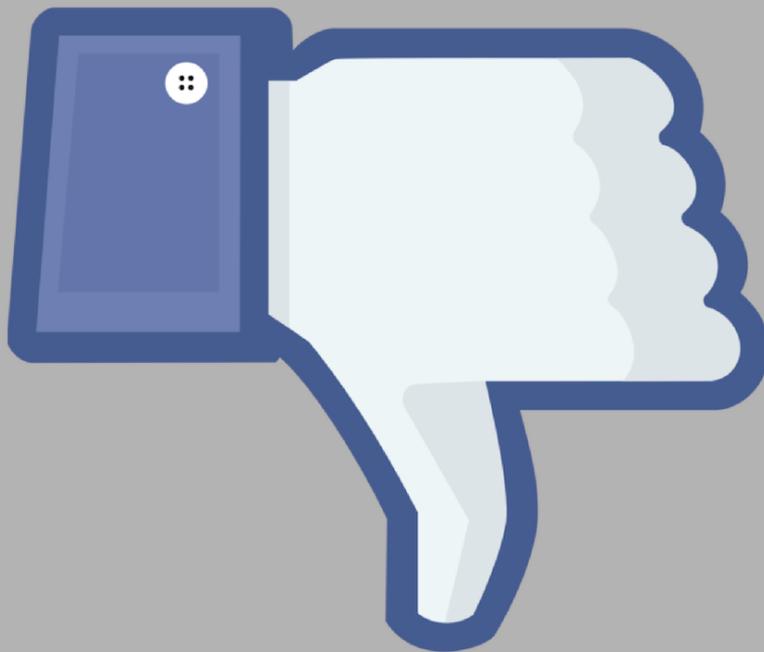


# SAVIOUR OR CENSOR?

THE FUTURE OF FACEBOOK AND FREE SPEECH  
IN SOUTHEAST ASIA



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## **About the Author**

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## Introduction

Consider what Socrates had to say about knowledge: it is measured by the realisation of one's own ignorance. I trust the reader has experienced such a sensation before. Even the briefest of conversations with an astrophysicist, for instance, can reveal how little you know about the workings of our solar system. So if a person can only judge how much they know based on how much another person knows (or, rather, how little a person knows based on how much another person knows) then this requires the ability and desire to listen to others. Perhaps, even, an argument; few people are willing to let go of their opinions through the gentle tug of reason. As a result, the issue of free speech is often wrongly articulated. It is not just the right of the person to speak; it is also the right of others to listen. By denying someone else the right to speak, you make yourself a prisoner of your own opinions. Just as I wouldn't like to have someone censor me, I wouldn't wish to censor anyone else. And just because I don't want to be a slave of others, it doesn't mean I should become a master instead.

On the desk in front of me lies an old issue of the *Mekong Review*, a quarterly literary journal, that features an interview with the Thai journalist Thaweepon Kummetha, of the online newspaper *Prachatai*.<sup>1</sup> In October 2015 Thaweepon was brought in for questioning by the Thai authorities after she wrote an infographic on lèse-majesté, the country's severe law that restricts comments that are deemed to defame or insult the royal family, though its implementation is much broader. Asked if she changed what she wrote after she was questioned (she wasn't arrested) Thaweepon said she began removing her byline from stories about the monarchy. "It put doubt in my mind," she said. "I used to be the one in the office to push the boundaries of the unutterable but after that, not anymore. I have to be more careful." And when asked if the intimidation was successful she replied tersely: "Yes." She went on: "In this climate of fear, I began to lose hope for the future of Thailand."

Thaweepon was once a supporter of the 'yellow shirts,' a loose group of royalists, nationalists and the urban upper classes who formed a movement called the People's Alliance for Democracy, which tended to be supportive of the military coups of 2006 and 2014. The 'yellow shirts' stood in opposition to the so-called 'red shirts,' rural workers, the urban poor and intellectuals who rallied against the military coups, the first of which overthrew the democratically-elected prime minister, Thaksin Shinawatra, and the latter his sister. Over the years, however, Thaweepon gradually changed her opinion on the 'yellow shirts.' "The book *On Liberty* by John S. Mill inspired me to place a high value on freedom of expression," she said. "Then I started to question other ideas promoted by the 'yellow shirts'." She continued a little later on: "When my friends questioned me about the 'yellow shirts', they presented me with different information that I'd never heard before. And when I read more and more, I found a logic that I'd never seen and I wondered why I hadn't. You

know, it was a form of enlightenment, or an eye-opener.”

In theory, this is what Facebook offered most of Southeast Asia's 648 million citizens. Thaweepon might have been inspired to challenge her own opinions by her close friends, but social media offers people a far more scaleable alternative. Rather than a few friends, Facebook users could learn from millions of other people; people they never knew and probably would never meet; people from considerably different backgrounds and with considerably different opinions. And there are a lot of these people in Southeast Asia. In January 2018 Southeast Asia's internet penetration rate was 58 percent of the region's population, higher than the average for Eastern Asia. As for the number of Facebook users in the region, the latest estimate is that 242 million people use it daily, roughly a third of the region's population. In all Southeast Asia, except Thailand, the main messaging apps used are either Facebook Messenger or WhatsApp, both owned by Facebook, Inc. For social networks, Facebook is king across the region. (That is why this book will specifically focus on Facebook, though what I say also applies for the likes of Twitter, YouTube and the numerous domestic social networks.) Indonesia now boasts the fourth-highest number of Facebook users globally with some 130 million users, while the Philippines, Vietnam and Thailand are ranked sixth, seventh and eighth for the largest number of active Facebook users, respectively. Bangkok comes top of the world's cities for most active Facebook users. Jakarta, Quezon City, and Ho Chi Minh City come fourth, sixth and tenth.<sup>2</sup> But even in less developed and less technologically savvy nations, like Laos and Myanmar, the number of social media users is growing rapidly; rising by 33 percent and 29 percent, respectively, between 2017 and 2018. In Myanmar an estimated 91 percent of all internet users regularly use Facebook.

“Current network technology ... truly favours the citizens,” wrote Google's founders Jared Cohen and Eric Schmidt in their book, *The New Digital Age*. In an earlier article, they wrote that autocratic governments would “be caught off-guard when large numbers of their citizens, armed with virtually nothing but cellphones, take part in mini-rebellions that challenge their authority.” They went on: “Activists and technology geeks are rallying political 'flash mobs' that shake repressive governments, building new tools to skirt firewalls and censors, reporting and tweeting the new online journalism, and writing a bill of human rights for the internet age.”<sup>3</sup> Facebook's co-founder and CEO Mark Zuckerberg thought that social networks would become “a force for peace in the world” and build a “common global community.”<sup>4</sup> The *Little Red Book*, the manual for all new Facebook recruits, states: “Facebook was not originally created to be a company. It was built to accomplish a social mission – to make the world more open and connected.”<sup>5</sup>

There was a time when many Southeast Asians shared those opinions. Today, things appear very different. In its 2017 “Freedom on the Net” report, Freedom House downgraded seven of the eight Southeast Asian nations that it surveyed.<sup>6</sup> Its 2018 report noted further deteriorations. Southeast Asia wasn't an aberration in this respect; Freedom

House's reports have noted a decline in “cyber openness” across the world over the last decade or so. But Southeast Asia's record is stark.<sup>7</sup> Human Rights Watch estimates that close to two hundred Thais have been arrested since the country's military coup in 2014, chiefly over things they had said online. In Vietnam, arguably the most repressive nation in Southeast Asia, the number of people currently imprisoned for simply airing their opinions is now more 100, most for what they wrote on social media. In fellow communist Laos, the number of free-speech prisoners is likely in the dozens. The government of ultra-modern and prosperous Singapore prefers to silence its critics through endless lawsuits, financially breaking their will. In 2017, Freedom House scored the Philippines as the only Southeast Asian country with “free” internet. The following year, however, it was downgraded to just “partly free,” chiefly because of how President Rodrigo Duterte has closed down online free-speech and used social media to troll his opponents.

The dire situation of free speech in Southeast Asia, quite naturally, reflects the dire situation of democracy in the region. In Cambodia, Singapore, Vietnam and Laos, ruling parties have been in power since at least the 1970s, if not longer. Brunei remains an absolute monarchy. Thailand has seen endless revolutions and coups over the decades, and is today ruled by a military junta, albeit after a rough-and-tumble election in early 2019. Military power is also still safe in Myanmar even after a civilian government was finally allowed to come to power in 2016. Vietnam and Laos remain nominally communist. Cambodia deteriorated into a de-facto one-party state in 2018. The Philippines' current president has out-trumped Donald Trump, unleashing a deadly “war on drugs” and arresting his political opponents. Indonesian politics remain mostly democratic but conservative Islamist groups are wielding even greater power. Malaysia saw a change of government for the first time ever in 2018, though optimism about the new administration's liberal campaign promises is starting to sour. Timor-Leste, the youngest and poorest nation in Southeast Asia, happens to be the most democratic and least repressive when it comes to free speech (a fact that means, unfairly, it will receive little attention in this short book.)

It is hard to pinpoint the exact moment that optimism about social media's potential began to wane in Southeast Asia. It certainly took place at different times in different countries, and in most cases for different reasons. In an essay about his ten years as a blogger in Vietnam, Nguyen Van Hai (who now lives in exile) wrote in 2018: “We understood that the increasing use of the internet and social media was making it more and more difficult for the communist authorities to cover up and shape the information, and getting more people to awaken and participate in the movement...The internet is a real revolution. Now with Facebook with the live-stream feature, Twitter, and Instagram, etc., nothing can stop the freedom of information.”<sup>8</sup> However, just one year later, Clare Algar, Amnesty International's director of global operations, would write: “There is now no safe place left in Vietnam for people to speak freely.”<sup>9</sup>

But as I sit writing this short book (pamphlet, if you will) it really does appear that the high water mark of faith in Facebook's potential to be a catalyst of progressive change has cascaded into an abyss. Correctly or wrongly, Facebook has been held responsible for everything from Donald Trump's presidential victory in the US to the success of the Leavers in the Brexit referendum in the UK. In Southeast Asia, it is accused of doing the bidding of the repressive Vietnamese Communist Party, and not doing enough to censor racists in Myanmar amid a genocide committed against a Muslim minority. It is accused of not doing enough to stand up for LGBT rights in Indonesia and also for promoting LGBT causes there. It is accused of propping up autocrats and of defending their pro-democracy opponents. If governments aren't restricting what can be said on the platform, they have colonised it to put out their divisive, often violent, rhetoric. Conservative religionists use it to attack minorities, while members of those minorities are condemned for their responses. Militants associated with the Islamic State use it to spread their propaganda. And everyone is clamouring to label anything they disagree with as fake news. "American and European attacks should not disguise the fact that Facebook now faces a severe political backlash across Asia too. And the social network largely has itself to blame," opined James Crabtree, of the National University of Singapore.<sup>10</sup>

Is Facebook beyond salvation in Southeast Asia? No, it certainly is not. But it will be a difficult comeback. Before stating what this short book is about, it is important to say what it isn't about. It isn't a history of Facebook in Southeast Asia or a detailed exploration of how the social media platform radically altered politics and culture, though those two changes are discussed. Neither is it an exploration of how Facebook has allowed pro-democracy groups to thrive, which requires a far more voluminous book to adequately discuss. Moreover, this is not a piece of reportage but a polemic. But this *is* a book about how people have misused the platform; a platform, as some people realised early on, that could be so easily misused by so many people. It is about how Facebook revealed the fault lines in societies. It is about the problems that can be caused when hundreds of millions of people, previously denied a voice, found it so simple to air their opinions online in real time. Importantly, it is also about how Facebook is not the actual culprit nor the solution to the free-speech problems faced in Southeast Asia. What this book asks is a question Southeast Asians must ask themselves: Do they want freedom *of* speech or freedom *from* speech?

## **1. Facebookers-In-Chief**

How did things go wrong? The simplest explanation is that Southeast Asia's autocrats learned from the successes of their rivals. In countries like Cambodia, Malaysia, Laos, Singapore and Vietnam, ruling parties have been in power for decades, most at least since the 1980s, allowing them the time to establish virtual monopolies on the traditional forms of communication by the time the internet arrived in the region.<sup>11</sup> Most, if not all, of television networks, radio stations and newspapers are owned either by ruling party officials or businesspeople with close links to the party. In Cambodia, the majority are either owned by Prime Minister Hun Sen's daughter, Hun Mana, or by the very well-connected business tycoons, like Kith Meng. In Vietnam and Laos, all mass media is state-owned, while the few independent outlets are tightly-controlled. In Singapore, MediaCorp is the only terrestrial TV broadcaster and happens to be controlled by the government-owned investment arm, Temasek Holdings, the CEO of which is Ho Ching, the wife of Prime Minister Lee Hsien Loong.

Opposition parties loudly decried the fact that they were prevented from gaining any footing in these traditional media. But it actually turned out to be a stroke of good misfortune. Not able to communicate through television and radio, they quickly saw the benefits of the internet and social media. The Cambodia National Rescue Party (CNRP), the largest opposition party, almost defeated the ruling party at 2013's general election thanks to its novel use of Facebook. Joko Widodo won Indonesia's presidential election of 2014, campaigning on promises of economic reform, progress in human rights and stronger multiculturalism, all of which were popularised thanks to his campaign's use of social media. In Malaysia's 2008 election, the opposition Pakatan Rakyat (PR) coalition successfully used social media to deliver the ruling Barisan Nasional (BN) coalition one of its worst election results in history. The BN coalition, which ruled Malaysia since its independence, earlier through a different name, lost 58 seats. It still won (140-82 seats) but performed even worse at the 2013 general election, losing another seven seats. Since the opposition PR coalition more even more adroit at using social media in 2013 than 2008, it was dubbed by some commentators as Malaysia's first real "social media election." Five years later, the PR's successor coalition, Pakatan Harapan, finally removed the BN coalition from power for the first time in Malaysian history. Social media, skilfully used by the opposition coalition's 93-year old prime ministerial candidate, Mahathir Mohamad, played no small part.

But autocrats saw the trend. It took until early 2016 for Cambodian Prime Minister Hun Sen to realise this new reality of communication, though when he did he gave it his all. His is a typical illustration of how autocratic premiers, in power for decades, could spin social media in their own favour. That year, Hun Sen was fined 15,000 riel (a little less than \$3.75) by Koh Kong province's district police after a government video appeared on

Facebook of him driving a motorcycle without a helmet (a legal requirement). His goal had been to use Facebook to show how he, a politician worth hundreds of millions of dollars, if not billions, was still true to his roots. But one publicity stunt turned into a far larger one when, following criticism of his helmet-less drive on social media, Hun Sen wrote on his Facebook page: “I predicted that even though I apologised, the police still fined me because I committed a fault.” He apologised; he paid the fine; and, for all appearances, he upheld the rule of law. On Facebook, he wrote that he welcomed the act of the district police to “implement the law without discrimination and with independence, and without any fear of powerful people, including the Prime Minister”. It shouldn’t need to be pointed out that the district police would not have imposed a fine without the acquiescence of Hun Sen, who, through Facebook, used it to his advantage.

Hun Sen not only learned from his mistakes but, thanks to the power of numerous government ministries behind him and his government's vast wealth, he actually outperformed the opposition politicians who arrived on Facebook much earlier. Before the 2013 general election, his Facebook page has far fewer page likes than the opposition leader Sam Rainsy’s. By 2016, however, the pair exchanged places. Hun Sen’s Facebook page, at the time of writing, has more than 11 million followers, much higher than the number of Facebook users in Cambodia. And all this is despite him only admitting in September 2015, after two years of denial, that the “Samdech Hun Sen, Cambodian Prime Minister” Facebook page was his own, though he still denied accusations that he paid for many of the page's likes. (The accusation is likely true since at one point only 20 percent of his Facebook page likes came from users inside Cambodia.) What could not be contested, however, was that by 2016 Hun Sen had become Cambodia's Facebooker-In-Chief. In February that year, he declared: “[We] are an electronic government.”<sup>12</sup>

It would be too strong to say that Facebook gave Hun Sen the means to fabricate a personality cult. Rather, it has provided him with a means to augment one he has been building for decades. The historian Milton Osborne pointed out in an essay published in 2000 that Hun Sen, before his Facebook breakthrough, had been cultivating a “modified political persona” combining heavy-handed politics with a less-aggressive social face, building schools and hospitals and other forms of charity.<sup>13</sup> In other words, to make him appear a benevolent strongman. Yet the fact is that for a politician, especially an autocrat, social media furnishes the demagogic. Facebook allows a politician not to interact with the electorate but to dictate their message. It is Hun Sen’s choice, for example, when he is to be held accountable and on what terms. It is his choice when to listen to criticism and when to judge it to be an insult. It is his choice over what aspects of his life the Cambodian public can see. And despite all the Average-Joe selfies and personalised postings, Hun Sen’s online persona still exerted the same relationship he had with Cambodians offline, only now it was more direct and frequent.

Hun Sen is not unique but he has taken to Facebook's better than most other Southeast Asian rulers; a study in 2018 put Hun Sen as the world's fourth-most followed

prime minister or head of state on Facebook for number of followers, just behind Indian Prime Minister Narendra Modi. Laotian Prime Minister Thongloun Sisoulith, who is something of a reformer, especially when compared to his predecessors, has used Facebook to criticise his government and ministers for not doing enough to improve services for citizens. It's clearly having the intended impact; one activist told Al Jazeera that he likes Thongloun's posts on Facebook and that he is "quite liberal compared to the previous" prime ministers. "There are many things he needs to do but he's doing the best he can so far," the activist added.<sup>14</sup> A Facebook page called "Support Prime Minister Thongloun Sisoulith" now has more than 180,000 followers, at the time of writing. Vietnam's former prime minister, Nguyen Tun Dung, who was more of a populist politician than Vietnam has typically known, didn't take on a similar online persona as Hun Sen or Thongloun but he booted the Communist Party's greying apparatchiks into accepting that they had to deal with citizens online. "You are all on social media, checking Facebook for information. What should be done to have correct information? It's impossible for us to ban it," he told them in early 2015. He also instructed that officials "must give correct and timely information to guide opinion" online and on social media. "Regardless of what is being said on the internet, people will believe when there is official information from the government," he added.<sup>15</sup>

On the other hand, social media has also enabled populists the chance at electoral victory. The Philippines' President Rodrigo Duterte, a Trump-like outsider who trounced his establishment rival, owes much to social media for his victory in 2016. "Duterte's campaign on social media was groundbreaking," opined Maria Ressa, co-founder of the country's largest online news site, Rappler, and now one Duterte's main targets.<sup>16</sup> His campaign's social media manager, a former advertising executive Nic Gabunada, put it: "When we realised we didn't have money for TV, radio, print, billboards etc, we made the decision to tap up the social media groups."<sup>17</sup> Social media also amplified Duterte's knack for the controversial one-liner: drug dealers and users would be "fed to the fish in Manila Bay," he stated before the election, forewarning the massive anti-drug crackdown he launched when in power.<sup>18</sup> Social media may have helped him through the doors of the Malacañan Palace but it has certainly kept Duterte there, thanks largely to him trying to close down the space on these platforms of his critics, through repressive laws and by imploring his supporters to engage in what some commentators call "patriotic trolling."

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It wasn't enough, however, for Southeast Asia's autocrats to simply compete with their political rivals on Facebook. Realising that social media was the new norm, and that print media and television would never again be able to replace Facebook in the public square, they knew that they needed to control this environment the same way that had done with previous forms of communication. In 19th-century Thailand, then known as Siam, it was a common practice for commoners to write sarcastic poems and complaints on the walls of a public place. It was known as *kan thing nangseu*, or "dropping a note." Although illegal and

the punishments severe, it was thought to be popular form a protest against a corrupt official, a decision by the absolute monarchy or merely to express one's discontent. Today, internet users don't have to leave their bedrooms to drop a note. However, in the past Siamese authorities had few means of identifying who had scrawled a wall, expect finding them red-handed. Today, it's a doddle to identify anyone dropping a note on Facebook. Unlike Twitter, which allows anonymous users to post as much as they want, Facebook requires users to provide their real names and the firm works hard to authenticate their identity. This, in one way, prevents the kind of anonymity that trolls thrive on. But the fact that users' identities are easily identifiable makes the job of the authorities so much easier. However, that doesn't mean it's an easy task.

Almost all Southeast Asian countries have tried developing their own domestic social media platform and all have failed (though the Vietnamese government thinks it stands a chance by 2020). Most have also tried to create something akin to a national firewall but none have achieved anything as restrictive as the so-called Great Firewall of China. Vietnam's attempts at a firewall were described as creating a "smoky bamboo fence."<sup>19</sup> Granted, its government is able to block some websites, as has governments in Thailand, Cambodia and Singapore, but these blocks are easily surmountable by even people with rudimentary computer skills. Unsurprisingly, one study found that more Vietnamese use VPNs than any other nationality in Southeast Asia.<sup>20</sup> However, Steven Gan, a co-founder of Malaysiakini.com, an independent news portal, was on the money when he wrote: "In Malaysia, we have freedom of speech. But not freedom after speech."<sup>21</sup> In reality, this is a tautology. But it is a similar situation across the region. If one is determined to write something on Facebook, there is nothing yet governments can do to stop it. Instead, they focus on what happens afterwards.

Thailand was arguably the first country in Southeast Asia to see the need to police what happens on Facebook and got the ball rolling with its Computer Crimes Act of 2007. Today, after numerous other laws has been passed, it has become dangerous to speak about taboo subjects. In June 2017, a Thai national was sentenced to 35 years in prison for writing a Facebook post that was deemed critical of the country's monarchy, which is protected by *lèse-majesté*.<sup>22</sup> A year earlier, eight people were arrested for running a popular satirical Facebook group, "We Love Gen Prayut," which made fun of Thailand's military junta leader.<sup>23</sup> They became known as the "Facebook Eight." A former deputy spokeswoman for the Pheu Thai Party, an opposition party, was arrested after writing a Facebook post that criticised the country's military junta leader for taking a photo-op with rock stars instead of meeting with protesters against a coal mine.

*Lèse-majesté* is Thailand's main go-to for censoring free speech; at least 105 people have been charged with this crime since the military coup in 2014, most for comments posted on Facebook.<sup>24</sup> But two other laws are routinely trotted out: article 116 of the criminal code, which rules on sedition, and the Computer-Related Crime Act, which was amended in May 2018 to include as liable material anything posted online that is deemed

“false” or “distorted.” In August 2018, for instance, the journalist Pravit Rojanaphruk and politicians Pichai Nariphaphan and Watana Muangsook were charged under both laws for posting commentary on Facebook about the country's political and economic situation. Human Rights Watch estimates that at least 66 people have been charged with sedition since the military coup. It also also become hazardous to simply share what others have already written on Facebook. A student activist, Jatupat Boonpattaraksa, was charged in December 2017 for sharing on Facebook a BBC profile of the new King, Maha Vajiralongkorn. In May 2012, Chiranuch Premchaiporn was handed an eight-month suspended prison sentence after, as the director of the *Prachatai* online newspaper, she had failed to delete an “offensive” comment left by a reader. As Freedom House later put it, she was first person “accused solely on the basis of third-person content.”<sup>25</sup> In April 2017, the Thai government banned all online interactions with its most prominent overseas critics, the academics Somsak Jeamteerasakul and Pavin Chachavalpongpun, and the journalist Andrew MacGregor Marshall. The order stated that anyone who follows these individuals on social media or shares their comments would violate the country’s Computer Crime Act. After Amnesty International’s deputy director for Southeast Asia and the Pacific said Thai authorities had “plunged to fresh depths” in this move, a senior official at Thailand's digital economy ministry was quoted as saying, in one of the most brazen displays of state-sanctioned infantilism, that the block “is to benefit the people so they can search for the right information... and use their judgment so that it [the order] will not affect them.”<sup>26</sup>

Aiding the junta's strong-arm tactics is the fact that Thailand’s National Broadcasting and Telecommunications Commission (NBTC) holds internet service providers liable to criminal charges if they do not block “inappropriate” content. (Most other governments in the region also exert pressure on ISPs to do their bidding.) Shortly after the death of King Bhumibol Adulyadej, in 2016, Thailand’s largest mobile telecoms operators told customers to report “inappropriate content about the royal institution,” reportedly at the request of the NBTC.<sup>27</sup> Moreover, censorship takes on a life of its own when it comes to the courts. Indeed, if liking a Facebook comment can be seen as indicative of an offence, what would a judge’s not-guilty verdict constitute, especially when it comes to *lèse-majesté*? “The insidiousness of the process is compounded by the lack of any prospect of ‘independent’ justice in Thailand in relation to this offence,” wrote Peter Leyland in *The Struggle for Freedom of Expression in Thailand*. “The police, prosecuting authorities and judges not only act in the name of the King but there is an expectation that their loyalty to the Crown will be reflected in an outcome that confirms the dignity of the King at the expense of the accused.”

What Thailand started, other countries followed. By one estimate, there are now at least 150 Vietnamese serving time in prison for making political statements, most of whom were jailed for what they wrote online. In Thailand, the number is most probably more than 250. In Myanmar, Human Rights Watch estimated in November 2018 that there was 36 political prisoners in the country, many detained for free speech crimes, and a further 269

facing trial. Today, all Southeast Asian countries have at least one law for regulating online speech. Most simply use historic, draconian legislation already on the books: Thailand's *lèse-majesté*, the Sedition Act in Malaysia, the Blasphemy Law in Indonesia and Vietnam's Penal Code. Nonetheless, governments have still thought it necessary to introduce even more legislation to curb free speech. Just consider the laws introduced in 2018 alone.

In March 2018, the Singapore government, which has been ruled since 1959 by the People's Action Party, passed the Public Order and Safety (Special Powers) Act which affords the Home Affairs Ministers sweeping powers to prevent "serious violence and large-scale public disorder" even in the event that an act is likely, not certain, to be committed. Just two months earlier, the Home Affairs Minister was given even more power with the extension of the Criminal Law (Temporary Provisions) Act that allows for detention without trial for up to 12 months if the Minister thinks "it is necessary that [the accused] be detained in the interests of public safety, peace and good order." Yet it is still the old laws, such as the Sedition Act, and provisions like "scandalising the judiciary," that are trotted out to censor people. A macabre situation arose in May 2018 when the activist Jolovan Wham was prosecuted for "scandalising the judiciary" after he posted on Facebook: "Malaysia's judges are more independent than Singapore's for cases with political implications." Days later, John Tan, vice-chairman of the opposition Singapore Democratic Party, took to Facebook to comment that Wham's prosecution "only confirms that what [Wham] said is true." He, too, was arrested on the same charge. Both were found guilty in October that year. "The Singapore government persists in treating those who express critical views or reporting on them as criminals. The government's heavy-handed response to free expression showed no signs of relenting in 2018," said Phil Robertson, deputy Asia director of Human Rights Watch, in a statement.<sup>28</sup>

A fresh political crackdown launched by the Cambodian government in late 2017 (which started with the Supreme Court's ruling to dissolve the opposition CNRP after it was accused of conspiring with America to launch a "colour revolution," despite the government providing no evidence) morphed into a far larger crackdown. One independent English-language newspaper, the Cambodia Daily, was closed because of suspicious tax charges, while another English-language daily was bought by businessmen with close connections to the government. In March 2018, the government then introduced its own *lèse-majesté* legislation, making anti-monarchical comments punishable by up to five years in prison (two people were arrested that year for this "crime"). Two months later, a national decree gave power to the Ministries of Interior, Information, and Posts and Telecommunications to remove content from social media that they think to be "incitement, breaking solidarity, discrimination and wilfully creating turmoil that undermines national security, public interest and social order."<sup>29</sup> Not stopping there, the government also amended the constitution in 2018 so that all Cambodians must now "defend the motherland" and political parties must put the "nation's interest first," two requirements that are so subjective they appear infinitely applicable. Plans are also afoot, at the time of writing, for a new Cybercrime Law and anti-fake news legislation, which are likely to be introduced sometime in 2019.

In Myanmar, there was wild optimism when the National League for Democracy (NLD) won the 2016 general election and, this time around, was allowed to form a government. But the military elite never really left politics (they still automatically controlled seats in both houses of parliament) and the NLD, led by Aung San Suu Kyi, dampened optimism when it introduced its own restrictions on free speech, some worse than the previous military government. The 2013 Telecommunications Act was used more frequently in 2018, such as with the sentencing to three months in prison of U Tun Tun Oo, leader of the Human Rights Activists Association, who had streamed a satirical play about the Rohingya's plight on Facebook. Human Right Watch states that the Privacy Law of 2017 is now also being used for frequently; in January 2018 a provincial official was jailed for a year after posting critical comments on Facebook about Mon State chief minister. All this culminated in late 2017 with the arrest of two Burmese reporters for Reuters, charged under the colonial-era Official Secrets Act for their reporting on the genocide of the Rohingya. A spokesperson for the NLD explained: "For media personnel, press freedom is a key need... For us, peace, national development and economic development are the priority, and then democracy and human rights, including press freedom."<sup>30</sup> Any remaining optimism in change was expunged when the military unleashed what some members of the international community call a "genocide" against the Muslim Rohingya minority, which has now left more than 10,000 dead and saw an estimated 700,000 people flee into neighbouring Bangladesh. (Suu Kyi, once a hero in the West, spoken in the same exalted terms as Nelson Mandela, simply described the alleged rape young Rohingya woman as "fake news.")<sup>31</sup>

Vietnam, ruled by the ever more repressive Party General Secretary Nguyen Phu Trong, who has launched massive anti-corruption and media crackdowns since 2016, has gone from bad to worse, although it has long been the most repressive country in Southeast Asia when it comes to free speech. "The habit of misery had twisted these people, driving them to this paranoia. What had been diligence turned to desperation," wrote the author Duong Thu Huong in *Paradise of the Blind*. (Duong was once the *fille bien aimée* of the Party until she was expelled and arrested, and called a "dissident whore" by one party leader, in 1991.)<sup>32</sup> The sheer list of people jailed in 2018 alone is extensive and includes some of Vietnam's most vocal and well-known activists and human rights campaigners. Most went on trial charged with infringements under the hated Penal Code, which includes such restrictions as "conducting propaganda against the state" (basically writing anything critical about the government and Communist Party) and "abusing freedom and democracy to infringe upon the interests of the state" (an Orwellian phrase if there ever is one). "Any blog or website that contains comments critical of [Communist Party] policies are labelled by the authorities as 'toxic' websites created by 'evil forces'," writes the academic Mai Duong.<sup>33</sup> Not only are convictions so easily attained if someone is charged with one of the hundreds of crime found in the Penal Code, punishments are severe. The 12 individuals charged in 2018 for "conducting propaganda against the state" received jail sentences of between four and 12 years. Equally worrying, Vietnam's new

Cybersecurity Law, which came into effect in January 2019, has considerably ramped up the Communist Party's power to make sure others do its censorial bidding (which will be discussed later). One provision, for example, requires content providers, which the government argues includes Facebook, to remove any post within 24 hours that is flagged by either the Ministry of Public Security or the Ministry of Information and Communications. If they don't, not insignificant fines can be imposed.

Laos, as it typically does, has followed Vietnam's path. The ruling communist party, in power since 1975, began to show concern about online activity around 2013 when the number of Facebook users grew from around 200,000 in 2012 to 530,000 that year. The Minister of Post and Telecommunications told the National Assembly, at the time, that steps were being taken to “block false information and some accounts that target to tarnish the reputation of individuals, disrupt social order, and tarnish the image of the country and the government,” while plans were put in place to introduce a Cybercrime Law.<sup>34</sup> Brunei, already one of the most repressive countries in the region, tends to use its colonial-era Sedition Act to imprison those who voice an opinion. A number of Bruneians have been arrested for what they posted on Facebook in recent years, including a government employee who, in 2017, merely complained about how the Ministry of Religious Affairs changed how businesses would receive Halal certification. In the Philippines, censorship is less internet-centric but the polarisation and bile heaped up by President Duterte since his victory in 2016 has made social media a main battleground in the Philippines. Duterte frequently uses laws unrelated to free speech to silence his opponents, such as Senator Leila de Lima, who was arrested in 2017 on trumped-up drug charges and, at time of writing, remains in prison.

A change of government in Malaysia in 2018 provided a rare moment of optimism for free speech activists in Southeast Asia. The new Harapan coalition administration moved quickly to release a number of jailed activists, while the Attorney General's Office dropped a number of charges against people accused of sedition. The new government also moved to repeal the Anti-Fake News Act, introduced by the former BN coalition government just months before the general election. However, the repeal was blocked in September 2018 by BN politicians who still control the Senate, the upper house of Malaysia's parliament. The law, however, is expected to be scrapped sometime in 2019. All that said, the Harapan government has, so far, failed to keep its campaign promise to repeal the notorious Sedition Act, a relic of Malaysia's colonial days, and scrap the Official Secrets Act, which is now says it will only amend. Neither has there been any movement to repeal the 1959 Prevention of Crime Act and the 2015 Prevention of Terrorism Act, both of which allow for detention without trial of up to two years, nor the Security Offences (Special Measures) Act, even though the new government promised to “abolish draconian provisions” in existing legislation.

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Yet it wasn't enough to simply police Facebook. Despots realised they also had to cajole Facebook, the business, itself. In 2018, the Vietnamese Communist Party drafted a new cybersecurity law (which took effect on January 1, 2019) that, among other conditions, required technology firms, including Facebook, to set up local offices in Vietnam and store data locally. Hanoi argued that this wasn't out of line with requirements set by other countries. But critics of the move say that if Facebook follows this provision, user data will be at risk from local hacks, while local employees will be more exposed to potential arrest. The new requirements “threaten the right to privacy and could facilitate further suppression of online dissent or activism,” says Human Rights Watch.<sup>35</sup> A bipartisan group of almost two dozen US lawmakers, led by Christopher Smith, a Republican, and Democrat Alan Lowenthal, wrote an open letter to Facebook calling on it to “refrain from storing user data within Vietnam.” In his own statement, Congressman Smith stated: “Companies like Google and Facebook have tremendous market appeal in Vietnam, they have both an opportunity and a moral obligation to promote free expression and other human rights in Vietnam and to push back against the limitation of those freedoms by the new cybersecurity law.”

So far, the tech firms aren't budging. The likes of Facebook, Google and other tech firms, acting through their regional lobbying group, the Asia internet Coalition, claim that following Hanoi's requirements would stifle their investment in Vietnam and, in a letter sent in December 2018, called upon To Lam, head of the Ministry of Public Security, to “consider the potential consequences of the draft decree in order to prevent unexpected negative impact on the Vietnamese economy.” When the January 1 deadline came and went, and Facebook had not yet opened a data centre, Hanoi said Facebook had violated its order. It also claimed another violation since Facebook had not closed down “fanpages provoking activities against the state” even after the government had requested the removal of such pages. (The law requires content providers to take down any material within 24 hours that is flagged by either of the two ministries.) Responding to this claim, Facebook's spokesperson would only say at the time: “We have a clear process for governments to report illegal content to us, and we review all these requests against our terms of service and local law.”<sup>36</sup> Still, what the Vietnamese Communist Party is trying to do, by pressuring Facebook to act on its behalf through financial threats, is not new. In 2017, Facebook was removed embarrassing videos purportedly showing Thailand's King, Maha Vajiralongkorn, walking through a shopping mall dressed in a sleeveless T-shirt, as well as some of the other 131 pieces of content flagged up by the National Broadcasting and Telecommunications Commission. The Thai authorities threatened to sue Facebook, which opened an office in Thailand years earlier, and lobby domestic companies not to advertise on Facebook unless posts deemed offensive were removed. Facebook is thought to have backed down on some of the requests, and the military junta later said it was “satisfied with the cooperation” from Facebook.<sup>37</sup>

What governments in Southeast Asia have realised, though Vietnam is clearly taking the lead, is that Facebook is a for-profit company, and most of that profit comes from

advertisements. A report by Facebook in early 2017 found that 98 percent of its revenue that quarter came from advertising, compared to 97 percent in 2016 and 84 percent in 2012.<sup>38</sup> Today, the percentage of its revenue (\$16.9 billion in the last quarter of 2018; \$6.9 billion of which was profit) comes almost exclusively from advertising. “If we’re committed to serving everyone, then we need a service that is affordable to everyone. The best way to do that is to offer services for free, which ads enable us to do,” Zuckerberg wrote in a Wall Street Journal op-ed in early 2019.<sup>39</sup> By one estimate, Facebook earned \$235 million from advertising in Vietnam in 2018, much of which was likely profit; the Vietnamese government claims Facebook isn’t meeting its tax obligations and is considering a new tax on Facebook’s advertising revenue.<sup>40</sup> It is difficult to find data on Facebook’s revenue from other countries in the region. But if one assumes that advertising revenue is linked to the number of users, then it could be assumed that almost as much is spent on advertising in Vietnam and Thailand, and perhaps double as much in Indonesia. In 2018, a report by Pivotal Research analyst Brian Wieser asserted that nearly 10 percent of Facebook’s global revenue comes from China and its advertisers, and that China accounts for about 40 percent of Facebook’s revenue from the Asia-Pacific region.<sup>41</sup> In any case, even if the \$235 spent in Vietnam on Facebook advertising is a trifling figure compared to its global revenue, the fact of the matter is that Facebook cannot afford to lose business in this part of the world. The number of Facebook users in Southeast Asia, especially Vietnam, is set to grow in the coming years, as are most of the region’s economies. Small wonder, then, why the governments of Vietnam and Thailand think they can bully Facebook into censoring content. What is surprising, however, is that few other governments in Southeast Asia have yet to replicate this line of attack.

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When the Siamese grew angry and dropped a note on the walls in the 19th century, the authorities could only hope to catch the perpetrators red-handed. The problem for censors in modern-day Southeast Asia is that there is simply so much note dropping on Facebook. By one estimate, 510,000 comments are posted, 293,000 statuses updated and 136,000 photos uploaded to Facebook every minute around the world. If one assumes that all Southeast Asian Facebook users (241 million in 2016) posted a message on the platform every hour, that would be more than five billion posts per day. Clearly, it is impossible for them to monitor it all without having eyes and ears everywhere. Yet like the authorities in 19th century Siam, the modern-day censors can turn to a willing bystander to provide necessary information.

In 2014, a Thai hotel worker and single mother was arrested by the police for the crime of *lèse-majesté*, which she reportedly had never heard of before. When the police told her that best way of escaping punishment would be to admit to being the Facebook user Rungnapha Khamwichai, who had posted anti-monarchy comments, she readily accepted (without a lawyer present). For her confession judges sentenced her to 28 years in jail. But it wasn’t the police that reported her; it was a private citizen. In 2010, Thailand’s Ministry of

Justice and the Ministry of Information and Communications Technology launched a program to recruit students to monitor online activity. The “cyber-scouts” were instructed to find online behaviour that threatened national security and was offensive to the monarchy, not unlike the “village scouts” of the 1970s tasked with informing on suspected communists. In the same year, a study found that 45,357 URLs had been closed down using Thailand’s Computer Crime Act, introduced in 2007, following a military coup the year before. “Not many people know about the project,” one cyber-scout told AFP in 2011. “They may think they’re talking to a friend because I don’t tell them I’m a cyber-scout. I feel I am doing an important job. I can give back to the country.” Come August 2014, and following another military coup, there were reports that the military junta had resurrected the cyber-scouts in cooperation with hundreds of schools. “Previously, the Royal Thai National Police offered 500 Baht (\$15) to anyone providing information on anti-coup protesters,” one article noted. “Now, more worryingly, the military junta is reinstating state-sponsored cyber vigilantism, especially towards lèse majesté-related cases, while teaching school children early on what the junta thinks is right or wrong.”

The Vietnamese Communist Party is known to have a 10,000-strong military cyber warfare unit, known locally as Force 47, that is charged with snooping on the what people write on Facebook. “In every hour, minute, and second we must be ready to fight proactively against the wrong views,” a local newspaper quoted Lieutenant General Nguyen Trong Nghia, deputy head of the military’s political department, as saying regarding this taskforce.<sup>42</sup> In August 2017, former president Tran Dai Quang, who passed away in 2018, stated that more needs to be done to control “news sites and blogs with bad and dangerous content,” especially content that “threatened not only cyber security but also undermined the prestige of the leaders of the party and the state.” The Communist Party’s General Secretary, Nguyen Phu Trong, who took over the presidency, put it: “The military must pay close attention to the struggle on the ideological front, to protect the right and the truth, to protect the Party, the regime, to resolutely repudiate wrong views and distorted allegations of hostile enemy forces...The military must be a pioneer and make even more fierce actions in this area.”<sup>43</sup> In reality, Force 47 is only comprised of military personnel and doesn’t have a recognisable command structure, I am told by people who know its inner workings. And because the Communist Party makes this taskforce known to the public, it is most likely intended to promote self-censorship. More opaque, however, are the thousands, if not tens of thousands, of rumoured “cyber warriors” who are not part of the military nor the Communist Party but engage in online sleuthing on its behalf. These have been called “public opinion shapers” and there were more than 1,000 in the pay of the government in 2013. It is still not known exactly how many people do this or what is their motivation. I hear from sources that they are offered a small financial reward if they snoop out any incriminating Facebook post. Speaking in 2013, Ho Quang Loi, head of Hanoi’s Propaganda and Education Department, described them as “internet polemicists” in the fight against “online hostile forces”.<sup>44</sup>

Vietnam isn’t alone. In 2011, the former Malaysian Prime Minister Najib Razak called

for volunteers to join the so-called 1Malaysia Social Media Volunteers (myVO1CE), a pro-government monitoring group, and to “set the record straight” about the government's actions, ostensibly because it was facing criticism of corruption and mismanagement. Hundreds of people were thought to have signed up at the beginning, possibly because they were offered cash rewards but it is thought to have disbanded years later. Philippine President Rodrigo Duterte has much more voluminous bands of cyber warriors, allegedly in the government's pay, who not only snoop out what others are writing but are tasked with sharing pro-government propaganda as far as possible. One analyst has termed this practice as “patriotic trolling,” whereby “pro-government actors bolster the coercive effects of existing social media campaigns, manipulate public biases, and leverage online abuse for offline intimidation.”<sup>45</sup> Studies by Freedom House and the University of Leeds claim that Duterte's administration directly funds these trolls, though Harry Roque, his spokesman, denies this. “I can assure you that there is no budgetary line item for payment of trolls in the social media as far as his administration is concerned,” he said in early 2018. But the links are sometimes rather obvious. For instance, in May 2017, Duterte appointed Mocha Uson, a pop star, as his assistant secretary for social media. She was even part of the official delegation that visited the Middle East that year. A staunch Duterte champion, she was no doubt appointed for reportedly posting as many as 30 pro-government messages a day to her five million Facebook followers, as well as trolling critical journalists, whom she has taken to referring to as “presstitutes.”<sup>46</sup> “Propaganda that's said a million time becomes true and that is what technology enables today,” said Ressa, the noted journalist and co-founder of Rappler. She went on:

*Once we started taking down the data we realised exactly what he was doing. It was occupying social media. Facebook is the public space in the Philippines and the algorithms allowed this to happen...For decades journalists and news groups developed the standards and ethics to protect the public space. All of that has been up-ended and social media has replaced it with an algorithm that rewarded mob rule. The despots and authoritarian leaders figured it out.<sup>47</sup>*

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But the fact is that not every Southeast Asian who writes something critical about a government or a taboo subject on Facebook is arrested. In fact, the vast majority aren't. Quite simply, even the most repressive of Southeast Asian governments can no longer cajole all their citizens in such totalitarian fashion, and they certainly cannot afford to lock up thousands in prison. Instead, the goal is to make sure everyone knows that, at some point, if they say the wrong thing, they could be detained. The arbitrary nature of arrests when they do happen further adds to sense of unknowing. It is obvious to even the unwitting spectator that some most strident government critics in Vietnam, say, are left alone, while someone who posts a critical message on Facebook for the first time could be hurled before a court and sentenced to decades in jail. Victims are still necessary *pour encourager les autres* but the end-goal isn't a prison-state, rather a perpetual state of self-

doubt and self-censorship for its citizens. I have been told by many acquaintances across the region that it is the not knowing, the uncertainty of whether you are being monitored or not, that is the most terrifying. The question becomes not whether you know you are being monitored but whether you are going to gamble that you're not. Are you going to post a message or share an article on Facebook you know will annoy the government but you are unsure whether it will actually been picked up by the authorities? Such doubt, therefore, often leads one to opt for the most rational option, which is simply not to post the comment in the first place. One Vietnamese friend, a human rights activist, describes it as being inside a technological Panopticon, the theoretical prison imagined by the 18th-century English philosopher Jeremy Bentham. Here, prison cells are arranged in a semi-circle and observed by a single turret, where one watchman can observe all the prison cells but the prisoners cannot see if they are being watched. It is “a new mode of obtaining power of mind over mind,” Bentham said.

But imprisonment isn't the only threat to those who choose to exercise their free speech rights. Although not as starkly brutal as prison, those who fall foul of the censors risk losing their jobs, their savings, their reputation and their standing in society. For decades, the Singaporean government has preferred to sue its critics in court rather than arrest them. The motive is to bankrupt one's critics. In 2014, for example, Prime Minister Lee Hsien Loong sued a blogger, Roy Ngerng, who simply criticised the government's handling of a pension fund. As could be expected, the courts ruled in the PM's favour, awarding him roughly \$73,000 in general damages, \$37,000 in aggravated damages and \$21,000 in legal costs. Ngerng, who lost his job during the trial, accepted a 17-year plan to pay these damages to Prime Minister Lee (who learned the technique of financially crippling your critics from his father, Lee Kuan Yew, the ruler of Singapore between 1959 and 1990.)<sup>48</sup> In 2013, the artist Chew Peng Ee (known as Leslie Chew) was arrested over his cartoon strip, “Demon-cratic Singapore,” which he posted on his Facebook page. Chew was initially charged under the country's Sedition Act (more about this in next chapter) but this was dropped and, instead, he was accused of “scandalis[ing] our Courts through allegations and imputations that are scurrilous and false.” However, the police said that Chew's charges would be dropped if he posted an apology on his Facebook page and removed his cartoons. He complied. “In Singapore, there is this culture of fear. Don't speak up against the government or the government will 'fix' you,” he has said. “It is less that they want to sue someone than that they want to send a message to others not to say things – to perpetuate the culture of fear... They slaughter the chicken to scare the monkeys.”<sup>49</sup>

Cambodia Prime Minister Hun Sen, who claims to draw as his only income his lowly ministerial salary, has been awarded damages worth millions of dollars in defamation cases against his political opponents, namely Sam Rainsy. But even more obscure figures are financially targetted, such as the political analyst Kim Sok, who was handed an 18 month prison sentence in 2017 (over his allegation that the ruling party was behind the assassination of popular analyst Kem Ley) and fined \$200,000, which was to be paid to the ruling party and Hun Sen (after his release he fled the country). Smaller fines have

been imposed on those who air their opinions publicly but even a \$10,000 penalty is enough to shut the mouths of some critics considering the the minimum wage in Cambodia is little under \$200 a month.

The loss of one's job is another tactic employed by governments. In September 2018, the president of a local football team in Laos was forced to resign after posted a video on Facebook to her 46,000 followers criticising the poor conditions of a road leading to the country's national football federation. The comment was deemed to be harming the reputation of Laos.<sup>50</sup> Another tactic is to humiliate people in public, making their plight *pour encourager les autres*, too. Take another case from Laos. In 2016, three Laotians were dragged before state television cameras to offer grovelling apologies for what they had written on Facebook. For making negative comments about the ruling communist party, one of the trio sobbed: "From now on I will behave well, change my attitude and stop all activities that betray the nation." The broadcast also included an instruction from the state, provided by an overdubbed voice: "Everyone who uses social media such as Facebook should be careful. Don't believe untrue propaganda, it only slows down the country's development." After the trio's forced apologies, a policeman then appeared on screen. Anyone who "derogates the country," he said, "will be prosecuted."<sup>51</sup> Such humiliation is common in other nations, too. Often, after a grovelling apology, the offender is forced to make an equally grovelling exclamation of how great the ruling party is.

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Another motivator towards self-censorship is more complex. While most Southeast Asian governments already have legislation they can use to tackle what they claim, in modern parlance, to be fake news, most are now planning to introduce specific anti-fake news legislation. In early 2018, just before the Malaysian general election, the UMNO-led government passed the Anti-Fake News Act. Writing about it, Steven Gan was spot on: "This anti-fake news law is particularly obnoxious as it coerces Malaysians into self-censoring themselves. Having worked in the mainstream media, I know how insidious self-censorship can be. You can't see it. It is invisible. It happens within the confines of our own minds. That's why it's dangerous. And very effective."<sup>52</sup> There are multiple reasons for this, namely the way the law defined fake news. Then-Cabinet Minister Rahman Dahlan characterised it as meaning "even spreading [bad] news about the economy." For him, fake news would be "anything that is not substantive, and dangerous to the economy and security of the nation." The actual text of that law defined fake news as "news, information, data and reports which is or are wholly or partly false." What was even more startling was that this law was even applied to people outside of Malaysia if their comments were considered to be affecting Malaysian citizens or the state.

Singapore has gone much further. In May, its parliament passed legislation against "fake news", called the Protection from Online Falsehoods and Manipulation bill, that

requires online media platforms to correct or remove content the government or a minister considers to be false, and people can face up to ten years in jail, and a fine of up to \$735,000, if they are found guilty. This includes apparent falsehoods that are whole or in part incorrect. More troubling, it also includes punishments for content that disrupts Singapore's "friendly relations" and affects public confidence in the government or "public tranquillity", proscriptions that have nothing to do with whether a comment is true or false. Quite naturally, Human Rights Watch's Phil Robertson commented that "Singapore's ministers should not have the power to singlehandedly decree what is true and what is false...Given Singapore's long history of prohibiting speech critical of the government, its policies or its officials, its professed concerns about 'online falsehoods' and alleged election manipulation are farcical."<sup>53</sup>

One main problem of the fake news legislation is that they are so broadly-defined (just like most other censorial laws) and can be endlessly interpreted. Consider Singapore's law. Any news that is "partly false," it states; but does this mean one sentence that is incorrect, or even a date or name that is wrong? Just glance at a copy of the New York Times, which has one of the best fact-checking teams of any newspaper, for the number of corrections that have to be made to their stories. Also consider the question of who moderates what is false or true? Without doubt, it is governments and the courts, which are pretty much the same thing in most Southeast Asian nations. What one finds, then, is that fake news legislation is purposely designed to confuse. It forces the writer not to question whether their own writing is true or false but whether it will be perceived as true or false (and the numerous shades of grey that exist between objective facts and objective falsehoods, a vast space that depends on the subjective opinions of the reader).

One feels the need to make some other observations when speaking of fake news. First, there is nothing new about it, something that so few people seem to understand. It is really just old-fashioned 'yellow journalism' for the information age. One commonly heard argument is that fake news is more impactful than 'yellow journalism' or tabloid reporting ever used to be. History would prove that to be wrong. Exhibit A could be the *Elders of the Protocols of Zion*, an anti-Semitic text first published in Russia in the early 20th century that, despite how it's commonly described, is not a forgery since a forgery is an imitation of a real thing and the *Protocols* is pure fiction. It is reasonable to assert that the *Protocols* were, and still are, one of the most influential anti-Semitic texts in history, employed by the Russian White Army during its pogroms in the Russian Civil War, used by the Nazi regime as a book for schoolchildren and still popular today throughout the Islamic world; Hamas, the Palestinian Islamist group, includes parts of it in their 1988 charter, for example. Another Exhibit could be the role Pulitzer and Hearst's newspapers played in starting the Spanish–American War, which eventually led to the United States' colonisation of Cuba and the Philippines. Zuckerberg noted as much in a memo he wrote in November 2018. "When left unchecked, people will engage disproportionately with more sensationalist and provocative content. This is not a new phenomenon. It is widespread on cable news today and has been a staple of tabloids for more than a century," he wrote.<sup>54</sup>

Second, the borders between fake news and rumour or conspiracy theories are not vast but have a long history in Southeast Asia. Governments have historically been the main purveyors of conspiracy theories, such as when Mahathir Mohamad (during his first stint as Malaysian prime minister) told an annual Organisation of Islamic Cooperation in October 2003: “Muslims will forever be oppressed and dominated by the Europeans and the Jews...We are actually very strong. 1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them.” This shocked some of the Western journalists in attendance but it isn't surprising; a 2014 report by the Anti-Defamation League ranked Malaysia 19th out of 102 countries for harbouring prejudices against Jews, with 61 percent of Malaysian respondents found to be anti-Semitic. This is despite the fact there is not one officially registered Jew in the country. It made Malaysia the leading country in Southeast Asia for anti-Semitism with Indonesia coming second (48 percent of respondents were deemed to be prejudiced) while Singapore came in third, with 16 percent. Viren Swami, a social psychologist at the UK's Anglia Ruskin University, reckons that “the Jewish conspiracy is very widespread in Malaysia” and that when Malaysians and Indonesians say Jews are trying to take over the world, maybe they do not actually mean Jews; they might actually mean the Chinese. Since laws restrict speech in Malaysia, Indonesia and Singapore that is perceived as racist, transposing Chinese with Jews is a way to bypass the censors. It isn't a stretch nor that original. In 1914, the Thai King Vajiravudh published a pamphlet entitled *The Jews of the East* (sometimes rendered as *Jews of the Orient*) which built on existing anti-Semitism and anti-Sinicism, such as that espoused by the French author of the popular *Dictionnaire universel de commerce*, who put it in the 1720s: “The Chinese in Asia, like the Jews in Europe, are spread out wherever there is something to be gained; tricksters, usurers, saying little but very subtle and adaptable at exploiting a good opportunity”.

Third, it is quite clear that fake news has chiefly become a useful pejorative for Southeast Asia's current rulers to tarnish anything they disagree with. Spokespeople for Philippine President Duterte claim that news reports on more than 7,000 deaths from the president's war on drugs are just “fake news.” The de-facto leader of Myanmar, Aung San Suu Kyi, has described reports about her country's genocide against the Rohingya population as “fake news.” Hun Sen has said that Cambodia is “facing serious problems” as fake news was being used “by opposition politicians and opportunists to pollute the social environment in an attempt to topple the legitimate government through a colour revolution, to drag the country into war and to serve their greedy ambitions with foreigners behind.”<sup>55</sup> Not letting up on the hyperbole, a few months later he vowed to introduce to new law to modernise the existing 1995 Law on the Press, ostensibly to combat fake news. For the leader of a country that was ranked second-worst, only beating Venezuela, in the WJP's most recent Rule of Law Index, Hun Sen went on to claim that “those who criticise [Cambodia's] cybersecurity law have the intention to violate other people's freedom.”<sup>56</sup> Addressing a room full of journalists from either government-aligned

newspapers or publications owned by either his family members, he lectured them: “To contribute to the destruction of fake news, what should journalists do? Spread the truth . . . that way fake news would fade away.”<sup>57</sup>

Fourth, an obvious reason for the growth of fake news is trust in Southeast Asia's mainstream media is falling. In a 2017 survey, more Indonesians said they trusted the notoriously corrupt police (70 percent) than the mass media (67 percent). Far fewer people trusted political parties (45 percent), who control most of the media.<sup>58</sup> Another survey in 2017 found that more Filipinos trust social media (87 percent) than traditional media outlets (73 percent).<sup>59</sup> A Laotian acquaintance tells me that it is common to hear others say: “Give me fake news over no news.”

Fifth, and importantly, should one actually want to expunge false news from Southeast Asia? Of course, Facebook's arrival has clearly changed the media landscape and allowed vastly more people to upload their own harebrained thoughts online. “The emergence of alternative sources of information is a problem in its own right, because these are not uniformly reliable. The public, including the intelligentsia, has grown so distrustful of state media and the state itself that it is too quick to accept accounts criticising the government as true, even when they are not well substantiated,” wrote Nguyen Cong Khe, a founder of *Thanh Nien*, a Vietnamese state-run newspaper, and its editor-in-chief for 23 years. But there is a good reason why many Southeast Asians doubt the official version of events; they have so often turned out to be blatant lies, which much of the public knew even before such revelations. Former Malaysian Prime Minister, Najib Razak, described allegations of his involvement in the 1MDB scandal as “fake news” until he was arrested over such charges in 2018. Are we to trust Suu Kyi that reports on a genocide in Myanmar are “fake news” or international organisations that have amply documented it? Indeed, there is an indiscriminate line between conspiracy theories and rumours, and what some social scientists call “open secrets.” And Southeast Asia is rife with open secrets. “The paranoid person does not project onto the sky, so to speak but onto something that is already there,” Sigmund Freud once said. The academic Leslie Butt's essay on conspiracy thinking in West Papua, a province of Indonesia where an independence movement has been active for decades, investigates a rumour went around claiming Indonesians from other parts of the country were trying to exterminate the local population by sending prostitutes infected with HIV. Clearly, this is not true. However, Butt wrote:

*These Papuan theories about sex work, infection, and genocide contain explicit political claims about their relationship to the Indonesian state, claims that are presented in the form of reasoned political analysis, even though the conclusions drawn by the affected group fall outside the parameters of mainstream political analysis...A brave report came out at a government level just a few years ago after a lot of pressure from advocates which finally looked at HIV patterns along the lines of self-ascribed ethnicity in the province. As expected, HIV is much more prevalent among Papuans than non-Papuans. Health care is politics by other means.<sup>60</sup>*

Facebook in Southeast Asia might be awash with fake news or what we could simply call lies. But, for many people, it is extremely difficult to know what really is true and false, and rumours lie somewhere perilously between the two extremes. For a region denied free speech for so long, it is no wonder that rumour, gossip, conspiracy theories and false information are so palatable to ordinary people; indeed, why they are sometimes necessary when it comes to discovering the truth.

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Not long after Thailand's military coup in 2014, the junta banned a public screening of the film adaptation of George Orwell's *Nineteen Eighty-Four* in a Chang Mai cinema. The novel had become something of a symbol for pro-democracy activists and one airline even warned tourists to abandon copies of the book before arriving in Thailand. (Many younger protestors, however, preferred to send around images on social media of the three-finger salute from the *Hunger Games* films.) Inevitably, when free speech arises one feels compelled to make a passing reference to Winston Smith. And with the two of the world's five last remaining Communist nations (nominally at least) and some governments that appear to have mistook *Nineteen Eighty-Four* as a blueprint, one cannot help but mention Orwell when discussing Asia. His formative years in Myanmar make the cliché all the more irresistible. (The Burmese used to joke that Orwell actually wrote a trilogy of books about their country: *Burmese Days*, obviously, but then *Animal Farm* and *Nineteen Eight-Four*.) But if *Nineteen Eighty-Four* is what Orwell described as “the dirty-handkerchief side of life” then Aldous Huxley's *Brave New World*, published years earlier, was the reverse. Debates about which of these two dystopias is more realistic have endured for decades. A letter to the *Economist*, in 2017, summarised the differences between Orwell and Huxley's views thusly: "Orwell feared that the truth would be concealed from us... Huxley contended that when truth is drowned in a sea of irrelevance, we would become a trivial culture."<sup>61</sup> It could be said that Orwell's dystopia still holds greater weight in Southeast Asia, where the jackboots and forced confessions are still here, as are censored histories and Big Brother-like figures. But Huxley's warnings are no less prescient. Allow me to quote at length from an article written by Tash Aw, a noted Malaysian novelist:

*Old-fashioned methods of censorship that people of our generation are accustomed to – the ostentatious removal of a few offending titles by gangs of policemen – are fading away to be replaced by censorship of a more elusive and dangerous kind: the deadening, self-censoring qualities of abundance and ambivalence. Vampire love stories, zombie novels, S&M rendered banal by the internet-born *Fifty Shades of Grey*: on the face of it, such novels might suggest greater freedom but in fact they point the way to a greater conservatism and homogeneity, the crowding of the publishing space by these books in countries where issues of freedom, religion, sexuality and social equality still need to be written about in intelligent and nuanced ways. The financial rat race in modern Asia means that people seek escapism and*

*fantasy in their downtime rather than complex, depressing novels about the human condition. What young people are reading in Malaysia, Singapore, Thailand and Indonesia – not to mention the great superpowers of China and India – would indicate that the censor's job is no longer necessary, precisely because of the breaking down boundaries (or at least the illusion of it).<sup>62</sup>*

Aw finished his article: “The face of censorship is changing and that the worst fate for a book is no longer for it to be banned but to sink into the ocean of titles on the internet.” Just with books, the same is happening on social media. Politicos, like myself, might not like it but the vast majority of Facebook users are not looking for revealing and incriminating information about their governments. Most Cambodians have probably never even looked at Hun Sen's Facebook page nor follow the reports about his dynastic succession, for instance. Who knows how many Vietnamese know the name of the Communist Party's general secretary? Tom Pepinsky wrote an interesting article on this matter in 2017, entitled: “Everyday Authoritarianism is Boring and Tolerable.”<sup>63</sup> “Living in Malaysia and working on Malaysian politics has taught me something important about authoritarianism from my perspective as an American,” he started. “That is, the mental image of authoritarian rule in the minds of most Americans is completely unrealistic, and dangerously so.” He went on:

*Everyday life in the modern authoritarian regime is, in this sense, boring and tolerable. It is not outrageous. Most critics, even vocal ones, are not going to be murdered... they are going to be frustrated. Most not-very-vocal critics will live their lives completely unmolested by the security forces. They will enjoy it when the trains run on time, blame the government when they do not, gripe at their taxes, and save for vacation.*

This is not by chance. Authoritarian regimes of the past, including Myanmar's hermetic, military regime, and Vietnam and Laos in the 1980s, used to want to make everything in life political, hence why they were described as totalitarian. In time, however, they found this problematic. From the Soviet Union and its Warsaw Pact colonies to former fascist and militaristic states, they simply couldn't ensure that all areas of life were political. However, even when *most* things in life were political, it also meant that most things could be come a critical statement about politics. In Communist Eastern Europe, what music one listened or how one dressed became a symbolic political statement, even if this wasn't the intention. Jeans became a symbol of Western freedom; even the unwitting wearer of a pair could be looked upon as making a political statement. As a result, these totalitarian regimes not only made most things in life political, they also made most people political even if they had no interests in politics.

Many of today's autocrats realise, however, that it is far easier and more beneficial to make as many things as possible apolitical. Indeed, regimes survive because so few people have to think about them. “Whether we liked him or not, he was never out of our

minds. That was a secret of leadership,” so wrote Ralph Ellison in *Invisible Man*. In most autocracies, the opposite is now true. So many Vietnamese can get on with their lives because Trong is never in their mind. It is quite easy, if one desires, to simply never hear or watch a speech he gives. From Vietnam to Cambodia and Brunei, the vast majority of the population simply want to be left unmolested by their governments. And, in return, they leave their governments alone to get on with consolidating power and accumulating wealth. The only thing most of the public expects is a decent economy, better wages and low costs of goods (and for the authorities to leave them alone). Little surprise, then, that when Vietnam's annual survey of the public mood is published, invariably either corruption or poverty tops the index. A similar situation was seen by researchers in China. “Taken together, our findings suggest that censorship in China is effective not only because the regime makes it difficult to access sensitive information but also because it fosters an environment in which citizens do not demand such information in the first place.” Most people, unaffected by unfair property rights, stacked courts or police brutality, might never experience nor desire to care about such matters. But when one comes up against the forces of the government, that is when things become political. The frictions of an autocratic regime only become apparent on the edges. The thing is, then, what Orwell forewarned in *Nineteen Eighty-Four* and Huxley in *Brave New World* aren't necessarily mutually exclusive. They can exist at the same time, just for different people. Indeed, by trying to make most things apolitical, it allows autocracies to focus all their repressive efforts on anything that is genuinely political. They can have a policy of “the boot-in-the-face” and the “trivial culture” at the same time. It's the best of both dystopias for them, and the worst for many citizens.

## 2. Freedom From Speech

On May 9, 2017, the governor of Jakarta, Indonesia's capital, was sentenced to two years in prison for how people interpreted something he said. Basuki Tjahaja Purnama, more commonly known as “Ahok,” had been the deputy governor of the city under Joko Widodo, who, in 2014, won the presidential election, meaning Ahok was promoted to governor. Known as a tough operator, though one that got policies moving through the capital's slow bureaucracy, he was also controversial for the fact that he is a Christian of Chinese-descent, a political liability in Muslim-majority Indonesia. For this, he received his fair share of racist abuse. But in the run-up to Jakarta's governor election in early 2017, it appeared that he stood a good chance of retaining his post. But then Ahok made a comment. During a public speech, he said that he knew many Muslims would never vote for him because of some rival politicians were manipulating verses from the Quran. In fact, all he was doing was repeating what others had said at the time. It was seldom reported by the media but just days before Ahok made his speech, the popular cleric Alwi Wahid, of the prominent Al Furqon mosque in Jakarta, gave a sermon. “Be careful on the judgement day; God will ask you, why you chose the infidel” – meaning Ahok – “as the leader, while I have warned you not to. Believers should not choose a non-Muslim as their leader,” he told worshippers.<sup>64</sup> To make himself clear, he also told those present that there would be “bad consequences” for any Muslim who votes for Ahok. Just for clarity, here is the Quranic verse he was probably referring to (verse 5:51 of the Surah Al-Ma'ida): “O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you — then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people”.<sup>65</sup>

After Ahok's speech, which hardly received any news coverage at the time, a video of it was uploaded onto YouTube a week later. But opponents of Ahok quickly edited the footage, omitting some of his words and his appeal for pluralism and unity, and then re-published their version onto Facebook. It went viral. The edited version appeared to show Ahok insulting the Quran. Ahok, of course, apologised if he had given offence. It wasn't his intention, he said, and pointed out many of the policies as governor benefited Muslims. But by then anger was spreading on Facebook. Increasing numbers of people called for his to resign. Some called for his death. The extremist Islamic Defenders Front (FPI) helped organise the “Action to Defend Islam” demonstration that attracted millions of participants, closing off parts of Jakarta with their march. The police intervened, arrested Ahok and charged him with blasphemy. Later, the head judge of the Jakarta court said Ahok was “found to have legitimately and convincingly conducted a criminal act of blasphemy” and sentenced him to two years in prison. Needless to say, the cleric Alwi Wahid wasn't even investigated for his comments, while Ahok languished in prison for nothing more than referencing what someone else had said. What are we left to think? Clearly, since both Ahok and Alwi Wahid's speeches mentioned the same idea (though the cleric was warning

his followers to engage in prejudice and sectarianism, and Ahok was trying to reach out to Muslim voters) Indonesia's laws on blasphemy are not really there to ensure peace and social cohesion but something else.

One can read many things into this case. It showed how hollow Indonesia's claims of being a secular nation are. It showed how cowardly its politicians are for not standing up for Ahok, including his former boss, President Widodo, who hedged his bets throughout the scandal. Equally important, it showed how an angry mob could form on Facebook and take down one of the country's most senior politicians. This wasn't a repressive government out to censor a solitary human rights activist. Neither was it a minority standing up against the tyranny of the majority (rather the opposite). It might be soothing to think that the only supporters of censorship are repressive governments, or to think that democracy-building in Southeast Asia is merely a battle between freedom-loving citizens and autocratic regimes. But, in truth, governments aren't the loudest voices calling for censorship; it's ordinary people. This may include an informer paid for or supported by governments but all too frequently it is volunteers and vigilantes who scour social media looking for posts that they deem offensive to their own beliefs or somehow so grave that they imperil the nation. Ahok was, indeed, brought down not by the government but by millions of people on Facebook. Their motivations might have been varied. Some, like the FPI, sought to win greater political legitimacy, employing the time-worn tactic of manufacturing controversy to attain influence. There was a clear political edge to it as conservative politicians used the events to burnish their Islamist credentials (including Ahok's rival in the governor race, Anies Baswedan). Some ordinary protesters might have genuinely felt that Ahok had offended their faith, certainly if they only viewed the edited videos. (Clearly, they had never read the writings of the former Indonesia's first democratically-elected president, Abdurrahman Wahid, who once wrote that "nothing could possibly threaten God who is Omnipotent and existing as absolute and eternal truth... Those who claim to defend God, Islam, or the Prophet are thus either deluding themselves or manipulating religion for their own mundane and political purposes."<sup>66</sup>) Many more, no doubt, felt nothing they needed to signal their perceived offence to others. But what they all wanted was freedom *from* speech.

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In 2015, the Pew Research Centre conducted a global survey on people's attitudes towards free speech.<sup>67</sup> It wasn't pleasant reading in Southeast Asia. Respondents were asked three questions, each posing whether they thought it important in their societies that "people can say what they want without censorship," "the media can report news without censorship" and "people can use the internet without censorship." Most Southeast Asian countries scored way below the global median for each of these questions. For example, only 29 percent of Indonesians thought that people should say what they want without censorship and just 21 percent reckoned that internet use without censorship is important. Out of the four Southeast Asian nations surveyed, Vietnam was the second-worst when it

came to supporting free speech (answering 38 percent, 34 percent, 36 percent for the above questions) and Malaysia a little better. The Philippines came out best, though only half of the Filipino respondents thought it important for people to say what they want without censorship, and only 53 percent for the media to be uncensored.

Less surprising, however, was what people thought should be off-limits. The survey found that only 26 percent of Indonesians and as many Malaysians agreed with the survey's question that "people should be able to make statements that are offensive to your religion or beliefs publicly." Some 59 percent of Filipinos, by comparison, agreed with this question. In the US, 77 percent agreed, while the European median was 47 percent. Indonesians and Malaysians were also far more protective of speech that is considered offensive to minority groups. Just 23 percent of Indonesians and 27 percent of Malaysians agreed that people should be able to make offensive comments against minorities. In 2013, a survey of almost 4,000 Singaporeans asked whether they preferred limits on freedom of expression to prevent social tensions or complete freedom of expression even at risk of social tensions. Some 40 percent of respondents went for limits and 37 percent said complete freedom. The remaining 22 percent had no opinion on the matter, which says a lot of public participation in Singaporean society.<sup>68</sup>

Few subjects in Southeast Asia strike up so much anger and hostility (and fear about what happens if it is openly discussed) as ethnicity and religion. This isn't surprising. There are only three countries in the region that are not currently engaged in some form of sectarian battle, violent or rhetoric, between religionists: Cambodia, Timor-Leste and Brunei. But even the latter's inclusion is debatable; Brunei is the only country in Southeast Asia to impose Shari'a. In the Philippines, the struggle between Catholicism and the secular government isn't quite as bad as it used to be, yet the southern island of Mindanao has witnessed religious violence for decades, including the so-called Siege of Marawi in 2017, when radical militants linked to the Islamic State occupied the city for months. The siege was only resolved after Duterte declared martial law and the military fought street-to-street battles for months, with some support from the US. In Myanmar, a genocide against the Muslim Rohingya minority started in 2017 and could yet see the country's military generals and, potentially, the civilian government (including Aung San Suu Kyi) brought before an international court. In Thailand, a minor civil-war has been brewing for decades in the restive southern parts of the country, where a Muslim majority wants to break away. Terrorist attacks, including in Bangkok, are not uncommon. Meanwhile, the likes of Singapore, Malaysia and Indonesia are all multicultural societies where the majority faiths and ethnicities are perceived as having special treatment.

Ahok was correct in more ways than one when he said of his blasphemy trial: "This is not just a case about me but about determining the direction this country is going in."<sup>69</sup> While some say that conservative Islam in Malaysia and Indonesia is becoming more prominent, one might say that moderates are becoming more extreme. Indeed, some viewpoints often associated with literalists on the fringes can be found in wider society. In

2013, the Pew Research Centre conducted a worldwide survey on the attitudes of Muslims towards different elements of faith<sup>70</sup>. When Indonesian respondents were asked if they favoured making Shari'a the law of the country, 72 percent said they would (it is currently only the law in the semi-autonomous state of Aceh). Of Malaysian respondents, 86 percent said they would, higher than the percentages recorded in Pakistan, Bangladesh and Egypt. In fact, it was one of the highest in the world. What's more, of those respondents who favoured introducing Shari'a, 41 percent from Malaysia and 50 percent from Indonesia thought it should apply to all citizens, not just Muslims, and 60 percent from Malaysia and 48 percent from Indonesia thought stoning to death was an appropriate penalty for adultery.

Conservative, if not extreme, thinking is found elsewhere. In early 2016, the Indonesian Psychiatrists Association classified homosexuality, bisexuality and transsexualism as mental disorders and said they could be cured through proper treatment. "We really do care about them. What we are worried about is, if left untreated, such sexual tendencies could become a commonly accepted condition in society," a member of the Association said.<sup>71</sup> (It ought to be remembered that the World Health Organisation only removed homosexuality from its list of psychiatric disorders in 1990.) Around the same time, Indonesia's vice-president, Jusuf Kalla, asked the United Nations Development Program to stop funding LGBT programs in the country since, he said, homosexuals are not in accordance with Indonesia's social values, hardly befitting the country's "Unity in Diversity" slogan.

In 2016, Unicef for the first time put Indonesia on its list of countries conducting female genital mutilation (FGM). Half of all girls under 11 years old in the country are thought to have had this practice done to them. When data includes girls below the age of 14, Indonesia is in the top three countries in the world for FGM, which is not all that surprising considering it is the largest Muslim country in the world.<sup>72</sup> A 2012 survey in Malaysia found that more than 93 percent of Muslim women had been "circumcised."<sup>73</sup> In 2014, Human Rights Watch revealed that the Indonesian government was subjecting female police recruits to obligatory virginity tests, something that it had been doing for years. "If [a candidate] turns out to be a prostitute, then how could we accept her for the job?" the head of the National Police's law division reasoned.<sup>74</sup> Aceh, in Indonesia, tends to be the most discriminatory. In one area, women were banned from wearing skirts in 2012. The following year, women in one city were banned from riding bicycles side-saddle. In April 2016, a Christian woman was caned 30 times for selling alcohol in Aceh, the first case of a non-Muslim being punished under Shari'a in Indonesia. As a 2013 report by the Indonesia's Commission on Violence Against Women made clear, things were getting worse. From 154 discriminatory local laws in 2009, the number had risen to 334 four years later. "This is not the Indonesia I knew growing up," wrote Andreas Harsono. "I was born in Jember, a small town in East Java in 1965. At the time, there were no regulations that required women to wear the hijab. There was no multiplicity of local regulations and ordinances curtailing women's freedom to dress, dance or ride pillion."<sup>75</sup>

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The Ahok case was emblematic in any way. It is often said that censorship of ethnic or religious comments is grounded in the need to protect minorities. However, time and time again what one finds in practice is that laws are used to enforce the will of the majority over the minority. That's exactly what happened with Ahok. It was a similar situation for a small Chinese-language daily newspaper in Malaysia that, early 2017, ran a caricature of the president of the Malaysian Islamic Party (PAS). Shortly after the cartoon went public, admittedly to the newspaper's small readership of mainly ethnic-Chinese, a PAS state commissioner warned the newspaper not to forget what happened to the journalists of Charlie Hebdo, when 12 journalists were murdered at the French newspaper's Paris offices in 2015. "If you remember last time, there was a French newspaper that published a caricature that angered the whole Muslim world," said Muhammad Fauzi Yusof, adding that the newspaper would be responsible for the "devastating" consequences. "If they keep doing this, they must be responsible for any racial tensions that may occur," he said.<sup>76</sup> In response to what can only constitute a threat of murder, the newspaper's editors offered a public apology. Police chief Khalid Abu Bakar also waded into the debate. "Don't do anything or publish drawings or writing that can cause exasperation in the community. We have to be careful with these things," he instructed newspapers and journalists.<sup>77</sup> Yet he said nothing of the murderous threats made by Fouzi. What do we make of this? First, it was not the Chinese-language newspaper that threatened violence but the politician who told journalists that they, too, could be assassinated *en masse* for a cartoon. Then what about the police chief? He didn't arrest the politician for basically threatening mass murder. Instead he told journalists to refrain from angering others. So who is being protected by such censorship? Quite clearly, those who are threatening violence.

What censorship for the sake of national harmony becomes, then, is not the defence of the minority from the majority but the prosecution of the minority so that the majority does not engage in violence. In September 2018, a number of Shia Muslims were arrested in Malaysia's northern Kelantan state for practising their faith; Malaysia is Sunni-majority and its Shia minority have been persecuted for decades. So, too, have the Ahmadiyya community, which Malaysia consider "deviant" Islamic sect. In August 2018, Malaysia's Religious Affairs Minister banned portraits of transgender activist Nisha Ayub and LGBT activist Pang Khee Teik from appearing in an exhibition of influential Malaysians. ("Carnal knowledge against the order of nature," or same-sex relations, are punishable by up to 20 years in prison under Federal Law, and some states have even more draconian measures.) This culminated days later with the brutal brutal beating of transgender woman in Negeri Sembilan state, and with the Prime Minister, Mahathir, stating that Malaysia "cannot accept LGBT culture." This stands in stark contrast to his comments, made the same month, that the "New Malaysia" is anchored to "the principles of truth, human rights, the rule of law, justice, fairness, responsibility and accountability, as well as sustainability."<sup>78</sup>

Take, for another example, the case of Alexander Aan, an Indonesian civil servant who, in January 2012, was almost beaten to death by a mob that gathered outside his workplace. He survived the attack but the police officers who arrived to break up the melee quickly arrested him. Months later, he was hurled before a local court and sentenced to two and a half years in prison, while his attackers were let off. His crime? He posted a message on Facebook that read: "God doesn't exist". With a few brief Facebook posts, Alexander Aan revealed the fault lines in Indonesian society. It claims to be a secular nation but everyone must register themselves as belonging to one of five religions. To be a self-described atheist or even agnostic is not only legally impossible in Indonesia, it's illegal; at least, that is, to express one's opinion. A Malaysian journalist friend of mine once tried an analogy to explain this: Homosexuality, for example in Malaysia and Indonesia, is not illegal but sodomy is. Therefore, one can remain in the confines of the law by being an atheist or homosexual, for instance, only up until the point you want to express it. Malaysia, which is technically more of a secular nation than Indonesia, had its own atheist panic in 2017 after the Atheist Republic, an international organisation, held a meeting in Kuala Lumpur that year. A photo of the gathering appeared on social media and was widely shared, angering Shahidan Kassim, at the time a Minister in the Prime Minister's Department, who announced publicly that atheists needed to be "hunted down" and appealed for the public to "help to identify these groups."<sup>79</sup> I have spent some time with Malaysia's atheist community and it is abundantly clear that censorship over religion or race comments is not being used to protect them, arguably Malaysia's smallest minority group.

Don't be fooled into thinking this is something exclusive to Muslim-majority Malaysia and Indonesia. In September 2010, Carlos Celdran entered the main altar of the Manila Cathedral during a service. Dressed as Jose Rizal, the Philippines' national literary hero, he came to protest the Catholic Church's opposition to the proposed Reproductive Health (RH) bill, which was then still being debated in Congress (it was enacted in years later). But the Roman Church, of which about 86 percent of Filipinos ascribe to, launched an unmitigated attempt to destroy the legislation and smear anyone associated with it. Months later, Celdran was found guilty of "offending religious feelings," a violation of Article 133 of the Revised Penal Code, and served several months in jail. Speaking to the media after his trial, he said: "I am afraid for the Filipino people because this is a precedent that, when you question the Catholic institution, they can bring you to court and put you in jail."<sup>80</sup>

An inescapable fact is that the subjects that are taboo and off-limits in Southeast Asia tend to be those which are the most politically important. By silencing overt references to Islam, Malaysia's former ruling party, UMNO, effectively silenced any discussion as to why it tried to hold a monopoly over Islam. For decades, Malaysian politics has explicitly turned on religion and ethnicity. The Barisan National coalition, which ruled from independence until 2018, was composed of three parties that specifically represented the interests of the three dominant ethnicities: the United Malays National Organisation (UMNO), Malaysian

Chinese Association (MCA), and Malaysian Indian Congress (MIC).

The same goes for Thailand, where the extreme suppression of any comment on the monarchy has been wielded by military juntas to legitimise their positions after undemocratic coups, and to portray anyone who disagrees with their rule as not only anti-monarchist but also a traitor (monarchism is one of the three pillars, as well as nation and religion, that constitutes 'Thainess'). Vietnam has the same overlap of taboos; for example, it severely what is said by the country's religious groups. But it chiefly censors comments deemed critical of the Communist Party, which sees itself as the pillar of the nation and states. Indeed, it still wields the death penalty for crimes that infringe on national security, yet these can be defined as carrying out activities aimed at overthrowing the people's administration (Article 109 of the reformed Criminal Code), rebellion (article 112), and sabotaging the material-technical foundations of the Socialist Republic of Vietnam (article 114). But all of these rather broad definitions have come to mean one thing: opposing the Communist Party. Similar laws exist in communist Laos, too.

As mentioned earlier, Indonesians and Malaysians were far more likely to oppose speech that is considered offensive towards religious beliefs and minority groups than many other nationalities, including Filipinos and the Vietnamese, according to the Pew Research Centre. Equally unsurprising, fewer Vietnamese (61 percent) thought that people should be able to make public comments that criticise a government's policies than Indonesians (73 percent) or Malaysians (63 percent).<sup>81</sup> It is not very surprising, also, that such fault lines in society should reappear on social media. "Digital media do not stand apart as an autonomous force that impacts politics...digital media are shaped by the political and cultural arrangement in which they operate and are used," writes the academic Merlyna Lim.<sup>82</sup> Indeed, while it is tempting to think that politics would have been reshaped in the image of social media, instead what happened is that social media was transformed to resemble the image of existing political and social relations.

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When defenders of the right to censor speech that is considered sensitive say they are doing it for national security, what they actually claim is that it is necessary to protect national harmony. But who decides what constitutes harmony? Harmony can exist, for example, when a family accepts all opinions and parents speak honestly with their children. Harmony can also be imposed by a tyrannical father who beats his wife and children into not questioning his word. From the outside perspective, both families appear rather harmonious. What one actually finds when harmony is used, however, is that it actually means the status quo. It is small wonder that the greatest defenders of so-called national harmony are those who already have power. But a corresponding message is also given by those with power: at any moment, if the status quo isn't maintained, their countries could descend into anarchy.

In the past, I happily borrowed from the Montenegrin academic Srdja Pavlovic a new “-cracy” to add to dozens of others: Stabilitocracy. For Pavlovic, writing about the Balkans, “Western countries ignore local autocrats’ anti-democratic practices so long as they keep the peace.”<sup>83</sup> In the Southeast Asian perspective, I have argued that stabilitocracies (or what could be called “orderism”) is both for domestic and international consumption. The likes of Cambodia's Hun Sen, the Philippines' Duterte and both Laos and Vietnam's communist parties exemplify this. Their appeal to the public rests on two factors: a growing economy and maintaining stasis in society (two things that are heavily intermingled). At the same time, they constantly warn that citizens that should they fall from power, anarchy and chaos will return with vengeance. Hun Sen's favourite trope is to tell Cambodians that if he ever fell from power then the country would descend back into a state of despair similar to that experienced under the Khmer Rouge regime. “Duterte... is using his power to direct a campaign against criminal and drug traffickers in the name of restoring a kind of order to Philippine politics,” writes Thomas Pepinsky<sup>84</sup>. “In Indonesia,” he adds, “the contemporary politics of disorder takes a markedly different form: the policing of speech and action viewed to be blasphemous against religion or threatening to the Indonesian state. Both these forms of policing raise the spectre of social disorder and invites the use of Indonesia’s legal system in response.” Pepinsky summarises: “What makes the politics of disorder a thorny problem for Southeast Asian democracy is that these illiberal policies are popular among many citizens.” It is beyond the scope of this small book to weigh into whether they are popular or just tolerated. But what is clear is that the “politics of disorder” or championing of orderism has drifted onto how people view the internet. Repressive governments are only too happy to help make the internet safe. It just depends on what you mean as safe. China could be said to have one of the safest internets but that is only if you avoid talking about politics or visiting certain websites. Yet the question is: is all of this worth it?

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On a reposeful afternoon, I strolled down to Hong Lim Park, not far from the popular Clarke Quay, to have a look at the place that boasts “the only venue in Singapore where public protests are allowed.” In one corner of the park stands a plaque delineating itself as Speakers Corner, though not much could be heard that day except for a few gossiping office-workers sat each their lunches on a bench. George Orwell once described the original Speakers Corner, located in London’s Hyde Park, as “one of the minor wonders of the world.” For Singapore's, it's a wonder why anyone actually thought it useful in the first place. Few people actually speak here. Anyone that does want to has to read through 13 pages of terms and conditions, and then receive permission from local authorities. Even then, I am told, few people will actually turn up to listen to a rant. Three people who tried to organise a speech there in 2017 to complain about the country's compulsory savings scheme were arrested. They were accused of created a public nuisance, a rather apt phrase for how the Singaporean authorities consider free speech. In October 2018, the performance artist Seelan Palay set off from Speakers Corner on a march to parliament.<sup>85</sup>

Seelan ended up with a two-week stretch in prison after refusing to pay the \$1,800 fine imposed on him for breaking the Public Order Act.

Politics are certainly off-limits in Singapore, even though Prime Minister Lee Hsien Loong said he wants to hear more criticism. “If all you have are people who say, ‘Three bags full, sir’, then soon you start to believe them, and that is disastrous,” he said in 2017.<sup>86</sup> But the one thing that the authorities don't want people to talk about, and are happy to use the courts to protect others from listening to, are matters of ethnicity and religion. Prime Minister Lee has defended Singapore's limits on free expression as a means to safeguard social stability. “In our society, which is multiracial and multi-religious, giving offense to another religious or ethnic group, race, language or religion, is always a very serious matter,” he said in 2015.<sup>87</sup> Indeed, there is much to protect. Singapore has known race-riots in its history. Racial Harmony Day, celebrated every July 21, marks the day when the riots broke out in 1964, which left dozens dead and hundreds arrested.

But there is a puzzling idea that by suppressing hate-speech and anything that disorders national harmony one can improve society. It is, at the same time, utopian and nihilistic. Indeed, at the very same moment, one has to believe that one's society is tolerant yet on the verge of anarchy; that all in society are tolerant but also on the verge of uttering the most intolerant thought. The argument, also used in other Southeast Asian nations, is that where democracy is rudimentary and societies plural religiously and ethnically, there is a greater need to restrict freedom of speech. What is actually said is that: People cannot be trusted with untrammelled rights to say what they think nor expected to cope with listening to unwanted opinions of others because they might wittingly or unwittingly say something that will disorder society. In reality, it is pure infantilism. He might have got many things wrong but Karl Marx was correct when he wrote: “To fight freedom of the press, one must maintain the thesis of the permanent immaturity of the human race... If the immaturity of the human race is the mystical ground for opposing freedom of the press, then certainly censorship is a most reasonable means of hindering the human race from coming of age.” It treats citizens not only as children who are unable to understand opposition views but as children who might throw a tantrum if they hear something they don't want to. However, it also reveals the self-accepted weakness of the governments. “The vulnerability of the [Singaporean] state - given its geographical location, diverse ethnic and social make-up - is the reason given by the government to curtail the expression of political opinion,” opined one Singaporean academic.<sup>88</sup> “Singaporeans are over-dependent on the authorities for maintaining social peace,” reckons Cherian George, who lectures at the Hong Kong Baptist University School of Communication.<sup>89</sup> “Did they never tell you that on this island of paradise of ours trade is a matter of security, education is a matter of security, health is a matter of security, how you wash your underwear is a matter of security,” says a character in Singaporean novelist Gopal Baratham's *A Candle or the Sun*, published in 1991. (“You should criticise the faults if you care for the society,” Baratham once said. His writing has rightly earned him a comparison to George Orwell. Indeed, his *A Candle or the Sun* reads as something of a

commingling of *Nineteen Eighty-Four* and *Keep the Aspidistra Flying*.)<sup>90</sup>

But one glaring problem is that censorship of taboo subjects does not appear to improve the situation. Are race relations any better in Singapore because it isn't mentioned? Is politics in Vietnam wonderful because anyone who talks about it is threatened with arrest? I'll take a fairly positive-slanted story about Singapore from the *Straits Times*, dated November 8, 2015, as an example.<sup>91</sup> Despite decades of not trying to talk about race or religion, a number of commentators are quoted as saying that Singapore is "nowhere near being a race-blind society" because racist undertones are hidden under the surface of a seemingly cohesive society. They also said that "some people and groups are downright ignorant and biased, others merely tolerate but others are proactive in understanding and being appreciative". One sociologist opined that "bubbling beneath our civil veneer, there are prejudices and stereotypes which occasionally surface to trigger bouts of soul-searching". Indeed, the death of a foreign worker in Little India in 2013 led to a riot of more than 300 people, during which 54 officers and eight civilians were injured.

Protecting people from speech doesn't seem to have done much good in Singapore, except for burying unpleasant views that might actually be sorted out if openly discussed. "Lodging a complaint with law enforcers whenever one finds speech offensive provides only symptomatic relief and fails to resolve underlying problems and tensions," writes the Singaporean academic Carol Soon.<sup>92</sup> Indeed, as seen over the decades, while tensions remain dormant most of the time they frequently bubble up, such as with the aforementioned incident in 2013. Moreover, not talking about the issue doesn't always mean it will go away. A 2013 survey found that almost half of Singaporeans didn't have a close friend of another race. Or take the advice of the Singaporean actress Esther Low, known for her role in Netflix's series *Marco Polo*. In early 2019 she took to Twitter to comment that racism is "so deeply ingrained" in Singapore that she was once asked during a casting call if she was "okay" to kiss an Indian actor, while she also commented that many apartment rental ads specify: "Chinese only. No Indians or Malays." Here's one of her Tweets that perfectly sums up the situation: "Some Singaporeans can be very racist and I think we should talk about it. Because having/continuing objective discussions about this can potentially change the lives of victims of racism in Singapore. Let's start/keep the ball rolling." This isn't a great distance from the so-called Camden Principles on Freedom of Expression and Equality: "Limiting discussion of contentious issues such as race and religion will not address the underlying social roots of the prejudice that undermines equality... Instead of restrictions, open debate is essential to combating negative stereotypes of individuals and groups and exposing the harm created by prejudice."<sup>93</sup> Is it debatable if I argue that you cannot cure malnutrition by banning all mention of food? Probably not. Then follow the logic. You cannot cure racism by banning all mention of race, even negative comments. And you cannot sort out political problems by pretending they don't exist, as dictatorial governments try to do. The cure for racism, xenophobia and other social ills isn't censorship; it's open-discussion in an open public-sphere.

Sift through any book on free speech and nine times out of ten you will find Oliver Wendell Holmes mentioned. The American jurist coined one of the most overused aphorisms, by both free speech advocates and opponents. “Shouting fire in a crowded theatre” is often how it’s rendered, though what he actually wrote was that “the most stringent protection of free speech would not protect a man falsely shouting fire in a theatre and causing a panic.” It also ought to be remembered that the case Holmes was presiding over, *Schenck v. United States*, was about a group of Yiddish-speaking socialists who were arrested for handing out leaflets in New York warning the United States not to become involved in the First World War. Again, as has been pointed out on many occasions, perhaps the defendants were not *falsely* shouting about a fire on the Western Front, given that more than 100,000 Americans died on European soil. Two other considerations are necessary. First, isn't it the case that one could also spread panic by shouting “fire” in a crowded theatre which actually is on fire? So, is the reaction inconsequential to whether the statement is true or false? Second, more importantly, isn't the ideal situation to have a theatre not crowded with people so fearful and so ready to burst into hysteria at the slightest mention of the word "fire"? Indeed, isn't the problem in Holmes' example not the person shouting "fire" but the audience too quick to panic? This, in fact, cuts to the root of many free speech issues. The readiness to panic at the slightest mention of something disturbing and the readiness to blame the person shouting “fire,” not the crowd acting in a mobish frenzy. One can hope, instead, that an educated, reasonable crowd knows that if "fire" is shouted it would be best to actually take a moment to assess whether there is a fire or not and, then, not rush the doors in blind panic. And if there is no fire, allow the show to continue and treat the shouter for what he is, a liar and fear-monger.

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It would be wrong, however, if I leave you, dear reader, with the impression that only autocrats in government, conservatives and religionists are calling for greater censorship. In fact, an almost equal appeal is now coming from those who one would be typically associated with championing free speech. Indeed, as in many Western nations, there is now a creeping view that censorship can be a tool of progressives in Southeast Asia, too. It can sometimes be seen on the edges of conversations. For instance, Zurairi AR, a columnist for the Malay Mail, a Malaysian newspaper, wrote of one way to create a “New Malaysia” that is tolerant: “We can help steer discourse towards a more inclusive perspective. We can endorse those who work towards this. We can help pool our resources for this purpose. We can deplatform those who seek to divide us.”<sup>94</sup> To create a more inclusive Malaysia, one where “everyone can participate in”, must one censor those who oppose this idea and think differently? This appears to be his logic. If it is anything to go by, what could be termed “progressive censorship” is popular with the young throughout the world and statistics would indicate that there is no reason to doubt the same to be true in Southeast Asia. Another Pew Research Centre survey, in 2015, found that 58 percent of American millennials (aged between 18-34) thought that should be able to say public statements that are offensive to minority groups, compared to just 70 percent for

Generation X (aged between 35-50) and 71 percent for the Boomer generation (51-69).<sup>95</sup> In some ways this progressive censorship is also becoming institutionalised through the human rights groups that are active in Southeast Asia. This isn't surprising. Globally, there is an intense debate as to whether free speech should take precedence over protecting minorities from hate speech. This is a problem people have known about for decades, a result of a human rights movement that has failed to produce a hierarchy of rights (something I will address in the next chapter). On the one hand, it is fair to say that liberals in Southeast Asia should be concerned about what is happening on Facebook. Cambodia and Malaysia were victims of cyber-attacks, reportedly from hackers in China, before their elections in 2018. Genuine fake news is now being maliciously spread by government-associated actors, while issues like cyber-bullying is a real problem. But, by now, any sensible person understands how social networks lend themselves to increasing polarisation or its more technical term, homophily, our human instinct to gravitate around people who are similar to us. One historian describes as the “first law of social networks.”<sup>96</sup> Or they know that social media also lends itself to public shaming, arguably a result of our evolution.<sup>97</sup>

But there is the real problem of overemphasising the dangers of social media (or, more accurately, believing that social networks have created something that didn't previously exist in human society). Indeed, the best solution to the problems we now face is to try to understand how and why they came about, and search for a meaningful solution, rather than just lumping upon Facebook (our modern, secular age's manifestation of the scapegoat) responsibility for all our inner faults. But that is what seems to be happening. The most puzzling case of “progressive censorship” comes from Myanmar. Around the same time as Facebook was coming under attack from liberals, democrats and international politicians for appearing to censor content on behalf of the Vietnamese government, it was also coming under attack from many of the same people for not censoring content in Myanmar. As already noted in this book, ethnic cleansing of the Muslim Rohingya minority started in 2017 when the military and paramilitary groups, often composed of radical Buddhists, launched attacks on Rohingya villages in the north-west Rakhine state. At least 10,000 Rohingyas have now been killed, while an estimated 700,000 fled into neighbouring Bangladesh. (I do not have space to go into the specifics of this tragedy but I would recommend reading the updated edition of Azeem Ibrahim's *The Rohingyas: Inside Myanmar's Hidden Genocide* as an introduction to the history of the issue.) In any case, Facebook became mixed up in this crime when it came under attack for failing to censor racist, anti-Rohingya comments from its platform. Marzuki Darusman, head of the UN's fact-finding mission in Myanmar, said that social media “substantively contributed to the level of acrimony.”<sup>98</sup> The UN special rapporteur on human rights in Myanmar, Yanghee Lee, said that “Facebook has now turned into a beast, and not what it originally intended.”<sup>99</sup> His comment came just weeks after Facebook was temporarily banned in Sri Lanka, after it was accused of helping stoke religious unrest there, too.

“It's a real issue...We want to make sure that all of the tools that we're bringing to

bear on eliminating hate speech, inciting violence, and basically protecting the integrity of civil discussions [in the US], that we're doing [them] in places like Myanmar as well," Zuckerberg told *Vox* in April 2018.<sup>100</sup> One problem was that Facebook employed so few Burmese-language speakers that it was difficult for the platform to monitor hate speech, instead requiring such comments to be flagged by other users or monitored overseas, such as by the Malaysia-based company, Accenture, with which Facebook outsourced monitoring to. But Facebook did eventually respond by banning some egregious purveyors of the racist narrative from its platform, and before US senators in April 2018, Zuckerberg said that Facebook would hire dozens more Burmese speakers to sift through millions of comments posted on the platform to censor anything considered hate speech. However, a subsequent Reuter's investigation found that many of these posts remained on the platform months after Zuckerberg's promise. "These non-human *kalar* dogs, the Bengalis, are killing and destroying our land, our water and our ethnic people," one user wrote, using a racial slur against the Rohingya. "We need to destroy their race," wrote another user on Facebook. Someone else thought it wise to write: "Pour fuel and set fire so that they can meet Allah faster." The same Reuters article, published in August 2018, found that more than 1,000 similar posts on Facebook. "The poisonous posts call the Rohingya or other Muslims dogs, maggots and rapists, suggest they be fed to pigs, and urge they be shot or exterminated. The material also includes crudely pornographic anti-Muslim images," the article stated, while noting that all went against Facebook's own guidelines on posts that feature pornographic content or that include "violent or dehumanising speech."<sup>101</sup> Quite clearly, many commentators saw Facebook as somehow complicit in the racism being directed at the Rohingya minority and, if one reads between the lines, somewhat complicit in the genocide that took place. A headline from *Wired* reads: "How Facebook's Rise Fueled Chaos and Confusion in Myanmar"<sup>102</sup>. One from the *Guardian* exclaimed: "Facebook hate speech exploded in Myanmar during Rohingya crisis." The earlier-mentioned special report by Reuters asked: "Why Facebook is losing the war on hate speech in Myanmar." (This Reuter's article even mentioned that the journalists contacted Facebook about removing some of the posts, an ethical problem when a news organisation is calling for the censorship.) And then there was Yanghee Lee's comment that "Facebook has now turned into a beast."

One feels the need to defend Facebook, however. It isn't the purveyor of hate speech any more than the printing press is to blame for Hitler's *Mein Kampf* or the cine-reel for the Holocaust. Instead, the beast, to employ Yanghee Lee's phrasing, is the prevalence of racist, anti-Rohingya sentiment in Myanmar society, which anyone with even the most basic understanding of Burmese history knows predates Facebook by decades. Did pogroms against this Muslim minority only suddenly take place after Facebook was introduced to Burma? No, clearly not; there were similar pogroms in 2012 (when Facebook hardly had many users in Myanmar) which left at least 80 Rohingyas dead and 100,000 displaced. The difference in scale of these two pogroms can be debated but not the intent nor the reasons for it, which were exactly the same. Moreover, it appears self-evident that while ordinary Facebook users were spreading hateful posts and whipping up public

anger, these weren't the people actually engaged in the murders and rapes; that was the military along with some vigilante groups. The responsibility for the genocide lays solely at the feet of the military and the civilian government.

What I suspect is a potential combination of laziness, hackery, signalling and, more problematic, apologism is the reason why Facebook become a convenient scapegoat. It is certainly easier to blame Facebook than to approach the subject of an ugly, racist sentiment that has existed in Myanmar for decades, especially the violent and genocidal form of Buddhist nationalism witnessed during the ethnic cleansing that shock many foreigners who still consider Buddhism to be something more gentler than the monotheisms. When individuals like Ashin Wirathu, the “Buddhist Bin Laden,” were covered prior to 2017 it was his apparent novelty, not potential for future violence, that was emphasised. Another sticking point is Aung San Suu Kyi, who journalists, human rights organisations and foreign politicians poured so much praise over for decades that many (some of whom I have heard this personally from) are unable to bring themselves to see her or her civilian government as bearing any responsibility. My own intuition is that many people placed so much faith in Suu Kyi's victory in 2016 changing Myanmar society that it was far simpler to blame racist posts on Facebook than admit her electoral victory has become a major disappointment, if not worse. One might add that so many people overlooked her writing about Buddhist nationalism, a major part of the anti-Rohingya narrative, in the 1980s and only focused on her softer, more liberal words in the 1990s. Moreover, they also overlook how Suu Kyi's decisions in early 2017 raised tensions, such as her appointment of a NLD functionary as the Rakhine State Chief Minister post when the state legislature was dominated by ethnic minority parties, a move that raised suspicions locally that the ethnic Bamar majority was taking more power in the state.

Moreover, if one thinks that Facebook bears some responsibility for the genocide, they must show some analysis that the genocide wouldn't have taken place if all hate speech was silenced on the platform. I don't quite see how this can be reasonably argued, if only because most of the racist posts started appearing on Facebook only after the genocide was already in motion. But, quite simply, the reason why the anti-Muslim or anti-Rohingya comments are so powerful and widely-shared is that anti-Muslim sentiment is so pervasive in Myanmar. Facebook is an easy target; a quick fix. But even if every anti-Rohingya piece of hate speech was censored, would racism disappear in Myanmar? I highly doubt it.

### **3. A New Public Sphere**

So this is the situation Facebook now finds itself. It is not too much of an exaggeration to say the social media firm is being pulled in directions by so many competing forces at the same time: autocratic governments want it to silence critical posts about politics; religionists want it to be the arbitrator of blasphemy; liberals want it to silence hate speech; while democrats and human rights campaigners complain mightily that it is now closing down their only space for open thought and speech. It is also (again not an exaggeration) to say that think given the anarchy that Facebook finds itself confronted with, it will simply opt for the path of least resistance: Agree to censor anything it is told to. There is another path, however. But it is certainly a more arduous one.

It is, perhaps, humbling to start off by remembering that Facebook was only launched in 2004 (the platform we know today only in 2006) and it has only really taken off in Southeast Asia since the early 2010s. But couldn't the witting observer in 2006 have predicted all these problems? Indeed, the difficulties Facebook now finds itself in were not only predictable but certain. Let's attempt an analogy. The fall of Indonesian dictator Suharto, who ruled from 1967 until 1998, gave birth to a new public sphere had a similar effect as Facebook on public discourse. "It seems as though freedom has given birth to anarchy... The hundreds of newspapers sold on the streets are full of slander and abuse... The journalism which not so long ago was so cowed suddenly emerges with a rhetoric that knows no bounds, and the mass media that grow like fungus in the rainy season provide no hope for the development of culture, in fact they destroy it," the Indonesian journalist Seno Gumira Ajidarma noted in 1999.<sup>103</sup> This might be a touch exaggerated, though it isn't too dissimilar from what many people now think about the affects Facebook has had. Yet did anyone seriously doubt that the introduction of Facebook and other social media were going to have the same sort of anarchic, uncontrolled impact on Southeast Asian societies as Seno Gumira Ajidarma describes an independent mass media having in post-Suharto Indonesia? The fact of the matter is that Facebook gave birth to the first true public sphere many countries had known for decades, especially for Vietnam, Laos and Cambodia. For those that at least had a semblance of a public sphere – like Indonesia, the Philippines and Malaysia – it had similar profound changes.

The late journalist Christopher Hitchens used to have an anecdote (one he told regularly) of a delegation of London's "respectable ladies" descending on the office of Samuel Johnson, the compiler of the first English-language dictionary. "We are delighted," they told the lexicographer, "to find that you have not included any indecent or obscene words in your dictionary." To which Johnson replied: "And ladies, I congratulate you on being able to look them up." To spell this out with less wit: Those who want to be offended often search out ways to be so. This was certainly Hitchens' intended meaning of the anecdote. But there is another, I believe. Let us assume this is how the scene unfolded

and let your eyes rest on the phrase, “being able to look them up”. One hundred years earlier – remember Johnson's Dictionary was published in 1755 – how many of London's “respectable ladies” would have been able to read, let alone approach a figure like Johnson so freely? Indeed, how many could at the time of Johnson’s compiling? At the turn of the 20th century, how many Southeast Asians were able to read, let alone afford to purchase newspapers or books so that they could engage in public debate? Probably not many. Historic literacy rates are to be slightly untrusted, though even recent years have witnessed startling increases. Between 1990 and 2016, literacy rates rose from 82 percent to 96 percent in East and Southeast Asia, according to UNESCO.<sup>104</sup> Even further back, newspapers only began to have mass appeal in Thailand and Vietnam in the 1920s, perhaps a decade later in Cambodia. But, still, even in the second half of the century, they were usually read by the small intellectual class or middle-classes. So before the internet, if an ordinary person felt outraged by something or wanted to complain against the government, they could write a letter to the newspaper (but it most likely would never be published) or rant about the issue to a friend or neighbour. Maybe they might try to protest, demonstrating with some other outraged people. But their ability to make themselves heard was limited. Come the arrival of Facebook, however, and anyone who can write (which in the 2000s was most Southeast Asians) and afford a cheap smart phone could make every thought and feeling public online. In the space of a few years, societies transformed from having a physical public sphere where few people could make their opinions heard, to a digital public sphere where this was available to everyone. *In Finding George Orwell in Burma*, Emma Larkin quotes a Burmese writer about the during the pre-internet age: “In Burma we are free to write whatever we want. We're just not free to have it published.” Today, this is morphed into something along the lines of a comment by the Malaysian editor: “[W]e have freedom of speech. But not freedom after speech.”<sup>105</sup>

The historian Niall Ferguson, quite correctly, reckons that the birth of the internet-era has had as much a profound effect on societies and politics around the world as the invention of the printing press. “The global impact of the internet has few analogues in history better than the impact of printing on 16th-century Europe. The personal computer and smartphone have empowered networks as much as the pamphlet and the book did in Luther’s time,” he wrote, referring to Martin Luther, the Protestant reformer. However, he added, one major difference between those two events is that the “networking revolution is much faster and more geographically extensive than the wave of revolutions unleashed by the German printing press.”<sup>106</sup> This is only natural since so many voices can now express themselves. “Facebook has walked into this not knowing that at this point of their development they would have created a system that rewards emotional responses,” stated Alan Soon, the co-founder of The Splice Newsroom. “The testing they do is often in a US context - not understanding that if you're in Myanmar and buying your first mobile phone today, you may be opening Facebook because your entire family is on it and seeing all this stuff and not knowing how to respond to it,” he added.<sup>107</sup> Indeed, it is important to remember is that not only has Facebook allowed for hundreds of millions of people to air their opinions for the first time; it also has allowed hundreds of millions to hear the

thoughts of other people. Twenty years ago, a racist muttering might have been kept only for one's family or friends, who probably shared such an opinion. A Vietnamese person who hated the Communist Party in the 1990s might have said as much only to a trusted neighbour. An Indonesian having doubts about his faith might have told only a handful of people he knew has similar thoughts. But now, via social media, these thoughts can be shared with family, friends and just about everyone else in society. This is another reason why social media has had more of an immediate impact than the printing-press of the 15th century: back then, the only people who could air their thoughts publicly were the literate and those allowed to do so by the gatekeepers of the printing-machines; publishers controlled who could be published, and editors controlled who could write in their new newspapers. Today, no-one is a gatekeeper on Facebook (except, that is, unless Facebook is going to take up this mantle).

But it is wrong to think that the old public sphere that existed before the internet age has simply disappeared. Rather, what one sees in the region, as well as most parts of the world, is friction between the old public square, one engaged in by only a minority of people and typically controlled by governments, and a new public square, which allows anyone to voice their opinion, no matter their competency on a subject, nor decency in opinion. In many ways, this reflects the old schism between how the philosophers Hannah Arendt and Jürgen Habermas interpreted the public sphere. To simplify their arguments with extreme brevity and iniquity: Arendt considered the public square to be a space of freedom and argument, where there is no set agenda, while Habermas saw it a space guided and steered by an unwritten but generally accepted rulebook. For much of Southeast Asia's recent history, at least most of the latter half of the 20th century, it could be said that their developing public spheres were more akin to Habermas' view on the matter. Each country, for example, had their own widely understood codes on what couldn't be said: anything about the monarchy in Thailand; anything about the role of Islam in Malaysia and Indonesia; anything about Singapore's multicultural society; anything degrading of the Communist Party in Vietnam, which one historian has called “a communist form of the accusation of *lèse majesté*.”<sup>108</sup> A Singaporean academic noted that the government's control of mainstream media ensures “content stays within the unwritten parameters of political acceptability.”<sup>109</sup> In large part, however, these codes were actually codified in laws that restricted what was off-limits, yet they were also rationalised by a society that tended to accept them, if not because the punishment of not doing so was severe. As a result, these public spheres could be said to be top-down and, in most cases, citizens agreed to play by these rules. One might call this, if that way inclined, “manufactured consent.” What social media's arrival did, however, was to alter the rulebook, if not tear it up. Not only did the internet provide new platforms where one could actually talk about taboo topics when there wasn't any prior. It was, at first, a space that governments couldn't control. In this respect, the public sphere of social media is more like Arendt's view on the matter: one of freedom but argument.

The overarching question that is really being asked right now in Southeast Asia is

whether the public sphere created by social media will revert back to the same rulebooks that guided the older public sphere. Will the old guidelines on taboo topics like monarchy, race, religion and politics be updated to close off parts of the online conversation? The region's more repressive governments would clearly like to see the return to the *status quo ante*. (As seen in the previous chapters, this is clearly their ambition, which, I would say, has a high probability of success.) Or will the new public sphere created by Facebook and social media eventually tear up the old rulebooks for good? Indeed, are the old rulebooks even compatible with social media? The recent debates over whether Facebook ought to be regulated are manifestations of these questions.

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So far, Facebook's response to all of this has been haphazard. For example, it has censored posts critical of the Thai monarch, so conforming to *lèse-majesté* rules, and has blocked users who posted critical messages about Vietnam's Communist Party. But it has annoyed both governments by not censoring all the time, and has taken a firm stance on some occasions. In February 2019, in the run-up to Indonesians national elections, Facebook removed some 207 pages, 800 accounts and 546 groups (as well as 208 accounts on Instagram, which is owned by Facebook, Inc.) that were allegedly related to the notorious the Indonesian online group, Saracen, that is accused of spreading fake news. Facebook's head of Cybersecurity Policy, Nathaniel Gleicher, defended the action saying that the accounts, pages and groups taken down in February 2019 were due to the "coordinated deceptive behaviour" of the Saracen group, and "not due to the content they had shared."<sup>110</sup> In 2016, the Indonesian police arrested three suspected members of the Saracen group. It was accused of having financial ties to the Islamist groups that orchestrated the protests against Ahok, the Jakarta governor arrested in 2016 for blasphemy, as well as taking payments to put out false information in what some have called a "fake news factory." But a Supreme Court ruling in April 2018 found the arrested trio innocent of any crimes and not guilty of spreading hate speech. Despite this, months later a local district court in Indonesia sentenced M. Abdullah Harsono, an alleged administrator of the Saracen syndicate, to 32 months in prison for "intentionally spreading information to incite hate," a violation of the country's Electronic Information and Transactions Law.<sup>111</sup>

In April 2018, dozens of Vietnamese civil society organisations, human rights activists and journalists wrote an open-letter to Zuckerberg urging him to "reconsider your company's aggressive practices that could silence human rights activists and citizen journalists in Vietnam." "Since last year," the letter continued, "the frequency of takedown [of posts and user profiles] has increased and Facebook's assistance has been unhelpful in restoring accounts and content...The takedowns and account suspensions have happened without the affected users being told the reasons for the violation or the specific content that is in violation."<sup>112</sup> They went on to allege that Facebook's change of policy, towards censoring more content by government critics and human rights activists, might

have been motivated after Facebook's Head of Global Policy Management, Monika Bickert, met with the Vietnamese Minister of Information and Communications, Truong Minh Tuan, in April 2017. Indeed, after that meeting a government statement claimed: "Facebook will set up a separate channel to directly coordinate with Vietnam's communication and information ministry to prioritise requests from the ministry and other competent authorities in the country."<sup>113</sup> It would appear, the open letter stated, "that after this high profile agreement to coordinate with a government that is known for suppressing expression online and jailing activists, the problem of account suspension and content take-down has only grown more acute." This open letter even prompted a brief boycott of Facebook by some Vietnamese activists (though this didn't last for too long, as we will come to later in this chapter.)

Comments made in recent years by Simon Milner, Facebook's vice-president of policy in Asia-Pacific, would appear to show he acknowledges that Facebook must abide by some local laws, though how it does so still appears to remain on an ad-hoc basis. He told the Financial Times in 2018 that when abiding by local laws, it is easier for the platform to censor content that incites violence, such as against a religious minority, than comments that criticise a political party. "[With] political content we have to be much more careful... we often push back, and we sometimes have to do that facing threats," he said.<sup>114</sup> Indeed, in November 2018 Facebook refused to censor a comment flagged by the Singaporean government as being "false and malicious" relating to an Australia-based independent blogger accusation that Prime Minister Lee is connected to Malaysia's 1MDB scandal. The country's Ministry of Law reacted angrily, claiming that since "FB [Facebook] cannot be relied upon to filter falsehoods or protect Singapore from a false information campaign" the government needed to introduce its own legislation on apparent fake news.<sup>115</sup> A Facebook spokesman told Channel News Asia shortly afterwards: "We have a responsibility to handle any government request to restrict alleged misinformation carefully and thoughtfully, consistent with our approach to government requests around the world. We do not have a policy that prohibits alleged falsehoods, apart from in situations where this content has the potential to contribute to imminent violence or physical harm."<sup>116</sup> In recent years, Facebook has also refused some requests from the Vietnamese and Thai governments, among others, to remove content which is explicitly political in nature.

Yet the situation Facebook now finds itself in in Vietnam is clearly the most difficult, where not only is the company being pressured to remove content and ban users who post messages critical of the Communist Party, it is also being pressured to open a local office and move its servers to Vietnam, as prescribed under a law introduced in early 2019. Negotiations between Facebook and the Communist Party remain opaque. Milner is thought to have met with Vietnamese Prime Minister Nguyen Xuan Phuc on the sidelines of the World Economic Forum, held in Hanoi in September 2018. Adding to the sense of uncertainty, in December 2018 Le Diep Kieu Trang stepped down as director of Facebook's operations in Vietnam after just ten months in the job. Facebook's executives in Southeast Asia, nonetheless, have been rather honest about the problems the platform

faces. “We absolutely see that social media and Facebook amplify humans’ intent both good and bad,” Milner told the Financial Times in early 2018. He went on: “It can do good by promoting democracy, human rights, reporting on events; there’s nothing quite like Facebook for doing that at scale...There are also people who want to use our platform for bad: undermining democracy, spreading false news and creating division.”<sup>117</sup> Speaking in mid-2018, Facebook's public policy chief for Southeast Asia, Alvin Tan, told a conference of journalists in Singapore that Facebook had shut down 800 million fake accounts that year internationally, while the company now had employed third-party fact-checking units across 14 countries. “We are hiring people to help us know countries better. We need to be smarter about handling billions of pieces of content. We need humans and machine learning to reduce disinformation. I assure you we are doing all we can. Work with us as we are try to do more to get disinformation off our platforms,” he said.<sup>118</sup>

In March 2018, Milner was called by the Singaporean government to appear before a Select Committee on Deliberate Online Falsehoods, ostensibly a penal about Facebook's role in the Cambridge Analytica saga but which also steered into the realm of fake news. Milner, responding to questions from Home Affairs and Law Minister K. Shanmugam, admitted that Facebook had a “moral obligation” to inform its users earlier than it did about the Cambridge Analytica affair. This came just hours after Zuckerberg posted that were was “a breach of trust between Facebook and the people who share their data with us and expect us to protect it”. “I hope you see from the statement from our CEO overnight... there is determination from the very top to figure out what went wrong, to correct it, and to make sure it doesn't happen again,” Milner told the select committee.<sup>119</sup>

A list of “desired outcomes” was published as part of the main report from this Select Committee, published in September 2018.<sup>120</sup> It stated that it wanted to see a “population that is well-informed and digitally literate” and a “society that is cohesive and resilient”. “The outcome envisioned here is an overall confidence amongst people that information transacted online can be trusted, and healthy, fruitful discussions can flourish,” it added. “The ultimate goal of these measures is *not* censorship but the exact opposite – to ensure our freedom of speech can be meaningfully exercised, in a properly functioning “marketplace of ideas” that is not drowned out by fake actors or false content.” Later, however, the report stated: “The notion that contestation in the 'free marketplace of ideas' will solve the problem is contradicted by the real and serious consequences that online falsehoods have had around the world.”

Alvin Tan, Facebook's head of public policy for Southeast Asia, told the Select Committee that the company was making all efforts to remove fake accounts and to become more transparent in its revenue from advertising but stressed that conditions wouldn't be improved by further legislation from governments. “Prescriptive legislation and requirements,” he said, regarding matters of fake news, “would make it harder for us and other online platforms to find the right technical solutions, consumer messaging and policies to address this shared challenge.” Kathleen Reen, Twitter's director of Public

Policy for Asia Pacific, who was also called to give evidence before the Singaporean committee, arguably provided the most level-headed statement delivered during the proceedings. “No single company, governmental or non-governmental actor, should be the arbiter of truth,” she stated. “Instead, we see journalists, experts and engaged citizens tweeting side-by-side to affirm, correct, and challenge public discourse in seconds.”<sup>121</sup> The Singaporean journalist and activist Kirsten Han also appeared before the committee and filed a complaint after it misrepresented her statements. It later turned out, either ironically or worryingly, that for a hearing supposed to debate “fake news”, five speakers requested changes to be made to their recorded testimony, which they argue was misconstrued by the committee. Noting that Milner told the committee that Facebook would remove “falsehoods” from the platforms that had been “defined as illegal” by court order, Han wrote that “as platforms like Facebook get slammed for allowing the spread of fake news, governments are getting more confident in going after online critics — whether they’re rumor-mongers or truth-tellers.”<sup>122</sup>

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Facebook's troubles in Southeast Asia must also be internationalised. In much of the world, there is great debate as to whether it should be considered merely a private-company, and therefore allowed to do as it sees fit with content posted on the platform; a public-sphere platform, akin to a 21st century version of a noticeboard where anyone can scribble what they want; or a content-provider, in which the company's moderations (censors, really) operate like a magazine editor selecting which stories are included. Facebook's executives appear to be leaning towards the latter interpretation. “When people ask us whether we’re a media company or a publisher, what they’re getting at is: do we feel responsible for the content on our platform? I think the answer is clearly yes,” stated Zuckerberg before the US Congress in April 2018.<sup>123</sup> This matters. In the US, for example, America's First Amendment doesn't (yet) protect free speech rights on privately-owned platforms; so if Facebook is merely a private-company it has every right to censor content that appears on its platform. But as a US Supreme Court opinion in 2017 by Justice Anthony Kennedy argued, social media increasingly function as a “modern public square” so there would be a considerable legal battle if the US government tried to enforce First Amendment rights over platform.

The duality of Facebook's nature (part private-company, part content-provider) has so far produced very different responses across the world. Germany's Network Enforcement Act (NetzDG), for example, requires social media firms to remove “manifestly unlawful” posts within 24 hours of being notified or suffer a hefty fine. This has given into a culture of “delete in doubt,” says a German lawyer.<sup>124</sup> In early 2019 the British government commissioned a report on how to deal with social media. One recommendation was that regulator should hold Facebook to a “news quality obligation” so that it promotes news from reliable outlets. One academic reacted: “I can’t think of another democracy in which there is a call for regulatory oversight of what constitutes ‘quality’ in the news.”<sup>125</sup> “[T]he

European political elites now effectively rely on US companies such as Facebook to carry out censorship on their behalf, seemingly oblivious to the risk that Facebook's 'community standards' may end up being stricter than European law," wrote the historian Ferguson.<sup>126</sup> So Southeast Asia is not alone in not knowing how to view Facebook. But, compared to the US and Europe, the region's startling lack of democracy ought to be remembered. In all likelihood, there looks like four alternatives.

### **1. Governments regulate what Facebook should censor through legislation**

This is the current situation, where Facebook is being pressured to abide by the ever-increasing number of laws designed to limit online free speech, while governments establish lines of communication with the company so that they can speedily flag up any content they want to be removed. Small wonder, then, that most governments are preparing anti-fake news legislation that would expand censorship in an area that Facebook feels particularly vulnerable. However, for governments to have their way Facebook's executives would need to give more ground, since the company has often refused to take down postings despite ministerial pressure to do so. Nonetheless, such pressure on Facebook would mount if other countries follow Vietnam's lead and demand that Facebook establishes a domestic office and moves its servers to the country, while at the same time threatening financial consequences if Facebook doesn't concede. It would not be surprising if most governments soon establish a new department to specifically deal with material posted on social media, which would ask as regulator over the company.

### **2. Governments and citizens hand over the censorial responsibility to Facebook through threat of fines.**

Another possibility, similar to what is happening in Europe, is that Southeast Asian governments simply draw up a list of content they think should be removed and then threaten Facebook with a hefty fine if it refuses to censor such material. In practice, this will turn over censorial responsibilities to the social media firm. It would surely benefit most governments, who won't be lumped with international condemnation for their free speech abuses, while it might also benefit Facebook, the company, which would be able to argue that its new role makes economic, though not ethical, sense.

### **3. Facebook agrees to only censor content that goes against its "Community Standards"**

It is possible that if Facebook refuses to give in to the demands of governments, it makes a

The main question would be whether Facebook simply follows its own guidelines that it sets globally, such as those that restrict pornographic content and material deemed "violent or dehumanising speech." In this respect, one could make a reasoned argument that because Facebook is a private-company with its own guidelines and community

standards, it has every right to censor the racist content expressed by some Burmese users, for example. The reverse side of this coin, however, is that as a for-profit company as well, it's also Facebook's right to fully comply with whatever censorship is asked of it by the Vietnamese Communist Party. After all, it's a private-company, not a global public utility, some argue. But even this problem is, arguably, minimal compared to the far greater responsibilities Facebook would face if it is to be a legitimate regulator. The most glaring difficulty is quite simply the scale of the task. As we have seen in earlier chapters, highly bureaucratic, repressive governments are unable to monitor the social media postings of all their citizens, so how on earth does one expect Facebook to do it? According to one estimate, every minute across the world 510,000 comments are posted, 293,000 statuses updated and 136,000 photos uploaded to Facebook.<sup>127</sup>

Another problem is how Facebook is going to decide on semantics, especially when it comes to hate speech. Take the fairly easy case of anti-Vietnamese language in Cambodia and use of the word “*yuon*.” This debate about whether the word is racist or not has been going on for decades, not least because the pro-democracy opposition tends to use anti-Vietnamese sentiment that has been existent in Cambodia for centuries to stir up popular support. But opposition politicians say that when they use the word *yuon*, it is not racist but just a colloquial way of referring to the Vietnamese. “Sour Vietnamese soup” in Cambodia, for example, is often called *samlor m'chou yuon*. However, how does one parse this from comments made by Sam Rainsy, one of the opposition leaders, such as his pledge to “send the *yuon* immigrants home” or that the ruling party is a “*yuon* head” and a Khmer body? The word *yuon* is quite clearly not racist when referring to soup but arguably is when referring to immigrants. Will Facebook's moderators be able to distinguish the different context if they scour the platform looking for usage of this word. This isn't trivial. In recent decades, ethnic-Vietnamese have been killed in mob attacks in Phnom Penh. But if Facebook is to weigh into this debate, it will have to make a decision on the issue that hasn't really been resolved in decades by academics, linguists and political analysts. So would Facebook have to hire dozens of experts to draw up a paper on whether *yuon* is actually racist or not; an endeavour that would take months and its results still highly debatable afterwards?

This is just one minor example. How about anti-Chinese sentiment in Vietnam, a mainstay of its pro-democracy movement? Is that racist? And in what contexts? Or what about even more sensitive topics: Is Facebook going to make a definitive decision on what separates criticism of a religion from racism against believers, a problem even for organisations that make it their living to decide on such matters. In 2016, for example, the Southern Poverty Law Centre, a highly-respected US-based civil-rights organisation, included the British political activist Maajid Nawaz on its list of “anti-Muslim extremists”, despite the fact that Nawaz is still a Muslim and has spent decades trying to de-radicalise extremists through his non-profit Quilliam.<sup>128</sup> At first, the organisation refused to back down and only slightly edited his entry in the list. But, two years after he first threatened to sue, the organisation finally offered an apology and agreed to pay \$3.4 million in damages. And

then what about content that obviously isn't racist or xenophobic but could be interpreted that way by the legions of people who are so easily look for offence? Zuckerberg, in his November 2018 memo, had something to say on what he called "borderline content," writing that:

This is a basic incentive problem that we can address by penalizing borderline content so it gets less distribution and engagement. [Facebook needs] to apply these distribution changes not only to feed ranking but to all of our recommendation systems for things you should join, [because] while social networks in general expose people to more diverse views, and while groups in general encourage inclusion and acceptance, divisive groups and pages can still fuel polarization.

This is very much Zuckerberg trying to have his cake and eat it too; but it spells out the dystopian future for Facebook users. Indeed, in one reads between the lines of his statement, it would appear that Facebook would judge hate speech and "borderline content" not by the intention of the writer but by the perception of the audience. If my understanding of this is accurate, it would radically alter how limits on free speech, such as defamation and libel, have been typically applied. Indeed, anything could become incendiary because anything can be offensive. No doubt, nine-tenths of everything I have written in this short-book so far can be considered offensive by one hundred different people.

Moreover, what happens when someone is censored from the platform? It is well-known that Facebook is an ideal incubator of what some call polarisation, though what is better identified as tribalism. The reasons for this I hope are obvious to the reader (or easily identifiable for the reader who chooses to spend just a few hours investigating the subject). But, given this, are we to think that Facebook will become less tribal and polarised if there is more censorship? One can quite easily predict a situation where different groups (who now appear unable to speak to one another, and are simply just trying to shout louder than the other) move from announcing their own thoughts on Facebook, to becoming even more isolated if they perceive themselves to be the unfair victims of a censorious Facebook. If a racial Islamist in Indonesia is censored on Facebook, won't this just add to their perception as being an aggrieved group? Or, for that matter, if an pro-LGBT campaigner in Indonesia is censored, won't this simply add to their own grievances? Only the most naive would think that blanket censorship by Facebook might bring these disparate groups together, for nothing else than all being the victims of censorship. Being denied a voice, as any social scientist worth their salt will tell you, is likely to make people more angry, not less.

There are far more challenging philosophical questions Facebook would need to engage itself with if it is to become the censor. For example, if it aims to tackling fake news, is a comment to be judged correct at the time it is uttered or only at some later date? Some who want to censor free speech often revert back to the safety that they only

want to censor “untruthful” statements. But, across Southeast Asia, there exists secrets and lies that everybody knows. And “truths” that everyone understands are false. If one is to suppress speech that is “incorrect,” then who decides what is accurate (a problem raised after the earlier-mentioned British report)? Facebook and social media companies, who don't have, and probably will never have, enough local staff to decipher fact from fiction? And are Facebook's staff to be given a sufficient amount of education in history, politics, economics, societal studies and the sciences to be work out the genuineness of hundreds of thousands of articles and posts each day? How many fact-checkers does the *New York Times* employ for a few dozen articles each day, and how many mistakes slip by? Scale that up to almost one million posts put on Facebook every minute and I think you'll find there isn't a company in the world profitable enough to hire enough fact-checkers.

Moreover, the whole “fake news” debate comes back to a major issue in the free speech that still, obviously, hasn't been answered: Should free speech only be defended when it is correct? One of the markers of genuine free speech liberals, at least in the past, was their willingness to defend even the most abhorrent and incorrect speech of another person. That's why the American Civil Liberties Union defended the right of neo-Nazis to march through a predominately Jewish town of Skokie in the 1970s. “Freedom is always the freedom of the one who thinks differently,” said Rosa Luxemburg, herself an early victim of the proto-Nazi Freikorps. In our Post-Truth era (as some like to say we are in) we could do no better than update the motto: “Freedom is always the freedom of the one who thinks incorrectly.”

But the far greater problem for anyone who cares about free speech is that we shouldn't forget that Facebook is a private-company driven by profit. If it is allowed to become the censor (or simply given more responsibility over censorship) should we trust a for-profit, private-company with the kind of power ordinarily only given to governments. True, Facebook should be rightly derided for its role in the Cambridge Analytic scandal and for failing to protect our data; but why should we then trust a company that is so flagrant with protection, and so clearly motivated by profit, to moderate something so important as our speech? Kalev Leetaru, writing in *Forbes* in 2016, put it thusly:

As these platforms begin to play an ever more active role in moderating the online world, they begin to assume some of the same functions and responsibilities as a government and court system, only without the infrastructure of access, appeals, representation, and due process. Indeed, as private enterprises where access is governed by a legal contract between user and platform, users have few actual rights to compel companies to permit or prohibit particular speech.

This isn't an argument exclusive to libertarians. A disgruntled Facebook employee told the *New York Times* that “he feared that the company was exercising too much power, with too little oversight,” the newspaper stated.

But then consider it in the Southeast Asian context. “At least in the US, if they get upset, they can call [Facebook founder and chief executive] Mark Zuckerberg to Congress to answer questions; we can’t do this...” “Many countries around the world, long before the US, realised this was a problem,” said Clarissa David, a professor at the University of the Philippines’ College of Mass Communication.<sup>129</sup> Up until the dawn of the internet-age, the repressive governments in Southeast Asia held a tight chokehold around free speech, which was only loosened when social media arrived. Now, with free speech given a little breathing space, there appears to be an ambition by some to offer the potential noose to a company motivated, chiefly, by profit.

In 2018, as the Vietnamese government planned its way to blackmail Facebook through financial loss, a number of pro-democracy activist and human rights campaigners said they were going to boycott the platform. In July 2018, a report asserted that up to 10percent of users on Minds, an alternative and more secure social media platform, were from Vietnam. In fact, in one week alone, 100,000 Vietnamese users signed up to the platform. “The main reason we choose Minds and other platforms is that we got sick of Facebook for having recently taken down many statuses and stories on our accounts without reasons or vague reasons,” Nguyen Chi Tuyen, a well-known human rights defender who goes by the online name “Anh Chi,” told me at the time. “And we want to send a message to Facebook that we, the users, have the right to choose and are the ones to make the social media become valuable.”<sup>130</sup> However, Nguyen didn’t completely leave Facebook (he is still active on it) nor has most other well-known activists. Many told me that they were concerned about shifting their activity from Facebook to other platforms. They were worried that, since almost half of all Vietnamese people regularly use Facebook, then taking their activism to other platforms would diminish their ability to communicate with the masses. Indeed, many said that they had to decide between protecting their own safety and moving away from Facebook, or continuing to communicate with the largest number of people possible and remain on Facebook. To wrap up this argument, let me offer a wager: is it more likely that, confronted by a repressive government like Vietnam’s and threatened with financial loss, Facebook would choose financial loss or to renege on its founding principles? One suspects the latter.

#### **4. Citizens should decide the limits of their new public sphere**

“While there needs to be a balance between observing rights or free speech and censorship, the freedom to express oneself is not unbridled and always subject to the greater good of society.” So wrote Ashok Sawhney, of the S. Rajaratnam School of International Studies.<sup>131</sup> Such a statement, with some deviation, strikes at the heart of the matter. It would be infinitely better if it was decided that no speech whatsoever was censored from our public squares, yet this is unpracticable and judging by the polls mentioned in the previous chapters, most Southeast Asians think there should be limits on what can or cannot be said online. But the reason I still have faith in Facebook and social

media, despite their obvious defects, is that they allow for the possibility of Southeast Asian citizens holding an informal debate among themselves about where to draw the lines between what can and cannot be said. In short, this technology allows for citizens to engage in nothing short of an existential discussion about their own public squares.

The first thing to remember, as have been mentioned in this chapter, that so few citizens actually were asked their opinions when the existing limits on free speech were drawn up throughout Southeast Asia, nor have ever been asked their opinion on the numerous taboo subjects. For instance, Borwornsak Uwanna, one of the authors of the 1997 constitution, wrote in a defence of Thailand's *lèse-majesté* that because the people's relationship with their monarch is unique there exists a "societal consensus" in which harsh punishments are accepted by the majority of people. (This is what I meant earlier in this chapter by Jürgen Habermas' view of the accepted guidelines of a public sphere.) Thailand is also distinct from other constitutional monarchies, he said, because it "has a long history dating back to ancient times," and because the people "love and respect [the monarchy] for the monarch's contributions to their wellbeing."<sup>132</sup> Uniqueness and love can be debated but one might conclude from his views is that *lèse-majesté* is a cultural expression of Thainess, as relativists would no doubt agree with. But it only warrants a very simple question: How does one know this? There has never been a referendum on whether Thais would prefer a monarchy or republic nor whether they are happy with the *lèse-majesté*. Even a simple opinion poll is out of the question. A comment by the president of the Thai Journalists Association, also in 2009, was more honest. The local media doesn't cover reports of the monarchy that would violate *lèse-majesté*, he said, because "we have been taught that way." Thaweeporn Kummetha, the Thai journalist mentioned in the preface, has argued that "because the monarchy is a public institution [it] should be held accountable and should be scrutinised and criticized." It must also be noted that the monarchy is also a considerably wealthy public institution thanks to its control of the Crown Property Bureau, which is thought to worth about \$44 billion.<sup>133</sup> Not knowing whether nationally important institutions, and those protected by severe censorial laws, have the support of most of the public is the same for the communist parties of Laos and Vietnam, which haven't dared hold a free election in years. So, in reality, when it comes to repressing certain forms of speech in order to maintain the "greater good of society," what one actually finds is that the greater good has rarely ever been decided by the majority of citizens. The greater good, instead, is defined almost exclusively by governments, most of which have been in power for decades in Southeast Asia and don't want to open up the political space to people with differing opinions, and which happen to see their own longevity in power as also being intrinsic to said greater good. In case anyone thinks this is somehow disparaging of Asia, there is very little difference in the what's mentioned above than the centuries of debates over Rousseau's theory of "general will," about which he once wrote: "Anyone who refuses to obey the general will shall be forced to do so by the entire body; which means nothing else than he will be forced to be free." Isaiah Berlin, however, saw this theory as "a doctrine which leads to genuine servitude" and "one of the most sinister and most formidable enemies of human liberty in the whole history of modern

thought” because of it subjugates the individual to the untestable whims of the majority.

But it is worth pointing out that if citizens are to come together and decide among themselves where the borders of free speech will be drawn, it will be an arduous and, dare I say, highly problematic task. There are some arguments that basically assume a new public sphere of open, free debate is certain to be dominant in Southeast Asia, if only because of societal change. Personally, I doubt such determinism and optimism. A 2015 Pew Research Centre survey did find that across the world, including in Southeast Asia, people were more likely to support media freedom if they were more educated and had higher incomes. In the Philippines the percentile difference was nine points higher. Another Pew Research Centre report, from early 2018, found that Vietnam has one of the largest differences in social media use between education; the better-educated Vietnamese are 40 percentage points more likely to access their daily news through social media than those of lesser education. Moreover, Vietnam has the highest differential of the 38 countries surveyed for a split between income groups; higher-income Vietnamese were 32 percentage points more likely to use social media to access the news than those on lower incomes.<sup>134</sup> Yet Samuel Huntington was wrong when he theorised that if the middle classes were allowed to grow in undemocratic, developing-world nations then they would begin to democratise. Events in Thailand, Vietnam and the Philippines show this not to be the case. The appeal of populists and strongmen in Southeast Asia, wrote Richard Javad Heydarian, “lies in their uncanny ability to tap into collective frustrations - most especially among aspirational middle classes - over the inefficacy of state institutions to accommodate new voices and provide basic goods and services.”<sup>135</sup> (I have not enough time to go into specifics but would recommend reading Joshua Kurlantzick’s excellent essay on this matter, published in *Foreign Policy* magazine in 2013.<sup>136</sup>) If Huntington was wrong about increased wealth leading to increased democracy, a parallel proposition that increased wealth leads to increased free speech is likely wrong, too. I am not certain of that but the belief that we can sit back, relax our heels upon the proverbial table and wait for greater free speech to come about naturally is a risky premise.

It will also require greater confidence among the stakeholders, like journalists and human rights organisations, who have a proverbial dog in the free-speech scrap. But as we have seen, there is some wavering on how much these two groups really believe in free speech any longer, especially when it comes to the debate between free speech and hate speech. Writing about a controversial new German law that can fine social media million of dollars for every “obviously illegal” post they fail to remove in 24 hours, Alexandra Borchardt, director of strategic development at the Reuters Institute for the Study of Journalism, stated: “Refusing to protect the public, especially the most vulnerable, from dangerous content in the name of ‘free speech’ actually serves the interests of those who are already privileged, beginning with the powerful companies that drive the dissemination of information.” You see how far the rot has gone when senior teachers of journalism start arguing for restricted free speech.

The same goes for the human rights community. Somewhere along the way (most likely when the United Nations Universal Declaration of Human Rights was signed) there arose an uneasy confusion between human rights and legal rights. This is what some have described as a schism between the moral claim of human rights and the legalist claim of international human rights legislation. The moral claim of human rights, almost by definition, does not begin or end at borders, nor does it sprout or fade because of what is written down in law. "It is a perversion of terms to say that a charter gives rights," Thomas Paine wrote. Indeed, if human rights are universal and existent then a few populist autocrats and a timid United Nations cannot extinguish them. In fact, even if only one country in the entire world upheld human rights, they would still be universal. But even some the most senior officials of human rights organisations appear to be fallen down the well of relativism. Irene Khan, Amnesty International's Secretary General, is reported to have once said:

If you look globally today and want to talk about human rights, for the vast majority of the world's population they don't mean very much. To talk about freedom of expression to a man who can't read the newspaper, to talk about the right to work to someone who has no job; human rights means nothing to them unless it brings some change on these particular issues.

This is not far away from the communists' dismissal of human rights as mere "bourgeois freedoms" that mean little for the poor materially. It also reveals the extent to which relativism has prevailed for many. Behind the nice sounding words, such a message signified that human rights are for the rich world, not the poor world. Neither is it that distant from the line once employed by imperialists: the poor, illiterate colonised people care little about democracy or autonomy, just food on the table and a hoe in their hand.

What would be handy is if the tedious debate about so-called Asian Values is put to bed. A year after Francis Fukuyama published his now-derided *The End of History*, a number of Asian ministers gathered in Thailand's capital to affirm their commitment to the United Nations Charter and the Universal Declaration of Human Rights, as part of the World Conference on Human Rights. But, at the same time, they also prepared a statement that argued exceptions must be made. "Confrontation and the imposition of incompatible values" must be avoided, the so-called Bangkok Declaration reads. And, while human rights are "universal in nature," they must be "considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds." It was a considerable effort of trying to square a circle: human rights are universal as a concept but not as a reality. Even before the Bangkok Declaration, a debate was ensuing over what are now called "Asian values." In 1991, Chinese Communist Party argued that "owing to tremendous differences in historical background, social systems, cultural tradition and economic development, countries differ in their understanding and practice of human rights". Three years later, the foreign minister

of the People's Republic was more explicit when he said: "Individuals must put the state's rights before their own". In Southeast Asia, the "Asian values" debate was led by Singapore's late Prime Minister, Lee Kwan Yew, and his Malaysian counterpart, Mahathir Mohamad. On a visit to Beijing in 1993, Mahathir said that human rights were just "a tool Western governments use to subvert Asian countries." In the same year, Indonesia's Foreign Minister Ali Alatas (the country was still under the brutal Suharto dictatorship at the time, it is important to remember) called for "understanding of the traditions and social values of developing nations, many of which were endowed with ancient and sophisticated cultures" and, much like other politicians in the region, said that "an individualistic approach" to human rights would lead to "instability and even anarchy." (Perhaps the anarchy he had in mind was the eventual fall of the Suharto regime in 1998.)

However original the writers of the "Bangkok Declaration" thought they were, their argument was hardly a novel. King Chulalongkorn, who ruled Siam from 1853 until 1910, a period of great modernisation and interaction with Westerners, stressed that political lessons from Europe were not replicable in Siam, although many argued that they could be. Thais could not grow rice in Siam, he once said figuratively, by using the methods of growing wheat in Europe. (Interesting enough, Hun Sen reached for a similar analogy in early 2019 when lambasting European politicians for speaking up about democracy in Cambodia: "You eat bread and I eat rice," he said, meaning that Cambodian laws are naturally different from Western laws, even though the Cambodian constitution wouldn't look out of place in Europe.) In reality, Chulalongkorn's argument was that only the King could decide which reforms to implement. Chulalongkorn's successor to the throne, Vajiravudh, said that those who wanted political and social change using European models were engaged in a "cult of imitation" and were "sacrificing their Thainess." But all this can be swiftly dealt with. The Cambodian professor Sorpong Peou wrote put it in an essay: "External attempts at steering Cambodia away from its anti-democratic culture have failed... Seeds of foreign ideology – whether socialism or political liberalism – sown on Cambodian soil have sprung up but soon withered away and died." The reality, however, is not that democracy and liberalism have failed to sprout in Asia because of infertile soil; they have failed to seed because of the autocrats who brandish pesticide.

My lengthy mention of this is for a good reason. For a start, the Asian Values debate has never really gone away; today it is expressed through appeals for "national sovereignty," usually expressed by the world's autocrats when foreign governments criticise their actions. Cambodia's Hun Sen has talked non-stop of sovereignty since the US and EU started threatening sanctions on his country in 2018. But an appendage of this is what some term "cyber sovereignty." It is "a vision that rejects the universalism of the internet in favor of the idea that each country has the right to shape and control the internet within its own borders," reads a report from PEN America, which notes that China is by far the most vocal espouser of this theory.<sup>137</sup> Zuckerberg's belief that Facebook could "make the world more open and connected" is coming under the same relativist attacks as so-called globalists are now facing from nativist and populist politicians across the world.

The irony of all this is that universalism is proven correct by the fact that so many people across the world (Westerners and Easterners in equal measure) have so easily and readily taken to Facebook, a platform designed in America which sought to uphold the country's First Amendment principles. If Facebook so easily sprouted on Southeast Asian soil, why not liberal democracy, independent courts and rule of law? Again, remember who brandishes the pesticide.

But if citizens were to set the borders of free speech for themselves, it will require an enormous amount of courage from ordinary people, and the so-called silent majority would need to raise their voices. A few years after the semi-autonomous Indonesian province of Aceh imposed Shari'a, Irwan Johan, a vice speaker for the Provincial Legislature, said that that despite a "silent majority" thinking that things had gone too far, most people are "not brave enough to say anything." This is especially true for politicians, he added, as they could be voted out of office and ostracised from their communities. "Everybody became a hypocrite," he said. Many ordinary people rallied behind Ahok during his trial, for another example but absent were senior politicians and moderate Islamic groups. Indeed, few people with power, especially those who had much to lose, wanted to be also be held accountable for Ahok's words in the court of public opinion.

But the main question would be how to practically go about holding such a societal debate on free speech? In Myanmar, the grassroots campaign Panzagar ("Flower Speech") is trying to educate users about how to ethically use social media. Organisations like the Southeast Asia Freedom of Expression Network are also doing sterling work. More bodies like this are necessary. But there would need to be something more official. Mark Zuckerberg has proposed something akin to a Supreme Court of Facebook. "We're planning to create a new way for people to appeal content decisions to an independent body, whose decisions would be transparent and binding," he wrote in late 2018. More reliable, however, would be national committees that draw up guidelines for what speech warrants censorship. Here is a purely hypothetical and widely optimistic suggestion. In order to draw up censorship guidelines for each country, independent, consultative bodies would be created that include government officials, NGO staff, academics, lawyers, journalists, members of the private-sector, and representatives of ordinary people (who perhaps could be nominated through a ballot). To ensure the government officials don't simply steal the show, all the different groups would need to have equal representation. Such a body would then meet to draw up a list of guidelines laying out what content is deemed too extreme and needs to be censored, and what is permissible. It would, then, present the guidelines to Facebook which would then enact its recommendations. This committee would also receive appeals from users who have had their posts censored or their profiles taken down, and would be able to arbitrate on whether it was just or not. I prepositioned this with the warning that it is widely optimistic, and I would go as far as to say that impossible, simply because so few supposedly independent bodies (the judiciary, electoral organisations, etc) have remained apolitical in Southeast Asia.

In fact, it is possible that almost everything I have written in this short book is optimistic, and my faith that free speech can improve unfounded. Sat writing in early 2019, it doesn't appear that illiberalism and autocracy are in retreat; the opposite, in fact. Censorial governments appear to be getting more skilful in playing Facebook to do their bidding. As for Facebook itself, attacked from some many different people across the world, appears to be losing its confidence it its visionary mission statements. Nonetheless, as Gopal Baratham writes in *A Candle or the Sun*: "The possibility of winter is essential to the happiness of people living in the tropics."

## **Conclusion: What About China?**

If the tone of this short book has often oscillated between optimism and pessimism, it is not the result of fractured thinking. The inherent problem of social media, as well as the burgeoning new public sphere, is that it is so contradictory: It has the ability to connect so many people around the world, yet ends up just enhancing tribalism; it was designed to foster democracy in all corners of the globe but has often only benefited autocrats and populists; it has exponentially expanded the ordinary people's ability to exercise free speech but has also allowed for an explosion of racism, falsehoods and slander; and, uniquely in history, our epoch's largest public sphere is managed by a private company, a square no-one really knows how yet to circle. These contradictions are troubling people around the world. That is, however, except really one country: China. Not only does China now have its "Great Firewall" that can block its citizens reading content published outside the country; it also has its "Golden Shield" that carried out online surveillance and its "Golden Cannon" that attacks the Communist Party's critics and hostile media.

This is an additional problem now facing Southeast Asia. For now, the dominant social media platform in the region was founded in America and, however hackneyed their utopian evocations, Facebook's founders do at least appear to champion democracy, pluralism and an open internet. But Facebook's reign in Southeast Asia might not last forever. Indeed, some commentators reckon the global domination of America's so-called FAANGs (Facebook, Apple, Amazon, Netflix and Google) might be coming to an end. And the platforms likely to ascend after it won't be others from America or Europe but from China. As the FAANGs recede, Southeast Asia might see the domination of China's so-called BATs (Baidu, Alibaba, and Tencent). In the fields of e-commerce, tech development and startups, the BATs are already growing in the region. Alibaba, for example, has gone on a spending spree, purchasing numerous domestic startups and investing heavily in Singapore-based e-commerce platform Lazada. Huawei's smartphones are popular for their low-cost. And, while some governments, namely Vietnam, might still think they can develop a domestic social media platform to rival Facebook, more likely is that Facebook will be replaced by WeChat; Twitter by Sina Weibo; YouTube by Youku. If the Chinese social networks become dominant in Southeast Asia, almost everything I have written in this book will become obsolete. Censorial technology will be imported. Governments won't need to haggle with new social networks' executives over which content to censor. Debates about the limits of free speech will become redundant. There are reports that Vietnam is trying to replicate China's notorious Social Credit System, though it might be simpler for Hanoi to import the program when China eventually gets the system off the ground.<sup>138</sup> "China's near-complete control over online spaces is essentially the desired endgame for authoritarian regimes around the world," reads a PEN report. None of this is certain; so far, Chinese social networks aren't very popular in Southeast Asia. But it's not an improbable scenario. And it should give Southeast Asians who care about free speech

pause for thought; there might not be that much time left to sort out what kind of new public sphere they want.

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