

HARMONIOUS PLURALISM? LEGAL MECHANISMS IN THE CASE OF  
SINGAPORE

by

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A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Science at George Mason University

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## **DEDICATION**

This thesis project is dedicated to my loving husband Nathan. Without whom I would never have been able to accomplish this or have this weird passionate obsession with Singapore.

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I would like to thank the many friends and family members who supported me through this process. My phenomenal husband Nathan stood by me through my many research frustrations and necessary trips to Singapore. My family who had to listen extensively as I worked through my thesis out loud. My friends provided much needed moral support as I struggled through this process. Drs. Dwyer, Hirsch, and Paczyńska for their guidance in this project. Finally, a thanks must go to Drs. Kim, Milner, and Dion of the University of Evansville for providing me with an everlasting foundation and love for the field and of research.

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## LIST OF ABBREVIATIONS

People's Action Party .....	PAP
Maintenance of Religious Harmony Act .....	MRHA
Internal Security Act .....	ISA
Inter-Religious Organization .....	IRO
Presidential Council on Religious Harmony.....	PCRH
Presidential Council on Minority Rights .....	PCMR



## **ABSTRACT**

### **HARMONIOUS PLURALISM? LEGAL MECHANISMS IN THE CASE OF SINGAPORE**

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The small island nation of Singapore is home to nearly six million people. Dubbed the ‘melting pot’ of Asia there are a multitude of different ethnicities represented within the populations make up. As of the previous census roughly 74% of the population is ethnically Chinese, 13% are ethnic Malay, 9% are ethnic Indian, and 3% are recognized as other. Within the ethnically diverse population arises the religious pluralism. A survey conducted in 2015 found that the majority of the population of Singapore represented four of the major world religions: Buddhism/Taoism, Islam, Christianity, and Hinduism. The same survey indicated that 1% of the population identify with lesser known religions and 18% of the population recognise or affiliate themselves with any religion at all. These ethnic and religious divides can become an unmanageable situation for any government who does not attend to it with diligence and respect. In a nation that lacks landmass there is not much room for error in managing a population

with this kind of diversity. Despite these challenges, and the young age of the country, Singapore is an example where divides have not proven to be a nuisance onto the country's governance. The goal of this paper is to ascertain in what way the country's use of specific pieces of legislation have had a positive impact upon the country's religious stability and to what extent the country's multi religious population expresses tolerance and promotes stability/harmony with one another.

## INTRODUCTION

For some, religion is the foundation on which individual identity is constructed. It serves as a moral compass as the complexities of life are navigated. Religion provides guidance, support, solace, and meaning to the peoples of the world. In some instances, religions have also come to govern countries; most notably these examples include Vatican City, Iran, and Saudi Arabia. Religion is a fundamental aspect of the human condition. In the world today, religion is making a resurgence into public life. For decades there had been a global push for secularism, meaning that political and religious institutions were kept separate. However, in recent years the concept of secularism has faded from global conversation and has been replaced with the concept of religious revivalism. In the past 20 years religion and how it interacts with societies, nations, and in a global sense, has gained prominence in the academic community. Religion is increasingly being used as a justification for extremist behavior. Religion is a deeply felt personal matter that needs to be studied. In studying religion researchers can identify in what ways it is being exploited around the world.

Identified as the most religiously diverse country in the world, the Island nation of Singapore is a home for a majority of the world's major religions. In a population nearing

six million only 18% of the population do not identify with any religion<sup>1</sup>. Of the remaining 81% who subscribe to a religious belief the breakdown is as follows: 33% Buddhist, 18% Christian (of varying denominations including Catholicism), 14% Muslim, 10% Taoist, 5% Hindu, and the remaining 1% is divided up by Judaism and various other faiths<sup>2</sup>. In today's media climate, it would be anticipated that such a wide array of religious traditions would create intricate fault lines among the diverse population, creating instability and chaos. In Singapore, however, this is not the case. The religious diversity in Singapore has created an environment where people feel comfortable in their faith, and thus comfortable residing in the country. This has allowed Singapore to flourish into the thriving city state it has become. An international shipping hub with an ever-expanding economy, Singapore is one of the most important nations in all of Asia if not the world. It is important to understand how Singapore has become so successful at managing religious diversity now more than ever as religion ousts the concept of Secularism and makes its comeback to the world stage.

### **Religious Revivalism**

In a time of uncertainty, war, poverty, and turmoil, people often turn to something bigger than themselves for solace and guidance. More often than not, religion is turned

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<sup>1</sup> "Singapore 2018 International Religious Freedom Report," International Religious Freedom Report (United States: United States Department of State - Bureau of Democracy, Human Rights, and Labor, 2018), 2, <https://www.state.gov/wp-content/uploads/2019/05/SINGAPORE-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

<sup>2</sup> Singapore, ed., *Census of Population 2010* (Singapore: Singapore Department of Statistics, 2010); "Highlights of General Household Survey 2015," accessed December 2, 2019, [https://www.singstat.gov.sg/-/media/files/visualising\\_data/infographics/ghs/highlights-of-ghs2015.pdf](https://www.singstat.gov.sg/-/media/files/visualising_data/infographics/ghs/highlights-of-ghs2015.pdf); "Singapore 2018 International Religious Freedom Report," 2.

to. The uncertainty of the late 20<sup>th</sup> and early 21<sup>st</sup> century have steered people back to their religious roots. Prior to the 1980's, secularization theory had been prominent in the international community. This theory was promoted by prominent political thinkers of the 19<sup>th</sup> century, such as Karl Marx and Max Weber. The core concept is that religion would soon phase out of political and public life and become solely a private matter. In doing so governments would no longer be tethered to supporting a specific religious group. By engaging in secularism, governments were able to quell tensions felt by minority groups throughout their respective nations. However, prominent theorist Peter L. Berger believed in the 1960's that secularization theory was fundamentally flawed, as societies were more religious than ever<sup>3</sup>. The growing prominence of evangelical teachings in the United States and increasing fundamentalism in all religions demonstrate the wave of religious revivalism in public life that is occurring.

One of the many concerns surrounding religious revivalism is how religion permeates nationalism. Religion is a deeply felt personal matter, and a national identity will invoke feelings of intense loyalty, protectionism, and patriotism. "Religion cannot be defined in such a way that it can be legally protected and maintained as separate"<sup>4</sup>. This is a fundamental belief by many academics around the world. The concept of keeping religion securely separate and under vast legal protections does not seem feasible in this climate of revivalism. When religion and nationalism combine it

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<sup>3</sup> Pippa Norris and Ronald Inglehart, *Sacred and Secular: Religion and Politics Worldwide*, Cambridge Studies in Social Theory, Religion, and Politics (Cambridge, UK ; New York: Cambridge University Press, 2004), 4.

<sup>4</sup> Frank B. Cross, *Constitutions and Religious Freedom*, Comparative Constitutional Law and Policy (New York, NY: Cambridge University Press, 2015), 2.

proves to be a dominant force in enacting not only national but global change. In the context of Asia, the effects religion and nationalism can be intensified and more frequent. This is due in part because many of the countries in Asia have diverse populations and there has been a trend of democratic backsliding; the democratic institutions are seen by the minorities as protecting their rights from majority infringement. These factors combined make for an outburst of religious violence as a direct result of minorities not feeling protected in their private life<sup>5</sup>. This dynamic can result in the creation of ‘in-groups’ and ‘out-groups’ identities which threaten the national narrative<sup>6</sup>. When mishandled or disregarded, religious revivalism threatens the secular identity of governments and by extension the stability of the nation.

In the case of Singapore, secularism was the only pragmatic option to pursue upon gaining independence. Faced with an extremely diverse population the PAP government decided that only through a secular governance style could Singapore’s population begin the necessary integration under one national identity<sup>7</sup>. Through ever increasing vigilance the government has been able to reassert secularism through their policies regarding religion. However, religious revivalism poses an outside threat to the stability and internal security of Singapore<sup>8</sup>. If the government does not continue in handling these

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<sup>5</sup> Jeff Kingston, *The Politics of Religion, Nationalism, and Identity in Asia* (Lanham [Maryland]: Rowman & Littlefield, 2019), 5.

<sup>6</sup> Joseph Chinyong Liow, *Religion and Nationalism in Southeast Asia* (Cambridge, United Kingdom ; New York: Cambridge University Press, 2016), 135.

<sup>7</sup> Kenneth Paul Tan, *Singapore: Identity, Brand, Power*, 2018, 20.

<sup>8</sup> Ah Eng Lai, *Meanings of Multiethnicity: A Case-Study of Ethnicity and Ethnic Relations in Singapore*, South-East Asian Social Science Monographs (Kuala Lumpur ; New York: Oxford University Press, 1995), 166.

matters with the utmost care and totality the situation in the country could easily devolve into enflamed religious tensions and violence.

### **Why Singapore?**

Why Singapore? Singapore is considered to exist in somewhat of a bubble. It is a mystical blend of eastern culture and western comfort making it an ideal vacation spot for many throughout the developed world. It is an economic marvel having survived the multiple economic crises that have occurred in the 20<sup>th</sup> and 21<sup>st</sup> centuries while suffering minimal losses. The economy continues to grow as investors and major corporations look to move their headquarters there in the wake of unrest in Hong Kong. This shift is turning Singapore into one of the most prominent global financial hubs. Its geographic location sets it up as the primary port for international trade within Asia, with an estimated 130,000 ships transporting goods through it annually. The country has miraculously maintained neutrality throughout the many conflicts that have occurred since its independence. Their sustained neutrality offers them a unique position in which they are able to trade and negotiate with all nations of the world, as they demonstrated through the cold war with the United States and the former Soviet Union<sup>9</sup>. A true melting pot, Singapore offers one of the greatest displays of ethnic and religious diversity worldwide in an extremely limited amount of space. Singapore has maintained a democratically elected authoritarian government since 1965 under the direct influence of the Lee

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<sup>9</sup> Daniel Chua, *US-Singapore Relations, 1965-1975: Strategic Non-Alignment in the Cold War* (Singapore: NUS Press, 2017).

family<sup>10</sup>. Singapore is a statistical outlier. It operates on a whole different plane from what the rest of the world seems to. It is for those reasons that Singapore is an important case to study.

With all these diversity factors, Singapore has never experienced a violent religiously based protest in its independent history. The rise of religious fundamentalism and the increase globally in religiously motivated terrorist actions have not phased the ongoing operations of the country. Singapore maintains a stable religious harmony with a population that, on the surface, is tolerant of those who subscribe to alternate faiths. Singapore's lack of religiously motivated conflict is just as telling as studying any ongoing conflict, such as those following evangelical or Islamic terrorism. By assessing these mechanisms, the government of Singapore has in place to maintain religious stability and harmony, a researcher may be able to ascertain if those mechanisms could be applicable in any other government context. In determining what Singapore is doing successfully to quell religious violence practices can be formulated and implemented in post conflict zones to prevent a return to religiously motivated violence. The information Singapore can provide through its lack of conflict can be more beneficial to practitioners in the long run.

### **Previous Literature on Religion and Authoritarianism**

Singapore's government is well known for its authoritarian tendencies. The People's Action Party (PAP) originally under Lee Kuan Yew and now under the control

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<sup>10</sup> Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (1997): n. 4, <https://doi.org/10.2307/20048274>.



of his son, Lee Hsien Loong, has maintained control of Singapore's government since the country's independence in 1965 through democratic elections<sup>11</sup>. To an extent opposition parties are permitted to run against PAP candidates, however the PAP machine has cemented itself within the community through a history of successful programs as well as a strong party infrastructure that supports young candidates throughout the country. With that uninterrupted control the government was able to prioritise their agenda and their policies for Singapore. Lee Kuan Yew was instrumental in the formulation of Singapore's Constitution, the Internal Security Act, and the Maintenance of Religious Harmony Act. His primary concern in the policies he introduced was to secure the long-term safety and security of Singapore. At the heart of his motivation was this constant fear of external interference and threats to Singapore's national sovereignty.

One of the primary concerns in connection with the project is a simple truth; countries labelled as authoritarian do not like to be studied. The brand of 'authoritarian' carries with it a negative connotation throughout the world. Being dubbed an authoritarian government tends to have a similar effect as being accused of human rights abuses. The offending government becomes closed off and highly defensive. This obviously poses an issue then when looking for information on Singapore. In terms of collecting data it is difficult to obtain any data that the government does not want people to see. There is tight control on the data available to the public – and by extension researchers. There are also the issues that do not align with the government's narrative. The government of Singapore's goal is to make the country seem as economically

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<sup>11</sup> Lily Zubaidah Rahim, *The Limits of Authoritarian Governance in Singapore's Developmental State* (New York, NY: Springer Berlin Heidelberg, 2018).

healthy and stable as possible. This means that the government will not often acknowledge major issues within the country, such as income inequality, as it complicates the narrative they're selling globally<sup>12</sup>. While not an authoritarian style government that is seen in other areas of the world, their style of governance is still considered to be authoritarian. In a police state like Singapore speaking out against government actions could have major consequences. Evidence of Singapore's security apparatus can be seen all over the country with CCTV and members of the police service patrolling public areas. This was experienced first-hand when discussing the concept of protesting within the country and what it entailed, as well as in several public transport areas. The use of the law instilled by the PAP government is primed for PAP to stay in power and to muzzle the opposition. The constant feeling of fear that the government has built into the national identity in conjunction with not wanting to be branded as an authoritarian government or studied in depth pose extreme challenges to conducting research there. These realities also point to a significant gap in the literature for this topic.

Religion and authoritarianism have an interesting relationship. Several studies have been done looking at how religions affect authoritarian political and societal systems, such as Karrie J Koesel<sup>13</sup>. Her work focused on the repressive authoritarian regimes of modern-day Russia and the People's Republic of China. While Singapore can be described as repressive in many aspects, they are not repressive in the same fashion as these two examples provided. A majority of the studies regarding religion and

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<sup>12</sup> Zubaidah Rahim, 2.

<sup>13</sup> Karrie J. Koesel, *Religion and Authoritarianism: Cooperation, Conflict, and the Consequences*, Cambridge Studies in Social Theory, Religion and Politics (New York, NY: Cambridge University Press, 2014).

governments look at the interactions between religion and democracy<sup>14</sup>. Both Koesel and Öztürk acknowledge a significant knowledge and research gap in this field. The slow decline of secularism and a shift towards religious fundamentalism have resulted in a growing number of unstable governments leaning towards authoritarian tendencies. This ‘backsliding of democracy’ that has occurred since the collapse of the Soviet Union caught many researchers off guard<sup>15</sup>. The hybrid regimes that are becoming more and more prominent around the world are not as heavily researched as democracies and straight totalitarian governments. This has left a significant gap in the knowledge researchers have regarding the relationship between authoritarian regimes and other factors of society, such as religion. In the rush to catch up the primary focus has been on how religion affects authoritarian regimes and not the reverse.

Another challenge is assessing the gap in literature on religion in Singapore. To date, there has been few researchers assessing the status of religion in the country, most notably is Lai Ah Eng<sup>16</sup>. Her work assesses the status of religion within society. Despite this focus there has been minimal research done regarding how the law itself interacts with religion in Singapore outside of discussions surrounding the Maintenance

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<sup>14</sup> Ahmet Erdi Öztürk, “An Alternative Reading of Religion and Authoritarianism: The New Logic between Religion and State in the AKP’s New Turkey,” *Southeast European and Black Sea Studies* 19, no. 1 (January 2, 2019): 80, <https://doi.org/10.1080/14683857.2019.1576370>.

<sup>15</sup> Marina Ottaway, *Democracy Challenged The Rise of Semi-Authoritarianism* (New York, NY: Brookings Institution Press, 2013).

<sup>16</sup> Ah Eng Lai, *Meanings of Multiethnicity: A Case-Study of Ethnicity and Ethnic Relations in Singapore*, South-East Asian Social Science Monographs (Kuala Lumpur ; New York: Oxford University Press, 1995); Ah Eng Lai, *Religion*, Singapore Chronicles (Singapore: Institute of Policy Studies : Straits Times Press, 2017); Ah Eng Lai et al., eds., *Religious Diversity in Singapore* (Singapore: Institute of Southeast Asian Studies jointly with Institute of Policy Studies, 2008).

of Religious Harmony Act. This gap in detailed knowledge may tie into the government of Singapore viewing religion as an aspect of national security, rather than a cultural issue<sup>17</sup>. This ties back into the issue of the security apparatus in Singapore and the censorship of information. The country's religions are not in open conflict with one another, which can prove to be a 'boring subject' for those outside of the country to study. This has also contributed to a significant gap in available knowledge in regard to the relationship in Singapore between religion, the government, and the people.

### **Why Religious Harmony Matters**

What's intriguing about Singapore's discourse is the distinction between harmony and freedom. This distinction finds its roots in the national narrative's emphasis on the notion of national vulnerability. Upon achieving independence, the PAP government recognized the new nation status in what was then a politically volatile region and that the security and protection of the country was the primary goal<sup>18</sup>. This could prove challenging due to the rich diversity of religions and ethnicities that formulate the country's population. Freedom is commonly defined as the power or right to act, speak, or think as one wishes without hinderance or restraint. Freedom provides the opportunity for sanctioned discrimination. In response to the historical precedents set forth by freedom of religion in other nations, the government of Singapore decided to pursue a different route.

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<sup>17</sup> Jothie Rajah, *Authoritarian Rule of Law: Legislation, Discourse, and Legitimacy in Singapore*, Cambridge Studies in Law and Society (Cambridge ; New York: Cambridge University Press, 2012), 256.

<sup>18</sup> Yee-Kuang Heng, "A Global City in an Age of Global Risks: Singapore's Evolving Discourse on Vulnerability," *Contemporary Southeast Asia* 35, no. 3 (2013): 427, <https://doi.org/10.1355/cs35-3e>.

Harmony is defined as an accord or agreement. In the case of Singapore, harmony was a preferred tool of the government to engage with the religious diversity in the country. Knowing that freedom could be corrupted for a multitude of reasoning and purposes the government came up with an appropriate solution: harmony. Harmony would preserve the religious diversity of the country to remain untarnished from corrupted agendas. Harmony, as the nation grew, became the cornerstone of Singaporean national policy and law. The government intertwined the concept of harmony into the national identity, justifying it with the sense of mutual respect that was expected of every citizen. The government mandated that “we must have tolerance and harmony<sup>19</sup>”. This is for the safety, security, and continued stability for the nation. For Singapore, tolerance and harmony are synonymous and vitally essential<sup>20</sup>.

“Religion is not inherently violent. But rather, religion is a force with violent potential”<sup>21</sup>. By engaging in a campaign of harmony and tolerance the government of Singapore has been able to harness that potential for constructive uses. Woven into Singapore’s national identity is the concept of mutual respect. By establishing a norm of mutual respect among all the ethnic and religious groups in Singapore the potential for religiously inspired violence is minimized. This policy of mutual respect has been enshrined in many of the pieces of legislation that the government has passed. Through

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<sup>19</sup> Michael D. Barr and Zlatko Skrbiš, *Constructing Singapore: Elitism, Ethnicity and the Nation-Building Project*, Democracy in Asia Series 11 (Copenhagen: NIAS-Press, 2008), 87.

<sup>20</sup> Lai, *Meanings of Multiethnicity*, 167.

<sup>21</sup> Daniel Philpott, “Religion and International Security,” in *The Oxford Handbook of International Security*, ed. Alexandra Gheciu and William C. Wohlforth (Oxford University Press, 2018), 6, <https://doi.org/10.1093/oxfordhb/9780198777854.013.18>.

this, evidence can be seen pointing to the important role legislation plays in maintaining religious harmony and mutual respect in Singapore.

### **Legislative Mechanisms to Maintain Religious Harmony**

This analysis will focus on five distinct pieces of legislation and founding documents: The Constitution, The Maintenance of Religious Harmony Act, the Societies Act, the Sedition Act, and the Internal Security Act. These pieces of legislation have been identified due to their direct correlation to the government's agenda for establishing and maintaining religious harmony. More than any other legislation that the government has enacted, these five documents paint a clear picture on how the government views religious affairs in Singapore. While some maintain a higher prevalence than others, all five documents are vital to the government's pursuit of religious harmony. Each of these documents has been assessed separately in previous literature. This work seeks to combine them together to form one cohesive analysis of how Singapore has gained its status as the most religiously diverse and religiously stable country in the world. Previous literature regarding the legislative mechanisms that Singapore utilizes to maintain religious harmony can be pinpointed to a few select authors.

The primary question surrounding constitutional clauses around religion is do they truly work? There is also considerable debate in the academic community about the affect constitutionalizing aspects of religion will have upon the nation as a whole. Deborah Flores and Jonathan Fox's study from 2009 found minimal statistical correlation between constitutional clauses regarding religion and their sway on government

behavior<sup>22</sup>. Kevin YL Tan has done extensive research into Singapore's constitution and assessing its history and relationship with religion. In matters of religion, PAP has formulated the constitution to be the essence of practicality and workability<sup>23</sup>. The core concept of Singapore's governance structure is to maintain effectively organized power through a clearly articulated ideology; pragmatic and consistent problem solving over emotional gut responses<sup>24</sup>. This design is to emphasize stability and security for the people of Singapore. In a country with the demographics that Singapore possesses, such designs are necessary. As Benjamin Schonthal concluded, the special protections of a specific religion over another in a religiously diverse situation, such as the one in Singapore, is seen as inherently unfair and incompatible with a just legal order<sup>25</sup>. The PAP government understood this concept, taking it into intense consideration through the constitution writing process. Thus, this sensibility is laced throughout the entire Constitution.

Jothie Rajah, Mathews Mathew, and V.S. Winslow have all published in depth analyses of the Maintenance of Religious Harmony Act. The consensus amongst most scholars is that the Maintenance of Religious Harmony Act moves to police religious speech to maintain religious harmony in Singapore<sup>26</sup>. This was done as a direct result of

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<sup>22</sup> Jonathan Fox and Deborah Flores, "Religions, Constitutions, and the State: A Cross-National Study," *The Journal of Politics* 71, no. 4 (October 2009): 1509, <https://doi.org/10.1017/S0022381609990053>.

<sup>23</sup> Kevin Tan, *The Constitution of Singapore: A Contextual Analysis*, Constitutional Systems of the World (Oxford ; Portland, Oregon: Hart Publishing, 2015), 239.

<sup>24</sup> Melissa Crouch, "Constitutionalism, Religion, and Inequality: Perspectives from Asia," *Asian Journal of Comparative Law* 13, no. 2 (December 2018): 237, <https://doi.org/10.1017/asjcl.2018.6>.

<sup>25</sup> Benjamin Schonthal, "CONSTITUTIONALIZING RELIGION: THE PYRRHIC SUCCESS OF RELIGIOUS RIGHTS IN POSTCOLONIAL SRI LANKA," *Journal of Law and Religion* 29, no. 3 (October 2014): 473, <https://doi.org/10.1017/jlr.2014.21>.

<sup>26</sup> Rajah, *Authoritarian Rule of Law*, 219.

the conspirators in the 1980's plotting to overthrow the PAP government in favour of a more communist leaning regime. What the act seeks to do is formally separate religion from politics to ensure such a plot would not be possible in the future<sup>27</sup>. It is interesting to note through this analysis is how infrequently this piece of legislation is used. Despite that after its passing Mathews Mathew has done considerable survey research within Singapore to gauge the populations feelings regarding the act itself and the state of religious harmony in the country. When working to assess how pieces of legislation interact with society in Singapore these authors have succeeded in filling the knowledge gap.

The Internal Security Act (ISA) has primarily been discussed in the context of religious extremism and terrorism; there has been minimal identifiable research discussing any positive relationship that the ISA has with religion and the maintenance of religious harmony in Singapore. Identifying the intricacies in which internal security and religion are intertwined will be essential for future research to study religious harmony in Singapore.

In assessing these legislative mechanisms which Singapore uses to maintain religious harmony one may be able to ascertain how the country has managed to effectively abolish religious conflict. Learning Singapore's past and how that influenced the government's decision-making paradigm is key to understanding the basis of the country's religious harmony. Taking into account the authoritarian nature of Singapore's government will also aid in the assessment of whether these legislative mechanisms could

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<sup>27</sup> V.S. Winslow, "The Separation of Religion and Politics: The Maintenance of Religious Harmony Act 1990," *Malaya Law Review* 32, no. 2 (December 1990): 327, <https://www.jstor.org/stable/24865636>.



be successful elsewhere in the world. Through Singapore's peace, researchers can identify problem areas elsewhere before they occur, conserving countless lives and many more relationships.

## THE CONSTITUTION

A constitution is a body of fundamental principles which establish precedent on how the state will be governed. Every country in the world has some form of constitution. These documents act as a type of moral compass for the nation, highlighting which freedoms are valued and protected and designing a framework through which the country will be governed. They are designed in the hope that society can become unified and work towards a national goal<sup>28</sup>. Singapore is no different in this respect. The document which is now the Constitution of the Republic of Singapore comes from a tumultuous history.

In the post-World War II years, the British government, who at the time still maintained control over the island of Singapore as a colony within their commonwealth, was moving towards self-governance structures for certain colonial holdings. The people of Singapore had been granted the ability to self-govern prior to the war; they had also been operating under the Straits Settlements Constitution prior to Japanese occupation<sup>29</sup>. The Straits Settlements Constitution, granted in 1867, allowed each of the colonies to maintain a: governor, a legislative council, and a supreme court<sup>30</sup>. With the Japanese

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<sup>28</sup> Shah, *Constitutions, Religion and Politics in Asia*, 21.

<sup>29</sup> Tan, *The Constitution of Singapore*, 15.

<sup>30</sup> Tan, 13.

surrender the British government was left to re-evaluate its position in the region, including the fate of Singapore.

As the country slowly rebuilt itself after the wartime occupation, their British overseers were consumed by communist activity in the soon to become Federation of Malaya<sup>31</sup>. However, as time passed, the desire to have more autonomy or even become an independent nation grew within the people of Singapore. There was a deepening sense, particularly within the Chinese ethnic minority that Britain had failed to protect them during the war. Self-governance and independence from Great Britain was a widely felt sentiment through all ethnic communities through Singapore. In 1956 Singapore sent a delegation of legislative representatives to London to engage in constitutional discussions with members of the British government<sup>32</sup>. After two years and much deliberation Singapore was granted the status of a self-governance. This signaled the beginning of a transition from a British colony to a fully independent state<sup>33</sup>. In 1959 Singapore held its first general election; this is when the People's Action Party (PAP) came into their governing role in the country spear headed by Singapore's first Prime Minister, Lee Kuan Yew<sup>34</sup>. Not believing that Singapore maintained the appropriate resources, land, and industry to become a fully functioning independent nation the British government decided to make Singapore a constituent state of the Federation of Malaya, where it remained as such until fully achieving independence in 1965.

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<sup>31</sup> Tan, 17.

<sup>32</sup> Tan, 19.

<sup>33</sup> Tan, 19.

<sup>34</sup> Tan, 20.

Singapore did not last long after merging completely with the Federation of Malaya. The merger which had been supported by the PAP government was accomplished in 1963. Political conflicts arose between the ethnic populations of Singapore. The Malay minority wanted Constitutional protections extended to Singapore; The Chinese majority felt neglected and still traumatized after their abuse at the hands of Japanese occupiers. There was a growing fear between all but the Malay ethnic groups would be devalued and oppressed by the government in Kuala Lumpur. Due to these fundamental disagreements on governance, Singapore seceded from the Federation. On 9 August 1965 Singapore was granted independence from the Malaysian government. This achievement of being granted independence from Malaysia was overshadowed by the fact that Malaysia did not bestow a separate constitution to the brand-new nation. The government under PAP leadership had to set about the difficult task of securing the new state and determining what the moral guidelines of the country should be. It is in this time of uncertainty that the writing of what would become the Constitution of the Republic of Singapore would take place.

When assessing how a constitution interacts with a religiously plural society, it is vital to examine or at the least acknowledge the history of the constitution itself. To learn from the text of the constitution is important; it is however close to meaningless without also learning how this text came into being. It is only in this background that one can start to identify the ideas that are behind the words<sup>35</sup>. When going about looking at the

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<sup>35</sup> Shah, *Constitutions, Religion and Politics in Asia*, 21.

relationship between Singapore and the religions present within its borders this is key to full understanding.

Almost every country in the world has a constitutional relationship with religion. Many countries adopt similar language as to what is seen in UN documents and international treaties designed for rights protections. There are countries such as Malaysia which enshrine in their constitution a protection of a specific religion, in their case it is Islam. Many countries do not go that far and seek to establish a freedom of religion and religious practice without prioritizing any specific one. Each country's relationship with religion is unique. Singapore is a multi-racial, multi-ethnic, multi-religious state. Housed within the borders of the small and densely populated country resides each of the world's major religions including but not limited to: Hinduism, Zoroastrianism, Judaism, Buddhism, Taoism, Jainism, Christianity (both catholic and protestants), Islam, Sikhism, and the Baha'i faith<sup>36</sup>. Leaders of Singapore's government have routinely acknowledged that the abundance of religions which are present on the island pose a delicate situation. There is an understanding within the political establishment that religious relations must be acknowledged and resolved carefully. Respect and understanding were essential for religious stability in Singapore and by extension the country's survival.

Singapore became an independent nation without having been given the time to formulate a constitution for their new state prior to the event. Prime Minister Lee Kuan Yew and the PAP government he led promised a constitution in the few months after independence was achieved. This however was not the case. The constitution of modern-

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<sup>36</sup> "Inter-Religious Organisation, Singapore," sec. Religions.

day Singapore was finalized in 1980, taking place of the working constitution it had been using in the years after independence. What has become the Constitution of Singapore is very much an amalgamation of three separate documents: The Constitution of the State of Singapore from 1963, the Republic of Singapore Independence Act of 1965, and pieces of the Malaysian Federal Constitution.

The first legal mechanisms the government of Singapore has with which to maintain religious stability is their constitution. The goal of this chapter is to determine to what extent the Constitution of the Republic of Singapore provides a solid foundation for religious stability in the country and how that foundation has been interpreted over time.

### **Riots and the Founding of a Nation**

To better understand the Singapore of today one must also take into account the tumultuous past. The drafters of Singapore's constitution were faced with a daunting task. Independence from Malaya was granted before a new constitution was written. The first months of Singapore's national existence were without a functioning constitution<sup>37</sup>. Prior to becoming an independent nation, the area that would become the state of Singapore experienced instances of major religious and racial upheaval. When independence was finally achieved from Malaysia in 1965 the new national government under PAP leadership were keenly aware of the violent past that could become a present and future if appropriate precautions were not taken. The Maria Hertogh Riots and the 1964 racial

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<sup>37</sup> Tan, *The Constitution of Singapore*, 29.

riots provided PAP with the historical reference points they needed when drafting a new constitution for a state that had previously experienced violence.

### **Maria Hertogh Riots**

Singapore was a multi-ethnic and multi-religious society prior to the country's independence in 1965. Since its founding as a British colony and prominent trading port in the region of South East Asia, the island of Singapore has long hosted a variety of people from all ethnic backgrounds and religious traditions. Malay's are considered as the ethnic group of the area. As the small island evolved into the world-renowned modern city new ethnic groups emigrated to the area. By the time the British returned to govern the island post World War II the majority ethnic group had shifted from Malay to Chinese. The island became a home to large swaths of Indians and Eurasians as well. By the 1950's there was a complex array of ethnic groups all cohabitating in Singapore.

When first presented with the case of Maria Hertogh one might not think it would have instigated religious-race riots in 1950<sup>38</sup>. As the Japanese military began invading and occupying Indonesia and Singapore parents went to extraordinary lengths to protect their children. Maria was the child of Dutch-Eurasian parents, born at the beginning in the second World War<sup>39</sup>. She lived on the island of Java where her parents were arrested by the advancing Japanese military forces<sup>40</sup>. She was placed in the care of a Muslim family who moved to Malaya with Maria who proceeded to raise her as a Muslim. This

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<sup>38</sup> Heng, "A Global City in an Age of Global Risks," 425.

<sup>39</sup> Tong, *Rationalizing Religion*, 232.

<sup>40</sup> Tong, 232.

was in direct conflict with her being baptized at the behest of her parents in the Catholic faith<sup>41</sup>. At the end of the war her biological parents discovered where she and her foster family had relocated to and through the Dutch authorities attempted to reunite with her. She was shuffled around between her foster family and the authorities in Singapore due to legal technicalities. As a result of the bureaucratic confusion she was returned to her foster family who had arranged her marriage to a Muslim man<sup>42</sup>. Her marriage was completely legal and sanctioned under Islamic law. The dispute came from her marriage being not in line with Dutch or British law. Due to an outcry by Christians in Singapore in response to the case the Supreme Court of Singapore annulled her marriage and Maria was sent to live in a Catholic Convent<sup>43</sup>.

In response to the case, Muslims in Singapore began protesting outside of the courts. This brought them into direct confrontations with the Eurasian citizens throughout the country. What started as a demonstration soon turned violent. By December of 1950 eighteen people were killed and roughly 173 were injured; these injuries occurred at the hands of rioters as well as Singaporean military and police forces who had been called in to quell the violence<sup>44</sup>. There are some who believe that the riots, while taking the form of racial religious tensions, were really a manifestation of anti-colonial feelings that were spreading throughout the colonies in the post-World War II era. The violence directed at Eurasians and Europeans may have been purely an outpouring of frustration for European colonial rulers rather than a disdain and intolerance for alternate religious traditions and

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<sup>41</sup> Lai, *Meanings of Multiethnicity*, 130.

<sup>42</sup> Tong, *Rationalizing Religion*, 232.

<sup>43</sup> Tong, 232.

<sup>44</sup> Tong, 232; Lai, *Meanings of Multiethnicity*, 130.



laws. In the eyes of the PAP though, this outburst of violence along racial and religious lines proves to be a solid rationale behind what would become the emphasis on national security and harmony that is embedded in the Constitution.

### **The 1964 Race Riots**

In 1964 the state of Singapore was a member in the Malaya Federation, or the Federation of Malaya States. The state had been handed off by the British to the new Malaya as Britain sought to withdraw itself from its colonial territories in the years after World War II. It was proposed by the British that Singapore become a member of the Federation of Malaya, maintaining a somewhat colonial overseer and the same governance structure as it had been under the British. This merger was lobbied for by many in Singapore, notably Lee Kuan Yew and members of the People's Action Party. Having already seen that tensions in Singapore were heightened due to the Maria Hertogh Riots in 1950, the leaders of Singapore knew that joining the Federation of Malaya could pose some conflict; Chinese Singaporeans were still recovering from the devastation of the war and feared oppression under a government that prioritized Islam. Joining with the Federation of Malaya could cause discord within the ethnic Chinese groups because of the distrust they felt at their basic human needs being neglected. As if to confirm their suspicions, conflict arose in 1964, only a year before Singapore became independent. This conflict was between Malay's and ethnic Chinese, both afraid of change and oppression.

Tensions had been building between these two groups for at minimum a year. When Singapore merged with the Federation of Malaya, Malay-Muslims were of a certain mindset. It was a shared feeling among a majority of the Malays in Singapore that they should share the same Constitutional protections that the Malay's in what is now Malaysia enjoyed. This however was not the case due to the fact that PAP had deemed Singapore to be a meritocracy, meaning that everyone was equal and maintained the same rights<sup>45</sup>. Within the meritocratic system that the PAP was installing, each citizen of Singapore regardless of ethnicity would have the same access to education, religious beliefs protections, and the ability to engage in business and employment without fear of discrimination. Each citizen had the same probability of succeeding as there were no handicaps or boons in place to prioritize one group over another. This is a platform and policy that PAP has maintained since coming into power, ensuring through the decades that Singapore would always be a meritocratic state to shore up stability and harmony within its multiethnic and multi-religious population.

By this point in time Singapore was home to a majority ethnic Chinese population, who felt threatened by the protected status of Malay's and Islam. Malay's in turn felt threatened by the presence of the ethnic Chinese majority, exacerbated by the fact that the Singaporean government was comprised of mostly ethnic Chinese<sup>46</sup>. Any action taken by the government would be perceived by the two ethnic groups involved as a stab against the other group. PAP needed to address the dire needs of the ethnic Chinese population, who had been decimated and left in poverty after the Japanese occupation.

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<sup>45</sup> Tong, *Rationalizing Religion*, 233.

<sup>46</sup> Tong, 233.

However, in doing that it would trigger the Malay's sense of unease and subjugation at being an ethnic minority. To clarify the government's position a meeting was held in early July 1964 between a multitude of Malay organisations to meet with members of the government, including the Prime Minister; the fact that the Singapore branch of the United Malay's Nationalist Organisation (UMNO), the Malay's mainland dominant political party, was excluded from this meeting only added fuel to the rising tensions in Singapore<sup>47</sup>. As a response UMNO held their own meeting where the fiery rhetoric of 'us vs. them' and self-preservation dominated the discussion. Taking advantage of the volatility, an unknown group who fashioned themselves as the UMNO action committee who had just formed, distributed literature bearing the provocative phrase "Before Malay blood flows in Singapore, it is best to flood the state with Chinese blood<sup>48</sup>". The incendiary leaflets were distributed on 20 July, 1964.

The tensions came to a head on 21 July 1964. It was one of the largest religious festivals in Singapore, commemorating the birth of the Prophet Muhammad<sup>49</sup>. Over 25000 Malay Muslims were gathered to celebrate the event<sup>50</sup>. It is disputed how the fighting began, but it can be determined that a physical fight broke out between Malay's in the procession and ethnic Chinese onlookers. Some who attended claimed that the Chinese instigated the scuffle as they were witnessed throwing objects at the procession and shouting obscenities. This was taken as an affront to not only the people but the religion of Islam; in response to this insult the Muslim participants in the procession

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<sup>47</sup> Tan, *The Constitution of Singapore*, 22, 26.

<sup>48</sup> Tan, 27.

<sup>49</sup> Cheng, "The Past in the Present," 437.

<sup>50</sup> Tong, *Rationalizing Religion*, 233.

retaliated<sup>51</sup>. People scattered in the chaos that ensued which left two dead and many more injured. A curfew was put in place to stem the violence. However, the damage to society had already been done. The fighting continued for days and included people from outside of Singapore coming in to enflame the violence and tensions further as acts of solidarity<sup>52</sup>.

The riots were not confined simply to those five days in July. Throughout August an unsteady peace had been achieved between all the parties through a government sponsored truce. Everyone agreed that maintaining racial harmony was essential. This tentative peace and calm was, however, shattered in September after a Malay worker was stabbed to death<sup>53</sup>. Five days of rioting and violence took place as a result of this act. In response to the reignited violence, the PAP government sought a meeting with the UMNO alliance to reestablish peace throughout the country. In this meeting the PAP government swore to not introduce any Malay sensitive topics for a span of two years; this would give the population time to adequately deescalate the tensions which had emerged<sup>54</sup>. Malay sensitive topics would be anything restricting or targeting Islam or enacting legislation that was perceived to be at the detriment of the Malay population, such as legislation that specifically addressed Chinese-Singaporean grievances. This agreement was violated by a Malay minister who was branded by the government as an extremist<sup>55</sup>. Sporadic violent attacks occurred throughout October of 1964 as tensions

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<sup>51</sup> Cheng, "The Past in the Present," 440.

<sup>52</sup> Tan, *The Constitution of Singapore*, 27.

<sup>53</sup> Tan, 27.

<sup>54</sup> Tan, 28.

<sup>55</sup> Cheng, "The Past in the Present," 446.

remained high. When the violence finally ended and order was restored the death toll stood at thirty-six, with 563 injured<sup>56</sup>. The government of the Federation of Malaya knew that Singapore could not stay within the Federation after the riots took place. UMNO was so displeased with what had taken place in Singapore that an arrest warrant was demanded for Prime Minister Lee Kuan Yew<sup>57</sup>. Tensions between the governments in Singapore and Kuala Lumpur continued to a debilitating force, souring the relationship between them. As a result, within a year Singapore was granted independence.

In the end the 1964 riots solidified Singapore's impending exit from the Federation of Malaya and marked the beginning of Singapore's journey to finally becoming an independent state. The work that had been put in thus far to the nation building project was only the start of a much bigger task of stabilizing and protecting the new nation. Throughout the constitution and nation building process PAP under Lee Kuan Yew remembered these outbursts of racial religious violence. Knowing that violent protests or riots which had occurred would undermine the state and potentially destroy Singapore's national sovereignty made PAP tread with extreme caution in the drafting of the constitution. It was to set the moral code for the nation itself, it was vital that the appropriate lessons be learned from these tragic events to further the state. Just to show what a vital pillar these riots were to modern Singapore, the 21<sup>st</sup> of July has since been deemed Religious Harmony Day throughout Singapore<sup>58</sup>. In setting this specific state holiday the national government is acknowledging the importance of this event of their

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<sup>56</sup> Lai, *Meanings of Multiethnicity*, 130.

<sup>57</sup> Tan, *The Constitution of Singapore*, 28.

<sup>58</sup> Tan, *Singapore*, 21.

history and endeavor to remind the population of what bloody violence can occur when religious sensitivities are not properly respected.

### **The Nation Building Project**

In 1965 Singapore abruptly split from the Federation of Malaya. This was due to increased racial religious tensions within Singapore as well as conflict between the governments in Singapore and Kuala Lumpur. Singapore was not granted a constitution when they left the Federation leaving PAP the task of comprising one. With the memory of past violence from the Maria Hertogh and 1964 riots PAP was obsessively focused on securing the new nation. PAP had, as a member of the Federation of Malaya, decided to become a meritocracy; Through this each citizen no matter race, religion or ethnicity had equal opportunities to succeed. The violence of Singapore's recent history left a prominent scar in the minds of those who were building the modern nation of Singapore. Those who belong to the first generation of citizens of a sovereign and independent Singapore felt keenly the effects of their multi-racial and multi-religious society. This collective memory was the essential pillar of PAP's nation building project.

Since independence Singapore has maintained a mixed population of varying ethnic groups, predominantly: Chinese, Malay, Indian, and Eurasian. Where there is a multitude of cultures there is a plethora of religions. There have been prominent examples of the dangers posed by a multicultural and multi religious population as both issues are accompanied by unstable reactions. Attacks upon one's religion is perceived as

an attack upon one's person<sup>59</sup>. As such it became clear to PAP that these issues needed to be addressed carefully and concisely. Prime Minister Lee Kuan Yew has indicated that any religious collision within Singapore would be costly due to Singapore's history with racial and religious outbursts<sup>60</sup>. Based on the experiences of the past the government under PAP leadership took full control over the nation building project to ensure that the complex process was not interrupted or derailed in any way<sup>61</sup>. The vulnerability espoused by PAP leaders ingrained a 'siege mentality' over the general population. In doing this PAP cemented their importance as a stable government set on Singapore's safety and survival; this allowed PAP to commandeer the governance of Singapore, molding it into the authoritarian government that is maintained to this day<sup>62</sup>. One facet is that the Hertogh riots have become an icon in the state's characterization of Singapore's society being susceptible to destabilization along religious lines<sup>63</sup>. This narrative of national vulnerability was crucial for PAP as a method to cement their control over the government<sup>64</sup>. The riots of 1964 only further proved the government's point that the nation was vulnerable to internal and external tensions. In this aspect the government was able to utilize the violent past as a method in which to ensure future stability by constantly reminding the population of the pain these events caused.

Within the case of Singapore, the nation building project that the government pursued was a blending of a pluralist approach and at the same time integrating all groups

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<sup>59</sup> Cheng, "The Past in the Present," 440.

<sup>60</sup> Tong, *Rationalizing Religion*, 234.

<sup>61</sup> Barr and Skrbiš, *Constructing Singapore*, 5.

<sup>62</sup> Heng, "A Global City in an Age of Global Risks," 425.

<sup>63</sup> Zubaidah Rahim, "Governing Muslims in Singapore's Secular Authoritarian State," 174.

<sup>64</sup> Heng, "A Global City in an Age of Global Risks," 425.

together to form a national identity<sup>65</sup>. This national identity, which the government supported, took the form of harmony and tolerance among the various sects of the population. This policy of tolerance and harmony was bolstered under the meritocratic system that PAP had put in place prior to independence. While there is no exact definition in which the government uses to describe harmony or tolerance it is commonly discussed as mutual respect. A mutual respect for other races and other religions is vital for the sustained existence in Singapore. The importance of religious harmony found another home within the national pledge that is required to be recited by students in public education every morning. The pledge ties them together as a national identity regardless of race, language, or religion<sup>66</sup>. Harmony and tolerance as national internal security policies are the direct product of the riotous violence that occurred in 1950 and 1964.

Allusions to these historical events are seen throughout government rhetoric even today. Senior politicians have been quoted stating that the religious stability in Singapore today is not something that happened without considerable effort and is not something the younger generations should take advantage of<sup>67</sup>. The concept of religious harmony among a multi-religious and multi-racial society is the cornerstone of Singapore's national policy; it is the bedrock on which the nation of Singapore built itself. At the time, Prime Minister Lee Kuan Yew indicated that religious harmony in Singapore was

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<sup>65</sup> Tan, *Singapore*, 20.

<sup>66</sup> Lai, *Religion*.

<sup>67</sup> "Speech by Mr. Wee Kim Wee, President of the Republic of Singapore at the Commemoration of the Prophet Muhammad's Birthday Held at the Ministry of the Environment Penthouse on Saturday, 24 November 1990 at 4:45pm," 1; "Speech By Professor S Jayakumar, Minister for Law and Home Affairs at the Singapore Dawoodi Bohra Muslim Community Dinner on Friday, 11 January 1991 at 8:00pm at Collyer Room, Westin Stamford & Westin Plaza," 1.



an issue of national security. When religious conversations can invoke volatile and visceral reactions from people it is essential to create a stable religious harmony among all groups to maintain the stability and proper functioning of the nation. The evidence of the importance of the policy of religious freedom can be seen scattered throughout the final constitution that was enacted as the official document in modern day Singapore.

The influence these considerations had on the nation building project in Singapore is profound. By not taking these factors into account PAP would have composed a constitution that did not accurately account for future tensions that could arise due to Singapore's population make up. Singapore's survival was dependent upon the appropriate addressing of these influences. The act of reminding the population and situating the nation building project around those riots was successful in reminding the population of the violent threats they could face; the act of igniting that fear was essential to bring the people of Singapore together to form one unified nation<sup>68</sup>. The Constitution of Singapore today which places harmony and security above all other aspects of society is a direct result of remembering painful history and attempting to learn from it.

### **Protecting Religion**

The constitution of the Republic of Singapore addresses the freedom of religion and all the subsequent rights which that freedom entails directly. When drafting the constitution Prime Minister Lee Kuan Yew spoke on many occasions about the importance of impartiality on behalf of the government to maintain national stability. He

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<sup>68</sup> Chen et al., "The Primacy of the Individual versus the Collective Self," 31.

spoke at length about the fact that all Singaporeans had and were to have enshrined in the constitution equal rights regardless of race or religion<sup>69</sup>. By making all religions and people equal under the constitution the document would not be considered inherently flawed and incompatible with Singapore's legal institutions as well as solidifying divisions between the different ethnicities present in the country<sup>70</sup>. With this in mind the government ensured that the final constitution addressed all concerns when it came to the subject of religion.

### **Article 15**

This article is titled Freedom of Religion; thus, it is the primary focus for constitutional scholars when assessing Singapore's constitutional relationship with religion. Article 15 section 1 is as follows:

“Every person has the right to profess and practise his religion and to propagate it.”<sup>71</sup>

This is the basis of Singapore's position regarding religion. In a literal translation each citizen of Singapore is permitted to practice whichever religion they choose and spread the word of their religion. The spreading of religious word and values is important to many religions around the globe, notably the Christian faith and Islam. This ensures that no citizen will be persecuted for practicing a specific religion.

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<sup>69</sup> Tong, *Rationalizing Religion*, 233.

<sup>70</sup> Schonthal, “CONSTITUTIONALIZING RELIGION,” 473.

<sup>71</sup> “Constitution of the Republic of Singapore,” sec. 15(1).

Article 15 of Singapore's constitution also addresses the potential fault lines of religious harmony in the multi-religious nation. As a part of the Malaysian Federation some of revenue from Singapore's taxes went into a government fund specifically for supporting those religious pilgrims who wished to engage in the Haj. Quite plainly this meant that a majority of Singaporeans who were not Muslim were financing a Muslim religious pilgrimage. This could obviously be perceived as favouring one religion above the others. As seen in the racial riots mentioned this was a particularly sensitive fault line that existed in Singaporean society. To be perceived as favouring Islam over the multitude of other religions that were prominent in Singapore would have exacerbated already existing tensions and therefore undermining religious harmony and stability in the fragile nation. Article 15(2) address this by decreeing that no citizen of Singapore will be compelled to participate financially through taxation in any religion that is not his own.

The wording of this portion of the article is essential. It removes the issue of forcibly supporting in a financial way another's religious preferences. In doing so it doesn't strip the ability to participate financially and through taxation in one's own religion. This allows the population to still engage in their religions in any way they choose while not infringing upon the rights of others. It also serves as an indicator that the government perceives all religious faiths as equal under the law and deserving of equal footing. By freeing the citizens of the obligation to pay taxes to all religious traditions or a specific one the government protects itself from accusations of religious favoritism in policy formation. In doing so the government portrays itself as the purely

secular government that it aims to be in order to maintain stability and security in the country. Removing the federal government from a direct hand on approach to religion moves the religious to a private matter as opposed to one in direct conflict with the secular principles that were coveted<sup>72</sup>.

Section 3 of Article 15 seeks to address the rights of religious groups. It serves as another vital prong in the government's strategy to extricate themselves from the private sphere to move into a purely secular governance structure. Each religious group has the ability to manage its own affairs. This allows freedom of each group to go about its business as it sees fit without worrying about government interference. This is especially important for civil society projects. The civil society structure that many religious groups operate in provide a vital service to the general population<sup>73</sup>. Included in this civil society infrastructure are the physical buildings which religious groups are entitled to under this articles section. Each religious group is permitted to maintain property with which to engage in religious or charitable activities.

This section, however, requires direct government involvement. Singapore is a tiny island, there is finite amount of land that is available for all things which the nation requires. With those considerations physical buildings for religious groups fall under the politics of space<sup>74</sup>. To that end the government devised a strategy and formula with which to determine appropriate land use for religious houses, specifically setting aside parcels

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<sup>72</sup> P.S. Goh, "State and Social Christianity in Post-Colonial Singapore," 58.

<sup>73</sup> Tan, *Singapore*, 44.

<sup>74</sup> Kong, "In Search of Permanent Homes," 1573.

of land for use by religious groups<sup>75</sup>. Religious groups are permitted to own property, however only a limited number of buildings are permitted to be in a specific area; as an example, currently a parcel of land is set up for auction by the government to the Christian faith, not specifying denomination as that is determined by the auction itself, per every 12000 dwelling units<sup>76</sup>. Specific dwelling unit quotas are set for each different religion. This ensures that the communities do not feel any excessive or aggressive proselytization by the groups in the area. By controlling this variable, the government seeks to ensure harmony and stability within the population. Allowing the right to own but controlling how it's dispersed is vital for the control a secular authoritarian regime hopes to maintain security and order within its borders.

Article 15(1) is arguably the most important section of this article in terms of determining the rights of the religious within Singapore. However, Article 15(4) supersedes any of the stipulations that come before it. It reads as follows:

“This Article does not authorise any act contrary to any general law relating to public order, public health or morality<sup>77</sup>.”

This is where the true importance of Article 15 resides in the eyes of the government. PAP under Lee Kuan Yew placed survival at the forefront of the nation building project and laid it as the foundation of the Singaporean national identity to an

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<sup>75</sup> Kong, 1576.

<sup>76</sup> Kong, 1577.

<sup>77</sup> “Constitution of the Republic of Singapore,” sec. 15(4).

extent some would define as obsessive<sup>78</sup>. Upon achieving independence, the government was acutely aware of how volatile religion could become in a society as diverse as Singapore's. This was a lesson that was hard learned through the 1964 riots. It was important for the many different religions of Singapore's population felt that their rights to engage in religions of their choosing was protected, which led to section one. Fundamentally it was necessary for the people to have the freedom of choice and practice. PAP's goal was to then find a way to ensure that this fundamental right was enshrined but also had to devise a strategy to ensure that said right did not destabilize the entire country.

Highlighted here is the first emphasis on religious harmony seen in Singapore's legislative history. By addressing acts that are seen to violate the general public order and morality and ensuring they are not protected under Singaporean constitutional law the prioritization of harmony is demonstrated. While not directly referring to the concept of religious harmony, the wording of Article 15(4) sets a precedent that there's firm line drawn in the sand in regards to appropriate religious behavior. Scholar Lai Ah Eng succinctly described the government's relationship with Article 15, stating that "religious freedom is not absolute or unqualified in Singapore...since absolute freedom is a sure and potent recipe for conflict in a multi-religious society."<sup>79</sup>

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<sup>78</sup> Lai, *Meanings of Multiethnicity*, 17.

<sup>79</sup> Lai et al., *Religious Diversity in Singapore*, 62.

## Article 12 & 16

Singapore maintains significant populations of ethnic Chinese, Malay, Indian and Eurasian people<sup>80</sup>. Each of those racial and ethnic distinctions comes with religious traditions and unique languages. Singapore has often been described as a ‘melting pot’ of culture. With such a vast blending of differing traditions and cultural values the government recognized the importance of accumulation and blending of the various ethnic, religious, and racial identities within Singapore to alleviate any tensions that may exist. Blending of this nature is an important aspect of the construction of Singapore’s national and moral identity. The first step to the formulation of the ‘Singaporean’ is to ensure that not one ethnic, racial or religious group is seen as to take priority over the others. To solidify this process is Article 12 of the Constitution of the Republic of Singapore, which reads as follows:

“All persons are equal before the law are entitled to the equal protection of the law.”<sup>81</sup>

Article 12(1) is a formalization of what values Lee Kuan Yew had been espousing in several of his speeches and statements.<sup>82</sup> Under this article it solidifies the legal rights of equality to every citizen of Singapore regardless of race, religion, language or ethnicity. Equality is essential in the creation of the type of secular society the PAP led government was seeking to establish. Each citizen of Singapore was equal to each other

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<sup>80</sup> Barr and Skrbiš, *Constructing Singapore*, 4.

<sup>81</sup> “Constitution of the Republic of Singapore,” sec. 12.

<sup>82</sup> Tong, *Rationalizing Religion*, 233.

thus not establishing governmental and legal preference over any ethnic identity beyond that of being a Singaporean citizen.

Article 12(2) expressly addresses the issues of discrimination. While section 1 determined that all citizens were equal, section 2 establishes that discrimination within the process of employment and property ownership based upon religion, race, or ethnic descent is a violation of their constitutional right to equality<sup>83</sup>. What's telling about the wording of this section is that the framers of Singapore's constitution mentioned religion first when discussing discriminatory practices. Some religious practices involve the wearing of certain dress or accessories which make it easy to identify followers of that religious practice, such as Sikhs or Muslims. It could be easier in those circumstances, whether knowingly or unintentionally to discriminate against them based on religious or racial differences. Protection from such action on a federal level is a priority when trying to bring together a people under one national identity.

Here too is evidence of the government acknowledging the importance of cultural heritage and traditions in the preservation of national stability. The Constitution creates all citizens equal under the law and prohibits discrimination based on religion and race. Article 12(3b) however protects religious institutions from those who could harm them. It reads as follows:

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<sup>83</sup> "Constitution of the Republic of Singapore," sec. 12(2).



“This article does not invalidate or prohibit – any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group profession any religion to persons profession that religion.”<sup>84</sup>

This indicates that religious groups and institutions are permitted to deny employment due to religious beliefs. In doing so the government protects the various religious organisations from negative infiltration by a follower of a different religion. In the event that such a thing occurred it could lead to religious tensions and nationwide conflict. This section of Article 12 mandates respect for religious groups and institutions and preserves their sovereignty within the Singaporean community. By engaging in this path PAP ensures that religious groups do not feel they are being encroached upon by the government and thus maintaining the national secular agenda.

The acts of discrimination that Article 12 protects against also includes education. Article 16 determines that it is a violation of the constitution to discriminate based on religion or race in the administration of a public educational institution<sup>85</sup>. Each citizen in Singapore is entitled to a public education. In the admission of students or the payment of any type of school fee the administrators of that institution may not discriminate. Protection under this article also extends to the provisions of financial aid for students in any educational institution; this encompasses those institutions controlled by the state as well as private educational facilities<sup>86</sup>. This grants equality of access to education within

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<sup>84</sup> “Constitution of the Republic of Singapore,” sec. 12(3b).

<sup>85</sup> “Constitution of the Republic of Singapore,” sec. 16(1a).

<sup>86</sup> “Constitution of the Republic of Singapore,” sec. 16(1b).

the country of Singapore to all citizens. Singapore defines itself as a meritocracy<sup>87</sup>, meaning that the citizens need to be on an equal footing for the meritocratic system to function properly. By ensuring that each student and pupil within the country is guaranteed an equal education and educational opportunities PAP lays the solid groundwork for their dreams of a meritocracy.

Sections two through four of Article 16 deal exclusively with the subject of religion in education. As discussed in Article 15(3b), and in conjunction with Article 16(2), religious groups maintain the right to establish institutions to be used for religious education. This allows for religious institutions to create establishments specifically designed for religious education. These educational institutions provide a valuable instance with which communities can expand upon their cultural or religious identity and heritage. In permitting these institutions the government is placing a much-needed importance on the issues of religion in education and how that engages with a religious heritage. These religious educational institutions also fall under Article 16(1), thus banning discrimination of any kind into the administration, admission, or financial support of any student or pupil based on their religion.

Protection of religious education extends into not having to participate in religious education. Section 3 of Article 16 mandates that no person is required to engage in religious education or partake in religious ceremonies of a religion that they do not call their own<sup>88</sup>. This protects people from aggressive proselytization of any religion or having religious education forced upon them. In a multi-religious and multi-ethnic

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<sup>87</sup> Lai, *Meanings of Multiethnicity*, 17.

<sup>88</sup> "Constitution of the Republic of Singapore," sec. 16(3).

society like Singapore, cultural heritage such as religions provide a key ingredient into a community's stable make-up. Religious tradition and by extension religious education provide a valuable source of knowledge and sharing of those traditions and ideologies. If another religious group were to force their education onto an unwilling party outside of their religious tradition it could cause community friction. In a small nation like Singapore a community conflict could easily bubble over into a nation-wide issue, as seen in the Maria Hertogh incident. This is what would be deemed a preventative provision, to promote respect for other religions and to maintain peace<sup>89</sup>.

This also allows people the freedom of choice in which religion they choose to pursue. Individual autonomy can placate a people. It should be noted that Article 16(4) does not allow for individuals under the age of 18 to determine which religion they are a part of in regard to religious educational institutions<sup>90</sup>. If they are under the age of 18 their parent or legal guardian dictates which religion they should be educated in.

### **Articles 152 & 153**

The government of Singapore ensured as the Constitution was being drafted that their hands are in the issue of religion only when it pertains to matters of national security<sup>91</sup>. As indicated Singapore was at one point a member of the Federation of Malaya, a country in which Islam is predominant among the populace. From then and to the modern-day Islam is a protected religion within Malaysia due to its close tie to the

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<sup>89</sup> Lai et al., *Religious Diversity in Singapore*, 68.

<sup>90</sup> "Constitution of the Republic of Singapore," sec. 16(4).

<sup>91</sup> Tey, "EXCLUDING RELIGION FROM POLITICS AND ENFORCING RELIGIOUS HARMONY - SINGAPORE STYLE," 137.

Malaysian cultural identity. At the time of independence Singapore hosted a majority Malay population. Just prior to separating from the Federation the island nation experienced its worst incident of religious/racial violence in its history. The 1964 Race Riots were fresh in the minds of every member of the government PAP moved swiftly to ensure that such tensions would not arise in the future.

Upon independence the Malay population in Singapore felt vulnerable. While they had experienced specific protections under the Federation of Malaya, they saw the separation as a sudden revoking of those same protections. This threatened their heritage and the importance of their role as the original inhabitants of the island of Singapore. Recognizing the importance of maintaining harmony and stability in the fragile new nation Articles 152 and 153 were placed into Singapore's Constitution.

In a society such as Singapore the majority population can fluctuate depending on multiple factors. At the time of Singapore's independence, the ethnic Chinese population was growing, surpassing what was then the Malay majority. There were also minority populations of Indians and Eurasians. In the process of writing the constitution it became evident that the rights of the many minorities in Singapore had to be protected if the country were to survive. Article 152(1) reads as follows:

“It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore.”<sup>92</sup>

This is by far the most involved Article of the Singaporean Constitution when assessing the relationship between the state and religion. Previous article that address the

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<sup>92</sup> “Constitution of the Republic of Singapore,” sec. 152(1).

issue of religion described a very hands-off approach of the government, restricting any involvement unless it involved national security. However, this specific article mandates that the government look after the wellbeing of the nation's minority religious populations. This offers direct protection from the government to the religions within Singapore that don't make up a majority of the population; currently this article concerns every religion save Buddhism, which accounts for roughly 33% of the religious population<sup>93</sup>. This article also alludes to the importance to the government of maintaining religious harmony in the country. The universal protection offered to minority religious populations guaranteed in section 1 of Article 152 maintains the balance of power among the many religions that are present within the country.

Just prior to independence the island nation of Singapore experienced unprecedented violent conflict and brutality in what would become known as the 1964 Race Riots. As discussed earlier these riots took place due to the exacerbation of mounting tensions between the ethnic Malay and ethnic Chinese populations. In acknowledging that citizens of Malay descent felt vulnerable when Singapore broke from the Federation of Malaya Article 152(2) was placed within the final constitution. This article indicates that the government is required to recognize the special relationship Malays have with the Singaporean state and to protect, safeguard, support, foster and promote the political, educational, religious, economic, social and cultural interests of the Malay population as well as acknowledging the importance of their language<sup>94</sup>. This is

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<sup>93</sup> "Singapore Census of Population 2010, Statistical Release 1: Demographic Characteristics, Education, Language and Religion."

<sup>94</sup> "Constitution of the Republic of Singapore," sec. 152(2).

the only article within the constitution which directly addresses a sole group within the Singaporean collective population. By directly addressing the needs and protection of the Malay population the government sought to ensure that the tensions which came to a head in 1964 would not be repeated.

Article 153 enhances that protection by extending it by mandating the national government to regulate Muslim religious affairs as well as the creation of a council that would advise the President on all matters regarding Islam<sup>95</sup>. This is the only religion that is specifically mentioned in the constitution or regulated by the national government<sup>96</sup>. Acknowledging the changes that for Singaporean-Malay's that would come with separating from the Federation of Malaya was the first step for Prime Minister Lee Kuan Yew. As the ethnic Chinese moved from a minority to the majority it was important for Malay's in Singapore to feel protected, as they had been in Malaysia<sup>97</sup>. Extending specified protections to the Malay minority in Singapore appeased their sense of unease in being an ethnic minority in a geographical location where they were the majority and primary ethnic group.

There is speculation that this article could be a constitutional spill over from the time being a part of the Federation of Malaya. Some speculate that this article was specifically included in order to help ease the tensions that sparked the aforementioned 1964 riots. Feelings of being excluded were prevalent among the Malay/Muslim population of Singapore. The council created in this article have a direct line to the

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<sup>95</sup> "Constitution of the Republic of Singapore," sec. 153.

<sup>96</sup> Tan, "Law, Religion, and the State in Singapore," 68.

<sup>97</sup> Goh, *Contours of Culture*, 233.

executive and it ensures that Muslim religious matters are addressed in a manner that is deemed fitting. This can go a long way to smooth hostilities that could easily be enflamed.

### **Protecting the State from Religion**

Highlighted through many of the above Constitutional articles is the extent to which the government strives to remove religion from the political sphere. This is done at the behest of the PAP leadership who spearheaded the constitution writing project. There are a great number of benefits to that policy. By setting a clear line of where public ends and private begins is an integral aspect of PAP's method of governance and how Singapore's society operates. The main objective of PAP is to maintain stability and control over Singapore. The perceived vulnerability that was fuel for the nation building project. By identifying religion as a potential national security concern PAP acknowledges its power and importance among the people; direct evidence of this can be seen in the way religion is depicted in Singapore's Asian Civilisations Museum<sup>98</sup>. It is recognized by authoritarian governments around the globe that religion is something that could directly confront the political establishment and agenda<sup>99</sup>. The importance of religion and it being seen as a policy of national security can be seen clearly in Article 15(4). This indicates that the government is to keep its hands out of religious matters entirely unless they directly contradict state security or public safety and stability.

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<sup>98</sup> Chin, "Seeing Religion with New Eyes at the Asian Civilisations Museum," 199.

<sup>99</sup> Koesel, *Religion and Authoritarianism*, 3.

This policy of controlling religion would come at a cost. As Singapore cannot be described as truly secular based on their provisions to intervene in religious affairs due to national security concerns, religion cannot remain entirely in the private sphere where the government wishes it to stay<sup>100</sup>. By establishing these protections to safeguard the governance institution from religion through the Constitution the government directly brought religion, at least in a small aspect, into the public sphere of influence. Acknowledging this through their nation building project PAP moved to utilize this reluctant state relationship with religion to unify all religions under a national identity<sup>101</sup>. By tying all religions together in the public sphere in this fashion PAP was able to commandeer faith to solidify the nation and to create the Singaporean national identity. As long as the people of Singapore are united through this national identity and there is mutual respect held for differing religious beliefs religion is allowed to play an important role in the creation of social harmony<sup>102</sup>. The government of Singapore maintains tight regulations on religion to protect itself from religion<sup>103</sup>. This is done for the survival of PAP, and by extension the continued stability of the nation itself.

### **Conclusion**

The Constitution is the Supreme Law of the Republic of Singapore<sup>104</sup>. Cobbled together from three different sources the modern Constitution is the foundation of the state. Singapore's constitutional relationship with religion is quite straightforward.

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<sup>100</sup> Öztürk, "An Alternative Reading of Religion and Authoritarianism," 79.

<sup>101</sup> Moulian, "Religion and Authoritarianism," 332.

<sup>102</sup> Koesel, *Religion and Authoritarianism*, 117.

<sup>103</sup> Mufford, "A Right For All: Freedom of Religion or Belief in ASEAN," 19.

<sup>104</sup> ("Constitution of the Republic of Singapore" 1965, sec. 2)



Modeled after previous constitutions and with similar wording to international conventions Singapore protects the freedom to believe and practice any religion of a citizen's choosing in so much as it does not interfere with state security. Equality in the eyes of the law and freedom from discrimination are constitutional guarantees granted to all citizens. Woven into the words of the constitution and the articles that relate to religion are two major themes. Religious harmony and tolerance are the foundations which Singapore's government wanted to use to build up the modern stable state. The second theme is establishing what could be called a national morality. Through policies of equality, harmony, and tolerance regarding religion the government has established a specified code of behaviour that must be abided by everyone in Singapore, citizen or otherwise. The Constitution of the Republic of Singapore places respect for others on a high pedestal. This mutual respect is the central moral principle of Singapore itself.

The tone of the constitution is specifically crafted to establish religious and racial harmony as a cornerstone of the Singaporean national identity. Learning from historical violence, the government of Singapore moved to ensure that fault lines between religious and racial groups would be eradicated. This would ensure that Singapore would never again feel the destabilizing effects of religiously based violence. Stabilizing Singapore after the upheaval of 1964 and independence in 1965 was not a simple task for the PAP government to achieve. The Constitution is the first step in a multi-tiered system set up through legislation to ensure the preservation of religious harmony in the country. As religious revivalism found prominence in the following years, further legislation was required to ensure that the delicate status quo of religious harmony and tolerance in

Singapore would not be upended. More legislative tiers were essential to ensure the situation did not devolve into chaos and threaten the nation's stability and sovereignty.

## **THE MAINTENANCE OF RELIGIOUS HARMONY**

The previous chapter contained an examination of how the Constitution of the Republic of Singapore interacted with religion. Through this founding document the moral compass of the nation, and by extension the government, is established. Within the text it became clear that people were permitted to worship any religion they saw fit in any way they chose with the exception of when it interfered with state security and harmony. It became clear to the government, however, over time that only having a moral compass and basic protections were not sufficient. Religion is like water and has a way of seeping through even the tiniest of cracks. Within two decades after independence events made it clear that the constitution provided too many cracks for religion to slip into public life and further measures were needed to maintain harmony and tolerance in Singapore.

These historical factors provided food for the security aspect of the national narrative. As demonstrated with the Maria Hertogh and 1964 Race Riots the government of Singapore under People's Action Party (PAP) leadership was adept at taking unstable instances and making them work to a government advantage. The continuing fears of communism and Marxist plots were exactly what the government needed to propagate the sense of fear and need for increased government control to keep the nation safe. PAP was in the business of making long term policy decisions. Ministers have often indicated that their goal is to enact policies which are for the public good, despite the fact that they may

not be able to enjoy the benefits of these policies in their lifetimes. This sense of national vulnerability tied in directly with national sovereignty was the founding mechanism of how PAP began to use these historical events to steer the country more towards authoritarianism. The security apparatus PAP opted to pursue provides the ideal climate to engage in an agenda that allows PAP to stay in power.

When discussed today Singapore is often described as ‘a police state’, the ultimate ‘authoritarian regime’, or that ‘place where you get arrested for chewing gum or killed for doing drugs’. In some ways all of these assertions are true. Singapore began its modern-day life as a sovereign nation as a democracy. This is a democratic system that was inherited from their British colonial masters and one that continued through their time with Malaysia. The People’s Action Party was elected by popular vote for the first time in 1959<sup>105</sup>. PAP led Singapore through the merger and break with the Federation of Malaya. The government in control of Singapore at the crucial times of riots, ethnic tensions and independence saw how fragile the system in Singapore was. It was PAP who developed the national narrative of vulnerability and intricately laced it with Singapore’s sovereignty which provides the bedrock for Singapore as a modern state. Progressively, as the need has presented itself, PAP has introduced more and more policies that would be deemed authoritarian. As time progressed after independence the government enacted policies which limited the amount of opposition influence on governance. It slowly morphed into a near single party system in the guise of a democracy. General elections are consistently held, and opposition parties are permitted to participate. Despite this

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<sup>105</sup> (Tan 2015, 2)

ability to engage PAP has won each general election with a sound majority of the popular vote.

What the government of Singapore has adopted is a hybrid system, one might deem it an illiberal democracy. They engage in democratic processes such as elections and parliamentary debate. By deeming it authoritarian one acknowledges the limited political pluralism in Singapore<sup>106</sup>. It is only through an authoritarian system that the policies regarding religion which PAP has engaged in could be successful. Authoritarian policies are typically associated with security measures which limit some freedoms. In the case of Singapore with security being the lynchpin to Singapore's continued existence, security by extension became the basis for all policies that PAP instituted. This includes policies regarding religion in the multi-religious nation.

The painful history had cemented in the minds of those governing Singapore that religious harmony was not something that could be taken for granted. As those who had founded the nation grew in age it became even more apparent that there needed to be a legal establishment which maintained the religious harmony that PAP had painstakingly achieved. With the acknowledgment of the need for further legal mechanisms for the state to utilize to maintain religious freedom the government began developing its new policies. To preserve the freedom and harmony that the constitution had established, some individual liberties had to be sacrificed by all citizens. What culminated from the myriad of factors involving societal change, global trends, and long-term survival planning were two distinct pieces of legislation: The Maintenance of Religious

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<sup>106</sup> (Linz 2000, 159)

Harmony Act and the Societies Act. The Societies Act has been a staple in Singapore's legal history since independence. Originally passed in 1967 it has been amended and expanded upon since then. The Societies act provides the government control over which religious organisations can operate within the borders of Singapore. As such the Societies Act has a direct correlation to the Maintenance of Religious Harmony Act. The goal of this chapter is to assess the Maintenance of Religious Harmony Act and determine if it has had a positive impact on religious stability in Singapore since its introduction in 1990. This chapter will also look at the Societies Act and determine its effectiveness in enhancing the Maintenance of Religious Harmony Act.

### **The Maintenance of Religious Harmony Act**

Since independence Singapore experienced a time of relative religious stability. The violent events of the past have not repeated themselves. That's not to say that the tensions which sparked the rioting have been successfully resolved. When religious/racial tensions began to rise again, the government took swift action to stem any further violent outbursts by introducing the Maintenance of Religious Harmony Act. As implied by its name the Maintenance of Religious Harmony Act deals singularly with the protection and continuation of religious harmony and tolerance in Singapore. Previously there had only been the Constitution which served as the legislative basis for Singapore's policy on religion. With this act's introduction it took some of the policy burden off of the Constitution and placed it on this new legal footing.

Just as with the Constitution there were historical factors that went into the formulation of the Maintenance of Religious Harmony Act. In terms of influence nothing was greater than the 1987 Marxist conspiracy which led to the arrest and detention of 22 individuals<sup>107</sup>. At that time the most pressing threat perceived by the government was of a communist conspiracy. As a basic background in 1987 a collection of left-wing political activists, including members of the Catholic church and people associated with liberal Christian activities, were arrested and detained under the Internal Security Act. According to government allegations, they were detained for “using the catholic church and other religious organisations in a ‘marxist conspiracy’ to subvert the state<sup>108</sup>”. Roughly 10 of the alleged conspirators were associated in some form with the catholic church, thus introducing the mix of religion and politics<sup>109</sup>. The conspiracy was far reaching, implicating the whole catholic establishment in Singapore<sup>110</sup>. The conspirators were accused of plotting to overthrow the government and install a communist state in Singapore at the behest of Tan Wah Piow, a student activist who had fled Singapore for England in the 1970’s<sup>111</sup>. These intended assaults on the state prompted this legislation and the acknowledgment from the government that religion and politics must be rigorously separated<sup>112</sup>. As a result of the detentions the archbishop pleaded with priests of the catholic church to never participate in politics while they were in their position.

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<sup>107</sup> (Zubaidah Rahim 2012, 175)

<sup>108</sup> (P.S. Goh 2010, 70)

<sup>109</sup> (Rajah 2012, 226)

<sup>110</sup> (Barr and Trocki 2008, 242)

<sup>111</sup> (P.S. Goh 2010, 70)

<sup>112</sup> (Winslow 1990, 328)

This falls directly in line with how the government has leaned more into authoritarian style policies while still maintaining the guise of democracy.

It is important to note here the government's discussion of religion when addressing the Marxist Conspiracy. There were many allegations after the detentions that the government was targeting the Catholic church in specific; it was alleged that the government was at odds with the left leaning social/political agenda of the church officials in Singapore. This could be attributed to the fact that the Catholic church, as is the case with many other religious traditions in the country, are primarily invested in providing social services to the people. These services are fundamental and vital aspects of Singapore's society which the government does not directly address<sup>113</sup>. In response to these allegations, the government reiterated that these people were not detained because they were Catholic. Prime Minister Lee Kuan Yew spoke with the Archbishop himself to reassure him that the government had no ill-feelings and that there was not state sponsored prejudice against the Catholic Church. This was purely a political issue. The fact that the Catholic church was implicated was due to the conspirators use of the institution as a cover and recruiting ground for their movement. After speaking with the Prime Minister, the Archbishop made a statement: "We are satisfied that the Government of Singapore has nothing against the Catholic Church when it detained 10 of our church workers amongst the 16 who were arrested for possible involvement in a clandestine communist network<sup>114</sup>." It is through this moment in history that the concept of using

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<sup>113</sup> ("Speech by Prime Minister Mr. Lee Kuan Yew during the Visit to the Islamic Centre, Jamiyah Singapore in Geylang" 1990, 1)

<sup>114</sup> (*The Straits Times* 1987, 1)



religion for subversive purposes against the government of Singapore was implanted into the PAP's mentality.

The Maintenance of Religious Harmony Act was officially passed into law in 1990. Up until its introduction there was not legislation specifically designed to engage with PAP's ideology of national religious harmony and tolerance. In order to protect broader religious freedom throughout Singapore, the government concluded that some restrictions must be placed as it could be threatened by the exercising of individual religious liberties<sup>115</sup>. Another important goal of the MRHA is to establish a clear boundary between religion and politics. As a result of the Marxist Conspiracy in the 1980's the government recognized that certain measures needed to be taken in order to ensure that no religious actors participated in the political sphere. It's important to note that in September of 2019 amendments were introduced for the Maintenance of Religious Harmony Act. Due to the timing of its introduction and with outside factors inhibiting the government's ability to debate the proposed changes they will not be included in this analysis.

One important addition the MRHA brings to the legal table are the corresponding definitions. Previously there had been no legal distinction between a religious institution and a religious group. While they may be synonymous in most cases the MRHA distinctly separates them. Accordingly, a religious institution is defined as a "church, cathedral, chapel, sanctuary, mosque, surau, temple, synagogue or other places of

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<sup>115</sup> (Mathew 2013, 31)

worship”<sup>116</sup>. By definition it would appear that a religious institution is what would traditionally be assigned to the word, indicating that a physical building presence is required to fall under this definition. By extension religious institutions are required to abide by Singapore’s land allocation program, limiting the number of specific religious houses permitted in a specified area. Conversely, a religious group is two-fold, applying to both corporate entities and private persons. In terms of a company or corporate body a religious group is created for the purpose of promoting any religion, religious worship or dealing with religious affairs or anything associated with religious belief<sup>117</sup>. When referencing a body of persons or private individuals a religious group is defined as any group of people, either registered with the Societies Act or not, who’s objective is the promotion of religion, religious worship, or any action associated with any religious belief<sup>118</sup>. These definition distinctions are vital for assessing how an assortment of legal mechanisms interact with religion. The introduction of these definitions clarifies the extent of the government’s involvement in religious affairs. However, one important definition that continues to be lacking in this conversation is that of religious harmony. This permits the government to perceive this legislation in a myriad of ways.

### **1989 – White Paper on Religious Harmony**

The Maintenance of Religious Harmony Act was originally introduced as a report commissioned by the government titled Religious Trends: A Security Perspective. This

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<sup>116</sup> (*Maintenance of Religious Harmony Act 1991, sec. 2*)

<sup>117</sup> (*Maintenance of Religious Harmony Act 1991, sec. 2(a)*)

<sup>118</sup> (*Maintenance of Religious Harmony Act 1991, sec. 2(b)*)

report is a direct result to a trend of religious revivalism not just in Singapore but globally. The government of Singapore saw this trend and wanted to assess how it would affect the nation. All through the 1980's groups within Singapore had been raising concerns regarding the same issue: aggressive proselytization. These complaints were first raised against evangelical aims at conversion, admonishing the utilized tactics of teachers and doctors pressuring those they serve to convert to Christianity at a time when they are the most vulnerable<sup>119</sup>. In 1986 these complaints reached their apex with Muslim and Hindu groups specifically citing these tactics as being disrespectful and not abiding by the societal norm of tolerance and harmony. The report also highlighted intergroup tensions found in multiple religions, namely the conflict between orthodox Muslims and Ahmadis<sup>120</sup>, conflicts within the differing sects of Hinduism, and major divisions between the protestant and catholic sects of Christianity.

A major concern beyond proselytization techniques raised by this report was the subversive use of religion in politics. The Marxist Conspiracy of 1987 which resulted in the detention of 18 catholic priests and church members transitioned this concept to a reality for the government. According to the state those who were arrested and detained were using the church to conduct subversive activities aimed at overthrowing the government. The archbishop publicly stated after the arrests that the actions of the government were not aimed at the church but at individuals who were misusing the church; the archbishop also specifically ordered catholic priests from henceforth to not

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<sup>119</sup> ("White Paper on the Maintenance of Religious Harmony" 1989, 2)

<sup>120</sup> The Ahmadi group is perceived as heretical by orthodox Muslims and have therefore been banned from associating themselves with the religion of Islam

mix religion and politics in their sermons<sup>121</sup>. This pronouncement was the direct result of involvement in the situation of the Prime Minister. In a meeting between the Archbishop, the Prime Minister, and other prominent government officials it was made clear that the government “respected the religious beliefs of all sections of our people<sup>122</sup>.”

Christianity is not the only religion to be implicated in being used for subversive purposes. The report also highlights three specific Muslim lecturers who had visited Singapore. In each of these examples the lecturers had promoted ideology which was inconsistent with Singapore’s national unity and the policy of harmony as highlighted in the Constitution. A common theme of their teachings was that the government needed to be overthrown and a form of Islamic theocracy needed to be installed. As a result of these teachings all three men have been banned from re-entering Singapore upon pain of arrest.

This concern of the government’s that religion will be utilized for subversive purposes was exacerbated by the experiences happening globally. PAP was witnessing religious groups all through Latin America, Sri Lanka, India, and the Philippines all exploiting their religion to achieve political goals<sup>123</sup>. Noting this, the Constitution addressed the potential threat that religion posed to the government and thus resulting in the official separation of religion and state. The increase in these aggressive tactics and the utilization of religion for achieving political goals poses a serious threat to the government of Singapore as well as to the racial and religious harmony and the general public order that the government had painstakingly established. This threat left

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<sup>121</sup> (“White Paper on the Maintenance of Religious Harmony” 1989, 14–15)

<sup>122</sup> (*The Straits Times* 1987, 1)

<sup>123</sup> (“White Paper on the Maintenance of Religious Harmony” 1989, 17)

unchecked would endanger the delicate balance that the government had focused on since independence. Harmony and tolerance are the cornerstone of Singaporean policy in regard to religion and a pillar of the Singapore legal system<sup>124</sup>. What came after this report was the White Paper on the Maintenance of Religious Harmony.

The White Paper on the Maintenance of Religious Harmony which was presented to the Parliament of Singapore in 1989 was a direct policy response to the report *Religious Trends: A Security Perspective*. This document affirms the primary aim of the government should be the maintenance of religious harmony throughout the nation. The maintenance of religious harmony as outlined in this document indicates that the government must not show favor on one religion over others, remaining fair and equal in the treatment of all faiths<sup>125</sup>. This concept ties into Article 15 of the Constitution of Singapore which protects every citizen's right to choose their religion and practice it in so much as it does not interfere with another citizen expressing that same right<sup>126</sup>. This correlation can only serve as evidence to the idea that PAP in the founding of Singapore after independence knew the cost of disregarding religion and chose to protect the harmony between the religious groups in the new nation at all costs. In PAP's eyes dismissing religion or not setting up appropriate control mechanisms on religion in public life would be nothing short of catastrophic.

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<sup>124</sup> ("Speech By Professor S Jayakumar, Minister for Law and Home Affairs at the Singapore Dawoodi Bohra Muslim Community Dinner on Friday, 11 January 1991 at 8:00pm at Collyer Room, Westin Stamford & Westin Plaza" 1991, 1)

<sup>125</sup> ("White Paper on the Maintenance of Religious Harmony" 1989, 3)

<sup>126</sup> ("White Paper on the Maintenance of Religious Harmony" 1989, 3; "Constitution of the Republic of Singapore" 1965, sec. 15)

Again, as it was with the constitution, within the white paper is seen the narrative that PAP had been instilling within national identity that Singapore's survival was constantly in question. It delves more deeply into the fact that Singapore is a country of many races and with those races come differing religious traditions. Some could argue that Singapore could be a microcosm of major religions around the world. Within this context the government acknowledges that racial and religious harmony are not just desirable ideals as they could be perceived in other nations, they were absolutely essential to Singapore's continued existence<sup>127</sup>. To safeguard religious harmony is to safeguard the nation. This is one of the founding principles of PAP's policies as they have governed Singapore since the country's independence.

What would become the Maintenance of Religious Harmony Act is a preventative measure by the government in the face of rising religious participation within its population. By seeing the rising prominence of religion in Singapore and the trend of religious revivalism globally, the government felt it more prudent to act quickly before relations between the religious groups deteriorated and emotions have been stoked to create an unstable environment<sup>128</sup>. It only takes a small spark to ignite a fury of emotions when discussing religion. Thus, the government acknowledges through this white paper that democratic values and political rights must be safeguarded by the state and not through religious institutions. This marks the beginning of deeper regulation of religion in Singapore.

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<sup>127</sup> ("White Paper on the Maintenance of Religious Harmony" 1989, 3)

<sup>128</sup> ("White Paper on the Maintenance of Religious Harmony" 1989, 9)

## **Restraining Orders**

Perhaps the most unique aspect of Singapore's legal system of dealing with religion which was introduced in the Maintenance of Religious Harmony Act was that of the restraining order. These orders represent the introduction of punitive measures designed specifically for those who violate or threaten the religious harmony and stability of Singaporean society. Up until this point Singapore's policy had been based on the moral grounding of the Constitution. Any measure taken against a religious organization or institution would have only been possible if other aspects of Singapore's law had been violated, such as with the Internal Security Act. Part III of the Maintenance of Religious Harmony Act lays out the process of restraining orders and how they're utilized to preserve harmony and tolerance on the basis of religion within the country.

According to the Maintenance of Religious Harmony Act a restraining order will be placed when certain behaviors or actions are committed or there is identifiable proof to commit such acts<sup>129</sup>. On a simple level any act that causes feeling of enmity, hatred, ill-will or hostility between different religious groups qualifies as endangering religious harmony<sup>130</sup>. What's unique about the MRHA is that it also offers the first specified legal separation between religion and the state. That Article 8(1b) specifically addresses the use of religion as a guise to engage in a political cause, activity or party is a direct response to the Marxist conspiracy that was mentioned previously. As the White Paper specifically identified the use of religion for political subversion as a threat to the state there was recognition by the government that this legal definition was required. Anyone

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<sup>129</sup> (Rajah 2012, 225)

<sup>130</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 8(1a))

found to have engaged in any of the specified acts will be applicable for a restraining order.

Article 8 of the Maintenance of Religious Harmony Act is entitled *Restraining orders against officials or members of religious group or institution*. This Article's jurisdiction lies singularly within the realm of religious groups and institutions, covering members and religious leaders alike. Specifically, those who fall under Article 8 are: priests, monks, pastors, imams, elders, office bearers, any other person who is a position of authority in any religious group or institution, and any member<sup>131</sup>. Restraining orders under this grouping are far more all-encompassing and restrictive than they are for private individuals. A restraining order restricts the ability to address, in any form, a group of worshippers or members of any religious group or institution without prior permission by the Minister for Home Affairs<sup>132</sup>. Additionally, the person named within the restraining order is not permitted to print, publish, edit, distribute or in any way contribute to anything produced by a religious group without the same prior permission<sup>133</sup>. This also includes holding any position within an editorial board or committee for a religious group or institution that engages in publications<sup>134</sup>. As demonstrated by the restrictions accompanied by the orders the objective is to inhibit the individual's ability to spread word, ideology, or theological teachings which would endanger religious harmony in Singapore. By taking this course of action the government has solidified its belief that religion is a matter of public safety and security.

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<sup>131</sup> (*Maintenance of Religious Harmony Act 1991, sec. 8(1)*)

<sup>132</sup> (*Maintenance of Religious Harmony Act 1991, sec. 8(2a)*)

<sup>133</sup> (*Maintenance of Religious Harmony Act 1991, sec. 8(2b)*)

<sup>134</sup> (*Maintenance of Religious Harmony Act 1991, sec. 8(2c)*)



Where Article 8 addressed restraining orders against official members of religious groups and institutions, Article 9 applies to any individual. Section 1(a) of Article 9 reads as follows:

“Any person is inciting, instigating or encouraging any religious group or religious institution or any person mentioned in Section 8(1) to commit any of the acts specified in that subsection;”

By committing these acts and the Minister for Home Affairs is satisfied with the evidence indicating that such acts have occurred one would be eligible for a restraining order. This could apply to an outside individual who seeks to impart a specific concept or ideology on a religious group. An example in which this would have been historically applicable is Imaduddin Abdul Rahim, a Muslim theologian as mentioned in the White Paper on Religious Harmony who has since been banned from entering Singapore<sup>135</sup>. Section 1(b) goes even further as it asserts that any person not mentioned within the purview of Article 8, having been found to have negatively impacted or intended to negatively impact religious harmony in Singapore, is liable. With the distinction between a member of a group and an outside individual the government seeks to establish that even private persons, citizen or otherwise, are not permitted to disturb the public peace and harmony.

Under a restraining order on a private individual they are not permitted to engage with any religious group or institution. This includes addressing or advising, orally or in writing, any statement concerning relations between religious groups or institutions and

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<sup>135</sup> (“White Paper on the Maintenance of Religious Harmony” 1989, 16)

the government<sup>136</sup>. As with restraining orders issued under Article 8, restraining orders on private persons is limited to a period of two years as specified in subsection 3 of Article 9. The Minister is required to provide notice to the offending individual that a restraining order is going to be placed against them<sup>137</sup>. It's important to note that restraining orders under Article 9 can apply to non-citizens of Singapore, meaning that any visitor to the island nation fall under this category.

The Maintenance of Religious Harmony Act offers two mechanisms for oversight of the Minister for Home Affairs in the President and the Presidential Council on Religious Harmony. Each restraining order that's proposed under the MRHA must be sent to the Council. This is required by Article 10(1) and the Minister must comply, allowing 30 days for referral to the council<sup>138</sup>. Upon receipt of the intended restraining order the Council may make suggestions to the President and the Minister within 14 days of the order being issued<sup>139</sup>. The Council will assess the ramifications of any restraining order on religious harmony in Singapore and will advise on whether the order is perceived as prejudicial. Under this referral the Minister is required to provide if requested by the Council any documents pertaining to the restraining order for their oversight review<sup>140</sup>. In some instances, the Council may request a hearing with the alleged offender for the purposes of oral examination to obtain further evidence or justification of their actions. This allows for the only instance as outlined in the MRHA

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<sup>136</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 9(2))

<sup>137</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 9(4))

<sup>138</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 11(1))

<sup>139</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 10(1))

<sup>140</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 11(2))

for anyone alleged to have violated religious harmony in Singapore to defend their actions. Beyond this the alleged offender has no say on the process or any involvement in an order potentially being assigned to them. The Council then has 30 days to submit their recommendations to the President<sup>141</sup>.

While the Minister for Home Affairs is acknowledged to have the power within matters relating to the Maintenance of Religious Harmony Act the President maintains the most prominent role of oversight. All restraining orders issued must be confirmed by the President within 30 days of their issuance and receipt of Council recommendations<sup>142</sup>. The President maintains the final review and approval of all restraining orders under MRHA jurisdiction. The President retains the right to alter the restraining order as referred by the Minister and the Council upon the advice of the Cabinet. In the instance where Cabinet recommendations and Council and Minister recommendations differ the President may then act within their discretion in regard to the restraining order<sup>143</sup>. It is only through these mechanisms that the other sectors of government are involved in the maintenance of religious harmony in Singapore and place a check on the control of the Minister for Home Affairs.

Up until the introduction of the Maintenance of Religious Harmony Act there were few legal measures that could be taken against those who disrupted the religious harmony of Singapore. The restraining orders that are defined by the MRHA provide a glimpse into what potential legal ‘teeth’ the government could have to protect religious

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<sup>141</sup> (*Maintenance of Religious Harmony Act 1991, sec. 11(4)*)

<sup>142</sup> (*Maintenance of Religious Harmony Act 1991, sec. 12(1)*)

<sup>143</sup> (*Maintenance of Religious Harmony Act 1991, sec. 12(3)*)

harmony and tolerance. For those who pose a threat to religious harmony the government is able to issue a restraining order reducing the ability to influence those they would seek to sway. Once an order is put into place there comes consequences for violating a restraining order. For those who are found to have breached the guidelines of their order as a first-time offender the penalty is a maximum fine of \$10,000 and/or a prison term not exceeding two years<sup>144</sup>. This penalty carries with it the possibility to bankrupt the individual, group or institution while simultaneously carrying with it all other negative side effects of having a criminal record. For a second offence and everything beyond the fine increases to a maximum of \$20,000 and an additional year added to the prison term<sup>145</sup>. Despite the restraining orders and review process being under the purview of the Minister for Home Affairs and the approval process of the orders falling under the jurisdiction of the President the responsibility to assign penalty for violation of an order falls under the district court. The district court is permitted the jurisdiction under Article 16(2) to impose the maximum penalty when they see fit to any violation of a restraining order. This sentencing phase is the only aspect of the restraining order process that falls into the jurisdiction of the judicial system in Singapore.

As discussed previously a majority of the power to act under the MRHA falls under the jurisdiction of the Minister for Home Affairs and the office of the President. It is important to discuss those roles a little more in depth. Article 13 of the MRHA permits the Minister to extend any restraining order that has been issued for a period not

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<sup>144</sup> (*Maintenance of Religious Harmony Act 1991, sec. 16(1)*)

<sup>145</sup> (*Maintenance of Religious Harmony Act 1991, sec. 16(1)*)

exceeding two years<sup>146</sup>. In essence this allows the Minister the ability to extend restraining orders almost indefinitely at intervals of two years. As there is no official oversight of the Minister's actions this permits them a great deal of liberty in the extension of restraining orders. Through this liberty there could be allegations of corruption aimed at the Minister despite each of the orders being published in the government's Gazette<sup>147</sup>. This publication is the only form of transparency that takes place during the restraining order process.

In addition to the extension process of restraining orders the Minister for Home Affairs also has control over the order review process. Article 14 of the MRHA outlines that the Minister shall review each order made or extended at a minimum of every 12 months<sup>148</sup>. This review process falls under the same potential scrutiny and allegations of corruption that Article 13 does. The opportunity for corruption and lack of oversight continues to be a prominent criticism to the MRHA. The Minister also maintains the power to revoke a restraining order at any time<sup>149</sup>. This provision is the only one through the entire Act which addresses the removal of a restraining order. The insinuation that follows is that only the Minister may remove any restraining order, giving the Minister further control over a process with minimal oversight or legal repercussions.

Further evidence for this argument is the lack of judicial oversight as mentioned previously. As discussed in Article 16 the only instance of judicial participation in the

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<sup>146</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 13(1))

<sup>147</sup> The Gazette is a regular publication of the Government of Singapore available to the general public. Included are bills up for debate and other government announcements.

<sup>148</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 14(1))

<sup>149</sup> (*Maintenance of Religious Harmony Act 1991*, sec. 14(2))

restraining order process is assessing penalties. Article 17 limits that ability by mandating that no violation under the purview of the MRHA can be adjudicated by the court system without the consent of the public prosecutor, also known as the Attorney General in Singapore<sup>150</sup>. Government approval must be attained for any type of judicial review of government actions to take place. Any and all orders and decisions made by the Minister, President, and the Council on Religious Harmony are final and all actions are not permissible to be questioned within any court in Singapore<sup>151</sup>. Here is a prominent example of the authoritarian policies that PAP have been associated with since the independence. This control and lack of oversight for questioning of policy and procedure is typical of PAP's security perspective and in direct correlation with the narrative of national vulnerability.

### **The Presidential Council on Religious Harmony**

One of the most prominent byproducts of the Maintenance of Religious Harmony Act was the creation of the Presidential Council on Religious Harmony (PCRH). This council works in tandem with the Presidential Council on Minority Rights (PCMR). As a short introduction the Presidential Council on Minority Rights as outlined by Article 76 in the Constitution of Singapore is that it was created to consider all legislation and reports that affect citizens of a racial or religious minority community; all referrals would come directly from the Parliament or the Government<sup>152</sup>. This Article protects the

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<sup>150</sup> (*Maintenance of Religious Harmony Act* 1991, sec. 17)

<sup>151</sup> (*Maintenance of Religious Harmony Act* 1991, sec. 18)

<sup>152</sup> ("Constitution of the Republic of Singapore" 1965, sec. 76(1))

stability between the various ethnic identities in Singapore. In doing so it furthers PAP's goal as leaders of the government to maintain harmony and tolerance as vital pillars in what keeps the nation of Singapore safe and independent. The council acts as an oversight committee for the Government to ensure that legislation being passed, or documents being produced do not violate the moral guidelines under which Singapore operates. The PCMR maintains that nothing the government does is deemed prejudicial. The Presidential Council on Religious Harmony takes that protection a step further.

Part II of the Maintenance of Religious Harmony Act is devoted solely to the establishment of the Presidential Council on Religious Harmony. As outlined in the 1989 White Paper the recommendation to PAP was that the government was constitutionally obligated to maintain harmony and tolerance among all religious groups within Singapore. Safeguarding religious harmony was crucial to the continued existence of the state. In the eyes of the authors of the 1989 White Paper the government needed to take what the PCMR was doing a step further when dealing with religious matters. Based on that recommendation the Maintenance of Religious Harmony Act introduced the PCRH. The make-up of the council itself makes important moves to maintain religious harmony and stability, stipulating that of the 15 members of the council a minimum of ten have to represent the major religions in Singapore; the remaining members would be citizens who had distinguished themselves through public service and positive community relations in the eyes of the PCMR<sup>153</sup>. Each of these members and the council chairmen are required to meet a strict standard of behavior and qualifications in order to participate in this

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<sup>153</sup> (*Maintenance of Religious Harmony Act 1991, sec. 3(1),(2)*)

public service. While the PCMR is mandated to review government policies for racial and religious implications, the PCRH is focused entirely on the maintenance of religious harmony and the ramifications policy will have on it. They edit and review only on the subject of religion. In calling for this narrower focus the council can conduct its review process more thoroughly and directly. Arguably this allows the council to be more effective and thus religious harmony is further protected.

What's interesting to note in regard to the make-up of the council is that in the document's wording it is not specified which religions constitute major religions in Singapore. Singapore maintains a plethora of faiths with its population of roughly six million people. As of the most recent census the following religions were quantifiable: Buddhism, Taoism, Islam, Christianity, and Hinduism with percentages of the population being classified as other and roughly 18 per cent being annotated as not subscribing to any religious belief<sup>154</sup>. This lack of clear definition is one of the main criticisms of the MRHA and is one of the many amendments to the act that was introduced to Parliament in 2019. The current vague nature of the act allows the government the ability to take extensive liberties with how the act is utilized.

Another thing to note about the PCRH is that currently the proceedings of the council remain shrouded in secrecy. As stipulated in Article 7 everything the council does shall be kept secret from all who are not on the council or those to whom the council directly reports<sup>155</sup>. This is mandated for all proceedings of the council with the exception of when the council issues a restraining order, the publication of which is required in the

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<sup>154</sup> (Singapore 2010, 29)

<sup>155</sup> (*Maintenance of Religious Harmony Act 1991*, secs. 7(1), (2))



government's Gazette<sup>156</sup>. This reduces the ability for parliamentary or judicial oversight into how the council is executing their directives. Extending even further into an absence of judicial oversight is Article 6, which indicates that members of the council are not to be held liable for the actions the council takes and classifying them as public servants<sup>157</sup>. This tool which was created to maintain religious harmony and advocate for religious harmony of all citizens of Singapore could easily be manipulated to achieve a detrimental agenda. It is in this lack of clear definition that the authoritarian seeps through.

### **Practical Applications**

The Maintenance of Religious Harmony Act has been set up as a prominent mechanism for the government to regulate religious tensions. The main goal of the Act itself is to work when the moral guidelines set forth in the Constitution are not quite sufficient to cope with the act of aggressive proselytization. Despite the purposes of this act it has never been utilized since its adoption in 1990<sup>158</sup>. To date not once has a restraining order been issued to a group or individual in order to maintain religious harmony in Singapore; this has been confirmed by the Minister for Home Affairs and Law<sup>159</sup>. In the event that action must be taken the burden has fallen on other pieces of legislation, such as the Societies Act, the Sedition Act, the Internal Security Act, and specified measures within Singapore's penal code to address the issue. The Maintenance of Religious Harmony Act provides the symbolic teeth in PAP's policy strategy to ensure

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<sup>156</sup> (*Maintenance of Religious Harmony Act* 1991, secs. 7(1), 15)

<sup>157</sup> (*Maintenance of Religious Harmony Act* 1991, sec. 6(2))

<sup>158</sup> (Rajah 2012, 254)

<sup>159</sup> (Tey, n.d., 119)

proper checks and balances on Singaporean society. As a preventative, not punitive, measure it could be argued that the MRHA was successful in curbing intolerance and disruptive behavior in the name of religion.

### **The Societies Act**

The Maintenance of Religious Harmony Act was the first of its kind in Singapore and directly addresses the government's relationship with religion. What enhances the ability of the MRHA to engage with religion on the level it does is what boundaries the Societies Act had already put into place. The Societies Act is one of the oldest pieces of legislation in Singapore, being enacted in January 1967, barely two years since gaining complete independence and sovereignty. In short what the Societies Act does for the state is regulate which groups are legal and which are not. This definition naturally extends to define what religious groups are legal and can legally operate inside Singapore.

### **Relationship with Religion**

The most important correlation between the Societies Act and the Maintenance of Religious Harmony Act is one of definitions. Prior to the introduction of the MRHA the absence of clear definitions had been distinct. There had also been consistent questioning about how group definitions within the Societies Act pertained to the realm of religion. What the MRHA lacks in definition, the Societies Act fills in those holes. In short, you cannot have one piece of legislation without the other. The Societies Act is essential in the practicality and usefulness of the MRHA.

The Maintenance of Religious Harmony Act makes a direct reference to the Societies Act in Part I Article 2(b). As mentioned earlier, this is a subsection of the definitions which defines a religious group. Within this definition it claims that a religious group is ‘any body of persons, registered as a society under the societies act or not...<sup>160</sup>’. By definition the MRHA includes lawful and unlawful societies as defined within the Societies Act. The correlation of these two documents through this definitional channel is essential for the MRHA to be applicable. This is the basic relationship between the Maintenance of Religious Harmony Act and the Societies Act.

The relationship between the Societies Act and religion in Singapore goes beyond one simply of definitions and semantics. The Societies Act is one of many vital pieces of legislation that allows the government of Singapore, under PAP leadership, to consolidate their position and steer the country towards authoritarian policies. Authoritarian, as discussed earlier in this chapter, is typically associated with security and limited political pluralism. Other associations can be made that being authoritarian involves intense government regulation and even censorship, such as that which is seen in China. Despite the negative connotation, authoritarian style control in Singapore is essential for the continued stability for the state.

As noted previously Singapore is a multi-religious, multi-racial, multi-ethnic, and multi-lingual society. Prominent PAP officials had, since the founding of modern Singapore, built up a national morality around the issue of religious tolerance and harmony. Policies that the government pursued sought to perpetuate this ideology among

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<sup>160</sup> (*Maintenance of Religious Harmony Act 1991, sec. 2(b)*)

all the citizens and residents of the nation. “Decades of peace can be totally shattered by days of conflicts. As Singaporeans, let us reaffirm our duty and commitment to preserve racial and religious harmony, which has been so vital to our nationhood and development. Let us work towards racial and religious harmony, not only for us but also for our future generations”<sup>161</sup>. Former Prime Minister Lee Kuan Yew had often illustrated the importance of nation-wide religious harmony and tolerance as being the status quo. If one religion or group were favoured among the others, then the entire system would fall into ruin. The Societies Act extends the government’s authority into regulation and control over which groups in Singapore are permitted to legally engage in the country. This control is essential to the system PAP aimed to establish and is one of reasons why Singapore is enjoying the religious stability today.

What the Societies Act indicates is that the emphasis of the government is control and stability. To maintain the fragile stability in Singapore the government has mandated that some restrictions are necessary; “If we (Singapore) are destabilized, it will be very difficult to right the ship so that it can sail or even keel”<sup>162</sup>. Acknowledging this precarious situation at an early stage of national development allowed the government to take the necessary steps to ensure that such a catastrophe would not occur. The government had aimed to keep religion and the state separate at all costs. In instituting this policy however, the government made significant strides towards deepening its relationship with religion through necessary control and regulation. The Societies Act

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<sup>161</sup> (“Speech by Mr Chan Soo Sen, Parliamentary Secretary (Prime Minister’s Office & Ministry of Health), At the Inter-Religious Organisation, Singapore, Peace & Harmony Day 2001 on Sunday, 18 MAR 2001, at 2:00PM at Siglap South Community Centre, 6 Palm Road” 2001, 2)

<sup>162</sup> (Rajah 2012, 230)

ensured that from the first years as a nation that the government of Singapore had not only always viewed religion as a security issue rather than a cultural one, but that it also sought to control it through regulation and monitoring. Above all, the goal of the societies act is to protect people and the state from destructive human behaviour.

### **Unlawful Societies**

One of the most intriguing and controversial examples of the Societies Act interacting with religion is the case of Jehovah's witnesses. Jehovah's Witnesses as a religious organization and group was active in Singapore until 1972<sup>163</sup>. For a multitude of reasons, the group is no longer active in Singapore. It has been deemed an unlawful society due to its ideological standpoints and how those clash with the goals of the state. Before delving further into the experience Jehovah's witnesses has had it is important to understand what exactly an unlawful society means in a country such as Singapore.

Article 14 of the Societies Act introduces the concept of unlawful societies. As the name implies, an society that is not registered as a society in Singapore shall be deemed unlawful unless certain provisions are met<sup>164</sup>. Up until 1972 Jehovah's Witnesses had been a registered society in Singapore. The issue that ended their tenure as a lawful society in the country was not due to incorrect paperwork filing or bureaucratic reason. The problems of Jehovah's Witnesses were aroused when their religious ideology came into contact with Article 24. This article states that, among other provisions, that the Minister may order the dissolution of any society which is being used for: unlawful

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<sup>163</sup> (Lai 2017, 67)

<sup>164</sup> (*Societies Act 1967*, sec. 14(1))

purposes, purposes prejudicial to public peace, welfare or good order in Singapore, and which is being used for purposes incompatible with the objects and rules of the society<sup>165</sup>. Essentially what this means that if the society clashes with the government's agenda or threatens public security and harmony in any way the society can be dissolved and declared unlawful. This is exactly what happened to Jehovah's Witnesses and could by extension happen to any religious group operating in Singapore.

Within Singapore there are a select number of things that are mandatory of all citizens. Each male citizen is required to perform compulsory national service, meaning that they are mandated to serve a minimum of two years within the armed services of Singapore. In some countries, such as the United States, it's acceptable to be excused from mandatory military service due to religious belief and ideology. While Singapore offers the freedom to subscribe and practice any religion for every citizen, this same exemption is not the case. It's important to call back to Article 15 section 4 of the Constitution of Singapore which indicates that this freedom does not extend to actions that may disrupt public order or morality. Military service was mandatory of all male citizens of Singapore and as a matter of public safety and order a religious exemption would not apply. Serving in the military and the possibility of committing acts of violence was not consistent with the ideology of Jehovah's Witnesses, thus they attempted to claim this religious exemption. Some refused to serve. If this had been allowed to continue it would have called into question the mandatory nature of military service for all men of Singapore and therefore could have resulted in a disruption of

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<sup>165</sup> (*Societies Act 1967*, secs. 24(1a), (1b))

national religious harmony. Refusal to serve was just one instance of this group refusing to comply with national policy<sup>166</sup>.

Members of Jehovah's Witnesses also refused to adopt the national identity of Singapore over their individual identity; They were Jehovah's Witnesses primarily, any other identity they associated with would fall after that. The superior notion of the nation of Singapore is an identity which the government has been attempting to establish since independence. It is when the individual identity is more important than the national identity that the problems arise. As seen with Jehovah's Witnesses the preference of the individual over the collective resulted in the dissolution of their group within Singapore and further activity which they have engaged in now is considered unlawful. Their refusal to salute the flag as well as recite the national pledge sealed their fate in the eyes of the government. In declaring a society unlawful it opens the members up to possible imprisonment and financial fines which could extend well beyond current members into future or hopeful members of this society. As an example, Jehovah's Witnesses show the other religious groups of Singapore what can happen if they don't abide by the standards of harmony, tolerance, and the dominance of the Singaporean national identity.

### **Official Separation of Religion and State**

The introduction of the Societies Act and the Maintenance of Religious Harmony Act indicates a relationship of growing complexity with the Constitution and the provisions which address religion. According to the Constitution there is not official

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<sup>166</sup> (Lai 2017, 67)

separation of religion and state. As discussed previously the Constitution primarily sets a tone of how religion would be addressed by the state in the future and how the people should view the role of religion and discrimination in society. What these two pieces of legislation do is clarify the position of the government when addressing religion in ways the Constitution does not. What's unique about these legislative developments is that the government has contended frequently that they wanted to extricate themselves from religious affairs in the country.

While the Constitution does not explicitly dictate when and where the government would be involved in religious affairs it does explain to some extent what they perceived as areas which required constitutional regulation. What the Societies Act does to decipher this intent is establish direct government control on what groups are permitted to act within the country. This is consistent with Article 15(4) which allows for the freedom of religion for all people except in matters of national security and unity. A common government sentiment, "it is only with that harmony in our society that we can maintain our unity as a nation and have peace, prosperity and progress for all Singaporeans"<sup>167</sup>. By shifting the priority of religion to the realm of security the government allows itself more direct regulation of religious groups, such as the example with Jehovah's Witnesses. Running parallel to the policies being set for by the Societies Act is the relationship that the Maintenance of Religious Harmony Act has in terms of religion and the government apparatus. Where the Societies Act had entrenched the government's role in religion and religious groups, the MRHA made significant strides to establishing a clear line between

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<sup>167</sup> ("Speech by Dr Tony Tan Keng Yam, Deputy Prime Minister and Minister for Defence, at the Temasek Seminar Held on Friday, 26 October 2001 at 9:00Am at Safti Mi Auditorium" 2001, 5)



religion and the state. One of the stated main goals of the legislation itself is to clearly separate matters of religion and matters of the state as a direct response to the subversive uses of religion as shown in the Marxist Conspiracy.

### **Clear Line in the Sand**

“Religion must be kept rigorously separate from politics”<sup>168</sup>.

Prior to the introduction of the Maintenance of Religious Harmony Act there had been a distinct lack of clarity in regards to how religion and the state were supposed to interact with one another. As seen in the White Paper on Religious Harmony that was introduced to Parliament in 1989 the government acknowledged this gap in clarity.

What’s also emphasized in the White Paper is that Singapore is a secular nation. This is best exemplified on the first page of the White Paper, which reads:

“Religious harmony is as important to us as racial harmony. Singapore is a secular state, and the supreme source of political authority is the Constitution. The Constitution guarantees freedom of religion, However, in Singapore, racial distinctions accentuate religious ones. Religious polarization will cause sectarian strife. We can only enjoy harmonious and easy racial relationships if we practice religious tolerance and moderation.”<sup>169</sup>

To establish harmony and tolerance there needed to be a clear distinction about what would be allowed into politics. The White Paper further called for the government to abstain from meddling in the affairs of all religions, as any activity in one could be

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<sup>168</sup> (Rajah 2012, 221)

<sup>169</sup> (“White Paper on the Maintenance of Religious Harmony” 1989, 1)

perceived as governmental preference or prejudice towards that religion. What was also significant about the White Paper was the introduction of religious actors as prominent voices of political change. This was best epitomized in the issue of several catholic priests being associated with the Marxist Conspiracy as mentioned earlier. Seeing that religious leaders could be spearheads for social and political change was a significant wake up call to PAP. They saw clearly the need for a clear distinction between when politics and religion meet. As leaders in an area that invoke prominent emotional connections, religious leaders by existence created an atmosphere in which regulation of their actions was required for Singapore's survival<sup>170</sup>.

It is due to this recent history with religious leaders moving into the political theatre to enact change that the government sought this distinction. To ensure that religion could not be utilized to enflame the emotions of the population the government formulated the Maintenance of Religious Harmony Act. By using religion as a method in which to 'destablise' the state these leaders threatened the stability of the state. It violated the basic principle of the people of Singapore maintaining respect and tolerance for the multitude of religious identities within the country. A prominent purpose then for the Maintenance of Religious Harmony Act was to permanently exclude religion and religious actors from political affairs and the political realm from that point on.

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<sup>170</sup> (Tey, n.d., 128)

## **Realm of the State**

“Let us always remember that as citizens of Singapore, we ‘pledge ourselves as one united people, regardless of race, language or religion’”<sup>171</sup>.

Within the national pledge of Singapore, which is required to be recited every morning by all public-school pupils throughout the country, is the idea of unity regardless of religion. Unity was a founding principle of Singapore. It is the basis of the nation building project which has transformed Singapore into the modern nation it is today. It is a pinnacle of Singapore’s legal system. Despite this foundation, there have been efforts to undermine the government to pursue different social change and programs. PAP sees itself as the patriarch of a traditional Asian family, with the ideals of respect for an elder and to abide by the decision of the father. With the ‘rebellion’ of the Marxist Conspiracy and the utilization of religion for ulterior motives the government felt that system of patriarchal respect had been violated. Something else had crept into an area where only PAP had reigned supreme. The Maintenance of Religious Harmony Act moved to create a clear distinction between what was considered appropriate for the political sphere and what was to remain solely in the private sphere. History had demonstrated to the government that it was necessary to clearly differentiate between these two distinct spheres of influence. To maintain the government’s secularist agenda and the stability of the government, the realm of politics needed to be defined.

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<sup>171</sup> (“Speech by Mr Chan Soo Sen, Parliamentary Secretary (Prime Minister’s Office & Ministry of Health), At the Inter-Religious Organisation (IRO), Singapore’s Dinner to Commemorate Singapore’s 35th National Day on Wednesday, 16 August 2000 at 8:00PM at Jamiyaj Islam Centre, 31 Lorong 12 Geylang” 2000, 6)

What's considered public? In the eyes of the government, all things that fall under its purview are considered the public sphere. The public refers to anything that relates to the governance and policy formation of Singapore. Religious, cultural, or differing ethnic identities in this sphere fall behind the all-consuming Singaporean national identity. Community above self would best describe the practices which fall under this umbrella. Within the Maintenance of Religious Harmony Act, the legislation aims to restrict religion from entering politics<sup>172</sup>. It is when religion enters politics, or the public sphere, that the problems begin arising.

What's considered private? By process of elimination the private sphere encompasses everything that the public sphere does not. Religious ideology is considered private in Singapore's secular state. Religion has its own authority. If it challenges PAP's authority it moves from the private to the public sphere at which point it treads on dangerous ground<sup>173</sup>. Regardless of the muddled line between what does and does not fall in the political realm in an authoritarian society like Singapore, religious institutions and religious groups are often considered private. The Maintenance of Religious Harmony Act, and by extension the Societies Act, seeks to solidify this distinction. In doing so, the government retains its control over the country and its ability to act swiftly and decisively in the event that one of these groups or individuals strays beyond the bounds of their private life.

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<sup>172</sup> (Winslow 1990, 327)

<sup>173</sup> (Zubaidah Rahim 2012, 175)

## Conclusion

“We, the people in Singapore, declare that religious harmony is vital for peace, progress and prosperity in our multi-racial and multi-religious nation. We resolve to strengthen religious harmony through mutual tolerance, confidence, respect and understanding. We shall always: recognize the secular nature of our state, promote cohesion within our society, respect each other’s freedom of religion, grow our common space while respecting our diversity, foster inter-religious communications. And thereby ensure that religion will not be abused to create conflict and disharmony in Singapore”<sup>174</sup>.

The Declaration of Religious Harmony was adopted in 2003 as a response to growing tensions between the religious groups in a post 9/11 world. It highlights the moral foundations on which the modern nation of Singapore was built and that which the government intends to propagate through the younger generations. Religious harmony and tolerance are considered a core Singaporean value and are a cornerstone of the Singaporean legal system. Everything that Singapore has been able to become, as a modernized nation, is due to their relentless pursuit of religious harmony, tolerance, and stability. “Nobody should underestimate the importance of this tranquility. For it has allowed us to concentrate our efforts in developing Singapore into an industrialised modern state with sound infrastructure”<sup>175</sup>. Looking at Singapore as a whole, legislation like the Maintenance of Religious Harmony Act and the Societies Act are a continuation of policies cemented in the moral guideline set forth in the Constitution. They represent

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<sup>174</sup> (Tey, n.d., 138)

<sup>175</sup> (“Speech by Mr. Wee Kim Wee, President of the Republic of Singapore at the Commemoration of the Prophet Muhammad’s Birthday Held at the Ministry of the Environment Penthouse on Saturday, 24 November 1990 at 4:45pm” 1990, 1)

an expansion of the government's commitment to the stability of religious relations in the country and further emphasize the importance of toleration and harmony. This in part is due to the emergence of the younger generation who does not maintain the same collective memory as their predecessors and thus could take their situation for granted. Above all, the position of the government is to maintain its position and solidify the nation. Only in a semi-authoritarian style of governance is this possible.

The maintenance of religious harmony act has become the next tier up from the constitution in terms of legal mechanisms the state can utilize to achieve religious harmony within the country. It allows the government to take more direct action against those who threaten public safety and security; those who take the most literal meaning of some of the constitution but not all. This legislation was the government's response to increased religious revivalism present in Singapore. "The price of liberty is eternal vigilance; the cost of public order, including religious harmony, is a continuous commitment to exercise civic rights responsibly, respecting both individual autonomy and the common good"<sup>176</sup>. All these sentiments encapsulate how the government of Singapore perceives religion and what the role policies have in maintaining the security of the state. The mentality of Singapore and its governance structure is security.

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<sup>176</sup> (Li-ann 2004, 443)

## PROTECTING RELIGIOUS HARMONY

Countering many scholarly beliefs that greater diversity will create more opportunities for conflicts, religious diversity in Singapore has maintained itself as harmonious, tolerant of others, and built on a foundation of mutual respect. During its time as a colony of the British empire the island of Singapore was remarkably amicable. Conflicts that arose amongst the population were centered around ethnic divisions and racial divides. Notably, conflicts around religion are few and far between through Singapore's history. As a modern colonial holding and then an independent and sovereign nation, Singapore has experienced only two episodes of violence which could in some ways be traced back to religious roots; these events are the Maria Hertogh Riots of 1950 and the 1964 Race Riots. With this history as a pillar of the national narrative, the government sought to ensure that religion would never be a cause for instability in the nation. Religious harmony and tolerance primary components of the legal system<sup>177</sup>. Soft law norms such as the Declaration of Religious Harmony demonstrate the extent to which the concept of religious harmony permeates Singaporean society<sup>178</sup>. Specific legislation, such as the Maintenance of Religious Harmony Act, has been enacted by the government to ensure that religious harmony is protected. The national narrative was formulated

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<sup>177</sup> "Remarks by Prof S Jayakumar, Minister for Law and Foreign Affairs, at the Millennium Law Conference, 12 April, 9:00Am," 1, 4.

<sup>178</sup> Tey, "EXCLUDING RELIGION FROM POLITICS AND ENFORCING RELIGIOUS HARMONY - SINGAPORE STYLE," 138.

around the history and importance of religious harmony in the country. It is to this great extent that the government strives to achieve lasting religious harmony in Singapore.

What is the government of Singapore? Who makes the decisions that decides the policies towards religion? The answer to both of these questions is the People's Action Party (PAP). To understand Singapore's policies and outlook it's important to understand a little about the party behind everything Singapore does. Singapore is technically a parliamentary republic; a system they inherited from their colonial overseers, Great Britain. What this entails is an executive branch, headed by the President, and a legislative branch, headed by the Prime Minister. General elections are held every five years, with the most recent GE having been held in 2015. One of the many interesting aspects regarding Singapore's elections is that they are compulsory with citizens experiencing fine and minor repercussions for not participating. This ensures that turnout is consistently high. Compulsory elections also minimize the potential for voter dissatisfaction as they can not necessarily claim that their voice isn't heard. What's even more interesting about Singapore's elections is that PAP has consistently won a minimum of 70% of the vote each time. This obviously raises serious questions about the legitimacy of democratic values and elections in Singapore. The answers to those questions would indicate the adoption of a unique authoritarian style democracy, or illiberal democracy<sup>179</sup>. This gives the feeling of democracy through free and 'fair' elections while the establishment is designed to the point where opposition to PAP dominance is negligible.

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<sup>179</sup> Zakaria, "The Rise of Illiberal Democracy," 26.



In a setting like Singapore's, which contains so many minorities, it would be reasonable to expect a larger pro-democracy movement in the country. Logic would indicate that democracy would be more accommodating to minorities and provide more safety and securities for their rights. In Singapore, the government ensured, as seen in the Constitution, that the rights of all people are protected equally<sup>180</sup>. The decision was made even before independence that Singapore should pursue a meritocratic system to establish a deeper layer of protection for the rights each ethnic group. Though a meritocracy, the country is governed by one's ability, not on a basis of ethnicity. By establishing this political system PAP has been able to reduce discrimination throughout the nation. In creating a stable state PAP designed through the guideline of the constitution and placing an emphasis on ability over race they solidified their own necessity among the population. Despite the prevalence of democratic leanings of minorities around the world, the minorities in Singapore are content with the status quo of PAP's governance. They've become indispensable. The act of becoming indispensable to the people allowed PAP to pursue more authoritarian style policies; this was done to ensure the security and longevity of the nation. This authoritarian trend is something that will be highlighted continuously as the two acts of legislation for this chapter are discussed. A vital thing to remember is that religion is generally regarded as a deeply felt and very personal aspect of life. It is for this reason that PAP has sought to regulate and control the issue to the extent that it has. It recognizes the power of the topic and seeks to establish something more important than individual emotion – supremacy of the state.

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<sup>180</sup> Belge and Karakoç, "Minorities in the Middle East," 281.

The previous chapters of this project have addressed how Singapore used specific legislation to establish and maintain religious harmony. These unique pieces of legislation lay out a three-tiered approach the government has pursued when addressing the subject of religion. The first tier is the Constitution, setting up the moral foundation for the people of Singapore and ensuring tolerance regardless of religious affiliation. The second tier is defined by the Maintenance of Religious Harmony act and the Societies Act. As mentioned, the Maintenance of Religious Harmony Act sought to separate religion from politics as well as establishing a deterrent for religiously based activism. The goal of the MRHA is deterrence, not a punitive measure; however punitive measures are present within the act in the event that a restraining order has been violated. The Societies Act demonstrated the extent of control the government influenced on religious groups by dictating which groups could and could not legally operate in the country. This established control is just one example of the authoritarian style policies the government, under People's Action Party (PAP) leadership, would adopt and maintain since independence.

The third tier, and perhaps the most notorious authoritarian style piece of legislation in Singapore, is the Internal Security Act. This legislation has been with Singapore since the nation was a colony under British control. Along with the Sedition Act, these two are the most commonly used legislative mechanisms when it comes to matters of religion in the country. This begs the question, why are security acts being used to regulate and control religion when other documents do the same thing but to a less draconian extent? The goal of this chapter is to firmly assess to what extent the

government of Singapore views religion as a security issue rather than a cultural one by examining the relationship between religion, the Internal Security Act, and the Sedition Act.

### **The Internal Security Act**

The Internal Security Act (ISA) is not something that the government of Singapore formulated in the years after they achieved independence. As it is with many things in Singapore, the ISA was a colonial inheritance; a gift from their British overseers that was kept as Singapore passed hands. Originally it was enacted by the British in Singapore as an emergency ordinance in 1948 as a response to rising communist activity within their south east Asian colonial holdings<sup>181</sup>. In the years after the end of World War II there was an emergence of communist movements throughout South East Asia. Britain's inability to keep their colonies safe from encroaching Japanese aggression during the war led to several questions. The vacuum that Britain left was filled increasingly with people who were drawn to communism<sup>182</sup>. In an effort to control its spread in the post war years Great Britain looked to legislative mechanisms. The ISA is the favoured grandchild of one of these policies.

Of all the pieces of legislation that Singapore has put in place to protect or maintain religious harmony the Internal Security Act has been utilized the most. The Marxist Conspiracy, terror association, politically subversive language/action, these are all instances of what would fall under ISA jurisdiction. These are all crimes that groups, and citizens have been charged through the ISA in the time since Singapore's

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<sup>181</sup> Tong, *Rationalizing Religion*, 238.

<sup>182</sup> Lai et al., *Religious Diversity in Singapore*, 64.

independence. These are all also crimes which fall under the purview of several different types of legislation under the religious harmony umbrella. This serves as powerful evidence that the government places a high security priority on religious harmony. Given the multitude of options for them to choose from legislatively they almost always use this more than any other.

In previous chapters there was some discussion about how historical events have shaped Singapore's trajectory and strategy when dealing with its multireligious population. Three pivotal events that have been discussed are the Maria Hertogh Riots, the 1964 Race Riots, and the Marxist Conspiracy. These historical events are enshrined in Singapore's collective memory and serve as a rationalization of its continued pursuit of legislation to address religious harmony<sup>183</sup>. Within this collective memory is a striking narrative that ties religious harmony and the security of Singapore together. As the two aspects of Singapore came closer together, the prevalence of the ISA as a method to maintain religious harmony grew exponentially. It became clear that the ISA was the primary tool for PAP to address religious harmony in 1987 with the debut of the Marxist Conspiracy. The Maintenance of Religious Harmony Act was a legislative byproduct of that event. However, the ISA had already solidified itself in the eyes of the government as the most effective tool for maintaining religious harmony.

This emphasis on the Internal Security Act is due to a myriad of factors. Notably, the ISA allows to government to act swiftly. In terms of practicality it offers the government the most effective means of maintaining the stability and safety of Singapore

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<sup>183</sup> Tan, *Singapore*, 9.

from threat. The effectiveness appeals to the pragmatic nature that PAP has become well known for. At the beginning of their independent history, the leaders of Singapore under PM Lee Kuan Yew devised a test to work through all of the policies and problems that lay at the feet of the new nation: does it work and does it bring benefit to the people<sup>184</sup>. Despite any opposition it cannot be denied that the ISA does work in securing the nation, and that security and stability is a benefit to the people. Running through all actions of the government is the prevalence of practicality over ideology. Ideology won't keep Singapore together and harmonious, practicality and pragmatism will.

### **Securitizing Religion**

The Internal Security Act was not designed as a legislative mechanism to maintain religious harmony. Its original intent was to provide a solid foundation for a security state and lends itself as a tool for protecting the state from subversive action. The language found within the ISA is primarily political in nature. Given that, many of the offences listed under the ISA fall within the realm of religion and religious actions. When religion becomes subversive it sets itself up for a collision with Singapore's security apparatus. Above all, the need for national unity, security, and stability in the newly independent Singapore superseded all other considerations or concerns<sup>185</sup>.

Article 16(2) of the Constitution of the Republic of Singapore allows religious groups to open and operate educational institutions for the purposes of religious education without prejudice. In the event that one of these educational institutions strays

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<sup>184</sup> Tan, 17.

<sup>185</sup> Shah, *Constitutions, Religion and Politics in Asia*, 38.

beyond peacefully religious teachings and become political in nature they fall within the jurisdiction of Article 41 of the Internal Security Act. If the minister deems that any religious educational institution has engaged in teachings that have moved beyond religion Article 41(1) grants them the power to close it. The following qualifications have to be met for this action to occur: the purpose of the institution is detrimental to the interests of Singapore or of the public, the instruction is detrimental to the public or the pupils, or that the institution had become a meeting place for an unlawful society<sup>186</sup>. An important qualification in Article 41 is “of a purely religious character, or for purely religious purposes<sup>187</sup>.” This qualification allows for religious educational institutions to fall under ISA jurisdiction if they are judged to have violated this qualifier. If religious groups stray into the public sphere, as those involved in the Marxist Conspiracy did, they are no longer purely religious. By engaging in politics, political rhetoric, or speaking critically of the government under the guise of a religious educational institution they are subject to closure under Article 41. Under these circumstances’ religion falls under ISA jurisdiction.

Religion and security issues collide most prominently when it comes to subversive documents and publications. Subversive is defined as seeking to subvert an institution which implies actions with a deep political motive<sup>188</sup>. In regards to subversive documents, the Internal Security Act defines subversive documents as “intended to excite organized violence against persons in Singapore, but also to support, propagate or

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<sup>186</sup> Internal Security Act, sec. 41(1a)(1b)(1c).

<sup>187</sup> Internal Security Act, sec. 41(3).

<sup>188</sup> Wong, “Subversion or Protest? Singapore Chinese Student Movements in the 1950’s,” 197.

advocate any act prejudicial to the security of Singapore or the maintenance or restoration of public order therein or inciting violence therein or counseling disobedience<sup>189</sup>.” Article 20 of the Internal Security Act addresses the printing, sale or etc. of subversive documents and publications. Within Article 20 it is prohibited to publish or sell any document or publication which is “calculated or likely to lead to a breach of the peace, or to promote feelings of hostility between different races or classes of the population; or is prejudicial to the national interest, public order or security of Singapore<sup>190</sup>.” In terms of religion, any document that promotes division or hostility between different religious groups, or even within the same religious organization, would fall under this definition. From the beginning the government made religious harmony and tolerance a central aspect of Singaporean society. Anything violating that tenet constitutes an act which threatens national interest and security as well as a breach of public peace.

Under the umbrella of Article 20 are three other articles which pertain to religion, religious affairs, and religious groups. Article 22 addresses the issues involved with continuing the sale or printing of the type of documents as defined in Article 20. Any action going forward after a document or publication is deemed by the Minister of Home Affairs to be prohibited is punishable with a \$2000 fine and/or a term of imprisonment not exceeding 3 years<sup>191</sup>. Any importation or the attempt to import of a document or publication that falls under the aforementioned qualifications without a lawful reason will be guilty under Article 24 and subject to a fine of \$1000 and/or a term

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<sup>189</sup> Internal Security Act, sec. 27(3a)(3b).

<sup>190</sup> Internal Security Act, sec. 20(1c)(1d).

<sup>191</sup> Internal Security Act, sec. 22.

of imprisonment for no more than 2 years<sup>192</sup>. The possession of any of these types of documents without lawful reason will be subject under Article 23(1) and assessed with a penalty of \$1000 and/or a prison term not exceeding two years. All of these subsequent Articles of the Internal Security Act affect religion in a similar way. In an example of aggressive proselytization, as indicated as a growing trend in the White Paper on Religious Harmony, documents published by these groups would be deemed to disrupt the public and jeopardize the peace. As such the distribution or possession of any of those documents would fall under ISA jurisdiction and carry the accompanying penalties. With these restrictions any religious group or organization is limited under ISA. It is through these Articles that the government is able to maintain religious harmony and control the spread of subversive religious ideologies throughout the country.

Perhaps most commonly and controversially, matters of religion fall within the purview of Article 7 of the Internal Security Act. Article 7(1) reads as follows:

“The Minister may, if he considers it in the national interest to do so, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof<sup>193</sup>.”

Some religions, such as sects of Islam, maintain a specific dress code which its adherents are required to abide by. This would include the tudung – the Malay word for hijab – as well as specific headdresses for Sikh males. The government acknowledges the right to wear these garments as constituted under Article 15 of the Constitution.

However, these examples of garments provide key examples of distinctive dress which

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<sup>192</sup> Internal Security Act, sec. 24.

<sup>193</sup> Internal Security Act, sec. 7(1).



would be applicable under ISA Article 7(1). In the recent debate about the tudung policy, Singapore's government has prohibited young girls to wear this garment in schools despite the claims that it's an expression of their religion<sup>194</sup>. The garment was deemed to cause a disruption in unity among the student population, as it physically set Muslim students apart from the rest. A disruption such as what the headscarf would instigate could cause friction and a fracturing of religious harmony in the community. By extension, a disruption in religious harmony destabilizes the community and threatens Singapore's internal security and stability. This is one example of distinctive dress being applicable under ISA policy.

What makes the Internal Security Act so contentious in global discussion was the power of detention and arrest it bequeathed unto the state and local authorities. As set forth in Article 8 of the ISA the Minister of Home Affairs, with the President having been satisfied that certain qualifications have been met, can order the detention of any person. This is a detention period that lasts two years and may apply to all people, be they a citizen of Singapore or a visitor from another country. In lieu of detention Article 8 also lays out clear guidelines which the Minister can impose on the security threat, such as banning travel beyond the borders of Singapore, placing them under house arrest, and restricting speech<sup>195</sup>. Unlike arrest warrants, detention orders under Article 8 do not need to have substantiated evidence backing it. The danger of these detentions lies within the time frame. The original detention as laid out in Article 8(1a) is set at a two-year maximum term. However, Article 8(2) gives the President the authority to extend a

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<sup>194</sup> Zubaidah Rahim, "Governing Muslims in Singapore's Secular Authoritarian State," 178.

<sup>195</sup> Internal Security Act, sec. 8b(i)(iv)(v).

detention for further periods, each not exceeding two years. For reference, the longest served detention was 23 years without charge or trial<sup>196</sup>.

The power of detentions extends beyond the authority of government officials. Article 74 of the Internal Security Act provides police officers with the same abilities to detain suspected persons without a warrant. In the instance of a police officer apprehending a suspected person however, the individual officer's actions are subject to superior review and approval. These detentions also follow a different timetable than government detentions do as outlined in Article 8. The period of detention for persons apprehended by police officers is not exceeding 24 hours; the detention period may be extended to 48 hours in the event that an officer of or above the rank of assistant superintendent of police provides the sufficient approval and authority<sup>197</sup>. In the event that the necessary inquiries into the detained person cannot be successfully completed within the 48-hour time window, the superintendent of police may authorize an extension not to exceed 28 days<sup>198</sup>. Where government detentions do not require reporting, detentions made under Article 74 and any extensions to that detention period are mandated to report the circumstances to the Commissioner of Police and by extension the Minister for Home Affairs<sup>199</sup>. Detention under Article 74 offers oversight and review to the case of the detained persons. This permits more transparency and is therefore less likely to be abused.

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<sup>196</sup> "Public Statement: Restrictions on Singapore's Longest-Serving Political Prisoner Lifted."

<sup>197</sup> Internal Security Act, sec. 74(3).

<sup>198</sup> Internal Security Act, sec. 74(4).

<sup>199</sup> Internal Security Act, sec. 74(5).

In keeping with the power of detention, police officers and government officials are permitted to arrest any suspected persons. Articles 46 of the Internal Security Act give police officers the power to arrest any person without warrant if they are suspected of engaging in acts found objectionable under the ISA. Article 65(2) extends the authority to arrest without warrant to members of Singapore's security forces, any person serving as a guard or watchman in a protected location, and any person given authority by the Commissioner of Police<sup>200</sup>. These distinctions are especially important in instances when secured sections of the city are established, such as just after a riot or any type of communal uprising. It's the aspect of not requiring a warrant that allows the Internal Security Department (ISD) to act swiftly in the face of potentially dangerous situations. Without having to provide cause, evidence, or official charge, under the ISA the government can clamp down on any threat to the state efficiently and decisively.

What's indicated throughout the Internal Security Act is one major point: security of the nation is more important than individual freedom. This is a sentiment that reverberates through every aspect of what PAP does. The government has sought since gaining independence in 1965 to create a national identity. Ideally the national identity would place being Singaporean over your individual ethnic or religious identity. Above all, a citizen of the nation of Singapore. In doing so there is an emphasis placed on the collective over the individual. By extension, the security of the nation is above individual freedom. In this aspect, it is clear that the government of Singapore places a heavy

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<sup>200</sup> Internal Security Act, sec. 65(2).

security emphasis on matters of religion and religious harmony. This would indicate a deep sense that religion is not a cultural issue, but a security one.

### **Terrorism and Religious Revivalism**

As mentioned previously, Singapore has had an interesting history with religion and the security of the nation. As discussed in the previous chapter the Marxist Conspiracy of 1987 proved to be a unique point of importance for Singapore as a country. This was the first time that religion had been used for subversive purposes against the state; it was this action that brought about the Maintenance of Religious Harmony Act. In 1989 and as a result of this introduction of religion being used as a cover for actions against the state, the government commissioned a report to evaluate the status of religious harmony and tolerance in the country. What the report found, which was presented to Parliament in January 1989, was that there were rising tensions within and between multiple faiths around Singapore. There was significant evidence of religious revivalism and potentially harmful acts being committed by multiple religious groups<sup>201</sup>. The Marxist Conspiracy inadvertently informed the government of the changing face of religion and religious uses within the country. Singapore would have to adapt itself and its customs to the changing world if it wanted to survive<sup>202</sup>. Through the Marxist Conspiracy the ISA proved it could be an effective tool in combatting the rising tide of religious revivalism and terrorist threats against the nation.

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<sup>201</sup> "White Paper on the Maintenance of Religious Harmony," 19.

<sup>202</sup> "President's Address to Parliament on Monday, 9 January 1989," 3.

As the centerpiece of Singapore's security apparatus, the Internal Security Act has continued to be of use to the government as they face new global challenges. After 9/11 the world saw terrorism on the basis of religion brought to the forefront of global discussion. The attacks on the United States caused many governments around the world to assess how terrorism would affect them. In keeping with the national narrative of the importance of security the government of Singapore was keenly invested in protecting the state from terrorism. In the months just after 9/11, roughly 15 people were arrested under the ISA for involvement in terrorist related activities; this included preparing targets for bombing in Singapore<sup>203</sup>. In the following year several more individuals associated with Jemaah Islamiah were arrested for similar activities. People within Singapore continue to feel the presence of the terrorist threat even today as activists are held under ISA detention for terrorism financing and other crimes.

What's important to note in the era of terrorism and religious revivalism that Singapore's actions were not targeted at Muslim groups specifically. In a speech just following the attacks the Minister of Defense, Dr. Tony Tan Keng Yam, spoke to the dangerous issue of global trends in muddling the line between terrorism and Islam. He asserted that "It is vital that Singaporeans, Muslims and non-Muslims, understand that this is not an issue of religion....We must, therefore, make a conscious effort to be sensitive, to take special care not to offend Singaporeans of other races or religions<sup>204</sup>". The government made important moves during the years just after 9/11 to quell any

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<sup>203</sup> Tong, *Rationalizing Religion*, 258.

<sup>204</sup> "Speech by Dr Tony Tan Keng Yam, Deputy Prime Minister and Minister for Defence, at the Temasek Seminar Held on Friday, 26 October 2001 at 9:00Am at Safti Mi Auditorium," 5.

potential anti-Islam sentiment among the population. The Prime Minister noted that Muslims in Singapore were open minded and tolerant of others and would thus not be drawn to such extremism<sup>205</sup>. The emergence of religious revivalism and extremism brought out the fault lines in Singapore regarding race, as race and religion are often considered one in the same. Despite the prevalent racism Singapore has remained united and steadfast in the face of terrorist threats and continue to practice tolerance for one another. This speaks to the emphasis that the government has placed on religious harmony and tolerance as they built the nation. They knew the global threats of terrorism could tear Singapore apart and destroy the delicate balance of harmony and tolerance that is enjoyed in the country. The ISA allows Singapore to keep what it has worked so hard to achieve.

Due to the nature of religious revivalism as it pertains to the post 9/11 world, more often than not religion and religious groups opt for the less conventional approach. This would mean that they're not necessarily operating in groups or under institutions that are covered under the definitions of the Maintenance of Religious Harmony Act and the Societies Act. This leaves a gaping hole in which these more recent groups are operating within. If one is identified and caught the MRHA and Societies Act do not necessarily allow for arrest or detention. Through this process the individuals have adequate time to relocate their operations or leave Singapore altogether. What's preferable under the ISA is that it allows the government to pursue and combat all actions that pose a threat to the stability and security of religious harmony in Singapore swiftly

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<sup>205</sup> Tong, *Rationalizing Religion*, 259.

and effectively. Armed with preventative detention orders and minimal judicial oversight actions under the ISA can pursue any individuals who threaten the state with intent to destabilize the religious harmony. In a time when actions need to be taken quickly the ISA provides essential flexibility. This, to an extent, explains why the MRHA has never been utilized while the ISA has been on multiple occasions.

From the beginning Singapore has always had a keen awareness of its own vulnerability. The government can sense the looming threat of Malaysia and Indonesia. It understands the international pressures it faces, especially during the Cold War as it had to manage its affairs under the watchful gaze of US containment policy. Singapore is a tiny island nation with minimal natural resources which leads to a massive reliance on trading partners for even the most basic of necessities. Its growing popularity as a global city and a location for many company headquarters has led Singapore to the realization that it only has so much land it has to work with. These constraints put an enormous burden on the mentality of the nation and constant anxiety regarding its security. Bearing all of these factors in mind, the government of Singapore has placed security above all else. Within Singapore the protection of the state is essential. The ISA offers the government an effective means to maintain that protection from dangers outside the nation and within.

### **Complex Situation**

With such a stringent policy and legislative mechanism, it is only natural that there would be questions about abuse surrounding Singapore and the Internal Security Act. As mentioned previously the government of Singapore has been under the control of

the People's Action Party (PAP) since the 1950's. They've controlled every aspect of Singapore as it became an independent nation and sought to carve out its place in global society. This has led many to question PAP's policies and has resulted in the label of an authoritarian government. One of the many aspects of an authoritarian government is a lack of political pluralism<sup>206</sup>. There have been many accusations surrounding PAP and its control over the government about its handling of political opposition. One of the aforementioned tools which PAP is accused to have manipulated for its own gain is the ISA.

A prominent example of this alleged abuse revolves around the Marxist Conspiracy in 1987. In total, 22 activists were detained under the ISA without charge or trial. This was due to their involvement in a supposed plot to overthrow the government in favor of more communist policies. This plot, if true, would have posed serious ramifications for the security of the state and under such conditions PAP was in full constitutional and legal right to act as they did. In their eyes the fact that it was a political opposition group was secondary. The government, however, has yet to produce the evidence to the public that the alleged plot truly existed<sup>207</sup>. Thus, in the eyes of all outside PAP the detentions were seen as politically motivated. In this instance the invocation of ISA is seen as an abuse by PAP of the legislation to silence opposition. Other examples of PAP utilizing the ISA to diminish political opposition involve the arrest and detention of senior leaders of Barisan Socialis, an opposition party led by former PAP members<sup>208</sup>.

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<sup>206</sup> Linz, *Totalitarian and Authoritarian Regimes*, 159.

<sup>207</sup> Wood, "Silenced by the Law," 22.

<sup>208</sup> Zubaidah Rahim, *The Limits of Authoritarian Governance in Singapore's Developmental State*, 158.



Under these examples it would appear that the ISA presents itself as a unique tool in PAP's arsenal that is meant more to solidify PAP control and less to maintain Singapore's security.

One prominent criticism of the Internal Security Act which comes from within and outside Singapore is the lack of judicial review for ISA detentions. In the height of the Marxist Conspiracy, with several of the alleged conspirators filing motions within the court system to have their detentions placed under judicial review, PAP moved swiftly. Enacted in 1989, Section 8B(2) of the Internal Security Act reads as follows:

“There shall be no judicial review in any court of any act done or decision made by the president or the minister under the provisions of this Act save in regard to any question relating to compliance with any procedural requirement of this act governing such act or decision<sup>209</sup>.”

What this entails is a clear protection against judicial interference with PAP's use of the ISA. In removing judicial oversight, save for instances of procedural correctness, PAP eliminated a key obstacle that hindered them from using ISA however they saw fit. This in turn leads to greater allegations of corruption and abuse of a law specifically designed for the security of the nation; it was not designed for the security of PAP.

With all of this as potential evidence it's clear that PAP has benefited from legislation such as the Internal Security Act. In the situation of the Marxist Conspiracy the line between maintaining religious and national harmony and PAP's political benefit became increasingly blurred. Its continued success in nationwide elections bestowed

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<sup>209</sup> Internal Security Act, sec. 8B(2).

upon PAP a mentality that their actions were sanctioned by the people<sup>210</sup>. As the policies became more authoritarian in nature PAP still retained a majority of the vote. In making a stable and secure Singapore PAP entrenched themselves as indispensable to that mission. Religious and racial harmony are key pillars in that stability and security. Given the evidence, one can reasonably question whether or not Singapore is experiencing real harmony or if what they claim as harmony is simply tight control by PAP designed to keep them in power.

### **The Sedition Act**

Another key legislative component of Singapore's security apparatus is the Sedition Act. Much like the Internal Security Act, the Sedition Act was originally a security ordinance put in place by the British government. In bearing even more striking similarity with the ISA, the Sedition Ordinance was passed in 1948 and aimed at protecting the colonial government from growing communist insurgency and sentiments in Singapore. Over the years it has proven itself necessary and highly effective in the support of the national narrative and control that the PAP government seeks to establish. Of the pieces of legislation discussed in this analysis, the Sedition Act is undoubtedly the one most frequently used by the government, especially in matters of religion. Although it has been revised on many occasions, the Sedition Act has remained with whichever government reigned supreme over Singapore since its enactment as an ordinance. Along with the ISA, the Sedition Act has become a central bastion to Singapore's extensive security institution.

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<sup>210</sup> Tan, *Singapore*, 4.

What is sedition? Article 3 of Singapore's Sedition Act defines sedition and seditious tendency as the tendency to bring hatred, contempt, or inciting disaffection with the government, the application of justice, the people of Singapore and the promotion of feelings of ill-will and hostility<sup>211</sup>. What can be inferred from the text of the act itself is that the primary concern surrounds speech. Language is an essential tool when organizing a group in the promotion of an idea or to achieve an objective. Speech is fundamentally unifying. With that unification comes the prospect of speech being used for purposes not sanctioned by the government. The spread of ideology and religion can only be accomplished through the power of speech. One does not often think to tie religion and sedition together. In the case of Singapore, however, the two are intricately intertwined through speech. As seditious tendency is defined as a tendency to promote feelings of ill will and hostility between different races or classes, it has often been used to proscribe religious speech and conduct<sup>212</sup>.

Another key similarity between the Internal Security Act and the Sedition Act revolves around its application. As set for by Article 11 of the Sedition Act, any person who is suspected of having committed or the intent to commit acts of sedition as defined by Article 3 are liable for arrest without warrant by any police officer<sup>213</sup>. This allows Singapore's security forces to quickly and without judicial approval apprehend any individual who engages in seditious language. Religion evokes a visceral response from people. An attack on a person's religion will often be felt as an attack on the individual

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<sup>211</sup> Sedition Act, secs. 3(1a-e).

<sup>212</sup> Neo, "Secularism Without Liberalism: Religious Freedom and Secularism in a Non-Liberal State," 358.

<sup>213</sup> Sedition Act, sec. 11.

themselves. Government officials have often cited this reasoning as justification for preemptive action and legislation aimed at the issue of religious harmony and tolerance<sup>214</sup>. Once feelings are enflamed time is of the essence when working to correct any damage that had been done to prevent further harm. This is an accurate representation of the government's perspective on religious harmony. In an effort to curb any damage that could be done by seditious language regarding religion the government requires the ability to act swiftly. The faster the government is able to respond the less damage is done by the hateful and hurtful language that's being used. Article 11 gives the government the necessary flexibility it needs to act resolutely in the name of religious harmony and tolerance.

### **Religion and Sedition**

Religion does not inherently correlate to sedition. However, with the system that Singapore has established religion and sedition come together more frequently. The Constitution of the Republic of Singapore set the moral groundwork for what the country should look like. It placed a heavy emphasis on religious harmony as a central point of the nation; religious harmony as an aspect of Singaporean society and governance can be found in almost every aspect of the PAP nation building project, the national narrative, and other aspects of society one might not think to look. As previously discussed, Article 15 guarantees the right to practice or believe in any religion, with the caveat that those beliefs don't endanger the national security in Singapore. Article 15 sets up the importance of religious harmony and tolerance while also clearly stating that religion is a

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<sup>214</sup> Rajah, *Authoritarian Rule of Law*, 250.

matter of national security. This of course brings religion into direct contact with security legislation such as the Internal Security Act and the Sedition Act.

The unique aspect of the Sedition Act and how it pertains to religion and religious harmony is the scope of what the act itself has jurisdiction over. Much like the Internal Security Act, the Sedition Act has been utilized by the government when it comes to matters maintaining religious harmony in Singapore. In general, those who have been charged with committing seditious acts are individuals and not representing a larger group. The Sedition Act, more often than not, is also primarily used when adjudicating offenses revolving around speech. As an example, in 2005 bloggers who had posted racist and offensive comments online about Islam were charged as committing seditious offenses<sup>215</sup>. Their posts were found to promote feelings of ill will and hostility between different racial groups and were thus applicable under Article 3(1e) of the Sedition Act. This is in contrast to those who are held accountable under the ISA, as they are primarily judged on action rather than speech. What's interesting to note when comparing pieces of legislation through the eyes of religious harmony is that Singapore's government consistently relies upon the Sedition Act to regulate religious harmony.

This ties into the debate about the Maintenance of Religious Harmony Act. As a brief overview, the MRHA came into being as a direct policy response to the Marxist Conspiracy in 1987 and increased religious revivalism. There had been reports from the Internal Security Department that aggressive religious tactics and speech were on the rise in Singapore and threatened the stability of religious harmony in the nation. The MRHA

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<sup>215</sup> Rajah, 252.

itself places restrictions on individuals who engage in speech or activity that could be seen to incite division or feelings of ill-will between the multitude of religious groups, organisations, and faiths present in Singapore. These acts against the religious harmony of the state are met with a restraining order, restricting the power to speak and use words to carry a message that's incompatible with national security. What the 1987 conspiracy indicated to the government was a shift in trend to using religion, religious organisations, and religious belief as a cover for subversive activities against the state. The MRHA was designed to ebb this use and distinctly separate religion from the realm of politics. Which is something that is distinctly similar to what the Sedition Act is meant to accomplish. In the years since its introduction the MRHA in 1991, it has not been used as a legislative device to maintain religious harmony once. However, the Sedition Act has been employed on several occasions, such as the aforementioned case regarding the blogger, to regulate religiously provocative speech and maintain religious harmony. In the prosecution of religious propagation as sedition, the government of Singapore clearly signaled that it had drawn a line between what was considered sociable and unsociable conduct<sup>216</sup>. Through increasingly authoritarian policies the government of Singapore has been able to control any seditious speech with may provoke religious intolerance<sup>217</sup>.

The prevalence of usage of the Sedition Act over the specifically crafted Maintenance of Religious Harmony Act indicates to the great extent that the government of Singapore sees religion as a purely security issue. Why then is the MRHA even needed if the material it encompasses is already accounted for in the Sedition Act? It could be

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<sup>216</sup> Mathew, "UNDERSTANDING RELIGIOUS FREEDOM IN SINGAPORE," 31.

<sup>217</sup> Shah, *Constitutions, Religion and Politics in Asia*, 129.

argued that the MRHA is meant to set a standard of behavior rather than provide practical applicability. There could also be a solid argument that the MRHA was designed by the government to steer attention away from religion falling under the scope of Singapore's security apparatus. Whatever the case maybe it is clear that the government, as long as PAP continues to control the nation, will continue to rely on the Sedition Act above the MRHA when seeking to maintain religious harmony. The Sedition Act allows the government to tightly regulate religious speech which could be inflammatory in nature.

It cannot be stressed enough how heavily the government of Singapore has relied upon the Sedition Act to maintain the level of religious harmony and tolerance that is currently enjoyed in the country. The Act has been used more frequently in an age where words spread like wildfire over different platforms on the internet. It's used to quell division in blogs, social media, marketing campaigns, television, and so many other mediums that messages are being consumed through. The Sedition Act provides crucial protections for religious harmony from any destabilization. More than any other instrument in PAP's legislative arsenal, the Sedition Act is preeminent in securing the nation and ensuring continued religious harmony and tolerance throughout the nation.

### **Security for Freedom**

What PAP has done through the Internal Security Act and the Sedition Act has been a calculated decision to prioritize security over freedom. When starting out as a 'small red dot' in an unkind sea of enemies PAP understood the threats that faced them. New nations having recently been decolonized all over the world were crumbling under the pressure of surviving. Newly independent Singapore knew that it did not want to

follow down the grim path of instability and violence. Inherited from their western overseers was a deep suspicion and disdain for communism. At the time of independence, it posed the most significant threat to the new Singapore outside of the surrounding countries. The government knew that certain freedoms had to be ensured to their citizens lest they crumble. Given the turbulent history just prior to independence the government also acknowledged that certain precautions had to be taken. Singapore is a unique country; it is home to a plethora of different races and religions who must all intermingle. Knowing all the applicable history and current events, PAP formulated the new nation around one truly unique concept: harmony over freedom. Harmony amongst the people, especially religious harmony, would ensure that Singapore was secure from internal threats of destabilization. The people maintained their freedom so long as it did not affect national harmony. Through this equation, harmony and security became synonymous within the government's mind and by extension throughout Singapore itself.

### **National Vulnerability**

Religion in a multi-racial, multi-ethnic society such as Singapore's is a complex identity to decipher. Often, religion and race are seen as one in the same. As an example, when one is assigned a Malay racial identity it is assumed that they must also identify as Muslim as well. The Indian population is associated with Hinduism. The Chinese population is Buddhist and Christian. These are all racial, religious, and ethnic identities that the state has for lack of a better word imposed upon the population. This is due to the strong cultural ties that religion tends to have. When religion is such a prominent part of society, such as it is with Malay's, the religious identity and the



cultural identity meld together. In a society as diverse as Singapore's many of the minority groups view their cultural identity as their primary identity. What's clear through PAP's nation building and agenda is that a primary goal is to establish a prevalence of a national identity, subverting the ethnic identity. The process of building that unified national identity in the years since independence became a central tenet of their national security. One of the founding principles of that national identity is religious harmony and tolerance.

The notion that security and religious harmony were synonymous found its roots in Singapore's national narrative. In the years just following the cessation of World War II the region of Southeast Asia was rife with instability. They had suffered brutality from the Japanese occupiers and abandonment from the Western powers that had colonized the area pre-war. With communism taking its Asian roots in China and spreading the primary concern facing newly independent nations was establishing stable governments that addressed the people's needs. In this instance the case in Singapore was no different than that of its independent neighbors. But due to its size, Singapore faced a set of challenges that seemed almost insurmountable. Geographic obstacles aside, the demographic make up of the new nation meant that the government not only had to be concerned with encroaching communism, but also from racial and religious tensions within the nation. Due to the historical backdrop discussed previously vulnerability became a common theme found among the government's nation building project and the ever-present quest for a national identity.

The sense of national vulnerability and fear of destabilization is key. PAP emphasized a sense of constant anxiety through their narrative. Laced through what it means to be Singaporean is the fear of outside powers influencing the nation and dismantling it into chaos. Government messages to the public consistently reiterated that Singapore was in danger from internal tension between the various religious and racial groups. The national narrative that the government has pushed on the nation as well as the international community is that Singapore could easily fall into mayhem if religious tensions are improperly respected. The national narrative defines religious harmony as essential to the security and stability of the nation. Noting the emotional effect religion has upon people the government knew that mutual respect being observed by all people of Singapore was the bedrock of religious harmony. Through the narrative and the corresponding legislative policies PAP pushed forward with shifting the perspective on religion through the nation itself. Within Singapore a fundamental shift of religion being a personal and cultural issue to a matter of national security. Religious harmony was more important to the government than personal freedom or liberty of individuals. This falls into the concept of the unification of a society under a single national identity. By engaging in these actions, PAP formulated the precise recipe needed to maintain substantial control on religion to ensure national security; the narrative that was pushed before these policies and the stability that resulted in them garnered popular support for PAP from the people. This all solidified PAP's control of the government and a consistent public mandate to continue in these more authoritarian style policies.

## **Conclusion**

The ISA securitizes religion on the physical front, making actions and specific aspects of religious beliefs incompatible with national security. The Sedition Act securitizes religion through the regulation of religious speech. Speech that's deemed inconsistent with the security of Singapore is therefore considered seditious. Through these mechanisms it becomes clearer that the government of Singapore sees religion as a branch of national security which must be regulated with the most draconian of measures. Through this view Singapore has been able to maintain religious harmony as religious harmony is key to national security and stability. By viewing these two pieces of legislation and acknowledging that they are used more often than any other when it comes to religion it becomes clear that PAP sees religion as a security issue. This disregards the idea of religion being a cultural issue and out of the purview or reach of the government. Through the analysis of the Internal Security Act and the Sedition Act sufficient evidence can be found to determine that the PAP government sees religion as a fundamentally security issue.

Viewing religion as a security issue has allowed the PAP government to solidify their control over the country's governance system. In securing and protecting the nation from religious upheaval in the future the government has also enabled its continued dominance of Singapore's security apparatus. For Singapore, security and religious harmony cannot exist without each other.

## CONCLUSION

According to a report compiled by Pew Research Center in 2014, Singapore is the most religiously diverse country in the world<sup>218</sup>. Today, the small island of Singapore is home to more than 11 different faiths and belief systems. In the post 9/11 era, there has been an emphasis on religiously motivated violence and conflict. Differences between faiths and religious groups turned violent are plastered all over news outlets. The War on Terror and violence targeted at specific religious groups such as the situation in Myanmar, Sri Lanka, and China, have become staples in modern news cycles and academic literature. Relationships with religion is an entire class of academic literature that has gained prominence in the past 20 years. This pool of literature extends to assessing the relationships that states have with religion. In the case of Singapore, the relationship the state maintains with religion is somewhat unique.

Given the diverse religious make up of Singapore's population, it would be somewhat natural to assume that conflict would abound in their society. Within close quarters are many religions which have seen conflict elsewhere in the world. However, since gaining independence in 1965 Singapore has not experienced one instance of religiously motivated violence. This can be attributed to the prominence of the concept of religious harmony and tolerance in Singapore's political, legislative, and social discourse.

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<sup>218</sup> "Global Religious Diversity: Half of the Most Religiously Diverse Countries Are in Asia-Pacific Region," 15.

From the beginning the government of Singapore has acknowledged the deep fault lines which can be associated with such extensive religious diversity. Just before independence Singapore felt the upheaval that accompany unstable religious relations. The Maria Hertogh riots and the race riots of 1964 presented Singapore with a glimpse of what could happen when religious affairs were not given the proper respect, attention, and care that they required.

It is because of this history that the government of the newly independent Singapore set out to ensure that such violence would not be repeated. Acknowledging the instabilities of their past, the government was able to devise an appropriate strategy for religious relation in the future. This agenda has been behind legislation, social movements, and economic decisions which have guided Singapore to become what it is today. Religious harmony and tolerance became a backbone to Singaporean society. Specifically, through legislation, what the government has been able to accomplish is best described as a three-tiered system designed to establish and maintain religious harmony in Singapore.

The first level is constructed by the Constitution. Cobbled together from multiple sources, the Constitution of Singapore is the supreme law of the republic. The freedom to practice and profess one's religion is a Constitutional guarantee in accordance with Article 15. The freedom from discrimination based on religious belief is a constitutional guarantee through Articles 12 and 16. The rights and freedoms of the citizens of Singapore are clearly defined within these articles of the Constitution. In the eyes of the Constitution of Singapore citizens are permitted to express their beliefs freely and

without fear of prejudice or discrimination. However, these freedoms are null in instances of national security. As national security is the top priority of the government, anything that could violate the stability and security of the nation is highly regulated. Due to the violence of the past, the government acknowledged the deep rifts that religious tensions could cause in a society. The 1964 race riots demonstrated that those expressing their beliefs and religion could become violent. These riots demonstrated how essential mutual respect was to the stability of the nation. Bearing this in mind, The Constitution sets up a tone or moral and social behaviour that the country has acquiesced to abide by. It demands mutual respect from its citizens as a matter of national security. Any violation of these rights is seen as an assault on the nation's national security.

The second tier of maintenance is achieved through the Maintenance of Religious Harmony Act and the Societies Act. The Societies Act was inherited through the British colonial era through the merger with Malaysia and the becoming of a sovereign nation. It dictates what constitutes a functional society in Singapore. This directly affects who is able to practice and spread their religion through the country and who is not. There is a cost benefit analysis between the freedom to express their religion and how it interacts with Singapore's national security and the security agenda that the state pursues. By controlling which societies are active and legal there is an enhanced ability to dissuade or silence any outrageous religious beliefs that threaten the stability of religious harmony in the country.

This control is strengthened further by the passing of the Maintenance of Religious Harmony Act. This act, specifically designed to address issues of religious

stability and harmony in Singapore, came into being as a direct response to the Marxist Conspiracy. The Marxist Conspiracy brought into Singapore the reality that religions and religious institutions could be used for subversive purposes against the state. In this example, the conspirators were both members of the Catholic Church and used the Church's position in civil society to further their cause. Using religion as a cover it is alleged that the conspirators sought to topple the current government of Singapore and install a new communist centered government in its place. In the White Paper on Religious Harmony, which was presented to Parliament in 1989, this use of religion in conjunction with the increase in aggressive proselytization and the animosity those acts created, sought to lay the groundwork for legislation specifically designed to ensure politics and religion were kept rigorously separate. The Maintenance of Religious Harmony Act allows the government to place restraining orders on any religious figure or follower who is deemed to be spreading a message that is incompatible with the concepts of mutual respect and religious harmony. Violations for these acts typically result in a fine of varying amounts, restrictions on speech and ways to convey ideology, and only in the most severe of circumstances a minimal amount of jail time. In this way the Societies Act and the Maintenance of Religious Harmony Act take the protections laid out in the Constitution a step further.

The third tier of the realm of the Internal Security Act and the Sedition Act. The repercussions for these two acts are the most severe of all the legislation discussed in this analysis. The Sedition Act takes the same concept of speech which is the subject of the Maintenance of Religious Harmony Act. What the Sedition Act does that takes it further

is defining that speech as being directed at the state rather than disrupting religious harmony. This points to the government of Singapore seeing religion as an aspect of national security. Even more than the Sedition Act is the Internal Security Act. Despite coming under intense international scrutiny for its Draconian nature and minimal judicial oversight the Internal Security Act is the pinnacle of Singapore's quest for maintaining religious harmony in the name of national security.

The Internal Security Act's relationship with religion is complex. Prominent criticism around the Internal Security Act revolves around its use to quell any political opposition to the PAP government. Notably the Internal Security Act was utilized during the Marxist Conspiracy to detain the alleged individuals. These detentions included prominent priests within the Catholic Church. The government's position was that these detentions was not an assault on the Catholic Church but against those who posed a threat to the state. Following a condemnation of the conspirator's actions by the Archbishop, new policies were pursued to ensure that religion would never again stray into politics and political activism. Today, the Internal Security Act is used to protect the country from terrorists and plots to engage in terrorist actions in Singapore. In these instances too, government officials seek to reiterate that the actions of the government are not against a religion, but against people who wish to do harm to the nation. The Internal Security Act provides a vital mechanism for the government to protect the religious harmony and air of tolerance that Singapore has achieved. This fundamentally points to the government viewing religious harmony as a security issue. Realizing this fact explains why the



government consistently relies on this piece of legislation above all others when it is seeking to safeguard religious harmony from internal and external threats.

What becomes clear through this analysis is how the government views religion in Singapore. Traditionally religion is thought of as cultural issue. Singapore, being the vibrant diverse society that it is, houses many different cultural backgrounds. These cultural backgrounds provide possible fault lines which can be exploited. Violence along cultural boundaries is not something Singapore has been immune from. It is for these historical reasons that Singapore sought to securitize religion. This would ensure that mutual respect would become the dominant cultural norm that transcends all boundaries. By transferring the subject of religion from cultural norms into a national security point the government gave itself the flexibility and control it needed to keep Singapore from falling into chaos. This legal analysis just goes to show that for Singapore it is all about security.

As stated, national security is the primary focus of the government and the policies it enacts in the name of maintaining religious harmony, tolerance, and stability. Through the research though it is not lost that the PAP government benefits greatly from these policies. Greater control over such a fundamental aspect of citizens lives allows the PAP to solidify its control over the governance structures of the country. This is a phenomenon that has been described performance legitimacy<sup>219</sup>. By achieving and maintaining religious harmony the PAP government has formulated a narrative around themselves that makes them fundamental to the nation's survival. They created a thriving

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<sup>219</sup> Tan, *Singapore*, 7.

diverse country and placed themselves at the center; they are the lynchpin to Singapore's success. In doing so, PAP made themselves vital for maintaining religious harmony and stability, thus making it difficult for them to be further removed from office.

But for PAP, harmony not only extends their control but is for the benefit of the nation as a whole. Tan Gee Paw, a senior government official, has been quoted as saying that "officials need to plan so far ahead that you may not see the results in your career"<sup>220</sup>. This demonstrates a desire for a lasting peace and tranquility, planning for the future of Singapore. It cannot be denied that Singapore has benefited greatly from the type of secularism and policies that the PAP has pursued since independence. Their primary goal is the stability and security of the nation. While their secondary goal is continued PAP governance over the country. In consolidating their control, they have created a nation where harmony and mutual respect prevail above all other things. In the pursuit of religious harmony PAP and the whole country wins.

What does this mean? Where does this go in the future? Singapore is consistently considered an outlier. A bastion of stability and an example of successful rapid economic development. The small island nation is a success story when all odds had been against it. In the environment of religious revivalism, the secularism that Singapore has stringently abided by is in question. There are questions being asked in some circles that surround the concept of Singapore's sustainability. Assessing the government's relationship with religion given these circumstances is essential for determining Singapore's sustainability in the coming decades. Further survey research should continue to be conducted to track

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<sup>220</sup> Tan, 8.

how these pieces of legislation interact with the people of Singapore. Only through these methods can Singapore's success at averting religious conflict be truly measured.

## **APPENDIX A**

### **National Pledge of Singapore**

We the citizens of Singapore, pledge ourselves as one united people regardless of race, language, or religion, to build a democratic society based on justice and equality so as to achieve happiness, prosperity, and progress for our nation.

### **Declaration of Religious Harmony**

We, the people of Singapore, declare that religious harmony is vital for peace, progress and prosperity in our multi-racial and multi-religious nation. We resolve to strengthen religious harmony through mutual tolerance, confidence, respect, and understanding. We shall always: Recognise the secular nature of our state, Promote cohesion within our society, Respect each other's freedom of religion, Grow our common space while respecting our diversity, Foster inter-religious communications, and thereby ensure that religion will not be abused to create conflict and disharmony in Singapore.

## **APPENDIX B**

### **Constitutional Articles**

#### *Article 12 – Equal protection*

- 1) All persons are equal before the law and entitled to the equal protection of the law.
- 2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding, or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.
- 3) This Article does not invalidate or prohibit –
  - a) Any provision regulating personal law; or
  - b) Any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

#### *Article 15 – Freedom of religion*

- 1) Every person has the right to profess and practise his religion and to propagate it.
- 2) No person shall be compelled to pay any tax to the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.
- 3) Every religious group has the right –
  - a) To manage its own religious affairs;
  - b) To establish and maintain institutions for religious or charitable purposes;  
and
  - c) To acquire and own property and hold and administer it in accordance with law.
- 4) This article does not authorise any act contrary to any general law relating to public order, public health or morality.

*Article 16 – Rights in respect to education*

- 1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth –
  - a) In the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or

- b) In providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore).
- 2) Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law.
- 3) No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his own.
- 4) For the purposes of clause (3), the religion of a person under the age of 18 years shall be decided by his parent or guardian.

*Article 152 – Minorities and special position of Malays*

- 1) It shall be the responsibility of the government constantly to care for the interests of the racial and religious minorities in Singapore.
- 2) The Government shall exercise its functions in such manner as to recognize the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.

*Article 153 – Muslim religion*

The Legislature shall by law make provisions for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion.

**The Maintenance of Religious Harmony Act Articles**

*Section 3 - Establishment of Council*

- 1) There shall be a Presidential Council for Religious Harmony comprising a chairman and not less than 6 and not more than 15 other members.
- 2) Not less than two-thirds of the members of the Council shall be representatives of the major religions in Singapore and the other members shall be persons who, in the opinion of the Presidential Council for Minority Rights, have distinguished themselves in public service or community relations in Singapore.
- 3) The chairman and every member of the Council shall be appointed by the President, on the advice of the Presidential Council for Minority Rights, for a period of 3 years all of whom shall be eligible for reappointment.

*Section 8 – Restraining orders against officials or members of religious group or institution*

- 1) The Minister may make a restraining order against any priest, monk, pastor, imam, elder, office-bearer or any other person who is in a position of authority in any religious group or institution or any member thereof for the purposes



specified in subsection (2) where the Minister is satisfied that that person has committed or is attempting to commit any of the following acts:

- a) Causing feelings of enmity, hatred, ill-will or hostility between different religious groups;
  - b) Carrying out activities to promote a political cause, or a cause of any political party while, or under the guise of, propagating or practising any religious belief;
  - c) Carrying out subversive activities under the guise of propagating or practising any religious belief; or
  - d) Exciting disaffection against the President or the Government while, or under the guise of, propagating or practising any religious belief.
- 2) An order made under subsection (1) may be made against the person named therein for the following purposes:
- a) Restraining him from addressing orally or in writing any congregation, parish or group of worshippers or members of any religious group or institution on any subject, topic or theme as may be specified in the order without the prior permission of the minister;
  - b) Restraining him from printing, publishing, editing, distributing or in any way assisting or contributing to any publication produced by any religious group without the prior permission of the Minister;

- c) Restraining him from holding office in an editorial board or a committee of a publication of any religious group without the prior permission of the Minister.

*Section 9 – Restraining orders against other persons*

- 1) Where the Minister is satisfied that –
  - a) Any person is inciting, instigating or encouraging any religious group or religious institution or any person mentioned in subsection (1) of section 8 to commit any of the acts specified in that subsection;
  - b) Any person, other than persons mentioned in subsection (1) of section 8, has committed or is attempting to commit any of the acts specified in paragraph (a) of that subsection,  
  
He may make a restraining order against him
- 2) Without affecting the generality of subsection (1), an order made under this section may restrain the person named therein from addressing or advising any religious group or religious institution or any member thereof or making any statement or causing any statement to be made, whether orally or in writing, concerning or affecting the relations between that religious group or religious institution and the Government or any other religious group or religious institution.
- 3) Any order made under this section shall be for such period, not exceeding 2 years, as may be specified therein.

*Section 11* – Restraining orders to be referred to Council

- 1) Every order made by the Minister under section 8 or 9 must, within 30 days of the date of the order, be referred to the council.
- 2) The Council must consider the order together with the grounds and all facts or documents tendered by the Minister in support of making of the order, and the representations, if any, received by the Minister prior to making of the order.
- 4) The council must, within 30 days of the receipt of the order and the necessary documents, make its recommendation to the President

*Section 12* – Restraining orders to be confirmed by President

- 1) Every order made under section 8 or 9 shall cease to have effect unless it is confirmed by the President within 30 days from the date the Council's recommendations are received by the President.
- 2) The President shall consider the recommendations of the Council and may cancel or confirm the order and in confirming the order may make such variations as he thinks fit.
- 3) The President shall, in the exercise of his functions under this section, act on the advice of the Cabinet except where the Constitution provides that he may act in his discretion when the advice of the Cabinet is contrary to the Council's recommendations.

*Section 14 – Review of the restraining order*

- 1) Every order made or extended under this Part shall, so long as it remains in force, be reviewed by the Minister at intervals of not more than 12 months and the first of such reviews shall take place not more than 12 months after the date the order was made or extended.
- 2) The minister may at any time revoke an order made under section 8 or 9.

*Section 17 – Consent of Public Prosecutor*

No court shall try any offence under this Act except with the consent of the Public Prosecutor.

*Section 18 – Decisions under Act not justiciable*

All orders and decisions of the President and the Minister and recommendations of the council made under this Act shall be final and shall not be called in question in any court.

**The Societies Act Articles**

*Section 14 – Unlawful societies*

- 1) Every society, not being a registered society, shall be deemed to be an unlawful society; but no society shall be deemed to be unlawful under this section if and so long as the registrar is satisfied that –
  - a) it is organised wholly outside Singapore; and
  - b) does not carry on any activity in Singapore

- 2) Any person who manages or assists in the management of any unlawful society shall be guilty of an offense and shall be liable on conviction to imprisonment for a term not exceeding 5 years.
- 3) Any person who is or acts as a member of an unlawful society, or attends a meeting of an unlawful society, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5000 or to imprisonment for a term not exceeding 3 years or both.
- 4) Every offense under subsection (3) shall be deemed to be a non-bailable offense and an arrestable case within the meaning of the Criminal Procedure Code.

*Section 24 – Minister may order dissolution of any society*

- 1) Whenever it appears to the minister that –
  - a) Any registered society is being used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Singapore;
  - aa) the registration of any society has been procured by fraud or misrepresentation;
  - b) Any registered society is being used for purposes incompatible with the objects and rules of the society;

**The Internal Security Act Articles**

*Section 7 – Prohibition of uniforms, emblems, etc.*

- 1) The Minister may, if he considers it in the national interest to do so, by order prohibit the manufacture, sale, use, wearing, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress or any part thereof.

*Section 8 – Power to order detentions*

- 1) If the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister shall make an order –
  - b) for all or any of the following purposes:
    - i) for imposing upon that person such restrictions as may be specified in the order in respect of his activities and the places of his residence and employment;
    - iv) for prohibiting him from addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to any organisation or association, or from taking part in any political activities;
    - v) for prohibiting him from traveling beyond the limits of Singapore or any part thereof specified in the order except in accordance with permission given him by such authority as person may be specified in such order.

And any order made under paragraph (b) shall be for such period, not exceeding two years, as may be specified therein, and may by such order be required to be supported by a bond.

*Section 20 – Prohibition of printing, sale, etc., of any documents and publications*

- 1) Where it appears to the Minister charged with the responsibility for printing presses and publications that any document or publications –
  - a) Contains any incitement to violence;
  - b) Counsels disobedience to the law or to any lawful order;
  - c) Is calculated or likely to lead to a breach of the peace, or to promote feelings of hostility between different races or classes of the population; or
  - d) Is prejudicial to the national interest, public order or security of Singapore,

*Section 27 – Possession of subversive documents*

- 3) In this section, “subversive document” means any document having in part or in whole a tendency –
  - a) To excite organised violence against persons or property in Singapore;
  - b) To support, propagate or advocate any act prejudicial to the security of Singapore or the maintenance or restoration of public order therein or inciting violence therein or counselling disobedience to the law thereof or to any lawful order therein; or

- c) To invite, request or demand support for or on account of any collection, subscription, contribution or donation whether in money or in kind, for the direct or indirect benefit or use of persons who intend to act or are about to act, or have acted, in a manner prejudicial to the security of Singapore or to the maintenance of public order therein, or who incite to violence therein or counsel disobedience to the law thereof or any lawful order therein.

*Section 41 – Power to close schools or educational institutions*

- 1) The Minister, if he is satisfied at any time that a school or educational institution is being used –
  - a) For a purpose detrimental to the interests of Singapore or of the public;
  - b) For the purpose of instruction detrimental to the interests of the public or the pupils; or
  - c) As a meeting-place of an unlawful society,
  
- 2) In this section –
  - “school” means –
    - a) A place where 10 or more persons are or are habitually taught, whether in one or more classes; or
    - b) In the case of a correspondence school, the place or places where instruction is prepared or where answers are examined or corrected,



But does not include any place where the teaching is of a purely religious character, or for a purely religious purpose.

*Section 65 – Arrest*

- 1) Any police officer may without warrant arrest any person suspected of commission of an offence under this part.
- 2) The powers conferred upon a police officer by subsection (1) may be exercised by any member of the security forces, by any person performing the duties of a guard or watchman in a protected place, and by any other person generally authorized in that behalf by the Commissioner of Police.

*Section 74 – Power to detain suspected persons*

- 3) No person shall be detained under this section for a period exceeding 24 hours except with the authority of a police officer of or above the rank of assistant superintendent of police or, subject as hereinafter provided, for a period of 48 hours in all.
- 4) If an officer of or above the rank of superintendent of police is satisfied that the necessary enquires cannot be completed within the period of 48 hours prescribed by subsection (3) he may authorise the further detention of any person detained under this section for an additional period not exceeding 28 days.

- 5) Any officer giving any authorization under subsection (4) shall forthwith report the circumstances thereof to the Commissioner of Police; and where such authorization authorizes detention for any period exceeding 14 days the Commissioner of Police shall forthwith report the circumstances thereof to the Minister.

#### *Section 80 – Jurisdiction of District Court*

Without any prejudice to the jurisdiction of the High Court, a District Court shall have jurisdiction to try any offence under this Act, other than an offence punishable with death, and to pass any sentence prescribed therefor not exceeding 5 years' imprisonment or a fine of \$5000 or both.

#### **The Sedition Act Articles**

##### *Section 3 – Seditious tendency*

- 1) A seditious tendency is a tendency –
  - a) To bring hatred or contempt or to excite disaffection against the government;
  - b) To excite the citizens of Singapore or the residents in Singapore to attempt to procure in Singapore, the alteration, otherwise than by lawful means, of any matters by law established;
  - c) To bring into hatred or contempt or to excite disaffection against the administration of justice in Singapore;
  - d) To raise discontent or disaffection amongst the citizens of Singapore or the residents in Singapore;

- e) To promote feelings of ill-will and hostility between different races or classes of the population of Singapore.
- 3) For the purpose of proving the commission of any offence under this Act, the intention of the person charged at the time he did or attempted to do or made any preparation to do or conspired with any person to do any act or utilized any seditious words or printed, published, sold, offered for sale, distributed, reproduced or imported any publication or did any other thing shall be deemed to be irrelevant if in fact such act had, or would have done, have had, or such words, publication or thing had a seditious tendency.

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