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Tan K. B. EUGENE
Singapore Management University, eugene@smu.edu.sg

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INTERRELIGIOUS RELATIONS

Defeating the Scourge of Terrorism: How Soft Law Instruments in Singapore Can Develop Societal Trust and Promote Cooperative Norms

RSiS | S. RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES
Nanyang Technological University, Singapore

NANYANG TECHNOLOGICAL UNIVERSITY
SINGAPORE

INTERRELIGIOUS RELATIONS

**Occasional Papers of
The Studies in Inter-Religious Relations
in Plural Societies Programme**

**Defeating the Scourge of Terrorism:
How Soft Law Instruments in Singapore Can Develop
Societal Trust and Promote Cooperative Norms**

Eugene K.B. Tan
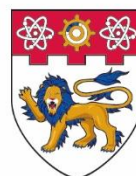
Abstract

The maintenance of a 'moderate, mainstream' Muslim community as a bulwark against the fraying of harmonious ethnic relations has become a key governance concern in multiracial, multi-religious societies post-9/11. In light of the global concern, and often paranoia, with diasporic Islam, Islamic religious institutions and civil society have been portrayed in the popular media as hotbeds of radicalism, promoters of hatred, and recruiters for a "conflict of civilisation" between the Muslim world and the modern world. Singapore has taken a broad-based community approach in advancing interreligious tolerance, including a subtle initiative to include the putative Muslim civil society in advancing the understanding of and the promotion of a moderate brand of Islam in Singapore. This tacit process of regulation (top-down, intra-community and inter-community), while effective, is ultimately conditioned and constrained by the unique governance context in Singapore where the state maintains a zero-tolerance approach to interreligious tension and conflict. However, the trouble with the primacy of a hard law, coercive, top-down approach is that it arrogates to the state and policymakers the power to control and define the "problem."

This paper examines Singapore's counter-terrorism approach, one that still predominantly employs hard law but increasingly values the role of soft law and the imperative to mobilise society, especially people of faith. The challenge in keeping the counter-terrorism policy on an even keel is not to see religion primarily as a fault-line but instead to harness the power of faith to entrench religious freedom, respect and dignity for diversity.

Introduction[1]

How do societies prevent violent extremist ideologies from establishing and gaining traction within a community? In particular, how should multiracial and multireligious societies prepare for and cope with the aftermath of a terrorist attack when social cohesion is at its most vulnerable? These collective action challenges are not only concerned with the institutional efforts to deal with the terrorism threat but of how societies fortify themselves to come out resiliently against the forces that seek to divide and destroy.

Put simply, it is prudent and pragmatic for societies to treat a terrorist attack as an inevitability. This shifts the focus towards efforts that can help a society "bounce back", by being resilient in the wake of forces that seek to divide and destroy. Hard work is needed since social cohesion does not come about by chance but requires deliberate and sustained effort, which sometimes may not come to fruition for reasons other than the want of trying.

Islamist religious extremism and violence is "by far the most serious [security problem] that Singapore has faced since the communist problem".[2] Having declared itself "an iconic target" for terrorists, Singapore is effectively gearing itself for the inevitability of a terrorist attack on its soil.[3] In the aftermath of a terrorist attack, especially by homegrown perpetrators, the policy-makers' primary concern is the potential backlash against the minority Muslim community and the unraveling of Singapore's social fabric. The Singapore government treats religion as a persistent fault line in Singapore's multiracial, multireligious, and multilingual society.[4] Emphasis is placed on ensuring that religious freedom does not become a source of tension, conflict, and violence. There are several key pieces of legislation that provide a variety of options as part of the well-equipped enforcement arsenal in dealing with individuals and groups in the religious realm that pose a public order threat.[5]

In this essay, I examine the limits of hard law in dealing with the scourge of terrorism and consider how soft law can engender desirable norms enabling a society to cope with the collective challenge that terrorism presents. This essay paints in broad-brush strokes the salient themes in Singapore's counter-terrorism efforts in an age where increased piety and faith-inspired violent extremism pose national security concerns and anxieties. This essay submits that terrorism threat is best dealt with not by indiscriminately clamping down on religion. Instead, even as national security comes under threat, the better approach is to ensure that the citizens' religious identities, especially those of Muslims, remain secure and confident. This entails that civil society, especially faith communities, play a bigger role in ensuring that the state and faith communities are both secure. Thus, viewing religion merely as a putative security threat is manifestly inadequate in keeping both state and society safe.

The essay is organised accordingly: Part 1 outlines the threat of terrorism to Singapore. In Part 2, the argument is made of the indivisibility of religion, security, and citizenship. Part 3 considers three soft law instruments that exist: The Declaration on Religious Harmony, the Singapore Muslim Identity project, and the Commitment to Safeguard Religious Harmony as means by which desired norms are nurtured to provide the substratum of understanding and trust to build social cohesion and resilience. The value of soft law approaches in managing the terrorism threat is analysed in Part 4. Part 5 concludes.

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[1] This essay builds on earlier work by the author and seeks to pull the different strands together in understanding the legal drivers operating within society and how individual and collective behaviours can be moulded and reinforced in the quest to rise above the terrorism threat. I am grateful to the two anonymous reviewers for their detailed comments, helpful suggestions, and robust critique. All inadequacies and errors are solely mine.

[2] Anon, "Not the terror, but the fallout," *TODAY Online* (10 February 2006).

[3] In 2017, Singapore declared the threat of terrorism to be at the highest level since 9/11. Despite the fall of the Islamic State (IS)-controlled Mosul and Raqqa in October 2017, the terrorism threat remains a clear and present danger as IS fighters from Southeast Asia returned home, especially to Indonesia and Malaysia. In the aftermath of 9/11, Southeast Asia was described in the Beltway as the "second front" in the "war against terror": see John Gershman, "Is Southeast Asia the Second Front?" *Foreign Affairs* 81 (2002): 60–74.

[4] In April 2014, the Pew Research Centre ranked Singapore as the world's most religiously diverse country or territory. Pew Research Centre, *Global Religious Diversity: Half of the Most Religiously Diverse Countries are in Asia-Pacific Region*, (April 2014), available at: http://www.pewforum.org/files/2014/04/Religious-Diversity-full-report.pdf.

[5] Singapore's counter-terrorism legal regime is examined in Eugene K B Tan, "Singapore," in *Comparative Counter-Terrorism Law,* ed. Kent Roach, New York: Cambridge University Press, 2015, 610-49.

Terrorism: The Existential Threat and the Legislative Response

In late 2001 and early 2002, 36 terrorist suspects were arrested and detained under the Internal Security Act. Most of them were members of a homegrown *Jemaah Islamiyah* (JI) terrorist cell in Singapore. This news came as a rude shock to Singaporeans and created an atmosphere of mutual suspicion and distrust between Malay-Muslims and non-Muslims.[6] The Malay-Muslims, comprising 14 per cent of Singapore's 3.2-million citizen population in 2000, were themselves confronted by self-doubt and ambivalence as doubts and suspicions were cast over their faith and their loyalty to Singapore.[7] Unsurprisingly, Malay-Muslim Singaporeans' increased religiosity, their perception of being under siege, as well as the non-Muslim apprehension, fears and misunderstanding of Islam and Muslim-Singaporeans contributed to the overall state of uneasiness and latent tension.

The government was deeply worried about the negative impact the JI arrests would have on Singapore's multi-racial and multi-religious society. In the January 2003 parliamentary debate on the JI arrests and the terrorism threat,[8] the discussion of the terrorist threat in Singapore was notable for the articulation of a subtle moral panic which linked increased Islamic religiosity with Malay-Muslim separateness and increased susceptibility towards terrorism. The Muslims' supposed exclusionary practices and self-segregation, and the formation of an isolated "micro-community" accompanied by the unilateral closing of common space became the focus of much public discourse.

This moral panic prompted the then president of the Islamic Religious Council of Singapore (MUIS), a government statutory board, to observe that the Muslim-Singaporean community "had to contend with unrelenting public scrutiny over the tenability of Islamic practices in a modern, secular and multiethnic polity".[9] Similarly, then Minister in-charge of Muslim Affairs Yaacob Ibrahim remarked that, "There were increased concerns and questions about the implications of overt symbols and signs of Muslim identity and beliefs. Some wondered why Muslims needed to consume food that was *halal* (permitted) as though it was a radical behavioural departure. Observing religions practices became a short of shorthand for hovering at the edge of terrorism".[10] Quite evidently, the key challenge remains to adeptly manage the terrorism threat without making Muslim-Singaporeans feel that they are under siege, which would also subject ethnic relations in Singapore to unnecessary strain.

The terrorist threat will persist, and the strain of growing counter-terrorism measures will have to be managed with panache.[11] Singapore's political leadership has consistently urged the Muslim community to practise their faith in the context of a multiracial society with moderation as the defining attribute.[12]

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[6] William Case, "Singapore in 2002: Economic Lassitude and Threats to Security," *Asian Survey* 43.1 (2003): 167-73; Barry Desker, "The *Jemaah Islamiyah* (JI) Phenomenon in Singapore," *Contemporary Southeast Asia* 25.3 (2003): 489-507.

[7] The vast majority (99 per cent) of the indigenous Malays are Muslims. The minority (Malay-)Muslim community's importance is constitutionally recognised, and the community enjoys several privileges not accorded to the other races/religion.[7] Besides being governed by *Shariah* law in personal matters, the community enjoys free tertiary education (qualified in 1989), state support for various aspects of its religious life including the mosque-building programme and the *haj* (pilgrimage to Mecca), and the appointment of a Minister-in-charge of Muslim Affairs in the Cabinet. In Singapore, Malays are regarded synonymously as Muslims; Muslim identity is treated as an integral part of Malay identity. In the last three decades, the religious identifier for Malays has become more prominent. Within the community itself, such an identity nurtures a greater community self-consciousness of the double bond of race and faith.

[8] Ministry of Home Affairs, *The Jemaah Islamiyah Arrests and the Threat of Terrorism* (White Paper, Cmd. 2 of 2003, 7 January 2003), available online at: https://www.mha.gov.sg/docs/default-source/others/english.pdf?sfvrsn=cccfff07_0.

[9] MUIS, *Making the Quantum Leap* (MUIS Annual Report) (Singapore: MUIS, 2002), 2. MUIS is the statutory board tasked with regulating Muslim religious affairs and to advise the government in matters relating to Islam.

[10] Yaacob Ibrahim, *Speech at the Wee Kim Wee seminar on Cross-Cultural Understanding at the Singapore Management University*, 2 August 2003.

[11] On the threat that the worldview(s) of IS poses among diasporic Islamic communities, see Mark Juergensmeyer, "Thinking Sociologically about Religion and Violence: The Case of ISIS," *Sociology of Religion: A Quarterly Review* 79.1 (2018): 20-34. See also Stefan Malthaner, "Radicalisation: The Evolution of an Analytical Paradigm," *European Journal of Sociology* 58.3 (2017): 369-401.

[12] See Eugene K. B. Tan, "Norming 'Moderation' in an 'Iconic Target': Public Policy and the Regulation of Religious Anxieties in Singapore," *Terrorism and Political Violence* 19.4 (2007): 443-62.

Self-radicalisation remains a source of deep concern.[13] The use of radical propaganda to recruit Singaporean fighters and to make Muslim-Singaporeans receptive to the particularistic *jihadist* ideology are key prongs of the incessant radicalisation effort. It is an ideological battle between those who distort Islam for their violent political ends, and those who uphold the tenets of Islam as a religion of peace.

To this end, the Muslim community has been exemplary in its efforts to deal with the faith-inspired violent extremism. Two of several noteworthy initiatives are briefly mentioned, vividly underscoring the government-community partnership.[14] One significant initiative is the formulation of a comprehensive rehabilitation programme by the Religious Rehabilitation Group (RRG) and the inter-agency Aftercare Group (ACG).[15] They aim to address the religious, psychological, and social aspects of the rehabilitation of those arrested (and their families) for terrorist activities and sympathies. The other is the MUIS' Asatizah Recognition Scheme (ARS). All *asatizahs* (Muslim religious teachers) have to be accredited and refrain from any extremist and exclusivist teachings when they preach and teach Islam.[16]

At its core, Singapore's long-standing approach to terrorism is weighted in favor of enabling the government to deal swiftly and pre-emptively any threat to public order and national security. It has put in place the relevant legislative framework to enable it to fight terrorism. This legislative framework was established more than half a century ago in the fight against communism. The main legislation used to deal with terrorism and suspected terrorists is the Internal Security Act (ISA), a legacy of the British colonial rule when the predecessor law was used primarily to deal with the communist insurgency of the 1950s and 1960s.[17]

However, the Singapore government is steadfast in its belief that the terrorism threat is not only confined to the Muslim-Singaporean community. Instead, it has consciously characterised the threat as a national one. This is apt as what happens after a terrorist attack could severely undercut social cohesion and inflict greater damage. The bottom-line is this: Governments do not defeat terrorism; it is people who will determine whether a society is resilient and cohesive enough to withstand the divisive effects of terrorism.

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[13] See MUIS press statement "Response to Media Enquiries on Detention, Imposition of Restriction Orders on 3 Individuals", 7 July 2010. MUIS expressed its "deep concern" on radicalisation through the Internet and other new media platforms. MUIS urged the Muslim-Singaporean community to "remain constantly vigilant to the threat of self-radicalisation in the community as the threat remains at a global level". It also stated that, "Violence and militancy have nothing to do with the teachings of Islam…We must treasure and safeguard the strong foundation of mutual respect, peace and harmony in our multi-racial, multi-religious nation". On the complexity of self-radicalisation, see, further, Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century*, Philadelphia, PA: University of Pennsylvania Press, 2008, and Scott Atran, *Talking to the Enemy: Violent Extremism, Sacred Values and What it Means to be Human*, London: Allen Lane, 2010.

[14] In addition, the revamp to religious instruction in mosques and the curriculum in the *madrasahs* are crucial. The preference for "preemptive strikes" is another strategy, including barring foreign preachers whom the government deems as being detrimental to societal harmony. These measures are noted briefly as the initiatives are beyond the scope of this essay. MUIS has been unrelenting and exemplary in promoting the correct and proper propagation of Muslim teachings to the local community as more people turn to the online media to supplement their religious understanding.

[15] On the RRG, see Mohamed Ali, "The Religious Rehabilitation Group (RRG): A Community-Government Partnership in Fighting Terrorism," in *Majulah! 50 Years of Malay/Muslim Community in Singapore,* eds. Zainul Abidin Rasheed and Norshahril Saat, Singapore: World Scientific, 2016, 243-54. As one reviewer of this essay puts it well: "The Singapore government's endorsement of community-based initiatives to co-exist alongside more traditional counter-terrorism measures also came from the realisation that the affected community would be in the best position to locate the local sources of misunderstanding or grievances, thus facilitating targeted solutions. Such initiatives have led to the increase in confidence and trust of the non-Muslim communities in Singapore towards the Muslim and has contributed towards the continued peaceful coexistence between the different religious communities here."

[16] See, further, Mohammad Hannan Hassan & Irwan Mohd Hadi Shuhaimy, "Developing Asatizah in Singapore through the Asatizah Recognition Scheme," in *Fulfilling the Trust: Fifty Years of Shaping Muslim Religious Life in Singapore*, ed. Norshahril Saat, Singapore: World Scientific, 2018, 73-87. MUIS collaborated with the Singapore Islamic Scholars and Religious Teachers Association (PERGAS) to establish the ARS in December 2005. The scheme's key objective was to oversee the professional conduct of all *asatizah* in performing their roles as religious teachers, scholars, propagators, and advisors on Islam. As one reviewer so helpfully reminded me: "The assumption is that such a system will curtail the spread of deviant teachings and thus put a stop to pathways that may mislead the community, create social disharmony, and present security threats to the country."

[17] The origins of the ISA can be found in the Emergency Regulations introduced by the British in Malaya and Singapore in 1948 to combat communists, subversives, and racial and religious extremists. In 1955, the Preservation of Public Security Ordinance replaced the Emergency Regulations. The ISA empowers the government to detain terrorist suspects preventively and without trial for renewable two-year periods "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" (ISA, section 8(1)).

The Indivisibility of Religion, Security, and Citizenship

Article 15 of the Singapore Constitution provides for every person the right to profess, practise, and propagate his religion. While faith-inspired views are not excluded from the public domain and in the public discourse, the Singapore government has sought to keep the public square and the religious realm separate even if the walls between them are not always watertight. Although secularism is a cardinal principle of political governance, the separation of religion and state is not found in the Constitution. In Singapore's context, secularism is broadly understood as the governance principle of separating religion and state, and of the state being neutral vis-à-vis the various religious faiths and between religion and non-religion.

For the state to remain neutral and secular in a multi-religious polity, the state must paradoxically regulate the religious realm in a way that is acceptable to all stakeholders. The Singapore experience demonstrates that the protection and promotion of religious freedom paradoxically requires "keeping God in place". Unbridled freedom in the name of exercising one's fundamental liberty to religious freedom is viewed as a threat to public order and national security.[18] In this regard, maintaining and ensuring religious freedom is always a work-in-progress given the subtleties and complexities in which religion has impacted on public life and, in turn, is being affected by public life. The transnational characteristic of religion, embodied in a global imagined community of faith believers, coupled with the revival tendencies in all major faiths are critical developments that impinge upon Singapore's quest to maintain ethnic and religious harmony.

The overarching philosophy underpinning the legal and policy thrusts is encapsulated in the belief that religious freedom intimately requires a thoughtful and calibrated intersection of rights, regulation, and responsibility. This "3R" approach may well be the best approach for Singapore in ensuring religious freedom in a society that seeks to be governed by the rule of law. While it recognises the Janus-face of religion, the government seeks to harness religion as a constructive force in nation-building. It is this innate ability of religion to motivate, enforce behaviour, values, and norms among the faithful, and temper the rough edges of secular life by providing a moral anchor, that the government seeks to harness for the purposes of nation-building.

In the face of the terrorism threat, the prudent and better approach is to ensure that the citizens' religious identities remain strong and secure.[19] A multi-stakeholder approach is essential in ensuring that the state and religion are both secure. Similarly, the political will to promote and protect religious freedom and ensuring that no religion is scapegoated are crucial. The Singapore case strongly suggests that religious freedom and its continual growth and development are integral to the wellbeing of the state, government, and society.

The government has become more conscious and responsive to civil society's role in strengthening inter-faith engagement and understanding. In countering the terrorist threat, the approach has evolved rapidly from a "whole-of-government" to a "whole-of-society" approach, a significant recognition of terrorism as being "by far the most serious [security problem] that we have faced since the communist problem". This is a tacit acknowledgement that the security of the state, government, society, and individual are all intimately inter-linked. The terrorism threat requires not just a security response but also a holistic one that aligns the hearts and minds of the faith communities to the societal objective of harmony and peace. But this was not the case initially.

The government had initially adopted a privatised approach in the immediate aftermath of the initial rounds of JI arrests in 2001 and 2002. The Malay-Muslim community was expected to shoulder the brunt of the concern and responsibility. It was, to all intents and purposes, held solely responsible for the radicalisation of a small minority of Muslims, and for any terrorist acts and its subsequent fallout. The government had expressed its fears of the Muslim community's perceived exclusion and self-segregation from Singaporean society on religious grounds. Unfortunately, this was accompanied by unrelenting and uninformed public scrutiny over the tenability of Islamic practices and increased religiosity in Singapore.

Before the launch of the Community Engagement Programme (CEP) in February 2006, the public discourse of the terrorist threat was inflected with a moral panic, which linked increased Islamic religiosity and

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18 See further Eugene K. B. Tan, "Keeping God in Place: The Management of Religion in Singapore," in *Religious Diversity in Singapore*, ed. Lai Ah Eng, Singapore: Institute of Southeast Asian Studies and the Institute of Policy Studies, National University of Singapore, 2008, 55-82.

19 See Mohammad Alami Musa, "Living as Faithful Muslims in Secular Singapore," in *Majulah! 50 Years of Malay/Muslim Community in Singapore*, eds. Zainul Abidin Rasheed and Norshahril Saat, Singapore: World Scientific, 2016, 225-38.

perceived Malay-Muslim separateness with increased susceptibility towards terrorism. Although the government had intended to rally the Muslim community into action, this privatised approach may have had the unintended effect of isolating the mainstream segment, thereby threatening mutual security and undermining ethnic relations. To its credit, the government quickly realised that such a privatised approach would neither help to isolate the terrorists nor ensure that the terrorist ideology did not acquire wider support. Given the nature of the terrorist threat and its dependence on a sympathetic constituency to draw support and recruits to the cause, the non-discriminating, clamping down strategy more often than not marginalises, if not alienates, the very bedrock of the Muslim community that is depended upon to form the bulwark against creeping radicalisation.

Consequently, the previous, narrow framing of terrorism as being a "Malay-Muslim problem" was abandoned. In its place, a collective and holistic response from government, the Muslim community, and society was embodied in the CEP, the centerpiece of Singapore's social cohesion and counter-terrorism endeavours between 2006 and 2016.[20] Singapore Prime Minister Lee Hsien Loong issued this timely corrective when he launched the CEP:

> … [W]e must know that this is not a Malay-Muslim problem. This is a national problem and non-Muslims also have to play your part, for example, by preserving the space for minorities in the majority-Chinese society by upholding the ideals of meritocracy and equal opportunity and treatment, regardless of race, language and religion and by clearly distinguishing the small number of extremists who are a threat to us from the majority of moderate, rational, loyal Muslim Singaporeans with whom we work together to tackle a shared problem. And this way, we can build confidence and trust between the different communities and the best time to do that is now when we don't have a crisis. This is because building trust takes time….[21]

The CEP sought to mobilise Muslim and non-Muslim communities to work together in tackling the terrorist threat. But the government is also convinced that legislation alone is insufficient and focusing solely on the Muslim community is inadequate to keep the deleterious effects of radicalism and social consequences of a terrorist attack at bay. Singapore can legislate against violent extremism but it cannot legislate harmony.

Going beyond Hard Law

Anti-terrorism laws stipulate – in varying degrees of clarity and precision – the proscribed acts of commission and omission (obligations and compliance), the imposition of legally binding duties and obligations (accountability), and the punishment for transgression (sanctions). Hard law is generally understood as "legally binding obligations that are precise (or can be made precise through adjudication or the issuance of detailed regulations) and that delegate authority for interpreting and implementing the law".[22] The trouble with the primacy of a hard law approach in counter-terrorism is that it tends to arrogate to the state and policy-makers the power to control and define the "problem." It obfuscates the reality and the urgency of building ties between a devout Muslim minority and a non-Muslim majority within a political structure that valorises secular political governance. Ironically, hard law can secure the state but its over-emphatic use ultimately impoverishes the very security of the state and society. Although the coercive powers of hard law are useful in clamping down on real and present dangers, they also impose severe costs and unintended consequences. As the terrorist threat is both existential and ideational, the heavy use of coercive legislation is often not only reactionary but also grossly inadequate. Such laws cannot engender a resilient society so vital in coping and rebuilding after a terrorism strike.

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[20] The CEP was incorporated into "SGSecure" movement, launched in 2016, to improve emergency preparedness, emphasising the "not if, but when" stance towards the likelihood of terrorist attacks.

[21] Lee Hsien Loong, *Speech at the Community Engagement Programme Dialogue*, 9 February 2006.

[22] Domestic legislation and international treaties are two examples of hard law. See further Kenneth W. Abbott and Duncan Snidal, "Hard and Soft Law in International Governance," in *Legalisation and World Politics,* eds. J. L. Goldstein, M. Kahler, R. O. Keohane and A-M Slaughter, Cambridge, MA: MIT Press, 2011, 37.

Despite the diversity, the state of religious and racial group relations was positive pre- and post-September 11, 2001.[23] Where the Malay community is concerned, racial and religious identities are not only prominent but also conflated. This resort to the "Muslim" identifier is in part a legacy of the state's encouragement of recourse to religion as a bulwark against the effects of cultural and moral enervation in the modernisation process. By the late 1970s, the government's concern with the Malay-Muslim community's "3D" problem of drugs, divorce, and delinquency was palpable. Malay civil society, Islamic organisations, and the Islamic faith were mobilised to help counter the social and moral decline.[24]

The transnational dimension cannot be ignored either. Global developments after the 1979 Iranian Revolution and September 11 have encouraged an affirmation of Muslims' Islamic identity in solidarity with their co-religionists elsewhere within the global Muslim *ummah*.[25] Increased religiosity across all major faiths in Singapore is another key development. A more spiritual orientation in and of itself is not necessarily a problem. Instead, how and what Singaporeans make of the increased piety is the key concern. Does a rigid religious identity lead to exclusionary practices and undermine integration? If so, this could very well result in self-segregation, an isolated "micro-community" and the unilateral closing of common space.

While coercive, draconian legislation remains the mainstay against extremists and radicals, the mobilisation of soft law, aspirational norms and values are consciously woven into the state's endeavours to enhance society's resilience and cohesion. Similarly, inter-faith dialogue and understanding received a boost. When an issue involving religion arises, the trust and confidence enables the various religious leaders to communicate with each other directly. This dialogue and the keeping of open communication lines are also practised between the government and the individual major religious communities.

Use of soft law and nurturing social norms

Singapore's use of a coercive legal framework to deal with threats to public order has been crucial in the maintenance of peace and stability as well as enabling a relatively high degree of religious freedom. However, this hard law approach tends to elicit reasoning and responses that are primarily egocentric, denominated in self-centred terms of avoiding punishment, compliance with an authority, and group norms. However, violent radicals and terrorists are not deterred by such methods.

Moreover, the use of a coercive framework has its limitations and needs to be balanced against the trust- and confidence-building efforts to set normative standards of conduct in exercising one's religious freedom rights. Hard law is not equipped to promote such social learning since its focus is often on deterrence, compliance, and sanctions. It cannot avoid the incivility spiral in which distrust, fear and suspicion catalyse the unraveling of Singapore's social fabric in the face of religious fervour and extremism.

In Singapore, the increasing use of soft law speaks to the ideational approach in shifting inter-faith relations at one level, and government and the Muslim community at another. This evolution from a "whole-of-government" to a "whole-of-society" approach is a significant recognition that the security of the state, government, and society are intimately connected.[26] The terrorism threat requires not just a security response but a holistic one that seeks to align the "hearts and minds" of the faith communities to the societal objective of harmony and peace.

Although soft law does not create enforceable rights and duties, it is inherently flexible. Soft law mechanisms can nurture and sustain regulative, practical effects similar to hard law. The discursive power is primarily through establishing normative standards and enabling social learning. This is particularly useful in

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[23] As attested to by the 2001 and 2002 *Survey on Social Attitudes of Singaporeans*. See David Chan, *Attitudes on Race and Religion: Survey on Social Attitudes of Singaporeans (SAS) 2002*, Singapore: Ministry of Community Development and Sports, available at: http://app.msf.gov.sg/portals/0/Summary/research/SAS02RR.pdf.

[24] Ibrahim Ismail and Elinah Abdullah, "The Singapore Malay/Muslim Community: Civic Traditions in a Multiracial and Multicultural Society," in *State-Society Relations in Singapore*, eds. Gillian Koh and Ooi Giok Ling, Singapore: Oxford University Press, 2000, 50-60. As Malay and Muslim identities are deemed coterminous, this has arguably resulted in the Malay-Singaporeans' Islamic identity being more sensitive and less negotiable.

[25] See, for example, Bruce Lincoln, *Holy Terrors: Thinking About Religion After September 11*, Chicago, IL: University of Chicago Press, 2003; John L. Esposito and Dalia Mogahed, *Who Speaks for Islam? What A Billion Muslims Really Think*, New York: Gallup Press, 2007.

[26] This is considered in Eugene K. B. Tan, "Soft Law and the Development of Norms and Trust in Countering the Terrorist Threat: Engaging the Faith Communities in Post-9/11 Singapore," *Journal of Church & State* 59.2 (2017): 226-55.

situations of flux where persuasion and reflexive adjustment, rather than rigid adherence or enforcement, are needed. Soft law also has the benefit of being facilitative of efforts to internalise the norms embedded in hard law. For instance, the ideational standards or expectations first enunciated in soft law mechanisms can form the basis on which the practical application of the hard law can subsequently acquire effectiveness, efficacy, and legitimacy. With soft law, a putative mechanism of norms, institutions, and structures can buttress the framework to sustain religious harmony.

Specifically, soft law mechanisms in Singapore are used to attract, socialise and co-opt the citizenry, especially the minority Malay-Muslim community and faith communities, on the imperative of ensuring that religion is not abused to sow discord, conflict, and foment violence. These attributes of soft law may facilitate the socialisation, the formation of consensual knowledge and a shared understanding of the terrorist threat and the desired conduct to counter it.

Although one should not view hard and soft law in binary or antithetical terms, it is crucial nonetheless to distinguish between (a) laws that seek to prevent terrorist acts from taking place, and (b) laws that seek to prevent a multiracial society from imploding after a terrorist attack. The objectives of law and policy differ for both courses of action even though both are interdependent and reinforce the ideal of society as a cooperative effort. For laws that seek to prevent terrorist acts from taking place, a hard law approach focusing on deterrence and sanctions would cohere with the preventative, and command-and-control objectives targeted at a recalcitrant few. For laws that seek to prevent a multiracial society from imploding after a terrorist attack, it becomes imperative to emphasise a cooperative values-based culture and norms so as to engender ethical conduct, grounded in self-regulation, civic responsibility, and social resilience. The soft law instruments will now be considered in turn.

The Declaration on Religious Harmony (2003)

The Declaration on Religious Harmony (DRH) was a government-led initiative to educate and engage civil society on the acceptable norms in the practice of one's faith.[27] Although the DRH is a non-legislative, non-enforceable document, the government-initiated efforts to craft a code of conduct were an attempt to exert moral suasion on religious leaders and believers alike to practice moderation in their faiths, fully sensitive to the multi-religious realities and secular constraints inherent in the Singapore polity. The notion of tolerance needed to be unpacked so that the rules of religious conduct are clearly laid out, shared and understood by Singaporeans. With time, these principles could be internalised and develop into socio-political norms that would strengthen the secular and multi-religious character of Singapore.

Various national bodies of all major religious groups were consulted on the draft. Inputs from the public were received through letters, emails, and the media. Subsequently, a revised draft was prepared, and representatives of all the religious bodies reviewed the draft as a group.[28] The draft was then submitted to the Inter-Racial Confidence Circle National Steering Committee, before final submission to the government in February 2003. In June 2003, the DRH was formally unveiled, a tangible manifestation of the fledgling attempt at concretising the guiding principles from which consensus- and confidence-building as norms can evolve. Prior to the DRH, several principles of responsible religious conduct were first articulated in the Maintenance of Religious Harmony White Paper in the late 1980s.[29] Bearing in mind the purpose of the objective of public

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[27] The DRH reads:
> "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
> - 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."

[28] The following faiths were represented: Baha'i, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Sikhism, Taoism, and Zoroastrianism.

[29] Although the focus of the parliamentary document was on the religious elites, the White Paper also reminded religious communities to exercise moderation and tolerance and to keep religion and politics as separate fields of human endeavor.

education and confidence building, the avoidance of prescriptive rules in preference for overarching principles and guidelines was a better approach.

Singapore Muslim Identity (SMI) Project (2005)

MUIS embarked on the SMI project in early 2005 to impress upon Muslim-Singaporeans of the need for an autochthonous Muslim-Singaporean identity and way of life as encapsulating the moderate dimension of the Islamic faith for a Muslim-Singaporean. Such a "religiously profound" and "socially progressive" identity is contextualised to the prevailing socio-political and economic environment. This is now embodied in the "Ten Desired Attributes" of Singapore's "Muslim Community of Excellence" (see Figure 1). These attributes ostensibly seek to help Muslim-Singaporeans understand their dual roles and identities as Muslims and citizens.

1. Holds strongly to Islamic principles while adapting itself to changing context
2. Morally and spiritually strong to be on top of the challenges of modern society
3. Progressive, practices Islam beyond forms/rituals and rides the modernisation wave
4. Appreciates Islamic civilisation and history, and has good understanding of contemporary issues
5. Appreciates other civilisations and is self-confident to interact and learn from other communities
6. Believes that good Muslims are also good citizens
7. Well-adjusted as contributing members of a multi-religious society and secular state
8. Be a blessing to all and promotes universal principles and values
9. Inclusive and practices pluralism, without contradicting Islam
10. Be a model and inspiration to all

Figure 1. Ten Desired Attributes of Singapore's Muslim Community of Excellence
(with respect to socio-religious life)

Through the SMI, the practice of Islam in Singapore encouraged is one that is cognisant of the religious pluralism in a secular state. By specifying the virtues and aspirational norms of a Muslim-Singaporean, the SMI seeks to promote a desired Islamic-Singaporean identity that will not be overwhelmed by the appeals of competing and disparate Muslim ideas and identities imported from overseas, notwithstanding Islam's Arabic roots and continuing influence. By pre-empting the contestation and doubts within the Muslim community over national identity and religious identity, the nuanced message is that Muslims are not being forced into a false choice between being Muslims and Singaporeans. Both identities are complementary and not mutually exclusive. This conscious amplification of a unique Singaporean-Muslim identity reinforces that there is no fundamental incompatibility of Singaporean- and Muslim- identities. The promotion of the SMI should be seen as an integral part of the government's effort to grow the common space. Such exhortatory efforts are to be welcomed although the messaging urgently needs to be extended to the non-Muslim community.[30]

It also set out proposals for legislation (the Maintenance of Religious Harmony Act) to maintain religious tolerance and harmony in Singapore and for the establishment of the Presidential Council for Religious Harmony. For a reflection by then Home Affairs Minister on this "groundbreaking piece of legislation", see S. Jayakumar, *Be At The Table or Be on the Menu: A Singapore Memoir*, Singapore: Straits Times Press, 2015, 112-14.

[30] Muslim-Singaporeans must be confident of their place in Singaporean society; discrimination on grounds of race, language, or religion, however subtle, must not tolerated. Key government policies must be congruent with efforts at social cohesion. So long as the perceptions and/or vestiges of suspicion of the Malay-Muslim community persist, the pathways towards inclusion, cohesion, and resilience will be problematic and contested.

Commitment to Safeguard Religious Harmony (2019)

This gap has now been filled by the latest soft law instrument, "Commitment to Safeguard Religious Harmony" providing guidance on propagating one's religious beliefs and values respectfully and sensitively.[31]

Singapore has enjoyed a high level of harmony and peace in our religiously diverse society. This is not by accident, and we must constantly work to protect, cherish and promote our religious harmony, as it is key to our peace, prosperity and progress. To this end, we reaffirm the following:

Upholding Freedom of Religion

We will uphold the constitutional guarantee of freedom of religion, and the right of every person to profess, practise, and propagate beliefs different from our own, including not having religious beliefs.

Building Stronger Bonds

Strong bonds across faiths are key to religious harmony. While our faiths may be different, we share common values, such as charity, love, respect and empathy. It is consistent with our values to encourage regular interaction, including the following:

a.   Building and maintaining meaningful relationships with others of a different faith;
b.   Offering help to others of a different faith, including in times of crisis;
c.   Offering non-religious commercial services to all regardless of faith, and procuring the same from establishments where owners may have displayed symbols of their faith;
d.   Allowing each other space to profess our faiths, and to do so in a respectful and sensitive manner;
e.   Eating together with others, even if we have different religious dietary requirements and practices;
f.   Expressing good wishes for and attending each other's festival celebrations; and
g.   Attending the life events of others of a different faith, such as weddings and funerals, even if these are held in the place of worship of that faith.

Fostering a Culture of Consideration and Mutual Understanding

We will foster a culture of consideration and mutual understanding. When interacting with people of other beliefs, we will uphold social norms of compromise and accommodation. We recognise that while our society is multi-religious, the State is secular, and that in the common spaces, the expression of one's faith may give rise to misunderstandings. We accept that not all persons will be aware of religious sensitivities, and when misunderstandings or disputes arise, we will resolve them through respectful dialogue.

Sharing and Propagating Beliefs Respectfully and Sensitively

We will share and propagate our beliefs respectfully, paying attention to inter-faith and intra-faith sensitivities. We will ensure that our practices are also done in a respectful and sensitive manner.

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[31] The Commitment to Safeguard Religious Harmony was launched by senior religious leaders at the occasion of the International Conference on Cohesive Societies in June 2019. More than 250 religious organisations have affirmed the Commitment. See Inter-Racial and Religious Confidence Circle, *Commitment to Safeguard Religious Harmony*, available at: https://www.ircc.sg/PROGRAMMES/2019/June/Commitment%20to%20Safeguard%20Religious%20Harmony.

We will not denigrate or insult other faiths, or promote ill-will. We reject unequivocally and will never tolerate any form of violence against anyone, including because of his faith.

Maintaining Solidarity in Crisis

In times of crisis, we will express solidarity with each other, consult one another, help one another, and work together towards maintaining social cohesion as our overriding goal.

Supporting Institutional Efforts

We will support national institutions that aim to uphold and promote religious harmony, such as the Inter-Racial and Religious Confidence Circles, National Steering Committee on Racial and Religious Harmony and the Presidential Council for Religious Harmony. We will work towards organising and participating in activities for all to build friendship and trust, and jointly work on projects for the common good.

Safeguarding Religious Harmony for a Better Singapore for All

We embrace and will practise the affirmations in this Commitment. Through our words and actions, we can contribute to religious harmony in Singapore. Together, we ensure that our nation continues to progress and prosper in peace and harmony, and enable all to lead fulfilling lives in accordance with their beliefs.

Figure 2. The "Commitment to Safeguard Religious Harmony"

The Commitment to Safeguard Religious Harmony, the SMI, and DRH collectively affirm the following core values in safeguarding religious freedom and harmony in Singapore: (1) The secular nature of the Singapore state and its government; (2) The commitment towards promoting social cohesion and religious harmony in Singapore; (3) Respecting and protecting the freedom of religion; (4) Growing the common space by focusing on commonalities among diverse communities; (5) Nurturing and strengthening inter-religious communications.

Why Soft Law in Countering Terrorism?

As the end goal of terrorists is to inflict short-term intensive terror and long-term extensive divisions in a society, social resilience and cohesion is of utmost importance. A muscular and legalistic approach to countering terrorism may well play into the terrorists' binary strategy of "us versus them".[32] Thus, the policy imperative is the growth of the common space and an overarching national identity need not be at the expense of one's religious identity and society's religious diversity.[33]

Soft law instruments, such as guidelines, declarations, or codes of conduct, can better reinforce the desired overarching common values and interests, which in time may evolve into accepted norms. These values and norms are a sustainable pathway towards uniting a plural society around a common purpose *viz* to protect itself against the threat of social implosion by ensuring that the terrorist threat is not distorted by a moral panic and societal fear through producing an asymmetrical reaction within society. It recognises the need for the government to work with and through the communities.

Going forward, an even-handed mix of hard and soft law approaches in managing the terrorism threat provides a good combination of regulation, enforcement, and the inculcation of self-enforcing values and

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[32] See, for instance, Frank Furedi, *Invitation to Terror: The Expanding Empire of the Unknown*, London: Continuum, 2007.
[33] Public space in Singapore is also often referred to as "common space" shared by all regardless of affiliations. They are kept, to the fullest extent possible, race- and religion-free or neutral so that Singaporeans are not unnecessarily concerned or excluded from such spaces because of their sub-national identities or affiliations.

norms.[34] Soft law is particularly useful in situations of flux where persuasion and reflexive adjustment, rather than rigid adherence or enforcement, are needed. Soft law's primary contribution is in creating a behavioural regime involving the key stakeholders undergirded by shared values. Furthermore, the ideational standards or expectations first enunciated in soft law mechanisms can form the basis on which the practical application of the hard law can subsequently acquire effectiveness, efficacy, and legitimacy.

In the pursuit of racial and religious harmony in Singapore, the soft law approach is more likely to be seen as possessing legitimacy as it is more likely to secure buy-in from stakeholders than a top-down governmental dictate would. In Singapore's context, this means soft law can attract, socialise and inculcate in the citizenry the requisite norms to buttress the imperative of ensuring that religion is not abused to sow discord, conflict, and violence. These shared values can help in the socialisation of desired behavioural norms, the formation of a shared understanding of the terrorist threat and the necessary mindset and conduct to counter it.

Governments play an instrumental role in ensuring that such values are fortified against forces that seek to undermine the commonalities shared by a polyglot society and the common humanity that binds faith communities.[35] Given that terrorism is an asymmetrical threat, a multi-faceted response that is cognisant of the societal complexities inherent in a multicultural polity is required. It also guards against the tendency to manage the terrorist threat through a harsh top-down regulatory regime often promotes executive power and valorises state's imperatives.[36]

The aspiration in the soft law approach is that it provides a process, a structure for social learning and cooperation. It speaks to reason, understanding, strives to develop consensus, and encourage the internalisation of desired values and interests. These are the way stations to the development of trust and confidence at the grassroots level.[37] In a generalised trust environment, the preference is for common ground over confrontation. Deliberation, the process of seeking common ground, also functions as a coping or quasi-regulatory mechanism in dealing with uncertainty by advocating dialogue, compromise and consensus. Trust remains a fundamental attribute in the meaningful regulation of religious anxieties and the state's response to the terrorist threat. The official logic and reasoning behind the *raison d'etre* of the various policy initiatives, while rational and seemingly persuasive, do not mask the fact that the strategic mindset of national security considerations inherently requires strong mutual trust between government and the Malay-Muslim community, and between the different ethnic communities.

As standard-setting and norm-engendering mechanisms, soft law instruments help the ordinary citizens internalise the virtues of moderation and co-existence. Being pre-emptive in approach, soft law instruments such as codes of conduct, declarations, and best practices, when properly internalised, encourage and facilitate compliance and a mutually cooperative effort towards containing a common threat. While soft law does not specifically deter terrorists from their objectives, they do constrain the terrorists' ability to sow discord and fragment society. The soft-law approach is not only complementary to but helps make up for the inherent limitations of hard law.

Conclusion: The Fundamental of Trust

Singapore's overall approach to terrorism and religious extremism is premised on racial and religious harmony as the fundamental basis of social stability, cohesion and security. The collective security approach

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[34] See Eugene K.B. Tan, "From Clampdown to Limited Empowerment: Hard and Soft Law in the Calibration and Regulation of Religious Conduct in Singapore," *Law and Policy* 31 (2009): 351-79.

[35] Studies on terrorism and extremism have pointed to the intractable and endemic conflicts between state and non-state actors over the lack of equal citizenship and the power wielded by such actors. See, for example, Mahmood Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and The Roots of Terror*, New York: Pantheon Books, 2004, and Olivier Roy, *Globalised Islam: The Search for a New* Ummah, New York: Columbia University Press, 2004.

[36] In crafting its overall response to the terror threat, the political leadership and policymakers need to be fully alive to the reality that terrorist threats have been used as a convenient excuse in other countries for potentially oppressive policy initiatives, disguised as being essential for a safer and secure society.

[37] In turn, this provides the foundation for successful norm diffusion, socialisation, and reproduction. Uslaner's notion of "generalised trust" – wherein there is trust of people who are different and whom we do not know – incorporating a sense of shared fate is a useful trope to appreciate the value of shared norms and values. Generalised trust is about bridge building to people who are different from us, and provides a basis for tolerance and cooperation. See Eric M. Uslaner, *The Moral Foundations of Trust*, Cambridge: Cambridge University Press, 2002.

has laid the substratum for stable ethnic relations in Singapore. Given the threat assessments, the hard-nosed security approach pivoting on coercive counter-terrorism measures persists. Despite the government's preparedness to use the various enforcement options afforded to it, it is aware that legislation alone cannot protect the masses from all aspects of religious radicalism, bigotry, and nihilism. Mindful that a muscular, knuckle-duster response in faith matters can do more harm than good, the fear of terrorism also inevitably strains the social fabric as well. This is particularly so when the battle is not about vigilance and law enforcement but one that is fundamentally about winning the hearts and minds of faith believers, and trust- and confidence-building across communities so that forces that seek to divide do not triumph. As the violent extremists' decisions and actions are ostensibly based on faith-based precepts, the harsh reality is that misguided religious precepts have the capacity to motivate, mobilise, and maim. Hence, there is the need to recognise the agency of violent extremists and delegitimise their claims to represent the Muslim community without imperiling intra-community bonds and inter-community ties and trust.

The subtle shift from a coercive, hard law approach to one that actively promotes the conjunctive use of soft law, reflecting the awareness of the severe limitation of a coercive approach. Ultimately, religious peace and harmony is obtained through societal understanding and appreciating the diversity and complexity that religion presents. The perpetual challenge, as the Singapore case demonstrates, is how to make a virtue out of an accepted fault-line that religion can be, and to align the ethos in the religious realm to the institutional life of the state. There is now better appreciation of the soft-law approach in building inter-ethnic bonds and understanding to counter mutual suspicion and doubt. The putative cooperative element of the soft law approach can be deployed as a societal hedge against generalised mistrust and moral panic. The soft law approach pivots on the centrality of developing statist and societal commitment to common values and ideals that all stakeholders can identify with and use to guide their daily activities and interactions.

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About the Author

Eugene K.B. Tan is associate professor of law at the School of Law, Singapore Management University (SMU). At the SMU, he teaches at the law, business, and social sciences schools at the undergraduate, graduate, and executive education levels. His inter-disciplinary research interests include the regulation of ethnic conflict, constitutional and administrative law, the government and politics of Singapore, and the ethical and policy framework on artificial intelligence. In the area of race relations and terrorism studies, he has published numerous book chapters, op-eds, and journal articles in *Journal of Church & State*, *Law and Policy*, *Terrorism and Political Violence*, *Ethnopolitics*, *The China Quarterly*, and *Ethnic and Racial Studies*. Between February 2012 and August 2014, Eugene served as a Nominated Member of Parliament in Singapore's 12th Parliament. An advocate and solicitor of the Supreme Court of Singapore, Eugene was educated at the National University of Singapore, the London School of Economics and Political Science, and Stanford University where he was a Fulbright Fellow.

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