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# Criticise a minister but don't sling mud: Shanmugam

Defamation laws 'not there to stop political discussion'

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As Singaporeans become more politically engaged, they should feel free to discuss politics and even criticise ministers and policies, provided they do not make spurious allegations they cannot substantiate, Law Minister K. Shanmugam said yesterday.

Responding to law students' questions about Singapore laws and their impact on free speech at a dialogue organised by students from the National University of Singapore Faculty of Law, Mr Shanmugam signalled that the Government was not about to soften its stance on defamation laws, even as he said the laws do not curtail political discussion.

Defamation laws, he said, are not there to stop people from criticising the Government, but exist to protect personal reputations.

"If you make a personal allegation of fact, if you say I took money, I am corrupt, I will then sue you and ask you to prove it. But if you say I am a stupid fool who doesn't know what I'm talking about, and the Government comprises ministers who don't know what they're talking about and you criticise every policy of the Government, no one can sue you," he said.

"By all means challenge my competence, by all means challenge my policies, by all means put forward alternate policies. By all means argue it, no problem. That's not defamation."

For public debate to be honest and meaningful, he added, political discussions should not descend into mudslinging.

Admitting that defamation laws do impact free speech though, Mr Shanmugam said they have to be balanced against protecting people's reputations.

"Every country imposes restrictions on speech, it's a question of where you draw the line and whether you have a clear rationale for it," he said citing the example of how it is an offence to deny the Holocaust in Austria.

During the two-hour question and answer session, Mr Shanmugam, who is also the Foreign Minister, was asked about the Government's responsiveness to popular opinion.

He observed that the Government governs by popular mandate and so has to be responsive to popular opinion, but it cannot afford to be populist in order to win elections.

Citing public spending as an example, he noted people's competing demands and needs but said the Government has to prepare for an ageing society and rising health-care costs. "You have to be governing with a very keen sense of what the population wants, but you also have to explain the trade-offs and explain where the issues are going to be... the next five years, seven years, there's not going to be a problem. We can spend, we can do things. But in 15 years, we'll get serious problems if we spend without a proper framework."

It is more important for the Government to explain such trade-offs to people than to be popular, he said, adding that politicians the world over suffer from a "trust deficit".

He was also asked questions about criminal law, including whether the Government would consider adopting the practices found in other jurisdictions of allowing those arrested access to a lawyer and reading them their rights.

Mr Shanmugam said this issue lay more in the realm of the Home Affairs Ministry, which the criminal Bar has been in discussion with.

"The Bar has come up with some suggestions of what accused persons need to be told. The police are looking at that, they're working with the courts on that and in terms of access within the first 48 hours, police had some concerns as to how that might pan out," he said.

"And all I can say is this is not static. It's been the subject of very intensive discussions."

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