

# 香港論壇：法治、警權、人民

## Hong Kong Forum: Rule of Law, Police Power, People

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Venue: R103 HA Building 3, National Chiao Tung University

主辦單位 Organizers :

國立交通大學/臺灣聯合大學系統 文化研究國際中心

International Center for Cultural Studies (ICCS\_NCTU)

國立交通大學社會與文化研究所

Institute of Social Research and Cultural Studies (SRCS\_NCTU)

亞際文化研究國際碩士學位學程（臺灣聯合大學系統）

International Master's Program in Inter-Asia Cultural Studies (IACS\_UST)

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## 「香港論壇」簡介

自今年（2019）3月15日起，至6月9日大規模爆發的反對《逃犯條例》修訂草案社會運動，至今已經八個月，香港示威活動仍然不絕。雖然《逃犯條例》已暫時撤回，但在催淚瓦斯的煙硝不斷中，人民對法治與警權的信任基石已然動搖。

是次活動的首個關鍵詞是「法治」。運動最初由《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》（又稱《逃犯條例》）引起，運動期間警方逐漸收緊批出反送中遊行的「不反對通知書」，亦引起對於《公安條例》的討論，10月開始香港政府動用英殖年代以來訂立的《緊急情況規例條例》（又稱《緊急法》）禁止蒙面，11月香港高等法院裁定《緊急法》和《反蒙面法》違憲，繼而引起中國全國人大的反對和港府上訴，法律問題一直貫穿整場運動。在高舉法治為核心價值的香港，「依法司法」(rule of law)作為與中國「以法管治」(rule by law)的區隔，對香港人民而言，司法制度失去合法性意味著甚麼？如何形塑反送中運動的行動？這些法律和司法體制的具體細節和問題是甚麼？從臺灣的角度又如何看待《逃犯條例》的問題？

第二個關鍵詞為「警權」。蒙面而高度武裝的執法部隊，匿名地行駛公權力，在遊行集會活動中，隨意進出民居、大學等私人範圍，把反送中運動示威者呼喝為「甲由」（蟑螂），發射上萬枚戰爭禁用的催淚彈藥，配以「不公開成分」的水炮設備，拘控數以千計的市民。被捕的人除了示威者，也不乏記者、社工，以至急救人員，他們當中受可致命的棍擊、槍傷不計其數，甚至有疑被阻延急救。在扣留期間，執法部隊對被捕人士施以酷刑、性侵，「示威者被自殺」的傳言也不脛而走。而面對親政府示威者的暴力行為，執法部隊卻被咎病尺度不一。在全球學者聯署譴責執法部隊下，另一邊廂，卻有指這些執法者徇私枉法的形象，源於示威者的惡意渲染，到底這種認知上的平行時空是如何構成？新冷戰的分析又如何左右我們對運動的理解？

第三個關鍵詞是「人民」。反送中運動經常以「香港人」的身份認同作為框架，到底以這種身份認同動員的運動有甚麼能量和限制？運動裡的香港人和居港的少數族裔真的連結了嗎？對中國內地人的取態如何？再退後一步觀察，「香港人」跟地緣政治的關係是甚麼？如何理解運動裡的情感結構？運動的複雜面貌如何從日常生活組構和重組？

這次運動被視為1967年六七暴動以來最大規模的社會運動，也是香港1997年主權移交中國以來最嚴重的政治與社會危機。這次運動值得我們觀察與思考的面向，包括（1）事件的起因以及運動主要訴求的階段性發展與變化，（2）香港法治體制之下的警權擴張與人權問題，（3）香港民間社會的組織力與內在張力，（4）法治、警權、人民的對立之下，香港出路何在？

本論壇邀請香港學者以及臺灣學者，針對下列議題，共同討論，希望能夠擴大各地社會對於香港當前狀況的理解，並構想可能的出路。

## About Hong Kong Forum

Started from March 2019, and further fueled by the protest on June 9, Anti-Extradition Law Amendment Bill Movement (Anti-ELAB Movement) has swept Hong Kong for eight months and protests in Hong Kong still show no sign of subsiding. Notwithstanding the withdrawal of the bill, the firing of multiple rounds of tear gas has shaken the legitimacy of rule of law and police authority in Hong Kong.

The first keyword of our forum is “rule of law.” The movement was triggered by the *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019*, also known as the extradition bill. Subsequently more and more protests and rallies failed to obtain letters of no objection from the Hong Kong police, engendering public debate on the *Public Order Ordinance*. In October, the Hong Kong government invoked the *Emergency Regulations Ordinance*, a colonial-era relic, to forbid the use of face masks; the emergency law was then ruled unconstitutional by the High Court in November and aroused a fierce objection from both National People’s Congress Standing Committee in China and Hong Kong government. Legal issues have been the recurring flashpoints throughout the crisis. As an entrenched core value in Hong Kong, rule of law also works as a divergence from rule *by* law in China. To Hong Kong people, what does an illegitimate legal system imply? How does such illegitimacy radicalize the actions of protestors? What are the explicit details and loopholes of these laws and the legal institution? How does Taiwan view the issues arising from the extradition bill?

The second keyword is “police power.” Masked and armed force exercises their authorities anonymously in the city. Cases of abuse of power have been reported—marching into private areas like residences and university campuses without a warrant, calling demonstrators “cockroaches,” and firing tens of thousands of rounds of war-banned CS gas accompanied with the “composition undisclosed” blue liquid from water cannons to civilians. Thousands of citizens including reporters, social workers, and first-aid workers have been arrested. Among them many were injured from deadly use of police baton and gunshot, and some of them reported to have suffered from delayed medical treatment due to deliberate mishandle from the police. Some arrestees reported to have been tortured, sexually assaulted by the

police officers during detention and there have been rumours about faked suicides. The police force has also been criticized for selective law enforcement by showing leniency towards violence by pro-government protesters against pro-democracy protesters. While a petition has been signed by global academics against the police brutality in Hong Kong, some critics suggest that such an image of the police was a result of malicious exaggeration by protesters. So how exactly were these contradictory points of views formulated? And how does an analysis of the New Cold War shape our understanding of the movement?

The third keyword is “people.” The Anti-ELAB Movement, more often than not, mobilizes the framework of identity politics—Hongkongers. Does this framework open up new possibilities or impose more limits? Does it foster solidarity between Hong Kong citizens of ethnic Chinese and other “ethnic minorities”? What are activists’ attitudes toward Chinese mainlanders? From the vantage point of geopolitical underpinning, how can we articulate Hongkongers’ relations to global politics and the bordering China? How can we advance our understanding on the structure of feelings in the movement? How does everyday life demonstrate and rearticulate the great complexity of the movement?

The Anti-ELAB Movement is the largest social movement since the 1967 riots as well as the most severe political and social crisis since the handover of Hong Kong in 1997. There are dimensions that deserve close observation and consideration, including (1) the causes of the incident, the development in different phases and the transformation of the movement’s demands; (2) the expansion of police power and human rights concern under the rule of law in Hong Kong; (3) the organization and tension among the civil society in Hong Kong; and (4) possible way out for Hong Kong under the conflict of rule of law, police power, and people?

This forum invites scholars from Hong Kong and Taiwan to discuss the aforementioned issues together. We wish to shed more light on the current situation of Hong Kong and seek possible resolutions to the crisis.

## 議題

### I. 送中條例草案

- A. 《逃犯條例》修訂草案牽涉的不同考慮（經濟犯罪逃犯以及其他）
- B. 反送中運動主要訴求階段性的發展以及轉變
- C. 臺灣的位置

### II. 香港法治體制

- A. 法治社會之下的警權
- B. 警權擴張牽涉的司法問題
- C. 警權擴張危害的人權問題

### III. 香港民間社會

- A. 您認為民間社會自我組織能力的評估
- B. 民間社會是否可以延續其能動力？是否可以有正向發展的潛力？民眾暴力如何可能避免？
- C. 香港反中情緒是否極端化？

### IV. 法治、警權、人民的對立之下，香港目前的困境及其可能的出路？

## Core Issues

- I. 2019 Hong Kong Extradition Law Amendment Bill
  - A. Different considerations involved in the bill amendment (including economic and other crimes)
  - B. The development of the movement's major demands by different phases and its transformation
  - C. Taiwan's role in the movement
- II. Rule of Law in Hong Kong
  - A. Police power in a society under rule of law
  - B. Judicial issues involved in expanded police power
  - C. Human rights concerns raised by expanded police power
- III. Civil society in Hong Kong
  - A. What do you think of the capacity of civil society to self-organize?
  - B. Can civil society continue its momentum? Is there potential for positive development? How can violence from the people be avoided?
  - C. Is there any tendency of extremizing anti-China sentiment in Hong Kong society?
- IV. Is there any way out for Hong Kong under the intense rivalry between the rule of law, police power, and people?

## 議程 Agenda

開幕致詞 Welcome Remarks (09:00-09:20)
第一場 Discussion(I) (09:20-11:20) 誰是反送中運動的「人民」？ Who Are “the People” in Anti-Extradition Law Amendment Bill Movement?
主持人：劉紀蕙教授（國立交通大學社會與文化研究所） Moderator: Prof. Joyce C.H. LIU (Institute of Social Research and Cultural Studies, National Chiao Tung University)
講者：彭麗君教授（香港中文大學文化及宗教研究系） Speaker: Prof. Lai-kwan PANG (Department of Cultural Studies, The Chinese University of Hong Kong)
講題：人民作為一種修辭：民主與身份認同 Title: The People as a Rhetoric: Democracy and Collective Identity
講者：鄭肇祺助理教授（國立臺東大學文化資源與休閒產業學系） Speaker: Prof. Eric Siu-kei CHENG (Department of Cultural Resources and Leisure Industries, National Taitung University)
講題：站在運動的後方：一場全球關注的運動中，海外香港人在（能）動員甚麼？ Title: At the Rear of Battle: What Do/Can Overseas Hongkongers Mobilize in the Global Spotlight on the Water Movement in Hong Kong?
第二場 Discussion(II) (11:30-13:00) 法治及警察體制的悖論 Paradox of the Rule of Law and Police System
主持人：陳奕麟教授（國立交通大學社會與文化研究所） Moderator: Prof. Allen CHUN (Institute of Social Research and Cultural Studies, National Chiao Tung University)
講者：陳錦榮教授（香港浸會大學人文及創作系） Speaker: Prof. John Nguyet ERNI (Department of Humanities & Creative Writing, Hong Kong Baptist University)
講題：法紀之無法 Title: The Lawlessness of Law and Order
講者：林志潔教授（國立交通大學科技法律研究所） Speaker: Prof. Chih-chieh LIN (Institute of Technology Law, National Chiao Tung University)
講題：送中條例到五大訴求：香港的困境 Title: The Ordeal of Hong Kong: From “Anti-Extradition Law Amendment” to “Five Demands, Not One Less.”
午餐 Lunch (13:00-14:00)



第三場 Discussion(III) (14:00-15:30)  
地緣政治、情感結構與平凡生活  
Geopolitics, the Structure of Feeling and Ordinary Life

主持人：朱元鴻教授（國立交通大學社會與文化研究所）  
Moderator: Prof. Yuan-horng CHU (Institute of Social Research and Cultural Studies, National Chiao Tung University)

講者：葉蔭聰助理教授（嶺南大學文化研究系）  
Speaker: Prof. Iam-chong IP (Department of Cultural Studies, Lingnan University)  
講題：直面香港這場「不知節制」的運動：初探「時代革命」的地緣政治時空  
Title: An “Immoderate Movement”: Temporality, Geopolitics, and Hong Kong’s  
“Revolution of Our Times”

講者：曾仲堅博士（香港樹仁大學社會學系）  
Speaker: Dr. Chung-kin TSANG (Department of Sociology, Hong Kong Shue Yan University)  
講題：「攞炒」的經濟想像：香港社運背後的情感結構與論述扣連  
Title: The Economic Imagination of “*Laam Caau*”: the Structure of Feeling and Articulations underneath the Social Movements in Hong Kong

講者：容邵武 副研究員（中央研究院民族學研究所）  
Speaker: Shaw-wu JUNG, Associate Research Fellow (Institute of Ethnology, Academia Sinica)  
講題：2019年香港的自由之夏：縫隙與網絡  
Title: How We Got Here in Hong Kong of 2019: Interstices and Networks

茶歇 Tea Break (15:30-15:45)

第四場 Discussion(IV) (15:45-17:30)  
綜合討論 Roundtable Discussion

主持人：林淑芬教授（國立交通大學社會與文化研究所）  
Moderator: Prof. Shu-fen LIN (Institute of Social Research and Cultural Studies, National Chiao Tung University)

活動結束 End of Forum

## 與會者及主持人簡介

### Biographies of Speakers and Moderators

#### 劉紀蕙 Joyce C. H. LIU

現任國立交通大學社會與文化研究所講座教授，文化研究國際中心主任，臺聯大亞際文化研究國際學程總主任。劉紀蕙教授1984年獲得美國伊利諾大學比較文學博士。研究領域包括：比較文學、文化研究、精神分析、批判理論、視覺文化與跨藝術研究、二十世紀中國政治思想、亞際社會批判研究。目前專注研究議題為：邊界政治、生命政治、不平等公民、共同體問題、物流體系、知識解殖、藝術行動，並帶領研究群以及研究生朝向這些議題發展研究計畫。

Joyce C. H. LIU, Chair Professor, Institute of Social Research and Cultural Studies, National Chiao Tung University, Taiwan. Currently, she is the director of the International Center for Cultural Studies and the director of the International Program of Inter-Asia Cultural Studies of the University System of Taiwan. She was the founding director of the first Comparative Literature Program in Taiwan at Fu Jen Catholic University in 1994, the founding director of the Institute of Social Research and Cultural Studies at NCTU in 2001, the founding director of the International Center for Cultural Studies NCTU in 2013, and the president of the Cultural Studies Association in Taiwan (2002-2004). Her research covers critical political theory and critical studies of Inter-Asian societies, including topics such as biopolitics, border politics, migration, unequal citizens, critical logistics, new colonialism, internal colonialism, artistic intervention, and epistemic decolonization project.

#### 彭麗君 Lai-kwan PANG

現職香港中文大學，為文化及宗教研究系教授，於聖路易斯華盛頓大學取得比較文學博士學位，畢業後一直在香港任教。研究範圍包括香港電影、視覺文化、知識產權論述、毛時代中國、以及香港抗爭文化。中文出版包括《複製的藝術：文革期間的文化生產與實踐》（2017）、《黃昏未晚：後九七香港電影》（2010, 2018），以及即將出版的雨傘運動專著。她曾於2008年取得中文大學卓越研究獎，以及2012年蔣經國學術出版獎。

Lai-kwan PANG is Professor of Cultural Studies at the Chinese University of Hong Kong. She received her Ph.D. in Comparative Literature from Washington University in St. Louis. She is the author of a few books, including *Building a New China in Cinema* (Rowman & Littlefield, 2002), *Distorting Mirror* (Hawaii, 2007), *Cultural Control and Globalization in Asia* (Routledge, 2006), *Creativity and Its Discontents* (Duke, 2012), *The Art of Cloning* (Verso, 2017), and *The Appearing Demos* (Michigan, 2020).

#### 鄭肇祺 Eric Siu-kei CHENG

現職國立臺東大學文化資源與休閒產業學系，於香港及臺灣長期進行農漁業的永續性及產業鏈研究，並關注香港身份認同及社會運動的變化。

Eric Siu-kei CHENG is currently teaching at the Department of Cultural Resources and Leisure Industries, National Taitung University. His research interests include sustainability, supply-chain Studies, Hong Kong identity, social movements, Taiwan.

### **陳奕麟 Allen CHUN**

中央研究院民族學研究所榮譽退休研究員。從2019年8月起，他成為國立交通大學社會與文化研究所講座教授。他的研究興趣包括文化理論、民族－國家形構、跨國主義和身份認同，他的研究範圍聚焦於臺灣、香港和新加坡。他的最新著作包括*Forget Chineseness: On the Geopolitics of Cultural Identification* (SUNY, 2017)和*On the Geopragmatics of Anthropological Identification* (Berghahn, 2019)。

Allen CHUN is Research Fellow Emeritus in the Institute of Ethnology, Academia Sinica, Taiwan. From August 2019, he has been appointed as the Chair Professor of the Institute for Social Research and Cultural Studies, National Chiao Tung University, Taiwan. His interests involve cultural theory, nation-state formation, transnationalism and identity, and his research has focused mostly on Taiwan, Hong Kong and Singapore. His recent books include *Forget Chineseness: On the Geopolitics of Cultural Identification* (SUNY, 2017) and *On the Geopragmatics of Anthropological Identification* (Berghahn, 2019).

### **John Nguyet ERNI 陳錦榮**

現為香港浸會大學馮漢柱基金全人教育講座教授，人文學講座教授，以及人文及創作系系主任。陳教授為香港人文學院前任主席（2017-18）。他曾獲 Gustafson Fellowship, Rockefeller Fellowship, Lincoln Fellowship, and Annenberg Fellowship，以及其他獎項與研究經費。陳教授的研究範圍廣泛，包括國際和亞洲文化研究、人權的法理批評、性別及性研究、青年研究、種族／族裔／移民的文化政治，以及公共衛生批判。他是9本書的作者或編輯，最新出版為《法律與文化研究：人權的批評性重整》（2019）。

John Nguyet ERNI is Fung Hon Chu Endowed Chair of Humanics, Chair Professor in Humanities, and Head of the Department of Humanities & Creative Writing at Hong Kong Baptist University. In 2017-18, he was President of the Hong Kong Academy of the Humanities. A former recipient of the Gustafson, Rockefeller, Lincoln, and Annenberg research fellowships, Erni's work traverses international and Asia-based cultural studies, human rights legal criticism, gender/sexuality studies, youth studies, cultural politics of race/ethnicity/migration, and critical public health. He is the author or editor of 9 academic titles, most recently *Law and Cultural Studies: A Critical Rearticulation of Human Rights* (2019).

### **林志潔 Chih-chieh LIN**

國立交通大學特聘教授，國立交通大學科技法律學院金融監理與公司治理中心主任，國立交通大學科技法律學院司法主權與社會正義講座教授，及全國司法改革國是會議委員法務部人權委員會委員。她的研究興趣包括刑法、刑事訴訟法和女性主義法學等。

Chih-chieh LIN is currently the Distinguished Professor of National Chiao Tung University. She is also the Director of Research Center for Financial Regulation and Corporate Governance and Honorary Chair Professor of Judicial Sovereignty and Social Justice at National Chiao Tung University Law School. She is a member of Committee of National Conference on Judicial Reform and Committee of Human Rights, Ministry of Justice. Her research interests include Criminal Law & Procedure and Feminist Jurisprudence.

### **朱元鴻 Yuan-horng CHU**

美國德州大學（奧斯汀）社會學博士。現任交通大學社會與文化研究所教授。曾任東海大學社會學系教授、德國法蘭克福社會研究院訪問學者、法國巴黎第八大學哲學系訪問教授、烏干達馬克雷雷社會研究所訪問教授。研究領域包括社會思想史、當代社會與文化理論、都市民族誌、文化研究。著有《我們活在不同的世界：社會學框作筆記》以及中英文期刊與專書論文五十餘篇。編有《孔恩：評論集》（與傅大為合編）、*Biopolitics, Ethics and Subjectivation*（與 Alain Brossat, Rada Ivekovic, Joyce C. Liu合編）；曾任《文化研究》創刊主編、麥田《理論與當代戰爭》書系主編。

Yuan-horng CHU is Professor of the Institute of Social Research and Cultural Studies, National Chiao-Tung University, Taiwan. He received his Ph.D. in Sociology from the University of Texas at Austin in 1990. He is the author of *In Different Worlds We Live: Sociological Notes on Framing*, and editor of many books, including (with D. Fu) *Thomas Kuhn: a Critical Reader*. He is a founder of *Router, a Journal of Cultural Studies*, and served as editor-in-chief 2003-2011. His research interests include history of social thoughts, contemporary social theories, and ethnographical studies of Taiwan's urban underclass. His publication includes over fifty articles in Chinese and English journals and books.

### **葉蔭聰 lam-chong IP**

嶺南大學文化研究助理教授，「香港獨立媒體網」創辦人之一。近年研究香港年青人政治參與和資訊科技，專著包括即將出版的*Hong Kong's New Politics of Identity: Longing for the Local in the Shadow of China* (Routledge, 2019)。

Iam-chong IP is Assistant Professor of Cultural Studies at Lingnan University. He is one of the founders of *Hong Kong In-media*. He has been working on a research project about youth, political participation, and information technologies in Hong Kong over the past few years. His recent publication includes *Hong Kong's New Politics of Identity: Longing for the Local in the Shadow of China* (Routledge, 2019).

### **曾仲堅 Chung-kin TSANG**

在嶺南大學文化研究系畢業，並分別於香港大學社會學系和北卡羅萊納大學教堂山分校傳播學系獲取碩士與博士學位。研究興趣包括香港普及文化、經濟文化與論述等。曾編寫《普普香港：閱讀香港普及文化2000-2010》，並正在撰寫《香港的房屋文化：買樓作為希望機制》。現職為樹仁大學社會學系講師。

Chung-kin TSANG received his bachelor's degree in Cultural Studies from Lingnan University. He then attained M.Phil of Sociology from the University of Hong Kong, and Ph.D. in Communication Studies from the University of North Carolina at Chapel Hill. His research interests include Hong Kong popular culture, and economic culture and discourse. He is a co-editor of a local popular culture reader—*Pop Hong Kong: Reading Hong Kong Popular Culture: 2000-2010*, and is under contract with Routledge on the book, *Homeownership in Hong Kong: House Buying as Hope Mechanism*. He now works as a lecturer at the Department of Sociology in the Hong Kong Shue Yan University.

## 容邵武 Shaw-wu JUNG

過去十年我的主要研究興趣為了解現代性形成裡的政治和法律過程。筆者自2004年起持續在鄉鎮「調解委員會」研究，探討在此一「準」法律的場域—地方世界中法律與慣習不斷遭遇所蘊涵的文化意義。我同時也在臺灣社區做研究，一方面了解一個社區（埔里桃米）的能動性(agency)是如何產生，如何和地方的權利觀有所關連；另一方面，我持續注意921大地震的重災區南投縣蒐集各種有關地震的敘事，注意敘事裡所呈現出有關正義(justice)的議題。近年來，我則在香港新界田野研究，希望從寬廣的比較視野，一方面探討地方社會在複雜的國家與跨國家的情境裡，觀察法律包含的普世價值如何蛻變為地方性的正義及不正義的概念，做出具有理論意涵的建構。另一方面，筆者也企圖從臺灣和香港的例子，了解法律連接的政治、社會和文化的經驗，找出不同的華人社會如何在華人大傳統的法律理念之下，因應西方法律的移植和變遷。我同時注意到臺灣和香港興起一股「社會經濟」風潮，讓我看到當地自發性形成的各種社會性保護，例如保護農業以形成綠色經濟，以對抗市場社會導致的災難，整個運動策略最終還在於提出社會經濟作為臺灣、香港長遠整體可持續發展的福祉的方向。這些以參與、溝通、信任、公平、價值導向，社群以共同目的為基礎的社會與經濟模式，試圖創造出某種共有財(common)。我們都知道在每一種共同體中，其成員之間都有其整合的模式。在不同尺度的空間，有著不同規模的人群，關心涵蓋度不同的公共議題，因而形成性質不同、深度廣度的公共場域。那麼在社群經濟通過互惠、合作、扶持等所表現出來的某種善意讓社區成員重新掌握作為個體與集體的意義時，那此時公共性、政治主體性意味著甚麼？最後，當我們清楚了地方社群連接和變化的因素之後，那面對更大範圍的社群，例如族群、國家，其中所包含的更複雜的生計技術、歷史狀況、階級結構等等，我們才有比較堅實的基礎去探索這些組織形成的文化脈絡是甚麼、成員「公共」參與的文化內涵是甚麼，進而對公共空間、權利意識、公民社會等議題提出深具人類學意義的解釋。

My main fields of interest have been the anthropology of law, the anthropology of politics, and the politics of culture. This is primarily an exploration of power and modernity, but also asks how we can study them from the bottom up, in contrast to traditional approaches to these subjects. Moreover, the nationalizing and modernizing experiences engendered by imposition of national law in Taiwan can contribute to critical examination of state strategies in different cultures. One must then see how law operates in light of pervasive and ongoing changes in the framework of state-local interactions and global-local relationships. Recently, I turned my focus to Hong Kong. I especially look at civil society in local contexts, within which people act collectively based upon the mutual engagement of local culture and modern imagination. I will explore the meanings of publicity and political subjectivity in building social economy, the current popular form of collective gathering, where reciprocity, cooperation, and mutual support, even good will, re-shape the relationship of the individual to the collective among community members. When the social economy boosts the individual and also the collective capacity to construct public interest in the public sphere, we can anticipate conflict and negotiations about what to do with state, ethnicity, and city, some of them backward, some progressive. I will look at publicity as a reflection of how people can mediate communication among individuals, as well as between individuals and the collective whole. From the perspective of the anthropology of politics, which seeks ways to understand how (new) sociality functions, the social economy can offer a critical space in which to examine political configurations and dynamics that shape legal ideas and cultural forms.

**林淑芬 Shu-fen LIN**

現任國立交通大學社會與文化研究所教授。她在英國艾塞斯大學取得政治學博士學位。她的研究興趣包括基進政治思想、民主化、社會運動、新自由主義、治理性研究、邊界/遷移和冷戰研究。她曾發表有關當代基進政治思想（Althusser, Ranciere, Balibar, Agamben, Laclau）和臺灣的政治轉型與社會運動的論文。

Shu-fen LIN is Professor in the Institute for Social Research and Cultural Studies, National Chiao Tung University. She received her Ph.D. in Ideology and Discourse Analysis from Department of Government, University of Essex (UK). Her research interests include radical political thoughts, democratization, social movements, neoliberalism, governmentality studies, border/migration, and Cold War studies. She has published articles on radical political thoughts (Althusser, Ranciere, Balibar, Agamben, Laclau) and political transformation and social movements in Taiwan.

## 演講摘要 Abstracts

**彭麗君教授（香港中文大學文化及宗教研究系）**

**題目：人民作為一種修辭：民主與身份認同**

**摘要：**

「人民」可能是現代政治詞彙中最空洞又最強大的一個詞語，任何政治家都可以用這個字去合理化沒有意義的建議或批評；但它也是所有現代政治機構和團體的基礎，為其提供合法性。在2019年的香港反送中運動中，「香港人」這個字為各種抗爭活動帶來無限的能量。但如果這最終還是一個民主運動，這種集體身份式的圍爐取暖，不免阻礙了民主實踐中一個最重要元素——尊重多元——的發展。不容否認，在這個運動中我們依然看到香港人歧視內地人的傾向，但這個運動也為「香港人」這個概念打開各種新的可能。如何建立屬於香港自己的民主，還是這個運動中我們最需要深思的課題。

**Prof. Lai-kwan PANG (Department of Cultural Studies, The Chinese University of Hong Kong)**

**Title: The People as a Rhetoric: Democracy and Collective Identity**

**Abstract:**

“The people” might be the emptiest but also most powerful word in modern political lexicon. It can be used by politicians to justify all groundless proposals or criticisms, but it is also the foundation and source of legitimacy for all modern political institutions. As a pro-democratic movement, the 2019 Hong Kong anti-extradition bill protests have been motivated by the enormous power of the term “Hongkongers.” But it inevitably calls our attention to the inherent tensions between collective identity and democracy, between exclusivism and the respect for differences. I want to point out in this presentation that while this movement might have continued to show the anti-mainlander tendencies inherent in society, it also radically opens up and diffuses the meanings of the “Hongkongers,” giving us valuable resources to continue to think about the project of democracy in Hong Kong.

**鄭肇祺助理教授（國立臺東大學文化資源與休閒產業學系）**

**題目：站在運動的後方：一場全球關注的運動中，海外香港人在（能）動員甚麼？**

**摘要：**

香港正經歷一場大規模的政治抗爭。在這場「流水」運動中，出席各種抗爭活動成為「支持運動」的必要實踐。可是，居於海外的港人基本上缺席了所有活動，大部分時間只能眼睜睜看著直播、瀏覽社交媒體。站在運動的後方，在這一場全球關注的運動中，海外香港人在（能）動員甚麼？講者將透過自身經驗，反思一個海外香港人的身份形塑過程。

**Prof. Eric Siu-kei CHENG (Department of Cultural Resources and Leisure Industries, National Taitung University)**

**Title:** At the Rear of Battle: What Do/Can Overseas Hongkongers Mobilize in the Global Spotlight on the Water Movement in Hong Kong?

**Abstract:**

Hong Kong has been experiencing weeks of political protests. In this so-called Water Movement, attending different activities organized by protests has become the key practice. Hongkongers living overseas are largely absent from the activities. They can only watch live videos or browsing news posted on social media. At the rear of battle, what do/can the Hongkongers mobilise? The speaker will share his personal experience and reflect on the shaping of his overseas Hong Kong identity.



陳錦榮教授（香港浸會大學人文及創作系）

題目：法紀之無法

摘要：

公民抗命和社會騷亂不單以各種形式的公民行動挑戰國家的鎮壓，更關鍵的是提出重要的「法律」問題。與此同時，這次法律觀點的辯論，促使傳統實證主義法學連繫至人權理論和實踐中的其他三個關鍵元素——暴力與創傷的各種敘事、道德目標，以及一個正常運作和積極回應問題的政府。因此，除非國家暴力、道德標準和治理結構也受到嚴格的檢視，任何以教條的法律手段控制公民抗命和社會騷亂的舉動，都應該受到高度質疑。異於實證主義法學理論，「法學現實主義者」的方法提出了一些最有意思的思考問題，在危機之中尤其重要：

- 公民應否屈從於暴政或不公義的法律？
- 不論法律的品質如何，我們是否都有絕對的責任服從法律？
- 抗爭活動能否帶出一種法律上的合法性，來平衡對法律絕對依從？
- 在如今的香港，有別於政府所宣稱的階級或世代差異，法律是否衝突的真正罪魁禍首，讓這座城市瀕臨崩潰的最大的鴻溝？

**Prof. John Nguyet ERNI (Department of Humanities & Creative Writing, Hong Kong Baptist University)**

**Title:** The Lawlessness of Law and Order

**Abstract:**

Civil disobedience and unrest challenge state repression not only through various forms of citizen actions but more crucially by raising important *legal* questions. At the same time, the legal debate presses conventional positivist laws to relate to three other vital elements in human rights theory and practice, namely the narratives of violence and trauma, moral aims, and a functional and responsive government. This is why any control of civil disobedience and unrest by dogmatic legal means is highly questionable, unless state violence, moral standards, and the structure of governance are also being robustly scrutinized. As a departure from positivist legal theory, the “legal realist” approach opens up some of the most interesting questions for consideration, especially in times of crisis:

- Should citizens be coerced into obedience to tyranny or unjust laws?
- Is there an absolute responsibility to obey the law irrespective of the quality of the law?
- Can protest derive a legal legitimacy that can balance the adherence to an absolute obedience to the law?
- In Hong Kong today, might law—and not class or generational difference, as proclaimed by the government—be the real culprit of the conflict: the deepest, most divisive chasm that is bringing the city to the brink of collapse?

**林志潔教授（國立交通大學科技法律研究所）**

**題目：從送中條例到五大訴求：香港的困境**

**摘要：**

香港「反送中運動」起源於港府以港人陳同佳在臺兇殺案的管轄權為由，推動的「逃犯條例」修訂，但此修正將可能使任何身在香港之人均得送往中國受刑事審判，因而產生從法律衍生至政治的角力。「反送中運動」從今年3月「逃犯條例」公布至今仍持續延燒，從「反送中條例」到「五大訴求，缺一不可」，人民訴求的重點早已從撤回條例，移轉到對警察、公權力甚至整個特區政府的不信任。1997年英國將香港主權移交中華人民共和國，依「一國兩制」政策保證香港自治權。然而從此次運動可見，香港因為缺乏民主的基底，政府無法回應任何可能的改革。在一國兩制政策下，其實從來沒有兩制而只有一國。本場演講，講者將就民主與法治層面討論香港的困境。

**Prof. Chih-chieh LIN (Institute of Technology Law, National Chiao Tung University)**

**Title:** The Ordeal of Hong Kong: From “Anti-Extradition Law Amendment” to “Five Demands, Not One Less.”

**Abstract:**

Anti Extradition Law Amendment Bill Movement in Hong Kong resulted from a lack of mutual legal assistance and extradition agreement between Hong Kong and China. The amendment bill originated in a case where a Hong Kong citizen murdered his girlfriend in Taiwan. The amendment of the bill raised a huge concern that it will subject Hong Kong residents and visitors to China’s jurisdiction and legal system, undermining the region’s autonomy and Hong Kong citizens’ civil liberties. Therefore, since March 2019, Hong Kong citizens and legal professionals held several demonstrations to protest the amendment. Following serious conflicts between protesters and police, protesters’s motto switched to “Five Demands, Not One Less,” which requires the Chinese government to respect Hong Kong’s core values, such as liberty and rule of law. Moreover, it also demands the Hong Kong government to investigate the power abuse of Hong Kong police and urges Chinese government to implement democracy in Hong Kong. United Kingdom turned over the sovereignty of Hong Kong to China in 1997. According to the “One Country, Two Systems” policy, China promised Hong Kong its autonomy. Unfortunately, as Hong Kong tries to develop its own democracy, China focuses more on maintaining the “one country” authoritarian sovereignty. The speaker will review the movement from historic and legal perspectives and discuss how Hong Kong could find its way under the “One Country, Two Systems” model.

**葉蔭聰助理教授（嶺南大學文化研究系）**

**題目：直面香港這場「不知節制」的運動：初探「時代革命」的地緣政治時空**

**摘要：**

自2019年夏天出現的香港街頭運動，引起本地以至國際的爭議，其中一種西方左派論調，指示威者不知節制地惡意渲染警察、特區政府及北京政府為邪惡化身，在地緣政治上成為美國主導的白人、右翼、新冷戰霸權陣營的一只棋子。本文的目的，並不是要為運動辯護，而是想指出，這種論調的問題之一，是把一種異常簡化的、西方中心的地緣政治觀，代替了地緣政治的在地性及複雜性，也迴避了中國的當代政治變化，這種觀點無法準確理解香港社會陷入自我激化、「情感自主」(affective autonomy)的政治歷史。香港的街頭運動，的確不是克服當前政治困境的答案，但我們不能迴避它提出的問題。

**Prof. Iam-chong IP (Department of Cultural Studies, Lingnan University)**

**Title:** An “Immoderate Movement”: Temporality, Geopolitics, and Hong Kong’s “Revolution of Our Times”

**Abstract:**

Since the summer of 2019, a new wave of protests and demonstrations has erupted and triggered local and international controversies. Some left-leaning critics point out the “immoderation” of the movement—exaggerating the gravity of the problem and portraying the police and governments as evils. They also accuse the movement of serving as “foot soldiers” in the promotion and protection of the US-led white supremacy, right-wing politics, and the “New Cold War.” Instead of defending the movement, this paper will find these notions oversimplified and western-centric in their geopolitical imagination. They overlook the locality and complexity of geopolitics, in particular, the contemporary political transformations of China. They also fail to accurately capture the political histories of Hong Kong characteristic of “affective autonomy.” Although the movement is definitely not the solution to the current political difficulties, we cannot evade the questions raised by it.

**曾仲堅博士（香港樹仁大學社會學系）**

**題目：「攞炒」的經濟想像：香港社運背後的情感結構與論述扣連**

**摘要：**

在2019年的社會運動中，「攞炒」（玉石俱焚）成為了關鍵論述，影響著示威者與市民對運動的理解。講者梳理在2014、2016與2019年進行的三輪焦點小組訪談，發現對現況感到「如一池死水般」的停滯感，和「危機」與「自救」等關鍵詞都一直存在於受訪者的對談之間。但在前兩輪的訪談中，這些情感與日常話語被扣連到個人化的經濟論述——等待下一個危機到來，再把握樓市大跌的機遇來買房。在2019年的訪談中，以上三種元素仍然存在，但被扣連到一個新論述：攞炒。攞炒的政治，亦經濟。講者將講述以上的歷史轉折，並集中分析當中的經濟面向。當中既存在一套道德故事，也有一種時間性的想像。

**Dr. Chung-kin TSANG (Department of Sociology, Hong Kong Shue Yan University)**

**Title:** The Economic Imagination of “*Laam Caau*”: the Structure of Feeling and Articulations underneath the Social Movements in Hong Kong

**Abstract:**

In 2019, “*Laam Caau*” (Mutual Destruction) has become a key discourse that is embedded in the understanding of the protesters and citizens towards the social movements. Through reviewing the focus group interviews conducted in 2014, 2016 and 2019, I propose that discursive elements of “stagnation,” “crisis,” and “self-reliance” exist since 2014, if not before. But in the first two rounds of focus group interviews, these elements were articulated more to an individualist economic discourse—“Waiting for the Coming Crisis”—the longing for the next crisis and the subsequent fall in the price of housing to achieve home purchasing. Now, in the 2019 interviews, I find that the above elements persist, but are articulated to a new discourse—the discourse of “*Laam Caau*.” In this presentation, I will trace the above historical trajectory and will focus on “*Laam Caau*”’s economic perspective, moral story, and temporality.

**容邵武 副研究員（中央研究院民族學研究所）**

**題目：2019年香港的自由之夏：縫隙與網絡**

**摘要：**

2019年註定是香港不平凡的一年。但是它的出現和發展的規模卻讓大部分的人非常驚訝，彷彿一個完全陌生的力量推動著香港朝著陌生的方向前進。然而，我將以縫隙與網絡二個形態描述我長期在香港田野所看到的平凡生活，試圖後見之明地分析2019年自由之夏是如何從這些平凡生活組構和重組。我並沒有意圖從這些分析裡為這個事件建議一個線性的因果序列，反而是這個重大事件讓我們必須重新正視了解香港的方式。

**Shaw-wu JUNG, Associate Research Fellow (Institute of Ethnology, Academia Sinica)**

**Title: How We Got Here in Hong Kong of 2019: Interstices and Networks**

**Abstract:**

2019 is certain to be an extraordinary year for Hong Kong. But all that happened in 2019 seemed to come from nowhere, surprising most people as it turned up with a very strange face, moving to even more unfamiliar direction. However, I will attempt to engage with two configurations, “Interstices and Networks” as I call them, garnering from the ordinary lives I’ve been looking into during my long-term fieldwork in Hong Kong. Interstices and Networks in terms of the ways they assemble and connect are quite useful, as I see them post hoc, to understand how we got here in Hong Kong of 2019. Not pretending to give a holistic and linear explanation of the event, I rather see the event as a breaking point toward a new way of understanding Hong Kong.

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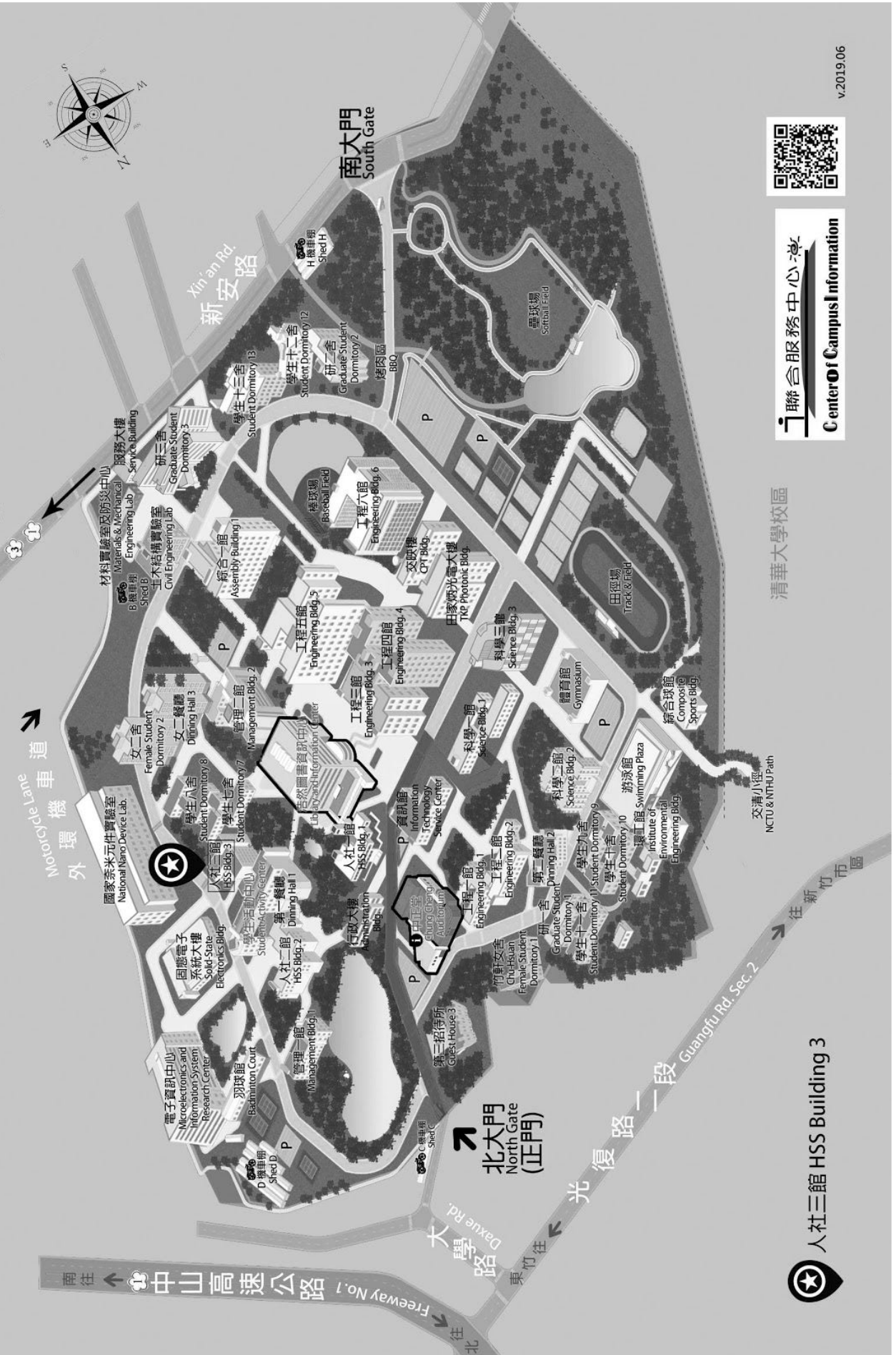
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