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## The fog of fear

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## The fog of fear

***If the rules are here to stay, they should at least be clarified.***

At public forums about Singapore politics, you'll occasionally see someone from the audience go to the mic and utter that four-letter F-word. *Fear*.

The person pleads: *Singapore has come so far, but when will we be able to leave our fear behind?*

If there's a government official on stage, he will probably laugh and answer the question with a question. *Fear? Why? Don't tell me you feel afraid right now?*

The audience titters nervously, not quite sure what the right answer to that question is. It's hard to answer in the affirmative when one is in a chandeliered hotel function room, and the only sign of surveillance is the hovering waiter checking if one's dessert plate is ready to be cleared. The dialogue moves on to another topic.

It is a difficult topic to address, but no discussion of Singapore's political development would be complete if it didn't examine of our culture of fear. Fear inhibits our participation as active citizens. Some of it is irrational. There are some Singaporeans who think we live in a totalitarian police state. They decide it's too dangerous

to participate in politics, even if it's just to sign a petition or share their views in public. They say they won't get involved because they are afraid of the consequences. Fortunately, there are also Singaporeans who have a stronger urge to participate. People in civil society, for example, know only too well that the walls exist, having bumped into them. But their instinct is to try to locate doors that can be nudged open.

More of us should educate ourselves about where the walls and doors are. But the government, if it is serious about wanting to encourage active citizenship, should provide a floorplan. Unless it has some reason to be ashamed of its political controls—in which case it should get rid of them—it should have no objection to stating clearly the possible consequences associated with various types of political participation. The government leaves too much to the imagination and provides too few guarantees of safe passage.

There are some things we do know for a fact. Singapore is not a city where activists are murdered like in Colombia or “disappeared” like in Bangladesh. Another fact that analysts agree on—but some Singaporeans continue to doubt—is that each individual's vote is secret. People can exercise their vote without fear.

It's also clear that there are legal landmines you need to be aware of before you speak or act publicly. Singapore does not guarantee us strong civil and political freedoms such as the right to express ourselves, to assemble in public and to form organisations. The law can punish us for speech and actions that the government considers unacceptable, even if we are nowhere close to threatening public order or national security.

Specifically, if you communicate anything that directly or indirectly suggests that a minister is corrupt, that he is guilty of wrongdoing, or that he got his position because of his connections, you have to be prepared to prove it. If you can't, you should expect to be sued for defamation. If you claim that judges are biased in favour of the government or that they cannot be trusted to dispense justice fairly, you can count on being prosecuted for scandalising the judiciary. Express anything that upsets a religious or racial

group, or accuse the government of being prejudiced against a community, and you risk being charged with sedition.

On the bright side, these legal traps are limited in number. If you are a blogger, artist or activist, it's possible to learn where they are and stay clear of them. That would still leave you lots of space to engage in critical commentary with minimal legal risk. Furthermore, the government has shown that it's willing to give first-time offenders a chance. If you cross legal limits unwittingly, and then swiftly and sincerely retract and apologise, the government tends to drop the matter or let you off with a warning.

However, the law isn't the only tool that governments use to discipline and punish. They can apply economic carrots and sticks, making jobs and other rewards conditional on good political behaviour. Non-citizens are particularly vulnerable to economic threats, since the authorities can revoke their right to live and work in the country at any time. Bureaucratic harassment, through tax audits for example, is another common tactic of authoritarian governments around the world.

Unlike written laws, which define offences and codify punishments, the Singapore government's non-legal instruments are mostly covert. We know more about Singapore Armed Forces weaponry than the government's political arsenal. The latter is hard to document even if, like me, you've spent many years studying Singapore politics. The security services don't publish five-year plans or annual reports. Even targets of surveillance and intimidation typically don't make their experiences public, for fear that it will only make things worse for them.

But it's an open secret that officials blacklist individuals they perceive as threats. They may even lose their jobs. We know from the memoirs of Cheong Yip Seng, the former editor-in-chief of the Straits Times group of newspapers, that Lee Kuan Yew would once in a while demand that a journalist be fired. Cheong said that in every case during his time, he was able to pacify Lee with a less extreme measure like an internal transfer, thus saving the journalist's job.

It is probable that not all institution leaders are as willing or as able to expend their political capital in this way; they would do the top leaders' bidding without question.

In 1999, National University of Singapore law professor Kevin Tan gave an interview to *The Straits Times* in which he made the seemingly obvious point that the presidency had become a confused institution since veto powers were added to its ceremonial role. The article appeared in the midst of a controversy over complaints by President Ong Teng Cheong that the government wasn't being cooperative enough. His former cabinet colleagues were furious with Ong for publicly airing his grievances, but they had to treat him respectfully lest their behaviour prove Ong's point.

That privilege wasn't accorded to commentators. Lee Kuan Yew, who as the architect of the elected presidency probably took Kevin Tan's criticism personally, said he was "surprised to see this academic constitutional lawyer from our university—and I was alarmed when I read he is teaching our students constitutional law—that he had not read our own Constitution". One could say, if one were extremely naïve, that Lee was only expressing his personal opinion. But that is probably not how such words would be read by those with the power to hire and fire. Kevin Tan chose to leave his NUS position around a year later. He then found himself blocked from rejoining full-time, despite being one of Singapore's only internationally renowned constitutional law scholars.

Other Singaporean academics have also found the doors shut to them, seemingly due to their critical takes on Singapore history, politics and society, and despite the shortage of locals in our institutions of higher learning. Artist and academic Lucy Davis was denied a permanent residency re-entry permit and then an employment pass, forcing her to leave the country she had lived in for 28 years. She was not given any reason, but it was probably because of her involvement in the campaign against the death penalty. Such evidence is anecdotal and speculative, but it would be foolish to ignore the apparent pattern. Even if you stay well within the law—never crossing the line of defamation, contempt

or sedition, and always securing the necessary permits before organising any activity—you could still be punished for crossing invisible out-of-bounds markers, either because the issue is considered inherently sensitive, or because you're making your point too strongly for the government's comfort. You could then be marked as a challenger and find your employment options narrowing. This is what ministers don't say when earnest tertiary students ask them about fear in Singapore.

Like most Singaporeans, I'm familiar with the taste of fear. One personal experience comes from 2014. Alex Au, the blogger, was facing trial for contempt of court and his lawyers Peter Low and Choo Zheng Xi were preparing his defence. They asked if I could contribute an affidavit as an academic expert on alternative online media. They weren't asking me to defend Au's words, but just to explain how alternative journalism works and its role in a healthy media system. I said yes immediately, as my PhD dissertation had been on this very topic. If there was a chance my expertise could help the court come to a more enlightened decision, how could I refuse? But the timing sucked. I was facing my own problems. I was appealing to Nanyang Technological University to review its decision not to award me tenure. My ability to continue my career in Singapore was at stake. If there was even a small risk that my involvement in the trial would jeopardise my appeal, it seemed foolhardy to proceed, especially since my affidavit was just a nice-to-have and not essential to Au's defence. When the time came, I apologised to my friends and withdrew my offer. They understood immediately and never made me feel guilty. But it continues to bug me how fear got in the way of doing the right thing.

If you are independently wealthy and do not depend on the state for patronage, there may not be much the government can do to you. But if you're counting on a job in the public sector—the country's largest employer—or your work depends on income or approvals from government, being in its bad books may be costly. Unlike larger authoritarian countries that have multiple potential patrons and clients, Singapore's highly concentrated power

structure means that the blacklist is system-wide. There's a whole-of-government approach to retribution, just as there is to urban planning and public services. Control may be implemented through formal but secret vetting procedures, with personnel files being routed through security agencies. Or it could be exercised informally by bosses without waiting for any explicit instruction from their political masters. Knowing what to do without being told is a core competency that's required of leaders of establishment institutions.

This is the fine print that government leaders and their spokesmen don't mention when they say Singapore welcomes naysayers who will think out of the box and slaughter sacred cows. Or, when they ask *What's there to be afraid of?* They are right that the legal limits, though unduly restrictive, are manageable. But it's the non-legal, invisible lines that create fears that are sometimes exaggerated but not entirely irrational. Such allegations elicit various stock responses from the government. Here's one: *Government is serious business, so people who take on the government must expect a robust response.* This is a non-answer because a robust response could mean many different things, some more innocuous than others. For example, governments should certainly have the right of reply in the marketplace of ideas. Governments are also entitled to use their louder voice to out-talk their critics. You could even say they have a responsibility to do so, as leaders who are democratically elected to represent the common good. But at the other end of the spectrum are regimes that assassinate opponents. In between are a host of practices like wiretapping critics and harnessing state institutions to do the party's dirty work. We need to know where exactly the Singapore government draws the line separating acceptable and unacceptable conduct.

It also needs to acknowledge that its words have consequences. In the United States, Donald Trump has vilified individual journalists by name, but they have no cause to fear being fired as a result. The Singapore context is obviously different. When ministers suggest that a critic taints his profession or organisation,

this is bound to be read as a threat to both the person and his employer. It's more than just an opinion. It is verging on an order. It's disingenuous to claim otherwise.

We still have a lot to discover about the way fear operates in Singapore. Most of the gaps in our understanding can be filled by clear and detailed answers from government. The next time fear is discussed in a political forum and the government answers the question with a question, I hope Singaporeans will respond in kind—with more questions. Like the following.

*Do Singaporeans who criticise the government or engage in activism have reason to fear reprisals if they have broken no laws? What guarantees, if any, can the government give to dispel such fears?*

*What kind of security vetting takes place for prospective hires for the civil service and other public sector organisations? What are the activities that are frowned upon by the vetting process?*

*When the government criticises critics, how should (and shouldn't) their employers react? If the government's response is not meant as a threat, what recourse do critics have if they are penalised by their employer?*

The point of such questions is simply to provide more transparency. The PAP has argued that liberal democracy is not for Singapore. It says our system of executive dominance suits our needs, giving elected leaders the room to work for the people without the hindrance of unelected groups such as an adversarial press, protest movements and pressure groups. If it is not pretending that Singapore is a free country, there's no reason why our political controls need to be covert. On the contrary, if these constraints are in the national interest and above board, the government should have no shame about applying them openly. Singaporeans deserve to know where the lines are. This will reduce the irrational fear of the unknown and replace it with a clear picture of the limits to political participation. If the government doesn't take such steps, we can only conclude that it is happy to perpetuate the fog of fear.