

Cambridge University Press

978-1-107-01241-7 - Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore

Jothie Rajah

Index

[More information](#)

## INDEX

- Administration of Muslim Law Act* (1966), 34, 35n162
- Adoption of Children Act* (1985), 34
- Advocates and Solicitors' Ordinance* (1934), 199, 202–203
- Aid Vietnam campaign (Barisan Sosialis), 69–74, 292–293
- alliances and associations, as state threat, 292–293
- see also* civil society; *specific organizations*
- American Embassy, 71–72
- Amnesty International, 172, 274
- ancestry and politics, 30–32, 284–285, 290
- Ang Chin Sang v. Public Prosecutor* (1970), 77n53, 86–89, 175
- Anti-Social Behaviour Act of 2003* (UK), 113n179
- APEC meetings, 262, 288, 296–297
- Asian values discourse, as state pedagogy, 65, 90–91, 104–110, 158n145, 270–271
- see also* *Vandalism Act* (1966)
- Asian Wall Street Journal* (AWSJ), 148–149, 151n129, 177
- Association of Southeast Asian Nations (ASEAN), 112, 261
- Austin, Ian, 25n115
- Australia, defence dependency on, 67
- Australian National University, 5
- authoritarian rule of law, defined, 7–13
- autonomy, of law, 57–58, 211–212, 215
- Bar Association. *see* Law Society of Singapore
- Barisan Sosialis (Socialist Front)
- Aid Vietnam campaign and, 69–74, 292–293
- formation of, 48–49
- as Members of Parliament, 68–69, 145n104
- Nantah and, 121–122
- opposition to U.S. military presence in Vietnam, 69–70
- PAP-state dismantling of, 68–74, 82–83, 89, 138
- Barr, Michael, 232
- Baxi, Upendra, 295–296
- Bentham, Jeremy, 114–115
- Beyond the Blue Gate* (Teo), 294n83
- Boas, Taylor C., 156
- British East India Company, 24
- Business Environment Risk Intelligence (BERI) Report, 275
- Business Week*, 275
- campaign, state definition of, 264
- Canada, on Singaporean legal system, 23
- caning. *see* *Vandalism Act* (1966)
- Catholic Church, 49, 219–220, 226–234, 241, 251, 288, 292–293
- Catholic News*, 232–233, 241
- cause, state definition of, 264
- Cha, Louis, 142
- Chan, Sek Keong, 38, 45n222
- Chase Manhattan, 124

- Chee, Soon Juan, 1*n*4, 260–261
- Cheng, Vincent, 294*n*83
- Children and Young Persons Ordinance* (1955), 77*n*53, 86–88
- China, rule by law model and, 5–6
- Chinese, as minority group
- language fault-lines, 120*n*14, 290
  - PAP-state discrimination against, 120–123
  - polygamy jurisprudence, colonial, 132
  - see also* *Nanyang Siang Pau* (newspaper)
- Chinese chauvinism, instrumental
- definition of, 251
- Chinese-educated, use of term, 120–121, 290
- Chng* decision (1988), 210–211
- Chomsky, Noam, 129*n*66
- Christian evangelism, 251, 253–254, 256
- citizenship, political liberalism and, 161–162
- citizen subordination, 77–78, 91, 278–279, 282–284
- see also* national narrative, and illiberal dominance of public discourse
- civil society
- authoritarianism, impact on, 46, 47
  - as constitutional right, 190
  - defined, 185
  - PAP dismantling of, 49
  - political liberalism and, 161–162
  - state surveillance of Internet use by, 158–160
  - as state threat, 292
  - see also* *specific organizations*
- Clark, David, 276
- class, nonrecognition of, 231–232
- Clinton, Bill, 90*n*103
- Cold War era, 23, 52, 67–69
- colonial legacy
- detention without trial, 74–75
  - legal system, 50–52
  - licensing of press, 119
  - national narrative and, 24–32
  - racial pluralism, 26–27
  - rule by law legitimacy, 282–284
  - Singaporean opium trade, 132
  - social welfare neglect, 26
  - see also* Great Britain; Westminster-model democracy; *specific legislation*
- Communalism
- reframing of, 251
  - security threat discourse and, 117–118, 127, 221
  - see also* *specific legislation*
- Communists and communism
- British-PAP alliance against, 52
  - Catholic social activism described as, 220–221, 229–231, 234–239, 251
  - security threat discourse and, 127
  - in Southeast Asia, 67–68
  - use of censorship in press against, 136
  - see also* *specific legislation*
- Conley, Jon M., 58
- Constitution* (Singapore), 28–29, 36*n*166, 44, 46, 52, 190, 211–212, 223, 231, 269
- contestation, state coercion and, 283–284
- see also* rule by law; *specific legislation*
- corporal punishment
- international viewpoints on, 90–91, 286
  - see also* *Vandalism Act* (1966); *specific cases*
- Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act* (2002), 112
- counter-narratives, 283–284
- Criminal Procedure (Amendment) Bill*, 166
- Criminal Procedure Code*, 87, 213
- Critical Discourse Analysis. *see* discourse theory
- customary law, 33–35
- damages, 17–18
- defamation, 17–20, 19*n*87, 270
- Dent, Chris, 64
- detention practices
- number of detainees, 294
  - as pre-electoral intimidation, 286–290
  - teenagers and, 93–94, 102
  - torture and, 74–75, 227*n*16, 288*n*75
  - see also* *Internal Security Act (ISA)*, 1985; Operation Coldstore
- detention without trial, 176
- Barisan opposition to, 69
  - of Catholic social activists, 220, 226–232
  - as colonial inheritance, 74–75
  - of correspondents of foreign publications, 155*n*139
  - under *ISA Act*, 15–20

## Index

335

- of lawyers, 175–176, 206–212, 220–221, 292
- of Muslims, 252
- of newspaper executives, 118, 122*n*30, 123–124, 125, 138, 170–175, 220
- post-2002, 252–254
- Dicey, A. V., 20, 37–39, 44, 98, 297
  - see also* rule of law
- disclosure
  - public disclosure during 1974, 65, 91–98
  - recursive disclosure, 220–224
- discourse theory, 55–64
  - Foucault's theory as toolkit, 60–64
  - Golder and Fitzpatrick on, 61
  - Habermas on, 59–60
  - legislative text and, 56–57
  - methodology, 11–12
  - power relations and, 57–58
  - social determination of language, 56–57, 58
- dissent, criminalisation of, 74–75, 78–79
  - see also specific legislation*
- drug trafficking, 112
- dual state legality, 23–24, 42–45, 77–78, 214–218, 277–278
- Eastern Sun*, 123–126
- economic liberalism, judiciary and, 23
- economic neo-liberalism, Foucault on, 109
- Economist*, 151*n*129
- elections
  - detention practices prior to, 286–291
  - opposition parties and, 287
  - of 2011, 2*n*6
- Elias, Harry, 198–199
- Emergency (Essential Powers) Act* (1964), 167
- emergency, politics of
  - Acts and Regulations, 15, 43, 51–52, 119, 128, 167, 279, 281
- Emergency Regulations*, instrumental
  - perpetuation of, 15, 43, 51–52, 119, 128, 279, 281
  - see also Internal Security Act (ISA)*, 1985)
- Employment Act* (1968), 81, 82
- English-educated, use of term, 120*n*15
- Essential Information (Control of Publications and Safeguarding of Information) Regulations*, 167
- Evans, Harold, 172
- The Fajar Generation* (book), 294*n*83, 296
- Far Eastern Economic Review*, 148, 151*n*129, 155*n*139, 177
- Fateha.com, 255
- Fatwa Committee, 35*n*162
- Fay, Michael. *see* *Michael Peter Fay v. Public Prosecutor* (1994)
- Federation of Malaysia, 22*n*98, 33, 67
- Feeley, Malcolm, 46, 209–210
- Fitzpatrick, Peter, 61
- foreign investment, 26, 42, 273, 285, 293
- foreign publications, 118, 136–138, 147, 148–151, 177
- foreign workers, use of term, 232*n*38
- Foucault, Michel, 56, 60–64, 109, 114–115, 289, 290–291
- Foucault's Law* (Golder and Fitzpatrick), 61
- Fricker, Oliver, 96*n*131
- Fricker, Public Prosecutor v.* (2010), 96*n*131
- Gifted Education Programme, 233
- Glenn, H. Patrick, 35–36
- Goh, Chok Tong, 2*n*6, 104, 107–110, 228–232
- Golder, Ben, 61
- governmentality, use of term, 62–64
- governmentality power complex
  - defined, 63
  - Dent on, 64
  - Foucault on, 109
- Graduate Mothers Priority Scheme, 233
- Great Britain
  - Clark on rule of law concept, 276
- colonialism in Singapore
  - Emergency Regulations*, colonial era, 15
  - Federation of Malaysia, role in, 22*n*98
  - legal system, 50–52
  - racial pluralism and, 26–27
- defence dependency on, 67–68
- Goh on social decline of, 108
- vandalism laws in, 113*n*179
- Habermas, Jürgen, 59–60
- Halliday, Terence, 46, 209–210
- Harun, Sharudin Bin Sufian Saufi, 89, 100–102
- hegemony, use of term, 61–62
- Herman, Edward S., 129*n*66

Cambridge University Press

978-1-107-01241-7 - Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore

Jothie Rajah

Index

[More information](#)

336

Index

- Ho, Khai Leong, 145*n*104  
 Hotel Singapura, 71  
 Human Development Index (World Bank), 275  
 human trafficking, 112  
 Hunt, Alan, 62
- Ibahrī Report, 216–218, 267–272  
 illiberalism, and meanings of law, 1–53  
   authoritarian legitimacy, 7–13  
   legislative case studies, overview, 13–20  
   national narrative and, 20–32, 281–282  
     claims of national vulnerability, 21–24, 63–64, 107, 289–290  
   colonial constructs, perpetuation of, 24–32  
   dual state legality, 23–24, 42–45  
   governmentality and elections, 289–290  
   intertwining of race and prosperity, 26–27  
   socialisation of, 24*n*113  
 political liberalism  
   defined, 13–14  
   moderate state and, 45–49  
   rule by law vs. rule of law, 4, 50–53  
   rule of law, theorists on, 37–42  
   Singapore as regional example, 4–7  
   state dominance over public discourse, 12–13, 32–37  
   *see also* legal exceptionalism; *specific legislation*  
 illiberalism, entrenchment of. *see* *Legal Profession (Amendment) Act (LPA, 1986)*; *Public Order Act (2009)*  
 illiberalism, legislative legitimisation of, 267–297  
   citizens, perpetual colonisation of, 278–279  
   conclusion, 293–297  
   governmentality, exceptionalism and elections, 286–291  
     critique as danger to state, 290–291  
     national narrative and, 289–290  
 Ibahrī Report, state response to, 216–218, 267–272  
 law for development, 272–275  
 legitimacy of English law, 277–278  
 post-colonial ambivalence, 275–277  
 rule by law legitimacy, 280–284  
   colonial precedent and, 282–284  
   extension of exceptionalism via legislation, 280–281  
   legitimisation of exceptionalism via national narrative, 281–282  
   PAP-state power and, 284–286  
   spokespersons for publics, 291–293  
   *see also specific legislation*  
 IMD World Competitiveness Yearbook, 2008, 274  
 India, claims of religious clashes in, 23  
 infantilisation of citizenry, use of term, 77–78, 91  
 intellectual property rights, 29*n*139  
*Internal Security Act (ISA, 1985)*, 15–19, 24, 85, 123–124, 175, 206, 211–212, 220, 236, 238–239, 252, 254, 256, 280–281, 287–289  
 Internal Security Department (ISD)  
   Religious Trends: A Security Perspective report, 228–229, 230, 233–234, 235, 253–254, 281  
   terms of Cheng's release, 294*n*83  
 International Bar Association (IBA)  
   Human Rights Institute Report, state response to, 216–218, 267–275  
   *see also* Lee, Kuan Yew  
*International Herald Tribune*, 151*n*129  
 International Monetary Fund (IMF), 260–263  
 International Press Institute (IPI), 118  
 Internet and public discourse, 130*n*68, 156–160
- Japanese Occupation (1942–1945), 21–22  
 Jayasuriya, Kanishka, 42–44, 88, 280  
 Jek, Yeun Thong, 149, 287  
 Jemaah Islamiah, 252, 255  
 Jeyaretnam, J.B., 145–147, 148, 177–178  
 Jeyaretnam, Philip, 218*n*209  
 judicial statism, 80–89, 98–103, 110–113, 283  
 judiciary  
   in authoritarian regimes, 10–11  
   economic liberalism and, 23  
   executive supremacy vs., 245–247, 265  
   Ibahrī Report on, 268  
   judicial statism, 80–89, 98–103, 110–113, 283  
   prohibition on judicial review, 281

## Index

337

- suppression of critique of, 18–19
- very serious offence category, 98–100, 103, 112–113
- see also specific cases*
- jury trials, abolition of, 213
- Kalathil, Shanthi, 156
- Karpik, Lucien, 46, 165, 209–210, 291
- Kleinfeld, Rachel, 92
- Konfrontasi with Indonesia (1962–66), 22, 67
- Labour Day rallies (1966), 71–74
- language
  - discrimination based on, 121–122
  - English/Chinese fault-lines, 120*n*14, 290
  - social determination of, 56–57, 58
- law as discourse. *see* discourse theory
- law enforcement. *see* police and law enforcement
- Law Society of Singapore
  - detentions without trial, 287–288, 292
  - Lee/Select Committee interrogation of, 181–209, 213–214, 264, 292
  - text of, 183, 187–196, 198–200, 205–206
- as links to cross-border concepts of rule of law, 293
- silencing of, 165–170
- as spokesperson for publics, 165–170
- state law on membership eligibility, 278*n*58
- suppression of advocacy for rule of law, 49, 163, 177–218, 279
- lawyers, policing of. *see* *Legal Profession (Amendment) Act (LPA, 1986)*
- Lee, Eu Seng, 122*n*31
- Lee, Hsien Loong, 2*n*6, 262
- Lee, James, 26*n*121
- Lee, Kuan Yew
  - alliance with PAP, 48–49
  - enduring legacy of, 259–260, 266
  - honorary doctorate, 5
  - IBA speech and national narrative of exceptionalism, 2, 14–15, 21, 24, 29–30, 39–40, 44, 45, 51
  - conclusion, 280–281, 283
  - IPI Helsinki speech and policing the press, 118, 125–139, 144*n*102, 149, 154
  - leadership roles, 2*n*6
  - making threats of defamation
    - proceedings against political opponent, 19*n*87
  - on multi-religious society, 221–226
  - policing of lawyers, role in
    - interrogation of Law Society Council, 181–209, 213–214, 264
  - policing of religion, role in, 220*n*2, 234–239, 250–252
  - on punishment for vandalism, 74, 75, 88, 104–107
  - on rights-violating legislation, 24
  - on social decline of U.S., 105
- Lee, Mau Seng, 170–175
- Lee Mau Seng* habeas corpus proceedings, 170–175
- left-wing parties. *see* Barisan Sosialis (Socialist Front)
- legal complex, 209–212
- legal exceptionalism
  - Asian values discourse and, 90–91, 270–271
  - colonial legacy, 51–52
  - Jayasuriya on, 43
  - Lee's IBA speech and, 2, 14–15, 21, 24, 29–30, 39–40, 44, 45, 51
  - conclusion, 280–281, 283
  - national narrative and, 23–24
  - purpose of, 271–272
  - rule by law legitimacy, 280–282
  - see also* national narrative, and illiberal dominance of public discourse; *specific legislation*
- Legal Profession (Amendment) Act (LPA, 1986)*
  - overview, policing lawyers and constraining citizenship, 13, 17, 49, 161–218
  - conclusion, 278, 279, 282–283
  - associational activity and individual culpability, 190–197
  - debate in public domain, 197–202
  - detention without trial, 205–211
  - dual state legality, 214–218, 277–278
  - entrenchment, examples of, 212–214
  - interrogation and state authority, 181–183
  - lawyers, dilemma of, 163–165
  - lawyers, history of silencing of, 165–170

- Legal Profession (Amendment) Act (cont.)*  
 Lee's role in, 183–190  
 neo-colonialism, 202–205  
 state enemies' lawyers, coercion of, 170–179  
 state responses, acceleration of, 180–181  
 legal profession. *see* Law Society of Singapore; *Legal Profession (Amendment) Act (LPA, 1986)*; *specific bar associations*  
 legal system  
   commercial matters and, 23–24  
   description of, 31  
   dual state legality, 23–24, 42–45, 77–78, 214–218, 277–278  
   exclusion of customary law from, 34–36  
   *see also* judiciary; legal exceptionalism  
 legislation, as narrative of state power, 12–13  
   *see also specific legislation*  
 legitimacy, use of term, 4–5  
 licensing requirements of press, 119  
*Liu Tong Ban, Public Prosecutor v.* (1966), 83–86, 111
- Maintenance of Religious Harmony Act.*  
   *see Religious Harmony Act* (2001)  
 Majlis Ugama Islam, 34*n*154  
 Malayan Emergency (1948–60), 15–16  
   *see also Emergency Regulations*, instrumental perpetuation of  
 Malaysia, 22, 160  
 management share ownership, 119, 142–144, 282  
*Manufacturing Consent* (Herman and Chomsky), 129*n*66  
 Marcos, 219  
 Marshall, David, 166, 168, 169, 170–175, 176, 178, 213  
 Marxist conspiracy, instrumental claims of detention of lawyers and, 220–221  
   recent publication of books by detainees, 294–297  
   religion as security threat, 219, 226–239  
 Marxists, modern day, 226*n*14  
 media, state dominance of, 6–7, 49, 92–97, 123, 260–263  
   *see also specific newspapers*  
 MediaCorp, 119*n*12
- Media Development Authority, 158*n*146, 159  
*The Media Enthrallled* (Seow), 123  
 Mercer Human Resource Consulting, 275  
 methodology, in author's research, 3–4  
   *see also* discourse theory  
*Michael Peter Fay v. Public Prosecutor* (1994), 89–96, 98–110, 112, 113–115, 283, 286, 293  
 middle sort of knowledge, 106  
 Ministry of Defence, 66–67  
 Ministry of Home Affairs, 97–98  
 Ministry of Labour, 232  
 minority rights, defined, 248  
*Minor Offences Ordinance* (1906), 79–80, 84–86  
*Miscellaneous Offences (Public Order and Nuisance) Act* (1997), 263*n*18, 265  
*Misuse of Drugs Act* (2001), 225*nn*9–10  
 moderate state, political liberalism and, 45–49  
 Muslims and Islam, 34, 35*n*162, 252–253, 255  
 Myanmar, 261
- Nantah, 121–122  
*Nanyang Siang Pau* (newspaper), 120–125, 138, 140, 144–146, 170–175, 220–221, 290, 291  
 Napier, W.J., 25*n*114  
 National Education project, 24*n*113  
 national narrative, and illiberal dominance of public discourse, 20–32  
   colonial constructs, perpetuation of, 24–32  
   governmentality, exceptionalism and elections, 289–290  
   Lee's IBA speech and legal exceptionalism, 2, 14–15, 21, 24, 29–30, 39–40, 44, 45, 51  
   conclusion, 280–281, 283  
   rule by law legitimacy, 281–282  
   vulnerable nation claims, 21–24, 63–64, 107, 289–290  
   *see also* rule by law  
 national paternalism. *see* paternalism, use of term  
 National Trades Unions Congress, 72  
*Newspaper and Printing Presses Act.*  
   *see Press Act* (1974)  
*Newsweek*, 275

## Index

339

- New York Times*, 275  
 New Zealand, defence dependency on, 67  
 Nielson, William A.W., 50
- Obama, Barack, 296  
 O'Barr, William M., 58  
*OHC on behalf of TPC v. TTMJ* (2002), 34–35  
 Ong, Teng Cheong, 91*n*104  
 Operation Coldstore, 49, 68–69, 74, 284*n*69, 294  
 opposition politics  
   defamation law and, 17–20, 270  
   international media on, 260–263  
   parties in Parliament, 145–146  
   as public disorder, 74–75  
   *see also specific individuals and organizations*
- Other/Othering  
   Lee's instrumental use of, 95–96, 129–132  
   as subordination, 281  
   use of terms, 50, 78, 91
- Panopticon nation, 113–115  
 PAP-state. *see* Lee, Kuan Yew; People's Action Party (PAP); *specific aspects and legislation*
- Parliament of Singapore  
   Barisan Sosialis and, 68–69, 145*n*104  
   opposition parties in, 68–69, 145–146  
   televising of, 145–146
- Partai Pekerja Singapura (Singapore Workers' Party), 73*n*40, 146*n*113  
 Partai Rakyat Singapura (Singapore People's Party), 73*n*40  
 paternalism, use of term, 146, 276, 279  
 Peerenboom, Randall  
   rule of law continuum, 10–11, 39–42, 45, 50, 53  
 People Like Us, 159  
 People's Action Party (PAP)  
   alliance with British against left wing, 67–69, 286–287  
   Barisan Sosialis, dismantling of, 68–74, 82–83, 89, 138  
   Chinese-educated leftists as faction of, 48  
   civil society, dismantling of, 49  
   during Cold War, 52, 67–69  
   conflation with nation, 72–73, 80, 162  
   factions of, 48–49  
   leadership as English-educated, 48, 121, 290  
   Lee's alliance with, 48–49  
   Nantah university, conflict with, 122–123  
   in one party system, 7  
   precarious authoritarian rule of, 289–291  
   pre-electoral detentions of opposition, 286–288, 289–290  
   prosperity and, 25, 284–286  
   rhetoric of liberalism, 47  
   *see also* Lee, Kuan Yew; Singapore, Republic of; *specific aspects and legislation of PAP-state*
- police and law enforcement  
   civil society group surveillance, 159  
   efficiency, claims of, 93–94  
   media construction of public support for, 95–97  
   permits for assembly, 263–266
- political liberalism  
   civil society, 161–162  
   defined, 13–14  
   moderate state and, 45–49  
   rule of law and, 13–14, 29*n*138, 45–49, 161–169
- Presidential Council for Minority Rights, 248–249  
 Presidential Council for Religious Harmony, 243*n*78, 247–250  
*Press Act* (1974)  
   overview, silencing impact of, 17, 36, 52, 117–160  
   conclusion, 270, 279, 280, 282–283, 287, 293  
   foreign publications and influences, 118, 136–138, 147, 148–151, 177  
   institutionalisation of policing of press, 152–156  
   Internet and public discourse, 130*n*68, 156–160  
   Law Society and, 177–218  
   Lee as pastoral pedagogue, 129–131, 136–139  
   management share ownership, 119, 142–144, 154, 282  
   performing legitimacy via Select Committees, 139–142  
   political significance of, 119–127



- Press Act* (1974) (*cont.*)  
 post-1974 amendments, 144–151  
 staging legitimacy via Helsinki platform,  
 125–139, 144*n*102, 149, 154  
*The Prince* (Machiavelli), 290–291  
*Printing Presses Ordinance* (1920), 119*n*7  
 print media, PAP-state policing of, 49  
 Proclamation of Independence, 28–29,  
 36–37, 44, 46, 52  
 prosperity, 25–27, 89*n*101, 284–286  
 Prosperity versus Individual Rights?  
     Human Rights, Democracy and the  
     Rule of Law in Singapore (Ibahri  
     Report), 216–218, 267–272  
 protests and riots, PAP-state coercive  
     response to, 133  
*Public Entertainments and Meetings Act*  
     (2001), 263*n*18  
 public figures, defamation law and, 17–19  
*Public Order Act* (2009)  
     overview, entrenchment of illiberalism,  
     13, 49, 125, 162–163, 259–266  
     conclusion, 286, 288, 296  
     police permit requirements, 263–266  
     World Bank-IMF meetings, 260–263  
*Public Prosecutor v. Fricker* (2010), 96*n*131  
*Public Prosecutor v. Liu Tong Ban* (1966),  
     83–86, 111  
 punishment. *see* corporal punishment;  
     *specific legislation*  
 Punishment for Vandalism Bill.  
     *see* *Vandalism Act* (1966)
- racial pluralism  
     ancestry and right to rule, 30–32,  
     284–285, 290  
     as colonial inheritance, 26–27  
 Raffles, Stamford, 24–25  
 Rajah, T.T., 175–176  
 Raman, G., 175–176  
 religion  
     overview, policing religion, 13, 17, 36, 49,  
     52, 162–163  
     conclusion, 270–271, 279, 280, 282–283,  
     292  
     *see also* *Religious Harmony Act* (2001)  
*Religious Harmony Act* (2001)  
     overview, policing religion, 13, 17, 36, 49,  
     52, 162–163, 219–257  
     conclusion, 270–271, 279, 280, 282–283,  
     292  
     authority to determine intention,  
     224–226  
     law as performance, 243–247  
     Marxist conspiracy, instrumental claims  
     of, 219, 220–221, 226–239  
     nonenforcement of, 250–254, 257  
     ouster clause, 225, 242  
     Presidential Council for Religious  
     Harmony, 247–250  
     recursive discourse, 220–224  
     religion as new communism, 234–239  
     restraining orders, 225*n*10, 236–243,  
     249–250, 252  
     state dominance over public discourse,  
     254–257  
     *see also* *specific religions and churches*  
 Religious Trends: A Security Perspective  
     report (ISD), 228–229, 230, 233–234,  
     235, 253–254, 281  
 Reporters Without Borders, 158*n*144  
 Report on Governance (World Bank),  
     274–275  
 restraining orders, state issuance of, 225*n*10,  
     236–243, 249–250, 252  
 Rhodes, R.A.W., 276*n*55  
 riots and protests, PAP-state coercive  
     response to, 133  
 Rodan, Garry, 5*n*22, 48  
 Round, Derek, 173  
 rule by law  
     attributes of, 4  
     comparison to rule of law, 50–53  
     exportability of, 5–7  
     in guise of rule of law procedures,  
     102–103, 180, 215, 284–286  
     illiberal legitimisation of, 280–284  
     colonial precedent and, 282–284  
     extension of exceptionalism via legis-  
     lation, 280–281  
     legitimisation of exceptionalism via  
     national narrative, 281–282  
     PAP-state power and, 284–286  
     *see also* judiciary; *specific legislation*
- rule of law  
     attributes of, 4, 272  
     authoritarianism and, 8–13  
     comparison to rule by law, 50–53



- Ibahi Report on, 216–218, 267–272  
 Jeyaretnam and, 145–147  
 Peerenboom's continuum, 10–11, 39–42, 45, 50, 53  
 political liberalism and, 13–14, 29n138, 45–49, 161–162  
 principles vs. procedures, 102–103, 180, 215, 284–286  
 theorists on, 37–42  
 thick rule of law concept, 40–42, 45, 53  
 thin rule of law concept, 10–11, 40–42, 45, 53  
 transplanted vs. implanted, 276–277
- Sabah, 22n98  
 Said Zahari, 294n86  
 sanguinary punishment, defined, 75  
 Sarawak, 22n98  
 Sary, Ieng, 230  
 secularism, 221–224, 234, 245, 248  
*Sedition Act* (1985), 83, 158n149, 237–239, 252–256, 279  
 Select Committees  
   interrogation of Law Society Council, 181–209, 264, 292  
   *Legal Profession (Amendment) Act* and, 163, 180–183  
   performing legitimacy and, 139–142  
   *Religious Harmony Act*, 240n62, 243–247  
 Seong, Patrick, 208, 227n16  
 Seow, Francis  
   on advocacy for Chinese-language education, 122n31  
   detention of without trial, 208, 227n16  
   *Legal Profession Act* amendments, effect on, 278n58  
   *Legal Profession Act* interrogation hearings, 186–193, 199–200, 213  
   *The Media Enthralled*, 123  
   as president of Law Society, 167, 177, 178  
   publication of detention experience, 288n75, 294n86  
   on state coercion and self-censorship by foreign publications, 151n129  
   on state management of newspapers, 125  
   state surveillance of personal finances of, 206  
 Shanmugaratnam, Tharman, 207n173  
 Shariff, Zulfikar Mohamad, 255  
 Sheares, Benjamin, 32n148  
*Shin Min Daily News*, 140–142  
*Shiu Chi Ho v. Public Prosecutor* (1994), 89–91, 100–110, 112  
*Sin Chew Jit Poh* (newspaper), 144–145  
 Singapore, Republic of  
   international rankings of, 2n9, 23–24, 44, 45nn 221–222, 89n101, 274–275  
   as Panopticon nation, 113–115  
   population of, 6, 26–27  
   prosperity and, 25, 89n101  
   as regional example, 4–7  
   *see also* Lee, Kuan Yew; People's Action Party (PAP); *specific aspects and legislation of PAP-state*  
 Singapore Bar, 169  
 Singapore Ex-Political Detainees Association, 294n83  
*Singapore Herald*, 123–126  
 Singapore National Union of Journalists, 126  
 Singapore People's Party, 73n40  
 Singapore Polytechnic Political Society, 70n27  
 Singapore Press Holdings, 119n12  
 Singapore Workers' Party, 73n40, 146n113  
 social activism, restraint on. *see Religious Harmony Act* (2001)  
 social constructs, defined, 4  
 social determination of language, 56–57, 58  
 Socialists  
   British-PAP alliance against, 52, 286–287  
   Operation Coldstore and, 49, 68–69, 74, 284n69, 294  
   *see also* Barisan Sosialis (Socialist Front)  
 social welfare, 26  
*Sonia Chataram Aswani v. Haresh Jaikishin Buxani* (1995), 34–35  
 Souza, Kevin de, 227n16  
 spokespersons for publics, 291–293  
   *see also* Law Society of Singapore  
 state surveillance practices, 51, 71, 114–115, 123, 158–160, 206, 288  
   *see also specific agencies and targets of surveillance; specific legislation*  
 statist legalism, Jayasuriya on, 44  
*Straits Times*  
   on arrest of activist lawyers, 207  
   coverage of Barisan campaigns, 70

Cambridge University Press

978-1-107-01241-7 - Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore

Jothie Rajah

Index

[More information](#)

342

Index

*Straits Times (cont.)*

- language of excess by, 92–93
- Lee on Fay incident, 104–105
- licensing and governance of, 119
- media construction of public concern, 92–97

Strydom, Piet, 4n18

Sukarno, 22n98

*Sunday Times*, on *Shiu case*, 106surveillance. *see* state surveillance practices

Taiwan, lack of civility among parliamentarians, 23

Tan, Kevin Y.L., 145n105

Tang, Fong Har, 207–208

Tang, Lay Lee, 227n16

Teo, Soh Lung

- Lee's disparagement of educational credentials, 204–205

*Legal Profession Act* hearings

- interrogations, 182, 186–187, 191, 193–197, 204–209, 210–213, 264

- publication of detention experience, 227n16, 294n83

thick rule of law, 40–42, 45, 53

thin rule of law, 10–11, 40–42, 45, 53

Thio, Li-ann, 41–42, 50, 250, 257n133

Times Higher Education Supplement, 275

*Today* (newspaper), 119n12

torture, 74–75, 227n16, 288n75

trade unions, Barisan-affiliated, 69–74

Transparency International Corruption

- Perception Index (World Bank), 275

Transplanted vs. implanted rule of law, 276–277

Treaty on Mutual Legal Assistance in Criminal Matters of 2002 (ASEAN), 112

Tribunal for the Maintenance of Parents, 34

## United States

- anti-Vietnam War demonstrations, 134
- critique of Singapore's penal system, 115
- Goh on social decline of, 108
- Lee critique on penal system of, 105
- military troops in Singapore during Vietnam War, 69–70
- University of Singapore Socialist Club, 70n27

*Vandalism Act* (1966)

- overview, punishing bodies and securing the nation, 13, 52, 65–115
- conclusion, 270–271, 278–279, 282–283, 286

Aid Vietnam campaign and, 69–74, 292

anti-PAP as anti-national subtext, 131

caning as punishment, 89–91

exemplary punishment and vulnerable nation, 74–80

fragmentary jurisprudence, 80–89

judicial statism, 80–89, 98–103, 110–113, 283

Lee's Asian values argument, 65, 90–91, 104–110

Panopticon nation, 113–115

police abuse narrative, 100–104

politics during 1966 and, 66–69

public discourse during 1974 and, 65, 91–98

*see also specific cases*

Vasoo, S., 26n121

Vietnam, rule by law model and, 6

Vietnam War, 69–70, 134–135

Vijayan, K.C., 45n222

violent punishment, legitimisation of.

*see Vandalism Act* (1966)

vulnerable nation, instrumental claims of during Cold War, 23

laxity of Western values and, 113–115

national narrative and, 21–24, 63–64, 107, 289–290

policing of the press and, 129–131, 149

post-9/11, 265–266

post-Cold War, 89–91

*see also Vandalism Act* (1966)

Walzer, Michael, 185

Weller, Patrick, 276n55

## the West

laxity of values in, as threat, 113–115

Lee's criticisms of, 127–139, 144n102

rule of law development in, 276

viewpoints on corporal punishment, 90–91, 286

*see also specific countries*

## Westminster-model democracy

colonial history and, 6–7

critique of, 7–8

nation-state legitimacy claims and, 277–278	IMF meetings and, 260–263
Select Committees, 139–142	legal efficiency rankings, 44
separation of powers, 45–47	rankings of Singapore, 45 <i>n</i> 221, 274–275
transplanted vs. implanted, 276 <i>n</i> 55	on Singaporean legal system, 6
Wickham, Gary, 55, 62	technocratic efficiency and, 39 <i>n</i> 187
Wolfowitz, Paul, 261 <i>n</i> 9	World Economic Forum Global Competitiveness Report, 2007–2008, 274
<i>Wong Shan Shan v. Public Prosecutor</i> (2007), 110–112	World Justice Project, 23–24, 45 <i>n</i> 222
Woodier, Jonathan, 6 <i>n</i> 30	Yusof bin Ishak, 32–33
Workers’ Party, 73 <i>n</i> 40, 146 <i>n</i> 113	
World Bank	