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*Rezension*

*„Harro von Senger: 36 Strategeme für Juristen, Bern: Stämpfli Verlag 2020, 299 Seiten, 89.00 Euro“*

Law and cunning - do these two go together? While law stands for justice and decency, cunning always smacks of machination, intrigue, and deceit - at least in Western languages. Nevertheless, or precisely because of this, Harro von Senger dares to overcome this contradiction by undertaking to develop a kind of teaching of cunning - he calls it "Rechtsstrategemekunde" - for lawyers.

This book, penned by a world-renowned Swiss sinologist and legal scholar, is a splendid interpretation and authentic explanation of the Chinese treatise "36 Lists" or "36 Stratagems", which has been handed down from the Ming Dynasty (1368-1644). If it is true that Chinese culture consists of various subcultures, the "list culture" (jimou wenhua) occupies a prominent position in the overall culture of China.

Indeed, list culture forms the civilisational basis for the general Chinese practice of applying the historically transmitted "jimou" to solve precarious problems in everyday life, in the economy, warfare and political struggle, but also in interpersonal conflict. The stratagem of thought and action that has crystallized and systematized over thousands of years is second nature to any reasonably educated Chinese. In the Middle Kingdom, people are particularly admired, even adored, if they can skilfully solve precarious problems in an unusual and way.

Harro von Senger seems to be the first Western intellectual who "discovered" Chinese list culture. He has written numerous books and essays on the subject and many of them have been translated into more than 15 languages, including back into Chinese. The present volume "for lawyers" is the latest book written by him on the subject. What the author has actually uncovered - this is especially clear from this volume - is not the existence of the Chinese list culture as such, but the pronounced list-sensitivity and non-moralizing attitude of the Chinese towards lists.

Accordingly, von Senger is little inclined to deny the "cunning ability" of Western cultures. On the contrary, efforts to establish comparability or similarity between Western and Chinese "cunning thinking" run throughout the book. The clearly structured work consists of a concise introduction, a main section in which the 36 lists are systematically presented on the basis of more than 100 examples of application, both from China and Western cultural circles, and a concluding section that offers the

reader the opportunity to test his or her own list-sensitivity or resistance to "list application" after reading the book.

Especially under this aspect, his motive to present this book is timely and commendable. With the book, the author aims to "open up an unusual perspective 'out of the box' for lawyers, so that they perceive legal and - often closely related - political issues in a new kind of light and find it worthwhile to supplement legal competence with stratagem competence." For those interested in better and more predictably asserting law against intrigue in the legal process, Harro von Sengers "Listenlehre" is essential reading. It helps not only to increase list sensitivity, but also to strengthen the ability to defend against lists.