

# In the Name of the Law: Legal Frames and the Ending of the Occupy Movement in Hong Kong

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*The Hong Kong government made tactical use of legal instruments to end the Occupy Movement in 2014, yet there were divergent responses to the injunctions at the two main protest sites. Through a within-case comparison, this study argues that diverging legal frames explain the different reactions at the two sites. Law, as a constitutive symbol of certain collective action frames, constructs the boundaries of a movement and creates expectations among protesters regarding how to address legal instruments. The protesters in Admiralty tended to adhere to a law-abiding frame that required them to respect and obey the law when confronted with legal tactics. In contrast, the framing contest and self-selection of participants made activists in Mongkok susceptible to a law-defying frame that disposed them to resist the actions of law enforcement authorities. This study sheds light on the conditions under which protesters will obey the law.*

## INTRODUCTION

Hong Kong has been transforming into a social movement city since its handover to China in 1997.<sup>1</sup> Observers call it “the City of Protest” (Ma 2007, 207), and the Occupy Movement in 2014 marked the peak of social contention.<sup>2</sup> Fighting for universal suffrage, thousands of citizens occupied the streets in Admiralty, Causeway Bay, and Mongkok for a total of 79 days.<sup>3</sup> The movement surprised many for sustaining

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1. Hong Kong was a former British colony and was returned to People's Republic of China in 1997. Hong Kong is now an autonomous special administrative region under the framework of “One Country, Two Systems.” The capitalist market economy, civil liberties, and rule of law have been maintained after the handover.

2. Scholars have used different names for the 79-day movement. Many scholars call it the Umbrella Movement because protesters opened umbrellas to shield themselves from the pepper spray from the police (e.g., (Veg 2015; Yuen and Cheng 2017)). Some scholars use the name “Occupy Central Movement,” as the Occupy Central campaign started the preparations for the movement one year before it began (e.g., (Sparks 2015)). Some scholars use the name “Occupy Movement” or “Occupation Campaign” (e.g., (Cheng 2016b; Cai 2017)). I prefer the name “Occupy Movement” because I believe that this name best illustrates the legacy of the Occupy Central campaign, but it also shows that the movement is different from the originally planned Occupy Central.

3. The initiators of Occupy Central with Love and Peace were inspired by Occupy Wall Street, as they believed that the occupation of a core financial district could be a new repertoire of contention in Hong Kong. However, the Occupy Movement in Hong Kong is very different from Occupy Wall Street in terms of its claims. The main claim of the Occupy Movement in Hong Kong was democratic political rights, while the main claim of Occupy Wall Street was against economic inequality under capitalism.

itself for this long and attracting wide support from as much as 20.1% of Hong Kong's adult citizens (i.e., approximately 1.2 million) who claimed to have visited the protest sites to show their support.<sup>4</sup> The movement was generally peaceful, yet there were still serious conflicts between the protesters and police. The Occupy Movement represents a watershed for social movements in Hong Kong, given its long duration, massive participation, and severe clashes. Even Hong Kong's then Chief Executive CY Leung admitted, "the Occupy Central Movement has been the largest mass incident since 1997."<sup>5</sup>

People who care about Hong Kong might reasonably worry about the potentially ruthless repression of such a massive protest, given that Hong Kong is under an authoritarian sovereign. Thus, it is comforting to know that the movement ended in a peaceful way. However, it is intriguing that the movement was ended by a court's injunctions. With declining public support and deep internal divisions, the movement's leaders were forced into a passive position; respect for law made the leaders acquiesce to ending the movement due to the injunctions.

A close examination of the ending of the movement reveals a puzzling phenomenon. Mongkok and Admiralty were the two main protest sites in the movement, yet the protesters at the two sites responded to the injunctions in different ways. In Mongkok, there was a harsh confrontation between the police and protesters. The determined protesters finally retreated because they could not resist the police's overwhelming force, and some of them switched to walk collectively up and down the street. However, in Admiralty, the movement leaders and activists accepted the form the end of the movement took due to the injunctions. During the clearance of the site, the protesters sat on the ground, chanted some slogans and waited to be removed by the police. The divergent responses at the two sites are puzzling, given Hong Kong has robust rule of law and the government used the same legal tactics at each site. What explains the different reactions to clearance under the injunctions at the two sites? Put differently, under what conditions will protesters respect and obey the law in a social movement? This article argues that different legal frames explain the divergent reactions at the two sites.

This study uses a within-case comparison and process tracing to examine why protesters at the two sites responded to the injunctions differently. As both locations belonged to the same movement, the protesters at the two sites generally shared the same grievances, claims, and mobilizing structures. However, the protesters in Admiralty tended to adhere to the law-abiding frames of civil disobedience and peaceful resistance. The law-abiding frame, as a collective action frame, motivates individuals to join a social movement, yet it also requires the participants to respect the law in general and obey the law when confronted by a legal instrument in particular. In Mongkok, the framing contest between law-abiding and law-defying frames and self-selection of participants made activists susceptible to the law-defying frames of the Umbrella Revolution and "brave and forceful resistance." The law-defying frame disposed the activists to disregard the law in general and to disobey the law when facing legal tactics.

4. Center for Communication and Public Opinion Survey, CUHK. "Hong Kong Public Opinion & Political Development" Opinion Survey Fourth Round Survey Results (8-12.12.2014)" (2014). [http://www.com.cuhk.edu.hk/ccpos/research/1412TaskForce\\_SurveyResult\\_141218\\_English.pdf](http://www.com.cuhk.edu.hk/ccpos/research/1412TaskForce_SurveyResult_141218_English.pdf).

5. BBC Chinese. 2014. "CY Leung Reported to Xi Jinping: Occupy Central Has Been the Largest Mass Incident after 1997" [http://www.bbc.co.uk/zhongwen/simp/china/2014/11/141109\\_hongkong\\_occupy\\_xi\\_jinping](http://www.bbc.co.uk/zhongwen/simp/china/2014/11/141109_hongkong_occupy_xi_jinping). Accessed on 4 August 2017.

This study contributes to the literature by adding two novel types of legal frames and argues that a legal frame can have both empowering and constraining effects on a social movement.

The existing literature on law and social movements has well identified that legal instruments can be used to control a social movement (Barkan 1984, 2006; Cunningham 2004; Fernandez 2008; Chua 2012); however, little is known about the conditions under which protesters will obey the law. This study adds to the literature by arguing that law, as a constitutive symbol of certain collective action frames, constructs the boundaries of the social movement and creates expectations among protesters regarding how to address legal tactics.<sup>6</sup> After the movement's leaders and activists develop a legal frame, whether the protesters adopt a law-abiding frame or law-defying frame has a profound impact on how they will respond to attempts for legal control.

My sources of data consist of fieldwork, in-depth interviews, articles and speeches by the movement's leaders, video records of the movement's activities, and newspaper reports. I conducted in-depth interviews with movement leaders, movement activists, and ordinary participants based on snowball sampling. The term "movement activists" refers to the protesters who stayed at the protest sites day and night, while "ordinary participants" are citizens who casually visited the sites to support the movement. The interviews lasted for one to two hours. The interviews were held in Cantonese unless the interviewee preferred another language. Eleven interviews are quoted in this study with twenty-four interviews in total that cover both protest sites. To protect against deductive identification of the interviewees, I do not offer a list of the interviewees in the article, nor do I provide their names.<sup>7</sup> When I quote the interviews in the article, I will state the identity of the interviewee in a footnote (e.g., student leader of the HKFS), but I will not offer an exact identification number for each interviewee. For the militant protesters in Mongkok, I used their public speeches and articles to elaborate their collective action frame.

## Literature Review

Studies of social movements cover the sources, processes, and consequences of a movement. The repression of such movements has also become an important subject of inquiry. Tilly (1978, 100) offers a broad definition of repression as "any action by another group which raises the contender's cost of collective action." Two general models of repression can be identified: coercive repression, in which force is shown

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6. The constitutive perspective analyzes the mutual construction of legal and social orders (Nielsen 2000). In contrast to the instrumental approach, which takes law as an entity that is autonomous from social life, normative systems and social institutions, the constitutive perspective takes law as connected to and embedded in other arenas, thereby allowing examination of the cultural constraints and social norms that influence the law (Calavita 2001). The constitutive perspective not only takes the law as a powerful force in the construction of social meaning, identity, and everyday consciousness but additionally holds that the reverse is also the case.

7. I thank the editor and reviewers for urging me to take precautions to protect the sources against deductive identification. Any information that could be used to identify the interviewees is omitted to ensure confidentiality.

or used through standard police and military actions (Earl 2004), and channeling, which involves more indirect repression that attempts to control the forms of protest available, the timing of protests, and the movement's resources (Oberschall 1973).

With regard to the different types of repression, legal control of a social movement has drawn scholars' attention. Methods of legal control include injunctions, lawsuits, undercover surveillance, and even modifying laws (Barkan 1984, 2006; Cunningham 2004; Fernandez 2008). In a study of the anti-globalization movement, Fernandez (2008, 71–77) finds that the Miami City Commission revised their city ordinances to target protests through methods such as forbidding people to wear a gas mask, and the police in New York revived “old, forgotten laws” and applied them specifically to the anti-globalization movement. In a study of the southern civil rights movement in the United States, Barkan (1984) finds that in cities where white officials used legal tactics and avoided violence, the civil rights forces were defeated. More specifically, in Montgomery, Albany, and Danville, mass arrests, high bail, and court proceedings were used to control the movement, and Martin Luther King chose to obey a federal court injunction in Albany. In the city of Birmingham, Dr. King defied the injunction, and the police violence ultimately evoked national sympathy and led to federal intervention and the movement's success. The existing literature has identified that the law can be an effective instrument for controlling social movements because the law is a source of legitimacy (Chua 2012). However, little is known about the conditions under which protesters will obey the law. It is certainly not the case that a social movement can always be easily repressed if the government relies on the law.

At “a moment of social movement” within U.S. legal scholarship (Cummings 2018), there has been an increase in socio-legal studies of law and social movements (Boutcher and Stobaugh 2013). Researchers have suggested that legal rules and institutions can become a movement's opportunity structure that is exploited by activists (Pedriana 2004; Andersen 2009), and litigation can be a valuable resource to support the movement (McCann 1994). The law offers a symbolically rich medium for movements to construct and circulate meaning (Barclay, Jones, and Marshall 2011). The law can be considered a collective action frame that constructs grievances, identities, and objectives (Pedriana 2006). For example, in the women's movement in the 1960s, there was a framing contest between “equal treatment” and “protective treatment” in which the former targeted an equal standard for men and women, while the latter targeted protection exclusively for women. Both frames were explicitly rooted in legal terms (Pedriana 2006). The existing literature generally argues that legal frames could enable social movements. This study highlights that a legal frame can have constraining effects on a social movement.

There is an emerging stream of literature examining the Occupy Movement in Hong Kong. Scholars first paid attention to the macro-structural and historical factors that contributed to the emergence of the movement (Ortmann 2015; Hui 2015; Cheng 2016a). Ortmann (2015) argues that the movement was a result of Hong Kong's prolonged democratization process. Cheng (2016a) underlines the importance of the political regime and the historical cycle of protests that led to the Occupy Movement. He argues that the defining repertoires of the Occupy Movement, such as identity politics, decentralized organization, and resilient occupation, find their roots in past protest experiences. Chen (2016b) notes that the contradictions inherent in the

concept and practice of “One Country, Two Systems,” particularly the conflict between the Communist Party-led socialist system in mainland China and the aspirations for Western liberal democracy among the democrats in Hong Kong, are crucial to understanding the struggle for universal suffrage in Hong Kong. Beijing wants to ensure that the candidates for Chief Executive (CE) will not oppose the central government and the “socialist political system” on the mainland, but the democrats in Hong Kong are firmly opposed to any “screening” for CE candidates conducted by the Nominating Committee. In terms of the legal space for social movements in Hong Kong, the legal restrictions on demonstrations are not always strictly enforced, leaving considerable space for activists to organize protests and social movements (Chen 2017, 128). Ip (2014) argues that the Chinese government’s imposition of its preference for an electoral framework based on a unilateral interpretation of the Basic Law led to a legitimacy crisis for the entire constitutional framework. The Occupy Movement was then a result of the total breakdown in coordination between the Chinese government and democrats in Hong Kong.

Scholars have also explored the dynamics of the movement. Past protest experience, social media usage, and contingent events, particularly the usage of tear gas, encouraged individuals from diverse backgrounds to join the movement, which became self-mobilized, horizontal, and decentralized (Lee and Chan 2015; Cai 2017; Cheng and Chan 2017; Kwok and Chan 2017). Veg (2015) insightfully notes that there were both legalistic and utopian dimensions within this single movement. He argues that the protesters practiced legalistic resistance based on the Sino-British negotiations and the Basic Law through a utopian imagination of democracy. The law is indeed an arena of struggle in the movement, as both the protesters and the government tried to justify its demands in legal and constitutional terms (Chen 2017, 131).

The repression by the government and other social actors vis-à-vis the Occupy Movement has been another subject of study. Yuen and Cheng (2017) note that the government responded to the movement through a strategy of attrition: while seemingly tolerating the street occupation, the government made attempts to maintain elite cohesion, mobilize counter-movements, and leverage legal instruments. Some attackers from the counter-movements were low-level triads (organized crime syndicates operating in Hong Kong) (Varese and Wong 2017). Yuen and Cheng argue that by leveraging these legal tactics, the government attempted to make use of the judiciary as an impartial third party because Hong Kong’s political structure is a liberal autocracy with robust rule of law (Kuan and Lau 2002; Tam 2010; Fong 2013; Ip 2016; Cheng 2018). It is certainly true that at the macro-structural level, Hong Kong’s political structure and the high level of trust in the independent judiciary made it possible for the government to end the movement through the law. Yet I argue that at the meso- and micro-levels, the protesters’ framing of the movement played a crucial role in their responses to the injunctions.

In summary, the existing literature has indicated that the law can be used tactically to control social movements, yet little is known about the conditions under which the law becomes an effective means to control a movement. The literature on the law and social movements has found that the legal frame can be a powerful collective action frame, but there has been little discussion about how law, as a constitutive symbol of certain collective action frames, can create expectations among protesters about

how to respond to attempts to legally control social movements and thus can have both empowering and constraining effects on a movement. The existing research on the Occupy Movement has examined the government's strategy to weaken the movement, including its use of legal tactics, but there has been little in-depth discussion about why and how the law became an effective tool to end the movement, and no study has examined why the protesters at different protest sites responded to the injunctions in different ways. In the following sections, this study will first trace the process of how the injunctions were used to end the movement. Then, the study moves to a within-case comparison to examine why the protesters at different occupation sites responded to the injunctions differently.

## BACKGROUND

The Occupy Movement can be dated to the initiation of the Occupy Central campaign in 2013. In early 2013, Professor Benny Tai Yiu-ting, Professor Chan Kin-man, and Reverend Chu Yiu-ming jointly initiated the campaign called "Occupy Central with Love and Peace" (OCLP). The main purpose of the campaign was to push the Chinese government to grant universal suffrage in Hong Kong; otherwise, the campaign would occupy the city's financial center—Central. The Occupy Central campaign then organized a series of mobilizing activities and became a significant political force in Hong Kong. However, in August 2014, the Chinese government decided to offer an election framework with political pre-screening, which caused great dissatisfaction among citizens.

While most people believed that Occupy Central would take place as promised and end in just one or two days, students began to take initiative, and a series of contingencies finally led to the full-fledged Occupy Movement. The Hong Kong Federation of Students (HKFS) first organized a class boycott and then stormed the Civic Square on September 26, 2014.<sup>8</sup> After the arrest of student activists, many citizens took to the streets in sympathy with the students. The usage of tear gas caused great anger among the citizens and finally triggered the Occupy Movement. Citizen participation reached its peak in the initial days of the movement. After the initial repression of the movement backfired, the government seemingly tolerated movement activity while simultaneously employing multiple tactics to exhaust the protesters (Yuen and Cheng 2017).

As the movement proceeded, internal divisions arose. The Occupy Movement was decentralized, but the student leaders of the HKFS and Scholarism were mostly perceived as taking the leadership role in formulating claims, mobilizing protesters, and making important decisions.<sup>9</sup> The two student organizations, OCLP, pan-democratic political parties, and civil society organizations set up a five-party platform for coordination. Initially, the student organizations discussed decisions with OCLP.

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8. HKFS refers to the Hong Kong Federation of Students, a student organization representing the student union of eight major universities in Hong Kong.

9. An onsite survey showed that 56.5% of respondents considered the HKFS to be the movement's leader, followed by 29% for Scholarism and 17.7% for OCLP (Cheng and Chan 2017). Scholarism was a student organization emerging from the anti-national education movement in 2012, which was influential among middle school students in Hong Kong (Wang 2017).

However, after approximately three weeks, the students gradually started making decisions by themselves and only gave briefings to the other partners in the platform.<sup>10</sup> The HKFS became the *de facto* leader, particularly after its dialogue with the government on October 21, 2014. The movement's leadership faced even deeper divisions after the dialogue. The student leaders generally hoped to carry on the movement until the government compromised.<sup>11</sup> The initiators of OCLP instead preferred to stop the movement, as they believed that it had lost direction.<sup>12</sup>

After the protest entered its second month, public support for the movement declined. Surveys showed that those who opposed "Occupy Central" increased from 35.5% in October to 43.5% in November.<sup>13</sup> Some people who supported the movement also thought that it was time to conclude the protest. In November, 67.4% of the interviewees thought that the protesters should evacuate all occupied areas. In December, 76.3% of respondents thought the protesters should leave the occupied sites.

In the later stage of the movement, many student leaders realized that it would be difficult to continue the protest.<sup>14</sup> They discussed several options.<sup>15</sup> They considered directly announcing the end of the movement on their own initiative, but some thought that the protesters would lose face and would not fulfill the public's expectations. More crucially, they believed that some determined protesters would not retreat, and the student leaders did not want to leave them behind. Some of the student leaders also considered further escalation that could have resulted in bloody conflicts, but others did not want the historical responsibility of initiating a bloody confrontation and argued that they should follow the non-violent principle of Occupy Central.<sup>16</sup> The HKFS had adopted a unanimous decision-making rule. Because the student leaders of the HKFS could not agree on the movement's direction, they were not able to make any decisions. Thus, the student leaders could only take a passive position and wait for the government to act. The government then turned to legal instruments to end the movement.

### Using Injunctions to End the Movement

As the movement's support began to wane, the government tactically made use of legal instruments to end the movement. The application and issuance of injunctions are worth noting. Yuen and Cheng (2017) reveal that intermediaries who had ties to the Hong Kong government approached some private companies and asked for their help to put an end to the movement. Some companies, particularly large firms, refused, but others agreed to cooperate with the government. It was widely suspected that some companies had agreed to apply for injunctions in exchange for political and economic returns. For example, the Chiu Luen Public Light Bus Company, which applied for the

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10. Interview with an initiator of OCLP.

11. Interviews with core leaders of the HKFS, Scholarism, and the Civil Human Rights Front.

12. Interview with an initiator of OCLP.

13. Centre for Communication and Public Opinion Survey, CUHK. "Hong Kong Public Opinion and Political Development" (2014). <http://www.com.cuhk.edu.hk/ccpos/research/taskforce-en.html>.

14. Interviews with core leaders of the HKFS and Scholarism.

15. Interview with an activist in the movement (became a leader of the HKFS in 2015–2016).

16. Interviews with core leaders of the HKFS and Scholarism.

injunction in Mongkok, had an annual net income of only HK\$183,000 and could hardly bear the cost of a lawsuit.<sup>17</sup> After the private companies applied for injunctions, the High Court granted injunctions to the occupied streets in Mongkok, CITIC access in October, and to the site in Admiralty on December 1, 2014.<sup>18</sup>

It is particularly interesting to note that it was private companies that applied for injunctions through civil proceedings to clear the sites. The police could have directly organized an eviction under the Police Force Ordinance, but they did not act after their initial repression failed and backfired. Because the movement was a public event, the Department of Justice was entitled to apply for the injunctions. In an interview, Secretary for Justice Rimsky Yuen stated that the department had decided not to apply for an injunction after “evaluating all factors,” but he refused to disclose detailed information.<sup>19</sup> The government further acknowledged that “applications for injunctions are civil (as opposed to criminal) in nature, they are generally and mostly handled by private litigants.”<sup>20</sup> The government was in fact using the private companies’ civil proceedings to end a highly political movement. By letting private companies lead the applications for injunctions, the government made the occupation appear to be a purely legal issue among private citizens and made it seem that the government had no responsibility for it.

After the High Court granted the injunction on October 20, 2014, the HKFS formally responded by stating that it would not proactively retreat from the occupation site but that it would respect the ruling.<sup>21</sup> The letter stated that after the movement, the protesters would respect the ruling of the courts and take legal responsibility so that the rule of law could be maintained. The response acknowledged that the injunction was reasonable from a legal perspective to restore social order, but it stated that the protesters would use civil disobedience to expose the unjust political system. The statement also warned other protesters to think about the risk when deciding whether they would remain at the occupation site, as they could be charged with contempt of court if they continued the occupation.

Although most of the student leaders refused to retreat from the protest site, they accepted the form the end of the movement took due to the court’s injunctions, particularly considering the declining public support and deep internal divisions. Because the movement had lost direction and the student leaders could not reach consensus among themselves, they were indeed waiting for the government’s action.<sup>22</sup> The clearance due to the injunction was a relatively acceptable way for the student leaders to end

17. “Trying to Become a Member of a Political Consultative Committee, Chiu Luen Lost Money Instead.” *Next Magazine* (Dec. 11, 2014).

18. *Chiu Luen Public Light Bus Company v. Persons Unlawfully Occupying or Remaining on Public Highway*, HCA 2086 (Court of the First Instance 2014); *Golden Investment Limited v. Persons Who Erected or Placed or Maintained Obstructions*, HCA 2094 (Court of the First Instance 2014); *Kwoon Chung Motors Co Ltd v. Kwok Cheuk Kin and Others*, HCA 2222 (Court of First Instance 2014).

19. “Occupy Central – The 52<sup>nd</sup> Day of Occupy Central, the Bailiffs Cleared the Obstacles Opposite to the CITIC.” <https://www.youtube.com/watch?v=A1cFhiRL8JQ>. Accessed Aug., 11 2017.

20. Legislative Council. “LCQ 21: Injunctions” (2014). <http://www.info.gov.hk/gia/general/201411/05/P201411050380.htm>. Accessed August 11, 2017.

21. Hong Kong Federation of Students. “Value the Rule of Law, Take the Criminal Responsibility, Resist to the End, and Manifest the Justice: A Response to the Interim Injunction Issued by the High Court” (Oct. 21, 2014). <http://www.inmediahk.net/node/1027561>.

22. Interview with an activist in the movement (who became a leader of the HKFS in 2015–2016).

the movement. The judicial system, which is widely perceived as an independent and impartial entity, retained high legitimacy among the citizens, while the police were disparaged by the protesters throughout the movement. In an interview, a student leader of the HKFS admitted that it was difficult to disobey the injunctions: “We must respect the court, as we say we uphold the rule of law.”<sup>23</sup> Another student leader said that the injunctions made the clearance more predictable, which made it easier for the protesters to accept.<sup>24</sup> The injunctions meant that eviction would occur after the bailiffs made announcements and blocked the sites. A clearance led by bailiffs as opposed to police was also more acceptable to the protesters. The protesters did not need to worry that the police would suddenly rush in to force the clearance without prior notice, which would be a humiliating end to the movement.

Using injunctions to end the movement was a peculiar arrangement. In this case, the law legitimized the actions of both sides. The government used the law to legitimize the clearance by presenting the movement as unlawful. The law also offered an acceptable form the end of the movement took for the student leaders. The injunctions legitimized the ending of the protest and made it easier for movement leaders to persuade determined protesters to retreat.

### Clearance of Mongkok and Admiralty

After the court granted the injunctions, the clearance was conducted in Mongkok and Admiralty.<sup>25</sup> In the eviction at Mongkok, the protesters strongly resisted the injunctions. The final clearance of the site occurred not because the protesters chose to obey the injunction but rather through the use of force by the police. In contrast, in Admiralty, the activists acquiesced to the injunctions and were removed by the police without much resistance.

The eviction of the site at Mongkok took two full days, from November 25–26. The bailiffs first repeated the injunctions and warned that anyone disrupting the clearance would be in contempt of court. Because the protesters refused to obey the injunctions, the bailiffs asked for assistance from the police. The riot police used force, including tear water guns and pepper spray, to push back the protesters. The protesters also made several attempts to reclaim the streets by pushing back on the police. Some protesters were wrestled to the ground and arrested. Over the two days, 159 protesters were arrested on charges of criminal contempt and obstructing government administration. Although the protesters were ultimately dispersed, determined protesters quickly switched to a new tactic, namely, “Gau Wu.” “Gau Wu” sounds like “gou wu” (shop-ping) in Mandarin, and it demonstrated the protesters’ dissatisfaction with the inconvenience caused by so many mainland visitors. The participants in “Gau Wu” claimed

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23. Interview with a core leader of the HKFS.

24. Interview with a core leader of the HKFS.

25. Causeway Bay was another important protest site in the movement. The clearance of the protest site of Causeway Bay was conducted on December 15, 2014 in a peaceful way. I did not include Causeway Bay in the comparison because the site was relatively small and shared similar characteristics with Admiralty. The court did not issue an injunction for Causeway Bay. When the police conducted the clearance, approximately 20 protesters remained at the site claiming that they were in acts of civil disobedience.

to be joining shopping tours, but in fact they walked collectively up and down the street, singing and chanting slogans.

The clearance of Admiralty was conducted on December 11, 2014. The activists chose to end the movement in a theatrical and peaceful way. The bailiffs first removed barricades from the road, while the movement leaders and activists sat in the street holding hands. They chanted slogans such as “I want genuine universal suffrage” and “civil disobedience, without fear and fright.” When the police used loudspeakers to say that they would arrest the protesters if they did not leave immediately, the legislator “long hair” Leung Kwok-hung shouted back, “We are engaged in peaceful civil disobedience, we hope you will not take revenge on us and will not use excessive force.” When the police removed the protesters one by one, they did not react violently, and the clearance was conducted peacefully. In the end, the police arrested 247 people who were sent to the police station but then released the next morning.

What explains the different reactions to the injunctions at the two protest sites of a single movement?

## A COMPARATIVE STUDY OF MONGKOK AND ADMIRALTY

As Mongkok and Admiralty were protest sites in the same movement, the two locations had commonalities in many essential respects. However, I argue that the two sites differed in a significant way, which was that the self-selection of participants made the two sites attractive to different types of protesters. Almost all social movements have “moderate” and “radical” factions. Scholars have identified radical flank effects as interactive processes involving radical and moderate factions of a movement (Haines 1984). It is interesting to note that in the Occupy Movement, the bifurcation was obvious at the two occupation sites. Marginal protesters who were dissatisfied with the mainstream protesters in Admiralty tended to join Mongkok.

The two sites basically shared the same grievances, claims and mobilizing structures. The main shared grievance was the electoral framework with political pre-screening imposed by the Chinese government and the repression of the movement conducted by the police. The protesters were deeply disappointed by the Chinese government’s failure to deliver its promised democratic election. The protesters were furious about the lack of response by the Hong Kong SAR government to their claims and particularly about the way Chief Executive CY Leung handled the protest. The main claim at both sites was the right to universal suffrage for Hong Kong. The two sites also shared similar mobilizing structures that were spontaneous, horizontal, and decentralized (Cheng and Chan 2017).

However, observers could easily notice that the two sites significantly differed from each other. At first glance, the protest in Admiralty followed a peaceful and middle-class style. There was extensive artistic work, for example, a Lennon Wall with thousands of colorful notes that showed the support for the movement. Many nights, a sea of protesters held the glowing screens of mobile phones aloft and jointly sang songs such as “Boundless Oceans, Vast Skies,” which created a strong sense of solidarity. Students set up self-study rooms so that they could continue their studies while joining the protest. In contrast, the protest in Mongkok tended to attract grassroots supporters with diverse

socio-economic backgrounds. A survey shows that protesters in Mongkok tended to categorize themselves as the lower class (Yuen 2018). I was told that the occupation of Mongkok started with a call on the website [hkgolden.com](http://hkgolden.com), a forum favored by young people with strong anti-establishment sentiments.<sup>26</sup> When these netizens saw the police fire tear gas in Admiralty, they decided to walk out to occupy Mongkok. The site therefore originated with a group of netizens with strong anti-establishment sentiments. Some protesters set up hot pots, table tennis, and mahjong, which made the site look entertaining, although such acts got severely criticized by some militant protesters. The protesters even built a place for worship of Guan Yu, a hero in Chinese history who is respected for his loyalty and righteousness and later became a god in Chinese folk religion (Bosco 2016).

From the beginning, the protest site in Mongkok featured many more violent clashes than in Admiralty. Starting in early October, there were severe conflicts between the protesters and anti-Occupy people in Mongkok. Some anti-Occupy individuals who attacked the protesters were identified as criminal gang members. The police attempted to implement a *de facto* clearance of Mongkok on the morning of October 17, 2014, but the protesters fought back and reoccupied the site in the evening. The attack by anti-Occupy people and the threat of eviction by the police meant that protesters who chose to join the occupation in Mongkok tended to be prepared to fight their opponents.

There was a self-selection for the core activists at the two sites. Mainstream and moderate protesters tended to join the occupation in Admiralty, while the marginal and radical activists were prone to join Mongkok. In Admiralty, the student leaders, together with other movement leaders such as the initiators of OCLP, set up a “main platform.” Every day, the movement’s leaders would step onto the main stage to provide updates, announce decisions, and encourage the protesters. Although most of the protesters did not have a direct organizational link to these movement leaders, the main platform attracted protesters who shared the same ideals as the movement leaders, particularly the concept of civil disobedience and the principle of nonviolent resistance.

In Mongkok, many marginal protesters, in particular the localists, joined the site because they were dissatisfied with the leadership and the style of protest in Admiralty.<sup>27</sup> Mongkok became a main site for some radical and localist organizations, such as People Power and Civic Passion. Localism is a rising ideology in Hong Kong that began in the 2010s (Veg 2017). Localists typically favor segregation between mainland China and Hong Kong and call for militant action (Mok 2015). The localists were deeply disappointed with the movement’s leadership in Admiralty. They blamed the students and OCLP for hijacking the movement by setting up the “main platform” in Admiralty and representing the protesters in their dialogue with the government. Some protesters also blamed the student leaders for not taking advantage of many chances for escalation. For example, they were dissatisfied with the HKFS’s call for retreat in response to a rumor that the government used rubber bullets on September 28, 2014. The dissatisfaction with the movement’s leadership in Admiralty made the occupation site in Mongkok even more decentralized. One slogan favored by many protesters in Mongkok was,

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26. Informal chat with an informant.

27. Interview with two activists in the movement.

“there is only the mass, but no organizer/main platform.” Slogans such as “the trio of Occupy Central do not represent me” and “the HKFS does not represent me” also became popular. To a large extent, the student leaders had only symbolic leadership power in Mongkok. Thus, Mongkok was more likely to attract protesters who preferred a different protest style from that in Admiralty.

The self-selection of participants made the two sites tend to attract different core activists, yet self-selection alone cannot explain the different reactions to the injunctions. In a social movement, there is often a co-existence of moderate protesters and a radical flank. However, being “radical” in a social movement does not necessarily mean that “radical protesters” will disobey the law if the movement in general is highly peaceful and emphasizes self-restraint. Being “moderate” in a movement does not necessarily mean that “moderate protesters” will obey the law if the movement is highly radicalized. Thus, self-selection alone cannot explain the protesters’ response to the injunctions. We must examine the factors that construct the protesters’ identity in the movement that make them “moderate” or “radical” protesters.

A crucial difference between the two sites was the activists’ collective action frames. Law, as a constitutive symbol of certain collective action frames, constructs protesters’ identity and the boundaries of a movement. The element of the law in collective action frames creates expectations among protesters regarding how to address legal control of a social movement. The protesters who adopted the law-abiding frame tended to obey the law during the clearance, and they were more likely to join the site of Admiralty. There was a framing contest among the protesters throughout the movement. The discontent of the marginal activists pushed them to develop law-defying frames that countered the frames adopted by the mainstream protesters, and they were likely to attend Mongkok. As the movement proceeded, some protesters experienced a frame transformation and supported the militant contention. In the following parts, I will specify the collective action frames at the two sites by highlighting their different understandings of law.

### The Law-Abiding Frame

A “frame” is defined as a “schemata of interpretation” that enables individuals “to locate, perceive, identify and label” occurrences within their life space and the world at large (Goffman 1974, 21). People must view their world from a particular perspective to take collective actions or engage in political contentions. Such perspectives are called the collective action frame. The collective action frame plays an interpretive function by mobilizing potential adherents and constituents, gathering bystander support, and demobilizing antagonists (Snow and Benford 1988). Framing is the process in which movement activists construct an interpretive scheme and apply it to mobilize people to join a collective action.

The examination of a collective action frame offers an important perspective for understanding how individuals are mobilized to participate in collective action. The existing literature has argued that law can be an important element in social movement frames by facilitating collective action. However, few studies note that there could be some collective action frames that require movement participants to respect and obey

the law while at the same time mobilizing participants. This article names such a frame the law-abiding frame. The law-abiding frame requires protesters to have general respect for law and to obey the law when the government leverages legal instruments. The law-abiding frame expects that protesters will stop short of violence. In the case of the Occupy Movement, I argue that the law-abiding frame is crucial to understanding the different reactions to the injunctions at the two occupation sites. Two major law-abiding frames in the Occupy Movement can be identified as “civil disobedience” and the principle of peaceful resistance.

Starting in early 2013, the initiators of the Occupy Central campaign exerted great effort to introduce the concept of civil disobedience to the public. The campaign considered civil disobedience to represent a credible threat to the Chinese government to grant universal suffrage in Hong Kong. However, as acknowledged by Benny Tai Yiu-tung, a core initiator of Occupy Central, civil disobedience had seldom been practiced before in Hong Kong, and Occupy Central was therefore a “new paradigm of social movement.”<sup>28</sup> In a series of articles and interviews, Tai attempted to explain the definition of civil disobedience and the justification for the action. Tai argued that strictly observing the law was regarded as a low level of the rule of law, while using the law to achieve justice could be treated as a high level of the rule of law.<sup>29</sup> If the law itself was unjust and did not protect people’s rights, civil disobedience was an option.<sup>30</sup> Tai also tried to distinguish civil disobedience from other illegal actions.<sup>31</sup> He argued that individuals who engaged in civil disobedience voluntarily took criminal responsibility, which meant that they still respected the authority of the law; they only hoped to inform the public about injustice by disobeying the law. The civil disobedience articulated by the campaign meant that the protesters would circumvent the legal restrictions temporarily, but they would maintain respect for the rule of law and accept the legal consequences of their actions.<sup>32</sup> According to Tai, the rule of law and civil disobedience were constitutive concepts subject to mutual construction and reinforcement, as the rule of law permits acts of civil disobedience, while civil disobedience can strengthen the rule of law. The concept of civil disobedience was further introduced to the public through activities such as Deliberation Days. Survey data showed that the OCLP’s efforts did pay off. Two surveys showed that the public’s understanding of civil disobedience improved significantly from September 2013 to October 2014 (Lee 2015).

Although many contingencies made the Occupy Movement substantially different from the originally planned Occupy Central, the frame of civil disobedience represented a crucial legacy of Occupy Central on the actual 79-day movement. One student leader argued that civil disobedience helped the student leaders to “conceptualize the movement” and offered them a “thinking framework.” He argued that civil disobedience

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28. Benny Tai. “Occupy Central Peacefully: A New Paradigm for Social Movement in Hong Kong.” *Hong Kong Economic Journal* (Apr. 5, 2013).

29. Benny Tai. “A Dialogue about Civil Disobedience and Justice of Law.” *Ming Pao* (July 17, 2013).

30. Benny Tai. “Whether Civil Disobedience Is Reasonable?” (2013). [http://oclp.hk/index.php?route=occupy/article\\_detail&article\\_id=41#sthash.3ZCJvSYx.dpuf](http://oclp.hk/index.php?route=occupy/article_detail&article_id=41#sthash.3ZCJvSYx.dpuf).

31. Benny Tai. “A Dialogue about Civil Disobedience and Legal Justice” (2013). [http://oclp.hk/index.php?route=occupy/article\\_detail&article\\_id=8#sthash.933dAMAY.dpuf](http://oclp.hk/index.php?route=occupy/article_detail&article_id=8#sthash.933dAMAY.dpuf).

32. For Benny Tai’s detailed elaboration on the relation between civil disobedience and rule of law, see Tai (2017).

defined the “spirit of the movement.”<sup>33</sup> From the beginning of the Occupy Movement, the student leaders repeatedly presented the movement as a civil disobedience exercise in their public speeches. Survey data showed that 46.1% of the protesters shared the OCLP’s idea of civil disobedience (Cheng and Chan 2017). “Be fearless and frightless, civil disobedience!” was a popular slogan chanted by protesters in the movement.

After the movement began, the frame of civil disobedience set the boundary of the movement for its leaders. The initiators of OCLP considered the protest to be “a most conservative and traditional civil disobedience movement.”<sup>34</sup> They believed that the concept of civil disobedience only allowed the protesters to disobey the law in a limited way. If the protesters were to violate the law on a massive scale, people would doubt the rule of law, and it would be undermined. As the movement proceeded, the initiators of OCLP believed that the protest should be stopped because it had gotten out of control and reached an unprecedented scale.<sup>35</sup> The core leaders of the OCLP and 65 supporters surrendered themselves to the police on December 3, 2014. On December 2, 2014, the leaders of OCLP announced the “Occupy Central Trio’s Letter to the Hong Kong People.” The letter stated that civil disobedience required the participants to bear the legal consequences, so they had decided to surrender to the police to demonstrate their commitment and responsibility. A student leader agreed that the concept of civil disobedience offered a framework for the conditions, costs, and procedures of the movement.<sup>36</sup> There had been several successful examples of civil disobedience, such as the movements led by Martin Luther King Jr. and Gandhi. The movement participants were therefore motivated to follow the practices used in prior successful movements. Another student leader acknowledged that the concept of civil disobedience was relevant to their acquiescence to the injunctions. He agreed that the idea of civil disobedience required the participants to respect the rule of law, which pushed them to accept the injunctions.<sup>37</sup>

Another important law-abiding frame in the movement was the principle of peaceful resistance, which was rooted in the norms of traditional social movements in Hong Kong. Hong Kong has experienced many protests since the handover. The earlier protests created social movement organizations and long-term movement activists, and the principle of peaceful and non-violent resistance has become a *de facto* norm. With the emergence of transgressive contention in both social protests and the legislature, the legislator Emily Lau Wai-hing famously summarized the norm of contention as “peaceful, rational, non-violent and no foul language” in 2010. Another source for the principle of peaceful resistance was Benny Tai’s idea of “Occupy Central with Love and Peace.” From the beginning, the initiators of the Occupy Central campaign emphasized that the movement should remain peaceful. The ideal of an occupation with “love and peace” was another legacy of the campaign.

In the Occupy Movement, peaceful resistance was widely viewed as a key frame legitimizing the movement. A student leader argued that violent resistance could only be justified after exhausting all peaceful means, but the students had to stick to peaceful

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33. Interview with a core leader of the HKFS.

34. Interview with an initiator of OCLP.

35. Interview with an initiator of OCLP.

36. Interview with a core leader of the HKFS.

37. Interview with a core leader of the HKFS.

resistance because it was a principle of the movement from the very beginning.<sup>38</sup> Many ordinary protesters believed that a violation of the principle of peaceful resistance would not only give the government an excuse for harsh repression but also cause the movement to lose public support, as the majority of Hong Kong's citizens favored nonviolent resistance.<sup>39</sup> In the interviews, several movement participants mentioned that peaceful resistance made them proud to be part of the movement.<sup>40</sup> When facing violent repression, the student leaders and many movement activists frequently attempted to persuade the public to maintain their peaceful resistance. For example, when Mongkok was attacked by anti-Occupy people in early October, the movement leaders organized a gathering in Admiralty. The student leaders led the public in chanting slogans such as "peaceful resistance, vow to fight for democracy" and "peaceful resistance, Hong Kong spirit."

The law-abiding frame played a crucial role in the peaceful ending in Admiralty. Before the government conducted the clearance on December 11, 2014, the HKFS and Scholarism held a joint press conference. In it, student leader Alex Chow said that the protesters had presented the movement as an act of civil disobedience from the beginning, so the protesters should maintain the principles of civil disobedience and non-violence to the very end.<sup>41</sup> He called upon the protesters to respect the rule of law. Joshua Wong also stated that the protesters would follow the practice of peaceful resistance and uphold the principle of no fighting back during the clearance. In a press conference held by pan-democratic politicians, legislator Albert Ho said that they would stick to the peaceful and non-violent principle and were willing to take legal responsibility for their actions.<sup>42</sup> Professor Wong Hung, an activist in the movement, said that he supported the student organizations that differentiated themselves from those who supported violent resistance. He believed that a peaceful ending would be likely to unite more citizens compared to a "brave and forceful resistance."<sup>43</sup> During the clearance, "civil disobedience, without fear and fright" was one of the main slogans chanted by protesters. In this case, civil disobedience and the protesters' understanding of the rule of law legitimized the ending of the movement and made it easier for the movement's leaders to persuade the protesters to retreat.

In the clearance of Admiralty, the law-abiding frame indeed contained the protesters' reaction to the injunctions. The campaign's understanding of the rule of law constituted the frame of civil disobedience. It required the movement's leaders and protesters to respect the law and maintain peaceful resistance. The law-abiding frame also helped the movement's leaders justify the ending of the movement at that particular time. Without such a law-abiding frame, it would have been much more difficult for the movement's leaders to persuade determined and radical protesters to retreat peacefully from the massive protest.

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38. Interview with a core leader of HKFS.

39. Interview with an activist in the movement (who became a leader of HKFS in 2015–2016).

40. Interviews with three ordinary participants in the movement.

41. SocREC. "10DEC2014 Press Conference of Scholarism and HKFS" (Dec. 10, 2014). <https://www.youtube.com/watch?v=9utprjYspo>.

42. SocREC. "10DEC2014 'Clearance Is Coming, All Sides Call for Self-Restraint from the Police' Press Conference" (Dec. 10, 2014). <https://www.youtube.com/watch?v=Ma0cQbs3FcM>.

43. Wong Hung. "Wishes on the Night Before the Clearance of Admiralty" (2014). <http://boxun.com/news/gb/pubvp/2014/12/201412111019.shtml#.WcDURcgjG70>.

## The Law-Defying Frame

The law-defying frame is a collective action frame that mobilizes individuals to join a social movement and at the same time disposes protesters to disregard the law in general and to disobey the law when facing legal instruments in particular. The law-defying frame allows protesters to engage in disruptive contention and even collective violence. In the case of the Occupy Movement, marginal activists developed the law-defying frame in reaction to the law-abiding frame held by the mainstream protesters, and these marginal protesters tended to join Mongkok. When the government leveraged legal tools, the law-defying frame encouraged the protesters to resist the legal instruments.

Many protesters in Mongkok, localists in particular, disagreed with the ideal of civil disobedience. The localists believed that if the protesters accepted legal responsibility and were arrested before achieving their goals, they would lose their capacity to fight and their bargaining power. They argued that civil disobedience would not work in Hong Kong because the protesters were facing an authoritarian government (Mok 2015). Some localist activists framed the movement as the “Umbrella Revolution.” The localists’ framing of the “Umbrella Revolution” was clearly different from the frame of a “civil disobedience movement.” Calling the movement a revolution showed the high level of distrust of these activists toward the entire political structure, including both political and legal institutions. Wong Yeung-tat, a leading localist figure during the movement, further argued that the name “Umbrella Revolution” was intentionally used to counter the movement concept of the “leftist idiots.”<sup>44</sup>

Some protesters during the movement, particularly the localists, opposed the norms of traditional social movements in Hong Kong. They did not support the “peaceful, rational, non-violent, and no foul language” principle and were in favor of “brave and forceful resistance.” The concept of “brave and forceful resistance” can be dated at least to Chin Wan’s article in 2011, in which he used the saying to defend the use of force in popular contention.<sup>45</sup> In the article, Chin Wan, a localist leader, argued that the norms of traditional social movements in Hong Kong equaled the use of force to being irrational and unpeaceful but that the use of force is an unalienable last resort for the weak. The saying quickly became popular among the localists and was used to argue against the principle of peaceful and rational resistance favored by traditional social movement activists. These marginal protesters believed that the past 30 years of the fight for democracy had proved that the peaceful and non-violent principle would not work. They argued that the protesters must use violent resistance as a response to law enforcement’s use of force. As the movement proceeded, some protesters argued that the traditional social movement activists had not achieved anything, so the protesters should escalate the action by using force.

Mongkok clearly became a site favored by protesters who supported “brave and forceful resistance.” Cheng Kam-mun, a localist leader who emerged from the

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44. Wong Yeung-tat, “Umbrella Revolution or Umbrella Movement.” *Passion Times* (Nov. 16, 2014). <http://www.passiontimes.hk/article/11-16-2014/19754>.

45. Chin Wan. “I’m Rational, so I Favor ‘Brave and Forceful Resistance’” (May 24, 2011). <http://archive.am730.com.hk/column-57300>.

movement, argued that Mongkok was “the only site with fighting spirit from the beginning to the end.”<sup>46</sup> He claimed that he defended the “the front line” in Mongkok right before the clearance even though there was a heavy rain.<sup>47</sup> Another activist in Mongkok believed that the protesters there demonstrated the spirit of bravery by engaging in a long-lasting fight with the police, while the protesters in Admiralty just sat on the main platform and had singing contests (Lin 2015). After the eviction of Mongkok, this activist originally intended to move to protect Admiralty. However, he found the atmosphere there before the clearance like that of a farewell party. He was upset and gave up hope of defending Admiralty.

Because many protesters in Mongkok, particularly the localists, rejected the frame of civil disobedience and the principle of peaceful and non-violent resistance, they turned to the law-defying frame. The frames of the “Umbrella Revolution” and “brave and forceful resistance” meant that the protesters no longer accepted the existing political structure, including the legal institutions. These protesters no longer accepted the elements of self-restraint in the law-abiding frame, and they were ready to fight back and disobey the law when they deemed it appropriate. The law-defying frame can therefore help to explain the bailiffs’ eviction failure and the protesters’ resistance at Mongkok.

### The Framing Contest

There was an apparent framing contest among the protesters during the movement. The protesters who adopted the law-abiding frame and the protesters who adopted the law-defying frame competed for leadership of the movement and the support of the general public. In the later stage of the movement, some protesters experienced a frame transformation and adopted the law-defying frame after becoming disappointed with the students’ leadership and the outcome of their peaceful resistance.

The protesters sometimes engaged in disputes with those who adhered to different collective action frames. Among the protesters who supported the principle of peaceful resistance, there was a saying that “anyone who rushes (to attack the police’s line of defense) is a secret agent (of the government),” as a proactive attack on the police would violate the principle of peaceful resistance and delegitimize the movement. For the protesters who favored “brave and forceful resistance,” such a saying constituted a humiliation for their contribution to the movement. In return, they called those who maintained peaceful resistance, in particular the veteran social movement activists, “leftist idiots” who could mobilize the public but never bring about an actual outcome. After the clearance of Mongkok, as the protesters who adhered to the law-abiding frame called upon the other protesters to maintain self-restraint when facing the police, localist leader Wong Yeung-tat commented that the word “restraint” had been used too often in the movement, and he argued the peaceful resistance was a just a “fantasy.”<sup>48</sup>

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46. Cheng Kam-mun’s Facebook page (Dec. 24, 2014). <https://www.facebook.com/4eyesbro/?pnref=lhc>.

47. Cheng Kam-mun’s Facebook page (Dec. 8, 2014). <https://www.facebook.com/4eyesbro/?pnref=lhc>.

48. Wong Yeung-tat’s Facebook page. <https://www.facebook.com/wytat?fref=ts>. Accessed on 13 March 2018.

Wong clearly attributed the failure of the movement to the concept of self-restraint and peaceful resistance. This Facebook post received more than 1,500 likes from netizens.

The framing contest can be illustrated in several incidents. The first is the attempt to “demolish the main platform” in late November and early December. There were several incidents in which protesters who favored “brave and forceful resistance” attempted to demonstrate their extreme dissatisfaction with the movement’s leadership by attacking the headquarters in Admiralty. Another important case was the assault on the Legislative Council on November 18, 2014, in which approximately 100 protesters attempted to rush into the Legislative Council by force. Their action failed, and they were harshly criticized by the mainstream protesters for the use of violence. The volunteer lawyers in Admiralty declined to offer these protesters legal support. Edward Leung, a leading localist figure, recalled that when he observed the mainstream protesters condemn the violation of the principle of peaceful resistance and disconnect themselves from the attacking protesters, he was even more motivated to support the marginalized protesters who favored the use of force.<sup>49</sup>

Some protesters experienced a frame transformation in the later stage of the movement and adopted the law-defying frame. Because the movement did not manage to persuade the government to compromise, some protesters attributed the failure to the students’ leadership and the principle of peaceful resistance. These protesters called for an escalation of the movement through the use of force.<sup>50</sup> Social media also played a role in the frame transformation.<sup>51</sup> Many localists were young people who were very good at using social media such as Facebook, so they were able to understand the emotion and dissatisfaction among other young protesters quite well. Because many of the young protesters were eager to achieve a quick and concrete outcome, some of them turned to the militant contention favored by the localists.

## CONCLUSION

This study traces the process of how Hong Kong’s government made use of legal instruments to end the Occupy Movement and aims to explain the different reactions to the injunctions at the two protest sites of Mongkok and Admiralty. I argue that the legal frames are crucial to explaining the different reactions. In Admiralty, the protesters tended to adhere to the law-abiding frames of civil disobedience and peaceful resistance. These law-abiding frames disposed the protesters to possess a general respect for law and to comply with it when facing legal instruments. In contrast, the framing contest and self-selection of participants made the activists in Mongkok susceptible to the law-defying frames of the Umbrella Revolution and “brave and forceful resistance.” The law-defying frame disposed the activists to disregard the law in general and to disobey it when the government leveraged legal tactics. The law-defying frames were developed by marginal activists to counter the law-abiding frames held by the mainstream protesters. Some protesters experienced a frame transformation and resonated

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49. “Strategy for Democratic Movement under Full Scale Repression” Workshop. Hong Kong. (Aug. 12, 2017).

50. Interview with an activist in the movement.

51. Interview with an activist in the movement.

with the law-defying frame in the later stage of the movement when they found that peaceful resistance did not work.

The existing literature has identified that the law can be used to control social movements, but there has been little discussion of the factors that influence protesters to obey the law when facing legal instruments. Whether the country or region has an established rule of law is certainly important to understanding whether protesters will comply with the law (Barkan 1984; Yuen and Cheng 2017). This article adds to the literature by also arguing that it is important to understand how protesters interpret the movement through their collective action frame. I conceptualize two novel types of legal frames, namely, the law-abiding frame and the law-defying frame. Protesters who adopt the law-abiding frame are more likely to have contained contention and they are likely to obey the law in a movement. In contrast, protesters who adhere to the law-defying frame are more likely to experience transgressive contention, and it is much more difficult for the government to exercise legal control over such protesters.

The literature on legal frames has argued that law can be an essential element in the collective action frame enabling a social movement; this study shows that law, as a constitutive symbol of certain collective action frames, can create expectations among protesters about how to respond to legal tactics. Law can provide a symbolic framework that offers a solution to the social conflict as well as constraints on it. Law's deeply embedded symbols in legal frames will have a profound impact on how protesters construct their identity. In terms of the general relation between law and social movements, the findings of this study support McCann's argument that law is contingent, and the impact of law on social movements varies based on the context (McCann 2006).

Since the Occupy Movement, there has been a tendency toward marginalizing the traditional social movement organizations and declining support for the principle of peaceful resistance. The HKFS faced severe attacks after the Occupy Movement for its leadership, and several universities withdrew from the HKFS. Beginning in 2015, the student unions of major universities in Hong Kong, including the University of Hong Kong and the Chinese University of Hong Kong, labelled themselves localists. Some citizens also began to support violent resistance because they believed that the failure of the Occupy Movement demonstrated that peaceful and self-restrained contention would not achieve its goals. Surveys show that the public support for the principle of peaceful and non-violent resistance dropped from 80.5% in March 2015 to 71.3% in July 2016.<sup>52</sup> One remarkable case was the "Fishball Revolution" during the Chinese New Year in 2016. Some protesters attacked the police by throwing bricks and setting fires in the streets. It was reported that localist organizations, particularly the Hong Kong Indigenous, played a key role in mobilizing the protesters.<sup>53</sup> The Hong Kong Indigenous was established after the Occupy Movement. Many of its members became acquainted during the movement.

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52. Center for Communication and Public Opinion Survey, CUHK. "Survey Result for Hong Kong's Public Opinion and Political Development" (2016). [http://www.com.cuhk.edu.hk/ccpos/images/news/TaskForce\\_PressRelease\\_160722c\\_Chinese\\_FromDrLee.pdf](http://www.com.cuhk.edu.hk/ccpos/images/news/TaskForce_PressRelease_160722c_Chinese_FromDrLee.pdf).

53. "News Background: Who Is the Hong Kong Indigenous?" *BBC Chinese* (2016). [http://www.bbc.com/zhongwen/trad/china/2015/10/151018\\_hongkong\\_localist](http://www.bbc.com/zhongwen/trad/china/2015/10/151018_hongkong_localist).

The failure of the Occupy Movement made them believe that they should use force instead of peaceful resistance.

Since the movement, Hong Kong citizens' trust in the legal system has declined, although it retains the highest trust compared to other political institutions.<sup>54</sup> At the same time, the Chinese government has used the law more frequently to strengthen its authority in Hong Kong, most crucially by exercising its interpretative power of the Basic Law. Through interpretations of the Basic Law by the Standing Committee of the National People's Congress in November 2016,<sup>55</sup> courts have disqualified six popularly elected legislators.<sup>56</sup> However, if the government frequently makes use of legal instruments for political ends, it would risk further undermining citizens' trust in the legal institutions. The implication from my research is that should there be another major social movement in Hong Kong, it would be likely to include more citizens adhering to the law-defying frame compared to the Occupy Movement, which would make legal control no longer effective. The government should aim to resolve highly controversial issues through political channels instead of relying on the judiciary because the rule of law in Hong Kong, which is the cornerstone of the city, could be undermined. Both the government and citizens should uphold the rule of law as it will safeguard the city's long-term stability and prosperity.

With regard to possible directions for future research, first, potential alternative variables could be explored to explain the protesters' responses to the injunctions. For instance, class could be a potential variable explaining the protesters' behavior.<sup>57</sup> By the end of the movement, the protesters who stayed at Admiralty when the clearance occurred were core activists with diverse backgrounds, including student leaders, pro-democracy legislators, veteran social movement activists, and professors, among others. Even among the student leaders and student activists, they had sharply different economic backgrounds. Thus, class may not have strong explanatory power in the case of Admiralty. However, in Mongkok, a large number of ordinary protesters still gathered there when the clearance occurred. Because Mongkok tended to attract grassroots protesters, class may help to explain their behavior. Second, the judiciary has been increasingly involved in handling highly sensitive political cases in Hong Kong, including the imprisonment of activists in the Occupy Movement and the disqualification of legislators, which has led to highly polarized public opinion regarding the courts'

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54. Ma Ngok. "Ma Ngok: Who Let Hong Kong Become No Longer Livable." *Ming Pao* (June 20, 2016). [http://news.mingpao.com/pns/dailynews/web\\_tc/article/20160620/s00012/1466359600875](http://news.mingpao.com/pns/dailynews/web_tc/article/20160620/s00012/1466359600875). (The 2016 Asian Barometer Survey is not yet publicly available, so I obtained the data from Professor Ma's article.)

55. Interpretation of Article 104 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China by the Standing Committee of the National People's Congress. [http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclawtext\\_doc25.pdf](http://www.basiclaw.gov.hk/en/basiclawtext/images/basiclawtext_doc25.pdf)

56. *Chief Executive of the Hong Kong Special Administrative Region and another v. The President of the Legislative Council*, HCAL 185 (Court of First Instance 2016); *Chief Executive of the Hong Kong Special Administrative Region and another v. The President of the Legislative Council*, HCAL 223 (Court of First Instance 2016); *Chief Executive of the Hong Kong Special Administrative Region and another v. The President of the Legislative Council*, HCAL 224 (Court of First Instance 2016); *Chief Executive of the Hong Kong Special Administrative Region and another v. The President of the Legislative Council*, HCAL 225 (Court of First Instance 2016); *Chief Executive of the Hong Kong Special Administrative Region and another v. The President of the Legislative Council*, HCAL 226 (Court of First Instance 2016).

57. I thank the reviewer for this suggestion.

decisions. Future research could explore the extent to which court decisions affect citizens' trust in the judiciary.

## ACKNOWLEDGMENTS

For helpful advice on earlier drafts, I thank Linda Grove, Xin He, Karrie Koesel, Lianjiang Li, Elizabeth Perry, Andrew Walder, Fengshi Wu and the four anonymous reviewers. An earlier draft of the paper was presented at the Harvard Yenching-Fudan Advanced Training Program.

## FUNDING

The author has no conflict of interest or external funding to report.

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