

**Transcript of *Making Hong Kong China:
The Rollback of Human Rights and the Rule of Law*
An AAS Digital Dialogue
Tuesday, November 17, 2020
7:00PM EST**

00:00:11 Maura Cunningham

Okay. So we are going to get started. Hello and thank you to everyone who is attending our AAS Digital Dialogue this evening. My name is Maura Cunningham and I am a historian of modern China. I'm also the Digital Media Manager at the Association for Asian Studies. I'd like to begin tonight by thanking the Henry Luce foundation for its support of this Digital Dialogue series. Their- their support is really important to us to be able to hold these sorts of conversations. And we are very pleased to hold this event, which is our first book launch for an AAS publications title. We have three books series on Asia Past and Present, Key Issues in Asian Studies and Asia shorts. And tonight, we are talking about Asia Shorts book.

And I think for anyone who follows the news, and especially those of us who follow China, we cannot help but notice that there has been a steady stream of stories, about protests and repression in Hong Kong. And these stories have been multiplying in recent years, and over the past 18 months or so have really become almost a daily or near daily features in most publications. And there are certain dates and stories in this recent timeline that are have been particularly powerful ones that stand out. So for example, June 12, 2019, when nearly 2 million people marched in the streets of Hong Kong against a proposed extradition bill. Another one of the dates that stands out is November 8, 2019, and the death of student protester, Alex Chow. And then later that month, the siege of university campuses in the city. Such landmark dates and events have really continued into 2020. And indeed, they seem to be happening closer and closer together. But I think the 2020 date that really marked a fundamental turning point in Hong Kong story was June 30th, when the Chinese government base in Beijing imposed a national security law on Hong Kong. And the passage of that law was the catalyst for the writing of our new Asia Shorts title, *Making Hong Kong China: The Rollback of Human Rights and the Rule of Law* by Michael C. Davis, one of our panelists tonight, so around- a roundtable participants today will share their thoughts on the national security law and also on events in Hong Kong more broadly. We do have full bio sketches of each speaker available at the AAS website, but I'm going to give a very brief introduction for each one. So we will start with Michael C. Davis, who is a legal scholar who has published widely on issues relating to human rights and the rule of law. He is currently teaching in the Faculty of Law at the University of Hong Kong. Although he speaks to us today from New York.

We have Mary Hui who is a journalist for Quartz in Hong Kong. She covers the intersection of geopolitics technology and business in Asia. Sharon Yam is Associate Professor of writing rhetoric and digital studies with the University of Kentucky. She is the author of *Inconvenient Strangers: Transnational Subjects and the Politics of Citizenship* published by Ohio State University Press. And Maggie Lewis, who is professor of law at Seton Hall University. She is

speaking to us today from Taiwan, where she is a visiting scholar at the judges Academy and Academia Sinica. So each one of those panelists, in the order that I just introduced them is going to offer some brief introductory remarks, they will have time for discussion with each other or I can pose questions to them. I have some of my own, but I also urge all of you to put your own questions in the Q&A feature on your Zoom screen. So with that, I will turn it over to Michael and invite him to start speaking.

Michael, you're muted.

00:04:20 Michael C. Davis

Haha, I didn't know whether you were controlling my mute-muteness or not. Anyway, I appreciate the chance to speak about what's going on in Hong Kong. I mean, why I wrote the book is because of my concerns about Hong Kong I was a professor there for more than 30 years so it's where I've lived most of my adult life and it's home. And I'm not sure if I could even go back now because of the things I write that it's a problem for the people of Hong Kong that that what what I guess I can do and short few minutes that I can talk is mentioned what they had they had a basic commitment under the sign of British treaty and the basic law to have one country two systems' and this this commitment was not a shallow one it the Chinese officials like to now pretend that it's all about one country and that people have to be loyal. And they throw a bunch of people out of the for four legislators out of the legislature this week, because in effect, they weren't patriotic enough. That statements they had made against the national security law that you mentioned, were a violation, I guess, and that they would be expelled. And as a result, all the legislators on the Pan-Democratic side, the opposition legislators all walked out and quit the Legislative Council. That's a long way from what was promised the promise was one country, two systems' and the Basic Law wasn't, you know, unclear on this, it had guaranteed the ICCPR. And the International Covenant on Civil and Political Rights would apply to Hong Kong continue to apply as it did before, that the rule of law would be maintained under the common law system, and that all these a whole list of rights were to be protected. If you look at the list, there's about 16 of them, eight of them were free speech in one form or another. So the guarantee was very much a kind of liberal constitutional model. It said explicitly, that that if people, you know, officials violated the basic law, that they're going to be challenged in the court. So all the kinds of liberal constitutional ingredients you would expect in a modern democracy. And speaking of democracy, it promised in the basic law that the ultimate aim was universal suffrage. So when people in Hong Kong take to the street, the number you mentioned, example 2 million, they're basically judging that they have to defend Hong Kong's autonomy, that the rule of law is under threat. If Hong Kong's autonomy is under threat, and if Beijing interferes too much, then that's a problem for them. And so they're very wise about this. They understand where the threat comes from. And it's interesting that these, these liberal constitutional guarantees were not only explicit, but also added to it as a promise that mainland departments are told not to interfere in Hong Kong affairs, and that at the same time, mainland laws did not apply. So the idea that it was Hong Kong people, or people like ourselves in this panel don't understand the promises that were made, or mislead the public on what promises were made. Makes no sense at all. I mean, why do all this if you're not promising to maintain Hong Kong system, so that was the promise. And over the years, what we see are public

protests very often, because there's a government in Hong Kong that doesn't seem to represent Hong Kong people. And so most Hong Kongers, that take to these protests, feel that they needed a democratically elected government, the current government is largely chosen by Beijing friendly committee. And so if they get a democracy, maybe the government will speak up for them will defend their core values. So this is why the protest, because why? Why did they need such a government was specially they needed to protect the rule of law. When you do opinion polls in Hong Kong, the highest core value is the rule of law. So all of this is what was on the table in 2014 and 15, there was famously the Umbrella Movement, demanding democracy. And they got nothing, you know, 79 days of occupying a major thoroughfare in the center of Hong Kong, netted none of the commitments that were made that this promise, the ultimate aim of universal suffrage was being discussed by the government. But eventually what the government and Beijing came up with was that they would vet the candidates. Yeah, you can all vote but we're going to choose who you can vote for, sort of like the Guardian Council, in Iran I guess, and- and so Hong Kong people were horrified at that. But that at the end of it all, that protest fatigue set in the Square was cleared. And then we had a brief period of silence. And instead of Beijing and Hong Kong, governments trying to listen to the people and improve on what what they were doing and address concerns, public concerns, they set out arresting people and prosecuting them. So a lot of the leaders of that movement were sent to jail. And so this was where it was at in 2019. When people took to the streets, there's 2 million still that was over an extradition bill still, the bill was not withdrawn. After 2 million people marched. So people started you know, the protesters vandalized the Legislative Council. They put a poster up in the Legislative Council before they left it says, you guys taught us that non violence doesn't work. So this is kind of a context and then the police instead of listening to the people and the government talking to the people it basically has the police take care of the protest and so we saw people being thrown downstairs and things in fighting the protest and police officer shooting at them and and violence from from the protesters as well some some hotheads throwing rocks and stones. And so that's sort of what it was at.

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And then again, when the pandemic set in instead of saying, well, now let's have a conversation, let's talk about this, let's see what we can do. Instead, you get Beijing now, more arrests, and then they eventually propose this national security law. The National Security Law completely erases the autonomy of Hong Kong. It sets up a committee in Hong Kong, chaired by the Chief Executive of Hong Kong to safeguard national security. And its actions are expressly not subject to judicial review. It sets up an office of the mainland officials in Hong Kong to take over, I guess, an old hotel building. Apparently, there's gonna be a lot of secret police in Hong Kong, from the State Security Bureau and so on. The committee itself has an advisor that the committee that that I mentioned is under the Central People's Government, expressively and it has an advisor, obviously, we call it a supervisor in a way because you know, if you have to answer the Central People's Government, and a central government official is appointed as an advisor, then it seems very clear what's happening, and expressly, no judicial review on this, the office that set up the office for safeguarding national security, which is the Central People's Government directly involved, that was not subjected to local jurisdiction at all. So this rule of law that Hong Kong won, and the idea that Hong Kong would have a high degree

of autonomy, as promised, was put under severe stress by this. And then the crimes that are created subversion, secession, sedition, and not sedition...subversion says collusion is the word I was looking for collusion and, and terrorism, all of these things now are under national security. Now, people will look at this and say, well, most countries prohibit some kind of subversion. But this is a very, if you look at the laws themselves, they're very vague. And that's, that's a real problem. Okay? They're very vague. And so we did people don't know what is the crime and what it isn't. And we hear thrown around on the streets. And several people have been arrested, under really vague charges. So so right now, we don't know the boundary of this. And this national security, as well as being wrapped in with all the previous laws on public order. So this is kind of the situation. So watching all of this unfold, I was moved to write this book. And I tried to tell the story, I think in a way that people ordinary people can understand, I hope they'll find it interesting. I use a more of a narrative style to try to elaborate this for general readers so they can understand it, but also to highlight these key points that I think academics and others will also find of interest. So that's kind of what I'm trying to do with the book. I've given a very quick overview, I think of 23 years of history. Well, the core thing, I think, is that these kinds of problems were built into the system from the beginning. And I think that's something that's quite important because Beijing retained for itself, the power to interpret the basic law. And this promise of democracy has been held up all these years, by the same officials, they sort of say that, well, you're not ready for democracy. And then when they finally proposed it, that Guardian council kind of model. So I think this is what Hong Kong people are facing. And we can talk about, you know, the consequences of this for the society. Thank you.

00:14:01 Maura Cunningham

Great, thank you so much, Michael, for that overview. Um, next up, we have Mary Hui who is going to talk to us about covering Hong Kong as a journalist in this time.

00:14:16 Mary Hui

Yeah. Hello, everyone. Thank you for joining the panel. It's an honor to share the space with everyone. So yeah, I've been covering the Hong Kong protests since they began in June last year, and it was just months of daily action. Everything just flowed into one then every single day was kind of this constant process of going through scrolling through Twitter, trying to keep on top of all the different news sources, from citizen journalists, to digital media outlets to more kind of legacy media, and student journalists groups. There was just so much information to keep on top of and around this time last year, you know, as we were coming towards the end of 2019. We just had a whole week of very violent, chaotic showdowns at various universities where police have laid siege to campuses across town. My colleagues, my editor, my colleagues, and I, we were talking about what we should actually name the protests, is that the anti extradition bill protests is that the anti China protests? Yeah, the extradition bill process was kind of a mouthful. And so we thought, well, how about just 2019 protests. And if the protests continue into 2020, then we'll have to figure out how to rename it and try to keep things consistent across our articles. And I guess less we know that, we know that actually the 2019 protests, despite it being fairly, the label itself being fairly straightforward, and possibly even a little bland, was actually quite accurate, because the protests kind of stopped in 2019. Essentially, the large scale protests of the kind that we saw in 2019, are no longer kind of a daily

feature of Hong Kong, live right now in 2020, largely, because first of all, we had the pandemic come through. And so there were large kind of restrictions on public gatherings that were then ostensibly then used to restrict the rights to public assembly. And then of course, now, with national security law, marches and protests that we saw on the scale, last year are can essentially be characterized and criminalized as acts of terrorism. So the 2019 protests label, actually that ended up sticking, and I guess, the, what we should call what we should label 2020. And kind of the larger Hong Kong trajectory. I haven't we haven't come up with one yet. But I think something like Making Hong Kong China is a good one.

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And that certainly provided a really good frame to try and think about the changes of this year. And so as much as last year was about kind of constantly trying to figure out where the latest tear gas canisters have been fired, or where the latest outcations have happened across town, this year has been kind of this laundry list, this relentless list of daily repression, daily oppression and repression, crack downs. And even that is actually quite hard to keep up with. And I've tried to myself just keep a list of things that have happened, just in the Google Docs that last year, I was keeping track of things like okay, when did the sit-in happen? When did the protests at the airport happen? When did people call on the strike this year, if I just kind of read through a couple of the items, it's been, for example, oh, when the when China laid down the decision to enact a national security law then followed by government, the Hong Kong government banning one of the protest anthems to the government proposing an oath of allegiance for civil servants. And just the past couple of weeks, that pace is really really picked up with, as Michael was just saying earlier, the effects of expulsion of the entire opposition camp in from LegCo followed by just yesterday, very strong comments from both current and former Chinese officials saying that the Hong Kong judiciary needs to be reformed and quote, "perfected". And just this morning, a couple hours ago we've had a couple of now former legislators arrested for their actions in the legislature earlier this year. So its just this constant, constant list of things happening if it's itself is quite difficult to keep keep on top of but I think one of I guess our jobs as journalists assist is to try and put those things in perspective to make sure that we don't and get so washed up. And so caught up in these daily changes that we forget what the context is and what the significance of these changes are.

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And so I guess, yeah, trying to keep up put into perspective, what the daily depression, daily repressions and daily and opposition and what daily resistance now looks like, in contrast to the large scale protests of last year. That's something that I try to keep in mind a lot. And I guess, more broadly, about how the changes happen, or sometimes, you know, you do have a couple of weeks of just relentless really, really fast changes, like what we've seen in the past over, I guess, November, and then you have kind of periods of even deceptive calm and you kind of feel like wow, okay, maybe things won't be so bad. And maybe the government will kind of pull back a little bit on their crackdown. And then of course, it comes back to another round of, of crackdowns and you just kind of go through the cycle where as the crackdowns happening, you think about what the next day will bring and then when you have the periods of calm, you kind of end up staying. And so I think that itself that cycle itself is does have a lot of effects on kind of

just the mental health of the entire population. And I think I really enjoyed a couple of the kind of the segment breaks throughout the book. The last one of which laid out various emotions of hope, despair, trepidation and fear. And I think that really does capture the cycle that people are constantly going through in Hong Kong, both on the macro level, I think that really does tend to capture the arc of the past two years, 20 years, but also on a weekly and daily basis too. Just now I think, if Michael took a little bit of time to figure out what that last one of the four crimes was, and I myself had, that I had trouble coming up. But you know, I've been writing about the national security law for so many months now. But just a couple of days ago, on an interview, I myself also tripped up on one of the crimes and I just couldn't remember whether it was a secession, subversion, I myself tripped up on collusion, I remember terrorism. And I think that itself says a lot about how vague the law is, and how we're so caught up in the rhetoric of the government, that it all becomes this one big blur of crack down, and we forget what the delineations are in the law itself. And of course, that is the intention of the law, um that we do forget everything and it becomes this one big kind of blob, that is hard to, I guess, fight back against. And so even just on a daily level, I think one of the things that we really have to do in Hong Kong, but also for all of us just to make sure that we don't get caught up in that kind of confusion. And try as best we can to hold on to things that give, I guess, life. Or yeah, just daily life kind of some definition that we can control for ourselves rather than having it imposed on us. So that's just there. Yeah, that's just all the comments I have to make now.

00:22:34 Maura Cunningham

Great, thank you so much, Mary, for sharing your experiences. And as you talked about some of the activism, we're now going to turn to Sharon to discuss that.

00:22:50 Sharon Yam

Share, I just have a few slides. I would say that these slides primarily have a hyperlink of sources and further readings. I'm going to later on drop the view only link for these lights in the in the comment session. Thank you, Mary, so much for especially at the end really encapsulate why I decided to focus on talking about what perhaps mainstream international news media don't often talk about or see, or primarily under NSL, even right before it was implemented. When protesters and activists already know that the crackdown is coming, how are people responding to it, knowing that street protest may no longer be an option? And I'll echo what Mary say earlier about this, a morpheus sense of anxiety and confusion that is a feature of the NSL and not a glitch. So thinking about how when especially when you have an NSL hotline that you that the government motivate and encourage people to call the hotline to report any of the neighbors or people that they know that they suspect that may have violated this really broad law, it is essentially creating an atmosphere in which no one can seem to trust each other and also create this feeling of disempowerment. And I'm thinking of, I'm currently actually teaching it, and social movement scholars Zeynep Tufekci's book *Twitter and Tear Gas* and when she say that, when government purposefully create confusion and distrust, it has a very harmful effect on social movements. Because when people feel disempowered, they feel like they're paralyzed by no longer knowing whether to trust a media outlet or not. They tend to just not act, right, and so not acting, then it's reinforcing in this existence of stay- status quo. So what I really want to kind of highlight here is that even though street protest or marches we no longer see million

marches not even right now 1000 march for the journalists association was not approved. So how exactly are Hongkongers and activist still kind of protecting and co innovating the spirit of resistance and self determination? Um. So I'm here featuring two small grassroots organization. They both if you can read Chinese, but they both are built upon a premise that if the government is not doing the job to take care of us, we have to organize within our community in order to facilitate mutual aid. And in order to kind of figure out how we in the local level can still do power. And so this one on the left is Fixing Hong Kong it was founded kind of right at the end of the Umbrella Movement. It is essentially mutual aid network constituting of social workers, students, and also just people who have various technical skills to, for example, do home repairs, they also have medical volunteers. So this organization has to go into underserved communities to help help them help, for example, single elderly people fix up their place. And also during the pandemic, when the government was slow to respond and there was the mask shortage, this is one of the organizations that have gathered donations to distribute to street cleaners, janitors who are not covered. And then on the right, this is another grassroots organizations that doesn't have an English name, but one of the [indistinguishable] one of the English publication, I translated this to Community Self Organizing. So what it does is that he said, What would you do if you're not satisfied with the government's governance and policy? In addition to protesting and going to marches? What else can we do, we can in fact, build up our community and start from there to build up a civil society from our very own neighborhood. And I will talk a little bit more about this group. But I also want to highlight why I think that these kind of grassroots organizations, they are so small, but why are they significant? Is that, again, it's also Tufekci's argument. And also, there's some other social movement scholars, when they're studying decentralized movements, like Hong Kong have identified that, while being decentralized has its plus some of the downside is also that in the face of crackdown, or in the face, when the government is adapting his strategies to shut down dissent. Without a governing decision making mechanism and a coherent structure, a lot of the times these decentralized movement, encounter what they call a tactical freeze, they just kind of like, okay, we only know how to we only go to marches. So now that we cannot go to marches, what are you supposed to do? We don't really know. But what I'm really wanting to use these examples do you want to demonstrate is that I think Hong Kong civil society is still co innovating and coming together, albeit in a much smaller scale, to avoid this form of tactical freeze.

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And also, earlier, I think Mary mentioned the protest at the 2019 protests, they have been strikes. So during the protest, you'll also see a development of labor union organizing from HKCTU, which is kind of the big umbrella group, even though again, they may no longer have the capacity to organize industry specific rallies, or kind of host city strikes. The labor unions are continuing still to develop and organize some of the more seasoned activists, in fact, are right now writing out, for example, a little handbook to guide these new unions because Hong Kong's union culture have not really been as vibrant and really been so mainstream until the protest. So this is going back to this is the organization or community self organized thing. This is one of the thing that they do, I'm linking here to you can refer they're about the founder. What they do is that they will set up street stalls on again on a grassroots kind of neighborhood. And then during these times, they were also using these stalls to make political education accessible. So for

instance, they have developed multiple educational pamphlets, including one that is teaching Hong Kong residents, how they can make sure that their HOA and tenant meetings are being run democratically and how they can make sure that the housing management is being transparent and how they, as residents get to kind of exercise advocate their own power and hold the management accountable. So they're in these small ways still instilling, to, to Hong Kongers, there's a sense that, yes, the government looks like it's it is, it doesn't look like it is cracking down on your civil liberties. But in the everyday life you there are so different ways in which people can still organize and kind of cultivate democratic processes.

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So next, I'll talk a little bit about how about on the transnational international front. So this one, I think that at the end of this presidential election, there's a little bit not a little bit of a lot of reckoning that Hong Kong activist, especially on the left and the Hong Kong diaspora have to do so these images were taken during the protest from the Hong Kong human rights and democracy act. It was you can see that this kind of the enthusiasm for the act have, because of a particular context that I don't have time to go into now morphed into supporting Donald Trump as an almost as a strong man figure that will be tough on China, and hence, we'll be able to gonna save Hong Kong. And so right now, kind of reckoning with this rise of pro Trump sentiment in Hong Kong that has since turned into also a mechanism in which this disinformation above the election has been circulating. There have been questions about what are other ways in which Hong Kongers can cultivate transnational solidarity and support. Um, so what I'm trying to demonstrate here was that the Hong Kong activists are like Hong Kong movements, supporters are not a monolith. And so we still kind of generate this discussions and discourse about the different ways in which we can kind of still do the work. And I'm highlighting a few articles here, including Mary's article that is about the co-coalition and solidarity between Hong Konger and Thai protesters. And so what we're seeing is that even though folks in Hong Kong can no longer go on to street protest. After that, we have seen a lot of these grassroots uprising happening in other places in the world, including Thailand, and Belarus and the US as well. And so we are also seeing Hong Kongers taking to social media both and also an offline, [indistinct] demonstrating their support for other places and through an articulation that they've already despite geographical context, or differences, sharing similar kinds of political struggles in which they all just stack up against us. And so kind of I'll end with this slide that really demonstrates I think, how Hongkongers orientation and sensibility towards struggles outside of Hong Kong has really shifted since the 2019 protests into this sense that the transnational movements are interconnected. And this is something that before the protests we have not really seen. So pass this over to Maggie.

00:33:38 Maggie Lewis

Great, thanks. I'll just jump in then. Unless Maura has anything to say in between. But that's a great segue. I first, congratulations, Michael, on this important book. I know it's not the book you wanted to write. But it is the book that's needed now and and I will be pointing people to it when they say so what's going on in Hong Kong? How did we get here? And I really appreciate having a resource to do that. Because so much too that we need to work on is allyship and getting it so that people who are not Hong Kong owners, like myself, I am not, understand better, what is happening in Hong Kong, and and why that matters to those of us who are not in Hong Kong. I am in Taiwan. And so we hear a lot more about Hong Kong here than certainly I would if I was back in New Jersey. But I do think that one interesting aspect for me in reading this book was how it did resonate. And particularly being here in Taiwan, because it is a book about Hong Kong. But early on in the book, page seven, Michael writes about how the habits of the mainland extend to the periphery, and this more aggressive authoritarianism. And that's certainly something that we think a lot about here in Taiwan. It's something which of course, is hugely discussed in DC. And I think as we enter the Biden presidency, and I smile when I say that, that this, of course will be a very important point of discussion. How do we, as the United States of speaking as an American have a strong response to China, but a smart response to China. And in particular, I personally have been very concerned about a lot of the anti Asian anti Chinese sentiments that have been fueled by the Trump administration. And I think this all has connections, and that we need to look at that. I also think the issue of identity, which comes up a number of times in the book, what it means to be a Hong Konger, again, that resonates here in Taiwan, what it means to be Taiwanese as compared with Chinese or both simultaneously. And that is a huge issue and something which I really appreciate some exploration, which is in the book and a lot of the writing that Sharon and Mary and others have done to better understand what is this place Hong Kong? And what does it mean to the people who have been, you know, either born there or spent large percentages of their life there. I want to speak particularly though, because I am not someone based in Hong Kong to this issue of the international support. And Michael gets to that, particularly and later in the book and chapter seven. And so important right now. And I've been thinking a lot actually, in this context about the Serenity Prayer, which is overused, but I think apt and you've heard it probably different news iterations of, but this idea of accepting the things I cannot change, the courage to change the things I can, and the wisdom to know the difference. And I certainly having done work with criminal justice and human rights in China, for now, decades. I think there's a lot of times that I have to stop and say, well, what can't I change and we can't change Xi Jinping, we can't change who he is. He's made clear again, and again, and again, that he's not someone who's got some deep kernel of reform mindedness in his heart, he's, he's not for those of you who are familiar with the Grinch Who Stole Christmas and Dr. Seuss, as we get into that season, that all it's going to take is Sally Who to give him a hug. And that little bit in his heart is going to make his heart grow, three stri- sizes too big, it's not going to happen. That's not who Xi Jinping is, we also can't change how long he's going to be in power. And so part of this is sort of saying, well, you know, to the extent, and I don't think we're going to change, like Zheng Yanxiong who he is, you know, is working on this Security Committee. So who, where are the nodes? Where are people that might be able to make differences and trying to really think about where our energy can be directed in a way that we can't guarantee it will be productive? But it might, I might have

a chance I'm making a difference. And I say this too very aware about the debates about engagement with China, did engagement fail? And should we have a tougher response. And there, I really think we need to, you know, not demonize the word engagement. So for example, I thought it was a huge mistake, when the Fulbright program to Hong Kong was cut off as well as China. I know if even if you don't believe in the value of people to people exchange, which I do deeply, I'm a former Fulbrighter here in Taiwan, I've never seen a strategy that says know less about the person you're competing with. Know less about who you're competing with, and that will put you in a better position. So even if you're just being straight up, we're going to be in great power competition with China, I think we need to maintain that connectivity, both with Hong Kong and with the mainland. Um, thinking about the courage to change the things we can I have such respect for people on the ground in Hong Kong, and the sacrifices they've made, and they will continue to make. And I say that as someone who's never really had to sacrifice for my beliefs, I've had a very comfortable life. And I see how people are, you know, they're going to prison, they're losing their jobs, and these things will continue. And so part of that, too, is I think, as this process in Hong Kong plays out, and it probably will get worse, or at least it won't get better anytime soon. That we need to also have tremendous empathy for people who perhaps are not out on the frontlines. And I say that as a parent. You know, I like reading bedtime stories to my kid, I've got Harry Potter that I read to Armisen Ferris at night. And, and I realized that people if they do put themselves out there and could be prosecuted under the National Security Law, they won't be able to read the kids at night. So we need to respect that people are going to make some different choices about how much their personal safety, they put on the line. And I think we need to be understanding of that and support people, though, who are more willing to take those security risks. For those of us outside Hong Kong, I think we have to have the courage to say we're going to look very seriously at our refugee policies. That's certainly a big issue here in Taiwan. One thing I'm hopeful for in a Biden administration is returning to this idea that the United States is stronger because of its immigrant culture, and that we need to welcome people and actually, that's good because you look at the people and again, Michael raises this in his book, these countries would be lucky to have a lot of the people who are thinking of at least for a period of time being based outside of Hong Kong, by and large, this is a group of extremely well educated, talented, motivated people who any country would be lucky to have. But I think we need to find places of refuge and sanctuary for those who currently are not safe in Hong Kong. And do you think that they would like to be somewhere else. And then finally, I also think that the international community, those outside of Hong Kong, need to do a better job of standing up for the rights that are at stake here. And Michael mentioned the International Covenant on Civil and Political Rights, the ICCPR, which is supposed to apply to Hong Kong, could fool me recently, China has signed the ICCPR, over 20 years ago, still have not ratified it, I think they're going backwards, not towards ratification. That's a larger conversation. But again, with a Biden administration, I hope to see the US rejoin the UN Human Rights Council. It's a flawed body in many ways. But it's better to be a part of it, I think, and try to push to make those norms of freedom of assembly expression, rights of the accused actually have meaning because we're seeing Beijing trying to sap those rights of their meanings. So they sound good, but they essentially get consumed by national security concerns that are so broadly defined that it's whatever you want them to be. So I hope that we can see that. And then just my last little thought, because this is the Association of Asian Studies. One thing I've been

thinking a lot about is that so often, both Hong Kong studies in Hong Kong and Taiwan often get kind of put under China labels, I think, AAS has done a much better job than most. But I do think to as academics, we need to think about how to encourage within our universities and our different spaces, more Taiwan Studies or Hong Kong Studies to try to preserve that identity, that even though the resources tend to be there more for China studies, if you put Hong Kong Studies under that umbrella and Taiwan Studies under that umbrella, that it makes it a derivation, do you know that this is part of China, and we lose some of that individual identity. So I hope as academics, that's one thing we can do to think more thoughtfully about how we present places on the periphery of China, that doesn't make it so it is part of Beijing's narrative. And with that, I think we've left a full half hour for discussion.

00:42:26 Maura Cunningham

Yes, so thanks to all of you. For some really interesting opening thoughts. I'd like to I'd like to invite any panelists who has thoughts to share with someone else to just jump in at any time. I certainly, I have my own questions. And I'm certainly happy to ask those of you. I also, again, invite audience members to submit their questions through the Q&A function. But certainly, please feel free to pose any questions to other panelists, if you would like to say something and reflect on their remarks. But otherwise, I will start. So my first question for Michael actually builds off of what Maggie was just talking about a minute ago. With the issue of in the past week, or week and a half, since it was announced that Joe Biden has won the US presidential election, there have been many, many Q&A's about or op-eds about a Biden presidency, a Biden policy for China, what should Biden do? So I'm curious, I have a two part questions. First of all, do you have any thoughts on how the United States should approach China and Hong Kong and under a Biden administration, but also more broadly, how can multiple countries work together, not just the United States? Because this is not just a US-China issue? I think here is often framed in this very bilateral way. But what opportunities do you see for more multilateral action?

00:44:11 Michael C. Davis

Am I unmuted? I think

00:44:12 Maura Cunningham

You are, yes.

00:44:13 Michael C. Davis

Yeah, I think you've put your finger on exactly the problem under the Trump administration. Multi-lateralism really went out the door. Trump always having some kinds of problems with American allies. And on his first day in office, if I recall, correctly, abandoning the Trans Pacific Partnership, which just this week, I guess today or yesterday, I can't recall which the Chinese had organized their own partnership for a trade region, allegedly one of the largest trade agreements in the world. And I think that's one thing that we will see, we'll see. Biden always talks about this. He spent his career in the Senate Foreign Relations Committee. He's very big on multilateralism, and I think that's crucial. With Hong Kong, I'd like to see them actually forming a united view on this. China is so good at using that kind of United Front tactic to divide

and conquer the rest of the world as it were when it comes to policies that have impact on China. But it would seem to me that Hong Kong stands out in a very extraordinary way, as a place where guarantees were made by China, and the countries of the world are demanding China care of its own [...digital static] rather than imposing some commitment on that, which to this domestic policy at the end of the day, because I think China would benefit, if it approached Hong Kong differently, at the heart of this. And I think at the heart of the book, I was trying to emphasize that, you know, listening to the people, understanding their concerns would be much more constructive than trying to repress them. And and I, if I could go a little off of the question, I think the Hong Kong government has been very dil-, you know, sort of neglectful of the public concerns in Hong Kong, and rather it listens to Beijing. And I think it's kind of inherent in the way that government was selected, is selected largely by Beijing through a Beijing friendly committee. And so we see is that there's been no local official voice to guard Hong Kong's autonomy. And that's why the people take to the street. So I think supporting the people is supporting Hong Kong. And if over these years, the Hong Kong government had found a way to convey Hong Kong concerns to China, I think we'd probably not be where we are today. So I don't know if we can fix that at this late stage. But I think it has to be the policy that countries can organize around, they can organize around China's own commitments to Hong Kong.

00:47:19 Maura Cunningham

Great, thank you very much. I'm going to ask our first audience question. One of our audience members asks, as teachers of not only domestic US students, but also international students coming from the PRC, how can we critically engage with things like the police state in Hong Kong now or PRC, Taiwan, Taiwan disputes in the classroom in ways that protect those students from the potential of reprisal on returning to the PRC. And I think here the national security law, and it's very, very broad. Put application potential application is important to consider. So I don't know if anyone would like to take the first.

00:48:02 Michael C. Davis

Maybe jump in on that too, because I actually teach courses in Hong Kong. And the two course I teach-

00:48:10 Maura Cunningham

We'll take you and then I think Sharon also has something to say. And Maggie as well, so we'll go in that order.

00:48:15 Michael C. Davis

Yeah, the courses are on international human rights. So if anything, is sensitive, (laughs) that's it. I think at the end of the day, we should not be overly [...digital static] cautious. In a way we have to allow the students to find their voice said we can give in to Chinese censorship of our courses, wherever they're taught, I suppose teaching them in Hong Kong as I am, it would be the most sensitive area and I give my students their space, to offer their views on things they write their papers and so on. And I think at the end of the day, it's not credible, to try to snuff out all criticism of China, or the national security law, in the name of that kind of security that the question implies, but rather have a discussion that considers both sides of the issue. That's fair

enough. That you, you know, professors are good at that we can raise questions with our students. So the other alternative [digital static] view is this, at the end of the day, I think that know- that's too bad. I mean, the students are going to have to decide that they want to enroll in the course. But at the end of the day, that you should have an open discussion and not allow Beijing to censor your class.

00:49:41 Sharon Yam

My remark is really brief. I know I only want to say that so and China file of group of Chinese studies scholars based in the US have written a pretty comprehensive article that outlines, uh, first of all, reiterating what Michael just said the importance of continuing to still have this deliberation and of course content on China and Hong Kong. But this article also lay out kind of the risk assessment and challenges for different categories, including US based undergrads, faculty members who may have ties in Hong Kong or China and also have laid out some really concrete strategies for instructors and university administration of how to negotiate this. So I'm going to drop the link of this in the chat.

00:50:31 Maggie Lewis

And I would just second that I know that Rory Truex at Princeton has been one of the scholars behind that. And there's been a lot of thought, and there's no easy answers. And so it's partially student safety. Personally, it's just the student well-being these in different time zones with classes in the middle of the night, there's so many different aspects that we're dealing with right now, that affect their health in different ways. I also do think it's important, especially because this is a largely academic audience, that thinking about how we, as scholars, do our own research and support people who are coming into the field. I think about scholars like Elise Anderson, who is an ethnomusicologist, and studied and spent a lot of time in Xinjiang, of course, not recently, and how she's made comments about her field has, you know, essentially is disappearing, that ethnomusicology of the Xinjiang, of the music, part of what she's doing now is preserving, helping to preserve that culture. And, and we need to make sure that it doesn't just turn into these are the areas where we can do research, so we gravitate towards them, but find ways to keep alive these more sensitive this are the [indistinguishable] topics, which is such a large group now. I'd also say Human Rights Watch Sophie Richardson has done work on this thinking about sort of an academic code of conduct and, and how we also need to make sure that this isn't just put on the professor shoulder, s- shoulders, but we need to get university administration, which understandably, are running businesses, but their business interests sometimes come into conflict with fundamental principles about academic freedom. And that continues to be conversations that we need to have on the university level and as well as across universities for solidarity. And then finally, I just as someone who studies criminal justice and China, these expansive crimes like collusion and subversion, this is nothing new. And I think that's so clear that for a long time, we've been talking about for example, pocket crimes and trying to like literally kǒudài zuì this idea that you'll have a crime like picking quarrels and causing trouble. And you can make that into just about anyone who gets least bit upset, is picking a quarrel and to see that tendency to have these vague, expansive criminal laws that allow the authorities to put people through a process of law, and then have the liberty deprived to see that expand out to Hong Kong is particularly insidious and troubling, because we've seen

where that has gone in the mainland. And so it's not like the playbook is being hidden. And that's something which I've been watching with great alarm.

00:53:17 Maura Cunningham

Great, thank you. And I'll just add on to what Maggie just said, Scholars At Risk is also having a two day virtual conference, I believe the 19th and 20th. So Thursday and Friday, but it might be the 18th and 19th. I can check that we have a link posted on the AAS Twitter feed. But they are holding an online conference about academic freedom around the world. But Hong Kong and China are obviously focal points of their research and their discussion. So that's Scholars At Risk. I wanted to ask a question of Mary, which is about the practice of covering Hong Kong these days. I think there's a tendency, you know, in the United States, especially publications, if they're going to publish a story about places overseas, they're only going to publish one story a day at the most. So with all the focus on protests and repression and activism, do you find that that is the really the driving force behind your reporting right now? Or is there still space to report on other things that are happening in Hong Kong? Because I think it is important to cover the society as fully as possible and not just focus, as important as it is on the sort of very visible political activism that has been going on in the in the city?

00:54:39 Mary Hui

Yeah, that's a great question. It's one that we think a lot about at Quartz too some. We don't do breaking news as just kind of our editorial approach to coverage. And so when there's so much happening, we do have to think about whether sometimes we do want to jump in and do that one quick breaking news piece or whether we want to make sure that we leave that space for other publications in Hong Kong more more kind of prepared and suited for that kind of coverage, like the public broadcaster RTHK that has come under a lot of pressure. From the government, Hong Kong Free Press, Hong Kong's Independent digital media news site trying to impose, yep, these publications based in Hong Kong, but they are doing that very, very important work in English, of doing the daily coverage. And I guess, and that really does help with very much with my own work, when that kind of they do provide that daily, those daily updates, that I then am able to kind of maybe take two, maybe a week out or two weeks out, tried to do a longer feature. And so I think, you know, within kind of just the journalism world, we do have the various different publications that can play a lot of different roles, even just within kind of this broad umbrella of coverage. And it's been really, yeah, helpful just to have such a vibrant press corps and Hong Kong, both English and Chinese language media, that has really helped me at least, with trying to figure out how to how to cover Hong Kong at such a high pace, while in a balancing that with not necessarily doing daily news pieces. And I think that also applies, of course, to places like for example, New York Times, The Washington Post, but they do have a bureau here. But reporters there are not necessarily only covering Hong Kong, they also have the focus on the wider Asia region. And so I would imagine that they also have to make the same calculations as to whether and when they want to jump in and do a quick daily piece and when they're in resources, and time and energy are better suited for doing something where they can look at the broader questions in a more kind of lengthy way.

00:57:04 Maura Cunningham

Thank you. We have another question from the audience. One of our audience members wants to ask the panelists about generational divides in Hong Kong, with mainly from the older generations, (generally speaking) against the protest and siding with government and police. What are your views on this division? And how would you- and how would it affect the contentious fight for democracy in Hong Kong? So perhaps, Sharon, you could start us off there?

00:57:31 Sharon Yam

Yeah. So first of all, I appreciate the audience kind of putting, generally speaking in parentheses because that's what we also saw during the to this and it produces that the marchers in rally, in fact, draw participants from a lot of different social locations. I think one of the most famous elderly grandpa was belongs to this yellow vest, Save Our Children organization. So what they do is they would organize include people like housewives, white collar workers, including this grandpa who would put their own body in between anti riot police and youth protesters to try to plead with the police to stop beating on the kids and hence, the group's name is called Save the Children. And so this grandpa is one example. Another example of older people also participating was another so that caught up Hong Kongers go there, like grandma who often would participate in protests and on the front line, and she recently was just arrested and released from Shenzhen. What I want to really highlight is that at the generational divide, we do see in Hong Kong as of echoes also in the US and and other places where there aggressors are rising. In Hong Kong, a lot of the youth protesters were born, or in or around year 1997. And this also the year around when Hong Kong was returned to China. And so they have witness kind of broken promise after one after another. On the contrary, during the 2019 protest, we also then hear people from the older generation saying that we're sorry, we felt you, we should have done something earlier. I would think that the generational divide is there but maybe perhaps there's also what we're also seeing is the different generations coming together in a sense to having this reckoning that, oh crap like, this is really kind of we have let it gone on for so long that we have needed this movement. And so I think going forward, especially now with the NSL affecting everybody. I think that of course folks are going to respond was different levels of risk assessment. And then like Maggie earlier talked about a lot of the young protesters now face protest related charges and long sentences. So that's another layer is that what's going to happen, when you have such a big swath of the younger generation have this really contentious engagement with the criminal justice system that they no longer trust. I think that's maybe kind of the crux of what we need to pay attention to.

01:00:41 Maura Cunningham

So a question from the audience is how has the NSL affected the rule of common law? Have there been changes in courts arbitration or other legal proceedings? So I think, Michael, this is a question that I'll send your way.

01:00:57 Michael C. Davis

Yes, thank you, James Cook for the question. Yeah, I think there's huge pressure on the courts now. In structure, the system remains, there's common law, Hong Kong is a common law

jurisdiction, the common law court set their very traditional practices going on, and how the courts function with wearing of robes and everything by lawyers and stuff. So it looks very British. And I think this is kind of part of how they want to keep Hong Kong separate from the mainland, is to institutionally build in this kind of dignity, if you will, of the courts. But recently that the pressure on the courts has increased dramatically in the National Security Law, it specifically provides that the chief executive of Hong Kong should compile a list of well, I think they don't use the word trusted, but obviously trusted judges to hear the national security cases. And then another article says that if a judge makes any statement in court, that violates national security, what they say makes any statement they didn't say in court makes any statement that violates national security, or is involved in any threat to national security, then he will be dismissed from the list. And of course, judges in Hong Kong, given their strong tradition of judicial independence and judges ethics of staying out of politics, the only place they would make statements that quote unquote, "violate national security" would be in court, in their judgments. So there's a kind of threat there that if you don't reach the right judgments that we want, then you would be taken off the list. But then it doesn't stop there that judges who even in public order cases, first related laws that are now really are kind of wrapped together with national security laws, these laws on public order that when judges rule dismissing the case, because the police, well, they arrested about nine to 10,000 people, and they brought a couple thousand or more cases to the courts. A lot of times they had no no evidence, nothing to support their cases. And if the judge dismisses it, we quickly see attacks on that judge by name by pro Beijing figures and by mainland officials, condemning the courts. And today, just today, a prominent mainland official actually said that the courts have to be properly reformed, as it were. So what does that mean to suggest that somehow the courts are inadequate, even though Hong Kong's rule of law was traditionally ranked among the top in the world, and the mainland does not have the rule of law. So presumably, there's pressure on the courts, and they're explicit sometimes that their judges are to guard national security. And so the pressure on the courts is to be more like the mainland. And that's not the rule of law. So the common law system remains, but it's under severe pressure, I would add one more sentence that, firstly, Chief Executive was tamed from the beginning, the executive branch of government, the legislature has long been tame, but it's especially tamed. Now that all the pro the opposition legislators are gone. The chief executive of Hong Kong Carrie Lam, and legislators in the establishment camp are all cheering, because now, we don't have any opposition. We can get work done, somehow, what the legislature's for is lost in that. And so now, on the heels of this, a mainland official talking about reforming the courts, you guess what they mean. So the one branch that stands in their way, is now under pressure.

01:04:45 Maggie Lewis

If I could add two points on and then um, so so first, you know, I mean, you know, yes, come on courts, hang in there, because it is really, the pressure I can only begin to imagine on judges is increasing by the day, but you don't have to have a lot of convictions or necessarily any convictions to have a serious chilling effect. Because before you get to a conviction, you can have a very long process. There's the detention and then there's, you know, if you get to a trial, this can be spread out, and there's a classic book about the criminal process in the United States called *The Process is the Punishment* by Malcolm Feeley and about why plea bargaining

is in part so, so dominant in the US that, you know, the people that are going through this process of being arrested, detained, may be released on bail brought back in, but that itself is hugely deterring other people from perhaps putting themselves out there, even at the end of the day, the courts are able to stand up and dismiss these cases. And so having strong courts is necessary, but it standing alone is insufficient. And and I also want to bring this back to something that sounds kind of technical, but it's hugely important that Michael talks about in the book, and that's that there's these two separate committees residing, there's the committee for the safeguarding and national security, which I think is sort of the suave and debonair Carrie Lam, it looks more pretty. And then you've got the more I mean, literally thuggish, which is the central government office for national security for which someone has been sent down who is a party, you know, strong man. And and so throughout all this, we have the veneer, the gloss of this formal legal system. But we have indeed, even before the national security law had people just flat out kidnapped from Hong Kong, so that we always need to recognize that Beijing when push comes to shove, has a lot of extra legal methods of depriving people of liberty. And those are part of the toolkit and they can be used.

01:06:46 Michael C. Davis

Can I just add a respond? To Maggie's point, her first point, that the national security law actually has an article in it, that seems to create a presumption against bail. And then a lot of the judges that are if they grant bail, then they're also attacked for granting bail. So we don't even get to the process part of the case where the trial is conducted. And because these are serious charges, the trial could, you can languish in court for months or a year before your trial even comes up. So the point that Maggie made is really important here, because of the situation with bail on these charges. And people may not even know clearly what they're charged with from the beginning because of all the secrecy all this process is supposed to be secret.

01:07:41 Maura Cunningham

Great, thank you. Um, sorry.

01:07:44 Mary Hui

Can I just add one one quick thing? Yeah,

01:07:46 Maura Cunningham

Absolutely.

01:07:47 Mary Hui

I think we even just had, yesterday, a quite the telling development in this realm. I think early in September, October, I forget exactly. Now, prominent pro democracy activists here in Hong Kong actually, he was arrested and charged on the colonial era law. For quote, "uttering seditious words," the seditious words being processed slogans like five demands that one learns liberate Hong Kong revolution of our times. And he was denied bail, if I remember correctly, I guess he would have posed a danger to the public if he continued to be given the freedom to alter those words. And just yesterday, the Department of Justice actually made an application to have a special national security judge pre appointed to hear to actually case,

despite him not having been charged under the National Security Law. So there I think you see kind of the common law error, colonial era law that comes up, she was charged under now kind of blending into this national security realm where you do have a judge, who will, I would assume, kind of use more of the socialist legal system theories from- from China to try this case.

01:09:08 Maura Cunningham

Great, thank you. We just have five minutes left. So I think this might be our last audience question. For Mary and Maggie, what has been the reaction of the various ASEAN members to the current pressures in Hong Kong? So as Sharon mentioned earlier, Mary wrote an article about the Milk Tea Alliance, Sharon also mentioned protests in Thailand, but perhaps not only at the level of society, but also at the level of government. What have been some of the reactions to what's going on in Hong Kong?

01:09:45 Maggie Lewis

I can certainly speak to Taiwan, but maybe Mary wants to speak to her article first. And I can add that since it's not really the ASEAN.

01:09:52 Mary Hui

Oh, sure. Yeah, um, I guess yeah. With the Milk Tea Alliance, I really has been a strong link between the Thai processes and the Hong Kong protests is strictly on the protest the level of course, there hasn't very much of an official response from from the Thai government, to the Hong Kong protesters. I guess kind of broadening out a little bit, Australia has put in place various kind of work visas that hopefully eventually will going to pave the way to citizenship for Hong Kongers those who do want that. And I think I believe Japanese Government has made various statements at various points over the past years, kind of in response to developments in Hong Kong. Yeah.

01:10:43 Maggie Lewis

So here in Taiwan, I was here for the election in January, which feels so long ago. And there were the Hong Kong protests flags at Tsai Ing-wen's rallies, I think so very effectively use the Hong Kong protests in her campaign. And sort of, you know, look at where Hong Kong is. Now, you don't want Taiwan to become this. I think it was effective as a campaign device. But there was also truth to it. You know, there's different views about her use of the Hong Kong protests. But certainly, there's been a lot of, you know, solidarity gatherings, or certainly protests, more like gatherings here, both for Thailand and Hong Kong. And, and this is not new. I mean, you look back at the Umbrella Movement to the Sunflower Movement here. And one thing that's been interesting is how ties that were forged five or more years ago with protesters in Hong Kong and Taiwan were reactivated or you know, at least rejuvenated in the past year or so. And now we have a number of Hong Kong protesters are here largely as students, because the path to stay in Taiwan longer term is complicated. There's not a refugee law, and because of the dynamics amongst China, Hong Kong, Taiwan, this is politically fraught, to put it mildly. But I you know, I just, you know, I do I always worry about Taiwan, and I never want to have to wear a stand with Taiwan, t shirt. And so I do though, this is not just a hypothetical, you know, by, you

know, maybe someday I think more and more in Hong Kong people are in Taiwan are looking to Hong Kong as a cautionary tale. And that do not take any of your rights for granted.

01:12:34 Maura Cunningham

All right. So with that, I think our time is just now up. Thank you so much to our panelists for joining everyone today. I will remind you, Michael Davis's new book available from the Association for Asian Studies, is *Making Hong Kong China: The Rollback of Human Rights and the Rule of Law*, you can get more information about it on our website, as you can get more information about all AAS publications. And as members of the Association for Asian Studies, you receive a 20% discount on orders from Columbia University Press. So we are very excited to be able to offer that to our members. Just like we're very happy that we can offer these Digital Dialogue sessions to discuss important, important topics such as this very, very important one, and very timely one. Anytime you are interested in learning about upcoming Digital Dialogues, you can visit the page on our website, we also send out email blasts to members we post about them on our social media. And you can also propose your own Digital Dialogue. So there's information on our website about how to put together a session like this one and the kinds of guidelines we have. And we're really excited to be offering several more in between now and the end of 2020. And we're starting to plan our schedule for 2021. So thank you again, to all the panelists. This was a great conversation and I'm really, really glad that we could have it.

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