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Eugene K. B. TAN

Singapore Management University, eugenet@smu.edu.sg

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A union of gender equality and pragmatic patriarchy: international marriages and citizenship laws in Singapore

Eugene K.B. Tan*

School of Law, Singapore Management University, Singapore

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As a patriarchal society, government policies, societal norms and government regulations in Singapore mirror that normative ideal. Citizenship status and rights along gender lines, manifested in the legal recognition of children of international marriages, reflected this reality for much of Singapore's independence. However, the onslaught of globalization, the rise in international marriages, disconcerting declining birth rates, and an acceptance of 'foreign talent' have given the economic imperative and demographic impulse to grant citizenship (by descent) to a person born outside Singapore whose father or mother is a citizen of Singapore, by birth, registration or descent. Previously, such a person would be granted citizenship only if his/her father was a Singapore citizen by birth. This paper examines the background and contextual realities leading to the Constitution of the Republic of Singapore (Amendment) Act 2004. It argues that the landmark constitutional amendment was motivated by pragmatic considerations of demography, economics, and political governance. The paper contends that state sovereignty, while seemingly challenged by international marriages, is still preserved rather than negated. It suggests that the state's ideological apparatus *vis-à-vis* the family is adaptable, enabling the continued institutional influence, if not control, over the family as the basic building block of Singapore society.

Keywords: Citizenship laws; gender equality; family; migration

With globalization and the widespread movement of people for purposes of work, education, and lifestyle choices, international marriage – marriage between two persons of different nationalities – appears to be quintessentially a modern phenomenon.¹ Yet in Southeast Asia, international marriages of sorts have been practised for hundreds of years. Since the middle of the second millennium, itinerant male traders and travellers sojourning in Southeast Asia had taken local women as their common law wives. These unions produced creole descendents as well as a marriage of cultures, civilizations, and faiths.² Today, international marriages are increasingly common in many parts of the world (for example, Constable 2005). Within Asia, the rise of intra-regional migration has led to international marriages having a more regional flavour through more marriages between Asians (Asis 2005, p. 116). International marriages, coupled with increased migration and globalization, have made boundaries between states, peoples, and identities more porous (Castles and Davidson 2000).

Marriage is, in essence, a private matter between two persons. Nevertheless, the intimacy and privacy of marriage has public policy implications in areas such as

*Email: eugene@smu.edu.sg

citizenship rights and family law.³ This is particularly so for international marriages involving Singapore citizens where the transnational nature of such unions invariably challenge in various ways state sovereignty, state ideology and policies on the family, and the application of citizenship laws. For a young nation like Singapore, which still suffers from an acute sense of vulnerability as an 'improbable nation', these issues have come to the forefront in recent years.

A state's citizenship regime in the global competitive economy needs to be sensitive at two levels, both of which may have contradictory objectives. At one level, it needs to be responsive to local constituencies in the nation-building quest. At another level, it needs to be responsive to the competitive and aggressive immigration regimes in other developed countries that seek to attract the same talent pool as Singapore does. With intense competition for talented immigrants, Singapore cannot afford to adopt a citizenship regime that marginalizes international marriages involving Singaporean women. With more Singaporeans overseas and Singapore's own urgent need for foreign talent to drive its economy and grow its population, Singapore has to increasingly adopt international practices and norms as well as shed its patriarchal inclinations in the evolution of the Singapore citizenship regime.

This paper examines the background and contextual realities leading to the Constitution of the Republic of Singapore (Amendment) Act 2004.⁴ It critiques the government's professed rationale of gender equality and to keep up with the times for the landmark constitutional amendment as but a partial explanation. Instead, I argue that the changes were motivated by pragmatic considerations of demographic necessity, the political economy of international migration, talent augmentation, the growing popularity of international marriages, and the larger political and economic realities of a globalizing world. The paper contends that state sovereignty, while seemingly challenged by international marriages as the constitutional amendment implicitly recognized, is still preserved rather than negated. State sovereignty may be weakened at the margins but remains securely maintained at the core. This is demonstrated through the continuation of the marriage restriction policy, with the inherent subtext of class and ethnicity, which applies to all foreign work permit holders in Singapore. This onerous policy restricts the right of a work permit holder from entering into a marriage with a Singapore citizen or permanent resident without the state's prior permission. Singapore's bifurcated embrace of international marriages requires us to re-look the apparent 'liberalization' of attitudes, policies, and laws in this area against the background of the state's domineering conception of Singapore society as a patriarchal one. In a sense, the persistence of this discriminatory approach towards this category of international marriages reminds us to avoid undue hubris over the citizenship law changes. The state's limited embrace of international marriages is also inevitable. Much as the citizenship law changes positively affect children born of such unions, the state also benefits by embracing this societal change. Indeed, Singapore had for too long stoically resisted the liberalization of its citizenship laws and stubbornly refused to remove its discriminatory policy towards foreign-born children of Singaporean mothers married to a foreigner husband.

By making Singapore's citizenship law gender-neutral, the family as an important institution is underscored by ensuring that Singaporean women in international marriages can transmit, as of right, their citizenship to their foreign-born children. More importantly, where the government is concerned, such family units despite being overseas can have a powerful link with Singapore enabling the continued institutional influence, even if limited, over the family as the basic building block of Singapore society, and for other instrumental purposes. With quintessentially Singaporean caution and not without

amplified rhetorical justification, the state's ideological apparatus and policy framework *vis-à-vis* the family is adaptable even with the trend of international marriages.

The familial society: the institution of the family in Singapore

Singapore subscribes steadfastly to the traditional conception of the family, based on the legal marriage between a man and a woman and the resulting children. The 'family as the basic unit of society' is one of Singapore's five Shared Values, a putative national ideology officially adopted in 1993. The Singapore government describes the benefits of the family as such (Ministry of Community Development, Youth and Sports, n.d.):

The family is an important institution. It brings fulfillment to our lives and is our anchor in this fast-paced, ever-changing environment. Families serve as an important pillar of support for the nation. At the individual level, families are the primary source of emotional, social and financial support. At the national level, they contribute to social stability and national cohesiveness as they help develop socially responsible individuals and deepen the bond Singaporeans have with our country.

The importance of the family in Singapore's socio-political discourse is regularly underlined. For example, in the Prime Minister's annual Chinese New Year message, Chinese Singaporeans are regularly urged to procreate, strengthen family ties, maintain the extended family network and look after the elderly within the family. Despite the bewildering array, in Toffler's words, of 'family formats' in other parts of the world, Singaporeans generally have an overall positive state of attitudes on family issues (Chan 2002, Ministry of Community Development, Youth and Sports 2006; see also Pereira 2006).

The state of the family is conceived to be intimately connected with the state of the nation. This building block approach is premised on the belief that the 'good family' will take care of itself. Consequently, the nation-state – as a collection of 'good families' – will be strong as well. The family is also regarded as the formative source of social capital in an ostensibly communitarian society, a 'fundamental building block out of which larger social structures can be stably constructed' (Government of Singapore 1991, para 12). In this social reproduction process, parents have a responsibility to prepare their children to be 'good parents and citizens' (Government of Singapore 1991, para 56). Singaporeans have been urged not to uncritically follow the 'untested fashions' of 'more permissive social mores' in developed societies. Congruent with its strong anti-welfare state stance, the Singapore family is expected to be the first recourse when an individual falls on hard times, with the state intervening only as a last resort.

Further, with growing economic and social stresses placed on the family, its role as a bastion of welfare, stability, and cohesion takes on an enhanced importance. With the emphasis placed on the family as the bedrock of society, the government strives to reinforce the family as an institution vital to Singapore's socio-economic well-being and for the vital transmission of cultural values. To this end, there have been state-led efforts in matchmaking, promotion of healthy marriages and responsible childbearing (see for example, Public Education Committee on Family 2002). These efforts now reside with the umbrella family movement organization, the National Family Council, established in May 2006 as the main promoter, educator and advisory body for marriage and family.

The state has not shied away from being forthright in declaring Singapore a patriarchal society where the man is the head of the household. Until recently, the unequal treatment of women within the Singapore polity in areas such as unequal benefits for female civil servants, female students quota in the sole medical school, and gender-biased citizenship

laws were a pertinent source of unhappiness for women parliamentarians and women activists (Wong 2005, Arora 2007). This is despite section 46 of the Women's Charter's clear expression of the equal rights of the husband and wife in a marriage.⁵ These gender-biased policies were designed to protect the patriarchal state and its values, or at least, a rear-guard measure to support the notion that the man is the head of the Singapore household.

The citizenship law changes in 2004 represent a significant departure from the old regime where the ability to transmit citizenship status and rights were primarily conferred along gender lines. The relentless onslaught of globalization, the significant rise in international marriages, the declining marriage rates, the dismal birth rates, and the pressing need for 'foreign talent' have given the economic imperative, driven the political urgency and demographic impulse to grant citizenship by descent to a person born outside Singapore whose father or mother is a citizen of Singapore, by birth, registration or descent. Previously, such a person was granted citizenship automatically only if his/her father was a Singapore citizen by birth.

Gender-biased to gender-neutral citizenship regime?

What a citizenship law regime does is to circumscribe in fairly clear and rigid terms the place of citizens and non-citizens within a nation-state. Traditionally, citizenship has an *in situ* element wherein physical boundedness is expressed predominantly through physical residence in the home country. Through its conferment of legal status and rights, citizenship creates boundaries that seek to include members and exclude non-members based on ascribed attributes, identities, and values. Citizenship then becomes a platform on which the citizen and the state engage each other on the basis of their rights and responsibilities within a state and extra-territorially.⁶

International marriages further challenge the conventional thinking and understanding of citizenship. International marriages and migration make more pronounced the decoupling of citizenship and residence. The transnational and trans-border dimension sit uncomfortably with the notions of state sovereignty, control, and jurisdiction. International marriages, in particular where the children from those unions are born in a third country, throw into sharp relief the inequality and the limitations of the traditional understanding of citizenship in the Singaporean context. Indeed, for mobile citizens, the jurisdictional bounds of such laws, solely defined by territorial boundaries, are increasingly perceived as being unduly restrictive and citizen-unfriendly. As a consequence of globalization and other domestic imperatives, absent citizens are increasingly being factored into the political and economic dynamics of human capital formation, flows, and augmentation, nation-building, and foreign policy. This has necessitated a reconceptualization of citizenship, especially of citizen-emigrants, and a rethinking of who is/should be a full-fledged member of the Singapore polity and who is not/should not be. As Barry (2006, p. 18) noted, 'Citizenship – so long a symbol of rootedness, exclusivity, and permanence – has been discovered to be portable, exchangeable, and increasingly multiple'.

Singapore citizenship laws had remained largely unchanged since Singapore's independence in August 1965.⁷ Citizenship was and remains jealously guarded, congruent with the political need to create, out of a society of immigrant backgrounds, a coherent national identity and to secure the citizenry's loyalty to the fledging nation-state. Under Article 120 of Singapore's Constitution, a person may acquire Singapore citizenship through any one of four means: by birth; by descent; by registration or, before the commencement of the Constitution, by enrolment; or by naturalization.⁸ Citizenship in Singapore is accorded either on the *jus soli* or *jus sanguinis* principle although both are

applied in a limited manner. To acquire citizenship by birth (*jus soli*), the person must be born in Singapore and either parent must be a Singapore citizen. For citizenship by descent (*jus sanguinis*), the transmission of citizenship from generation to generation was not always automatic but only available in specific instances.

In 2004, landmark changes were made to relax the restrictions on the grant of citizenship by descent and to increase the length of time a person may spend away from Singapore when considering the residence period for citizenship applications. Prior to the 2004 amendment, the then Article 122 provided for the grant of citizenship by descent to a child of a Singaporean, when the child was born abroad prior to 15 May 2004, only if the father was a Singapore citizen by birth or registration. If the child's father was a Singapore citizen by descent, or if only the mother was a Singaporean, neither parent could transmit their Singapore citizenship to the child. Female Singaporeans could still pass on their citizenship, by registration (rather than descent), to their foreign-born child, but this was not conferred as a matter of right. With the amendments to Article 122, female Singaporeans can now pass on citizenship by descent to their foreign-born child born on or after 15 May 2004, making the grant of citizenship by descent gender-neutral.

Further, after the 2004 constitutional amendments, parents who are Singapore citizens by descent can also pass on citizenship by descent to their foreign-born children. This could not be done previously and such children could only acquire citizenship by registration. The policy rationale for the limited application of the *jus sanguinis* principle, which tended to affect foreign-born children of Singaporeans in international marriages most severely, was to ensure that Singapore would not have 'generations of absentee Singaporeans with no real links to Singapore'. The citizenship regime after 15 May 2004 allows Singapore citizens by descent to pass on their citizenship to their foreign-born children provided these parents meet a residency criterion to demonstrate the requisite nexus to Singapore. The parent who is a Singapore citizen by descent needs to have stayed in Singapore for a total of five years or more cumulatively over his or her entire life up to the birth of the child (Article 122(3)(a)). Alternatively, that parent has to have stayed in Singapore for a total of at least two years out of the five years immediately prior to the birth of the child (Article 122(3)(b)).

In moving the constitutional amendments, then Deputy Prime Minister (DPM) Lee Hsien Loong noted that the global realities were very different now necessitating a rethink of the citizenship law.⁹ He observed that more Singaporeans were moving overseas to work, study or pursue their personal goals. Many had also started families abroad, as reflected in the number of foreign-born children granted citizenship which increased by 41% from about 1900 in 1991 to about 2700 in 2003. In short, there are increasingly more Singaporeans resident overseas for extended periods of time. This translates to the greater likelihood of international marriages and more foreign-born children. Careful to avoid any suggestion that Singapore was making citizenship easier to attain and that home-born and bred Singaporeans were still valued, DPM Lee stressed that 'citizenship is a privilege that should not be taken for granted. Even with the proposed amendments, Singaporeans living and working overseas must make the effort to ensure that they and their children remain rooted and committed to Singapore.'¹⁰ He added that Singapore was not ready to allow dual citizenship and that 'it will be a very big decision for us to decide to change that'.¹¹

Keeping with the times: gender equality and the patriarchal state

This glacial-pace move towards gender equality was, of course, foregrounded by the sustained participation of and limited contestation by women citizens and civil society groups, especially AWARE (Association of Women for Action and Research)

(see generally, Arora 2007). The socialization effects of rapid socio-economic changes globally contribute to the cumulative process of women achieving greater gender equality globally, even if unevenly (see, for example, Inglehart and Norris 2003, Gray *et al.* 2006). Amidst the globalization process and with more Singapore citizens overseas and contracting international marriages, there is a gradual imbibing and a diffusion to Singapore of comparisons, norms and ideas *vis-à-vis* the various citizenship regimes in the world. Unsurprisingly, Singapore's gender-biased citizenship laws and policies became increasingly untenable after Singapore ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in October 1995 (Thio 1997).

In its initial report of January 2000 required under CEDAW, the government rigorously defended its gender-biased citizenship laws on the basis that it was in line with 'Asian tradition where husbands are the heads of households' and that a Singaporean woman married to a foreigner could still apply for her children to be a Singapore citizen by registration under her own sponsorship.¹² This supposed defence of the 'Asian tradition' of patriarchy was not persuasive despite its claim of supposed cultural affinity. In its third and latest CEDAW report in November 2004, however, the Singapore government chose to focus on and highlight the constitutional amendment in making the citizenship law gender-neutral as a key example of its commitment to improving the position and rights of Singaporean women (Ministry of Community Development, Youth and Sports 2004, p. 37). It was significant that the reason for the about-turn was not explained at all. Clearly, the 'Asian tradition' of patriarchy relied upon in the initial CEDAW report could not be reconciled with the latest position which recognized that the previous citizenship laws were discriminatory. To have attempted such a reconciliation would have meant acknowledging that the patriarchy tradition is discriminatory.

Earlier that year, in responding to questions raised during the parliamentary debate on the citizenship law changes, then DPM Lee assured Parliament that 'we are doing it [making citizenship laws gender-neutral] for the right reason but there is a purpose'. The purpose was 'to bring our rules up to date and in keeping with the times and the tenor of the society we live in'. He rationalized the government's previous position up to then thus (emphasis mine):

And if the [foreigner] husband lived overseas, the [Singaporean] woman would go and live overseas, and the husband would look after her and bring up their children, sometimes overseas. And we have to ask, in this circumstance, do we want to give their child *a free option* to be a Singapore citizen? Because, actually, once a woman has gone overseas, she is committed – she has cast the die. So, we said, no. . . . Today, it is a different situation. *Many of the women who go overseas are professionals. They marry foreigners. They keep their links with Singapore. They have not just opted out from Singapore society.* They have families and friends on both sides, but they come back to Singapore from time to time. Sometimes, when something goes wrong – husband meets with an accident, passes away or something happens – they have to come back to Singapore for good. *They are our people and we have to look after them.* As I have suggested from the numbers that I produced just now, more and more Singaporean women are doing this. A lot of our daughters who travel overseas and study overseas marry and live overseas. But they have parents here and they keep their links back here.

Given the familial networks so cherished in Singapore, it is doubtful that Singaporean women who had married foreign men and lived overseas prior to 2004 had in fact opted out of Singapore society and cut ties with their families and Singapore.¹³ What is clear, however, is that the government then regarded such Singapore women as having opted out of Singapore. With a paternalistic stance, the state viewed a Singaporean female citizen – in an international marriage and who had emigrated – as having opted to exclude herself from the Singapore family. As such, her foreign-born children were not afforded the right

of having Singapore citizenship by descent. This was despite the law's forward-looking aspirations manifested in sections 46 and 47 of the Women's Charter. In 1980, section 47 of the Women's Charter was amended to abolish the concept of the wife's dependent domicile. Prior to this, by virtue only of marriage, the domicile of a married woman was the same as her husband's. With this amendment, a married woman is, like any other individual, capable of having an independent domicile. It was precisely this manifest paternalism and chauvinism of seeing women as mere dependents in the marriage and migration process that prevented equal rights being accorded to Singaporean women in international marriages and their offspring.¹⁴ In contrast, such women emigrants are now no longer regarded as 'deserters' to be marginalized from the Singapore polity but are treated as citizens abroad who can still contribute to Singapore in more ways than one.

Notwithstanding the government's stance that the citizenship law changes were motivated by the ideal of gender parity, the government steadfastly reiterated that it was 'a statement of fact' that Singapore was still a patrilineal society. Recognizing that the changes would still leave Singapore's citizenship regime 20 years behind that of the US and the UK, DPM Lee justified the conservative approach as one of maintaining social ballast and letting other countries take the lead so that Singapore had the benefit of observing over one to two generations if these leading edge social changes would make sense and benefit Singapore.

Although the relatively brief parliamentary debate on the constitutional amendment highlighted the sole motivating factor of gender equality, there was hardly any discussion or acknowledgement that the constitutional amendment was just as equally, if not more, motivated by the pressing concerns of rapidly declining birth rates, the popularity of international marriages, and the politico-economic benefits from a gender-neutral citizenship regime. It is to this understanding and appreciation of the matrix of multifaceted considerations that undergird the constitutional amendments that we now turn our attention to.

'Missing babies': facing Singapore's 'demographic cliff'

Since its overly successful population control policy of the 1970s, Singapore has been struggling to push up its very low birth rates. Coupled with the increasing popularity of international marriages among Singaporeans, the policy-makers have been forced to re-examine its traditional, if not chauvinistic, views on the rapidly changing nature of Singapore society. This includes the increasing number of Singaporeans overseas as well as those who have started families overseas with non-Singaporean spouses. International marriages have rendered problematic the once secure and much vaunted understanding of family, marriage, and citizenship. Ironically, in explaining the changes to the citizenship law regime, then Deputy Prime Minister Lee did not at all mention the reality of Singapore's very low birth rates and its rapidly ageing population.

Singapore's total fertility rate (TFR) in 2004 was a historic low of 1.24, among the lowest in the world. This precipitous decline is not a recent phenomenon. Singapore's TFR has been below the replacement level of 2.1 since 1976. In 1965 (year of Singapore's independence), 55,700 babies were born to a population of 1.9 million. Forty years later, the number of resident births has declined precipitously to 35,500. In demographic terms, this is a significant decline. There are now 20,000 fewer births annually despite the resident population having almost doubled to 3.6 million. In presenting these figures, Senior Minister Goh Chok Tong exhorted Singaporeans to procreate for the national good. The reproductive under-performance of the ethnic Chinese population, who form 76% of the population, is of great concern to the government. In 1957, there were 6.48 babies per

Chinese female. By 2005, this was significantly reduced to 1.08 babies per Chinese female. The Senior Minister put the problem starkly: 'This means that we are not replacing both parents. The last time we were replacing both parents was 30 years ago [1976]. And that was a Dragon Year! If the total fertility rate falls further, we will not be replacing even the mother! Will Singapore last 100 years if local-born Singaporeans are becoming an endangered species?' (Goh 2006).¹⁵

The declining birth rates problem is related to and further compounded by a rapidly ageing population, an increased number of single Singaporeans, delayed marriages, and with it, delay in family formation (Jones 2006, Singapore Department of Statistics 2006a).¹⁶ International marriages represent a 'leak' of the population especially when the Singapore partner emigrates with his/her spouse and children. While the numbers may not be significant, it should be borne in mind that many of the Singaporean women concerned are well-educated professionals for whom the birth rates are already very low. For a country with a very low birth rate, 2000-odd extra births annually are a substantive contribution to the population figure.¹⁷ In the Singapore government's eyes, children born to professional/graduate women are much sought after (Heng and Janadas 1995, King 2002).

The reality and trend of international marriages and emigration

International marriages in Singapore are now increasingly common and show a steady growth. The conditions for international marriages are present. Singaporeans are living abroad in larger numbers than ever before. An estimated 145,000 to 200,000 (or 4–5% of the total population) are working, studying and living abroad. Given Singapore's global aspirations and stable economy, there are also more foreigners living, working, and studying in Singapore. In 2006, Singapore's population was 4,483,900, of which 875,400 were non-residents (that is, neither citizens nor permanent residents). In 2000, there were 290,118 permanent residents compared with 112,132 a decade earlier (*The Straits Times* 2006b). Fifty thousand student passes have been issued in the last three years (*The New Paper* 2006b). Indeed, Singapore is the sixth largest city in terms of the proportion of foreign-born population (UNDP 2004, p. 99). The proportion of resident population born in Singapore has declined to 82% from 85% between 1990 and 2000 (Leow 2001, p. 10). Between 2000 and 2002, the number of foreigners granted permanent residence under the sponsorship of their Singaporean spouses increased from 4000 to 5800 (*The Straits Times* 2004a). Like their counterparts in Taiwan and South Korea, Singaporean men with difficulties finding a local bride are seeking foreign brides through matchmaking agencies (Channel NewsAsia 2005, Ng 2005, *The New Paper* 2006a, *The Sunday Times* 2006).¹⁸

In fact, international marriages are more common than inter-racial marriages in Singapore. Inter-racial marriages account for 10–12% of Women's Charter marriages registered in Singapore between 2002 and 2006 (Singapore Department of Statistics 2005b, 2006b, 2007). In comparison, by 1990 15% of all marriages in Singapore registered under the Women's Charter or the Administration of Muslim Law Act involved a resident and a non-resident. In 2001, one-fifth (20%) of all marriages in Singapore were international marriages.¹⁹ In 2004, this figure grew rapidly with almost one-third (31.3%) of all resident marriages involving a resident and a non-resident. By 2005, more than one-third (35.3%) or 8116 of 22,992 resident marriages were international marriages.²⁰ The actual number of international marriages involving Singaporeans is probably higher as not all international marriages contracted outside of Singapore are subsequently

registered in Singapore under the Women's Charter or the Administration of Muslim Law Act.

Another phenomenon is the inclination among young Singaporeans for living and working overseas. A recent survey also found that Singaporean teens are more open to emigrating than their Asian peers. While 53% of the Singaporean teenagers surveyed would consider emigration, a higher figure of two-thirds would like to work abroad (*The Straits Times* 2006c, 2006d). This is not surprising as the government and education system have endeavoured to have Singaporeans acquire global experience, exposure and outlook, and to return to Singapore eventually.²¹

Thus, in today's context, the family increasingly consists of mixed and multiple nationalities. It is inadequate to examine citizenship issues and international marriages in terms of individuals and not of families. Choices made by individuals, either individually or with their spouses/partners, have practical consequences for the families. Given this picture of the increasing likelihood of international marriages, and with more Singaporeans venturing overseas, the Singapore government now talks of an 'Overseas Singaporean diaspora' that is 'growing and making significant contributions wherever they are'. In contrast to its previous long-standing non-committal approach, the government now envisages the diaspora as 'an integral part of a vibrant, thriving and inclusive Singapore' (K.S. Wong 2006). It recently established the Overseas Singaporean Unit (OSU) under the Prime Minister's Office as a means of enabling the government to better engage overseas Singaporeans in a more concerted manner.²² This represents a marked departure from the somewhat derogatory labelling (as recently as 1999 and 2002) of those who chose to emigrate or work overseas as 'quitters' and 'cosmopolitans', in comparison with the home-bound 'stayers' and 'heartlanders'. Increasingly, learning from the experience of how other states have effectively engaged their own diasporas, Singapore is receptive towards moving from a place-centred national identity/citizenship to one where there is 'psychic attachment to Singapore' (B.Y. Lee 2006). This pragmatic and inclusive conception of 'rootedness' to Singapore seeks to have Singaporean emigrants think of Singapore as home and nation even if they have emigrated.²³

The political economy of international marriages and the race for talent

From the parliamentary debates, it would appear that there was no economic consideration in the changes to the citizenship law. The only hint was the reference to the fact that '[m]any of the women who go overseas are professionals'. This pithy statement encapsulates the transformative changes that have resulted from the government's passing of the Women's Charter in September 1961 which was aimed at raising the status of women in Singapore (Leong 1990, pp. 8–19). Singaporean women are now as well educated, if not better educated, as their male counterparts and this presents them with better employment opportunities locally and abroad.²⁴ International marriages involving Singapore female citizens also raise the likelihood of their permanent emigration. Losing Singaporean women professionals would be a further strain on Singapore's already limited human capital. While there is no significant brain drain yet, the citizenship law changes provide the crucial nexus between absent Singapore citizens and open the door to the prospect of return migration or talent circulation. The granting to Singaporean women the right to transmit to their foreign-born children citizenship by descent, as of right, helps ensure that they do not prematurely exclude Singapore in terms of their nationality choices and as a putative home for themselves, their children, and foreign spouses.

International marriages and the global pursuit of human capital conspire to challenge the notion of place-bound citizenship. This need to forge links with Singaporeans and their children living overseas is made more compelling given that developed countries such as Australia, Canada, the United Kingdom, the United States and many European Union countries are competing to make themselves attractive immigration destinations. With their attractive admission regime, these countries aim to appeal and attract the well educated segment of the potential migrant pool to augment their human resource capability in their knowledge-based economies. Economic success in the emergent sites of growth in Asia is increasingly dependent on the state's ability to articulate with transnational networks, and global professionals who not only embrace self-enterprising values but practise 'flexible citizenship' in tandem with their mobility (Ong 2000). More than ever, citizenship rights and benefits are 'contingent upon individual market performance' (Ong 2006, p. 500). As Shachar notes (2006, p. 152) of the race for talent and knowledge workers, '... it is the human in "human capital" that makes it a unique, distinct, and irreplaceable resource'. Had Singapore stubbornly persisted in not granting citizenship as of right to children born overseas to Singaporean mothers, then it would have imposed a self-inflicted disadvantage through further talent leakage in a world marked by competitive immigration regimes.

The recent citizenship law changes, although belated, also reflect the larger reality that Singapore's citizenship regime can no longer remain isolated from global developments. The citizenship regime and the immigration and emigration policy need to be as competitive as other countries seeking to attract the best qualified migrants. Like many other developed countries, Singapore has had to reconceptualize membership boundaries for its citizenry in order to attract foreign talent and also not to lose home-grown talent especially those in international marriages and who live overseas (see also Ong 2007). In echoing the refrain of discriminatory practices in the granting of citizenship to foreign-born children of Singaporean women married to a foreigner, the government-sponsored Remaking Singapore Committee (2003, p. 65) had noted in its report that:

Our current [pre-May 2004] citizenship policy does not encourage the rooting of the Singaporean man/woman, his/her foreign spouse and their children to Singapore. With increased globalization and our relatively open policy towards foreign talent, there is a danger that we could lose a significant number of our better-educated daughters, and their offspring, through Singaporean-foreigner marriages if they perceive that we do not value them as much as we value our male citizens and their offspring.

In Singapore's context, women professionals are more likely than not to marry their educational equals.²⁵ Given the state's belief that better educated parents beget brighter children, the prospect of 'losing' Singaporean mothers and their foreign-born children is a potential human resource loss that should be avoided.²⁶ There are also consequent 'losses' if children born overseas to Singaporean mothers do not identify with Singapore as they do not have the affective nexus with Singapore through a Singaporean citizenship. Seen in the larger context of Singapore's quest for 'talent' to boost its economy and population, Singapore is forced to re-strategize. What might the economic benefits to Singapore be from taking a more nuanced view and less paternalistic view of international marriages? Singapore's economy is not dependent on remittances from its overseas-based nationals. Rather, it is the intangible human capital 'losses' that worries the political elites. In addition, absent citizens or former citizens with positive affective bonds to Singapore may create economic opportunities in/for Singapore through investments or entering into economic partnerships with Singaporean businesses or individuals whether in Singapore or overseas.

The government has also not foreclosed the return migration of overseas Singaporeans and, to a lesser extent, ex-citizens as well. Here the Singapore government is learning from the network capitalism experience of diasporic Indian, Chinese, and Jewish entrepreneurs who move regularly between the United States and their ancestral homelands, establishing substantial cross-border economic activity, capital transfers through investments, collaborative technology transfer, access to markets, entrepreneurial connections and information networks (see further Saxenian 2006, Trebilock and Sudak 2006, Wong 2006).²⁷ Singapore's fledgling efforts to be a key knowledge arbitrageur in Asia will also depend on its ability to capitalize on the putative Singapore diaspora that it views as a potential arena for socio-economic and cultural engagement with a rising Asia (see further Tan 2006).

Whither the contestation over rights, privileges and access?

Singapore's seeming open embrace of international marriages involving its citizens should not be mistaken as the state's relinquishing control and influence over rights, privileges, and access flowing from such international marriages. In essence, citizenship is about one's legal status, as it is so starkly pointed out in Article 120 of the Constitution, which only the Singapore government is empowered to grant. Indeed, the Singapore government can also deprive citizens of their citizenship under the Part X of the Constitution. Citizenship is also about the relationship between the individual *qua* citizen, the state and civil society. It is this citizenship in action that brings the citizen and state into an arena of potential contestation over the rights, privileges and access in which civil society may feature and often does participate in the contestation. Given the state of politics and the civil society in Singapore, contestation would be too emphatic a description for the persistent civil society efforts to amend the citizenship laws. Even though international marriages are now increasingly popular in Singapore, issues related to international marriage, such as citizenship, rights, privileges, and access to public services and benefits for non-Singaporean spouses, have not featured nor contested in any significant way.²⁸

Significant as the constitutional changes to Singapore's citizenship laws are, it should be borne in mind that the changes are not as liberal as they are thought to be. Vestiges of significant gender inequality remain. While the constitutional amendment ostensibly removed gender bias, the state continues to impose severe limits in respect of certain marital unions (intended or actual) in which prior permission from the state is necessary. While there are generally no restrictions on who Singapore citizens and permanent residents can choose to enter into a marital union with, this *laissez-faire* approach does not apply if the marital union to be registered in Singapore involves a Singapore resident and a low-skilled or unskilled foreign work permit holder who is working or has worked in Singapore. In such cases, Singapore adopts an uncompromising approach through its marriage restriction policy. There are about 600,000 such migrant workers.

As a condition to securing permission to work in Singapore, a foreign work permit holder in Singapore has to agree to not 'go through any form of marriage or apply to marry under any law, religion, custom or usage with a Singapore Citizen or Permanent Resident in or outside Singapore, without the prior approval of the Controller [of Immigration]'. In addition, a female work permit holder has to undertake not to become pregnant or deliver any child during the duration of her work permit unless she is already married to a Singapore resident with the Controller's approval. Those who marry without approval or become

pregnant will be repatriated and disallowed entry into Singapore. These conditions apply even after the foreign worker's work permit has expired or has been cancelled or revoked.²⁹ The government has justified the draconian marriage restriction policy on the following grounds (*Parliamentary Debates Singapore Official Report 2004b*):

It is precisely because we have to control the population size of Singapore that we have to have this condition [marriage restriction policy] agreed upon when a foreign worker applies to work in Singapore. ... So imagine if every other ex-work permit holder were to marry a Singaporean, we would not be able to manage our social services and social system. ... Even though we want to increase our population size, we have to ensure that those who want to live and have families in Singapore can look after themselves, their children and their families. That is the basic premise that we all must understand. ... Singaporeans do have human rights to be able to look after ourselves and manage our limited resources and to ensure that those legitimate Singaporeans would be well looked after and would not exact too much of our social system.

In short, the marriage restriction policy helps ensure that temporary labour migration of unskilled workers does not become permanent through subsequent marriages with Singapore residents. The pervasive reach of this onerous employment condition even after the period of employment emphatically marks this group of workers, especially female domestic workers, as transient and 'unacceptable' for inclusion into Singapore society (see further Yeoh 2006).³⁰ Effectively, this specific immigration and employment regulation operates as a *de facto* marriage law and citizenship law. Driven by abiding concerns as to an individual's ability to contribute economically to Singapore, foreign spouses of Singaporeans who are poorly educated may not obtain Singapore citizenship or permanent residence as quickly as foreign spouses who are well educated.

The fear of migrants as potential burdens to and parasitic of Singapore society is therefore managed through a rigorous gate-keeping function through the granting of 'citizen' or 'permanent resident' status as a means of determining who gets to enjoy government subsidies and grants. Foreign spouses of Singaporeans, if they are not Singapore citizens or permanent residents, do not enjoy subsidies for the use of medical services, education, and public housing. Even then, there is a recent move to further distinguish the benefits and privileges for citizens and permanent residents alike with the intent of treating citizens better than PRs (*Parliamentary Debates Singapore Official Report 2004b*).

The citizenship law changes as applied to international marriages have refreshed and enhanced the state's attempts at institutional control over citizenship grants, in tandem with its policy objectives and concerns in the areas of population, talent attraction, and the all-important economic objectives. At the same time, through the marriage restriction policy, the state effectively generates a hierarchy of international marriages characterized by their relative potential contributions (especially economic) to Singapore, ease of social integration, and their perceived likely demand on the public welfare and social system. In both categories of marriages, the Singapore government is alive to the potential of international marriages becoming an arena of contention over rights, privileges and access to employment, government services and assistance. It ensures that contestation is reduced, if not pre-empted, by resolutely maintaining a dichotomous approach in its treatment of marital unions involving Singapore residents. As such, immigration and citizenship laws and regulations in Singapore retain their utility as a strategic tool to exclude, maintain inequalities and enforce hierarchies. It emphasizes and underscores the residual but still potent power of the Singapore state in discriminating and placing severe limits on the Singapore citizen or permanent resident's choice of life partner, especially where it involves a foreign worker on a work permit working in Singapore.

Conclusion

The theme for Singapore's 41st National Day in 2006, 'Our Global City, Our Home', captures quite appropriately the innate tensions in Singapore's quest to be a cosmopolitan, global city and yet have its citizens rooted, psychologically at least, to Singapore. The global city aspirations do not quite capture the subtle citizenship dilemmas within the Singapore polity: how to ensure that Singapore remains an attractive place to be home to a population that is increasingly more mobile. The 2004 constitutional changes to the citizenship law regime introduced gender parity and made citizenship criteria more inclusive in the face of the rising trend of international marriages in Singapore and globally. Nonetheless, the government still declares, unabashedly, that Singapore remains a patriarchal society. Such official discourse is perhaps high in rhetoric but it also articulates the government's salient ambivalence in the face of international marriages.

Yet this self-declaratory rhetoric of patriarchy is continually leavened by economic imperatives, calibrated by social developments, and enlightened by political realities. The Singapore government has realized that citizenship laws, while useful as a gate-keeping function, should not result in institutional immobility in coping with the rapidly changing world. In attempting to manage the changes in marriage and family formation patterns, the Singapore state endeavours to assert its authority while being mindful of the challenges posed by too rigid an adherence to the old citizenship law regime. As Pang (2006, p. 162) notes, 'Immigration policy is integrally linked to economic policy as well as population policy'.

For Singapore, international marriages represent not just the intersection of the state, individual and the transnational marital union, but also its impact on migration, the economy, and society. It is no surprise that the citizenship regime is deployed strategically to bolster social and public policy as well as economic development. With time, more and more international marriages involving Singapore residents will result in a new generation of Singapore residents with multiple identities and loyalties. The imperative for Singapore to be intrinsically global (in terms of its people thinking and operating beyond Singapore's borders) and outwardly global (so that Singapore remains attractive to talented foreigners) will generate a new set of political, socio-economic and cultural dynamics to challenge the status quo. The new generation of Singapore citizens may well take a less dogmatic stance on issues such as national identity and citizenship, foregrounding an even more pragmatic, expansive citizenship regime in the future. But for now, Singapore seeks to exert whatever power, influence and custodial relationship over its citizens in international marriages through a citizenship regime that strives to ensure that such marital unions work in Singapore's favour while pre-empting their becoming a site for contestation over rights, privileges and access.

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Notes

1. In this paper, 'citizenship' and 'nationality' are used interchangeably.
2. In then British colonies such as Singapore, this had brought about modification to English law enabling the creation of personal laws by the British colonialists to manage the various religions, manners, and customs of the colonized people (Hooker 2002).

3. In today's 'war on terror' security climate, international marriages involving Muslim brides from the Indian sub-continent are reportedly becoming increasingly 'securitized' in western societies. But see Boswell (2007).
4. Act 12 of 2004, effective 15 May 2004.
5. For instance, section 46 of the Women's Charter states that both the husband and wife are 'mutually bound to cooperate with each other in safeguarding the interests of the union and in caring and providing for the children'; 'have the right separately to engage in any trade or profession or in social activities'; 'the wife shall have the right to use her own surname and name separately'; and 'the husband and the wife shall have equal rights in the running of the matrimonial household'.
6. One major aspect of citizenship is a citizen's involvement and participation in national life.
7. On the development of Singapore's citizenship law, see Goh (1970).
8. For a quick primer on Singapore's citizenship laws, see K.Y.L. Tan (2005, pp. 195–203).
9. Unless otherwise stated, all quotes in this section of the paper are taken from DPM Lee Hsien Loong's remarks during the parliamentary debate on the Constitution of the Republic of Singapore (Amendment) Bill on 19 April 2004 (see *Parliamentary Debates Singapore Official Report 2004a*).
10. DPM Lee emphasized that citizenship comes with responsibilities. For Singaporean males, this includes meeting their compulsory National Service requirements of two-year full-time service with reserve service up to 40 or 50 years of age depending on one's military rank.
11. In 2004, the government had categorically ruled out allowing dual citizenship in the short term. It has since acknowledged, however, that if every other country adopts dual citizenship or when Singapore matures as a society like Switzerland, then dual citizenship could be allowed (*The Straits Times* 2006e).
12. See, for instance, Ministry of Community Development (2000, pp. 25–26). On the Chinese and Confucian influence on gender relations in Asia, see Stearns (2006, pp. 54–61).
13. On wives (of Singaporean men working overseas) as the cultural defenders and carriers of their families, see Yeoh *et al.* (2000).
14. Notwithstanding the conventional understanding of the relatively high status of Southeast Asian women, Andaya (2006, p. 9) notes that the 'fears of uncontrolled female sexuality thread through the record from very early times'.
15. In the Chinese horoscope, the Dragon year (which occurs once in the 12-year zodiac cycle) is regarded as an auspicious time to have a child. By 2005, all races in Singapore were reproducing below replacement level (*The Straits Times* 2006f).
16. In the 30–34 years age group, 37% of Singaporean males and 26% of females are single. In the 40–44 years age group, 15–17% of Singaporeans were still unmarried in 2005 (Singapore Department of Statistics 2005a, 2005b, 2006).
17. This approximates the average number of foreign-born children granted citizenship between 2001 and 2003.
18. There are also regular reports of sham marriages or marriages of convenience involving Singaporean men and foreign women (see for example, *The New Paper* 2006c).
19. A resident marriage is one where the groom and/or the bride is a Singapore resident. A Singapore resident is either a citizen or a permanent resident.
20. Calculated based on information in Singapore Department of Statistics (2006b) and *The Sunday Times* (2006). In 2005, more than a quarter (26.1%) of resident grooms married foreign brides while 9.3% of resident brides married foreign grooms (H.L. Lee, personal correspondence with Department of Statistics 2006).
21. It is estimated that more than 40% of each cohort in Singapore's top junior colleges will go overseas for their studies (Shanmugaratnam 2006). Between 1994 and 2003, about 860 Singaporeans renounced their Singapore citizenships annually while 8100 foreigners became Singapore citizens annually (*Parliamentary Debates Singapore Official Report 2004b*). The fear of brain drain has made Singapore recruit aggressively from China and India to augment its local talent pool and population.
22. See the OSU's portal at www.overseasingaporean.sg. The OSU is part of the larger National Population Secretariat (NPS). The NPS supports the ministerial-level National Population Committee and is also responsible for setting policy objectives and coordinating the whole-of-government efforts in the continuum of population-related issues facing Singapore.

23. On the various bonding mechanisms that emigration states have used to engage their expatriates, see Chander (2006). On the concept of 'rootedness' as applied in Singapore, see E.S. Tan (2005).
24. Cf. Hausmann *et al.* (2006, p. 121) which notes the gender gap is still significant in Singapore.
25. Singaporean men tend to marry 'down' (hypogamy) while Singaporean women tend to marry 'up' (hypergamy). This results in proportionately more lowly educated men and more better educated women remaining unmarried. Graduate females show the highest tendency to remain single. In the 40–44 years age group, 26% of graduate females were single in 2005. This compares with 11% for females with below secondary qualifications. On the other hand, male Singaporeans with below secondary qualifications have the highest tendency to remain single (Singapore Department of Statistics 2006a, p. 7).
26. As Minister Raymond Lim (2006) urged the youths recently, 'If you end up marrying them [foreigners], that is alright but please settle down in Singapore to raise your children'.
27. See also India's Ministry of External Affairs (2002) on India's extensive plans to have a constructive relationship with the Indian diaspora.
28. On the challenges facing the feminist movement in Singapore, see Lyons (2004).
29. See 'Conditions for Work Permits' issued under the Employment of Foreign Workers Act. Available from: <http://www.mom.gov.sg/NR/rdonlyres/2F03CDE4-3B1A-43DE-8933-4ABC638A5458/7612/WSPPassConditions.pdf> [Accessed 15 August 2006].
30. On the apparent lack of concern with the 'permanent second-class citizenship' for foreign domestic workers in Singapore and Hong Kong, see Bell (2006).

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