FRIEDRICH EBERT STIFTUNG

THAILAND ANALYSIS

In the Vertigo of Change.

How to Resolve the Political Crisis?

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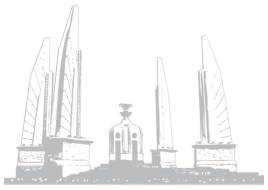
- In the aftermath of the Asian crisis, Thailand's social contract was cancelled. For a while, it seemed as if society would settle anew under »Thaksinomics« before this broad alliance was torn apart by its inner contradictions. Ever since, the country has been divided into two antagonist coalitions fighting over a new political and social hierarchy.

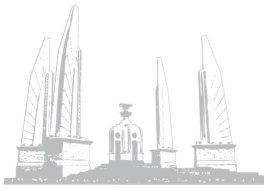
- Since this stalemate has emerged, there has been a growing sense on both sides that they cannot win single-handedly. The elections open a window of opportunity to strike a deal. However, a »Grand Bargain« to resolve the conflict needs to include all key actors. Thus, a new round of conflict could play into the interests of some players.

- The crisis runs deeper than the political conflict. Socio-economic development has had a paradoxical effect: it de-legitimised the political, social, and cultural order of Thailand by overstraining its governance system and undermining the ideas, values, identities, and discourses on which the order is built. Thailand's deeper crisis can only be overcome by adaptation of its order to an increasingly complex and pluralistic society.

- With a legitimacy crisis of the vertical order at the core of the political conflict, legitimacy cannot be regained if elites force a solution upon society. The new social contract needs to be negotiated in an inclusive, horizontal, and rule-based process.



Contents



1. Introduction

The elections open a window of opportunity to strike a deal between competing elites. However, the roots of the political conflict reach way deeper than the failures of individuals or institutions. In order to explore ways how to resolve the conflict, one needs to look into the underlying legitimacy crisis of the political, social and cultural order. This paper will argue that the centralist, semi-authoritarian governance system, the vertical social hierarchy and the unified political culture are no longer able to deal with the complexity, plurality and perpetual conflict of Thai economy and society. Therefore, the deeper crisis of Thailand can only be resolved if the political, social, and cultural order can be adapted to the needs of a rapidly modernising society. Thailand will only find peace if the governance system develops mechanisms to effectively manage a complex economy and mediate the perpetual conflict that is typical for a pluralist society. How this adaptation is organized is just as important as the institutional setup resulting from that process. A new social contract cannot be imposed from the top, but needs to be negotiated in an inclusive and rule-based process.

2. The political conflict: Thailand struggles over its political and social hierarchy

Political development in the Kingdom of Thailand will not only depend on the results of this election. Rather, the elections constitute another turning point in the political conflict that has kept the country paralysed for years. This paper cannot describe the political conflict in depth – brighter minds have done this far more eloquently on other occasions. However, in order to prepare the analytical ground on which I will develop my arguments, I will sketch out a few key points on the nature and characteristics of the conflict.

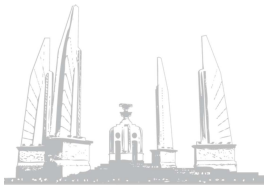
The traditional social contract deteriorates

A brief retrospect helps in understanding the current situation. The Asian crisis upset many high-flying hopes for economic development and democratic consolidation. Banks and companies went bust by the dozens; unemployment and poverty exploded. National business elites, already on the verge of extinction, found themselves side-lined by neoliberal reform policies pushed by the Chuan Leekpai government under the supervision of the IMF. Assessing their situation, big business leaders agreed that taking over the state was essentially the only possibility for them to survive.[1] This was by no means an ideological conflict; ironically, it was – among other things – the continuation of some neoliberal policies that would eventually alienate business elites from each other. Rather, it was an alliance of »old Thai money« with »new Thai money«, forged to survive the onslaught of global capitalism. Local business needed a government that could protect it long enough from overpowering international competitors to allow national companies to restructure and restore their international competitiveness.

For a short moment, society rallies around Thaksin

However, in the midst of the economic crisis and its devastating social effects, such a government – by the rich, for the rich – could only succeed if it provided help and protection for the poor. The rock-solid support of the poor

1. Kevin Hewison, Neo-liberalism and Domestic Capital: The Political Outcomes of the Economic Crisis in Thailand, The Journal of Development Studies 41 (Feb.) 2005: 310-330.



for the billionaire Thaksin up to this day can be attributed to these social policies, which allowed Thaksin to install himself as the alternative patron for the politically, economically, socially, and culturally marginalised majority of the population. The first Thaksin administration also strived to serve the socio-cultural concerns of conservative elites and the middle class. Essentially, »Thaksinomics« was born. This formula allowed the alliance of tycoons led by billionaire Thaksin Shinawatra to win every free election since 2001, despite all authoritarian efforts by adversaries to break its appeal.

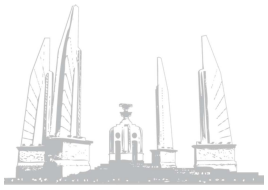
The Broad Alliance is torn apart by inner contradictions

The broad alliance did not last long. A first parting of minds occurred over privatisation and trade policy. Thai Rak Thai's neoliberal policies were vehemently opposed by progressive NGOs and unions of state enterprises. While Thaksin and the tycoons benefited from free trade agreements in highly competitive sectors, »old money« saw its interests threatened by international competition. The conservative middle class despised the distribution of its tax revenues by a billionaire who sold his media empire without paying a single baht to the state. From this perspective, the electoral victories of Thai Rak Thai could only be explained by the »populist policies that duped the uneducated poor combined with the vote buying of rural machine politicians«.[2] This urban contempt for the rural poor was essentially the breeding ground for »New Politics«, through which the conservative middle class wishes to suspend electoral democracy. The progressive middle class grew increasingly worried over Thaksin's attempts to expand his power base. The increasingly authoritarian tendencies of the Thaksin government alarmed civil society, who feared the erosion of the hard-won democratic constitution. However, the masses were driven to the streets to protest against Thaksin's shameless self-enrichment.

Thaksin's audacious behavior disturbed the elites. However, to be sure, it was not the skirmishes over protocol that alienated traditional elites from Thaksin – who was essentially one of them. To take over the state, Thaksin invented a new platform to build an alliance between big business, local elites, and the poor majority of the population. Bringing this alliance together was an attempt to install a new arrangement between key powers with a view to produce order, legitimate power, and distribute resources. Such a new arrangement was necessary after Thailand's unwritten traditional social contract – which kept the country together for decades (e.g., the military guarantees political stability; the government nurtures the economy; big business creates growth and prosperity, which then trickles down via patronage networks to local elites as well as the population at large) – became defunct in the Asian crisis and was subsequently terminated by the neoliberal Chuan Leekpai government.[3] Thaksinomics unequivocally legitimises power through democratic elections and assures enduring public support through social policies. Local elites – who effectively control the House of Representatives and can organise mass

2. Phitthaya Wongkul, Yutthasat prachachon: lakkhit lae botrian [The People's Strategy: Main Ideas and Lessons], Bangkok 2007, cited in M. Askey, 2011.

3. Kevin Hewison, 2005.



mobilisation – are rewarded for their support through their inclusion in the distribution of public resources. While it is brokered between factions of the elites to serve their interests – despite Thaksin's semi-authoritarian governance style – the new formula is more inclusive and participatory than the old contract.

Under the new formula, traditional elites essentially became dispensable. It seemed for a short period as though Thaksinomics allowed for the taking over of the state without the support of the traditional elites – or even against their interests. For the traditional »owners of the nation«, this was nothing less than a declaration of war.

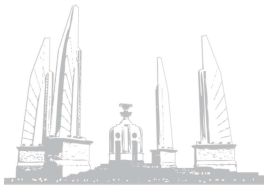
The conflict escalates: Thailand splits into yellow and red coalitions

The conflict soon escalated, and brought violent clashes in the streets and political confrontation in the courts, hot and silent Coup d'états and many more political, economic and psychological distortions to the country. Both elite factions managed to rally broad societal coalitions around their causes.

In the "yellow" Anti-Thaksin coalition, authoritarian-oriented elites from the aristocracy, bureaucracy, and the army found themselves side by side with civil society, academics, and labour unions fighting to preserve democracy. The yellow discourse stresses that the political and social order must be a mirror of a vertical moral order, e.g. the social status of a person is (pre-) determined by his or her virtue, alas the karma assembled in a former life. This statist normative order is being challenged by increasing social mobility and electoral "by-üassing" of the traditional social hierarchy. Accordingly, yellow rage against electoral democracy is fuelled by fears that the"uneducated" poor" sell their votes and bring corrupt – alas immoral - leaders to the top. Accordingly, the PAD identifies the mechanism that elects immoral leaders as running counter to the vertical moral order, and calls for its suspention in favor of a mechanism of selection by the highest moral authority. The 'red' coalition is an alliance of business elites with parts of the security forces, local elites and local middle class. This elite coalition builds its legitimacy through greater inclusion of the urban and rural poor. However, it is important to differentiate between the red discourse and the political project of Thaksinomics. The red discourse is rather pluralistic and progressive in nature, calling for a participatory political process and more inclusive social order. However, Thaksin by no means intends to alter the vertical order, but simply installs himself as an alternative patron. Still, Thaksinomics had (probably unintended) structural consequences: by politizing the marginalised majority of the population, the political economy of Thailand changed significantly.

Increasingly emancipating from their political patrons, the yellow and red movements succeeded in changing Thailand's political economy: call it growing class-consciousness of the masses or the widespread emancipation of citizens – the traditionally marginalised majority of the population has gained such political clout[4] that it cannot be ignored any more. In other words: the support of the majority of the population – or at least their silent consent – no longer comes for free. Now, even a government of the elites acting in the interest of the elites must pay a price for its legitimacy: security for the middle class and help for the poor.

4. Pasuk Phongpaichit and Chris Baker, Thaksin, 2nd expanded edition, Chiang Mai, 2009; Somchai Phatarathananunth, Chonchannam thangkanmueg [...] [The Political Elite: The Force Opposing Democracy and the Problem of Contemporary Thai Democracy], in: Fa Diaokan 7(1): 22-34.



How to break the Stalemate: Deal? or No Deal?

Still, even after five years of fierce struggles, neither side has been able to decisively win the conflict. All central actors found themselves in a weakened position. The conflict essentially reached a stalemate. Recently, some indications have shown that both sides are beginning to rethink their situations.

In this dead-end situation, the elections could at least open a window of opportunity for a rapprochement between the competing elite factions. To be sure, such a deal needs to be struck by the real players, not the proxies in the public limelight. However, a Grand Bargain needs to create a win-win situation for all key actors. If some players are left out of the equation, the continuation or even escalation of the conflict could work in their favour by strengthening their negotiating position.

Society Fights over a New Political and Social Hierarchy

This indicates that the crisis that holds Thailand in its grip runs deeper than the political conflict between competing elites and their foot soldiers. On a structural level, the political conflict is the struggle over a new balance of power between the different poles of society. The wrestling over a new political and social hierarchy is taking place against the backdrop of changing power relations driven by socio-economic development. New economic elites and a broader middle class depend to a much lesser degree on the patronage of traditional elites, undermining their position of power. In order to resolve the political conflict, key actors must succeed in finding a new balance of power.

3. The Transformation Crisis: Thailand needs a New Political, Social, and Cultural Order

The political conflict over a new balance of power plays out against the backdrop of a deeper transformation. Socio-economic development de-legitimises the political, social, and cultural order of Thailand by overstraining its governance system, and undermines the ideas, values, discourses, and identities on which the order is built. Therefore, settling on a new political and social hierarchy will not resolve Thailand's crisis. Further development will, in fact, depend on the resolution of the legitimacy crisis of the political, social, and cultural order. Thailand, like many hybrid systems, does have a refined democratic institutional landscape. Yet, political reality is still largely determined by traditional power structures behind these facades. While these traditional structures are increasingly undermined by socio-economic developments, democratic mechanisms are not yet powerful enough to satisfy the growing expectations of society. Thailand is experiencing the de-legitimisation of its traditional order, and is fighting fiercely over the renegotiation of the social contract.

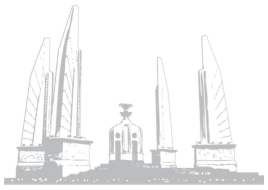
3.1 Crisis of the Political and Economic Order: Complexity and Emancipation Overstrain the System

Economic and social complexity calls for more Effective Management

Over the past decades, Thailand has undergone spectacular economic development. The enormous share of exports against the economic output (2009: 72% of GDP) indicates in fact how deeply the country is integrated in the global division of labour. Economic modernisation has multiplied the complexity of economic processes. Interdependencies, divergent interests between different sectors, and conflict over priorities and resources have become the standard.

Permanent conflict needs Mediation Mechanisms

Economic modernisation has fundamentally changed the professional lives of millions – not just in the metropolis Bangkok, but also in the



tourist centres and industrial zones, the role models, ways of life, and identities have diversified. Thai society can no longer be adequately described in traditional labels such as »Amart« (aristocracy) and »Prai« (lower class). In fact, society has fragmented into a myriad of classes, occupational groups, sub-cultures, ethnic and religious communities. The diversification of conditions has promoted diverse and sometimes contradicting interests and values. The centralist governance system is less and less able to efficiently manage the growing complexity of the economy. Pre-modern methods to deal with conflict (e.g., suppressing political dissent or negotiating compromises in non-transparent power circles) are increasingly being rejected by the people. In sum, the vertical and semi-authoritarian[5] governance system lacks the proper mechanisms to mediate the permanent conflict typical for a pluralist society as well as lack the ability to effectively negotiate broadly accepted solutions between pluralities of actors.[6]

The State needs to deliver upon Growing Expectations about its Performance

In a sense, it is increasing prosperity that challenges pre-modern rule by patronage. When resources were scarce, distribution had to be limited to small ruling coalitions, which excluded the vast majority of the population. In prospering economies, patronage can be challenged from two sides: by alternative patronage of new business elites, and via distribution of resources by the state. The rock-solid support for the red coalition by the poor can be explained by both: while Thaksin artfully styled himself as an alternative patron, the »help for self-help« policies of his government underscored that the Thai state seriously aimed to enhance the living conditions of the marginalised majority. This points to a deeper change in people's expectations for the state: the state, so it goes, must become more responsive to the needs of its people and should actively produce life capabilities for all. Notwithstanding the growing prosperity of the elites and parts of the middle class, the development paradigm of the Thai state has fundamentally failed to deliver better conditions for the majority of the population. Hence, the pre-modern political economy undermines the output legitimacy of the political and economic order.

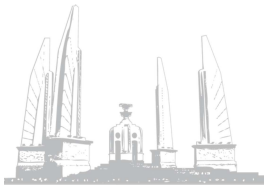
Citizen Emancipation drives Higher Expectations for the Political Process

These new expectations for the state's performance are part of a broader change in expectations for the political process in general. This change first and foremost redefines the political role of the people, but it includes the entire political process.

»Proud to be Prai« – the battle cry of the red shirts – may be a clever way to mobilise people who feel deprived of their dignity. Nevertheless, the slogan points to the growing consciousness about the marginalised subjects as a political class. It stands for the emancipation of citizens who should have equal rights. The red fury over double standards consequentially takes aim at the common practice of the judiciary and bureaucracy treating people of different social status differently. Calling for elections as the only way to legitimise power, red protesters

5. Paul Chambers/ Aurel Croissant/ Thitinan Pongsudhirak, Democracy under Stress. Civil-Military Relations in South and Southeast Asia, Introduction, Bangkok, 2010.

6. Mark Askew, Legitimacy Crisis in Thailand, Chiang Mai, 2010, p. 18.



support the basic principles of electoral democracy: »one man, one vote«.[7] Traditional elites perceive this political self-assertion mainly as a threat to their privileged status, and are consequently fighting back to uphold the social hierarchy.

On the other side of the aisle, yellow anger over endemic corruption of the elites – despite all its affirmations of traditional values – also refers to a deeper normative change: the people are no longer prepared to grant the »fruit of the land« to those in power. Even if the yellow insistence on the rule of law is mainly aimed to keep the red challengers of the traditional order in check, it also reflects the deep frustration of the urban middle class with money politics. The roots of New Politics can be traced back to civil society's disdain concerning the inability, or flat out refusal, of the political class to reform.[8] Even if the idea to clean the political process of corruption and cronyism by suspending electoral democracy is misguided, it shows that citizens expect their state to be efficiently run by representatives who respect the boundary between public and private interests.

Defying repression, the civil society, academia, and alternative media are closely watching the political process and are exercising a basic level of social control. Citizens' increasing self-awareness as political actors has led to demands for greater participation in deliberation and decision-making. With growing confidence, citizens' are demanding that their perspectives, interests, and values are heard. Elitist top-down decisions are increasingly resented. To the extent that the vertical order is eroding, the need is growing to establish horizontal mechanisms for consultation. However, a complementary culture of discussion under generally accepted rules for communication still need to be developed.

Traditional ways of legitimising power as well as exclusive decision-making behind closed doors do not match these expectations any longer. The chronic shortcomings of the political process are no longer tolerated. The egalitarian emancipation of citizens challenges the vertical order. The mismatch between expectations and reality results in a legitimacy crisis of the socio-political order.

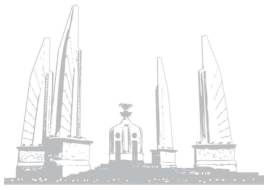
3.2 Crisis of the Social and Cultural Order: New Ideas and Plurality Undermine the Normative Foundation

New Ideas Challenge Old Wisdoms – and Each Other

New expectations concerning the role of the state and the quality of the political process are part of a larger shift in values, ideas, and identities in Thai society. Better living conditions change the needs and goals of people, but also perspectives and attitudes. Deeper integration of the Thai economy into the global economy and the increasingly cosmopolitan ways of life of the elites and middle classes drive the diffusion of new ideas. The number of foreigners living in Thailand is steadily increasing, bringing influences and ideas from diverse cultural and political backgrounds. Western and East Asian influences compete for the youths' attention. Together with these new perspectives, values, and discourses, new concepts of the relationship between citizen and state –as well as the legitimation of power and proper mode of governance – gain traction. Expectations for how a pluralistic society should deal with conflict and come to a solution are changing. Traditional Thai values such as *samakee* (unity) or *sa ngop* (calm) are

7. Mark Askew, 2010, p. 8 f.

8. Ibid.



being questioned where they stand against freedom of expression and the democratic modus of deliberation and decision-making.[9] The emancipation of citizens calls traditional legitimacy into question and requires the sovereignty of the people. Naturally, this creates tension between two concepts of sovereignty that can only be resolved under the compromise of constitutional monarchy. These new ideas and norms challenge the normative foundation of the traditional order.

Normative and ideological contradictions harbour conflict potential

However, by no means are these new expectations and orientations converging towards a generally new accepted paradigm. In fact, the spread of new ideas, world views, and discourses helps foster the emergence of communities of values, social movements, and political projects. The opposing red and yellow explanations for the root causes of the crisis and the most promising ways of how to resolve it already point to conflictive visions of a »good order« and »legitimacy of governance«. The yellow vision of a unified society bound together by traditional values is challenged by the emancipative red project, which embraces the plurality of identities, opinions, and values. Accordingly, the hard core of PAD rejects parliamentarian democracy and is calling for the appointment of virtuous leaders by the highest moral authority: the monarch. The red movement, on the other hand, accepts the normality of permanent conflicts between divergent interests and values, and aims to strengthen mechanisms that can mediate these conflicts and facilitate democratic deliberation and decision-making. These tensions between different values and visions pose a great conflict potential.

This potential will be exacerbated when national symbols are dragged into the mix. The rapid change of living conditions, ways of life, and role models often leads to identity crises. Amidst this vertigo, national symbols and traditions are needed more than ever to give people something to hold on to. Thus, it is no coincidence that transformation conflicts tend to crystallise around symbolic issues that allow people to (emotionally) grasp the many contradictions of such highly complex processes, most of which are invisible to the eye. Thus, it is not surprising that symbolic issues such as the role of the monarchy or the meaning of the nation are fought over with such passion, but also such aggressiveness. The political conflict that polarizes families and friends goes well beyond the power struggle between competing elites –it is more suggestive of a culture clash.

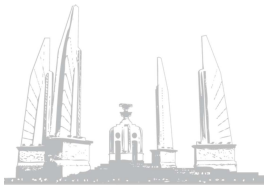
The Political Culture Cannot Accept Plurality

It is not only the tensions between divergent ideas, values, and identities that are challenging the traditional order. In fact, it is plurality itself that poses a challenge to the unified order.

This is not to say that the country used to be as unified or uniform, as suggested by *samakki*. On the periphery, ethnic, religious, and cultural minorities always resisted the obligatory identity of the »Buddhist-Thai«. The iron-fisted internal colonisation[10] of the Kingdom has fuelled a long civil war in the Malay-Muslim provinces of

9. Ibid., p. 16.

10. Duncan McCargo, Tearing Apart the Land: Islam and Legitimacy in Southern Thailand, Cornell University Press, 2008.



the South that claimed thousands of lives. Today, the traditional resentments of the North and the North-east against Bangkok are reflected in the red movement. But even in the centre, diversified ways of life have created a plurality of identities and value communities. Myriads of sub-cultures co-exist in the metropolis of Bangkok. Gender relations are beginning to change, and a broad spectrum of sexual identities is being embraced in the open. Consumerism and the ethics of globalised capitalism are contradictory to the widespread rediscovery of Buddhist traditions and ways of life.

This plurality poses a challenge for Thailand's political culture. The idea of a self-determined society that negotiates its general direction out of the permanent conflict of interests contradicts the traditional top-down decision-making in Thai society. Disagreement, debate, or even open conflict are anathema to the ideal of unity in harmony, and mostly identified with the decay of society. Correspondently, the political conflict seems to have inflicted a sense of fatalism, even among enlightened intellectuals. Far from such subtlety, PAD rejects pluralism altogether. From the perspective of yellow stalwarts, it is not society that has changed, but the political elites who have failed morally. Accordingly, the yellow answer to the crisis is to restore unity through the revitalisation of traditional values. Such radical rejection of new identities and different values fuels a cultural conflict that goes well beyond the political one.

The cultural conflict points to the deeply rooted crisis in the political culture. Thailand's political culture, which upholds the ideals of unity and harmony, is fundamentally unable to accept the irrevocable plurality of values, ways of life, identities, and narratives typical in a modern society. Accordingly, the political order has failed to develop appropriate mechanisms to deal with plurality. In their struggle to promote unity, authorities sometimes have overshot their targets and tried to enforce uniformity or unanimity. Even if many Thais still subscribe to the ideals of unity and harmony, they distrust a state that seems to negate their identities, discard their ways of life, and reject their values. If plurality is the essential condition of a post-modern society, a political and cultural order that upholds uniformity or unanimity will be de-legitimised.

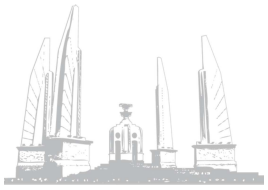
3.3 In Sum: The order needs to be adapted to a modernizing polity

The political conflict can only be understood by recognising the underlying legitimacy crisis of the political, social, and cultural order. The crisis goes well beyond the failure of individuals or institutions. The centralist, semi-authoritarian governance system, the vertical social hierarchy, and the unified political culture are no longer able to deal with the complexity, plurality, and conflict of the Thai economy and society. At the same time, emancipated citizens are confidently demanding a more responsive state, more efficient political leaders, and a greater say in the affairs that matter to all. To solve the political conflict, it takes more than just a Grand Bargain between opposing elites. The crisis can only be overcome if the political, social, and cultural order is successfully adapted to meet the needs of a rapidly transforming Thai society.

4. How to Organise the Renegotiation of the Social Contract?

Most modern societies had to go through similar transformation crises before developing into prosperous democracies.[11] Accordingly, the

11. Philipp Blom, The Vertigo Years: Europe, 1900-1914, New York, 2008.



crisis in Thailand can only be resolved by adopting the traditional order to changing political, economic, social, and cultural framework conditions. This crisis frames the narrower political conflict, which calls for a re-balancing of the social and political hierarchies.

Different Approaches to tackle Thailand's crisis

Not all actors are convinced of this need to shape transformation by adapting to the new conditions. Traditional ruling elites and their yellow foot soldiers struggle to uphold the vertical order. Their perception of the crisis is limited to the political confrontation with a competing coalition of actors. Accordingly, a broad phalanx of allies struggles to ward off that challenge by all means necessary.

Others aim at shaping the transformation, but disagree on which means are most effective. The »institutional engineers« are trying to resolve the crisis by drafting a new constitution (it would be Constitution No. 20 since the end of absolute monarchy) and by reforming the institutional framework. Accordingly, a vast number of commissions, committees, subcommittees, and initiatives are searching for the most effective election law, party law, etc., for the Thai context. This technocratic and sometimes elitist approach overlooks the fundamental fact that a legal order will always be the result of a power struggle. Simply put: real democracy cannot be decreed, it needs to be hard-won.

A third group, the »normative rationalists«, is dedicated to dialogue and reconciliation. Civil society activists, elder statesmen, academics, and journalists struggle tirelessly and at great personal risk for human rights, but often get sidelined in the turmoil of the political conflict. Reconciliation initiatives have achieved encouraging results on the local level, but are doomed as long as the leaders of both camps believe they can eventually prevail over the other side. Similar to the institutional engineers, the normative rationalists believe in the universality of human rights and the enlightened reason of all conflict parties, and sometimes overlook the power structures of the vertical order and the vested interests of actors. Fragmentation and polarization further weakens the organisational capacity and political leverage of civil society.

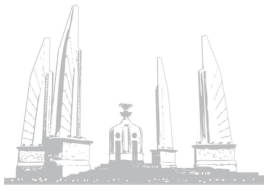
Thailand needs to renegotiate its Social Contract

However, the transformation crisis can only be resolved if the adaptation of the order goes beyond the reform of the institutional framework, and includes the social and cultural order. A new order can neither be one-sidedly decreed by a small group of elites, nor forced upon the elites without provoking (violent) resistance. As long as key stakeholders feel left out, the political conflict will only escalate further. What is needed is a broad societal consultation process that enables society to determine the fundamental principles that will organise how people live together. Key actors need to agree on a new division of labour in the production of order, legitimation of power, and distribution of resources. In other words: Thailand needs to renegotiate its social contract.

How to Organise Deliberation under Stress?

The difficulty lies in the organisation of such a process amidst the transformation crisis. Collective Dilemma and psychological factors work to block broad societal deliberation over the root causes of the crisis and ways on how to resolve the conflict.

- Transformation crises are fraught with various social dilemmas. In social conflict, situations can occur in which two groups might not cooperate, even if it is in the best interest of both to do so. In Thailand, such a prisoner's dilemma can be observed in the security sector, where security agencies and civil oversight bodies justify their non-



compliance to democratic norms by pointing to the respective behaviour of the other side. In the run-up to the elections, Thaksin's adversaries faced such a dilemma when threatened with the wrath of the former Prime Minister: Should they reach out to the likely winner of the election, or join the phalanx of his antagonist? This shows that the hoped for Grand Bargain may fail to materialise due to a lack of trust between key actors. And it is trust, after all, that has been destroyed in the hard-hitting and sometimes violent conflict. Therefore, a broad consultancy process must be embedded in a reconciliation process that could restore trust as the basic foundation of human interaction.

- For a unified society that is used to top-down decision-making, pluralist deliberation can come as a shock. In a vertical order, if things go wrong, there is always the ultimate authority as the decision-maker of last resort. The basic trust that the free play of social forces – or even the perpetual conflict between self-interests and opposed values – can produce an optimal solution for society at large takes some time to develop.

For the vertical and unified political culture of Thailand, it is particularly challenging to embrace inclusive and horizontal negotiation processes. Therefore, it comes as little surprise that the societal deliberation process is currently being blocked. In order to organise a process of renegotiation of the social contract, the obstacles laid out above need to be taken into account. Accordingly, the deliberation process should follow these guiding principles:

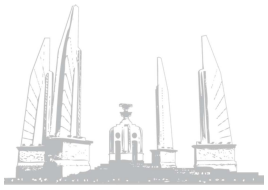
Inclusive and Horizontal Consultation Process

At the centre of the political conflict lies the crisis of legitimacy of the vertical order. Hence, it is impossible to build new legitimacy if elites strike a deal among themselves and then force a new constitution upon society. In general, the idea to channel the confrontation between opposing ideals of political legitimacy into some parliamentary-based framework[12] is laudable. Still, a parliamentary committee or a constitutional reform commission can easily be dismissed for being too exclusive or even elitist. The challenge is to organise an inclusive and horizontal process that allows all stakeholders to present their interests, values, and perspectives.

Deliberation Needs Rules

In Thailand, dissenting views have long been cut off by a unified culture, steep social hierarchies, and political suppression. Today, actors across the spectrum feel justified in making swipes full of absurd comparisons, excessive allegation, and offensive language. In the heated atmosphere of the political conflict, the preferred mode of debate seems to be the big stick. On the other side, for some it still seems to be challenging to deal even with justified and moderate criticism. Finally, state authorities cite verbal abuses in justifying their repression of freedom of speech, even if these measures are clearly aimed to quiet moderate critics. Deliberation should be oriented towards Jürgen Habermas' ideal situation of speech, and principally aim to reach understanding. In other words: Thailand needs to submit its discussion culture to a set of communicative rules that can moderate the tone and focus the political struggle on the issues at hand. The challenge remains to develop a discussion culture that can tolerate dissent, yet is goal oriented. With the vertical order eroding, society must find ways how to horizontally produce compromises and results without turning to the leader.

12. Phongpaichit and Baker, Thaksin, p. 363, cited in Mark Askew, 2010, p. 19.



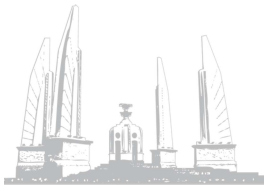
Focus on the Big Picture

Especially the institutional engineers are seeking to resolve the crisis by designing an optimal institutional framework. However, the sobering experiences with constitutional reform should serve as a warning not to underestimate the interplay of institutional changes in a complex societal system. In any case, it is impossible to organise an inclusive and horizontal societal consultation process around technical debates on institutional design. Deliberation should rather focus on the bigger normative picture, and settle on a set of objectives and principles that can provide direction in the design of the institutional landscape. Society should build a compass to guide the transformation process with a view to maintaining the momentum of democratisation once it has been built.

Political Approach to Transformation

In the end, any stable socio-political order only mirrors the balance of power between the various poles of society. Not only is the division of labour between these poles always the result of power struggles, but also the legal framework. Accordingly, the renegotiation of the social contract is being forged on the anvil of power. In order to increase their collective bargaining power, fragmented and organizationally weak progressive actors need to pool their forces. Progressive coalitions should build leverage to break up the status quo, and mobilise majorities for an open, inclusive, and just order.

In sum, organising a deliberative process on such sensitive issues such as the adaptation of the political, social, and cultural orders will certainly be a challenge. The polarised atmosphere of the political conflict and the many distortions of the transformation crisis make it even harder. However, there is no reason for fatalism. The vitality of social movements and alternative media, the courage of civil society, and the expertise of academia show clearly that the country has already changed much more profoundly than many elites like to acknowledge. In a sense, the current distortions are only the backside of the impressive socio-economic developments that have emerged over the past decades. Now the time has come for the Kingdom of Thailand to make an equally large leap forward politically.



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