

# Oscar Wilde in Singapore: Ambivalence, Enforcement, and the Criminalization of Homosexuality

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**Abstract** The city state of Singapore, which recently celebrated 50 years of independence, still curiously retains a nineteenth century colonial penal code that criminalizes homosexuality. While state censorship discourages its citizens from engaging in public discourse that explores the implications of this penal code, colloquially known as 377A, discussions on the topic are still visible. High profile attempts to repeal the law through challenging the Singapore Constitution are reported in mainstream media outlets, and the artistic community also supports the repeal of the penal code. One of the most powerful instances of this was W!ld Rice's 2013 all-male production of Oscar Wilde's *The Importance of Being Earnest* followed by Moisés Kaufman's *Gross Indecency: The Three Trials of Oscar Wilde* (the former played to international acclaim in Macau in 2014 and Brisbane in September 2015). This essay examines the relationship between art and state policy in Singapore by considering how artistic expressions that address social and cultural anxieties contribute to rather than subvert conversations about social policy-making. In this case, the seemingly comical Wilde plays produced an especially serious and nuanced analysis of the off-stage consensus problems in Singapore, among the LGBT community, heterosexual citizens, and the government. The plays effectively expose and articulate the deeply ambivalent sentiments that have come to characterize the 377A debate.

**Keywords** Homosexuality · Singapore · Section 377A · Oscar Wilde · Moisés Kaufman

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Lee Kuan Yew: No, [being gay] is not a lifestyle. You can read the books you want, all the articles. There's a genetic difference, so it's not a matter of choice. They are born that way and that's that. So if two men or two women are that way, just leave them alone [...]. There's enough evidence that some people are that way and just leave them be.  
(Han et al. 2011, p. 377)

Judgment against the repeal of § 377A (2014):

After considering statements from pro- as well as anti-homosexual groups, medical and scientific bodies and court decisions, the Judge declined to find that homosexuality was a natural and immutable attribute. This rendered moot the argument that § 377A was an absurd law which was contrary to the fundamental rules of natural justice because it targeted a natural and immutable attribute of a person. The Judge was also not persuaded that § 377A was unconstitutional because it was too vague and uncertain. (Lim v. Attorney-General, 2014, para. 26)

The city-state of Singapore recently celebrated 50 years of independence, and this historical moment has been intensely preoccupied with national memory. This looking back also demands an envisioning of the future; the steering committee that prepared and saw to the jubilee celebrations highlighted the theme of unity, stressing that Singaporeans should embrace their “deep-seated values and beliefs to all [their] unique Singaporean quirks and oddities” and in doing so, “celebrate and build on the shared aspirations and common future that will keep [the nation as] one people tomorrow” (Heng 2014, para. 4). National unity is synonymous with shared values, but the nation’s “deep-seated values and beliefs” do not seem to sit well with the unique “Singaporean quirks and oddities”. This ongoing dialogue between state and citizens, of the state’s tolerance towards diverse lifestyles and the people’s beliefs of what are acceptable “types” of diversities, is manifest in the country’s social policy towards alternative families and, more pointedly, homosexual relationships.<sup>1</sup> The idea of “prevailing societal norm[s]” and the ways in which they are used to justify social policies have been especially provocative among members of the LGBT community in recent years. Even after 50 years of independence, homosexuality is still a crime punishable by imprisonment in Singapore.

The criminalization of so-called “unnatural acts” between men has since been repealed in England, but specters of the old empire continue to haunt its former colonies. In 2008, Human Rights Watch reported that of the 80 countries where there are still laws against homosexuality, more than half were former British colonies. The code was originally legislated to justify the empire’s need to “set standards of behavior, both to reform the colonized and to protect the colonizers against moral lapses” (Gupta 2008, 5). In 2007, Singapore repealed Section 377,

<sup>1</sup> The Singapore Parliament rejected the possibility of extending equal benefits to single mothers, who are currently entitled to 12 weeks of maternity leave. In contrast, married mothers are entitled to 16 weeks of maternity leave, and working married mothers are eligible for child relief. Social and Family Development Minister Chan Chun Sing argued that “[t]hese additional benefits are given to encourage and support parenthood within the context of marriage”, and that “[t]his is the *prevailing societal norm in Singapore* [emphasis added], and one which we seek to reflect and preserve” (Salleh 2015).

which criminalizes “unnatural offences” including narcolepsy, and oral sex between consensual homosexuals *and* heterosexuals. Any combination of these offences resulted in fines, prison terms that extended between 5 and 20 years, and/or caning. But Section 377A remained in force:

Any male person who, in public or private, commits, or abets the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person, shall be punished with imprisonment for a term which may extend to 2 years. (Penal Code of Singapore 2008)

The review of the original penal code no longer criminalizes the practice of oral sex, but 377A exclusively targets male homosexuals. Dissenting voices have been unable to overturn the law, but they have certainly not been silenced. Their platform lies, interestingly, in a sphere where strict censorship guidelines have been put in place: the Arts. Social protest may be frowned upon by the state, but more interestingly, it has also opened up spaces for such expressions through its support and promotion of arts development. The government’s commitment to arts development has inevitably reconfigured the ways in which public discourse is performed in Singapore, and this is particularly evident within the LGBT community.

Efforts to “perform” cultural unity and social cohesion through state sponsored public events and programs have not been all-inclusive, and those who were excluded articulated and expressed the implications of their marginalization on and off the dramatic stage. Between April and May 2013, W!ld Rice, a Singapore theatre company, reprised an all-male performance of Oscar Wilde’s *The Importance of Being Earnest* (1895).<sup>2</sup> This production, which was exceptionally well-received in 2009, was reprised in 2013. In 2014, the company took the production to the Dom Pedro V Theatre in Macau, and in 2015, it was performed at the Queensland Performing Arts Centre in Brisbane, Australia. What makes the 2013 Singapore performance especially notable is the pairing of Wilde’s play with a modern dramatic performance about Wilde’s trials. Over the last 2 weekends of the run, Wilde’s play was followed by Moisés Kaufman’s *Gross Indecency: The Three Trials of Oscar Wilde* (1997); audiences had the option of purchasing tickets to *Importance* on a Saturday, and *Gross Indecency* on a Sunday. Anyone who has even the most rudimentary knowledge of Wilde’s life would know that the pairing of these two plays was directed at a larger issue. Amidst an unprecedented legal challenge launched by a Singaporean gay couple against 377A at the Singapore High Court, W!ld Rice’s staging of *The Importance of being Earnest* and *Gross Indecency* called attention to tensions between the government’s role in setting

<sup>2</sup> Founded by Ivan Heng, W!ld Rice has been noted in the *New York Times* as a company that has always been interested in staging provocative plays that address sensitive topics in Singapore. When asked to comment on *Family Outing*, a play by Joel Tan that centers on a family’s discovery of their dead son’s sexuality (he is gay), Heng noted that it was a play that needed to be staged in Singapore “because we’ve always been told that being gay goes against the core value of society, against family value, as if gay people don’t have families, and don’t love their families, and we need to dismantle that perception” (Kolesnikov-Jessop 2011). See Sonia Kolesnikov-Jessop, “Broken Taboos Take Center Stage in Singapore”.

social policy, and its people's expectations of government interventions to define social norms and moral codes. The comedy of *The Importance of being Earnest*, followed immediately with the tragedy of *Gross Indecency*, elicits a degree of uneasiness. In "witnessing" one of the most popular plays in Victorian England and the downfall of its creator, the audience must explicate their sentiments toward the fundamental rights of the artist, the private citizen, and the tyranny of morality.

Engaging with discourse that focuses on the local conditions of the representation of homosexuality in Singapore, this essay explores the limitations of resistance; that is, the attempt to repeal 377A, and how the performance arts trace the sociocultural fault lines that underscore progressive policy-making. Within this context, Wild Rice's pairing of *The Importance of Being Earnest* and *Gross Indecency* exposes and articulates the country's ambivalence towards homosexuality, as the plays characterize a complex negotiation of social norms and moral codes that inform policy-making. When staged alongside each other, the two plays highlight the public's complicity in shaping the penal code, which I argue stems less from its rejection of the homosexual lifestyle as "immoral", than from anxieties of living in an environment where social norms and moral codes are neither government-endorsed nor government-enforced.

## Arts, Economics, and the Globalization of the Pink Dollar

Singapore's stance towards the arts from the 1990s to the 2000s has no doubt increased the visibility of Singapore's LGBT community in the public sphere. In spite of the country's reputation as a draconian state, its citizens have persisted in confronting issues of sexuality, morality, and state intervention. Attempts to express politically and culturally sensitive topics through artistic practices increasingly intensified in the mid-1990s, when the government envisioned the island state as a global city for the arts (GCA). The move was aimed at drawing foreign investments, and encouraging and enriching local awareness of Singapore's unique heritage in the arts. Increased funding was proposed to erect and restore prominent venues dedicated to the arts, to support local artists, and to promote arts education—a responsibility borne by institutions such as the National Heritage Board (NHB) and the National Art Council (NAC), among others.<sup>3</sup> Since the 1990s, the government has poured record amounts of funds into developing the arts scene in Singapore. This is a high-stakes investment; to promote artistic expression is to encourage freedom of expression, which is still generally regulated by the state. Needless to say, investors also expect to reap equally high returns from their investments.<sup>4</sup>

<sup>3</sup> See in Ministry of Information and the Arts, National Arts Council (2000, 2005) *Renaissance City Report: Culture and the Arts Renaissance in Singapore*, and *Chapter Two: Renaissance City 2.0*.

<sup>4</sup> Government initiatives aimed at transforming Singapore into a world-class arts hub began in earnest in the 1990s. Since 1998, the building of the Esplanade, one of the most spectacular and recognizable structures in Singapore, has been used as a classic example in illustrating the cart-before-the-horse analogy. The S\$400 million dollar building was erected with aims to attract internationally renowned artists and productions to generate revenue for the country, but the maintenance costs and rental fees were too high for most local events with smaller budgets. This also calls attention to the long-standing problem

The government's promotion of "creative industries" is essentially mitigated by its openness to a limited degree towards individual and cultural expressions. The assignation of the Speakers' Corner in Hong Lim Park in 2000 as a designated area where organized demonstrations are allowed, may have marked the beginning of a culturally visible LGBT community in Singapore.<sup>5</sup> In 2009, during the first-ever organized public support for LGBTs, Pink Dot SG gathered more than 2000 participants to support their cause (Leyl 2009). The movement has since become an annual event, and in 2013, attracted a record high of more than 20,000 supporters. Reputed as Asia's Mardi Gras, the event generates "pink dollars" from queer tourists from around the world. The so-called queer economy has been "bolstered by the state's embrace of queer capital as a form of creative technology, the open employment of gay individuals in government agencies, and the profitability of pink-dollar industries in the form of gay and lesbian tourism, entrepreneurship, and consumerism" (Lim 2005, p. 388). Local gay writers have also published novels of their experiences. Cyril Wong, one of Singapore's most prominent contemporary poets, is openly gay, and was recently awarded the prestigious Cultural Medallion, an award administered by the NAC that recognizes excellence in the arts. Singapore theatre is perhaps the most "upfront" in portraying contentious cultural themes. Playwrights such as Eleanor Wong and Alfan Sa'at have also written and staged performances that center on gay themes. The gradual liberalization of public discourse on gay culture is without a doubt linked to economic impact; if the country wishes to attract foreign investments, then it must appear to be more

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Footnote 4 continued

that is beyond the scope of this essay: the attempt to support local arts development amidst the creation of a Global City of the Arts (GCA) in Singapore. A more detailed and sustained examination of the "global-local dialectic", and the difficulty of the city state's simultaneous attempt to go global, and at the same time remain local ("glocal"), see Chang (2000) and Wee (2003).

<sup>5</sup> Speakers, however, must register and receive approval before they can stage any form of public dialogues or performances at Speakers' Park, and they must agree to conform to strict guidelines. For instance:

Public speaking in the form of a lecture, talk, address, debate or discussion (whether or not in combination with a play-reading, recital, performance or an exhibition) at Speakers' Corner, Hong Lim Park, is exempted from the provisions of the POA [Public Order Act; Act 15, 2009] if the following conditions are complied with:

- (a) the speaker must be a citizen of Singapore;
- (b) the speaker does not deal with any matter—
  - (i) which relates, directly or indirectly, to any religious belief or to religion generally; or
  - (ii) which may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore;
- (c) the speaker speaks using only any of the four official languages in Singapore, or any related dialect; and
- (d) the speaker does not display or exhibit, or cause to be displayed or exhibited (whether before, during or after the public speaking), any banner, flag, poster, placard, photograph, film, sign, writing or other visible representation or paraphernalia which contains any violent, lewd or obscene material (National Parks Singapore 2015).

“liberal”, more “global”, more “Westernized”. But being more “Westernized” does not sit well with the Asian identity, which defines itself as non-Western.

In this case, the sexual orientation of a people shapes national and cultural identities, even in a region where representations of Asian homosexuality have often been dominated by an East–West dualism; the East is perceived as conservative and disciplined, and the West, liberal and corrupt. The East–West duality has limited the ability to locate more nuanced modalities of queerness within a local framework, resulting in “a sense of epistemic narcissism in which global queering is all about or only happening in relation to white men or the Western gay male gaze” (Lim 2005, 386). Singapore’s subscription to this view was made apparent in 1993, when former Minister for Foreign affairs and later Deputy Prime Minister of Singapore Wong Kan Seng, categorically stated that “[h]omosexual rights are a Western issue” at the United Nations World Human Rights Conference (Berry 1994, p. 73). The suppression and “erasure” of non-normative sexual issues in Singapore are Victorian in nature: “In both Victorian England and postcolonial Singapore, homosexuality was linked to sickness, perversity, degeneration, shame, immorality, and the ‘Other’, all of which were/are seen as threats to the nation” (Ho 2012, 34). It is also helpful to note the irony of the East–West view: British authorities imposed Section 377 as a moral code to deter homosexual behavior so that their subjects would not be “corrupted” by the “unnatural” practices of the natives in their settlements. Today, even as Singapore strives to seek out and piece together its identity as an independent nation of 50 years, the penal code is retained, ironically, to preserve so-called Asian values against Western corruption. This irony does not escape parliamentary debates. In the 22 October 2007 session, Member of Parliament Hri Kumar Nair objected to retaining 377A for the sake of preserving Asian values, as he recalled Singapore’s inheritance of the British Penal Code for Straits Settlements having “nothing distinctly Asian about it” (Parliamentary Report 2007a, col. 2292). But even then, the question of homosexuality and the articulation and performance of homosexuality cannot be entangled from cultural exigencies.

The political and social conditions that surround homosexuality in Victorian England and postcolonial Singapore inadvertently call special attention to Oscar Wilde’s plight and the ongoing battle to overturn 377A. A complex web of links, which are often ideologically incompatible with each other, is formed: attitudes towards the creative freedom of expression and economic growth define the perimeters in which homosexual articulations can/cannot be made. The result of this is reflected in the light-hearted bantering that revolves around cultural values and social norms in *The Importance of Being Earnest*. Wilde’s wit and humor packs an extra punch as the characters’ preoccupations with the imposing and disposing of moral and social obligations highlight issues at the forefront of social and family planning in Singapore. The all-male production suggests that ideologies of morality resist rigid definitions of “normative” sexualities, especially when we recall Wilde’s decline into disrepute on the opening night of *The Importance of Being Earnest* in 1895. Hours before the play was scheduled to open, the Marquess of Queensbury prowled outside St. James’s Theatre, threatening to publicly denounce Wilde because of the playwright’s “unnatural” relationship with his son, Lord Alfred Douglas, better known as Bosie. Queensberry was denied entry, and 4 days later,

sent a card to Wilde, inscribed with the message: “For Oscar Wilde, posing as a sodomite” (Holland 2004, p. 43). Wilde proceeded to sue Queensberry for libel, but after a quick turn of events, Wilde found himself behind the docks, charged with sodomy, and was convicted to 2 years in prison with hard labor. Kaufman’s *Gross Indecency* weaves together letters, reports, and transcripts of Wilde’s trials. Questioning the consequences of imposing “normative” sexualities, the play traces the political and social structures given to fostering a brand of morality that threatens to tyrannize. The back-to-back staging of these two plays provide a valuable opportunity to explicate the tensions that underscore attempts to repeal 377A and the state’s ambivalent attitudes towards homosexual individuals.

### **Preserving Status Quo: *The Importance of Being Earnest***

The homosexual undertones of *The Importance of Being Earnest* have been largely discussed in terms of the inversion of gender identities and muted desires, but when the play is performed in Singapore, where local attitudes towards homosexuality have drawn comparisons to Victorian society, the perceptions of moral authority invite social and political reckoning.<sup>6</sup> The play opens on a highly stylized stage with neo-Victorian décor and furnishings, and actors dressed in suits and top hats that pair well with the set. Ivan Heng, creative director of Wild Rice and “Singapore’s best gender-bending actor” (Foo 2013), plays Lady Bracknell. The transformation of Heng into Lady Bracknell is imperative in understanding the representation of moral authority on- and offstage in the 377A debate. Heng’s Lady Bracknell, however, does not appear in drag, but appears more dandyish than womanish. In a more straightforward interpretation, audience members would take the character at face value—Lady Bracknell is simply the matriarch who imposes conventional Victorian values on Algy and Jack, who have both found ways to escape the likes of her in town and in the country. More problematically, Heng is a man playing a woman’s role, yet he is *not* a cross-dresser. The significance here is not so much whether or not he is convincing as a woman, but that he is man playing a woman that comes across as an effeminate man.

In a more conventional production, Lady Bracknell’s rejection of Gwendolen’s self-declared engagement would have simply been understood as a satirical jab at Victorian values, but the figure of social authority becomes more complicated in Wild Rice’s all-male cast. The character of Gwendolen, like Lady Bracknell, is also played by the male actor Chua Enlai, who appears more like an effeminate male than a woman. Gwendolen is not in drag either, and she comes across as an effeminate man in attire and mannerism. The engagement between Jack (played by Daniel York) and Gwendolen is, visually, an engagement between two men. Similarly, the affections between Algy (Brendon Fernandez) and Cecily (Gavin Yap) are also underscored with homoerotic tensions. When Algy professes his love for Cecily and asks her to marry him, he too, is proposing to a man playing a woman. What we then have is an archetype of moral authority in Lady Bracknell,

<sup>6</sup> Most notably in Craft (1990) and Dollimore (1987).

who is not feminine yet not altogether masculine, judging what is suitable or unsuitable for Algy and Cecily:

Pardon me, you are not engaged to any one. When you do become engaged to some one, I, or your father, should his health permit him, will inform you of the fact. An engagement should come on a young girl as a surprise, pleasant or unpleasant, as the case may be. It is hardly a matter that she could be allowed to arrange for herself. (Wilde 1991, p. 495)

The force and conviction of this remark (and similar ones), and the moral authority behind it, is undermined when uttered by a character who is neither entirely male, nor entirely female, but who occupies that liminal space between “maleness” and “femaleness”. Lady Bracknell’s disapproval of the engagements, tied up with the two pairs of young lovers played by men, resonates with the social disapproval of same-sex romance. Miss Prism (Hossan Leong), who also champions virtuous Victorian behavior, likewise sees pleasure and indulgent habits as fundamentally detrimental to the well-being of society:

Chasuble: But is there any particular infant in whom you are interested [in Christening], Mr. Worthing? Your brother was, I believe, unmarried, was he not?  
Jack: Oh yes.

Miss Prism [Bitterly]: People who live entirely for pleasure usually are.

Jack: But it is not for any child, dear Doctor. *I am very fond of children* [emphasis added]. No! The fact is, I would like to be christened myself, this afternoon, if you have nothing better to do (Wilde 1991, p. 510).

We must keep in mind that at the heart of this dialogue is a male actor wanting to be christened, in hopes of marrying another male actor who is playing a female role. The exchange also reads: even if they are fond of children, people who live for pleasure and are unmarried should not have them. Those with “immoral” lifestyles and those who refuse to subscribe to Victorian social and cultural norms are then marginalized for not supporting the status quo. They are the “statistic” left out of the making of social policies and the construction of moral values. In fact, as Lady Bracknell notes, those who resist the status quo undermine the efficacy of social policies and moral values:

I do not know whether there is anything peculiarly exciting in the air of this particular part of Hertfordshire, but the number of engagements that go on seems to me considerably above the proper average that statistics have laid down for our guidance. I think some preliminary enquiry on my part would not be out of place. Mr. Worthing, is Miss Cardew at all connected with any of the larger railway stations in London? I merely desire information. Until yesterday I had no idea that there were any families or persons whose origin was a Terminus. (Wilde 1991, pp. 531–532)

The suggestion that social rules ought to be dictated by statistics “laid down for our guidance”, and that a person who does not “fit” into what would be deemed a



“proper” family, is comedic precisely because the characters who assert these ideals are played by men playing women’s roles.

Interpreted alongside the play’s preoccupation with 377A, the satirizing of Lady Bracknell’s views comes across as criticism of the nature of social policies in Singapore. The all-male production calls attention to fundamental questions regarding the representation of men who love other men, and how they are judged by individuals who are not altogether fit to judge. The marital and social dynamics played out in an all-male cast of *Importance* are deeply entrenched in the 377A debate, as perceptions of what families ought to look like are fiercely contended. Attempts to understand the justifications behind these arguments have largely been mapped alongside Asian cultural practices and values incorporated in social interactions among family members and relatives.<sup>7</sup> Confucian values in Singapore and Victorian social expectations in Wild Rice’s production are both preoccupied with the duties of men. Algy and Jack’s disregard for Lady Bracknell’s disapproval of their partners (who are in fact, men) is considered disobedient and rebellious in a Victorian context, and unfilial in an Asian one. The Chinese character for filiality (孝) is inscribed with the focus of the son (子)—it is essentially male-centric, concerned particularly with the way sons (not daughters) treat parents (Confucius, trans. 2015, p. 6). More importantly, the son is at the heart of the formation of a family unit, and filial piety hinges on the son’s ability to form family units and reproduce. This Confucian ideal is wholly incompatible with alternative lifestyles that do not contribute to procreation. In Singapore where birth rates have been falling, and where an ageing population threatens to overwhelm state support, Confucian values are heavily emphasized: “Such family ideology is congruent with the government’s fundamentalist ideological position that the heterosexual normative family is the basic unit of society. Filial piety is therefore consistently reinforced through the government’s pro-family social policies” (Chua 2009, p. 247).

When social policies and cultural values are codified and implemented, morality becomes a state issue. As such, citizens of the state expect the government to define the limitations of morality. Anti-gay proponents believe that the government ought to declare and impose an official stance against homosexuality through stringent control of representations of homosexuality in the public sphere. In early 2014, the Singapore Health Promotion Board (HPB) was publicly criticized in print and social media for publishing a series of FAQs on sexuality that were interpreted as the promotion of alternative lifestyles (HPB 2014). Some of the questions include: “Is being gay or bisexual a mental illness?”; “Can homosexuals have long lasting relationships?”; and “How different is a same-sex relationship from a heterosexual relationship?” The answers to the questions are no, yes, and “not too different” respectively. Those who were outraged at HPB’s answers—from religious groups to

<sup>7</sup> Tan (Tan 2011, p. 872) has discussed the social pressures that gay men are often forced to face at family gatherings; to express mutual concern and respect for each other, parents of marriageable children extend well-wishes and would often ask each other if their children will be getting married, or (if they are married) having children soon: “Chinese Singaporeans... consider marriage necessary for a child to become a full-fledged social adult”. See Tan’s “Go Home, Gay Boy! Or, Why Do Singaporean Gay Men Prefer to ‘Go Home’ and Not ‘Come Out’?”

members of parliament—insisted that the FAQs encourage homosexuality and alternative sexualities, and since HPB is a government agency, the answers to the FAQs imply that the government considers homosexuality to be moral (Siau 2014). Repeated requests to have the FAQs removed were disregarded as HPB defended its aim to provide “factual information on sexuality”, but the board also reiterated that the information provided does not undermine their message that “the family remains the basic building block of our society”, and that means “encouraging heterosexual married couples to have healthy relationships and to build a stable nuclear and extended family units” (Hoe 2014). About 6 months after the HPB furor, the Singapore National Library Board (NLB) announced that they would remove and purportedly “destroy” three children’s books that were reported to be pro-gay. The National Library Board justified this decision in their statement, reiterating that the decision was made because it takes “a pro-family and cautious approach in identifying titles for our young visitors” (BBC News Asia 2014). The decision was backed yet again by respondents who believe that the government should impose moral codes on its people, as readers complained that the messages in the books go against the country’s family values.<sup>8</sup> The literary community condemned the actions taken by the library board, and a public reading of the books was staged outside the National Library headquarters to show solidarity for gay rights, to voice concerns over the use of censorship, and to demonstrate that library board’s actions violated “everything a library is supposed to stand for” (*The Economist* 2014).<sup>9</sup>

The HPB and NLB episodes indicate that the debate for gay rights will continue to erupt. Public response against the oppression of homosexual and other non-normative lifestyles suggests that there may be room for tolerance, but even then, efforts to encourage tolerance will always have to overcome the public’s association of morality with the state. Because of this, changes, if they are made, must necessarily come from a top-down direction in the chambers where social policies are legislated and amended. In the parliamentary debate to repeal 377A on 22 October 2007, many of the parliamentarians crossed party lines to express their views on decriminalizing homosexuality. Nominated Member of Parliament (NMP) Siew Kum Hong put together a petition to repeal the law. He argued that “[p]rivate consensual sexual acts between adult males do not impact on the safety and security of society”, and the government has acknowledged this through non-enforcement of 377A (Parliamentary Report 2007a, col. 2242). But Siew’s argument that consensual homosexual sex poses no threat to the “safety and security” of Singaporeans will always run against the prevailing view that the state should be responsible for endorsing and enforcing morality codes, and that these codes must always be enforced if they are to be effective. As a result of these conflation, social

<sup>8</sup> *And Tango Makes Three* by Justin Richardson and Peter Parnell is a story about two male penguins that go on to adopt a baby penguin and all three live as a family; Jean Davies Okimoto and Elaine Mei Aoki’s *The White Swan Express: A Story About Adoption* tells the tale of a lesbian couple’s decision to adopt a baby; and Robie H. Harris and Nadine Bernard Westcott’s *Who’s In My Family: All About Our Families* includes stories of same-sex parenting.

<sup>9</sup> The decision to remove the books from the library made international news in *BBC*, *Forbes*, and *The Economist*. In response to strong opposition, the library board decided to remove the books from the children’s section and catalogue them in the adults’ social sciences section instead.

relationships are intrinsically fused with the dictates of the state. Morals are determined by the state, and the state enforces moral codes. To enforce, inevitably, is to punish.

### ***Gross Indecency: Morality on Trial***

The enforcement of moral codes cannot be isolated from discussions of how public spaces limit the individual in private spaces. Wilde's trial in 1895 and his eventual conviction demonstrate conflicting interests of the individual and the state in shaping social norms. Wilde's ideas of Art and the individual is wholly incompatible with a society that perceives art as indulgent and corrupt when it does not conform to prescribed notions of virtuous social behavior. For Wilde, "[t]he form of government that is most suitable to the artist is no government at all" (Wilde 1997, p. 1061). If the production of art is bound to the rules of the state, then it becomes "a low and ignoble form of craft" (Wilde 1997, p. 1052). Wilde's ideals celebrate the individual: "A work of art is the unique result of a unique temperament. Its beauty comes from the fact that the artist is what he is. It has nothing to do with the fact that other people want what they want" (Wilde 1997, p. 1052). Wilde's ideal artist is one who is not subjected to authority, but this resistance against the demands of state and society is problematized because of the overlap between the private rights of the individual, and the social and political sphere in which he functions. Through a careful selection of documents produced in court and in the Victorian press, *Gross Indecency* dramatizes the irreconcilable differences between the individual and the state. Kaufman forcefully presents Wilde's trials as trials against the social function of art and the individual's right to live and love freely, while also addressing the rather haphazard, even absurd, strategies that the prosecutors used to condemn Wilde.

In Singapore, *Gross Indecency* was staged a day after *The Importance of Being Earnest*, and the back-to-back staging of the two plays send a powerful message. Audiences that attended the two productions on two consecutive evenings must contend with how to create meaning from a comedy followed by tragedy—both of which revolve around one author, Wilde. To create meaning from watching the two plays, audience members must "shift gears" as they move from recognizing the creator behind the highly popular and entertaining *Importance* to associating the same playwright with a man persecuted by the demands of Victorian values. This shift requires the audience members to make connections between the representations of fiction and reality, but it also raises questions: how can the creator of such an entertaining play be so misunderstood? How can artistic freedom turn into a crime against morality? The answers to these questions are already embedded in the prosecutor's interrogation of Wilde. When asked if *The Picture of Dorian Grey* and his poems in *The Chameleon* (in particular, "Phrases and Philosophies for the Use of the Young") are immoral, Wilde refuses to accede to the definitions of morality prescribed by society:

Carson: Is it good for the young?

Wilde: Anything is good that stimulates thought in any age.

Carson: Whether moral or immoral?

Wilde: There is no such thing as morality or immorality in thought. [...]

Carson: This is from your introduction to *Dorian Grey*: 'There is no such thing as a moral or immoral book. Books are well written or badly written.' That expresses your view?

Wilde: My view on art, yes. [...]

Carson: A perverted novel might be a good book?

Wilde: I don't know what you mean by a 'perverted' novel (Kaufman 1998, pp. 40–41).

That Wilde's *fictional* works are used as evidence against him testifies not only to the absurdity, but the injustice of the trial. Nonetheless, the response of the public is aligned with the prosecutor's: both believe strongly that artists like Wilde are dangerous to the society. Since his homosexual lifestyle is abominable, his writings are equally corrupt. The metatheatricality of the play, in which narrators step out of the play proper to announce the public response to the trial, heightens Wilde's tragic plight, and more immediately, questions if Art or Wilde is the victim:

Narrator 3: There is not a man or woman in the English speaking world who is not under a debt of gratitude to the Marquess of Queenbury for destroying the high priest of the decadents. This is what art leads to. [...]

Narrator 3: There must be another trial at the Old Bailey, and of the Decadents, of their hideous conceptions of the meaning of Art, there must be an absolute end. (Kaufman 1998, p. 67)

The nature of the charges against Wilde instantaneously associates art with vice and homosexuality. Since art is made and circulated for public consumption, the public space becomes "contaminated".

Kaufman's play is intensely concerned with the implications of the public judgment of a private affair. The court transcripts, letters, and news articles used to construct the play's narrative include the Lord Marquess of Queensberry's card to Wilde, in which the former famously addressed the latter as a "posing sodomite". What appears to have been a private conflict between Queensberry and Wilde is in actuality already underscored with concerns about public appearances. In his letter to Lord Alfred Douglas, Queensberry threatens to disown his son if the young man does not end his friendship with Wilde:

I'm not going to try and analyze your intimacy, and I make no charge; but to my mind to pose as a thing is as bad as to be it. With my own eyes I saw you both in the most loathsome and disgusting relationship... No wonder people are talking as they are. If I thought the actual thing was true, and it became public property, I should be quite justified in shooting him at sight. (Kaufman 1998, p. 18)

Queensberry's insists that the offending card sent to Wilde was "made for public benefit" (Kaufman 1998, p. 31). In addition, both prosecutor and jury agree to publish and print the proceedings of the trial "for the public benefit" (Kaufman

1998, pp. 64–65). The publication of the proceedings publicizes Wilde’s public and private life, and as a result, Kaufman’s narrator declares, Wilde is “damned and done for” (Kaufman 1998, p. 65). Queensberry and the prosecutor’s preoccupation with the private and the public is made to look absurd on stage, but the absurdity is also a reality off-stage in Singapore, as it anticipated the HPB and NLB episodes in 2014. The rhetorical stance of those who condemned Wilde in Victorian England is strikingly similar to the voices that demand censorship on public content: if an artist or a writer is homosexual, then his/her work is necessarily dangerous and corrupted.

Kaufman’s patchwork of documents and interviews during and after Wilde’s trials creates a narrative that is especially powerful; while the charges of “gross indecency” and attitudes towards homosexuality are central to the play, they only serve as a sensational veil for the dark realities of hypocrisy and corruption. Kaufman includes an interview with Wilde scholar, Martin Taylor, who finds that “it’s not just the act that Wilde was being tried for sodomy... the sodomy charges are really the less important. Wilde was being tried for his subversive beliefs about art, about morality” (Kaufman 1998, p. 75). Furthermore, as Kaufman’s narrator informs the audience, “[o]n the day Oscar Wilde was arrested, six hundred gentlemen left England for the continent on a night when usually sixty people traveled” (Kaufman 1998, p. 82). Bosie speculates that Wilde has been made a scapegoat in what he believes to be political intrigue: “The government is intimidated. The fact is that the liberal party presently contains a large number of men that have the same inclinations as Wilde does. People are talking about them. To hush up these rumors, Oscar must be found guilty” (Kaufman 1998, pp. 117–118). The exodus of homosexual men and the political intrigue that surround Wilde’s third and last trial is bound up with the necessity of silence: those who wish to remain in England and avoid prosecution must closet themselves, while those who are in positions of authority must cover up their “vices”. These instances and speculations suggest that Wilde was considered dangerous to Victorian society because his lifestyle and his art, if left unpunished and uncensored, would promote and encourage similar “immoral” behavior. Whether or not Wilde is “guilty” of immoral conduct is, in Kaufman’s play, of less importance than the state apparatus that govern the ideas of morality, or the *appearance* of morality. Before the 1885 Criminal Law Amendment, which included the criminalization of homosexual acts in public or in *private*, homosexuality was not an issue that was discussed, particularly in terms of the law: “To have legislated prior to that might have been seen as giving credence to a vice Parliament did not wish to acknowledge formally. Not to have legislated at that point would have provided no clear sanction to deal with a ‘problem’ that was increasingly seen to be undermining the sexual uprightness of Britons” (Grube 2013, p. 129). The question of whether or not the government acknowledges the existence of homosexuality is less important than how the authorities identify and locate the vice, especially since it cannot possibly be privy to the sexual conduct of individuals behind closed doors.

The absurdity of legislating what men (and women) can or cannot do behind closed doors was the injustice that Wilde was forced to face. Queensbury’s altercation with Wilde begins with a card that addresses Wilde as “posing sodomite”:

Queensbury: I hear you were thoroughly well blackmailed for a disgusting letter you wrote to my son.

Wilde: That letter was a beautiful letter, and I never write except for publication. I said: Lord Queensbury, do you seriously accuse us of improper conduct? He replied:

Queensbury: I do not say that you are it, but you *look* [emphasis added] it. (Kaufman 1998, p. 21)

What follows this exchange is “Laughter in the court” (Kaufman 1998, p. 21). But the staged laughter echoes the laughter from the audience watching Kaufman’s play. This laughter, which confirms the absurdity of Queensbury’s remark, is also a self-satirizing response for a local audience whose government’s ideas of homosexuality are closely aligned with those held by Queensbury and the Victorian government. The charges against Wilde assume that those who *appear* homosexual are engaging in acts of “gross indecency” and are deemed unfit to be a part of civil society. The sense of injustice is compounded because no distinction is made between appearance and reality. Since appearance is perceived as reality, homosexual men must *appear* heterosexual to be a part of civil society. This notion is prevalent in public discourse on gay rights in Singapore where there is no clear indication of how 377A is enforced: how do the authorities *identify* homosexuals? The dramatization of Wilde’s fall, depicted as unjust and tragic, can be interpreted as analogous to the 377A debate that has been going on in Singapore for more than a decade, but has only been clearly articulated in public very recently.

### 377A: Enforcement and Ambivalence

The ramifications of *appearance* in 377A are as inherently problematic as they were in Wilde’s era. Emeritus Senior Minister (ESM) Goh Chok Tong has publicly acknowledged the question of how the government perceives homosexuality in the public sphere. When asked if the government’s authoritarian approach will deter foreigners from investing in Singapore, he explains that the government will consider compromises:

Mr. Goh: We have told them it’s an offence because it’s in the criminal code and the Muslims too will be against gays. But the government is not going to chase you all over the place but don’t flaunt your gay rights.

Q: No gay parades.

Mr. Goh: No gay parades. So that’s a movement whereas had we been more strict we say no, you’re committing an offence.

Q: You’re excluding a certain proportion of foreign talent.

Mr. Goh: Correct, exactly and then we employ you.

Q: Excuse me?

Mr. Goh: We would employ you so long as you declare yourself, I mean, in certain positions in government. In the past, if we know you’re gay, we would not employ you but we just changed this quietly. We know you are. We’ll employ you. (Price 2003)

When he was in office as prime minister (1991–2004), ESM Goh’s administration was seen by some as overly liberal: “The number of gay venues—from cruising spots to discos—increased. Gay individuals became increasingly visible in the arts” (Weiss 2005, p. 277). In a country where citizens expect the state to uphold and endorse morality, ESM Goh’s comments in the 2003 interview sparked moral outrage. Predictably, angered citizens were concerned with his comments about the government’s acceptance of homosexual civil servants. The “don’t-ask-don’t-tell” policy is interpreted as the government’s tacit agreement that homosexual lifestyles can be considered a social norm. The “posing sodomite” is safe so long as he appears heterosexual in public.

While some in the gay community perceive ESM Goh’s views as a progressive move on the government’s part, others are skeptical. Tan (2009, p. 135) has argued that its social impact is minimal and it only functions as a “cosmopolitan façade”: “[T]he statement serves as a state apparatus of exploitation because it conscripts gay and lesbian Singaporeans into doing the state’s work of cosmopolitanization without giving anything substantial in return to these citizens”, either in “making it into a law” or repealing 377A. Prime Minister Lee Hsien Loong reinforced the “don’t-ask-don’t-tell” approach towards homosexuality in relation to civil service during the 2007 parliamentary debate:

Homosexuals work in all sectors, all over the economy, in the public sector and in the civil service as well. They are free to lead their lives, free to pursue their social activities. But there are restraints and we do not approve of them actively promoting their lifestyles to others, or setting the tone for mainstream society. They live their lives. That is their personal life, it is their space. But the tone of the overall society, I think remains conventional, it remains straight, and we want it to remain so. (Parliamentary Report 2007b, col. 2400)

PM Lee acknowledged that there are gay establishments in Singapore. He also pointed out that unlike the past, films and plays with homosexual content could now be broadcasted and staged for public consumption (Parliamentary Report 2007b, col. 2400–2401).<sup>10</sup> But perhaps the most striking comment in his speech is the status of 377A:

[Gays] must have a place in this society, and they too are entitled to their private lives [...]. They are free to lead their lives, free to pursue their social activities... They do not have to go underground. We do not harass gays. The Government does not act as moral policemen. And we do not *proactively* [emphasis added] enforce Section 377A on them. (Parliamentary Report 2007b, col. 2401)

<sup>10</sup> Though homosexual content can be shown for public consumption, programs that do so on free-to-air television channels must adhere to Media Development Authority’s (MDA) “Board of Film Censors Classification Guidelines” (2011). Section 11d of the Guidelines, which addresses concerns regarding sexual content, states that “[f]ilms that depict a homosexual lifestyle should be sensitive to community values. They should not, promote or justify a homosexual lifestyle. However, non-exploitative and non-explicit depictions of sexual activity between two persons of the same gender may be considered for R21” (MDA 2011, p. 18).

ESM Goh's interview and PM Lee's speech underscore the ambivalence towards homosexuality. Accumulatively, they both attempt to negotiate a balance between the pro- and anti-gay camps through considerations of economic interests and social cohesion. But what is more nuanced is the way in which the two leaders describe the endorsement, or rather, the selective non-endorsement, of 377A. The law stipulates acts of "gross indecency" between two men, "in public or private", as a crime. As such, the prime minister's remark—"we do not proactively enforce Section 377A"—renders the law ambiguous and ambivalent: gay men are private persons, thus the government does not "harass" them. But the law labels them as criminals. The non-enforcement of 377A is problematic: what is the validity of the law if the law is not enforced, or enforced only selectively? Under what circumstances will homosexual men risk arrest and prosecution? What are the boundaries that define their "space" if the "*Who* [that] gets to 'represent' space and formulate what is spatially (un)desirable is contingent on the power of the dominant person/group" (Lim 2004, 1762)?<sup>11</sup> Member of Parliament Siew Kum Hong has voiced concern about the non-enforcement of 377A. The Law Society also agreed that "this position is an admission that 377A is out of step with the modern world", and it could potentially bring "the law into disrepute" (Parliamentary Report 2007a, col. 2242). Siew cites similar concerns raised by criminal law academic Professor Michael Hor: "The moral force of the criminal law is blunted if there are crimes which are, the Government assures the public, never to be enforced, and its 'perpetrators' never brought to court and punished" (Parliamentary Report 2007a, col. 2242).

Wild Rice's staging of *Gross Indecency* bears testament to the problem of legislation without enforcement. Gay men in Singapore, like Wilde in the 1890s, could be selectively targeted as victims of a law that exists but is enforced only selectively. The Wilde plays were staged at the height of the 377A debate in April 2013; in 2012, Singaporean gay couple Gary Lim and Kenneth Chee challenged the constitutionality of the law in the Singapore High Court. The couple's unprecedented appeal stems from ambiguities inherent in the enforcement of the law: "While lawmakers have stated in Parliament that 377A will not be 'pro-actively' enforced, this is not enough because it leaves the possibility of 'passive enforcement,' should someone decided [*sic*] to make a complaint against us 1 day" (Potts 2012). Their campaign to repeal 377A was widely publicized in international and local news media, and the couple raised more than US\$100,000 in aid of their cause. The court proceeding was in full swing in early 2013—when Wild Rice's productions were staged—as the couple sued against the infringement of their fundamental liberties as guaranteed by the Constitutional Laws of Singapore (Constitution of the Republic of Singapore 1965).

The Court's interpretation of the fundamental liberties of Singapore citizens and its justification of the rejection are arguably indicative of the government's stance towards homosexuality. The court's decision in rejecting the Lim and Chew appeal

<sup>11</sup> For ESM Goh, this space is very much defined by cultural norms; he asserts that he does not promote homosexuality, and 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. Their public space may then be reduced" (Weiss 2005, p. 272).



was informed by an earlier attempt to overturn the law in 2010, when Tan Eng Hong, charged for having oral sex in a public restroom with another man, challenged the legitimacy of 377A. The basis of the challenge to the constitutionality of 377A in the 2010 and 2013–2014 cases is founded on the law’s violation of Article 9(1) and Article 12(1) of the constitution that define “Fundamental Liberties” in Singapore:

Article 9 (1): No person shall be deprived of his life or personal liberty save in accordance with law.

Article 12 (1): All persons are equal before the law and entitled to the equal protection of the law. (Cap. Const., § 9; § 12)

The defendants’ representatives argued that Article 9 should be applicable to everyone regardless of their sexual orientations, but the court asserts that the “life or personal liberty” phrase “refers only to a person’s freedom from an unlawful deprivation of life and unlawful incarceration” (Lum 2014). Tan’s lawyer, Mr. M. Ravi has also highlighted the arbitrary nature of 377A, which selectively targets gay men, but the court holds that the concept behind the law is neither arbitrary nor vague since similar acts of indecency can be found in other laws, including the Women’s Charter and the Children and Young Persons Act (Lum 2014). Furthermore, in response to 377A’s purported breach of Article 12, Singapore’s courts “have long held that lawmakers are allowed to pass laws that treat people differently—if it is based on a reasonable classification” (Lum 2014).<sup>12</sup> In the dismissal of Lim’s and Chee’s attempt to repeal 377A, dated October 2014, “[t]he Judge proceeded to apply the ‘reasonable classification’ test to § 377A. It was clear, he held, that the classification prescribed by § 377A was based on an intelligible differentia: there was little difficulty in determining who fell within and without the provision” (Lim v. Attorney-General 2014, para. 23). This declaration follows the proceedings in 2013, when the court asserted that “intelligible differentia” is gender specific; it classifies men engaged in sexual conduct as a targeted group, but not “women committing comparable acts” (Lim v. Attorney-General 2013, para. 28). In addition, it argues that the differentia “bears a rational relation to the object of § 377A in terms of public morality or public health” (Lim v. Attorney-General 2013, para. 27).

In citing and emphasizing the safeguard of public welfare as one of the many reasons to dismiss the repeal of 377A, homosexuals are perceived as a threat to a healthy and functional society. This is clearly contrary to PM Lee’s views. Singapore’s High Court’s decision to retain 377A in 2013 echoes the anti-gay voices in the October 2007 Parliamentary Debates, which “posit that the retention of 377A recognizes and hopes to preserve the heterosexual family as the social norm in Singapore, and is the result of a political balance decided upon by our Legislature”

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<sup>12</sup> “In Singapore, the courts have used what is known as the reasonable classification test to determine whether a statute that differentiates is consistent with Article 12. Under this test, a statute that differentiates is constitutional if the classification is based on an ‘intelligible differentia’, meaning a distinguishing feature that is discernible, and if the differentia bears a rational relation to the objective of the law” (Lum 2014).

(Lim v. Attorney-General 2013, para. 29). The April 2013 ruling runs somewhat counter to PM Lee's response in the October 2013 parliamentary session:

[Homosexuals], too, must have a place in this society, and they, too, are entitled to their private lives. We should not make it harder than it already is for them to grow up and to live in a society where they are different from most Singaporeans. And we also do not want them to leave Singapore to go to more congenial places to live. [...] This is the way Singapore society is today. This is the way the majority of Singaporeans want it to be. So, we should strive to maintain a balance, to uphold a stable society with traditional, heterosexual family values, but with space for homosexuals to live their lives and contribute to the society. (Parliamentary Report 2007b, col. 2399)

PM Lee's live-and-let-live approach towards homosexuals in Singapore society does not sit well with the retention of 377A. He urges social integration, yet 377A criminalizes and punishes homosexuals. The conflicting interests of social control and social integration are pushed to the forefront, and the views of the some of the most important leaders of the country are nowhere reflected in the message that 377A is trying to send. The message of how we should treat homosexuality is a mixed one at best: "The social climate for a gay person [in Singapore] is thus extremely problematic... explicit sexual behavior or sexual identity that is being perceived to be gay is rarely an option to be taken. Instead, sexual identity is negotiated within society by deception and stealth" (Offord 1999, p. 305). This negotiation appears to be defined by the constraints of the legal framework, but its limitations are formed as much by the authorities as it is by the public, particularly the public's expectations of the state's role in promoting and endorsing moral codes. The political implications that arise from this demand are immediately apparent: if the people believe that the government's job is to endorse moral codes, then political parties in office and opponents contesting to be in office will risk the loss of public support.

Oscar Wilde may be the poster boy for gay rights advocates, but Wild Rice's production of the Wilde plays implicates issues that extend beyond the gay rights debate in Singapore. It opens up an uneasy conversation about the responsibilities of the people, and it is uneasy because it reflects a seeming reluctance to acknowledge that social policy and what we call morality can be autonomous, even if there are disagreements about where limitations lie. This does not mean that the governing state should be disengaged from social policy making. To the contrary, it means that the force of authority in social policy making must be mitigated through a careful consideration of what constitutes moral authority. The community must refrain from expecting the government to legislate and endorse what it believes to be "moral". While notions of morality can be established and nurtured within families according to different cultural and religious beliefs, the laws and judicial processes of the state can potentially marginalize those who do not subscribe to similar views of morality. Parliament's argument that repealing 377A could "result in the loss of a moral signpost and would not reflect the views of a vast majority of society who were not ready to accept homosexuality as part of our mainstream way of life", suggests that "moral signpost[s]" in Singapore are set up by the government because the people

expect the authorities to do so (Lim v. Attorney-General 2013, para. 84). Continuing efforts to repeal the law and the resistance to retain it encompass an array of social-political problems that are not directly related to questions of gay rights in Singapore. Nevertheless, the 377A debate holds up a mirror that reflects *and* refracts the strengths and flaws of deeply entrenched views of morality that continues to shape the identity of a nation and Singapore society, and must find a way to evolve and forge values that are neither Asian nor Western but uniquely Singaporean, 50 years on.

### Compliance with Ethical Standards

**Conflict of interest** None.

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