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## Law Beyond Borders: Transnational Legal Pluralism Following Hong Kong's New Reality

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## Abstract

Hong Kong is a region undergoing rapid social, political, and legal change as mainland China seeks to increase its control over the previously largely autonomous region with laws such as the national security law which asserts its jurisdiction beyond borders, complicating matters for Hong Kongers living abroad. The effects of law asserting its jurisdiction beyond borders is contingent on the relative dependency of states, as can be seen in the South Korean strategy with regards to the national security law where the state has sought to maintain “strategic ambiguity” in order to balance US and Chinese relations. An Ambiguous approach provides an increased opportunity for other forms of normative orderings to enter the social sphere, having an impact on Hong Kongers who now find themselves in a new legal reality not only in Hong Kong but in a wider transnational context as a result of China's political influence. This thesis seeks to answer the question of how Hong Kongers living in South Korea navigate the context of transnational legal pluralism through a qualitative approach, analyzing eight in-depth semi-structured interviews, utilizing theoretical perspectives from legal pluralism and state influence. Findings indicate that Hong Kong law manages to exert influence and regulate life across borders, maintaining a large presence in the lives of Hong Kongers in South Korea where it exists in competition with a multiplicity of normative orderings in a changing social field, making it important for states committed to human rights to participate in the dynamic reconfiguration of the law.

## Keywords

Legal Pluralism, Migration, State Influence, Transnationalism, National Security Law, Hong Kong, South Korea.

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# 1. Introduction

Hong Kong is a region undergoing rapid social, political, and legal change as mainland China seeks to increase its control over the previously largely autonomous region. Bills like the proposed Hong Kong extradition bill (Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill, 2019) sought to serve this purpose, attempting to establish mechanisms for the transfer of Hong Kong fugitives to mainland China but was met with protests from hundreds of thousands of Hong Kongers in favor of an autonomous and democratic Hong Kong.

The 2019-2020 Hong Kong protests initially began out of a fear that Beijing would use the extradition bill for political purposes, eroding the autonomy of Hong Kong. However, as the protests progressed from peaceful mass marches to increasingly violent clashes with the authorities the protestors coalesced around five demands with pro-independence slogans appearing frequently (Creery, 2020) until the movement was largely silenced by the outbreak of the covid pandemic.

In 2020 the Chinese legislative power enacted the Hong Kong national security law as a response to the social unrest (Lam, 2020), the details of which were hidden from the public until after the law was passed (Wai & Tsoi, 2020). The law granted the Hong Kong government sweeping powers to suppress the opposition, labeling them as threats to national security, asserting the law's jurisdiction beyond borders, attempting to regulate individuals not residing in Hong Kong (Kwan, 2020). The law has de facto been used for politically motivated prosecutions, targeting pro-democracy politicians, protestors, journalists, and activists (Singh & Abratique, 2021). Within the legislative contexts the law has resulted in there being little to no opposition left in the Hong Kong Council (Tsoi, 2020).

Following the introduction of the national security law the region has seen a wave of emigration and a growing interest in pursuing life abroad, with the Hong Kong Government's department of statistics estimating a decrease of 89 200 residents between 2020 and 2021 (2021). While some countries have taken steps to provide pathways for emigration such as Taiwan, Australia, Canada, and the United Kingdom (Mcgregor, 2020) the response has been different in countries where China exerts a greater influence.

South Korea in particular finds itself caught between the US and China where on the one hand endorsing the national security law would run counter to the principles of democracy and human rights, while on the other hand there remains incentive to cooperate with China on economic and North Korean matters leading to the country's "strategic ambiguity" with regards to the national security law (Kang, 2020). The impact of the protests on South Korea have been felt at the individual and community level, which was made clear during the heights of the 2019 Hong Kong protests, where disputes took place between students with differing views on national sovereignty in China, Hong Kong and Taiwan (Choi & Shin, 2019).

From a sociolegal perspective the national security law challenges law as perceived from the standpoint of methodological nationalism where "the state presents the ultimate point of reference for both domestic and international law" (Banakar & Travers, 2013) both directly through the law asserting jurisdiction over individuals not residing Hong Kong (Kwan, 2020) and indirectly through economic and cultural logics. An Ambiguous approach to the national security law provides an increased opportunity for other forms of normative orderings to enter the social sphere, having an impact on Hong Kongers who now find themselves in a new legal reality not only in Hong Kong but in a wider transnational context as a result of China's political influence.

To answer these challenges to the state centered paradigm the thesis will draw upon theory from legal pluralism, a contextual approach to law that engages with empirical data, attempting to situate law within a broader social sphere exploring the relationships between law and institutions, agencies, communities, and non-governmental organizations (Griffiths, 2020). As well as theoretical work from the field of international law on how states are influenced and exert influence by being part of a network of states (Goodman & Jinks, 2010). The material analyzed consists of empirical data from eight in-depth semi structured interviews of Hong Kongers living in South Korea.

## 1.1. Research Question and Aim

The thesis will seek to investigate how China's efforts to increase its control over the previously largely autonomous region of Hong Kong affects Hong Kongers living abroad in South Korea through asking the question:

How do Hong Kongers living in South Korea navigate the context of transnational legal pluralism following the rapid social, political, and legal shift in Hong Kong?

The thesis could aid us in understanding the complex transnational nature of law in the region and the new reality for Hong Kong citizens who find themselves in a different world as a result of the rapid social, political and legal change following the 2019-2020 protests and the consequential introduction of the national security law (Lam, 2020). As well as contribute to the legal pluralistic debate through adding a transnational dimension. In addition, Reimagining sovereignty as interdependent and relational can aid in ensuring future protections of human rights by preventing states from denying responsibility through the claim that they exist autonomously (Clarke & Whitt, 2007).

With regards to migration the thesis contributes through revealing migrants' experiences in an understudied East Asian context. Moreover, the direction of migration - from Hong Kong to South Korea, presents an opportunity to shed light on migration happening from powerful-to-weak states in relational terms where the potential for state influence on emigrants is greater.

## 1.2. Delimitation

The thesis will restrict itself to a bottom-up, qualitative approach - focusing on "ordinary people's normative practices and experiences of law and legality" (Banakar, 2019, 4). This means employing a broader concept of law, while still acknowledging and referencing the effects of the narrower state law. Moreover, the thesis will be restricted to the context of Hong

Kongers in South Korea and as such will not cover the wider influence of China or Chinese state law in East Asia or its effect on South Korean state law.

### 1.3. Thesis Structure

The following section seeks to contextualize the research question and aim through providing a background of Hong Kong, South Korea, the protests, the national security law, and the effects of the Hong Kong situation beyond borders. The literature review will follow and is structured around the themes of normative orders, migration, and interdependence of states, concluding with an identification of a research gap. Next the theoretical framework for investigating transnational legal pluralism is presented through combining legal pluralism and theories from international law on state influence. The methods section aims to provide methodological considerations, an account of how the data has been collected and analyzed as well as reflexive, and ethical considerations. The empirical data and analysis section will be informed by the theoretical framework and structured around the themes which emerged from the coding process before summarizing the results from the analysis. Finally, the thesis will conclude through answering the research question, discussing its implication, and promising avenues for further research.



## 2. Background

An understanding of the context under which the developments of the situation in Hong Kong has taken place is important for an exploration of how Hong Kongers navigate the new reality they find themselves in. This section aims to provide the background through covering the history of Hong Kong - from a British colony to the handover of Hong Kong to China under the conditions of “one country, two systems” - to present protests and the national security law and its effects. As well as the history of South Korea and its geopolitical significance leading to their strategy of ambiguity with regards to the Hong Kong matter.

### 2.1. Contextualizing Hong Kong

After the first Opium war in 1842 China ceded Hong Kong to the British empire, under which it was subordinated until 1984 through the Sino-British joint declaration which stated that Hong Kong would be handed back to China in 1997 after a 13-year transition. As Chu notes, the way in which British colonialism ended in Hong Kong broke some conventions as Britain transferred sovereignty to China, another sovereignty, effectively bypassing the colonized population of Hong Kong (2022).

The Sino-British joint declaration (Constitutional and Mainland Affairs Bureau, 1984) stipulated that Hong Kong would be handed back to China on the condition that the “current social and economic systems” and “life-style” would remain unchanged for 50 years. The circumstance following the agreement came to be known as “one country, two systems” where Hong Kong remained a capitalist economy and its citizens were guaranteed to have rights such as free speech, assembly, and religious belief until at least 2047.

The British government did not manage to prescribe Hong Kong a constitutional reform on its own due to Chinese opposition and a lack of interest from Hong Kong's legislative council (Darwin 1988; 2008). Regardless, the British government delegated the power to manage domestic affairs to Hong Kong, enabling Hong Kong to become a de facto treaty port open to foreign trade but able to resist interventions and orders from Britain. Darwin argued that as a

result of the collapsing British empire Hong Kong was decolonized in substance, despite failing to attain sovereignty and self-governance.

From a Chinese perspective Hong Kong had long been suffering under British rule and upon their exit Britain transferred power to pro-British politicians in an attempt to manipulate the newly independent Hong Kong to maintain Britain's economic and political interests (Chu, 2022). As such Hong Kong has often been seen as a symbol of China's national humiliation which in turn justifies the Chinese government's rights to recover Hong Kong and develop it as a special administrative region. China's long-standing ambition with regards to Hong Kong can be seen in a 2014 white paper where it is asserted that "China's central government has comprehensive jurisdiction over all local administrative regions including the Hong Kong Special Administrative Region" and that the high degree of autonomy of the HKSAR is not inherent but authorized by Chinese central leadership (Information Office of the State Council, 2014).

While Hong Kong has never been a democracy there have been grassroots movements supporting democracy as far back as the late 1960s continuing to the time of writing (Cheng, 2007). However, a rapid shift in the social, political, and legal reality of Hong Kong is underway following large-scale protests of 2019 and 2020.

The "Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill" (2019) which was proposed to establish mechanisms for the transfer of Hong Kong fugitives to mainland China was met with large scale protests; protest organizers estimating the number of participants being as large as 2 million (Griffiths & Regan, 2019). The protestors feared that Beijing would use the bill for their political purposes and erode the autonomy of Hong Kong.

While the protests against the extradition bill were initially successful with Hong Kong chief executive Carrie Lam promising to suspend the bill, the initial protests grew into a series of large demonstrations, progressing from peaceful mass marches to increasingly violent clashes with the police, whom many perceived to be using excessive force. Over several months of demonstration, the protestors coalesced around five demands (John, 2019). First, the extradition bill should be withdrawn, not merely suspended. Second, an independent inquiry of police brutality should be initiated. Third, the categorization of protests as "riots" which

carried with it significant legal punishment should be retracted. Fourth, arrested protestors should be provided amnesty. Fifth, full universal suffrage. Hopes were high as the pro-democracy camp managed to secure a landslide victory in the November 2019 local elections, a potential power shift in the governance of Hong Kong (Graham-Harrison, 2019).

The response from mainland China was to categorize the social unrest as radicalism with China Daily claiming that Hong Kong had been “plagued by unwarranted political wrangling and violent radicalism” (2019). From the Chinese perspective the protests risked undermining the stability and social harmony of the HKSAR which were crucial for its social and economic development.

The protests were to a large extent silenced with the outbreak of the COVID-19 pandemic in early 2020 as social distancing rules were imposed and residents stayed home. On the 30th of June 2020, an hour before the anniversary of the handover of Hong Kong to China from British rule, Beijing imposed the Hong Kong national security law (Lam, 2020), the details of which were hidden until after the law was passed (Wai & Tsoi, 2020).

## 2.2. The National Security Law and Its Effects

The national security law’s 66 articles criminalize broadly defined acts such as subversion, foreign collusion, terrorism and secession with a maximum penalty of life in prison; providing Beijing greater power to regulate life in the region than ever before. Cross-border implication of the law follows as well, as it asserts its jurisdiction not only over offenses taking place outside of the region, but also over persons who are not permanent residents of Hong Kong. After coming into power, the law has de facto been used for politically motivated prosecutions, targeting pro-democracy politicians, protestors, journalists, and activists (Singh & Abratique, 2021). In the legislative context the law has resulted in there being virtually no opposition left in the Hong Kong council (Tsoi, 2020).

While the Hong Kong government and Beijing defend the law as a necessary response to the years of civil unrest and demonstrations, its critics have spoken out about the law's potential to target political speech and organizations - fearing that the law is an attempt by Beijing to

diminish Hong Kong's autonomy, ending the “one country, two systems” policy which has governed the region since the British handover. The discontent with Hong Kong's new reality can be seen in the record low voter turnout of 30.2% during the legislative elections, going down from a voter turnout of 58% in the elections five years prior (Legislative Council General Elections, 2021; 2016).

The introduction of the security law has led to a wave of emigration from the region, the Hong Kong government department of statistics estimating a decrease of 89 200 residents between mid 2020 and mid 2021 (2021). Countries such as Taiwan, Australia, Canada, the United Kingdom, and the United States have taken steps to provide pathways for emigration (Mcgregor, 2020). However, the cross-border reach of the law has raised worries, causing the British government to contact human rights advocates and activists, advising them to “avoid traveling to countries with Hong Kong extradition treaties” (Davidson, 2021).

### 2.3. Contextualizing South Korea

While many geographically distant and powerful nations have been outspoken against the national security law, the situation is different within the sphere of states under greater Chinese influence, as the conditions for states' ability to regulate beyond borders depend on relative power dynamics. One example is South Korea where a strategy of ambiguity has been maintained with regards to the developments in Hong Kong - hoping to balance the country's relations with the United States and China.

The Korean peninsula has long been of geopolitical significance, resulting in a dependence on states which inevitably has shaped politics and life in the region. After defeating China in the Sino-Japanese War of 1891 and Russia in the Russo-Japanese War of 1904 to 1905, Japan became a protectorate of Korea, treating Korea as a conquered land until annexing the country in 1910 - dominating its economy and exploiting natural resources and labor. Korea was liberated from Japanese rule in tandem with the Allied victory that ended World War II.

Following allied victory, the three powers who had defeated Nazi Germany, the United States, Great Britain and the Soviet Union met at the Potsdam conference in 1945 where it was

agreed upon that Soviet troops would occupy the northern portion of Korea, while American forces would occupy the south. The situation on the peninsula gradually worsened during the coming years, as Chalmers Johnson notes “Between Japan’s surrender on August 15, 1945, and the installation of Syngman Rhee as president of the republic of Korea in the southern half of the peninsula on August 15, 1948, the Koreans themselves tried desperately to create a postcolonial government of their own” ultimately being undone by superpower rivalries (2007, 134). On the northern part of the peninsula the Soviets promoted and endorsed a Communist government while the Americans moved to support the authoritarian nationalist Syngman Rhee, both superpowers effectively building up regimes supporting their own interests. The consolidation of a pro-American South Korea and pro-Soviet North Korea resulted in war splitting up the two Koreas in 1950.

Shortly after North Korea invaded South Korea the US intervened. After recovering Seoul, the US invaded North Korea with hope of reuniting the peninsula under South Korean governance - an event bringing China to North Korea's support. The war came to trench warfare along the geographical area which would later become known as the demilitarized zone which separates the two Koreas to this day. In 1951 Soviet representatives proposed discussion for a cease fire, the negotiations would take almost two years but was ultimately accepted. The war caused five million deaths and the two sides have technically been at war since.

South Korea remained an authoritarian regime until the late 1980s to early 1990s where it managed to transition to a democracy largely as a result of a bloody democracy movement of its own - the culmination of which might have been the Gwangju uprising where citizen raided local police stations and armories in order to drive out government troops who had opened fire on protestors. While the citizen uprising was initially successful in driving out the government troops the South Korean army soon reentered Gwangju, killing anyone who did not lay down her or his weapons. As Johnson notes, it is difficult to calculate how many were killed, the “South Korean government later settled on a figure of at least 240 killed [while] Gwangju sources claim more than 3,000 killed or injured” (Johnson, 2007).

US presence in South Korea has remained strong since 1945, and it would take until 1994 for the United States to transfer peacetime control over South Korean forces to South Korea, though the US still retains the privilege to control South Korean forces at times of war (Ibid).

Despite US aid, economic recovery after the war was slow until a period of rapid economic development from 1961 to 1996 led by exports, the majority of which was absorbed by the United States (Seth, 2017). Today South Korea has diplomatic and economic relationships with both Russia, and China which replaced the United States as South Korea's largest trading partner in 2004 (Ibid). With regards to North Korea, China remains its ally and patron.

With the need for cooperation with China with regards to North Korean and economic matters on the one hand and longstanding military dependence and economic relationship with the United States on the other, South Korea finds itself under pressure from both sides as the US-China rivalry has intensified. An example of which can be seen in the installation of a US THAAD anti-missile battery on South Korean soil in 2017 resulting in swift economic retaliation from China (Salmon, 2019). While the US remains a strong presence on the peninsula the relationship has proved to be complicated as frequent threats were made to reduce US military presence in the region during the presidency of Donald Trump (Gordon & Lubold, 2020).

The need for cooperation with China and the US has impacted Korean policy with regards to the developments in Hong Kong. While the South Korean foreign ministry has publicly stated that it is important that "Hong Kong enjoys a high degree of autonomy" (Kim, 2020) the reality of the South Korean strategy with regards to the matter has been that of "strategic ambiguity" as the state attempts to balance US and Chinese relations (Kang, 2020).

## 2.4. The Conflict Beyond Borders

The strategy of ambiguity has not prevented the conflict from taking place on Korean soil. During the Hong Kong protests altercations were happening on Korean campuses between students from mainland China and supporters of the Hong Kong protests. Following these conflicts Korean universities have come under criticism due to not confronting allegations of harassment and bullying taking place, with speculations of the cause being economic ties with China (Crystal, 2019).

In response to the conflicts happening in South Korea the Chinese embassy in the country publicly stated that it “regretted the emotional conflicts but that it is ‘natural and sensible’ for Chinese students to display anger towards efforts to hurt their countries sovereignty and distort facts” (Choi & Shin, 2019). The embassy endorsing Chinese students' role in the conflict as “natural and sensible” is an endorsement of the social pressures applied by the group, social pressures which play a role in the general process of the adaptation of beliefs and behavioral patterns by the surrounding culture (Goodman & Jinks, 2004).

The effect of Chinese policy is felt across Asia and the circumstances of South Korea's ambiguous approach with regards to the national security law invites an opportunity for other forms of normative orderings to enter the social sphere, potentially impacting China's ability to regulate life beyond its national borders. The transnational nature of law in the region is complex and Hong Kongers now find themselves in a new reality, the effects of which provides ample ground for socio-legal exploration.

### 3. Literature Review

As the 2019-2020 Hong Kong protests and the introduction of the national security law is a relatively recent phenomenon; taking place less than two years from the time of writing, academic material covering the conflict is limited. As such the literature review will instead turn to broader works on topics relevant to the study matter. The review will be organized around three themes. First, the multiplicity of normative orderings governing life in the region, beginning with works on Confucianism as a normative order regulating life, followed by the literature covering the matter from a legal pluralistic perspective. Second, the literature on migration and understudied migration flows as well as research at the relational behavioral level. Third, the literature from international law, bringing a state-to-state perspective through exploring studies of how states are changed through being part of an international network of states.

#### 3.1. Normative Orders

While few studies have been directly concerned with the plurality of alternative normative orderings in East Asia, a lot of attention has been paid to one specific normative order among a multiplicity of normative orderings governing life in the region, Confucianism. As a normative order, Confucianism has proven to be tenacious, firmly rooting itself in the lives, values, and culture of East Asia where it maintains a profound influence (Liu, 2018).

Confucianism has circulated in China for over 2500 years, (Littlejohn, 2010) but its reach has been far greater, having a profound influence on the development of East Asian countries such as Japan and South Korea where it still has an impact on people's lives and values to this day (Liu, 2018). However, as Hahm notes, just as "legal theorists continue to disagree about the nature and scope of the concept of law... so does almost anyone with a voice seem to have different ideas about what Confucianism means" (Hahm, 2003). Hahm speculates that this is due to the human tendency to want simple categories to take the place of the messy realities of life. A discussion about Confucianism inevitably leads to the question of "Whose Confucius?" as Confucian writing and consequential interpretations have been under heavy debate among



scholars (Ivanhoe, 2002, 119). To deal with the complexities of the issue this section will not be concerned with an in-depth examination of the concept but instead turn to its relevance to social and legal thought in East Asia and the norms which remain prevalent in the region as well as its relation to other systems such as law and democracy. Where generalizations of the concept of Confucianism are made, they should be interpreted with caution as there exists an enormous diversity not only within Confucianism itself but also within the vast geographical space where it has had its influence.

John C. H. Wu, was a Chinese lawyer and Legal Philosopher. Though he would later in life come to soften his critique, he expressed the Chinese conception of law as “backwards and stagnant” due to its loyalty to the moral ideals of Confucianism (Davis, 2019, 2318). Law, for Wu could not gain its grounding in morality, it had to stray away from its Confucian background towards a law which does not identify with either “morality, religion, economics or politics” instead serving “a great number of interests” (Wu, 1932, 66). Wu’s writings reflect the prevalence of Confucian social norms in conducting everyday lives in China, revealing the problem of state centered perspectives of law. Indeed, it is not the first time Confucianism has come under critique for acting as a basis for society - as far back as 280B.C - 233B.C Han Fei Tzu of the legalist school criticized Confucianism for its impracticality, contesting that:

“What is called wisdom consists of subtle and unfathomable doctrines. Such subtle and unfathomable doctrines are difficult even for men of highest intelligence to understand. If what men of highest intelligence find to be difficult to understand is used to become laws for the people, the people will find it impossible to understand” (Chan, 1963, 259)

As Elton notes there is an inherent tension with Confucianism and the rule of law where “systemic features of Confucianism such as social hierarchy (and the corresponding social inequality), reliance on discretion, distrust of practitioners of laws are at odds with the rule of law’s basic tenets such as equality before the law, rule of legal rules rather than man, and faith in due process of law” (Elton, 2020, 275). The debate on Confucianism and its compatibility with the law is still alive today among contemporary scholars. However, despite the tension the fact remains that the two have existed alongside each other within East Asia throughout its

long and varied history with scholars such as Eric Li arguing that China has incorporated aspects from both Legalism and Confucianism in its governance (Li, 2019).

Skepticism with regards to Confucianism and its compatibility with law has ties with the discussion around Confucianism's relationship with liberal democracy. An attempt at modeling the relationship was made by Baogang He who constructed four models in order to “examine the ways and models of thinking in which the question on Confucianism and Democracy are raised and answered” (2014, 19). He hoped to go beyond the debate which he believed to be shaped by an “East vs West” mentality (Ibid, 18) between Huntington who believed that the values of Confucianism were not compatible with liberal democracy (1984) and Fukuyama who argued that the egalitarian aspects of Confucianism promote liberal democracy (1995).

He’s four “ideal-type” models were: conflict, where Confucianism and democracy are in conflict as a result of them emerging from different social and economic conditions (2014, 20-22). Compatible, where “some elements of Confucianism are democratic or are compatible with democratic ideas and institutions” such as the idea of the “morally autonomous individual” and the “just ruler” (Ibid, 22-24). Hybrid, where neither democracy nor Confucianism alone can offer satisfying solutions to the social problems of the times and as such the respective best aspects of each need to be combined (Ibid, 24-25). Critical, where “the marketization of politics has caused the degeneration of the moral dimension of politics”, supporters of this line of thought promote a return to classical Confucian moral principles (Ibid, 25-26).

Baogang He acknowledges that the conflict model has been the most empirically accurate but stresses that each model reveals something about the relationship between democracy and Confucianism and as such scholars ought to be cautious of ignoring one in favor of the others as it would risk creating a one sided view of the issue.

Recently Gao and Walayat have come to argue for Confucianism's compatibility with law, specifically focusing on “Pre-Qin” Confucianism through examining different models of compatibilism (Gao & Walayat, 2020). The compatible view, they argue, goes beyond a “legalization of Confucianism” towards a “Confucianization of the law seeking to expand the

nature and functions of the law as a way to promote virtues rather than simply a pragmatic tool of coercion” (Ibid, 25).

The relationship between Confucianism and the law has proved to be multidirectional; while studies have shown the influences of Confucianism on Law (Hahm, 2003; Ho, 2019) there has simultaneously existed a push to promote state law which has been perceived as weak in a region favoring alternative normative orderings:

“weak legal systems are clouding East Asia’s economic and political future. For evidence all one has to do is point to the pervasiveness of corruption in all East Asian Countries. Corruption seems to be part of every East Asians daily life, regardless of whether she lives in a mature democracy, a new democracy, or a communist regime. Neither does law seem to restrain executive power. East Asian political leaders and bureaucrats have often been accused of arbitrary exercise of power... Corporate governance throughout East Asia is opaque and unaccountable. Family control of large enterprises is almost always the norm. Where family control is weak there is control by informal networks of people or companies instead, not by legal representatives of shareholders” (Mo et al., 2010)

Mo goes on to argue for a greater relevance of law whose focal point is the protection of individual liberty and rights. A brief examination of South Korea's presidential history indeed reveals a troubled history of extensive corruption (Work, 2018) providing supporting evidence for ongoing corruption in the region. However, turning to Confucianism to explain such phenomena should be practiced with caution as a plurality of factors are likely to play a role, be it social, economic, or historical.

The topic of Confucianism in South Korea is complicated, in a modern context Chaihark Hahm notes that “in place of Confucian values like filial piety or ritual propriety Koreans prefer to speak in terms of individual rights and describe their country as a liberal democracy”, yet despite of this “Confucianism informs the way individuals interact with each other and make sense of the world” (Hahm, 2003, 270). Confucian concepts such as the five cardinal relationships, those between ruler and subject, husband and wife, father and son,

elder brother and younger brother and friend and friend are embodied into the norms of society and simply acknowledged as the way of any decent person.

To get around the analytical difficulties of such a problem brought Hahm to conceive of Confucianism as a part of Korean culture, providing individuals with the signs, symbols, and strategies with which they negotiate the world around them. Such an approach focuses not on the value or belief systems of individuals but rather on the signs and idioms they use to articulate beliefs and express judgment. Through the approach Hahm set out to study how law interacted with the Confucian signs and symbols showcasing that the relationship between Korean law and Confucian culture is mutually constitutive - where Confucian culture influences law and law influences culture (2003). A case study focusing on how the Confucian virtue of filial piety has affected law in South Korea is found in Hahms discussion around a Korean supreme court case where an owner of an apartment was denied the right to evict his tenants for failure to pay rent as these tenants happened to be immediate family. The court ruled against the owner on the grounds that while there might not be a defect in the owner's argument as a matter of contract law it nonetheless contradicts widely held moral principles and as such constitutes an abuse of the right to eviction.

Confucianism and law have existed in tandem with one another historically as well as in contemporary modern society, continuing to do so even in societies like South Korea where the population prefers to think of themselves as a liberal democracy (Li, 2019; Hahm, 2003). Despite the efforts of untangling the relationship between Confucianism and democracy the results remain inconclusive. While debate in the field continues Baogang He's four models - conflict, compatible, hybrid and critical (2014), carry with it potential analytical power in view of inconclusive evidence, providing a nuanced approach to a complicated problem.

The relationship between Confucianism and law is a divisive subject on the normative end; one side arguing that the Confucian heritage of the region is grounds for corruption and a weak legal systems while the other praise Confucianism as providing an alternative to liberalism (Gao & Walayat, 2020; He, 2014; Mo et al, 2010) or as a way to shed the colonial legal heritage in previous colonies like Hong Kong (Wai & Yiu, 1998). On the causal end Hahms study showcases that the relationship between Korean law and Confucianism is a

mutually constitutive one, just as law influences Confucianism so does Confucianism influence law.

Confucianism remains an elusive topic, yet its influence in East Asia is undeniable; if one is not confident in the research proving the influence, then the sheer amount of time scholars have dedicated to the topic ought to provide sufficient evidence. Understanding the differences in normative orderings is crucial for any study concerned with understanding a situation in a vastly different cultural context than that of the author's origin, to that end a discussion on Confucianism is illuminating.

The literature on the interplay between Confucianism and systems such as democracy and law prove relevant as the same set of alternative normative orderings influence everyday life in East Asia, playing a role in the legal pluralistic context for Hong Kongers in South Korea. Approaching Confucianism as a set of alternative normative orderings among a multiplicity of normative orderings through a perspective of legal pluralism can further our understanding of the general pluralistic legal context of the region and contribute to existing literature through employing a wider perspective of Confucianism.

Considering the attention paid to alternative normative orders vis-à-vis state law in Asia for millennia as a result of its Confucian heritage it might come as a surprise that literature on the matter stemming from outside the region is a comparatively recent phenomenon. Bronisław Malinowski is widely credited being one of the first scholars demonstrating that centralized government and laws are not a necessary requirement for the functioning of a well-ordered society through his fieldwork in Melanesian society on the Trobriand Islands off New Guinea (1926). Such conclusions run counter to the conventional understanding of law where law is equated with sovereignty, often presented as the foundation of order, and firmly associated with the nation state.

Common themes in the literature on legal pluralism are choice of law, conflicting law issues, how to manage competing jurisdiction and how non-state regulation effectively regulates as an alternative to state law (Tamanaha, 2021). An excellent demonstration of the latter is found in Urinboyev's work concerning Uzbek migrant workers and the Russian shadow economy where a lack of consistency in interpretation, arbitrary enforcement, and corruption of Russian

law has led to informal systems of governance such as street level institutions like racketeering which migrants can rely on to enforce contracts if a dispute occurs (2021).

Migration is another area to which legal pluralism has paid much attention as migrants live multi-sited lives across national boundaries. A topic especially prominent in the literature is migrants taking the law of their country of origin with them to the new country of residence, be it customary law, religious law, or national law (Foblets, 2005; Shah, 2003). As Griffiths notes “migrants are important actors in the dynamic reconfiguration of law at the different localities [in] which they are involved” (2013, 273) impacting the way in which law develops, making migration a highly relevant topic for legal pluralistic studies. An unexplored area in the literature is how powerful nations deliberately try to impact the lives of their emigrants thus also playing a role in the way law develops in the new host country, making the case of Hong Kongers living in South Korea under the national security law especially relevant considering the extent of China's influence in the region (Lam, 2020).

Legal pluralism in the context of East Asia has largely been overlooked despite the often-proclaimed inherent tension between Confucianism and rule of law as well as a distrust of the practitioners of law in favor of Confucian normative orderings emphasizing aspects such as social hierarchy and order (Elton, 2020). Indeed, the prevalence of alternative normative orderings has been blamed for the pervasiveness of corruption in a region where hierarchy and informal networks reign supreme (Mo et al., 2010). Such circumstances combined with an increasing economic and political intertwinement alongside disputes concerning matters such as sovereignty lends itself to an investigation from a legal pluralistic perspective.

### 3.2. Migration

South Korea is dominated by a majority ethnic group, maintaining cultural homogeneity. Still, the country is witnessing an increase in migration which has more than doubled over the past decade with a net positive in incoming migrants of 113 000 in 2020, receiving a large number of low-skilled laborers and foreign students (Statistics Korea, 2021). The largest group of migrants are from China, followed by The US and Japan. The country has relied on a large

number of low-skilled migrant workers with limited period-specific contract terms which often prevent them from obtaining citizenship (Chan, 2019). As a result of increasing migration discourse surrounding cultural diversity has been on the rise and corresponding problems have manifested as a result of a limited experience in dealing with cultural diversity (Haines, 2014). At the same time the term *Damunhwa* meaning multiculturalism is increasingly gaining popularity, being used with a positive connotation in both public discourse as well as state sponsored events (Haines & Lim, 2014).

The lack of research concerning migration between East Asian states can perhaps be explained by what Pletch coined “the three-world division of social scientific labor” (1981) which “tend to focus on global South-North migration” where non-western migration regimes are underrepresented (Urinbojev, 2021, 5). Urinbojev notes that there is a substantial need for empirically grounded knowledge on understudied migration flows as “migrant legal adoption is not uniform everywhere but rather holds different meanings, forms and functional roles depending on sociopolitical context, legal environment, economic system and various cultural factors” (Ibid, 6). Such an argument is particularly pertinent to the context of Eastern Asia considering the cultural gap when compared to the west and Asian Migration representing more than 40 percent of all international migration worldwide in 2020 according to the World Migration Report (United Nations, 2022).

The cultural differences can be elucidated by paying attention to the emphasis these societies often place on social harmony and social order. An example being the tragic Sewol ferry disaster of 2014 in South Korea where an overloaded and unbalanced ferry sank, killing over 300 of its 475 passengers who had been instructed to stay in their rooms as the captain left the ship (Sang-Hun, 2019). The event triggered a widespread debate in South Korean society about the culture and norm of obedience (Ma, 2014) which effectively regulate everyday life alongside state law.

A field of study which has been concerned with migrant adaptation is that of political sociology focusing on the concept of political resocialization, a concept referring to the change of political socialization in individuals who migrate and live under different conditions than what they have previously internalized. There are three contrasting views with regards to the potential for political resocialization: (1) premigration beliefs and actions may be resistant

to change, (2) immigrants may find ways to transfer beliefs and behaviors from one political system to another and, (3) exposure to the new political system may facilitate adaptation. Evidence indicates that both the transfer and exposure thesis matter, migrants do adapt to the new political system (Bilodeau et al, 2010; White et al, 2008). The findings from political sociology are interesting from a socio legal perspective despite research into political resocialization not being directly concerned with law; often concerning itself exclusively with state law when it is.

Studies from the perspective of political resocialization tend to retain a western centric perspective, often focusing on distinctions between industrialized and non-industrialized states with assumptions such as “advanced industrial states share broadly similar political norms and institutions” (White et al, 2008, 272), overlooking the complex reality of not only institutional differences within democratic and advanced industrialized states but a myriad of norms or legal obstacles impacting the lives, attitudes and behavior of migrants. Another obstacle is that these studies are often contained in the perspective of methodological nationalism, which is being increasingly challenged with the advent of globalization.

The limitation of methodological nationalism has been acknowledged by scholars concerned with migration and an increasing amount of research has been centered around transnationalism as the many facets of globalization increasingly lead to migrants living multi-sited lives. Transnationalism in migration studies places the focus on exchanges, connections, and practices across borders, with an emphasis on connections established between countries - acknowledging migrants as both agents of, as well as subjects of transnationalism. A rough typology of the key areas of research with regards to transnational migration is that of research at the “identitarian attitudinal level” concerned with identifications and sense of belonging, and research at the “relational behavioral level” concerned with social relationship and practices as well as systematic connections between origin and destination countries (Boccagni, 2012). Much research at the intersection of law and migration has been focused on migrants’ adaptation to law through what Urinboyev calls the dominant frameworks of “assimilation, acculturation, and integration” (2021, 8).

Concerning relational behavior there is the question of what impact the state law of the migrants’ native country has post-migration. Research into these matters might have been



suppressed by the prevalence of methodological nationalism and a western centric perspective where the focus on migration lays on individuals migrating from weak to powerful states. However, powerful states such as China challenge old dynamics of power, presenting problems for migrants, a development which can be exemplified through China's attempts to extend the reach of state law beyond borders to regulate and prosecute individuals not residing within the state (Yang, 2020). Such events undoubtedly affect individuals abroad, especially those within a close geographical proximity where the influence of the native state is greater. Students and migrants lacking other citizenships in particular are likely to be regulated by both states due to the difficulty in avoiding going back to the native country, forcing them to regulate their behavior abroad.

To conclude, there is a need to study migrants' experiences in non-western context as we cannot assume that frameworks constructed within the context of the west are directly applicable to Eastern Asia (Urinboyev, 2021). Moreover, the lack of previous research combined with differences when compared to the west and a cultural homogeneity make East Asia an interesting place for further migration research. While transnationalism has met the challenges brought by the limitations of methodological nationalism, little attention has been paid to powerful states attempting to regulate the behavior of its emigrants living abroad - presenting a gap in the research. Both understudied migration flows and the effects of powerful states regulating the lives of emigrants beyond borders can be illuminated through asking the question of how Hong Kongers navigate the transnational legal pluralism which has followed from Hong Kong's new reality and the subsequent attempts to regulate life abroad through the national security law.

### 3.3. Interdependence of States

There presumably exists a multitude of factors playing a role in a state's successful regulation of the behavior of emigrants abroad such as geographical proximity, foreign economic influence, state relations, independence between states etc. For example, the influence of foreign investors may impact how institutions deal with political issues and conflict, or a state's will to maintain relationships with other states might affect lives through direct or

indirect action or through displaying ambiguity with regards to the issue. Acknowledging such factors as variables impacting the lives of migrants provides opportunity for greater understanding of legal pluralism, migration, as well as the role of states as they do not exist autonomously, sovereignty is interdependent and relational.

Within the field of international law Ryan Goodman and Derek Jinks have emphasized ways in which states are changed through being part of an international network of states (2004). In their work empirical evidence suggested that three mechanisms in particular were central in influencing the behavior of other states, coercion, persuasion, and acculturation. The literature on the matter primarily focuses on coercion, where states influence the behavior of other states through mechanics such as sanctions, escalating the cost of non-conformity and persuasion, where states influence the behavior of other states through social learning.

Acculturation is defined as the general process of the adaptation of beliefs and behavioral patterns by the surrounding culture. Goodman and Jinks postulate that acculturation has been overlooked in research on international law due to it often being confused or equated with persuasion (2013). Empirically the emergence of global norms which are then embraced and implemented on a state level prove evidence of acculturations effect on states, with studies of state imitation covering areas as diverse as education (Schofer & Meyer, 2005), the environment (Frank et al, 2007), market liberalization and privatization (Henisz et al, 2005), and human rights (Linos, 2013; Frank et al, 2010).

Goodman and Jinks makes the case that states do respond to social pressure and the cognitive frameworks of individuals, pointing to literature on “world polity institutionalisms” (2004, 646). Indeed, work on the mutually constitutive relationship between Confucianism and the law (Hahm, 2003) and legal pluralisms showcasing of the role of the migrants who bring different forms of law with them and proceed to play a role in the dynamic reconfiguration of law (Foblets, 2005; Shah, 2003; Griffiths, 2013) support the claims of Goodman and Jinks with regards to acculturation.

Focusing on acculturation as a result of global norms, or states being part of a network of states, or as regional neighborhood effects is highly relevant but still limited as it is an acknowledgment of the micro through the macro. The process of which acculturation influences state behavior is the following: macro level developments influence actors within a

state, be it statesmen, activists, or even ordinary citizens who in turn influence national legal and policy level outcomes (Goodman & Jinks, 2013). The concept of acculturation stands to gain from a deeper focus on the “micro” aspects of the causal chain of macro-micro-macro. This is an area where legal pluralism could stand to contribute to the existing literature - through providing an account of how the norms develop and exist in everyday life.

States are a part of the web of pluralist interactions affecting Hong Kongers in South Korea, as such the literature on how states are changed through being part of an international network of states proves relevant. Likewise, research on how Hong Kongers navigate the pluralistic legal context abroad could aid in illuminating questions with regards to the power dynamics between states in East Asia and the role of China in this changing landscape. Moreover, through linking the actions of states to the micro and asking the question of how the impacts of state influence is navigated by individuals a more comprehensive understanding could be gained, complementing the literature on the interdependence of states with a thicker account of the reality of state influence at the micro level and how the mechanisms of state influence function.

### 3.4. Research Gap

The different context of East Asia vis-à-vis the West proves to be a promising area of study from the perspective of sociology of law. The discussion on social norms versus state law in Asia has practically been underway since Confucius, persisting through millennia; with the prevalence of Confucian norms coming under heavy critique as far back as fourth century BC from the legalist school who preferred a rigid system of laws that prescribed punishment and rewarded specific behavior (MacCormack, 2006), continuing with Dr. Wu’s critique of the Chinese conception of law as “backwards and stagnant” due to its loyalty to the moral ideals of Confucianism (Davis, 2019, 2318). Proponents of Confucianism have argued for Confucianism's compatibility with law (Gao & Walayat, 2020) with scholars such as Wai and Yiu promoting Confucianism as an alternative to shed the “grand narrative” of law stemming from colonial heritage (1998). Empirically, the relationship between law and Confucianism in South Korea has been shown to be a mutually constitutive one, just as law influences

Confucianism so does Confucianism influence law (Hahm, 2003). The prevalence of alternative normative orderings regulating life in the region prompts an understanding going beyond the academic focus on state law and Confucianism.

Studies in legal pluralism offer such a perspective through acknowledging that there exists a multiplicity of factors regulating behavior in every social arena. Common themes in the literature include choice of law, conflicting law and how non-state law regulates as an alternative to state law. However, despite the often-proclaimed inherent tension between alternative normative orderings such as Confucianism and the rule of law in the context of East Asia the region has remained underrepresented in the literature (Elton, 2020).

Literature on migration in Asia is underrepresented as well, despite Asian migration representing more than 40 percent of all international migration worldwide (United Nations, 2020). As Urinboyev notes, there is a substantial need for empirically grounded knowledge on understudied migration flows (2021). The topic of migration has been prominent in the literature on legal pluralism as migrants are important actors in the dynamic reconfiguration of law (Griffiths, 2013). However, while attention has been paid to migrants' bringing the broad legally pluralistic conception of law with them as well as migrants' adaptation to law, powerful states' direct attempts to regulate the life of its emigrants has been overlooked. Such a gap may be the result of studies on migration often focusing on migration from weak-to-powerful states in relational terms.

The success of states in regulating the behavior of its emigrants requires a perspective bringing state-to-state relations into the mix. As globalization continues to develop, states become more and more interdependent, possibly providing large powerful states such as China leverage to enact policy beyond its borders. Work done in international law can contribute through bringing a state-to-state perspective through insights concerning the mechanisms which influence the behavior of other states such as coercion, persuasion, and acculturation, (Berman, 2007; Goodman & Jinks, 2004) where acculturation in particular has been overlooked by international law scholarship (Goodman & Jinks, 2013).

Legal pluralism and international law scholarship could both benefit from developing further insights into how states influence each other and regulate lives beyond borders through focusing on the micro aspects of everyday lives. International law has to a large extent

maintained focus on the macro aspects of state influence, but state socialization is a process grounded in the micro aspects of everyday life (Ibid) which warrants further exploration of the complexity behind the multiplicity of normative orderings governing everyday life and the interactions between them. At the same time work on said multiplicity of normative orderings could benefit from further depth with regards to the important normative community that is states and the process through which the community influences lives.

Investigating China's attempt to regulate beyond borders and its impact on emigrants can contribute to socio-legal understanding through shedding light on the complex transnational nature of law. Furthermore, it can provide a greater understanding of the influence of state law from the migrant's country of origin, as well as add to the migration literature through illuminating migrants' experiences in non-western context. Finally, it can contribute to our understanding of how states influence each other in an increasingly interdependent and connected world.

## 4. Theoretical Framework

The question of how the new legal reality in Hong Kong affects Hong Kongers abroad benefits from theoretical perspectives focusing on both the bottom-up, everyday reality of Hong Kongers, as well as the state-to-state relations which inevitably affect and is affected by their lives. As such the study will be utilizing theoretical frameworks from legal pluralism, generally defined as a situation in which two or more legal systems coexist in the same field (Griffiths, 1986) and theoretical work from the field of international law on how states are influenced and exert influence by being part of a network of states. The context of international law can contribute to a legal pluralistic perspective through the addition of state-to-state relations - providing depth to the state and its influence as a normative community as well as the mechanisms through which it acts and is acted upon by virtue of being part of an increasingly interdependent network of states. Legal pluralism could likewise contribute to the understanding of international law by empirically shedding light on the complexity of state socialization through a recognition of the multiplicity of normative orderings governing life (Berman, 2007), offering nuance to the process of state socialization as it is “grounded in the beliefs, conduct, and social relations of individuals” (Goodman & Jinks, 2013, 41). The section will conclude by combining and operationalizing the two perspectives of legal pluralism and state influence into a framework for analysis of the transnational legal pluralistic context of Hong Kongers in South Korea.

### 4.1. Legal Pluralism

The advent of increased international trade, information technology, travel, and international social relations all present challenges to law as it has traditionally been conceived. We increasingly live multi-sited lives, maintaining connections, and practices across borders - undermining the state as the ultimate reference point for both domestic and international law (Banakar & Travers, 2013). States are challenged by other states as seen in the example of South Korea, which in turn has an impact on the normative order in ways where a focus on domestic state law proves insufficient to explain the complex reality of the situation. Indeed, other legal orders exist alongside of or in competition to state law, as Merry has argued “many

institutions such as schools and corporations develop forms of private governance” and “informal but rule-governed relationships are characteristic of families, communities, and voluntary organizations” though there has been considerable debate about whether such normative orderings should be called law (Merry, 2001, 8490).

Methodological nationalism, understood as the idea that the state presents the ultimate point of reference for both domestic and international law is insufficient to answer challenges brought by the recognition of a multiplicity of legal orders (Banakar & Travers, 2013, 266). The realization led to the concept of legal pluralism where scholars such as John Griffiths significantly contributed to the topic with the objective of “break[ing] the stranglehold of the idea that what law is, is a single, unified and exclusive hierarchical normative ordering depending from the power of the state and of the illusion that the legal world actually looks the way such a conception requires it to look” (Griffiths, 1986, 4).

The concept of legal pluralism is often defined as a situation in which two or more legal system coexist within the same social field (Ibid) with scholars such as Pospisil going beyond state law, claiming that every subgroup in society such as family, community or political association “has its own legal system which is necessarily different in some respects from those of the other subgroups” thus defining “legal systems” broadly to take into account other forms of normative ordering (1971, 107). Social scientist recognizing the phenomenon have often been interested in how societies have maintained a social order without the concept of European law, documenting a variety of alternative to social control such as customary law, social pressure, and alternative juridical procedures (Chanock, 1985; Diamond, 1973; Malinowski, 1926).

Discussion of legal pluralism tends to employ a distinction which will here be referred to as “weak” and “strong” legal pluralism or what Merry calls “classic” and “new” legal pluralism (1988). Scholars concerned with carrying out research in what came to be labeled as weak legal pluralism focused on carrying out analysis at the intersection of indigenous and state law, an approach which came under critique from Griffiths as he perceived it to be a product of state recognition, thus not true legal pluralism (Griffiths, 1986). The strong version instead grounds itself in a concept of law as independent from the state, an empirical state of affairs not belonging to a single system. That is not to say that legal pluralists deny the impact of

state law, but rather that it is possible for law as a concept to be completely divorced from state law; social relations, or other non-state institutions may govern the lives of Hong Kongers with the same efficiency as official state law.

Strong legal pluralism, the perspective from which this study will depart, goes beyond the conventional understanding of law, acknowledging that in every social arena there exists a multiplicity of factors regulating behavior. State law, regional laws, county law, international law, religion, customs, as well as a wide variety of social norms. Corporations regulate the lives of their employees through company policy as well as their users; the culmination of which may be demonstrated when sitting president Donald Trump was suspended from Twitter, Facebook and Instagram on the 5th of January 2021 (Nilsson, 2021). The extent to which social media regulates life, or life is regulated through social media is growing in relevance as political life is increasingly carried out through social media, and as political life is one of the aspects which is being regulated by the Hong Kong national security law and that the nature of social media transcends national borders it will be a facet of life where the capabilities to regulate beyond borders are presumed to be high.

The increased globalization of the world and the subsequent increased intertwining of regulation between states and internationally has led to studies of transnational legal pluralism concerned with regulatory phenomena extending beyond the nation state. Matters such as trade, migration, the environment, telecommunications, terrorism, pandemics and more have led to transnational movements and organizations, some of which are equipped with traditional legal functions such as the United Nations or the World Trade Organization, all affecting regulation. As Berman notes “wherever one looks, there is conflict among multiple legal regimes.” (2016, 151).

Merry suggests that globalization increases legal pluralism in two ways (2001). First, it stimulates the circulation of legal forms and practices between states. Institutions which are quite different from the ones already in existence in receiving society may be transplanted and individuals bring practices and norms with them from other states which gradually or radically replace or change normative orders already in place. Second, legal pluralism is increased through the construction of a global legal order which often acts through institutions with the capacity to regulate, examples of which are the United Nations, the International Monetary



Fund, the World Bank and more. As Merry notes “local actors, such as indigenous peoples, make claims for legal and political sovereignty within the nation state, using international principles of self-determination and rights to protection of culture” (Ibid, 8490). The issue of protecting the culture of Hong Kong is something which has been growing in relevance as freedom of expression and academia has shrunk. Following the Hong Kong events universities outside of the region have introduced new programs focusing on Hong Kong and emigrants have shown interest in preserving the local language Cantonese as a “form of resistance against a monolingualistic culture being imposed by China” (Steger, 2022).

The topic of migration has been paid much attention to in studies concerned with legal pluralism as migrants live multi-sited lives across national boundaries - bringing with them a diverse range of norms and experiences. A topic especially prominent in the literature is migrants taking the law of their country of origin with them to the new country of residence, be it customary law, religious law, or national law (Foblets, 2005; Shah, 2003). As Griffiths notes “migrants are important actors in the dynamic reconfiguration of law at the different localities [in] which they are involved” (2013, 273) impacting the way in which law develops. The context under which migrants bring law with them varies, it can be through norms or customs, or it can be from the country of origin attempting to regulate their lives abroad - as is the case with Hong Kong.

Plural legal systems vary in power, where the more powerful systems gain primacy over the less powerful (Merry, 2001). Local schools, businesses and communities all have their own systems of law-like orderings, yet all function within the framework of the law of the nation state though they can come to challenge it through protests, disregard, or other means. The interactions between these systems have come to be described as “interlegality”, a clear example of which can be seen in research on colonial situations where the colonial authority often maintained separate legal systems for the colonial authorities and the subjugated (Moore, 1986).

Extending the focus of law to include categories such as supranational, subnational, national, and non-state law is not without its flaws or critics. Michaels points out that the categorization “still defines every type of legal order by how it relates to the state” thus expanding the paradigm, and that categories such as non-state law represents a very diverse phenomena,

rendering it not very useful (Michaels, 2013). While it is true that these categories seem to define themselves in relation to the state, it is possible to conceive of a complete separation with the use of the terms through directing focus on the actual regulatory capacity of something like a norm or university policy. The same can be said for supranational law, where the ‘national’ part of the term can be regarded as a sort of dismissal of the nation state. Regarding the second point some skepticism is valid when considering the usefulness of the category of non-state law since it is an incredibly broad concept with vague boundaries, here it is useful to conceive of the category as a higher order category, containing many subcategories from which we gain the much needed precision. Such subcategories might include community, organizations, technology, or structural constraints, each exerting some regulatory capacity but often through different means.

## 4.2. State Influence

States have the power to create binding rules of law which do not require the consent of the governed, and only the state is entitled to enforce its law, having a monopoly of violence (Weber, 1965). However, as a result of an increased interdependence, states no longer hold absolute discretion on creating laws and as Michael's points out “we find more and more delegation of lawmaking powers to supranational institutions, be they global [such as the United Nations] or regional [as the European Union]. We find more and more cooperation between nations, either formally through treaties and executive agreements, or informally through ad hoc international consultations” (2013, 297-298).

Within the field of international law Ryan Goodman and Derek Jinks have emphasized ways in which states are changed through being part of an international network of states (2004). In their work empirical evidence suggested that three mechanisms were central in influencing the behavior of other states, coercion, persuasion, and acculturation. Goodman and Jinks later come to use the term “material inducement” in place of “coercion” while clarifying that the two terms are largely consistent (2013).

Coercion is when states and institutions “influence the behavior of other states by escalating the benefits of conformity or the cost of nonconformity through material rewards and

punishments” (Ibid, 633), which could be seen in China's economic retaliations towards South Korea after the 2017 installment of the THAAD missile defense system. The mechanism of coercion holds that states change their behavior when it is in their material interest to do so. Coercion as a phenomenon is persistent; through showing another state the cost of nonconformity, future action of that state is evaluated through the past costs associated with nonconformity. The mechanism of coercion is dependent on the relative power dynamics between states as larger more powerful states maintain a greater capacity to enact sanction or coercion through other means as the economic damage is unproportionate.

Persuasion involves processes of social learning, often through planned influence of norms on other states or simply through being persuasive as Finnemore argued “normative claims become powerful and prevail by being persuasive” (1996, 141). Once persuaded, an actor internalizes the new norm and rules of behavior, redefining their interests and identities (Goodman & Jinks, 2013). A key feature of the process of persuasion is that actors are consciously convinced of the truth or appropriateness of the norm, belief or practice of the message being conveyed (Hovland et al, 1953). Persuasion may succeed through a number of micro processes such as “framing” where a not commonly accepted message is reframed to resonate with already accepted norms, or through “cuing” actors to engage with, and think about the message.

Acculturation is defined as “actors adopting the beliefs and behavioral patterns of the surrounding culture” and can occur through “varying degrees of identification with a reference group” which generates cognitive and social pressures to conform, real or imagined (Goodman & Jinks, 2004, 639). While persuasion focuses on the content of a norm, acculturation focuses on the relationship between the actor and a reference group. The mechanism of acculturation works by cognitive pressures, where actors are driven to conform through social-psychological costs of non-conformity or social-psychological benefits of conforming to the norms or expectations of a group (Goodman & Jinks, 2013).

Social pressures applied by a group is another mechanism through which acculturation is exerted (Ibid). The processes through which the social pressure is applied may be through the imposition of social-psychological costs like shunning or shaming, or through the imposition of social-psychological benefits such as displays of public approval. Empirical evidence

suggests that there is a tendency for actors to change their behavior in order to conform to the behavior of the group even when the group is wrong and there exists an incentive to be accurate (Aronson et al, 2013; Baron et al, 1996; Göckeritz et al, 2010). However, as conformity through social pressures applied by a group is an external pressure it often leads to public compliance with social norms, not private acceptance (Goodman & Jinks, 2013). An important caveat with regards to acculturation is that actors don't always bow to social pressure, the likelihood of conformity may be bound to a range of different factors such as group size or relative power relations.

Goodman and Jinks do not make any claims as to which mechanism is most effective, instead limiting their work through focusing on the conceptual distinctions between them (2013). The three mechanisms have different bases of influences, behavioral logic, forms of influence, and results. As Goodman and Jinks summarizes, the basis of influence of coercion is material interests, for persuasion it is a congruence with internal values, for acculturation it is the social expectations and cultural identity. The behavioral logic of coercion is instrumentalism, for persuasion it is an active assessment of the validity of a rule, for acculturation it is a conscious or unconscious assessment of social role, social status, and mimicry. The forms of influence for coercion are material punishment and reward, for persuasion it is framing, cuing, or convincing, for acculturation it is the social rewards and punishments and the cognitive costs or benefits. With regards to results, coercion achieves compliance, persuasion achieves acceptance, while acculturation achieves conformity.

### 4.3. Transnational Legal Pluralism

Combining the concepts of legal pluralism and state influence provides a framework through which it is possible to conduct an analysis of the transnational legal pluralist context of Hong Kongers in South Korea following Hong Kong's new reality. In theorizing about state socialization Goodman and Jinks recognizes that the mechanisms of socialization operate through various microprocesses at the individual level and that a fuller account of these mechanisms is a necessary step for the project which they have in mind (2013). Legal pluralism can complement theories of state influence by providing a more comprehensive

framework to examine these various microprocesses, recognizing the multiplicity of norms regulating life - a nuanced perspective concerned with the empirical reality of law. Likewise, theories of state influence complement legal pluralism through the addition of state-to-state relations as “yet another set of possible alternative normative communities to the web of pluralist interactions.” (Berman, 2007, 1177).

When considering the multiplicity of normative orderings governing the lives of Hong Kongers in South Korea there is a difficulty to be circumvented with regards to less formal normative orderings, as they “blend more readily into the landscape” (Merry, 1988, 873). As such there is a need to place an emphasis on the explorative when collecting and analyzing data, with an awareness of the different pathways of which the variety of normative orderings present may stem from, such as institutional affiliation, various social groups, state law, social media, or customs to mention a few. An understanding of the legal pluralistic situation at hand stems from engaging with those affected and as such flexibility in the framework is a necessary feature.

With regards to state-to-state relations the mechanisms of state influence are often paid attention to at the macro level, that is to say that sanctions against a state hope to cause change in the state, a macro-macro causal relationship. However, as Goodman and Jinks acknowledges, such causal links are ultimately explicable at the micro level as the mechanisms influence all kinds of actors which in turn influence legal and policy outcomes, a macro-micro-macro causal relationship (2013). The mechanism of acculturation as well as the coercive and persuasive efforts of the Chinese state with regards to the events in Hong Kong ultimately reaches and affects individuals and their everyday lives who proceed to affect state policy and law. For example, the coercive aspects of the national security law may induce a change in behavior through threatening to limit future economic opportunities or by restricting freedom in Hong Kong while persuasive efforts seek to change behavior through a convincing narrative promulgated through media or other means. Acculturation on the other hand functions through identification with a reference group which generates real or imagined cognitive and social pressure to conform, a reference group which may vary depending on the person, be it family, friends, coworkers, or institutional settings.

As Sally Merry has argued, embracing legal pluralism requires a shift in our understanding of law where “defining the essence of law or custom is less valuable than situating these concepts in particular sets of relations between particular legal orders in particular historical contexts” (1988, 889). As such the plurality of normative orderings, including state influence, will need to be contextualized and situated within the broader social sphere, and the relationships between them explored.

## 5. Methods

Uncovering how Hong Kongers navigate the context of transnational legal pluralism in South Korea will require flexible methods focusing on depth which allow for the exploration of normative orders difficult to know in advance. This section aims to provide methodological considerations, an account of how the data has been collected and analyzed as well as reflexive, and ethical considerations.

### 5.1. A Qualitative Approach

The empirical material consists of eight in-depth interviews with Hong Kongers living in South Korea. The interviews were semi-structured in order to make it possible to explore new valuable information not known before the interview. A semi-structured approach to the interview aims to combine the benefits of structured interviews where there are preset and structured questions resulting in reliable and comparable data with unstructured interviews, where there is little preset structure which provides the flexibility to follow up on topics which could not have been known before spending time with the interviewee (Brinkmann, 2020). In terms of interview style, the unexplored nature of the topic calls for a receptive style of interviewing which aims to empower the interviewee to have a large measure of control in the way in which they answer the questions.

As Silverman notes there are aspects of qualitative research in need of recognition (2000). First, the theoretical underpinnings of the research are constantly contested and evolving - the theoretical foundation for this thesis is no different. Second, qualitative data is often contingent, making it important for the contingent factors to be spelled out and reflected on. Third, there is an increased risk for non-randomness of cases. Despite such risks qualitative analysis based on a small amount of data can still produce useful, illuminating, and generalizable results through quality analysis.

While a quantitative approach with a high sample size provides benefits such as a lower margin for error and a decoupling between the researcher and the data it lacks depth in insights as the nature of classification is reductive. A quantitative approach might prove more

useful when variables are clear cut, so that a relationship may be hypothesized and tested. A qualitative approach on the other hand can be valuable through exploration of the unknown, such as when an interviewee brings to light facts previously unknown to the researcher. The benefits of a qualitative approach are especially clear when the researcher comes from a different background and cultural context as the situation can be presumed to contain epistemological unknown unknowns.

## 5.2. The Interview

The eight in-depth, semi-structured interviews were conducted in person in Seoul, South Korea, lasting approximately one hour each. Due to language constraints the interviews were only conducted with Hong Kongers who speak English. Conveniently, English is one of the official languages of Hong Kong as well as a major working language widely used in commerce and legal matters. The background of the interviewees was varied, consisting of students, journalists, and other white collar workers between the ages of 18 to 40.

The initial contact with the participants was made through various means such as messaging boards, contacts at universities and snowball sampling. The interviews took place around Seoul, often in places known to the interviewee such as reasonably private cafés or campus buildings where it was possible to escape the inevitable liveliness of a city home to millions. While the majority of interviews were standard one-on-one interviews, four participants were interviewed in so-called two-person interviews which facilitated dynamic social interactions and spontaneous interaction between the participants as well as allowed for a more comfortable social setting for the interviewees (Brinkmann 2020). The disadvantage of a two-person interview, such as the risk of one participant dominating the discussion, was managed through awareness and moderation by me as the interviewer. In addition, the risk for conflict of interests and antagonisms between the participants was reduced as in both cases the participants approached me with the suggestion of participating in the interview with friends whom they felt comfortable with.

Each interview was structured around three parts for analytical purposes (see Appendix I); however, the actual interview followed another ordering of the question so as to avoid asking



sensitive questions early on which risk making the interviewee uncomfortable (see Appendix II). Part one of the interview examined how the interviewee has experienced and conceptualized the legal shift in Hong Kong. Part two was concerned with exploring the plurality of normative orders existing in the life of Hong Kongers living in South Korea. Part three focused on the impacts of state influence.

While the questions have provided a general framework for the interviews, there has been an emphasis placed on the unstructured side of the semi-structured interviews which has allowed for the opportunity to spontaneously explore relevant topics brought forth by the participant. With regards to the exploration of the plurality of normative orders, the unstructured side of the interviewing process has had a particular emphasis as it is difficult to know the multiplicity of normative orders governing life in advance. In essence, the structured questions provide comparable and reliable data while the unstructured part provides flexibility to explore unknown unknowns.

### 5.3. Data Analysis and Coding

The interviews were transcribed within a couple of days so as to make it easier to recall and capture possible nonverbal signs and gestures that occurred as well as other non-transcribable features of the interview. A thematic analysis of the data was conducted, with regards to discovery the data was coded where the code functioned as a “way of patterning, classifying” the data for further analysis (Saldaña, 2020).

The initial codes were further categorized through clustering comparable or similar codes into groups for analysis and pattern construction. Then the ways in which the categories and patterns interact, and interplay were explored through proposed connections “within, between, and among the constituent elements of analyzed data” (Ibid, 13-14). Finally, the data was reasoned about in order to make inferences and draw conclusions from the findings. As a result of this exercise the following themes emerged: uncertainty, oppositional norms, limited opportunities, socioeconomic inequality, polarization and conflict avoidance

## 5.4. Validity, Generalizability and Reliability

The validity of the study benefits from having direct access to Hong Kongers living their lives in South Korea. However, the nature of qualitative research has resulted in a low sample size which inevitably carries with it risk of diminishing the randomness of samples as well as the generalizability of the research. While these are important factors to have in mind when evaluating the research, the benefits outweigh the costs as the approach has allowed for a detailed description of the participants' experiences which would not be possible through a purely quantitative approach with a high number of participants. With regards to generalizability the study has hoped to compensate through analytical means, but the study could be considered a stepping stone of the previously unexplored, allowing for further research to build upon the findings, strengthening the claims of generalizability. It is important to be aware that the interviewees participating in this study were all under 40 and that the Hong Kong situation is known to have a generational dimension - meaning that those interviewed are more likely to have pro-democracy beliefs. This partial bias was not intended but might reflect the fact that young people holding these beliefs are more likely to migrate from Hong Kong.

With regards to data collection the flexibility of semi-structured interviews has benefited the validity of the study as its flexibility has allowed for an exploration of the unknown, counteracting the difficult, if not impossible task of mapping the multiplicity of normative orderings existing in the lives of Hong Kongers living in South Korea post the 2019 events. In addition, the flexibility has helped to counteract the lack of a shared cultural context between the participant and researcher as it has been possible to ask follow up questions where potential misunderstanding exists.

The background of the interviewees reflected the outcome of the sampling process, not targeting and is worth keeping in mind when evaluating the validity of the study as those above forty, and blue collar workers lack representation. In addition, the situation in Hong Kong is a divisive issue and all of the interviewees tended towards pro-democratic beliefs. This impacts the generalizability of the study while at the same time affecting the depth positively as the participants are representative of the population which the national security law seeks to regulate.

The covid-19 pandemic which contributed to ending the Hong Kong protests in early 2020 has continued to affect lives in both Hong Kong and South Korea. As a result, the lives and experiences of Hong Kongers in South Korea after the 2019 protests and the enactment of the national security law have taken place under the context of covid policies such as social distancing, distance education, distance work, and mandatory quarantine. On the one hand the experiences of the participants have taken place during and are contingent on abnormal circumstances which may affect the validity and generalizability of the study, on the other hand the circumstances were formative with regards to the outcome of the events making it relevant and interesting from the perspective of the study.

It is difficult to speculate on what might have happened in Hong Kong would the covid pandemic have not arrived, but the fact remains that the covid outbreak provided the Hong Kong government with highly effective and legitimized tools of social control in the form of covid policy which have played a formative role in the development of the region, a topic worthy of further research but beyond the scope of this study. As such the context should be viewed as a relevant feature of the research, not merely an abnormal circumstance negatively impacting the validity and reliability of the study.

The reliability of qualitative research depends on data not being misrepresented and that the findings are accurate as well as carefully and thoroughly analyzed (Mason, 2018). This has been sought to be achieved through a transparency of the process and choices made as well as a careful and systematic reevaluation of the data as well as the inferences drawn from it.

## 5.5. Reflexivity

As Whitaker and Atkinson notes, a researcher's "personal characteristics can have consequences for social research at various levels: unexamined assumptions about social life; blind-spots concerning oneself and others; opportunities for empathetic understanding" (2021, 55). It is also the case that "knowledge-production in the social sciences necessarily implicates the researcher in a nexus of power, not merely power over the research, but also the power to define the proper nature of research itself: problems and topics, research strategies, preferred outcomes, and modes of representation. There is equally the power to exclude topics

from scrutiny” (Ibid, 56). As such the personal cannot easily be dismissed through a positivistic distanced, detached, and impersonal approach, instead it is a component of the research requiring careful consideration through the examination of one's beliefs, practices, and judgments in the research process.

My personal interest in Hong Kong stems from my time in South Korea at the heights of the Hong Kong protests in 2019. Every day you read about and saw footage of how the streets of Hong Kong would fill up with protestors. The large-scale protests eventually turned to increasingly bitter and violent conflicts with the authorities. Footage of chanting crowds turned to footage of police officers beating protestors and students practicing throwing molotov cocktails in an empty pool at an occupied university campus (Hale, 2019; Steinbuch, 2019). It surprised me that protests of that scale would have little to no concessions, instead resulting in a harsh government crackdown and increased authoritarianism. The events had its effect on campus grounds in South Korea as well, where conflicts between pro-China students and pro Hong Kong protests took place. The extent of the reach of the conflicts regarding national sovereignty in East Asia was made clear when it was decided that no flags would be allowed during a cultural exchange activity in order to avoid conflict, a decision which led to great Confusion among the participants.

Positionally, I remain firmly rooted in the belief that people should have a say in how they are governed, a belief leading to my choice of subject topic, and which places me in alignment with the pro-democracy camp with regards to the situation in Hong Kong. However, I have been aware of this fact and have sought to counteract it throughout the thesis by a commitment to uncovering the empirical reality of the situation, and by putting an emphasis on fair representation of both sides, as well as transparency throughout the process. A decision which may reflect my positionality on the issue is the language used to refer to Hong Kong, emphasizing the distinctness from mainland China, a choice which may offend “one China” purists and which the reader ought to be aware of.

With regards to personal characteristics which may have an impact on the research it is worth noting that I have been raised and educated within a Swedish context, far from the large city life and cultures of places like Hong Kong and Seoul. Despite the different cultural background, I have maintained a fascination with the culture, life, and cities of East Asia

which has led to me having spent a combined total of over a year living in Tokyo and Seoul where I have made contact with people from all sorts of different places and backgrounds, leading to a familiarity with life in the region, varied as it may be. That is not to say that I have bridged the cultural gap, but rather that it has led to an awareness of where shortcomings in communication may stem from and how to navigate the cultural differences to better achieve mutual understanding.

## 5.6. Ethical Considerations

During the process of reaching out to potential participants it was necessary to not reveal the sensitive nature of the research topic, only divulging such information in private so as to protect potential sources from outside influence. When a contact was established, the participants were informed of the nature of the research, that participation is voluntary, and that if they felt uncomfortable answering any of the questions they could decide not to answer or simply discontinue the interview without the need for an explanation in order to reach informed consent. In addition, the participants were given the opportunity to ask questions with regards to the research and their participation in it.

Participants who risk breaking the national security law, especially those part of the Hong Kong democracy movement, now fear legal, social, and economical repercussions, making protecting my sources and contacts of utmost importance. In practice this means a commitment to their anonymity in the research as well as careful consideration of details emitted which may allow triangulation to any specific person.

In order to further protect the integrity of the participants the data was stored on my personal encrypted computer, as opposed to the cloud where the data would have to travel through a large amount of infrastructure across many borders until being stored by a provider, a process carrying with it risk of the data being intercepted at each stage. Upon the completion of the thesis all data was deleted so as to ensure that the data will not be used beyond the context of the study which the participant consented to being a part of.

With regards to the presentation of data names have been avoided and the data is presented during the course of analysis with the intent to make it more difficult to parse data in a manner which may allow for triangulation of participants with unique life stories or idiosyncratic speech patterns, a concern legitimized by advances in natural language processing artificial intelligence.

## 6. Empirical Data and Analysis

How do Hong Kongers living in South Korea navigate the context of transnational legal pluralism following the rapid social, political, and legal shift in Hong Kong? To answer this question the analysis of the empirical data is informed by the theoretical framework, and structured around the themes which emerged from the coding process: uncertainty, polarization and conflict avoidance, oppositional norms, limited opportunities, and socioeconomic inequality, finally concluding with a summary section containing the results of the analysis.

### 6.1. Uncertainty

A shared perspective among a large majority of participants was uncertainty with regards to the situation in Hong Kong and the Hong Kong government, a feeling which remained regardless of the geographical location, and which appeared to overshadow life in general. As one participant expressed herself:

“I think most of us feel uncertain about the future, I think that's the reason people are emigrating to different countries... After the 2019 movement the people lost their way to oppose government policy, it's the government that decides now, what they say you have to follow... Take the pandemic policy for example, the government takes action without reason and is not consistent.”

The national security law was often, but not exclusively mentioned as a source of uncertainty:

“There are no clear boundaries... I don't know when I'm breaking the law or when I'm not breaking the law, the government just decides.”

While the uncertainty stemmed from the situation in Hong Kong it did not prevent the participants from regulating their lives in South Korea as the participants live truly multi-sited lives with access to and use of information communication technology, the ability to travel, and often maintaining strong connections to Hong Kong such as family and friends, a process

which has been eased through the use of social media. In addition, there was a frequent acknowledgement of the national security law reaching beyond national borders in conversation.

The most frequent form of self-regulation as a result of uncertainty among the participants was self-censorship and the act of thinking twice before taking an action or communicating:

“I now think twice in both public, private, and when posting online... I think I would avoid controversial issues and politics when meeting friends, both in Hong Kong and South Korea.”

Self-censorship inevitably informs the migrants role in the dynamic reconfiguration of law in the region, standing in opposition to the formal South Korean commitments to the rights of free speech as well as the informal norms of the participants who condemned the erosion of free speech in Hong Kong. In addition, understanding self-censorship as de facto conformity to the national security law constitutes empirical evidence of how powerful states manage to impact the lives of their emigrants, as well as evidence in favor of previous research in legal pluralism on migrants taking law with them to their new country of residence (Foblets, 2005; Shah, 2003).

With regards to state influence the extent of the effects of Hong Kong state law beyond borders is telling as both the informal norms among participants and formal South Korean state law stand in opposition to Hong Kong state law, yet the latter is prevailing through what can be identified as coercive efforts of state influence such as increased costs of non-conformity to state law as well as uncertainty in application, resulting in a preference among the participants to err on the side of caution when expressing themselves.

However, the participants did distinguish life in South Korea and life in Hong Kong, life in South Korea was often described as being more free, especially in the light of extensive covid policy as compared to South Korea, limiting the possibility of a normal life in Hong Kong. The South Korean authorities were not perceived as a problem:

“We are not afraid of being grabbed in Korea, but what if we get something on our record... Someone might report it to the government, then we can't



go back to Hong Kong... I still feel safe here, but I don't know what will happen when I go back to Hong Kong.”

Interestingly there were signs of a plurality of social relationships and interactions being affected by this uncertainty, showcasing the power of states as normative communities beyond borders and their participation in what Berman referred to as the web of pluralist interaction (2007), specifically the reach of Hong Kong state law and its capability in regulating the lives of its emigrants in South Korea despite competing normative orderings:

“Before, I would try to not hide my feelings [about the events in Hong Kong] for South Koreans, but after the national security law I have to be more careful.”

The fear of divulging too much information was never directed at South Koreans in particular, whom many perceived to be pro-democracy as they have had their own experience fighting for democracy:

“A lot of Koreans have lived through their own fight for democracy, they know how important democracy is and how difficult it is to transition from a dictatorship to a democracy... Even the younger people know it, they learnt it from their parents and their history... they are really proud of it.”

Instead, the fear stemmed from a proximity to China and not knowing who might be overhearing the conversation or to whom the word might spread:

“I would like to organize a screening of a documentary about the Hong Kong protests in South Korea but when I talk to my friends, we are hesitant... can we do it, or will we get into trouble. Geographically we are so close to China, it's easy for them to come here... so we are hesitant.”

For some participants social relations with Chinese nationals have proved to be especially plagued by uncertainty, resulting in an avoidance of sensitive political topics even when both parties had professed to being empathetic to democracy in Hong Kong:

“I would rather not talk even if they shared this opinion with me... I don’t want to say too much... I’m unsure if they are spying or not, I get nervous... I just listen to them.”

The need to regulate social relationships and social interactions reflects a substantial change in behavior and the development of new social norms regulating life which have transformed the social field as participants previously active in debating political matters now regulate social interactions and political participation - a process facilitated by the fact of geographical proximity and its effects. All participants were aware of and had identified the breaking point leading to the change in behavior, the end of the pro-democracy protests and the enactment of the national security law.

Directionally the uncertainty stems from Hong Kong and China, demonstrating the transnational nature of the matter at hand which is one factor giving rise to norms of compliance with Hong Kong regulation among Hong Kongers in South Korea. The interviewees often felt a need to think twice before acting as doing so was perceived to carry with it risk, such developments are worth noting as “migrants are important actors in the dynamic reconfiguration of law” in the localities which they are involved, which consequently means that state influence targeting these actors may impact the target state (Griffiths, 2013, 273).

From a state perspective the successful compliance at the micro level is caused by escalating the costs of nonconformity through punishment, it is a coercive effort to influence the behavior of other states by indirect means. Such an effort does not necessarily need to be conscious, the crackdown following the 2019 protests including the national security law could be targeted at the domestic population with the extension beyond borders being a second thought and still de facto have the effect of coercive state influence. All interview participants noted that they changed their behavior in order to comply with the Hong Kong state, and such change is partially the result of uncertainty and risk of punishment upon their return to Hong Kong.

The uncertainty has been escalated by the reality of the bureaucratic processes involved when migrating to a country such as South Korea which did not extend pathways to citizenship for Hong Kongers in light of the events, and where obtaining permanent residency is notoriously

difficult. As one participant with experience in organizing pro Hong Kong democracy protests in South Korea noted when discussing the decrease in political activity among Hong Kongers in South Korea:

“Back in 2019 when we organized these protests most of the protestors were students who are now back in Hong Kong because of visa issues... They had to return to Hong Kong, now there are less people here who might raise their voice.”

Potential visa issues presumably leverage coercive efforts and affect forms of normative orderings aligning with the goals of the Hong Kong government as the possibility of being forced to return to Hong Kong is something which remains in mind and a future that needs to be accounted for. However, despite the political situation, a future containing no return to Hong Kong was often not desirable as the participants all had ties to their country of origin, be it family, friends, or emotional attachment.

Upon reflecting about the differences between Hong Kongers abroad in different nation states one participant with extensive international experience noted that:

“Hong Kongers did organize protests in 2019 here in Korea, I even participated once, but in Japan it's a totally different group... Even now they are organizing exhibitions to remember what happened in 2019... They are better organized and have been synchronizing their protests with events and protests taking place in Hong Kong, something which is rare in South Korea.”

While the difference may be contingent upon a multitude of different factors it is worth noting that Japan's response to the 2019 protests and the national security law has been more explicit in criticizing China and their efforts in increasing control of Hong Kong, with the Japanese government stating that it is “seriously concerned” about the situation and that they “cannot tolerate mass arrest” under the national security law (Ryall, 2021). Such a stance may provide confidence to those who wish to engage in political activity or at the very least lead to an awareness of where the state stands and that there might be a possibility to receive help if something were to happen, thus limiting the effects of influence applied from Hong Kong and

China. On the contrary, in South Korea most participants had little to no knowledge about the stance of the state, and when they did it was knowledge reflecting the perceived inability of the government to do anything about the situation due to their reliance on China and the subsequent hopelessness that followed.

“They know how difficult it is and perhaps understand that there is nothing they can really do to help the situation. Perhaps that's one of the reasons the reception has been so lukewarm.”

South Korea's strategy of ambiguity towards the erosion of freedom of speech and political life in Hong Kong permits uncertainty amongst Hong Kongers living in South Korea and allow for other forms of normative orderings to enter the social sphere, as can be seen in the participants' tendency to regulate speech and political activity in South Korea - a demonstration of the power dynamics at play in the legally pluralistic landscape. Findings in support of plural legal systems varying in power and more powerful systems gaining primacy over less powerful ones (Merry, 2001). State law does not exist autonomously.

## 6.2. Polarization and Conflict Avoidance

“The current situation seems very extreme to me, either you support the government, or you support the protests. If we have different political opinions we are unable to understand each other anymore, as a result relationships are broken depending on political stance.”

The social life for many Hong Kongers has changed following the 2019 protests and a theme of increasing polarization in society was prevalent throughout the interviews. Most notably the participants often mentioned generational differences concerning family relations:

“In my family there is a big difference, like I can't persuade them or tell them how I feel... The relationship has changed, we talk less now and avoid sensitive topics... I think it's common in many families.”

Cross-border relations remained relevant in discussing the social aspects of life in Korea as a distinction between life in Hong Kong and life in South Korea was often not clear - everyday social relations across borders were maintained and taken for granted, echoing literature on the multi-sited lives of migrants. The relevance of cross-border relations persisting post migration, where social groups from the country of origin continue to exert influence, which could be seen in conversation through frequent reference to family and friends.

Confucian norms remain prevalent in East Asia (Liu, 2018) and traditionally emphasizes social order, social harmony, duties, and roles (Zhang & Ryden, 2002). Filial piety, the Confucian virtue of honoring family elders and the norms that follow are in a sense challenged by the polarization caused by differing political beliefs, resulting in changing relationship dynamics, less conversation, and an avoidance of sensitive topics in order to maintain social harmony among the participants who were impacted.

The theme of conflict avoidance in the context of high polarization was frequent and extended beyond family relations; work and university at times brought social groups with difference in opinions together, and where it had not yet done so the participants often had plans ready for how they would handle the social interaction:

“Me and my friends try not to talk about politics with Chinese people. We can have fun talking but when I say something like ‘this policy in Hong Kong is not reasonable’ I feel like they don't like what I have to say, so I don't talk to them about it.”

“I probably would not talk about politics; I don't want to cause an argument.”

“I don't mention this topic, we would just fight... I have met one or two very open minded Chinese, but I just listen to them, I'm unsure if they would report me or something.”

Often persons of Chinese origin were assumed to have opposed political beliefs. There are two underlying aspects behind the prevalent social norm of conflict avoidance. First, a preference for social harmony stemming from informal norms governing life in the region. Second, a fear of repercussion if the participant was to get reported for sharing their political

beliefs. Starting with the former, social norms aimed at achieving social harmony facilitated the mechanisms of acculturation as the socio-psychological cost of non-conformity weighed heavily on the participants. However, just as Goodman and Jinks suggested, the conformity through compliance with social norms only lead to a public acceptance, not a private one (2013):

“On the inside I’m still the same, but my outward patterns have changed... I think many of us feel that way”

In other words, the social expectations of maintaining social harmony acts as the basis of influence, informing social interactions, as can be seen in the unwillingness to “start an argument”, while the polarized nature of the situation led to a conscious assessment of social roles where the participant often identified the different social groups and the potential fallout from interactions concerning sensitive topics such as Hong Kong policy, and as conflict would carry with it cognitive discomfort the response was to avoid it, thus conforming to the status quo. Acculturation as a mechanism of state influence is prevalent in Hong Kongers social interactions beyond Hong Kong, though most effective with regards to certain social groups which were perceived to be opposed to the pro-democracy movement, one of the more significant being family in situations where it was applicable.

Coercive mechanisms of state influence seemingly had a broader impact on social interactions as the fear of getting reported and subsequently reprimanded for sharing political opinions touched a multiplicity of social relations as could be seen in the preceding theme of uncertainty as well as conflict avoidance. The fear of legal repercussions, losing the possibility to return to Hong Kong, to be with family, to find work and build a future in the region led to instrumental behavior where the participants adjust their social interactions in order to safeguard their interests, the result being compliance with the national security law and the Hong Kong status quo.

The official message from China with regards to Hong Kong has been that it is a matter of internal affairs which other states should avoid interfering in (Yew, 2021). Social norms favoring an avoidance of conflict stemming from a strife to maintain social harmony and fear of repercussion benefit such policy goals through limiting opportunities to engage in oppositional activity and discussion. China manages to exert influence on Hong Kongers

living in South Korea and their social interactions through both mechanisms of coercion and acculturation; a feat aided by the ease and prevalence of transnational social relations and connections, but varying in degree, depending on the social group. A majority of the persons interviewed wanted to share their experiences and engage with the issues, as such state influence and social norms in line with state policy are far from hegemonic, instead existing in competition with oppositional social norms, though often subdued.

### 6.3. Oppositional Norms

Among friends and in trusted social circles discussing the protests, the national security law and being critical of China and Hong Kong was still okay, even encouraged, and many participants expressed a desire to share their experiences with me before the interviews took place - showcasing that norms in opposition to the Hong Kong and Chinese governments were still relevant.

When discussing the role of media and how participants viewed arguments coming from the pro government side there was a frequent recollection of the dismantling of pro-democracy media, how the media landscape in Hong Kong was crumbling, and the lack of trustworthiness of pro-government news which was frequently referred to as “blue”, as opposed to the “yellow” pro-democracy side:

“I read ‘blue’ media, but I don’t really believe any of it”

While the case has been made for the mechanisms of coercion and acculturation affecting Hong Kongers in South Korea there has been no evidence of persuasion among the participants, a mechanism functioning through the internalization of norms by actors who redefine their interests and identities when being convinced of the truth or appropriateness of said norm (Goodman & Jinks, 2013). However, the form of influences which persuasion takes was present, as all participants demonstrated knowledge of arguments being made in favor of the Hong Kong government which they had come to know of through various media channels and social interactions.

Oppositional behavior took other forms as well, such as a rejection of institutions in opposition to the pro-democracy movement, or abandonment of previously held ambitions to be involved in Hong Kong politics as the landscape was now perceived to be lacking in legitimacy:

“I decided some time ago that I would never work for a Chinese company”

“Before the protests I had ambition to work in the Hong Kong government, but not anymore.”

There are three primary sources recognized to be responsible for the oppositional behavior. First, a deep-rooted belief in the political aims of the protests and the pro-democracy movement in Hong Kong, as demonstrated by the conscious decision to avoid working in business affiliated with China or in the Hong Kong Government. Second, social pressures exerted through groups affiliated with the former source. Third, a drive of self-preservation, such as a fear that involvement might lead to the uncovering of sensitive information like previous involvement in protests:

“Actually, I was interested in working for one of the large Chinese companies... I might be able to get a job there, but I’m unsure about the screening process, they might find some information about me.”

Interestingly, drives of political beliefs, social pressures and self-perseverance all aligned to benefit oppositional behavior; effectively resulting in an avoidance of affiliations with institutions which were perceived to be pro Hong Kong government and anti-protests. In a sense the avoidance of such institutions due to drives of self-perseverance showcases the double-edge of coercive policy such as the national security law which threatens dissenters with punishment while at the same time denying them the possibility to integrate into institutions which are aligned with the status quo. This is noteworthy as an affiliation with these institutions provides an opportunity for assimilation, due to businesses and organizations all having their own system of law-like orderings (Merry, 2001) which may align with state objectives, shaping future norms and behavior.

At the institutional dimension oppositional norms were common, as reflected by the participants choices made with regards to institutional affiliation. Concerning the social



dimension, oppositional norms continue to persist while clouded by fear of repercussion, a will to maintain social harmony and to avoid conflict when possible. A plurality of normative orders exists in the life of Hong Kongers in South Korea, often in conflict with one another and with a variety of sources acting as both influence and deterrence - a normative landscape in the process of transformation.

#### 6.4. Limited Opportunities

The contact participants had with South Korean state institutions were bureaucratic in nature, concerned with standardized processes, rules, procedures and requirements, and as such provided no acknowledgement of the experiences of the participants. With regards to non-state institutions such as universities there was a shared experience of little attention being paid to the Hong Kong-mainland China conflict:

“There has not been much of a reaction from the institutions I have been involved with, even though I majored in international studies... even in 2019 there was not much of a reaction.”

“We haven't talked much about politics beyond Korea... There was not much of a choice when electing courses... If there was then I would take it, because I want to know other peoples' takes on the issue, especially since Koreans had their own fights for democracy, I would be interested to hear what they have to say but so far no one has talked about it or even acknowledged it... at least not yet”

Uncovering the causal connections of why the topic is largely absent is outside of the scope of this thesis, instead the focus will be on the participants experience as there was a will to engage with the issues on South Korean grounds:

“In Korea I might write about the issue because in Korea professors might not have such strong emotions towards our experiences, but back in Hong Kong some professors are really sharp, that's why I don't mention it.”

“Maybe I would be more critical if I had the opportunity.”

The little attention paid to Hong Kong affairs and their struggle for democracy reflects the ambiguous state policy with regards to the matter and is noteworthy due to recent South Korean history involving a similar struggle. The empirical end results on the side of the participants being silence, despite the interest in expressing themselves. A silence which is significant at a time of contests between opposing normative orderings.

Choices of words such as “might” and “maybe” in “might write about the issue” or “maybe I would be more critical” express the uncertainty of the situation as the outcome of being critical is unclear. While there was trust expressed towards the teaching staff in Korea, the possibility of clashing with students who have opposing political beliefs and were now equipped with the power to report them to the Chinese authorities proved to be a problem. A worry legitimized by history, as “pro-democracy” and “one-China” students had clashed on South Korean campus grounds before (Choi & Shin, 2019). One participant shared her worries and her friends experience:

“One of the Hong Kongers who organized protests in Korea told me that some Chinese people, not sure if they are communist party members, followed them and took pictures and videos of them... So, if they were doing this before the security law passed then I'm not sure what they will do after it has been passed...”

The clash between plural normative orders at the micro level as demonstrated by the participants experiences and their interaction with social groups who oppose them exemplifies the process by which the social field is being transformed - voicing concern with regards to the situation in Hong Kong or expressing a preference for democracy is now clouded by second guessing, uncertainty, and worry for the risks involved. Limited opportunities to engage with the issue encourages the same silence, affecting the development of the social field.

## 6.5. Socioeconomic Inequality

The interviewing processes managed to capture the perspective of a diverse range of socioeconomic situations among the participants, a variable which may prove to dictate the effectiveness of transnational regulation. Participants in the study ranged from planning to stay for as long as possible, to a shorter amount of time, some expressing a will to emigrate from Hong Kong with the caveat that their economic or social situation would not allow them to act on their desire. There were signs in the data of socioeconomic circumstances reflecting to what extent coercive efforts influenced normative orderings in the life of Hong Kongers in South Korea.

Socioeconomic circumstances limit the mobility of families and individuals in different ways such as economic ties like property, cars, or debt, a lack in credentials or skills which affect the opportunity of gaining a visa or work needed to sustain their new life, as well as social ties and knowledge which may dictate what opportunities are provided, or what opportunities exists in first place. While it is easier for a younger person to emigrate, family ties may make the process more difficult:

“My grandfather needs to be taken care of right now, so it's difficult for my parents to leave Hong Kong... Now is not the right time, but my sister is in the UK, and I am here in Korea so at least they have two less people to worry about.”

Not all Hong Kong citizens enjoy the same access to passports, an important factor dictating access to opportunities. British National Overseas passports or BNO were issued before the handover of Hong Kong to China and had to be applied for before 1st of July 1997 (British National (Overseas) Visa, 2021). Access to these passports is limited, but it's holders enjoy certain benefits, the same is true of those holding passports of other nationalities as both have greater opportunities to leave Hong Kong if the need arose:

“I consider myself privileged, my parents have British visas, and we have property in the UK so if something were to happen, they can both leave... Knowing that gives me rest.”

In addition, holders of multiple passports were able to circumvent Chinese embassies which they would need to pass through if they wanted to renew a Hong Kong Special Administrative Region passport or needed documents issued. As one of the participants holding a BNO passport put it:

“I got married last year and instead of going to the Chinese embassy I went to the British embassy and filled out all of the forms. Holding this passport has been a great asset to me... Previously I had no idea that I could use the passport for diplomatic things at the embassy or that they could issue documents to me... After these experiences I feel like I could turn to the British embassy for help if needed... I don't want to go [to a Chinese embassy]... I am not sure if my details would get recorded or reviewed by the Chinese government... I avoid it... My husband is eligible for a dependent visa, but all of the information would pass through the Chinese embassy, so I told him not to do it... I can do it directly in Hong Kong so let's do that instead... It feels safer that way.”

Privileges such as access to passports provide room to navigate life under the context of transnational legal pluralism as it decreases uncertainty and the de facto chance of being pursued when returning to Hong Kong. Norms and behavior are potentially affected as well since institutions are actors with potential to affect the normative orderings of those with whom it retains a relationship. Efforts of acculturation and coercion from states can also be presumed to be reduced as institutions provide a hub through which such efforts are or have the potential to be exercised.

Interestingly socioeconomic differences emerged in the data when respondents were asked to reflect on their awareness of law as only one participant with access to multiple passports and a family which owns property abroad considered himself to be more aware of South Korean law, admitting that his situation was a privilege, and that it might influence his behavior:

“I mean for me, knowing that I have somewhere to go if something were to happen in Korea... It means that I don't have to worry as much... If I did not have these opportunities, I imagine I would be more concerned about the national security law.”

The socioeconomic context of the participants proves to be an important factor in determining how they navigate the context in which they find themselves in after the 2019 protests and the introduction of the national security law. Socioeconomic status determined not only what opportunities and safety net the participants had but also which institutions they interacted with, as well as their state of mind - all factors affecting the forms of normative orderings governing everyday life.

## 6.6. Summary of Results

The analysis showcased the complex, transnational, legally pluralistic nature of law for Hong Kongers in South Korea. Self-censorship is now a common feature of social life affecting a wide range of social relations, leading to de facto compliance with the national security law. A development which informs the migrants participation in the dynamic reconfiguration of law and constitutes empirical evidence of how powerful states manage to regulate the lives of their emigrants beyond borders. Participants who had previously organized and participated in protests now express worry about doing so, fearing the repercussions which might follow. Two dimensions were identified as underlying this change. First, the fear of repercussions both legal and material, the latter often manifesting as loss of opportunity to engage in economic life. Second, a preference for social harmony in line with informal norms governing life in the region.

Norms in opposition to the Hong Kong status quo remained relevant among friends and trusted social circles where opposition was encouraged, a fact reflected by the participants' desire to share their experience as well as the suppressed will to engage with politics. In addition, a display of oppositional norms was found in the rejection of affiliation with institutions opposed to the pro-democracy movement. The rejection finding its source in deep rooted political beliefs, social pressures, and a drive for self-preservation as affiliation with such institutions might lead to the uncovering of sensitive information such as previous involvement in pro-democracy protests.

The drive for self-preservation leading to the rejections of affiliation with institutions opposed to the pro-democracy movement showcases the double-edged nature of legislation such as the

national security law in the context of legal pluralism. The law threatens dissenters with legal repercussions while preventing individuals in opposition to the law from integrating into institutions aligned with the law due to a fear of retroactive punishment. These institutions play a role in the dynamic reconfiguration of law, having their own systems of law-like orderings (Merry, 2001), thus limiting the opportunity to assimilate those holding oppositional norms into institutional structures aligned with state objectives de facto works against those very same objectives. A finding which may carry with it broad implications for policy design and reintegration efforts.

Evidence of coercive and acculturative mechanisms of state influences were found in the microcosm of everyday life. Participants regulated their social interactions due to escalating costs of non-conformity with the national security law, and the social expectations of maintaining social harmony with oppositional social groups through avoiding polarized topics such as Hong Kong policy. Social groups exerting this influence varied in geographical locations as the participants lived multi-sited lives, maintaining relationships across borders.

Participants' institutional relations in South Korea was characterized by a shared experience of little attention being paid to the Hong Kong - mainland China conflict, empirically resulting in silence on the matter despite the participants interest in engaging with the issue. A finding which reflects the South Korean states ambiguous approach to the matter, noteworthy due to recent South Korean history involving a similar struggle for democracy. While trust was expressed towards state officials and teaching staff in Korea, the participants remained silent due to a lack of opportunity to engage with the issue and a fear of clashing with students holding opposing political beliefs who now were equipped with the power to report them to the Chinese authorities.

The effectiveness of transnational regulation proved to be dependent on socioeconomic context as economic and social situations dictated if the participants had to return to or count with returning to Hong Kong. Moreover, non-Chinese passports such as the "British National Overseas" passport handed out before 1997 provided room for the holders to navigate the context of transnational pluralism and allowed them choice in what institutions they interact with. These institutions, such as embassies, are important state actors with the potential to

affect the normative landscape and operationalize state objectives, as such the ability to circumvent them is notable in the context of a transforming social field.

The combined findings depict a social field under change where a multiplicity of normative orderings exist in competition with one another, and where law extends beyond borders and commonly asserted sovereign boundaries as the influence of Hong Kong law is prevalent among Hong Kongers in South Korea.

## 7. Discussion and Concluding Remarks

This research has aimed to understand the complex, transnational, legally pluralistic nature of law for Hong Kongers in South Korea following the rapid social, political, and legal shift which constitutes Hong Kong's new reality through asking the question of how Hong Kongers in South Korea navigate this context. Based on a qualitative analysis of empirical data from eight in-depth, semi-structured interviews the findings indicate that Hong Kong law manages to exert influence and regulate life across borders, maintaining a large presence in the lives of Hong Kongers in South Korea where it exists in competition with a multiplicity of normative orderings in a changing social field. A normative landscape undergoing change provides an opportunity for a diverse range of actors to make an impact as there is a thin line separating competing norms. Consequently, it is important for states valuing human rights to play a role in the dynamic reconfiguration of law as inaction proves to give ground to opposing values, as demonstrated by the ambiguous approach of South Korea and its reflection in the participants' lack of awareness of the state's stance on the matter and the de facto decrease in freedom of peaceful assembly, expression, and association among Hong Kongers in South Korea.

The data demonstrates that alternative normative orderings have the potential to leverage mechanisms of state influence as norms emphasizing social harmony lead to de facto compliance with state objectives. A significant find with regards to the interdependence of states as well as the literature on state influence as it shows that the effectiveness of mechanisms such as acculturation (Goodman & Jinks, 2004) is contingent on various social factors that vary across social fields, making generalizability a challenge. As such further research on the mechanisms of state influence stands to gain from a focus on in-depth, bottom-up perspectives, revealing the plurality of active normative orders and their interplay with mechanisms of state influence. Regions where norms of social harmony and hierarchy are dominant might be particularly interesting for further research on the topic, as well as further comparative efforts aiming to reveal differences in the way acculturation operates and affects various populations.

In the context of understudied migration flows, namely migration in Asia and migration from powerful to weak state in relational terms, two findings are noteworthy. First, affirmation of the prevalence of alternative orderings in Asia and their role in the dynamic reconfiguration of



law in line with the literature on Confucianism and its mutually constitutive relationship with law (Hahm, 2003). A finding which may warrant a focus on informal normative orderings and significant social groups such as family or elders who maintain a high social status, and perhaps are significant in shaping norms, or the interplay between informal norms and formal state law, an area which could potentially build on previous work on Confucianism (Fukuyama, 1995; Hahm, 2003; He, 2014; Li, 2019). Second, Chinese law successfully regulates the life of its emigrants abroad, signifying that such ambition should be taken seriously. Further questions can be raised on relative power relations between states and if, or how this ties into the ability to govern beyond borders. China's position as the second largest economy in the world (World Bank, 2020), its state relations, and relative size can prove illuminating to this end, acting as a point of departure for further research on the topic.

With regards to the double-edged nature of the national security law, meaning the contradictory objective of the law and effects, should not cynically be interpreted as merely a missed opportunity to reintegrate Hong Kongers with pro-democratic beliefs into an authoritarian system. Instead, it should be understood in its wider context; a drive to change needs to include paths for inclusion. In the case of Hong Kongers, a lack of opportunity to reintegrate into oppositional institutions can be used as leverage to drive change in favor of human rights through encouraging inclusion in social and institutional spheres aligned with these objectives.

The socio-legal approach utilized for investigating transnational legal pluralism has allowed for a connection between the micro-occurrences in everyday life of Hong Kongers in South Korea and Hong Kong's influence on its emigrants, providing depth to states as normative communities. From a perspective of international law, the approach has been beneficial for both uncovering the empirical reality of state influence and its role in regulating life abroad as well as the friction it faces in the larger normative landscape. Beyond the purely academic merits the approach brings in describing the empirical reality there are possible practical contributions as identifying points of friction in the normative landscape can allow for the targeting of adverse effects.

This research provides a foundation from which further research on the topic may proceed, a quantitative analysis which may prove or disprove the generalizability of the conclusions

made here, or further in-depth research on socioeconomic circumstances in relation to plural normative orderings would prove to be fruitful. In particular, two questions worthy of further research stand out. First, the Hong Kong community in Japan remains active in opposition to the Hong Kong government, showcasing a less suppressed normative landscape. What are these differences, and why are there differences between Hong Kong communities in South Korea and Japan? Could the fact that the Japanese government have been vocal in their opposition against the national security law enable this community to remain active? Second, participants of this study consciously regulated their behavior and social interactions to maintain social harmony, avoiding sensitive topics such as Hong Kong policy - leading to de facto conformity with the status quo, a defining feature of acculturation. Does the prevalence of Confucian norms favoring social harmony and hierarchy empower mechanisms of state influence such as acculturation?

With regards to the limitations of the study it was noted during the interviews that there seems to be a generational gap with regards to the situation in Hong Kong, a gap which risks being exacerbated by the relatively young age of those participating in this research. While not intentional, there are reasons for the outcome of this sampling. First, the under 40s age group of incoming migrants in South Korea is overrepresented, accounting for 69.6% of incoming migrants in 2020 (Statistics Korea, 2021). Second, those opposed to the Hong Kong government can be presumed to show a larger interest in pursuing life abroad and as such may be overrepresented. This bias in terms of sampling is worth keeping in mind when evaluating the results. However, the national security law is not targeting those already aligned with Hong Kong and one China policy, making them less interesting from a perspective of transnational regulation. In practice the unintentional bias may impact the generalizability of the research, while at the same time positively impacting depth.

The rapid social, political, and legal shift in Hong Kong is a relatively recent phenomenon where the social landscape remains characterized by the process of change. Previously held rights of expression, assembly and association have all suffered under this new reality as the national security law manages to exert influence and regulate life across borders. This research aimed to contribute to an understanding of the complex transnational nature of law in the region, managing to raise a variety of new questions in the process - practical, empirical, and theoretical in nature. Further research into the matter stands to not only benefit our

understanding of transnational law, but also an understanding of the empirical reality following mainland China's effort to increase its control over claimed territory - an understanding which may prove relevant with regards to Taiwan's future.

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# Appendices

## Appendix I

The structure of the interview questions following the three part analytical schema under which the questions were conceived.

Part one examined how the interviewee has experienced and conceptualized the legal shift in Hong Kong with questions such as:

- Why did you decide to come to South Korea?
- What do you think about the current situation in Hong Kong following the 2019 protests and China's involvement?
- What do you think about the national security law?
- What do you think about the way the democracy protests and national security law was reported on in the media?
- Do you expect social unrest to continue in Hong Kong?

Part two was concerned with exploring the plurality of normative orders existing in the life of Hong Kongers living in South Korea through asking questions such as:

- How has your life changed since coming to South Korea?
- How has life stayed the same?
- Would you say that your behavior has changed as a result of the events in Hong Kong?
- How have the institutions you are involved with reacted to the new circumstances in Hong Kong?
- How has your interactions with the South Korean state institutions been?
- Have you had any interactions with Hong Kong state institutions since moving?
- Have your social relationships changed since the events?

Part three focused on the impacts of state influence through asking questions such as:

- Are you, or do you expect to experience any economic punishment or rewards depending on your behavior towards the events in Hong Kong?
- Would you say that the economic punishment/reward affects your behavior?
- Do you find the communication of the Hong Kong or Chinese government with regards to the events in Hong Kong convincing?
- How does your social circle communicate with regards to the events in Hong Kong?

- How do you experience the communication around the events of Hong Kong to be outside of your social circle?
- Would you say that your behavior is affected by your social surroundings?
- Would you say that you are more aware of Hong Kong law or South Korean law in everyday life?

## Appendix II

The interview questions in the rough order of which they were asked during the interviews:

- Why did you decide to come to South Korea?
- How has your life changed since coming to South Korea?
- How has life stayed the same?
- Would you say that your behavior has changed as a result of the events in Hong Kong?
- How have the institutions you are involved with reacted to the new circumstances in Hong Kong?
- How has your interactions with South Korean state institutions been?
- Have you had any interactions with Hong Kong state institutions since moving?
- Have your social relationships changed since the events?
- What do you think about the current situation in Hong Kong following the 2019 protests and China's involvement?
- What do you think about the national security law?
- What do you think about the way the democracy protests and national security law was reported on in the media?
- Do you expect social unrest to continue in Hong Kong?
- Are you, or do you expect to experience any economic punishment or rewards depending on your behavior towards the events in Hong Kong?
- Would you say that the economic punishment/reward affects your behavior?
- Do you find the communication of the Hong Kong or Chinese government with regards to the events in Hong Kong convincing?
- How does your social circle communicate with regards to the events in Hong Kong?
- How do you experience the communication around the events of Hong Kong to be outside of your social circle?
- Would you say that your behavior is affected by your social surroundings?
- Would you say that you are more aware of Hong Kong law or South Korean law in everyday life?