

## **Sedition and ethno-religious reporting**

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COMMENT Ethno-religious reporting is critical to understanding the socio-political fabric of Malaysia but it is circumscribed by draconian laws, principally the Sedition Act 1948, like a millstone around the necks of editors and any discussion of race and religion is immediately stifled.

This piece of anachronistic legislation was introduced by the departing British colonial masters and has since been preserved in pristine condition as a prior restraint to free speech by the current regime to ensure that the media remains servile apologists for the establishment.

As J Herbert Atschull points out in his book, *Agents of Power* “the powerful has never been comfortable with a free press.” He discusses this in the context of the free press model in the US. In the Malaysian context, the press must be heavily shackled to keep the dictatorship comfortable.

Speaking of the Western press, he says the press is an agent; it is not independent as it operates as an instrument of power. In Malaysia, this instrument is akin to a sledgehammer which the dictatorship is accustomed to using. The Sedition Act features prominently and diabolically in its armoury of oppressive media laws to quieten dissenting voices.

The race and religion card is played to the hilt by the ruling Barisan Nasional, particularly, Umno, the dominant Malay party in the 14-party coalition through the whole spectrum of state-owned or party controlled media. This has helped to keep them in power ever since the British colonial masters departed half a century ago.

The opposition, on the other hand, is denied any opportunity for media ownership except for party publications of which the circulation is unduly restricted. Although the new and social media has enabled the opposition to pitch its message across, the regime has begun cracking down hard on this especially after suffering unprecedented setbacks in the last two general elections on account of creative usage of new media by the opposition.

Kovach and Rosentiel’s *The Elements of Journalism* quoting Jack Fuller of Chicago Tribune, points out that, “The central purpose of journalism is to tell the truth so that people will have information that they need to be sovereign.”

In Malaysia, the people is not sovereign by any stretch of imagination. The continued existence of laws like the Sedition Act deters anyone from trying to tell truth. In Malaysia, the first obligation of journalism is not obviously to truth.

Gadi Wolfsfeld in his book, *Making Sense of Media & Politics*, points out that, “Political

power can usually be translated into power over the news media. One of the most enduring lessons in the field of political communication is that those who have political power not only find it much easier to get coverage, but also are in a much better position to get their messages across.”

Ensuring such prime control

“When the authorities lose control over the political environment they also lose control over the news.” In Malaysia when the regime lose control over the political environment, they do not only lose control of the news, they may just go straight to jail. So the news media must be totally controlled to keep them from the long arm of the law. The Sedition Act is the key legislation to ensure such prime control.

The Sedition Act defines sedition as “any act, speech, words, publication or other thing as one having a seditious tendency.” And seditious tendency “is a tendency to bring into hatred or contempt or to excite disaffection against any ruler or against any government;...or to question any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of the federal constitution.

The definition of sedition is so wide and loose that there is virtually no defence against it and has rarely succeeded.

Islam, the Malay race and the monarchy are all accorded a special position under the federal constitution and respective state laws. It is a criminal offence under the Sedition Act to question their position.

Previously, parliamentary speech is exempt from sedition but this parliamentary privilege has since been withdrawn by an amendment to the sedition law.

The sedition law also provides for suspension of any newspaper containing “seditious matter” as well as the prohibition of circulation of seditious publications.

Thus, editors normally take the safe way out by sticking to reporting minimum details and almost avoiding any commentary or opinions.

The current regime lost the popular vote in the general elections last year for the first time since independence in 1957. The opposition won 52 percent of the votes cast but the regime clings on to power only through a dysfunctional electoral system.

Badly mauled

The ruling coalition has already been badly mauled in the past two general elections. In 2008, it lost its critical two thirds majority in parliament for the first time which had enabled it to amend the constitution at will previously. With the loss of the popular vote in 2013, the opposition coalition is on the brink of taking control of the federal government next round out.

Under such circumstances, the regime has recently been using the sedition law to silence dissident voices hoping to roll back the opposition as well as infighting within Umno, the dominant Malay component party of the 14-party ruling coalition.

In 2012, Prime Minister Najib Abdul Razak, in an effort to shore up his popularity before calling for fresh elections (in 2013) pledged that the Sedition Act 1948 would be abolished and replaced with another law. When his party lost the popular vote, he did the opposite and a wave of sedition charges flooded the nation.

The ongoing repression of speech under the Sedition Act all within the space of less than eight months has prompted a commentary from the Sydney Morning Herald. "While Indonesia marked another democratic advance on Monday (with the installation of Joko Widodo or Jokowi as its new president), democracy in neighbouring Malaysia goes backwards," it says.

"Indonesia inaugurates the man that most voters chose to be leader, while Malaysia concludes a sham trial to destroy the man (Anwar Ibrahim) that most voters chose to be leader. Indonesia is conducting the first transfer of power from one directly elected president to another. And Malaysia? It remains under the control of the same party that has ruled continuously since independence in 1957."

It's about time Najib learn something from Jokowi.