4 Sexing the Internet

Censorship, Surveillance, and the Body Politic(s) of Malaysia

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The scholarly investigation of digital censorship and surveillance has moved from an initial focus on fact finding—what was filtered, who was under surveillance, and how this was accomplished technologically—to more contextualized investigations of the political, economic, and social dimensions of specific censorship and surveillance practices. A gender-sensitive approach is arguably more important now than ever for fully understanding the meanings and struggles over censorship and surveillance regimes. For instance, consider the central finding reported by Jonathan Zittrain and John Palfrey: "The Internet content blocked for social reasons—commonly pornography, information about gay and lesbian issues, and information about sex education—is more likely to be the same across countries than the political and religious information to which access is blocked."[1] Why should this be the case? And which logic has encouraged the common suppression of such disparate content?

The logic at issue is the logic underlying the nation-state and its task of perpetuating itself through the reproduction and renegotiation of its internal social hierarchies. We use Malaysia as a case study to point out some of these dimensions of national reproduction, tied as they are to the reproduction of citizens within national borders. At issue here is a nation's patriarchal policing of gender roles and their appropriate forms of (potentially procreative) sexuality, from an overall heteronormativity to finely tuned divisions based on class, race, region, and other salient markers.[2] This policing has been increasingly transferred to the digital realm, because this space has in unprecedented ways accommodated both the proliferation of alternative takes on the established gender and sexual order and the policing of citizens through censorship and surveillance.

Gender-sensitive research is thus urgently needed in this field of study, and our exploratory chapter is meant to chart some of the prime issues that need to be tackled.[3] To begin with, a change of perspective is required to see that the social issues in digital censorship and surveillance are not "soft" and relatively unimportant compared to "hard" issues such as political or religious persecution, but are in fact the central matters that go directly to the root of the social fabric. Attention to the reproduction

of gender and sexuality within the framework of the nation-state is essential for understanding the morality debates that have increasingly come to dominate discussions about Internet governance and digital censorship and surveillance. Such a focus is essential because different kinds of political and economic tensions within a nation-state can be mediated by contesting morality issues and related gender and sexual issues in the digital realm.

Employing a gender lens fundamentally shifts the very definitions of censorship and surveillance to include a basic lack of freedom of expression and privacy. It shows how most women and many disenfranchised men have been kept from contributing to the public sphere by social and economic structures and agents other than state censors, and how many women have been placed under surveillance by their social peers rather than state agents. In drawing attention to these circumstances, a gender lens generates a more comprehensive understanding of the agents of censorship and surveillance, showing that the state is only one among several entities and institutions that systematically hinder specific groups of people from expressing themselves freely or from enjoying a self-determined degree of privacy.

Such an augmented understanding of censorship, surveillance, and its agents is crucial for understanding the precise stakes and scope of state-initiated censorship and surveillance systems. It additionally creates a useful familiarity with agents beyond the state precisely at a time when there is growing evidence that nonstate actors have become increasingly recruited by certain states to carry out undercover censorship and surveillance missions. This practice was identified by Ronald Deibert and Rafal Rohozinski as "next-generation information controls."[4]

Similarly, as it is becoming increasingly obvious that the absence of state-imposed digital censorship and surveillance in a nation does not mean that all its citizens enjoy freedom of expression and privacy, research needs to dig deeper into the multilayered mechanisms that regulate speech and privacy. Such conditions can be illustrated quite well by our case study of Malaysia. While we could not detect any state-level Internet filtering in Malaysia when we conducted the testing for the OpenNet Initiative (ONI) in 2008 and 2009,[5] and previous ONI testing had similarly not yielded any evidence of Internet filtering,[6] censorship and surveillance have nevertheless played important roles. Before looking through a gender lens on recent developments in this field in Malaysia and in particular focusing on the significance of sexuality and morality for its body politic, we will provide further methodological grounding to our framework and hypotheses.

Agents of Censorship and Surveillance

Following the logic of international human rights law such as the International Covenant on Civil and Political Rights (ICCPR), state authorities are the agents that may

potentially curb their citizens' freedom of expression and privacy. In reality, however, distinct sociopolitical entities can be crucial agents in censorship and surveillance. Regarding regulation including censorship, Lawrence Lessig has developed a useful model that identifies the interrelated levels of norms, laws, markets, and architecture.[7] Laws constrain through the punishment they threaten; norms constrain through the stigma a community imposes; markets constrain through the price that they exact; and architectures, including hardware and programming code, constrain through the physical burdens or obstacles they impose.[8] Lessig makes the point that norms, markets, and architectures may generate their own regulatory effects, or they may be regulated by laws and thus pass on this state regulatory endeavor indirectly.

Jean K. Chalaby's work adds important dimensions of censorship to those identified by Lessig.[9] Most notably, she also recognizes media administration as well as outright state violence. Media administration includes obligations to obtain licenses, registrations, or authorizations and the requirement to deposit financial guarantees for entities wanting to establish media. Tactics of state violence encompass arbitrary arrests or physical attacks, and violent forms of censorship can also be exercised by nonstate agents, either at the behest of authorities or on their own. In fact, as recent research by the ONI in the Commonwealth of Independent States has shown, indirect and at times unlawful forms of Internet censorship instigated by states seem to play an increasing role. These next-generation information controls are often kept secret by states and may be outsourced to private or even illegally operating networks, including botnets that commit denial-of-service attacks. Next-generation controls even go beyond blocking content and services and include outsourced information campaigns designed to mislead, intimidate, fragment, confound, or hinder those perceived as enemies of the state.

Implicit in much of the literature addressing censorship is thus a definition that is not restricted to the suppression of content already produced. Censorship also means erecting enough hurdles to systematically keep specific content from reaching a social group, either at all or in a meaningful way, or to keep people from producing content in the first place. Experiences of censorship can in turn lead to self-censorship—the "slow internalization of the mechanisms of suppression."[10]

Surveillance, like censorship, can be instigated and carried out by different actors. States generally practice surveillance with the same rationales they cite for censorship, that is, to enhance national security and maintain order. They do so either directly, often within legal frameworks, or indirectly by requiring other actors to collaborate in surveillance, most notably media administrators, businesses, software writers, and other social entities. Big market players are also important agents of surveillance in their own right, and their motive is profit maximization, either by selling data trails left by customers or by using these data trails for marketing and advertising. Software writers may also be considered as autonomously involved in surveillance, at least to

Table 4.1

AGENTS, LEVELS, AND FORMS OF CENSORSHIP AND SURVEILLANCE				
	State Censorship	Nonstate Censorship	State Surveillance	Nonstate Surveillance
Laws	Direct	n/a	Direct	n/a
Violence	Direct	Direct	n/a	n/a
Administration	Indirect	Direct	Indirect	n/a
Business	Indirect	Direct	Indirect	Direct
Norms/society	Indirect	Direct	Indirect	Direct
Architecture, including code	Indirect	Direct	Indirect	Direct

the extent that they voluntarily offer or embed surveillance functions in their programming. Finally, private individuals engage in surveillance on their own, often in accordance with social norms. The dimensions of censorship and surveillance just discussed are systematized in table 4.1.

The Malaysian Nation

Turning to our exploratory case study of Malaysia, to apply a gender lens first of all requires us to "defamiliarize" ourselves with the nation-state as the unit of analysis that has become self-evidently applied in much of the research on digital censorship and surveillance.

The nation-state has traditionally been defined by a sovereign government ruling over the permanent population living within its demarcated territory, and it has thus been principally concerned with organizing people and boundaries.[11] In Malaysia, race relations have significantly textured the social, political, cultural, and economic makeup of the nation. Formal politics have been contested on the grounds of ethnic interests, and the singular ethnic conflict that occurred on May 13, 1969,[12] has resulted in two national policies[13] that continue to define a nation that is artificially split into two. Although the 27.6 million[14] population of Malaysia consists of a plurality and hybridity of ethnicities and backgrounds, formally Malaysians are hailed as either *bumiputera*[15] or *non-bumiputera*—each constituting roughly half the total population. The two groups form a hierarchy in which the *bumiputera*—Malays constitutionally defined as Muslims,[16] together with some 70 groups and subgroups of indigenous peoples—are afforded a privileged position in the constitution.[17]

The state is compelled to reify the differences between the two categories of citizenship to maintain and manage the continued legitimization of its hierarchy. Gender

and sexuality are at the heart of this process. Ideologically, sexual norms and the enforcement of moral cultures serve to define the boundaries between different categories of citizen-subjects. Quite materially, these ideologies are meant to guide and police procreative (hetero-) sexuality and women's reproductive choices. The body thus becomes both a figurative and a real site for social order and control, where gender, sexuality, ethnicity, and religion are relationally constituted through and in each other.

The regulation of sexuality plays an important role in establishing the moral rights and supremacy of a particular ethnicity, which in turn helps to solidify the differences between the groups. At times of flux, the policing of these boundaries becomes accentuated. Paying attention to how sexual speech, discourse, and acts are regulated and placed under surveillance can provide important indicators on current national concerns and uncover the directions that censorship and surveillance will take.

Beyond the significance of gender and sexuality for internal stratification within the nation, these concepts are also central for the ideology of the nation as a whole. The national collective identity, or, in Benedict Anderson's influential terminology, the "imagined community," is usually based on the ideologies of the privileged groups in the nation.[18] Notably, the nation has often been imagined as female, evoking the hegemonic ideals of femininity favored by the ruling classes. Nationalism concurrently is described by Inderpal Grewal and Caren Kaplan as "a process in which new patriarchal elites gain the power to produce the generic 'we' of the nation. The homogenizing project of nationalism draws upon female bodies as the symbol of the nation to generate discourses of rape, motherhood, sexual purity, and heteronormativity."[19]

But what about real women? How are they situated in Malaysia? There is still a substantial gender disparity in terms of health, politics, and economic development. This can be seen in Malaysia's low Gender Empowerment Measure (GEM) ranking, coming in at 68 out of 109 countries, and its Gender Development Index (GDI) that ranks lower (76) than its Human Development Index (66).[20] These rankings point to systemic and structural barriers for women's equal opportunities and access to resources, which are also reflected in terms of decision-making positions. Women made up only 27.3 percent of senators in 2009, and only 10.4 percent of members of Parliament.[21] The figures do not improve much in the private sector, with only 6.1 percent of women participating at boardroom levels in the corporate sector.[22] As a result, women are significantly removed from most decision-making processes, including determining the boundaries of acceptable and unacceptable expression in the public sphere.

Media, the Internet, and Gendered Publics

A prime tool for the ideological creation of any nation has been the establishment of its public sphere, in relation to which freedom of expression and censorship have

generally been theorized. The public sphere has always been created and maintained by media, from earlier mass media/news media to the more recent Internet. In Malaysia, the flow of information, speech, and expression has traditionally been tightly regulated in multiple ways with respect to the mass media. Regulation has included a monopoly over institutions of mass media,[23] stringent and punitive licensing administration,[24] numerous laws[25] and reiterative cautions on the possible recurrence of ethnic conflicts like the one of May 13, 1969.[26] Jointly, these measures have effectively circumscribed speech perceived as "sensitive" and threatening to disrupt social relations. Self-censorship has consequently been widely practiced, from members of the mass media to the everyday person.[27]

Although the development of the Internet in Malaysia was expressly promoted by the state in the late 1990s to catalyze the nation into fully developed status,[28] it has simultaneously destabilized governmental control over the flow of information and expression in the public domain. To attract foreign investment in the Multimedia Super Corridor (MSC) and to mitigate the government's reputation for exercising strict state control of the information and communications public domain, consultations were held with several key industry leaders including Microsoft and IBM. Business here acted as an anticensorship agent, and the MSC Bill of Guarantees that came out of these consultations included the promise that there would be no censorship of the Internet.[29] This was supported through Article 3(3) of the Malaysia Communications and Multimedia Act (MCMA)—the primary piece of legislation that regulates the Internet—which expressly states that "nothing in this Act shall be construed as permitting the censorship of the Internet."[30]

Given this formal guarantee, the Internet became a unique "public" space in Malaysia. Although stemming from economic interest, this relative freedom presented opportunities for civil society to engage in and proliferate the public discourse with previously prohibited speech and information. Several alternative news sites have sprung up since the late 1990s to early 2000s, among them Malaysiakini,[31] Malaysia Today,[32] and more recently, Malaysian Insider[33] and The NutGraph.[34] They are maintained by "technopreneurs," bloggers, and journalists aiming to fill the palpable gap of independent and unbiased information not directed by the ruling political party.[35] New sites also include community sites for people of diverse and marginalized sexualities.

It may also be noted that as Internet access began to proliferate in Malaysia, not only men but also a large number of women gained access. From 2000 to 2008, the percentage of the population with Internet access grew from 15 to nearly 70 percent.[36] Data collection on access to the Internet and infrastructural reach has often not been gender-disaggregated, but the latest survey conducted in 2008 on household use[37] of the Internet[38] stated only a slight difference between the percentage of male home users (51.9 percent) and female home users (48.1 percent).

Nevertheless, the general predominance of men as principal communicators in the public sphere has not been successfully challenged in the course of the rise of the Internet. In particular, the most influential bloggers tend to be men.[39] What consequently has also remained largely intact, despite the new communicators' claims to "unbiased" information, is the "male definition of news value."[40] It means that the public sphere of politics as well as other spheres of "hard news" such as the economy, finance, and science have remained defined as masculine or, to be more precise, defined as "neutral" from a male point of view.

The global pervasiveness and longevity of this gender imbalance in both offline and online news, as well as national variations of it, have been traced by the Global Media Monitoring Project (GMMP), conducted every five years since 1995 in all parts of the globe.[41] The gender disparity in terms of what constitutes "newsworthiness" is reflected in the 2010 Malaysia GMMP report, where women make up only 15 percent of all news subjects compared to men, who make up 85 percent.[42] The report also found that women were more likely to be featured as celebrities, homemakers, students, activists, teachers, and nonmanagement workers, whereas men were more likely to be represented as royalty, politicians, government officials, police officers, diplomats, and service professionals. This result clearly indicates that gender stereotypes predominate.

The censorship of women and their points of view has come about through their structural and ideological exclusion from the public sphere and its media, but it has also happened more directly through the use of sexist language and threats of sexual violence. Both strategies to silence women's speech continue to thrive on the Internet. Take for instance, Pamela Lim's experience on a popular Web site, http://www.loyarburuk.com, which provides a platform for discussing current topics in Malaysia. On October 10, 2010, she posted a video of two police officers who she claimed had behaved in an intimidating manner after stopping her car and asking her for a bribe to overlook an alleged traffic offense.[43] This video post received an unprecedented number of hits on the site and more than 700 comments. A majority of the comments that disagreed with her action were made up of personal attacks and employed racist and sexist language to condemn her act of citizen journalism. For example, one of the comments read, "Oh pammy, you remind me of my f*ck buddy a couple of years ago. A real 'miss-know-it-all.' She just couldn't shut up even if she tried. There was really only one way to keep her quiet and yes, she was a guzzler!"[44]

Here we find a pattern common to many media, in which women as a gender group tend to be predominantly confronted with attempts of censorship by nonstate actors. Meanwhile the state might even promote equal opportunities, but without striking at the commercial, social, and normative roots of gender-based discrimination, these initiatives generally do not go far. This is why authors like Sharzad Mojab see the "censorship of feminist knowledge" as a root problem, stating, "I believe that the

subtlest censorship is denying feminist knowledge a visible role in the exercise of power. The state, Western and non-Western, rules through privileging androcentric knowledge as the basis for governance."[45]

The Malaysian state did try to encroach on the Internet to bring it more in line with the tight restrictions on "traditional" media. This effort has led to a situation in which the Internet is free from censorship only from the point of view of Internet law and, as ONI found, free from systematic Internet filtering.[46] Meanwhile, existing and non-Internet-specific laws such as the Sedition Act,[47] Official Secrets Act,[48] Internal Security Act,[49] and Defamation Act[50] have been used to restrict the kinds of content and speech that are allowed online. However, given the laws' reputation as tools of state repression and intimidation, their application was swiftly critiqued (and amplified over the Internet) by civil-society actors as constituting a breach of the initial promise of a censorship-free Internet.

This response presented a dilemma for the state, augmented by new and irrefutable evidence that the leading political group itself was actually at stake. The 2008 general elections in Malaysia saw the ruling coalition lose two-thirds of its majority in Parliament for the first time since the nation's independence. The Internet was credited with playing a significant role in the outcome of this election, providing a relatively freer and more independent avenue for information exchange and dissemination, and even fund-raising.[51] This signaled a time of transformation, in which the established social order was threatened by a new form of political engagement that appeared to reject familiar race-based politics.

It is at such points of status and boundary anxieties that the policing of sexuality becomes pronounced, so that a restoration of the symbolic cohesion and social order is attempted through reinstating the integrity of the material and sexed body, with its accompanying morality discourse. The apparent "free flow" of the Internet has become increasingly scrutinized and regulated vis-à-vis the subject of sexuality. Two major state strategies can be identified in this regard, to which we turn in the next section.

Sexualizing Censorship and Surveillance

The first strategy consisted of a consolidation of state power over the Internet through a reconfiguration of the government machinery responsible. In 2009 newly elected Prime Minister Mohd Najib Razak formed the Ministry of Information, Communications, and Culture (KPKK). The communications sector was removed from the Ministry of Energy, Water, and Communications, and merged with the highly powerful Ministry of Information and, interestingly, the Ministry of Unity, Culture, Arts, and Heritage. This change clearly signaled that information and communications technology (ICT) was no longer seen as primarily a matter of infrastructure as it had been in the late 1990s. Instead, its role in shaping the nation and its internal boundaries through

information exchange, discourse proliferation, and expression was being recognized. Consequently, it has become anchored to the state machineries responsible for both the "hard" aspects of intelligence and state propaganda (information) and the "soft" aspects of arts and culture. This change also means that the minister who presently holds such a wide ambit of power is also responsible and much empowered under the MCMA.

The second strategy involved attempts to create a sense of moral legitimacy for Internet regulation by infusing it with a paternalistic framework of sexuality. Again, this strategy was attempted because other tactics of state censorship were met with harsh public criticism. In the early months of 2009 there were increased prosecutions under various pieces of legislation including the MCMA for the publication of materials online. Section 233 of the MCMA makes it an offense to transmit, create, or solicit any content that is "obscene, indecent, false, menacing or offensive in character with the intent to annoy, abuse, threaten or harass another person."[52] For the first time in its history, it was used to convict an Internet user for posting a comment on a Web site that was deemed insulting to the monarchy. A hefty fine of MYR 10,000 (USD 3,000) was imposed with the expressed rationale of acting as a deterrent and warning to members of the public from freely posting their thoughts online.[53] In view of the political transformations during that period, this fine significantly challenged the credibility of the act.

At the same time, a huge public debate was raised on the issue of online privacy in response to an incident where private photographs of a popular female public official from the opposition party were posted online as a tactic to shame or discredit her, an increasingly common practice in the "Web 2.0" context in many parts of the world.[54] The incident rendered visible the lack of laws against sexual harassment (both online and offline). However, instead of taking any steps to finally legislate on a sexual harassment bill or a data protection act—both having been in the pipeline for almost a decade—the same Section 233 of the MCMA was put forward as providing viable legal remedy for the protection of women against online sexual harassment, or blackmail by spouses who threaten to publish private and sexualized photographs online.[55]

This disregard for the actual recommendation by women's rights groups,[56] together with the wide interpretation of the law, indicate that the goal is not so much to realize and protect women's rights on the Internet as to strengthen the scope of the MCMA and to recover its moral legitimacy. It is also interesting to note that censorship was being proposed as a viable measure to counter the public invasion of a woman's privacy. After being mooted since 1998, the Personal Data Protection Bill 2010 was finally passed on April 5. However, the scope of the law is limited to the processing of personal data in commercial transactions, and the government is exempted from its purview. This provision effectively compromises its potential to act as an effective counterbalance to the impact of surveillance and self-censorship.

Religious material[57] and material related to sexuality[58] published online in Malaysia are also subjected to scrutiny.[59] Advocates and organizations that defend the rights of Muslim women, such as Sisters in Islam (SIS), face constant attacks because they not only directly challenge the power of the state over defining "Islam," but they do so from a standpoint of gender equality and women's rights. In 2008, SIS's publication on progressive interpretations of Islam was banned,[60] and its Web site has been repeatedly compromised[61] since the opposition Islamic political party (PAS) called for an investigation and ban of the organization in 2009.[62]

However, due to the "informal" nature of such censorship efforts, which confirm a trend found by ONI's research,[63] they are rarely visible in reporting or documented in efforts to monitor the space for public expression and information exchange. Yet it is clearly evident that these censorship efforts respond to the perceived threats to the nation's constitution posed by groups such as SIS and their promotion of alternative discourses on gender, sexuality, and religion.

Finally, in August 2009, in synchronicity with the global thematic trends of Internet content regulation, the KPKK minister announced the government's intention to implement Internet filtering to reduce "Malaysian children's exposure to online pornography."[64] Despite renouncing the proposal after being met with alarm by content producers, in particular alternative online media providers and bloggers, the minister acknowledged that the Malaysian Communications and Multimedia Commission (MCMC) has been tasked to find appropriate solutions to the as-yet-unsubstantiated claim of the threat to children's safety from pornography.[65] This development presents a merging of both technical and discursive solutions in regulating the unruly online space.

Even though business acted as promoters of free speech in the consultations for the MSC Bill of Guarantees, industry self-regulation does not necessarily by extension equate with free speech. When the Communication and Multimedia Content Forum (CMCF) was formed by the MCMC together with industry players, academics, civil-society organizations, and selected prominent individuals, it developed a content code that includes provisions promoting rights-based and nondiscriminatory forms of content. However, application of the code is voluntary, and it appears that private companies prefer to implement their own individual policies and guidelines to meet potential concerns and liability. In fact, particularly with regard to sexual content, private companies have become central, autonomously acting agents of censorship, whose sustained background actions have both "normalized" this censorship as any company's "right" and have largely shielded it from public scrutiny and debate.

For example, the Web hosting company Exabytes changed its policy in May 2008 to prohibit "adult content" on their servers. This ban included Web sites "related to gay and lesbian"[66] content, conflating pornographic content with any type of content produced by, about, or for an already peripheral and discriminated-against section of society. However, after several complaints about this policy, the explicit mention of

"gay and lesbian" was removed and replaced with the company's overriding right to decide what falls under the "adult" category. Internet service providers (ISPs) also appear to act as moral guardians by blocking access to sites with sexual content, such as pornography-sharing sites like YouPorn[67] and RedTube,[68] as well as Gutter-Uncensored,[69] a site that solicits and publishes private videos and images that are sexual in nature, including those of local celebrities and politicians. These blockings have remained almost unnoticed beyond the sites' users, who share advice on how to circumvent them.[70] The augmented censorship role of the private sector, along with the limited redress that ordinary users have, creates a power imbalance that is strangely reminiscent of the power imbalance between the traditional mass media and their audience. How the ISPs' censorship role in the area of sexuality relates to the various stakes of the state in this regard remains to be seen.

As a last example, cases surrounding the Malaysian national identity card MyKad offer interesting insights into how programming code has been used to discipline citizens and how the data constituting gender, race, and religion are assigned and controlled through laws, culture, and norms in order to police sexualities and desires. The MyKad contains personal data (name, date of birth, address, race, and religion), photo identification, and a biometric fingerprint. It is required for any formal transaction, and every Malaysian is obligated to carry it.[71] As a result, the MyKad potentially enables the government to comprehensively place individuals under surveillance. But, in addition, the card is the digital artifact that defines and produces, and in fact attempts to "freeze," the Malaysian citizen-subject in socially acceptable positions. This fact is evident in several cases of Malaysian citizens attempting to get the data in their MyKads changed, notably after conversions from Islam or after sex-reassignment surgery. In all cases, the individual struggles over self-definition and citizenship rights became a symbolic site for the struggle over what constitutes the nation and its internal social hierarchy and order, as it is coded through race, religion, and appropriate heterosexual contracts between citizens.[72]

Conclusion

In our Malaysian case study, we have illustrated how recent, publicly available information about the development of the Internet and its regulation at various levels and through various means acquires a fuller meaning when analyzed in a gender-sensitive framework and with attention to gender indicators for this country. The overall framework we have proposed for our interpretation posits that the maintenance of the body politic within a nation requires the disciplining of women and men along specific heterosexual and gender lines, interarticulated with other social hierarchies. The public sphere and its mass media, including the Internet, have constituted a vital area in which this disciplining is negotiated, particularly around notions of sexuality and morality.

Censorship by the state and by other entities constitutes an important form of intervention in this ideological battle, and the Malaysian case has provided evidence for the overall trend in several countries, as traced by ONI testing, that direct and sustained, state-ordered filtering of the Internet may not play a crucial role in this context and may in fact be much less important than other mechanisms of censoring and silencing people employed by state actors as well as nonstate actors. In addition, the deployment of a moralistic discourse of the state's duty to regulate sexuality has become the central framework employed by the state to distract from and thus negotiate tensions between the economic objectives of Internet development in the country and the Internet's disturbing capacity to shape and disrupt ideas of the Malaysian nation and its citizens.

The Malaysian case illustrates the clash between the potential power of the Internet to instigate far-reaching economic and social changes on the one hand and the established power of political and social elites on the other hand, which tries to perpetuate itself under new conditions. Under these conditions, the initial promise of a Malaysian Internet free from censorship was not upheld by the state, which has increasingly encroached upon this medium through a variety of direct and indirect means. These include the application of peripheral laws to rein in transgressive discourse, as well as administrative procedures and identity-based surveillance designed to foster a culture of self-censorship and conformity with gender and sexual rules. Further gender-sensitive research into censorship and surveillance, in Malaysia and elsewhere, would be welcome to unearth more of the inner workings of such negotiations, as well as the circumstances and factors that may complicate these processes and could theoretically also spur many unintended consequences in the gender and sexual order of a nation.

Notes

1. Jonathan Zittrain and John Palfrey, "Internet Filtering: The Politics and Mechanisms of Control," in *Access Denied: The Practice and Policy of Global Internet Filtering*, ed. Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain (Cambridge, MA: MIT Press, 2008), 35.

2. Heteronormativity refers to the privileging of heterosexuality through institutions, structures of understanding, and practical orientations. See Lauren Berlant and Michael Warner, "Sex in Public," *Critical Inquiry* 24, no. 2 (1998): 548.

3. This chapter was written by the OpenNet-Asia Gender Research Framework development team, coordinated by the Association of Progressive Communications, Women's Networking Support Programme, in partnership with the Centre for Independent Journalism, Malaysia. The full framework is available at http://www.genderit.org.

4. 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.

5. However, there have been individual cases of sites being blocked, especially by TMNet—Malaysia's main ISP. A widely known "just-in-time" blocking example is of the popular sociopolitical blog http://www.MalaysiaToday.com, which was blocked during an important by-election in 2008 that saw the return of the opposition party's de facto leader (see Vee Vian Thien, "The Struggle for Digital Freedom of Speech: The Malaysian Sociopolitical Blogosphere's Experience," chapter 3 in this volume). More sustained and less noticed blocking has targeted popular sites featuring sexual content, discussed later.

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

7. Lawrence Lessig, *Code Version 2.0* (New York: Basic Books, 2006). See chapter 11 and especially 123 and 234.

8. Ibid., 123–124. Lessig explains that protection as well as regulation has been exercised at these levels.

9. Jean K. Chalaby, "New Media, New Freedoms, New Threats," *International Communication Gazette* 62, no. 1 (2000): 19–29.

10. Brinda Bose, "The (Ubiquitous) F-Word: Musings on Feminism and Censorships in South Asia," *Contemporary Women's Writing* 1, no. 1/2 (2007): 17–18.

11. Anne McClintock, Aamir Mufti, and Ella Shohat, eds., *Dangerous Liaisons: Gender, Nation, and Postcolonial Perspectives* (Minneapolis: University of Minneapolis Press, 1997).

12. On May 13, 1969, existing racial tensions sparked a series of violent clashes between the Malay, Chinese, and Indian communities in Kuala Lumpur. This unrest led to the declaration of a state of emergency and the suspension of Parliament. See Martin Vengadesan, "May 13, 1969: Truth and reconciliation," *The Star*, May 11, 2008, http://thestar.com.my/lifestyle/story.asp?file=/2008/5/11/lifefocus/21181089; Wong Chin Huat, "Watershed elections of 1969," *The Sun*, July 26, 2007, http://may131969.wordpress.com/2008/09/27/watershed-elections-of-1969.

13. Economic Planning Unit, New Economic Policy, Prime Minister's Department, Malaysia, 1971.

14. Department of Statistics Malaysia, "Preliminary Count Report, Population and Housing Census, Malaysia, 2010," last accessed April 20, 2011, http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=350%3Apreliminary-count-report-population-and-housing-census-malaysia-2010&catid=102%3Apreliminary-count-report-population-and-housing-census-malaysia-2010&lang=en.

15. The term *bumiputera* (literally "sons of the earth") was introduced through the New Economic Policy, and is in reference to Article 153(1) of the Federal Constitution.

16. Article 160 of the Federal Constitution defines "Malay" as "a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom [sic]."

Federal Constitution (as of June 1, 2007) (Petaling Jaya, SDE: International Law Book Series, 2007), 198.

17. Article 153(1), Federal Constitution (as of June 1, 2007) (Petaling Jaya, SDE: International Law Book Series, 2007), 188.

18. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983).

19. Inderpal Grewal and Caren Kaplan, "Postcolonial Studies and Transnational Feminist Practices," *Jouvert: A Journal of Postcolonial Studies* 5, no. 1 (2000), available at http://english.chass .ncsu.edu/jouvert/v5i1/grewal.htm (accessed October 4, 2009), paragraph 6.

20. "Human Development Report 2009—Country Fact Sheets—Malaysia," n.d., last accessed October 20, 2010, available at http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs _MYS.html.

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