

## Civil Society Responses to Singapore’s Online “Fake News” Law

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Singapore’s Protection Against Online Falsehoods and Misinformation Act (POFMA) is part of a growing trend of new laws against “fake news” online. This study examines POFMA’s impact on online political discourse through semi-structured interviews with 17 Singapore-based journalists, academics, and activists. This study indicates that POFMA is a distinctive form of online censorship, because of its emphasis on truth and credibility. First, POFMA allows the government to prominently refute civil society actions online, which in turn creates new openings for highly visible resistance against online censorship. Second, POFMA also subtly imposes costs on participating in online political discourse, by exacerbating issues of trust in digital spaces and constrained data availability. Crucially, this form of censorship targets processes of discourse production (specifically processes that are less deferential to the state), instead of merely categories of discourse (critical speech), and legitimizes the state as the ultimate fact-checker. This new form of censorship is likely to have more wide-ranging impacts than censorship as it is traditionally understood, and merits further study.

*Keywords: fake news, POFMA, Singapore, censorship, civil society, repression, online discourse*

Singapore’s POFMA entered into force in October 2019. Though its official aim is curbing the spread of misinformation, the law has attracted controversy for its negative implications for free speech. The International Commission of Jurists ([ICJ], 2019) criticized the law for making the government “the sole arbiter of what information is permissible online and what is not,” (para. 3), while others have described it as a new form of authoritarian information control (George, 2020; Han, 2020).

Singapore’s POFMA is part of a growing global phenomenon of legislative responses to misinformation or “fake news” (Poynter Institute for Media Studies, 2020). Notably, POFMA has reportedly been influential in the formation of other states’ “fake news” laws. These include negative comparisons to POFMA made by the then-prime minister of Malaysia during the scrapping of Malaysia’s anti-misinformation law (Anis & Kaos, 2019); accusations of plagiarism of POFMA in Nigeria’s stalled Anti-Social Media Bill

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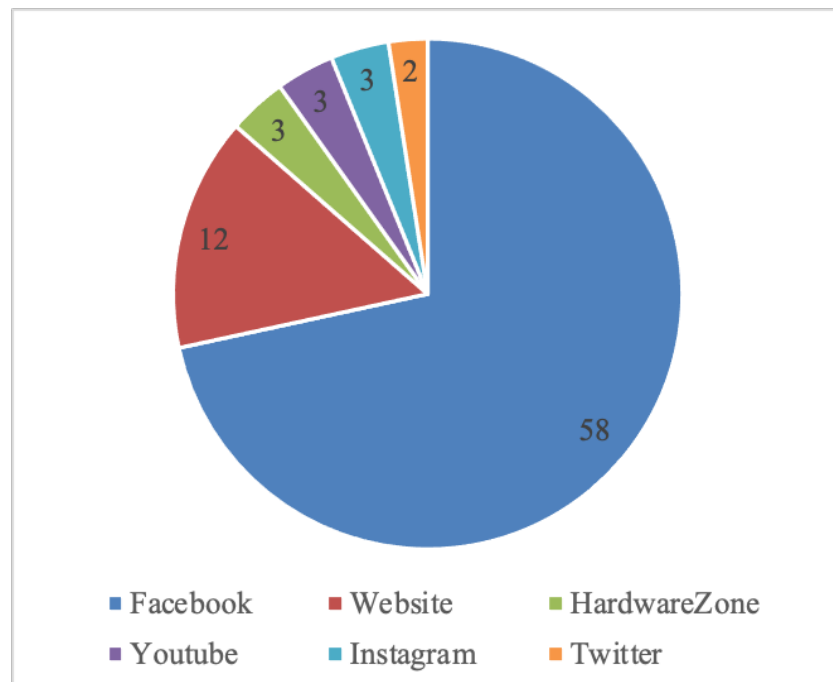
(Kurohi, 2019); and the committee behind Sri Lanka's forthcoming Internet regulatory framework having reportedly studied POFMA for inspiration (Ranasinghe, 2020). Thus, POFMA is likely to be an influential case for studying how legislation is used in authoritarian Internet governance and its resulting impact on civil society.

With specific reference to POFMA, this study analyses how the governance of "fake news" influences civil society's online political discourse in Singapore. In doing so, this study expands upon the existing literature by highlighting distinctive features of laws against "fake news" as a form of censorship.

### POFMA's Impact on Political Discourse

#### *Singapore's POFMA as Authoritarian Internet Governance*

Since POFMA came into force in October 2019, it has been used 86 times against at least 81 digital communications (Teo, 2021; see Figure 1). The most frequent target actors are activists and opposition political figures, with one state critic being the most frequent target of recorded POFMA uses (Carson & Fallon, 2021). Most POFMA uses require the target individual or the platform they operate on to include a correction with a link to the "correct facts." Provisions blocking public access to the "false" content or including it on a list of "declared online locations" have been used more sparingly (Teo, 2021). There have been no reported uses of criminal punishment for the spread of "fake news" or restrictions on an individual's right to access the Internet (POFMA Office, 2021).



**Figure 1. Digital communications subject to POFMA by medium.**

Evidence for the law's effectiveness as a tool to curtail misinformation is mixed. According to Teo (2021), 42 out of 86 recorded POFMA uses have been directed at misinformation relating to the COVID-19 pandemic. However, the period that saw the highest number of POFMA uses was Singapore's 2020 parliamentary elections, mostly against speech critical of the government. Significant periods have passed during which no uses of the law have been recorded, such as a nine-month period following the elections, despite ongoing concern about the problem of misinformation in Singapore (Tandoc, Kim, & Zhang, 2021).

The use of legal instruments—such as suits for slander, libel, copyright infringement, and surveillance and censorship laws—to control online discourse is one way in which authoritarian states have adapted to the growing importance of the Internet (Deibert & Rohozinski, 2010; MacKinnon, 2011). Scheppele (2018) argues that leaders have incentives to create legislative instruments that remove constraints on power and allow for arbitrary enforcement against opponents, in a phenomenon described as "autocratic legalism" (p. 548). These legislative instruments contain intentionally ambiguous provisions, leaving authorities wide discretion in their use. This is part of a larger phenomenon of nondemocratic states embracing legal tools as a means of regime consolidation and legitimation (Pereira, 2005; Whiting, 2017).

The problem of "fake news" represents one justification for the introduction of such legal instruments, but not one that is necessarily limited to undemocratic regimes (McGonagle, 2017). Prior studies have largely focused on the impact of "fake news" on democratic politics (Bennett & Livingston, 2018; Farkas & Schou, 2019) and journalistic legitimacy (Carlson, 2017), while the impact of efforts to counter "fake news" in nondemocratic contexts remains under analyzed (McGonagle, 2017).

In the Singaporean context, past literature highlights how the state's approach to regulating speech uses a mix of subtle and highly visible information controls (George, 2007; Lee, 2002). Heavy-handed actions (such as lawsuits) are coupled with low-intensity coercion and cooptation to encourage self-censorship (George, 2007; Gomez, 2006; Lee & Kan, 2009). How these information controls interact with each other and influence the flow of information can best be understood through Roberts' (2018) theory of censorship, which expands preexisting understandings of censorship to more broadly include less visible processes of friction and flooding that restrict the flow of information.

### ***The Impact of Information Controls on Online Discourse***

Using Roberts' (2018) framework on how information controls influence discourse, the impact of laws against "fake news" such as POFMA can be analyzed on three levels: flooding, friction, and fear. First, flooding occurs when uses of POFMA are announced via press releases (POFMA Office, 2021) that are quickly used as key sources in reporting by mainstream media—media that are subject to a high degree of government control (George, 2012). This floods both online and traditional media consumers with state narratives. In the process, this both legitimizes state policy (Lee & Lee, 2019) and repression in online spaces (Neo, 2020), while discrediting and delegitimizing POFMA's targets (Meyer, 2020).

In terms of narratives created, "fake news" laws such as POFMA are likely to be distinct from other authoritarian means of mobilizing the media against critics because of the emphasis on inaccuracy. "Fake news" is an ambiguous phenomenon that can be both falsely used to describe legitimate criticism or to

describe the actual spread of misinformation (Egelhofer & Lecheler, 2019). The conflation of these two distinct practices allows for states to legitimize repression by labeling dissidents and their criticism as false or malicious (Farkas & Schou, 2019; Habgood-Coote, 2019)—where the label of “fake news” is the latest manifestation of “attack words” or propaganda used to delegitimize the press or political opponents (Habgood-Coote, 2019, p. 1052).

Second, friction is imposed on discourse when POFMA increases the standard of evidence necessary for articulating claims and grievances online. This can be seen in state discourse on the law’s purpose and after its use (Mahmud, 2020). Coupled with the lack of a legislative framework governing freedom of information and known gaps in the data on controversial issues in Singapore (Lee, 2020), POFMA is likely to create barriers to the creation of online discourse that is critical of the government.

The creation of these frictions in the production of online discourse can be a more subtle process of censorship (Roberts, 2020). Sharing grievances and criticism of government policy becomes more costly because of the greater level of resources needed to verify facts and testimony, because of the risk of mistakes and deception (McPherson, 2018). This functionally imposes a tax on certain forms of information (Roberts, 2020). These reputational risks and material costs, amplified by POFMA, could take the effect of lowered participation in online political discourse by civil society.

Last, selective legal sanctions are often used against a small group to dissuade broader use of the Internet for political goals through fear. In nondemocratic contexts, states use legal sanctions against small groups to encourage self-censorship in online spaces and consolidate power (MacKinnon, 2011; Pearce & Kendzior, 2012; Stern & Hassid, 2012). Ruan, Knockel, and Crete-Nishihata (2020) elaborated on this concept further, by arguing that the Chinese state escalates from social media censorship to public punishment of its citizens as part of its strategy to publicize to the masses the consequences of running afoul of the state and encourage a culture of self-regulation. In the context of Singapore, this can be seen in the state’s use of both highly visible punishment and less visible coercion to encourage self-censorship (George, 2007; Gomez, 2006). Thus, legal instruments can be used in authoritarian Internet governance to target critics and opposition figures, to cause fear among others seeking to voice critical opinions. POFMA represents a potential form of selective and publicized punishment, which is likely to create fear among members of Singapore’s civil society active in producing online political discourse.

### ***Civil Society Responses to Authoritarian Internet Governance***

Past studies of censorship and repression have focused on state behavior or macro-level features as the unit of analysis, while conceptualizing the behavior of civil society as a reaction to policy. Roberts’ theory of censorship and case study focuses on the reactions and resilience of large groups to online censorship, while the micro-foundations of the behavior of those who produce political media content are yet to be explored.

There is a growing body of literature that highlights the under analyzed role of civil society responses to repression (Honari, 2018a; O’Brien & Deng, 2015). This body of literature shows that, while state repression is likely to be influential, civil society also engages in tactical shift or substitution (Honari,

2018b; Moore, 1998; O'Brien & Deng, 2015), which refers to the use of alternative strategies when faced with new constraints from the state. Civil society's adaptation toward constraints and the strategies used by different actors are potential explanations for the variance in the effectiveness of repression (Honari, 2018a; Stern & Hassid, 2012). Censorship cannot be understood without analyzing the groups it seeks to influence. This is a gap in the literature that this study seeks to fill.

Lending support to this body of literature, past studies have noted that information control can also have unintended effects. Scholars have argued that a perception of censorship can be an indicator of the importance of a particular piece of content, and thus backfire by heightening public scrutiny of that content—a process commonly known as the "Streisand effect" (Jansen & Martin, 2015, pp. 656–661; Roberts, 2020, p. 407). Further, civil society also shifts to spaces they believe are less regulated or use language to confound state monitors, making it more difficult for governments to accurately assess public opinion (Chen & Xu, 2017; Lorentzen, 2014).

The Internet is a space for contestation that is highly mutable and filled with intense competition, thus calling for a nuanced understanding that goes beyond a dichotomy of the Internet as a source of liberation or repression (Deibert & Rohozinski, 2010). Crucially, it is the evolving dynamics between state and society that can explain both the shape of repression and its likely outcome. Therefore, this study seeks to partly fill the gap in the literature on censorship and civil society responses by examining the changing attitudes and behaviors of Singapore civil society toward POFMA.

### **Methodology**

Semi-structured interviews were conducted with 17 members of Singapore civil society who regularly engage in political discourse online. To protect their anonymity, participants have been assigned pseudonyms and some details and quotes have been redacted, without altering the meaning conveyed.

Because of the political sensitivities involved in the subject matter, research participants were recruited through purposive sampling to include those who have been subject to POFMA and to reasonably reflect the diversity within Singapore's civil society. This study does not aim to cover the entirety of Singapore civil society's strategies and perceptions. Instead, it seeks to draw qualitative insights from actors within this group to illustrate experiences and responses relating to POFMA. Although inferences on the overall generalizability of the study's findings can be drawn, it is important to note that this study examines the behavior of those more actively and publicly engaged in online political discourse than the average citizen and is not a representative sample.

Participants were considered eligible if they had been associated with a use of POFMA ( $n = 5$ ), or if they or their organization are currently prolific and active in political discourse in Singapore over social media or their respective organizations' online platforms ( $n = 17$ ). All participants were recruited individually. Participants include journalists or content creators ( $n = 5$ ), academics ( $n = 3$ ), activists ( $n = 11$ ), and other public political figures ( $n = 3$ ). These categories are nonexclusive, and some participants fell in more than one category. The online political discourse they produce mainly covers themes of freedom of expression, economic inequality, climate change, criminal justice reform, and LGBTQ+ issues.

Initial interviews were conducted (physically and digitally) between September and December 2020, and focused primarily on perceptions of constraints on online speech and strategies used to avoid repercussions from the state. Interviews continued until it was observed that interviewees were describing mostly common themes and experiences, and outlier or unique experiences were fully understood (Low, 2019; Strauss & Corbin, 1998). Interview data were transcribed and coded iteratively, such that themes were identified inductively and interviewees were recontacted to discuss emerging themes. Coding categories were refined over time until data saturation was reached (Saunders et al., 2018).

## **Results and Analysis**

This section provides an overview of civil society perceptions of POFMA, followed by a section illustrating responses to the introduction of POFMA. Findings are presented alongside analysis of how they relate to the existing literature.

### ***Civil Society Perceptions of POFMA***

#### *POFMA as Low-Intensity Coercion*

Interviewees note that POFMA is distinct from other forms of censorship in Singapore because of its perceived lower severity and emphasis on credibility. Based on interviewee responses, uncertainty surrounding when and how POFMA is likely to be used contributes to self-censorship. Crucially, the motivation for self-censorship was not the fear of punitive measures, but the loss of credibility and other informal consequences.

A common theme across all interviewees when discussing legal constraints on online speech was uncertainty over which elements of their discourse could be interpreted to violate the law because of the belief that the political cost of using legislative information controls—not public interest or actual criminality—determines the use of these information controls against civil society. Interviewees noted that they perceive repression in Singapore to be based on a holistic set of factors and laws, and that POFMA is but one among a wider set of repressive tools. POFMA is one of the three discourse-constraining laws that were named by most interviewees as important in determining the content of their discourse.

Overall, most interviewees indicated increased wariness of publishing content via online platforms, though only some of them attributed this *solely* to POFMA (4/17) as opposed to POFMA *and* the state's other repressive tools (7/17). These include defamation and libel laws, the Administration of Justice Act (which criminalizes contempt of court), and Section 298 of the Penal Code (which prohibits the wounding of religious feelings). Among interviewees who indicated that they did not believe POFMA influenced the content of their digital communications (6/17), most still believed that POFMA represents an additional justification for the state to repress statements that are critical of the government.

Although some interviewees expressed concern about potentially being blocked or becoming a declared online location, most indicated that they thought POFMA was "less severe" or "softer" than other controls used by the state, and that its harsher functions (heavy fines, restrictions on Internet

use) are unlikely to be used. Instead, interviewees were more concerned with what they considered to be “informal” means of coercion. These include public vilification and the mobilization of mainstream media and state-aligned Internet brigades against them, the loss of credibility among moderate Singaporeans, and informal antagonistic interactions with government agencies (explored in more depth in the following sections).

Interviewees who have been subject to POFMA noted that compliance was a brief process. This process is initiated by an e-mail that informs individuals about the exact portions of their discourse that the government claims contain “falsehoods” and the necessary action on their part, such as editing the post to insert the mandated “correction notice.” Many interviewees noted that this stands in contrast to other legal instruments, which can include the threat of high-profile and expensive trials, steep criminal penalties such as fines or imprisonment, or long investigatory processes. According to interviewee *D* (activist and academic), “[POFMA] offers clear and low-cost compliance, after which you cannot be given criminal sanctions, while other laws are highly ambiguous and allow for continued punishment.”

While interviewees perceive the state as increasingly aware of their speech on the Internet, knowledge of the state’s attention is not linked to a fear of participation in online political discourse for most interviewees. One interviewee noted that POFMA has an unintended impact on the state’s other repressive tools: If an individual’s content were blocked for Singaporean Internet users under POFMA, they would be “functionally immune” to many other sanctions, such as defamation and libel laws that require the state to prove that the violating communication had been accessed by the public and thus had a defamatory effect. A visible threat is necessary for complete fear-based information control of the Internet (Roberts, 2020)—and despite the increasing securitization of online spaces (Neo, 2020), the perception of the credibility and consistency of such a threat remains mixed among interviewees.

The concept of “OB markers” (out-of-bounds markers) was frequently used by interviewees, referring to taboo topics for which public discussion is not permissible. These findings on the perceived logic of repression support past criticism on Singapore’s laws as part of a system of authoritarian “rule by law” (Lee & Lee, 2019, p. 82), in which the formal content of the law is subservient to the political intentions of the government. These points also lend support to past research indicating that uncertainty over the exact formal boundaries of acceptable speech contributes to self-censorship pressures, which are operationalized as informal and unspoken rules (Lee, 2002; Stern & Hassid, 2012).

The growing importance of the Internet as a space for politics in Singapore is not new (Sreekumar & Vadrevu, 2013), neither are state attempts at regulating it (Lee & Kan, 2009). In POFMA however, we can see this process evolving based on the dynamics between the state and civil society. Following theoretical expectations of fear-based censorship (Roberts, 2020) and tactical substitution (Moore, 1998), the awareness of state regulatory attention toward particular platforms is frequently coupled with a desire to avoid such spaces: Many interviewees indicated that they actively worked against a reliance on Facebook (where uses of POFMA have primarily been concentrated) as their primary means of communication. In line with theoretical expectations (Chen & Xu, 2017; Roberts, 2018), uses of POFMA against civil society actors can create costs in the form of backlash and critical speech becoming less visible to the state.

*POFMA as a Tool for Delegitimizing Critics*

Unlike other information controls in Singapore highlighted by interviewees, POFMA influences political discourse by linking civil society to “fake news”. Interviewees expressed a common belief that POFMA’s primary impact on their discourse is not the possible imposition of sanctions, but rather how it influences public perceptions of an individual’s credibility and how it discourages public use of online platforms for political goals. As POFMA is sometimes used against objectively false information (such as hoaxes around COVID-19), interviewees were concerned that being linked to such falsehoods meant that the public could place them in the same category of unreliable scaremongering. Interviewees described how the media and portions of the public would heavily (and often uncritically) reproduce the press releases accompanying POFMA uses, inundating Singaporeans with unflattering and negative news coverage linking civil society actors to falsehood and unreliability while drawing attention away from their other work.

Interviewees emphasized that, unlike other repressive tools in Singapore which frequently draw public criticism, the public reaction they observed toward POFMA and news coverage of it was more mixed. They noted that many Singaporeans they have interacted with across the political spectrum believe that “fake news” poses a societal threat, and POFMA constitutes a necessary response to it. Supporting this, Carson and Fallon’s (2021) Industry Report on Fake News states that the spread of COVID-19 misinformation has “allowed the [Singapore] Government to claim vindication for its introduction of stringent misinformation laws” (p. 20). Here, the potential for governments to interpret “fake news” as both harmful misinformation and criticism (Egelhofer & Lecheler, 2019; Habgood-Coote, 2019) is clear, with the conflation of both potentially leading to members of civil society losing credibility and the state having plausible deniability that their actions constitute unjust repression. While the backfire effects that occur are in line with theoretical expectations (Jansen & Martin, 2015), the amplified public attention and outrage can be used against civil society. Here, the justification used for censorship matters, with the stated aim of curbing the spread of “fake news” likely to influence whether the public perceives this censorship as unjust.

This use of POFMA conforms to the flooding-based censorship described by Roberts (2020). The articulation of state narratives through the media and pro-POFMA public partially disguises its origin and minimizes the perception of propaganda or control. However, this form of flooding is distinct in two ways. First, this flooding is triggered using a legal mechanism (POFMA)—emphasizing the importance of studying autocratic legalism (Scheppelle, 2018) and the process by which such legalism occurs (Lee & Lee, 2019). Second, such flooding not only delegitimizes individual claims made by critics (Habgood-Coote, 2019), it also legitimizes repression and the state as the ultimate fact-checker—an issue highlighted in prior literature (Lee & Lee, 2019).

*POFMA as an Additional Barrier for Participating in Online Political Discourse*

A common theme across interviewees is that POFMA represents an additional barrier for participating in online political discourse. The mechanism for this is primarily (a) imposing costs on data collection because of the need for more verification and a growing sense of generalized distrust in digital spaces, and (b) expanding the repressive capacities of other information controls, such as limited access to data or official sources.



First, most interviewees agreed that POFMA encouraged the greater use of evidence and verification, which necessarily raises the costs of participating in online political discourse. A key theme among interviewees is the perception that the state is signaling intolerance toward the use of unofficial sources, especially when this results in errors or controversial interpretations. Interviewees indicated that past uses of POFMA—especially against individuals whose “falsehoods” they believed were nondeliberate—emphasized this. That the most commonly referred-to use of POFMA in interviews was a case against the Singapore Democratic Party’s interpretation of employment figures (see Lam, 2020), highlights the unpredictable risk even when using official sources but the government disagrees with the interpretation.

Many interviewees indicated that POFMA created generalized distrust in digital spaces among civil society. One interviewee who had been subject to POFMA described feeling less able to trust information from others online as any error or deception on their part could lead to the interviewee facing state accusations of falsehood or harassment. Such information is thus harder to rely on for activism. Further, this interviewee explained that they now ignore many online requests for assistance, because of the impossibility of verifying claims, and instead place a greater emphasis on physical campaigning and activism. This potential for mistakes being recast as malicious misinformation undermines what many interviewees believe is a key aspect of online media: the ability to maintain two-way communications with the masses and build a following independent from traditional media gatekeepers. Notably, although this interviewee was not certain that all errors in political discourse would be punished by the state, the uncertainty was influential in their decision to make less use of digital media.

However, this impact differed across actor type. Of those interviewed, academics and climate change activists indicated that they believe POFMA is not intended to be used against them. Both explained that their use of accessible scientific evidence, coupled with government assurances that POFMA would not be used to impede academic freedom (Ong, 2019), were influential in this belief.

In contrast, journalists and other types of activists indicated that they faced greater difficulties in discussing political issues. *E* and *O* (both journalists) indicate that, based on past instances of POFMA uses, the goalposts have moved for journalists in reporting political news. Both express the belief that state institutions have become less responsive to inquiries from the press. It is, however, not known if this applies to all media outlets or only certain ones—both interviewees are journalists in media outlets not affiliated with the state.

Whereas in the past, state institutions were obligated to respond to the press or lose out on their chance to comment on developing stories, they could now rely on POFMA as their “right of reply” to insert state counternarratives into online discourse. However, the lack of an official statement on stories relating to state institutions often means that a story cannot be run at all or would run in a diminished and less credible state. *E* described a situation where a significant story was delayed for years because state institutions refused to respond to requests for comment. They believe that POFMA has exacerbated situations like this, with the state able to use POFMA later to have their say, leaving publishers and editors more fearful of running stories without official comment. This intentional failure to release data (in the form of official responses) is a form of friction-based censorship (Roberts, 2018) which undermines civil society’s participation in politics (Lee, 2020).

Further, beyond the delays caused by state non-responsiveness, journalists interviewed believed that the time taken to report on political news has increased because of the additional time needed to verify claims with acceptable and official sources. *O* believed that additional processes of verification imposed by POFMA and other press controls in Singapore means that “political news” often requires twice the time to produce as compared with nonpolitical “human interest stories.” Because of the fast pace of news, investigative and political stories are often deemed risky and unfeasible to cover. This highlights the impact of frictional censorship imposed on the collection of primary information for discourse. Two interviewees shared: “We can only criticize the government when it comes from the minister himself” (Interviewee *O*) and “It’s harder to hold the government accountable as there is no ‘evidence’” (Interviewee *E*).

Second, beyond greater verification costs, many interviewees also noted that the availability of data on Singapore is limited in seemingly arbitrary ways, which is exacerbated by the lack of a freedom of information act. Interviewees pointed out that although official data are formally published, it is difficult to access. Even when official data are made available, interviewees noted that it often contains methodological choices that make interpretation and comparison difficult, such as changing the x-axis from one time period to the next. One interviewee explained that their efforts at evidence-based commentating on political issues required consulting international figures and sourcing out-of-print textbooks because of the inaccessibility of data—highlighting the time and effort necessary to produce evidence-based discourse. Interviewees also suggested that resorting to international data resulted in weaker argumentation, as detractors simply point out the flaws of applying findings from another context (such as the United States or EU) to Singapore. This selective failure to collect or release official data constitutes another form of friction-based censorship—which interviewees highlight is aimed at contentious issues such as immigration and criminal justice reform—that is exacerbated by POFMA’s demand for the greater use of evidence in online discourse.

Though POFMA places a greater burden on civil society to make use of evidence in political discourse, interviewees were concerned that this is not coupled with a greater availability of evidence. In the absence of readily available data on an issue, many interviewees indicated that they were unlikely to discuss it. For example, LGBTQ+ activist interviewees noted that the absence of data on highly contested areas in Singaporean politics—such as statistics on invocations of the law criminalizing sex between men or on LGBTQ+ health and housing—meant that they are less likely to engage in extensive online activism on these topics.

*F* neatly summed up this common theme among interviewees:

You may not know which parts of what you say fall on which side of the line. I don’t think the effect is to get people to say or not say certain things: It’s really to condition people to say things in a certain way:

Whereby you know that if you’re saying things in a way that’s “approved,” then you know it wouldn’t run afoul of things. And conversely, if you say things that are so-called “not approved,” then you will run afoul of things *sometimes*. (*F*, activist)

Here, we can see how POFMA can represent the intersection of fear- and friction-based censorship: criticizing the state runs the risk of greater scrutiny or verification costs (friction) in creating online discourse, while deference to the state or moderating one's tone online carries the reward of increased access to the state, or assurances of non-reprisal. Reputational integrity (McPherson, 2018) and other resources vital for functioning as a journalistic or nongovernmental organization become a lever for the state to restrict the discourse of civil society.

These findings indicate that subtle and low-intensity processes of repression are encouraging self-censorship, and extend beyond the introduction of POFMA. The process is multidimensional, in that constrained data availability and the introduction of a "fake news" law are constituent elements in an individual's perception of what discourse is acceptable to share. Corresponding to Roberts' framework, this form of censorship is less recognizable to the public as censorship compared with fear-based methods and elicits less public backlash and censorship costs. This also lends support to the importance of studying data availability and unwillingness to use alternative sources of information as factors that support authoritarianism (Edmond, 2013; Stockmann & Gallagher, 2011)—as they are factors that also raise the cost of participation in online political discourse. However, these findings also highlight that the focus of authoritarian information controls can extend beyond variations in tone or content and includes factors, such as the uniformity of information sources used and which authorities content creators depend on to verify them. This reinforces research calling for the study of censorship to go beyond examining what *content* is likely to be repressed, to the study of what *processes* are likely to attract repression. In the context of Singapore, this study suggests that processes that attract repression include the use of nonofficial sources and a lack of deference to the state as the ultimate fact-checker.

### ***Civil Society Strategies Against Authoritarian Internet Governance***

#### *Public Contestation of State Counter-Narratives*

A common theme among interviewees is that the public nature of POFMA means that a response contesting the government's claims is necessary and expected. This reaction stands in contrast to other legal implements, where a lengthy public response is less likely because of a lack of evidence or the potential to self-incriminate. This public contestation varied across interviewees, with social media and international media named as the most important avenues for contesting state narratives.

Interviewees subjected to POFMA proceedings explained that they felt it was necessary to contest the legitimacy of POFMA publicly because of the potential loss of credibility from being linked to "fake news". Further, the "correction notices" they are required to insert into their posts include detailed state justifications on their wrongdoing. As a result, beyond complying with the law by including the required corrections, interviewees who had been subject to POFMA also made public responses through their websites and social media accounts against POFMA's use, which they described as "extensive" and "point-by-point" rebuttals.

Although some interviewees expressed concern over instances of social media content being taken out of context by the state and weaponized against civil society, others argued that the lasting and highly reshareable nature of social media content gives activists greater leverage for contesting repression from

the state. While other instances of repression in Singapore—such as arresting individuals for disrupting public order or suing prominent critics for libel—involve material or justifications that are often inaccessible to the public, POFMA is distinct because of the accessibility and reshareability of both the condemned material and the justification for the use of POFMA. Data on the availability of material subject to POFMA (Teo, 2021) reinforce this idea, with those required to publish correction notices often leaving the original post online and available to others, suggesting that there are incentives to leaving one's material accessible post-POFMA for public scrutiny.

Another crucial way in which such public contestation is operationalized is through international media. Most interviewees expressed suspicion toward "mainstream media" (usually understood as state-affiliated news outlets in Singapore). "Mainstream media" is described by interviewees as a gatekeeper in public discourse, subject to a high degree of government pressure. Most interviewees shared a common belief that alternative spaces are needed for the sharing of grievances without a gatekeeper that would censor their views.

You never do a press interview in Singapore, because then they have to interpret it and write it out. If the press has to exercise editorial judgement over what you say, they will have to spin it in the most pro-government way. (*D*, activist and academic)

Some interviewees who have been subject to POFMA cited international coverage of their cases as an important factor in how effectively they were able to contest POFMA's legitimacy. For these interviewees, POFMA had "put [the organization's] message through a global loudspeaker" or increased their online reach more than tenfold. Both believed that Singaporeans' general level of trust toward international media meant that state counternarratives (inserted into communications via POFMA and shared by local media) had to compete with international coverage that was critical of the government's repressive actions.

These forms of backlash are an important counterpoint to POFMA's mobilization of mainstream media to flood the public with narratives that delegitimize a target individual. Faced with a media landscape that is often government-controlled (George, 2007; Gomez, 2006), some Singapore civil society actors have increased their engagement with international media or sought to build independent followings to raise public scrutiny of repression as a form of tactical substitution. Moreover, in cases where POFMA has been used and significant local media coverage had been dedicated to the story, civil society actors subject to POFMA then occupy a central role in a developing and globally significant news story. However, more research on how citizens in illiberal democracies interpret media coverage when international and local news sources provide contradictory accounts is necessary to fully understand the significance of this finding.

Though such responses are in line with literature that establishes visible censorship as more likely to draw backlash and create a "Streisand effect" (Jansen & Martin, 2015, pp. 656–661), it is notable that important contextual factors emerge because of the link to "fake news". The emphasis on truth and credibility can make public contestation of censorship obligatory, instead of merely more likely.

Many interviewees indicated that they believe "fake news" is a more important political issue to the public than other topics like criminal justice reform or censorship of political films. Though other topics are

described by interviewees as niche or not in the interest of most Singaporeans, "fake news" is seen as a pressing problem and thus invites a greater level of media coverage and public scrutiny. Further, this interest extends well beyond Singapore. Interviewees highlighted that international coverage of repression in Singapore is often fickle because of inconsistent international interest in Singapore. However, global interest in the governance of "fake news" has also further recast the spotlight on Singapore and its pioneering POFMA. Therefore, while the salience of "fake news" as a threat might lend itself to justifying repressive practices, these practices are subject to a higher level of media coverage and public scrutiny in comparison to other controls.

#### *Creative Resistance in Online Discourse*

For nearly all interviewees, the perception of POFMA as a form of censorship was coupled with an awareness of the self-censorship pressures that the state sought to create. Many interviewees explained that because they conceptualized their roles within the larger political system as pushing the boundaries of acceptable speech or providing an adequate check against state power, rejecting state signaling on "OB markers" was a crucial aspect of their role, and they thus sought to ensure self-censorship pressures did not undermine the underlying meaning of their discourse. In recognizing POFMA as censorship, activists are willing to dedicate greater effort and resources to overcoming frictional difficulties such as data inaccessibility, supporting arguments on how repression can paradoxically push civil society toward spectacle and protest (O'Brien & Deng, 2015).

The use of official sources and data was considered a significant discursive strategy by most interviewees for navigating censorship pressures. This can take the form of interpretations of data on Singapore from recognized sources, quoting government officials, or citing official statements and legislation. Interviewees have used such data and quotes, often in a satirical manner, to highlight hypocrisy or contradictions, or to make comparisons to other country contexts. Interviewees indicated that satire and parody could allow one to make extremely critical comments, while protecting themselves with plausible deniability.

Notably, many interviewees thought official information could be more rhetorically damaging than unofficial information, as progovernment figures would have to argue against their own data. However, differing access to such data can make it more difficult for some actors to participate in political discourse, with interviewees indicating that data availability was a key factor that influenced the likelihood of their producing political discourse on that issue.

Further, the type of creative resistance used varies by actor type and their level of dependency on the state. On actor type, two distinct groups emerge: (a) a group of those who seek to persuade moderate Singaporeans and the state, and (b) a group of those who instead seek to mobilize antiestablishment Singaporeans.

For the group orientating themselves toward persuading moderate Singaporeans, swing voters, and the government, crucial factors in determining the content and nature of their discourse are sanctions and their potential impact on public legitimacy. For these interviewees, this meant having to strive toward

being one of the “good ones” of their profession or area (i.e., a *responsible* journalist, a *sensible* activist, or a *fair* Facebook page). *E*, a journalist, described being sensitive toward accusations of bias or inaccurate reporting, and therefore “hedging” their claims by adding caveats and qualifications to come across as less critical and thus less biased. They described the importance of “maintaining the moral high ground” as a key defense against repression and were wary of becoming subject to technical violations. According to interviewee *E* (a journalist), “Being sanctioned with POFMA means potentially losing the moral high ground. I have to show how I was a responsible journalist and spent time verifying.”

For the more antiestablishment group, sanctions and public criticism are seen as acceptable costs of political discourse. They indicated that experiences of repression had hardened their existing attitude toward activism, or are likely to do so. These interviewees suggested that provocatively pushing boundaries of acceptable speech is an important strategy for resisting repression, by increasing public awareness of the state’s repressive implements through high-profile violation. These interviewees noted that they cared less about being sanctioned by the state, and worried more about whether the general public would perceive such sanctions as legitimate. For them, it is not the sanctions that matter, but what the likely public discourse would be in its aftermath. Thus, their self-censorship pressures are likely to be determined by issues that are important to the Singaporean public (thus, a desire not to be linked to foreign interference or mudslinging in journalism) as opposed to issues unacceptable to the Singaporean government (alleging policy failures).

The other key factor for interviewees in determining the nature of their resistance toward self-censorship pressures imposed by POFMA is their level of dependency on the state. This dependency is conceptualized in different ways, depending on organizational affiliation and profession. For example, one ex-journalist interviewee believed that journalists face more significant consequences than activists if their discourse strays too far from the state line. Meanwhile, other interviewees indicated they were more likely to actively self-censor when writing on behalf of an organization, for fear of repercussions for colleagues or the organization’s continued ability to function in Singapore:

When I prepare press releases for my organization, I have to pay attention to being critical but not too critical. For example, I will say that the Singapore government does not do enough on [policy area] or that the [ministry] can do more. I wouldn’t say the [ministry] has failed or that they treat [group] with contempt. But I would say that on a personal level. (*J*, activist)

Such factors add nuance to the “dissent–repression nexus” (O’Brien & Deng, 2015, pp. 457–459), by explaining when censorship can encourage boundary-pushing speech instead of repression. Crucially, this highlights how reward aspects of fear-based censorship remain influential in determining the shape of civil society responses to censorship, especially in contexts with a high degree of state control, and highlights how civil society strategies explain when and why such censorship is effective (Honari, 2018a).

### Conclusion

This study contributes to the existing literature in two ways: highlighting the distinctive role of “fake news” laws among information controls, and expanding on how less visible and frictional impacts of censorship influence the production of discourse.

First, this study indicates that “fake news” laws can serve a distinct role compared with other repressive tools in the repertoire of nondemocratic states. Unlike other information controls that use fear to impose self-censorship pressures and thus are easily recognizable as censorship, laws against “fake news” discipline online discourse by combining fear, friction, and flooding to repress civil society in subtle, informal, and socially acceptable ways. These include being linked to falsehoods and public vilification by the state and media; the belief that using unofficial sources makes one more prone to state reprisal through POFMA; and how POFMA widens the repressive capacity of other information controls (such as constrained data availability). As such, laws against “fake news” have the potential to reinforce a perception of the state as the ultimate fact-checker, and thus grant the state a greater level of influence over the production and interpretation of online political discourse.

However, it is important to note that contextual features of “fake news” as a justification for censorship means that civil society actors can make use of new openings to resist online repression. The public salience and increased visibility of “fake news” means that civil society can create a greater level of public scrutiny toward incidences of repression through their public responses on social media and international media coverage. Moreover, POFMA’s emphasis on truth and credibility necessarily provokes a response from civil society, in contrast to other forms of repression that encourage silence through intimidation or legal deterrence to create fear of longer-term repercussions. This study adds to the literature on censorship backfire and tactical substitution by highlighting contextual features relating to “fake news” that motivate both repression and resistance, how backfire effects can still occur in reaction to states’ surreptitious attempts at information control through distraction and flooding, and by highlighting potential ways in which civil society responses are operationalized.

Second, this study highlights how the less visible and frictional impacts of censorship through POFMA target processes of discourse-making as opposed to categories of discourse, as censorship is traditionally understood. Interviewees consistently highlight how POFMA raises the costs of participation for those whose processes of discourse-making are less deferential to the state (such as those whose evidence-based discourse is not based on official sources), even when such discourse is not critical of the state. Examples include generalized distrust toward civil society in digital spaces, selective non-responsiveness from the state, and greater difficulties in running “political” stories. Crucially, laws against “fake news” expand the repressive capacity of other information controls (such as limited freedom of information) for specific groups.

Against these less visible impacts targeting forms of discourse-making—which are often not recognizable to the public as censorship because of the perceived need for a policy response to “fake news” and the state’s plausible deniability—civil society actors in Singapore have limited ability to respond. Together with other information controls, POFMA has the potential to limit online discourse on issues for which data are scarce or for which controversial interpretations can be challenged by the state—in effect,

elevating official and state-produced information as the ultimate source of legitimate and evidence-based discourse while limiting other forms of evidence. Those studying censorship and freedom of expression should go beyond examining categories of censored discourse and examine how autocratic legalism has influenced the production of discourse.

Although creative resistance and public contestation are used by civil society, these methods can also have the unintended effect of further entrenching and legitimizing a form of evidence-based discourse in which the state determines what evidence is appropriate. This form of censorship justified by “fake news” and affecting discourse production instead of categories of discourse has wide-ranging, ideological, and long-term impacts that merit further study.

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## Appendix

**Appendix Table 1. List of Interviewees.**

Interviewee	Description	Themes in Political Discourse
A	Activist	Climate change, economic inequality
B	Activist	Freedom of expression, economic inequality, LGBTQ+ issues
C	Activist	Criminal justice reform, freedom of expression
D	Activist and Academic	Freedom of expression, economic inequality, criminal justice reform
E	Journalist	Journalism
F	Activist	Criminal justice reform
G	Activist	Freedom of expression, economic inequality, LGBTQ+ issues
H	Activist and Content Creator	LGBTQ+ issues
I	Activist	Freedom of expression, criminal justice reform
J	Activist and Content Creator	LGBTQ+ issues, economic inequality
K	Academic and Public Figure	Economic inequality

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L	Academic and Public Figure	Economic inequality, freedom of expression, democracy promotion
M	Activist	Economic inequality
N	Activist and Public Figure	Economic inequality, freedom of expression
O	Journalist	Journalism
P	Content Creator	General commentary
Q	Content Creator	LGBTQ+ issues

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