Spring 2011

Diversity, Rights, and Rigidity in Singapore

Meredith L. Weiss

Follow this and additional works at: https://scholarship.law.unc.edu/ncilj

Recommended Citation
Available at: https://scholarship.law.unc.edu/ncilj/vol36/iss3/4

This Article is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Journal of International Law by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.
Diversity, Rights, and Rigidity in Singapore

Cover Page Footnote
International Law; Commercial Law; Law
Diversity, Rights, and Rigidity in Singapore

Meredith L. Weiss†

I. The Pressures of Prosperity ................................................. 626
II. Gender & Sexuality .......................................................... 630
   A. Of Production and Reproduction ....................................... 630
   B. The Cost of “Creativity” ................................................. 635
III. “Foreign Talent” and “Foreign Labor” .............................. 639
IV. An Uneasy Balance .......................................................... 644

Singapore is caught in a bind. The tiny city-state has ambition and resources to spare, but not enough Singaporeans. The state’s efforts to boost its stock of human capital, whether through domestic reproduction or foreign imports, has aggravated fault lines—divisions of gender and sexuality, religion, class, and nation of origin—revealing tensions between the priorities of aggressive development and social cohesion. Nevertheless, the state still pursues both doggedly. We consider here the progress and prospects of that undertaking: how the Singapore state balances its own yen for control with the never-ending pressure to evolve to meet changing global economic realities, an increasingly diverse labor force and population, and rights claims spurred by new economic agendas. We begin with an overview of Singapore’s dilemma, consider in turn the nexus of gender and class in the state’s plans (and in resistance to these plans), the quest for the “creative class” and the adaptation thus required, and

† Meredith L. Weiss is in the department of Political Science at the University at Albany, State University of New York. She is the author of Universities and Students in Malaysia: Crucible, Mirror, Sideshow (Cornell SEAP/Singapore, in press) and Protest and Possibilities: Civil Society and Coalitions for Political Change in Malaysia (Stanford, 2006), as well as numerous articles and book chapters; and coeditor of Political Violence in South and Southeast Asia: Critical Perspectives (United Nations University, 2010) and Social Movements in Malaysia: From Moral Communities to NGOs (Routledge Curzon, 2003, 2004). Her research addresses political mobilization and contention, the politics of development, civil society, nationalism and ethnicity, and electoral change in maritime Southeast Asia. Weiss currently serves on the Southeast Asia Council of the Association of Asian Studies and holds office in the New Political Science and Sexuality & Politics sections of the American Political Science Association.
the position of "foreign labor" and the more exalted "foreign talent" in Singapore society; and then knit these dimensions together to explore Singapore's new diversity, emerging rights, and efforts to stay the course ever onward and upward.

I. The Pressures of Prosperity

Since attaining full sovereignty as an independent state in 1965 (following a stormy two-year stint as part of the Federation of Malaysia after gaining independence from Britain), Singapore has achieved extraordinary economic success under the aegis of a firmly developmental state.\(^1\) Growth rates have averaged a remarkable eight percent annually for the past forty years,\(^2\) accompanied by rapid growth in employment (with much of that labor imported).\(^3\) Nevertheless, those numbers are no longer sustainable. The year of 2009 was a particularly rough one: GDP growth declined by 1.3 percent.\(^4\) Even though by mid-year, 2010 growth was estimated as a zippy thirteen to fifteen percent,\(^5\) analysts now predict long-term annual growth of under five percent per year.\(^6\) Human development indicators have kept pace; Singapore currently ranks twenty-seventh in the world—in the "very high" category, and just below the UK—in terms of human


\(^2\) See Nande Khin, S'pore Has to Tread Carefully on Foreign Labour Policy: Prof, BUSINESS TIMES SING., July 27, 2005, available at http://www.lexisnexis.com.libproxy.lib.unc.edu/hottopics/lnacademic/ (under "Easy Search" function, use "Search the News"; type "S'pore Has to Tread Carefully on Foreign Labour Policy: Prof" in the "Search For" box; then type "Business Times Singapore" in the "Or by Source Title" box; then follow the "Go" hyperlink).

\(^3\) Diana Wong, Transience and Settlement: Singapore's Foreign Labor Policy, 6(2) ASIAN & PAC. MIGRATION J. 135, 135-36 (1997).


\(^6\) Kevin Brown, Singapore Aims to Ease Fears Over Immigration, FINANCIAL TIMES (London), Feb. 1, 2010, at 7, available at http://www.lexisnexis.com.libproxy.lib.unc.edu/hottopics/lnacademic/ (under "Easy Search" function, use "Search the News"; type "Singapore Aims to Ease Fears Over Immigration" in the "Search For" box; then type "Financial Times" in the "Or by Source Title" box; then follow the "Go" hyperlink).
Civil liberties have fared less well. While Singapore inherited institutions of Westminster-style democracy from its British colonists, only one party has been in power since 1959, the People’s Action Party (PAP); the regime today is more appropriately classified as electoral authoritarian than democratic. Even so, the PAP has kept its grip not just through coercion, but through genuine popular legitimacy as the engineer of that remarkable record of growth. Recent trends, though, suggest that the edifice may be cracking. The need for labor could prove the sharp end of the wedge, forcing the PAP to listen and adapt to critiques it has previously brushed aside.

Singapore’s population has long been below the population replacement rate of 2.1 children per woman, the result of both early-postcolonial family planning policies and generic common effects of rising prosperity and education rates. Moreover, Singapore has one of the world’s highest rates of both emigration

---


10 Id.

11 See Gomez, supra note 8 (describing the changing political climate in Singapore and discussing some Singaporeans’ frustration with the ruling party).

Emigration, especially of well-educated, skilled workers, has long worried the government. Over 10,000 Singaporeans emigrated between 1988 and 1990 alone, spurring concerted efforts to boost Singapore’s appeal lest yet more skilled workers leave. Initiatives such as a new Overseas Singaporean Unit, announced in 2006, ensure that those who have left can still feel connected (and welcome to return). But the real problem is the birth rate. The state’s response has been two-fold. First, the PAP has encouraged and implored Singaporeans to reproduce more. Second, the regime has embraced massive flows of skilled and unskilled, long- and short-term, immigrants.

Explained Prime Minister Lee Hsien Loong (referring to Singapore’s “little red dot” moniker):

Other countries are not only much larger than us, but have far deeper pools of talent than we have. We must make up for the shortage of Singaporean workers in our economy and the shortfall of babies in our population. Without an inflow, over time our economy and society will lose vibrancy, our citizens will enjoy fewer opportunities and

---

14 Id.
16 Mah Bow Tan, Why We Need 6.5 Million People, PETIR (March/April 2007), http://www.pap.org.sg/petir_articlepage.php?id=32&articleid=1758&cid=84; Li Xueying, Fertility Figures Hit All-Time Low, STRAITS TIMES (Singapore), Jan. 18, 2011, available at http://www.lexisnexis.com.libproxy.lib.unc.edu/hottopics/inacademic/ (under "Easy Search" function, use "Search the News"; type "Fertility Figures Hit All-Time Low" in the "Search For" box; then type "The Straits Times" in the "Or by Source Title" box; then follow the "Go" hyperlink).
our shining red dot will grow dimmer.\textsuperscript{18}

The current stock of Singaporean citizens stands at just 3.23 million, around three-fourths of whom are ethnic Chinese.\textsuperscript{19} The total population of Singapore, on the other hand, now numbers 5.08 million, including 541,000 permanent residents (PRs).\textsuperscript{20} Non-citizens thus comprise a full third of the documented population.\textsuperscript{21} Needless to say, an additional sum is there without documentation.\textsuperscript{22} PAP planners have set a population target of 6.5 million—a number, explains Minister of National Development Mah Bow Tan, which will allow Singapore to compete with larger “global cities.”\textsuperscript{23} Carefully-plotted plans require an increase in both skilled and unskilled workers, the former to staff research and development institutes, financial institutions, and more (jobs for which many a Singaporean likewise angles); and the latter to work in construction and comparable fields, including positions Singaporeans themselves may be loath to fill.

While pragmatism has driven the government’s approach, these policies have long been divisive. Women in particular have been exhortd to reproduce for the nation, even as international norms have pressed adjustments to domestic norms regarding sexuality and gender roles. Further, the arrival of large numbers of workers from targeted source countries has shifted demographics and sparked accusations of favoritism. The whole process has brought to the fore a shifting balance among priorities and interests in Singapore.\textsuperscript{24} Increasingly, it seems that core state goals of social harmony and stability on the one hand, and economic development on the other, may not be so easily reconciled. Despite its still-firm control, the PAP seems inclined to bend—just a little—in the face of popular criticism, although without truly changing course.\textsuperscript{25} A rapidly increasing proportion

\textsuperscript{18} Prime Minister Lee Hsien Loong’s National Day Message, supra note 17.


\textsuperscript{20} Key Annual Indicators, supra note 4.

\textsuperscript{21} See id.

\textsuperscript{22} Id.

\textsuperscript{23} TAN, supra note 16.

\textsuperscript{24} Oon & Goh Chin, supra note 9; Brown, supra note 6.

\textsuperscript{25} See Hoong et al., supra note 8.
of the population now consists of economic migrants who may or may not share Singapore's much touted "Asian values." These new pluralist pressures, local resistance to the seemingly different rights granted foreign and domestic professionals, and shifts in family structures and gender norms all challenge the regime's efforts at social engineering in the service of economic growth.

II. Gender & Sexuality

The PAP’s efforts to boost the fertility rate predate its focus on accelerating immigration. However, immigrants have always been essential to Singapore’s evolution and growth.\(^{26}\) Efforts to target women stretch back at least as far as the 1980s; policies related to homosexuality are a more recent hot button topic, but nonetheless echo the same trope, at least in terms of procreative duty. Taken together, these policies reflect the PAP’s effort to hold the line against anything that might erode the birth rate, ostensibly in the name of “conservative values” and national pride, even while welcoming all sorts of other challenges to these very norms as the price of being part of the global cosmopolitan center.

A. Of Production and Reproduction

Perhaps no policy area better exemplifies Singapore’s unabashed meddling in its citizens’ intimate lives than its promotion of marriage and child-bearing. Those efforts first came to a boil in 1983, with an address by former Prime Minister Lee Kuan Yew.\(^{27}\) Lee insisted not only that Singaporean women must focus more on family than career, but also that nature was more of a determinant of children’s aptitude than nurture, justifying a distinctly eugenic approach to state-led family planning policies.\(^{28}\) What was soon dubbed “The Great Marriage Debate” has simmered ever since, and those initial implications still simmer under the surface, although the initiative’s precise emphasis has shifted from maintaining an ethnic balance to simply reproducing.\(^{29}\)

\(^{26}\) See Brown, supra note 6.

\(^{27}\) See Lee Kuan Yew, The Education of Women and Patterns of Procreation, 10 RIHED BULLETIN 1 (1983).

\(^{28}\) Id. at 4.

In the former Prime Minister Lee's 1983 National Day Rally speech (comparable to the United States President's State of the Union address), Lee complained, "Our most valuable asset is in the ability of our people. Yet we are frittering away this asset through the unintended consequences of changes in our education policy and equal career opportunities for women. This has affected their traditional role as mothers." Lee went on to cite data claiming that eighty percent of performance is based on nature and only twenty percent on nurture. By that logic, he deemed, the fact that better-educated women tend to bear fewer children could be disastrous for Singapore. Lee conceded that it was too late to reverse these policies, yet proceeded to go farther.

First, he mused in a 1987 speech at the National University of Singapore that monogamy might be the culprit (polygamy was outlawed for non-Muslims by the 1961 Women's Charter). Then, in a 1994 speech for a business function, he again bemoaned having granted women equal rights to education and employment, since these competencies left them hard-pressed to find husbands. "The Asian male does not like to have a wife who is seen to be his equal at work who may be earning as much if not more than he does," Lee insisted. He elaborated "[the male] is not wearing the pants. That is an enormous loss of face."

These pronouncements—or rather, the sentiment behind them—launched a raft of new policy initiatives to encourage university graduates to procreate. These programs ranged from educational benefits for the children of "graduate mothers," to a state-run dating service, the Social Development Unit, for single university graduates (later followed by a separate Social Promotion Section for secondary school graduates), to a pro-marriage propaganda campaign; to tax incentives for working-

---

30 Yew, supra note 27, at 4.
31 Id.
32 See id. at 5-6.
33 Id. at 7.
34 Her Rights Are Wrong, MALAY MAIL, Apr. 19, 1994.
35 Id.
36 Id. Rather, he went on to explain, that he favored a Japanese system, in which "many attractive and intelligent young ladies went to finishing colleges where they learned modern languages and all the social graces which would make them marvelous helpers of their husband's career . . . . You may snigger but I think they have produced a better generation of workers." Id.
class women (demographically likely to be from minority ethnic groups), to be sterilized after their second child. Apart from lambasting Lee’s patriarchal and eugenic premises, critics noted, for instance, that the government could ease its population crises more readily by simply providing adequate child care and other services. A 1988 survey found that eighty percent of women who stopped work did so because of “childcare/household duties,” while an estimated 21,000 families were “currently seeking childcare facilities,” suggesting real disincentives to bear more children. Rebuked by the very women its programs were designed to benefit, the government repealed the “graduate mothers” scheme in March 1985, albeit sustaining other aspects of the campaign. Perhaps not surprisingly, Lee’s 1983 speech also sparked the formation of Singapore’s first avowedly feminist organization, the Association of Women for Action and Research, (“AWARE”). The organization’s first policy paper, in 1988, offered alternative approaches to the population problem.

Lee Kuan Yew and his successors, Goh Chok Tong, then Lee’s son, Hsien Loong, have continued to link birth rates explicitly with economic policies. Total fertility rates stand at 1.28 percent overall, or 1.91 percent for Malays, 1.19% for Indians, and 1.14% percent for Chinese—figures all below the replacement rate—and over thirty percent of those twenty-five to forty years old are single and childless. Indeed, the percentage of singles among those aged 35 to 44 has been increasing over time. Prime

38 Oon & Goh Chin, supra note 9.
39 Id.
41 Id.
42 See Oon & Goh Chin, supra note 9.
43 Id.
Minister Lee Hsien Loong captured the problem succinctly, if wryly, in his 2010 National Day Rally speech: “Our efforts to produce more Singaporean babies have not yielded results, not yet... For this type of productivity, please work harder.”

The issue, of course, is not so simple. For one thing, however as much as the PAP may bemoan the lack of local workers, Singapore’s female labor force participation rate is not exceptionally high. The correlation in many countries between declining fertility rates and increasing female labor force participation has not held in Singapore. Specifically, Singaporean women’s labor force participation rate has hovered since 1990 (albeit gradually inching upwards) between 46.8 percent (in 1995) and 55.6 percent (in 2008). The rate for men stands currently at 76.3 percent. Moreover, many if not most female workers are not only in “feminized” sectors, but also still have primary or total responsibility for housework and childcare. Additionally, feminists have had to fight for women’s income to be assumed anything but ancillary, given the challenge (as detailed by PAP leaders) that such a posture poses to traditional gender roles. For instance, in defending a policy allowing only male civil servants to claim medical benefits for dependants (despite the Civil Service’s equal pay laws), former Prime Minister Goh Chok Tong averred that the “traditional balance of responsibility” in the family must be preserved, that “anthropological asymmetries” render full equality unwise and impossible, and that changing the policy could result in the man of the family’s becoming “a non-
essential extra.” Similarly, Labour Minister Lee Boon Yang suggested in September 1996 that women avoid working outside the home until their children are old enough for school or daycare, to ensure “the right family and social values” are imparted.

Clearly, the PAP faces discordant priorities. On the one hand, it needs to augment the workforce, ideally via domestic reproduction rather than foreign imports. An easy first step would be to entice more women into the workforce, rather than goad them (back) home. While official discourse has softened since the mid-1990s, the merely incremental shift in labor force participation rates since that time does not seem to reflect a dire labor shortage. On the other hand, the PAP is almost as keen to safeguard a particular model of “Asian values” as to round up native-born workers. As a result, however aggressively chastised for their “recalcitrant fertility,” women have had to fight for themselves to obtain full status in the labor force they have been prodded to augment. It is this normative thrust that ties the PAP’s ongoing baby-making efforts to more recent tension over gay rights: the PAP’s active discouragement of “gender-bending” or nonprocreative sexuality, in the name not just of reproductive service, but also a particular social order.

52 Id.; A Matter of Balance, ASIAWEEK, Sept. 21, 1994, at 24-5. Regardless, approximately 20 percent of households were headed by women at that time. Hoong, supra note 8. See also WILLIAM PETERSON, THEATER AND THE POLITICS OF CULTURE IN CONTEMPORARY SINGAPORE 105-6 (Middletown, CT: Wesleyan University Press, 2001).


54 See Heng & Devan, supra note 37, at 344-45.

55 Id.

56 Id.

57 See M. Nirmala & Chua Chin Hon, Fear that Girls Could “Go on to More Serious Crimes,” STRAITS TIMES (Singapore), Sept. 14, 1999, at 32, available at http://www.lexisnexis.com.libproxy.lib.unc.edu/hottopics/inacademic/ (under "Easy Search" function, use "Search the News"; type "Fear that Girls Could Go on to More Serious Crimes" in the "Search For" box; then type "The Straits Times" in the "Or by Source Title" box; then follow the "Go" hyperlink); Susan Long, Grace Ma & Ho Ka Wei, It's a Boy...No, She Just Looks Like One, STRAITS TIMES (Singapore), Sept. 19, 1999, at 28, available at http://www.lexisnexis.com.libproxy.lib.unc.edu/hottopics/inacademic/ (under "Easy Search" function, use "Search the News"; type "It’s a Boy...No, She Just Looks Like One" in the "Search For" box; then type "The Straits Times" in the "Or by Source Title" box; then follow the "Go" hyperlink).
B. The Cost of “Creativity”

The issue has become not just child-bearing per se; rather three discursive strands have coincided. The first is the question of still-falling birth rates, targeting women especially, beginning in the mid-1980s. The second, less weighty question is a seeming epidemic of “inappropriate gender behavior” and a possibly lesbianism-inducing “Gender Bender sub-culture” in single-sex girls’ schools.58 Sensationalized debate on those ills peaked in 1999, in fora from the usually-straitlaced, mainstream Straits Times to parliament itself, just before the third strand coalesced: deliberation on how much latitude should be granted private, consensual homosexual relations.59 Lee Kuan Yew opened the discussion on the latter strand, this time taking a comparatively liberal stance.60 Speaking first with CNN, and then with National Public Radio in the US in 2000, he noted that Singapore’s government was allowing gays to “live their own lives so long as they don’t impinge on other people.”61 Debate seethed for a time, simmered down, then spiked again several years later when the PAP government announced it would henceforth employ “out” gays and lesbians even in high-level civil service positions.62 All these debates frame questions of gender as socially constructed and open to variance, and of the role of state and societal intervention in individuals’ intimate lives.63 Moreover, as the most recent twist makes clear, all these debates intertwine with issues of the labor supply in eternally-conflicted Singapore.64

58 See Nirmala & Hon, supra note 57; Long, Ma and Wei, supra note 57; Au Waipang, Foam Party in Parliament, YAWNINGBREAD.ORG (Mar. 1999), http://www.yawningbread.org/index2.htm (follow “Archives” hyperlink; then follow the “Go” hyperlink).
60 See id.
61 History at Length, PEOPLE LIKE Us, http://www.plu.sg/main/history_01.htm (last updated July 9, 2005); See id.
62 See id.
63 See id.; Waipang, supra note 59.
64 See History at Length, supra note 61.
It is the civil service policy that best elucidates the clash between the quest for labor (and hence, economic growth) and the yen to sustain cultural norms. A study by American academic Richard Florida launched the issue, arguing that a city’s tolerance of gays (a “gay index”) is an especially good predictor of that city’s economic vibrancy—that cities open even to gays tend to be open and attractive to the full range of “creative class” workers central to contemporary patterns of economic growth. Florida views creativity as the key to competitive advantage in today’s economy. His point is not that members of the creative class are disproportionately gay, requiring an ambitious state to accommodate them, but that “homosexuality represents the last frontier of diversity in our society;” hence, “openness to the gay community is a good indicator of the low entry barriers to human capital that are so important to spurring creativity and generating high-tech growth.”

Taken very seriously in Singapore, this study pushed the PAP government—which legally prohibits and has prosecuted sex between men—to restyle itself as “tolerant” in the eyes of the world. It did so via the aforementioned, somewhat surprising policy, announced in 2004, of allowing gays and lesbians to serve openly in the civil service. Nevertheless, the government still refused even to register a lesbian, gay, bisexual, and transgendered (LBGT) organization, or, in a subsequent review of the Penal Code, to legalize sodomy, especially as an emergent Christian right (perhaps disproportionately represented in the ranks of legislators) rushed to the defense of “traditional” mores.

---

67 Id. at 4-5, 256.
69 See id.; Au Waipang, Religious Affiliations of MPs, YAWNINGBREAD.ORG (August 2007), http://www.yawningbread.org/index2.htm (follow “Archives” hyperlink; then follow “2007” hyperlink).
70 See History at Length, supra note 61.
The actual extent of sexual orientation discrimination in the public or private sector prior to this policy shift is unclear, apart from anecdotal evidence of dismissals, demotions, and general mistreatment. A small scale 2004 survey found endemic low-level discrimination, but relatively few more serious violations. Nevertheless, while Article 12 of Singapore’s constitution prohibits discrimination in laws, public (not private) employment, or office on grounds of religion, race, descent or place of birth, it does not expressly prohibit discrimination on grounds of sexuality. Even discrimination on grounds of gender is subsumed under subsequent legislation, including Singapore’s ratification of the U.N.’s Convention on the Elimination of All Forms of Discrimination against Women. Moreover, gay sex has been illegal in Singapore since 1871. The Penal Code of the Straits Settlements enacted that year, based on British common law, included Section 377 on “unnatural offences,” most commonly applied in cases of heterosexual rape, but also applicable to homosexual acts; Section 377 was repealed as anachronistic in 2007. Section 377A, however, prohibiting acts of “gross indecency” specifically between men, was added in 1938 and remains on the books. Other statutes are likewise germane; for instance, Section 354, addressing “outrage of modesty,” is used commonly in police entrapment cases. And yet now the government would allow gay men and lesbians to hold even sensitive government positions, so long as they disclosed their orientation. Previously, coming out was grounds for dismissal

71 Meredith L. Weiss, "We Know Who You Are. We'll Employ You:" Non-Discrimination and Singapore’s Bohemian Dreams, in Sexual Orientation Discrimination: An International Perspective 164, 169 (M. V. Lee Badgett & Jeff Frank eds., 2007).


73 See id.


76 Lim, supra note 75.

77 On these laws and their application, see especially Chua, supra note 74, at 210, 222-24; Leong, supra note 72, at 129-33.

78 See Simon Elegant, The Lion in Winter, Time Asia (Jun. 30, 2003, 9:00 PM),
(usually justified in terms of those individuals' susceptibility to blackmail), although there was no systematic process or project to weed out or punish LGBT civil servants.

Motivating this shift was not some new-found commitment to gay rights, but economics: Singapore needed to appear tolerant for an international audience (toward which end the civil service was expected to blaze a trail for private employers), and could benefit from ensuring that gays, too—Singaporean or otherwise—could make a living in Singapore.79 Discrimination up until that point had caused at least some degree of "brain drain," attrition, and inefficiency.80 As Prime Minister Goh explained, in order to "move up the value chain into higher-skilled jobs," per Florida's model, Singapore needs to foster creativity, encourage an entrepreneurial spirit, and lure foreign talent and investment more by the quality of the environment than just by the promise of cheap labor.81 As a mainstream editorial insisted, "[r]emember, this is not about gay rights. This is about economic competitiveness."82 Goh explicitly forewore any implications in terms of public space for advocacy, cautioning that, "Singapore is still a traditional and conservative Asian society. Gays must know that the more they lobby for public space, the bigger the backlash they will provoke from the conservative mainstream." 83 Unsurprisingly, though, the new policy did spark a rash of mobilization.

The government's efforts to shift its stance toward gays and lesbians—the better to lure the creative class—ultimately sparked rights claims in two directions: first, from or on behalf of LGBT Singaporeans, and second, from Christians (and to a less vocal extent, Muslims) demanding the state maintain standards of morality and "family values."84 Unwilling to move beyond largely

---

81 Elegant, supra note 78.
83 Id.
84 Robbie B. H. Goh, Deus Ex Machina: Evangelical Sites, Urbanism, and the
symbolic gestures, and chastened by evangelical backlash, the government soon cut short a brief efflorescence of gay visibility and activism.\textsuperscript{85} Explained the \textit{Straits Times}, "[t]he Government might have softened its stance on gays, but its recent actions have sent the community a clear message: Don't push the line."\textsuperscript{86} Perhaps most unusual among the juridical repercussions of Singapore’s effort to shut Pandora’s Box without scaring off foreign talent, even to the extent of a possible double standard for local and foreign gays and lesbians,\textsuperscript{87} has been Singapore’s official insistence that it will not “proactively enforce” Section 377A in cases of private, consensual homosexual sex, even if Singapore officially remains too “conservative” to repeal the law altogether (despite complaints from the Law Society and others that such a compromise casts doubt on Singapore’s adherence to rule of law).\textsuperscript{88} The Singaporean government remains highly concerned with maintaining heteronormativity. Its rule-bending in this case is only strategic and in the service of developmentalism, but without intent to loosen societal pressures to conform (and reproduce).\textsuperscript{89}

III. “Foreign Talent” and “Foreign Labor”

Singapore’s open campaign to score better on a Floridian “gay index” stirred a larger pot, as well: debate over the state’s assiduous pursuit of foreign labor—whether gay or otherwise. While the state has been recruiting (and actively calibrating the flow of) foreign labor in earnest since the 1970s to meet the

\textit{Construction of Social Identities, in POSTCOLONIAL URBANISM: SOUTHEAST ASIAN CITIES AND GLOBAL PROCESSES} 305, 307-8 (Ryan Bishop et al. eds., 2003). Both Christians and Muslims are minority communities, but the former community in particular is growing rapidly, especially within the upper most socioeconomic strata. \textit{Id.}

\textsuperscript{85} See Weiss, supra note 68, at 280-81.


demands of an industrializing economy, the efforts have achieved extraordinary heights since the late 1990s, and represent a linchpin of Singapore's economic plans. Singapore's foreign population has expanded by 7.4% per year since 1990, compared with just 1.1% growth among Singaporeans themselves. The government's intended key source countries for skilled workers are China and India. It hopes many of these skilled workers will stay; its target is that 240,000 become citizens or PRs over a five-year period. Nonetheless, most recent arrivals have been less-skilled workers (whom the state prefers remain transient rather than immigrate permanently), especially from the Philippines, Indonesia, and Bangladesh. Generally speaking, the Singaporean public seems not to share the PAP government's enthusiasm for foreign recruits, however frequent and earnest the latter's entreaties.

All told, around thirty percent of Singapore's workforce consists of foreign workers, not including those who have already become citizens or PRs. These workers fall into three categories: those on Employment Passes (with salaries exceeding SGD 2,500 per month), S Passes (SGD 1,800-2,500 per month), and Work Permits (up to SGD 1,800 per month). At present, around 87 percent of foreigners working in Singapore are in the last category, which consists of low-paid jobs such as construction or domestic work. The availability of so many foreign workers (notes the founding chair of Singapore's National Wage Council, economist Lim Chong Yah) may allow for faster overall GDP growth, but at

---

90 See Wong, supra note 3, 144-49. That modulation included measures to stem the tide and even repatriate workers, as well, during periods of economic contraction—for instance, in the mid-1980s.
91 Key Annual Indicators, supra note 4.
93 See id.
94 See id.
95 See id.
96 Oon & Goh Chin, supra note 9.
98 Burton, supra note 92.
the cost of depressed wages for lower-income Singaporeans.\textsuperscript{99} Wages can remain especially low for foreign workers since many, provided with dormitories, need not spend on housing, the cost of which continues to soar. Since employers can simply employ cheap foreign labor rather than invest in labor-saving technologies, these ready flows do not help press productive growth in the economy. Indeed, while one-third or more of Singapore’s average annual growth from 2003 to 2009 may have come from expanding the labor force, labor productivity actually declined by 7.8 percent in 2008\textsuperscript{100} and then 3.9 percent in 2009.\textsuperscript{101} Moreover, exacerbated by the declining share of the working class, the income gap stands at its widest point since Singaporean independence in 1965.\textsuperscript{102} In light of these trends, economist Augustine Tan characterized Singapore in 2005 as having a “First World per capita income but a Third World income structure.”\textsuperscript{103}

Moreover, the massive influx of people inevitably strains Singapore’s social fabric—and maintenance of social harmony has been a core regime priority since independence.\textsuperscript{104} As the prime minister himself acknowledges, the government’s aim of expanding the population sits ill with many Singaporeans, who worry not just about competition for jobs, but also about overcrowding, overburdened infrastructure, and quality of life with so dense a population.\textsuperscript{105} The term “foreign talent” (often used interchangeably with “foreigner”) is itself controversial. The term came to the fore in 1997: Goh Chok Tong spoke in his National Day Rally speech that year of the need to “attract talent” from abroad.\textsuperscript{106} Lee Kuan Yew, now Minister Mentor, is on the record as delimiting “talent” to mean having at least a secondary, although preferably tertiary, education\textsuperscript{107} (i.e., not necessarily...
highly skilled). Not only does that construction suggest the government's dismissal of comparably qualified Singaporeans in favor of foreigners, but the distinction between "talent" and "workers" reifies long-standing, and increasingly far-reaching, divisions within society. Those distinctions are reflected, for instance, in the government's differential efforts regarding marriage and fertility among seemingly more and less prized groups of citizens. Indeed, then-Prime Minister Goh offered an elaborate comparison of "heartlanders" and "cosmopolitans" in his 1999 National Day Rally speech, suggesting the extent to which the state might expect these clearly internationally-oriented labor policies to appeal only to a portion of the population. After all, it is the "heartlanders" rather than the elite (including Singapore's well-paid policymakers) who will have to adjust the most to smaller homes, overtaxed public spaces, congestion, and related compromises.

Moreover, ethnic stratification is already more significant than multicultural rhetoric implies: ethnic Malays have only 60 percent the average monthly income and one-sixth the rate of tertiary education of ethnic Chinese. The less well off in particular, disproportionately not Chinese, might be expected to oppose any policy that could drive down wages and increase competition for jobs and higher education—assumptions clearly rife among Singaporeans, as expressed in online, artistic, and other media. Complaints over the proliferation of ethnic and gendered enclaves (given the scope of single-sex communities of workers), the fact that foreigners have a career advantage by not having to perform

---

108 Id.
109 Heartlanders are usually cosmopolitans and Chinese-speaking, repositories of cultural ballast, parochial in loyalties.
110 Cosmopolitans are English-educated, upwardly and often outwardly mobile, fluid in attachments.
113 Oon & Goh Chin, supra note 9.
obligatory national service (as all male citizens must), social issues such as prostitution, and cases of employer abuse have swirled since at least the mid-1990s. Reflecting these worries, a January 2007 newspaper poll found forty-three percent of Singaporeans believed the government cared more about foreigners than locals, while fully ninety percent feared losing their jobs to those same foreigners.

Prime Minister Lee Hsien Loong himself acknowledged Singaporeans’ concerns regarding such intensive immigration—that the influx might “change the ethos” of Singaporean society, that citizens might face more intense competition at work or in school, that the new arrivals might not “strike roots,” and that mutual adaptation is not assured. He quipped in his 2010 National Day Rally speech that when he told the press that Singapore would need over 100,000 foreign workers in 2010, “[t]here was a big ooh which you could almost hear.”

However much he might try to make light of it, Lee’s government is not immune to criticism. State planners scaled down the level of immigration in 2010, particularly of unskilled workers, albeit still stressing Singapore’s openness to highly-skilled professionals. Since reducing the stock of blue collar workers can be expected to increase costs for multinational and local companies alike, the government also pursued improvements in productivity to sustain competitiveness. Moreover, to reassure citizens that they still come first, in 2009, the government reviewed a host of policies—housing, health care, and education—to hone the benefits exclusive to citizens. It also established a National Integration Council to foster integration of new citizens and PRs among Singaporeans. Meanwhile, Singapore’s

115 See Wong, supra note 3, 162-63.
117 Lee, supra note 15.
118 Id.
119 See Burton, supra note 92.
120 See Brown, supra note 6.
121 See Lee, supra note 15.
Housing Development Board (HDB) promised to monitor PRs to ensure they did not cluster in certain housing estates. Over 80 percent of the population lives in state-subsidized HDB flats. HDB’s mandate, pursued on a massive scale, has been not only to meet Singapore’s pressing need for housing, but also to ensure ethnic mixing—which conveniently also serves to preempt ethnic voting—through strictly-enforced racial quotas. Rules barring unmarried citizens from purchasing flats until age thirty-five likewise promote early marriage. PAP leaders, not least of all Lee Kuan Yew, have acknowledged the risk to Singapore’s carefully-husbanded “racial balance,” however much the state welcomes immigrants who can integrate well. Clearly, though, this embrace of “others” represents a sea of change from the precisely-calibrated eugenicism of the past.

IV. An Uneasy Balance

These tensions have arguably disrupted Singapore’s extolled harmony, exercising especially women, gays, evangelical Christians, and the working class in turn, and yet the state has largely stayed the course. Singapore’s government has long been willing to go out on a limb for the sake of drumming up human resources, as the exceedingly controversial Great Marriage Debate of the 1980s demonstrated. Since that campaign failed to bear sufficient fruit (specifically, genetically-promising babies), the government has taken another tact, striking an uneasy balance between globally-oriented ambitions and its own, much-touted brand of “Asian values.” Having seemingly realized that Singaporeans will never again produce the quantity of babies its grand plans require, the government has moved full-steam toward a new approach, modulating norms and altering demographics, all the while trying to convince a reluctant populace to keep trusting

---


125 Oon & Goh Chin, supra note 9.

126 Id.
and playing along. As Prime Minister Goh explained to his parliament in 1997, referring to his decision to allow gay civil servants to serve openly, the quest for "foreign talent" justifies such trade-offs: "This is the way to become a cosmopolitan, creative and cultivated society which attracts top talent from all over the world."

The government's strategy is dicey. As the economy declined in 2009 the state had to backtrack and admit fewer workers, thus lending credence to challenges that excessive immigration does threaten wage levels and opportunities. Should the economy decline anew—and this year's level of growth, certainly, is not sustainable, as the prime minister has already cautioned—resistance is likely again to be at least as keen. That is a major risk for a regime premised on performance-based legitimacy.

The consequences, should the strategy work as planned, may be all the more daunting. Even if Singaporeans on the whole do come around and accept their leaders' rationale for accommodating such a host of outsiders, demands on the state are to escalate. Not only overcrowding, strained public facilities, and increasingly intense competition, but also less concrete normative assaults loom ahead. While the civil service policy was plainly less about accepting gays than about scoring well on a tolerance test, those multinational corporations Singapore aims to lure may well press the state to make good on its implied promises, especially if those companies' own non-discrimination clauses require that they not send employees, some of them LGBT, to countries that fail to honor their basic rights.

A cognate challenge is currently in progress: the National University of Singapore has gone to heroic lengths to lure Yale University as its partner in a new liberal arts college. Yale's price is that it be guaranteed not just the lion's share of decision-making power in

---

129 See generally Chua, supra note 82 (presenting anecdotal evidence suggesting that at least a few educational and other enterprises have already been deterred at least in part by Singapore's criminalization of sodomy and lack of protection for sexual and gender minorities' rights).
the new school’s design and staffing (without bearing any of the costs), but also assurances of academic freedom, which remains iffy in Singapore. Of course, there are the claims of Singaporean citizens themselves, still satisfied overall with their usually-competent government’s performance, and accustomed to a high degree of social control, yet wary of the changes afoot. It remains to be seen the extent to which the voting public shares its leaders’ vision for the nation’s future, and whether they will continue to absorb the costs of Singapore’s endless quest to grow ever bigger and shine ever brighter.

130 See Mark Alden Branch, Singapore Spinoff, YALE ALUMNI MAG., Nov.-Dec. 2010, at 32-37. These deliberations, ironically, have coincided with the trial and conviction of a British journalist over a book criticizing Singapore’s use of the death penalty. Id.