

Influences between the Evolution of Legal Framework and Civil Society in Singapore

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Abstract

This study uses a multidisciplinary approach to analyse the dynamic relationship between Singapore's legal framework and civil society from 1819 to the present. This study thoroughly examines the social, economic, and political contexts that have shaped these developments and how Singapore establishes legal accountability given its distinctive relationship with civil society.

This paper begins by summarising the discussions and debates surrounding society and the legal framework, and how the discussion builds on one another. It then explores how Singapore's legal system has evolved over time, including during British rule, the Japanese Occupation, the pre-independence era, and post-independence up to today, to form a dynamic and evolving relationship with civil society.

This project aims to enhance the understanding of Singapore's legal framework and civil society and inspire further research and discussion.

Introduction

Tourists often famously regard Singapore, the small city-state in Southeast Asia, as the “fine city” because authorities can fine people for improperly flushing toilets, littering, and selling or importing chewing gum. Over the past two centuries, Singapore has undergone significant legislative modifications, but with the exception of a brief period during the Japanese Occupation, the common law legal framework inherited since the British rule period has been passed down as the key foundation of law until the present day. Through the evolving values, behaviours, and beliefs of the people in historical, social, economic, and political contexts, the law has been constantly refurbished and refined, resulting in the continuity of the evolving legal framework and the formation of Singapore's unique legal identity today.

Civil society, as defined in this paper in a broader sense, encompasses diverse societal groups, consisting of community groups, NGOs, unions, religious organisations, and individuals who possess varying levels of formality, autonomy, and power (Centre for Civil Society, 2006). Civil society has shaped the legal system throughout history, beginning with local merchant societies that advocated for Singapore’s colonial status in 1867 and culminating in the recent movement to decriminalize gay sex by repealing Section 377A of the Penal Code (Cap. 224).

However, critics have raised concerns about Singapore’s continued use of capital and corporal punishment as well as media censorship and restrictions on freedom of speech to create an electoral authoritarian regime. They argue that although Singapore has a relatively positive observance of the rule of law (WJP Rule of Law Index: Singapore, 2022) especially in economic governance, it has a bad reputation in its thin “rule of law” or even “rule by law” approach in socio-political cases by the paternalistic, elitist, and hierarchical governing system, which suggests that civil society’s participation in policymaking is limited in Singapore (Rajah, 2012, p. 3-4).

Thus, to examine the degree of influence of civil society on the legal framework and how, in reverse, the legal framework impacted civil society’s ability to influence, this paper will delve into Singapore’s legal system and its relationship with civil society throughout various historical periods, from British rule to the present-day Republic of Singapore. Despite criticisms of authoritarian tendencies, this study argues that the legal framework and civil society share a reciprocal relationship, with civil society’s influence on legislation growing over time. This can be attributed to the growing demand from civil society and the institutionalisation of civil participation mechanisms. While civil society does not typically oppose the government outright, except particularly in the revolutionary Merdeka period (1945-1965), it has always played a supportive role in Singapore’s pragmatic democracy style.

Literature Review

To lay the foundation for the discussion, it is necessary to recognise the ongoing debate surrounding the definition of civil society, which is a “hermeneutic instability (Chong, 2005b, p. 3)” that local literature has also grappled with, especially with regard to the liberal and communist perspectives. This debate holds significant weight, as it sets expectations regarding the roles and impacts of civil society.

The two predominant perspectives in the context of Singapore are: neo-Tocquevillian, aligned with Western liberal interpretations, which posits that civil society should operate independently, challenge the state, and play a pivotal role in shaping public policy and societal norms. Conversely, more traditional schools, like the Hegelian school, embrace a communitarian stance, viewing the state as the central authority responsible for maintaining order and stability by favouring and reflecting the interests of civil society (Chong, 2005a, p. 273-275).

Over the past two centuries, successive rulers in Singapore have largely maintained a centralised and paternalistic stance. Nevertheless, civil society has demonstrated persistence in seeking greater avenues for civil participation within the boundaries defined by legislation or soft restraints, often referred to as “OB markers” (Lee, 2002, p. 109-110) in Singaporean parlance.

Phang et al. (2000)’s study which looked into present Singapore’s legal system development from its founding in 1819 to the post-independence period after 1965, highlighted the limited involvement of civil society during the colonial era despite that common law principles were subjected to suitability and modification. This view is also complemented by Gillis’s (2005) analysis of the relationship between civil society and British power during this period, revealing the efforts of civil society in influencing the legal framework despite inherent limitations.

Turning to the legal framework since Singapore's self-governance in 1959, Tan (2000) observed that commercial law adhered to universalism, whereas laws concerning individual freedoms, rights, and civil society leaned toward cultural relativism and a communitarian approach. This reflects Singapore’s distinctive values and commitment to promoting social discipline. Building upon this context, Tay (1998, p. 245) delved into the “contested concept” of civil society during the post-war and post-independence periods, highlighting the government’s dynamic, non-static relationship with civil society.

In contrast to the view that citizen participation in policymaking is limited by Singapore’s paternalistic governance system (Rajah, 2012), Ho (2000, p. 446) argued that numerous mechanisms exist to facilitate citizen engagement within the constraints imposed by legislation or soft restraints. Tan (2000, p. 109) underscored civil society’s role as an extrajudicial check against governance

weaknesses, with growing demands for its involvement in bolstering public support and enhancing the legal system's legitimacy. Tay (1998, p. 251) argued that from the perspective of ruling political leadership, civil society plays a more supportive role in governance than that of an independent entity. Ho (2000, p. 454-455) emphasised the importance of citizen participation in enhancing government legitimacy and underscored the need for citizens to embrace their obligations and limitations to positively influence policy direction.

Finally, Rajah (2012) offered a critical perspective that resonated with the views of numerous liberal critics on Singapore's legal and governance structure. At the core of her argument is the assertion that Singapore exhibits authoritarian tendencies that deviate from the ideals of a liberal "rule of law." Rajah (2012, p. 13) forcefully criticised specific legal acts, such as the 1966 Vandalism Act, Maintenance of Religious Harmony Act, and 2009 Public Order Act, for their potential constraints on an independent and active civil society. These studies collectively illuminated the intricate interplay between Singapore's legal system and civil society and the governance and political factors that influence the nation's trajectory.

In pursuit of this research in Singapore, my initial visits to institutions such as the National Museum of Singapore and the Sun Yat Sen Nanyang Memorial Hall provided me with valuable insights into the nation's history and identified key historical events and figures for further investigation. Frequent trips to the Lee Kong Chian Reference Library facilitated access to the relevant reading materials for my secondary research. Additionally, the National Archive Singapore and NewspaperSG websites were instrumental in accessing archived historical documents, photos, videos, audios, and newspapers. Singapore Statutes Online played a crucial role in conveniently accessing current and past legislation. Engagements with Communication with people from socially active, legal and political backgrounds, as well as attending at a book launch event, have enriched my understanding and contributed valuable insights to my research.

Legacies from British rule (1819 - 1942)

Roots of Singapore's Legal Framework

Singapore, prior to Sir Thomas Stamford Raffles' arrival in 1819, was already a thriving port settlement (Su, 1981, p. 213) with a diverse mix of ethnocultural and religious groups, governed by "indirect rules" (Goh, 2015, p. 2). The introduction of the 1823 Code and the 1826 Second Charter of Justice marked the gradual adoption of English common-law principles and the formation of a unified legal framework. Subsequently, Singapore became a British Colony in 1867, leading to significant legal changes that separated executive, legislative, and judicial authority (Goh, 2015, p. 16). The Penal Code, adopted in 1870, replaced the Second Charter of Justice for criminal law and remains the primary criminal legislation to date (Cheong & Phang, 2005).

Early Legal Transformations

In the early years, civil society had minimal involvement in shaping law. Raffles (1824) proclaimed that English law principles should apply, but with "indulgent consideration for the prejudices of each tribe as far as substantial justice will allow," subjecting the 1823 Code and Second Charter of Justice to concepts of suitability and modification. However, in reality, English law's dominance over local conditions persisted (Goh, 2015, p. 17). Consequently, the legitimacy of the 1823 Code was questioned without sufficient modification of the law, especially as Chinese secret societies enforced their own regulations, causing disorder and undermining the 1823 Code's authority (Phang, 2006, p. 4).

However, the Second Charter of Justice gradually introduced modifications to personal laws, though predominantly based on English principles (Goh, 2015, p. 18). The colonial administration included non-officials to engage in free policy debates, providing them with a direct role in shaping legislation without overturning government proposals (Gillis, 2005, p. 4). While local decisions largely mirrored the English law principles (Phang et al., 2000, p. 824), legislation such as the 1880 Mahomedan Marriage Ordinance V established a separate Muslim legal jurisdiction that accommodated Islamic customs and traditions, marking the English-origin legal framework's adaptation to the local context and the beginning of the recognition of Muslim personal law (bin Abbas, 2012, p. 164-165).

The Emergence of Civil Society

The emergence of civil society's role began as the trade industry flourished, discontented merchants engaged in policy debates and developing opposition mechanisms to unpopular British policies (Gillis, 2005, p. 25-27). The mercantile community had relatively good relations with the British, where groups such as the Singapore Chamber of Commerce, founded in 1837, played an influential

role in advancing merchant interests, maintaining Singapore's free port status, and supporting the transfer of Singapore to the Colonial Office from the Government of India in 1867.

Expanding Civil Society Engagement

Following the 1867 constitutional change, civil society expanded beyond trade-related concerns to address various social and moral issues. This period marked civil society's peak involvement in policy formation and debate, as it was deemed crucial for strengthening implementation and legitimacy (Gillis, 2005, p. 72-73). In response to the growing trade of the colony between 1860s and 1920s, it was also a custom for the Governor to appoint one Chinese non-official (Gillis, 2005, p.6-7) and prominent Chinese such as Seah Eu Chin and Tan Tock Seng as Justices of the Peace to mediate during riots and disputes (Buckley, 1984, p. 151). Hence, civil society thrived as it was driven by trade unions, student groups, and various immigrant, ethnic, and business associations that safeguarded commercial and political interests.

Challenging Undesirable Social Behaviours

The evolution of the legal framework went beyond legitimising English law on the ground, but also towards managing and ruling the population to establish societal order. For example, the 1877 Chinese Protectorate and Chinese Immigrants Ordinance were introduced to address issues such as new immigrants' welfare and secret societies. The first Protector of Chinese, William Pickering, collaborated with secret society leaders to enforce regulations and maintain order, notably through the 1890 Societies Ordinance (Jackson, 1965).

The suppression of secret societies encouraged more Chinese societies to focus on ethnic, trade, or political affiliations. Consequently, many Straits Chinese engaged actively in the anti-opium and anti-foot binding movements and figures like Lim Boon Keng, who served on the Straits Settlements Legislation Council in 1896, also advocated against "social evils" such as gambling, alcoholism, prostitution, and opium use. Following these movements, the Monopolies Department, established in 1910, regulated opium and spirits.

Rise in Nationalism

There was also growing interest in advocating for interests and rights under colonial rule beyond the Chinese community. The Malaya Tribune, launched in 1914, represented Asian communities' perspectives and advocated for a multicultural "Malaya for Malaysians (Malaya Tribune, 1951)." Leaders like Mohammad Eunos Abdullah, who was the first Malay legislative councillor and the first president of Singapore's first Malay political organisation, Kesatuan Melayu Singapura (Singapore Malay Union), also advocated for Malay/Muslim community engagement on "bangsa", or "racial nationalism," and better educational facilities for the Malays of Malaya (Kahn, 2006). The Straits

Settlements (Singapore) Association also influenced constitutional changes in the 1920s, illustrating how determined leaders of active associations could affect colonial policy (Gillis, 2005, p. 7-9).

Decline in Civil Society

However, the civil society's involvement in the law started going downhill as the British administration became less tolerant of militant groups like the Malayan Communist Party in the 1920s. As World War II approached Singapore, civil society activities declined due to impending conflict and its regional impact. Nonetheless, some individuals such as Lim Bo Seng, remained committed to civil society causes, particularly those involved in the anti-Japanese movement, making significant contributions to civil defence (Low, 1995/2004).

Legacy of Singapore's Legal System and Civil Society Interaction

The island's unified legal system fostered a more institutionalised interaction mechanism between civil society and the legislature. Consequently, civil society flourished, autonomous, and associational groups were vibrant, and Malay political participation increased significantly. In response to Chinese secret societies and the growing voices of anti-colonialism and communism, the laws became more tailored to the realities of the time to guard against societies that opposed the principles of law and British governance. However, this exposed civil society as a whole to repression and resulted in a decline in its activities as the war approached, thereby weakening its overall vitality (Gillis, 2005, p. 55-57, 104).

Eventually, before the outbreak of the Second World War, Singapore's legal system was able to develop and establish stable legislation that laid the foundations for its legal framework (Phang, 2006) and mechanisms for interaction with civil society.

The fall to the Japanese Occupation (1942 - 1945)

After the British surrendered on 15 February 1942 and the Japanese occupation began, British courts ceased operations and were replaced by a military court under the Nippon Army. Even when civil courts were eventually reopened, they had no authority over military administration. During this war-torn period, Japanese Occupation marked a pause in the development of civil society (Gillis, 2005, p. 113) and its impact on the legal framework.

Scarcity of basic necessities also prompted a high level of organisational activity by ethnic communities (Gillis, 2005, p. 113), voluntary groups, and resilient individuals. Lim Boon Keng founded the Overseas Chinese Association, and ostensibly worked with the Japanese government to restore law, order and economic activity, with the aim of easing tensions between the Chinese and Japanese communities to help civilians during this challenging period (Shinozaki, 2011).

When the Japanese Occupation ended in September 1945, the British Military administration reinstated all pre-occupation laws and customs, coinciding with a growing movement for independence and decolonisation (Goh, 2015, p. 16-17).

Merdeka Singapore (1945 - 1965)

Post-War Revival: Rise of Civil Society

Civil society quickly reemerged with a significant rise in civil awareness, especially among women (Chew, 1994, p. 112-113) and also in terms of the formation of local political parties and alliances. This was in response to post-war political instability, which also slowed the court system's development (Singapore Academy of Law, 2011, p.10) and difficult living conditions (Gillis, 2005, p. 134). The harsh realities of occupation and post-war recovery ignited national consciousness, fostering an active civil society that represented "grassroots opinions rather than that of an exclusive and elite group (Gillis, 2005, p. 119)". Singapore saw the establishment of its first local political party, the Malayan Democratic Union (MDU), which joined itself with various societal groups such as the formation of the Pan-Malayan Council of Joint Action (PMCJA) to oppose British proposals like the Malayan Union proposal and the Federation of Malaya proposals (Yeo, 1973).

Political Transformation and Civil Society Engagement

While these British proposals continued despite contention from these societal and political groups, the 1948 constitutional reform started a shift as civil societies began supporting political parties and forming beneficial ties, as Singapore held its first general election of 6 out of 22 legislative council positions. This blurred the line between partisan politics and civil society (Koh & Soon, 2015, p. 19) as civil societies supported political parties (Gillis, 2005, p. 137). As left-wing influence transformed trade unions, as it lost the ethnic character and simultaneously became more radical at the same time (Gillis, 2005, p. 119-120), it marked a crucial step towards Singapore's self-government in this rising competitive party system. Trade societies, such as the Singapore Chinese Chamber of Commerce, transitioned from building cultural connections to lobbying citizenship rights, shaping the 1957 Singapore Citizen Ordinance.

Challenges to Civil Society: The State of Emergency

However, the British declaration of the 1948 state of emergency also challenged the vitality of civil society. The British introduced the Emergency Regulations Ordinance 1948 (predecessor of the Internal Security Act 1960) to deal with anti-colonial movements and armed insurgency led by the Malayan Communist Party (Koh & Soon, 2015, p. 19). The Ordinance allowed for arrests without trial and curtailed associational activities. Major riots and conflicts during the 12-year emergency, such as the 1950 Maria Hertogh Riots, 1953 nationalism and anti-colonialism strikes, and the 1955 Hock Lee Bus Riots, which united students and workers, led to greater control by authorities through the Preservation of Public Security Ordinance in 1955, limiting civil society's movements for full internal governance.

Negotiating Governance

The British authorities also limited the influence of political leaders who were fighting Singapore's full internal governance as political leaders, as David Marshall attempted to negotiate but failed to succeed because of his sympathy for student and worker protestors. Singapore's internal governance was finally granted through a 51-member legislature while retaining British control over defence, foreign policy, and internal security through the Security Council, after Lim Yew Hock's successful negotiation in London. It allowed for more direct and catered legislation modification to suit the local context. Examples include the Muslims Ordinance 1957, proposed and supported by prominent Muslims and Muslim organisations, replacing the British Colonial's Mahomedan Marriage Ordinance, and establishing the Syariah Court to address the high divorce rate in the Muslim community (Saw, 1992, p. 34).

PAP's Impact: Legal and Societal Changes

The PAP's victory in the 1959 General Election under Lee Kuan Yew's leadership also had a significant impact on Singapore's legal framework. The government implemented legal efforts to instil social discipline against "yellow" culture and "decadent" behaviour, prioritising law-abiding citizens (Lee, 1990), and retaining legal practices such as capital punishment and caning (Tan, 2000, p. 102). Yet, avenues for citizen and civil society engagement were also more institutionalised with the establishment of People's Associations (PAs), which arguably also served as a political tool (Wong & Chen, 1977).

Women's Rights Activism

Women's rights activism, which led to the formation of the Women's Charter 1961, marked a milestone in Singapore's legal framework and the influence of female activists, such as the Singapore Council of Women (SCW) and individuals like Chan Choy Siong. The Charter abolished polygamy, granted women rights and protections (Chew, 1994, p. 135), and influenced the PAP's priorities as they incorporated women's rights into their 1963 General Election manifesto. Thus, this movement demonstrates how civil society can play a pivotal role in influencing legislation if it garners the support from the government when their interests align.

Civil Society vs. Government

However, it will be a scenario of a "head on collision" if civil society stands in opposition to the government. Controversial events, such as Operation Coldstore in 1963, conducted under the Preservation of Public Security Ordinance, resulted in the arrest of many left-wing figures such as Lim Chin Siong (Koh & Soon, 2015, p. 20), and discouraged civil society activism. With the dismantling of civil society, the reform of civil society also occurred under a two-fold strategy (Gillis,

2005, p. 181). Trade unions, like the Singapore Trades Union Congress, were also deregistered and replaced with the National Trades Union Congress (NTUC) to restructure and weaken left-wing grassroots movements.

From Merdeka to Independence: Shaping Singapore's Identity

In conclusion, the late colonial era saw the emergence of a competitive party system that stimulated civil society's growth, fundamentally reshaping its dynamics by diminishing ethnic divisions and fostering a multidimensional and multiracial civil society. The Merdeka movement from 1955 to 1959, driven by awakened political and civil society participation, contributed to achieving self-government and fostering a growing sense of belonging to Singapore.

However, with the Internal Security Act used by the British to Lim Yew Hock's suppression of leftist student groups and trade unions and Lee Kuan Yew's Operation Coldstore, this period also saw the struggles of different rulers using the law for decisive measures, addressing issues such as communism, and attempting to balance influence and integrate civil society activities into the government's agenda.

The deep-rooted political and economic disparities that followed a two-year merger with Malaysia eventually led Singapore to become independent from Malaysia in 1965.

Majulah Singapura! (1965 - Present)

The Federal Court of Malaysia continued to hear appeals from Singapore's high court until 1969, with the Privy Council of London serving as Singapore's final court of appeal until 1994. Singapore's abrupt independence on 9 August 1965, initially limited its indigenous and local development of its own legal framework, primarily because of pragmatic considerations (Phang et al., 2020). Government attitudes toward civil society's role in shaping the legal framework have varied under the leadership of the three Prime Ministers to date, influencing civil society's involvement in policy and legal formulation.

Indigenous Legal Development

During the formative years of the 1970s and 1980s, under the leadership of Lee Kuan Yew, the People's Action Party (PAP) played a dominant role in Singapore's political landscape, which stemmed from its complete victory in the 1968 general election, securing all parliamentary seats. Post-independence witnessed pivotal law like the Societies Act 1966, rooted in the century-old Societies Ordinance 1890, to define the parameters of civil societies development, by mandated society registration and authorised the government to dissolve any deemed unlawful.

The replacement of the Muslim Ordinance 1957 with the Administration of Muslim Law Act in 1968 also marked a significant step in regulating Muslim affairs, as it promoted racial equality and recognised the unique position of Malays as indigenous people, to foster "an equality premised upon an appreciation of our heritage (Thean, 2022)". Constitutional provisions such as Article 153A and Article 152, influenced by past racial tensions, proclaimed English, Malay, Mandarin, and Tamil as official languages and protected the "special position of the Malays." These constitutional provisions laid the foundation for civil society's activities, emphasising the importance of conducting them in "broad daylight" and offending no race or religion. Thus, this period, marked by the heavy dominance of the PAP, played a crucial role in shaping the formation of Singapore's identity, as well as its cultural and social norms through legislation and policy-making.

Curbing Civil Society Voices

Under Lee Kuan Yew's leadership, the legal framework also gradually departed from the English doctrine of individualism to align with Singapore's customs and communitarian and Asian values (Lee, 1990), which emphasises heavily on economic stability and social cohesion. This led to a "phase of centralisation (Tay, 1998)" which can be reflected through policies and legislation. There were specific policy changes, such as the removal of jury trials in the 1969 Supreme Court of Judicature Act, which reduced the role of laypersons in the administration of justice. Lee Kuan Yew expressed his scepticism towards a system "that allowed the superstition, ignorance, biases, and prejudice of

seven jurymen to determine guilt or innocence (Lee, 1998).” The socialist democratic ethos of PAP transformed civil society organisations into a “corporatist governance structure (Tay, 1998)”, with initiatives like the 1968 “Keep Singapore Clean” campaign, promoting collective nation-building and discipline.

Introduction of controversial laws like the Internal Security Act 1960 and Vandalism Act 1966 also curtailed civil society’s involvement in policy and legislation formulation. Civil society like AWARE, an active advocate organisation for women’s social and legal status through challenging government proposals faced discouragements and struggled to influence legislation and policies when some of its members were involved in the 1987 “Marxist Conspiracy” under the Internal Security Act 1960 (Tan, 2000, p. 103). The parliament enacted the 1986 Legal Profession (Amendment) Act in response to criticism from the Law Society regarding the 1986 Newspaper and Printing Presses (Amendment) Bill, which fostered an “risk-averse” mentality, discouraged the growth of a vibrant civil society, and criticised as the establishment of “rule by law,” where legitimacy was derived from suppressing complicit citizens (Rajah, 2012, p. 50-53).

Transition Towards Consultative Politics: Benefits & Challenges

Singapore then transitioned towards a consultative politics and system towards the beginning of the 1990s. In the late 1980s and 1990s, other than the existing Meet-the-People Sessions which began in 1950s, structured consultation mechanisms like Non-constituency Members of Parliament (NCMPs), Group Representation Constituencies (GRCs), and Nominated Members of Parliament (NMPs) and community engagement initiatives like the Feedback Unit (Lee, 1985) were also introduced. Dr Kanwaljit Soin, the first female NMP and AWARE’s President, advocated strongly for gender issues in Parliament. Her Family Violence Bill influenced amendments to the Women’s Charter, despite not being passed (Soin, 2011). These developments represented a shift towards “the politics of consultation (Tay, 1998, p. 247)”, actively involving a diverse array of voices, minority groups, and civil society in the policy-making process both in Parliament and on ground, which helped to spur independent civil society actions challenging policies and legislation towards the 1990s (Koh & Soon, 2015, p. 32-34).

In the 1990s, Goh Chok Tong’s administration promised a shift towards a more participatory-style democracy, which 1990 marked the “year of Civil Society (Heng, 1990).” This approach, symbolised by George Yeo’s “Banyan tree” metaphor, emphasised government-supported civil society growth and promoted the idea of the government as a minimal safety net for welfare while encouraging a “many helping hands” policy (Tay, 1998, p. 251). This marked a departure from the Western liberal interpretation of civil society opposing the government.

The emergence of institutions like Town Councils, the Institute of Policy Studies, and the Association of Muslim Professionals (AMP) in the 1980s and 1990s facilitated government consultations with individuals, organised associations, and civil society groups. A significant milestone during this period was the 1995 Maintenance of Parents Act, introduced by NMP Associate Professor Walter Woon. This Act not only showed how civil society could directly influence legislation but also reflected the incorporation of the Asian value of filial piety into the law and addressed practical social issues like the ageing population. Thus, it brought optimism to the greater participatory role of civil society as compared to the previous few decades.

However, this was a period of both vibrant growth and challenges for the civil society in Singapore. The paternalistic aspect of the “Banyan tree” analogy is evident in the government’s approach to enacting new laws. For example, the Maintenance of Religious Harmony Act 1990 emerged from the 1989 White Paper on Religious Harmony after consulting with community and religious leaders. However, although it could be seen as another means to eliminate those without “discipline” (Rajah, 2012), the Act enabled the government more authority to micro-manage the civil society to maintain Singapore’s secular status and prevent religious interference in politics (Tan, 2000, p. 106).

The ban on importing, selling, or manufacturing chewing gum, introduced in the 1992 Regulation of Imports and Exports (Chewing Gum) Regulations, drew criticism for being implemented without public input (Pereira, 1992), casting doubts on the government’s promise to open and consultative governance (Han, 1992). This ban was just one example of Singapore’s unique laws, including strict drug trafficking regulations and anti-littering measures, reflecting the government’s unwavering emphasis on communitarianism in governance, despite international criticism. This contributed to Singapore’s reputation as a “fine city” and a nation deeply committed to maintaining order.

The 1994 Catherine Lim controversy, triggered by Lim (1994a, 1994b)’s commentaries, also raised questions about the scope of civil society’s role in public issues. Prime Minister Goh Chok Tong suggested regular political commentators join the political arena (The Straits Times, 1994). This shift appeared to limit civil society’s space for engagement, leading to a slowdown in the progress of the call for civil society, where some felt “an authoritarian communitarian was at play (Koh & Soon, 2015, p. 40)”.

Singapore eventually departed from its dependence on the English system as the 1993 Application of English Law Act was a significant legislative milestone as Singapore finally abolished appeals to the Privy Council of London in 1994 and no longer has to face the Privy Council’s consideration of political factors that affected Singapore’s autonomy (Phang et al., 2020, p. 822-824).

Prime Minister Goh Chok Tong then called again for the promotion of civil society in 1997 (Parliament of Singapore, 1997), an approach geared towards decentralising government roles and

encouraging self-governance via community voluntary participation was adopted (Tay, 1998, p. 100), while fostering national identity and a sense of belonging. Hence, further government councils like the Community Development Councils (CDCs) were established. The Singapore 21 plan rolled out in 1999, was also planned through public consultation, contributing to shaping the new national vision for the 21st century (Singapore 21 Committee, 1999).

In response to the shift in the government's attitude, self-initiated public activism was back on the rise. The public activism campaign led by the Nature Society (Singapore) in 2001 on protection of the Chek Jawa mudflats successfully reversed the government's plan to develop the area and established it as a protected natural area. The following year, the Sungei Buloh Nature Park, established in 1993 because of a proposal by the Nature Society (Singapore), was renamed Sungei Buloh Wetland Reserve and granted legal protection under the Parks and Trees Act 2005. Such a campaign demonstrated the potential influence of public opinion on Singapore's environment matters (Hobson, 2005).

Civil Society in the 21st Century: Influence and Challenges

A faster growing and more active civil society began to brew in the 21st century, as the current Prime Minister of Singapore, Lee Hsien Loong, inaugurated in 2004. He specifically emphasised the need to "encourage participation and debate" in his first National Day Rally speech, calling for a more open society with greater freedom of expression (Lee, 2004). Legal changes were also seen, including the 2000 established Speakers' Corner which, modelled after London's Hyde Park, loosened its rules over the first four years of Lee Hsien Loong's administration, allowing for greater freedom of expression. Although Speakers' Corner is the only outdoor venue where citizens can organise public demonstrations, speeches, exhibitions and performance without a Public Entertainment Licence under the Public Order Act, the predecessor agency to the Feedback Unit, REACH (reaching everyone for active citizenship @ home) was also established in 2006 as an avenue for civil society on ground to voice their opinions on their concerns in a more low-profile manner which can cater better to the comparatively more conservative society. Prime Minister Lee Hsien Loong's administration helped encourage participation and open debates, facilitating greater engagement between civil society and the government.

The government's role in law-making also became more mediatory due to increasing diversity and polarising views in society. The decision to end a 40-year casino ban and build integrated resorts with casinos for tourism sparked intense debates and a petition with tens of thousands of signatures delivered to President S.R. Nathan. Local NGOs like AWARE conducted research on potential casino-related harms (Lim, 2005), and public surveys by REACH revealed highly polarised views. After 13 months of public debate, the Casino Control Act was passed, with regulations designed to mitigate potential harms (Ministry of Home Affairs, 2005).

In recent years, civil society in Singapore has exhibited a significant shift in its approach to advocacy, driven by the widespread use of the internet as a platform for public engagement. This has facilitated the gathering of individuals with similar causes and concerns, making it easier to mobilise support and raise awareness. One concrete example of civil society's impact on the legal framework is the repeal of Section 377A of Singapore's Penal Code (Cap. 224) in December 2022. This law, which had criminalised gay sex since 1938, was repealed to "bring the law into line with current social mores (Lee, 2022)". The influence of civil society, particularly through events like PinkDot SG and public consultations involving the LGBTQ+ and religious communities conducted through channels like REACH (Goh, 2022a), played a pivotal role in this repeal. Prime Minister Lee Hsien Loong emphasised that this decision was made when the government "judged the time ripe (Lee, 2022)", considering Singapore's diverse racial and religious context. Section 12 of the Women's Charter still defines marriage as between a man and a woman, prohibiting homosexual marriage for the time being. However, Art 156(3) of the Constitution stipulates that Parliament may enact any law to define the institution of marriage, thus leaving open the possibility of a more liberal definition in the future (Tan, 2023). Consequently, civil society, represented by PinkDot SG, continues to advocate for further legislative adjustments to address the rights and concerns of the LGBTQ+ community, while religious groups and conservative communities also continue to express their reservation on this issue. This dynamic highlights the evolving role of civil society in influencing policy changes, while also showcasing the government's mediating role in making final decisions that aim to balance societal demands and diverse perspectives.

Concluding remarks

A strong period of centralisation marked Singapore's early years as a young nation, which, while raising concerns about the country's adherence to the rule of law, undeniably contributed to stability and economic growth by cultivating a "highly disciplined" nation. A pragmatic approach to the rule of law was chosen over a thick rule of law, with the desirable outcome of stability and economic growth also garnering accountability for its law.

With society's basic needs fulfilled, the early 1990s transitioned from "exclusive corporatism" to "inclusive corporatism" under Goh Chok Tong's administration (Chong, 2005b), allowing for greater civil society participation. However, it also ran into difficulties in allowing more open criticism of the government and the legal system.

Under Lee Hsien Loong's administration, the 21st century saw the emergence of a more active and rapidly growing civil society. This was in response to Singapore's increasingly diverse society's increasing demand for civil participation and checks and balances on social, political, and legal matters. The government then plays a mediating and overseeing role, reflecting societal legal demands while considering various perspectives and stakeholders.

To summarise, Singapore's local civil society now has greater space in influencing the legal framework. Institutionalised channels for civil society to express itself have been established, and the state and policymakers have shown greater tolerance towards them as long as their actions do not violate Singapore's core principles, such as racial and religious harmony and equality.

Conclusion

The history of Singapore's legal framework has been one of continuous adaptation, with civil society influencing and being influenced by the evolution of the legal framework in a reciprocal relationship. From its colonial beginnings, which were marked by the introduction of English common law principles, to its current status as an independent nation, Singapore's legal history reflects the enduring legacies of British rule.

Additionally, Singapore's civil society has demonstrated its important role in shaping the legal framework and policies over time. While civil society had limited influence on legal matters during the British rule period and faced a break during the Japanese Occupation, this landscape changed as the Merdeka generation civil society became more politically active, which led to Singapore's self-governance in 1959.

The post-independence administration styles of Lee Kuan Yew, Goh Chok Tong, and Lee Hsien Loong revealed how the legal framework evolved in response to its interactions with the changing dynamics of civil society and pragmatic societal welfare needs. Civil society's influence on the legal framework continued to grow in the 21st century, highlighting civil society's ability to shape progressive legal changes.

As Singapore approaches the PAP's 4G (4th generation) leadership, the outlook for civil society development remains optimistic. With the next PAP leader, Lawrence Wong's Forward Singapore initiative (Goh, 2022b), and President Tharman Shanmugaratnam's call for "respect for all" and "a thriving civil society" during his presidential election speeches in 2023 (Tham, 2023), civil society is certain to remain an important topic for many years to come.

Singapore's legal framework has stood the test of time thus far, demonstrating the country's adaptability, incorporation of Asian values, promotion of social cohesion, and embracement of participatory democracy. The enduring legacy of British rule serves as a reminder of the nation's distinct historical context, while civil society's resilience and engagement highlight its role as a driving force in the ongoing evolution of Singapore's legal landscape.

Finally, this paper aspires to provide a comprehensive overview of Singapore's legal framework and civil society. It aims to stimulate further research, particularly in areas such as foreign and media influences, which were not given much focus in this study, thereby promoting ongoing research and discussion in this field.

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