

SINGAPORE RELATIONAL CONSTITUTIONALISM: THE ‘LIVING INSTITUTION’ AND THE PROJECT OF RELIGIOUS HARMONY

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This article interrogates the nature and workings of relational constitutionalism in the multi-religious secular polity of Singapore, focusing on the project of maintaining ‘religious harmony’. While managing inter-group conflict within rifted polities is a global problem, Singapore may have evolved some unique or unusual approaches in this project. Relational constitutionalism as a method of managing religious harmony brings with it a broader vocabulary of purpose beyond rights in speaking of duties, trust, solidarity, a conciliatory rehabilitative ethos, in service of sustainable relationships. This involves the executive prescribing values through non-binding soft constitutional norms, against the constitutional framework. With a view to pluralising the idea of constitutionalism, the article examines the norms, actors and processes deployed to resolve various ‘disharmony crises’. It argues that a public ritual aimed at pacification and promoting solidarity has evolved, and reflects on how constitutions as ‘living institutions’ manage divided societies.

I. INTRODUCTION: THE CONSTITUTION BEYOND THE COURT

In an Age of Rights, a significant portion of constitutional law scholarship focuses on what may be called ‘rights-oriented court-centric constitutionalism’ and interpretive approaches, which is integral to the hegemonic model of contemporary Western liberal constitutionalism (“WLC”), at least of the 20th century North American variety.¹ Questions of institutional design and constitution-making processes, and matters of constitutional theory, such as the nature and limits of constituent power² and constitutional amendment³ have also received extensive treatment.

To myopically conflate ‘constitutionalism’ with ‘liberalism’ and dismiss all constitutions not conforming to the WLC model⁴ as sham constitutions is to occlude the

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¹ Of course, scholarship exists as to the collective dimension of constitutions in the West: see eg Winfried Brugger, “Communitarianism as the Social and Legal Theory Behind the German Constitution” (2004) 2:3 ICON 431; Anna Sledzinska-Simon, “Constitutional Identity in 3D: A Model of Individual, Relational and Collective Self and its Application in Poland” (2015) 13:1 ICON 124.

² Martin Loughlin & Neil Walker, *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Oxford: Oxford University Press, 2008); Zoran Oklopčic, *Beyond the People: Social Imaginary and Constituent Imagination* (Oxford: Oxford University Press, 2018).

³ Yaniv Roznai, *Unconstitutional Constitutional Amendments: The Limits of Amendment Powers* (Oxford: Oxford University Press, 2017).

⁴ Michael W Dowdle & Michael A Wilkinson, eds, *Constitutionalism Beyond Liberalism* (Cambridge: Cambridge University Press, 2017) at 17.

existence of ‘non-liberal’ models⁵ and foreclose an interrogation into their nature, functions, merits and limitations. However, there is a growing appreciation that varieties of constitutionalisms exist; these share an anti-totalitarian orientation in seeking to constrain absolutist rulers and rules, without necessarily sharing the liberal predilection towards rights and judicial review as chief techniques for limiting government power and individual autonomy as liberalism’s meta-value. While all countries have a constitution, not all practice constitutionalism, which is the approximate ‘achievement’⁶ of limited government by legal and political constraints; these limits are set out in supreme written constitutions and developed by constitutional practice, amendment and interpretation. ‘Constitutionalism’ goes beyond a descriptive account of the framework of government; as a prescriptive term, it connotes a desirable state of affairs, foundational values and the methods to attain this.⁷

In examining the workings of the constitution beyond the court and in the spirit of pluralising the idea of constitutionalism, this article seeks to interrogate the nature and workings of relational constitutionalism in Singapore, a secular polity with a religious society where 80% of population of this multi-ethnic nation professes a religious affiliation. It focuses on the specific project of securing and maintaining ‘religious harmony’ within what the Pew Research Centre identified as the world’s most religiously diverse country.⁸ Of course, the role of a constitution within rifted, plural societies in promoting the pacific co-existence of distinct groups divided by ethnicity, religious and cultural diversity is not unique to Singapore. Indeed, the problem of managing inter-group conflict, whether between religious groups or between religious and secular humanist groups is a global one. However, Singapore, may have evolved some unique or unusual approaches towards preventing and managing conflict arising from religious disharmony.

The toolbox of conventional solutions and strategies deployed may include individual and group rights, group protection mechanisms, consultative processes, affirmative measures, power-sharing and spatial autonomy schemes. In addition to legal sanctions and adversarial rights litigation, Singapore relational constitutionalism brings to the table a broader vocabulary of purpose than rights or entitlements, punitive deterrence and the “liberalism of fear” which valorises the imperative of securing “the political conditions that are necessary for the exercise of personal freedom.”⁹ It speaks of duties, trust, a conciliatory, rehabilitative ethos, solidarity, public goods and situates rights in this context, rather than elevating it as a Dworkinian trump. It also points to a different method or approach: while we easily appreciate

⁵ Li-ann Thio, “Constitutionalism in Illiberal Polities” in Michel Rosenfeld & Andras Sajó, eds, *The Oxford Handbook on Comparative Constitutional Law* (Oxford: Oxford University Press, 2012) 133.

⁶ Dieter Grimm, “Types of Constitutions” in Rosenfeld & Sajó, *supra* note 5, 98 at 105.

⁷ See Louis Henkin’s 7 criteria, flowing from liberal democratic commitments, to what constitutionalism requires: Louis Henkin, “A New Birth of Constitutionalism: Genetic Influences and Genetic Defects” (1992) 14 *Cardozo L Rev* 533 at 535-536.

⁸ Pew Research Center, “Global Religious Diversity” (4 April 2014), online: <<http://www.pewforum.org/2014/04/04/global-religious-diversity/>>. According to the Singapore Demographics Profile 2018, the religious composition is: Buddhist (33.9%); Christian (18.2%), Muslim (14.3%); Hindu (5.2%), Other Faiths (9.7%), Religiously Unaffiliated: (16.4%). Its population is approximately 6.0 million people, as of 1 January 2019: CountryMeters, “Singapore Population”, online: <<http://countrymeters.info/en/Singapore#religion>>.

⁹ Judith N Shklar, “The Liberalism of Fear” in Nancy L Rosenblum, ed, *Liberalism and the Moral Life*, (Mass: Harvard University Press, 1989) 21 at 21.

the value of rights owing to our self-interest in human agency, this can lead to a blinkered vision of life as an atomistic individual. In contrast, a primary goal of relational constitutionalism¹⁰ relates to sustaining healthy, durable, on-going relationships—in this universe, rights co-exist with other-centric responsibilities, reciprocity and the common good. This aspiration fits more easily with communitarian or non-liberal models of constitutionalism¹¹ where the state actively promotes a particular conception of citizenship; in contrast, the liberal state purports not to dictate to citizens any conception of the good life, leaving this to self-determination, although in reality, a non-neutral liberal vision of the good exists.¹²

In relational constitutional orders, the executive branch plays an overtly prescriptive role in exhorting compliance with certain values or dispute management processes. The idea of state-prescribed shared values raises the valid fear of an imposed totalising ideology or statist imperatives. However, this can be contained provided relational values are internalised, command broad support, are minimal and kept to a ‘thin’ perfectionism. Singapore relational constitutionalism is directed towards building, keeping and maintaining civil peace and social harmony to contain fissiparous tensions borne of religious and cultural diversity. Its primary norm is that of maintaining “racial and religious harmony” as an independent, implicit constitutional value or ‘thick’ reading of public order norms,¹³ such as under article 15(4) of the *Constitution*,¹⁴ which regulates and restricts the article 15(1) right of every person to “profess, and practise... and to propagate” his religion.

The idea of nurturing a sense of shared values and duty to seek peaceful reconciliation after a ‘disharmony’ crisis erupts, while not in the normal vernacular of WLC model proponents, are key ingredients in addressing the constitutional problem of divided societies. Relational constitutionalism relates to the role of the constitution in promoting various norms, perhaps in a non-binding but influential soft constitutional law¹⁵ format, and guiding approaches towards non-judicial conflict resolution in service of the project of religious harmony. An interrogation of relational constitutionalism yields rich insights into the normative, conceptual and empirical dimension of constitutionalism, in terms of how constitutions operate in specific social settings, their functions and the political outcomes they help secure.

¹⁰ The term ‘relational constitutionalism’ has been used in another context where the project is to nurture subordinate political values to overcome “hierarchical orders [which] depend on silencing those on the bottom rungs”: see Peggy Cooper Davis, “Towards a Relational Constitutionalism” in AJ Barnard-Naude, Drucilla Cornell & Francois du Bois, eds, *Dignity, Freedom and the Post-Apartheid Legal Order: The Critical Jurisprudence of Laurie Ackermann* (Juta Law, 2008) 239 at 249. See generally Gidon Gottlieb, “Relationism: Legal Theory for a Relational Society” (1983) 50 U Chicago L Rev 567; Jennifer Nedelsky, *Law’s Relations: A Relational Theory of Self, Autonomy and Law* (Oxford: Oxford University Press, 2011).

¹¹ Graham Walker, “The Idea of Nonliberal Constitutionalism” in Ian Shapiro & Will Kymlicka, eds, *Ethnicity and Group Rights* (NY: NY University Press, 1997) 154.

¹² James Kalb identifies the liberal theory of the good, which prefers the facility of choice over something chosen and which makes desire the basis for determining rational action as hedonism: James Kalb, “The Tyranny of Liberalism” (2000) *Mod Age* 239 at 247.

¹³ Public order has been distinguished from the wider conception of maintaining law and order, involving a general disturbance of the public tranquillity of a country or a specified locality or implicating conceptions of public safety: *Re Tan Boon Liat* [1976] 2 MLJ 83 (Malaysia HC).

¹⁴ *Constitution of the Republic of Singapore* (1999 Rev Ed).

¹⁵ Li-ann Thio, “Soft Constitutional Law in non-liberal Asian Constitutional Democracies” (2010) 8:4 *ICON* 766.

To elaborate upon the nature and character of relational constitutionalism, Part II sets out the goals, functions, methods and conception of the constitution it adopts, contrasting this with the nature and functions of the archetypical liberal constitution. Part III identifies the nature of religion-state relations in Singapore, examining the soft constitutional norm of religious harmony in terms of its centrality to political and legal discourse. It considers whether religious harmony, as a soft constitutional norm, supports or weakens religious freedom. Part IV examines various ‘disharmony crisis’ and argues that a public ritual aimed at pacification has evolved, aimed at securing the key value of solidarity,¹⁶ which presumes the longevity of relationships. The vision of the individual within a relational framework is not the vision of an atomistic rational being asserting rights against the state, which many liberal theorists favour. Instead, individuals are situated in communities, shaped and constituted by the network of relationships they interact with and are fundamentally connected to. They do not always act rationally as the behaviour of constitutional actors may be driven by Law’s stereotypical ‘other’ of passions or emotions; the assumptions law adopts about emotions will shape laws and policies catering to religious sensitivities and feelings. This implicates a theory of citizenship and community, where tendencies towards hyperindividualism are counteracted by forms of constitutional patriotism which seek to promote solidarity through shared values, in the absence of a common language, history, religion or ethnicity. Part V offers concluding observations on how the constitution structures relations between distinct groups in society in the event of religious disharmony. It reflects upon the insight relational legal theory sheds upon how constitutions work and their role in managing divided societies through seeking religious harmony.

II. SETTING THE CONTEXT: KEY ASPECTS OF RELATIONAL CONSTITUTIONALISM AND THE CONSTITUTION AS LIVING INSTITUTION

Generic constitutions create and regulate institutions and process, articulate fundamental liberties and thereby establish a polity’s normative architecture. Constitutionalism “attempts to marry power with justice”¹⁷ through principles such as the separation of powers, rule of law and representative democracy. This speaks to the well-accepted constitutional functions of constraint and legitimacy, which is central to the WLC model, of which four archetypical features may be identified.

First, the meta-liberal norm prioritising individual autonomy as a chief way of restraining public power, based on ideas of human dignity, liberty and equality. Second, the idea of the ‘neutral state’, where the state does not subscribe to a substantive conception of the good, but leaves it to individuals to define their conception of the

¹⁶ This is distinct from the state mandated humiliating process of mandatory self-criticism many alleged counter-revolutionaries had to perform in public during the Cultural Revolution in the People’s Republic of China: Philip Bridgham, “Mao’s ‘Cultural Revolution’: Origin and Development” (1967) 29 *The China Quarterly* 1. Self-criticism was also used to extra-judicially resolve minor disputes between neighbours or spouses, conducted by cadres at the ground level. Shao-Chuan Leng, “The Role of Law in the People’s Republic of China as Reflecting Mao Tse-Tung’s Influence” (1977) 68:3 *J Crim L & Criminology* 356 at 362. See also Leah Zhu, *The Power of Relationism in China* (London: Routledge, 2018).

¹⁷ Donald S Lutz, “Thinking about Constitutionalism at the Start of the Twenty-First Century” (2000) 30:4 *Publius: The J of Federalism* 115 at 129.

‘good life’; this presumes that the state is indifferent towards the character formation of its citizens. However, the liberal state is not neutral as it seeks not only to protect but to produce citizens championing a liberal ethos which is individualistic, choice-oriented, experimental and cosmopolitan.¹⁸ Third, a secular orientation which mandates a separation of political and religious authority. Fourth, limited government based on principles such as competitive multi-party democratic elections and judicial review, which prioritises protecting the rights of atomic individuals against the leviathan state. Rather than treating rights as determinative in the adjudicatory process, judicial review within non-liberal constitutional orders may seek to optimally balance rights against competing interests; this befits a communitarian ethos where rights are not treated as trumps, but without degenerating into a repressive statism inimical to human freedoms. Non-liberal states reject any pretence at neutrality in actively espousing a vision of human good, such as environmental conservation¹⁹ or poverty eradication;²⁰ these policies entail enhancing rather than curtailing government power to run related programmes.

Constitutions perform a variety of functions in addition to securing accountability in the exercise of public power. They may be designed to stabilise a newly democratising polity in transitional times,²¹ to erect conciliatory institutions to manage ethnic tensions in post-conflict constitution-making,²² to implement ameliorative social reform, to uphold the spiritual and cultural heritage of a nation.²³ Constitutions may play a key role in setting forth the identity of the polity and its culture, which may harmonise with international human rights standards, or be idiosyncratic. In espousing a vision of citizenship or the common good designed to promote communal or moral solidarity or multiculturalism, the constitution discharges an integrative function in facilitating the process by which citizens develop a distinct, shared collective identity. This harmonises with the goals of relational constitutionalism to build and keep civil peace and social harmony within multicultural societies, to secure “the relational well-being of individuals and groups and to preserve sustainable relationships in a polity where disparate religious groups and their members are able to co-exist, maintain their distinct identities, while being unified by a national identity and a shared commitment to the common good.”²⁴ While relational constitutionalism always operates against the background of regulatory legal norms and rights, it utilises non-binding declaratory ‘soft’ constitutional norms to provide guidance on

¹⁸ Stephen Macedo, “The Constitution of Liberalism” in Stephen Macedo, *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism* (Oxford: Clarendon Press, 1990) 163.

¹⁹ *The Constitution of The Kingdom of Bhutan* (2008), art 5(3) requires a minimum of 60% of the land to be “under forest cover for all time.”

²⁰ Zoran Oklopčic, “The South of Western Constitutionalism: A Map Ahead of a Journey” (2016) 37:11 *Third World Quarterly* 2080.

²¹ Jiunn-Rong Yeh & Wen-Chen Chang, “The Changing Landscape of Modern Constitutionalism: Transitional Perspective” (2009) 4:1 *Nat’l Taiwan U L Rev* 145.

²² Donald L Horowitz, “Conciliatory Institutions and Constitutional Processes in Post-Conflict States” (2008) 49 *Wm & Mary L Rev* 1213.

²³ *Bhutan Constitution*, *supra* note 19, art 3 enjoins constitutionally established religious institutions and personalities to promote Buddhism as the spiritual heritage of Bhutan.

²⁴ Li-ann Thio, “Relational Constitutionalism and the Management of Religious Disputes: The Singapore ‘Secularism with a Soul’ Model” (2012) 1:2 *Oxford J L & Religion* 446 [Thio, “Relational Constitutionalism”]. For a view of relational justice as nurturing subordinate political voices, see Davis, *supra* note 10 at 249.

what constitutes anti-social behaviour; it seeks to cajole, persuade, admonish and shape the behaviour of constitutional actors. An approach different to that of legal sanction or adversarial litigation is warranted where the goal is to promote conciliation or restore relational solidarity;²⁵ in this respect, exhortation and persuasion are better suited to the internalisation of shared norms and in fostering commitments to build strong social bonds and heal relational breaches, rather than to breed animus and vengeance which perpetuates divisive conflict. These normative commitments rest on the premise that good relationships cohere society, temper selfish individualism and help construct a sense of national identity, belonging and shared purpose.

That said, the question of what the term ‘constitution’ means in speaking of relational constitutionalism is raised; this goes beyond the documentary text and implied constitutional norms such as unenumerated rights, the basic structure of the Westminster constitution or fundamental rules of natural justice.²⁶ The view adopted here borrows from Karl Llewellyn’s realist insight that the Constitution is a ‘living institution’ rather than a collection of words or rules in a document; a Constitution is “extra-Documentary”, in being “a set of ways of living and doing;”²⁷ the Constitution flows from “the actions, understanding and inter-relationships of those who operate it.”²⁸ This flows from the stream of constitutional realism, whose source within the context of Singapore’s dominant party parliamentary system²⁹ is located in parliamentary practices or conventions and what might be called ‘soft constitutional law’ (“SCL”).³⁰ While conventions are a product of action and experience, a form of informal, unwritten agreements, SCL norms are declaratory in nature, prescribing desired standards of conduct which are contained in formally non-binding instruments whose norms are nonetheless influential, given the political weight behind them and the prestige of the executive branch which authors them. These norms, found in instruments like white papers or declarations are widely publicised and have the capacity to shape expectations of how constitutional actors should act, whether between citizens inter se, or the governors and governed. They form a frame of reference which is regularly invoked and reiterated after a dispute has erupted, allowing relevant actors to jointly reaffirm their commitment to a shared norm, like preserving religious harmony, and to follow a process, which evolves through experience with similar situations, as a form of conciliation-oriented, solidarity-projecting public ritual. This has some ‘precedential’ value insofar as it generates expectations of future compliance, promotes norm internalisation through inculcation, and delineates the realm of the anti-social which attracts collective disapprobation, and possibly, legal sanction in the event of recalcitrance.

²⁵ ‘Truth and reconciliation’ commissions are examples of other non-judicial mechanisms of addressing past state wrongs with the goal of promoting national reconciliation and healing social divisions. See eg Beth Rushton, “Truth and Reconciliation? The Experience of Truth Commissions” (2006) 60 *Austl J Intl Affairs* 125.

²⁶ See eg *Yong Vui Kong v Public Prosecutor* [2015] 2 SLR 1129 (CA) at paras 62-64, 69-72.

²⁷ KN Llewellyn, “The Constitution as an Institution” (1943) 34 *Colum L Rev* 1 at 15, 17.

²⁸ Matthew SR Palmer, “Using Constitutional Realism to Identify the *Complete* Constitution: Lessons from an Unwritten Constitution” (2006) 54 *Am J Comp L* 587 at 596.

²⁹ The governing People’s Action Party, which has been in power since Independence in 1965, secured 83 of 89 elective seats after the 2015 General Elections.

³⁰ Thio, “Soft Constitutional Law”, *supra* note 15.

III. RELIGION-STATE RELATIONS IN SINGAPORE AND THE IMPERATIVE OF RELIGIOUS HARMONY

A. Religion-State Relations

Singapore is a secular democracy whose model of accommodative secularism is premised on freedom of religious conscience.³¹ The Singapore *Constitution* does not attribute a religious faith to a particular ethnicity, distinct from article 160 of the Malaysian Constitution which defines a ‘Malay’ as one who “professes the religion of Islam”, leading to the curtailment of religious freedom through apostasy laws.³² More than 98% of Malays profess Islam, according to the 2010 census, and some judges have treated as a social given that “the Muslim population mainly comprises people of the Malay race”,³³ despite this being contrary to the principle that religious identity is voluntarist rather than legally ascribed. Article 152 enjoins the government to care for “the interests of racial and religious minorities” and to recognise the “special position” of the Malays as indigenous people by promoting and protecting their political, cultural, linguistic, economic and religious interests. Pursuant to article 153, the *Administration of Muslim Law Act*³⁴ (“*AMLA*”) operationalises a degree of legal pluralism by establishing religious courts,³⁵ which apply Syariah law over a limited range of personal laws like marriage and testamentary disposition; it created the Islamic Religious Council (“*MUIS*”), a statutory board, which advises on Muslim affairs and regulates aspects of religious practice like the hajj, collecting zakat and halal certification.

Singapore does not have an anti-establishment clause and is unlike strict separationist models in *laik* states: for example, the government is entangled in the administration of Muslim laws, as where the Singapore President appoints the *MUIS* President after consulting *MUIS*.

Article 15 of the *Constitution* protects the right to profess, practice and propagate religion, subject to public order, health and morality. Where assertions of religious freedom affect matters judicially associated with national security, such as a refusal to perform compulsory military service, public order considerations trump religious freedom claims.³⁶ Where the regulation of religious practices like permitting religious procession subject to various conditions is concerned, the courts adopt a more calibrated approach to ascertain whether the governing authority has acted

³¹ *Nappalli Peter Williams v Institute of Technical Education* [1999] 2 SLR (R) 529 at para 28.

³² Thio Li-ann, “Apostasy and Religious Freedom: Constitutional Issues Arising from the *Lina Joy* Litigation” [2006] 2 MLJ i-cxvi.

³³ *Public Prosecutor v Ong Kian Cheong* [2009] SGDC 163 at para 48 [*Ong Kian Cheong*]. Notably, a Malay Christian pastor, Adam Ibrahim, submitted before the 1966 Constitutional Commission that the Constitution should not define Malays as those professing the Muslim faith. He stated it was possible to practice Malay traditions and customs without being Muslim, as he celebrated Hari Raya with his family as a matter of culture “without following the religious implications.” In response to questions, he believed that no more than 10 Malays in Singapore had become Christians: “The Right to Choose One’s Religion - By a Padre” *The Straits Times* (9 March 1966) 6.

³⁴ Cap 3, 2009 Rev Ed Sing.

³⁵ These are subject to some degree of review by civil courts *eg* non-observance of natural justice in *Mohd Ismail bin Ibrahim v Mohd Taha bin Ibrahim* [2004] 4 SLR (R) 756.

³⁶ *Chan Hiang Leng Colin v PP* [1994] 3 SLR (R) 209 at paras 63-64.

reasonably.³⁷ A key factor in assessing reasonableness is whether the authorities had adopted a consultative approach in readjusting policies, such as dialogue engagements with the Hindu community over the policy regulating the playing of musical instruments during the Thaipusam procession.³⁸

The state cooperates with religious groups in the delivery of welfare services³⁹ and invites religious counsellors to participate in the rehabilitation of prison inmates.⁴⁰ Given the varieties of secularisms,⁴¹ the Singapore model is anti-theocratic rather than anti-religious; while religious and political authority are separated to some degree, insofar as political legitimacy flows from the Constitution and democratic processes, this does not preclude a role for religion in public life nor exclude religiously influenced convictions from joining debates on law and public policy. The government seeks not to interfere with questions of religious doctrine or theology, does not take a position on whether a group is a ‘cult’,⁴² strives to be “neutral, fair” between religions and not antagonistic towards religion; it “hold[s] the ring” so religious groups can practice their faith “without colliding with one another in Singapore.”⁴³

The Prime Minister (“PM”) disclosed that the government conducts regular closed-door sessions with religious leaders to discuss sensitive matters like the *Maintenance of Religious Harmony Act*⁴⁴ (“MRHA”) and to seek their support; since then, “we have continued to keep in close touch with them, to meet them regularly.” This shows the importance of good relationships is appreciated together with building consensus through persuasion, rather than resorting to top-down imposition of regulations which stirs disquiet and grievance. Regular dialogue helps to “keep the line warm and the confidence on both sides so I know you, you know me” so when conflicts emerge, “we are not dealing with strangers but with somebody we know and trust.”⁴⁵ Certain “specific difficult issues” are handled through quiet diplomacy, out of publicity’s eye, which again requires good relationships. The difficulty may arise in relation to which religious leaders are consulted, as not all religious groups are centrally organised, particularly Christian protestant denominations. The National Council of Churches of Singapore (“NCCS”), created in 1974, is the main representative body, though it may not represent all perspectives, as evident in the creation in 2018 of the 50-member Alliance of Pentecostal-Charismatic Churches of

³⁷ *Vijaya Kumar s/o Rajendran v AG* [2015] SGHC 244.

³⁸ *Ibid* at [38].

³⁹ Li-ann Thio, “The Cooperation of Religion and State in Singapore: A Compassionate Partnership in Service of Welfare” (2010) 7:3 *Rev Faith & Intl Affairs* 33.

⁴⁰ *Madan Mohan Singh v AG* [2015] 2 SLR 1085 (HC) at para 57.

⁴¹ Michael Warner, Jonathan VanAntwerpen & Craig Calhoun, eds, *Varieties of Secularism in a Secular Age* (Mass: Harvard University Press, 2010) at 283; Jaclyn L Neo, “Secularism without Liberalism: Religious Freedom and Secularism in a Non-Liberal State” (2017) *Mich St L Rev* 333; Phil Zuckerman & John R Shook, eds, *The Oxford Handbook on Secularism* (NY: Oxford University Press, 2017).

⁴² “Certain Controls Necessary to Keep Peace” *The Straits Times* (10 Dec 1995) 4 (Minister for Home Affairs stating in relation to Al Arqam that his ministry “has no theological views on who is heretical and who is not.”)

⁴³ PM Lee Hsien Loong, “National Day Rally 2009 Speech (English)” (16 August 2009), online: <<https://www.pmo.gov.sg/newsroom/prime-minister-lee-hsien-loongs-national-day-rally-2009-speech-english>> [“NDR 2009 Speech”].

⁴⁴ Cap 167A, 2001 Rev Ed Sing.

⁴⁵ “NDR 2009 Speech”, *supra* note 43.

Singapore.⁴⁶ The heads of the Taoist Federation and Singapore Buddhist Federation represent these faiths, while the Sikh and Hindu community are organised under the Central Sikh Gurdwara Board and Hindu Endowments Board.⁴⁷ While there are various Muslim organisations, some government-linked like MUIS and other non-government groups,⁴⁸ the lead group is MUIS and the Mufti.⁴⁹

The Inter-Religious Organisation (“IRO”), founded in 1949, is represented by 10 major religions with the objective of promoting peace and harmony. It has become an important symbol of the multi-religious Singapore society; its members, adorned in religious dress, regularly offer collective multi-faith prayers at the beginning of Formula 1 events, the opening of MRT lines, the celebration of Hanukkah on Orchard Road;⁵⁰ the government has also invited IRO representatives to conduct prayers at Singapore Armed Forces passing out parades and national memorial services for air tragedies and natural disasters.⁵¹ They also play an active role in helping to calm tempers roiled by religious conflicts, as explored below.

While religion is generally considered a “constructive social force,”⁵² the dark side of the equation comes in the form of threats to religious harmony through extremist Islamist terrorism and flowing from this, Islamophobia. This indicates a relational deficit as such attitudes thrive on “fear, suspicion and distrust of each other.”⁵³ The national psyche of Singapore (or its government leaders) is also scarred by the trauma of race-riots with a religious dimension, specifically, the Maria Hertogh riots of the 1950s and the Prophet Muhammad riots of July and September 1964;⁵⁴ thus, the government regularly invokes fragility of communal relations. After the failed Jemaah Islamiyah (“JI”) bomb plot of the early 2000s where race relations hit their post-Independence nadir, the government published a white paper detailing the evidential basis to justify the preventive detention of some 36 persons, the majority being JI members. The government demonstrated a relational approach in conducting closed-door dialogues with grassroots and Muslim community leaders, to

⁴⁶ Melody Zaccheus, “Pentecostal, Charismatic and Other Churches Form New Body” *The Straits Times* (30 April 2018), online: The Straits Times <<https://www.straitstimes.com/singapore/pentecostal-charismatic-and-other-churches-form-new-body>>.

⁴⁷ *Central Sikh Gurdwara Board Act* (Cap 357, 1985 Rev Ed Sing); *Hindu Endowments Board* (Cap 364, 1994 Rev Ed Sing).

⁴⁸ See eg PERGAS (Singapore Islamic Scholars and Religious Teachers Association) and the Association of Muslim Professionals.

⁴⁹ *AMLA*, *supra* note 34, s 30.

⁵⁰ “Singapore Track Blessed Ahead of Annual F1 Night Race” *Today* (12 September 2013), online: Today <<https://www.todayonline.com/sports/singapore-track-blessed-ahead-annual-f1-night-race>>; “Religious Leaders Visit Downtown Line 3 Ahead of Launch on Oct 21”, *Channel NewsAsia* (25 September 2017), online: Channel NewsAsia <<https://www.channelnewsasia.com/news/singapore/religious-leaders-visit-downtown-line-3-ahead-of-launch-on-oct-9249132>>; “Happy Hanukkah!”, *SingaSpeaks* (Ramakrishna Mission Periodic Newsletter Roar 47, 11 February 2017) at 3; IRO, “Chanukah Celebration 2017 - Jewish Festival of Light”, online: <<http://iro.sg/gallery/chanukah-celebration-2017-jewish-festival-of-light/>>.

⁵¹ “The Nation Mourns” *The Straits Times* (31 December 1997) 1; “Thousands Gather to Pray for Tsunami Victims” *The Straits Times* (31 January 2005).

⁵² Singapore, Parliament, “White Paper on Shared Values”, Cmd 1 (1991) at para 45 [“Shared Values White Paper”].

⁵³ Ng Jun Sen, “Parliament: Singapore is not Immune to Islamophobia, says K Shanmugam” *The Straits Times* (2 March 2018), online: The Straits Times <<https://www.straitstimes.com/politics/parliament-singapore-is-not-immune-to-islamophobia-said-shanmugam>>.

⁵⁴ *Public Prosecutor v Koh Song Huat Benjamin* [2005] SGDC 272 at para 6 [*Koh Song Huat Benjamin*].

reassure the beleaguered Muslim community and to let the families of the detained know their relatives were being treated well. Even schools received briefings, in concerted efforts to calm the situation and restore trust.⁵⁵ Knowing that terrorism conducted in the name of religion could undo harmonious relations, the government distinguished between moderate/radical Muslims and the local/foreign Muslim community, to emphasise that most Singapore Muslims were “moderate, tolerant and law-abiding.”⁵⁶ The white paper demonstrated the government’s solicitude for Muslim sensitivities in underscoring that efforts to address radical teachers and foreign terrorist operatives must not “disrupt the legitimate practices and peaceful activities of the local Muslim community,”⁵⁷ who were urged to engage in community self-regulation to detect extremist religious teachings. The government has not issued top-down *diktats* to Muslim leaders but worked with them, encouraging them to be an exemplary Muslim community and a light to the world.⁵⁸ In turn, Muslim leaders had taken steps to promote good citizenship. MUIS produced a “Risalah For Building a Singapore Muslim Community of Excellence”⁵⁹ with 10 Desirable Attributes to help the community be “religiously profound and socially progressive” in the Singapore context. The need to adapt Islamic teachings to modern exigencies was accepted, including being well-adjusted “contributing members of a multi-religious society and secular state,” who contribute “to the well-being of all humanity.”⁶⁰ Contrary to the insidious ISIS doctrine of *hijrah* (migration to Islamic lands), MUIS pointed to credible scholarship supporting the view that Muslims should contribute to and co-exist “harmoniously with other communities in diverse, multi-religious societies.”⁶¹ This goes to building solidarity. To ensure that Muslim religious teachers are sensitised to local conditions, the state to some extent regulates religious doctrine which is presented as contextualising religious teachings within a secular multi-religious nation which is not anti-Islam and safeguards religious freedom.⁶² Under section 87 of the *AMLA*, individuals who teach Islam or education providers are required to be registered under the MUIS Asatizah Recognition Scheme (“ARS”). Aside from requiring a certificate to ensure basic competence, religious teachers must abide by the ARS Code of Ethics which requires them to recognise the diversity of opinion within Islam and to teach doctrine not harmful to “the well-being and harmony of the society at all times.” They must refrain from denigrating non-Muslims and “using

⁵⁵ Thio, “Relational Constitutionalism”, *supra* note 24 at 460-462.

⁵⁶ Singapore, Parliament, “White Paper: The Jemaah Islamiyah Arrests and the Threat of Terrorism”, Cmd 2 (2003) at 23.

⁵⁷ *Ibid* at 22.

⁵⁸ “Singapore’s Malay Muslims can be Modern Vibrant Community that the World Looks Up to: Shanmugam” *Channel NewsAsia* (1 April 2017), online: Channel NewsAsia <<https://www.channelnewsasia.com/news/singapore/singapore-s-malay-muslims-can-be-modern-vibrant-community-that-t-8709004>>.

⁵⁹ MUIS, “Risalah for Building a Singapore Muslim Community of Excellence”, 2d ed (2006), online: <<https://www.muis.gov.sg/-/media/Files/OOM/Resources/Risalah-eng-lr.pdf>>.

⁶⁰ *Ibid* at 62, 63.

⁶¹ MUIS, Media Statement, “Media Statement - MUIS Statement on Mufti Friday Sermon” (29 September 2017) at para 6, online: <<https://www.muis.gov.sg/Media/Media-Releases/29-Sep-17-Media-Statement-Muis-Statement-On-Mufti-Friday-Sermon>>.

⁶² *Moderation in Islam: In the Context of the Muslim community in Singapore* (Singapore: PERGAS, 2004) at 111-112. See also Lily Zubaidah Rahim, “Governing Muslims in Singapore’s Secular Authoritarian State” (2011) 66:2 *Austl J Intl Affairs* 169.

concepts, terms and descriptions that may erode social harmony and threaten the social fabric of Singapore”, nor advocate any political idea which may encourage extremism or violence.⁶³ Such guidelines are easier to accept than legally binding rules which further centralises state power.

The government is wary of religious teachings which may be segregationist or insulting to other religious groups; it has adopted a hard-line stance in refusing to give foreign preachers work passes if they preach religious intolerance or other divisive views “inimical to our multi-racial, multi-religious society.”⁶⁴

B. Law, Emotions and Religious Harmony

Common law jurisdictions often invoke the ‘reasonable man’ or person in relation to problems which need objective solutions, such that the reasonable man provides “important standard-setting services to the law.”⁶⁵ A rational person who values free speech and robust intellectual exchanges may, where his religious faith is insulted or denigrated, react by ignoring the speaker; however, where developing law and policy, this assumption unrealistically discounts the emotional or spiritual aspect of man and his strong attachment to his faith and loyalty to deity. How law regulates these emotions in seeking to preserve religious harmony sheds light on the vision of the human person within the constitutional order, beyond being a rights-bearer having “pure, emotionless rationality”, which is a fiction.⁶⁶

Conceptions of good governance in Singapore have always centred around pragmatism, meritocracy, rationality. At Independence, Singapore treated the Malaysian approach of one group asserting its dominance over others “on the basis of one race, one language, one religion” as an anti-model, given the “terrors and the follies and the bitterness” this generates. Instead, it opted for “multi-racialism and a secular State”, with constitutional safeguards to protect minorities. Founding PM Lee Kuan Yew hoped that Singapore polices would help its neighbours “in reaching similar rational adjustments in their own domestic arrangements.”⁶⁷ This reflects the classic if not

⁶³ MUIS, Factsheet, “Annex B: ARS Code of Ethics”, *Presentation of Certification of Recognition for Muslim Religious Schools* (27 October 2017), online: <https://www.gov.sg/~!sgpcmedia/media_releases/muis/press_release/P-20171027-1/attachment/Media%20Factsheet%20-%20ARS%20IECP%20Presentation%20Ceremony.pdf>.

⁶⁴ “Parliament: Foreign Preachers will be Banned if they Preach Religious Intolerance, says Shanmugam” *The Straits Times* (8 January 2018), online: The Straits Times <<https://www.straitstimes.com/politics/parliament-foreign-preachers-will-be-banned-if-they-preach-religious-intolerance-says>>. The government banned two Christian preachers in 2017 for making “denigrating and inflammatory comments of other religions”. One described Allah as a “false god” and called Buddhists “Tohuw people” (Hebrew word for lost, lifeless, confused and spiritually barren individuals). The other described Islam as “an incredibly confused religion” interested in “world domination.” Concerns about social peace trump arguments from truth (significant as many religions claim to be the true path to a desired state) or a free marketplace of ideas; in like vein, burning holy books like the Bible or Koran would not be allowed as expressive acts: “Fostering Closer Inter-religious Ties has to be an Effort by All: Shanmugam” *Today* (3 September 2018), online: Today <<https://www.todayonline.com/singapore/fostering-closer-inter-religious-ties-has-be-effort-all-shanmugam>>.

⁶⁵ John Gardner, “The Many Faces of the Reasonable Person” (2015) 131 LQR 563 at 563.

⁶⁶ Susan A Bades & Jeremy A Blumenthal, “Emotion and the Law” (2012) 8 Ann Rev L & Soc Sci 161 at 162.

⁶⁷ Parliamentary Debates Singapore: Official Report, “Yang di-Pertuan Negara’s Speech (Debate on the Address)”, vol 24 at cols 114-115 (14 Dec 1965) (Lee Kuan Yew).

stereotypical dichotomy between law projected as ‘reason’, with religious fervour and ethnic chauvinism relegated to the ‘other’ of ‘reason’, that is, passion or primordial emotions, which are viewed as “quick, hot, irrational bursts of feelings.”⁶⁸ In this view, emotions are unreason,⁶⁹ something anarchic or unreliable which the law is to avoid or counteract, as a “modern state... exists to mitigate by lawful coercion the murderous proclivities generated by racial, ethnic and religious solidarity.”⁷⁰ The reasonable person and rational action is to be praised. This is reflected in the account given by Neighbour DJ in *Ong Kian Cheong*⁷¹ of how a Muslim woman responded after reading a publication placed in her mailbox which she felt “denigrated her religion”; she thought that a Christian group sent it as the tract “promoted Christianity” and “was angry” on reading it. She stated that had it fallen into “wrong hands”, this could direct “feelings of ill-will and hostility” from Muslims against Christians. Therefore, “acting rationally”, she made a police report so investigations could be conducted.⁷² A rational person could just as easily have thrown away the unsolicited tract. Nonetheless, the law does not expect the action of a ‘reasonable person’ here, insofar as this treats said person as a detached paragon of virtue. Instead, human frailty is taken seriously, as reflected in the formulation of laws relating to inter-religious and racial harmony which the government may and has invoked. Particularly noteworthy is the use of the term, ‘feelings’ as emotion “describes those aspects of social life that involve feelings.”⁷³ Rather than the purely Rational Man, the law apprehends the Emotional Man, appreciating “the vital role of the emotions in human life and in the life of the law;”⁷⁴ this resonates with the Platonic view that the common person was inherently irrational.⁷⁵

Chapter XV of the *Penal Code*⁷⁶ contains offences relating to religion and race. Section 298 makes it an offence to utter words or make gestures with “deliberate intention of wounding the religious or racial feelings” of any person. Section 298A makes it a crime for a person to knowingly attempt by spoken or written word to promote enmity, hatred or ill-will between “different religious or racial groups” or to commit acts he knows “is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs... the public tranquility.” This is not

⁶⁸ *Supra* note 63 at 162.

⁶⁹ The view that emotions are incompatible with reason is “out of step with the modern consensus on psychology and other fields”: Susan A Bandes, “What Roles do Emotions Play in the Law?” *Emotional Researcher* (16 April 2018), online: <<http://emotionresearcher.com/what-roles-do-emotions-play-in-the-law/>>. Andras Sajo considers that emotions interact with reason to influence decision-making processes, such as constitution-making. Rather than being merely transitory feelings, emotions can become stable “patterns” or “facts of social life” which inform the content of “public sentiments”: Andras Sajo, “Emotions in Constitutional Design” (2010) 8:3 *ICON* 254.

⁷⁰ Judith N Shklar, *Political Thought and Political Thinkers* (Chicago: University of Chicago Press, 1998) at 385.

⁷¹ *Supra* note 33.

⁷² *Ibid* at para 13.

⁷³ Bettina Lange, “The Emotional Dimension in Legal Regulation” (2002) 29:1 *J L & Soc’y* 197 at 200.

⁷⁴ See Kathryn Abrams & Hila Karen, “Who’s Afraid of Law and the Emotions?” (1998) 94 *Minn L Rev* 1997 at 2073.

⁷⁵ Daniel Toker, “You’re Not as Rational as You Think: Political Philosophy and the Science of Irrationality” *Knowing Neurons* (17 August 2017), online: <<https://knowingneurons.com/2017/08/17/youre-not-rational/>>. This is why Plato called for the transfer of political power to the hands of philosopher kings who alone could engage in cold and detached reasoning.

⁷⁶ Cap 224, 2008 Rev Ed Sing.

a blasphemy law, as it seeks not to protect religious orthodoxy but religious harmony. Like section 298, the definition of ‘seditious tendency’ under section 3(1)(e) of the *Sedition Act*⁷⁷ refers to “feelings:” speech has a seditious tendency if it “promote[s] feelings of ill-will and hostility between different races or classes of the population of Singapore.” In sedition cases where Malay-Muslims are involved, ‘race’ is closely associated with ‘religion’, as in *Ong Kian Cheong*⁷⁸ and *Koh Song Huat Benjamin*.⁷⁹ Publishers of material mocking Christianity have received formal warnings and not been prosecuted.⁸⁰

Prosecution under these laws signals to the offender, offended, and larger community, where the boundaries of the acceptable and anti-social lie. The law addresses emotional responses, reflecting the practical wisdom that maintaining ‘harmony’ is not so much a matter for the detached intellect but “winning hearts and minds and influencing the people’s emotions”. This is because “the relationships between ethnic and religious communities are essentially about emotions”, whether members of Chinese, Malay and Indian communities trust each other, are willing to live in mixed neighbourhoods, “whether people of different races and religions are willing to interact with one another.”⁸¹

C. Religious Harmony as Public Law Value: Sources and Content

The term ‘religious harmony’ does not appear in the constitutional text, though it may be read into the public order limitation to religious freedoms under article 15(4), which is the basis for laws such as the *MRHA*. This empowers the Minister to issue non-justiciable restraining orders against religious leaders (or those who instigate them) which prohibits them from publishing or making oral addresses for the purposes, inter alia, of “causing feelings of enmity, hatred, ill-will or hostility between different religious groups.”⁸² Thus, if a religious leader deliberately incites his congregation to hatred of another religious group, the Minister “can prohibit him from repeating such inflammatory or provocative statements,”⁸³ warning the speaker not to repeat the offensive action on pain of prosecution in a court of law. The *MRHA* embodies another layer of regulatory control, increasing state powers to

⁷⁷ Cap 290, 2013 Rev Ed Sing.

⁷⁸ *Supra* note 33.

⁷⁹ *Supra* note 54. See Tan Yock Lin, “Sedition and its New Clothes in Singapore” [2011] Sing JLS 212; Jaclyn Ling-Chien Neo, “Seditious in Singapore! Free Speech and the Offence of Promoting Ill-Will and Hostility between Different Racial Groups” [2011] Sing JLS 351.

⁸⁰ Eugene KB Tan, “From Clampdown to Limited Empowerment: Hard and Soft Law in the Calibration and Regulation of Religious Conduct in Singapore” (2009) 31:3 Law & Pol’y 351.

⁸¹ Minister of State Zainul Abidin Rasheed, “Resolving Ethno-Religious Conflicts: The Singapore Experience” (Speech at the 12th Conference of the East and Southeast Asia Network for Better Local Governments, 2 December 2004), online: <https://www.mfa.gov.sg/content/mfa/media_centre/press_room/sp/2004/200412/speech_20041202_01.printable.html?status=1>.

⁸² *MRHA*, *supra* note 44, ss 8, 9. See Li-ann Thio, “Control, Co-Optation and Co-Operation: Managing Religious Harmony in Singapore’s Multi-Ethnic, Quasi-Secular State” (2005) 33:2&3 Hastings Const LQ 197 at 229-236; Jothie Rajah, “Policing Religion” in Jothie Rajah, *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore* (Cambridge: Cambridge University Press, 2012) 219.

⁸³ Singapore, Parliament, “White Paper on Maintenance of Religious Harmony”, Cmd 29 (1989) at para 30 [“MRH White Paper”].

take preventative action and to preclude judicial review contrary to the rule of law; the justification offered is that trials involving religiously provocative matter may “stoke passions further if the defendant turns them into political propaganda.”⁸⁴ Although no restraining orders have ever been issued, the law is well-known and some Buddhists have identified the MRHA as a safeguard against “insensitive proselytising.”⁸⁵

‘Racial and religious harmony’ may be considered a constitutional value, a principle of interpretation in reading ‘public order’. It is one of five declared shared values.⁸⁶ Guidelines to maintain religious harmony and the threats are most extensively articulated in the 1989 white paper on maintaining religious harmony and the 2003 Declaration on Religious Harmony, comprising the ‘canon’ of SCL norms on religious harmony which are referenced in religious disharmony crises.

1. *Provisional Orientation*

Before examining these harmony-preserving guidelines, it is important to read them against the backdrop of three factors.

First, what might be described as a form of communitarian constitutionalism is practiced in Singapore, with mixed liberal and non-liberal elements.⁸⁷ There is judicial recognition that society is not an undifferentiated mass: aside from individual rights and government interests, the impact of “diatribes against another race or religion” on cyberspace will also affect “racial group[s]” and “the very fabric of our society.”⁸⁸ Secondly, in terms of addressing the minority question, coercive assimilation is rejected; harmony does not come from imposed homogeneity which only alienates. Instead, government policy is to recognise a common and separate domain to secure the interests of minorities while building a national identity.⁸⁹ Each ethnic community is thought of as a circle and within that space, their peculiar identity, culture and language may be enjoyed as “for most people, ethnicity is primordial and basic.” Where these circles overlap, a “common space” is formed where interaction occurs on the basis of common citizenship, out of which a Singaporean identity is forged.⁹⁰ This government continuously works to increase the common space, which is the basis for justifying policies requiring common uniforms to the exclusion of religious dress like the tudung and hijab⁹¹ for public schools and certain public sector jobs like police officers. In schools, minimising differences serves to remind students

⁸⁴ *Ibid* at para 31.

⁸⁵ *Agree to Disagree: Conversations on Conversions* at 18, online: <www.conversion.buddhists.sg>.

⁸⁶ “Shared Values White Paper”, *supra* note 52 at para 52. The other values relate to ‘nation before community and society above self’, ‘family as the basic unit of society’, ‘regard and community support for the individual’ and ‘consensus instead of contention.’

⁸⁷ The Court of Appeal identified various “communitarian values” such as the “preservation of morality, the protection of the person, the preservation of public peace and order, respect for institutions and the preservation of the state’s wider interests”: *Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR (R) 684 (CA) at para 17. See “Shared Values White Paper”, *supra* note 52 at para 30.

⁸⁸ *Koh Song Huat Benjamin*, *supra* note 54 at para 8.

⁸⁹ Chan Sek Keong, “Multiculturalism in Singapore: The Way to a Harmonious Society” (2013) 25 Sing Ac LJ 84.

⁹⁰ *Supra* note 81.

⁹¹ See Thio Li-ann, “Recent Constitutional Developments: Of Shadows and Whips, Race, Rifts and Rights, Terror and *Tudungs*, Women and Wrongs” [2002] Sing JLS 328 at 355-370 (on the tudung controversy). Humairah Zainal & George Wong, “Voices Behind the Veil: Unveiling the Hijab Debate in Singapore

of “the common ties that bind us in a common destiny,”⁹² to foster unity rather than separateness. There is no blanket ban on religious dress in public spaces, and indeed, President Halimah Yacob, who took office in 2017,⁹³ wears a tudung. Against this bigger picture, some degree of cultural and religious differentiation in terms of religious dress is accommodated, balanced against the need for social integration; this balance remains in continuous negotiation.

Three, the government takes an activist stance in managing religious harmony, as “harmony in a diverse society cannot be achieved with a laissez-faire system.”⁹⁴ “Common ground rules” are needed to negotiate and resolve frictions within a diverse society, such that maintaining racial and religious harmony is an “important tenet” in approaching “the rule of law.”⁹⁵ This goes beyond the absence of disorder, as harmony implicates the quality of relationships. Rather than mere tolerance, religious and cultural differences are to be celebrated. The government seeks to involve the many stakeholders in the project of religious harmony. A dialogical approach is institutionalised to some extent by the President Council of Religious Harmony, composed primarily of religious leaders, tasked with advising on matters relating to religious harmony referred to it by Parliament or the government. Some degree of participation was fostered by involving religious leaders in drafting the Declaration on Religious Harmony in 2003, an initiative chaired by a junior minister. Such processes provide the opportunity for building relationships and mutual understanding between religious groups.⁹⁶

Through judicial decisions and ministerial statements, expectations of certain standards of social conduct are levied on various actors. Singapore citizens are expected to be aware of the racial and religious sensitivities extant in a plural society; all individuals are obliged to ensure “nothing is said or done which might incite the people and plunge the country into racial strife and violence.”⁹⁷ In propagating religion, “[c]ommon sense dictates that religious fervor to spread the faith... must be constrained by sensitivity, tolerance and mutual respect for another’s faith and beliefs.”⁹⁸ Government leaders have invoked the non-materialistic language of ‘covenant,’⁹⁹ which speaks of enduring partnership and solidarity, to bolster the

through the Lived Experiences of Hijab-wearing Malay-Muslim women” (2017) 25:2 South East Asia Research 107.

⁹² Press Secretary Lim Chee Hwee, Ministry of Education, “Uniforms Remind Students of Common Ties”, Letter to the Editor, *The Straits Times Forum* (2 February 2002) 1.

⁹³ Han Fook Kwang, “Unique Chance for Halimah Yacob to be a Different President” *The Straits Times* (17 September 2017), online: The Straits Times <<https://www.straitstimes.com/singapore/unique-chance-to-be-a-different-president>>.

⁹⁴ DPM Prof S Jayakumar, “The Meaning and Importance of the Rule of Law” (Speech delivered at the IBA Rule of Law Symposium, 19 Oct 2007) at paras 17-19, online: <<https://www.mlav.gov.sg/news/speeches/keynote-address-by-dpm-prof-s-jayakumar-at-the-iba-rule-of-law-symposium.html>>.

⁹⁵ *Ibid.*

⁹⁶ Thio Li-ann, “Constitutional ‘Soft’ Law and the Management of Religious Liberty and Order: The 2003 Declaration on Religious Harmony” [2004] *Sing JLS* 414.

⁹⁷ *Koh Song Huat Benjamin*, *supra* note 54 at para 8.

⁹⁸ *Ong Kian Cheong*, *supra* note 33 at para 82.

⁹⁹ Elazar speaks of the ‘covenant’ as the constitutionalisation of a set of relationships of a particular kind, where there is a commitment to go beyond the letter of the law or a transactional relationship, in the loving fulfilment of covenant obligations based on a sense of kinship and consent: Daniel J Elazar, “Covenant

joint building of “an overarching Singaporean identity”¹⁰⁰ that can co-exist with other particularistic identities like ethnicity and faith. The government appreciates that integration requires “the community to work together”,¹⁰¹ minorities must not become “more exclusive” while religious leaders should go beyond promoting their own faiths to actively “champion the cause of integration and interaction.”¹⁰² While preserving religious freedom for all, government leaders have urged that “it is not just the Government, but as a community, we must covenant to ourselves to never allow xenophobia and majoritarianism to overrun the protection and guarantee of equality, particularly to minorities.”¹⁰³ The language of ‘we’ invokes ideas of solidarity, of a shared “way of life”¹⁰⁴ which defines the Singapore polity, at least aspirationally.

2. Key Standards for Maintaining Religious Harmony

The white paper for maintaining religious harmony identifies three major threats to religious harmony: the use of religion for subversive purposes, mixing religion and politics¹⁰⁵ and aggressive and insensitive propagation.

As SCL norms, these executive authored standards articulated in widely publicised instruments like this white paper must operate within constitutional parameters. For example, while the constitutional guarantee of the “liberty to proselytise” is recognised, this must be “exercised very sensitively.”¹⁰⁶ Unlike the authorisation of anti-propagation to insulate Muslims from evangelism under the more restrictive Malaysian article 11 religious freedom clause (from which Singapore’s article 15 is derived), there are in principle no restraints in Singapore regarding who may be subject to religious propagation. SCL norms set forth the contours within which this right may be exercised, an executive interpretation of the scope of a liberty.

A distinction is drawn between preaching to persons “interested in converting to a new faith” and someone who has an existing faith and does not want to change this; the latter may be greatly offended if attempts are made to convert him “by denigrating his religion.” Since independence, the government has discouraged Christian

as a Political Concept” in *The Covenant Tradition in Politics*, vol 1 ch 1, Daniel Elazar Papers Index, Jerusalem Center for Public Affairs, online: <<http://www.jcpa.org/dje/books/ct-vol1-ch1.htm>>.

¹⁰⁰ “Need to Guarantee Position of Minorities in Singapore, Secure Common Space: Shanmugam”, *The Straits Times* (1 February 2017), online: The Straits Times <<https://www.straitstimes.com/singapore/need-to-guarantee-position-of-minorities-in-singapore-secure-common-space-shanmugam>>.

¹⁰¹ *Ibid.*

¹⁰² Nur Asyiqin Mohamad Salleh, “Singapore Must Safeguard Position of Minorities Amid Growing Polarisation Abroad: Shanmugam”, *The Straits Times* (1 February 2017), online: The Straits Times <<https://www.straitstimes.com/singapore/singapore-must-safeguard-position-of-minorities-amid-growing-polarisation-abroad-shanmugam>>.

¹⁰³ *Supra* note 100.

¹⁰⁴ *Ibid.*

¹⁰⁵ While religious leaders are exhorted not to use their pulpits to advance political causes, there is no bar on individuals from participating in public issue debates, whether their convictions are religious or otherwise: “MRH White Paper”, *supra* note 83 at paras 19-28.

¹⁰⁶ *Ibid* at para 15.

groups from “aggressively evangelizing” the Malay Muslim community, particularly.¹⁰⁷ While it was “legitimate” for a religious group to point out where its doctrines differ from other faiths, which it will consider mistaken, it was “possible to go too far.” Again, this goes to style rather than substance, in terms of “unrestrained” religious preachers “pouring forth blood and thunder” in denouncing the followers of other faiths “as misguided infidels and lost souls”, which can “cause great umbrage to entire communities.” The offended, if they retaliate “with equal virulence” will compound the loss of social trust.¹⁰⁸ Another pressure point arises where one religious group aggressively targets another to “drastically” increase its numbers through flock-stealing, which will be “strenuously resisted.”¹⁰⁹ Much is left to the prudential common sense and self-restraint of those addressed. Propagation should be done sensitively without insulting others, in the vein of civilised, reasonable discourse, rather than through populist, emotional appeals and inflammatory rhetoric.

Individuals and religious groups are not to cause disharmony, ill-will or hostility between different religious or non-religious groups and five primary hortatory standards are identified:

- a. Acknowledge the multi-racial and multi-religious character of our society, and the sensitivities of other religious groups;
- b. Emphasise the moral values common to all faiths;
- c. Respect the right of each individual to hold his own beliefs, and to accept or not to accept any religion;
- d. Not allow their members, followers, officials or clergy from acting disrespectfully towards other religions or religious groups; and
- e. Not influence or incite their members to hostility or violence towards other groups, whether religious or non-religious.¹¹⁰

The Declaration of Religious Harmony¹¹¹ affirms the secular nature of the state where all religions enjoy equal status, the religious freedom of all, the need to promote social cohesion, “grow our common space while respecting our diversity,” and to foster inter-religious communication. The goal is to prevent the abuse of religions to “create conflict and disharmony”. These values are supportive of relationism as this implies a certain degree of trust and social capital which cannot be cultivated sans genuine dialogue. This is bound together by the commitment that all groups practice “tolerance, restraint and mutual respect” necessary for peaceful co-existence in a plural society; these duties apply not “just to religious groups venturing into the secular domain, but also to secular groups which want to strongly push their views and change our social norms.”¹¹² Religious disharmony can be caused by clashes between religious groups and between religious and ‘secular’ humanist groups and the rules of engagement apply to all.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid* at para 16.

¹⁰⁹ *Ibid* at para 17.

¹¹⁰ *Ibid* at para 18.

¹¹¹ This may be found under the IRO website: IRO, online: <<http://iro.sg/about/declaration/>>.

¹¹² President SR Nathan, “Building Our Future Singapore in an Uncertain World” (Speech at Opening of Parliament at Parliament House, 18 May 2009) at para 20, online: <<http://www.nas.gov.sg/archivesonline/speeches/view-html?filename=20090525001.htm>>.

D. *Religious Harmony and Religious Freedom—Concept and Content*

‘Religious harmony’ may be conceptualised in various ways, clarifying the role it plays as a constitutional or quasi-constitutional norm and interpretive lens which addresses the desires of the religiously faithful to live life according to their deepest convictions, while being loyal citizens.

There are three main ways of conceptualising religious harmony as a public law value, which at minimum speaks of a shared common life and relational solidarity. First, it can be viewed as oppositional to religious freedom, informing the content of the restrictive public order norm under article 15(4). A richer, more expansive vision of ‘public order’ beyond the absence of disorder could encompass various substantive values, such as situating religious harmony within a democratic order which requires dialogue and compromise to promote democratic ideals and peaceful co-existence. Second, religious harmony could be considered integral to religious freedom and the rights and freedoms of others, in helping to secure the maintenance of civil government and those conditions necessary for the continued existence of the community. This bears some resonance with the European concept of “living together in diversity” or *le vivre ensemble*, which has validated rules prohibiting face-covering religious dress in certain public spaces, as this undermines fraternity and hampers integration in falling below minimal standards of civility necessary for social interaction.¹¹³ Third, religious harmony may be viewed as a key objective of relational constitutionalism, going beyond mere co-existence to sustaining community and solidarity. This foregrounds the integrative function of constitutions in building social cohesion and national identity, by promoting a certain vision of good citizenship where citizens, shaped by their rationality, conscience, morality, emotions, share a commitment to religious harmony.¹¹⁴

Viewed as a dynamic and multi-dimensional idea,¹¹⁵ harmony may be apprehended as requiring a commitment to unity and a viable shared life, rather than mandating uniformity, which informs substantive public values and methods of managing disputes. Religious harmony may be viewed as a way to realise rights without descending into rightism. A ‘harmonious community’ advocates and practices tolerance and moderation in responding to perceived offences through conciliation and civil dialogue, towards the ideal of optimising order, solidarity and liberty.

IV. MANAGING RELIGIOUS HARMONY CRISIS: SOFT CONSTITUTIONAL LAW, PUBLIC RITUAL AND BACKGROUND GOVERNMENT OVERSIGHT

The management of religious disharmony crises operates against the backdrop of the legal command and control framework, where the big stick of sanctions can be wielded against anti-social behaviour in the event of total relational breakdown.

However, there are situations where the government stays in the background, allowing the parties to seek and pursue rapprochement, anchored by executive authored SCL norms as the common frame of reference and developed in practice

¹¹³ See *eg SAS v France*, No. 43835/11 (1 July 2014) at para 128.

¹¹⁴ Charlene Tan, “Creating ‘Good Citizens’ and Maintaining Religious Harmony in Singapore” (2008) 30:2 *Brit J Religious Educ* 133.

¹¹⁵ Stephen C Angle, “Human Rights and Harmony” (2008) 30:1 *Hum Rts Q* 76.

through conciliatory methods; these promote future norm compliance by cultivating expectations about social and anti-social conduct and approved responses to crisis situations. SCL norms bear resonance with what Ehrlich described as “living law” which is “not the part of the content of the document that the courts recognize as binding when they decide a legal controversy, but only that part which the parties actually observe in life.”¹¹⁶ To ascertain what living law is, an empirical approach is required:

There is no other means but this, to open one’s eyes, to inform oneself by observing life attentively, to ask people, and note down their replies. To be sure, to ask a jurist to learn from actual observation and not from sections of a code or from bundles of legal papers is to make an exacting demand upon him; but it is unavoidable, and marvelous results can be achieved in this manner.¹¹⁷

A. *Public Ritual and Three Disharmony Incidents*

The following sections discuss three ‘disharmony’ incidents or case studies with a view to showing the evolution of a certain public ritual or protocol, creating expectations of adherence when a crisis arises. In all three incidents, the state is present, engineering the mix of formal legal sanction, informal hortatory persuasion and the operation of social pressure needed to punish, deter and promote the reconciliation needed for durable relationships. However, the role of non-state actors is significant to the management of these crises. It then relates this ‘public ritual’ to the objectives and values of relational constitutionalism in managing disharmony incidents.

1. *Lighthouse Evangelism Case (2009)*

In the Lighthouse Evangelism case,¹¹⁸ the website of an independent 12,000 member church hosted various video clips which stirred inter-religious tensions. In them, Pastor Rony Tan interviewed two Christian converts about their former Buddhist and Taoist beliefs when they were a monk and nun. Apparently, the discussion of these beliefs drew laughter from the congregation; this offended some Buddhists, Taoists and various netizens adopting the posture of defenders of religious harmony. A police report was made and the Internal Security Department (“ISD”) interviewed the Pastor. By then, others had reposted the clips on other social media platforms like Facebook and YouTube and the net was abuzz with harsh criticism against the pastor. In a relatively low-key intervention, the ISD issued a ‘warning’ that the pastor needed to be “mindful of the sensitivities of other religions” and that “he must not run down other religions” when propagating his faith.¹¹⁹

¹¹⁶ Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (Mass: Harvard University Press, 1936) at 497.

¹¹⁷ *Ibid* at 498.

¹¹⁸ Thio Li-ann, “Contentious Liberty: Regulating Religious Propagation in a Multi-Religious Secular Democracy” [2010] *Sing JLS* 484.

¹¹⁹ Ministry of Home Affairs, Press Statement, “MHA Statement in Response to Media Queries on the Lighthouse Evangelism videos and comments made by Pastor Rony Tan of Lighthouse Evangelism” (8 February 2010) [*MHA Statement*].

Shaken, the Pastor took remedial steps by removing the clips from the website, urging people not to repost them, and exhorting his congregants not to ridicule the religious beliefs of others but to uphold religious harmony in the interest of “promoting peace, unity and true freedom.”¹²⁰ He took the initiative to visit and offer personal apologies to the leaders of the Singapore Buddhist Federation and Taoist Federation, which the media reported prominently. These actions of the Pastor helped to decelerate tensions, as did the gracious acceptance of the apologies by the Buddhist and Taoist leaders. Photos of them hugging in reconciliation were splashed across the print media. Both Federations on behalf of 400 temples issued press statements hoping the pastor “has learnt a lesson from this experience”, and stating their intent to “stay in touch to work on promoting mutual understanding between us.”¹²¹

After the initial warning, the government took a backseat, leaving it to the private actors to seek a public reconciliation. When satisfied this had been achieved, the Minister for Home Affairs then signalled he was “heartened” by the public apology and its acceptance, commending the Buddhist and Taoist leaders for urging their religious communities to act with restraint, to prevent escalating tensions by stirring further agitation.¹²²

The government took the opportunity to reiterate various SCL norms contained in the MRHA white paper, designed to socialise actors into accepting that certain forms of conduct was expected in exercising fundamental liberties, that the freedom of religious propagation “must never be by way of insulting or denigrating the religious beliefs of others”; it firmly asserted that no one would be allowed to stir up emotions and tensions between Singapore’s ethnic-religious communities to serve their own agenda. The NCCS chimed in to underscore the importance of the SCL norms, reiterating its own guidelines issued in 2008 exhorting member churches “not to denounce other religions” when conducting evangelism within a multi-religious society, but to be respectful of the beliefs of others.¹²³ This reflects a sense of civic responsibility to religious sensitivities, while preserving the integrity of religious mission and identity.

Notably, certain netizens were discontented with this resolution and started Facebook campaigns calling for the Pastor’s arrest¹²⁴ in the name of religious harmony, even demanding illiberal curative measures like banning the constitutional right to religious propagation. The intemperate tones of these campaigns and the responses elicited themselves posed a threat to religious harmony, by demonising the pastor in abusive terms, and denigrating Christians and Christianity in general. This is to

¹²⁰ “Pastor: I’ve Let Many People Down” *AsiaOne* (16 February 2010), online: AsiaOne <<http://news.asiaone.com/News/AsiaOne+News/Singapore/Story/A1Story20100216-198847.html>>.

¹²¹ “Pastor did the Right Thing by Apologising, but Buddhist Group wants to Make Sure there is No Repeat” *The Straits Times* (9 February 2010); “We Hope He has Learnt a Lesson” *The Straits Times* (10 February 2010) 1.

¹²² *MHA Statement*, *supra* note 119.

¹²³ NCCS, Public Statement, “In Response to Comments by Pastor Rony Tan” (9 February 2010), online: <<https://nccs.org.sg/2010/02/in-response-to-comments-by-pastor-rony-tan-9-february-2010/>>.

¹²⁴ The two Facebook groups were entitled “Arrest Pastor Rony Tan” and “Embrace Religious Harmony! Disgrace to Zealots like Rony Tan”: “Concerned netizens hurt by Christians” *The Christian Post* (Singapore Edition) (12 February 2010), online: The Christian Post <<http://sg.christianpost.com/dbase/society/1712/section/1.htm>> [on file with author].

pour fuel on dying embers, in contrast with the more gracious response of the Buddhist and Taoist leaders, whose responses sought to terminate rather than perpetuate tension and conflict.

A refusal to forgive and the hurling of insults against the offender by those 'victimised' by the pastor's comments could escalate tensions, as legitimate criticism can easily slide into abusive invective designed to stir ill-will and hostility against a religious leader and his faith. Taken to extremes, the cycle of giving and taking offense intensifies, as the offender becomes victim and the victimised become the offender, exacerbating religious disharmony.

Aside from noting that ISD investigations and warnings were no trivial matter, the government took no action on what some might consider a vindictive call to prosecute. The very public nature of this incident had sufficiently chastised the pastor who was reportedly so traumatised by his misstep, admitting publicly that he had let many people down, that he thought of "leaving the country" he loved.¹²⁵ Had the pastor been prosecuted, this would have sent shockwaves through the Christian community, perhaps even placing them under siege, which would have sustained distrust, fear and relational breakdown. Reconciliation, fuelled by repentance, is key to restoring trust and shoring up relational solidarity, and the government's actions (or inaction) demonstrated a preference for this path.

2. *Imam Nalla Mohammad Case (2017)*

The same ritual was followed in later incidents. Nalla Mohamed Abdul Jameel, an Indian citizen, had lived in Singapore since 2010 where he was Chief Imam at Jamae Chulia mosque. In 2017 he uttered an Arabic prayer to the effect of "God help us against Jews and Christians" which one Terence Nunis filmed and posted on Facebook on 24 February 2017, where it went viral. A police report was lodged and Nalla pleaded guilty to a charge under section 298A(b) of the *Penal Code* for committing an act he knew was "prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility." He issued a Statement of Apology to all Singaporeans acknowledging his failure to practice his faith in a manner "appropriate to, the social norms and laws of this country;" his actions had "no place, wheresoever, in this extremely multi-religious and multi-cultural society."¹²⁶ He was fined \$4000, a deterrent sentence, and repatriated to India. This incident did not involve the denigration of other faiths, but concerned the making of comments capable of disrupting communal harmony.

However, this is not the end of the story as the manner in which this matter was handled was designed not only to punish but to restore the offender. In demonstrating concern for relational solidarity, District Judge Jasbendar Kaur observed the Imam should have shown sensitivity given Singapore's multi-religious context and taken care "not to say anything in your sermons that may undermine the harmony that exists amongst the different races and religions". Kaur DJ considered the Imam's apology expressing his "great remorse"¹²⁷ to various religious leaders, all Singaporeans and

¹²⁵ *Supra* note 120.

¹²⁶ Referenced in the brief sentencing remarks of District Judge Jasbendar Kaur in *Public Prosecutor v Nalla Mohamed Abdul Jameel Abdul Malik*, MCN-900387-2017 (State Courts, 3 April 2017).

¹²⁷ *Ibid* at 4.

the Muslim community,¹²⁸ his ready cooperation with the authorities and steps taken to demonstrate his contrition as mitigating factors. The media publicised these steps to signal the processes of reconciliation.

First, when Nalla left the state courts, he was surrounded by IRO members, including a Sikh and a Buddhist monk in saffron robes in a display of inter-faith unity.¹²⁹ Second, to contain the harm caused, Nalla made an open apology on 31 March 2017 before 30 Christian, Sikh, Taoist, Buddhist and Hindu religious leaders at a closed-door meeting organised at his request, held at the Harmony in Diversity Gallery.¹³⁰ His transgression was not just directed at specific religions, but religious harmony as a common good. Photos of Nalla and Anglican Bishop Terry Kee were published. Third, he visited Rabbi Mordechai Abergel at Maghain Aboth Synagogue on 2 April 2017, accompanied by Buddhist and Sikh leaders, to tender a personal apology,¹³¹ demonstrating rapprochement. Rabbi Abergel was photographed shaking hands with Nalla and the media reported his remarks about the constant need to be conscious of the delicate nature of the harmonious co-existence of religious groups in Singapore.¹³² Fourth, the Imam had a breakfast meeting organised by Ba'alwie Mosque with Law Minister K Shanmugam,¹³³ who had in Parliament¹³⁴ stressed the government's zero tolerance policy towards religious preaching that encouraged violence, in response to the imam's sermon and prayer. The Minister told Nalla he appreciated his sincere, remorseful apologies,¹³⁵ noted his courage in meeting other faith leaders and said the deportation decision was taken "with some regret."¹³⁶ The Ministry of Home Affairs had earlier made conciliatory remarks noting Nalla had "not been deliberately malicious."¹³⁷

¹²⁸ "Imam who Made Offense Remarks to be Repatriated; Stern Warnings for Two Others: MHA" *Today* (3 April 2017), online: *Today* <<https://www.todayonline.com/singapore/imam-who-made-offensive-remarks-be-repatriated-stern-warnings-two-others-mha>>.

¹²⁹ "Imam Fined \$4k Over Offensive Remarks, Will be Repatriated" *The Straits Times* (4 April 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/imam-fined-4k-over-offensive-remarks-will-be-repatriated>>.

¹³⁰ Toh Yong Chuan, "Imam Apologises for Insensitive Remarks, Clarifies that Remarks were Not from Quran" *The Straits Times* (31 March 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/imam-apologises-for-insensitive-remarks-clarifies-that-remarks-were-not-from-quran>>.

¹³¹ Seow Bei Yi, "Imam Visits Synagogue to Apologise for Offensive Remarks" *The Straits Times* (3 April 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/imam-visits-synagogue-to-apologise-for-offensive-remarks>>.

¹³² "Imam Meets Rabbi, Extends Apology for Remarks on Jews and Christians" *Channel NewsAsia* (2 April 2017), online: *Channel NewsAsia* <<https://www.channelnewsasia.com/news/singapore/imam-meets-rabbi-extends-apology-for-remarks-on-jews-and-christi-8708108>>.

¹³³ Toh Yong Chuan, "Minister meets Imam who was Fined for Making Offensive Remarks and Will be Heading Home" *The Straits Times* (5 April 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/minister-meets-imam-who-was-fined-for-making-offensive-remarks-and-will-be-heading-home>>.

¹³⁴ "Parliament: Govt Will Not Tolerate Religious Preaching that Encourages Violence, Says Shanmugam in Response to Imam's Alleged Inflammatory Remarks" *The Straits Times* (3 March 2017), online: *The Straits Times* <<https://www.straitstimes.com/politics/singapolitics/parliament-govt-will-not-tolerate-religious-preaching-that-encourages>>.

¹³⁵ Toh Yong Chuan, "Shanmugam Appreciates Imam's Sincere Apology" *The Straits Times* (6 April 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/shanmugam-appreciates-imams-sincere-apology>>.

¹³⁶ *Ibid.*

¹³⁷ Toh Yong Chuan, "Imam who Made Offensive Remarks about Jews and Christians Will be Asked to Leave Singapore" *The Straits Times* (3 April 2017), online: *The Straits Times*

Photos of the Minister breaking bread with the teary Imam and hugging him were also published,¹³⁸ testifying to a rift repaired. While what the imam did was outside the pale of harmony maintenance, he was ‘restored’ by the series of reconciliatory meetings; the process was heuristic, to the point he conveyed in a later press statement that he had learnt a “priceless lesson” and was reassured the action taken against him was not a witch-hunt but done “solely to preserve the sanctity of inter-faith harmony.” He evidently felt he had received a lot of good-will after his transgression. Both the Bishop and the Rabbi had received him “with warmth and grace” in imparting the message that “all mortal men make mistakes” and that “we must move forward consciously for the sake of social trust and religious cohesion.”¹³⁹ This showed rapprochement. The incident was capped by Muslim Affairs Minister Yaacob Ibrahim’s Facebook post thanking “our non-Muslim friends for accepting the apology”, noting that gracious forgiveness reflected “the Singapore way” of upholding “mutual respect and harmony for our common good.”¹⁴⁰

The Imam clarified his remarks were not taken from the Quran but originated in his Indian home town. This serves to ease suspicions directed against the local Muslim community, which took pains to distance themselves from the imam’s statement while affirming their commitment to inter-religious harmony. MUIS affirmed there was “no room for discourse that promotes intolerance, enmity or violence against other communities.”¹⁴¹ The Mufti stressed that MUIS’ code of ethics required all religious teachers to ensure their messages did not harm Singapore’s social harmony, regretting the damage this incident caused to the image of Islam and Muslims. The Muslim Affairs Minister affirmed the rule of law would be firmly applied without double standards to serve the “best interest of all communities” and to “protect all communities, regardless of race or religion, from being denigrated.”¹⁴² PERGAS took pains to clarify that Islam “forbids praying for negative outcomes on others, while the Federation of Indian Muslims described the incident as “a wake-up call to step up vigilance against divisive and offensive speech.” Speaker of Parliament Halimah Yacob described the Imam’s apology and gathering of people from different faith as “a great initiative on his part”, while the Association of Muslim Lawyers supported the court’s judicial wisdom in tempering “justice with mercy”, in considering the mitigating factors discussed.¹⁴³

However, stern warnings were given to two Muslim Singaporeans whom the public prosecutor assessed were in breach of section 298A, *Penal Code*. The first, Nunis, had uploaded the video onto Facebook, the second, an academic, had made

<<https://www.straitstimes.com/singapore/imam-who-made-offensive-remarks-against-christians-and-jews-charged-in-court>>.

¹³⁸ *Supra* note 135; “Imam has Shown Sincere Remorse, Regret, Shanmugam” *Today* (5 April 2017), online: *Today* <<https://www.todayonline.com/singapore/shanmugam-meets-imam-who-made-offensive-remarks-against-jews-christians>>.

¹³⁹ *Supra* note 135.

¹⁴⁰ *Supra* note 128.

¹⁴¹ Nur Asyiqin Mohamad Salleh, “Police Looking into Conduct of All Involved in Imam Case” *The Straits Times* (4 March 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/police-looking-into-conduct-of-all-involved-in-imam-case>>.

¹⁴² Toh Yong Chuan, “Yaacob: No Double Standards on Religious Harmony” *The Straits Times* (4 April 2017), online: *The Straits Times* <<https://www.straitstimes.com/singapore/yaacob-no-double-standards-on-religious-harmony>>.

¹⁴³ *Supra* note 133.

2 Facebook posts which could be seen as supporting the Imam's remarks. They both issued apologies through the Ministry of Home Affairs¹⁴⁴ with assurances of non-repetition of their actions. This indicates an awareness that third parties not directly involved in a dispute can escalate tensions and by their actions, harm religious harmony; the developing guideline is that such cases should be discreetly referred to the authorities for investigation, and that the public should eschew irresponsible acts which may sensationalise the matter on social media and exacerbate social tensions.¹⁴⁵

3. *Lou Engle and Kingdom Invasion Conference Case (2018)*

Just as the Muslim community leadership was grateful for the forgiveness other religious leaders accorded the Imam, they reciprocated in kind by extending forgiveness for the offence caused by remarks made by an American speaker, Lou Engle, whom Cornerstone Community Church had invited to speak at its Kingdom Invasion conference held in March 2018.

One Benjamin Lim purchased a \$220 ticket to attend this conference and subsequently published an online article, provocatively entitled "Lou Engle: An American Threatens a Christian-Muslim Divide in Singapore".¹⁴⁶ He wrote that Engle had made an anti-Islam remark¹⁴⁷ in relation to Muslims "taking over the south of Spain". He reported that Engle further said he "had a dream, where I will raise up the church all over Spain to push back a new modern Muslim movement." The article reported that Engle had been in many controversies "for his homophobic and Islamophobic" comments, such as urging his followers to pray for Muslims all night in Dearborn, Michigan, as "God wants to invade with His love Dearborn with dreams of Jesus." It also pointed out Engle was a leader of the anti-abortion movement in the US, a political stance the writer obviously disagreed with and considered "contentious". The writer had "come to Kingdom Invasion to investigate whether Engle's speech would be as controversial as the ones that have cemented his reputation". Musing aloud, Lim wrote that he could not believe his ears as "[i]sn't the mention of other faiths at a religious event sacrilegious in Singapore?" The context was "incredibly suspicious", as he interpreted Engle's statements as suggesting that "Islam is a threat to Christianity", tarring this as "fundamentally extremist views."

Lim sought clarification from the church about whether Engle had tried to "put down Islam at a Christian conference"; a spokesman said the reference to a "new

¹⁴⁴ Toh Yong Chuan, "Duo Warned for Uploading, Supporting Video" *The Straits Times* (4 April 2017), online: The Straits Times <<https://www.straitstimes.com/singapore/duo-warned-for-uploading-supporting-video>>; Pearl Lee, "NUS Suspends Academic while it Investigates His Involvement in Case of Imam's Remarks" *The Straits Times* (8 March 2017), online: The Straits Times <<https://www.straitstimes.com/singapore/nus-suspends-academic-while-sit-investigates-shis-involvement-in-case-of-imams-remarks>>.

¹⁴⁵ *Supra* note 142.

¹⁴⁶ Benjamin Lim, "Lou Engle: An American Threatens a Christian-Muslim Divide in Singapore" *RICE Media* (5 March 2018), online: RICE Media <<http://ricemedia.co/current-affairs-features-lou-engle-american-threatens-christian-muslim-divide-singapore/>>.

¹⁴⁷ Lou Engle apparently stated: "The Muslims are taking over the south of Spain. But I had a dream, where I will raise up the church all over Spain to push back a new modern Muslim movement." A spokesman from the Church said this was a reference to rising ISIS propaganda in Europe, including Spain but it is not clear from the one-and-a-half-minute audio clip posted by Rice Media whether ISIS was mentioned.

modern Muslim movement” related to “rising ISIS propaganda” which increasingly threatened Europe, including Spain. The article goes on to criticise the Ministry of Home Affairs for awarding a permit for Engle to speak in Singapore, declaring it “distressing” that no response was made to his queries concerning the permit. The article then revealed its’ real concern, characterised as “the growing influence of the Christian right in Singapore’s society”, demonstrating a bias against conservative Christians who had spoken up in relation to public sexual morality. The article noted that Engle was known in the United States for initiating the Call Movement, which calls for prayer to effect political change; it asserted that Engle had allegedly referred to this “to encourage Singaporeans to do the same” which was foreboding in seeming to “suggest the hope for a religious takeover of our political institutions.” The article then alleged that various churches were contravening “the strict laws of the Maintenance of Religious Harmony Act”¹⁴⁸ which “governs the separation between religion and government” through pushing a “political agenda.”

At no point did the article suggest that Engle had advocated violence or going on an offensive against any group, in or beyond Singapore, though it apparently equated prayer for Muslims as negatively targeting Muslims. While some might share this view, others might consider this a mischievous caricature of Engle’s words and intent. An alternative perspective might see this as an expression of love in calling for a divine blessing upon Muslims to experience the love of Jesus, who is known as the prophet Isa in the Quran. The upshot is there will always be competing perspectives on matters of religious faith and motivated action: friends may give the benefit of the doubt, while antagonists may be tempted to make political capital against a group they view as political opponents, by casting aspersions and stoking suspicions, even manufacturing indignation. This too can be tinder for social disharmony.

It may be argued that the article was redolent of ‘christophobia’,¹⁴⁹ a term which has come to mean a hatred for Christians or Christian values; this attitude is most often associated with militant secularists, whether of the individualist or collectivist persuasion, who want to excise religious influence from the public square.¹⁵⁰ The United Nations has recognised this phenomenon as “Christianophobia”, which together with

¹⁴⁸ The grounds for issuing a restraining order under the *MRHA*, *supra* note 44, under sections 8 and 9 are broadly framed. Presumably, the author was thinking in terms either of clause (a) which is to cause “feelings of enmity, hatred, ill-will or hostility between different religious groups” or (b) “carrying out activities to promote a political cause... under the guise of propagating or practicing any religious belief.” If (a), the RICE media article itself could be seen as stirring ill-will against Christians by casting Engle’s statement as an attack against Islam, where other more charitable interpretations are possible, and by amplifying the points of differences other sectors of society might have against Christian values, such as laws criminalizing sodomy or attitudes towards the statehood of Israel and its capital, Jerusalem. If (b), the article could be read as equating a spiritual activity (prayer) with illegal (or undesirable?) political activity, which verges on the absurd.

¹⁴⁹ The term was originally coined by Jewish legal scholar Joseph Weiler in *Un’Europa Cristiana: Un Saggio Esplorativo* (Christian Europe, An Exploratory Essay) (BUR Biblioteca Univ Rizzoli, 2003). It more narrowly referred to the deliberate denial by Europe of its Christian roots in relation to drafting the European Constitution, though it has come to generally connote an anti-Christian bias. See George Weigel, *The Cube and the Cathedral: Europe, America and Politics Without God* (NY: Basic Books, 2005) at 72-77.

¹⁵⁰ Drago Karl Ocvirk, “Secularist Christophobic Fundamentalism and Islamic Monoreligionism. Obstacles for Dialogue and Peaceful Coexistence” (2009) 69:4 *Izvirni znanstvenic clanek* 423.

“Islamophobia and anti-Semitism” is condemned as a form of intolerance and discrimination against religious belief.¹⁵¹ As an aside, it is worth underscoring that the Singapore government has rejected militant secularism as all Singaporeans, regardless of religious or irreligious affiliation, have the equal rights as citizens to engage in and attempt to influence law and public policy debate through articulating “secular rational considerations”¹⁵² which all may understand, evaluate and be persuaded by. Anything else would be anti-democratic.¹⁵³ It may be construed as a mischievous leap to conflate engagement in public policy debate with a stealth theocratic agenda, through using suggestive words like ‘takeover’, perhaps in an attempt to chill speech and silence disliked views. Further, Engle’s advocated method of choice in dealing with public policy issues like abortion, which flows from the Christian concern for the right to life of the unborn, through the spiritual acts of prayer and fasting, cannot be construed as a call to violent political activism or action under guise of religion.

The church in turn filed a police report alleging that the article constituted a “scurrilous attack” and was inflammatory, with the effect of “stirring up religious tensions and promoting feelings of ill-will and hostility between Christians and Muslims.” The article also had a “seditious tendency” and “denigrate[d] the Christian faith”.¹⁵⁴ The article and police reports sparked investigations by the police and Ministry of Home Affairs¹⁵⁵ though no further action on this matter has been reported.

Clearly, religious tensions were stirred, and consequently, Cornerstone Pastor Yang Tuck Yoong issued a written apology addressed to the Mufti and MUIS. As the organiser of Kingdom Invasion, Pastor Yang expressed his deep regret that Engle’s statement about “holding back the push of the new modern Muslim movement in Spain” had been “the cause of considerable distress and misunderstanding, particularly among the Muslim community.”¹⁵⁶ This apology was delivered in person and posted on the Church Facebook page; it was acknowledged that Engle was “insensitive, and the statement should have been avoided altogether.” Pastor Yang was aware Engle’s words had been “quite hurtful to quite a few people.”¹⁵⁷

The Mufti and Muslim leaders accepted Pastor Yang’s apologies and declared their intention to be future-oriented and to “move on and look forward to a more constructive and healthy relationship.” Through a Facebook post, Muslim Affairs Minister Yaacob Ibrahim gave the seal of ministerial approval stating he appreciated Pastor Yang’s apology and his taking responsibility for the invitation. Pastor Yang promised not to invite Mr. Engle to speak in Singapore again, emphasising that his church did

¹⁵¹ *Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief*, GA Res 60/166, UNGAOR, 60th Sess, UN Doc A/RES/60/166 (14 March 2006).

¹⁵² “NDR 2009 Speech”, *supra* note 43.

¹⁵³ *Ibid.*

¹⁵⁴ Jeanette Tan, “Church in S’pore Makes Police Report against Rice Media for ‘Scurrilous Attack’ in Article” *Mothership* (27 March 2017) online: Mothership <<https://mothership.sg/2018/03/preacher-lou-engle-cornerstone-church-anti-islam/>>.

¹⁵⁵ *Ibid.*

¹⁵⁶ Cornerstone Community Church Singapore, “Letter of Apology to the Islamic Religious Council of Singapore (MUIS)” (4 April 2018), posted on *Cornerstone Community Church Singapore*, online: Facebook <<https://www.facebook.com/csc.sg/photos/a.147964790139/10156078359930140/?type=3&theater>>.

¹⁵⁷ Justin Ong, “Singapore Pastor Apologises to Muslim Leaders for US Preacher’s Alleged Statements on Islam” Channel NewsAsia (4 April 2018), online: Channel NewsAsia <<https://www.channelnewsasia.com/news/singapore/cornerstone-church-pastor-apologises-over-lou-engle-statement-10104680>>.

not “condone any speech or actions that foster ill will between communities”¹⁵⁸ and would be tightening its processes to avoid a repeat of the incident.

The media published photos of Pastor Yang and the Mufti warmly shaking hands.¹⁵⁹ Shortly afterwards, former nominated MP Zulkifli Baharudin organized a lunch between leaders of the church and Ba’akwie Mosque, with both sides affirming that “these sorts of things can be easily resolved...by meeting together.”¹⁶⁰ Among the dignitaries attending was the husband of President Halimah Yacob, First Gentleman Mr Mohamed Abdullah Alhabshee. Fellowship over a meal goes a long way towards restoring relationships and promoting mutual understanding.

Mr Baharudin realistically observed that these sorts of disputes could not be avoided completely, and that the “only guarantee” was that when it happened “there is enough goodwill among us. But goodwill starts from personal relationships.” Reflecting an approach committed to relationism and durable relationships, he urged religious communities to welcome those “who have made mistakes, with love, with care, as a brother”, adding that “Singaporeans should be like that, and Muslims in Singapore are capable of that.”¹⁶¹ The NCCS also issued a public statement affirming the “measured response” of MUIS and their “gracious acceptance” of Pastor Yang’s apology as actions worth emulating. They praised the “magnanimity which bodes well for inter-religious harmony in our nation” and considered it “marvellous” that where “unintended hurts” are caused, the relevant religious leaders “can graciously and maturely handle the matter and keep unhappiness from deepening or spreading.”¹⁶² In July, Pastor Yang reciprocated the hospitality by inviting members of Ba’alwie Mosque to visit the premises of his church, declaring his commitment to “proactively building a bridge of trust and understanding” through regular meetings between faith leaders; he stated that the “wonderful takeaway” from the Kingdom invasion controversy was that “we have found ourselves new friends from the Muslim community.”¹⁶³

These responses speak of cordiality, even friendship, which treats a person not as an ‘other’ to shun and demonise, but someone worth maintaining communication with in a continuing relationship. Clearly, these religious leaders have sought to cultivate friendly relations,¹⁶⁴ modelling a mature response to perceived and

¹⁵⁸ *Ibid.*

¹⁵⁹ Zhaki Abdullah, “Police Ask US Preacher to Return for Interview” *The Straits Times* (5 April 2018), online: The Straits Times <<https://www.straitstimes.com/singapore/police-ask-us-preacher-to-return-for-interview>>.

¹⁶⁰ Mr Baharudin has been a friend of Pastor Yang since the time when both were students at the National University of Singapore: Low De Wei, “Regular Meetings can Resolve Religious Controversies, Say Muslim and Christian Community Leaders” *The Straits Times* (13 April 2018), online: The Straits Times <<https://www.straitstimes.com/singapore/regular-meetings-can-help-resolve-religious-controversies-say-muslim-and-christian>>.

¹⁶¹ *Ibid.*

¹⁶² Justin Ong, “Singapore Churches Must Exercise Due Diligence, When Inviting Foreign Preachers, Says National Council” *Channel NewsAsia* (5 April 2018), online: Channel NewsAsia <<https://www.channelnewsasia.com/news/singapore/national-council-churches-foreign-preachers-lou-ingle-10108032>>.

¹⁶³ Rahimah Rashith, “Church Tightens Procedures for Inviting Speakers” *The Straits Times* (9 July 2018), online: The Straits Times <<https://www.straitstimes.com/singapore/church-tightens-procedures-for-inviting-speakers>>.

¹⁶⁴ Other friendly acts of multi-religious cooperation receive deserved praise, such as where a Chinese Temple built tentage three days before their 7th moon prayer event was scheduled, to share shelter so

actual offences, which can beneficially guide future responses to similar situations, in favour of preserving civil peace through decelerating tensions, and healing relational breaches through demonstrated mutual respect, dignity and good-will.

A peculiarly Singaporean way of demonstrating this is through singing together, which demonstrates unity and harmony, both literal and symbolic. In 2010, a conflict between a church deacon and Taoist leader was resolved and publicly demonstrated through a joint singing concert with none other than the PM in attendance; this same duo reprised their performance at a 2015 inter-faith concert, again with the PM as guest-of-honour.¹⁶⁵ Optics are important in this reconciliatory public ritual designed to restore harmonious equilibrium, as media images can stir emotional mobilisation which “affect public sentiments through their primarily emotional impact.”¹⁶⁶ Images of the PM’s attendance at these events which conveys his implicit approval of this cooperative inter-faith event signals the restoration of relational well-being; it also underscores that efforts to bring about peaceful, civil and even friendly reconciliation is a goal worth emulating.

B. Taking Stock

From a review of these ‘religious disharmony’ incidents, it is argued that a SCL norm in the form of a public ritual of reconciliation has evolved through practice, setting forth what is expected of the various actors after a ‘harmony’ crisis has erupted, whether the tension is caused or heightened by a religious or non-religious actor. Public rituals operate as a kind of “mediating system”¹⁶⁷ between what the formal system of rules require, and the actual pattern of how parties behave. Performing public rituals is one channel by which Law communicates its values, and where SCL norms are reiterated and followed over a course of incidents, it acquires some degree of ‘bindingness’ and authority.¹⁶⁸

While giving religious leaders some space to work out their differences, the government remains poised to intervene if things break down. Where a person has spoken or acted in a way that stirs inter-religious tensions, he may be publicly rebuked, whether by government authorities or private citizens; this normally causes social pain and even a sense of shame for crossing a line in not complying with an accepted norm. When someone who violates social norms is castigated, he is put outside community and there is a relational deficit. The offending party bears responsibility to take the initiative to mend relations. When the offender repents, performs acts of atonement and is forgiven, this restores him to good standing as a member of the community. Apologies must be preceded by a public acknowledgement of doing wrong or causing offence, and the promise to take remedial steps; in response, the offended

that Muslims could perform their Hari Raya Haji prayers despite heavy rain: “Bukit Batok Chinese Temple Built Tentage Earlier than Needed for Muslim Prayers on Hari Raya Haji” *Mothership* (23 August 2018), online: Mothership <<https://mothership.sg/2018/08/bukit-batok-temple-tent-muslim-prayers-hari-rama-haji/>>.

¹⁶⁵ “Song of Friendship” *The Straits Times* (4 December 2010); Jasmine Osada & Lim Yan Liang, “Inter-faith Concert Gets Strong Show of Support” *The Straits Times* (7 July 2015), online: The Straits Times <<https://www.straitstimes.com/singapore/inter-faith-concert-gets-strong-show-of-support>>.

¹⁶⁶ Sajo, *supra* note 69 at 365.

¹⁶⁷ Gottlieb, *supra* note 10 at 598.

¹⁶⁸ Harold J Berman, “Law and Logos” (1994) 44:1 DePaul L Rev 143 at 159.

party bears a good faith duty to seek religious harmony by conveying forgiveness, as was done in the discussed incidents. The case for arguing that this reconciliation public ritual is a SCL norm is further bolstered by the repeated public affirmations of this protocol by ministers (describing forgiveness as ‘the Singapore Way’),¹⁶⁹ religious leaders and other stakeholders. These incidents present an occasion for all to reaffirm their commitment to the common goal of preserving religious harmony and to nurture good relations and social trust through continued dialogue and diplomacy, which is the method and goal of relational constitutionalism. This process has a socialising and resocialising effect, as the reinforcement of shared beliefs can foster integration and strengthen communal bonds. As the High Court noted in *Kalpanath Singh v Law Society of Singapore*, a possible “common value” is “forgiving those who have trespassed against us,”¹⁷⁰ which is supportive of harmony fostering.

This public ‘reconciliation ritual’ has generated expectations such that it would be churlish and anti-social to adopt a vindictive attitude, to endlessly demonise an offender in an attempt to place him in permanent social exile, and not to forgive and seek reconciliation. This may help exclude from social life the display of vicious emotions such as baying for vengeance, name-calling and demanding legal prosecution in a punitive spirit; these are characterised as anti-solidarity acts, with the horizontal sorting out of disputes seen as a preferred course of harmony-restoring action.

While sincere apologies underscore that certain social norms should not be broken, the SCL norm that affected parties have a duty in good faith to pursue reconciliation underscores the importance of restoring relational well-being and social trust, through a commitment to resolve disputes peacefully, not by force nor withdrawing from engagement which breeds alienation. Forgiveness and reconciliation is the only way back to equilibrium, to all parties “feel[ing] themselves part of a polity,”¹⁷¹ as solidarity is concerned with “feelings about identity and membership”.¹⁷² Expectations that these steps should be taken in the event of future disharmony crisis carry with them the “emotional aspects of safety and trust,”¹⁷³ and can have predictive value in their role of regulating and influencing patterns of human behaviour.

While most incidents of religious disharmony take place between religious groups, it is clear that social harmony may also be imperilled by a third party in the form of non-religious conflict entrepreneurs. Indeed, section 9 of the *MRHA* recognises this possibility.¹⁷⁴ Such persons, who are often ideologically disposed towards a militant brand of secularism that seeks to privatise and marginalise religion from the public sphere, may highlight or amplify the social mis-steps or carelessly insensitive words and actions of leaders belonging to religious groups they dislike and see

¹⁶⁹ “I thank our non-Muslim friends for accepting the apology. Their willingness to forgive reflects the Singapore way, where we uphold mutual respect and harmony for our common good.” (On the Nalla incident): Yaacob Ibrahim, “This incident involving Imam Nalla of Jamae Chulia mosque...” (3 April 2017), posted on Yaacob Ibrahim, online: Facebook <<https://www.facebook.com/yaacobibrahim/posts/this-incident-involving-imam-nalla-of-jamae-chulia-mosque-has-been-a-trying-one-/1474940742540429/>>.

¹⁷⁰ [2009] 4 SLR (R) 1018 (HC) at para 23.

¹⁷¹ *Supra* note 66 at 172.

¹⁷² *Supra* note 73 at 217.

¹⁷³ *Ibid* at 221.

¹⁷⁴ While section 8 refers specifically to the conduct of religious leaders, section 9 covers “any person” who may be engaged in harmony disrupting activities, as statutorily defined.

as ideological opponents; they may seek to manufacture social ‘indignation’ against them by weaponising careless words or mischaracterising views to forge a politicised narrative as a strategy to discredit, intimidate, and ultimately silence them.¹⁷⁵ This is a different brand of interest-based politics which does not directly challenge the government; it operates ‘horizontally’, between groups in society, but it has all the capacity to spawn agonistic social relations and to threaten social harmony, which is anti-relationalism. It remains to be seen what formal or informal rules will evolve to address the threat which conflict entrepreneurs pose towards the maintenance of religious harmony.

V. CONCLUDING OBSERVATIONS

The project of maintaining or managing religious harmony is a continuing one; it may take place before or beyond the courts. The perspectives offered by relational constitutionalism help illuminate how constitutions as ‘living institutions’ actually work in specific contexts beyond the court-centric enforcement of legal sanctions and rights claims, which is best suited for vindicating rights, punishing offenders and deterrence. Heavy-handed state intervention can however, fuel resentment and cannot broker reconciliation.

Not all disharmony disputes are judicially resolved; beyond the courts, there are other interactive patterns which may be observed, whereby parties invoke agreed upon norms and conciliatory methods to address disputes, adjust relationships, cultivate responsibilities, promote conciliation and solidarity, and otherwise seek to best advance the public interest. Relationism looks to “the practices of actors and on their usages, customs and interpretations that *mediate* between actors’ actual patterns of conduct and the formal juridical instruments that are deemed to govern them.”¹⁷⁶ It tempers the liberal predilection towards individualism, and opens up the other dimensions of human being and relating, and the impact of actions on the third party, which can be deep. To be is to exist in relation to other beings and relationalism prioritises the longevity or durability of mutually dependent relationships, rather than treating relationships as discrete short-term transactions.

Relational constitutionalism emphasises the importance of building and restoring strong social bonds to aid human flourishing. This is promoted where all groups enjoy a parity of status, engage in effective communication, build social trust, mutual respect and participate in cultivating a shared identity and purpose. While declaring that Singapore should “rejoice in our harmony”, the PM in seeking to influence the national discourse exhorted Singaporeans not to forget that being Singaporean entailed “not just tolerating other groups but opening our hearts to all our fellow citizens.”¹⁷⁷ This goes to questions of personal and corporate identity, speaking to who we are, what we might become.

Constitutions by providing guidance through laws and SCL norms on how liberties are to be exercised can help cultivate a relational ethos, though law has its limits in this respect; the character of citizens and their endorsement of such an ethos as

¹⁷⁵ Cherian George, *Hate Spin: The Manufacture of Religious Offense and its Threat to Democracy* (Mass: MIT Press, 2016).

¹⁷⁶ Gottlieb, *supra* note 10 at 568.

¹⁷⁷ “NDR 2009 Speech”, *supra* note 43.

a worthy social virtue or as integral to the common good will determine whether it develops deep roots which influence how they act and react. A relational legal order, as discussed, may be an imperfect tool for regulating social relations, but it is one of various approaches that have helped make Singapore, one of the world's most religiously diverse countries, "also one of the most harmonious in terms of inter-religious relations, and not by chance."¹⁷⁸

¹⁷⁸ PM Lee Hsien Loong (Speech delivered at the 66th Anniversary of the IRO at the Istana, 12 May 2015), online: <<https://www.pmo.gov.sg/Newsroom/transcript-speech-prime-minister-lee-hsien-loong-66th-anniversary-inter-religious>>.