Room for religion in public discourse

Why, in some situations, it makes sense to let religious citizens speak up on their convictions

When several persons from the same church won executive committee seats at the annual general meeting of the Association of Women for Action and Research (Aware) in 2009 and were opposed to the manner Aware conducted its sexuality education in schools, the public were concerned about the appropriate role of religious persons and groups.

This concern also arose in the 2007 debate over whether section 377A of the Penal Code, which prohibits acts of gross indecency between males, should be repealed. Some say the prohibition is justifiable only on religious grounds.

The Government’s approach is that of sensitivity, neutrality and consultation. The pronouncement of our Constitutional Commission in 1966 that Singapore is a “democratic secular state” is affirmed in the Declaration of Religious Harmony. The Government recognises the vitality of religious harmony in our multi-religious nation.

Its call for sensitivity is bolstered by laws such as the Maintenance of Religious Harmony Act and sections 298 and 298A of the Penal Code. These laws regulate, among other things, acts that cause feelings of enmity, hatred or ill-will between different religious groups.

The secular nature of the state means laws and policies are neither dictated by the views of any religious group nor justified by religious authority. Religion, however, often contributes to the mores of societies. As such, the Government receives the views of religious groups as interested parties, for example, in relation to the integrated resorts.

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Second, excluding religious persons cuts off the majority of Singaporeans who regard themselves as religious. Unless a state is anti-religion, why should having a religion bar one from public discourse?

Third, denying someone the right to participate in public discourse if she is religiously motivated or influenced does not make sense. We reasonably expect people to treat their religions more seriously than hobbies.

Furthermore, as Columbia Law School professor Kent Greenawalt suggests, it is hard to determine how a religious person would decide an issue if she only refers to publicly accessible reasons and personal non-religious bases and detaches her religious bases from the analysis.

We might think those who are religiously motivated are unlikely to change their minds on an issue, whereas those who begin with personal non-religious motivations are open to reason. Prof Greenawalt notes that this distinction is “overblown”, as the latter might not be open to arguments to the contrary while the former might be.

The late Harvard professor John Rawls suggests we refrain from deciding basic questions of justice by comprehensive doctrines of truth, which include conceptions of what is of value in human life. Examples include religious worldviews and secular doctrines such as John Mill’s ideal of individuality.

Instead, rely on “public reason”. Offer fair terms of cooperation to others. Propose what is most reasonable to us. We must also think the proposed terms are at least reasonable for others as free and equal citizens to accept.

But how does one know what is “reasonable” or “fair” without reference to standards of truth in comprehensive doctrines? Oxford professor John Finnis thinks Prof Rawls’s approach results in basic questions being remitted to hunches, as one is not allowed to resolve them by reference to what is true.

On whether laws should permit abortion, for example, Prof Rawls asserts that women who reject the claim that foetuses have a right to life from conception are not “unreasonable”. Prof Finnis suggests that medical science shows the difference between the unborn and the newborn to be no more and no less than the difference between being inside and outside the mother’s body. He thinks it is arbitrary to deny the unborn the rights of free and equal citizens – rights accorded to newborns – by allowing women to abort them. Following from Prof Finnis’s view, it is not true that the only reasons for restrictive abortion laws are religious in nature.

Prof Greenawalt, on the other hand, thinks that science can trace the growth of the unborn, but does not resolve its moral status. Permissive abortion laws settle the metaphysical question of the moral status of the unborn by deciding that an unborn is not worthy of the same protection as a newborn. Such metaphysical questions are in fact answered differently by different religious and non-religious convictions, by reference to reasons that are not necessarily publicly accessible.

Prof Greenawalt thinks that if publicly accessible reasons and shared premises can’t resolve such issues, the religious and the non-religious are both reaching beyond such grounds in law-making. All may rely upon their convictions while committed to a secular democracy, although realistically, laws would be changed only with substantial support.

Allowing religious citizens to participate according to their religious convictions in such situations may be as sensible as allowing non-religious citizens to participate according to their personal convictions. After all, what grounds democracy and the very belief that we should not impose on others is a metaphysical belief in equal moral worth. Religious or not, we may share these premises, which may well be quite beyond the realm of publicly accessible reasons.

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