

The Next 50 years of Singapore's security

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Ho Kwon Ping, the first Institute of Policy Studies S R Nathan Fellow for the Study of Singapore, delivered his third lecture this week with the focus on security and sustainability. Here is an edited excerpt from his speech.

THE debate has shifted in recent years from calls for outright abolition of the Internal Security Act (ISA) and its equivalents, to the need to ensure that this unconstrained, extraordinary power does not become abused.

Preventive detention must not be unconstrained and must have checks and balances which serve the legitimate purposes of security agencies while making abuse more difficult, if not entirely impossible. For example, the right to detain a person for an initial one-year period - possibly reduced from the current two years - should remain unconditional and unconstrained.

However, subsequent detention periods could require a higher degree of external review than currently provided for - say, two High Court justices rather than the current single judge and two persons appointed by the President. Failure to achieve unanimous approval for further detention would trigger a process of further review by, for example, a non-partisan panel comprising members of the legislature. There could also be a cap on the maximum number of consecutive detention periods unless specifically approved by a similar legislative panel.

Such measures cannot fully prevent abuse by an all-powerful government, but in a parliamentary system with at least some opposition representation, truly national security threats as opposed to opponents or critics of a ruling party, can be differentiated and abuses brought to public attention.

Civil Security

LET me now move to civil security, which deals with the relationship between the individual and the state on issues related to crime and punishment. My question here relates to the sustainability of various forms of punishment into the next 50 years as we become an increasingly affluent, mature, and presumably more compassionate, "civilised" and humane society.

The practice of caning might have been the norm in the past century, but would certainly be construed as cruel and unusual punishment in the First World, to which we apparently have arrived and want to remain in, at least in terms of wealth.

There are two different approaches in the arguments against caning. First is the notion that it is by itself barbaric and should be abolished.

Second is the notion that even if one were to reluctantly consider this a necessary punishment for some offences, it should in some vaguely moral way be appropriate to the crime - that a physically injurious punishment should be restricted only to physically injurious offences.

This concession to retaining caning for violent crimes such as rape or grievous hurt has no basis in legal philosophy; but at least it meets the human desire for some kind of moral retribution, not unlike the biblical injunction of an eye for an eye, a life for a life.

But even this concession would find unacceptable the practice of caning for offences such as spraying graffiti on public walls, or for moneylending by loan sharks, or for overstaying a visa. All these offences, and more, now provide for caning.

What started out in colonial times as caning for hardened criminals and violent triad gangsters - who incidentally were not Europeans and therefore not worthy of the same humanity - is now meted out for a very wide range of offences with little relationship to each other, except perhaps that they were social problems at the time and caning was seen to be the most effective deterrent.

Proponents of caning are not shy about the reason for its deterrent impact. It is intentionally brutal and painful. Since we have placed deterrence as the sole reason for a punishment and have abandoned proportionality altogether, one wonders what offences we would not apply the cane to, if the offence became widespread enough. How about e-commerce crimes which, as the papers recently noted, have increased over 200 per cent in the past few years?

The other egregious use of caning is for young people - something which might surprise most parents here. The minimum age for criminal responsibility is - guess - seven years old. Juvenile offenders between seven and 16 can be caned and put into solitary confinement; they can be imprisoned for life if under 18 years old and tried in adult courts. Yet you can only vote at 21 years old. Is the discrepancy between age of criminal liability and political maturity somewhat unbalanced?

A reasonable step a government can take is to impose a moratorium on caning, either selectively or as a whole, and measure whether the offences increase as a result.

For example, some believe that caning for graffiti-spraying was introduced in the 1960s because the Barisan Sosialis supporters painted politically incendiary slogans on walls and caning was introduced to stop them.

Whether that was justified or not, is for history to decide. But the likelihood of such forms of civil disorder recurring is not high.

Whether repeated drink driving will increase if offenders are not caned, I do not know, but we can easily find out and measure the consequences. The result should determine the next steps.

Over time and with the excellent law enforcement we have, I would hope that we can evolve into a relatively crime-free society without the need for punishments which belong more to centuries past and not centuries future. But if I am wrong, we can always end the moratorium.

The hallmark of a society progressively evolving towards higher standards of civilised behaviour is its ability and willingness to explore, debate and try out new ideas and test their efficacy. At

this milestone of our national journey, we should have the moral audacity to question the sustainability of old ideas and aspire for a higher level of human development.

A moratorium on capital punishment follows the same logic as for caning. But it would be unrealistic to think that this will happen without first achieving a positive result from a moratorium on caning.

Societal Security

I NOW come to societal security. The challenges to Singapore's societal cohesion has always been religious and racial cleavages. We can still do more to enhance social cohesion, especially at this juncture of history when new challenges also present new opportunities.

The opportunity is to gradually and carefully open up debate on the most sensitive racial and religious issues so that we achieve the full transparency, candour and mutual trust between racial and religious groups which marks a truly mature society, without the divisive tragedies of societies which allow totally free expression even at the risk of inflaming already volatile and emotional issues.

Singapore, if it has erred at all, has been on the side of caution, so that the slightest discussion of anything potentially divisive in the realm of race and religion, is considered out of bounds. European nations have erred, on the other hand, in allowing such freedom of expression as resulted in the tragic Charlie Hebdo massacres.

I believe that erring on the side of caution is the right approach, but in the next 50 years we can gradually introduce more transparency and candour in the discussion of race and religion so that our societal security can flourish with fewer and fewer OB markers.

Statistics and policies on the ethnic composition of the national service army and police are considered too sensitive for open discussion. Demographic data on new migrants are not openly available, but birth rates of different races in Singapore are public information. There seem to be inconsistencies on what is deemed sensitive or not, and what is confidential versus publicly available information.

It can be argued that the traditional fault lines of CMIO - Chinese, Malay, Indian and Other - are transforming as new fault lines emerge.

The so-called curry wars where Singaporeans of all races lined up against new citizens from China who objected to curry aromas from their HDB neighbours, illustrate that culture and race are intertwined rather than inexorably fixed along simplistic racial lines. The same may be true for Singaporean Malays versus those from neighbouring Indonesia and Malaysia. Policies based on presumptions of old fault lines may have to be revisited as we evolve.