

## **Balancing artistic freedom, public good**

**Censorship, the old blunt-tool way of controlling the public's exposure to taboo subjects and hate speech, needs to give way to a new mindset – regulating the 'regulable' – in the age of cyberspace.**

***Arun Mahizhnan***

***The Straits Times***, 26 April 2013

HOW good is government censorship for the good of the public?

Even liberal democracies have not disavowed censorship. When D.H. Lawrence's bestseller *Lady Chatterley's Lover* appeared in 1959, censors in the United States and Britain tried to get the book, whose central characters were a cuckolded man, his wife and her lover - the gamekeeper - banned.

In my time as a student, reading *Lady Chatterley's Lover* was the ultimate thrill as the book was banned in Singapore.

Both the US and British courts did allow *Lady Chatterley's Lover* on public bookshelves, albeit not from want of effort against it by the authorities. A young lawyer for the British government asked, "Is it a book you would even wish your wife or your servants to read?", completely oblivious to the irony of his question.

### **Censor's mortal fear**

WHAT then about the segment *Porn Masala* in the local film *Sex.Violence.FamilyValues*, with which Ken Kwek made his directorial debut? That segment featured the Chinese character spewing racial slurs at the Indian character.

Kwek's sin is deemed more pernicious than moral corruption by licentious authors - he is on the verge of damaging racial harmony in Singapore. At least that is the mortal fear of the government censor.

And not the censor alone. The Films Consultative Panel made its own fear clear: 20 of the 24 present at the screening wanted it banned, a strong recommendation by what is considered community representation.

Still, the central question is: Are such scenes or films a major threat to racial harmony? Is this a reasonable fear?

Every government has its fears and its own assumed sensitivities. Sweden, one of the most liberal Western democracies, has had a film censorship board since 1911.

But, more specifically in reference to Kwek's film, Sweden too has regulation against hate speech. Most of Europe has very strong and specific regulations on hate speech that prohibit public statements that threaten or express disrespect for any group regarding their race, colour, faith or sexual orientation.

However, countries do differ in the way they formulate their rules and regulations and how they apply them in their multitude of contexts. That is precisely how I see where our public discourse has to focus on - not whether there should be total freedom of speech or no censorship at all but how the limitations on freedom of speech need to be developed and applied in the Singapore context.

Singapore had long rejected classification and community moderation; the Government claimed it had to do what was right and prudent. It took decades to change its stand. The Government would claim, as it often does, it is merely responding to changing public norms.

Even in this particular case (Kwek's movie), the Government proclaimed: "In classifying films, we seek to reflect prevailing community standards. We do not attempt to push the boundaries beyond what the community is prepared to accept, nor seek to defend a status quo when the community has moved past it."

How does it know what the community wants?

Or even if it is the majority view, should that prevail over minority views?

These are some questions that should be discussed thoroughly.

We need to address a particularly tricky issue: Most people understand their right not to be offended by, say, open displays of nudity in shopping malls, newspapers and on TV. But when we classify films and put an advisory on nudity, do people have the right to claim they are offended at such cinemas? Surely not.

Should we not apply similar contextual parameters for corrosive or hurtful speech?

Is all corrosive speech unacceptable at all times and in all places?

### **The context of hate speech**

CHILD pornography and, say, cannibalism, are indeed unacceptable. These are repulsive to us as normal human beings. But adult pornography and eating animal meat are definitely not the same.

Thus we come back to the issue of corrosive or hate speech and its context. There are several contexts that need to be measured.

If such speech incites violence or hate, prohibiting it seems clear.

If the speech is commonplace, such as the numerous prejudicial and pejorative remarks we all hear most of our lives, and it is merely repeated by the characters in the film, the sting from that speech would have little shock value.

If it is always directed at just one ethnic group and not at any other, that would certainly be seen as a deliberate and concerted attack on that group.

If the speech is uttered as a reasoned - though prejudiced - and persuasive argument as opposed to throwaway lines, there could be a case for circumspection.

If it is ultimately aimed at hurt and not humour or satire, there is reason to circumscribe it.

If it has no redeeming value at all, then it is not even speech. It is blabber.

Thus we must interrogate the speech and the context before we condemn it. As C.S. Lewis said, "What you see and hear depends a good deal on where you are standing; it also depends on what sort of person you are."

Having said all that, my final argument will make everything argued so far quite irrelevant. What I had said works only if there is a system subject to law and order. The world is now entering a new planet called cyberspace - where rules and regulations and the exhortations by the good and the holy leaders have little currency.

In cyberspace, people make their own rules and live by their own norms, not all bad. But many are beyond the pale of conventional values and wisdom. In this space, the modus operandi is not to take on everyone or make everything right. The prudent way is to change what you can, tolerate what you can't, and have the wisdom to tell the difference.

No matter what governments do - even collectively - the quantity of bad speech is not going to disappear. We will see the quantity increase in cyberspace.

Today there are 2.5 billion people in this space. Billions more will join them. No state and no technology can control them the way it could be done to the old media like newspapers, radio, television, the theatre and the cinema. Control is no longer the default mechanism.

The new default position should be coping, not controlling - coping with whatever public communications we face, to learn to navigate them and negotiate with them.

Putting it another way, regulate what is "regulable".

If we can't cope with one Ken Kwek, think what's to be done with 1,000 Ken Kweks. They will no longer need any theatre. They will penetrate thousands of personal screens.

Remember the films by Martyn See on Singapore Rebel Chee Soon Juan and Said Zahari? The Government banned them; they then went online and were seen by more people than would likely have been the case if they were screened in a theatre.

If the Government tries to catch such film-makers, they will go underground and still reach you. Only you can turn them off. Not the nanny state. Not the Films Consultative Panel.

This is the new world that many young people inhabit. They can't be protected the way my generation was. They need to be educated on how to cope, and not how to close their eyes.

**The writer is Special Research Adviser at the Institute of Policy Studies.**

**A longer version of this article can be found at the IPSCommons blog (<http://ipscommons.sg/>).**