

The Air-conditioned Nation under Global Warming – An Exploratory Study of the Speech and Assembly Freedom and Politics of Space in Singapore

Hei Ting Wong, National University of Singapore, Singapore

Abstract

Singapore is known to have a citizenry loyal to its one-party dominated government. Cherian George refers Singapore as the “Air-conditioned Nation,” wherein free speech is sacrificed for economic stability in this metaphorical or virtual greenhouse and fostered a controlled and docile politic. Dissent from members of registered opposition parties or ordinary citizens, however, has been voiced during “illegal gatherings” in public places. Many of these attempts, both purposeful and accidental, challenge rules designed to limit the citizenry’s ability to voice publicly. In this paper, I examine these civil disobedient acts under the framework of construction and politics of socially- and mentally-constructed space in connection to the laws of Singapore. Utilizing the ideas of space as defined by Henri Lefebvre and Michel Foucault, I analyze three separate accounts of assembly and/or procession. I identify the relevant laws of Singapore and examine how these laws are interpreted and applied by law enforcement, revealing a tension between space and the body politic. Politics of space is a concept usually connected to social class; yet, class consciousness is what the Singaporean government strives to eliminate through the control of ideology and by limiting the freedom of speech in public spaces. My contribution examines the relationship between space and politics, reflecting the conflicts between the government, which has the power over the use of places and citizens who would like to express ideas differently from governmental-led ideologies physically and publicly in these places, and the opposition’s actions in this virtually-caged public space named Singapore.

Keywords: political assembly, public assembly, politics of space, public space, Singapore speech freedom

Introduction

Singapore is known to have a citizenry loyal to its one-party dominated government. Since 1959, which marked the beginning of self-governance, the People's Action Party ("PAP") has been the ruling party. The first generation of the PAP led Singapore to independence in 1965 and pushed for economic development, which brought the country "from third world to first" in the following decades. In hopes for a better living standard, the Singaporean public elected and re-elected the PAP, dominating the Parliament with its practical policies. This decades-long, one-party domination has been extensively researched. Chan Heng Chee¹ calls this "modern egalitarian political ideology," in which the ideas of patriotism and nation-oriented economic development are promoted to the citizens (1971). Chua Beng Huat reads the PAP ideology as communitarianism (1994, 1995, 2017). Communitarianism is an idea that advocates for a constructed ideological consensus implemented by the Singaporean government on its citizens and stating that, the society should embrace Asian traditional values (such as Confucian thought) and reject Western liberalism, while also placing national collective interests and responsibilities over those of the individuals' (Chua, 1994). The PAP utilized this "non-liberal communitarian democracy," especially during the early years of Singaporean independence when national economic growth and sociopolitical stabilities were the foremost goals (Chua, 1995; 2017). Because of the economic and political majority in Singaporean politics, the PAP has successfully managed to avert any threats to their political power.

The PAP has thus created a psychologically unchallengeable "Air-conditioned Nation."² Termed by Cherian George, "Air-conditioned Nation" literally means the government uses air-conditioning to control the temperature of a tropical nation (2000). But it has a further metaphorical meaning: "[A] society with a unique blend of comfort and central control, where people have mastered their environment, but at the cost of individual autonomy" (Ibid.). The invisible and psychological pressure to limit public discourse about governance and politics makes Singapore a political greenhouse, in which the one-party state has sustained its centralized control on all politically-related matters. Meanwhile, citizens, accustomed to their lack of autonomy, choose to be caged in such virtual greenhouse and not utilize their rights to voice for their (political) will. Therefore, oppositional voices are underrepresented. The boycotting of the 1968 general elections by the Barisan Socialis ("BS") led to the disappearance of any meaningful opposition in the Singapore Parliament until 1981 (National Library Board, 2014a).³ Chan states that in a one-party state where political action is monopolized by a single party, opposition parties suffer from "structural disadvantages" (1976).

¹ Ethnic Chinese names are quoted here in the format of Christian name (if any)-last name-given name.

² There were political actions taken by the PAP government to detain "political criminals" such as the Operation Coldstore in 1963 and Operation Spectrum, better known as the Marxist Conspiracy, in 1987 (refer to Chan, 1975, 1976; Chua, 1995, 2017; Rodan, 1996; Chng et al., 2017). Besides taking political actions with the Internal Security Act in the above operations, there is a list of court cases of PAP members, who are/were mostly top-ranked government officials such as MPs and PMs including Lee Kuan Yew, Goh Chok Tong, and Lee Hsien Loong, suing members of the opposition (Thio, 2004 and Lydgate, 2003; cited in Chua, 2017).

³ In 1996, there were 22 registered political opposition parties in Singapore, and only the Workers' Party ("the WP") and SDP ever won Parliament seats (Rodan, 1996). Singapore-elections.com shows that only 12 out of 35 registered parties (excluding PAP) are active; in 2018, only the WP has six contested and three non-constituency seats in Parliament. Cf. Mutalib (2003) for the overview over the four main opposition parties (the BS, WP, SDP, and Pertubuhan Kebangsaan Melayu Singapura).

Outside the institution and Parliament, the opposition and activists have attempted to break the walls of the virtual greenhouse to voice their opinions in various ways in public spaces. It has been a pattern of dissent that can be observed separate from the rest of the region's ongoing change in political climate, even with alternating parties rise to power in neighboring countries such as in Taiwan (2016) and Malaysia (2018).⁴ As Singapore has been ruled by the same single party since its independence in 1965, will this wave of politically global warming boost the confidence of the opposition in Singapore, both in and out of the institution?

According to the video and report produced by the Human Rights Watch, “[p]eaceful public demonstrations and other assemblies are severely limited” as “any ‘cause-related gathering,’ no matter how small requires a police permit, which is rarely ever granted” (2017). It is easy to find a handful of news reporting “illegal assemblies” due to failures in securing a permit or attempts to challenge the laws. By conducting political assemblies/processions without a permit as civil disobedient acts, these law challengers can be considered as intentionally breaking the laws, sometimes even with the aim at being arrested, to test and fight for the unjust (interpretations of) laws for assembly and speech freedom. Therefore, in order to understand what the disadvantaged opposition can do in Singapore, I explore the issues within the framework of the construction and politics of space in connection to the laws of Singapore. Through exploring Henri Lefebvre's and Michel Foucault's ideas of space, I conduct an analysis of three accounts of assembly and/or procession, taking into account the different conditions and the laws applied to these spaces/cases. These examples include: 1. The permit-free protest space known as The Speakers' Corner; 2. The court case *Chee Soon Juan and others v Public Prosecutor* ([2012] SGHC 109), which concerns an event held by an opposition party in a public place without a permit; and, 3. An observation of spontaneous political gatherings at the State Court during the trial of an activist's solo performance in a public space without a permit. These examples help to identify which and how Singapore laws are interpreted and applied to the opposition by the authority in different circumstances. I investigate the struggles to create possible “political” dialogue within different spaces throughout Singapore, and how the opposition has been attempted to challenge existing laws, negotiate encounters with institutions of authority, and present the restrictions on speech freedom under the current set of laws. By examining the relationship between public space, politics, and the opposition minority, I argue that the voice of the opposition in relation to the power struggles between them and the government can be shown in the politics of space, particularly at a space named “Singapore” constructed by the PAP. Here, following research on Singapore politics or Singaporean society in general, such as Chan (1971, 1975, 1976), Chua (1994, 1995, 2017), and Simon Tay Seong Chee (2004), this paper will not place Singapore directly in the absolutist understanding of democracy or liberalism in the West.⁵ In addition, “opposition” is defined as a spectrum that ranges from members of registered opposition parties to ordinary citizens holding different opinions from the government.

Space and Politics of Space in Singapore

George's metaphorical term – the “Air-conditioned Nation” – makes it clear that the Singaporean government has placed mental oppression on the citizens' rights of speech in public spaces. It is then necessary to examine the control of space as a means of suppression

⁴ The 2018 election was the first time ever for Malaysia to change its ruling party, since it gained independence from the Great Britain in 1957.

⁵ Moreover, Chua believes that “there are actually serious contradictions between democracy and liberalism” and “liberalism and democracy need not belong together” (Bosse & Sørensen, 2014).

of alternative opinions. This is done as if re-enforcing such mentality and ideology with a physical act on this piece of land named Singapore. To examine the situation of (controlling the use of) public space in Singapore, I first review models to study space. Stuart Elden references to Lefebvre's idea and offers a conceptual triad to understand space: physical, mental, and social (2007). While the study of Ryan Bishop, John Phillips, and Yeo Wei-Wei, offers another combination: geographical, visual, and knowledge generated historically (2004). Combining their models makes understanding space with three dimensions: physical/geographical, visual, and social/mental. I am aware of the differences between social and mental ways of interpreting a space. But in conceptualizing space as both an act of social construction and mental perception, I hope to reconcile these two dimensions. In doing so, I suggest that an externally and socially-constructed space inevitably connects to ones' internal reading and mental perception of that space. My discussion thus focuses on this social/mental dimension which leads to the discussion of politics of/in space. This demonstrates how the physical space of Singapore becomes socially- and mentally-constructed space of political tension and power struggles. These are not only reflected in theories, but are observed in the three examples.

Space is socially constructed with users' and/or owners' participations. Tay Tong, the managing director of TheatreWorks Singapore, states that space is continuously being re-invented; place-making is a continuous process that old and newly-generated meanings co-exist in one space even between life and death (2018). Chris Butler focuses on the mediation of everyday life that "because social space is the product of human agency, it in turn helps to shape social, economic, legal and political relations" and "[space] is both socially produced and an essential precondition for the reproduction of social relations" (2009). Elden also explains Lefebvre's idea of everyday life wherein capitalism "has always organized the working life, has greatly expanded its control over the private life [...] often through an organization of space" (2007). Andrzej Zieleniec furthers this with the term "crucial battleground" as a nature of space (2018). He claims, "[s]pace is subject to conflict over ownership, over meanings, values, uses, etc. and thus a terrain in which social justice and equality are contested" (ibid.).

The above discussions on relations and conflicts in space are connected to social class. In addition to Lefebvre's well-known quote: "There is a politics of space because space is political" (1991[1974]), Butler explains,

Lefebvre's definition[s] of social space are a recognition that the political dimensions of space extend beyond its management and use as a political tool by the state. Space is itself a site of political conflict in which the class struggle has increasingly been transformed into forms of conflict which are spatial as well as political and economic (2009).

Therefore, in Lefebvre's reading of space, it is not only a physical medium of struggle, but also "a political instrument that facilitates forms of social control" to maintain social order (Ibid.). Politics of space is, therefore, about place-making, which creates meanings of that particular space in the process. Moreover, class is an issue that the Singaporean government would like to eliminate. One such measures is by offering affordable housing (another kind of space) to

all citizens.⁶ Thus, the conflicts and politics of space are between the government and some citizens who have different ideas from the governmental ideology.

The social-mental understanding of space is shown in Foucault's works. Miloje Grbin refers to Foucault's *Birth of the Clinic* (1973):

Space [hospital] appears as the medium of articulation and implementation of the power/knowledge of the discourse. Using space in generation of knowledge is conducted not only by spatialization of internal mental imagination (in terms of classification and bordering of knowledge) but also through the production of external spatial configurations (2015).

Moreover, Foucault's well-known studies of the panopticon model of surveillance (1976), which "operates also on the principle of spatial isolation of the body" with prisoners in transparent cells, reveals that people would self-discipline themselves because of "self-internalization of implied norms" (Grbin, 2015).

If I compare Foucault's "internal mental imagination" or "self-internalization of implied norms" to George's "Air-conditioned Nation," this can be understood as a political paradigm built upon historical fears. Besides, the "production of external spatial configurations" can be referred to either the one-party dominated government or the laws of Singapore as an institution. George's "Air-conditioned Nation" echoes this idea very well. That is, the air-conditioned greenhouse named Singapore. The exercise of power is, according to Grbin's words, a procedure to know, master, and control individuals in the established "presences and absences" (2015). I interpret this as the virtual presence (invisible surveillance) and physical or visual absences of rules or law enforcers in any constructed space.

A Permit-free Public Space: The Speakers' Corner at Hong Lim Park

The first example is the Speakers' Corner ("the Corner") of Hong Lim Park, which is an "exceptional" public space-in-law. It is the only permit-free public space for Singaporeans to hold public gatherings, with or without political aims. The power struggle of this space is first demonstrated in the establishment of the Corner, from carrying out the idea of building a free-speech zone to selecting the venue. While the National Library Board indicates that the idea of setting up the Corner, modelled from the one in Hyde Park, London, was initiated by Senior Minister Lee Kuan Yew in 1999 (2014b), *Straits Times* columnist Chua Lee Hoong points out that Chee Soon Juan ("Chee") was the first to mention this idea in 1998 (2000). Goh Chok Tong, the Prime Minister ("PM") at that time, however, told the media that the government did not have such a plan (Leong, 2000). From March 18th to about April 5th, 2000, there was quite a vigorous discussion in the *Straits Times* about the location and usage of the Corner. *Straits Times* launched a public online poll about the desirable location from the viewers,⁷ and questioned if the soon-to-be-open Corner would become like the one in Hyde Park where only a certain type of people frequented.

⁶ This historical ideology lasts till today. Deputy PM Tharman Shanmugaratnam states in a recent conference that, "[i]n fact, I would say that if you talk about our social culture, we are much less class-conscious than many other societies I am familiar with, partly because we are younger. We are at risk of becoming more class-conscious, and we must resist every tendency in that direction" ("The toilet attendant," 2018).

⁷ *Straits Times* listed six locations in the poll, while Hong Lim Green (the former name of Hong Lim Park) scored the lowest with 3.7% of the 647 votes ("Your choice," 2000).

During the Parliament meeting on April 25th, 2000, the location of the Singapore's Speakers' Corner was announced: Hong Lim Park ("the Park"). The official announcement pointed to the location's historical significance, which may connect to the end of Lim Yew Hock's rule by the PAP ("The green," 2000; "No licence needed," 2000). However, Wong Samuel points out that the "real Speakers' Corner" should be Fullerton Square, where Lee Kuan Yew conducted many lunchtime rallies in the 1950s and 1960s (2001). One can imagine the Park's neighborhood with Wong's observations:

If you are traveling from the direction of Outram [now Outram Park] MRT station, you will have to pass through Chinatown...[which] is considered to be a rundown part of the city area.... However, if one decides to approach Hong Lim Park from the direction of Raffles Place MRT station, the sight of modern Singapore would greet you.... But, the moment when you cross North Bridge Road, the crowds immediately disappear. Human traffic drops almost to nil as you entered into Chinatown (Ibid.).

From this description, it seems that this location was an abandoned, idle place where both business and people were not welcomed. Alternatively, the Park had been well-known as a (gay) beat for cruising in the 1970s and 1980s (Yue & Leung, 2017). The Parliament's choice to build the Corner in this location seemed aimed at renewing the area by assigning it a new function, but not because the space was suitable and user-friendly.

Related Laws

Singaporeans need not apply for a permit to speak at the Corner, but simply register at the nearby Police Post (refer to Figure 1), which was set up "to curb its notoriety in the 1990s" (Ibid.). This is stated in Rule 2(2) of the MOR, which declares Rule 2(1) shall not apply to:

- (g) any assembly or procession held wholly within the area in Hong Lim Park known as the Speakers' Corner (more particularly delineated in the Schedule) where –
 - (i) the promoter or promoters of the assembly or procession are all citizens of Singapore; and
 - (ii) the participants in the assembly or procession are all citizens or permanent residents of Singapore

Though no permit is required by laws, as stated by Lefebvre, all kinds of engagement with space demonstrate "a politics of space because space is political." At the Corner, this theory was made manifest by the Police, who, in a news release before its opening day, released a list of rules for how citizens may use the Corner. The following rules were issued:

While speakers at the Speakers' Corner are exempted from having to obtain a Public Entertainment Licence under the Public Entertainments (Speakers' Corner) (Exemption) Order 2000, they are reminded that Singapore laws will still be in operation there (2000).

Figure 1: Hong Lim Park area [Source: Google Map]

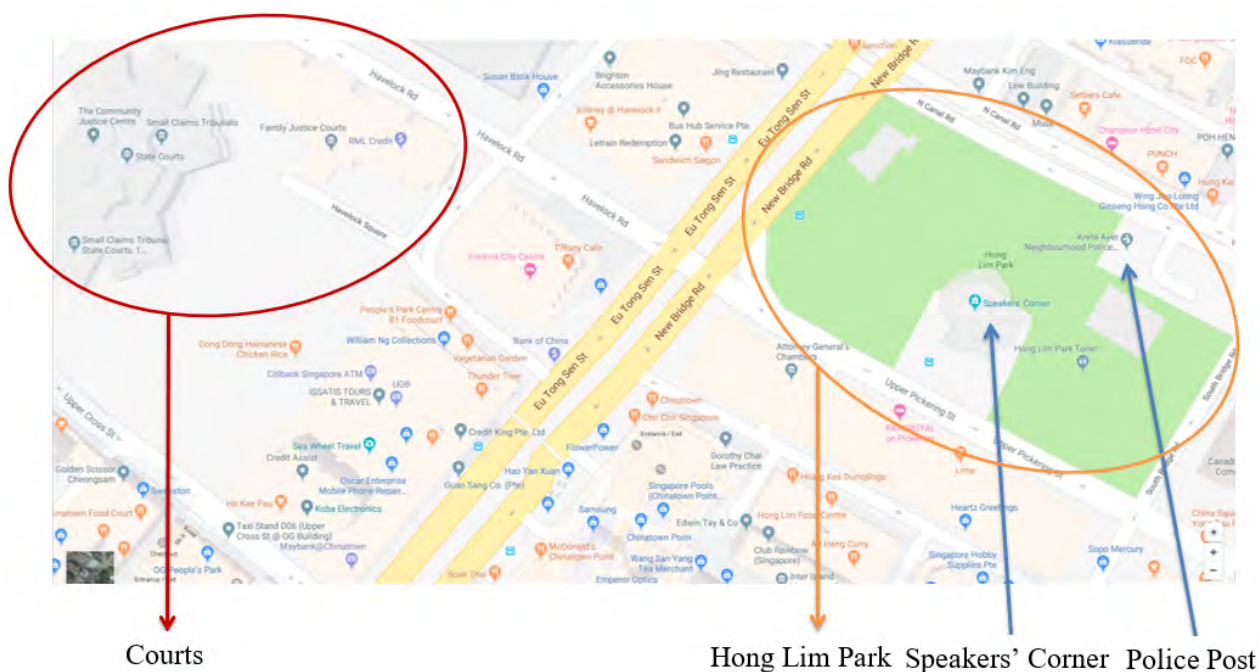
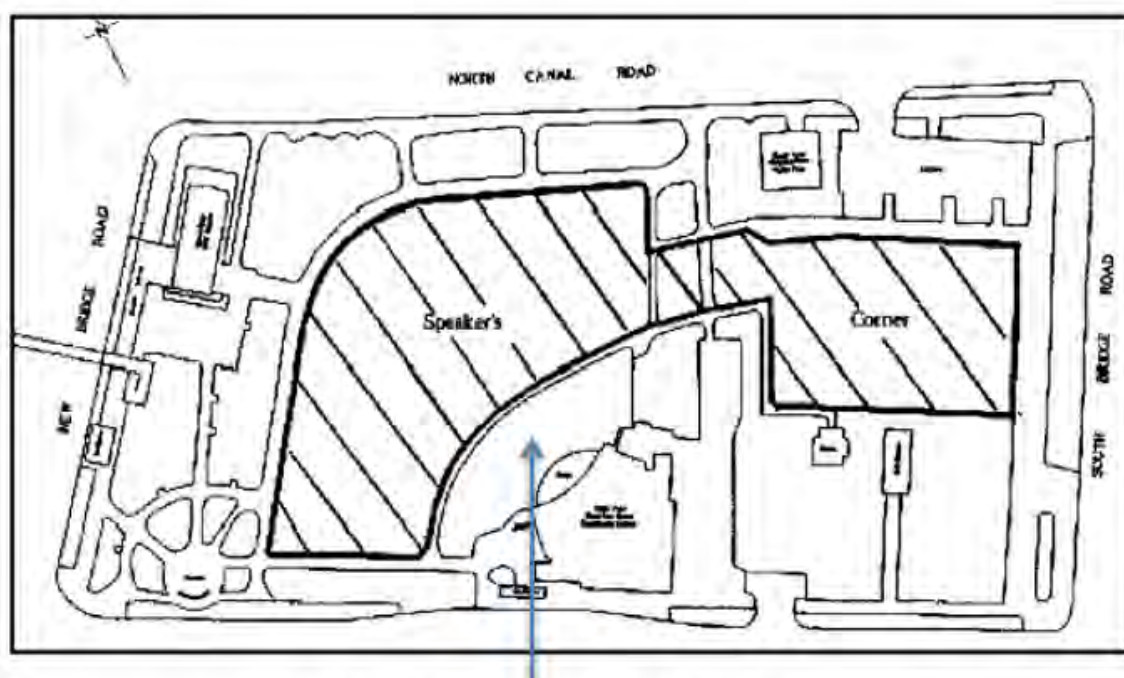


Figure 2: Premise of the Speakers' Corner in Hong Lim Park [Source: Miscellaneous Offences (Public Order and Nuisance) (Assemblies and Processions) (Amendment) Rules 2008)]



Pre-built center stage of the Park

While the speakers and audiences at the Corner are responsible for obeying the laws and regulations, moreover, the politics of space is demonstrated out of the context of laws: The Police Post is located nearby, and the Park is now also fully equipped with CCTVs. Also, as

illustrated in Figure 1, the courts are located diagonally across the street. This spatial construction reminds the speakers that they need to be responsible for their speech under the laws and rules of Singapore. The mental and psychological pressure on the speakers are tremendous. As shown in Figure 2, the Corner is a relatively small, irregular space in the Park, where the pre-built center stage of the Park is not included. Speakers need to find their own way to stand out for delivering their ideas. Is this a matter of balancing speech freedom and law or merely prohibition? I believe Wong Kan Seng's, the Home Affairs Minister in 1994-2010, response in Parliament provides a hint. At that time, the opposition Member of Parliament ("MP") JB Jeyaretnam asked, "Is the government serious about promoting free speech in Singapore, or is this just another show?" Wong responded as, "The Speakers' Corner is symbolism in the sense that, yes, if you want a place, there is a place" ("No licence needed," 2000).

Under such a socially-constructed central-controlled space, one can see the struggles among citizens to take any actions regarding politics. Even at the permit-free Speakers' Corner, when one chooses to use this space to convey one's ideas to the others physically, one should realize that this is actually a virtually-caged space governed by the authority. While Yue and Leung state the Park "became the only symbolic and material site of democratic expression" (2017), I would like to extend this physical and social/mental construction to the rest of Singapore. But, what does that mean to live with symbolic freedom? Is the centralized control of air-conditioning still able to manage the "waves of global warming" caused by changes of political regime in the neighboring countries in the region?

A "Political Assembly" in a Public Space Without Permit: A Court Case Report Analysis

Outside of the Speakers' Corner, all public places in Singapore require a permit to host an assembly or a procession; yet, as mentioned above, such permits are rarely granted. Opposition groups, however, continue to conduct assemblies or processions despite their permit applications being rejected. The court case *Chee Soon Juan and others v Public Prosecutor* ([2012] SGHC 109) is one such case, wherein a political-related assembly was conducted in a public place without a permit.

This case ruled upon an event hosted by the Singapore Democratic Party ("SDP") that took place on August 9th, 2008, the national day of Singapore, at the walkway in front of Block 190 Toa Payoh Lorong 6, which originally involved 12 people. As no permit had been granted for this event, all participants were charged with having "committed an offence punishable under Rule 5 of the [Rules] read with section 5(1) of the [MOA]." They were promoting a campaign titled "Tak Boleh Tahan" in Malay, which can be translated as "cannot take it anymore" in English. This title appeared for the first time in a prior SDP event held on May 1st, 2008. While there were six appellants in this appeal, I focus on the first five appellants, including Chee and Seelan s/o Palay ("Palay"), for two reasons: 1. They were defended together by Chee; and, 2. They admitted that they had participated in an assembly. Hence, I attempt to reveal the conditions of holding assemblies in Singapore by Singaporeans who consciously and actively choose to participate in an assembly.

Related Laws in Discussions in the Court Case

As listed in the court report, the judge focused his discussion on specific laws and regulations of Singapore, including Rules 2(1) and 5 of the Miscellaneous Offences (Public Order and Nuisance) (Assemblies and Processions) Rules ("MOR") (Cap.184, R1, 2000 Rev Ed):

Rule 2(1)

...these Rules shall apply to any assembly or procession of 5 or more persons⁸ in any public road, public place or place of public resort intended —

- (a) to demonstrate support for or opposition to the views or actions of any person;
- (b) to publicise a cause or campaign; or
- (c) to mark or commemorate any event.

Rule 5

Any person who participates in any assembly or procession in any public road, public place or place of public resort shall, if he knows or ought reasonably to have known that the assembly or procession is held without a permit, or in contravention of any term or condition of a permit, be guilty of an offence...

In which, according to Rule 2 of the Miscellaneous Offences (Public Order and Nuisance) Acts (Cap. 184, 1997 Rev Ed)⁹ (“MOA”), the definition of public place is “any place or premises to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission” and “‘public road’ includes every road, street, passage, footway or square over which the public has a right of way.” The judge stated these two rules of the MOR should be read together with Rule 5(1) of the MOA.¹⁰

In addition to those listed above, the Public Order Act (“POA”) (No. S 487, 2009), another law related to assembly regulation that came into operation on October 9th, 2009, was not included in the judgement. The Public Order Regulations of the POA regulate assemblies not affiliated with election meetings in both parliamentary and presidential elections. The POA does not indicate if this applies to the assemblies or legal trials that occurred after its operation date. In this case, the event took place on August 9th, 2008, but the 12 people were not charged until July 7th, 2010. Despite the fact that they were prosecuted two years after the event was held, this case fell into a grey area of whether or not the POA should be applied. Yet, for the sake of conducting a comprehensive academic discussion, I also take Rule 8(1) of the POA, regarding public assemblies, into account, which, as stated, should be “imposed under section 8(2),” regarding public processions, on having a permit for a public procession with exactly the same six items listed in section 8(1).¹¹ There is no indication concerning number of participants in the POA, in other words, a prosecution can be made even there is only one host/participant.

Existing laws clearly delimit the rules regarding what constitutes a legal assembly, from whether one needs to apply for a permit for having an assembly in a defined public space, to whether one can obtain a permit and the restrictions of holding an assembly with a permit. However, the nature of assembly, either as a form of a cause, campaign, or commemoration as stated in Rule 2(1) of the MOR, is not clearly stated. But in Singapore laws governing the right to assembly are profoundly political. Although this may not be unique to Singapore, it

⁸ Participants in assemblies/processions with less than five people were arrested on site (“TOC breaking news,” 2007; “2 arrested,” 2009; Han, 2018).

⁹ I cite the 1997 version of the MOA here as the judge was using the 1997 revised version. However, there are subsequent amendments of the MOA from 2005 onwards.

¹⁰ Rule 5(1) of the MOA can be referred to:

<https://sso.agc.gov.sg/Act/MOPONA1906/Historical/20050610?ProvIds=pr5-#pr5->

¹¹ Rule 8(1) and 8(2) of the POA can be found here: <https://sso.agc.gov.sg/SL/POA2009-S487-2009/Historical/20091009?ProvIds=pr8-#pr8->. I refer to the 2009 version here for the sake of discussing the original prosecution in July 2010. There are no differences in the wordings of Rule 8(1) in the 2009 version with amendments from 2010 onwards.

represents departure from democratic countries. If so, then the definition of politics/political aim also needs to be defined under the Singaporean context, which will be further discussed at the end of the section.

Logic of the Judge

Here, I focus on the logic of the judge in dismissing the five appellants' appeal against their conviction and sentence. Referencing the laws and rules as listed above and the previous court report (*Public Prosecutor v Chee Soon Juan and 8 Ors* ([2011] SGDC 13)), the judge arrived at the consensus that to hold an assembly with more than five people in a public space, and with a political aim on the national day, requires the application and approval of a permit, and therefore the charge was undisputed.

The judge moved on to the discussion of *mens rea* requirements – their intentions in violating the laws. First, it is about the application of a permit. According to Chee, his judgement to apply for the permit for the event on August 9th, 2008, was related to a previous event of SDP held on May 1st, 2008. This was clearly stated by the judge in the report:

...Chee was not arguing that he did not know that a permit was required per se. Rather, his belief, forming the basis of his defence was that no permit was required for the National Day incident [August 9th] because the Police had assessed the May Day incident [May 1st] to be legal in so far as the MOA was concerned.

Chee submitted an application for the permit for the event on May 1st and the application was rejected, but he and other people continued to hold/join the event on that day. The judge argued that Chee submitted an application for a permit for the event on May 1st, so he must have known that he needed to apply for a permit for the latter one. He continued on to state that, “[g]iven the defendants’ contention that both the events of 9 August 2008 and 1 May 2008 were exactly the same, they must have been aware that the event of 9 August 2008 likewise required a permit.” But, this can be seen as an attempt of Chee and the participants to challenge the laws, as they continued to conduct the assemblies of similar nature twice with no permit.

Second, the judge focused on the purpose of the event. Here the judge seemed to disagree with the Police’s position about the event on May 1st. The judge referred to the *Today Newspaper* on May 2nd and the record proceedings of Superintendent Deep Singh in the previous trial on February 15th, 2011. He quoted the police as stating in the article:

Chee did not stage an unlawful assembly or an illegal outdoor demonstration;
He was however peddling his books and T-shirts without a hawker’s permit;
As this may be a case of illegal hawking, the Police has referred the matter to the National Environment [Agency].

These phrases clearly show that the Police did not agree that the SDP event on May 1st matched the requirements as an assembly and as listed in the related rules of MOR. The judge commented on this article as,

[the] Prosecution had accepted that the article had carried an accurate quote of the Police’s position on the incident. This was not just anybody giving an opinion or advice; this was the very body to which applications were made and who issued the requisite permits if approval was given.

However, the judge later stated in the report that, “[w]hat I found troubling was that it was the Police who had publicly stated that the May Day incident did not constitute ‘an unlawful assembly or an illegal outdoor demonstration,’” and “the article reporting the statement of the Police was not capable of constituting a waiver of the requirement at law to procure a permit prior to conducting an assembly in a public space.” These statements are contradictory. If the two events are similar in nature, according to the Police, what Chee needed to apply for as the organizer was not a permit for assembly, but instead a hawker’s permit. If so, this event was not an assembly and the participants (the other appellants) of the “assembly” are not participants but co-sellers of Chee. If this is true and if the judge follows the Police’s testimony, then this appeal should be judged by a different set of laws and rules.

Superintendent Singh testified regarding the two events. The most interesting point in the testimony is that the Police did not only state that there was neither an unlawful assembly nor an illegal outdoor demonstration, but “there was no assembly there.” As I have no way to trace the reasons why the permit application for the May 1st event was rejected, I am curious if the Police did not consider that to be an assembly from the beginning or did the Police not expect, or further question, if the event was connected to a political purpose. Also, the testimony connects back to the question about the nature of assembly. The judge agreed that there were no material differences between the two “assemblies” after reviewing Singh’s testimony and the video recordings of both assemblies tendered by the Prosecution and the Defence. The differences were the result of the additional information the Police had in order to understand the nature of SDP’s campaign, which had a political-related aim.

The appellants’ appeal was dismissed with the judge’s further discussion of Rule 5 of the MOA with the nature of assembly. He stated,

...[to fall] within the ambit of r 5 is whether the assembly or procession was one that was designed to attract public attention to a cause as may give rise to a public disturbance or nuisance. Assemblies and processions with political or popular causes are more likely to fall within this category.

And,

...The test is whether the organisers and participants intended to attract public attention, not whether they had succeeded or not. Rule 5 being pre-emptive leaves the assessment of risks to the permit issuer.

Here, the permit issuer, which is the Police, actually did not state clearly if the “assembly” on August 9th violated any rules or not.

This is a return to the issue of the definition of politics/political aim of assemblies; the nature of politics should be read with the culture, time, and space. As the five appellants in this case are either members/supporters of SDP or activists who frequently appear in various socio-political events and discussions, their prosecution, to a certain extent, is connected to their relatively “provocative” political stance. However, from this following counter-example, a permit is only required for assembly with political purposes identified in the Singaporean context. In 2009, there was an assembly-procession on Orchard Road, which is a public place, by a group of about 40 teenage fans of the Korean popular music group 2PM, who aimed to show their solidarity for a dispute between a member of 2PM and his management company. They did apply for a permit for the event, but the Police replied that no permit was required as

it was “not ‘political’ in nature” (Chua, 2012). In this case, the politicization of popular culture was not the concern of the Singapore Police with their interpretation of the laws. Thus, this shows that there is room for legal interpretation because of social norms and the socio-political conditions.¹²

A One-Man Political Procession Outside of the Speakers’ Corner: His Act and Supporters’ Reactions During the Trial at the State Court

The previous two examples clearly state that any political assemblies with more than five people in a public space, outside of the Corner, in Singapore requires a permit; however, still, there are exceptions. There are a handful of cases where some activists, both intentionally and unintentionally, challenge the laws by having a “political-in-nature” assembly or procession with less than five people in a public space without a permit, or even just wearing a t-shirt with “political-in-nature” words to participate in a non-political event. People involved were arrested, but, even multi-arrestments, did not stop their actions; Chee and Palay are well-known in the politics or arts circles for this.

In October 2017, Palay committed another act, intentionally or unintentionally, to test the interpretation of the laws. According to the report on *Straits Times*, he obtained a permit to conduct his solo arts performance “32 Years: The Interrogation of a Mirror” commemorating political prisoner Chia Thye Poh’s imprisonment under the Internal Security Act (“the ISA,” which allows detaining anyone without trial) at the Corner (Stolarchuk, 2018). He was prosecuted because he continued his performance while walking away from the Park towards the National Gallery and Parliament without a permit: “He was convicted and fined \$2,500 under the POA...but he refused to pay. This triggered a default sentence of a two-week jail term” after a two-day trial (Koh, 2018). In this case, he either led a spontaneous procession after his performance in the Corner, or purposely did not apply for a permit for his procession outside of the Corner. It is notable, too, that he was prosecuted under the POA, but not the MOA or MOR, which does not share the more-than-five-participants rule. Therefore, whether Palay’s act had or had not attracted any public attention for spontaneous gathering outside of the Corner, does not affect the prosecution.

The first day of trial was held on September 26th, 2018, at the State Court. I could not enter the court room because of limited seating; instead, I observed the reactions of his supporters, mainly from the arts and activists’ community, along the corridor and the sitting area outside the court during the trial. The State Court is not a public space, but a place filled with visual and physical surveillance and law enforcers – this group of activists-supporters were still voicing their concerns and attempting to challenge the laws under such pressurized atmosphere. Because the trial was held in a small court room, the activists first raised the concern by gathering outside of the court room and “making noise”: they routinely opened the court room door, stepped in, peeked into the room, and came back out for multiple times. A staff of the court came out and the two parties somewhat had a negotiation:

Staff: The court is full, please stay outside.

Supporter A: Is the judge aware of this situation and is it possible to change a court?

Staff: The judge is aware of this. But all other courts are in use, so we cannot change to another court.

(Supporter B, whispered: Last time they changed the court.)

¹² Cf. Chapter 1 of Barak (2005) for different types of legal interpretations.

Supporter C: Can the [court] door be opened?

Staff: No, the door should be closed.

Supporter A: Isn't it an open hearing?

Staff: Yes, but the door needs to be closed.

The staff then walked back in and locked the door. The supporters could only peek through the small glass window on the door from time to time; no sounds in the court room could be heard, even though there was just a door of separation. In a few minutes, while a few guards walked past several times, a police officer came, broke into the crowd, and stood right in front of the court door. Then, the supporters moved to the nearby sitting area. The sitting area became a temporary discussion space of Palay's case, Singapore laws, how other related assembly/procession cases with "political" metaphors were treated, and the arrangement for note-taking in the two-day trials for Palay. More than one discussion, in intimate private group settings or rather publicly-opened, with less/more than five people, occurred at the same time. Though police officers and guards kept walking around and seemed to check on the group frequently, the supporters demonstrated no fears and continued their spontaneous "political assemblies" in the State Court. This time, no permit was held and no supporters were arrested—and assembly persisted.

Conclusion

The above examples demonstrate the power struggles between the opposition and the government reflected in the laws of space. The tension between politics and politics of space in connection with the interpretation of laws is obvious in Singapore. In Singapore, specifically, politics/political aim is related to social norms and the socio-political context established by the one-party dominated government since 1959. The rules for having legal assemblies and processions in any public places in Singapore are inscribed in Rule 2(1) and Rule 5 of the MOR, Rule 2 and Rule 5(1) of the MOA, and Rule 8 of the POA. In summary, a permit must be obtained in advance, regardless of the number of participants, in any public places of Singapore. The number of participants is no longer a main factor of prosecution as shown by the court case *Chee Soon Juan and others v Public Prosecutor* ([2012] SGHC 109) as well as many more cases. Instead, prosecution is often reserved for cases in which a challenge, perceived or real, is made to the ruling party's authority. These also show some Singaporeans' eagerness for such attempts to challenge existing laws and ideology. Each attempt is an experiment to test whether the nature of politics and/or interpretation of laws have shifted. Moreover, as Lefebvre suggests, every space is the venue of power struggle and can be political.

The mental-psychological pressure to voice socio-political opinions has been cultivated and built across generations of Singaporeans in this social-physical space. This is reflected by various political operations to detain people with an opposite political stance under the ISA, and the zero to low portion of elected MPs who are members of political parties other than the PAP's since 1968. In addition to historical events, current laws and physical public spaces in Singapore should also be taken into account. Speaking in the nation's one-and-only permit-free Corner may not be that free: The Police Post and Courts located nearby place significant mental burdens on speakers. To extend this idea physically (to the rest of Singapore islandwide) and ideologically (to all Singaporeans), the symbolic representation or underrepresentation of the freedom of speech and the freedom of assembly depends on how laws are interpreted and how "political" acts are carried out in this constructed space called Singapore.

Acknowledgements

I would like to thank Professor John N. Erni of Hong Kong Baptist University and Professor Audrey Yue of National University of Singapore for their advice on the completion of this article. My appreciation also goes to Timothy Maddocks, Kallan Sorensen, Joy Wang, and Katie Au, for reading and commenting on the drafts.

References

- 2 arrested for protest. (2009, January 12). *The Online Citizen*. Retrieved from <https://www.theonlinecitizen.com/2009/01/12/2-arrested-for-protest/>
- Barak, A. (2005). *Purposive interpretation in law*. (S. Bashi, Trans.). Princeton: Princeton University Press. <https://doi.org/10.1515/9781400841264>
- Bishop, R., Phillips, J., & Yeo, W.-W. (2004). Beyond description: Singapore space historicity. In R. Bishop, J. Phillips & W.-W. Yeo (Eds.) *Beyond description: Singapore space historicity* (pp. 1–16). London; New York: Routledge.
- Bosse, J., & Sørensen, H. A. (2014, August 13). The way I see it, there are actually serious contradictions between democracy and liberalism – Reflections: Chua Beng Huat. *The Question Today*. Retrieved from <https://www.thequestiontoday.com/2014/%E2%80%9Cthe-way-i-see-it-there-are-actually-serious-contradictions-between-democracy-and-liberalism%E2%80%9D-reflections-interview-with-chua-beng-huat/>
- Butler, C. (2009). Critical legal studies and the politics of space. *Social & Legal Studies*, 18(3), 313–332. <https://doi.org/10.1177/0964663909339084>
- Chan, H. C. (1971). *Nation-building in Southeast Asia: The Singapore case*. Singapore: Institute of Southeast Asian Studies.
- Chan, H. C. (1975). *Politics in an administrative state: Where has the politics gone?* Singapore: Dept. of Political Science, University of Singapore.
- Chan, H. C. (1976). *The dynamics of one party dominance: The PAP at the grass-roots*. Singapore: Singapore University Press.
- Chng, S. T., Low, Y. L., & Teo, S. L. (2017). *1987: Singapore's Marxist conspiracy 30 years on*. Singapore: Function 8 Limited.
- Chua, B. H. (1994). Arrested development: Democratisation in Singapore. *Third World Quarterly*, 15(4), 655–668. <https://doi.org/10.1080/01436599408420402>
- Chua, B. H. (1995). *Communitarian ideology and democracy in Singapore*. London: Routledge.
- Chua, B. H. (2017). *Liberalism disavowed: Communitarianism and state capitalism in Singapore*. Singapore: NUS Press; New York: Cornell University Press.
- Chua, B. H. (2012). *Structure, audience and soft power in East Asian pop culture*. Hong Kong: Hong Kong University Press. <https://doi.org/10.5790/hongkong/9789888139033.001.0001>
- Chua, L. H. (2000, March 18). A speakers' corner at Bras Basah Park? *Straits Times*.
- Elden, S. (2007). There is a politics of space because space is political: Henri Lefebvre and the production of space. *Radical Philosophy Review*, 10(2), 101–116. <https://doi.org/10.5840/radphilrev20071022>
- Foucault, M., & Sheridan, A. M. (1977). *Discipline and punish: The birth of the prison*. New York: Pantheon Books.
- Foucault, M., & Sheridan, A. M. (1973). *The birth of the clinic: An archaeology of medical perception*. New York: Pantheon Books.

- George, C. (2000). *Singapore: The air-conditioned nation; Essays on the politics of comfort and control 1990-2000*. Singapore: Landmark Books.
- Grbin, M. (2015). Foucault and space. *Социолошки преглед*, XLIX(3), 305–312.
- Han, K. (2018, May 19). No solo protests allowed in Singapore. *Asia Times*. Retrieved from <http://www.atimes.com/article/no-solo-protests-allowed-in-singapore/>
- Human Rights Watch. (2017, December 13). Singapore: Laws chill free speech, assembly. Retrieved from <https://www.hrw.org/news/2017/12/13/singapore-laws-chill-free-speech-assembly>
- Koh, F. (2018, October 4). Illegal procession: Activist refuses to pay fine, gets jail. *Straits Times*. Retrieved from <https://www.straitstimes.com/singapore/courts-crime/illegal-procession-activist-refuses-to-pay-fine-gets-jail>
- Lefebvre, H. (1991[1974]). *The Production of Space*. Oxford; Cambridge, MA: Blackwell.
- Leong, W. K. (2000, March 19). Singapore's very own speakers' corner.... *Straits Times*. p. unknown.
- Lydgate, C. (2003). *Lee's law: How Singapore crushes dissent*. Melbourne: Scribe Publications.
- Miscellaneous Offences (Public Order and Nuisance) Acts. (1997). Retrieved from <https://sso.agc.gov.sg/Act/MOPONA1906/Historical/20050610>
- Miscellaneous Offences (Public Order and Nuisance) (Assemblies and Processions) Rules. (2000). Retrieved from <https://sso.agc.gov.sg/SL/MOPONA1906-R1/Historical/20080901>
- Mutalib, H. (2003). *Parties and politics: A study of opposition parties and the PAP in Singapore*. Singapore: Eastern Universities Press.
- National Library Board. (2014a). History of general elections in Singapore. Retrieved from http://eresources.nlb.gov.sg/infopedia/articles/SIP_549_2004-12-28.html
- National Library Board. (2014b). Speakers' corner. Retrieved from http://eresources.nlb.gov.sg/infopedia/articles/SIP_515_2005-01-25.html
- No licence needed at Speakers' Corner. (2000, April 26). *Straits Times*. p. unknown.
- Public Order Act. (2009). Public Order Regulations. Retrieved from <https://sso.agc.gov.sg/SL/POA2009-S487-2009/Historical/20091009>
- Rodan, G. (1996). State—society relations and political opposition in Singapore. In G. Rodan (Ed.) *Political oppositions in industrialising Asia* (pp. 78-103). London; New York: Routledge.
- Singapore Elections. (2018). *Political parties in Singapore*. Retrieved from <http://www.singapore-elections.com/political-parties.html>
- Singapore Police Force. (2000). News release. Retrieved from <http://www.nas.gov.sg/archivesonline/speeches/view.html?filename=2000081004.htm>
- Stolarchuk, J. (2018, October 4). Artist sentenced to two weeks jail for art piece of on ex-ISA detainee Chia Thye Poh. *The Independent Singapore*. Retrieved from <http://theindependent.sg/artist-sentenced-to-two-weeks-jail-for-art-piece-of-on-ex-isa-detainee-chia-thye-poh/>

- Tay, S. S. C. (2004). Imagining Freedom. In K. C. Ban, A. G.-I. Pakir Sim, & C. K. Tong (Eds.) *Imagining Singapore* (pp. 81–105). Singapore: Eastern Universities Press.
- Tay, T. (2018, October 19). Speech at the “Practices of alternative art spaces and transitional politics in Asia” symposium, Singapore Art Museum at 8Q, Singapore.
- The green that ended Yew Hock govt. (2000, April 26). *Straits Times*. p. unknown.
- The toilet attendant, the disinvented speaker and the moving escalator. (2018, October 29). *Straits Times*. p. unknown.
- Thio, L.-A. (2004). Rule of law within a non-liberal “communitarian” democracy. In R. P. Peerenboom (Ed.) *Asian discourses of rule of law: Theories and implementation of rule of law in twelve Asian countries, France and the U.S.* (pp. 183–224). London; New York: RoutledgeCurzon.
- TOC breaking news: 4 SDP members arrested outside Istana. (2007, October 8). *The Online Citizen*. Retrieved from <https://theonlinecitizen.wordpress.com/2007/10/08/toc-breaking-news-4-sdp-members-arrested-outside-istana/>
- Wong, S. (2000). *Speak! or forever hold thy peace: Speaker’s corner and free speech in Singapore*. Honours Thesis, National University of Singapore.
- Your choice of speakers’ corner. (2000, March 21). *Straits Times*. p. unknown.
- Yue, A., & Leung, H. H.-S. (2017). Notes towards the queer Asian city: Singapore and Hong Kong. *Urban Studies*, 54(3), 747–764. <https://doi.org/10.1177/0042098015602996>
- Zieleniec, A. (2018). Lefebvre’s politics of space: Planning the urban as oeuvre. *Urban Planning*, 3(3), 5–15. <https://doi.org/10.17645/up.v3i3.1343>

Corresponding author: Hei Ting Wong

Contact email: htwong@u.nus.edu