Flogging Gum: Cultural Imaginaries and Postcoloniality in Singapore's Rule of Law

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Introduction

One of the funny things about living in the United States is that people say to me: 'Singapore? Isn't that where they flog you for chewing gum?' – and I am always tempted to say yes. This question reveals what sticks in the popular US cultural imaginary about tiny, faraway Singapore. It is based on two events: first, in 1992, the sale of chewing gum was banned (*Sale of Food* [*Prohibition of Chewing Gum*] *Regulations* 1992), and second, in 1994, 18 year-old US citizen, Michael Fay, convicted of vandalism for having spray-painted some cars was sentenced to six strokes of the cane (*Michael Peter Fay v Public Prosecutor*).[1] If Singapore already had a reputation for being a nanny state, then these two events simultaneously sharpened that reputation and confused the stories into the composite image through which Americans situate Singaporeans.

Significantly, the memorable shock-and-awe legality of being flogged for chewing gum also reveals what sticks in the craw of the Singapore state when it comes to conceding its sovereign autonomy. In Fay's case, the Singapore state resisted pressure from the US, insisting that a US citizen in Singapore was subject to the law, just like anyone else; yet, despite this, a concession was extended. In response to a plea from President Clinton, Singapore granted a partial clemency: instead

of six strokes of the cane, Fay received four (*Business Times* May 5 1994). Ten years later, when a US-Singapore Free Trade Agreement was being negotiated and pressure was put on Singapore to revoke the ban on the sale of chewing gum, a concession featured yet again: the general ban on chewing gum sales remains, but an exception has been created; "therapeutic gum" may now be sold (*Sale of Food* [*Prohibition of Chewing Gum] Regulations* 2004).

Does Singapore's extension of concessions to the US point to the way sovereign autonomy is an abstraction that collapses under the pressure of realpolitik and post-colonial dependencies? Does the official US critique of the caning of Fay (Congressional Record Volume 140 Issue 53 May 5 1994) and the implication that banning the sale of chewing gum is somehow illegitimate mean that 'the West' retains the ascendancy to determine the content and practices of rule of law, or can the post-colonial nation-state be author and authority when it comes to the compound and contested meanings of 'rule of law'?

These questions will frame this paper's explorations of the cultural imaginaries of rule of law embedded in the image of a jurisdiction that some think of as the country that 'canes those who chew gum'. In doing so, I will outline connections between post-World War Two colonial rule and British commercial interests in Malayan rubber, the 1948 declaration of the Malayan Emergency, the 1966 anti-Left measures imposed by the newly independent Singapore, the 1992 ban on the sale of chewing gum in Singapore, the 1994 'Asian Values' discourse used to justify the corporal punishment of Michael Fay, and a 2004 Free Trade Agreement between the US and Singapore that paid a ridiculous amount of attention to chewing gum. This thread reveals continuities between colonial and post-colonial law privileging state power and power-aligned commercial interests. And if the US is regarded as the contemporary colonial ruler, then it is unsurprising that the US should play a role in this story.

Analytically, this paper is informed by Critical Discourse Analysis,[2] and Foucaultian theorizing on language (1972; 1976). This approach regards language use as 'a socially and historically situated mode of

action in a dialectical relationship with other facets of the social' (Fairclough 1995: 54). Language choices and power relations in society are perceived as co-determined (Fairclough 1989) and language is treated as the site of a power/knowledge conjunction (Foucault 1972). Thus, engaging the question of cultural imaginaries of the rule of law in Singapore involves examining the role of language, context, social actors and arenas, institutional and individual identities, ideologies, and relations of power, in the construction and perpetuation of 'law' and 'rule of law'.

My analysis is also strongly shaped by post-colonial theory, in particular, Homi Bhabha's (1994) theorising on the complexities and ambivalences of colonial mimicry such that 'mimicry is at once resemblance and menace' (Bhabha 1994: 123). Are the Singapore-US encounters traced by this paper illustrative of the impossibility of liberation from post-colonial binaries? When postcolonial Singapore assumes the ascendancy to instruct 'the West', is it trapped in a dynamic of mimicry in which the postcolonial invention is but an *inversion*; with the postcolony appropriating the coloniser's disdain for the colonised? But before detailing the ways in which banned chewing gum sales and corporal punishment for vandalism articulate post-colonial mimicry, I should first present a framework for understanding Singapore.

1 Contextualising Rule of Law in Singapore

Singapore, a tiny island at the southern tip of the Malaysian peninsula, was a British colony from 1819 until 1959, when it was granted limited self-government. In 1963, Singapore became fully independent of the British when it joined the newly constituted Federation of Malaysia. In 1965, when the Federation ejected Singapore, Singapore became a sovereign republic. Like much of the Southeast Asian region, Singapore came under the Japanese during World War Two. When the British returned in 1945, the political landscape had changed. Domestically, the political Left had grown in power (Harper 2001; Poh et al 2013). Internationally, anti-colonial independence movements were an impassioned force for change even as the Cold War made the

West and its allies anxious about the susceptibility of a decolonising Singapore and Malaya to Chinese influence (Harper 2001; Hong & Huang 2008; Wade 2013).

In July 1948, in response to the murder of three British rubber plantation managers who had refused to settle disputes with striking rubber tappers (Chin & Hack 2004: 116), the British declared a state of emergency. The colonial *Emergency Regulations* 1948 suspended habeas corpus and enabled the state to conduct detention without trial. While it has become commonplace to characterise the Malayan Emergency (1948-1960) as a measure wisely declared by the colonial government in order to maintain law and order in an unstable post-war Malaya, thereby preventing devious Communists from unleashing violence and mayhem,[3] Tim Harper's careful study assess it differently,

> The Malayan Emergency was fought in large part to make Southeast Asia safe for British business. Although naked economic exploitation was no longer tolerable, as independence approached, a tight network of expatriate Agency Houses and secretarial firms continued to dominate ... the Malayan economy. Malaya, of course, lacked the vocal settler interest of the East African colonies. However, there were powerful assaults from European interests on official policy ... The Malayan Planting Industry Employers' Association's members controlled over 1,6000,000 acres of rubber in 1956. Business interests in 1950 successfully obstructed the implementation of a new export duty designed to finance the Emergency; and fought a running battle against income tax and contributions to replanting. They defended themselves against charges of making outsized profits and against the bogey of nationalism (Harper 1999: 200-201).

In short, global capital, in its colonial form, was at the heart of the enterprise of Emergency. This centrality of commerce to the Emergency becomes important to highlight for two reasons. First, it is unacknowledged in the official narratives of Emergency generated by both the colonial and the post-colonial states; and second, the Malayan Emergency has been a crucial founding moment for structural and ideological features of a Singapore mode of law and politics.[4]

In his compelling analysis of Singapore's legal system, Kanishka Jayasuriya adopts Fraenkel's concept of the Nazi dual state combining 'the rational calculation demanded by the operation of the capitalist economy within the authoritarian shell of the state' (2001: 119) to argue that Singapore exemplifies a contemporary dual state in which 'economic liberalism is enjoined to political illiberalism' (2001: 120). Jayasuriya points out that the Emergency template for law – repressing civil and political rights while protecting business and commerce – provide the foundation for Singapore's dual state legality (1999; 2001).

The years immediately following World War Two were crucial and founding for rule of law in Singapore in a second sense. These years mark the moment when, in the Cold War context of the trajectory towards decolonisation, the British are believed to have fostered an alliance with one section of emerging political elites: the English-speaking, English-educated faction of the People's Action Party (PAP).[5] Founded in 1954, the early years of the PAP were marked by the uneasy coexistence of two distinct factions: the Chinese-speaking, Chinese-educated, more working class and Left-leaning faction led by Lim Chin Siong, and the more elite, English-educated faction of the PAP, led by Lee Kuan Yew (Wee 1999; Mutalib 2005; Hong & Huang 2008). Typically, the English-educated faction were products of Singapore's elite schools, and went on to receive their university educations in England (Sai & Huang 1999; Chua 2008; Hong & Huang 2008). The most pre-eminent among these individuals, Singapore's first and long-time prime minister, Lee Kuan Yew, received his Law degree from Cambridge, was called to the Bar at the Middle Temple, and in many ways has an enduring but ambivalent admiration for the British and 'the West' (Barr 2000; Rajah 2012).

In 1961, the more working class, Chinese-speaking, Left-wing faction broke away from the PAP to form the main opposition party, the Barisan Sosialis (Mutalib 2005). In the region, with Left-leaning anti-imperialist Sukarno at the helm of the vast population of Indonesia, and China not so far away, the West was convinced that the Red Tide was on the cusp of moving down Southeast Asia, from Vietnam, through

Thailand, Malaysia and Singapore to arrive at the doorstep of (white) Australia (Wade 2010: 12).

In September 1963, in this Cold War climate of extreme fear of Communism, a crucial general election was to be held. Eight months before the elections, the PAP are believed to have colluded with the British to effect the detentions without trial of at least 133 individuals (Poh et al 2013: xvii). While state accounts characterise these individuals as dangerous Communists, counter-narratives assert that the PAP targeted its political opponents, primarily Barisan Sosialis activists, trade unionists, and journalists.[6] This major event, Operation Coldstore, decimated the leadership of the Barisan Sosialis, and, in some assessments, eviscerated the Left.[7] The Left was never to regain its strength or its promise. Aided to electoral success by its alliance with the colonial security apparatus of emergency legal exceptionalism, the PAP has consolidated its rule and its power, governing Singapore from 1959 to the present, monopolising the sphere of politics to shape Singapore into an authoritarian state (Rodan 2004). One of the ways the PAP has achieved this long-standing rule is by appropriating the shell of the Westminster model of government even as it denudes these institutions of their capacity to restrain state power (Rodan 2005).

At the same time, Singapore's quite spectacular trajectory from third world to first (Lee 2000) under PAP rule has involved 'law *for* development' (Harding & Carter 2003: 191), with sustained economic growth and social stability. For the PAP, the delivery of prosperity has been its primary legitimising imprimatur (Low 1998; Tan 1999; Austin 2008) but, and this is an important qualification, the careful adherence to strategically selected facets of 'rule of law' has been an important partner to prosperity in the PAP's construction of its legitimacy (Rajah 2012). The Singapore-specific account of 'rule of law' and dual state legality effected by the Singapore state owe much to the colonial state and might be understood through the lens of law as mimicry.

2 Postcolonial Mimicry and Rule of Law

Together, the 1948 colonial *Emergency Regulations*, enacted to protect

British business, and the 1963 application of the *Emergency Regulations* through Operation Coldstore, point to the role of law in the deeply un-democratic foundations of Singapore. For entwined reasons of commercial and political power, colonial Emergency legislation has been the vehicle of the *appearance* of democratic legitimacy.[8] It has achieved this by removing contenders deemed unacceptable from the electoral playing field, thereby ensuring the success of the colonial state's preferred successor: colonised elites who, in terms of their education, conduct, beliefs, and language, seem embodiments of Macaulay's (in) famous governance plan to manage the colonised masses of India through a complicit, colonised elite, 'a class of persons Indian in blood and colour, but English in tastes, opinions, in morals, and in intellect' (Macaulay 1835).

Homi Bhabha (1994) draws on Macaulay's text (among others) to describe colonial mimicry as discourse that encourages the colonised Other to adopt the coloniser's conduct, beliefs, institutions, culture, and ways of being. Post-colonial Singapore offers rich illustrations of the many ways in which law as mimicry is at work. For example, as a polity, Singapore takes the form of a nation-state modelled on the Westminster parliamentary democracy, with a Constitution guaranteeing fundamental liberties and entrenching the separation of powers. Until 1993, judges wore 'heavy red robes, full-bottomed wigs, and stiff collars' (*Straits Times* January 10 1993: 21). Robes are still worn by judges, and when appearing in open court, lawyers must wear a gown over their suits – professional practices revealing the extent to which mimicry shapes the Singapore culture of law and legal institutions. And while, on paper, English is one of four official languages, in practice, English is the privileged, and the primary working language of Singapore (PuruShotam 1998; Pakir 2004).

Operation Coldstore's elimination of the predominantly Chinese-speaking, working class, Left-leaning political activists suggests that the colonial state acted to eradicate those who refused to mimic. Had they won the elections, the Chinese-speaking Left-wing socialists were political actors who are likely to have shepherded and allied post-

colonial Singapore very differently in terms of defence, commerce, and culture. Mimicry however, is not simply a colonial imposition upon passively receiving subjects. Even as the colonised subject is wrapped in discursive webs instructing the colonised to be more like the coloniser, the colonised subject seizes upon the ambivalence of the colonial desire for 'a reformed, recognizable Other, *as a subject of a difference that is almost the same, but not quite*' (Bhabha 1994: 122). This ambivalence unsettles the authority and certainty of colonial discourse, generating 'this area between mimicry and mockery, where the reforming, civilizing mission is threatened by the displacing gaze of its disciplinary double ... so that mimicry is at once resemblance and menace' (Bhabha 1994: 123). What is at stake when resemblance and menace unfold simultaneously via mimicry in post-colonial Singapore's decision to ban the sale of chewing gum? Bearing in mind that the coloniser constructed the colonised as lacking a range of desirable attributes, including order, hygiene, discipline, and moral fibre, (Merry 2004), does banning gum represent an effort to be reformed and resemble the coloniser by being clean, orderly, and hygienic even as it menaces the 'West' by finding its commodity and consumption habits unclean?

Long before the 1992 ban on the sale of gum, cleanliness had featured in a wide range of policies and practices that have been central to nation-building (Mutalib 2004). The Singapore National Library electronic encyclopaedia lists nineteen 'clean campaigns' from 1958, the early days of limited self-government, to 1988, a time at which the apparent economic miracle of Singapore had already been spectacularly performed (Chia & Lim 2008). Singapore's formative decades have been strongly directed at the project of a reformative 'cleaning' in one way or another. The project of nation-making has been enmeshed with the project of becoming and staying 'clean' from the ideological pillar of clean, corruption-free government (Lee 2000; Quah 2009), to major infrastructural programmes like public health and housing,[9] to the programmatic socialisation of the citizenry through public campaigns (the Keep Singapore Clean Campaign, the anti-spitting campaign, the Courtesy Campaign).

When it comes to keeping Singapore clean, chewing gum has been legislatively and bureaucratically treated as a substance akin to tobacco. In 1970, legislation was passed to prohibit smoking in certain enclosed public spaces, like cinemas and buses (col. 57-66 *Singapore Parliament Reports* May 21 1970)[10] and to prohibit advertising tobacco products (col. 432-450 *Singapore Parliament Reports* December 12 1970) with the Minister for Culture explaining to Parliament that 'we in Singapore ... are sparing no effort to create a clean and pollution-free environment for our people' (Jek, col. 432 *Singapore Parliament Reports* December 12 1970). Six years later, in 1976, the Department of Civil Aviation announced it was banning the sale of chewing gum at the airport in order to 'improve the general appearance of the airport lobby' and reduce the 'distress' caused by the struggle to clean chewed gum off floors (*Straits Times* November 25 1976: 17). At some point thereafter, (but before 1983), gum sales were banned in schools (*Straits Times* November 21 1983: 9). Then, in 1983, radio and television stopped broadcasting chewing gum advertisements at the request of the government (*Straits Times* November 21 1983: 9). As this removal of revenue from advertising was announced, the government also broached the possibility of banning gum sales altogether, explaining that the public housing authority was spending (Singapore) $150,000 annually 'removing chewing gum stuck on floors and walls' in the communal spaces of public housing, and that Singapore would be unconcerned with international opinion when it came to taking measures that would 'improve our environment' (*Straits Times* November 21 1983: 9). Two days later, the *Straits Times* ran an editorial on the ban, using the terms 'gum-vandal' and 'chewing gum vandalism', arguing that gum sales should not be banned because existing legislation on littering and vandalism could effectively deal with the problem of 'gum-vandals' (*Straits Times* November 23 1983: 20).

3 Vandalism and the Clean Nation

The characterisation of improperly disposed-of gum as a form of vandalism invokes the *Vandalism Act*, and law's authorising of harsh

punishments to correct the problems of nation. Enacted in 1966, when Singapore was just one year old as nation, Parliament was told that the Punishment for Vandalism Bill, a new law providing severe penalties – imprisonment, caning, large fines – for the newly named offence of vandalism, was needed because criminal elements were squandering the young nation's scarce resources in two ways: first, by painting anti-social, anti-national slogans on public property, and second, by stealing copper parts from public amenities such as fountains and electrical fixtures – at a time of world-wide copper shortages (col. 291-303 *Singapore Parliament Reports* August 26 1966). This peculiar combination of justifications for the Bill was accompanied by an ambivalence in the construction of 'the people': those painting slogans and damaging public amenities were understood to be undeserving of the protection of nation, and instead, to be the appropriate target of penal violence. This penal violence would be enacted in order to protect 'the people' whose resources were being wasted through vandalism,

> if we can check the misbehaviour of this minority, then we can move into wider fields of public amenities with greater confidence that, first the expenditure will not be wasted, and, second, the maintenance will be what the planners estimate it to be and not what we subsequently find ourselves carrying (Lee col. 298 *Singapore Parliament Reports* August 26 1966).

This theme of justifying punishment through a privileging of prudence and efficiency, alongside an abhorrence of waste, so explicitly articulated in this 1966 argument, was to become a recurring theme in the ideology of law and nation. For example, thirteen years later, in broaching the possibility of banning the sale of gum, the Environment Minister needed only to specify the waste and inefficiency of spending (Singapore) $150,000 a year on cleaning chewed gum off floors and walls to make his point. For now however, to stay with this 1966 moment of the debates on the *Vandalism Act*, the Minister who moved the second reading of the Bill summed up his arguments on the need for this new law thus, 'anyone who loves his country and who loves to see it clean and tidy will not oppose this Bill which is to provide

exemplary punishment for acts of vandalism' (Wee col 293 *Singapore Parliament Reports* August 26 1966).

However, despite this passionate invocation of patriotic love for a clean and tidy country, alongside the development narrative of a young nation investing in public amenities designed to both meet basic needs (electrical fixtures) and install pride through installing objects of beauty (fountains), the Bill appears to have had a more sinister target. Four months before the Bill was tabled in parliament, US troops fighting in South Vietnam (as it then was) entered Singapore on Rest & Recreation leave for the first time (*Straits Times* April 6 1966: 5). The Left-wing party, the Barisan Sosialis protested and campaigned against the presence of the US troops, launching an 'Aid Vietnam Against US Aggression' campaign (*Straits Times* April 10 1966: 4). Denied permits and licenses to conduct its campaign in the legal spaces of nation, the campaign found another way to deliver its message: citizens would wake to find slogans in public spaces expressing pithy sentiments like 'Yankee Go Home' (*Straits Times* May 2 1966: 4).

The Punishment for Vandalism Bill not only named and created 'vandalism' as a new criminal offense (Rajah 2012), it also proposed a new punishment: caning. I say 'new' despite the fact that under the previous colonial state, punishment upon the body was considered an appropriate penal response if the crime was a crime of violence (Fisch 1983; Brown 2003; Yang 2003). The post-colonial Singapore state reinvented caning by making it a punishment for a *property* offence. For the Prime Minister, caning was the only way to deal with an offender of

> a particularly vicious social misdemeanour, ... taking a pot of paint and going to every bus stand and chalking up anti-American or anti-British or pro-Vietcong slogans ... Flaunting the values of his ideology, he is quite prepared to make a martyr of himself and go to gaol. .. But if he knows he is going to get three of the best, I think he will lose a great deal of enthusiasm, because there is little glory attached to the rather humiliating experience of having to be caned (Lee col. 296-297 *Singapore Parliament Reports* August 26 1966).

In criminalising those who made visible their anti-West and pro-Vietcong sentiments, the material and ideological spaces of nation were rendered unavailable to citizen dissent, a move consistent with the colonial state's strategies for dealing with political contestation (Harper 2001). The nation-state's adoption of the coloniser's intolerance of dissent served a double purpose. Not only did the caning and imprisonment of Barisan activists weaken the opposition party and thereby strengthen the ruling party's command of the field of politics, it also protected the economic, political, and defence enmeshments between Singapore and the West. The unacknowledged but absolutely vital resource that was being protected was the alliance between the West and the ruling PAP. The continuing defence reliance on the West (British, Australian, and New Zealand armed forces only withdrew between 1968 and 1973), and the economic policy of wooing Western multinational investment, (using law to managing labour largely so as to be attractive to multinational corporations: Tremewan 1994) meant that the

> initial years of Singapore's postcolonial phase ... marked a shift from colonial rule and domination to a position which was not so much of independence but rather of being 'in-dependence' on forces beyond the island state (Hong & Huang 2008: 4)

To consolidate the protection of this resource – the PAP-West alliance –sentencing under the *Vandalism Act* was made mandatory.

In presenting the rationale for mandatory sentencing to Parliament, Prime Minister Lee Kuan Yew deprecated the courts of nation, and celebrated the courts of colony; an interesting variation on the theme of mimicry in a one year old nation-state. The national courts, Prime Minister Lee said, simply did not understand the political realities of the streets. Lee lamented the fact that the nation-state had not adopted the colonial state's conflation of the judicial and administrative spheres of government;

> I do not think it is possible for us to go back to the old British practice where people who are administrators, having served a term in the business of running the government, then do a spell of two or more

> years on the Bench, and so there is a constant flow or fairly matter-of-fact gentlemen who understand the mechanics of how the system works and know the other side of the coin, not just what happens in the courtroom (Lee col. 296 *Singapore Parliament Reports* August 26 1966).

This longing for the coloniser's combination of judge-administrators simultaneously devalues the separation of powers the Westminster model of government is meant to ensure, and valourises the absolutism of colonial state. There is the mimicry of resemblance in this admiration for the colonial state but also mimicry's other quality, menace, in this insistence that power should be pooled in the hands of the few who act for an all-knowing, all-seeing state. Ironically, the Punishment for Vandalism Bill was debated in the parliament of a democracy founded on the suspension of habeas corpus; a parliament occupied only by the ruling party. Of the four members who spoke on the Bill, three were cabinet ministers. Even the one backbencher who questioned the trust in deterrent punishment made it a point to stress that he supported the Bill. Additionally, in providing for mandatory punishment, the political-administrative arm of state was emasculating the judiciary and growing the resemblance between the absolutist colonial state and the supposed separation of powers of the nation-state.

4 Mimicry and Binaries

Mimicry of colonial discourse is also evident in the colonial stance adopted by the new prime minister and his cabinet, when they engage in othering (Spivak 1985) and subordinating (non-elite) citizens, characterising these citizens as needing discipline and management in sometimes brute, but always binaried ways:

> I know how strongly the profession and the penologists are against caning. But we have a society which, unfortunately, I think, understands only two things – the incentive and the deterrent. We intend to use both, the carrot and the stick (Lee col. 296 *Singapore Parliament Reports* August 26 1966).

Edward Said's seminal analysis in *Orientalism* (1978) establishes the centrality of binaries to the ways in which colonial discourses

construct hierarchies of domination and subordination that reproduce, legitimise, and normalise the violence and exclusions that mark the encounter between coloniser and colonised. In Prime Minister Lee's explanation as to the need for corporal punishment, there are echoes of colonial conviction that primitive, barbaric peoples 'understood force or violence best' (Said 1994: xi).

In Parliament, the repeated concern that the material spaces of nation should not be violated, with damage to fountains, electrical fixtures, and bus stands offered as examples of 'people of ill-will smearing and defacing our fair city' (Wee col. 291 *Singapore Parliament Reports* August 26 1966) the colonial theme of 'bringing civilization to primitive or barbaric peoples' (Said 1994: ix) is renewed, but through a seemingly (unimpeachable) developmentalist cast and a move away from the politics of red paint and pro-Vietcong slogans towards the unity of nation-making:

> If we can check the misbehaviour of this minority, then we can move into wider fields of public amenities with greater confidence that, first, the expenditure will not be wasted, and, second, the maintenance will be what the planners estimate it to be (Lee col. 298 *Singapore Parliament Reports* August 26 1966).

In reproducing the Othering of the colonial conviction that harsh punishment is needed because Singapore's new citizens respond only to the carrot and the stick (Lee col. 296 *Singapore Parliament Reports* August 26 1966), Lee illustrates Fanon's argument about the ideological extensions of colonial oppression that unfold when the 'native' elite, shaped by the coloniser's schools, language, manners, and beliefs, steps into the shoes vacated by the colonial master, and, in adopting the position of leadership, adopts the coloniser's deprecations of non-elite populations (Fanon 1963). Implicit to the new government's assurance that citizens in the new nation must be managed through the certainties of carrots and sticks, is an oppressive national extension of the colonial binary of us and them.

The oppositional dynamic of binaries is put to work in another interesting way with the categories of delible and indelible. Section 3

of the proposed Act provides for the mandatory caning of the convicted vandal with the exception that, if the vandalism relates to public property and it is a first conviction, and 'the writing, drawing, mark or inscription is done with pencil, crayon, chalk or other delible substance or thing and not with paint, tar or other indelible substance or thing' (s 3(a)), then caning is not imposed. Given that much of colonial law and administration seized upon the regulatory practices of modernist bureaucracy, creating knowledge of the colonised through the apparent neutrality of classification, categories and codes (Merry 2004), and that law's historically-embedded claim is that a ruler's arbitrary power must be restrained through law's 'reason', as articulated by the courts (Kahn 1999: 9), then there is surely a claim to legitimacy and restrained power in the texture of reason that attaches to the apparent neutrality of delible and indelible,

> The Bill makes a clear distinction between what is considered a lesser offence, something which just dirties up the wall – which is delible – and where you deliberately seek to mess up the place from time to time with red paint, which is a very difficult substance to eradicate, on bus shelters and public buildings. Large sums of money are expended in order to remove the unsightly scars which they leave behind (Lee col. 296 *Singapore Parliament Reports* August 26 1966).

This seemingly technical and reasoned distinction between delible and indelible substances shifts attention away from the ideological significance of red paint on public buildings (as expressions of Left-wing dissent), to the apparent dispassion and neutrality of the delible and indelible distinction. The Prime Minister's argument also articulates an alarming logic correlating punishment to cost: the more it costs the state to remove the substance, the harsher the punishment must be, such that the body of the nation and the body of the citizen-vandal are engaged in a sinister exchange, with the unsightly mark on a building matched by the painful mark left by the cane lashing the body.

This appropriation of the language of reason through delible and indelible is rich in irony because, rather than 'reason' exalting courts over the state and in keeping with the history of judicial exaltations

of reason (Kahn 1999), the nation-state amplifies its own power and restrains the courts, celebrating the absolutism of the colonial state in the process. The complexities and ambivalences of mimicry are thus very much at work in the construction of the seeming clarity of delible and indelible.

5 The Post-colonial Pollution of Chewing Gum

The complexities of postcoloniality, mimicry, and rule of law, so richly illustrated by the 1966 enactment of the *Vandalism Act*, continued to unfold in Singapore's discourses of cleanliness, often reinscribing the oscillations between resemblance and menace that characterise mimicry. For example, alongside the mimicry of reformation in the post-colonial nation setting out to become clean, there is also possibly menace towards 'the West' in the former colonial subject's assumption of the ascendancy to assess 'the West' as unclean. In 1970, because the state was convinced that Singapore's youth were at risk of being polluted by a class of men defined as 'dirty and untidy-looking people with long, unkempt hair and beard' (Rodrigo col. 547 *Singapore Parliament Reports* August 3 1971), Singapore began to refuse entry to these so-called 'foreign hippies'. In the context of the Singapore of the early 1970s, with Prime Minister Lee deprecating 'the West' as the site of 'urban guerrillas, drugs, free love and hippieism' (Lee 1971) this 'foreigner' is likely to have been understood as a 'white' 'Westerner'. If, in general, state discourse constructed moral pollution as emanating from 'the West' (Hong & Huang 2008; Rajah 2012), then, banning the sale of that 'Western' commodity chewing gum extends the policing of 'Western' pollutants from moral and embodied spaces, to the material spaces of nation. In turn, the pressure the US put on Singapore in 2003 to revoke the ban on the sale of chewing gum suggests that the post-colonial state menaces 'the West' by finding 'the West' unclean.

The sale of chewing gum was banned in January 1992, some four years after Singapore's Mass Rapid Transit (MRT) system started operation, and wads of chewed gum stuck in compartment doors interfered with the sophisticated electronics (Nathan 1991:1),

obstructing the smooth and efficient running of an expensive new system so emblematic of the modernist efficiency, infrastructural reliability, and technocratic precision idealised by the Singapore state.

> Spent gum has been found stuck in MRT trains. SMRT (Singapore Mass Rapid Transit Authorities) has to incur unnecessary cost to remove the chewing gum laboriously. More seriously, spent chewing gum has caused train disruptions as it prevents the train doors from closing. As a result, passengers were inconvenienced (Nathan 1991:1; quoting the Environment Ministry's statement).

The abhorrence of waste, so passionately expressed in the 1966 debates on the *Vandalism Act*, was again at the forefront of this 1992 moment, only this time, without the passion. Perhaps by 1992, it was understood that efficiency and avoiding waste was an uncontroversial matter; best addressed through the terse language of technocracy. In any case, with this new law, the violence of corporal punishment was not in the picture; the same passion of conviction was not required.

On the same day that the Environment Ministry announced the ban on the sale of gum, it issued a second brief statement: amendments would be made to the *Environmental Public Health Act* 'to require all littering offenders to perform public service by cleaning public places that are littered' (*Straits Times* December 31 1991: 1). As with the 1966 parliamentary debates on vandalism, the 1992 discourse of cleanliness, centring on banned gum sales and public cleaning as punishment, is part of a larger discourse of nation, in which cleanliness conjoins with efficiency, discipline, and prudent resource governance, in the hands of a state acting from the tough-minded confidence and the capacity to take unconventional measures in the best interests of the nation. Humiliation, so powerfully and deliberately the goal of the state in setting out to cane 'vandals' in 1966 is a crucial element of the penalty of cleaning litter in public places. The resilience of mimicry is evident in both the ban on the sale of gum as well as the new laws requiring 'litterbugs' to perform penance via the 'public service of cleaning public places' (*Straits Times* December 31 1991: 1). Almost thirty years after Singapore became independent, the state was still infantilising the

citizenry, and still managing citizens through the carrot and the stick.

If the ban on chewing gum sales attracted a measure of ridicule from a watching world (even in Singapore the ban was headline news), it was not until 1994 that the menace attached to the mimicry of post-colonial cleanliness became dramatically performed to a wider audience. In 1994, American teenager Michael Fay was sentenced to six strokes of the cane and four months imprisonment for the offence of vandalism. The same legislative provisions that had been enacted to undermine the Left, were deployed as a platform for an extensive public instruction on 'Asian Values', namely, on how the discipline and respect for authority epitomised by corporal punishment were a necessary bulwark against the indiscipline embodied by Fay the individual, and mirrored by the larger social, economic and moral decline so evident in the West (Rajah 2012).

Fay pleaded guilty to, among other charges, two charges of vandalism involving spraying paint onto cars. At the Subordinate Courts, he was sentenced to four months' jail and six strokes of the cane. Fay's appeal against this sentence was led by Micheal Sherrard QC, the well-known and highly regarded English Queen's Counsel, and heard by Chief Justice Yong Pung How at the High Court (*Fay v Public Prosecutor* [High Court]). Counsel argued that while the *Vandalism Act* provides for mandatory caning when vandalism involves an indelible substance on public property, in the specifics of Fay's offences, because car-care mechanics had been able to remove the spray paint from the two cars relatively easily, these incidents of vandalism involved a *delible* substance. Counsel also highlighted the contextual references of the 1966 parliamentary debates, references aligned to a very different set of geo-political concerns, and focused on protecting public than private property. Consequently, counsel argued, Fay fell outside the parameters set by the Act for the punishment of caning.

The High Court rejected these arguments, relying on English precedent as authority for the plain meaning rule in the interpretation of statutes,

> There is no evidence within the terms of the proviso or indeed

> anywhere else in the Vandalism Act of a Parliamentary intention to subject all acts of vandalism committed with paint to the sort of ad hoc test of indelibility which counsel suggested. 'Paint' is specifically and explicitly mentioned in the proviso; and, as Lord Dunedin held in *Whiteman & Anor. v Sadler*, [1910] AC 514 '(e)xpress enactment shuts the door to further implication'. The proviso is unambiguous in stipulating that an act of vandalism committed with pain, whether it be paint of one type or another, attracts a mandatory minimum of three strokes of the cane. There appeared to me to be no cause to disagree with Lawton LJ's observation in *McCormick v Horsepower Ltd* [1981] 1 WLR 993; [1981] 2 All ER 746 that '(t)he only safe and correct way of construing statutes is to apply the plain meaning of the words'. (*Fay v Public Prosecutor* [High Court])

There is a particular irony to this particular instance of reliance on English precedent: the Chief Justice issued his judgment a mere six weeks or so after the decisive nationalist moment at which the Privy Council was removed from the Singapore court system altogether (col 388-394, *Singapore Parliament Reports* 23 February 1994). In Parliament, the Minister for Law said, 'the time has come for us to cut the last strands of this legal umbilical cord once and for all' (Jayakumar, col. 388 *Singapore Parliament Reports* February 23 1994). But, as the Chief Justice's choice of precedent reveals, for a common law jurisdiction, Mother England remains endlessly the site and source of authority.

If, in 1966, the distinction between delible and indelible helped the enactment appear precise, the vehicle of a legitimising 'reason' in a turn to 'fact', then in 1994, the Chief Justice's robust (and reasoned) rejection of the 'fact' that the spray paint had indeed been removed from the two cars points to the interpretive susceptibility of law to ideology. For the Chief Justice, if the substance is paint, then it is understood to be inherently indelible. The binary of delible and indelible collapses with the Court insisting that primary meaning resides in the category "paint", rather than the attribute of delibility. The discourse of efficiency, and the accompanying abhorrence of waste, so central to the 1966 enactment of the *Vandalism Act*, make a 1994 reappearance,

> [T]o compel the courts to admit in every vandalism case involving paint, a plethora of evidence on the delibility or otherwise of the paint used the offence, seemed to me to be throwing the floodgates open to endless and increasingly convoluted arguments about the exact scientific degree of ease with which any particular type of paint is removed: it is the sort of absurdity virtually guaranteed to thwart the legislative intent, as stated in the preamble, of providing '*exemplary punishment for acts of vandalism*' (*Fay v PP* [High Court]).

There is efficiency in the court's determination that all paint is indelible; that mandatory caning must be consequential upon a conviction for vandalism involving paint. Hearing arguments, and assessing evidence consumes the court's time and resources. Submitting a body to corporal punishment does not. The theme of efficiency is renewed for a different geo-political moment when the court dismisses the arguments relating to delible paint.

Once Fay's case had made its way through the courts, the Singapore state, in a richly generative expression of mimicry, made Fay the centrepiece of public instruction on the range of ways in which 'the West' had slid into social, moral, and economic decline (Rajah 2012). In this account, Fay was treated as the embodiment of the indiscipline of 'the West', with corporal punishment presented as the necessary corrective for this decline. Mimicry is evident, first, in Singapore's appropriation of the colonial stance of ascendancy; lecturing 'the West' instead of being on the receiving end of instruction. And second, the content of the pedagogy scripted by post-colonial Singapore, deprecating 'the West' for its social, economic, and moral decline, adopts the coloniser's expansive disdain for the range of ways in which Other is inadequate and in need of reform.

Because of the media attention the case received in the West, and in particular in the US, this instruction was directed at a double audience: domestic and international. Moreover, because so much of the US response was in the mode of, 'oh surely this barbaric law cannot be applied to one of ours?!', Singapore's response was, in essence, to enforce the law, and to defend its enforcement, as an expression of its sovereign autonomy. This Ministry of Home Affairs statement (issued

on the evening of the day on which Fay had been sentenced), was reported in the *Straits Times*,

> Singaporeans and foreigners are subject to the same laws here ... The Ministry of Foreign Affairs has ... informed the US embassy that the law in Singapore must take its course, and that Fay would be given every opportunity to defend himself with representation by counsel of his choice, and this was what happened. The US embassy has also been told that Singaporeans and foreigners are subject to the same laws in Singapore (*Straits Times* March 4 1994).

Again territorial resources were at stake – not colonial rubber plantations, or the young nation's scarce resources – but instead the metaphorical territory of sovereign legal autonomy, performed under the eye of domestic and international media. Again, it was a stern law that would protect the vulnerable territory; requiring coercion on the body of Fay in order to instruct and protect the nation.

There is, however, a way in which the application of the *Vandalism Act* to Michael Fay is *qualitatively* different from the *Emergency Regulations* and the 1966 applications of the Act against those who sought to "Aid Vietnam Against US Aggression". Global capital did not enter the picture with the flogging of Michael Fay. When it comes to the ban on chewing gum however, something more than a troubled teenager is at stake.

6 Post-colonial Law, Freedom, and Chewing Gum

In 2004, 12 years after it was instituted, the ban on the sale of chewing gum was modified (*Today* March 17 2004; United States-Singapore Free Trade Agreement Article 2.11). At free trade talks between Singapore and the US, US congressman Philip Crane from the state of Illinois – home to chewing gum giant Wrigley – put pressure on Singapore to remove the ban (*BBC News* March 15 2004). Even an official US document describes negotiations over Singapore's import of chewing gum as 'intense' (Nanto 2008: CRS-5). The compromise that was finally arrived at involved the creation of the category of 'therapeutic gum', a term reminiscent of the rationality of delible and

indelible in the *Vandalism Act*. As a result of the FTA, therapeutic gum can now be sold, but only to individuals in possession of a doctor's prescription, or in the presence of a pharmacist (s. 54, *Medicines Act*), with customers supplying proof of identity, and pharmacists maintaining careful records (Khaw col. 160 *Singapore Parliament Reports* June 6 2004).

Singapore's rule of law identity is marked by an intriguing density of legal regulation on therapeutic gum as the exception to the general rule. Relevant legislation includes the *Medicines Act* (1985) and the Medicines (Advertisements of Oral Dental Gums) Regulations (2005), the *Control of Manufacture Act* (2001), the Sale of Food (Prohibition of Chewing Gum) Regulations (2004) that append to the *Sale of Food Act* (2002), the Food Regulations (2005), along with the Regulation of Imports and Exports (Chewing Gum) Regulations (1999), the *Rapid Transit Systems Act* and the accompanying Rapid Transit System Regulations (1997), the *Postal Services Act* (2000) and the Postal Services Regulations (2008), which list chewing gum, (along with weapons, explosives, corrosives, poisons, and other dangerous articles or substances), as an item people are prohibited from sending through the post.

In this regulatory excess there is mimicry of the coloniser's turn to law as bureaucratic rationality; constructing the state as capacious and knowing, rigorously policing therapeutic gum such that, conceivably, should wads of chewed gum appear in MRT trains, forensic analysis, together with the records of pharmacists, will facilitate the tracking of offenders. If, in the US popular imagination, chewing gum somehow symbolises 'freedom' such that gum becomes a sticking point in trade talks that are also ostensibly about 'freedom', then Singapore's strategy seems to be about grasping at opportunities to perform both its rule of law identity (through scrupulously detailed law surrounding chewing gum) and its sovereign autonomy (the general ban remains) within an entanglement that is always-already about being 'in-dependence' (Hong & Huang 2008: 4).

Conclusion: The Mimicry of Post-colonial Rule of Law

The US popular cultural imaginary that mythologises Singapore as that distant equatorial island upon which one might be flogged for chewing gum offers a point of entry into how, for post-colonial Singapore, enacting, performing, and enforcing the law abounds with mimicry, both as menace and as resemblance. The ambivalences of mimicry begin with the post-colonial polity taking the shape of a nation-state, adopting the Westminster model of parliamentary democracy as its way of being nation, even as it adopts the colonial absolutist state's repressions of dissent and instruments of legal exceptionalism. And the Chief Justice's emphatic citations to English precedent point to the impossibility of severing the post-colony's rule of law from discursive webs that extend across time and space; webs that reinscribe Singapore as simultaneously colony/post-colony, always-already enmeshed in a hierarchy of legal authority that necessarily subordinates the post-colony to the former colonial master.

There is also mimicry in tying nation-building to the project of being clean, and in tying the project of being clean to the legitimising institutions, processes, and penalties of law. Mimicry is evident in the dynamics of Othering and subordinating non-elite citizens, in the reinvention of caning, in the celebration of colonial courts and judges, in and in the modernist bureaucratic construction of the categories delible, indelible, and therapeutic gum.

Mimicry may seem less obvious with the US-Singapore FTA, but its dynamics are at work there too. Three years after the FTA was signed, in a report to members and committees of Congress assessing the effects of the FTA, attention is drawn to its "non-economic effects" (Nanto 2013: CRS-16),

> At a time when many in Southeast Asia perceive that the United States is distracted by events in the Middle East and not paying enough attention to Asia, the FTA provides some degree of reassurance of U.S. interest in the region. (Nanto 2013: CRS-16).

This characterising of Southeast Asia as a region desiring US

attention is striking for its parallels to the parent-child dynamic so central to colonial discourses (Merry 2004). The dynamics of colonialism and empire also inform the report in terms reminiscent of the Cold War alliance between the PAP and 'the West', revealing that, just as the Malayan Emergency was fought to protect British business (Harper 2001), and the *Vandalism Act* was enacted and enforced to protect both the PAP, and Singapore's defence and economic alliances with 'the West', the FTA is similarly about the inevitable enmeshments of empire, defence, geo-politics, and commerce,

> The closer economic ties under the U.S.-Singapore FTA contributed to more diplomatic and military cooperation with Singapore. In July 2005, the United States and Singapore signed a Strategic Framework Agreement that extended bilateral cooperation to defense and security. Located in the midst of several secular Muslim [sic] nations, Singapore has been active in cooperating with the United States in political and security cooperation in the global counterterrorism campaign. (Nanto 2013: CRS-17)

The creation of 'therapeutic gum', particularly when viewed through the lens of the expansive tentacles of this FTA, points to the way in which rule of law is inextricably shaped by the material and geo-political realities of postcoloniality.

On a related note, the FTA is informed by, and operates from, a legal and political concept, sovereign autonomy, that vividly illustrates the tensions between law's abstractions and law's material realities. As a contract between two nation-states, the FTA is informed by the assumption that the capacity to contract expresses the parity of sovereign legal autonomy. Singapore is treated as if it is empowered to negotiate terms, as an equal, with the US. It is an abstraction that came unstuck on the issue of chewing gum.

Singapore's resistance to US pressure to remove the ban on the sale of chewing gum altogether, alongside the partial submission represented by the category therapeutic gum, permit Singapore to perform a measure of sovereign legal autonomy even as it perpetuates the colonial state's privileging of 'a sober mercantilism over the pursuit

of individual freedom' (Harper 2001: 8). Abstractions, whether to do with sovereign autonomy, or the content and meaning of rule of law, crumble in the face of the material and geo-political realities of the empire/colony encounter; whether that empire takes the shape of British colonial legal exceptionalism or US-initiated free trade agreements. In this residue is found the stickiness of cultural imaginaries of Singapore's rule of law as an irredeemably Othered site for the production of penal violence and constraints upon freedom. It is a cultural imaginary that highlights the violence and unfreedom of the post-colony even as it masks the violence and impositions of empire.

Notes

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1 Fay was also sentenced to four months' imprisonment for mischief, causing damage, and for the dishonest retention of stolen property, and fined S$3,500 for throwing eggs at a car and switching its license plates, as well as throwing eggs at another car and damaging its right front door (*Michael Peter Fay v Public Prosecutor*; *Straits Times* March 4 1994:1)

2 Critical discourse analysis is the term introduced by Norman Fairclough (1989) to describe analysis of text informed by critical theory on language and power, in particular, the work of Foucault, Bourdieu, and Habermas. Critical Discourse Analysis informs an extensive body of scholarship attending to the relationship between language and power. In addition to Fairclough's own body of work, see (for example) the scholarship of Allan Luke on pedagogy, literacy, and race; Carmen Luke on critical media, and cultural studies, feminism, and globalisation; Teun A. Van Dijk on mass communications, race, and ideology; and Ruth Wodak on critical sociolinguistics.

3 Because Singapore is a de facto one party state (Rodan 2004) and because the state has been especially attentive to the narratives of nation, and the place of the PAP in those narratives the state's account of history dominates the public sphere (Harper 2001, Hong & Huang 2008). For some examples

of the dominant account, see K Y Lee 2000, E Lee 2008, and *Singapore: Journey into Nationhoo*d, a 1998 National Education Project coffee table book sponsored primarily by corporations affiliated with the state.

4 For further analysis, see Jayasuriya 1999; 2001; Harper 2001; Hong & Huang 2008; Barr & Trocki 2008; Poh et al 2013.

5 For further details, see Harper 2001; Barr & Trocki 2008; Fernandez & Loh 2008; Hong & Huang 2008; Wade 2013.

6 For further analysis, see Harper 2001; Mutalib 2005; Hong & Hunag 2008; Wade 2013; Poh et al, 2013.

7 For details, see Hewison & Rodan 1994; Harper 2001; Mutalib 2005; Hong & Huang 2008; Wade 2010; Poh et al 2013.

8 I am grateful to the anonymous reviewer for drawing my attention to the salience here of Kahn's argument that the common law notion of the rule of law is undemocratic in its reliance on precedent (2002).

9 A standard justification for public housing in Singapore-the-nation was the need for modern sanitation, a justification in continuity with the policy focus of colonial housing authorities: Yeoh 1996.

10 Although parliamentary records show that the Prohibition on Smoking in Certain Places Bill was passed into law on May 21 1970, the contemporary version of these provisions, *Smoking (Prohibition in Certain Places) Act*, does not include the 1970 enactment, or a 1973 amendment, in the legislative history that is appended to the Act. I am grateful to Carolyn Wee, Senior Librarian, C J Koh Law Library, National University of Singapore, for her assistance.

References

Austin I P 2009 'Singapore in Transition: Economic Change and Political Consequences' *Journal of Asian Public Policy* 2/3: 266-278

Ban K C, Pakir A, and C K Tong eds 2004 *Imagining Singapore* Eastern Universities Press Singapore (first published 1992)

Barr M D 2000 *Lee Kuan Yew: The Beliefs Behind the Man* Curzon Press Richmond

– and C A Trocki 2008 *Paths Not Taken: Political Pluralism in Post-War Singapore* NUS Press Singapore

– and C A Trocki 2008 'Introduction' in Barr and Trocki eds 2008: 1-14

Bauer J R and D A Bell eds *The East Asian Challenge for Human Rights* Cambridge University Press Cambridge

'Singapore to Partly Lift Gum Ban' *BBC News* 15 March 2004 Available from http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/3512498.stm Last accessed [17 Dec 2014]

Bhabha H K 1994 *The Location of Culture* Routledge London and New York.

Brown M 2003 'Ethnology and Colonial Administration in Nineteenth-Century British India: The Question of Native Crime and Criminality' *British Journal for the History of Science* 36/2: 201-219

'Fay Will Be Caned but Strokes Reduces to 4 as Gesture' *Business Times* 5 May 1994: 2

Chia J Y L and T S Lim 2008 'Keep Singapore Clean Campaign' *National Library Infopedia* Available from

http://eresources.nlb.gov.sg/infopedia/articles/SIP_1160_2008-12-05.html Last accessed [17 Dec 2014]

Chin C C and K Hack 2004 *Dialogues with Chin Peng: New Light on the Malayan Communist Party* Singapore University Press Singapore

Chua A L 2008 'Imperial Subjects, Straits Chinese: Anglophone Asians and the Struggle for Political Rights in Inter-War Singapore' in Barr and Trocki eds 2008: 16- 36

Congressional Record Volume 140 Issue 53 May 5 1994

Fairclough N 1989 *Language and Power* Longman London

Fernandez M and K S Loh 2008 'The Left-Wing Trade Unions in Singapore, 1945-1970' in Barr and Trocki eds 2008: 206-226

Fisch J 1983 *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769-1817* Franz Steiner Verlag Wiesbaden

Foucault M 1972 *The Archaeology of Knowledge and the Discourse on Language* Pantheon Books New York

– [1980] *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* C Gordon ed Pantheon Books New York

Harper T N 1999 *The End of Empire and the Making of Malaya* Cambridge University Press Cambridge

– 2001 'Lim Chin Siong and the "Singapore Story"' in Tan and Jomo eds 2001: 3-55

Hewison K and G Rodan 1994 'The Decline of the Left in Southeast Asia' *Socialist Register* 235

Hong L and J Huang 2008 *The Scripting of a National History: Singapore and its Pasts* NUS Press Singapore

Jacob P 1983 'Chewing Gum May Be Banned' *Straits Times* 21 November: 17

Jayasuriya K ed 1999 *Law, Capitalism and Power in Asia: The Rule of Law and Legal Institutions* Routledge London and New York

– 1999 'Corporatism and Judicial Independence within Statist Legal Institutions in East Asia' in Jayasuria 1999: 173-204

– 2001 'The Exception Becomes the Norm: Law and Regimes of Exception in East Asia' *Asian-Pacific Law & Policy Journal* 2/1:108-124

Kahn P 1997 *The Reign of Law: Marbury v Madison and the Construction of America* Yale University Press New Jersey

– 1999 *The Cultural Study of Law: Reconstructing Legal Scholarship* University of Chicago Press Chicago

Lam P E and K Y L Tan eds *Lee's Lieutenants: Singapore's Old Guard* Allen & Unwin St Leonards

Lee K Y 1971 'The Mass Media and New Countries" paper presented at the General Assembly of the International Press Institute 9 June 1971

Lee K Y 2000 From *Third World to First: The Singapore Story 1965-2000* Singapore Press Holdings/Times Singapore

Low L 1998 *The Political Economy of a City-State: Government Made Singapore* Oxford University Press Singapore

Macaulay T B 1835 'Minute' (originally published as Bureau of Education. Selections from Educational Records, Part 1 (1781-1839) H Sharp ed Calcutta Superintendent Government Printing, 1920. Reprint Delhi: National Archives of India, 1965, 107-117Available from

http://www.mssu.edu/projectsouthasia/history/primarydocs/education/Macaulay001.htm Last Accessed [17 Dec 2014]

Merry S M 2004 'Colonial and Postcolonial Law' in Sarat ed 2004: 569-588

Mutalib H 2004 'Singapore's Quest for a National Identity: The Triumph and Trials of Government Politics' in Ban et al 2004: 54-80

– 2005 *Parties and Politics: A Study of Opposition Parties and the PAP in Singapore* Marshal Cavendish Academic Singapore (first published 2003)

Nathan D 1991 'Chewing Gum to be Banned' *Straits Times* 31 December 31: 1

Pakir A 2004 'English-Knowing Bilingualism in Singapore in Ban et al 2004: 254-279

Patapan H, Wanna J and P Weller 2005 eds *Westminster Legacies: Democracy and Responsible Government in Asia and the Pacific* University of New South Wales Press Sydney

Poh S K, Tan K F and L Hong 2013 *The 1963 Operation Coldstore in Singapore: Commemorating 50 Years* Strategic Information and Research Development Centre Malaysia

– Tan K F and L Hong 2013 'Introduction: Why Operation Coldstore Matters' in Poh et al 2013: 1-12

PuruShotam N 1998 *Negotiating Language Constructing Race: Disciplining Difference in Singapore* Walter de Gruyter Berlin

Quah J S T 2009 'Governance and Corruption: Exploring the Connection' *American Journal of Chinese Studies* 16/2: 119-135

Rajah J 2012 *Authoritarian Rule of Law: Legislation, Discourse, and Legitimacy in Singapore* Cambridge University Press New York

Rodan G 2004 *Transparency and Authoritarian Rule in Southeast Asia: Singapore and Malaysia* Routledge Curzon London

– 2005 'Westminster in Singapore: Now You See It, Now You Don't' in Patapan et al 2005: 109-128

Tan 1999 'Economic Development, Legal Reform and Rights in Singapore and Taiwan' in Bauer et al 1999: 264-284

Tremewan C 1994 *The Political Economy of Social Control in Singapore* St Martin's Press Oxford

Wade G 2013 'Operation Coldstore" A Key Event in the Creation of Modern Singapore' in Poh et al 2013: 15-72

Wee C J W-L 1999 'The Vanquished: Lim Chin Siong and a Progressivist National Narrative' in Lam and Tan eds 1999: 169-190

Sai S M and J Huang 1999 *'The 'Chinese-educated' Political Vanguards: Ong Pang Boon, Lee Khoon Choy & Jek Yeun Thong'* in Lam and Tan eds 1999:132-168

Sarat A 2004 ed *The Blackwell Companion to Law and Society* Blackwell Publishing Oxford

Singapore Parliament Reports Available from http://www.parliament.gov.sg/publications-singapore-parliament-reports Last accessed [17 Dec 2014]

Spivak G 1985 'The Rani of Simur: An Essay in Reading the Archives*History and Theory* 24: 247-272.

United States-Singapore Free Trade Agreement Available from http://www.ustr.gov/sites/default/files/uploads/agreements/fta/singapore/asset_upload_file708_4036.pdf Last accessed [17 Dec 2014]

'100 US Troops in S'pore for Rest' *Straits Times* 6 April 1966: 5.

'Society Illegal, Dr Lee is Warned' *Straits Times* 6 April 1966: 2.

May Day: Police on Emergency Alert' *Straits Times* 2 May 1966: 9.

'Ban on the Sale of Chewing Gum' *Straits Times* 25 November 1976: 17

'The Straits Times says ... Not Simply a Sticky Problem' *Straits Times* 23 November 1983: 20

'Litterbugs to pick up litter' *Straits Times* 31 December 1991: 1

'Today's Look' *Straits Times* 10 January 1993: 21

'Teen Vandal Gets Jail and Cane' *Straits Times* 4 March 1994: 1

'The Law must Run its Course' *Straits Times* 4 March 1994: 25

'Fay Caned: State Dept Summons S'pore Envoy' *Straits Times* 6 May 1994: 1

'12-year Chewing Gum Ban Partially Lifted' *Today* 17 March 2004: 10

Yang A 2003 'Indian Convict Workers in Southeast Asia in the Late Eighteenth and Early Nineteenth Centuries *Journal of World History* 14/2: 179-208

Yeoh B 1996 *Contesting Space: Power Relations and the Urban Built Environment in Colonial Singapore* Oxford University Press Oxford

Nanto D N 2008 *The U.S.-Singapore Free Trade Agreement: Effects After Three Years* Congressional Research Service Available from http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1731&context=key_workplace Last accessed [17 Dec 2014]

Statutes

Control of Manufacture Act (Revised Edition 2001)

Emergency Regulations 1948

Food Regulations (Revised Edition 2005)

Medicines Act (Revised Edition 1985)

Medicines (Advertisements of Oral Dental Gums) Regulations (Revised Edition 2005)

Postal Services Regulations 2008

Prohibition on Smoking in Certain Places Act 1970

Prohibition on Advertisements Relating to Smoking Act 1970

Rapid Transit Systems Act (Revised Edition 2004)

Rapid Transit Systems Regulations (Revised Edition 1997)

Regulation of Imports and Exports (Chewing Gum) Regulations (Revised Edition 1999)

Sale of Food Act (Revised Edition 2002)

Sale of Food (Prohibition of Chewing Gum) Regulations 1992

Sale of Food (Prohibition of Chewing Gum) Regulations 2004

Vandalism Act (Revised Edition 2014)

Cases

Michael Peter Fay v Public Prosecutor [3 March 1994] M/A No. 48/94/01(Subordinate Courts)

Fay v Public Prosecutor [1994] 2 Singapore Law Reports 154 (High Court)