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Let a Hundred Flowers Bloom: A Malaysian Case Study on Blogging Towards a Democratic Culture

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1 Introduction

Online personal diaries known as web logs or blogs have recently entered into mainstream consciousness.¹ The U.S. dictionary, Merriam-Webster picked the word 'blog' as the word of the year in 2004 on the basis that it was the most looked up word.² The advance of technology has enabled diarists to publish their writings on the Internet almost immediately and thereby reaching a worldwide audience. Anyone with access to a computer, from Baghdad to Beijing, from Kenya to Kuala Lumpur, can start a blog. The fact that blogs can be updated instantaneously made them exceedingly popular especially in times of crisis when people trawl the Internet for every scrap of news and information. It is unsurprising that the terror attacks on the World Trade Center in New York City on September 11, 2001 and the recent US led war in Iraq have caused traffic to several blogs to increase dramatically.³ Blogs with a political slant gained further prominence with the recent fiercely contested and deeply polarized 2004 U.S. elections as the candidates and their supporters used the Internet aggressively in their campaigns.⁴

Besides its effect on domestic US politics and providing an intensely personal coverage of significant events like September 11 and the Iraq

war, blogs maintained by people living under less democratic regimes have also started to make an impact.⁵ In countries where no independent media exists, blogs are beginning to act as an important medium of dissemination of information to the public as well as providing the outside world a glimpse into what actually goes on in these regimes.⁶ Quite apart from performing the role of spreading vital news and information, blogs are also changing the social conditions in these societies with regard to freedom of speech. At first glance, the contents of most blogs are not particularly profound. In fact, most do seem to be quite banal. However, when all these blogs are linked and networked to each other and bloggers congregate metaphorically in cyberspace and produce a cacophony of voices on the Internet where people comment on the news, remark about each other's postings, rant about their everyday experience, encourage each other, criticize, flirt, joke etc. something more significant emerges from this din. This digital conversation can properly be characterized as a growing culture of democratization.

There are four main parts to this paper. In the first part, I consider whether on a theoretical level blogging changes anything with regard to our understanding of the notion of freedom of expression. Two views are considered. One commentator suggests that a Meikeljohnian democratic approach is of little value when examining free speech in cyberspace. As opposed to this view another writer thinks that digital technologies do alter the social conditions of speech in promoting a democratic culture. In this paper, it is suggested that the latter view offers us a better framework of analysis with regard to digital speech. In the second part of this paper, I will briefly review the laws which restrict freedom of speech in Malaysia namely sedition law, the Internal Security Act which allows detention without trial, law of contempt of court, defamation, laws for licensing of newspapers, the Official Secrets Act, laws against freedom of assembly and freedom of association. I will show how bloggers route around these prohibitive laws by publishing online. In the third part of the paper I will present a case study on how a small group of Malaysian bloggers started a movement which is now a formidable force in disseminating information and promoting a democratic culture. In this case study, I will demonstrate that this development affirms this paper's vision of how the existence of these digital communities promotes a democratic

culture. Also, the case study shows how bloggers manage to route around the laws limiting free speech described in part two of this paper. In my account, I will also trace the key events which bloggers in Malaysia played a vital role as a source of information namely the Iraq war, the SARS outbreak in Asia and the recent earthquake and tsunami disaster in South East Asia. In the final part of my paper, I present some reflections on the salient points which might be valuable in any attempt to use blogs as an instrument for democratization of a society.

2 Blogs and a Culture of Democratization

Cynics might point out that there is nothing generally novel about blogging i.e. that it is just another medium of expression which does not fundamentally change the social conditions of the right to free speech. After all, Lawrence Lessig reminds us that cyberspace is not really space at all.⁷ Governments can (to a certain extent) and sometimes do regulate the Internet.⁸ From a legal viewpoint, is there anything new with regard to blogging? Andrew Murray⁹ writes somewhat pessimistically that a Meikeljohnian¹⁰ democratic approach is of little value when examining free speech in cyberspace. He notes: [v]ery rarely is democracy encountered in cyberspace. For this reason the democratic approach [to free speech] is rejected as incapable of providing a philosophical foundation for the following analysis of free expression in relation to the developing jurisprudence of cyberspace.¹¹ But I believe that Murray's statement is over-inclusive as he does not appear to have considered the significance of a democratic approach to free speech in cyberspace in countries like Iran or Malaysia where the right to speech is restricted. The Malaysian case study presented in this paper demonstrates that Murray's statement is too broad when he says that the democratic approach is worth little in relation to the issue of free speech. The pertinent issue is not whether democracy is encountered in cyberspace (although this paper contends that it does exist in cyberspace) but how the new technology affects democracy especially in regimes like Iran or Malaysia where the right to free speech is limited. In fact, as I shall show in this case study, the features of the democratic approach in analyzing free speech are particularly relevant with regard to blogs as the medium attempts to fulfill the two elements of the democratic process namely: (i) some blogs seek to equip the electorate with information which might be useful to the

public in exercise of its sovereign power and (ii) by constantly posing sharp questions and raising issues not touched by mainstream media, blogs hold public officials accountable to the general public.

It is suggested that the Internet does introduce a new element to our understanding of the concept of freedom of expression. Professor Jack Balkin offers us a more persuasive framework of analysis with regard to digital speech. In a recent essay, he exhorts us not to look at the novelty but at the salience of the technology.¹² Balkin's thesis is that the salience of digital technologies 'highlight the cultural and participatory features of freedom of expression'¹³ enabling more people to take part in the spread of ideas and the dissemination of information. In doing so, the Internet *does* alter the social conditions of speech in promoting a *democratic culture*. According to Balkin the concept of a democratic culture brings into sharp focus the following points of free speech: 'Freedom is participation. Freedom is distribution. Freedom is interaction. Freedom is the ability to influence and be influenced. Freedom is the ability to change others and to be changed as well.'¹⁴ With regard to the mass media, he identifies how the Internet poses two challenges to the media that he calls *routing around* and *glomming on*.¹⁵ The former means that the Internet offers ordinary citizens the potential of reaching an audience directly without going through a gatekeeper or an intermediary whereas the latter concept means the Internet enables people to appropriate and to utilize news in the mainstream media as a platform for criticism, production and construction.

Blogs by its very nature are about democratic participation, interaction and an exchange of ideas and information. The Balkin thesis is even more compelling in a country like Malaysia where there are laws limiting the right of free speech. By publishing online, bloggers not only route around prohibitive financial hurdles to media production but also overcome restrictive licensing and publication laws.¹⁶ Further, bloggers who link their blogs with each other and engage their readers and other bloggers in lively discussions¹⁷ are (whether consciously or unconsciously) routing around laws against freedom of assembly. In the digital age, ideas, information and agendas need not be exchanged through physical congregations but could be done in cyberspace. This essay is therefore essentially an affirmation of Balkin's thesis via a

Malaysian case study on the activities of bloggers who are now a formidable force in promoting a democratic culture in Malaysia despite the existence of laws which restrict speech in the country. Whether they will transform the landscape of free speech is too early to tell. This story is a continuing one. No one knows how it will all end and what would eventually come out of this blogging movement. In this paper I tell the story, thus far.

3 A Brief Overview of Malaysian Laws Limiting Free Speech

In Malaysia, the right to freedom of speech is enshrined in Article 10 of the Constitution.¹⁸ Nevertheless, this right is immediately qualified in the Constitution whereby it is expressly stated that Parliament may by law impose the necessary restrictions to the right of free speech. Malaysia has the following laws capable of suppressing free speech:

*(i) Sedition Law:*¹⁹ The Sedition Act makes it an offence to say or publish words which have a seditious tendency. The offence is defined widely to include words designed to:

bring hatred or contempt or exciting disaffection against any Ruler or Government;
exciting the alteration other than by lawful means of any matter by law established;
bringing into hatred or contempt or excite disaffection against the administration of justice;
raise discontent or disaffection among subjects;
promote feelings of ill will and hostility between races or classes of the population; and
questioning the right and status of 'sensitive issues';²⁰

(ii) Laws for Licensing of Newspapers: In Malaysia, newspapers²¹ are required to obtain a licence from a Minister and make a deposit of a sum of money fixed by the Minister.²² The discretion not to issue the licence is not subject to judicial review. The Malaysian government has in the past wielded this enormous power that it has over the local press. For example, in 1987 the Malaysian government ordered several major newspapers to close temporarily because of their coverage of

issues deemed to be sensitive;²³ (iii) *Defamation Laws*: Beginning in the mid nineties, there was a trend in Malaysia of filing defamation suits asking for astronomical damages.²⁴ This invariably has the effect of muzzling the press. In recent times, a former Chief Justice of Malaysia has expressed disapproval albeit extra-judicially of such defamation suits describing it as ‘dizzying, troubling and a blot on the legal landscape’;²⁵ (iv) *Freedom of Assembly*: Under s. 27 of the Police Act 1967, an assembly of more than three persons in public places requires a permit from the relevant Police District.

Apart from these laws, there are other laws which have the effect of chilling free speech. For example, the existence of the Internal Security Act which allows detention without trial,²⁶ law of contempt of court and the Official Secrets Act do not encourage the flourishing of free speech in Malaysia.²⁷ Writing in 1996, Professor Andrew Harding, observed that these restrictions ‘are considerable enough ... to make any politician, journalist, academic, publisher, or indeed any citizen, to think twice before placing any controversial views in the public domain.’²⁸ Post September 11, the situation have not gotten better as the Internal Security Act has been used to stifle political dissent.²⁹ Steven Gan, the co-founder of Malaysia’s highly successful online publication *Malaysiakini* remarked cynically in 2002: ‘Malaysia is a democracy. We have freedom of speech, but no freedom after speech. There is freedom of movement, but no freedom of assembly. We have a plethora of publications... but we don’t have a free press.’³⁰

The depressing picture painted by Harding and Gan above might have changed slightly for the better in recent times. There has been a growing phenomenon on the Internet which might challenge the Malaysian government’s hegemony of limiting free speech in the country.³¹ Beginning in late 2002/ early 2003, Malaysian bloggers are starting to come into their own. Updated frequently, robust in their criticism, showing extraordinary resourcefulness and relying on their readers as sources, blogs are starting to compete with traditional media in playing a significant role in disseminating information to the public. The interesting phenomenon about blogs is that they manage to *route around* laws restricting free speech. For example, blogs are not considered to be a newspaper and hence do not need to obtain a license from the relevant Minister. Also, the laws restricting the right of

freedom of assembly are meaningless in cyberspace. People can 'congregate' metaphorically in cyberspace to exchange ideas via the Internet by linking their blogs with each other or by leaving comments on each other's blogs.

4 Jeff Ooi, *Screenshots* and *Project Petaling Street*

On January 2, 2003, Jeff Ooi, a Malaysian businessman and a columnist in a Malaysian business magazine, started a blog called *Screenshots*. Ooi described himself as a skeptical news and Internet 'junkie' who does not really trust the local press. He was fascinated by the sphere of influence wielded by technology writers who combine print media columns with blogging to deliver timely commentaries on technology, business and public policy.³² Ooi intended for his blog to be an experiment to 'gauge how contagious [the] Internet can be if online content [is] crafted along current issues'.³³

4.1 Blogging in the Time of SARS

Blogs obtain high readership in times of adversity. In this regard, Jeff Ooi's *Screenshots* (www.jeffooi.com) is no different. Two events gave *Screenshots* a wide audience. The first was the run up to Iraq war. Ooi's blog followed the events before and during the war very closely. In March/April 2003, another significant event much closer to home happened that gave *Screenshots* an opportunity to be an important news outlet internationally and locally. A highly contagious and deadly illness with flu-like symptoms later named Severe Acute Respiratory Syndrome (SARS) surfaced in several countries in the region including China, Hong Kong, Vietnam, Canada, Singapore and later Malaysia.³⁴ Unfortunately, the Malaysian Health Ministry's conduct³⁵ during this time of crisis did not leave many Malaysians with much confidence that full information was disseminated to the public.³⁶ In the early days of SARS, it was reported that the Malaysian Home Ministry 'had officially directed all major English-language newspapers to "adjust" their reports on SARS by leaving out any mention of fatalities.'³⁷ Rumors began to circulate in the country including through Short Messaging Service (SMS)³⁸ that Malaysia had some suspected SARS patients before official confirmation from the government. In response

to the government's lack of transparency, Jeff Ooi began to scour for news on SARS and posting it religiously on his blog. It was around this time when Jeff Ooi began to realize the potential power that a private individual had via blogging. The first inkling was when he found an entry about his blog on SARS reported on a MSNBC website. A week later, Ooi discovered that his blog was linked by other international websites with large readership such as *The Agonist*, *Sarswatch* and *Flyingchair*. Apart from referrals from other websites, various major search engines like Google and Yahoo kept on directing people interested in news on SARS to *Screenshots*. Ooi's experience with blogging in the time of SARS demonstrated that a blog could almost overnight become an important news outlet not just for the local community but also an international audience during a time of crisis.

In analyzing the traffic to his website, Ooi found that while the majority of his readers were from Malaysia, he was getting 'hits' from all over the world looking for news on SARS. Ooi was particularly fascinated to find out that he was getting page views from computers situated in US libraries, universities in England and the US (Princeton, Harvard, Stanford, Dartmouth) and major corporations (GE, Intel, Cisco, Sony). With the consciousness that he had domestic and international readers hungry for news on SARS, Ooi began to conscientiously collate the web links for newspaper stories from around the region and the world on SARS making his blog a convenient one stop website for those who were interested in finding out more on the progress of the disease.

4.2 Let a Hundred Flowers Bloom: *Project Petaling Street*

On June 7, 2003, a meeting took place between Jeff Ooi and a few other ardent Malaysian bloggers in a cafe situated at a Kuala Lumpur suburb. This meeting would prove to be a watershed to English language blogging in Malaysia. A Malaysian blog aggregator called *Project Petaling Street*³⁹ was launched on June 12, 2003. The idea was exceedingly simple; yet, it was brilliant.

Malaysian bloggers who joined *Project Petaling Street* would 'ping' the website every time his or her blog is updated. Upon notification, *Project Petaling Street* automatically lists the blogger's new entry featuring the title and the web link to the blog. Except for the latest seven updates where the first few lines of the blog entry are featured,

Project Petaling Street only lists down the title of the blog entry and the name of the blog. At any one time the page could feature up to 90 blog titles. As new blog entries are updated, *Project Petaling Street* would refresh the titles on display replacing the new titles with the oldest entries. Thus, a person who was interested in blogs in Malaysia could treat *Project Petaling Street* as a one-stop convenient entry point into the blogging world. The reader could browse through the various titles listed and decide on which blog entry she would like to read by clicking on the web link. In a sense, the name of this website is extremely apt. *Petaling Street* is a famous street in Chinatown in Kuala Lumpur which is the home to a street bazaar featuring a bewildering array of merchants selling food, drinks, clothes, watches, DVDs, CDs etc. Its virtual namesake instead of being a place where a wide selection of physical goods is sold offers visitors entry into the world of diverse bloggers each with differing points of view.

Project Petaling Street was an instant success. Within a month of its launch, it had recruited 127 members and enjoyed over 800,000 ‘hits’ on its website. By December 2003, the number of bloggers affiliated with *Project Petaling Street* tripled and the website had over a million ‘hits’. The success of this portal is unsurprising because it tapped into bloggers’ need for attention and readers. A personal blog entry with a catchy title could in theory attract a huge number of readers who might click on it while visiting *Project Petaling Street*. Today, a perusal through blog entries of the current members of *Project Petaling Street* reveals a fascinating diversity of blog owners. There are blog entries written by teenagers, men, women, office workers, home makers, technology enthusiasts, lecturers from tertiary institutions, students from both local and overseas universities, baby blogs, gay bloggers, foodies, information technology workers etc. While some of the blogs are decidedly political in nature, the majority of them are personal journals featuring their owners’ daily life and idiosyncratic interests. However, it is a mistake to suppose that these blogs do not have a political impact. It is especially interesting to see how most of the blog titles turn political when a high impact news story break in the mainstream press. Heated debates between bloggers and their readers would then ensue. Lively discussions on the so called ‘sensitive issues’ in Malaysia such as affirmative action, meritocracy and policies on admissions to local universities have taken place between members of

Project Petaling Street. Taken as a collective whole, the activities on these blogs represent the culture of democratization where every member of this community is free to be part of the growing digital conversation regardless of race, gender, religion, sexuality and creed. On a personal level (it is unclear whether this was Ooi's intention or not), the birth of *Project Petaling Street* further sealed Ooi's position as the most important English language blog in Malaysia. Being one of the founding member of *Project Petaling Street*, he is given a permanent slot in the right hand corner of the website; Ooi is also described as 'the resident ombudsman' on *Project Petaling Street*. Thus, *Screenshots* status as the premier English language blog in Malaysia on current affairs, news and commentary blog appears unchallenged.

4.3 Of Little Birds and Friends in the Media – A Citizen Journalist Model?⁴⁰

Another factor in explaining the success of Jeff Ooi's *Screenshots* has to do with his ability to obtain information not generally available to the public. Many of these stories are attributed to his sources whom he calls his 'little birds'. These 'little birds' are presumably his readers who would contact Ooi with nuggets of information. Thus, Ooi's blog incorporates a citizen journalism model whereby all his readers are potentially his sources of information. This network of sources seems to be quite formidable as Ooi has been able to blog on many diverse matters with what is probably inside knowledge. Another interesting thing about Ooi's sources is that these sources seek Ooi out to tell him about the news. Also, *Screenshots*' readers influence the contents of the blog as Ooi explicitly invites suggestions for blog topics. Further, as demonstrated in the section above on blogging in the time of SARS, Ooi could tell what news his readers are looking for by analyzing referrals via his site meter; in particular the key word searches performed on Google or Yahoo which lead readers to his blog is instructive of what news his readers are looking for.

Apart from his readers, Ooi seems to have an extraordinary rapport with some journalists in the media. This is demonstrated by some blog entries which gives an extremely intimate picture of the workings of the newsroom of a major Malaysian English newspaper. Ooi's *Screenshots*

is also featured prominently on the website of *Malaysiakini*, the country's leading Internet news portal. Based on *Screenshots*' site meter, Ooi also found that his blog is being widely read by journalists from two of Malaysia's leading English newspaper. It is a testament to Ooi's writing that professional journalists were now reading his blog.

4.4 Old Media Strikes Back and the Continuing Threat of Sedition

Sometime in the middle of 2004, Ooi received an ominous SMS warning him of impending danger. Later on the same day, he was forwarded an email from one of his readers predicting that Ooi could face lawsuits or action under the Internal Security Act in three months time. The email cautioned Ooi to 'check, doublecheck (sic), triplecheck (sic) all informations (sic) before he decides to blog them.' These warnings would prove to be remarkably prescient.

In a blog entry on September 30, 2004, Ooi wrote on a progressive form of Islam termed *Islam Hadhari* promoted by the Prime Minister of Malaysia, Datuk Seri Abdullah Badawi and its incompatibility with a culture political bribery that currently exists in Malaysia.⁴¹ A reader left a comment comparing Islam to excrement. What was sinister about the comment was that while the reader gave his name as 'Anwar', a common Muslim name, the comment left his email as tongsanchai@yahoo.com. The phonetic equivalent of *tong san chai* in Cantonese meant 'mainland lad' which implied that the poster was of Chinese descent. A Chinese person insulting Islam might potentially be inflammatory to many people in Malaysia. Jeff Ooi replied to this comment castigating 'Anwar' for the blasphemous remark. Ooi also banned this reader from making further comments.

Surprisingly, two days later this comment triggered a front-page response by *Berita Harian*, a Malay language newspaper, under the headline 'Website Publishes Views that Degrade *Islam Hadhari*'. The writer of this story accused Ooi of opening up the space for his readers to write on anything through Ooi's own provocative writings. On the same day, Ooi blogged that he received a telephone call from a journalist from the *New Straits Times* demanding that he apologize for the Anwar's comment. Ooi reserved his official response. Not surprisingly the *New Straits Times* carried two further stories on this

matter the next day. It was reported that a powerful youth leader in Malaysia had demanded that Ooi apologize to the Malaysian people for allowing derogatory statements about Islam to be published on his website.⁴² A strongly worded editorial was carried in the paper on the same day. The Chief Editor wrote about an unknown blogger named Jeff Ooi who ‘has allowed posting that hurt the feelings of others. His own writings smack of certain prejudices against certain ethnic groups. He has also maliciously slandered many people; hurt many innocents, all in the name of a ‘free media’.⁴³ The Deputy Internal Security Minister chimed in and warned local webmasters not to play with fire.⁴⁴ Otherwise, he said, the Internal Security Act⁴⁵ might be used against them. Despite the initial furor, things seem to calm down in the preceding days. The Energy, Communications and Multimedia Minister pointed out that Ooi had castigated ‘Anwar’ and banned him from *Screenshots*.⁴⁶ The real culprit, according to the Minister, was ‘Anwar’. Ultimately, ‘Anwar’ was tracked down.⁴⁷ He was a lab technician working in a university hospital in Malaysia. Nevertheless, this matter did not go away. In February 2005, a criminal complaint in connection with this incident was lodged against Jeff Ooi for actions or conduct which could cause disharmony in society. Ooi was told to give a statement to the Malaysian police.⁴⁸ At the time of writing of this paper, the investigations appear to be ongoing.

There are several interesting things to be observed as a result of this controversy. First, as expected the number of hits which *Screenshots* attracted soared. Thus, if Jeff Ooi had previously been an ‘unknown blogger’ recognized only by blogging enthusiasts, the initial stories on him by the print media only served to propel him into mainstream consciousness. The second noteworthy development is how a culture committed to free speech seemed to have taken root among the blogging community in Malaysia. Bloggers who were part of *Project Petaling Street* rallied around Jeff Ooi. Even bloggers who did not usually agree with Ooi’s views backed him. A blogger started a cyber petition. Another blogger began distributing pictures of a ribbon with the words ‘Support Screenshots’ around and soon many blogs were seen featuring this ribbon. Many blogs, which were usually personal journals, also posted entries on their own blogs criticizing the *Berita Harian* story and the threat to use the Internal Security Act on Ooi. Ooi also had the help of many well wishers who were from NGOs, the legal

profession, members of opposition parties, journalists from mainstream media etc. Third, apart from support from the local blogging community, this incident also attracted widespread interest from the international community. A popular website *Slashdot* carried a story about Ooi and the threat to detain him.⁴⁹ Other well-known bloggers like Jeff Jarvis, Dan Gillmor, Glen Reynolds, Ethan Zuckerman expressed concern for Jeff Ooi on the television and their blogs. The organization *Reporters Without Frontiers* also contacted Ooi to ask about his well-being and offer support.

4.5 Jeff Ooi Goes to Harvard Law School

Within a short space of time, Jeff Ooi and *Screenshots* continued to grow from strength to strength. His growing local and international reputation was further cemented when he was invited to speak at the Berkman Center for Internet and Society based in Harvard Law School in a conference entitled *Votes, Bits and Bytes*.⁵⁰ At Harvard, Ooi met other blogging and internet activists like Dan Gillmor, Oh Yeon Ho the founder of the influential Korean news website *Ohmynews*, Rebecca McKinnon and many others from all over the world like Iran, Iraq, South Korea, Latvia, China, Kenya, Poland and Canada. Rebecca McKinnon who produced a report on the conference wrote: 'most in the room agreed that we are indeed a movement: a movement not only of bloggers, but also of wiki-builders and users of other kinds of social or peer-produced media who want to build a better global conversation.'⁵¹ McKinnon concluded '[a]s Malaysia's Jeff Ooi puts it: "we are looking to connect all the dots around the world." Exactly what will come of this in a geo-political sense is not clear, but it can't be bad – and it might be powerful'

Jeff Ooi's attendance at the Harvard Law School conference appears to be a defining moment for *Screenshots* on many levels. The conference invite confirmed his growing international reputation as the leading blogger in Malaysia. It also enabled him to make personal contacts with the most influential bloggers in the world which could only lead to more traffic to his blog and earning him additional international readers. An example of this phenomenon is the birth of the *Global Voices Online* website after the conference.⁵² This website links many influential bloggers including Jeff Ooi's *Screenshots*. On the domestic

front, in Malaysia, a country where elite academic institutions are held in the highest regard the fact that Ooi was invited to speak at Harvard, bestowed on him immense prestige.

4.6 Blogging in the Time of Tsunami and Earthquake

The recent earthquake and tsunami disaster in South East Asia again demonstrated the collective power of bloggers in disseminating information. An underwater earthquake on the Richter scale of 9.0 occurred off the coast of Northern Sumatra, Indonesia resulting in massive tsunami waves that devastated coastlines in countries like Thailand, Indonesia, Sri Lanka, India, Malaysia, Burma and Somalia leaving thousands dead and many more homeless. The earthquake happened on Boxing Day 2004 when presumably many members of the print media in Malaysia were on leave and did not update the online edition of their newspapers. Within hours of the earthquake, the blogging community in Penang (the Malaysian island hit by the tsunami) affiliated with *Project Petaling Street* began writing about their personal experience on feeling the earthquake tremors and providing localized updates on the effects of the earthquake and the tsunami. Jeff Ooi's *Screenshots* experienced yet another surge in international readers as he continued to disseminate vital information and ask sharp and intelligent questions about the distribution of aid and the possible cover up of casualties in Burma etc. In a review of the week on the web, the *Times of London* mentioned Jeff Ooi's *Screenshots* as a blog worth noting among all the websites featuring news on tsunami.⁵³

4.7 Replicating the Malaysian Experience: Some Reflections

The case study presented above shows that the blogging phenomenon has been generally positive in widening the social space for free speech in Malaysia. The interesting point of this case study is this: can the success of the Malaysian bloggers be replicated in similar regimes which restrict freedom of speech? This is the question which non-profit organization *Spirit of America* who is working on an Arabic blogging project – *Viral Freedom*⁵⁴ might be interested to know. Of course, it would be naïve to assume that a wholesale transplant of the Malaysian model to the Middle East is possible bearing in mind that the

socio-political landscape of Malaysia and Arab countries are fundamentally quite different. Nevertheless, I believe that there are some important points to be gleaned from the Malaysian case study which might be salient in the project to construct a successful blogging scene in the Middle East or other authoritarian or soft-authoritarian regimes.

One of ubiquitous feature of the Internet is that it provides a user with the choice of remaining anonymous. However, from the case study presented above in order to be taken seriously as a political pundit, a blogger must be willing to divulge his identity. Jeff Ooi's *Screenshots* had always carried a photograph and a short biography of its author. When a blogger's identity is divulged, this might potentially place a blogger in danger of retaliatory measures.⁵⁵ Thus, in order to ensure a vibrant blogging scene, bloggers need to be protected from such off-line dangers.⁵⁶ Foreign governments and non-governmental organizations interested in the spread of democracy must be prepared to speak out against repressive measures taken against Internet activists. In Ooi's case, the threat of sedition came when he had established a degree of national and international reputation and hence the local and international media, websites and non-governmental organizations took notice of his case. It is not difficult to imagine a repressive regime which takes oppressive actions immediately against bloggers before they have made a name for themselves nationally and internationally. There would be no one to speak on behalf of the unknown blogger. Such actions might nip any nascent blogging movement in the bud as it might have a deterrent effect on other political pundits/bloggers.

The Malaysian case study also demonstrates that while blogs do play an important role in promoting a democratic culture, one must not fall into the trap of overestimating the influence of the Internet in transforming a country's political landscape. The most obvious limitation is that the influence of the Internet depends on how networked the society is.⁵⁷ In many countries, access to the Internet is only available to the young, educated and the elite. Apart from the obvious point that a digital divide exists in most societies, it is also a fallacy to pre-suppose that the more 'wired' a nation is that its citizens would be more engaged in cyber activism. Dr. Cherian George explodes this myth in a fascinating comparative study of online political activism in Singapore and

Malaysia.⁵⁸ In his paper, George highlights an interesting paradox that exists in Singapore and Malaysia. While access of the general population to the Internet is much higher in Singapore than in Malaysia, cyber activism in the latter is much more widespread than the former. George explains this paradox by demonstrating that in Malaysia there is a much more vibrant off-line social and political organized dissent than in Singapore. Thus, online activism is usually a *parasitic* feature of such off-line organized dissent. It follows that the spread of democracy cannot be undertaken solely online. In order for a democratic movement to succeed there must be off-line organizations interested in spreading democracy. For the Internet to be used as a viable political tool there must first be some measure of freedom to organize off-line political groups and parties. Technology alone cannot drive a movement.

Cass Sunstein warns us that the Internet far from setting us free might lead us to being more insular.⁵⁹ Sunstein uses the metaphor of an echo chamber to describe this phenomenon i.e. Internet users who only seek out others who echo their own opinions. In a sense, blogs have a tendency to be such an echo chamber. A blog owner who reads another blog might like the views expressed there and links it to her own blog. Multiply this similar process several hundred (or thousand times) and we have a perfect echo chamber - bloggers linked to each other because of shared values and interests. Such a network of bloggers might be of little interest to a reader with differing views. Thus, a group of blogs with an explicitly avowedly libertarian slant might never achieve prominence and acceptance within a community which might not share such principles. It could be argued that *Project Petaling Street* is one giant echo chamber comprising of elite, well-educated, English speaking and technologically savvy Malaysians. Unfortunately, this is a serious criticism which cannot be overcome easily in a country like Malaysia where many languages are spoken. It does not seem feasible to construct a monolithic and multi-lingual blogging movement as bloggers and their readers would naturally tend to write and read in the language that they are most comfortable in. Despite this criticism, the creators of *Project Petaling Street* seemed to have stumbled on a strategy to ameliorate the effects of the creation of a further echo chamber within its community. *Project Petaling Street* by collating the titles of a huge number of blogs (all with very different perspectives) on a single website forces the blog owners and readers to move out of

their own respective echo chamber. This is because a reader who clicks on a title and blog shown in *Project Petaling Street* has no idea what the blog is really like. Further, the interaction among bloggers and readers have often lead to very lively and sometimes heated debates which is the converse of an echo chamber. Another important lesson to be learnt from *Project Petaling Street* is that we should encourage all forms of blogging not just libertarian bloggers. Even mundane personal journals do encourage a democratic culture since they promote the sharing and exchange ideas. And as demonstrated above, personal journals might take on a political flavor at certain times. Thus, the experience of *Project Petaling Street* clearly shows that the setting up of a national blog aggregator is immensely beneficial to encourage blogging activities.

Another important point is that *Project Petaling Street* and *Screenshots* were conceived and undertaken entirely by Malaysians without any outside help from foreigners (apart from the technology used). This is very significant because both projects are therefore free from being accused of furthering an American agenda.⁶⁰ In a region sensitive and suspicious to American imperialism, this charge is an explosive and powerful tool in undermining any kind of movement. The blogging project *Viral Freedom* undertaken by *Spirit of America* seems particularly vulnerable to the accusation of American imperialism as the scheme clearly forwards an American agenda and is funded by an American organization. Perhaps, a way to ameliorate this problem is to work with another organization that might appear less toxic to the Islamic world like say, the Oxford Centre for Islamic Studies based at Oxford University. Without working with such a partner organization, it is hard to see how a foreign driven initiative could gain credibility without being dismissed as an outside interference.

Bloggers conferences on a national and international level also appear to be quite constructive in fuelling the blogging movement. Recall that *Project Petaling Street* was conceptualized during an informal meeting of a group of bloggers. It would be a good idea to encourage and hold formal national bloggers conference where bloggers can meet and exchange ideas. Also, international blogging conferences held at prestigious universities are an excellent way in encouraging an emerging national blogging movement. The importance of holding

conferences cannot be overstated. The hallmark of running a successful blog is to update frequently. With no evident financial reward, it is not hard to foresee that bloggers might suffer burnt out syndrome and abandon their blogs. Bloggers conference might be one of the few avenues where bloggers can derive some off-line satisfaction for the success of their work. New ideas discussed at blogging conferences such as citizen journalism, guest blogging, SMS polls, podcasting etc. might provide jaded bloggers with fresh incentive to further develop their blogs.

Finally, the availability of technologies that are capable of overcoming censorship is potentially important to prevent governments from obstructing a blogging movement. In Malaysia, the government did not resort to blocking or filtering blogs. However, in more repressive regimes like China⁶¹ and Iran,⁶² there is evidence that the government have tried to block popular websites deemed to be subversive. For libertarians the challenge is to develop technology which can overcome such a filtering process. The technology to overcome the filtering process should also be ideally easy to use because not all who have access to the Internet know how to utilize sophisticated means in overcoming the filtering process. Without the development of such a technology, it is very simple for a government to destroy any blogging movement by just blocking the websites concerned thereby depriving the bloggers from reaching their target audience.

6. Conclusion

This Malaysian case study has shown how bloggers have within a short space of time started to play an important role in the dissemination of information. These bloggers have also created a network and system where people get together albeit in a virtual world to talk about issues which matter to them. In doing so, they overcome restrictive laws which inhibit free speech like licensing laws for traditional print media and laws against freedom of assembly and association. In reading Professor Jack Balkin's recent essay on digital speech and democracy, I am struck by how well a passage seems to describe the digital community in Malaysia. Balkin writes that that: 'The idea of a democratic culture captures the inherent duality of freedom of speech: Although freedom of speech is deeply individual, it is at the same time

deeply collective because it is deeply cultural. Freedom of speech, is in Thomas Emerson's words, a system...It is a network of people interacting with each other, agreeing and disagreeing, gossiping and shaming, criticizing and parodying, imitating and innovating, supporting and praising.⁶³ This seems to be what is going on in with regard to the blogging community in Malaysia. If Balkin's description is accurate, then the Malaysian blogging world appears to be a perfect illustration of a democratic culture at work in cyberspace. Whether this community will be allowed to continue to exist in its current form remains an open question. As mentioned above, at the time of writing there is a pending criminal complaint against Jeff Ooi. Also, it remains to be seen whether the Malaysian blogging experience can be replicated in other countries that restrict free speech.

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6 *Ibid*. See also Margaret Wente, *The Story of the Internet and the Frustrated Mullah*, May, 20, 2003, at Metro A15, GLOBE & MAIL (US), FACTIVA.

7 LAWRENCE LESSIG, CODE AND OTHER LAWS OF CYBERSPACE 63–85 (1999)..

8 For example, the Chinese government is notorious in trying to control the Internet. See e.g. Loong Wong, *The Internet and Social Change*, 13 PEACE REV. 381 (2001); Xiao Qiang, *Cyber Speech* 25 HARV. INT'L. REV. 70 (2003).

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10 ALEXANDER MEIKELJOHN, FREE SPEECH AND ITS RELATION TO SELF-GOVERNMENT (1948).

11 Andrew D. Murray, *Regulation and Rights in Networked Space* 30 J.L. & SOCIETY 187, 195–196 (2003).

12 Jack Balkin, *Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society* 79 N.Y.U. L. REV. 1 (2004).

13 *Ibid*, 3.

14 *Ibid*, 46–47.

15 *Ibid*, 9–13.

16 See Steven Gan, *Virtual Democracy in Malaysia* 56 NIEMAN REP. 65 (2002); Cherian George, *The Internet and the Narrow Tailoring Dilemma for "Asian" Democracies*, 6 COMMUNICATION REV. 247 (2003).

17 See A. Michael Froomkin, *Habermas@Discourse.Net: Toward A Critical Theory of Cyberspace* 116 HARV. L. REV. 751, 859–860 (2003)

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- 19 See e.g. Gail Davidson, Tami Friesen & Michael Jackson, *Lawyers and the Rule of Law on Trial: Sedition Prosecutions in Malaysia* 12 CRIMINAL L. FORUM 1 (2001).
- 20 Defined as Malay privileges, citizenship, national language and sovereignty of the Rulers as defined by the Malaysian Constitution.
- 21 For an overview of the press in Malaysia see Syed Arabi Idid, *MALAYSIA* in WALKING THE TIGHTROPE [:] PRESS FREEDOM AND PROFESSIONAL STANDARDS IN ASIA, (ASAD LATIF, ED.), (1998), 119.
- 22 Printing Presses and Publications Act 1984. See also ANDREW HARDING, LAW, GOVERNMENT AND THE CONSTITUTION IN MALAYSIA (1996), 197 - 198.
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- 24 Marty Logan, *Defamation Suits Stifle Malaysian Media – Lawyers*, March, 16, 2001, REUTERS NEWS, FACTIVA.
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- 35 See *'Pestilence Management'*, NEW STRAITS TIMES (MALAYSIA), April 4, 2003, Editorial at 12, LEXIS, Nexis Library. In a strongly worded editorial, the writer comments that the Health Ministry by: 'trying to eliminate fear of the unknown by keeping people in the dark is like trying to extinguish a fire by dousing it with petrol. The fear has spread faster than the disease.' See also Balan Moses, *The Public's Right to All Available Information on Issue of Health*, NEW STRAITS TIMES (MALAYSIA), April 8, 2003, Nation at 4, LEXIS, Nexis Library.
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- 54 See http://www.spiritofamerica.net/cgi-bin/soa/project.pl?rm=view_project&request_id=78 (last visited Mar. 6, 2005).
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opposition movement at that time see Tey Tsun Hang, *Malaysia: The Fierce Politico-Legal Backlash* 3 SING. J INT'L & COMP. L. 1 (1999). Similarly, the popular news portal *Malaysiakini* was accused of furthering a foreign agenda after it was revealed that it had accepted grants from George Soros. See *Internet Newspaper Strays from the Trust, says Syed Hamid*, February 16, 2001, National at 5, NEW STRAITS TIMES (MALAYSIA), LEXIS, Nexis Library.

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