



HomeGround

Leadership, not just fair broker, needed to mediate identity politics

In dealing with values-driven, conflicting issues over identity, the state needs moral vision, conviction to do the right thing and the strength to get all on board



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In a recent conference on identity, a key member of the 4G political leadership promised that when it comes to identity issues, the Government will play a role as a "fair, honest broker" in arbitrating between different points of view.

Mr Lawrence Wong, who is Finance Minister, has spoken on race and identity issues several times in recent months, and is one of three key leaders in the fourth generation team of Cabinet ministers tipped as most likely to succeed Mr Lee Hsien Loong as prime minister. Given Singapore's generally collegial style of political leadership, Mr Wong's statement can be seen as reflective of the current Cabinet's position on such issues.

What does it mean to be a fair, honest broker when different communities make competing claims on how they want society to be organised?

According to Mr Wong, it means, where possible, getting diverse groups to the discussion table so everyone can share views, be listened to respectfully, and make compromises to come to an agreement.

But where consensus is not possible, Mr Wong said, "the Government will do our utmost to recognise the challenges and needs of different groups, decide on the appropriate policy, and convince the rest of society that this is a fair way to move forward".

In doing so, "we will never let any group feel unheard, ignored or excluded". All must feel heard; feel a part of the Singapore family and must have hope for the future, he said.

As Singapore goes through the process of learning to talk through difficult identity issues around race, religion, nationality and

sexual identity, the role of the Government as fair, honest broker will become more important.

What might that role look like, especially when it comes to contentious issues? And is such a role sufficient?

BEYOND BROKER TO REFEREE AND COACH

In investment terms, a broker is an intermediary between a buyer and a seller of services. The broker is usually a neutral person who has no vested interests of his own except to help the buyer make a transaction. Think of a stock broker or a real estate agent.

But a government is not just a go-between or a transactional agent; it has moral value, and moral values.

Singapore's Government, of all governments, has a forceful moral character with a set of principles and values it is not shy to articulate, that it actively seeks to promote among citizens. Indeed, its values are drawn from citizens, for a government is made up of individuals from the citizenry, given a mandate to lead.

Perhaps a better description of the state's role in mediating and managing identity politics is that of a referee and coach. As referee, its role is to enforce rules of engagement. As coach, it has a facilitative role, to encourage parties to the discussion to speak up, listen to one another and come to a compromise.

If no compromise is possible, it steps in as adjudicator. And its decision should be binding on all.

The idea of the state playing a role as both referee and coach, and as a fair adjudicator when there is disagreement, is not a novel one, but one derived from decades of nation-building.

The commitment to give space and voice to all communities, and not let the majority ride rough-shod over others, is embedded in Singapore's foundational politics.

On race, for example, the Government ensures all races are respected. The majority Chinese race is not allowed to push its agenda exclusively (or Chinese, not English, might be the working

language and medium of instruction in schools). Minorities are given special consideration for historical or political reasons (special status of Muslims under the law for example; and laws ensuring minority representation in Parliament).

A more recent example of how public contention is managed is the 2009 Aware saga, when a group of conservative Christians tried to seize power at the women's organisation. In the wake of the episode, then Deputy Prime Minister Wong Kan Seng sketched out the broad values that all groups, including religious ones, should abide by in public discussions and activism: mutual respect, restraint, tolerance, accommodation, and give and take.

Those values are equally applicable today, and can guide public discussion on identity issues.

DECIDING BETWEEN COMPETING CLAIMS

Apart from being respectful and tolerant, which is about the process of engagement, how does a society made up of citizens with conflicting claims decide whose should prevail? How is the honest broker to decide?

One way to resolve conflicting claims is to ask everybody what they want and then try to forge agreement or a consensus. But this is difficult when the issue concerns deep-seated beliefs and values that lead groups to desire opposing outcomes.

Another way is to go with the majority viewpoint. The Government may appear to abide by this when it points to public opinion as a guide. Law and Home Affairs Minister K. Shanmugam said in 2018 that when it comes to deciding on whether laws should be changed, the executive (government) puts up its proposal to Parliament, and public opinion can be relevant in such policy-making in Parliament.

But public opinion changes, and policy-making by majority can be problematic. In any case, it is not tenable that the majority's view always prevail, especially if it is discriminatory of minorities.

A third option is to do nothing and let the status quo prevail until something upsets it. But this is not ideal, especially if a law perpetuates or enables an injustice.

A fourth option is to make a decision based on the principles of

fairness and justice. Moral philosophy offers guides on how to weigh competing claims.

Influential moral philosopher John Rawls, for example, has suggested that when thinking about rival desired outcomes, one conducts a thought experiment behind a "veil of ignorance".

Supposing you have no idea of the gender, race, class, religion, or sexual orientation you and others around you are born into. Now a group of you are being asked to devise rules for society. What rules would you agree to that are fair to yourself and others, behind this veil of ignorance?

For example, consider if you would then consent to a law that says a certain race should be barred from work or that a certain gender be paid less? What if you are in fact from that race or gender that is treated unfairly?

Rawls' theory of "justice as fairness" promotes the idea of equal basic liberties and equality of opportunity. In a society of free, equal citizens, coercive laws can be justified only if they advance the public good.

And when assessing laws, it is useful to ask if greater harm is done by imposing a coercive law on otherwise law-abiding citizens than removing it.

Another useful idea is the difference principle, which is that any inequality in rules should be designed to facilitate the maximum benefit to the least advantaged members of society. So, for example, tax high earners at a higher rate, and give fiscal benefits to those unable to work.

The idea of rules being weighted to help the marginalised level up is a good one to follow, to redress power and resource imbalances minorities have had to deal with, and to assuage the anger that can accompany identity politics.

As the referee, the Government would test any claim among rival groups against such principles of equality, fairness and maximum benefit to the marginalised.

This requires the Government to make value judgments on identity issues and claims, as not all values or issues are of equal weight.

CASE STUDY: LGBTQ ISSUES
With the above framework, we can look at how one contentious identity issue is being played out and try to tease out what a responsible government should do. LGBTQ (lesbian, gay, bisexual,

transgender and queer) issues are manifold and complex worldwide. In Singapore, the issue of consensual sex between adult men is the sharp line that divides two camps.

On one side are ranged gay activists and other Singaporeans who believe Section 377A criminalising sex between men (enacted in 1938) is outdated and should be repealed.

On the other side are other Singaporeans who do not want to upset the status quo, or who believe repealing that law would open the floodgates to a slew of future demands to accept lifestyles that they think will damage the fabric of society, such as pressure for marriage equality and adoption rights for homosexual couples.

When two opposing groups make conflicting claims – repeal S377A, keep it – no amount of public discussion will arrive at a compromise.

Can the Government make a decision by majority opinion?

On this, while opinion does shape public policy-making, as Mr Shanmugam acknowledged, it is a poor guide on what to do. This is because public opinion is shifting quickly on this.

Institute of Policy Studies survey data in 2013 showed six in 10 people in Singapore thought sexual relations between two people of the same sex was always wrong. In 2018, it fell to 50.4 per cent.

Those who said there was nothing wrong with gay sex rose to 11.4 from 5.6 per cent over the same period. The rest thought gay sex was sometimes wrong. Attitudes were consistently more liberal among the young, which suggests public opinion in 2021 would be different from that in 2018 or 2013.

If fluctuating public opinion is not the best guide, perhaps doing nothing is a better option, while waiting for public opinion to settle on the issue?

This position might fit the status quo on S377A. The Government's current position on S377A is to keep the law intact, but not enforce it.

This is a compromise position that will, however, satisfy no one. Those who want it repealed will see the status quo as a disappointing failure of moral resolve to do the right thing to get rid of a coercive and outdated law that has already faced several court challenges.

Those who believe gay sex is wrong and the thin end of a wedge

to destroy families and society's morals, will decry the willful refusal to enforce the law.

Legislative inaction thus wins the Government few fans. Or perhaps guidance can be sought in Rawls' vision of justice as fairness and the idea of giving minorities more say?

Using the veil of ignorance as a thought experiment, suppose the norm is gay sex and heterosexuality is the minority practice. Would heterosexuals then accept a law that criminalises sex between a man and woman or would they see it as coercive and unjust?

Coercive laws can be justified if they correct or prevent a harm to society. The harm prevented has to be weighed against the harm done to those the coercive law applies to. One might then ask what harm S377A does to gay men.

During the recent conference, a panellist, Mr Sharvesh Leatchmanan, co-founder and editor of social media platform Minority Voices, pointed out during a discussion on conservative Christian lobbying on LGBTQ issues: "In Singapore, you are able to exist as a Christian person freely, but it's not easy for you to exist as a LGBTQ person."

He added: "I think that's the biggest difference – that you're infringing upon someone else's right to be themselves, whereas I don't think LGBTQ people are trying to tell Christians not to be Christian."

Using Rawls' difference principle of giving greater consideration to those who are most marginalised, one might argue that S377A targets and marginalises gay men and denies them a core human right to sexual expression, even when this is between consenting adults in private.

Weighed on this scale, one can argue that the law is causing greater harm to this group than the harm that will be caused to society if it is removed.

The first is an existential harm to a tangible group of individuals today; the other is a potential harm to society in the future that is debatable.

I am aware that many Singaporeans will not agree with my argument above. As I write this on Dec 1, World Aids Day, it is my wish as a citizen in a secular society, to see S377A, which I consider an unjust and outdated law, removed soon.

But I am mindful that there are equally convincing and committed individuals who will argue the opposite case on why retaining it is better for Singapore society.

In the end, the Government has to play a role in managing this issue, not only as broker, but also as referee and coach. It takes leadership to manage the protracted and contentious process of debate; and moral vision to come up with a viable outcome. When it comes to identity politics issues, there is no doing away with the role of the state.

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