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How Does Law Matter to Social Movements? A Case Study of Gay Activism in
Singapore

By

Lynette Janice Chua

A dissertation submitted in partial satisfaction of the
requirements for the degree of

Doctor of Philosophy

in

Jurisprudence & Social Policy

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Kristin Luker, Chair

Professor Calvin Morrill

Professor Catherine Albiston

Professor Kim Voss

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Abstract

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This study is aimed at gaining a better understanding of how people fight for change collectively in societies that, unlike the United States, have less of democratic processes, and fundamental civil-political rights, and, of how law matters to their processes of doing so. It focuses on a particular minority group, gay people, in one particular society – Singapore, an Asian country with shades of authoritarianism – and explored how gay activists make sense of their grievances, strategize and take action to achieve their goals, and evaluate their own efforts.

Based on systematic collection and analysis of data, including in-depth interviews with 100 activists, the study found: Unlike what sociology of law has learned in the United States, law - in the form of legal rights - is neither a strategic nor symbolic resource for these activists. The role of law in collective fights for social change goes beyond that of rights, which are stymied by the very legal system set up by the powers in control. Gay activists in Singapore regard law as a key source of oppression that obstructs their movement. The ruling party, in control for the past 45 years, has used law's power of sanction and delegitimization not only to deter legally, but also to cultivate cultural norms that discourage its people from coming together to agitate for social change, to use rights, and to ask for change in the form of rights, which are painted as confrontational, and detrimental to their society's stability and economic progress.

Hence, these activists focus on achieving social changes outside formal law, such as gaining acceptance from society at large, and the state to come out, speak out, and have their grievances heard, and to organize, and assemble more publicly as a group of people with shared concerns and interests. Rather than turning to the law to aid their cause, they resist it through "pragmatic resistance," a strategy that precariously balances movement survival, and advancement. To "live to fight another day," they abide by the law, and oppressive cultural norms so as to avoid legal sanctions that could lead to the repression of their movement, and demise of small gains already accumulated, thus reversing their hard work; meanwhile, to advance their goals, without changing formal law they

imperceptibly push the boundaries of those cultural norms – which are backed by legal sanctions - on what are socially and politically acceptable. They are conscious of, and accept, their strategy as a trade-off between the accumulation of informal gains outside formal law, and the reification and reinforcement of legal power that perpetuates the cultural legitimacy of the existing political order.

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CHAPTER ONE

INTRODUCTION

We are in the middle of Stonewall. It's just that the way we are changing things is a little different from what has happened in the States and what has happened in Australia.

- *Stella, 39, gay activist*

(I) STATEMENT OF PROBLEM

In socio-political contexts such as the United States, the strategic and tactical options available to defend one's rights and advocate for social change are familiar. Activists can demonstrate on the streets, or publish and distribute their stories openly to publicize and air their grievances. They can put together a legal case, and ask the court to order the state or another party to right the wrong. They can lobby legislators to pass a bill, or amend an existing law, or, in some places, campaign voters directly to decide the issue at the polls. Such strategic and tactical options are available to activists, because they have access to, and are able to make use of formal democratic processes, and formal guarantees of civil-political rights. These processes and guarantees enable them to elect politicians who represent their interests, or resort to a judiciary perceived to be independent. In addition, these options are available, because they are culturally accepted, and expected. Groups of people who feel marginalized can come together, exercise their rights to express their grievances, and use such methods to protect their rights.

The degree to which, and the ways in which rights can indeed bring about social change are prominent debates among socio-legal scholars. Rights are both misleading in their perceived power, and powerful at the same time. The power of rights is misleading, as rights often fail to effect real change on the ground, and, thus they are a myth (Scheingold 2004; Rosenberg 2008). Yet, rights are also powerful, because they are symbolic and strategic resources, effective as bargaining chips, threats, or a source of empowerment that inspires political action (McCann 1994).

That is also why in the sociological study of social movements, scholars find that movement leaders often use rights to motivate, and mobilize others to follow their lead (Snow & Benford 2000). Their opponents, in some cases, also pitch other rights against rights advocated by the movement (Ferree et al 2002). These sociologists, therefore, argue that rights have become a master frame for social movements (Snow & Benford 1992). Because of their cultural resonance, inclusivity and broad interpretive framework, rights have come to function as a "master algorithm" that transcends specific movements, inspiring and coloring future ones (Snow & Benford 2000).

However, while social movements often involve using, opposing or defending the law, and often are constrained or facilitated by the law, only recently have social movement studies, and sociology of law, engaged each other in explicitly and extensively addressing how law

- in the form of rights or otherwise - matters to social movements (McCann 1994; Silverstein, H. 1996; Kostiner 2003; Andersen 2005; Pedriana 2006). Nevertheless, most of the discussion to date in socio-legal scholarship, as well as social movement studies, has typically focused on liberal democracies, especially the United States. In such socio-political contexts, both areas of scholarship have typically presumed that basic civil-political rights, such as the rights to free speech, assembly and association, and formal democratic processes are, in the first place, available to people who exercise or make claims about their rights. But how about social movements in societies that lack formal democratic processes? Activists of those movements might not even enjoy fundamental civil-political liberties taken for granted by their counterparts in the United States and other liberal democracies. The options that are available to their counterparts may also be culturally irrelevant or unacceptable. How does a group of people, who perceive themselves to be aggrieved and marginalized, protect themselves, come together, and work toward social change under such conditions?

Consider this: Activists of a social movement working to improve the conditions of a minority group of people under the following set of socio-political circumstances - where litigation, though formally available, is not culturally and politically acceptable, and perceived as a foregone conclusion of failure to pursue equality for this minority; where the lobbying of politicians and formation of interest groups are politically discouraged; where one political party dominates the legislature and executive, thus rendering any electorate campaigning useless; where one cannot freely assemble to voice one's grievances regardless of the subject matter, and street protests, aided by legal prohibitions and prosecutions, are culturally delegitimized; where one cannot legally associate and form organizations without the state's approval, and such approval has been denied due to the state's association of discussing the subject matter with carrying out acts of illegality; where activists cannot simply publish and distribute their own newsletters or magazines, because freedom of the press is licensed and controlled. Put differently: In the United States and other liberal democracies where certain minority rights remain contested, activists there at least have basic civil-political rights of speech, assembly and association, as well as accepted democratic processes, such as litigation and elections, which they can draw upon for strategies and tactics. In contrast, in societies where activists practically lack even such political and cultural resources, how do they strive for something beyond these - for example, better socio-political conditions for a minority people? How do these different socio-political conditions influence their goals, strategies and tactics, and their outcomes? How does social change become possible, if at all, and how do the social processes look like?

Both sociology of law, and social movement studies still lack answers to such questions. A richer understanding of the role of law in social movements challenges the sociological study of law to broaden its focus more systematically beyond the availability and roles of civil-political rights. My dissertation aims at filling these empirical gaps, and refining existing theories concerning the relationship between law and social movements. **In societies where rights lack resonance both as means and ends, and are neither readily**

available nor within reach, how does law matter in social movements? This is the overarching motivation for my dissertation. Through a qualitative, interpretive empirical project that focuses on the site of Singapore, a non-democratic, postcolonial state, and gay activists within it as the case of social movement actors for examination, it explores how those seeking social change as a collective group in a socio-political context lacking civil-political rights pursue their goals, how such social processes look like, how this group of people experiences and understands the law, and the ways in which law matters to those social processes and social change.

(II) CASE SELECTION: SINGAPORE AND THE GAY MOVEMENT

This part elaborates on the motivations for my case selection of the gay movement in Singapore. Sections (A) and (B) propose the broader intellectual merit of choosing Singapore as the research site, and its gay movement as the case study, respectively, by focusing on Singapore's socio-political background and trajectory. Next, to place the case selection in sharper perspective, Section (C) contrasts Singapore's key characteristics that impact social movements in general, and the local gay movement in particular, to those of the United States.

(A) SINGAPORE: A HALFWAY HOUSE, A SITE OF POSSIBILITIES

Singapore can be understood as a halfway house, a halfway place in a progression,¹ in two respects. One way is to think about Singapore as standing between dictatorships, in the likes of Myanmar and North Korea, and liberal democracies, demonstrating features of both authoritarianism and democracies. Another way is to think about it as having the economic development of Western liberal democracies *without* their degree of civil-political rights and democratic political processes. I call it a halfway house, because it stands at crossroads, where multiple options seem possible. Modernization and development studies generally predict that economic progress will move societies from favoring economic survival values toward demands for greater individual autonomy, and thus, stronger civil-political rights, guaranteed by democratic institutions (Anand & Sen 2000; Inglehart & Welzel 2005; Welzel 2006).² Scholars of politics and courts, however, argue that Singapore offers an alternative model to developing nations that want to have their cake and eat it - economic liberalization by way of "rule of law" without the accompaniment of political liberalization (Silverstein, G. 2008).³ As a research site, therefore, Singapore provides interesting intellectual traction in understanding the trajectory of law and social change - whether social movements could and would indeed

¹ As defined in the Merriam Webster dictionary.

² Inglehart and Welzel (2005) actually single out Singapore to predict that it would fully adopt democracy by 2015. They call this evolution of societies, "the human development sequence," an argument challenged by other scholars in their field (Teorell & Hadenius 2006).

³ Other descriptions of Singapore include "illiberal democracy" (Bell et al 1995), "non-liberal communitarian democracy" (Chua 1995), and a mix of pragmatism and political authoritarianism (Mauzy & Milne 2002).

nudge it more closely toward liberal democracy, whether they would lead to the opposite effect, and cause the state to react with even more authoritarian measures, or, whether it would develop into an alternative by taking a road less predicted.

(1) Socio-political background

When the British took control in 1819, Singapore was nothing more than a Malay fishing village, a sleepy island of 214 square miles at low tide on the southern tip of the Malayan Peninsular. Under British colonial rule, Singapore turned into the trading heart and pulse of its empire in Southeast Asia. After winning self-governance in 1959, Singapore then joined the Federation of Malaysia in 1963 to form a new sovereign nation of formerly British controlled territories (Lee 1998) with a legal system that inherited the English common law tradition.

The relationship between the federal government and the local Singaporean government quickly soured. The People's Action Party (PAP), in power in Singapore, became embroiled in political strife with the United Malays National Organization (UMNO), the dominant party in the multi-racial coalition controlling the federal government of the Federation. The Malay-dominated UMNO regarded the Chinese-dominated PAP as a threat to the continuation of Malay political dominance in the Federation. UMNO allegedly incited Malays in Singapore to attack ethnic Chinese on the island, and riots broke out in 1964 between the two racial groups (Leifer 1964). Racialized political tension eventually led to Singapore's expulsion from the Federation on August 9th, 1965 (Hill & Lian 1995).

Suddenly, the island found itself independent, left to fend for itself without the peninsular hinterland. As the British empire dissolved, Singapore's military strength withered, its strategic value waned, and its economy shrunk (Lee 1998). The PAP government inherited a reluctant nation, one that lacked the sense of collective "history" (Lyons 2004), a predominantly Chinese island in "a Malay sea" (Lee 1998, 23). Thus began a mentality of political siege (Hill & Lian 1995).

(2) The postcolonial use of law for economic development and social control

After winning the first election in 1959 under British self-governance, and effectively monopolizing political power and control since then, the PAP has constantly reminded Singaporeans of their nation's tumultuous conception. Hence, it touts national security, social harmony and economic survival as being of utmost importance, and turns to the use of law to secure them. Having used the law both to shape its economic future (Silverstein, G. 2003), and curtail civil-political rights to quell political differences and engineer social order, Singapore has emerged as a contrarian to "law and disorder in the postcolony," where endemic disorder persists despite the fetishizing of Western-influenced laws as a new mode of governance (Comaroff & Comaroff 2006).

Within five decades, the island state transformed itself into one of the four “Asian Tigers” of economic prosperity. Singapore has the world’s sixth highest Gross Domestic Product per capita, at \$57,200, four rankings ahead of the United States’ \$47,400 (*World Factbook*). It has the second busiest seaport in the world in terms of total cargo volume as well as container traffic, only behind Shanghai, China, and Antwerp, Belgium, respectively (*World Port Rankings*). It is also consistently rated as one of the freest economies. The Economic Freedom Index, an annual publication of the Heritage Foundation and Wall Street Journal, ranks Singapore as the second freest economy in the world in 2011, after Hong Kong. In comparison, the United States, is placed at number nine, and ranked as “mostly free.”

On the other hand, over the past five decades, the PAP has also transformed a Westminster-style democracy conceived by its colonial predecessors into one that effectively exists only in name and form, and manipulated a constitutional supremacy into one enthralled by Parliament and the executive. The irony is that it has managed to do so by using the very legal procedures and mechanisms intended to preserve the “rule of law,” which it has, to compound the irony, embraced and championed. The ruling party seeks legitimacy, and holds regular elections as required by law. While civil-political rights are provided by a constitution created as a result of independence, they are far from being constitutionally *guaranteed*, having repeatedly been limited and qualified by ordinary legislation passed by a one-party dominated parliament according to legal procedure. These rights and liberties are curtailed to ensure social and political control, and the successful return of the ruling party to office at every legally mandated election. Meanwhile, the party - and, effectively, the state - appears to care about populous sentiment, how everyday Singaporeans think, and to court the support of their constituencies. The result of all this, unlike its economic performance, is a “partly free” report card. Freedom House’s rating of political rights and civil liberties ranks Singapore as “partly free,” compared to post-industrial Western societies with older democracies, such as the United States, which rank as “free.”⁴

⁴ According to the Freedom House’s 2010 *Freedom in the World* survey, countries received rankings on a scale of 1-7 for political rights and civil liberties separately. These rankings are determined from raw scores based on 10 political rights and 15 civil liberties questions. The Freedom House states that it does not equate constitutional or other legal guarantees of rights with the actual fulfillment of these rights, and that it factors both aspects into the ratings, placing greater emphasis on the latter. “Free” entails a ranking of 1.0 to 2.5, “partly free” ranges from 3.0 to 5.0, while “not free” indicates 5.5 to 7.0. Singapore scored 5.0 for political rights and “4.0” for civil liberties, whereas the United States scored 1.0 on both counts. A rating of 3.0-5.0 for political rights indicates the presence of factors such as political corruption, political discrimination against minorities, unfair elections, and one-party dominance, even though citizens do enjoy some level of political freedom. For civil liberties, scoring 3.0-5.0 could mean partial compliance with almost all of the relevant questions, or a mixture of high or medium compliance in some respects, and low compliance in others. Areas of oppression considered include censorship, political terror, and the prevention of free association.

Interestingly, when measured by perceptions of government corruption, Singapore earned the third highest score in the *lack of corruption perception*, behind New Zealand and Denmark, while the United States trailed at number 19 (Global Corruption Report 2009).

In short, the Singapore state behaves autocratically, while preserving hints of democratic characteristics. Even though it is not a fully “free” democracy, it has achieved economic development of a level associated with liberal democracies, and demonstrated its ability to achieve comparable material and living standards. Some scholars call it a case of “rule by law” - economic liberalization that aims to defy a similar destiny for civil-political rights and democracy (Shapiro 2008). As a halfway house, it is an interesting site that offers possibilities to scholars interested in the relationships between law and social change.

(B) THE GAY MOVEMENT IN SINGAPORE: TESTING THE POSSIBILITIES

Social scientists postulate that, as a society develops economically, issues of sexuality will increasingly push to the forefront of politics (Altman 1982; Stein 1989). Political theorists characterize sexuality-based claims as being relative newcomers, and, thus, test even the boundaries of some liberal democracies, such as the United States, where civil-political rights are more established (Stychin 2003).⁵ From a modernization and development studies perspective, a society’s growing preference for acceptance of diverse sexual norms strongly indicates a shift away from economic survival values toward greater demands for individual freedom, leading to the further entrenchment of civil-political rights and democracy (Inglehart & Welzel 2005). At the core of these multi-disciplinary observations lies a keen interest in the impact of political demands concerning sexuality. An in-depth study of a gay movement can, therefore, shed light on the nuances and processes of the impact.

Social movements pushing sexuality-based claims, therefore, already test the edges of civil-political rights and democracy. In Singapore, the situation is compounded by the diminished existence of these features. Gay activists in Singapore are making claims, contentious even in “free” societies, within a “partly free” state that is already on edge about these features - something with which their counterparts in liberal democracies need not contend, and may often take for granted. In other words, we can think of gay activists in liberal democracies as making claims on top of an established foundation, whereas gay activists in Singapore seem to be trying to do something similar but on shakier groundwork. Returning to my shorthand description of “halfway house,” which connotes progression, a linear movement - these additional dynamics of Singapore’s gay activism enhance it as a multi-layered case study that can help to refine existing ways of, or offer alternatives to, approaching the relationships between law and social change.⁶

⁵ The issue of gay rights in some European countries, such as the Netherlands and Scandinavian nations, however, is arguably more settled than the situation in the United States.

⁶ Of course, it is possible to argue for the study of a different social movement that similarly seeks claims that are also boundary-testing in liberal democracies, such as eco-activism or anti-globalization. However, because the gay movement in Singapore is often the most visible and active one, it is an empirically more dynamic and interesting choice.

(C) HALFWAY HOUSE IN PERSPECTIVE

Having presented the broader intellectual merit of studying Singapore, and focusing on its gay movement, this section examines the site and case selections more closely by setting Singapore's key characteristics affecting social movements side by side with those of the United States - a "partly free" country alongside one that is consistently ranked as "free" (*Freedom in the World*). However, this is not an outright comparative study. Such an exercise is merely a heuristic to help readers unfamiliar with Singapore gain a better perspective on the socio-political environment within which gay activists navigate.

Section (1) lays out the "formal picture" - how it works on paper in Singapore and the United States. The picture presented here is an *ideal* type of each society. On one hand, although the United States has formal institutions more open to pluralist politics, access and distribution of power are not necessarily always equal. Civil-political rights in the United States have also been curtailed, especially with recently enacted legislation such as the *Patriot Act*. Hence, social movements pressing for change outside formal political channels do occur in the United States, and other Western liberal democracies. On the other hand, Singapore's formal polity is not always adverse to alternative political viewpoints. The contrast between their formalized ideal types, however, contribute to their cultural differences in collective action and strategies, and their cultural resonance. That is why Section (2) goes on to acknowledge the differences between law and politics on the books and in action, and, thus, turns its attention toward their "cultural pictures." The key characteristics of both the "formal" and "cultural" pictures in Singapore are based mainly on original data from this study, and supplemented by existing literature. Then Section (3) applies both the formal and cultural pictures to their respective gay (rights) movements to provide further clarity on the Singaporean case.

(1) The "formal picture"

Table 1.1

Contrast between the ideal-typed, formal characteristics of the socio-political environments of the United States and Singapore

	United States	Singapore
(a) Civil-political Rights and Constitutional Guarantees	(i) Freedom of speech	(i) Restricted: <i>Public Entertainment & Meetings Act</i> ; expansive defamation laws favoring public figures
	(ii) Freedom of assembly	(ii) Restricted: <i>Public Order Act</i>
	(iii) Freedom of association	(iii) Restricted: <i>Societies Act</i>
	(iv) Freedom of the press	(iv) Restricted: <i>Newspaper &</i>

	(v) Equal protection and anti-discriminatory laws	<i>Printing Press Act; Broadcasting Act</i> (v) Limited: constitutionally provided, especially for race and religion, but does not cover other bases, such as gender or sexuality; no specific anti-discrimination legislation
(b) Judiciary	(i) Stronger perception of check and balance, and protection from tyranny of the majority (ii) Track record of victory of in civil rights cases (iii) Advocacy and activism by lawyers	(i) Lack of such perception on civil-political rights matters (ii) None (iii) Restricted
(c) Political Representation and Access	(i) More turnover in political parties' control of legislative bodies or executive offices (ii) Relatively more diversity in political parties represented in legislatures (iii) Viability in lobbying legislative representatives and applying voting pressure (iv) Availability of popular referendum in some states and at various levels of local government	(i) None (ii) Minimal (iii) Minimal (iv) None

(a) Civil rights and constitutional guarantees

(i) Speech

In Singapore, public speech must be licensed under the *Public Entertainment and Meetings Act* (PEMA). Approval conditions are completely subject to administrative

discretion. Although indoor talks by Singaporeans are exempted from the license requirement, they must not concern religion, or be deemed to cause “racial enmity.” Gay activists have been banned from holding events that feature foreign speakers talking about the decriminalization of anti-sodomy laws in Singapore, and issues intersecting homosexuality and religion.

Its defamation law has no exception for public figures. The judicial position agrees with the PAP rhetoric that Singaporean politicians need even more protection than ordinary citizens from political speeches that challenge the status quo. As a result, every defamation suit has been decided in the favor of PAP leaders in power against opposition politicians or foreign newspapers. The damages awarded are often so high that political rivals are forced into bankruptcy, which, if undischarged, is a ground for disqualification from holding legislative office.

(ii) Assembly

Under Singapore’s *Public Order Act*, permits are subject to whether the assembly or procession may cause “enmity, hatred, ill-will or hostility between different groups in Singapore.” The police have discretionary power to order even a single protestor to “move on,” and the filming of police actions at public rallies is banned. Such legal provisions hamper gay activists in Singapore from organizing gay pride parades down public streets.⁷

(iii) Association

All organizations in Singapore must be registered under the *Societies Act*. Otherwise, they would be illegal. Approval of registration for groups organizing around issues of religion, gender, sexual orientation, or politics is subject to the Registrar of Societies’ discretion - whether he or she believes that the group could prejudice “public peace, welfare or good order” or “national interest.”⁸ A gay activist organization has been denied registration twice on such grounds. In fact, after the organization’s second attempt in 2004, when the *Societies Act* was coincidentally being amended, “sexual orientation” was specifically added to the descriptions of organizations that required the Registrar’s approval.

(iv) Press

Local media in Singapore are licensed by the *Broadcasting Act*, and *Newspaper and Printing Press Act*. Their content are controlled and censored, especially on issues of politics, religion and sexuality. Content that “justifies” or “glamorizes” “lifestyles such as

⁷ In the United States, parades and demonstrations also require licensing, but they are generally not prohibited on the basis of subject matter. For example, hate groups such as the Ku Klux Klan also enjoy First Amendment rights to assemble and hold rallies.

⁸ Registration under the *Societies Act* is divided into two schemes - groups that qualify for automatic registration, and those that must seek specific approval of the Registrar. The latter category includes groups that organize around issues of religion, gender, sexual orientation, or politics.

homosexuality, lesbianism, bisexuality, transsexualism [and] transvestism” are specifically banned. In addition, ownership of local media requires government approval. The general understanding between the local media and the state is that the media have a nation-building role, rather than the role of watchdog. Foreign newspapers are also licensed under the *Newspaper and Printing Press Act*. Their circulation volume is restricted, and contents are barred from “interfering” with Singaporean politics. PAP leaders are also known for suing foreign publications that write about Singapore or their leadership in ways they deem to be negative.

(v) Equality

Singapore’s Constitution provides for a general clause on equality in Article 12(1), and specifically on the bases of race, religion, descent, and place of birth in Article 12(2). The Constitution also provides that the government has the “responsibility ... constantly to care for the interests of the racial and religious minorities” of the country (Article 152(1)). Malays as a racial group, which is more than 99% Muslims, are further singled out for “protection” under the Constitution, recognized as holding a special position for being “indigenous people” (Article 152(2)).⁹ Nevertheless, beyond such constitutional pronouncements, discrimination of minorities, even those belonging to constitutionally recognized categories, in reality lacks the backing of anti-discrimination legislation. Take for example the discrimination of government employees on the basis of race. Article 154 declares that the government would “impartially” treat “all persons of whatever race in the same grade of” its service.¹⁰ No legislation, however, effects this intention to provide for a person who feels discriminated to take action against the government. Instead, the state claims to operate on a *principle* of meritocracy. As another example, although the Singaporean government has ratified the International Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), it has not passed any legislation that provides concrete measures for women to seek legal remedies should they face discrimination. In the private sector, no law prohibits discrimination, which is commonplace. For example, employers and property owners openly advertise that they accept only applicants of certain races, or only one particular gender. Hence, while the equal protection and treatment of certain minorities are formally provided and recognized, discrimination is not specifically outlawed, and concrete legal measures to address such grievances are unavailable.

Furthermore, gender and sexuality are not specified as categories that receive even such formal recognition. Since Singaporean laws do not specify any legal prohibition against

⁹ A more cynical view would be to regard such special protection as a means of additional social control over a racial-religious minority.

¹⁰ Though cannot be officially proven, an unspoken perception of discrimination is the air force’s hiring of Malay-Muslim pilots. Other reasons may well explain the phenomenon, but the perception is that the air force does not usually deploy Malay Muslims to fly its fighter jets for racial-religious reasons. The first Malay Muslim air force pilot was appointed in 1992 - to fly transport planes - whereas the first Malay Muslim fighter jet pilot was not appointed until 2007.

such discrimination, a person can be discriminated at work, in finding housing, and other aspects of life just because of one's sexuality, and has no legal remedy on this basis. In fact, the retention of Section 377A of the Penal Code, criminalizing "gross indecency" between men - encompassing conduct ranging from displays of public affection to private, consensual sexual intercourse - signals the opposite,¹¹ that the state formally sanctions discrimination. Needless to say, same-sex relations do not receive any legal recognition, thus excluding gay couples from enjoying benefits and entitlements the state accords to legally recognized unions between men and women.

Due to the lack of formal legal protection and recognition, the experiences of being openly gay in Singapore depend heavily on the informal aspect. On a positive note, despite the non-existence of hate crime laws, physical violence against gay persons, or gay bashing, seldom occurs, if at all. Holding hands with a partner or lover in public may attract some quizzical or uncomfortable stares, even occasional disapproving looks, and may risk being outed to people who might discriminate one at work. But the fear of being beaten up is low. Some respondents in my study feel physically safer in Singapore, than in middle America, or Sydney, Australia, if they take the wrong turn down a street. The less obvious, non-physical experiences, however, are more varied. It is about each person's individual social relations - the types of people and places with whom he or she has contact, including family and friends, the boss and co-workers in the office, teachers and classmates in school, and religious leaders and acquaintances at the place of worship, as well as the ways in which he or she interacts with them. Some people suffer from emotional and verbal abuse, even expulsion from social groups, such as their families or churches. Others are able to find acceptance from the first moments of coming out, or eventually succeed at rebuilding their lives positively. Therefore, being gay in Singapore can run the gamut from completely oppressive and nightmarish experiences, to enjoying an abundance of support and love, and living life to the fullest. Put in another way, however, it also suggests a greater lack of predictability, which formal laws may be able to address to some extent.

(b) Judiciary

Activists generally lack confidence in the courts' likelihood of ruling on civil-political issues in a manner that differs from parliament's or the executive's position.¹² In one

¹¹ Section 377 of the Penal Code originally criminalized all forms of "carnal intercourse against the order the nature," regardless of consent, and the genders involved in the acts. That meant it also covered acts of oral and anal intercourse between heterosexual couplings. Section 377A, unlike Section 377, singles out male-to-male sexual acts. It does not require those acts to amount to "penetration" in Section 377. Hence, it is wider than Section 377 in terms of the range of conduct it may cover. The Singaporean Parliament repealed Section 377 in 2007, but retained Section 377A. See Chapter 4 on the gay movement's efforts to try to get Section 377A repealed in 2007.

¹² My words are chosen carefully here to describe these findings, as Singapore has an expansive interpretation of the contempt of law offense, another curtailment of free speech.

infamous instance, then Chief Justice Wee¹³ determined that judicial review of executive power included inquiring into the substance of the discretion that was exercised, not merely its procedural propriety, consequently overturning a prior decision (*Chng Suan Tze*). Within a month, parliament passed constitutional amendments and statutes that rolled back the law on judicial review of emergency powers - the executive discretion in question - to the date of the overturned case, essentially legislatively repealing a judicial decision (Silverstein, G. 2003; Thio 2006).

Civil rights litigation in Singapore is rare. In those instances, none against the state has ever been found in the plaintiff's favor, and the Singapore government has usually won on grounds of public interest or national security. A "four walls" (*Colin Chan*), textual approach prevails as the primary doctrine of constitutional interpretation, insulating courts from expanding the scope of fundamental rights under the Constitution (Thio 2006). Singapore courts have typically taken the position that so long as curtailments of fundamental constitutional liberties are passed "in accordance with law," they will not inquire into the substance of the restrictions (*Jabar; Mazlan*).¹⁴

In addition, the Law Society is banned from commenting publicly on any legislation unless asked by the government to do so. Parliament put the ban in place in 1986, after the Law Society's then president, Francis Seow,¹⁵ publicly criticized proposed amendments to the *Newspaper & Printing Press Act*. The legal hamstringing of the Law Society, though not directly impacting individual cause lawyering, gives gay activists in Singapore little reason to believe that they can attract sustained support from the legal profession.

(c) Political representation and access

Singapore has a unicameral parliament dominated by the PAP holding 95% of the seats since 1984. Political opposition in Singapore is virtually emasculated. To run for Member of Parliament (MP), a candidate must post a candidature deposit of S\$13,000 (approximately U\$10,000) (Thio 2002), which deters the financially weaker opposition.

With a dominant parliamentary majority, the PAP has been known to absorb pro-opposition constituencies into its strongholds. It has also amended the Constitution to allow converting single-member constituencies – one vote for one MP – into group representation constituencies (GRCs), one vote for several MPs of the same party. To contest in a GRC, a political party must field a required number of candidates, including a

¹³ Chief Justice Wee Chong Jin stepped down in 1990 after serving 27 years (1963-1990). He was succeeded by Chief Justice Yong Pung How, who developed and solidified much of the "four walls" and textual interpretation of Singapore's constitutional jurisprudence. The current Chief Justice, Chan Sek Keong, was the attorney general from 1992 to 2006, during Chief Justice Yong's term. It remains to be seen how he will influence the development of Singapore's constitutional law in the long run.

¹⁴ Contrast this to the courts' liberal approach toward laws favoring economic development (Tan, E. 2000; Silverstein, G. 2003).

¹⁵ Seow's legal and political troubles precipitated from that point onward. He is now living in exile in the United States.

designated racial minority, and the winning “team” is elected *en bloc* (Mauzy & Milne 2002). Because of this, it is mathematically possible to win 74% of the total number of seats in Parliament with less than 37% of the total votes cast.” (Tan, K. 1992). GRCs thus render any political turnover almost impossible, as opposition parties are simply too small and frail to field enough candidates to do so (Thio 2002). In addition, Singapore’s Constitution does not provide for popular referendums, except to determine Singapore’s sovereignty. To sum up, activists in Singapore can neither seek political representation nor rely on the electoral vote.

(2) The “cultural picture”

The “formal picture” above of the United States, where civil-political rights appear more available, and judicial and political avenues more accessible to social movements, of course, differs from how it actually works out on the ground. In Singapore, there is also more to the story than the formal prohibitions and obstacles. This sub-section considers both societies’ relevant cultural characteristics. It demonstrates how social movements in Singapore not only face formal constraints more stringent than a “free” society or liberal democracy, such as the United States, but also must negotiate starkly different cultural norms of political engagement. Table 1.2 below sums up the key characteristics of the “cultural” pictures gleaned from the perspectives of civil-political rights, judicial remedies, and political representation and access:

Table 1.2

Contrast between the cultural characteristics of the socio-political environments of the United States and Singapore

	United States	Singapore
(a) Civil-political rights	<p>Civil rights master frame; symbolic and strategic resource</p> <p>Violation of rights can be argued more convincingly as an illegitimate act by the state</p>	<p>Lack positive resonance with state and society</p> <p>Violation of rights more easily accepted as legitimate state action so long as the curtailments are carried out in accordance with legal procedure</p>
(b) Engagement with state	<p>Confrontation is more common</p> <p>Open challenges and questioning of the state</p>	<p>Non-confrontational</p> <p>Open challenges and questioning viewed as threats</p>

	and power holders are politically and socially accepted	to the normal course of politics, and socially detrimental
(c) Nature of relationship with state	<p>Accountability</p> <p>Political stability inheres in an expectation and acceptance of changeover in power holders</p>	<p>Unequal; elite versus common masses</p> <p>Conflation of interests of the state and ruling party: stability associated with preservation of ruling party's dominance</p>

(a) Civil-political rights

(i) Rights as an end

Socio-legal scholars have investigated and questioned the role of civil-political rights in improving social conditions. For example, some scholars have found that judicial decisions vindicating rights amount to nothing more than a “hollow hope,” as they fail to be implemented or enforced effectively (Rosenberg 2008); others have found that people who are discriminated often do not take legal action to protect or claim their rights (Bumiller 1988; Morgan 1999; Marshall 2005). Still other studies have found that contrary to the popular belief of a litigious American society (Felstiner, Abel & Sarat 1981; Miller & Sarat 1981), the majority of disputes actually never enters the legal system.

Nonetheless, at the very least, civil-political rights in the United States are resonant enough with both the state and society that they can be used as a symbolic or strategic resource (McCann 1994; Albiston 2010). Social movements are able to use rights to motivate and galvanize people to come together, and demand for their rights (Snow & Benford 1992; McAdam 1994). This is a phenomenon that applies to the gay rights movement as well (Hull 2003; Andersen 2005). For example, Armstrong (2002) finds that the formation of a gay identity enabled the movement to mobilize around civil-political rights for gay people as a minority.¹⁶

(ii) Rights as means

Regardless of the socio-legal debates surrounding rights as an *end* in effecting social change, the resonance of rights and the extent of basic civil-political rights provide ways and means for social movements in the United States to take action. The freedoms of speech, assembly and association give activists legal guarantees that support a set of

¹⁶ On the other hand, the resonance of rights in the United States also entails the privileging of one particular type of gay politics over others (Epstein 1999).

strategic and tactical “repertoires” (Tilly 1995a; 1995b) from which even the more radical wings of social movements that shun rights litigation as mere legitimization of the status quo are able to benefit. For example, gay activists could stage month-long protests in San Francisco to make known their demand for equal rights to same-sex marriage (Taylor et al 2009), and make use of gay pride parades to display and build identity (Armstrong 2002), while more radical groups like ACT UP can stage public acts of “kiss-ins” (Gamson, J. 1989).

In comparison, Singapore does not have a history of civil rights movement related to any social stratification, be it race, gender, or class. As examples: since the PAP’s ascendance to ruling power, the labor movement has effectively faded away, as the PAP re-shaped and co-opted unions and movement leaders into its vision and plans for industrialization (Mauzy & Milne 2002). In May 1987, the Singaporean government arrested 22 men and women, a group of social workers and volunteers from a Catholic center that advocated better employment conditions for foreign workers, and accused them of plotting a “Marxist conspiracy” against the state (Lyons 2004). The arrestees were detained without trial under the *Internal Security Act*, and allegedly were subjected to physical and psychological abuse (Heng, G. 1997).¹⁷ The clampdown, known as Operation Spectrum, made headline news, and the accused leader was televised on state-controlled television as having recanted. Time and time again, the PAP’s political opponents who try to exercise their rights to speech and assembly have been characterized publicly as troublemakers, and morally questionable people who act detrimentally against the interests of social stability and harmony. This usually connotes behaving in a confrontational manner: publicly making demands of political leaders and top government officials, questioning their actions, or exposing their mistakes or shortcomings, without giving face to them, thus thought to bring about embarrassment and humiliation - that is, with a lack of regard for these people’s social status and political office.

The overall picture sends the discouraging message that agitation *for* rights, and the exercise *of* rights create trouble for the state, harm society’s collective interests, and attract nothing but trouble upon oneself. The activists in my study, thus, perceive that rights generally lack resonance among Singaporeans both as means and ends. They believe the state and society to regard demands for, or assertive exercise of, rights to be unpalatable - confrontational, trouble making or shaming of the state - possibly leading to repercussions that could set back their movement. Furthermore, some activists even admit to holding these negative views about rights themselves.

(b) Judiciary

Despite sociology of law’s pessimistic view about the ability of rights litigation to protect the weak and marginalized (Galanter 1974; Albiston 2005; Rosenberg 2008), the idea that

¹⁷ The International Commission of Jurists has criticized the Singapore government’s allegations as baseless and the crackdown as a violation of human rights (“Singapore – International Mission of Jurists”).

courts ought to protect unpopular minorities based on constitutional principles (Ely 1980), does enjoy some historical tradition in the United States, one that arguably predates the Warren Court era. In a study of ACLU's history, Zackin (2008) traces minority groups' need to litigate to the Federalists' concern for the necessity of checking majoritarian politics, and the ACLU learned from how courts defended economic minorities (albeit elites) against majority interests.

In Singapore, even though formal laws do not forbid constitutional challenges, or bringing cases that accuse the state of violating fundamental rights, gay activists believe that the state and those in power view litigation as confrontational, an act of antagonism. Similar to the claim for and exercise of rights, litigation is regarded as trouble making in the eyes of the state. Some of these activists also genuinely share the views that they attribute to the state.

(c) Political representation and access

In the United States, political choice and representation, in reality, is limited to the two dominant parties, occasionally sprinkled with much weaker third parties and independents. The influence of powerful interest groups also call into question the democratic representation of ordinary voters in legislative making bodies around the country. Nonetheless, this reality conversely means that a social movement can also use these political practices to their advantage. They can also muster political clout, and form powerful lobby groups to try to pressurize, and attract the support of legislators and policymakers. The Human Rights Campaign, the largest American LGBT civil rights organization, is one such example.

Social movement scholars have documented how gay rights activists often leverage on their levels of access to the polity. Although Bernstein (1997) finds that gay activists' political access varied during different time periods in Oregon and Vermont, the underlying assumption is that such access can become available, and that levels of access can change with election outcomes. Other studies comparing the strategies of different gay activist organizations (Engel, S. 2007), and examining the tug of war between gay rights activists and their adversaries, a back-and-forth between legislatures and courtrooms also underscore the perceived viability of lobbying for legislative action (Werum & Winders 2001; Andersen 2005). Furthermore, these studies show that popular referendums - beyond the fact that they are legally available - are commonly accepted mechanisms for social movements, both conservative and progressive movements, to shape law and policies. In short, the cultural understanding - despite the flaws in practice - is that a sense of accountability to voters does exist (though the equal power of each vote may be debatable).

These cultural practices and understandings of political access and representation differ remarkably from Singapore's. Gay activists characterize the governing relationship as an unequal one - one between ruling elite and the common masses, a view that resonates

with the state's stance (Mauzy & Milne 2002; Bell 2006). In one infamous instance, a top statesman of the PAP commented that everyday Singaporeans should not be "*boh tua boh say*" in their engagement with political leaders. In the Chinese dialect of Hokkien, the term literally translates into "no big, no small," which means that one should know his or her place, that is, being "smaller" or unequal to the leadership or government.

Activists in my study also echo the cultural understanding in Singapore that its government loathes interest pressure. They frequently clarify that their movement should not be seen as one, and they have good reason to be cautious. The ban on Law's Society's ability to speak out about legislation on its own accord is one lesson. Additionally, even though Singapore's constitution does not provide for popular referendum except on issues of sovereignty, the PAP leadership has repeatedly stated in public that it neither runs the country based on referendums, nor bows to lobbying pressure.

A common thread running through these three aspects is the paramount concern of preserving the ruling party's interests, and the *perception* that they maintain control and dominance. Hence, one key characteristic emerging from the cultural picture of what happens on the ground with civil-political rights, the courtroom, and political representation and access is a taboo against confrontation. Public challenges, exposures, and humiliations are believed to be unacceptable to the state and rulers. While acts such as litigation, taking the state to court, may not be illegal, it may be painted as unacceptable and morally dubious behavior. The PAP and government rhetoric does not distinguish between party and national interests, equating the demise of the party with the nation's. Based on this conflation, supposedly confrontational acts attract accusations of creating social harm, and their credibility is, thus, more easily undermined.

Indeed, the paramount concern to preserve the ruling party is nothing unusual for regimes with some shade of authoritarianism. For Singapore, however, it highlights another key characteristic elicited from scrutinizing the above three aspects from the cultural angle: the purchase, and acceptance, of legitimization with formal law. Legal procedures are enacted and amended to allow for restrictions and curtailments on civil-political rights, and to return the rulers to power through a legally mandated, *and* controlled electoral process. The Singaporean state and the PAP do not roll military tanks onto the streets, or fire into a mob of protestors. Their social control and violence (Moore 1966) are exacted more surgically, for they have helped to create and sustain a culture in which proper adherence to legal procedures exonerates acts of rights violations, which become accepted and legitimized. For activists, therefore, arguing against their illegitimacy becomes an uphill task.

(3) The gay movement: formal and cultural pictures in focus

Against this backdrop, I bring into focus the formal and cultural pictures within the context of the gay movement in Singapore. Being a gay activist under such socio-political conditions means navigating and heeding not only the formal features, but also the

cultural characteristics - what I call, “boundaries and practices,” made up of both formal law and cultural norms. These activists in Singapore find little use in openly pushing a rights-based strategy: formally, they enjoy lesser civil-political rights enshrined in law, and lack legal mechanisms and processes through the courts and legislature to boost such a weaker foundation of formally available rights; culturally, rights lack resonance, while the claim for, and exercise of, rights are perceived as confrontational toward the state and its rulers. Further, they must act carefully in the ways they choose to expose or criticize the state’s actions, and ask for redress of their grievances, or risk undermining their own credibility, even jeopardizing their movement’s precarious existence: there exists an informal code of conduct against confrontation, and the ruling elites have excelled at using formal law to curb rights, legitimize such infringements, and consequently, take legal action against, or culturally undermine those who challenge their legitimacy. The most obvious and immediate example is Section 377A of the Penal Code. Criminalizing “gross indecency” between men, and contravening the constitutional right to equal protection, it has been used to justify the denial of a gay activist organization’s application to register as a legally recognized “society” (aside from the fact that the requirement of approving “societies” itself restricts the right to associate freely), as well as to control speech and expression about homosexuality-related issues. Surmounting such prohibitions usually first runs headlong into what is actually a tautological retort: because it is illegal.

(a) Cracks and contradictions

Nonetheless, Singapore’s socio-political landscape has not remained stagnant. Over time, changes have occurred; cracks and contradictions surfaced, complicating the formal and cultural pictures, adding texture to them, and presenting gay activists with new opportunities. As its economy grew and the nation gradually prospered, a wealthier and better-educated middle-class emerged. They began to question the PAP’s dominance and to demand for greater accountability. Starting in 1981, the PAP failed to retain all parliamentary seats¹⁸. Although it still commanded a clear majority, it attributed its “decline” partly to the alienation of the middle class (Lyons 2004). Once again, the ruling party turned to law, amending the constitution, and passing new statutory provisions to *allow* and *create* spaces for alternative voices. Hence, while continuing to control political opposition and participation, the PAP simultaneously re-engineered a version it finds palatable.¹⁹

Coincidentally, some of the PAP’s re-engineering and re-innovations have collaterally benefited the gay movement:

¹⁸ The PAP had been sweeping the elections since 1968, after its main rival, the Barisan Socialis (Malay for “Socialist Front”), faded away from Singaporean politics in the second half of the decade.

¹⁹ The PAP’s responses to the demands of the burgeoning middle class resonates with conflict theories in sociology of law – that law not only serves the interests of the ruling classes, but also contains opposition from the subordinated (Beirne & Quinney 1982). Law succeeds, because it is only relatively autonomous of the structure that fundamentally favors the ruling classes, and conceals class domination with such relative autonomy (Collins 1982).

(i) Nominated Members of Parliament (NMPs) scheme

Added in 1990, this scheme provided for additional members of parliament appointed by the state to provide “responsible criticism” while being “apolitical” (Thio 2004). NMPs have limited power, being barred from voting on constitutional amendments, supply and money bills, and votes of “no confidence” (*Constitution*, Art 39(2)).²⁰ In 2007, when the gay movement organized a petition to repeal Section 377A of the Penal Code, it found support in one of these NMPs, who spoke for the campaign in Parliament.

(ii) “Civil society”

Starting in the 1980s, the government began to permit a “civil society” where limited policy debate and dissent would be allowed but checked (Lyons 2004). Organizations working on social issues began to surface.²¹ One of them was an HIV/AIDS organization, where some of my study respondents first found their way into gay activism.

(iii) Public events

To appear responsive to an engineered civil society, the government introduced in 2000 a “Speakers’ Corner” – inspired by the English Hyde Park (Thio 2003) – exempt from the licensing regime of public speeches. Instead, speakers must register in advance with the police, may speak only between certain times, may not use sound amplification, and may not carry “placards” or “banners.” They also must not speak on issues that the police determine would “cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore.” By 2008, licenses were no longer required of indoor talks by Singaporean citizens, and neither were “performances” and “exhibitions” at the park where Speakers’ Corner was designated, provided that the same conditions regarding race and religion were met. These exemptions have since provided opportunities for gay activists to express themselves, and assemble publicly.

(iv) The Internet

The government made the Internet commercially available to the public in 1994, as a move to ensure Singaporeans kept up with technological developments.²² But it faced a conundrum: opening up the island nation to the Internet entailed the loss of control over information available to its people. So it pragmatically settled on a compromise. It would simply blacklist and block out 100 websites, mainly pornographic ones, as a statement of “community values.” This decision implied that it accepted the impossibility of Internet

²⁰ At the time of writing, a new NMP scheme has been proposed to increase the number of NMPs, thus changing the structure of constructed opposition.

²¹ The Singapore Ministry of Health recorded the first two cases of HIV infection in 1985.

²² Singapore’s residential broadband penetration rate has passed 100% (reflecting more than one connection in some households).

censorship without impairing the use and growth of the Internet locally (Keshishoglou & Aquilia 2004). In addition, its regulation over local content and service providers would be “light touch.” While Internet censorship still contains the familiar tones of not “advocat[ing] homosexuality or lesbianism,” regulatory enforcement concentrates on content “which may incite racial or religious hatred among races in Singapore” and the mass distribution of pornography involving children and minors, and local politics, requiring Internet content providers, including podcasters, to register with the media regulator if they are deemed to be political. The state’s laxer approach toward Internet, since the late 1990s, has become key to the mobilization and organization of gay activism.

(b) Variations on a theme, or variations in themes

The strategy and tactics of Singapore’s gay activists, part of the social processes examined in this study, are the result of their interactions with the formal and cultural landscapes, summarized in Table 1.1 and 1.2, including the new cracks and contradictions discussed above. Subsequent chapters, especially Chapter 7, will elaborate on them. Here, for explanatory purposes, these strategy and tactics are contrasted to a general characterization of the United States’ in Table 1.3 below. The table is partly organized based on sociology’s scholarship on gay rights movements. It especially accounts for the three primary strategies through which the movement in the United States have mainstreamed - electoral campaigning at various governmental levels, legal reformation and litigation, and lobbying for legislative changes (Vaid 1995).

The “variations” under the Singapore column indicate that even though these activists do carry out the respective type of strategy or tactic listed in the first column, their implementations vary from the versions familiar to their American counterparts. For example, the movement does not organize pride parades, or march down public streets, an exercise of rights that its activists find both legally and culturally prohibitive; instead, in recent years, they have made use of the relaxation of rules for the “Speakers’ Corner” park to hold a confined but public rally. Rights are usually not demanded at such public showings. Activists did ask Parliament to repeal of Section 377A in 2007, but the campaign stemmed from making use of the state’s decision to review the Penal Code systematically, and solicit public feedback. Even rarer is the public demand for rights vindication through the judiciary. They also do not organize lobby groups to campaign politicians, and voters to choose politicians who support their cause; rather, they quietly seek out politicians open-minded enough to listen to them, couching their cause in a way that does not threaten the ruling party’s sense of security, and, simultaneously, try to show that the general population is not opposed to their claims - important to the ruling party that legitimizes itself by being returned to power through regular elections. They bring their case to the state-controlled local media with a similar approach. Strictly speaking, most of the gay activists organizations that mobilize the grassroots of the local gay community are non-legal in that they are not lawfully registered “societies.” Even the exceptions that have managed to become lawfully recognized - to be examined in later

chapters - all of them tread carefully lest they attract adverse legal consequences simply because of their cause, or cultural transgressions.

Table 1.3

Contrast between typical strategies and tactics culturally available to the United States and Singapore

	United States	Singapore
(i) Public demonstrations, including pride parades	Yes	Variation
(ii) Litigation	Yes	Limited
(iii) Lobbying/electoral campaigning of politicians	Yes	Variation
(iv) Electoral campaigning of populace	Yes	Variation
(v) Media campaigning	Yes	Variation
(vi) Claiming rights	Yes	Variation
(vii) Grassroots community / identity building	Yes	Variation

Regardless of (or, perhaps because of) the challenges presented by Singapore's formal and cultural characteristics, gay activists have managed to formulate and implement an array of strategies and tactics. In comparison to developments in liberal democracies, their maneuvers may appear limited. However, theirs is not necessarily a lesser but similar version of counterparts' elsewhere; more importantly, their version indicates that the strategies themselves and the ways of implementation may actually *vary* from the one found in liberal democracies, which are supported by a fuller range of civil-political rights. Furthermore, it suggests that the changes - which activists in my study believe they have achieved - that occur in relation to the movement may also tell a different tale.

At this stage, one may argue that even strategies and tactics *across* liberal democracies are never completely the same, and the degrees of social change vary among them, too. Similarly, one could argue that the differences between a halfway house like Singapore and liberal democracies are simply a foregone conclusion, a no-brainer, the result of transplanting an empirical inquiry - the role of civil-political rights in a similar social

movement - from a liberal democracy to a more authoritarian regime; since these rights are expected to be less recognized in more authoritarian regimes, the outcome is, therefore, unsurprising. While these views may be valid, the point here is more fundamental. Should we make an empirical assumption, or an immediate, normative judgment that the Singaporean version is simply a weaker variation on a single theme? Such evaluations are predicated on an assumption of there being a single theme of how social change should look like: it flows from democratic institutions, and the accompanying entrenchment of civil-political rights. Operating on this assumption fails to capture alternative processes that account for the interrelationships between power, law included, and collective mobilization, and eviscerates the nuances of human agency in the face of power. The cultural picture I described above in Singapore constrains particular kinds of mobilization and strategy, and controls the types of manifestations. Yet, collective action, such as the gay movement in Singapore, evidently exists. Their existence should not simply be relegated to being a weaker variation of the presumingly single theme of social change. Could more than one theme exist? Could we be open to the possibility of variations *in* themes?

Being open to alternative possibilities would enrich our understanding of political developments in socio-political contexts beyond the liberal democratic mold. Recent studies on China already suggest that social change can occur without liberal democratic institutions and while maintaining the status quo (O'Brien & Li 2006; Tsai 2007). A case study of gay activism in Singapore, a halfway house of possibilities, captures a snapshot of a particular society's history at a particular juncture, intersecting with the biographies of a particular group of people (Mills 2000). It challenges us to revisit, and consider alternative ways of understanding the processes of social change.

(III) RESEARCH QUESTIONS

The overarching theme of understanding how law matters in social movements - the motivation behind the Statement of Problem, and my case selection of gay activism in Singapore - frames this study's research questions. In the process of crafting the following questions, given my concern about the over-privileging of rights - a key tenet in Chapter 2's literature review - I took care not to deliberately force the issue of rights. Thus, I approached the questions bearing in mind that they should account for the possibility of non-rights phenomena.²³

- 1. How do gay activists in Singapore make sense of their grievances, and how do they hope to change their conditions by participating in the gay movement in Singapore?*
- 2. How do they formulate and implement their strategies and tactics to achieve their goals?*

²³ See Chapter 3 on how I approached the fieldwork in a similar manner, bearing in mind the same concern.

3. How do they make sense of the outcomes of their efforts?

4. What are the ways in which law plays a role in these social processes?

I address Research Question 1 from various angles - how they were initially motivated to join the movement, their aspirations, in terms of strategy and tactical implementation (being manifestations of how activists choose to make sense of their grievances externally), and their previous interactions with the state and among themselves. The last two perspectives overlap with my approach for Question 2 - the first is based on respondents' understanding of the boundaries and practices, or interpretation of formal law and cultural norms, while the second supplements the first by approaching it from the angle of past experiences with the state, and relationships among themselves. With Question 3, I move on to look into respondents' views on what they have achieved, and in the process, their evaluations of the effectiveness of their strategy and tactics. The fourth and final question threads through the first three, asking about the place of law - beyond formally enshrined rights - in all of these areas, from the initial making sense of grievances to their self-assessment on hindsight.

(IV) CENTRAL THESIS

The cultural study of law has come to appreciate how the meanings, values and role(s) of law are shaped by socio-political context, and the interactions among formal state institutions, other social institutions, social actors, as well as the specific issues at stake. Nevertheless, where collective action is concerned, existing literature in sociology of law, and social movements share an underlying theoretical oversight. There exists an unquestioned tendency to focus on rights, finding rights as instrumental and cultural resources, and conflating rights with "law." This has led to over-emphases on collective legal strategies and tactics in the manner of exercising rights or claiming rights, and on social changes in the form of rights affirmation or vindication. Rights - and consequently, law - are seen primarily as a resource, instrumentally, symbolically or strategically, for social movements.

The under-examined and overlooked conflation of rights with legal discourse, thus, has offered an insufficient understanding of "how law matters" in collective action and social change. Situated empirically within the gay movement and its activists in Singapore, my study accounts for a broader scope of law beyond rights as resource. With this approach, I find law to be both a source of domination that is resisted, overcome and sometimes reclaimed for their purposes by movement activists, but at the same time continuously perpetuated and validated by these same decisions and actions. Unlike what sociology of law has learned in the United States, law - in the form of legal rights - is neither a strategic nor symbolic resource for these activists. Instead, they regard law as a key source of oppression that obstructs their efforts. The ruling party, in control for the past 45 years, has used law's power at imposing punishment and delegitimization not only as a means of formal deterrence, but also as an instrument to cultivate and support cultural norms that

discourage its people from coming together to agitate for social change, to use rights as means, and to ask for change by claiming for rights, which are painted as confrontational and detrimental to their society's stability and progress. To these activists, "rights don't work." Law's formal power to punish and sanction, its cultural power to delegitimize, as well as the cultural norms of non-confrontation, maintenance of the ruling party's dominance, and preservation of social stability and economic progress together make up a set of socially constructed boundaries and practices that influence the ways in which these activists strategize, and maneuver tactically.

Overall, gay activists in Singapore collectively engage in what I call a strategy of "pragmatic resistance," built on Scott's (1985; 1990) concept of "everyday resistance" - covert action aimed at immediate and specific gains (Scott 1985) that do not alter the status quo of formal arrangements. Therefore, they concentrate on achieving social changes outside formal law, such as gaining acceptance from society at large and from the state to come out, speak out and have their grievances heard, and to organize and assemble more publicly as a group of people who have shared concerns and interests. Rather than turning to the law to aid their cause, they resist its power through a strategy that involves a precarious balancing act between survival and pushing their cause forward. To survive and "live to fight another day," they "toe the line," trying their utmost to abide by formal law and the other, cultural boundaries and practices, so that they avoid legal sanctions that could lead to the clamp down of their organizations, and demise of the small gains they had accumulated over time, thus reversing all of their hard work. At the same time, to advance their goals, they "push boundaries" by imperceptibly expanding their cultural limits - which have the backing of legal sanctions - on what are socially and politically acceptable. They do so without changing formal law in the process, but yet make use of the very laws that control and restrict them; they exploit the opportunities that arise from cracks and contradictions within law itself, and amongst law's relationship with the other boundaries and practices, exposing both their oppression and bumbling nature (Gilliom 2001).

Pragmatic resistance further epitomizes the culture of the movement, perpetuated, reinforced and refined by previous interactions between the movement and the state, and social relationships among activists and their organizations. Despite lacking formal organization, with such a culture, these activists produce a sustained and organized collective phenomenon. Therefore, I propose a slight paradigm shift in the way sociology of law conventionally conceptualizes the relationship between everyday resistance and collective resistance: Rather than assume the former as a precursor to the latter, I theorize that everyday resistance, (i) when performed on a collective scale (ii) with the motivation to challenge power (iii) for a collective good, and (iv) produces a culture that is organized and sustained over time, should be regarded as a genre of collective action, just as overt claims and demands for formal changes are seen as one. In this collective form, everyday resistance is known as "pragmatic resistance." My approach does not exclude situations in which everyday resistance in this collective form - pragmatic resistance - does evolve into open resistance that publicly challenges the status quo. It merely offers yet another

perspective - one that addresses the gap in sociology of law concerning the relationship between everyday and collective resistance in a manner that is sensitive toward empirical sites where socio-political conditions indicate less civil-political rights than democracies, and the agencies of those who interact with them to effect change.

Pragmatic resistance is a strategy and form of collective action that produces outcomes that cannot be easily classified as celebratory or weak, sociology of law's two primary interpretations of everyday resistance. Gay activists in Singapore interpret two types of outcomes from pragmatic resistance, *and* they accept the two as conscious trade-offs between each other: on one hand, they value it for generating informal gains that have immediately, and specifically benefited the gay community, for example, the expansion of political, social, and discursive spaces; on the other hand, they self-discipline themselves to practice pragmatic resistance as their routine, which results in reifying, and reinforcing larger, existing power arrangements, including law and the formal institutions from which it germinates and supports.

Besides being reified as a dominant force that is simultaneously resisted, law endures through the power of rights it is believed to guarantee. My respondents do not enjoy civil-political rights to the extent of those in Western democracies, and "rights don't work" for their movement, but they remain influenced by rights. They aspire toward the achievement of rights, though the goal may seem lofty, and idealistic; they speak highly of rights outside the strategy that they implement and display to the state; and, throughout the interviews, they often unknowingly let slip how rights have seeped into their consciousness, quietly and subtly shaping their worldviews, even though they are not strategically expressed. Yet, because they are more deprived of rights in reality, they also ironically escape the pitfalls and inadequacies of rights elucidated in socio-legal studies, and achieve social change in alternative ways.

Pragmatic resistance is an alternative that activists such as those in my study have chosen under their given socio-political conditions. While its relevance to and degree of prevalence in other societies - authoritarian regimes, such as China, or even liberal democracies - await future empirical work, my study suggests that those pushing for change may gravitate toward pragmatic resistance if their society (i) has a cultural fetish for legitimacy drawn upon a source of power that can sanction and punish, (ii) has a status quo that provides these activists with benefits that they treasure, and thus incentivizes them only to improve the status quo, not seek its overhaul (iii) and, these activists, the state, and other social actors and institutions implicated by that particular movement mutually participate in the (re)production of pragmatic resistance. If one of these conditions is no longer in place, pragmatic resistance may then give way to other forms of collective action. Claim-making that is overtly claims and demands for formal changes may take its place, if this society, additionally, has a rights resonant culture. This also means that there is no one replacement, and that other, yet to be empirically discovered, genres and forms of collective action may exist and take shape.

My study, therefore, suggests destabilizing the often assumed and unpacked positive relationship among rights, democracy and social change - the converse assumption being that in a socio-political context where civil-political rights enjoy less recognition, and such rights-based claims are expected to be less successful, social change is often presumed, consequently, harder to come by. What this study demonstrates empirically, however, is the possibility of multiple pathways to social change, sometimes *without* rights and democracy, as well as alternative, contextual interpretations of the meaning of social change. It offers theoretical ideas about the social processes through which social change is and can be achieved outside the realm of rights, and about whether power is and can be redistributed differently as a consequence. The questions with which this study leaves us, however, are whether and how the redistribution of power leading to social change can be evaluated differently outside the framework of rights and democracy; whether it should be; and, ultimately, whether we - also meaning-making subjects at the intersection of our own histories and biographies (Mills 2000) - can indeed step outside of it.

(V) STRUCTURE OF DISSERTATION

The rest of this dissertation is structured in the following manner:

Chapter 2 reviews the sociology of law, and social movements literatures upon which this study is built, and discusses its contributions to the literatures.

Chapter 3 elaborates on the methodology and methods.

Chapter 4 draws upon original data to analyze the trajectory of the gay movement in Singapore. It provides the analytical background for understanding the findings pertaining to each research question in subsequent chapters.

Chapter 5 addresses Research Question 1, by analyzing the data collected on how gay activists came to join, and eventually took up key roles in the movement. It also contrasts these findings to, and examines, the objectives that they hope to achieve.

Chapter 6 concentrates on respondents' multiple interpretations of rights. Although the research was not designed around collecting rights-related data, they emerged as a prominent pattern in the course of collection and analysis. Drawing upon these findings, this chapter analyzes how they socially construct the boundaries and practices that shape their strategic and tactical choices.

Chapter 7 addresses both Questions 1 and 2 at the juncture of the movement's strategy and tactics. It builds on the boundaries and practices distilled from the previous chapter to present an analytic picture of how gay activists in Singapore formulate and implement their strategy and tactical processes of "pragmatic resistance."

Chapter 8 also addresses the first two research questions by looking at how past experiences - in addition to their interpretations of boundaries and practices - contributed to the formulation, implementation, and perpetuation of “pragmatic resistance.” These past experiences include previous interactions as gay activists with the state, and other people and organizations in the movement.

Chapter 9 pulls together the analytical strands in the preceding data chapters to elaborate on “pragmatic resistance” as the collective strategy and culture of the gay movement in Singapore. It situates this concept in relation to the gaps in sociology of law literature, in particular, the issue of how individual resistance links to collective ones.

Chapter 10 addresses Research Question 3. It examines how respondents make sense of the outcomes of their activist efforts, and goes on to elicit from those findings the various layers of law’s impact on this movement.

Chapter 11 concludes the dissertation by using its central thesis, which highlights the role of law beyond that of rights in social movements, to reflect on the relationships among rights, social change, and democracy, and issues of power (re)distribution arising from them. It also postulates on the socio-political conditions that may give rise to a movement strategy of pragmatic resistance, rather than one of open resistance or revolts.

CHAPTER TWO

LITERATURE REVIEW

Taking a cultural turn in their approaches toward how people make sense of their grievances, sociology of law, and the sociological study of social movements are paying attention not only to larger socio-political factors and social institutions, and the interrelationships among people and organizations, but also the subjective side of how people interpret such factors, social institutions, and relationships. At the intersection of these two scholarships - law and social movements - a cultural approach entails studying how people make sense of law, and engage in collective action.²⁴ Situated at this intersection, **my study refines existing theoretical understandings by orienting the socio-legal inquiry toward a non-democratic socio-political context lacking civil-political rights to examine the social processes of collective action; how collective action and social change are understood and experienced by those seeking change in such a context; and, the ways in which law matters to these processes, the meaning of collective action, and the very idea of social change itself.**

The following review of sociology of law, and social movement studies, focusing on their intersection of law and social movements, highlights two issues that my study addresses. The first concerns the development of law and social movements largely based on a particular type of socio-political context - societies with Western democratic processes accompanied by a wider availability of civil-political rights - resulting in over-emphases on the role of rights, rather than law more generally, in the scholarship. Due to the inadvertent conflation of rights with law, and the finding that rights serve as formal and cultural resources for social movements, both scholarships tend to neglect other aspects of law, especially its role as a source of domination and power on collective action. The oversight then leads to the assumption that collective action are less likely to emerge, and less likely to attain social change in more repressive societies, where democratic practices and civil-political rights are relatively less entrenched. The assumption is based on how collective action looks like, and what social change means, both of which are largely drawn on this particular socio-political context where rights play a visibly important role as a means of collective mobilization, such as public assembly, association, and expression, and as an end in the form of rights claims to remedy grievances.

Consequently, the possible existence of other forms of collective resistance, and social change is also neglected by law and social movements. The oversight connects to the second issue in my literature review - the under-articulated linkage between individual, everyday resistance, and collective resistance. Consistent with the context-particular development of law and social movements, and its rights-centric focus on collective

²⁴ I use the terms, "collective action," and "social movements" interchangeably.

action, everyday resistance, being covert, and avoiding outright challenges against the status quo, is typically regarded as falling outside the realm of social movements. Yet, everyday resistance is commonly found in repressive settings, amongst people who may identify their grievances as the oppression of a group to which they belong. Investigating social movements in such rights-impooverished settings may find help in widening the lenses of collective action, and ideas about social change to include acts of everyday resistance by a people. It may inform law and social movements of how collective action in more repressive societies may occur, the forms they take, how everyday resistance relates to collective resistance, and specifically for sociology of law, how law matters outside a rights-as-resource mold.

(I) MATTERS OF CULTURE AND CONTEXT

This section considers the cultural turn that sociology of law, and social movement studies, have respectively taken. The shifts have enriched both scholarships, but because they have developed mainly out of American-centric empirical studies, an important void remains to be filled at the intersection of law and social movements. What this section of the review highlights, therefore, are the particular context from which both scholarships' cultural turns have emerged - mainly Western democratic societies, especially the United States, with stronger entrenchments of civil-political rights compared to other, more repressive regimes, including my empirical site of Singapore; and, consequently, the need for law and social movements to find out more about how law matters culturally in collective action situated in other types of socio-political environments.

(A) SOCIOLOGY OF LAW

While its roots are traceable to the 19th-century works of Durkheim, Marx, and Weber, sociology of law - the study of law as a social phenomenon - in the second half of the 20th century successfully created a new object of study and domain of knowledge. Early sociologists of law conducted gap studies – discrepancies between law envisioned in the books, and law in action – and applied a top-down emphasis, studying the impact of formal legal institutions and actors, such as courts, legislature, regulatory agencies, and legal professionals, on society (Macaulay 1963; Macaulay 1979; Mnookin & Kornhauser 1979). However, it remained a domain influenced by the legal academy's needs and interests, and, thus was created within a “legally constructed” domain (Trubek 1990). This paradigm, however, eventually exhausted itself (Abel 1980).

A new direction took shape, and began to examine law outside of formal institutions, looking to where and when accepted norms of social interaction break down (Seron & Silbey 2004). Studies on dispute resolution examined law as it factored into the disputing experiences of people – when and how they decide to engage formal legal mechanisms to resolve their disputes (Miller & Sarat 1980; Felstiner, Abel & Sarat 1981). Following the dispute paradigm, by the 1990s, the scholarship took a “cultural” turn (Seron & Silbey

2004) toward what is now the contemporary approach of examining law from the bottom-up – exploring how everyday people experience, understand, and use the law.

Sociology of law's cultural turn echoes the broader shift in contemporary social theory toward cognition and social construction (Berger & Luckmann 1967; Bourdieu 1977; Foucault 1978; Giddens 1984; Sewell 1992), which examines how actors draw upon cultural systems of meaning to make sense of their social worlds, and to construct social institutions that shape those worlds (Nielsen 2004; Albiston 2006). With this turn, although law is regarded as helping to shape, influence and constrain social life and relations, everyday people are also understood to reproduce and reshape the law in how they respond to it (Bumiller 1988; Sarat 1990; Merry 1990; Greenhouse, Yngvesson & Engel 1994; Morrill 1995; Ewick & Silbey 1998; Engel & Munger 2003; Nielsen 2004; Albiston 2010). It attempts to identify law's power more holistically not only by examining - hence, privileging - the elite and powerful who effect and implement law from the top down, but also the people on whom law is imposed, the interaction between these people and the law, and their everyday understandings of law (Ewick & Silbey 1998; Ewick & Silbey 2003).

The overwhelming focus of sociology of law's cultural turn, however, pertains to the meaning making of *individual* persons. Within existing cultural scholarship on law, one branch commonly known as "legal mobilization" directs attention toward how people make sense of their grievances, decide whether or not to use the formal legal provisions and procedures to address those grievances, and the ways in which they use the law (or not) to do so (Bumiller 1987; 1988; Ellickson 1999; Marshall 2005; Engel D. 2009; Albiston 2010; Hirsh & Lyons 2010). Another representative branch of this cultural turn, commonly regarded as "law in everyday life" and legal consciousness studies, examines how people relate to law, outside of formal mobilization and on an everyday basis, and mutually constitute the relationship (Merry 1990; Greenhouse, Yngvesson & Engel 1994; Ewick & Silbey 1998; Engel & Munger 2003; Nielsen 2004). I will elaborate more on legal consciousness later in this chapter. For now, it suffices to highlight that cultural socio-legal scholarship so far has largely concentrated on the *individual* in *individualized contexts*.

In contrast, given that sociology of law is concerned about law's relationship to society, and their mutually constitutive effects on socio-legal changes, the scholarship's study of the cultural role(s) of law in the context of *collective* action - which, by definition, aims at achieving social change (progressive ones, at least) - has only recently increased in attention. Initially, studies such as Burstein (1991) that considered legal mobilization as a social movement tactic, did not engage law culturally. Burstein, for example, focuses on appellate court decisions as the "law." In comparison, later works such as McCann (1994), Silverstein, H. (1996), Kostiner (2003) and Fritsvold (2009) are much more cultural, examining how actors of social movements interpret the law, and take action based on those understandings. I will consider these works in more detail later. For now, it is important to note that these developments for sociology of law's engagement with social movements, however, are American-centric and insular in empirical context. So far, the

scholarship seldom provides empirical accounts of whether similar cultural understandings of law exist in different socio-political contexts; if so, how they are similar to or different from the American version, and how these features impact collective action. It is, therefore, trailing a growing, broader trend outside sociology of law, one that examines law's relationship to the effects of globalization, such as how grassroots activists respond to the transmission of Western legal developments and systems into their non-Western societies. For example, in their edited volume of empirical studies that analyze the role of law in global movements for social justice, De Sousa Santos and Rodriguez-Garavito (2005) point out the need to move away from top-down approaches toward the study of law, globalization and politics, as they fail to capture the dynamics of bottom-up resistance and legal innovation, and propose a bottom-up approach to examine legal orders in operation from the subaltern.

(B) Social MOVEMENTS

In the sociological study of social movements, political process remains a dominant theoretical model for analyzing the emergence of collective action and its outcomes. With its three sets of factors - political opportunity structures, mobilizing structures, and cognitive liberation - the political process model ("PPM") was to account for the macro-, meso- and micro-levels of social movement dynamics. In other words, the model was meant to consider socio-political conditions both internal and external to a movement (McAdam 1999a). It also was supposed to pay attention to subjective meaning making - how people make sense of their socio-political conditions. At PPM's core, therefore, is the emphasis on sustained interaction among the three sets of factors. As the model developed into the dominant theory of social movement studies, however, its interactive component came to take a backseat (McAdam 1999a; Buechler 2000). For the most part, it eventually deserted the subjective side. McAdam (1999a), thus, urges scholars to return to PPM's interactionist roots (see *also* McAdam, McCarthy & Zald 1996; Meyer 2004).

To revive interactivity, and re-center subjective meaning making in the scholarship, several projects have arisen either positioned as alternatives or complements to PPM. They include perspectives on framing by Snow and his collaborators, "new social movements" (Melucci 1985; Laraña, Johnston & Gusfield 1994; Kriesi et al 1995),²⁵ the consciousness and cultures of social movements (Fantasia 1989; Johnston & Klandersman 1995; Mansbridge & Morris 2001), emotions and moral outrage (Jasper 1997; Goodwin, Jasper & Polletta 2001), collective identities (Taylor & Whittier 1992; Polletta & Jasper 2001; Meyer, Whittier & Robnett 2002; Bernstein 2005), and field (Ray 1999) or cultural-institutional approaches (Armstrong 2002; Armstrong & Bernstein 2008). While all of these perspectives, PPM included, do not form my study's central framework, the discussion here illuminates the issue at their core - *the growing need to take seriously the subjective and cultural processes of social movements, and to look beyond conditions that are*

²⁵ For critiques on "new social movements," see Plotke (1990), Pichardo (1997), and Buechler (2000).

*treated by scholars as objective.*²⁶ Together, they signify increasing efforts within social movement studies to coax the scholarship into making the cultural turn, in line with broader shifts in contemporary social theory. For example:

- One of the major efforts is the framing scholarship, based on Erving Goffman's work on "frames" – schemata of interpretation used by individuals "to locate, perceive, identify, and label occurrences within their life space and the world at large" (1974, 21). This body of scholarship is rather voluminous, but we can generally understand collective "framing processes" as interactive processes through which activists "assign meaning to, and interpret relevant events and conditions" (Snow & Benford 1988, 198) in order to take up collective action, motivate others to participate, and seek support from, challenge or communicate with third parties. These processes, nevertheless, are only relatively agentic, as it is relatively constrained; activists are limited to drawing from existing meanings and ideologies, sometimes, however, they are also able to build on these existing meanings and ideologies to modify or construct new meanings. Some frames, because of their cultural resonance, inclusivity and broad interpretive value, can become master frames for collective action (Snow & Benford 1992). For example, the civil rights frame of the civil rights movement arguably has evolved into a master frame for later movements, such as the women's and gay rights movement(s) (McAdam 1994). Unfortunately, framing itself has since become static (Benford 1997), and has neglected issues that inherently involve centering interaction, such as its relationship with political conditions, (Beuchler 2000), power relations (Steinberg 1999; Ferree 2003), or ideology (Oliver & Johnston 2000). Hence, what goes on in the minds of activists about challenging or using social institutions is still largely under-studied in social movements (McAdam, McCarthy & Zald 1996; McAdam 1999a), and critical research beyond reifying the status quo remains lacking (Snow 2004).

- "Oppositional consciousness" is another attempt to bring back the subjective. According to this body of work, oppositional consciousness is "an empowering mental state that prepares members of an oppressed group to act to undermine, reform, or overthrow a system of human domination" (Mansbridge 2001, 4-5). It contains at least four subjective elements of the social actors involved: their identification with members of the oppressed group, identification with injustices inflicted upon that group, opposition to those injustices, and recognition of a shared interest with the group to address those injustices. At the same time, the making of those subjective elements emanate from individuals' interactions with, and interpretations of the world around them. In short, oppositional consciousness - like cognitive liberation, and framing as it is meant to be - is both a cause and effect of social movement dynamics. As I see it though, while oppositional consciousness has helped to highlight the importance of culture, and especially the engagement of movement cultural studies with both the larger socio-political context, and power dynamics (Morris and Braine 2001), it is unclear how they relate to PPM and

²⁶ For example, changes to PPM's political opportunity structure can be treated as objective conditions, but should be differentiated from subjects' interpretation of such changes as shifts positive or negative to their movement (McAdam 1996).

framing. Because the latter two are the most dominant approaches in the field, it may garner more intellectual following and purchase if its relationship with them - whether as supplementary, complementary, or substitution - is further theorized.

- A newer proposal is cultural-institutional. Armstrong's (2002) analysis of the San Francisco lesbian/gay movement from the 1950s to the mid-1990s integrates cultural approaches to social movements with social institution perspectives to expand aspects of gay social life relevant to social movement analysis, and go beyond mainstream political institutions. In their recent critiques of PPM, Armstrong and Bernstein (2008) argue for a research agenda that focuses on "how power works across a variety of institutions; how activists interpret, negotiate, and understand power; and how and why activists choose strategies and goals," (93) bringing to the forefront the meaning making of activists. Hence, theirs also involve emphasizing the study of the relationship between forms of domination, and forms of challenge.²⁷

Taking culture seriously generates potent opportunities to re-center the analysis of power, an aspect at the heart of social movement studies (Ferree 2003; Armstrong & Bernstein 2008). Sociology of law's *cultural* approach toward law, therefore, fits into the forefront of theoretical trends in social movements. The treatment of law as a source of cultural power offers analytical potential to core questions of the latter - the emergence, waxing and waning, and outcomes of social movements (Johnston & Klandersman 1995), as activists often use or oppose the law, and often are constrained or facilitated by the law. Nonetheless, only in recent years have social movements scholarship gradually paid attention to explicitly or extensively questions about the relationship between law and society (McCann 1998; 2006).

Earlier social movement studies tend not to center the question of law. But in those instances that do, they commonly treat law in its top-down forms, such as statutes or judicial decisions (Barkan 1984; McAdam 1999b). For example, Barkan (1984) compares the tactical responses of racist southern authorities to local black protest campaigns during the civil rights movement, and evaluates the protest outcomes based on whether they achieved their goals of triggering federal intervention, leading to legal change. He finds: if southern authorities responded with "white violence," the protests would lead to federal intervention, and, therefore, campaign success; if local officials instead used "legalistic" means, such as arrests, prosecution, and incarceration, to control the protests, the campaign would be "defeated." By "legalistic means," and legal changes at the federal level, Barkan is referring to formal institutions of law. But he neglects the cultural aspects of legal power - for example, why the use of "legalistic means" legitimized the quelling of protests, whereas violent means, that is, illegality, did not.

²⁷ In this way, it is actually reminiscent of "new social movements" theory, but Armstrong and Bernstein do not argue for the newness of any type of movement, for which "new social movements" was frequently criticized (Plotke 1990; Pichardo 1997).

More recently, however, studies coming out of social movements are increasingly treating law more culturally. Notable examples include Polletta (2000), who finds that rights claims-making in the civil rights movement brought about “cognitive liberation” (McAdam 1999b), and Pedriana (2006), who argues that mobilizing law’s “constitutive” symbols and categories is a central but routinely overlooked way in which social movement actors frame their grievances, identity and objectives. In the specific area of gay rights movements, scholars are beginning to appreciate the cultural power of rights in shaping movement discourse and development (Hull 2001; Eskridge 2002; Andersen 2005; Pinello 2006; Keck 2009). Andersen (2005), for example, analyzes the relationship between litigation and social change, and explicates the potential and problems with legal mobilization to achieve social change. Others in their studies of particular aspects of gay activism (e.g. Bernstein 1997; Werum & Winders 2001; Taylor et al 2009) also have taken a cultural approach to their analyses, though not in specific relation to law extensively or explicitly.

A minority of empirical studies intersecting law and social movements has also extended the socio-legal inquiry to contexts outside Western democracies. Notable ones include Rodriguez and De Sousa Santos (2005), who concentrate on the relationship between the global social justice movement and law on the ground; and, Merry (2006), and Goodale and Merry (2007) who deploy a socio-legal cultural approach to the examination of the role of one particular type of law - international human rights²⁸ - in grassroots movements around the world, and pay attention to their dynamics. Nevertheless, despite a growing attention to cultural law, social movements studies in this respect - like sociology of law - remains largely insular and American-centric.²⁹ The minority of studies that break this mold stand out to expose the empirical neglect in this area, and, consequently, the particularity of the context from which the most law and social movements studies have developed.

(II) RIGHTS, AND THE CULTURAL TURN IN LAW AND SOCIAL MOVEMENTS

The strong ties between law and social movements, and the context of Western democracies have significant influence on the scholarship’s perspectives on the cultural role of law. The source of the problem lies with an oversight - a tendency to focus on

²⁸ Here I treat international human rights as the parallel to civil-political rights in the American-centric studies. International human rights are also anchored in a formal system, albeit an international system rather than a domestic one. Even what is known as customary international law, assumed to be binding on nations as a matter of custom and practice over time, is arguably rooted in a formal international system as they are perpetuated through codification, recognition and application by international courts, jurists, the United Nations and its member nations, all of which recognize customary international law to be a primary source of international law.

²⁹ Note, however, that compared to sociology of law, social movements studies *in general* - outside the cultural study of law - is less insular and American-centric, having examined movements in authoritarian regimes (Osa & Corduneanu-Huci 2003), transnational or international activism (Keck & Sikkink 1998; Risse & Sikkink 1999; Della Porta & Tarrow 2004; Tarrow 2005; Della Porta et al 2006; Ferree & Tripp 2006), and gay movements around the world (Adam, Duyvendak and Krouwel 1999).

rights, rather than law more generally, in interaction with social movements, and, correspondingly, to conflate “rights” with “law” in the analyses.³⁰ Because such studies are typically, thus far, situated in empirical sites where civil-political rights have stronger guarantees, and are available through democratic processes, rights are found to be strategic or symbolic resources. Rights are then used interchangeably with “law” in these studies, such that law inadvertently becomes regarded as a resource for social movements, when, in fact, law can also sometimes be an institution of power and domination to be resisted (Albiston 2006; 2010) by a movement. I first consider the “rights debate” in sociology of law, and relevant cultural studies of law in social movements. Then I discuss the implications of engaging law more culturally beyond “rights” in collective action.

(A) RIGHTS/LAW IN SOCIAL MOVEMENTS

The prominent debate on the role of rights in social change is one line of scholarship that reflects sociology of law’s development in the cultural direction. Generally, it has been studies identifiable along this strand that have so far found cultural footing at the intersection with social movements, and made important contributions to its development. Earlier stages of the rights debate focused on the question of *whether* law matters to social change. While proponents regard rights as empowering and an effective tool for social change, scholars who take the “myth of rights” perspective claim that rights are misleading, because they are a myth (Scheingold 2004). They argue, more often than not, the articulation and affirmation of rights alone fail to produce social change; rights go unrealized, mired in policy-making and implementation (Scheingold 2004; Rosenberg 2008). Rights can even be disempowering, as the aggrieved may lack resources to fight legal battles, or they shun the legal system, perceiving it to be a re-victimization process (Bumiller 1988).

The more contemporary version of the rights debate shifts the question away from whether law matters to *how* law matters, at the heart of which is the issue of what counts as social change. Much like the general cultural turn in the scholarship, scholars who approach rights from this perspective agree with the “myth of rights” perspective that rights *alone* may not be able to achieve social change. However, they go on to argue that rights do have something to contribute to social change. Though unable to vindicate wrongs completely, rights can be cultural symbols that empower and inspire the oppressed to see possibilities for change; they can also be used as bargaining chips to threaten litigation against unmoving or recalcitrant opponents (McCann 1994). Place this more nuanced understanding of rights alongside the “myth of rights” in the American context, and we have a politics of rights – an interplay between an ideology of rights as political legitimacy and politics at work (Scheingold 2004). The affirmation of a rights-based society legitimizes politics, thus reflecting the myth, which in turn values rights as a politically

³⁰ By “rights,” I primarily refer to “civil-political rights,” since most of these studies are American-centric, with a few exceptions - covered in this review as well - which consider international human rights.

efficacious and ethically sufficient principle of government (Scheingold 2004), bearing the ability to right a political wrong.

Hence, rights have come to be understood by socio-legal scholars as both instrumental and cultural resources for social movements. They have also commonly formed the focus of cultural studies of law in social movements. In the process, there has been a tendency to conflate “rights” inadvertently with “law.” The classic work by Scheingold (2004), for example, focuses on constitutional and rights litigation, and discusses rights with an underlying equation of “rights” to “law.” McCann (1994), drawing upon the powerful ideas in Scheingold, investigates the subjective meanings of rights, and how they impact the lives of activists and activism. He discusses rights consciousness in reference to Ewick and Silbey’s (1998) conceptualization of legal consciousness, and then examines the myth of rights, acknowledging the “outsider” perspective of rights as being a source of power for the privileged. However, he goes on to call for a reconsideration of the “myth of rights” - that rights, nonetheless, are powerful resources - put in interaction with “politics of rights” (232-238). What are clear, therefore, are the rights focus of McCann’s study, and the treatment of rights as resources for social movements. Along the same vein as McCann, Silverstein H. (1996) finds that, despite the limitations faced by rights, they are powerful resources for social change, particularly when used strategically in social movements.³¹ Further, although Kostiner (2003) goes beyond McCann and Silverstein’s approach to explore the contradictory legal consciousness (Ewick & Silbey 1998) within and among social justice activists, she also conflates rights with law in her discussion, and finds that rights are resources for many activists in her study.³²

Coincidentally, a line of scholarship on the cultural role of rights in same-sex marriage litigation has emerged with shades of the rights debate in sociology of law, and, along with it, similar issues raised in the preceding discussion. These studies can be seen as responding to the new chapter on same-sex marriage in Rosenberg’s second edition of *The Hollow Hope* (2008), which basically echoes his original arguments in 1991 - that it is cultural acceptance, and not rights litigation, which has advanced the issue of same-sex marriage, and that litigation has actually created backlash (Rimmerman 2001; Klarman 2005; D’Emilio 2006).³³ The studies that refute Rosenberg (2008) parallel the perspective on the McCann-esque perspective on rights as strategic and symbolic resources (Eskridge 2002; Andersen 2005; Pinello 2006; Keck 2009), found in studies such as McCann (1994) and Silverstein H. (1997). Moreover, they parallel the latter’s rights-law conflation. For

³¹ Also see McCann & Silverstein H. (1997).

³² Among the three strands of legal consciousness - instrumental (equal allocation of resources), political (empowerment), and cultural - Kostiner finds that the last one views rights as marginal to activism. This finding, however, do not contradict the theme of rights as resource, as the finding does not mean that rights are seen as impediments to the movement, an element to be resisted; rather, they are merely seen as a marginal resource, something not useful to a segment of her respondents.

³³ Of course, among social movements, legal, and sexuality scholars, arguments for and against marriage, as well as broader debates surrounding the radical-liberal divide, abound (Polikoff 1993; Epstein 1999; Ettelbrick 2001).

example, even though Andersen (2005) examines a “*legal* opportunity structure,” because her focus is on rights litigation, she is really talking about rights.

This rights-centric theme of rights as resource coupled with a rights-law conflation can also be detected in social movements scholarship more generally. In her analysis of collective mobilization around hate crime laws, Jenness (1999) demonstrates an implied but evident conflation of the two, especially since the criminal laws in her study are predicated on “rights,” and directed toward legally categorized minorities who are recognized to have “civil rights.” In Polletta’s (2000) response to critical legal scholars, rights are characterized as culturally powerful in motivating constituents of the civil rights movement. Although Hull (2001) finds that non-elites, compared to elites, did not frame the issue of same-sex marriage as rights, the underlying tones reduces law regarding same-sex marriage to “rights,” treats rights as a resource (though they are more useful to some people than others),³⁴ and implies an interchangeable use of “rights” with “law.” Consequently, it misses an opportunity to explicate the power of rights (and law) more critically. Further, in his study about Title VII under the 1964 Civil Rights Act, Pedriana (2006) refers to “legal/rights frame” or “law/legal rights frame” (1729-1730), and applies the notion of civil rights as a social movement master frame to his idea of “legal frame,” finding law to be a “unique type of symbolic resource” (1727).

To sum up, the cultural study of law in relation to social movements has a latent tendency to concentrate on “rights,” rather than a wider inquiry into “law,” and to conflate “rights” with “law” in the analyses. Because rights are usually found in these studies to be cultural resources for collective action, being more available and accessible in the empirical contexts of Western democracies, the conflation with law inadvertently portrays *law* as a resource. I do not dispute the findings of these studies, nor their value, for they have helped to enrich the engagement between sociology of law, and social movements. However, the result of a rights-law conflation, unfortunately, also leads to an oversight of the other faces of law.

(B) BEYOND RIGHTS-AS-RESOURCE IN SOCIAL MOVEMENTS

The accidental myopia of a rights-centric and rights-as-resource focus on the study of law and social movements, thus, impoverishes this particular branch of scholarship. Relatively less is known about law as a source of power to be resisted (Albiston 2006; 2010) and negotiated by social movements. Such theoretical gaps need more empirical investigation into what activists think, and do about law that they interpret and experience to be obstructive or disempowering, and a stronger commitment to a power-centered approach to reveal the many faces of law in interaction with social movements.

³⁴ This finding resembles the third legal consciousness schema that Kostiner (2003) found among social justice activists. See footnote 32.

The understanding of law as domination, however, is nothing new to sociology of law. In fact, as some scholars would argue, it should be the driving force behind socio-legal research (Silbey 2005). Outside law and social movements, sociology of law indeed has produced rich studies that expose and dissect the faces of legal power. Studies on *individual* legal mobilization, and legal consciousness, in particular, offer more complex perspectives on the role of law, and lessons from which law and movements can glean. In Bumiller (1987; 1988), anti-discrimination laws in some cases were not mobilized, as their usage was interpreted to be a re-victimization process. In Nielsen (2004), white women and people of color were less inclined to resort to legal measures to control offensive street speech, perceiving law as a product of elite control and police powers. Other works also find that people of lower social classes, or of color, often experience law as domination, and resist it (Sarat 1990; Ewick & Silbey 1992; 1998; Gilliom 2001). Put differently, these contributions based on individuals and individualized situations supply a partial picture on the workings of legal power in social relations; they offer clues for law and social movements to unearth other parts of that picture, by expanding its attention to collective action.

The potential also resides in select exceptions within culturally oriented studies related to law and social movements. De Sousa Santos and Rodriguez-Garavito (2005), for instance, regard Western legal norms a source of power and domination imposed upon, and resisted by, counter-hegemonic movements against globalization. Taking a cultural approach, Merry (2006) shows how human rights displace alternative visions of social justice that are less individualistic and more focused on communities and responsibilities. She reveals the power of human rights ideas for transnational and local social movements – in the way they have the power to reshape thinking on gender inequality around the world, and to homogenize culture in local communities. In addition, a recent study on radical environmentalism (Fritsvold 2009), similar to Kostiner (2003), applies Ewick and Silbey's (1998) framework on everyday legal consciousness to activists'. Fritsvold finds a fourth schema, "under the law," which constructs law as an object of resistance. Although he does not unpack how the individual legal consciousness of activists translates into collective action reflecting "under the law," his study contributes to the understanding of law as a source of dominant power, illegitimacy, and injustice in relation to social movements. Also recently, in his study of how democratic states in North America repress the anti-globalization movement, Fernandez (2009) finds law to be an important component of their "social control of dissent." Though protests are still allowed, law is used to control their when, where and how, and is put into interplay with the state's portrayal of anarchic protestors as threats to national security and interests. Over time, even the protestors come to accept and treat these repressive legal measures as part of their practices, and start to self-regulate themselves accordingly.³⁵

³⁵ Although Fernandez does not focus on resistance in this book, he acknowledges that the protestors do engage in resistance against such social control as well.

Although some of the works discussed above still focus on “rights,” and not “law,” they bring to the foreground law as a source of power and domination. The key is for cultural studies on law and social movements to do the same more consistently and systematically. Rather than a “rights debate” located in collective action, the premise should be expanded to something more akin to a “law debate,” so that it becomes even more in line with the general cultural turn (not that the “rights debate” is non-cultural, only inadvertently limited by the rights-law conflation).

(C) IMPLICATIONS FOR STRATEGY, MOBILIZATION, AND THE MEANING OF SOCIAL CHANGE

More consistent engagement with law beyond rights-as-resource has implications for understanding the ways in which activists formulate and implement strategies, and, ultimately, the meaning of social change. Since law may not immediately come across as a cultural or formal resource, but may take the form of a source of power to be resisted, activists’ interpretations of, and experiences with law may vary accordingly. Hence, they may choose strategies alternative to exercising rights as a means of mobilization, and to claiming rights as a movement objective. Flowing from such alternative social processes in strategy and claim making, their movement outcomes may not take any visible shape as rights, or even changes to existing laws. This may mean that they also make sense of social change differently, in ways apart from the pursuit and celebration of rights victories. The implications of a rights-as-resource myopia, therefore, are that other roles of law may become neglected, especially the crucial feature of power and domination, and certain ways of mobilization, certain strategies and tactics, and particular visions of social change are privileged, while some others are excluded.

(1) Sociology of law

Scheingold (2004), in his preface to the new edition of *Politics of Rights*, encourages going beyond the American experience to analyze rights in other national or transnational settings, with the aim of identifying common ground, and explaining variation in the cultural resonance and political utility of rights. My study responds to his call, but with one modification: I would replace his reference to “rights” with “law.” The theoretical oversights I have identified become even starker outside a socio-political context lacking in civil-political rights and democratic processes, and where law is often used to curb them.

As argued above, the lacunae stem from an inadvertent tendency to focus on rights, and to conflate “rights” with “law,” thus treating law as resource when rights are found to be so. More importantly, this tendency has roots in underlying interpretations about rights - particularly those of civil-political rights - interpretations that are taken for granted and left unpacked: The first is interpreting rights recognition or attainment to be *the* measure of social change, a notion also inherently tied to democracy being *the* marker of political and social progress. Since social movements aim at achieving social change, such an interpretation could help to explain the fetishization of rights in socio-legal studies on

collective action. The second interpretation concerns rights' relationship to democracy, which provides a formal legal system that protects and recognizes rights, thereby assuring the availability of a rights-based tactical repertoire (Tilly 1995a; 1995b) or cultural toolkit (Swidler 1986), which includes free assembly, free speech and press, and rights litigation.³⁶ In return, responses to social movements that use or claim rights also form part of the state's cultural toolkit or tactical repertoire. They are simply part of its formal and normal political processes, nothing extraordinary that warrants extraordinary measures.

These unpacked, taken-for-granted interpretations of rights add up to imply the following: in a non-democratic context lacking civil-political rights, (a) rights are presumed to be less recognized and harder to exercise by social movements, (b) rights claims are expected to be less successful, and, therefore, (c) social change is presumed harder to come by. Implications (a) and (b) extend from the contingent value and meaning of rights upon context and social interactions, and are familiar to socio-legal scholars. My point, however, relates to (c). Assuming that (c) flows from (a) and (b) not only privileges rights, but also deviates from the spirit of bottom-up, cultural inquiry into subjective meaning making. It is an assumption tied to an objective imposition of what counts as social change, an observation Kostiner (2003) made about McCann (1994) and Silverstein H. (1996). Feeley (1992) in his review of the first edition of Rosenberg's *The Hollow Hope* highlights the latitude researchers often have in postulating what they think are the objectives of the law - in Rosenberg's case, the legal reform pursued - and that more attention should be placed on subjective interpretations regarding the relationship between legal and social changes. More recently, Levitsky (2008) points out that sociology of law often departs from its cultural approach when examining claims and remedies; instead of looking at how individuals subjectively construct claims in interaction with larger social institutions, and social relations, it tends to focus on their pursuit of claims or remedies *externally* defined by the scholarship. Thus, taking the subjective approach to claim construction, Levitsky finds American individuals more likely to lay claim to a healthcare model most consistent with their existing beliefs regarding family, market, and state responsibility, rather than construct healthcare as a right or entitlement of citizenship.

(2) Social movements

Remedying the theoretical oversight of law beyond rights-as-resource challenges current perspectives in the sociological study of social movements to expand their appreciation for a greater diversity in strategy and tactics, and, consequently, the meaning of social change. In social movement studies, what counts as collective mobilization is strongly influenced by the theoretical perspective that happens to be the most current and dominant. For now, it remains PPM, a model that arose in reaction to the inadequacies of earlier theories, first

³⁶ In Epp's (1998) comparative study of "rights revolution," he selects four countries that are recognizably democracies, though they differ in traits and characteristics – the United States, Canada, the United Kingdom, and India. The implicit assumption he conveys is that rights are inherently linked to democratic conditions, and the opening up of conditions that are recognizably democratic according to our conventional and commonly accepted understandings (for example, more access to courts).

the classical models followed by the resource mobilization-entrepreneurial model (RM-entrepreneurial)³⁷ (Buechler 2000; Meyer 2004).

Classical models treated collective demands for social change outside established political channels as irrational and aberrant individual behavior, since those channels exist to accommodate and express pluralism. However, classical models ignored the realities of the larger socio-political context. Formal polities are closed to challengers from oppressed groups, who, therefore, resort to measures that lie outside these formal channels, such as mass protests (McAdam 1999b). In response to classical theorists who consign this kind of behavior to the illogical and irrational, Piven and Cloward (1977) argue that poor people's movements from the base arise, because they are the only recourse within the limitations and possibilities of a given political institution. Hence, they treat movement strategy and tactics viable to the oppressed as contingent upon their experiences with the larger context, and how they make sense of it. With this approach, Piven and Cloward - whose work influenced McAdam's formulation of PPM - broke through classical models' appreciation for what counts as mobilization.

Contrary to classical models, RM-entrepreneurial (McCarthy & Zald 1977) emerged to credit the agency and rationality of movement participants. But it also neglected to differentiate between objective social conditions that motivate collective action, and subjective understandings of these conditions (McAdam 1999b). Marrying the "how" of RM-entrepreneurial model, and the "why" focus of classical models, PPM tried to bring synergy to objective social conditions, and the subjective interpretation of those conditions - what used to be the irrational, and later claimed to be rational. Underlying McAdam's defining work on PPM is the notion that certain types of resistance, such as protesting outside formal political institutions, are regarded as social movements; hence, their strategy and tactics deserve to be studied. On the other hand, subterranean political action of the everyday resistance kind falls outside of it. Such an assumption is common, though not always articulated, across social movement studies. As another example, Tilly and Tarrow (2007) define social movements as open, overt, and public challenges of power, thus excluding everyday resistance.³⁸ What this really means is that, according to the dominant perspective in the scholarship, the latter does not fit the definition of social movements. Consequently, collective mobilization in such alternative molds fails to capture the attention of social movement scholarship, as its strategy and tactics do not count as legitimate objects of study. But it does not mean they do not exist in actuality. They are invisible only to a particular theoretical model.

³⁷ Buechler (2000) classifies resource mobilization theories into two camps - RM-entrepreneurial as represented by McCarthy and Zald (1977), and RM-political, or what is also known as PPM, exemplified by Tilly (1978) and McAdam (1999b).

³⁸ More broadly in sociology, however, there is some recognition that everyday resistance may not always be a foundation for social movements, as it can have some characteristics of collective action as well (Morrill, Zald and Rao 2003).

Singapore's gay movement does not mobilize the way poor people's movements did in Piven and Cloward's study, but its case still speaks to the authors' argument: the oppressed make do with what is strategically and tactically available and feasible within their specific socio-political contexts. Just as Piven and Cloward gave new meaning to social movements, rescuing them from classical theories' realm of the psychologically and socially ill, my project's sensitivity to the specificities of non-democracy and rights impoverishment may also refine social movements' theoretical insights into the processes of "social change" - the mobilization and strategic choices. They may well exclude actions such as protests, made possible by exercising the right to assembly, and appear in alternative formats.

As a result, what counts in social movement studies as social change may also have to shift. Again, going back to the contextual issue of law and social movements' development mainly in Western democracies, the legal vindication of rights are deemed more resonant, and also more attainable. Hence, most of social movement studies on outcomes still tend to focus on formal institutional changes (Earl 2000; 2004), with only a few exceptions that go beyond formal considerations (Kriesi et al 1995; Guigni 1998; Cress & Snow 2000). In more repressive regimes, such as Singapore, such formal changes may be less attainable, or even less sought after. But it does not mean social change has not or cannot be achieved. Locating and appreciating it entails expanding the viewpoint of current perspectives in social movements.

(III) LEGAL CONSCIOUSNESS, EVERYDAY RESISTANCE, AND SOCIAL MOVEMENTS

Rather than inheriting the assumptions that come with inadvertently conflating rights with law, thus assuming collective action and social change to be harder to come by in settings that lack democratic practices and civil-political rights, and pre-conceptualizing how collective mobilization, movement strategies, and social change look like, my study pays attention to the processes and ideas that emerge from respondents' experiences and interpretations situated within their particular context - what *they* regard as viable ways to mobilize and strategize, and how *they* evaluate their efforts. Through such an approach, law emerges as more than formal and cultural resources for collective action, but appears as nuanced facets of power that is sometimes resisted, but ultimately overpowering and reproduced.

An existing branch of scholarship in sociology of law, a strand of legal consciousness studies, provides the foundation and inspiration for taking such an approach. Treating law as a source of power and domination, this set of studies has made significant contributions to the explication of how law and social actors mutually constitute its power, and how they resist it. Although the empirical works remain focused on individuals in individualized situations, much like the literature generally on legal mobilization, socio-legal scholars recognize their potential relationship to collective action. My study builds on such a foundation, and potential for further theoretical development; extending these studies' central concept of resistance to social movements offers a different way to

approaching law beyond rights-as-resource, and locating and analyzing social processes that lead to alternative understandings of collective mobilization and social change.

(A) LEGAL CONSCIOUSNESS: POWER AND RESISTANCE

Legal consciousness emerges from and contributes to the study of law in everyday life (Sarat & Kearns 1995), which accounts more fully for how the law-society relationship is interactive and mutually constitutive (Nielsen 2004; Albiston 2006), as it examines the impact of law, apart from formal mobilization, on the everyday lives of people (e.g. Engel & Munger 2003). Studies on legal consciousness have increased in number and empirical scope since the 1980s. One way to organize them is to take Engel's (1998) approach by dividing them into the "communities of meaning," and "power and resistance" models. The "communities of meaning" strand is represented by works such as Engel (1984), Greenhouse (1988), Yngvesson (1988), and Greenhouse, Yngvesson & Engel (1994). Even though they do *not* explicitly label their studies as that of legal consciousness, they are about understanding law as experienced by the individual person. Further, they do not treat the imposition of law as a given, and study it on that premise; rather, they examine it as part of the social construction of the communities in question, connecting the individual understanding of law to the construction of a community's culture - that is, at an aggregate level - to form communities of meaning (Engel 1998).

Subsequent research then took on a "power and resistance" model (Engel 1998).³⁹ It is this strand that appears to be the prevailing type in more contemporary studies of legal consciousness, and the one upon which my thesis primarily draws. These studies have explored how individual people experience, understand and use the law, such as in everyday life (Ewick & Silbey 1998), under the state welfare system (Sarat 1990; Gilliom 2001), in dealing with disputes (Merry 1990) and discrimination (Bumiller 1987; 1988), on the street (Nielsen 2004), in situations of sexual harassment (Marshall 2005; Munkres 2008), and in relation to same-sex marriages (Hull 2003). A few have considered the legal consciousness of individuals in the context of social movements, such as pay equity (McCann 1994), animal rights (Silverstein H. 1996), education (Kostiner 2003), and radical environmentalism (Fritsvold 2009).

Despite the growing output, the scholarship offers no uniform definition on "legal consciousness." Merry (1990) describes it as "the way people conceive of the 'natural' and normal way of doing things, their habitual patterns of talk and action, and their commonsense understanding of the world" (5). Ewick and Silbey (1998) argue that, when people think about, say, or do something that relates to "law," they participate in the construction of law or "legality," and, hence, manifest "legal consciousness" within these thoughts, words or actions. Together, the legal consciousness of everyone in a given society contributes to the shaping and reshaping of law in that society. Hence, legal

³⁹ Engel's models of "communities of meaning," and "power and resistance" arguably run on a continuum, and shade into each other. Engel argues that law's power does not disappear in "communities of meaning," but is only inseparable from the social context.

consciousness is the participatory processes of law's construction and reconstruction. This "law," or legality is a product and producer of social relations, and a social structure consisting of cultural schemas and resources. While helping to shape, define and constrain social life, these schemas and resources are also continuously being reshaped and reproduced by these individual actors who draw upon them in social interactions and relations (Silbey 2005). Nielsen (2004) adds that legal consciousness is the "commonsense understanding of the way law works ... how people think about the law. It is prevailing norms, everyday practices, and common ways of dealing with the law or legal problems. It is the product of experience with the law and ideologies about the law" (7).

To deal with the array of definitions, I have extracted the commonalities to provide a working understanding of legal consciousness. First, I draw on Albiston (2006), who identifies convergence around two elements:

"[T]he dynamic process through which actors draw on legal discourse to construct their understanding of and relation to the social world, but that process takes place within a social context already structured in part by law itself." (56; emphasis added)

To these two, I would add a third element, *contextual polyvocality* (Sarat 1990, on "polyvocality"): How each person responds to law, thereby deploying legal consciousness, differs from one context to the next (Sarat 1990; Ewick & Silbey 1998; Nielsen 2004). Hence, legal consciousness may exist in different forms within the same person, and different schemas are deployed by the same person depending on the context.

Ewick and Silbey (1998) proceed to argue that the polyvocality of legal consciousness (Sarat 1990), and the multiple, co-existing yet contradictory aspects of law-society relations helps us to understand the nature of law's power – that irreconcilable, multiple interpretive schemas are precisely how its hegemonic power is sustained (Silbey 2005). For example, while some people in losing situations view law as a game on an unlevel playing field, they also trust law as majestic and just when asked about it in an abstract, general context outside their personal circumstances. Hence, the partial "law" as a game is able to redeem its impartiality by also appearing as a de-contextualized, majestic reification. Able to lay claim to different and contradictory strands of legal consciousness, law maintains and masks its power. To counter law's hegemonic force, some scholars point to the strand of legal consciousness that recognizes the connection between these contradictory strands, and, consequently, exposes law as a power, a third strand - legal consciousness in the form of everyday, individual "resistance" (Ewick & Silbey 1998). This concept, based on Scott's (1985) "everyday resistance," is neither rights-centric, nor concerned with overt challenges aimed at changing the status quo, but covert acts that seek immediate gains by taking advantage of cracks and opportunities within the status quo without destabilizing it.

“Everyday resistance” is central to my theoretical contributions, but before proceeding, I first need to address the following two issues regarding my treatment of legal consciousness in this study:

(1) Legal consciousness and other social institutions

Although I draw upon Ewick and Silbey’s idea of legal consciousness, I depart from their approach in the sense that they suggest legal consciousness to be all encompassing on social life and relations (Marshall 2003). To be fair, though, Ewick and Silbey do argue that acknowledging law’s presence in everyday life does not necessarily lay claim to its overwhelming power (22). However, their conceptualization of legal consciousness extends law beyond formal law to include the informal social norms of everyday life, such as heterosexuality, rendering it difficult for a project like mine to discern legal power from that of other social institutions that may be controlling as well. Instead, I take the approach of other socio-legal scholars in this regard, and treat law as a set of cultural schemas in interaction with others all upon which one draws, such as business practices (Macaulay 1963), informal rules of a rural community (Ellickson 1991), family (Morgan 1999), management values and sexual freedom (Marshall 2003), race (Nielsen 2004), gender (Nielsen 2004; Albiston 2010), and work and disability (Albiston 2010). David Engel’s recent study (2009) on injured persons’ conceptions of injury and compensation in northern Thailand, though not specifically addressing this issue about legal consciousness, shows how the interplay between state law and customary, non-state law has diminished the formal legal framework to having insignificant impact on the lives of these people. The earlier research related to “communities of meaning” was also less prone to an all-encompassing notion of law, since it analyzed law as part of a community’s social construction process (Engel 1984; Greenhouse 1988; Yngvesson 1988; Greenhouse, Yngvesson & Engel 1994).

(2) Legal consciousness and “legal imagination”

Another departure of mine from legal consciousness concerns the “doing” and “thinking” of it. Even though scholars vary in their definitions of legal consciousness, they generally include both aspects in the concept. How a person thinks about the law, and how he or she takes an action based on that interpretation are all manifestations of legal consciousness. From a theoretical standpoint, such a conceptualization is understandable. Although I question neither its correctness in that respect, nor its use in individualized situations, I am worried about its unwieldiness when analyzing collective action. While “thinking” or “doing” legal consciousness is a social process, it is still about *individuals’* legal consciousness. In social movements, the “thinking” part of legal consciousness, performed by individual actors, may contradict the “doing” part, the actual tactic, which is a collective act. Even though the contradiction could be explained as a result of diverse but co-existing legal schemas, I still need to distinguish more clearly between thoughts and actions to explicate the social processes through which, for example, the movement’s “doing” reflects the “thinking” of certain individuals in the movement and not others’.

Hence, to demonstrate more clearly the ways in which law plays a role in the intertwined, interrelated but practically separate processes of thought and action in a social movement, I attempt an alternative heuristic aid, “legal imagination.” The use of “imagination” gives credence to C. Wright Mills’ “sociological imagination” - that sociological inquiry should be properly situated at the intersection of history and biography, thus enabling us to understand them both and their relations within society (2000, 6). Of course, here, I am referring to the imagination of individual persons, rather than the field of sociology’s. The intention, however, is to use Mills’ imploration to capture the essence and spirit of legal consciousness. I think of “legal imagination” as corresponding to the “thinking” part of legal consciousness. This means that the “doing” part of legal consciousness does not form my notion of “legal imagination,” but is understood as manifestations of strategies and tactics. The *experience* of carrying out a particular strategy and the *interpretations* of that experience later become part of one’s “legal imagination.” So the implementation of strategies and tactics is a product of preceding legal imagination, and also reshapes subsequent legal imagination. “Legal imagination,” thus, centers the intersectionality of history and biography.

(B) EVERYDAY RESISTANCE AND COLLECTIVE ACTION

Everyday, individual resistance is the strand of legal consciousness that counters law’s hegemonic force (Ewick & Silbey 1998). It is built on Scott’s resistance of the everyday variety, as contrasted to outright collective defiance, revolutions that openly challenge the status quo. In *Weapons of the Weak* (1985), peasants mount everyday resistance through acts such as foot-dragging, false compliance and feigned ignorance, acts that are opportunistic, are motivated by self-help and survival, and typically avoid any direct symbolic confrontation with authority or with elite norms. “To understand these commonplace resistance is to understand what much of peasantry does ‘between revolts’ to defend its interest as best it can” (1985, 29).

Everyday resistance is considered the key to exposing the power of law, and the possibilities of overcoming it. This legal schema manifests in actions such as working “under the table” while receiving welfare benefits (Gilliom 2001), occupying physical space in government offices (Sarat 1990), and relishing in moral victory where formal law’s detection fails (Ewick & Silbey 1998; Gilliom 2001). Carrying out resistance in such a manner means that these actors consciously challenge power - they recognize where power lies, *and* where its limits and weaknesses hide, because they are able to get what they want without getting caught. Through everyday resistance, therefore, the oppressed subvert legal power for their purposes.

That everyday resistance challenges power is the reason socio-legal scholars see potential in connecting it to collective action. To date, however, exactly how the two are related needs further theorizing. Ewick and Silbey (1998) call collective action “resistance,” (182) or “challenges to power” (184), but provide little theorizing or empirical data on whether

and how individual “resistance” of legal consciousness gives rise to a collective one, especially in the form of social movements (McCann 1999). Studies such as McCann (1994), Silverstein H. (1996), Kostiner (2003) and Fritsvold (2009) do consider legal consciousness in social movement settings, but they do not specify how individual resistance relates to the collective. In the social movements literature on oppositional consciousness, Morris and Braine (2001) also point out that more theory is needed to explain how individual persons who simply resist power in isolation from others in like circumstances can develop a consciousness, and challenge their oppressors in ways that they identify with a collective.

Despite this lacuna, hints of how socio-legal scholars think about the individual-collective relationship appear in existing works, and inform efforts, such as mine, to refine and expand the theory. The most important point is that they regard everyday resistance as a precursor to collective action. Ewick and Silbey (1998) call everyday resistance a “necessary, if not sufficient” condition (188), whereas McCann (1992b) sees it as a “first step necessary for later large-scale collective actions” (741). In her Law & Society Association presidential speech about resistance in “emancipatory projects,” Merry (1995) cautions against dichotomizing individual from collective actions, and highlights the individual’s agency in shaping the collective.

These clues, however, expose an issue that revisits the first one reviewed in this chapter. That is the question of context in which law and social movements scholarship has developed - Western democracies with a greater array of civil-political rights - and how context has inevitably shaped the way law and social movements privilege rights as resource over other faces of law, and consequently, particular types of collective mobilization, movement strategies, and social change. Indeed, legal consciousness studies do credit the agency of social actors, seeing them as cognizant of power, and capable of challenging it. Nonetheless, similar to the law and social movements scholarship in general, they do not regard everyday resistance as qualified enough for the realm of collective action.

Such treatment conveys a relationship of linear progression. Underlying it is an oft-unpacked assumption - collective action entails resistance that is overt, and publicly challenges the status quo to change it, and therefore, a greater availability of rights enables and protects its occurrence, and success; conversely, where rights are lacking, collective action is less likely to take place, and sustain itself. Scott (1990) alludes to this assumption where he discusses infrapolitics - including everyday resistance - as a potential build-up to collective action (198-199). Hence, the call for more theorizing of the relationship between the two is more specifically, and assumed to be, about which conditions need to appear, or give way, for everyday resistance to transform into the collective.

In other words, if the challenge of power is *not* overt, and public about demanding changes to existing power arrangements - often the case in repressive regimes with lesser rights - the current and conventional approach neglects it as collective action, though

recognizing that it may one day make the transformation. While I do not question the conduciveness of democracy and civil-political rights to such overt claims - in fact, I do infer possible conditions for such a transformation in the concluding chapter - the assumption may overlook multiple possibilities of understanding the relationship between the crucial concept of everyday resistance in legal consciousness studies, and social movements. As a result, the assumption behind the exclusion of everyday resistance from collective action leads to an oversight of social processes that involve activists' interactions and experiences with law other than its rights-as-resource incarnation. Repressive states often use the law blatantly as tools of oppression and control. Because everyday resistance in such places would be written off as non-collective action, we may miss valuable opportunities to understand the role of law in social movements occurring where civil-political rights are lacking in their cultural toolkits (Swidler 1986).

In contrast, my study argues for an alternative way of conceptualizing the relationship (but not replacing the more established, linear one) - that everyday resistance, when carried out in a sustained, organization fashion on a collective scale by a group of people consciously challenging power for a collective good, *is* another genre of collective action known as "pragmatic resistance"; it stands alongside the overt genre, and is not merely a precursor to it. In the course of doing so, my study unpacks how legal power simultaneously shapes, and is resisted through the various social processes of the movement.

Consequently, my study enriches sociology of law's evaluation of everyday resistance's impact against legal power. Currently, the evaluations can be divided into two primary strands (Merry 1995). One is pessimistic about its transformative value (Handler 1992). The other celebrates the moments of small triumphs and immediate gains, but accepts the endurance of legal power, and the status quo (Ewick & Silbey 1998). Although the two differ from each other, they stem from the scholarship that has been shaped by the particular context of more rights-based Western democracies. With everyday resistance in more repressive regimes, however, the interpretations of and interactions with law may be less rights-based, whether in terms of exercising rights as a mobilization means, or claiming rights as an end. Therefore, the outcomes of collective action may be different, and may be evaluated differently by the activists who participate in their production. As my study shows, the ways in which respondents make sense of the outcomes of pragmatic resistance suggest further nuances to the meanings of social change. More than a choice between rights affirmed and violated, progress and stagnation, or celebration and despair, social change can also be seen as social actors' conscious trade-offs between which aspects of power - of which legal power is one - they want to challenge through collective action, and which aspects of it they are willing to accept, and even approve. Ultimately, this literature review highlights that pushing past the paradigm positively linking rights and democracy to social change, and thus the role of law as rights-as-resource, law and social movements can learn more about the layers and nuances involved in human agency's interaction with law, and its collective quest against legal power for its vision of a better life.

CHAPTER THREE

RESEARCH DESIGN AND METHODS

The motivating question behind this project - how law matters to social movements - shaped the decision for the research design to take an interpretive and qualitative approach aimed at theory refinement. As reviewed in Chapter 2, even though sociology of law, and social movements studies, have offered insights into the relationship between law and social movements, they still have little to tell us about such relationships in socio-political contexts beyond Western democracies, especially the United States, and, in particular, the subjective meaning making aspects of them - how people make sense of and interact with the law. Because of the lack of knowledge in these areas, an interpretive and qualitative approach is well suited, as it stays open to fresh perspectives and nuances that can lead to theory generation (Glaser & Strauss 1967), or refinement of existing ones (Snow, Morrill & Anderson 2003), something my study does. In contrast, taking a positivist approach aimed at verifying or testing existing theories - so-called canonical sociological research (Luker 2008) - would proceed from the premises of existing theoretical understandings, and thus be confined to their constructs and underlying presumptions. Interpretive and qualitative approaches are also established methods deployed by socio-legal scholars to explore how people think of and use the law (Bumiller 1988; McCann 1994; Ewick & Silbey 1998; Kostiner 2003; Nielsen 2004; Albiston 2005; Hoffmann 2005), including whether and how people come together to fight for their legal rights, or use the law to fight for a collective cause (McCann 1994; Kostiner 2003).

Thus, with the aim of theory refinement, I entered the field armed with a theoretical repertoire about law and social movements, but refrained from letting it solely determine the project's theoretical direction and framework (Snow, Morrill & Anderson 2003, 191). I designed the research to push beyond the "relentlessly micro" (Luker 2008) of traditional, interpretive work, grounded theory (Glaser & Strauss 1967; Charmaz 2006) that results in reporting the localized story of "what's going on," or giving voice to individual experiences, but without connecting it to larger theoretical concerns; and, for it to contribute to the development of systematic and generic understandings, and propositions about social processes (Snow, Morrill & Anderson 2003),⁴⁰ as well as investigate the ways in which the micro and the local connect to a larger theoretical picture.

The sections that follow provide details on each method of data collection and analysis undertaken. They include a preliminary study conducted in 2006; full-time fieldwork between March and December 2009, and occasional returns to the field during 2010, altogether producing 198 hours of semi-structured, in-depth interviews with 100 interviewees, supplemented by 120-140 hours of field observations, and primary documents that span two decades of correspondence with the state, activist organizational

⁴⁰ The authors are speaking more specifically of John Lofland's "analytic ethnography," but their arguments can be applied to qualitative work more generally

materials such as publicity campaigns, announcements and press statements, local media reports, government statements, and local legislation and judicial cases; and, three stages of ongoing data coding and analyses that began concurrently with the 2009 fieldwork.

(I) PRELIMINARY STUDY

During the summer of 2006, I received financial support from the alumni funds of my doctorate program, Jurisprudence & Social Policy at the University of California, Berkeley, to conduct preliminary interviews on location in Singapore. Prior to the preliminary study, however, I already had some knowledge of and familiarity with Singapore's culture, languages, law and politics: I was born and lived in Malaysia, a country that neighbors and has strong historical, economic and cultural ties to Singapore, for the first 18 years of my life. As a child, I often visited Singapore where some members of my extended family lived. Besides English, I am fluent in spoken and written Mandarin Chinese, and have some fluency in Malay, three of the four official languages in Singapore (the fourth being Tamil). I also speak Hokkien, a Chinese dialect commonly used in both Malaysia and Singapore. Between the years 2000 and 2005, I studied law at a local university in Singapore, and worked at a Singaporean government agency. During this time, I became acquainted with Singlish, a local, Creole-like version of English that can be described as mixing English with smatterings of Chinese dialects, Malay, and South Asian languages and syntax. In 2002, I also conducted extensive legal research on the then sections 377 and 377A of the Penal Code, and was published in 2003 in the peer-reviewed *Singapore Journal of Legal Studies* arguing for their repeal.⁴¹ Hence, by the time the preliminary study, I already had rudimentary knowledge of the movement, and knew a few contacts who assisted with gaining access.

The preliminary study in 2006 focused on interviewing select informants, and collecting documents produced by activists or their organizations, such as newsletters, e-mails and blog entries. It had two objectives. The first was to test the feasibility of such a study in two respects - to see if the research site and case of gay activism had the potential to produce interesting findings that could contribute to law and social movements, and, to find out whether I could gain enough access. The second was to establish contact so as to begin building up an interviewee pool in preparation for more extensive fieldwork, which would eventually take place in 2009.

I recruited informants who could provide a sense of how the movement had developed over the years, and a general feel for how activists think and act (though bearing in mind that there is a range, as I will show in Chapter 7). The idea was to use their responses to help me with crafting the eventual research questions, alert myself to potential themes, and map the overall terrain of the movement. Hence, the informants had to be somewhat seasoned activists, those who were involved for at least several years. Using my prior

⁴¹ See Chapter 4 for details about the Repeal 377A campaign in 2007.

connections, and simply contacting organizations with which potential informants were affiliated, I successfully recruited three.

I interviewed these informants in English for approximately one hour each. I prepared a list of topics, and asked open-ended questions, but sometimes deviated from the flow of topics to follow up on their responses. Since this was only the preliminary stage of the study, my topics were broad and general. They included questions about movement and organization origins, goals and objectives, how they engaged the state, and what they thought of law's role in their activist work. I transcribed the interviews, and then analyzed the data during subsequent semesters at Berkeley, especially in the Law and Social Movements workshop with Prof. Catherine Albiston, and the Research Methods course with Prof. Kristin Luker. To motivate myself to write and think about the project constantly, I treated these coursework papers as research memos, and wrote rough iterations of what I identified at the time to be potential patterns in the data, about how my study speaks to sociology of law, and on its broader intellectual merits. Meanwhile, I stayed in touch with the informants, thus laying the foundation for later fieldwork. I also went on to track and observe the ongoing of the movement over the Internet, after returning to Berkeley, with more perspective and insight.

The preliminary study produced findings that would echo and resonate with the findings of the 2009 fieldwork. The following stood out: the three informants did *not* talk about rights-based strategies or tactics. Instead, they characterized the movement's relationship with the state as one of *tolerated existence*, a notion that would evolve into what I called, "*informal allowances*," in later stages of analyses. They also consistently highlighted the Coalition's attempts to register as a society, an example that showcased both the aspects of non-rights and tolerated existence: the control over the freedom to associate resulting in rejections of the Coalition's registration application appears clearly to be an issue of basic civil political rights but is not explicitly pursued by the organization vis-à-vis the state as one; meanwhile, the organization is not completely shut down - it is legally forbidden, but practically tolerated. It was too early for me to make sense of those findings as a cohesive theoretical framework at that point. However, they provided glimpses into the significance of law to the movement in ways beyond the role of rights as resource, cultural symbols or strategy, now a central theme in the thesis.

(II) INTERVIEWS

To determine what type of people to recruit for the interviews, that is, the sampling population, I first had to define the gay movement in Singapore. I decided that it should encompass not only the political, but also the cultural, social, communal and commercial. This meant including people and groups concerned with the organization of social and

cultural events, such as parties, theatrical productions,⁴² concerts, exhibitions, and talks featuring gay and lesbian artists or themes, provisions of counseling, spiritual support, and other forms of help to people struggling with their sexualities, HIV/AIDS work that directly relate to the gay community,⁴³ and for-profit activities that also contribute to the movement's advancement. In her study of the gay movement in San Francisco, Armstrong (2002) defined the central goal of the movement as the creation and expansion of gay social and political space, rather than simply one of sustaining or pursuing gay politics. She included the commercial and cultural together with the political, all of which she found to be integrated within the movement, thus widening the areas of social life considered appropriate for social movement studies (12). For my project, given the socio-political environment, any form of activism that involves association, assembly and speech are symbols of challenges to authority; it is even more so for an issue in which certain aspects - sexual, in this case - remains criminalized, and association remains officially banned.⁴⁴ With the preliminary study having found an absence of pursuing gay politics explicitly in the form of rights, confining the movement to such familiar pursuits that fit existing socio-legal understandings of social movements would limit theoretical opportunities of discovery and refinement. It could also lead to a premature conclusion that perhaps little to no trace of a gay movement actually exists in Singapore, whereas the preliminary study strongly suggested that something was happening there, only that it did not quite look like what we are used to seeing. In other words, to locate and mark out the gay movement in Singapore, and, therefore, determine whom to include in my study, I cast the net wider than *a priori* understandings of law and social movements in sociology of law, and social movement studies.

(A) "GAY ACTIVISTS"

⁴² Gay theater, the expression of gay issues and homosexuality through theatrical arts, and local theater generally have always advocated strongly against censorship. In my study, respondents with ties to gay theater often regard themselves as being more than gay activists, fighting for greater freedom of expression more generally. Activism in gay theater, therefore, overlaps with the gay movement, but cannot be completely subsumed under the latter.

⁴³ HIV/AIDS activism started in the late 1980s, about five years earlier than the gay movement and shortly after the first two cases of HIV infection were recorded by the government in 1985. Even though the Singaporean state has singled out gay men or, more accurately, "men who have sex with men" (MSM) as a "high-risk" group for HIV/AIDS infection, it has never characterized the issue as a "gay disease," in contrast to the United States of the 1980s, when the onset of HIV/AIDS reshaped the American gay movement (Gamson, J. 1995; D'Emilio 1998). However, because same-sex conduct between men is still criminalized, the Singaporean Ministry of Health has not openly funded outreach to the gay and MSM communities, but does so clandestinely through non-profit organizations. This approach is similar to the Ministry's policy toward sex workers on the streets, letting non-profit organization front the efforts while providing funds quietly behind the scenes. In Singapore, "vice" police target sex workers who solicit on the streets, but tolerate brothels, and regulate its sex workers, who do not solicit on public streets. The primary HIV/AIDS organization, renamed the AIDS Initiative for this study, has never been positioned as a gay activist group, a point confirmed by respondents working in HIV/AIDS outreach to gay and MSM communities. For my study, I take into consideration only the sector of HIV/AIDS activism that relates to the gay community.

⁴⁴ Particularly pertaining to the requirement to register under the Societies Act. But see Chapter 7 on how some organizations have registered as companies.

A wider net, however, did not entail the random sampling of interviewees, as the project is not one of theory generalization (Charmaz 2006). My sampling was theoretical and purposive. The approach was not about knowing the entire population universe, or the total number of potential people whom I could interview, and then randomly selecting from that group (Glaser & Strauss 1967), but about the relevancy and potential of data from an interviewee to contribute to the project's objective of developing emerging patterns to build and refine theory. It is a sampling approach guided, but not determined, by my grasp of existing socio-legal knowledge about social movements.

In McAdam's study of Freedom Summer participants (1988; 1989), although "activists" is not explicitly defined, the term is implicitly conflated with "volunteers" and "participants" of the project, whereas in her study of women in the hate movement, Blee (2002) not only interviewed women who were leaders but also those who were "active members" of racist groups, referring to all of them as "racist activists." For the purposes of this project, I wanted to focus on people most likely to have or used to have influence over the movement's strategy, or intimate experiences with actually carrying out a strategy or tactic on the ground (the latter, the implementers, may have perspectives that vary from the decision makers). Hence, I determined that "gay activists," that is, people relevant to the study and, thus, eligible to be purposively sampled for interviews, were those who play or used to played active roles either in the formulation *or* implementation of movement strategy or tactics:

- Founders or leaders of organizations, one-off campaigns or projects (in other words, group affiliation is not necessary) that focus or focused on issues of concern to the local gay community;

- Active members or participants in such organizations, campaigns or projects. They need not be leaders, founders or pioneers, or the people who formulate, strategize or make decisions, but they have to be in the "thick" of some aspect of implementing the formulated plans, tactics or decisions; they cannot be participants who simply show up. As emphasized in my use of tenses, I decided to sample gay activists of the past *and* present to reap data that could show generational differences, or the lack thereof, if any. Appendix II indicates which interviewees had already dropped out of the movement, or left the country.⁴⁵

⁴⁵ During the course of fieldwork in 2009, I explored the possibility of there being gay activists in Singapore who mobilized in other languages. For example, I considered whether the movement had a Chinese-speaking equivalent. However, based on my research and informants' experiences, while some among them do write the occasional opinion column or "letter to the editor" published in local Mandarin Chinese newspapers, gay activists who organize or mobilize primarily in Mandarin Chinese do not exist. At the height of Repeal 377A, the local Chinese papers hardly made it news, while debates flooded the English media. The situation is similar, even much scarcer, with mobilization in languages such as Malay and Tamil, the other two designated official languages in Singapore. I determined the local movement, and, therefore, its activists, to be predominantly English speaking. The conditions that give rise to such a phenomenon lie outside the scope of my study, but I would surmise that the nature of English as the common working language that cuts across racial and cultural groups may be a factor.

(B) “GAY”

The word, “gay,” in “gay activists” does not connote the sexual identities of the activists, but refers to the nature of the issues that this group of activists addresses. So “gay activists” include people who self-identify with their sexualities or choose not to, and those who identify themselves as “straight” or “heterosexual,” but who meet the above criteria.⁴⁶ However, I did operate with this word based generally on how local activists understand it: same-sex relations between men or women, and the connotation of an identity that comes with such relations, much like the notion of “gay” in urbanized gay America (Altman 1982; D’Emilio 1998; Adam, Duyvendak & Krouwel 1999a), which is in itself an interesting phenomenon (though an in-depth analysis would fall outside the scope of this study). It covers “gay men,” “lesbians” and “bisexual” people (see Appendix I). The word in “gay activists,” therefore, refers to issues of concern to those who identify with, or relate to a “gay” sexual identity.

It, however, specifically excludes transsexual and transgendered people, not only because they should not be lumped simplistically with “gay,” but also because different laws in Singapore apply to them. My data also subsequently show that gay activists, rightly or wrongly, do not deal with transsexual or transgendered issues, or address them more as afterthoughts. Even though activist concerns and personalities involved do have some overlap, they are not identical movements. They have varying histories and implications in the ways they have developed. Perhaps one may find similarities in the strategies and tactics at their cores, but that is for another project for another time.

(C) FINDING INTERVIEWEES

Based on the information provided by contacts established from the preliminary study, and my own background research from 2006 to 2008, I created three databases: The first database listed and described organizations that may be relevant to the gay movement in Singapore, and named their founders and leaders; the second set out a timeline about the local gay community and movement, and briefly described the key characters involved (this would capture personalities without organizational affiliation). Using these two databases, together with my criteria of “gay activists,” I generated the third, which comprised a list and descriptions of potential interviewees. This database served as the starting point for my theoretical sampling.

Once again making use of my contacts and network, I contacted potential interviewees listed in the third database by e-mail, and then, increasingly, through the social media networking site, Facebook (resistance is futile in this case). If I knew of a person through a

⁴⁶ McAdam’s study (1988) of Freedom Summer, for example, included white activists in the black civil rights movements.

contact, I would first send a self-introduction to the latter, who would forward it on my behalf to the potential recruit. At times, the contact was more casual, and sent a simple Facebook message or made a quick telephone call to the potential recruit. If the potential recruit was agreeable to participating in my study, I would then follow up directly with him/her. Otherwise, I sent the initial self-introduction e-mail directly (see below about the e-mail script). In these instances, I tried my best to find out their e-mail addresses through contacts, who may not know these people personally, or scoured blog sites, web sites, and Facebook pages to see if they had made their e-mail addresses publicly available over the Internet; failing these options, I sent the e-mail to organizations with which they are most strongly identified, and stated clearly that I was addressing it to a specific person, so as to make sure the e-mail did not get routed to the wrong person, or disregarded as some kind of "spam."

I relented to the use of Facebook only because of the fieldwork for this project. Besides expanding and maintaining my network of contacts, it offered an initial level of trust and assurance. I usually included a link to my Facebook profile in the e-mail introduction, so that a potential recruit could check my list of "friends" to gauge whether I am someone to whom they would feel comfortable speaking. I ran Facebook and other Internet checks on the background of informants, so I expected them to do the same with me.

Upon entering the field in March 2009, I began to spend time at the physical spaces of activists' organizations, such as Resource Central and Open Church, attended talks, meetings, social gatherings and religious services, and volunteered to help out at Pink Dot 2009. Besides carrying out field observations as part of the data collection process (see Field Observations below), I went to these places and activities to meet people. Sometimes a contact introduced me around, or I went there with the hope of meeting and introducing myself to certain people on my list. Having profiled the potential recruits, I usually was able to guess who would show up at which events. After every interview, I also asked the respondent whom else I should interview; frequently, the respondent volunteered suggestions. They sometimes confirmed the relevancy of my own shortlisted recruits, and other times expanded or refined the list. It also provided information - gossip and dirty laundry included - that served me well as background knowledge, helping me to navigate the tensions, divisions, and interpersonal relationships among activists, and therefore avoid sticking my foot in my mouth (I did *not*, however, use such information as data).

In addition to the informed consent, required by the rules and regulations governing human subjects protection at my University to obtain from each interviewee, my recruitment e-mails also had to be scripted and receive human subjects approval. No matter how I first contacted a potential recruit, I always followed up with the approved script, which is worded similarly as the informed consent letter. Despite having toned down the formality of the approved script, I often found following up with such an e-mail to be awkward and aloof, especially after having met and spoken to the person. To maintain the rapport, while fulfilling the requirements, I prefaced the approved script with a few informal lines, saying something to the effect that we had met, thanking he or she for

agreeing to participate in my study, and explaining that I had to include the formal e-mail below (so pardon the formality).

(1) Self-disclosures

My self-introduction disclosed upfront that my research background was law-related. The recruitment script and informed consent letter stated that, “I am a Singapore Resident⁴⁷ in the Ph.D. program at Jurisprudence & Social Policy at the University of California-Berkeley. I am planning a dissertation project studying the gay movement in Singapore.” When a few interviewees asked for a list of questions in advance, I offered a list of my topics, which contained some law-related issues (see Interview Process), but clarified that we might not cover all of the topics, depending on the flow of the actual conversation, and that they need not talk about topics that discomforted them (consistent with the informed consent letter). Such disclosures about my interest in law differed from legal consciousness studies that avoided bringing up issues of law directly in the interview process (Ewick & Silbey 1998), or left questions about law until the end (Nielsen 2004). I find avoiding disclosure of my research background somewhat contrived. The recruitment e-mail and informed consent letter already identified my academic affiliations, which often led to questions about what exactly it was that I studied. Besides, these days, anyone with Internet access can “search” and find out about my background and interests. In fact, such upfront disclosures about my law-related interests turned out to be helpful to the data analysis: some of my respondents nevertheless did not talk about law or rights in their interviews on their own accord. Some even expressed doubt about whether they could be of help to my research, as they did not think of their activism as bearing any relationship to law or rights, responses that became valuable data in themselves.

(2) Access and persuasions

Overall, I enjoyed access to the movement and its activists. The interviewees were generous with their time, and opened up their minds, even hearts, including those who had to rush off after 90 minutes. Before entering the field, some of my advisors and others with whom I had discussed the project expressed concern due to the socio-political environment that some activists may refuse to be interviewed out of fear. However, as the fieldwork progressed in 2009, I found that the occasional difficulties with access arose from reasons far more diverse and complex than a caricature about fear.⁴⁸ Most of them were initially reluctant, because they did not think they had much to say about law, or thought they were not important, experienced or relevant enough. These did not take

⁴⁷ That is, a permanent legal resident. The law faculty of the National University of Singapore not only provided funding for this study, but also acted as my local sponsor for permanent residency, a legal status that was extremely conducive for conducting fieldwork and writing for an extended period of time on location.

⁴⁸ However, I am also aware that despite the apparent lack of fear, the interviews themselves may well be public transcripts vis-à-vis researchers, and have hidden transcripts to which researchers are not privy (Scott 1990).

much persuasion, once I reassured them that I was not looking for legal experts, or that I was looking for a range of activists and they fit the profile, and that all they had to do was to talk about themselves. Some potential recruits, I eventually realized, were simply not the “e-mail type,” which explained why they did not respond to my e-mails; in such cases, I tracked them down at movement events, or obtained their telephone numbers through contacts.

A few interviewees later confessed that they had been suspicious of my intentions. But it was not due to any fear about the state. Rather, they worried whether I was linked to the local Christian right, the main opposition to the movement. In the latter instance, being heavily tattooed somehow helped to allay concerns that I was from the “other side.” These encounters reminded me of Luker’s (1984) experiences with interviewing pro-life activists in her study on abortion politics. Even though she did not disclose her position on abortion, the pro-lifers admitted that they deduced from her appearance that she was not one of them. None of them asked me directly about my politics, such as my position on the repeal of Section 377A, or same-sex marriage. Maybe some of them did not care where I stood. But most probably, some either assumed that I was not in opposition to the movement - and that was good enough - or were satisfied with the background checks they had conducted on me, on the Internet and through informants or other respondents.

A few respondents, however, did ask about my motivations. One sent me a list of questions, including those about my religion, all of which I replied to her honestly and in detail. I also sent her the law journal article that I wrote in 2003 arguing for the repeal of sections 377 and 377A of the Penal Code in Singapore. I also tactfully asked other activists, whom I had interviewed and who had grown to like me, to “work on” her. A few weeks later, she e-mailed me back to set up an appointment. At first, I thought that her apprehension stemmed from both fears about the state, given that she worked for a state-controlled newspaper, and the rise of the Christian right. During the interview, however, I learned that she had a much more mundane reason - she was simply tired of having to deal with ill-prepared researchers whom she had to spend time explaining the most basic concepts concerning homosexuality.

The most challenging respondent to recruit was Cheryl. I spent almost five months courting her. Cheryl was one of the few women⁴⁹ identified with the Coalition at its inception, so I was determined to include her. From the start of fieldwork in March 2009, I asked informants who knew Cheryl back in the 1990s to put me in touch with her. Coalition old-timers attempted numerous times to reach her on my behalf, via text messages, e-mails and telephone calls. They told me that Cheryl would be open to the interview, but warned that she was simply elusive about replying to messages. Finally, one of the former Coalitioners, Tony, gave me a telephone number, and said it was fine for me to contact her directly. So my pursuit evolved into a series of telephone calls that went unanswered. I called Cheryl once every two weeks, and left a voice mail each time. Then

⁴⁹ See Appendix I for a note on the recruitment of women for the study.

one day, she answered my call, but said she was busy and would call me back. When she did not do so at the agreed time, I called her again to leave a reminder. A few days later, she finally called me back. She said she was willing to be interviewed, but did not want to be “quoted directly,” and muttered something along the lines of, “You don’t know what ‘they’ can do with the information.” On the day of the interview, Cheryl warned me that she had sustained multiple head injuries, and, as a result, suffered from a poor memory.⁵⁰ Informants had warned me that she had been shaken by the police interrogation following the Coalition’s first application to register as a society, for which Cheryl was a signatory, and that the experience had changed her. However, Cheryl told me that she had not been afraid. After the rejection of Coalition’s application, she left for Australia for graduate studies, and said that she returned to Singapore feeling more appreciative of her home country and the government. She also explained that she was no longer with the movement, as she now preferred to focus on her family. I accounted for these issues in the analysis of Cheryl’s data. I suspect that she was probably still guarded deep inside, but considering the difficulty I had with access, I was glad that she did open up to the degree she did.

(3) Rejections and non-responses

I contacted a total of 114 subjects, and interviewed 100 of them. Appendices I and II provide more information about who they are - their demographic backgrounds, and their relationships to the movement, organizations, and other activists. Of the 14 subjects whom I failed to recruit successfully, two count as rejections. Despite my best efforts at persuasion, they clearly declined to participate. The remaining 12 are considered non-responses, because they did not reply to initial and follow-up emails, phone calls, text messages or Facebook messages. I determined these to be non-responses after not hearing from them by the close of the fieldwork in December 2009. Appendix III briefly describes the gay activism role of each subject who rejected my recruitment or did not respond to it, and whether and how they may affect the project’s findings. In sum, I do not find that their absences have a significant impact on the overall findings and analyses.

(4) Non-attempts

Before entering the field, I shortlisted 88 potential subjects from the database generated from the 2006 preliminary study and background research. By the end of the fieldwork, I had contacted 58 of them. This meant that I learned of the other 56 subjects (including the rejections and non-responses), almost 50% of my total sampled size, entirely during the fieldwork process, either directly or indirectly through the 58 shortlisted persons. The remaining 30 on the shortlist, as well as some of those recommended by informants or respondents during the fieldwork, were ultimately excluded for one of the following reasons:

⁵⁰ I address the issue of recall and accuracy later in this chapter.

(a) Repetitious

People in this category played roles similar to the successful recruits', and often were less significant than the latter. Artists in this category – fictional writers, painters, photographers, filmmakers, theater directors and playwrights - making up one-third of it, were excluded to ensure that the data did not skew toward censorship, which is the main issue on which artists typically engage the government. In addition, I did recruit 12 artists among the 100. Some of them play multiple roles in the movement, which meant I enjoyed cost efficiency by interviewing them. A few also collaborated with the excluded artists so they spoke of incidents that would have been covered by the latter.

(b) Too peripheral

These are mainly owners of gay-friendly businesses, and artists. The business owners were omitted as their roles in gay activism are/were too peripheral, compared to the successfully recruited business owners, who consciously offered or used their businesses as platforms for various activist-related events. While censorship is one concern for the gay movement, the excluded artists do not necessarily deal with censorship specifically on the issue of homosexuality. Their involvement with the movement, thus, was tangential.

(D) LEAVING THE FIELD: THEORETICAL SATURATION

I continued with recruitment and interviews as long as I continued to walk away from the interviews having learned something new that could meaningfully modify the emerging patterns I had been identifying. Gradually, however, by the last 20-30 interviews, I began to hear similar perspectives over and over from informants with different backgrounds, affiliations, past and present involvements, and demographics.⁵¹ At that point, I sensed that I was approaching theoretical saturation (Glaser & Strauss 1967; Luker 2008). As I had been coding and analyzing the data simultaneously with their collection, I was able to notice the impact of the latest data on analysis almost immediately. Thus, I made the decision to leave the field upon reaching 100 interviewees. Having determined the point of saturation also helped me to decide whom to leave out in the sampling, and the degree of impact of those who did not respond or declined my requests.

(E) INTERVIEWING PROCESS

Between March and December 2009, I conducted in English 109 formal - that is, recorded - interviews with 100 informants, including nine re-interviews. They totaled about 198

⁵¹ But, of course, the movement itself serves as a confine to the extent of saturation. It remains to be seen whether and how my theoretical contributions relate to other movements in this society, or gay movements in societies with comparable socio-political conditions.

hours of interview time, and averaged out to 1.9 hours per interviewee. The longest interview, with Ricky, reached 3 hours and 45 minutes, whereas the shortest interviews, with Gretchen and Brandon, lasted about 60 minutes. Those with whom I had shorter interviews were the ones who squeezed me into their busy work schedules, and tried their best to stretch their lunch or coffee breaks. I often followed up with them later through informal interviews, discussed below. After every interview, I built on notes taken contemporaneously during the interview to write a debrief as soon as I could, usually on the same day or by the following day. I spent about two to two-and-a-half weeks each month focusing on data collection, and the rest of the time on analyzing the latest interview data and writing memos.

Eighty-seven of the initial, more extensive interviews were conducted face-to-face in Singapore. I usually let interviewees choose the location, but drew the line at places, such as hawker centers and *kopitiam*s,⁵² where the audio quality of the recordings would be severely compromised, even with the use of a uni-directional microphone. Most of the time, we ended up at cafes - Starbucks, Coffee Bean, and The Coffee Connoisseur lead the pack - all around the island, interviewees' offices, and their homes or my apartment. I recorded these interviews using an Olympus digital audio recorder that is Macintosh-compatible.

The remaining thirteen interviewees were outside Singapore at the time of my fieldwork. I arranged Skype-to-Skype video calls with nine of them, so that the interviews could at least still be "face-to-face." The other four did not or could not use Skype-to-Skype, and I fell back to the least preferred option of telephone interviews.⁵³ However, instead of using my fixed or mobile telephone lines, I called them from my Skype account, creating either a Skype-to-landline or Skype-to-mobile line connection. The reason is technical: I downloaded a \$69 recording software, WireTap Studio, onto my computer to record all forms of Skype conversations in CD-quality audio, thus bypassing the technical challenges of connecting the telephone to the digital audio recorder (I did not record the video as it would have rapidly consumed the memory space on my computer).

Around the 60th interviewee, I started to discern recurring patterns and important theoretical leads. At that point, in August 2009, I decided that some re-interviewing was warranted. While continuing to move ahead with new interviewees, I began to contact earlier respondents for re-interviews. Altogether, I collected nine, formal re-interviews; eight were in-person and one through a Skype-to-mobile telephone connection.

In addition to the formal (recorded) interviews, I conducted informal, unrecorded interviews throughout my time in the field. I did not keep an exact count of the amount of time, but this type of interviews took place while observing and "hanging out" in the field,

⁵² A traditional type of coffee shop and eating place, usually without air-conditioning, found in Singapore, Malaysia and other parts of Southeast Asia. "Kopi" is the word for "coffee" in Malay, and "tiam" means "shop" in the Chinese dialect of Hokkien.

⁵³ Appendix I indicates the various interview modes.

during which impromptu conversations with informants I had already interviewed would spring up. They also include short e-mail follow-ups, brief exchanges over social media networks, and conversations with interviewees when we happened to be traveling together to or from our meeting places or events.

(1) Interview guide

Being open-ended and semi-structured, the formal interviews were conducted with a prepared guide of topics, but left room for deviation to pursue perspectives and leads not previously taken into consideration. They usually started with my asking, "How did you become involved with [name of gay activist organization/campaign]?" The goal was to warm up the interviewee by asking for a chronological narrative, which was less intimidating as it ostensibly asked for a story about oneself, rather than for one's opinions, or judgment of something. The response also helped me to get to know the interviewee better - what makes the person tick, and what may cause him or her to recoil. Often times, it organically addressed some of the planned topics on my guide. From there, I determined how to approach the rest of the interview, balancing planned topics with unplanned follow-ups and probes.

The sequence of planned topics following the first question was not fixed, and depended on the ebb and flow of each conversation, but I usually eased toward the end asking about the interviewee's coming out experiences. There were a few exceptions, however, in which I decided to let the interviewee go on about personal coming out stories after the first question. They were because I sensed that the interviewee actually felt more at ease chatting about his or her personal life, rather than about the movement, and that I needed more time to build up to the latter so that he or she could talk with less inhibitions.

For the first 10 or so interviews, I wrote out the questions for each topic in full. After about 30-40 interviews, I progressed to prompts scribbled on 3-by-5 note cards like the ones below. This guide served as a "skeletal menu" (Morrill 1995, 244), and I tailored the wording of the questions according to the rhythm of each interviewee and the informant's personality:

- *Involvement [How did you get involved? Leave/drop out, if applicable]*
- *Objectives [What did/do you want to achieve?]*
- *"Activist" [Do you see yourself as an activist?]*
- *Engaging government/relationship with state - how/examples*
- *Direction [How do you think change can happen?]*
- *Changes over time - how/examples*

- *Concerns/fears - examples*
- *Challenges/problems*
- *Rights - meaning [What do rights mean to you?]*
- *Rights - government [Would rights work here in Singapore?]*
- *Litigation [What do you think of litigation]*
- *Repeal 377A [What do you think of the Repeal 377A campaign?]*
- *AWARE [What do you think of the AWARE saga - the takeover of the women's group by the Christian right on the grounds that it had succumbed to a "homosexual agenda"?]*
- *"Success" [What does "success" mean to you?]*
- *Import [Is there anything the gay movement in Singapore can learn from overseas?]*
- *Export [Is there anything gay movements elsewhere can learn from Singapore's?]*
- *Own coming out*

Consistent with my review of the literature in Chapter 2, I did not look for a rights-based strategy, or zoom into the issue of rights during the interviews. Instead, I asked open-ended questions about engagement with the state, strategy and tactics, involvement, and challenges. At the same time, from the preliminary interviews and as the fieldwork built up, I also noticed the emergence of "rights" as a potentially important theme, not necessarily taking center stage as a strategy or tactic but in how rights are truncated, and perceived to be *ineffective*. So I paid attention to whether they brought up rights and/or litigation voluntarily. If not, I would then ask about these topics later in the interviews. On a similar vein, I asked interviewees to tell me what they thought counted as success, and whether anything had changed; I did not presume what social change and movement success meant, particularly rights vindication or legal reforms, according to existing theoretical understandings socio-legal and social movement studies.⁵⁴

Unlike the initial interviews, however, the formal re-interviews were not accompanied by a general guide. They were customized to the specific issues that I determined needed further responses from individual interviewees. Most centered on the issue of rights, and the questions revolved around clarifying the meanings and values of rights to the interviewees.

⁵⁴ In her study of education activists, Kostiner (2003) asked interviewees about what "social change" meant to them, rather than imposed theoretical understandings of the term, a critique she made of McCann (1994) and Silverstein, H. (1996). Also see my literature review in Chapter 2.

(2) Going off record

On some occasions, interviewees asked for certain parts of their conversations to be “off record,” meaning I could not use those parts as data. In these situations, I paused the recording, stopped taking notes and made sure that my pen and notebook were set aside. After the interviewee told the “off record” story, if I detected potentially relevant data in it, I would then ask him or her to retell the story in a manner that could go “on record,” or to give me a different example that could illustrate the same point in the “off record” segment. Between the on and off record versions of these stories, I was also able to discern the elements that may have motivated the interviewees to request going “off record.”

(3) Playing by ear

Since the 1950s, the years of self-governance under the British colonial empire leading up to full independence in 1965, the Singapore government has adopted English as its working language. Public schools compulsorily implement a bilingual policy toward language learning - English, also the medium of instruction, and one of the other four official languages, Mandarin Chinese, Malay, and Tamil, which reflect the three major ethnicities in Singapore. English, therefore, is a common language that transcends communication across racial and ethnic groups in Singapore, and thus the language used for the interviews in this study. Any researcher proficient in English would have been able to conduct these interviews. However, drawing up on my background, I was sensitive to the use of accents, and responded according to my interviewees'. I believe this aspect helped me to gain rapport, and thus, better quality data. At the core of my approach was listening. It was literally a case of playing by ear.

I adjusted my accent based on how the interviewee sounded in spoken English. Generally, their accents and spoken English styles can be divided into three types: heavy Singlish accent, what I call the standard Singaporean English accent, and very Western, typically somewhat British or American. Based on greetings and initial exchanges, I determined how to pitch my own spoken English. This involved not only the accent but also how much Singlish, as well as local colloquialism and slang, to throw into the conversation. Fortunately, although I am no Singlish expert or an extraordinaire of local colloquialism, whatever I managed to bring out in my arsenal was passable. The standard Singaporean English accent is fairly easy to put on – just drop what has become my default, North American accent, and remember to stop moving my mouth in an exaggerated fashion! As for the Western-type accent, I can never stiffen up my tongue enough to sound British, so I played it safe with my usual North American accent.

“Playing by ear” was probably the most significant when speaking to someone who preferred Singlish-accented English. If I had sounded too Western, I might have stressed my foreignness and come across as the wide-eyed researcher who does not know the first thing about Singapore. Or, at the very least, I could come across as snobbish - “putting on”

or “faking” an accent to seem more superior. I use the word, “prefers,” when talking about interviewees’ accents, because many of them, like me, also play it by ear with different accents, depending on the context – whether they are speaking to their employers, their close friends, or a street vendor.

(4) Playing it up, playing it down

Depending on the interviewee, I either played up or played down my knowledge. I played it up, for example, when I sensed that the interviewee would not bother with depth if I did not even seem to know about the topic. In other words, I played it up to get the local cut, rather than the foreigner version, which would be more broad-brushed and basic in both detail and explanations. In fact, one interviewee asked me directly whether I had any familiarity with Singapore’s political history, and explained that if I did not, he would not try to confuse me with too many details and political intrigue. I learned that interviewees might give the foreigner version not because they had something to hide, but because they were trying to be helpful, and not to bog the foreigner down with too much local nuances and side stories that they thought would elude the foreigner. The trick, ironically, was not to play it up so much so that the interviewee thought that his/her contribution was unnecessary. I played it down when I felt that the person in front of me was egocentric. This entailed tapping the interviewee’s ego. By sounding as though I need to learn from him or her, I was able to elicit more thorough and sincere responses.

In playing it up or down, I often deployed a technique known as “interview by comment.” David Snow and his colleagues (Snow, Zurcher & Sjoberg 1982) point out that questions, even open-ended ones, tend to frame answers by establishing the parameters of responses, and to circumscribe respondents’ choices (289). Comments, on the other hand, offer the interviewee more freedom to define the “response field” in relation to his or her frame of reference and life situation. They are also less threatening and demanding. Hence, for example, I played it down, when I wanted the interviewee to reveal his or her feelings about a controversy in which he or she was intimately involved. I would make an innocent remark, rather than ask a direct question that was more likely to be construed as inquisitorial. Occasionally, I deliberately made a comment that I was sure the interviewee would disagree and proceed to correct me.⁵⁵

(5) Pausing it

Related to playing it up and down, and interview by comment, was “pausing it.” After the interviewee stopped talking, I sometimes refrained from immediately following up. Instead, I would let the silence between us linger just a tad longer than what felt natural. It sent the message that I thought the interviewee had more to say, and I was waiting for it. Somehow, these extended pauses usually made the interviewee feel awkward. He or she

⁵⁵ I also repeated interviewees’ statements back to them, another “interview by comment” technique that often elicited further information.

would then break the silence first, and add to what was already said. Often, these additions became the most revealing and earnest.

(F) EDITING AND PRESENTING THE INTERVIEWS

All of the recorded interviews were transcribed. In the beginning, I sought out professional, American-based transcription firms recommended by professors or peers who have used their services. After a trial period, I was utterly dissatisfied with the quality of their work. I had worried that the transcribers would be incapable of coping with such accents that were foreign to the American ear. Singaporeans also have a tendency to speak faster than Americans may be used to, and have the habit of swallowing or slurring the enunciation of ending consonants. Before the trial, I expressed my concerns to those firms, which all reassured me that they had had plenty of experiences with foreign accents. But my anxieties were confirmed. The transcripts showed that the transcribers could not understand the typical Singaporean accent and quirks, and perhaps did not even bother to try. Some of the transcripts contained serious errors. Frustrated, I went through my Singaporean network, and found local college students for the task. I provided them with detailed instructions, and the transcript of an interview I had done myself. They signed confidentiality agreements, and were required by me to destroy all audio and other copies of the interviews upon completing each transcript. They were not told of the names of the interviewees, and the audio files were identified by a numeric system. Only I kept and had access to a copy of the keys to the numeric codes. Using local transcribers turned out to be a good decision, as they were familiar with the accent and language usage. They performed a far more professional and satisfactory job than the firms I had first contacted⁵⁶.

The transcripts, however, are verbatim, and reflect the choppiness and inelegance of spoken language. To render interview excerpts presented in this dissertation more intelligible and readable on paper, I eliminated the “um”s, “okay”s, “you know”s, “like”s and other gap fillers typically found in conversations, without altering their substantive meanings or obliterating the informants’ personalities. Where I presented exchanges between the interviewee and me, the interviewer, I also omitted my interjections of “uh-huh,” “okay,” and “yeah,” which I used constantly to respond to the interviewee. Here is an example of how Diane’s interview excerpt, presented in Chapter 6’s section on litigation, look like before and after editing:

⁵⁶ Funding for transcription was provided by a Doctoral Dissertation Improvement Grant under the National Science Foundation’s Law and Social Sciences Program (Award No. SES-0962129).

Table 3.1
Example 1 on the editing of interview excerpts

Before	After
<p>I honestly don't know how it works.</p> <p>UHUH, UHUH.</p> <p>I mean, the whole like, I mean I've heard of like couples who say they got married in the US and then, and then, and then, in their state and suddenly they couldn't get married in their state, and then they sued, right, and they file lawsuits and then –</p> <p>YEAH, YEAH.</p> <p>I mean, I know that stuff like that happens, I just don't know how it works. I don't know the whole law thing, the whole legal, you know procedural thing.</p>	<p>I honestly don't know how it works. I mean, the whole like, I mean I've heard of couples who say they got married in the U.S., in their state, and suddenly they couldn't get married in their state, and then they sued, right, and they filed lawsuits, and then - I mean, I know that stuff like that happens. I just don't know how it works. I don't know the whole law thing, the whole legal, you know, procedural thing.</p>

In addition, I edited the interview excerpts to replace references to real names of people, locations, and organizations with pseudonyms, and indicated those instances with square brackets. I placed parentheses around my injected explanations of terms or phrases used by interviewees. For abridged quotes, I indicated the “cuts” with ellipses within square brackets. These were shortened to get the point across more directly, as the full quotes contained sidebar conversations and comments that would have confused the reader or jarred the continuity of the point at hand. As an example, here is Chan’s interview excerpt presented in Chapter 5 about how he became involved with Resource Central. (Note, however, that the blank brackets on the left stand in place of real names.)

Table 3.2
Example 2 on the editing of interview excerpts

Before	After
<p>And that was [] and [] came and approached me. What happened was when they started they were two of them and [] was the other guy. So [] wanted to take a</p>	<p>[Stella] and [Lacey] came and approached me. What happened was when they started (Resource Central) there were two of them, and [Arun] was the other guy.</p>

<p>break.</p> <p>YEAH, I HAVE SPOKEN TO [].</p> <p>Oh you've spoken to []? Yeah so that [] and [] were looking for another guy because they had felt like he had looked for and if you get another lady then it would be two women. And it's useful to have a guy because some of the groups are very men, very male-centric, it helps to have another, a man to face them more for PC.</p>	<p>So [Arun] wanted to take a break [...] so [Stella] and [Lacey] were looking for another guy because they had felt like if you get another lady then it would be two women. And it's useful to have a guy because some of the groups are very men, very male-centric. It helps to have another, a man to face them more for PC (political correctness).</p>
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All of the names of interviewees and organizations, as well as venues and allies, used throughout the dissertation are pseudonyms. However, Appendix I contains a list of informants, 54 out of 100, who have, contrary to the standard practice by human subjects protection to preserve confidentiality, chosen to disclose their real names. Some of them *insisted* on the disclosure of their identities as a condition of participation, because they considered disclosure to be part of their responsibility as activists. Those who were not adamant also signed the waiver form, even after I stressed that there was no need for them to do so. Others half-joked that they actually did not have a real choice, after all the media exposure. To honor the requests, I obtained approval from Berkeley's Office for the Protection of Human Subjects to provide an optional waiver of confidentiality to accompany the informed consent form. Since not everybody waived their right to confidentiality, for the sake of uniformity, I used pseudonyms across the board, and provided the real names of those who did waive their confidentiality in Appendix I.

In choosing pseudonyms, to preserve the nature of their original names, I usually replaced Western names with other Western names, and Muslim, Hindu, and Chinese names with the like. For the first three, I went to baby-naming websites and picked names semi-randomly: Because Western names were the majority, I tried to spread the name choices across the alphabet. I also passed over those that I know are the real names of other, well-known people in the local gay community not included in my study. As for Chinese names, I personally found the offerings on baby-naming websites to be quite pathetic, even ridiculous, so I simply made these up, and tried my best to spell them in ways that are as pronounceable as possible to the native English, non-Chinese, speaker.

(G) NOTE ON RESEARCHER-SUBJECT RELATIONSHIP

As I spent more time in the field and got to know my interviewees, I inevitably became friends with some of them. Whenever I sensed that a subject and I were moving onto friendly terms, and no longer simply researcher and subject, I would make the following

clear: While we could be friends, I would also be on good terms with other people whom I know have “bad blood” with this subject, and that I would not take sides. I believe that taking such a position clarifies that my role as a researcher would not be compromised by internal politics of the activist community, while allowing me the opportunities to immerse in the field.

The issues that involve disagreements or side taking in the activist community are not substantive issues relevant to my study, but concern interpersonal relationships. I have not shared anything about my study in a way that indicated I was inclined toward a particular view, or supporting any particular opinion among the activists. Based on my time spent in the field, I also notice that these activists are used to students and researchers, and generally approach research about their community with an “agreeing to disagree” attitude.

At the same time, I am aware of the need to avoid being too identified with the movement, for being so could block my access to the Christian right counter movement, if I chose to expand my study in the future. I have two responses to this concern. First, it may be too late. By the mere fact that I am conducting such a study, which does not set out intentionally to portray the gay community negatively for the sake of supporting an opposing stance, I may already be ill regarded by some people within the Christian right. I am not quite sure if there is a viable solution for this. Second, I have taken care not to be too identified. For example, I have declined to lend my voice to an organization that contacted me in 2010, shortly after I left the field. It was a scenario that could have created the impression that I was speaking as a representative of the group or the movement. In any case, being ill-regarded by the opposition may not necessarily mean blocked access, as the counter movement may also wish to have their voices heard and may want to speak to a researcher, even one with whom they disagree. For example, Blee (2002) successfully gained access to various racist groups in the United States, and interviewed its women activists, for her study on women in the hate movement.

(H) ACCURACY, RECALL AND BIAS

Because some of my interviewees talked about incidents that occurred as far back as 20 years ago, one concern is the reliability of such data - the issue of faulty or selective memories. My experience with Cheryl is the more obvious example. Another clear example was one interviewee whom informants cautioned was a “habitual liar,” liked to name-drop, or exaggerated her own role. These encounters resonate with studies on using interviews for research. Freeman et al (1987), for example, find that respondents’ recall of details of particular events to be poor, whereas Douglas (1976) warned of human tendencies to lie, embellish or “put it on” for the researcher.

However, while recall-based data may suffer from factual accuracy, Freeman et al also find them to be biased toward long-term patterns - what *usually* happens in a particular context or situation. Therefore, they remain useful for studying behavior and norms. In other

words, the relevant degree of reliability depends on one's purpose for the data (Morrill 1995). Because my study is concerned about cultural norms and practices in connection to the role of law in social movements, the specificity of minute details do not impact my primary purpose for the interview data.

Nevertheless, I did address the issue of accuracy and recall. I used multiple recall sources within the same type of data, comparing the facts and descriptions of individual events among multiple interviewees. Furthermore, I drew upon multiple *types* of data to supplement the interviews - field observations and documents by or about activists, their organizations, the government, and the media, all of which are discussed in subsequent sections. I adopted facts that appeared to be consistent across these multiple data sources and types. Where I had my doubts about varying accounts, I made them known, and factored the differences into my analysis.

In addition to problems with veracity, recall data of interviews may tend to skew toward "trouble cases" (Morrill 1995), the incidents that stand out. As a result, they may cause the researcher to concentrate excessively on them, thus leading to bias. In my study, "trouble cases" would be analogous to the milestones, the moments of leaps and bounds for the movement. On the one hand, these momentous events are significant, precisely because activists regard them to have strongly shaped the movement's development, and the persons involved to have influenced the ways in which they unfolded. Hence, from the perspective of my study's approach of theoretical sampling, giving them more weight is justifiable. To make sure that my "trouble cases" arising from the interviews are indeed so, I checked them across multiple interviews, as well as other data types (the field observations and documents). On the other hand, I also took care to address this issue as a potentially valid concern. In the following sections, the field observations, and documents categorized as "Organizational data" and "Government data" collected the mundane and ordinary of what these activists did and said - the "plodding" aspects of the movement (D'Emilio 2006). They helped me to confirm that the patterns and themes that form my theoretical framework emerged not only from the data of "trouble cases," but also across the board, thus spanning both the extraordinary and the everyday aspects of gay activists' experiences.

(III) SUPPLEMENTARY DATA

The interviews served as the primary data source, and the anchor of my analysis. However, for triangulation, I collected and analyzed other types of data as well, enabling me to cross-examine the findings of the interview data. This multiple-source approach helped to (i) verify the descriptions, and factual accounts of the movement trajectory and events narrated by the interviewees, and (ii) substantiate and contextualize my interpretations of interviewees' variety of meaning-making processes, central to the thesis: "becoming activists"; understandings of rights; social construction of boundaries and practices; the formulation and implementation of pragmatic resistance as a strategy, and its "tactical processes"; learning from past encounters within the movement, and vis-à-vis the state;

and, self-evaluations of movement outcomes. Together, these data sources contributed to my analysis and answers to each research question. The collection of each of these supplementary sources is elaborated below.

(A) FIELD OBSERVATIONS

Observations in the field took place primarily between March and December 2009, and then more intermittently during the first five months of 2010. They include observations of meetings, talks, exhibitions, plays, film screenings, and social gatherings, and add up to roughly between 110 and 140 hours:

Table 3.3
Summary of observations in the field

What was observed	Approximate no. of hours
Miscellaneous talks and activities	10-12
Weekend services at Open Church	10
Our World	3
Pink Dot 2009	6
AWARE meeting to oust Christian right takeover	12
IndigNation 2009 (July 30 th - August 30 th , 2009)	40-50
Pink Dot 2010	3
Before and after events or interviews (when conducted at gay spaces)	30-40

With the exception of Our World meetings, the other events and activities were open to anybody interested⁵⁷. However, I usually informed my contacts in advance about my attendance. Being seen with other activists helped me to make connections and establish rapport with new people more easily, as it offered a layer of assurance that I bore no ill will (such as being a spy of the counter movement!). The organizers of Our World's monthly gatherings, which invites women at various stages of dealing with their sexualities to meet and socialize, expressed concern that my constant presence might discomfort

⁵⁷ Some of them required "RSVP," which is commonly used by gay activists to organize events, part of a tactical process elaborated in Chapter 7.

participants who expected a safe space. But they were kind enough to let me attend one meeting so long as I did not take notes or record the activities, conditions to which I agreed. It is for similar concerns on my part that I did not attend support group meetings. However, I did collect documentary data pertaining to such meetings - announcements and publicity materials - and these were included in my analysis.

To minimize the impact of my presence as a researcher, I did not make any audio or video recording, or take notes openly while observing in the field. Like many other ethnographers, I snuck away at various opportune moments to bathrooms, and innocuous corners to scribble down notes before memory forsook me. For the Our World meeting, I honored the organizers' request, so the data from that meeting relied entirely on recollection. After the observations, as with the interviews, I wrote debriefs as soon as I could. They comprise a section of factual descriptions, built upon the field notes, and a commentary section alongside the relevant description about my thoughts, intellectual and otherwise (Emerson, Fretz & Shaw 1995).

(B) DOCUMENT SAMPLING AND COLLECTION

(1) Event data

These are primary documents from three sources - activists, their organizations, and the state - concerning specific events that are significant or landmark moments for the movement. They include blog entries, media statements, letters to the editor by activists or their organizations; and public statements by politicians and state officials, and parliamentary debates. Although I focus on the interviews as data that demonstrate cultural norms and practices, rather than rely on them as factual sources, these supplementary "Event data" further ameliorate concerns about the recall and accuracy problems of interviews (in addition to supplementing the cultural aspects of the interview data). The documents were produced by activists or organizations during or temporally much closer to the occurrences of the milestone events, so they are more factually reliable, whereas the documents related to the state's responses serve as another source of verification.

The data were selected purposively by first determining what counted as a significant event for the movement, based on my background research and databases from 2006 to 2008, their consistent mentions by interviewees, and media and/or government attention:⁵⁸

- The Rascals letter campaign in response to the police raid on the disco club in 1993
- The Coalition's registration attempts of 1997 and 2004

⁵⁸ For practical purposes as well, I had to rule out random sampling, because I had no way of ascertaining accurately the sampling universe for such documents.

- The party bans followed by the creation of IndigNation between 2004 and 2005
- The Open Church's efforts to hold an AIDS fundraising concert in 2005 and 2007
- The Doug Sanders talk of 2007
- Pink Picnic 2007
- Repeal 377A
- The first coming out of a public school teacher in 2007
- The takeover of AWARE, a women's organization, by the Christian right counter movement on grounds the organization had been subverted by a "homosexual agenda"
- The fallout from the AWARE takeover, resulting in the Ministry of Education's revamping of sex education⁵⁹
- Pink Dot 2009 and 2010

In this selection process, I excluded those that were not directly related to the gay movement, either initiated by, or targeted at them. The exceptions were the AWARE takeover and the sex education debacle that followed. Even though gay activists did not carry out the takeover, and the targeted group was not a movement organization, the takeover's initiators, the Christian right counter movement, publicly claimed that homosexuality was the catalyst of its actions.

After determining which events to sample, I purposively sampled for data on interviewees, their organizations or the state as they pertain to each of those events. For the first two sources, activists and organizations, I selected only materials by the activists or organizations that started the event or are directly connected to its organization or implementation. For example, I selected the statements by Morris and the Portal in connection with the party bans, as the Portal was the organizer. However, I excluded them as data sources for the creation of IndigNation in 2005, as it was planned and executed by the Coalition. On the government side, the statements by officials and politicians were drawn primarily from local newspapers, and the Hansard records of parliamentary debates. Local media turned out, ironically, to be excellent archives of government data, as they carry official statements and speeches, and even reprint articles reporting on what the country's leaders said to foreign media.

⁵⁹ See Chapter 4 for more details on this incident.

(2) Organizational data

These are primary documents *by* gay activist organizations affiliated with one or more of the interviewees. Distinguished from “Event data,” they pertain to organizations’ day-to-day operations, and their more run-of-the-mill activities. By focusing on the mundane, everyday aspects, they form part of my design to address the concern with biasing “trouble cases” - the milestones or landmarks - discussed in the previous section.

The sampling of the documents is a combination of random and purposive, depending on the nature of the documents and materials I could locate. The materials from some organizations are more ephemeral than others. Some groups archive on the Internet their publicity announcements, and update their websites and social media sites regularly, whereas the documents of defunct entities usually disappeared along with the groups. Hence, I was more likely to locate data of organizations that still survive, or endured longer. This may appear to create a bias. However, because I am interested in the cultural norms and practices, the weaker presence of certain organizations would also mean that they had less influence in shaping the very culture I am studying, anyway⁶⁰. The materials I purposively sampled were all of what I could find on the groups’ versions of their histories and origins, self-descriptions, mission statements, and objectives, the type of documents that do not pertaining to a specific event or incident. My searches spanned both the physical world for hard copies, and the virtual - websites, blog sites, mailing lists, and in recent years, social media sites, such as Facebook (sometimes the only Internet presence).

The materials I randomly sampled were those pertaining to specific events or incidents, but excluded the major ones already covered by “Event data.” First, I counted the number of entries for each type of document (“category”) in a particular organization, such as publicity e-mails, blog postings, and media releases.⁶¹ Then I labeled each entry in a category numerically in chronological order, from the earliest to the latest. Next, I created a random number table using the “virtual dice” program on www.stattrek.com. I decided that I would sample 25% of the total number of entries in each category. This means that if I had 16 entries for an organization’s media releases, I would select four of them randomly. To do so, I commanded the random number table to generate four numbers that corresponded to the numbers pre-assigned to the entries. Those would be the entries included in my analysis.

I handled the Coalition’s materials in the manner above, but a note is warranted on its hardcopy newsletter published before its 1997 migration to the Internet. During my 2006 preliminary study, I obtained a set of the newsletters archived by Resource Central. It

⁶⁰ For Argot and the Harbor, organizations that existed and disappeared prior to 1997 when the Internet became a popular organizing and mobilizing tool, I relied on their announcements and writings published in the Coalition’s newsletter. The selections of these articles are distinguished from the process of sampling articles from the newsletter for analysis pertaining to the Coalition itself.

⁶¹ Facebook postings and “tweets” on Twitter were left out. These were often repetitious of the contents in the other media.

consisted of 27 issues, from the first to the 28th (missing the 16th), published between March 1993 and November 1996. I decided to sample 25% of them (seven issues) randomly as well, using the random number table. I decided against systematic sampling by the *kth* number (Krippendorff 2004), as the issues, though intended to be monthly, were not regular. Some of them did not even have publication dates! Within the seven, I then purposively sampled only from the relevant types of articles, such as announcements of Coalition activities, or statements on local gay issues, while excluding articles that reviewed movies, or regurgitated foreign media reports on gay events elsewhere without reframing them for local relevance.

(3) Government data

These are documents that capture the direct statements by and reactions of the state regarding homosexuality or gay activism. They reflect the state's positions on these issues not in direct response to specific incidents that come under "Event data." By not focusing on the extraordinary moments of the movement, they also help to address the potential bias of "trouble cases."

I concentrated on two types of sources - Hansard records of parliamentary debates, and local media reports that contain public statements by state officials or politicians:

(a) Hansard

The search string, "gay or lesbian or homosexual or bisexual," was used to search this database of parliamentary proceeding transcripts. I decided that words such as "same sex" or "sodomy" would not yield results. The former is still not commonly used in Singapore, and the latter is not a legal term under Singapore law.⁶² The search results were then sieved through to discard those that did not use the term in the appropriate context. In the early 1980s, the word, "gay," occasionally referred to "happy." They sometimes appeared in reference to "Gay World Stadium" (also known as "Happy World Stadium"), an amusement park that existed before World War II in Singapore, and "Ching Gay," the name of a traditional annual parade. Then only those statements and reactions by significant politicians and state officials were selected for analysis, thus excluding members of parliament (legislators) of little political weight. The decision to select only heavy-weights, such as the three former and current prime ministers, deputy prime ministers, ministers and other rising stars in the ruling party's ranks, makes sense, as these are the people to whom the population and others in government pay attention. Their words, therefore, are more likely to be impactful. On the other hand, in such a one-party dominated system, the lesser known members of the ruling party are often carried into office by the sheer might of the party itself, and tend to make up the numbers in parliament while lacking individual political charisma or capital.

⁶² Singapore's Penal Code used the term, "carnal intercourse against the order of nature" in its former Section 377, inherited from the Indian Penal Code. The retained Section 377A deploys a much more encompassing term, "gross indecency."

(b) Media reports: other government statements

Singapore has two mainstream, daily English newspapers, the *Straits Times* and *TODAY*, the daily business broadsheet, *The Business Times*, and the sensational, tabloid-like *The New Paper*. For this set of data, I concentrated on the *Straits Times*, the flagship newspaper of one of Singapore's two major media companies, Singapore Press Holdings⁶³. Unlike *TODAY*, which was launched in November 2000, the *Straits Times*' coverage spans the entire movement trajectory. My objective is to use local media to locate government statements and positions, and not analyze the media themselves. Either mainstream newspaper would have reported on them, and even reproduced entire speeches or interview transcripts.

The search string, "'homosexual⁶⁴* or gay* or lesbian* or bisexual*' AND 'minister or ministry or BG,'" was used. The articles that did not contain statements by politicians or officials who meet the criteria above were discarded. Also discarded were articles that responded to such statements, and were not the first-time reports of the former. The remainder was then all included in the data analysis.

(c) Other sources of government data

I searched legal documents - statutes, subsidiary legislation, rules and regulations, court cases - but few legal documents referred specifically to homosexuality, sexuality, or gay activism, the exceptions being the Penal Code provisions that criminalize male-to-male sexual conduct, and the Societies Act of 2004 that listed groups organizing around "sexual orientation" among those that must seek registration approval. Judicial decisions related to sex crimes treated the acts clinically, and did not situate them in the context of these social issues. However, my other data sources and ongoing analysis also indicate that the lack formal legal attention does not mean the lack of shifts in government attitudes, policies, and practices. To supplement this aspect, I decided to write directly to various government agencies:

Table 3.4

Summary of attempts to obtain data directly from government agencies

Agency	Response
The police and its parent ministry, the Ministry of Home Affairs: the number of arrests or any other relevant statistics	Complete silence, not even a reply to tell me that they did not want to answer my questions.

⁶³ The other major media company is MediaCorp, which owns *TODAY*, and the majority of local broadcast stations.

⁶⁴ Indicates "wild card" - whatever permutation that comes after the word.

relating to same-sex conduct, and whether and how its policies and practices have changed.	
Ministry of Defence: its policies toward openly gay national servicemen and regular conscripts	As above
Attorney General's Chambers: statistics on prosecutions related to same-sex conduct, and whether and how its prosecutorial policy in this area has changed	Declined to provide any information
Ministry of Manpower: its policy on issuing dependent's passes to spouses of same-sex couples from overseas	The most useful answer, as it at least disclosed its position: that Singapore "does not discriminate homosexual foreigners from seeking employment in Singapore," but that it does not issue dependent passes to same-sex spouses, since such unions are not recognized in Singapore.
Ministry of Foreign Affairs: its policy toward openly gay employees	"We regret that it is not our practice to share information pertaining to the Ministry's HR practices for the purpose of academic research."

I also wrote to the Ministry of Education to find out about its policy toward openly gay teachers. I was told that in order to meet and interview its officers, or to collect data for research, I was required to submit an application to the Ministry first. I repeatedly explained that I did not want or need to interview anybody, as my study was not focused on collecting extensive data from the Ministry or its schools, and said that a written response would suffice. The officer dealing with me either did not understand my explanation or chose not to, and insisted on an application. One of the conditions on the application form stated that the researcher must "seek clearance from the Ministry before publishing any of the findings from this study." That was exactly why I tried to explain that all I wanted was some statement one way or the other in response to my question. However, by insisting on such an application, the Ministry characterized my study as none other than one concerning itself. While it was not entirely wrong, the "data" I wanted would not have been central at all to my study. But if I used them in any way, it would mean that the Singapore government, by the Ministry of Education's self-imposed definition of my study, could have control over my entire dissertation. It seemed absurd. Hence, even though the Law faculty, my local sponsor, was kind enough to provide the paperwork verifying my identity and local affiliation, I decided not to pursue the enquiry.

(4) Media data

These are reports by the local media *about* gay activism and homosexuality. Under this category, the media themselves are being analyzed. Such data are to be distinguished from the previous categories in which I drew upon media reports as sources that provide data on activists, their organizations, and the state.

As discussed above, I concentrated on the *Straits Times*, the only English, mainstream newspaper that spanned the entire movement trajectory. The search string used was, “homosexual* or gay* or lesbian* or bisexual*.” I chose only the electronic database, which archived articles from 1989 onward, 4-5 years before the gay movement began in Singapore. While editorial decisions are certainly exercised in the publication of certain letters to the editors (and not others), I decided to exclude them, as they were not written by the media themselves. I also excluded entire statements and transcripts by politicians or state officials, meaning that they were not excerpted as part of a media story. Those statements and transcripts are covered under “Government data.” From the results produced by this search string, I selected those that treated homosexuality or gay activism as more than a tangential, by-the-way issue, mentioned only in passing. For example, articles about HIV/AIDS did not meet this criterion, unless they specifically were about the virus or disease in relation to the gay community.

The search also retrieved reports about the infamous trial of Malaysia’s former deputy prime minister, Anwar Ibrahim, who was prosecuted for having anal sex, a crime under a provision in the Malaysian penal code similar to Singapore’s then Section 377.⁶⁵ I excluded these articles, as I determined that the Singaporean media’s reporting on this politically charged story was deeply intertwined with geo-political considerations. Hence, articles referring to this trial were included only if the case served as a take-off point to discuss a gay-related issue.

(IV) ANALYSIS

Data analyses involved intensive, multiple phases of coding, and memoing, beginning concurrently with the 2009 fieldwork, a common practice for projects aimed at theory generation (Glaser & Strauss 1967), as well as expansion and refinement (Snow, Anderson & Morrill 2003). Altogether, my coding and memoing processes can be divided into three phases each:

(A) PHASE 1 CODING AND PHASE 1 MEMOING

I wrote a *debrief* for each interview and observation based on the contemporaneous interview or field notes. Usually I completed a debrief on the day, and latest by the

⁶⁵ The Malaysian code is also a progeny of the Indian Penal Code.

following day, depending on the number of interviews and observations I had scheduled. These debriefs, my first phase of memos, also composed the first round of coding. After narrating the key points of the interview or observation in the debrief, I went on to highlight and discuss analytic categories and patterns that emerged from those key points, how they related to previously collected data, and whether and how they could be explored as I moved forward. Unlike the typical approach for grounded theory, however, I did not apply *initial* or *open coding*, which sticks closely to the factual details of the data, and generated low-level codes. Instead, I concentrated on *focused coding*, categorizing data based on how they make analytic sense, and *theoretical coding*, specifying possible relationships between the focused coding categories and how they could be theoretically integrated (Charmaz 2006).

My reasons for coding at a higher level in this phase were a combination of trial and error, and practical considerations. Initially, I attempted coding right away with HyperResearch, and found myself driven by the mechanics of such software programs to start with open coding, generating minute codes that even evolved into sub-codes and sub-sub-codes. The result was counter-productive, and demoralizing, as I could not “see” how the ever-growing codes related to one another. So I set aside HyperResearch (more on my return to it later), and took up color pens and markers. Coding the debriefs by hand, I was able to recognize analytic categories, and potential patterns more clearly and confidently. I systematically kept track of how I defined and applied my codes and patterns. The definitions and usage of these earliest codes, such as “rights don’t work,” “not confront,” and “give face,” were carried over and incorporated into the second phase during which I extensively developed my codebook.

While *open coding* may be more adept at capturing nuances and subtle variations in the data, the immediate use of focused and theoretical coding enabled me to advance the project effectively from one interview to the next instantaneously with emerging perspectives in mind. Therefore, my method was in congruence with a theory generation and refinement’s approach to data analysis.

My coding decision at that point did not mean I completely abandoned or neglected to address detailed nuances in the data. I returned to the more minute aspects of the data in later phases of coding, and adjusted my theoretical arguments where warranted. Thus, I started with bigger themes, doing what Luker calls, “pattern recognition” (2008), and eventually worked my way down to sub-themes. The decision was also a matter of adapting to the practical circumstances then. I was yet able to obtain verbatim interview transcripts as quickly as I needed to sustain the concurrent flow of data collection and coding/analysis, so reserving the coding of factual details captured in the transcripts until they became available made sense as well.

(B) PHASE 2 MEMOING

This phase of memoing took place as the debriefs, and first two phases of coding were ongoing. I wrote a research memo approximately once every eight weeks, during which I did not arrange any fieldwork or do any coding. I used the time to step back from the field, and examine the data with a keener eye for broader themes that could make sense of the categories and patterns identified by the first phase of coding. These research memos, therefore, were more analytic than the debriefs. They carved out time and an intellectual space for me to explore possibilities of developing a theoretical framework, before I resumed fieldwork and coding with sharpened focus (Emerson, Fretz & Shaw 1995). .

(C) PHASE 2 CODING

After the verbatim transcripts of interviews became available toward the end of the 2009, I launched a new round of coding. This time I included the coding for details and nuances, thus addressing the previous concerns with the lack of attention to open coding, and continuing to refine my theoretical framework accordingly. I built on the earlier system of code definitions and application, and developed it into a more expansive codebook. Part of this process involved a coding reliability test as well.

(1) Codebook development and coding reliability testing

I used a combination of coding by hand and with a coding software program, HyperResearch:⁶⁶

- First, I chose three interviews semi-randomly. The 100 interviews were collected over a period of 10 months, and slight changes in how certain questions were approached, or issues emphasized had become inevitable over time. To ensure that the codes could be applicable consistently across all of the interviews, I divided the interviews into three groups based on the chronological order of interview dates, no. 1-33, no. 34-67, and no. 68-100. Then I randomly chose one interview transcript from each group.

- After coding these three transcripts by applying and modifying the focused and theoretical codes carried over from phase 1, and creating new ones, I generated a codebook in the format suggested in "Codebook Development for Team-Based Qualitative Analysis" (1998) by researchers at the Centers for Disease Control and Prevention.⁶⁷ Each code was assigned one row on the codebook table, and five corresponding columns for

⁶⁶ I chose HyperResearch over other more popular products, such as Atlas.ti, because HyperResearch has an established version native to Macintosh's operating system. The last time I checked, Atlas.ti had not developed a Macintosh version. I could have acquired software that simulates a Windows environment on my Macintosh computer in order to run Atlas.ti, but that would have defeated the purpose of enjoying a Windows-free experience! Although HyperResearch is not the most sophisticated computer-assisted coding software available, it adequately serves the needs of this project.

⁶⁷ Also see Luker (2006).

the code mnemonic, a brief definition, a full definition with inclusion criteria, a definition by way of exclusion criteria, and examples.

- Next, I ran the first round of coding reliability test. I asked four law students at the National University of Singapore to participate.⁶⁸ The law degree here, as in England's case, is awarded as an undergraduate qualification (LL.B.). These testers, therefore, are conventional college-age students. While they are sharp and smart, they were less inclined to analyze the research the way graduate research students might, and hence were suitable for the task. I briefed them on the broad parameters of my project – who the interviewees were, and what they were asked – but not the theoretical framework. I randomly selected an interview transcript, and the five of us sat down together to code by hand the same randomly selected pages by following the codebook. After every page, we compared our results, and discussed the codebook definitions.

My codebook definitions were generally understandable, and the testers applied the codes in the manner I had intended. Maybe because they are, after all, law students, they did have a tendency to “over-code,” which meant applying more codes to one paragraph than I had imagined possible! Usually, this happened because they had read too much into the definitions, and found plenty of room for interpretations in the interviewee responses.⁶⁹ This process helped me to define the codes more stringently. Thus, using the test results, I edited the codebook, and coded three more interviews - chosen in the manner described above - by myself and by hand.

- As the codes developed thus far stabilized, I moved on to building sub-codes. At this point, I migrated the coding process from markers and paper to HyperResearch. I selected one code, and worked across three interviews at a time to develop its sub-codes, if any, this time paying more attention to generating sub-codes that accounted more closely for the factual details.

- Then I returned to the four students for the second round of reliability testing. This time I randomly selected paragraphs from transcripts already coded but without the newly developed sub-codes. Again, we sat down together to apply the sub-codes. This was followed by another round of codebook revision.

⁶⁸ Partial funding from the Social Science Research Council's International Dissertation Research Fellowship during 2009, and the law faculty of the National University of Singapore from 2009 to 2010 supported this. One of the four testers was an activist included in the study. She learned about my project during the first few months of the fieldwork in 2009, and was eager to help out. To avoid potentially tainting the data collection and analysis, I did not involve her in the project until I had interviewed her as a study respondent. Although the interview data used for testing were anonymous to the testers, I also took care that she did not work with data that pertained to her or others with whom she collaborated.

⁶⁹ One important discrepancy lied with how the text was interpreted only as text by these testers. Unlike them, I also have the first-hand experience of hearing, and seeing the interviewee articulate those words that eventually were reduced to text, so I was able to interpret the intentions of their words in light of the body language and tone of voice.

- In this manner, aided by HyperResearch, I coded the interview transcripts and field observation debriefs, amending and continuously developing the codebook as I proceeded, and sometimes re-coding earlier transcripts.

(2) Coding of supplementary data

During this phase, I brought in the supplementary data of “Event,” “Organizational,” and “Government,” and coded them in a similar fashion, based on the codebook. In addition, I separately analyzed the “Government” and “Media” data for what I call changes in quantity and quality, as I wanted to use these two sets of data to supplement what interviewees had said about social change. For quantity, I kept a tally of the simple number of statements, reports and articles per year.

For quality, I rated the media reports as “negative,” “neutral,” and “positive.” “Negative” refers to reports that portrayed homosexuality or gay activism negatively, or featured only negative voices. “Neutral” means that the report’s tone was not negative, and contained voices both positive and negative toward these issues. “Positive” reports overall appeared to be more positive than negative. In determining what qualified as “positive,” I accounted for the socio-political conditions of Singapore: the ruling party and top politicians have called for a “balanced” approach toward homosexuality and gay activism, so the state-controlled media cannot realistically be expected to express absolute support for the movement or acceptance of homosexuality, without at least giving a nod to opposing voices in a non-disparaging way. I also coded these media reports for “activist voice.” This refers to quoting gay activists in the reports, and describing them in ways that clearly associates them with the movement, gay activism, or one of the organizations. If a gay activist was quoted but was labeled as something unrelated, such as “playwright,” or “entrepreneur,” the report would fail to meet these criteria.

As for the “Government data,” I rated the statements and reactions as “negative,” “neutral,” or “balanced.” “Negative” ones take a completely biased and prejudicial view of homosexuality or gay activism. “Neutral” usually talks about these issues as they relate to facts, for example when talking about the breakdown and risk groups of HIV infection, or criminal provisions. “Balanced” responses do not negate these issues totally, but treat them with sensitivity, acknowledging them to be both divisive but also deserving of respect and space.

(D) PHASE 3 MEMOING

The phase 2 type of research memos eventually evolved into analytic memos. Themes and patterns that persisted since the beginning of fieldwork were polished, refined, and more cohesively integrated with one another (Emerson, Fretz & Shaw 1995). For example, “informal allowances,” referring to the non-legal changes, or informal discursive and social spaces that the state is perceived to have afforded the movement and gay community, evolved into the central idea of “toeing the line,” and “pushing boundaries”

within a “traction zone” in Chapter 7’s analysis on gay activists’ “tactical processes”; the absence of a rights-based strategy integrated with the argument that theirs is a strategy of “pragmatic resistance.” Through these analytic memos, the architecture of the thesis really took shape. They were, essentially, rough drafts of the thesis. As I prepared them, I returned intermittently to the literature to check and refine how my thesis should be situated in relation to existing scholarship. The analytic memos also served as the foundation and focus for me elaborate on the broader intellectual merits of my study, beyond the theoretical contributions to sociology of law, and social movements - the question of “What is this a case of?”

(E) PHASE 3 CODING

I started drafting the dissertation proper in July 2010. During the writing process, I carried out a third round of coding using markers and highlighters again. This phase grew out my scrutiny of the data as I outlined each chapter, and made decisions about how to present the data. At that point, I did a “scrub through” of the coded data, re-coding or revising the codebook where necessary, as I fleshed out the nuances of arguments from the overall architecture. As a result, I continued to analyze and refine the thesis as I drafted the dissertation.⁷⁰

⁷⁰ Meanwhile, in the midst of writing and outlining, I arranged a meeting with four informants to share my core findings, get their feedback, and check on the accuracy of certain factual details.

CHAPTER FOUR

TRAJECTORY OF THE GAY MOVEMENT IN SINGAPORE

You have this organization that wants to encourage people to come out of closetedness. And then you are like this big walk-in closet. So it's like from one wardrobe to a walk-in closet. So we got so upset. Finally we decided just to say, "sexual orientation."

- Robbie, 33, administrator

This chapter describes and analyzes the trajectory of the gay movement in Singapore. It is a story about timorous first attempts at collective action, followed by a retreat onto the Internet, and, after a transitory period, a shift into the fourth and current stage - engaging the state and society at large with openness, and more confidence and skill. I examine the trajectory in this manner for two purposes: the first is to set the stage for subsequent chapters where the data analyses will refer to incidents and events discussed in this chapter; the second is to tease out the trajectory's key features, for they embody the core of pragmatic resistance, which is the movement's strategy and culture, and a central concept of this dissertation's thesis.

The two key features of this 20-year-old trajectory are: the **coming out of the movement** itself, and its **expansion by way of diversification**. Through increased interaction, movement activists gradually developed more confidence about *whether they could* engage the state without jeopardizing their existence. They became more willing to do so, less afraid of what the state might do to them, and believing the state has come to perceive them as less of a threat. At the same time, they learned more and more about *how they could* engage the state. They accumulated more knowledge and honed their ability to do so, becoming better at understanding the state's attitude toward homosexuality, and at predicting the state's response to gay activism. Having better addressed the issue of survival, they intensified efforts at creating, and making use of opportunities to advance the movement. As a result, they diversified their labor, increasing the range of activist work and organizations, and the types of people involved.

Coming out, and expansion and diversification are manifestations of the two central tenets of pragmatic resistance, a strategy and culture that focuses on immediate and specific gains for the movement and its beneficiaries, *without* openly challenging or destabilizing the status quo of power arrangements out of concern for jeopardizing its existence. The analytic descriptions of each phase of the movement trajectory in this chapter will highlight how they reflect these two tenets. The first tenet is the notion of survival, which concerns the survival as activists in a socio-political context lacking in civil-political rights, something that their counterparts in liberal democracies take more for granted. Literally, it is about making sure that their organizations and the movement are not shut down by the state using draconian measures. Hence, activists' decisions to come out increasingly as a

movement, or to withdraw at times, indicate their considerations for survival. The other central tenet, advancement/opportunity, concerns seeking out and creating opportunities, as well as taking advantage of those that present themselves, in order to advance their movement under such repressive circumstances. The ways in which activists expand and diversify the movement, or choose not to, display the workings of advancement/opportunity.

By looking at the movement's development through its coming out, and expansion and diversification, I start with the most obvious aspect of pragmatic resistance – these two phenomena. Imbued with pragmatic resistance's central tenets of survival and advancement/opportunity, coming out, and expansion and diversification are its “before” and “after, its condition and consequence. Each experience with coming out, or expansion and diversification, whether positively or negative interpreted by movement activists, influences and loops back to shape subsequent decisions and actions to do so, and thus pragmatic resistance. Such an ongoing set of interactive dynamics - interpretation and decision, action, and outcome followed by interpretation again - occurs through a variety of social processes. The processes consequently produce and reproduce pragmatic resistance and the two movement phenomena. To be analyzed and unpacked in subsequent chapters,⁷¹ these processes are about the meaning-making of movement activists - how they understand, and act on their experiences with one another, within the movement, and with the state, law and other social institutions. It includes their understandings of formal law as deterrence and sanction, law's cultural power to legitimize and delegitimize, and how it is resisted, and at times reclaimed covertly. Hence, to stay congruent with subsequent chapters, my following examination of the movement trajectory highlights these interactive dynamics.

For the rest of this chapter, as I elaborate on the four phases of the movement chronologically, I detail the characteristics that relate to the movement's coming out, and expansion and diversification. For ease of reference, Table 4.1 below summarizes the main characteristics of each phase. The characteristics of increase in gay activists' degree of openness, level of understanding of the state, and the extent of engagement with the state and local media reflect the first key feature of this trajectory - the movement's coming out, which is linked to the “survival” tenet of pragmatic resistance. The growth in terms of the pool of people who became gay activists, and the types of activist work and organizations typify the second - the movement's expansion by way of diversification, which is associated with advancement/opportunity.

⁷¹ Also see Diagram 8.1 in Chapter 8, setting out the various processes in more detail.

Table 4.2 further illustrates the expansion by detailing the growth of gay activist organizations, founded or led by respondents in my study, not only in numbers but also in the range of work they do:⁷²

- *Community work* targeted at gay people in Singapore,⁷³ including organizing social activities, offering support for those coming to terms with their sexualities, consciousness raising and empowerment, building grassroots support, and providing physical spaces for activist and community activities;
- *Society work* aimed at the general, non-gay population in Singapore, including raising public awareness, attracting non-gays as activists for the movement, and building a support base made up of non-gays;
- *Media work* involving the cultivation of relationships with local media outlets and positive coverage;
- *State work*, such as communicating with and engaging bureaucrats, politicians, or law-and policy-makers.

Table 4.1
Key characteristics of movement phases

	<u>Phase 1</u> Pre-1997	<u>Phase 2</u> 1997-99	<u>Phase 3</u> 1999-2005	<u>Phase 4</u> 2005-present
	Timorous Beginnings	Retreat	Transition	The Coming Out
	Initial advancement / opportunity followed by survival-driven	Survival-driven	Survival mixed with beginnings of advancement / opportunity	Advancement /opportunity-driven with survival in the background
Openness	Not out	Not out	Beginning to	More out

⁷² While one may argue that the increase could be an effect of my sampling process, since I could have selected the activists - and their corresponding organizations - who are more accessible. However, my study does account for activists who did not readily come to mind among their contemporaries, as one third of my respondents are those who have left the movement (see Chapter 3). In addition, the interview and supplementary data all indicate that the number and diversity of organizations, even after allowing for those that faded away or were forgotten, increased chronologically. Furthermore, “diversification” is more than a numerical increase. What is more significant is the increase in the *types* of activist work, and in the diversity of people who partake in gay activism.

⁷³ I acknowledge that “community” does not necessarily connote the existence of a clearly defined “gay community” or “gay communities.”

	Fear of surveillance Threat perception	Fear of surveillance Threat perception	come out but mixed with fear of surveillance and threat perception First signs of a Christian right counter movement	Lessened fear of police surveillance Lower threat perception Clear presence of and open interaction with a Christian right counter movement
Understanding of state	Lack understanding of state perception of gay activism and homosexuality Lack ability to predict state	Lack understanding of state perception of gay activism and homosexuality Lack ability to predict state	Growing understanding of state perception Increasing ability to predict state	Understands state perception Strong ability to predict state
State engagement	Unable and reluctant to engage openly on homosexuality and/or gay activism	Unable and reluctant to engage openly on homosexuality and/or gay activism	Start to increase capacity and willingness to engage openly	Capacity and willingness to engage openly
Media engagement	Shun media	Shun media	Beginning to engage media	Increased engagement
Community: Grassroots support	No	No	No	Emergence
Community: Diversity in	Lacking	Emergence	Increase	Continuous increase

groups and activist pool				
Community: Youth-specific	No	No	No	Emergence
Society: Straight support	Lacking	Lacking	Lacking	Emergence
Society: Straight participation	Lacking	Lacking	Emergence	Increase

Table 4.2
Expansion of movement in organization types and numbers

	<u>Phase 1</u> Pre-1997	<u>Phase 2</u> 1997-99	<u>Phase 3</u> 1999-2005	<u>Phase 4</u> 2005-present
	Timorous Beginnings	Retreat	Transition	The Coming Out
Community				
<i>Social / Personal support / Consciousness</i>	<ul style="list-style-type: none"> • Coalition • Coalition Women's Wing • Argot • The Harbor 	<ul style="list-style-type: none"> • Connection Hub • Sports Club • Sutra Fellowship • Christian Fellowship • Singapore Lesbians Online • The Beacon • Talklist 	<ul style="list-style-type: none"> • Connection Hub • The Portal • Sports Club • Sutra Fellowship • Muslim Fellowship • Christian Fellowship/ Open Church • Singapore Lesbians Online • Our World • Virtual Sister • The Beacon • Resource 	<ul style="list-style-type: none"> • Connection Hub • The Portal • Sports Club • Sutra Fellowship • Muslim Fellowship • Open Church • Singapore Lesbians Online • Our World • Virtual Sister • Queer Women's Alliance • The Beacon • Chalkboard

			Central	Caucus <ul style="list-style-type: none"> • Brotherhood • Biz Tribe • Talklist • Voicestream • Resource Central • Minority Support • Planet Y • Youth Society
Grassroots support				<ul style="list-style-type: none"> • <i>Repeal 377A</i> • <i>Pink Dot</i>
Space			<ul style="list-style-type: none"> • Open Church • The Beacon • Resource Central 	<ul style="list-style-type: none"> • Open Church • The Beacon • Resource Central
Society:				
Awareness	<ul style="list-style-type: none"> • Coalition 	<ul style="list-style-type: none"> • The Opinion 	<ul style="list-style-type: none"> • The Opinion • The Portal 	<ul style="list-style-type: none"> • The Opinion • The Portal • <i>Repeal 377</i> • <i>Pink Dot</i>
Non-gay participation in gay activism				<ul style="list-style-type: none"> • Family & Friends • Friendship League • <i>Repeal 377A</i>
Non-gay grassroots				<ul style="list-style-type: none"> • <i>Repeal 377A</i> • <i>Pink Dot</i>
Media			<ul style="list-style-type: none"> • Coalition 	<ul style="list-style-type: none"> • Coalition
State			<ul style="list-style-type: none"> • Coalition 	<ul style="list-style-type: none"> • <i>Coalition</i> • <i>Repeal 377A</i>

(I) PHASE 1: PRE-1997

(A) MOBILIZING IN THE CLOSET

This phase of the gay movement was an era of initial advancement/opportunity followed by a sharp and visible turn toward survival. The 1993 Rascals letter campaign against police raids on gay clubs and their treatment of gay men is sometimes affectionately described as Singapore's Stonewall, a reference to the New York Stonewall riots of 1969, commonly credited as a watershed for the American gay movement⁷⁴. However, far from sparking off an era of gay liberation and radical activism, Rascals provided the gay movement in Singapore only with glimpses of opportunities that were quickly overshadowed by a heightening need to survive. Although they were acutely aware of the gloomy socio-political background, gay activists at first were encouraged by rumblings and signs such as the Rascals outcome. Responses from the gay community to the Coalition's and its spin-off groups further fueled their drive to seize the opportunity, and keep growing the movement. Nevertheless, the mounting fear of surveillance and crackdown, and media exposure, soon redirected the movement toward a quest for legitimacy through registration. Overall, this era bears the following characteristics:

(1) Lack of outness

The *movement* itself was afraid to come out. While organizing in physical spaces, these activists operated clandestinely, constantly wary of state surveillance. Entrapments and arrests at popular gay cruising grounds signified hostility toward homosexuality, and activists worried about the use of illegal assembly laws against their gatherings. Having been put under surveillance and interrogation, they also perceived that the state considered them as threats, unarticulated as these might have been. In addition, they shunned media exposure. While most of these activists were out to themselves and perhaps to select social and family circles, they were not prepared to be out in the media.

(2) Lack of open engagement with the state

Gay activists were unwilling to engage the state openly about the issue of homosexuality. Whenever they did engage the state, they themselves tried to avoid tackling issue directly. In the Rascals letter campaign, the police and the letter writers shared a mutual unspoken understanding that it was about police treatment of gay patrons at a club known for having its regular "gay night" that very evening. However, the letter did not mention "gay," "homosexuality" or any other word that would frame the police raid as an issue concerning gay people. Although the Coalition's attempt to register under the Societies Act was a more open engagement, it was compelled by circumstances to do so. Its activists realized that the state already knew who they were. The reluctance was two-way. The state

⁷⁴ However, historians and social movement scholars also point out the existence of a homophile movement preceding Stonewall (D'Emilio 1998; Armstrong 2002).

also was unwilling to engage the issue of homosexuality, constantly stonewalling Coalition leaders after disallowing their Societies Act registration.

(3) Lack of understanding and predictability

With reluctance to engage each other openly came a lack of understanding between the state and gay activists. The state was keeping a close watch on them, as it tried to uncover their motivations. Gay activists understood less of how the state really perceived them, and, consequently operated more on guesswork about where the state drew the line on gay activism, and how it would react. One respondent described the interactions during this era as *tikam tikam* - a Malay name for a local, gambling gimmick - nothing more than trying one's luck. Neither had quite figured out the other.

(4) Lack of non-gay support and participation

The activities and objectives of gay activists organizations were primarily focused on internal social and identity-building aspects. The movement had no support base beyond the gay community. Neither did it have activists who identified as "straight" or "non-gay." Activists also generally did not channel energy and effort toward this end. Finding two non-gays to join the 10 signatories for the Coalition's registration was the only time they actively reached outside. Under those circumstances, they were driven more by survival, rather than motivated by desires to advance the movement through creating opportunities for non-gay inclusion.

(5) Lack of grassroots and diversity

The movement even lacked a grassroots support base *within* its own community. The struggle to find 10 registration signatories illustrates this phenomenon. When it truly mattered, few people, including those within the activist leadership, dared to step forward, and identify themselves publicly in support of a gay issue. Attendance at the Coalition events gradually diminished in numbers after activists increasingly experienced surveillance and the growing threat of media exposure.

Besides having a weak grassroots base, the movement had only a small pool of activists, illustrated again by the difficulty of obtaining registration signatories. It was always the usual suspects. Activists who started out during this era as mere members or attendees can rattle off only a handful of names associated with activism.

Furthermore, the movement organizations lacked in diversity, focusing mainly on community work. The Coalition tried to be inclusive, but was heavily dominated by gay men. Trey's spin-off support groups also catered to gay men. While there were a few incarnations of women's groups, and one for gay Christians, the paucity of group types will stand in stark contrast to later phases of the movement.

(B) TIMOROUS BEGINNINGS

(1) Rascals letter campaign

May 30th, 1993. Keenan, a young lawyer, was hanging out at Rascals. He had come to the disco along Beach Road with gay friends, including senior lawyers at his firm. The night started out like any other Sunday night, when Rascals would have a regular crowd of gay men. Suddenly, the music stopped. The lights went up. A voice barked, "Shut up!" "Police raid." A plainclothes policeman, wearing a striped polo T-shirt, warned everyone to keep quiet, or "I'll knock your heads." They divided the patrons into people who had identification documents on them, such as the National Registration Identity Card (NRIC) required of Singaporean citizens and permanent residents 15 years or older, and those who did not. Keenan had his, so he was allowed to leave. But his flatmate and others who did not were rounded up and taken to the Beach Road police station. They were then released the following morning without being charged.

Keenan's encounter 16½ years ago was quite common in those days, the early 1990s in Singapore. The police were raiding gay businesses congregated along Beach Road, a popular strip of bars and clubs. As with the Rascals raid of May 30th, 1993, they usually did not end up arresting people who were initially detained. But what transpired following this particular raid was far from common. It angered Keenan. He checked the National Registration Act (NRA) to find out what authority the police had over the issue of NRICs, and discovered that they had no authority to detain a person who did not carry his or her NRIC. Keenan decided to write a letter, and gather co-signers. On May 31st, 1993, he submitted the letter to the police station with 21 other co-signers. He recounted the incident, and cited the relevant statutory provisions that supported his position.

About a month later, Keenan received a letter from the Central Police Division Headquarters, signed by its Acting Commander. The letter explained why the police took action on Rascals – that they had received complaints of overcrowding, and some patrons were suspected of providing false identification - and then stated:

We apologise for their lack of tact in dealing with the situation. We will take steps to prevent a recurrence and to caution the officers concerned. (Police reply to Rascals letter; emphasis added)

To Keenan's greater surprise, before the letter arrived, the assistant superintendent of the Beach Road police station actually called him, and also verbally assured him that such harassment conduct by police would cease.

(2) The Coalition's founding years

As early as December 1992, a gay organization that would become known as The Coalition was starting to take shape. Old-timers recall small groups meeting at cafes

(usually because their food brought back good memories!) and living rooms in the early part of 1993. Then the fateful Rascals raid happened in May 1993. Despite the apology being limited to the police's "rude" conduct, the letter campaign had an outcome Coalition leaders interpreted as groundbreaking, so much so that they credit it with galvanizing their organization to take the next step.

In June 1993, the Coalition began its monthly Sunday forums, a more consistent fixture than its previous gatherings that migrated from one cafe or living room to another. Trey and Oliver, the Coalition's most senior leaders today, joined the group shortly after it transitioned to these regular forums. Through his personal connections, co-founder Quentin acquired free space at a newly established theater company, renamed Fringe Center here, that supported non-mainstream groups and activities. The forums, featuring topics about health, lifestyle and practical issues, such as insurance and inheritance, usually attracted 30-50 attendees with the occasional spikes up to 200. A newsletter also began to regularize.

By 1994, other groups were starting to spin off from the Coalition - peer support groups, The Harbor, a fellowship for Christians to discuss homosexuality and their faith, and a "women's wing" of the Coalition followed by a group called Argot, aimed at creating social ties and identity-building among gay and lesbian women.⁷⁵

(3) Looming clouds

However, the early 1990s was far from being a time of liberation and freedom in Singapore for gays and activism. Attractive undercover police used to entrap gay men at the popular cruising grounds where Hsin and Keenan trekked through to distribute their HIV/AIDS information. Once a man made physical contact with the officer, he would be arrested and charged with "outraging the modesty" of that officer under Section 354 of the Penal Code.⁷⁶ The most infamous incident occurred in November 1993, when 12 men were arrested in one operation along Fort Road in the Tanjung Rhu district. Their names, personal details and photographs were then published in the local mainstream newspapers. To this day, it remains *the* incident that activists refer to as "the Tanjung Rhu arrests."

What would later coalesce as the counter-movement was also gestating in the form of ex-gay church programs. Traceable at least to the late 1980s, certain conservative evangelical churches began to conduct conversion or reparative therapy, similar to those found in

⁷⁵ It remains unclear whether Argot was simply another name for the "women's wing," or a completely separate group. The women interviewed also gave conflicting, irreconcilable accounts of whether what they organized was Argot, the "women's wing," or something else. Argot may well have been the culmination of the Coalition's "women's wing."

⁷⁶ If convicted, an accused faces up to two years of imprisonment, a fine, or caning, or any two of such punishments. Section 354 was far more convenient for, and popular with the police than Section 377A, which specifically targets same-sex conduct between men.

California and Texas, trying to “cure” gays of their sexuality. Brett, Billy, and Xavier, who would later play leadership roles in the gay movement, first became acquainted with other gay people through these various ex-gay programs and seminars between the late 1980s and the early 1990s.

Gay activists, thus, operated with dark clouds overhanging them. The state, the media and society all seemed to be against them. The only comfort was that in 1994, the Chief Justice in one of the Tanjung Rhu cases, *Tan Boon Hock*, rendered an opinion that effectively ridiculed police entrapment of gay men, saying he was “bemused” by the charge of “outrage of modesty,” since the undercover police, by the very nature of entrapment, would have communicated consent to the physical contact, whereas Section 354 - unlike Section 377A - implied the requirement of force or non-consent.⁷⁷ Nonetheless, never naive and always realistic about their government, the Coalition’s leaders were mentally prepared for something bad to happen. The looming clouds eventually blew closer and closer over them. While the Sunday forums blossomed, the Coalition’s leaders soon began to feel the threat of a perfect storm.

(4) “Sooner or later, one of these incidents was going to blow up in our faces”

First, they realized that the police were sending undercover officers to watch their Sunday forums. It was the group’s first sense that it was in danger of running afoul of laws such as illegal assembly, given the controversial nature of the subject matter. Next, they chanced upon a second warning sign. Taariq, who later started the Muslim Fellowship, used to attend the Coalition’s Sunday forums, and sometimes drove his parents’ car to the Fringe Center. One day, his mother, a former police officer, asked about his whereabouts the previous Sunday. Her former colleague, still with the police, had called her after noticing that her car’s license plate number was being investigated for having appeared at the Fringe Center during the Sunday forums. Concerned, Taariq informed Trey and the other leaders of the Coalition. Then, a journalist friend of the Coalition leaders tipped them off that the local tabloid, *The New Paper*, was planning an expose about the gatherings. This was the same paper that sensationalized the Tanjung Rhu arrests, and had a homophobic reputation. Not prepared to risk media exposure, Oliver and the other leaders cancelled the gathering on the day they knew the reporter would turn up. But the effects of the would-be incident lingered, shaking the intactness of the Coalition. Some within the leadership circle decided to distance themselves. While there were others who stayed on, with the culmination of police surveillance and fears of exposure, they soon felt that they could no longer continue with the same existence - meeting as an unregistered group once a month. Also, fewer and fewer people attended their gatherings, deterred by the potential police crackdown or media expose.

⁷⁷ This was not an activist-initiated case of litigation. Tan pleaded guilty but appealed against the sentence of four months’ imprisonment and three strokes of the cane. Hence, the issue of consent in this case was not examined. On appeal, the Chief Justice substituted the original sentence with a S\$2,000 fine (approximately U\$1,400). See Chapter 6 on the paucity of litigation in the strategy and tactics of gay activists in Singapore.

To survive, the need to gain legitimacy, and obtain state sanction felt increasingly imminent. The signs pointed toward what Coalition leaders perceived to be the only viable course of action at the time. It was to register with the state to become a legally recognized organization.

(5) Registration and rejection: the first attempt

Although registration under the Societies Act seemed to be the obvious choice, Quentin first tried to pass the Coalition off as a company under the Registrar of Companies. He thought he had read about how an “Association of Malay Professionals” had succeeded in doing so. It was quickly nipped in the bud. Before applying for approval to register as a company, a group first needs to seek approval for the *company name*, a process that routinely takes no more than three days. Three months later, Quentin was still waiting for a reply on The Coalition’s. The official interim response was that their application was pending; unofficially, Quentin heard that it had become an issue circulated among various ministries. Another three months later, he finally received a reply. It rejected his group’s application - which, strictly speaking, was only for company name approval at that stage - on the grounds that the group was determined to be for an “unlawful purpose,” “prejudicial to public peace, welfare or good order in Singapore,” “or contrary to national security, or interest.”

The futile Companies Act attempt sent one clear signal: The state already knew who they were. It knew about the Coalition, its people, and its operations. In other words, there was no point pretending they were something else. So the Societies Act it was. But before Coalition’s leaders had to face the state once again, they first had to surmount the hurdle of ten - 10 signatories, complete with their NRIC numbers, required for the application. Tony, one of the signatories, remembers how difficult it turned out to be.

I don’t know whether the rest have told you, but it was damn hard to get 10 people out of the whole of Singapore. (Tony, 44, computer systems analyst)

Somehow, Trey, Quentin, Oliver and the rest of the core group managed to round up 10 people, including two non-gay friends, and submitted the application forms in November 1996. A few days later, three plainclothes officers knocked on Trey’s house around midnight on a Saturday. Trey came to the door, and they told him to go to the police station on Monday morning to give a statement about the group and its motives. Cheryl was the other signatory selected.

After the police interviews, the Coalition leaders waited, and waited. Half a year later, they received a rejection and a warning to “cease all activities in connection with the society.” So they wrote in to ask the Registrar for the grounds of his decision. The Registrar replied that he was not required to give a reason, an unsatisfactory answer to the Coalition since it did not mean he could not provide one. They next began an appeal process first to the Ministry of Home Affairs, the Registrar’s parent ministry, and, finally to the Prime

Minister's office. In the subsequent three months that followed, a flurry of rejections descended upon the Coalition, one after another, all singing the same tune: stop now, or face the tough legal consequences. By this point, Coalition activists probably were not expecting otherwise. They also could not obtain any clear reason for the rejection, beyond the now-familiar provisions quoted verbatim from the Act on "good order" and "national security."

Rejection aside, however, even more frustrating was the categorical refusal on the state's part to engage them. In their appeals, Coalition leaders also asked the Minister and Prime Minister, what they wanted them to do, if the registration were unsuccessful.

So we threw them the question - okay, now you tell us what to do. And very unfairly, they didn't even attempt to dialog with us. (Oliver, 59, retired academic)

Everywhere they turned, they were stonewalled. No channel of communication would open up. The registration attempt, its rejection and subsequent stonewalling thus marked the close of the first phase of the gay movement. These activists simply felt stuck.

(II) PHASE 2: 1997-1999

(A) MOBILIZATION IN THE CYBER CLOSET

Following the state's reaction to the Coalition's activities and attempts at registration in the previous era, the gay movement during phase 2 first reacted to a pressing need to survive in alternative forms, namely in cyberspace, and then regenerated and perpetuated with newfound opportunities that came along. Initially, the Coalition's halt to physical gatherings and resort to the Internet were pressured by the need to survive. Its activists perceived that they could no longer mobilize safely in the form of physical gatherings. To them, and other activists who emerged in this era, the Internet offered a layer of shield from government crackdown, not because they actually believed that it protected them from surveillance, but because they perceived the state, for whatever reason, bothered less with virtual mobilization. This was the case even when physical forms of organization followed the virtual. Then, once activists found the Internet, they also uncovered its capabilities. They realized that they could reach out to and communicate more widely with gay people in Singapore, especially those who were not yet prepared to come out in the world of brick and mortar, and to reconnect with gay Singaporeans overseas. In general, this period lacks any major episode - the essence of being a "retreat" - and reflects the following key features:

(1) Lack of outness

Compared to the previous era, the movement appeared even more reclusive. During the first phase, activists ultimately forced themselves to come out to the state when they felt the imminent need to register the Coalition as a society. In this era, activists felt that the

state treated them as less of a threat, but it was because they believed the Internet to be their shield. Staying in also meant they could survive, and possibly thrive. Hence, they had a viable option to stay “in,” and they did. Visibility in the media, not surprisingly, was also absent.

(2) Lack of open state engagement

Inheriting this feature from Phase 1, activists and their organizations did not engage the state openly on the issue of homosexuality. During the first phase, the state’s actions of raiding and surveillance led to the circumstances under which gay activists decided to engage; thus, Rascals letter campaign and the registration attempt demonstrated at least some effort, even though they lacked openness on the subject matter. True to being a “retreat,” activists and the state in this era, whether by choice or due to circumstances, directly engaged each other even less.

(3) Lack of understanding and predictability

The mutual lack of understanding between state and activists carried over from Phase 1. Given the absence of open engagement, activists generally lacked situations in which they learned to improve their understanding, and, thus, better predict the state.

(4) Lack of non-gay support and participation

Consistent with the reclusive and inward-looking pattern, a wider support base beyond the gay community continued to be amiss. The movement also lacked activists who identified as “non-gay” or “straight.”

(5) Lack of grassroots

Gay activists did not mobilize in a manner that would have tested the strength of a grassroots support base within the gay community. The simple observation is that the movement did not seem to have expanded in this respect.

(6) Beginning signs of diversity

On the other hand, the movement showed some first signs of diversification in terms of organizational types and activist pool during this reclusive period. Newer activists began to emerge, and to form a variety of organizations that catered to more specific demographic groups and needs within the community, such as women and particular religious faiths. Nonetheless, the diversification was limited primarily to one type of labor, community.

(B) THE RETREAT

(1) Discovering the Internet

Following the state's rejection of its application to register, the Coalition leaders found themselves in a bind. They felt that the group could not resume the gatherings, now that it was officially denied by the state. Then they discovered the Internet, and a new world of possibilities opened up. The Singapore government first made the Internet publicly available in 1994. By 1996, "personal homepages" on the Internet had become the rage. Thus began the Coalition's retreat to the Internet. Its operations broke up into two parts. The consciousness-raising, community outreach part turned into a mailing list, Talklist, whereas its newsletter evolved into Trey's own online commentary, the Opinion.⁷⁸

Even though the government does regulate the Internet, its approach from the beginning has always been much more "light-touch" compared to other media's, focusing on policing racial, religious, or political - in the narrow sense of oppositional party politics - content, and sexual exploitation or child pornography. Hence, on the Internet, gay activists quickly learned that they could continue to mobilize while being shielded from the threat of government crackdown. To this day, the prevailing sense among gay activists, ranging from the Coalition old-timers to newcomers, is that the Internet provides a shield for gay activism. Online, activists characterize themselves as individuals coming together to discuss issues, and not as a group. They believe that the *state* sees their scattered online presence as less threatening. Or, some believe that perhaps the Internet nature reduced the state's ability to control. Regardless of whether they are right or wrong, these perceptions made them feel safer.⁷⁹

(2) Branching out ... while staying in

The Internet, thus, provided an assurance of survival gay activists did not experience in the earlier phase of the movement. Even though The Harbor and Argot had faded away, others soon arose to fill the void, fueled by the newfound safety and opportunities of the Internet. Groups focusing on more specific interests or concerns, such as for women or Christians, and social and recreational activities, started to appear.

The Singapore Lesbians Online, a mailing group that formed in 1998, typifies the *modus operandi* of this era. Gay activists would reach out on the Internet to the gay community, usually through mailing lists or groups, which search engines would locate when anyone used appropriate search terms, such as "Singapore," together with "gay" or "lesbian." The interested person would sign up for the mailing list, and gain access to other members' messages, and the group's organizational information. Or, in those days when "Internet relay chats" (IRCs) were popular, join the "live" conversation. While communicating

⁷⁸ Trey claims to have been the only activist among his peers willing to learn about building websites 15 years ago.

⁷⁹ Some respondents believe the government monitors their websites and mailing lists.

mainly through the Internet, such Internet-based groups did organize gatherings in physical spaces, such as parties or outings. However, their activities were not “out” - they were only publicized to those within the group through the mailing list, and not advertised beyond the gay community. To the outside world, they were any other group of people getting together for friendship and conversation.

Another group that emerged in 1998 was the Christian Fellowship, a successor to The Harbor.⁸⁰ The initial idea for the fellowship sprouted from a discussion among the eventual founders on Talklist. The only way one would find out about the fellowship, if not directly through friends, would be to locate it on the Internet, send an email to the group expressing interest, and then wait for a response to arrange a screening interview. These screenings were used to determine whether somebody was suitable for the group. The founders had mainly two concerns - people who brought with them religious backgrounds and motivations that they deemed undesirable, and the potential of surveillance and infiltration by the state.

Other Internet-based organizations that surfaced during this period include Connection Hub, which Jerome, still a teenager at the time, set up as his own personal webpage in 1999. Today the Connection Hub has transformed into an online commercial website providing information and social networking to gay Singaporeans. During this period, the Sports Club, and the Sutra Fellowship for gay Buddhists, and an assortment of others based on hobbies and interests also appeared.

Besides social and religious groups, the number of groups for peer support and coming out multiplied. In particular, the Beacon, first took shape in 1999. Back then, Aidan, Frank and Liam noticed that Trey’s groups tended to attract men in their 30s, and decided to start a similar one that catered to those in their 20s. They structured the support group as a cycle with a fixed number of sessions, spread over a period of several months. After the first cycle, others volunteered to take over its administration.

(3) The closed-door forums

In 1999, the Coalition held two closed-door forums, which symbolize a quiet closure to this phase of the movement.

Closed-door forums are considered private events, and it’s by-invitation only. You don’t need a license. We decided to have appearance speakers, talking on specific topics and then to have a question-and-answer, and a dialog. And then we would document the whole thing, and anchor chapters of the book. (Quentin, 45, doctorate student)

⁸⁰ The latter was started in 1994 but disappeared within a year, partly because Kang, one of the founders, left Singapore for the United States to pursue graduate studies, and partly because the group seemed too eclectic for any chance at longevity. In contrast, the Christian Fellowship, which Jian and 5-6 others co-founded, had a more distinct Protestant identity and cohesion.

Hence, the closed-door nature of the forums averted direct state engagement. The organizers did not need to apply for a license under the Public Entertainment and Meetings Act (licensing changes to indoor talks would not occur until 2005). In a way, they harked back to the Coalition's Sunday forums at the Fringe Center. Compared to those monthly gatherings, however, they were carried out much more deliberately and conscientiously in this fashion - the drawing up of invitations, and maintenance and registration of guests - thereby reflecting the general mood of this era.

(III) PHASE 3: 1999-2005

(A) CHANGEOVERS

Compared to the earlier phases, this period was less survival-driven, and had a more balanced mixture of survival and advancement/opportunity. During this time of transition, activists were less concerned about the survival of their movement. Of course, they still had to ensure they did not jeopardize its survival by taking missteps, but they knew better how to make those calculations. Hence, while survival remained on their minds, it had moved to the back. Instead, some activists preferred to channel their energy toward taking advantage of, or creating, opportunities. The Coalition, for example, was not compelled by imminent state crackdown to attempt a second registration; its activists *wanted* to do it to see how far the state was willing to let them advance. Overall, as a transitory period, it thus bears both the features of previous eras and the one it preceded:

(1) More out

After staying reclusive in phases 1 and 2, the movement showed signs of coming out. The Coalition's activists openly represented for what they stand in front of politicians and in the media. Rather than running away from the media spotlight, they now coveted it. Those who organized large-scale events held them openly (even though they did not officially brand the parties as "gay"), unafraid of showing whom their constituents were. Some others created permanent physical spaces, and did not hide the type of activism they represented. At the same time, these attempts by some activists to come out as a movement were mixed with reluctance on the part of others. Groups such as Virtual Sister, and the Muslim Fellowship still stayed in, out of fear found in previous eras, and did not come out with these other parts of the movement.

(2) More open engagement with the state

With being more out, some activists began to engage the state openly on the issue of homosexuality. The Coalition activists sought out opportunities to bring the issue to the state's attention, as we saw in their open forum and second registration attempts, and did not camouflage it. The increased openness was mutual. The state became more willing to engage the issue openly in return. The substance of its position aside, it was at least more

forthcoming about what that position was. No longer were they straightforward refusals to dialog. In short, the fight inched out into the open. The parties might not agree with one another, but they had made public the issue over which they disagreed.

(3) More understanding and predictability

Through trial and error, the increase in open engagement brought about more mutual understanding and predictability. From this period onward, activists gradually gained more clarity about the state's position, and improved their ability at predicting how the state would react to their strategy and tactics. Organizers of the open parties eventually learned where the state drew its lines and what could have made it tick so differently to reverse its position. On the other hand, Coalition activists did not err on their predictions that the state would reject their open forum and registration applications; their trials produced confirmations. Amidst the various political statements that seemed to conflict with the responses activists were receiving, the trials, errors, and confirmations helped them increasingly to make sense of what were and were not possible.

The state, too, started to understand the movement better. For the Coalition's second registration application, police did not come knocking in the middle of the night to demand an appearance at the police station. The shift away from mere stonewalling also suggests that the state knew better how to handle them, even though the ultimate position remained the same. The reversals on the open parties indicate that the state, just like the movement, went through trial and error to determine where it wanted to draw the line.

(4) Lack of non-gay support and participation

The movement continued to lack a wide support base among the non-gay population. However, the pool of *activism* began to expand to non-gay participation. The Open Church's successful recruitment of Rev. Phil and Nina was the most significant example.

(5) Continuous growth of grassroots and diversity

Although the movement still had not generated a visible grassroots support base, the enthusiastic response to the Coalition's call for registration signatories - compared to the dire situation eight years before - was a positive sign. Meanwhile, the organizational types and pool of activists continued to expand. In particular, Resource Central, the Open Church and the Beacon offered a new category of activist organizations and labor - physical space providers. With the greater variety of activist work, the pool of activists also kept growing beyond the Coalition's. It now had non-gays, more women, and people from a variety of religious backgrounds doing their parts.

The types of labor expanded into society work, but focused mainly on raising awareness, and did not yet venture into straight support and participation. More striking was the Coalition's foray into media and state work. Its shift coincided externally with the growth

in activist numbers and organizations that took on community and social work, which it performed in earlier eras.

(B) MAKING TRANSITIONS

From 1999 to mid-2005, the gay movement in Singapore underwent a period wrought with trials on the activists' part, and mixed messages from a state that once again had to grapple with them - signs of a movement in transition. But shortly before the Coalition's closed-door forums in early 1999 symbolically closed off the previous phase of retreat and introversion, an incident popularly dubbed "the CNN interview," foretold the shift into this phase.

On December 11th, 1998, Senior Minister Lee Kuan Yew appeared on a "live" interview by Riz Khan on CNN. During the viewers' call-in segment, an anonymous caller, whom some Coalition activists claim to know from their previous Sunday gatherings, asked, "I am a gay man in Singapore. I do not feel that my country has acknowledged my presence. As we move into a more tolerant millennium, what do you think is the future for gay people in Singapore, if there is a future at all?" Lee thought about the question for few seconds, and replied:

Well, it's not a matter which I can decide or any government can decide. It's a question of what a society considers acceptable. And as you know, Singaporeans are by and large a very conservative, orthodox society, a very, I would say, completely different from, say, the United States and I don't think an aggressive gay rights movement would help. But what we are doing as a government is to leave people to live their own lives so long as they don't impinge on other people. I mean, we don't harass anybody.

This encounter may seem plain frustrating, or be greeted with cynicism, but it is also significant: we see hints of the coming-out of gay activism and the issue of homosexuality to the state, *and* the *state's* coming-out on its position. At the very least, open engagement with each other inched forward, as little and as contrived as it might seem, and symbolized the beginning of a transitory era.

(1) The "open forum" attempt

On April 24th, 1999, then Prime Minister Goh Chok Tong announced the launch of Singapore 21 Vision, a state-initiated and managed consultation exercise that declared the following ideas to reshape Singapore's future in the new millennium:

- Every Singaporean Matters
- Strong Families: Our Foundation and Our Future
- Opportunities for All
- The Singapore Heartbeat; and

- Active Citizens: Making a Difference to Society

Trey decided to find out how true the state was to those ideas. Unlike closed-door forums, open forums required licensing. So Trey applied for a license to hold, “Gays and Lesbians within Singapore 21.” He and the rest of the Coalitioners fully expected a rejection. They were right. What was new, however, was that the *local* media reported on it. Trey was interviewed and quoted.

(2) Becoming “media whores”

Unlike the days of pre-1997, when they ran away from local media’s attention, the Coalition activists in this era *pursued* it, lunching and dining with senior editors.

Basically, we started out by hiding from publicity, and begging the press not to cover us. At some point in time, we were saying that this won’t do. We should be out there. If you’re going to be an activist, you must be out there. Otherwise you’ll forever be in your own larger closet but still in the closet. (Oliver, 59, retired academic)

We felt that we had nothing to hide and we would talk to anybody who wanted to talk to us. We would never say, we don’t want to talk to you. So we had to learn to become media savvy, we had to learn to exchange cell phone numbers ... Oh yeah, we’re absolute media whores now! Our complaint is that we don’t get enough. [laughs] (Trey, 58, businessman)

The early attempts at media outreach so far also signaled a willingness of the other party, the media, to engage on territory more positive for gay activists. Whether and how the local media have changed toward gay activism and homosexuality will be analyzed further in Chapters 7 and 10. Here, what has become clear by the early 2000s was an emerging and mutual engagement between the media and gay activism.

(3) Continued growth of groups

While the Coalition activists started coming out to the media and the state, other activists busied themselves with forming more groups for a variety of purposes. Some of them inherited the inward-looking pattern of Phase 2, staying away from the state or media spotlight. A few others took on a newer approach, which would carry over into Phase 4 - being more public and open about their activities.

Some of the inward-looking, less open groups that surfaced within this timeframe still relied on the Internet, and did not branch into physical occupation of spaces, for example: Virtual Sister, an online counseling service for women, and the Muslim Fellowship, an electronic mailing list for gay Muslims. Others did hold gatherings, but persisted with the clandestine nature common with activist events of the previous phase. For example, the organizers of Our World, a social support group for women, would send out emails to the

mailing lists of relevant gay organizations. Anybody interested would send in her RSVP, and propose a potluck item. Then organizers would follow up with an email disclosing the location of the gathering, usually limiting the number of participants per evening to around 30.

(4) The party begins

However, in this transitory phase, we also find activists, other than the Coalitioneers, who departed from the molds of the “retreat” era. They started doing activism more openly - being visually more associated with their sexualities, and physically more present. The Portal, a commercial website targeting “gay Asia,” is one such example. It threw its first open party in 2001, and grew them in numbers and size over successive years. These ticketed events were more “open” in the sense that they were visibly identifiable as attracting a gay male clientele, compared to the mere presence of gay clubs and pubs, including those that only had designated “gay” nights, around since the late 1960s (Heng, R. 2001).

(5) Getting physical

Nevertheless, the physical occupation of spaces by these open parties, as well as private gatherings, was only transient. The movement’s physical, collective form dissipated at the end of each event. This situation changed with the developments of three organizations between 2003 and 2004 - Resource Central, the Open Church and Beacon/Lighthouse. They came to occupy more permanent spaces, adding a tangible, brick-and-mortar feel to the movement. Resource Central, the local gay community’s first and only open library archiving and collecting local and foreign materials on homosexuality, first opened its doors at the AIDS Initiative in December 2003.⁸¹ Today it also functions as a community space. Every Saturday afternoon, anybody can walk in to check out materials, meet someone from the center to talk about their difficulties, or simply go there to meet people. It also hosts events such as private movie screenings, book launches, and talks. The Open Church, Singapore’s first openly gay-inclusive church (though some leaders prefer to call it a “gay church”) has its roots in the Christian Fellowship, discussed in Phase 2. In 2004, led by Billy, the Open Church was officially formed. Nowadays, the church leases the third floor of an industrial building, with space for a congregation in the low hundreds, musical equipment, a kitchenette, a lounge and meeting room. In 2004, Billy also formalized The Beacon, the informal peer support group, into a counseling agency backed by qualified professionals. In recent years, it has relocated to the bustling part of town where gay businesses congregate.

⁸¹ The center’s creation was a collaboration between Sirius, who was in charge of the AIDS Initiative’s MSM outreach program at the time, and Stella’s team who ran the center.

(6) Outside help

While staking out physical spaces, the Open Church also brought to the movement a new source of activists - non-gays, people from outside the gay-identified community, who joined the movement as organizers and leaders.⁸² In 2003, then Prime Minister Goh Chok Tong's expressed his views on homosexuality in a Time magazine interview. Rev. Phil responded to it, arguing for diversity, and showing support for gay Christians.

So when [my father] wrote into the *Straits Times*, they insist on your title, so his title was Reverend, and I think [Billy] and a bunch of guys saw that a [Reverend Phil] had this opinion, and it was in the papers. They jumped, and they sniffed him out, and invited him to come to speak to them in church. And that's when it started. So when my father was invited, of course he brought the family along. (Nina, 54, university administrator)

Rev. Phil, now retired, was the first Asian Bishop of The Methodist Church in Malaysia and Singapore, and the General Secretary of the Christian Conference of Asia. His addition to the Open Church as its pastoral advisor boosted its standing and legitimacy (even though Rev. Phil is now shunned and criticized by conservative church leaders in Singapore because of his position). His daughter, Nina, a straight woman joined the Open Church with him, and later became chair of its leadership council. Though insignificant in numbers, Phil and Nina's addition as activists in organizational and leadership roles represents a new development not seen in earlier phases of the movement.

(7) Signs (of hope?) ... and things to come

As the movement eased into this period, Lee Kuan Yew's statement on CNN offered a glimpse into the state's position on homosexuality. In whichever way one interprets his statement, it was one of the rare moments in which the state set its position on homosexuality out in the open. The next moment came in 2003. Then Prime Minister Goh Chok Tong revealed in an interview with Time magazine that the Singaporean government had quietly changed its policy on hiring gays. Even though the criminal laws against same-sex sexual conduct would remain, he disclosed that the government has been hiring openly gay people even for "sensitive" positions. He then went on to say, "So let it evolve, and in time the population will understand that some people are born that way ... We are born this way and they are born that way, but they are like you and me."

Local newspapers, which has a practice of reprinting top leaders' statements made to foreign publications, carried excerpts of the interview, including the gay-related ones. The article set off a flurry of activities. The letter to the editor by Rev. Phil, mentioned above, was written in response to this statement. Goh's words also caught the eye and ire of those

⁸² In the case of the Beacon, although its supporting network of qualified professionals includes non-gays, during this phase of the movement, they were not central players, people considered as "gay activists" in my study. However, currently, it does have non-gays holding key administrative positions.

who would emerge at the frontlines of the counter movement. They also wrote in to local papers to express their disapproval. Such opposition was a sign of things to come in the subsequent phase of the movement, a sign of a new element with which it had to contend - the coming out of a resolute counter movement.

(8) Registration and recalibration: the second attempt

Meanwhile, the Coalition took Goh's statement as a signal to take action immediately - try to get registered as a "society" again. But the motivations of the Coalition's activists differed remarkably from the first attempt's before 1997, when they really wanted the legitimacy.

So we were saying, okay, another opening-up now. Let's try. *The idea is really to create a political event and get news coverage. And put this issue on the agenda so that gay activism ... The calculation of whether we get it or not became secondary.* (Oliver, 59, retired academic; emphasis added)

They put out a call for signatories. Contrary to the previous round, more than 10 willing volunteers, perhaps as many as 40-50 (Coalition leaders have given me a range of numbers), came forward.

The application was, once again, rejected. The Coalition wrote back, informing the Registrar that the group would appeal to the Minister. As always, it also asked for an explanation beyond the cited provisions. Unlike the stonewalling and dead silence eight years ago, the Coalition actually received a reply from the Registrar three days later. The letter recited the provisions, but added: "As the mainstream moral values of Singaporeans are conservative, it is hence contrary to public interest to grant legitimacy to the promotion of homosexual activities and viewpoints at this point in time." The appeal to the Minister was also rejected two months later.

Although the formal outcome was identical to the first attempt's, communication with the state had shifted from stonewalling and non-answers - "the Registrar is not required to provide any reason" - to responses without repetitive reminders, and some effort, albeit minimal, at providing an explanation. Compared to last time, Coalition activists felt they had accomplished their aim.

We want to see whether what the top says, what Goh Chok Tong has said, flows down to the rest of the government and what we got was the same thing. So it was something that we were disappointed with, yes, but it was also something we expected. (Tai, 35, graduate student)

In addition, rather than "retreat," these activists went public with the rejection. Right after receiving the Registrar's rejection letter, they issued a press release pointing out that the

government's decision contradicted recent statements on opening up and tolerance. The *Straits Times* printed a short factual report about it the following day.

(9) And the party ends: the crushing of Snowball and Nation

Since 2001, the Portal's open parties had been attracting more and more people every year to its Nation, Snowball, Squirt, Boys of Summer and Paradise Ball parties. The 2004 Nation Party reportedly had 8,000 partygoers. By the end of 2004, the parties had gained an international reputation and media coverage. Suddenly, Singapore looked like the gay capital of Asia. But the party did not last, literally.

Shortly after the international media exposure, then Singapore's Minister of State for Health, the late Dr. Balaji Sadasivan, warned of an "alarming AIDS epidemic." He cited the rising number of HIV cases among gay men, and attributed it to the "promiscuous and unsafe lifestyle practised by some gays." Then the police told the Portal that they had rejected its license application to hold Snowball 2004. The license application had become routine by this point, since licenses for similar parties had been smoothly granted. Hence, the rejection was unexpected. The police claimed that same-sex couples had been seen openly kissing and intimately touching each other at Nation 2004, held a few months before Snowball, and that patrons had complained about it.⁸³ They also issued a statement explaining that Singapore was a "conservative and traditional society," and that these parties went "against moral values of a large majority of Singaporeans," pointing out that the Portal assured them in the past that the parties would not be "gay." Subsequently, in July 2005, the police also rejected the Portal's license application to hold Nation 2005.⁸⁴

The driving motivation behind the state's reversal on the parties may never be clearly determined - whether it was mid-level bureaucrats' knee-jerk reaction to a gay mecca image, related to HIV/AIDS, or for another reason. However, what is important to this chapter is that this sequence of events brought out the "trial and error" nature of the engagement between movement activists and the state during this era of transition.

(10) The licensing changes to indoor talks

While the fate of the open parties hung in the balance between August 2004 and July 2005, what could have been an irrelevant amendment to the Public Entertainment and Meetings Act passed through Parliament without much fanfare. The amendment exempted indoor public talks (that is, open-door) from licensing, provided that the speakers were Singaporeans, and the talks stayed away from topics that "would cause racial enmity" or about religion. However, it would soon play a crucial role for gay activists. A direct

⁸³ The second claim is especially strange, since most of the patrons there were gay, and most probably attended the party to socialize with other gay men.

⁸⁴ In the end, the Portal relocated the party to Phuket, Thailand, but has since ceased organizing overseas parties.

response to these bans would quickly follow, making use of this seemingly irrelevant amendment, and set the tone for the new and current era.

(IV) PHASE 4: 2005-PRESENT

(A) OUT AND ABOUT

To sum up, advancement/opportunity drives the current phase of the movement, whereas survival has receded into the background. Gay activists finally came out as a movement in the current era. Even more so than the previous period of transition, they are assured of its survival. They know how to maintain a relationship with the state, how far and how hard to push, and still survive. Thus, they focus more exclusively on advancing the movement, as represented by IndigNation, Repeal 377A, and Pink Dot. Activists did not create these events in order to survive, but pounced on opportunities that helped them realize these milestones. Furthermore, the movement in recent years has been clearly trying to advance in more directions - in its relationship with society at large, and how it addressed a rising counter movement, which had also come out; whereas, in the past, the movement had largely tried to advance internally, in terms of building, and reaching out to the gay community, and *vis-à-vis* its relationship with the state. The key features of this period are:

(1) Further openness

Gay activism grew in its openness. Activists increasingly have no qualms about making the movement and what it does known to the rest of society and to the state. In the previous period of transition, only some activists, especially the Coalition's, had come out about the movement; others were less ready. IndigNation 2005 changed that, and Repeal 377A and Pink Dot went on to exemplify it. Activists initiate and pursue media contact, increasingly unafraid to air their grievances, and to declare their reasons for mobilizing. Even for those who do not court publicity, unlike activists of the 1990s, they no longer fear disclosure of what they and their organizations represent.

Prior to this phase, the movement also had not openly engaged a counter movement mounted by the Christian right, save for skirmishes between individuals on the readers' letters forum of local newspapers. From 2005 onward, the movement encountered a counter movement that is also developing into a more identifiable collective form, first taking shape with Repeal 377A, and then crystallizing with the AWARE takeover. The engagement between two sides, thus, is now thrust into the open, and onto the public stage, adding texture to the movement's coming-out.

(2) Open engagement with state

Gay activists built upon the beginnings of open state engagement in the previous era, and amplified it. Not only has the issue of homosexuality become openly addressed, but the scale at which it is carried out has also become grander and more sustained, especially

with the milestone of Repeal 377A. In return, the state is engaging more openly. While its overall position has not changed, it, too, has come out more publicly about the issue.

(3) Further understanding and predictability

Mutual understanding and predictability between the movement and the state continues to increase. This does not mean that the state has stopped prohibiting certain acts of gay activism. Bans still occur, such as those on certain IndigNation 2007's events. However, activists believe that they now understand better the motivations behind those bans - such as anonymous pressures of a counter movement - rather than guessing the worst of what the state thought about them. When they react to these bans, they can better predict how the state would react; therefore, they are able to maximize their chances of advancing the movement in the ways they respond without jeopardizing the movement's survival. They also felt they knew how far they could push their case, and how to mobilize within those parameters to make the best out of an opportunity. On the part of the state, bureaucrats as well as leading politicians continue to become more aware of homosexuality as a political issue and gay activism as a constant on the socio-political landscape. They no longer treat gay activists and their issue as shady elements. No longer do they condemn the subject matter in an outright fashion, but indicate room for balance and co-existence. By stage two of this period, after Repeal 377A, they and gay activists have worked out a more mutually perceptive relationship - how to act on and react to not only uncontentious scenarios, but also contentious ones, when a third party such as the counter movement interjects.

(4) Non-gay support and participation

Having settled into a relationship with the state, parts of the movement are expanding efforts into engaging society at large (and the counter movement in the background). In significant events during this era, such as Repeal 377A and Pink Dot, activists canvassed beyond the gay community to muster the support of non-gays. In addition, participation of non-gays in gay activism continues to increase. We see more of straight-alliance organizations, and, consequently, straight faces associated publicly with the movement.

(5) Grassroots and diversity

A visible grassroots support base finally has materialized in this phase of the movement. Past events, since the Coalition's Sunday forums, naturally attracted support from the gay community. However, those were less out compared to this period's. Events during this era enabled members of the gay community to express support with their presence or signatures, without having to commit to activism.

Besides the support base, the organizational types of gay activism continue to diversify, with more youth and other niche groups, and straight alliances. Newer activists also expand the activist pool. They are the ones - rather than the usual suspects from the

Coalition - who came to the forefront to lead the biggest events of the movement to date - Repeal 377A and Pink Dot.

(B) THE COMING OUT

(1) IndigNation

The relaxation of licensing rules on indoor talks, and the banning of Snowball 2004 and Nation 2005 together provided Coalition activists with the means and opportunity to try something new - organize a series of events, something akin to a pride month, to bring attention to gay activism and the gay condition. It would be held throughout the month of August to coincide with Singapore's annual National Day celebrations on August 9th. Thus IndigNation 2005 opened on 29 July 2005, marking the onset of a new phase in the movement's development. Lasting four weeks, the first IndigNation featured art exhibitions, literary talks, theatrical productions, and forums on Christianity and homosexuality, and the history of gay venues in Singapore, and ended with a barbecue party. The Coalition issued a press release, and local newspapers reported on the launch and the poetry reading, ContraDiction, which showcased the works of young, talent Singaporeans.

The licensing changes certainly aided activists' ability to hold most of these events. However, statements by politicians to the press regarding IndigNation's launch differed from past attitudes. They were not immediately condemnatory of gay activism or homosexuality. The state was sending a signal that seemed to emphasize laws and boundaries. For example, one member of parliament commented that, "There is freedom of speech here as long as speakers don't incite violence and are sensitive to the views of others." Although IndigNation's organizers suspect surveillance by plainclothes police, they felt unhindered. Generally, activists sensed that they had more room to maneuver, and that the state was less controlling.

To organize the individual events for IndigNation, the Coalition had to rope in other activists and groups. As a result, the movement as a whole became even more out. More activists and organizations came out into the open about what they were doing. This was a pattern that would continue into the months that followed IndigNation.

(2) Branching out

The following year, a new women's organization, Queer Women's Alliance was formed. Compared to groups established earlier - Argot, Singapore Lesbians Online, Virtual Sister,

and Our World - Queer Women's Alliance was more open as a movement group.⁸⁵ The women of this group have since organized IndigNation events, published a coming-out book authored in Queer Women's Alliance's name (despite being unregistered), conducted surveys about queer women in Singapore, and held annual holiday camps for its members.⁸⁶

Two types of gay activist organizations not previously seen also started to appear in 2006:

(a) Gay-straight alliance

The first was a straight alliance known as Family & Friends, started by four straight-identified women - a mother with two gay sons, Ming Choo, Ai-Mee who has a gay brother, Nina of the Open Church, and another woman with a gay sibling. It provides a website with resources and contact information, and organizes occasional talks targeting family and friends of gay people. Though not an active organization that relies mainly on a web existence, Family & Friends is the first gay activist organization set up by non-gays for the gay movement.

(b) Youths

Before 2006, youth groups run by gay youths did not exist. The closest example was probably The Beacon's early form when Aidan, Liam and Frank wanted to reach out to men in their 20s. However, it was during this phase of the movement that groups specifically branding themselves as targeting gay youths, from teenagers to early 20s, began to emerge. It was an important development for these young activists, because they felt that older gay activists were reluctant to venture into this area for fear of being accused of behaving criminally toward young people and minors. With help from his good friend, Manisha, Rahim set up Planet Y, a blog that reached out to youths between 18 and 24 years old. The same year, Fiona and a young gay man established Minority Support, a peer support group similar to the Beacon's early operations, to reach out to youths between 16 and 21.

Various other groups were also formed in the same year, including the Chalkboard Caucus for gay educators, Brotherhood, an inclusive social group for men of all physiques, and a podcasting team that broadcasts "live" programs over the Internet. But the last event of the year turned out to be the most significant - the Penal Code consultation exercise by the

⁸⁵ The use of the term, "queer," to describe or name gay activist organizations appeared more frequently after 2005. Founders of these organizations, such as Adalyn of Queer Women's Alliance, and Yvette of the Friendship League - founded in 2008 - believe that "queer" has less baggage in Singapore compared to the United States' situation, and therefore, see an opportunity to claim (or reclaim) the term positively for the movement.

⁸⁶ These overnight camps are, however, held overseas on vacation islands of neighboring countries, usually Indonesia.

state. Its impact would last throughout the following year, for it provided the genesis for Repeal 377A, the movement's most momentous campaign to date.

(3) Repeal 377A: Act 1

In 2006, Section 377 of the Penal Code still criminalized "carnal intercourse against the order of nature," covering both consensual and non-consensual sexual conduct such as oral sex and anal sex between opposite sexes or the same sex. Section 377A explicitly forbade sexual conduct between men, regardless of consent. It is much wider than Section 377, as it extends beyond sexual intercourse - connoting some kind of penile penetration of a body orifice - and covers scenarios such as handholding or kissing in public. In November 2006, the government announced a comprehensive review of the Penal Code, and initiated a consultation exercise to solicit public comments on its proposal. It turned out that Section 377 would be removed but Section 377A would be retained, thus effectively singling out men who have sex with men.

The Open Church decided that it would submit a response to the Ministry on the retention of Section 377A, and tapped Parker, a lawyer, to write it. Word got around to the Portal's CEO, Morris, who called a meeting. People who would later play key roles in the campaign, such as Parker, as well as HIV/AIDS activists from AIDS Initiative, showed up at the meeting. They adopted the Open Church's paper, and submitted it to the government.

(4) IndigNation 2007

The attention that the repeal campaign garnered for gay activism that year brought collateral impact upon IndigNation 2007. Its activities attracted controversy and scrutiny that respondents in their interviews bring up time and time again. The most memorable ones included:

(a) The Sanders Talk

The Coalition had invited Doug Sanders, a Canadian academic to speak on the legacy of British anti-sodomy laws. Since Sanders was not a Singaporean, they had to apply for a license. The license was granted, but then withdrawn. The police claimed that they had later come across additional information online, and determined that Sanders' talk would amount to letting a foreigner interfere in domestic politics - a major taboo for the Singaporean state - considering that Section 377A had recently emerged as a contentious issue. Several Coalition activists claimed that they had learned from unnamed sources that someone of the Christian opposition had used his or her political weight to influence the licensing decision.

(b) The Pink Picnic and Pink Run

The Pink Picnic and Pink Run ran into a similar problem. The picnic was scheduled to take place on August 9th, Singapore's National Day at the Botanic Gardens. A few days before August 9th, a letter from the director of the National Parks Board arrived at Trey's office. Trey was not organizing either event, but he contacted Tai, who planned the picnic.⁸⁷ The letter stated, "We do not want it to be used as a venue for interest groups to politicise their cause. For that matter, it is our policy to keep such activities out of our parks and gardens. We seek your cooperation in this matter." No specific license or permit is required to have a picnic at the Botanic Gardens, so the parks board's authority to prohibit a group picnic is arguably tenuous. Nevertheless, Tai announced that the picnic was *officially* cancelled, and sent a message to the gay community online, saying that individuals could, nevertheless, have a picnic on that day with their family and friends at the Gardens. In the end, about 150 picnickers showed up, more than Tai had expected for the organized event.

For the Pink Run, on the day of the event, Tai noticed 10-15 plainclothes officers on location with video equipment. One of the officers approached Tai's friend, Fabian, the organizer, and told him that the run was against the law. Even though he could only vaguely allude to illegal assembly laws when Fabian asked him to cite a specific provision, Fabian decided to call off the "organized run." But in the same breath, he told the participants that they could still run as any other individual, and they did. As with the Sanders case, my informants claim that both the picnic and run would have proceeded without any state interference if not for members of the Christian opposition who pressured the authorities. But these controversies were quickly superseded by the Repeal 377A campaign itself, which resumed in full force.

(5) Repeal 377A: Act 2

Starting in July 2007, the repeal campaign activists sensed that time was running out. The Ministry of Home Affairs had announced the results of the consultation: it would retain Section 377A, and submit a Bill to amend the Penal Code to Parliament for a second reading. Of the three Parliamentary readings of a Bill, the second is usually the most substantive, during which its contents are scrutinized. To Parker, the second reading was the best opportunity to bring attention to Section 377A, and probably the last. He and Morris laid out a plan to take advantage of Parliamentary procedures and raise their objection to the highest lawmaking body. They decided to submit a petition that would coincide with the Bill's second reading. This was how Bao, a Nominated Member of Parliament (NMP), came into the picture. A petition to Parliament required sponsorship by a Member of Parliament (NMPs included). So they narrowed down suitable candidates, and Bao, a straight-identified lawyer, emerged as the choice. Parker and Morris also made

⁸⁷ Trey also wonders how the parks board found out about his business address.

a decision to rope in a straight-identified person to be the third lead petitioner, and turned to Ai-Mee of the gay-straight alliance, the Family & Friends Network.

Having settled the three lead petitioners, the next issue the campaign had to address was numbers. After all, Parker and his team were asking Bao to stand up alone in the highest lawmaking body of the land to ask for, to put it bluntly, the decriminalization of anal sex and oral sex between men. They realized that they needed to send him into Parliament with at least some degree of public support. For a signature to be officially accepted, it had to be submitted on an original, hard copy of the petition, and be accompanied by the signatory's NRIC number. Gay activists, others in the gay community, and non-gay supporters spent the subsequent weeks canvassing their workplaces, schools and popular bars. Gay-friendly businesses volunteered to be designated collection centers. Stories abounded on websites and blogs about how family members signed right next to their gay son's, daughter's or sibling's names, and how some overseas Singaporeans hired courier services to deliver their signatures back to the collection centers. A group of popular and respected local performers filmed a rap music video, and spread it over the Internet through YouTube.

In less than two months, the campaign amassed 2,519 signatures. Bao submitted the petition with the signatures on October 16th, 2007, a week before the Bill's must-anticipated second hearing.⁸⁸ It was a historical moment, not merely for the gay movement. For the first time in post-independence Singapore, a Parliamentary petition was submitted with popular support. It was also the second time in history that a petition had been submitted through this Parliamentary procedure at all.⁸⁹

Meanwhile, the Christian right counter movement sprang into action. On October 18th, 2007, a Keep377A.com website appeared, and launched a signature drive for an open letter to the Prime Minister, urging the law's retention. A similar website, Support377A.com, subsequently surfaced. Overall, the opposition campaign reported more than 15,000 signatures.

The repeal campaign, including Bao's speech in Parliament and the petition, made the argument that the retention of Section 377A violated Art. 12(1) of Singapore's Constitution, "All persons are equal before the law and entitled to the equal protection of the law," and amounted to "tyranny of the majority." Except for four members of Parliament who supported Bao's position, the other legislators who spoke about Section 377A during the

⁸⁸ The officially reported number is 2,341, which may have been a result of disqualifying illegible signatures and identification information.

⁸⁹ Concurrent to the Parliamentary petition, Zac and his co-creators of Repeal377A.com launched a drive for signatures for an "Open Letter to the Prime Minister." Unlike the Parliamentary petition, however, the Open Letter did not require signatories to put down their real names and NRIC numbers. They only had to "sign" an electronic form. Zac also supported the Parliamentary petition, and admitted that the coincidence was simply unplanned, and probably confused people who were canvassed for signatures. The open letter drive collected about 8,000 signatures.

debates on the second reading of the bill amending the Penal Code agreed that the law should stay. The most vehement defense of Section 377A, however, did not come from any member of Parliament from the ruling party, but by another NMP, a prominent constitutional law professor with family members who would later come out as the public faces of the Christian right counter movement. Lastly, Prime Minister Lee Hsien Loong spoke. Ultimately, he maintained that Section 377A should stay, as Singaporean society was not yet ready. His words, however, reinforced and clarified the state's position on homosexuality: gays have a place in Singaporean society, and laws such as Section 377A are not to be enforced against them:⁹⁰

They, too, must have a place in this society, and they, too, are entitled to their private lives. We should not make it harder than it already is for them to grow up and to live in a society where they are different from most Singaporeans. And we also do not want them to leave Singapore to go to more congenial places to live. But homosexuals should not set the tone for Singapore society. Nor do we consider homosexuals a minority, in the sense that we consider, say, Malays and Indians as minorities ... This is the way Singapore society is today. This is the way the majority of Singaporeans want it to be. So, we should strive to maintain a balance, to uphold a stable society with traditional, heterosexual family values, but with space for homosexuals to live their lives and contribute to the society.

In the end, the Penal Code amendment bill passed without repealing Section 377A, thus retaining it in the statute.

(6) The takeover and takeback of AWARE⁹¹

The takeover of AWARE, the mainstream women's organization in Singapore, by a local group of Christian right-wingers was an incident that began with no apparent connection whatsoever to the gay movement. The group infiltrated AWARE with its own supporters and succeeded in ousting and taking over AWARE's leadership at the 2009 elections. They later introduced Thio Su-Mien as their "feminist mentor" and mastermind behind their coup. Thio and her progenies then revealed their intentions for taking over AWARE's leadership: AWARE, they alleged, had lost direction, and succumbed to the single purpose of promoting homosexuality. Their evidence: AWARE's support for repealing Section 377A, collaboration with gay activists to hold a Mother's Day forum, screening of a Taiwanese movie about lesbian lovers, and its sex education program that treats homosexuality in neutral, rather than negative, terms.

The relevance of the takeover to the gay movement thus became clear. Old guards and supporters of their old AWARE, some of them women from the gay activist circle, quickly organized themselves to boost AWARE's membership. Using the strength of their

⁹⁰ Exceptions being cases involving non-consent or minors.

⁹¹ Aside from my own data, my account of the AWARE incident draws on research based on secondary sources compiled by Indulekshimi Rajeswari.

membership base, they called for an extraordinary general meeting (EGM) on May 2nd, 2009, to expel the new Exco leadership by tabling a vote of no confidence. After seven hours of heated exchanges, votes were cast. The new Exco lost 2:1, ending two months' long of power struggle.

This incident triggered two sets of reactions from the state. Throughout the takeover process and following the takeback, various ruling party leaders called out for respect and tolerance, and warned religious leaders against creating social unrest by mixing religion and politics. On the other hand, the takeover succeeded in killing AWARE's sex education program that treated homosexuality neutrally, rather than criminally or disparagingly. Despite losing its short-lived control over AWARE, the counter movement was able to create enough panic among impressionable parents to complain to the Ministry of Education. It succeeded in pressuring the Ministry to suspend AWARE's program, withdraw schools' autonomy to hire their own sex education program providers, and instead allow them to choose only from a list of Ministry-approved vendors that teach "positive values and attitudes of sexuality" surrounding the heterosexual married family as the basic unit of society. Out of the six qualified programs, four are known to have Christian affiliations.

(7) Pink Dot 2009

Shortly following the AWARE incident, the first ever public gay rally in Singapore took place on May 16th. This new milestone was not intended as a reaction to AWARE, but rather originated from an innocuous and seemingly irrelevant change to yet another licensing restriction on free speech in 2008. Since the year 2000, public speaking at "Speakers' Corner" at Hong Lim Park had been exempted from licensing. Those who wanted to speak publicly in the park needed only to register in advance, and to abide by restrictions against sound amplifications, the use of "placards" or "banners," and topics the police determine would "cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore." In September 2008, at further attempts to revise its complex licensing regime, the legislature extended the exemption from public speaking to cover "performances" and "exhibitions," provided that the same conditions were met.

The news caught Nelson's attention - why not hold a gay pride parade at the park? His idea for a pride parade, similar to what we find on the streets of San Francisco, New York and Sydney, would not come to fruition. But his bold idea seeded the formation of Pink Dot, a variation of a pride parade done the Singaporean way. After he broached the idea for a pride parade on Talklist, other activists worried that a parade would not attract enough supporters from the local gay community or society at large. In the end, they took over the idea from Nelson, and transformed it into Pink Dot, a rally whereby people wearing various shades of pink would gather at the designated park during a specified time to form a "pink dot," which they would photograph and film aurally. The organizing team packaged Pink Dot as "the freedom to love" and targeted its message at society at

large. About 2,000 gay and straight people participated in the event. In 2010, it would be reprised with an estimated crowd of 4,000.

The trajectory of this movement tells a story about growth. It is a story situated within a given socio-political context replete with actions and reactions by the state, the media, and other parties, such as the counter movement, all of which have interacted with those who steer the movement's course, and consequently influenced its pathway. While these mutual interactions have helped to shape the movement, they were not inevitable. In other words, the phenomena of the movement's coming out, and expansion and diversification did not simply occur.

They are the product of decisions made by social actors, the activists, who either took action on their own accord, or reacted to factors and opportunities external to the movement. Whether activists' past efforts had any influence on generating responses and opportunities cannot be determined. If they did have an effect, then they affirm the significance of activists' agency even in a context less liberal than Western democracies; if they did not, their agency was, nevertheless, crucial to the production of milestones. Over time, gay activists changed their outlook, from fearful to confident. Among them, someone decided to do something, and do it in a particular way, often times in the face of or despite an obstacle, or due to an opportunity that presented itself fortuitously. The Singaporean state, being an authoritarian power, unsurprisingly plays a decisive, iron hand. However, it is a combination of human decisions and actions, interacting with the state, law and other social institutions, that has led Singapore's gay movement up to this point, along the particular trajectory examined above.

Coming out, and expansion and diversification embody the twin cores of pragmatic resistance, survival and advancement/opportunity. But how exactly do survival, and advancement/opportunity produce these phenomena? How did fear and timidity develop into confidence and courage to come out as gay activists, and the knowledge and skill to cultivate and grow a movement? Then, at the end of the day, after investing all that hard work, what do these phenomena mean to these actors? The answer lies with social processes, the heart of this study's research questions. In the chapters that follow, I turn toward addressing them systematically, beginning with Chapter 5's examination of how the respondents decided to join the movement, and what they aspire to achieve.

CHAPTER FIVE

MOTIVATIONS AND ASPIRATIONS

I didn't really think that much about it. It just seemed like the right thing to do. Then I thought about it, and I said, "Yes." I agreed to do it. I guess one thing led to another, and that's how it happened.

- Bao, 35, corporate legal counsel

Eventually if we can reach the status of what America has gone through, and achieved. I think, first of all, 377A to be repealed, and, of course, in terms of rights for the spouse as well as medical benefits. I think that is the epitome of recognizing LGBT rights – just treating them like anyone else.

- Brandon, 34, business development manager

This chapter begins to address the first research question of how the interviewees in my study make sense of their grievances, and what they hope to change about their conditions. It approaches the question from two junctures in my respondents' journeys - at their entry points, or how they were initially motivated to become gay activists, and at the point of their aspirations for the movement. To be clear, I do not imply a linear journey from one juncture to the next. Rather, I consider these to be various "choice points" (Ganz et al 2004) of their journeys as activists - how they interpreted their socio-political conditions - examined through the narratives of their motivations, aspirations, and actual actions taken to realize their goals. Each "choice point" or juncture is not significant to the journey as a chronological stage. It is more important with regard to the social interactions that occur, the choices made arising from the interactions, and the implications of those choices. In other words, each "choice point" is a meaning-making juncture.

The two junctures of motivations at the points of entry, and aspirations appear to differ remarkably from each other, but a closer look shows that they share commonalities concerning the role of law. At the juncture of **motivations**, future activists first came into contact with the movement either due to personal reasons, or desires to help to improve perceived conditions of gay people in Singapore. Over time, as they interacted with people already in the movement, and their organizations, **"one thing led to another,"** and the initial ways of grievance sense-making transformed, or in some cases, strengthened into a sense of obligation and necessity to **"do something about it."** Interactions with **"connectors"** propelled such a process along: as future activists met more established and experienced activists, or organizations, they became inspired or influenced by their work; in some cases, they were eventually asked by "connectors" to take on more. Such findings are congruent with the literature on religious conversions (Lofland & Stark 1965; Snow & Machalek 1984), and the micro-mobilization aspects of movement recruitment (Snow, Zurcher & Ekland-Olson 1980; Snow et al 1986). This line of sociological studies

maintains that it takes more than personal dispositions or traits for someone to join a movement or organization; social factors, such as social networks, and interactions with recruitment agents or existing activists, play a crucial part, and the “whys” of joining are actually shaped during the social processes of recruitment (Snow, Zurcher & Ekland-Olson 1980, 799).

Amidst the array of initial reasons for first getting in touch with the movement, and the processes that follow, law does not feature significantly in their narratives. The portrayals of their journeys into gay activism give only meager attention to legal injustices or the desire for legal change. At this early juncture of activism - at the entry point for activists - law matters not as a resource, for rarely do they speak of being motivated by law, rights, or the possibility of legal change. That is not to say that no legal grievance objectively exists, or that activists are not aggrieved about their legal conditions. The finding’s significance lies with how these respondents’ *extrinsically* make sense of grievances - by hardly naming, blaming or claiming in terms of law (Felstiner, Abel & Sarat 1981).

However, turning to their **aspirations**, my respondents most notably characterize their grievances primarily as wrongs in need of legal remedies. They emphasize “rights” as enshrined in formal law, especially the right to equal protection particularly in the form of repealing Section 377A of the Penal Code regulating sexual conduct between men, anti-discrimination laws, and the legal recognition of same-sex marriages. In addition to legal achievements, they stress social acceptance followed by self-acceptance for their gay community. But the legally based aspirations are the ones that stand out. It is starkly so, when those who do *not* allude to law in their *motivations* also talk about strong aspirations toward rights.

Despite these ostensible differences - reticence versus a pronounced articulation of law - the two junctures nevertheless share a legal connection: Although law is not portrayed as an endowment of means or source of empowerment that inspired my study respondents to join the movement, it plays a role much more subtly. Their interpretations of motivations are grounded in their socio-political realities in which formal law serves as a formal source of power and domination that inhibits activism with legal restrictions on civil-political rights. In addition, while simply being activists is not illegal, cultural boundaries and practices - backed by the threat of legal consequences - hinder and discourage social movements. Hence, by becoming activists, my respondents mounted their first act of resistance against law. Such resistance ironically and indirectly transforms law into a resource, as the overcoming of law’s prohibitive cultural power in the act goes on to influence future activists to do the same, as did the similar acts of those who came before them.⁹²

⁹² Chapter 9 elaborates on how I draw upon Scott’s “everyday resistance,” which pertains more specifically to individual acts, to conceptualize the relationship between individual and collective acts of resistance.

This perspective connects activists' making sense of grievances at the motivations juncture to the aspirational. Unlike the former, narratives on the latter were articulated in abstract and out of context. They were spoken as idealistic or ultimate goals, removed from their socio-political realities, and detached from their social relations with one another within the movement. Therefore, law, and by extension, legally enshrined rights, did not assume the role of domination, but incarnated as empowerment and remedies. Therefore, my findings go beyond social movements' micro-mobilization perspectives that stress social processes in recruitment. **Not only do my findings highlight the significance of interactions among activists and movement organizations, but they also connect such processes to activists' interpretations of larger social institutions, such as law, thus emphasizing the interactivity of dynamics among social actors, organizations, and the broader socio-political context. To gay activists in Singapore, law's meaning and place in their movement - as resource, domination or something else - depends on the nature, and absence or presence, of interactions among these factors.**

The rest of this chapter is divided into three parts. In the first two, I analyze the data related to motivations and aspirations, respectively. Then, in the third part, I bring together the two sets of findings for discussion, before concluding with observations that link this chapter's analysis to Chapter 6's.

(I) MOTIVATIONS FOR BECOMING GAY ACTIVISTS

This section first examines the data on interviewee responses to my question of how they "first got started," or how they "first got involved with" such-and-such group or activity. The question did not allude to law or rights, unless the affiliation itself had an inherent "law" element, such as the Repeal 377A campaign. In the articulations of how they first became gay activists, my interviewees reveal two primary themes - factors that are personal to one's needs or interests, and reasons that reflect a concern for the gay community or a segment of it. Their responses also contain three lesser themes - reactions to the Christian right's counter movement, callings of their religions, and justice. Of the five themes, justice is the weakest. As *legal* justice is a sub-theme, the pattern indicates that law does not play a positive role in gay activists' portrayal of their initial motivations.

With those five themes and the lack of law's presence in mind, this section next turns to data that demonstrate a process of "one thing led to another." It shows how, aided by interactions with "connectors," key personalities or organizations of the movement, this process transformed the initial reasons into another social process of "do something about it," in which future activists developed a sense of duty and necessity to become involved, and thus, overcome law's cultural power.

(A) PERSONAL REASONS

These future activists first came into contact with certain movement organizations or activists out of a personal need or interest. Some were seeking support, or to explore

sexuality and faith. Or, they were looking for a social circle. Others did so because of their academic research, or their career choices. They ended up finding and interacting with compatible organizations or like-minded activists, and stayed on.

(1) Seeking support

Some study participants originally sought out a group or an activist to find support for their own coming out. For example, Stella joined The Talklist but discovered that it was too dominated by gay men to meet her needs as a lesbian. So she started Singapore Lesbians Online. She would later become involved with the setting up of Resource Central, Our World, and the now defunct Virtual Sister:

It all started with my own coming out. There was nothing, no scene in Singapore. The only thing available for me at the time was the clubbing, underground scene. So, as I was feeling my own way around the community, it started with the whole Singapore Lesbians Online group, which I started in 98. But it was because it was out of need, my own self-perception that it was an unsafe environment back then. So the group was started based on the Internet. That's how I started. Eventually, I guess there was a need for such a group, and the group just grew and grew and grew. (Stella, 39, massage therapist)

Another example is Imran, who runs the Muslim Fellowship online group. He was first exposed to gay activism through The Beacon:

For me, my involvement with the LGBT activists in Singapore started mostly when I joined The Beacon initially as a participant in a support group. After the completion of the support group, they're requesting for people to get involved initially as a facilitator for support group discussions ... That's where it started for me. (Imran, 34, information technology professional)

(2) Faith and sexuality

Seeking support is also central to this theme, but it is driven by a specific motivation to explore one's sexuality in relationship to one's faith. While some gay Muslim and Buddhist activists do search for fellowship in the respective online groups, and participate in spin-off activities, such needs come across in their interviews as rather muted, unlike those of gay Christians. Compared to their Christian counterparts, especially of the Anglican and Evangelical traditions, activists of other faiths seldom emphasize any pressing need in their stories to reconcile faith and sexuality as the motivation for initiating

contact with gay activists or organizations.⁹³ This does not mean that they did not struggle at all with coming out; rather it indicates that their faiths did not occupy their foremost concerns.

For example, Abby, who founded the Queer Women's Alliance, ventured into the Christian Fellowship after reading its postings on The Talklist:

I wasn't thinking about activism. I was conflicted - I was Christian. So, I joined this group of people calling for members and from there ... I was trying to figure out who I was and it was a journey. I learnt as well, and I helped. Slowly I got more and more involved. (Abby, 35, events co-ordinator)

Lewis, a leader of the Open Church and part-time master's student in theology, also started out by joining its predecessor, the Christian Fellowship around 2003:

I was attending a mainstream church - I was at [a mega Evangelical church] - I wanted to explore faith and sexuality issues, so I joined [the Christian Fellowship] about almost seven years ago. I was with the group for about a year. I also came out to my church, and told them I was gay. They requested that I stepped down from the ministry, which is what I did. (Lewis, 35, business development manager)

(3) Getting social

Some interviewees highlighted their needs or desires to expand their social circles or meet new people. Trey, a leader of the Coalition, decided to find out about the organization in 1993, thinking he could improve his social life:

I was at a stage where I was really looking for some new friends, because I was just coming out of a relationship which didn't end very well, and somebody kind of took pity on me and said, "You ought to meet some new people." And I was out of the bar scene. There was hardly any bar scene in those days. So I was led [to the Coalition] under false pretenses. [Laughs] Because I found a bunch of militant activists instead of romantic possibilities. I'm just using those words in a very exaggerated way. But certainly nothing developed in that direction whatsoever [laughs]. Instead, things took a totally different course ... and I started talking and I haven't stopped talking since. (Trey, 58, business owner)

⁹³ Besides the Muslim and Buddhist fellowships, I did not encounter any gay activist group organized around non-Christian faiths, such as Hinduism or Daoism, which are the other two most popular religions in Singapore. Although my sample of activists is not intended to be representative of the general Singaporean population, the number of activists who identify with some form of Christian faith does appear to be disproportionately higher compared to the percentage of Christians among the general population (see Appendix I for a breakdown of the demographics of study respondents). Whether or not this is indeed the phenomenon, and why, are interesting questions, but they are outside the scope of my study.

Billy was also looking for a social circle. Before he became a core member of the Coalition, co-founder of the Open Church, and re-organizer of The Beacon, Billy was being groomed for leadership in a Christian ex-gay therapy group, until he decided that it was no longer right for him and left:

But I felt like because most of my friends were from Christian groups, I probably would need a new set of friends ... I went for [a homosexuality and Christianity seminar]. I think it was November 1998. So I decided to go for that, and it was there that I met the people from the Christian Fellowship. The fellowship had just started for about three months ... The other thing I did was once I got into the [Talklist], I found out there was a support group being set up called [one of the Coalition spin-offs started by Trey]. (Billy, 46, corporate executive)

(4) Academic or career

Others' journeys began with a research interest for a school paper, or career choices. For instance, Liz decided to work for the Portal, which later provided support for the Repeal 377A campaign. She also eventually became one of the leaders of Our World and organizers of Pink Dot:

The reason I chose a gay newspaper as opposed to a mainstream one was because I assumed I wouldn't get the chance in Singapore, but who knew?! I was told leaving [a mainstream news station] for a gay start-up wasn't a particularly wise career move ... At the time, I had quite enough of the routine free-T-shirt-and-what-not at dotcom press events - as a tech reporter - and the chance to be part of something like the Portal, I felt was not to be missed. (Liz, 34, journalist)

For some people, it all started with a college paper. Warren took this pathway, and ended up co-founding the Friendship League:

[W]hile writing my thesis, I attended Indignation. I got to know Trey too, to do my interviews. And I sort of also wanted to hone my writing skills so I started writing to the [*Straits Times*] forum on a variety of topics. Yeah. I was still not interested in public affairs. I was still quite egocentric, and wanted to just improve myself by getting the criticism and - or also having the joy of like, seeing your name on it ... And it was only after Indignation, that I realized the importance that you need to do something about it. That actually exposed to me the plights of those that identify as gay or bisexual. (Warren, 33, graduate student)

(B) MEETING NEEDS AND GIVING BACK

Unlike those motivations traceable to personal needs and interests, some interviewees did begin with motivations to contribute to the gay community. They revolve primarily around

two aspects - wanting to fill a perceived need, or “give back” to the community by helping others avoid the same difficulties they had encountered when coming out.

Within the sub-theme of filling a perceived need or void, addressing the needs of women and youths is a common concern, and it typically revolves around the lack of resources or outreach. This was the case with Manisha, a co-founder of the Queer Women’s Alliance:

[W]e wanted to do was to set up an organization for queer women because we felt that there wasn’t a safe space for them, and we want to do something a bit different, because there was already an existing group, [Singapore Lesbians Online], but we felt that it wasn’t really serving their women’s needs. We wanted to go a step further than just coming out, and be able to empower themselves with knowledge. (Manisha, 22, college student)

It was also the motivation for Rahim to set up the now defunct Planet Y.⁹⁴ When he was coming out as a teenager, he searched online for resources target gay youths in Singapore and found them lacking:

[Being gay] can be a very isolating experience for a young person growing up ... I knew what youths need is basically a resource, an online platform, to meet other people in a non-sexualized setting, because, even though you identify as gay, and what makes you different from other people is your sexuality, and what you do, and sex defines who we are, it's not all there is. [There's] this entire identity which is not being tapped on by the existing websites. So that's the hole I wanted to fill up with Planet Y. (Rahim, 23, college student)

The other sub-theme stems from a desire to pay it forward, after realizing that one has benefited from the labors of gay activism as a participant in its organizations or events. For example, in his account about personal needs for support above, Imran also explained that he got involved to “give back. His motivation is similar to that of Xavier, who left an ex-gay therapy program, joined the Christian Fellowship, and eventually became an organizer for the Beacon:

[Recently] I met up with a couple of friends, and I was just talking, and I said that, “ I wonder what our life would be like if we hadn't gone through the [Christian Fellowship] at that point in time?” And I think we grew very close partly because all of us were struggling more or less about the same issues, and the whole process helped us to grow and learn to appreciate each other ... And I would seriously think that I won't be where I am today without the [Christian Fellowship]. So this whole process of learning about myself, seeing the importance of addressing issues on self-

⁹⁴ He had to fulfill his two-year mandatory service in the Singapore army, and then left for college in Australia.

esteem, accepting yourself, having healthy relationships with other gay men - it led me to want to do more to want to contribute to others. (Xavier, 35, counselor)

Norm, who co-founded Minority Support, a youth peer support group in 2006, echoes Xavier's sentiments:

There was somebody there to help guide me through my coming out years, to show me in that sense, the ropes, or to show me what's out there in the community, to show me what is there to know about safer sex or relationships, and stuff. It made the coming out process so much easier and insightful ... And I thought that if you could turn it around to actually share these experiences, of what they go through in a safe environment, I thought it would be great, so that's how the idea was formed. (Norm, 27, accounts service executive)

(C) RELIGIOUS CALLINGS

Although a visible pattern, religious calling is a weaker motivational theme compared to the first two. Primarily, it is found among study participants from Protestant Christian or Catholic faiths. Take Tai for example. A core member of the Coalition, and the Open Church, Tai left his cozy life as a corporate executive to pursue a master's in theology in order to return to Singapore, and serve churches such as the Open Church:

As I took part, and as I experienced in the Open Church the things that happened in our midst, many things fell into place that we ourselves also knew that God is with us, God is working amongst us. Like how [Rev. Phil] got introduced to us. Pieces fell into place that we didn't know how it would come. It's like some external force is making this happen. And too many of these things happened to a point that I came to a realization that I'm being called to do something more ... and here I am, at [an American college town], at a seminary and going through all this. (Tai, 35, graduate student)

(D) REACTIONS TO THE CHRISTIAN RIGHT COUNTER MOVEMENT

A second weaker theme is taking action, and coming into contact with the gay movement due to encounters with the counter movement of the Christian right, or more broadly, a Christian religious opposition. This is directed at the position Christian right-wing churches in Singapore have taken against homosexuality. It is different from the personal religious reasons, which is about exploring the relationship between one's faith and sexuality, or a religious calling such as Tai's. For instance, Shelly joined the Queer Women's Alliance

after reading on the Internet about how a group with Christian right affiliations was receiving public funds while teaching “safe sex” in public schools in 2006.⁹⁵

So I felt that that is very unacceptable, because why? Perpetuating homophobia in society is common. It's a different thing to do that to young people in schools. Also at the same time, the Queer Women's Alliance was founded ... I signed up for the forum, because at that time, it's not much online interaction for gay women in Singapore. So I signed up for the forum and I participated in the forum, went for the first gathering and that was how I met Abby and the rest. (Shelly, 27, engineer)

(E) JUSTICE

Narratives about “justice” want to correct a perceived wrong or address issues of marginalization. It overlaps with other motivations, particularly those that come under “collective reasons,” or “religious callings. It is also the only theme in which we find activists who were initially motivated by legal injustices, or a perceived endowment of rights.

Of the 26 activists coded with the theme of “justice,” only 12 mentioned explicitly rights or law of some sort, mainly anti-discrimination law; and out of these, five are lawyers or have a legal education. For Parker, a lawyer and lead petitioner of Repeal 377A campaign, it was “basically human rights,” as was the case for Yvette, a straight-identified woman who co-founded the Friendship League, and Manisha, a law student, who moved to Singapore from India when she was a child:

I don't think there is anything directly at stake for me. It's really just a matter of - I believe that everybody should be treated equally, and also that we should all really try to get along, not judge people based on certain things that make you, certain things that you don't agree with, or you don't really know about. And so, I think it's also a human rights issue as well. (Yvette, 35, restaurant owner)

Because I would care about rights anywhere I am living, and to me, it is a question of helping improve human rights everywhere. It is not like I can do much to help rights in India, so I am doing what I can, where I can. (Manisha, 22, college student)

However, legal justice is not the strongest strand within the “justice theme.” Rather, it is that of fairness or equality not necessarily linked to rights or law.

⁹⁵ Manisha was a student at one of the schools where she said students “had to” attend the group's talks. She wrote to the government agency funding the group to express her concern, as a non-Christian, that the talks had Christian undertones, an act that she believed eventually led to the agency's decision to stop its funds. See Chapter 7 on how activists make use of the state's secular policies against the counter movement of the Christian right.

I guess it's either in you or it's not. I think even as a kid, as a teenager or whatever, just schooled enough, I have felt this sense of outrage or injustice ... Because it's kind of like letting myself down right? If I have a chance to do something and I don't. And, yeah, a responsibility to the country right. So just do what you can, and just do what's right. (Bao, 35, corporate legal counsel)

Nina, a leader of the Open Church, speaks a similar language:

First of all, I was really drawn into the Open Church's mission and what they stood for. Not just because they were gay, but if it were any other marginalized group, I am drawn ... It's the sense of injustice and unfairness. (Nina, 54, university administrator)

(F) GETTING SOCIALIZED INTO ACTIVISM

Standing alone, none of the five patterns above is neither the strongest nor the most significant finding for this set of data. The most important theme emerges when they are analyzed within a set of interconnected social processes that prevail among respondents' narratives about motivations. After coming into contact with the movement for one of the reasons under the five patterns, the respondents began sustained interaction with influential activists or their organizations. These "connectors" helped the respondents fulfill their initial needs or interests, and went on to inspire and influence them. Through such ongoing interactions, a process of "one thing led to another" occurred. It elevated, or in some cases, boosted, respondents' initial motivations into a strong, self-imposed sense of obligation and need to "do something about it" for the movement.

Working in tandem, the processes involving "connectors," "one thing led to another," and "do something about it" illuminate how gay activists in Singapore interpreted their grievances at the juncture of how they first got involved. Snow et al (1986) point out in their empirical studies of movement recruitment that such sense making arises from the social dynamics of recruitment, and offer a set of frame alignment processes for explanation. In essence, the frames, or "schemata" (Goffman 1974) that future activists initially deploy to interpret their worlds become aligned with the movement's or organization's, thus nudging that one step, or jolting a leap, into activism. Some of the data below may resemble or invoke references to certain frame alignment processes. For example, one may think of "frame bridging" when reading about interviewees who started out with a personal interest, and ended up founding a new group as a result of the interactions with other activists; or, be reminded of "frame amplification" when encountering stories of people, such as Tai, who either had a desire to give back to the community, or experienced a religious calling, and after spending time with the movement, decided to take up leadership positions (Snow et al 1986).

(1) “One thing led to another”: connecting people and places

I find two pathways under the process of “one thing led to another” - elevation of the personal, and further cultivation of the collectively rooted. For the continuity of illustration, some of the verbatim data below are selected from interviewees whose journeys were featured in earlier discussions. However, these intertwining themes prevail across the range of respondents in my study.

(a) Elevating the personal

This pathway applies to those who first became acquainted with gay activism due to personally oriented reasons. For example, Imran initially sought support for their own coming out, and later assumed leadership positions to “give back.” Stella also started Singapore Lesbians Online out of her own need to create a safe space. Then she found herself doing more and more:

My initial intention was to find a little support group for myself. But then each time there's some form of need that would spring up. Like for example the next time we eventually did something was to form [Virtual Sister], which is an Internet counseling group. That was when two women killed themselves. It was from need. Each time it was usually from a need. The next time we formed [Resource Central], it was - the atmosphere at the time was because Dr. Balaji (then Minister of State for Health) was going all really homophobic about the increase of HIV. (Stella, 39, massage therapist)

We find the same storyline in those who sought to explore their faiths and sexuality. Both Abby and Lewis joined the Christian Fellowship’s weekly cell group meetings, and both later became involved with the Open Church’s leadership. Although Abby later left, she stresses in her interview that she was grateful for having learned from the fellowship’s founders. Eventually, she would co-found the Queer Women’s Alliance and Friendship League.

Among those who reminisce about seeking to expand social circles, Trey and Billy both went on to assume influential roles within prominent organizations of the movement, such as the Coalition and the Beacon. The following excerpt from Karl’s story about his journey with the Christian Fellowship and the Open Church captures how a typical process is recounted:

These were people I could easily talk to, and it had a religious aspect to it. It was a gay group, so I didn't have to pretend anything, and obviously, we all need people especially on a cell group level and that's what it was, and that's how it started that we can share with that can give us some support, and outside of our relationships. And that's what I got out of the Christian Fellowship. So it was basically something I personally, the first step was something I got out of it. And then when it grew and it just happened because I like organizing things and putting things in order and all

that ... And I think that was what moved me to that kind of council and to those positions because obviously, you see somebody who spends a lot of time, who's engaged with it and everything, and that's when I think *it changed from I'm taking out to, I'm giving back*, because everybody obviously, everybody has different talents and if I can bring in some talents and have fun in the process, why not? (Karl, 49, entrepreneur; emphasis added)

The activists who came through academic interests or career choices tell their stories in a similar pattern. For instance, Liz became involved with Pink Dot 2009 and 2010, because she first went to its meetings to see if she could report on the event for the Portal, whereas Warren also explained how he had stumbled into gay activism through attending IndigNation and meeting people like Alex for his honors paper:

Friendship League was not my idea, actually. I was somehow like, dragged into it just because I turned up at the International Day for Homophobia [IDAHO]. So, that was in May right? May 2007. I turned up, [Trey] was talking, and we all exchanged our contacts then. And that was when [Abby] and [Adalyn] got me, and said like, "Eh, since you're so active doing this, why don't you just form the [Friendship League]?" (Warren, 33, graduate student)

(b) Cultivation of the collectively rooted

The second pathway covers those who contacted the movement with intentions to fill a perceived need within the community, to give back after having personally benefited from the movement, react to a rising counter movement or injustice, or fulfill a religious calling to help gay people of their faiths. The process of "one thing led to another" further cultivated and solidified such motivations. For example, Manisha, who identified needs unmet for women, and Chloe, who underscored justice, both talk about how they met Abby through the Talklist, and came together to found the Queer Women's Alliance. Norm characterized his motivation as giving back, but linked it to how his interactions with counselors who provide help to gay men put him in touch with Fiona and her friend, thus leading the three to found Minority Support.

(2) "Connectors" of people and places

The narratives about "one thing led to another" reveal the prominent role of "connectors" in enabling the process. Connectors include both people and their organizations. They shaped, inspired or affirmed future activists to undertake gay activism and become involved deeper and deeper. Among the connector organizations, the strongest one is the Coalition, or, more accurately, the online, post-1997 substitute for the Coalition's Sunday forums, the Talklist. Younger groups, such as the Christian Fellowship, originated from online discussions on the mailing list. Its inadequacies also served its role as "connector" - women such as Stella, and later on, Abby, Manisha and Chloe, found it too male-dominated, and decided to start their own women-centered groups. Other key connector

organizations are Resource Central, the AIDS Initiative (its gay men outreach), the Beacon, the Christian Fellowship-Open Church, and Singapore Lesbians Online.

Among the personalities who are connectors, the most notable ones are Trey, Billy and Stella, being identified most frequently in the interviews. More importantly, the acknowledgment of their influence crossed genders.

What happened was when they started [Resource Central] there were two of them, and [Arun] was the other guy. Arun wanted to take a break ... so [Stella] and [Lacey] were looking for another guy because they had felt like if you get another lady then it would be too women. And it's useful to have a guy because some of the groups are very men, very male-centric. (Chan, 38, computer systems engineer)

I think one thing that hit me when I just joined [Talklist] is that these people are not legal, they have all these - they decide for themselves who they want to be, and I mean as a Singaporean going through the government school system, I was never taught to think like that. So... it's just like suddenly waking up, I'm like, oh, I can be anything I want to be! Not just the routes the government planned out for me ... [Aidan], [Billy], [Frank] - they challenge many aspects of my thinking. (Abby, 35, events co-ordinator)

In addition, the three influenced activists across generations, in terms of activist age, and chronological age. Fiona was still in high school when she first met Stella, who introduced her to Resource Central. There Fiona met other gay youths with whom she went on to found a peer youth support group.

[Stella was] actually the first lesbian I spoke to, on Singapore Lesbians Online. Because Resource Central had this mIRC chat function at that time that they say like, at this certain point of time all the women would talk, but only Stella was there so I talked to her online ... she gave me more information about [Resource Central], and so I sort of knew there was going to be someone there. (Fiona, 23, recent college graduate)

Arun first met Trey when he participated in a support group that Trey was running for gay men in the mid-1990s:

[Trey], for me, was quite a charismatic person, and he's just so lucid. His perspectives on issues are sometimes just so unexpected, and yet once he explains it, it feels so compelling. He was a very surprising person, and I hadn't met many people like that, or since, actually, in my life. So I was very intrigued with him. And it was interesting to see not only how open and unafraid and just so matter of fact that he was about his own sexuality, but how he was effecting change with his website, with his groups, with the [Talklist], with [the Coalition] and all this stuff ...

So, he was inspiring to me in terms of getting involved in civil society, becoming an activist. (Arun, 36, freelance writer)

The strength of the influence of both “connector” personalities and organizations is bolstered by two other findings in my data - the weak presence of other forms of activism among my respondents prior to joining the gay movement, as well as that of overseas activism. Of the 100 interviewees, only 13 of them talked about their participation in other forms of activism, or volunteer or social work, locally or overseas, prior to becoming gay activists in the Singaporean movement. These involvements include human rights cases abroad, mainstream women’s organizations or charities, the Catholic social justice programs of the 1980s, local preservation campaigns, migrant workers’ issues, and the anti-death penalty campaign. In addition, while overseas experiences are common among my interviewees, only 15 of them were actively involved in any form of activism while overseas. In fact, I generously include those who participated only in social or volunteer work. After discounting the seven who were specifically involved in HIV/AIDS organizations, only five participated in some form of gay movement overseas.⁹⁶ It is especially compelling since two-thirds of my interviewees have either worked or lived overseas for at least a year, and most of them, 58 to be exact, in the United States, the United Kingdom, Australia, New Zealand, Canada, or Western Europe. One could argue that activists in my study might have been influenced by their prior exposures to other social movements, or to rights-based movements in Western democracies, thus diminishing the role of “connectors,” and, consequently, the processual pattern of “one thing led to another.” However, the (non-)patterns of prior and overseas activism contradict such a potential claim, and reinforce the significance of locally grounded social processes of the movement, where explicit articulations of law’s role is resoundingly absent.

(3) “Do something about it”

Through the process of “one thing led to another,” facilitated by interactions with “connectors,” initial reasons are elevated or cultivated into a particular way of making sense of grievances at the point of entry into gay activism - “do something about it.” However, this particular way is qualitatively different from a mere collectively based reason about contributing to the community. It conveys a powerful sense of obligation and necessity. It is the launch pad for one’s legal imagination to leap into action, and to manifest as a movement strategy or tactic.⁹⁷

The sense of obligation and need in “doing something about it” is distinct from feeling efficacious - the notion that one *has the capacity* to do something - found in social movement studies. In his study of the black protest movement in the United States, McAdam (1999b) singles out cognitive liberation, the subjective meaning making of

⁹⁶ See Appendix I for the demographic backgrounds of the 100 interviewees.

⁹⁷ Or, in the language of legal consciousness, from the thinking to the doing of legal consciousness. See Chapter 2 for my review of legal consciousness studies in sociology of law.

protestors, as one of the necessary ingredients of movement emergence. On top of socio-political and movement organizational conditions - such as “connectors” - people’s consciousness and behavior had to change. They had to lose their perception of legitimacy in the existing power arrangements, begin to demand for change, or, “assert their ‘rights,’” and adjust their mindset from feeling helpless to believing that they “*have some capacity to alter their lot*” (Piven & Cloward 1977, 3-4; emphasis added). Framing studies that focus on how movements recruit people also tend to highlight efficacy, especially the motivating of recruits by convincing them that change *can* happen, and that they *can* make it happen. According to works on oppositional consciousness, acquiring such consciousness entails acquiring an “empowered mental state” (Mansbridge 2001, 4-5) to identify and overthrow injustice.

However, I found in my study little emphasis on efficacy in interviewees’ narratives about how they became activists. Rather than characterizing their motivations to take up gay activism as realizations of “change is possible,” these interviewees focused on how they eventually - if not immediately - became cognizant of necessities and responsibilities to take action needs. As the patterns above illustrate, that necessity or responsibility could pertain to addressing a need, such as the lack of youth resources, or giving back.

At this point, I want to avoid succumbing to arguments that often result in essentializing so-called cultural differences, for example, the potential claim that the activists in my study are Asian in culture, and thus can be expected to put responsibility to a collective over individual capacities; or, the all too familiar East vs. West dichotomous debate over responsibility versus rights. These may be worthwhile projects, empirical or otherwise. However, the relevant and most important focus for my study is the implication of finding such a strong theme of necessity and responsibility, for it carries with it the accompanying idea of helping one’s lot *regardless of the potential for change, or the efficacy of doing so*.

The socio-political conditions of gay activism in Singapore compel its significance. Chapter 1 introduced legal restrictions and cultural prohibitions, and Chapter 4 detailed activists’ fear of surveillance, and perceptions of being viewed as threats, especially during the movement’s nascent stages. Combined, these factors send a powerful cultural message that one is discouraged from, should not, and, in fact, simply is not allowed to strive for social change as a collective, from the grassroots. My respondents also regard the general Singaporean population as having been conditioned into a sort of political apathy that is prefaced by fear of trouble and the impossibility of achieving change through activism (thus the “why bother?” mentality). Yet, on the contrary, my respondents rose up in response to perceived necessities and obligations, despite the fear and prohibitions, or in face of them, and regardless of dominant, culturally conditioned perceptions of the *inefficacies* of change. Propelled by “connectors,” led by “one thing to another,” they decided to “do something about it,” a consideration separate from whether change *can* indeed come forth from these efforts.

Most of the time, this sense of obligation and necessity lies between the layers of their narratives, as they talk about their personal journeys from the beginning - how they were struggling, whom they first met, where they went, and what they learned. Occasionally, however, the interviewee pushes this feeling into the foreground of his or her story. The most vivid example is Ai-Mee's: In 2006, Ai-Mee co-founded the Family & Friends Network with three other straight-identified women. The following year, when Parker and Morris were looking for a third lead petitioner for the campaign to repeal Section 377A of the Penal Code, they turned to her organization, as they wanted a straight ally. Although non-Singaporeans who are permanent residents may sign parliamentary petitions, Parker and Morris wanted citizens to be the leads of Repeal 377A. It turned out that Ai-Mee was the only Singaporean among those four women. Her story is powerful in light of the campaign leaders' expectations that Section 377A would unlikely be repealed⁹⁸ as a result of their campaign - they saw no possibility of changing the law.

The whole night I was like, "Oh my god, oh my god, oh my god!" And it was such a right thing to do, for [Family & Friends] to be a co-petitioner, and if I decided that, then, by default I was the one, because everybody else wasn't Singaporean. So I was like freaking out and panicking, and I was like, "Oh my god!" I think activism is one thing, and having this on Parliamentary record - but I think even though I was kind of panicking and freaking out - "Should I, or shouldn't I?" - the part of me always knew I would do it. It was like the moment two and two came together, somewhere in the back of me it was like, "It has got to be me or nobody else. It has got to be me." (Ai-Mee, 40, stay-at-home mother and former lawyer)

Besides the necessity and obligation, a sense of fear also appears in Ai-Mee's story. As we found in Chapter 4's analysis of the movement trajectory, fear of state surveillance and its potential legal consequences, is a common theme in doing gay activism in Singapore. Here, at the juncture of *becoming* activists, while such fear frequently already exists, the focal point in this part of my analysis is *not* about whether and how such fear was conquered, as I will analyze those strategy and tactics in later chapters. Here, the point is that necessity and obligation overrode that fear, if there was any in the beginning; they "did something about it" *regardless* of fear. It is about mustering moral courage, and tapping on moral responsibility - taking action not because one had conquered the fear or threat, but because one felt the deed had to be done.

I do suppose at some point [the Coalition] was growing momentum. And *there was real need to start to address issues that concerned the gay community at that time*. So I think that is what sort of provided the momentum for us to meet, even though we have like, "Did you see that man sitting at the back? Did you see him taking notes?" There was all this paranoia. (Quentin, 45, doctorate student)

⁹⁸ Chapter 7 elaborates on the aims and implementation of the Repeal 377A campaign.

Then after starting to take action as activists, they may eventually learn about how to overcome fear. In other words, *before* learning about pragmatic resistance, or acquiring its tactical skills and knowledge to address fear and factors, such as surveillance, that contribute to it, activists first had to get to the launch pad of “doing something about it.” In any case, fear is only one element to be overcome by the necessity and obligation of “doing something about it.” During later phases of the movement, when confidence overall had grown, fear had subsided, and the movement had come out into the open, such a manner of making sense of grievances so as to take up gay activism still prevails, for it more broadly concerns the resisting of negative cultural interpretations about activism. It concerns liberation from cultural norms - backed by formal law - that breed apathy, fear, and discouragement from doing something to alter one’s lot.

Of course, the sense of efficacy found in cognitive liberation may have also emerged among the interviewees in my study. For example, after spending time with “connectors,” Abby felt that she could be “anything” she wanted. My interview data also strongly indicate a growing sense of optimism. Nor is “doing something about it” out of obligation and necessity by any measure a new or unique revelation in that activists of other social movements do not experience the same. What I am arguing, however, is that its process and consequences deserve attention as well. This point harks back to the oversight by socio-legal studies of social movements, noted in Chapter 2 - that law matters beyond being a cultural resource in the form of rights.

One might suggest that this journey is that of consciousness-raising, or the part in cognitive liberation about losing perception of legitimacy in the status quo. The activists in my study do question the status quo. However, so do other people who do not choose activism. It is one thing to see the status quo as illegitimate, but quite another to shake off passivity and act against that illegitimacy for the sake of a collective. As McAdam (1999b), and Piven and Cloward (1977) put it, alteration in *conduct* has to partner such changes in consciousness. Those who question the legitimacy of existing power arrangements, but who do not become activists, may simply end up as cynics, or, at most, display individual acts of everyday resistance à la Scott (1985). My respondents did more than that. While interaction with connectors certainly aided their journeys along the pathway to activism, they made a choice. By becoming an activist, and “doing something about it” for a group of people, they mounted the first act of resistance as part of a social movement.⁹⁹ Having been resisted, law’s role as a source of power and domination is, thus, remade into a source of empowerment. Legal imaginations are reshaped, coalesced individuals into a collective, and grew it.

⁹⁹ How their acts are “collective,” rather than mere individual, will be examined in Chapter 9. Nonetheless, their nature of resistance already comes through at this point.

(II) ASPIRATIONS

While law does not appear obviously but works in more subtle ways at the juncture of motivations, it has a clear and immediate presence in respondents' articulations about aspirations. During the interviews, these activists often shared their hopes and dreams, without any prompting by my questions; sometimes, as the conversations progressed, and they have yet to speak about their aspirations, I would directly ask about them. At other times, their views emerged from their evaluations about the movement's efforts thus far.

The most prevalent types of aspirations are those at the personal and societal levels, such as self- and social acceptance, respectively, and, the strongest of them all, legal changes, particularly rights. These three are not mutually exclusive of one another. Some overlaps exist, particularly between self or social acceptance, and legal changes.

(A) PERSONAL LEVEL

Of the three prevalent patterns, aspirations of the personal aspect is the least prominent, though it is still a significant theme overall. They include achieving the coming out of gay people, having them feel comfortable about living their sexualities openly without fear, and accepting and being at ease with themselves.

[J]ust walking around and knowing that you are in the presence of not just gay people but people who are happy to be themselves? Yea, happy to be themselves, happy to engage on their terms and not living in fear, and not afraid of being discriminated against, always like weighing out whether they can be who they are or not. I think I would like to see that. That would be really ideal, I think. (Valerie, 26, recent college graduate)

One version regards self-acceptance as a precondition for changes at the societal level:

I think it will be good if more LGBT people came out to begin with. They don't have to be involved with activism work or politics, really. I mean, it would be good if they were, but I don't think it's necessary. But if you were to just come out and talk to people about who they are, and I think slowly over time it will help to shape the opinions of everyday people that gay people are not perverts, that they're not pedophiles. (Kurt, 30, editor)

Others believe it to be the other way around, whereby societal changes would ease the personal process:

I suppose where I am coming from is that, I see that a large chunk of people, at least in the church - they are all over the place in their lives, and I know that has to do with the fact that they grew up in the society like ours where they had to hide and if

they don't have the room to be who they are, and to live healthy lives in all ways - so I hope to see one day that it wouldn't be the case. (Burton, 37, civil servant)

(B) SOCIETAL LEVEL

Aspirations pertaining to Singaporean society at large, as we can see from above, often overlap with those of the personal nature. For the sake of clarity, the changes that activists hope to see at the societal level do *not* concern physical safety. Despite the strong articulation for social acceptance, violence, such as gay bashing, was not cited as a problem in the interviews.¹⁰⁰ Those who broached the issue of physical violence usually spoke about it in terms of contrasting the situation to other places. Whereas some point to developing parts of the world, such as Africa or neighboring Southeast Asian nations, others primarily pointed to the United States and other western democratic societies, which, ironically, offer more legal protection on the basis of sexuality. In the words of one respondent, "people here leave it alone."¹⁰¹

Rather, the societal level type of changes they wish to see are perhaps described as intangible grievances. One of them is acceptance by family, co-workers, friends, and society at large, so that homosexuality is no longer received negatively among them.

When you can bring your boyfriend home, and your parents are really happy and tell you, "God, you have such a catch. We really like this person, and what a catch." I think if that happens, then I think we are there. (Kwan, 48, entrepreneur)

I want the word gay to be viewed positively, as a positive term rather than a term that's loaded with all these negative connotations, in that sense. Where people are valued, I think, as members of society, in their capacity as gay and lesbian people. Yeah, that's my hope and my big dream. (Winston, 35, public school administrator)

Others talk about "integration," becoming a part of "mainstream," or "normal" society, rather than being treated as "special."

I think if you look into the coming out process of gay people, the highest level is in fact is the level where you don't even need to - the sexual orientation will not even be a issue, or you will not even need to hide in a way, isolate it, to say that, okay, this is an issue. Where it's total integration. (Yi-Feng, 32, graduate student)

¹⁰⁰ The clearest narratives about violence were stories about lesbians. For example, Abby and Devi did reminisce about knowing women who were raped because of their sexuality at least 10-15 years ago, but they also went on to talk about how the situation has improved.

¹⁰¹ Such a lack of fear extends to a generally strong sense of physical safety in Singapore. A common slogan on police banners to raise awareness about crime in Singapore reads, "Low crime does not mean no crime." In 2010, the police's "key crime concerns" were unlicensed money-lending ("loan sharks") and youth involvement in crime.

When sexuality is never an issue. When people don't even come and do a project on sexuality! Then that'd be a success. (Stella, 39, massage therapist)

Acceptance and integration also mean being able to live one's life without "having to jump through hoops." This goal conveys a sense that one does not have to struggle with extra challenges, because of one's sexuality, in order to live like others in society. These are not necessarily legal issue, as they can include everyday life challenges such as bringing one's partner home to the family or an office event.

One day living in a society that is, that a general society can accept us and it's not so much like trying to jump through hoops. I, especially feel it now that I'm in a very happy committed relationship. It's like, we have to deal with things like coming out to our families. I mean, coming out individually is one thing, but bringing your boyfriend home is totally another step altogether. (Percy, 25, college student)

(C) LAW-RELATED OBJECTIVES

Above aspirations for changes at the personal and societal levels, however, are hopes and dreams of the legal nature. Legal changes figure the most prominently in activists' articulations of their aspirations. Most commonly, they pertain to legal provisions for equality and non-discrimination.

Some people talk about "rights" in general, associating them with protection enshrined in formal law:

I think that when we have rights, it doesn't mean that people are not going to discriminate against us. It's just that it's enshrined in the law that they aren't supposed to discriminate against us. (Nelson, 52, healthcare professional)

The first thing is a legal system, a good system, so you get the protection of the law, you know, civil rights, women's rights, sexual rights. (Rev. Phil, 81, retired bishop)

Even more frequently, these law aspirations appear specifically as the repeal of Section 377A of the Penal Code (especially among the men), gay marriage or other forms of legal recognition of same-sex relationships, sometimes spoken in isolation, but more often together with collateral changes, such as tax benefits, hospital visitation, and inheritance.

Objective A is the repeal of 377A, and the institutionalization of gay marriage with inheritance, intestacy rights, and the rights to hospital visits ... And double taxation benefits for married partners. (Imran, 34, information technology professional)

To be recognized, acknowledged and treated in the same way as we would treat anyone else. So in the same way that an issue of race is irrelevant to you when you go to the [Registry of Marriages] to get your marriage certificate, my sexuality should

be irrelevant, when I go to the ROM, and to get a marriage certificate. (Harriet, 36, doctorate student)

A few bring up a uniquely Singaporean concern, the purchase of government developed housing, which is made directly available and affordable to citizens who intend to form “nuclear families,” defined by the Housing Development Board (HDB) as made up of parent and child, siblings, or marital partners of different sexes, thus excluding two gay Singaporeans from this entitlement. At this point, they have one viable but limiting option: they could co-own a flat as “singles,” who are allowed to purchase resale HDB flats in the open market - that is, not directly from HDB - when they are above 35 years old. The other option would be to buy privately developed property, which, in land-scarce Singapore, is at least twice the price of HDB’s, and only a minority can ever afford. This dilemma is immediately personal to Henry and his partner, Kurt, who has a few more years before turning 35:

I would be happy with a civil union, and [to be able to] buy HDB flats ... [Kurt] and I are now trying to save up, [though] now it is possible to buy private. (Henry, 34, university administrator)

(III) COMPARING MOTIVATIONS TO ASPIRATIONS

Gay activists in Singapore strongly make sense of their grievances as wrongs in need of legal redress, including rights vindication. But, even more remarkable than the clear articulations of legal objectives is its stark contrast to the narratives on getting involved. In particular, interviewees who did not refer to law or rights when talking about how they took up gay activism, spoke without hesitation about legal changes when asked about their aspirations.

For example, Trey, who explained that he had followed a friend to the Coalition in 1993, thinking he could revive his social life in the aftermath of a bad relationship:

We never ask ourselves what our ultimate goal is because the ultimate goal could be a hundred years from now and it’s going to keep on changing. And even if 377A is repealed, there will still be gay marriage, there will be adoption rights. (Trey, 58, businessman)

Rahim, who lamented in length about the lack of non-sexual resources for gay youths, and thus set up Planet Y in response to such a void:

I mean, besides repealing 377A and getting protection and welfare benefits ... it’s also to register your partnerships. I think that’s the most important milestone, you know? (Rahim, 23, college student)

Then we have people such as Harriet and Kai Peng, who became even more active after witnessing the Christian right's takeover of AWARE, the mainstream women's group, on the basis that it had succumbed to a so-called homosexual agenda. When asked about aspirations, both emphasized the importance of legal recognition of same-sex relationships. We also have Ricky, who first sought out the AIDS Initiative, because he was suicidal and in need of social support, and ended up working on the organization's gay outreach programs:

I want to marry my boyfriend. I want to be able to, because I own my own house, I want to be able to share the deed of the house with him. I want him to, if he was female, I want him to have the same rights as a female spouse would have ... These are civil rights. These are things you would have if you were a married person. (Ricky, 47, public relations consultant)

A discrepancy, therefore, lies between my respondents' narratives at two junctures, between motivations and aspirations. Perhaps one may disagree and say that the interviewees were asked about *how they got involved*, and not what motivated them to join, and thus the responses were so colored. My questions, however, were open in nature, putting no emphasis on law or rights when asking how people first became involved. This meant that they could have answered in any way. In addition, many of them knew I had a law background prior to the interviews.¹⁰² Therefore, the fact that my approach - being open about my interest in the relationship between law and social movements - still did not generate much explicit references to law in their accounts of how they joined the movement, usually the first question, is actually telling. It is even more so, when, on the other hand, elaborations about law appeared most clearly at the juncture of aspirations, again without any reference to law in the interview questions. Furthermore, the majority of these interviewees were talking to me about their goals years after first starting out; yet, they still gave two distinct narratives, rather than unknowingly, or otherwise, trying to retell the two with more consistency.

One may also contend that the discrepancy surfaced from having imaginations sharpened legally after sustained interactions with other activists and organizations, such that these respondents began to think of objectives in more legalistic terms. However, the activists who spoke of legally based aspirations did not display any coherent relationship to any specific organizations. Those with similar organizational affiliations have a diverse array of aspirations among them, some with completely no inclination toward law. Neither do their objectives consistently align with those of connectors who were influential to their becoming activists. Moreover, although law exhibited a more visible pattern in the objective narratives overall, not everybody who started out with a non-law narrative on motivations turned toward law in the other. Hence, while organizational affiliations and interactions with other activists were crucial to the recruitment of activists, they did not play a clear and decisive role in determining the aspirations of each individual.

¹⁰² See Chapter 3 on my recruitment and interviewing processes.

It is here, the influential degrees of social processes, that the discrepancy between motivations and aspirations are reconcilable, even consistent, with each other. My study respondents activists may have had legally oriented ambitions in the back of their minds when they first joined the movement. Nevertheless, *not* talking about law at this juncture is the central focal point here. As argued in the first section, law was ever central to the process, albeit in less expressive ways. That law manifested itself latently, I argued, is due to the socio-political conditions under which law is a key source of oppression that incoming activists resisted and surmounted by joining the movement.

This takes us to the issue of context. The social processes related to motivations - “one thing led to another,” relationships with connectors, and developments into “doing something about it” - can take place only situated in a particular context. Their degree of influence on respondents’ narratives at this point, therefore, is prominent, for they helped to shape those motivations. On the other hand, when sharing their aspirations, the respondents did not ground them in social processes that stemmed from socio-political conditions under which law wields formidable formal and cultural power. Aspirations, compared to motivations, were treated more isolated from actual context and social relations. Hence, law assumed a different role from that of domination. It was more akin to being sources of empowerment and endowment.

Further, understanding the discrepancy between these two sets of narratives in this manner connects micro-level processes, as movement recruitment studies would call the motivation-related ones, to social institutions, such as law, within the broader socio-political context. Social actors in my study, gay activists, interpret law in ways that are influenced not only by their experiences with this larger context. They are also affected, in part, by the existence and the nature of their interactions with other actors and organizations.

This chapter partially answered the first research question on how gay activists make sense of their grievances, by examining their narratives about how they first got involved, and their aspirations for the movement. The former culminated with seeing their grievances as necessitating, and imposing an obligation on them to take action (“do something about it”) regardless of fear or the possibilities of success. Law’s role was not explicit, but had to be excavated and exposed. In contrast, the latter was evidently law-heavy, revolving around rights-based achievements.

As subsequent chapters will demonstrate, gay activists’ interpretations of grievances also vary at other different junctures - for example, where the portrayal of grievances go public in the form of strategy and tactics. The centrality of context and social processes, highlighted in this chapter’s analysis, is carried forward. It begins with Chapter 6, the upcoming chapter, which is intimately linked to the findings here. Aspirations is the only

juncture where law appears to matter most explicitly as a resource, and amidst it, formally enshrined rights stands out as the most prominent. Because these findings differ sharply from what respondents' socio-political conditions indicate, Chapter 6 picks up the thread to explore how they think about rights, and why so. This is an important thread, as the investigation into their interpretations of rights builds the bridge toward understanding and dissecting the movement's overall strategy, pragmatic resistance, and its implementation.

CHAPTER SIX

RIGHTS, AND SOCIALLY CONSTRUCTED BOUNDARIES AND PRACTICES

I do think the law has to come in and enshrine certain values or rights. Equality is one of them. You cannot pay lip service to that. For me, I don't think it should be. There are certain things that are fundamental, and therefore you shouldn't wait until the country is ready. But that is precisely why the government does it, because it is pragmatic. "The people are not ready. Therefore we shouldn't do it." It is not an idealistic government. It is a very pragmatic one.

- Henry, 34, university administrator

Carrying forward the centrality of context and social processes from the previous chapter, I continue to address the first research question of how gay activists in Singapore make sense of their grievances by examining respondents' interpretations of rights. The investigation, however, is not for the sake of imposing the place of rights onto the movement. The significance of rights emerged organically from the narratives of aspirations, and, consequently, revealed such a discrepancy.¹⁰³ Drawing upon the meanings respondents give to rights - the social and meaning making processes - I distill the key socio-political conditions, or what I call, their socially constructed "boundaries and practices." These shape the movement's strategies and tactics, which are then analyzed by the subsequent chapter. Therefore, the data analysis in this chapter bridges, and brings cohesion to the various junctures of activists' narratives, from entrance, to aspirations, to the formulation and implementation of strategy and tactics, and finally, to their evaluations of outcomes.

Gay activists in Singapore have a high regard for rights, and associate them with familiar ideas, such as civil-political liberties, human rights, socio-economic rights, equality, freedom and choice, as well as legal recognition of same-sex relationships. But these findings show only one side to their interpretations of rights. Regardless of whether one holds a positive or negative view on rights, rights are considered to be *ineffective* either as means or ends for their movement. The prevailing theme that holds across any sort of view on rights is that the state shuns, and dislikes the use of, and the claim for rights. A corollary theme also emerges about how society at large and the gay community in particular are also generally seen as unresponsive to rights, a phenomenon that is linked to repressive conditioning by the state to fear their use, or to disparage them. In further response to the first research question, therefore, **respondents make sense of their grievances as *ineffective* claims if characterized as an issue of rights, or pursued through the exercise of rights.**

¹⁰³ Chapter 3 elaborates on my approach to the interviews

A discrepancy, therefore, surfaces between respondents' appreciation of rights in *abstract*, and rights in *context*. Again, the socio-political context, and the interactions, or lack thereof, with it, are central. Respondents' interpretations of rights as ineffective strategy and tactics are legal imaginations grounded in their daily struggles as activists. On the other hand, when they talk about the meanings of rights *per se*, they speak of them in abstract, untarnished by the socio-political realities of Singapore. In the language of Ewick and Silbey's legal consciousness (1998), such a discrepancy exposes the facade of law as "majestic" in tension with its other, contradictory images, thus sustaining law's hegemony, and enabling the domination of legal power to persist. This is a point pertinent to the movement at hand. However, given the preview on Singapore's less-than-stellar rights record in previous chapters, this is hardly a startling revelation.

To push the analysis further, I mine deeper into their meaning making about rights, and excavate, from these varied interpretations, socially constructed boundaries and practices that influence the next set of social processes, their strategic formulation and implementation. I treat their appreciation for rights in abstract, and their realistic assessment of rights in context, or at work for the movement, as part of their "*hidden transcripts*," undisclosed and offstage from power holders. These hidden transcripts inform their "*public transcripts*" - what they say and do on stage publicly, and in open view of the state (Scott 1990). Despite whatever respondents think of rights, and critique the state's position on rights *offstage*, in the movement's public transcript of strategy, rights are deemed incompatible with the boundaries and practices that they construct from their social interactions with the Singaporean socio-political context:

The state (as conflated with the ruling party) does not take well to open confrontation and shaming, such as street protests and rights litigation. It is also uneasy about any social action or calls for changes that it perceives as destabilizing society, thus hindering economic progress. Ultimately, the cultural bottom line is this: Existing power arrangements must not be jeopardized, or *perceived* to be threatened. It is about the perpetuation and guarantee of the ruling party to return to power election year after election year, and the assumed consequences that would ensue with its continuous hold on power - social stability and economic prosperity. *Furthermore, it is about securing the sustenance and assurance of the ruling party's control through a specific means, driven by a specific cultural fetish - legal legitimacy, that is, legitimization by black letter, formal law.* This is a state of power holders who want to rule not with the might of the sword, but with the power of law. This is not the military junta of Myanmar or a band of rebels in an African nation caught in bloody civil strife, where laws are blatantly broken and violated by the powerful. This is a state with rulers who want to control with the discipline and governance of legal power in all its forms, formal and cultural, and who covet law for its predictability and self legitimizing ability, as well as its symbol and status that grant entry into the club of so-called civilized, developed nations. Hence, the PAP justifies its dominance by proving its legal legitimacy. It authenticates its legitimate return to power time after time by holding and winning elections according to the law; it secures its ability to return to power by controlling dissent and political discourse with legal restrictions

passed in accordance to law; and, it proves itself worthy of holding onto power by manufacturing a stable and economically viable society with the means of law. Such a cultural fetish for legal legitimacy undergirds this set of boundaries and practices made up of formal law, and the other cultural norms regarding non-confrontation, social stability and economic progress, and the preservation of the existing political order.

Consistent with existing socio-legal research on social movements, formally provided and legally enshrined rights matter only as a cultural resource in *abstract*. Law's cultural power in the form of "rights as resource" is mitigated by *context*, in which it towers over the movement as a source of power and domination instead. Formal restrictions that curtail the exercise of rights for claim making, such as speech, assembly and association, restrict the capacity and opportunities of activists to make claims. The existence of these repressive laws, the lack of legal precedents favoring social movement, and the boundaries and practices as a whole, work hand in hand. They mutually support and influence one another to send the message that claims for rights, the exercise of rights, and activism in general are discouraged, and are bound to fail. **Activists perceive their limitations to lie not only within formal legal restrictions, but also other, culturally oriented boundaries and practices, which interact with formal law. Further, these boundaries and practices, especially the cultural fetish for legal legitimacy, have also spread beyond those in power to Singaporean society at large, its gay community, and gay activists themselves. Law influences the gay movement in Singapore as a source of control and domination, both formally and culturally.**

For the rest of this chapter, I first discuss the key patterns in the "rights in abstract" data, and then turn to "rights at work." After considering the latter's discrepancy with "rights in abstract," I distill the boundaries and practices from this data set.

(I) RIGHTS IN ABSTRACT

As the pattern of law and rights became obvious in the ways interviewees talked about aspirations, they were asked what came to their minds at the thought of "rights," and what "rights" meant to them. Overall, gay activists in Singapore think of rights positively in terms of civil-political liberties, human rights, or socio-economic rights. More specific to gay activism, they also associate them with the decriminalization of same-sex sexual conduct, and the legal recognition of same-sex relationships.

The data in this section is organized along three strands: the first bears a positive characterization of rights; the second also carries a positive tone, but is less adamant about rights as an ultimate achievement; and, the third, which is the weakest strand of all, has a negative regard for rights. The three strands do not fall along the lines of organizational affiliation, gender, or generations in chronological or activist age, but are spread out across the demographic range of respondents in my study. Within the Coalition, for example, the most vocal group about rights, an array of views exists among its past and present leaders,

spanning all three strands. The leaders of the Repeal 377A campaign also hold a diversity of views, not necessarily championing rights as an ultimate in movement success.

To avoid imposing pre-conceived notions of the values and meanings of rights too deliberately onto the analysis - what we as researchers think, or what sociology of law, or social movements have typically, considered rights to be worth - I did not categorize a view on rights as positive simply because it was associated with certain qualities, such as civil-political liberties. Rather, whether a view is positive toward rights was analyzed more holistically, based on the tone and context of each interviewee's narrative. It turned out to be a much more sensitive approach, as activists whose views fell in the third, negative category, also did attribute qualities such as civil-political liberties to rights, but yet did *not* speak of rights favorably as a whole.

(A) POSITIVE CHARACTERIZATION OF RIGHTS

Activists who share this view about rights often - though not always - regard rights as the most important achievement for the movement, for rights' symbolic or practical value, or both. The language they use may echo that typically associated with positive characterization of rights in western democratic societies. For example, Rev. Phil, who believes that rights enshrined in the formal legal system would pave the way toward greater self acceptance among gay people, thinks about "rights" in terms of offering protection to equality, non-discrimination, and civil-political rights, and respect for the individual. Some say that rights are inalienable, and their vindication as an ultimate accomplishment:

"Rights" is not something that's given to you. It's something you already have. Once you start thinking, "Oh, I need someone to give the rights to me," then we've already lost the right. We need to recognize first the right is there, and the fight is to make them recognize that the right is there ... I do not agree with compromising or selling out. Compromising will be almost like ceding ground which we do not have to cede in the first place. Why give up something we cannot lose? (Tai, 35, graduate student)

Respondents such as Chloe speak most ardently about the practical effects of having rights, especially the legal recognition of same-sex relationships:

Because with rights, it comes down to like, even very simple labels, and most other people, they interact with - who don't know you, they need that label for fast passing, right? Then they see, "Okay, spouse, [you] can see [the hospital patient]." They're not gonna sit down there and talk to you, "Oh, you mean you are the partner? How long have you been together?" ... And that's what rights is all about. To speed up things in your life. You know, you wait and sit down and start debating about why your relationship is valid, and why you're entitled to see your spouse, you're not gonna do that. You know what I mean [laughs]. (Chloe, 27, civil servant)

(B) POSITIVE BUT MORE TEMPERED CHARACTERIZATION OF RIGHTS

Responses in this category still characterize rights positively and attribute them with similar qualities as those in the previous category, but the notion that they would be an ultimate achievement is less. These views often provided a sense that there are more beyond attaining rights. For instance, although Stella and Jerome show that they value rights, they also believe that more needs to be done after rights are attained:

[W]ith rights, at least we're able to tell gay people that, you're not wrong. And from there we can work on people's esteem, and that they don't have to hide to be themselves. (Stella, 39, massage therapist)

I'm not saying that repealing Section 377A or other rights are not important but rather they would not be meaningful if people's psychology and the society do not keep up. For example, a same-sex marriage provision would be meaningless, or just symbolic, if no couples dare to register and get married because of societal or familial pressures. (Jerome, 32, graduate student and chief executive officer)

Ai-Mee speaks well of rights as civil liberties, freedoms and equality, and being one of the lead petitioners of Repeal 377A, believes in the importance of decriminalization. However, rights and for that matter, law, do not always deliver the promise:

[A]s a trained lawyer, laws have too many loopholes. So it's only as good as the people who want to take it in the spirit. So, yeah, rights are nice, but they're not the full picture, and in fact I think the mindset is a bigger thing ... I have gay friends in England who are terrified ... In the subway and then you have this bunch of skinheads, and they are terrified. They can have all the paper rights in the world, but at that very moment, they think they are going to die. (Ai-Mee, 40, stay-at-home mother and former lawyer)

(C) NEGATIVE CHARACTERIZATION OF RIGHTS

People who think negatively of rights nevertheless attribute rights with qualities found in the other two strands. They would typically not hesitate to talk about these qualities positively. At the same time, however, they speak of rights in a negative fashion. In other words, while they believe rights to possess qualities that they would at least not disagree as positive, they do not desire rights for other reasons. Such views are qualitatively different from the views in the second category, which does not object to rights, but only finds rights to be unfortunately insufficient.

For example, Billy does not shun rights for its supposed reputation of being “western,” and associates rights with the freedom to live one’s life and conferring human worth. However, his view reminds us of studies that find rights as revictimization of the powerless (Bumiller 1987; 1988):

[R]ights may actually entrench the marginalization ... You know how some countries have special laws to so called protect their “aboriginal people”? But in reality those laws continue the marginalization of those people, you know? (Billy, 46, corporate executive)

Another common view under this strand is represented by Vincent, who relates rights to equality and anti-discrimination protection, but also connects rights to the polarization of society and anger, and speaks of these qualities in a negative tone:

I really don't want to be seen carrying placards, screaming at people to give us rights ... Maybe because I'm Buddhist. It's this idea that anger blinds you from the path. When you are angry it means it's something to do with you. It's nothing to do with other people. So basically just throwing shit on yourself, that's what I view - You're just smearing shit on yourself, and you smell bad. That's what anger brings to you ... Yes, so I will rather - I always like a harmonious society. I like to carry on things such that we harmoniously get integrated. (Vincent, 41, information technology professional)

Even though the third strand is the weakest of the three, it is significant to the analysis. Skeptics might argue that it is a result of false consciousness, repressive conditioning by a state that does not respect rights, or a case of sour grapes since they also perceive rights to be ineffective to their activism. I will address issues raised by the third strand more thoroughly in relation to pragmatic resistance in Chapter 9, and the (re)distribution of power in the concluding chapter. At this stage of the analysis, what matters is *not* the degree to which these activists truly value rights, but the subsequent comparison to their interpretations on the meanings of rights *in context*.

(II) RIGHTS AT WORK

Inspecting whether and how respondents think rights “work” for gay activism in Singapore, I find a significant disjoint between their meanings for rights at work, or in context, and rights in context, or rights *per se*. Regardless of the meanings they give to rights in abstract, these activists overwhelmingly believe “rights don't work” for their movement in two respects - as a means of claim-making, such as protesting on the streets, and as an objective, a claim or an end sought through actions such as rights litigation. It is a dominant pattern that spans all three strands of rights' meanings discussed above, all organizational affiliations, and generations of activists, both by chronological and activist ages. The inconsistency between their narratives on rights in abstract, and rights in context prevails across activists who started the movement since the 1990s, those who joined in recent years, as well as people who left the movement years ago. Simply put, gay activists believe that “rights don't work” in Singapore.

Primarily, they point to the state's lack of appreciation for, and records on "rights." To a lesser extent, they interpret the situation as the lack of resonance with society at large, or with some people within the gay community itself, but typically still link this factor to state indoctrination against rights.¹⁰⁴ A weak minority takes the view that rights *could* work, depending on the tactics, issue and type of rights in question. In societies where rights are more commonly deployed as movement strategy or tactics, whether or not rights "work" would also depend on tactical choices and other considerations. However, the conditions raised by this minority in my study is qualitatively different. They extend beyond the question of whether an argument or tactic would produce a favorable outcome; they pertain to even more fundamental concerns - whether making an argument for rights or the mere exercise of rights in a particular way would even be entertained, or, worse, provoke retaliation from the state. In fact, these conditions in the last view are congruent with the reasons given by the other three as to why rights are ineffective.

The gap between the respondents' interpretations of rights in abstract and at work should not be dismissed as a product of cognitive dissonance, or resolved with a verdict of false consciousness. Besides the milder strand that genuinely disfavors rights (which I revisit in Chapter 11), these activists do find virtues in rights, be they human, civil-political or other types of rights. What they are saying is that their socio-political environment limits the potential of rights, and their usage. Such a discrepancy warrants a more sensitive interpretation, one that would help us appreciate more holistically their strategic choices and tactical decisions, and the place of law in the movement.

Once again, *contextualization* matters deeply. As with their narratives about aspirations, when respondents waxed lyrical about the meanings of rights, they spoke from legal imaginations unhindered by the socio-political realities, for which they had to account when talking about the effectiveness of rights to their movement in context. Compared to the women in the interviews, the men lingered more on the issue of the Penal Code's Section 377A, which targets men, thus also bearing testament to the importance of context. In *The Common Place of Law*, Ewick and Silbey (1998) reconcile the three

¹⁰⁴ The data on society and community raise a curiosity: How did the interviewees, who not only are aware of rights but also generally hold rights in high regard, form their understandings of rights, if they claim that their society and community, of which they are a part, lack rights consciousness? Generally, I had difficulty pinpointing a source for each person without being too unrealistic or contrived. Some people trace it back to their university education. Others name the Internet or books. The few Catholics of the liberal heritage of the 1980s point to their religion. Some express gratitude to older activists whom they considered their mentors. Many others are plainly uncertain. They just feel they somehow are aware of rights. Given these activists' wide range of overseas exposures and travels, and access to the Internet, such vague answers do not surprise. Their separation of themselves from the rest of society and community indicate, once again, the significance of agency and meaning making that these activists implicitly place on themselves and their legal imaginations (though, of course, they are social processes produced through interactions with other social actors and institutions). What remains clear, though, is that none of them found inspiration in the state's perceived attitude toward rights, and its track record. However, the resonance of rights among activists would be inadequate for a movement to deploy a rights-based strategy. Rights also need to be culturally resonant within the movement's socio-political context. See Chapter 11 where I infer from the study conditions that may give rise to a more rights-based movement in Singapore.

seemingly contradictory schemas of legal consciousness that they uncovered - law as majestic, as a game, and as a source of power to be resisted - as law's hegemony at work.¹⁰⁵ Although their subjects recognize law's oppression and resist it, they still praise the law, and hold it in awe. Hence, law's domination is sustained, perpetuated and propagated. The two gaps found in my data analyses can also be understood in such a manner: these activists bow to the majesty of law, particularly in the form of rights, but are simultaneously oppressed by - and quietly resist - law that also obstructs the materialization of rights.

Nonetheless, such an argument, though poignant and important, should be anything but unexpected of a socio-political environment unfriendly to rights. I push my argument further by examining the *nature* of these narratives. Under the gaze of a state perceived by them to be hostile to rights, they dare to speak of achieving and exercising rights, and espouse the virtues of rights. Moreover, they dare to expose the motivations they believe the state harbors against rights. Treating their articulations of the meanings of rights as acts of resistance, I find that the contradictions in their narratives bring attention to, and make visible the relationships between their activist labor ("particular lives") and the socio-political conditions ("social organization") under which the former is situated (Ewick & Silbey 1995). They inform of the sources of power, and more importantly to this study, the *limitations* of that power, including "the possibilities of evading it" (Ewick & Silbey 2003, 1368).¹⁰⁶

What this means is that by delving into the specificities of the contradictions, especially the reasons they give for why "rights don't work" in context, I discern the boundaries and practices that these activists believe they have to address and tackle, and, from there, opportunities and possibilities that enable them to survive and push the movement forward. On this note, I turn to Scott's "hidden transcripts" and "public transcripts" (1990), developed upon his conceptualization of "everyday resistance" (Scott 1985).¹⁰⁷ Whereas public transcripts are the openly observable speech and non-speech interactions between the dominated and subordinated, hidden transcripts are the practices, speech and claims that the subordinated cannot openly declare to the power holders, as they are surreptitious critiques of their power.¹⁰⁸ Hidden transcripts make up an offstage discourse for alternative

¹⁰⁵ Also see Silbey (2005).

¹⁰⁶ More specifically, Ewick and Silbey (2003) argue for "narrating social structures." While I do not take a strictly structural approach to my study, the core of their argument is informative, and still applicable to the explication of power relationships.

¹⁰⁷ Both Ewick and Silbey (1995; 2003) and Scott (1985; 1990) focus on individual resistance, and domination over individuals, though these individuals may belong to a self-identified social group. I am, however, applying their ideas to individuals' narratives or hidden transcripts within a social movement. While one could argue that these are mere individual acts of resistance, the narratives and transcripts collectively impact the outlook and actions of the movement, which is made up of these activists, and thus produce an effect of collective resistance. See Chapter 9 for more on my treatment of the relationship between individual, everyday resistance, and collective action.

¹⁰⁸ The powerful, as would be the case with the Singaporean state and the dominant party, also have hidden transcripts, practices and claims of their rule that cannot be openly avowed (Scott 1990).

audiences and configurations of power, confirming, contradicting or varying from the public transcripts (Scott 1990, 4-5, 191-2). In my study, the ways in which gay activists talk about their rights aspirations, contradict perceived indoctrination to shun rights, and critique the state and ruling party for disparaging rights, compose hidden transcripts. In contrast, what they actually do outwardly to engage the state and power holders - the formulation of strategy and its tactical implementation - represents their public transcripts.¹⁰⁹ Within and among the hidden transcripts relating to rights are clues that tell us what activists think - but do not say - behind those public transcripts, and, thus, reveal why they act publicly the way they do.

In short, the clues amongst their hidden transcripts about rights reveal “boundaries and practices.” They comprise formal law, cultural law, and other cultural norms that are interrelated, usually in ways that are mutually supportive and complementary, but occasionally mitigatory, and even contradictory of one another. Interpreted by respondents from their social interactions, boundaries and practices influence their decisions related to the deployment of a strategy of pragmatic resistance, for they are factors that help to shape the imagination not only of the state, but also to a certain extent, the legal imaginations of a people, permeating Singaporean society at large, its gay community, and to a certain extent, some of the activists in my study. To illustrate how I distill these boundaries and practices, my discussion of the data on “rights don’t work” below is organized along their key elements - non-confrontation, social stability and economic progress, preservation of the ruling party’s power, and the cultural fetish for legal legitimacy. For each element, I provide data that demonstrate how it is held by the state, and Singaporean society in general or the gay community. Where relevant, I draw upon interview excerpts that epitomize how “rights don’t work” as a means for the movement specifically in the form of street protests, and as an end in the form of claiming rights via rights litigation.

(A) RIGHTS AT WORK VS. NON-CONFRONTATION AND GIVING FACE

Most commonly, rights are ineffective, because the state is seen as interpreting the exercise of, or the demand for, rights to be “confrontational,” or “against the government,” and thus subversive. Bear in mind that the notion of “state” is typically conflated with the ruling party, the PAP, and thus, being “against the government” is equated with opposing the PAP’s rule, and not necessarily against the country conceptualized separately from the dominant party in charge of it.

¹⁰⁹ Scott (1990) treats hidden transcripts as a condition of everyday resistance. Hidden transcripts sustain everyday resistance. The former is ideological insubordination, while the latter is material insubordination, and both form part of the infrapolitics of the powerless. To Scott, these are distinguishable from publicly declared acts of resistance seen in social movements. Chapter 9, where I make the connections between individual and collective resistance, elaborates on how “pragmatic resistance” - which I argue to be a form of collective resistance that bears semblances of the individual everyday type - relates to Scott’s conceptualization of everyday resistance, hidden and public transcripts, and publicly declared acts of resistance. In this chapter, it suffices to think about how his concepts provide tools for analyzing the discrepancies among the narratives.

[T]he moment you go in and talk about rights, they panic, the civil servants all panic ... I think it's the likes of Aung San Suu Kyi, and it's seen as being sort of confrontational, very adversarial, very anti-government, anti-establishment. (Ai-Mee, 40, stay-at-home mother and former lawyer)

Face giving, and correspondingly, its anti-thesis of shaming, are often linked to the norm of non-confrontation. Thus, some respondents believe that rights, and the demand for them, being confrontational by nature, amount to shaming the state. They cause the state to lose face, since they are seen as subordinates telling their superiors what to do, thus an affront to its authority, legitimacy, or dignity.

[Rights are] never a language that would work, and if we use that kind of language, you're also shaming them. (Stella, 39, massage therapist)

It is a perspective that must be placed in Singapore's context, where the dominant party is portrayed as indistinguishable from the government - a party used to being in charge, and believing itself to be the leader that knows what it is doing, better than any other political alternative. Hence, the norm stems from a perceived unequal relationship between the ruling elite of the dominant party, and the masses (opposition politicians included). The subordinated should not embarrass the state, and, thus, put into question the ruling party's authority and ability to rule and control its people, or be *seen* as doing so.

Non-confrontation, and formal laws that curtail public assembly and ban streets protests, mutually complement each other. That rights contradict this norm is a prime reason why respondents in my study strongly doubt the efficacy of street protests, a quintessential example of exercising rights as means for claim making. The straightforward reason they give is that such protests are illegal. They worry the state will mete out legal sanctions, spelling trouble, and, therefore, counter productive for the movement. For instance, Zhou has participated in pride parades in England, finds protests unwise for gay activism in Singapore.

I'm torn between going out and marching down the streets but then on the flip side, going out and marching down the streets and then, people getting arrested and all that bad press. It's a double-edged sword. Yeah, it raises awareness on one hand, but you can't control the backlash ... I would hate to see people getting thrown into prison and then having the whole spirit crushed. And then people start hiding and then becoming demoralized. (Zhou, 35, social worker)

"Non-confrontation," however, does not always need the backing of formal laws. Outlawing specific confrontational conduct, such as street protests, is powerful enough to influence and control actions that are construed as confrontational as well. An important example for this study is rights litigation, a classic movement strategy in the United States to claim for rights as an end. Filing a lawsuit against the Singaporean government to ask for rights affirmation or vindication is not illegal (of course, legal procedures and standards

have to be met). But respondents consider such an action to be confrontational. Claiming rights in such a public manner is perceived to question the PAP's authority, and, therefore, embarrass the leadership.

[I]n Singapore there is a distinction between the possible and the smart. (laughs) And this is possible, but it ain't smart. Whether we want to admit it or not, I think the government here is heavily invested in maintaining authority. Heavily invested in maintaining a dominance. And a class-action lawsuit sets you up in a confrontation with the government.¹¹⁰ And that is a really stupid way of going about it ... [I]n Chinese you have this idea of - and really, it is about losing face. And a lawsuit sets it up that there is always a winner, and there is always a loser. And, really, it doesn't allow a party the grace of bowing out with dignity intact. (Harriet, 36, doctorate student)

Some activists are not willing to take the risk themselves. These people may not necessarily agree with the suppression of the freedom to assemble, but rather than focus on such an issue, they are more immediately concerned about the legality of protesting. For example, after saying he would only stage a protest or parade within the legal parameters of the park allowed for Pink Dot, Nelson went on to clarify why he would not do it otherwise:

If you do it illegally, they're going to arrest you, and put you in jail. That's it. (Nelson, 52, healthcare professional)

In Singapore, generally, you can't [protest] anyway. You'll be thrown into jail. And I don't want to (go to jail). (Chloe, 27, civil servant)

"Non-confrontation" is a boundary and practice that is has more than purchase with the state and the powerful. Respondents in my study strongly believe in its resonance with Singaporean society at large, and even the gay community. More often than not, these observations are linked to the state's subtle influences, as well as the not-so-subtle ones, on their imaginations, for example, through the laws repressing public assembly, and the headlines about yet another political opponent jailed for demonstrating illegally. They worry that protests would render their movement illegitimate culturally. It is also a common reason they cite for the unfeasibility of street protests and litigation.

It's kind of looped, I think. The government doesn't want to use that kind of language, and they indoctrinate people into avoiding that kind of language, because they don't want them to be - because [rights tend] to encourage a kind of political culture, so to speak - that they're trying to inculcate is not something that [the government] would like. (Jerome, 32, graduate student and chief executive officer)

¹¹⁰ The legal procedures in Singapore do not provide for an American-type class action suit, but Harriet was more generally referring to lawsuits that challenge the constitutionality of legal provisions.

Singaporeans tend to think all kinds of protests, even if it's peaceful protests, are bad ... I think it's the way the government paint it. It's like how they treat all the peaceful protests, they always demonize it. So I cannot - it's like I can't get through that barrier in people's minds. (Abby, 35, events co-coordinator)

Take the example of the organizers of Pink Dot, the first gay public rally in Singapore, held in a designated area allowed by the state's new regulation on public performances. Early in the planning stages, they ruled out a pride parade of the sort seen on the streets of San Francisco or Sydney, even one that could be held within the contained area in accordance with those regulations. Their decision reflects the concern that society at large, and the gay community, would regard any move made in relation to rights as confrontational, and lead to unwanted consequences from the state.

[A] parade is confrontational. It's about a flagrant assertion of rights, of we're here, we're queer, deal with it. I think somehow we sensed that this isn't going to work, both internally, within the community, and outside of the community as well. (Winston, 35, public school administrator)

These findings about the law's power to deny cultural legitimacy resonate with other recent studies related to law and social movements. Even in the United States, with a stronger formal and cultural foundation of rights, the law is used as part of a strategy not only to exert immediate control over a protest, but also to delegitimize certain types of protests culturally. Fernandez (2009), for instance, finds that the police and local governments in the United States demarcate the physical and temporal spaces of anti-globalization protests, as well as deploy public relations campaigns to frame the protestors as threats to security to justify those legal controls.

(B) RIGHTS AT WORK VS. PRESERVATION OF SOCIAL STABILITY AND ECONOMIC PROGRESS

The avoidance of confrontation is presumed to leave social harmony intact. Hence, respondents also think that the state regards rights to be undesirable as they create division within society, and polarizes along class, racial, religious or ideological lines.

I somehow don't think that a rights discourse works with this government, because the entire premise of this government is based on the fact that the community must stand together, that individuals must place themselves second to larger group ... it's like a fear of chaos. If community is not placed first, and individuals think about themselves only, that the social fabric will start to unravel. And when it unravels, then what follows is chaos. Right? And that, with this chaos comes the loss of everything that certain individuals have worked so hard to maintain in Singapore. (Rani, 38, doctorate student)

Respondents' views such as Rani's are borne out explicitly in statements by Singaporean leaders. In his speech, Prime Minister Lee Hsien Loong, one of the few openly sympathetic

toward the 2007 campaign to repeal Section 377A of the Penal Code against same-sex sexual conduct, spoke of rights as a trade off with social stability, a price he makes clear the state hesitates to pay:

[T]his issue is still contentious, because even in the West, even where they have liberalised, homosexuality still remains a very contentious issue ... If you try and force the issue and settle the matter definitively, one way or the other (such as repealing Section 377A), we are never going to reach an agreement within Singapore society. People on both sides hold strong views ... *And instead of forging a consensus, we will divide and polarise our society.* (emphasis added)

With social stability comes the presumption that Singapore's economic engine, therefore, can run smoothly, without disruption brought about by streets protests and riots that Singaporeans see - and their leaders make sure they do - happening to their neighbors and developing nations in other parts of the world. It is something of an unspoken bargain - the sacrifice of civil-political rights with their supposed baggage of confrontation and social chaos, in exchange for economic progress that is meant to benefit everyone.

I suspect when Singapore first started off - getting historical, I think part of the deal for us to become economically viable and all that was ... We gave up freedom of speech, expression and assembly and all that, because we had a government that concentrated on building Singapore. Yes. And at the end of the day, it still prevails. (Ricky, 47, public relations consultant)

This strand of data explains why the minority of respondents who believe rights *could* work, if they pertain to socio-economic rights, such as housing, employment, healthcare, and education - the types of issues that are thought to contribute more directly to economic growth.

[I]f you actually look at the charter of human rights, the PAP has done a pretty good job in terms of like providing for the people, making sure we are not smashed up in wars or famine. (Han, 30, freelance writer)

[N]owadays you throw any stone anywhere, any country has a human rights problem. Why are you embarrassed about Singapore? Okay, [the] Philippines - they can speak out for their rights, right? But, but the right to education? Singapore affords that for the young people. Everyone can [have access to education]. How come [the] Philippines cannot actually afford for every citizen to be in education? What about that human right? (Walter, 48, theater director)

Prime Minister Lee's speech in reaction to the Repeal 377A campaign supports respondents' interpretations on such a boundary and practice of preserving social stability and economic progress, leading to the shunning of certain types of rights, such as civil-political liberties, but the upholding of others that do not contradict it.

When it comes to issues like the economy, technology, education, we better stay ahead of the game, watch where people are moving and adapt faster than others, ahead of the curve, leading the pack. And when necessary on such issues, we will move even if the issue is unpopular or controversial ... On issues of moral values with consequences to the wider society, first we should also decide what is right for ourselves, but secondly, before we are carried away by what other societies do, I think it is wiser for us to observe the impact of radical departures from the traditional norms on early movers. These are changes which have very long lead times before the impact works through, before you see whether it is wise or unwise. Is this positive? Does it help you to adapt better? Does it lead to a more successful, happier, more harmonious society? (emphasis added)

Respondents believe that this norm prevails with Singaporean society at large, and their gay community, hence another reason they question the efficacy of street demonstrations and rights litigation.

In a way, you need some amount of respect in order for the society to be functional and stable ... But also I hope that people change their mind that, over time that dissent is a form of - is a bad thing. (Adalyn, 30, civil servant)

In fact, subscription to the upholding of social stability for the greater economic good is found among a minority of activists, who eschew street protests not purely out of strategic considerations:

I have gone to Europe as well, because if you go to France, or Paris, as you know, [a street demonstration] is quite the usual activity. Everything comes to a standstill ... to me, I think that you make a point, but at what cost? I mean, even if you look at the one in Bangkok, it becomes that someone does it, and then another group follows. When does it end, you know? How much money is wasted? It just doesn't help the country at all. (Brandon, 34, business development manager)

(C) RIGHTS AT WORK VS. PERPETUATION OF THE RULING PARTY

This boundary and practice - the perpetuation of the PAP's dominance, underlying which is the fear of loss of control by the state (in other words, the PAP) - has several layers, some connected to the two norms previously discussed. At the most superficial is the concern that social discord and economic disruptions would damage the PAP's report card, which is heavily based on ensuring economic performance to be returned to power. Then there is the worry that a polarized population would be less likely to be united in view, and vote consensually for the same party over and over. In addition, the PAP fears that allowing and bowing to confrontation, such as the exercise of or demands for rights, renders it soft and vulnerable, and thus threatening its ability to stay in charge, as well as the appearance of being in charge. Hence, the tension between rights and this norm is another strong pattern

that emerge from respondents' perceptions about "rights don't work," including the use of protests, and rights litigation.

Rev. Phil's viewpoint best captures the first two layers of concern about how rights are seen as putting social stability and economic development in jeopardy, and consequently, sowing discord among the population enough to cost the ruling party its dominance at the polls:

[T]hey know in most of these questions of rights, they are keeping the under-classed economically satisfied, and that they do not want to make social progress so they say, well, we give them bread and circus, and keep them dormant. It's very obvious that's their political strategy. (Rev. Phil, 81, retired bishop)

It comes down to the third underlying concern of preserving the status quo. The PAP loathes to share power, and gay activists think that it sees the affirmation and provision of rights as threats to its grip - having rights would mean having a seat at the political table, somebody for whom the PAP has to account when making decisions. What is worse, once rights are affirmed in one case, the floodgates could fling open, more rights would be pressured to rush forth, further eroding the PAP's concentration of power.

Government doesn't want to be questioned that way. It is the same as the rights movement. You get your rights, other people will start getting their rights. It is not because they are opposing you, but they are looking at the bigger picture. They cannot be with you. (Keith, 36, social work program coordinator)

Such interpretations show up in respondents' talk about not taking to the streets for that would come across as threatening.

[T]his government does not take the hard way. They *chi ruan bu chi ying*. ¹¹¹(Burton, 37, civil servant)

We need to build up a trust that we're not here to turn tables and create a riot. We're not asking for Stonewall here. They think we want a march like in San Francisco where people take to the streets, and create a riot. But I think in our context that's a different thing so I want to make the message clear that we're not here to create trouble. (Tai, 35, graduate student)

The interpretations emerge even more strongly in respondent views about the ineffectiveness of rights litigation, a theme in which I find no demographical divide by organizational affiliation, gender, race, education, occupation, religious affiliations, and

¹¹¹ Mandarin Chinese literally meaning, "eat soft, don't eat hard," which can be understood as being responsive to non-confrontation, or gentler measures, and not confrontation.

generation, both in terms of chronological and activist age. In fact, it is the most consistent theme across the diverse range of activists in my study.

From the government's perspective, [granting rights] means there will be independent sources of power – the courts. And they do not like that. They are a lot more comfortable with the idea that the executive shall be all-powerful, and they can trim their sails or make changes to the laws, even to the Constitution, as and when they please. (Trey, 58 businessman)

The most popular reason offered - and linked to this point about preserving dominance - is the perception that courts are unlikely to rule independently from the state's position on rights, and as a result, leave the ruling party's control intact.

[T]hey only choose judges in the first place who are likely to rule in a manner that they would approve of. There's high control over the selection of judges. It's of course very clear to judges how their careers will suffer if they make the wrong rulings on the important cases, and this has happened to judges in the past. (Arun, 36, freelance writer)

At this stage, a clarification is warranted for the sake of my interviewees (and mine!), as Singaporean contempt of court laws extend to critical speech about the courts and judges uttered outside the immediate setting of the courtroom, to which such contempt laws are usually confined: neither my interviewees nor I allege or intend to suggest in any manner that Singaporean courts are corrupt, or that the state or political leaders are pulling puppet strings, and imposing some kind of direct control over judicial decisions. One would probably be hard pressed to find any such evidence. Rather, such views should be better understood as perceptions that courts would improbably issue decisions that detract from, or take positions independent of, the legislature or executive's position, when adjudicating on questions of civil-political rights that affect the power and authority of the state (and thus the ruling party's). Such perceptions are based on their reasonable interpretations of factual evidence: the judiciary in Singapore has a stellar record of ruling on civil-political matters in ways consistent with the positions of the legislature or executive; it also has a track record of deciding on defamation cases brought by PAP power holders against their political opponents in the PAP's favor. Hence, the data chosen for illustration are intended to be understood in this manner.¹¹²

Such interpretations are further bolstered by data that point to a PAP-controlled legislature's overriding of judicial decisions with which it disagrees, by simply passing new legislation. In the aftermath of Operation Spectrum against the supposed Marxist Conspiracy of 1987, the arrestees who were detained without trial under the Internal Security Act appealed against the Minister's decision to detain them. In his *obiter dictum* -

¹¹² Findings from existing socio-legal research also suggest that the winning courtroom record of the state and the PAP may be related to their being "repeat players," (Galanter 1977) who have the means and opportunity to litigate, and entrench rulings in their favor over time.

the detention order was voided for a technical error¹¹³ - the Chief Justice at the time ruled that ministerial discretion on issues of national security was still subject to judicial review. Within a month, Parliament passed legislation that superseded the decision, freezing the law as it stood in an earlier case that was decided in the executive's favor.

[T]here are so many other things that are totally unconstitutional in Singapore and that argument has been advanced many times, but it has never had any impact. It's a great argument to have ... But, it is not a strategy that would work, I think. I mean, since when has the Singapore government been concerned about not being constitutional? They just bloody amend the Constitution whenever they want. (Kwan, 48, entrepreneur)

[T]he very next day, the [Attorney General] will draft an amendment ... it's very easy for the government to change things because we don't have parliamentary opposition to check and balance. (Keenan, 47, corporate legal counsel)

The most revealing responses, however, come from the tiny minority of respondents who actually do think that rights litigation may succeed on one particular issue - the repeal of the Penal Code's Section 377A. Essentially, this small group interprets the government, including the PAP's top-ranking officials, to have signaled that it wants Section 377A's repeal to be determined by the courts, so that the state can avoid the controversy of the kind stirred up during the Repeal 377A campaign, and suffer any possible political consequences that may jeopardize the PAP's dominance. Among the 100 interviewees, Parker, who led the parliamentary repeal petition, was the most optimistic. But, consider his response:

I feel that [the repeal of Section 377A] is the only issue that is ready to be heard in courts, politically ... I think, at the end of the day, it's not going to affect the government or society generally. I think the government would like it to be settled in court, not in parliament. In that sense, there won't be a political - for some reason, I think they think there's a political liability and - that's what I feel that they do think there's some sort of political liability. To then take it to court, there would be no political liability. (Parker, 47, lawyer)

(D) RIGHTS AT WORK VS. THE CULTURAL FETISH FOR LEGAL LEGITIMACY

The above boundary and practice of status quo preservation refers to the ruling party's need to secure its power in a particular way - through elections, according to formal laws and procedures properly passed. This point provides a clue that leads to the cultural fetish for legal legitimacy, a norm that operates at two levels: The lower pertains to the legitimization of power and actions based on legal adherence; it is about how legal

¹¹³ Unfortunately, for the detainees, immediately after they were released at the courthouse and walked out, they were arrested and detained again, this time with the proper paperwork.

abundance procures legitimacy, credibility and good repute, and how insubordination erodes them. The higher level concerns being recognized as a nation that is legitimate in the sense of providing for some extent of liberties palatable to Western democracies with which Singapore builds diplomatic and economic ties, and with that a judiciary recognized as independent; in other words, it is a public relations and image concern. This fetish prevails within the state and ruling party, as well as society at large, the gay community, *and* gay activists, and is most pervasively found among respondents when they talk about “rights don’t work” in two particular instances - protests as an example of exercising rights to make movement claims, and claiming for rights as an objective through litigation. It manifests at two levels:

Under the norm of non-confrontation, I observed that gay activists rule out protesting on the streets as a viable tactic, because it is illegal. But a closer look uncovers more than the power of *formal* law behind their meanings. Beyond the immediate legal sanctions of protesting illegally is the *cultural* power of law to delegitimize. Congruent with the cultural belief that legitimate political power comes from formal legal procedures and provisions, legal obedience legitimizes one’s actions, and, conversely, legal disobedience culturally delegitimizes them, regardless of how morally or ethically justified one may feel. Hence, becoming outlaws delegitimizes one’s cause, and ridicules its stature and reputation, a familiar sight that gay activists have witnessed with certain political opponents of the PAP.

Nothing good would come of it, and case in point is Chee Soon Juan.¹¹⁴ I mean he has very strong - on certain democratic values, and he’s a very firm supporter of LGBT equality. But his method would be that sort of means to march and block areas in City Hall, and all that which a lot of Singaporeans would perceive to be foolish, though he does it with a lot of passion. People who have interacted with Chee Soon Juan before have told me that this man is actually really harmless, and pretty brilliant. It just so happened that he was portrayed a certain way because of all these things. And maybe it’s unfair, to some extent. (Kurt, 30, editor)

This cultural fetish is so strong that the interview responses reveal that some gay activists may be held captive as well. To these respondents, illegal exercises of what one considers to be rights should be avoided, because breaking the law is insensible, even wrong. When asked about street protests, they immediately think about needing a permit, which would be denied, and thus, one could not go ahead and protest. The important point here is the tone: it does not question the underlying implication of whether it should be illegal. It simply is. Although they may actually disagree with the law, they do not focus on that

¹¹⁴ Chee Soon Juan is a famous political dissident living in Singapore. He was a lecturer in neuropsychology at the National University of Singapore until 1992, when the University fired him for allegedly misappropriating funds, coinciding with his contestation in the elections as an opposition candidate. Chee has since been sued for defamation multiple times for statements he made about PAP leaders in power, and arrested several times for his acts of civil disobedience, such as by staging protests. He is an undischarged bankrupt due to his legal battles, particularly over the defamation suits. Therefore, he is no longer allowed to stand for elections, or leave Singapore without the permission of the Official Assignee.

issue. The train of thought proceeds right from there being a law against it to what one can do *within* those limitations, rather than how it should be questioned.¹¹⁵

In terms of organizing demonstration - but that's a very tough issue here ... Because getting a permit will be a problem, let alone getting people together. (Taariq, 39, civil servant)

When I asked Liz, one of the organizers of public rally, Pink Dot, about not doing the rally in the style of a pride parade, notice that she instantly confined my question to Hong Lim Park, where limited assembly is legally permitted, and where Pink Dot was held.

It didn't have a point A to point B ... I mean, who would want to walk around *Hong Lim Park*? (Liz, 34, journalist; emphasis added)

Even Nelson, the progenitor of the public rally Pink Dot, and who was initially adamant about having a pride parade, confines his wishes to Hong Lim Park.

If the government hadn't liberalized Hong Lim Park for - to use that space for protests, then I would think that it would be confrontational, and it would be illegal, and I wouldn't have done it. But because it was legal - that's why I decided to do it. I thought it was a great opportunity to do it in a legal way. (Nelson, 52, healthcare professional)

Devi's response captures the suggestion of indoctrination over time. It points squarely to the state as the root cause: protests are bad, because the law tells them so.

Singaporeans are very, very well behaved children with very, very good parents. Even though the parents are not there, we are fantastic. And it's scary. When I go to India, I walked off the plane, drink a cup of coffee, instinct is I'm looking for a litter bin ... And people were looking at me going, "What're you talking about? No bin. Just throw!" Even then I'm still looking (for a bin) to throw. That's how it is. It's in us. It's in our DNA already. (Devi, 36, spiritual medium and counselor)

In the earlier discussion about the boundary and practice to preserve existing power arrangements, respondents exhibit a strong pattern against the effectiveness of rights litigation due to their perception of the courts. A corresponding, prevalent theme to this pattern goes on here to highlight the accompanying cultural fetish for legal legitimacy: that despite the state and ruling party's prerogative to cling onto power, and to withhold sharing power through rights affirmation, such as by the courts, they vehemently defend the perception of the judiciary's independence. Their ferocious defense is reflected in the contempt of court law that expands outside the immediate courtroom to restrict criticism

¹¹⁵ The implications of such self-regulated thinking, and how it affects the effectiveness of the movement's strategy, are considered in Chapter 10.

of the judiciary. It is also found in the responses among my interviewees. They often joke about being held in contempt of court if they answered my question about rights litigation in certain ways. Some display genuine discomfort during what were otherwise candid conversations.

I would say I am also very wary about stepping into a debate on our judiciary system. Because it seems to be like whatever things you say, and you think it's just commonsense or what, suddenly you're told that that's, err, trying to put a word for it ... Ah, that's contempt of court. That's impugning the - and I think it bothers me. (Oliver, 59, retired academic)

When Liz and Bryce were asked about the chances of winning a rights litigation suit, they replied:

I don't think so ... Do I really have to say this? (Liz, 34, journalist)

I would be sued by the court for saying what I'm about to say [laughs]. (Bryce, 39, corporate executive)

Without a doubt, gay activists do not regard rights litigation to be a viable tactic. Wedge the findings on rights litigation among the rest of the boundaries and practices already distilled from “rights don’t work” thus far, and a conflict among them begins to surface. On one hand, activists’ perception of the judiciary’s unlikelihood of ruling in their favor is consistent with the cultural norm that the state/PAP must never perceive its grip on power to be in jeopardy, since a disagreeable third-party arbiter could create some unpredictability. On the other hand, the interview and supplementary data also show that the state fiercely defends the independence of the courts.¹¹⁶

Making sense of this conflict entails further dissecting the cultural fetish for legal legitimacy. The “rights don’t work” data specifically on claiming rights via litigation add a new layer to appreciating this particular norm. The continuous quest for legitimization of its authority and power through procedures provided by formal law, over which it controls, aims at two audiences. The first is the Singaporean population. The motive is plain and simple - to justify its control and domination. For ease of reference, I call this cultural fetish for legal legitimacy as one at a *lower* level. It is about being seen as legitimate, because one had acted legally according to black letter law. The converse would be that one’s actions are delegitimized by breaking the law. This is the one already extracted from the preceding analyses, and connects directly to the cultural norm for the perpetuation of the PAP’s control.

¹¹⁶ Most recently, in November 2010, the Singapore High Court convicted British author and journalist, Alan Shadrake, of contempt of court on charges that he had scandalized the judiciary system. Shadrake’s book about capital punishment in Singapore, *Once A Jolly Hangman: Singapore Justice In the Dock*, alleged or implied that the courts succumbed to foreign governments’ pressure, ruled in favor of the rich and privileged, and aided the PAP to stifle political opposition.

For the other audience, the situation is more complex. The state/PAP does care to a certain extent how Singapore looks in the eyes of other countries. To be more specific, it cares about acceptance by and into what I call a “club” of nations known to be of “rule of law.” The club members are Western and economically developed nations. For the *lower* level of legal legitimacy, the motive is also to justify its hold onto power. It is about being regarded as legitimate so that these other “members” feel comfortable enough to play ball with Singapore, especially when it comes to economic investment and co-operation. Qualifying as a nation of “rule of law” further means that other “members” can have confidence in the Singaporean legal system to adjudicate on commercial disputes impartially. It is a motive that links back to the cultural norm of economic development, in turn tied to enabling the continued reign of the PAP through a stellar economic report.

However, having a “rule of law” can also mean providing some level of perceived liberties, so that dealing with Singapore would not look like dealing with notorious rights violators, such as Sudan or North Korea. Hence, some respondents harbor hope that rights could work, if they concern Singapore’s international image:

I think this government is very pragmatic. They would want to do anything to put Singapore in a better position for the future, so if responding positively to some rights issue put us in that direction, they would do it. (Burton, 37, civil servant)

Burton is a long-time civil servant, so he was drawing upon his professional experiences. Nevertheless, others, such as Diane, outside government service share his view:

I mean, in terms of rights *per se*, I think they are very conscious about wanting to project this image of Singapore as a very vibrant and open society, where many people have many rights to do many things. (Diane, 27, information technology marketing executive)

But while Singapore is certainly far from being the likes of Sudan and North Korea, this is where the Singaporean state/PAP runs into a dilemma. They want to show they have “rule of law,” but in reality, what they really want is to have a “rule by law” (Silverstein, G. 2003; 2008), *and* have rule *over* law. Greater civil-political rights disturb those calculations, for they - and activists - perceive rights to cede control partially to a set of ideals and a third party, the courts. Yet, it wants to have its cake and eat it. This means striking a delicate balance between proving it has legal legitimacy of the lower sort that protects its power, and having room for some civil-political liberties, so that Singapore comes across as though it, too, has “rule of law” of the kind that societies with stronger democracies have provided with more expansive rights. With the latter comes the expectation that an independent judiciary exists not only for commercial disputes but also for civil-political issues, and it is what I refer to as the cultural fetish for legal legitimacy of a *higher* level.

The cultural fetish for both kinds of legal legitimacy, and other cultural norms usually do not conflict with one another. When they do collide, the state/PAP makes a choice. Often, that choice is made in favor of exerting reminders of its immediate authority. The norm of perpetuating its hold on power usually prevails. The Singaporean state is openly unabashed about defending its action that would appear as rights violations to international rights activists.¹¹⁷ Look no further than the retention of Section 377A of the Penal Code, therefore continuing to criminalize same-sex sexual conduct between men. Political leaders recognize that Section 377A might portray Singapore negatively to some parts of the world, but the ruling party was still unwilling to take the bold step of removing it, hence sacrificing the *higher* level of legal legitimacy. It fears creating discord that might jeopardize its overwhelming share of power. Therefore, it took the position that Section 377A would not be enforced in private and consensual situations, but that the provision would be retained. It ends up publicly tolerating, even endorsing, a degree of legal disobedience,¹¹⁸ which would usually be an affront to the cultural fetish of the *lower* level. However, the compromising position at which the state arrived was its own decision. It was a choice the ruling party, the legislature and the executive made. To put it another way: when the conflict surfaces, somebody has to make a choice, and the state/PAP prefers to be that somebody, for it would mean they are in control.

But when activists start claiming for rights through the courts, asking the courts to rule against the legislature or executive, that somebody, the decision-maker, shifts to the judiciary. This is where the conflict between the cultural fetish and other norms becomes unsettling.¹¹⁹ The courts are the bastions of “rule of law.” To tend to this very cultural fetish at the *higher* level, the state/PAP needs them to be perceived as an impartial third-party. Yet, as any party in a lawsuit, it would prefer the court to rule in its favor. No matter what the decision is, no matter how the courts arrive at it, it is a decision that results in choices being made. At stake: the state’s cultural fetish for the *higher* level of legitimacy, which includes having a judiciary perceived to make independent decisions from the state, and to uphold rights; the fetish for the *lower* level of legal legitimacy, for it would mean that their law was illegal, so they got it wrong, thus raising questions about their legitimate rule; and, their need to maintain political control, which rights are perceived to erode. Rights litigation, therefore, forces a choice among these cherished boundaries and practices, one the power holders would rather not be seen to be making, but definitely

¹¹⁷ For Americans, an infamous case would be the caning of American citizen, Michael Fay, then an 18-year-old convicted of vandalizing property in Singapore in 1994. Caning is a routine punishment for vandalism in Singapore, but Fay was the first American to be sentenced. His case provoked outcry in the United States, and President Bill Clinton and some United States senators asked for clemency. In the end, Fay’s sentence was reduced from six to four strokes of the cane. Throughout the incident, the Singaporean state and its politicians firmly defended its laws, despite allegations of human rights violations, and even told its American critics to take a look at their own problems with law and order.

¹¹⁸ Of course, legal disobedience occurs all the time in Singapore, as in other places. Just stand at a street corner, and observe the number of people who jaywalk.

¹¹⁹ In commercial disputes, in which one party is affiliated with the state, such as a government-linked company or statutory body, however, the perception of such a conflict is less.

one they hope would result in their favor. At the deepest core, this explains how gay activists doubt the viability of claiming for rights in the courtroom.¹²⁰

This chapter investigated interviewees' narratives at the juncture of rights, and scrutinized what rights mean to them. Despite having a high regard for rights in abstract, respondents resoundingly perceive that "rights don't work" when situated in the socio-political realities of Singapore. Thus, this chapter provided another piece of the answer to Research Question 1 - that gay activists in Singapore also make sense of their grievances as claims that lack cultural resonance if portrayed as rights, or claimed through the exercise of rights.

The contradictions between their meanings for rights in abstract, and in context, attracted closer investigation that disclosed the following boundaries and practices that rights are perceived to contravene:

- *Non-confrontation and face giving*, which concerns the avoidance of openly questioning the state and political leaders, or embarrassing them in public by exposing their mistakes;
- *Preservation of social stability and economic development*, which are about preventing a society from polarization, thus potential social upheaval that may hamper economic development, including foreign trade and investment, and maintaining a society that does not have enough internal differences to quarrel over the PAP's continuous dominance;
- *Perpetuation of existing power arrangements*, which concerns protecting the PAP's ability to stay in and return to power, and is heavily reliant on social stability and economic progress as the indicators to convince Singaporeans of its performance, and secure their votes; and
- *A cultural fetish for legal legitimacy* that looks to legal adherence for cultural approval and acceptance of one's actions and causes, and, at a higher level, accepted as a "civilized" nation with "rule of law."

Interpreted and constructed based on gay activists' interactions with the socio-political environment, these boundaries and practices shed light on how they formulate and implement a strategy of pragmatic resistance, the focus of the following chapter. Within these boundaries and practices, the formal and cultural powers of law interact with the other cultural norms above, and mutually influence one another's impact on gay activists' strategic decisions and actions, the next set of social processes that Chapter 7 goes on to analyze. As that chapter will show, although boundaries and practices pose as limitations to what these activists deem to be possible and feasible, their interrelationships also offer

¹²⁰ In Chapter 7, I revisit litigation to analyze how it is a non-tactic in comparison to the other measures activists actually implement on the ground.

opportunities that they seek out and create to advance their movement, including possibly reclaiming law subversively, and remaking it from a source of domination into a resource.

CHAPTER SEVEN

DANCING, TOEING THE LINE AND PUSHING BOUNDARIES

[L]iving in this country is like drinking bubble tea with a normal straw. You just have to suck extra hard, and finally you get to the pearl! [laughs] And you just get really creative with the way you go about doing things.

- Stella, 39, *massage therapist*

We're not going to go on the streets, you know, and certainly, our confrontation must be by proxy. Like arguing over a license or arguing over a speaker's permit or a license to hold an art exhibition or a photo exhibition or something like that ... A very tangible, little, little thing which is kind of like administrative in manner. But never to completely challenge the entire edifice of government policy, something that is not big enough to sever our nascent communication linkages with the government. We don't have nuclear war ... we want to live to fight another day. Scaredy cats or whatever you call it. But it has to be calibrated.

- Trey, 58, *businessman*

From the data on rights, the previous chapter extracted “boundaries and practices” that gay activists interpret and construct based on their experiences with the socio-political environment of Singapore. This set of cultural norms help to explain how these respondents make sense of their grievances as being less palatable to the state, society, and even the gay community, if they manifest as rights. Put differently, the analysis of the previous chapter addressed Research Question 1 from the perspective of how their grievances should and could *not* be publicly portrayed - the hidden transcripts kept offstage from the state. This chapter continues to address this question, as well as Research Question 2, by turning around to analyze how they *are* publicly displayed - in the various tactical implementations of their strategy of pragmatic resistance, disguised and encoded into public transcripts visible to the state (Scott 1990).¹²¹

In essence, gay activism's public articulation of grievances and pursuit of claims in Singapore is about “pushing the boundaries” to advance the movement, while “toeing the line” to ensure survival. It is defiance by obedience, contention by co-operation. Each tactical process, a manifestation of pragmatic resistance, embodies and balances the strategy's two hallmarks. When targeted at the state, a tactical process is usually aimed at specific administrative issues or decisions, rather than formal legal changes, or rights claims. Overall, the strategy and tactical processes of gay activists in Singapore concentrate on making changes outside formal law. Nevertheless, law matters to their strategy and tactical processes. In the course of resisting and overcoming law as a source of domination and control, or navigating the tension between law and the other

¹²¹ In Chapter 9, I elaborate on the theoretical relationships among individual, everyday resistance, pragmatic resistance, and the concepts of hidden and public transcripts.

boundaries and practices, gay activists remake and reclaim it into formal and cultural resources for themselves.

(I) THE TACTICAL PROCESS

At first glance, the tactical processes of gay activists in Singapore appear scattered, much like the objectives analyzed in the previous chapter. They are, to put it colloquially, all over the map. They seem neither to have systematic cohesion, nor bear any relationship to one another. They even seem contradictory. In some instances, activists disobey, or at least, skirt around formal restrictions, but in other situations, they endeavor to follow the law to a tee. Sometimes, all of this seems to be carried out by the same people, or the same organizations! However, such scattered, and, perhaps inconsistent appearances, should not deny the existence of an overall strategy. It is the very nature of its overarching strategy of pragmatic resistance to manifest tactically in this manner.

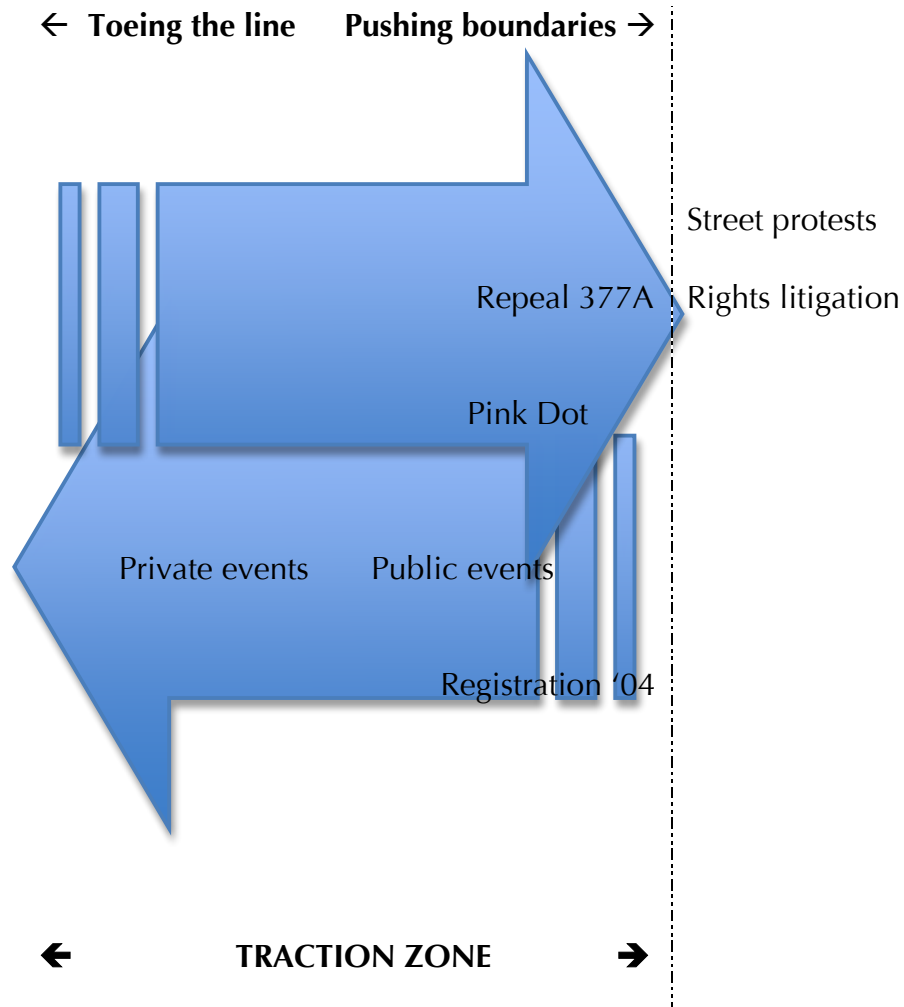
Being of pragmatic resistance, a collective form of resistance based on Scott's idea of individual, everyday resistance, this strategy concentrates on reaping immediate, real gains that may not receive formal recognition, and avoids threatening the status quo of power arrangements or jeopardizing the resistor's own survival (Scott 1985). Thus, we revisit the two core themes of the strategy - survival, and advancement/opportunity. Any movement's strategy would be intended to advance its cause. This movement's strategy is no different, hence the theme of advancement/opportunity. Survival, however, is what defines the nature of a strategy of the pragmatic resistance nature. It makes sure the movement and its activists avoid annihilation by an authoritarian regime, personal suffering of legal consequences, and "live to fight another day." What activists *actually* pursue is influenced by what they *believe* is workable - how far and how much they are willing to "push boundaries" for the sake of advancing gay activism, or, alternatively, "toe the line" for its survival's sake. While other social processes, analyzed in Chapter 8, also contribute to such choices and actions, much of them is based on their socially constructed boundaries and practices distilled in Chapter 6:

- Non-confrontation and face giving;
- Preservation of social stability and assurance of economic development;
- Perpetuation of existing power and authority held by the ruling party; and
- A cultural fetish for legal legitimacy

(A) BOUNDARIES AND TRACTION ZONE

Diagram 7.1

The tactical process (with illustrative examples)



Imagine **“toeing the line”** and **“pushing boundaries”** as two *overlapping* forces pulling in *opposite* directions, tugging at a tactical process to lean toward one’s direction (see Diagram 7.1). The **“traction zone”** is where the two overlap. “Toeing the line” means abiding by the boundaries and practices, whereas “pushing boundaries” pertain to expanding the “traction zone,” so that they become more accommodating of taboos demarcated by the boundaries and practices, for example, rights claims or rights exercise, conduct related to activism, such as speech and expression, public assembly, association, and confronting or challenging the authority of the state/ruling party. The more a tactical process travels toward one direction more than the other, the more it loses characteristics of the other; this means it would more likely be too safe within the boundaries, and produce no boundary-pushing effect, or too far over them and end up trespassing into forbidden territory too obviously.

The boundaries' edges are fuzzy, because at the outermost are cultural ones. Therefore, one side of the traction zone is where the boundaries are perceived to end approximately, and their perceived outermost edges are constantly being contested and pushed around. Formal law makes up the boundaries, but they are not always on the edge, depending on the circumstances. Disobeying formal law may not necessarily amount to activists' perceptions of complete disregard for "toeing the line." **The ultimate determinative element in activists' formulation is their cultural interpretation of the boundaries and practices, and their interpretation of the state's interpretation, of their actions as boundary crossing, instead of tolerable boundary pushing.**

The key to what they do lies in staying within the **"traction zone,"** and going as far toward the perceived edges as they dare to. If they do it right on the edges, they can stretch the boundaries more while hanging onto wisps of the fuzzy borders. Examples include the Coalition's attempts at registration as a legal society, and the Repeal 377A campaign. But if they believe they would blatantly cross the boundaries, they would completely lose traction with even the outermost boundaries to push them. Hence, thus far, we have not seen activist-initiated rights litigation¹²² or street protests.

A traction zone with blurry edges also allows for the varying degrees of agency among these activists, and their diverse interpretations of how to push the boundaries while toeing the line. The interpretation of boundaries and practices, and tactical processes both stem from collective experiences within a particular context, but they are also individual to each social actor. Some activists disagree with the Coalitioners, or Repeal 377A campaigners, believing them to have undertaken a bout of risky business. Some of these people prefer to stay closer to the "toeing the line" end of the traction zone, and make their own contributions in their preferred ways. This would explain the scattered appearance, and yet account for an overall strategy of pragmatic resistance.

Next, to understand how a tactical process is implemented, imagine it as dancing, a concept that some of my interviewees also use to describe their actions. The dance a tactical process performs is that of the strategy of pragmatic resistance. To be more exact, this is a

¹²² At the time of writing, a case involving a man accused of having sex with another man in a public restroom was making its way through the courts. His attorney's decision to make use of this case to challenge Section 377A has received little to no support from gay activists, as they do not believe it to be a wise move, as it was very likely to fail.

The prosecutor initially charged the accused with Section 377A of the Penal Code, a decision that provoked gay activists to speak out about the non-enforcement policy in consensual cases articulated by the Prime Minister after the Repeal 377A campaign in 2007. Eventually, the prosecutor downgraded the charge to one of performing an obscene act in public, and that was the charge brought to trial. The accused's attorney decided, nevertheless, to argue against the constitutionality of Section 377A, which was no longer in the prosecution's case. Subsequently, the court ruled that the accused had no standing to argue on the point of Section 377A's constitutionality, and the High Court later affirmed the lower court's decision on this point. There remains one last chance to appeal the decision before the Court of Appeals, Singapore's final court of resort.

social dance, for the strategy is a social process. Each tactical manifestation of the strategy is, therefore, also a social process; hence, I refer to it as a “tactical process,” rather than a “tactic.” Each of these tactical processes interprets the dance uniquely. Each performance is never the same as the next, but all of them are variations interpreting the same dance. This is a dance that heeds both the central themes of pragmatic resistance, advancement/opportunity, and survival. The result is a complicated dance that is set to the boundaries and practices. Although these norms are usually mutually complementary, there are times when they mollify, even contradict one another, leaving room for discrepancies and uncertainties, or what is often known in the socio-legal literature as cracks and contradictions (Ewick & Silbey 1998). While performing the dance, gay activists try to change it little by little, without transforming it suddenly into a different dance altogether. Rather than demanding for the waltz when the dance is set to the Argentine tango, gay activists are trying to change the Argentine maybe into the ballroom style first.¹²³ By taking advantage of opportunities that arise from the discrepancies and inconsistencies, they vary the dance, and try to push the movement forward with each performance.

Being able to morph the dance gradually over time requires gay activists to understand the boundaries and practices that define the character of the dance, although their ultimate interpretations still depend on how they make sense of and make choices over the supposed risks and benefits. At the very least, however, they have to dance somewhere within the traction zone, and not miss the mark completely. Otherwise, they would not know *where* or *how* to push. Then, gay activists must pay attention to the cues, and react to them smartly. This is to help with determining *when* to push and change the boundaries and practices. Further, perhaps even more important, it is also for deciding when *not* to push.

The mention of “cues” takes us to a crucial aspect of this metaphorical dance. Gay activists are performing the dance with at least one partner. This is, after all, a *social* dance. With partners comes the human element, the factor of human agency. Just as gay activists make decisions about when, where and how to push the boundaries and practices, or toe the line, so do their partners who have their own stakes and interests in ensuring the dance retains particular characteristics. No matter with whomever else gay activists are performing this dance, the state always has an actor involved in it. The state may not always be the co-star of each performance, for example when activists are aiming the tactical process at the community, society at large, or the religious counter movement, but its actor will always be the one who signals the cues, and leads the dance. That is why dancing activists have to react to the cues smartly.

However, the state actors are human, have their own biographies, and find themselves situated at this large bureaucracy with its own history (Mills 2000) to oversee or administer

¹²³ Incidentally, there is a dance movement that seeks to queer the Argentine tango, and neutralize its gender roles.

different aspects of it. The state and ruling party may be authoritarian, but they are not monolithic. Diversity exists among the power holders, among the power administrators, such as the mid-level bureaucrats, and between them. Like gay activists, they may not all arrive at the same decisions and choices, even when handed the same set of boundaries and practices. Therefore, gay activists are not only interacting with boundaries and practices already latent with cracks and contradictions, but are doing so in relation to other human beings, who also possess their unique biographical agencies, and who also have to make decisions about them. In other words, activists are agentic creatures dancing with other agentic creatures.

My analysis so far portrays the strategy of pragmatic resistance and its tactical processes as highly state-centric. That is the reality of doing activism under authoritarianism where the state wields tighter control over civil-political liberties, and efforts to effect social change are far more constricted. Whatever gay activists do, they operate within a much larger footprint of the state. They dance in the shadow of cultural boundaries and practices (Mnookin & Kornhauser 1979), of which law is a part. This shadow shields and perpetuates a single party's authority and legitimacy to rule and control. However, as Chapter 4 demonstrates, gay activists do not direct their work only at the state. Their labor spans direct state engagement, media engagement, community grassroots, and societal-level efforts. Their strategy and tactical processes should also not be understood as overemphasizing the role of political opportunity structure (McAdam 1999b). Activists, state actors, as well as other social actors, individually make meaning out of these boundaries and practices, and produce an array of interpretations about how the dance should be performed. Hence, the dance occurs within a traction zone, and not along a clear-cut line or designated spot.

(B) TACTICAL TARGETS, AIMS, AND MECHANISMS

For dancing activists, the idea is to get the partner(s) to dance as closely as possible to the fuzzy boundaries, and nudge them outward. At the same time, these activists have to beware of crossing the boundaries too blatantly, because the partner(s) might not want to venture along, and then they would be left outside the traction zone, partner-less. The state partner might even impose penalties for dancing out of line. To understand the ways in which dancing activists manage these precarious moves, I approach the tactical process as a balance of three ingredients, *tactical targets, aims, and mechanisms*, in order to achieve some combination of "toeing the line" and "pushing boundaries." Not one ingredient, or any substance within any ingredient, determines whether a tactical process stays within the traction zone. The analysis accounts for all ingredients, their dynamics, and how they interact with the boundaries and practices. Ultimately, the most significant consideration is adherence to cultural norms - some, if not all of them - which shape the outermost regions of the traction zone.

- *Tactical targets* refer to whether the tactical processes are intended for the state (legislature and/or executive), media, courts, society, community, or the religious counter

movement. It is the object of gay activists' tactical aims. For example, the tactical target of the Repeal 377A campaign was the state (either the legislative or executive branch); Pink Dot's target was Singaporean society at large and the gay community itself. If they were to pursue litigation, the tactical target would be the courts.

- *Tactical aims* are activists' intended purposes for the specific tactical processes to push boundaries. Characteristic of pragmatic resistance, they concern informal gains, outside formal law. For example, raising public awareness by exposing state repression, gaining more government attention (but short of legal changes), occupying physical space, gaining a voice in the local media, and consciousness-raising and grassroots empowerment.

- *Tactical mechanisms* are used in interaction with one another - and, of course, in interaction with the boundaries and practices - to keep tactical processes within the traction zone between "toeing the line" and "pushing boundaries":

- "Obeying formal restrictions" is important aspect of "toeing the line" as it directly concerns legal legitimacy, but the ways in which such obedience is carried out sometimes also aids the pushing of boundaries. For instance:

- "Being literal" is about following restrictions avoids trouble with the law, but allows activists to achieve their intended aims without adhering to the true spirit of the legal restrictions.

- "Getting around" formal restrictions creatively enables activists to do what they want, thus pushing boundaries, without having to follow the restrictions that would otherwise have restrained them.

- "Using proper channels" or "making use of formal restrictions" lets activists leverage on administrative procedures or formal law to engage the state on its terms, but on issues it may not want to tackle. Because these activists have engaged them legally or relied on what is already provided in the law books, and thus are formally and culturally legitimated, state actors have to consider the issues, and respond in some perceptibly legitimate way, even if the answer is less than what activists desire.

- "Playing to government's tune" pertains to using the state's much cherished cultural norms - elements of the boundaries and practices distilled from Chapter 6, and listed above - to make the case for gay activism, or protect it. Therefore, the popular tunes include non-confrontation and face-giving, social harmony, economic development, preserving existing power arrangements, and the state's international image, which is affiliated with the higher level of legal legitimacy in the eyes of Western, developed nations. This tactical mechanism overlaps with the ones under "obeying formal law," since the cultural fetish for legal legitimacy is central to the boundaries and practices. Other *tactical mechanisms* related to "playing to government's tune" are:

- "Focusing on specific administrative decision" to avoid challenging the entire face of existing power arrangements, and well as to give face to top political leaders, placing the blame on middle- or low-level bureaucrats.

- “Non-usage of rights” resonates with the norm on non-confrontation, given the perceptions about rights among gay activists.

- “Taking advantage of opportunity” entails paying attention to and reacting to the dance cues called by the state. The state-initiated opportunities allow activists excuses to bring their issues to state or social attention, without appearing to have acted too aggressively or confrontationally, thus crossing the line.

If the state is the *tactical target*, the *tactical aim* will usually *not* be to ask for formal legal change, or claim rights. Instead, it would usually be focused on a specific administrative issue or decision. This is key to survival, to avoiding “nuclear war” (the case of Repeal 377A will be analyzed in detail below), a prime example of “toeing the line.” If the target is not the state, the aim will not be asking for legal change or rights, anyway. Therefore, **the tactical processes are usually aimed at changes outside of formal law, and when targeted at the state, aimed at specific administrative issues or decisions.** Unlike repealing or enacting laws, or affirming rights, administrative decisions do not threaten existing power arrangements.¹²⁴ In fact, they reaffirm them. The approach, in other words, is to push into and lay claim to **informal territory** gradually:

We are fighting from a position of inferiority. They are in a position of superiority, so we are using guerilla tactics, in a way. You (the state) feel - you’re damned if you do, and damned if you don’t ... if you let us through, we get to say what we want to say and we have the space, and once you give us the space to do this, you cannot take it back anymore. So this process of establishing a beachhead, it’s like once we entrench our position, then we stretch the boundaries and push, push, push. In a way it’s evolution because it’s like we’ve established these beachheads, and taken this territory. Now, you have to yield and yield and yield. But if you stop us, you get all the attention. So they’re stuck both ways. (Tai, 35, graduate student)

Among the *tactical mechanisms*, obeying formal legal restrictions is an important determinant of having toed the line, the opposite being disobedience and crossing the boundaries. It is not mere legal disobedience, either. It is the cultural message that legal disobedience conveys against the authority and power of the state. **However, whether or not a tactical process stays within the “traction zone” cannot be determined by legal obedience, or any other one element of the process’ three ingredients, target, aim, and mechanism.** The analysis of each tactical process has to be holistic, accounting for all three tactical ingredients, their dynamics with one another, and the boundaries and practices, and their impact on the latter as a whole. Therefore, while activists can be powerfully deterred by legal disobedience from implementing a certain tactical process, they culturally understand the state to tolerate some rule-bending, or even dubious contraventions, so long as they do not threaten the state’s overall appearance of

¹²⁴ One could argue that legal changes also do not destabilize, but actually reinforce the status quo. When evaluating the effectiveness of pragmatic resistance in Chapter 10, I consider the power of law in this respect.

hegemonic control (Scott 1990, 204); they believe they are safe if they retain a degree of toeing the line, and pushing boundaries without blatant transgression. Scott (1985) refers to such a situation as being granted an extent of “permissible dissent” within “boundary markers,” rather than being inflicted with terror that is absent any margin of safety whatsoever (277). Hence, the data show that so long as gay activists manage to use the three ingredients of tactical processes in ways that maintain, within the state’s limits of toleration, a balance between pushing boundaries and toeing the line, the state tends to reciprocate by responding, and playing in accordance to those socially constructed rules as well.¹²⁵

Consider the non-deployment of rights litigation, and the right to public assembly in the form of street protests, respectively alongside the occasional uses of rights in alternative forms, and the existence and operation of gay activists organizations that do not have legally registered status:

Rights litigation does *not* disobey formal restrictions, and even involves making use of legally provided channels, but it is perceived as boundary crossing. It attacks the core of power arrangements. Instead of asking the power holders to tweak the dance, litigation demands for new choreography, *and* makes the demands of a third party, the courts. Although the courts are perceived to rule consistently with the state’s boundaries and practices, the state vehemently defends the courts’ independence, because they need the courts to look like a third party. Rights litigation, therefore, places the state, the ruling party, and the unfortunately implicated courts in extremely awkward positions, and unsettles boundaries and practices. But such problems have not completely deterred gay activists from laying claim to rights occasionally in ways alternative to rights litigation, and that avoid overstepping boundaries. From time to time, when some respondents do publicly declare entitlements to rights, they do not articulate them in the form of tactical aims for formal legal change (the exception is Repeal 377A, which is examined in detail below). In addition, they deploy rights talk to raise consciousness and empower the gay community - a *tactical target* and *aims* of the informal sort that falls within boundaries.

Protesting on the streets is clearly illegal, since the power administrators would deny any relevant license or permit, and determined to be well over the borderline. On the other hand, gay activists merrily operate their organizations without registering as legal entities, actions that realize their right to associate and organize. Strictly speaking, though, they can be considered illegal. But these actions appear tolerated, because activists interpret that the tactical processes carried out by their organizations still fall within the “traction zone,” thereby remaining within the outermost boundaries, which are cultural. The underlying implication, of course, is that the state *can* still use the law against them, should they be construed as having crossed boundaries; by not doing so, the state seems magnanimous, mitigates its authoritarian image, and puts on a “rule of law” face more

¹²⁵ In Chapter 10, where I examine the effectiveness of their strategy, I consider such an interplay between the state and gay activists as amounting to the routinization of pragmatic resistance, leading to the reification and reinforcement of the existing formal order.

familiar and acceptable to the club of “rule of law” nations in which the state tirelessly claims a place. Besides, annihilating groups that are small and politically insignificant to its power may unnecessarily tarnish the state’s image for this club; the cultural fetish for legal legitimacy of the broader kind, thus, comes into play. Legal disobedience is mitigated by cultural considerations in other regards. Protest, in comparison, would not only be illegal, but would also be perceived as a complete affront to these cultural norms.

(C) HOW LAW MATTERS

The previous two chapters focused on multiple facets of gay activists’ legal imaginations (Mills 2000), regarding motivations, aspirations and rights. But the juncture in this chapter is unique, as it is where the legal imaginations of gay activists are put into action as tactical processes of their strategy of pragmatic resistance. What is not unique is that law also appears neither to be a formal nor cultural resource at this juncture. Gay activists appear neither to deploy formal law as a resourceful means, nor imagine it to be an attainable, formal gain. The boundaries and practices distilled from Chapter 6’s data analysis culturally discourages them from interpreting law as an inspirational resource, or empowerment in their work. Instead, in their legal imaginations, on the outset (Mills 2000), formal law works hand in hand with its cultural power of legitimization and the other boundaries and practices to impose domination and oppression. Because legal obedience is seen as crucial - though not solely determinative - of “toeing the line,” and therefore survival, and disobedience culturally delegitimizes their actions, and legitimizes the state’s authority and power to use the law against their endeavors, gay activists usually choose to obey formal law as part of their tactical processes. Therefore, they refrain from actions such as staging illegal street protests. Further, when doing or asking for something that does not seem illegal, and does adhere to legal procedures - rights litigation comes to mind - some activists still interpret such a tactical process as falling outside the traction zone of where they are willing to toe the line and push boundaries.

However, formal law, the cultural legal fetish, and the other norms are not always mutually supportive. Sometimes, they temper or diminish the potency of one another. For instance, the formal and cultural power of law as control and domination is sometimes mitigated by these other cultural norms. Non-registered gay activists organizations are informally permitted to exist, as they are perceived not to clash with norms other than strict legal obedience. In turn, the strength of other norms (including the cultural legal fetish) is mediated by formal law in some cases. For example, while some activists perceive the Repeal 377A campaign to be too confrontational and in violation of the norm of non-confrontation, the campaigners believe they still toed the line, as they made use of “proper channels” legally provided for parliamentary petitions.

What all of this means: Although formal law and cultural norms - making up boundaries and practices together - usually bolster one another to enable dominance by the state and ruling party, and impede social change by gay activism, cracks and contradictions exist between formal law and culture, the cultural fetish for legal legitimacy included.

Therefore, sometimes gay activists are able to leverage formal law, its cultural power, and other cultural norms against one another. While having to overcome and resist law as domination, they also manage to transform both formal law and its cultural power into resources indirectly, as I will demonstrate in the analyses of various tactical processes below. **Law, thus, matters as a resource while being a source of domination and control to be resisted. Through the dance performances of tactical processes, law is being resisted by having its “to be resisted” quality turned on its head, perverted, and perhaps reclaimed, into a formal resource. Furthermore, the overcoming of law as oppression in itself provides cultural resources by showing *how* to overcome it, and by empowering the subordinated to believe that law *can* be resisted, even reclaimed.** Such a role of law at the juncture of strategy and its tactical implementations is, therefore, congruent with pragmatic resistance. No formal legal change is attempted or perceived to be attainable, whereas plenty of informal gains are sought, and law plays a part in each of these quests.

(II) EXAMPLES OF TACTICAL PROCESSES

In the following sections, I elaborate on the above analysis by examining in detail select tactical processes found in the various and diverse facets of the movement (see summary in Table 7.1). They include the major milestone events, as well as the everyday, less remarkable aspects of doing activism. The list is not exhaustive, but decided based on the illustrative effects of the examples.¹²⁶

- (A) Rascals letter campaign
- (B) The Coalition’s registration attempts
- (C) Legal existence
- (D) The launch of IndigNation
- (E) Licensing of events
- (F) Repeal 377A and litigation
- (G) Pink Dot and protests
- (H) Addressing the counter movement of the Christian religious right
- (I) Dealing with surveillance

(A) RASCALS LETTER CAMPAIGN

After the police raided Rascals, a gay disco, in May 1993, to express his anger, Keenan wrote a letter with 21 co-signers, and sent it to the police. He pointed out that the police had actually acted beyond their statutory powers, as they had detained club patrons for failing to produce on the spot proper identification documents, not a requirement under law. The police chief wrote back, apologizing for their “rude” conduct. The assistant superintendent of the precinct where the raid occurred also called Keenan, and verbally assured him that such a raid would never happen again. What started out as subordination

¹²⁶ I have similar findings on other tactical processes such as those related to the movement’s engagement with local media, and foreign alliances. They are not included here, but I intend to archive these findings eventually on a website that I will set up.

by law enforcement with legally endowed powers turned into an incident in which a gay activist tried to stop police harassment by using formal law against them, leveraging on the police's cultural fetish for legal legitimacy to condemn their actions, and legitimize his campaign's position.

Old-timers in my study often hail this incident as Singapore's Stonewall, inspiring early groups, such as the Coalition, to mobilize harder. However, the tactical process of the letter campaign bears little resemblance to the outrage and violence displayed on the streets after the police raid of 1969 in New York. The letter campaign, the police's response to it, and the lead activist's subsequent reaction all symbolize a tactical process of pragmatic resistance typical of Singapore's gay movement.

Keenan's letter targeted the state. He directly told the police, power administrators of the state, how he felt they had conducted themselves wrongly. Considering the *tactical target* and *aim*, which was to force the state to take action, or change its actions, he was "pushing boundaries." He thrust the issue of gay clubs and raids right in the face of the police, as they told Keenan that they took time out to investigate his claims, and brief officers.

Nevertheless, Keenan also acted within the "traction zone," and "toed the line":

- *Using proper channels, and giving face*: Keenan wrote in his capacity as a private citizen who was aggrieved by how his tax dollars were put to work, and did not take his grievance to the press. These choices avoided embarrassing the state publicly, especially given Keenan's allegation of illegality (more below), and they allowed the state time and space to react, rather than pressuring it under the spotlight to do something.

- *Focusing on specific administrative decision*: Although Keenan directly blamed the police, he focused on a specific administrative issue, the raid, and avoided challenging the entire facade of the administration's power. He did not ask for any change to formal laws or regulations, only administrative conduct. He did not demand for any broader change, not even allude to another related type of police action, also common in the early 1990s, the entrapment of gay men. In fact, Keenan did not even mention the word, "gay," "homosexual" or any other term that would have suggested the raid was related to the discrimination and abuse of a select group of people. The understanding was unspoken. He knew, the harassed club goers knew, and the police knew that this was a raid on a gay club, something that happened frequently in those days. But on paper, the incident looked like a plain old administrative action gone a little awry.

- *Non-usage of rights*: Keenan did not portray the incident as a matter of rights to the police, or even refer to rights in his letter. Even though he was fresh out of law school, and

inspired by ideas about constitutional freedoms, he was candid in the interview that using rights would have been counter productive.

- *Making use of formal restrictions:* Instead, the young lawyer researched the statute books, and found what he needed in the National Registration Act (NRA), which governs the issue of identification, the excuse that the police had used for detention that night. He found that the law did not require a citizen to carry identification records at all times, and allowed arrest without warrant only if the police had “reasonable suspicion” that the person had lied about his or her identity, or committed an offence. Thus, he latched the administrative issue onto black letter law, and argued that the police had acted beyond their statutory powers, and therefore, unlawfully. Hence, making use of formal law, Keenan pushed the fetishistic button for legal legitimacy. He wrote in the letter:

It is particularly disturbing to find Singapore law enforcement officers behaving rudely towards and verbally threatening citizens who have not committed any offences. (Rascals Letter to Police)

Even though he did not threaten to expose the incident publicly, in his heart, he believed that the state worried about the possibility.

I'm sure [the parent ministry of the police] told the guys to handle it properly so that this doesn't go public. The police are not known to break laws. (Keenan, 47, corporate legal counsel)

(B) THE COALITION'S REGISTRATION ATTEMPTS

The Coalition sought to register itself as a legally recognized organization under the Societies Act in 1996 and 2004. Both applications were rejected. In 1996, Coalitioneers felt compelled to become legal. After close brushes with the tabloids, and detecting state surveillance of their activities, they feared unfriendly media exposure, and the legal consequences of “associating” illegally. To them at the time, the only way to ensure survival was to get above board. By 2004, however, Coalitioneers did not feel the need to register for the sake of legality and survival. Rather, they used the registration law to test a new statement by the Prime Minister at the time - declaring that the Singaporean government hired, and promoted openly gay civil servants - and then exposed the contradiction between that statement and the denial of their application.

In both the tactical processes for the first and second registration attempts, law first stood out as a source of power to be resisted. The Societies Act and its regulations controlled how gay activists could form associations. Then the cultural power of legal legitimacy emanating from criminal provisions outlawing same-sex sexual conduct reached over to delegitimize them further, and provide a reason for the state to deny them legal status. However, in the 1996 attempt, by obeying the registration laws, Coalitioneers intended to transform it into formal resource - being legal would mean that they could have mobilized

with less fear of sanctions, and more credibility. In the 2004 attempt, the registration law and subsequent rejection became their cultural resources for achieving tactical aims such as raising public awareness, and making known their repressive conditions. As to how the Coalition operated and existed without a legal status to date will be analyzed in the next section. Here, the focus is on the two tactical processes, both of which are variations of “toeing the line” while “pushing boundaries.”

(1) First registration attempt

Compared to the second attempt, the first was safer and further away from the edges, but it was still boundary pushing for Singapore of the 1990s. The organization came out to the state, declaring on its application that it wanted to “promote awareness and understanding of the issues and problems concerning gay, lesbian and bisexual persons.” Because of the sexual laws, particularly then Section 377 and Section 377A of the Penal Code, their actions were an affront to the state’s notion of legal legitimacy. By not succumbing to the pressures of state surveillance and disbanding quietly, these activists forced the state, against its will and comfort, to confront their sexualities and political needs. In addition, throughout the appeal process, they kept asking the state to substantiate its reasons for rejection beyond citing line and verse of the Societies Act. They questioned the state’s authority.

Meanwhile, this tactical process still stayed in line. It achieved both by balancing the variety of *tactical mechanisms* with *tactical aims* that tamed a direct *tactical target* on the state:

- *Making use of formal restrictions, and using proper channels:* The Coalition activists plainly obeyed formal law, which required their organization to register. But obeying the Societies Act also meant making use of those same formal restrictions to achieve the boundary pushing. If they had succeeded in registering the group, they felt the fear of being watched would have diminished, and they could have used their legitimate status to expand and grow the organization, such as by raising funds from the public, or businesses. Such legal obedience also meant they could keep thrusting the issue in the government’s face through the “proper channels” offered by the appeal procedures. On the contrary, they also did not take the issue to the mainstream media, and or blame the state publicly in front of the whole country.

- *Non-usage of “rights”:* The application and appeal avoided any rights talk, even though they referred to “sexual minorities,” a term typically associated with the rights of minorities. Instead, they used words such as, “tolerance,” and “respect.”

- *Playing to government’s tune:* Instead, these activists leveraged on the boundaries and practices to argue its case. For example, they tried to counter what they interpreted as the state’s perception that allowing their group would “threaten or disrupt social order”; they

tried to turn it around by arguing that approval would enhance social stability by protecting secularism, and promoting diversity. They also encouraged the state to think about how rejection would make Singapore look unfriendly as an economic partner. This is tied to the assurance of economic growth, and subtly panders to the cultural fetish for legal legitimacy at the *higher* level - the international image of looking liberal, and therefore more desirable to the club of “rule of law” nations.

It is a laudable aim to make Singapore attractive to top talent from around the world, but some top talent happen to be gay or lesbian. Increasingly, senior level decision-makers in multinational corporations, in universities and even governments, are open about their sexual orientation and Singapore will not be an attractive environment if it is perceived to be homophobic. (07/02/1997 Appeal Letter to Prime Minister)

- *Focusing on specific administrative decision*: Even though these activists directly targeted the state, forced it to address the issue of homosexuality and gay activism, *and* questioned its position, they tempered the process by focusing on the specific administration decision. It was not at all about any change to any formal law. They did not connect the decision to a broader issue about having greater civil-political liberties, such as to associate, and when asking for disclosure of the reasons for the rejection, access to information. The application and appeals also did not even question the sexual laws. Rather, they narrowly centered the arguments relating to those laws on how they should not be factored into the decision making of allowing registration:

[The Coalition’s] objectives are to get people to think critically and informedly about gay and lesbian orientation, and to discuss issues in a mature way. That these above-board activities are to be proscribed because there exists Section 377 and 377A of the Penal Code criminalising male-to-male sex, would seem to us to be a sweeping extension of the intent and scope of these Sections. (06/15/1997 Appeal Letter to Minister for Home Affairs)

(2) Second registration attempt

While the first attempt, in its genuine quest to toe the line and obey registration laws, had collateral traces of boundary pushing, the second one headed straight for the borders, and deliberately tried to expand the “traction zone.” As with the first application, the second attempt pushed boundaries first by making their activism visible to the state, and pushing the state to act regardless of its willingness or comfort. But it went further - which is why the second attempt teeters on the edge - by carrying out the *tactical aim* of exposing the state’s repressive decision to deny it registration once again. The Coalition posted a press release on its website, and Trey wrote a column in one of the mainstream newspapers. They pointed out the contradiction between the rejection and then Prime Minister Goh’s statement about gays in civil service. In doing so, they *targeted* both the state and society -

to shame the state before the ruling party's constituents for what Coalitioneers believed to be failing to live up to its new words.

[T]he second attempt at registration was 'heads I win, tails you lose' kind of situation which we absolutely love. I mean, you give us the registration, we win. You don't give us the registration, we go and cry in public, and we win some sympathy, and we still win. (Trey, 58, businessman)

Nonetheless, the tactical process adhered to the boundaries and practices while trying to achieve these intended *tactical aims*. The application and appeals deployed *tactical mechanisms* similar to those examined above under the first attempt. For the additional *tactical aims* of exposing and shaming the state's actions, and raising public awareness of their cause, they also managed to stay within the "traction zone" and not fall over the edge:

- *Giving face*: Although the Coalition's press release, and Trey's column alleged the state of wrongdoing, and exposed it publicly, they focused on the poor judgment of the middle management on this particular administrative issue, the power administrators who denied their registration. They did not question the authority or legitimacy of the ruling party's top echelons, thus giving face to the power holders who really matter. In fact, they critiqued the lowly bureaucrats for failing to live up to their leaders' more enlightened vision.

[The Coalition] believes *the present decision by the [Registrar of Societies] (ROS) is completely at variance with ... the admission by the Prime Minister that "some people are born that way" and "they are like you and me", in his interview with Time magazine published last July ... Furthermore, [the Coalition] believes that such a retrograde decision by the ROS is harmful to Singapore's future.* (04/05/2004 Media Release, The Coalition; emphasis added)

- *Non-confrontation and non-usage of rights*: The Coalition aired its grievance publicly through non-controversial channels, the mainstream media and the Internet. Even though the mainstream media are not "proper channels" provided in the law, they are a platform over which the state recognizes and wields control. The activists did not mount confrontation, such as by protesting on the streets. Trey's column in the mainstream newspaper, and the organization's correspondence with the state did not explicitly mention "rights." The press release did refer to "civil rights," but it was a vague mention in passing, and not built on to argue for any legal change to association or even the violation of rights.

Nothing jarring or scary for them. We're not going onto the streets with placards. We were doing it in the time-honored tradition of a way that they could understand and

know, okay, that's another bunch of middle-class Singaporeans, how far off can they go, right?¹²⁷ (Arun, 36, freelance writer)

(C) LEGAL EXISTENCE

Despite being twice denied registration as a society, the Coalition lives on. These days, it openly engages the state and media as “the Coalition.” In the strictest legal sense, the Coalition is illegal, and blatantly so. Many other gay activist organizations share the same (non-)legal status, operating without registration as societies, but without suffering any of the legal consequences threatened in the Coalition’s rejection letters. In contrast, a minority of activist organizations - the Open Church and the Beacon - has also managed to obtain legally registered status, not as “societies” but as companies.

The tactical process of existing, regardless of legal status, adheres to the line, and therefore obtains permission from the state to exist. That permission is made possible because of the *higher* cultural fetish for legal legitimacy - it mediates the punishing power of formal law, and its cultural power to delegitimize (the lower level of legal legitimacy), as the desire to present an international image of greater accommodation and liberty edges them out in this case. Hence, the complex tension among the formal and cultural faces of law ends up creating a cultural resource for gay activists. It enables their disobedient, non-registered organizations to exist precariously, without suffering legal consequences, so long as they abide by the remaining boundaries and practices in their daily existence, and other tactical processes. Many also resist the legal requirement by getting around it, and organizing on the Internet, over which the state imposes less censorship. Yet, in the background looms formal law’s power to punish. If these organizations and their activists are perceived to push boundaries the state does not tolerate, it could always resort to formal law to extinguish them. The “traction zone” in the “shadow” (Mnookin & Kornhauser 1979) of cultural norms can always recede to the formal law’s, and unleash its full force. Therefore, in the tactical processes of day-to-day activities or specific major events - of which representative examples are analyzed in later sections - they take care to balance “toeing the line” with “pushing boundaries,” as those tactical processes impact the permission to exist.

(1) The Coalition and other organizations without legal status

The non-legal organizations, by their mere existence, test the cultural fetish for legal legitimacy, challenging the state’s authority and mocking the fetish. What each organization does to mobilize for social change also pushes the boundaries, though where they fall within the traction zone depends on the nature of their activist labors, ranging

¹²⁷ For a demographic breakdown of respondents, please refer to Appendix I. The implications of middle-classness have implications for the overall strategic outlook of pragmatic resistance, an issue considered in Chapter 10.

from community and society work closer to the side of “toeing the line,” to media and state engagement lingering more closely around the borders. The specific tactical processes for particular events, activities or campaigns are addressed in separate sections, such as Licensing. This section concentrates on the first point about being able to exist without becoming registered societies. The key lies with three *tactical mechanisms*:

- *Playing to government’s tune*: Such tolerated existence plays to the perception that the state and PAP rely, to some extent, on the legal legitimacy of the higher sort. A strict clamp down of all gay activist organizations, which really do not pose any threat to the party’s political power, another crucial element of the boundaries and practices, may actually make it look too unreasonably against liberty and freedom.

We’re no real threat to the government. We’re not about to depose the government. We’re certainly not going to form a gay and lesbian party and take over the government. And they know that. They do use the gay community, not necessarily [the Coalition], once in a while to boast, in order to burnish their liberal credentials when it suits them. And *they know very well that if they clamp down on us, cockroach little organization like [the Coalition], it’d make them look really, really, really bad in the eyes of the world.* (Trey, 58, businessman; emphasis added)

Therefore, the cultural fetish for a higher level of legitimacy softened the power of formal sanctions, and the lower level of the fetish to delegitimize legally disobedient conduct. Actually, with this scenario, the state and ruling party satisfies both levels of the cultural fetish with one denial of legal status. The rejection of registration is largely based on the criminalization of same-sex sexual conduct; thus, the rejection upholds the norm for legal legitimacy. Moreover, the ruling party can still cater to its perceived stance of the so-called majority against homosexuality, and, therefore, allay its fear of losing votes that legitimize, and perpetuate their power. It can point to the rejection as evidence that it indeed still disapproves of homosexuality. It can also, ultimately, impose formal sanctions on the activists, if pushed to a point where it decides no longer to extend the permission of tolerated existence. This point comes out indirectly from a chance encounter Kang had with a civil servant, years after the attempt, who claimed to have reviewed the Coalition’s first application:

I think he said to the effect, “Why didn’t you guys just meet and don’t apply for [registration]? Apply for it and we have to take action. If you had just met.” ... they’re basically saying well, if you’d just continued we’re quite okay with it. If you apply for it, then we have to make a decision. And of course we can’t make a decision in your favor. (Kang, 46, executive coach)

- *Getting around formal requirement, and taking advantage of opportunity*: The first official denial of gay activism’s legal status - the Coalition’s - coincided with the state’s decision to make the Internet publicly available in 1994, as part of its efforts to keep Singapore plugged into economic and infrastructure growth. So gay activists who use the Internet as

an alternative to mobilizing via physical presence, get around the formal requirement to register their “societies,” and simultaneously take advantage of opportunities arising from the state’s decisions concerning the Internet - its public and widespread availability, and its decision to impose less censorship on the new medium, a move that could be due to a combination of factors, such as the pragmatic acceptance that the Internet could not be controlled the way traditional media can be, and perhaps an unspoken tradeoff of the norm to maintain control, for the ones that tend to economic desires, and the fetish for legal legitimacy of the higher sort that portray a freer and liberal image.¹²⁸ These activists interpret the Internet’s inherent nature, requiring no face-to-face contact for activists to meet, exchange ideas, or handle administrative details, as purgatory of their actions’ potential illegality, and shielding them from the legal requirement to register societies. Therefore, they consider themselves still safely within the “traction zone.”

Legally [Biz Tribe] are not created as an organization, more of a Facebook group.
(Brandon, 34, business development manager)

[Queer Women’s Alliance does not] have an office ... Just a web presence. If I host a website, I call it a name that I want to - I’m not really a law student - but I think there’s nothing in the law that says you cannot name a website something. (Shelly, 27, engineer)

- *Obeying other formal restrictions:* Other than having no legal status, activists strive to obey the law in their other tactical processes that implement day-to-day activities or major events. For the Coalition specifically, because it focuses on engaging the state directly, thus having a *tactical target* that is more likely to push boundaries, the balance becomes even more crucial. Often, certain precautions that gay activists take do not strictly pertain to what they do, but they feel that extra obedience provides extra protection. For example, to make sure they do not contravene censorship rules on obscene materials, those in charge of Resource Central - Stella, Lacey, and Arun (Chan’s predecessor) - visited local bookstores to see if those stores carry similar books that they want to include in Resource Central’s library collection. The youth groups gauge from the various laws related to age and sex, and set their minimum age requirements at least at 16.¹²⁹ Although the groups do not have any sexual activity, its organizers find that following such legal benchmarks would deflect accusations of “converting” young people to homosexuality, an allegation that they fear the counter movement, or ignorant parents would make. Planet Y’s Rahim limited access to 18 and above, whereas Minority Support accepts only teenagers who are no younger than 16-17 years old. Online community portal, Connection Hub, is also cautious about contents that relate to youths:

¹²⁸ I am more inclined to think that the Singaporean state’s position is a result of cost-benefit calculations rather than pure technological limitations, since China has been able to censor the Internet to some degree of effectiveness.

¹²⁹ The rape of a female under 14 years old is considered statutory rape (Singapore Penal Code section 375(b)), whereas penetrative sex with minors under 16 is illegal, regardless of consent (section 376A). The Children and Young Persons Act also criminalizes the exploitation of minors under 14 years old (section 7).

[Connection Hub] is very cautious about the word, “boy,” appearing on our website. So, for example when we do, when we approve ads to be posted on Classifieds or in our Galleries or anywhere, we will definitely check that there will not be any mention of “boys,” “schoolboy” or that kind of thing. Because I think it's a very sensitive issue in Singapore. Or for that matter, anywhere in the world. (Jerome, 32, graduate student and chief executive officer)

(2) The registered species in the form of companies

Among the gay activist organizations, the Open Church, and the Beacon, as well as the commercial entities of the Portal and Connection Hub, are legally registered. But they are not “societies” under the Societies Act. They are “companies” as recognized under the Companies Act. They are able to do so due to the following *tactical mechanisms* that help them to toe the line in the tactical processes of registration:

- *Getting around and making use of formal restrictions:* By making use of companies law to register as *companies*, these organizations got around another law, the Societies Act. For Connection Hub and the Portal, intended as for-profit entities, the choice is less extraordinary. But it is a more deliberate choice for the not-for-profit companies, the Open Church, and the Beacon.¹³⁰ Compared to societies registration, which governs political associations, company registration sends the signal that these groups do not intend to be political, or challenge power holders. Immediately, the *tactical target* averts the state, and the hot button of potentially being perceived as threatening existing power arrangements.

- *Literally obeying formal law:* Unlike the Coalition, organizations of the company species do not declare themselves on their official company details as representing gay-related issues, or advocates for gay equality. These were points of tension for the Coalition's societies registration, since the states liberally interpreted the criminalization of same-sex sexual conduct as also prohibiting any “society” relating to anything gay, including talking about it. In contrast, the organizations with company status literally obey the wide ambit of sections 377 and 377A of the Penal Code by officially distancing themselves from any gay-related *tactical aims*. According to publicly available details on the Beacon's company registration, it names its “principal activities,” as “community activities,” and describes itself as doing “counseling and community work.” Even though the Open Church's mission statement declares that it is a gay inclusive church, it shows up as no more than “community works” and “churches” in the public searches for company information.

[W]e decided very upfront [the Open Church] is not a gay organization. This is an organization which is friendly to gay people, but it is a church that has a broader mission. Like I said before, it reaches out to female sex workers, it reaches out to

¹³⁰ Company registration is one of two common ways for churches in Singapore to become a legally recognized entity - the other being societies registration - after which the church may separately obtain charity status.

convicts with HIV. Had we said that it's a gay church, it would never have gotten registered. (Billy, 46, corporate executive)

- *Giving face, and playing to government's tune*: The effect created by literal obedience is crucial, because it gives face to the state to maintain semblances of legal legitimacy of the *lower* kind - non-violation of the criminal sex laws, since the companies do not hold themselves out as doing something related to criminalized sexual conduct. Moreover, akin to the situation with non-registered organizations, it satisfies the fetish for *higher* legal legitimacy, which *allows* these groups liberty, to work on issues of gay concern,¹³¹ as merely permissible by nature as it may be.

(D) THE LAUNCH OF INDIGNATION

In 2004 and, 2005, the police consecutively refused to grant licenses to the Portal for Snowball 2004 and Nation 2005, contrary to past years, when they would allow the same type of circuit parties. The bans led the Coalition to organize an annual, pride festival in August 2005 called IndigNation. The Coalition activists announced the launch to the mainstream press, and explicitly brought attention to bans, calling IndigNation a response to the "unreasonable" actions.

The bans coincided with the relaxation of licensing rules, which starting in 2005 exempts indoor public talks with Singaporean speakers, so long as they avoid religion and topics that could arouse racial "enmity." By taking advantage of a licensing regime - despite the changes - intended to restrict free speech, and using it to stage a legal event aimed at exposing state repression, the Coalitioners subverted legal power, and remade it into a formal resource. They further wrought it into a cultural resource, as holding the event within the parameters of the new licensing rules provided them with cultural legitimacy.

The circumstances surrounding IndigNation's birth strained accepted boundaries and practices. Coalitioners *targeted* the state with the *tactical aim* of exposing what they perceived to be inconsistent and repressive actions. The name of the festival, IndigNation, and the selection of August, the month of Singapore's national day celebrations,¹³² expressed discontent with and protest against the state. In addition, theirs was an event

¹³¹ Prior to the first societies registration, the Coalition did attempt to camouflage itself as a company, and seek registration with the Registrar of Companies (see Chapter 4). The attempt backfired. Their outcome differs from these later examples, and it could be due to the state's position toward gay activism in the 1990s. Or, it could be due to perceptions of the Coalition's agenda as more political, and therefore more threatening than these other organizations. Trying to hoodwink the state by pretending to be a company certainly did not help. In contrast, registering as a company for churches and counseling agencies is an accepted and legitimate route.

¹³² August 9th is Singapore's National Day.

that in the past would have been banned, so holding it would have been blatant confrontation.

However, the boundary-pushing reaction did not neglect line toeing on the other end:

- *Obedying and making use of formal law*: These activists obeyed the law curtailing free speech, and held IndigNation legally. They took advantage of, and made use of the new licensing rules, thus earning themselves legal legitimacy in the course of exposing government repression.¹³³

Without defying any laws, the community will seek to make its point through the avenues available to it. (07/2005 Press Statement, the Coalition)

- *Focusing on specific administrative decision, and non-usage of rights*: The Coalitioneers focused on a specific administrative decision, the party bans. They narrowed their grievance to an unfulfilled promise by political leaders to open up the country, thus, impliedly accepting and not challenging the premise of general repression.

The gay community is indignant and extremely unhappy. All the talk about society opening up is just empty words. (Trey, 58, businessman, press statement)

Even though Oliver and Trey in their public statements made references to rights, they were vague mentions, and not uttered with effort to connect them to broader legal claims for rights. They did not question the existence of a licensing regime, which, in the first place, controls what they may say in public.

- *Non-confrontation*: For all the “indignation” that the Coalitioneers expressed, they did not take to the streets to protest. One of the Coalition’s press statements stressed that IndigNation was, nevertheless, “not a retaliation.” Hence, they conformed to the norm of non-confrontation, and remonstrated without demonstration.

(E) LICENSING OF EVENTS

One of the most common tactical processes of gay activism in Singapore deals with the myriad of licensing regulations in Singapore. Because of the legal control over speech and expression, gay activists have to account for these regulations whenever they want to communicate their views, air their grievances, or express themselves to any segment of the public in Singapore directly, without going through a medium such as the press or the Internet. Most of the data selected for illustration in this section relate to talks and speeches. A few come from other kinds of events, such as exhibitions and performances. Although other licensing encounters with the state pertain to speech and expression of

¹³³ The revised licensing rules only exempted indoor public speaking events featuring Singaporean citizens as speakers. Other events held during IndigNation still needed licensing approval. See the section on the tactical processes dealing with the licensing requirements.

different genres, such as print publications, the tactical processes are essentially similar to, and can be represented by, the ones analyzed here.

The licensing rules are manifestations of law's formal power of domination, dictating when, where and how gay activists may speak out and express themselves. However, through their tactical processes, gay activists resist the licensing regime to convert it into a formal resource for them. They also make use of the cultural power of law to provide legitimacy as a resource, and transmute it to their advantage.

In Singapore, events that are open to general public admission, by default, must be licensed. The primary law governing the licensing of public talks, performances and exhibitions - to which I will refer collectively as public "events" - is the Public Entertainment and Meetings Act (PEMA), and its subsidiary legislation, rules and regulations. Licensing authority, however, is shared among different government agencies, depending on the nature of the event. The Media Development Authority licenses the "arts entertainment" events, such as plays, film screenings, and exhibitions, whereas the police is responsible for public talks, and circuit parties. Prior to 2005, public events, be they talks, screenings or art shows, all had to be licensed. After the licensing changes in 2005, *indoor public talks* with *Singaporean citizens* as speakers became exempted, so long as they stayed away from topics that could fan "racial enmity" or about "religion." The other public events, including talks by non-Singaporeans, still require licenses.¹³⁴ Then there are the more dubious situations in which PEMA requirements are arguably inapplicable, the most infamous ones being the Pink Picnic and Pink Run of IndigNation 2007, which I include for illustration below. These were open to the public, and the authorities with which organizers interacted proceeded on the basis that they had some kind of authority to disallow them.¹³⁵

When activists are able to hold their events, they push boundaries by expressing themselves on issues with which the norms of social consensus, and non-confrontation may not be comfortable. When the events are prohibited, some activists choose to expose the repression, thus challenging the limits on tolerable confrontation, and the image of existing powerholders staying in charge. On the other hand, they maintain both types of tactical processes within the traction zone through some combination of the following:

¹³⁴ After 2008, public speaking, performances and exhibitions at Hong Lim Park no longer required licensing, and needed only advanced registration with the police. It was under this exemption that activists organized Pink Dot 2009 and 2010, events that will be analyzed separately in the subsequent section. However, it remains unsettled how the new Public Order Act of 2009 interacts with the exemption rules for Hong Lim Park - whether the police can issue "move on" orders at the park, that is, whether the Public Order Act trumps the exemptions. Pink Dot 2010, held after the passage of the Public Order Act, did not encounter any such problems.

¹³⁵ These events took place prior to the Public Order Act of 2009. Under the new Act, the police have powers to order a person to "move on" from a location, and it appears that a "one person" situation could also be construed as amounting to what used to be "illegal assembly" (and used to be five persons or above).

- *Obedying formal restriction (sometimes, literally)* - First and foremost, gay activists hold their public events legally. They do not flagrantly, and knowingly contravene the law. They apply for the required licenses, or ensure that the events qualify for exemptions and exceptions. When faced with prohibition, they either cancel the events altogether, or deploy other *tactical mechanisms*. One type involves going ahead by modifying certain aspects of the events, so that they end up obeying the prohibition and licensing rules. However, the nature of that obedience is a *literal* one, meaning that while there is no appearance of contravention, in their hearts and minds, they do not adhere to the law's spirit. Hence, they exploit the cultural fetish for legal legitimacy while getting their way (to an extent).

For example, when licenses to hold indoor public talks with non-Singaporean speakers are denied, some of my respondents simply turn them into public talks by *Singaporean citizens*, thereby qualifying for the 2005 exemption. A typical scenario looks like this: The newly designated speaker, a Singaporean, stands up in front of the audience. Before reading the materials prepared by the original speaker, who is a non-citizen, this person explains that he or she is standing in, because the organizers failed to obtain the license required for the original speaker. In the Doug Sanders incident mentioned in Chapter 4, Oliver and Trey, both being citizens, jointly paraphrased the professor's paper. Sanders did not travel to Singapore for the talk. But in other cases, often times the original, non-citizen speaker participates as a member in the audience. The designated Singaporean speaker, after reading the prepared materials, then opens up the session to question-and-answer or a discussion, signaling that the "talk" portion of the event is over, so the original, non-citizen speaker who sits in the audience interacts with other audience members.

So I selected certain excerpts from [the original speaker's] book, and I read these excerpts out, 'cause I'm Singaporean, and I'm reading a book, so that's okay, and it's enclosed space (meaning it was an indoor talk).

Interviewer: But [the original speaker] was there?

He was there ... And then we discussed it afterwards. (Damien, 33, family counselor)

In the case of Pink Picnic and Pink Run of IndigNation 2007, although the relevant agencies' legal basis to "ban" a group of people from picnicking, and jogging together in public parks seems hazy,¹³⁶ the organizers did not challenge their authority, and obeyed orders to cancel the events. But their obedience was only, literally speaking, literal. Tai, Pink Picnic's organizer, in his announcement calling off the event, went on to say that anyone was still free to bring their friends and family to the park to picnic on the day of the aborted event. That was exactly what happened. Since 2007, Tai has been organizing

¹³⁶ That is, other than brandishing the threat of illegal assembly. If the run had occurred after the Public Order Act of 2009, the police theoretically could have disbanded the individual runners, as they would have "move on" powers applicable even to "one person" scenarios. Also see footnotes 134 and 135 above.

an “Unofficial Pink Picnic” every year on August 9. The organizer of Pink Run, Fabian, reacted similarly when police officers showed up on the day of the event to stop it.

So I said, “Okay, I can call [the run] off, but they’re still free to run as they want, right? I mean, this is a park by the Clarke Quay – Robertson Quay. Anybody can run. There’s lots of runners around. If they wanna run, I’ll just tell them it’s not an organized run anymore.” [The police] basically have nothing to say to that. Really, they can’t fault the logic behind it ... I just went there, announced it, “Okay. Guys, the event is off but if you want to run, continue running.” And then everybody ran. (Fabian, 32, medical doctor)

- *Getting around formal restrictions*: The tactical mechanism of obeying the law, including the literal kind, shares commonalities with getting around it. This means gay activists end up obeying the law by rendering it inapplicable to their cases. They avoid delegitimizing themselves, and elude legal sanctions, counting on the cultural fetish that Singaporean authorities are interested in not being seen as acting beyond their legal power to preserve an image of rule of law.

Changing designated speakers from non-citizens to citizens when licenses are denied are such examples. In addition to literally following the exemption for citizens, they involve the getting around of requirements to license non-citizen speakers, since the latter usually participate in discussions after the “talks” as audience members. Another popular instance is to hold events as private or “closed-door,” taking them outside the ambit of PEMA’s licensing requirements.¹³⁷ To render events “private,” gay activists usually restrict them to “by invitation only,” and require guests to “RSVP.” On the day of the event, they keep meticulous guest registration lists with their contact information. A typical announcement of a private event looks like this:

[Information on date, time, and location]
RSVP: *This event is by invitation only.*
As there are LIMITED seats, *prior registration is required.*

¹³⁷ I cannot locate a case in which the second option, privatization, was utilized *following a license denial*. However, this option brings in other considerations, which would apply if the event were initially planned as a private one: The tactical process of remaking a public indoor talk *not* by a citizen into a private one resembles the pre-2005 scenario for talks by citizens. But they do have additional legal concerns for non-citizens. Strictly speaking, if the foreigner had entered Singapore as a tourist or on any other visa for which the act of speaking at a private event could not be construed as an authorized purpose, the foreigner could be in violation of immigration laws. It comes down to activists’ risk calculations, where within the traction zone (or outside) they perceive their decisions to land. For example, after the police denied the Coalitioneers’ application for Canadian professor Doug Sanders’ public talk in 2007, they could have hosted a private event instead. But the incident had perhaps become too high profile by then. It was widely reported in the local news, and even debated in Parliament. Besides, the immigration authorities had rejected the application for Sanders’ professional visit pass, his visa to enter Singapore lawfully for the purpose of the talk. If activists had indeed thought about getting around the licensing problem through the “private” route, the risk might have been perceived to push them over the edge.

To get an invitation - please email [-----] with your name (in full), contact number, the name/s of your guests. (Event #18, Resource Central; emphasis added)

Despite making sure the private events are not open to all and sundry, they tend to be somewhat generous about who receives invitations. Announcements such as the one above usually get forwarded to a variety of gay mailing lists, and are cross-posted on these organizations' websites.

[W]e make sure to be very, very careful about only accepting RSVPs. But then they could be linking a closed-door event to 250 people ... we would blast it to [the Talklist] of 600 members telling them it's a closed-door event. You know what I mean? ... And we'll say that we'll only let you in, if you're reading from [the Talklist], and you register, and you RSVP again. So we do go by that. (Aidan, 32, graduate student)

- *Focusing on specific administrative decision, and giving face*: When activists choose to expose state repression through a license rejection, a potentially shaming and confrontational act, they ameliorate the blow, and shield themselves by focusing on the particular case at hand. They do not launch any wide-scale attack on the licensing system, or question the room they have for speech and expression in general. Nor do they attack the top echelons of power, but criticize the bureaucrats in charge instead. Trey's tactical process for his "Kissing" exhibition - besides involving "obeying formal restriction (literally)," and "getting around" it - illustrates these particular tactical mechanisms. In 2007, Trey decided he wanted to exhibit photos at IndigNation showing same-sex couples kissing. His application was rejected, because the event would "promote a homosexual lifestyle."¹³⁸ In lieu of the exhibition, he posted an account on his website, the Opinion, about his encounters with the bureaucrats who denied the license, and carried out what the posting promised:

Thus, the "Kissing" exhibition is cancelled. In its place, I will give a brief public talk titled "Kiss and tell" which will include the appropriate PowerPoint slides to enable the audience to grasp the subject matter, as well to judge for themselves if the [licensing authority] was acting fairly and impartially as the civil service should, or whether it was furthering its own moralistic agenda.

In fact, I will give the talk nine times, on the following dates and times. It will be a short talk, prior to the respective main programs: (listing of times and places). (07/2007 entry, the Opinion)

So Trey effectively "exhibited" his photos nine times, each time as part of a talk about how he could not display them in the original format. As a Singaporean citizen, he did not need a license for the talks.

¹³⁸ The censors explained to him that they allowed brief same-sex kisses in films with R21 ratings and plays, so long as the scenes were not promotional of a "homosexual lifestyle" or exploitative in nature. In comparison, his 80-photo exhibition all on same-sex kissing would be promotional, and, therefore, banned.

(F) REPEAL 377A AND RIGHTS LITIGATION

In 2007, for the first time in Singapore's gay movement, a group of activists organized a petition drive to call for the repeal of Section 377A, the Penal Code provision that criminalizes sexual conduct between men regardless of consent. The campaign collected 2,516 signatures for the official Parliamentary Petition, and submitted it to the legislative body with the sponsorship of Bao, a Nominated Member of Parliament (NMP). It was the first Parliamentary Petition driven by a grassroots campaign in independent Singapore's history (and only the second such petition ever).¹³⁹ However, after heated debate in Parliament, Section 377A was ultimately retained, and the law unchanged.

Based on first impression, Repeal 377A appears to be a “negative” case, a rare example of gay activists’ not performing the tactical dance of pragmatic resistance. The case certainly exhibits contrarian symptoms: *tactically targeting* the state, *aiming* and demanding for legal change, and exerting activist-driven grassroots pressure. The petitioners also openly deployed rights talk, arguing for repeal on the basis of the constitutional right to equality. Compared to rights usage in the other tactical process of gay activism, it articulated a specific rights-based claim, and demanded for formal legal change. It was not just about another administrative decision. Some interviewees not involved intimately with the campaign observed that it was too “confrontational.” Maybe they are right. The state did not respond positively to the legal claim. It was unequivocally denied. Perhaps Repeal 377A can be really dismissed as a case of overstepping boundaries and practices. However, such a dismissal cannot fully explain the consequences. Other than rejecting the legal claim, the state did not condemn the campaign. Most importantly, such a dismissal fails to account for how the campaigners interpreted their own decisions. “To live to fight another day” is a central concern of the movement. The fact of Repeal 377A is that - they went ahead and did it! Evidently, these activists felt they were safely enough within the “traction zone.” Maybe they were foolhardy and got lucky. That explanation aside, a closer examination is warranted of how they negotiated between toeing the line and pushing boundaries. It will also be compared to rights litigation, which is not a tactical process of choice for the movement.

The law plays multiple roles in Repeal 377A's tactical process. Section 377A of the Penal Code, the focus of the campaign, is clearly an oppressive law, but campaigners made use of it to gain moral support and empowerment, turning it into a cultural resource, a rallying point for their cause. Then, by making use of the legal procedures providing for Parliamentary Petitions, the campaigners breathed life into it, and repossessed a forgotten law into their own formal resource. In addition, the campaigners’ use of NMP Bao, who sponsored the Parliamentary Petition and advocated for the gay community, exemplifies the retooling of a law intended to be a form of control over socio-political change into a

¹³⁹ Another group collected about 10,000 signatures for an online Open Letter to the Prime Minister making the same plea. Also see footnote 89 in Chapter 4.

formal resource - the law providing for NMPs, who are unelected and are appointed, symbolizes truncated democratic practices, and stems from the PAP's preference to contain dissent rather than withstand strong opposition parties. Furthermore, the cultural fetish for legal legitimacy cannot deny their use of the legal procedures, and so they reclaimed the cultural power of law to legitimize their actions. In the course of arguing for repeal, they also laid claim to this cultural fetish of the higher level, appealing to Singapore's concern about its international image, and attractiveness to foreign investors. In contrast, though also a legally provided means, litigation represents how that same cultural power of law to legitimize, can lose out to other boundaries and practices. These two instances, Repeal 377A and rights litigation, illustrate that law's formal and cultural powers do not always have the final say; for each tactical process in this movement, they have to be considered holistically with the overall boundaries and practices.

(1) Repeal 377A

Despite its boundary-pushing moves, Repeal 377A retains features of "toeing the line," relying on the following *tactical mechanisms* in relation to their intended *tactical aims* and *targets*:

- *Taking advantage of opportunity, and non-confrontational*: The campaigners did not initiate the process out of the blue, without any signal from the state. It all started when the Ministry of Home Affairs launched a public consultation exercise for a comprehensive review and revision of the Penal Code, and some gay activists noticed the retention of Section 377A. Although they were cynical about the impact of public feedback, the consultation exercise represented an invitation to air one's disagreements about the Penal Code. The Parliamentary Petition drive occurred months after the consultation exercise, but they rode on the first waves: the state had initiated a proposal to make legal changes, so they responded. It was not purely ground-up agitation that confronted the state.

Moreover, campaign leaders did not intend their *tactical aim* and *target* as asking for legal change, which would have been more confrontational against the status quo. They completely expected the formal outcome of the campaign, that no legal change would take place. As Bao, their petition sponsor put it, there was "a hobo's chance in hell" that Section 377A would be repealed since the executive branch had decided on retention. Similar to the English system, if a party's "whip" is not lifted, Members of Parliament of that party are expected to vote according to party line. This means that Singapore's PAP MPs will follow their party's discipline, and vote according to party line, which toes the executive line. Bao knew that the PAP party whip would not be lifted on the Penal Code Amendment bill. In Singapore, it is hardly ever lifted on any issue. It was the reality of Singaporean politics, and these activists had no illusions about it. Their *tactical aim* and *targets* from the beginning were to leverage on these public acts to raise awareness in society, and their community about the injustice of retaining Section 377A, and bring more government attention to it.

From this perspective, the combination of their *tactical aims* and *targets* seems modest, hardly straying from the other instances of boundary-pushing that focus on informal gains. At most, it is more risqué, and that may be why other activists find it too “confrontational” or out of bounds. But that is also why this movement’s tactical processes fall within a “traction zone” rather than along a neat line - to account for the unique agencies of individual activists, some of whom dare to venture closer to the edge than others (see Diagram 7.1). This “traction zone” may expand or contract over time, so the more activists dare to push, the broader it would become.

- *Using proper channels, and non-confrontational*: One may argue that, judging by appearance, the campaign may still come across as confrontational, as the petition plainly argued for the law’s repeal. Nevertheless, their use of proper channels alleviates this concern. The petition went through proper channels legally set up by those in charge. Playing to the cultural fetish for legal legitimacy, campaign leaders emphasized to the press the legal procedures, before and after the campaign:

The Standing Orders for Parliament provide for this mechanism. Though, it has not often been used, it is there for the people when the situation calls. (Parker, 47, lawyer; press statement)

- *Playing to government’s tune*: The arguments for repeal in the petition, and Bao’s speech when he tabled the petition before Parliament were primarily anchored in Article 12, the equality clause, of the Constitution. They were heavily rights-based. However, campaign leaders tempered the rights-based arguments by playing up the boundaries and practices, if not in the submitted documents, then in press statements and other actions. For example, they linked the importance of according equal rights with the acceptance of diversity, the cornerstone of the norm for social stability:

I believe the Singapore society has matured very quickly over the years, to be more inclusive and accepting of people from all walks of life. We are seeing parents of gay children publicly voicing their support by signing on the petition, and we have been receiving heartfelt comments by family and friends of gay persons ... pleading for the section to be repealed. This is a call by Singaporeans to embrace the diversity within our society. (Morris, 37, chief executive officer; press statement)

In addition, Parker and Morris’ decision to recruit Ai-Mee as the third, lead petitioner sent the signal that Section 377A did not polarize society, but concerned everybody. Ai-Mee is a married, straight-identified woman with a gay brother. They also couched their usage of rights with the cultural fetish for legal legitimacy at the higher level, appealing to the international image of Singapore:

We may have opposing moral views on homosexuality, but that is not the issue here. The issue is whether we should set a precedent for the discrimination of minorities.

This not only blemishes *Singapore's reputation as a democracy*, but more importantly, our constitutional history." (10/18/2007 Press Release, Repeal 377A, Parker, 47, lawyer; emphasis added)

(2) Rights litigation

Fully rebutting Repeal 377A as a true "negative" case, and defending it as one of tougher boundary pushing without line-crossing, however, needs to be considered alongside rights litigation. Although Repeal 377A deployed "using proper channels," and "playing to government's tune," to make their rights-based claims more palatable, these *tactical mechanisms* are not unique to the campaign. Rights litigation is also provided by legal procedure. The claims in court could also argue for rights, *and* connect them to resonant tunes.

While it is true that rights litigation does have to await the "right" case, and maybe the "right" case just has not come by, the data in Chapter 6 overwhelmingly indicate that gay activists believe rights litigation to be ineffective, the key reason being their perception of the judiciary's unlikelihood to rule in their favor. They also show that these activists are acutely sensitive to the state's fierce defense of the judiciary's independence. Upon further analysis, I argued in Chapter 6 that their uneasiness about the potential of rights litigation stems from an unarticulated conflict among certain boundaries and practices: the state's cultural fetish for *higher* legal legitimacy, which has the collateral expectation of an impartial judiciary, and greater rights recognition; the fetish for *lower* legal legitimacy - that their law was right, and therefore they rule legitimately; and, the state's need to be in, and be seen, in control, which rights are perceived to weaken. Conflicts among boundaries and practices are common, and the power holders do make choices when they happen. However, when they arise from rights litigation, the state ceases to be the designated decision-maker. The courts are.

Hence, rights litigation has yet to be regarded as a viable tactical process, not only because it may not advance the movement, but also because it unsettles boundaries and practices, and with that comes the risk of crossing into territory unprotected by "toeing the line." Asking the court to adjudicate on an issue that the state perceives to question its authority and claim over its tool of domination, law and its cultural power to legitimize, threatens existing power arrangements. The third party, the *tactical target*, is being asked to perform what it is legally entitled to do, but at one cultural level not expected to do, yet on another cultural level for *higher* legal legitimacy, expected to do as well!

In comparison, Repeal 377A campaigners went straight to the power source, the legislature dominated by the PAP, and directly asked for their plea to be considered. The power holders' authority is affirmed. Their legal procedures are used, and reinforced in the process. Despite going public to tell the state what it had done wrong, and how it should correct that wrong, Repeal 377A had one final saving grace that keeps it in line: the state

is in control, and can be seen in control. It has full power to decide one way or the other upfront. It is also using law, its fetishized tool of domination, to allow for the process, thus further reinforcing its power.

(G) PUBLIC ASSEMBLY: PINK DOT AND STREET PROTESTS

Pink Dot 2009, Singapore's first public gay rally, was held on May 16, 2009. But it did not look like a "pride parade one would see going down the streets of San Francisco, or Sydney, Australia. Instead, about 2,500 people congregated in shades of pink at a public park, Hong Lim Park, to enjoy a picnic with friends, watch musical and cultural performances, and form a human "pink dot" in the center of the park. From a hotel with a vantage point of the park, photographers captured the "pink dot" on film, and organizers circulated the videos and photos online. On May 15th, 2010, they held the event for a second time, and attracted about 4,000 supporters.

Law's power is an overwhelming factor in this analysis on public assembly in the forms of Pink Dot, and street protests. As found in Chapter 6, the formal restrictions on public assembly strongly deter, and control the actions of gay activists, and exert cultural power to delegitimize, or legitimize, an act of public assembly. Unlike other tactical processes, such as non-registration of organizations, where illegality may not be conclusive of boundary crossing, formal law is almost decisive in this case. This is because it comfortably aligns with, rather than contradicts, other highly cherished cultural norms - non-confrontation, and the preservation of existing power arrangements. The tactical process of Pink Dot offers an example of how gay activists remake the formal and cultural powers of law into resources, enabling them to mount some form of public assembly within formal legality and with legitimacy culturally conferred by law. Its comparison to street protests also illuminates why the latter is deemed to fall outside the "traction zone."

(1) Pink Dot

Pink Dot was a historic moment for Singapore's gay movement and community. Although Pink Dot organizers recognize that the allowance of assembly and speech at Hong Lim Park is a form of tokenism, they made the most of it, and strove to move the boundaries against public assembly outward. Before Pink Dot 2009, such an affirmative, public gathering of gay people was perceived to be out of bounds. Just because the law suddenly made it easier did not mean that people, gays included, were going to participate in or support public assemblies. The out-of-bounds perceptions was also due to the overall boundaries and practices - legal restrictions being only one element - influencing the cultural perception and acceptance of confrontation, which included who could assemble publicly and in what ways.

At the same time, the tactical process undoubtedly “toed the line” through the following *tactical mechanisms* combined with particular *tactical aims* and *targets*:

- *Taking advantage of opportunity*: Pink Dot organizers did not deliberately seek out an opportunity to hold a public rally. They had simply taken advantage of an opportunity not of their own creation, benefiting collaterally from an administrative revision. Nelson would not have proposed a public gathering of any sort, if the assembly rules for Hong Lim Park had not been changed. The milestone event first took shape after he noticed that the state relaxed its regulations in 2008 to exempt licensing requirements for performances and exhibitions at Hong Lim Park. The new rules require only advanced registration with the police, and abidance by a pre-set list of conditions, especially the avoidance of topics that could arouse “racial enmity,” or about religion. This presented to Nelson an opportunity to do something the movement had never done before.

- *Non-confrontational, and non-usage of rights*: Pink Dot organizers could have liberally interpreted “exhibitions” and “performances” to include a pride parade, but decided not to (besides the reason that marching round and round in a park would seem rather strange).

It's just the culture here, which is why, when I came up with the idea of the Pink Dot in the very first meeting, in fact, when almost everyone gave up on what to do, and certainly gave up on the pride parade thing. (Eu-Jin, 40, journalist)

They also did not challenge the licensing regime, or the legal confinement of their assembly to the small park, about the size of two football fields. Instead, they *tactically targeted* the gay community and society at large for a show of support and celebration of diversity and love. Their publicity materials highlighted that the event was “NOT a protest, rally or demonstration, but a simple gathering of like-minded Singaporeans, and that it was “100% legal.”

Nor did they make any claims for rights. In fact, they consciously steered away from Section 377A of the Penal Code. References to rights appeared only in some of its Internet publicity materials. Their usage was vague, in the form of “right to love” mentioned in passing. Their spokespersons did allude to rights when publicizing the event, especially when speaking spontaneously, but it was part of the Pink Dot tactical process to use straight representatives in these roles. In the context of rights usage, this inclusive measure helped to keep the event within boundaries.

- *Obedying formal restrictions*: The event did not need to be licensed, but organizers still had to abide by the exemption conditions, as well as any other laws and regulations that could apply to any of the Pink Dot activities. They researched a plethora of statutory and regulatory provisions to make sure they truly were fully compliant. This not only protected them from formal sanctions, but also catered to cultural legitimacy. For example:

They made clear that they did not in any way encourage non-citizens or non-permanent residents to participate in the event, as foreign participation is outlawed by the park's terms and conditions. By "participation," they determined that it applied to the human Pink Dot formation, so their publicity materials emphasized that foreigners should not join in that. But they did not exclude foreigners from watching and observing the event.

Although the event may be legally held at the park, the gathering of the organizers to prepare for the event might be, in the strictest sense, accused of illegality, since Pink Dot was not a registered society or company. The organizers saw themselves only as a loose group of individuals trying to plan a one-off event, as friends would for a birthday party. But they decided to err on the side of caution, and heed the illegal assembly laws, at least, literally.

Initially we had listed 10 people to have formed the Pink Dot committee. In the end, we had to officially bring it down to four just to comply with that law.¹⁴⁰ I mean, it's just a matter of putting things down in writing. It means nothing. (Kurt, 30, editor)

They also registered with the police every person who could be speaking on that day, for example, to make an announcement or to give instructions to the participants when forming the pink dot. This was in addition to registering the event itself.

Their research even took them to street donations law, which they decided to comply. If anybody wanted to make a donation, they were asked to go through a *PayPal* account on Pink Dot's blog page.

[T]hat's why people can't go on the streets, and ask for money. You can't say, I am helping some orphans in Indonesia - you need to have a license. So, the area in Hong Lim Park was still part of the Street Donations Act. It wasn't because of the special conditions that was given to the area - it was still included. (Henry, 34, university administrator)

- *Playing to government's tune*: Beyond strict legal compliance, Pink Dot organizers "played to government's tune." They publicized Pink Dot as a celebration and embracement of diversity, speaking to the cherished norm of social stability. They translated (Merry 2006) the color pink - typically associated with urban gay culture in places such as the United States - into the local context:

[I]t is the colour of our national identity cards and it is what you get when you mix the (red and white) colours of our national flag. Yes, we are a patriotic bunch! ... We love Singapore. This is our home and we believe that diversity is a cornerstone to our civil society. Like it or not, LGBT individuals exist. We are aware that many people

¹⁴⁰ The illegal assembly law at the time applied to a gathering of five persons or more. See Chapter 1 on the new Public Order Act that supersedes it, and its impact on collective action, as well as footnotes 134 and 135.

harbour much hatred towards the LGBT community. That is why such events are important. It serves to foster understanding, and through that, there is hope for trust and social cohesion. (FAQ, Pink Dot 2009)

The promotional videos featured straight allies, local artistes and entertainers, as Pink Dot “ambassadors” or spokespeople, as well as straight friends and family members of gay persons,¹⁴¹ to demonstrate that Singaporeans do accept gays, and that acceptance strengthens rather than polarizes their society. In 2010, they accentuated the message to focus on the “family,” and deliberately held the event on International Family Day. While the message was partly in response to the counter movement’s framing of homosexuality as detrimental to “family values,” it also synchronized with the state’s tune about nuclear families being the bedrock of Singaporean society’s stability and progress.

Further, to amplify their message of inclusivity, and to connect it to racial and religious diversity, Pink Dot 2009 and 2010 featured performances by traditional Malay musical groups, Indian dancers, and Chinese lion and dragon dances. The performers wore what they would usually wear for such cultural appearances, but in generous quantities of pink. For 2010, Pink Dot somehow managed to find a Chinese dragon dance troupe to perform with a “dragon,” measuring at least 25 meters long, in bright pink, which is not a common “dragon” color.

(2) Street protests

Compared to Pink Dot, protesting on the streets is not a tactical process of choice for gay activists in Singapore. Analyzing it in light of Pink Dot shows how street protests are inconsistent with the overall strategy of pragmatic resistance. For the reasons examined in Chapter 6, gay activists regard street protests as ineffective, and thus unable to advance the movement. It is not that street protests fail to test boundaries. It could, but it would have gone to the extent of breaking them. Chapter 6 also reveals that activists do not want to protest, because they do not want to violate the law. They do not think others would not want to follow suit either. Nobody wants to go to jail for the sake of gay activism. Then we saw in the tactical process for Pink Dot how activists highly value legal obedience as key to the event’s cultural legitimacy. Therefore, protesting illegally would have delegitimized their efforts. Unlike the legal disobedience of being unregistered organizations, this sort of contravention would be more blatant, becoming an affront to the norm of power holders’ need to be seen in control. The result: the state would have to take action against them, and impose legal punishment. In other words, activists do not think that street protests toe the line or dance within the “traction zone,” but would jeopardize the survival of themselves and their movement. Hence, street protests are perceived as a non-tactical process, failing to tend to both fronts of the movement strategy, advancement/opportunity, *and* survival.

¹⁴¹ The event also reached out to the transsexual and transgendered communities, which are not within the scope of my study. See Chapter 3 on how I determined the scope of “gay activists.”

(H) ADDRESSING THE COUNTER MOVEMENT

In Singapore, statutory laws that specifically restrict political and religious expression contribute to the oppressive socio-political conditions that constrain gay activism. Ironically, though, in dealing with the counter movement, these laws become a cultural resource upon which gay activists implicitly draw. In a roundabout way, the cultural fetish for legal legitimacy also emerges from a tense interaction with the other boundaries and practices to transform into a cultural resource for the movement: the state actualizes its cultural fetish to be legally legitimized at the election polls by enforcing its other cherished norm of social stability in order to manufacture consensus across diversity. However, maintaining social stability leads to allowing space for diversity, and with diversity comes pressure from different voices, including elements from the Christian right propelling the counter movement. Thus comes conflict, which leads to the state/ruling party's struggle to balance interests. Yet, in performing this balancing act, it cannot be seen as going against diversity by taking sides, due to worries that this would jeopardize the social stability that could impact its ability to be legally legitimized in the first place! To cut this Gordian knot, gay activists paint the counter movement as a threat, ultimately, to the ability of the state to legitimize itself through popular support, therefore twisting the cultural fetish for legal legitimacy into a resource in their favor.¹⁴²

Pushing the state to pay attention to gay issues, or raising awareness within society and seek support for gay activism, as discussed earlier about the other tactical processes, strives at stretching boundaries in Singapore. However, even with homosexuality as the subject matter, it is arguably not as touchy as issues of religion. Religious harmony is deeply linked to social stability, one of the primary cultural norms that influence doing activism in Singapore. Heated debates over religion deeply discomfort the state/ruling party. Heated debates *over homosexuality based on religion* make an even more potent concoction. Gay activists are well aware that they tread on precarious grounds. Therefore,

The Christian right opposition began to show hints of collective action in the early 2000s, emerged strongly during the 2007 Repeal 377A campaign with counter campaigns, and crystallized with the 2009 takeover of AWARE, charging that the mainstream women's organization was overrun by lesbians, and promoted a "homosexual agenda." However, made up of a minority among the Christian right in Singapore, it is not a challenge that consumes the movement. My data show that the extent of the counter movement as a concern varies across interviewees. Some of them consider the counter movement to be the most menacing threat, some see it as an obstacle but not the biggest, while others do not think much of it. Further, not all the interviewees who regard the counter movement as a problem think that they should be the ones tackling it; they believe that other activists, perhaps those who are Christians themselves, are better equipped to do so. This finding is corroborated by the data on interviewees' pathways into gay activism, examined in Chapter 5, indicating that the counter movement as a motivation is only a weak theme. Nevertheless, this counter movement made up of a Christian right minority is the only visible and vocal opposition, and the tactical processes analyzed in this section represent those of gay activists who have chosen to address it. As for how and why this counter movement emerged warrants a separate project. My findings here are based on interview data from gay activists, and supplementary data pertaining to the counter movement's responses and actions directed at the gay movement.

addressing a religiously based counter movement, no matter how it is done, inherently test boundaries and practices.

To ensure that they, nevertheless, keep within boundaries, their tactical process centers around one particular *tactical mechanism*:

- *Playing to government's tune*: The key tenet is exposing how an extreme religious right threatens the boundary and practice of maintaining social harmony, while their movement promotes it. The dance takes place on two locations - one *tactically targets* the state, and the other, society.

With the state, the dance is a particularly delicate version. Attacking the counter movement too openly may attract trouble for gay activists themselves, since they could be seen as creating polarization among religious faiths, or meddling in politics in the eyes of the state. So the *tactical aim* is to borrow the hand of the state, and nudge it to act against the counter movement. However, it is not as simple as getting the state to do something about an external threat. The ruling party is divided on the issue of homosexuality, and the counter movement is perceived as affiliated with, and enjoying support from certain factions.¹⁴³ So the *tactical aim* is also about helping other factions within the state/ruling party, perceived to be more open to their cause, to realize that the challenge of the counter movement permeates other facets of governance, beyond the scope of homosexuality. Hence, part of this tactical process also involves exploiting the variance in human agency within the layers of domination - the diversity, thus contradictions, among power holders, and between power holders and administrators. Even authoritarian rulers have to give and take when interests compete and collide, except that the process is opaque to outsiders.

In short, gay activists understand that the supportive factions within the ruling elite also do not want to jeopardize their larger interests for the sake of what it sees as a relatively insignificant issue. Hence, the delicate dance performance not only has to be set to the right tune for the right audience, but also has to move that audience to act on the gay movement's behalf. Further, the movement cannot be openly perceived to be doing the moving, as the state and rulers fears being seen as favoring a minority that they believe is not yet accepted by the majority - the constituents on whom they rely at the electoral polls for legitimacy.

They don't want to rock the boat and therefore, it's in our interest to rock it a little bit. Of course, we don't want to rock it until everybody falls into the water, but if we

¹⁴³ The Christian right - not all of which are part of the counter movement - is a minority of a minority religion. Many churches are homophobic, but they do not participate actively in the counter movement. Only about 14% of Singaporean citizens and permanent residents are Christians. However, among the members of Parliament who declare their religions, 44% are Christians. Based on their personal experiences, some activists also believe the counter movement to have strong support and affiliations with those in middle to upper management of the administration.

subscribe to this idea of not rocking the boat, we will never make any progress ... But neither side, neither the government nor ourselves, want to rock it to such an extent where it blows up in our faces ... *So we need to egg them on a little bit but we also have to try to give them enough space so they can be seen to shoot down our enemies without being seen as taking our side. So it's a very complicated dance that we are now engaged in. And maybe, if one is a bit naïve, one does not see that we are engaged in this complicated ballet.* (Trey, 58, businessman; emphasis added)

Hence, one way to perform this dance is to highlight secularism, which the PAP has always emphasized for social stability. Secularism is where some gay activists draw strength from the statutory laws that curb religious speech. For example, the Maintenance of Religious Harmony Act allows the state to restrain any officials or members of a religious institution from “causing feelings of enmity, hatred, ill-will or hostility between different religious groups,” or “carrying out activities to promote a political ... while, or under the guise of, propagating or practising any religious belief”.

I believe the main priority of the government is to maintain religious harmony, which means that they're not comfortable with the Christian right getting too loud or too powerful ... I've never been so thankful for [the Maintenance of Religious Harmony Act] before. (Manisha, 22, college student)

To show that the counter movement is out of sync with the tune of “social stability” tune, for example, when the police banned their circuit parties, the Portal issued a media release to say:

[The Portal] believes that it is unconscionable and a grave mistake to allow intolerance and discrimination to sidetrack and derail our vision of a Singapore that embraces ALL Singaporeans regardless of creed. *In fact, it has been a very vocal minority of fundamentalist Christians and conservative Christian-linked groups such as Focus on the Family that have succeeded in swaying our secular government to their moralist beliefs.* (12/08/2004 Press Statement, the Portal)

When Prime Minister Lee told foreign journalists that Singapore needed to balance competing views about homosexuality, including those who regarded it as “immoral” or a “sin,” the Coalition issued a media release:

The government should ask whether the opposition to gay equality is not a virulently vocal, religiously-motivated campaign by a small number of people that is in no way representative, but merely seem so because they have the clout and resources to make themselves heard. Policy-making by a secular government operating in a multi-racial society like Singapore should not be taken captive by the religious beliefs of segments of its citizens. (04/05/2004 Media Release, The Coalition)

With society, the other *tactical target*, gay activists *aim* at building a larger support base beyond the gay community. This is to weaken the counter movement's claim that it represents the voice of a "conservative majority," the chief concerns for the state/PAP's perpetuation of legal legitimacy through elections. The counter movement may be a minority of a minority religion, but their perceived influence in government means that political elites of the Christian right are seen as influential at preserving the voting base for the PAP across religious faiths. Activists also believe that the counter movement is adept at convincing impressionable parents - that is to say, a stronghold of PAP voters - who would otherwise care less about homosexuality one way or the other, to align with their position.

To prevent the counter movement from "converting" the unconcerned majority, gay activists play to government's tune about social harmony, and try to create resonance through that tune with society at large.¹⁴⁴ Activists such as Warren focus on writing letters to the *Straits Times* forum page, and seek to influence public consciousness gradually, whereas a grander-scale effort would be Pink Dot. Even though the event originated from the relaxation of assembly regulations, Pink Dot organizers found further motivation in the counter movement's occupation of AWARE, just weeks before Pink Dot 2009. They rebutted the counter movement's theme of how homosexuality erodes "family values" with their own take on "family":

[I]n terms of our public communications, and even to the press, we would stress whenever we could, the whole family values portion, that when we talk about freedom to love, we're not talking about the freedom to love between two men, just between two men, but the freedom to love between parents and their child, a child for his parents, between siblings, and that, if you live a life that is dishonest and if you constantly live in fear that you're being found out that you're gay or - it impacts this freedom to love. Can you truly have an honest relationship with your family or siblings or friends if you are hiding one important part of yourself? (Kurt, 30, editor)

(I) DEALING WITH SURVEILLANCE

Prior to dancing, and performing the array of tactical processes analyzed above, however, gay activists have to be unafraid to dance in the first place. During the movement's infancy in the early 1990s, activists harbored a strong fear, sometimes paranoia, of state intrusion upon their activities, mainly in the form of surveillance. They dreaded the consequences of such intrusion: legally sanctioned punishments, and, true to the cultural fetish for legal legitimacy, the consequential delegitimization of their cause. Such fear and paranoia hindered and, often paralyzed, their activism. It affected confidence, holding them back. But, over time, as demonstrated by the trajectory analyzed in Chapter 4, the movement itself came out more and more, and expanded its scope and diversity. Therefore,

¹⁴⁴ During the course of my fieldwork, some interviewees began participating in the creation of a local chapter in response to the international Charter for Compassion movement. It is not a gay movement, but it does concern the rise of religious fundamentalism, as it aims to bring together different faiths and religions with compassion as the common guiding principle.

understanding the rest of the tactical processes should include an appreciation for the ways in which these activists deal with surveillance.

While the causes of the two phenomena may involve the intertwining of several types of factors, including possibly coincidental and conducive changes to the larger socio-political environment, gay activists do have specific tactical processes deployed to build confidence against state surveillance. I call these tactical processes collectively as “constructing confidence.” State surveillance carries the threat of legal sanctions. With it come the formal power of law to control, and its cultural power of (de)legitimization. Tactical processes that construct confidence tries to overcome these powers, and through overcoming them, provide precedents and examples that offer cultural resources upon which gay activists could draw.

Unlike the other tactical processes already analyzed, the boundary-pushing aspect of constructing confidence is more implicit. It *targets* a particular segment of the gay community, the activists, and *aims* at strengthening their mettle, so that the movement can perpetuate and grow, ready to implement its strategy. In that sense, with a pool of people who are brave enough to challenge the norms, and not back down from exertions of power, constructing confidence has boundary-pushing effects.

Nonetheless, as with the other tactical processes, they “toe the line.” I find three primary types of constructing confidence, and they all embody one particular *tactical mechanism*:

- *Non-confrontational*: All three forms of constructing confidence do not confront the police, and challenge their presence. They also do not question the power of the state to intrude upon them. Rather, they affirm the existing power arrangement’s authority to do so, by coping with surveillance in ways that let the police do their job, while enabling themselves to continue with theirs.

In the first form, “making light,” my respondents try to find a funny or humorous side to being put under constant gaze:

They are very obvious. They are like the *kwai kwai sey sey*¹⁴⁵ that go there. They are not listening to what you are saying, they are more interested in observing what people say - stand there, cross their hands - and they are totally out of place. They totally feel really out of place, because these people are being “arrowed”¹⁴⁶ to go. Worst of all, some of them may be gay, and so like, oh god, it’s such a stressful time for them. I pity them. (Vincent, 41, information technology professional)

¹⁴⁵ Chinese dialect for “obedient” or “square.”

¹⁴⁶ Singaporean slang meaning that one was involuntarily assigned a task.

Most of the time, they come in, they'll sit down quietly. Then you'll see them just bored like, "*Wahlao*,¹⁴⁷ ask me to do this type of job." [laughs]. Then he'll be texting his girlfriend or something, you know. Whatever ... But I feel sorry for them. Because really, I mean at least if it's a poetry reading and all that, then it's not so bad. Then you come into our talk, we talk about women's issues, then it's a guy, he'll be like, "*Wahlao* eh." (Gina, 48, finance, executive)

In one version of "making light," instead of making fun of surveillance, respondents take pride in knowing that they see through the surveillors, and that they know they are being watched. Seeing through the facade of surveillors humanizes them, and strips them of the power to intimidate. The incidents described below also show that they take advantage of the state's cultural fetish to maintain legal legitimacy - its police officers tend not to abuse their powers publicly.

We had police in the car, parked outside the entrance (at an IndigNation event). I mean, he was there so long, the whole thing fogged up, we'd just stand outside and wave at him and, like - the guy will smile. (Abby, 35, events co-coordinator)

There were a few events that [Biz Tribe] did - there were people in long-sleeved shirts, and they don't fit in. There is a certain profile we know for our members of the community so we obviously know that they are not from our community, and they were around and we actually approached them and asked them a few questions, and they seemed very supportive of the event but they never appeared after that so we believe that they are ... probably from the government to do some checks. I think that is probably the case. In fact that was for the first and second event, and after that we never saw such people again. (Brandon, 34, business development manager)

Through the second type, "making routine," some respondents routinize state intrusion, reinterpreting it as state actors "just doing their job." Such a perspective liberates gay activists from the paralysis of fear and paranoia, because once routinized, the experience of being surveilled transforms from the extraordinary into the everyday, and once rendered a common fixture of gay activism, surveillance is stripped of its cloak of repression, and with that, fearfulness.

I would not be surprised, but to me I think that even if they came, I hope they had a good time. They have nothing on us. They can take their notes and that's all. They're just doing their job. (Diane, 27, information technology marketing executive)

He's a very typical straight guy. He's quite friendly. I talked to him. I was like, "Eh! You got a haircut." [laughs] ... We don't try to make enemies out of it. Or be hostile. There's no point. I mean, he's just doing his job. (Adalyn, 30, civil servant)

¹⁴⁷ Singapore slang with origins in Chinese dialect, referring to an exclamation of exasperation or surprise, something like, "Oh my god!"

Looking back upon his experience of being interrogated by the police about the Coalition's first societies registration, Trey saw it as a routine as well.

[O]f course it was a nervous moment for me, but now on hindsight, I think he was just running through a routine checklist of questions ... And you know, he was just doing his job. (Trey, 58, businessman)

Respondents who construct confidence in the third form, "take moral high ground," feel that they are doing the right thing. The sense of righteousness helps them to overcome what they perceive to be wrongful intimidation by the other party (though, true to "non-confrontational," unarticulated to the other party).

Fear, as in am I afraid of the [Internal Security Department] or being thrown into prison, no. Yea, and I don't have that kind of fears, because I believe this is important. I believe I'm not doing anything wrong. (Meihua, 36, graduate student)

It helped Oliver to prepare for the consequences of police surveillance during the early days of the Coalition:

And it always fell upon me, being sort of like the gang leader then to have to take a position and say – and I know in my heart of hearts that should ever the police come, I have to be the one, with a few other friends who must face them and say that, "Okay, we are the ones responsible. The rest aren't." ... At that time there was a drill that if the police come, don't panic, [Oliver] and whoever would – [Trey] was around - would just tell the police, we will stay around and answer your questions, the rest are just people who come, please let them go. Then everyone can disperse and we will talk to the police. So yeah. And if the police says disband, we will disband. But if the police can be nasty and say, you guys have done something illegal, we're going to press charges, then we just have to face those charges. There's no denying. We're not going to deny that we were meeting there to talk about post-modern art. (Oliver, 59, retired academic)

Table 7.1
Summary of tactical processes

Tactical Process	Aim	Target	Toe the line		Push boundaries	Implemented?
			Obey formal law?	Obey other norms?		
Rascals	Administrative	State	Yes	Yes	Yes	Yes
Coalition's	Administrative	State	Yes	Yes	Yes	Yes

Registration	Informal	Society				
Non-legal Existence	Informal	State Society Community	No	Yes	Yes	Yes
IndigNation	Administrative Informal	State	Yes	Yes	Yes	Yes
Licensing	Administrative Informal	State Society Community	Yes	Yes	Yes	Yes
Repeal 377A	Informal ¹⁴⁸	State Society Community	Yes	Yes	Yes	Yes
Rights Litigation	Formal	Courts	Yes	No	Yes	No
Pink Dot	Informal	Society Community	Yes	Yes	Yes	Yes
Street Protests	Administrative Informal Formal	State Society Community	No	No	Yes	No
Counter Movement	Administrative Informal	State Society	Yes	Yes	Yes	Yes
Dealing with Surveillance	Informal	State	Yes	Yes	Yes	Yes

This chapter partially answered two of my research questions. It provided a third partial response to Research Question 1, as it addressed how gay activists make sense of their grievances from the perspective of how they are displayed and presented to outsiders, including the state, society at large, and the opposition - that is, in terms of strategy and tactical processes. Consequently, it also answered Research Question 2, on how activists formulate and implement strategy and tactics.

However, the answer to the second question is only partial. In this chapter, I concentrated on how the tactical processes emerge from interactions with activists' socially constructed boundaries and practices of the larger socio-political environment. That is, the meaning making processes of interpreting those norms produce another set of social processes - the tactical ones. But these activists also make meaning out of their interactions with fellow activists, and organizations of the movement, and learn from the movement's previous experiences with the state. Those social processes, too, contribute to the implementation of these tactical processes of pragmatic resistance. Equally important, they perpetuate this strategy, maintaining it as the dance of choice. Chapter 8 examines those processes, and provide another partial answer to Research Question 2.

¹⁴⁸ Based on the leaders' intentions.

Further, while the dance-like tactical processes of pragmatic resistance analyzed in this chapter resembles the everyday resistant nature of Scott's concept (1985), in his exposition, individual persons carry out these everyday acts of resistance. More specific to the sociology of law literature, when scholars talk about resistance to law (Ewick & Silbey 1998; Nielsen 2004), they also have in mind individual persons. I have, however, analyzed these everyday resistant-like processes in the context of collective action, a social movement. Chapter 9 pick ups from this point to explain how they empirically and theoretically amount to a collective form of everyday resistance, which I term, "pragmatic resistance."

CHAPTER EIGHT

RELATIONSHIPS AND LESSONS

[T]hey are still the ones who play a very large hand in guiding us what to do, they still are the ones who play a very large role organizing the IndigNation and all that, and we take their larger framework, and we work within it.

- Percy, 25, college student

I don't think they really sit down and they tell you, but it's really events like that ... "Oh no, remember then - this happened, and we don't want it to happen again."

- Haley, 25, accountant

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So a year or two years later, we tried again, and this time ... we were more clever about it. And we said, "Okay, let's not go in the face of the government, let's include them." ... And all of a sudden it worked.

- Karl, 49, entrepreneur

Chapter 7 analyzed each tactical process of pragmatic resistance as a social *process*, or a "social dance," based on activists' interpretation and construction of boundaries and practices. However, interactions with the boundaries and practices tell only a partial story about these tactical processes, and thus, how the strategy of pragmatic resistance is birthed and sustained across the movement. Playing a part are other social processes, to which this chapter turns toward examining. Divided into two types, intra-movement relationships, and learning from past experiences, these other processes not only contribute to the formulation and implementation of a strategy of pragmatic resistance, *but also* its perpetuation. This chapter, therefore, continues to address the first two research questions, as it offers another slice of the public side of grievance sense making. It concentrates on what was not yet closely examined in Chapter 7 but also impactful to the movement strategy. It accounts for how activists' particular choices of tactical processes also partially germinate from, and are constantly reshaped by, their relationships with other activists within the movement, and their interpretations of the state's response to *prior tactical processes* of their movement.

In short, pragmatic resistance is also partly the product of intra-movement relationships, and lessons constructed from outcomes of prior tactical processes. These social processes provide mettle, creativity and know-how for doing gay activism in Singapore. Furthermore, along with the social processes of "becoming gay activists," the social construction of boundaries and practices, the formulation and implementation of tactical processes, they give rise to a movement culture. This culture ensures a coordinated and consistent pattern of pragmatic resistance throughout the movement, producing an organized phenomenon despite lacking in formal organizational structures and leadership. It shapes a movement trajectory - examined in Chapter 4 - that exhibits two phenomena - the movement's coming out, and expansion and diversification, which are

both the condition and consequence of all these social processes (see Diagram 8.1). Law matters in that these social processes result in privileging the types of individual legal imagination that manifests as pragmatic resistance. Aggregated, the favored legal imaginations form a legal culture embedded within this larger culture of pragmatic resistance, a community of meaning (Engel 1998) whose meaning-makings construct, and are partly constructed based on such legal imaginations in dynamic interplay with the other boundaries and practices.

(I) RELATIONSHIPS, LESSONS, AND PRAGMATIC RESISTANCE

The boundaries and practices of doing gay activism in Singapore shaping pragmatic resistance are “created, shifted, and occasionally reinforced by historical experience” (Scott 1985, 277). Such historical experience arises from the intersection of history and gay activists’ biographies (Mills 2000) and contains in part, their legal imagination.¹⁴⁹ Chapter 7 showed its manifestation in the form of their strategy and tactical processes. Chapter 6, upon which Chapter 7 is built, focused on how the historical experience, thus boundaries and practices, emerges from activists’ observations of, or in some cases, personal encounters with, the state and ruling party’s responses to challenges to power *not* confined to gay activism. In other words, the larger socio-political context that have produced incidents involving political dissidents who protested illegally, defamation lawsuits by power holders that lead to the bankruptcy and disqualification from office of their political rivals, and other challenges to power factored into their construction of boundaries and practices, and, therefore, the performances of the tactical dance.

The biographies of gay activists, however, intersect with history from multiple angles. Their historical experience comprises more than their biographical interplay with the socio-political context at large. If this were the only intersecting angle, their actions would appear atomized and isolated. They would seem to be interacting with their socio-political environment anew at the turn of every tactical process. That they all adopt pragmatic resistance would appear to be solely a chance meeting of minds that happen to interpret the same environment in similar ways. While individual agencies and unique decision-making do factor into the tactical processes, as captured by the “tactical zone” of pragmatic resistance in Chapter 7, other social processes need to be examined to provide a more complete and nuanced explanation of pragmatic resistance’s *production, permeation and perpetuation* as the movement strategy.

Intra-movement relationships, and lessons constructed from state responses to prior tactical processes, are not mutually exclusive of the social construction of boundaries and practices distilled in Chapter 6, and factored into the tactical processes analyzed in

¹⁴⁹ See Chapter 2 where I discuss my notion of “legal imagination” in relation to the concept of “legal consciousness” in sociology of law.

Chapter 7. A tactical process may be created, and then sustained through a combination of all of these types of social processes. For example, a new activist may have independently considered both the socio-political conditions at large, and learned from an experienced leader about how to handle the licensing restrictions on public talks. The ultimate decision depends on each individual activist, again showing why the tactical processes fall within a “traction zone” of pragmatic resistance, rather than along a clearly defined line.

Through **intra-movement relationships**, activists absorb from, retell and listen to, as well as transmit and receive from one another experiences and stories that enable them to overcome the anxieties of dancing, as well as master the dance. They comprise two key patterns:

- *Strong personalities*: Certain activists are more adamant about or capable of making sure that their tactical preferences are implemented;
- *Assimilation*: As a counter tune to *strong personalities*, activists fall in line with pragmatic resistance or particular versions of its tactical processes after being *immersed* in the movement, being exposed to *narratives* about activism and oppression, or encountering experienced activists who take them aside for *specific instruction*.

Based on their **interpretations of the state’s responses to prior movement tactical processes**, gay activists construct lessons that teach them not to fear dancing, as well as provide them with ongoing contemplations of how *not* to dance, how to continue the dance in particular variations, and how to improve certain variations. They are also made up of two primary themes:

- *“But nothing happened”*: Gay activists eventually realized that they were being watched and monitored, but not stopped; the threat of legal sanctions, such as arrest and detention, did not materialize. With that realization, their confidence emboldened, and they forged ahead.
- *Refinement, reinforcement or redirection*: They interpret the state’s reactions to previous tactical processes, either by them or others in the movement, and determine whether those reactions mean they should fine-tune future processes, shift a *tactical target* or *aim*, or stick with what has worked.

Intra-movement relationships, and lessons concern pragmatic resistance in two respects. They are social processes that are *inherently pragmatic resistant* in nature; and, they *contribute to the strategy’s creation and longevity*:

- First, the interactions that involve stories or storytelling embody pragmatic resistance. Ewick and Silbey (1995; 2003) argue that storytelling is a form of resistance that lays bare power relations. Some narratives challenge power, as they celebrate everyday resistance to

law - to which pragmatic resistance is related - or provide lessons about it. More specific to social movements studies, Polletta (2006) finds that narratives are capable of challenging the status quo, and therefore put into question previously settled understandings. In my study, detected amongst the patterns found under *assimilation*, inherently resistant narratives circulate indirectly through *immersion and observation*, or directly through specific *narratives* or *instructions*. They make known where the possibilities and opportunities of the boundaries and practices lie, how to take advantage of them while ensuring survival, and suggest what are possible (and not).

The success stories also produce feelings of celebration, smugness, pride and a sense of collectiveness; whereas, the accounts of failures tell them never to forget about past oppressions, and remind them of the importance of pressing the movement forward. Inspiring in a similar fashion, and though not stories or narratives, are past interactions with the state leading to the realization that “*nothing happened*” to jeopardize survival. Gay activists are able to see that law and the other cultural norms of domination can be overcome, thus feeding their courage and will power to become, and remain activists in face of repressive socio-political conditions, preserving activism as an act of resistance in itself.

- Second, the various types of intra-movement relationships, and lessons contribute to, and sustain pragmatic resistance. *Within the movement*, social relations and interactions generate what Scott (1985) calls “imposed mutuality” within the group. In his case, the Malay peasants of Sedaka apply social pressure and sanctions on one another to keep everyone in line with everyday resistance. Hence, even when land tenancy is vital to a peasant’s livelihood, he refrains from actions that would result in undercutting his neighbors (261). Although I did not find clear cases of discipline or sanction that parallel Scott’s, strong personalities who favor certain versions of pragmatic resistance, being immersed among people who promote this strategy, being exposed to stories about its trials and tribulations, or being taught ways to carry out the strategy, show how gay activists in Singapore do indeed strive for, and enforce the a notion of “mutuality.” These processes of *strong personalities*, and *assimilation’s immersion, narratives, and instruction*, also speak to Polletta’s findings about participatory democracy in social movement organizations (2002). Focusing on participatory practices as manifestations of strategic choices, and group norms, her study finds that social relations - respect for certain authority figures, consensus decision-making, intimate friendships and general trust, and

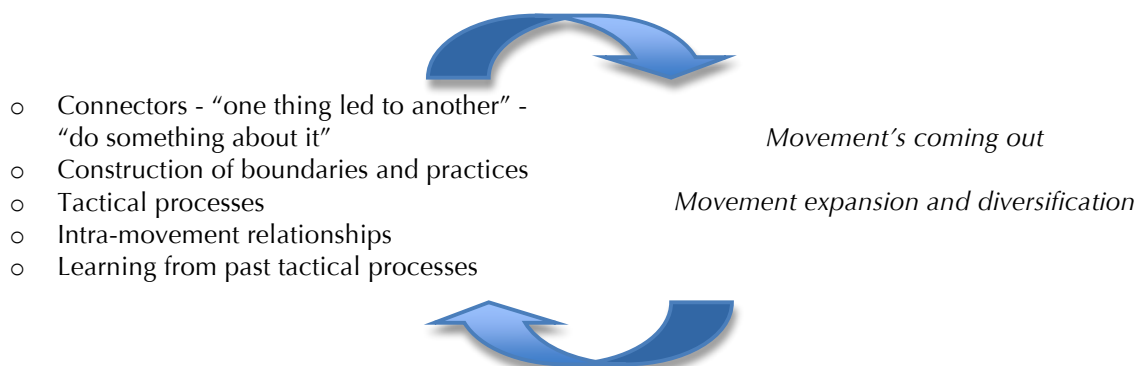
the education and tutelage of new activists - produce, preserve, and pass on the culture of a movement or organization.¹⁵⁰

In addition, vis-à-vis the state, lessons constructed and learned from its responses to past tactical processes validate pragmatic resistance, and provide the creativity and know-how to perform its tactical dances more effectively, surviving while trying to advance the movement. Through experiencing “*but nothing happened*,” activists are persuaded that what they had attempted managed to keep them within bounds, thus validating their strategy and tactical processes. Through *refinement*, *reinforcement*, and *redirection*, they perceive pragmatic resistance to have worked, and mold future tactical processes into its various permutations that they believe can repeat or improve on its predecessors. As a result, learning from precedents also helps to cultivate, and renew pragmatic resistance.

Further, intra-movement relationships and lessons interrelate with the other social processes analyzed in earlier chapters to produce dynamics that give rise to a **movement culture of pragmatic resistance**:

Diagram 8.1

Meaning-making processes of gay activists in Singapore



¹⁵⁰ One might think of neo-institutionalism’s concept of isomorphism when reading about these learning processes. Sociology of law has drawn upon neo-institutionalism to develop its literature on law and organizations, thus treating organizations as complex social actors, shaped not only by rational calculations and technical imperatives, but also their cultural environments. Through the social processes of isomorphism, structures and practices are spread among organizations in the same rule environment, influencing the ways organizations socially construct legality, and leading to the homogenization of conduct. Organizations take on similar practices, because they have become the proper, legitimate or natural thing to do (Suchman & Edelman 1996). In my case, one might be reminded of mimetic isomorphism when encountering examples of how activists copy tactical processes that have been evaluated as successful. The organizations in my study, however, are not formal organizations typically studied by law and organizations scholars; this is despite my argument that there is a sustained culture of doing gay activism. The intersection among sociology of law, organizations and social movements is a developing and contemporary interest among scholars from these various areas of study. For example, social movements scholars and organizational theorists have attempted to marry the two (Davis et al 2005). Bridging these scholarships would entail developing a coherent theoretical framework, a direction that I do not intend to pursue with this project.

Respondents in my study became activists after they interacted with connectors - key personalities or organizations - and went through the processes of “one thing led to another,” and “doing something about it.” With this sense of necessity and obligation to act for the collective good of the gay community, regardless of whether they were afraid or not in the first place, they decided to become activists; thus, they put up their first acts of pragmatic resistance against power and domination, which inherently discourages activism. Based on their Singaporean context, these activists then construct what they believe to be the boundaries and practices that help them to determine a strategy and tactical processes of pragmatic resistance. They also develop and grow their connections with other activists, intra-movement relationships that help to influence these choices. Tactical processes are implemented, interact with the state, and trigger its responses (including lack thereof). The responses may be seen as having changed the larger socio-political environment, causing activists to revise their construction of boundaries and practices. They also trigger learning among them: some activists may feel emboldened by the absence of negative repercussions; some may decide to refine, reinforce or redirect future tactical processes. In addition, accounts of these prior tactical processes may become constantly reinterpreted within the movement, through the intra-movement relationships of immersion and observation, narratives and narrating, and specific instruction, and they end up validating and perpetuating pragmatic resistance.

Diagram 8.1 illustrates how the various social processes relate to the two phenomena of the movement’s trajectory - the coming out, and its expansion and diversification. All of these processes are all about meaning-making by activists - how they imagine their relationships with their larger socio-political environment, including law in its formal and culture sense, the movement and other activists in their lives, and how they then make decisions and take action. Their outcomes impact the movement’s coming out, or its growth, which then influence the subsequent round of these processes. Therefore, produced by, and (re)producing the two phenomena that embody survival and advancement/opportunity, these social processes propagate pragmatic resistance.

With propagation, pragmatic resistance becomes the **culture of the gay movement in Singapore**. As the movement’s culture, pragmatic resistance is cultivated and nurtured in preference over other alternative strategies. Even though its tactical processes appear scattered, this culture binds them together with a type of **coordination** that is not necessarily spoken but is repeatedly and steadily acted upon: one understands what the dance to be, knows how to perform it, conforms to performing it in certain ways, *and* tries to make sure that others do the same. This culture permeates the movement to weave a **consistent pattern** through time and space - the chronology of the movement, and its multiple facets of activist labor. It links the early days of hiding to the current state of being out and about as a collective; and, it connects Rascals, the Coalition’s first registration attempt, and the early days of negotiating license regulations to the more recent Repeal 377A and Pink Dot. These tactical processes appear superficially dissimilar, with divergent tactical targets and aims, but they unite under the cultural banner of pragmatic resistance. With such coordination, consistency and pattern, this culture produces an **organized**

phenomenon. Despite lacking organization of a formal kind, such as having legally recognized entities, formal leadership structures, or formal manifestos, the organization revolving around pragmatic resistance reflects a movement philosophy, direction, and focus. It drives the development of the movement, analyzed in Chapter 4, thus taking us back to the movement's coming out, and expansion and diversification.

(II) HOW LAW MATTERS

Intra-movement relationships, and learning, first result in an indirect reclamation of law as a cultural resource. The influences of strong movement personalities, immersion, storytelling, and specific instructions, as well as precedents with the state, show and teach activists how to evade and overcome law. They find in these processes the creativity and knowledge to surmount law, reminders about law as oppression, and the need and moral fortitude to continually resist it.

Because these processes favor and validate pragmatic resistance, they go on to privilege individual legal imaginations that embody or put pragmatic resistance into practice. As an aggregate, these legal imaginations give rise to a **legal culture** (Friedman, L. 1975). Like legal imagination, legal culture so conceptualized is both a product and conduit of social forces (Silbey 2001), and aids the perpetuation of pragmatic resistance as movement culture within which it is embedded.

Consequently, intra-movement relationships, and learning help to create a community of meaning (Engel 1998) for the movement. Engel (1984), Greenhouse (1988) and Yngvesson (1988) treat law as part of the social construction of the communities they researched (Engel 1998), and do not merely consider law as experienced by the individual person, but connect their understandings of law to the construction of their community's culture, at an aggregate level. For Singapore's gay movement community, its actors construct what it means to be gay activists with their legal culture and movement culture; in turn, their legal culture - and therefore their larger culture of pragmatic resistance - shapes their understanding of what it means to be gay activists in Singapore. In Yngvesson (1988), the court clerk's discarding of "garbage cases" according to what the community understands those to be end up reconstructing law; in Merry (1990), court officials also determine which cases receive hearing, and shape the community's meaning of law in the process. In my case, as a culture and a community of meaning, deeming that only a certain kind of strategy and particular variations of that strategy's tactical processes are worth performing, while dismissing others, results in the favoritism of a certain kind of legal imagination, and thus, a particular flavor of legal culture, which then go on to influence the strategy once again.

(III) INTRAMOVEMENT RELATIONSHIPS: PERSONALITIES AND ASSIMILATION

This set of processes occurs within the movement, among activists and their organizations. It concerns activists' influencing and being influenced by one another to choose and

implement pragmatic resistance, and to carry out and carry on with the movement in resistance to cultural norms that discourage activism in the first place. It has two patterns: the triumph of *strong personalities*, and effects of *assimilation*. They illustrate intra-movement relationships supply activists with the imagination and knowledge for implementing pragmatic resistance, as well as the spirit to keep up with activism, an act of pragmatic resistance in itself. They, therefore, contribute to the sustainment of this particular strategy. The two patterns may seem contradictory, but they co-exist, leaving room for variations in agency. Some activists are more forceful, making decisions to dictate, lead, or teach, whereas others follow, learn and absorb what they see and hear around them.

(A) STRONG PERSONALITIES

In the collective social construction of legal imagination and legal consciousness the collective often appears as the one more strongly shaping the individual (though both play a role). However, in the case of strong personalities, sometimes the individual ends up more visibly shaping the group. Some activists display stronger leadership qualities or more forceful personality traits that enable their preferences for pragmatic resistance and tactical variations of it to prevail over others'. The interactions with these personalities are different from the processes involving connectors who influence newcomers to take up gay activism at the motivations juncture (though they may be the same people). As *strong personalities*, some activists are better able to convince and persuade, occasionally strong-arm, others to adopt their preferences, convinced that they are the right or best alternative. They not only help to propagate pragmatic resistance, but they also ensure their versions of the strategy leave a mark in the traction zone of tactical processes. Perhaps to be more accurate, rather than "teach" others how to dance, these strong personalities insist on, even command, what they believe to be better variations. They may remind us of Polletta's study (2002) that finds certain figures within organizations tend to command authority in decision-making than others.

(1) The Coalition's shifts

The Coalition's shift toward bolder engagement with the state and media, becoming more boundary pushing than before, coincided with leadership changes. Of course, by that time, the late 1990s, the state had also appeared less uncomfortable with gay activism and more receptive, while the original community-oriented focus of the group had possibly outrun its course, as surveillance began to deter attendees while the Internet emerged as a viable alternative for association and mobilization. Nevertheless, regardless of the arguably modest impact of its leadership changes, they undeniably indicate that strong personalities, such as Trey, had begun to steer it toward the current direction. Prior to their ascendancy, earlier leaders, such as Quentin, were more community-oriented. There was no leadership tussle or fallout, but when ideas from the newer leaders, especially registration, gained support, those who did not agree with it gradually drifted away

(Quentin coincidentally left the country for a new job overseas). The shift resulted in a more boundary-pushing strand of tactical processes within the strategy:

[W]ithin [the Coalition], different people have different priorities ... So I think [Trey] came in and really managed it like a corporate CEO: we need this and that. And that was in [Trey's] organizational and charisma in that ability. And there I was hoping that the group was sort of organic. (Quentin, 45, doctorate student)

Frank was not a key player in the Coalition, but he used to attend its activities. He recalls the following incident:

It was really informal at that point in time. We didn't have a committee or anything like that. It was only when [Trey] joined then they decided to try to organize. And some of the people at [the Coalition], I remember they objecting. They said something to the effect like, "Who died, and made you king?" And [Trey's] rejoinder was, "Well, no one wants to do it, so we decided to have some structure in this whole thing." (Frank, 45, banker)

When I spoke to Trey, he conveyed a sense that he simply saw the need for redirection as a matter of fact, rather than characterizing it as a question of choice or conflict:

You see, the new strategy we developed from late 1995 onwards, 1996, was to (a) go online, instead of communicating face-to-face, we would exploit the new technology that was arriving, although we really didn't know very much about it. We just blundered in the dark, surprisingly, we actually found out about the Internet. Secondly, we felt that in order to grow, we needed to become legit. And that meant we had to form a proper society and get it registered under the law. So, post-95/96, we took those tracks. (Trey, 58, businessman)

(2) Restructuring and formalization of the Beacon and the Christian Fellowship

Both the Beacon, an organization that offers secular support and counseling for people struggling with their sexualities, and the Christian Fellowship, a Bible study group looking at the relationship between faith and sexuality, started out as informal gatherings composed of the founders and a few followers. Billy's entry and rise to leadership changed all of that. First, he reorganized the two groups so that they operated with more structure - fixed cycles of meetings, clear learning objectives, and church cell-group like operations. Eventually, the Christian Fellowship also developed into a church with regular Sunday services and a permanent location. Although the church's formation was also triggered by the ex-communication of fellowship members from their home churches, the fellowship's structure that enabled the harboring of these refugees was largely Billy's doing. He also played a significant role in the eventual registration of both the Beacon and the fellowship

as non-profit companies.¹⁵¹ Hence, Billy's decisions chartered a new line of tactical processes that tested the viability of registering gay organizations as transparent, legitimate companies.

Liam, one of the Beacon's co-founders, dropped out not long after the Beacon was formed. He felt that he lacked the expertise, which he saw in Billy when he took over. With the Christian Fellowship, its founders - including Aidan, Frank, Jian, and Edgar - lost interest after Billy restructured it into Bible study cell groups focused on helping fellow gay Christians to reconcile their faith and sexualities, and then formalized it into the Open Church. The original cohort had more of an intellectual curiosity about the subject matter, was interested in exploring and blending other religious traditions with Christianity, and found the restructured organization too conservative and institutionalized.

Well, finally [Billy] came in. [The Christian Fellowship] did change radically after that. There was a belief that we needed to expand the numbers ... So I think his was a different emphasis. I think post-[Billy] it became more mainstream Protestant. (Frank, 45, banker)

When I spoke to Billy, he talks matter-of-factly about his perceived need to restructure the groups, and his visions for them. Similar to Trey, he does not dwell on the decision as a result of negotiating with other viable alternatives.

So what happened was they had [the Christian Fellowship] and they met once a month in people's house, whoever, the member's house, but it was a revolving door. Half of the core group, people came, people left. Because many of them could not cope with the theological sophistication of this bunch. I mean, they were all graduates, many of them had master's degrees, some of them had Ph.Ds ... And you know the ordinary Christian coming in there, the last thing he wants to hear - I remember I brought a guy to the meeting and they started talking about, can God change his mind? This guy completely freaked out ... So as a result of that, I was talking to [Aidan] one day, and I said, *"Look, this can't go on."* Because at the end of the day all you're going to be is a bit of a holy huddle within the eight of you. (Billy, 46, corporate executive; emphasis added)

When Billy discussed the decision to register the Beacon and the church as non-profit companies, he showed that he decided on a particular version of pragmatic resistance at variance with the Coalition's choice to take on Societies' registration.¹⁵² Again, his tone was firm about there being a clear choice among alternatives - the one he picked for the Beacon.

¹⁵¹ See Chapter 7 for an analysis of this particular tactical strand of registration.

¹⁵² Although Billy is also part of the Coalition core, my fieldwork indicates that the Coalition is most strongly identified with Trey and Oliver.

I just felt the Societies were just too painful - our Societies Act is, I think, a bit outdated. I think we gain a lot accountability in a company limited by guarantee. So we set that up. (Billy, 46, corporate executive)

(3) Pink Dot

This is a counter to the two examples above. It illustrates a *lack of* strong personality, and its impact on how a tactical process took shape. After Nelson suggested taking advantage of the rule relaxations at Hong Lim Park to hold a pride parade and march around the park asking for equal rights, he found himself without much support. The general sentiment among other activists was that a pride parade, being a blatant exercise of rights, would be too confrontational. Winston and other activists eventually approached Nelson to work together but not on a pride parade. They called a meeting, overrode Nelson's original idea, and came up with the Pink Dot alternative, which was a public gathering of gay and gay-friendly people at the park without making public demands about unjust laws. Though Pink Dot pushed boundaries by being the first gay public assembly of any sort in Singapore,¹⁵³ Nelson's preference - while toeing the line by confining the march within the park - would have pushed boundaries a little more with his claim for rights at a public assembly.

Because he wanted to do a one-man parade, and basically, we wouldn't let him [chuckles]. So we hijacked the thing. (Liz, 34, journalist)

From my observations in the field, and the interview data related to Pink Dot, Nelson lacks the resources and networks that the others who overrode him possessed. For Trey and Billy in the earlier examples, although some people did not agree with them, or like them even, they somehow had the capacity to get things done, and still found support and assistance. In addition, they did not back down, but pushed their way through. Unlike them, besides lacking in resources and connections, Nelson did not hold his ground against the rest who would eventually make up the Pink Dot team. He could still have broken off to organize something different, but he decided to stick with the group consensus. In the interactions with the team, his personality relented.

In my interviews with Nelson, his responses to the others' taking over the event direction contrasts to the way Trey and Billy perceived differences. Nelson clearly acknowledged the disagreement, and spoke about the decision as a choice, rather than an inevitable move.

No, actually, I would have preferred the rights message to be there, but I had to bow down to the wishes of the majority. Yeah, I had to toe the party line, because most of them didn't want the thing, the protest message at all ... [Pink Dot was] a dilution of my original intention. But that's what the majority wants, so I was willing to go along with it. (Nelson, 52, healthcare professional)

¹⁵³ See Chapter 7 for an analysis of its tactical process.

(B) ASSIMILATION

The converse to *strong personalities* is the potency of *assimilation*. By virtue of spending time with and engaging one another, activists learn about the strategy and tactical processes, mold theirs in ways coherent with existing ones, and gain inspiration from immersion and observation. In some cases, they learn from specific narratives passed down from older activists about strategy, oppression, victories, and inspiration. In instances still more specific than narratives and narrating, experienced activists teach while the less experienced receive instruction about being careful, how to be careful, and what to do to reach their tactical aims.

(1) General immersion and observation

Contrary to the other two patterns below, assimilation under this theme occurs by virtue of spending time with one another as part of a movement organization or activity. Over time, activists and their organizations influence one another even without specifically intending to do so. They observe how others take action, pick out undercover police and deal with surveillance, and become exposed to the products of tactical processes, such as plays and other artistic expressions on real-life incidents.

Although others in the movement may disagree with the Coalition's influence, Trey's observation of how pragmatic resistance has spread across the movement, spanning diverse tactical processes such as the Coalition's state and media boundary-pushing to Pink Dot, captures the essence of cultivating and spreading pragmatic resistance through general immersion and observation.

Honestly, this whole way of thinking has actually seeped into the entire (movement) community. This whole Pink Dot thing has adopted exactly the same strategy. While they might use Hong Lim Park, they would run a fun event for its media value. You know? But not directly challenge the government ... I would say a lot of the things that [the Coalition] does or has chosen to do the last ten years has actually, for better or for worse - I mean, a historian could argue differently - seeped in to this LGBT community here in Singapore. People, in their own ways, are doing likewise. (Trey, 58, businessman)

The tactical processes relating to licensing, examined in detail in Chapter 7, further illustrate how pragmatic resistance has disseminated. Respondents talk about using them as though they had always been there, or one could say, readily found in their cultural toolkit (Swidler 1986). A common one, for example, is to circumvent the licensing required of events featuring non-Singaporeans as speakers:

I organized this thing called Bifocal, about bisexuality, but there's a small concern because I'm not Singaporean ... but Singapore [Permanent Resident], so there was a concern that, because PRs aren't supposed to speak, they're only supposed to be

seen. Yes. So there was a bit of concern, so I didn't speak at that event. I said - compromise by hosting it, becoming the emcee for it. (Manisha, 22, college student)

At a more individual level, some newer activists who come into the movement more outraged and confrontational gradually noticed that they toned down their words and actions. Perhaps part of that is due to personal changes unrelated to their assimilation within the movement, or other social processes that also reshape them. However, being generally immersed within the movement and other activists on a constant basis does play a role, such as in the cases of Manisha and Bryce:

I was very confrontational when I was younger. Very confrontational, very angry, you could say very loud. I used to blog for this thing called [name of a blog site]. Yes, you can see how I've changed since then ... *when I joined the Queer Women's Alliance*, I mean, I parallel blogged or a while, but I realized that it was not the image for myself, because it was way too loud, too confrontational, too, it was just not going to get anything done, and of course there was the practical part, I didn't want to get into trouble. (Manisha, 22, college student; emphasis added)

My initial thinking was to be out loud and proud, and be a gay and whatever, beat our chests ... but, of course my Americanized attitude was toned down because of the influence of the social mentality of the people (in the movement) here to say that, "You can't do that." (Bryce, 39, corporate executive)

(2) Narratives

Compared to immersion and observations, narratives involve the acts of storytelling, and the production of stories in various formats about specific incidents of oppressions, surveillance, survival, and tactical processes. They include Internet records, paper archives, books, plays and films, or simply stories that are passed down orally, and tend to revolve around stories about oppression and caution, or tales that inculcate pride or inspiration.

Of all the narratives passed on about surveillance, the license plate incident is one of the most memorable among interviewees. Back in the early 1990s, Taariq used to drive his parents' car to attend the Coalition's regular forums at the Fringe Center. One day, he learned from his ex-police officer mother, who found out from a former colleague of hers still with the police, that their family car's registration plate number had been recorded during a police surveillance of the Fringe Center during a Coalition event. He proceeded to alert the Coalition leaders, and the story became folklore. While part of this is due to oral tradition, as the nature of the story lends for good conversation, part of it may also be due to the Coalition's documentation of the encounter on its website. The interviewees who spoke about it may have incorrectly remembered or confused some details - unsurprising for the story is at least 15 years old - but the "license plate" element never

disappears. It is one of those minute details that seem to strike a common chord of uneasiness and discomfort about surveillance.

The police were like, watching them. They'll take down their car plate number, parked outside [Fringe Center] ... I mean, all the taking down names, people only know about it because someone's mother was working at the (police), then they're like, how come your car plate number is here? So that's how we realized. (Abby, 35, events co-coordinator)

I heard how [the Coalition] used to hold their meetings at [Fringe Center] and the police used to come and take down the numbers of all the cars. (Shelly, 27, engineer)

I don't know if you had a chance to talk to anybody from the old [Coalition] lot. Even the government was aware that they were meeting in [the Fringe Center]. There were many, many observations of them taking the license plate numbers. (Devi, 36, spiritual medium and counselor)

The Tanjung Rhu arrests or entrapment is another story that interviewees remember well. This was one of the major entrapment operations in the early 1990s, when police officers posed as decoys at gay cruising grounds. In this particular operation, 12 men were arrested, and their personal details and photos were splashed across local newspapers. Even though the incident did not concern activism, it has become a popular subject matter among activists, a symbol of oppression and reminder that laws and law enforcement practices remain discriminatory. Billy, for example, did not relate to the Tanjung Rhu arrests until he watched Khalid's play.

I read it in the papers, but it didn't strike me, until I saw [Khalid's play]. Because I think one of the episodes in [play] was about that ... so one of the stories, I think one of the guys actually killed himself. And it was that particular piece in that play was speaking from his perspective. (Billy, 46, corporate executive)

Stories such as the Tanjung Rhu arrests, captured by the products of tactical processes such as Khalid's plays, also arouse the consciousness of activists and push them to act.

So I saw [Khalid's play]. To me that was like the first gay play that really dealt with a lot of issues, and a number of them resonated with me. And that was during my coming out process as well. So when I eventually got to know [Khalid], I told him I wanted to adapt one of his plays, [name of play], into a short film. So that was my first film where I was doing at - I was dealing with an LGBT issue, when the issue was sort of within my consciousness ... Subsequently, I guess from then on it was a lot of, I mean, a lot of how I was influenced, I think, in terms of understanding gay politics and all of that. (An-dee, 27, filmmaker)

The Coalition's registration saga is another familiar story with similar effects. Whether one interpreted the outcome positively or negatively - explored in the next part about learning from earlier state responses - the *narrative* of the Coalitioners' gumption in those darker days inspires others to look back and aspire ahead.

[W]e stand on those people's shoulders ... I think they were like just *gasak*¹⁵⁴ ... But to put [their identification information] down and knowing that they will be tracked, and be interviewed or - They knew the chances were slim, but they did it anyway. But that's the thing, you know. It was a suicide squad. (Devi, 36, spiritual medium and counselor)

[T]he registration, to us, I mean, we knew it wasn't going to happen, but we feel angry, we want to make it change ... I'm not saying that they are failures because some of the failures - it's more because of the government and all that. Some of their failures spur us on to greater heights, and we take their failures and their successes as a whole lesson and we run with it. (Percy, 25, college student)

(3) Instruction

Instruction focuses on incidents in which activists learn from, or teach others, based on specific prior actions or experiences. Taking place through inheritance, copying or specific acts of transmission, these incidents are most commonly instructions about the know-how of tactically implementing pragmatic resistance, and about how to recognize and cope with state surveillance.

The groups that offer counseling and support for people dealing with their sexualities share similar operational frameworks. It may be coincidental in some cases, but in other instances, one group has copied from another. Billy became a gay activist after having spent several years in an ex-gay therapy group run by a conservative Christian church, now linked to the local counter movement. He was, in fact, being groomed for leadership within that group. After crossing over, he brought with him its cell-group operational framework, under which participants are divided into small cells led by a cell leader, and their interactions largely occur within these little sub-groups. He then duplicated the cell-group format in the Beacon, the secular counseling group, and the Christian Fellowship, leading to their restructuring and eventual formalization. Subsequently, when Fiona, Norm and another co-founder wanted to set up Minority Support for gay youths, they copied the format from the Beacon. Their mentor happened to be a counselor at the Beacon, and she helped them to plan the support group sessions based on its format. Meanwhile, the Open Church inherited the Christian Fellowship's cell-group structures in providing similar services to its gay members, and the format continues to enjoy popularity. I acknowledge that part of this may be due to the very nature of being a church with institutionalized practices of religion, but I also find part of this to be connected to intra-movement

¹⁵⁴ "Gasak" is a Malay word. Her expression refers to fighting blindly.

copying, as we can see from Doris' experiences with running support groups for women under the umbrella of the Open Church.

We went through four runs of [the support group], the people from the first two runs formed a [another] women's group ... then people from group three and four - I started off another women's group for those people ... [The initial women's support group] actually started off because [Tai] actually started the gay men's version ... He did that, and then after one year, we decided that we want to do it for the women too. (Doris, 39, teacher)

When the Coalition planned to go for its second registration attempt in 2004, younger activists such as Tai and Arun had joined its leadership ranks. They were new to the Coalition's notion of pragmatic resistance, which was *tactically aimed* at holding the government to its word of recently announcing a more open stance toward homosexuality, and at exposing its repression and contradictions if their application was rejected once again. The two quickly learned from the instruction of older Coalitioners:

I am very biased towards [Trey's] opinions because he seems like a teacher and his opinion is that - our registration is to test water. We're calling their bluff - they're saying that gay is okay, so it's like we're going to register, and see. (Tai, 35, graduate student)

We had a discussion about how we were going to conduct ourselves, and I remember one thing that applies to me. That was [Trey] saying that we want to demonstrate to them that, you don't need to be afraid of us, we know how the system works. If you allow us to, we can play within the lines. (Arun, 36, freelance writer)

Besides copying and inheriting tactical processes of pragmatic resistance, newcomers learn the signs and clues about surveillance through specific acts of transmission. Typically, as illustrated below, a more experienced counterpart deliberately warns a younger peer about surveillance, and teaches him or her how to pick out plainclothes officers from the crowd. These interactions, specific transmission, made up of acts of transmitting and reception, expose the acts of subjugation to younger activists, and remind them that, regardless of the relative sense of freedom to organize and mobilize, they are far from free and always near danger.

I was too busy, but [Abby] pointed [the police] out to me ... I was too inexperienced to tell. Because they were all plainclothes policemen. So it takes some experience to tell who are the policemen. (Shelly, 27, engineer)

Actually, I thought, when I first saw him, this is a young face, a new face. I've never seen him before, so someone is coming out of the closet, I thought. And then [Abby]

came and whispered to me - Okay, that's a policeman. (Kai Peng, 45, construction safety officer)

[Trey] and [Abby] sensitized me to the [Internal Security Department] and media. They told me that once in a while there will be someone in a car waiting outside. You don't have to worry about them, you can even invite them to come in. They're just there to follow orders to track you down, this and that. (Warren, 33, graduate student)

In some *specific transmissions*, the surveillance is not present, but they warn of its possibility and the consequences, so that younger activists can be more attuned to the extent of repression, and be mentally prepared for the worst.

I remember [Oliver] ever mentioning to us, saying look think about it, there's a possibility that this could happen, for instance if they want to make a point out of it, they may choose to arrest the whole gang of us, and detain us without reason, without charges and subject us to bullying interrogation tactics in order to make a point, in order to discontinue any future activities. Just be prepared that that may happen. And of course, [get] into our minds, and to what extent they may use that, for instance, maybe they may use that and say that maybe, if you were to turn in the rest of your other fellow committee members, we'll let you off easily. (Tony, 44, computer systems analyst)

When Norm organized Minority Support's first IndigNation event in 2009, a treasure hunt-like event that took gay youths to diverse gay spaces in Singapore, he was oblivious to the possibility of state surveillance and censures until Tai reminded him that the police had interfered with the Pink Picnic and Pink Run back in 2007.

[Tai] was talking to me to not be surprised if you do see plainclothes policemen around. But I went around to all the public venues, nothing came up ... because [Tai] warned me because of - during the Pink Run they did two years back, yeah, he was afraid that a similar incident will happen with [our event]. (Norm, 27, accounts service executive)

Haley and her peers, youth leaders at the Open Church, went through a similar instructive process. They had planned a gay youth-oriented activity, and older leaders warned them to be careful about possibly provoking paranoid and ignorant parents, or the counter movement to push the state into taking action against the group:

That was when the older generation pointed out things that the younger generation was obviously oblivious to ... You can ask [Billy] about this - he was the one who mentioned it. 'Cause it didn't hit us that actually there are all this repercussions. (Haley, 25, accountant)

(IV) LESSONS OF THE PAST: OF CONSEQUENCES AND CONTEMPLATIONS

These learning processes pertain to how activists make sense of previous interactions, especially tactical processes, between the state and their movement. Based on those interpretations - positive, neutral or negative, they contemplate their next moves. They are to be distinguished from the construction of boundaries and practices analyzed in Chapter 6, as those draw from history and personal biographies *beyond* the gay movement. Essentially, the movement-specific lessons vis-à-vis the state boils down to learning from precedents. The examples below, used to demonstrate their two key patterns, may appear repetitive of those found in the preceding analysis on intra-movement learning processes. But they are subtly different. A prior tactical process may be absorbed into the movement's folklore to which one is exposed via *immersion and observation* or *narratives*, or the subject matter of *instruction*, becoming part of intra-movement learning; however, the reaction of the state, or the tactical process' outcome, can also be directly interpreted as a precedent that influences future decisions, thus turning into part of lessons of the past.

These learning processes can be divided into two key patterns: *fear and confidence* and the trio of *refinement, reinforcement and redirection*.

(A) FEAR AND CONFIDENCE: "BUT NOTHING HAPPENED"

So we're operating the hotline in that office. I think I was young. I was saying, what if the police actually knocked down the wall and then came in to handcuff us, as we man the hotline, because we're talking about men who have sex with men. But nothing happened. We're pretty safe. (Robbie, 33, administrator)

As analyzed in Chapter 4, state surveillance, and fear and suspicion of it were prevalent during the movement's infancy in the early 1990s. Interviewees also recall the heightened paranoia about how the state saw them as threats to the ruling party, thus the boundaries and practices. Gradually, however, their *fear* of state surveillance and of being treated as a threat (hence the surveillance) diminished; correspondingly, their confidence level increased.¹⁵⁵

Underpinning these changes are perceptions that their sustained interaction with the state - the tactical process of operating and existing as non-legal organizations - have consistently led to one outcome (or lack thereof) - "but nothing happened." Over time, they noticed that even though the state constantly watches and monitors them, they were still allowed to operate in their non-legal existence,¹⁵⁶ toeing the line and pushing boundaries; the consequences that they fear, clamping down of the movement and legal sanctions, did not come to pass. In Chapter 7, I find that "constructing confidence" -

¹⁵⁵ This finding will be considered as part of Chapter 10's evaluation of movement outcomes.

¹⁵⁶ Even for the few exceptions registered as companies (see Chapter 7), that they are allowed to exist as such while openly being part of the movement is also a state response that factors into the learning processes.

taking moral high ground toward, and making light or routine of surveillance - also dealt with the issue of state surveillance, and may also have contributed to the reduction in fear and perceptions of threat. They are, however, distinct from these learning processes - the former are tactical processes that overlap with or complement the latter, which produce the belief that “nothing happened.” It pacified fear, and soothed the perception that the government no longer treated them “like terrorists.” It is almost like hearing somebody “cry wolf” repeatedly, but never being attacked by it. Regardless of whether this growing sense of security is false or erroneous on the part of activists, it is the existence of this confidence that matters. They become bolder and press forward, though, of course with the understanding that toeing the line remains crucial to their survival.

The first type of “nothing happened” comes from observing the state’s non-reprisal toward *other* activists or organizations in the movement.

So far nothing has happened and that’s how we’ve all got the courage to go for the Pink Dot. Because so far we’ve done this IndigNation stuff. Well, we didn’t have much issue with the government. They’re mostly okay with this. (Imran, 34, information technology professional; emphasis added)

I felt that everyone in these circles - people will tell you these stories about, oh they had this interview, or so-and-so spoke to them, or they had this warning. A lot of these stories spinning around. But I look at all these people - they’re all here, they’re all so much older than me, they’ve all been doing this much more than me, they’re all so much better known than me, *so until something starts happening*, and they start getting knocked down, I’m going to feel quite confident. (Arun, 36, freelance writer; emphasis added)

The pattern in Arun’s narrative is also found in Percy, when he talked about whether he was nervous about operating Voicestream, a gay radio podcast, and Liz, a co-leader of Our World.

Our rationale was that if [Connection Hub] and [the Portal] can get away with it - they’ve been around for years, why stop us? ... We really did take the leads from the local existing gay websites. (Percy, 25, college student)

Because I already had a job with [the Portal]. And if [the Portal] doesn’t have a problem, I can’t see how [Our World] would be. (Liz, 32, journalist)

Percy and Liz’s sense of security neglects the fact that the two commercial organizations are legally registered as companies with the Singapore state, whereas theirs are not (though Voicestream is now defunct). This is not to discount the likelihood that the two commercial organizations are, nevertheless, running a risk for being open about their gay-oriented operations. The important point, however, is that Percy and Liz found confidence,

at least in part, from observing that the state had not acted adversely against these other organizations.

The second type of learning arises from making sense of one's *personal* encounters with the state in the implementation of prior tactical processes. Again, they regularly find comfort in the lack of adverse consequences. The Coalition's development offers a clear illustration. The group experienced state surveillance, and shunned media exposure in the early 1990s. By the mid-1990s, they felt they had to register the organization as a lawful society to avoid legal sanctions, which they perceived to be impending, given the perceptions of surveillance and state knowledge of them. After their registration application was rejected, they retreated from organizing visibly in physical spaces, and into the Internet. This lasted until the late 1990s.

So we really didn't know what would be the sting in the tail. But after 1997, when there was no sting in the tail and we were left alone, and then we lay low for a few years but by 1999, 2000, we began to emerge again, starting to talk to the media, putting up websites, the Coalition's websites, and things like that. And then, you know, still no backlash from the government, we felt, hah! (Trey, 58, businessman)

In 2004, they decided to attempt a second society registration. But this time it was not to get above board in order to avoid what they feared. It was, instead, to test the assurances of the state - the Prime Minister had just announced open embracement of gays in civil service - and expose its hypocrisy should they be rejected again. Compared to the early 1990s, perhaps Singapore's socio-political environment had loosened up relatively; they, too, probably had adjusted their social construction of boundaries and practices accordingly, thus also providing an explanation for the tactical decision. Nevertheless, the confidence gained from the lack of repercussions is an evident theme in the interviews. In fact, it is poignant, because Coalitioners have never believed surveillance to have ceased; rather, it is precisely due to their experiences that nothing happened *in spite of* ongoing surveillance.

They won't do anything because really, [Trey] and the rest of us have been operating for so long, we have been very aware that the government keeps track of all our emails, and places we've been to, you know, stuff like that - a big, big file [gestures], and they haven't made a move. (Vincent, 41, information technology professional)

What Vincent said actually harps back to my point about the dynamics among the various types of processes illustrated in Diagram 8.1. Sustained interaction via tactical processes - in this case, existing and operating as a non-legal entity - produced learning processes that influenced their confidence and mastery of the dance; at the same time, it also led to their constant (re)construction of boundaries and practices, which, in turn, (re)shaped their tactical dances.

Unlike Trey, Taariq and Mitch, who also underwent the same incidents of surveillance, recoiled from these early experiences, and opted out of the Coalition due to fear. The contrast reemphasizes that learning is *not* an objective assessment of the state's reactions, but the subjective interpretations of each individual and its consequences. Taariq was the one whose mother found out from her ex-colleague, a police officer, that the police was checking the backgrounds of Coalition attendees based on the license plate information of cars driven to the meetings (the license plate story). So he was well aware of surveillance. When the issue of the Coalition's first registration came up, he did not step forward.

So I was told (by my parents) to cool off, don't be too active ... that's why I scaled down from [the Coalition]. (Taariq, 40, civil servant)

Mitch was more affected by the threat of media exposure, but the fear was clearly attached to state investigation and sanctions.

Because I was a member of the [Coalition] committee so I think if they obtained copies of our minutes, they will look for the office bearers, and I was one of the office bearers ... Anyways, so I told my dad, and he gave me this analogy. He says, "If you're sitting butt-naked on your ice-block, who's gonna help you?" ... So my father's basically saying, "You're screwed. So you think twice about it." So to me that trap was very real. So what I did was, I resigned from [the Coalition]. I did an official resignation letter. I went into damage control. It's what you call self-preservation. So I sent a letter to [Trey] and I think to the president (Quentin), where I said that I had a change of heart - I've changed my mind, something to the effect of I've seen the error of my ways, and I'm resigning from this group. And the reason why I did that was purely from a legal protection point of view. Because if ever I was hauled up, that would be my mitigating factor. (Mitch, 42, communications executive)¹⁵⁷

In addition, the *lack* of personal encounters of repression is arguably more significant than the first type of learning that is based on others' experiences. For example, Manisha's view shows that she was not concerned for her safety, even though other people - not necessarily gay activists - had not enjoyed her more fortunate fate.

Really I have not gotten into any trouble. I do know people who have been called up by the [Internal Security Department] or police or whatever, but I personally have never run into any problems. (Manisha, 22, college student)

Data showing the converse support this finding. Among the organizations founded after 2005, the Chalkboard Caucus, a social and support group for gay educators, is probably

¹⁵⁷ Mitch has since become an Australian citizen.

one of the few remaining organizations that operated clandestinely out of fear.¹⁵⁸ Henry felt genuinely threatened after a co-founder, a public school teacher was fired.

There was a directive from a minister or minister of state, basically saying that we know he is gay, and he needs to be removed from teaching ... That kind of rippled, oh no, did they find out about what's happening. Up to this day, he has no answers as to who or why. All he knows is that basically the people at the top knew about his sexuality and they were uncomfortable with him teaching. It is a bit odd, considering the fact that there are so many gay teachers. Like, why, pinpoint him? (Henry, 34, university administrator)

Henry admits that the dismissal may have stemmed from suspicions that this teacher had been dating a “very young” ex-student, and, therefore, completely unrelated to his involvement with Chalkboard Caucus. The significance of this example, however, lies with showing how an actual incident in which negative action was taken escalates fear, and reduces the confidence to come out, whereas decline over time, as was the case with the other activists, bolsters it.¹⁵⁹

(B) REFINEMENTS, REINFORCEMENTS AND REDIRECTION

Activists evaluate precedents of how the state responded to a prior tactical process that they or fellow gay activists have implemented, making sense of them as trouble and penalty, non-results, or positive outcomes. Then they decide whether to refine, or continue with their tactical processes. Or, more drastic than refinement, they may choose to redirect a *tactical aim*, such as from genuinely seeking registration to exposing repression, or *tactical target*, such as from community to society or the state. The trio, especially *reinforcement*, often work hand in hand with the learning process that concludes that “nothing happened”: in addition to boosting confidence, the uneventfulness confirmed activists’ faith in the prior tactical choice.

(1) Mobilizing via the Internet

The Internet is the most popular way through which gay activists mobilize, while finding protection for their organizations’ lack of legal status. Even though, strictly speaking, groups with predominantly Internet presence can still be construed as illegal, they see themselves as safe from acting out of bounds. The sense of security arises not only in part

¹⁵⁸ Minority Support, a current youth peer support group, is secretive about its meeting venues, but rather than acting out of fear of state surveillance, it is concerned about participants’ privacy, as some of these teenagers have not come out to family or friends.

¹⁵⁹ The policy of the Ministry of Education concerning openly gay teachers is unclear, and the Ministry has refused to clarify its policies at my request. However, it is still possible to reconcile the Ministry’s position with top politicians, as not wanting to “impose” homosexuality on the heterosexual majority while giving “space” to gays to live their own lives.

from their perceptions of the boundaries and practices, but also from their lack of encounters with authorities.

At first, Stella worried about repercussions when she started Singapore Lesbians Online. Paranoid, she even printed multiple copies of every email she had sent to the list, and stashed them away. Eventually, however, she observed that nothing bad had happened to her, and her confidence swelled - the *lack of state response reinforced* her belief that Internet was a viable option for organizing. Taariq also went through a similar learning process of *reinforcement* when he was involved with the AIDS Initiative's men-who-have-sex-with men outreach program to Muslims. Although the organization is a legally registered entity, some activists worry that criminal laws, such as Section 377A against sexual conduct between men, get in the way. Especially in the early days, they find outreach difficult as there was fear about how even talking about these outlawed acts could be construed as illegal.

Nothing happened. Yeah, and I didn't get any note from any [authority] or whatever, to take down the group or anything like that. So yeah, it was ... a safe environment. (Taariq, 40, civil servant)

The experience of Jerome and his group, the Connection Hub, offers a different example from reinforcement. He had to *refine* the way he used the Internet as a tactical process for his organization. In the early 2000s, the Connection Hub landed itself in trouble with the Media Development Authority, the state censors. Jerome shared the details of the incident off record, so I cannot divulge why the censors decided to penalize the Connection Hub. The outcome was that they fined the organization. Before the incident, the organization, though lawfully registered as a company, did not disclose on the web that it was Singapore-based. After the incident, it became more open. Jerome calls it coming out of the commercial closet. To him, even though the fine was based on how the Connection Hub had violated an Internet content code provision, the fact that the group had been hush-hush about being Singaporean did not help their case with the authorities. He had thought that being secretive helped to avoid trouble, survive, and not violate boundaries. From the incident, however, he realized that the secretiveness made the group come across as shady to the government, and learned that some degree of outness could actually help. So he refined the organization's tactical process:

[T]he [Media Development Authority] episode told us that there's no point saying that we're not in (Singapore) ... So what happened was that after that episode, we decided that, let's be totally open about it. So now not only is [the Connection Hub] registered in Singapore, our servers are hosted in Singapore (not the case before the fine). I would say that that episode sort of like - okay, now we established the ground rules, we paid for a lot of the lessons, you know, the school fees, so to speak. (Jerome, 32, graduate student and chief executive officer)

(2) The Coalition's registration applications

(a) First registration attempt

Most interviewees remember the Coalition's first registration attempt as the one under the *Societies Act*. In the strictest sense, it was the first. However, vivid only in the memories of those who were intricately involved, there was an earlier, much more futile attempt to register as a *company*. The small group of activists first submitted an application for approval of their proposed company name, a routine procedure for company registrations. This meant that they were not yet at the stage of applying for registration. Then they discovered that the authorities knew they were trying to pass themselves off as something they were not. Not only did they deny the application at hand - for the company name - it shut down the option by rejecting their putative company registration as well. The situation is analogous to Jerome's and the Connection Hub's. The Coalitioners realized that they had made themselves look even more questionable in the eyes of the state. Hence, they *refined* their tactical process, and took the route under the *Societies Act*.

[W]e were trying to pretend that oh, we were just a company,¹⁶⁰ nothing to do with gays, but I think they knew about it. [T]hat's why they were - so, then we decided that we were just going to bite the bullet and try and do it as a gay organization (that is, "society"). (Oliver, 59, retired academic)

(b) Second registration attempt

As Trey put it, after the first registration attempt and a few years of self-imposed exile on the Internet, he and fellow Coalitioners realized that there was "no sting in the tail. " Besides boosting confidence from learning that "nothing happened," the absence of negative repercussions generated the learning trio of *refinement, reinforcement and redirection*. The *first rejections* signaled to the Coalition a need to *redirect* away from the state for the time being. Meanwhile, the absence of retaliation *reinforced* their calculations that existing post-rejection and without lawful status was, nonetheless, a prudent way to exist and operate. Together, the two interactions led them to consider *refining* the tactical process - to try pushing the boundaries a little bit more, as the old tactical process, though safe, did not quite reap what they intended (since they were genuinely seeking a registered status). Hence, with the second registration attempt, they shifted their tactical aims from obtaining legal status to testing the state's position, and exposing its oppression to society and the wider gay community.

[T]he government keeps on saying that we are a conservative society, and that they will rather follow than lead in this aspect. They would rather follow than lead in terms of gay equality and decriminalization and all that stuff. Then we seem to take it

¹⁶⁰ See footnote 131 in Chapter 7 on how its companies registration attempt had a different reception from the Beacon's and others.

as though they want to follow what the consensus was, so we had to change the consensus. (Brett, 41, lawyer)

The impact of second rejection seeped beyond the Coalition. From the group's internal point of view, the publicity that ensued from the rejection met the intended *tactical aim*. However, to non-Coalition activists, they interpreted the state's response differently. Earlier, in the section on intra-movement relationships, I portrayed the registration saga as a popularly circulated story of inspiration to younger activists. Here, I turn my attention to activists' direct making sense of the state reaction. For some outside the Coalition circle, when contemplating the status of their own organizations, they take the rejection more to heart. Often, they refer back to the rejection as a precedent that suggests a *refinement* of, and even a *redirection* away from the Coalition's tactical process.

We knew that we couldn't register [Queer Women's Alliance] so quite shortly after [the Coalition] was rejected a few times. So we had no thoughts of registering at that time ... I think we've discussed it but it's never going to happen so, *let's just figure out how to do this legally without registering*. (Manisha, 22, college student; emphasis added)

Colin compares the Coalition's registration efforts to Pink Dot. I do not find it a fair comparison, as I interpret the two tactical processes as varying in *aims* and *targets*. But the more pertinent point is that Colin's assessment of the rejection influences how he would formulate a tactical process in the future - *refinement* of and *redirection* from the Coalition's registration attempts.

I mean [Pink Dot] was a grassroots level organizing, very visible, very well organized, don't need registration of organization. Right? So that was a very good example of an organization that's not registered but has very big impact. And trying to test the government by registration - I mean it's a tried and failed method. (Colin, 25, college student)

Conversely, the Beacon's successful registration as a company *reinforced* its particular variation to the tactical processes of registration. It was on Fabian's mind when he talked about how the Sports Club had once flirted with the idea of registration. The idea never came to fruition, due to internal disagreements. However, his opinion of the Beacon's example implies that the Coalition's variation, preferring the *Societies Act* - should not be followed, and should be changed. Although the Beacon openly caters to the gay community, it does not state itself as such in the public documents about the company's status. On the other hand, the Coalition openly declared itself as a gay organization in their registration applications.¹⁶¹

¹⁶¹ See Chapter 7 for analysis on their differences as tactical processes.

[The Beacon] is registered. Although they don't actually put it themselves as a gay -
¹⁶² a lot of their work is done with gay-friendly, gay people and all that ... So it is okay to couch your registration in somewhat vague terms, but just say you're a sports group, you're a community-based sports group, and you can still cater to the gay community, because they are a special community to begin with. (Fabian, 32, medical doctor)

(3) Licensing

Quintessentially pragmatic resistant in nature, the tactical processes navigating the multitude of licensing regulations neither question the basis of licensing and curtailing speech, nor overtly contravene the regulations. They usually defy through obedience, by getting around or literally following the rules without adhering to their spirit. Thus far, they have escaped legal consequences beyond bans and surveillance, *as well as* enabled them to avoid illegitimacy that arises from law breaking, and to carry out activism (albeit sometimes modified from the original plan). Learning from *reinforcement*, thus, plays a role in perpetuating such tactical processes.

Take the Pink Picnic tradition, for example. In 2007, after authorities banned the "Official Pink Picnic" - the legal grounds for which appeared dubious for the laws at the time¹⁶³ - Tai announced that he had been forced to cancel the "official" event. But he also remarked that private persons could, nevertheless, have a picnic at the same location without being part of any event. More people responded than he had anticipated. Plainclothes police officers also turned up with video cameras to record the picnic, but they did not stop the picnickers. Every year since 2007, Tai has been holding an "Unofficial Pink Picnic" as part of IndigNation. In 2009, he even made sure he returned from California, where he is studying, to Singapore in time for it.

In some cases, licensing tactical processes were *refined*. The Open Church initially obtained the requisite license to hold a concert in 2005 to raise funds for AIDS awareness. It had invited a Christian music duo from the United States, Jason de Marco, who also happen to be a gay couple. The authorities withdrew the license at the last minute, claiming that they had not known of the music duo's romantic relationship, and that their concert would amount to "glamorizing" or "normalizing" the "gay lifestyle," words from the censorship rules.¹⁶⁴ Open Church activists assessed the situation, and decided that the state's lack of familiarity with their organization - having only recently formalized and

¹⁶² Fabian is right insofar as the Beacon's company registration information is concerned. The organization, however, is explicit on its website and other publicity materials about reaching out to gay constituents.

¹⁶³ With the passage of the Public Order Act of 2009, however, the police have greater power to control assembly. For example, they can order even one person to "move on," and nip any signs of public congregation. Also see footnotes 134, 135, and 136 in Chapter 7.

¹⁶⁴ According to some of my informants' suspicion - information I cannot independently corroborate - the authorities felt pressured to withdraw the license after receiving complaints from someone affiliated with the Christian right counter movement. They point out that the authorities could have easily checked Jason de Marco's professional website at any time, and found out about the couple's openly publicized relationship.

registered at the time - could have been a factor as well. They also determined that they had not adequately played up AIDS awareness and prevention, a health angle that could resonate with the tune of prosperity and growth.¹⁶⁵ They, therefore, began grooming a working relationship with the Ministry of Health and one of its Ministers, the late Dr. Balaji Sadavisan. Two years later, in 2007, the church applied for a license to hold a Jason de Marco concert again. This time, it invited Dr. Balaji as the guest of honor (all of these, of course, are on top of submitting the tedious license application, which required the speeches to be scripted and provided for approval). In that sense, they enhanced their tactical process, playing up non-confrontation and resonant tunes with the government. The following excerpt from Karl's interview further illustrates that the outcome reinforced this enhanced version.

And all of a sudden it worked - we had 800, 900 people. [I]t was a big success, and it was really well and the lady who runs [the Media Development Authority] sat in the first row and ... it was possible and some of the things that were said and everything, I wrote the script for it - were quite borderline and, you think, "Whoa. We can get away with this." (Karl, 49, entrepreneur)

(4) Repeal 377A

During the Repeal 377A campaign, gay activists launched a Parliamentary petition appealing to Parliament to repeal the legal provision that criminalized private and consensual sexual conduct between men. The campaign leaders did not aim at achieving repeal, for they were realistic about Singaporean politics; they felt that they had accomplished the goals of generating awareness, and forcing government attention on an issue of gay concerns.¹⁶⁶ Nonetheless, campaigners and observers also read a cue from the Prime Minister's speech in Parliament: the law would remain so long as the state believed society to be "not ready." The speech signified to some that they should *redirect* the *target* of future tactical processes toward society, and show the government that society at large had become more accepting of homosexuality. To put it differently, they began to see convincing the state as an institution to accept gay people as a lower priority, compared to persuading it that an accepting populace existed. This is a point that resonates with the golden norm of social stability, and the guarantee of the ruling party's power - that the state would not repeal Section 377A if it believed repeal would attract political liability for the ruling party at the electoral polls. For example, after the Prime Minister's speech, one of the campaign leaders, Morris told the press:

We're taking that to heart. I don't think we're going to be knocking our heads against the wall this way. Rather, to foster understanding, we will work with the community

¹⁶⁵ By and large, the Singaporean state has not characterized HIV/AIDS as a moral disease but as a health issue. It has, nevertheless, from time to time singled out and stereotyped gay men's "lifestyle" as a cause for concern.

¹⁶⁶ See Chapter 10 for analyses of movement outcomes.

(society) to be more visible ... so they are comfortable with us. (10/25/2007 Press Statement, Morris, 37, chief executive officer)

Granted, Morris' statement may have been purely strategic to fend off critics that their movement had become too antagonistic. However, the fact that such a statement was deemed necessary and articulated indicates that some activists felt the need, at the very least, to signal publicly a *redirection*.

Impliedly, Pink Dot took a *redirected* route from Repeal 377A. The first public gay rally in 2009 *tactically aimed* to show straight support and societal unity over accepting homosexuality. It marshaled local straight celebrities as spokespersons, and featured friends and families of gay people in its online publicity videos. As pointed out in Chapter 4, from 2007 onward, the movement expanded its society-oriented focus more visibly. This may be partially related to addressing the rise of a Christian right counter movement, a phenomenon intimately related to the state's response to Repeal 377A. This was the most vocal opposition that made its point heard and its opinions heeded by politicians during Repeal 377A. Since activists perceive the counter movement to represent itself as the voice of the majority, addressing its rise is, thus, connects to their *redirecting* the *tactical target* toward society after the state's response to Repeal 377A.

This chapter provided additional answers to the first two research questions. Intra-movement relationships and learning from past encounters with the state factor into the ways in which gay activists make sense of grievances on the public stage, that is, how they formulate and implement strategy and tactical processes. Through relationships, and precedents, activists learn about rendering their grievances as viable claims publicly, and how or how not to claim for them.

Because these processes and the others analyzed in earlier chapters interact with one another to create, and maintain pragmatic resistance, I argued that pragmatic resistance amounts to the culture of the movement, one that has a sustained, coordinated and consistent pattern over time. This is an important point that reappears in the next chapter. Although both pragmatic resistance, and individual, everyday resistance, upon which the former is based, focus on informal gains, and avoid openly challenging status quo arrangements, pragmatic resistance is a collective action phenomenon. In Chapter 9, therefore, I draw upon my data analyses thus far to make the theoretical connections between the two.

I also indicated that, being the movement's culture, pragmatic resistance results in privileging particular ways of doing things, and the legal imaginations and aggregate legal culture that support them. For example, the Coalition's failed registration attempts, regardless of the Coalitioners' intended aims, has perpetuated a belief that gay activist

organizations have to exist in forms other than being a lawful “society.” In Chapter 10, I move on to considering the effectiveness and implications of pragmatic resistance.

CHAPTER NINE

PRAGMATIC RESISTANCE AND COLLECTIVE ACTION

From chapters 5 through 8, I analyzed how interviewees in my study: (i) acquired a sense of duty and obligation for the collective good, and became activists to “do something about it”; (ii) socially construct the boundaries and practices, which include formal and cultural legal norms, of the larger socio-political context; (iii) formulate, implement, and perpetuate their strategy and tactical processes to challenge power based on those boundaries and practices, as well as influences from intra-movement relationships, and lessons learned from prior movement interactions with the state; and, (iv) consequently, produce an organized movement culture that sustains and embodies this strategy. I also referred to its strategy as “pragmatic resistance,” and associated its traits to those of everyday resistance, as conceptualized by Scott (1985) in his ethnographic study of peasants in a rural Malay community. But I have yet explained in detail how the association is justified. In addition, while Scott and socio-legal scholars who refer to this concept, deploy it in relation to individual acts and actors, I have situated it in the context of collective action, or a social movement.¹⁶⁷ Back in Chapter 2’s literature review, I also observed that sociology of law, and the sociological study of social movements, had neglected to explicate, either theoretically or empirically, the relationship between individual, everyday resistance, and collective action. In this chapter, I turn to these issues: I draw upon the empirical analyses of my study, where I have found a collective strategy of the everyday resistance variety, to theorize about the connection between everyday resistance and collective action.

What scholars variably refer to as collective action, collective resistance, social movements, collective political struggles, contentious politics (Tilly & Tarrow 2007) and the like, is widely understood to have the essential characteristics of: open claims that demand for formal changes, sustained organization, and positive relationships with democracy and the availability of civil-political liberties that enable and protect its overt nature. They are traits that are the anti-theses of everyday resistance, which is linked to covertness in claim-making, informal gains that avoid directly confronting existing power arrangements, acts carried out by individual actors, and repressive regimes that have less civil-political liberties - traits that are shared by the strategy of pragmatic resistance in my study. The question asked of the relationship between everyday resistance and collective action is typically framed as how the former leads to the latter. Hence, the question itself implies a presumption of linear progression and hierarchy, with everyday resistance seen as an important but much weaker sibling. Although answers to this question have been scanty at best, **what can be gleaned from the literatures indicate that everyday resistance is conventionally treated as a foundation or incubator for collective action. The result is a dichotomy between the two: everyday resistance belongs to the subterranean (McAdam**

¹⁶⁷ Whether my case study qualifies as a social movement or collective action usually accepted in social movements literature is a central issue for my arguments in this chapter.

1999a) or infrapolitics (Scott 1990), and collective action is part of openly conducted politics.

In contrast, I propose a modest paradigm shift away from approaching everyday resistance as a precursor to collective action. Rather, I theorize it as capable of being a form of collective action in itself. Everyday resistance is a strategy that can be performed by a group of people, not just individuals. This means that I conceptually detach the “individual” aspect from the strategic aspect of everyday resistance, and treat “individual” as a question of action scale, which can range from individual to collective. It also means that I decouple collective action from open forms of claim-making aimed at changes to the formal, institutionalized order, familiar to social movements, and treat it as simply another type of strategy. Even though everyday resistance usually makes claims covertly, and avoids questioning the status quo, I argue that, when (i) deployed by a group of people, it becomes collective action if this group of people (ii) act for a collective good, (iii) challenge power, and (iv) do so in a sustained, organized fashion, regardless of its extent or lack of formal organization. These are traits that I have proven the movement in my case study to possess and embody. To distinguish this type of everyday resistance from the individual version, I call it “pragmatic resistance.” It belongs to collective action as another of its genres, alongside the genre that features publicly declared claims and open demands for formal changes (see Diagram 9.1).¹⁶⁸

By theorizing everyday resistance in this manner, I break it away from its dichotomous and linearly progressive relationship to collective action, the more typical approach in socio-legal studies on social movements. As a result, I highlight a different but nuanced perspective to understanding how law matters to social movements: in collective actions of the pragmatic resistance genre, given the socio-political conditions under which it typically arises, namely repressive regimes with less civil-political rights than democracies, law seldom appears directly and obviously as a resource, especially in the form of rights; nevertheless, law matters first by being a source of power and domination that is resisted, and then as formal and cultural resources reclaimed from such a type of everyday resistance. This approach, therefore, takes more seriously and is more sensitive to both the larger social context, as well as the subjective meaning making of social actors who strive collectively for social change in the very context that they cannot choose to be less democratic or generous about rights in the first place.

In the following sections, I first elaborate on the concept of everyday resistance, by drawing upon Scott’s *Weapons of the Weak* (1985), and *Domination and the Arts of Resistance* (1990), and make my case for how “pragmatic resistance” bears the essential traits of everyday resistance. Next, I consider how the relationship between everyday resistance and collective action has been characterized in Scott’s work, sociology of law, and social movements. From these characterizations, I extract the differentiating features

¹⁶⁸ However, I do not purport to argue the specific ways in which one type of collective action is stronger or weaker than the other, or equal to it. That warrants another study that involves comparative empirical work.

between the two. Then I address them to articulate my own theoretical perspective on their relationship, and, therefore, argue the case for how my study's pragmatic resistance, being everyday resistance in nature, relates to collective action.

(I) EVERYDAY RESISTANCE

This section examines the defining characteristics of “everyday resistance,” and articulates how they are the same traits found in the collective strategy of Singapore’s gay movement. Making such a connection between the two provides a sounder foundation upon which I can next develop my theoretical arguments about the relationship between everyday resistance and collective action. It also establishes an example for clearly extrapolating everyday resistance from its peasant and lower-class roots to a wider range of power relations in other studies.

(A) KEY CHARACTERISTICS OF EVERYDAY RESISTANCE

The notion of “everyday resistance” has greatly influenced our understanding of how subordinates interact with power. In sociology of law, it has enlightened the study of legal consciousness by drawing attention to the covert ways in which the oppressed see through power, and still manage to hold onto and exercise their agency. This perspective re-centers the agency of the dominated, recognizing the significance of such reactions to power; at the same time, it reminds us of the dominating circumstances that give rise to it, since the acts of everyday resistance are limited and shaped by those social conditions. To summarize, everyday resistance bears the following characteristics:

- It is a *challenge to power*, but, unlike open forms of collective resistance, it does *not destabilize the formal order, and avoids outright confrontation*. Instead, it focuses on *immediate gains that lack formal recognition*. Accounting for the daily struggles under repressive conditions, everyday resistance always has an eye and intent on *survival*. Thus, it is often *covert*, and finds protection in camouflages of apparent displays of conformity. Furthermore, it is not made up acts performed in isolation; it is *coordinated, monitored and sustained by a culture of practices and discourse*.

In his ethnographic study of Malay peasants in a rural community called “Sedaka” in Malaysia, Scott finds no overt political struggle or open collective action, much less revolts, by the subordinated peasants against their superordinates - the local power holders, such as landlords. Instead, he discovers “everyday forms of peasant resistance - the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them. Most of the forms this struggle takes stop well short of collective outright defiance” (29). For example, the peasants resist through foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, and sabotage. Scott defends everyday resistance as a type of “real” resistance, even though it does not have publicly declared and symbolic goals, does not pursue claims overtly, and

is unconcerned with systematic, *de jure* changes (33) - open, collective resistance, or what is widely acknowledged as collective action. His defense helps to define the unique characteristics of everyday resistance.

This type of resistance is covert and opportunistic, because it is sensitive to its social conditions. It is the reality of how a group of subordinated people exerts their political presence, and show that they, too, have a political life. Although they desire to improve their conditions, they also want to protect their daily means of survival, which they believe will be easily jeopardized by risking an outright confrontation against those who wield such dominating control over their livelihood. Resistance is rendered meaningless, if they lose what originally motivated them to resist. Hence, they focus on immediate gains and avoid openly challenging the power arrangements that provide such gains.

Scott also argues that everyday resistance challenges power, going beyond the impact of achieving self-help. Although the peasants are motivated by self-help, a desire to improve their lives by a little under the repressive conditions, their acts of everyday resistance are not self-indulgent, which connote the lack of consciousness and intention to negate domination. To make his point, he compares the peasant who hides part of his crop to avoid paying taxes to one who undercuts his neighbors in order to seek land successfully from a landlord: the first peasant is "both filling his stomach and depriving the state of grain" (295), whereas the second makes a personal gain but does not challenge power; the first is an act of everyday resistance, and the second is not.

In addition, everyday resistance prevents the second type of acts, undercutting another peasant and the like, through coordination among the peasants. That is, Scott finds everyday resistance to be a culture created and sustained by the resisters over time (hence, he specifically discounts rare and isolated incidents that look like everyday resistance). The diversity in acts of everyday resistance belies "a basic continuity" (302) coordinated and unified by this culture. Thus, Scott defends everyday resistance against dismissals based on presumptions that it is unsystematic, unorganized and uncoordinated. The Sedaka peasants may lack formal organization - at least partly because they could face retaliation - but they have a culture of keeping one another in line, making sure that they all conform to everyday resistance, and, therefore defining which acts count as everyday resistance. They impose social discipline, social sanctions and "customary prohibitions," such as gossip, character assassination, public shunning, and even violence - internal social processes that Scott calls "imposed mutuality" (261-2). Hence, actions that jeopardize the interests of fellow peasants do not count as everyday resistance, not only because they fail to challenge power, but also because the subordinate's culture disqualifies them.

Beyond the processes of social discipline and sanctions, everyday resistance draws sustenance and meaning as a culture from of its intimate relationship to hidden transcripts. Through exposure to ongoing backstage discourse, a member of the oppressed group is socialized into appreciating and understanding why and how their acts against power have to be coded and sanitized when they go onto the public stage, and interact with their

superordinates. In *Domination and the Arts of Resistance* (1990), Scott elaborates on public and hidden transcripts, introduced in his Sedaka study, and explains their relationships to everyday resistance. Public transcripts refer to the open, speech or non-speech, interactions between the dominators and dominated (2), whereas hidden transcripts take place in discourses away from the public stage, confirming, contradicting or inflecting the public version. Both the powerful and powerless have their own hidden transcripts, which are not intended for the other, but are performed for different audiences, such as among themselves, and with different configurations of power relations. *However, hidden transcripts can also be found in disguise in public transcripts, and this is where everyday resistance with its covert nature comes in: The subordinated display symbolic conformity by performing according to the public transcript, but simultaneously resists the power it imposes, for example, through satire, humor and euphemisms.* Such guile does not necessarily entail being hidden from the naked eye. More importantly, it is about how resistant acts protect the subordinated from the ramifications of challenging power, while enabling them to do so, due to their acceptance in the public transcript, which stays intact with the subordinate's outer show of deference to it. For example, the Argentinean mothers' protest of the disappearances of their sons under a repressive regime is clearly visible, but actually challenges power under guise. It enjoys "relative immunity" from violent state reaction (Scott 1990, 166), for it was able to appeal to the public transcripts of patriarchal values of religion, family, morality and virility, to which the regime pays lip service, as well as the protestors culturally honored roles as mothers.

The intimate relationship between everyday resistance and hidden transcripts also bolsters the argument that it does challenge power. Everyday resistance does not only defy the power of material domination, but also the ideology behind it. Scott clarifies that hidden transcripts are ideological insubordination, and everyday resistance such as that found in slaves and peasants are the material counterpart. The distinction is clear for hidden transcripts that occur backstage, such as gossip among slaves in their own living quarters. But when hidden transcripts appear disguised in public transcripts, I find Scott's explicit explanation on this point somewhat confusing: he points out that hidden transcripts take shape in forms such as euphemisms, humor and ritual within public transcripts; however, he also includes practices such as poaching, pilfering and clandestine tax evasion, which are recognizable as acts of everyday resistance (14). Both are "infrapolitics" of the powerless - resistance undisclosed to and camouflaged from the powerful (198). For the sake of clarity, I prefer to think of *everyday resistance as representing all forms of public manifestation of hidden transcripts, the ideological side of domination, as well as acts that resist material appropriation by the powerful.* My position is inherently supportable in Scott's renditions: even though Sedaka peasants feel material appropriation and domination most acutely and immediately, their powerlessness goes beyond the material - it comes with the domination of an ideology, capitalism, which privileges land ownership, and landowners in the distribution of the fruits of production. Hence, everyday resistance also counters ideology, the thinking counterpart to the material. In other words, I think of acts of everyday resistance as an inclusive reference to the euphemisms, the onstage satire, public rituals performed laden with offstage meaning - that is, the hidden transcripts of

ideological insubordination disguised in public - as well as the poaching, pilfering and other acts relating to material insubordination.

(B) EVERYDAY RESISTANCE AND THE GAY MOVEMENT IN SINGAPORE

Activists of the gay movement in Singapore implement a strategy and tactical processes that bear the key characteristics of everyday resistance expounded above:

(1) Challenges power

In Chapter 5, I showed that they take up gay activism out of a sense of necessity and obligation to “do something about it.” Hence, they already challenge the domineering power of law and other cultural norms that discourage activism. Then in Chapter 7, I demonstrated how they try to “push boundaries” by resisting the power of law and other cultural norms that interact with law to control and dominate political discourse and ideology in Singapore. For example, the Coalition’s second registration attempt aimed at exposing and shaming the state’s repression of the freedom to associate and organize; the getting around and making use of licensing regulations defy the curtailment of speech, expression and assembly; and the public rally of Pink Dot challenges the discourse over who may assemble and occupy space publicly.

(2) Maintains the formal order, avoids outright confrontation, and focuses on immediate gains that lack formal recognition

Their tactical processes do not aim at asking for legal changes, a type of formal change, though some activists may harbor such aspirations in their hidden transcripts, part of which they shared in their interviews about rights and objectives for the movement. On the public stage, they concentrate on informal gains that do not alter formal arrangements. Even Repeal 377A, though appearing to ask for the repeal of a criminal provision, was not intended, first and foremost, to change the law but to attract government attention, and raise public awareness. The tactical processes relating to bans on talks and license rejections aim at immediately being able to proceed with the intended event, or exposing repression, rather than challenging the formal basis behind the state’s power to curtail fundamental civil-political freedoms. Since they deem open confrontation to trespass boundaries and practices, they shun acts such as street protests. Hence, the police harassment of Rascals did not culminate into a Stonewall-like protest, but took the form of a letter campaign behind the scenes and hidden from public view.

(3) Covert, and accounts for the need to survive

Respondents in my study camouflage their aspirations for legal changes, found in their hidden transcripts about rights and objectives, and their acts of resistance within the accepted discourse of public transcripts - toeing the line, or abidance by the boundaries and practices. Therefore, their tactical processes find their way onto public stage covertly

as they need to avoid state retaliation that could jeopardize the movement's existence. They are what the analysis in Chapter 7 uncovered: defiance by obedience, contention by co-operation; put differently, in the language of hidden transcripts, they try to alter the public transcript while deferring to it. For example, Pink Dot organizers painstakingly tried to follow every rule and regulation they could find as relevant, and thus adhered to the public transcript of legal obedience, protecting and allowing their very act of claiming public space and expression to occur in the face of power. The Coalition's second registration attempt did not openly challenge the rejection based on fundamental rights, an action that would have deviated from the public transcript, but leveraged on the specific administration decision to make its point, acceptable in the public transcript since it does not question the formal order.

This is also the case with the Repeal 377A campaign, the most overt of their tactical processes. Even though its leaders did not intend the law to change, the parliamentary petition carried such a superficial intent. Nevertheless, the campaign operated according to the public transcript, with the hidden transcript of rights discourse tucked away and shielded safely: Repeal 377A leaders took advantage of the Penal Code review and the state's invitation for public opinions on its proposed amendments, which did not include the removal of Section 377A; and, they followed legal procedures that were acceptable to the power holders - going through Parliament where they wield direct control, rather than going to court.

(4) Coordinated, consistent and sustained by a culture

The movement has a culture that continuously creates, perpetuates and embodies its strategy. I argued in Chapter 8 that this culture is coordinated, and produces a consistent pattern that weaves, and is weaved, together by social processes that motivate and attract new activists, interpret boundaries and practices, inter-relate and connect activists among themselves, construct lessons based on prior movement-state encounters, and tactically implement pragmatic resistance. Together, all of these meaning making interactions shape a movement trajectory about its coming out, and diversified expansion (see Diagram 8.1). I further argued that such a culture leads to an organized phenomenon, in spite of the lack of formal leadership or organizational structures.

Before affirming the compatibility between everyday resistance, as understood in Scott's works, and the strategy in my study, I address the following issues first:

(C) A QUESTION OF CLASS

Everyday resistance developed out of peasant studies, based on some of the lowest classes of society. Even though I have made use of Scott's exposition on hidden transcripts and their guises in public transcript to extend everyday resistance to ideological insubordination, the concept still has roots in material domination. On the other hand, the activists in my study are middle class, and do not consider themselves as subjugated on

the basis of class. *The issue is whether everyday resistance applies to cases of domination that does not clearly result in material appropriation.*

In sociology of law, everyday resistance has been applied diversely. Indeed, it has appeared in lower-class contexts other than peasantry, such as welfare recipients (Sarat 1990; Gilliom 2001), but that is not always the case. For example, not all of the interviewees in Ewick & Silbey's study (1998) come from a lower-class background. Neither do some of the interviewees who encountered speech harassment on the streets in Nielsen's study (2004). As for the activists in Kostiner (2003), they appear not to have lower class backgrounds; and even if they are, they are not fighting for their class, but for a people who are more likely to be.

The takeaway is that scholars have broadly applied everyday resistance to contexts of subordination that is neither necessarily class-based, nor primarily about material domination. The keyword here is *subordination*, regardless of its forms, material, ideology, or otherwise. Dignity and autonomy, for which my interviewees fight, are at least equally important to material relief. In sociology of law, everyday resistance extends to subordination by law, which is largely ideological subordination. Sometimes it is about law in totality (Ewick & Silbey 1998), and often it concerns law in relation to other cultural forms of domination, such as gender and race (Nielsen 2004). The attraction and endurance of this concept lie precisely with its applicability to an array of subjugations, where the weak relies on everyday resistance to deal with domination the inherent arrangement of which they seem unable to overcome without risking their survival. My case is doubly pronounced. The activists in Singapore's gay movement are trying to challenge a power that subjugates a group of people based on their sexualities, *and* they are carrying out the challenge under repressive socio-political conditions that curtail their freedoms to speak out, and organize safely from state retaliation.¹⁶⁹

(D) ABOUT SURVIVAL

Related to the issue of class is that of survival. An essential trait of everyday resistance, it appears in the context of Scott's Sedaka study most distinctly as subsisting and getting by on one's livelihood. In legal consciousness studies, survival is not explicitly discussed much, though it is implied. For instance, welfare recipients (Sarat 1990; Gilliom 2001) and people such as Millie in Ewick and Silbey (1998) are more immediately concerned about how they could get by, and get on with their lives in face of legal power that impedes their ability to do so, and thus, they resist it in everyday ways adequate to meet such purposes. The activists in my study, on the other hand, belong to the middle classes, and they do not fret over day-to-day subsistence. *The issue is whether such a core trait that typifies the weak's "weapon" is applicable to my case.*

¹⁶⁹ Besides, material subordination arguably also exists, considering the practical effects of discrimination, such as workplace and housing, flowing from ideological domination.

The respondents in my study may not worry about their livelihoods as peasants and slaves do, but my data analyses, especially on the tactical processes, clearly demonstrate a strong sense of needing and wanting to survive in order to “live to fight another day.” It is survival from two perspectives. First of all, they want to avoid the worst case scenario - the clamping down of their movement organizations, and legal sanctions such as detention and arrests - for they have no illusions about their political masters, and understand what the state is capable of doing, should it choose to. From this perspective, they care about the *livelihood of their movement*. In addition, the worst-case scenario of state retaliation can also entail consequences for their personal lives. Detention and arrest can erode their way of life as middle-class Singaporeans, something that these activists share in the interviews that they cherish, and do not wish to lose in the name of gay activism.¹⁷⁰ From this second perspective, therefore, they are also concerned about *the livelihood of their way of life*.

Furthermore, a second layer of survival underlies the concerns of daily subsistence among the lower classes. This layer is more similar to my activists’ situation. Beneath the plebeian, immediate needs of food, basic income and shelter, they also want to survive by avoiding trouble and punishment that could result from outright challenges to the power of their masters. Ultimately, the two types of survival are related. Sanctions and penalties can cost one to lose the means of livelihood. In my case, they can additionally cost the movement. Ultimately, it is the essence of survival that truly matters. It should be about how repressive conditions discourage someone from openly challenging the status quo of power arrangements, because they perceive the consequences to be far too costly, and, how they subsequently make a choice to challenge power in alternative ways that they believe can better ensure the survival of whatever they deem to be important in their lives.

(E) LAW AS SOURCE OF DOMINATION

Law has received primarily two kinds of treatment in legal consciousness studies where everyday resistance has been applied - as an all-encompassing source of domination in the subjects’ lives (Ewick & Silbey 1992; 1998), and as one of many cultural institutions in interaction with one another, such as with race, gender (Nielsen 2004), and work (Albiston 2005). Although I do not deploy “legal consciousness” as conceptualized by Ewick and Silbey,¹⁷¹ I take a similar approach toward law - as a cultural institution that is sometimes mediated, negated, or boosted by other cultural institutions, and vice versa. However, everyday resistance in the original contexts of peasants and other lower classes does not specifically refer to resistance to law (though, of course, law can be one of the sources of domination); in fact, the emphasis is often on the personal, unequal relationships among classes. I have not come across a legal consciousness study that has clearly articulated how “everyday resistance” extends to explicit instances of legal domination. *The issue is*

¹⁷⁰ How these sensibilities impact the effectiveness of their movement is explored in Chapter 10.

¹⁷¹ See Chapter 2 for a review of the literature, where I depart from legal consciousness by designating “legal imagination” as the “thinking” of legal consciousness, and the formulation and implementation of movement strategy and tactical processes as its “doing” aspect.

whether it is indeed applicable to subordination involving law as a key, if not the sole, source of power.

The lack of attention to law specifically in Scott's peasant studies may be due to the way in which he thinks about law. Scott appears to be more concerned about material domination through "personal rule," the power-laden relations of landlord-peasant and the propertied-landless, in spite of the reality that in Sedaka, state and local laws lurk in the background, and help to shape those unequal relationships. He surmises that the weaker party would feel less constrained to conceal their hidden transcripts in situations where power is firmly institutionalized and defined in law, for example (1985, 286) - that is, law can limit the superordinate's extent of power, and thus diminish the need to resist power through the everyday form. He also qualifies that his analysis of hidden and public transcripts, including undisclosed resistance smuggled into public transcripts, is less relevant to "impersonal rule," such as scientific technologies, bureaucratic rules, and other modern forms of social control that Foucault has in mind (1990, 21-22); for my case - and the legal consciousness studies in sociology law - such "impersonal rule" would include license regulations, the registration requirements, and censorship rules.

However, such an understanding of law appears to be confined to formal law, and not the cultural aspects of its power. In my case, the superordinate's power provided by formal law extends beyond it to permeate the cultural realms, and to interact with other cultural institutions - what I call "boundaries and practices" - all of which impact the power-laden relations between activists and power holder. The everyday resistant-like strategy of my respondents does not respond only to law, but also other dominating cultural norms, and their interactions with one another. In addition, when dealing with the so-called "impersonal rule" of modern social control, as Scott himself points out in qualification of Foucault, (1990, 21-22) there exists also a mediating element of "personal rule"; for example, the police and licensing officers in Singapore are not only endowed with the power of impersonal rule, *but also* enjoy cultural power created by the formal endowment in their relationships to the activists. Hence, the power relations and the responses to power in my case cannot and should not be clearly demarcated by "personal rule," where law is thought to take a backseat, and "impersonal rule."

(II) A RELATIONSHIP OF DIFFERENCE

Having established that the overarching strategy of gay activists in Singapore is everyday resistance in nature, I move on to consider existing treatments of the relationship between everyday resistance and collective action by Scott, and selected works in sociology of law, and social movements. From their treatments, I identify differentiating features between the two concepts, and make use of the comparisons to articulate my own theoretical perspective. The terms of reference to what I have generally considered collective action, or social movements, in these various works are diverse: for example, collective action, social movements, contentious politics, collective political struggles, and open resistance. In this section, I endeavor to keep the authors' original terms, but when making my own

arguments, I will use “collective action,” and “social movements” interchangeably - that is, a group of people acting together for a collective good to challenge power in a sustained, organized fashion.

Overall, while the scholarships surveyed below appreciate the value of everyday resistance, they impliedly and perhaps, unconsciously, still regard everyday resistance as lesser than resistance of the open, publicly declared variety found in conventional understandings of collective action or social movements. Thus, the relationship bears an unarticulated sense of hierarchy, or linear progression, with everyday resistance as the lesser partner. The question centers on how it *amounts* to the greater other.

Scott, for example, despite his vehement defense of everyday resistance as “real” resistance equally worthy of serious scholarly and political attention, treats it as a prologue, a “stubborn bedrock upon which other forms of resistance may grow” (1985, 273). It is not that Scott rejects the possibility of collectives’ carrying out acts of everyday resistance. He accepts that everyday resistance can be performed by a group of people, not just individuals - for example, a group of poachers working together (1985, 35, 273). However, he does not equate such collective acts with open, publicly declared resistance (1990), such as petitions, demonstrations, boycotts, strikes, land invasions, revolts, and public countering of ideologies. He regards the two as qualitatively different. While everyday resistance is sustained and coordinated by a culture, he finds it to lack capacity to “sustain any coherent political movement and formal organization” (1990, 150-1). To him, it is the unfortunate and common resort in repressive regimes where democracy is lacking, and thus, the risk of open resistance is higher (198-99). In other words, even though Scott acknowledges the significance of everyday resistance, given the prevalence of less-than-democratic societies around the world, his characterization carries a tone of wistfulness. It carries a hope for everyday resistance one day to *develop into* its “twin sister” (184) of “overt, collective defiance” when tension “escalates” (197). They are twin sisters that are, nevertheless, unequal; the latter is impliedly more important, because it is the destination, and not a step along the way.

This theme is repeated in socio-legal studies. It most often surfaces in critiques about everyday resistance, and responses to those critiques. They suggest that everyday resistance has the potential to give rise to collective action of a particular kind - political (McCann & March 1995; Merry 1995)¹⁷² collective, open and demanding for formal changes. So they center the issue on the lack of clarity in existing scholarship about *how* such a potential and foundation is built. Hence, the relationship between everyday resistance and collective action is instantly limited to a hierarchical one of foundation and consequence. For instance:

¹⁷² I also take issue with the use of “political” as a distinguishing feature *from* everyday resistance, because it is also political.

- Ewick and Silbey (1998), drawing upon Scott (1985), characterize everyday resistance as a “necessary, if not sufficient, *precursor* of political mobilization. Minimally, research on everyday resistance allows us to inquire whether such acts do *prefigure* or even *provoke* more collective contests of power.” (188; emphasis added)

- McCann (1992) in his response to Handler’s criticisms of postmodernism (1992) cites Scott and more recent empirical studies, and defends everyday resistance as the “first step necessary for later large-scale collective actions” (741).

- McCann and March (1995) also note the potential connection of everyday resistance to collective struggles, and call for more attention on its relationship to the latter, as it could develop into “*more consequential*, collective political struggles” (228; emphasis added).

- Merry (1995) does warn against drawing a sharp line between individual and collective action, but she takes a similar approach to individual everyday resistance - that it can inform “transformative politics,” again presuming a linearly progressive relationship.

Such a presumption is so prevalent that, in fact, when I came across references to “collective *resistance*” in the critiques, I had a difficult time determining whether the writers actually meant everyday resistance in a collective form, or collective action of the other varieties explained above. This additionally highlights the existence of a presumption that confines everyday resistance to the individual, covert realm; the lack of explanation of “collective resistance” in the manner I had hoped to find indicates the strength of the presumption - that there was no need to be clear about it.

As for the social movements literature, it is almost silent about any empirical or theoretical connection between everyday resistance and social movements. The silence speaks volumes of how social movements scholars regard everyday resistance. It is compartmentalized from the former, and relegated to what McAdam (1999a) - one of the rare, explicit references to a relationship - refers to as “subterranean politics” (xxix). The relationship is dichotomous: everyday resistance and social movements stand apart from each other, and the two shall meet only if everyday resistance can somehow *develop into* the other, thus again implying a foundation-consequence, linearly progressive relationship.

The treatment of everyday resistance, or lack thereof, stems from their understanding of social movements as bearing characteristics that necessarily distinguish the two: open challenges to power and claim-making that seek changes to the institutionalized order; are coordinated, organized and sustained over time; and, consequently, are more viable and prevalent in democracies. For example, McAdam (1999b) considers social movements as popular contention, which in *Political Process and the Development of Black Insurgency* concerns open, street protests. In Tilly and Tarrow (2007), contentious politics are coordinated collective action that openly, overtly, and publicly challenge power, hence contentious, and are political in that the state is somehow implicated, directly or indirectly. According to them, not all contentious politics are social movements, which are

additionally defined as sustained and organized claim making. Their exclusion of non-state contention from social movements renders their definition of the concept much more narrower than most social movements studies, which typically do accept non-state contention, for example, against a polluting corporation, so long as they publicly challenge some sort of power and demand for social change (McCarthy & Zald 1977). Though not strictly about social movements, in their literature review on the extensions of social movement theory to research on organizations, Morrill, Zald and Rao (2003) do treat “covert political conflict” within organizations as diverse and located along a continuum between disorganized, isolated co-action, and formal co-ordination, instead of necessarily dichotomous to open forms of mass mobilization. Therefore, they do acknowledge that subterranean political acts, such as sabotage and other forms of everyday resistance, can have collective action dimensions. They also raise questions about the relationship between covert political action in an organization, and social movements in the society within which the organization is situated, and point out that the extension of social movement theory into organization research has favored open confrontation while neglecting this range of actions. However, generally, social movement studies have not paid attention to the empirical or theoretical relationship between everyday resistance, and collective action.

The differentiating features between everyday resistance, and collective action can be inferred, and summarized into the following table:

Table 9.1

Comparing everyday resistance and collective action based on conventional understandings

No.	Everyday resistance	Collective action
1	Linked to individual actors	Collectively acted upon
2	Lack formal organization; not sustained	Formally organized; sustained
3	Covert claim-making	Open and public claim-making
4	Focus on informal gains; avoid outright confrontation of formal order	Ask for formal changes to existing institutionalized order
5	Associated with repressive regimes, lack of democratic processes and civil-political rights	Associated with democracies and civil-political rights
	Potential foundation of collective action	Potential consequence of everyday resistance, if socio-political conditions change

(III) EVERYDAY RESISTANCE AS A GENRE OF COLLECTIVE ACTION

From the analysis above, I build my case for an alternative theoretical perspective on the relationship between everyday resistance and collective action:

I propose a slight paradigm shift to approaching the relationship. It begins with reframing the question, moving away from the type that limits the very inquiry by asking how one leads to the other. Such questions are inherently linked to certain ideas about the relationships among law, social change and democracy, in which law, particularly rights, is treated as a resource for collective action (an issue I will revisit later). Instead, I frame the question as simply about how the two relate to each other.

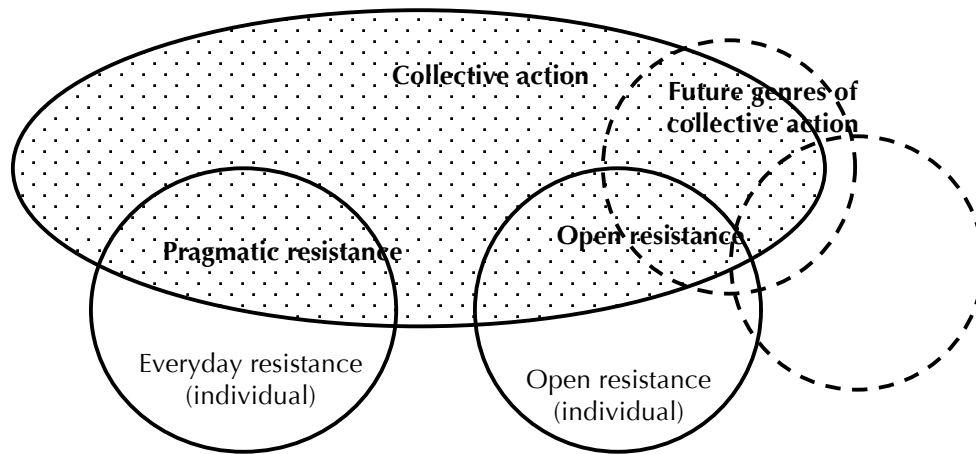
In response, I propose to think of *everyday resistance as capable of being a genre of collective action*. Two implications flow from this proposal: *the detachments of “individual” from “everyday resistance” and the features of open and formal claims from the concept of “collective action.”* I will address them in the elaboration of my proposal in the next few paragraphs. For now, they just need to be acknowledged in order to follow my argument. In short, I argue that a social phenomenon of everyday resistance can be a collective action or social movement in itself, without having to “lead to” collective action; it stands alongside the type of collective action typified by publicly declared claims, and quests for formal changes, as another genre. My diagram in Diagram 9.1 shows them as two types of strategies that can be and are deployed by collection action phenomena. For the ease of referring to *collective* everyday resistance distinctly from its individual counterpart, I call it, “pragmatic resistance.”

While analyzing existing understandings in the literature, I notice that the two attachments of individual to “everyday resistance,” and open or formal claims to “collective action” have created blind spots to their relationship, leading to the dichotomy discussed above. This is due to the association of overtness and formal claim making with a particular set of socio-political conditions - democracy and rights. My perspective, on the contrary, allows for more flexibility. It is simply a different model for looking at different kinds of challenges to power, individual, collective or otherwise, already uncovered by other scholars. It preserves the conventional approach, while making room for other possibilities. Individual forms of everyday resistance can still exist alongside and, under my model, may still morph into collective action of the open kind if certain conditions become present.¹⁷³ Future research may uncover other genres of collective action, adding to the number of circles in the Venn diagram of collective action (see Diagram 9.1). Some may overlap or intersect with one another; perhaps a hybrid case of open resistance and pragmatic resistance exists out there. Others may transmute into another genre over time, while maintaining the core features of collective action in my proposal, elaborated below.

¹⁷³ See Chapter 11 for my discussion on such potential conditions.

Diagram 9.1

Everyday resistance, pragmatic resistance and collective action



Of course, not all phenomena of everyday resistance count as collective action, that is, pragmatic resistance. Neither does every open, publicly declared act of claim making. Both types have to fulfill the following criteria in order to be considered a phenomenon of collective action. They are criteria built on, and familiar to existing scholarships on everyday resistance, especially in sociology of law, and on social movements:

Carried out by a *group of social actors to challenge power in a sustained and organized fashion in order to achieve a collective good beyond personal gain.*

(A) BY A COLLECTIVE

In spite of empirical evidence that everyday resistance can be carried out a group of people (Scott 1985), everyday resistance is most commonly associated with the individual actor. Hence, it appeared as a “difference” from collective action in Table 9.1. However, I disagree with such an individual-collective dichotomy, for it impedes our imagination of everyday resistance’s relevance to permutations of challenges to power in varied contexts. “Individual” is merely a question of scale of implementation. Just as there can be one-person petitions or one-person marches, tactics familiar to the open politics of collective action as conventionally characterized, so can there be foot-dragging and physical occupation of forbidden spaces - tactics of everyday resistance - done on a collective scale. The activists in my case study, for example, execute a strategy and implement tactical processes identifiable as everyday resistance, and as a collective group rather than individuals. In other words, I detach everyday resistance from its oft-assumed pairing with “individual,” and treat everyday resistance as a type of strategy, similar to open forms of claim making, that can be carried out by one person as well as a collective group of people.

(B) CHALLENGES TO POWER

This point is commonly accepted even within the conventional understandings of everyday resistance. Although sociology of law, and social movements consider everyday resistance to be less significant than what they consider to be collective action, they usually do not deny its efforts at negating power. I have provided strong empirical evidence in my case study. That the denials are executed under cover, rather than openly, and are regarded as lesser counterparts, however, will be addressed separately below.

(C) SUSTAINED AND ORGANIZED PHENOMENON

This is another “difference,” listed in Table 9.1, which I dispute here. Empirically, everyday resistance enjoys a supportive culture or base that produces and enforces a consistent pattern of its strategy throughout the movement, producing an organized phenomenon sustained over time. Such was the case in Scott’s Sedaka study, and mine. In fact, the activists in my study have some recognizable leaders, and mission statements among themselves. The only obviously absent feature is, therefore, *formalization*, reminiscent of social movements’ resource mobilization perspective that privileges formal organizations and the expertise of outsiders to the movement base (McCarthy & Zald 1977; McAdam 1999b). As have been empirically proven, however, the lack of formality does not mean the impoverishment of organization. The focus should be on the latter, as it is organization that provides the sustainment and perpetuation. Formality may help, but it should not be deemed necessary. For instance, Polletta’s study of participatory democracy in movement organizations (2002) finds that informal practices, nevertheless, are strategic in nature, and express and sustain the groups’ cultural norms. Gay activists in Singapore maintain a sense of organization and coordination through informal social processes of learning, and manage to enforce a set of ideas and interests among them despite the lack of formalized structures. Besides, it is because of the very nature of their boundaries and practices that they have a difficult time setting up legally recognized, formal organizations (that are not otherwise euphemized as companies). To discount the organized phenomenon due to the lack of formalities would be to deny the social realities that have informed the empirical evidence.

(D) FOR A COLLECTIVE GOOD

“Collective good” is usually amiss from discussions about the relationship between everyday resistance and collective action, because it is such a basic notion for the study of social movements. To illustrate, a central concern for rational choice theorists of social movements is the problem of “free-rider” - why people would act *beyond their self-interest*, and actually do something for a group rather than sit back and reap its benefits. (Olson 1971; W. Gamson 1990; Ferree 1992). Thus the presumption is that social movements are fundamentally motivated by the pursuit of collective good greater than one’s personal benefits (though the individual actor may gain from it personally).

This basic, almost taken for granted, notion is crucial to my theoretical perspective. It helps to distinguish true “pragmatic resistance” from acts of everyday resistance carried out collectively purely for personal benefit - for example, a group of grain pilferers who team up for efficiency and safety. Not all acts of everyday resistance carried out together by more than one person should be considered collective action (that is, pragmatic resistance), just as neither should every act of open petition, protest or litigation. It is different from the feature of challenging power, which can still be purely motivated by nothing more than a narrow self-interest. The broader, collective good can be associated with a group with which the activist identifies or sympathizes, such as the gay community or migrant workers, or an altruistic cause with benefits beyond the personal, such as the humane treatment of animals.¹⁷⁴

The intention of collective good has to be separately and empirically explored and established. It not only has to exist in the imaginations of the actors, but also acted upon. My interviewees were motivated by a sense of necessity and obligation, and became activists to “do something about it,” for the sake of others. As for the people of Sedaka in Scott’s study, they may have sometimes carried out acts of everyday resistance as a group; but to establish “collective good” among them, we would have to look at whether they worked together only for personal gain, or did so to further a good for everybody in that group, *and* acted on that intention.

Having set out my criteria, I account for three remaining differences listed in Table 9.1 between everyday resistance and collective action as conventionally understood. Strongly contributing to the dichotomous relationship of foundation/consequence, and potential/realization, the three are collective action’s most common defining features, which I propose to rethink:

- Covert vs. Open claim making
- Focus on informal gains and avoidance of confronting formal order vs. Claims for formal changes
- Association with repression and the lack of rights vs. Association with democracy and greater rights

Rather than dispute their being distinctions, I argue that they are differences that ought *not* to color the framing and understanding of their relationship, which, according to the last difference, is one of foundation-consequence. This is because, as mentioned earlier, I detach the features of openness, and formal change from “collective action.” Claim making that is open or demands for rearrangements to the institutionalized order is one strategy that can be collectively implemented, similar to everyday resistance as a strategy.

¹⁷⁴ What McCarthy and Zald (1977) call “conscience constituents.”

Whether or not that collective act *is* collective *action* would depend on the criteria set out above.

My justifications are:

The phenomenon I have studied of gay activism in Singapore evidently challenges power. Although its actors do not seek formal changes, their attempts at informal gains test and push law, and other boundaries and practices, sources of power controlled by the state. The covertness and lack of directly confronting the formal order are borne out of the social conditions that they not only challenge, but also have to survive. These are decisions that social actors make based on their realities on the ground. I do not quarrel with the view that everyday resistance is probably one of the more feasible options for those in repressive settings, and that open claim making has a safer and greater chance in democracies. My point is that actors, such as the activists in my study, who determine everyday resistance to be their most viable choice should not have that choice judged as lesser than their counterparts working within another set of social conditions - for clarity, this "lesser" valuation is apart from the wide acknowledgment in the literature that everyday resistance *is* important, and, instead, pertains to the treatment of everyday resistance as the foundation rather than a peer of the latter phenomenon - that choice is the product of their legal and other cultural imaginations, a meaning making process at the intersection of their biographical experiences and larger social context, which they did not choose in the first place but are trying to change. When Scott defended everyday resistance as "real" resistance, he argued that to dismiss it from political life would be to allow the structure of domination to define resistance for us (1985, 299). For my case, to discount a collective phenomenon of everyday resistance as qualitatively lesser than one that *can* make open and formal claims under different social conditions would be to allow the very sources of domination to evaluate the worth of "collective action" for us.

An assumption underlying the conventional treatment is that socio-political conditions may change, and when they do, they create opportunities for everyday resistance somehow to rupture (Scott 1990) the dichotomy, and generate momentum for a collective uprising. Scott calls everyday resistance and collective action, "twin sisters" (1985, 184) - fraternal twins who are unequally treated, I would add. But what if everyday resistance is the only child, or the only one who can survive? In some cases, covert claim making and informal aims indeed may morph into unbridled public declarations and demands for formal changes. My alternative perspective still allows for such a possibility. The socio-political conditions in Singapore, for example, may change such that political parties vie more competitively for power, and the curtailments on civil-political liberties are lifted (and I explore what those conditions may be in Chapter 11). But what about the meantime? What if the socio-political settings are slow to change, or show no sign of shifting? Unfortunately, it is the reality in societies around us. Growing appreciation of everyday resistance has helped to alert scholars to the existence of political life in such "certain times," as McAdam calls subterranean politics to which he assigns everyday resistance (1999a). My proposal simply builds on that growing appreciation to encourage

taking the next step in acknowledging the existence of a *collectively mobilized and organized* political life in such times and places.

The study of gay activism in Singapore unveils the vibrancy and endurance of one such case. I venture to suggest that this case is not unique, as plenty more societies that lack democratic processes and civil-political freedoms exist. The empirical details may vary, of course. What my proposal urges is merely openness to alternatives that enable fuller, and more realistic examinations of how social actors living in varied societies challenge power and try to realize their political aspirations, not just as individuals but as a people, connected to one another through their shared histories, and motivated by collective good. Just because their social conditions are more repressed does not mean that we write off their attempts to mobilize collectively, in ways alternative to open resistance and formal claim making. Skepticisms of the effectiveness and capacity of pragmatic resistance are separate matters to be explored in the subsequent chapter. Here, the issue more closely concerns fuller acknowledgement of agency - regardless of its berth - how it interacts with socio-political conditions and settings, and the consequences of those interactions.

(IV) HOW LAW MATTERS

For sociology of law, specifically, my proposal helps to investigate more holistically the social processes involving law in collective action or social movements. In regimes with less democracy and rights, familiar territory to pragmatic resistance of the sort I found in Singapore's gay movement, law seldom appears as apparent resources for collective action. My case study demonstrates that, in fact, it is a domineering formal and cultural power that interacts with other cultural norms to stifle ground-up mobilization for social change. If we look at collective action from the conventional perspective, attaching it to open resistance and formal claims, and therefore confining it to democracies and rights settings, we would tend to find a paucity of collective action in these other societies. As reviewed in Chapter 2, existing socio-legal literature on social movements emphasize the role of *rights*, rather than law in a broader sense. Taking such an approach, we would - unsurprisingly - find rights to be lacking in more repressive regimes; we would then tend to focus on the lack of law as a *resource*, and consequently, determine it to be no more than an impediment to collective action. On the other hand, the modest paradigm shift in my proposal can help to identify other forms of collective action, unburdened by the prerequisites of open resistance and formal claims. Even though law obviously towers over gay activists in Singapore as a source of power and domination, through pragmatic resistance, a genre of collective action separate from open resistance, it is subsequently resisted, and even remade and reclaimed into formal and cultural resources. These social actors demonstrate how they, too, can have legal imaginations capable of forming a legal culture to challenge power, but in their own ways sensitive to their own interpretations of risk and survival. Hence, my alternative approach to understanding everyday resistance's relationship to collective action can open up possibilities to understanding how law matters to social movements, and ultimately, social change.

Scott concludes *Domination and the Arts of Resistance* (1990) with what he calls a “saturnalia” - when the oppressed rupture the public transcript, and utter their hidden transcripts on the open stage, these electrifying moments hint at what collective action might be. Chapters 4 through 8 show that what I found in the gay movement in Singapore is not the aftermath of electrifying moments. Going back to Chapter 7’s analogy for the tactical processes of pragmatic resistance, these activists are not trying to create a grand entrance for a new dance, but are trying to modify the existing choreography subtly and imperceptibly. Bringing together the empirical findings and analyses from these previous chapters, I made two theoretical arguments: that gay activists in Singapore deploy a strategy of everyday resistance in a collective action form, known as pragmatic resistance; and, that such a form of everyday resistance *is* a type of collective action in itself, as it is carried out in a sustained and organized manner by a group of people to challenge power for a collective good.

Hence, I proposed an alternative model for thinking about the relationship between everyday resistance and collective action, and urged that we pay attention to the obscure and less noticed. But when we do, how effective is it, and how should it be measured? One of the core traits of pragmatic resistance is survival. The survival instincts of interviewees in my study are linked to their middle class sensibilities that arise from the same socio-political setting that they challenge. How effective is a strategy that arguably reaffirms the status quo? I next take up these issues in Chapter 10.

Furthermore, another core trait of pragmatic resistance is the focus on changes outside the formal order and that it is a strategy for “certain times,” when we do not expect the order to shift in favor of democracy and rights. To some, maybe this is also an outlook that rings of pessimism, a resignation to working within the status quo. Or is it? How do and should we evaluate a strategy borne out a history and biographies markedly differently from those of democracies and rights, and the social changes, if any, that ensue? What are the conditions of those “certain times” that give rise to it? If the conditions change, what may happen to such a genre of collective action? Will a “saturnalia” occur? These are the issues I explore in the concluding chapter.

CHAPTER TEN

GAINS, LOSSES, AND A CONSCIOUS TRADE-OFF

I would say at least a whole idea of gay activists and gay activism and the gay issue has arrived. It's there. It can be identified.

- *Oliver, 59, retired academic*

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It's like farming. It's like the Chinese proverb - some farmer and he was planting his plants, and he wanted them to grow faster so he pulled them higher and they died. So in that spirit, whatever we can get out of that situation, we get it, we celebrate it and yeah, slowly we farm the success.

- *Abby, 35, events co-coordinator*

-

They have said openly that they will give us our own space to live. Yeah. And I guess we can take their word for it ... [That line] can't be defined. But if you ask me, I think that line shifts a little further, a little bit, as time goes by.

- *Rahim, 23, college student*

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Having addressed Research Question 1 and 2 by examining the variety of social processes that lead respondents in my study to become gay activists, and implement a movement strategy of pragmatic resistance, I move on to address Research Question 3 on how they make sense of the outcomes of their efforts. To answer this question, I draw upon my interviews, and supplementary data related to the state and media reports. In the course of doing so, I peel back the layers of "how law matters" from the angle of movement outcomes.

Socio-legal scholars generally have interpreted the effectiveness of everyday resistance - upon which my idea of pragmatic resistance is built - along two main strands. The first regards this sort of resistance as limited in impact, and leaves the powerful in control, and the weak with only scattered tactics; the second, being more celebratory of the resisters' agency, sees it as engaging with power in the mutual shaping of law and other social relations. While my study does not disagree with these two interpretations, it does not completely concur with them either.

Despite not achieving any change to the formal legal system, the gay movement in Singapore has made informal gains outside of it. The informal gains made in political, discursive, and social spaces amount to an overall effect of positive visibility and normalization for the movement, its activists, and their constituents, and demonstrate that gay activists in Singapore have indeed challenged power through pragmatic resistance, and its range of tactical processes implemented over the years. In addition, these activists are *conscious* of power, and do *intend* to challenge power with these acts of activism.

However, such a sense of accomplishment is tempered. Boundaries and practices can only be pushed to an extent without confrontation, or jeopardizing the ruling party's perception of control. The dance of pragmatic resistance runs the risk of losing creativity to routinization; and, as time goes by, the stakes mount for breaking that routine, because the state correspondingly, and increasingly expects their resistance in this routinized form, and to respond with "routine repression" (Scott 1985). In his study of social control over the anti-globalization movement, Fernandez (2009) finds that the United States, a country of Western liberal democratic practices, increasingly responds with more subtle forms of control known as "social control of dissent," instead of blatant acts such as arrests, even police violence. The subtle controls are deployed through the use of ordinances and other laws that approve protest permits, and regulate the logistics of protests, the control of physical spaces to contain the "where" of protests, and the reshaping of the public image of anti-global movement protests as threats to national security. They are effective, because they have become the working practices of protestors - something with which they have to deal in the course of doing activism, rather than intertwined with, and questioned as part of their movement's grievances.

In my study, the deployment of control arises from gay activists' interactions with the interrelationships among formal legal control, its cultural power to (de)legitimize, and the other cultural norms, as represented by the social processes illustrated in Diagram 8.1. This set of dynamics has resulted in a useful strategy for the movement, but they also produce a corresponding set of controls and repression, which are subtle yet far-reaching. The avoidance of rights-based strategy, protests and litigation, arise not only out of fear of the formal legal consequences, but also the cultural ones of delegitimization. Hence, the routinization of strategy and repression also culminates into the disciplining of the movement to stick to routine, regulating their actions according to the accepted and expected norms - what Habermas would call "normative regulated action" (Habermas 1984; Cohen 1985). Disrupting the routine and state expectations to dance out of character may attract extraordinary or heightened repression.

Whether willingly, or reluctantly, my respondents realize, *and* accept that the celebrated informal gains made by pragmatic resistance comes with these problems, and a price - lesser predictability and accountability due to the lack of formal legal guarantees, and lesser equality and dignity that formal legal changes may provide. **In short, gay activists in Singapore make sense of their movement outcome as a conscious trade-off between reaping informal gains immediate and specific to the gay community and activism, and living with the consequences of reifying and reinforcing the larger, existing power arrangements over the long run. They are celebratory yet circumspect; optimistic but realistic, even cynical.**

In this trade-off, law's power comes in two layers - as domination that is resisted and overcome to achieve the informal gains, but also one that is perpetuated and continuously validated. Between the benefits and costs of this trade-off, a third layer of law comes into focus. That is the role of formal rights, and a paradigm of rights that

shapes a worldview of thinking about grievances and social change. Although the actors in my study have fewer experiences with the formal actualization of rights, the rights paradigm's grip on them remains strong and evident. The influence is not about the straightforward form of wanting to pursue rights as an ultimate objective, or to assert their rights more openly. Rather, it is about the paradigm's latent shaping of the ways they make sense of their circumstances, and their legal imaginations. There is also a twist to this storyline. Indeed, they lack the benefits of formal rights, but at the same time they avoid their flaws, leaving behind the question of whether their situation is something of an ironic escape from the hegemonic power of rights.

In the following sections, I first discuss the data that make sense of these outcomes positively, and analyze how they demonstrate the first layer of law's role - of having consciously challenged to a certain practical extent the domination of legal power. Then I explore the data that feature more circumspect assessments, examine how they relate to the positive evaluations, and tease out the second layer of law. Finally, from the analyses of the first two, I elicit the third and more latent level of legal power.

(I) POWER CHALLENGED

The findings examined in this section support an ongoing observation I made and carried through previous chapters. My analyses of the various social processes in previous chapters frequently highlighted the argument that they result in respondents' challenges and resistance to power, and, thus, informal gains for the movement. For example, I pointed out that their becoming gay activists amounts to a first act of resistance, and reiterated the same point with their voicing aspirations for rights; their "rights don't work" articulations, which lay bare the opportunities and possibilities amongst the boundaries and practices for resistance and change to occur; their implementations of tactical processes; and, their storytelling and stories, and teaching and instructions through intra-movement relationships. The findings here show that my respondents, with supporting data on the state and from local media sources, do make sense of their efforts as having challenging power, including law, and having made strides outside of the formal system. This positive evaluation is the strongest pattern amongst their interpretations of movement outcomes, crossing demographic groups in terms of chronological and activist ages, gender, organizational affiliations, and current status as activists.¹⁷⁵

¹⁷⁵ The reasons for dropping out from gay activism are mainly personal, due to relationships or careers. However, a few did change their minds about getting involved, either feeling concerned about the risks, or simply lost interest over time. Appendix II sets out the reasons for dropping out. Also see further below on how people who are no longer involved, and thus more removed from the movement context, are more likely to express doubts about the movement's accomplishments.

(A) INFORMAL CHANGES

The informal changes include: having gay people coming out at younger ages, more organizations and support for the community, increased confidence among activists, revelation of the Christian right counter movement to the state, greater social acceptance and awareness of homosexuality, as well as support for the movement, more positive government attention, and less prejudicial media coverage (see Table 10.1). Because of the mutually influential relationship between these social actors and their movement, and their socio-political environment, I cannot unequivocally establish the causal links between their strategy and these changes.¹⁷⁶ The positive experiences may well have coincided with the state and the PAP's general direction of relaxing rules and regulations (while still exerting control by virtue of "allowing" relaxation, of course); for example, some of the formal changes reflected in Table 10.3 turned out to be incidentally conducive to the movement. The interview data, corroborated by data from government statements¹⁷⁷ and media reports, however, demonstrate that they are, at least, co-related. Even if gay activism did not directly produce the informal changes, at the very least, it took advantage of them and carried out further resistance; this is a type of informal change reflected through the growth of the movement, activist pool, and confidence, included in the discussion below.

Table 10.1
Summary of informal gains

	Description of Informal Change
Community	More people coming out, and at younger ages
Society	Increasing social acceptance and awareness of homosexuality, especially among the younger generations
Government	More government attention and awareness Increasing openness toward homosexuality and gay activism; shift from a broadly negative, condemnatory attitude toward a position that acknowledges that gay people have a place in society, and reframes the debate around homosexuality as that of "balancing of interests" among various factions in society
Movement	Growing confidence

¹⁷⁶ On gay movements in four Western European countries, Kriesi et al (1995) claim that liberation of opinions preceded movement, but cannot deny the transformative or influential value and potential of the movement subsequently on dominant values in society and politics.

¹⁷⁷ See Chapter 3 on my attempts to gather data from government agencies.

	Expansion of activist pool, and organizations and services Expanding grassroots support
Christian Right Counter Movement	Pushed the counter movement into the open, exposing it both to the movement and the state
Media coverage	Shift from negative, sensationalized reporting to coverage that ranges from neutral to positive Rise of activist voices in media reports

Such informal changes listed in Table 10.1 grow the political, discursive, and social spaces for the gay community and the movement, allowing their issues to gain “positive visibility,” create awareness with the state and society, and grow their grassroots. Their significance is found in existing social movement studies. Armstrong (2002), for example, treated the gay and lesbian movement in San Francisco as comprising gay identity, gay rights and commercial spaces, and integrated the cultural, political and commercial. “The project was one of creating and expanding gay social and political space, not simply one of sustaining a gay political movement or pursuing political grievances” (13); the former counts, because it forges identities, and binds people together with an identifiable commonality in terms of goals and interests. Looking back on what was then five decades of history, D’Emilio (1998) found awe in the movement’s “long stretches of just creeping along. They display less drama and excitement; the kind of change that occurs often escapes notice at the time. But the work of these eras is critically important nonetheless” (262). On the movement in Britain, Plummer (1999) treats it not simply as political action, but one that contains overlapping activity clusters - some of which are overtly political, some economic (“pink pound”), and others strongly cultural - that fuel and keep the movement diverse and vibrant. In a survey of gay and lesbian politics around the world, Adam, Duyvendak and Krouwel (1999a) find “social space” where gay and lesbian identities can be developed, and the basic framework of organization beyond private circles can take shape to be essential prerequisites for the emergence of a lesbian and gay movement, and the making of political demands.¹⁷⁸

Skeptics may point out that the importance borne out in these studies of spaces, or informal gains, as indicative of pragmatic resistance being mere precursors to open forms of collective resistance. This is an issue I have addressed in Chapter 9 - that pragmatic resistance and its strategic focus on informal changes are not necessarily the incubator for

¹⁷⁸ I have, however, tried my best to avoid the use of “identity,” and to have in mind a general sense of belonging to a community, as opposed to feelings of isolation as a gay person in Singapore. While I do observe strong influences of the Western urban gay identities on Singapore’s gay community, this study is not about Singaporean gay identities.

collective action that demand openly for formal changes, but can also make up one genre of collective action. In my case, there is no sign of further entrenchment of formal democratic institutions or rights; yet, in the meantime, the gay movement is growing alongside a socio-political environment that is gradually taking a more favorable course for the gay community. The important issue here is that these informal changes are crucial to a gay movement's core strength (though the actual valuations may diverge). For gay activism in Singapore, they are more than the cornerstone for open resistance in the unforeseeable future, but real, substantial changes in and of themselves.

My interviewees do not see these informal changes as necessarily leading to formal change, but value them in primarily two respects, both of which speak to the importance discussed above: as the gradual nudging of boundaries that cumulatively alter the dance choreography over time; and, as contributing to the stories and storytelling, and the teaching and instructions through intra-movement relationships, as well as the lessons constructed from prior movement-state encounters - analyzed in Chapter 8 - thus, helping them improve their skill and confidence for the next round ("it's about the process"). They are what Abby, in one of the opening quotes to this chapter, analogized to farming. They are also the predominant tone of evaluating Repeal 377A, the campaign that petitioned the state to remove the discriminatory sex law against male-to-male sexual conduct. The campaign appeared superficially aimed at formal change, but the leaders actually had no expectation of any formal success and intended to achieve informal aims, such as generating public awareness and forcing government attention on the issue.

[T]he whole repeal of 377A was the very first opportunity for young Singaporeans, not just gay Singaporeans, to see that we're able to take ownership of our country, use the laws that have been set up, whether it's democratic or not, but it's there and we're able to use it to push for a change. Never mind whether there was eventually a change in the law, but that it gave us hope to see that it could be done. (Stella, 39, massage therapist)

(1) An increasingly "out" community

While neither my interviewees nor I can accurately measure the level of "coming out" in Singapore, these activists, having worked on the ground, notice that: gay people in Singapore are coming more in numbers, and - most consistently observed - that they are coming out at increasingly younger ages. It is a change crucial to the strength of the movement's grassroots and potential pool of future activists, one of the two main phenomena of the movement's development.

A strong sense of generational divide accentuates this point. Activists point to how more hostile social conditions in the past had affected gays of an older generation, especially those above 40 years old, and compare them to the younger generation; those in their 20s or younger are perceived to be generally less closeted and more accepting of their own

sexualities.¹⁷⁹ Respondents, such as Norm, notice changes in the needs of youths who join support groups their organizations provide.

[Coming out is] no longer the main focus. It's still a big issue, but it's moving away from the coming out issue. It's more on identity building, identity development, what's making you who you are. So in a way, we actually do see the shift in young people's minds, which is good. (Norm, 27, accounts service executive)

It is a divide that women in the movement often describe to me as well. For example, Shelly discovered it when organizing a Queer Women's Alliance forum that invited different generations of women to share their life stories.

You look at the older women, you notice they faced a lot of struggles and a lot of pain in their coming out, in their experiences with the world, but I won't say that it doesn't exist for the younger generation but it's much easier. (Shelly, 27, engineer)

As I pointed out in Chapter 3 on the recruitment of women for my study, I noticed the lack of women who are or were activists at the current age of 40 or above (the oldest women recruited are straight-identified). According to her experiences on the ground, Stella, in her late 30s, believes that these older women used to find Singapore a much harder place to live openly, and many of those she knows chose to immigrate.

(2) Increasing social acceptance and awareness

Some respondents link the generational changes among gay people in Singapore to an increasingly supportive environment, phenomena that they generally acknowledge to be mutually influential. An increasingly accepting environment, in turn, is helping the movement to expand its work and influence beyond the gay community for support. The most visible and consistent pattern in this regard specifically concerns Singapore's younger generations, typically those in their 30s downward. Compared to their elders, they are perceived to be more open toward, and aware of homosexuality and the gay community (thus, often linked to explaining why the religious opposition - see below - is reacting more aggressively in recent years). It is an observation bearing hints of optimism that time and history are on their side.

Back in the earlier days, it's like *chao ah gua*, or *bapok*,¹⁸⁰ but as times change, the perception has also shifted, so acceptance of homosexuality is more and more acceptable socially ... You ask young people these days - gay, lesbian, well, they're okay about it. Why? Because they've seen, they know someone gay, they know

¹⁷⁹ Of course, variations probably do exist among different demographic groups within the younger generations, based, for example, on social classes, and religious upbringing.

¹⁸⁰ *Chao ah gua* is a term in Hokkien, a Chinese dialect, and *bapok* is a Malay word, both derogatorily referring to transvestites, and often used indiscriminately on gay men.

someone lesbian. So things are changing. It's a new generation. The generation will come to power. The old generation will pass away. (Tai, 35, graduate student)

My respondents' experiences and observations echo the various surveys independent of my study. Summarized in Table 10.2,¹⁸¹ they illustrate the generational divide found in the data I had collected: the sense that younger generations are much more accepting and open-minded compared to their older peers, or the general population. This is the trait that stands out when examining the surveys side by side. Indeed, the surveys are difficult to compare, because they lack uniformity; the questions regarding homosexuality are worded differently, and focus on a variety of issues; they are also sometimes biased or misleading;¹⁸² and, the newspaper polls lack statistical rigor, whereas the government ones, such as those for censorship reviews, are often conducted in person by surveyors who can be perceived as representing state authority. However, putting these issues aside, among the key findings is a detectable, general trend that Singaporean youths, especially those in their final years in high school, or universities, are more open-minded, compared to other demographic groups.

Table 10.2

Summary of surveys on Singaporean societal views on homosexuality

Survey	Key Points
Censorship Review Committee Survey (1992)	Based on face-to-face interviews with 1,102 Singaporeans aged 17 years and above. On "homosexuality" or "lesbianism" as a "way of life," 86% of respondents (randomly sampled, aged 17 and above) expressed disapproval, but 20% of those between 17 and 18 years old were "indifferent."
National University of Singapore Department of Organisational Behaviour study (2000)	90% of respondents (19-35 from three educational institutions) said they would be "disappointed" if they realized that their child was "homosexual," and 80% agreed with the statement, "I would be upset if I learned that my brother or sister was homosexual." ¹⁸³
Ministry for Community Development and Sports	71% of young Singaporeans (age 30 and below) find homosexuality "unacceptable," compared to 90% of older

¹⁸¹ The surveys were compiled and located with the help of Adrian See.

¹⁸² For example, the government's censorship review surveys used the phrase, "way of life"; in a university's survey, respondents were asked if they agreed with the statement, "I would be upset if I learned that my brother or sister was homosexual," when the word, "upset," can convey meanings other than being intolerant, such as empathizing with the hate and personal struggles one's sibling may face as a gay person.

¹⁸³ See footnote 182 above.

Survey (2002)	Singaporeans.
Censorship Review Committee Survey (2003)	50% of respondents did not object to “non-exploitative” content related to homosexuality .
Singapore Polytechnic Survey (2007) ¹⁸⁴	58% of youths (15-29) do not think that homosexuality is “unacceptable.”
Nanyang Technological University Survey (2007)	68.6% of respondents “generally held negative attitudes” toward “lesbians” and “homosexuals”; married and older people were more likely to hold such a view compared to those who were single or young.
Straits Times Youth Poll (2007)	30% of respondents (12-25) felt that homosexuality was “wrong.”

The recent surveys also reveal an increasingly awareness and interest in gay issues among school-age youths. The last two *not* by the government or the local media were initiated by students from a local high school, and university. This observation is congruent with my interviewees’ experiences. Lacey and Stella talked about working with local students by providing them with research and archive materials from Resource Central. Trey and other better known activists often joke about being inundated by students who want to interview them for yet another school project. When I was interviewing Bo-Liang, a teacher at the time, in a downtown cafe, one of his students came up to him to follow up on his proposal for a school play; he wanted to stage something about homosexuality, and asked Bo-Liang for advice on how to pitch it to gain the school’s approval. Bo-Liang later remarked off-handedly that this sort of encounters was nothing unusual for him, especially after a student found out he was gay. “Kids these days,” he uttered good-naturedly.¹⁸⁵

(3) Increasing straight support

Accompanying greater social awareness and acceptance is growing support for the movement in two respects - straight participation in activism, and grassroots expansion beyond the gay community. Chapter 4’s analysis of the movement trajectory shows that straight-identified gay activists were visibly taking action by the mid-2000s, thus contributing to the diversification of the activist pool and labor. For example, Bao and Ai-Mee helped to lead the campaign to repeal Section 377A of the Penal Code, and Rev. Phil publicly stood up for the Open Church. Gay-straight alliances have sprung up, such as

¹⁸⁴ Singapore Polytechnic is a post-secondary school that focuses on vocational education.

¹⁸⁵ Bo-Liang does not directly disclose his sexuality to students and colleagues at school, but he does not go out of the way to hide it either.

Warren and Yvette's Friendship League, and Ming Choo and Ai-Mee's Friends & Family Network.

Repeal 377A was a milestone in showing that a grassroots base exists for the movement, crossing from the gay community into society at large. Another milestone is Pink Dot, which old-timers compare to the movement's infancy, when they did not even expect much turnout from gay people.

We were delirious there were 60 people in [Fringe Center] ... In fact, a lot of people were - expressed disappointment that only a thousand-plus people showed up (at Pink Dot 2009). I don't know whether those people were unrealistic. I think thousand-plus is pretty good. More importantly, that among those thousand-plus, were people who were straight. (Trey, 58, businessman)

These perceptions of an increasingly out and about community, as well as social awareness, acceptance and support go on to suggest that they have an impact on the state, which I consider next.

[I]t's impossible now to ignore the fact that there is a very visible gay community in Singapore. And I think that's something that the government has to acknowledge. And that the gay community is no longer happy to just hide out in the saunas and the clubs. That there is a vocal minority with a stronghold of straight supporters who are gonna push for change. (Lacey, 34, freelance editor)

(4) Rising government attention and awareness

Political leaders and top government officials have begun to pay more attention to gay issues and activism, sometimes on their own initiative. In some instances, the attention appears unfavorable, but it is still attention, as it opens up political space and opportunities. To quote Oliver at the opening of this chapter, the "gay issue" at least "has arrived" on the political scene in Singapore. He and fellow activists generally observe that homosexuality has transformed into an interest identifiable with a group of people, rather than remaining the concern of isolated individuals.

On the side of negative attention: the Societies Act amendment of 2004 singles out "sexual orientation," along with others such as politics and rights, as agenda for which a group must file registration applications; this was part of the legislative overhaul of the Act to create a category of automatic registration for certain types of groups, a move that meant it also had to list the types that fell outside the new category. The amendment coincidentally was enacted shortly after the Coalition's second registration under the old Act was rejected. The reference to "sexual orientation" is the first, and remains the only one in Singaporean legislation that hints at a degree of acknowledgment that homosexuality, and

identities and interests based on it, do exist in Singapore.¹⁸⁶ In 2010, after a group of women affiliated with the Christian right counter movement hijacked women's organization, AWARE, on the grounds that it had fallen prey to a "homosexual agenda," and accused it of "promoting homosexuality" in its sex education program offered to public schools, the Ministry of Education suspended AWARE's program, and eventually restructured its sex education policy to select programs that would only treat homosexuality as criminal under the Penal Code. It was one of the most disappointing moves by the government in recent years of the movement, but, once again, homosexuality occupied the government's attention and discursive spaces for months from 2009 to 2010. Ironically, the sex education debacle is traceable, in fact, to the rise of gay activism, for the counter movement was unabashed about their motivations to nip a blossoming "homosexual agenda."

On the positive side, Repeal 377A is a representative example. During the year of the campaign, Minister Mentor Lee Kwan Yew, out of the blue, referred on his own accord to homosexuality as an example of how Singapore was gradually opening as the state had stopped persecuting gay men. Chloe aptly explains the significance of such statements by a politician as senior and powerful as Lee.

Every time he makes a statement like that, it just makes every following prosecution of any gay now singled out men.¹⁸⁷ However, regardless of such an outcome, the issue's occupation of political discourse and time was consistently and highly valued among interviewees. Quentin compares the state's reaction to Repeal 377A and its repeated refusals in the early 1990s to explain why the Coalition's first registration application was rejected.

At least there is even an articulation of it now in the Parliament. I think that is one of the greatest achievements. I mean, to even articulate it. Ten years ago you couldn't even articulate it. (Quentin, 45, doctorate student)

(5) Greater state acceptance and less persecution

Even though negative attention still appears now and then - the issue of predictability to be explored later under "trade-off" - the movement exudes a general optimism that it has succeeded in attracting state attention, and in ways that are progressively positive: less discrimination, and more political space to be open about one's sexuality without suffering bad consequences. From condemnatory, the state's overall position has shifted to one of "balancing of interests," openly acknowledging the gay community and its needs

¹⁸⁶ I do not include changes to Singapore's marriage law in 1996, legally recognizing the marriages of persons who have undergone sex re-assignment procedures to persons of the opposite sex, based on the sex to which the former have been reassigned. Such changes more directly concern the transgender community, which I do not include in my study. See Chapter 3 for my scope of "gay activists."

¹⁸⁷ This is because Section 377, criminalizing anal and oral sex between *different* and same sexes, was repealed in the same amendment exercise.

for space and freedom, but qualifying that their interests cannot trump others who think disagree. Most often, activists point to key statements made by Singapore's top three political figures, its former and current prime ministers, Lee Kwan Yew, Goh Chok Tong, and Lee's son, Lee Hsien Loong:

- Senior Lee's remarks in 2007, noted above, and his response on a CNN interview show back in 1998, saying, probably for the first time in public, that gays could live their lives without fear of persecution.
- Goh's interview with Time magazine in 2003 during which he volunteered that his government accepted gays openly working in civil service.
- Junior Lee's speech in Parliament during the Repeal 377A debates, when he reiterated what was essentially his father's stance in 1998 that the state would not actively persecute gay men, and would not apply the law to consensual, private cases.

Graph 10.1, based on government statements collected from official Parliamentary records, the *Hansard*, and the *Straits Times* newspaper, corroborate the theme that state attention has grown. Chapter 3 provides more detail about the data collection process of these government statements, but briefly, they cover those made by leaders of government agencies and Ministries, the top three political figures, the two Lees and Goh, and others who are generally regarded as high fliers of the ruling party. Generally, the gradual surge in government attention, and shift from downright condemnation to balance and cautious acceptance, correlate with the movement trajectory's coming out as a movement, and expansion and diversification:

Before 1989 - and, before the gay movement - "gay" or homosexuality appeared only in connection to HIV-AIDS or as a "lifestyle."¹⁸⁸ At this point, when spoken in the context of HIV-AIDS, the tone was less derogatory and relatively balanced *only* in the sense that the disease was not treated as a moral disease, and being a gay man was considered to be in a statistically high-risk group. Outside of HIV-AIDS, however, it was often considered a medical condition, such as between 1992 and 1994, when the censorship review survey was conducted and results released. A lull period followed, roughly corresponding with the movement's retreat into the Internet. Then a spike occurred between 1998 and 2000, coinciding with Lee Kwan Yew's CNN interview, and the Coalition's rejected application for a license to hold an "open forum" about the place of gay people in Singapore 21, then the latest state-orchestrated campaign about embracing diversity and creativity.

By 2003, the year of Goh's declaration about gays in civil service, the statements began to go beyond HIV-AIDS in taking a stand that grew consistently balanced: they drifted toward neutral, and up to cautiously accepting of homosexuality and gay activism. Though not always supportive or welcoming, they increasingly stopped being condemnatory, and

¹⁸⁸ One mention referred to the "happy" meaning of the word.

shifted to talk about space and balance of interests. The negative attention between 2003 and 2005 concentrated on the circuit party bans, which coincided with statements about the rise of HIV infection raids among local gay men, and then converted into the attention directed at IndigNation, which the Coalition initiated in response to the bans. During this period, foreign journalists also began asking more frequently questions about homosexuality and gay rights in Singapore, and top politicians increasingly alluded to such issues at foreign media events. The “space and “balance of interests” position carried over into the second half of the decade, when, consistent with the movement’s trajectory, the amount of government attention spiked in 2007, the year of the Repeal 377A campaign, and 2009, the year of the counter movement’s takeover of AWARE and the sex education debacle.

The following examples of specific areas in which the state has shifted its persecutory stance toward homosexuality complement the changes in the quality and quantity of general statements:¹⁸⁹

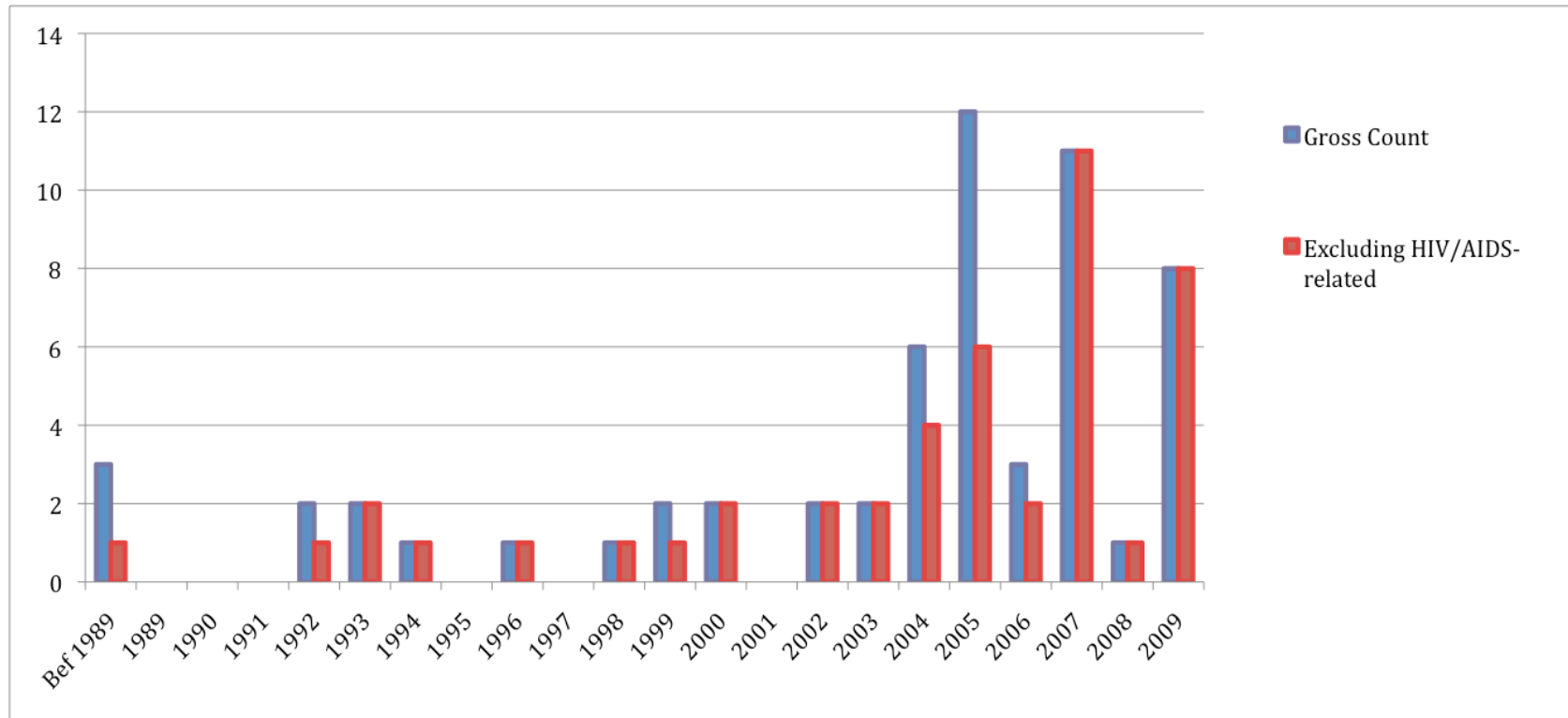
(a) Entrapment

A combination of data sources suggests that entrapment of gay cruising has, by and large, ceased. Searches of available databases for reported and unreported Singaporean judgments did not turn up cases that explicitly or implicitly involved entrapment after 1994, the year of the *Tan Boon Hock* decision, except for two dubious incidents in 1998: in one, the police officer acted upon a complaint, but the judge found his evidence unreliable, and the decision hinted at suspicions of fabrication; in another, the complainant was identified as a police officer, but it was unclear whether he was acting on official entrapment duty while at the public pool.

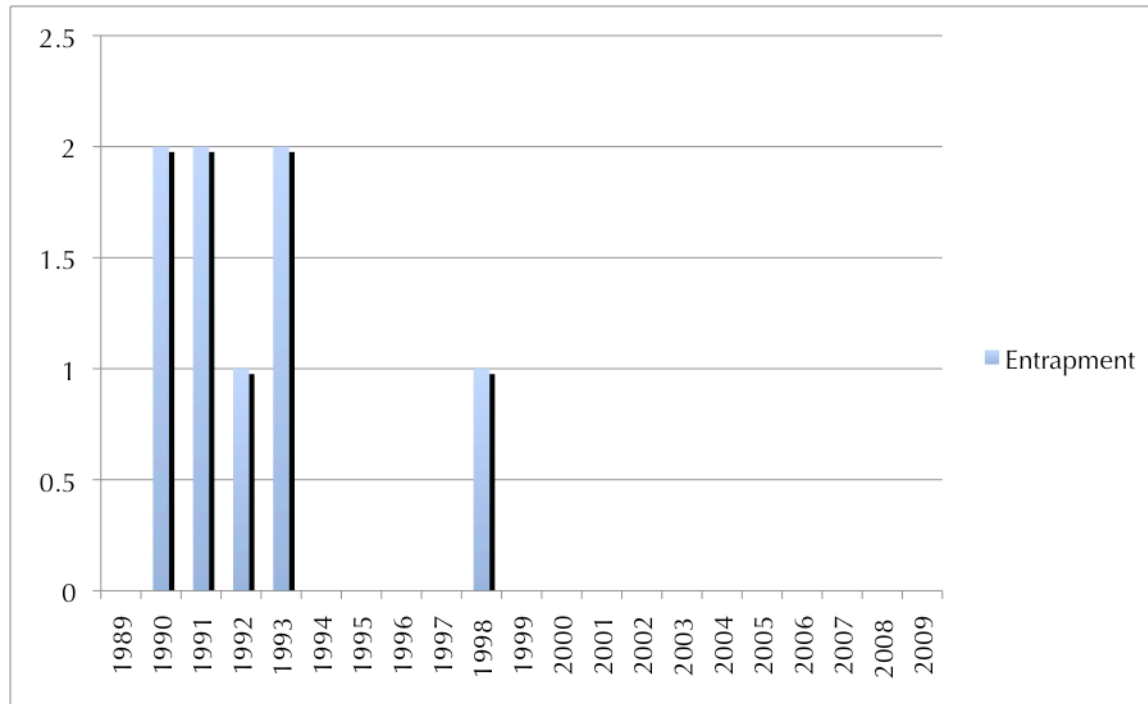
¹⁸⁹ Control of gay media content has generally relaxed as well, but this particular aspect of change may be more attributable to activism concerning censorship and artistic expression in general (though the activist pools do overlap).

Graph 10.1
Pattern of increase in state attention

270



Graph 10.2
Pattern of media reports on entrapment



The caveat, of course, is that I have no access to cases that could have been plea-bargained or summarily disposed, or other like data. However, the reported and unreported judgments involving same-sex sexual conduct reflect a steady trend of prosecuting cases that involved a public location, or non-consent,¹⁹⁰ and lend some support to the inferences on entrapment.

In addition, media reports of entrapment have subsided. Graph 10.2 shows the biggest cluster of reports in the early 1990s, corresponding with interviewees' accounts. It was the time of the infamous Tanjung Rhu cases, which foddered sensational headlines in local media. The graph then demonstrates a small uptake in 1998, mostly related to the aforementioned case involving unreliable evidence, followed by silence. The inference I can draw from such a rudimentary analysis of media reporting trends is inconclusive, and limited in reliability. But in a place like Singapore, where the media remain controlled and influenced by the state's position on socio-political issues, they can be a crude barometer. Of course, though the decrease in media coverage of entrapment can suggest actual reduction in entrapment, it can also simply mean the diminishment of newsworthiness. However, the second possibility still can be regarded as an informal change on the media's part, which I will consider later.

(b) Raids

Similarly, the police appear to have reduced, if not completely stopped, their raids on gay clubs and bars since the mid-1990s. The media reports, however, are too scanty, with only two reports found in 1993 and 1995. Even if the number of raids actually declined after the mid-1990s, the lack of reporting in the early 1990s during its height - as experienced by old-timers - makes the media an unreliable proxy source for raids. For entrapment, the media at least did noticeably file more reports during the peak era. Therefore, I rely primarily on interview data about activists' experiences, and Keenan's narrative on Rascals - this was the episode in which Keenan led a letter campaign accusing the police of abusing its authority by raiding the gay disco, and detaining its customers on the pretext of identification documents, and for which he received a verbal assurance from the police about changing their practice. In my interviews, the men consistently observe the reduction in raid operations:¹⁹¹

[W]e start hearing less of raids happening, and increasingly you see various gay friendly or gay venues opening up, and yet the authorities have not heavy handedly stepped in and closed it down. Sort of gave you the sense that maybe the authorities were relaxing their stance against activities among the gay community. (Tony, 44, computer systems analyst)

¹⁹⁰ The lines arguably become blurry when the act is consensual behind closed doors in a toilet stall of a public bathroom, as in the 2010 case of *Tan Eng Hong*.

¹⁹¹ While gay men were more often targeted, women have not been exempt from police harassment of clubs and bars either.

Toward *the movement* specifically, activists perceive the state to have eased its suspicions, regarded them as less of a threat to the political status quo, and, therefore, loosened its control. Since I was unable to obtain any corroborating data directly from the police,¹⁹² my findings here draw upon activists' observations and perceptions. They point to the reduction of surveillance - though not cessation - indicating that their occupation of physical space has become more normalized, and accepted. This change is not to be confused with the relaxation of licensing rules that have enabled more events to take place more easily. Here, the focus is on how surveillance of such events - regardless of the licensing regime's revisions - is perceived to have decreased in scale.

I think the first IndigNation event, you see them there. You can actually sense police presence, because they come dressed and they don't look like the rest of the people ... the last few, I've never noticed their presence. Either that, or they got better dress sense. (Billy, 46, corporate executive)

(6) Less fear and more confidence among activists

Mirroring the perceived changes stateside, activists exhibit growing confidence in their handling of surveillance and other state intrusions on their activist work. Surveillance is inherently an act of power imbalance and inequality between the watched and the watcher (Foucault 1977). By feeling less fearful, activists weaken the effect such exertion of power is supposed to have over them. This pattern, therefore, speaks to the coming out and expansion of the movement, and the first resistant acts of taking up of activism as important achievements.

The data in Chapter 4 demonstrate a movement in the closet during the early 1990s, fraught with fear of surveillance and its consequences: as news of surveillance spread, fewer and fewer people attended the Coalition's regular gatherings at the Fringe Center,¹⁹³ and its leaders felt pressured to register the organization. Even during the retreat into cyberspace, when activists felt that the Internet provided a shield, the sense of fear persisted. However, my data reveal that, by the mid-2000s, such fear had subsided across activists, regardless of chronological or activist age, or any other demographic breakdown. While there are still scares now and then, the trend of reduction in fear dominates.

The change reflects a generational divide between old-timers, and those who joined the movement after the rise of the Internet, and the start of the movement's coming out. Compared to the former, newcomers are less afraid right from the beginning, even oblivious of surveillance,¹⁹⁴ something Oliver, an old-timer, calls a shift in perception of

¹⁹² See Chapter 3 on my efforts to obtain original data from the police and other government agencies.

¹⁹³ The rise of the Internet as a substitute for assembly and organization is also a factor, though. See Chapter 4 on the transition into an era of relying on the Internet to mobilize in the late 1990s.

¹⁹⁴ Chapter 8's analysis of interrelationships among activists discusses how newer activists learn about surveillance from more experienced peers.

“threshold of risk.” As for him, Trey, and other old-timers, they had to learn to conquer their fear over time, and grow their confidence along with the movement.

See, in the old days, you really didn’t know the enemy. You just imagined yourself as being surrounded by the enemy. The enemy could be, the sensationalist media, the police, all sorts of things. But now, you kind of like know - alright, this is where the government’s frontlines are, and we can poke, we can probe, we can lob a few grenades here and there, and we can gradually push them back slowly, slowly, slowly, here and there ... So, that degree of confidence has grown. (Trey, 58, businessman)

(7) Increase in movement actors, organizations, and services

In correspondence with the rise in confidence, the movement has multiplied its number and diversity of activists. It has attracted more activists, including people who identify sexually as straight. The injection of new blood into the movement brings with it new organizations, and a broader range of services. This phenomenon, expansion and diversification, is one of the movement trajectory’s two key features, analyzed in Chapter 4, and illustrated by Table 4.1 and 4.2.

The *types* of services for the gay community has diversified, from general support and the socially oriented to those catering to specific interests or demographics, especially the reconciliation of faith and sexuality, women, and youths. In addition to the ephemeral physical presence of these organization’s various events and activities, the occupation of permanent physical spaces has started to emerge, an important development where space is controlled, and expression, assembly and association often denied. By the mid-2000s, Resource Central, the Beacon, and Open Church had established brick and mortar locations where members of gay community and activists could congregate and socialize.

From being inward-looking toward the gay community, the movement has also expanded to engage with different parties that bear connections to their cause - the state, media, society at large, and the counter movement of the Christian right. No longer does the movement seem to be always the usual suspects running the same few organizations, repeating those few events.

Ten years ago it took us like, four years to find ten people (for the Coalition’s first registration application). Now you just need to snap your finger, and you get maybe 200 people ... somehow or other, the pool of activism has grown over the years and now, not everything is dependent on [the Coalition]. [laughs] We don’t have to do everything. There are people out there doing all kinds of things. (Oliver, 59, retired academic)

(8) Burgeoning grassroots

Meanwhile, activists also notice the development of their grassroots base. More people identified with the gay community are stepping forward to support what they are doing. When the Repeal 377A campaign sought signatures for the parliamentary petition in 2007, the response was widely interpreted as yet another major step forward from the days of the Coalition's first registration application, which also required signatories to disclose their personal identification details to the state.¹⁹⁵

And even though the opposition was very strong, I think it also showed us how much times have changed because I cannot even imagine this campaign happening 20 years ago, how many people would dare to spearhead this campaign, and how many people would actually dare to support it. (Shelly, 27, engineer)

Respondents generally perceive that not only more people are keen to put their names and personal information down for the cause, but that they are also willing to be seen publicly at their events. Trey and his fellow Coalitioneers observe that IndigNation, since its original intentions of exposing government repression, has evolved into a genuine community festival, indicative of a grassroots base increasingly enthusiastic about supporting the movement. So is Pink Dot, a remarkably stark comparison to Billy's experiences less than a decade ago:

When the Christian Fellowship] started meeting at my place ... The door is kind of transparent. And people were very afraid to be seated near the door, because they were afraid of people - it was probably paranoia - passing by would see who they were. How on earth someone passing by would know that this was a gay Christian meeting I had no idea, but there was this paranoia. But today you have Pink Dot. People come and people are no longer troubled about being photographed. (Billy, 46, corporate executive)

(9) Outing the Christian right counter movement

Even though the Christian right counter movement is a source of impediment for the movement, activists often evaluate its rise as yet another measure of positive change. For one, some rationalize the counter movement's compulsion to increase its aggression as a measure of their movement's success, that it must have done something right enough to provoke such a reaction. The counter movement's vehement objection to the campaign to repeal Section 377A of the Penal Code in 2007, and its takeover of AWARE in 2009, are prime examples. During the AWARE takeover, the counter movement's leaders publicly declared their motivation to rescue an organization from falling prey to a "homosexual agenda."

¹⁹⁵ A small minority of interviewees did express disappointment with the response rate.

Actually the Christian right only started coming out strongly in the early 21st century ... At that time the government did not really cater to minority needs, as much as it's beginning to now. (Brett, 41, lawyer)

The fundamentalists are getting desperate, because they realize that the tide has changed already, and they're trying everything that they can to reverse it. (Adalyn, 30, civil servant)

The counter movement's rise and escalation of attacks, as unpleasant as they have been for gay activists, also means that it is exposing itself for both society at large, and the state to see, and judge for themselves. One phrase that activists frequently used in their interviews is "driving them out of the woodwork." The counter movement's exposure has heightened awareness, and encouraged others to pick a stand - if not support the gay movement, then persuade them about which side they do *not* want to be on. Perhaps even more crucial, the phenomenon has triggered reaction from the state and top political leaders to keep an eye on the Christian right more closely. For example, three months after the AWARE takeover, the Prime Minister's speech during National Day celebrations singled out the affair, and emphasized the importance of religious harmony; his speech spoke to the state and the ruling party's key boundary of maintaining social stability, of which secularism and religious harmony have been held sacred.

I think it will work against [the counter movement] in the long run, because if you read between the lines, Lee Hsien Loong, Lee Kwan Yew were not happy with how the Christian right were mobilizing. They were not very pleased, and they didn't even hide their displeasure. It was quite evident. You just had to listen to what they were saying, and it was quite clear ... and so, I think we just give them a little more rope, and they will hang themselves. (Morris, 37, chief executive officer)

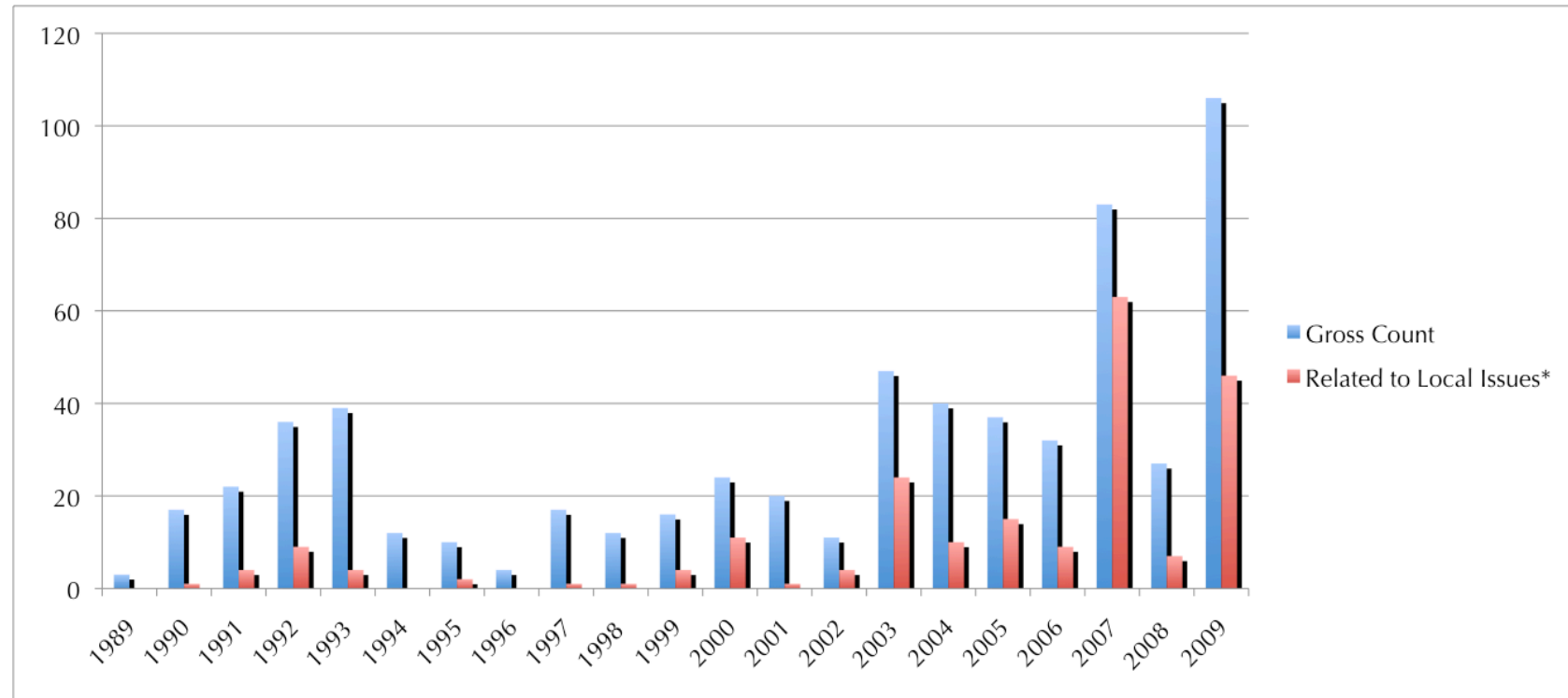
(10) Improved media coverage

Activists predominantly consider local media coverage of gay issues and the movement to have improved since the early 1990s, when their community only made the headlines as sexual predators, or other questionable characters.¹⁹⁶ My interview data and media reports from the late 1980s to 2009 (see Graph 10.3 and 10.4) demonstrate that both the quality and quantity of coverage of gay issues or the movement have shifted in their favor, in congruence with the direction of the movement's trajectory toward openness, and expansion. Being state controlled, the local media offer a rough gauge for how the state itself has changed in these respects. They may also be seen as reflective of changes within Singaporean society, in which the younger generations - some of whom join the media - are much more aware and open to the movement and its causes. However, given that the

¹⁹⁶ Although some respondents suspect a government-imposed media blackout on the movement and gay issues prior to the Repeal 377A campaign of 2007, their perceptions are not borne out by the media data illustrated in Graph 10.3 and 10.4.

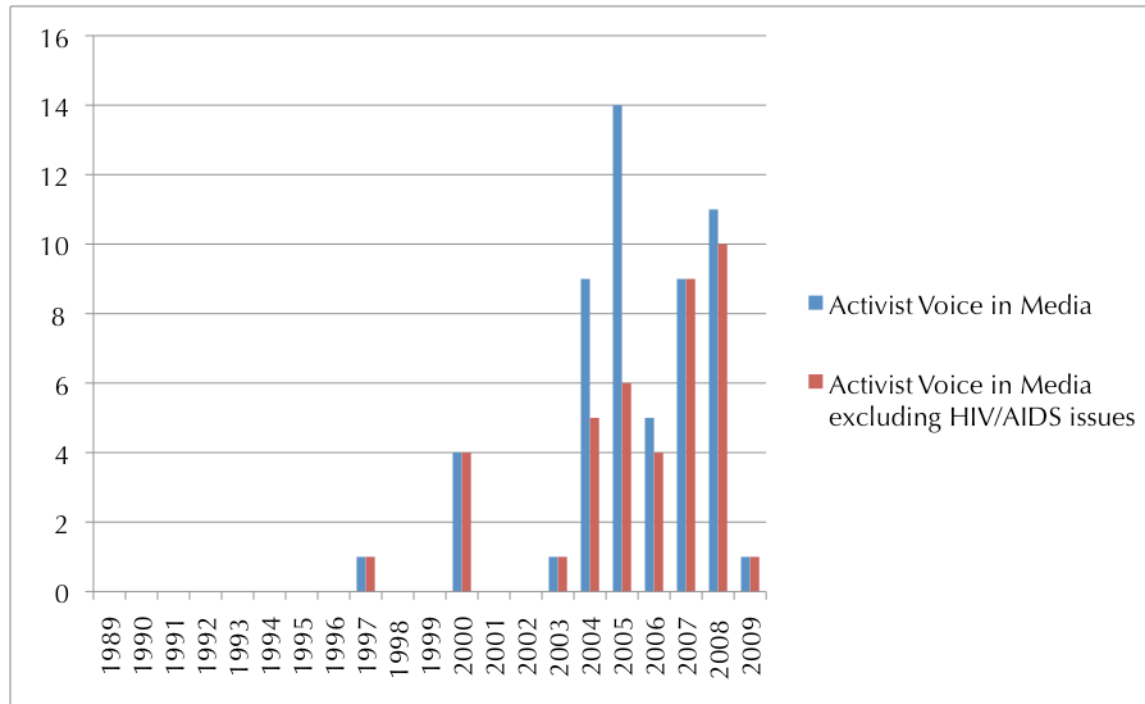
media have their own internal dynamics, social processes, and social actors involved, the improvement should also be evaluated as a separate set of changes from the state's.

Graph 10.3
Pattern of increase in media coverage



* Reports that refer to issues of concern to the local gay community or movement, but excludes reports related to HIV/AIDS, criminal activity, or local arts and media content.

Graph 10.4
Pattern of increase in activist voices in the media



Graph 10.3 features the pattern of coverage by the *Straits Times*,¹⁹⁷ the oldest mainstream English-language newspaper in Singapore. The pattern is based on a simple media data collection, and does not account for factors that may have otherwise increased the coverage quantity, such as increased staffing or expansion of newsrooms, or eventual competition from newer publications by the early 2000s; however, it does offer an overall pattern from which insights can be gleaned: it shows that the pattern corresponds broadly with the movement trajectory, analyzed in Chapter 4. Coverage in the early 1990s did not feature anything related to the movement, which was still in hiding; rather, it clustered around censorship, morality and sexual deviance, and local gay theater.¹⁹⁸ The mid- to late 1990s were quiet years, the period of the movement's retreat into cyberspace. There was a slight uptake between 1999 and 2000 centering on the rejection of the Coalition's license application to hold an "Open Forum" to talk about the place of gay people in the state's Singapore 21 blueprint. From 2003 onward, the years that show a spike in coverage also correspond with the milestones along the movement trajectory - state pronouncements regarded by activists as significant to the movement, and events triggered directly or indirectly by them, such as the 2004-2005 circuit party bans followed by IndigNation, Repeal 377A of 2007, and the AWARE takeover by the counter movement and Pink Dot in 2009.

Aside from the amount of attention, the *quality* has shifted away from plain negativity. While the media have not progressed to the extent of full and outright support for the movement, especially given their need to mind their own boundaries and practices vis-à-vis the state, they have begun to provide more balanced coverage. One measure, illustrated by Graph 10.4, is the increase of activist voices. Compared to the dearth of visibility in the 1990s, gay activists are quoted in news stories about the movement or a gay issue, or are identified as such. The first one appeared in 1997, when Trey presented a paper about local gay culture at a conference about multi-culturalism. He was identified at the time as a "business analyst," however; the reporter was also a movement insider who happened to work as a journalist.¹⁹⁹ Three years later, Trey's voice appeared in connection to the Coalition's Open Forum license and its registration woes; he was still described with a business-related title, or as a "gay man," but was also identified with the Coalition. Consistent inclusion of activist voices started to appear from 2003 onward, once again in a pattern that corresponds with the movement's milestones. By 2005, Trey was called a "gay

¹⁹⁷ See Chapter 3 on the collection and analysis of media data.

¹⁹⁸ Excluding data on entrapment arrests, which are separately analyzed.

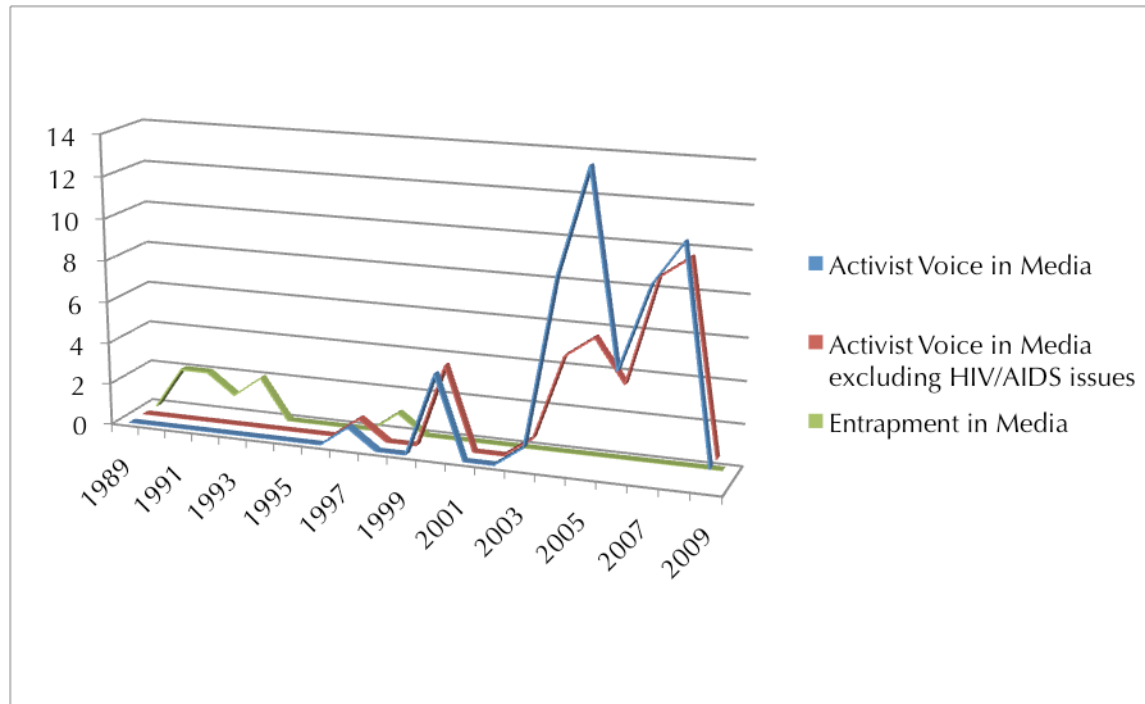
¹⁹⁹ The reporter was shortlisted for my recruitment of interviewees. We tried to schedule an interview, but had to cancel due to unforeseen events in his personal life. See Chapter 3 for recruitment details, and Appendix IV for non-responses and rejections.

activist,” and activist organizations other than the Coalition began to surface more frequently in the reports.

(11) Positive visibility and normalization

Graph 10.5

Pattern of increase in positive visibility



Graph 10.5 combines the patterns in graphs 10.1, 10.2, and 10.4 to show the contrast among the rise of government attention, the decline in entrapment, and the coming out of activist voices in the media. These changes as a whole signify the increase in positive visibility. Together with growing state and media attention, they point to the normalization of gay politics in Singapore.

It means that the movement and gay activists are gradually seen less as politically shady characters. They find themselves invited to the political table, and involved in discussions with politicians and state officials, in their capacities as gay activists.

There was this occasion when [the late Minister] Balaji²⁰⁰ wanted to talk to leaders of the gay community and have a lunch meeting, and I was included. And his personal assistant rang me up the day before and said, “Mr. —, we need to place name cards and so what name do you want to use, and what organization do you want to use?” I said, “My name is [Trey] and organization served, “[the Coalition].” He said, “Okay, [the Coalition],” which is of course an illegal group. And there I was ... it’s kind of like a circle arrangement, and I’m sitting directly opposite Balaji. And so, Balaji is, “Balaji, Minister of State for Health,” and directly opposite him is “[Trey, the Coalition].” (Trey, 58, businessman)

Admittedly, direct causal links flowing from the movement to these changes cannot be easily established in some cases. Nonetheless, the co-relationships among them produce an overall sense of growing optimism among activists, which came across strongly in the interviews.

If you look at entrapments, not too long ago, the police were entrapping at gay cruising places. So from then to now, there's an improvement. I'd like to think that from now to 10, 15 years later, it'd be better. (Liz, 34, journalist)

[I]n my view, 377A will be repealed after the next General Election, somewhere, sometime mid-term.²⁰¹ ... I think now that they have effectively told the religious right what their place is and that they should not interfere, I think they're also paving the way for something like 377A to be repealed. (Morris, 37, chief executive officer)

This optimism may resemble the notion of “cognitive liberation” found in social movements literature (Piven & Cloward 1977; McAdam 1999b) that inspire the taking up of activism, but it is also an outcome of the movement, as it encourages and gives hope to future acts of activism, and, hence, resistance.

²⁰⁰ Dr. Balaji Sadasivan died of colon cancer in September 2010. Despite his controversial statements of the “promiscuous” lifestyle of gay men and the rise of HIV/AIDS in the early 2000s, Dr. Balaji eventually developed a positive relationship with gay activists working on HIV/AIDS.

²⁰¹ The last election at the time of this writing was 2006. General Elections are held about once every five years in Singapore, and the upcoming one must be held by February 2012.

(B) THE LACK OF FORMAL CHANGES

Next to the array of informal gains with which respondents evaluate their efforts, the paucity of formal changes stands in stark contrast. Table 10.3 illustrates key *formal* changes that have generally aided the gay community or the movement. Based on legislative data and judicial cases, the table's data are consistent with my respondents'. They generally sense that the Singaporean state has relaxed control gradually, whether it is out of genuine intentions of liberalization or for less lofty reasons of containing and controlling dissent. However, none of these formal changes are directly attributable to the gay movement. Such lack of formal changes returns in a later section, where I turn from the celebratory, positive evaluation to a more sobering and somber self-assessment.

Table 10.3
Summary of (the lack of) formal changes

	Description of Formal Legal Changes	Remarks
Legislation	<p><i>Penal Code</i></p> <p>Repealed Section 377, which criminalizes "carnal intercourse against the order of nature," including anal and oral sexual intercourse, regardless of the sexes of the parties involved or consent.</p>	<p>Removed as part of a major overhaul of the Penal Code. Different from Section 377A, the focus of the 2007 repeal campaign, which was launched following news of the proposed amendments to the Penal Code. Section 377A specifically targets "gross indecency" between men, and covers a scope of conduct wider than that involving penile penetration. The result of removing Section 377 while retaining Section 377A meant that only sexual behavior between men was singled out.</p>
Regulations	<p><i>Public Entertainment & Meetings Act (PEMA) (Speakers' Corner) (Exemption) Order 2000</i></p> <p>Allows for public speaking in Hong Lim Park if conditions, such as avoidance of racially or religiously</p>	

	sensitive topics, are met, and the event is registered.	
	<p><i>PEMA (Exemptions) Order 2004</i></p> <p>Exempts indoor public talks from PEMA licensing, if organizers are citizens, the talks are not about religion, or would cause racial enmity.</p>	This is the rule change that occurred shortly before the launch of IndigNation in 2005.
	<p><i>PEMA (Speakers' Corner) (Exemption) Order 2004 and 2008</i></p> <p>Allows for performances and exhibitions in Hong Lim Park as long as conditions are met, and such events are registered, i.e. expansion of the original Exemption Order from "public speaking" to "performances" and "exhibitions."</p>	These are the rule changes that enabled Pink Dot to be held at Hong Lim Park. Strictly speaking, such an event could have been held after the 2004 changes, but it would have meant registering with the police 30 days in advance, a requirement removed in the 2008 version. Note, however, that Pink Dot probably also benefited from pronouncements by the Prime Minister in 2008 about allowing gay events, hence it can be seen as a combination of building on formal rule changes and informal gains.
Judicial decisions	<p><i>Tan Boon Hock vs. Public Prosecutor</i> (1994)</p> <p>The accused pled guilty to a charge of "outrage of modesty" (against the undercover officer) under Section 354 of the Penal Code, but appealed on the sentence. Then Chief Justice Yong, who heard the appeal, proclaimed the charge "disturbing," as there was no doubt the undercover officer let on the</p>	The Chief Justice's criticism of entrapment arguably is not a change to formal law; however, following his decision, systematic entrapment cases has generally ceased.

	accused to believe that consent was forthcoming. ²⁰² He allowed the appeal to reduce the sentence, but because the accused, having pled guilty, did not contest the charge itself, his point on entrapment was only <i>obiter dictum</i> .	
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(C) POWER AND CONTEXT

So far, I have examined how activists make sense of the consequences of their strategy and tactical processes of pragmatic resistance, showing that they have gained changes outside formal law and order. In other words, power was *indeed* challenged power by testing and nudging the boundaries and practices outward. But the *consequences* of having challenged power needs to be accompanied by *conscious intentions*. Anticipating individual, everyday resistance against allegations of false consciousness, Scott argues that one should focus empirically on the actors' intentions, and not the consequences of their actions (1985, 290). Social movement studies about the subjective side of mobilization also emphasize transformations into particular states of mind - such as oppositional consciousness (Mansbridge 2001), cognitive liberation (McAdam 1999b), or the reinterpretation of one's grievances as "injustice frames" (Morris & Brain 2001) - that concern identifying an external source of power as one's oppressor, and being motivated to take action against it with such awareness. Conscious challenge of power is the core of what makes a movement, and one of the defining characteristics for my theoretical argument in Chapter 9 that pragmatic resistance is a genre of collective action. In this subsection, I go on to show that the positive evaluation of outcomes is supported by data that show these activists *consciously and intentionally* challenged power.

I turn to the discrepancies between interviewees' hidden and public transcripts, uncovered in previous chapters. The existence of hidden transcripts demonstrates that the actors have discourse(s) that they do not want to reveal to their superordinates for fear of retaliation as it transgresses the boundaries between the powerful and the subordinated. It also entails the co-existence of public transcript(s). These indicate that they see through power, and identify its capabilities and weaknesses, since they know where to draw the line between the two types of transcripts, and therefore, how to get away with challenging power by disguising it for the public domain. The discrepancies among the transcripts complement the movement outcomes of having challenged power by showing that they are not

²⁰² His reasoning, rather than based on the inherent prejudice toward and marginalization of gay men, was targeted at how entrapment was illogical, thus a waste of human resources: the prosecutor usually charged the accused with "outrage of modesty," when to the Chief Justice, the police decoy had led the man to believe that consent was forthcoming! The Chief Justice may have reacted differently had charges been brought under Section 377A of the Penal Code, as that provision covers both consensual and non-consensual scenarios.

incidental, and that their strategic choices and assessments cannot simply be explained away with notions of false consciousness, indoctrination or the like. Rather, they are based on awareness of both power's might and limits.²⁰³

- Chapter 5 demonstrated the strong aspirations that respondents hold toward rights-based, formal objectives, such as the removal of discriminatory sex laws as they violate the right to equality, anti-discrimination laws, and same-sex marriage. In Chapter 6, they generally talked about formal rights in a positive manner, and associated them with civil-political liberties, equality and human dignity.²⁰⁴ However, when it came to whether rights would be effective as a means for the movement, or whether they could successfully achieve formal rights as an end, the overwhelming theme became, "rights don't work," as they believe the exercise of or claiming for rights to transgress boundaries and practices, including formal and cultural law that discourage it. These boundaries and practices, and the consequences of trespass represent the threat and wrath of power, which these activists recognize. Hence, they tuck their rights aspirations away as hidden transcripts.

- Chapter 7 then explored how these activists navigate power, and its degrees of tolerance and allowance - that is, the boundaries and practices - in a contemplated and calculated manner. Based on their awareness of where power resides and how far and wide its territory extends, they balanced "toeing the line" and "pushing boundaries" through pragmatic resistance.

- In Chapter 8's examination of intra-movement relationships, the processes involving storytelling and narratives, as well as teaching and instructions, once again, reflect a cognizance of power, as these activists reveal acts of oppression, the oppressors, and, sometimes, ways of overcoming them.

- In this chapter, their celebration of the informal changes also demonstrate that they are aware of power, because they celebrate whatever victory, big or small, that they have achieved in testing and pushing it. When they point out the problems with their strategy in the next section, they further reveal their awareness of where power remains unchallenged and intact.

To re-emphasize context's significance to their interpretations of movement outcomes, I share two more sets of findings: how those who have left the movement make sense of them, and the comparison between activists' aspirations, and the predominantly positive evaluations explored in the previous sub-section.

²⁰³ Furthermore, the fact that these activists talked to me about rights can be construed as acts of resistance that arguably undermine the state's hegemony against rights (Ewick & Silbey 2003).

²⁰⁴ Chapter 11 takes into consideration the minority views that hold a negative opinion of rights.

(1) Removed from the movement

Thirty-four of the 100 interviewees are no longer actively involved in the movement.²⁰⁵ Because they have become more detached from the movement context, and some of them even from the larger Singaporean context, I paid attention to see if a different pattern existed among them: while the majority of these shared similar views about the movement outcomes with the rest, this group of activists is the most likely to be less positive and optimistic, and more circumspect. Arun's interview offers the most lucid articulation:

When I do my activist stuff, we're always about nuts and bolts. What's going to work? We really want change. We really want change. It's not that airy-fairy, oh, wouldn't it be lovely if the world was perfect? We really want some tangible things, and we want to think, with our limited resources, how can we push a little bit towards that? Very practical people, and even though we believe in rights and stuff like that, we'd just happily dispatch with all that language if it's not helpful ... But when I'm not involved in that work, and I'm sort of a passive participant or spectator, from my perspective, in terms of what really counts, these small victories - they are not really victories, they're usually just small opportunities that we spot. They're meaningless to me ... I'm not energized by these small things, because I'm not in the game. (Arun, 36, freelance writer)

Arun brings up issues that form part of the problems analysis in the next section. Here, it foregrounds the importance of context, and how being in the movement versus being out of it has reshaped his evaluation.

(2) Aspirations versus outcome evaluation

Back in Chapter 5, I analyzed the discrepancies between activists' pathways to activism - lacking rights-based explanations - and their heavily rights-based aspirations as the consequences of contextualizing their struggles. How they became motivated to become activists was based on tangible experiences of interacting with the movement and other activists, whereas rights aspirations were based on their detached notions about rights' majesty and power to address social problems. A similar contrast exists between those aspirations and outcome evaluations. The most illustrative examples come from responses related to Repeal 377A campaign. Respondents who highly favor formal rights as ultimate goals, such as Rev. Phil, when asked about the campaign, focus on the informal changes they perceive it to have achieved, such as the opening up of political and discursive spaces, and raising of public awareness. They are upbeat about the future, pointing to societal changes toward homosexuality, and the youths in the gay community.

²⁰⁵ Most of them left the country either for further studies or their careers. A few immigrated. Others remain in Singapore, but have ceased being active, because they have lost interest, or dropped out for career or relationship reasons. See Appendix II.

In his review of *The Hollow Hope*, Feeley (1992) critiqued Rosenberg's assessment of empty court victories, pointing out that goals and outcomes are rarely matched. The mere existence of divergence in my case is also not where the significance of this discrepancy lies; it is what they mean to our understanding of the movement and its actors: Despite the movement not having effected any formal change, including rights - which was one of the strongest patterns related to their aspirations - positivity and optimism stand out. Movement activists evaluate the consequences of their strategy by situating them within their context to determine their realistic chances of effectively challenging the sources of power that helped to shape it.

Law, in its formal and cultural manifestations in interaction with other cultural boundaries and practices, is one of those sources. Hence, to this movement and its activists, law matters first of all as a source of power and domination that they have challenged with conscious intentions, and practically realized through the tactical processes of pragmatic resistance. However, that is only one side of how they make sense of their endeavors. The next section considers the other, bleaker side of their story.

(II) POWER REIFIED

While acknowledging the informal changes, this section takes the analysis one step further by considering activists' less celebratory, and more critical voices. Compared to the positive evaluations, these voices form a weaker, though still obvious, pattern. They co-exist with the positive tune, often within the same person. It is an observation to which I will return when I elaborate on the idea of "trade-off." The implications of this negative pattern peel back yet another layer of law's role to this movement.

My interviewees recognize and accept that the informal changes, despite its achievements, face limitations. They ultimately challenged power only in particular and restricted ways. Their strategy, consequently, has *routinized at the risk of losing innovation, and, should they choose to break away, destabilizing a routinized relationship with the state that has grown used to responding with routinized control*. Granted, all strategies are arguably limited in one way or another, including those that aim at altering the formal order. These criticisms, however, are based on the very nature of their strategy that has simultaneously enabled the attainment of informal changes: *while reaping immediate gains on the specific front of sexuality, opening up political, discursive and social spaces for the gay community and its movement, by not modifying the status quo and working within it, pragmatic resistance also ends up reifying and reinforcing those power arrangements that have repressed them in the first place*. In addition to, and in spite of being resisted and overcome, law is refortified and remains as a source of power that is continually wielded to control civil-political liberties, and the gay movement through its cultural power, and dynamics with other cultural norms.

Therefore, this pattern qualifies the stronger, more positive theme. The achievements of the first theme, despite their merit, cannot dispose of, and actually magnify, pragmatic

resistance's problems. Even more importantly, my interviewees' acute consciousness of power comes through: they *know* - and some of them willingly accept - that they are perpetuating the larger status quo with their strategic choices, and are validating the place of existing power holders. The consequences are, therefore, *a trade-off, a bargain into which they enter with eyes open*. They win some, they lose some, and they know the costs they bear.

The criticisms that individual, everyday resistance - and pragmatic resistance, by extension - is nothing more than ephemeral tactics that reify the status quo already exist in socio-legal studies (Handler 1992; Merry 1995; McCann & March 1995). While I do not allege that such criticisms reject the idea that these social actors carry out everyday (pragmatic) resistance knowing of its reifying effects, I find that they do not focus on it as a possibility, one that is actually significant. My study *confirms yet counters the criticisms* - they show that the social actors involved are aware of the less gratifying and more insidious side of their choices. That their actions end up reifying power (to a certain extent, at least) is not a reason good enough to dismiss their choices as fooled by false consciousness or somehow the lack of awareness that they are under the influence of domination. Hence, my findings return us to activists' consciousness of power, and of challenging it. Their actions are based on their imagination of what is realistically possible. They remind us that in real life, people make choices to gain something at the expense of another, and embody what it means to have human agency. It is not making choices when they are easy to make and clear-cut, but when they are tough.

(A) SOME THINGS DO NOT CHANGE

After a certain point, the boundaries and practices fundamentally do not change, or cannot be changed:

(1) No confrontation and no rights

Outright confrontation and shaming of the state and ruling party remain a taboo. Activists do not violate it, whether out of concern for cultural legitimacy, fear of legal sanctions, or ingrained self-regulation. It is this perception that has largely influenced the creation of Pink Dot, a relatively docile expression of the "freedom to love," over a pride parade that flaunts the right to demonstrate and demands for equality. While they have found creative, pragmatic resistant ways to expose the authorities' repression, and even ridicule them, they are well aware that the bottom line against confrontation and shaming has not shifted. The perception cuts across demographic groups among my interviewees, and those who are active as well as inactive.

You don't confront the government, right? I mean, that's the reality. It's the case even now, 20 years down the road. Nothing has changed in that sense. (Keenan, 47, corporate legal counsel)

Non-confrontation and face-giving as a core boundary and practice is central to why most interviewees interpret the exercise of rights, such as street protests, or a claim for rights, especially in the form of courtroom litigation, to be ineffective measures. Therefore, unsurprisingly, the continued lack of rights recognition appears as one of the evident examples of what has not, or cannot be changed. While the data strongly indicate that the government is gradually opening up to homosexuality and gay activism, that effect is not overflowing into greater recognition of rights accorded to the gay community, or more generally. Further, even though the formal legal changes captured in Table 10.3 - *not* of the movement's doing - suggest a gradual opening up, and do result in relatively more freedom, those changes did not come in the form of affirming the rights to those freedoms, but as allowances bestowed by the state at its pleasure. The regulatory changes that made a law-abiding Pink Dot possible is one example.

Running through, and amalgamating the themes of “no confrontation” and “no rights” is what I call the parental syndrome, commonly articulated among interviewees. This is a firm perception that the fundamental nature of state-society relationship remains unequal: it is not about making demands based on inborn entitlement, such as inalienable rights, but about earning it, as if proving to one's parent that one deserves the new privilege. So, while respondents talk about seemingly favorable changes with government, and come across as genuinely optimistic, their words reveal that the change does not concern altering the status quo, and, instead, epitomizes the status quo's doing what is consistent with its closely guarded boundaries and practices, particularly non-confrontation, and, vicariously, non-rights.

I think the government is still functioning in a very paternalistic manner. And I don't know if they are really afraid or that the citizens are immature, or whether it is a way to maintain the amount of control they have. (Yvette, 35, restaurant owner)

(2) Non-threatening to the ruling party

This theme is often spoken in the same breath with social stability. It is more than being seen as a direct political rival to the ruling party. In the early days of the movement, perhaps groups such as the Coalition were suspected to be subversive elements, but that has receded. The more contemporary concern is a more complicated one that comes through polarizing Singapore society with the issue of homosexuality. Divisiveness among the population entails compelling the ruling party to take sides, and it prefers not to do so when it is unconvinced of a tangible economic benefit in sight, bearing in mind that economic development has been its best ticket to power.²⁰⁶ Taking sides means that it may have to lose votes; though it is virtually assured of victory at every election, the greater the victory margin, the more it can boast of legitimacy.

²⁰⁶ Some activists have tried to push the “pink dollar” argument, but it does not occupy a prominent position in the movement's strategy.

Acceptance and, for some activists, resignation, accompanies the belief that these steadfast boundaries and practices cannot be changed, *and* a consciousness of power's grip over their choices. They realize what is going on, but they also accept and work with it. They are clear about how they would like changes to happen, versus how they think they would have to be attained. Their realism does not contradict the optimism examined in the previous section; they come hand in hand. The optimism is based on interpretations that life will get better, and more changes will come in, but in *certain* ways that do not shake these bottom-lines. For instance, even though Stella finds optimism from the Repeal 377A campaign, between the lines, she accepts how that change can and should be achieved - non-confrontationally vis-à-vis the state - and, conversely, cannot be attained:

I think with that experience, it gave us the confidence for a little bit of change. I think with that experience as well, we've become a little wiser with our tango with the government. Now we know how to work with them even though people think that we're working against them ... If you do something like that (going against government), you're always banging your head against the wall. It's not really productive. So for the gay community, I think we've learned now that we can't just keep banging our heads against the wall. If we do that, we're running on the spot only. (Stella, 39, massage therapist)

(B) ROUTINIZATION AND SELF-DISCIPLINE: REIFICATION AND REINFORCEMENT

By accepting and resigning to the notion that some things simply do not change - especially confrontation and shaming, lack of rights recognition, and preservation of the ruling party's power - their strategy faces two related risks of routinization. One affects their strategic creativity, while the other concerns the self-disciplinary implication of routinized control that comes with a routinized strategy. Together, they lead to the problem at the core of this line of evaluation - reification and reinforcement of the status quo.

Pragmatic resistance is now routine to the movement, and may cost it innovative edge. Even though the strategy continues to challenge power and push boundaries, to go back to the dance analogy in Chapter 7, it retains the basic character of the dance. The Argentine tango remains, ultimately, a tango, and never a type of waltz. Even though the fear level concerning surveillance has a generational divide among activists, with the newcomers feeling less anxious right from the beginning, and the old-timers gradually finding newfound confidence, the movement's overarching strategy has not changed: it remains staunchly pragmatic resistance, partially perpetuated and sustained by the learning processes within the movement and its culture. It is a strategy that continues to permeate through movement organizations; old or new, they accept and preserve the fundamental characteristics of the dance, only changing it here and there. Their strategic creativity, therefore, is restricted by the "cultural toolkit" revolving around pragmatic resistance that they had created - the social processes in which activists interact with formal law, its

cultural control, and the other cultural norms. Continually modifying the dance without altering its basic character becomes increasingly difficult.²⁰⁷

One example is the leadership of the two major milestones in recent years, Repeal 377A and Pink Dot. Both were led by newer activists. It is an observation that some of my informants in their 20s to 30s have shared with me - they perceive some old-timers to have become stale. The tactical processes by the newer cohort still stay within the traction zone of pragmatic resistance, toeing the line while pushing boundaries, but hint at the potential of running into a rut after a long stint with pragmatic resistance. Granted, old-timers, such as Trey, may have avoided public affiliation with Pink Dot on the grounds that the relaxed rules were a symbol of tokenism, one could also allege that they have run out of ideas to satisfy their principles while taking advantage of a new opportunity.

The tactical processes that navigate the licensing requirements offer a poignant example as well: if they cannot gain approval for a foreigner to speak, they will work around the rejection and use a Singaporean to front the event. Pink Dot fundamentally deployed the same tactical process, always abiding by the formal requirements, never breaking outside the confines of the park for the rally to march down the street, and consistently avoiding a confrontational language about gay rights. But after two consecutive years, its organizers are rethinking about how they could retain the freshness of forming a “pink dot,” and keep the event alive annually. When Coalitioneers, especially Trey, initiated IndigNation, they were able to achieve the aim of exposing the state’s curtailment of speech and expression as their events were more frequently banned, which was the point. Over time, however, such a tactical process aimed at the licensing requirements has run itself into a routine, so much so that IndigNation has morphed into a community showcase. While it makes gains in terms of practically entrenching greater space for speech and expression, it is no longer a critical mechanism that exposes repression. The Coalition’s reaction has been to retreat from its central role in IndigNation, outsource it to other activists, and devise newer tactical processes, which will still remain at their core pragmatically resistant. In Trey’s assessment of IndigNation’s transmutation below, he draws out an important element of the problem with routinization. It not only limits strategic creativity, but also entrenches obstacles in the future for breaking away from pragmatic resistance:

I think one of the great failures of Indignation number 4 (2008), which was last year, was that we didn’t test the boundaries enough. That’s why we didn’t get- we didn’t get any controversy. It was a terrible failure ... And last year, we had a very successful Contradiction. That’s the poetry recital event ... And I mean, you can say it’s a great success or a great failure because some senior big - some senior honcho from the National Arts Council was actually sitting in the audience. He was talent scouting for Christ’s sakes. I mean, what have we become? Mainstream? (Trey, 58, businessman)

²⁰⁷ The same can also be said of those in Western democracies, though their basic dances, and thus, toolkits (Swidler 1986), are probably different.

Over time, the more routinized the state-movement engagement, the more disruptive the state may regard any potential deviation to be, and may react more aggressively. The stakes, therefore, become higher to deviate from the routine of pragmatic resistance as time goes by. Trey and his fellow Coalitioneers increasingly find generating controversy with IndigNation much harder, precisely because they are acting within the routine of pragmatic resistance. Correspondingly, in a manner that Habermas (1984) may identify as normatively regulated action in which interrelationships are bound together by shared norms, to which the parties involved expect one another to conform, the state and its actors have also settled into a mirroring routine. Although they now see the movement as less of a threat, they also have expectations that gay activists conduct themselves only in particular ways, for which they have developed routine responses. It does not mean the state is no longer controlling. It only appears less so, for the repression is routinized (Scott 1985), less obvious, and, therefore, even less questioned (not that much explicit questioning already comes with pragmatic resistance).

What we find, therefore, is self-discipline and self-regulation to stay within boundaries, and remain pragmatically resistant. The choice is conscious, but it has routinized into second nature. When respondents talk about no longer fearing police surveillance, they usually explain that it is because they are not doing anything illegal, threatening, or trouble-making for the state.

I'm not afraid because there's nothing for them to arrest me ... [F]or me and my other colleagues in [Queer Women's Alliance], we're not doing anything illegal. Having a talk indoors is perfectly legal, talking about queer women issues is also perfectly legal. (Shelly, 27, engineer)

Take the routinized tactical process of handling surveillance at their events, being friendly and courteous, and, not confronting the officer undercover. Imagine the state actors' reaction if, after two decades of non-retaliation, they were suddenly confronted and asked to leave by a mob of activists. The extraordinary resistance may attract extraordinary repression, which contradicts these activists' instinct to survive, and thrive through survival. Tai captures this mood between the lines with his explanation of how he and Fabian handled the Pink Run - where police officers showed up and asked them to disperse, and they complied by calling off the "official" event but resisted subversively by running as individuals. Tai did not think outright confrontation would have been a wise move, as it could have reversed the fruits of pragmatic resistance.

In the past few years we've built up a kind of relationship with the government in a way, because we have to apply for license, we have to negotiate for some grounds, so, and the process of doing that we need to recognize that they are human too, and we need to, let's not go to the extreme. It's not going to work well for either party. (Tai, 35, graduate student)

From perceiving boundaries and practices to be unchangeable at a certain point to the routinization of strategy, and self-discipline, the movement results in reifying and reinforcing a formal order that curbs civil-political liberties and makes use of law to control the who, what, when, and where of political, discursive and social spaces. Even though they have pushed boundaries to open up these spaces for the gay community and their movement, their strategy of pragmatic resistance inherently relies on working within those boundaries, thus validating them over and over. For example, by making light or making routine of surveillance, or taking moral high ground, they do not openly question the state about the rightfulness of its actions. Instead, they actually discipline themselves not to stray out of bounds and escalate the surveillance measures. The tactical processes used to navigate the licensing regime stop short of openly criticizing the containment of the right to free speech, and assembly, operating within allowances that reify the power to bestow.

(C) TRADE-OFF

The effect of reification and reinforcement of the existing formal order, and activists' realization of it, co-exist alongside their positive evaluations of informal changes. Both are strands of their legal imaginations (this is not say other strands do not exist), two sides of a *trade-off* between immediate, informal achievements specific to gay issues and activism, and the reification and reinforcement of larger power arrangements. Like its strategic form of pragmatic resistance, this imagination of trade-off is pragmatic, cognizant of the possibilities and prohibitiveness of the power it is challenging, and getting what it can out of that challenge without jeopardizing survival. It is sustained by, and bound to the middle-class sensibilities of these actors. Or, to put imagination into action, the middle-classness of gay activists extract and maintain the routinization and self-discipline.

Despite a repressive formal order that curtails civil-political liberties and remains biased toward their sexualities, life really is not that bad overall - a common, underlying theme detectable from my data. My respondents, too, have much to gain from preserving the status quo that has provided them with the comforts and privileges of a middle-class way of life. It is one facet of their survival instinct, distinct from but related to the survival of the movement - that they would be prevented from carrying on with the movement if they were to lose what has given them the resources and relative freedom to do so.

(1) Something to lose

Whether it is career, family or another staple of one's life, some of these activists have something to lose, something they think twice about giving up for the sake of the movement.

I mean, if I push and I get into trouble, it would be nice if I had a safety net, or my community to back me up. But I guess if you are not secure enough as a person, there would be that fear, that if I do this, what would happen to my life? [A local

media mogul], I think, is a person who used to get into a lot of trouble protesting as a student and he got arrested for it ... I think to some extent he was bold enough to do it because he comes from a privileged and powerful background, that, "If I get into trouble, it doesn't matter, I can be rescued." And for most middle-class Singaporeans, this is not the case. (Kurt, 30, editor)

I don't want to go to jail. I want to hang on to my job. [laughs] ... But maybe if I were in [a particular dissident's] position, I was an arts person and I didn't have a steady job and I had support for my parents, I wouldn't mind going to jail. (Nelson, 52, healthcare professional)

(2) Not biting the feeding hand

They, too, have benefited from these power arrangements, whether they like it or not. Some even believe that the status quo needs only to be adjusted and improved in certain areas, making it a "better government." It is about not biting the hand that feeds oneself, or what one interviewee, Ricky, calls the problem of "having a good government."

I reject the idea that we need to have a violent demonstration to change things. It's not necessary to have a violent demonstration to change ... because the psyche of the oppressed is very different, because we're all well fed, we get food in our stomach, we have shelter over our head, we're comfortable. If you choose this kind of fight, people don't want to risk. (Tai, 35, graduate student)

You have to come back to the fact that the PAP, like it or not, the PAP does have a degree of legitimacy, because they have been a success to the vast majority of Singaporeans ... I am a Singaporean who has benefited immensely from the system, then Singaporeans who have benefited from the system, they also see the good side to it. I mean they can see all the bad sides to it, they can see a good side to it. It's a system that works in a number of ways. So do you need this sort of approach, this sort of extremist approach? Do you need a wholesale change in government like that? I think Singaporeans have decided, as a whole, that we don't. (Bao, 35, corporate legal counsel)

One might argue that such middle-class sensibilities support the skepticism and doubt cast over these activists' consciousness of power and intents of challenging it, that they buy into the status quo, and genuinely believe it to be good. While I do find a small number of activists who express their preference for this state of arrangement over other alternatives, including democracy, it does not necessarily mean that they are deluded and blinded to the flaws. Such imaginations are not mutually exclusive. These actors are simultaneously capable of the following and more: being aware of power, consciously challenging it, *and* accepting the preservation of the status quo (in some cases, even wanting to do so). In the previous section, I have argued how the discrepancies between hidden and public transcripts reveal the first two. The data in this section showing that they went on to

identify the problems with their strategy further bolster the point that they do see through power. It is a cost they knowingly, and willingly bear.

The point is that the trade-off is a *conscious exchange* between a set of costs, and benefits (the informal changes already discussed), and validating and accepting the existing formal order, including the use of law as domination to curtail civil-political liberties, either willingly or with a tinge of resignation. They do so in return for consciously challenging, and having challenged power specifically on the fronts of sexuality, and the gay movement; thus, undermining domination in specific and concentrated ways at the expense of perpetuating it as a whole. In addition, my findings show that these activists did not take up gay activism with the broad objective of overhauling existing power arrangements, such as entrenching stronger democratic practices and formal rights. A few did express hope for their movement's progress eventually to lead to greater social change, but that remains not their primary goal. Most of them aim at improving conditions for gay people, not fighting the entire political establishment. At most, some of them want rights of a particular category - those that would benefit the gay community. It is a point that harps back to Chapter 1's justification for gay activism in Singapore as a fruitful case study that can advance our knowledge of law in social movements - for it is a movement that seeks social change on top of where more fundamental changes are not yet fully in place, such as basic civil-political rights, and pushes claims on issues that remain controversial even in Western democracies where such basic institutions are more entrenched.

(D) THE PRICE

Having examined the trade-off's benefits, the informal changes, and the middle-class sensibilities that undergird it, I now look more closely at what these activists understand to be the consequences of reification and reinforcement of the larger formal order, the price for a pragmatic strategy that focuses on immediate gains, and looks outside formal rights for solutions, in exchange not only for the movement's surreptitious advances, but also its survival and that of its actors.

(1) Lack of predictability, accountability, and consistency

On the surface, the lack of predictability, accountability, and consistency may seem to contradict the problem of routinized engagement. The two are, however, related. Both are connected to the issue of stagnant and unchangeable boundaries and practices that prejudice formal rights as means and ends for the movement. When talking about the meaning of rights in abstract in Chapter 6, my interviewees often associate formal rights positively with the qualities of accountability and predictability, without which, they realize they remain at the mercy of power holders and administrators, no matter how open-minded or how much change they have verbally uttered.

The informal gain or allowance lack security, as such changes are not provided in written law so that the state can be held accountable. Nor do they have formal rights upon which

to fall back and defend them. Staying within the traction zone between toeing the line and boundary-pushing often relies on nothing more than intuition and constructed confidence. If activists do something that they thought was allowed, thinking they have successfully pushed the boundaries, it can come back to bite them.

The non-enforcement policy of Section 377A is an important concern. Government officials and politicians as high up as the Prime Minister have publicly declared that the state would not target consensual acts. But the pronouncements remain just that. When I wrote to the relevant agencies, the police, its parent ministry, and the attorney general's, asking about the policy or practice for Section 377A, none wanted to provide any response. Part of the reticence is probably standard practice that is almost instinctual in Singaporean bureaucratic culture - deny information access. However, it also suggests that they want to avoid any public articulation to which they can be held accountable, which further suggests that they want to insure themselves for the possibility of deviating from the informal change.

Hence, while the police have not persecuted private, consensual acts, the problem of holding the police and prosecution to this policy often comes up in cases where consensual acts occur in places construed as public. For example, in the 2010 case of *Tan Eng Hong*, the accused was arrested after somebody complained to an officer about a consensual sex act inside a toilet stall of a public bathroom. Tan was charged under Section 377A. After much hue and cry from groups such as The Coalition, and the prosecution's lawyer, who reiterated the policy as one of the grounds against the charge, the prosecution amended it down to committing an obscene act in public, a gender-neutral provision that did not single out male-male sexual conduct. Although the situation is an improvement from the older days when fewer people in the community would have stepped forward to oppose the charge, and could leverage on a much-publicized pronouncement, this case illustrates the lack of predictability and accountability that formally recognizing Section 377A's violation of the right to equality and removing it would have avoided. We also do not know of the existence of other similar cases in which the accused simply pled guilty, and did not contest Section 377A charges. Whether or not the police and the prosecution maliciously intended to charge Tan under Section 377A in spite of the pronouncement - to see if they can get away with it - or whether they were more innocently unaware of the changing times does not matter in that they ultimately cannot be held legally accountable for such a decision; so long as the elements of the "crime" fit, they are perfectly entitled under formal law to do so.

Interviewees also frequently bring up the example of gays in civil service. Many of them hailed Goh Chok Tong's 2003 statement about non-discrimination against gays in civil service as a milestone. However, no anti-discrimination law has been passed. Neither has there been any instruction - publicly known, anyway - for government agencies to revise their employment policies accordingly.

Two of my respondents, Oliver and Brandon, used to be government scholars²⁰⁸ rising through the Ministry of Defence. Both were forced to leave service because they were gay. Their encounters are, however, about three decades apart - Oliver in the 1970s, and Brandon in the 2000s - one before, and the other after Goh's pronouncement. Yet the arches of their stories are strikingly similar. After the Ministry found out through surveillance about Oliver's sexuality, he stopped passing regular security clearance, putting a glass ceiling to his career path in civil service; Oliver was willing to transfer to a post where he would not have to handle "sensitive" materials, but the message was clear that his departure was much preferred. Brandon was asked to sign an undertaking that he was not a "practicing homosexual," in order to ensure that he continued to obtain security clearance. He refused, and resigned.²⁰⁹

Public school teachers are another group of civil servants widely known to face discrimination and career obstacles. Although Kaleb, one of my respondents, was not fired after coming out publicly, his case provides a poor indicator as he was prepared to leave when his contract ended shortly after his coming out, a situation that could be explained as the Ministry of Education's easy way out. The gay community continues to hear of openly gay teachers - including some of my interviewees - being asked to leave either blatantly or subtly after 2003.

The effectiveness of the informal changes with the state often hinges on the agency in question. The two ministries in the accounts above, Defence and Education, along with Foreign Affairs and Home Affairs, are considered probably the most oppressive government agencies on the issue of homosexuality; in comparison, Health is regarded as probably the most open-minded, and most pro-repeal of Section 377A of the Penal Code. While conflict and differences among government bodies are nothing unusual, and common also in Western democracies, gay activists in Singapore trace their problem to an additional, glaring omission in the progress they have made - the lack of consistency that a universal legal reform based on rights could have helped to address.

²⁰⁸ People who receive full university scholarship based on merit from the Singaporean government in return for a certain number of years in public service.

²⁰⁹ These cases involve what I call regular military service personnel, as opposed to national service personnel, male citizens (and second generation permanent residents) required to serve full-time for two years. Particularly in cases concerning government scholars, such as Oliver and Brandon, one could argue that they are held to stricter standards and scrutiny. But we can never be sure. The Ministry of Defence would not even acknowledge my written inquiry. Another interviewee, Robbie, was a regular but not a government scholar. During one of the routine security clearances, he decided to come out, after having kept quiet on previous checks. He was subsequently ordered to disclose the places he frequented socially, and the people he knew. Robbie's security clearance was blocked for the highest level, but he is uncertain whether that was due to his coming out, or due to the fact that he had already told his superiors that he had no intention to renew his contract with the Ministry; during his remaining months with the Ministry, he was still informally allowed to work on issues that his clearance level would have forbidden ("they just closed one eye").

All of these military service stories, however, cannot be checked against data directly from the Ministry, and point to the problem with non-formal changes, if any, in this specific area - the state simply cannot be held accountable, and can get away with reneging on what had been changed for the better in the past.

So do you attack the mothership, or do you attack these little, little details that come along? But if you talk about a mothership, there is no mothership to deal with! ... You cannot just say “government,” attack the “government, because the government has so many different agencies, and yes, I mean there may be an official policy that's unwritten, or written somewhere, but there - each has different self-interests, and different individuals that are running the organizations would have different beliefs. So what exactly are you attacking? So you can only deal with the particular issues and incidents that come along. (An-dee, 27, filmmaker)

It may also come right down to the person in charge within a particular agency on a given day. In other words, without the universality and predictability they believe formal rights to provide, interviewees find themselves subject to personal rule. This is ironic considering the state's cultural fetish for legal legitimacy; or, perhaps, this is apt, for it exposes personal rule and domination behind the mask of the impersonal and rational.²¹⁰ Previous chapters have recounted numerous incidents in which licenses - for parties, talks and concerts and other gay events - that were withdrawn at the last minute, just because a member of the public (often suspected to be a counter movement affiliate) complained to the administration, and the person in charge took the complaint to heart. The same anxiety lies behind the celebration of the Prime Minister's affirmation of a non-enforcement policy regarding Section 377A - the current leaders will not be around forever, and they cannot guarantee that their successors will similarly honor the policy. As another example, shortly after Goh's announcement about gays in civil service, Burton, a civil servant at the time, sought out his Human Resources department.

I went to see the director of HR, and came out to him, and I said, “Oh, Goh Chok Tong said this, and I just want to know what is the official policy. So this guy, [—], who is no longer the HR director there told me there and then, “Oh, there is no formal policy. We have not heard anything.” And he said, “But rest assured, you will not be prejudiced in any way now that you have told me.” (Burton, 37, civil servant)²¹¹

(2) Human dignity and fuller equality

The core of the problem with informal changes remains, to many of my interviewees, the lack of fuller equality and human dignity. Without the removal of Section 377A from the Penal Code, thus recognizing their right to equality, they do not expect any other facets of formal equality to take shape, such as anti-discrimination laws and same-sex marriage. The costs go beyond the unpredictability and unaccountability.

²¹⁰ This is a question of degree, as Western democracies also have the element of personal rule. The ways in which state actors implement rules on the ground are shaped by who they are, and on whom they are implementing those rules (Gilliom 2001; Maynard-Moody & Musheno 2003).

²¹¹ Burton did not report any discrimination, but his story highlights the problem of non-formal changes.

Until you repeal the law, it's always going to be something that hangs over the head of people. There's this, they won't take away the psychological oppression ... so in a way, it's, we're still caught in a psychological stronghold. So the social environment might change, but you're still, you still don't really feel free. (Lacey, 34, freelance editor)

In the sense that they are condoning by saying they're not exercising the law, but on the other hand, they are also saying that the law is still there because it's still a bad thing ... the symbolism is a, a symbol is a powerful thing. It plays on people's mind, right? (Chan, 38, computer systems engineer)

With no full recognition on paper, they remain the inconvenient stepchildren of whom one has to take care, but feels ashamed about being seen with them. Hence, the Ministry of Health works with gay activist organizations to provide HIV-AIDS outreach to the gay community. However, it stays in the closet, so to speak, about its involvement. It provides funds to groups such as the AIDS Initiative, but does not make it public. The reason: it believes the government should not be seen to support a program connected to illegality - that is, sex acts still criminalized by Section 377A of the Penal Code. Compounded with the problems of accountability, predictability and consistency, they and their community seem to have to work harder just to achieve basic equality.

Even more insidiously, while treating the gay community as less than complete equals, my interviewees witness how the state and ruling party manages to contain them without having to shake up existing boundaries and practices.²¹² It is the simultaneous neutering and pacification of a group of people who lack full equality before the movement began.

Right now, I think apart from the very few people or rather the few hundreds people who form the core group, the bigger community - some of them closeted, some of them mildly closeted, some of them very out, just happily clubbing, they do not see the benefits of changing that, because honestly, I must say the government's done such a wonderful job. They are keeping you thinking that you are safe. I mean, I don't think they will do anything to us, but they also make it in such a way that they make you feel that you are safe, free to club on every weekend and Sunday at a gay club. You can go to a gay sauna, you have your bar to drink, so that's how they are keeping the balance. So I won't close you down, but you are just there. (Robbie, 33, administrator)

²¹² It is the same strategy deployed toward political dissent, with the creation and allowance of spaces such as Hong Lim Park. From the perspective of conflict theorists in sociology of law, it is the use of law not only to serve the interests of the ruling classes, but also to contain opposition from the subordinated (Beirne & Quinney 1982); such measures succeed, because law is only relatively autonomous of the structure that fundamentally favors the ruling classes, and conceals class domination with such relative autonomy (Collins 1982).

Amidst the benefits and costs of the trade-off, between changes outside the formal order for gay issues and activism, and its refortification, the second layer of law's role to the gay movement in Singapore emerges. As part of the formal order, *law continuously flexes its muscles through reification and reinforcement while being resisted and overcome by activists' choice to routinize and self-regulate*. These activists sense the weight of law's power in the costs of the trade-off: by curtailing basic civil-political rights, and withholding changes to existing power arrangements, law helps the powerful avoid accountability for their decisions, controls and contains the movement, and continues to withhold fuller equality from its citizens.

Barrington Moore in *Social Origins of Dictatorship and Democracy* (1966) argues that even though evolution avoids the physical and other forms of violence found in bloodier revolutions, it remains violent. However, its violence is concealed, as it is effected through taming. In his case, it was the taming of an agrarian sector (429) by an evolutionary process meant to achieve social change. In my case, it is the taming of a movement and its community. As a taming instrument, in its formal and cultural forms (in interaction with other cultural boundaries and practices), and with the help of actors' own choices, law weans them off the quest for formal reform, particularly the enshrinement of rights-based legal change. To use Foucault's language, it is the wielding of power over life, shaping how these activists and their movement choose to live.

The quiet violence sums up the price of this trade-off. It is a price that they knowingly bear, for they see the limits and wrath of power all at once and all too clearly. Whether it is to maintain the survival of the movement in the most viable way according to their belief, or to preserve their middle-class way of life that has made the movement possible, they accept, and resign to the cost. To them, doing activism is about making choices, not between mutually exclusive outcomes of victory and loss, subordination and liberation, but between degrees of domination and freedom (depending on one's outlook), and making the best out of those choices.

(III) POWER OF RIGHTS

The trade-off takes us back to a motivating point of this project - *rights* - and reveals their lingering influence. In Chapter 2's literature review, I noted how sociology of law has inadvertently overemphasized the role of rights, conflating it with law, in the study of law and social movements. Hence, I proposed stepping away from rights to investigate the role of law to collective action. Taking this approach, I uncovered how law has been used to curtail and discourage the deployment of and claim for formal rights and civil-political liberties, and, through those measures, control the gay movement; I also showed how activists consequently find rights as means and ends to be ineffective, and, implement pragmatic resistance to achieve social change in alternative ways and with alternative outcomes. However, the significance of rights endures.

Though not appearing explicitly in their public transcripts, or strategy and tactical processes, traces of rights are strewn all over their hidden transcripts analyzed in earlier chapters - in their aspirations, and in the predominantly positive review they give of rights in abstract, removed from their specific context of Singapore. The discrepancies between those hidden and public transcripts are crucial to my arguments to demonstrate their cognizance of power and challenging it. Most immediately, my respondents affiliate the costs of the trade-off with the unavailability of formal rights as a recourse, or rights-based principles. The problems they describe, the lack of predictability and accountability, inequality and incomplete human dignity, in their converse forms are associated with the positive ways they talked about rights in the hidden transcripts. Hence, from analyzing the first two layers of law, we arrive at the third: *regardless of how gay activists in Singapore think about rights, their exercise and the pursuit of them, they remain influenced by a "rights paradigm" that positions formal rights as the solution for social problems, and pathway to achieving social change. The realities of their socio-political context have merely subdued, and tempered the paradigm's outward expression as formal rights, but they have not extinguished its power.* By this, I do not mean that they want to achieve rights as an objective for their movement, or to be able to exercise their rights more aggressively. Rather, I have in mind how such a rights paradigm shapes their legal and sociological imagination, helps them to make sense of their grievances, and think about responses and solutions:²¹³ for instance, something feels wrong to them, because it is a violation of rights; they believe they should have dignity and respect, because they are human, and, therefore, have rights.

[T]o a large extent, I think the discourse in Singapore has borrowed [the rights] language or that framing, though we have chosen to downplay it. But in our heart of hearts, that's how we see it. So in that sense, we're taking a rather Western approach, though we have moderated it in our actual activity ... We play it down. But in our hearts, that's how we think. That's how we construct our identities, and our mission. (Trey, 58, businessman)

The fact that their context has truncated rights accentuates the power of such a paradigm. Living and mobilizing for social change in Singapore, even accounting for the time spent living overseas, they have not enjoyed formal rights to the extent of their counterparts in Western democracies. Yet this paradigm has managed to occupy and mold their legal imaginations and culture.

I recognize that [rights] is the model that I am working with, my operating system, but I am not fully, fully happy with it, because I'm not, it's not achieving the results that I'm hoping it will achieve. So, I'm thinking how else do we evolve from here? Can I, can I junk this for a better OS, you know? [laughs] (Winston, 35, public school administrator)

²¹³ This is not the same as saying that their strategy is a precursor to open collective resistance. They still desire rights, and strongly make sense of their world through a rights paradigm, but these findings do not determine that they necessarily imagine rights should be attained in open forms.

Winston's dilemma illustrates the power and hegemony of formal rights, and how law matters to a movement that is controlled by the same legal forces that curtail them. He realizes that "rights don't work," but he is having a hard time breaking out of the rights paradigm when he thinks about the movement's issues.

My analysis on this point draws support from earlier findings that demonstrate the high regard these interviewees have for rights, independently of their perceived effectiveness, and the strong pattern of rights-based objectives. It is further boosted by the data on minority of interviewees who express skepticism or personal distaste for rights. These interviewees let slip that rights, nevertheless, are ineradicable from their legal imaginations, and influential to their making sense of their world. For example, Vincent, on the one hand, speaks poorly of rights, associating them with anger and a lack of self-responsibility; on the other hand, he hopes to achieve equality for the gay community, and talks about how formal rights provide for protection from discrimination. In addition, when I asked how he felt about police surveillance, he discloses an inadvertent intellectual disposition toward rights:

We know how to defend ourselves. Anyway, if they come out and say anything silly or try to do something, *we know our rights, we know where we stand and all these stuff.* (Vincent, 41, information technology professional)

Others in my study have acted similarly. They would talk about their misgivings about rights, but when they try to explain a grievance, solution, or emotion, they would resort to a rights reference, just like Vincent. There are also people such as Gillian and Eu-Jin who find themselves turning to rights as a last resort, even though they also have a low regard for rights, or consider them as unnecessary.

I don't know - sometimes I feel, is it I'm wrong if I don't feel like I need to fight for my rights. I mean a good example is this - there are some rights that I will fight for - like, if people are not being fairly treated, or being bullied, I will stand up. (Gillian, 42, entertainer)

When it comes to a case or situation where there is prevalent injustice, or an inequality in dealing with things – let's say in education or in employment, there's a prevalence of inequality ... Then okay, maybe it has evolved into an issue of rights. We need to use the concept of rights to deal with it because it's such, it's so prevalent. And, then no choice. Have to bring rights in. (Eu-Jin, 40, journalist)

Just as there are multiple, contradictory strands of legal schemas in Ewick and Silbey's concept of legal consciousness, each being deployed depending on a given situation,²¹⁴

²¹⁴ Others, such as Sarat (1990), Kostiner (2003), Hull (2003), Nielsen (2004), and Fritsvold (2009), also find multiple schemas.

here we have multiple strands of the rights' meanings, co-existing and often in conflict with one another within the legal imaginations of gay activists in Singapore: rights are usually good when considered in their abstract form divorced from socio-political realities, but when placed within the Singaporean reality, they are ineffective; yet, when the results of the a non-explicitly rights-based strategy are returned, they lack qualities that formal rights could have provided. Just as multiple, contradictory legal schemas sustain the power of "legality" (Ewick & Silbey 1998), through a legal culture aggregated from their individual legal imaginations, the variations on the meanings of rights sustain the rights paradigm not only within the individual activist, but also across the movement. Rights in their formal form are less attainable, and they are supposed to be imperfect, but their majesty, inspiration, and worldview render them difficult to give up. Their polyvocal (Sarat 1990) legal imaginations about rights compound the power of the paradigm.

IRONIC ESCAPE?

Such a rights paradigm is one with which socio-legal studies have empirically identified problems. Because it has dominated discourse in social movements in Western democracies, being the "master frame" or the handy tool that always gets picked from the cultural toolkit (Swidler 1986) or tactical repertoire (Tilly 1995a), its problems are exacerbated at the expense of repressing other worldviews. The problems that I consider below are not exhaustive, but were selected for their relevance to my study:²¹⁵

- Galanter (1977) and his progeny of studies find that repeat players of the legal justice system, such as big corporations and the state, usually "come out ahead," as they have the resources, compared to one-shot players, to settle cases that can produce adverse precedents, or choose to litigate where the decision promotes a rule in their favor. Although Galanter was examining law in general, this line of study would apply to rights litigation. Albiston (1999), focusing on the United States Family Medical Leave Act, finds that settlement of cases in the early days of social reform legislation does help one-shotters, but over time, through the processes of strategic settlement and litigation, repeat players still come out ahead. It is because those "wins" by one-shotters early on - at settlement and trial, eventually disappear from visibility, and do not wind up in published judicial decisions that make pronouncements on such rights.

- Although *The Hollow Hope* (Rosenberg 2008) type of contention that rights are ineffective has been largely critiqued and qualified (Feeley 1992; McCann 1992), and the rights debate in sociology of law has shifted toward *how*, rather than *whether*, rights can bring about social change (McCann 1994), one aspect specific to gay movements is relevant to my argument. It is what Rosenberg (2008) in his new chapter on same-sex marriage litigation calls the "backlash" problem.²¹⁶ Same-sex marriage activists manage to win in the courts, but their opponents often succeed at marshaling popular support and

²¹⁵ For example, I do not include perspectives from critical legal or race theorists.

²¹⁶ Other examples include Rimmerman (2001), Klarman (2005), and D'Emilio (2006).

making a legislative comeback either through popular referendum, or the lobbying of state legislators to reverse the judicial decisions. It is a repeated scenario across various jurisdictions in the United States, with California as the most highly publicized and recent one. The result is a shuttling back and forth among courtrooms, electoral polls, and state assemblies, with real-life same-sex couples left wondering about their legal futures.

- The rise of rights litigation surrounding gay marriage also has created friction among gay activists in the United States. Paula Ettelbrick (2001), a well known lawyer and activist for lesbian and gay rights, warns that marriage goes against the core of the gay movement - the acceptance and affirmation of different kinds of sexuality and relationships - and merely reifies an inherently oppressive, gendered and heterosexist institution, a view supported by empirical studies such as Eskridge's (2002). Essentially, the criticisms center on the repression of differences to pass as "normal" enough for rights discourse. Claiming rights requires identifiability with a type of group or minority, such as race, gender and disability. Being too different destabilizes a group's identifiable characteristics. Hence, gay marriage campaigns often trot out clean-cut, monogamous, middle-class looking same-sex couples as poster children. The questioning of the idea of normal behavior goes right against the core of civil rights strategies, which usually sees "the appearance of normality" as "central to gaining political "room"" (Gamson, J. 1995, 396). Commenting on queer theory, Josh Gamson points out the dilemma of rights-based identity politics: to gain political power by way of a collective identity (and thus lay claim to formal rights) necessitates the closing off of "group boundaries," at the expense of suppressing differences and diversity. To refer back to Barrington Moore again - this is yet another form of silent violence, one inflicted by "western liberalism" (which includes rights in the manner of the paradigm I described) against radicalism. In my study, even without pandering to an explicit rights strategy, the oppression of differences already exists. For example, the hijacking of Nelson's original pride parade idea at Hong Lim Park, and converting it to a much tamer Pink Dot represent a deeply seated perception that the gay community needs to look mainstream enough in order to gain political space, albeit only in the informal sense.

- Another form of violence inflicted by rights is directed at one's relationship to society and other social beings. Socio-legal studies such as Bumiller (1987; 1988) find that their subjects often resist a rights-based solution to their problems, such as harassment. To these subjects, rights do not affirm their human dignity. They distrust rights for defining and forcing them into the legal role and category of "victim." Even though they have to prove their membership within the group that benefits from the rights protection, and rights are supposed to be universally applicable, ironically, as "victims," they feel that the law alienates them from their real-life social relationships. The meanings of those relationships, and, thus, how the "victims" actually understand their own problems are suppressed, and forcibly replaced by how formal rights and their legal provisions dictate those relationships

to be. The result is the atomization and individuation of social beings from their social worlds.²¹⁷

In short, socio-legal studies abound with empirical data that strip the rights paradigm of its mythic powers, and expose its frailty. My case study goes further by providing a twist to this familiar story. My interviewees do *not* experience the realization of the rights paradigm to the extent of gay rights activists in places such as the United States, nor do they have much expectation that it will happen. Despite its hegemonic grip on their imaginations, by their lack of actual experiences with it, they also avoid problems such as the ones briefly discussed. But, that comes with a set of other issues that they identified in the earlier section - unpredictability, inconsistency, unaccountability, incomplete citizenship and lesser human dignity. For all its cultural fetish for legal legitimacy, Singapore is a place under “rule by man.” Its rule of law is the use of law as a socially constructed legitimate source of power and control to guarantee, and ensure a “rule by man.” History and the contemporary world provide plenty of examples of “rule by man.” More often than not, they are authoritarian regimes and dictatorships. Singapore, though certainly not the worst of the lot, certainly bears authoritarian features. Hence, the gay movement’s circumstances and context lead to the questions of whether their avoidance of the problems *with* the rights paradigm, therefore, is an ironic escape from the hegemonic power of rights, and whether this paradigm is really nothing more than the least worst alternative.

This chapter answered the third research question on how gay activists in Singapore make sense of the outcomes of their efforts. From this perspective, it brought attention to the role of law by highlighting its presence in three layers. In the course of doing so, it hints at issues that I will move on to address in the concluding chapter.

The first set of issues concern the two layers in which law is first resisted, and then re-exerts its domination through reinforcement and reification, made possible by activists’ routinization and self-discipline of pragmatic resistance vis-à-vis the state’s corresponding, routinized control. The questions become what may happen if the routine is broken, and what those conditions may be. To connect back to Chapter 9, the questions can also be reformulated as what sort of conditions may give rise to pragmatic resistance as a genre of collective action and, conversely, what may cause it to give way to other forms (and whether that may be the open, more confrontational type).

²¹⁷ Such findings echo Davidson’s (2006) critique of Western legal liberalism. Looking at the global sex trade, Davidson wonders how it is that, instead of understanding the “child” as an unstable concept, the “child” has been fiercely guarded as an innocent and asexual being up to a point of fetish. She argues that it is because the “child” is the “last remaining, irrevocable, unexchangeable primary relationship” (18) that is still deemed above the social contract that provides for rights, and thus, has to be protected from their atomization and individuation.

The second set relates to the third layer of law, where it wields influence as the formal enshrinement of rights. My respondents' ironic escape from the hegemony of rights, in combination with their movement's strategy, growth and outcomes, raise questions about our understandings of the relationships among law, particularly legal rights, democracy, and social change. Thus, the concluding chapter shifts from the subjective perspectives of my respondents toward how we make sense of their interpretations and experiences, and our own understandings of law and social movements, and pushes the analysis further to peel back another layer of how law matters.

CHAPTER ELEVEN

PRAGMATIC RESISTANCE, AND RIGHTS, DEMOCRACY AND SOCIAL CHANGE

At the beginning of this dissertation, I positioned Singapore as a halfway house in two respects - between complete authoritarian regimes, and Western democracies with a fuller realization of civil-political rights; and, a society with economic development and freedom that rival Western democracies' but without a similar degree of freedoms guaranteed by civil-political rights. Singapore's gay movement and its activists, hence, are mobilizing for social change with a weaker framework of civil-political rights, and on issues that remain contentious in societies that have stronger ones. These circumstances, I argued, make Singapore's gay activism a case study that offers theoretical and empirical traction by looking at the social processes of their activism, and how they inform and enrich our understandings mainly based on their movement counterparts in Western liberal democracies. Their social processes should be taken seriously and analyzed closely, I argued, rather than presuming that they are less likely to succeed due to a lack of civil-political rights. The halfway house nature of Singapore presents an opportunity to explore possibilities of achieving social change that can and may take pathways alternative to the twin tenets of democracy and rights, instead of presuming they are simply variations of the tried and tested route, and that social change can only be the linear progression from the latter two.

Then, throughout the dissertation, my data analyses explored the social processes of the gay movement in Singapore, and unpacked the role of law beyond that of rights as formal and cultural resources. At the close of this dissertation, I reflect on how one can learn from this case study. I focus on two sets of issues, which concern the multiple layers of law's relationship to this movement:

Pragmatic resistance has led to the resistance of legal power, *as well as* its reinforcement and reification. **The findings of this study suggests that the pathway of pragmatic resistance to social change, as an alternative to the openly declared form of collective action, may be taken up in a society that (i) has a cultural fetish for legitimacy drawn upon a source of power that can sanction and punish, (ii) has a formal arrangement of power that has benefited activists in ways that are valuable to them, and in which they see some good to the degree that they only seek to improve the status quo, not its overthrow, thus risking the benefits and good they value from it, and (iii) all of the social actors and institutions involved in the collective action in question - activists, the state, and other interested parties - mutually participate in its (re)production. The postulated conditions, therefore, also suggest that activists may deviate from the pathway of pragmatic resistance, and pick another route when one of those conditions no longer hold. The openly declared, rights-based form of collective action is an option. But this means that the additional condition of having cultural resonance for rights should be in place for them to choose this pathway, rather than another option that is possibly out there, yet to be empirically investigated.**

If the first set of issue, above, was about what may cause activists to opt for pragmatic resistance as a pathway to social change, and, conversely, when they may abandon it for another, the second is about whether it is possible for one to imagine, and adopt any pathway other than that of democracy and rights. My study has shown that Singapore's gay activists remain influenced by a rights paradigm, which shapes their idealistic aspirations found in their hidden transcripts, and perhaps more importantly, the ways in which they inherently think about and make sense of their grievances (though not articulated in their strategy explicitly). At the same time, they lack rights actualization in their socio-political context, and choose not to deploy rights as means or ends in their strategy, as they perceive "rights don't work" in their context. **From my study, therefore, the meaning and role of rights emerge as contextual and situational, being shaped by the social processes involving interactions among formal state institutions, social actors and their other social relationships, as well as the specific issues at stake. Hence, it raises questions for future socio-legal research on social movements to consider about the bonds among rights, democracy and social change, and the meanings of those bonds. The question of how law matters to social movements is also a question of how those of us who study them appreciate and understand these concepts as meaning making subjects at the intersection of our own histories and biographies (Mills 2000), and whether we can transcend those particular, context-specific configurations of legal power over ourselves.**

(I) CONDITIONS FOR PRAGMATIC RESISTANCE

The gay movement in Singapore provides a glimpse into how pragmatic resistance may occur, and, conversely, cease, even give way to other forms of collective action. Authoritarian regimes may not always breed pragmatic resistance. Mine is a single case study, but the social processes that produce, and are produced by, pragmatic resistance of gay activists can help us to identify conditions that may give rise to it, and offer suggestions for future research directions.

Although I may have come up with the term, "pragmatic resistance," to refer to this collective form of the individually-based, everyday resistance, it may not be new nor unique in the sense that other versions of it may be, or were, in deployment by social movements elsewhere. One of my interviewees, Shelly, briefly alluded to learning from counterparts in China, a regime that is more repressive than Singapore, and described tactics that resembled her movement's pragmatic resistance. She had met Beijing gay activists who told her how they had used their advocacy fliers as wrapping paper for roses, which they gave out to pedestrians, in order to avoid trouble from the authorities for distributing fliers. More familiar to the United States is the civil rights movement. Many social movement studies tend to focus on its openly declared protests, such as street demonstrations and lunch counter sit-ins. Resistance to white oppression, however, did not begin in the 1950s, nor did it necessarily first take the form of open defiance. For

example, as early as the 1930s, the NAACP began a series of litigation against Jim Crow (McAdam 1999b), actions that may be construed as more conforming in that particular context (as opposed to Singapore's).

What has been coined as “new social movements” - primarily by continental European scholars - that revolve around identity, including gay movements, rather than socio-economic class, can also be seen as collective action that does not seek to change the status quo. Cohen (1985) describes such movements as “self-limiting” in that they do not aim to accomplish revolution, nor abolish existing political and economic institutions (664). Such activists see their movements as “attempts to renew a democratic political culture and to reintroduce the normative dimension of social action into political life” (670). Since Cohen has more in mind movements in Western democracies, the renewal of a “democratic political culture” entails reaffirming the status quo. Singapore does not fit this mold. Nevertheless, the essence of her point is applicable - there existed, and exists, movements with activists who do not want to overthrow the current arrangement of power distribution. Gay activists in Singapore share a middle-class sensibility that influences their valuation of the status quo, and what it has provided favorably for them; they do not want a revolution to destroy it, but only an “evolution” - in the words of some respondents - to make it better. Therefore, their movement, as with the ones about which Cohen wrote, self-limits its ambition and scope.

Drawing upon the movement strategy of pragmatic resistance - how it keeps to the boundaries and practices, and is perpetuated, disciplined and routinized - and with social movements literature as background, I extrapolate the following from my study as conditions that potentially give rise to pragmatic resistance. They do *not* include the necessary lack of democratic processes and civil-political rights, though. That is only a sufficient condition; being more fertile for pragmatic resistance when they are lacking. Rather, they center on the defining characteristic of pragmatic resistance - survival.

- *A cultural fetish for legitimacy based on a source of power that can sanction:* In my case, this source of power is law. However, it need not be recognizable or identifiable as such, so long as this source of power is able to impose punishment legitimately, and, thus, bestow legitimacy as the reward of obedience. The idea is that it is used as a “club” (McCann 1994) of oppression - the actual punishment is usually not imposed, for the threat of its use is usually powerful enough, incentivizing the keeping of boundaries and practices. Yet formal punishment lingers in the backdrop to which oppressors can resort.

Because this cultural penchant drives survival, a core trait of pragmatic resistance, future empirical research in this area should pay attention to whether survival motivations exist in the given context. In my case, attentiveness to legal obedience was motivated by more than the desire to avoid arrests, its physical unpleasantness, and the jeopardy of material livelihood. My respondents cared deeply about cultural legitimacy - the moral character and credibility of both the movement, and themselves personally.

- *A formal arrangement of power that has benefited activists:* The activists highly value these benefits to the extent that they appreciate what they see as the positive side of the arrangement, and do not desire its extinction. They want to continue reaping the benefits and good, so their quest for social change through the social movement in question is only to improve the status quo. The particularities of those benefits would depend on the socio-political context, and the demographics of the social actors. For the respondents of my study, the benefits comprise their middle-classness, and are connected to social stability and economic development, two cultural norms central to the boundaries and practices of their version of pragmatic resistance. The key is that they are something activists will not readily give up for the movement's cause.

This is a condition that is also linked to survival, but in a way more specific to the activists as persons, rather than the movement. Data analysis of future studies should, therefore, look at what is at stake for activists outside the movement. It should consider what these actors think has made their lives possible, and enabled them to become activists of such a movement in the first place.

- *Participation by all actors and institutions implicated by the movement:* Since pragmatic resistance involves social processes, not only the activists in question, but also other social actors or institutions involved, especially the state, must participate in its (re)production. It is an unspoken agreement, understood through action and reaction, among them. For example, the state has to respond to a pragmatically resistant movement in ways that are interpreted by movement actors as being in line with the strategy, so that it incentivizes them to push forth with it. The more activists live up to the expectations of pragmatic resistance, the more likely the state maintains its veneer of civility and non-violence in conformity with its own role in the interplay of pragmatic resistance. Thus, in my case, pragmatic resistance persists through activists' perpetuation, and corresponding interactions, such as routinization and self-disciplining of strategy with routinized repression (Scott 1985).

Mutual participation in pragmatic resistance validates its value to survival. If activists do not receive a response from the state that affirms their strategic choice, then they may resort to alternatives. Hence, future studies should pay attention to whether other social actors and institutions agree to, and participate in its (re)production, not just the decisions and actions of activists but also those with which they interact.

Conversely, the conditions for pragmatic resistance's occurrence suggest how it may be replaced with another form of collective action - when they no longer hold (aside from there being a change in the regime toward *less oppression*). It may have to begin with activists' abandonment of the cultural fetish for legitimacy. The norm may still persist in their society, but these actors no longer care about conforming to it. For that to happen, given the norm's culture-wide influence, something else fundamental to pragmatic resistance has to have changed. One, or even both, of the other two conditions may have failed as well. Perhaps the status quo no longer guarantees, or stops providing the benefits

that these activists treasure, and for which they appreciate it. Or, they no longer treasure them enough to maintain the status quo. In short, they cross a threshold into where they no longer prioritize the preservation of existing arrangements over the movement's cause.

That threshold may be connected to the third condition that requires mutual participation by all actors and social institutions implicated by the movement. Perhaps one of these parties no longer plays by pragmatic resistance. The most poignant case may be when the state breaks away from its routine response to pragmatic resistance, reacts more severely, and triggers activists to rethink their strategy. Some respondents in my study admit that they may turn to street protests if the state were to clamp down on their organizations and activities without provocation. This means they interpret that the state no longer honors their adherence to boundaries and practices, and that the extraordinary repression cannot be traced to their having crossed the line. However, the threshold is a high one. Much about pragmatic resistance concerns the cultural, where lines are fuzzy. Hence, the powerful has more say over whether a transgression has occurred to justify non-routine repression.

My postulation of the above conditions for the potential rise and fall of pragmatic resistance does not contradict my proposition that pragmatic resistance is a genre of collective action, and that its individual form need not always simply be a precursor or foundation to openly, declared forms of collective resistance that seek to change the status quo of power arrangements. Both possibilities exist in my proposition. Besides, if and when the above conditions do fail, the replacement for pragmatic resistance in a particular society may not necessarily be overt resistance that challenges the status quo, banking on the more generous availability of civil-political rights. What a replacement of pragmatic resistance may be is a question to be empirically investigated.

My study does indicate, however, that for the replacement to be the openly declared, more rights-based genre, there has to exist an additional condition of cultural resonance for rights as both ends and means, a master frame of rights (McAdam 1994). This leads to the second set of issues on which this conclusion reflects - the contextual nature of rights in relation to collective action, and social change.

(II) RIGHTS, DEMOCRACY, AND SOCIAL CHANGE

[U]ltimately, there is a great value in the language in rights because of the intellectual framing of it. You need to have some intellectual grounding and framing. Otherwise, what are you arguing for, you know? And in this day and age, the intellectual framing of this as a question of rights is far better developed than framing it as a question of tolerance, acceptance, compassion, whatever. That's very, very woolly. So, to a large extent, I think the discourse in Singapore has borrowed that language or that framing, though we have chosen to downplay it. But in our heart of hearts, that's how we see it ... that's how we think. That's how we construct our identities, and our mission. (Trey, 58, businessman)

This excerpt from Trey's interview discloses not only the power of the rights-social change paradigm over him and his peers, but also raises a larger question of whether this paradigm also has a stronghold over our study and understanding of how law matters to social movements, thus taking us to the fourth and final layer of law in my analysis. While my study does affirm the trilateral relationship among rights, democracy and social change to the extent that rights claims and exercise are less effective in Singapore due to rights' lack of formal recognition, it probed further to uncover social processes that reveal contradictions in the ways respondents think about rights, and act accordingly - they generally think positively of rights, but they "don't work" for their movement. Here, leading up to this dissertation's conclusion, I make use of these findings as opportunities to ask questions about, and rethink the configuration of the relationship among rights, democracy and social change. My aim is merely to suggest points for consideration by future research on law and social movements. Therefore, in the discussions that follow, I do not provide a full review of the various fields of study that speak to these points, but discuss them mainly based on the data and findings of this study.

(A) THE MEANING AND ROLE OF RIGHTS

To proceed with the discussion, however, I first briefly revisit my analysis on the meaning of rights to highlight one particular finding: that is, *rights take on different meanings and roles, depending on the context and interactions among the state, social actors, the movement, as well as the specific issues at stake. In other words, the meanings and roles of rights are situational and contextual.*

In *The Moral Veto* (2005), Burns argues that limiting frames that leave room for pluralism, as opposed to moral worldviews that seek social consensus, are more conducive to holding together complex societies with diverse cultural values and beliefs, or multiculturalism, such as the United States. Hence, rights in the United States would be a limiting (master) frame (Snow & Benford 1992), as it confines the agenda to what different factions would be more likely to agree as lying within that frame, and, thus, is able to bring them together (272). Talking about an issue in terms of rights normalizes, and mainstreams it (Gamson, J. 1989). Hence, activists in the United States often try to achieve discursive assimilation by integrating their grievances and claims, "new rights" or "novel rights" (Polletta 2000), into the existing framework of rights (Levitsky 2008).

When situated in this case study, however, rights become a moral worldview that seeks to impose social consensus on homosexuality. Contrary to being a limiting frame, it takes on a role perceived to be destructive to multiculturalism. Instead of normalizing the issue, rights talk creates alienation by rendering it extraordinary. This is because for gay activists in Singapore, the meanings and roles of rights, shaped by the socially constructed boundaries and practices, are linked to confrontation, destabilizing social stability and economic progress, and delegitimizing or questioning power holders' claim to and hold on power. Therefore, while highly valued by and influential over the movement and its

actors, rights assume only specific roles and meanings. Offstage, they help activists make sense of their grievances, and construct hopes and goals; onstage, they appear in disguise under pragmatic resistance, and do not take center stage boldly and openly as a strategic means or goal. Neither do they figure into the movement outcome as an objective attained.

With the contextual and situational meaning and role of rights in mind, I move on to discuss the following as potential points of interest to be considered in future research:

- What having rights means: the meaning of rights in relation to democratic institutions;
- What social change means: the bond between rights and social change, and, consequently, democracy and social change;
- What living in a democratic society means: the meaning of democracy in achieving social change, and the distribution of power.

(B) WHAT IT MEANS TO HAVE RIGHTS

Despite the paucity of gains that change the legal or formal order, informal changes abound for the gay movement's efforts in Singapore. Political, discursive and social spaces have opened up over the past 20 years for the gay community and the movement. These spaces entail less discrimination, and more freedom to speak out, assemble and organize with less fear of state sanctions. Although they have opened up as relaxations of rules and regulations, and not through the formal recognition of any relevant right, such as equality, speech, assembly and association, these spaces are arguably enjoyed in substance as greater freedoms.

Skeptics may argue that such informal changes in the form of more "spaces" surely cannot be equated with formal rights. They encounter issues such as the ones identified by my interviewees - the lack of predictability and consistency, and incomplete equality and human dignity - issues that formal enshrinement could have addressed or ameliorated. However, as discussed briefly from the perspective of socio-legal studies in the previous chapter, formal rights also come with their own set of problems - such as unequal access to the rights-based system set up, backlash creating political and legal uncertainty and little real change on the ground, the suppression of diversity within the group, and atomization and individuation of the social being. Some of my interviewees also echo these sociological findings. For example, Ai-Mee felt that "all the paper rights in the world" could not relieve the fear in her friend when she encountered skinheads on a London tube. The point is that even where and when rights are recognized more abundantly, trade-offs have been, and will be made. The issues examined by socio-legal studies are some of the "price" of the trade-off *for* greater formal rights recognition. In addition, trade-offs constantly occur between democratic processes and outcomes,

procedural and substantive justice,²¹⁸ and the upholding of one kind of right over another. What gives to determine that one socio-political context is less rights-based than the other? What is the trade-off that tips the scale? The root of the difference may lie not with one type of change being a trade-off that comes with its costs, and the other being a costless solution, and, may reside more deeply with the very concept of rights.

Hence, one takeaway from the case of Singapore's gay movement is to think about how rights are understood: How much of this concept is attached to its formal forms, such as protests and rights litigation, what I call rights as process and form, and how much of it is attached to rights in substance, or rights as outcome? Are the informal changes and enjoyment of greater "spaces" attained by the gay movement in Singapore recognizable as "rights," despite the lack of form and process? Should they, without the forms and process so intimately linked to achieving rights? If rights are inherently connected to a particular "cultural toolkit" (Swidler 1986) with a finite set of strategies and tactics, then do rights lose their meaning and value if we detach them from this "cultural toolkit"? Alternatively, do the value and meaning of rights morph with alternative manifestations? For example, are rights truly acquired if they exist in substance but not in form through strategies such as pragmatic resistance? Because the forms in which rights take, such as courtroom decisions and formal legislation, are assumed to link to the relationship between rights and democracy, the question also becomes *whether* rights can exist, and *how* rights can exist, outside a democracy.

(C) WHAT SOCIAL CHANGE MEANS

This study has also shown that social change can be achieved, and power challenges can be mounted despite the ineffectiveness of rights as an alienating, imposing worldview. The specific case of gay activism in Singapore further highlights that even a context with authoritarian features is not internally monolithic, but rife with diversity and contradictions, which can be exploited by those pushing for social change. What is different from explicit exercises of or claims for rights is the nature of those changes, and their processes.

Even though Singapore's extent of authoritarian features is far less than China's, recent scholarship on social change in China resonate with my study's findings in this respect. Based on an extensive empirical study of private entrepreneurship in China, *Capitalism without Democracy* (Tsai 2007) finds that changes favoring private entrepreneurship have occurred in the absence of regime transition to democracy and political mobilization by private entrepreneurs. Tsai argues that such changes were made possible by private entrepreneurs' discrete collaboration with local officials to create "adaptive informal institutions," which are routinized adaptations to the constraints and opportunities of various formal institutions, and which, in turn, undermine and contribute to the

²¹⁸ Scholars have written extensively on the significance of procedural justice to one's sense of fairness and justice, at least to Americans. For example, see Lind and Tyler (1988), and Tyler (2004).

transformation of formal institutions that used to obstruct private entrepreneurship. As in my case, social change thus has occurred without destabilizing existing power arrangements. In fact, similarly, Tsai finds that the processes through which these changes take place - informal interactions - actually contribute to the formal institutions' resilience, rather than undermine them.²¹⁹

Works such as Tsai's, focusing on social change in non-democratic contexts, highlight another takeaway of my study: Just because the fundamental nature of given formal institutions - shades of authoritarianism, for example - remains unchanged does not necessarily mean that those institutions and the societies with which they interact remain static. My case study has demonstrated that diversity exists among power holders and administrators, and within the ruling party. Depending on the situation or issue at hand, contradictions also arise among the cultural boundaries and practices. Ironically, to maintain power, the rulers often have to resolve these conflicts by making decisions and choices that end up favoring one faction within the ranks of power, one group of people among its constituents, or one particular norm over others. Authoritarians, therefore, do not necessarily shut out dissenting voices from below. Processes of change can take place through exploitation of such conflict, diversity and contradictions.

Rather than weighing the likelihood of social change flowing from its relationship with rights, and democratic institutions and practices, my study suggests thinking about whether and how social change can occur independent of the latter two's availability, and the nature, processes and implications of such alternative changes: By "social change," what do we really mean? Does it have to alter the larger power arrangements, or formal institutions, such as the further entrenchment of formal rights? Can it also mean changing the immediate conditions of a group of people regardless of its impact on the larger institutions of power? Can there be multiple pathways to social change, some of them without the aid of formal rights, and democracy? Furthermore, can changes not intended to modify the status quo nevertheless erode its fundamental characteristics over time to the point that the formal order too has changed? For example, how much is left of communist ideals about property ownership in a China still under the unwavering control of the Chinese Communist Party? For those of us interested in possible transformations of authoritarian regimes and dictatorships, can fundamental changes to such institutions of power eventually occur through gradual and surreptitious exploitation of conflict and diversity *within* the status quo instead of imposing forces of changes externally to eradicate and replace them?

²¹⁹ Tsai tries to debunk a seemingly mythic relationship between capitalism and democracy, where the rise of capitalism is thought to lead to eventual democratization. However, contrary to conventional wisdom about that particular relationship (and despite the spread of capitalism in China), Chinese entrepreneurs are not agitating for democracy at all.

(D) WHAT LIVING IN A DEMOCRATIC SOCIETY MEANS

The contextual and situational meaning of rights as alienating and imposing, and the choice of pragmatic resistance, bring forth one cultural characteristic of the gay movement in Singapore: a strong sense that social change should be achieved *without* polarizing society (whether this is out of genuine preference or purely strategic).²²⁰ Whether or not formal rights are the ultimate end sought, this is a movement culture that bears the idea that *real* change comes from popular support bottom up, or at least popular consensus that is either neutral or does not care enough to vocalize objection; if the ultimate aim were formal rights, the view would still be that popular acceptance ought to precede the affirmation of such rights. Such an approach rings of populous democracy, and emphasizes democratic *outcomes*. It is contrary to using democratic *processes* to seek legal reform and rights affirmation top-down from the courts or legislature, with the idea that these formal changes will then take effect socially, either directly through the formal changes, or as cultural resources. Setting aside cynicism about how this movement's approach simply feeds into assuring the ruling party of its stable control over the population, and concerns with tyranny of the majority, is there something to be learned from this way of doing things?

Some of these activists sincerely believe that formal changes that come first through top-down imposition are meaningless, because they have yet to win over the hearts and minds of people in general; the formal side should appear only later to solidify, and reflect the bottom-up changes. Such data were mostly found among those who have personal misgivings about rights, either as means or ends. One interviewee, Ernest, told me that winning a case of rights litigation would seem like "winning on technicality," as it would lack any initial backing from the populous. To these activists, social change attained bottom-up through popularly democratic approaches are more sustainable:

It doesn't matter if you get a law changed, (if) people are against it, they will fight to get the law changed back. You need that grassroots base. (Becky, 32, journalist)

Becky's view that reminds us of the ongoing tug of war between legislature and the courts in various states within the United States over same-sex marriage. For those activists who are strategic about such an approach, or who aspire ultimately toward formal rights, the effect and reasoning are similar, though somewhat ironic: without popular support, the state would not budge, for fear of backlash even if it is due to the ruling party's own selfish reasons.

This characteristic of the movement does not preclude direct engagement with the state, such as by Repeal 377A, or the Coalition's. These tactical processes, examined in Chapter 7, are actually aimed at persuading the state to see their causes and concern as neither

²²⁰ Some interviewees do prefer change to emanate top down, flowing from formal changes first, but the data also indicate that they do not find it possible unless the state can be persuaded into believing there is populous support or consensus.

alienating nor polarizing, and at opening up political and discursive spaces informally, rather than directly aimed at lobbying for formal changes. They work hand-in-hand with the bottom-up tactical processes aimed at informal changes at the societal level, all of them within pragmatic resistance's pattern of labor division. They are connected to the notion of getting invited to take a seat at the table. It is not about knocking someone else out for the seat, but about being "patient": as less tolerant generations are replaced by younger generations who are more accepting, society will change to accept, and welcome them when the invitation is made. State engagement is to help the government feel comfortable enough to do so, and that involves simultaneously generating enough popular support and informal changes on the ground. To reuse the parental analogy, whether cynical, strategic or sincere, this characteristic of the gay movement is concerned with how to get along as a family whose children are at loggerheads, instead of defeating an enemy to emerge as victors over losers.

It's like this father who is 44 years old, has been working like mad to make sure that money is brought back home, and he has three children. One is a conservative Christian, one is a gay child, the other one is a fence-sitting person. (Robbie, 33, administrator)

In the United States, accusations of "activist" judges and courts behaving undemocratically are common. The process of protecting rights through the judicial branch of government can be seen as undemocratic, especially if judges are not elected (See e.g. Epp 1998; B. Friedman 2009).²²¹ The state battles over same-sex marriage, pitching democratic process against outcome, rights-based protection of minorities against popular consensus, are recent examples of an issue relevant to my case study. Compared to the United States, Singapore lacks a culture of protecting rights through such democratic processes. Courts are ruled out as a viable option, and the legislature is seen as hiding behind a perceived conservative majority among the population. The movement as a whole - regardless of the sincere, cynical or strategic individual motivations - emphasizes what seems to be a popularly democratic approach by producing social acceptance from below. If formal rights were ever to arrive, they probably would take their place when the state no longer believes backlash (Ettelbrick 2001; D'Emilio 2006; Rosenberg 2008) to be imminent. Considering the movement's relative lack of democratic institutions and processes in the first place, to feel compelled by socially constructed boundaries and practices to convince an authoritarian state of a democratic outcome is something of an irony. Without deploying rights or pushing for the democratization of state institutions, their activism ironically puts a kind of democracy into action, and possibly even strengthens it through grassroots mobilization and participation.

My study, thus, raises questions about formal democratic institutions and processes, and outcomes in relation to social change: How should social change be pursued? Should it

²²¹ For example, see Epp (1998) and Friedman, B. (2009). The perception has support even though the outcome of stronger rights protection can strengthen democratic institutions.

come first from popular support followed by formal changes, such as rights? Or, should it stem top down from democratic institutions and processes that carry the promise of vindicating and adjudicating formal rights for the protection of minorities? If the goal of pursuing a particular type of social change is to protect democracy, what kind of democracy is being reinforced and privileged? Though not groundbreaking in terms of the debates surrounding the democratic nature of rights litigation, and democratic processes versus outcomes, my study encourages taking a step back to think about these issues, and ponder what it means to live in a democratic society in the pursuit of social change to protect it.

(E) POWER DISTRIBUTION

Flowing from the considerations above - the meaning of rights in relation to form and substance, the meaning of social change on multiple pathways, and the meaning of democracy in the pursuit of social change - the subsequent takeaway from my study concerns how power distribution should be evaluated. Since the role and meaning of rights are situational and contextual, whether and how power is and can be redistributed should be interpreted based on those specific conditions. For the gay movement in Singapore, as rights are deemed alienating, the strategic choice of pragmatic resistance avoids the explicit use of or claim of rights, and reaps primarily informal changes. Can such an outcome be interpreted differently from a binary configuration of winners and losers, a zero-sum game in which formal rights are won at the expense of others' interests? Can we think about power distribution *not* in terms of mutually exclusive outcomes of win or lose?

I think at least two responses are possible:

The first is already familiar to sociology of law. Power remains distributed the same way, because no formal change has occurred to shift its arrangements, and create new winners and stakeholders. It remains in the hands of the status quo, while gay activists and their constituents remain powerless, despite their collective attempts and informal gains (Handler 1992; McCann & March 1995). Granted, other evaluations of everyday resistance, such as Ewick and Silbey's (1998), carry a somewhat celebratory note. However, they are also tinged with a sense of the inescapable hegemonic structure of law. Silbey (2005) points out that the objective of legal consciousness studies - everyday resistance as a strand of it - should be about exposing the power of "legality." But the very essence of everyday resistance, of living, even thriving, "between the cracks," connotes an existence within a hegemony that one cannot overthrow; it implies a continuous reinforcement of the status quo.

This is the interpretation that casts doubts on those interviewees who genuinely disfavor formal rights. It is the nagging feeling that, even after fully acknowledging the significance of informal changes and addressing allegations of false consciousness, these people are somehow shortchanged. But are they? Therein lies the challenge if we consider and accept

the second, alternative response. It is not representative of all 100 interviewees, but it is based on recurring patterns that emerged from this study's findings and analyses, especially where they focused on how these activists, overall, made sense of their movement outcomes as a "trade-off." I expect this response to be more controversial, but worth exploring for it goes to the heart of how we evaluate my interviewees' meanings and interpretations, and ultimately, how law matters to social movements from the perspective of how we study them.

The second response suggests that power has indeed been redistributed, and considers the situation outside a zero-sum, win-or-lose configuration:

- Through pragmatic resistance, the gay community in Singapore increasingly enjoys more "spaces" and freedoms, enjoying "rights" in their substantive form despite not acquiring any formal "gay rights" or any expansion of basic civil-political rights on paper;
- The state (and ruling party) does not feel threatened, and, therefore, stays from cracking down on their slowly but surely expanding spaces and freedoms, a backlash that could otherwise set back two decades of labor;
- The ruling party continues to stay in power comfortably, satisfying the middle-class sensibilities of many of my interviewees who do not want to oust this party, sincerely believing it to have done a "good job" with developing Singapore and providing for its people; what they want is for it to improve and become a "better government."²²²
- Between the retention of Section 377A and its non-enforcement policy, anti-gay views, as troubling as they may be, are taken into consideration, while the gay minority do not find themselves completely disenfranchised in their own country with their spaces and freedom. It is a compromise, or what their political leaders call a "balancing" of interests, and to invoke the parental analogy again, akin to asking one's children to give and take among themselves. Some activists, in fact, tell me that the religious right also need to be respected, have a "right to exist as anybody else," and are "human" as well, for they are part and parcel of pluralism, tolerance and diversity for which the activists themselves are advocating, and that to suppress their rivals would be "fascist" and "hypocritical":

²²² Singapore also lacks a viable political alternative that can provide the same assurances, or boast the same record as the ruling party. Its one-party dominance has created a situation where this does not appear practically possible. The ruling party appears to be the best choice to have a viable political career in Singapore. The party has created in government and within society mechanisms and incentives that attract (and possibly co-opt) the young and the bright. In contrast, fledging opposition parties are perceived as attracting a lesser crop of talent, and even unreliable or incompetent. Opposition politicians might win the lone seat or two in Parliament; but, they cannot be too aggressive, or they could run the risk of getting into legal troubles, because of the way the ruling party has set up the legal system.

So if the Western democratic tenet is to accept difference, so why is it going against itself now? ... [T]here's no consideration for the other person. As if a conservative person is not human. (Walter, 48, theater director)

Walter's view is part of a weaker pattern that vocalizes empathy for opponents, but it does capture a general sentiment that comes across in my encounters with many of my interviewees - that their opponents' preference not to accept homosexuality should be respected (though not to the point of spreading and advocating hate for that would be violating each other's spaces)

- The majority of people, who may be neutral, apathetic or otherwise – would also not feel as though they are forced to take sides one way or the other, and have the choice over time to make up or change their own minds, if at all.

The scenario above may stir up concerns with tyranny of the majority, for it seems as though whoever can convincingly claim to represent the majority still controls the formal order. That is a fair argument, but from a win-or-lose perspective, an interpretation that see significant differences between formal and informal changes, and values the former over the latter, or a rights paradigm that links the attainment of rights (presumably in its formal manifestations) with achieving social change. However, the point for painting this scenario is to challenge ourselves to experiment with other perspectives, and ask questions of how we can, or cannot do so.²²³

The gay movement in Singapore is a story about contradictions - among the different strands of legal imaginations of social actors, within and among themselves, and among how they arise, and how they are interpreted, acted upon and implemented into strategy, not individually but as a group of people coming together in seek of social change for a collective good. Contradictions run throughout the various junctures in their narratives, and thread them together. They lie between their motivations to join the movement, and their goals and aspirations; between their predominantly rights-based aspirations, and movement strategy in which rights use as means and ends are explicitly missing; and, within their self-evaluation of the movement as a conscious trade-off between making immediate, informal advancements for gay issues, and reifying and reinforcing the larger status quo of power arrangements.

Pragmatic resistance, their movement strategy and culture, embodies, and expresses these contradictions. Though pragmatic resistance, gay activists in Singapore seem to contradict themselves by mobilizing for social change, while preserving the status quo with their choices; they stand between, *and* choose both the change they seek, and the status quo

²²³ As for whether such a scenario is better or worse than, or equal to, rights-based, formal changes would need to be separately studied. The idea here is simply not to make an instant judgment about the inferiority and quality of informal changes, and proceed from such a perspective into future inquiries.

that they challenge. They want and value what the status quo has provided for them, yet try to find ways to alter it. For an authoritarian regime facing a group of people that is challenging it, the Singapore state appears benign in its interactions with the gay movement, abiding by the boundaries and practices to which pragmatic resistance responds. But this state is also far from benign, and violence is its undercurrent. It tries to shape, and control this group of people through their self-discipline and routinization of pragmatic resistance, and enjoys the backing of a source of power that can impose sanctions, and culturally confer (or deny) legitimacy. These features make up the conditions I postulated that may give rise to pragmatic resistance, and failing which may cause it to be replaced by other genres of collective action.

The contradicting storyline continues with the presence of a rights paradigm influencing the legal imaginations of gay activists in Singapore, despite their own interpretations that “rights don’t work” in the socio-political context of Singapore. Regardless of whether some of them actually think favorably of rights, this paradigm - the positive association of rights with social change - remains intrinsically influential over their world views, in their latent naming, blaming, and claiming of grievances. They associate the problems with their strategy, the price of the trade-off, as lacking qualities that formal rights recognition could remedy, particularly predictability and accountability, and fuller equality and human dignity. Yet, because rights come with their own set of problems, they may perhaps have ironically escaped the rights paradigm, facilitated by their choices and circumstances.

However, this is a story *not* about working against or resolving those contradictions to make them go away, but about grappling and working *with* those contradictions, all of which are slices of reality and multiple facets of their political lives. Concerned with striving for social change and what it means in the midst of contradictions that are left unresolved and incorporated, this story offers an alternative to the meta narrative of a consistent relationship among rights, social change and democracy - that is, in places with less democratic practices and institutions, the exercise of and claims for rights are expected to be less successful, and thus social change is harder to achieve (and vice versa). The need for consistency is almost intuitive in stories revolving around this trilateral relationship. Scott (1985) devoted pages to his defense of everyday resistance against anticipated criticisms of false consciousness or indoctrination on the part of his subjects. I felt compelled to do so in Chapter 9, where I proposed pragmatic resistance to be a genre of collective action. A narrative based on consistency-driven explanations, such as false consciousness, resolves contradictions neatly. Challenging power but not shaking the status quo is easily accepted once those two contradictory intentions are explained as false consciousness at work (but, of course, there is something wrong with the subjects). It is far less complicated and inherently more comforting, than accepting that contradictions exist, as they do in our everyday lives, and then making sense of how they exist with one another - for example, how it is that gay activists in my study lack rights, yet consider themselves to have achieved social change at the same time.

In this concluding chapter, my study comes full circle by ending on a note about rights, and rights' positive relationship to democracy and social change. Such a return to rights actually emerges from the initial motivation to venture outside them to investigate the role of *law* more holistically, having argued that this area of scholarship so far tends to conflate rights with law, and neglect contexts with lesser offerings of civil-political rights than Western democracies. This purpose my study has met, as it uncovered multiple facets of law's role - more than that of legal rights - in the gay movement in Singapore.

Nonetheless, along the way, my study also found significant yet contradictory meanings and roles of rights to activists of this movement, and their situational and contextual nature. Besides informing the analysis on pragmatic resistance, they suggest larger intellectual questions about the tight theoretical bond among rights (as formally provided in written law), social change and democracy. Inspired by these findings, the alternatives raised in this chapter's discussion about power distribution beyond the bond between rights and democracy are perhaps instinctively difficult for some of us to imagine as better, or even acceptable, than an outcome that explicitly vindicates the rights of sexual minorities, one that culminates with a rights-based victory. I have asked myself repeatedly during the fieldwork: Is such an alternative scenario really inferior? In Chapter 10, I examined reification and reinforcement of the existing order as a major flaw with the strategy of pragmatic resistance. For Singapore, a significant component of this problem stems from strategically evading explicit rights use and claims in the public transcripts of gay activism. In other words, agitating for greater recognition and entrenchment of formal rights is seen as reordering the status quo.

However, while the use of rights and the claim for rights in Singapore's context are affronts to the existing order, in a liberal democracy where civil-political rights are master frames for social movements (McAdam 1994), they are not. There, rights-based strategies are, conversely, reifying and reinforcing that existing order, instead of fundamentally altering it, for they are part and parcel of its cultural toolkit (Swidler 1986). It is radical activism, such as the type of environmental movement examined by Fritsvold (2009) as operating "under the law," on the contrary, that threatens the status quo of a democracy with civil-political rights for it questions the very legitimacy of those institutions and that toolkit. It is probably one of the reasons why radical activism is less tolerated in liberal democracies,²²⁴ compared to their rights-touting counterparts. The waning of gay liberation in the United States, and waxing of gay rights campaigns revolving around same-sex marriage offers another contrast between two forms of activism: the first fundamentally challenges the status quo of its particular context, and attempts to impose a new world view; whereas the second presents a familiar limiting frame of rights (Burns 2005), and simply validates the existing world view of liberal democracy and rights. Dare we then suggest that rights-based movements in liberal democracies are simply nothing more than that particular context and situation's version of pragmatic resistance? Perhaps that is why in my speculated list of conditions for pragmatic resistance, I did not specify the lack of

²²⁴ It is also, unsurprisingly, not tolerated in a place such as Singapore.

democratic practices and civil-political rights as one, although their absence may be more conducive to its emergence.

The point here is not to question the effectiveness of rights-based movements, or strategies elsewhere. It is to reemphasize histories and biographies, not only of the social actors studied but also of those who study them. The question of how law matters to social movements is also a question of how those of us who study them appreciate and understand these concepts as meaning making subjects at the intersection of our own histories and biographies (Mills 2000), and whether we can transcend those particular, context-specific configurations of legal power over ourselves.

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APPENDIX I

THE INTERVIEWEES: WHO THEY ARE

Table A1.1

Demographic background of interviewees

	Pseudonyms ²²⁵	Real Names	Age	Gender	Race ²²⁶	Sexual Identity	Religion	Education ²²⁷	Lived Abroad ²²⁸	Activist Overseas
1	Mabel	Loretta	34	F	C	Lesbian	Daoist/ Buddhist	Ph.D.	L.A.; London	
2	Stella	Eileena	39	F	C	Lesbian	Buddhist	"O" levels	Taipei	
3	Morris	Stuart	37	M	C	Gay	Agnostic	Ph.D.	Minneapolis	Yes – HIV
4	Lewis	Gray	34	M	C	Gay	Christian	M (ongoing)	London	
5	Arun		36	M	SA	Gay	Hindu	B		
6	Liz	Sylvia	34	F	C	Lesbian	Christian	B	Australia	Yes – Gay
7	Nelson	Roy	52	M	C	Gay	Daoist	Ph.D.	London	

²²⁵ Green color indicates that the initial formal interview was conducted Skype-to-Skype; orange indicates a Skype-to-telephone connection.

²²⁶ C= Chinese; M=Malay; SA=South Asian; EA=Eurasian; Cau=Caucasian; C-SA=Chinese-South Asian biracial.

²²⁷ M=Masters; B=Bachelors; "A" levels=pre-university or "advanced level"; "O" levels="ordinary level, i.e. high school certificate; diploma = beyond "O" levels but different from "A" levels.

²²⁸ For at least 6 months; asterisk (*) indicates interviewee's country of origin.

8	Nina	Susan	54	F	C	Straight	Christian	B	Virginia; Malaysia*	Yes
9	Chan		38	M	C	Gay	Buddhist	B	Oregon	
10	Ai-Mee	Joo Hymn	40	F	C	Straight	None	LL.B.	London; Australia	Yes
11	Oliver	Russell	59	M	C	Gay	Agnostic	Ph.D.	New Zealand; Australia	
12	Owen	Thomas	39	M	C	Gay	Catholic	LL.B.		
13	Percy	Ian L	25	M	C	Gay	Christian	B (ongoing)		
14	Rev. Phil	Rev. Yap	81	M	C	Straight	Christian	Ph.D.	Boston; Malaysia*	
15	Quentin	Joseph	45	M	C	Gay	Was Catholic	Ph.D. (ongoing)	Bhutan; Scotland	
16	Wei	Pinming "Tin"	31	M	C	Gay	Buddhist	B	Indiana	
17	Abby		35	F	C	Gay	Christian	B	Australia	
18	Parker	George	47	M	C	Gay	Catholic	LL.M.	London; Hong Kong	Yes
19	Tai	Miak	35	M	C	Gay	Christian	M (ongoing)	California	

20	Ricky	Benni	47	M	SA	Gay	Was Christian	"O" levels		
21	Bao	Kum Hong	35	M	C	Straight	Atheist	LL.B.		
22	Kang	Leroy	46	M	C	Gay	Christian	M	San Francisco; Massachusetts	
23	Reid	Emeric	31	M	C	Gay	Catholic	B		
24	Ming Choo	Hoon Eng	59	F	C	Straight	Atheist	Ph.D.	Boston; Bangladesh; London	Yes
25	Adalyn		30	F	C	Queer	None	B	Australia	
26	Aidan		32	M	C	Gay	Christian	M	New York	
27	Khalid	Alfian	33	M	M	Gay	Muslim	B (ongoing)		
28	Sirius	Roger	43	M	EA	Gay	Catholic	M		
29	Shelly	Irene	27	F	C	Queer	Free thinker	B		
30	Imran	Hisham	34	M	M	Gay	Muslim	High School		
31	Brett		41	M	C	Gay	Christian	LL.B.		

32	Tony	Peter	44	M	C	Gay	Atheist	M	Australia	
33	Billy		46	M	C-SA	Gay	Christian	LL.B., M	Australia; Malaysia*	
34	Becky		32	F	C	Lesbian	None	M	U.K.	
35	Manisha	Indu	22	F	SA	Bisexual	None	LL.B. (ongoing)	India*	
36	Vincent	Kelvin	41	M	C	Gay	Buddhist	B		
37	Colin	Nick	25	M	EA	Gay	Catholic	B (ongoing)	Philadelphia	
38	Trey	Alex	58	M	C	Gay	None	B		
39	Warren	Chi Sam "Sam"	33	M	C	Straight	None	M (ongoing)		
40	Wong	Kim	40	M	C	Gay	Buddhist	B	Malaysia*; Australia*	Yes - HIV
41	Han	Yi-sheng	30	M	C	Gay	Daoist/ Buddhist	B	New York	Yes - Gay
42	Rahim	Azimin "Zee"	23	M	M	Gay	Muslim	B (ongoing)	Australia	
43	Winston	Dominic	35	M	C	Gay	Was Catholic	B		
44	Eu-Jin	Lip Sin	40	M	C	Gay	Free thinker	B		
45	Xavier		35	M	C	Gay	Christian	B	Hong Kong	

46	Camille		27	F	C	Straight	Atheist	LL.M.	London; Massa- chusetts	
47	Chloe		27	F	C	Lesbian	Christian	M		
48	Jian	Tuck Leong	35	M	C	Gay	Christian	M (ongoing)		
49	Diane		27	F	C	Lesbian	None	B		
50	Damien		33	M	C	Gay	Christian	M		
51	Zac	Alan	47	M	C	Gay	Atheist	B	Texas; New York	Yes - HIV
52	Kaleb	Otto	42	M	C	Gay	Buddhist	B	Oklahoma	
53	Doris		39	F	C	Queer	Christian	B		
54	Zhou		35	M	C	Gay	Free thinker	M	U.K.	Yes - HIV
55	Duncan		41	M	C	Gay	Free thinker	Ph.D.	New Jersey; Massa- chusetts	Yes - Gay
56	Bryce		39	M	C	Gay	Christ believer	M	Florida; L.A.	
57	Brandon		34	M	C	Gay	Agnostic	B	Japan	
58	Burton		37	M	C	Gay	Christian	Ph.D.	U.K.	
59	Robbie	Bryan	33	M	C	Gay	Agnostic	B		

60	Yi-Feng		32	M	C	Gay	Buddhist	M (ongoing)	London (after interview)	
61	Cheryl		38	F	C	Lesbian	Christian	M	Australia	
62	Bo-Liang		32	M	C	Gay	Buddhist	Ph.D. (ongoing)	Beijing; London (after interview)	
63	Ernest		44	M	C	Gay	Christian	M (ongoing)		
64	Taariq		39	M	M	Gay	Muslim	M (ongoing)		
65	Edgar		61	M	Cau	Gay	Unitarian	Ph.D.	U.S.*	
66	Mitch	Ian R	42	M	SA	Gay	Christian	B	Australia ²²⁹	
67	Yvette	Jennifer	35	F	C	Straight	Unitarian	Diploma		
68	Fiona		23	F	C	Lesbian	Christian	B (ongoing)		
69	An-Dee		27	M	C	Gay	None	B		
70	Meihua	Su Lin	36	F	C	Lesbian	Christian	M (ongoing)		
71	Frances		47	F	Cau	Queer	None	M	London; U.S.; Canada*; Sweden	

²²⁹ Mitch used to hold Singaporean citizenship (Singapore does not allow for dual citizenship).

72	Frank	Kenneth	45	M	C	Gay	Buddhist	M	France	
73	Fabian		32	M	C	Gay	Free thinker	Medicine		
74	Devi		36	F	SA	Lesbian	Hindu	B	Toronto; U.S.	Yes - Gay; HIV
75	Kwan	Chong Kee	48	M	C	Gay	Was Christian	Ph.D.	Taipei; California	Yes - Gay
76	Gina		48	F	C	Lesbian	Catholic	"O" levels		
77	Gretchen		41	F	C	Lesbian	None	LL.B., M	Illinois	
78	Karl		49	M	Cau	Gay	Christian	M	Germany*; U.K.	Yes - HIV
79	Norm	Benjamin	27	M	C	Gay	Free thinker	"A" levels		
80	Liam	Steve	33	M	C	Gay	New age	Ph.D. (ongoing)		
81	Viraj	Sharaad	45	M	SA	Gay	Catholic	M	Malaysia*	
82	Gail		48	F	C	Lesbian	Buddhist	LL.M.	New York	
83	Gillian		42	F	C	Lesbian	Christian	"A" levels		
84	Li-na		45	F	C	Lesbian	Free thinker	M	U.K.	
85	Walter	Alvin	48	M	C	Gay	Catholic	M	U.K.	

86	Haley		25	F	C	Lesbian	Christian	B		
87	Harriet		36	F	EA	Lesbian	Agnostic	Ph.D. (ongoing)	Melbourne, Australia	
88	Henry		34	M	C	Gay	Atheist	B	U.K.	
89	Valerie	Amanda	26	F	C	Lesbian	Unidentified	B	Canberra, Australia	
90	Yusuf		20	M	M	Gay	Muslim	Diploma		
91	Kai Peng	Gwo Yinn	45	M	C	Gay	Unidentified	B	Malaysia*	
92	Hsin		50	M	C	Gay	Vedic traditions	M	U.K.	
93	Irwin		42	M	C	Gay	Buddhist	M	Illinois; Arizona	Yes - HIV
94	Jared		49	M	C	Gay	Buddhist	M	U.K.	
95	Keith	Donovan	36	M	C	Gay	None	B		
96	Rani		38	F	C-SA	Lesbian	Hindu (NP)	Ph.D. (ongoing)		
97	Jerome		32	M	C	Gay	Agnostic	Ph.D. (ongoing)	U.K.	
98	Lacey	Charmaine	34	F	C	Lesbian	Christian	M	Australia	
99	Kurt		30	M	C	Gay	None	B	Copenhagen	
100	Keenan		47	M	C	Gay	Catholic	LL.B.		

(I) AGE AND GENDER

The oldest activist by chronological age, Rev. Phil, is 81 years old, while the youngest, Yusuf, is 21. The average age is 37.3.

In terms of activist age, that is, focusing not on the birth date but on when he or she first became a gay activist, the breakdown is spread roughly evenly across the four time periods, which I demarcated based on the various phases of the movement trajectory analyzed in Chapter 4:

- Started before 1997: 26
- From 1997 onward: 20
- From 2001 onward: 27
- From 2005 onward: 27

Among these, 34 are no longer involved with the movement. Fourteen of the 34 left the country for reasons such as career, family and school. The other 20 dropped out due to loss of interest, fear, career or relationships, but remain in Singapore at the time of writing. They make up one-third of the interview pool, thus enabling me to account for the differences between, and similarities across activist generations, nuances in the data that helped to bolster my analysis.

Six-nine of the 100 interviewees are men:

- 20-29 age group: 8
- 30-39 age group: 32
- 40-49 age group: 24
- 50 and above: 5

That leaves only 31 informants who are women:

- 20-29 age group: 9
- 30-39 age group: 13
- 40-49 age group: 7
- 50 and above: 2

A NOTE ON WOMEN

The approximate ratio of women to men in my interview pool is one woman to two men, so women make up only one-third of the total number of interviewees. My initial shortlist database had a 1:4 ratio, which meant that I began with a significantly smaller pool of women, and did not inadvertently under-recruit women. I also did not receive any outright rejections from the women whom I had contacted, and only one woman was a non-response. I first noticed this ratio in August 2009, and began to make extra effort to contact women to ensure that they were included as much as possible in the theoretical sampling.

The conditions that give rise to the disparity between men and women in gay activism - and perhaps the question of whether they should even be considered as one single movement - are beyond the focus of my study. But I did ask female interviewees for their views. Anecdotally, these informants point out that prior to the rise of the Internet as an organizing catalyst, usually dating to 1997, women enjoyed less space where they could congregate, unlike the men, who had more bars, saunas and cruising grounds. They recall being the only few women at activist gatherings of the early 1990s, and confided that the lesbians they knew preferred to socialize through private networks rather than carve out public spaces in those days when they felt the need to stay underground. Stella, speaking from her personal experiences in the community, felt that women now in their 40s or above were more likely to stay completely or semi-closeted, and that even those who used to be active would drop out, or even return to the closet after settling down with their partners. Old-timers of the Coalition, such as Trey, Oliver and Tony, also noticed the lack of women among them during the early 1990s. Trey remembers that the attendance of women diminished over time, as they lost interest in events that appealed to gay men.²³⁰

Connected to the smaller number of women who are or were gay activists, is the more specific lack of such women above the ages of 40 and 50. I was curious about whether this was yet another issue unique to women, but later realized that the scarcity of activists above 50 years old is a common feature among both men and women. The men do have a higher percentage in the 40s compared to the women's pool, but the two genders are comparable in the 30-39 category. The concentration of activists in their 30s-40s, and the steep drop in numbers at 50 and above may simply be a reflection of this movement's age itself. This is a young movement of about two decades old. The oldest activists, discounting Rev. Phil, would have been in their late 20s or early 30s at the time.

(II) RACE AND RELIGIOUS BELIEFS

Tables A1.2 and A1.3 place the racial and religious profiles of my interviewees side-by-side with the general population's, according to Singapore's official census in the year 2000. However, since my sampling approach is theoretical rather than representative, caution should be exercised in making inferences about the comparisons to the general Singaporean population.

²³⁰ Exploring the gender divide may make an interesting research project. It is a situation that may be changing with time. The Coalition has become more balanced since 2006, with the addition of Abby and her collaborators from the Queer Women's Alliance. In the early 1990s, it used to have only Cheryl and at most one or two more women in its core; then Stella, who was its one-time president, and Lacey departed from the group in the early 2000s due to differences. During my time spent in the field, I also observed that the younger generation of activists, those in their 20s, was more likely to work across gender lines. For example, the Open Church's youth support group and Minority Support are co-ed, started and run jointly by young men and women. The older women in my study were also more likely than those in their 20s to talk about a gender divide, and regard it as a problem.

Table A1.2
Racial breakdown compared to general population's

	Gay Activists		General Population %
	N=100	%	
Chinese	81	81	76.8
Malays	5	5	13.9
Indians	6	6	7.9
Other	8	8	1.4

Table A1.3
Religious affiliation breakdown compared to general population's

	Gay Activists		General Population %
	N=100	%	
Buddhism/Daoism²³¹	15	15	51
Christianity	40	40	15
Islam	5	5	15
Hindu	3	3	4
Other²³²	4	4	1
No religion	33	33	15

Some of my interviewees chose to be more specific than the four racial categories offered in the census survey. The 81 ethnic Chinese include people who simply identified as Chinese, and those who emphasized being "Peranakan Chinese," i.e. Straits-born Chinese or native-born Chinese.²³³ The term, "Malay," with which five interviewees identified, is often conflated with the Islamic religion, as 99.6% of Malays are Muslims. "Malay" is both

²³¹ I used the *pinyin* version of Taoism, which follows the Wade-Giles system of romanization.

²³² Two of these called themselves, "Unitarian," which they regarded as distinct from Christianity. One described himself as "New Age," and the other chose "Vedic" to capture his spiritual affinities with both Hindu and Buddhist teachings. These classifications might have differed under the close-ended surveys by the national census, as Unitarianism might be conflated with Christianity, and "Vedic" might have been a choice between Hinduism and Buddhism.

²³³ "Straits" refers to the Malacca Straits between the Malaysian Peninsular and Indonesian Sumatra Island. Peranakan Chinese identify with a specific culture that is a melting pot of Chinese, Malay and Western heritage.

a political concept of race in Singapore (and Malaysia), and a rather encompassing term referring to Austronesian peoples in Southeast Asia. One of my interviewees, Rahim, said I could put him down as “Malay,” in spite of the more accurate identifier being Javanese. Taariq said he would identify as “Malay,” while more specifically being of Javanese and Arab descent. Although the term, “Indian,” is used by the Singaporean government in its official census, I prefer “South Asian” to represent more accurately the ancestries of those traceable back not to India, but to other South Asian origins, such as Sri Lanka/Ceylon. Of the “other” eight, three are Eurasians and two are Chinese-South Asian mix. The other three are Caucasians.

The dominance of Christians, a minority within Singapore’s general population, clearly stands out among gay activists. The government’s census category of “Christianity” does not distinguish between Catholics and Christians of various denominations. My number of 40 includes 11 persons who identified as Catholics, “was Catholic,” or “post Catholic,” and 29 who considered themselves Christians of some Protestant denomination, “Christ believer,” “was Christian” or “non-practicing” Christians. I counted the informants who identified themselves in the past tense - “was - ” or “post - ” - if they did not go on to associate with other religious faiths or other descriptors, such as “atheist.” The presence of activists, 33 out of 100, who do not identify with any religion is also strong. They include six atheists, six agnostics, seven free thinkers, 12 who professed “no religion,” and two who preferred to call themselves “unidentified” with any religion. On the other hand, despite being the most popular religions in Singapore, Buddhism and Daoism are not so among the gay activists in my study. The two, of course, are distinct religious faiths, and a small number of my activists does exclusively identify with one or the other. However, they are lumped together (and often with traditional Chinese forms of ancestral worship) in the Singaporean census, and reflect how they are commonly practiced and professed in a conflated fashion among local, non-Christian Chinese. Although my sample is not representative of the general population, the weak presence of Muslim activists is also obvious. Similar to the situation with women, I started out with a tiny pool of potential Muslim interviewees, meaning that the issue may not lie with my recruitment process, but with larger socio-political conditions that may have shaped the demographics of the gay movement.²³⁴ In Chapter 5’s analysis of my informants’ pathways to gay activism, motivations related to Christianity or the Christian right counter movement are two of the patterns. The influence of different religions on gay activism, or activism in general, nevertheless, lies beyond the scope of this study. Religious faiths may well bear only a co-

²³⁴ The five subjects tell me that the one version of Islam in Singapore interprets homosexuality as contrary to its teachings. Although Singapore is a secular state, and Islam is not a state religion, it enjoys a “special” status protected by the Constitution. One of the practical effects of this status is that the state tightly controls the religion’s propagation and teachings through a statutory body known in Malay as the *Majlis Ugama Islam Singapura* (MUIS), or the Islamic Religious Council of Singapore. Mosques throughout Singapore transmit only one uniform sermon provided by MUIS clerics. There is no room in this study, however, to explicate the relationship between Islam and the Singaporean state. Nor is there scope to explore extensively the relationship between Islam and homosexuality, but my interview data suggest that the Muslim gay activists in my study seem to live with the contradiction: there is the “gay me” in everyday life, and then there is the “Muslim me” who fasts during Ramadan.

relationship and not a causal relationship to gay activism, and other factors such as class and education would need to be examined more closely.

(III) EDUCATION AND SOCIAL CLASS

According to the 2000 census, about 12% of the population had some level of university education. This ranges from having bachelor's to doctorate degrees. About 15% of the population's highest level of education was upper secondary, which, for the American understanding, would be high school. The breakdown of my subjects' highest levels of education contrasts starkly to these numbers (though, of course, my sample is not representative of the Singaporean population): 58 out of the 100 have at least a bachelor's degree, or are in the midst of completing their degree programs. Out of these 58, 16 of them have or are pursuing doctorate degrees, and 33 have or are studying for their master's degrees. Only six subjects' highest level of education is upper secondary. Among the degree holders, 11 have basic law degrees, or are attending law school.²³⁵

Even though income level is a common measure of social class, I hesitate to draw such inferences for my interviewees, for two reasons. The first is a practical issue. Apart from the usual concerns with under- or over-reporting, several subjects felt uncomfortable disclosing their incomes, even when I asked them only to choose from pre-set income brackets. At the beginning of the fieldwork in 2009, I set out to collect information not only about income range but also institutions attended, from grade to high schools, as I was curious to see if there existed a pattern of activists coming from certain types of education background, such as elite schools. I also wanted to see if they tend to come from a certain income bracket, and gave them a choice of several income brackets. Most interviewees did not mind disclosing the information, but a couple of them made some fuss about it. One informant worried enough to write to me saying that those sounded like questions the Internal Security Department would ask. He was only half-joking, but honestly found the questions a bit intrusive. Another informant, who works for a government agency, understood my motivation, but simply felt uncomfortable. I had to spend some time reassuring them that I was not Internal Security!²³⁶ In the end, they felt only comfortable letting me disclose their highest levels of education. Their concerns actually prompted me to reconsider whether it was crucial to obtain such information. I decided that if such questions created discomfort, the benefit might not outweigh the cost. This leads to the second consideration.

In Singapore, it remains common and socially acceptable for adult children, unmarried and even married, to live with their parents (though this is changing as well). It is a phenomenon that extends to my interviewees, thus posing a difficulty in determining their actual social classes based on income. An informant may be making little to no money as

²³⁵ Three of these went on to earn LL.Ms., also counted in the tally for masters' degrees.

²³⁶ If I were from Internal Security, I could have obtained the information much more easily, and without asking them!

a “starving” artist, but is living with wealthy parents, and enjoying upper-class privileges. In contrast, a fresh graduate from law school may be drawing a middle-class salary, but still be living with his or her blue-collared parents in a 20-year-old flat purchased from the public housing scheme. To which social classes these subjects belong cannot, therefore, be simplistically determined based on their personal income levels. However, if one makes the link between education and social class, then the gay movement in Singapore can be characterized made up of a well-educated middle class. Perhaps the dominance of the middle classes is unsurprising, even expected. Women’s movements in the developing world are often associated with middle- and upper-class women, rather than the working classes. In Chapter 10’s consideration of movement outcomes, I account for the middle-class background of my activists.

APPENDIX II

ACTIVIST STATUS AND RELATIONSHIPS

Table A2.1

Activist status of interviewees, and their key affiliations

	Pseudonyms	Entry Point²³⁷	Key Affiliations	Connector-Persons²³⁸	Activist Age	Status²³⁹	Reason
1	Mabel	Singapore Lesbians Online	Theater	Stella	2005 onward	Active	
2	Stella	Singapore Lesbians Online	Singapore Lesbians Online; Resource Central; Our World	Trey; Sirius	1997 onward	Active	
3	Morris	The Portal	The Portal; Repeal 377A	Parker	2001 onward	Active	
4	Lewis	Christian Fellowship	Open Church		2001 onward	Active	
5	Arun	The Coalition	The Coalition	Trey; Stella; Lacey	1997 onward	Dropped out	Relationship
6	Liz	Singapore Lesbians Online	The Portal; Our World; Pink Dot		2001 onward	Active	
7	Nelson	Talklist	Pink Dot	Trey; Winston	2001 onward	Active	
8	Nina	Open Church	Open Church	Rev. Phil	2001 onward	Active	

²³⁷ Entry Point: How the interviewee became involved in gay activism. Usually based on the interviewee's subjective narrative. Occasionally, however, I make my own determination, particularly when an interviewee offers various strands of "how I got involved."

²³⁸ Refers only to activists who participated in my study, but not those who did not.

²³⁹ Dropped out=Not active but still living in Singapore; Left = no longer in Singapore

9	Chan	Buddhist Fellowship	Resource Central; Buddhist Fellowship	Vincent; Hsin; Stella; Lacey	2001 onward	Active	
10	Ai-Mee	Family & Friends Network	Family & Friends Network; Repeal 377A	Ming Choo; Parker	2005 onward	Active	
11	Oliver	The Coalition	The Coalition	Quentin	Before 1997	Active	
12	Owen	The Coalition	The Coalition	Trey	Before 1997	Active	
13	Percy	High school group	Voicestream	Colin	2001 onward	Active	
14	Rev. Phil	Open Church	Open Church	Billy	2001 onward	Active	
15	Quentin	The Coalition	The Coalition		Before 1997	Left	Overseas job
16	Wei	Biz Tribe	Biz Tribe	Billy; Brandon	2001 onward	Active	
17	Abby	Talklist	Queer Women's Alliance; The Coalition	Trey; Billy; Frank; Aidan; Quentin; Oliver	1997 onward	Active	
18	Parker	Open Church	Repeal 377A	Morris; Nina	2005 onward	Active	
19	Tai	Talklist	The Coalition; Open Church	Trey; Oliver; Vincent; Frank; Billy; Aidan	1997 onward	Active	

20	Ricky	AIDS Initiative	AIDS Initiative	Jian	Before 1997	Dropped out	Got tired
21	Bao	Repeal 377A	Repeal 377A	Parker	2001 onward	Active	
22	Kang	The Coalition	The Coalition; The Harbor		Before 1997	Left	Overseas studies
23	Reid	Voicestream	Voicestream	Percy; Colin	2005 onward	Active	
24	Ming Choo	Family & Friends Network	Family & Friends Network	Stella; Rev. Phil; Billy	2005 onward	Left	Overseas job
25	Adalyn	Queer Women's Alliance	Queer Women's Alliance; The Coalition	Abby	2005 onward	Active	
26	Aidan	Christian Fellowship	Christian Fellowship; The Beacon	Khalid; Jian; Billy	1997 onward	Active	
27	Khalid	Theater	Theater; Pink Dot	Walter	1997 onward	Active	
28	Sirius	AIDS Initiative	AIDS Initiative		Before 1997	Dropped out	Conflict
29	Shelly	Queer Women's Alliance	Queer Women's Alliance; The Coalition	Abby	2005 onward	Active	
30	Imran	The Beacon	The Beacon; Muslim Fellowship	Trey; Oliver; Billy; Xavier	2005 onward	Active	

31	Brett	The Coalition	The Coalition	Trey	Before 1997	Dropped out	Relationship
32	Tony	The Coalition	The Coalition		Before 1997	Left	Overseas studies
33	Billy	Christian Fellowship	Christian Fellowship; The Beacon; Open Church; The Coalition	Frank	1997 onward	Active	
34	Becky	Singapore Lesbians Online	Our World	Stella	2001 onward	Active	
35	Manisha	Singapore Lesbians Online	Queer Women's Alliance	Abby	2005 onward	Active	
36	Vincent	Talklist	The Coalition; Buddhist Fellowship	Trey	1997 onward	Active	
37	Colin	High school group	Voicestream	Percy	2001 onward	Active	
38	Trey	The Coalition	The Coalition		Before 1997	Active	
39	Warren	IndigNation	Friendship League	Abby; Adalyn	2005 onward	Active	
40	Wong	The Coalition	The Coalition	Trey	Before 1997	Left	Overseas family
41	Han	Theater	Theater	Aidan; Billy	2001 onward	Active	
42	Rahim	Planet Y	Planet Y	Manisha	2005 onward	Dropped out	Got tired; Overseas studies

43	Winston	The Coalition; Christian Fellowship	Pink Dot; Chalkboard Caucus; The Coalition	Trey; Billy; Oliver	2005 onward	Active	
44	Eu-Jin	The Portal	The Portal; Pink Do		2001 onward	Active	
45	Xavier	Christian Fellowship	Christian Fellowship; The Beacon	Billy	2001 onward	Left	Overseas job
46	Camille	Friendship League	Friendship League	Abby	2005 onward	Active	
47	Chloe	Queer Women's Alliance	Queer Women's Alliance	Abby; Manisha	2005 onward	Active	
48	Jian	The Coalition	Christian Fellowship	Trey; Kang; Frank; Edgar	Before 1997	Dropped out	Differences; lost interest
49	Diane	Our World	Our World	Stella; Becky; Meihua	2005 onward	Active	
50	Damien	The Sporting Club	Open Church	Frank; Tai; Billy	2001 onward	Dropped out	Lost interest; Career; Studies
51	Zac	AIDS Initiative	Repeal 377A; Pink Dot		1997 onward	Active	
52	Kaleb	Theater			2005 onward	Active	

53	Doris	Open Church	Open Church	Tai	2005 onward	Active	
54	Zhou	AIDS Initiative	AIDS Initiative	Sirius; Robbie; Xavier	2001 onward	Active	
55	Duncan	The Coalition	The Coalition	Gretchen	Before 1997	Dropped out	Overseas studies
56	Bryce	Christian Fellowship	The Umbrella	Billy; Xavier	2001 onward	Left	Overseas studies
57	Brandon	Biz Tribe	Biz Tribe	Zhou	2005 onward	Active	
58	Burton	Christian Fellowship	Open Church		1997 onward	Active	
59	Robbie	The Beacon	The Beacon	Xavier	2001 onward	Active	
60	Yi-Feng	The Beacon	The Beacon		2005 onward	Left	
61	Cheryl	The Coalition	The Coalition; Argot		Before 1997	Dropped out	Changed mind
62	Bo-Liang	Theater			2001 onward	Left	Overseas studies
63	Ernest	Talklist	The Sporting Club; Christian Fellowship	Vincent; Frank	1997 onward	Dropped out	Career

64	Taariq	AIDS Initiative	Muslim Fellowship; AIDS Initiative		Before 1997	Dropped out	Career; Family (
65	Edgar	Christian Fellowship	Christian Fellowship		1997 onward	Dropped out	Differences
66	Mitch	The Coalition	The Coalition	Quentin	Before 1997	Left	Fear; Changed mind
67	Yvette	Friendship League	Friendship League	Adalyn	2005 onward	Active	
68	Fiona	Singapore Lesbians Online	Minority Support	Stella	2005 onward	Active	
69	An-Dee	The Beacon	Pink Dot; Film	Khalid	2001 onward	Active	
70	Meihua	AIDS Initiative	Open Church	Nina	1997 onward	Active	
71	Frances	Our World	Our World	Stella; Becky	2001 onward	Left	Family
72	Frank	The Coalition	Christian Fellowship		Before 1997	Dropped out	Lost interest
73	Fabian	The Sporting Club	The Sporting Club	Tai; Ernest; Frank; Vincent	1997 onward	Dropped out	Lost interest
74	Devi	The Coalition		Quentin	Before 1997	Dropped out	Conflict; Lost interest

75	Kwan	The Beacon	The Beacon; Theater	Walter; Parker	Before 1997	Left	Overseas job
76	Gina	Queer Women's Alliance	Queer Women's Alliance	Abby; Adalyn; Manisha; Chloe	2005 onward	Active	
77	Gretchen	The Coalition	The Coalition		Before 1997	Dropped out	Career
78	Karl	Social group for men (defunct)	Open Church		2001 onward	Active	
79	Norm	AIDS Initiative	Minority Support	Ricky; Robbie	2001 onward	Active	
80	Liam	The Coalition	The Beacon	Frank	1997 onward	Dropped out	Studies
81	Viraj	The Coalition	The Coalition		Before 1997	Left	Immigration issue
82	Gail	Theater	Theater		Before 1997	Active	
83	Gillian	The Coalition	Argot		Before 1997	Active	
84	Li-na	Singapore Lesbians Online	The Beacon		2001 onward	Active	Career
85	Walter	Theater	Theater		Before 1997	Active	

86	Haley	Open Church	Open Church		2001 onward	Active	
87	Harriet	University student group	Virtual Sister; Pink Dot	Rani	1997 onward	Active	
88	Henry	Chalkboard Caucus	Chalkboard Caucus; Pink Dot	Winston	2005 onward	Active	
89	Valerie	Our World	Our World		2001 onward	Left	Overseas studies
90	Yusuf	Youth Society	Youth Society		2005 onward	Active	
91	Kai Peng	Connection Hub	The Coalition		1997 onward	Active	
92	Hsin	AIDS Initiative	AIDS Initiative	Stella	Before 1997	Dropped out	Lost interest
93	Irwin	The Portal	Brotherhood		2005 onward	Active	
94	Jared	The Coalition	The Coalition		Before 1997	Dropped out	Career
95	Keith	AIDS Initiative	AIDS Initiative		2005 onward	Active	
96	Rani	AIDS Initiative	Virtual Sister	Stella	1997 onward	Active	

97	Jerome	Connection Hub	Connection Hub		1997 onward	Active	
98	Lacey	Singapore Lesbians Online	Singapore Lesbians Online; Resource Central; Our World	Stella; Hsin	1997 onward	Active	
99	Kurt	Pink Dot	Pink Dot	Winston	2005 onward	Active	
100	Keenan	AIDS Initiative	AIDS Initiative		Before 1997	Dropped out	Career

APPENDIX III

BRIEF DESCRIPTIONS OF ORGANIZATIONS AND MAJOR EVENTS

Table A3.1

Brief descriptions of organizations and major events

AIDS Initiative	HIV/AIDS outreach organization with a men-who-have-sex-with-men (MSM) program
Argot	(Defunct) Support and social group for women
The Beacon	Counseling service with a permanent physical location
Biz Tribe	Business networking group for local gay-owned and gay-friendly businesses
Brotherhood	Social group for men
Chalkboard Caucus	(Defunct) Support and social group for teachers
The Coalition	The first group open about its advocacy on local gay issues
Connection Hub	For-profit Internet website providing an online space for people from the local gay community, especially men, to communicate and socialize
Christian Fellowship	Support group for Christians (absorbed and succeeded by Open Church)
Family & Friends Network	Support group, operating mainly online, for family and friends
Friendship League	Friendship League - Gay-straight alliance
The Harbor	(Defunct) Support group for Christians

IndigNation	Launched in 2005, an annual community showcase of talks, exhibitions and performances held during August, the month of Singapore's national day celebrations
Minority Support	Peer support group for youths in their late teens and early 20s
Muslim Fellowship	Support and social group for Muslims
Open Church	Christian church, with a permanent physical location, that supports and provides outreach to Christians
The Opinion	Online commentary website by Trey
Our World	Support and social group providing a monthly, alcohol-free gathering for women
Pink Dot	An annual public gathering of people wearing pink to show support for the local gay (and transgendered) community(ies) at a public park known as Hong Lim Park. The first Pink Dot in 2009 was the first public gay rally in Singapore.
Planet Y	(Defunct) Online blog that provides support for youths
The Portal	For-profit Internet website that covers news of interest to gay communities in Singapore and other parts of Asia, and an online space for communication and socialization
Queer Women's Alliance	Support and social group that organizes activities, and provides information to empower women
Rascals	A letter campaign led by Keenan in 1993 to speak out against the police raid of Rascals, a disco club known to have gay patrons
Repeal 377A	A campaign in 2007 petitioning Parliament to repeal Section 377A of the Penal Code
Resource Central	Library and archives center that that also provides a physical space

Singapore Lesbians Online Sports Club	Online discussion and social group for women Organizes social and sports activities
Sutra Fellowship	Sutra Fellowship - Support and social group for Buddhists
Talklist	Online discussion group dominated by men
Virtual Sister	(Defunct) online support service for women
Voicestream	(Defunct) A podcast show with a focus on local issues and happenings of interest to the local gay community
Youth Society	Social group for youths

APPENDIX IV

NON-RESPONSES AND REJECTIONS IN THE RECRUITMENT OF INTERVIEWEES

Table A4.1

Descriptions of respondents who did not respond to, or rejected interview requests, and explanations of impact

	Description and Role	Impact
1	<p>An organizing member of the Coalition (PLU) during its first five years.</p> <p>Helped to edit and publish the group's newsletter.</p> <p>Later left to work overseas.</p>	<p>Minimal. Shares key characteristics with some successfully recruited interviewees:</p> <p>Eleven out of the 100 interviewees belong to the same era of the Coalition, and two of them were also involved with the newsletter's operation. Four of these 11 subjects also left Singapore in the 1990s to pursue their studies or careers overseas.</p>
2	<p>One of the founders of the AIDS Initiative.</p> <p>Helped to build up the working relationship between the organization and the government.</p> <p>Before contacting him, I learned from informants that he was a curt person, and might not entertain an interview. I crafted an email based on their advice from insiders, provided him with precise interview questions, and asked a long-time AIDS Initiative friend/ex-coworker to send the e-mail on my behalf. He wrote back rather tersely to say that his schedule was full, and did not have 90 minutes to spare. I replied that I could work with whatever time he could offer, but he did not respond. In this context, the first email already conveyed an actual "no," and the non-</p>	<p>Would have been valuable, but not a debilitating absence:</p> <p>It is made up by interviews with activists who are or used to be active with the AIDS Initiative during different eras. Six out of the 100 interviewees either hold or used to hold key positions related to its Men-Having-Sex-With-Men (MSM) program. Two were part of the founding executive committee, and one of them spoke candidly about those early years, including clearly describing how the organization built up its working relationship with the government.</p>

	reply the second time around definitely meant a reiterated "no."	
3	<p>One of the co-founders of the Friends & Family Network.</p> <p>A Malaysian whose brother is gay. No longer lives in Singapore for career reasons.</p> <p>Not involved in any other gay activist work as far as I know.</p>	<p>Minimal. Shares key characteristics with some successfully recruited interviewees:</p> <p>I interviewed all of the other three co-founders of the organization. Of the three, two of them are also Malaysians, but have lived in Singapore for many years. Like this absentee, one has left Singapore for career reasons. The fourth co-founder, the only Singaporean of the group, has a brother who is also gay.</p>
4	<p>A core member of the Coalition in his late 20s.</p> <p>Moved to Australia after his involvement with an opposition political party in Singapore attracted legal problems with the authorities. We exchanged several emails, and he insisted politely that he would not be of much contribution to my study. That was his indirect way of declining to participate.</p>	<p>Would have been valuable, but would not have affected the core of my findings:</p> <p>He got into trouble for his political involvements, <i>not</i> his affiliation with the Coalition. Besides this organization, he was not involved deeply or broadly in gay activism specifically. His characteristics can be compensated by other interviewees'. For example, one interviewee from an earlier Coalition era also got into trouble for his political activism. Being a Malaysian on a student visa, he was later denied a work visa to stay on in Singapore, and had to leave. Another informant, who used to run news websites for alternative political voices, migrated to San Francisco, claiming that he needed a change of environment. Three interviewees, former core or founding members of the Coalition, have also moved to Australia (but for career reasons).</p>
5	<p>Founder of a now-defunct gay men's social group, and owner of a successful fashion retail chain popular among</p>	<p>Minimal. Shares key characteristics with some successfully recruited interviewees:</p>

	gay men.	Nine interviewees are/were intimately involved with three similar gay men's social groups. Two other interviewees are entrepreneurs with businesses catered toward the local gay community, have had direct encounters with local authorities.
6	<p>Local Chinese newspaper columnist.</p> <p>Conducted graduate research – which I have obtained – on the impact of the Internet on the growth of the local gay community.</p>	<p>Minimal. Shares key characteristics with some successfully recruited interviewees:</p> <p>One interviewee is also a regular contributor to columns in local Chinese newspapers. Another is a part-time deejay on a local Chinese radio station. Both have used their media to speak out about gay-related issues. A third follows the Chinese side of the gay community closely both in Singapore and China-Hong Kong-Taiwan. Yet another is conducting research on homosexuality in the local media for his graduate studies.</p>
7	<p>A host of Voicestream, a now-defunct podcast on local gay issues run by 20-somethings. Also a co-founder of Planet Y, a blog site run by late teens and early 20-somethings for local gay youths.</p> <p>I learned that he was called up for mandatory reservist training.²⁴⁰ My subsequent attempts to contact him also went unanswered. Informants later told me that he was probably not interested, as he had stopped being active.</p>	<p>Minimal. Shares key characteristics with some interviewees:</p> <p>I interviewed the other three hosts of Voicestream, two of whom are its co-founders. I also successfully recruited the other founding member of Planet Y. I also successfully recruited three men who founded two other groups targeting gay youths (16 to early 20s), and a leader of a youth support group in the Open Church.</p>
8	<p>A leader of a women's support group.</p> <p>Not involved in other forms of gay activism as a key</p>	<p>Minimal. Shares key characteristics with some interviewees:</p>

²⁴⁰ Singapore requires male citizens and second-generation permanent residents who reach 18 years old to serve two years of National Service in its military, police, or civil defense forces, and subsequently as "reservists" who are called up for mandatory training from time to time.

	player.	One interviewee was also a leader of these women's support groups during the same era. Two other subjects tried to run similar support services during this time period.
9	<p>Co-founder of Minority Support.</p> <p>He did not respond to my emails and follow-ups. A close friend of his, and one of my informants, told me that he was serving his two-years of compulsory military service. In fact, he had just begun Basic Military Training when I first contacted him. This meant that he would be missing in action for three months, after which he would be assigned his permanent unit for the remaining service time, being able to check out of camp only for weekends.</p>	<p>Minimal. Shares key characteristics with certain recruits:</p> <p>I interviewed the other co-founders of Minority Support, and three others who are founders/leaders of two other youth groups, as well as a leader of a youth support group in the Open Church.</p>
10	<p>A contemporary leader of the AIDS Initiative.</p> <p>According to some informants, he is a straight man leading an organization that has been trying to mainstream itself away from being gay-identified, which may be a reason he was avoiding me.</p>	<p>Would have been valuable; but not crucial:</p> <p>I interviewed the manager of the MSM program at the time, the person actually doing the gay-related work in the organization. I also interviewed a former and long-time executive director. Four other interviewees were also involved in MSM leadership roles at various times with the organization.</p>
11	<p>Co-founder of the Christian Fellowship.</p> <p>My informants tell me that this person is still very much in the closet, so I am not surprised. In fact, none of them was even sure of his real name!</p>	<p>I would have liked to find out why he stopped getting involved with the group. However, the impact of his absence should be negligible. My informants could not quite recall all of the founding members of SafeHaven, but the four I tracked down and interviewed were the most consistently mentioned and remembered. Another interviewee is a co-founder of the predecessor to the</p>

		Christian Fellowship, the Harbor.
12	Co-founder of the Brotherhood, a defunct social group for gay men.	Minimal. I interviewed his co-founder, one of the nine interviewees who are/were intimately involved with gay men's social groups.
13	Leader of a youth support group within the Open Church. Other than that, plays no key role in local gay activism.	Minimal. I interviewed his co-leader, and managed to recruit three subjects who are founders/leaders of two secular youth groups. Seven others who are involved in the top leadership of the church or other support groups within the church were also interviewed.
14	Co-founder of Youth Society.	Minimal. I interviewed the current leader, who took over the group when it was just a fledging, and, frankly, a dying enterprise under this absentee's leadership, and tried to rejuvenate it. Additionally, I successfully recruited two co-founders of another secular youth group, Minority Support.

