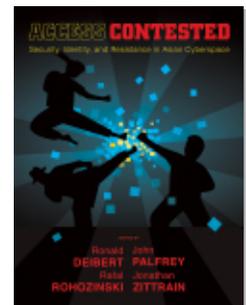# Access Contested

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3 The Struggle for Digital Freedom of Speech

The Malaysian Sociopolitical Blogosphere's Experience

Vee Vian Thien

Beginning in July 2008, sodomy was featured in most Malaysian sociopolitical blogs and the headlines of Malaysian dailies for several months—a curious phenomenon given that a majority of Malaysians are either deeply religious or morally conservative, or a combination of both. Also, sodomy is a criminal offense in at least 78 countries including Malaysia.[1] The media interest was inspired by the unique identification of sodomy with the political career of a single man, Anwar Ibrahim. Anwar was charged with the offense once in 1998 when he held office as deputy prime minister of Malaysia, and again in 2008, as de facto leader of the opposition coalition, Pakatan Rakyat (PR). The timing of both trials could not be more significant. In 1998, the global spotlight was on Malaysia as host of the 1998 Commonwealth Games and for its upcoming 1999 general elections in the midst of the Asian financial crisis. On March 8, 2008, Anwar led PR to a new political dawn as a meaningful adversary to the ruling regime, Barisan Nasional (BN), in the 12th Malaysian general elections. For the first time in Malaysian history, PR stripped BN of its two-thirds majority in the federal parliament.[2]

The thriving, vibrant, and active Malaysian political blogosphere in its current form owes much to the Anwar sodomy saga. First, Anwar's trial attracted severe domestic and international criticism, which in combination with the Asian financial crisis created a hostile political atmosphere prior to the 1999 elections for his former mentor, the incumbent prime minister Dr. Mahathir Mohamad. Mahathir responded by pledging to boost Internet penetration in Malaysia through a series of programs.[3] Cumulatively, these programs effected changes necessary for the development of the Malaysian sociopolitical blogosphere. They laid the requisite physical infrastructure for access to broadband connection, that is, high-speed fiber-optic wires and ISPs, and trained a generation of "digital natives."[4]

Second, Anwar's swift coup-style removal from high political office stunned Malaysians into action. In 1998, they formed Reformasi, a grassroots movement protesting his dismal record that united disparate segments of civil society for the first time. This relatively diffuse, single-issue movement transformed into PR, a formidable opponent

to BN in 2008. Notably, on both occasions, PR and Reformasi relied heavily on the Internet to evade long-standing governmental control and surveillance of the mainstream media. The year 1998 saw the beginning of political activism on the Internet with the proliferation of pro-Reformasi Web sites.[5] In 2008, PR ran a successful campaign on blogs and Web sites, managing to elect blogger-politicians.[6] Third, because the constrained and censored mainstream media were unable to satiate the Malaysian public's hunger for details of Anwar's high-profile first sodomy trial, this news vacuum enabled Malaysiakini, an award-winning online news portal, to launch itself successfully into the role of a reliable and objective source of uncensored information.

Since 2008 the Malaysian government has made numerous attempts at asserting control over the relatively unfettered Internet, citing maintenance of racial harmony in ethnically diverse Malaysia as its regulatory justification.[7] These attempts, whether an extension of existing laws or a tabling of regulatory proposals, have been met with ferocious online resistance, especially by the Malaysian blogosphere. To date, the Malaysian government has backed down from its three most drastic regulatory proposals: implementation of a nationwide filter on the Internet, registration of bloggers, and identifying "professional" as opposed to "nonprofessional" bloggers. Although the government has not formally acknowledged these acts as a concession to online pressure, the concession can be inferred from the circumstances. This social pressure is significant in its context—the Malaysian government is not known for retracting or repealing unpopular measures, especially those infringing on civil liberties.[8]

Malaysian sociopolitical blogs, a subcategory of blogs on matters concerning the governance of state and socioeconomic concerns, figure prominently in the general Malaysian public consciousness and were especially influential in the run-up to the 2008 elections, according to a study conducted by Zentrum Future Studies, a media studies research group.[9] Zentrum's survey polled eligible voters between the ages of 21 and 41 during the election campaign period running from February 20 to March 5, 2008. Zentrum reported that 54.1 percent of 21,000 eligible voters in its nationwide sample designated the online media, that is, blogs and news portals like Malaysiakini, as their preferred source of information, as opposed to mainstream newspapers.[10] Of the 11,360 sampled voters who preferred online media, 58.5 percent ranked blogs as their primary source.[11] Blogs had a much stronger following among younger voters than their older counterparts, as figure 3.1 illustrates. Given their visibility, these blogs and their administrators have been the main Internet regulatory target of the Malaysian government.

This chapter situates the regulatory drama currently unfolding in Malaysia within the OpenNet Initiative theoretical framework of next-generation controls, as conceptualized by Ronald Deibert and Rafal Rohozinski in the context of the Commonwealth of Independent States (CIS).[12] It then identifies structural and normative features of the Malaysian political blogosphere that have enabled it to successfully contest the
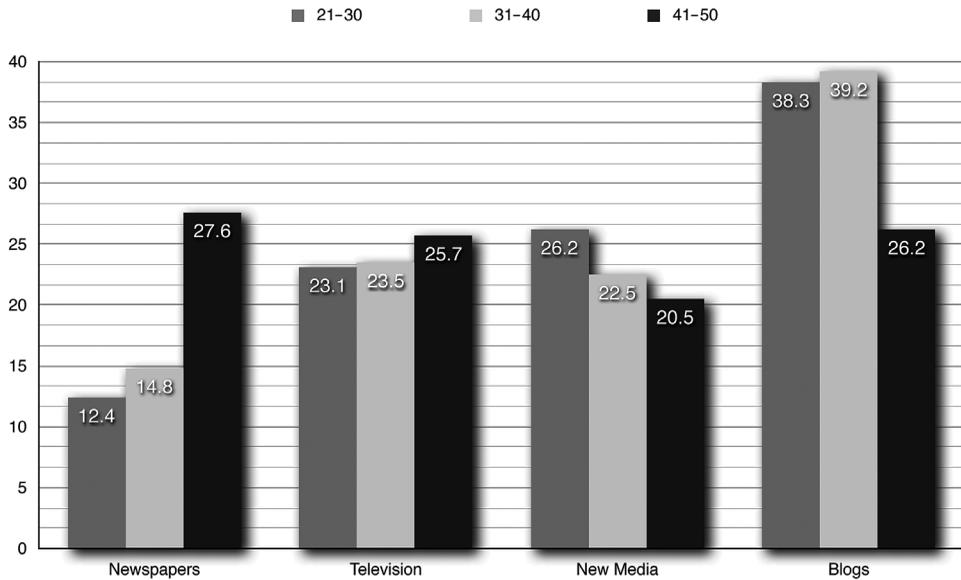
Figure 3.1
Age-based comparison of Malaysian voters' preferred media sources during the 2008 Malaysian general elections.
Source: Reproduced by permission from Zentrum Future Studies.

Malaysian government's imposition of *linear* regulatory measures, defined as traditional top-down imposition of state power. The chapter concludes by describing the recent emergence of third-generation controls in Malaysia and hypothesizing that it may be part of a wider shift toward subtler, covert, and, most importantly, *nonlinear*, participatory, and competitive forms of regulating the Internet in Malaysia. This shift in regulatory methodology also demonstrates the advent of a singular, unprecedented, bilateral dialogue between the Malaysian government and its regulatory subjects, namely, the sociopolitical blogosphere. I suggest that the direction of this conversation is still susceptible to influence by the Malaysian blogosphere.

**Linear Regulatory Attempts: Hierarchical Top-Down Application of First-
and Second-Generation Controls**

Around 2007 the Malaysian government moved from publicly denouncing sociopolitical bloggers as untrustworthy to taking concrete steps against these vocal critics. In lieu of its well-known 1998 pledge of noncensorship of the Internet, the Malaysian government resorted mainly to second-generation controls.[13] It took a two-pronged approach in its attempt to extend traditional, unidirectional, top-down, and hence what I call

"linear," imposition of state power over cyberspace. First, it expanded its application of existing defamation, sedition, and "offensive content" laws to bloggers. Second, it proposed regulatory measures specifically targeted at bloggers or the Internet.

In January 2007, a landmark defamation suit was instigated by NSTP Corporation, a publication company with close ties to BN, against two prominent political bloggers.[14] Subsequently, the government began detaining blogger-critics under various national security laws from 2007 to 2008. Floods of complaints were also filed with the Malaysian Communications and Multimedia Commission (MCMC), the main Internet regulatory body, against sociopolitical bloggers for the criminal offense of posting "offensive content" online.[15]

Malaysian Internet service providers (ISPs) are required by law to comply with written requests from MCMC to assist in preventing the commission of criminal offenses, including the improper use of the Internet to circulate "offensive content."[16] On August 27, 2008, MCMC issued an order to all Malaysian ISPs to deny access to the controversial but popular Malaysia Today run by Raja Petra Kamarudin.[17] Only TMNet, the main Malaysian ISP, complied with this order, applying a domain-name block on Malaysia Today. This type of block is known as DNS tampering. It was significant for its unprecedented utilization of MCMC's broad statutory powers against a Web site for *offensive* as opposed to *fraudulent* content. The timing of the block also coincided with a highly symbolic parliamentary by-election in Permatang Pauh on August 26, 2008, which saw the official return of Anwar Ibrahim to parliament after his incarceration in 1998.

Subsequently, the two main distributed denial of service (DDoS)[18] attacks on Malaysia Today occurred in September 2009 and September 2010, after Raja Petra released stories on governmental corruption running to billions of ringgit that were corroborated by leaked classified documents.[19] As with the 2008 DNS block, these attacks were strategically timed, occurring when Internet traffic to the site was exceptionally high. Raja Petra has suggested that the intermittent and focused nature of the attacks indicates that its instigators were professional for-hire hackers.[20] Two other sites, Anwar Ibrahim's blog and Free Malaysia Today, an independent news portal, also reported DDoS attacks on September 10, 2010.[21]

In 2007, the Malaysian government announced plans to introduce two additional regulatory measures specific to the political blogosphere. First, a Singapore-styled registration scheme was proposed, which would have rendered registration compulsory for bloggers designated as "political" by MCMC.[22] In Singapore this scheme has arguably chilled online political speech. In 2001 the founder of a popular and active Singaporean political discussion board, Sintercom, chose to shut the site down upon receiving notification that Sintercom had been designated "political" because registration would hold him personally liable for *all* content appearing on Sintercom. This includes anonymous libelous comments, thus exposing him to the risk of ruinous

defamation suits.[23] Second, the government also proposed a labeling regime distinguishing government-backed "professional" from "nonprofessional" bloggers.[24] A third measure—far more drastic and wide-ranging than the first two—was announced on August 6, 2009. The Malaysian government declared plans to implement an Internet filter to curb access to pornography and "racially inflammatory" material. Reuters reported that a filter tender was issued to software companies on the same day.[25]

2007–2010: The Blogosphere's Backlash

Within hours of service of a defamation suit against Jeff Ooi and Ahiruddin Attan by NSTP, a blog dedicated solely to their cause was launched, a fund set up, and a solidarity logo "Bloggers United" mushroomed all over the Malaysian blogosphere.[26] After Nathaniel Tan became the first blogger to be detained under national security laws in Malaysia, a forum was held on July 20, 2007, to protest his arrest. The "Say 'NO!' to a Police State in the Malaysian Blogosphere" forum drew an audience of more than 150 individuals, and its panelists included many of the same individuals who rallied in support of Ooi and Attan, the first indicator of continuity in collective action by the blogosphere.[27]

When news of MCMC's order to ISPs to block Malaysia Today broke in 2008, in addition to resounding condemnation of the block, methods of circumventing the DNS block were posted immediately on other political blogs. The September 2010 DDoS attack on Malaysia Today was ultimately futile as copies of documents that the attack was apparently intended to block reappeared on another blog. Despite the 2009 and 2010 DDoS attacks, older Malaysia Today articles were shared on other sociopolitical blogs, mirroring the response to the DNS block in 2008.[28]

Responding to First- and Second-Generation Regulatory Proposals

The government's registration-of-bloggers scheme was reported on April 4, 2007. On April 5, 2007, a group of core sociopolitical bloggers met in person, formed an unregistered society of bloggers, the National Alliance of Bloggers (NAB), and elected its pro tem committee.[29] Members of NAB and other bloggers presented a unanimous front in condemning both registration and labeling proposals.[30] NAB organized a gathering on May 19, 2007, and hosted the forum "Blogs and Digital Democracy" five months later on October 3, 2007. Although ministerial statements indicate that the government was still contemplating new laws as of July 2007,[31] no draft legislation was ever reported, and by May 2009 the information minister affirmed that no new laws would be introduced against bloggers.[32] Anecdotal evidence and an observation of the chronology of events indicate that the fierce and quick-fire backlash by political bloggers, combined with widespread criticism, was at the very minimum a significant factor in

the government's decision to retract its regulatory plans. Following 2009 proposals of a Malaysia-wide Internet filter, politicians and civil-society activists greeted this proposal with furious criticism on the blogosphere. Less than a week later, the Malaysian government retreated from this proposal, contradicting a Reuters report that it had already issued tenders to software companies.[33]

A Malaysian Form of "Flash Mobs": Continuity in the Blogosphere's Collective Action

In October 2010 police reports were lodged against three popular political blogs for postings alleging corruption involving the information minister, coincidentally a long-time critic of Malaysian bloggers.[34] These provided the impetus for another "real-world" mobilization of sociopolitical bloggers. A week after the police reports were filed, a group of bloggers, including former members of NAB, met in person and resolved to replace NAB with Bloggers for Malaysia (BfM), whose objectives are significantly less ambitious than NAB's, perhaps in response to the difficulties faced by NAB in obtaining consensus on universal standards of blogger conduct. Instead, BfM focuses on simply looking out for bloggers.[35] Both NAB and BfM share much in common with "flash mobs," powerful groups that form and dissolve rapidly. Much like NAB's relative dormancy after the initial uproar over legislative proposals in 2007, there has been little reported action by BfM since October 21, 2010. However, the distinguishing feature of these Malaysian "flash mobs" lies in the continuity of their identity and composition.

The Wider Roles of the Malaysian Sociopolitical Blogosphere

In addition to gaining electoral visibility in 2008 and contesting linear regulatory proposals between 2007 and 2010, the Malaysian political blogosphere plays several other roles often associated in developed democracies with the mainstream press.

Blogs as the Fifth Estate

Falling through an Internet loophole in licensing and registration regimes that constrain the Malaysian mainstream media, Malaysian bloggers have taken it upon themselves to act as watchdogs of the government.[36] They report on issues omitted by the mainstream media, set the public agenda in doing so, and provide refreshing, alternative viewpoints. For example, in early 2003, East Asia was afflicted by the fatal severe acute respiratory syndrome (SARS) epidemic. Fearing widespread panic, the Malaysian government required the mainstream media to downplay reporting on the issue, prompting a frustrated Jeff Ooi to comb the Internet for international sources, collating and posting his findings on his blog, Screenshots. Unexpectedly, Screenshots

became a central hub for information on SARS, propelling Ooi's blog to international and domestic prominence.

Blogs as Catalysts for Mobilizing General Collective Action

One of the most highly visible accomplishments of the Malaysian blogosphere is its ability to rally huge protests and mobilize collective action. In a country where a gathering of three or more persons could constitute an assembly, thereby requiring a police permit, rallies, protests, and riots are rare.[37] From independence in 1957 until the emergence of the sociopolitical blogosphere circa 2005, there have been three major instances of riots. By contrast, civil society marched to protest on five separate occasions in 2007. All five were heavily publicized and coordinated by means of the Malaysian Internet and blogosphere, including the BERSIH rally calling for fair and clean elections, which attracted tens of thousands of protestors.

Blogs as Instructive Platforms of Expression

The mainstream Malaysian media steer clear of many pertinent political issues that are racially charged for fear of revocation of their printing licenses or of prosecution for sedition. By contrast, the blogosphere is strident and transparent about the "racial perspectives" taken, by both bloggers and readers who leave comments. However, "racially inflammatory" online content has not disrupted public order to date and is increasingly less commonplace, suggesting that the blogosphere may act as a "safety valve," a place to air grievances peaceably without resorting to violence and to discuss racial relations without descending to name calling.[38]

The Janus-Faced Malaysian Sociopolitical Blogosphere: A Medium of Communication and a Peer-Production System of Political Discourse

The question of how the Malaysian blogosphere has coordinated successful pushback against linear governmental regulatory attempts raises a related question of how it resolves the problem of information overload. Put simply, if anyone with access to the Internet can speak, how is anything meaningful being said or heard? The answer to both queries lies in unique features of the Malaysian political blogosphere.

Physical Clustering of Malaysian Sociopolitical Bloggers

In a 2006 study, Jun-E Tan and Zawawi Ibrahim report that Malaysian bloggers are geographically clustered.[39] An overwhelming 63.3 percent of them are located in Selangor and Kuala Lumpur, which is unsurprising given that this is the heartland of

Malaysia's IT-development projects and demographically has the highest percentage of top earners.[40] A 2008 study by Brian Ulicny reports that the active Malaysian sociopolitical blogosphere probably consists, at most, of 500 to 1,000 bloggers, "with a small, very active core of about 75 to 100 bloggers."[41] Based on the size of the political blogosphere and the geographical clustering of bloggers, the core community seems relatively easy to mobilize on short notice, especially if it is based on relationships that predate the blogosphere.

The Strength and Importance of Real-World Networks in Malaysia

There is a high degree of coincidence between the blogging community and civil-society activists in Malaysia, attributable in part to the initial lack of Internet censorship in the country. Political bloggers' demographics corroborate this overlap even further. A 2010 study by Brian Ulicny, Christopher J. Matheus, and Mieczyslaw M. Kokar observes that although 26.7 percent of their sample of random Malaysian bloggers are students, they make up a mere 5.9 percent of sociopolitical bloggers.[42] Also, the age range is correspondingly higher for this subset of Malaysian political bloggers, at an average age of 31.9 as opposed to the average of 20.5 for the sample of random Malaysian bloggers.[43]

A considerable number of top Malaysian sociopolitical bloggers are public figures in their capacity as civil-society activists, politicians, or prominent journalists. In a sample of 46 of the top sociopolitical blogs, drawn from a combination of the 2006 and 2010 studies, 34 bloggers reveal their identities. Of these, at least 20 fall within one of the three categories mentioned earlier. In addition, civil society strongly supports bloggers. The National Press Club hosted both 2007 and 2010 meetings establishing NAB and BfM, respectively. Also, the four Bloggers Universe Malaysia events to date have been jointly coordinated by NAB and the Center for Policy Initiatives, a nonprofit reformist think tank populated by bloggers.

Several propositions can be extrapolated from these observations and data. The higher median age of most sociopolitical bloggers provides a partial explanation for sustained participation within the blogosphere—Malaysian political bloggers are unlikely to be transitory college students. The significant number of these bloggers who were public figures prior to blogging accounts for the blogosphere's visibility, with its speakers drawing on their existing offline audiences. The remarkably rapid and impassioned responses by the blogosphere to regulatory proposals are unsurprising when juxtaposed against the Internet's intimate and multifaceted relationship with civil society. A comparison with Singapore illustrates the final point. By contrast to the thriving and active Malaysian sociopolitical blogosphere, its Singaporean counterpart is less visible and vocal despite Singapore's vastly superior Internet penetration rate. This contrast is especially stark when one compares Internet political activism during the countries' respective general elections, Singapore in 2006 and Malaysia in

2008. One academic reports the difference like this: "In the case of Singapore, the Internet merely exerted *some* pressure on the preexisting laws and state-imposed norms governing free speech; in contrast, in Malaysia, the Internet was a major contribution to what has been described as a 'political tsunami' during the recent general election."[44] Even allowing for Singapore's tighter online controls, election-specific regulations disallowing political videos and podcasts, and lack of explosive political scandals, academics attribute the general disparity to the preexisting strength of the offline Malaysian civil society.[45]

The observation that the success of the Malaysian sociopolitical blogosphere owes much to the existing civil society movement suggests another identifying feature of Malaysian sociopolitical bloggers: their motivations are nonpecuniary and social-psychological in nature.[46] Tan and Ibrahim report that most political bloggers cite influencing public opinion and performing a civic duty as their rewards for blogging.[47] This finding is highly relevant because it rationalizes the vehement rejection of the 2007 proposed labeling regime. To these pundits, political blogging is less attractive when government incentives are introduced because it reduces the social-psychological rewards they derive from blogging. They could be perceived as hypocritical and less credible for accepting government-backed labels while claiming to act as watchdogs of an administration accused of corruption.

On the basic premise that rewards have to outweigh costs for people to act, up until 2007 participation in the Malaysian sociopolitical blogosphere came at a low cost, because infrastructure remained inexpensive with Malaysia's aggressive IT policy. However, from 2007, the combined threats of defamation suits, detention, and MCMC persecution have raised the cost of blogging significantly, as was made evident by Raja Petra's drastic step of fleeing the country to avoid repeated incarceration. Nevertheless, the Malaysian political blogosphere remains vibrant, active, and responsive, with Raja Petra continuing to contribute from abroad in spite of the high personal costs of his participation.

Norms: The Invisible "Glue" That Binds the Malaysian Sociopolitical Blogosphere

The final missing piece of the puzzle of necessary and sufficient factors for the Malaysian blogosphere's sustained existence lies in the presence of norms. Tan and Ibrahim report that Malaysian political bloggers believe that it is *right* to double-check one's sources, that it is *better* to identify oneself openly, and that it is *wrong* to hurl racial abuse in comment boxes.[48]

The distinction between norms and social practices lies in the internal perspective of obligation, an expectation of nonlegal sanctions. One *expects* social sanctions for noncompliance with the regular practice of removing one's hat in church but not for failure to attend the cinema on a weekly basis.[49] Norms can be further subdivided into two categories.[50] Abstract norms rely on full internalization and unanimous

endorsement by participants of a social practice.[51] By contrast, concrete norms need only a desire for esteem, a much shallower mode of internalization, which in turn enables easier amendment or abandonment of these concrete norms without overall destruction of the abstract norms from which they stem.[52] This conceptual distinction has powerful explanatory force for the Malaysian sociopolitical blogosphere. From a combination of general observations and the 2006 and 2010 studies mentioned earlier, I argue that there are four abstract norms supported by a total of twelve concrete norms in the Malaysian blogosphere. The four abstract norms are as follows.

Responsible Blogging   Tan and Ibrahim report that Malaysian bloggers are, in general, not exceedingly conscientious about the veracity of facts in their postings.[53] By contrast, 63.0 percent of *sociopolitical* bloggers interviewed in 2006 claim to double-check facts before posting.[54] This practice is supported by two concrete norms: the "see-for-yourself" norm of linking to original materials and the norm of disclosing one's real-life identity. This abstract norm's operation is illustrated by Anwar Ibrahim's 2007 allegations of political tampering with judicial nominations. These claims were accepted by bloggers once they had viewed a corroborating video clip uploaded by Anwar.[55]

Expectation of Bias   Readers are ultimately responsible for checking the truthfulness of blog posts and making their own judgments on credibility. Out of 476 readers polled by Tan and Ibrahim who trust blogs, merely 13.2 percent admit to "strongly trust[ing]" these blogs.[56] This distrust is grounded in the subjective practice of blogging, commencing with what *bloggers* care about most, in sharp distinction to objective, neutral, public-interest reporting by professional journalists. This feeds into two separate concrete norms. First, bloggers are expected to disclose their ideologies and motivations. Second and correspondingly, readers are expected to be the final judge of content quality once bloggers have made their relevant disclosure. Criticisms of MCMC proceedings against Nose4News, a popular satirical blog known for its outlandish mock reports, demonstrate this abstract norm in practice. The blogosphere defended the blogger by pointing to clear disclaimer notices on Nose4News as sufficient discharge of the blogger's responsibilities to his readers.

Inclusivity   This abstract norm has enabled relatively unknown individuals, such as Jeff Ooi, to join the ranks of A-list sociopolitical bloggers. Inclusivity is highly significant in two ways. First, it maintains conversations between bloggers and readers, albeit weighted in favor of the blogger. Bloggers are expected to enable the comment function on their blogs and to consider readers' contributions as potential sources of information. Second, as between bloggers, a concrete norm of mutual links, whether in-line citation or the maintenance of blogrolls, sustains the existence of a community of political bloggers through clustering. The conceptual distinction between abstract and concrete norms is most relevant here. Based on a sample I created of 46 of the most popular A-list political blogs, 19 do not maintain blogrolls. Nine of these belong

to blogger-politicians, some of whom kept blogrolls prior to the 2008 elections. This omission may stem from a risk-adverse political calculation, but it does not substantially weaken the overarching abstract norm of inclusivity.

Another concrete norm stemming from inclusivity is the granular and heterogeneous nature of participation in the blogosphere.[57] "Granular" means that the degree of contribution to discourse in the political blogosphere can be as minimal or extensive as one is able to make it. Contributions are also "heterogeneous"—the *type* of contribution made depends on the blogger's expertise or interest. For example, Haris Ibrahim as a trained lawyer posts on legal issues, and Tony Pua, now an elected MP, blogged almost exclusively on education in the past.

Topicality   The value articulated by this abstract norm is that the determinative criteria for mutual- or cross-linking are the quality, relevance, and subject matter of the materials, not simply how well-connected they already are.[58] It is manifested in three concrete norms. First, political bloggers are expected to be motivated by nonpecuniary rewards. Second, listing in a blogroll is based on the host blogger's judgment on topicality, which is crucial in race-divided Malaysia. Most significantly, topicality is embodied in the third concrete norm requiring removal of racial slurs from blogs. These comments are not considered valuable contribution to political discourse, and racial tensions are universally acknowledged to be especially damaging in Malaysia (table 3.1).[59]

Table 3.1

SUMMARY OF ABSTRACT AND CONCRETE NORMS IN THE MALAYSIAN SOCIOPOLITICAL BLOGOSPHERE	
Abstract Norms	**Concrete Norms**
1. "Responsible blogging"	• Double-check one's facts before posting online. • "See for yourself" links to original source • Reveal one's identity where possible.
2. Expectation of bias	• Disclosure of blogger's ideologies, motivations, or intentions • Readers are the ultimate judge of content quality.
3. Inclusivity in participation	• Permit comments to be left by readers. • Grant consideration to readers' e-mails/comments as potential sources of materials. • Mutual links encouraged by maintaining blogrolls and mutual citation • Granularity and heterogeneity are expected in contributions.
4. Topicality	• Incentive for blogging not pecuniary, but passion • If a blogroll is maintained, sites are selected based on topicality or language, not race. • Bloggers are responsible for removing racist comments, posts, and trolls.

The Malaysian Sociopolitical Blogosphere: A Peer-Production System
of Political Discourse

The Malaysian blogosphere mobilizes collective action effectively and avoids plunging into a chaotic abyss of information overload by operating as a self-organizing, networked, peer-production system of political discourse. It operates much like Wikipedia insofar as it is decentralized and dependent on social cues over market prices, and its participants are motivated by social-psychological rewards. The blogosphere's topological features and norms organize the production of political conversations through a three-step process of intake, filtration, and synthesis.[60]

Intake   The first step of this system of production is the intake of material. Überblogs function as central points of entry for information. Bloggers' main sources of information are online news portals, other blogs, and readers' e-mails. In addition, the elected politicians among Malaysian A-list bloggers will often have firsthand information on parliamentary proceedings or regulatory proposals. Although Malay is the official language in Malaysia, many Malaysian A-list bloggers act as links out to foreign blogs. These bloggers are linguistic bridges, translating English posts to Malay and vice versa. This practice is evident in my sample of 46 of the most popular Malaysian sociopolitical bloggers. More than half, 56.5 percent, cross-link across languages, and 32.6 percent of these blogs are themselves bilingual. Also, politician bloggers have a vested interest in maintaining multilingual blogs to reach a broader electorate base.

Filtration   The relevance of content is assessed by the posting bloggers who make judgments congruent with the norms of topicality and responsible blogging. Accreditation by fellow bloggers is an important aspect of the filtration mechanism. Although readers ultimately determine the reliability of a post for themselves, the blogosphere assists this process through a form of peer review reliant on "signals." The norms of topicality and responsible blogging together maintain a pool of vocal and vigilant individuals who will make their disagreement, if any, with a speaker-blogger's views known. Corroborative posts and/or the lack of contradictory posts thus form the first signal. The next two signals are general indicators of approval—listing on a blogroll is a personal stamp of approval by the listing blogger, and hit counters form a crude indicator of any one blog site's popularity.

The blogosphere's filtration mechanism played a visible role during the campaign season of a 2010 federal by-election. The Hulu Selangor by-election saw "blogwars" explode between BN and PR supporters over circulation of "evidence" that PR's Muslim candidate consumed alcohol. When the grainy photograph first emerged on two pro-BN blogs, discerning and unaffiliated sociopolitical bloggers immediately began commenting on the awkwardness of the candidate's arms in that photograph. Eventu-

ally, these unaffiliated bloggers located the original undoctored photograph from a newspaper clipping, concluding the debate over its authenticity.

Synthesis   The final stage of peer production in the blogosphere lies in synthesizing the material into blog posts. The stability of this stage depends on bloggers abiding by the norms of verification and the expectation of bias. Additionally, the concrete norm of granularity and heterogeneity is triggered at this stage, when bloggers delve into as much depth as they want on a particular topic or take a particular spin on it. Note also the continuing responsibility of bloggers to monitor comments and remove racist slurs.

Cycling back to the two questions I asked at the outset of this discussion (How does the Malaysian sociopolitical blogosphere successfully coordinate pushback against linear, unidirectional regulatory attempts and fulfill the wider roles ascribed to it?), we must recall the relevant baseline. The Malaysian mainstream media suffer two major weaknesses; they are heavily censored and are divided by language. Unlike the mainstream media, the blogosphere emerged free from licensing regimes and thus has not been forced to adopt a similarly strong norm of self-censorship. Also, while multilingual columns in Malaysian daily papers are rare, a majority of the top Malaysian sociopolitical bloggers serve as linguistic bridges. The plotted link structure of the Malaysian political blogosphere by Ulicny, Matheus, and Kokar in figure 3.2 indicates this relationship. It also suggests that there is no extreme BN/PR polarization problem (yet) akin to the Republican/Democratic divide in the U.S. blogosphere.
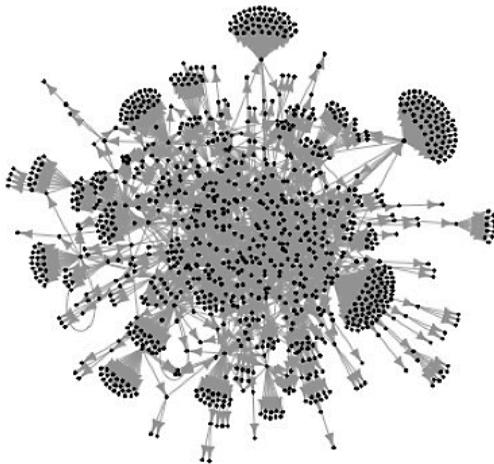

Figure 3.2
Link structure of the Malaysian sociopolitical blogosphere as of 2010.
Source: Reproduced by permission from Brian Ulicny, Christopher J. Matheus, and Mieczyslaw M. Kokar, "Metrics for Monitoring a Social-Political Blogosphere," IEEE Computer Society 34 (2010).

Because the blogosphere is a decentralized peer-production system, individual detentions and defamation suits did not cripple the system as a whole, nor could the government assert comprehensive control by usurping centralized corporate ownership. In addition, more people are speaking to each other through the medium of the Malaysian blogosphere across racial and linguistic divides that exist offline. Existing real-world relationships, networks, and civil-society activism provide a strong starting point of publicity for the political blogosphere that has been enhanced and sustained by norms. With the relative geographical proximity of Malaysian sociopolitical bloggers, these factors cumulatively enable rapid, powerful responses both online and offline to linear regulatory attempts.

A Shift Away from Linear Regulation: Third-Generation Controls

It would be a misstatement to describe BN as still being the underdog in the digital race for votes.[61] After its 2008 debacle of losing the Internet war, the incumbent BN that still controls the Malaysian federal government has demonstrated a willingness to compete for cyberspace. Recent governmental actions indicate an inception of third-generation controls that are competitive, participatory, and nonlinear. Instead of traditional, unidirectional imposition of state power on the regulatory target, these measures focus on counterinformation strategies where the state is an active player competing for online reader attention. Such measures can broadly be divided between general and election-specific measures.

Most BN politicians launched their own Facebook pages, blogs, and Twitter accounts after 2008. Joining a global trend of e-transparency, the Malaysian government launched MyProcurement.com in April 2010. MyProcurement.com is an online portal displaying all nonclassified governmental tenders and successful bids. This is a peculiarly bold and risky move because these contracts form a recurrent theme in Malaysian corruption scandals. MyProcurement.com has received mixed reviews and has led to further uncovering of corruption by PR politicians. Another notable example of online engagement occurred in August 2010. Thousands of Malaysians responded to the prime minister's invitation on his blog 1Malaysia for suggestions and comments on the 2011 national budget that was due to be tabled before Parliament.

There has also been a significant increase in anonymous disruptive attacks on both PR and independent blogs. "Cybertroopers" is now a common Malaysian catchphrase. It was coined around 2007 and refers to pro-BN Internet activists who actively monitor the Malaysian political blogosphere for antigovernmental postings. Cybertroopers are often accused of being responsible for online attacks on PR politicians. For example, on August 31, 2010, a doctored photograph depicting a Chinese PR minister slaughtering a cow during the Ramadan month of fasting was circulated online. It was thought to be the work of a BN cybertrooper and was quickly identified as a doctored image.

The intention behind circulation of the photograph was clear: it was an attempt at rupturing relations between PR's component non-Muslim and Muslim parties.[62]

Post-2008 by-elections have seen PR, BN, and independent political bloggers all establish event-specific blogs.[63] These blogs exist for a limited period of time but are updated very regularly for that short campaigning period leading to the by-election. Blogs affiliated with PR and BN post comprehensive information on their offline schedules and event venues, while their independent counterparts tend to provide neutral commentary on the candidates. Recently, Malaysiakini reported unconfirmed rumors of a BN-cybertrooper fund, valued at MYR 10 million (almost USD 3.3 million), reserved for an upcoming Sarawak state election.[64] BN has unequivocally adopted an antipodal position to Internet campaigning and the "trustworthiness" of blogs in the years since its dismissive and ultimately costly stance in 2008.

Conclusion

The battle for control of Malaysian cyber-informational space is far from over, and its lines have shifted dramatically since the 2008 general elections. By contrast to the pre-2008 identification of online activism with civil society or PR, there is now a perceived three-way cleavage in the Malaysian sociopolitical blogosphere between BN supporters, PR supporters, and independent commentators. However, even so-called BN-affiliated bloggers have not escaped the government's heavy-handed reliance on existing laws criminalizing sedition or "offensive content." One explanation for NAB's reformation as BfM on thinner grounds of commonality lies in the inadequacy of political affinity as a shield from governmental persecution. Both PR-controlled state governments and BN's federal administration have filed numerous MCMC complaints against bloggers, regardless of political identity.

The recent surge of third-generation controls against the Malaysian sociopolitical blogosphere suggests two emerging patterns. First, there is a growing governmental preference for covert, subtle, and mostly nonlinear forms of *general* Internet regulatory controls in Malaysia. Although detention of Malaysian bloggers has ceased since 2008, there has been a less-publicized exponential increase in the number of MCMC proceedings against bloggers and independent news portals.[65] I consider MCMC action to be a subtler, albeit linear, form of control because its reasons for action are not necessarily traceable to the state—it is statutorily empowered to act on its own initiative or on receipt of complaints from individuals.[66] Further, this general movement is also reflected by the shift in the *type* of technical attacks launched against blogs and independent news portals. Following public outcry against the 2008 DNS block on Malaysia Today, all subsequent denial-of-access incidents affecting blogs and portals have been DDoS attacks. Because it is nearly impossible to trace the source of these attacks, blame cannot be attached to the state with any certainty.

The blogosphere is less able to respond effectively to these new measures than to overt, linear regulatory controls. For example, MCMC's broad interpretation of its statutory powers is harder to utilize as a rallying point to mobilize the masses, when compared to the state's 2007 overwhelmingly disproportionate reliance on national security laws to detain bloggers. Similarly, the blogosphere could neither marshal technical resources to effectively resolve DDoS attacks nor concentrate criticism on state actors to attract international sympathy, unlike its public campaign to evade the DNS block. Although the blogosphere uncovered original photographs in the incidents involving circulated doctored images, criticism was limited to and directed against pro-BN bloggers when no direct state-link was conclusively established.

Reasons for this shift are manifold. One view rests on a cynical assumption that the Malaysian government's actual goal is to extend existing state control over the mainstream media to the Internet. By this account, the shift is simply the result of a discovery that nonlinear controls have the twofold benefits of efficacy and a lower political price, as they are inherently more difficult to attribute to the state—which is especially appealing to the embattled BN administration. An opposite interpretation sees these controls as a positive sign of increased engagement between the state and its subjects. Regardless of which view is taken, the pivotal point here is that the government *has* changed tack. Its change is significant in the historical context because the Malaysian government is rarely swayed by public pressure. For example, the most widely circulated newspaper, *The Star*, was once a vocal critic of the Malaysian government. The state responded swiftly in 1987, revoking *The Star*'s publishing license in a concerted strike against growing political dissent. When reinstated several months later, *The Star* was and remains a pale version of its former self. Thus the Malaysian government's willingness to react and adapt to the blogosphere's resistance, regardless of its motivations for doing so, is unique.

My second suggestion is that there is now a dialogue between the state and the political blogosphere. A combination of factors has created fertile ground for the Malaysian blogosphere to take deep root in its current form in the Malaysian public consciousness. They range from the inadvertent, such as a decade-old pledge not to censor the Internet and BN's current political vulnerability, to the unexpected, such as the continuing Anwar sodomy saga and the fervency of online civil society activism. Arguably, the blogosphere has more successfully contested linear forms of governmental control than any other nonstate actor, forcing the Malaysian government to engage in an asynchronous dialogue. The script of this colloquy is as follows: the government initiated contact by attempting to impose hierarchical control over the blogosphere and was met with ferocious resistance. This prompted the state to retreat and rechannel its efforts instead through subtler means and competing with its own information campaign. Features of the sociopolitical blogosphere that enabled this initial exchange may now work to its disadvantage. For example, its decentralized

structure, low barriers to entry, and norm of inclusivity mean that BN supporters cannot be excluded despite their flouting the norm of responsible blogging by initiating vicious, unfounded attacks on non-BN bloggers. The ball is now in the political blogosphere's court; if it wishes to develop positive aspects of this conversation, the blogosphere needs to innovate and evolve in order to seize the lead in the precious, but increasingly precarious, dialogic space it has managed to create.

Notes

1. International Lesbian, Gay, Trans and Intersex Association, "World: Illegality of Male to Male Relationships," http://ilga.org/ilga/en/article/about_ilga.

2. See the Malaysia country profile in this volume for further details.

3. These programs include the Multimedia Super Corridor, described in further detail in the Malaysia country profile in this volume.

4. John Palfrey and Urs Gasser, *Born Digital: Understanding the First Generation of Digital Natives* (New York: Basic Books, 2008), 1–15, define "digital natives" as people born after 1980 who "all have access to networked digital technologies. And they all have the skills to use those technologies" (1).

5. Agus Sudibyo, "Reformasi According to Malaysiakini," *Southeast Asian Press Alliance*, May 12, 2010, http://www.seapabkk.org/announcements/fellowship-2004-program/46-reformasi-according -to-malaysiakini.html.

6. See the Malaysia country profile in this volume for further details.

7. Ibid.

8. See, for example, the government's insistence on going ahead with deeply unpopular plans to build another megatower in Malaysia; "Anti–100 Storey Tower Group Calls for 'Cake Party,'" November 15, 2010, Malaysiakini, http://www.malaysiakini.com/news/148257. Note in particular its persistent refusal to repeal the draconian Internal Security Act, which permits detention without trial, despite long-running calls for its abolishment. Amnesty International, "Malaysian Parliament Should Abolish Internal Security Act," September 4, 2008, http://www.amnesty.org/en/news-and -updates/news/malaysian-parliament-should-abolish-internal-security-act-20080905.

9. Zentrum Future Studies Malaysia, "Pilihanraya umum Malaysia ke 12: Pengaruh kepercayaan terhadap media dan kesannya terhadap bentuk dan corak pengundian Malaysia—Tumpuan pada kumpulan responden 21–41 tahun" [12th Malaysian general elections: The extent of faith in the media and its effect on Malaysian voting shapes and patterns—Focus on the age group of 21–41 of respondents] (Edisi PDF untuk rujukan dan naskah lengkap kajian [PDF edition for reference and a complete study]), http://www.scribd.com/doc/8751281/Zentrum-Studies-Pru12. (The group was headed by Associate Professor Abu Hassan Bin Hasbullah of the University of Malaya.)

10. Calculated from data available in Zentrum, "Pilihanraya umum," 5 Jadual 4 [Table 4].

11. Ibid.

12. Ronald Deibert and Rafal Rohozinski, "Control and Subversion in Russian Cyberspace," in *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*, ed. Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (Cambridge, MA: MIT Press, 2010), 22–28.

13. For more details, see the Malaysia country profile in this volume.

14. Ibid.

15. Ibid.

16. Malaysian Communications and Multimedia Act 1998, sec. 263(2).

17. On August 27, 2008, MCMC issued an order to all Malaysian ISPs to deny access to Malaysia Today. As of 6:00 p.m. local time that day, only TMNet subscribers reported problems accessing the site—other ISPs' subscribers were still able to access the site. The DNS block lasted less than two weeks. The government decided to lift the ban on September 11, 2008, but detained Malaysia Today's administrator, Raja Petra Kamarudin, the following day. See generally, Debra Chong and Shannon Teoh, "Cyberspace Crackdown Limited to Malaysia-Today Website . . . for Now," *Malaysian Insider*, August 28, 2008, http://www.malaysianbar.org.my/legal/general_news/cyberspace_crackdown_limited_to_malaysia_today_website_for_now.html; Sim Leoi Leoi and Florence A. Samy, "MCMC Told to Unblock Malaysia Today (Update 2)," *The Star*, September 11, 2008, http://thestar.com.my/news/story.asp?file=/2008/9/11/nation/20080911145128&sec=nation. Note also that some commentators classify Malaysia Today as a news portal because it aggregates news from other sources. For my purposes, Malaysia Today is counted as a blog because Raja Petra self-identifies as a blogger. In addition, his *views*, not the site's aggregation of news, are arguably the main attraction of Malaysia Today.

18. For further details on DDoS attacks, see Hal Roberts, Ethan Zuckerman, and John Palfrey, "Interconnected Contests: Distributed Denial of Service Attacks and Other Digital Control Measures in Asia," chapter 7 in this volume.

19. On September 15, 2009, after Raja Petra posted a story on an MYR 12.5 billion (approximately USD 4 billion) corruption case involving the prime minister, which he corroborated by releasing PDFs of leaked classified cabinet documents, "suspicious activity" was reported attacking the site on the next day, September 16, 2009. The first round of hacking damaged the site on September 17, 2009, but the site's technical team managed to permit access to Malaysia Today by 6:00 p.m. local time. Subsequently, DDoS attacks ranging from 227 to 835 Mbps from proxy servers crippled the site's Singaporean node with the overwhelming traffic on the next day. See Raja Petra Kamarudin, "The Attacks on Malaysia Today," Malaysia Today, September 29, 2009, http://www.malaysia-today.net/archives/27311-the-attacks-on-malaysia-today-udpated-with-chinese-translation. A year later, Raja Petra again released a slew of documents from August 15 to August 27, 2010, this time on a controversial governmental buyback of Malaysian Airlines at the same price at which it was privatized, despite the MYR 8 billion (USD 2.6 billion) in losses accumulated

during its privatized state. DDoS attacks began on September 7, 2010, after his posting of another story on corruption involving the prime minister on September 5, 2010. Malaysia Today was inaccessible for 24 hours on September 7, 2010, and was intermittently inaccessible for seven days until September 14, 2010. See Malaysia Chronicle, "Fears for RPK's Safety as Attacks on Malaysia Today Continue," September 14, 2010, http://www.malaysia-chronicle.com/2010/09/attacks-on-malaysia-today-continue.html.

20. Raja Petra, "The Attacks," http://www.malaysia-today.net/archives/27311-the-attacks-on-malaysia-today-udpated-with-chinese-translation.

21. Neville Spykerman, "Cyber Attack: Anwar's Blog Latest to Be Hit," Malaysian Insider, September 10, 2010, http://www.themalaysianinsider.com/malaysia/article/fmt-malaysia-today-not-accessible-after-attacks.

22. "Bloggers May Have to Reveal Identities," Malaysiakini, April 5, 2007, http://www.malaysiakini.com/news/65558.

23. T. H. Tan, "Sintercom Founder Fades Out of Cyberspace," *Straits Times*, August 22, 2001. Note that Sintercom has since reemerged as Newsintercom, but its reincarnation is hosted abroad and run by anonymous administrators.

24. "Zam Recommends Labels for Bloggers," Malaysiakini, May 5, 2007, http://www.malaysiakini.com/news/66854.

25. Niluksi Koswanage and Royce Cheah, "Update 1—Malaysia Plans Internet Filter, Tougher Controls," Reuters, August 6, 2009, http://www.reuters.com/article/2009/08/06/malaysia-internet-idUSSP39843320090806.

26. Jeff Ooi, "Bloggers Legal Fund Being Finalised," Screenshots, January 24, 2007, http://asiancorrespondent.com/6403/bloggers-legal-fund-being-finalised/.

27. Joyce Tagal, "A Resounding NO to Police State," Malaysiakini, July 20, 2007, http://malaysiakini.com/news/70200.

28. Examples of these routing-round posts include "Three Ways to Access Blocked Malaysia Today," Liewcf.com, August 28, 2008, http://www.liewcf.com/3-ways-to-access-blocked-malaysia-today-3835/, and "How to Access Malaysia Today by Proxy and Beat the Block," Uppercaise, September 20, 2009, http://uppercaise.wordpress.com/2009/09/20/proxy-bookmarks-for-malaysia-today/.

29. Jeff Ooi, "Register the Bloggers? NAB and BUM," Screenshots, April 6, 2007, http://asiancorrespondent.com/6201/register-the-bloggers-nab-bum/.

30. Jeff Ooi, "MarinaM on Blogging 101 for Lame Politikus," Screenshots, May 9, 2007, http://asiancorrespondent.com/6107/marinam-on-blogging-101-for-lame-politikus/.

31. "Nazri Warns Bloggers Face Harsh Laws," Malaysiakini, July 25, 2007, http://malaysiakini.com/news/70375. (It was alleged that the government was "looking at formulating new laws to allow it to monitor and act against offending bloggers.")

32. "Rais Decries Dodgy Enforcement of Blogging Laws," Malaysiakini, May 13, 2009, http://malaysiakini.com/news/104230. (Rais Yatim, the Malaysian information minister, declared that existing laws were adequate to prosecute and regulate bloggers, but was critical of the enforcement of these laws.)

33. Niluksi Koswanage, "Malaysia to Cancel Internet Filter Study—Source," Reuters, August 12, 2009, http://in.reuters.com/article/2009/08/12/malaysia-internet-idINKLR52289420090812?pageNumber=1.

34. Cecilia Victor, "Rais Yatim Lodges Report over Allegations against Son," *Malay Mail*, October 12, 2010, http://www.mmail.com.my/content/52046-rais-yatim-lodges-report-over-allegations-against-son.

35. Tony Yew, "Bloggers for Malaysia," Bloggers for Malaysia, October 21, 2010, http://bloggersformalaysia.blogspot.com/.

36. Note that this "loophole" may soon be closed, as legislative amendments are being proposed to extend licensing requirements to online news portals and blogs. See the Malaysia country profile in this volume for further details.

37. Malaysian Police Act 1976, sec. 27.

38. Xiang Zhou, "The Political Blogosphere in China," *New Media and Society* 11 (2009): 1017 (referring to M. Jiang, "Authoritarian Deliberation: Public Deliberation in China," paper presented at sixth annual Chinese Internet Research Conference, Hong Kong, June 13–14, 2008).

39. Jun-E Tan and Zawawi Ibrahim, *Blogging and Democratization in Malaysia: A New Civil Society in the Making* (Petaling Jaya, Malaysia: SIRD, 2008).

40. Ibid., 44.

41. Brian Ulicny, "Modeling Malaysian Public Opinion by Mining the Malaysian Blogosphere" (First International Workshop on Social Computing, Behavioral Modeling and Prediction, Phoenix, AZ, April 2008), http://vistology.com/papers/VIS-SBP08%20.pdf.

42. Brian Ulicny, Christopher J. Matheus, and Mieczyslaw M. Kokar, "Metrics for Monitoring a Social-Political Blogosphere," *IEEE Computer Society* 34 (2010): 34–44, 36 (table 1).

43. Ibid.

44. Hang Wu Tang, "The Networked Electorate: The Internet and the Quiet Democratic Revolution in Malaysia and Singapore," *Journal of Information Law and Technology* 2 (2009): 3.

45. Cherian George, "The Internet's Political Impact and the Penetration/Participation Paradox in Malaysia and Singapore," *Media, Culture and Society* 27, no. 6 (2005): 903, DOI: 10.1177 (general observation); Tang, "The Networked Electorate," 10–11 (elections-specific). For an interesting flipside analysis of the online replication of offline relationships and networks, see Heike Jensen, Jac sm Kee, Gayathri Venkiteswaran, and Sonia Randhawa, "Sexing the Internet: Censorship, Surveillance, and the Body Politic(s) of Malaysia," chapter 4 in this volume.

46. For an in-depth analysis and discussion of social-psychological motivation and the diversity of motivations for action, see Yochai Benkler, "Coase's Penguin," *Yale Law Journal* 112 (2006): 371–446.

47. Tan and Ibrahim, *Blogging*, 52.

48. Ibid., 50–60.

49. H.L.A. Hart, *The Concept of Law* (Oxford, UK: Oxford University Press, 1994), 9–11.

50. Richard McAdams, "The Origin, Development, and Regulation of Norms," *Michigan Law Review* 96 (1997): 378–381.

51. Ibid.

52. Ibid.

53. Tan and Ibrahim, *Blogging*, 55.

54. Ibid.

55. Nathaniel Tan, "Audio Clip Further Incriminates Mahathir, Vincent Tan and VK Lingam," Jelas.info (blog), September 19, 2007, http://jelas.info/2007/09/19/.

56. Tan and Ibrahim, *Blogging*, 61 (figure 5.4).

57. I borrow and build on Yochai Benkler's definition of "granularity" and "heterogeneous," first used in the context of commons-based peer-production systems, that is, *Wikipedia* and *Slashdot.* See Benkler, "Coase's Penguin," 378–379.

58. Yochai Benkler, *The Wealth of Networks* (New Haven, CT: Yale University Press, 2006), 253.

59. See the Malaysia country profile in this volume for further details.

60. Benkler, *Wealth*, 254.

61. "Alternative Media: BN vs. PR—Who's Winning?" *Malaysian Digest*, March 15, 2010, http://www.malaysiandigest.com/features/2541-alternative-media-bn-vs-pr-who-is-winning.html. (The report finds BN having more Twitter and Facebook fans overall at 19,596 and 164,335 as opposed to PR's 17,176 and 109,472.)

62. PR's component parties include the mostly non-Muslim Democratic Action Party (DAP) and the Parti Islam Se-Malaysia (PAS), an Islamist political party.

63. See generally, Gabrielle Chong, "By-elections Cyber War Escalates," Malaysiakini, March 28, 2009, http://malaysiakini.com/news/101175.

64. Leven Woon Zheng Yang, "PBB Denies RM10 Mil Cybertrooper Fund," Malaysiakini, December 21, 2010, http://malaysiakini.com/news/151367.

65. See the Malaysia country profile in this volume for further details.

66. Malaysian Communications and Multimedia Act 1998, sec. 68, 69, and 70.