Pierre Bayle by Prof. Dr. Eva Buddeberg, co-editor of *Toleranz Ein philosophischer Kommentar von Pierre Bayle*, Suhrkamp Taschenbuch, Frankfurt am Main 2016. Prof. Eva Buddenberg made the statement in the radio programme «Vor 375 Jahren geboren-Der französische Philosoph Pierre Bayle-Vorreiter der Aufklärung», Kalenderblatt-Deutschlandfunk 18 November 2022.

3. Killing with a borrowed knife
4. Awaiting at one's ease the exhausted [counterpart]
5. Taking advantage of a conflagration to commit robbery
6. Making a noise in the east, attacking in the west
7. Creating something out of nothing
8. Openly repairing the [burned] wooden bridges, in secret [before completing the repairs] marching to Chencang [to attack the enemy]
9. Observing the fire burning on the opposite shore [seemingly uninvolved]
10. Hiding the dagger behind a smile
11. Letting the plum tree with rin place of the peach tree
12. Quick-wittedly leading away the sheep [that unexpectedly crossed one's path]
13. Beating the grass to startle the snakes
14. Borrowing a body for the soul's return
15. Luring the tiger down from the mountain [onto the plain]
16. If one wishes to catch something, one has first let it go
17. Tossing a brick to attract jade
18. Catching the bandits by first catching the ringleader
19. Removing the firewood from under the cauldron
20. In murky waters catching fishes deprived of their clear sight
21. The cicada casts off s its skin of gleaming gold
22. Shutting the door to capture the thief
23. Befriending a distant enemy to attack an enemy nearby
24. Borrowing a route [through the country of Yu] for an attack against [its neighboring country of] Guo [to capture Yue after the conquest of Guo]
25. Stealing the beams and replacing the pillars [on the inside, while leaving the facade of the house unchanged]
26. Cursing the acacia, [while] pointing at the mulberry tree
27. Feigning madness without losing the balance
28. Removing the ladder after {the counterpart} has climbed onto the roof.
29. Decorating a [barren] tree with [artificial] flowers
30. Turning the role of the guest into that of the host
31. The stratagem of the beautiful man/woman
32. The stratagem of opening the gates [of a city that is unprepared for defense]
33. The special agent stratagem/the stratagem of sowing discord
34. The stratagem of the suffering flesh
35. The linking stratagem/Stratagem-linking
36. [When the situation is growing hopeless] running away [in good time] is the best stratagem

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