

# Policing, State Repression, and the Pro-Democracy Movement in Hong Kong

Edward R. Maguire\*

**Abstract** Stott and his coauthors report on findings from their study of the police response to protests in Hong Kong. Their analysis is based on the Elaborated Social Identity Model (ESIM), a powerful framework for understanding the dynamic interplay between protesters and police. They find that by responding in an overly forceful and indiscriminate manner, the police triggered psychological changes among protesters that intensified these events and led to greater levels of disorder. In this reaction essay, I comment on the findings of Stott and his coauthors. I also note how the coercive policing practices used by Hong Kong's police during the protests harm their relationships with the public, diminish the perceived legitimacy of the police, and undermine human rights.

China ceded Hong Kong to Britain in 1841 after losing the First Opium War. In 1898, Britain acquired a 99-year lease for Hong Kong. Britain's interest in the island was primarily due to its 'strategic location and magnificent harbor' (Luk, 1991, p. 652). At the time, Hong Kong was home to only a few thousand people and local resistance to British rule subsided once it became clear that the British were not planning to interfere with local residents (Carroll, 2007). Under British rule, Hong Kong grew dramatically, transforming into a cosmopolitan, bilingual, bicultural society that values both democracy and capitalism (Mathews, 1997; Lee and Chan, 2008). The British lease on Hong Kong expired on 30 June 1997, at which time Britain turned the island back over to China. Since then it has been regarded as a Special Administrative Region of China under the 'one

country, two systems' approach developed by former Chinese leader Deng Xiaoping.

Hong Kong is governed by the Basic Law, a constitutional document that guarantees various civil liberties including the freedom of speech, association, assembly, and demonstration (Gittings, 2016). However, certain ambiguities in the Basic Law have enabled China to assert a greater level of authority over Hong Kong's affairs than expected after the handover (Ching, 2018). This assertion of authority by mainland China, coupled with growing fears among the populace about judicial independence, and the ceding of local authority by Hong Kong Chief Executive Carrie Lam, has led to major pro-democracy protests. As the authors of this insightful article point out, those protests have repeatedly resulted in violence between police and protesters.

\*Arizona State University. E-mail: edmaguire@asu.edu

In previous influential papers, Clifford Stott and his colleagues (Stephen Reicher and John Drury) have contributed significant insights to the study of crowds through their application and development of social psychological theories associated with social identity and psychological change during crowd events. The Elaborated Social Identity Model (ESIM) is currently the leading theory of crowd responses to regulation by police and other authorities (Stott and Reicher, 1998; Drury and Reicher, 1999; Stott and Drury, 1999, 2000). Stott and his colleagues have amassed an impressive and policy-relevant body of theory and research on the role of ESIM in explaining how crowds function and how police might best engage with them to avoid conflict and violence. The findings reported in the current article by Stott and his coauthors are consistent with the findings from previous ESIM research in multiple nations (e.g. Portugal, Sweden, and the UK) and settings (e.g. football games, protests, and riots).

The basic lessons of ESIM are clear. Most people in protest crowds are moderates who embrace peaceful, lawful forms of expression and do not endorse the use of property damage or violence as legitimate or appropriate protest tactics. A much smaller subset of protest crowds tends to endorse more extreme protest tactics, including property damage and violence (Maguire, 2015; Maguire, et al., 2018). When police treat an entire crowd as homogeneous and take enforcement action against it in response to the behavior of a subset of its participants, they lose the moral high ground and begin to radicalize the moderates in the crowd. People who initially do not support the destructive behaviors of more radical protesters may come to understand and even endorse these behaviors after experiencing what they perceive as police repression. Conversely, when police treat crowds fairly, they can win the hearts and minds of the moderates, stimulate self-policing within the crowd, and prevent violence.

The work of Stott and his coauthors in this study is not only valuable for understanding how

crowds function and how police often trigger the very violence and rebellion they ostensibly intend to prevent. It is also valuable for thinking about the role of policing in supporting or undermining human rights, civil liberties, and democracy itself. The police response to the pro-democracy movement in Hong Kong has routinely violated international human rights standards as well as the civil liberties enshrined in Hong Kong's Basic Law. It has also served as living laboratory for demonstrating the principles of the ESIM. The excessive use of force by police has radicalized the population, turned the animus of the protesters toward the police, and expanded the pro-democracy movement. The Hong Kong police have provided an ongoing clinic on how not to respond to protests.

Meanwhile, clashes between police and protesters serve as a potent reminder that police are often the coercive agents of repressive states. As political scientist David Bayley has argued, police actions 'determine the limits of freedom in organized society', and the manner in which they maintain order 'directly affects the reality of freedom' (Bayley, 1985, p. 15). When police use force indiscriminately during peaceful protests, they harm their relationships with the public and weaken the perceived legitimacy of the police. They also undermine the human rights and fundamental freedoms of the people they are meant to serve.

Sociolegal scholars often examine the gap between 'law on the books' and 'law on the streets' (Burke and Barnes, 2009). The former represents the rights that are theoretically granted by constitutions and other legal frameworks; the latter represents the reality of whether, and under what conditions, people can actually exercise those rights. The Basic Law grants Hong Kong citizens the rights to freedom of speech, association, assembly, and demonstration. Unfortunately, as Stott and his coauthors have clearly documented, the actions of the Hong Kong police during recent protests have imperiled these rights.

## References

- Bayley, D. H. (1985). *Patterns of Policing: A Comparative International Analysis*. New Brunswick, NJ: Rutgers University Press.
- Burke, T. F. and Barnes, J. (2009). 'Is There an Empirical Literature on Rights?' *Studies in Law, Politics, and Society* **48**: 69–91.
- Carroll, J. M. (2007). *A Concise History of Hong Kong*. Lanham, MD: Rowman and Littlefield.
- Ching, E. T. T. (2018). 'Constitutional Ambiguities, Hong Kong's Autonomy and the Oath-Taking Saga.' *Hong Kong Journal of Legal Studies* **12**: 59–86.
- Drury, J. and Reicher, S. (1999). 'The Intergroup Dynamics of Collective Empowerment: Substantiating the Social Identity Model of Crowd Behaviour.' *Group Processes and Intergroup Relations* **2**(4): 1–22.
- Gittings, D. (2016). *Introduction to the Hong Kong Basic Law*. Hong Kong: Hong Kong University Press.
- Lee, F. L. F. and Chan, J. M. (2008). 'Making Sense of Participation: The Political Culture of Pro-Democracy Demonstrators in Hong Kong.' *The China Quarterly* **193**: 84–101.
- Luk, B. H. K. (1991). 'Chinese Culture in the Hong Kong Curriculum: Heritage and Colonialism.' *Comparative Education Review* **35**(4): 650–668.
- Maguire, E. R. (2015). 'New Directions in Protest Policing.' *Saint Louis University Public Law Review* **35**(1): 67–109.
- Maguire, E. R., Barak, M., Cross, K., and Lugo, K. (2018). 'Attitudes among Occupy DC Participants about the Use of Violence against Police.' *Policing and Society* **28**(5): 526–540.
- Mathews, G. (1997). 'Hèunggóngyàhn: On the Past, Present, and Future of Hong Kong Identity.' *Bulletin of Concerned Asian Scholars* **29**(3): 3–13.
- Stott, C., and Drury, J. (1999). The Intergroup Dynamics of Empowerment: A Social Identity Model. In P. Bagdley, & J. Hearn (Eds.) *Transforming politics: Power and resistance* (pp. 32–45). London: Macmillan.
- Stott, C. J. and Drury, J. (2000). 'Crowds, Context and Identity: Dynamic Categorization Processes in the 'Poll Tax Riot'.' *Human Relations* **53**(2): 247–273.
- Stott, C. J. and Reicher, S. D. (1998). 'How Conflict Escalates: The Inter-Group Dynamics of Collective Football Crowd 'Violence'.' *Sociology* **32**(2): 353–377.