

Time for Singapore to relook abortion law

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Thu, Jul 24, 2008

The Straits Times

IT HAS recently been argued that if Singapore wants more babies, one approach that deserves more attention is to render access to abortion harder. This would necessitate that the law, which allows abortion up to 24 weeks of pregnancy without restriction as to reason, be amended.

The current law, the Termination of Pregnancy Act, is a consolidation of abortion laws that have remained substantially the same since 1974. The 1974 Abortion Act had liberalised the 1969 Abortion Act, which was passed contentiously with 32 ayes, 10 nays and one abstention.

An important reason for legalising abortion in 1969 was the widespread incidence of dangerous backstreet abortions. That, however, cannot in itself justify legalising abortion because a criminal activity should not be legally handed over to a dignified profession that does a better job. Whether abortion should be allowed must be determined by other factors.

If so, we must now ask whether the reasons adduced for the laws in 1969 and 1974 remain valid today. The various social goods cited by then-health minister Chua Sian Chin bear some re-examination.

First, the quality of life for children would be improved if they were wanted, he said. Mr Chua noted that this was good for society as 'it is mainly from the ranks of the unwanted children, the illegitimate and broken homes where most of the delinquents, the criminals and the antisocial elements are derived. Our society in Singapore cannot afford to breed such people'.

In contrast, parliamentarian Ng Kah Ting called the logic of the 'every child a wanted child' slogan 'crazy'. It appeared to be based on the right of the child to be wanted, yet abortion deprived the child of the right to live altogether.

Indeed, some have argued that rights of such babies are better protected by counselling women to welcome the pregnancy. Another option would be to establish programmes that help women financially and emotionally to put them up for adoption, which would also help couples unable to conceive.

The second social good Mr Chua cited was the improvement in the net quality of the population if the mentally and physically handicapped may be aborted.

Mr Ng rejected such eugenics reasoning for abortion as it would lead to a slippery slope on which it would be equally justifiable to also legislate to destroy deformed or mentally defective babies, the incurably ill, the old or the economically worthless.

Mr Chua dismissed Mr Ng's concern by saying that 'no community anywhere in the present world, irrespective of its political character, has ever thought of permitting the killing of human beings, as it is generally understood, be they sick, old, infirm, paralysed or totally decrepit'.

Yet, today, Princeton University philosopher Peter Singer can remain a highly regarded academic even though he has propounded the view that severely handicapped newborns may be justifiably killed. This suggests that we need to reconsider whether the slippery slope argument is indeed as far-fetched today as it sounded then.

The third social good was population control for the sake of economic advancement. Mr Chua feared that the population would hit four million by 2010. Ironically, in 2008, Singapore's concern is quite the opposite. We want more babies, so his concern is quite obsolete.

Unlike debates in the West, little was said about the right of women to control their own bodies in our parliamentary debates then. Still, it seemed to have been thought that we could let those who wish to abort choose to do so, and those opposed to abortion could simply not undergo abortion. This argument is

unacceptable if the unborn was worthy of protection.

By way of analogy, consider how the slavery laws of South Carolina in 1859, which compelled no white man to own slaves, would still be unacceptable today. While this argument has not yet prevailed in the West to overturn its abortion laws, the changing nature of the abortion debate suggests our laws merit revisiting.

The Select Committee in 1969 did not think it fit to debate whether the foetus had a right to life or whether it had any human rights. Mr Chua suggested the question was how to treat an unwanted pregnancy.

As there is consensus that an innocent life cannot be taken, allowing abortion without restriction as to reason assumes that the unborn is not a life. This means that the law has necessarily taken a stand that life does not begin at conception.

But if the metaphysical question of when life begins is truly unsettled, it would be counter-intuitive not to err on the side of preserving life and disallow abortion. As one critic has noted, if a hunter senses movement behind a bush and shoots at it without making sure it was not caused by a human being, he would be considered highly irresponsible.

Although Mr Ng cited various medical codes and conferences for the view that life began at conception, Mr Chua dismissed them as being religiously motivated. Mr Chua suggested that the considerations governing the regulation of abortion ought to be medical only - the viability of the foetus and the danger of the procedure to the mother.

Medical technologies have advanced since that babies born way much earlier than full term are now viable in the best centres. There have also been more long-term studies that show abortion is not free from adverse effects, psychological and physical, on women. There are also studies that correlate abortion with breast cancer though causality has not been established apodictically. Thus it would be prudent to revisit the medical grounds Mr Chua had cited.

Nearly four decades on from the legalisation of abortion, our changing social goals in relation to fertility and demographics, as well as the advances in medical knowledge, suggest that the reasons which undergirded the law back then may no longer be valid.

It is high time that Parliament reviewed the law.

The writer teaches law at the National University of Singapore. The views expressed are her own.

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