

DAILY COMMENT

CHINA'S ARREST OF A FREE-SPEECH ICON BACKFIRES IN HONG KONG



By Jiayang Fan

August 14, 2020

Last September, when I was in Hong Kong reporting on the anti-government protests engulfing the city, I spent an afternoon in the industrial-looking headquarters of *Apple Daily*, a popular tabloid owned by perhaps the city's most unusual tycoon, an outspoken democracy activist and one of the Communist Party's leading critics. To meet Jimmy Lai, I walked through the publication's vast open-plan office, where hundreds of staff members busily put out the day's news. "When I went into the publishing business, twenty-five years ago, it was a no-brainer," Lai told me in his office, which resembled the appearance of its owner: determinedly functional and, unusually for Hong Kong, absent of status markers. "Information is freedom, and I wanted to be in the business of delivering freedom." Lai admitted that back then he hardly thought this was a risky proposition. "I believed that all of China was going forward, that it was inevitable China would adapt to openness."

On Monday morning, Lai, who is seventy-two, was taken into police custody at his home on Kowloon and later paraded, in handcuffs, through the newsroom of *Apple Daily*, where I had interviewed him a year earlier. Among the nine others arrested across the city that day were Agnes Chow, the twenty-three-year-old democracy activist, Lai's two sons, and four executives of Lai's media company, Next Digital, which publishes *Apple Daily*. The ostensible charge against Lai is "collusion with a foreign country."

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The arrest of Jimmy Lai, the most high-profile case under China's draconian new law, instead of demoralizing Lai's employees and supporters, has reinvigorated defiance. Photograph by Anthony Kwan /

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In July, 2019, Lai travelled to the U.S. and met with Vice-President Mike Pence and Secretary of State Mike Pompeo in Washington. In his meeting with the American officials, Lai discussed the imperilled state of Hong Kong's autonomy and the large street protests under way at the time. The meeting infuriated Communist Party officials in Beijing, who unilaterally ratified a sweeping new security law in June. Under that new measure, prosecutors could declare Lai's meetings in Washington "collusion," punishable by life in prison.

As the most high-profile case under the draconian new law, Lai's arrest is both sobering and predictable. Over the years, the singularity of Lai's status and his consistent refusal to bow to the Party has frustrated the regime to the extent that it launched vilification campaigns denouncing him as a "traitor," "running dog to the Americans," "black hand," and the most senior member of the "gang of four," a reference to the reviled quartet who conspired to usurp power from Mao Zedong during the Cultural Revolution. Monday's arrest was Lai's third detention in six months. In February, he was arrested on charges of "unauthorized assembly" for his participation in an earlier protest. The same happened again in April.

If Chinese national-security officials had hoped to make an example out of Lai to cow dissenters—"kill the chicken to scare the monkey," as the Chinese saying goes—it failed. Instead of demoralizing Lai's employees and supporters, the arrest of the publisher reinvigorated the unapologetic defiance among workers at *Apple Daily* and democracy activists. Reporters did not need to go out to look for stories; the city's most significant newsbreak took place inside the paper's headquarters. "Apple will definitely keep fighting," the paper announced in a front-page headline on Tuesday, after Lai was taken into police custody. The paper published nearly thirty articles about the arrest, covering everything from the legality of the government's actions and the worldwide condemnation it sparked to the fate of press freedom in Hong Kong. In an op-ed, the popular columnist Lee Yee called the arrest "incontrovertible evidence that the imposition of the National Security Law really has nothing to do with the so-called threat to

Hong Kong posed by independence activists, or by those who supposedly want to dismember the Fatherland." Instead, Lee wrote, the goal of the new law was the "brutal and overt repression of the rights and freedoms enjoyed by the people of Hong Kong as a whole."

Inexplicably, Chinese officials chose to arrest Lai in a manner that created a powerful visual for the world to see. First, two hundred police officers arrived in *Apple Daily's* headquarters. As stunned employees looked on and broadcast the scene on Facebook Live, officers searched through desks and seized more than thirty crates of files. Instead of projecting government strength, the brazen attempt at intimidation reinforced the notion that Beijing must resort to bare-knuckle coercion.

After the raid, *Apple Daily* announced on Facebook that it would produce five hundred and fifty thousand copies the following day—an eightfold increase from its normal circulation. In response, the paper's supporters swiftly rallied, lining up at 2:00 A.M. to purchase the paper. Supporters bought copies in bulk and placed them in public places, with handwritten notes urging others to take them. By 9:00 A.M., some shops had sold out. Fittingly, the stock market in a former colony that had achieved prosperity through freewheeling capitalism sent a political message. The share price of Next Digital reached a twelve-year high, rising more than eleven hundred per cent in Hong Kong this week.

Yet Lai's fate may have already been sealed. *Global Times*, a nationalistic state-backed paper, quoted the pro-government Chinese legal scholar Tian Feilong praising Lai's arrest and saying that, under the new law, "the legal boundaries have become much clearer." He added, "Considering his infamous behavior, it's highly possible that Lai would face a severe sentence, and life imprisonment can't be ruled out."

The Australian scholar of Chinese history Geremie Barmé told me that the arrest of Lai marked the growth of "Legalistic-Fascist-Stalinism," a term coined by the former Tsinghua University law professor Xu Zhangrun, whose candid criticisms of the Communist Party have long troubled the state. Barmé called the arrest of the

of the Communist Party have long rankled the state. Barmé called the use of the new security law to stifle press freedom an autocrat's tactic of repression. "Jimmy Lai and the *Apple Daily* may just be the beginning," Barmé told me. "The law here is a weapon of the regime, designed to legitimize the ruler rather than protect the citizenry." I asked Mark Simon, an American executive at Next Digital, who is also being sought by the Hong Kong police, how it was possible for prosecutors to charge Lai for his actions in Washington in 2019—a year before the new national-security law took effect, this July 1st. "They are calling it 'causation,'" Simon told me, with a sigh. "If you did something, it's on you. And, really, the law is designed to nail people like him, so it'll find the space to make the logic work." Simon, who had returned to the U.S. prior to Lai's arrest, took pride in *Apple Daily's* unequivocal stance on press freedom. "Jimmy has always been a fighter," he said, even as he acknowledged that Lai faces a lengthy jail sentence.

Of course, this is a prospect that Lai had been anticipating for some time. "What China wants in Hong Kong is a capitalistic city without the concept of politics; what China wants in its citizens is a body that responds reflexively to fear," he told me last September. Fear might be the Communist Party's most powerful weapon, but it's also the Party's only weapon. "Contrary to what they might think, I don't hate the Party," Lai said, with a shrug. "I just don't fear them."



*Jiayang Fan became a staff writer at *The New Yorker* in 2016.*

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