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Section 377A repeal: How to handle disagreements

In discussing the repeal of Section 377A, adopt five practical approaches for a more constructive discussion on the emotive issue



David Chan

For The Straits Times

On Oct 20, the Government introduced in Parliament two related Bills that have important legal and socio-political implications. The Penal Code (Amendment) Bill will repeal Section 377A of the Penal Code, which criminalises sex between men but is not actively enforced by the Government.

Section 377A is an emotive issue, with intense debates between those for and against the repeal, weighing in on not just the legal aspect, but also on questions of values. It is imperative that we adopt constructive approaches to the discussion, especially on an issue that involves sensitive matters such as religious beliefs and sexuality.

The rationale for the Bills and their impact are not “academic” or “merely legalistic”. They are basically socio-political issues with practical implications.

The repeal of Section 377A will remove the justification to prosecute consensual sex between men in private. It reflects the position that sexual behaviour between consenting men should not be criminalised.

The constitutional amendment to protect the prevailing definition of marriage will involve issues such as rules for adoption of children, HDB housing policy and policies on matters related to marriage and family.

More fundamentally, the Bills and the related issues involve values, which represent our convictions of what is important and considered right or wrong. Values shape our attitudes, thoughts, emotions and actions.

But values can differ widely across different individuals and segments of the population. So intense debates can be expected in the next few weeks with the two Bills slated for debate during their second reading in Parliament on Nov 28, and even after the Bills become laws.

Differences and disagreements on issues related to or arising

from the Bills can occur even between people in close working, social or family relationships.

Debates rooted in value differences can evoke strong reactions and intense experiences that affect the way we think, feel and behave. When we fail to approach and address strong disagreements adequately, it can cause self-defeating attitudes and actions with unintended negative consequences.

To maintain positive relationships and social harmony, it is important to learn to address differences in a civil, healthy manner and move forward cohesively, even if disagreements continue to exist.

So how then to voice critical comments adequately, respond to them adaptively, and deal with disagreements constructively? I suggest we adopt five practical approaches based on evidence from research in the behavioural sciences.

BE GOAL-DIRECTED

Often, when we make or respond to critical comments, or deal with disagreements, the goal is to make a positive difference. Be clear in our minds on what it is that we want to improve.

When we are clear about our end goal, we are more likely to anticipate and prevent negative outcomes. We will also be motivated to refrain from reacting impulsively and to keep our emotions in check by monitoring and regulating our attitudes and actions.

BE SENSITIVE TO OBSERVERS

A disagreement involves not only the parties in the debate, but also the observers. When we appreciate this, we will realise that we are responsible for what we say because of how it affects others. What kind of role models are we? How are others learning from us and how have we affected their thinking and behaviour?

In a debate, it is useful to focus on the three Ts of “truth, tact and treatment” when dealing with disagreements.

Be truthful when making factual claims, and have the intellectual honesty, humility and courage to change or revise our prior position when presented with new relevant information and clear contrary evidence.

Be tactful when expressing

views and reacting to contrary ones. Comments made in a patronising and provocative manner, or at the wrong time, will only generate more heat instead of contributing to the discussion.

Tactless comments will lead to more negative emotions, such as anxiety and anger, rather than the understanding and empathy needed.

Finally, treatment is about interacting positively with others and giving them the same respect that we want others to give us when we disagree. Getting angry and using sarcasm in voicing your grievances will only invite more negative responses.

UNDERSTAND IDENTITIES AND VALUES

Be principled and pragmatic when applying values and social identities. We should avoid categorising people into fixed and mutually exclusive groups, as we all have multiple social identities and multidimensional values. Depending on the issue and context, our different social identities may influence our thoughts and actions in different ways.

When individuals or groups disagree and clash, remember that they have other common identities, such as being Singaporean. We may disagree on specific issues related to homosexuality or marriage, but we are more than just our belief in sexual orientations. We are also Singaporeans and humans, and hence share many commonalities such as integrity and fairness, and principles such as rule of law and treating others with respect and dignity.

This does not mean giving up or sacrificing our values, but recognising the importance of other values and principles that we agree on, and using them to deal with the disagreements.

THINK PLURALISTIC AND PARADOXICAL

We can all benefit from considering a wider range of different views. We should not see all difficult decisions as zero-sum trade-off situations. Instead, consider how two seemingly contradictory goals may in fact be complementary.

For example, take the Constitutional Amendment Bill to protect the definition of marriage. A zero-sum singular perspective with only an “either-or” and “win-lose” outcome may be one that says marriage is weakened because it is not directly codified as a heterosexual definition, or that

protecting marriage will weaken the protection of homosexuals from unfair treatment in laws and policies.

In contrast, a pluralistic and paradoxical mindset will enable us to see how the amendment may integrate two seemingly opposing goals. By clarifying that Parliament (and hence the Government of the day) has the power to define marriage and protect the laws and policies based on that definition from challenges in court on constitutional grounds, the amendment in fact has given priority to the prevailing societal views on marriage, since Members of Parliament can represent the people's views. This means the amended Constitution can accommodate both the current societal norms and attitudes, as well as future changes as Singapore society evolves.

LEARN TO SEE ANOTHER'S PERSPECTIVE

Learn to see things from the other person's perspective by being humble and seeking more feedback from those who do not share the same background, values or views. Be open to questioning our own assumptions and accept that we might not be right. It is also possible that two different perspectives are equally valid.

If we are able to see things from another person's perspective, there will be fewer disagreements on contentious issues. We will be more careful in what we say or do in a difficult situation to avoid escalating it.

Some of the different views on homosexuality, marriage and family are probably due in part to differences in life experiences. We should take time to understand their situation and position before we argue our own case.

We all can learn to deal with disagreements better and make a positive difference by adopting practical approaches. Amid differences and disagreements, it is possible to prevent negativity, generate positivity, and together come up with solutions.

This also applies to many other difficult issues and disagreements we will encounter in an increasingly diverse society. Learning to deal constructively with such differences is necessary for individual well-being, social harmony and progress.

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