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Victoria Tin-bor Hui

CRACKDOWN: HONG KONG FACES TIANANMEN 2.0

Victoria Tin-bor Hui

Victoria Tin-bor Hui is associate professor of political science and a fellow of the Liu Institute for Asia and Asian Studies at the University of Notre Dame. She blogs on Hong Kong at victoriatbhui.wordpress.com. Her essay “Hong Kong’s Umbrella Movement: The Protest and Beyond” appeared in the April 2015 issue of the *Journal of Democracy*.

Hong Kong, a place where liberty once bloomed, has now been crushed by the People’s Republic of China (PRC). On 30 June 2020, the PRC imposed a draconian national-security law on the city, seeking to “prevent, stop, and punish” a string of vaguely defined crimes of “secession,” “subversion,” “terrorism,” and “collusion with foreign forces.”¹ The broad sweep of the law effectively bans any dissent. The Beijing regime’s own security agents are now overseeing Hong Kong’s previously autonomous courts and criminal-justice system as the law is enforced. Waves of arrests have followed.

A city that once marked the anniversaries of the 4 June 1989 Tiananmen Square massacre and the 1 July 1997 handover from Britain to the PRC with massive prodemocracy demonstrations saw no such commemorations in 2020: They were prohibited. In 2019, as many as two-million of Hong Kong’s 7.4 million people had repeatedly protested in the streets against a bill designed to allow PRC authorities to extradite people from the Hong Kong Special Administrative Region (HKSAR) to mainland China. From June 2019 to June 2020, about nine-thousand people were arrested² while others fled into exile as the Chinese Communist Party (CCP) tightened its grip on the city. In the first two months after the enactment of the national-security law, 21 were arrested for “incitement to secession,” “collusion with foreign forces,” and “terrorism acts”—in addition to approximately another thousand who were arrested for unlawful assembly, rioting, weapons possession, and other offenses under preexisting criminal laws.

As July 2020 began, residents who displayed or posted “Hong Kong independence” or “liberate Hong Kong” found themselves arrested. Days later, even demonstrators who held up blank sheets of paper to

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contest the banning of protest slogans were detained for unlawful assembly. By month’s end, twelve prodemocracy candidates for the Legislative Council (or LegCo, as the HKSAR’s seventy-member legislature is called) were disqualified for refusing to back the draconian law, calling for international sanctions, and making pledges to vote against unpopular government budget and policy proposals. Soon thereafter, the elections were scrubbed: Originally set for September 6, they were delayed for at least a

year. The University of Hong Kong’s governing council, acting against the faculty senate’s advice, sacked law professor Benny Tai for criminal convictions relating to his role in the prodemocratic Umbrella Movement of 2014.³ Five exiles and a Hong Kong-born U.S. citizen faced arrest warrants.

The arrests continued. On August 10, the city’s only prodemocracy print newspaper, the *Apple Daily*, was raided by two-hundred police officers. Its founder, Jimmy Lai, his two sons, and the newspaper’s four senior executives were taken into custody under the new law. On the same day, Agnes Chow of the now-disbanded Demosisto party was detained, as were two other young activists, Andy Li and Wilson Li. (On August 23, Andy Li and eleven fellow activists were intercepted by the China Coast Guard while trying to flee to Taiwan by speedboat. They are being held incommunicado.) On August 26, lawmaker Cheuk-ting Lam was arrested for having “rioted” in Yuen Long on 21 July 2019, even though he was one of the victims of rod-wielding thugs who indiscriminately attacked train passengers, journalists, and residents in the incident. On September 6, police arrested 289 for protesting the election postponement. Tak-chi Tam of People Power faced charges on five counts of “uttering seditious words.”⁴

This crackdown is the latest response by the Chinese Communist party-state to the campaign in defense of freedom and democracy that Hong Kong’s citizens have been waging for decades. As this effort was reaching a new pitch of urgency with the 2019 protests against the extradition law, Beijing’s rumblings escalated. On 31 July 2019, the PRC put out a video showing soldiers from the People’s Liberation Army (PLA) practicing riot-control drills in a Hong Kong-like urban setting. In August came more drills, this time not on video but live, and just across the border from Hong Kong in the city of Shenzhen. More than twelve-

thousand troops took part. To supplement these ominous displays, Beijing's Hong Kong and Macao Affairs Office (HKMAO) issued a series of warnings against the unfolding protests.

At the time, many Hong Kongers and international observers were complacent. They dismissed the possibility of anything like a "Tiananmen 2.0" for Hong Kong. They were too confident that the threat of the international community ending the HKSAR's special economic status—a source of immense benefits to the PRC over many years—would stay Beijing's hand. While nothing as blatant as an armored column rolling into Hong Kong has happened, Beijing's crackdown on the city does echo the Tiananmen model even if in a way more broadly conceived than PLA tanks grinding through the streets.

The "one country, two systems" constitutional structure that Hong Kong was given at the time of the 1997 handover was troubled from birth. Hanging over it was the crackdown that the CCP had unleashed against the original Tiananmen Square democracy movement of 1989. The colonial city's support for the student-led protests had left Beijing determined to stifle Hong Kong's democracy and freedom. Yet how could the CCP deny democracy to a population which, under the system that Beijing had promised to preserve, enjoyed the unfettered freedoms to demand it?

Beijing's answer was to kill those freedoms. It moved to do so slowly at first, but with rapidly gathering speed after the 2014 Umbrella Movement protests for "genuine universal suffrage." As the city found its freedoms being dramatically squeezed in the aftermath, I wrote in these pages in 2015 that Hong Kong was the world's only case of "freedom without democracy," but that this unique case was fast vanishing.⁵ Five years later, this case has become extinct.

The 2019 protests against the extradition law began in April. By August, they had taken a turn that the Umbrella Movement had not: Hong Kongers began throwing gasoline bombs.⁶

This gave Beijing the perfect excuse to impose its own preferred answer—we might call it "Tiananmen-lite"—to the long-running problem that Hong Kong posed as a thorn of liberty embedded in the side of the PRC's one-party dictatorship. The shift from umbrellas (adopted originally as shields to help fend off tear gas) to firebombs is generally seen as the cause of failure, but radicalization must be understood against the background of decades of ineffectual peaceful demonstrations since 1989.

"One Country, Two Systems" Under a Shadow

The national-security law, which might more accurately be called the regime-security law, effectively abrogated the "one country, two systems" model under which Britain handed Hong Kong back to Chinese rule in 1997. The 1984 Sino-British Joint Declaration envisions the HK-

SAR enjoying “a high degree of autonomy” for fifty years, until 2047. The document promises no change in Hong Kong’s “social and economic systems” and stipulates that:

Rights and freedoms, including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law in the Hong Kong Special Administrative Region. Private property, ownership of enterprises, legitimate right of inheritance and foreign investment will be protected by law.⁷

In Hong Kong, these rights and freedoms were not novelties. They had long existed under British colonial rule. The “one country, two systems” model’s promise to preserve them, however, was dubious from the start. To Hong Kongers, the coexistence of “two systems” offered a way to shield the city’s rights and freedoms from the CCP’s dictatorship. Hong Kong’s cherished rule of law, independent courts, neutral civil service, impartial police, and free press were supposed to remain unchanged. For Beijing, however, Hong Kong’s value lay in the boost that its capitalist economy could give to the PRC’s socialist one. Once the mainland’s economy caught up with Hong Kong’s, there would be no need for “two systems.” Instead, only one—the system of single-party rule by the CCP—would suffice.

This formula was also misbegotten because between the Joint Declaration and the handover came the Tiananmen crackdown. When protests swept the PRC in May 1989, Hong Kong people marched under the slogan “Today’s Tiananmen, tomorrow’s Hong Kong.” In the hope that a more open China would bode well for the city, Hong Kongers donated money and material to show solidarity with the mainland demonstrators. After the bloody repression, hope gave way to despair: If the CCP could shoot its own people today, what would it do to Hong Kongers tomorrow? This fear gave rise to the conviction that only full democratization could safeguard the city’s fundamental rights and freedoms. The CCP, for its part, came to view Hong Kong as a potential source of subversion and was determined to make the city safe not for its historic freedoms, but for the Beijing regime.

In this tense environment, in 1990, came the Basic Law, Hong Kong’s mini-constitution. It rolled back critical promises that had been written into the Joint Declaration.⁸ Recently declassified documents show that London complained about discrepancies between the two documents.⁹ The prospect of democratic rule was emasculated. Hong Kong was to be governed by a chief executive who would be named by a 900-member Election Committee (later expanded to 1,200 members); Beijing stacked the body with its friends and loyalists. LegCo, meanwhile, is only half directly elected from geographical districts: The remaining half of its seats are filled by narrowly based “functional constituencies” that elect

mostly politicians favorable to the regime. Under the Basic Law, the chief executive holds broad appointment powers and can push bills through LegCo. Funding and licensing authorities give the chief executive strong influence over nongovernmental sectors.

For the CCP, however, ruling indirectly through a powerful, hand-picked chief executive was not enough. In 2000, Beijing set up a “second administration” in Hong Kong through a Liaison Office under the HKMAO.¹⁰ This office has reached deep into all eighteen HKSAR administrative districts, mobilizing human and material support for pro-Beijing candidates in various elections. Promised a “high degree” of self-rule, Hong Kongers have instead received ever-encroaching Beijing rule. The resulting deep frustration fueled the Umbrella Movement. Beijing responded to that massive call for democracy with nothing but more efforts to undercut Hong Kong’s autonomy.

In February 2019, apparently acting under orders from Beijing, Chief Executive Carrie Lam proposed the extradition bill.¹¹ The ensuing protests were the largest ever seen in Hong Kong. After this intense opposition forced Lam to first suspend and then withdraw the bill, Beijing signaled that its answer to Hong Kong’s rejection of extradition would be to bring central-government officials and agencies to the city. Already in early 2020, senior figures were named to head the HKMAO and the Liaison Office. The national-security law formally creates in Hong Kong a Central Government Office for Safeguarding National Security, staffed by mainland secret-police and public-security agents, to “guide, oversee, and supervise” local officials in matters touching national security. The law also establishes a local national-security committee of HK-SAR cabinet members to be chaired by the HKSAR chief executive, but this body acts under Beijing’s direct supervision. The involuntary incorporation of Hong Kong into “one country, one system” is now complete.

Denying Democracy

The Basic Law’s stipulation of “gradual and orderly progress” toward the “ultimate aim” of “universal suffrage” in electing LegCo and the chief executive led Hong Kongers to believe that they would enjoy full democracy within a decade after the handover. Beijing, however, viewed any push for democracy through the lens of the Tiananmen crisis and the question of regime security. The PRC adopted a policy of denying Hong Kong’s democratic aspirations at every turn.

First, in 2007, Beijing announced that it would postpone any changes for ten years. When that interval was coming to an end, Beijing decreed that only two or three candidates would be allowed to run for chief executive, and that each would have to be approved by a PRC-dominated nominating committee. (At the same time, there was no move to make all of LegCo directly elected.) The goal was to have handpicked chief

executives acting behind a façade of popular legitimacy. Fooled by none of this, Hong Kong democrats organized Occupy Central with Love and Peace, holding sit-ins that blocked prime commercial streets for 79 days from 28 September to 14 December 2014. Dubbed the Umbrella Movement by foreign journalists, Occupy Central decried the “fake universal franchise” and demanded “genuine universal suffrage.” The movement stymied Beijing’s plan for vetted elections but failed to secure additional measures of democratic accountability.

The authorities only tightened the leash. Ahead of the 2016 LegCo elections, they barred an independence advocate, Edward Leung, from running. Two candidates who leaned in favor of independence did win, but when they displayed a flag bearing the words “Hong Kong is not China” at their swearing-in ceremonies, then-Chief Executive Chun-ying Leung asked a court to disqualify them. Before the court could rule, Beijing announced a binding interpretation of the Basic Law that retroactively disqualified any legislator-elect who revised or added to the formal oath. The court obediently disqualified the two lawmakers, and added four more who never backed independence.

The governmental bodies in Hong Kong that are the closest to being directly elected in full are the eighteen District Councils. They have a total of 479 seats, and 452 of these are filled directly by the voters. The high incidence of directly elected seats is a token of the District Councils’ lack of power: Their sway is limited to local concerns such as the management of community facilities and activities. Elections were set for 24 November 2019. With protests against the extradition bill raging, both the authorities and the opposition approached these normally uncontroversial races as a *de facto* referendum on the protests. The regime was confident that Hong Kong people would “vote to end the violence.”¹² To its surprise, candidates who backed the protesters’ demands took 57 percent of the vote and 388 of the 452 seats that were at stake. The democracy backers won a majority on every District Council but one. Alarmed, the authorities reacted by freezing out the elected councilors as much as possible, refusing to meet with them, denying them office space, cutting their funding, and so forth. There have been rumblings about disqualifying prodemocracy councilors from taking their assigned places on the 1,200-member Election Committee that will choose the next chief executive.

Building on their District Council victories, the prodemocracy camp strategized to win a majority of LegCo seats in the 6 September 2020 elections. To avoid splitting the vote, the democratic forces held primaries in July. Chief Executive Carrie Lam said ominously that a coordinated effort by democrats to win a LegCo majority in order to resist her government’s policies would amount to subversion. Despite—or perhaps because of—her warnings, the number of primary votes cast was about 610,000, more than triple what the organizers expected. Convinced that

pro-Beijing candidates were certain to lose even manipulated elections, the authorities not only disqualified a dozen prodemocracy candidates, but also postponed the September elections for a year.

Killing Freedom

Hong Kongers enjoyed preexisting freedoms and rights that empowered them to keep demanding democracy. The PRC's continual denial of democracy to the city only served to drive more of its people to join the protests. To silence the calls for democracy, Beijing killed the city's freedom.

The pillars of freedom—what Hong Kongers call “core values”—are the rights and freedoms listed in the Joint Declaration, understood as operating within the vital safeguards for liberty provided by the rule of law, an independent judiciary, a neutral civil service, an impartial police force, an unfettered press, and professional, legal, educational, financial, medical, and religious groups that are allowed to act without undue government control.

Beijing has deployed the appointment, promotion, and dismissal powers of the city's “two administrations” (the one run by the chief executive and the one run by Beijing's Liaison Office) to undermine these freedoms. Local elites—legislators, district and university councilors, civil servants, police officers, solicitors, businesspeople with mainland ties—have been rendered beholden to Beijing rather than accountable to the people of Hong Kong. Beijing's loyalists get carrots, its critics get the stick. Before the Umbrella Movement, those who did not fall into line could be attacked by thugs, demoted, or fired. They would find their works censored, their contracts terminated. The reaction to the Umbrella Movement increased the stakes to months in prison, before the latest crackdown added torture and extradition to the mainland.

In the aftermath of the Umbrella Movement, Beijing's attack on freedom widened. For the first time, the Hong Kong courts became a battleground in a broad “struggle campaign” against democracy, rights, and self-rule.¹³ Beijing was not subtle about its displeasure at Hong Kong's judicial independence. Central officials and local pro-CCP politicians repeatedly complained that judges were being too lenient with people arrested during the protests.¹⁴ In August 2017, the Court of Appeal handed down jail terms of six to eight months for student leaders Alex Chow, Joshua Wong, and Nathan Law (who was also one of the disqualified LegCo members). In April 2019, nine movement leaders including the chief organizer (law professor Benny Tai) received sentences of up to sixteen months for conspiracy to cause public nuisance, or incitement (both first- and secondhand) of others to cause public nuisance.

The government further targeted universities as hotbeds of dissent.

The University of Hong Kong was singled out because Benny Tai taught there and because the regime claimed that some of the faculty were “meddling in politics.”¹⁵ The former dean of the law school, Johannes Chan, was a target of the “meddling” accusation, and found himself denied promotion for defending Tai.

To directly influence the mass media, pro-Beijing business interests bought up newspaper and television stations. The most famous was the 2016 purchase of the *South China Morning Post* by Alibaba Group billionaire Jack Ma. Direct methods were used as well: When *Financial Times* reporter Victor Mallet hosted a talk by pro-independence activist Andy Chan at the Foreign Correspondents’ Club in 2018, authorities refused to renew Mallet’s visa.

Unimaginable until it occurred, the removal of Hong Kongers’ freedoms picked up speed during the 2019 protests against the extradition bill. Hong Kong law requires the organizers of a protest to obtain a permit stating that police have “no objection” to the event. Traditionally these were issued as a matter of course. After a summer of massive protests, however, the police stopped issuing permits following another huge turnout of 1.7 million on August 18. Protest activities since then have therefore been rendered “unlawful.” Police began arresting protest organizers, targeting journalists who covered protests, and going after first-aiders who helped those hit by tear gas, rubber bullets, or pepper spray. Protest-related offenses began drawing heavier charges, too, such as riot and arson.

The imposition of the national-security law this year has opened the way for a much more comprehensive and chilling assault on what remains of freedom in Hong Kong. The law promises to protect “the freedoms of speech, of the press, of publication, of association, of assembly, of procession, and of demonstration” in accord with international conventions, but in reality anyone who tries to exercise such freedoms is liable to criminal charges. On 1 July 2020, the police arrested 370 for protesting or for simply possessing protest materials in backpacks; ten among them were charged under the new law.

Just as alarming, those charged with breaking the national-security law are not protected by the rule of law. Until 2020, the Hong Kong judiciary remained largely professional and independent even though many loyalist judges had been appointed and promoted over the years. In November 2019, a local court particularly infuriated Beijing by declaring unconstitutional the government’s ban on mask-wearing by protesters. The new law bars judicial review in matters of national security, and empowers the chief executive to form a select panel of current and retired jurists to try national-security cases, with judges easy to remove for any hint of “endangering national security.” The law creates a presumption against bail—it can only be granted if the judge has sufficient grounds to believe that the subject will refrain from any acts endanger-

ing “national security.” Prosecutors may apply to deny any defendant a jury trial. Penalties start at three years and extend to life in prison, with rendition to the mainland possible.

The Anti-Extradition Protests and Beyond

How should we understand such a rapid downward spiral in Hong Kong? Much has been said about the loose leadership structure among masked protesters and the unprecedented turn to violence. The developments become more understandable when the anti-extradition protests are seen as the culmination of more than two decades of fruitless struggle to resist Beijing’s relentless encroachments. Protesters maintained anonymity because all known Umbrella Movement leaders had been convicted and jailed. Peaceful protest had been practiced since 1989, but to no avail.

For the anti-extradition protesters, 2019 was Hong Kong’s “last stand.” Extradition would strip Hong Kong of the protection of the rule of law and expose it to politicized courts subservient to the CCP. Protesters understood that the coming repression would be much harsher than what had happened after the Umbrella Movement. The sense of “we cannot afford to lose” fueled the protests’ rapid spread and escalation, and explains their endurance. Sadly, the fears of 2019 are proving to be the realities of 2020 as the CCP closes in.

Street protests against extradition began on 28 April 2019, when 130,000 answered the call to action that the Umbrella leaders issued at the time of their sentencing. LegCo was supposed to deliberate on and pass the bill on June 12. On June 9, a million people poured into the streets. On June 12, human blockades of the LegCo building forced a delay. At nightfall, officials accused arrested protesters of “rioting.” Carrie Lam vowed to press on, but consultations with Beijing led her to “suspend” the bill on June 15. Hong Kong people were emboldened by this small “victory” and enraged by police abuses on June 12. On June 16, as many as two-million people swamped Hong Kong Island to make “Five Demands”: formal withdrawal of the bill, an independent investigation of police abuses, an amnesty for arrestees, a repudiation of the “riot” characterization, and an open dialogue on “genuine universal suffrage.” There were no “riots” in June, but the authorities would instigate them starting in August.

To radicalize peaceful demonstrators, the government’s first move was to refuse all concessions. Carrie Lam’s unresponsiveness to June’s massive shows of popular will generated sympathy for the hundreds who stormed into the LegCo building on July 1. On July 21, when protesters defaced the PRC national emblem outside the Liaison Office, there was unease among moderates. Yet any reservations were soon overshadowed when, that same day, more than a hundred white-clad thugs, apparently

colluding with the police, attacked pedestrians and rail commuters at Yuen Long in the northwestern part of the HKSAR.

That summer, Hong Kongers formed human chains, sang the protest anthem “Glory to Hong Kong” in shopping malls, staged flash gatherings, put up giant slogans on mountaintops and buildings, posted sticky notes and public art on “[John] Lennon walls,” and organized strikes and boycotts. These peaceful displays of the Five Demands were subject to the same risks as “unlawful assemblies.” Protest artworks and makeshift memorials to those who had died in suspicious circumstances were swiftly demolished. Education Secretary Kevin Yeung warned students against engaging in any political activities while in school uniform. Cathay Pacific Airways staffers who joined the August 5 general strike, which caused flight cancellations, were fired once Beijing pressured management. “Yellow” businesses (meaning those known to support democracy) were harassed by government agents or vandalized.

In addition to stifling legal and peaceful channels of expression, the authorities launched large-scale state-sanctioned violence against protesters to provoke radicalization. Beijing’s main move here was to subvert the Hong Kong police into acting like PRC security forces.¹⁶ At the height of mass protests in mid-2019, the authorities planned to keep making arrests “until no one is there.”¹⁷ Not trusting the still somewhat independent courts, the police began seeking to cripple the protests by crippling protesters—literally. In November, Xi Jinping himself called on the police to take “forceful actions” against “violent crimes,” and top PRC security officials began meeting with Carrie Lam.¹⁸

Hong Kongers were stunned to see the police routinely firing tear gas, rubber bullets, beanbag rounds, and water cannons at head level, and from close ranges. Arrestees were handled with excessive force, and even outright beaten. Once detained, they were denied access to families and lawyers for hours on end. There were broken bones and brain bleeds. Women complained of sexual assault. The police also blocked first responders and ambulances, and rounded up suspected protesters at hospitals. Doctors and nurses, who saw firsthand the severity of injuries, staged sit-ins with the slogan “Hong Kong police attempt to murder Hong Kong citizens.” The police targeted reporters, social workers, and elected councilors who were present at protests to perform professional duties. The force was accused of indiscriminately attacking riders on the Mass Transit Railway at Prince Edward station on August 31. Media and civic organizations, both international and local, compiled mountainous reports on police brutality. It is worth noting that uniformed police committed many abuses in front of cameras, suggesting that officers knew they enjoyed impunity.

Chris Tang became police chief in November 2019 and launched a weeks-long assault on Hong Kong Polytechnic University. Hong Kong analysts suspected that he had a strategy to lure hardcore pro-

testers to “defend” Polytechnic.¹⁹ In this operation, his officers arrested 1,377 people, and registered an additional 318 who were below the age of eighteen for possible arrest at a later date.²⁰

During the July 21 Yuen Long attack, the police did not show up until it was over, leading to fears that they were colluding with the triads (criminal gangs) who had sent the white-clad assaulters armed with sticks and rods. The recurrence of daily violence helped to trigger vigilante justice against individuals suspected of supporting the CCP regime and its Hong Kong affiliates.

Protesters cited these regime abuses to justify throwing bricks and gasoline bombs and setting fire to police cars and government buildings.²¹ This violent turn was also facilitated and fomented by the authorities. On July 1, when protesters broke into the LegCo building, police officers were inexplicably absent.²² On August 11, police were first caught dressed as protesters. In late September, footage was posted of a black-clad man in a mask shoving a journalist and then shouting “our own people” to uniformed officers, who left him alone.²³ In October, photographs appeared of a man joining in vandalizing a police station’s sign, then running into the station.²⁴ Earlier that month, windows were broken at a train station that the police had shut down, but the broken glass was photographed lying on the outside, suggesting that the damage had been done from the inside.²⁵ A Hong Kong–Guangzhou through train was attacked in Fanling station though the train would not normally stop there.²⁶ To add to the mystery, Fanling is where the Police Tactical Unit is based. Nevertheless, for outside observers, it was difficult to conduct forensic analyses of who did what. Images of masked, black-clad people emerging from burning shops and train stations made it hard to distinguish genuine from fake protesters.

In announcing the national-security law, Beijing claimed that it was targeting only this small minority of violent protesters. The irony is that by early 2020, the protests had already quieted down. With more than seven-thousand arrests and thousands more injuries by then, moderate professionals had regained the center stage, turning their attention to organizing unions, expanding the “yellow economy” of prodemocracy forces, and strategizing to win the scheduled September LegCo elections.

Hong Kong’s Lesson for World Struggles

Hong Kong’s meteoric downfall offers important lessons for the literature on democracy struggles. Erica Chenoweth and Maria Stephan’s widely cited research shows that movements which were primarily non-violent and could mobilize at least 3.5 percent of the relevant population (in most cases a national population) invariably succeeded.²⁷ Hong Kong should count as a “primarily” nonviolent case in their coding, and the mobilizations of Hong Kong’s population easily surpass the 3.5

percent threshold. A million and a half Hong Kongers marched to support the Tiananmen demonstrators in 1989, and half a million protested

The very successes of nonviolent “color revolutions” elsewhere probably doomed the Hong Kong struggle. Beijing equates nonviolence with democracy, color revolutions, and regime change, which in turn serves as a reminder of Tiananmen.

a proposed 2003 legal change that foreshadowed the national-security law. The Umbrella Movement appears to have drawn the participation of 1.2 million people in one capacity or another.²⁸ In 2019, the demonstrating crowds that thronged Hong Kong Island before the police embargoed permits are thought to have numbered up to two million. If crowd estimates seem to leave room for doubt, consider the undisputed 1.6 million votes cast for prodemocracy candidates in the District Council

elections. With such large public backing, why did the opposition fail?

Perhaps the political-science literature on “contentious politics” can shed light on that question. Charles Tilly and Sidney Tarrow argue that one must analyze the interactions between societal challengers and state agents the way one would analyze a chess game.²⁹ Outcomes are shaped not only by the opposition’s moves, but also by those of the regime.

When the course of the anti-extradition protests is seen as a series of moves and countermoves, “riots” may appear as the intended product of a regime strategy. Hong Kong’s security chiefs probably knew that allowing officers to beat protesters in full view of livestreaming local and international media would provoke public outrage and make violence by the protest side more likely. During the Umbrella Movement and in June and July 2019, police beat protesters mostly out of public view. On August 11, after repeated warnings from the PLA and the HKMAO failed to scare away protesters, the police began torturing people in public. This suggests that the beatings were not random events, but instead were applied deliberately not just to “decapacitate” protesters, but also to provoke a violent response.

Another game-like aspect of the dynamics of contention is the way that early success can lead to subsequent failure, like a chess gambit through which a player seizes an early advantage but which then cannot be sufficiently reinforced or exploited and so leaves that player worse off, with the opponent poised to strike counterblows. Moves that show effectiveness in earlier rounds may be preempted or counteracted in later rounds. This explains why, in Hong Kong, opposition victories would always be followed by a harsher response from Beijing. The victories—forcing the shelving of national-security legislation in 2003, and making Carrie Lam suspend and then withdraw the extradition bill in 2019—paved the way

for the draconian national-security law in 2020. The victory in holding primaries for LegCo seats triggered first the disqualification of prominent candidates, and then the postponement of the elections altogether.

More importantly, the very successes of nonviolent “color revolutions” elsewhere probably doomed the Hong Kong struggle. Beijing equates nonviolence with democracy, color revolutions, and regime change, which in turn serves as a reminder of Tiananmen. A commentary in the *China Daily*, a CCP mouthpiece, states that “nonviolent approaches” show “common elements of color revolutions,” which “include strong specific political demands, interference by external forces, attempts to motivate the public, social standoffs and turmoil. . . . and pursuit of a power transfer.”³⁰

Thus, the HKMAO condemned the August 5 strikes as “radical violations of public order and laws, challenging the bottom lines of ‘one country, two systems’ and national dignity.”³¹ Another spokesman lashed out at boycotts as well because they were intended to “paralyze the Hong Kong government, seize power for governing the [city] and make ‘one country, two systems’ an empty concept.” Liaison Office head Luo Huining ridiculed medical workers’ strikes in January 2020 as a “political form of coronavirus.”³² Beijing declared that the July 2020 LegCo primaries were aimed at “turning Hong Kong into a base for ‘color revolution,’ infiltration and subversion activities against the country.”³³ The CCP sees any attempt to exercise the rights and freedoms promised in the Basic Law through a filter created by fear of regime change. The moves to crush all opposition flow from this insecurity.

Kurt Schock contends that regime repressiveness does not change the effectiveness of nonviolent actions,³⁴ but Tilly and Tarrow suggest that regime capacity does.³⁵ Here, one must admit, the Chinese Communist regime excels: Whether in “decapitating” protesters and catching those fleeing on the high seas, or in ousting prodemocracy civil servants and even corporate staffers, the CCP has few if any peers among repressive regimes.

Nevertheless, Beijing’s Tiananmen-like crackdown in Hong Kong has gone far but is unlikely to go to the full extent. As Tilly and Tarrow also point out:

Repression generally succeeds in smothering contention if the prior level of mobilization was low. However, if state violence is increased after a protest cycle . . . is well underway, this repression is more likely to provoke even higher levels of challenge, both nonviolent and violent, rather than deter contention.³⁶

The national-security law understands this logic and aims to break down Hong Kong’s civil society by criminalizing even support for protest organizing and by calling on residents to report one another. Yet Hong Kongers are so highly mobilized and organized that Beijing faces

an uphill battle. The crackdown itself has given the people of Hong Kong a common cause to unite around. The education chief has vowed to teach students at every level from kindergarten to university to love the law. He aims to induce an “amnesia” like that which the CCP imposed on the mainland after Tiananmen. Yet by arresting and beating protesters as young as 11, the authorities have alienated a generation whose parents have spent thirty years chanting “Never forget June 4.” The arrest of Cheuk-ting Lam for “rioting” in the Yuen Long incident is probably intended to achieve the twin goals of depicting opposition figures as “rioters” and whitewashing thug violence and police collusion. But Hong Kongers immediately responded with a modified rallying cry: “Never forget July 21.”

The “one country, two systems” model is dead, but Hong Kongers’ will to defend freedom is not. And they are not alone in their confrontation with Beijing. Third-party players have some influence over the moves and countermoves, and the national-security law has generated an international outcry. The PRC’s leaders probably calculated that, so long as they did not actually send in the tanks, they could do what they liked to Hong Kong. Beijing’s new law so blatantly violates the Sino-British Joint Declaration and the Basic Law, however, that the U.S. government has decertified the city’s special autonomous trade status and imposed sanctions on Hong Kong officials. Other democratic countries and the United Nations have likewise forcefully condemned the crackdown. Beijing long wanted to turn the Hong Kong system into “capitalism without freedom.” In killing Hong Kong’s freedom, Beijing has also learned that it is dismantling the city’s capitalism and all the benefits that has brought to the PRC. Will this unintended outcome cause Beijing to regret its game plan?

NOTES

1. For the text of the law in English, see <https://hongkongfp.com/2020/07/01/in-full-english-translation-of-the-hong-kong-national-security-law>.

2. “[War against Riot] More than 9,000 People Were Arrested in the Return, 653 People Were Charged with Riots, 57 People Were Sentenced to Imprisonment” [in Chinese], *Apple Daily* (Hong Kong), 29 July 2020, <https://hk.appledaily.com/local/20200729/73HO4RVYILWBATGZ5WBM6XNSKI>.

3. On the Umbrella Movement, see Victoria Tin-bor Hui, “Hong Kong’s Umbrella Movement: The Protests and Beyond,” *Journal of Democracy* 26 (April 2015): 111–21. See also Benny Tai, “30 Years After Tiananmen: Hong Kong Remembers,” *Journal of Democracy* 30 (April 2019): 64–69.

4. “Hong Kong Activist Tam Tak-chi Faces Sedition Charges for Uttering Protest Slogans, Hours After Leader Carrie Lam’s Free Speech Assurances,” *Hong Kong Free Press*, 8 September 2020, <https://hongkongfp.com/2020/09/08/hong-kong-activist-tam-tak-chi-faces-sedition-charges-for-uttering-protest-slogans-hours-after-leader-carrie-lams-free-speech-assurances>.

5. Hui, “Hong Kong’s Umbrella Movement: The Protest and Beyond.”

6. Kelvin Chan and Kin Cheung, "Hong Kong Police Draw Guns, Arrest 36 from Latest Protest," Associated Press, 25 August 2019, <https://apnews.com/b116e-37159164abb9bfede0bc341dd0a>.

7. For the text of the Joint Declaration, see www.cmab.gov.hk/en/issues/jd2.htm.

8. Michael C. Davis, "Hong Kong's Umbrella Movement: Beijing's Broken Promises," *Journal of Democracy* 26 (April 2015): 101–10.

9. "UK Knew Early About Holes with Political Reforms and Interpretation in the Basic Law, Raised Amendments with Beijing but Rejected" [in Chinese], *Apple Daily* (Hong Kong), 5 January 2020, <https://hk.news.appledaily.com/local/20200105/G7EYD5UK-PU7XUBQ3CK4YFK5GBI>.

10. Russell Hsiao, "A Preliminary Survey of CCP Influence Efforts in Hong Kong," Jamestown Foundation, 31 July 2019, <https://jamestown.org/program/a-preliminary-survey-of-ccp-influence-efforts-in-hong-kong>.

11. David Lague, James Pomfret, and Greg Torode, "How Murder, Kidnappings, and Miscalculation Set off Hong Kong's Revolt," Reuters, 20 December 2019, www.reuters.com/investigates/special-report/hongkong-protests-extradition-narrative.

12. "Hong Kong District Council Election: Chinese State Media Urges Citizens 'Vote to End Violence,'" *Hong Kong Free Press*, 24 November 2019, <https://hongkongfp.com/2019/11/24/hong-kong-district-council-election-chinese-state-media-urges-citizens-vote-end-violence>.

13. Tony Cheung and Fanny Fung, "Now Hong Kong Must Face the Big Questions in Wake of Occupy," *South China Morning Post* (Hong Kong), 13 December 2014.

14. Christy Leung, "'No Mercy' for Hong Kong's Pro-Independence 'Rats' Says Head of Top Beijing Think Tank," *South China Morning Post*, 30 November 2016, www.scmp.com/news/hong-kong/politics/article/2050425/no-mercy-hong-kongs-pro-independence-rats-says-head-top.

15. 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 www.ejinsight.com/20150203-top-academic-lashes-at-pro-beijing-media-before-key-appointment.

16. Michael C. Davis and Victoria Tin-bor Hui, "Will China Crush the Protests in Hong Kong?" *Foreign Affairs*, 5 August 2019, www.foreignaffairs.com/articles/china/2019-08-05/will-china-crush-protests-hong-kong.

17. Sha Banshan, "The Government Will Not Agree to the Five Major Demands, 'War of Attrition' to Counter the Protesters" [in Chinese], *HK01*, 27 August 2019, www.hk01.com/政情/368236/政圈風聲-消息-政府不會答允五大訴求-消耗戰-抗衡示威者.

18. Laura Zhao, "Xi Jinping Again Backs Hong Kong Police Use of Force in Stopping Unrest," *South China Morning Post*, 14 November 2019; Jun Mai, Echo Xie, and William Zheng, "Why Was China's Domestic Security Chief Guo Shengkun at Carrie Lam's Meeting with Xi Jinping?" *South China Morning Post*, 17 December 2019.

19. Lu Zijian, "What Caused the Polytechnic Tragedy?" [in Chinese], *Hong Kong Citizen News*, 19 November 2019, www.hkcnews.com/article/24918/圍困理工-1117理工衝突-鄧炳強-24918/制造理大慘案、所為何事.

20. "A Total of over 10,000 Petrol Bombs Seized from Various Universities, 4000 from Poly U, 5,890 Protesters Arrested Since June," *Dimsum Daily Hong Kong*, 29 November 2019, www.dimsumdaily.hk/a-total-of-over-10000-petrol-bombs-seized-from-various-universities-4000-from-poly-u-5890-protesters-arrested-since-june.

21. A study on the effectiveness of “unarmed collective violence” was circulated in the summer of 2019 and could have provided justification for the violent turn. See Mohammad Ali Kadivar and Neil Ketchley, “Sticks, Stones, and Molotov Cocktails: Unarmed Collective Violence and Democratization,” *Socius*, 5 June 2018, <https://doi.org/10.1177%2F2378023118773614>.

22. Emily Lo and Sulaiman Daud, “Conspiracy Theory in Hong Kong: Protesters Enter LegCo Building at 9pm, Police Record Warning at 5pm,” *Mothership*, 2 July 2019, <https://mothership.sg/2019/07/police-watch-warning-hong-kong-legco>.

23. “Police Dressed as Protester Pushed Reporter and Called Out ‘Our Own People’” [in Chinese], *Apple Daily*, 29 September 2019, www.youtube.com/watch?v=6MYxOGk-R_9I&feature=share&fbclid=IwAR1aex3luZzc6h0lISLwRPiXurCo0CdZu-7KugOMkFRfO9Hlu8UM7CjVFM.

24. “Person Dressed as Protester Vandalized the Yaumatei-Tsimshatsui Police Station and Ran Inside” (in Chinese), *Facebook*, 20 October 2019, www.facebook.com/FixingHK/photos/a.608452522619273/1746011145530066/?type=3&theater.

25. “Masked Rioters’ Identities Revealed; MTR Facilities Were Not Damaged by Protesters” [in Chinese], *MSN News*, 9 October 2019, www.msn.com/zh-hk/news/localnews/【破壞黨鐵】示威風向不糊塗轉吹-蒙面暴徒身份再曝光-港鐵設施並非毀壞/ar-AAIxbf3.

26. “Nine Suspicious Points About the Vandalism at Fanling Station” [in Chinese], *Facebook*, 7 October 2019, www.facebook.com/akorcp/photos/a.1659147874338954/2432724963647904.

27. Maria J. Stephan and Erica Chenoweth, “Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict,” *International Security* 33 (Summer 2008): 7–44.

28. “Public Opinion and Political Development in Hong Kong: Survey Results,” Chinese University of Hong Kong, 18 December, 2014, www.com.cuhk.edu.hk/ccpos/images/news/TaskForce_PressRelease_141218_English.pdf.

29. Charles Tilly and Sydney Tarrow, *Contentious Politics*, 2nd ed. (New York: Oxford University Press, 2015), 97–116.

30. Zhang Yunbi, “HK ‘Color Revolution’ Signs Seen,” *China Daily*, 6 September 2019, www.chinadaily.com.cn/a/201909/06/WS5d71ac70a310cf3e3556a085.html.

31. “Hong Kong’s Government and Police ‘Completely Capable’ of Protecting Law and Order, Key Beijing Official Says, Ruling out Need for PLA to be Mobilised,” *South China Morning Post*, 6 August 2019.

32. “HK Troublemakers Are a Political Virus: Luo Huining,” *Radio Television Hong Kong*, 20 February 2020, <https://news.rthk.hk/rthk/en/component/k2/1509714-20200220.htm>.

33. Kimmy Chung and Chris Lau, “Hong Kong Elections: Beijing Accuses Occupy Protest Leader Benny Tai of Breaking National Security Law Through Primary Poll,” *South China Morning Post*, 14 July 2020.

34. Kurt Schock, “Nonviolent Action and Its Misconceptions: Insights for Social Scientists,” *PS: Political Science and Politics* 36 (October 2003): 705–12.

35. Tilly and Tarrow, *Contentious Politics*, 58.

36. Tilly and Tarrow, *Contentious Politics*, 110.