



COVER SHEET

This is the author-version of article published as:

Trocki, Carl A. (2005) David Marshall and the Struggle for Civil Rights in Singapore. In Chua, Beng Huat and Trocki, Carl A. and Barr, Michael D., Eds. *Proceedings Paths Not Taken: Political Pluralism in Postwar Singapore*, Asia Research Institute, National University of Singapore.

Accessed from <http://eprints.qut.edu.au>

Copyright 2005 the author

D R A F T

DO NOT CITE WITHOUT PERMISSION OF THE AUTHOR

David Marshall and the Struggle for Civil Rights in Singapore

By

Carl A. Trocki

©2005

A paper to be presented to the “Paths Not Taken” Symposium, Asia Research Institute, National University of Singapore, Singapore, 14-15 July 2005.

“David Marshall and the Struggle for Civil Rights in Singapore”¹

Carl A. Trocki

Anyone familiar with the hapless opposition figures that presented themselves to Singapore in the mid-1980s would believe that a viable and critical tradition of parliamentary and public opposition had never existed in Singapore. Indeed, it is true that the generation which was then coming of age in Singapore had not experienced a time when it was possible to voice real opposition. Only people of their parents’ generation could have remembered a time when it was possible for an opponent of the People’s Action Party (PAP) and then Prime Minister Lee Kuan Yew, to present a cogent alternative view of political life to Singaporeans. There was, for a time at least, some opposition voices that championed the causes of political plurality, the rule of law, administrative transparency, human and civil rights, and the basic principles of democratic government. That was David Marshall. He defended these practices at the very time that the government was busily eliminating them.

The Singapore government, according to Chan Heng Chee, accused such figures, especially people like David Marshall, of perpetuating an “alien tradition borne of Western liberal thought”. Chan, once a critic of the government herself, responded to the charge that Singapore needed to emphasize “Asian values” in its political discourse. She argued,

...I find it hard to believe that the urge to speak up and to criticise ruling power is only a Western tradition. I cannot think of a Chinese philosopher, an Indian, Malay or Japanese philosopher who said to posterity, “Don’t tell the

¹ This paper was researched and written with support from the Australian Research Council, Queensland University of Technology, the Institute of Southeast Asian Studies, (ISEAS) Singapore, and the History Department and the Asia Research Institute of the National University of Singapore. I am grateful to Mrs. Jean Marshall and to the ISEAS for permission to consult the David Marshall Papers. I am also grateful to Mrs. Marshall and the Dr. Michael Barr and Dr. Kevin Tan for having read and commented on earlier versions of this paper.

truth, be afraid to speak up against injustices and wrongdoings” and there are many Chinese scholar-officials who have lost their heads criticising the emperor. Every age has its critics of power. The intellectual, if he is a real intellectual, may have no role accorded to him by those in power but he still has a role if he keeps his integrity for by his example he may infuse into society a moral and spiritual quality without which no state becomes a nation.²

Chan is certainly correct in pointing out that the West has no monopoly on the right to dissent and to speak truth to power. On the other hand, it is probably true that Marshall in his role as an opposition member of the Assembly and as a barrister, saw himself as acting in what he saw as the western political tradition. It is no great secret that the practices of tolerance for dissent, public debate, and criticism of those in power, are among the paths not taken in modern Singapore. These were the principles that Marshall supported. So too, were adherence to the rule of law, respect for political plurality, freedom of speech, freedom of assembly, a right to a trial by a jury of one’s peers, the right of *habeas corpus*. All of these are clearly in the western legal and political tradition and these are the principles that Marshall endeavoured to defend when he went into opposition.

Marshall was one of the key opposition figures of the 1960s and early 1970s. He had been the first elected Chief Minister of Singapore in 1955. Prior to that Marshall was one of Singapore’s leading barristers. He was also a committed democratic socialist. His brief administration was further constricted on the one hand, by the limited range of self-government then available, and on the other by the strength of a determined and divisive opposition. During those years, Singapore was still under colonial rule, and would remain so for almost another decade.

² Chan Heng Chee Chan *The Role of Intellectuals in Singapore Politics*, Occasional Paper Series, No. 26 (Singapore, 1976).

Chan Heng Chee and James Low have both written extensive accounts of Marshall's rise to political power and his fall.³ Alex Josey has also published an earlier and less authoritative account of his administration.⁴ Chan's account also covers (although less comprehensively) his political career in opposition in her chapter "The Peripheral Politician". Chan has argued, and not without reason, that because he was an English-educated Jew in a Chinese city, Marshall's chances of ever enjoying a long-term career as a popular politician in Singapore were poor. Moreover, his "mercurial temperament" did not suit a political existence. There is little in her account to conclude that she saw Marshall's political career as anything but a failure.

Low has demonstrated that Marshall's appeal to the masses of Singaporeans was really more deeply rooted than one would have thought from reading English-language press. Low's examination of previously untapped accounts in the vernacular press of the 1950s has shown that there was considerable appreciation for Marshall and his message in the Chinese-language press. He was more genuinely respected in the vernacular press than he was in the English-language press, which then, as now, was completely subservient to power – although then it was loyal to the colonial power.

In view of these divergences in the popular versus the "official" estimations of the man, we may ask if the vernacular press saw something the English press and the official critics missed. It may be that they represented what most of the population actually thought of Marshall. The man may have been mercurial and unpredictable. He may not have been a capable administrator or even a savvy politician, but he did

³ Chan Heng Chee Chan, *A Sensation of Independence: David Marshall: A Political Biography*, Re-issue of 1984 edition with a new Acknowledgement ed. (Singapore, 2001), James Choon Sai Low, "Kept in Position: The Labour Front-Alliance Government of Chief Minister David Marshall in Singapore, April, 1955 - June, 1956" (Master of Arts, National University of Singapore, 2000). Should mention James's article in JSEAS.

⁴ Alex Josey, *David Marshall's Political Interlude* (Singapore, 1982).

stir the people, and he did appeal to them. Perhaps he fooled them, since they only saw a public persona, but on the other hand, perhaps they sensed in him his sincerity, his idealism, and his commitment to justice.

Low has not dealt with Marshall's career as an opposition politician nor has he looked at Marshall's career as a human rights activist. In late 1956, Marshall, failing to achieve greater self-government for Singapore during constitutional talks in London somewhat rashly promised to resign. He thus turned the Chief Ministership over to his one-time ally and deputy, Lim Yew Hock.⁵ Once out of power, Marshall found himself marginalized in the Labour Front and in disagreement with the general direction of politics in Singapore. He resigned from the Assembly in April, 1957, vowing to stay out of politics. Despite this, he founded the Workers' Party in October, 1957 and he ran for election for the seat of Cairnhill in 1959. Unsuccessful in this attempt, he again resigned from politics. Later, however, he contested the seat of Anson in a by-election in 1961, and was elected and remained in the Assembly until 1963, when he left active politics for good.

After political power had passed into the hands of the PAP and Lee Kuan Yew, Marshall became one of the most formidable and at least for a time, one of the most untouchable opponents that Singapore had to offer. He saw his role in politics, after 1956 to be a part of the "loyal opposition". He was there, not necessarily to replace the ruling party, but to keep it honest and to protect the minority from the tyranny of the majority.

In this paper I focus on three particular issues where Marshall stood in opposition either as a legislator or as a private barrister. These include the government's misuse of the ISA and the rights of detainees under it; the jury system;

⁵ J G S Drysdale, *Singapore : struggle for success* (North Sydney ; Hemel Hempstead, 1984).

and freedom of the press. Marshall was, of course, active across a range of issues, but I believe these the best exemplify his commitment to Western, liberal principles.

Throughout the 1960s and into the early 1970s Marshall championed the causes of freedom of speech, freedom of the press and freedom of conscience in Singapore while the increasing wealth and power of the PAP government worked to systematically stifle all voices of opposition. He worked conscientiously within the law to insure the basic human and civil rights for detainees and prisoners in Singapore's penal system. In taking this course in his public life, Marshall walked a path that has been virtually abandoned today. Until his brief suspension from the bar in 1972, Marshall remained one of the few voices of "liberal" dissent within Singapore. It was this path that was not taken in Singapore.

Detainees and Arbitrary Arrest

One of the first major confrontations came in 1958, when Marshall clashed with the Lim Yew Hock government over the acceptance of the so-called "Gangster Law", or the Preservation of Public Security Ordinance (PPSO).

Marshall had grudgingly agreed to the extension of emergency powers at the request of the colonial executives while he was Chief Minister in order to deal with the disorder accompanying the Hock Lee bus strike. He disapproved, however, of the way in which Lim Yew Hock had subsequently misused the law and he now opposed the further extension of the measure. He claimed that the law gave virtually unchecked power to the colonial government to detain anyone it chose.

...this gang law authorises the Chief Secretary in his complete discretion with the consent of the Attorney-General, without any inquiry to detain any person whom he believes to be associated with activities of a criminal nature whose detention he believes is in the interests of public safety, peace and good order.

Marshall, in his letter to the editor of the *Straits Times*, noted that although the law was ostensibly aimed at Chinese secret societies or triads, there was no mention of such organizations in the act. Also, although there already was a Societies Ordinance, this law was not made a part of it.

It is our humble opinion that the Lim Yew Hock Government has broken faith with the people of Singapore. It has broken faith, firstly, by using against our people the repressive laws of colonialism which it should be the sacred duty of a Government which seeks Merdeka to remove. It has broken faith, secondly, by a vicious campaign of slander and vilification of popular anti-colonial forces instead of further strengthening these forces in order to ensure the success of the Merdeka Movement.⁶

At the time, the PAP had also opposed to the law. Because the power to apply it, Lee later said, was not vested in the elected government, but was in the hands of colonial officials (e.g. the Chief Secretary, the Attorney-General and the Financial Secretary) who were not responsible to the people of Singapore. By 1959, however, as it began to appear the PAP would take power in the impending election, they were reluctant to take it off the books. Lee Kuan Yew, then a member of the Legislative Assembly, voiced his approval of the continuation of the PPSO for another year. Once elected in 1959, the PAP took the opportunity to extend the measures of the PPSO for another five years by replacing it with the Internal Security Act (ISA). Since then the PAP has never ceased to rule without this or some similar ordinance.

This was one of the first in a long series of battles, most of which Marshall lost, as an opposition figure in Singapore. Whether as a politician or as a barrister, he now found himself as one of the decreasing number of voices calling for effective

⁶ : DM.45.56. 1 October 1956 DM's open letter to the Singapore Legislative Assembly.

checks to the government's misuse of its authority. The major difference was that after 1959, the government was an elected one. The colonial rulers now faded into the background and were replaced by leaders that proved to be even more authoritarian than the British.

In 1961, the seat of Anson opened up and Marshall decided to stand for it. Winning the seat with support from the left-wing of the PAP, Marshall took his fight against the Internal Security Act and the PAP's terms for merger with Malaya into the Assembly. Marshall must have felt somewhat uncomfortable finding himself in an alliance with those whom he considered to be communists or communist sympathizers. Nevertheless, he may also have realized that despite his distrust of them, they were now in a less powerful position. Future events would prove that the balance of power had clearly shifted. Armed with a strengthened ISA and with the British and Malayan forces at his back, Lee now moved to eliminate his rivals.

Marshall scored a minor coup against the government following its sweeping move to crush the left with operation "Cold Storage", but in the end, he lost the battle. In the early morning hours of 2 February 1963, police detained over 100 left-wing activists. These were the leaders of the Barisan Sosialis and the Partai Rakyat as well as student and labour union leaders. Most were thrown into the Outram Rd. prison where they were subject to particularly harsh conditions.

Utilising a little-known statute that had been passed by the colonial government, Marshall discovered that he was able, as an Assemblyman, to demand access to the prison. The warden and the Solicitor-General, despite their reluctance, were finally forced to allow Marshall to visit the detainees, interview them and to report on their conditions to the Assembly.

In Singapore, as you will see from my report on the conditions I personally witnessed on the 23rd March 1963, male detainees are in small rooms in solitary confinement behind locked doors with a chamber pot in their own room, are not allowed out to visit the lavatory, have no chair, no table, a small 40-watt bulb high up in the ceiling, no writing material and not allowed to receive any newspapers or books from outside. The prison books are mostly infantile in character. Detainees arrested on 2nd February 1963 were not allowed to see a lawyer till 5th March⁷.

The government was embarrassed by this exposure of their mistreatment of the prisoners⁸, particularly when Marshall publicized the fact that those detainees who had been Malayan citizens and who had been sent to Kuala Lumpur for detention, enjoyed far more comfortable situations:

I may add, for your information, that in the Federation of Malaya not only have detainees sent by the Singapore Government for custody there been

⁷ DM.326.43. Undated – presumably during the week of 25 March 1963, “Report to Anson”

⁸ These are some of the key circumstances of Marshall’s report:

“I saw a total of 86 detainees, nine of whom are women...

“The men are detained in individual cells, 11 ft. long x 5ft. wide x 11ft. high, with a 11/2 ft. high barred window at the very top of one side, and a 12” barred window on the other, very thick walls and a 2 1/2 inch thick steel door painted white; an iron bed cemented to the floor, with springs, a thin grass mattress, two blankets, one aluminium chamber pot with cover, one aluminium beaker for water, one electric bulb (40 watts) right against the ceiling. Those were the only prison articles in each cell.

“The heat in each cell was oppressive, and I understand that this is particularly so when the cell door is locked and remains locked for 23 hours and 15 minutes in every day. The detainees are not allowed to receive any newspapers whatsoever ‘not even the Straits Times or Sin Chew’. They are not allowed to receive any books from outside, not even dictionaries and engineering or medical books, whether from their own homes or reputable stores.

“A few copies of the Bible and some paper-backs and tattered infantile reading matter from the prison stores are available to the detainees.

“The detainees are not allowed any writing materials, not even a pencil, but recently they have been allowed once a fortnight to have pen and paper to write one letter.

“All meals must be taken in the cells. All calls of nature must take place in the chamber-pot in the cell because the detainee is not allowed to leave his cell except for a period of 45 minutes a day (originally 20 minutes) when seven detainees at a time (originally two) are allowed to file out to the showers and to run about the cement courtyard by way of exercise under supervision to prevent any conversation.

“The Chamber-pots are removed fairly regularly and only three of the cells smelt of urine, but these chamber-pots cannot be removed between the hours of midnight and 6 a.m. and they must also act as slop basins for the morning toilet at 6 a.m.” DM.326.9 23rd March 1963, “Report on P.P.S.O. detainees and detention conditions”.

allowed unimpeded access to counsel from the date of their arrival many weeks before their counterparts in Singapore, but they may have all the reading material available in the Federation for which they can pay, and every facility to read and write, and generous opportunities to meet their relatives.⁹

A response from the government was published in the same newspaper. The PAP spokesman heaped scorn on Marshall's report explaining that the conditions of the Outram Rd. prison were a result of its having been built a century before, and that if he was concerned with the welfare of the prisoners, Marshall should have attended to the building when he was Chief Minister. The response also defended holding the prisoners incommunicado by saying that they were still being interrogated.

(DM.326.12. 25th March 1963, Singapore Government Press Statement) Nevertheless, they were clearly stung by Marshall's comment that even the colonial government had never detained prisoners under such conditions. Following Marshall's report, the government quickly moved the detainees to much more comfortable quarters at Changi, allowed them more time to exercise, socialize and gave them access to reading matter and writing materials.

From this time forward, Marshall remained in contact with Peter Berenson, the founder of Amnesty International. Singaporeans being detained under the PPSO and the ISA were thus among the earliest of the political prisoners to be defended by that organization. Marshall continued his fight against the manner in which the government misused their powers under the ISA and the PPSO. Despite his efforts, these laws or similar measures remain on the books to this day.

The Jury System

⁹ DM.326.5. 14 March 1963 – Letter to Solicitor General.

It was, in fact, over the judicial process itself that Marshall came into conflict with the government on another front. In 1959, soon after they had first come to power, the PAP introduced legislation to abolish the jury system in all but capital cases. Here again, as a barrister, David Marshall, with support from the Law Society of Singapore, opposed the government's attempt to eliminate the jury system. At the time, Lee argued that since jury trials were only used for capital offences in the Federation, he was only bringing Singapore's legal system into line with Malaya's, a move which would facilitate the anticipated merger of Singapore and Malaya. Lee Kuan Yew entirely ignored Marshall's opposition in his autobiography, suggests that Marshall had supported the move, but noting that Marshall, as a barrister, was only interested in defending his clients and not in the guilt or innocence.

Soon after I became prime minister in 1959, I abolished the jury system for all cases except murder. I retained this exception to keep in line with the law in Malaya at that time. In 1969, after separation, I asked Eddie Barker as minister for law to move a bill in Parliament abolishing the jury system for murder trials. During a parliamentary select committee meeting, David Marshall, then our most successful criminal lawyer, claimed he had 99 acquittals out of the 100 cases he defended for murder. When I asked if he believed the 99 acquitted had been wrongly charged, Marshall replied his duty was to defend them, not judge them.¹⁰

Marshall criticised Lee and the government for their attacks on the jury system in 1959 and he resumed his opposition in 1969. By then however, Marshall was finding himself more isolated in his protests. Andrew Phang, who has written an extensive discussion of the abolition of jury trials in Singapore asked "...why the decline and

¹⁰Lee Kuan Yew Lee, *From Third World to First: The Singapore Story: 1965-2000: Memoirs of Lee Kuan Yew* (Singapore, 2000).

fall of a major legal institution aroused so little public debate let alone outcry.”¹¹

Marshall, however, did attempt to raise the issue publicly. Phang has identified him as the “staunchest defender of the jury system in Singapore.”¹² Marshall put forward some of the traditional arguments used to defend the jury system.

The reason for its success in all democracies is simple. The community is deeply interested in its own protection against evildoers and through its ordinary member it can be relied upon to convict the evildoer because his acts have been proved a danger to the community. At the same time the jury can be relied upon to block the tyranny of kings and governments in resisting pressure to convict against conscience. It is impossible to punish 12 anonymous people whereas it is not impossible to get at a judge appointed by the government. Let us remember that in Singapore the Prime Minister appoints the judges and there is nothing to stop him from appointing reliable “yes-men” to the Bench.¹³

Marshall’s objections received very little press attention at the time and were repeated to the media only through Lee Kuan Yew’s reference to them. Marshall had convened meeting of Singapore lawyers on 24 April 1969. The Council of the Bar Society passed a resolution condemning the government’s attempt to end the jury system and warned against possible pressures that might be placed on judges and argued that the abolition of the jury system would deprive citizens of the protection of the law. They argued that there was no valid reason for the abolition of the jury system, and that the alternative was inappropriate and unworkable, and asked that the jury system should be restored. Initially, no notice was taken of this resolution by a single Singapore

¹¹ Andrew Boon Leong Phang, "Jury Trial in Singapore and Malaysia: The Unmaking of a Legal Institution," *Singapore Journal of Legal Studies* 25 (1983). I am grateful to Kevin Tan for bringing this article to my attention.

¹² Ibid.

¹³ DM.326.54. Undated – circa 1969:”The Jury”

newspaper, or by any of Singapore's radio or TV stations. For several months Marshall was refused permission by police to hold a public meeting. Finally on 26 September he was given permission.¹⁴

The government argued that the jury system was unsatisfactory for Singapore. To Marshall, this meant that the government felt that the people of Singapore were not fit to be jurors.

Does it occur to Members of Parliament that if we are not fit to be jurors then are we fit to be voters? Jurors get all the facts that are known, with skilled assistance from Bench and Bar – if after all that we are not fit to return a verdict on one man, then are we fit to return a verdict in general elections in respect of matters affecting the welfare of the country as a whole? Do Members of Parliament really believe that the people of the large number of countries which have juries are more fit than we are to be jurors?¹⁵

Despite protests from Marshall and other members of the bar, Lee was able to pass his anti-jury measure with ease. In 1969, a new Supreme Court of Judicature Act was enacted for Singapore and jury trials for murder cases were also abolished. Judges have always been appointed by the President with the advice of the prime minister, and tenure is constitutionally protected to age 65, after which judges can remain on the bench on a contractual basis.¹⁶

The *Nanyang Siang Pau* and the end of press freedom

In 1971, one of the last remaining arenas of open public discourse and possible opposition to government was the press. Even though the government had long controlled the major English-language paper, the *Straits Times*, its influence over the Chinese press was less powerful. During that year, a couple of new English-language

¹⁴ DM 38.5 16 Dec. 1969 “Why Abolish the Jury”

¹⁵ (DM38.5 16 Dec. 1969 “Why Abolish the Jury”)

¹⁶ I am grateful to Kevin Tan for information regarding the status of the judiciary in Singapore.

papers appeared, and they ventured to criticize government actions. They did not last long. *The Singapore Herald*, was forced to shut down due to government pressure. The other independent English-language newspaper, *The Eastern Sun*, also closed down when accused of receiving funding from foreign sources.¹⁷

At the same time, the government detained a number of reporters for the *Nanyang Siang Pau* on charges of spreading communist propaganda and making statements favourable to communist China. Marshall agreed to take their case. On 25 May, 1971, Keck Loong Sing, Ly Singko, Shuns Tung Tao, Lee Mau Seng, instructed their lawyers to protest when the government claimed that the four had confessed to “promoting the newspaper’s policy of sympathy for the Peoples’ Republic of China.” Each of the detainees issued a deposition denying the government’s accusations¹⁸

At the same time, Marshall was in contact with Amnesty International. As it happened representatives from Amnesty were attending the Annual Conference of the International Press Institute in Helsinki, and on 7 June 1971, the conference was to be addressed by Singapore Prime Minister, Lee Kuan Yew. Marshall, who was representing both the detainees and the newspaper itself, was instructed to use the opportunity to pressure Lee into releasing the men. They would provide the representatives at the meeting with copies of the detainees’ depositions. They would thus be able to confront Lee with evidence of his own government’s violation of press freedom. The move turned out to be Marshall’s undoing.

At the International Press Institute meeting, Lee defended his actions against the press in Singapore claiming that there was a

...sinister and for the most part covert assault of communism – Chinese

communism, using Hongkong as a vantage point...And there was the western

¹⁷ Marvin L. Rogers, "Malaysia and Singapore: 1971 Developments," *Asian Survey* Vol. 12 (Feb. 1972, 1972).

¹⁸ DM.298.4. "Instructions of Mr. Keck Loong Sing to his lawyers on 25 May 1971"

world which offered some necessary imports like science and technology but which nowadays peddled as well an undesirable ethos against which Singapore must stand on guard.¹⁹

Marshall's attempt to embarrass Lee in Helsinki proved to be his undoing. The information provided to the Conference was contained in the depositions of the detainees to the High Court which were scheduled to be placed before the court on 7 June 1971. As court documents, they should not have been made public prior to being submitted in court. Marshall was alleged to have violated an agreement he had made with the Solicitor-General not to release information to the press prior to the 7 June hearing. The AI representative in Helsinki had neglected Marshall's caution, and had distributed copies to the Conference delegates against Marshall instructions on 6 June, the day before the hearing in Singapore. Marshall was ultimately deemed to have violated his undertaking with the Attorney-General. He denied that he had acted improperly and pointed out that although they were distributed before 7 June, they were not made public in the press until 8 June. It was clear from the government's conduct of the case, however, that the real issue was not the technicality of timing, but the embarrassment of the Prime Minister in an international forum.²⁰

It is of interest that the Attorney-General who had initially accused Marshall of impropriety in a letter dated 1 June, had actually withdrawn the accusation.²¹ Only several weeks later did he file a complaint with the Law Society which led to

¹⁹ *The Times*, 10 June 1971:15.

²⁰ DM298.13. 9 Oct. 1971 Letter from DM to Sec. of the Law Society.

²¹ DM298.29, 19 May 72, Statement by DM at Law Society Hearing. 3rd June 1971 Telephone conversation. "I was furious when I received the AG's letter because of the implication that I had acted improperly. In my view, rightly or wrongly, there was no question of my giving the affidavits or the instructions in respect of affidavits for publication in the sense understood on the 26th May. I was sending these documents for legitimate purposes in pursuance of the interests and on the instructions of clients, and I am quite certain that the AG repeatedly said 'I do not intend to make any charge against you in the letter, it is not a charge.' Or words indicating that he was not imputing any improper conduct on my part because he refused my suggestion that he should report me to the Law Society and instead agreed to withdraw the letter."

Marshall's suspension from practicing law for six months. Marshall decided to leave Singapore for a time and travelled to London to take a number of refresher courses there.

Marshall, who had married in 1961, had four young children, two of whom were in school in Singapore. The family found that former friends no longer called and they began to hear "rumours" about the possibility that Marshall himself might be detained on his return to Singapore. Marshall was being warned that further expressions of dissidence would not be tolerated in the "rugged society". Realizing that he was now quite isolated, so far as life in Singapore was concerned, it seems that Marshall decided to keep low profile and find a *modus vivendi* with the regime in return for their permission to let him come home. At the time, he wrote to a friend expressing his relief at coming back to Singapore.

It is good to be back. There is a curious emotional attachment to one's country and one's home which my brother calls adolescent but which to me is very real. And despite the wonderful welcome I received from many fine human beings in London whose respect stems from the day I struggled against them for Singapore's independence, I nevertheless felt a zombie away from Singapore which is very much a part of me.²²

Although he now became less active in domestic political issues in Singapore, Marshall continued to express himself in the area of human rights. The following year he wrote to the editor of the *Far Eastern Economic Review* calling for more extensive coverage of human rights issues in Asia.

It seems to me that the major tragedy of Asian countries today is the drive to fill the belly and forget the spirit, so that we are producing humanity that is

²² DM.225.22. 9 May 1973, Marshall's letter to Mr. Justice Irving Hill.

“cribbed, cabined and confined” and transformed into anhood. A few years back, I was asked by the International Institute of Human Rights to present the case for countries in the Far East at a symposium in Uppsala, and the little I learnt then turned my stomach – we seem to have so little respect for human values.²³

Although the issues for which he had come to stand had indeed been pushed to the margins in Singapore, Marshall lasted longer than most in attempting to defend them. While he was able, Marshall continued to defend the rule of law in Singapore and opposed the ISA and its use against political opponents. He continued to stand for the principles of freedom of speech and freedom of the press and struggled to maintain a society in which openness and plurality could survive and flourish.

Finally, Marshall’s ultimate though grudging acceptance of the PAP system of governance needs some attention. Following his return to Singapore, in 1973, Marshall remained within the OB markers in public and did little to publically antagonize the powers that ruled Singapore. In 1981, he was tapped to be Singapore’s ambassador to France. This could be seen as both a reward for good behaviour as well as the regime’s way of removing articulate and intelligent critics from the day-to-day life of Singapore. He was not the first, nor the last to accept such a compromise with the government. On the other hand, as a man of honour, Marshall accepted that as a diplomat, it was his job to defend Singapore in international fora. Nevertheless, in private, he continued to offer his frank views to individuals, both in the government and otherwise.

Marshall’s acquiescence may have had something to do with concerns for his personal security and that of his family in Singapore, but it is also important to look at

²³ DM.225.87. 3 Oct. 1974, DM’s letter (requested not to be published) to the *Far Eastern Economic Review*,

the overall situation. Although Marshall himself remained a committed democratic socialist, and even though he later developed a clear appreciation for individuals such as Lim Chin Siong, it is clear from his writings and his experience, that he always harboured uneasiness with the Chinese-educated left in Singapore. In the 1950s, and early 1960s, he saw Lim and Fong Swee Suan as “Chinese chauvinists” if not as communists or communist sympathizers. It is also probable that many other English-educated and English-speaking Singaporeans shared his suspicions of the Chinese left.

Even though he was occasionally allied with them, particularly in the years after 1961, and the split between the Barisan and the PAP, nonetheless he remained suspicious. Even in his later years, when being interviewed by Lily Tan of the Singapore National Archives, he described Lim and Fong as “Chinese chauvinists”. Of Fong whom Marshall had arrested in 1955 at the time of the Hock Lee Bus riots, he said: “Well he was a Chinese-speaking Chinese. So to start with communication between us was difficult. But I got the impression of a man...who just intended to use me for his own ends. Totally immoral in his tactics, totally contemptuous of European ways. Not only Europeans, he just wanted to smash us...without smashing himself.”²⁴

Marshall later offered a more positive appraisal of Lim Chin Siong, but it was clear that there was a cultural gap between the two:

I would say that he was a well-meaning, a totally sincere person who was brought up within the context of Chinese chauvinism and saw the rest of the world as being inimical, as being unfriendly, as having to fight them. He was first and foremost, a Chinese chauvinist.²⁵

²⁴ DM 512, 24 Sept. 1984, National Archives of Singapore, Interview by Lily Tan with DM, “Political Developments in Singapore, 1945-65” Volume 1, p 89.

²⁵ DM 512, 24 Sept. 1984, V. 1, p 65.

Marshall also held similar feelings about the Chinese students²⁶ with whom he came into contact during the 1950s and 1960s, and it was perhaps this mutual suspicion that weakened the position of both the English-educated liberals and the Chinese leftists, and thus helped to open the way for Lee Kuan Yew and the PAP to out-manoeuvre both groups. While one may find fault with Marshall's uneasiness with the Chinese-educated, it seems clear that they understood and trusted him. As a western-educated person, schooled in the values of British law and constitutionalism, he continued to promote those values throughout his life. He had made a choice between power and principle, and chose the latter.

Abbreviations

AG	Attorney-General
AI	Amnesty International
ARC	Australian Research Council
ARI	Asia Research Institute
DM	David Marshall
ISA	Internal Security Act
ISEAS	Institute for Southeast Asian Studies
NUS	National University of Singapore

²⁶ DM 512, 24 Sept. 1984, V. 1, pp 40-1. "And the curious thing is I found them delightful individually and totally deaf collectively. They had a curious deafness. They would listen and you'd feel your words weren't sinking in at all. And then they would have a little confabulation together and then they would have something totally different from what you'd been saying and sometimes they left you just in the air, wondering what the hell this was all about, whether it was worth your coming along to advise them, because they really did not seem to respect your advice...I never really seemed to get through to them in reality. And I never got the impression I was influencing their conduct. They were getting information from me, factual, legal or otherwise. But we were not on the same wave length."

PAP	People's Action Party
PPSO	Preservation of Public Security Ordinance
WDNEP	Weekly Digest of the Non-English Press

Archival Sources

The Times, Infotrac Archive.

David Marshall Papers, Institute of Southeast Asian Studies, Singapore. (DM)

Bibliography

- Chan , Heng Chee. *The Role of Intellectuals in Singapore Politics, Occasional Paper Series, No. 26*. Singapore: Department of Political Science, University of Singapore, 1976.
- Chan, Heng Chee. *A Sensation of Independence: David Marshall: A Political Biography*. Re-issue of 1984 edition with a new Acknowledgement ed. Singapore: Times Books International, 2001.
- Drysdale, J G S. *Singapore : struggle for success*. North Sydney ; Hemel Hempstead: George Allen and Unwin, 1984.
- Josey, Alex. *David Marshall's Political Interlude*. Singapore: Eastern Universities Press Sdn. Bhd., 1982.
- Lee, Kuan Yew. *From Third World to First: The Singapore Story: 1965-2000: Memoirs of Lee Kuan Yew*. Singapore: Times Media Pvt. Ltd., 2000.
- Low, James Choon Sai. "Kept in Position: The Labour Front-Alliance Government of Chief Minister David Marshall in Singapore, April, 1955 - June, 1956." Master of Arts, National University of Singapore, 2000.
- Phang, Andrew Boon Leong. "Jury Trial in Singapore and Malaysia: The Unmaking of a Legal Institution." *Singapore Journal of Legal Studies* 25 (1983): 50-86.
- Rogers, Marvin L. "Malaysia and Singapore: 1971 Developments." *Asian Survey* Vol. 12, no. No. 2 (1972): 168-176.
