

## More rules or fewer rules?

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If there is one word to describe the one-day conference on civil society, it's rules. Former Attorney-General Walter Woon thinks there should be more rules to govern the public space. Law Minister K Shanmugam prefers that the law take a back seat most times. As for civil society activists, they wanted fewer, not more rules.

Prof Woon referred to the jostling in Singapore's physical space – “the most crowded society in human history”. There is no escaping to the countryside; the only way out is emigration. The public space is no different, with the competition propelled further by technology and education. To listen to Prof Woon, the public space seems to be the wild, wild West, with interest groups increasingly finding themselves in competition – whether in opposition to the G or with each other. “People's interests may clash eventually,” he said.

How technology raises the competition levels: “The existence of the Internet allows the lone wolf to join the pack,” he said. “And the pack then also competes for that public space.”

How education is doing the same: Singaporeans who have studied abroad “have a perspective that there are things that can be done better,” he said. This can be seen in the stronger sense of fairness in the new generation of civil servants and even ministers, he noted. However, there is “a sense of cynicism about the fairness of the system, even amongst the government scholars,” he said, based on the responses of students and scholars he spoke with.

Prof Woon, who currently teaches at the Faculty of Law in NUS and was giving a presentation at the conference, gave a quick run-down of G-civil society relations in history which the G handled with “an iron hand in an iron glove” approach. Student unions and the Law Society in the 1970s and 1980s were defanged.

“Can it do this now after the 2011 elections? I would suggest no, because you have a situation – where you look at three elections post-2011 – it is quite clear that that the electorate is now willing to vote against the Government,” he added. There have also been more court challenges to the G within the last five years than in the past 30 to 40 years, he said, citing constitutional challenges to Section 377A on the criminalisation of homosexual acts as an example.

“What is at stake for us is the whole concept of rule of law – because in a private society you need more rules, not fewer,” he said. “You cannot expect, when you live with 7,400 people in the same kilometre, to have your way all the time. You must accept compromise, you must accept that, even if they (other people) do not agree with you, there has to be a form of adjudication. This is a skill we need to develop in society... it is necessary for us who live on a crowded island to learn to accept compromise and uphold the rule of law even when we don't like it.”

Prof Woon did not elaborate on what sort of rules should be in place, whether they should be mandated by the G or thrown up by civil society. He stopped short of saying that the public space will become anarchic with packs tearing each other apart. Will this happen?

Mr Shanmugam had a slightly different view. In fact, he came across as annoyed that so much attention was being paid to civil society's concerns about engagement or non-engagement with the G – they were “secondary concerns”, he said, compared to bigger, primary concerns such as how to cope with an ageing society.

And he was annoyed too at assumptions that the G was unwilling to engage with non-government organisations. That view, he said, was “substantially inaccurate”. “We recognize that people, the voluntary welfare organisations (VWOs) and NGOs can do a far better job than us – and therefore we need to bring them in and work in partnership with them,” Mr Shanmugam said.

Mr Shanmugam was responding to Associate Professor at NTU Wee Kim Wee School of Communication and Information Cherian George's question on what more could be done to remove barriers between civil society and government and institutionalise consultations with civil society activists.

Mr Shanmugam said that engagement would be a “continuum” across the 100,000 strong civil service. “Sometimes the explanations or the communications could have been better,” he said acknowledging the frustrations that NGOs felt when there seemed to be no movement.

“My own belief is that civil servants believe, like us, in engagement, but when the rubber hits the road in terms of specific proposals, in terms of specific meetings, in terms of specific agencies, there can be a difference in perception and one can be wrong... both sides can be wrong,” he said.

But what about rules? Those infamous out of bound markers that constrain discussion on topics deemed sensitive? NTU sociology associate professor Kwok Kian Woon, for example, asked if there was room “for discretion, for further reasoning, for more differentiated, more sophisticated thinking on any particular issue”.

“And if there is no room, is there a way to create that room without fears that ‘it's the thin end of the wedge’, ‘it's a slippery slope’?” Too often, he said, discussions are closed by the term “trade-offs”, for public peace and economic growth to prevail.

Dr Carol Soon, a visiting fellow at NUS Faculty of Arts and Social Sciences, asked if he foresaw “the law taking a backseat, or a further back seat, in order to allow voices of reason to triumph and for self-regulation to materialise”.

“(The) Government's role is to intervene and prevent conduct which is harmful to others, or society as a whole,” he said, elaborating that each country defines “harmful” according to its own circumstances.

Mr Shanmugam said the G would only step in when discourse touches on racially sensitive issues “we think ultimately will damage the fabric of our society”.

“At a very philosophical level, you could say we should be able to talk about each other’s racial and religious issues without having to really damage society,” he said. “Often you will have a group of people who will debate it at that level... but then you will have probably a larger group, in any society, for whom this becomes very visceral and impacts on their perception of another race.”