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## Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore

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This article draws from a qualitative study of Singapore's gay movement to analyze how gay organizing occurs in authoritarian states, and where and how law matters. Singapore's gay activists engage in "strategic adaptation" to deploy a strategy of pragmatic resistance that involves an interplay among legal restrictions and cultural norms. Balancing the movement's survival with its advancement, they shun direct confrontation, and avoid being seen as a threat to the existing political order. As legal restrictions and as a source of legitimacy, law correspondingly oppresses sexual conduct and civil-political liberties, and culturally delegitimizes dissent. However, when activists mount pragmatic resistance at and through law, it also matters as a source of contestation. Further, law matters as a trade-off between reifying the existing order in exchange for survival and immediate gains. Yet, by treating law as purely tactical, these activists arguably end up de-centering law, being pragmatically unconcerned with whether they are ideologically challenging or being co-opted by it.

**H**ow does collective mobilization over gay issues occur in societies where civil-political rights are less available and lack cultural resonance compared to Western liberal democracies? Where and how does law matter? Law and society scholarship has focused on the role of rights in relation to social movements (see, e.g., Andersen 2005; McCann 1994; Rosenberg 2008), but lacks systematic exploration of the relationship between law and social movements in contexts outside Western liberal democracies. Particularly in repressive regimes where civil-political rights are curtailed, violated, or lack cultural resonance (Massoud 2011), social movements may not be able to mobilize rights the way their counterparts in

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Western liberal democracies can and do. Hence, collective mobilization may develop in alternative forms (Davenport 2005), but may elude scholars' conventional focus on rights-based strategies.

My in-depth, qualitative study of the gay movement in Singapore offers a nuanced analysis of the social processes of collective mobilization in such a society. To ensure their movement's survival as well as its progress, gay activists in Singapore adapt a strategy of pragmatic resistance. The result is a strategic dance (McCammon et al. 2008) that involves interplay among legal restrictions and cultural norms. Activists adjust their tactics according to changes in formal law and cultural norms, and push the limits of those norms while simultaneously adhering to them. Although they aspire toward legal reform, they refrain from tactics that directly confront the state, such as street protests, and avoid being seen as a threat to existing formal arrangements of power.

My study builds on the scholarship on gay mobilization in non-democratic societies, transnational movements and human rights discourses, the social control of protest, and legal resistance. The social processes of Singapore's gay movement demonstrate how an authoritarian state prominently influences movement strategy and tactics. Such dominance does not stem from rulers' opposition to homosexuality as a moral problem *per se*, however. Rather, it concerns the maintenance of existing power, which feels insecure when faced with grassroots organization and demands (Boudreau 2005), so much so that the state and ruling party willingly sacrifice some degree of international legitimacy in order to maintain domestic hegemony.

In its formal or rule-bound character, law appears as restrictions on homosexual conduct and expression, and curtailments of civil-political rights. It also appears in a cultural form as a legitimizing source. Obedience to formal law earns cultural legitimacy, whereas disobedience loses it. Law, therefore, matters in multiple ways. First, it is a source of oppression. Legal restrictions prohibit certain sexual conduct, as well as dissent and mobilization. Because its oppression does not occur through physical violence, but as discipline (Foucault 1977) and channeling (Earl 2006), it is less detectable, sometimes even accepted as normal or legitimate. Nonetheless, law also matters as a source of contestation. Besides resisting the laws and regulations that criminalize and censor same-sex conduct, through pragmatic resistance, gay activists also contest the legal restrictions that suppress mobilization. Consequently, in exchange for ensuring their movement's survival and making gains without direct confrontation or threatening existing power arrangements, they accept law's discipline and control, and thus reify the existing order. Yet, look more closely, and perhaps law simply matters to them as a pragmatic concern, and not an ideo-

logical preoccupation. True to the pragmatism of their strategy, they are not concerned with challenging law for its sake, but treat the choices between legality and illegality as merely tactical (Lukács 1920). Law's power ironically becomes neutered, as legality is relegated to being no more than a means to an end.

First, I examine Singapore's socio-political background, and its shifts and changes over time. Next, I consider existing studies on mobilization in non-democratic societies, particularly gay movements, transnational movements and human rights discourse, the social control of protest, and legal resistance, before elaborating on the theoretical framework of strategic adaptation in the form of pragmatic resistance. I then explain the data collection and methods, and provide my data analysis. In the conclusion, I examine where and how matters to the movement.

## **Background on Singapore**

Singapore is an island nation of approximately 214 square miles in Southeast Asia. In 1963, after gaining independence from the British, it joined the Federation of Malaysia to form a new sovereign nation of formerly British controlled territories, and inherited the English common law tradition and a Westminster constitution. Soon after, the People's Action Party (PAP), in power in Singapore, became embroiled in political strife with the United Malays National Organization (UMNO) controlling the federal government. The Malay-dominated UMNO regarded the Chinese-dominated PAP as a threat to the continuation of Malay political dominance in the Federation. UMNO allegedly incited Malays to attack ethnic Chinese in Singapore, and riots broke out in 1964 between the two races (Leifer 1964). Racialized political tensions led to Singapore's expulsion from the Federation in 1965 (Hill and Lian 1995), leaving the PAP to fend for an island nation without a peninsular hinterland (Lee 1998).

Constantly reminding Singaporeans of their nation's tumultuous conception, the PAP touts social stability as paramount to economic survival, and thus national security, and deploys law to secure them. Within five decades, economic legal reform (Silverstein 2003) transformed the island into a nation with the world's sixth highest Gross Domestic Product (CIA 2010), one of the freest economies (The Heritage Foundation 2011), and one of the busiest seaports. At the same time, the PAP also aggressively imposes legal restrictions to curb civil-political liberties provided by the Constitution. Such curtailments are aimed at achieving social and political control, thus aiding its successful return to power at every legally mandated election. Though desiring political monopoly, the PAP

ironically seeks legitimacy from law, and places its return to power on being legally reelected by the populace. Hence, it uses law to curtail civil-political liberties intended to protect a “rule of law,” which the party itself champions.

Against this backdrop, gay activists strive for decriminalization, legal reform, and equality *without* the extent of civil-political rights or entrenchment of democratic institutions that their counterparts take for granted in Western liberal democracies. Instead, they face the following legal constraints: The forming of associations of 10 or more persons is illegal without state approval (Societies Act). A gay activist organization has been denied registration twice. Public assembly and public speeches, especially about local politics, race and religion, are licensed subject to administrative discretion and restrictive conditions, if approved at all, and the police may issue orders to disperse even a single demonstrator (Public Order Act),<sup>1</sup> whereas the local media are regulated through a licensing system and state approval of management appointees (Broadcasting Act; Newspaper & Printing Presses Act). Media content is controlled and censored, especially on issues of politics and religion. Content that “justifies” or “glamorises” “lifestyles such as homosexuality, lesbianism, bisexuality, transsexualism [and] transvestism” are specifically banned (see, e.g., Free-to-air Television Programme Code). Section 377A of the Penal Code criminalizes “gross indecency” between men, encompassing conduct from displays of public affection to private, consensual sex. Needless to say, same-sex relations receive no legal recognition.

In the rare cases of rights litigation challenging ordinary legislation and regulations as being in violation of constitutionally protected liberties, the government has always won, usually on public interest or national security grounds. Judicial review is weak; the PAP-dominated Parliament has swiftly passed constitutional and legislative amendments to overrule a court ruling that it may review executive decisions on preventive detention (*Chng Suan Tze v. Minister of Home Affairs* 1989).<sup>2</sup> As for political access and representation, the PAP has amended election laws to convert most single-member constituencies—one vote for one Member of Parliament (MP)—into group representation constituencies, where one vote counts toward several MPs of the same party, and the winning team is elected *en bloc* (Mauzy and Milne 2002), thus creating a high threshold for

<sup>1</sup> Although permits are also required for protest activities in liberal democracies, approval in Singapore is far more stringent and typically denied for those expressing disagreement with the PAP government.

<sup>2</sup> For the detainees in that case, the government accepted the ruling that the detention order was procedurally defective. However, the detainees were rearrested immediately upon release, and their subsequent challenge for judicial review failed due to the new constitutional amendments.

political turnover. In addition, except for the determination of sovereignty, no provision for popular referendums exists. Further, PAP leaders have sued political opponents for defamation, and won with huge damages, resulting in their bankruptcy and consequent disqualification from holding political office in Parliament.

Nevertheless, Singapore's socio-political conditions have shifted over time. As the economy prospered, a better-educated middle class emerged. They began to question the PAP's dominance and demand greater accountability. When still under the leadership of Singapore's first Prime Minister, Lee Kuan Yew, in 1981 the PAP began to lose parliamentary seats. Although it still commanded a clear majority, it attributed its decline partly to the alienation of middle classes. Once again, the party turned to law, amending the constitution, and passing new legislation to *create* spaces for alternative voices. The government also began to *allow* a civil society for limited debate and dissent (Lyons 2004). By the time the second Prime Minister, Goh Chok Tong, took office in 1990, organizations working on social issues began to surface.

Legal restrictions on civil-political liberties further relaxed after Lee's son, Lee Hsien Loong, became the third Prime Minister in 2003. By the late 2000s, public speeches and assemblies in one designated public park, Hong Lim, were exempted from license application (Public Order (Unrestricted Area) Order 2012). Licenses were also no longer required of indoor talks by Singaporeans (Public Order (Exempt Assemblies & Processions) Order 2009).<sup>3</sup> As new judges ascended to the Supreme Court in the mid-2000s, their judgments appear to be more sensitive about bringing Singaporean constitutional jurisprudence more in line with other common law jurisdictions, though their decisions on constitutional liberties still have not found for individuals.

Meanwhile, in 1994, the state made the Internet commercially available to the public as a move to ensure Singaporeans kept up with technological developments. But it faced a conundrum: opening up the island to the Internet entailed losing control over information. So it pragmatically settled on a compromise. As a symbolic stance, it blacklisted and blocked out 100 websites, mainly pornographic ones and those that espoused racial or religious hatred (Keshishoglou and Aquilia 2004). While Internet censorship still contains the familiar tones against positive portrayals of homosexuality, regulatory enforcement concentrates on content about racial or religious hatred, local politics, and child pornography. The laxer Internet controls, consequently, have become key to the mobilization of not only gay activism, but also political activism

<sup>3</sup> But they must avoid topics the police deem may fan racial or religious enmity.

that culminated with a momentous victory—by Singaporean standards—in the 2011 elections when the opposition won an unprecedented number of six Parliamentary seats (out of 87).

Although oppressive laws and regulations remain on the books, since the 1990s, the state's position on homosexuality has shifted from condemnation to one of balancing of interests, openly acknowledging gay people, but qualifying that their interests cannot trump the majority whom it believes still opposes homosexuality. Hence, while retaining Section 377A of the Penal Code, PAP leaders have publicly stated that the government would not actively enforce it in consensual, private situations. For the past two decades, state-controlled media have also shifted from portraying gays as sexual predators to quoting gay activists in their reports.

Where civil-political rights are concerned, however, the Singaporean state remains reluctant to change at the pace of international human rights discourse or under the ostensible pressure of transnational advocacy. The state and ruling party do covet international legitimacy, but they do not pursue it at what they perceive may be the expense of social stability and economic progress. To the PAP, economic progress represents its report card at the electorate polls, on which it relies for legal legitimacy from the domestic populace, and economic growth hinges on social stability. Both the PAP and the state see greater democracy and civil-political rights as trade-offs for these goods. Hence, they boldly defend actions that international rights activists accuse of rights violations. Look no further than the retention of Section 377A. PAP leaders are sympathetic to the problem, and may recognize that it costs Singapore some international legitimacy. Yet, the need to retain domestic hegemony prevails, and hence the compromising position that the provision would be retained to reflect their perception of majority's values, but not enforced in private, consensual cases.

Yet, this does not mean that the Singaporean state never bows to grassroots or international pressure. It is how pressure is applied, and how demands are made that are most significant. The gay movement itself, as we see below, has managed to achieve change. The key lies with understanding the cultural norms that shape and are shaped by the state, PAP rulers, and social actors, and knowing how to interact with those norms to navigate the landscape of formal restrictions.

### **Pragmatic Resistance as Strategic Adaptation**

To develop my argument of pragmatic resistance as the movement's form of strategic adaptation, I first consider scholarship on collective action under repressive conditions, especially gay move-

ments, transnational movements and human rights discourse, the social control of protest, and legal resistance.

### **The Long Shadow of the Repressive State**

In contrast to social contexts where rights amount to a collective master frame (Snow and Benford 1992), rights are often suppressed (see, e.g., Currier 2009; Massoud 2011) or withheld from certain groups of people, and even lack resonance in Singapore and other repressive contexts. Activists mobilizing under such conditions, thus, avoid strategies and tactics common under liberal democratic conditions, such as marches, and open and structured association (Johnston 2005). These are the public, overt, and large-scale actions usually emphasized by social movements scholars to the neglect of more subtle forms of mobilization (Davenport 2005).

My study of Singapore's gay movement represents the latter case, and joins the argument that scholars should pay attention to *how* mobilization develops in alternative forms (Johnston 2005; McAdam 1996; O'Brien and Li 2006). Overall, studies on collective action in repressive settings illuminate the long shadow of the repressive state cast over social movements. Compared to more democratic and rights-friendly environments (Schock 1999), the state plays a more pronounced role in influencing movement strategy and tactics, a phenomenon that also appears in Western liberal democracies where and when particular minority groups, such as blacks or gays, are oppressed (see, e.g., Barkan 1984; D'Emilio 1998; McAdam 1999).

Domineering state presence has several implications for gay organizing. First, the waxing and waning of these movements correspond with the liberalization or the tightening of regimes or repressive conditions (see, e.g., Blackwood 2007; Brown 1999; Drucker 2000; Gevisser 1995; Graff 2006; Nemtsev 2008; Palmberg 1999). Second, the emergence of or increase in gay organizing, however, does not simply occur when socio-political conditions shift favorably. Nor is the opposite necessarily true. It also depends on actors' responses to those changes (Brockett 1995; Kurzman 1996; Loveman 1998)—how they make sense of those conditions, and take action (McAdam 1996, 1999). Sometimes, when the state responds to mobilization with repression, activists may become more motivated, or leverage on the repression to win sympathy and supporters (see, e.g., Goddard 2004; Gruszczynska 2009; Palmberg 1999).

Third, the state's long shadow strongly influences movement strategies and tactics (Boudreau 2009; Schock 1999). To ensure survival, activists often avoid antagonizing the authoritarian state (O'Brien and Li 2006; Spires 2011; Su and He 2010). For gay

organizing, mobilization strategies that fit within a society's emancipation experiences, or receive recognition by authorities as valid and just (Adam et al. 1999a) are more likely to succeed (see, e.g., Gruszczynska 2009; Hildebrandt 2012; Long 1999; Spires 2011; Thayer 1997). Of course, this is often the case with liberal democracies as well; for instance, because rights normalize and mainstream an issue (Gamson 1989) for Americans, rights mobilization tends to enjoy resonance in the United States. However, it is within the context of repressive regimes that the state's role in shaping movement strategies and tactics emerges more clearly.

My study offers insights into these implications. Although gradual openings in the broader environment aided the movement's growth, its activists' innovation stands out through their constant adjustment of tactics to changing conditions. My study also goes further by teasing out the ingredients that give shape to the state's long shadow. Existing studies indicate that national, political, and cultural characteristics are crucial to gay movements around the world (Adam et al. 1999a). But besides pointing out that a movement leverages on politically palatable or resonant values (see, e.g., Gruszczynska 2009; Long 1999; Palmberg 1999), these studies seldom unpack what makes a repressive state tick. By analyzing activists' interpretations of signals in their broader environment, I detail how legal restrictions and cultural norms factor into their formulation and implementation of tactics.

Hence, I clarify the motivation behind state repression on gay collective action: the Singaporean state does not oppose homosexuality and gay organizing simply on morality grounds. The cultural norms helping to shape gay activism's tactics reveal that the state and ruling party are ultimately most concerned with the ability to monopolize, and preserve existing arrangements of power. Gay collective action, or any other type of mobilization, threatens this power if it is perceived to threaten these interests. Morality concerns become a factor primarily when the state worries that the majority of voters still oppose homosexuality, and may withdraw support for the PAP.

### **Mediating Transnational Movements and International Human Rights**

Some studies argue that domestic movements can successfully portray their grievances as issues of international human rights (Bob 2005, 2009), or use transnational movement networks to pressure home governments to ease repression (Keck and Sikkink 1998). However, transnational movements and human rights need to be mediated and translated for the local context (Merry 2006), gay activism and rights included (Adam et al. 1999a; Brown 1999;

Currier 2009). Again, the driving force appears to be the repressive state. Engaging transnational movements, and deploying international human rights discourse can attract accusations of abandoning one's indigenous culture, and proselytizing Western influences, leading to backlash (see, e.g., Blackwood 2007; Hoad 1999; Massad 2007). The situation can be dangerous when the state stigmatizes foreign intervention (Bob 2009) and is provoked into retaliation (Essig 1999).

My study not only shows how human rights are remade into the vernacular (Merry 2006), but also demonstrates how activists choose *not* to do so. The workings of cultural norms and legal restrictions that shape the state's long shadow complicate our understanding of transnational movement networks: some repressive states are more susceptible to their impact than others (Hildebrandt 2012; Schock 1999). International legitimacy, though coveted by the Singaporean state, is tempered by the rulers' core interest of preserving domestic hegemony.

### **Law, the Social Control of Protest, and Resistance**

Given the long shadow of the repressive state, what are the types of repression it imposes, and what are their consequences? Studies on the social control of protest (Earl 2003; Fernandez 2009) find that the use of laws and legal procedures renders suppression more acceptable and legitimate (Barkan 1984; Kirchheimer 1961). Arrests and prosecutions do more than cost time, money and physical discomfort (Barkan 2006; Earl 2005; Feeley 1979; Oberschall 1978); they can also discredit a movement, and frighten supporters away (Barkan 2006; Earl 2005). Further, if dissent is contained through regulation or channeling, the repression becomes less discernible (Earl 2006; Fernandez 2009).

My study extends these insights into the cultural power of repressive law. Although Singapore's gay activists have not been arrested for protest, they are familiar with high-profile prosecutions of political opponents who violate the legal restrictions on civil-political rights, and, as a result, lose cultural legitimacy. Thus, gay activists shun illegal tactics, not only because of formal sanctions, but also because legal repression sends the message that such tactics can cost them cultural legitimacy.

On the brighter side, law and society studies also find that social actors can mount resistance through repressive law (Merry 1995). Movements often make use of legal forms of repression to raise awareness (Barkan 1977, 1980, 1985), and win public support (Earl 2005; Kirchheimer 1961). Social actors also mount resistance *at* law, recognizing and exposing law's hegemonic power using everyday resistance (Scott 1985). Contrasted to open challenges, such resis-

tance defies power covertly, and avoids openly confronting the status quo (Ewick and Silbey 1998; Gilliom 2001; Sarat 1990). My study extends these lessons from law and society by shifting the focus to collective action outside Western liberal democracies.

### **Pragmatic Resistance as Strategic Adaptation**

Through interplay among law and cultural norms, gay activists deploy pragmatic resistance, a strategy adapted to Singapore's repressive conditions. To explain the social processes of pragmatic resistance, I draw from the four steps of "strategic adaptation" (McCammon et al. 2008) by social movements. Modified to the Singaporean context, strategic adaptation aids the gay movement's progress, as well as ensures its survival.

First, activists perceive and read signals from their environment. These signals include shifts in legal restrictions and enforcement, and the responses of the state, PAP, and opponents to their prior tactics. They also include cultural norms that the data below tease out: non-confrontation, social stability as a foundation for economic progress, preservation of the ruling party's monopoly, and legal legitimacy. Second, they assess whether to adapt their tactics based on their interpretation of those signals. Third, they decide to do so, and change their tactics accordingly, and; fourth, they implement those adapted tactics. These four steps are repeated as the movement develops, generating a "strategic dance" (McCammon et al. 2008), "tactical dance" (McAdam 1983), "dark dance" (Johnston 2006), or, as my study respondents put it, a "tango" or "complicated ballet."

Because gay activists in Singapore start out with repressive conditions that limit civil-political liberties, they initially adapt their strategy away from tactics that are public, overt and confrontational. Then they go through the four-step cycle with each subsequent tactic, refining and improving their dance. Even though this dance resists and challenges power, it is a pragmatic one with features that resemble everyday resistance (Scott 1985). It has an eye on survival, and avoids direct confrontation with the state, or being seen as a threat to existing arrangements of power. Most of the time, these activists focus on immediate gains that change practice and informal policies, but not formal laws and regulations. On the rare occasions when they do seek legal reform, they also perform pragmatic resistance. The goal is to stay alive and advance with skirmishes, rather than court demise with open warfare declared on grander principles. Hence, whilst they fight the battle to improve conditions for gays in Singapore, they do not wage war for greater rights and democracy. With each tactical performance,

they vary the dance a little to advance the movement, but do not transform it into a completely different dance altogether.

Dancing pragmatic resistance, thus, entails striking a balance between “pushing boundaries,” and “toeing the line,” terms that activists use to describe their tactics. Imagine the two as overlapping forces pulling in opposite directions. The challenge is to stay within the area where the two forces overlap. Boundary pushing expands the cultural norms to accommodate more challenges of authority and possibilities of achieving change, whereas line toeing adheres to the limits of those norms to ensure the movement’s survival. Toeing the line too much will achieve little progress, whereas pushing too aggressively on the other end may provoke state retaliation.

To strike this balance, gay activists execute a dance repertoire of moves that weave legal restrictions and cultural norms together. They *obey the law* so as to play to the norm of legal legitimacy; they *get around legal restrictions* to bring their actions beyond the law’s reach, and thus avoid transgression. Or, they deliberately *make use of legal restrictions and procedures*, a move that plays to legal legitimacy, and enables them to do what they want within law’s confines. They tend to *focus on specific decisions or immediate issues*, and thus avoid publicly questioning the larger order, or the repressive laws that curtail civil-political liberties. This plays to the norm of non-confrontation, and preservation of the ruling party’s monopoly. But when they do ask for legal reform, they usually *downplay confrontation*, and play up other norms, particularly social stability. Adherence to the law is an important move, but it is not the sole determinant of finding balance. These activists understand the state to tolerate some rule bending, even contraventions. As a whole, so long as their tactics do not threaten the appearance of hegemonic control (Scott 1990), the state tolerates them, and reciprocates by dancing to the socially constructed understandings of pragmatic resistance as well.

## Data Collection and Methods

I undertook a preliminary study in July–August 2006, and the primary fieldwork during March–December 2009. I conducted 198 hours of semi-structured, in-depth interviews with 100 former and current gay activists in Singapore, 140 hours of field observations, and content analyses of movement-related documents spanning 20 years.

Using a theoretical, purposive sampling of “gay activists,” I chose founders, leaders, and active members involved in implementing tactics—people associated with the political, social, cultural

or commercial aspects of the local gay community (see Armstrong 2002). The word, “gay,” in “gay activists” refers to the nature of the issues that they address—of interest or concern to gay men, lesbians, and bisexuals<sup>4</sup>—and the activists themselves need not identify as gay.

Based on the preliminary study and background research, I created three databases: The first identified movement organizations, and their founders and leaders; the second set out the movement timeline, and identified key characters. Using these two databases, I generated the third that listed potential respondents from whom to sample, and contacted them through informants from the preliminary study, by email, and on Facebook. Later, I also asked respondents whom else I should interview. Among the 100 respondents, 87 were interviewed face-to-face in Singapore. The remaining 13 were outside Singapore at the time of my fieldwork, so I conducted those interviews from Singapore through Skype-to-Skype connections (these interviews are indicated by their locations outside Singapore).

I enjoyed generous access to the movement and activists. Prior to this study, I was already familiar with Singapore’s culture and languages. Until 18 years old, I lived in Malaysia, a country that neighbors Singapore, and has strong cultural ties to it. I also lived and worked in Singapore for five years as an adult. Besides English, I am fluent in spoken and written Mandarin Chinese, and have some fluency in Malay; these are three of the four official languages in Singapore (the fourth being Tamil). I also know Singlish, which is a local variation of English mixed with Chinese dialects, Malay, and South Asian languages. Even though the interviews were conducted in English, being able to use and understand Singlish helped to establish rapport and trust.

To cross-examine the interview data, I conducted field observations and content analyses. I observed about 140 hours of meetings, talks, exhibitions, plays, film screenings, and social gatherings. For content analyses, I sampled, from the early 1990s to 2010, organizations’ documents, media reports, government statements, Parliamentary records, and legislation, regulations and cases. They provide four kinds of data—on landmark events, run-of-the-mill movement activities, government’s views on homosexuality, and the local media’s treatment of homosexuality.

I began data analyses concurrently with the fieldwork, using multiple phases of coding and memo writing. I wrote a debrief memo for each interview and observation based on contemporane-

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<sup>4</sup> I excluded transsexual and transgendered people, who deal with different laws and issues in Singapore. Gay activists also do not address their concerns, or do so more as afterthoughts.

ous field notes. Then I coded by hand each debrief for emergent key patterns, and systematically kept track of my definitions and applications of codes to the patterns. During this phase, key categories such as “rights-seen-as-confrontational” and “focus-on-specifics” appeared. They were carried into the second phase of coding when I used a software program to code interview transcripts, the observation memos, as well as the documentary sources. In addition to analytic categories, I used open coding, paying attention to details and nuances. Simultaneously, I developed the earlier system of code definitions and applications into a codebook, on which I conducted two rounds of coding consistency tests with four local college students.

Alongside the second phase of coding, I wrote analytic research memos to examine the coded data, refine my theoretical framework, and integrate the codes with one another more cohesively (Emerson et al. 1995). For example, I subsumed the code, “rights-seen-as-confrontational” under the theme of “rights don’t work,” and used the elements of confrontational to tease out the cultural norms. Based on codes such as “focus-on-specifics,” I developed “toeing the line” and “pushing boundaries,” and integrated them into the concept of pragmatic resistance.

## Data Analysis

I first demonstrate how gay activists in Singapore perceive and read signals from their environment to interpret cultural norms that inform pragmatic resistance. Then, using landmark events and run-of-the-mill activities, I chronologically illustrate how they strategically adapted the tactics of pragmatic resistance over time.

### Reading Signals: Norms of Doing Activism in Singapore

Gay activists in Singapore socially construct a set of cultural norms that set the boundaries and possibilities of advancing their movement. They do so by interpreting such signals as government statements, political speeches, the formal restrictions that curtail civil-political liberties of speech, assembly and association, and the lack of judicial decisions that uphold these liberties. Taken together, these norms point toward a central concern—the preservation of status quo power. If any of the norms conflict with one another, the resolution that best protects PAP monopoly prevails.

I distill their interpretations mainly from their views on rights. Gay activists do aspire toward more rights, especially decriminalization of same-sex sexual conduct, and anti-discrimination laws, but their interviews rarely allude to rights litigation as a viable

tactic, and often lament the lack of rights protection. The dominant pattern that spans across respondents with different organizational affiliations, and generations of activists is this: while they generally have a high regard for rights, they believe rights to be *ineffective* in Singapore. To them, the state and PAP associate rights with qualities that are antithetic to the following norms, and react negatively toward the open exercise of and demand for rights.

### *Non-confrontation*

“Non-confrontation” refers to activists’ perception of the state’s and PAP’s perception of their actions (bearing in mind their conflation of “government” or “state” with the ruling party). To be confrontational means to oppose PAP rule, and reflects the PAP’s elitist conception of state-society relationship as one between superiors and subordinates.

[A] lawsuit sets it up that there is always a winner, and there is always a loser. And, really, it doesn’t allow a party the grace of bowing out with dignity intact. (Interview, Harriet, 30s, doctorate student, Singapore, October 2009)

Whereas protests can be easily appreciated as confrontational, rights litigation needs a little more subtle understanding, the essence of which is captured by Harriet’s interview. That is, litigation comes across as subordinates’ shaming their superiors in public, and telling them what to do.

The most revealing responses, however, come from the minority of activists who do not find rights litigation to be confrontational. Their views are actually confined to one particular issue—the constitutionality of the Penal Code’s Section 377A, the provision that criminalizes sexual conduct between men. This is because they interpret the state and ruling party to have signaled litigation’s acceptability on this point. Following the Repeal 377A campaign in 2007 (see below), the legislature compromised by declaring that the state would not enforce Section 377A in consensual, private situations, but would retain it to reflect its perceived values of mainstream society (lest the PAP loses electoral votes). Then in 2009, when the Indian New Delhi High Court struck down the criminalization of private and consensual same-sex sexual conduct as unconstitutional (*Naz Foundation v. Govt. of NCT of Delhi* 2009),<sup>5</sup> Singapore’s Law Minister publicly reiterated the non-enforcement policy, and went on to say courts had the power to decide on how

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<sup>5</sup> This decision is now under appeal.

Section 377A should be interpreted and applied.<sup>6</sup> These developments lead some activists to interpret the government as having signaled its openness to letting the courts determine Section 377A's fate. In other words, they believe that litigation in this specific scenario would not be seen as confrontational.

### *Preservation of Social Stability*

I think part of the deal for us to become economically viable . . . [w]e gave up freedom of speech, expression and assembly. (Ricky, 40s, public relations consultant, Singapore, April 2009)

What Ricky describes is an unspoken bargain that sacrifices civil-political rights with their supposed baggage of confrontation and chaos in exchange for economic progress. The avoidance of confrontation is presumed to leave intact social stability, which rights-based tactics are believed to undermine by polarizing—rather than uniting—society along lines such as class, race, religion or ideology. With social stability comes the presumption that Singapore's economic engine can run smoothly, without disruption brought about by protests and riots that Singaporeans learn from their history, and witness in developing nations.

This is an interpretation borne out by official statements such as the Prime Minister's on the retention of Section 377A:

People on both sides hold strong views (about homosexuality) . . . instead of forging a consensus, we will divide and polarise our society . . . When it comes to issues like the economy, technology, education . . . when necessary on such issues, we will move even if the issue is unpopular or controversial. (Singapore Parliamentary Debates, Prime Minister Lee Hsien Loong, 23 October 2007)

Note the statement's contrasting positions between social and economic issues. The contrast brings out Ricky's interpretation in a different way. The PAP will not press forward on social issues when it perceives public opinions to be strongly divided, as it fears destabilizing social harmony, and potentially costing the party electorate support. On the other hand, if the PAP sees an issue as carrying significant economic weight, such as whether to allow casinos—though also linked to social concerns—it will impose a controversial decision despite divided public opinion. That is because it believes long-term economic gains will (and should) prevail over immediate

<sup>6</sup> Section 377 of the Indian Penal Code, from which Singapore's original Section 377 is derived, prohibits "carnal intercourse against the order of nature" regardless of the sexes involved. By 2009, Singapore had removed its Section 377, but retained Section 377A, which is a colonial legacy not found in the Indian version (Chua 2003).

social discontent. These findings, thus, also explain why some activists link the norm of social stability as being antithetic to civil-political rights specifically, and not socio-economic rights, such as healthcare and education, which are seen as more directly beneficial to economic progress.

### *Perpetuation of the Ruling Party*

The statement's contrasting positions on economic and social issues further suggest an amoral perception of PAP leadership as not being truly concerned with morality; such values weigh significantly onto its decisions only if its monopoly is perceived to be at stake. Taking us to the norm of perpetuating the ruling party, this perception reveals the PAP's worry that a polarized population would less likely vote consensually and repeatedly for the same party. Again, the most telling responses are the rare ones that believe rights litigation may not always be confrontational in the eyes of the state. Similar to the data on non-confrontation, such optimism is confined to the repeal of Section 377A of the Penal Code, and connected to their interpretation of the signals considered in that section.

[That] is the only issue that is ready to be heard in courts . . . I think the government would like it to be settled in court, not in Parliament. For some reason, I feel that they do think there's some sort of political liability. To then take it to court, there would be no political liability. (Interview, Parker, 40s, lawyer, Singapore, April 2009)

To people like Parker, PAP leaders worry about losing votes from constituents who disagree with decriminalization. If they were to repeal the law legislatively, they would indeed be the decision-makers. Thus, they fear paying the price at the election polls. That is the political liability to which Parker refers. However, if the courts were to decide, and if they were to invalidate the law, the PAP as in the legislative and executive branches would avoid being held responsible for what they perceive to be a controversial decision. Besides, regardless of the ruling, the PAP would be able to point to the decision as the consequence of having an independent judiciary, which it fiercely defends as a symbol of Singapore's rule of law.

### *Coveting Legal Legitimacy*

You're mindful that you don't break any laws so you do things, go about things in a lawful way. (Interview, Stella, 40s, massage therapist, Singapore, March 2009)

The perpetuation of the ruling party's power also connects to the norm of coveting legal legitimacy. This norm operates at two levels.

The first, which Stella stresses, concerns the procurement and conferring of cultural legitimacy through legal abundance; transgressions erode good repute and credibility, regardless of one's moral or ethical grounds. Therefore, the PAP secures power through elections according to formal laws and procedures, ensures its ability to return to power by controlling political discourse with restrictions passed in accordance to law, and proves itself worthy of power by using law to manufacture a stable society, perceived as conducive to economic growth. Hence, gay activists do not protest on the streets without permits (which they believe would be denied). Becoming outlaws delegitimizes one's cause, a familiar sight among the PAP's political opponents. On the other level, the norm relates to the state's concern with Singapore's international image as a nation of rule of law with some extent of liberties. It also does not want to be lumped with the extremes of North Korea, as it sees a need to be regarded as legitimate by Western democracies with which Singapore builds economic ties.

However, the norm of international legitimacy has limited influence. Ultimately, the four norms—non-confrontation, social stability linked to economic progress, preservation of the ruling party's power, and legal legitimacy—point to the imperative of protecting existing arrangements of power. When international legitimacy interferes with this imperative, the state and PAP make a choice that usually favors the latter. Party and state are unabashed about defending themselves against allegations of rights violations, and frequently publish rebuttals to international human rights reports. The retention of Section 377A of the Penal Code is a quintessential example. PAP leaders are actually sympathetic about its injustice, and recognize that its retention compromises Singapore's international legitimacy. Yet, they retain the law, out of a perception that repeal may create discord and jeopardize its monopoly, and instead compromise with a non-enforcement policy.

### **Dancing Through the Years**

Over two decades, by strategically dancing to pragmatic resistance, Singapore's gay movement has expanded in size and diversified in organizational types and activities (see Appendix), and activists have grown in confidence, coming out into the open as a movement. Yet, no matter the extent of strategic adaptation, the tactics retain the core characteristics of pragmatic resistance—heeding survival, lack of direct confrontation, and avoidance of being seen as a threat to existing powers.

#### ***Timorous Beginnings***

The first phase of the movement between the late 1980s until 1996 was an unfriendly time to be gay in Singapore. The police

frequently entrapped gay men at cruising grounds, and raided gay clubs on the pretext of noise violations or overcrowding. Against this backdrop, a handful of gay men and lesbians got to know one another at “civil society” gatherings, such as a women’s organization and an HIV/AIDS awareness group, which the state had allowed in the late 1980s. By December 1992, these men and women began to meet in cafes and living rooms to talk about consciousness-raising. The group would later become known as The Coalition, Singapore’s first gay activist organization.

### *Rascals*

On May 30th, 1993, the police raided Rascals, a gay club, rounded up patrons who did not carry identification documents, and detained them at the police station overnight before releasing them the following day without charges. Keenan, a young law school graduate at the time, was at the club when the police came in. Although he was not detained—he was carrying his identification card that night—the incident outraged him. But he did not take to the streets to express his objection. Instead, he used methods that he described as “acceptable in Singapore.” He researched the law to discover that the police have no authority to detain a person who did not carry his or her identification documents,<sup>7</sup> and wrote a letter with 21 co-signers to the police.

It is particularly disturbing to find Singapore law enforcement officers behaving rudely towards and verbally threatening citizens who have not committed any offences. It would also be in the public interest to clarify the legal powers of police officers (plainclothes) to demand the production of personal particulars in cases where no offences have been committed. (Rascals letter, 31 May 1993)

Keenan’s letter focused on the particular incident, and made no references to homosexuality or rights. Rather, it leveraged on the statute that demarcated police powers, and hinted that the police could lose legitimacy if their illegal behavior became publicly known. His approach avoided outright confrontation, and invoked the norm of legal legitimacy. The following month, an assistant superintendent telephoned Keenan to assure him that such harassment would cease. Keenan also received a letter that apologized for the police’s “lack of tact.” Since then, according to informants, interviewees, and my analyses of documentary sources, police raids on gay businesses have indeed subsided.<sup>8</sup>

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<sup>7</sup> Unless there is reasonable belief the person was committing some wrongdoing.

<sup>8</sup> Raids still take place especially when the police suspect the involvement of illegal drug activities.

*First Registration*

The Rascals incident galvanized Coalition leaders. They began to hold regular Sunday meetings, and published a newsletter. Other groups spun off from it, including a women's group. However, they soon noticed undercover police officers at their meetings. To make matters worse, they learned that a tabloid was planning a sensational expose. With no precedent of gay organizing in Singapore at the time, and only examples of arrests and prosecutions of political dissidents, Coalition leaders settled for what seemed to them as the only viable course of action—seek legitimacy by registering their organization. Unsurprisingly, they were rejected on grounds of “good order” and “national security,” and were warned of tough legal consequences if they did not cease. Due to fear, in-person gatherings dwindled in numbers.

*The Cyber Retreat*

The rejection of the Coalition's registration application in 1997 marked the end of Phase 1, and the start of Phase 2, which lasted until the early 2000s. This was the era of cyber retreat, when groups formed during Phase 1 suspended physical operations, and coincidentally discovered the communication possibilities of the Internet, which the government had pragmatically decided to regulate more lightly. These activists quickly learned they could substitute in-person gatherings with e-mailing lists, message boards and websites, thus continuing to organize without the threat of crackdown.

Strictly speaking, such activities could be construed as running afoul of association laws, and consequently be regarded as trespassing boundaries. Nevertheless, to this day, the prevailing sense among activists is that the Internet provides a shield. Here, we find a delicate balance between pushing boundaries and toeing the line, one that is achieved through sustained and persistent interaction with the state. When the Coalition first started out in the early 1990s, government authorities did not quite understand them and their motives, and the nascent movement seemed like a shady group plotting something subversive. By the late 1990s, however, both sides started to understand each other better. As we see in Trey's interview below, the government has come to realize that the gay movement and activists do not seek replacements for the PAP. Their claims are specific to improving the conditions for gays in Singapore.

We're no real threat to the government. We're not about to depose the government . . . And they know very well that if they clamp down on us . . . it'd make them look really, really, really bad in the eyes of the world. (Interview, Trey, 50s, businessman, Singapore, July 2006)

Trey also reveals a related theme—that the state’s understanding comes with an appreciation for the movement. Since their movement’s tolerated existence appeals to international legitimacy, it is, in fact, useful to the state. A clampdown on movement organizations simply because of their unregistered status may actually make the state and ruling party look too unreasonable. The key for gay activists is to balance off the non-legal status with other tactics that do not violate the law, some of which are considered in this article’s analysis.

Therefore, even though it was a period of retreat, the cyber era started to generate an unprecedented assurance of survival. Fueled by the newfound safety and opportunities of the Internet, new groups arose to fill the void of older ones that lost steam when people moved away or found new interests. During this era, diverse and specialized groups focusing on more specific interests, such as for women or religion, and social and recreational activities, started to appear.

### *The Transition*

With stronger self-assurance and numbers, the next phase of the movement in the first half of the 2000s provoked mixed messages from the state, and trials and errors on the movement’s part. As gay activists reattempted in-person gatherings, and some groups began to reoccupy physical spaces, the state again had to grapple with gay mobilization in the real world. After a decade of dancing together, both sides were trying to work out the new boundaries.

The first thing activists noticed was that the state did little to shut down their Internet operations, despite their expansions.

[We] have been operating for so long, we have been very aware that the government keeps track of all our emails, and places we’ve been to . . . a big, big file [gestures], and they haven’t made a move. (Interview, Vincent, 40s, information technology professional, Singapore, May 2009)

Throughout the study are views that echo Vincent’s. Emerging from sustained interaction, such an understanding of the state mirrors the state’s understanding of the movement as a non-threat to the PAP’s monopoly. It is not because gay activists believe state surveillance has ceased—quite the contrary to this day—but it is because nothing has happened *in spite of* ongoing surveillance. Their confidence bolstered, the Coalition activists began to engage the local media, which they shunned 10 years ago, and built up a media relationship that now has local reporters contacting them for quotes.

### *Second Registration*

With a budding relationship with the media, coupled with statements from PAP leaders that indicated a shift toward acceptance of gays and assurances of non-harassment, the future seemed a little brighter. The Coalition decided to attempt a second registration. Unlike the first round, however, the goal was *not* to achieve registration. Rather, it was to test the new boundaries, and expose the oppression if the new limits proved to be illusory. Once again, the application was denied. But this time the Coalition did not retreat into cyberspace. It issued a press release, and one of their members wrote a column in a local newspaper.

This public manner of exposing state oppression may be interpreted as too confrontational. However, the Coalition tactfully toed the line as well, a balance reflected in this statement:

[T]he present decision by the [Registrar of Societies] is completely at variance with . . . the admission by the Prime Minister that “some people are born that way” and “they are like you and me”.  
(Media release, The Coalition, 05 April 2004)

Like their other public statements, it focuses on the bureaucracy, does not challenge the issue of constitutional rights, and does *not* target state leaders. They gave face to the top echelons of PAP, thus maintaining the semblance of non-confrontation and preservation of PAP’s monopoly, and in fact, critiqued the bureaucrats for failing to live up to their leaders’ enlightened vision.

Meanwhile, during this transitory period, other men and women formed more groups for a variety of purposes. Three of them even came to occupy permanent spaces, adding a brick-and-mortar feel to the movement: Resource Central, the first and only local gay community library, the Open Church, Singapore’s first openly gay-inclusive church, and the Beacon, a counseling and support group.

### *The Circuit Parties*

In 2001, another group began throwing Singapore’s first commercial circuit parties targeted at a gay male clientele. By 2004, these parties had attracted international media coverage so much so that suddenly Singapore looked like Asia’s gay capital. The media exposure, however, coincided with the health ministry’s release of new HIV/AIDS statistics, which highlighted the rising number of cases among gay men.<sup>9</sup> After issuing party licenses for

<sup>9</sup> Although gay men are considered to be in a statistically high-risk group, HIV/AIDS since detected in Singapore in 1985 has not been regarded as a moral disease but a public health issue.

four years, the police rejected the group's application in December 2004. The true reason behind the state's reversal may never be known. What is important, though, is that this sequence of events brings out the trial-and-error nature of this era. The new boundaries still seemed uncertain, and were retracted when the state perceived that they had expanded too much.

### *The Coming Out*

Just as the future of circuit parties looked dim, the administration enacted an order without much fanfare. The order exempted indoor public talks from licensing, provided that the speakers were Singaporeans, and the talks stayed away from topics that "would cause racial enmity" or about religion.<sup>10</sup> Together, the relaxed rules and the party bans inspired the Coalition to organize a pride month of events, such as exhibitions and talks, to bring attention to gay activism and the gay condition, *and* to make use of the new rules to test the limits of speaking out.

### *IndigNation*

Thus IndigNation was born, marking the onset of a new phase, the coming out of the movement itself. It brought the gay community together, as a diverse range of groups in interest and gender participated in the annual event. Activists had tried in the past to organize talks, but it was only from 2005 onward that such events grew in prominence as a movement tactic. The new rules on exemption certainly help. However, licenses are still required of talks featuring *non*-Singaporean speakers. When such licenses are denied, gay activists get around the ban, and make use of the exemption by turning the talk into one featuring a Singaporean speaker. Damien describes a typical scenario:

I selected certain excerpts from [the original speaker's] book, and I read these excerpts out, 'cause I'm Singaporean, and I'm reading a book, so that's okay, and it's enclosed space (indoor) . . . [The original speaker] was there . . . And then we discussed it afterwards. (Interview, Damien, 30s, family counselor, Singapore, July 2009)

The redesignated speaker, a Singaporean such as Damien, first explains to the audience that he or she is standing in, because the organizers were denied a license for the non-citizen. Being Singaporean, Damien takes advantage of the exemption for citizens *and* obeys the license prohibition against the foreign speaker at the same time. In doing so, he circumvents the prohibition. After

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<sup>10</sup> Now governed under Public Order Act.

reading the prepared speech, he then opens up the session to question-and-answer, signaling the end of the “talk,” so that the original, non-citizen speaker sitting in the audience goes on to interact with other attendees.

Another popular option is to hold an event as private, taking it outside the licensing regime for public talks. Here is an excerpt from a typical announcement:

RSVP: This event is by invitation only.  
 As there are LIMITED seats, prior registration is required.  
 To get an invitation—please email [—] with your name (in full), contact number, the name/s of your guests. (Event #18, Resource Central)

As we can see, interested attendees need to request for an invitation. Upon receiving the invitation, they write in to register for the event. Further, the organizers are generous with invitations. Announcements such as the one above are forwarded to mailing lists, and cross-posted on organizations’ websites. Hence, they get around the rules on public talks, avoid violations, and still manage to hold the event.

#### *Repeal 377A*

IndigNation and other events, however, would be only precludes to two of the most public milestones, Repeal 377A and Pink Dot. In November 2006, the government announced a comprehensive review of the Penal Code, and solicited public feedback on its proposal. It turned out that Section 377 would be removed, but Section 377A would be retained. Because Section 377 criminalized “carnal intercourse against the order of nature” regardless of the sexes involved in the acts, its removal and Section 377A’s retention meant the singling out of same-sex sexual conduct between men.

In response to the government’s call for feedback on the Penal Code review, gay activists sent in their submissions to urge the repeal of Section 377A. But after the government announced that it would nevertheless retain the provision, Parker and Morris decided to take their objection further with a Parliamentary petition. Calling for repeal, the petition amassed 2519 signatures in less than two months. It was the first time in post-independence Singapore that a Parliamentary petition was submitted with popular support.

It was also one of the rare moments in which gay activists publicly called for legal reform. On the surface, the campaign may seem confrontational. However, it was tempered by a combination of tactical moves. Repeal 377A activists made use of legal procedures to file the petition, and did not demonstrate on the streets.

They also sent the signal that Section 377A did not polarize society. They recruited Ai-Mee, a married, straight-identified woman with a gay brother. Ai-Mee became one of the leading petitioners, and one of the campaign's spokespeople who made media statements to portray the issue as having broad impact on Singaporean society. In addition, even though the campaign justified repealing Section 377A on the basis of rights, they moderated the arguments by linking repeal to the acceptance of diversity as the cornerstone of social stability.

In the end, even though Section 377A was retained, campaign leaders appreciated its success. They had raised awareness about the injustice of Section 377A, and occupied government attention. Most significant of all, they elicited a clear articulation of Section 377A's non-enforcement policy for consensual, private situations, crystallizing a policy that would impact the movement's future.

#### *The Counter Movement*

Repeal 377A also involved the first public clash between the movement and its opposition made up of fundamental Christians. In the past, fundamental Christian churches were known to condemn homosexuality within their congregations, and run "therapy" programs aimed at gay men. As the gay movement emerged openly in the mid-2000s, so did the counter movement. By the time of Repeal 377A, this opposition launched a ferocious campaign against an alleged "homosexual agenda."

When dealing with the counter movement, gay activists also deploy pragmatic resistance by sending messages to the government and public with a particular tone reflected in the statement below:

[We believe] that it is unconscionable and a grave mistake to allow intolerance and discrimination to sidetrack and derail our vision of a Singapore that embraces ALL Singaporeans regardless of creed. In fact, it has been a very vocal minority of fundamentalist Christians and conservative Christian-linked groups . . . that have succeeded in swaying our secular government to their moralist beliefs. (Media statement, the Portal, 08 December 2004)

The statement captures the tricky balance struck. Attacking the Christian right too aggressively can come across to the state as sowing social discord among religious faiths. On the other hand, the norm of preserving social stability also entails the state's paramount need to maintain secularism in a multi-religious society.<sup>11</sup> So

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<sup>11</sup> The majority of Singaporeans identify as Buddhists/Taoists. Christianity, Islam and Hinduism are the most common minority religions.

what movement organizations do, using such statements, is to borrow the state's hand to counter the opposition—by framing the religious right as a threat to social harmony, and their movement as one that embraces it.

After Repeal 377A, two developments, thus, became apparent. The government signaled that it would not repeal Section 377A unless it perceived mainstream values to have shifted in favor of doing so, and the counter movement came out clearly and strongly. To address these developments, part of the movement has since shifted more noticeably toward larger scale efforts at garnering support from Singaporean society at large. They are to demonstrate that support for the gay community is broad-based, contrary to the state's perception, and the counter movement's portrayal. Among these efforts, the most representative is Pink Dot.

#### *Pink Dot*

Since the year 2000, as part of the state's effort to contain dissent, public speaking at Hong Lim Park's "Speakers' Corner" has been exempted from license application. In September 2008, the legislature extended the exemption from public speaking to cover "performances" and "exhibitions." The news caught Nelson's attention: why not hold a gay pride parade at the park? After rounds of debates, Pink Dot was born. Unlike the pride parades familiar to San Francisco, London, and Sydney, nevertheless, Pink Dot did not march down public streets but confined itself to the exempted park. People wearing shades of pink gathered to picnic, enjoy musical performances, and form a "pink dot" in the center of the park.<sup>12</sup> From a hotel with a vantage point, photographers captured the formation on film, and organizers circulated the videos and photos online. In 2009, about 2,500 gay and straight people participated. In 2010, 2011 and 2012, it was reprised with an estimated crowd of 4000, 10 000, and 15 000 respectively.

Pink Dot's men and women play to, and earn the event cultural legitimacy by intentionally confining it to the exempted park, and following legal conditions. By obeying the law, they make use of it to push the boundaries of the norm against confrontation. Before Pink Dot, an affirmative, public gathering of gay people was perceived to be transgressive. Pink Dot organizers, as Winston points out, recognize the tokenism of Hong Lim Park, but they creatively use it to nudge the boundaries outward.

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<sup>12</sup> Foreigners did not join in the formation, because the organizers interpreted that particular activity as participation in a performance. As a permanent resident, I was qualified to participate, and did so in 2009, 2010, and 2011.

[Hong Lim Park's] about restricting the space available for free speech to this tiny corner. So in conceptualizing Pink Dot, we wanted to reverse all that. We wanted to do something that was in a way visually stunning, so that it breaks out of the confines of that space, something that's memorable, something that's in a way iconic. (Interview, Winston, 30s, public school administrator, Singapore, June 2009)

Meanwhile, they play to the norm of social stability to deflect negative reactions from the state and the counter movement. Neither portraying Pink Dot as a demonstration, nor using it as a platform to demand for rights, they toe the line by minimizing perceptions of outright confrontation. Further, they carefully craft a publicity campaign to convey the message that acceptance of diverse sexualities strengthens rather than polarizes society, and to avoid potential accusations by opponents that they impose Western values. For example, they circulated promotional videos on the Internet featuring local celebrities who identify as straight. They also crucially reinterpreted the meaning of the color pink. Instead of making the color's symbolic connection to discrimination or gay pride, they link it to a localized notion of diversity through the idea of pink as the product of mixing Singapore's national flag colors of red and white. They then point out that the color—the result of accepting diversity—is already part of what it means to be Singaporean, as it is also the color of identity cards issued only to citizens.

#### *International (Non-)alliances*

Such mediation by Pink Dot activists of symbols originating from outside is the most common way in which the Singaporean movement taps onto the influence of transnational activism and human rights discourse. These activists are influenced by and deploy the ideals of rights, and imagery of the urbanized, Western gay identity, such as the rainbow and the color pink (Altman 2001); they draw from such inspiration and spirit to fuel their movement, but avoid their concrete forms to ensure self-preservation. Moreover, some of them perceive the transnational activist as lacking appreciation for the local context, and dismissive of their agency. Coming across as telling ignorant and oppressed locals what to do, the transnational activist is seen as potentially creating problems by not dancing properly to pragmatic resistance.

Thus, it is a deliberate tactic that the movement *chooses not* to affiliate openly with transnational movements or human rights organizations. Their international connections are informal, based on sporadic communication and personal friendships. Activists avoid being seen as claimants on the international stage (Bob

2009), and being seen as though their movement has foreign influence.<sup>13</sup> The choice is borne out of their interpretation of historical events in Singapore, when the government used to accuse dissident groups of having foreign connections or receiving foreign funds, and thus suppressed them for being national security threats.

Occasionally, when some gay activists do attempt external pressure, they act subtly and indirectly to avoid outright confrontation. For instance, they build relationships with foreign correspondents and diplomats, and keep them informed about their movement and concerns. Then they wait for these journalists and diplomats to ask questions about Section 377A of the Penal Code or other unjust conditions, if the appropriate moment arises when they interview or socialize with Singaporean politicians or officials. Key statements made by Singapore's leaders signaling a shift away from condemnation toward a less biased, more balanced approach toward gays, in fact, were won from questions asked in the international media. As a tactic that also plays to international legitimacy, cynics may question the sincerity of the responses. Nevertheless, gay activists have been able to leverage on such statements—sincere or otherwise—as the state's true position, and hold leaders accountable to it. True to the spirit of pragmatic resistance, once they find a new sliver of territory, they hold onto it, and keep pushing forward, little by little.

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Five years after the Prime Minister articulated Section 377A's non-enforcement policy, the Penal Code provision reoccupied the movement's attention. In 2010, a man named Tan Eng Hong was arrested for having consensual sex in a public restroom with another man. Contrary to the non-enforcement policy, he was initially investigated and charged under Section 377A. Activists spoke out publicly, leveraging on the Prime Minister's words. Later the prosecution downgraded the charge to a different penal provision, though it did not explain whether activists or the policy itself played a role (the prosecution enjoys constitutionally protected discretion, so holding it accountable to the policy may be an uphill legal battle). By then, Tan's attorney had initiated a constitutional challenge on Section 377A, but because Tan had pleaded guilty to the lesser charge, the lower courts struck out the challenge on procedural grounds (*Tan Eng Hong v. Attorney-General* 2011). The

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<sup>13</sup> Some local activists are non-citizens, but they are people who live and work in Singapore.

case was appealed to the Court of Appeal, Singapore's final court of resort, where judgment is pending.<sup>14</sup>

Recall that following Repeal 377A and subsequent government statements, a minority of activists perceive that perhaps the state and the ruling party would prefer the status of Section 377A to be determined by the courts, interpreting a political liability for the ruling party to resolve it via the legislative route. In other words, although gay activists still generally regard rights litigation as confrontational, a minority think that the boundaries have perhaps shifted for the particular issue of Section 377A's constitutionality—that the state and ruling party perhaps would not regard such a move as overtly confrontational. Thus, litigation on this issue would still keep to pragmatic resistance. Tan's case, therefore, is testing such minority views. It is a development that builds on the movement's cumulative gains over the past 20 years. By strategically adapting with pragmatic resistance, the movement has come out, and activists have grown increasingly confident. Some mounted Repeal 377A, which led to the articulation of non-enforcement. Even if Tan's case ultimately fails, it has pushed the boundaries demarcating non-confrontation outward, imperceptibly modifying what amounts to acceptable modes of challenging the state in Singapore.

## Conclusion

My study on the gay movement in Singapore delves into the social processes of how mobilization occurs in a society where the state has used legal restrictions to curtail civil-political liberties, and rights in themselves lack cultural resonance. It shifts the attention of law and society, and social movement studies away from overt and public forms of collective mobilization in Western liberal democracies, and onto alternative forms of strategies and tactics. In more repressive societies, open and directly confrontational forms of challenges are riskier, and collective action thus may develop more covertly. Such is the case with Singapore's gay movement. Strategically adapting to their socio-political conditions, gay activists mobilize with pragmatic resistance. Engaged in an interplay with legal restrictions and cultural norms, they heed survival by toeing the line, while advancing the movement by

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<sup>14</sup> As this article was going to press, Singapore's Court of Appeal delivered judgment on the case, ruling that a gay citizen has legal standing to challenge Section 377A for being in violation of the equal protection clause in Singapore's Constitution (*Tan Eng Hong v. Attorney-General* 2012). This development may well encourage a substantive case that contests the provision's constitutional validity in the near future.

pushing boundaries of cultural norms to resist both the laws that regulate sexualities, and the legal restrictions and norms that control mobilization.

These social processes highlight the state's dominant influence on collective action in repressive societies, and the ingredients of law and cultural norms that shape its long shadow. Specifically for gay organizing, mobilization obstacles may lie not with purely moral concerns. Ultimately, the Singaporean case shows that they are linked to the state and ruling powers' prerogatives of maintaining the current arrangement of political power. Thus, transnational gay activism and human rights discourse are mediated through the social processes of pragmatic resistance, such that their impact are mitigated and indirect.

Further, by detailing the social processes of pragmatic resistance, this study elaborates on where and how law matters to collective action in a repressive society, going beyond the insights that rights are instrumental, symbolic and strategic resources for movements. As formal restrictions, law criminalizes same-sex sexual conduct between men, and stifles expression about homosexuality. It also curtails civil-political liberties; regulation, or channeling (Earl 2006), replaces physical violence to control protest and dissent. Culturally, law confers legitimacy to actions and people who obey it, and delegitimizes trespassers. The state and ruling party themselves also leverage on legal abidance internationally to defend their legitimacy and Singapore as a "rule of law" society.

Consequently, law matters in multiple ways to the movement. On the outset, law matters as a source of oppression. Legal restrictions control sexual conduct and freedom, and civil-political liberties that facilitate dissent and mobilization. Unlike physical violence, its control is subtler, taking the form of discipline (Foucault 1977) and channeling (Earl 2006). The laws and regulations limiting the where, when and how of mobilization become part of the landscape that activists negotiate, rather than part of the issues they challenge (Fernandez 2009), and thus they become more easily accepted as legitimate and normal. Further, law in its cultural incarnation of legitimacy exerts oppression by deterring transgression of such legal restrictions, as it culturally delegitimizes transgressive acts.

Nonetheless, law also offers hope as a source of contestation. Besides contesting the laws that oppress their sexualities, gay activists also contend with legal restrictions that limit their civil-political liberties to contest the former. The contestation occurs via pragmatic resistance, through law and at law. Activists make use of the restrictions, or circumvent them, to create tactics that enable them to speak out and assemble publicly within the restrictive confines,

*and* without violating cultural norms. Because they do not commit transgressions, they maintain cultural legitimacy. At other times, they mitigate the force of legal repression by playing to cultural norms. Repressive law, by being contested, is subverted into a resource.

Yet, law further matters as a trade-off between promising and impairing social change. On one hand, pragmatic resistance achieves progress for the movement while ensuring its survival. Over the course of 20 years, social change has occurred without any alteration to formal laws affecting same-sex sexual conduct or expression. The movement has grown in size and visibility, and expanded the political, discursive and cultural spaces for gays in Singapore. Because of Repeal 377A, debates over decriminalization entered Parliamentary records, and appeared extensively in local media. Pink Dot assembled thousands at a public landmark that stands for tokenism in a country where speech is licensed and controlled. A gay community library opens its doors every weekend, social events are held year-round, and an openly gay counseling center occupies the second floor of a shophouse in Chinatown.

On the other hand, pragmatic resistance entails accepting the price of reification and reinforcement of existing arrangements of power. Despite these gains, the strategy challenges power only in particular and restricted ways. The boundaries of cultural norms are pushed only to an extent without risking confrontation, or jeopardizing the ruling party's perception of control. Adherence to the licensing regime leaves restrictions on free speech unchallenged. The tolerated existence of non-registered, non-legal movement organizations is also a precarious one. Despite treading between boundary pushing and keeping, they face the possibility, however slight, of the state's invocation of formal legal sanctions. The incentive for gay activists may be to continue with the strategy that has served them well and safely.

Hence, the dance of pragmatic resistance risks losing creativity to routinization. As time goes by, the stakes mount for breaking that routine, because the state correspondingly expects their resistance in this routinized form. It does not mean the state is no longer controlling. It only appears less so, for the repression is routinized (Scott 1985), and therefore, even less questioned. The routinization of strategy and repression culminates into regulating the movement's actions according to the accepted and expected norms (Habermas 1984). Dancing out of character, and disrupting the routine and state expectations may attract extraordinary repression.

Gay activists, thus, fight the battle for gay equality in Singapore, but do not take on the war for greater democracy and civil-political

rights. In the end, pragmatic resistance preserves and repeatedly validates the boundaries of cultural norms. One may find an analogy with movements in Western liberal democracies, where rights-based tactics *are* the norm, and result in reaffirming existing institutions (Cohen 1985). So, are these activists co-opted? Perhaps they are, one may argue. They clearly recognize a line between the legal and illegal; by adhering strategically to such a difference, they buy into the dichotomy, reaffirm the centrality of the state (and ruling party), and participate along with this existing order in the dialectic construction of the dichotomy. In spite of being resisted, law as legal restrictions and as cultural legitimacy is refortified and remains as a source of power continually wielded to control civil-political liberties, and the gay movement. However, the same can also be said of romanticism with *illegality* or non-conformity to formal institutions generally. Deliberately illegal—or non-conformist—tactics also imply an acceptance of such a dichotomy, and hence a particular socio-political order (Lukács 1920). Legal obedience and defiance both promise and imperil the prospects of social change. Perhaps then, the way forward and out of this conundrum is to “slough off both the cretinism of legality and the romanticism of illegality” by regarding the conformist/non-conformist nature of movement strategy and tactics as simply that—purely tactical (Lukács 1920).

Perhaps then, law ultimately matters to the movement as a pragmatic concern, and not an ideological dilemma. Singapore’s gay activists certainly are conscious of the workings of power. They strategically adapt to their socio-political conditions to adopt pragmatic resistance. When pushing boundaries, they appreciate the risks, and when toeing the line, they recognize when pushing can become crossing the line. But to them, their concern lies not with whether their strategy challenges the larger order of power—by transgressing its legal rules—for the sake of doing so. They make choices, not between subordination to and liberation from the existing order, but between tactics based on what they believe can best advance the movement, and keep it alive. To them, therefore, law is a matter of survival. Legality is tactical, a pragmatic means to an end. Seen in this light, they are perhaps ironically de-centering the power of law.

## Appendix

Expansion of movement in organization and campaign types and numbers

	Phase 1	Phase 2	Phase 3	Phase 4
	Pre-1997	1997–2000	2000–2005	2005–present
	Timorous beginnings	Cyber retreat	Transition	The coming out
Social and support services	The Coalition			
	Argot			
	The Harbor			
			The Hub	
			Sports Club	
			Sutra Fellowship	
			Singapore Lesbians Online	
			The Beacon	
		Christian Fellowship		
			The Portal	
			Muslim Fellowship	
			Open Church	
			Women's World	
			Virtual Sister	
			Resource Central	
			Queer Women's Alliance	
			Chalkboard Caucus	
			The Brotherhood	
			Biz Tribe	
			Voices	
		Youth Support		
		Youth Planet		
		Youth Society		
Raise social awareness			The Portal	
			Family & Friends	
			Gay-straight Alliance	
			Repeal 377A	
		Pink Dot		
Media advocacy			The Coalition	
State advocacy			The Coalition	
			Repeal 377A	

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