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THE PROTESTS AND BEYOND

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Hong Kong's Umbrella Movement began unfolding on 28 September 2014, when protesters opened umbrellas to shield themselves from pepper spray and tear gas fired by the police. The movement folded 79 days later on December 15, when the authorities cleared the last "occupy" protesters from amid the high-rises of the glitzy Causeway Bay shopping district on Hong Kong Island's north side. For those two and a half months, demonstrators around the densely peopled city displayed banners, often colored bright yellow to match their umbrellas, bearing Chinese and English slogans such as "I want genuine universal suffrage!" Hong Kong's total population is 7.2 million; about 1.2 million people altogether are estimated to have taken part in the protests at various times and in various forms.¹

The protesters' immediate demand, encapsulated in their call for universal suffrage, was for the right of citizens to choose future chief executives of the Hong Kong Special Administrative Region (HKSAR) from among candidates nominated through open and broadly accessible processes, rather than the proposed opaque system of rigid vetting by Beijing's local Hong Kong allies on the narrowly based 1,200-member Nominating Committee. The roots of the outrage and discontent ran—and still run—much deeper than a dispute over the nominations process, however. The protesters of 2014 demanded "genuine universal suffrage" because successive chief executives unaccountable to the public have not only been chosen undemocratically, but have behaved in ways

that have eroded Hong Kong's cherished freedoms. Although protestors have been driven out of the streets for now, the continuing denial of democracy to a highly mobilized society will keep dissent boiling for years to come.

In seeking to explain the origins of the Umbrella Movement, one must point to the coming of age of Hong Kong's vibrant civil society. The Umbrella protesters won the world's admiration not only with the sheer scale of the "people power" they put on display, but also with their discipline, politeness, and orderliness. For two and a half months, people contributed to the protests according to their ability. Doctors and nurses organized first-aid teams. Able-bodied men reinforced barricades and served as marshals. Semi-retirees made and repaired makeshift study corners. Teachers and profes-

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sors staged teach-ins. College students helped high-school students with their homework. Art students created umbrella-themed works, including a giant canvas made from umbrellas damaged by tear gas, while volunteers crafted umbrella memorabilia by hand. Innumerable ordinary protesters brought umbrellas, face masks, helmets, tents, snacks, and even home-cooked meals. Whenever supplies ran low, calls for aid would go out via social media, and scores of supporters would swiftly turn up with needed items. Students, often wearing school uniforms, swept the streets, cleaned public toilets, and recycled garbage. No wonder the international media lauded the Umbrella Movement as the impressive effort of a self-organizing civil society.

While Hong Kong's highly mobilized civil society will remain a challenge to the authorities, a society-based perspective cannot by itself explain why the Umbrella Movement unfolded—and then folded—as it did. Students of contentious politics argue that it is often state structure and state policies that inadvertently "construct" movements.² Such a state-centered perspective allows us to see that it was the Hong Kong government's structure and policies that gave rise to and indeed fueled the Umbrella Movement through its 79-day protest run.

This is not to diminish the efforts of movement organizers. The Umbrella Movement enjoyed an intergenerational leadership formed of Occupy Central with Peace and Love (headed by two professors and a Baptist minister), the Hong Kong Federation of Students (comprising representatives from student unions), and a group known as Scholarism (comprising high-school students). Joining these new faces were veteran democracy activists who played supportive roles in the background.

Nevertheless, these organizers could not have produced the Umbrella Movement without an unintentional assist from the government.

The Umbrella Movement, which mutated from Occupy Central, involved a disruptive action unprecedented in Hong Kong politics. Large, vocal demonstrations are nothing new to densely urbanized, freedom-loving Hong Kong. Since 1989, the city has held annual candlelight vigils on June 4 to commemorate the Tiananmen Square movement. Since the 1997 handover, there has been an annual democracy march on July 1. On that day in 2003, an estimated half-million people turned out to demonstrate against the government's plan to introduce a national-security bill as stipulated in Article 23 of the HKSAR Basic Law.³ But these were all one-day affairs. People rallied or marched peacefully, and then went home. Occupy Central, as its name indicates, aimed to put pressure on Chief Executive C.Y. Leung and the Hong Kong government he heads by having protestors block streets in the city's main business district. This was controversial. Support for the goal of genuine universal suffrage was broad, but many felt uneasy about tactics that involved business disruptions. The Occupy plan had been around since early 2013, but as of mid-2014 its popular support remained fragile.

Occupy Central planned a civic referendum for the latter part of June 2014, envisioning it as a way for citizens to express their preferences regarding the method that should be used to fill the chief executive's office. As late as the first week of June, public support appeared weak enough to make organizers worry that not even a hundred-thousand votes would be cast, thereby robbing the referendum of any legitimacy. Then the authorities inadvertently came to the rescue. On June 10, Beijing released a White Paper that reinterpreted the "one country, two systems" model by which Hong Kong is supposed to be governed in a way which elevated the "one country" far above the "two systems." Instead of failing for lack of interest, the civic referendum drew a huge turnout of 787,000 voters.

The Hong Kong government sent a report to the central government in July that dismissed these voices. On August 31, the Standing Committee of the National People's Congress (China's legislature) in Beijing handed down a harsh decision. It stipulated that the Election Committee, a body dominated by establishment representatives, would also serve as the Nominating Committee. The 2017 race for chief executive of the HKSAR would take place among a small field of two or three candidates, each chosen by the Nominating Committee. No one else would be allowed to compete. For Hong Kong's democrats, such a vetting procedure violated the promise of universal suffrage.

The August 31 decision cast a shadow over Hong Kong. Occupy Central was set to launch on October 1, China's National Day public holiday. Popular support for disruptive, occupation-style protest was so thin, in other words, that organizers planned to launch it on a day when

businesses would be closed anyway. Public attention was more focused on the campus boycotts set for late September, when high-school and college students planned to skip class in protest. Given the level of public wariness, Hong Kong's government could have easily ignored dissenting voices by simply refraining from action against protesters.

The authorities' unintentional "construction" of the Umbrella Movement via excessive force began on September 26. That day, after boycotting their classes, high-schoolers from Scholarism clambered over the fencing put up in mid-2014 to close off Civic Square in front of the Central Government Offices in the Admiralty district. The square had been designed as an open public space, but seemed a likely protest spot since more than a hundred-thousand people had gathered there in 2012 to rally against plans for introducing "national education" to nurture "love of the motherland" among Hong Kong's youth.⁴

The sight of police officers manhandling and arresting teenagers was too much for many citizens, who came out to complain in large numbers on September 27. Seeing this, Occupy Central's leaders felt compelled to forget about October 1. They launched their movement immediately, and in Admiralty rather than the Central district a short distance to its west.

Early on the evening of September 28, police on the scene fired 87 rounds of tear gas. Even then, no one sensed that the Umbrella Movement was about to unfurl. In fact, when news spread that the police would soon be using rubber bullets along with tear gas and pepper spray, Occupy Central organizers tried to call things off for fear of injuries. By then, however, the gas had roused public anger. Outraged citizens flooded into Admiralty to "protect those already there." Soon, protests spread from Admiralty to Causeway Bay and the Kowloon Peninsula's Mongkok district. As demonstrators huddled beneath umbrellas to ward off the blanketing clouds of noxious irritants, what foreign journalists would soon dub the "Umbrella Revolution" was born.

Occupy movements' tactics are by nature hard to sustain. After the initial euphoria of September 29 and 30 died down, the crowds began to dwindle. But then would come another burst of official violence, and protesters would return. On October 3, thugs (alleged by protesters to be acting with police complicity) attacked protesters in Mongkok. On October 15, seven police officers beat activist Ken Tsang in a "dark corner" away from the main occupy site in Admiralty. For two months, every episode of violence against protesters, whether by police or thugs, predictably backfired, driving more support for the otherwise controversial disruptive action rather than forcing protesters to go home.

Once the city's government and pro-Beijing establishment realized that coercion was proving counterproductive, they switched tactics. In October, the authorities prompted taxicab companies to petition the courts for injunctions against street occupations on the grounds of dam-

age to livelihood. Once an injunction had been granted, police officers would form up behind bailiffs to clear the occupied sites.

Yet this still resulted in “poor optics” for the authorities, as could be seen from the events of late November in Mongkok. Faced with phalanxes of police reinforcing squads of bailiffs on November 24, demonstrators moved from sites covered by court orders in this bustling, densely packed neighborhood to nearby streets in a “fluid occupy.” When Chief Executive Leung called for Mongkok’s streets to return to normal to restore shopping, demonstrators thronged to the area in huge numbers as the continuing protest became dubbed the “Shopping Revolution.” The police responded with pepper spray and clubs, beating and arresting not only protesters, but reporters and passers-by as well. The last street clearances, in Admiralty on December 11 and Causeway Bay on December 15, were handled more gently, suggesting that police had at last learned the value of restraint as a means to limit demonstrations. The Umbrella Movement thus folded with far less fanfare than had accompanied its opening.

Occupation’s Drawbacks

The state-centered perspective does not imply that societal actors are condemned to passivity. Rather, it means that protesters need to have a strategic understanding of the weak and strong points of the state’s structure. The Umbrella Movement came and went without compelling any concessions partly because the Hong Kong government was recalcitrant, but also partly because protesters stuck to an inherently unsustainable form of protest. It is true that the disruptive action of occupying busy streets captured the world’s attention. Yet after the initial show of people power on September 28 and 29, most demonstrators were unready to stay for the long haul. The most committed camped out in the streets, and the less committed had to make a living. The uncommitted gradually lost their patience, and the antagonistic grew more hostile. Had police and thug violence not repeatedly roused enough public anger to drive supporters back to the occupy sites, the Umbrella Movement would have folded sooner than it did.

Street occupation was also ineffective against state structure. Protesters disrupted daily life near Occupy Central sites, not the Hong Kong government’s ruling coalition. The chief executive needs supporters, meaning most crucially the elite businesspeople who dominate much of the economy. Hong Kong’s richest residents are also its most powerful. As members of the narrowly based Election Committee, they are the kingmakers who selected past chief executives and who will vet future aspirants to the office. They are so important that Chinese president Xi Jinping met with them a week before September 28 to shore up their support for the August 31 decision.⁵ Business elites naturally favor Bei-

jing's preferences, for that is where the money is. But the "follow the money" logic also gives Hong Kong's humble residents some ability to sanction tycoons, since these figures make their fortunes not only from lucrative contracts with Beijing, but also from the everyday purchases of millions of ordinary Hong Kong citizens. Not only local magnates but also state-owned enterprises have reaped immense profits from Hong Kong. A targeted consumer boycott might make businesses rethink their continued collusion with the government. Protesters could not wring even the smallest concessions out of Chief Executive Leung, but they might have compelled the kingmakers to force the king's hand.

Early in the protests, not long after the start of October, organizers began to circulate a growing list of pro-establishment businesses to boycott.⁶ Activists urged the public to buy from mom-and-pop shops and avoid glittering malls and chain stores dominated by big businesses. Yet the follow-through on these economic sanctions was feeble. No one in Occupy ranks made the case that targeted boycotts have proven one of the most effective protest methods available, even in settings as brutal as South Africa under apartheid. And a consumer boycott, of course, requires no one to miss work or school, making it sustainable over the long term.

With little knowledge of potentially more effective and sustainable alternatives, committed protesters insisted on staying at occupy sites until they were cleared by the police. When interviewed, occupiers repeatedly said, "If we retreat now, we will lose everything that we have been fighting so hard for."⁷ Some protesters advocated more "forceful" escalation. A disastrous November 30 attempt to surround the Central Government Offices led to clashes, with police using pepper spray and baton charges that left some protesters bloodied and requiring medical attention.⁸ In trying the office blockade, the Federation of Students was right to train its ire on Hong Kong's government, but was wrong to think that barring Leung and some civil servants from work for a day or two would affect the deep structure of that government. Worse, just as the excessive use of police force had backfired on the government, this ill-conceived protest escalation merely hastened the ebbing of public support for street occupations and made it easier for the police to clear Admiralty on December 11.

Although the state-centered perspective explains the unfolding and folding of the Umbrella Movement, it also suggests that the struggle for genuine universal suffrage will go on until basic changes occur in the structure and policies of the state. The firing of tear gas set off an explosion of public anger on September 28 because the Hong Kong government had bought itself so much distrust since the handover in 1997.

Those skeptical of the Umbrella Movement often ask: "Why the fuss about democracy or genuine universal suffrage? Has not Hong Kong preserved all its freedoms even without democracy?" This sentiment

sums up the political debate in Hong Kong: Can freedom survive without democracy? Hong Kong people, however they view the occupy movement, are as one when it comes to the paramount importance of free-

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dom, or what they call “Hong Kong’s core values.” Hong Kong people cherish the rule of law, independent courts, impartial policing, press freedom, and a corruption-free civil service. Many who grew up in a free but undemocratic Hong Kong believe that they can continue to enjoy freedom in the absence of democracy. Umbrella Movement supporters, by contrast, are convinced that the “freedom without democracy”

model is broken. Since 1997, successive chief executives unchecked by democratic accountability have eroded Hong Kong’s autonomy and its core values.

The first chief executive, C.H. Tung (1997–2005), did face accountability of a sort. He introduced the so-called accountability system, whereby political appointees began to replace professional administrators as department heads. More notably, he attempted to push through the draconian national-security bill in 2003, only to find half a million people filling the streets in protest. He never quite regained his footing, and ended up resigning in March 2005 when Beijing signaled its dissatisfaction with his performance. Tung’s successor, Donald Tsang (2005–12), expanded his appointment power to further politicize the senior civil service. With the chief executive ruling through cronies, economics became politics by other means. In 2012, Tsang was found to have received junkets from business tycoons, and he remains under investigation for corruption. One of his top lieutenants, Rafael Hui (no relation to the author), was recently convicted of taking bribes while in office.⁹

Since Leung, the third and current chief executive, took office in 2012, he has stepped up the naming of loyal supporters to top government posts and advisory committees. He has also been accused of taking payouts of HK\$50 million and then \$37 million from the Australian firm UGL without accounting for them. On his watch, the Independent Commission Against Corruption has itself become the target of a corruption investigation, as testified by the case against former commissioner Timothy Tong. Media critics of the government have been demoted or fired, with some journalists subjected to nearly fatal attacks by thugs. The establishment’s business allies have starved prodemocracy media outlets of advertising revenues. Even before the Umbrella Movement, the police had been coming under criticism for arbitrarily arresting protesters. As a common Hong Kong saying puts it, while the first two chief

executives tried to cook the frog in a pot of water coming slowly to a boil, Leung has rushed to finish the job by dramatically turning up the heat. Whether or not most Hong Kong people were aware of the gradual erosion of freedoms earlier, the last two years have clearly brought about a general awakening.

The Hong Kong government's handling of the Umbrella Movement—and especially the unprecedented use of so much coercion—has drawn particular attention. The fear is that Police Commissioner Andy Tsang (no relation to Donald Tsang) has turned what was once an impartial law-enforcement agency into a political tool that punishes democrats while overlooking violations by those aligned with the establishment. The police briskly arrested protestors involved in various clashes during the movement, and have summoned organizers to police stations to “assist in their probe” (a form of arrest by appointment) in the aftermath. Yet the wheels of justice seem to be grinding much more slowly (if at all) in the matter of police officers who beat protesters or bystanders, not to mention that of thugs who were caught on film attacking journalists and prodemocracy activists.¹⁰

Chen Zuor, the former deputy director of the Hong Kong and Macau Affairs Office in Beijing, bluntly called for a new campaign to “struggle against” the forces in Hong Kong that he sees behind the Umbrella Movement: the law courts, the Legislative Council, mass media, universities, and secondary schools.¹¹ The campaign has begun, with the University of Hong Kong being singled out as the hotbed of dissent. The former dean of its law school, Johannes Chan, has been subjected to an onslaught of attacks by pro-Beijing sources for sheltering the initiator of the Occupy Movement, law professor Benny Tai.¹² The university's student magazine, the *Undergrad*, has been criticized for discussing “Hong Kong nationalism,” and openly so by the chief executive in his official 2015 Policy Address.¹³ So far, the judiciary has remained staunchly independent, but activists are fearful that the mass arrests during and after the Occupy Central movement are meant to eventually bend the courts to political pressure.¹⁴

In retrospect, the erosion of freedom in the absence of democracy is hardly surprising. It is no coincidence that Hong Kong is the world's only case of the “freedom without democracy” model—and this unique case is fast disappearing. All around the world, freedom and democracy are either present together or absent together, strong together or weak together. Democracy is more than free and fair elections. It also means the rule of law, independent courts and judges, impartial police, a free press, and a neutral civil service. In other words, “democracy” is short for liberal democracy, with liberalism in this sense encompassing what Hong Kong people see as basic freedoms or core values. In the rest of the world, as scholars of the subject have found, it has typically been extremely difficult to consolidate democracy without freedom.¹⁵ The Hong

Kong case confirms this scholarly finding from a different direction: It is impossible to preserve freedom without democracy. This model was viable before 1997 only because the United Kingdom, which then held sovereignty over Hong Kong, was itself a democracy. The protesters are right: Only genuine universal suffrage can save basic freedoms and the rule of law.

Umbrella Movement 2.0?

As of this writing in March 2015, the Hong Kong government continues to stand by Beijing's August 31 decision to effectively deny universal suffrage. Prodemocracy members of Hong Kong's Legislative Council are vowing to veto the August 31 decision (which requires a two-thirds majority), and they have just enough votes to do so. The authorities want to convince Hong Kong people that they should "pocket" a less than ideal form of suffrage as a "gradual and orderly step" on the way to genuine universal suffrage in the future.

The flaw in the government's line is that some steps create insurmountable hurdles rather than take people closer to the finish line. Once created, any undemocratic arrangement will become increasingly entrenched. If the Election Committee is not reformed now, it will become increasingly resistant to change later. The narrowly based "functional constituencies" that still control half the Legislative Council's seventy seats furnish a hard and object lesson. They have proven resistant to all attempts to phase them out, and legislators who hold these seats are unlikely to back any reform that would force them to face direct elections.

The Umbrella camp can block the planned "fake universal suffrage," but has few options for securing genuine universal suffrage. Organizers have urged a "noncooperation campaign," but that has amounted to nothing more than gestures such as paying one's taxes in increments containing the digit sequence "689," as that has been Leung's nickname since the Election Committee put him into office with 689 out of 1,200 votes. There has been no call for nonpayment of taxes, which would be a criminal offense. (Since the Hong Kong government depends more on property and profit taxes than on income levies, income-tax nonpayment would little affect its operations anyway.) Unless and until the authorities begin quaking at the sight of checks made out for \$68.90 each, democrats are going to have to find better ways to induce the chief executive—plus the rich and powerful interests behind him—to make concessions. Surveys suggest that those who are not yet committed make up around 40 percent of Hong Kong's populace.¹⁶ The best way to start may be by informing them how, in democracy's absence, the freedoms that they cherish are withering away. The premium on skillful coordination and effective messaging will be huge, since keeping up pressure is only going to become harder now that the peak excitement of the Umbrella

Movement has passed and Umbrella supporters have splintered in the aftermath.

The Hong Kong government, meanwhile, should refrain from congratulating itself. The state-centered perspective is a two-edged sword. Leung holds most of the cards and should be able to keep the opposition in check by avoiding excess force and the resulting backlash. But by overselling the August 31 decision and prosecuting movement organizers, the government will further undermine its own credibility and could unintentionally mobilize opponents all over again. And such a mobilization would come after the authorities have trained activists to become used to arrests, beatings, tear gas, pepper spray, and thug violence. The current calm is the dormancy of a volcano. Even a minor government misstep could ignite Umbrella Movement 2.0.

It is a mistake to see the Umbrella Movement in isolation and make a leap to the conclusion—as some pundits have—that it has failed. The reality is that Hong Kong has had a democracy movement stretching back into the 1980s, when Britain and China were negotiating the 1997 handover. The Umbrella Movement is just that larger movement's latest chapter. As any reader of Nelson Mandela's memoir, *Long Walk to Freedom*, can grasp, the struggle for democracy necessarily involves setbacks.¹⁷ One might have argued, for instance, that the antiapartheid struggle was failing when P.W. Botha's regime imposed a state of emergency in 1985, yet Mandela was president within a decade. In Hong Kong's long walk to genuine universal suffrage, the youthful Umbrella Generation must prepare itself for a protracted struggle, but it can be confident nonetheless that time is on its side.

NOTES

1. This figure is estimated from a representative sample. See Centre for Communication and Public Opinion Survey, Chinese University of Hong Kong, "Public Opinion and Political Development in Hong Kong: Survey Results (Press Release)," 18 December 2014, www.com.cuhk.edu.hk/ccpos/images/news/TaskForce_PressRelease_141218_English.pdf.

2. On how states can "construct" movements, see Jeff Goodwin, *No Other Way Out: States and Revolutionary Movements, 1945–1991* (New York: Cambridge University Press, 2001).

3. On the Article 23 controversy, see Joseph Y.S. Cheng, "Hong Kong's Democrats Stumble," *Journal of Democracy* 16 (January 2005): 141–42.

4. Joyce Lau, "Thousands Protest China's Plans for Hong Kong's Schools," *New York Times*, 29 July 2012.

5. Joyce Ng and Ng Kang-chung, "Beijing to Take A More Active Role in Hong Kong's Affairs, Hints Xi Jinping," *South China Morning Post* (Hong Kong), 22 September 2014. For an analysis of how Beijing and local business tycoons team up, see Brian C.H. Fong, "The Partnership Between the Chinese Government and Hong Kong's

Capitalist Class: Implications for HKSAR Governance, 1997–2012,” *China Quarterly* 217 (March 2014): 195–220.

6. A version of this boycott list may be found in Chinese at <https://docs.google.com/a/nd.edu/spreadsheets/d/1NRermxQ6CzkBbAr9v8taH9F0-8R6P-vmsE2qCZhkXGU/htmlview?sl=true>.

7. Suzanne Sataline, “If We Lose This, We Lose Everything,” 17 October 2014, <http://foreignpolicy.com/2014/10/17/if-we-lose-this-we-lose-everything>.

8. Danny Mok et al., “Occupy Supporters and Police Clash as Hong Kong Protests Escalate,” *South China Morning Post*, 30 November 2014.

9. Stuart Lau, “Rafael Hui Jailed for Seven-and-a-Half Years; Thomas Kwok Locked Up for Five Years,” *South China Morning Post*, 23 December 2014.

10. On 12 January 2015, masked men threw petrol bombs at the *Apple Daily*’s production building and the Kowloon home of its owner, Jimmy Lai. Journalists complain that similar cases have been allowed to go unsolved for years. See also www.ejinsight.com/20150226-a-year-after-chopper-attack-kevin-lau-still-awaits-justice.

11. Tony Cheung and Fanny W.Y. Fung, “Now Hong Kong Must Face the Big Questions in Wake of Occupy,” *South China Morning Post*, 13 December 2014.

12. Joyce Ng, “HKU Law Professors Hit Back Against Pro-Beijing Press ‘Political Interference’ Attacks,” *South China Morning Post*, 13 February 2015; on Johannes Chan, see “Top Academic Lashes at Pro-Beijing Media Before Key Appointment,” 3 February 2013, www.ejinsight.com/20150203-top-academic-lashes-at-pro-beijing-media-before-key-appointment.

13. See Isabella Steger, “Hong Kong Leader Singles Out College Magazine for Helping Cause ‘Anarchy,’” China Real Time blog, 14 January 2015, <http://blogs.wsj.com/chinarealtime/2015/01/14/hong-kong-leader-singles-out-college-magazine-for-helping-cause-anarchy>.

14. See my blog post at <https://victoriatbhui.wordpress.com/2014/11/21/the-freedom-without-democracy-model-is-broken-transcript-of-testimony>.

15. On freedom and democracy, see Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (New York: Cambridge University Press, 2009); Edward D. Mansfield and Jack L. Snyder, “Democratic Transitions, Institutional Strength, and War,” *International Organization* 56 (Spring 2002): 297–337; and Brian D. Taylor, *State Building in Putin’s Russia: Policing and Coercion after Communism* (New York: Cambridge University Press, 2011).

16. Jeffie Lam, “Hongkongers Still Divided over Beijing’s Reform Plan for 2017: Poll,” *South China Morning Post*, 9 February 2015; and “Less than Half in Poll on Reform Plan Now Say ‘Pocket It First,’” 9 February 2015, www.ejinsight.com/20150209-less-than-half-in-poll-on-reform-plan-now-say-pocket-it-first. See also press release in end-note 1.

17. Nelson Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela* (Boston: Little, Brown, 1994).